

Medieval English Towns



Florilegium

The aim of the Medieval English Towns site is to provide historical information about cities and towns in England during the Middle Ages, with particular but not exclusive emphasis on medieval boroughs of East Anglia and on social, political and constitutional history. A growing selection of primary documents (translated into English) relevant to English urban history is included.

The image above is an edited version of a line drawing by Mary Houston, based on an illustration in the **Luttrell Psalter**, commissioned ca.1325 by a Lincolnshire knight. Although the medieval artist's intent was just to create a generalized representation of a town of that period – with churches, houses, taverns and market square, all surrounded by defensive walls – he may have conjured up mental pictures of Stamford or Lincoln when executing the illumination.



RECENT PUBLICATION: PERSONAL ENDORSEMENT

Those with an interest in church history or in local history will find a valuable research resource in the CD-ROM *English Parish Churches. Volume 1: East Anglia South* produced by Dr. Philip Lindley and Alex Moseley and issued by Brepols Publishers, as the first in an intended series (the second due out in 2004). Built around a collection of photographs taken by Dr. Donna Chaproniere, showing exterior shots and interior details of some 300 churches, accessible through a range of navigational tools, the CD-ROM also incorporates an excellent set of introductory essays describing the factors involved in the development of Suffolk and the construction and enlargement of parish churches, some of which are among the finest in England. An extensive glossary is also included. For further information, visit the [Brepols Web site](#).



Resources on this site

Introduction to the history of medieval boroughs

(image-heavy page – please be patient)

Problems of definition | Continuity or creation? | Wiks, burhs, and ports
Planned/planted towns | Growth of self-government | Urban economy | Urban society

Capsule histories of selected towns



Norwich

- [Calendar of customs of Norwich](#)



King's Lynn

- [Lynn by-laws](#)
- [Oaths of officers and burgesses](#)
- [Rental of community property, 1391](#)



Great Yarmouth

- [Yarmouth by-laws](#)
- [Register of the Hospital of St. Mary](#)

Ipswich

- **Account of the setting up of self-government in A.D. 1200**
- **Calendar of usages and customs of Ipswich**
- **Oaths of officers and burgesses**
- **Account of revenues and expenditures, 1446/47**

Colchester

Maldon

- **Ancient usages and customs of the borough of Maldon**

York

Florilegium Urbanum

A selection of primary documents, in modern English translation, illustrating aspects of urban society.

THE MEN BEHIND THE MASQUE: Office-holding in East Anglian boroughs, 1272-1460

An in-depth study of the character of government in six medieval towns

Glossary

Browse the glossary by clicking on that link, or choose a term from the click-down list and hit the "Find" button

Biographical Master List

About the author



Links to other sites

1. Bibliographies

- **The Urban Past: An International Urban History Bibliography. IV The Medieval City**
- **Medieval history: Freedom and the City**
- **Anglo-Saxon History: A Select Bibliography. Section P: Land, Towns, and Trade**
- **Fifteenth Century Life: An Annotated Bibliography**
- **Medieval Trade and Industry - Bibliography**

2. General urban history

- **History of Western Civilization: Medieval Society: The Towns**
(Page on society includes a very general introduction to distinguishing features of medieval European towns)
- **The Development of Towns**
- **Medieval Sourcebook: The Rise of Towns**
- **On the earlier origins of English towns**
- **Anglo-Saxon England. Settlement - rural and town life**
- **Domesday England Map of Towns**
- **How urban was medieval England?**
- **The Middle Ages – Town Life**
- **Medieval Towns and Cities**
- **Medieval England - daily life in medieval towns**
- **Town Life in Colchester, London, Sandwich and Coventry**
- **The Medieval Fiefdom**
(includes brief, general sections related to towns: The Fortification of the Town Walls, The Town Church and Its Effect on the People, The Medieval Craftsman, The Town Merchants)
- **English medieval boroughs: privileged urban communities**
-

(particularly the section "Churches in an Historic Town")

(These studies cannot be accessed directly, but only through the Archaeology Data Service CBA Research Reports front page, which leads to a listing of reports available in PDF format)

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(These studies cannot be accessed directly, but only through the Archaeology Data Service CBA Occasional Papers front page, which leads to a listing of reports available in PDF format)

- **Morphological Regions in English Medieval Towns**
- **A Survey of the History of English Place-names**
- **Medieval Towns**
(a brief Marxist interpretation, part of a much larger page on Historical Materialism)
- **The Domesday Book Online**

- **Domesday Book and Beyond: Three Essays in the Early History of England**
(Maitland's classic study of English social structure and administration in the decades under the Norman-Angevin kings)
- **Bracton: On the Laws and Customs of England**
(although not strictly a source on urban history, much of what Bracton has to say is relevant to to judicial administration in English towns)

3. Urban economy and society

- **Rural and urban elites in England during the later Middle Ages**
- **Urban Economic Regulation and Economic Morality in Medieval England**
- **The Law Merchant and the Fair Court of St. Ives, 1270-1324**
- **Gazetteer of markets and fairs in England and Wales to 1516**
- **Markets and fairs in Britain and Ireland before 1216**
- **The Marketing of Grain in England, 1250-1350**
- **Medieval Trade and Industry - Seminar reports**
- **Joining the medieval fleet**
(shipbuilding at medieval ports)
- **Medieval Sourcebook: Coinage Regulations, c. 902-925**
- **Medieval Sourcebook: The Laws of London, 978**
(regulations concerning minting in towns)
- **Medieval Sourcebook: *Statuta de Mercatoribus* (Statutes of Merchants), 11 Edw. I (1283) & 13 Edw. I (1285)**
- **Medieval Commodities**
- **The Rise of Capitalism, ca. 1300-1500: The Guild System**
- **Guilds and Commerce**
- **Medieval Guilds and Economics**
(several brief articles broadly relevant to aspects of borough economy)
- **The Symbiosis of Towns and Textiles: Urban Institutions and the Changing Fortunes of Cloth Manufacturing in the Low Countries and England, 1280 - 1570**
- **The 'Industrial Crisis' of the English Textile Towns, c.1290-c.1330**
- **Women in Medieval Guilds**
(another copy [here](#))
- **Medieval Coal and Industry: Newcastle and the North East, 1100AD-1500AD**
- **Dominion and Domination of the Gentle Sex: The Lives of Medieval Women – The Marketplace**
(on the role of women in trade and commerce)
- **Medieval Domestic Life**
(a large number of brief articles, many broadly relevant to aspects of borough society)
- **The Wife of Bath and the Painting of Lions**
- **Tales of the Middle Ages: Inns and Taverns**
- **Medieval Professions**
(also found [here](#))

- **Corpus of Middle English Prose and Verse: English guilds**
(Toulmin Smith's classic study of socio-religious guilds)
- **Gazetteer of the Religious Guilds and Services of Late Medieval Yorkshire**
- **Medieval Sourcebook: Concerning Loans From The Jews**
- **Market Towns and the Countryside in Late Medieval England**
- **Price-setting in English Borough Markets, 1349-1500**
- **The Rise and Fall of Markets in Southeast England**
- **Spoilheap: Selected Themes in Archaeology**
(includes information on the medieval pottery industry and medieval burial practices)
- **The Construction and History of Medieval Timber-framed Houses in England and Wales**
- **Medieval Sourcebook: Reginald of Durham: Life of St. Goderic [12th Cent]**
- **Medieval Sourcebook: Roger of Hoveden: The Persecution of Jews, 1189**
- **The Heritage of University Planning: Medieval Colleges**
- **Pilgrims Passing To and Fro: The Lives and Times of the Canterbury Tales Pilgrims**

4. Particular English towns

a) LONDON

- **History of the Corporation of London**
- **A Narrative History of London**
- **Medieval London**
- **Lord Mayors of London**
- **Governing London: Lessons from 1000 Years** (pdf file)
- **The Keeping of the Peace in the City of London (circa A.D. 1309)**
- **Penalties for a breach of the peace in London, 1340**
- **Saxon London in a tale of two cities**
- **When London became a European capital**
- **Historical Gazetteer of London before the Great Fire**
- **Medieval Architecture in London**
- **London Bridge, 1500s**
- **The History of London Bridge** (includes a virtual reality reconstruction, requiring a plug-in)
- **Medieval Sourcebook: Leges Edwardis Confessoris: The Liberties of London, c. 1120**
- **Medieval Sourcebook: Grant of Tax Liberties to London, 1133**
- **Subsidy Roll 1319, Cheap ward**
- **Medieval Sourcebook: List of Tolls Exacted at Billingsgate, c.978-1016**
- **Medieval Sourcebook: Grants of Privileges at London to the Hanse of Cologne, 1157-1194**
- **Medieval Sourcebook: Grant of a New Fair at Westminster, 1248**

- **Medieval Merchants etc. in (mainly) London**
- **Livery Companies of the City of London**
- **City Livery companies**
- **Medieval Sourcebook: Grant to London Abolishing the Weavers' Guild, 1202**
- **Ordinances of the Cordwainers, 1272**
- **Renewed Ordinances for the Cordwainers of the city of London, 1303**
- **Articles of the Cordwainers, 1375**
- **An anthology of Chancery English: Petition of the Mercers of London**
- **A Brief History of the Worshipful Company of Bakers**
- **The Worshipful Company of Pewterers: The Company, Past and Present**
- **The Worshipful Company of Barbers: The history of the Company**
- **Featherbedds and Flock Bedds: A History of the Worshipful Company of Upholders of the City of London**
- **The Social Position of the Surgeon in London, 1350-1450**
- **Family Strategies in Medieval London: Financial Planning and the Urban Widow, 1123-1473**
- **Narratives of a Nurturing Culture: Parents and Neighbors in Medieval England**
(considers London evidence)
- **A Wrestling Match in the City of London A.D. 1222**
- **Lease granted to Geoffrey Chaucer in 1374**
- **Richard Whittington**
- **Extracts from Inquisitions Taken at the Trial of John Northampton**
(the trial concerns actions taken by Northampton when mayor of London; see also **accusations** made against Northampton)
- **Why Thomas Corbett stood in the Pillory**
- **London Lickpenny**
(a satirical medieval poem about London)
- **Medieval London's Military History**

b) SOUTHERN AND WESTERN ENGLAND

- **Medieval Dartford**
- **Dartford Town Archive: Medieval Period c.1000-1500**
- **The History of Canterbury**
- **The Canterbury Tour**
- **Canterbury Buildings**
- **Roman and Anglo-Saxon Canterbury Reconstructed**
- **The Cinque Ports**
- **The Cinque Ports**
- **The Ancient Cinque Ports of England**
- **Sandwich Studies**
- **Excavations on the Site of the Leper Hospital, New Romney**

- **History of Rye**
- **Medieval Dover**
- **Faversham Charters**
- **Hastings Town**
- **Chichester Timeline: Saxons, Normans and Tudors**
- **Historic Winchester**
- **Medieval Sourcebook: The Law of the Fullers & Weavers of Winchester, 1209**
- **The Council, Siege and Rout of Winchester**
- **Saxon Southampton**
- **Hamwic**
- **Medieval Southampton**
- **Medieval House Project**
(based on the Medieval Merchant's House at Southampton)
- **Medieval Sourcebook: Southampton Guild Organization, 14th Century**
- **An anthology of Chancery English: Petition of the Mayor and Citizens of Southampton**
- **Medieval Basingstoke**
- **Salisbury - The Cathedral City**
- **Medieval Sourcebook: Documents of the Church of Salisbury in the Early 13th Century**
- **History of Shaftesbury**
- **Marlborough Charter, 1204**
- **Shepton Mallet: The Middle Ages**
(not strictly a medieval borough, but an example of a small market town)
- **The Medieval Jews of Exeter**
- **Gild of the Cordwainers, Exeter, 1481**
- **Dartmouth before 1860**
- **Bristol: The Old City**
- **Bristol: Historical Perspective**
- **The Siege of Bristol and other matters from the Gesta Stephani**
- **The Widening Gate: Bristol and the Atlantic Economy, 1450-1700**
- **Bristol's medieval church dedications**
- **An anthology of Chancery English: Bristol Deposition**
- **Saxon Bath: The Legacy of Rome and the Saxon Rebirth**
- **Bath Past**
(A collection of articles, many on medieval Bath)

c) EASTERN ENGLAND

- **Vikings and the new East Anglian towns**
- (This study cannot be accessed directly, but only through the Archaeology Data Service CBA Research Reports front page, which leads to a listing of reports available in PDF format)
- **The History of Norwich**

- **Norwich, the Old City**
- **Norwich 800**
- **Photographs of Old Norwich**
- **The Foundation of Norwich Cathedral**
(includes maps of Saxon and Norman Norwich)
- **Medieval Sourcebook: Thomas of Monmouth: The Life and Miracles of St. William of Norwich, 1173**
- **The Catholic Encyclopedia: St. William of Norwich**
- **Medieval Cromer**
- **Great Yarmouth's History**
- **Great Yarmouth History (Crisp)**
- **Yarmouth Archaeology, 1990**
- **Palmer's Perustration of Great Yarmouth**
- **History of the Waites of Lynn**
- **Some Background on the Life of Margery Kempe**
(resident of medieval Lynn)
- **Margery Kempe**
- **Excerpts from *The Book of Margery Kempe***
- **Notes on the Book of Margery Kempe**
- **Mapping Margery Kempe: A Guide to Late Medieval and Spiritual Life**
- **The Churches of Ipswich**
- **Medieval Sourcebook: Charter of Privileges Granted to Men of Dunwich, 1200**
- **A Short History of Clare, Suffolk**
- **St. Edmundsbury: Our Historic Past**
- **Moyses Hall Museum: History of the Building**
- **Medieval Sourcebook: A Dispute Over the Exaction of Taxes at Bury St. Edmunds, 1198**
- **Abbey of St. Edmund**
(includes a virtual reality reconstruction, requiring a plug-in)
- **The Abbey Church of St. Edmund, Bury St. Edmunds**
- **Medieval Colchester**
(a very rich site with authoritative material by the leading expert on the subject)
- **Colchester Town Wall - A Virtual Tour**
- **Maldon: The First Two Thousand Years**
- **Maeldune: Light on Maldon's Distant Past**
- **Cambridge History**
- **Medieval Sourcebook: Charter Granted to the Citizens of Cambridge, 1201**
- **The History of Huntingdon 1000 to 1599**
- **Ramsey Town: History between 1100-1600**

d) CENTRAL ENGLAND (including the Welsh Marches)

- **A History of the City of Gloucester**
- **The Story of Gloucester**
- **Worcester - The Founding of the Faithful City**
- **The Worcester Story**
- **The City of Worcester's Historic Defenses and Religious Sites**
- **Medieval Towns in Herefordshire**
- **The Story of Oxford**
- **Oxfordshire County Council: The Story of Oxford**
- **Medieval Oxford**
- **A Brief History of Oxford and its Castle**
- **An anthology of Chancery English: Petition of the Weavers of Oxford**
- **Medieval Sourcebook: Grant of a Gild to the Oxford Cordwainers, 1175**
- **An anthology of Chancery English: Petition of the Citizens of Oxford**
- **Lincoln diocese documents, 1450-1544: Will, 1459, of Henry Philip, alderman of Oxford**
- **Medieval Bridges in Oxfordshire, England**
- **Medieval Hospitals in Oxfordshire, England**
- **Wallingford: a brief history**
- **The Story of Wallingford**
- **Wallingford's History**
- **The History of Stevenage**
- **The St. Albans Archaeology and History Site**
- **History of the Town and Manor of Hungerford**
- **General History of Rugby**
- **Highlights of Banbury's History**
- **A History of the County of Warwick: Volume VIII: The City of Coventry and Borough of Warwick**
- **Coventry History**
- **The Historic City of Coventry**
- **Chronology of the Coventry Area**
- **History of Kenilworth**
- **A Brief History of Northampton**
- **Wolverhampton 985-1985**
- **A note on the wool trade in Wolverhampton**
- **BBC Online - Around Leicester - History**
- **Leicester Civic History: The Making of a City**
- **Leicester: The Dignity of a City 655-1926**
-
- (This study cannot be accessed directly, but only through the Archaeology Data Service CBA Research Reports front page, which leads to a listing of reports available in PDF format)
- **Historical Overview of Hereford**
- **Pre-Conquest Nottingham**
- **Nottingham, the City**

- **An Itinerary of Nottingham**
- **The Mayor of Nottingham - History**
- **Sheriffs of Nottingham - History and Information**
- **St. Peter's parish, Nottingham**
- **The Rectors of St. Peter's Church, Nottingham. Part One: 1241 - 1499**
- **Brown's History of Nottinghamshire: Nottingham**
- **Brown's History of Nottinghamshire: Newark**
- **Brown's History of Nottinghamshire: Retford**
- **Piercy's History of Retford**
- **Derby's Heritage: Timeline**
- **Lincolnshire Lay Subsidy, 1332**
(includes entries for Boston and Stamford)
- **A Brief History of Lincoln**
- **Boston in Medieval Times**
- **Boston**
- **The Early History of Barton Upon Humber**

e) **NORTHERN ENGLAND**

- **Chester History Timeline**
- **Welcome to Chester**
- **Chester Entry in the Domesday Book**
- **Chester: A Virtual Stroll Round the Walls**
- **Manchester History**
- **Clues to Medieval Manchester's vigour**
- **Medieval Towns of the North East, 1100AD-1500AD**
- **York - Heritage and History**
- **City of York**
- **Medieval York**
- **A Short History of York**
- **A Brief History of York**
- **History of the ancient city of York**
- **A History of York from Baine's Gazetteer (1823)**
- **Jorvik**
- **Layers of History: A Virtual Tour of York, England**
- **City of York Walls Tour**
- **Secrets Beneath Your Feet: Medieval York c. AD 1067 - c. 1550**
- **Historic York - A Guided Tour of a Beautiful City**
- **Medieval Sourcebook: Ephraim of Bonn: The York Massacre 1189-90**
- **York Bridgmasters' Accounts**
- **The Medieval Carmelite Priory at York: A chronology**
- **Barley Hall (York)**
- **The Celebration of the Corpus Christi Festival in York**

- **York Mystery Plays**
- **Corpus of Middle English Prose and Verse: The York plays**
- **York PSim (Pageant Simulator)**
(a fascinating map-based simulation of the progress of the pageant wagons through the streets of York.)
- **A Brief History of Beverley**
- **Medieval Sourcebook: Charter Granted to Men of Beverley, 1130**
- **City of Durham History**
- **Buried with the Friars (Hull)**
- **A brief history of Richmond**
- **Newcastle upon Tyne History**
- **Tour of the Medieval Newcastle Quayside**
- **A History of the Mayors and Lord Mayors of Newcastle upon Tyne**
- **Berwick upon Tweed History**
- **A Short History of Gateshead**
- **Congleton Borough Charters**
- **Stamford: The Development of an Anglo-Scandinavian Borough**
- **The verdict of those of greater standing of the town of Stamford in Kesteven in the third year of the reign of King Edward**
- **The History of Barton Upon Humber**

5. Selected sites related to medieval cities outside of England

- **Historic Cities: Maps and Documents**
- **Feeding Medieval European Cities, 700-1500**
- **Medieval Cork**
- **Medieval Dublin**
- **History and Antiquities of Dublin**
- **Newport and its Medieval Ship**
- **Sigtuna - Royal Stronghold and Early Town**
- **The History of Birka**
- **The Hanseatic Town of Visby**
- **Medieval Sourcebook: The Garment Cutters of Stendal: Guild Law Revision, 1231**
- **Medieval Sourcebook: Lübeck and Hamburg Treaty, 1241**
- **Tales from Froissart: Urban Unrest**
- **Paris at the time of Philippe-Auguste**
- **Quercy Médiéval - L'histoire du Quercy au Moyen âge**
- **La Cité de Carcassonne**
- **Monetary Policies, Guild Labour-Strife, and Compulsory Arbitration during the Decline of the Late-Medieval Flemish Cloth Industry, 1390-1435**
- **The General Taille of Marseille, 1360-1361: a social and demographic study**
- **Notaries, courts, and the legal culture of late medieval Marseille**

- **Cities in History: The Uses of Decorum**
- **Medieval Cities, Bruges and Florence**
- **The Statutes of the Commune of Bugelle (Biella) and the Documents Which Have Been Added, part 1**
- **The Statutes of the Commune of Bugelle (Biella) and the Documents Which Have Been Added, part 2**
- **The Evolution of the Statutes of Bologna in the 13th Century**
- **Politics and Piracy: Urban Life in Medieval Italy, 800-1400**
- **Giovanni Villani: Florentine Chronicle**
- **Florentine Renaissance Resources: Online Tratte of Office Holders 1282-1532**
- **Florentine Renaissance Resources: Online Catasto of 1427**
- **Medieval Sourcebook: Bartolo of Sassoferrato, Treatise on City Government, c. 1330**
- **A Medieval Response to Municipal Pollution**
(another copy found [here](#))
- **Plague and Public Health in Renaissance Europe**



Introduction to the history of medieval boroughs

(click on photo for more information)



An overview of the origins and growth of towns and cities in England during the Middle Ages, indicating some of issues and trends in the urbanization process, and suggesting some of the defining characteristics of urban society in the medieval period.

Origins: problems of definition

Origins: continuity or creation?

Origins: wiks, burhs, and ports

Origins: planned/planted towns

The growth of self-government

The urban economy

Urban society

further reading



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History of medieval Norwich



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[Evolution of a self-governing community](#) | [Power struggles with rivals](#)
[A division of interests](#) | [Summary/Recap](#) | [Information sources](#)
[Map of Anglo-Saxon Norwich](#) | [Map of Norwich ca.1260](#)
[Appendix 1: Calendar of customs of Norwich](#)

Origins of settlement

The topographical features of the site that was to become Norfolk's county town were such as to encourage settlement. At a time when heavy forestation of eastern Norfolk hindered land travel, Norwich's site lay on a ford at the highest navigable point of the river Wensum (which ran into the Yare), on a well-drained gravel terrace that was the product of the formation of the Wensum valley. Around it lay a highly fertile soil, another result of valley formation. It had easier access to the sea than there now is, for a higher sea level covered large areas of eastern Norfolk and formed the Great Estuary, which came to within a few miles of the site of Norwich; only later did the [Yarmouth sandbank](#) block this access. By the early Saxon period the sea had receded to its present level, but the continuing free-flow of the tide kept parts of Norwich's site marshy for several centuries, making the medieval river wider and shallower than today. It also made the valleys surrounding local streams (or *cockeys*), wide and marshy. The result was to isolate a ridge of high ground (later Berstrete) running northwards towards the river as far as the future site of the castle; this ridge then gradually descended to the river. Opposite, on the northern bank, another ridge continued the direction along Fybriggate.

The marsh may have discouraged settlement at the site during prehistoric and Roman times, although historians suspect that Roman roads may have passed through the site; if the north-south Berstrete and the east-west Holmstrete were such (largely hypothesis), then they

would have reached a cross-roads just south of a point in the Wensum where there is some evidence of a ford or, at least by late Saxon times (if not in Roman times), a bridge.

Crossroads tend to be magnets for settlement. So too [proximity to a navigable river](#), when water traffic became as important as roads, if not more so, in the post-Roman period. Also influential was the fact the north-south river crossing was easier here than anywhere else on the River Wensum, above the point where it joined with the Yare. Despite the legendary associations of Norwich castle, there is no evidence of such a fortification in that locale until the Normans. By circa 500 A.D., there is evidence of occupation in the area, at least on the northern bank of the Wensum. This was probably Coslanye, whose name ("Cost's long island") indicates a Saxon origin. Initially centered on the Eade Road cemetery, it seems to have moved south (relocation being common enough in seventh century East Anglia), resettling around St. Martin at Oak, which appears to be an early foundation. The bounds of settlement north of the Wensum remained confined, throughout the medieval period, to the area defined by the gravel terrace. Additional early settlements seem possible: in the southern end of the (future) town, focused around St. Etheldreda in the eighth century; and, more clearly, in the west around St. Benedict's gates as early as the sixth century. These were likely only minor settlements – a handful of homesteads.

More important was the settlement known as Conesford (possibly a Danicized version of a Saxon name meaning King's Ford). Archaeological remains suggest this was contemporary with, but larger than, the western settlement. Conesford was probably located east of the crossroads along Holmstrete, within the river-bend, giving proximity to the two likely fords indicated by those roads. Yet another modest settlement appears to have been located on the west side of the crossroads, although the subsequent disruption due to building of the castle in that location makes it difficult to assess the extent or importance of that hamlet. The crossroads between those two settlements would have been a natural place for the siting of a market to serve the local population; the name of this site, Tombland, means "unoccupied ground" and the size of medieval Tombland was ample for a large market. Such a marketplace would have helped knit the two settlements into one, with the name Conesford taking precedence over that of the other, whose name is lost to us (although "Needham" has been suggested as a possibility, the roots of this seem more likely associated with some hamlet south-west of the conglomeration that came to form Norwich).

What attracted settlement to this locale? Besides easy access to water and fertile soils, there was abundant timber, chalk and flint in the area; there was meadow-land for pasture, and the river current fuelled water-mills (present by the time of [Domesday](#)). Perhaps most important was the route to the rich herring fishery of the North Sea; fish was a staple of the medieval diet, and herring were particularly valuable for their salt. As part of the fee-farm paid to the king, Norwich owed six-score fresh herring in 25 pies; there is indirect evidence this obligation may have existed as early as Domesday. There was a quay for unloading fish on the north bank of the Wensum, just across from Conesford, in an area known in Danish times as Fishergate. A second quay, near the site of St. Laurence's, was associated with the western settlement. As forest was cleared away in Norfolk, more fertile land was opened up to agriculture, the population increased, and farmers produced more than they needed for

subsistence alone, market centres were required and Norwich's central location in the agricultural region brought it to greater prominence.

It appears, therefore, that on the site of Norwich prior to circa 850 there stood only a collection of unrelated villages, of which those around the crossroads/marketplace – coming to be perceived as a single entity – were the most important. After the arrival of the Danes, these expanded towards each other, particularly in the first half of the eleventh century. The Conesford expansion was primarily directed southwards, along Southgate, and then up the slope away from the river, towards Berstrete ridge – houses there were later destroyed to make room for the castle. Between the western settlement at St. Benedict's and the pair of eastern settlements, the Danes settled along west [Holmstrete](#) and later spread southwards to Pottergate, following the courses of the cockeys. It may have been they who named this settlement Westwyk (in reference to its location relative to the more important settlement around the marketplace), or possibly that name had been applied even prior to Danish settlement. Marsh surrounding the banks of the river inhibited expansion northwards until that area was reclaimed in the twelfth century.

North of the Wensum, expansion seems to have been directed from Conesford, rather than Coselanye. The northwards extent of this expansion is suggested by the location of St. Botolph's (a dedication typically found at the entrance to a settlement) and evidence for a defensive ditch around the northeastern expansion area; this would have helped control the Fye bridge and a second river crossing further east. Slightly later, a second ditch was constructed to take in Coselanye. This was part of the wider trend begun in the tenth century to create "[burhs](#)" – fortified settlements responding in part to unsettled times, but also to the need to control commerce by restricting it to locations where there was an established market and one of the dozens of royal mints that were spread across the country. It is not known whether there were similar earthworks around the southern settlements; archaeology has failed to find clear evidence of such.

By the time of the Conquest, these various settlements had been superseded by a single town – one of the largest in England; the origins of the town were recalled in its later division into administrative wards:

- Conesford, occupying the southern and eastern (below the Wensum) areas of Norwich;
- Westwyk covering the area running east-west along the southern bank of the Wensum (before the river curves southwards);
- Mancroft (a later expansion) lying in the western part of the town between Westwyk and southern Conesford; and
- *Ultra Aquam* covering the part of the town north of the Wensum.

See [Map of Anglo-Saxon Norwich](#) (82K)

If "Norwich" emerged out of the amalgamation of these various settlements, (apparently by

at least 1004 A.D.) why did not the larger entity take on the name of its principal and central settlement, Conesford? Some historians have thought that Conesford *was* the "northern wik", but there is no convincing explanation of why a settlement already having a name should be given a new one (particularly when Conesford continued to be used), nor of what feature Conesford could be considered to be north. Since Westwyk appears to have been named because of its geographical position in relation to either Conesford or the crossroads/marketplace, Norwich probably originated as the name of the expansion area north of Conesford; the term "wic" was often used for subsidiary settlements, serving a larger settlement. Coselanye, although north of the river, had a name and needed no other. Its relative unimportance (lying in the northwestern corner of the conglomeration) is reflected in that its name did not persist as one of the later four wards. Instead we have for the area north of the Wensum *Ultra Aquam* – "on the other side of the river" – in effect, no name at all. This is explicable if the name of the more important northern settlement could not be used for a ward, because it was already in use for the whole borough.

So, if Norwich originated as the northern colony of Conesford, by what right did its name take precedence over that of its mother? Perhaps by right of greater 'publication'. The earliest evidence for the name is from coins, which bore the name of the place where minted. These coins spread the assumption that Norwich was the correct name of the borough. This theory assumes that when a mint was set up in the community, it was established in the northern *wic*, where there was doubtless more room than in overpopulated Conesford, and probably close to one of the quays where goods were unloaded and to the bridge leading across to the Tombland market. King Athelstan (925-939) had restricted all minting to the port/burh. In connection with this we may note three things:

- although *wic* was one of the words meaning "settlement", in tenth century terminology it could also mean "little port" and seems to have been frequently used for locations that were trading centres;
- coins bearing the name *Nordwic* became much more common from the reign of Athelstan on;
- it was in the tenth century that the burh fortifications were constructed around the northern settlement.

That coins from Norwich have been found earlier than Athelstan's reign does not diminish this theory, since it is concerned not with when a mint was first set up, but with why "Norwich" predominated over "Conesford". The mint was not located in the northern *wic* because it was a *burh*; rather, *burh* defences were placed around the northern settlement to satisfy royal regulations concerning a mint that already existed there.



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History of medieval Norwich



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APPENDIX 1: Calendar of Norwich customs

The Rev. William Hudson included a transcription of the Latin custumal and an English translation in the compilation of selections from medieval documents that he and J.C. Tingey edited (*The Records of the City of Norwich*, 2 vols., Norwich: Jarrold & Sons, 1906-1910). As a local vicar and officer of the county archaeological society, Hudson and his numerous articles and books about medieval Norwich – beginning with the history of his own parish (St. Peter Parmentergate) in 1889 and continuing up to his major work compiling the *Records* – may be considered part of the tail-end of the "antiquarianism" whereby enthusiasts, mostly residents, examined (and sometimes catalogued) the archives of their counties, towns or villages and used their contents to write local histories. The quality of the work of these antiquaries, which began in the early modern period and climaxed in the eighteenth and nineteenth centuries (when local history became a major enthusiasm) was mixed, although the historian is nonetheless indebted to these men for drawing attention to and making more widely available primary sources related to medieval boroughs, some of which have since been lost. Norwich in particular is a borough that has been well-served by its antiquaries, and Hudson's work represents the best of antiquarianism. Indeed, it may be doing Hudson a disservice to lump him in with mainstream antiquarianism, for he was trained in history to the postgraduate level, and his work was of such a learned quality that in many fields of local study he remains the authoritative source – not least his extensive introduction to the *Records*. (On a personal note, Hudson's impressive reconstruction of the administrative history of medieval Norwich was a factor in persuading me to focus my own attentions on urban history).

The text of Norwich's medieval custumal is to be found in the *Records*, vol.1, pp.132-199. This publication is not, however, available in many library collections. Consequently, even though I have not examined the original document myself, I think it worthwhile (not least for purposes of comparison with the customs of other towns, transcribed or calendared on this site) to provide a calendar of the Norwich custumal. For the original text or a precise

translation, you should refer to the *Records*. Here I provide an abstract of each capitulum, to communicate in (for the most part) modern English the sense of the chapter.

Hudson found the custumal in a mid-fifteenth century volume of memoranda known as the Book of Pleas, and this was the version he included in his publication. Only as the *Records* was close to completion did there come to light an older, long-missing volume entitled the *Liber Consuetudinum* (Book of Customs – referred to in 1344 as the "Book of Ancient Usages of the said City") which, from internal evidence, Hudson deduced to have been written ca.1308, with minor later additions within the following few years; the custumal – whose primary focus is legal procedures and regulation of commerce – was the initial and principal feature of this volume, with various local agreements and national laws added, which only increase the impression that this may have been intended as a formal compilation for the reference of city administrators. Hudson's comparison of the two versions led him to suspect that the later was not copied directly from the earlier, but probably through an intermediary copy possibly made (as some medieval memoranda books were) for the personal reference of an individual city administrator who held office during the 1330s and '40s. Hudson further believed that the Book of Customs was itself probably a copy from an even earlier document, and hypothesised that this version may have been compiled in consequence to a [withdrawal and restitution of the city liberties](#) in 1285 – as also happened at [Ipswich](#).

Custumal



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History of medieval Lynn



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Origins and early growth

The site of Lynn stood at the south-eastern tip of the great estuary known as [the Wash](#); it had more direct access to the Wash than it does today, after centuries of silting and land reclamation. The light soils of the countryside to the east were suitable for raising sheep, which provided the fertilizer for growing cereals such as barley, wheat and rye. To the west, the rich, heavy soil of the Fenland supported sheep and cattle and therefore dairy products. Lynn's location represented a convergence of road, river and sea routes. The [Little Ouse](#) river ran south from Lynn and, before it turned westwards, was connected to the Great Ouse and thereby the Nene (which two served several inland counties) via artificial channels. At the same time, the site was close to several important land routes, including the major east-west route across the northern fens, which led into northern Lynn. These linkages into the rich agricultural hinterland of the Fens, western Norfolk and the east Midlands, and (in the other direction) to the ports of northern Europe, put it in a good position to become a trading centre.

The town now known as King's Lynn was, in medieval times, rather Bishop's Lynn. This is because it was taken under the wing of the [Bishop of Norwich](#) in the late eleventh century, one of the earliest of numerous deliberate seigneurial foundations of "[new towns](#)" that took

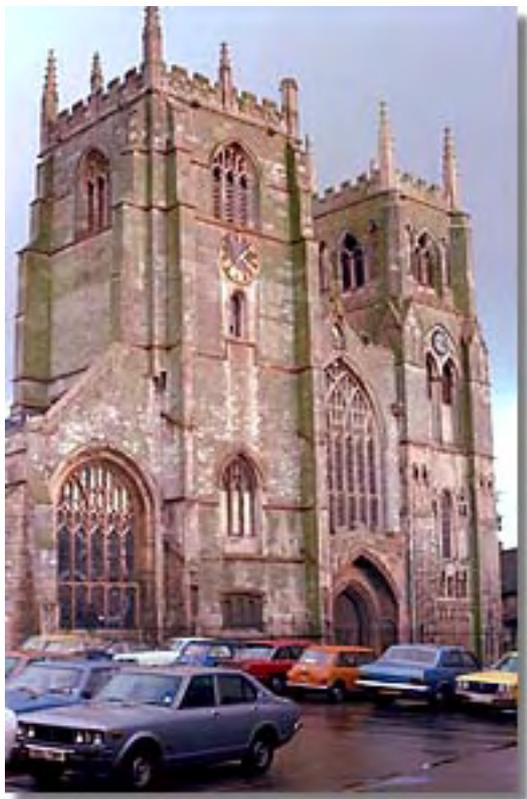
place between that time and the mid-thirteenth century. When Henry VIII took over the lordship of the town it was renamed King's Lynn.

The name "Lynn" derives from a Celtic term meaning "pool", referring to the fact that it was part of an estuary lake where various rivers flowed into the Wash. This lake was surrounded by earth banks and the site of Lynn sat at the narrow neck leading from the estuarine lake into the Wash; this was a likely crossing point of the estuary – an ancient ferry right was located here – and here too the channel would have been deep enough to accommodate ships. The sea bank had contributed to silting and the formation of salt marshes. So many of the local settlers were harvesting the salt through saltpans in the neighbourhood of Lynn, as scattered references in the [Domesday book](#) reveal, that a trade surplus must have been produced. The salt was attached to sand and the separation process resulted in piles of discarded sand; this process having been going on for centuries, it was a major factor in raising the level of the land above the marsh, to the point where it became possible to build on the often quite sizable waste heaps thus created. Many of these [saltern mounds](#) are still visible today. The same process of reclamation left the site riddled with watercourses (locally called "fleets", from the Anglo-Saxon term meaning creek) ranging in size from streams to small rivers, and the course of these likewise exercised an influence on the topography of settlement.

At this time there seem to have been people living in all of the areas that later became West Lynn (on the far side of the river), North Lynn, Bishop's Lynn, and South Lynn, and the last was sufficiently populous to be considered a village. However, it was apparently traders who were tenants of the Bishop's nearby manor of Gaywood (where many other saltpans were located) who in about 1095 requested that he found a town endowed with commercial privileges and with its own parish church. Probably they were already holding an unofficial market there by the waterside, and some may even have been residing there. The industry producing salt, which was important for the curing of meat and fish, would itself have attracted traders; and the reclaimed fenland was suitable for sheep-farming and agriculture, which made for trade in wool and grain, while fishing was also likely an early source of trade goods.

The Bishop complied with this request, at the same time founding [St. Margaret's church](#) to serve the community; attached to St. Margaret's was a small priory. The northern and southern bounds of this new town were two tidal fleets that were wide enough to be navigable and had been the sites of salting operations at some time; they were later known as [Purfleet](#) and [Millfleet](#), respectively. They provided an added advantage to Lynn as a site attracting trade, since the fleets offered a sheltered anchorage for ships carrying visiting merchants. The western boundary was the location of the weekly market, held each Saturday on the water's edge – it being described as a "sand market" (perhaps implying the site was partly underwater at high tide, a ploy to avoid having to pay market tolls to the king) – while an annual three-day fair, beginning on St. Margaret's day, was authorized (or, more likely, confirmed). The eastern boundary was the sea bank. The priory-church was built on the edge of the [Saturday Market](#). In 1101 the Bishop transferred St. Margaret's to the jurisdiction of the monastic priory of Norwich cathedral. There was already a church ([All Saints](#))

established in South Lynn, which was similarly transferred. Early building in Lynn seems to have focused along the [river-bank](#) north of the market and perhaps even more so in the area east of the market and priory; by mid-century the population was heavy enough to warrant founding [St. James' Chapel](#) in that easterly quarter. A public quay – the [Bishop's Staith](#) – was built at the point where Purfleet entered the river.



St. Margaret's Church

western end (as seen from near the gildhall)
photo © S. Alsford

By establishing a town and helping develop its facilities, the Bishop could hope to increase his own revenues – from such sources as tolls, rents, building licences, and court fines – as a result of the stimulation of local commerce and increased settlement on the site that the commerce would in turn stimulate. We cannot ignore the possibility that the foundation was part of a larger policy of Bishop Herbert de Losinga, of which the contemporaneous transfer of the episcopal see from Thetford to [Norwich](#) and the attention paid to [Yarmouth](#) may have been other components. By mid-century the population had increased to the point where settlement had spread north of the Purfleet, facilitated by the presence of a [bridge](#) across the fleet; part of the population expansion was due to the introduction of a Jewish community, which was the target of attacks in 1190, perhaps mainly from foreigners in Lynn. The Bishop treated this secondary area of settlement like a separate town, confirming (ca.1146-50) to the settlers on this "new land" a market (on Tuesdays) and fair they had probably already established, and founding the [chapel of St. Nicholas](#) there to provide for the spiritual life of the residents of this northern section of Lynn. This Newland he kept under his direct jurisdiction. A [second bridge](#) was subsequently built further east.

This second "new town" was bounded by Purfleet on the south and the [River Gay](#) to the north. If planned, the layout may have envisaged a parallel series of roughly evenly-spaced north-south roads, cross-cut by [Damgate](#), and with the market absorbing the northwest corner adjacent to the river; but more likely the lines of roads were already dictated by

existing residences. It was perhaps the anchorage in the mouth of the River Gay that had encouraged the growth of this market nearby, which in turn attracted settlement. There were lesser fleets connected to the Gay, in part by canals dug by the settlers, and here several staiths are known to have been located. A [mill](#) for grinding the townspeople's corn was built by the Bishop and served by another such channel. Before the end of the Middle Ages, the [Common Staith](#) had been established on the river-bank at the [Tuesday Market](#), although originally the whole of the bank there was likely a landing place for ships. The Bishop's steward administered justice and collected tolls from a [hall](#) in the marketplace; court sessions were held each Monday. At the southern end of the marketplace were temporary booths where visitors and residents could buy the medieval equivalent of "fast food"; in time these booths evolved into permanent buildings. As land was reclaimed from the river, the western side of the market, facing the river, similarly came to be occupied by buildings; this was likewise the case with the Saturday marketplace.

Just as the small market settlements pre-existing the episcopal "foundations" in both central Lynn and the Newland mitigate against calling Lynn a "[planted town](#)", it might also be going too far to suggest that Lynn was a "[planned town](#)". Although some features were doubtless the result of forethought, the topography of the site was a great influence on the evolution of the layout of the town. This was determined partly by stretches of raised ground (the product of silting and salting) west of the sea bank and to a lesser extent by the firm banks of the fleets, both of which provided natural locations for roads; and partly by the need to connect east-west land routes and the points where ships could load or unload goods. However, it was the [north-south road](#) connecting the Saturday and Tuesday markets, thanks in part to the original bridge over the Purfleet, that was the focus for settlement.



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History of medieval Lynn



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APPENDIX 1: Lynn by-laws

No custumal has survived from medieval Lynn. Perhaps there never was a single document of that character comparable to Ipswich's [Domesday books](#). Lack of control over local courts in the early decades of self-government may have inhibited the compilation of a written record of customs relating to legal procedures. Although there was reference in February 1439 to a set of ordinances, made *tempore* Henry III, being read out to and reconfirmed by the congregation, this appears to be in the context of criticism of electoral procedures, and probably refers to one of the compositions between Bishop and borough (possibly that of 1234) on matters of self-administration. A similar reference in October of the same year to the reading out to, and confirmation by, the congregation of statutes contained "in the book with the image of the crucifix [on its cover]" leaves us none the wiser. As early as 1342 we find reference to certain statutes that had been written down, so that knowledge of them would not be distorted over the passage of time, and read out before the community at election time; but again, these appear to have been constitutional reforms rather than a comprehensive set of customs. References to the borough possessing copies of statutes of London and Oxford suggest that these were applied in Lynn. It may be that the customs of Lynn were scattered among a variety of documents.

A collection of ordinances that was begun in 1423/24 starts only with by-laws made in that year and was not continued beyond the following year. A volume in the British Museum (Add.Ms.37791) is there described as a "Custumal", but in fact is the Red Parchment Book occasionally mentioned to in other documents of the first half of the fifteenth century. This is rather a compilation of various records that would have served as the town clerk's reference tool for precedents; in that sense it is not dissimilar to the Ipswich [Domesday Books](#), although its main difference is the absence of a formal list of town customs. However, the volume does include the constitutional ordinances referred to in 1342 (see above).

The collection that follows is a gathering together of by-laws, made at various times and presented in chronological order, which might theoretically have comprised a custumal (except that older customs would have become redundant or been superseded). Most of these come from the core records of the assembly/congregation, the legislative branch of Lynn's government: the Red Register and the Hall Books and Rolls. However, I have also included: an abstract of the key composition of 1309 between the Bishop of Norwich and the burgesses, since this was one foundation of the constitutional and legal framework of local government; an undated list of market ordinances recorded in an early 15th century town clerk's book of memoranda – these would have been among the articles dealt with by the [leet court](#). I have omitted the more ephemeral of the by-laws related to the [constitutional contests](#) which shook the borough in the fifteenth century. From the rest I have selected, from ordinances made between the beginning of the fourteenth century and mid-fifteenth century, some of those that seem mostly to have been made for long-term use (as opposed to orders for specific, time-limited actions). Some by-laws are presented as abstracts, others are more detailed renderings in modern English. My own explanatory notes or elaborations for purposes of clarity are inserted in square parentheses [].

I have gathered the texts for these ordinances from the original sources and from published versions of those sources, including *The Making of King's Lynn*, ed. Dorothy Owen, British Academy Records of Social and Economic History, New Series vol.9 (1984), a very welcome compilation of extracts (in their original language) from the medieval records of Lynn which, however, is sadly marred by a large number of errors, particularly in the dating of the extracts. My own compilation here is a mixed bag: in some cases I give a fairly full rendering of ordinances, in others an abstract only, but in all cases presenting them in (relatively) modernized English – which inevitably involves taking a few liberties with the original text.

The value of these by-laws is, in part, that they reflect some of the preoccupations, concerns and issues related to borough government and society.

The by-laws



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APPENDIX 2: Oaths of officers and burgesses

Oaths are useful sources for showing the expectations that the [community](#) had of the performance of its official representatives or its servants, and of the return obligation of the members of the community. At the [ceremonies for swearing in officers](#), or for men entering the franchise, the text of the appropriate oath would be read out while the oath-taker had his hand on the Bible and (presumably) stated his agreement/compliance at the end of the reading of the oath.

Oaths of Lynn officers are scattered among several records, notably:

- the so-called Custumal (B.M. Add.Ms. 37791), which was probably the Red Parchment Book, a collection of documents mostly from the fourteenth century (particularly the latter half), and which was referred to several times in fifteenth century records including as a source of the oaths administered to elected officers;
- an early fifteenth century volume of memoranda (KL/C10/2);
- the Register of Freemen (KL/C9/1) likely begun by a town clerk in the third quarter of the fifteenth century, and may have superseded the Red Parchment Book in that function as the official source of oaths to be administered.

Most oaths are undated, and I have had to estimate dates based on their context. One version of the mayor's oath is dateable because it is known to have been administered to Robert Brunham in 1415, but since this was in a time of [constitutional upheaval](#) we cannot be certain whether this was the normal oath or one redrafted for the occasion. The same applied to one version of the jurat's and town clerk's oaths, which likely date from the same time.

Burgess' oath, late 14th century

He swears to maintain the **franchises** of the town, while both inside and outside town, to conceal the counsels of the town, to be obedient to the mayor, [his sergeant – *interlined*] and all officers of the town.

Burgess' oath, second quarter of the 15th century

Hear this, the mayor and community, that [I] shall with all my power truly maintain the franchises of Lynn, inside and outside, and be obedient to the mayor and his successors and the council of this town, [and] obey and assist the officers of the town in performance of their duties. So help me God.

Electors' oath, late 14th century

[They swear] to elect a sufficient and profitable man as mayor, 4 sufficient and profitable men as chamberlains, 24 good and wise men to counsel the mayor, a clerk and sergeant, 3 keepers for the East, South and St. Anne's gates, a bedeman and wait, and the mayor's sergeant.

[Parts of this record are damaged to the point of illegibility. Waits (minstrels) were on the borough payroll in the late 1360s and early 1370s, which suggests a date for the group of ordinances in the "Custumal"; in 1456 they were assigned a borough tenement in which to live while in office, but seem not to have had a salary as such. The bedeman seems to have been a shared employee of borough and Merchant Gild and his chief responsibility was to make public announcements (notably of the deaths of townsmen). St. Anne's gate was the northern gate, at Dowshill. A holder of the office mayor's sergeant, as opposed to the common sergeant, is identified in 1414-16, but generally it is difficult to know during what period(s) there may have been two separate sergeants.]

Electors' oath, second quarter of the 15th century

Sirs, you shall swear to use your discretion well and truly, without favouritism, fraud or evil intent, to choose as mayor for the coming year (from Michaelmas onward) a man able and sufficient for the profit of the community. So help you God. Furthermore you shall choose 4 sufficient burgesses to occupy the office of chamberlain in the town, a common clerk, a sergeant, 3 gatekeepers for the east gate, the south gate, Dowshill gate, and two Gannock gates, and a bellman; you shall make a good and true choice of them for the year to come. So help you God.

Mayor's oath, 1415

Sir, you shall place your hand upon the book and swear that you shall govern and rule the entire community of this town well and truly, with all your ability and diligence, from this time forth to Michaelmas when the mayor is chosen. And maintain all the franchises of the town, and every parcel thereof both within and without, with all your power, so help you God.

Mayor's oath, late 14th century

[This has no substantial differences from the version given above, although it is phrased in the third person, rather than the second as above.]

Mayor's oath, second quarter of the 15th century

Sir, you shall place your hand upon the book and swear that you shall govern and rule the community of this town well and truly, with all your might, ability and diligence, during the year that you are mayor. And maintain all the franchises of the town, and every parcel thereof both within and without, with all power, wisdom and business [acumen], and perform all other duties that pertain to the office of mayor of this town. So help you God.

Oath of the mayor to the Bishop, given at Gaywood manor, 14th century

[With his hand] in the hand of the Bishop or his deputy he takes oath that he shall faithfully and diligently perform each and every [duty] for which the mayor is responsible. And that he shall preserve all rights and liberties of the church of Norwich in their fullest entirety.

Alderman's oath, second quarter of the 15th century

Sir, place your hand upon the book. Sir, you shall swear that you shall well and truly use your discretion, without favouritism, fraud or evil intent, to choose and nominate four "indifferent and not suspect" persons for the election of the mayor. So help you God.

[This oath related to the Merchant Gild alderman solely in his role in the election of a mayor, which was to choose the initial four members of an electoral committee; those four co-opted the remainder of the committee that would elect the mayor. The reference to choosing electors who were "indifferent and not suspect" means individuals not known to favour any particular political faction, and particularly not members of the jurats.]

Chamberlains' oath, late 14th century

They put their hands on the book and swear that they will to the best of their ability well and faithfully receive the revenues due the community, well and faithfully spend the same, and account faithfully for the same to the community, [after completing their term of office] delivering back to the mayor all things pertaining to their office.

Chamberlains' oath, second quarter of the 15th century

Sir, you shall well and truly collect and receive the common goods [*i.e. revenues*] and make lawful and true expenditures from the same, as appropriate and when you are duly requested or ordered by the mayor. And give a good and true reckoning of the same, before the mayor and community, when you are required to or reasonably forewarned to by the mayor's officers. So help you God.

Jurats' oath, ca. 1415

Sir, you shall place your hand upon the book and swear that you shall be obedient to the mayor and be ready to [attend on] him at all times when he sends for you on matters concerning the community. And well and truly advise the mayor and support his decisions, so help you God.

Jurat's oath, late 14th century

[This is essentially the same as the first sentence of the above version.]

Oath of the 24 [*deleted*] venerable jurats, second quarter of the 15th century

Sir, you shall be obedient to and ready to [attend on] the mayor when you are given reasonable and true notice thereof by the common serjeant or are summoned by the mayor for the business of the town. And well and truly advise and assist him. So help you God.

Oath of the 24 jurors for the view of land within Lynn, late 14th century

Sir, you shall swear that you shall make a true investigation concerning freeholds within this borough, and make a true judgement between the king and the party, and between party and party, when you are lawfully required to or duly warned by the common serjeant, and act honestly with your colleagues in dealing with [the legal claims], making judgement and submitting a verdict. So help you God. [And keep to yourself the deliberations

of you and your colleagues, so help you God – *added later, probably in the same hand as that of the Recorder's oath*].

Oath of the common councillors, October 1418

Sir, you shall swear that you shall come to the gildhall for the common council when you are warned by the common serjeant, and give good and true counsels for this town and the business concerning the town – that is to say, in all [matters concerning] taxes, tallages, fifteenths, [and] loans; repairs to houses, bridges, fleets, [and] ditches; expenditures and giving of accounts, and making of valid allowances. Unless you have a good excuse [for not being able to come], you shall let nothing prevent you from doing this, so help you God.

[It was probably soon after the institution of the common council that this oath was formulated and recorded in the earliest Hall Book. "Loans" refers to loans sought occasionally by the king, which were a matter of some debate since they were often difficult to recover. "Allowances" refers to monies the chamberlains were released from having to account for, such as anticipated revenues that proved uncollectable, or additional expenses authorized during the accounting session (often fees of officers).]

Oath of the 27 persons of the common council, second quarter of the 15th century

Sir, you shall come to the gildhall for the common council [meetings] when you are duly warned by the common serjeant, and give true counsel for this town and the business concerning the town – that is to say, in all [matters concerning] taxes, tallages, fifteenths, [and] loans; repairs to houses, walls, bridges, fleets, [and] ditches; expenditures and giving of accounts, and making of valid allowances, and other charges and discharges that may need to be made, as need arises. So help you God.

Charge to the electors of the common council, second quarter of the 15th century

Let it be remembered that folk resident in the constabularies do not take an oath, but must be charged in this manner: Sirs, you shall put your heads together and choose from the most sufficient, reasonable and discreet burgesses of this constabulary, possessing a suitable residence in town, three to be [present for – *added later*] matters and business concerning the town, that is, all taxes [*etc. as in the common councillor's oath*]. [And if you fail (to find) any of your three, you shall choose from the next constabulary – *added later*].

[See the article dealing with the election of the common council in the ordinances

Common clerk's oath, 1416

You shall swear to be faithful to the mayor, jurats and rest of the burgesses of Lynn at all times and in all duties associated with the office of common clerk, [performing them] without favouritism or hatred and without [outside] influence. You will not spread among mayor, jurats and comburgesses any inaccurate, distorted or false report on any matter with which you have official dealings, but without any fraud will communicate information accurately (to the best of your knowledge) between the degrees of the town. In all matters you will behave disinterestedly towards mayor, jurats, burgesses of every degree, and the community, whether in writing, examining, reporting or any other action required by your official duties. You will reveal to no-one the deliberations of the same, to the damage or discredit of the town. If you know or learn of anything which you believe may bring harm or disgrace to the town, you will warn the mayor or one of the jurats who you consider will be willing and able to help you remedy the situation as you think best. You shall not stir up discord or dissension between the mayor, jurats, degrees of the borough, and community, or between any of their members, either openly or secretly; if you become aware of any such discords or dissensions you shall do your best to quell them, and may – for the purpose of such suppression – reveal your knowledge of them to others who may be able to assist in the suppression. So help you God and the holy evangelists.

*[An oath with the degree of emphasis seen here might be considered paranoid, were it not to be understood within the context of the particularly divisive **political conflict** of that period between the classes ("degrees") within urban society. In essence the clerk is being required to stay neutral in any political conflict within the community, except that his principal loyalty is to the town government. I cannot think that the terminology of this oath had any particular individual in mind; the town clerk throughout the period of political troubles, William Ashebourne, seems to have behaved professionally enough, although his sympathies were with the potentiores party.]*

Common clerk's oath, second quarter of the 15th century

Sir, I shall be faithful and obedient to the mayor of Lynn, and write true records, and give honest counsel when I am asked or ordered to. And [I shall] perform all other duties that are associated with the office of common clerk of Lynn. So help me God. [And keep to yourself the deliberations of the town – *added later*].

Recorder's oath, second quarter of the 15th century

Sir, you shall give true counsel, based on your knowledge and discretion, when you are required to do so. And perform all other duties associated with the [office of] Recorder of this town, and keep to yourself the counsels of the town. So help you God.

[This oath was added to the rest in a later, possibly post-medieval, hand. The Recorder's office replaced that of the common clerk in 1456 (a change whose significance I hope to address in detail at some time in the future).]

Sergeant at mace's oath, second quarter of the 15th century

Sir, you shall swear to be ready [to serve] and obedient to the mayor at all times; and to warn the 24 and 27 to come to the gildhall when the mayor so orders it, and [to warn] all others [to come] when the mayor orders you, and make honest answer [for having performed the duty?]. And all defaults [in appearance] of those who have been warned accurately record in the gildhall. And enforce the king's peace to the best of your ability within this franchise. And carry out arrests when you are ordered to by the mayor, and bring the parties before the mayor. And honestly perform all duties that are associated with the office of common sergeant within the franchise of this town. So help you God. [And keep to yourself the deliberations of the town – *added later*].

Constable's oath, early 15th century

Sir, you shall well and truly, to the best of your ability, keep and sustain the peace; [you shall] make rightful arrests and attachments of trespassers, evil-doers, troublemakers, and disturbers of the peace, and bring them before the mayor or to the gaol of Lynn. And well and honestly undertake and direct the [night]watches when your turn comes, according to the Statute of Winchester. And, when you are asked or required, present to the mayor the names of all who default or resist, concerning [participation in] the watch. And honestly perform all duties associated with the office of constable to the best of your ability, so help you God.

Constable's oath, second quarter of the 15th century

Sir, you shall truly, to the best of your ability, maintain and sustain the king's peace within this franchise. And rightful arrests of trespassers, evil-doers, troublemakers, disturbers and upsetters of the king's peace, and bring them before the mayor or to the gaol of Lynn. And undertake the watches in the time of year [to which your watch is assigned] and direct them as their turn comes in the franchise, according to the statute of Winchester. And once a year present or deliver up to mayor and community in the gildhall the names of any who are rebellious or default concerning the watch. And perform all duties associated with the office of constable within the franchise of Lynn. So help you God.

Oath of the keepers of the east and Gannock gates, second quarter of the 15th century

Sir, you shall well and truly keep the east gate and the Gannock gate, and let people in and out within the lawful hours. And give honest warning to the [night]watch [of those abroad after curfew?] according to the Statute of Winchester, and report any defaulters, and be obedient to the constables of the town when they perform their duties during the watch. And perform all duties that are associated with the office of porter. So help you God.

Tax assessors' oath, late 14th century

It is agreed, with the assent of the community, that those who shall assess the tax shall swear to assess it well and faithfully, sparing no man through love or friendship, nor taxing any man excessively through hate or malice, but assessing each man's tax through consideration of his goods and chattels, his estate, and goods that he uses in mercantile activities.

Oath of 12 tax assessors, second quarter of the 15th century

Sir, you shall swear that you shall well and truly levy the king's fifteenth and [the special tax to cover] the expenses for the parliamentary burgesses of this town, and spare no man through fear, friendship or relationship, nor burden any man through hate or malice, but treat every man fairly according to his situation. So help you God. [And keep to yourself the deliberations behind the assessment – *added later*].

Capital pledges' oath, second quarter of the 15th century

Sirs, you shall truly and duly make inquiry concerning [offences against] all articles belonging to the leet, and not spare [any offender] for love nor [falsely accuse for?] hate, but present [the offences] truthfully after you have made honest inquiry. So help you God.

Leet affeerors' oath, second quarter of the 15th century

Sirs, you shall duly levy [ameracements on offences of] this leet that the headboroughs have presented and, using your discretion, truly assess [the appropriate fine] according to the presentment, sparing none for love or for hate. So help you God.

[Four men were "elected" – in fact, nominated by the mayor in open guildhall for

community consent – to assess the fines on offenders. In this period they were often pre-assigned a set amount which they had to raise through the assessment of fines, indicating the leet was treated by borough government more as a licensing than a punitive mechanism.]

Leather inspectors' oath, second quarter of the 15th century

By right of his office, the mayor may elect each year two inspectors of leather from bulls, cows, and other animals and beasts found within the liberty of Lynn, who shall take oath to supervise that [the leathers] shall be well worked without the use of salt water and that they not be badly made or burnt, so that [a buyer] not be deceived by false claims made of them (under [penalty for which deceit of] the pillory).

[Trade in leather hides was restricted to a house on the Common Staith, and sales were prohibited except in the presence of the inspectors (an office also found in [Maldon](#)). Little is heard of these inspectors; they appear not to have been salaried officers, but received a fee of 2d. from (the sellers of) each measure of hides sold.]



[Lynn history](#)



[main menu](#)



[appendix 3](#)



History of medieval Lynn



[MAIN MENU]

APPENDIX 3: Rental of community property, 1391

The compilation of rentals – lists of rents due the community annually – was at Lynn a by-product of the [initiative in the 1380s](#) to develop that source of borough income. The chief catalyst for the formulation of this policy (aside from difficulty in balancing the borough budget) appears to have been a grant (KL/Be 575) in 1378 by the executors of Margaret Kenyngdale, né Burghard, of numerous properties she had inherited from her father. The grant was made to a group of burgesses, headed by leading [jurat](#) and Merchant Gild [alderman](#) Thomas de Botkesham; this group doubtless was representing the interests of the borough community – which was not yet formally empowered to [act corporately](#) and, if it had, would have risked breaking the [statute of mortmain](#). The properties were:

- 1 tenement with 4 shops and solars in Stonegate
- 1 tenement on the south side of Bulwer Row [a.k.a. Butcher Row], opposite St. Margarets
- 3 tenements in [Briggate](#)
- 1 tenement with 5 shops and a curtilage in Moor Lane (a.k.a. Pillory Lane)
- 1 tenement in [Gresemarket](#)
- 1 tenement in [Damgate](#), on the corner of Pakker Lane
- 1 tenement in Pakker Lane
- 2 tenements in [Webster Row](#)
- 1 tenement on the highway next to Purfleet [probably [Purfleet Lane](#)]
- 1 tenement on the north side of Purfleet, and south of the fleet in Webster Row [this would place it in Burghard Lane a.k.a. [Fincham Street](#)]
- 1½ tenements in Burghard Lane
- annual rents of 53s.4d from tenements in Stonegate, Skinner Row, Briggate, Purfleet [Lane], Mercer Row, Gresemarket, and [Ratton Row](#)
- the reversion of tenements in Purfleet and Damgate

- o the reversion of annual rents of 32s. from tenements in Damgate

In 1379 we find the same group of burgesses leasing these properties to individuals. In 1381/82 these properties brought to the borough an income of £20.13.4d in rents.

Rentals are referred to in the chamberlains' accounts of the early '80s. By the time of the one translated here, compiled in 1391, the borough had acquired other properties, and the Burghard properties were distributed throughout the document, rather than identified *en bloc* – some having been subdivided. Apart from the so-called Newland Survey of ca.1279, which is actually a rental produced for the Bishop and his officers and is therefore not a borough document proper, the earliest surviving rental from Lynn is that which follows (King's Lynn archives C48/6).

Text from the original document in 1391 is presented in bolded black text. In the years immediately following its compilation, a few alterations were made to reflect changes in tenants and changes in value. Figures given in red are those which were inserted at a later date. Eventually a new rental would have had to be compiled.

The next, and only other medieval, rental to survive (KL/C48/7) can be dated to either September 1424 or September 1425 from the name the mayor; the death of tenant Robert Burgeys around October 1424 favours the earlier date, but the transfer of the town mill to John Wynch occurred in November 1424. Possibly the compilation of this rental was begun in September 1424 and was not completed until later in the year.

Whether there was any intermediate rental between 1391 and 1424 is uncertain, although it would seem probable. However, the section in the chamberlains' accounts on income from rents and farms had become so detailed by 1398/99 that it almost has the appearance of a rental; reflections of the order of listings in the 1391 rental can be seen in the 1398 account, although the latter is not as comprehensive. By that date the borough had added a grain mill and a fulling mill to its properties.

Light has been thrown upon the history of some tenements by those surviving of the deeds that the borough acquired along with the properties themselves. The 1398/99 chamberlains' account has also been helpful, and I append a few notes from this in blue text. Updates from the 1424 rental are similarly given as notes in blue text. Items in the 1424 document – parts of which also reflect the ordering in the 1391 rental – but seemingly not in that of 1391 (at least, not clearly identifiable with a 1391 item) are appended as a separate table following the 1391 rental; *N.B. these are only extracts*. For interest and comparison, I give at bottom of this page a list of the Gild Merchant income from property, extracted from the 1385/86 financial account of the Gild scabins.

It will be noted in that most cases property values appear to have fallen during the 1390s, but by 1424 some had recovered to the 1391 level. On the other hand, around that later period increasing expenditures on repairs and renovations were becoming necessary and several tenants were taken to task for not fulfilling their obligations in that regard. In 1434 the borough finally appointed an officer to take responsibility for supervision and upkeep of

community-owned tenements.

Readers should beware of thinking that the tenants, lessees or farmers of the properties were necessarily personally resident therein.

Rental of all rents belonging to the community, made at Michaelmas in the 15th year of King Richard II, together with the reversion of rents of tenements and lands [? the last four words are faded and difficult to read] **with** [payments of] **rents resolute for the same.**

Rents of assize

| | | |
|-------------|---|------|
| Stonegate | John de Brunham for a tenement flanked by the tenement of the Prior of Lynn to the south, and the tenement of John Chaundeler to the north. <i>[Brunham is best known as Margery Kempe's father. He was still the tenant in 1398. William Spire held for 12d in 1424.]</i> | 12d. |
| | John Chaundeler [deleted and "Richard Peyntour of London" substituted] for a tenement flanked by the tenement of John Brunham to the south and the tenement of Thomas de Massingham to the north. <i>[John Kenynghale was the tenant in 1398. Benedict Norwold held for 12d in 1424.]</i> | 12d. |
| Skinner Row | William Foot for a tenement flanked by the tenement of John de Dounham brazier to the west and the tenement of Margaret de Betele to the east. <i>[Thomas Scarlet was tenant, paying 14s., in 1424; his neighbours were Alan de Dounham (w.) and Thomas Spicer (e.).]</i> | 14s. |
| Briggate | Robert Gryme chaplain for a tenement once of Giles Gryme, flanked by the tenement recently of John Shancel to the north and the tenement of John de Brunham to the south. <i>[He was still the tenant in 1398; judging from a 1403 feoffment, he may have been holding as a trustee for the dower rights of Gile's widow, Margaret. Thomas Selby was tenant in 1417. Robert Gyle held for 20s. in 1424; the heirs of Nicholas de Geyton mason then held the tenement to the north.]</i> | 20s. |

| | | |
|-----------------------------|---|-------------|
| <p>Purfleet Lane</p> | <p>Richard Denby for a tenement flanked by the tenement of the same [Richard] to the west and the tenement of John Home to the east. <i>[He was still the tenant in 1398 and in 1424, although Hugh Home had succeeded John Home by the latter date.]</i></p> | <p>4d.</p> |
| <p>Mercer Row</p> | <p>John Home [deleted and "John Mafey" substituted] for a shop once of William de Ellingham flanked by the tenement of John Creyke to the north and the tenement of Peter Barbour to the south. <i>[John Gryme had succeeded Mafey by 1424, paying 8s., with Bartholomew Systemer (n.) and Robert Sutton draper (s.) his neighbours.]</i></p> | <p>8s.</p> |
| | <p>John Kempe [deleted and "Simon Kempe" substituted] for a tenement recently of Thomas Bury flanked by the tenement of Simon de Colkirke to the north and vacant land of the heirs of Roger de Buttele to the south. <i>[John Kempe was father-in-law to Margery Kempe; he died in 1393. Simon Kempe (son of John) was in possession by 1398, and probably upon the death of his father. In 1424 William Spyr was tenant for 2s. and he also held the tenement to the north; Roger Galyon had held the tenement to the south (until his death ca. 1418).]</i></p> | <p>2s.</p> |
| <p>Gresemarket</p> | <p>Cecilia de Massingham [deleted and "Thomas Lord" substituted] for a tenement flanked by the tenement of Thomas de Couteshale to the east and the messuage of Thomas Lord to the west.</p> | <p>2s.</p> |
| | <p>Thomas Lord for a messuage flanked by the tenement of the said Cecilia to the east and a tenement once of William Hobeys to the west. <i>[At some time before 1424, the two properties in Gresemarket were combined and William Whappelod was the tenant; in 1424 William Waterden was holding them for 3s.; his neighbours were Walter Barbour (w.) and George Holkham (e.)]</i></p> | <p>12d.</p> |

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| Ratton Row | <p>Agnes Crede for a tenement once of Robert Curre flanked by the tenement of Thomas de Waterden to the west and diverse cottages of John Wace and associates to the east.</p> <p><i>[She was still the tenant in 1398. Robert Burgeys held in 1424 for 4s.; on the grounds of old age, he retired from the office of constable in May 1424 (40 years after becoming a freeman) and his death required a replacement to be elected to the jurats in November. The rental shows no sign of awareness of his death – this document was not updated in the way the 1391 rental was.]</i></p> | <p>4s.</p> |
| | <p>Total</p> | <p>53s.4d</p> |

Tenements demised at fee farm

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|---|--|-----------------------|
| <p>The corner next to St. Margaret's church <i>[Briggate]</i></p> | <p>John Waryn [deleted and "Thomas Abnale" substituted] for a tenement flanked by the tenement of <u>Robert Braunch</u> to the north and the tenement once of Hugh Folkard to the east.</p> <p><i>[This was one of the Burghard properties and was leased in 1379 to John Waryn and Adam de Aylesham (alias Waryn). Documents associated with Folkard's tenement in Butcher Row (see below) state that Waryn was operating a tavern there; this may have been named "The Bull" which, together with the early fourteenth century family after which "Bullweresrowe" (alias Butcher Row) was named, suggest that sale of livestock or meat had long been associated with this location. Aylesham and Abnale were tenants in 1402. Abnale was sole tenant in 1424 for 36s.8d. and still in 1428. The flanking tenement of the Braunch family, or perhaps a rent therefrom, also came into community hands, at some time after 1429.]</i></p> | <p>36s. 30s.</p> |
| <p>Briggate</p> | <p>John Lokke [deleted and "Margery Lok" substituted] for a tenement flanked by the tenement of John de Brunham to the north and a tenement of John Lokke to the south.</p> <p><i>[Lokke died in 1393; he had probably sold this tenement to the community after suffering severe mercantile losses in 1388. (A young) Thomas Lok, John's grandson, was tenant in 1424 for 12s.; he also held the tenement to the south (two items down).]</i></p> | <p>12s.</p> |

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| | <p>Thomas Hilberworthe [deleted and "Simon Kempe" substituted] for a tenement flanked by the tenement of the said Thomas to the south and a tenement of John Scot to the north.</p> <p><i>[This item ought to be reversed with the one that follows, in terms of topographical sequence. Kempe was the tenant in 1398. Thomas Belleyeter held in 1424 for 20s.; his neighbours were John Bryghtzeve (n.) and the master of the hospital of St. John (s.).]</i></p> | <p>20s. 12s.</p> |
| | <p>Robert de Fransham for a tenement flanked by the tenement of Thomas de Couteshale to the north and a tenement once of John Scot to the south.</p> <p><i>[This tenement had previously been held by Robert's father Geoffrey de Fransham (died ca.1391) and by John Grantham (who received the lease in 1379 and likely held it until his death in 1384). The lease to Grantham indicates that the tenement was on the west side of Briggate and that Couteshale's was on the corner of Wingate; Grantham also held the property to the rear (west). Thomas Lok was tenant in 1424 for 20s.; his neighbours were John Bryghtzeve (s.) and John Bury vintner (n.).]</i></p> | <p>20s. 10s.</p> |
| <p>Pillory Lane</p> | <p>Denise widow of John Chaundeler [deleted but substitution is illegible] for diverse shops flanked by [the tenement of] Alice S[wanton] to the east and the tenement recently of Buttele to the west.</p> <p><i>[By 1388 the community had acquired these 5 shops, saving the life right of Denise, widow of John de London chandler. See the Reversions section. They were on the north side of the lane. From 1409 John Thoresby held them; in 1419 he sought release from the farm and the corporation appointed a committee to make sure the properties were in good condition, before releasing Thoresby. However, after this good review, he then took up the lease again. Thoresby was still the tenant for 24s. in 1424., when the properties were described as 5 renters or cottages; Andrew Swanton was his neighbour to the east.]</i></p> | <p>30s. for life 16s.</p> |
| <p>Gresemarket</p> | <p>Richard Methewolde for a tenement flanked by the tenement of Agnes de Couteshale to the west and the tenement of John Spayne to the east.</p> <p><i>[Robert Bowyer was the tenant in 1424 for 30s.]</i></p> | <p>30s.</p> |

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| <p>At the Friars Preacher</p> | <p>Robert Burgeys lister for a tenement flanked by his tenement to the east and the tenement of Andrew de Swanton to the west. <i>[Lister or listester was a medieval name for a dyer. He was still the tenant in 1398 and in 1419, when the tenement was described as "once of William Derham". Nicholas Aldirman had succeeded Burgeys by 1424, at the same rent.]</i></p> | <p>20s.</p> |
| <p>Burghard Lane <i>[Fincham Street in 1424]</i></p> | <p>John Bolt [deleted and "Richard Bole lister" substituted] for a tenement flanked by the tenement of Richard Dun to the west and a tenement of Elwis de Witton [? faded] to the east. <i>[The was possibly the tenement with a quay on Purfleet in which John Bole et al. were enfeoffed in 1379. Richard Bole, or Beale, was followed (by 1419) as tenant by Bartholomew Petipas. Nicholas Martyn was tenant in 1424, for 33s.4d.; his neighbours were Edmund Bonet (e.) and (until recently) Thomas atte Lathe (w.) – earlier Robert de Docking.]</i></p> | <p>40s.</p> |
| | <p>Thomas de Brunham of Happisburgh [deleted and "William Amberwyk" substituted] for a tenement flanked by the tenement of John Kempe to the east and a tenement of John Mafey to the west. <i>[Amberwyk was the tenant in 1398. Thmas atte Lathe held in 1424 for 12s., having been preceded in tenancy by Amberwyk and (earlier) Robert de Docking; his neighbours were John Kempe (son of the 1391 tenant) (e.) and Edmund Bonet (w.).]</i></p> | <p>12s.</p> |
| | <p>Geoffrey Gaysele for a tenement flanked by the tenement of dom. John de Docking chaplain to the west and a tenement of John Mafey to the east. <i>[He was still the tenant in 1398.]</i></p> | <p>26s.8d 30s.</p> |
| <p>Webster Row</p> | <p>Robert Chynche [deleted and "Thomas Waterden" substituted] for a tenement flanked by the tenement of Hugh Holbech to the north and the tenement of Thomas de Waterden to the south. <i>[John de Jernemuth was the lessee in 1384 of 2 messuages on the east side of the Row. Waterden became the tenant in 1395, was still so in 1424 (for 12s.) when the property is described as 2 cottages or renters, and apparently so until his death, since his executor was dealing with the property in 1437; Holbech was still the northern neighbour in 1424.]</i></p> | <p>12s. 10s.</p> |

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| <p>Purfleet Lane</p> | <p>John de Walsingham lister [deleted and "Simon Kempe for 5 marks" substituted] for a tenement flanked by the tenement of John de Brunham to the west and the tenement of Robert Bailly to the east, together with a quay there.</p> <p><i>[Walsingham leased this from the borough in 1386, probably for the £4 annually he was paying in 1388 when the property was referred to as formerly belonging to William de Ellingham. Kempe was the tenant in 1398, and was followed by John Brekerop (who had married Kempe's widow) who was still holding in 1422 but resisting paying arrears of the farm. Robert Narburgh held in 1424 for 53s.4d; his neighbours were John Chaundeler (w.) and Robert Hamond chaplain (e.).]</i></p> | <p>£4.10s.4d 53s.4d</p> |
| <p>Butcher Row</p> | <p>John Body for a tenement flanked by community tenements on either side, the which was once of Hugh Folkard while he was alive.</p> <p><i>[Folkard acquired this from Sir Thomas fitzRichard in 1364, and granted it to mayor and burgesses in 1382, when reference was made to John Waryn's tavern to the west (see above). However, community possession does not seem to have been secured until further legal transactions in 1384. The first reference to the borough farming it out is in the 1384/85 chamberlains' account; stalls were associated with the property. Why the flanking tenements do not appear to have been listed in the rental is a mystery, unless they were among those listed below in the section "Stalls next to St. Margaret's cemetery"; (see the 1424 rental extracts below for all three). Body was still tenant in 1408.]</i></p> | <p>26s.8d</p> |
| <p>Pillory Lane</p> | <p>Robert de Kent [deleted and "John Lakinghithe and John Waryn" substituted, the latter name itself scored through] for a shop with curtilage flanked by the tenement of John de Houton to the east and diverse shops of Alice Swanton to the west.</p> <p><i>[A curtilage was a piece of open land adjacent to a building, such as a yard or courtyard. The shop was on the north side of the lane; before coming into the hands of the borough it was owned by John de Dunham (1376). Lakinghithe was the borough's tenant in 1398. It was possibly this property that in 1424 was described as a cottage, rented for 7s. by John Baker porter.]</i></p> | <p>8s. 12d.</p> |

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| | Total | £18.3s.4d |
| | <i>[The figure has been deleted and £19.4s substituted, which would represent the correct total, rather than a later calculation based on the inserted changes in values.]</i> | |

List [pagina] of tenements, shops, stalls, marshes and pastures leased annually

| | | |
|--------------------|--|----------------|
| Butcher Row | Thomas de Walsingham butcher for 1 stall. | 13s.4d 10s. |
| North gates | Henry Oldecorn [deleted and "John Aleyn" substituted] for 1 stall. | 12s. 8s. |
| | Hamon Bocher for 1 stall. | 10s. 8s. |
| | John Tydde for the tenement of Margaret Folkard. | 36s.8d |
| | John Tydde for 1 stall in front of the said tenement. | 16s. 30s. |
| | William Yorke for 1 tenement and 1 stall in front of it. <i>[An inserted note indicates that this and the previous two items were (subsequently) held by Tydde for £4. 13s.4d.]</i> | 28s. |
| | William Pye [deleted and "William Walpole carpenter" substituted] for 1 tenement. | 14s. |
| | John Wilowes for 1 tenement. <i>[Later additions indicate that William Walpole held this and the previous item together for 40s. in 1393, and that later still Richard Clerk was the tenant.]</i> | 13s.4d |
| South gates | Nicholas Taillour for 1 tenement, garden and herbage-croft. <i>[At some point in the mid-1380s, Taillour (alias Tydde) – who was the gatekeeper (1386-1401) – leased this property for 10 years; it had previously been held by Alan Lister (a John Lister having been gatekeeper 1372-83). It was probably the property being leased out by the borough by 1367, when described as at the South Bretask (but in 1370 as at the south gates); at that time the land was not built on and was fetching only 10s. This property is listed in the 1424 rental, at the same rent, but no holder is mentioned; possibly it was understood as still being held by the gatekeeper.]</i> | 53s.4d 40s. |

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|----------------------------------|--|--------------------------|
| <p>Common Staith</p> | <p>Thomas Heryng [deleted and "William Caus" substituted] for the farm of a small boat there. <i>[This would have been for a ferry-boat and the right to operate it across the Ouse. Hugh de Ellingham, who died sometime in the mid-1380s, bequeathed it to the community. Heryng was farming it from at least 1388. In 1424 the farm was valued at 20s.; no farmer was named but it had recently been John Spicer.]</i></p> | <p>16s. 20s.</p> |
| <p>Outside East gates</p> | <p>John Cokfield [deleted and "John Jobard chaplain for 12d." substituted] for farm of chapel and garden. <i>[The 1376/77 chamberlains' account refers to 2s. received from the farm of a garden next to the hermitage outside the East Gate (it lay to the east of <u>Rondeshill</u>); but see next item. In 1424 Jobard was still tenant, at the same rent, of what was described as a hermitage or chapel with garden. John Wesenham took over the farm of the hermitage (for 6s.8d) in 1428.]</i></p> | <p>6s.8d</p> |
| | <p>Robert Pulter [deleted and "Alice wife of" substituted] for farm of pasture. <i>[The 1388/89 chamberlains' account indicates that in 1386 Thomas Curson and Robert Pulter had taken a 10-year lease on this pasture, which was by the hermitage.]</i></p> | <p>6s.8d 3s.4d</p> |
| | <p><i>INTERLINED:</i> Thomas Morton [deleted and "Thomas Trussebut 2s.6d" substituted] for pasture. <i>[This was part of a property – house, pasture and arable land at <u>Dowshill</u> – acquired in 1388 from Richard de Houton's executors and then leased to Morton, Lynn's town clerk, as a package for 16s.; however, Dowshill to the north of the town can only be considered "outside the east gates" by a stretch of the imagination.]</i></p> | <p>2s.6d now 5s.</p> |
| | <p>William Draper for farm of a cottage and marsh. <i>[This entry was voided because the community sold the property.]</i></p> | <p>26s.8d</p> |
| | <p>Henry Cornish for farm of a parcel of herbage at the rear of St. John's.</p> | <p>20d. nothing</p> |
| <p>Stonegate</p> | <p>Semela Parker for a shop.</p> | <p>6s.8d</p> |
| | <p>John de Wormegeye for a shop.</p> | <p>6s.8d</p> |
| | <p>Richard Waterleder [deleted and "Stephen Lucas" substituted] for a shop.</p> | <p>6s.8d</p> |

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|--------------------------------|--|----------------|
| | John Shepe [deleted and "Balteys" substituted] for a shop. [<i>These four entries for Stonegate are jointly referred to by two subsequent additions: "John Brunham has them for 20s." and "now 16s.".Brunham was still the tenant of the 4 shops in 1398. In 1424 they were described as 4 renters and were still leased for 20s., but no lessee is identified.</i>] | 6s.8d |
| Burghard Lane | William Lystere for 1 tenement. [<i>This was one of the Burghard properties.</i>] | 53s.4d 40s. |
| | <i>INTERLINED:</i> Thomas Wryght for 1 shop. | 10s. |
| | Diverse tenants for 1 tenement. | 40s. |
| Damgate and Pakker Lane | Margaret Colyn for 1 tenement. | 16s. |
| | Roger Spicer for 1 cottage. | 4s. |
| | John Smyth for 1 cottage. [<i>These entries for Colyn, Spicer and Smyth are jointly superseded by a subsequent addition: "Richard de Thorpe 20s." Thorpe was the tenant of the tenement in Damgate and 3 cottages in Pakker Lane in 1398. In 1419 he was granted what appears to have been a renewal of the farm of 8 tenements and 4 cottages on the corner of Pakker Lane, but tried to back out of the arrangement a few days later; threatened with the collection of substantial arrears (£18), he shortly after reversed his position again and sought a renewal of the lease. In 1422 he was in trouble again, both for the arrears still owing and for failing to have carried out renovations on the properties. By May 1424 his son, Richard Thorpe junior had taken over, from his aged and ailing father, responsibility for the property and repairs thereto (the arrears were mostly pardoned); it was he who is listed in the rental drawn up in September, holding for 20s. what was then described as a tenement on the corner of Damgate and Pakker Lane.</i>] | 4s. |
| | John de Kyrketon for 1 cottage. | 4s. |
| Ratton Row | Roger Spirlyng [deleted and "Agnes Mouth" substituted] for 1 cottage. | 4s. |
| | John Leek for 1 cottage. | 4s. |
| | Cecilia Shakhore for 1 cottage. | 4s. |

| | | |
|--------------------------------|---|-----------------|
| | Agnes de Bury for 1 cottage. | 4s. |
| | Thomas Clerk for 1 cottage. | 3s.4d |
| | Agatha Rideout for 1 cottage. | 4s. |
| | Thomas de Gedney for 1 cottage. | 4s. |
| | John de Bricham [deleted and "Chapman" substituted] for 1 cottage. | 5s. also 12d |
| | William Derby [deleted and "Cecilia Michel" substituted] for 1 cottage. | 4s.4d |
| | Agnes Mouth [deleted and "John Betteson" substituted] for 1 cottage. | 4s.4d |
| | John Colyn [deleted and "Carbrigge" entered superscript] for 1 cottage. | 4s also 2d |
| | John Neketon [deleted and "Lode" substituted] for 1 cottage. | 16s also 4d |
| | John Chamberleyn for 1 cottage. | 4s. |
| | Anna Doke for 1 cottage. | 4s. |
| | Alan atte Brygge [deleted and "John Moot" substituted] for 1 cottage. | 4s.6d |
| | John Burell for 1 cottage. | 5s. |
| | John Cranehouse for 1 cottage. <i>[All these entries for Ratton Row are jointly superseded by a subsequent addition: "Andrew Swanton for £4"; at a later he claimed to have held the farm since 1395/96. Swanton was still the tenant of 21 cottages and 9 curtilages there in 1398 – in fact, until 1419, when the borough authorities released him from the farm, the cottages having fallen into disrepair. Bartholomew Systerne, who owned property immediately to the north, then took over the farm for 53s.4d annually; in the 1424 rental he is still found farming the 22 adjoining cottages there for the same amount.]</i> | 4s. |
| Rear of Friars Preacher | Julian Scryven [deleted and "Geoffrey Pouchemaker" substituted] for 1 cottage. | 4s. 40s. |

| | | |
|--|---|------------|
| | Thomas Fower for 2 cottages. | 8s. |
| | Total [<i>The figure has been deleted and £24 substituted; neither agrees with my calculations of just over £26.9s., but the numerous alterations and uncertainty about precisely when any alteration was made renders any calculation difficult.</i>] | £22.13s.2d |

Curtilages in Ratton Row and places [called] tenters

[*Curtilages and tenters were parcels of open land, probably used for some kind of industrial or artisan activity. Tenters seem to have been located to the east and southeast of Ratton Row.*]

| | | |
|--|---|-------------|
| | Thomas Sherman for 1 parcel of curtilage. | 8d. |
| | William Waplode for 1 parcel of curtilage. | 8d. |
| | Bartholomew Cordewaner [deleted and "Geoffrey Evek shoemaker" substituted] for 1 parcel of curtilage. | 12d. |
| | Thomas Fower [deleted and "William Haireman" substituted] for 1 parcel of curtilage. | 10d. |
| | John Skulton for 1 parcel of curtilage. | 18d. |
| | John Hardy for 1 parcel of curtilage. | 18d. |
| | William Lystere [deleted and "John Skulton" substituted] for 1 parcel of curtilage. | 18d. 2s. |
| | John Colyn for 1 parcel of curtilage. | 2s. |
| | William Blakeney for 1 tenter. | 4s. |
| | [William Blakeney?] for 1 tenter. [<i>The tenter entries have been voided.</i>] | 4s. |
| | Total [<i>The figure (which is correct) has been deleted and 10s.2d substituted.</i>] | 17s.8d |

Couteshale's

Thomas Couteshale holds them at farm for £9

[*These properties were likely those sold ca. 1390 by the executors of Cecilia, widow of John de Couteshale senior; Thomas was one of their sons.*]

| | | |
|--------------------|---|-------------------------|
| Gresemarket | John de Brynkelowe for 1 tenement. | 24s. |
| | John Juwell [deleted and "Tailleur" substituted] for 1 tenement. | 24s. 22s. |
| | Thomas Sadeler for 1 tenement. | 46s.8d |
| | William Runham for 1 tenement. | 33s.4d |
| | Robert Furbour for 1 tenement. | 30s. |
| Jews Lane | Alice Herman [deleted and "John Watteson" substituted] for 1 tenement. | 28s. |
| | Robert Dekes [deleted and "John Chandeller" substituted ca.1395] for 1 tenement. | 16s. 24s. |
| | John Plesant [deleted and "William Candeller" substituted] for 1 tenement. | 32s. |
| | Alice Candeller [deleted and "Andrew Denby" substituted] for 1 tenement. | 14s. |
| | Henry Oldecorn [deleted and "John Aleyn" substituted] for 1 tenement. | 30s. |
| | John Watteson [deleted and "Bole" substituted] for 1 tenement. | 10s. |
| | <i>INTERLINED: Also he [Couteshale?] holds a tenement in Jews Lane which Robert Pykerel held for life. [In 1424 a tenement with garden, once of Cecilia de Couteshale and afterwards of Robert Pykerel chaplain, had a rent of 24s but no tenant identified; it was flanked by the tenement once of Henry de Betele to the west and the tenement of the heirs of Thomas Hunt to the east. Pykerell had been Cecilia's chaplain and executor and had been bequeathed the property for life, in return for celebrating for her soul.]</i> | 20s. |
| | Total | £14.8s |
| | <i>[The figure (which is correct, ignoring the interlined item) has been deleted and £14.4s substituted.]</i> | |

Stalls next to St. Margaret's cemetery

[This was the butchers' market. A few of the stalls were acquired ca. 1365 from townsmen and from Sir Thomas Beaupre, but the majority in 1369/70 from Sir Thomas fitzRichard. The rent resolute owed the Bishop (see below) was due from the former batch. *By 1421 some butchers had transferred their place of business to Jews Lane or to their homes, to the damage of the butchers' market, and it was necessary to warn them against selling meat elsewhere than in the market; two years later a general ordinance to this effect was required. The 1424 rental seems to show that this was successful.*]

| | |
|---|--------|
| William Hayward [deleted and "John de Tyd jun." substituted] for 1 stall. | 20s. |
| Henry Oldecorn for 1 stall. [This entry was voided.] | 18s. |
| William Dobbes [deleted and "John Watteson" substituted] for 1 stall. | 16s. |
| Herman Hayward [deleted and "William Pye" substituted] for 1 stall. | 16s. |
| Robert Dekes [deleted and "Richard Bocher" substituted; "Simon Body" also added] for 1 stall. | 8d. |
| John Brown for 1 stall. [This entry was voided.] | 15s. |
| John Tyd jun. [deleted and "John Glover" substituted] for 1 stall. | 16s. |
| Roger Bocher [deleted and "John Balteys" substituted] for 1 stall. | 13s.4d |
| Richard Clerc [deleted and "Thomas Barker" substituted; "Herman Hayward" also added] for 1 stall. | 8s. |
| John Watteson [deleted and "Richard Clerc" substituted] for 1 stall. | 8s. |
| John Tameworth [deleted and "John Kyng" substituted; "Walter Kyng" also added] for 1 stall. | 8s. |
| Roger Bailly for 1 stall. | 6s.8d |
| Roger de Geywode for 1 stall. | 6s.8d |

| | | |
|--|--|-----------|
| | John Bay [deleted and "Tameworth" substituted] for 1 stall. | 6s.8d |
| | Total [<i>The figure is correct. See below for the 1424 listing.</i>] | £8.13s.4d |

Coventry, near the aqueduct

[*This was apparently property acquired from the Coventry family – a family not very prominent or long-lasting.*]

| | | |
|-------------------|---|--------------------|
| | Agnes Gryme for the principal tenement recently of M. Coventre. [The added phrase "Thomas Brygge for 5 marks" appears to relate to this entry] [<i>The tenement was described in 1337 as on the west side of Briggegate and north side of the common way leading to the Gildhall; i.e. it faced the Saturday Market. William de Coventry was working on acquiring it by 1353 and secured his possession through certain (typical) legal transactions in 1364. The borough acquired it – again through a group of burgess representatives – from the executors of William's widow in 1391. Brygge was still the tenant in 1398 of the tenement and a shop, which were opposite the St. Margaret's aqueduct, as well as of 4 other shops there - presumably those in the following items. In 1424 John Stephenson butcher held a tenement with a stall opposite St. Margaret's aqueduct, for 26s.8d and the property was categorized as being in Briggate.</i>] | 40s. 36s. |
| | Nicholas Barbour for 1 shop. [The added phrase "26s. Richard Clerc holds" relates to this entry] | 20s. |
| | John de Lakinghithe for 1 shop. | 13s.4d |
| | John Betteson [deleted and "Roger Mercer" substituted] for 1 shop. | 12s. plus 1s.4d |
| | Maurice Baxter for 1 shop. | 3s. |
| | Roger Baxter for 1 stall. | 3s. |
| Lazarshill | John de Brunham [deleted and "Ralph Bedyngham" substituted] for pasture next to the Round Tower. [<i>Brunham was still the tenant in 1398, when the tower was said to be near the north ditch. Lazarshill was in the northeast corner of the town, and the tower may have been part of the east gate. The same rent applied in 1424 but no tenant is mentioned.</i>] | 4s. |

| | | |
|--|---|-----------|
| | Total [The figure (which is correct) has been deleted and £4.12s.8d substituted.] | £4.15s.4d |
|--|---|-----------|

Rents resolute

[These were rents paid BY the community on property it owned.]

| | | |
|----------------|---|-------|
| | To the Bishop of Norwich for the rent of butchers stalls next to St. Margaret's cemetery. | 16d. |
| | To the same for a close. [This rent due from "Le Scluse" (known by 1424 as the North Close) is an item in the earliest surviving chamberlains' roll (1319/20), as is the next item re. Gaywood water. Until the butchers stalls were acquired, these two properties appear to have been the only ones from which the borough was burdened with rents resolute.] | 12d. |
| Gaywood | To the same for watering at Gaywood. | 4d. |
| | To the same for a pasture called Rondeshill outside the east gates. [Rondeshill lay between the east gates and a mill at the northeast corner of the town. The pasture was being rented out for 4s. in 1424.] | 12d. |
| | To the same for a marsh there, once of Richard de Houton. [This was presumably part of the property acquired in 1388 from Houton's executors (see above).] | 9s. |
| [Butcher Row?] | To the same for a tenement recently of Hugh Folkard. | 8d. |
| | To the same for a tenement once of Robert de Shuldham and recently of Margaret Coventre. | 2s.6d |
| Gresemarket | To the same for a tenement once of Geoffrey Denby, now of Cecilia Couteshale. [Cecilia, widow of John Couteshale sen. died in 1389; the Cecilia mentioned here as if alive and holding property in 1391 may have been the Cecilia de Alemannia who received a bequest in the widow's will.] | 8d. |
| Jews Lane | To the same for a tenement once of John Mayn. | 21d. |

| | | |
|--------------------------------|---|--------|
| | To the same for a tenement in which John Couteshale sen. lived. <i>[According to his widow's will, the capital tenement of herself (and presumably her husband) lay between Gresemarket and Jews Lane.]</i> | 8d. |
| Burghard Lane | To the same for a tenement in which William Lystere dwells. | 6d. |
| Damgate | To the Prior of Lynn for a tenement in Damgate next to Pakker Lane. <i>[This was one of the Burghard properties.]</i> | 3s. |
| Gresemarket | To the Prior of Lynn for a tenement recently of Cecilia de Couteshale. | 16d. |
| Rear of Friars Preacher | To the Prior of Westacre for a cottage. <i>[This was one of the Burghard properties.]</i> | 2s. |
| South gates | To the Prior of Westacre for a tenement next to the gates. | 18d. |
| | To the collector of the leet of South Lynn for Bournewind. <i>[Evidence from 1405 indicates that this property was near the South gate and probably the same as in the above item; the rent was owed to the leet of South Lynn itself.]</i> | 4d. |
| Gresemarket | To Henry de Betele for a tenement next to that recently of John de Couteshale jun. | 12s. |
| [Butcher Row?] | To the Abbess of Chateriss for a tenement recently of Hugh Folkard. | 13s.4d |
| Gresemarket | To the Abbot of Sawtry for a tenement recently of Cecilia de Couteshale. | 12d. |
| Lazarshill | To the Prior of Chosele for pasture next to the round tower. | 12d. |
| | Total <i>[I make the figure 54s. 11d.]</i> | 55s.5d |

Reversions of tenements, curtilages and rents of assize

| | | |
|----------------------|---|---------------------|
| Burghard Lane | The tenement in which William Lystere dwells, with tenement and quay opposite; to revert to the community after the death of Thomas de Kenyng hale. <i>[Kenyng hale was the husband and executor of Margaret, daughter of John Burghard. He continued to have life rights in some of his late wife's property; the borough was paying him a £13.6.8d annuity, as part of the deal, until about 1408. When combined with the costs of an annual mass for the Burghards and of maintenance of the properties the borough appears to have been running a deficit from this bequest.]</i> | [no value assigned] |
| Ratton Row | Two cottages which, for the life of Thomas de Kenyng hale, are inhabited by paupers. Value of their farm: | 6s.8d |
| | An annuity held by the said Thomas shall also revert after his death. | £13.6s.8d |
| Damgate | From Robert de Waterden, after the death of Alice Furbour, from a tenement flanked by the tenement of Robert to the east, the Hospital of St. John Baptist to the west, and the highway to the south. <i>[This reversion was acquired in the mid-1380s.]</i> | 10s. |
| Damgate | From Thomas Paynot, after the death of Alice Furbour, from a tenement flanked by the tenement of William Bawsey to the west and the tenement of William de Snetesham, now steward of Lynn, to the east. | 4s. |
| | From John de Welle [deleted and "Lakinghithe for 2 marks" substituted], after the death of Alice Furbour, from a tenement flanked by the his tenement to the west and the tenement of Thomas Drewe to the east. <i>[Lakinghithe was the tenant in 1398.]</i> | 16s. |
| Butcher Row | From a tenement in which John Tydde sen. dwells, with a garden, in Butcher Row near St. Margaret's church, after the death of Margaret widow of H. Folkard. | 40s. |
| Pillory Lane | From 5 shops flanked by the shops of Alice de Swanton to the east and the tenement of the heirs of Buttele to the west, after the death of Denise Chaundeler. | 20s. |
| Jews Lane | From a tenement, after the death of Robert Pykerell chaplain. | [no value assigned] |

| | | |
|------------------|---|---------------------|
| Jews Lane | From a garden flanked by a tenement of the community to the west and the tenement of the Henry de Betele to the east, after the death of the said Robert. | [no value assigned] |
| | A rent, after the death of Alice widow of Adam Clerk. <i>[In his will (1390) Adam prescribed that all the properties he had left his widow for life be sold and from the proceeds mayor and community were to have enough to buy 20s. annual rent.]</i> | 20s. |
| | A ferry-right, after the death of [blank] daughter of <u>Robert Braunch</u> deceased, for which the community must celebrate annually one mass in St. Margaret's for the souls of Robert, his wife, his sons and daughters. <i>[This arrangement was made in 1378 by the daughter Joan, the only offspring mentioned in Robert's will; she was still alive in 1399. The right was valued in 1398 at 16s. In 1424 its farm was valued at 24s.; no farmer was named, although Alice Dymmok had recently held the farm.]</i> | [no value assigned] |

Memorandum that the tenements below were leased out in 1394/95

| | | |
|----------------------|--|---------------------|
| Damgate | John Lakinghithe, one tenement. | 43s.4d |
| Butcher Row | William Walpole, a house. | 40s. |
| [Butcher Row?] | A tenement which John Tydde and Wilowes now lease. | [no value assigned] |
| Purfleet Lane | A tenement with a shop, to a certain Walter. | [no value assigned] |
| Jews Lane | A tenement with garden, leased as a result of the death of Robert Pykerell. | [no value assigned] |
| At St. James' | John Clerk for 1 cottage. | 5s. |
| | Matilda Geynesbergh for 1 cottage. | 5s. |
| | William Tailleur for 1 cottage. | 5s. |
| | Richard Porter for 1 cottage. | 6s. |
| | Robert Salisbury for 1 garden. | 6s.8d |

Rental of all rents [2 or 3 words illegible due to damage] of the community of Lynn, renewed 17 September in the time of John Permonter mayor.

Rents of assize

| | | |
|------------|---|------|
| Damgate | Edmund Massyngham for a tenement once of Thomas Paynot flanked by the tenement of John Mafey (e.) and the tenement of John Dalham (w.). | 4s. |
| | William Norfolk draper for a tenement once of Robert Waterden. | 9s. |
| Baxter Row | Thomas Waterden for a tenement once of Margaret Sharyngton opposite "le Baxtercunte" [conduit?]. <i>[The conduit may have been the one running along Damgate past the north end of Baxter Row. Sharyngton was Waterden's mother-in-law; she died in 1392. Waterden was renting the tenement from the community by 1398.]</i> | 10s. |

Fee farms

| | | |
|-------------|---|--------|
| Gresemarket | Walter Aleyn for two shops. | 26s.8d |
| | Hugh Sporier for a tenement. | 24s. |
| | Thomas Scarlet for a tenement flanked by a tenement of the community (w.) and a tenement recently of John Broun and now of John Copnote (e.). <i>[It is probable that some or all of these 3 items were listed in 1391 in the "Couteshale's" section.]</i> | 30s. |
| Jews Lane | Thomas Scarlet for a tenement flanked by the garden of John Permonter (w.) and the tenement of John Perche (e.). And for another tenement, flanked by the tenement of the heirs of Henry de Betele, now of Walter Reyms (e.). | 33s.4d |

| | | |
|-----------------|--|--------|
| | John de Wesenham for a tenement flanked by his own tenement (e.) and by the tenement recently of Thomas Hunte (w.). [<i>Wesenham claimed to have been farming this since 1395/96 (for 33s.4d); at the time of this claim, in 1419, he was 7 years in arrears of payment of the farm. Because of money owed him by the corporation, it pardoned him the arrears and reduced his farm to 26s.8d.</i>] | 26s.8d |
| Damgate | Walter Thornage for a tenement flanked by the tenement of Ellen Ferour (w.) and the tenement of William Waterden (e.). | 26s.8d |
| | The master of St. John's hospital for an empty plot of land behind the hospital. | 12d. |
| Sparrow Hall | Thomas Lok for a tenement called Sparrow Hall opposite the Charnel, flanked by the tenement of Thomas Burgh (n.) and the lane (s.). [<i>The Charnel was in St. Margaret's churchyard.</i>] | 23s.4d |
| Butcher Row | Robert Pynder for half a tenement with a stall. | 32s. |
| | John Petyclerk for the eastern half of the tenement (above) with a stall. [<i>The tenement jointly held by Pynder and Petyclerk was to the east of the Braunch and Abnale properties listed in the 1391 rental as flanking the tenement in Briggegate, opposite St. Margarets</i>] | 32s. |
| | Nicholas Martyn for a tenement with two stalls, flanked by the tenement of Petyclerk and Pynder (w.). [<i>This is the property held by John Body in 1391 (see the "fee farm" section).</i>] | 26s.8d |
| | Simon Body for a tenement with 2 stalls, flanked by the tenement of Nicholas Martyn (w.) [<i>Body, a butcher, leased this in 1408, when it was described as a messuage with 2 stalls and a garden.</i>] | 33s.4d |
| Baxter Row | John Saltwyn for a tenement. | 13s.4d |
| Fee farm leases | | |
| Gresemarket | Walter Aleyn for two shops. | 26s.8d |
| Butcher Row | Robert Pynder for 2 stalls. | 18s.4d |

| | | |
|----------------|--|--------|
| | Thomas Bateman butcher for 1 stall. | 7s. |
| | John Perche butcher for 1 stall. | 16s. |
| | John Parfey butcher for 1 stall. | 14s. |
| | William Walpole butcher for 1 stall. | 14s. |
| | William Pye butcher for 1 stall. | 14s. |
| | William Fraunceys butcher for 1 stall. | 8s. |
| | William Keele butcher recently held a stall. | 10s. |
| | Geoffrey Somerby butcher for 1 stall. | 14s. |
| | Thomas Seyver butcher recently held a stall. | 8s. |
| | Henry Oldecorn butcher for 1 stall. | 5s. |
| | Robert Makerell butcher recently held a stall. | 5s. |
| | Richard Gylberd butcher for 1 stall. | 5s. |
| | Ralph Shirewynd butcher for 1 stall. | 5s. |
| | Clement Makerell butcher for 1 stall. | 5s. |
| | Thomas Bocher recently held a stall. | 5s. |
| Briggate | John Beelson chapman for a tenement. | 13s.4d |
| | Richard Rust for a tenement. | 13s.4d |
| | Peter Palgrave for a tenement. | 26s.8d |
| Gresemarket | William Stowe joiner for a tenement. [Possibly listed in 1391 in the "Couteshale's" section.] | 33s.4d |
| Fincham Street | John Feltewell lister for a tenement flanked by the tenement recently of John Berewyk bowyer (e.) and the tenement of John Kempe (w.). | 60s. |
| | William Furbour for a parcel of garden by the chapel and hermitage of St. John. | 18d. |

| | | |
|---|--|-----|
| | A pasture under the walls, extending within the town from the North Close to Mill Fleet and beyond to Scales Mill gates. | 4s. |
| Mill | <p>John Wynch miller for a mill leased him with 2 cottages and gardens opposite St. James chapel. (Of the rent, 20s. belongs to the Bishop and 20s. to the Prior of Lynn).</p> <p><i>[This would have been the <u>grain mill</u>, whose site was acquired by the town from the Bishop, for an annual farm of 20s., in August 1392. The king's ratification of this agreement, the following month, indicated the site (to be selected by the burgesses) was to be on Millfleet where Swagges Mill had once stood, or between that site and the Gannock gate (one of the lesser gates on the east boundary of the town). The burgesses were admonished: not to damage the fleet when excavating for the new mill; not to block the fleet's course, which ran eastwards to the Bishop's demesne at Mintling; not to allow the mill to back up water so that floods resulted, as had happened with Swagges Mill; and to ensure the causeway (raised road) on the north side of the fleet was maintained. Robert Perch miller had leased the mill for three years in July 1424, but he later complained that bakers and others were not bringing corn to him to have it ground; in November the borough released him from the arrangement and leased the mill to Wynch for seven years. Wynch probably encountered the same problem for, in March 1426 the borough issued an order for all bakers to grind their grain at the town mill; but the problem persisted and, shortly after the end of Wynch's term, the borough passed an <u>ordinance</u> obliging townsmen to take their grain to the town mill. The cottages and gardens had been associated with the farm of the mill since at least 1399.]</i></p> | £26 |
| <p>Other rents belonging to the community <i>[Additions, probably ca. 1426-28.]</i></p> | | |
| The Chequer | <p>The heirs of William Spire for an empty plot of land on the north side of their tenement.</p> <p><i>[Spire died in 1427. The Chequer was a street leading south from the Tuesday Market.]</i></p> | 5s. |
| | <p>The mayor and community for a new extension of a common fleet into an empty plot lying between the road and the lands of the hospital of St. John and the Friars Preacher (w.) and the meadow of John Ashenden (e.), extending between Sewolds Bridge (n.) and the road lying by John's meadow (s.).</p> | 2d. |
| Webster Row | John Waryn for a lane north of his tenement. | 6d. |

Richard Eberard plumber for licence to build on the common fleet east of his tenement.

4d.

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[Extracts from] The account of John Dunham, William Wyth, Thomas de Waterden and Thomas Fawkes, scabins of Holy Trinity Gild, 28 May 1385 to 17 June 1386.

Rents of assize, farms of houses, and ferry liberties

Rents of assize and the account of the ferry [right] belonging to the gild.
[Operation of the ferry to West Lynn was farmed to Thomas Outlagh for 13s.4d. This was probably the ferry sold to the gild in 1323 by William de Benecroft and Henry de Betele.]

£4.7s.8d

The farm of shops on the east side of the common quay and of the tenement next to the gildhall.
[The individual (i.e. unamalgamated) accounts of each scabin, which also survive for this year, indicate that the gild received rents from the following structures on east, north and south sides of the quay (the west side being the river): 11 cellar/solars, 2 cellars, 1 solar, and 9 shops. Roger Paxman was the tenant of the property next to the gildhall.]

£7.15s.4d

The farm of all cellars with solars on the south side of the common quay, with shops at the Watergate.
[The Watergate was a lane leading from the Tuesday Market to the common quay. The gild received rents from 11 shops there.]

£12.6s.8d

The farm of tenements and shops with quays in Stokfish Row.
[The properties from which the gild received rents included 1 booth with 2 cottages, 1 booth alone, and a tenement, all of which had part of a quay associated.]

£7.9s.0d

The farm of the tenement recently of William de Swanton in Briggate.
[Lambert Draper was the tenant at this time.]

£3.6s.8d

The farm of all cellars and solars on the north side of the common quay, with the farm of the tenement recently of Sabina Blower opposite St. Margaret's.

£12.17s.8d

The farm of all gild houses in the Woolmarket.
[The Woolmarket was a street heading eastwards to St. Nicholas' from the northeast corner of the Tuesday Market.]

£5.0s.0d

| | | |
|---|-------|-----------|
| | Total | £53.4s |
| The farm of rents of Joan Costyn, widow of John Costyn, from various tenements, as appears in a rental made of the same, which he bequeathed to the gild. | | £13.6s.9d |



[Lynn history](#)



[main menu](#)



[appendix 1](#)



History of medieval Yarmouth



[MAIN MENU]

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[Appendix 2: Register of the Hospital of St. Mary](#)

Origins and early growth

In the medieval mind, Yarmouth was associated with herring, a high-protein food important to the diet of the lower classes, which featured less meat than is eaten today. The thirteenth century seal of the borough bore depictions of a ship sailing herring-inhabited waters and, on the other side, St. Nicholas, a [patron saint of fishermen](#). The fishery provided the reason for Yarmouth's foundation and the principal source of its medieval economy.

Great Yarmouth – the qualifier distinguishing it from its southern neighbour, Little Yarmouth – is situated near where several rivers, among them the Yare, flow into what was once a very broad estuary (much larger than the present-day Breydon Water) opening out into the sea. In Roman times there was a port and market town a little further north, at Caistor, and a small fort at Burgh Castle; these were later abandoned. Subsequent settlement focused on the site of Great Yarmouth itself. Tradition has the first settlement there established by the Saxon leader, Cerdic, ca. 495, but this is unsubstantiated and doubtful.

More certain is that silting in the mouth of the "Great Estuary" over time formed a [huge sandbank](#) that came to be several miles long, leaving the Yare access into the sea through two channels at either end of the sandbank; one channel separated Yarmouth and Caister, the other ran southwards for some miles and separated Great and Little Yarmouth/Gorleston before entering the sea. This sandbank eventually became firm enough to support dwellings,

perhaps preceded by more temporary facilities for the drying, salting and smoking of herring, as well as the sale of herring. Fishermen from the Cinque Ports claimed a long-standing right to beach their boats and to dry their nets there. A fair may have been in operation there by the time of Edward the Confessor, during the forty days from Michaelmas to Martinmas when the fishery was at its peak; in later times this important fair attracted not only the Cinque Ports men, but also fishermen from the continent. The Cinque Ports had authority over the fair, through officers they appointed, which was subsequently resisted and then contested by Yarmouth. Another indication that Cinque Ports fishermen were likely among the founders of the town is that rents from some Yarmouth properties were due to the Ports.

Yarmouth was a [borough](#) in the royal domain before and at the time of the [Domesday survey](#), but an earlier shared jurisdiction is reflected in that Yarmouth had to pay every "third penny" of all public revenues (e.g. tolls and rents) to the earl. The number of [burgesses](#) living there – 70 in 1066 according to Domesday – suggests that its fishery was already important by this date, although Yarmouth was certainly a small town compared to Norwich or Ipswich, with a few hundred residents in all. As a "frontier town" it had no important role in regional administration; the king never licensed a mint there. Domesday noted one church there, dedicated to St. Benedict.

Throughout the late medieval period the town suffered from progressive silting of parts of the channel used as a haven for ships. Early settlement appears to have focused on the most elevated part of the sandbank, near the northern channel. In 1101 the [Bishop of Norwich](#) built a chapel in that neighbourhood (superseding a more modest building on the beach intended to celebrate divine service during the fishing season) and, in the 1120s founded [St. Nicholas' church](#) by the northern channel; a Benedictine cell of the Norwich cathedral-priory was established in association with St. Nicholas'. Here too was the site of the borough [marketplace](#), perhaps originally stretching east-west across the width of the town from the river channel to the beach facing the sea, although over the course of the Middle Ages the original shape of the market was obscured as parts were built upon – including the hypothetical western section, but also a large chunk on the eastern side was consumed by the foundation of [St. Mary's Hospital](#).

Silting of the northern channel, to the point where it was unusable, subsequently encouraged population to expand southwards along the line of the southern-running channel and to relocate the haven in this channel. The bank of this channel became lined with [quays](#), in contrast to the opposite side of the town – the great beachy area, or "[Denes](#)" (dunes?) facing the sea, on which would have been visible fishing-boats, nets stretched out to dry, and windmills. Although the section around St. Nicholas had been abandoned by most residents when wall construction was begun, the church itself remained important to the town; a major expansion was undertaken shortly before the mid-fourteenth century. Consequently, the line of the town wall was extended just far enough north to encompass the church. The southern channel too, however, experienced problems and at various times in the Late Middle Ages the townsmen had to cut new harbours.

Development of local government

In the twelfth century we have mentions of a reeve as the governing authority of Yarmouth, but this was an officer appointed by the king. In 1208, the king leased to the town (in return for a fee farm of £55) its first powers of self-administration; the royal charter granted:

- the status of a "free borough";
- the right to choose the executive officer of local government;
- administration of justice (in certain matters of common law and local custom) through a weekly husting court;
- a merchant gild, although such an institution has no prominence in Yarmouth's medieval records – its role and privileges (such as the right to make the first offer for newly-arrived herring catches) perhaps quickly being absorbed into local citizenship/government; in the sixteenth century, the Trinity Gild had ceremonial functions that suggest it to have been a possible successor to, or remnant of, a merchant gild;
- exemption for the burgesses from paying tolls on goods they brought into other English towns (London excepted);
- and various other powers or exemptions typical of that period.

When, in the 1220s, holders of the borough executive office begin to be identified, we see there to be 4 bailiffs, elected annually, rather than the earlier single reeve. This multiplication is probably associated with the fact that the town was divided into four "leets" (wards) for administrative purposes. Unlike in Norwich, where the leets reflected early settlements that coalesced into one city, there seems no special rationale in the Yarmouth divisions; the original boundaries are unknown and the names indicate a straightforward division of the town into northern and southern halves, each of which was in turn subdivided.

Political conflict in or shortly before 1272, serious enough to have become violent, resulted in a set of reform ordinances which included the introduction of a town council to assist the bailiffs in governing Yarmouth. A few years later, officers responsible for the borough treasury (known as "the pyx") – its safeguard and the deposit and withdrawal of funds – were introduced. In 1426 we see further constitutional changes, as the balance of power within the community shifted from democracy to oligarchy; the number of bailiffs was reduced, a second-tier council was created, and chamberlains were put in charge of borough finance. Lesser officials of Yarmouth's administration included, in addition to the usual town clerk and sergeants (or sub-bailiffs), a water-bailiff involved in the collection of customs at the port, and occasionally officers (muragers) responsible for supervising the building of town walls and collecting the revenues to support that activity (later the chamberlains took over the collecting duty).

The centre of medieval administration was originally the Tolhouse (which still stands today),

the site of the borough court; this building must have been too small for community assemblies and we hear in mid-fourteenth century of a "common hall", which may have been the same as the sixteenth-century Guildhall on the south side of St. Nicholas' churchyard.



The Tolhouse

Note the grill (below), which allowed prisoners in the gaol to beg necessities from passers-by.



photos © S. Alsford

The borough court sat each Monday to deal with civil pleas, most criminal pleas being reserved for the borough coroners or the king's courts. As the volume of business increased, sessions were extended to other days and some specialization – such as in legal transactions dealing with real estate or debt – began to take place, although this ceased when court business dropped off in the fifteenth century. One day each June was dedicated to hearing presentments from each of the [leet courts](#). Cases involving merchants from other places might be held on any day, in order to render swift justice. During the annual fair, court sessions were held daily rather than weekly – again reflecting the need for quick resolution of commercial disputes; these sessions were, at least by 1277, presided over jointly by Yarmouth's bailiffs and those representing the Cinque Ports, although perhaps previously by the latter only. The Cinque Ports bailiffs had been given by the king, in 1215, the right to administer justice in cases involving their fellow townsmen while in Yarmouth, and Hastings had (or claimed) an even older legal jurisdiction there.

The jurisdiction of Cinque Ports bailiffs during the time of the herring fair did not sit well with the Yarmouth authorities, and relations with the Cinque Ports were frequently quarrelsome – if not violent – in the thirteenth and early fourteenth centuries. Following the suppression in 1265 of de Montfort's rebellion, which the Cinque Ports had supported, Henry III showed some favour to Yarmouth, but in 1272 disturbances in the town and Yarmouth's role in the [Norwich riots](#) counteracted this. In 1277, after complaints from Yarmouth, Edward I intervened to impose a compromise involving shared jurisdiction. But this proved no solution, and there were repeated mediations, attempts at settlements, as well

as fines for breaches of the peace during the reign of Edward I. At one point the Yarmouth and Cinque Ports contingents of a royal fleet set to fighting each other, with the loss of at least 25 Yarmouth ships resulting. In 1300, Yarmouth's administration passed ordinances attempting to regulate the fair; for example, they specified that townsmen should be appointed to assess the quality of goods offered for sale. By 1314, the Yarmouth authorities were so much in the ascendant that it was the Portsmen's turn to seek the king's support for their jurisdictional rights at the fair. By 1316, matters had deteriorated to the point where the sides were preparing fleets to attack each other. The Cinque Ports' rights were confirmed by Edward III in the Statute of Herring (1357), which revealed the extent of Yarmouth's control over the fishery. The quarrel between the two sides gradually quietened, as they refocused their hostilities against a common enemy, France, but was not finally resolved until the Tudor period.

Yarmouth also turned its attentions to another rival. The constant silting up of Yarmouth's harbour, combined with merchants' desire to avoid paying borough customs, was during the second half of the fourteenth century prompting ships to land goods at Kirkley Road in the Lowestoft area. Using the argument that the town had become depopulated and impoverished and its ability to defend the coast as well as its financial obligations to the king were in jeopardy, Yarmouth successfully petitioned Edward III to annex this haven and to prohibit loading or unloading of cargo (or the holding of a rival fair) anywhere else within a seven-mile radius (1372); the king added £5 to the town's fee farm as payment for this extended jurisdiction. Naturally, Lowestoft was not pleased about this. The Yarmouth-Lowestoft struggle became a factor in national politics: the king (who had to be concerned about the supply of herring as well as the viability of Yarmouth as an element in coastal defence) was largely sympathetic, but parliament was hostile to Yarmouth and repealed the annexation in 1376. However, Yarmouth managed to obtain the patronage of John of Gaunt and overturn the repeal. For some years the matter went back and forth, with repeals and restorations, ending eventually in a compromise in 1401.

The interminable and largely insoluble disputes with the Cinque Ports and Lowestoft were fairly typical manifestations in a medieval town seeking to define and expand its authority. Similar rivalries found expression with Norwich, a long-standing rival for trade using the River Yare, and with Little Yarmouth/Gorleston, regarding jurisdiction over the Yare and associated harbourage. The latter produced several royal charters attempting, with little success, to bring matters to a satisfactory compromise; the general tenor was to confirm Great Yarmouth's jurisdiction over the haven, allowing the men of Little Yarmouth that victuals or goods not subject to customs could still be landed on their side of the river, but forbidding them to try to entice other cargoes there.

Buildings and fortifications

Yarmouth is famous for its "Rows", a series of passages – too narrow to be called streets – separating the medieval tenements; by the end of the Middle Ages there were some 150 of them. The close packing of buildings, with only narrow streets separating the rows of

houses, was not unusual in medieval towns, although the extent to which this was applied in Yarmouth is atypical; many of Yarmouth's passages survived into the twentieth century only to be destroyed (with a few exceptions) during the Second World War. This system of laying out the land-holdings of the townsmen is evidenced as early as 1198, and continued into the thirteenth; most rows were named after some prominent family residing there. During that period the population of Yarmouth expanded considerably; we hear from chroniclers that 2,000 inhabitants died during floods in 1286, and 7,000 died in the Black Death, although these figures must be taken with a pinch of salt – the town's population in the early fourteenth century was more likely around 5,000. The rows all ran east-west (i.e. between the river and the shore), while the few main streets of the town ran north-south, reflecting the gradual spread of population southwards from its original focus. Apart from routes by the waterfronts, there were three main streets cross-cutting the rows: Northgate, Middlegate and Southgate. However, it is debateable whether this grid pattern warrants Yarmouth being considered a "planned town".

During the fourteenth century, Yarmouth's government was faced with two major construction challenges which were very expensive: the provision of stable harbour facilities, and the building of town defences.

Yarmouth is one of the English towns where a relatively large percentage of the medieval town walls is still standing. These walls were built over a long period, without any apparent overarching plan, although the intent was primarily defence against maritime-based enemies: the line of the wall, with its many gates and towers, protected the seaward facing side of the town, leaving the Yare channel to be an obstacle to any attack from landside.



Yarmouth's medieval defences

Two towers from the southern stretch of the borough's walls.
photos © S. Alsford

Royal licence to enclose the town with wall and ditch, and to collect special tolls under the title of murage, was first acquired in 1261 (in the context of the de Montfort rebellion). The following year saw complaints from non-local merchants that murage was being collected from them, but they saw no evidence that any wall-building was going on; the king consequently seized the money collected. In 1279 he audited the town's murage accounts, after receiving complaints of corruption. It seems that construction work had still not begun; in fact, no work is known to have been undertaken before 1285. Nonetheless, the king recognized the importance of Yarmouth as a coastal defence and authorized murage on several occasions during the fourteenth century. However, particularly in those periods of greatest threat of invasion, which spurred renewed efforts on the defences, income could not keep pace with expenditure, despite occasional bequests from townsmen towards the work. In the face of a renewed French offensive, all townsmen were, in 1369, ordered by the king to contribute to the costs of strengthening the defences. By 1385/86, construction was still incomplete, and some of the walls that had been built were by now falling into disrepair; again the threat of invasion prompted the king to order everyone owning property in the town to contribute to costs. In 1457 the king allowed Yarmouth to apply to the work £20 of the fee farm due him.

Maintenance and periodic relocation of the haven must have been a similarly daunting task, but one even more crucial to Yarmouth since the commerce on which the borough economy (including local government revenues) depended was in turn dependent on a safe harbour. Silting had necessitated a new harbour entrance to be cut in 1346. By 1378, silting had resulted in the water no longer being deep enough to admit ships into the harbour. Despite a partial refocus of its attentions on the harbour at Kirkley Road, in the 1390s Yarmouth built a new haven, financed partly through a special levy of a shilling per last of herring. But by 1409 this too was in trouble and the king gave permission for £100 to be taken each year for 5 years from import/export customs, to finance yet another new haven. This one lasted for the remainder of the medieval period, although costly to maintain (again prompting the king to release the town, for several years, from part of its fee farm).

Economy

Like several other East Anglian towns, Yarmouth's location gave it advantageous access to the Low Countries and the Baltic, as well as to the river system leading into the English interior. Its economy was relatively specialized, it being the country's principal centre for the herring fishery; this stimulated related industries, such as the curing of herring, and boat-building – an industry which also provided vessels for other mercantile activities.

Yarmouth did all it could to monopolize the trade in herring, largely through provisions for hosting. One of the forms this took was that visiting merchants were assigned to townsmen, who supplied accommodations and business assistance in return for a quarter of the hosted merchant's merchandize. Another form was for a townsman to equip and supply a fishing-boat during a season, in return for the right to purchase the entire catch of that boat. Yarmouth's leading merchant families dominated the hosting system; they also acted

contrary to fair market practice by buying herring catches while still at sea and by threats of violence to encourage fishermen to sell their catches or to discourage foreign merchants from buying herring. The king's Statute of Herring (1357) – targeted particularly at Yarmouth, after complaints were voiced in parliament – attempted to combat such monopolistic features, as well as to limit the commission hosts demanded for selling the herring of hosted merchants and to limit the amount of profit from re-sale of herring by merchant middlemen. But it proved difficult to enforce the provisions, there being no will locally to do so. Ordinances drawn up by the Yarmouth administration aimed at reinforcing the dominance of local men. Those of 1300 restricted the rights of outsiders with fish to sell, while defining the rights of hosts and the rights of all townsmen to demand a share of cargoes. Those of 1413 created wardens to supervise the herring trade and required fishermen to sell a portion of their catches (regardless of any arrangements with hosts), through these wardens, to townsmen.

In part because of its fishery, but also because it was a key defensive post on the east coast, Yarmouth was also an important maritime base. Many townsmen were ship-owners, and during the first half of the fourteenth century the town was the largest provider of ships north of the Thames for the navy during the wars with Scotland and France; for the siege of Calais in 1346, for example, it supplied 43 ships – compared to 25 from London, 19 from Lynn, 12 from Ipswich, and 25 of the king's own ships. At different times, three townsmen were even appointed to the rank of admiral of the northern fleet (notably John Perbroun, who commanded the northern fleet at the victory of Sluys).

Contributing ships was an unpopular obligation and was resisted. It of course exposed townsmen to the risks of damage or loss of their ships during war – for which the king rarely provided compensation. Equally important, the often long periods of "arrest" of ships, in preparation for their being called into action, deprived townsmen of the transportation needed to pursue their livelihoods. Furthermore, the town was occasionally required to provide supplies for expeditionary forces, and the king was not prompt in paying for these. By the middle of the fourteenth century, Yarmouth was seeking fee farm relief on the grounds that it had lost more than half of the fleet of some 90 ships that served it in the 1330s, while the war had made fishing boats one of the targets for attack and had generally disrupted maritime trade. Yarmouth's loss of a maritime defensive capability, and the failure of the townsmen to invest in rebuilding their fleet, is one reason why the king put more emphasis in the second half of the century on completing Yarmouth's walls.

A large fleet whose sailors were experienced in naval warfare doubtless contributed in encouraging Yarmouth ships to resort to piracy. Such acts were sometimes directed against the ships of England's enemies, but might equally well be against ships of its allies, or even English ships. An investigation of 1340 accused 34 Yarmouth ships of piratic activities. Yarmouth's ships were similarly the target for piratic attacks. The fleet also came in useful for raiding the Cinque Ports.

Yarmouth's geographical advantages resulted in it surpassing in wealth the larger and longer-established Norwich by mid-fourteenth century; of provincial towns, it had the fifth highest

assessment in the national tax of 1334. But it suffered from the general [economic recession](#) later in the century, from the continual problems with the silting of its harbour, from the draining effects of the constant competition with rivals for control of trade, and from losses to its merchant fleet from war, piracy and shipwreck. In the second half of the fourteenth century, the herring trade was in decline, perhaps initially as depopulation caused by the Black Death reduced demand, but later because the coastal supply of herring was itself dwindling – fifteenth century fishing took place further out to sea – and was subject to greater competition from the fishermen of northern France and the Low Countries. This was offset a little by rising prices – by the close of the century herring was no longer the cheap dietary staple it had been at the beginning.

In the latter half of the fourteenth century, Yarmouth became a rival to Norwich for the status of staple town controlling the wool export trade. As early as 1319, Yarmouth was trying to persuade the king to appoint it a staple town. When Norwich was so appointed in 1353, Yarmouth expressed its resentment by stopping vessels from proceeding up-river to the city. In 1369, however, Yarmouth was chosen over Norwich as the staple, and in the 1390s the role fluctuated between the two towns. Nonetheless, wool exports never became a very significant part of Yarmouth's trade, nor was the trade in wine particularly important to the local economy. Local merchants appear to have relied on [smuggling](#) to increase their profits, which was not too difficult when they themselves were the holders of the various royal posts associated with customs collection or policing of smuggling. As the wool trade diminished, Yarmouth followed the regional trend of turning to the export of cloth, and this trade was of some importance to the town into the early sixteenth century.

Information sources

The following is a small selection of published sources of information about medieval Yarmouth. For additional secondary sources as well as primary sources, see the [bibliography to *The Men Behind the Masque*](#).

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History of medieval Yarmouth



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APPENDIX 1: Yarmouth by-laws

The local records of medieval Yarmouth are focused on a fine series of court rolls; unfortunately these do not extend a great deal beyond coverage of judicial matters (albeit broadly interpreted), although in mid-fifteenth century they diversified a little to include accounts of borough revenues. There is no extant medieval custumal, nor any volume compiling local by-laws until the Book of Oaths and Ordinances (Yarmouth C18/1) begun in the Tudor period. This does, however, include the texts of older documents giving ordinances made at several times between 1272 and 1491 (when a custumal *was* compiled – which must to some degree reflect earlier practices). The ordinances of 1300 were copied from a now missing volume called the "Golden Book", which might have been a medieval custumal (but more probably was a book of general memoranda such as are found at Lynn, Ipswich and Colchester); we also hear of a Domesday Book, Little Red Book and Great Black Book, all of similarly unknown character.

The value of these by-laws is, in part, that they reflect some of the preoccupations, concerns and issues related to borough government and society.



The by-
laws





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History of medieval Yarmouth



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APPENDIX 2: Register of the Hospital of St. Mary: A Calendar

The Register of the Hospital of St. Mary, Great Yarmouth, is written on vellum in a fair script. A compilation of various documents relating to the hospital may have been begun soon after the borough authorities took responsibility for the hospital in 1386 – an initiative which it is tempting to associate with the same spirit that produced constitutional reform of the same year, although the two survivals are probably only coincidence. On the other hand, medieval pagination suggests that the 1398 rental of the properties which provided the operating fund for the hospital was originally a separate document entirely. The creation of a register incorporating the rental would therefore seem to post-date 1398. Various hands are seen in the register, whose compilation continued into the reign of Henry VIII, if one includes amendments to the rental. Henry Manship, who had been town clerk of Yarmouth from 1579 to 1585 and thereafter served the corporation in a variety of roles, was engaged from 1612 in a project to organize and catalogue the borough records. He added to the hospital register an English translation of the whole, and the binding together of the original document and his translation may also be his work. The register, like many of the other documents listed in his catalogue, subsequently disappeared from the borough archives. It is now to be found in the Bodleian Library as Ms. Gough Norfolk 20 (Bodleian 18076).

The hospital is said to have been founded by Thomas Fastolf, in the early years of the reign of Edward I; the Fastolfs were one of the most prominent and longest-lived of the medieval dynasties in Yarmouth (and are best known for being the source of Shakespeare's Falstaff). At about the same time, a leading member of another important (and sometimes rival) local family, William Gerberge, bequeathed money to support priests at the hospital. Its purpose was to support 8 men and 8 women – possibly impoverished or disabled townspeople, although there is mixed evidence in this regard – living a semi-monastic life. It should be remembered that today "hospital" is applied specifically to health-care facilities, but its medieval use was broader – more akin to uses to which we would apply terms such as "hospice", "lodgings" and particularly "a home". St. Mary's hospital was established on a

chunk of territory apparently carved out of the marketplace (in the north-east sector of town); an Elizabethan plan of the town shows a fairly extensive structure with a north-south orientation, but with two wings on the east side and a large house at the south end. The marketplace was on the west side of the hospital and the town wall formed its western boundary (there being gates in the wall on either side of the hospital precinct, which may indicate the hospital predated that section of the town wall.

From the time of the original foundation, bailiffs and community were given a certain amount of control over the hospital. It appears to have been a jurisdictional claim over the hospital by the cathedral-priory of Norwich that prompted the local authorities to intervene and assert their own rights (although the decline or disappearance of the rents bequeathed by Gerberge may also have warranted intervention); a compromise settlement of the dispute between the rival claimants, largely in Yarmouth's favour, resulted in the promulgation of a set of regulations in 1386 to provide a framework for governance. This was a prelude to the corporation taking firmer possession of the hospital, a fairly involved process due to the obstacles of the statute of mortmain and the lack of formal borough [incorporation](#); the process was completed by 1398. In addition to this hospital, the borough government oversaw the running of leper houses outside the north gate.

My aim here is to provide a calendar, not a complete transcript, of the document, although in a few, select cases the calendared text follows the original closely. The abbreviations N., S., E. and W. are used in regard to locations of real estate, to refer to abutting property or topographical features lying to the north/south/east/west of the real estate being itemized.

 **Ordinances** 

 **Endowment documents** 

 **Rental** 



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History of medieval Ipswich



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Origins and early growth

The area surrounding Ipswich attracted habitation from the Stone Age on. Although there was a Roman villa near the northern boundary of what became Ipswich and a Roman road ran through the site, the origins of Ipswich are considered to lie in the seventh century. An earlier Anglo-Saxon settlement in the vicinity lay on the west bank of the River Gipping, but seems to have been no more than a few farms. The town's name, which in medieval times was Gippeswyc, probably refers to the *wic* on the Gipping (or possibly both hark back to the personal name of a leader of a Saxon group of settlers); another proposed derivation of the name connects it with the Saxon "gip", meaning corner of the mouth, and alluding to the point where the mouth of the fresh-water Gipping turned to enter the salt-water Orwell estuary. This associates the name with a later focus of Anglo-Saxon settlement, on an east-west ridge (now the line of [Westgate/Tavern/Carr Streets](#)) crossing the present town centre. On the eastern side of that later settlement have been found kilns which were used for firing pottery made on a slow wheel; this distinctive type of pottery was called "Ipswich ware" and the techniques for making it were introduced from the Rhineland/Frisia ca. 625/650, either by Frisian merchants or immigrating Rhenish potters. Remains of Ipswich ware have been found along a 160-metre stretch of the southern side of Carr Street, indicating that this was quite an important early industry here. "Ipswich People", however, is the name given to

Scandinavians who arrived in the 6th century, founding the kingdom of the East Angles.

Another factor in dating Ipswich's emergence is that at towards the western end of this line of Saxon settlement was [St. Mildred's church](#); this is an unusual dedication, attributable to the fact that St. Mildred (who died ca. 700) had connections with the East Anglian royal family, and suggests the foundation would have taken place soon after her death. The church later became associated with local administration. A possible memory, albeit distorted, associating the foundation of Ipswich with patronage of the Wuffing dynasty may be seen in a statement stemming from a royal inquisition at Ipswich in 1340, which concluded that Ipswich was named after a pagan king "Ypus", who made the town the capital of Suffolk (in part because of its port facilities).

This legend may well reflect some historical truth. It seems quite likely that Ipswich was established ca.625 on vacant, low-lying land stretching north of the river, along whose northern bank simple revetements were built to make it easier for ships to dock. The Wuffingas, who had a royal residence in the area, were the probable agents of this foundation, with the intent to create a port/market to supply their needs for imported goods. This commerce in turn stimulated the development of an export industry in ceramics. However, it also attracted the attention of the kings of landlocked Mercia, who expanded their rule into East Anglia in the late eighth century. Based on evidence from coins found at Ipswich, this change of rulers was followed by a period of economic decline, but renewed prosperity came after the Danish conquest of East Anglia (869).

Deforestation and expansion of the population in Suffolk – which by the time of Domesday was one of, if not the, most heavily populated county in England – helped the Ipswich region (like the Norwich region in Norfolk) become an [economic centre](#). The economic status of Ipswich in the Late Saxon Age is seen in the number of moneys minting coins there. The earliest coins found date from the 970s, decades after a royal decree had allowed towns, burhs and ports to have [mints](#); large numbers of moneys have been identified operating at Ipswich in the eleventh century. By that time, and probably earlier, there were [burh](#) defences at Ipswich. However, Ipswich is more commonly characterized as a "[port](#)" (a centre of commerce), and its inhabitants were known as portmen – a term later restricted, perhaps honorifically, to the [town council](#). Port and burh were probably simply two sides of the same coin.

Ipswich's prosperity in the Late Saxon period is reflected in the fact it was frequently plagued by Danish raiders; their plundering of the town in 919 is the first documentary reference to the town. Another serious assault took place in 991, by a large force that moved on to Essex and fought the [battle of Maldon](#). It was again the starting-point of a Danish campaign in 1010, which led to the temporary overthrow of the Anglo-Saxon monarchy. The town was among the last targets of Danish raids on East Anglia, in 1069. It may have been this, combined with the borough's association with the rebellious Earl of East Anglia, Ralph de Guader – who had a one-third share in the revenues from the borough – that had a devastating effect on Ipswich between 1066 and 1086. Immediately before the Norman Conquest Ipswich had 538 burgesses paying customary dues to the king; by the time of

Domesday there were only 110, with another 100 burgesses too poor to give more than a penny each, while 328 manses (burgage properties) which had previously contributed scot towards the geld due the king were lying waste.

How long it took for Ipswich to recover from the damage done by Vikings and Normans is unknown, but its advantageous location in terms of access to international trade across the North Sea and to regional trade, in a part of the country where there were at that time relatively few market centres, likely helped it bounce back quickly. The large number of burgesses living in Ipswich just before the Conquest, in contrast to there being only 40 acres of arable land held by the burgesses (apparently within the borough boundaries), suggests a high proportion of the residents were earning a living from other than agricultural pursuits. The town had the status of a half-hundred, with its own hundred court; four villages were (at least later) also considered to be part of this half-hundred: Wicks Bishop, Wicks Ufford, Stoke-by-Ipswich, and Brooks. The maritime boundaries of the town also came to extend beyond its local port on the riverside to most of the Orwell estuary.

The 'town centre' was at Cornhill, with various retail markets there and in neighbouring streets. From the principal east-west route (mentioned above) that passed through the town centre, a few streets – particularly Brook Street – led south to the riverfront. The crossroads character of early Ipswich is reflected in the location of the medieval parish churches, which cluster around these two principal east-west and north-south routes, apart from those churches created to serve suburbs or quayside residents. The exception to this pattern being St. Nicholas', a post-Conquest foundation to serve population expansion along a north-south route connecting the town centre with the bridge across the Orwell. The quayside was in a suburb to the south-east; the absence of churches from the area between quayside and town centre indicates the sparseness of population there and helps explain why the Dominican and Franciscan friaries and the Priory of St. Peter and St. Paul were able to build large precincts there. In the northern part of the liberties was Holy Trinity Priory (now parkland). The town and its suburbs were divided into four leets, which were given points-of-the-compass names, suggesting a division on purely administrative grounds rather than on any early concentrations of settlement.



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APPENDIX 1: Account of the setting up of self-government in A.D. 1200

[translated from Latin]

On Thursday following the festival of the Nativity of St. John the Baptist in the second year of the reign of King John [29 June], the whole town of the **borough** of Ipswich gathered in the churchyard of **St. Mary at Tower** to elect two bailiffs and four coroners for the town, according to the specifications of the charter of the aforesaid lord King, which that king recently granted to the the borough. On which day the burgesses, by common assent and with one voice, elected two upright and law-abiding men of their town, viz., John fitz Norman and William de Beaumes, who were sworn to the administration of the ballivalty of the town and that they shall behave well and faithfully to both poor and rich.

They also unanimously elected on that day four coroners, viz. John fitz Norman, William de Beaumes, Philip de Porta, and Roger Lew, who were sworn to the administration of pleas of the crown and to doing other things which concern the crown in the borough, and to supervise the bailiffs in the just and legal treatment of poor as well as rich.

On the same day it was ordained by common counsel of the town that henceforth there ought to be in the borough twelve sworn capital portmen, such as there are in other free boroughs of England, and that they should have full power on behalf of themselves and the whole town to govern and maintain the borough and all its liberties, and to render judgements of the town; and also to take care of, ordain and do in the borough whatever may

need to be done to maintain the status and reputation of the town. And on this matter the bailiffs and coroners declared that the whole town should come to the churchyard on Sunday following the festival of the Apostles Peter and Paul, to elect 12 capital portmen, according to the intent of this ordinance.

On Sunday following the festival of the Apostles Peter and Paul [2 July], the whole town of Ipswich gathered before the bailiffs and coroners to elect 12 capital portmen for the town, as was previously decided. By consent of the town, the bailiffs and coroners elected four upright and law-abiding men from each parish of the town, who were sworn to elect 12 capital portmen from the better, wiser and more able townsmen to make ordinances for the well-being of the town, as was already said. And those sworn men of the parishes came and elected, on behalf of themselves and the whole town, these 12 names written below, viz. John fitz Norman, William de Beaumes, Philip de Porta, Roger Lew, Peter Everard, William Goscalc, Amise Bolle, John de Saint George, John le Mayster, Sayer fitz Thurstan, Robert Parys and Andrew Peper. Who took oath before the whole town that they would govern the borough of Ipswich well and faithfully, maintain as best they could all the liberties recently granted to the burgesses of the borough by the charter of the lord King, maintain all liberties and free customs of the town, render just judgements in the town court without discrimination towards any individual, and moreover ordain and do all things touching the status and reputation of the town, and to deal lawfully and justly with poor as well as rich.

On the same day as the 12 capital portmen were sworn in this fashion, they required the whole town to raise its hands over the book and in one voice to solemnly swear that from that hour forth they would obey, attend, counsel and support the bailiffs, coroners, and each and every of the 12 capital portmen, with their bodies and their chattels for the purpose of preserving and maintaining the reputation, liberties and free customs of the town in whatever location necessary (excepting against the lord King or his power), with all their might, insofar as they ought to do within justice and reason.

On the same day it was agreed that the new charter of the King be handed over to two upright and law-abiding townsmen for safekeeping, viz. John fitz Norman and Philip de Porta, who were sworn to faithfully keep the charter and deliver it to the town when it shall be necessary and when they shall be warned and required to do so by the town. And because as much had been ordained and done for the status and reputation of the town as could be that day, it was agreed that the bailiffs, coroners and all capital portmen should come together on Thursday next after the festival of the Translation of St. Thomas the Martyr to ordain and do whatever might be required for the status and reputation of the town.

On Thursday following the festival of the Translation of St. Thomas the Martyr [13 July], the bailiffs, coroners and all capital portmen gathered to deal with and ordain for the status of the town of Ipswich.

- **First, they ordain that all custom of the borough henceforth be collected by the hand of the bailiffs and four upright and law-abiding men of the borough. And that they pay this annually to the King's Exchequer for the rightful and traditional farm of the town.**
- **Also, they ordain that there be two beadles in the borough, sworn to make all attachments and distrains, and carry out all orders from bailiffs, coroners and capital portmen which ought to be done in the borough. And that one of the beadles be keeper of all prisoners who shall be arrested by the bailiffs; which keeper is to find surety for his safekeeping of all prisoners etc.**
- **Also, they ordain that, [it was decided] by common counsel of the town, there be made a common seal of the borough to be used in important business concerning the borough community, and for sealing letters giving the official opinion of all burgesses of the borough, and for doing all things that need to be done for the common reputation and utility of the town. The common seal is to be in the custody of three or four upright and law-abiding men sworn to that task before the community of the borough.**
- **Also, they ordain that, [it was decided] by common counsel of the town, there be in the borough an upright, law-abiding and suitable man to be alderman of the Merchant Gild in the borough. And that four upright and law-abiding townsmen be associated with him. The alderman and those four shall be sworn to well and faithfully maintain the Gild and all that belongs to it.**
- **Also, they ordain that the new charter be conveyed into open session of the county court of Suffolk and to Norwich into open session of the county court of Norfolk. And that the charter be manifestly read out in those courts, so that the liberties contained therein be publicly known and disseminated in locations throughout the counties.**
- **Also, they ordain that no burgess of the town may be exempt from customs [collected] in the town on his merchandise, if he be a merchant, unless he be at lot and scot in the common aids and business of the town.**

On Sunday following the festival of the Nativity of the Virgin Mary [10 September], the community of Ipswich gathered before the bailiffs, the

coroners, and the other capital portmen of the town to hear all the above ordinances, which were read out before the people in the churchyard of St. Mary at Tower. After the reading, the whole community unanimously consented to the ordinances. Afterwards they elected bailiffs to hold office during the coming year, viz. John fitz Norman and William de Beaumes. On the same day they elected four men to join with the bailiffs in collecting town customs, viz. Peter Peper, Norman Halynoth, Clement le Palmer, and Leman de Ponte. On the same day they elected two beadles, viz. John Prikehert and John Hawe, who were sworn to well and faithfully collect attachments and distrains and to carry out all orders given by bailiffs, coroners and portmen that pertain to their official duties. John Prikehert was elected to be keeper of the prisoners of the town, and he found sureties for answering for any escapes by prisoners, should that happen (which God forbid), viz. Edmund de Marisco, Peter Peper, John Hawe and Thomas de Horner. And because no more could be accomplished on that day, it was agreed that bailiffs and community would be here on Thursday following the festival of St. Faith to elect an alderman and do other things not possible now. The bailiffs were asked, in the interim, to have a common seal made, as ordained above.

On Thursday following the festival of St. Faith [12 October], the bailiffs, coroners, and other capital portmen, and the whole community assembled in the church of St. Mary at Tower. The bailiffs showed the common seal of the town which had recently been made. Then there were elected three of the more law-abiding and capable men of the borough to have safekeeping of the seal, viz. John fitz Norman, William de Beaumes, and Philip de Porta, who were sworn before the community to well and faithfully take care of the seal, and not allow it to be applied to any letter or other [written] instrument, unless it shall be to the common honour and utility of the town or the burgesses of the town, and that by agreement of their peers. And furthermore it was agreed that the town charter remain in their custody.

On the same day was elected, by common counsel of the town, an alderman, viz. William Goscalc. And four were elected to be his associates, viz. Peter Everard, John le Mayster, Roger Lew and John de Saint George, who were sworn together with the alderman to well and faithfully govern the Merchant Gild of the borough of Ipswich and all articles belonging to the Gild; and that they treat all brethren of the Gild well and lawfully. Afterwards the alderman and his four associates, in the presence of the townspeople, said that all who are of the liberty of the town shall come before them on a certain day, time and place to be announced, to place themselves in the Gild and contribute to the hanse of the Gild.

[The following section is found only in the 16th century copy of the Ipswich Domesday. Other factual evidence (e.g. custumal, [cap.75](#)), along with spelling of certain words, make it unlikely this is a post-medieval insertion, yet it is not clear why this section, if part of thirteenth century source records from which

medieval copies of the Domesday were made, is not in those earlier copies. Possibly it was omitted because recorded separately in the Merchant Gild's own records and not considered relevant to the daily work of borough administration, for which the Domesday was a reference tool (rather than being an historical record).]

On the same day the bailiffs, coroners and other portmen, and the whole community discussed together how and by what means it would be best to provide for the maintenance of the Merchant Gild and all that belongs to it. The bailiffs, coroners, and other portmen, and the whole community with one voice agreed and ordained that the alderman who had now been elected and all aldermen who should be elected in the future might have and control for the profit of the Gild the buying and selling of all the merchandise listed below, viz. millstones, rubstones, dogstones, quernstones, grindstones, gravestones, mortars of marble, and pavingstones of marble. The alderman, by his oath, ought to render a correct and just account each year, before the bailiffs and coroners, of all profits made and interest acquired from the year passed as a result of the buying and selling of the aforementioned merchandise. Furthermore they unanimously agreed that henceforth no resident of the town – not anyone, denizen or alien – may be involved in the buying or selling of the said merchandise within the town or within its liberties and precinct, except only the alderman of the Gild for the use and profit of the Gild. And this under penalty of forfeiture of all such merchandise bought or sold.

The same day it was permitted by the whole community, at request of the 12 capital portmen, that for the labour they undertake for the community, they may have Odenholm meadow for feeding their horses.

Also, it was ordained and agreed by the whole community that the laws and free customs of the town should be set down in a particular roll, which shall be called *the Domesday*. This roll shall always be kept in the custody of those who shall at the time be bailiffs of the town, so that they may know how to carry out their office. All statutes of the Merchant Gild shall be placed in another roll, just as is done in other cities and boroughs where there is a Merchant Gild. The alderman may always have this roll in his possession, so that he know how to carry out his office.



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APPENDIX 2: Calendar of usages and customs of Ipswich

A transcription of two versions of the custumal was published in *The Black Book of the Admiralty or Monumenta Juridica*, ed. Travers Twiss. Vol.II: "Le Domesday de Gipewyz." Rolls Series, no. 55 (1873). One version, in French (British Museum Add.Ms.25012), is from a copy made in the early fourteenth century (possibly 1309) and still in use as a reference tool ca. 1350. The second was an English translation (British Museum Add. Ms.25011) made in the fifteenth century. These versions list 83 chapters, although whether all were in the reconstitution of the custumal in 1291 cannot be said with certainty; the English version's numbering of the chapters goes from 1-80, because of errors in counting (double use was made of two numbers in the sequence). That reconstruction of the customs took place from memory, through the work of a committee several of whose members were past or present bailiffs or portmen, and as such dealing with the application of local law, while others were wealthy citizens whose business activities would also have given them experience of the courts. Several of the chapters read almost as though notes of a committee discussion. There would be nothing unnatural in the committee having taken the opportunity to update the customs; e.g. the enrolment of testaments (cap. 15) is not evidenced before 1281. If any of the first 83 chapters represent outright additions to the original custumal, however, it is most likely to be the later ones; see notes to caps. [75](#), [78](#) and [81](#), which surely post-date the theft of the original. Certainly the older version shows several hands were involved in copying the chapters, which may also suggest compilation over a period of time.

My aim here is to provide an abstract in modern English (technical terms excepted) and to add to the core of the custumal abstracts of later ordinances recorded, in various copies of the Domesday, as though extensions of the custumal – these are not to be found in Twiss. I preface the list of customs with a modern English abstract of the rationale of their redrafting in 1291. I have inserted explanatory notes or elaborations for purposes of clarity in square parentheses [].

Twiss' edition of the custumal added, after the 83 chapters, a list of fees payable to porters of merchandize and extensive lists of tolls due on merchandize sold in the various town markets – these tolls being part of the [fee farm](#). These are not strictly speaking part of the custumal, although one town clerk in the fifteenth century decided to extend the English version of the custumal by adding to them the chapter numbers 81-91 (again a double use of one number meant that the numbering should properly have extended to 92). This version of the custumal also has, as its cap.81, a chapter that Twiss omitted entirely. It is a curious chapter since, from its date, it appears to be a continuation of the chronicle of the [setting up of Ipswich's government](#), and later in the volume is repeated in that context. It states that on 19 October 1200 the bailiffs had an inquisition made by 12 men to determine which ecclesiastic landowners in the countryside around Ipswich ought to be quit of toll in the town; the results of the inquisition, naming the ecclesiastics, are given.

At some point in the fifteenth century, two sets of ordinances – one enacted by the borough government in 1429 and the other in 1474 – were treated as if extensions of the custumal, by the addition of chapter numbers and titles (as marginalia) to the individual ordinances. The 1429 ordinances appear in Add.Ms. 25011, but are not treated there as part of the custumal. It is in the White Domesday (so-called because of its white leather cover), a fifteenth-century version held among the archives of the borough of Ipswich, that both sets are numbered as if a continuation of the custumal. This was evidently an afterthought. The earlier set of ordinances are on folios 17-19, the original custumal on ff.20-49, and the later set of ordinances on ff.74-77. The numbers and titles were added in a later hand than either of these sets of ordinances. Other important ordinances in the same book, from the late 13th and mid-14th century, were ignored by the clerk who perceived the later ordinances as part of the custumal, suggesting that they were too out-dated to be of interest although the fifteenth century ones clearly were still in force.

I include these later additions to the custumal for interest in comparing thirteenth and fifteenth century preoccupations; I give in some cases just a brief indication of the theme of a chapter and in others a fuller abstract of the Latin original. The ordinances of 1429 are [capitula 84-89](#) and those of 1474 are [capitula 90-101](#). It is evident that cap.93-100 are an artificial division of what is really one ordinance dealing with treatment of outsiders as defendants in the borough court.

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This is the Domesday of the laws and usages of the town of Ipswich.

The old Domesday of the laws and ancient usages of the town, along with other rolls and memoranda, were illegally carried off by a deceitful Common Clerk of the town. After which, the customs were often altered from their original tenor, through the perversion of justice; as a result of which some folk have been harmed, to the disgrace of the town. The community of the town, wishing to remedy this situation and ensure that the laws are correctly known, unanimously ordained in the 19th year of King Edward son of King Henry, in the time when John Clement and Vivian Silvester were bailiffs, that as soon as the correct form of the laws and usages could be determined, they should be recorded in a Domesday and sealed with the common seal. In that way the bailiffs and burgesses, both present and future, may have certain knowledge of the customs. To accomplish this task the community chose 24 of the wisest townsmen who were most knowledgable about the town's laws and usages; viz. Philip Harneys, John Clement, Vivian Silvester, Thomas Aylred, John de Causton, John Harneys, Laurence Haraud, Hugh Haraud, John Leu, Richard Leu, Thomas Stace, John de Whatefeld, Thomas le Rente, Thomas le Mayster, Laurence Cobbe, Arnold le Pelleter, Thomas dil Stone, Nicholas le Clerk, William le Maiden, Elias le Keu, Richard Clement, Gilbert Robert, Alexander Margaret, and John de Bresete.



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APPENDIX 3: Oaths of officers and burgesses

Oaths are useful sources for showing the expectations that the community had of the performance of its official representatives or its servants, and of the return obligation of the members of the community. At the ceremonies for swearing in officers, or for men entering the franchise, the text of the appropriate oath would be read out while the oath-taker had his hand on the Bible and (presumably) stated his agreement/compliance at the end of the reading of the oath.

Most oaths are known only from undated but late versions recorded in the Ipswich Domesday books, although some of the key elements are found in the account of the setting up of self-government in 1200 or implied in the custumal. A proto-version of the oath required from the new burgess is found in a court roll from 1339/40, with minor elaborations made in 1346. My aim here is to render them in modern English, rather than give an absolutely literal translation.

Burgess' oath, 1346

They are sworn that they shall be at lot and scot in all aids [imposed on] the town of Ipswich whenever and to whatever extent shall be necessary and whenever they are forewarned to contribute to the same by the officers of the town. And that they shall not pretend to be their own the goods or merchandize of foreigners or outsiders. And that they shall resolutely conceal the secrets of the town. And that they shall be obedient to the bailiffs and their [i.e. the bailiffs'] officers and to the coroners of the town who are, or shall be, not causing any dissension or conspiracy to the disturbance of the

town. And that each one of them shall have a residence within the town liberties within a year and a day; if not, then the liberties granted to them shall forever be considered void.

Burgess' oath, late 15th century

Hear this, you bailiffs, coroners and portmen, and all other men present, that I shall henceforth be a true burgess and keep [to myself] the counsels and private matters of the town and its Great Courts, and not discuss them. Nor shall I in any way disguise the goods of any man as my own goods, so that the town should lose any right or profit – that is, custom, toll or other profit to which the town has a right. And also I shall be obedient to present or future bailiffs and portmen, and at all times obey to the best of my ability the commands of the bailiffs. And also I shall be to the best of my ability at lot and scot as a burgess to all types of charges that must be borne by the town or the franchise. And I shall support and maintain the town and franchise with my body, goods and chattels against all men, except our sovereign lord the king and his royal authority, so help me God. And also I shall have within a year and a day a freehold within the town (as a burgess should), at which I may be summoned, or else lose my burgess status forever.

[to which a slightly later hand has added]

Every man who strives to become a burgess of this town shall first be examined under oath upon a Book that he is no bondman, but free-born and of free status. For no bondman shall be admitted as a burgess, not for gold, nor silver, nor any other thing. Ordained in the 23rd year of King Henry VII [1507/08].

Bailiff's oath, early 15th century

You swear that you shall serve our lord the king well and loyally in the office of bailiff of the town of Ipswich, keep his borough safe and sound, protect it for him and his heirs, perform all duties for preserving the rights of king and crown, and not allow any concealment of the rights of franchises of the king. And if you know of any rights of the king that are contravened or concealed, do your utmost to combat it; and if you cannot, then you will inform the king or those of his council who you anticipate will advise the king. And you will treat the people of your ballivalty properly, doing right to anyone – resident or stranger, rich or poor – in all things that belong to you to do. And not through shame nor for riches, gift, promise or favour shall you disturb anything or take anything so that the king or his rights suffer. And that you take good care in the assizes of bread, wine, ale and all other victuals and measures in the borough, taking swift action against infringements that are found, and well and faithfully administer all constitutions and ordinances recorded in the common book called the Book of Constitutions of the

Borough. And you shall well and faithfully perform all other duties pertaining to the office of bailiff, so help you God.

Chamberlain's oath, early 15th century

You swear that you shall collect and levy, or make to be collected and levied, to the works and profit of the town, all rents, **farms**, customs, tolls, **ameracements** of court and **leet**, and all other dues, profits and commodities of the town that pertain to your office of chamberlain. And that you handle the revenues of the town honestly, to the best of your ability, not concealing a penny nor the value of a penny to your own use and to the loss of the town, but well and truly render account to the community of the town, or to those whom they assign, at any reasonable time when required, so help you God.

Sergeant-at-mace's oath, early 15th century

You swear that you shall duly and honestly execute all summonses, **attachments**, decrees, orders and requirements of court, bailiffs and coroners that pertain to your office of sergeant, carrying out and making return on all you are charged to do. Not concealing any complaint, nor making any summons, attachment or decree without orders from the bailiffs, [justices of the peace interlined in a later hand], coroners or court. And well and honestly performing your duties within a reasonable time, so help you God.

Portman's oath, mid-15th century

You shall swear to well and faithfully keep and govern the town of Ipswich and maintain, to the best of your ability, all liberties, franchises and good customs of the town. And to give your full aid and support to the indifferent rendering of judgements of the court, with equal regard to every person, both rich and poor. And do the best you can for the honour of the town, so help you God.

Councillor's oath, mid-15th century

You shall swear to be diligent in attending the Great Courts and assemblies of the general council of the town of Ipswich, and [in responding to] commands of the bailiffs. And not to procure, agree to, or give advice to any major decision that you consider prejudicial or to the damage or dishonour of the town. But to give your fullest support, advice and agreement to the preservation of the liberties of the town, for the profit, benefit and honour of the town and its burgesses, so help you God.

Common clerk's oath, late 15th or early 16th century

[this oath was hurriedly scrawled out, with deletions and interlined additions, and parts are illegible - which I indicate by ellipses]

You shall swear to keep a true record of all pleas, executions [of judgements], [legal] processes and actions [brought] before the bailiffs and the coroners [deleted] ... and record extracts of all that ... pleas and ... as for your ... that may be profitable to the town. And behave well and honestly in all things that pertain to your office, so help you.



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History of medieval Ipswich



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APPENDIX 4: Account of revenues and expenditures, 1446/47

Only two sets of financial accounts have survived from medieval Ipswich, one from the 1446/47 fiscal year, the other from 1463/64; these happen both to be years in which a royal charter was obtained by the borough, but this is surely no more than coincidence. Of the two, that of 1446/47, on parchment, is more complete although the writing is faded in parts; it was the final document drawn up as a record of the end-of-year audit. The later document has the appearance of a more detailed, but rougher, working copy and was written on paper (with the result that parts have been lost through deterioration over time), probably with items of receipt and expenditure in some chronological order; the 1446/47 account also makes reference to a paper copy, perhaps used for the interim quarterly audits.

The purpose here is to give a summary of the sources and amounts of income and expenses, divided as per the sub-headings of the original document, with my clarifications/elaborations in square parentheses [].

The account of Richard Tough and John James, chamberlains there [in Ipswich] from the festival of St. Michael Archangel [September 29] in the twenty-fifth year of the reign of King Henry VI to the same festival in the twenty-sixth year

Receipts

Town rents [*i.e. from community-owned properties*]
Plus [rents separately listed] in the rental

15s.6d
£1.0s.0d

| | |
|--|-------------------------|
| Renders paid in cash <i>[viz. licences purchased by manors to have freedom from local tolls on merchandise; 4d per manor]</i> | 3s.6d |
| Renders paid for toll on grain <i>[viz. licences purchased by manors to have freedom from toll]</i> Plus, [outstanding] from the account of Roger Stannard <i>[chamberlain the previous year]</i> | 11s.6d £1.7s.7d |
| Leases of lands Plus, [outstanding] from the account of Roger Stannard | 2s.8d 4d |
| Leases of houses <i>[including market stalls and the Gildhall cellar]</i> | £2.9s.4d |
| <u>Farm</u> of mills, fisheries and weirs <i>[notably, Horswade mill, and two mills at Stoke Bridge]</i> | £22.16s.8d |
| Farm of fullers stalls in the moothall Plus, [outstanding] from the account of Roger Stannard | 14s.11d 7s.10d |
| Farm of stalls in the butchery building Plus, [outstanding] from the account of Roger Stannard | £12.1s.8d £5.15s.0d |
| Stallage in the market and other places <i>[the other places included under the Moothall, a draper's stall being mentioned there]</i> | 5s.2d |
| Customs from woolpells and carcasses Plus, [outstanding] from the account of Roger Stannard | £7.0s.4d £3.17s.8d |
| Farm of the Woodbridge market with customs therefrom. Paid by the Prior of Woodbridge, as per the <u>composition between town and priory</u> made in time-beyond-memory | £1.0s.1d |
| <u>Tronage</u> and mensurage of salt, grain and coal Plus, [outstanding] from the account of Roger Stannard <i>[these were fees for weighing and measuring amounts]</i> | £2.13s.11d £11.6s.1d |
| Customs on ships and boats, with cranage <i>[cranage was a fee for using the town crane to load or unload cargo]</i> | £2.11s.11d |

| | |
|---|-----------------------|
| Great Custom <i>[on wool exports, imposed 1275]</i> | £17.9s.6d |
| Fines paid by <u>foreigners</u> for [exemption from] toll and custom Plus, [outstanding] from the account of Roger Stannard <i>[all of the 50 men purchasing the annual licence to trade without paying toll appear to be inhabitants of Ipswich; the fee ranged from 2d. to 3s.]</i> | £2.17s.5d £1.5s.0d |
| Toll on grain Plus, [outstanding] from the account of Roger Stannard <i>[this was collected at the Cornhill market; an excuse was offered for the low yield on the grounds that many men had bought exemption from the toll]</i> | 8d 1s.10½d |
| Fines from [admission of] newly made burgesses <i>[three entrance fees of 40s. each; a fourth fee was said to have been received but not accounted for, due to concealment on the part of the chamberlains]</i> | £6.0s.0d |
| Profits from <u>leet</u> and courts Remaining in the hands of Thomas Heyle, Richard Baker and George Page <i>[this section was a mini-account, viz:</i> <ul style="list-style-type: none"> • £4 delivered by the <u>sergeants</u> (as above plus John Burgon) as court estreats • 32s. taken out of estreats by the sergeants, to pay for their liveries • 20s.4d from leet and courts already in the pyx (treasury) • 8s. from Burgon for court and leet profits • 6s.8d from Heyle for the same] | £7.7s.0d £11.0s.2d |
| <u>Hawgable</u> Plus, [outstanding] from the account of Roger Stannard taken from diverse persons as per ancient custom, viz. 1d from every message in town under a single roof | 14s.0d 2s.0d |
| total <i>[apparently calculated in exclusion of the amounts outstanding from Stannard and estreats 'still in the hands of' (probably meaning not yet collected by) the sergeants, although a small discrepancy still remains]</i> | £88.6.3d |
| Expenses | |
| Rents resolute and <u>fee farm</u> <i>[the borough owed rents from its property to the bailiffs of Wykes Ufford and of St. Peter's Priory; the fee farm was, and had been since the late 13th century, £60]</i> | £74.15s.0d |

| | |
|---|---|
| <p>Fees of bailiffs, officers and counsel of the town:</p> <ul style="list-style-type: none"> ● bailiffs, nothing – the money due from the sergeants having been [punitively?] allocated to their annual fees ● Reginald Rous, counsellor to the town ● William Bury of Colchester, counsellor to the town ● Thomas Bishop, clerk of the courts ● sergeants [<i>as named above</i>] ● John Bole, collector of the Great Custom ● Thomas Denys, town attorney in the common law courts ● Thomas Depden, town attorney in the Exchequer ● John James and Richard Tough, chamberlains ● William Rideout and John Smith, parliamentary burgesses at Bury St. Edmunds (26s.8d each as per an agreement made with the bailiffs) | <p>0</p> <p>£1.0s.0d</p> <p>£1.0s.0d</p> <p>£2.0s.0d</p> <p>£4.0s.0d</p> <p>£2.0s.0d</p> <p>£1.0s.0d</p> <p>13s.4d</p> <p>£3.0s.0d</p> <p>£2.13s.4d</p> |
| <p>Liveries of the servants [of the borough] <i>[amounts paid for coloured woollen cloth for the uniforms of town clerk, collector of Great Custom, and sergeants]</i></p> | <p>£2.12s.4d</p> |
| <p>Costs of houses <i>[payments for repair and maintenance of community-owned properties, such as the Fleshhouse (butchery), Woolhouse, and the tavern underneath the moothall]</i></p> | <p>13s.2d</p> |
| <p>Costs of stalls <i>[repair and maintenance of market stalls]</i></p> | <p>10s.4d</p> |
| <p>Costs of mills <i>[the numerous payments under this heading indicate that the mills required quite a bit of maintenance]</i></p> | <p>£6.15s.8d</p> |
| <p>Costs of [maintaining] the quay and the crane</p> | <p>9s.7d</p> |
| <p>Purchase of cowskin <i>[this section dealt with minor expenses of bureaucracy, including purchase of parchment and paper, and maintenance of the gaol]</i></p> | <p>9s.7d</p> |

| | |
|--|-------------------|
| <p>Expenses of bailiffs, burgesses and officers:</p> <ul style="list-style-type: none"> ● 6s.8d for breakfast for bailiffs and counsellors of the town, in the house of Thomas Bishop on 6 October 1446, to discuss and deal with town business ● 5s.4d for breakfast for bailiffs, capital pledges and leet affeerors at the affeering of leet ameracements ● 14d for breakfast for bailiffs and John Smith, with payment to Smith for his expenses in riding to London on town business ● 12d for a gallon and a half of wine for bailiffs and other officers when they collected moneys to pay a certain debt of Isabelle Astley [<i>widow of a former bailiff</i>] ● 21s.6d for expenses of bailiffs and others of the town council on the day of arbitration with John Andrew [<i>a Suffolk J.P., but perhaps in this context as son and executor of James Andrew, a prominent burgess</i>] ● 3s.4d for dinner of Reginald Rous when he came at the order of the bailiffs ● 3s.8d to Christiana James for expenses [in lodging?] Reginald Rous when he came on town business at Corpus Christi ● 3s.1d for expenses of Reginald's horses at that time, paid at Colchester | <p>£2.5s.9d</p> |
| <p>Extrinsic expenses [<i>viz. entertainment of, or rewards to, outsiders</i>]</p> | <p>£5.12s.10d</p> |
| <p>Foreign expenses:</p> <ul style="list-style-type: none"> ● 20d to John Wode for conducting town business at London ● 12s. to Thomas Bishop for riding to London on town business, taking money collected as a loan to the king; 3s.8d for his horse ● 26s.8d to Thomas Denys and Roger Stannard for having the charter of town liberties enrolled in the king's court ● 40s. to William Donton for riding to London, to the Duke of Suffolk, on town business ● 2s. to Thomas Bishop for a horse when he went to London to obtain a new charter ● 6s.8d to John Burgon for leading Henry Parker [<i>a prisoner?</i>] to London ● 16s.8d to John French and John Douche as compensation for damages received from the sheriff, in matters touching the town liberty ● 10s. for expenses of John Tough and John Bishop in riding to | <p>£7.6s.8d</p> |

| | |
|--|------------------|
| Norfolk, to speak with Isabelle Astley and John Holdirnesse [<i>her husband?</i>] on town business | |
| <ul style="list-style-type: none"> • 3s.4d for expenses of Thomas Bishop in riding to the said Isabelle and John • 6s.8d for a cart with two drivers taking victuals to the parliament at Bury • 8d to George Page for carrying the town charter to London • 23s.4d to Thomas Depden for his work in the Exchequer | |
| And paid to the bailiffs for their fee [<i>it seems the auditors relented on their earlier decision to penalize the bailiffs for the failure of their sergeants to collect all the estreats</i>] | £10.0s.0d |
| total [<i>again the calculations are imperfect</i>] | £111.6.5d |
| Thus the expenses exceed receipts by £23.0s.2d. Later 46s.8d handed over by William Whethereld, from the surplus of the king's <u>fifteenth</u> , was applied to this, leaving a deficit of £20.13s.6d. And 5s. was paid to the clerk for drawing up this account; therefore, £20.18s.6d. | |

For purposes of comparison, the account of the sheriff from 25 March 1285 to 29 September 1286 included the following revenues for the last six months of that period:

- 110s. from the farm and rent of Horswade mill and the New Mill
- 41s.6d from hawgable
- 14s.1d from stallage
- £10.11s. from customs collected at the quay
- 78s.4d from toll on corn and barley sold
- 79s. from petty customs
- £4.8s. from the leet court, mensurage, and fines for transgressions
- 40s. from court pleas and perquisites



Ipswich history



main menu



appendix 1



History of medieval Colchester



[MAIN MENU]

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Origins and early growth

Few, if any, of England's towns can lay claim to the longevity that Colchester can; certainly none in East Anglia. The site was inhabited by the seventh century B.C. and was in the first century B.C. the capital of one of the various kingdoms of which ancient Britain was composed. This settlement lay on the ridge above, and the slope stretching down to, the southern bank of the Colne River, just a few miles northwest of where the Colne emptied into the North Sea. This capital was an early target of the Roman invaders (A.D. 43) and within a few years they had converted it into [Roman Britain's first colony](#) of retired legionaries and the administrative centre of a canton; a solid wall was built to protect a rectangular-shaped area beside the river. The wall and the Roman streets influenced the [layout of medieval Colchester](#).

After the Romans left Britain, the Saxons settled within the old walls (an atypical case of Saxon habitation of a Roman town), but we have no mention of the town until 917, when it is evident that it was being contested between Danes and Anglo-Saxons. Its walls continued to make it an important regional stronghold and, by the time of [Domesday](#), it was a [borough](#) of some significance, with the status of a [hundred](#), its own court, a mint (an indication of the importance the king placed on a town), and several churches. The Colchester entry in Domesday is more detailed than those for most East Anglian towns, and the term *civitas* (city – although here possibly implying "district") is applied alongside that of borough. There were 276 [burgesses](#) in 1086 under the direct lordship of the king, and about 450 households in all within the borough's boundaries.

The Normans recognized Colchester's strategic value and, perhaps within a decade of the Conquest, began constructing a castle which included the largest keep in Europe, built atop the foundations of the principal Roman temple. The king included control of this fortress among various properties and authorities in Essex given to his steward, Eudo, as reward for his long support; Eudo may have been in charge of its construction (at least, later generations thought so). Henry I went so far as to turn over his lordship of Colchester to Eudo in 1101, although it reverted to the king after Eudo's death (1120). Eudo in 1096 founded St. John's Abbey just south of the walled town; the abbey held an annual fair for a few days in June. A little to the east of the Benedictine abbey site, again just outside the walls, was a church whose dedication – to St. Botolph – indicates it of Anglo-Saxon origin. A few years after, and probably in response to, the foundation of the abbey, this church became an Augustinian priory. Still further east, Eudo founded a leper hospital dedicated to St. Mary Magdalene; Richard I granted that the hospital have the right to hold a fair in July.

The twelfth century saw the town expanding beyond the walls, particularly into a suburb to the south, around the abbey and priory. A thriving, if somewhat detached, suburb also developed to the south-east around the town's harbour at New Hythe; this was successor to an earlier haven at Old Hythe further south along the river, which was revived in the 1340s, perhaps being about as far along the river as sea-going ships could navigate. Lesser suburbs arose around the bridges across the Colne to the north and east of the walled area. This was the shape of medieval Colchester. Nonetheless, we should hardly think of the town as crowded by modern standards; its population in the Late Middle Ages probably fluctuated between 3,000 and 8,000.





Colchester domestic architecture

There remain a few examples of 15th / 16th century architectural styles, such as those in the Stockwell Street area and [top] near North Bridge; they leave a faint impression of how Colchester might have looked at the close of the Middle Ages.

photos © S. Alsford

Development of local government

Colchester's first known royal charter was received in 1189 and gave the borough the foundations of self-government. The similarity between the terms of this and the 1133 charter of London liberties has led to speculation that the 1189 grant may have been only a confirmation, or modification of an earlier one, perhaps from just before the period (1178-94) when burgess representatives seem to have been answering for the borough farm; however, we should not read too much into this. Through the 1189 charter the king permitted the townsmen the right to choose, from among their number, two bailiffs to head the administration of local justice, which included authority over matters relating to commercial and real estate transactions; he recognized the pre-eminence of local customs within the borough bounds (or "liberty"), while exempting the borough from certain external authorities or obligations. Freedom from paying tolls on merchandise in other English localities was granted, and the holding of any market (other than the borough's own) within the liberty was prohibited. Fishing rights along a particular stretch of the Colne (regardless of who owned the land along the banks) were confirmed, as was the right to hunt fox, hare or polecat within the liberty.

Archaeology has provided evidence that the seat of local government, the moot hall, may have been built around that time. Administration focused around the sessions of the town court held there. The official "hundred court" was held on Mondays – usually fortnightly, but sometimes weekly – to deal with normal legal business; additional court sessions were introduced as the fourteenth century wore on, on any weekday necessary, to take care of extra business, pleas introduced by non-citizens, and cases whose handling required speed. In addition, 3 lawhundred sessions were held annually, at which all those owning land in the town (whether burgesses or not) were supposed to attend; here were made the public presentments of breaches of local custom, ordinances and national statutes. Four

administrative wards cross-cut the geographical entity that was Colchester, comprising the walled town, its suburbs and neighbouring villages (see under Economy).

Colchester underwent the growth pains typical of most medieval towns, in terms of contests for jurisdiction with neighbouring authorities. The bailiffs had to share jurisdiction in the rural parts of the liberty with manorial lords, who would have preferred complete independence for their estates. As early as Domesday the town was complaining that some of the properties which had formerly contributed to paying the customary dues owed by town to king were evading that obligation. In Colchester's case the main rivals were the Abbot of St. John's, a powerful and wealthy ecclesiastic, and John FitzWalter lord of Lexden manor together with his steward (and tenant of Langenhoe manor) Lionel de Bradenham. The latter lost their contest – which focused on rights relating to the river – after resorting to illegal methods, including intimidation of individual townsmen and a 13-week siege of the town (1350), which led to the king imposing crushingly heavy fines on them.

The abbey was the single most important landlord of the properties within the borough liberty, although his lands were mainly in the villages; the abbots pursued a policy of improving their estates, which often involved enclosing parcels of land. The not surprising result was that the abbot and the town would come into conflict over jurisdiction regarding those areas. The townsmen were quick to challenge any encroachment on what they considered their rights of passage, pasturage, hunting or fishing within the liberty. Furthermore, up to mid-fourteenth century, many of the men who led the town government as bailiffs were themselves prominent landholders. Much space in the medieval borough records is taken up with documents pertaining to the legal battles. In 1254, for example, a settlement of disputes between the parties led to the abbot acknowledging the right of the burgesses to hunt hare, fox and cat in parts of Greenstead and West Donyland (hamlets within the liberty), with catches tolerated even in the abbot's own hunting warren so long as the townsmen called back their dogs once the prey was caught, and so long as reparations were made for any damage to crops. In return the borough recognized the abbey's warren in West Donyland, granted the monks and their tenants freedom from tolls on goods for personal use (goods for purposes of resale, however, were still to be subject to tolls), and agreed to the abbey having pillories and cucking-stools in West Donyland and Greenstead.

Agreements such as this tended to fall by the wayside when new disputes arose. A series of complaints made by the townsmen in the 1280s before the law hundred or to the king indicate the kinds of disputes that continued to plague town-abbey relations; charges included that the abbot:

- was holding his own court and summoning townsmen to answer charges;
- had set up a gallows and cucking-stool (for adulterers), and was claiming jurisdiction in the assize of bread and ale within Greenstead and Berechurch; (in fact, in 1253 the abbot had complained about a Colchester mob pulling down his gallows and cucking-stool at Greenstead);
- was refusing borough coroners jurisdiction on lands held by the abbey within the liberty, calling in the county coroners instead;

- was claiming hunting rights in Greenstead and Berechurch and had enclosed in the former some land on which the townsmen traditionally had hunting rights;
- had built a weir across a waterway belonging to the town, and had blocked and enclosed one the roads in the liberty;
- had enclosed a meadow at Hythe on which the townsmen had communal rights;
- was preventing townsmen's right-of-way on several other roads or paths within the liberty;
- was withholding payments of rents that ought to contribute to the fee farm of the town;
- had created a drainage ditch from the abbey infirmary that was foul-smelling;
- claimed that he and his tenants were exempt from paying local tolls on any goods produced on his properties within the liberty;
- was refusing to pay 3s. due towards the fee farm for the abbey's right to hold a fair.

The abbot's defence was, essentially, that the abbey and its properties were not, administratively, within the borough liberty. Inquisitions into the disputes for the most part came to the opposite opinion. In the second half of the century, the disputes between town and abbey quietened, but flared up again at the close of the century – with a particularly assertive abbot having been accused, in 1398, of sending armed riders into the town to terrorize the citizens – and continued in the fifteenth, when the abbot's name again features prominently in lawhundred presentments.

A royal charter of 1447 was acquired by the townsmen in order to try to overcome local disputes. The charter included the specification of which hamlets were part of the liberty, and additional specification (beyond the terms of earlier charters) of the types of cases that fell within the jurisdiction of the borough court.

Constitutional reform, to place checks on the government of the bailiffs and to introduce a system in which there was greater accountability for expanding and more diversified borough revenues, took place in Colchester in 1372; whether it was provoked by specific abuses of power or physical expressions of popular discontent, as in some other towns (e.g. Ipswich), is unknown. The reforms laid out somewhat involved procedures for electing bailiffs, and introduced financial officers and a council chosen from the "wisest" townsmen to work with the bailiffs in governmental decision-making. Urban administration was becoming a more formalized affair, requiring a larger number of officials, with more specialized roles. In the years immediately following the reform, Colchester's records paint a picture of a revitalized administration undertaking a variety of actions improving the borough fabric and expressing civic pride, including a perambulation of the liberty (a symbolic assertion of the extent of geographical jurisdiction).

By contrast, subsequent constitutional adjustments, in the fifteenth century and later, were a response to the growing complexity of administrative responsibilities placed on towns by the king, combined with the social tensions resulting in part from a downturn in the borough economy. The outcome was an ultimately successful effort by the wealthier townsmen to

protect their group interests by at first formalizing their domination of government and later monopolizing it. The royal charter of 1447 strengthened ballival authority by adding to it powers formerly exercised by royal officers – the Clerk of the Market and the Justices of the Peace, while that of 1462 incorporated the borough and redefined its governmental structure.

Buildings and fortifications

Apart from a few medieval cellars, little of the medieval borough remains today except for the fortifications and ecclesiastical structures. Holy Trinity church still has its Saxon tower (ca. 1000). The remains of St. Botolph's priory, although partial and ruinous, are nonetheless sufficient to give a strong impression of the size and solidity of the church as it would have been in the twelfth century. Of St. John's Abbey only the fifteenth century gatehouse remains, although this too is an impressive structure reflecting the wealth of the house.

All that still stands of the medieval castle is its keep (which is a broader version of the Norman keep in the Tower of London, although its upper floors were torn down in the post-medieval period), a portion of the earthen ramparts that surrounded it, and foundations of a second, minor building. The castle was probably begun in the 1070s, perhaps as much a response to threats of Danish or Flemish invasion at that time as an element in the Conqueror's attempt to control his new realm (Colchester apparently having offered him no trouble, in contrast to Norwich). The castle was always held by the king, although when it underwent its only siege (1216) it was the supporters of the rebellious barons who surrendered it to King John's men. Colchester had managed to avoid involvement in the civil war between Stephen and Matilda, and again in the baronial wars of mid-thirteenth century. After the end of those wars, the main role played by the castle during the Middle Ages was as one of the county prisons and the site of some trials of prisoners (Colchester records describe a trial by combat there in 1375); Chelmsford, as a more central location in Essex, however, was chosen as the seat of the shire court. By the end of the Middle Ages the castle was starting to decay from lack of use and maintenance.





Two views of Colchester castle

[left] western end, with entrance constructed in the 12th century
(the small dome being a post-medieval addition)

[right] eastern end
photos © S. Alsford

Parts of the town walls and the ruins of one of its gates also survive today, having served the Romans, the Anglo-Saxons and the medieval townsmen. It was the walls that the townsmen chose to symbolize them on the borough seal; a similar expression of attitudes is reflected in medieval paintings of towns, which tend to overemphasize the walls and towers. However, that did not stop the townsmen from plundering them for building materials, or for building houses right up against the wall. Efforts were made to keep the walls in good condition, beginning at least as early as King Edward the Elder's repair efforts after Colchester had been besieged and recaptured from the Danes in 917. In 1382 local records talk of ongoing repair work on the walls, and it was at this time that Richard II granted Colchester the first of three exemptions from the costs of sending representatives to parliament, in view of the expense of wall maintenance. Part of the costs involved adding bastions. Possibly the work on the walls was prompted by the Peasants' Revolt – one of whose leaders, John Ball, had lived in Colchester – during which a mob had disrupted the government of the town, threatened to destroy town records, and actually followed through on a similar threat against St. John's Abbey.

Economy

Archaeology has found evidence that Colchester's inhabitants were already engaged in trade with the continent in the time of the ancient Britons; they were importing pottery, as well as imitating Belgic pottery in kilns in the vicinity of Colchester. The town's position near the coast, giving access across the North Sea to the markets in the Low Countries and the Baltic, and at the mouth of a major river system leading into East Anglia, was an advantage, as similar circumstances were for other East Anglian towns such as Lynn, Yarmouth and Ipswich. Colchester had an added advantage of proximity to London, as well as a good connection thereto via the old Roman roads system, although this later proved disadvantageous when (in the fifteenth century) the export of products of Colchester's cloth-finishing industry fell under the influence of the Hanse merchants based at the London Steelyard. In the opposite direction, a road ran to Ipswich.

Yet despite its long-standing international trade and its road connections to other English towns, Colchester was not as important a mercantile centre as towns such as Norwich, Lynn or Ipswich; the market for its agricultural produce or for the products of most local industries was primarily regional. The Colne provided it with a minor fishery – notably sole and the oysters for which Colchester was famous; a related annual [fair](#) was held at the beginning of the oyster season (October) and probably dates back to at least the twelfth century, although its first formal recognition was in a royal charter of 1319. None of the fairs held by the various religious houses seems to have been significant enough to attract foreign merchants. On the other hand, the town flourished sufficiently to encourage Jewish settlement in the reign of Henry II – the royal castle there being another attraction; this community had its own bailiff by 1220 but declined in later decades, so that by 1290 only a handful of relatively poor Jewish householders remained.

The pursuits of Colchester's residents were a combination of agrarian, fishing, mercantile and industrial, in a more even balance than other East Anglian towns of comparable size. Many burgesses were involved to some extent – whether personally or through employees – in [agricultural activities](#) as one of the means of earning their livelihood (e.g. crops might be grown to supply brewing retail). The area south of the walls in particular held many of the townsmen's pastures and fields; the type of soil favoured the cultivation of rye. The boundaries of the liberty of Colchester (i.e. the hundred) in fact extended well beyond the Roman walls to encompass, in addition to the immediate suburbs, four nearby villages: Lexden (west of the town), Greenstead (east), Mile End (north), and Berechurch (south), although these were also affiliated in some regards with manorial estates. At the time of Domesday, about 120 residents seem to have owned houses but no land, whereas the majority held tracts of land varying from one to ten acres each, suggesting an interest, although not an exclusive one, in farming. In the national taxations of 1296 and 1301 we see almost exactly the same proportion of townsmen (69%) on both occasions owning livestock; some owned only one or two animals, whereas others had large flocks or herds. Agricultural pursuits were, not surprisingly, most prevalent in the villages within Colchester's bounds, whereas the residents of the walled area were more engaged in commercial activities.

In the thirteenth century Colchester acquired a small role in cloth-making, and this industry gradually became more important to the town as the Middle Ages wore on, helped by the immigration of Flemings in the second half of the fourteenth century. Colchester merchants had a modest involvement in the wool trade, while local cloth, such as the russet for which the town had some fame, found markets across England and abroad. There were already a few fullers operating in the town in the twelfth century and the area around Colchester became a focus for the building of mills either partially or wholly used for fulling. Eight mills are known to have operated within the bounds of Colchester itself during the fourteenth century, although not all continuously. As the cloth-finishing industry became more important, mills switched from grinding grain to fulling cloth; the [mill at New Hythe](#), for example, was made available by the town authorities to fullers, for a per-cloth fee.

In the thirteenth and early fourteenth centuries cloth-making was hardly a major industry in

Colchester; leather-based industries – such as tanning and shoemaking – seem to have been equally important (at least in fulfilling the needs of local markets), and locally-made pottery found a regional market. While the leather industry declined, however, from the second half of the fourteenth to the early fifteenth century Colchester cloth-makers and merchants, like those of other east coast towns, benefited from the expansion of markets in the Baltic and Gascony; Colchester russet even found a market in Mediterranean countries, although via the London trade. But as the fifteenth century progressed, the cloth industry too went into a decline, as war and depopulation damaged the Baltic and Gascon markets. It came more under the control of, on the one hand, craft guilds whose role in assuring quality standards also meant restricting participation in the industry and, on the other hand, of wealthier townsmen who could afford to be involved in all aspects of clothmaking (purchase of wool, operation of mills, employment of cloth-finishers, exporting of cloth).

There were two wool and cloth fairs held in Colchester each year, in June and July; by the second half of the fourteenth century these had outgrown their original sites. One citizen's home hosted a privately-run wool market at the beginning of the 1370s, but the borough authorities soon took this over, settling it in the newly spruced-up cellar under the moothall (1373/74). They quickly followed this up by taking control over the fairs and accommodating elements of these too in the moothall cellar and the nearby High Street (the rents for stalls there helping with the borough budget); trading in private houses was prohibited.

Wine was the leading item among goods imported by Colchester's merchants, and grain prominent among their exports, although many simply dealt in whatever goods were available or in demand at any given point. However, generally Colchester was by no means as important a centre for import/export as Ipswich, to which Colchester's harbour was purely a subsidiary within the national system of customs collection. While Colchester's High Street market remained a regional distribution mechanism, wholesaling increasingly focused around the New Hythe suburb; Edward IV's charter to the borough restricted the buying and selling of imported goods to New Hythe, where ships landed goods. Yet only a handful of townsmen owned ships large enough for crossing the sea and mooring space at the Hythe was limited. Much of the international trade conducted through Colchester was in the hands of outside merchants. During the Middle Ages, Colchester never developed the degree of wealth that some of the younger, and often smaller, towns in East Anglia achieved.

Information sources

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Origins and early growth

Maldon is not one of England's better-known medieval towns. It never assumed any prominence and consequently has had little attention paid to it by historians. Yet, as a town relatively late in maturing, it provides an interesting comparison to larger towns.

Maldon's name is principally known for its association with the Danish victory at the [Battle of Maldon](#) (991), whose fame rests principally on the fact of it being immortalized in a fine Anglo-Saxon poem. The battle took place to the southeast of the town. There are no references in the poem to the site or its proximity to Maldon, nor any hints that refuge for the defeated Anglo-Saxons might have been nearby, but nor should we expect to find any, for the poem is an ode to heroism not a chronicle of events. However, the Danish raid that led to the battle may have been targeting Maldon, as one of Essex's only two towns (and easily accessible from the water).

Maldon's name points to Saxon origins, *dun* being the word for hill; archaeology has shown that a late Roman port on low ground (later Heybridge) was thereafter settled by Saxons from the times of their earliest arrival, although this site became marshy and forced settlement to move to higher ground. Maldon's centre stands on a hill atop the south bank of the [River Blackwater](#) which, immediately east of Maldon, becomes a wide estuary for several miles before entering the North Sea. In 916 [Edward the Elder](#), whose forces had camped there during a campaign a few years earlier, constructed a burh at Maldon as part of

his programme to reconquer (from the Danes) and fortify eastern England. A rectangular earthen rampart is known to have existed to the west of the medieval settlement, on high ground. Whether this was the burh defences, or evidence of a Roman fort guarding the road from Chelmsford near its crossing of the river, is uncertain. That Maldon was among the minority of Edward's burhs to have developed into a medieval borough is doubtless due to the fact that it also served as a regional market centre. Its value as a protected magnet for trade was subsequently recognized through the establishment of a mint at Maldon, Athelstan's law of 928 decreeing that every town and burh should have one, with the number of moneys varying (from one to eight) depending on the settlement's importance – Maldon and Colchester together seem to have been served by four.

Maldon was fragmented into several manorial estates after, if not before, the Norman Conquest. Great Maldon (as opposed to adjacent Little Maldon) was a manor in the king's hand. At the time of Domesday there were 180 houses held by the king's burgesses. It had the status of a half-hundred, and as such had its own court. The half-hundred had been carved out of the hundred of Dengie, whose lands surrounded it. This is perhaps why Domesday reports only 81 acres of land as being associated with the borough, and these were in the hands of a small minority of the householders. In the twelfth century, the lordship of Great Maldon was divided.

The town comprised three parishes (two of which were united in the thirteenth century), with settlement dispersed among a number of foci:

- All Saints, located on the highest part of the site adjacent to the earthen ramparts; here was the town's marketplace, and here the Carmelites had established a friary by 1293. The church itself was in existence by the twelfth century.
- St. Peter's, stretching eastwards along the road linking the marketplace and the harbour, and northwards to incorporate settlement around a bridge across the Chelmer; craftsmen and merchants established were settled near the church itself – this perhaps representing the earliest focus of urban settlement.
- St. Mary's, which was founded shortly before the Conquest to serve the growing settlement around the harbour facilities on the Blackwater, and rebuilt in the Norman period.

To the west of the town was Little Maldon, a manor that was part of the Honour of Peverell. There Beeleigh Abbey and the Hospital of St. Giles were founded (the latter before 1235). The hospital, named for the patron saint of cripples and lepers, was to take care of leprous burgesses and the king granted that it should receive all bread, ale, meat and fish that the town authorities confiscated because of sub-standard quality. A further separate estate was Earl's Maldon.



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APPENDIX: BOROUGH CUSTUMAL

APPENDIX:

Ancient usages and customs of the borough of Maldon

The earliest surviving draft of the list of local customs was written into the oldest Court Book in March 1444, but apparently copied from a much older source possibly pre-dating the earliest known ordinance registered in the court records (1389); this source was probably the "book of customs" to which there are a few references – taken jointly these references seem to imply that the book was compiled around 1380/81. The town's acquisition of jurisdictions from its lords would have been a sufficient motivation to compile a written set of customary usages of the town. A more expansive list was drawn up and approved by the General Court held on 8 January 1468, with the earlier version incorporated as *capitula* 1-13 and many of the other ordinances made since the 1380s gathered from court records and added; a few later ordinances were entered at the end of the list (cap.47 onwards). The next edition was compiled in 1555.

Below is a summary and paraphrase (not a verbatim transcription) of the 1468 edition of the custumal with the later additions; clarifying insertions of my own are in square parentheses [] and I add notes concerning sources or later changes. For chapter titles I have used both the 1468 and the 1555 recensions. The chapter numbering is my own, and the loss of a parts of some of the pages (between chapters 14 and 15, and 24 and 25) may indicate that some customs are missing, although it is not clear from the 1555 recension what these might have been – possibly the 9th chapter of that recension is one of the missing items. This, based on a local ordinance of 1389, states that all types of pleas may be brought before the borough

court each Monday.

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| <p>cap. 1 <i>inheritance</i></p> | <p>The heir to a man's lands is to be the youngest son of his first wife. If the man only has daughters, the lands are to be divided between them, but the youngest may have first pick. If the children are underage, their mother (or stepmother, if applicable) shall be their guardian; if she fails to maintain the property, she shall lose guardianship to the nearest friends of the deceased. The widow has dower right in her late husband's property, even if she remarries – although the children are not to lose their inheritance as a result of her remarriage.</p> <p><i>Notes: the points about guardianship and dower were omitted from the 1555 recension.</i></p> |
| <p>cap. 2 <i>bequests of land</i></p> | <p>A man may devise any properties that he has purchased during his lifetime, so long as the devise is confirmed in court before the bailiffs at the next or the second court [after his decease?], failing which the properties shall go to the heir [see cap.1].</p> <p><i>Notes: the 1555 recension seems to imply the devise had to be brought before the court during the lifetime of the townsman, whereas the earlier version above suggests a form of local probate of wills (or at least those portions relating to property within the town). This custom did not apply to property which the townsman had inherited.</i></p> |
| <p>cap. 3 <i>lands for blood-kin</i></p> | <p>If any man wishes to sell any burgage property, the sale must be announced at the next court when, if any of his kinsman wishes to buy the property, he may do so at a lower price than anyone else.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 4 <i>suits for burgage</i></p> | <p>Every holder of burgage lands must perform suit for them at the four General Courts.</p> |
| <p>cap. 5 <i>essoins</i></p> | <p>Every freeman shall have the right to make 3 essoins before having to appear to answer a charge in court. Upon pain of fine (3d for freemen, 6d for foreigners), no man shall answer without finding attachments.</p> <p><i>Notes: it is not clear here whether "foreigners" is being used to refer to those from outside the town, or to residents who were not freemen.</i></p> |
| <p>cap. 6 <i>bakers/brewers</i></p> | <p>If any baker or brewer is convicted of using false weights or measures, he shall be fined for the first two offences; for the third, he shall go to the pillory. All measures are be sealed [i.e. be marked with a stamp indicating borough approval].</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |

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| <p>cap. 7 <i>freeman's right</i></p> | <p>If any merchandise comes to the town by land or water, every freeman may demand a share. Ships must remain in port for 3 tides to allow freemen the time to buy before foreigners; after the elapse of that period, the merchant may sell to whom he pleases. However, if a freeman who takes a share fails to pay for it, or the seller may recover his losses by the bailiffs and council imposing a tax on the whole town.</p> <p><i>Notes: in the 1555 recension, this was elaborated and divided into two chapters, to distinguish between victuals and other merchandise; the above conditions were retained in the case of victuals, but for other merchandise cash-on-the-spot conditions applied.</i></p> |
| <p>cap. 8 <i>hides</i></p> | <p>Only freemen are allowed to buy fresh hides in the town.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 9 <i>masters</i></p> | <p>No man being in the borough shall have a servant or tenant unless prepared to answer for him in court, with regard to trespasses and fines.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 10 <i>markets</i></p> | <p>On market day no man shall regrate, nor sell meat, fish or other foodstuffs until the hour of prime, when the bell is rung.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 11 <i>butchers</i></p> | <p>Butchers are not to sell unwholesome meat.</p> <p><i>Notes: the 1555 recension adds that peddlars should not sell unwholesome or stinking fish; any such meat or fish would be confiscated.</i></p> |
| <p>cap. 12 <i>qualifications for the franchise</i></p> | <p>No alien that marries the widow of a freeman is to be received into the franchise on those grounds. However, the widow may retain the rights of a freeman while she remains single. A freeman's daughter may make her husband free, by fact of the marriage. No man is to be received into the franchise unless he takes oath before the bailiffs and 4 or 6 wardemen to be true to the franchises of the town and obedient to its officers.</p> <p><i>Notes: an expanded version of this was included in the 1555 recension; it included specifications about the admission fee, and the provision that all children born to a man after he had become a freeman had the right to the franchise at a minimal fee (this was clearly the case with sons in the fourteenth century and was probably so taken for granted that not felt worth mentioning in the earliest custumal).</i></p> |

cap. 13
elections

All **freemen** are to assemble in the common hall on Friday after Epiphany [6 January] to hear the bailiffs' accounts [i.e. of annual revenues and expenditures]. On that day the wardemen shall choose the new bailiffs and other officers, from the more worthy men. If it is necessary to fill gaps in the ranks of the wardemen, then new members are to be chosen from the most able and most discrete townsmen. If any of the wardemen is found to act contrary to the interests of the **community**, he shall be removed and a replacement chosen by assent of the community. Once a man has been elected bailiff, he shall never afterwards be elected to any other office, except representative to parliament.

*Notes: the 1555 recension edited this so that only the matter of freemen attending elections was included; a separate chapter was devoted to the question of the **cursus officiorum***

cap. 14
measures

No man is to sell by any measure that is not sealed with the town's seal, upon pain of fine (or, if the culprit refuse to pay a fine, loss of **franchise**).

Notes: omitted from the 1555 recension; it seems that the need was felt for a more explicit or more general statement of this custom than is found in cap.6, and such a statement originated as an ordinance passed in April 1421.

cap. 15
orders to bailiffs

Every resident who has borne the estate of bailiff is to be ready to come to the moothall at all times, upon command of the bailiffs, to discuss matters related to the common benefit. Any refusing without reasonable excuse shall be fined.

Notes: a similar requirement appears in the 1555 recension but restricted only to members of the town council. In May 1408 we find a number of wardemen fined for failing to respond to a summons to discuss town business.

cap. 16
suits between freemen

No **freeman** is to sue another freeman outside the borough, without first having pursued his case as far as it can be taken in the borough court, and then must obtain ballival licence to transfer the case elsewhere.

Notes: that this was a serious problem is suggested by the fact that the 1555 recension expands this chapter by noting that failure to comply would result in 40 days imprisonment, a great fine, and loss of the franchise.

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| <p>cap. 17 <i>wardemen</i></p> | <p>Anyone chosen as wardeman who induces strife or argument among his fellowship during council meetings shall be fined.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 18 <i>butchers market</i></p> | <p>No butcher is to sell in the market on Sunday after matins is rung on the bell of All Saints church, on pain of a fine and confiscation of the meat (which will be equally divided between the town and the supervisors of the market). Shops may open their doors, but not their windows, on Sundays [up until the matins bell].</p> <p><i>Notes: the 1555 recension included other trades in this prohibition, although this may have been understood in earlier times.</i></p> |
| <p>cap. 19 <i>pigs</i></p> | <p>The owner of any pig allowed to run loose shall be fined 4d., of which 2d. to the town and 2d. to the man who finds the pig and drives it to the town pound.</p> <p><i>Notes: based on an ordinance made January 1411; the 1555 recension added to this a fine for keeping hogs in town at all.</i></p> |
| <p>cap. 20 <i>security of the peace</i></p> | <p>The bailiffs may take <u>surety</u> for [keeping of] the peace if necessary, at the suit of any resident of the borough, or imprison individuals until they find sureties.</p> <p><i>Notes: omitted from the 1555 recension, for by this time the king had given the bailiffs powers of Justices of the Peace, a higher authority than local custom.</i></p> |
| <p>cap. 21 <i>imprisonment</i></p> | <p>The bailiffs have full power to punish all manner of "naughty brauleres and bryboures, nyght walkerres, stastrykeres and evese dropperes" by fine or by imprisonment.</p> <p><i>Notes: omitted from the 1555 recension, probably for the same reason as cap.20.</i></p> |
| <p>cap. 22 <i>mortar</i></p> | <p>"Brothelled brawlers" who refuse to submit to the bailiffs' judgement for their crimes – viz. a fine of 6d. for a man and 4d. for a woman – shall bear the mortar, according to old custom of the town, as appears in [records dated] 4 Richard II (1380/81).</p> <p><i>Notes: I am not certain what the mortar was, but it was a punishment of humiliation also applied to scolds and whores and was something carried or perhaps worn; omitted from the 1555 recension.</i></p> |

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| <p>cap. 23 <i>blood</i></p> | <p>No man is to make affray against another so that blood is drawn, on pain of 40d. fine.</p> <p><i>Notes: omitted from the 1555 recension, probably for the same reason as cap.20.</i></p> |
| <p>cap. 24 <i>amercement</i></p> | <p><i>Notes: the text is lost, nor is this theme dealt with in the 1555 recension.</i></p> |
| <p>cap. 25 <i>freemen to colour nothing</i></p> | <p>No <u>freeman</u> is to pretend that a <u>foreigner</u>'s goods are his own, for purposes of buying or selling, upon pain of loss of franchise.</p> <p><i>Notes: the concern here was with evasion of tolls on market goods coming into the town.</i></p> |
| <p>cap. 26 <i>foreigners</i></p> | <p>No <u>foreigner</u> may buy or sell within the town unless he has bought a licence to do so (40s.) from the bailiffs.</p> <p><i>Notes: the 1555 recension has something similar, but the licensing requirement is more specifically directed at foreigners buying merchandise or victuals at the port with the intent of re-selling it in town (presumably in the market).</i></p> |
| <p>cap. 27 <i>pigs on causeways</i></p> | <p>Any pig lacking a ring [i.e. through its nose, by which to be tied up] and damaging a causeway shall incur a fine of 4d.</p> <p><i>Notes: based on an ordinance made in January 1423; it is not clear if/how this goes beyond the provisions for vagrant pigs in cap.19, and the 1555 recension omits it.</i></p> |
| <p>cap. 28 <i>sealed measures</i></p> | <p><i>Notes: this is basically the same as cap.14, except that a fine of 6s.8d is specified; omitted from the 1555 recension.</i></p> |
| <p>cap. 29 <i>cleaning the town</i></p> | <p>Any resident who places dung or wastes on the common roads shall be fined 40d.</p> <p><i>Notes: omitted from the 1555 recension, although it contains chapters prohibiting women, servants or children from casting dust or domestic refuse into the High Street, or from throwing refuse within forty feet of the highway when dumping on the dunghills at the Hythe or at town's end.</i></p> |

cap. 30
selling distance

No resident may sell victuals within 5 miles of the town, under penalty of 6s.8d for the first offence and loss of franchise for the second.

Notes: the object here was to prevent the rise of competition to the town's market, which was of course excepted from the prohibition (although this was not made explicit until the 1555 recension).

cap. 31
payment of account

Each bailiff shall give an accounting for [borough finances during] his term each year. All debts due from the account are to be paid, from the accountant's own money if necessary. The accountants may not withdraw from the court until all debts and arrears are fully paid.

Notes: this originated in ordinances of 1423 and 1426; outgoing bailiffs had to present the borough accounts at the January General Court following election of their replacements. The 1555 recension continues this principle, although by that time it was the chamberlains who were the accounting officers. This custom reveals one of the disincentives to office-holding, in personal liability for the successful collection of anticipated revenues, although the intent was really to ensure the bailiffs took their responsibilities seriously – they were absolved from paying from their own pocket revenues that genuinely could not be levied.

cap. 32
loose pigs

Any pig found wandering loose in the town may be sold publicly for the profit of the town. If anyone finds an alien pig in his pasture, or on any pasture belonging to the town, and sets his dogs on it or attacks it with a stick, so that the pig dies, the attacker cannot be prosecuted [by the pig's owner].

Notes: this further chapter dealing with loose pigs suggests they were a persistent nuisance at this period, which perhaps explains the strength of the descriptor "alien" applied to them; omitted from the 1555 recension.

cap. 33
writ re. liberties

The town has two markets, on Wednesdays and Saturdays, and many other liberties. No-one is allowed to set up a market within a great distance of the town, nor to anything else against the liberties, upon pain of £10 fine.

Notes: this is said to stem from a writ obtained from the king, perhaps (given the tenor of the next chapter) one related to the dispute over a rival market in Heybridge in 1338; omitted from the 1555 recension.

cap. 34
Heybridge

It has been the custom since time beyond memory that no vessel sail to Heybridge to load or unload without paying a fee.

Notes: in fact, it had been a matter of long dispute, but one gradually resolving in the town's favour; an ordinance to similar effect was passed in June 1423, and another ordinance on the same theme in July 1448.

cap. 35
complaint about the bailiffs

A common custom is that the counsel of the borough in all things is to be concealed and the judgements made by bailiffs shall be observed. No one fined by bailiffs and council for any transgression in a public matter may complain [i.e. appeal] to a lord or foreign gentleman, under pain of 20s. fine or loss of franchise.

Notes: an ordinance to this effect is referred to during the case of Giles Morvyle who had lied about his birthplace when becoming a freeman and, when later accused of being an alien and failing to prove otherwise, had tried to get help from some external lord to counteract his condemnation by the bailiffs (1458).

cap. 36
rental of bridges

Notes: the text of this chapter, omitted from the 1555 recension, is simply a cross-reference to information about rental of bridges and causeways in the "the new edition of the great book of ancient customs" (itself not extant) It is not clear what the tenor of this information would have been, but it was probably connected with farming out collection of tolls on merchandise travelling via the town bridge and the causeway leading through the marsh to it (see cap.39).

cap. 37
no alien to be armed

No Dutchman or other alien may bear a weapon, on pain of its confiscation.

Notes: based on an ordinance of April 1463 which adds the exception of a knife with which to cut meat; the 1555 recension adds the further proviso that an alien could carry a weapon when leaving town on a journey, or when returning. "Dutchman" was a catch-all term for people from the Low Countries and Germany, likely the leading sources of alien residents in Maldon.

cap. 38
lodging of aliens

Every alien must be in his house by 10 o'clock in the summer and 8 o'clock in the winter; any officer or freeman may bring a defaulter to the hall to pay a fine or provide an excuse.

Notes: based on an ordinance of April 1463; the 1555 recension included the servants of aliens in the curfew.

| | |
|--|---|
| <p>cap. 39 <i>bridge customs</i></p> | <p>Each cart and each pack-horse carrying merchandise across the bridge shall pay 1d.</p> <p><i>Notes: the town court proclaimed, in January 1465, that this was an old custom; omitted from the 1555 recension.</i></p> |
| <p>cap. 40 <i>honouring officers</i></p> | <p>No resident burgess is in anger to call a bailiff or wardemen by any name such as thief, knave, backbiter, whoreson, false, foresworn, cuckold, or bawd.</p> <p><i>Notes: the 1555 recension specifies a fine of 6s.8d for this offence.</i></p> |
| <p>cap. 41 <i>swearing of aliens</i></p> | <p>It is ancient custom that each <u>alien</u> take oath to be obedient to the bailiffs and not to complain of them to any person of superior rank, on pain of 20s. fine.</p> <p><i>Notes: the 1555 recension has a lower fine of 15s.</i></p> |
| <p>cap. 42 (title destroyed)</p> | <p>Any brewer who sends ale from his house to gannokers on Sundays at the time of matins, mass or other divine service, shall be fined 12d.</p> <p><i>Notes: gannokers were ale-wives – women who retailed (and sometimes brewed) ale; this chapter is struck through and was omitted from the 1555 recension.</i></p> |
| <p>cap. 43 <i>bailiffs' oath</i></p> | <ul style="list-style-type: none"> ● to well and truly govern the town and maintain its <u>franchises</u>; ● to give equal justice to all men, without favour to any party; ● to supervise the sale of goods coming by water and see that all <u>burgesses</u> have their share. <p><i>Notes: oaths are omitted from the 1555 recension; they are not typical elements of customals.</i></p> |
| <p>cap. 44 <i>burgess' oath</i> [see <u>cap.12</u>]</p> | <ul style="list-style-type: none"> ● to be loyal to the king; ● to uphold town customs and <u>liberties</u>; ● to keep secret the counsels of the town [see <u>cap.35</u>]; ● not to pretend to own the goods of others [see <u>cap.25</u>]; ● to be obedient to the bailiffs in all things; ● to be <u>at scot and lot</u>; ● if within 7 miles of the town, to be in attendance at the town court meeting held on the Friday following Epiphany [6 January]. |

| | |
|--|--|
| <p>cap. 45 <i>constables' oath</i></p> | <ul style="list-style-type: none"> ● to keep the peace; ● to execute orders of the bailiffs. |
| <p>cap. 46 <i>oath of sergeants at mace</i></p> | <ul style="list-style-type: none"> ● to be obedient to the bailiffs and court at all times; ● to collect court amercements and not to conceal any money collected; ● to make no arrest without a warrant from the court; ● to gather tolls on goods coming, by water or by land, to market or fair, and to bring the master of any arriving ship before the bailiffs with his billet. <p><i>Notes: the last item was a later addition to the original text.</i></p> |
| <p>cap. 47 <i>counsel of the town</i></p> | <p>The whole ward ordained on 10 January 1477 that if any wardeman disclose the counsel of the town [i.e. deliberations of its administration] he shall be fined 20s.</p> <p><i>Notes: the 1555 recension extends this specifically to include bailiffs and town clerk.</i></p> |
| <p>cap.48 <i>bailiff's livery</i></p> | <p>Every bailiff shall have 16s.8d for his livery, to be worn on Corpus Christi day in procession, on condition he buy a gown of the same colour, failing which they shall have the old allowance of 13s.4d.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 49 <i>chamberlain's hood</i></p> | <p>Each chamberlain shall have 5s. for livery, on condition he buy a hood, failing which he shall have only 3s.4d.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |
| <p>cap. 50 <i>constables' costs</i></p> | <p>Every constable charged to the [court] sessions shall have 8d a day for ward of the town box.</p> <p><i>Notes: the box referred to was presumably used to hold money collected from fines; omitted from the 1555 recension.</i></p> |
| <p>cap. 51 <i>almshouse</i></p> | <p>It was ordained at the court of election on 9 January 1484 that the two wardens of the almshouses shall, each year on this day, render account and deliver any surplus therefrom to the chamberlains.</p> <p><i>Notes: omitted from the 1555 recension.</i></p> |



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History of medieval York



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ORIGINS AND EARLY GROWTH

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Development of local government | Power struggles with rivals
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Map of York at the close of the Middle Ages

Origins and early growth

As the Roman invasion of Britain moved north, a garrison was established on York's site by the Romans and the fortress was called Eboracum. They evidently recognized that the site was strategically located to control the principal south-north route through the country: the Vale of York. It was not only a natural focus of ancient land-routes, which Roman-built roads subsequently augmented, but also well-placed to connect with the inland waterway system that later developed; the Ouse was part of this system, and had a reasonably convenient connection to the North Sea via the Humber. The fortress, situated in the northwestern section of the future medieval York, attracted a civilian population which settled on the opposite bank of the Ouse and York became one of the provincial capitals and, after the Christianization of the empire, the centre of a bishopric. It was to remain one of England's most important cities for the next 1,300 years, although this was a double-edged sword, for it meant that York would often be caught up in national conflicts.

What happened to York after the departure of the Romans is hazy. Little evidence of the Anglo-Saxon newcomers has been turned up in York by archaeologists, as yet. The Roman roads probably helped keep it a settlement of some importance as the remnants of the Christian Romano-British society disintegrated. This is suggested by two pieces of evidence: when Augustine was sent to Britain (601) to begin the process of restoring orthodox Christianity it was intended that York be the centre of one of two planned episcopal sees; and when the king of Northumbria was converted to Christianity (627) his baptism took

place at York, where a modest wooden church dedicated to St. Peter was hastily constructed for the purpose – the king initiated a project to reconstruct it on a larger scale, in stone.

Possibly York's importance in this early period of the Middle Ages was more as an administrative centre – both religious and secular – than one of population or trade. This role is reflected in further rebuilding of the Minster church in the late seventh century, and again after severe fire damage in 741. On the other hand, York was also subject to the political instabilities of the period; during the wars between the various kingdoms into which the country was divided, York was captured several times in the seventh century.

By the eighth century the picture is clearing. There is evidence of an Anglo-Saxon settlement in the Fishergate area, by the River Foss – perhaps an industrial and trading community serving the resident administrators – which justified the "wik" in the Anglo-Saxon name for the town: Eoforwic. The Anglo-Saxons may have been deliberately avoiding the area of Roman habitation on the south-west bank of the Ouse. This shift of the civilian settlement would help explain why the medieval bridge across the Ouse was further east than the likely site of the Roman crossing at the end of Stonegate. In 735 York's bishop acquired archiepiscopal status and York was beginning to acquire a reputation as a centre of learning, thanks to a school attached to the church of St. Peter. There seems to have followed a period of prosperity – yet also one of complacency for, whereas an eighth-century writer mentions the city having high walls (presumably the remnants of the Roman fortifications), the existence of strong walls was denied by a later writer, referring to events of the 860s, so perhaps the walls had been allowed to fall into disrepair.

In 866 the Danes, having conquered East Anglia, spread northwards and captured York, in the following year defeating the Northumbrian forces that tried to retake it. The Danes subsequently refortified the city and made it, under the name Jorvik, the centre of their northern kingdom; this attracted further Danish settlement to the area, leading to an economic boom, in part thanks to the energy of Danish craftsmen and traders and their improved access to markets in northern Europe. Christianization of some of the Danish kings lessened the impact of this on the city's role in religious administration, although there appears to have been some disruption and paganism flourished alongside the Christian church.

The city continued to be a target in the struggle for control of England. The Viking kingdom of the north faced threats from both from Wessex and Norsemen from Ireland, the latter succeeding in taking over York. Athelstan of Wessex took it during his invasion of 927 but was unable to hold it. Control of Yorkshire swung back and forth until just after mid-century when Northumbria was united with southern England into a single kingdom, although earls continued to rule the north from York. In this unstable environment, the role of York as a centre of Christian learning declined.



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Florilegium Urbanum

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The **INTRODUCTION** presents perspectives on English towns and cities by commentators at different periods, and features in particular FitzStephen's "Description of London".

Prologue

The aim of **Florilegium Urbanum** is to provide a considered selection of primary source texts illustrative of various aspects of medieval urban life, and to present those texts in modern English. The texts have been translated from the original Latin or Anglo-Norman French, or converted from Middle English; the language of the original is indicated in the header for each document. My underlying purpose is not simply to put online a set of primary documents, however, but to provide a richer understanding of medieval English towns and townspeople by presenting extracts from medieval records in a framework of commentary and explanation that will, I hope, give readers better insight into the character, perspectives and preoccupations of urban society.

The term *florilegium* refers to a compilation of excerpts from other writings. It is formed from two Latin words and means, in a literal sense, a sampling of flowers; that is, a collection of choice blooms into an appealing floral arrangement. The same concept is seen in "anthology", which is likewise based on Greek words for "flowers" and "gathering".

Medieval florilegia were extensive (almost encyclopedic) and systematic collections of extracts drawn mainly from the writings of the Church Fathers and other early Christian authors, as far

back as the Gospels, although classical writings might also be sampled. The aim was to pull out passages that exemplified certain topics and, taken together, might present an overall treatment of some ethical or doctrinal theme.

In the post-medieval period, "florilegia" was applied less discriminately to miscellanies or compilations of literary or scientific character. I therefore do not feel too guilty if my application of the term to this collection of extracts from medieval archives is not precisely in the spirit of the earliest florilegia. Although in that my intent is to try to present (in most cases) texts casting a general light on urban life, as opposed to texts highly particular to unique circumstances, and is also of course to educate, I hope I have not strayed too far from that spirit.

Documents such as are excerpted here give some indication of the range of source materials available for the study of medieval towns; the majority are still unpublished. For the most part they derive from the official record of medieval government, rather than intimate accounts of private matters; but they can be revealing.

**"Such things may be only shadows, but they
are the shadows of men and women."**

G.H. Martin, 1973

Note on editing conventions

Most of the documents included here were accessed via published transcripts. Not a few of those transcripts were accompanied by translations by the transcriber, or a colleague. I have chosen to provide a fresh translation in the great majority of cases, since my emphasis is on conveying the sense of the originals in a form that a wide audience can easily understand. To achieve this it has sometimes been necessary to take small liberties in interpreting terminology of the original, or in modifying the structure of the original – although I have avoided the latter where practicable. In cases where I felt it advisable to retain terms that were either technical or now not in usage, footnotes (or links to my glossary) are provided to explain those terms. I have striven for consistency

in translating terms across the numerous documents, but in some cases different translations of the same expression were necessitated by differences of context. Punctuation is used to support the modern translation, and does not necessarily reflect any medieval punctuation in the originals.

The earlier translations into English to which I refer above are in a form truer to the language and manner of expression of the original, but at the cost of using an English style that is today not always easy to understand. Readers wishing for this kind of stricter translation are referred to the print sources identified in the headers. However, they should note that I have also taken opportunity of my new translation to correct occasional errors or omissions in some of the earlier translations. Where the primary sources themselves lack explicit internal evidence for dating, I have usually relied on dates estimated by the original transcriber/translator.

I must echo the sentiments of Salzman, in his preface to *English Life in the Middle Ages* (1926) when he says:

"My quotations are important for their meaning, and it is more essential that the reader should grasp that meaning than that he should have the exact original before his eyes and be left to gape amazedly at unfamiliar combinations of vowels and consonants. But no one will be more pleased than myself if any readers are moved to turn to those originals and tackle them for themselves."

In a few cases, I have chosen to include texts that were only available to me in English translation. I have thought it sensible not to attempt modernization of those texts, without having reference to the version in its original language.

Minor interpolations to make the sense of the text clearer or more explicit, or occasionally to provide a synopsis of extensive omitted sections of text, are represented by text enclosed within square parentheses []. These interpolations are, I recognize, uncomfortably frequent; but I have felt them necessary, since my readers in the democratized environment of the Web will include newcomers to medieval urban history. Doubtful readings or

meanings are indicated by inclusion of a question mark in those parentheses. An ellipsis indicates either missing or illegible text in the original, or my decision to omit some text from my translation.

I have modernized and standardized Christian names, but have left surnames in the form found in the original source, except in occasional cases where a single document contains variants of the same surname – in which case I have selected one – or where I have found it necessary to make a correction or clarification, such as when a name has been incorrectly transcribed or is well-known in a different spelling. Occupational qualifiers have been translated only in those cases where, in my judgement, they appear to be designating an actual occupation, rather than indicating an affixed surname. Names of places (when referring to places, as opposed to use as surnames) I have modernized, when able to identify the actual location, past or present.

Keywords have been included at the beginning of each page, to give a quick sense of the principal or significant subjects dealt with by each document. These keywords are taken from a controlled vocabulary, and a search on any one or combination should retrieve other documents dealing with the same subject; the thesaurus will be added to this Web site at a later date.

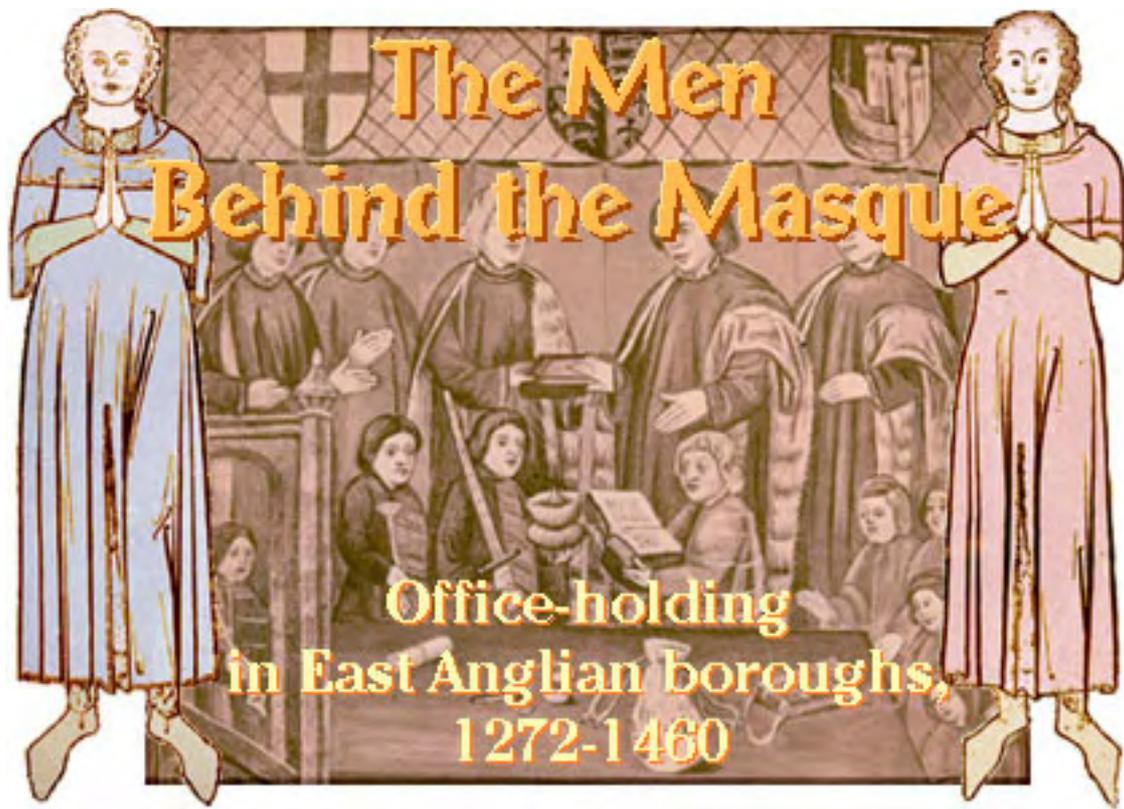
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"There is, perhaps, in everything of any consequence, a secret history which it would be amusing to know, could we have it authentically communicated."

James Boswell

A prosopographical study of politics, the character of local government (democracy or oligarchy ?), and its officials – the ruling class – in cities and towns of East Anglia (Colchester, Ipswich, King's Lynn, Maldon, Norwich and Great Yarmouth) during the Late Middle Ages.

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[MEDIEVAL ENGLISH TOWNS](#)



Medieval English Towns - Glossary



[\[MAIN MENU\]](#)

abatement

Sometimes called "fresh abatement", or in some towns "fresh force", this was a crime of recent unlawful intrusion (sometimes by force – in which case the term *hamsoken*, or housebreaking, is applied) into a property in order to gain physical possession thereof; this sort of thing might occur, for example, when the owner died and there was a dispute over who inherited. The assize of abatement was a legal action to recover possession; it was the borough equivalent of *novel disseisin*, although its emphasis was on quick remedy (no *essoins* were allowed). Consequently the concern of the court was less with who had rightful title to a property than with whether an occupant had been dispossessed; thus the rightful owner, if seizing a property from its tenant for (for example) non-payment of rent, without going through due process of law (initiated by writ), could be obliged to restore the property to the tenant. The object was to restore the status quo and thereby oblige a claimant to seek his rights through the courts, which involved obtaining a writ from the king.

aids

SEE [taxation](#)

alderman

The Anglo-Saxon *ealdorman* (meaning "chief man") was an officer of the king who was essentially leader of a shire, which included the presidency of the shire court; as they became more powerful and transformed into earls, the *shire-reeve* took their place at head of a shire. The name survived for two types of town official, of far lesser status yet important locally. One type was the executive officer of a gild, notably a Merchant Gild. The earliest expression of organized association (as opposed to the *folk moot* an

unwieldy institution because insufficiently organized) among townsmen may have been, in not a few cases, a Merchant Gild. In some towns (e.g. Lynn, Leicester) the gild alderman seems to have been the community leader in the establishment of initial self-government and later surrendered place to a mayoralty perhaps considered more representative of all segments of the community. Similarly, the alderman's assistants the scabins foreshadowed borough chamberlains, although their (continental) origins had them as the equivalent of jurats. The second use of the title was for the members of the town council. This use is not common until the fifteenth century, when the conciliar structure was becoming two-tiered as class differentiation necessitated separate representation; "aldermen" referred to the members of the upper council, more influential. The choice of name may have been the influence of London, where the aldermen were ancient and had roles not dissimilar to the "lawmen" (associated with boroughs which developed under Danish influence) who, in groups usually of 12, formulated judgements; certainly each alderman exercised authority over one of the London wards and jointly the aldermen were the city's council. It may have been at London that the term "ealdorman" was extended from heads of shires to heads of boroughs.

alien

SEE foreigner

amercement

The term refers to a financial penalty imposed by judicial authorities on guilty parties (both parties guilty of a crime of which accused, or guilty of making a charge found by the court to be groundless). It means to be "subject to the mercy of" a judgemental power, although "mercy" itself derives from a Latin term used for a punitive compensation; a party found guilty of anything was said to be "in mercy" – that is, subjectible to a penalty to be judged by the court. Amercement was the common punishment for most crimes of lesser gravity, since there was no extensive prison system in the Middle Ages. Today we would use the term "fine", but in medieval England this had a slightly different application, being a sum of money paid voluntarily (although still with a compensatory connotation, and usually after some kind of formal legal or quasi-legal proceeding) to some other individual – often the king – in return for the grant of some right (e.g. freeman's status), benefit, or property.

assize

Assize was a term for a type of legal procedure; it came to be applied in a general sense to a session of a court applying such procedures, and gradually came to be used more specifically (but variously) for the jury, the judges or the enactments of the court. Grand and Petty Assizes were invoked for actions concerning real estate; although essentially civil actions and thus potentially within the jurisdiction of borough courts, there could be a criminal element where dispossession had occurred, resulting in a breach of the peace – a plaintiff could initiate an action in such cases by obtaining a writ of *novel disseisin*, whose equivalent in the boroughs was called "fresh force". A slightly different, but related, use of the term was for assizes of bread, wine and ale and assizes of weights and measures. These were concerned with the regulation of retailing practices, through the *assessment* of prices and quality, and the examination and

enforcement of standards (including prices). They were thus of a quasi-judicial character. In towns, existing officers and/or individuals specifically appointed to the task would be charged with keeping the assizes (i.e. surveying business practices, testing measures used to dispense food or drink); dealing with offences against the assizes was often amalgamated with leet proceedings.

For further background information see:

- [Medieval Sourcebook: The Assizes of Bread, Beer, & *Lucrum Pistoris*](#)
- [Medieval Sourcebook: *Judicium Pillorie* \(The Judgment of the Pillory\)](#)

attachment

SEE distrain

bailiff

The landlord of a franchise (be it manor or town) did not get involved in the daily administration of his property and its inhabitants; he appointed officials to undertake duties such as collection of gable rents or the supervision of services due him from his tenants. He might select one from his tenants to exercise the office of reeve (from the Anglo-Saxon *gerefa*); the medieval sheriff was simply the king's shire-reeve. Or he might employ a man to act as the bailiff of his estates. The first administrative officers we find in English towns are reeves: in Anglo-Saxon times there are passing mentions of *portgerefa* and *wicgerefa*. In the first centuries after the Conquest they are usually referred to by their Latin name of prepositus (provost) meaning "leading man"; they too were appointees of the lord of the borough, but presided over (although did not directly control) the folk moot. After self-government was acquired, the term *ballivus* (implying jurisdiction over a certain area – bailiwick) gradually came to be preferred in towns, although it is not clear whether there is any real significance to the change. In most towns one or more bailiffs acted as the executive officer, presiding over local courts, at first, and only later were they superseded by mayors.

borough

Derives from the Old English term *burh*, which was originally applied to any fortified place, such as a thegn's house or a hilltop – not necessarily a populated place. During the wars between Anglo-Saxons and Danes it was particularly applied to centres of population which were protected with defensive earthworks; such of those centres which continued to flourish in later times came to be boroughs. The term *burgus* often appears to be used in a technical sense, as distinct from "town" (*villata*), such as in the 1200 proceedings at Ipswich, usually relating to the town as a legal/administrative entity. Another term sometimes used in a general sense, but sometimes with a more technical meaning, was *liber burgus*, "free borough", (or the slightly older *liber burgagium*, referring to burgage tenure); this came into vogue at the close of the twelfth century and was popular throughout the thirteenth, when many communities sought this status through charters from their lords. It involved the grant of special privileges reducing the degree of servitude of burgesses to their lord and/or increasing the degree of corporate autonomy from external authorities; the precise set of privileges varied from town to town. This status was most commonly given to new town

foundations, and implied their acquisition of privileges already in possession of many of the older, established towns (a specific town might be used as a model for a new foundation).

burgage

A burgage tenement was a piece of property within a borough, normally comprising a house with or without additional land, and held by certain distinctive customs ("burgage tenure") that typically involved a money rent – as opposed to labour services which characterized rural tenures – known as hawgable or landgable and payable to the lord of the borough (regardless of what other rents payable a property might accumulate over the course of time). A burgage tenement was typically a large plot – distinctively, long and narrow (with the narrow end facing the street) – as originally settled or built on, as the town developed; population growth often led to the plot being subdivided and new rents might be applied to the subdivisions, but the original burgage rent of the whole is sometimes still evidenced in documents. Another characteristic of burgage tenure ("tenure" being a term connoting occupation more than outright ownership, since most real estate was held of some lord and ultimately the king) was that a burgage property could be sold, inherited or otherwise disposed of more freely than was normally the case with rural property. Not all properties within borough boundaries were burgage tenements. What was important about the latter to boroughs, at the time when they were securing their first grants of self-government, was that the holders of burgage tenements owed suit to the borough court and were (at first) an important source of revenue that was put towards payment of the [fee farm](#). Boroughs therefore sought to confirm, within the terms of the grants, the local customs affecting the conditions of burgage tenure and the jurisdiction of their local court over cases relating to burgage properties, and early customals show some preoccupation with tenurial matters; by the thirteenth century burgage tenure was a sufficiently standardized characteristic of boroughs that it was considered implicit in the grant of *liber burgus* status.

burgess

Although Domesday seems to have used this term fairly consistently to apply to town residents contributory towards the customary payments due the king from boroughs, later in the Middle Ages its varied application does not suggest a precise, universally agreed, technical definition. Broadly, however, it referred to residents of a borough, usually those residents who were members of the borough community in terms of sharing in [communal responsibilities](#) and rights; hence we often find the term "comburgess" used, to emphasise that an individual was a fellow member of the enfranchised community (although the term also came to be used, on occasion, to refer to [burgesses of higher status](#)). At [Lynn](#) the poorest townsmen were clearly described as non-burgesses, "burgesses" evidently being equated with those residents who had become [freemen](#); this appears also the case in [Ipswich](#). Yet in [Colchester](#) the same class of poorer residents *was* described as being burgesses. Outsiders ("strangers" or "foreigners") were sometimes allowed to acquire some of the same – notably commercial – privileges by entering the [franchise](#) under the special status of "foreign burgess". Towards the end of the Middle Ages "burgess" was more likely to be used to distinguish one group of privileged townsmen from a less privileged group.

burh

SEE [borough](#)

chamberlain

The title originated with an officer of a royal household who was responsible for the Chamber, which included the administration of the king's household's budget. Boroughs later mimicked this, introducing officers to take charge of [collecting revenues and paying expenses](#) in part to [relieve executive officers](#) of some of their work but perhaps more to place a [check on possible embezzlement](#) by those officers. It is not clear how early there were dedicated financial officers in borough administration (the absence of mention in the [Ipswich proceedings of 1200](#) is notable), but merchant guilds appear to have had them from the beginning. It was probably London who first gave its financial officers the title of "chamberlain", perhaps in part because the city treasury was kept safe in a particular chamber in the Guildhall. Treasurers and receivers were other names used for this type of officer.

comburgess

SEE [burgess](#)

community

The Latin term *communitas* was frequently used in late medieval England to characterize (among other associations) the residents of a town as a group, in a way that implied common action, common obligations or responsibility, or common rights or privileges. It was often used too vaguely to let us know if at any time a technical meaning – such as restriction to the [burgess](#) or [enfranchised](#) element of the town population – was intended. The town community is to some degree a later expression of the [folk moot](#) and is often seen acting as an entity, before the law formally recognized it as [corporate entity](#). Occasionally one hears of the "commune", which means something similar but connotes a sworn association whose goal is the achievement of self-government; this was more a continental manifestation which could pursue its aims through violent rebellion against noble overlords, and so English kings tried to prevent this extreme expression of community within their realm.

See also:

- [Political values and attitudes](#)

For further information about communes see:

- [Information Please Encyclopedia: "commune"](#)

compurgator

SEE [pledge](#)

constable

Two linked challenges faced by the monarchy after the Norman Conquest, as it sought to expand the scope and control of a national government, concerned the enforcement of law (beyond the unsatisfactory local mechanism of [frankpledge](#)) and preservation of

the peace, and the ability to muster the populace for military service at need. In 1181 the Assize of Arms required every adult free man to be in possession of weaponry of certain types (determined by socio-economic status). When invasion from France was feared in 1205, the military and police duties of county sheriffs were turned over to constables, each to take charge of the militia of a hundred, and themselves subordinate to chief constables; the name (deriving from Latin terms meaning "count of the stable") had originally been applied to imperial officers whose duties included responsibility for military equipment. In 1252 a royal writ reiterated both the role of the constables (who may not have lasted once the scare in 1205 was over) and the Assize of Arms, which was also more closely defined; in boroughs, mayors or bailiffs were allowed to exercise the duty of constables. A second royal order of that year required "watch and ward", which established (or confirmed) in boroughs a nightwatch of 12 men to apprehend any suspicious characters until it could be ascertained what the reason was for them being abroad in the dark. These initiatives were all tightened up by the Statutes of Winchester and Westminster in 1285 which, among other things, required that town gates be kept closed and guarded from sunset to sunrise. It is probably from this time that Norwich, for example, had one constable for each of its four hundredal leets with sub-constables for each sub-leet, while Lynn (only a single hundred/leet) was nonetheless divided into ten constabularies or wards which also served for militia musters as well as for administrative purposes not envisaged by the royal legislation. Although elected locally, constables were strictly speaking officers of the king. They had the power to hold inquisitions in cases of individuals arrested at night. By the close of the Middle Ages, the constables were being subordinated to aldermen with minor judicial authority (echoing the London aldermanry system that predated the Plantagenet constables).

customs

Customary rules which formed one basis for local administration of justice; some features of these hark back to Anglo-Saxon traditions – the local practices which were established (in a non-literate age) as law through repetitive application, while others are the product of specific ordinances made by borough governments during the Late Middle Ages. Although these customs may vary in details from one borough to another, most reflect the same general concerns and preoccupations. When these rules were compiled in lists, as reference tools for town officers, the resulting document was called a "custumal". The term "customs" was also applied to customary dues (monetary, in-kind, or personal service) owed to the king or to some other lord of a territory. A third use of the term was for duties payable on merchandise being imported or exported; these customs might be for the profit of the town levying them (although, to avoid confusion, I have used the term "tolls" for these) or be part of the national system of customs collection.

discreet

This adjective was a quality used to refer to men with decision-making authority in borough government – as a group they were sometimes referred to as the *discretiores*. In fact, the term was used in a variety of contexts in the Late Middle Ages (e.g. see Bracton), usually with connotations of wisdom, prudence, sound judgement, or responsible behaviour; it was typically, although not exclusively, applied to individuals or groups acting in some kind of official capacity, and reflects the medieval belief that

the ideal ruler combined intelligence and justice. That it is so often used in a way suggesting not simply a quality, but a recognized status – sometimes social, sometimes political – gives the term an almost technical character. There is no single modern descriptor that well captures the full medieval meaning. However, I have chosen to translate the term as "judicious", with *discretiores* translated as "the more judicious men"; my intent being to choose a quality with connotations of officialdom.

SEE ALSO [prudhommes](#)

distrain

In legal actions it was sometimes necessary to compel a defendant to come to court to answer a charge. One method of compulsion was to distrain on the personal property of the defendant; that is, to seize some of the defendant's possessions so that he could only regain them by providing sureties for coming to court, or by an illegal rescue. Usually moveables at the defendant's residence or place of business were targeted. "Distrain" might refer to the action of arrest (also called distress) or to the objects arrested. Sometimes a recalcitrant defendant might have to be distrained repeatedly. Distrain could also be applied to compensate a plaintiff in cases of debt, arrears of rent, or the cost of damages awarded by the court, where the convicted party refused to pay. Unless distrain was authorized by the court (so that a town officer, or even the plaintiff himself, could undertake it), it was itself a crime – with some [exceptions](#). The process of distrain is described somewhat in the customal of Ipswich, [cap.34](#), and that of Norwich, [cap.14](#) and [cap.30](#). "[Attachment](#)" was a more general term for the means by which a defendant could be obliged to answer a charge; it might be accomplished by [pledges](#), through personal property voluntarily offered or (if necessary) distrained, or by having the defendant arrested ("attached by the body"). Goods or items that were subject to dispute or involved in a supposed crime could also be attached, for production as evidence in court.

Domesday Book

Briefly, the Domesday Book was the outcome of King William I's attempt to find out just what it was he'd conquered in 1066. As a newcomer, he knew little of the resources of England, and particularly of those resources on which the king had direct call. But he knew well enough that the land was the source of wealth and power. And so in 1086 he sent inquisitors through the shires to conduct a survey. This resulting and nameless description of the country was coming, less than a century later, to be called "Domesday" – the day of judgement; for the survey officially established who owned what (or whom) and who owed what (money or services) to whom. There were two volumes, which have been styled Great Domesday and Little Domesday, the latter covering East Anglia. While not comprehensive in its coverage, the survey provides a picture of much of the country which is unparalleled in medieval England. In particular there are gaps in coverage of the towns (London, Bristol and Winchester being the most notable absences), but over 100 places inhabited by [burgesses](#) are surveyed. So Domesday gives us our first real look at English medieval towns, with comparative information applicable to both the period immediately preceding the Conquest, and the period when the survey was undertaken; the comparison allows us to see, for example, the adverse effects of the Conquest – many boroughs had suffered damage and depopulation, either in the course of the resistance to the Normans, or

because of the planting of castles in key strategic urban centres, to control the local and regional populations.

For further background information see:

- [Focus on... The Domesday Book](#)
- [The Domesday Book Online](#)
- [Domesday Book](#)
- [Medieval Sourcebook: The Anglo-Saxon Chronicle: The Domesday Book, 1086](#)
- [Medieval Sourcebook: The Domesday Book 1086 - Instructions and Extract](#)
- [World Wide Words](#)
- [The Domesday Texts](#)

essoin

Essoins were excuses for non-attendance at a court session. It was anticipated that, for various reasons, a man might not be able to attend a court session to prosecute or defend a charge and so provision was made for a certain number of absences without penalty, which were expected to be genuine and valid. Permissible excuses were: [illness](#) serious enough to confine one to bed; [absence abroad](#); being busy in the [king's service](#); and [misadventure](#) en route to court. The excuse had to be presented by some friend or agent of the essoined party; some men appear so frequently delivering essoins that it seems they did it as part of their livelihood. Since only in certain cases could judgements be rendered in the persistent absence of a defendant, essoins were often used as part of a strategy to delay the progress of cases. Some types of case, requiring speedy remedy, restricted or eliminated them.

farm

One party might acquire, on a basis similar to a lease, from another party one or more rights, jurisdictions, revenues or properties – often a combination thereof – by taking them to farm (today we still talk about "farming out" sources of revenue). A farm was a pre-determined lump-sum amount assessed for one year (although payments might be made in instalments) on an estimation of the value of the revenues. In theory at least, a farm was a fixed, or "firm", amount from year to year, as opposed to a rent, which might fluctuate according to property values; however, in practice farms were often renegotiated if the value of the sources of revenues changed, while "rents of assize" were considered to have a fixed value that could not be changed by, for example, a new owner (such rents themselves being subject to sale, gift or bequest, quite independently from the ownership of the real estate itself). The *firma burgi*, or fee-farm of a borough, was the annual sum due the Exchequer in return for the king allowing the farmer to administer the borough – or rather, administer its sources of revenue (which might include property rents and taxes, local tolls, court [amerancements](#)). Before the period of self-government, boroughs were farmed by local potentates (e.g. county sheriffs) or entrepreneurs; the aim was to be able to make a profit from the revenues beyond the amount due for the farm, and this could result in extortionate measures. Hence the desire of the townsmen to acquire the farm for themselves, which necessitated taking the reins of local administration. With the grants of self-government to boroughs by (principally) kings Richard I and John, the farm became in effect a perpetual lease. The

amount of the fee-farm was fixed at the time of the original negotiation, but might increase if subsequent additions to jurisdictions, revenues etc. were granted, or decrease if the value of borough revenues demonstrably decline: thus, for example, we see many adjustments in valuations at the time of Domesday Book, while towards the end of the Middle Ages many towns were making cases for reduction of their fee-farm due to local hardship or abnormal expenses (e.g. building defensive fortifications). Boroughs themselves sometimes farmed out to townsmen sources of revenue (with associated offices, if applicable) or communal properties, since this assured the borough a guaranteed (lump sum) revenue, regardless of what income the farmer was able to extract.

folk moot

SEE moot

foreigner / alien

The perspectives of the everyday person of the medieval world were more parochial than today (when the mass media and telecommunications have given us a global outlook). Sense of identity, and feelings of "patriotism" were more focused on the local community and less on the nation-state, which was a relatively undeveloped concept at that time. Today we apply the term "foreigner" to someone who is from outside of the national community, and "alien" (other than the technical application in regard to immigration) to a being from another planet. Within the narrower focus of the medieval English mind, a foreigner was someone who was not strictly a member of the local community although was likely to be from some other community in England – often a neighbouring one; an alien was someone from another country. "Outsider" and "stranger" were terms applied less discriminately to such individuals. "Foreign" could, however, also be applied to someone who was resident in a town but not a fully enfranchised member of the burgess community. Aliens could likewise take up residence in a town and might integrate into the community – in some towns reliant on international trade, they could found important dynasties – but as the Late Middle Ages worn on, with growing nationalism (complicated by other factors such as commercial rivalries) fostered prejudice against non-natives, it became harder for aliens to settle and win acceptance within town society.

forestalling or regrating

Forestalling and regrating were similar offences in which middlemen purchased goods, particularly victuals, in order to resell them; regrators usually divided the goods into small lots to sell by retail, whereas forestallers might sell them again by wholesale. Forestalling was the more serious, involving interception of goods en route to market (or before the hour when the market could legally begin business), in order to buy them and then sell them in open market at a price higher than for what they would originally have sold; or, since town authorities kept a close eye on market prices and could control them somewhat, the profiteering might be achieved by buying wholesale at lower than the current market price and then reselling close to the market price. Sometimes the purpose was artificially to create a shortage of goods, so that the "fair" price established in the marketplace would be higher than it ought. The seriousness of forestalling, as an infringement of community rights (viz. the right of all burgesses to have the opportunity to obtain sufficient supplies for household needs at the lowest cost

possible), is reflected in the fact that the term – which came, in legal use, to mean to stop goods before they reached a market stall (although in its Anglo-Saxon origins the term may have been applied to other kinds of interception) – has a broader, metaphoric application in modern vocabulary. The term "pre-empt", which has a similar meaning today, likewise derives from the purchase (Latin *emptio*) of goods before they could reach a public venue. However, commercial enterprise – including the resale of goods by middlemen – was fundamental to the economic character of towns, and regrating was controlled more through licencing and limitation than by suppression (at Oxford, for instance, the number of regrators operating from shops was fixed by an agreement between university and town, the latter taking a licence fee per shop), while instances of forestalling constantly appear in borough court records. The danger, or fear, was that regrators would resort to forestalling.

For further background information see:

- [Medieval Sourcebook: Statuta de Forstallariis \(Statute of Forestallers\), c. 1300](#)

franchise

SEE [freedom](#)

frankpledge

A system of policing and law enforcement found at the lowest level of society; later part of the manorial system of administration of justice and, by extension, that of towns. It harks back to the earliest application of the "jury" in Anglo-Saxon England which relied on the knowledge of an accused man's peers and neighbours to vouch for guilt or innocence. Late Anglo-Saxon law required, in most parts of England, every commoner (unless part of the household of a lord) to be a member of a "tithing" – "ten people" (although in practice groupings were not necessarily of the exact number) – or a frankpledge. The group was jointly responsible for ensuring that any of its members accused of a crime appeared in court to answer for it (failing that, the group could be answerable for compensating an injured party); they were essentially [pledges](#) for the behaviour of their members. The group was also responsible for bringing to the court's attention, through presentments made by their leader (the tithingman – later known as the capital pledge), any crimes committed by its members. These presentments were made by the capital pledges together, acting as a jury representing the local community, and might also extend to identifying [crimes committed by others](#) outside the tithing system. What were called "views of frankpledge" were held periodically to ensure that all adult males were members of a tithing, to take an oath from them that they would not engage in illegal behaviour, and to hear presentments. Membership of tithings was likely organized on a neighbourhood basis, and groups of tithings were associated together in wards, or [leets](#). Important men were outside the frankpledge system; however, their households formed a kind of tithing, its members being in the "mainpast" of the head of the household, who was answerable for their behaviour. Migration and freeholding (under which a man's property could become a pledge for him answering to justice) undermined the tithing system, although leet administration remained a useful component of judicial administration until the end of the Middle Ages.

For further background information see:

- [Bracton: "On the Laws and Customs of England: At the view of frankpledge"](#)

- Police: Anglo-Saxon beginnings

freedom

The borough freedom is not a reference to the vaunted but questionable adage that "town air makes free", but rather to the set of rights and privileges – which were referred to collectively as the liberty or the franchise (or in their plural form, liberties or franchises) – that townsmen acquired through chartered grants from their lords, as well as traditional rights (usages) as indicated in custumals. A freeman in the borough context was not therefore one who was personally free, i.e. not a serf or villein (although this was normally a *sine qua non*), but a member of the enfranchised community; the rights possessed by the community (e.g. burgage tenure) tended towards promoting more personal freedom than most of the extra-urban population had. A resident was not, in most towns, automatically a freeman but acquired this privileged status by entering the freedom, or taking up the franchise, which might happen automatically in some cases, or in others be acquired through a one-time membership fee (or fine). Women might enjoy a similar set of franchises, if unmarried daughters of resident freemen or widows of freemen, although while they were married their rights were determined by the status of their husbands. Depriving someone of freeman's rights (disfranchisement) was one of the more drastic non-corporeal punishments available to borough authorities. "Franchise" or "liberty" could also be used to refer to the territorial area within which the borough rights and freedoms were in effect; territory and jurisdiction were conceptually intertwined.

fresh force

SEE abatement

gild

Gilds (more commonly spelled today as "guilds") were associations of men and women sharing common interests. There were various types of such associations. Some gilds were fraternities created for socio-religious purposes, which included conviviality, communal religious celebration, and charity (usually mutual support). Other gilds had a more businesslike purpose. Members of the same craft or trade came to organize themselves in the Late Middle Ages into gilds. On one hand this was a response to efforts of borough governments to control trade and craft practices: craftsmen needed to band together to protect their interests, but also for self-regulation, to satisfy government requirements for the setting and policing of standards. On the other it was a mechanism for established practitioners to suppress competition by restricting practice of a trade or craft to gild members. The two purposes intersected in the apprenticeship system, which ensured that young men interested in following a craft acquired the necessary skills and were inculcated with the values of the gild establishment, while at the same time restricting competition to qualified craftsmen, by requiring several years of apprenticeship before an individual could graduate to running his own business. The same two principles applied to merchants, whose gilds came into existence earlier than those of the crafts. Since the mercantile element of the community was prominent and influential, merchant gilds could be powerful institutions within a town, although this varied considerably from place to place.

For further background information see:

- [Information Please Encyclopedia: "guilds or gilds"](#)

hamsoken

SEE [abatement](#)

hanse

This Old English term was sometimes applied to the commercial (as opposed to the social) aspect of merchant guilds, or to the fee (which might be monetary or in-kind goods) for becoming a partner in the mercantile advantages accorded to guild members. It was possible, in some towns at least, for non-burgesses to acquire a membership in the hanse component of a merchant guild, which allowed them to trade in the town without paying tolls. The term is more commonly known, however, in application to the Hanseatic League, an association (i.e. an informal guild) of mercantile towns in what is today northern Germany. The German Hanse established a permanent base in London and from there expanded its influence to provincial towns so that, by the fifteenth century, it was dominating much of England's international commerce.

For further background on the Hanseatic League see:

- [ORB Online Encyclopedia: Hanseatic League](#)

hosting

"Hosting" or "hostage" was practiced in a number of towns (e.g. [Yarmouth](#), Ipswich, Norwich, Southampton), particularly those active in international commerce, even before it became the subject of a royal statute. A visiting merchant from abroad, if intending more than just an overnight stay, would be taken under the wing of a merchant of the town. This might include providing the visitor with lodging and storehouse facilities for his merchandise, and usually involved the host assisting the visitor to sell his goods – sometimes simply through advice, but sometimes as a deal-maker. In principle it could be beneficial to the visitor, unfamiliar with local marketing rules or without local business connections, and also beneficial to the town, since the host could then supervise the business activities of the visitor – and be held accountable by the town if the visitor committed any fraud. However, the practice was subject to abuse by the hosts, who had a competitive advantage regarding the visitor's merchandise and who might try to cheat the visitor or to cheat the town of tolls due on imported merchandise.

hue and cry

In the absence of a police force, apart from the town sergeants (who served an enforcement rather than a crime detection role), apprehending criminals was partly the responsibility of the community. This was handled either by reporting crimes after the fact (often through formal mechanisms such as [view of frankpledge](#)), or – if the crime were discovered in process or freshly committed – by raising hue-and-cry. This involved loud proclamation by the discoverer or the victim, male or female, in order to alert those in the vicinity. Those persons then had the obligation to join with the declarer of the crime in pursuing the criminal, usually to the boundary of the community, continuing the clamour in the process. Anyone participating in hue-and-

cry had the right to arrest a criminal. In this context the carrying of arms was permitted and a criminal violently resisting arrest might be killed with impunity, but not otherwise – lynchings were very rare, and even wounding or killing a criminal to hinder flight was unlawful. Victims of conspicuous crimes (e.g. rapes or assaults) might also raise hue-and-cry, even if the culprit had escaped, in order to summon those who could witness the effects of the crime. A similar concept to hue-and-cry has survived in the contemporary Western convention that someone seen fleeing the scene of a crime should be met with cries of "Stop, thief!", in order to encourage the public to apprehend the criminal. A post-medieval counterpart of the hue was the posse of the American frontier, but this was organized and led by an officer, whereas the hue was more spontaneous (although [capital pledges](#) or [constables](#) may have played a role). Arrests could sometimes be effected through the hue, with captured criminals either being marched off to gaol or held until the authorities could arrive; felons caught red-handed were easier to convict. Anyone discovering a corpse was expected to raise the hue immediately, even if the body was cold so that no pursuit was practicable; to fail to do so would have cast suspicion on that "first finder". Failure to raise hue, or of the community to respond to the hue, could result in a neighbourhood being fined once the crime was reported to the courts. At night, when many crimes were committed, the hue would have been a less efficient mechanism; towns instituted night-watches – again a community-based mechanism – to compensate.

For further background see:

- [Bracton on procedure in pleas of the Crown](#)

hundred

A unit of local administration introduced in the tenth century, (normally) larger than a village but smaller than a county; the name has some connection to a territory of 100 "hides" (a measurement of area), although this was not consistently the case in practice. In the former Danelaw the "[wapentake](#)" had a similar role. Many towns had acquired, by the time of Domesday, the status of a hundred (or at least a half-hundred – which made little practical difference). The hundred court developed out of, and superseded, the older folkmoot; it dealt with less serious criminal and civil cases.

For further background information see:

- [The Laws of King Edgar, 959-975 A.D.: This is the Ordinance how the Hundred shall be held](#)

husting

SEE [moot](#)

incorporation

The borough [community](#) is seen acting jointly to pursue common interests or goals – i. e. in a corporate fashion – from at least the twelfth century on. However, the law made no formal recognition of this (even though the king effectively recognized the existence of communities in his dealings with towns), which was often inconvenient. One of the last major concessions, in terms of chartered liberties, that the king made to towns in the Middle Ages was their incorporation (i.e. making the town a fictitious personality in the eyes of the law). There were five characteristics associated with this: the right of

perpetual succession; the right to use a "common seal" as the signature of the borough to official documents expressing community will; the right to sue, and be sued; the right to make by-laws; and the right to hold property communally. Since almost all of these features had been in use in boroughs prior to incorporation, the recognition of this by royal grant was probably not such a significant step forward for boroughs that it might appear to us; however this grant often went hand in hand with other powers, such as the right to have a mayor as the executive officer (once associated with the dreaded commune, whose spectre had greatly diminished by the time of incorporation), and the grant of local jurisdiction over Sessions of the Peace. Perhaps equally important to the borough government was that incorporation reduced the liability of individual officers to be sued for transgressions or defaults of the community, while it made it easier for the borough to acquire communal property which was an increasingly important source of revenue to support administrative costs. To the historian, incorporation is simply the logical culmination of the development of borough government throughout the Late Middle Ages, creating the form of the post-medieval borough.

inquest, or inquisition

SEE law, waging of

jurat

Meaning "sworn man", the term was principally applied specifically to burgesses who took oath to assist and counsel the borough executive – i.e. the town councillors. Like "mayor", "jurat" came to England from the continental commune, where "scabin" was another term used for the same type of officer, although jurats were from the start officers selected by and from the ranks of citizens, whereas scabins had ties to the feudal establishment. In England, town councils were referred to somewhat obliquely by a variety of terms, including *potentiores*, *bon hommes* or *probi homines* (although those terms might also be more widely applied to members of the ruling class), or simply by the number of members of the council – normally "the 12" or "the 24"; jurat similarly is a term usually encountered in the plural, collective form. In some towns they might have more localized (yet no less indistinctive) names, such as "portmen" or "wardmen". But it was not until the close of the Middle Ages that, as the ruling class – represented by borough executive and upper council – began to monopolize power, the dignity and greater distinctiveness of "alderman" came to be used as their title.

law, waging of

One of the ways for a plaintiff to initiate a legal action was to establish reasonable cause in the eyes of the court by producing a body of supporters – *secta*, whence the term "suit" – and some "good proof", perhaps no more than the word of the supporters that the complaint had foundation. This practice gradually lapsed, although the concept was retained in the legal formula of court records referring to the plaintiff "producing suit". One of the options that might be open to a burgess to defend himself against a plea or suit was to "do his law" through purgation; it could also be used by the plaintiff to uphold his accusation. For the defendant, waging law meant finding men who would take oath to his innocence, in support of the defendant's own oath; the number of these

compurgators varied according to the crime; twelve "hands" (i.e. individuals) was the number for many charges. For the plaintiff it meant an oath that the accusation he had made was genuine. Doing, or waging, one's law was a principle of Anglo-Saxon law. The other standard option for judicial investigation was by inquest, a Norman introduction, allowed to boroughs to try civil cases (whereas the king reserved criminal cases for his own legal system); an inquest, which was sometimes referred to as putting oneself "on the country", might be called upon for various purposes, such as the assessment of legal damages or the valuation of property. From this, as well as from an Anglo-Saxon group responsible for identifying crimes (like the later capital pledge presenters of the leet court), evolved trial by jury. The jury was, in some regards, similar to the compurgators, except that it was called into being by public authorities to state (under oath) its opinion on the guilt or innocence of an individual, rather than participating voluntarily to support an individual's claim of innocence.

leet court

A type of court with a similar jurisdiction to view of frankpledge; it seems to have been the Assize of Clarendon (1166) that led to the amalgamation of presentments of crimes with administration of frankpledge. The leet was essentially the territorial aspect of frankpledge: numbers of tithings were organized into leets, or wards, which were normally sub-units of the hundred; in some towns, constabularies were similar sub-units. A leet might have its own court (as in Norwich) although more usually it simply made its presentments in a special (full) session of the town's hundred court. In less developed towns, the leet court might be essentially the legislative arm of local government. Offences were presented by a jury of capital pledges, also known as headboroughs (from "borh" meaning pledge), after the articles of leet jurisdiction were read out to them. These articles were typically concerned with breaches of the assizes of bread and ale and offences against the community – such as matters affecting public health and safety, private usurpation of public property (e.g. encroachments of buildings, or blocking of rights-of-way), and performance of public officials. The only punishment within the power of a leet court was the setting of ameracements, the amount of each being assessed by a second jury (affeerors). As a result of this limited punitive power, the repetitive offences by the same individuals brought before leet proceedings year after year sometimes have more the appearance of a licensing system. Crimes of a more serious nature could also be presented (i.e. made public) by the leet jury, but were referred to higher authorities. In some towns the leet system was partially superseded by the constabulary system.

liber burgus

SEE borough

liberties

SEE freedom

mayor

A mayor was an elected executive officer of a borough, with similar powers and

responsibilities to a bailiff. However, it may be that townsmen had difficulty ridding themselves of the image of the bailiff as the servant of a higher authority, and that a mayor (whose title emphasizes a relationship with the community of which he is leader) represented by contrast the borough's aspirations to administrative independence; over the course of the Middle Ages, many towns persuaded the king to let them replace bailiffs with mayors. We cannot push this theory too far, for urban political development in England (in the context of a relatively strong and centralized monarchy) was less revolutionary than in many parts of the European continent. Nonetheless, the mayor of London – the earliest example in England – is associated with the period of the commune (an emulation of continental examples of self-assertive efforts to gain independence). And in some towns, such as Lynn, perhaps inspired by London's example, mayors were created to lead the community in pressuring borough lords to cede power, particularly where bailiffs (controllers of local courts) remained appointees of the lords. However, while the king gradually became willing to permit the introduction of mayors as chief officers of boroughs, he made sure that these officers remained answerable to the Crown.

message

SEE tenement

moot

Deriving from a Old English term meaning "meeting", a moot was a decision-making mechanism. As folkmoot, it was a usually open-air gathering of a community, sometimes headed by a royal official (in which manifestation it might be a shiremoot, hundred-moot, or burh-moot), for the administration of local affairs and particularly the administration of justice through local custom. Under Alfredian law, the folkmoot seems to be the mainstay of legal administration. Towns had their own version of the moot, which had aspects both of court and of council meeting; the various names by which versions of this was known in different towns included *burhgemot*, portmoot, portmanmoot, assembly, and congregation. Assembly and congregation represented more the legislative aspect of the folkmoot, while the others were more the judicial aspect; decision-making remains at the root of each. Husting was yet another term used for a court whose origins may be said to lie with the moot. The term, with Norse derivations (possibly associated with a verb "to speak"), refers to a meeting of the folk (Anglo-Saxon "*thing*") – that is male adult free men – inside a building (house), in contrast with the open-air folkmoot. The Viking "*thing*" had legislative and judicial functions; its method of voting, said to be by participants making a noise with their weapons, was known as "*wapentake*", and this later became associated with the region over which the thing had jurisdiction. Although medieval London had both a folkmoot and a husting (the latter visible as early as the tenth century), we should not read too much into this differentiation.

murage

A special toll or tax that boroughs could levy, if they received royal licence to do so, on condition that the proceeds to be put towards the building or repair of town walls. The licences specified a limiting period within which the levy could take place. The king was normally inclined to grant such licences, since it was in his interest that his towns

be well protected. We find such licences granted from early thirteenth to late fifteenth centuries; examples can be seen at [Norwich](#), [Lynn](#), and [Yarmouth](#).

oligarchy

A form of government in which power is deliberately monopolized by an organized elite and applied to the social and/or economic benefit of that elite, and in which the power of the elite is maintained by force or by shaping the constitution to confine or avoid requirements for consultation of, or accountability to (including by election), the populace. Many historians have considered medieval borough governments to be oligarchies, particularly towards the end of the Middle Ages, when they were becoming the "closed corporations" of the Tudor period. Life membership of councils and co-optation - in which members of the corporation have exclusive control over the filling of vacancies in their ranks - have been considered indicators of oligarchic forms of government in medieval towns. While it can be argued that all government involves, to some degree, a ruling elite, oligarchy is characterised by the self-interested policies or actions of the rulers. By contrast, aristocracy is a form of government by a usually hereditary elite which is in theory paternalistic. Some historians have used the terms "patriciate" and "meritocracy" to describe a ruling elite which governs by right of superior abilities or experience (but not necessarily birth), and "plutocracy" to describe an elite whose power derives from economic status rather than birth. However, these terms should not be considered synonymous with oligarchy, since they do not carry the baggage of the self-interested exercise of power.

peer

Today the term is used in phrases such as "peer of the realm" or "a jury of my peers". In either case the term means "equal" in legal or social status, and so it was with the use of the term in medieval boroughs where the term was used to refer to members of the enfranchised community – theoretically a community of equals. The term "commoner", which today we associate with connotations of non-aristocracy, similarly really meant member of a community (although by the end of the Middle Ages it was already acquiring, in the usage in official borough records, connotations of socio-political inferiority); "[comburgess](#)" was used in a similar fashion, although it also came to be applied to the mayor's peers (i.e. the town councillors). In the cases of both "peer" and "commoner" there was the implication of sharing in communal rights, and the terms can be connected with the concept of being [at scot and lot](#). I am inclined to suspect an etymological connection between the Latin term for peers (*pares*) and *pars*, which can refer both to sharing in something and the concept of membership.

piepowder

"Piepowder" comes from a French term meaning "dusty feet" and applied to the judicial system of trying cases involving travellers (usually merchants) from outside the town, in order to render swift justice.

For further background information see:

- [World Wide Words](#)

pledge

"No man without a lord" was an ancient adage of English law. It was important to the administration of justice, which required compensation for most crimes, that accused parties could be obliged to answer charges either by having property which could be arrested (later, "attached") or "lords" who would oblige them to answer. Also ancient was the practice of an accused man clearing himself by obtaining supporters (compurgators) who would take oath to his innocence. In the borough, where men were "free", this manifested itself in the form of pledges (sometimes referred to as "gage and pledge"), sureties, and mainprise; such guarantees of behaviour might be required in a variety of circumstances – including repayment of debts, performance of official duties or entrance into the franchise – but are most commonly associated with legal procedures. The accused was expected to provide a guarantee (money or goods, often referred to as pledges) or to find guarantors (variously known as pledges, sureties, manucaptors or mainperners) for his appearance in court to answer a charge, or at a later stage for complying with a court judgement. In certain cases where the accused failed to fulfill a judgement (e.g. repayment of a debt) the guarantors might themselves be liable for it. Similar concepts today are seen in bail, or bonding and collateral in cases of debt or financial contract; the terms surety and mainpernor are still used in specific technical senses, different from each other, although it is not clear that there was any real differentiation in the Middle Ages. In the thirteenth and fourteenth centuries, an accuser might, in some cases, initiate an action through a pledge, to assure the court that his charge was with foundation, not frivolous or malicious, and that he would pursue it. At a slightly earlier time, an accuser might have to produce several supporters at the initiation of a legal action to establish reasonable cause for a case to proceed. Initiation of charges before a leet court was made by Capital Pledges (or the equivalent), each representing a tithing.

probi homines

SEE prudhommes

provost (or prepositus)

SEE bailiff

prudhommes

Prudhommes or *prodeshommes* (Latin: *probi homines*) was a term used to refer to a particular subset of the urban population. In its earlier occurrences it is found in contexts related to judicial or political administration, and refers to a category of townsman active in, or qualified for, authoritative roles involving the giving of testimony or making of decisions. It increasingly came to be a synonym for the urban rulers and the class from which they were drawn. It is not easy to come to grips with a precise rendering of the term which conveys in modern language the medieval connotations. After much thought and examination of contexts in which the term is used, I have settled on the translation of "reputable men". H.T. Riley, editor of key records of medieval London, translated it as "substantial men", but this focuses primarily on the economic status of the councillors, whereas the term was, I am certain, intended more (though not necessarily exclusively) to express something about moral/ethical fibre and social responsibility – which is reflected in one of the medieval

English equivalents of the term: "good men". I have [elsewhere](#) suggested "law-abiding" as a rendering, although this alone does not capture the complexities of the term. Upright, judicious, prudent, respectable, trustworthy, proven, credible, creditable, capable are all adjectives reflecting facets of what medieval people understood from the term. We have the same expectations that our "rulers" today be persons of integrity. SEE ALSO [discreet](#).

purgation

SEE [law, waging of](#)

recognizance

This was a formal acknowledgement before witnesses of a binding transaction between parties. Making the acknowledgement before legal authorities, or reporting it to them, with a view to having it registered in court rolls, established an official record to which reference could be made to prove or disprove subsequent legal disputes related to the transaction; this was superior to any other means of proof. Recognizances could be applied to the incurrence of a debt, a transfer of real estate (including via testamentary bequest), or certain disclaimers of rights to real estate. Recognizances represent a consensual situation, as opposed to the adversarial situations legal authorities more often dealt with, and were intended to avoid the risk of drawn out legal disputes. In situations where property involved in a transaction was considered by the law to be jointly owned by a husband and wife (normally this was the case with property owned by a woman prior to the marriage), it was required for the wife to make a personal and free-will acknowledgement (before the authorities) of consent to her husband alienating the property.

reeve

SEE [bailiff](#)

regrating

SEE [forestalling](#)

scot and lot

Brewer's *Dictionary of Phrase and Fable* (1898) defined "scot and lot" as

"A levy on all subjects according to their ability to pay. Scot means tribute or tax, and lot means allotment or portion allotted. To pay scot and lot, therefore, is to pay the ordinary tributes and also the personal tax allotted to you."

Historians have followed suit in focusing on the taxation aspect, in part because of the slightly misleading breakdown of borough charter privileges made by Ballard. However, the actual situation is more complex. To be "at scot and lot" meant having a share in the obligations and responsibilities of a member of the community; in return members shared in communal privileges and advantages –not all town-dwellers were part of that privileged community. In

essence, scot and lot was an indicator of status, in terms of membership. Some historians have connected the status of being at scot and lot with householding; this, however, was not a prerequisite (although in some towns it later became a requirement of citizenship), but there was a natural concern that members of the community have property –whether real or moveable –by which they could be distrained if they failed to pay their contributions. "Scot" seems clearly enough associated with being contributory to taxations, aids or customary dues imposed on the community (e.g. see the Norwich custumal). The term survives today in the idiom that someone "got off scot-free". Similarly, "lot" survives in concepts such as "lottery" and "to cast one's lot in with". It is a Teutonic term that found its way into Norse, Old English and the Romance languages; the derivation is uncertain, but may be associated with a term for a piece of wood, in reference to the use of such in the drawing of lots. Drawing lots was associated with such things as the order of dividing plunder; by extension, the term "lot" came to be associated with a share in a distribution of goods or property, calling to mind the customary right of each burgess –an urban status possibly synonymous with being at scot and lot –to claim a share in any commercial bargain underway in a public place (again, see the Norwich custumal, and for the reciprocity of obligation and privilege, that of Yarmouth). The *Leges Quatuor Burgorum* explicitly applied the term lot to that situation, while the Northampton custumal talks about dividing up essential goods (victuals) by "divination" (i.e. casting lots). A royal charter to Chesterfield (1294) uses the entire phrase "lot and scot" in this context of sharing in bargains. If, as seems possible, scot and lot referred to the two-sided coin of sharing in both obligations and advantages, the nearest modern equivalent to the concept may be the colloquialism "You pays your money, and you takes your chances", although this –decontextualized from a social setting –has lost the original's nice expression of reciprocity. There is a further application of "lot" which must be considered. The drawing of lots was anciently a method of selecting from a group one or more individuals for some role –such as a winner, or an office-holder. "Accepting one's lot in life" may hark back to election to office. This form of election was considered to call into play divine judgement, and could still be found in Yarmouth at the end of the Middle Ages. The London authorities explicitly defined lot, in 1415, as liability to hold office. It is evident that "scot and lot" is not, as in Brewer's definition, two terms with essentially the same meaning, but presents two separate yet related concepts. The two may represent dual responsibilities, of contributing to taxation and bearing one's fair burden in administrative duties, or the opposites of obligation and benefit; perhaps "lot" itself communicated more than one idea.

tallage

SEE taxation

taxation

In addition to specialized taxes such as customs duties on merchandise, medieval townsmen were subject to general taxes, similar in some ways to modern income tax. Aids were not regular impositions, in contrast to the fee farm which was a fixed annual payment. They were, in theory, voluntary gifts of money to the king to assist him with unusual expenses (such as the costs of marrying off a daughter); however, when the king requested an aid, it was unwise not to comply. Tallages were more explicitly obligatory and were lump sums which borough authorities had to distribute fairly among individual burgesses; this was usually done proportionately according to personal wealth, as determined by a valuation of real estate or goods and chattels.

Royal tallages came to absorb aids under their heading, and were themselves superseded after 1275 by taxes imposed through parliament, called lay subsidies, or tenths (reflecting the percentage of personal wealth due as payment, which was higher in towns than in rural areas where the rate was a fifteenth). Borough authorities might themselves impose local tallages, as a way of raising special funds for particular purposes or sometimes – before other sources of revenue were well-developed – as a foundation of borough finances (such being the case in thirteenth-century Lynn). Taxes were no more popular in the Middle Ages than they are today, and there occurred resistance, evasion, and complaints of unfair assessments; special measures sometimes had to be taken to protect tax-collectors.

tenement

The word is little used today, except as a specialized legal term restricted to certain situations. Essentially it means no more than a piece of real estate that was subject to tenure (being held under definable conditions) under common law. It was used in this general sense in the Middle Ages, but most commonly for property with buildings on it (in contrast to a field or meadow, for example). A "capital tenement" was the property where an individual normally lived, or had at one time lived, i.e. his or her principal property. A similar term to "tenement" was "messuage" and it is often difficult to tell if these terms were being used interchangeably or if some significant difference was understood. This was the French version of the Latin *mansio*, which (although it too could be used in a general sense for a piece of property) was usually applied to a plot of land on which a residence stood; and the term later came to be applied specifically to a residential property. However, the Middle Ages it seems often to have been used generally for a piece of owned land, of no fixed size or purpose. Our poor understanding of how messuage and tenement were used is partly due to a lack of more detailed description of the properties in the original documents.

tithing

SEE [frankpledge](#)

waste

The medieval application of the term is much like its modern connotations, but it was used in a legal sense referring to land that was unoccupied, undeveloped or uncultivated. As a result the land could not be the source of any tax or other revenue to its owner. Borough governments were keen to obtain control (from the lord of the town) over wasteland within the town boundaries, since they could then lease out plots of land. The term was similarly applied to property that had been allowed to deteriorate, or had even been purposely damaged, so that its value (whether in terms of selling price or rentability) decreased.

withernam

In its strict sense, withernam was the possible resort of an individual whose goods had been distrained to force him to answer in court for an accusation brought against him by another. Should the defendant feel the distraint to be unjust he could seek from the authorities an act of counter-distraint, to restore the distress taken (this procedure

subsequently being known as replevin) or, if the goods originally distrained were not within the area of the authorities' jurisdiction, to seize other goods of the plaintiff. This found application in the urban environment in a broader form. If, for example, a burgess visiting another town committed (or was accused of committing) some wrong against a resident but, having departed, could not be brought to justice, it might be allowable to distrain on any other of his fellow-burgesses at that time in town. Alternatively, if a burgess, while in another town, suffered financial loss as the result of unjust actions of the town (e.g. collecting toll from a merchant of a borough exempt, by royal charter, from paying tolls) or of one of its townsmen, then compensation might be exacted in the home-town of the offended party through distraint from any within-reach resident of the erring town. Thus the innocent individual was considered liable for the wrong committed, by reason of being a member of the same community to which belonged the actual perpetrator of the wrong. In extreme cases, this could lead to a cycle of reprisals and counter-reprisals, and to a breakdown of relations between towns.

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Biographical Master List

The purpose of this page is to provide a central reference to the more substantive of the biographical sketches of medieval townspeople dispersed across various of the **Medieval English Towns** pages. Links to key external sites with biographical information are also included. The list comprises names, an indicator of the main claim(s) to fame, and the location with which principally associated.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U/V](#)
[W](#) [X/Y/Z](#)

- A -

[Acton](#), **Richard**; wool merchant and mayor, Newcastle

[Albeyn](#), **John**; tanner and bailiff, Nottingham

[Alestre](#), **John**; wool merchant and mayor, Nottingham

[Amyas](#), **William**; merchant and chantry founder, Nottingham

[Ashebourne](#), **William**; town clerk, Lynn

[Askham](#), **William**; fishmonger and mayor, London

[Aylward](#), **Robert**; merchant and mayor, Southampton

- B -

Baker, William; netter and constable, Reading

Bamme, Adam; goldsmith and mayor, London

Bannebury, Alan; hat-maker?, Reading

Barentyn, Drew; goldsmith and alderman, London

Baret, John; merchant, Bury St. Edmund's

Barton, Henry; skinner and mayor, London

Baxter, John; mayor, Reading

Bedeham, John; chantry founder, London

Bedingham, Ralph; merchant, Lynn

Belleyetere, Edmund; merchant vintner, Lynn

Betele, Henry; merchant and mayor, Lynn

Bilney, John; merchant and reformer, Lynn

Bitering, William; vintner and mayor, Lynn

Bixley, John; mercer and mayor, Norwich

Blakeney, William; sailor, Lynn

Blakburn, Margaret; wife of Nicholas Blakburn, York

Blakburn, Nicholas; merchant and mayor, York

Blaunche, John; cooper, Lynn

Bolt, John; merchant, Lynn

Bolton, John; mercer and mayor, York

Botkesham, Robert; merchant and mayor, Lynn

Botkesham, Thomas; merchant and mayor, Lynn

Bramptone, William; fishmonger and alderman, London

Brandon, John; merchant and mayor, Lynn

Braunch, Ancelm; merchant and jurat, Lynn

Braunch, John; merchant and jurat, Lynn

Braunch, Robert; merchant and mayor, Lynn

Brembre, Nicholas; grocer and mayor, London

Brewer, William; town founder, Axminster, Bridgwater, Chesterfield

Brigge, Thomas; merchant and mayor, Lynn

Brompton, John; merchant and keeper, Beverley

Brunham, John; merchant, mayor, father of Margery Kempe, Lynn

Brunham, Robert; vintner and mayor, Lynn

Bruyn, John; bailiff, Bridgnorth

Brycham, William; fishmonger and merchant, Lynn

Bryghtzeve, John; merchant and jurat, Lynn

Brycham, William; fishmonger and merchant, Lynn

Brynton, William; merchant and mayor, Lynn

Bukerel, Andrew; merchant and mayor, London

Bukworth, John; reformer, Lynn

Burghard, John; merchant and mayor, Lynn

Bury, William; gentleman, Colchester

Bye, Thomas; fuller? and mayor, Reading

- C -

Caldwell, John; merchant and bailiff, Ipswich

Cambridge, William; grocer, alderman, London

Carleton, Thomas; embroiderer and alderman, London

Carpenter, John; town clerk, London

Carpenter, Thomas; mercer and mayor, Reading

Causton, John; chantry founder, London

Chichele, Robert; grocer and mayor, London

Clech, Richard; draper and mayor, Reading

Clopton, Robert; draper and mayor, London

Cokesford, Hamon; jurat, Lynn

Cokesford, John; merchant and mayor, Lynn

Cokesford, Robert; lawyer/administrator, Lynn

Cooke, Thomas; jurat, Lynn

Couteshale, John; merchant and mayor, Lynn

Costyn, Geoffrey; bailiff, Ipswich

Coventre, John; mercer and mayor, London

Crowmere, William; draper and mayor, London

- D -

Danvers, Agnes; gentlewoman, widow of Fray, Wenlock and Say, London

Denton, John; administrator and mayor, Newcastle

Drayton, Thomas; merchant, administrator, Yarmouth

Drewe, Geoffrey senior; jurat, Lynn

Drewe, Geoffrey junior; merchant guild alderman, Lynn

Drewe, John; merchant and jurat, Lynn

Drewe, Thomas senior; mayor, Lynn

Drewe, Thomas junior; merchant and mayor, Lynn

Drye, Robert; bailiff, Ipswich

- E -

Ellingham, Hugh; mercer and vintner, Lynn

Ellingham, William; mercer and jurat, Lynn

Elys, Henry; jurat, Lynn

Emeldon, Richard; wool merchant and bailiff, Newcastle

Erl, William; vintner, Lynn

Erpingham, Thomas; knight, soldier, arbitrator, Norwich

Essex, William; draper and parliamentary representative, London

Esyngton, William; wool merchant, Newcastle

- F -

Falyate, John; merchant, Lynn

Fastolf, Hugh; sailor, administrator, Yarmouth

Fastolf, Hugh; grocer and alderman, London (same as Yarmouth man)

Fauconer, Thomas; mercer and mayor, London

Faukes, Thomas; merchant, Lynn

Feld, John; fishmonger and alderman, London

FitzThomas, Thomas; draper, mayor and Montfortian, London

Fox, John; mayor, Lollard sympathiser, Northampton

Frank, Philip; merchant and mayor, Lynn

Frank, Richard; merchant and mayor, Lynn

Fransham, Geoffrey; merchant, Lynn

Fray, John; lawyer and administrator, London

Frere, Richard; town clerk, Lynn

Frost, William; mayor, York

Fyncham, John; administrator, Lynn

- G -

Galt, Henry; goldsmith?, Lynn

Galyon, Roger; merchant and mayor, Lynn

Gaysele, Geoffrey; merchant, Lynn

Gedney, John; draper and mayor, London

Godestone, Thomas; administrator, Colchester

Gosselyn, Richard; chantry founder, London

Graper, Peter; bailiff, Newcastle

Gunter, William; merchant and mayor, Southampton

Gunton, Simon; merchant and mayor, Lynn

- H -

Hadley, John; grocer and mayor, London

Halleyate, William; reformer, Lynn

Halteby, John; "king of Ipswich"

Haukyn, Gilbert; bailiff, Newcastle

Hervey, Walter; populist mayor, London

Hibburn, Robert; merchant and mayor, Newcastle

Hunderpound, William; merchant and mayor, Lynn

Hunte, Thomas; merchant and mayor, Lynn

- K -

Keep, John; merchant and administrator, Lynn

Kempe, John; merchant, father-in-law of Margery Kempe, Lynn

Kempe, Margery; mystic, Lynn

Kenynghale, John; merchant, Lynn

Knolles, Thomas; grocer and mayor, London

- L -

Lakinghithe, John; merchant and mayor, Lynn

Lambert, John; merchant, Lynn

Lathe, John; vintner?, Lynn

Lech, Richard; mayor, Reading

Lede, Jakemin; Flemish merchant's factor, Leicester

Lendall, William; constable, Reading

Linacre, William; mayor, Reading

Lok, John; merchant, Lynn

Louthe, William; goldsmith and alderman, London

Lyndeseye, William; merchant and mayor, Lynn

- M -

Mafey, Peter; merchant, Lynn

Malyn, William; wool merchant and smuggler, Ipswich

Mapurley, Thomas; lawyer and recorder, Nottingham

Martyn, Nicholas; merchant, reformer, Lynn

Melcheburn, Thomas; king's merchant, administrator, Lynn

Metcalfe, Miles; lawyer, York

More, John; reformer and alderman, London

Muriell, John; merchant, reformer, Lynn

- N -

Neell, Richard; sailor, Lynn

Nicholas, Cristin; mayor, Reading

Nicholasson, James; shoemaker, foreigner, Lynn

Nicholl, William; merchant and mayor, Southampton

Norbury, Richard; mercer and alderman, London

Northampton, John; reformer and mayor, London

Northwold, William; clergyman, heretic, Northampton

- O -

Ormeshead, William; merchant and mayor, York

Oxneye, William; merchant, Lynn

- P -

Paxman, Roger; merchant and mayor, Lynn

Paynot, Thomas; merchant, Lynn

Perbroun, John; admiral, administrator, Yarmouth

Permonter, John; vintner and mayor, Lynn

Petypas, Bartholomew; reformer and mayor, Lynn

Philpot, John; grocer and mayor, London

Polle, Thomas; goldsmith and alderman, London

Preston, John; administrator, Ipswich

Preston, John; administrator, Ipswich

Pulter, Robert; victualler?, Lynn

- R -

Rafman, Henry; administrator and debtor, Yarmouth and Norwich

Ramsey, Ralph; administrator, soldier, Yarmouth

Reppes, Laurence; villein?, tanner, jurat, Lynn

Revetour, William; clergyman, playwright?, York

Russell, Richard; vintner and mayor, York

Ryghtwys, Thomas; merchant and mayor, Lynn

- S -

Salisbury, Robert; merchant, Lynn

Say, John; Speaker of the House of Commons, administrator, London

Segrym, Ralph; mercer and mayor, Norwich

Sevenok, William; mayor, London

Shadworth, John; mercer and mayor, London

Silesden, William; merchant, Lynn

Snawsell, William; mayor, York

Soper, William; merchant, mayor, clerk of the king's ships,
Southampton

Sparham, Thomas; merchant and violence victim, Lynn

Spicer, John; victualler?, customs administrator, Lynn

Spyr, William; mercer and jurat, Lynn

Stace, Geoffrey; administrator and kidnapper, Ipswich

Stace, Thomas; bailiff, Ipswich

Staundon, William; grocer and mayor, London

Stokdale, John; brasier, Newcastle

Stokker, John; draper and alderman, London

Stormesworth, Richard; bailiff, Lollard opponent, Northampton

Style, John and Thomas; merchants, Lynn

Style, William; bailiff, Ipswich

Sustede, John; merchant and jurat, Lynn

Sutton, John; merchant, Lynn

Swanton, William; merchant and mayor, Lynn

Swerdestone, Alan; merchant, Lynn

Swerdestone, John; merchant and mayor, Lynn

Swerdestone, Nicholas; disgraced burgess, Lynn

Systerne, Bartholomew; merchant and coroner, Lynn

Systerne, Reginald; merchant and jurat, Lynn

- T -

Taillur, Philip; mercer and alderman, London

Thewyt, Richard; merchant, Lynn

Thirsford, John; parliamentary representative, Lynn

Thirsk, John; merchant and mayor, York

Thornhegge, Joan; widow of John de Thornhegge, merchant, Lynn

Thornton, Roger; merchant and mayor, Newcastle

Thorpe, Richard; merchant, Lynn

Tilney, John; draper, Lynn

Tilney, John; lawyer and administrator, Lynn

Trussebut, Thomas; merchant, Lynn

- U/V -

Urry, Walter; merchant, Lynn

Usk, Thomas; scribe and author, London

Vannere, Henry; vintner and alderman, London

Venour, William; grocer and alderman, London

Vyell, John; mayor and cloth merchant, Bristol

- W -

Wace, John; mercer and mayor, Lynn

Walden, William; brewer, reformer, Lynn

Waldern, Geoffrey; draper and councillor, London

Waldern, William; mercer and mayor, London

Walpole, Robert; draper, Lynn

Walsoken, Adam; merchant and mayor, Lynn

Walton, Robert; wool merchant, Lynn

Walworth, William; fishmonger and mayor, London

Warner, John; ironmonger and alderman, London

Waryn, John; merchant and mayor, Lynn

Waterden, John; lawyer, Lynn

Waterden, Robert; mercer, Lynn

Waterden, Thomas; merchant and mayor, Lynn

Welles, John; grocer and mayor, London

Wenlock, John; parliamentarian, knight, London

Wentworth, John; merchant and mayor, Lynn

Wesenham, John; merchant and mayor, Lynn

Weston, John; chantry founder, London

Wetherby, Thomas; mayor, Norwich

White, John; clergyman, London

Whittington, Richard; "thrice lord-mayor of London"

Willeford, Henry; mayor, Nottingham

Woodcock, John; mercer and mayor, London

Wyth, William; jurat, Lynn

- X/Y/Z -

Yelverton, William; judge, Norwich

BIBLIOGRAPHICAL NOTE: The nature of surviving records from borough, national, or ecclesiastical archives of medieval England is such that it is the mercantile and property-holding segment of urban society that is best documented. We know little about individuals from the lower rungs of the social ladder, and even with those at the apex of that society, biographical reconstruction is often sketchy. Some modern studies of particular towns include biographies of a few selected townsmen. The single most useful source, however, is J.S. Roskell, L. Clark, and C. Rawcliffe eds., *The History of Parliament: The House of Commons 1386-1421*, Stroud: Alan Sutton, 1992. Although not entirely free of errors, the biographies are scholarly and often detailed.



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About the author

I was born in Enfield, England, but emigrated to Canada as a youth. My interest in medieval urban history began during my undergraduate days at Carleton University, thanks to Dr. Joan Greatrex. I chose to pursue it at Leicester University, in order to study under Professor Geoffrey Martin, and completed my Master of Philosophy [thesis](#) there.

Returning to Canada after completing my degree, I found employment as a researcher in the Canadian Museum of Civilization, and developed a second interest in museology (in which field I have various works published -- for anyone interested in that subject, here are some examples of my [books](#) and [articles](#)). I also pursued a degree in Library and Information Science (University of Western Ontario) to the Masters level. I am presently manager of the Museum's [Web site](#).

My involvement with the Web made me aware that medieval urban history is one of the fields for which there is a lack of information online. I therefore decided to create the Web site you are now visiting, in hopes of encouraging others who have studied the history of medieval towns to share some of their knowledge through this medium.

I dedicate this site to those giants upon whose shoulders I stand, some of whom I have been privileged to know personally.

If you know of any online information on the subject of English medieval towns to which I do not have a link, I would be grateful to learn of it.

e-mail: tristan@trytel.com

Stephen Alsford



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Origins: problems of definition

The origins and defining characteristics of medieval English boroughs have been for over two centuries, and remain today, a matter of debate among historians. The wide degree of diversity among England's towns, at all stages in their historical development, hinders the formation of a definitive, one-size-fits-all theory. Theory after theory has been devalued by pointing to particular cases which do not fit, or are even in opposition, and these cannot simply be dismissed as "exceptions proving the rule".

The issues of origins and of attributes are closely related, for part of the debate has focused around whether towns evolved gradually or were each a specific act of creation; the question of what characterizes a town (i.e. differentiates it from other types of settlement) would thus help provide a guide to when towns appeared on the landscape. It should be borne in mind, however, that definition, classification and categorization are the preoccupations of scholars – in the human sciences almost as much as in the physical sciences – not those of the people inhabiting medieval towns; indeed, the inconsistency in medieval times of application of "borough" or related terms makes the historian's task that much harder.

Let us first begin with what may seem obvious, but should not be neglected: towns are gatherings of human beings. Many great writers and scholars have made statements along the lines of "what is a city but its people"; this is useful in preventing us from focusing exclusively on towns as a more-or-less permanent collections of architectural structures with some kind of planned organization based on function and/or topography. Human beings are

social animals who for reasons such as mutual support (breeding, feeding, protection) and territoriality are inclined to form communities. However, those communities need not take the form of collective dwelling-places of fixed location, let alone of towns.

It is tempting to think of villages as smaller, less complex precursors of towns, and to think in terms of when one evolved into the other. There are two dangers here regarding medieval towns (and some would argue that the same applies to the earliest urbanization of the ancient world). One is that it is not a straightforward division. We should rather think in terms of a spectrum along which lie conventional markers such as hamlets, villages, market centres, towns, and cities; as a related aside, it should be noted that "town" is strictly an English usage, sometimes applied as a distinguisher from "city", whereas for most other parts of medieval Europe "city" alone is usually applied to urban settlements of varying sizes.

It is human nature to take a spectrum and, sometimes artificially, break it up into distinct categories; this is how we reduce the world to something we can understand. In doing so we look for distinguishing points between cities and towns, or between towns and boroughs. For instance, it has generally been held that in England it was the presence of a cathedral that accorded city status (although Domesday could use the term to apply to county towns that were not diocesan centres), while some argue that cities had a more diversified class structure (insofar as one can talk about "class" at all in the medieval period) and highly organized craft guilds that were a political force. While it is useful to try to make such distinctions, they are just organizing tools, and we should not imagine that every urban place can be neatly fitted into one category or other, any more than we should pursue too far the notion of a rigid separation of town and countryside.

The second danger is that we – particularly in today's highly urbanized society, in which some of our key concepts (civilization, politics) derive from terms assuming urbanization – tend to envisage a progression that has both hierarchical and chronological aspects. That is, regarding the former, that the categories are distinguished from each other by degree (e.g. size); a useful yardstick to an extent, yet, as just one example of the difficulty here, some medieval towns were no larger than large villages – although neither by modern, nor by medieval continental, standards were any English cities besides London very large. Regarding a chronological progression, we might think that towns are likely to have grown out of villages. While this did happen in some cases, it is more helpful to think of both towns and villages as integral parts of a wider pattern of settlement and utilization of the land, emerging from a common environment shaped by economic and political forces.

Having acknowledged this, however, to understand the urban phenomenon of the Middle Ages we still need to risk over-generalization and the artificiality of classification by exploring some of the key attributes that might be considered "defining" of the medieval English town. Historians have approached this from a number of perspectives:

- An early approach was to try for a legalistic definition distinguishing towns from other types of settlement based, for example, on special rights and privileges (or "liberties") recognized before the law, or distinctive constitutional

forms. Since grants of liberties can usually be dated to a precise year, this approach often allowed for a clear marker of when a settlement acquired urban status. Too clear; this definition is now considered, by itself, artificial.

- A similar line of approach has focused on both human clustering (i.e. relatively large population size within a compact geographical area) and architectural or topographical forms characterising the populated space, such as planned layout of streets, burgage style residential plots, protective fortifications, administrative buildings (e.g. castles, cathedrals, town halls), marketplace, or immediate access to long-distance transportation routes.
- Another approach emphasizes the social forms, relationships (including differentiation of the inhabitants into "classes") and customs distinguishing towns from the (so-called) feudal society, and tends to portray towns as anomalies recognized by their own inhabitants and by those living outside as socially distinct.
- More recent decades have favoured an economic differentiation in which occupational activity in towns was not predominantly agrarian, but the prosperity of a settlement was dependent more on economic diversification and particularly on a continuous role as a redistributor (i.e. market) of goods produced locally and regionally. Similarly, towns can be viewed as focal points for the provision of services, whether they be commercial, industrial, or administrative.



This 15th-century depiction of a scene from a continental city (probably in Flanders) reflects the diverse characteristics of towns: as a focus for habitation and social life; as an economic centre



(note the retail stalls in the foreground, while within the tower a craftsman works to produce goods for sale); as a place of security and government (symbolized by the fortifications and the building-interior scene at rear).

All these theories have both merit and drawbacks, and we shall revisit them all in the sections to follow. The reality is that each of England's medieval towns had, at some point in its history, characteristics that fall into one or more of these categories; but the mix and balance varied considerably, geographically and chronologically.



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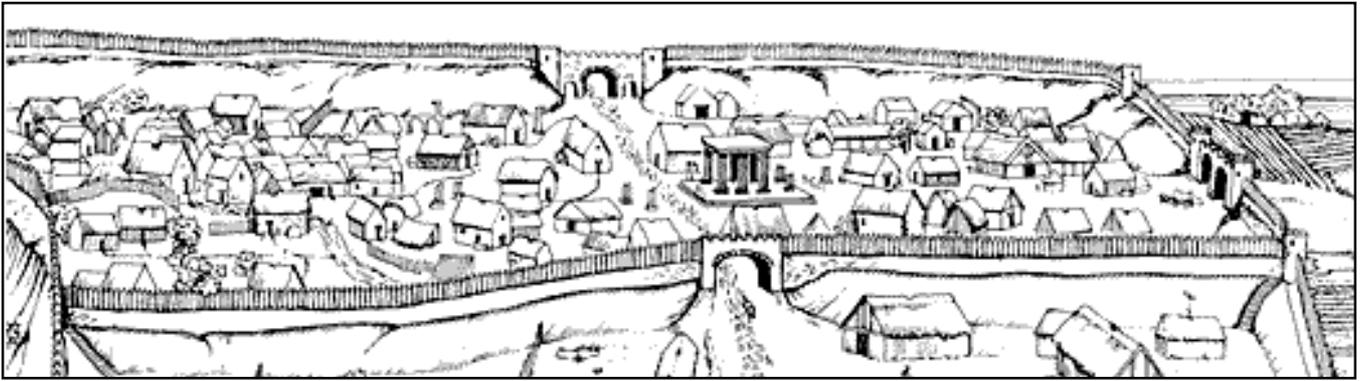
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Origins: continuity or creation?

The rebirth of an organized society and its community centres following the disintegration of the Roman Empire is obviously a key theme in the history of European civilization. Quite a few English cities and towns can trace their history and their names back to the Romans, but the question is whether there was continuous and organized settlement at those locations? It is now believed that in most Roman cities, although habitation may have continued after the legions withdrew and through to the period of Anglo-Saxon settlement, social order and organization in the towns was not maintained.

However, the walled Roman cities offered some refuge and were not entirely abandoned. Although the society of the Germanic immigrants was not so highly organized as to make urbanization an important feature of it, they could appreciate the value of the fortifications, and a few of their settlements were established within or adjacent to the Roman sites. [Colchester](#) provides an example of an ancient settlement, converted by the Romans into a walled colony and administrative centre, where there was probably a brief break-down in society (despite continued, if sparse, occupation) in the fifth century, prior to the arrival and settlement of Saxons there by the end of that century. In most of the Roman towns where Saxons or later invaders settled it does not seem that settlement patterns simply adopted the gridlike street patterns of the Roman colonies; there is not a close correspondence of the lines of Roman and medieval streets, except insofar as gateways through the Roman walls or to a lesser extent lines of surviving Roman buildings (even if ruinous) had a deterministic effect on the placement of streets.



An artist's impression of the core of Lincoln, as it might have looked in the early 11th century. The invading Romans established a base on a ridge to the north of the River Witham, which initially served as a frontier fort in the early phase of their conquest of Britain. Ermine Street, the main north-south route built by the legions, and the Fosse Way, a southwest/northeast route marking the boundary of the Roman advance at that time, converged at Lincoln. As the Romans extended their sway further north, Lincoln transformed from fort to colony and settlement spread beyond the walls towards the river. What happened after the Roman legions left Britain is uncertain, but there is some evidence of continued habitation within Lincoln. The sturdy Roman walls continued to offer protection. It was one of five key places around which the Danish invaders/settlers focused their interests and commercial activities, which helped revitalize the town. The Roman walls (whose route was followed by medieval replacements), their gates, and the roads linking the gates exercised some influence over the layout of the medieval settlement. The Normans later built a castle on the site of the old legionary buildings (southwest corner of the part of the city shown here), while the Norman cathedral close absorbed the site of the Roman temple at the centre of the Roman colony, atop whose foundations a church was built.

It would be risky, however, to categorize even those settlements as "towns"; our knowledge of the early Saxon settlements at those sites is poor. Not only government but also long-distance commerce had been severely disrupted, and what was left of trade was not enough to stimulate forms of settlement that we might want to describe as truly urban; in fact, economic breakdown (reflected in the discontinuation of money circulating) may have encouraged migration out of towns, back to a life of subsistence on the land. On the other hand, the survival of the Roman road system connecting towns could have helped at least some communities hang on until England became more peaceful and the economy revived; some towns were just too well-located to go under. The obvious example is London: at the hub of the Roman road system, with sea access for foreign merchants, and with a bridge across the Thames. Yet even in London's case the walled Roman city appears to have been depopulated and it was immediately to the west that the Saxons established their [trading wik](#) in the sixth century, later adding a defensive ditch; although the threat of the Vikings subsequently encouraged a shift back into the western end of the walled area, south of the cathedral that had been built there in the early seventh century.

As London's case exemplifies, the role of the Christian church in maintaining some measure of local or even regional (diocesan) administrative organization and leadership may have been a factor in the continued role of a few towns, such as Canterbury and possibly [York](#) and Winchester. On the other hand, in some other cases a disaggregation of functions occurred, with commercial, governmental and religious elements being dispersed among non-urban settlements within the same administrative region. As [Anglo-Saxon England](#) crystallized into kingdoms, the

process of centralizing power and seeking to impose that power through fortified settlements or regional administrative centres likely encouraged interest in existing towns and in either the foundation of new ones or the patronage of settlements that gave added impetus to their evolution into towns. [Colchester](#) again provides a possible example of the former, while [Ipswich](#) an example of a settlement established by the Wuffing dynasty (probably from Sweden) and shown favour by the royal family as it extended its control over East Anglia; Ipswich in fact may be the oldest Anglo-Saxon town foundation in England. On the other hand, some argue that the conversion of towns into administrative centres was a disincentive to their commercial function which, in the case of Winchester at least, may have decentralized somewhat to smaller settlements in the neighbourhood.

In the absence of good archaeological evidence for all but a few places, the physical survival of many of the Roman towns cannot be assigned a large, if any, role in the urbanization of medieval England, not least because that survival was not paralleled by the continuation of Roman urban society or institutions.



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Origins: wiks, burhs, and ports

Until the important studies of [James Tait](#), the conventional view was that urbanization was one of the Norman introductions, or at best an initiative begun by [King Alfred](#) and his successors. Certainly it is true that evidence of urban entities in the earlier period is sparse, but archaeology in particular has helped show that the process was more ancient and more gradual. In the Early Saxon period, international trade – that is, largely, the trade in "luxury" goods – had, if not disappeared, then declined and most people's basic needs could be met through local or regional production. This economic environment could not have been conducive to more than very modest urbanization, and that centering around markets redistributing regional products and some growth in industries such as [pottery-making](#) whose goods gradually reached wider markets both inside and outside England.

The situation gradually improved during the eighth and ninth centuries, as the consolidation of the Anglo-Saxon kingdoms brought a measure of peace that encouraged some revival of long-distance trade, particularly to the closer markets of the Frankish kingdom, the Low Countries and Germany. This trend became particularly marked in the eleventh century, whose evidence of widespread revival of international commerce led [Henri Pirenne](#) to portray a comparable resurgence of urbanization, dismissing earlier post-Roman towns as mere fortresses and administrative bases. Although his theory, influential for half a century, is now largely discredited, he at least set historians thinking more about economic characteristics as defining towns. International commerce in earlier centuries had not so

much disappeared as been redirected away from the embattled Mediterranean to northern Europe, while regional and local trade were still a factor in the economic fabric.

By the tenth century in England new invaders, the Danes, had made their mark in northern and eastern England, establishing new settlements alongside existing ones and breathing new life into some towns (York being the notable example). Although the Viking raiders had initially disrupted long-distance trade, Danish settlement gave an impetus to agriculture, commerce and industry alike. At the same time, or even earlier, kings of many of the Anglo-Saxon kingdoms had been fostering urban development to some degree. One key indicator is the appearance of settlements with names ending in "-wich", one derivation of which is from the Scandinavian term *wik* applied to numerous locations around the North Sea and meaning originally "bay" or "inlet" but becoming applied particularly to landing-places where travelling merchants would disembark from their vessels to conduct trade – these were not necessarily permanent marketplaces but were likely the locations of locally-based industries (similar to the situation which gave rise to Lynn).

In time, some of these trading destinations became more permanent, perhaps with encouragement from the Anglo-Saxon kings. In fact, the wik phenomenon predated the Danish arrival and can be traced back to at least the beginning of the eighth century. It is notable that of the settlements incorporating *wik* in their names – including Lundenwic (the site of the Saxon settlement at London being remembered later as Aldwych, the old wik), Fordwich (the outport for Canterbury), Swanawic (Swanage), Eoforwic, Gippeswyc, Westwyk, Nordwic, Sandwich, Hamwic (Southampton, the outport for Winchester) – several were the principal leading estuarine-based settlements and/or sites of royal administration in one or other of the royal kingdoms; every kingdom had at least one such trading centre associated with a place that later became one of the country's leading towns. To what extent these types of settlement, with market functions, can be considered towns is still debated, although some have tried to skirt the issue by suggesting a category of "proto-urban" – i.e. settlements with the potential to development into towns; this, of course, incorrectly assumes we are agreed upon a precise and clear set of qualifications for "town" status. Whether urban or not in intent, it is nonetheless becoming clear that the wiks were an important innovation as foci for commerce, rather different from rural settlements or administrative centres; Hamwic, or Hamtun, with two to three thousand inhabitants, was important enough to give its name to the larger administrative unit of Hamp[ton]shire, before Viking raids prompted its inhabitants to relocate into a fortified area at Southampton.

Of course, we cannot look to coastal- or estuarine-based settlements alone for examples of settlements with some urban attributes. Others with -wic terminations are also found inland and may well have been so designated because one of their aspects was as trading centres, if only for the surrounding region. However, to complicate matters, "-wich" in some instances may derive from the Latin *vicus*, which was used broadly for dwellings, farms, hamlets, or subsidiary settlements.

An alternative origin for town-like settlements lies in the response to the Danish invasion

from the kings of Wessex. Alfred initiated a fortification programme within Wessex, involving both new forts and the addition of defences to existing settlements; his son Edward the Elder did the same in the early tenth century as he gradually took the Danelaw away from the Danes – beginning with East Anglia (e.g. Maldon) and then the Midlands and the north – while the related rulers of West Mercia did the same there. These fortified places, perhaps inspired by earlier examples of planned settlements in Mercia, the Danelaw, and Wessex itself (Hamwic), were called *burhs*. From that term derives our "borough", although burh originally applied to any fortified place (notably royal residences) endowed with a royal guarantee of enforcement of law and the peace there.

It was natural enough that burhs, which were often located on water transportation routes (for strategic reasons) would attract settlers. Rivers by themselves were attractors of settlement, particularly in the Early Middle Ages, when road transportation was less easy and much of the country still forested; they were trade routes, provided for domestic and industrial needs, and were natural defences. This is not to say land transportation routes were not important. Oxford provides an example of a town that originated as a small settlement that arose outside the gates of a monastery, itself lying beside a road linking Mercia and Wessex (and crossing the Thames by a ford there); it was an important enough place by the time of Edward the Elder to warrant him making Oxford a burh.

The protective environment of the burhs was incentive to the location of markets within or nearby, if they were not already present (as is probable) in those existing settlements converted into burhs. This added an unplanned and purely commercial dimension to the burh which was distinguished by another name: *port* (a late example is seen at Norwich, a composite settlement with two wics, later burh defences, and still later a Newport added with a strong commercial character). Not all burhs developed into towns, nor were all towns burhs at some point in their life. Similarly, not all ports were burhs. But, just as the burh benefited from special royal protection, so ports were privileged by the restriction of minting and of all but minor commercial transactions to such places (the latter restriction proving impossible to enforce). Portmen was a name by which townsmen, or burgesses, were occasionally known in later centuries, as at Canterbury and Ipswich. As a generalization only, it can be suggested that the earlier of the burh foundations outside of the Danelaw were particularly likely to develop into towns, since they had more time take advantage of economic circumstances by adding market aspects; the later burhs there were more likely to remain no more than forts. The burhs established within the Danelaw, after reconquest, were typically within settlements already fostered by the Danes into commercial centres and so also tended to become important towns later in the Middle Ages.

If burhs were not guaranteed to develop into towns, it is in part because other factors were at play. After the unification of England under the Wessex dynasty, the country entered a period of considerable population growth and corresponding economic growth, as more land was put under cultivation, heavier farming and improved techniques produced a surplus of foodstuffs for trade, and market centres were able to benefit from this and from expanded international trade in luxury goods.

Some centres prospered faster, and at the expense of others; as they grew, they in turn provided a population of consumers for agricultural produce. Improved records give us a clearer picture of the urbanization process, which was in full swing, particularly in eastern England where there was room for expansion (not least due to the reclamation of marshland), rich farmland and only a handful of large settlements to compete for the role of regional trade centres. The [Domesday Book](#) identifies 112 places as boroughs, most of them with mints and features that do seem truly urban; yet we know this was not a complete list of English towns at that time. England's prosperity by mid-eleventh century was surely a factor in persuading William of Normandy to pursue his claims to dominion there, which in turn resulted in the introduction of a new aristocracy with its own interests in fostering the luxury trade and market centres.



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Origins: planned / planted towns

When we study urban development, we should be wary of thinking too much in terms of an organic process, even though one phase of development of a settlement frequently seems a natural continuation from a previous phase. For instance, the crossing point of two highways was a natural meeting-place where trade might occur and, if it did so with regularity, the spot might become a marketplace which attracted settlement; or the foundation of an abbey might be followed by the clustering, outside the abbey gates, of houses of those providing services or selling goods to the monks; or again, a ford across a river might attract settlement, expansion of which might follow a ridge of higher ground paralleling the river and/or the courses of streams leading off the river.

While there may be no formal planning behind such patterns of growth, we can assume a measure of deliberateness and forethought, even when that growth was piecemeal over time or was dictated by the topography of the site, as was often the case. To give one example: the initial settlement in the marshy area of [Lynn](#) relied on the creation of relatively firm areas of terrain which were a by-product from a human activity that gave no thought to facilitating habitation; while the gradual spread of the residential area westwards over the course of the Middle Ages, into spaces once occupied by river, was prompted not only by natural silting but also (and perhaps even more) by deliberate land reclamation, and building on the extended river-bank was not a matter simply of filling in available space but a conscious relocation by the merchant community to ensure direct access for their

warehouses to the points where cargo ships could dock. Urban growth was to some degree an adaptation to the landscape, but it was also a re-shaping of the landscape to meet individual and community needs and ambitions – which themselves altered over time.



(above) Detail from William Smith's view of Bristol, 1568. Bristol was a flourishing port with a mint at the beginning of the 11th century, but its origins and measure of planning that may have gone into its layout are still uncertain. Impetus to settle there came from the protective and commercial benefits of the Rivers Avon (south) and Frome (a tributary). Early settlement lay on raised ground between these two; it was much smaller than in this depiction, a defensive bank defining its perimeter – still visible in 1568 in the almost circular course of the inner ring road – later replaced by a wall. The north-south road between bridges across the two rivers, and a cross-cutting east-west road were the original foci for habitation, their names – respectively Broad Street/High Street and Corn Street/Wine Street – indicating their importance and the commercial character of the settlement. It was the river crossing which gave Bristol its name, derived from Saxon terms meaning "place of assembly by the bridge".

Those core features were what an artist chose to highlight, in an illustration (at right) for [Ricart's Kalendar](#) of 1479, to represent the medieval town: the four main streets converging at the marketplace, with its high cross (erected 1373); the inner walls with the four gates – St. John's to the north, guarding the entrance from the Frome bridge, St. Nicholas' gate to the south (the saints names reflecting the addition of churches onto the gate structures) near the Avon bridge, St. Leonard's gate to the west giving access to the far end of the quayside along the Frome, and the New Gate on the east side near the Norman castle (built by 1088), which sealed off the land-based access to the peninsula formed by the two rivers and became the administrative centre for the earldom of Gloucester until 1175. By the end of the 13th century, large suburbs had developed in all directions of the compass, all but the northern one (where most of the major religious houses were established) protected by new lines of walls.



Allowing for this proviso, it is useful to restrict the concept of "planned town" to places where provision for settlement at a given point in time has resulted in a deliberate layout of streets and apportionment of land among multiple settlers. This can apply to the alteration or extension of an existing settlement as much as to the creation of a new one; in the latter case, where a settlement is deliberately created with some urban features, the term "planted town" has been applied. Towns that grew "organically" are those in which deliberate decisions affecting development were made in an uncoordinated fashion over a long period of time ([Norwich](#) providing a good example). Although the evidence is not always unequivocal, there are numerous cases in which town planning in England occurred on a larger scale than the gradualistic development of most settlements, most evidently in regard to towns which were planted by some [individual founder](#).

We might put in this category the [burhs](#) – a programme on a scale unparalleled in other European countries of that time – even though scarcity of evidence prevents us from being sure whether the importance of this programme lay in founding places that later became towns, or in giving added stimulation to market/population centres already headed in that direction. In at least some of the cases, the erection of the defensive banks of the burhs undoubtedly had some influence, if only temporarily, in defining boundaries for expansion, and in a few places the laying out of streets was part of the effort.

The king was certainly a key player in stimulating urban (or [proto-urban](#)) development, through burhs and [ports](#) and the competitive advantages (such as those [already mentioned](#)) he could give to places he favoured, including their incorporation in the organization of a national administration, which of necessity was founded upon a hierarchy of regional and

local mechanisms, some based in towns. More generally, the relative peace and order that were consequent to the establishment of a national monarchy were conditions conducive to trade and urban growth. It was in the king's interest, both from a financial perspective and from that of the extension of royal authority throughout England, to develop a network of regional centres of trade and administration. Towns and kings were natural allies. Furthermore, as an absentee landlord he was less likely to act as a drag upon local initiatives. The example he set may in part have prompted his leading subjects to follow suit, and the king was supportive in assisting those subjects – lay or ecclesiastical – to develop their own market centres.

On the other hand, the combination of growth in population, agrarian productivity, and trade from the tenth century was in itself encouragement for lords, both lay and ecclesiastical, to establish markets within their estates to tap into commercial profits – which for them was the tolls and other dues from market activities – or to attract more settlers to points where trading was taking place. This was also in fact a great age of village creation, for villages provided a more efficient way of organizing agricultural production than did scattered farms or hamlets; to some extent we should see the formation of villages and market towns as two sides of the same coin, rather than as different stages in urban evolution. Manor houses and churches (whether small parish churches or monastic foundations), were natural magnets for settlement, being sources of authority, protection and consumption. Bury St. Edmunds and St. Albans provide examples of new or revived towns with ecclesiastical patrons. Episcopal foundations were fewer than those by monasteries, the former perhaps being a facet of the inclinations or vision of individual bishops. In either case, the church was, until the thirteenth century, more active than secular lords in town foundation – not surprisingly, if we keep in mind that, as holders of great wealth and vast estates, ecclesiastical institutions were both major producers of wool and crops for export and communities of consumers with a relatively high standard of living.

The Conquest temporarily depressed the urbanizing environment as the kingdom was subjugated – Domesday Book evidences depopulation and impoverishment in a number of leading towns in association with rebellions and the subsequent imposition of castles (e.g. York, Ipswich) – and as William I imposed heavy new financial burdens on communities. But the new Norman lords, looking to England to make their fortunes, made more positive contributions to urbanization through the building of castles, cathedrals and monasteries, providing new consumer groups for existing towns or attractors for new settlers, while new settlements of French traders (and later Jews) were inserted into a few towns (e.g. Norwich).

Lynn presents an example of a multi-phase seigneurial foundation in which the episcopal lord of the manor at first converted a modest existing settlement into a town by granting market rights and building a parish church, and a half-century later a successor founded a second town alongside with its own market and port facilities. There was likely more planning of initial street layout in the latter case than in the former. It is even possible that a suburban area of settlement in the area, known as Littleport, might have been under consideration as a third market centre, although this was pre-empted by the amalgamation of the various areas into one borough. There is some indication that the foundation of Lynn

may have been part of a [wider programme](#) to stimulate the development of urban centres within the bishopric. On the other hand, Lynn's example also suggests that the establishment of a market with formal commercial privileges may sometimes have been a belated recognition of trading already going on at such sites.

It was the commercial success of places such as Lynn that encouraged imitation; any investment required on the part of the founder was likely to be repaid from new sources of income (licence fees, rents, tolls, court fines etc.) generated. The fervour for seigneurial foundation of new market centres or towns reached its peak during the twelfth and thirteenth centuries; in the same period, many existing non-urban settlements were given market rights by their lords.

In many of the planted towns streets were laid out in a grid pattern that seems to have some consistent features from place to place. We should not read too much into identifying a common pattern not merely in this period, but in at least the larger of the burhs, in the Roman towns, as well as in a number of medieval villages; a grid layout reflects a human desire for orderliness, efficient intra-mural travel (including convenient connection to a central marketplace), and evenly and equitably distributed building plots.

However, nor should not place too much emphasis on this type of town plan, for numerous new towns did not have a grid layout. In some the layout focused on the market (such as a [gathering of dwellings around the marketplace](#), or along the route of a highway of which a short stretch is widened to create a marketplace), or on the road linking marketplace with a seigneurial structure such as castle or abbe. In a smaller number of cases, settlement might curve around part of a castle bailey, follow the course of a winding river bank, or be confined within a peninsula. Hybrids are also identifiable. The landscape had an influence, of course; flat or sloping stretches of land, if regular, were suitable to a grid layout, while ridge-tops and rivers (whether the banks, or approaches to a river crossing) favoured linear layouts.

By the second half of the thirteenth century, the country was so saturated with markets that the heavy competition for a share in regional commerce led to the decline or failure of a number of planted towns and market centres. Some survived only as modest redistribution centres for the rural neighbourhood; a few were not able to grow further until the post-medieval period (e.g. Leeds).



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The growth of self-government

Towns and town creation played a role in the efforts of English kings (and by imitation their greater subjects) to impose control over the country and direct the activities of urban residents towards the larger purposes of establishing an administrative network and building national prosperity. The burhs and ports exemplify this and, earlier, after the Roman collapse some towns may have continued to serve as bases of administration for local rulers or Christian authorities – although this was more a continental than an English phenomenon. By the time of the Conquest, towns had been integrated into the national administrative structure; the Norman and succeeding dynasties did not re-invent so much as adapt this structure.

If urbanization was given shape on the one hand by the economic and political forces of the Anglo-Saxon period and on the other by established habits and values of collectivity and mutually supportive association, then the process was crystallized by grants of powers leading in the direction of a certain measure of governmental autonomy and self-determination. While we should not over-emphasize a separation between urban and rural society, it is hard to imagine that some sense of common interests and ambitions, different from those of country-dwellers but not necessarily exclusively economic, did not emerge during the period of physical and economic growth of the tenth to twelfth centuries; unfortunately, paucity of urban records from that period make this very difficult to

demonstrate. What is better documented is the separation of town and country in terms of judicial and political forms.

It is reasonable to expect that social and legal traditions of Anglo-Saxon (and Scandinavian) England had to be adapted somewhat to an urban environment and circumstances. Anglo-Saxon society placed a great emphasis on association of its members, to provide mutual support and to answer for one another in a period when the effective power of the monarchy was limited. In a time without investigative policing, the guilt or innocence of a man accused of a crime might be determined by the number of kin, friends or neighbours who would vouch for or against him. The frankpledge system was an expression of this by ensuring that almost everyone was part of an association. Such elements found their way into the administration of legal customs and common law in towns, but were overlaid with other mechanisms of administration of justice stemming from the hundred system. In both cases the population density of urban areas necessitated some adaptation of the mechanisms.

The gild was another form of Anglo-Saxon association, which served individuals' social (including religious) needs and brought together individuals of similar interests, as well as being utilized by the legal system in a similar way to frankpledge. It was probably the fact of shared interests that directed some of the guilds towards common pursuit of economic improvement, which in turn gave rise to the impulse towards urban self-government. Just how common were these interest/lobby groups – later known as merchant guilds – is difficult to say. But it is not hard to believe that, in the period before self-government and urban ruling classes, at least those residents with the highest investment (regardless of whether commercial or landholding) in their towns would have sought, through associated influence and joint action, to direct the ambitions of the townspeople at large and to persuade superior authorities to delegate to their town powers that would protect and increase prosperity. At a later point guilds served as a vehicle for united expression of the interests of townsmen active in one or other of the local crafts; we do not need to seek Anglo-Saxon precedents to explain the appearance of craft guilds.

Nor must we, in discussing association, forget to mention briefly the folk moot, not a purely urban form but a vehicle for broader community self-awareness, expression and decision-making, which however did not outlive its usefulness. Nonetheless, the principle of consulting the wider community on particularly weighty matters, through assemblies of citizens, remained in effect throughout the Middle Ages, even though there was a growing tendency – the product both of elitism and of bureaucratization – to control this through formalizing it within the constitution.

"Seal of the community of burgesses of Bristol " (inscription on left-hand view).



Imprints from 'common seals' were affixed to documents to indicate the town's official approval of a document's contents. As important instruments of borough government these seals were stored in locked chests and their use was often controlled within the constitution.



They bore images that symbolized urban characteristics considered significant by townspeople. In the case of [Bristol](#), the town fortifications and a quayside are represented on the left-hand view, while on the reverse of the seal (right-hand view) we see a ship approaching the "secret quay" – though whether a fishing boat (as fish and eels swimming beneath it might imply) or a merchant ship is unclear; in either case it is the importance of a maritime-based economy which is being referred to. By the close of the Middle Ages it was recognized that such seals indicated the [corporate nature](#) of borough government.

The desire for self-government seems to find a clamorous upsurge in the late eleventh and the twelfth centuries – not just in England, but across Europe – with varying results. The power of the monarchy in England, while an economic boon to towns, naturally restricted the scope of independence attainable. Nor should we automatically assume from continental examples that complete independence was even desired by English towns, apart perhaps from a few radicals. Although outbreaks of revolutionary *indépendantisme* of the London commune in the twelfth century (themselves prompted by power vacuums created during the civil war and Richard I's absence abroad) helped persuade kings to grant concessions, London was always precocious and had a strong sense of its own power in the realm; it may have been an inspiration, but cannot be considered a yardstick, for English urban history generally. For the most part, the king staved off any extreme efforts towards local autonomy through a gradual devolution of powers, countered by the development of a system of regional administrative controls into which the towns were slowly integrated.

It is in the context of legal and constitutional development that we use the term "borough" for towns. The early phases of debate regarding urban origins tended to focus on those aspects, notably issues such as the nature of the Anglo-Saxon *burhgemot* (was it a purely urban court?), whether there was a distinctive *burhriht* (i.e. set of legal customs applicable exclusively to towns) by the eleventh century, to what extent a non-feudal set of conditions governing landholding ([burgage tenure](#)) characterized towns, and the date and significance of early charter grants of liberties and the associated trend of towns acquiring control over the *firma burgi*. Anyone interested in these technical matters should read [James Tait's important study](#). Unfortunately, waters are muddied by the fact that some places were credited with borough status even though they do not appear to have possessed features we

might consider urban, while some market centres that seem urban did not acquire the legal attributes associated with "borough".

For brevity's sake, a series of general, but key, points will be listed here; readers may refer to the [capsule histories](#) of individual towns for case studies showing a few of the many variations that make it hard to generalize.

- The number of Anglo-Saxon terms incorporating "[port](#)", "[wic](#)" or "[burh](#)" is suggestive of a certain administrative, legal and social distinctiveness of towns and townspeople from at least the tenth century.
- Density of population, economic importance, and the intensity of commercial activity probably helped accord a special status to the towns and necessitated some divergence in legal customs from those governing rural society; this included the substitution of money rents for labour services due from occupants of urban property, and more flexibility in the disposal of landed property viz. right of free sale and free heritability of real estate.
- Leading towns had a special place within the system of judicial administration, both as hundreds separate from rural jurisdictions and as places with home-grown courts such as the [husting](#).
- Local administration was, however, in the hands of executive officers appointed by and answerable to the king (or, in some cases, a town's lord), and this appears to have particularly rankled the townsmen in regard to those officers' collection of the various revenues due from the town to the king, especially when (under the Normans) these offices were leased to individuals whose aim was to make a profit, which they probably achieved by extortionate measures. Thus the initial aim of the townsmen, or at least of the influential members among their number, was to take control over the collection of these revenues – later extended to taxation in general – and negotiate a fixed sum payable to the king annually (so that any profits could be put to the use of the town), which in turn meant controlling the choice of the officers who collected them and ensuring that those officers dealt directly with the royal government on fiscal matters, rather than through an intermediary level of government such as the county sheriff.
- Above and beyond control of the farm and executive officer, towns were interested in two things. First, in obtaining grants or recognitions of legal conditions (such as burgage tenure) which themselves implied a degree of personal freedom, or of instruments compatible with the conduct of a commerce-oriented way of life and with the upholding of distinctively urban legal customs (e.g. merchant guilds, and locally-run courts with exclusive jurisdictions). And second, in obtaining exemptions from laws or impositions that were disincentives, if not obstructions, to that way of life (e.g. freedom from paying

tolls on merchandise taken for sale to other places in England, and the substitution of trial by compurgation for trial by battle).

- Negotiations with the king (or other lord) for such liberties assumes one or more townsmen representing their communities, a principle continued in urban forms of self-government. The ancient folkmoot was not an effective mechanism for democratic government and (if Ipswich provides a reliable example) immediately gave way to more representative institutions.
- One form of those institutions was executive officers: sometimes communities were content to continue with bailiffs or reeves who had served the king (and to some extent continued to); in other cases, particularly where the town had a lord other than the king, the merchant gild's alderman might take a leadership role, or the burgesses elected a mayor. A second form of representative institution was a town council; a handful of towns, including Ipswich, evidence elected councils in the early thirteenth century, but elsewhere they may have existed as informal advisory bodies of leading townsmen, before eventually finding a formal place as the borough constitution became more sophisticated. By the end of the Middle Ages, practically every town had some kind of council. In a few towns – where executive officers were under the control of lords and where government by mayor or alderman was either unattainable or undesirable – councils were, during some periods, the sole decision-making element of local government.

Henry I was the first king to lease the royal revenues to the towns from which they were due and to concede a handful of chartered privileges. London, not surprisingly, led the way. Its ambitions were imitated, although its gains not quite duplicated, by lesser towns (e.g. Oxford, Northampton, Winchester) which in turn became models for others. Under Henry II a large number of towns claimed to have received concessions from Henry I and, although charters proving this have not survived, Henry II was prepared to accept the claim and confirm the claimed privileges; but he was not prepared to let urban ambitions proceed to the point they had, often violently, in some parts of continental Europe. Under his sons, however, the leasing of borough farms and associated grants of powers including locally-elected officers multiplied, for Richard and John had not the strength of will of their father, and other preoccupations made them needy of the cash payments for such grants and the annual revenues they would bring.

Henry III and Edward I largely tried to maintain the status quo, by simply confirming the grants of their predecessors (the incentive being the financial "gifts" from towns seeking such renewals), although a few new privileges were extended, and – prompted by the civil wars – the monarchy encouraged towns to fortify themselves, by granting the right to collect special tolls to fund wall-building. At the same time, the king reasserted his dominance through temporary, punitive withdrawals of the chartered liberties, in the event of civil disobedience or lawlessness; it was always clear that urban self-government was obtained in the form of the grant of privileges from a higher authority, not as a recognition by such an

authority of innate rights. The king also gave towns a voice – albeit a soft one – in national determination, through parliamentary representation; this helped make the towns aware that they were not islands, but part of a larger community.

Subsequent development of urban government focused largely on closer definition of the scope of jurisdiction of borough authorities and borough courts, on consolidation through the attainment of a formal corporate identity in the eyes of the law, and on the continued integration of the towns into the growing national system of judicial administration, particularly through adding Commission of the Peace to the duties of the urban executive. The internal activities of town governments should not be ignored either, in terms of greater systematizing of record-keeping, the expansion of bureaucracy with lesser officials responsible for a range of new activities and jurisdictions, and greater initiatives to develop new sources of revenue (such as property ownership) and more efficient mechanisms to manage the borough budget. By the close of the Middle Ages, municipal governments were engaged in much the same range of activities that they are today.



Model depicting the [York Shambles](#) (butcher's market), from the York Heritage Centre. One of the principal tasks of borough government was to regulate local commerce and [industry](#):

- the charter-granted [advantages of burgesses](#) were to be protected, but monopolistic practices discouraged (with [exceptions](#));
- fair prices had to be established and enforced, and the appropriate [tolls on imports and exports](#) paid to the town – with efforts made to detect [ruses to avoid tolls](#);
- [honest trading](#) conducted openly, within [regulated hours](#), in public markets or [other designated areas](#), as opposed to in [private establishments](#), was to be encouraged;
- making deals in private, [intercepting goods](#) before they arrived at the market, or [other abuses](#) aimed at forcing prices up, had to be suppressed;
- [use of the correct measures](#) for selling goods in quantity had to be investigated periodically;
- [quality of goods](#) similarly had to be policed, which might involve periodic [searches of retailing establishments](#), or the imposition of [controls, exercised via craft guilds](#), over who would be licenced as master craftsmen.

The butchers' market presented particular problems due to the human health hazards involved in the [slaughter of animals](#) and [disposal of their entrails](#), as well as risks from sale of [spoiled meat](#).

Photo © S. Alsford

Not all towns proceeded smoothly to a state of semi-autonomy. Towns of [seigneurial foundation](#) or those that became "mesne boroughs" when the king gave away his lordship to reward followers (a feature of the eleventh and early twelfth centuries) were often retarded in their development, compared to royal boroughs; [Maldon](#) provides an example. They might find themselves with an ongoing struggle on their hands over jurisdictional claims, with competing institutions of local government – those representing the town's lord and those representing its community. Again the best example from the small set of case studies here is [Lynn](#); in the efforts of the local authorities in Lynn to undermine the jurisdiction of the borough lord, the Bishop of Norwich, it was not for nothing they sought the patronage of the king – although Bishop's Lynn succeeded in becoming King's Lynn only after it had passed its medieval peak.



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The urban economy

The purpose of townsmen in pursuing self-government was not some abstract philosophy of liberty or self-determination. Its principal thrust was towards creating conditions favouring entrepreneurial endeavour (or, on the other side of the coin, removing obstacles inhibiting such endeavour). First and foremost towns are entities within the economic fabric. This has led some historians to define towns primarily according to economic characteristics:

- that they must be the site of permanent market activity; and
- that a significant proportion of the inhabitants earn their livelihood from some other source than agriculture.



A 20th-century artist's depiction of a street scene from a 14th century English town, illustrating the retailing of goods – such as cloth or (far left) cooked foods – from stalls outside of houses, the ground-floor interior being used rather for the production of goods. A reminder that agriculture still had a place in many medieval towns, however, is the [ever-troublesome pig](#).

The former criterion assumes a [dedicated market site](#) at which trading is regularized, including occurring at regular and frequent intervals, rather than *ad hoc* situations governed by whenever travelling merchants appear on the doorstep (e.g. the early [wicks](#)), or the larger-scale commerce at fairs held once a year; the muddy area is settlements that, aside from a regular market, did not possess other characteristics considered urban. It was in southern England particularly that a network of small market centres initially prospered; only later did many fall before the competition of large towns centralizing trade.

The latter criterion aims at distinguishing towns from villages, where the community, for the most part, produced its own means of subsistence – those villagers not directly involved in agriculture undertaking supportive roles (e.g. blacksmith). We know that many of the residents of towns engaged in agriculture to some degree – the common fields and pastures that are features of most towns are one piece of evidence; this was in part to furnish their own larders but also to supply the businesses of themselves or others – such as commerce in victuals, brewing and baking, or operating taverns and cook-shops. It will be noted that the definition does not require that *a majority* of the townspeople be in non-agricultural occupations, but nor does it try to specify what proportion might be considered significant. The numbers are less important than the fact of what is referred to as "occupational heterogeneity", that is, townsmen earning their living through a variety of activities, including agriculture, land-holding (i.e. income from rents), commerce, crafts and industry, and administrative and other professional services. The original "bourgeoisie" was not necessarily a mercantile class. Medieval townsmen in fact tended to be [multi-occupational](#); although many had a primary source of

income, they also had side-activities that earned them money.

The popular image of medieval towns (insofar as there is one!) tends to be of the industrial centres of Flanders or the great mercantile cities of Italy. In England, only London was within that kind of scale; its key location enabled it to maintain throughout the Middle Ages a leading role in commerce, even when long-distance trade was at a low ebb. However, it was not so dominant as to overpower other English towns, particularly those on the coast or with good river connections to the sea. Nonetheless, the fortunes of individual towns fluctuated with changing economic circumstances and growing competition. The coastal town Yarmouth, for instance, for a while in the fourteenth century became more prosperous than larger and otherwise more important rival Norwich; but Norwich's more central location and access to both road and river transportation routes made it more adaptable in weathering hard times, whereas Yarmouth's reliance on the sea and particularly the fishery left it vulnerable to a variety of setbacks. The competitive environment could provoke sometimes bitter struggles to suppress neighbouring markets, as in the cases of Norwich vs. Yarmouth, Yarmouth vs. Lowestoft, Ipswich vs. Harwich, and Maldon vs. Heybridge.

Coastal ports, such as Lynn and Yarmouth, between them had the lion's share of long-distance (whether international or coastal) trade; the involvement of their burgesses in agriculture was correspondingly lower. The residents of inland towns were, by contrast, more involved in both the production and the re-distribution of local and regional materials (notably foodstuffs and wool); their markets and fairs were some of the channels through which that produce was routed to export towns, although the prosperity of these towns probably relied more on purely regional trade. At the same time, the wide range of crafts usually present in towns meant that the local economy was not overly dependent on imports.

England's wool was its single most important export, shipped abroad for making into cloth which the English then bought back. As townsmen involved in the wool trade became aware of the economic folly of this – particularly as the king sought to obtain a greater cut from the wool trade through export customs and wool taxes – they invested in developing a local cloth-making industry, beginning in the twelfth century but more intensively in the Late Middle Ages. In most towns where this happened, the industry eclipsed even the leather-making trades that were very important to medieval society. A large number of townspeople were employed in one aspect or other of the cloth industry. Both industry and trade underwent fluctuations during the Late Middle Ages, varying so considerably from place to place that any generalization is difficult; the cloth industry in particular locations might be affected by factors such as competition from lesser towns or from rural areas (as well as from the continental cloth-making centres), technological changes, the growth of craft guilds and corresponding attempts by urban authorities to suppress or control them, as well as more general problems such as changes in trade routes, both locally and internationally, or the silting of local harbours.



Drawing based on a English manuscript illustration of ca.1400, touching upon aspects of the economic system. In the foreground a packhorse, loaded with merchandize, is driven towards an inn (with welcoming hostess); a network of inns across the country was important for commerce. The building at lower right, with hanging sign indicating it some kind of commercial or industrial establishment, may represent a craft workshop that produced some of the goods being transported by the horse. At rear right, the artist has depicted a walled town, location of major marketplaces for goods, while at left stands a castle or fortified manor-house – residence of aristocracy who were consumers of luxury goods imported by merchants. The packhorse reflects the role of land-based transportation in the economy, while the ships and boats represent the importance of water transportation.

Economic fortunes were equally tied up with the political and social troubles of late medieval England. The population expansion and opening up of new farmland that contributed to urban prosperity in the tenth and eleventh centuries had now reached its limits; there was no more good agricultural land to bring under the plough, and in fact the ecological and competitive balances had swung in the opposite direction to start a process of environmental degradation. Together with adverse climatic conditions, the result was a number of bad harvests and famines in the first half of the fourteenth century. An atmosphere of social malaise and economic instability was created, thanks to factors such as:

- the drawn-out war with France, particularly its damaging effect on maritime trade;
- the fiscal needs of the king (themselves partly due to the war), which led to a growing burden of taxation, the licensing by Edward III and his successors of almost monopolistic practices in the area of trade, and a preparedness to give advantages (for a price) to foreign merchants in English trade;
- the trauma of the Black Death of 1348/49 and its less severe but largely urban recurrences at intervals;
- social conflict both within the towns and the nation at large (the Peasants' Revolt).

Similar instability abroad, both economic and political, affecting markets for English goods, also had a part to play.

In this atmosphere some towns declined while others did fairly well – the situation is so complex that historians still do not understand it well. Although townspeople's standard of living seems to have improved, many urban governments were complaining of a troubled local

economy and financial difficulty in meeting public obligations (such as the [maintenance of town walls](#) or payment of the [fee farm](#)); that difficulty may have been partly a consequence of reduction in the local tax base after the plague, yet a growth in public responsibilities that put ever greater demand on the municipal budget. Nor should we ignore that what represented hard times to some townsmen, meant opportunity for others; plague, for instance, purged the ranks of the urban merchant class and created openings for new men, while armies at war provided [good business for victuallers](#), and a select number of merchants were beneficiaries of [royal favouritism](#) or [illicit profits from customs administration](#).

Despite the difficulty with generalizing when individual towns' fortunes varied so considerably, on the whole the Late Middle Ages was not a period of further urban growth. Far fewer [new towns](#) were created, existing towns did not grow much beyond their established boundaries (while in some the populated areas shrank), but many towns – particularly those well-established and with diversified economies – were resilient enough to either weather the storm or to prosper at the expense of smaller towns or market centres, some of which went under.



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Urban society

The essential role of towns within the economic fabric of England should not let us downplay their importance as social institutions. Man is, after all, a social animal, and urban environments were shaped to provide for human social needs, just as much as they were shaped to provide for political needs, in terms of organizing, controlling and directing groups of people. It is natural enough for people living in close proximity to form a community not just in the sense of a defined physical space but a group sharing similar interests and values, which in turn are expressed through a set of rules and institutions that direct acceptable behaviour.

This is not to say that town-dwellers were socially distinct from rural folk in the Anglo-Saxon period, nor that they were later anomalies in a feudal society, notwithstanding that the classic medieval division of society into those who fought, those who prayed, and those who laboured does not seem to make much provision for the merchant class. Part of Pirenne's hypothesis of the emergence of towns in eleventh century was based on the notion of "wandering traders" settling down to form the core of urban society; his chief example was an English trader named [Godric](#), but no evidence of other examples has yet been found in England. One of the key questions, therefore, is how did a merchant class emerge?

Towns and villages were rooted in the same traditions, the same forms of social organization (e. g. clans, guilds, tithings, parishes), and it was largely from the countryside that towns built and replenished their populations; as already noted, probably a majority of townsmen in most places continued to engage to some degree in agricultural activities. Even though we hear of "burhmen" and "portmen" in the Late Anglo-Saxon period, town-dwellers probably did not perceive much

difference between themselves and their rural neighbours, in terms of their overall view of society. While the Norman Conquest influenced the urbanization process through the changes wrought on many leading towns by the [introduction of castles and cathedrals](#), on the established fundamentals of urban society the Conquest had only minor effects.

The differentiation of urban and rural society becomes more clearly defined only with the grants of special privileges, including a degree of personal freedom, from about the twelfth century onwards. Although this may be partly the historian's perception, stemming from the fact that documentation of urban communities improves greatly in the period following such grants, it was in conjunction with the development of local government that the economic and administrative roles of boroughs, and the customs by which inhabitants' lives were governed, became more distinctive. After this, "[burgess](#)" seems to have become a more technical term – although inconsistency in its application from place to place, time to time, writer to writer, makes this difficult to pin down; even [Domesday Book](#)'s use of "burgess" has seemed to some to intend a distinction from other types of residents of towns, although again the evidence is open to interpretation.

By the twelfth century, however, urban society had already become fairly structured; it was characterised by diversity – the leading burgesses (who are the most visible in historical records) cannot be described as a merchant class, even if we follow medieval practice in using "merchant" broadly to include small retailers as well as wholesalers. While most towns drew the majority of their immigrants from the neighbouring countryside – large cities attracting from further afield, and London being a magnet for the ambitious from all parts of the country – these were not necessarily poor peasants seeking to make their fortunes, and still less were they the "fugitive serfs" of Victorian tradition (examples of such are uncommon). They included people already active in trade or craft, seeking to move to where there was a larger market. They included scions of landed families, some of whose property might already be in or adjacent to the town. They included at least a small number of individuals earning their livelihood from administrative or other services. In towns such as [Colchester](#) and [Ipswich](#) we find evidence that some burgesses based their wealth and social status on landholding; whereas in coastal towns commerce was a more important source of wealth and these locations (e.g. [Lynn](#)) and some of the merchants who visited to trade decided to settle. The diversification was therefore not only one of occupation but one of culture, and was furthered in a number of the larger towns by an influx of Normans after the Conquest, and of Jews in the twelfth century – although it is unclear to what extent their communities integrated with urban society before the expulsion of Jews from England in 1290.

It is dangerous to talk of "class" in the medieval context; yet, although we must avoid some of the modern (largely Marxist) connotations attached to the term, we cannot avoid it. To imagine urban society as egalitarian would be to ignore [its essence](#). It is clear that within the towns there was the perception of a tripartite division between the "lesser", "middle" and "powerful" townsmen. The contexts in which we find this perception expressed, however, suggest that the differentiation was a somewhat vague one of wealth, associated with political power. It would be a mistake to translate it into an occupational division of labourers, craftsmen and merchants (even though that might, *in very general terms*, be more accurate than not), or to assume that the powerful townsmen formed a patriciate with an exclusivist grip on local government (although, again, this is not entirely without foundation), or again to think of these divisions as closed castes – [social mobility](#) was both possible and necessary.

Nor is it clear whether the concept of "[community](#)" encompassed all three groups, or whether the lesser townsmen were residents who did not benefit from the chartered privileges. Perhaps from the time that such privileges were acquired (as the [Ipswich evidence](#) implies), "burgess" began to acquire a more restricted application comparable to citizenship in twentieth-century nation-states: membership had to be acquired by a specific act, which might be birth as the son of an existing citizen, purchase, or (later) completion of apprenticeship to a citizen. We need not read anything sinister into this; it seems a natural enough application of the common notion that rights and responsibilities go hand-in-hand. Unfortunately, our present state of knowledge of individual towns does not allow us to determine whether terms like "community" and "burgess" had the same meaning everywhere or at different periods.



Depiction of a gild feast, from the tomb brass of [Adam de Walsoken](#); perhaps intended as the merchant gild of Lynn, of which Adam was a member, feasting in Trinity Hall, its walls hung with star-embellished cloths. The symbolic 12 participants, dining on delicacies, entertained by minstrels, and several in lively conversation, are unlikely to represent specific townspeople (although it has been suggested that the depiction is of a feast at which the gild hosted Edward III, this is unlikely even though the king often came to nearby Castle Rising to visit his mother).

Complicating the picture are medieval guilds. The first guilds in towns were probably formed for social and religious association. They and their successors seen in the Late Middle Ages may have cross-cut class divisions to some degree, although in the latter period membership fees may served exclusivist purposes as the wealthiest townspeople sought to associate more with country gentry than with lesser townfolk. More important, guilds – not a solely urban institution – transformed in the urban context to represent different economic interests. Thirteenth-century evidence from Lynn and Ipswich suggests that a large part of the populace belonged to the merchant guild, at a time when that was likely the principal institution representing community aspirations. As community-based government grew, merchant guilds might become redundant and disappear (or perhaps merge into local government) or become restricted to true mercantile interests within the town, while the interests of others – notably craftsmen – sought expression through their own guilds, each representing either one craft or a group of related crafts. These various interests were not always in harmony, provoking efforts at first to suppress and, when suppression failed, to control them through regulation.

The violent [conflicts recorded in various towns](#) between late twelfth and fifteenth centuries have sometimes been portrayed as a guild-based struggle between merchants and craftsmen; yet the concerns or grievances that gave rise to such conflicts seem for the most part more related to the conduct of local government than economic control (although the two cannot be easily separated). Whether such conflicts represent political struggles between democratic and oligarchic factions I have [elsewhere explored in detail](#) and will not revisit here except to say that

medieval townsmen were far less concerned with political ideology than they were with honest, fair and beneficial government; it was natural for the reins of government to fall to the wealthier burgesses, and equally natural that, in some cases, self-interest or group interest factored into the conduct of government. Medieval urban government was, in many of its fundamentals, not so different from that of our own time.

Government is rarely an easy task; in its efforts to balance interests, the hard decisions that have to be made rarely find total support within a community. It would be a mistake to take the evidence of socio-political conflicts, which feature disproportionately large in surviving records (predominantly judicial), and visualize an urban environment in which discord was the norm. Then, as today, good news is no news. It may be that problems – such as finding the revenue to pay for the growing list of responsibilities of local government – increased and tensions rose from the late fourteenth century on, as the economy declined and there was greater competition for a piece of a shrinking pie; but since economic conditions varied from one part of the country to another, we cannot generalize.

Expressions of discontent within urban society are as likely to have been result of local circumstances (e.g. misgovernment) as much as any broader trend. However, there are signs in the fifteenth century of some closing of ranks in the ruling class, in the direction of the post-medieval closed corporation, assisted by constitutional changes which confined democratic tendencies by institutionalizing them and by the direction of royal policy regarding the integration of the towns into a system of national administration. The urban rulers relied more on social and political ceremonies – such as feasts, processions, official greeting of visiting dignitaries, swearing-in of borough officials – intended at once to reinforce community identity and pride in membership, while demonstrating social distinctions and precedences within the community.

Before concluding, it must be acknowledged that much of the terminology used in referring to townspeople is male-oriented. As for many periods of history, males figure much more heavily in the historical record than females, and the study of women's history has only in recent years begun to examine the limited evidence related to female roles in medieval towns. Marriageable women were their fathers' tools for social, political or economic alliances; sometimes a way for a wealthy merchant to establish links with the gentry. Married women did not have much legal status independent of their husbands, although in some regards this was less so within towns than outside. Some examples of this (varying from town to town) are that the property that a woman brought into a marriage could not safely be disposed of by her husband without his wife's freely-given consent; a woman (if childless) might bequeath such property to whomever she chose, allowing for a surviving husband's lifetime right; similar provision was made for widows to ensure their lifetime continuance in the marriage residence.

There seems to have been no provision for women to become burgesses in the technical sense of being admitted to the freedom and acquiring rights of participation in political life. On the other hand, there are some indications that they shared with their husbands in the commercial advantages of citizenship and retained such rights as widows; they could undertake business contracts in their own right. They might learn enough of their husband's business to be of assistance; although this would not go so far as for them to travel as merchants (widows used factors or apprentices for this), women were quite prominent among producers and retailers of

ale and some other prepared foods – a reflection of the entrepreneurial attitude of townspeople, making money in whatever ways they might. Among the few records that give any detail about them are their testaments and documents related to charitable foundations – another activity in which they were quite prominent.

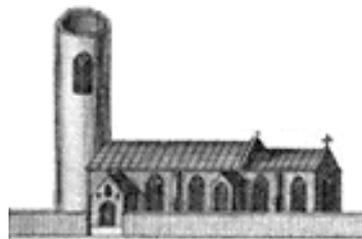
This leads us to a final topic needing to be touched upon in this brief introduction to some of the main themes and issues of the medieval history of English towns, and that is the role of religion in the life of townspeople. This was structured initially through the parish system, which was shaped and reshaped in response to shifting population density. Parish churches played an important role in town life, as the earliest public buildings serving secular uses and of course as the focus of spiritual life of the community. The association with many socio-religious guilds with one or other church, and the late medieval penchant for the private foundation of chantries and large donations to expand and beautify parish churches (an expression of civic pride), are examples of this. Other religious foundations were also important elements in urban history and urban society: the friaries were very popular with townspeople and another target of charitable donations; by contrast, abbeys and monasteries were looked upon with some suspicion as rival sources of jurisdiction. Nor must we forget the hospitals, almshouses and leper-houses which contributed to urban society care-giving to the poor, ill, or aged members of society, and which also relied on the charity of townspeople.



St. Laurence,
Norwich
(by Corbridge, 1724)



St. Mary Elms,
Ipswich
(by Ogilby, 1674)



St. Mary Coslany,
Norwich
(by Corbridge, 1724)



St. Peter,
Ipswich
(by Ogilby, 1674)

For the most part medieval townspeople were conventionally religious; many members of urban families were among the parish priests or locally-based friars, monks or nuns. But they were also worldly. Sometimes their donations or bequests to religious houses were motivated by bad conscience over un-Christian business practices; provisions for charitable bequests were occasionally very elaborate. Similarly, a religious order established within an environment could find itself subject to temptations in appropriate to Catholic spirituality. Although medieval cities, where people from many countries crossed paths, are perceived of hot-beds of heresy this is not so much the case in England. Instances of heresy in English towns are relatively scarce. The Church was not the centre of life in urban society, but it was a valued part and townsmen on the whole were disinclined to jeopardise their investments in the established ecclesiastical fabric.



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Further secondary sources relevant to medieval urban history
are listed in a [separate bibliography](#).



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The pre-Conquest borough

That a mint was established in Anglo-Saxon Norwich indicates that the location was already a focus of regional trade. An expanding population, especially after the arrival of the Danes, led to a shift in the economic centre of the region: away from western East Anglia to the Norwich and Ipswich areas, following the direction of the clearing of forests. Improved tools and techniques allowed large-scale deforestation of areas south and east of Norwich and exploitation of the rich soils. Pottery-making was one of the principal activities of the townsmen, along with the production of other goods from leather, metal and wood. Norwich also became a centre of manufacture of Thetford ware, a type of pottery prominent from ninth to twelfth centuries, with that industry probably based in Westwyk (Pottergate). Iron-working was another industry for which archaeological evidence has been found, with the smiths furnishing the tools the farmers needed.

Equally important was Norwich's role as a principal port for trade with northwestern Europe, before Yarmouth appeared to challenge for that role. Evidence of long-distance trade indicates connections with the Rhineland by the ninth century, and with France and Scandinavia by the eleventh. Pottery from the Midlands has also been found by archaeologists, although the barrier of the Fens (contrasted with the navigability of the Wensum) would favour trade with the continent rather than central England. Tombland would have been the logical site for the local market; after the [Mancroft market](#) later supplanted it, the Prior held his fair on Tombland, but the citizens claimed and were

conceded precedence in selecting where to place their stalls.

Since it was a trade centre, it may also have been an administrative centre for the region. Certainly the Normans saw it in that light, establishing there the only royal castle (until 1166) in East Anglia; the county courts of Norfolk and Suffolk also met there. That it may have been equally important in pre-Conquest times is suggested by the fact that it was chosen as the target of Danish attacks in 869 and 1004; the Danes chose to execute King Edmund close to Norwich. There is tradition of an "earl's palace" on Tombland, but little supporting evidence. As a royally-sponsored community, the borough was probably governed by a single administrator appointed by the king - a Portreeve; it was thus treated as a separate administrative unit from the rest of Norfolk. Domesday appears to identify the last such official under Edward the Confessor: one Edstan, who had an unusually large holding and was so much the king's man that he could not give homage to anyone else, nor depart from the borough, without getting the king's permission. All other king's burgesses were free to commend themselves to other lords, reflecting the fact that freedom of personal status was greater in East Anglia than in other parts of England.

Whether this reeve consulted informally with the more important townsmen, we can only speculate. Such a group of leading townsmen who gained some knowledge of the law (particularly concerning commerce or land transactions) through participation in the courts as jurors, official witnesses, or compurgators, is likely to have existed. That Norwich's court was probably held at Tombland is suggested by the fact that when St. Michael's church there was demolished to make way for the cathedral, its dedication was transferred to a nearby church, renamed St. Michael de Motestow – note referring to the Anglo-Saxon folk-court, and *stowe* to the slightly raised and level area of Tombland.

We shall now examine what effects the Conquest had on the thriving community of Norwich.



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Effects of the Conquest

The first few decades following the Norman Conquest saw [drastic changes](#) in settlement patterns at Norwich, as three new features were imposed on the landscape: a castle, a cathedral, and a French quarter. By 1065 Norwich had become one of the most populous boroughs in the country, with 1,238 [burgesses](#) on the land jointly owned by the king and earl Gyrth Godwinson, 50 in the soke of archbishop Stigand, and 32 in that of [Harold Godwinson](#) (a former earl of East Anglia). In 1086 we also hear of 480 *bordarii*, though whether this was a non-burgess class that had also existed in the Confessor's time, or was a group of former burgesses impoverished by events following the Conquest, is uncertain. The total population of the borough in this period was likely in the range of 7,000 to 10,000 people.

Construction of castle and cathedral

Many burgesses were displaced when their houses were torn down to make room for the [castle and its fee](#), in a central location in the borough. The castle was in existence by 1075 and may have been built within a year of William the Conqueror's victory over King Harold Godwinson – if, as seems likely, the "Guenta" where William FitzOsbern built a castle from which to take charge of the northern half of the kingdom (in the Conqueror's absence abroad) may be identified with Norwich. Its site chosen for height and for proximity to the crossroads and fords/bridges, the purpose of the castle was not so much to protect as to

control the inhabitants of a town where the Conqueror's principal enemies (the Godwinsons) had held influence. An original wooden structure would have been replaced by the present stone keep within a few decades.



Norwich castle keep

viewed from the far side of the (Mancroft) marketplace
still appears to impose authority over this part of the town
as it must have done eight hundred years ago.

photo © S. Alsford

Ironically, the castle became a centre of resistance to the Conqueror during the rebellion (1075) of Ralph de Guader, Earl of East Anglia and son-in-law of FitzOsbern. The earl may have been supported by the burgesses, for a larger garrison was stationed there by the king after the rebellion was put down, and [Domesday](#) reveals that 32 burgesses had fled the town, while others had been ruined by confiscations of their property. Perhaps as additional punishment of the borough, the yearly [farm](#) (a lease of the revenues due from tolls, court fines and other sources – see [below](#)) owed by the burgesses to king and earl was tripled from £30 to £90 (although the pre-1066 farm may have been antiquated, and farms were raised in most towns where castles were built). This sudden increase must have been a blow, at a time when the number of burgesses capable of contributing to the farm had decreased. Ninety-eight houses had been replaced by the castle, 201 were tenantless for other reasons, and only 665 burgesses contributed to the farm.

Further disruption occurred in 1096, when the East Anglian episcopal see was moved to Norwich (a plan conceived earlier, but delayed by the rebellion) and construction of a [cathedral](#) began; enough was completed by 1100/01 for the consecration to take place. Most of the original Benedictine monks were Normans. The [lands given](#) by king and earl for the purpose covered much of the old borough centre in northern Conesford; they stretched eastwards from Tombland (intruding into that space) to the marshy banks of the river. While we cannot be sure that it was a conscious plan to subjugate the Anglo-Saxon burgesses, the combined positioning of castle and cathedral served to cut off southern Conesford from the other sectors of the borough; and the two major Anglo-Saxon buildings – St. Michael's and the earl's palace – were pulled down. The benefits to Norwich were that it was now an even

more important administrative centre than ever before, while the cathedral brought to it "city" status. Cathedral and castle doubtless attracted more trade and industry to the borough, as well as providing buyers for the citizens' goods. However, Tombland – overshadowed by the [cathedral precinct walls](#) – began to lose its role as the focus of local trade. Wares were unloaded further upstream, on Westwyk and Coselanye banks, while the Prior began to claim fair rights on Tombland.

Norwich cathedral tower and spire

viewed from within the Close, looking northwards to the south face. The cathedral took almost two hundred years to complete; the unusually high spire was built at the close of the Middle Ages to replace an earlier one.

photo © S. Alsford



New settlers and their influence on Norwich

An alternative marketplace had already presented itself, before 1086, in the French quarter established by Earl Ralph on the west side of the castle, just beyond the Great Cockey. This foundation had "[new town](#)" status and was part of a broader Norman policy of deliberate colonization of Anglo-Saxon centres (although the establishment of a separate but adjacent Norman quarter was itself rare). Yet we should not ignore the need to relocate existing residents displaced by the castle. This new town is later found with the name of Man(nes)croft, recalling the large open area around which the settlers spread and on which a parish church was built by the earl; this open area was likely (perhaps consequently) used for trading. The name of this area implies that it had once served as common fields of the townsmen, and it was perhaps a shortened form of "portmancroft"; however, recent excavations have revealed that there was some Late Saxon settlement there. It is significant that the original main access to the castle fee was on the Mancroft side – in the opposite direction to the old borough centre. Some of the land in Mancroft was held by Norman soldiers, while there is evidence of a number of houses in other parts of the town held [custom-free](#) by men associated with the castle-guard (e.g. crossbowmen, watchment). After Ralph's rebellion, the number of French burgesses increased from 36 to 125, while the Anglo-Saxon population decreased.

Although we cannot dissociate the foundation, within a decade of the Conquest, with the building of the castle, Mancroft was more than an outer garrison for the castle. It must have been intended as a mechanism for provisioning for the castle and the type of settlers sought were merchants and tradesmen. Mancroft was made a borough in its own right, as its original name "Newport" indicates, with customary dues kept down to 1d. a head, to attract traders. It may well have had its own reeve and court. Its market, with a monopoly on castle business, gradually superseded Tombland and became the focus of the city. The Tolbooth established there to collect market dues would have been a preferable choice for the administration of justice to the open-air Tombland. When the rival Norman and Anglo-Saxon boroughs amalgamated into a single administration, we cannot say. Certainly we have the impression of a unified community when Norwich received its first royal charter of liberties in 1194, although there is some evidence that the new local administration (now to be chosen by the burgesses, rather than by the king) involved two or more reeves, with Normans and Anglo-Saxons sharing power.

However, by this time the cultural difference had dulled. Commercial intercourse, common ambitions (such as self-government), and common hatreds (such as against the Jews), helped forge Norman and Saxon into one community. Despite Mancroft's rise and Conesford's decline, the character of the borough owed as much, if not more, to Anglo-Saxon than to Norman culture. A study of the customary laws of the borough shows little indisputable influence of French legal precedents. The burgesses resisted Norman innovations such as trial by combat or ordeal, or murdrum (a fine for an unsolved murder), obtaining exemptions from these in their first charter. The Anglo-Saxon preference for compurgation, as proof of guilt or innocence, persisted and only gradually gave way to trial by jury. That assizes of *mort d'ancestor* and *novel disseisin* were inoperative in towns was, however, a reflection more of the essentially mercantile interests of burgesses, rather than a cultural matter. And the abolition of the Anglo-Saxon *miskennung* (invalidation of a case in which pleading was not carried out according to strict formula) shows that the burgesses were not averse to discarding old custom when it hampered them.

On the other hand, there were some important consequences to Norwich from the Norman Conquest. The local authority of the sheriff (a king's man) was enhanced at the expense of the earl, particularly by making him constable of the castle. It was aversion to his government, in part, that motivated the burgesses to seek self-rule. More important was the stimulus the effects of the Conquest gave to trade, although these did not fully realized until the twelfth century, and Anglo-Saxon and Norman had equal roles in this.

Nor must we ignore the less direct stimulus of the settlement of Jews in English boroughs, mainly from the time of William Rufus on (although an Isaac was living in Mancroft in 1086). Norwich was probably one of the earlier destinations of Jewish settlers – who came principally from northern France and the Rhineland – being a county town with a royal castle. A Jewish community there is evidenced in the mid-twelfth century chronicle of Thomas of Monmouth; the building of a synagogue in the reign of Henry II furthered the

development of a Jewish quarter in Norwich. It was located at the castle entrance, on the route leading thence to the market. This placement gave it immediate access to the protection offered by the king (whose chattels the Jews were in law) and proximity to the place of business. Their principal business was money-lending, most others being closed to them. They had no role in city government, not being given citizenship (which involved the taking of Christian oaths), and this in turn disadvantaged them in commercial activities. Nor was membership in craft guilds open to them, again because of the religious aspects. On the other hand, Christian dictates made Jews the source of the necessary financial backing for commercial ventures; if they charged a high price for this service, it was because of the risks from unpaid debts and absorption of much of their profits by the king (in the form of heavy fines). The Abbey of St. Edmunds and the sheriff of Norfolk (William de Caineto) were among heavy debtors to Norwich Jews in time of Henry II.

Resentment at this state of indebtedness, combined with the burgess' instinctive antipathy towards any newcomer, fuelled by religious tension, resulted in aggression. The massacre of Jews in 1190, in Norwich as elsewhere, was in part "a new way to pay old debts", by getting rid of creditors. It was in fact at Norwich that the first accusation of ritual murder of a Christian by Jews was used as an excuse for hostility, and where a burgess community first meditated wholesale massacre of Jews (1144). Thanks largely to the protection of king, sheriff and castle, the Jewish community prospered in the face of adversity, such as:

- an attack on their cemetery (1200);
- refusal to communicate with or sell supplies to them (1223); and
- attacks on them and their houses (as well as on royal sergeants who came to their rescue) with the tacit approval of city bailiffs, who declined to investigate (1235).



St. Peter Mancroft

built by the earl to serve his new borough as parish church; rebuilt on a magnificent scale in the first half of the 15th century by the city's merchants in gratitude for their prosperity. The western tower, illuminated at night, illustrates the imposing scale (note the castle in the background).

photo © S. Alsford

The growing prosperity of the city, as the leading market centre of one of the most populous areas of the country, is reflected in a number of things. Hatred of the Jews for living off the needs of traders itself implies flourishing commerce. Apart from beggars there is little indication of poverty; everyone seems to have had 3d. for masses, offerings or candles (of course, the records tend not to pay much attention to the poor). We hear of two minters by name, but there were certainly more in the city; the bishop himself was allowed to have one, and we hear of six in 1235, when the city's minting privilege was withdrawn. Over 130 trades and occupations can be identified in Norwich from records of this century. The leather industry was particularly important in Norwich in the twelfth and thirteenth centuries, first with the skimmers and later the tanners. More important in the long run was the cloth trade and weaving – the latter associated with the Flemings, who settled in numbers in the Norwich region in the reigns of the Conqueror and his sons. Attempting to explain the capture by siege of Norwich in 1174, a French chronicler pointed out that many burgesses were weavers, not warriors. Like the Jews, Flemings were disliked by the other burgesses (particularly for trying to establish a monopolistic trade guild), despite the prosperity they brought to Norwich. The extension of markets in Normandy and the lower Rhineland in the century following the Conquest was beneficial particularly to towns on the east coast. The Anarchy of the first half of the twelfth century left Norfolk relatively untouched, so that the century was one of general stability, conducive to commercial activity. The establishment of a shrine to St. William (the boy supposedly murdered by Jews) also helped attract more trade.

The fee farm

It was this prosperity that gave the citizens the resources to acquire a certain measure of administrative independence. In 1065 the king was the principal, but not the only, lord of Norwich. The private sokes of Stigand and Harold, however, gradually disappeared when cathedral, castle and Mancroft were raised on the sites of the sokes. The king still shared his lordship with the earl, who took the "third penny" of all dues until at least 1191; but that was probably his only surviving right in the borough, the sheriff having absorbed the earl's administrative duties. One of those chief duties was the collection of royal revenues from the boroughs. A popular method of doing this was to "farm" it: to negotiate a lump sum to be paid at the Exchequer in London. If revenues failed to meet the sum in any year, the sheriff had to make up the difference from his own purse. Naturally, he attempted the reverse: to collect more revenues than the negotiated sum, so that he could keep the surplus. Since large sums were often paid for shrieval office, we may guess that the profit was good, and there is evidence of various types of extortion. Often the sheriff made his profit by sub-leasing his farming rights to other individuals.

The burgesses were anxious to rid themselves of this drain on their income, by taking the farm into their own hands. Yet Norwich did not achieve this until 1194, although the burgesses were wealthy enough to have together afforded the money gift necessary to persuade the king to grant them the farm. Perhaps the Anglo-Saxon and Norman communities were still too much at odds to work in unison. More likely it was simply a case

that Henry II, fearing that to give the boroughs too much power over their own affairs might lead to emulation of the continental communes, only experimented with grants of the farm to boroughs; his charter granted to Norwich circa 1158 went no further than recognizing unspecified local customs that the citizens claimed to be theirs by tradition. His sons Richard and John, on the other hand, had more pressing needs for money and were more amenable to selling to towns the privileges they wanted.

The burgesses paid 200 marks for taking the farm out of the hands of the sheriff (this in addition to the actual amount of the farm itself, which was £108). Historians have debated whether grant of fee farm automatically involved the right of the burgesses to elect their own officer to take responsibility for collecting the farm and accounting for it at the Exchequer. In Norwich's case, the 1194 charter clearly makes the association: after confirming to the citizens all their traditional liberties, in return for render to the king of the fee farm, by the hand of the *prepositus* (literally the "foremost" member of the community, usually translated as "reeve" or "bailiff"), the charter continues that the citizens may elect annually their own reeves (with the proviso that those elected be acceptable to the king). This represents the beginning of self-government in Norwich.



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Evolution of a self-governing community

Even before the 1194 charter set the citizens of Norwich on the road to local self-government, "[burgess](#)" was not simply someone who lived in the borough; it implied a status with certain privileges. The principal criterion for laying claim to that status was to be "[at scot and lot](#)", which entailed the reciprocity of rights and responsibilities that is fundamental to the concept of citizenship in today's society. A burgess was a resident who contributed towards all payments required from the borough by the king, and in return had a right certain advantages in the commerce conducted in the borough (e.g. an equal share to a bargain offered in the market). One particular concern addressed in borough [customs](#) (i.e. local laws) was closely to [regulate buying and selling](#) to protect the communal rights of citizens. The [bordarii](#) carefully distinguished in [Domesday](#) from the burgesses were residents who made no contribution to the king's custom. Stephen's reign saw an attempt by unspecified burgesses (perhaps the French immigrants of Mancroft) to refuse contribution to borough [taxes](#), while still claiming mercantile [liberties](#). Henry II ordered that anyone who had vexed the burgesses in this way should "return to being of their society and custom and share in their scot". The precise determination of which residents were at scot and lot continued to cause trouble, necessitating further royal instructions in 1203, 1228/29 and 1256; the tenants of the cathedral in particular were constantly trying to evade contributing to communal obligations.

There were other requirements associated with burgess status. The burgess had to be a free man – no lord's serf. The Jews were declared by Edward I not to be at scot and lot, since they were his bondsmen. To qualify this, however: it may not have been necessary for the burgess to be a man; Stigand's sister was identified by Domesday as a burgess. All the borough required was that a burgess be able to pay his or her share of taxes. As guarantee of this, the burgess was expected to own a house which could be distraigned in the event of default of payment. When, in 1296, citizen Richard de Knapton sold his house to take up lodging in St. Giles' Hospital, he was accused before the leet court of not being in scot and lot. Burgess status was thus restricted to those residents able to afford its obligations and desiring to trade under privileged conditions.

To what extent there was a sense of "community" within the burgess group is more difficult to say. It appears that the burgesses as a group were responsible for payment of the Domesday custom and for later tallages and aids. In cases of default of payment the king would first require a borough's head official to make up the difference, or sometimes a small group of the wealthier burgesses; but ultimately he had recourse to the seizure of the goods of any burgess, or even withdrawal of the charter-granted community liberties. Further signs of communality are seen in the common ownership of lands and churches in Domesday, in the grants of charters to the burgesses as a group, common assembly in the moot, and common subjection to the same set of customs. As yet, however, the "community" had only an unofficial existence.

This formally changed with the royal grant of "incorporation", although most of the features of communal identity associated with such grants were already operational in boroughs, so that the grants were little more than official stamp of approval to an existing state of affairs. Norwich's incorporation came with the grant to the city of county status, in 1404. Incorporation was later defined according to five particular criteria; we can see indications of the fulfillment of these criteria prior to 1404:

Possession of a common seal

Norwich's oldest known seal was made in the early thirteenth century; although inscribed "The seal of the bailiffs of Norwich", it was referred to in 1285 as "the seal of the community of Norwich", and it was kept safe in a locked chest for which special key-keepers were elected (as a guard against misuse by any individual) by mid-fourteenth century.

The right to make by-laws

The community had in fact long been used to modifying customary law to respond to particular problem, or new circumstances, that might arise. In a royal charter of 1380, the Norwich authorities were specifically granted the power to amend any customs which were out-of-date or problematic, so long as any changes were to the benefit of the community.

Perpetual succession (i.e. the automatic continuation of city liberties from one monarch's reign to another)

This was anticipated in the custom of obtaining new charters at the beginning of each reign simply to confirm the existing liberties. (Even after formal

incorporation, borough authorities continued this 'insurance policy').

Communal ownership of property

Although kings were reluctant to grant this, Norwich successfully negotiated with the king for ownership of waste-land within its boundaries in the fourteenth century. Precedent was also set by the communal ownership of certain moveable property.

Creation of a fictitious legal personality which could sue and be sued

This was accomplished in the promotion to county status in 1404. Yet the terminology used in that charter suggests that "the bailiffs, citizens and community of the city" were perceived as something of a corporate entity much as their successors under the 1404 charter – "the mayor, sheriffs, citizens and community".

In the thirteenth and fourteenth centuries the citizens of Norwich became increasingly aware of their shared identity and interests. In some ways the "community" acted as though it were already a corporate entity, for it was (in principle, at least) the fundamental source of local authority. For example, in 1285 permission was given "by the community of the city of Norwich" to John de Ronhale to build over a stream; and in the following year, thief Walter Eghe was tried before "the bailiffs and the community of the whole city in the Tolbooth".

We can hardly imagine that the whole community would fit into one building in the city. In practice, of course, the principle of representation was applied. The city sent representatives to parliaments when summoned by the king, who expected that those representatives have full authority to act on behalf of their communities; although in cases of decisions that were likely to prove unpopular (such as the granting of new taxes) the representatives might defer giving their approval by insisting they first consult the community they represented.

To an extent the executive officers of the city, over the choosing of which the community acquired control in 1194, were representatives of the community. On the other hand, they were also answerable to the king. By the 1220s it appears that there were four bailiffs acting each year as the city executive. This was probably associated with the division of the city into four leets – corresponding roughly to the old division of separate settlements – each with jurisdiction equivalent to a court of a hundred. Towards the end of the fourteenth century, the citizens felt the desire to be ruled by a mayor, in emulation of London, the leading city of the kingdom; since Richard II would not grant this, the city supported Henry of Lancaster in his quest for the crown, and was rewarded with the grant of a mayor in 1404. The change does not seem to have brought the city any greater independence for its executive officer; the mayor continued to be responsible to the king for a number of duties, including some new ones (notably, the role of escheator). On the other hand, accountability for the fee farm was transferred to new officers – two city sheriffs (a reflection of the city's new county status) – who were otherwise subordinate to the mayor. A few years later this new status of the city was symbolized in the replacement of the old Tolbooth, as the home of city administration, with a new, enlarged Guildhall.



The Guildhall

built between 1407 and 1412, presumably on the site of the earlier Tolbooth; it remained the seat of city government up to the 1930s. Part of a more general imitation of London's forms of government (only that city's guildhall being larger in all the kingdom), it reflected growth not only in civic pride but also in the division between government and governed.

photo © S. Alsford

The change is also reflective of a general increase in the ranks of city officialdom over time, as new powers were obtained through royal grants and as the business of urban administration became increasingly complex. The city's acquisition of its own coroners, sometime in the mid-thirteenth century, was indicative of growing judicial independence from Norfolk authorities. And the appearance of chamberlains and treasurers (by at least the end of the thirteenth century), evidences the greater complexity of city finances as the sources of revenues diversified and the growing list of communally-owned properties requiring management.

The root cause of this proliferation of officials was the citizens' ambition for freedom from the interference in local affairs of external authorities – notably from the county sheriff and other royal officers. This ambition won its first victory in the gaining of the fee farm in 1194. The city's responsibilities to the king did not change; it was simply that accountability was now directly through city-elected officers rather than men appointed by the king. Subsequent charters show the citizens' strategy for gradual increasing their liberties. They obtained exemptions from various judicial obligations and, more importantly, assured that a growing number of types of judicial process would be held in borough courts, rather than courts outside the city's jurisdiction. In some cases, the charters really only confirmed powers that the city had already assumed; such was the case of a city prison (as opposed to the one in the castle), which received royal authorization in the charter of 1305, although the city had already maintained a gaol in its Tolbooth since at least 1274. That the Crown was prepared to turn over to boroughs some of the powers of royal officials is an indication not so much of any royal policy favouring borough self-government as of the Crown's constant need for money and burgesses' preparedness to pay for grants of new liberties. Slowly, but surely, Norwich thus excluded the authority of all but its own officers in most matters with

city bounds.

The lowest jurisdictional level in the hierarchy of city courts was the [leet system](#). Its initial objective was to bring offences to light and then decide which court had jurisdiction over them. Thefts were referred to the city court presided over by the bailiffs; homicides were reserved for the coroner, other felonies were held for the attention of the itinerant king's justices. The leet court itself – also presided over by the bailiffs – dealt with infringements of local custom and common law, such as minor [assaults](#), public nuisance, breaches of the [assize of ale](#) and other market offences; all were fineable offences (the fines going towards payment of the fee farm).

The Anglo-Saxon origins of the leet system were related to an approach to maintaining law and order by dividing the adult male population into "[tithings](#)" of 10 or 12 men each, responsible for each other's conduct. A number of tithings made up a leet, and a number of leets made up the hundred already mentioned. Norwich had the status of a hundred before the Norman Conquest, and the various settlements that it comprised were treated as separate leets. After the Conquest, the leet courts were held by the sheriff in the castle fee. The burgesses are seen resisting this control in 1184, and probably took over leet administration in 1194. By this time the amount of business the leet courts had to handle was difficult to manage, however, and circa 1223 each leet was given the status of a hundred and divided into sub-leets, each of which made its presentations on a different day. There is some evidence that each leet elected one of the four bailiffs, but all four jointly presided over each leet's court, to emphasize the unity of the city.

By the end of the fourteenth century, the leet system was breaking down. Although a good tool for detecting breaches of the law, it was inefficient for punishing them. Many burgesses were willing to pay the small fines imposed on them periodically in order to continue illegal practices which brought them profits (e.g. breaking the assize of ale). With the constitutional remodelling in the early fifteenth century, many of the administrative and judicial functions of the leets were absorbed by the new officials, and the leets survived only as units in the election of city officers.



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Power struggles with rivals

In order to consolidate the growing control over its own administration, the city had to face challenges from a variety of rivals in the areas of legal jurisdiction and economic matters.

See [Map of Norwich ca.1260](#) (60K)

To a community becoming increasingly conscious of its social and political "personality", it was intolerable that its physical personality be so vaguely defined. The first step in remedying this was to delineate the city limits. At some time during Stephen's reign the boundary of Westwyk was indicated by a ditch, and that of southern Conesford by a gate on Berstrete and a few decades later by another gate on Southgate; the latter may have been a response to territorial claims of Carrow Abbey, founded south of the town in 1146. In 1235 the city was fined for attempting to assert its jurisdiction in common fields outside the hundredal limits of Norwich. Although we don't know where those fields were exactly, they may have been in the southwestern quadrant of the city that the citizens made a point of taking in, when the king gave them licence to enclose the city, in 1253, with a ditch and nine gates. This ditch swept in a wide arc, connecting Westwyk and southern Conesford and advancing into Taverham hundred in the north. It represented a territorial claim, and one that was challenged both by country-dwellers (who complained that their old paths had been blocked) and by the cathedral priory, which accused the city of illegally enclosing lands

belonging to itself, Carrow Abbey, and rural hundreds.

Undaunted, the citizens consolidated this coup by building a stone wall along the same boundary. The importance of boundaries, in terms of control over territories and commerce, is seen in that wall-building was an expensive and long-term undertaking. To finance it, the city obtained royal grants of murage in 1297, 1305, 1317, and 1337. On the last occasion they farmed the murage to citizen Richard Spynk, who also contributed out of his own wealth to ensure the completion of the walls – in return for generous concessions by the city. Although there was provision for artillery and portcullises, it would be a mistake to think of these walls as exclusively defensive in purpose. The length of their line, the poor quality of construction, and the disinclination of the citizens to keep it in repair, together with the fact that the eastern boundary had no wall (only the river as a barrier), meant that they would not be a real obstacle to any serious attacker. As part of Spynk's contract with the city, the latter was required to take steps to prevent abuse of the walls, such as by citizens hanging cloths to dry on them. By the 1370s, however, the city itself was leasing out the defensive towers for commercial uses, such as milling. Despite this, the walls were an expression of city pride and independence, intended to channel trade into and out of the city at set points where tolls could be collected (which explains the anger of the country people in 1253, no longer able to evade those payments).



Norwich fortifications

[left] The southernmost element of the wall, watching down from the top of Carrow Hill, was this large tower, which came (in the 15th century) to be called the Black Tower.

[centre] A western stretch of wall and tower just south of [St. Stephen's Gate](#)

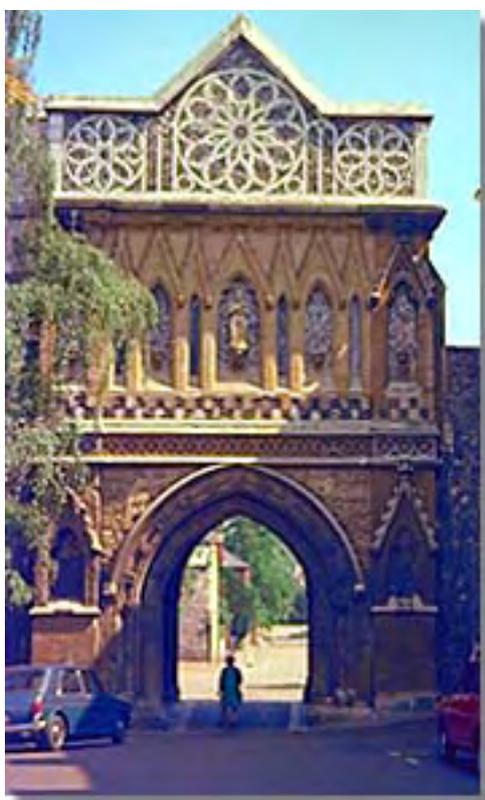
[right] On the bank of the Wensum, where it looped southwards around the meadow of the [Great Hospital](#), the Prior had a tower, probably related to collecting tolls on river-bound traffic, but also used as a prison. In 1378 this was turned over to the city. Later used to house cows pastured in the meadow, it acquired the name "Cow Tower".

photos © S. Alsford

The monks' complaint in 1253 was prompted by other reasons. It was part of an ongoing defense against the encroachments of the citizens. From early in the century there had been a number of points of contention between city and cathedral-priory. Not all of the lands given to the cathedral priory were enclosed by the cathedral precinct wall; the [Prior's Fee](#) included a number of areas within the city, whose residents (based on royal grants to the Prior) refused to contribute to taxes imposed on the city or to acknowledge any authority of city officers over them. The city tried to claim jurisdiction over the inhabitants of those areas, countering the monks' accusations with those of its own. In 1244 one issue was settled when it was agreed the Prior's tenants would contribute £20 towards the [fee farm](#) (£100 at this time). In 1249-50 the city complained that the Prior was taking "holy-day" tolls on bakers and other citizens, but the Prior successfully defended that this was a customary right. In 1256/57 the Priory's baker was killed in a quarrel with a citizen and, since he had died on the Priory grounds, the city bailiffs were denied permission to hold the inquest. The same year saw a conflict over the Prior collecting [landgable](#), while the following year saw the bailiffs assaulted by a party of monks and their servants in a jurisdictional dispute over a piece of property.

All this came to a head in the summer of 1272 when the citizens erected a quintain (a target for lance practice) on Tombland, in a location probably chosen to annoy the monks. A quarrel broke out with servants of the Priory, who were forced to retreat, but one of the servants shot a citizen with a crossbow. After an inquest, the city coroners arrested two priory servants, following which the Prior excommunicated and interdicted the citizens. By August things had reached a state of siege, with the Priory gates closed and its servants taking potshots at citizens from behind the walls. An attempt to negotiate a peaceful settlement when the Prior refused to endorse an agreement. Instead he brought in three barges full of armed men from Yarmouth, which had its own reasons for [enmity with Norwich](#). These and the Priory servants sallied forth into the city at night: killing one man, wounding others, robbing, looting and burning. Despatching a complaint to the king, the city authorities called for a muster of citizens in the marketplace the following morning (August 8th or 9th). An attack was then made on the Priory; one of its gates was burned down to effect an entry into the precinct and a church immediately within was looted and burned. The fire spread to other buildings, even to the cathedral (although the damage was much exaggerated in the subsequent legal proceedings); 13 defenders were killed – some in formal execution style – while others were taken off to prison, and the attack disintegrated into general plundering of cathedral treasures. It was not a total rout, however, for the following day the Prior, William de Brunham, himself killed one of his opponents.

Within a week the king was taking action, despatching commissions to bring matters under control and ordering the sheriff and the constable of the castle to assist the commissioners. In September he set out for the city in person to supervise the investigation; arriving on September 14, he subsequently placed both city and Priory under wardens. The accused included citizens who had played leading roles in local government. Following the trial at least 29 were hanged. A further investigation in December reached the conclusions that the fault in the affair lay with the Prior's violence against the city, and that the fire in the church had been an accident of smiths employed by the Priory; Brunham was arrested and turned over to his bishop to be tried (but his punishment was light). In 1275 the affair was finally settled through arbitration by the king, who set damages payable by city to Priory at £2000, in return for which the excommunication was lifted from the city. Arguments between the two sides continued, however, and eventually the king urged them to a compromise (1306), which conceded the city much of the jurisdiction it wanted.



Ethelbert Gate

One of the two principal gates leading from Tombland into the cathedral close (the other built ca.1420 by [Sir Thomas Erpingham](#)), the Ethelbert Gate was built in the early 14th century at the cost of the citizens as part of a settlement with the cathedral, and particularly in recompense for the burning down of St. Ethelbert's church during the 1272 riot. Perhaps its carving of St. George and the dragon is an allegory on the event?



photos © S. Alsford

Encouraged by this success, the citizens immediately turned their attention to the [waste-land](#) in the borough, which belonged to the king. This land had developmental potential which represented annual rents for the city treasury. In 1307 Norwich petitioned the king for a grant of all the waste-land ... and was refused. So the citizens did what was commonly done in other boroughs and built on the land anyway, accumulating rents adding up to £9.11s.8d annually by 1329, when the royal escheator demanded these rents be handed over to the king. An appeal to the king, however, produced a decision in the citizens' favour, conceding them the waste-land.

Their next target was the [Castle Fee](#), an area encompassing not only the castle but an expanse of surrounding land housing many persons, under castle rather than city jurisdiction.

The citizens resented this exempt jurisdiction in the midst for much the same reasons as they did that of the Prior's Fee: the lay inhabitants might profit from city liberties without being liable to the obligations of citizenship, and they might commit crimes in the city and then seek sanctuary of the Fee, where they could obtain trial from a favourably-disposed jury of their fellows. There was also the potential physical threat, exemplified during the barons' wars: in 1264 men from the castle threatened the city coroners so that they could not complete inquests, and burned down the house of a citizen.

In 1344, the citizens took advantage of the king's presence in Norwich to plead their case. Investigation revealed to Edward that the castle was of no military value and that a grant of the Fee would mean only a very minor loss in revenue, since most revenues would continue to come to him through an (inevitable) increase in the city's fee farm. So in 1345, he transferred to the city all but castle, shirehouse (the seat of the county court), and their immediate enclosure. This area was not integrated with adjoining leets, but maintained an independent one, with city bailiffs replacing the sheriff in its court.

A similar series of rivalries is seen in economic affairs, as the city sought to monopolize trade and control the conditions under which it took place. The first step in the process was to obtain the right to exact tolls on merchandize passing through the city gates, as well as freedom for the citizens from paying such tolls in other boroughs. The latter was one of the grants in the 1194 charter. The former was not explicitly granted but was probably implicit in that charter's grant to Norwich of all customs valid in London. In 1305 the citizens obtained a more specific list of tolls from which they were exempt.

Naturally, the right to take tolls and the exemption from tolls elsewhere – which the king granted to many towns – worked against each other. Merchants from other towns coming to Norwich might claim to be exempt from Norwich's tolls, while Norwich merchants might face demands from towns they visited that they pay tolls there. The 1194 charter therefore granted that, should toll be illegally taken from a Norwich citizen and the offending town refuse to compensate, Norwich's reeve could exact the amount due from the goods of any merchant of the offending town found in Norwich. Again, since this was a common grant to towns, it only exacerbated the situation, leading to arguments, reprisals, and counter-reprisals. A further round of royal grants (in Norwich's case, in 1255) specified that no citizen's goods should be seized elsewhere in relation to any debt for which they were not the debtor or guarantor, except in the case where the citizen was a member of a community which has refused to give satisfaction to the legitimate claims of a creditor. This was in tune with the medieval concept of every burgess sharing in the rights and obligations of his peers. But it did not help merchants whose goods might be seized through no fault of their own. Sometimes it was probably easier to avoid arguments with the officials of other towns, and just pay the tolls demanded. But then the capitulating merchant might be fined by his own leet court, for setting a precedent prejudicial to the chartered liberties of the city. The consequence of all this was to foster feelings of hostility between towns; particularly if foreign towns were involved, there could be political repercussions not to the liking of the king. Eventually the king banned the reprisal mechanism.

Norwich's concern to regulate local trade is clearly seen in its custumal (the collection of local laws). Many of the customs were devoted to rules of fair trade: equal opportunity trading for every citizen; no trading privately outside the market, nor before the ringing of the cathedral bell for the mass of the Virgin; no citizen was to assist a non-citizen avoid paying toll (for example, by pretending the latter's merchandize was his own); payment on the spot for goods bought from country-dwellers. The bailiffs duties included regular examination of the weights and measures of taverners, brewers, and other merchants, to ensure their accuracy; none was valid unless stamped with city seals intended for that purpose.

Once the problems associated with administrative jurisdiction were settled (by 1346) and after recovery from the effects of the Black Death (with property values rising again), efforts towards strengthening control over trade were redoubled. A special tax was levied in 1378 to buy up shops and market stalls, and it was then ruled that meat and fish could be sold only from these stalls. Similarly, two quays were acquired in 1379 and designated as the only legitimate places for loading and unloading goods; incoming goods of visiting merchants had to be stored in a community-owned warehouse while in the city. A new list of tolls was drawn up. In 1384 a large building just north of the market-place was acquired; part was converted into a Common Inn, where visiting merchants had to lodge, another part into the Worsted Seld, the only place from which country weavers could sell their worsted cloth to the citizens. Norwich's wealth in the late Middle Ages was founded primarily upon the cloth industry, especially manufacture of worsteds, a fine cloth sold throughout England and exported to the continent. When an inventory of city property was made, in 1397, it was quite extensive.

Part of the effort in controlling trade was directed at reorganizing the craft guilds. As rivals for control of trade conditions, craft guilds were at first suppressed by Norwich authorities. Besides fixing wages, prices and standards of manufacture, the guilds also deprived city courts of revenues from fines, by settling quarrels between members through internal arbitration. The 1256 royal charter included a clause outlawing guilds, and tanners, fullers, saddlers and cobblers were fined by the leet courts in the 1280s and '90s for having guilds. But by the second half of the fourteenth century it had become clear that suppression was ineffective; it gave way to a policy of recognition combined with supervision. An addition to the custumal authorized the bailiffs and city council to appoint annually a few members of each craft to act as wardens and check, several times a year, on the conduct of the city craftsmen; any fraudulent practices or defective work were to be reported to city authorities to act on. In the first half of the fifteenth century further steps were taken to control the guilds, climaxing in a lengthy set of ordinances (1449) by which guilds were to be governed.

In the area of trade, there were other rivals over which the city had less control. One source of dispute between monks and citizens was the fair rights on Tombland. The 1306 compromise mentioned above conceded the citizens first choice of which part of Tombland they would use for their stalls. The citizens also resented the Prior's right to hold a piepowder court (a speedy dispute-resolution process for travelling merchants) during the fair; in 1380 city authorities jealously ruled that any citizen taking a case to the Prior's court

would be deprived of citizenship. Norwich petitioned to have its own piepowder court in 1443; although this was granted a few years later, there is no sign they ever went ahead and held one.

The Merchants of the Staple represented another independent jurisdiction, via the law-merchant. Norwich was one of a handful of staple towns (exclusive ports for the export of wool) during the reigns of Edward II and Edward III. In 1353 a royal statute set up organizations in those towns, each headed by a Mayor of the Staple, whose court had sole jurisdiction over foreign merchants and cases of debt, trespass, or breach of contract involving their members. However, since Norwich's staple organization was dominated by its own merchants, there was probably no serious conflict here.

Norwich's role as a staple was one factor in a long-standing rivalry with Great Yarmouth, which was made staple town in 1369 in place of Norwich. However, the hostility really went back to the question of which town was the port having right to exact tolls on boats using the Wensum. As early as 1257 Norwich complained that Yarmouth was stopping ships from coming upriver and forcing the merchandize on board those ships to be sold in its own market. This would mean a loss of some of the revenues Norwich needed to pay its fee farm. An argument of that nature was always guaranteed to be persuasive to the king. Renewed complaints in 1333 prompted a royal mandate to Yarmouth bailiffs to desist. By this time Yarmouth appears to have captured enough of the disputed commerce to have become wealthier than Norwich.

Rivalries such as those described above played their part in the historical process which brought Norwich to the point of incorporation. The conflicts revealed to city authorities the need to strengthen their powers, and incorporation represented the highest expression of privileges that might be attained by local government of that time. A burning sense of identity and local pride is revealed by these conflicts, as well as by general distrust of any outsider (the difference in breadth of outlook between those times and ours being illustrated by the fact that to the medieval townsmen a "foreigner" was anyone living outside the borough, while someone from parts we today would classify as foreign was termed an "alien").

The impulses towards incorporation, from the borough's point of view, were a tangled web of circumstances reacting upon themselves. Gaining control of the fee farm may have brought a degree of political independence, but it did not profit the borough financially. Decreasing revenue from tolls, as the result of royal grants of exemption, and from rents (which remained at a fixed level), in the face of mounting costs as the size of bureaucracy grew, public properties needed maintenance, and city walls were built – on top of annual payment of the fee farm as well as frequent royal taxes, made things difficult financially for the city. Traditional revenues became inadequate to meet the fee farm, and so that had to be given first call on new revenues. In 1305 the king gave the bailiffs the power to levy local taxes. It became clear that property-holding was the likeliest cure for the city's economic ills; yet the lack of a formal existence in the eyes of the law was a hindrance to this. The 1404 charter remedied that.

A reflection of the improvement of city fortunes and the crystallization of the spirit of community is seen in the development of record-keeping. Norwich's first century of independence saw the appearance only of "records of necessity": court proceedings, financial accounts, and registration of deeds to property. In the decades following the completion of the walls and acquisition of the Castle Fee we see the commencement of a Book of Memoranda (memorabilia concerning the city, later used for enrolling the names of new citizens), the drawing up of a new version of the custumal, the recording of proceedings of the city council, and the inventorying of city property. All this reflects growing self-confidence and maturity.

In many ways, the thirteenth and fourteenth centuries were the heyday of medieval Norwich (and other boroughs). We see signs of a deep satisfaction with living in urban communities, and expressions of civic patriotism and a sense of all-for-one and one-for-all. Yet, as the fourteenth century wore on, the idea of the common good was losing its hold and, partly as a result of the trend towards incorporation (which, from the king's point of view, was an attempt to impose a certain uniformity on his boroughs), new forces of self- and class interest came to the fore to undermine the notion of community in the borough.



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A division of interests

In the previous section, much was said about common purpose of the citizens of Norwich, of the sense of community, and unified action against common enemies. However, we must remember that this was only one side of the coin. The medieval urban community comprised individuals who, like today's communities, had divergent outlooks and attitudes, and whose personal ambitions and interests were not always in harmony with each other. In particular we can see, especially in the later Middle Ages (when our records become more detailed and more intimate), a growing division between groups within the population, along lines which can be described - if not entirely accurately – as class interests. Historians have interpreted the internal conflicts of this period as a struggle between democracy and oligarchy, although this is really too dogmatic an interpretation for a society that was more concerned with the practical aspects of government (e.g. was it financially efficient, did it treat citizens fairly, were its actions to the benefit of the town?), than with its political character.

We have seen that Norwich, like most other towns, developed out of simpler communities and that throughout most of the Middle Ages the community was – in theory at least – considered to be the fundamental source of authority, in terms of decision-making related to purely local matters. Yet in any sizable community whose affairs are sufficiently complex to require constant attention, a general assembly of residents is not a very practical mechanism of day-to-day decision-making. It was natural that this should be delegated to representatives. From Anglo-Saxon times provisions had been made for small groups of

senior members of a community to have a special role in judicial administration, and it is generally felt that a town's executive officers would have consulted, if informally, on important decisions with others of the group of prominent townsmen from whom they themselves were chosen.

The identity of these few is not too difficult to determine. As already noted, a key qualification for citizenship was ownership of landed property, as collateral for the citizen's financial responsibilities. Since, in cases such as a failure of a city to pay its fee farm or the amount set for a royal tallage, or again in the event of a breakdown of order, the king would seek redress from the city representatives, it was advisable that they be those citizens most capable of bearing the financial burden. The wealthier citizens were also likeliest to be those with the most experience in administration. The frequency of cases involving commercial transactions in the borough court would prompt the participation of merchants as witnesses or jurors. The need to bargain with royal commissioners concerning tallages, and the ability to divide the assessment among citizens according to their property, also required certain financial ability and knowledge of property values. The "stewardship of the rich" was considered a natural state of affairs by medieval townsmen. The wealth of some of the leading townsmen is reflected in the latter half of the fourteenth and early fifteenth centuries by the large donations they made to the rebuilding of many of Norwich's parish churches, and the expansion of their own residences (e.g. adding upper storeys) to reflect their socio-economic status.

Those who were expected to bear the burdens of office, because "sufficient" (as the medieval description had it) in experience and wealth, may have felt it reasonable to use their power to further their own interests. The charters they obtained from the king may have benefited the city as a whole, but particularly themselves, by improving mercantile conditions and by acquiring new powers that gave greater control over matters touching the city. As part of this tightening of control, it seems, one of the aims was to replace the unwieldy popular assembly with a more restricted decision-making body.

Abuses of power also occurred, or were perceived to occur; although the exception rather than the rule, it is in the nature of surviving documentary evidence that we hear much of such situations. Complaints by the Norwich community to the king are typical of those of other towns; accusations against the city rulers included levying unreasonable taxes and then putting the money to their private use, and attempts to monopolize trade through private transactions outside designated markets. The ruling class reacted by trying to bolster their privileged access to power. They were assisted in this by incorporation, which gave formal expression to the principle of delegation.

There are various signs of this process of differentiation between rulers and ruled in Norwich. We hear of a group of "magnates" in the thirteenth century: men outside the tithing system because so well-known that they needed no-one to vouch for them. When these men appear in leet records it is often to intervene in cases to persuade bailiffs to pardon offenders. These were likely the *probi homines* ("upright men", with *bones gentz* and *prudeshommes* being alternate terms) who were considered reliable witnesses or suitable choices for cities

to send to parliament. The term crops up in a variety of circumstances. In 1213 and 1287 the king addressed documents to the bailiffs and *probi homines* of Norwich. In 1327 the *probi homines* of Norwich loaned the king 300 marks. Such references do not necessarily suggest a specific group within the citizenry. More revealing is a reference in the Bull of Excommunication (1273) following the citizens riot against the cathedral-priory the previous year, which was directed to the whole community, but especially to the named bailiffs and 16 other citizens "by whose counsel the community was at that time governed"; most of these were former bailiffs. Ten years later we see the bailiffs and a group of 24 others witnessing an important deed on behalf of the community.

That these and other pieces of evidence (too numerous to list here) suggest the existence of an advisory council, whether formal or informal, of members of the same social strata from which the bailiffs were drawn, is bolstered by later evidence (1344) from the custumal which lists the names of the "24" elected that year by the community. The same group is seen on other occasions in that decade. Its duties were stated vaguely (but therefore, by implication, broadly) as to take action in business concerning the community. In other words, a city council. It may be the same body which is found in the 1360s and later electing the bailiffs. By this time, it had become the practice to summon a few citizens from each leet to attend particular assemblies. Fines were set for those failing to answer the summons, and there is evidence of difficulty in raising a quorum, on occasion. There were different levels of fines for members of the "24" and for craftsmen who were summoned. It is difficult to say whether the goal of summoning specific citizens was to ensure that a representative group be present to give assent to ballival actions, or to respond to pressure from the craft guilds for more say in local government. Probably both. It was also decided at this period, to counter complaints of unjust taxation, that tax assessments would be made only by specially-elected committees made up of craftsmen.

We do not know to what extent the craft guildsmen may be associated with the "middle class" (*les menes gentz*) who were complaining to the king about unjust taxation by the bailiffs and "the rich men". Separate complaints were made by a "lower class" (*pauperes*). There is no indication that the burgesses were conscious of any clear-cut, economically-defined class divisions at the time of Domesday. Such arose from property qualifications for purposes of tax assessment, became more marked as economic growth furthered the prosperity of merchants, and took on political implications as the wealthier citizens were accorded the principal responsibilities of local government.

By the late fourteenth century there are clear indications of a sense of class differentiation based on wealth. The Staple organization may have contributed by fostering an elite of merchants, with divided loyalties between their towns and the interests of the Staple. The Black Death (1349) is another possible factor in encouraging elitism. In the pre-plague years agricultural depression, contrasted with Norwich's rising fortunes, encouraged greater migration into the city. The Black Death decimated the longer-established families of the city and was followed by a new influx of migrants from the countryside. Poverty and ambition combined in some of these migrants to produce a measure of lawlessness and disregard for city customs. This, together with ingrained distaste for newcomers, encouraged

the surviving urban "aristocracy" to close ranks and assert superior rights. The Peasants' Revolt, in whose local expression some townsmen participated, reaffirmed to this group the need to take a firm hand in controlling "the commons", and an equally-nervous national government was prepared to give local authorities the powers they needed to do so.

Constitutional conflict

The complaints of the middle and lower classes show that they wished to challenge the ruling class' grip on local government, by reasserting the fundamental authority of the community and its right to be consulted in the decision-making process and to have local officers accountable to the community for their actions. Following violent protests against the city government in 1371, the ruling class petitioned the king for an increase of powers; in 1380 they were given the power to make by-laws and to remedy existing local laws which they considered defective. This grant was modelled on one to London in 1341, but was given to the bailiffs and "24", without London's qualification of requiring consent of the commonalty to any legislative action.

The 1404 charter seemed to enshrine class differentiation into the city constitution, by addressing the grants to "mayor, sheriffs, citizens and community". Authority was now vested in the two estates of citizens and commonalty. To work out electoral procedures for the new city officers, a body of 80 persons was created to represent the commonalty. In 1413 this body was instituted as a Common Council, 20 men chosen from each leet (by this time called "wards"), which would elect city officers. Trouble soon arose over electoral procedure, when the ruling class exercised a power of intervention it believed was accorded it by the 1380 charter. Open hostilities erupted, making it difficult to run city affairs and the treasury ran out of money. After a great fire destroyed large areas of the city in 1413, both sides came to their senses and submitted their grievances to the arbitration of Sir Thomas Erpingham, a local landowner who was also an officer of the king and had proven a helpful connection in the royal court for the city in the past. The complaints submitted to the arbitrators reveal the attitudes and aims of each party. The commons, describing themselves as the "greater part of the citizens and community" protested that:

- The 1380 charter had been obtained from the king without their knowledge or consent; in particular they objected to the omission of the clause requiring community assent to governmental decisions.
- The ruling class had subsequently attempted to deny them a part in the election of city officials, and had used a group known as *le Bachelery* to use violence to disrupt elections.
- City rulers had abused their power by using public funds for private purposes and by illegal trading practices (e.g. trading in private places rather than the market).

The respondents, calling themselves "the sheriffs and 24 prudeshommes of the city ... as well as others of equal status to those who have held the estate of mayor, sheriff and bailiffs of the said city, like other sufficient persons of the commonalty", counter-argued that:

- The 1380 charter was vital to the proper running of the city; rather than reinserting the London clause, the term "community" should be removed from the 1404 charter, since it led the commons to believe that "every person of the smallest reputation in the said city should have as much authority and power in all the elections and other affairs ... as have the most sufficient persons."
- That their intervention in the disputed election had been necessary, as the commons had contravened correct electoral procedure by electing the same man as mayor two years running.
- That it was the complainants, not themselves, who used force to disturb elections, and these disturbances that had obliged the respondents to conduct trade in the safety of their homes rather than in public places.
- That the government of the city was disturbed by confederacies, congregations and alliances of the complainants. (Perhaps suggesting the craft guilds were involved in the opposition to the ruling class).

A compromise was embodied in the Composition of 1415. Conditions were laid down for the election of mayor, sheriffs, upper council of 24, and lower (Common) council. The requirement for community consent to ordinances was affirmed, but delegated to the Common Council. The 24 were to be chosen only from "sufficient" men (the mayor having the power to veto unsuitable choices) and were to hold office for life, thus placing them beyond democratic control. This group was to be the pool from which the commonalty could nominate two candidates for the mayoralty, with the decision between them being made by mayor and 24. One of the sheriffs was to be chosen by the commonalty, the other by mayor and 24. Although the commonalty had won back some lost ground, the effect was essentially to entrench the concept of two separate political estates and to limit popular participation in government. This settlement was formalized through a royal charter in 1417. The city rulers attempted to strengthen their ranks through an internal agreement (the Tripartite Indenture) in 1424, by which, the mayor, sheriffs and upper council (now called "aldermen") promised each other that all would present a common front in future.

This, however, was not to be. Many of the wealthier citizens had acquired property outside Norwich and had ambitions to rise in status and join the county gentry. Their loyalties were divided, and their politics pursued interests which were not necessarily those of the city. The city, taking advantage of its new status after 1404, was trying to extend its jurisdiction to lands outside the walls, which made some enemies from local landowners. At the same time, some of Norfolk's landed gentry were taking an interest in commerce and resented Norwich's monopoly of commercial advantages. But they were denied direct influence in Norwich by the stipulation, in the Composition of 1415, that no outsider could hold any city office. So they had to exercise influence indirectly, through political factions they encouraged within the city. It appears this was already a worry for the city rulers by 1415, since the Composition forbade any citizen to take the livery of any lord while holding office. The Tripartite Indenture was also an attempt to close ranks against partisanship from within.

It was to no avail. In 1432, one of the most prominent aldermen and a man with county connections, [Thomas Wetherby](#), supported by the city clerk and some other bureaucratic officials, attempted to engineer the election of his nominee, William Grey, as mayor.

Thwarted, the conspirators were deprived both of office and citizenship, but secured a royal commission headed by their patron, the Earl of Suffolk, which restored their citizenship and Wetherby to office. Wetherby continued, unsuccessfully, to try to dominate future elections, then changed tactics and induced local ecclesiastical dignitaries to bring charges over the city's attempts to exert control over lands beyond the walls. The city was convicted, as a result of a betrayal by its Recorder (an officer who gave legal advice, often chosen from the gentry class), John Heydon, another Wetherby supporter; he was then cast from office. Meanwhile, the furious citizens rioted. When the mayor went to London to explain to the situation to the king, he was thrown into prison and a city attorney, acting on Wetherby's instructions, relinquished his plea of defence. The king seized the city liberties, and for a while Wetherby had a free hand in the city.

If the death of Wetherby in 1445 and restoration of the liberties two years later eased the situation, it was only slightly, for Wetherby's policy was continued by Heydon and former Norfolk sheriff Sir Thomas Tuddenham, both followers of the Earl of Suffolk. The city was encouraged in its resistance by William Paston and his friends. It had thus become embroiled in a larger struggle between county factions, which was in its turn one expression of the national power struggle underway that eventually climaxed in the Wars of the Roses.

Wetherby, Grey, Tuddenham and Suffolk were all members of the Norwich-based St. George's Guild (founded 1385, possibly to unite the local upper classes in reaction to the Peasants' Revolt), whose membership included many prominent lay and ecclesiastical figures from the city and countryside. In response to city policy to either suppress or control guilds, St. George's Guild obtained a royal charter in 1417, protecting its existence but also giving the city authorities the power to dismiss guild-members for misconduct. That guild members played an active role in the troubles that plagued Norwich over the next few decades is indicated by Norwich's strategy to try to resolve the disputes by bringing the guild over to its side. In 1452, guild and corporation were amalgamated. By this agreement, the mayor was to follow his year of office with a year as chief officer of the guild; city aldermen were all to be guild members (as might Common Councillors, if they wished); dismissal for misconduct from either guild or corporation meant automatic dismissal from the other.

Again with a view to resolving the disputes dividing the ruling class, the same year saw a further constitutional adjustment, embodied in a royal charter. Additional powers (particularly judicial) were given to the city officers. Significantly, reference to the "community" disappeared from the terms of the charter.

These two settlements, along with new ordinances regulating the crafts in 1449, served to restore solidarity within the ranks of the ruling class, while widening the gap between them and the lower classes. Members of the socially more respectable crafts were made eligible for office, thus broadening the ruling class and weakening its opponents. The way had been paved for the Closed Corporation of post-medieval times.



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History of medieval Norwich



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Summary / Recapitulation

A variety of influences, national and local, played a part in moulding the course of Norwich's development. The beginnings of the city lay in an aggregate of several village communities, loosely bound together by the geographical and commercial advantages of their location. The Danish immigration was a catalyst in uniting these, and the subsequent reintegration of East Anglia into the English kingdom was a further stimulus. The new settlers filled in the gaps between the Saxon vills, the trade links across the North Sea with continental Scandinavian colonies enhanced local prosperity, and this in turn prompted the king to endow the [community](#) with the official attributes of a *burh/portus*. Royal interest in the [borough](#) also served to limit the authority of other lords who might have proven a greater hindrance to borough self-determination.

Commercial pursuits, furthered again by the effects of the Conquest, gave rise to a distinctive burghal character. As the [burgesses](#) became increasingly conscious of this, they sought recognition of special status and accommodation of the needs of their lifestyle. Aware of the financial advantages to itself and of the political value of patronage of towns, the crown conceded what the burgesses desired, in such a way as to integrate the borough into its own developing system of national administration. While a traditional view is that medieval towns were the bastions of English freedom, it is unlikely that such sentimental ideals had any great part in the thinking of practical, business-minded burgesses. They were motivated rather by a pragmatic assessment of the harassment potential of unsympathetic

and self-interested royal officials, and the advantages of direct relations with the king. Far from seeking to set themselves up as independent communes (as was happening with some cities on the continent), they were prepared to take on heavier responsibilities within the national administrative system in return for greater control over local affairs.

Local conditions dictated the rate and extent of the development of self-government in different boroughs. The imposition of a French settlement in post-Conquest Norwich may have delayed the impetus towards self-government, by temporarily inhibiting the united effort necessary for successful pursuance of common goals. On the other hand, the emergence of the Mancroft market as the new focus of the town suggests that the newcomers contributed a new vitality to Norwich. However, we should not ignore the fact that Norwich's development continued to be shaped by Anglo-Saxon precedents - in legal procedure and in the use of the old settlement divisions as the basis of the leet system. For a long time the leets served as the foundation of local administration. When political reorganization became necessary in the fifteenth century, the leet division still proved useful.

By the close of the Middle Ages, Norwich had become one of the largest, wealthiest and most influential cities in England. But this prosperity also undermined its democratic roots. At its medieval peak in the first half of the fourteenth century, with trade booming and the city's physical and jurisdictional limits largely defined to its satisfaction, the rot was already setting in. The old communal assembly and the leet courts were no longer effective mechanisms for handling administrative and judicial affairs, in the face of the increasingly complex governmental responsibilities and the pressure from above to ensure the maintenance of law and order in a society where men appear to have been more inclined to resort to violence to redress perceived wrongs or to achieve their ambitions. Furthermore, the lack of recognition of the community as an entity in the eyes of the law left it vulnerable in ways inconsistent with the advantages accorded it by royal grant (e.g. in the inability to profit fully from the lands now within its jurisdiction). But perhaps above all, the growth in prosperity was concentrated in the hands of a small section of the population.

The solution to the problem of outdated institutions was the development of a political system which favoured, instead of the potentially unruly character of communal assemblies or to the influence of interest groups outside of the constitution (i.e. the craft guilds), administrative mechanisms characterized by delegation and representation, and the acquisition of greater police powers to control dissent. The political representatives were almost inevitably drawn from the wealthier townsmen, a group which, as time went on, became increasingly differentiated along class lines from the rest of the townsmen. This separation and sense of social and economic superiority was likely furthered by the effects of the Black Death and the Peasants' Revolt, and the ruling class came to desire a corresponding political superiority which ran counter to the original concept of the burgesses as a community of equals.

While alterations in the political theory underlying borough government might not have greatly bothered the majority of the burgesses, they *were* concerned about the conduct of their rulers; whether the charges of abuses of power, made periodically through the

fourteenth century, had foundation is less important than the fact that such abuses were believed to take place. Popular discontent found a means of organized resistance through the [craft guilds](#). But a period of struggle over the constitution ended only in a compromise; which itself was undermined by [incorporation](#), increasing the powers of the city rulers and limiting democratic expression to representative institutions (which themselves became not much more than an extension of the ruling class), and by the impact of "bastard feudalism", infecting the community with internal faction and interference from outside interests. The resolution to these problems pushed the city further away from its essentially democratic roots and towards the oligarchic form of government that characterized the post-medieval city.



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Information sources

The following is a small selection of published sources of information about medieval Norwich. For additional secondary sources as well as primary sources, see the [bibliography to *The Men Behind the Masque*](#).

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Sketch-map of Anglo-Saxon Norwich





This is a clickable imagemap.

KEY TO CHURCHES:

T.R.E. – in the time of Edward the Confessor

T.R.W. – in the time of William the Conqueror

1. **St. Olave.** No. 21 is the same dedication, which is to a Scandinavian king martyred in 1030; this fact, and the extreme positions of the two churches suggest their foundation was part of the borough expansion close to the Conquest.
2. **St. Sepulchre.** Although it has been claimed that this dedication is post-Conquest, Domesday mentions the church T.R.W. but in a fashion as to imply its existence T.R.E. There is structural evidence for a pre-1100 origin, and finds of Late Saxon pottery are associated with the site. Its position with regard to Berstrete (most churches gathered around Southgate) makes it doubtful whether it existed at the time of the creation of the *burh*.
3. **St. Edward.** The dedication is most probably to the king murdered in 978, who had become considered a martyr by the end of the century. This and the church's position suggest it the product of late expansion.
4. **St. Etheldreda.** The dedication, to an East Anglian queen who became a nun c.679, together with pottery found in the area indicate an early settlement here, perhaps 8th century.
5. **St. Clement.** Generally accepted as pre-Conquest on the grounds of its dedication (to the pope-martyr c.100), although this seems a weak argument. However, its position on the principal road through Conesford bolsters the possibility, and late Saxon pottery has been found near the site.
6. **St. Julian.** Again, the dedication is usually cited as proof, although it is uncertain whether the 3rd century figure or the 9th century St. Julian Hospitaller is intended. Late Saxon pottery has been found in the vicinity. The round tower could be Saxon, although it might equally be Norman (as is that of St. Benedict's).

7. **St. Vedast.** The dedication places a lower limit of 539. The presence of a pre-Conquest carved stone, late Saxon pottery and metalwork finds, point to a pre-1066 origin.
8. **St. Mary in the Marsh.** The name indicates an origin in a time when the site was still marshy (although this does not necessarily exclude the post-Conquest period). The church may very well be that mentioned in the will of Sifflaed (c.990/1066). Dugdale's *Monasticon* claims a pre-Conquest origin for the church.
9. **St. Ethelbert.** The dedication, to the East Anglian king executed by Offa in 794, suggests an origin prior to the Danish settlement. Late Saxon pottery has been found in the vicinity of St. Ethelbert and St. Mary.
10. **St. Michael.** Mentioned in Domesday for T.R.E. An important church, in that it held much land and was sited on Tombland. Its successor's qualifier "de Motestow" links the dedication with the site of early government of the community, the folk moot, for which Tombland was a logical meeting-place. There may be significance in the church having being held by Stigand, former bishop of East Anglia. It is not implausible that the original St. Michael may also have been known as de Motestow.
11. **Church of the Holy Trinity.** This was demolished at the building of the cathedral, which took over the dedication. Its site was once thought to lie under the east end of the cathedral, but are now associated with remains east of the bishop's palace. It is mentioned in Domesday T.R.E., and may have been the Christ Church mentioned in Sifflaed's will. Its position on Holmstrete suggests antiquity and importance.
12. **St. Martin at Palace.** Mentioned in Domesday, T.R.E. Saxon finds in the vicinity from all periods. "At Palace", however, surely refers to the bishop's palace, not that posited for the pre-Conquest earl.
13. **St. Simon and St. Jude.** Mentioned in Domesday, T.R.E., when held by the bishop.
14. **St. Andrew.** Little is heard of this church. Its position would suggest an early origin, and (not surprisingly) late Saxon pottery has been found in that vicinity. Dedications to this saint were popular in the Anglo-Saxon period (e.g. Rochester cathedral, Hexham abbey).
15. **St. John de Maddermarket.** The date of origin of this church is uncertain. Hudson thought it an Anglo-Saxon foundation, but probably on the basis of Francis Blomefield's unlikely identification of it with Domesday's church of the Holy Trinity. However, its position again persuades me to a tentative inclusion on this map. Madder was a source of dye, so the maddermarket was the dyers market.
16. **St. Gregory.** There is structural evidence for an Anglo-Saxon origin, and Late Saxon pottery has been found in the area. Archaeologist Alan Carter suspected it to have been the focus of a Middle Saxon settlement.

17. **St. Lawrence**. Mentioned in Domesday, T.R.E., but does not appear to have been built by c.1035/1038, when its site is mentioned in the will of Bishop Aelfric.
18. **St. Swithun**. The dedication, to a missionary (later bishop) associated with Winchester, sets a lower limit of 863. Its position, within an area of Middle and Late Saxon finds, and lying just within an early boundary formed by a stream, suggests a possible late ninth or early tenth century foundation.
19. **St. Martin at Oak**. An early origin is indicated by its position just inside the *burh* ditch (as if the ditch's path was dictated by the need to include the church in its protection) and by Late Saxon pottery finds nearby. Carter considered it the likely focus of Coslanye, following the transferral of the settlement southwards from the Eade Road cemetery.
20. **St. Mary Coslany**. There is structural evidence for a pre-1100 date, and it has been generally held that the tower is Anglo-Saxon (although not all agree).
21. **St. Olave**. See [no.1](#).
22. **St. Botolph**. The dedication, a popular one in East Anglia, is to an abbot who introduced the Benedictine Rule into the area, c.700. This dedication was frequently given to churches standing at settlement entrances. Unlike its neighbour, St. Olave's, it was included within the area encompassed by the *burh* ditch.
23. **All Saints**. The dedication is to a festival which had its origins in 731. A church of this name is mentioned in Domesday in a way that implies pre-Conquest existence. Of the two medieval churches of that name, the position of this one, on Fybriggate/Cowgate and within the *burh*, suggest it as that of Domesday.
24. **St. Clement**. An early origin is suggested by the typically Anglo-Saxon dedication and the location of the church.
25. **St. Edmund**. The dedication is to the East Anglian king executed by the Danes in 870. Domesday mentions the church T.R.E.
26. (not shown on map) The foundations of a church of unknown dedication were discovered in 1979 on the site that was cleared to make way for the Norman castle; a large Anglo-Saxon cemetery was excavated nearby.

The Earl's Palace

The earliest reference to this that I have come across is a city document relating to the foundation of the cathedral, but itself dating no later than 1297. Even this refers to it as the palace of Roger Bigot, earl at the time of the cathedral foundation, and gives only an approximate location on Tombland. The cathedral register itself makes no reference to a palace in its account of its foundation. However, there was evidently a local tradition to this effect, accepted by Norwich

historians such as Blomefield and [Hudson](#). It is not implausible that the ealdorman/earl of Anglo-Saxon times had a residence in the chief town of East Anglia; [Tombland](#) would be the logical spot for such.

St. Benedict's Gates

An area on either side of which was the later site of St. Benedict's Gates, perhaps extending north to the later Heigham Gate (a lesser gate, near the south bank of the river), appears to have been one of the earliest foci of settlement, preceding Westwyk; archaeology has found here locally-made [Ipswich ware](#) and imported pottery dating from the 9th century. Perhaps this was the precursor from which Westwyk developed after an influx of Danish settlers on the eastern side (i. e. in the gap between the St. Benedict's Gates settlement and Conesford).

Merholt

The name means "boundary wood" or possibly "wood by the marsh". Hudson thought this referred to the point to which marshland extended in early Saxon times, but it may possibly relate to the extent of the settlement north of the river, as later defined by the burh fortification. Alternatively it might be a reference to the extent of the hundred of Taverham.

Great Cockey

The word "cockey" is of Saxon derivation, meaning simply a watercourse. Some were later called "fleets". The Great Cockey was the largest of these various streams (only a few of which are shown on my map), penetrating farther into the city than the others, and is frequently mentioned as a boundary in property deeds. For much of the Saxon period it was probably fairly wide and marshy, perhaps acting as a separator between Westwyk and Conesford.

Tombland

As the meeting-point of two major roads, the possible meeting-place (folk moot) of the community, with at least one important church (St. Michael de Motestow) and the (hypothetical) "Earl's palace" on its outskirts, Tombland is generally assumed to have been the centre of the Anglo-Saxon town and – given that the land remained largely unbuilt on – perhaps the marketplace. Possibly part of the land may have had an association with St. Michael, although "tomb" does not refer to a burial-ground but means "vacant". However, Tombland was not the property of the community but of one of the town's lords; and it was the earl who gave it to the Bishop to expand the developing cathedral-priory precinct. The Bishop pulled down church and palace; and the monks thereafter claimed rights on Tombland which became a [source of dispute](#) between them and the citizens.

Holmstrete

The "street" termination suggests an early and possibly Roman origin, by contrast with the "gate" termination which was Danish. The name refers to the Cowholm – the riverside meadow used as pasturage – through which the road ran to reach a ford across the river (later the site of [Bishop's Bridge](#)). The section immediately east of Tombland was supplanted by the cathedral precinct, and the road diverted north of that; the section further east, however, retained the name Holmstrete during part of the Middle Ages. Despite the diversion, Holmstrete continued to serve as the main route out of the city towards more easterly regions.

Berstrete

The "street" termination suggests an early and possibly Roman origin, by contrast with the "gate" termination which was Danish. That this road was atop a ridge equally suggests its origin at a time when lower ground, to the east, was marshy and impassable. The northern end was subsequently covered by the Norman castle fee; in the late 18th century, workmen sinking a well in the castle grounds were said to have come across the site of this part of the road. This was primarily a road into the city; the lack of early churches along its route suggests it was not heavily settled in Saxon times.

Southgate

The southern stretch of what was known as Conesford Street, or Upper Conesford Street, for much of the post-Conquest period was also called Southgate (while the northern stretch had the alias of Parmentergate). Settlement in the late Saxon period lay along Conesford Street and between Southgate and Berstrete. Southgate probably represents an area of riverfront settlement providing quayage for boats without them having to travel further upriver to Fybridge. It has been debated how heavily this southern part of the city was occupied before the Conquest. However, the fact that the new Norman settlement was located west of the castle, rather than south of it along the riverside, may itself indicate there was insufficient unoccupied land along Southgate.

Sandgate/Skeythgate/Holgate

These secondary roads evidence a spread of population between Southgate and Berstrete. Bearing in mind that this was a steep slope, down which rainwater would have rushed, the antiquarian Kirkpatrick interpreted "Holgate" as meaning a hollow route created by erosion from rainwater. This is supported by the fact that Skeythgate was on occasion referred to as a *cava via* ("hollowed-out route"); its name may derive from a Saxon term referring to a steep descent.

St. Faith's Lane

The road leading to St. Vedast's (gradually corrupted into St. Faith's) was also known as Lower Conesford Street.

Pottergate

Likely represents a line of later expansion of settlement upslope from the main road (to its north) running through Westwyk, perhaps not occurring until the end of the Saxon period. Westwyk Street's early origin is itself indicated by the clustering of churches; the western end of the street later split (see [map for ca.1260](#)), as land was reclaimed from the marsh, with a fork (Lower Westwyk) running close to the river's edge. The name Pottergate reflects the early industry of pottery-making that archaeology has evidenced in Westwyk. However, the earliest pottery remains found there are from the late Saxon period. The road probably stretched west only as far as a cockey (a source of water being important to potters); when the city wall was built, no gate was created for Pottergate, so it may still not have extended as far as the wall then.

Hosyergate

This road represents an even later phase of expansion, as settlement continued to spread south. It

likely pre-dated the introduction of the castle (the later line of the road being clearly diverted around the fee) and Mancroft, where archaeology has recently shown that Norman settlement was preceded by Late Saxon – and just possibly Norse – settlement; after the foundation of Mancroft, the western part of the road was known as Lower Newport, while the section between Mancroft and the castle was called Hosyergate. Based on the line of Lower Newport, it seems that Hosyergate would not have extended as far as the line of the later city walls, but only as far as one of the cockeys, which perhaps represented an earlier boundary line. After that cockey, Lower Newport diverts south to meet Upper Newport, the road on the southern boundary of Mancroft, which is unlikely to have existed until after Mancroft was created. The introduction of Mancroft and the castle having significantly disrupted the topography of the Anglo-Saxon town, the application of Hosyergate to the entire stretch of this east-west route is only hypothesis, based on the "gate" termination suggesting some antiquity (in contrast to other names assigned to portions of the street in the later Middle Ages, which are all clearly post-Conquest).

Fybriggate

The fact that this road alone incorporates "bridge" (other than the later connecting road of Neubriggate, running over what was evidently an additional, or "new", bridge), indicates that the Fye Bridge was the first to be built across the Norwich stretch of the Wensum. Whether the bridge existed pre-Conquest or was simply preceded by a ford or causeway, is less easy to say.

Snailgate/Cowgate

The line of the burh defences, suggested by archaeological evidence, along with the "gate" termination, argues for the existence of these roads in the late Saxon period. It was common for there to be access routes around the inner edge of the defensive perimeter of the burh. Archaeological evidence for a cluster of habitation around the southern end of Cowgate and St. Edmund's and around St. Martin's in north-east Conesford argue for a linkage via a second river crossing on the future site of Whitefriars Bridge (and again, the line of the burh defences encourages the notion of protecting two river crossings).

Fishergate/Colegate

The "gate" termination betokens a pre-Conquest date (although we cannot rule out the possibility of the Danish naming protocol having survived the Conquest for a period). The two roads represent riverside settlement. However, they did not quite meet up, St. Clement's and its surrounding land interposing between them. They cannot be seen as a single development, but two areas of separate development, each joining up with Fybriggate. It would be reasonable to associate the name Fishergate with the quayside where fishing-boats would have docked; a logical place for the fishermen to live. This was probably one of the more built-up residential streets north of the river. One possible derivation of the name Colgate is from an Anglo-Saxon term for lake (see below re. Muspolgate).

Muspolgate

Named after the Muspol, a small lake fed by a cockey. Hudson suspected that at an early time the north-south route at the western edge of Coslanye (itself named Coslanye Street) may have met up with Colgate only via Muspolgate, because of the extreme marshiness of the ground in the bend of the river, of which Muspol represented a shrunken survival. I do not myself subscribe to this theory; it would have been more logical for the line of Muspolgate to have continued east or

south-east to Snailgate rather than swing directly south again. Muspolgate has more the appearance, from later topography, of a secondary route from the rear of St. Mary's; its junction with Colegate was later diverted when St. George's church was built there.

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MAP OF ANGLO-SAXON NORWICH | [Map of Norwich ca.1260](#)

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[\[MAIN MENU\]](#)

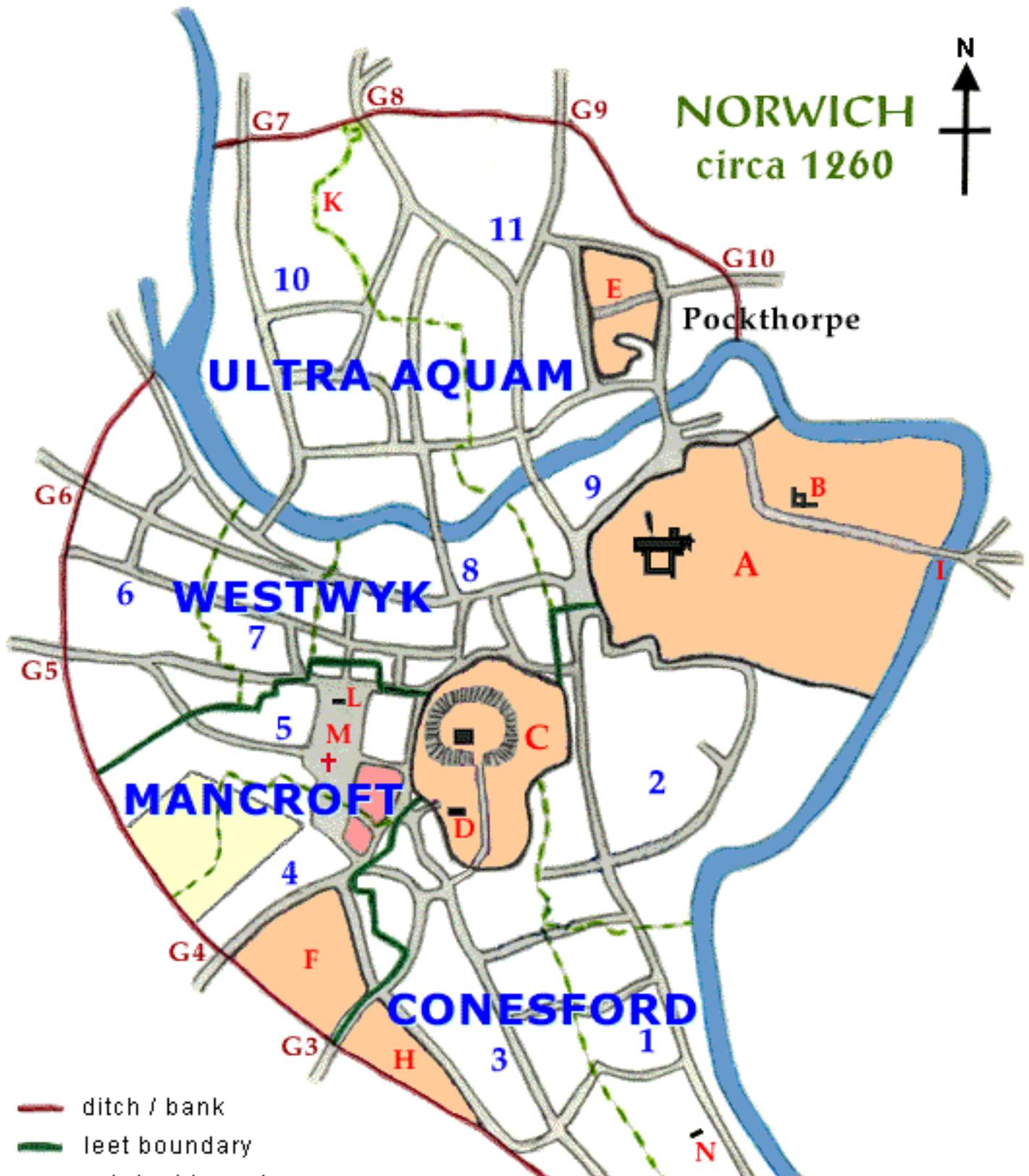
Created: *December 3, 1998*. Last update: *December 24, 2000*

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History of medieval Norwich

Sketch-map of medieval Norwich, ca.1260





This is a clickable imagemap.

NOTES:

DITCH / BANK

It has been hypothesized from the name of one of the principal roads through Conesford, Berstrete, together with the deviation in the curve of the town wall at the southern end of the city (suggestive of a direction northwards up Berstrete, rather than the actual more westerly curve taken by the main part of the wall), that a burh defence may have at one time existed along the line of this route to protect the south-western side of Conesford. Archaeology has not substantiated this (in contrast to evidence of a ditch in the northwestern sector of the Anglo-Saxon settlement), and it seems unlikely that burh fortifications would have extended so far south beyond the main concentrations of settlement, but the theory remains.

As one of the most important, populous and prosperous towns of the kingdom, it was caught up in national conflicts and was used as a base, or targeted for attack, by rebels on several occasions between the Conquest and the baronial revolt of mid-13th century. The civil war between Stephen and Matilda had prompted the townspeople to devote effort to ditch-digging in the (formerly unprotected?) area of Westwick, although such efforts were also motivated by the desire to define boundaries. The assault by Flemings in 1174 apparently went undefended and the city was sacked. Each generation must have had occasion to perceive the vulnerability of the place. A city ditch is again heard of in 1235.

The ditch-bank dug in 1252/53 may have been an extension of existing defenses or may have followed a new line (in either case, it is generally assumed to have been that later taken by the stone walls), enclosing a large area of about a square mile, and serviced by 9 gates (see below) with wooden gatehouses. As complaints by the surrounding countryside and by the monks attest, the line of the new ditch encompassed lands that were sparsely settled or simply fields (e.g. Gildencroft, Normannesland, Great Newgate) – these might have been considered "suburbs" (and parish churches of late Saxon or early Norman period are associated with those to the north of the burh-ditch line) but the complaints suggest that some were strictly

speaking outside of the jurisdiction of Norwich proper. However, since the monks were defending their own jurisdictional claims, their complaints cannot entirely be trusted. The new defensive line bulged out well beyond the lines (actual or hypothetical) of any Anglo-Saxon burh defense, to incorporate areas not then protected and those of 11th century expansion – notably Westwyk and Mancroft (now the urban centre) – as well as unsettled lands, some of which may however have once been borough fields subsequently lost to encroachments following the Conquest. Although the course of the ditch was dictated in part by the desire for a line that did not undulate in a way that would have created defensive problems, it also represented an assertion – if not a re-assertion – of territorial claims.

INDEPENDENT JURISDICTIONS:

- A** **The Cathedral-priory precinct.** The site acquired by Bishop Losinga was unusually large; he envisaged not only a cathedral but also a priory for 60 Benedictine monks and an episcopal palace. The eastern section of the site was meadow, but western parts were previously built on and two churches had to be demolished; according to the complaint about the 1253 ditch, the meadowland – known as Cowholm – and the land on which St. Michael's had stood were not part of the hundred of Norwich). The Prior's Fee included not only the close proper (east of Tombland and south of Holmestrete) but also Tombland itself and the settled area along Holmestrete, as well as Normannesland and Great Newgate (see below); the townspeople in these areas fell under a jurisdiction separate from that of the city.
- B** **The Great Hospital.** In 1249, Bishop Suffield founded the Hospital of St. Giles to take care of priests who were too poor (i.e. lacking a living) or too ill to work; 30 beds were provided for the sick and infirm, while provision was made for feeding other of the poor there daily. The hospital was endowed with meadow-land stretching eastwards to the river. Over time it gradually strayed from its mandate and became a desirable retirement home for wealthy citizens.
- C** **The Castle Fee.** The size of the fee can be imagined from the fact that 98 burgesses lost their homes when the earthworks were constructed. Even though it is only the keep and the mound raised beneath it which now survive, they are still imposing. The extensive fortification, which was the single royal castle in Norfolk and Suffolk, must have had a daunting effect on any remaining Anglo-Saxon ambitions for independence. When the city took over the Fee in 1345, the keep and its mound were excluded.
- D** **The Shirehouse.** The location where the county court was held, presided over by the sheriff. Consequently, this remained outside city jurisdiction even after acquisition of the surrounding Fee (1345).

- E Normannesland.** An area of land here was part of the Prior's Fee and came to be known as Spitelond. According to the complainants made about the 1253 ditch, this area was never actually part of the hundred of Norwich. At the time that a hospital dedicated to St. Paul (although often known as Normanspitel) was founded thereon, in the first half of the 12th century, new endowments extended the area northwards, new settlers were found, and a new parish church (with the same dedication) provided for them. The hospital served poor invalids.
- F Great Newgate.** This was mainly agricultural land, and was earlier known as Thedwardscroft. The name "Newgate" was inherited from the street on which it subsequently lay, which must at some point (probably in the 11th century) have been a new offshoot from Nedham Street. From ca.1100 it was part of the Prior's Fee, remaining agricultural in character but possibly with some minor settlement of townsmen thereon prior to 1253. After lengthy disputes between city and priory as to ownership, the king took it away from the Prior (1291) and handed it over to the city (1305); this decision may have been motivated more by a consequent increase to the fee farm than to clear evidence of ownership.
- H Little Newgate.** Fields held by Carrow Abbey, but possibly with some minor settlement thereon prior to 1253 (when the area was named among others in the complaint about the ditch). The Abbey held leet court for its tenants there, but surrendered its jurisdiction to the city in 1290. The name was inherited from the area being adjacent to the lower (and lesser) part of the street known as Newgate.

Pockthorpe

The manor of Pockthorpe was part of the Prior's Fee and extended along the northern bank of the river to where it turned south. It served as a home farm for the cathedral-priory. After having been truncated by the line of the 1253 ditch, the area within the ditch was within a century, acquired by the Carmelites for their friary.

Carrow

Carrow Abbey was founded in 1146, by grant of the king to some Benedictine nuns, to the south of the (future) walled area, but on lands that had earlier served as townsmen's fields, thus setting the scene for future jurisdictional disputes. One such was the nunnery's claim to have the right to collect a toll on corn sold in the city during the time of the Carrow Fair; this too was relinquished in the settlement of 1290, with the city authorities promising in return not to obstruct the holding of the fair.

Chapel in the Fields

This chapel occupied quite a large site (described as a croft) by mid-13th century. It originally included a hospital, but shortly before the 1253 ditch was dug, was converted to the collegiate church of St. Mary's, housing a community of priests. In the 14th century, before the large Guildhall superseded the small Tolbooth, this chapel was occasionally used for major civic assemblies.

CITY GATES:

- G1** Conesford (later King Street) Gate. This was the first gate to receive a mention, in 1186.
- G2** Berstrete Gate
- G3** Swinemarket Gate (later the Brazen Doors). This was an entrance/exit of lesser importance; when the wall was built it was provided only with a postern gate here.
- G4** Nedham (later St. Stephen's) Gate. This was the major entrance to the city from the south. A leper house was later established a short distance beyond this gate.
- G5** Newport (later St. Giles) Gate. Named for the street which led here through the *novus portus* (new borough) founded for French settlers. A leper house was later (ca.1343) established immediately outside this gate.
- G6** Westwyk (later St. Benedict's) Gate. A leper house was later established immediately outside this gate.
- G7** Coselanye (later St. Martin's) Gate
- G8** St. Augustine's Gate. A leper house was later established a few hundred yards beyond the gate.
- G9** Fybriggate (later Magdalen) Gate. A leper house was later established immediately outside this gate.
- G10** Barregates (later Pockthorpe Gate).

OTHER FEATURES:

- I Bishop's Bridge.** It does not seem that a gate was erected to protect this entrance into the city until the 1330s, and then as part of citizen [Richard Spynk's](#) contribution towards the development of defences, even though jurisdiction over the bridge was a bone of contention between city and priory.
- J Gosehill.** An area of unsettled land belonging, according to the complaints about the 1253 ditch, to Carrow Abbey and not part of Norwich hundred – although the presence of Conesford gate there earlier suggests the townsmen considered the area part of Norwich. The area was later renamed after an owner John le Boteler, the name becoming Butler Hills and later corrupted to Butter Hills.
- K Gildencroft.** A large area of open (and presumably partly agricultural) land to the north of Coslanye and outside the burh boundaries. At the time of the complaints about the 1253 ditch, when referred to as the croft of St. Augustine (being adjacent to that churchyard), it was in use for meetings of the court of an external jurisdiction (either Tokethorpe manor or Taverham hundred). It later was held by the [Great Hospital](#). A large part remained undeveloped long after the medieval period.
- L The Tolbooth** (later called the Tolhouse). This original base for city self-government was likely on the site where the 15th century Guildhall was later built, on a scale unequalled in medieval England outside of London. The Tolbooth was of a much more modest size. As the name suggests, it was likely the point of collection of market tolls, as well as serving as courthouse and gaol.
- M Marketplace.** This market was doubtless a feature of the Newport (later Manecroft) from the foundation of that settlement, and probably part of the [rationale for the foundation](#), although the Newport also made provision not only for the housing of Norman merchants in Norwich but also that of Norman barons and soldiers. By mid-13th century this was the central marketplace for the retail of provisions; there were numerous secondary, specialized markets elsewhere in the city.
- N Hildebrond's Hospital.** Founded in the early 14th century by Hildebrond le Mercer and dedicated to the Virgin Mary, it served as a hospice for poor travellers and vagrants.

Jewry

At its peak, in the second half of the 12th century, the [Jewish community](#) in Norwich was the second wealthiest (after that of London) in England; it declined in size during the 13th century. Most Jews in Norwich lived close together, within the shadow of the royal castle, although this was not mandatory – for instance, the wealthiest, Jurnet, had a stone house in Conesford Street (perhaps for the easy access to the river).

SUB-LEETS:

The principal administrative divisions of the city – the leets – reflected development of settlement in the area: the settlement most distant in time and of far lesser significance by the thirteenth century, now was remembered only as that "on the other side of the river"; on the other hand, the name of the focus of Anglo-Saxon settlement, Conesford, survived despite its dismemberment with the superimposition of castle and cathedral fees over land formerly housing townsmen; the secondary settlement Westwyk also survived in name, although during the thirteenth century the name was superseded by "Wymer" (a townsman of this name being mentioned in the Domesday account of Norwich); and the Norman foundation known apparently at first as the Newport, but later as Manecroft (a name whose precise meaning is disputed but at least reflects that the settlement was established on formerly agricultural land, just beyond the edge of the Anglo-Saxon settled area – and possibly therefore borough fields, so that the name may reflect Anglo-Saxon resentment at their loss to Norman newcomers).

By contrast, there is no apparent topographical logic to the sub-divisions which are first documented in the thirteenth century, not even in terms of the number of parishes each comprised, since this varied considerably. Hudson, who considered the matter in some depth, concluded that the boundaries of the sub-leets were dictated by the need to ensure that each contained at least 12 tithings, so that each would be represented by the jury of 12 Capital Pledges required by law to make presentments in the leet court. Adjustments in the number and size of the sub-leets were made occasionally in the Late Middle Ages, presumably prompted by shifts in population.

By the last quarter of the 14th century, the sub-divisions were being treated as leets in their own right, seemingly superseding the earlier, larger divisions. Those four divisions persisted, however, for serving an administrative purpose in the 15th century electoral system, under the name of "great wards", each later subdivided into 3 aldermanries which were very similar in extent to the original sub-leets.

- 1 Southern Conesford. At least following the disruptions resulting from the Conquest, there was little commercial or industrial activity in this part of the city, although some of the wealthier citizens lived there or in Northern Conesford, and a number of private quays were located on the riverside here.
- 2 Northern Conesford. The two Conesford sub-leets were amalgamated by mid-14th century, likely the result of reduced population (and therefore the number of tithings) in the area, as large areas of land were acquired by the Augustinians and Franciscans for their friary precincts.

- 3 Berstrete. Named after the Anglo-Saxon road which was the sub-leet's backbone and which ran along a ridge above the slope down to the river (on the western side of the ridge lay a natural valley through which ran the Great Cockey).
- 4 St. Stephen.
- 5 St. Peter de Manecroft. The most populous parish in the city, as might be expected of the parish encompassing the marketplace. The location of the parish church is marked on the map with a red cross. The original church belonged to the earl who was (with the king) co-founder of the Newport, although the present structure was a rebuilding of the second quarter of the 15th century. The prosperity and grand proportions of the church reflect that its parishioners included many of Norwich's richest merchants.
- 6 Referred to by the collective names of its parishes: St. Giles, St. Margaret, St. Swithun, and St. Benedict. By late 14th century, this division had become known by the principal parish of the district, St. Giles.
- 7 Referred to by the collective names of its parishes: St. Lawrence and St. Gregory. By late 14th century, this division had become known by just the name of one of the parishes, St. Gregory.
- 8 Referred to by the collective names of its parishes: St. John de Maddermarket, Holy Cross, St. Andrew, St. Michael de Motestow, and St. Peter. By late 14th century, this division had become known by the name only of St. Andrew.
- 9 Referred to by the collective names of its parishes: SS. Simon and Jude, St. George before the Gates of the Holy Trinity, and St. Martin before the Gates of the Bishop. By late 14th century, this division had become known by the principal parish of the district, St. George. The boundaries of the Wymer sub-leets were around this time adjusted to reduce to number to three.
- 10 Referred to by the collective names of its parishes: St. Michael de Coselanye, St. George, St. Mary, and St. Martin. By late 14th century, this division had become known by the name only of St. Michael.
- 11 Referred to by the collective names of its parishes: St. Olave, St. Botulph, St. Clement, St. Mary Combust (a term apparently reflecting that the parish had been devastated by fire at some earlier period), St. Saviour, All Saints, St. James, St. Edmund the King, and St. Margaret Combust. By late 14th century, this division had become known by the name only of St. Clement, perhaps the principal parish of the district. The boundaries of the two Ultra Aquam sub-leets were adjusted in the late 14th century to make three subdivisions.

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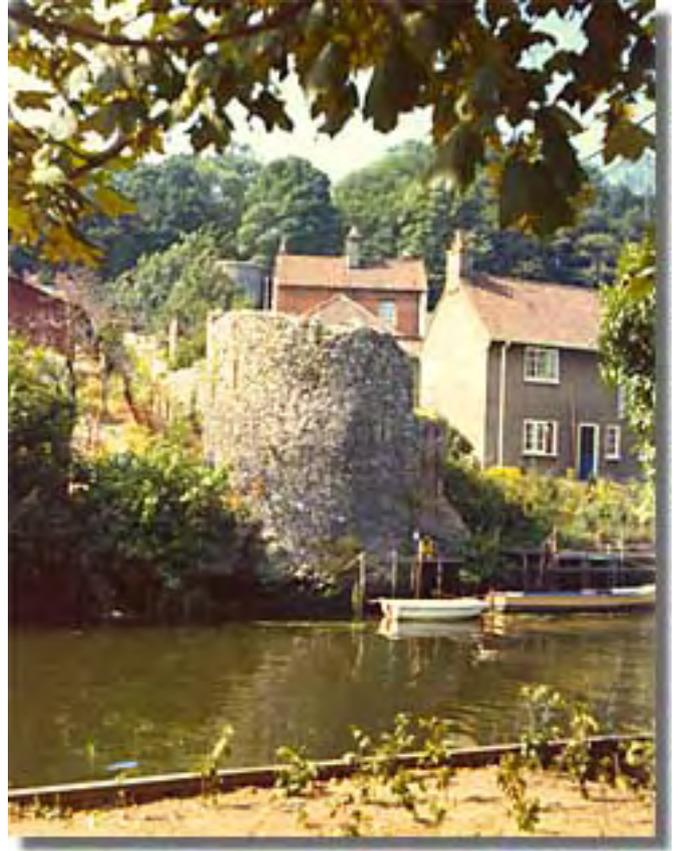


[MAIN MENU]

Created: *December 28, 1998*. Last update: *July 1, 1999*

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Norwich - River Wensum



It is no coincidence that the development of numerous medieval towns owes much to their location at the intersection of land routes and navigable waterways. While the Romans (no lovers of maritime travel) favoured roads, in the Early Middle Ages there was a shift in preference towards water-based routes, which affected settlement patterns and established the roots of many future towns. Whether a town prospered and grew, or stagnated, depended in part upon its ability to compete with other regional settlements as a market centre; the better its connections to other trading centres in other parts of the country or overseas, the more likely it was to flourish. Mobility was important to the medieval merchant. Matthew Paris' map of Britain (mid-13th century) showed the principal rivers as abnormally prominent features, and most of the towns or castles on the map were located either on the coast or on one or other of the rivers; the importance of rivers continued to be highlighted on later maps, including the [Gough map](#) of mid-14th century. This importance was due not only to their transportation role, but to roles as sources of fresh water (despite their opposing role as sewers) and sources of [power for mills](#).

The **River Wensum** flowed in one direction into the Yare, which in turn provided quick access to the sea and thereby to coastal trade (and other rivers flowing into northern Norfolk and Suffolk), to foreign ports, and to the fishing-grounds of the North Sea. It nourished not only commerce but also excellent meadow-lands for grazing livestock, while it and the

streams that ran off it fed corn-fields and served the development of local industries such as (at different periods) the manufacture of pottery and the [finishing of cloth](#).

In addition the river provided an obstacle to hostile forces, making it unnecessary to extend city walls along the southeastern stretch of the city, where the Wensum acted as the boundary. On the other hand, for boats the river provided an easy access through the defensive lines – too easy. Consequently, where the river entered the city from the south, the local authorities built, where the city walls terminated a tower on each bank of the river (that on the west is shown here); between these were hung "*two great chains of good Spanish iron across the river with the machines wound by a windlas in the tower on the west so that no ship nor barge nor boat might come in or depart without leave, nor against the will of those who have to govern the city.*" [Hudson and Tingey, *The Records of the City of Norwich*, Norwich: Jarrold, 1910, vol.2, p.218] York was using chains for a similar purpose on the Ouse in 1380.



[main menu](#)



Medieval English Towns - Glossary



[[MAIN MENU](#)]

abatement

Sometimes called "fresh abatement", or in some towns "fresh force", this was a crime of recent unlawful intrusion (sometimes by force – in which case the term *hamsoken*, or housebreaking, is applied) into a property in order to gain physical possession thereof; this sort of thing might occur, for example, when the owner died and there was a dispute over who inherited. The assize of abatement was a legal action to recover possession; it was the borough equivalent of *novel disseisin*, although its emphasis was on quick remedy (no *essoins* were allowed). Consequently the concern of the court was less with who had rightful title to a property than with whether an occupant had been dispossessed; thus the rightful owner, if seizing a property from its tenant for (for example) non-payment of rent, without going through due process of law (initiated by writ), could be obliged to restore the property to the tenant. The object was to restore the status quo and thereby oblige a claimant to seek his rights through the courts, which involved obtaining a writ from the king.

aids

SEE [taxation](#)

alderman

The Anglo-Saxon *ealdorman* (meaning "chief man") was an officer of the king who was essentially leader of a shire, which included the presidency of the shire court; as they became more powerful and transformed into earls, the *shire-reeve* took their place at head of a shire. The name survived for two types of town official, of far lesser status yet important locally. One type was the executive officer of a gild, notably a Merchant Gild. The earliest expression of organized association (as opposed to the *folkmoot* an unwieldy institution because insufficiently organized) among townsmen may have been, in not a few cases, a *Merchant Gild*. In some towns (e.g. *Lynn*, Leicester) the gild

alderman seems to have been the community leader in the establishment of initial self-government and later surrendered place to a mayoralty perhaps considered more representative of all segments of the community. Similarly, the alderman's assistants the scabins foreshadowed borough chamberlains, although their (continental) origins had them as the equivalent of jurats. The second use of the title was for the members of the town council. This use is not common until the fifteenth century, when the conciliar structure was becoming two-tiered as class differentiation necessitated separate representation; "aldermen" referred to the members of the upper council, more influential. The choice of name may have been the influence of London, where the aldermen were ancient and had roles not dissimilar to the "lawmen" (associated with boroughs which developed under Danish influence) who, in groups usually of 12, formulated judgements; certainly each alderman exercised authority over one of the London wards and jointly the aldermen were the city's council. It may have been at London that the term "ealdorman" was extended from heads of shires to heads of boroughs.

alien

SEE foreigner

amercement

The term refers to a financial penalty imposed by judicial authorities on guilty parties (both parties guilty of a crime of which accused, or guilty of making a charge found by the court to be groundless). It means to be "subject to the mercy of" a judgemental power, although "mercy" itself derives from a Latin term used for a punitive compensation; a party found guilty of anything was said to be "in mercy" – that is, subjectible to a penalty to be judged by the court. Amercement was the common punishment for most crimes of lesser gravity, since there was no extensive prison system in the Middle Ages. Today we would use the term "fine", but in medieval England this had a slightly different application, being a sum of money paid voluntarily (although still with a compensatory connotation, and usually after some kind of formal legal or quasi-legal proceeding) to some other individual – often the king – in return for the grant of some right (e.g. freeman's status), benefit, or property.

assize

Assize was a term for a type of legal procedure; it came to be applied in a general sense to a session of a court applying such procedures, and gradually came to be used more specifically (but variously) for the jury, the judges or the enactments of the court. Grand and Petty Assizes were invoked for actions concerning real estate; although essentially civil actions and thus potentially within the jurisdiction of borough courts, there could be a criminal element where dispossession had occurred, resulting in a breach of the peace – a plaintiff could initiate an action in such cases by obtaining a writ of *novel disseisin*, whose equivalent in the boroughs was called "fresh force". A slightly different, but related, use of the term was for assizes of bread, wine and ale and assizes of weights and measures. These were concerned with the regulation of retailing

practices, through the *assessment* of prices and quality, and the examination and enforcement of standards (including prices). They were thus of a quasi-judicial character. In towns, existing officers and/or individuals specifically appointed to the task would be charged with keeping the assizes (i.e. surveying business practices, testing measures used to dispense food or drink); dealing with offences against the assizes was often amalgamated with leet proceedings.

For further background information see:

- [Medieval Sourcebook: The Assizes of Bread, Beer, & *Lucrum Pistoris*](#)
- [Medieval Sourcebook: *Judicium Pillorie* \(The Judgment of the Pillory\)](#)

attachment

SEE [distrain](#)

bailiff

The landlord of a franchise (be it manor or town) did not get involved in the daily administration of his property and its inhabitants; he appointed officials to undertake duties such as collection of [gable rents](#) or the supervision of services due him from his tenants. He might select one from his tenants to exercise the office of reeve (from the Anglo-Saxon *gerefa*); the medieval sheriff was simply the king's shire-reeve. Or he might employ a man to act as the bailiff of his estates. The first administrative officers we find in English towns are [reeves](#): in Anglo-Saxon times there are passing mentions of *portgerefa* and *wicgerefa*. In the first centuries after the Conquest they are usually referred to by their Latin name of [prepositus](#) (provost) meaning "leading man"; they too were appointees of the lord of the borough, but presided over (although did not directly control) the [folk moot](#). After self-government was acquired, the term *ballivus* (implying jurisdiction over a certain area – bailiwick) gradually came to be preferred in towns, although it is not clear whether there is any real significance to the change. In most towns one or more bailiffs acted as the executive officer, presiding over local courts, at first, and only later were they superseded by [mayors](#).

borough

Derives from the Old English term *burh*, which was originally applied to any fortified place, such as a thegn's house or a hilltop – not necessarily a populated place. During the wars between Anglo-Saxons and Danes it was particularly applied to [centres of population which were protected](#) with defensive earthworks; such of those centres which continued to flourish in later times came to be boroughs. The term *burgus* often appears to be used in a technical sense, as distinct from "town" (*villata*), such as in the [1200 proceedings at Ipswich](#), usually relating to the town as a legal/administrative entity. Another term sometimes used in a general sense, but sometimes with a more technical meaning, was *liber burgus*, "free borough", (or the slightly older *liber burgagium*, referring to [burgage tenure](#)); this came into vogue at the close of the twelfth century and was popular throughout the thirteenth, when many communities sought this status through charters from their lords. It involved the grant of special

privileges reducing the degree of servitude of burgesses to their lord and/or increasing the degree of corporate autonomy from external authorities; the precise set of privileges varied from town to town. This status was most commonly given to new town foundations, and implied their acquisition of privileges already in possession of many of the older, established towns (a specific town might be used as a model for a new foundation).

burgage

A burgage tenement was a piece of property within a borough, normally comprising a house with or without additional land, and held by certain distinctive customs ("burgage tenure") that typically involved a money rent – as opposed to labour services which characterized rural tenures – known as hawgable or landgable and payable to the lord of the borough (regardless of what other rents payable a property might accumulate over the course of time). A burgage tenement was typically a large plot – distinctively, long and narrow (with the narrow end facing the street) – as originally settled or built on, as the town developed; population growth often led to the plot being subdivided and new rents might be applied to the subdivisions, but the original burgage rent of the whole is sometimes still evidenced in documents. Another characteristic of burgage tenure ("tenure" being a term connoting occupation more than outright ownership, since most real estate was held of some lord and ultimately the king) was that a burgage property could be sold, inherited or otherwise disposed of more freely than was normally the case with rural property. Not all properties within borough boundaries were burgage tenements. What was important about the latter to boroughs, at the time when they were securing their first grants of self-government, was that the holders of burgage tenements owed suit to the borough court and were (at first) an important source of revenue that was put towards payment of the [fee farm](#). Boroughs therefore sought to confirm, within the terms of the grants, the local customs affecting the conditions of burgage tenure and the jurisdiction of their local court over cases relating to burgage properties, and early customals show some preoccupation with tenorial matters; by the thirteenth century burgage tenure was a sufficiently standardized characteristic of boroughs that it was considered implicit in the grant of *liber burgus* status.

burgess

Although Domesday seems to have used this term fairly consistently to apply to town residents contributory towards the customary payments due the king from boroughs, later in the Middle Ages its varied application does not suggest a precise, universally agreed, technical definition. Broadly, however, it referred to residents of a borough, usually those residents who were members of the borough community in terms of sharing in [communal responsibilities](#) and rights; hence we often find the term "comburgess" used, to emphasise that an individual was a fellow member of the enfranchised community (although the term also came to be used, on occasion, to refer to [burgesses of higher status](#)). At [Lynn](#) the poorest townsmen were clearly described as non-burgesses, "burgesses" evidently being equated with those residents who had become [freemen](#); this appears also the case in [Ipswich](#). Yet in [Colchester](#) the same

class of poorer residents *was* described as being burgesses. Outsiders ("strangers" or "foreigners") were sometimes allowed to acquire some of the same – notably commercial – privileges by entering the [franchise](#) under the special status of "foreign burgess". Towards the end of the Middle Ages "burgess" was more likely to be used to distinguish one group of privileged townsmen from a less privileged group.

burh

SEE [borough](#)

chamberlain

The title originated with an officer of a royal household who was responsible for the Chamber, which included the administration of the king's household's budget. Boroughs later mimicked this, introducing officers to take charge of [collecting revenues and paying expenses](#) in part to [relieve executive officers](#) of some of their work but perhaps more to place a [check on possible embezzlement](#) by those officers. It is not clear how early there were dedicated financial officers in borough administration (the absence of mention in the [Ipswich proceedings of 1200](#) is notable), but merchant guilds appear to have had them from the beginning. It was probably London who first gave its financial officers the title of "chamberlain", perhaps in part because the city treasury was kept safe in a particular chamber in the Guildhall. Treasurers and receivers were other names used for this type of officer.

comburgess

SEE [burgess](#)

community

The Latin term *communitas* was frequently used in late medieval England to characterize (among other associations) the residents of a town as a group, in a way that implied common action, common obligations or responsibility, or common rights or privileges. It was often used too vaguely to let us know if at any time a technical meaning – such as restriction to the [burgess](#) or [enfranchised](#) element of the town population – was intended. The town community is to some degree a later expression of the [folk moot](#) and is often seen acting as an entity, before the law formally recognized it as [corporate entity](#). Occasionally one hears of the "commune", which means something similar but connotes a sworn association whose goal is the achievement of self-government; this was more a continental manifestation which could pursue its aims through violent rebellion against noble overlords, and so English kings tried to prevent this extreme expression of community within their realm. See also:

- [Political values and attitudes](#)

For further information about communes see:

- [Information Please Encyclopedia: "commune"](#)

compurgator

SEE [pledge](#)

constable

Two linked challenges faced by the monarchy after the Norman Conquest, as it sought to expand the scope and control of a national government, concerned the enforcement of law (beyond the unsatisfactory local mechanism of [frankpledge](#)) and preservation of the peace, and the ability to muster the populace for military service at need. In 1181 the Assize of Arms required every adult free man to be in possession of weaponry of certain types (determined by socio-economic status). When invasion from France was feared in 1205, the military and police duties of county sheriffs were turned over to constables, each to take charge of the militia of a [hundred](#), and themselves subordinate to chief constables; the name (deriving from Latin terms meaning "count of the stable") had originally been applied to imperial officers whose duties included responsibility for military equipment. In 1252 a royal writ reiterated both the role of the constables (who may not have lasted once the scare in 1205 was over) and the Assize of Arms, which was also more closely defined; in boroughs, mayors or bailiffs were allowed to exercise the duty of constables. A second royal order of that year required "watch and ward", which established (or confirmed) in boroughs a nightwatch of 12 men to apprehend any suspicious characters until it could be ascertained what the reason was for them being abroad in the dark. These initiatives were all tightened up by the Statutes of Winchester and Westminster in 1285 which, among other things, required that town gates be kept closed and guarded from sunset to sunrise. It is probably from this time that Norwich, for example, had one constable for each of its four hundredal leets with sub-constables for each sub-leet, while Lynn (only a single hundred/leet) was nonetheless divided into ten constabularies or wards which also served for militia musters as well as for administrative purposes not envisaged by the royal legislation. Although elected locally, constables were strictly speaking officers of the king. They had the power to hold inquisitions in cases of individuals arrested at night. By the close of the Middle Ages, the constables were being subordinated to aldermen with minor judicial authority (echoing the London aldermanry system that predated the Plantagenet constables).

customs

Customary rules which formed one basis for local administration of justice; some features of these hark back to Anglo-Saxon traditions – the local practices which were established (in a non-literate age) as law through repetitive application, while others are the product of specific ordinances made by borough governments during the Late Middle Ages. Although these customs may vary in details from one borough to another, most reflect the same general concerns and preoccupations. When these rules were compiled in lists, as reference tools for town officers, the resulting document was called a "custumal". The term "customs" was also applied to customary dues (monetary, in-kind, or personal service) owed to the king or to some other lord of a territory. A third use of the term was for duties payable on merchandise being imported or exported; these customs might be for the profit of the town levying them (although, to avoid confusion, I have used the term "tolls" for these) or be part of the national

system of customs collection.

discreet

This adjective was a quality used to refer to men with decision-making authority in borough government – as a group they were sometimes referred to as the *discretiores*. In fact, the term was used in a variety of contexts in the Late Middle Ages (e.g. see [Bracton](#)), usually with connotations of wisdom, prudence, sound judgement, or responsible behaviour; it was typically, although not exclusively, applied to individuals or groups acting in some kind of official capacity, and reflects the medieval belief that the ideal ruler combined intelligence and justice. That it is so often used in a way suggesting not simply a quality, but a recognized status – sometimes social, sometimes political – gives the term an almost technical character. There is no single modern descriptor that well captures the full medieval meaning. However, I have chosen to translate the term as "judicious", with *discretiores* translated as "the more judicious men"; my intent being to choose a quality with connotations of officialdom. SEE ALSO [prudhommes](#)

distrain

In legal actions it was sometimes necessary to compel a defendant to come to court to answer a charge. One method of compulsion was to distrain on the personal property of the defendant; that is, to seize some of the defendant's possessions so that he could only regain them by providing sureties for coming to court, or by an illegal rescue. Usually moveables at the defendant's residence or place of business were targeted. "Distrain" might refer to the action of arrest (also called distress) or to the objects arrested. Sometimes a recalcitrant defendant might have to be distrained repeatedly. Distrain could also be applied to compensate a plaintiff in cases of debt, arrears of rent, or the cost of damages awarded by the court, where the convicted party refused to pay. Unless distrain was authorized by the court (so that a town officer, or even the plaintiff himself, could undertake it), it was itself a crime – with some [exceptions](#). The process of distrain is described somewhat in the custumal of Ipswich, [cap.34](#), and that of Norwich, [cap.14](#) and [cap.30](#). "[Attachment](#)" was a more general term for the means by which a defendant could be obliged to answer a charge; it might be accomplished by [pledges](#), through personal property voluntarily offered or (if necessary) distrained, or by having the defendant arrested ("attached by the body"). Goods or items that were subject to dispute or involved in a supposed crime could also be attached, for production as evidence in court.

Domesday Book

Briefly, the Domesday Book was the outcome of King William I's attempt to find out just what it was he'd conquered in 1066. As a newcomer, he knew little of the resources of England, and particularly of those resources on which the king had direct call. But he knew well enough that the land was the source of wealth and power. And so in 1086 he sent inquisitors through the shires to conduct a survey. This resulting and nameless description of the country was coming, less than a century later, to be called

"Domesday" – the day of judgement; for the survey officially established who owned what (or whom) and who owed what (money or services) to whom. There were two volumes, which have been styled Great Domesday and Little Domesday, the latter covering East Anglia. While not comprehensive in its coverage, the survey provides a picture of much of the country which is unparalleled in medieval England. In particular there are gaps in coverage of the towns (London, Bristol and Winchester being the most notable absences), but over 100 places inhabited by burgesses are surveyed. So Domesday gives us our first real look at English medieval towns, with comparative information applicable to both the period immediately preceding the Conquest, and the period when the survey was undertaken; the comparison allows us to see, for example, the adverse effects of the Conquest – many boroughs had suffered damage and depopulation, either in the course of the resistance to the Normans, or because of the planting of castles in key strategic urban centres, to control the local and regional populations.

For further background information see:

- [Focus on... The Domesday Book](#)
- [The Domesday Book Online](#)
- [Domesday Book](#)
- [Medieval Sourcebook: The Anglo-Saxon Chronicle: The Domesday Book, 1086](#)
- [Medieval Sourcebook: The Domesday Book 1086 - Instructions and Extract](#)
- [World Wide Words](#)
- [The Domesday Texts](#)

essoin

Essoins were excuses for non-attendance at a court session. It was anticipated that, for various reasons, a man might not be able to attend a court session to prosecute or defend a charge and so provision was made for a certain number of absences without penalty, which were expected to be genuine and valid. Permissible excuses were: illness serious enough to confine one to bed; absence abroad; being busy in the king's service; and misadventure en route to court. The excuse had to be presented by some friend or agent of the essoined party; some men appear so frequently delivering essoins that it seems they did it as part of their livelihood. Since only in certain cases could judgements be rendered in the persistent absence of a defendant, essoins were often used as part of a strategy to delay the progress of cases. Some types of case, requiring speedy remedy, restricted or eliminated them.

farm

One party might acquire, on a basis similar to a lease, from another party one or more rights, jurisdictions, revenues or properties – often a combination thereof – by taking them to farm (today we still talk about "farming out" sources of revenue). A farm was a pre-determined lump-sum amount assessed for one year (although payments might be made in instalments) on an estimation of the value of the revenues. In theory at least, a

farm was a fixed, or "firm", amount from year to year, as opposed to a rent, which might fluctuate according to property values; however, in practice farms were often renegotiated if the value of the sources of revenues changed, while "rents of assize" were considered to have a fixed value that could not be changed by, for example, a new owner (such rents themselves being subject to sale, gift or bequest, quite independently from the ownership of the real estate itself). The *firma burgi*, or fee-farm of a borough, was the annual sum due the Exchequer in return for the king allowing the farmer to administer the borough – or rather, administer its sources of revenue (which might include property rents and taxes, local tolls, court ameracements). Before the period of self-government, boroughs were farmed by local potentates (e.g. county sheriffs) or entrepreneurs; the aim was to be able to make a profit from the revenues beyond the amount due for the farm, and this could result in extortionate measures. Hence the desire of the townsmen to acquire the farm for themselves, which necessitated taking the reins of local administration. With the grants of self-government to boroughs by (principally) kings Richard I and John, the farm became in effect a perpetual lease. The amount of the fee-farm was fixed at the time of the original negotiation, but might increase if subsequent additions to jurisdictions, revenues etc. were granted, or decrease if the value of borough revenues demonstrably decline: thus, for example, we see many adjustments in valuations at the time of Domesday Book, while towards the end of the Middle Ages many towns were making cases for reduction of their fee-farm due to local hardship or abnormal expenses (e.g. building defensive fortifications). Boroughs themselves sometimes farmed out to townsmen sources of revenue (with associated offices, if applicable) or communal properties, since this assured the borough a guaranteed (lump sum) revenue, regardless of what income the farmer was able to extract.

folk moot

SEE moot

foreigner / alien

The perspectives of the everyday person of the medieval world were more parochial than today (when the mass media and telecommunications have given us a global outlook). Sense of identity, and feelings of "patriotism" were more focused on the local community and less on the nation-state, which was a relatively undeveloped concept at that time. Today we apply the term "foreigner" to someone who is from outside of the national community, and "alien" (other than the technical application in regard to immigration) to a being from another planet. Within the narrower focus of the medieval English mind, a foreigner was someone who was not strictly a member of the local community although was likely to be from some other community in England – often a neighbouring one; an alien was someone from another country. "Outsider" and "stranger" were terms applied less discriminately to such individuals. "Foreign" could, however, also be applied to someone who was resident in a town but not a fully enfranchised member of the burgess community. Aliens could likewise take up residence in a town and might integrate into the community – in some towns reliant on international trade, they could found important dynasties – but as the Late Middle Ages

worn on, with growing nationalism (complicated by other factors such as commercial rivalries) fostered prejudice against non-natives, it became harder for aliens to settle and win acceptance within town society.

forestalling or **regrating**

Forestalling and regrating were similar offences in which middlemen purchased goods, particularly victuals, in order to resell them; regrators usually divided the goods into small lots to sell by retail, whereas forestallers might sell them again by wholesale. Forestalling was the more serious, involving interception of goods en route to market (or before the hour when the market could legally begin business), in order to buy them and then sell them in open market at a price higher than for what they would originally have sold; or, since town authorities kept a close eye on market prices and could control them somewhat, the profiteering might be achieved by buying wholesale at lower than the current market price and then reselling close to the market price. Sometimes the purpose was artificially to create a shortage of goods, so that the "fair" price established in the marketplace would be higher than it ought. The seriousness of forestalling, as an infringement of community rights (viz. the right of all burgesses to have the opportunity to obtain sufficient supplies for household needs at the lowest cost possible), is reflected in the fact that the term – which came, in legal use, to mean to stop goods before they reached a market stall (although in its Anglo-Saxon origins the term may have been applied to other kinds of interception) – has a broader, metaphoric application in modern vocabulary. The term "pre-empt", which has a similar meaning today, likewise derives from the purchase (Latin *emptio*) of goods before they could reach a public venue. However, commercial enterprise – including the resale of goods by middlemen – was fundamental to the economic character of towns, and regrating was controlled more through licencing and limitation than by suppression (at Oxford, for instance, the number of regrators operating from shops was fixed by an agreement between university and town, the latter taking a licence fee per shop), while instances of forestalling constantly appear in borough court records. The danger, or fear, was that regrators would resort to forestalling.

For further background information see:

- [Medieval Sourcebook: *Statuta de Forstallariis* \(Statute of Forestallers\), c. 1300](#)

franchise

SEE [freedom](#)

frankpledge

A system of policing and law enforcement found at the lowest level of society; later part of the manorial system of administration of justice and, by extension, that of towns. It harks back to the earliest application of the "jury" in Anglo-Saxon England which relied on the knowledge of an accused man's peers and neighbours to vouch for guilt or innocence. Late Anglo-Saxon law required, in most parts of England, every commoner (unless part of the household of a lord) to be a member of a "tithing" – "ten people" (although in practice groupings were not necessarily of the exact number) – or a frankpledge. The group was jointly responsible for ensuring that any of its members

accused of a crime appeared in court to answer for it (failing that, the group could be answerable for compensating an injured party); they were essentially pledges for the behaviour of their members. The group was also responsible for bringing to the court's attention, through presentments made by their leader (the tithingman – later known as the capital pledge), any crimes committed by its members. These presentments were made by the capital pledges together, acting as a jury representing the local community, and might also extend to identifying crimes committed by others outside the tithing system. What were called "views of frankpledge" were held periodically to ensure that all adult males were members of a tithing, to take an oath from them that they would not engage in illegal behaviour, and to hear presentments. Membership of tithings was likely organized on a neighbourhood basis, and groups of tithings were associated together in wards, or leets. Important men were outside the frankpledge system; however, their households formed a kind of tithing, its members being in the "mainpast" of the head of the household, who was answerable for their behaviour. Migration and freeholding (under which a man's property could become a pledge for him answering to justice) undermined the tithing system, although leet administration remained a useful component of judicial administration until the end of the Middle Ages.

For further background information see:

- Bracton: "On the Laws and Customs of England: At the view of frankpledge"
- Police: Anglo-Saxon beginnings

freedom

The borough freedom is not a reference to the vaunted but questionable adage that "town air makes free", but rather to the set of rights and privileges – which were referred to collectively as the liberty or the franchise (or in their plural form, liberties or franchises) – that townsmen acquired through chartered grants from their lords, as well as traditional rights (usages) as indicated in custumals. A freeman in the borough context was not therefore one who was personally free, i.e. not a serf or villein (although this was normally a *sine qua non*), but a member of the enfranchised community; the rights possessed by the community (e.g. burgage tenure) tended towards promoting more personal freedom than most of the extra-urban population had. A resident was not, in most towns, automatically a freeman but acquired this privileged status by entering the freedom, or taking up the franchise, which might happen automatically in some cases, or in others be acquired through a one-time membership fee (or fine). Women might enjoy a similar set of franchises, if unmarried daughters of resident freemen or widows of freemen, although while they were married their rights were determined by the status of their husbands. Depriving someone of freeman's rights (disfranchisement) was one of the more drastic non-corporeal punishments available to borough authorities. "Franchise" or "liberty" could also be used to refer to the territorial area within which the borough rights and freedoms were in effect; territory and jurisdiction were conceptually intertwined.

fresh force

SEE [abatement](#)

gild

Gilds (more commonly spelled today as "guilds") were associations of men and women sharing common interests. There were various types of such associations. Some gilds were fraternities created for socio-religious purposes, which included conviviality, communal religious celebration, and charity (usually mutual support). Other gilds had a more businesslike purpose. Members of the same craft or trade came to organize themselves in the Late Middle Ages into gilds. On one hand this was a response to efforts of borough governments to control trade and craft practices: craftsmen needed to band together to protect their interests, but also for self-regulation, to satisfy government requirements for the setting and policing of standards. On the other it was a mechanism for established practitioners to suppress competition by restricting practice of a trade or craft to gild members. The two purposes intersected in the apprenticeship system, which ensured that young men interested in following a craft acquired the necessary skills and were inculcated with the values of the gild establishment, while at the same time restricting competition to qualified craftsmen, by requiring several years of apprenticeship before an individual could graduate to running his own business. The same two principles applied to merchants, whose gilds came into existence earlier than those of the crafts. Since the mercantile element of the community was prominent and influential, merchant gilds could be powerful institutions within a town, although this varied considerably from place to place. For further background information see:

- [Information Please Encyclopedia: "guilds or gilds"](#)

hamsoken

SEE [abatement](#)

hanse

This Old English term was sometimes applied to the commercial (as opposed to the social) aspect of merchant gilds, or to the fee (which might be monetary or in-kind goods) for becoming a partner in the mercantile advantages accorded to gild members. It was possible, in some towns at least, for non-burgesses to acquire a membership in the hanse component of a merchant gild, which allowed them to trade in the town without paying tolls. The term is more commonly known, however, in application to the Hanseatic League, an association (i.e. an informal gild) of mercantile towns in what is today northern Germany. The German Hanse established a permanent base in London and from there expanded its influence to provincial towns so that, by the fifteenth century, it was dominating much of England's international commerce. For further background on the Hanseatic League see:

- [ORB Online Encyclopedia: Hanseatic League](#)

hosting

"Hosting" or "hostage" was practiced in a number of towns (e.g. [Yarmouth](#), Ipswich, Norwich, Southampton), particularly those active in international commerce, even before it became the subject of a royal statute. A visiting merchant from abroad, if intending more than just an overnight stay, would be taken under the wing of a merchant of the town. This might include providing the visitor with lodging and storehouse facilities for his merchandise, and usually involved the host assisting the visitor to sell his goods – sometimes simply through advice, but sometimes as a deal-maker. In principle it could be beneficial to the visitor, unfamiliar with local marketing rules or without local business connections, and also beneficial to the town, since the host could then supervise the business activities of the visitor – and be held accountable by the town if the visitor committed any fraud. However, the practice was subject to abuse by the hosts, who had a competitive advantage regarding the visitor's merchandise and who might try to cheat the visitor or to cheat the town of tolls due on imported merchandise.

hue and cry

In the absence of a police force, apart from the town sergeants (who served an enforcement rather than a crime detection role), apprehending criminals was partly the responsibility of the community. This was handled either by reporting crimes after the fact (often through formal mechanisms such as [view of frankpledge](#)), or – if the crime were discovered in process or freshly committed – by raising hue-and-cry. This involved loud proclamation by the discoverer or the victim, male or female, in order to alert those in the vicinity. Those persons then had the obligation to join with the declarer of the crime in pursuing the criminal, usually to the boundary of the community, continuing the clamour in the process. Anyone participating in hue-and-cry had the right to arrest a criminal. In this context the carrying of arms was permitted and a criminal violently resisting arrest might be killed with impunity, but not otherwise – lynchings were very rare, and even wounding or killing a criminal to hinder flight was unlawful. Victims of conspicuous crimes (e.g. rapes or assaults) might also raise hue-and-cry, even if the culprit had escaped, in order to summon those who could witness the effects of the crime. A similar concept to hue-and-cry has survived in the contemporary Western convention that someone seen fleeing the scene of a crime should be met with cries of "Stop, thief!", in order to encourage the public to apprehend the criminal. A post-medieval counterpart of the hue was the posse of the American frontier, but this was organized and led by an officer, whereas the hue was more spontaneous (although [capital pledges](#) or [constables](#) may have played a role). Arrests could sometimes be effected through the hue, with captured criminals either being marched off to gaol or held until the authorities could arrive; felons caught red-handed were easier to convict. Anyone discovering a corpse was expected to raise the hue immediately, even if the body was cold so that no pursuit was practicable; to fail to do so would have cast suspicion on that "first finder". Failure to raise hue, or of the community to respond to the hue, could result in a neighbourhood being fined once the crime was reported to the courts. At night, when many crimes were committed, the hue would have been a less efficient mechanism; towns instituted night-watches – again a community-based mechanism – to compensate.

For further background see:

- [Bracton on procedure in pleas of the Crown](#)

hundred

A unit of local administration introduced in the tenth century, (normally) larger than a village but smaller than a county; the name has some connection to a territory of 100 "hides" (a measurement of area), although this was not consistently the case in practice. In the former Danelaw the "[wapentake](#)" had a similar role. Many towns had acquired, by the time of Domesday, the status of a hundred (or at least a half-hundred – which made little practical difference). The hundred court developed out of, and superseded, the older folkmoot; it dealt with less serious criminal and civil cases.

For further background information see:

- [The Laws of King Edgar, 959-975 A.D.: This is the Ordinance how the Hundred shall be held](#)

husting

SEE [moot](#)

incorporation

The borough [community](#) is seen acting jointly to pursue common interests or goals – i. e. in a corporate fashion – from at least the twelfth century on. However, the law made no formal recognition of this (even though the king effectively recognized the existence of communities in his dealings with towns), which was often inconvenient. One of the last major concessions, in terms of chartered liberties, that the king made to towns in the Middle Ages was their incorporation (i.e. making the town a fictitious personality in the eyes of the law). There were five characteristics associated with this: the right of perpetual succession; the right to use a "common seal" as the signature of the borough to official documents expressing community will; the right to sue, and be sued; the right to make by-laws; and the right to hold property communally. Since almost all of these [features had been in use](#) in boroughs prior to incorporation, the recognition of this by royal grant was probably not such a significant step forward for boroughs that it might appear to us; however this grant often went hand in hand with other powers, such as the right to have a mayor as the executive officer (once associated with the dreaded [commune](#), whose spectre had greatly diminished by the time of incorporation), and the grant of local jurisdiction over Sessions of the Peace. Perhaps equally important to the borough government was that incorporation reduced the liability of individual officers to be sued for transgressions or defaults of the community, while it made it easier for the borough to acquire communal property which was an increasingly important source of revenue to support administrative costs. To the historian, incorporation is simply the logical culmination of the development of borough government throughout the Late Middle Ages, creating the form of the post-medieval borough.

inquest, or inquisition

SEE law, waging of

jurat

Meaning "sworn man", the term was principally applied specifically to burgesses who took oath to assist and counsel the borough executive – i.e. the town councillors. Like "mayor", "jurat" came to England from the continental commune, where "scabin" was another term used for the same type of officer, although jurats were from the start officers selected by and from the ranks of citizens, whereas scabins had ties to the feudal establishment. In England, town councils were referred to somewhat obliquely by a variety of terms, including *potentiores*, *bon hommes* or *probi homines* (although those terms might also be more widely applied to members of the ruling class), or simply by the number of members of the council – normally "the 12" or "the 24"; jurat similarly is a term usually encountered in the plural, collective form. In some towns they might have more localized (yet no less indistinctive) names, such as "portmen" or "wardmen". But it was not until the close of the Middle Ages that, as the ruling class – represented by borough executive and upper council – began to monopolize power, the dignity and greater distinctiveness of "alderman" came to be used as their title.

law, waging of

One of the ways for a plaintiff to initiate a legal action was to establish reasonable cause in the eyes of the court by producing a body of supporters – *secta*, whence the term "suit" – and some "good proof", perhaps no more than the word of the supporters that the complaint had foundation. This practice gradually lapsed, although the concept was retained in the legal formula of court records referring to the plaintiff "producing suit". One of the options that might be open to a burgess to defend himself against a plea or suit was to "do his law" through purgation; it could also be used by the plaintiff to uphold his accusation. For the defendant, waging law meant finding men who would take oath to his innocence, in support of the defendant's own oath; the number of these compurgators varied according to the crime; twelve "hands" (i.e. individuals) was the number for many charges. For the plaintiff it meant an oath that the accusation he had made was genuine. Doing, or waging, one's law was a principle of Anglo-Saxon law. The other standard option for judicial investigation was by inquest, a Norman introduction, allowed to boroughs to try civil cases (whereas the king reserved criminal cases for his own legal system); an inquest, which was sometimes referred to as putting oneself "on the country", might be called upon for various purposes, such as the assessment of legal damages or the valuation of property. From this, as well as from an Anglo-Saxon group responsible for identifying crimes (like the later capital pledge presenters of the leet court), evolved trial by jury. The jury was, in some regards, similar to the compurgators, except that it was called into being by public authorities to state (under oath) its opinion on the guilt or innocence of an individual, rather than participating voluntarily to support an individual's claim of innocence.

leet court

A type of court with a similar jurisdiction to [view of frankpledge](#); it seems to have been the Assize of Clarendon (1166) that led to the amalgamation of presentments of crimes with administration of frankpledge. The leet was essentially the territorial aspect of frankpledge: numbers of tithings were organized into leets, or wards, which were normally sub-units of the [hundred](#); in some towns, constabularies were similar sub-units. A leet might have its own court (as in Norwich) although more usually it simply made its presentments in a [special \(full\) session of the town's hundred court](#). In less developed towns, the leet court might be essentially the [legislative arm of local government](#). Offences were presented by a jury of capital [pledges](#), also known as headboroughs (from "borh" meaning pledge), after the articles of leet jurisdiction were read out to them. These articles were typically concerned with breaches of the assizes of bread and ale and offences against the community – such as matters affecting public health and safety, private usurpation of public property (e.g. encroachments of buildings, or blocking of rights-of-way), and performance of public officials. The only punishment within the power of a leet court was the setting of [ameracements](#), the amount of each being assessed by a second jury (affeerors). As a result of this limited punitive power, the repetitive offences by the same individuals brought before leet proceedings year after year sometimes have more the appearance of a licensing system. Crimes of a more serious nature could also be presented (i.e. made public) by the leet jury, but were referred to higher authorities. In some towns the leet system was partially superseded by the [constabulary system](#).

liber burgus

SEE [borough](#)

liberties

SEE [freedom](#)

mayor

A mayor was an elected executive officer of a borough, with similar powers and responsibilities to a [bailiff](#). However, it may be that townsmen had difficulty ridding themselves of the image of the bailiff as the servant of a higher authority, and that a mayor (whose title emphasizes a relationship with the community of which he is leader) represented by contrast the borough's aspirations to administrative independence; over the course of the Middle Ages, many towns persuaded the king to let them replace bailiffs with mayors. We cannot push this theory too far, for urban political development in England (in the context of a relatively strong and centralized monarchy) was less revolutionary than in many parts of the European continent. Nonetheless, the mayor of London – the earliest example in England – is associated with the period of the [commune](#) (an emulation of continental examples of self-assertive efforts to gain independence). And in some towns, such as [Lynn](#), perhaps inspired by London's example, mayors were created to lead the community in pressuring borough

lords to cede power, particularly where bailiffs (controllers of local courts) remained appointees of the lords. However, while the king gradually became willing to permit the introduction of mayors as chief officers of boroughs, he made sure that these officers remained answerable to the Crown.

message

SEE [tenement](#)

moot

Deriving from a Old English term meaning "meeting", a moot was a decision-making mechanism. As folkmoot, it was a usually open-air gathering of a community, sometimes headed by a royal official (in which manifestation it might be a shiremoot, hundred-moot, or burh-moot), for the administration of local affairs and particularly the administration of justice through local custom. Under Alfredian law, the folkmoot seems to be the mainstay of legal administration. Towns had their own version of the moot, which had aspects both of court and of council meeting; the various names by which versions of this was known in different towns included *burhgemot*, portmoot, portmanmoot, assembly, and congregation. Assembly and congregation represented more the legislative aspect of the folkmoot, while the others were more the judicial aspect; decision-making remains at the root of each. Husting was yet another term used for a court whose origins may be said to lie with the moot. The term, with Norse derivations (possibly associated with a verb "to speak"), refers to a meeting of the folk (Anglo-Saxon "*thing*") – that is male adult free men – inside a building (house), in contrast with the open-air folkmoot. The Viking "*thing*" had legislative and judicial functions; its method of voting, said to be by participants making a noise with their weapons, was known as "*wapentake*", and this later became associated with the [region](#) over which the thing had jurisdiction. Although medieval London had both a folkmoot and a husting (the latter visible as early as the tenth century), we should not read too much into this differentiation.

murage

A special toll or tax that boroughs could levy, if they received royal licence to do so, on condition that the proceeds to be put towards the building or repair of town walls. The licences specified a limiting period within which the levy could take place. The king was normally inclined to grant such licences, since it was in his interest that his towns be well protected. We find such licences granted from early thirteenth to late fifteenth centuries; examples can be seen at [Norwich](#), [Lynn](#), and [Yarmouth](#).

oligarchy

A form of government in which power is deliberately monopolized by an organized elite and applied to the social and/or economic benefit of that elite, and in which the power of the elite is maintained by force or by shaping the constitution to confine or avoid requirements for consultation of, or accountability to (including by election), the populace. Many historians have considered medieval borough governments to be

oligarchies, particularly towards the end of the Middle Ages, when they were becoming the "closed corporations" of the Tudor period. Life membership of councils and co-optation - in which members of the corporation have exclusive control over the filling of vacancies in their ranks - have been considered indicators of oligarchic forms of government in medieval towns. While it can be argued that all government involves, to some degree, a ruling elite, oligarchy is characterised by the self-interested policies or actions of the rulers. By contrast, aristocracy is a form of government by a usually hereditary elite which is in theory paternalistic. Some historians have used the terms "patriciate" and "meritocracy" to describe a ruling elite which governs by right of superior abilities or experience (but not necessarily birth), and "plutocracy" to describe an elite whose power derives from economic status rather than birth. However, these terms should not be considered synonymous with oligarchy, since they do not carry the baggage of the self-interested exercise of power.

peer

Today the term is used in phrases such as "peer of the realm" or "a jury of my peers". In either case the term means "equal" in legal or social status, and so it was with the use of the term in medieval boroughs where the term was used to refer to members of the enfranchised community – theoretically a community of equals. The term "commoner", which today we associate with connotations of non-aristocracy, similarly really meant member of a community (although by the end of the Middle Ages it was already acquiring, in the usage in official borough records, connotations of socio-political inferiority); "[comburgess](#)" was used in a similar fashion, although it also came to be applied to the mayor's peers (i.e. the town councillors). In the cases of both "peer" and "commoner" there was the implication of sharing in communal rights, and the terms can be connected with the concept of being [at scot and lot](#). I am inclined to suspect an etymological connection between the Latin term for peers (*pares*) and *pars*, which can refer both to sharing in something and the concept of membership.

piepowder

"Piepowder" comes from a French term meaning "dusty feet" and applied to the judicial system of trying cases involving travellers (usually merchants) from outside the town, in order to render swift justice.

For further background information see:

- [World Wide Words](#)

pledge

"No man without a lord" was an ancient adage of English law. It was important to the administration of justice, which required compensation for most crimes, that accused parties could be obliged to answer charges either by having [property which could be arrested](#) (later, "attached") or "lords" who would oblige them to answer. Also ancient was the practice of an accused man clearing himself by obtaining supporters ([compurgators](#)) who would take oath to his innocence. In the borough, where men were

"free", this manifested itself in the form of pledges (sometimes referred to as "gage and pledge"), sureties, and mainprise; such guarantees of behaviour might be required in a variety of circumstances – including repayment of debts, performance of official duties or entrance into the franchise – but are most commonly associated with legal procedures. The accused was expected to provide a guarantee (money or goods, often referred to as pledges) or to find guarantors (variously known as pledges, sureties, manucaptors or mainpernors) for his appearance in court to answer a charge, or at a later stage for complying with a court judgement. In certain cases where the accused failed to fulfill a judgement (e.g. repayment of a debt) the guarantors might themselves be liable for it. Similar concepts today are seen in bail, or bonding and collateral in cases of debt or financial contract; the terms surety and mainpernor are still used in specific technical senses, different from each other, although it is not clear that there was any real differentiation in the Middle Ages. In the thirteenth and fourteenth centuries, an accuser might, in some cases, initiate an action through a pledge, to assure the court that his charge was with foundation, not frivolous or malicious, and that he would pursue it. At a slightly earlier time, an accuser might have to produce several supporters at the [initiation of a legal action](#) to establish reasonable cause for a case to proceed. Initiation of charges before a leet court was made by Capital Pledges (or the equivalent), each representing a tithing.

probi homines

SEE [prudhommes](#)

provost (or prepositus)

SEE [bailiff](#)

prudhommes

Prudhommes or *prodeshommes* (Latin: *probi homines*) was a term used to refer to a particular subset of the urban population. In its earlier occurrences it is found in contexts related to judicial or political administration, and refers to a category of townsman active in, or qualified for, authoritative roles involving the giving of testimony or making of decisions. It increasingly came to be a synonym for the urban rulers and the class from which they were drawn. It is not easy to come to grips with a precise rendering of the term which conveys in modern language the medieval connotations. After much thought and examination of contexts in which the term is used, I have settled on the translation of "reputable men". H.T. Riley, editor of key records of medieval London, translated it as "substantial men", but this focuses primarily on the economic status of the councillors, whereas the term was, I am certain, intended more (though not necessarily exclusively) to express something about moral/ethical fibre and social responsibility – which is reflected in one of the medieval English equivalents of the term: "good men". I have [elsewhere](#) suggested "law-abiding" as a rendering, although this alone does not capture the complexities of the term. Upright, judicious, prudent, respectable, trustworthy, proven, credible, creditable, capable are all adjectives reflecting facets of what medieval people understood from the term. We have the same expectations that our "rulers" today be persons of integrity.

SEE ALSO [discreet](#).

purgation

SEE [law, waging of](#)

recognizance

This was a formal acknowledgement before witnesses of a binding transaction between parties. Making the acknowledgement before legal authorities, or reporting it to them, with a view to having it registered in court rolls, established an official record to which reference could be made to prove or disprove subsequent legal disputes related to the transaction; this was superior to any other means of proof. Recognizances could be applied to the incurrence of a debt, a transfer of real estate (including via testamentary bequest), or certain disclaimers of rights to real estate. Recognizances represent a consensual situation, as opposed to the adversarial situations legal authorities more often dealt with, and were intended to avoid the risk of drawn out legal disputes. In situations where property involved in a transaction was considered by the law to be jointly owned by a husband and wife (normally this was the case with property owned by a woman prior to the marriage), it was required for the wife to make a personal and free-will acknowledgement (before the authorities) of consent to her husband alienating the property.

reeve

SEE [bailiff](#)

regrating

SEE [forestalling](#)

scot and lot

Brewer's *Dictionary of Phrase and Fable* (1898) defined "scot and lot" as

"A levy on all subjects according to their ability to pay. Scot means tribute or tax, and lot means allotment or portion allotted. To pay scot and lot, therefore, is to pay the ordinary tributes and also the personal tax allotted to you."

Historians have followed suit in focusing on the taxation aspect, in part because of the slightly misleading breakdown of borough charter privileges made by Ballard. However, the actual situation is more complex. To be "at scot and lot" meant having a share in the obligations and responsibilities of a member of the community; in return members shared in communal privileges and advantages –not all town-dwellers were part of that privileged community. In essence, scot and lot was an indicator of status, in terms of membership. Some historians have connected the status of being at scot and lot with householding; this, however, was not a prerequisite (although in some towns it later became a requirement of citizenship), but there

was a natural concern that members of the community have property –whether real or moveable –by which they could be distrained if they failed to pay their contributions. "Scot" seems clearly enough associated with being contributory to taxations, aids or customary dues imposed on the community (e.g. see the Norwich custumal). The term survives today in the idiom that someone "got off scot-free". Similarly, "lot" survives in concepts such as "lottery" and "to cast one's lot in with". It is a Teutonic term that found its way into Norse, Old English and the Romance languages; the derivation is uncertain, but may be associated with a term for a piece of wood, in reference to the use of such in the drawing of lots. Drawing lots was associated with such things as the order of dividing plunder; by extension, the term "lot" came to be associated with a share in a distribution of goods or property, calling to mind the customary right of each burgher –an urban status possibly synonymous with being at scot and lot –to claim a share in any commercial bargain underway in a public place (again, see the Norwich custumal, and for the reciprocity of obligation and privilege, that of Yarmouth). The *Leges Quatuor Burgorum* explicitly applied the term lot to that situation, while the Northampton custumal talks about dividing up essential goods (victuals) by "divination" (i.e. casting lots). A royal charter to Chesterfield (1294) uses the entire phrase "lot and scot" in this context of sharing in bargains. If, as seems possible, scot and lot referred to the two-sided coin of sharing in both obligations and advantages, the nearest modern equivalent to the concept may be the colloquialism "You pays your money, and you takes your chances", although this –decontextualized from a social setting –has lost the original's nice expression of reciprocity. There is a further application of "lot" which must be considered. The drawing of lots was anciently a method of selecting from a group one or more individuals for some role –such as a winner, or an office-holder. "Accepting one's lot in life" may hark back to election to office. This form of election was considered to call into play divine judgement, and could still be found in Yarmouth at the end of the Middle Ages. The London authorities explicitly defined lot, in 1415, as liability to hold office. It is evident that "scot and lot" is not, as in Brewer's definition, two terms with essentially the same meaning, but presents two separate yet related concepts. The two may represent dual responsibilities, of contributing to taxation and bearing one's fair burden in administrative duties, or the opposites of obligation and benefit; perhaps "lot" itself communicated more than one idea.

tallage

SEE taxation

taxation

In addition to specialized taxes such as customs duties on merchandise, medieval townsmen were subject to general taxes, similar in some ways to modern income tax. Aids were not regular impositions, in contrast to the fee farm which was a fixed annual payment. They were, in theory, voluntary gifts of money to the king to assist him with unusual expenses (such as the costs of marrying off a daughter); however, when the king requested an aid, it was unwise not to comply. Tallages were more explicitly obligatory and were lump sums which borough authorities had to distribute fairly among individual burghers; this was usually done proportionately according to personal wealth, as determined by a valuation of real estate or goods and chattels. Royal tallages came to absorb aids under their heading, and were themselves

superseded after 1275 by taxes imposed through parliament, called lay subsidies, or tenths (reflecting the percentage of personal wealth due as payment, which was higher in towns than in rural areas where the rate was a fifteenth). Borough authorities might themselves impose local tallages, as a way of raising special funds for particular purposes or sometimes – before other sources of revenue were well-developed – as a foundation of borough finances (such being the case in thirteenth-century Lynn). Taxes were no more popular in the Middle Ages than they are today, and there occurred resistance, evasion, and complaints of unfair assessments; special measures sometimes had to be taken to protect tax-collectors.

tenement

The word is little used today, except as a specialized legal term restricted to certain situations. Essentially it means no more than a piece of real estate that was subject to tenure (being held under definable conditions) under common law. It was used in this general sense in the Middle Ages, but most commonly for property with buildings on it (in contrast to a field or meadow, for example). A "capital tenement" was the property where an individual normally lived, or had at one time lived, i.e. his or her principal property. A similar term to "tenement" was "messuage" and it is often difficult to tell if these terms were being used interchangeably or if some significant difference was understood. This was the French version of the Latin *mansio*, which (although it too could be used in a general sense for a piece of property) was usually applied to a plot of land on which a residence stood; and the term later came to be applied specifically to a residential property. However, the Middle Ages it seems often to have been used generally for a piece of owned land, of no fixed size or purpose. Our poor understanding of how messuage and tenement were used is partly due to a lack of more detailed description of the properties in the original documents.

tithing

SEE [frankpledge](#)

waste

The medieval application of the term is much like its modern connotations, but it was used in a legal sense referring to land that was unoccupied, undeveloped or uncultivated. As a result the land could not be the source of any tax or other revenue to its owner. Borough governments were keen to obtain control (from the lord of the town) over wasteland within the town boundaries, since they could then lease out plots of land. The term was similarly applied to property that had been allowed to deteriorate, or had even been purposely damaged, so that its value (whether in terms of selling price or rentability) decreased.

withernam

In its strict sense, withernam was the possible resort of an individual whose goods had been **distraigned** to force him to answer in court for an accusation brought against him by another. Should the defendant feel the distraint to be unjust he could seek from the

authorities an act of counter-dstraint, to restore the distress taken (this procedure subsequently being known as replevin) or, if the goods originally distrained were not within the area of the authorities' jurisdiction, to seize other goods of the plaintiff. This found application in the urban environment in a broader form. If, for example, a burgess visiting another town committed (or was accused of committing) some wrong against a resident but, having departed, could not be brought to justice, it might be allowable to distrain on any other of his fellow-burgesses at that time in town. Alternatively, if a burgess, while in another town, suffered financial loss as the result of unjust actions of the town (e.g. collecting toll from a merchant of a borough exempt, by royal charter, from paying tolls) or of one of its townsmen, then compensation might be exacted in the home-town of the offended party through dstraint from any within-reach resident of the erring town. Thus the innocent individual was considered liable for the wrong committed, by reason of being a member of the same community to which belonged the actual perpetrator of the wrong. In extreme cases, this could lead to a cycle of reprisals and counter-reprisals, and to a breakdown of relations between towns.

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Medieval Sourcebook: The Anglo-Saxon Dooms, 560-975

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The Laws of Æthelberht, King of Kent, 560-616 A.D.

These are the dooms which King Æthelberht established in the days of Augustine.

Of church-frith.

1. The property of God and of the church, twelvefold; a bishop's property, elevenfold; a priest's property, ninefold; a deacon's property, sixfold; a clerk's property, threefold; *churchfrith*, twofold;. . . .
2. If the king calls his *leod* to him, and any one there do them evil, (let him compensate with) a twofold *bot*, and fifty shillings to the king.
3. If the king drink at any one's home, and any one there do any *lyswe*, let him make two-

fold *bot*.

4. If a freeman steal from the king, let him pay ninefold.
5. If a man slay another in the king's *tun*, let him make *bot* with fifty shillings.
6. If any one slay a freeman, fifty shillings to the king, as *drihtinbeah*.
7. If the king's *ambihtsmith*, or *laadrinc*, slay a man, let him pay a half *leodgeld*.
8. The king's *mundbyrd*, fifty shillings.
9. If a freeman steal from a freeman, let him make threefold *bot*; and let the king have the *wite* and all the chattels.
10. If a man lie with the king's maiden, let him pay a *bot* of fifty shillings.
11. If she be a grinding slave, let him pay a *bot* of twenty-five shillings. The third (class) twelve shillings.
12. Let the king's *fedesl* be paid for with twenty shillings
13. If a man slay another in an eorl's *tun*, let him make *bot* with twelve shillings.
14. If a man lie with an eorl's *birele*, let him make *bot* with twelve shillings.
15. A ceorl's *mundbyrd*, seven shillings.
16. If a man lie with a ceorl's *birele*, let him make *bot* with six shillings; with a slave of the second (class), fifty *scaetts*; with one of the third, thirty *scaetts*.
17. If any one be the first to make an inroad into a man's *tun*, let him make *bot* with six shillings; let him who follows, with three shillings; after, each, a shilling.
18. If a man furnish weapons to another where there is strife, though no evil be done, let him make *bot* with six shillings.
19. If *wegreaf* be done, let him make *bot* with six shillings.
20. If the man be slain, let him make *bot* with twenty shillings.
21. If a man slay another, let him make *bot* with a half *leodgeld* of 100 shillings. . . .
31. If a freeman lie with a freeman's wife, let him pay for it with his *wergeld*, and

provide another wife with his own money, and bring her to the other.

32. If any one thrust through the *riht hamscyld*, let him adequately compensate.

33. If there be a *feahfang*, let there be fifty *sceatts* for *bot*.

34. If there be an exposure of the bone, let *bot* be made with three shillings.

35. If there be an injury of the bone, let *bot* be made with four shillings.

36. If the outer *hion* be broken, let *bot* be made with ten shillings.

37. If it be both, let *bot* be made with twenty shillings.

38. If a shoulder be lamed, let *bot* be made with thirty shillings.

39. If an ear be struck off, let *bot* be made with twelve shillings.

40. If the other ear hear not, let *bot* be made with twenty-five shillings.

41. If an ear be pierced, let *bot* be made with three shillings.

42. If an ear be mutilated, let *bot* be made with six shillings.

43. If an eye be (struck) out, let *bot* be made with fifty shillings.

44. If the mouth or an eye be injured, let *bot* be made with twelve shillings.

45. If the nose be pierced, let *bot* be made with nine shillings.

46. If it be one *ala*, let *bot* be made with three shillings.

47. If both be pierced, let *bot* be made with six shillings.

48. If the nose be otherwise mutilated, for each let *bot* be made with six shillings.

49. If it be pierced, let *bot* be made with six shillings.

50. Let him who breaks the chin-bone pay for it with twenty shillings.

51. For each of the four front teeth, six shillings; for the tooth which stands next to them four shillings; for that which stands next to that, three shillings; and then afterwards, for each a shilling.

52. If the speech be injured, twelve shillings. If the collar-bone be broken, let *bot* be made with six shillings.

53. Let him who stabs (another) through an arm, make *bot* with six shillings.

54. If a thumb be struck off, twenty shillings. If a thumb nail be off, let *bot* be made with three shillings. If the shooting [i. e. fore] finger be struck off, let *bot* be made with eight shillings. If the middle finger be struck off, let *bot* be made with four shillings. If the gold [i. e. ring] finger be struck off, let *bot* be made with six shillings. If the little finger be struck off, let *bot* be made with eleven shillings.

55. For every nail, a shilling.

56. For the smallest disfigurement of the face, three shillings: and for the greater, six shillings.

57. If any one strike another with his fist on the nose, three shillings.

58. If there be a bruise, a shilling; if he receive a right hand bruise, let him [the striker] pay a shilling.

59. If the bruise be black in a part not covered by the clothes, let *bot* be made with thirty *scaetts*.

60. If it be covered by the clothes, let *bot* for each be made with twenty *scaetts*.

61. If the belly be wounded, let *bot* be made with twelve shillings; if it be pierced through, let *bot* be made with twenty shillings.

62. If any one be *gegemed*, let *bot* be made with thirty shillings.

63. If any one be *cear-wund*, let *bot* be made with three shillings.

64. If any one destroy (another's) organ of generation, let him pay with three *leud-gelds*; if he pierce it through, let him make *bot* with six shillings; if it be pierced within, let him make *bot* with six shillings.

65. If a thigh be broken, let *bot* be made with twelve shillings; if the man become halt, then the friends must arbitrate.

66. If a rib be broken, let *bot* be made with three shillings.

67. If a thigh be pierced through, for each stab six shillings; if (the wound be) above an inch, a shilling; for two inches, two; above three, three shillings.

68. If a sinew be wounded, let *bot* be made with three shillings.
69. If a foot be cut off, let fifty shillings be paid.
70. If a great toe be cut off, let ten shillings be paid.
71. For each of the other toes, let one-half be paid, like as it is stated for the fingers.
72. If the nail of a great toe be cut off, thirty *scaetts* for *bot*; for each of the others, make *bot* with ten *scaetts*. . . .
77. If a man buy a maiden with cattle, let the bargain stand, if it be without guile; but if there be guile, let him bring her home again, and let his property be restored to him.
78. If she bear a live child, let her have half the property; if the husband die first.
79. If she wish to go away with her children, let her have half the property.
80. If the husband wish to have them, (let her portion be) as one child.
81. If she bear no child, let her paternal kindred have the *fioh* and the *morgengyftt*.
82. If a man carry off a maiden by force, let him pay fifty shillings to the owner, and afterwards buy (the object of) his will of the owner.
83. If she be betrothed to another in money, let him make *bot* with twenty shillings.
84. If she become *gaengang*, thirty-five shillings; and fifteen shillings to the king.
85. If a man lie with an *esne's* wife, her husband still living, let him make two-fold *bot*.

The Laws of Kings Hlothhære and Eadric, 673-686.

These are the dooms which Hlothhære and Eadric, Kings of the Kentishmen, Established 673-686.

Hlothhære and Eadric, kings of the Kentishmen, augmented the laws, which their elders had before made, by these dooms, which hereafter say:

1. If any one's *esne* slay a man of an Eorl's degree, whoever it be, let the owner pay with three hundred shillings, give up the slayer, and add three *manwyrths* thereto.
2. If the slayer escape, let him add a fourth *manwyrth*, and let him prove, with good

aewdas, that he could not obtain the slayer.

3. If any one's *esne* slay a freeman, whoever it be, let the owner pay with a hundred shillings, give up the slayer, and a second *manwyrth* thereto.

4. If the slayer escape, let the owner pay for him with two *manwyrths*; and let him prove, with good *aewdas*, that he could not obtain the slayer.

5. If a freeman steal a man; if the man return, and denounce him before the *stermelda*; let him clear himself, if he be able, and let him have the number of free *aewda*-men, and one with (himself) in the oath, each at the *tun* to which he belongs; if he be unable, let him pay. . .

16. If any Kentish-man buy a chattel in Lundenwic, let him then have two or three true men to witness, or the king's *wic*-reeve. If it be afterwards claimed of the man in Kent, let him then vouch the man who sold it to him to warranty, in the *wic* at the king's hall, if he know him, and can bring him to the warranty; if he can not do that, let him prove at the altar, with one of his witnesses or with the king's *wic*-reeve, that he bought the chattel openly in the *wic*, with his own property, and then let him be paid its worth; but if he can not prove that by lawful averment, let him give it up, and let the owner take possession of it.

The Laws of King Wihtræd, 690-725 A.D.

These are the Dooms of Wihtræd, King of the Kentish-Men.

In the reign of the most clement king of the Kentish-men, Wihtræd, in the fifth year of his reign, the ninth indiction, the sixth day of Rugern, in the place which is called Berghamstye, where was assembled a deliberative convention of the great men, there was Birhtwald, archbishop of Britain, and the forenamed king; also the bishop of Rochester, the same was called Gybmund, was present; and every degree of the church of that province spoke in unison with the obedient people. There the great men decreed, with the suffrages of all, these dooms, and added them to the lawful customs of the Kentishmen, as it hereafter said and declared. . . .

16. Let the word of a bishop and of the king be, without an oath, incontrovertible.

17. Let the *aldor* of a minster clear himself with a priest's *canne*.

18. Let a priest clear himself by his own sooth, in his holy garment before the altar, thus saying: "Veritatem dico in Christo, non mentior." In like manner, let a deacon clear himself.

19. Let a clerk clear himself with four of his fellows, and he alone with his hand on the

altar, let the others stand by, make the oath.

20. Let a stranger (clear himself) with his own oath at the altar; in like manner, a king's thane.

21. Let a *ceorlish* man clear himself with four of his fellows at the altar; and let the oath of all these be incontrovertible; then is the church *canne* right.

The Laws of King Alfred, 871-901 A.D.

The Lord spoke these words to Moses, and thus said: "I am the Lord your God. I led you out of the land of the Egyptians, and of their bondage.@"

Of oaths and of weds.

1. At the first we teach, that it is most needful that every man warily keep his oath and his *wed*. If any one be constrained to either of these wrongfully, either to treason against his lord, or to any unlawful aid; then it is juster to belie than to fulfil. But if he pledge himself to that which it is lawful to fulfil, and in that belie himself, let him submissively deliver up his weapon and his goods to the keeping of his friends, and be in prison forty days in a king=*s tun*; let him there suffer whatever the bishop may prescribe to him; and let his kinsmen feed him, if he himself have no food. If he have no kinsmen, or have no food, let the king's reeve feed him. If he must be forced to this, and he otherwise will not, if they bind him, let him forfeit his weapons and his property. If he be slain, let him lie uncompensated. If he flee thereout before the time, and he be taken, let him be in prison forty days, as he should before have been. But if he escape, let him be held a fugitive, and be excommunicate of all Christ's churches. If, however, there be another man's *borh*, let him make *bot* for the *borhbryce*, as the law may direct him, and the *wedbryce*, as his confessor may prescribe to him.

Of churchsocns

2. If any one, for whatever crime, seek any of the *mynsterhams* to which the king's *feorm* is incident, or other freehired which is worthy of reverence, let him have a space of three days to protect himself, unless he be willing to come to terms. If during this space, any one harm him by blow, or by bond, or wound him, let him make *bot* for each of these according to regular usage, as well with *wer* as with *wite*: and to the brotherhood one hundred and twenty shillings, as *bot* for the churchfrith: and let him not have *forlongen* his own.

Of borhbryce

3. If any one break the king's *borh*, let him make *bot* for the plaint, as the law shall direct him; and for the *borhbryce* with five pounds of *maerra* pence. For an archbishop's

borhbryce, or his *mundbyrd*, let him make *bot* with three pounds: for any other bishop's or an earldormans *borhbryce*, or *mundbyrd*, let him make *bot* with two pounds.

Of plotting against a lord.

4. If any one plot against the king's life, of himself, or by harbouring of exiles, or of his men; let him be liable with his life and in all that he has; or let him prove himself according to his lord's *wer*.

Of churchfryth

5. We also ordain to every church which has been hallowed by a bishop, this *fryth*: if a *fahman* flee to or reach one, that for seven days no one drag him out. But if anyone do so, let him be liable in the king's *mundbyrd* and the *churchfryth*; more if he there commit more wrong, if, despite of hunger, he can live; unless he fight his way out. If the brethren have further need of their church, let them keep him in another house, and let not that have more doors than the church. Let the *churchealdor* take care that during this term no one give him food. If he himself be willing to deliver up his weapons to his foes, let them keep him thirty days, and then let them give notice of him to his kinsmen. It is also *churchfryth*: if any man seek a church for any of those offences, which had not been before revealed, and there confess himself ill God's name, be it half forgiven. He who steals on Sunday, or at Yule, or at Easter, or on Holy Thursday, and on Rogation days; for each of these we will that the *bot* be twofold, as during Lent-fast.

Of stealing in a church.

6. If any one thief aught in a church, let him pay the *angylde*, and the *wite*, such as shall belong to the *angylde*; and let the hand be struck off with which he did it. If he will redeem the hand, and that be allowed him, let him pay as may belong to his *wer*.

In case a man fight in the king's hall.

7. If any one fight in the king's hall, or draw his weapon, and he be taken; be it in the king's doom, either death, or life, as he may be willing to grant him. If he escape, and be taken again, let him pay for himself according to his *wergeld*, and make *bot* for the offence, as well *wer* as *wite*, according as he may have wrought.

Of fornication with a nun.

8. If any one carry off a nun from a minster, without the king's or the bishop's leave, let him pay a hundred and twenty shillings, half to the king, half to the bishop and to the church-*hlaford* who owns the nun. If she live longer than he who carried her off, let her not have aught of his property. If she bear a child, let not that have of the property more than the mother. If any one slay her child, let him pay to the king the maternal kindred's share; to the paternal kindred let their share be given. . . .

Of those men who lend their weapons for man-slaying.

19. If any one lend his weapon to another that he may kill some one therewith, they may join together if they will in the *wer*. If they will not join together, let him who lent the weapon pay of the *wer* a third part, and of the *wite* a third part. If he be willing to justify himself, that he knew of no ill-design in the loan; that he may do. If a sword-polisher receive another man's weapon to furbish, or a smith a man's material, let them both return it sound as either of them may have before received it: unless either of them had before agreed that he should not hold it *angylde*. . . .

Of confession of debt.

22. If any one at the folk-mote make declaration of a debt, and afterwards wish to withdraw it, let him charge it on a righter person, if he can; if he cannot, let him forfeit his *angylde* [and take possession of the *wite*.] . . .

Of kinless men.

27. If a man, kinless of paternal relatives, fight, and slay a man, and then if he have maternal relatives, let them pay a third of the *wer*; his guild-brethren a third part; for a third let him flee. If he have no maternal relatives, let his guild-brethren pay half, for half let him flee.

Of slaying a man thus circumstanced.

28. If a man kill a man thus circumstanced, if he have no relatives, let half be paid to the king; half to his guild-brethren.

Of hloth-slaying of a two-hynde man.

29. If any one with a *hloth* slay an unoffending *twy-hynde* man, let him who acknowledges the death-blow pay *wer* and *wite*; and let every one who was of the party pay thirty shillings as *hloth-bot*.

Of a six-hynde man.

30. If it be a *six-hynde* man, let every man pay sixty shillings as *hloth-bot*; and the slayer, *wer* and full *wite*.

Of a twelve-hynde man.

31. If he be a *twelve-hynde* man, let each of them pay one hundred and twenty shillings; and the slayer, *wer* and *wite*. If a *hloth* do this, and afterwards will deny it on oath, let them all be accused, and let them then all pay the *wer* in common; and all, one *wite*,

such as shall belong to the *wer*.

Of those who commit folk-leasing.

32. If a man commit *folk-leasing*, and it be fixed upon him, with no lighter thing let him make *bot* than that his tongue be cut out; which must not be redeemed at any cheaper rate than it is estimated at according to his *wer*. . . .

Of a holdgetael.

37. If a man from one *holdgetael* wish to seek a lord in another *holdgetael*, let him do it with the knowledge of the ealdorman whom he before followed in his shire. If he do it without his knowledge, let him who entertains him as his man pay 120 shillings as *wite*; let him, however, deal the half to the king in the shire where he before followed, half in that into which he comes. If he has done anything wrong where he before was, let him make *bot* for it who has their received him as his man; and to the king 120 shillings as *wite*.

In case a man fight before an ealdorman in the gemot.

38. If a man fight before a king's ealdorman in the *gemot*, let him make *bot* with *wer* and *wite* as it may be right; and before this 120 shillings to the ealdorman as *wite*. If he disturb the *folkmete* by drawing his weapon, one hundred and twenty shillings to the ealdorman as *wite*. If aught of this happen before a king's ealdorman's junior, or a king's priest, thirty shillings as *wite*.

Of fighting in a ceorlish man's flet.

39. If any one fight in a ceorlish man's *flet*, with six shillings let him make *bot* to the ceorl. If he draw his weapon and fight not, let it be half of that. If, however, either of these happen to a six-*hynde* man, let it increase threefoldly, according to the ceorlish *bot* to a twelve-*hynde* man, twofoldly, according to the six-*hynde*'s *bot*.

Of burh-bryce.

40. The king's *burh-bryce* shall be 120 shillings. An archbishop's, ninety shillings. Any other bishop's, and an ealdorman's, sixty shillings. A twelve-*hynde* man's, thirty shillings. A six-*hynde* man's, fifteen shillings. A ceorl's *edorbryce*, five shillings. If aught of this happen when the *fyrð* is out, or in Lent fast, let the *bot* be twofold. If any one in Lent put down holy law among the people without leave, let him make *bot* with 120 shillings.

Of boc-lands.

41. The man who has *boc-land*, and which his kindred left him, then ordain we that he

must not give it from his *maeg-burg*, if there be writing or witness that it was forbidden by those men who at first acquired it, and by those who gave it to him, that he should do so; and then let that be declared in the presence of the king and of the bishop, before his kinsmen.

Of feuds.

42. We also command: that the man who knows his foe be homesitting fight not before he demand justice of him. If he have such power that he can beset his foe, and besiege him within, let him keep him within for seven days, and attack him not, if he will remain within. And, then, after seven days, if he will surrender, and deliver up his weapons, let him be kept safe for thirty days, and let notice of him be given to his kinsmen and his friends. If, however, he flee to a church, then let it be according to the sanctity of the church; as we have before said above. But if he have not sufficient power to besiege him within, let him ride to the ealdorman, and beg aid of him. If he will not aid him, let him ride to the king before he fights. In like manner also, if a man come upon his foe, and he did not before know him to be homestayng; if he be willing to deliver up his weapons, let him be kept for thirty days, and let notice of him be given to his friends; if he will not deliver up his weapons, then he may attack him. If he be willing to surrender, and to deliver up his weapons, and any one after that attack him, let him pay as well wer as wound, as he may do, and wite, and let him have forfeited his *maegship*. We also declare, that with his lord a man may fight *orwige*, if any one attack the lord: thus may the lord fight for his man. After the same wise, a man may fight with his born kinsman, if a man attack him wrongfully, except against his lord; that we do not allow. And a man may fight *orwige*, if he find another with his lawful wife, within closed doors, or under one covering, or with his lawfully-born daughter, or with his lawfully-born sister, or with his mother, who was given to his father as his lawful wife.

Of the celebration of mass-days.

43. To all freemen let these days be given, but not to *theow*-men and *esne*-workmen: twelve days at Yule, and the day on which Christ overcame the devil, and the commemoration day of St. Gregory, and seven days before Easter and seven days after, and one day at St. Peter's tide and St. Paul's, and in harvest the whole week before St. Mary-mass, and one day at the celebration of All-Hallows and the four Wednesdays in the four ember weeks. To all *theow*-men be given, to those whom it may be most desirable to give, whatever any man shall give them in God's name, or they at any of their moments may deserve.

The Laws of King Edward the Elder, 901-924 A.D.

Of doom and suit.

King Edward commands all the reeves: that you judge such just dooms as you know to be most righteous, and as in the doom-book stands. Fear not on any account to

pronounce *folkright*; and that every suit have a term when it shall be brought forward, that you then may pronounce.

Of buying.

1. And I will that every man have his warrantor; and that no man buy out of port, but have the port-reeve's witness, or that of other unlying men whom one may believe. And if any one buy out of port then let him incur the king's *oferhyrnes*, and let the warranty nevertheless go forward, until it be known where it shall stop. Also we have ordained: that he who should vouch to warranty should have unlying witness to the effect that he rightfully vouched it; or should bring forward an oath which he might believe who made the claim. So we have ordained the same respecting ownership; that he should adduce unlying witness thereof, or bring forward the oath, if he could, of persons unchosen, by which the claimant should be bound. But if he could not, then should be named to him six men of the same neighbourhood wherein he was resident, and of the six let him get one for one ox, or for that cattle which may be the worth of this, and afterward let it increase, according to the value of the property, if there ought to be more. Also we have ordained: if there were any evil-minded man who would put another's property in *borh* for *wither-tihthe*, that he should then declare on oath that he did not Afrom any knavery, but with full right, without fraud and guile," and that he then should there do as he durst with whom it is attached: "like as he it owned, so be it vouched to warranty."

Of him who denies justice to another.

2. Also we have ordained of what he were worthy who denied justice to another, either in boc-land or in folc-land, and that he should give him a term respecting the folc-land when he should do him justice before the reeve. But if he had no right either to the boc-land or to the folc-land, that he who denied the right should be liable in thirty shillings to the king; and for the second offense, the like: for the third offense, the king's *oferhyrnes*, that is, 120 shillings, unless he previously desist.

Of perjurers.

3. Also we have ordained concerning those men who were perjurers; if that were made evident, or an oath failed to them, or were out-proved, that they afterwards should not be oath-worthy, but ordeal-worthy.

Of frith.

4. King Edward exhorted his *witan* when they were at Exeter, that they should all search out how their frith might be better than it had previously been: for it seemed to him that it was more indifferently observed than it should be, what he had formerly commanded. He then asked them, who would apply to its amendment, and be in that fellowship that he was, and love that which he loved, and shun that which he shunned, both on sea and land? That is, then, that no man deny justice to another: if any one do so, let him make

bot as it before is written; for the first offence, with thirty shillings; and for the second offence, the like; and for the third, with 120 shillings to the king.

Of the reeve who does not lawfully exact.

5. And if the reeve do not lawfully exact it, with the witness of those men who are assigned him to bear witness, then let him make bot of my *oferhyrnes*, with 120 shillings.

Of those accused of theft.

6. If any one be accused of theft, then let those take him in borh who before commended him to his lord, that he may justify himself thereof; or let other friends, if they have any, do the same. If he knows not who will take him in borh, then let those on whom it is incumbent take an in borh on his property. If he have neither property nor other borh, then let him be held to judgment.

Of those who will not seek their own.

7. Also I will that every man have constantly those men ready on his land, who may lead those men who desire to seek their own, and for no meed-monies prevent them, nor anywhere protect or harbour a convicted offender, willfully nor violently.

Of those who protect a convicted offender.

8. If any one disregard this, and break his oath and his *wed*, which all the nation has given, let him make bot as the doom-book may teach: but if he will not, let him forfeit the friendship of us all, and all that he has. If any one harbour him after that, let him make bot as the doom-book may say, and as he ought who harbours a fugitive, if it be here within. If it be within the east-country, let him make bot according as the *frith-gewritu* say.

Of him who forfeits his freedom.

9. If any one, through a charge of theft, forfeit his freedom, and deliver himself up, and his kindred forsake him, and he know not who shall make bot for him; let him then be worthy of the *theow*-work which thereto belongs, and let the wer abate for the kindred.

Of him who receives another man's man without leave.

10. Let no man receive another man's man without his leave whom he before followed, and until he be blameless towards every hand. If any one do so, let him make bot of my *oferhyrnes*.

Of gemot-terms.

11. I will that each reeve have a gemot always once in fourweeks; and so do that every man be worthy of folk-right: and that every suit have an end and a term when it shall be brought forward. If that any one disregard, let him make bot as we before ordained.

The Laws of Alfred, Guthrum, and Edward the Elder

These are the dooms which King Alfred and King Guthrum chose. And this is the ordinance also which King Alfred and King Guthrum, and afterwards King Edward and King Guthrum, chose and ordained, when the English and Danes fully took to peace and to friendship; and the witan also, who were afterwards, oft and unseldom that same renewed and increased with good.

This is the first which they ordained: that they would love one God, and zealously renounce every kind of heathendom. And they established worldly rules also for these reasons, that they knew that else they might not many control, nor would many men else submit to divine bot as they should: and the worldly bot they established in common to Christ and the king, wheresoever a man would not lawfully submit to divine bot, by direction of the bishops.

1. And this then is the first which they ordained: that *church-grith* within the walls, and the king's *hand-grith*, stand equally inviolate.

2. If any one violate Christianity, or reverence heathenism, by word or by work, let him pay as well wer, as wite or *lah-slit*, according as the deed may be.

3. And if a man in orders steal, or fight, or forswear, or fornicate, let him make bot for it according as the deed may be, as well by wer, as by wite or by *lah-slit*; and, above all things, make bot before God as the canon teaches, and find borh thereof, or yield to prison. And if a mass-priest misdirect the people about a festival or about a fast, let him pay thirty shillings among the English, and among the Danes three half-marks. If a priest fetch not the chrism at the right term, or refuse baptism to him who has need thereof, let him pay wite among the English, and among the Danes *lah-slit*; that is, twelve *ores*.

Of incestuous persons.

4. And concerning incestuous persons, the witan have ordained that the king shall have the upper, and the bishop the nether, unless bot be made before God and before the world, according as the deed may be; so as the bishop may teach. If two brothers or near kinsmen commit fornication with the same woman, let them make bot very strictly, in such wise as it may be allowed, as well by wer, as by wite or by *lah-slit*, according as the deed may be. If a man in orders fordo himself with capital crime, let him be seized and held to the bishop's doom.

5. If a man guilty of death desire confession, let it never be denied him. And all God's dues let every one zealously further, by God's mercy, and by the wites which the witan have annexed thereto.

6. If any one withhold tithes, let him pay lah-slit among the Danes, wite among the English. If any one withhold *Rom-feoh*, let him pay lah-slit among the Danes, wite among the English. If any one discharge not *light-scot*, let him pay lah-slit among the Danes, wite among the English. If any one give not plough-alms, let him pay lah-slit among the Danes, wite among the English. If any one deny any divine dues, let him pay lah-slit among the Danes, wite among the English. As if he fight and wound any one, let him be liable in his wer. If he fell a man to death, let him then be an outlaw, and let every one of those seize him with *hearm* who desire right. And if he so do that any one kill him, for that he resisted God's law or the kings, if that be proved true, let him lie uncompensated.

Of workings on a festival-day.

7. If any one engage in Sunday marketing, let him forfeit the chattel, and twelve ores among the Danes, and thirty shillings among the English. If a freeman work on a festival-day, let him forfeit his freedom, or pay wite or lah-slit. Let a theow-man suffer in his hide or hide-gild. If a lord oblige his theow to work on a festival-day, let him pay lah-slit within the Danish law, and wite among the English.

Of feasts.

8. If a freeman break a lawful feast, let him pay wite or lahslit. If a theowman do so, let him suffer in his hide or hide-gild.

Of ordeals and oaths.

9. Ordeal and oaths are forbidden on festival-days and lawful fast-days; and he who shall break that, let him pay lah-slit among the Danes, and wite among the English. If it can be so ordered, no one condemned should ever be executed on the Sunday festival, but be secured and held till the festival be gone by.

10. If a limb-maimed man who has been condemned or forsaken, and he after that live three days then any one who is willing to take care of sore and soul may help him, with the bishop's leave.

Of witches, diviners, perjurers, etc.

11. If witches or diviners, perjurers or morth-workers, or foul, defiled, notorious adulteresses, be found anywhere within the land; let them be driven from the country, and the people cleansed, or let them totally perish within the country, unless they desist, and the more deeply make bot.

Of ecclesiastics and foreigners.

12. If any one wrong an ecclesiastic or a foreigner, through any means, as to money or as to life, then shall the king or the eorl there in the land, and the bishop of the people, be unto him in the place of a kinsman and of a protector, unless he have another; and let bot be strictly made, according as the deed may be, to Christ and to the king, as it is fitting; or let him avenge the deeds very deeply who is king among the people.

How a twelve-hynde man shall be paid for.

13. A twelve-hynde man's wer is twelve hundred shillings. A two-hynde man's wer is two hundred shillings. If any one be slain, let him be paid for according to his birth. And it is right that the slayer, after he has given wed for the wer, find, in addition, *wer-borh* according as shall thereto belong; that is, to a twelve-hynde's wer-borh, eight of the paternal kins and four of the maternal kin. When that is done, then let the king's *mund* be established, that is, that they all of either kindred, with their hands in common upon one weapon, engage to the mediator that the king's mund shall stand. In twenty-one days from that day let 120 shillings be paid as *heals-fang* at a twelve-hynde's wer. Heals-fang belongs to no kinsman, except to those who are within the degrees of blood. In twenty-one days from that day that the heals-fang is paid, let the manbot be paid; in twenty-one days from this, the fight-wite; in twenty-one days from this, the *frum-gyld* of the wer; and so forth, till it be fully paid, within the time that the witan have appointed. After this they must depart with love, if they desire to have full friendship. All men shall do with regard to the wer of a ceorl that which belongs to his condition, like as we have said about a twelve-hynde man.

Of Oaths.

Thus shall a man swear fealty oaths.

1. By the Lord, before whom this relic is holy, I will be to ____ faithful and true, and love all that he loves, and shun all that he shuns, according to God's law, and according to the world's principles, and never, by will nor by force, by word nor by work, do ought of what is loathful to him; on condition that he keep me as I am willing to deserve, and all that fulfil that our agreement was, when I to him submitted and chose his will.

Thus shall a man swear when he has discovered his property and brings it in process.

2. By the Lord, before whom this relic is holy, so I my suit prosecute with full folk-right, without fraud and without deceit, and without any guile, as was stolen from me the cattle ____ that I claim, and that I have attached with ____.

The other's oath with whom a man discovers his cattle.

3. By the Lord, I was not at rede nor at deed, neither counsellor nor doer, where were unlawfully led away _____'s cattle. But as I cattle have, so did I lawfully obtain it. And: as I vouch it to warranty, so did he sell it to me into whose hand I now set it. And: as I cattle have, so did it come to my own property and so it by folk-right my own possession is, and my rearing.

The oath of him who discovers his property that he does it not either for hatred or for envy.

4. By the Lord, I accuse not _____ either for hatred or for envy, or for unlawful lust of gain; nor know I anything soother; but as my informant to me said, and I myself in sooth believe, that he was the thief of my property.

The other's oath that he is guiltless.

5. By the Lord, I am guiltless, both in deed and counsel, and of the charge of which _____ accuses me.

His companion's oath who stands with him.

6. By the Lord, the oath is clean and unperjured which _____ has sworn.

Oath if a man finds his property unsound after he has bought it.

7. In the name of Almighty God, you did engage to me sound and clean that which you sold to me, and full security against afterclaim, on the witness of _____, who then was with us two.

How he shall swear who stands with another in witness.

8. In the name of Almighty God, as I here for _____ in true witness stand, unbidden and unbought, so I with my eyes over-saw, and with my ears over-heard, that which I with him say.

Oath that he knew not of foulness or fraud.

9. In the name of Almighty God, I knew not, in the things about which you sued, foulness or fraud, or infirmity or blemish, up to that day's-tide that I sold it to you: but it was both sound and clean, without any kind of fraud.

10. In the name of the living God, as I money demand, so have I lack of that which _____ promised me when I mine to him sold.

Denial.

11. In the name of the living God, I owe not to ____ sceatt or shilling, or penny or penny's worth; but I have discharged to him all that I owe him, so far as our verbal contracts were at first.

Of the oath and degree-bot of men in orders.

12. A mass-priest's oath, and a secular thane's, are in English law reckoned of equal value; and by reason of the seven church-degrees that the mass-priest, through the grace of God, has acquired, he is worthy of thane-right.

Of the Mercian oath.

13. A twelve-hynde man's oath stands for six ceorls oaths: because, if a man should avenge a twelve-hynde man, he will be fully avenged on six ceorls, and his wer-gild will be six ceorls' wer-gilds. Bequeathed it and died, he who it owned, with full folk-right, so as it his elders, with money and with life, lawfully got, and let and left, in power of him, whom they well gifted. And so it have, as he it gave, who had it to give, without fraud and unforbidden; and I will possess it, as my own property, that that I have; and ne'er for thee design, nor plot nor ploughland, nor turf nor toft, nor furrow nor foot-mark, nor land nor leasowe, nor fresh nor marsh, nor rough nor plain, by wood nor field, by land nor by strand, by weald nor by water, but that will maintain, the while that I live; for there is no man alive, who ever heard that any one made plaint against, or summoned him at the hundred, or anywhere at gemot, in market-place, or among church-folk, the while that he lived. Sackless he was in life, be he in the grave, so as he may. Do as I teach: be you with yours, and leave me with mine: I covet not yours, nor *laeth* nor land, nor *sac* nor *soen*: nor need you mine; nor design I to you anything.

The North People's Law.

1. The North people's king's geld is thirty thousand *thrymsas*; fifteen thousand *thrymsas* are for the wergild, and fifteen thousand for the *cynedom*. The wer belongs to the kindred, and the *cynebot* to the people.

2. An archbishop's and an aetheling's wer-gild is fifteen thousand *thrymsas*.

3. A bishop's and ealdorman's, eight thousand *thrymsas*.

4. A *hold*'s and a king's high-reeves, four thousand *thrymsas*.

5. A mass-thane's and a secular thane's, two thousand *thrymsas*.

6. A ceorl's wergeld is two hundred and sixty-six *thrymsas*, that is two hundred shillings by Mercian law.

7. And if a Welsh-man thrive so that he have a hide of land, and can bring forth the king's *gafol*, then in his wergeld 110 shillings. And if he thrive not except to half a hide, then let his wer be eighty shillings.
8. If he have not any land, and yet be free, let him be paid for with seventy shillings.
9. And if a ceorlish man thrive, so that he have five hides of land for the king's *ut-ware*, and any one slay him, let him be paid for with two thousand thrymsas.
10. And though he thrive, so that he have a helm and a coat of mail, and a sword ornamented with gold, if he have not that land, he is nevertheless a ceorl.
11. And if his son and his son's son so thrive, that they have so much land; afterwards the offspring shall be of *gesithcund* race, at two thousand thrymsas.
12. And if they have not that, nor to that can thrive, let them be paid for as ceorlish.
13. Let the king's wergeld be with the English race, by folkright, thirty thousand thrymsas, and of these, let fifteen thousand be for the wer, and the other fifteen thousand for the cynebot. The wer belongs to the kindred of the royal family, and the cynebot to the people of the country.
14. An archbishop's and an eorl's wergeld is fifteen thousand thrymsas. . . .
18. A ceorl's wergeld is 267 thrymsas by the Danish law.
19. And a Welshman's wergeld, if he be to that degree enriched that he have a hide of land and property, and pay *gafol* to the king, it is then 220 shillings. But if he be only risen to half a hide, then let his wer be eighty shillings.
20. If he have no land, but is free, let him be paid for with seventy shillings.
21. If a ceorl be enriched to that degree, that he have five hides of land, and anyone slay him, let him be paid for with two thousand thrymsas.
22. And if he acquire so that he have a coat of mail and a helmet, and an over-gilded sword, if he have not that land, he is *sithcund*.
23. And if his son and the son's son that acquire, that they have so much land, let their successors be of the *sithcund* kin, and let them be paid for with two thousand thrymsas.

Of Mercian Law

A ceorl's wergeld is by the Mercian law 200 shillings. A thane's wergeld is six times as

much, that is, twelve hundred shillings. Then is a king's simple wergeld six thanes' wer by Mercian law, that is, thirty thousand sceatts, and that is altogether 120 pounds. So much is the wergeld in the people's folkright by Mercian law. And for the cynedom there is due another such sum as bot for cynegild. The wer belongs to kindred, and the cynebot to the people.

Ranks.

Of people's ranks and law.

1. It is whilom, in the laws of the English, that people and law went by ranks, and then were the counsellors of the nation of worship worthy, each according to his condition, eorl and ceorl, thegn and theoden.
2. And if a ceorl thrived, so that he had fully five hides of his own land, church and kitchen, bell-house and burhgate-seat, and special duty in the king's hall, then was he thenceforth of thane-right worthy.
3. And if a thane thrived, so that he served the king, and on his summons, rode among his household; if he then had a thane who him followed, who to the king's utware, five hides had, and in the king's hall served his lord, and thrice with his errand went to the king; he might thenceforth, with his fore-oath, his lord represent, at various needs, and his plaint lawfully conduct, wheresover he ought.
4. And he who so prosperous a vice-gerent had not, swore to himself according to his right, or it forfeited.
5. And if a thane thrived, so that he became an eorl, then was he thenceforth of eorl-right worthy.
6. And if a merchant thrived, so that he fared thrice over the wide sea by his own means, then was he thenceforth of thane-right worthy.
7. And if there a scholar were, who through learning thrived, so that he had holy orders, and served Christ; then was he thenceforth of rank and power so much worthy, as then to those orders rightfully belonged, if he himself conducted as he should; unless he should misdo, so that he those orders' ministry might not minister.
8. And if it happened, that any one a man in orders, or a stranger, anywhere injured, by word or work; then pertained it to king and to the bishop, that they that should make good, as they soon might.

The Laws of King Athelstan 924-939 A.D.

I, Aethelstan king, with the counsel of Wulfhelm, archbishop, and of my other bishops, make known to the reeves at each burh, and beseech you, in God's name, and by all his saints, and also by my friendship, that you first of my own goods render the tithes both of livestock and of the year's earthly fruits, so that they may most rightly be either meted, or told, or weighed out; and let the bishops then do the like from their own goods, and my ealdormen and my reeves the same. And I will, that the bishop and the reeves command it to all those who ought to obey them, that it be done at the right term. Let us bear in mind how Jacob the patriarch spoke: "*Decimas et hostias pacificas offeram tibi;*" and how Moses spoke in God's law: "*Decimas et primitias non tardabis offerre Domino.*" It is for us to think how awfully it is declared in the books: If we will not render the tithes to God, that he will take from us the nine parts when we least expect; and, moreover, we have the sin in addition thereto. And I will also that my reeves do, that there be given the churchscots and the soulscots at the places to which they rightly belong: and plow-almes yearly, on this condition; that they shall enjoy it at the holy places who are willing to serve their churches, and of God and of me are willing to deserve it: but let him who will not, forfeit the bounty, or again turn to right. Now you hear, says the king, what I give to God, and what you ought to fulfil by my oferhyrnes. And do you also so that you may give to me my own what you for me may acquire. I will not that you unjustly anywhere acquire aught for me; but I will grant to you your own justly, on this condition, that you yield to me mine; and shield both yourselves, and those whom you ought to exhort, against God's anger and against my oferhyrnes.

Of thieves.

1. First: that no thief be spared, who may be taken *hand-haebbende*, above twelve years, and above eight pence. And if any one so do, let him pay for the thief according to his wer, and let it not be the more settled for the thief, or that he clear himself thereby. But if he will defend himself, or flees away, then let him not be spared. If a thief be brought into prison: that he be forty days in prison, and let him be released thereout with 120 shillings, and let the kindred enter into borh for him that he evermore desist. And if after that he steal, let them pay for him according to his wer, or bring him again therein: and if any one stand up for him, let him pay for him according to his wer, as well to the king as to him to whom it lawfully belongs: and let every man of those there who stand by him pay to the king 120 shillings as wite.

Of lordless men.

2. And we have ordained: respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folkright, and find him a lord in the folkmote; and if they then will not or cannot produce him at the term, then be he thenceforth a *flyma*, and let him slay him for a thief who can come at him: and whoever after that shall harbour him, let him pay for him according to his wer, or by it clear himself.

Of denial of right.

3. And the lord who denies justice, and upholds his evil-doing than, and the wite be applied to on that account; let him pay the *ceapgeld*, and give to the king 120 shillings: and he who applies to the king before he has prayed for justice, as oft it shall behove him; let him pay the like wite that the other should if he had denied him justice. And the lord who is privy to his theow's theft, and it is made manifest against him, let him forfeit the theow, and be liable in his wer, for the first time. If he do so oftener, let him be liable in all that he has: and, also, such of the king's *horderes*, or of our reeves, as shall be privy to the thieves who have stolen, let him be subject to the like. . . .

Of Witchcrafts.

6. And we have ordained respecting witch-crafts, and *lybacs*, and *morthdaeds*: if any one should be thereby killed, and he could not deny it, that he be liable in his life. But if he will deny it, and at threefold ordeal shall be guilty; that he be 120 days in prison: and after that let kindred take him out, and give to the king 120 shillings, and pay the wer to his kindred, and enter into borh for him, that he evermore desist from the like.

Of incendiaries.

7. Let incendiaries, and those who avenge a thief, be worthy of the like law. And he who will avenge a thief, and wounds no man, let him give to the king 120 shillings, as wite for the assault.

Of the single ordeal.

8. And we have ordained respecting the single ordeal, for those men who have been often accused, and have been found guilty, and they know not who shall take them in borh; let them be brought into prison: and let them be delivered out as here before is ordained.

Of landless men.

9. And we have ordained: if any landless man should become a follower of another shire, and again seek his kinsfolk; that he may harbour him on this condition, that he present him to folkright if he there do any wrong, or make bot for him.

Of attaching cattle.

10. He who attaches cattle, let five of his neighbours be named to him; and of the five let him get one who will swear with him that he takes it to himself by folkright: and he who will keep it to himself, to him let there be named ten men, and let him get two of them, and give the oath that it was born on his property, without the *rimath*; and let his *cyreath* stand for over twenty pence.

Of exchange.

11. And let no man exchange any property without the witness of the reeve, or of the mass-priest, or of the landlord, or of the hordere, or of other unlying man. If any one do so, let him give thirty shillings, and let the landlord take possession of the exchange.

Of wrongful witness.

12. But if it be found that any of these have given wrongful witness, that his witness never stand again for aught, and that he also give thirty shillings as wite.

That a man buy not out of port.

13. And we have ordained: that no man buy any property out of port over twenty pence; but let him buy there within, on the witness of the portreeve, or of another unlying man: or further, on the witness of the reeves at the folkmote.

Of repairing of burhs.

14. And we ordain: that every burh be repaired fourteen days over Rogation Days. Secondly: that every marketing be within port.

Of moneyers.

15. Thirdly: that there be one money over all the king's dominion, and that no man mint except within port. And if the moneyer be guilty, let the hand be struck off that wrought the offense, and, be set up on the money-smithy but if it be an accusation, and he is willing to clear himself; then let him go to the hot-iron, and clear the hand therewith with which he is charged that fraud to have wrought. And if at the ordeal he should be guilty, let the like be done as here before ordained.

In Canterbury seven moneyers; four the king's, and two the bishop's, one the abbot's.

At Rochester three; two the king's, and one the bishop's.

At London eight.

At Winchester six.

At Lewes two.

At Hastings one.

Another at Chichester.

At Hampton two.

At Wareham two.

At Exeter two.

At Shaftesbury two.

Else, at the other burhs one.

Of shieldwrights.

16. Fourthly: that no shieldwright cover a shield with sheep's skin; and if he so do, let him pay thirty shillings.

17. Fifthly: that every man have to the plough two well-horsed men.

Of those who take meed-money of a thief.

18. Sixthly: if any one take meed-money of a thief, and suppress another's right, let him be liable in his wer.

Of horses.

19. Seventhly: that no man part with a horse over sea, unless he wish to give it.

Of a theowman who is guilty at the ordeal.

20. And we have ordained respecting a theowman: if he were guilty at the ordeal, that the ceapgeld should be paid; and that he be scourged thrice, or a second geld be given: and be the wite of half value for theows.

Of him who fails to attend the gemot.

21. If any one, when summoned fail to attend the gemot thrice; let him pay the king's oferhyrnes, and let it be announced seven days before the gemot is to be. But if he will not do right, nor pay the oferhyrnes; then let all the chief men belonging to the burh ride to him, and take all that he has, and put him in bohr. But if any one will not ride with his fellows, let him pay the king's oferhyrnes. And let it be announced at the gemot, that the frith be kept toward all that the king wills to be within the frith, and theft be foregone by his life and by all that he has. And he who for the wites not desist, then let all the chief men belonging to the burh ride to him, and take all that he has; and let the king take possession of half, of half the men who may be in the riding; and place him in borh. If he knows not who will be his borh, let them imprison him. If he will not suffer it, let him be killed, unless he escape. If any one will avenge him, or be at feud with any of them, then be he foe of the king, and to all his friends. If he escape, and any one harbour him, let him be liable to his wer; unless he shall dare to clear himself by the *flyma's-wer*, that he knew he was a flyma.

Of him who compounds for an ordeal.

22. If any one compound for an ordeal, let him compound for the ceapgeld, as he can, and not for the wite; unless he is willing to grant it to whom it may belong.

Of him who receives another man's man.

23. And let no man receive another man's man, without his leave whom he before followed. If any one so do; let him give up the man, and make bot the king's oferhynes. And let no one dismiss his accused man from him before he has done what is right.

Of him who gives wed for an ordeal.

24. If any one gives wed for an ordeal, then let him come three days before to the mass-priest who is to hallow it; and let him feed himself with bread and with water, and salt, and herbs, before he shall go to it; and let him attend mass each of the three days, and make an oblation, and go to the house on the day that he shall go to the ordeal: and then swear the oath that he is, according to the folkright, guiltless of the charge, before he goes to the ordeal. And if it be water, that he dive an ell and a half by the rope; if it be iron ordeal, let it be three days before the hand be undone. And let every man begin his charge with a fore-oath, as we before ordained: and be each of those fasting on either hand, who may be there together, by God's command and the archbishop's: and let there be on either side not more than twelve. If the accused man be with a larger company than some twelve, then be the ordeal void, unless they will go from him.

Of him who buys property.

25. And he who buys property with witnesses, and if after obliged to vouch it to warranty, then let him receive it from whom he before had bought it, whether he be free or bond, whichsoever he be. And let no marketing be on Sundays; but if any one do so, let him forfeit the goods, and pay thirty shillings as wite.

Of perjurers.

26. And he who shall swear a false oath, and it be made clear against him; that he never after be oath-worthy, nor let him lie within a hallowed burial-place, though he die, unless he have the testimony of the bishop in whose shrift-shire he may be, that he has made such bot as his confessor prescribed to him. And let his confessor announce to the bishop, within thirty days, whether he would turn to the bot. If he do not so, let him make bot in such wise as the bishop shall prescribe to him.

27. But if any one of my reeves will not do this, and care less about it than we have commanded; then let him pay my oferhynes, and I will find another who will. And let the bishop exact the oferhynes of the reeve for the first time five pounds; for the second time, his wer; for the third time, let him forfeit all that he has, and the friendship of us all. All this was established in the great synod at Greatanlea: in which was the archbishop Wulfhelm, with all the noblemen and witan whom King Aethelstan gather. . .

Doom concerning hot iron and water.

28. And concerning the ordeal we enjoin by command of God, and of the archbishop, and of all the bishops: that no man come within the church after the fire is borne in with which the ordeal shall be heated, except the mass-priest, and him who shall go thereto: and let there be measured nine feet from the stake to the mark, by the man's feet who goes thereto. But if it be water, let it be heated till it low to boiling. And be the kettle of iron or of brass, of lead or of clay. And if it be a single accusation, let the hand dive after the stone up to the wrist, and if it be threefold, up to the elbow. And when the ordeal is ready, then let two men go in of either side; and be they agreed that it is so hot as we before have said. And let go an equal number of men of either side, and stand on both sides of the ordeal, along the church; and let these all be fasting, and abstinent from their wives on that night; and let the mass-priest sprinkle holy water over them all, and let each of them taste of the holy water, and give them all the book and the image of Christ's rood to kiss: and let no man mend the fire any longer when the hallowing is begun; but let the iron lie upon the hot embers till the last collect: after that let it be laid upon the *stapela*; and let there be no other speaking within, except that they earnestly pray to Almighty God that he make manifest what is truest. And let him go thereto; and let his hand be enveloped, and be it postponed till after the third day, whether it be foul or clean within the envelope. And he who shall break this law, be the ordeal with respect to him void, and let him pay to the king 120 shillings as wite. *Walreaf* is the *nithing's* deed: if any one desire to deny it, let him do so with eight and forty full-born thanes.

The Laws of King Edmund I, 939-946 A.D.

King Edmund assembled a great synod at London, during the holy Easter tide, as well of ecclesiastical as of secular degree. There was Oda archbishop, and Wulfstan archbishop, and many other bishops, meditating concerning the condition of their souls, and of those who were subject to them.

Of the chastity of ecclesiastics.

1. This is the first: that those holy orders who have to teach God's people by their life's example, hold their chastity according to their degree, whichsoever it may be. If they do not so, then are they worthy of that which in the canon is ordained; that is, that they forfeit their worldly possessions and a consecrated burial-place, unless they make bot.

Of tithes and churchscots.

2. A tithe we enjoin to every Christian man by his Christendom and churchscot, and *Rome-feoh*, and plough-alms. And if any one will not do so, let him be excommunicated.

Of homicide.

3. If any one shed a Christian man's blood, let him not come into the king's presence, ere

he go to penance, as the bishop may teach him, and his confessor direct him.

Of nun's fornication and of adultery.

4. He who commits fornication with a nun, let him not be worthy of a consecrated burial place (unless he make bot), any more than a manslayer. We have ordained the same respecting adultery.

Of the repairing of churches.

5. We have also ordained: that every bishop repair the house of God in his own [district], and also remind the king that all God's churches be well conditioned as is very needful for us.

Of perjurers and lyblacs.

6. Those who swear falsely and work lyblac, let them be forever cast out of all communion with God, unless they turn to right repentance.

The Laws of King Edgar, 959-975 A.D.

This is the Ordinance how the Hundred shall be held.

1. That they meet always within four weeks: and that every man do justice to another.

2. That a thief shall be pursued..... If there be present need, let it be known to the hundred-man, and let him [make it known] to the tithing-men; and let all go forth to where God may direct them to go: let them do justice on the thief, as it was formerly the enactment of Edmund. And let the ceapgeld be paid to him who owns the cattle, and the rest be divided into two; half to the hundred, half to the lord, excepting men; and let the lord take possession of the men.

3. And the man who neglects this, and denies the doom of the hundred, and the same be afterwards proved against him; let him pay to the hundred thirty pence, and for the second time sixty pence; half to the hundred, half to the lord. If he do so a third time, let him pay half a pound: for the fourth time, let him forfeit all that he owns, and be an outlaw, unless the king allow him to remain in the country.

4. And we have ordained concerning unknown cattle; that no one should possess it without the testimonies of the men of the hundred, or of the tithing-man; and that he be a well trusty man: and, unless he have either of these, let no vouching to warranty be allowed him.

5. We have also ordained: if the hundred pursue a track into another hundred, that notice

be given to the hundred-man, and that he then go with them. If he neglect this, let him pay thirty shillings to the king.

6. If any one flinch from justice and escape, let him who held him to answer for the offense pay the *anylde*. And if any one accuse him of having sent him away, let him clear himself, as it is established in the country.

7. In the hundred, as in any other gemot, we ordain: that folkright be pronounced in every suit, and that a term be fixed when it shall be fulfilled. And he who shall break that term, unless it be by his lord's decree, let him make bot with thirty shillings, and, on the day fixed, fulfil that which he ought to have done before.

8. An ox's bell, and a dog's collar, and a blast-horn, either of these three shall be worth a shilling, and each is reckoned an informer.

9. Let the iron that is for the threefold ordeal weigh three pounds; and for the single, one pound.

Glossary I

The texts above contain a large number of unfamiliar Anglo-Saxon legal terms. Greg Rose [greg@bronze.lcs.mit.edu] provided further information on both the the manuscript history of the texts, and a glossary of the terms.

This glossary should be prefaced by noting that not all the definitions provided are uncontroversial, since a number of the issues underlying some of these terms are still very much a matter of scholarly debate (also, a number of the terms are combinations of modern English and Old English).

[Also see the more general list of [Medieval Terms](#) [At ORB] prepared by Prof. Arkenberg.]

| | |
|--------------------|--|
| <i>aetheling</i> | a king-worthy man of the extended royal family |
| <i>aewdas</i> | witness, usually by compurgation |
| <i>aldor</i> | elder, senior, lord (often in the form ealdor) |
| <i>ambihtsmith</i> | court smith, court carpenter, court handyman |
| <i>angylde</i> | compensation payment |
| <i>bell-house</i> | belfry |

| | |
|-----------------------|---|
| <i>birele</i> | cupbearer, steward |
| <i>boc-lands</i> | lands for which charters were held |
| <i>borh</i> | pledge, security, debt |
| <i>borhbryce</i> | breach of surety |
| <i>bot</i> | remedy, relief, compensation |
| <i>burh</i> | dwelling |
| <i>burh-bryce</i> | breach of a dwelling (i.e., "breaking and entering") |
| <i>burhgate-seat</i> | town or fortification gate |
| <i>canne</i> | cup |
| <i>ceapgeld</i> | market price, purchase price |
| <i>cear-wund</i> | badly (perhaps "mortally") wounded |
| <i>ceorl</i> | freeman (of the lowest class) |
| <i>ceorlish</i> | ceorl-like (note that "churlish" in modern English has a much more pejorative tone than ceorlisc) |
| <i>churchealdor</i> | Church-elder |
| <i>church-frith</i> | sanctuary, a special protection under ecclesiastical auspices |
| <i>church-grith</i> | sanctuary |
| <i>church-hlaford</i> | lord of a church |
| <i>churchscots</i> | church tax or payment |
| <i>churchsocns</i> | ecclesiastical jurisdiction, sanctuary |
| <i>cynebot</i> | royal compensation |
| <i>cynedom</i> | royal law, kingdom |

| | |
|---------------------|---|
| <i>cyreath</i> | oath of compurgation undertaken by accused and compurgators |
| <i>drihtinbeah</i> | payment to a lord in compensation for killing his freeman |
| <i>ealdorman</i> | noble ruler of a county (and that sweeps under the rug one of the most bitterly contested questions in AS history -- relative power of king and ealdorman.) |
| <i>edorbryce</i> | house-breaking |
| <i>eorl</i> | borrow-word from Old Norse jarl, often used in place of ealdorman in documents from Cnut's reign forward. |
| <i>eorl-right</i> | earl's right, right of an ealdorman |
| <i>esne</i> | slave, servant, retainer |
| <i>esne-workmen</i> | hirelings, mercenaries, day-laborers |
| <i>fahman</i> | foeman, usually the object of a blood-feud |
| <i>feahfang</i> | bribery (especially the act of taking a bribe) |
| <i>fedesl</i> | shouldn't this be "fedels" = feed, upkeep, fatted food animals? |
| <i>feorm</i> | provisions, foodstuffs, a grant of land in exchange for partial usufruct |
| <i>fioh</i> | cattle, chattel, money, riches, fee |
| <i>flet</i> | dwelling, hall |
| <i>flyma</i> | fugitive, outlaw, exile |
| <i>flyma's-wer</i> | legal value (wergeld) of an outlaw |
| <i>folc-land</i> | Eric John's work tries to clarify the meaning of this term, but I don't think anyone really knows precisely what it means |
| <i>folk-leasing</i> | shouldn't this be "folcleasung" = slander? |

| | |
|-----------------------|--|
| <i>folkmete</i> | folkmeet, meeting of a district (usually a hundred) for legal actions and to hear royal writs |
| <i>folkright</i> | common law, folk law |
| <i>forlongen</i> | ancient, long ago |
| <i>frith-gewritu</i> | peace agreement |
| <i>frum-gyld</i> | first installment of a payment |
| <i>fryth</i> | peace, restoration of rights, amnesty |
| <i>fyrð</i> | military expedition, royal levy (this is another complicated issue) |
| <i>gaengang</i> | return |
| <i>gafol</i> | tribute, tax, debt |
| <i>gemot</i> | meeting |
| <i>gemot-terms</i> | shouldn't this be "gemottermen" = term of the sitting of a district assembly or royal council meeting? |
| <i>gesithcund</i> | retainer-like, fit to be a thegn |
| <i>hand-grith</i> | security, surety given by the king's hand |
| <i>hand-haebbende</i> | a thief caught in the act (e.g., "red-handed"). |
| <i>heals-fang</i> | a fine, a preferential share of a wergeld |
| <i>hearm</i> | damage, injury, tort |
| <i>hloth</i> | troop, band, gang (e.g., of thieves or robbers) |
| <i>hloth-bot</i> | penalty for being a member of a band or gang |
| <i>hold</i> | faithful, loyal; holder of an allod |
| <i>hordere</i> | treasurer, steward, hoarder |
| <i>laadrinc</i> | shouldn't this be "ladrinc" = escort? |

| | |
|---------------------|---|
| <i>laeth</i> | landed property, a subdivision of the county |
| <i>lah-slit</i> | fine for breach of the law (used in Danelaw) |
| <i>leod</i> | man, people; wergeld for manslaughter |
| <i>leodgeld</i> | wergeld for manslaughter |
| <i>leud-gelds</i> | variant of leodgeld |
| <i>light-scot</i> | light tax (usually in support of lighting for a church or monastery) |
| <i>lybacs</i> | shouldn't this be "lyblac" = witchcraft, magic, sorcery or "lyblaeca" = sorcerer? |
| <i>lyswe</i> | corrupt, pustulent |
| <i>maeg-burg</i> | family, kinship group |
| <i>maegship</i> | kinship |
| <i>maerra</i> | is this "maerac" = boundary-oak, or "maere" = pure, sterling, well-known? |
| <i>manwyrth</i> | value or price of a man |
| <i>morgengyftt</i> | morning-gift |
| <i>morthdaed</i> | murder, mortal sin |
| <i>morth-worker</i> | shouldn't this be "morthweorc" = an act which causes death? |
| <i>mund</i> | protection, brideprice |
| <i>mundbyrd</i> | protection, patronage |
| <i>mynsterham</i> | monastery |
| <i>nithing</i> | coward, outlaw (severe term of opprobrium, often with overtones of sexual deviance) |
| <i>oferhynes</i> | disobedience (particularly disobedience of royal laws) |

| | |
|----------------------|--|
| <i>orwige</i> | corwardly, unwarlike, free of liability for homicide |
| <i>portreeve</i> | shouldn't this be "portgerefa" = port-reeve, mayor? |
| <i>riht hamscyld</i> | legal means of protecting one's home |
| <i>rimath</i> | oath of compurgation |
| <i>Rome-feoh</i> | Peter's pence |
| <i>Rom-feoh</i> | Peter's pence |
| <i>sac</i> | dispute, jurisdiction, right to empanel a court |
| <i>scaetts</i> | shouldn't this be "sceatt" = coin, money, twentieth part of a shilling |
| <i>sithcund</i> | fit to be a thegn |
| <i>six-hynde</i> | pertaining to the class the wergeld of which was 600 shillings |
| <i>socn</i> | inquiry, right to collect fines |
| <i>soulscots</i> | shouldn't this be "sawolscot" = soulscot, payment to the church for burial |
| <i>stapela</i> | stake, post |
| <i>stermelda</i> | complainant, informer |
| <i>thegn</i> | retainer, minister |
| <i>theoden</i> | chief, king, God |
| <i>theow-men</i> | servants |
| <i>theow-work</i> | slave-work, servant-work |
| <i>thrymsas</i> | tremise (equal to three denarii) |
| <i>tun</i> | farm, manor, dwelling, village |
| <i>twy-hynde</i> | having a wergeld of 200 shillings |

| | |
|----------------------|--|
| <i>ut-ware</i> | foreign defense, defense against outsiders |
| <i>walreaf</i> | the taking of spoils from the slain |
| <i>wed</i> | pledge, security, dowry |
| <i>wedbryce</i> | treachery |
| <i>wegreaf</i> | highway robbery |
| <i>wer</i> | man, money value of a man's life |
| <i>wer-borh</i> | pledge for the payment of wergeld |
| <i>wergeld</i> | money value of a man's life |
| <i>wic-reeve</i> | reeve of a wic (village, town), bailiff, tax-collector |
| <i>witan</i> | royal council |
| <i>wite</i> | punishment, penalty, contribution to the king |
| <i>wither-tihhle</i> | counter-charge |

Manuscript History of the Texts

[The following note is by Greg Rose. It begins by address the relationship of the "North People's Law", the "Mercian Law", and the "Laws of Alfred, Guthrum and Edward the Elder", a relationship not entirely clear in the printed edition used for this etext.]

The manuscript history of these legal texts about which is complicated, and I am not entirely certain whether you mean the *Northhymbra preosta lagu* or the *Northleoda laga*.

The *Laws of Alfred and Ine* (ff. 9-32), the *Mirca laga* (ff. 38v-39v), and the *Northleoda laga* (ff. 93v-94) are found in the Textus Roffensis (s.xii1). Alfred-Ine is also found in Cambridge, CCC 173, ff. 33-52v (the Parker Chronicle, s.x - s.xi), Cambridge, CCC 383, pp. 13-42 (s. xi/xii -- which also contains Alfred & Guthrum, Edward and Guthrum, and many other legal texts), and BL, Cotton Nero A.i, ff. 45-48 and 51-57v (s. xi med. -- contains many other legal texts as well), BL, Add. 43703, ff. 236v-255 (copied by Nowell -- original ms. BL, Cotton Otho B.xi was severely damaged in the 1731 fire).

The *Mirca laga* is extant in Cambridge, CCC 190, pp. 418-420 (s. xi1) and Cambridge, CCCC 201, pp. 102-103 (s. xi med.), and the Textus Roffensis. The *Northhymbra preosta lagu* is found in Cambridge, CCC 201, pp. 43-46 and Brussels, Bibliotheque Royale 8558-63 (2498), f. 140r (s. xii in.) The *Northleoda laga* is extant in Cambridge, CCC 201, p. 102.

The collection of the *Laws of Alfred and Ine* (which is itself a composite text), the *Mirca laga*, and the *Northleoda laga* in the Textus Roffensis is an editorial decision by a twelfth-century compiler. There are good reasons for believing that these law codes were originally separate texts (as was the *Northhymbra preosta laga*).

Glossary II: Anglo-Saxon Laws and Customs: Vocabulary From Thatcher edition

(Oliver J. Thatcher, ed., *The Library of Original Sources* (Milwaukee: University Research Extension Co., 1907), Vol. IV: *The Early Medieval World*, pp. 209-211)

After-geld: after-payment.

Aewda: oath-giver, compurgator.

Aldor: cf. ealdor.

Ambiht-smith: smith or carpenter.

Angylde: price fixed by law.

Ath: oath;

Fore-ath., preliminary oath;

Rim-ath: oath by accused and compurgators together.

Birele: cup-bearer.

Blot: sacrifice or offering to idols.

Boc-land: land held by charter.

Bold-gaetal: lord's estate (?).

Borh: surety;

Borhbryce: breach of surety.

Bot: compensation.

Bryce: breach, violation.

Brygc, bryc, bric: bridge.

Burh: castle or dwelling.

Bythfytling: fillings of the butts (meaning uncertain).

Can, canne: clearance, averment.

Ceap: bargain.

Ceapgeld: sale's price.

Ceorl: churl, simple freeman.

Cyne: kin.

Cynebot, cynegeld: part of the fine for killing the king which went to the folk as

compensation.

Drihtinbeah: lord-ring, lord's compensation.

Drinclean: payment due from tenant to lord for ale.

Ealdor, ealdorman: chief, governor of a province.

Edor: homestead, farmhouse.

Eorl: noble, nobleman.

Esne: serf. cf. *theow*.

Faethth: feud.

Fah: foe.

Fare: go.

Feaxfang: seizing by the hair.

Feoh, fioh: money, payment.

Feorm, firma, farm: rent in kind paid by tenants.

Flet: house, home.

Flyma: runaway, fugitive.

Flymanfyrnth: harboring a fugitive.

Folcland: common land, held by the folk or nation.

Foresteal: an assault.

Forespeca, forspreca: advocate.

Fosterlean: remuneration for rearing a child.

Frith: peace.

Frumgeld: first payment of *wer*.

Frumtyhtle: first accusation.

Ful: unconsecrated ground.

Fyrd: army, general levy.

Gaenggang: pregnant (?)

Gafol: rent.

Gafolland: rent-land.

Gemot: meeting, court.

Geneat: a servile tenant.

Gild, guild: club.

Grith: peace, protection.

Hadbot: compensation for injury, to a person in holy orders.

Hamscyld: shoulder-blade (?).

Healsfang: pillory.

Hearm: hue and cry

Heorthfaest: having a fixed dwelling.

Hion: membrane, covering.

Hlafaeta: loaf-eater, servant.

Hlaford: loaf-giver, lord.

Hlafordesgifu: gift to lord, a form of rent.

Hloth: a following, any number of men from eight to thirty-five.

Hold: lord, noble.

Homola: one whose head has been shaved (?) *Hordere*: treasurer.

Hynden: an association of ten men (?).

Inborh: security, pledge.

Inland: demesne land, lord's land.
Laadring: guide, avant-courier.
Lad: purgation, exculpation; also, a form of service consisting in supplying the lord with beasts of burden.
Laet: half-free, a class between slaves and freemen.
Lahslit: fine for offences committed by Danes, corresponding to Anglo-Saxon *wite*.
Landrica, Landhlaford: lord of the soil, landlord.
Landceap, landcop: purchase of land.
Leod: man, people.
Leodgeld, leudgeld, wergeld: fine paid for killing a man.
Liblac, lyblac: witchcraft.
Lyswe, leaswe: injury of some kin (uncertain).
Maegburh: kindred, kin.
Maegbot: compensation paid to family.
Maerra, maere peningas: (money of some kind).
Mancus: thirty pennies.
Manung: district over which reeve has jurisdiction.
Manwyrth, wergeld: cf. Leodgeld.
Methel: council, meeting.
Morgengifu: morning-gift, gift from husband to wife on the morning after marriage.
Morth: murder.
Mund, mundbyrd: protection, guardianship. *Mynster, minster*: monastery.
Mynsterham: dwelling house of monastery (?).
Oferhynes: contempt; disobedience; also, penalty attached thereto.
Ora: sixteen pennies.
Orwige: outlawed.
Reaflac: robbery.
Reeve, gerefa: official, especially sheriff.
Romfeoh: Peter's Pence.
Sac: right of a lord to private jurisdiction.
Sceat, scaet: four sceats equal one penny
Scip: ship.
Sithcund, gesithcund: belonging to king's followers.
Socn: sanctuary, right of protection.
Stauela: settle, bench.
Stermelda: court officer (uncertain).
Syxhyndeman: one whose wergeld is 600 shillings.
Thegn: knight, nobleman.
Theow: slave.
Thrymsas: three pennies of Mercian money.
Tihtbysig: of bad repute.
Tihtle: accusation.
Furmtihtle: first accusation.
Withertihtle: cross-action.
Tun: villa, dwelling, town.
Twelfhyndeman: one whose wergeld is 1200 shillings.
Twyhyndeman: one whose wergeld is 200 shillings (lowest class of freeman).

Utware: (uncertain, perhaps a form of tenure)

Walreaf: despoiling the dead.

Wealh, wylisc: British, Welsh.

Wed: pledge, security.

Wer, wergild: cf. leodgeld.

Wic: town.

Wita: member of supreme council.

Wite: fine.

Source:

From: Oliver J. Thatcher, ed., *The Library of Original Sources* (Milwaukee: University Research Extension Co., 1901), Vol. IV: *The Early Medieval World*, pp. 211-239.

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[Principal abbreviations used](#)
[Primary sources: manuscripts](#)
[Primary sources: printed](#)
[Secondary sources](#)



NOTES for:

**[Introduction](#) | [Structure of Borough Government](#) | [Social and Economic Background of Office-Holders](#)
[Monopolisation of Office](#) | [Attitudes Towards Office-holding](#) | [Professionalism in Administration](#)
[Quality of Government](#) | [Conflict and Solidarity in Urban Politics](#) | [Conclusion](#)**

Thieves arrested (upon the complaint of a party) in the city in possession of stolen goods may be judged in city court, before coroners and bailiffs. The same applies even if the theft was committed outside the city, so long as a complainant subsequently comes forward. If there is no complainant, the city is not to try the thieves, but is to hold them in prison until the justices of gaol delivery come to try these cases in the city court. The bailiffs are not to instigate a false complaint in such a case. If the harbourer of such a thief can be found in the city, and the thief is convicted and it is determined that the harbourer was aware of the thief's crime, the harbourer can also be judged by the city court.

[Hudson speculated that the concern with ensuring there was a complainant prepared to prosecute a suit against a felon may have been prompted by a case in 1285, when the leet jury accused Walter Eghe of being a thief, and he was subsequently brought into city court and convicted through an [inquest](#), although there was no individual prosecuting a complaint against him. He was then hung but, still alive when taken off the gallows, fled to sanctuary and successfully petitioned the king for a pardon. The king demanded to know by what authority the city court had tried the case without a complainant or without Walter having been arrested in possession of stolen goods. A satisfactory answer apparently not being forthcoming, the king withdrew the city liberties, obliging the citizens to buy them back through a new royal charter. Hudson further notes that the king's Justices were, in 1326, required to hold their sessions only in the county court, suggesting that this chapter was drafted before that date.]



History of medieval Ipswich



[MAIN MENU]

[Origins and early growth](#) | **DEVELOPMENT OF LOCAL GOVERNMENT**

[Buildings and fortifications](#) | [Economy](#) | [Information sources](#)

[Map of Ipswich at the close of the Middle Ages](#)

[Ipswich bailiffs, coroners, chamberlains, and treasurers](#)

[Appendix 1: Account of the setting up of self-government in A.D. 1200](#)

[Appendix 2: Calendar of usages and customs of Ipswich](#)

[Appendix 3: Oaths of officers and burgesses](#)

[Appendix 4: Account of revenues and expenditures, 1446/47](#)

Development of local government

Although not a town of the first rank in terms of size, population and wealth, it was the chief town of Suffolk and the seat of the shire court; a county gaol was built there in 1220. It also had a role (if not so important as that of [Yarmouth](#)) in providing ships and sailors for royal service and for defense of the east coast, on one occasion describing itself, as Yarmouth did, as a "frontier town". At the time of [Domesday](#), the borough was being [farmed](#) by the sheriff of Suffolk, Roger Bigod, and Ipswich was later used as a base for Hugh Bigod when he supported the sons of Henry II in their rebellion. By 1194 the townsmen had taken responsibility for the farm and a couple of years later were negotiating with Richard I for a charter of self-government; but this was not to be obtained until the beginning of the reign of his successor.

Unlike [Lynn](#) or [Maldon](#), Ipswich had no powerful overlords with whom the townsmen had to struggle to win freedoms, except for the king, who was usually persuadable when it was to his financial advantage. Nor, unlike [Yarmouth](#) or [Norwich](#), did it have commercial rivals who seriously jeopardized its local control of trade. The Priory of neighbouring Woodbridge held a weekly market there, but the townsmen opposed this in 1233, and legal action led to a compromise whereby the town was allowed half of the trading tolls collected at the market,

and burgesses were allowed to trade in the Woodbridge market without paying tolls themselves; by the fifteenth century Ipswich had farmed its half of the tolls to the Prior.

More intractable was the threat to Ipswich's commerce from Harwich, situated at the very mouth of the Orwell. In the 1270s Harwich was receiving assistance from the earl of Norfolk (its lord), who had blocked the river with a weir, in order to divert to Harwich ships bound for Ipswich. In 1340 an inquisition concluded that the port of Orwell and the estuary leading to Ipswich were within the (admiralty) jurisdiction of Ipswich, and that it was the Ipswich authorities – not those of Harwich – who could collect tolls at Orwell port. In 1378-79, Ipswich and Harwich were again in contest, over a location in Orwell Haven called Polles Head, which an inquisition decided should be considered part of the port of Ipswich. There were other clashes with rival jurisdictions – notably in regard to the hamlets within the half-hundred, whose right to leet jurisdiction in particular was challenged by Ipswich – but they were relatively few and minor.

Ipswich is best known for the detailed account which has survived of the setting up of local self-government in 1200. In this we see the delegation of power from the community, through a meeting which appears like the ancient folk moot, to its elected representatives; the location where the community gathered was at St. Mary Tower, an important church and possibly a traditional meeting-place of the folk moot.

The king was the sole lord of Ipswich and self-government was premised on his charter dated May 25, 1200, which gave the townsmen control over collection and payment to the Exchequer of Ipswich's fee farm of £40, along with the broad grant of all liberties and customs that the king's "free boroughs" in England had (excepting only those particular to London). A number of specific rights were spelled out, including:

- the right of a town court to hear most cases to which townsmen were party, including pleas of related to debts, mortgages and real estate;
- quittance from having to pay tolls on merchandise taken anywhere in the realm (with the heavy fine of £10 on anyone exacting tolls from Ipswich men);
- the right to have a Merchant Guild;
- the right to "elect, by decision of the community of the town, two of those townsmen who are law-abiding and of sound judgement" as bailiffs; those elected were to be presented to the Chief Justice at Westminster, for royal approval, and could not be removed from office if they performed their duties well, except by a common decision of the burgesses;
- the right to elect four coroners to deal with crown pleas outside the jurisdiction of the borough court, as well as to ensure that the bailiffs dealt impartial justice to poor and rich alike.

Just over a month later, on June 29, an assembly of the whole community was held in the churchyard of St. Mary Tower to elect the bailiffs and coroners, according the terms of the charter; elected by unanimous agreement of the community (or so it was claimed), the new

officers took oaths of office which included the reference to equal justice to all. At the same meeting, it was decided also to elect a town council, justifying this (by implicit reference to the charter terms) on the grounds that such was the case in other free boroughs. So on July 2 the community reconvened and by a method of indirect election – the bailiffs and coroners, with community agreement, choosing 4 reputable men from each parish to make the election – a council of 12 "Capital Portmen" (a title which is again heard of in 1255), meaning head townsmen, was chosen from the more capable townsmen. The portmen were sworn to guard and govern the borough well, protect its liberties, and render judgements in court with equal justice to rich and poor. The community then took oath to obey and support the town's officers, and to respect and maintain the town liberties. The royal charter was then delivered to the custody of two of the portmen.

The first meeting of the new town government took place on July 13, when bailiffs, coroners and portmen made a series of decisions on the fundamentals of administration:

- that the customary dues which went towards paying the fee farm should be collected, and accounted for at the Exchequer, by the bailiffs and 4 assistants;
- that two beadles be appointed to carry out commands of the bailiffs, and to make attachments and distrains, with one of them also serving as gaoler;
- that a seal be made for application to official documents drawn up in community business and given to the safekeeping of 3 or 4 trustworthy burgesses;
- that the community should elect a suitable person as alderman of the Merchant Guild, who would have 4 other burgesses as his assistants;
- that the grant of freedom from tolls (i.e. membership in the privileged community) would apply only to those residents who were at "lot and scot"; and
- that the royal charter would be sent to the shire courts of Norfolk and Suffolk, to be read in public.

These ordinances were read out before the community at a further churchyard meeting in September and received community assent. At the same meeting new ballival elections were held (September being a common month for towns to hold elections) and the incumbents were re-elected; beadles and the collectors of tolls were also elected.

At the next community assembly in October, the bailiffs displayed the newly-made common seal; 3 men were elected as custodians of the seal and the king's charter, and sworn to ensure the seal was used only for the benefit of the community. Officials of the Merchant Guild were also chosen and sworn to be responsible for the gild and its possessions, and to treat all gild brothers fairly; they in turn instructed all burgesses to become members of the gild { which involved a membership fee). A discussion followed on how the operations of the gild were to be financed, and it was decided that the alderman would have a monopoly on the sale of certain types of stone and marble, with bailiffs and coroners auditing the annual accounts of such sales, and that no townsman should buy the specified stone from any other source. Similar provision was made for compensating the portmen for their labour on behalf of the town: they were given exclusive rights of grazing their horses in Oldenholm meadow; at

some later point in the century, provision was made for tolls on certain produce to be put towards [financial compensation for the bailiffs](#). Finally, it was decided at the meeting that all of the local customs by which legal matters were ruled should be set down in a roll to be called "le Domesday" (hearking back to an Anglo-Saxon term – dooms – meaning "judgements"); the bailiffs were to have custody of this roll, as a reference tool, just as the gild alderman would have keeping of a record of the ordinances governing the gild.

Later that month, an inquisition was held to determine what status, within the free borough, should be held by certain religious dignitaries who had lands and tenants in the town. It was decided that the tenants should be subject to tolls on goods, except for those grown on their own lands or bought for their own use. Beginning in November the status of [foreign burgess](#) was granted to various lords who wished to acquire exemption from toll, for themselves and their villeins, on products grown on their estates and on goods bought for personal use. Appropriately, the earl of Norfolk, Roger Bigod, was the first. In return the lords made an in-kind contribution to the Merchant Guild, guaranteed a yearly payment towards the fee farm, and promised to respect and uphold the liberties of the town. In later years we find cases of lords desiring only exemption from toll on their grain, and paying a few pence and one or two bushels of corn; this was more of a licensing situation, and it was specifically stated in 1256 that such men were not to be at scot and lot with the burgesses. In the same year the Priors of Holy Trinity and of St. Peter's, Ipswich, acquired the wider exemption privileges by larger money contributions towards the farm, in-kind contributions to the Guild, and a promise to be at scot and lot "as if an intrinsic burgess" (we find later Priors still doing the same in 1446).

These variations in status seem to have caused confusion and descendants of some foreign burgesses claimed to continue the exemption without obligation towards the fee farm. Consequently, the borough authorities ordained in 1274 that foreign burgess status could only be held for life and for a donation towards the fee farm; the two different levels were reiterated: exemption from all tolls, which required the party to be at scot and lot, or exemption only on produce grown on the party's lands and on goods bought for personal use. The borough continued this system throughout the medieval period: Sir Roger Chamberleyn, a holder of local manors, acquired exemption on the latter terms in 1454; although he took an oath to be at scot and lot and maintain all franchises of the town, this appears to be prompted by the fact that rents were due the borough from some of his properties (presumably within the liberties).

As indicated, the basic qualification for an intrinsic burgess, or freeman, was to be at scot and lot. In 1328 it was added that entrants to the [franchise](#) should, within a year and a day of being made a burgess, have a house within the town or else be disfranchised. The reason for this further specification (which may simply have been taken for granted earlier) was so that the freeman was clearly a resident and had a location at which he could be summoned, or by which he could be [distrained](#), to answer to justice.

As was often the case with royal charters, some of what was granted was merely an official recognition of the *status quo*. This was the case with the Ipswich community having

responsibility for its own fee farm and may have been the case with it having elected officers to deal with the duties involved in collecting the various dues that went towards paying the farm. Nor is it implausible that the council of portmen was foreshadowed by a less formal association of leading townsmen (perhaps a Merchant Guild), who were behind the movement to acquire self-government – certainly there were representatives of the town negotiating with the king prior to 1200 for the acquisition of liberties. The men chosen to office in 1200 were undoubtedly from the upper ranks of town society – none more so than the first bailiffs, two brothers. Nonetheless, the charter made it desirable to have some standardized method of dealing with governmental matters.

We see in the narrative of the events of 1200 not only the logical stages for creating the mechanisms of urban self-government, but also some of the political theory underlying the same: the emphasis on unity within the community and loyalty to the borough, the need to define just who had a share in the rights and privileges granted by the king, delegation of power to representatives, and the reciprocal obligations between rulers and ruled, guaranteed through the swearing of oaths. At the same time we see the reality of borough government, which is the dominance of decision-making by the most prominent townsmen.

Although historians are inclined to skepticism about the degree of public unanimity claimed by the chronicle, the euphoria surrounding the first steps towards self-determination give this a certain plausibility. That matters may not have been to everyone's liking, however, is suggested by the case of Elias de Gippewyc, who had served as a reeve of the town at some time before 1200 and yet is absent from that group who took the reins of the new administration. In 1212 Elias complained to the king that the borough authorities had relocated the fish-market from its traditional site (the quayside?), resulting in a loss of revenue from it; this forced the authorities to justify their action. In 1206 another complaint (source unknown) had prompted the king to investigate the authorities' building of a dam. A conspiracy was hatched among some of the townsmen in 1213 to murder Elias; after his death the bailiffs claimed the right to deal with the case in the town court, but Elias' widow did not find there the justice she wanted and had to complain to the king. There is some evidence that the first bailiffs were young blood. Perhaps there were conservative and progressive elements active in town politics.

Although the chronicle of 1200 suggests that a popular assembly was the key vehicle for local government, this reflects the ancient institution of the folkmoot; although St. Mary's churchyard may have been the usual meeting-place of the community at that time, references to a part of the town called Thingstead ("place of the folk") may indicate an even older location of the folkmoot, possibly even before Ipswich ranked as a town. After 1200, however, it was instead the borough court that was the focal point of community administration. The Portmanmoot, as it was known, held major sessions (Great Courts) every second Thursday to hear pleas of the crown, pleas initiated by royal writ, and pleas relating to burgage tenements. Other pleas – personal actions – were heard twice a week by sessions known (eventually) as Petty Courts; during the course of the thirteenth century, the volume of court cases increased to the point where the two types of courts had separate records kept for them. By mid-fourteenth century, another specialized court emerged to hear,

and record, [public acknowledgements of property transfers](#), known as recognizances, including those made through testaments. From the 1430s we hear of the General Court, a facet of the portmanmoot that dealt with business we today would consider administrative rather than judicial.

The authenticity of the unique account of 1200 is not beyond question, since it is known only from a copy drawn up in circumstances from which it could be hypothesised that the narrative was reshaped to justify the constitutional situation of that later time rather than ninety years earlier. In 1272 the town clerk, avoiding imminent charges for dereliction of duty, made off with the original Domesday and other borough records. In 1285 the king punished the town for some (unknown) communal crime by suspending its chartered liberties and subjecting it to the government of a warden; this lasted until June 1291. Following restitution of self-government, it was decided necessary to reconstitute a definitive – i.e. written – version of the borough customs. At the same period we see a clique of leading townsmen starting to try to [monopolize government](#) for self-gain. Despite these factors, which could have influenced the wording of the custumal and the account of the proceedings in 1200, the broad terms of the account seem plausible and the names of the officers elected were certainly genuine leading townsmen of the early thirteenth century.

It is likely that the original account was written as an introduction or appendix to the [custumal](#) in the Domesday and also to the list of gild ordinances (probably untouched by the town clerk's theft). Six medieval editions and one Tudor copy of the custumal have survived and they incorporate not only the reconstruction from memory of the original list of borough customs, but also later information, copied from various borough records, of concern to the integrity and protection of the borough liberties. This included lists of tolls leviable on different [types of merchandise](#), definition of the boundaries of the leets into which Ipswich was divided, lists of outsiders given burgess status, and later [additions to the local by-laws](#) (of which the customs were the foundation).

A little over a century after the weeks, full of enthusiastic vigour and common purpose, during which mechanisms of self-government were first set in motion at Ipswich, we are given our next detailed look into the halls of government and the scene is a less happy one. Most of the families who had led Ipswich into that degree of independence it might acquire in a country where power was relatively centralized had been eclipsed by newcomers with a different agenda. An attempt – for some years successful – by a group of prominent townsmen to [monopolize key offices](#) and, possibly, to use those offices for personal gain, resulted in popular revolt whose leaders managed to gain enough control in the town to issue, on 12 December 1320, a set of reforming ordinances which reflect the complaints against the ruling clique. Although the 1200 proceedings have received far more attention, the 1320 reforms – by showing how the initial provisions for local government had run into problems – are almost equally important.

The document began by emphasizing one of the terms of the royal charter acquired in 1317, prohibiting the all too common offence of [forestalling](#) or any trading outside of the public marketplace; the same charter had, perhaps ominously, eliminated the obligation to seek

royal approval of newly-elected bailiffs and had reduced the number of coroners to two. The document went on to observe that it was a common right, by reason of the franchise, that every burgess paying scot and lot and contributing to aids of the town had equal entitlement to a share in any merchandise being sold in the town (a principle that forestalling undermined). However, certain burgesses had contravened this, particularly by becoming hosts of outsider merchants and selling their goods for them in private places, sometimes even without consent of the visiting merchants, and claiming a quarter of the merchandise as their hostage fee – which happened to be a custom of the town (unless an introduction into the custumal by the ruling clique, whose leading members had three decades earlier been involved in the reconstruction of the custumal). Consequently, the following ordinances (which went far beyond correction of the problem identified in the preamble) were enacted:

- Goods brought by outsider merchants were to be sold only in official marketplaces, without any interference from hosts or forestallers. Taking a quarter of the merchandise as hostage was prohibited. Every lot-and-scot burgess present, in person or by servant, at a sale could claim a share therein, on condition he had the means to pay (or find sureties for payment). Anyone subverting this principle was to be disfranchised.
- In order to protect outsider merchants, contracts of sales were to be confirmed by buyer and seller in front of the bailiffs, if the seller so desired, with the terms of the contract, due date of payment, and names of the buyer's sureties being registered in town records. If a buyer failed to pay, the bailiffs were to seize some of his, or his sureties', possessions and from those promptly satisfy the merchant for the sale price. Anyone delaying this process (the finger here perhaps pointing at the bailiffs) was to be disfranchised.
- Anyone convicted of forestalling was to lose the merchandise he had forestalled and be disfranchised.
- Hosts were forbidden from trying to exert pressure on visiting merchants (by, for example, acting as their sureties), just before their departure, so that the merchants would feel obliged to buy provisions or hire carts for the next stage of their journey from the hosts or their associates.
- There was no fixed date for the annual election of bailiffs, with the result that on several occasions certain burgesses had by "lordly usurpation and private coven" elected bailiffs at will, without community consent, and that the "usurping" bailiffs had then caused grief to the community through taxations and amercements, retaining these levies to their personal use, to the impoverishment of the community. To prevent such usurpation, or the maintenance of usurpers in power by others, and to impose controls over the powers and perks of ballival office, it was ordained that bailiffs could be elected only by common assent and that elections would take place each September 8th,

so that everyone would know when to be present. The exception being if the community chose to remove bailiffs from office prior to that date. Bailiffs were to have an annual salary of £5 each, a fee of 6d. for each application of the common seal, and the proceeds from local tolls collected on herring, other fish, onions, oil and broom. They were not to assess any court fine except in the presence of the chamberlains and two other townsmen sworn to that task, nor to impose any financial charges on anyone without view of the chamberlains.

- Two chamberlains were to be elected, by common assent, each September 8th (this apparently being the first introduction of these officers into Ipswich's government). Their duties were to receive all town revenues, and to manage these monies so that the fee farm, salaries of town officers, perquisites of the bailiffs (due from estreats), and other borough expenses could be paid, without resorting to tallage or extortion. The chamberlains were to present their annual accounts at the end of their term of office, before the community in full session of tolhouse (another name for the moot hall).
- The chamberlains were also to keep a duplicate record, or counter-roll (from which the modern term "control"), of all pleas relating to burgage tenements, acknowledgements of debt, and probate of testaments (the reference probably being to the recognizance rolls).
- The chamberlains were to receive 20s. annual salary. The incumbents of the office were to be changed, by election, each year.
- Because the common seal had previously been improperly guarded, and used without community consent, four clavigers were to be elected annually to have keeping of the four keys of the common chest, in which the seal and the town treasury were stored. On election day, these keys were to be surrendered to the community, who would deliver them back to the same men or to others chosen to the office, according to the pleasure of the community. No document was to have the common seal affixed to it without common assent, and any sealings were to take place in open session of the tolhouse.
- On election day one man was to be chosen by common assent to be the town clerk and was to have an annual salary of 40s. (to be paid by the chamberlains) as well as customary fees (for individual clerical services to burgesses).
- Two men were to be elected as sub-bailiffs, with each receiving annually a robe (i.e. livery) and 6s.8d for shoes.
- One of the sub-bailiffs was to be selected by the community as gaoler, with an annual salary of 13s.4d plus customary fees; the gaoler was to find manucaptors against mishaps relating to his responsibilities. (The similarity of this clause to that in the account of 1200 is notable, but is probably no more than a

reaffirmation of the provision made at that time).

- The chamberlains were to have custody of all goods found in the possession of thieves when arrested, until their guilt or innocence was determined. If they were holding such goods at the end of their year of office, they were to turn them over to their replacements.
- Because bailiffs had previously allowed whomsoever they wished to become burgesses, without common assent, and had divided the entrance fees among themselves and others, instead of putting it towards town revenues, the making of burgesses was henceforth restricted to Great Court sessions next following Michaelmas, Christmas, Easter and the Nativity of St. John the Baptist, and even then was subject to community approval. Entrance fees were to be put towards the common profit and accounted for by the chamberlains.
- Application of the common seal, which ought to be the right of every burgess, rich or poor, had been denied in the past to those not willing to pay dearly for it. It was henceforth to be available to all, without the payment of any "gift".

In the short term the reform initiative led to further power struggles and the deposition of the bailiffs of that year; the repercussions of political hostilities lasted for years and culminated in another seizure of the borough liberties back into the king's hand in 1344. The reforms themselves had relatively little long-term effect, however. The office of chamberlain, upon which so much rested, does not seem to have survived for more than a few years (a counter-roll exists from 1324/25), although it had been revived by the 1380s as evidenced by the contra-rotation function specified in the ordinances of 1320. It was perhaps enough to have displaced one apparently corrupt set of politicians, even at the risk of introducing a new set hardly any better. There is little sign of further political conflict in Ipswich during the remainder of the Middle Ages, except for minor matters, although a further set of ordinances in 1361 again had to forbid that new burgesses be made without the consent of the greater part of the community and to prohibit the bailiffs from taking the entrance fees, the preference being to apply the money to repairs to the "hall of pleas" called the Tolhouse.

The financial difficulties – particularly the burdensome fee farm – in which the borough found itself in the fifteenth century (apparent in 1446/47) were used as the rationale to secure from Henry VI additional powers for the borough in 1446. This charter granted incorporation, with the right to a seal (which, as we have seen, had been used since 1200) and to acquire lands and rents (similarly well evidenced before 1446). The bailiffs and four capital burgesses (i.e. portmen) were to have powers of Justices of the Peace and hear cases that would earlier have been dealt with by external Justices; the fines levied in such cases were to be put towards the fee farm. This was followed up with a local ordinance in 1447 stating that members of the community could use force to intervene in any violent assault and that anyone breaking the peace with such violence was to be disfranchised. The charter also granted one bailiff the powers of king's escheator, with any fines or revenues from escheated goods going towards the farm. It was around this time that Ipswich's government

was expanded by the creation of a [Common Council](#). Edward IV confirmed the 1446 charter in 1463, again referring to the borough's "impoverishment", and redefined the borough's incorporation in more definite terms. By this point local government had the basic shape which was to characterize it for the next few centuries.



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Norwich customs

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CAP. 13
[Plea by writ of entry or trespass](#)

"Laws and Customs used and upheld in the city of Norwich since ancient times"

From the *Book of Pleas* folios 89 to 97v.

Note that only the titles of chapters 52-54 were entered into the book and certainly represent later additions – otherwise two of them would have been among the early section of the customal, dealing with legal procedures. Quite probably a greater number of the later chapters also represent additions subsequent to the original compilation.

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CUSTOMAL: CAPITULUM 1

In cases of homicide, housebreaking, or other felony within the boundaries of the city, if the criminal can be found within those boundaries he is to be kept in prison without [bail](#) until he can be brought to judgement.

CUSTOMAL: CAPITULUM 2

If a murder is committed in the city, its suburbs or on its river, "englishry" cannot be claimed because the king's charter has exempted the city from "murdrum".

[The royal charter of 1194, in a single clause, exempted the citizens from murdrum and trial by combat. The Norman Conquest had introduced into England new judicial procedures different from, if not at odds with, Anglo-Saxon customs; trial by combat was one such, and not appropriate to non-militarized borough society – towns preferred to resolve cases [through the taking of oaths](#). Similarly, murdrum was a Norman introduction prompted by reprisal killings of Normans by English in the years following the Conquest; this law required that if the killer could not be identified, the [hundred](#) in which the corpse was found had to pay a substantial murder-fine. Hundreds sought to evade the fine by proving "englishry", i.e. that the murdered person was English, not Norman. By the close of the twelfth century, Normans and English were intermarrying and a once [bicultural society](#) was beginning to find it hard to demonstrate "englishry" and murdrum was becoming increasingly applied to any unsolved homicide (whether murder or accidental death). Consequently, this was one of the onerous burdens of which boroughs might seek to rid themselves via their charters of liberties. Not until 1340 were englishry and murdrum abolished throughout the country.]

CUSTOMAL: CAPITULUM 3

Accusations of felony are to be made in the county court.

[Hudson notes that this referred to an accusation brought by a private individual. It presumably did not apply in cases such as where an individual was caught in a felonious deed red-handed, or following hue-and-cry, or later in possession of stolen goods (see Cap.4), or was accused by a public entity such as the [leet jury](#). The county court was held in the Shirehouse, which was within Norwich castle fee.]

CUSTOMAL: CAPITULUM 5

When hue-and-cry is raised in the city (day or night) for any felony, a complaint about the crime is to be lodged immediately by men who are subjects of the king, until the person pursued is captured or offers an attachment for answering the charge in court.

[The purpose here seems to be to close a loophole in relation to the problem addressed in Cap.4. Hue-and-cry was the act of an individual in alerting the neighbourhood to the very recent commission of a crime, sometimes also entailing raising public support for pursuit or arrest of a criminal.]

CUSTOMAL: CAPITULUM 6

In the case of felons who flee to a city church, to remain there until they abjure the realm, any chattels they have at the time of abjuration are to be appraised to the use of the king, and delivered by the coroner to citizens who shall be answerable for them to the itinerant Justices. If the abjuring fugitive has real estate in the city, held of a citizen to whom the property will escheat, its value for a year is to be appraised to the use of the king, and it is to be delivered to the citizen of whom the felon held it, to be answerable for it to the itinerant Justices. The same is to be done regarding property, goods and chattels of fugitives [who do not take sanctuary?] and those who are justly outlawed.

[Someone accused of a crime, whether guilty and wishing to evade punishment or innocent and wishing to escape a lynch mob, might receive temporary sanctuary in a church. This fugitive, if he did not try to escape from the church, around which the community was obliged to place a guard, could either surrender to justice or take an oath to leave the country. In the latter case, all his moveable goods were forfeit to the king; the king also had the use of the felon's real estate for a year and a day (with the right to commit waste there – i.e. run it down as much as he wished) after which possession reverted to its "lord".]

CUSTOMAL: CAPITULUM 7

If an outlaw or someone who has abjured the realm returns to the city without the king's permission, and does not surrender himself, he is to be pursued with hue-and-cry and can be subject to immediate judgement, without the need to detain him [until gaol delivery]. If such a one is arrested and imprisoned, without it being realized at first that he is a fugitive, the gaoler is to ensure he is kept securely under guard until the delivery of the gaol.

[The local gaols were periodically "delivered" of their prisoners to itinerant royal justices who tried cases outside the jurisdiction of borough authorities. Outlaws (or abjurers, after the period assigned them to quit the kingdom) could be killed by anyone who captured them, because they were outside the protection of the law until they obtained the king's pardon for their crimes.]

CUSTOMAL: CAPITULUM 8

Outsiders who come to the city and act in an odd or suspicious manner (according to trustworthy men) are to be arrested by bailiffs or constables and held until they find [security](#) that they will uphold the king's peace and the city customs and behave within the law.

CUSTOMAL: CAPITULUM 9

When someone is drowned within the city, in its waterways, wells or pits (within the four crosses of the city), or in the river as far as Breydon Water, the coroner is to view the location of the drowning and to hold an inquest. If there is no evidence of foul play in the death, the body may be delivered for burial without delay.

[The city claimed jurisdiction over the River Wensum/Yare as far as Breydon Water, which probably stretched further inland at that time than it does today. Yarmouth, which lay immediately to the east of Breydon Water, contested this jurisdiction. Eventually it was settled that Norwich's jurisdiction extended to a point about mid-way between it and Yarmouth. The crosses mentioned doubtless were boundary markers.]

If anyone, with malice aforethought, gravely wounds another, he is to be held in prison until there is good prospect of the wounded party recovering. The attacker is to forfeit to the bailiffs the weapon he used, and is to compensate the wounded party, if he recovers. In addition he is to be heavily [amerced](#) and punished for breaking the peace. Similarly, if anyone, with malicious intent, commits violence on another so that blood is drawn, he is to be held under arrest in case the victim wishes to sue him, until he is able to give guarantees for answering to justice and making amends to the wounded party and for breaking the peace (if he is convicted). If the victim lacks the will or courage to sue his attacker, even though the assault is notorious [*i.e. can be proven by witnesses*], he must still answer to the bailiffs for breaking the peace and, if convicted, is to be amerced heavily and lose the weapon with which he committed the assault. In cases of minor assaults not involving weapons, a party may sue by [gage and pledge](#), according to custom, to ensure aggressions do not go unpunished.

[This chapter illustrates that, notwithstanding the concern expressed in [cap.4](#), the bailiffs could ex officio (since they were the king's officers) take the role of plaintiff in cases involving breaking the king's peace. Compare this chapter with Yarmouth by-laws on [drawing blood](#) and [assault](#).]

Cases begun by writ of right [concerning a dispute over ownership of a borough tenement] proceed with 3 summonses and 3 distrains made at fortnightly intervals on the tenant. If the tenant still defaults in answering the suit, the tenement may be taken into the king's hand, but recovered if the tenant appears in court to initiate a defence and [wage his law](#). After which he is allowed 3 [essoins](#) (at fortnightly intervals) and a day, after which he may have the disputed property inspected by a jury. After this view of the land, he shall again have 3 essoins. He may then present the argument that a third party will warrant his ownership, or he may proceed by a [grand assize](#), whose jurors shall be selected by four trustworthy men acceptable to the parties. In the case of an inquest, the tenement shall be awarded to whomever this inquest decides has the better claim to it. In the case of a warrantor (if a [foreigner](#) with nothing in the city [by which he may be [distrained](#)]), a writ must be obtained for summoning the warrantor to appear in the court of the itinerant Justices. The claimant may counterplead that he can prove the warrantor never had possession of the property; if the tenant dares not challenge this, then he must pursue another defence (i.e. the inquest). If the warrantor comes of his own accord and makes warrant of the tenant's right, but the claimant presents stronger evidence, then he may recover against both the warrantor and the tenant. If the tenant (through failure to defend or by inquest) loses the property to the claimant, he may seek to recover the value of the property from the warrantor. If the warrantor has property in the city, then he may be summoned by virtue of the original writ of right. To prevent delaying the claimant's recovery when an inquest is called, the inquest is not to be postponed except for allowing the tenant one essoin after his initial appearance.

[Compare this chapter with the [Ipswich custom](#) on the same subject. The warrantor referred to might be a landlord of whom the tenant held the property, or the previous owner who had given or sold the property to the tenant. As Hudson noted, the numerous steps in this judicial process, along with the essoins, could make a case drag on for some time. The clause "the tenement may be taken into the king's hand" does not appear in the Liber Consuetudinum and may be a later specification of something that was earlier taken for granted.]

CUSTOMAL: CAPITULUM 12

The same delays in defence made in pleas by writ of right may also be applied to writ of right by dower. The tenant may argue that the woman who sues was never married to the deceased; in which case the tenant must present his evidence and the Bishop shall be requested to have enquiry made through the court of Christianity. Alternatively, the tenant may argue that the late husband of the woman suing did not own the property at the time they married, nor later; in which case supporting witnesses must be produced. Or the tenant may defend that dower right was waived by the woman consenting, in the city court, to her husband transferring the tenement to the tenant, his ancestors, or his landlord; in which case he must produce the deed to this effect and a copy must be found enrolled in the city court rolls (according to custom). Widows may not sue for right in tenements where a legitimate deed of transfer can be produced showing they waived dower rights.

[See the similar provision on [waiving dower](#) at Ipswich. The court of Christianity had jurisdiction over marriages and testaments.]

CUSTOMAL: CAPITULUM 13

Whenever a plea by writ of entry or writ of trespass is filed in the king's courts, jurisdiction over it should always be claimed for the city courts. Justice should be done in the city courts in such pleas so that no-one feels compelled to seek justice in external courts. Pleas held in the king's courts [at Westminster] result in citizens being burdened with labour and expenses through being summoned to serve on inquests and juries, hence the need to deal with those cases in the city courts. Costs involved in claiming the cases for the city courts are to be recouped from the parties to the plea, if they have the means; if not, the [chamberlain](#) will pay them from the community treasury.

[The royal charter of 1194 to Norwich exempted the citizens from the jurisdiction of external courts in pleas of tenure, except where the tenement involved was outside the city; pleas relating to real estate within the city were to be governed by city custom (which itself reflected Common Law). The charter of 1256 expanded this by granting that the citizens could not be obliged to answer in courts outside the city for any trespass committed inside the city, while that of Edward I (1305) was even more explicit in confirming that citizens not sue or be sued in any court outside the city for matters concerning internal tenure, trespass, or matters of contract, nor be summoned to sit on any assize, inquest or jury in an external court if the case concerned an internal tenure. The city's lawyers (or other representatives) were frequently travelling to Westminster to show one or other of these charters to the king's judges, in order to have cases transferred to the city court.]



History of medieval Lynn



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Development of local government

At the beginning of the thirteenth century, having just established his principal residence at Gaywood, the Bishop proceeded to strengthen the privileged commercial status of Lynn and reacquired his original foundation (by giving the Norwich monks something else in exchange), thus uniting central Lynn and Newland under his jurisdiction. South Lynn, however, remaining administratively separate throughout the medieval period; it lacked a market, or other [advantages of the enfranchised borough](#), and remained largely agricultural in character.

The strengthening took place through [charter grants](#) from both the king and the Bishop 1204 and 1205 respectively, preceded by an enlargement of fair rights, to the fortnights surrounding St. Margaret's and St. Nicholas' feast-days. The king's grant, at the Bishop's request, came first with the upgrading of Lynn's status from vill to *liber burgus* (free borough) and a general statement that Lynn should have such liberties and customs as were typical of free boroughs. The Bishop's charter then identified Oxford as the town on which Lynn's liberties should be modelled; Oxford's liberties were themselves modelled on those of London. The king followed this up with a second charter, granting specific liberties, most known from charters and customs of Oxford or London. This detailed procedure assured the

townsmen authority for their privileges from both their immediate and their ultimate overlords, but later became a basis for them to seek more independence from the Bishop, by appealing to the king as a higher authority – even though the charters specified that no grants were to be prejudicial to traditional rights of the lords of the borough: the Bishop and, of slightly lesser importance, the Earl of Arundel through the lordship of Rising (stemming from a grant of estates and rights by William II to his butler, William d'Albini).

Although the charters granted judicial self-administration in many matters, this administration really lay in the hands of officers appointed by the lords of the town. Their courts were held in buildings adjacent to the two marketplaces. The charter grants included a Merchant Gild and, according to local tradition, the alderman of the Gild served as the leader of the borough initially. Even towards the close of the thirteenth century, the gild is still seen acting as a quasi-governmental institution; it had its own statutes, its own finances, and its own system for resolving disputes between members – the aim being to try to prevent them resorting to the seigneurial courts. But within a few years of the first charters the ambitions of the citizens for control over their internal affairs had acquired another rallying-point: they had elected a mayor as the chief officer of a government representing the whole community. The first mayor was Robert fitz Sunolf, a name that reflects the connections Lynn had with Scandinavia; his father's prominence in Lynn society is suggested by the fact that Millfleet was earlier known as Sunolf's Fleet. The mayoralty became the first bone of contention between the townsmen and the Bishop, probably because it reflects an effort by the citizens (or at least a faction thereof) towards self-determination and was associated with attempts to obtain greater independence from the Bishop's officers in the areas of finance and legal administration.

There were in fact numerous points of conflict between the town authorities and the town's lords and their officers as the borough government tried persistently to broaden its powers. View of frankpledge (to ensure all were part of the tithing system), control of courts administering local custom (perhaps particularly the husting mentioned in the 1204 charter), erection of private quays without episcopal license, local self-taxation (both Bishop and town authorities competing in these impositions), and right to collect tolls on trade goods, were among the matters over which the town government battled with its seigneurs, the Bishop and the heirs of the Earl of Arundel, during the thirteenth and fourteenth centuries. This struggle also divided the local populace, some supporting tradition and the Bishop, others supporting the efforts for greater self-government. Lynn's medieval history is punctuated by a series of "compositions" between the two sides, trying to settle matters. The first, in 1234, found the Bishop agreeing to recognize the mayoralty, in return for a guarantee that each mayor after election would take oath before him to respect episcopal rights in the town. A charter of 1305 recognized the right of the town government to impose local taxes on the townspeople, which in fact it had already been doing for some years. But the 1309 composition with the Bishop tried to impose limitations on this; this composition, which reflects division within the community, obliged the borough authorities to rein back on their usurpations of episcopal rights, although only temporarily. The fourteenth century saw frustration and tempers build to the point of outright assaults on both lords –

specifically, [Robert de Monthalt](#) (1313) and [Bishop Despenser](#) (1377). Despite some temporary successes through appeals to the king and some minor concessions from the Bishop, usually involving the citizens leasing jurisdictions, medieval Lynn never entirely gained independence from episcopal lordship – although by mid-15th century it was had taken almost all of the Bishop's jurisdictions in the town at a [fee farm](#) of £140. Complete freedom from its founder and overlord had to wait for the borough's [incorporation](#) (1525) and the Reformation.

Despite this, Lynn's self-government exercised a variety of functions related, among other things, to the [regulation of trade and industry](#), measures for [public health](#), [safety](#) and [defence](#), the [management of community property](#), and aspects of [legal administration](#), as well as the [raising of revenues](#) to finance public activities and the associated management of the town's budget. These things occupied the time of a mayor, a [town council](#), four [chamberlains](#), and a number of lesser bureaucratic officers, as well as [constables](#) (chosen from among the leading citizens) responsible for the [nightwatch](#) in each ward. As was not unusual in English boroughs, there were periodic adjustments to the constitution, often the result of [political conflict within the community](#).



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History of medieval Lynn

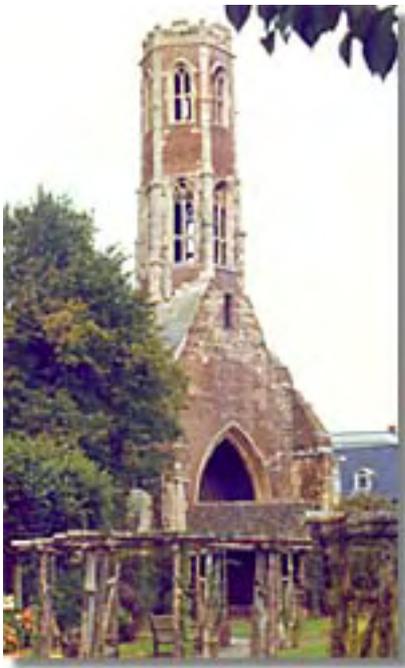


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Buildings and fortifications

When fortifications were created around the town it was initially along the line of the existing sea bank, by this time well east of the actual line of the riverbank. Since the built-up area of the town was in the eastern half of the territory between the river and the sea bank (i. e. concentrated closest to the river), there was land available in the western half for pastures, orchards, mills, or for the monastic complexes of the various orders of [friars](#) which established themselves in Lynn in the thirteenth century. In the fourteenth and fifteenth centuries, progressive reclamation of land from the river (by silting, dumping of refuse, and building over the river edge) allowed wealthy merchants to establish their complexes along the westward-shifting river's edge or along the banks of the Millfleet or Purfleet, which gave access to and from the river. A few of the [later examples](#) survive today and are among the architectural treasures which give parts of modern King's Lynn a sense of the town at the close of the Middle Ages.



Some surviving ecclesiastical architecture

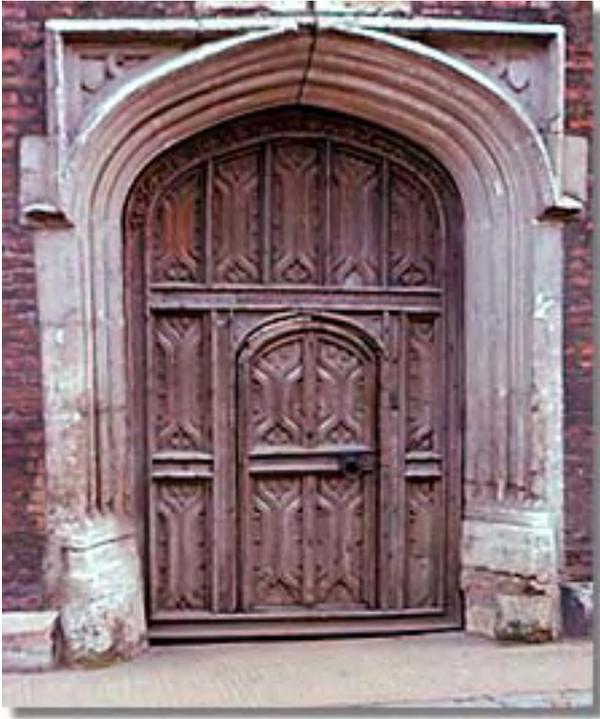
[left] A 15th century tower of the Franciscan friary; the Franciscans established themselves in Lynn in the 1260s, occupying a site between St. Margaret's and St. James'.

[right] The Chapel of Our Lady at the Mount (commonly known as [Red Mount](#)), built 1483, lay just outside the eastern defensive perimeter.

photos © S. Alsford

For many townsmen a single property served as the owner's [home and place of business](#). A merchant complex was typically a long and narrow plot of land on which was built a combination of residence, shop, warehouse and private quay; sometimes the property was divided by a street, so that the quay and associated buildings were adjacent to the water while the residence was on the opposite side of the street, but in most cases all the buildings lay between street and waterway. Plots usually had their narrower side facing the street; this side might be up to 50 feet wide in the thirteenth century, but by the fifteenth when there was greater demand for frontage (at least in certain parts of the town) 30 feet was a more normal width. However, despite some measure of planned creation of the town, there is no evidence of an attempt at any time to standardize the size of building plots. The largest holdings might take the following layout:

- one or more shops would front the street, while above them and often [extending out over the street](#) would be living/sleeping chambers (known as solars, because likelier to take in sunlight through the windows);
- the merchant's hall (the focus for cooking and dining), parlour, and other residential rooms, would lie behind these;
- further back, in the centre part of the property, surrounding a narrow courtyard (which both provided access to the various parts of the building and acted as a light-well), were storerooms and other buildings serving purposes such as brewhouse, bakehouse and stable;
- finally, at water's edge were warehouse and quay.



Thoresby College doorway

The college was built ca.1510, a testamentary foundation of Thomas Thoresby, sometime mayor and member of a leading burgess family. The style of the doorway is very similar to those of the 15th century.
photo © S. Alsford

More moderately sized properties – particularly those elsewhere than the waterfront, and particularly as street frontage was reduced in width towards the end of the Middle Ages – owned by lesser merchants or well-to-do craftsmen might comprise one or more retail shops and/or industrial workshops facing the street, with living quarters above; often as a later addition, halls were built behind the shop/solar and more utilitarian structures further back, with a narrow passageway leading off the street, under the front range of buildings, and down one side of the plot to give access to the structures further back. Lesser craftsmen or retailers would probably have made do with just a shop/solar structure. Since dwellings of the poorer townspeople were the most likely to be of flimsy construction, subject to deterioration and later replacement, we know little of the living conditions of that group, although documents refer to cottages which were probably small, single-room residences of the lower strata of borough society.

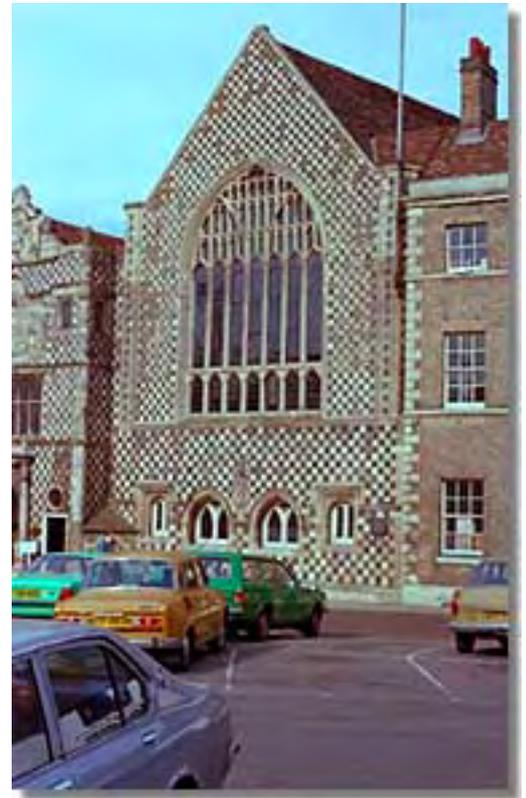
Another part of King's Lynn's architectural heritage are two of the halls built by medieval gilds of the town, along with the buildings serving as the base for the Hanse merchants in Lynn, known as the steelyard. The gilds, as organized instruments of interest groups within the community, played an important part in building and/or maintaining public facilities. Most striking is the hall of Holy Trinity Gild, which was apparently the successor to the Merchant Gild authorized by the 1204 charter. By the late thirteenth century it had a meeting hall in the Saturday Market, naturally enough, near St. Margaret's. This was gutted by fire in 1421 and a new hall was constructed (using brick) at a different location, in the northwestern corner of the market; the Gild spent over £200 on this project during the following two years. The side facing out into the market was decorated with a chequered pattern of black and white squares of flint and a large arched window. The hall was used not only by Trinity Gild but rented for meetings by other gilds and by the borough corporation (which by the 1360s was employing a caretaker of the gildhall, who also served as bedeman, an office involving public announcement of the death of Gild members – this being an indicator of the

close link of Gild and borough). Trinity Gild had a significant role in the life of the community, not only by representing the interests of most leading members of that community (the merchants), nor only by its traditional [association with town government](#), but also by its management of the [Common Staith](#), its provision of charitable services, its contributions to maintenance of public facilities (e.g. [water conduits](#)) and churches, and the availability of its treasury for commercial or public loans.

Holy Trinity Guildhall

(facade on the northwest corner
of the Saturday market),
the seat of medieval borough government.
photo © S. Alsford

For an artist's impression of how the
Guildhall might have looked when first
built, see [here](#)



Both Trinity Gild and the Bishop contributed to the construction of Lynn's defences, which were as much to control the access-points of traders into the town and to define the area of borough jurisdiction as to protect from attack. The sea bank pre-existing the town provided a natural line of defence and was made more effective by digging a ditch on its outward-facing (east) side; the ditch later became part of the canal system. There is evidence for a lesser ditch on the townward side of the bank, although this may have been only to furnish soil to raise the bank. This activity is suspected to have taken place in the context of the civil war at the close of the reign of King John, when Lynn appears to have experienced a direct threat. There were also four wooden towers: two stood at the southern and northern ends of the Newland river bank (thus also guarding the entrances to the [Purfleet](#) and the [Gay](#), respectively), and the other two likely at the northern and southern ends of the ditch/bank guarding the [east-west road](#) into Newland and the south-north road into South Lynn respectively; their date of creation is uncertain, although the [Bishop's Bretask](#) (the tower by the Gay) is heard of by 1270.

Royal grants of [murage](#) were obtained by Lynn in 1266, 1294, 1300 and 1339, the baronial wars doubtless providing the first impetus for upgrading defences to a [stone wall](#). Wall construction began on the eastern boundary of Newland, with a stone gate built where the east-west road and the wall intersected. The question of boundary definition was another

point on which town authorities and the Bishop – through his tenants of the adjacent manor of Gaywood – came into dispute. The townsmen had used the wall to extend their boundary eastwards beyond the earlier line of the sea bank, in order to encompass a suburb which had arisen east of the bank. The southern entrance to Lynn, through South Lynn, was likewise strengthened with a [stone gate](#) before 1319. The [South Gate](#) and [East Gate](#), possibly successors to bretasks on those sites (certainly in the late 1360s a connection is made in the borough records between the south gates and a South Bretask), had [gatekeepers](#) in the Late Middle Ages and were seen as the main entrances to the town; [other gates](#) lying between these two, probably built in the same period, were secondary points of access into the town, and were kept locked at night. The stone wall was not extended south from Newland, to protect central and South Lynn, until the post-medieval period. Various of the watercourses already mentioned were part of the town's defensive system. The River Gay was the town's northern boundary and defence; a gatekeeper was less regularly employed by the borough for a gate guarding the bridge across the Gay, at Dowshill.



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Economy

The foundation of a new town was not a guarantee of its success, but the east coast was a prosperous location and Lynn rapidly became one of the most thriving of England's new towns. Its access to the hinterland, improved by [diversion of the Great Ouse](#) towards Lynn, as well as its coastal trade (e.g. fish, pottery, coal) made it one of the most prosperous ports in England during the thirteenth century. At this time the long list of exported goods was dominated by agricultural produce – notably wool, grain and salt. Fish, furs, cloth, iron, timber, and especially wine were among its imports; spices reached it from Spain, hawks from Norway. Its trading range covered principally Scandinavia, the Baltic, the Low Countries, the Rhineland, Flanders, and northern France, and some of its own leading families were [immigrants from those parts](#). In the following two centuries its imports increasingly diversified, although the wine trade became focused more on London in the fifteenth century, and during the Scottish and French wars of the fourteenth century Lynn was an important market for provisioning royal armies.

The [Merchant Guild](#) must have had a good deal of influence over the borough's economic policy (insofar as there was any), since the personnel of government and guild overlapped a great deal. Occasionally, in the fifteenth century, the borough assembly held special sessions

to discuss mercantile matters and the deliberations were restricted to merchants of the town (although this was not the Merchant Guild *per se*). Full membership in the guild gave the right to trading with outsider merchants on non-market days as well as wholesaling privileges. It was also possible to buy membership only for the spiritual and socio-religious benefits, which was also open to mothers, wives or widows (Margery Kempe being an example) of members, and even deceased persons. The sons of members were able to join for a much reduced fee.

To support its activities, the Guild had (like that at [Ipswich](#)) a monopoly of trade in millstones and possibly on some other types of stone and marble – certainly it was active in trade in stones – as well as control of the [Common Staith](#), or quay, (rented from the Bishop); the latter brought it modest annual revenues from quaying and craning. It also acquired numerous [properties](#), from which an annual income in rents was obtained. Further revenue came from entrance fees, the membership including not only local merchants, but also non-resident gentry and merchants from the region who through their membership apparently acquired certain trading rights in Lynn; this was in some regards comparable to the admission of [foreign burgesses](#)" at Ipswich. By 1421 the Guild had accumulated a wealth of £1,403, although 86% of this was in the form of debts due it, from loans to its members or the borough. The types of activities or services into which some of this income was fed included:

- public announcements of the deaths of members;
- divine celebrations for the souls of deceased members and for the "founders" of the town – King John and his contemporary, Bishop John Grey;
- charitable works in the form of alms – sometimes as annuities that make them similar to pensions – not only to members who had fallen on bad times but also to widows of members, the aged, paupers, hermits and anchorites;
- maintenance of a public privy on the Common Staith, and (by the late 1430s) a customs house and common warehouse there.

The borough government's own fiscal resources were well below those of the Merchant Guild's. Its budget during the thirteenth century, when courts and their profits were not in borough hands, was founded upon local taxations mentioned [above](#); they were assessed only on moveables – perhaps only on commercial goods owned – and typically at the rate of between 3d. and 12d. per £. By the end of the century, from which time taxation records have survived (without any hint that they were an innovation) the [tallages](#) were being levied annually and the tallage rolls were being elaborated to the point where they have the appearance of draft financial accounts for the borough: other incomes were being recorded, such as freeman entrance fines, trade licences, and fines for [market offences](#); some assessments due were being assigned to payment of particular borough expenses; and numerous outgoings were recorded as deductions from the assessments of individuals who were owed money by the borough. The tallages might bring in between £70-£90 each, but still do not seem to have sufficed to avoid borough deficits at a time when many expenses were being incurred to assert, defend or expand borough jurisdictions and liberties. This messy approach to book-keeping contributed to popular discontent with the taxation system,

which in turn led to the [clause of the 1309 composition](#) that tried to limit the frequency and [suspected abuses](#) of tallage. Only a couple of examples of tallage rolls are found post-1309, and they are more straightforward lists of assessments only.

Ten years after the composition a very good series of Lynn chamberlains' accounts appears, although an earlier such account (1297/98) appears only like a more organized version of the tallage roll (leading to its possible misclassification in that archival series). Although borough financial management may have been reorganized, local tallages remained the mainstay of the budget; by at least the 1330s they were again being levied annually, and sometimes two in a year – amounts raised ranged roughly between £100 to £300 annually, with a single "great tax" in 1346/47 yielding £330. Other sources of income were insignificant by comparison, although mention of rents bringing in £73 in 1338/39 is inexplicable for its uniqueness unless that income was normally separately accounted for. As the century wore on, sources of borough income diversified to include profits from the leet court (beyond the farm paid the Bishop) resulting partly from a "new" leet, gifts and legacies, sale of surplus or confiscated materials or of unredeemed [pledges](#), fines for transgressions against the community (e.g. [wandering pigs](#), failure to answer [summonses to attend assembly](#) meetings), leases of lands and butchers stalls, revenues from the half of the Tolbooth ([tronage](#), mensurage and lovecup) farmed from the Black Prince after 1373, and a [share from hostage](#) after 1378.

Lynn also faced some very heavy costs in the 1360s and '70s, largely due to the war with France; there were huge expenditures on the building of a ship and a barge for royal expeditions, the town had to contribute towards war aids, and money had to be pumped into upgrading the town defences. This placed an onerous tax burden on townsmen (taxation had been extended beyond burgesses to resident non-burgesses). Perhaps in part because of this, and inspired by the example of the Merchant Guild, from about 1380 onwards fiscal strategy focused on the [acquisition of real estate and/or rents](#) as a foundation for a relatively reliable annual income; a large bequest of rents from properties once owned by prominent townsman [John Burghard](#) helped set the ball rolling. Community taxation continued to the turn of the century, but was abandoned during a period of [popular unrest](#) when borough finances were in disarray. After this, rents and leases of lands, tenements, shops, market stalls, and the town mills were the backbone of borough revenues, which fluctuated around the £100 mark annually; and there were renewed efforts in the 1420s to oblige aliens living in Lynn to buy licences to trade.

In the fourteenth century the limits of agricultural expansion had been reached in East Anglia and there were now a much larger number of market towns and ports competing for trade. Even so, at mid-century Lynn remained among the top dozen towns and among its merchants were some of the [leading capitalists](#) of England. In 1373 its advantageous location for waterborne trade between the Midlands and the continent led to its selection as one of the official staple ports through which foreign commerce had to be channelled.

However, its export trade was already being adversely affected by several factors:

- agricultural production, especially after the Black Death, went into decline;
- raw wool (whose export was highly taxed) was diverted into domestic cloth production;
- cheaper salt became available from Portugal and France;
- the German Hanse towns were coming to dominate trade in the North Sea.

Despite decline in its key trade in wool and wine (the latter due to the effects of the Hundred Years War), Lynn was able to weather the economic recession in late fourteenth century, thanks largely to trade with the Baltic through Hanseatic ports (notably cloth exports), which established their own [warehouses](#) in Lynn in the early fifteenth century. Wine imports recovered somewhat in the first half of the fifteenth century, during which period Lynn's involvement in the export of cloth exports also peaked, compensating for the negligible wool trade, although London was dominating the cloth trade and grain export remained at least as important to Lynn. None of the exported cloth was produced in Lynn itself; there does not seem to have been any real effort to introduce manufacturing industries into the town, other than to serve local needs. There is no evidence of any residential clusterings of particular crafts that might suggest areas of significant industrial activity, with the possible exception of [Damgate](#) in the latter half of the fourteenth century, where we find a number of individuals active in the cloth-making industry, with a [fulling mill](#) built in the 1390s near the north-eastern end, while the western end of Damgate connected with Webster Row and Listergate, names both indicative of activities associated with cloth-making. Nor do craft guilds have a very conspicuous role in the medieval history of the town, although we know of a number of socio-religious guilds, some of which appear to have had a craft basis.

In the early fifteenth century, Lynn was trading as far afield as [Iceland](#), although not all the trade was in legitimate goods. Commerce with Scandinavian countries was evidently of much importance to Lynn, and the efforts to capture a share in trade with Iceland jeopardised this. For one thing, it antagonized the Hanse merchants trying to monopolize that trade; in 1415 they complained to the king of Denmark, Sweden and Norway, who persuaded Henry V to prohibit English ventures to Iceland. A prohibition was also in effect when voyages to Iceland are evidenced again in 1429; the borough council feared that breaking this prohibition would lead the Danish king to arrest the merchandize of Lynn merchants trading (only) with the Baltic countries. This in fact occurred, and Lynn responded both by a retaliation against Danes in the town and by sending ambassadors to treat with the king of Denmark. The situation was exacerbated by a complaint of the Bishop of Iceland to the king that Lynn merchants were involved in trading Icelandic children into slavery.

Lynn had long outgrown its expansion phase, but was able to maintain itself. This is reflected in the continued rebuilding of houses, enlargement of churches, and repairs to town wall and gates during the Late Middle Ages, and the building of new halls for the two leading merchant guilds, begun in [1406](#) and [1424](#). However, the reduction of the number of constabularies at some point around the late fourteenth or early fifteenth century may reflect depopulation in some part of the town (perhaps around St. James). Despite another economic slump in the latter half of the fifteenth century, Lynn was able to adapt to changing

circumstances better than nearby Boston, and it was not until the post-medieval period that Lynn's important role in commerce really declined.



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Information sources

The following is a small selection of published sources of information about medieval King's Lynn. For additional secondary sources as well as primary sources, see the [bibliography to *The Men Behind the Masque*](#).

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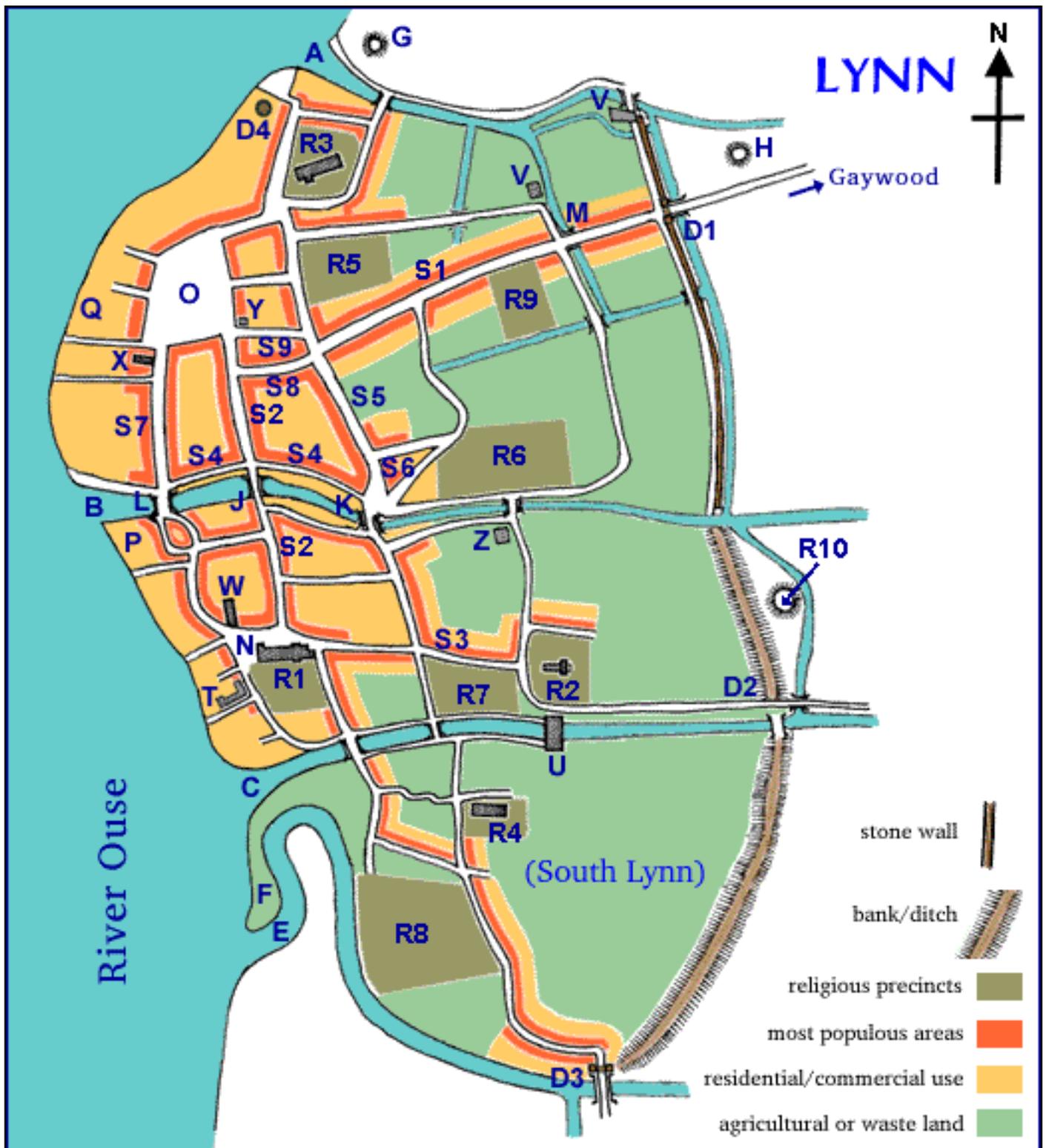
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History of medieval Lynn

Lynn in the fifteenth century



This is a clickable imagemap.

To slide out the sidelined image, press "x"; to withdraw it, press "z".

NOTES:

River Ouse

The Great Ouse flowed into the Wash from several inland counties and was thus an important trade transportation route for the region. It was, however, the Little Ouse that passed by the site of Lynn; the Great Ouse joined with the Nene and together they reached the Wash at Wisbech. In the late 13th century, however, silting up of the Wisbech estuary, combined with a scheme of the Bishop of Lichfield and Coventry, involving a dam and the reopening of an artificial channel (originally cut by the Romans, but later silted up), served to divert the Great Ouse into the Little Ouse some distance south of Lynn. The Bishop intended this scheme to profit his tenants at Littleport, but it also worked to the benefit of Lynn and the damage of Wisbech, in terms of the re-routing of trade. Over the lifetime of medieval Lynn, silting, dumping of refuse, and deliberate reclamation combined to push the east bank of the Ouse westwards about 100 yards, with the townsmen first establishing private wharfs (which themselves helped trap silt) on that bank across the road from their residences, then setting up small buildings, and finally expanding these into larger residences with warehouses.

A Fisherfleet

Actually the River Gay (later Gaywood), which led from the Little Ouse to the Bishop's manor and village of Gaywood. As the name suggests, this part of town, particularly the mouth of the Fisherfleet, tended to attract fishermen, who established residences there.

B Purfleet

The first reference we have to this, in 1101, names it *Possfled*. From there it transforms over time to Pusflet, then to Pursflet.

C Millfleet

The first reference we have to this, in 1101, names it *Sewoldsfled*. It is not clear whether the later name (c.1250) Sunolf's Fleet is a corruption of this or associated with the family of Robert fitz Sunolf, first mayor of Lynn; curiously, the fleet was known as Mayorsfleet around the turn of the century, while the bridge crossing it was called both Mayor's bridge and Sunolf's bridge. Later it was known as Swaggessfleet (after the mill owner) and later still just as Millfleet.

E River Nar

In the High Middle Ages, the course of the Nar may have flowed closer to All Saints church, only to be diverted as either silting up or deliberate filling in (due to growth of habitation in South Lynn) occurred; this presumably happened before the [Carmelites](#) established their friary in South Lynn.

F Le Balle

Although the first explicit references to an area dedicated to washing and drying fish are in the 16th century, it is likely that one or more such areas existed in medieval times. Running water (such as provided by the estuary tides) was required for washing, and shingle for drying. These areas were called "fish balls"; there is reference in 1439 to a location called [Le Balle](#), in the southern part of town and by the river. This location is probably reflected in the post-medieval area known as [Boal Wharf](#), a peninsula that was part of South Lynn on the north bank of the Nar. The area opposite on the south bank may also have been used for the same purpose, although it was more marshy and not as immediately accessible. Le Balle was also one of the places where fullers set up tents used to stretch out cloth to dry.

G Dowshill

H Rondeshill

It is hard to imagine what these were, if not salterns in origin, created in the Early and High Middle Ages. Although not within borough boundaries, the hills were recognized as belonging to the community. Outside of the main area of settlement, there would have been no reason to adapt them as the foundation of buildings. The bridge across the Fisherfleet, to the southwest of Dowshill was protected by a gate in 1339, later called the North Gate.

J Stone Bridge

This was probably the first bridge established across the Purfleet, soon after (if not before) the foundation of Lynn St. Margaret's.

K Baxter Bridge

Earlier known as Belvaco's Bridge, named after James de Belvaco, perhaps because his numerous properties in town included a house adjoining the bridge; a member of a prominent urban dynasty originally from Beauvais, France, James held the mayoralty at least twice in the third quarter of the 13th century. If South Lynn had, from early times, required a north-south route to connect it to Damgate, that would argue for an early existence of this bridge, or at least a ford at the site (however, see the entry under [Gannock Gate](#)). The later name of Baxter Bridge was presumably associated with Baxter Row, the street immediately north and south of the bridge, suggesting the presence of bakers there. By mid-16th century a third marketplace had begun to develop in the large space immediately north of the bridge, due to the increase of river traffic along the Purfleet, where many merchants had been establishing private quays and warehouses since at least the mid-15th century.

L **Purfleet Bridge**

This was likely built in the late 14th or early 15th century, consequent to 14th-century reclamation of land on the edge of the Ouse having encouraged the creation of streets (Wingate to the south and the Chequer to the north) along which merchants established homes, warehouses and quays. The decision to put in a bridge here (a potential blockage for ships) probably also reflects that silting of the fleets had made them less accessible to larger ships, although low-draught vessels such as barges could still navigate these watercourses.

M **Bishop's Bridge**

This crossed a lesser fleet running off Fisherfleet and may in fact represent the original point of entry into [Newland](#). There are indications that the north-south bank, which also acted as a defensive line, originally ran past the western end of this bridge (later part of that bank became a road), and that the line of the stone wall was placed further to the east in order to protect a suburb that had grown up along the part of [Damgate](#) east of Bishop's Bridge. That bridge was later known as Littleport Bridge, a name suggesting that a lesser settlement ([port](#)) had existed there. The fleet the bridge crosses may have been dug as part of the original defensive line. That a second bridge of the same name, crossing Millfleet by the Gannock Gate, marked the boundary between one area of jurisdiction (Lynn) and another (South Lynn), also suggests that the Newland Bishop's Bridge might at one time been the boundary between Newland and the manor of Gaywood.

N **Saturday Market**

The first official (i.e. privileged) market was created in conjunction with the foundation of Lynn and St. Margaret's in 1101. However, the Saturday Market likely lay on the site of the "[sand-market](#)" whose informal existence encouraged the Bishop to found Lynn in the first place. It is uncertain whether it was this market, or the Tuesday Market, in which William d'Albini was, *tempore* William Rufus, granted a half-share, along with the "port" where ships anchored, and various tolls and customs associated with the activities at those locations. The market was served by a privy built in 1309 and a freshwater conduit in place by the mid-14th century. Adjacent land was added to the market in the 1360s to bring butchers' stalls together into one spot as a [shambles](#) (viz. [Butcher Row](#) later known as Bulwer Row, after an inn The Bull). There were numerous shops and several inns along the [north side](#) of the market.

([photo](#) of the marketplace)

O **Tuesday Market**

The new town established by Bishop Turbe in mid-12th century would have required its own market, since it was initially under a separate lordship (the Bishop's) to that of the original borough foundation at Lynn (then under the lordship of the monastic priory of Norwich). However, it is possible a market existed here before that foundation, and was the reason for the foundation, particularly if the "port" referred to in the grant to William d'Albini means the mouth of the Gaywood, which in turn would have to mean the market referred to was closer than the distant Saturday Market. At its creation, the western side fronted the river, and the same may have been true of the northern side, originally, although buildings were encroaching on this area by at least the late 13th century. The eastern and southern sides of the Tuesday market were dotted with inns, to accommodate traders from out of town. A shelter for some of the booths was set up there in the latter part of the 15th century; topped by a cross (a reflection of an ancient custom of making business deals in the shadow of a church, to solemnize the contract), it was a precursor of the later market halls which were not a common feature in medieval England.

P **Bishop's Staith**

This quay was so named because it, and fees and tolls associated with its use, were part of the lordship rights of the Bishop of Norwich, as founder of Lynn. By the close of the Middle Ages, there were likely public warehouses here. To the south of it lay the King's Staith, a name extended to cover the Bishop's Staith too in post-medieval times.

Q **Common Staith**

This appears to have belonged to the Merchant Guild. Here there were warehouses for foreign merchants to store their goods pending sale or movement out of town by water or road. Some buildings were dedicated to storing fish, which had particular needs and problems, or grain. On the north side of the quay was a building housing weighing equipment and, by the 1460s, a customs house. The Guild also maintained at the quay a public privy and a public crane.

T **Hanse Steelyard**

Warehouses were to protect goods from the weather and from theft. Usually, local merchants had their own private warehouses associated with their residences, while foreign merchants had warehousing provided for their use on the Common Staith. The Hanse merchants were a special case, and could have their own base in Lynn. The timber-framed warehouse opposite St. Margaret's and the Saturday market was built to serve the merchants of the Hanseatic League in 1474, when the special privileges of the Hanse were re-granted (by the Treaty of Utrecht), and licence to build a steelyard was obtained from borough authorities; the Hanse had, however, had a warehouse in Lynn for at least fifty years previous – perhaps on the same site, although an older, stone warehouse on the public quay may have been associated with the Hanse. A second parallel range, on the north side, was added a little later in brick, creating a central courtyard. The residential part of the complex that likely faced the street has been replaced by a later structure.

U Mill (Millfleet)

There are so many references to different names and owners, that I am inclined to suspect there was more than one mill here. Be that as it may, here was the town's public corn mill. It perhaps began life as the mill built by the monks, mentioned in the Bishop's foundation charter of ca.1096. However, the first mill known with certainty to be associated with the site was built by the lord of South Lynn, Lord Scales and was known as Scales Mill. It was later known as Swagges Mill, but this was ruinous by the late 14th century. The borough acquired the site in 1392 and built a new mill there, but had difficulty making it a commercial success. Perhaps it was this reason that prompted the Merchant Guild to take it over in 1448. In 1425 a channel connecting Fisherfleet and Purfleet, just outside the town wall/ditch (and itself partly defensive in purpose), was extended to Millfleet in order to bring more water from the Gay with the hope of increasing the flow necessary to power the mill.

V Mills (Fisherfleet)

The Bishop built a corn mill to serve his Newland tenants on a branch off the River Gay, not far from St. Nicholas' church; this had disappeared by the end of the 15th century. A second mill, horsepowered, in the northeast corner of the town directly on the Gay was in operation by the beginning of the 15th century. Known as a kettlemill, its purpose was to draw from the river (in kettle-like containers) water that would feed the town's freshwater conduits, one of the earliest of which ran from the kettlemill down Damgate to Gresemarket, with a connection south to the Saturday marketplace. It was possibly in this vicinity that a fulling mill was built in 1393-94.

W Trinity Gildhall

The Guild of Holy Trinity was the socio-religious face of Lynn's Merchant Guild. It naturally built its meeting-hall facing what was originally the town centre and hub of the economic activity that was central to its interests and concerns: the Saturday marketplace. Although the present hall was not the original market location of the guild's home, the earlier gildhall was in place in the vicinity before the close of the 13th century. As mercantile activity gradually refocused around the Tuesday Market adjacent to the public quay, later gildhalls (like St. George's) were built further north. Long and narrow, the gildhall was basically a large hall raised over an undercroft, with a passageway down the west side, fronted by an exterior staircase which led up to the hall's entrance; it was built of brick, with the street-front decorated. Brick provided better protection from fire, which was a major concern in closely built-up towns – many of which experienced devastating fires at one or more times in their history – and the cause of the previous hall's demise. The undercroft would have been used as a warehouse for guild-owned merchandize, such as the millstones in which they had a trade monopoly. It also housed the guild treasury. The borough authorities used the hall for council meetings and later part of the undercroft was used as town gaol. The Merchant Guild of South Lynn (far more modest in size and resources than that of Lynn) leased the Trinity Hall for its annual feast-day.

X **St. George's Gildhall**

St. George's Gild was a socio-religious association of some of the wealthier townsmen. It received royal recognition (Letters Patent) in 1406; at that time its property was on the opposite side of the Chequer from the present gildhall, so the latter must have been constructed after that date. This long and narrow hall, not quite as large as the Trinity Gildhall, was probably begun in the early 15th century, and building continued over the course of several decades. It was essentially a large hall, with an undercroft, and an entrance passageway running down the length of one side. Brick was the material used (as opposed to timber framing), as for Trinity Gildhall, but there was no comparable decoration of the street front. Some lesser gilds, not wealthy enough to own a hall, leased St. George's Hall for their annual feast-day.

Y **Steward's Hall**

The location of the court and tollbooth of the Bishop was facing the Tuesday market, on the north side of Jews Lane, although no proven traces remain of this building. The location suggests an original association with the Newland foundation.

Z **Almshouse**

An almshouse was set up at the east end of Fuller Row by the Gild of St. Giles and St. Julian to provide living quarters for impoverished citizens. It was in existence by 1488, when it had private rooms for seven men and six women.

DEFENCES

D1 **East Gate**

Although it may have been preceded by one of the wooden towers (bretasks) that the Bishop helped build, in conjunction with a drawbridge across the subsidiary fleet running off Fisherfleet, the East Gate itself was probably the outcome of the first [murage grant](#) to Lynn in 1266 and the walls referred to in 1277 were likely those adjacent to the East Gate. The position of gate and wall, which seem to have gone beyond borough boundaries to encroach on the manor of Gaywood, may have been to protect suburban settlement, although even then some houses still eastwards of the gate were burned down to prevent them serving as protection for any besiegers. The fleet was widened, and sluices built to keep water in it, so that it could better serve as part of the defences. The gate was one of the two main land-route entrances into the town, on the road from Norwich, manned by a permanent gatekeeper. Tolls were collected here on merchandize coming in and going out of town. It was equipped with drawbridge, portcullis and lockable wooden gates (as was the South Gate). It may be that the site of this gate had, even before the foundation of Newland, been on the route of a road from the manor of Gaywood to Lynn, turning south soon thereafter and then following the northern bank of the Purfleet until reaching the Stone Bridge into Lynn. However, this is just a hypothesis proposed by Beloe, writing in 1895 – five years after the gate had been demolished.

D2 **Gannock Gate**

This was in fact the northern of two Gannock gates (the other lying about halfway down the stretch of ditch that protected South Lynn. The gate seems to have taken its name from the bank (one of the ancient raised causeways) through which it gave entrance. I have found no evidence on the derivation of the name; it can hardly be anything to do with *gannoker* (ale-wife), but perhaps is associated with *gannagium* (land under cultivation) in reference to the location being surrounded by fields. Hillen offered the less likely, but not dismissable, theory that the term derived from a mix of Anglo-Saxon and Celtic terms meaning "route along a hill". Prior to the foundation of Newland, it is conceivable that the site of Gannock Gate and the road running therefrom towards the town centre represented the principal approach from the east; certainly the [road](#) between the Saturday market and St. James' lies on what was probably one of the early raised causeways existing at the time of Lynn's foundation, and this road might have continued on to the location of Gannock Gate before St. James' was built. This hypothesis would also obviate the need to identify a north-south route (with [bridge across the Purfleet](#)) connecting South Lynn with [Damgate](#). Once Newland had developed and the East Gate/Damgate approach into the town had risen in importance, Gannock Gate and the road leading to it fell into disuse, and the gate was mostly kept closed.

D3 **South Gate**

One of the two main land-route entrances into the town, on the road from Ely and Cambridge, manned by a permanent gatekeeper. It may have previously been the location of one of the bishop's bretasks. The king assigned the borough of Lynn the task of maintaining the defences of South Lynn, in addition to its own, although the cost was to be borne by the county. Tolls were collected here on merchandize coming in and going out of town. The gate was in existence by the beginning of the 13th century, but underwent substantial rebuilding in 1437 and in the post-medieval period; it still stands today. A drawbridge was part of the defences, although this was placed *after* the regular bridge crossing the Nar.

([illustration](#) of the gate in the 19th century; [photo](#) of the gate in the late 19th century; [photo](#) of the gate in the late 20th century)

D4 **Bishop's bretask**

Early features of the town's defences were wooden towers positioned at main entry points into the town: the roads and the fleets. The Bishop contributed to the defence of his tenants of Newland by building and maintaining a bretask at the northwest corner of the town, by Fisherfleet (which, as the River Gay, also happened to lead to his manor at Gaywood). This tower is mentioned as early as 1270. In post-medieval times St. Ann's Fort was built here, again reflecting the strategic importance of this site.

RELIGIOUS PRECINCTS

R1 **St. Margaret's church/priory**

The church was part of the Bishop's [original foundation of Lynn](#) and must have been begun by 1101. Rebuilding occurred during 13th and 14th centuries, with costs supported by the borough, while in the late 15th century renovation and beautification was carried out thanks to private benefactors among the townspeople. The church's [twin towers](#) were built in the 13th century and must have been a prominent feature of the medieval skyline. The church was evidently situated on the most westerly part of the land reclaimed from the marsh at that point – i.e. at that time the river would have lain immediately west of the church; [saltern mounds](#) provided sufficiently solid foundations for the structure. Together with the priory on its south side, which was occupied only by a prior and a handful of monks, this site may have initially occupied all the land southwards to Millfleet; although in the 14th century, as more land was reclaimed westwards from the river, merchants' houses spread southwards and eventually (perhaps in the 15th century) swung eastwards along the bank of the Millfleet). After the Dissolution, the priory buildings were pulled down and the site redeveloped for [residential use](#). A charnel, to hold the bones of those removed from the cemetery to make room for the newly deceased, had been added by the end of the 13th century; but the extension of burial rights to St. Nicholas' and St. James' in mid-14th century, together with competition from the friaries as burial sites, resulted in the charnel falling into disrepair and in 1509 it was converted into Lynn's first grammar school.
([floor plan](#) ; [further information and numerous pictures](#))

R2 **St. James' chapel**

The existence of this chapel by 1146 is a reflection of the fact that, in the early decades after the foundation of Lynn, population growth had to spread mainly eastwards from St. Margaret's. It is just possible that the chapel had some [jurisdiction](#) over what little settlement there may have been north of the Purfleet, along Damgate, prior to the creation of Newland. The gradual reclamation of land from the river on the westward side of St. Margaret's, together with the foundation of Newland to the north, diverted population spread away from the area of St. James. The chapel had fallen into disuse by mid-16th century; in the 1580s, part of its ruins were restored to serve as a [workhouse](#).

R3 **St. Nicholas' chapel**

The grant of a chapel to the residents who had spread northwards beyond the original bounds of the episcopal foundation of Lynn was necessary, given the initial separation of the two settlements. However, there is no indication that St. Nicholas' was ever given parochial status, and the amalgamation of the settlements at the beginning of the 13th century inhibited that prospect – the resistance of the prior and priest of St. Margaret's (which would lose revenue to a rival parish church), backed by its parishioners, was able to suppress "separatist" movements in 1379 and 1427, although the right to a burial ground had been conceded to St. Nicholas' in 1361. The apparently out-of-the-way location of the chapel (as opposed to St. Margaret's which was adjacent to the marketplace) may be explained by the pre-existence of the Tuesday market and adjacent settlement, or perhaps by the desire to place the chapel near both Tuesday market and port on the River Gay. Rebuilding occurred in the 13th and, more thoroughly, in the 15th

century.

([further information and numerous pictures](#); photo of [south porch](#))

R4 **All Saints church**

This was the [parish church](#) of South Lynn, located by the main (and almost only) road running through South Lynn, following the line of an ancient raised bank. The small population of South Lynn stretched along that road, in the vicinity of the church. The church was probably built between the time of [Domesday](#), which does not mention it, and the founding of Lynn.

([interior view](#))

R5 **Augustinian friary**

Only they, of all the orders, were able to secure a site close within the built-up section of the town. Their convent is not mentioned in the Newland survey of ca.1267/83, however, and it seems the friary was not established until the last years of that century. The site incorporated a church, chapter house, and residence. An inclination of townspeople to be buried here, to the detriment of St. Margaret's, led to an agreement in 1361 that a quarter of all offerings made at funerals in the friary church would be turned over to St. Margaret's; similar agreements with the Dominicans and Franciscans had already been put in place. In 1386 the borough authorities granted the Augustinians licence to use a large bequest from a townsman to build a conduit into their precinct, on condition that for half of each year the townspeople could have access to the conduit where it passed through a holding tank at the Listergate/Damgate corner.

R6 **Dominican friary**

The Blackfriars precinct, established before 1256, had formerly been the site of nine pieces of property. This friary became a popular choice among wealthy townsmen for their burial.

R7 **Franciscan friary**

This friary was in existence by mid-13th century.

R8 **Carmelite friary**

The Whitefriars had established a friary in South Lynn before 1260. The 14th-century cartulary mentions two stretches of cloister, an infirmary, refectory, and residence with garden. Church and cemetery were on the northern part of the site. There were two [gateways](#) into the precinct.

R9 **Hospital of St. John**

Dedicated to St. John Baptist, this institution was founded ca.1100/1135. It included in its enclosure – besides the hospital – a church, hall and other houses.

R10 **Red Mount chapel**

A private foundation on public land, whose construction was licensed by the borough in 1483, and partly under jurisdiction of the priory. Little is known of it. It contained two chapels, one on the lower floor, and a more elaborately decorated one on the upper floor.

STREETS AND ROADS

S1 **Damgate**

This road was placed atop a raised causeway that was either a product of the saltery activities, which involved the creation of lagoons, or a natural bank leading through the marshes (or perhaps a combination of these elements, with a natural bank being artificially raised even higher). The street's name itself suggests this function. After leaving the borough, the road led eastwards to Gaywood and beyond that to Norwich. Regardless of whether a road along this line pre-existed Newland, it was with the foundation of Newland that this road would have taken on a key importance in the borough, providing the direct route from the countryside east of Lynn to a marketplace and quayside. Damgate likely originally ran as far as the Tuesday market, but its western stretch was later renamed after the Gresemarket held there. As the Middle Ages drew to a close, Damgate was increasingly populated by craftsmen, as merchants relocated to streets adjacent to waterways.

S2 **Briggate**

Briggate (at least the section south of the Purfleet) seems to have lain along a raised bank, or causeway, perhaps the result of salting operations prior to the foundation of Lynn. As such, it would have been a natural site for one of the earliest streets and focal points of the settlement. If the first crossing point of the Purfleet was at the Stone Bridge – and the name Briggate (bridge street – now, perhaps significantly, the town's High Street) is supportive of such a hypothesis – then it is likely that Briggate would have been a relatively early focus for population spread in the century following the foundation of Lynn. The creation of Newland would have provided even more impetus for this. Briggate connected the two marketplaces; the name was originally applied to the road on both sides of the bridge, although in the late 14th century the northern section became known as Mercer Row. The street tended to be occupied predominantly by retailers – shopkeepers, innkeepers, etc. – and its northernmost section, just off the Tuesday market, was renamed Cook Row because of the food services provided there to market vendors and customers.

S3 **St. James Street**

This was likely an early route along which settlement spread following the foundation of Lynn, and would help explain the location of St. James church. For additional information, see the entry on [Gannock Gate](#). The western stretch (leading from St. Margaret's) was also known as Skinner Row.

([photo](#) of the street, late 19th/early 20th century)

S4 **Purfleet Lane and Fincham Street**

These streets came into being during the first half of the 14th century, as merchants sought properties with access to a waterway (perhaps itself a reflection of the growing importance of water transportation, as the Great Ouse was diverted to go by Lynn, and as road routes diminished in importance). At first, the typical pattern was probably for divided properties with the residence on the north side of the street and an associated quay on the south side (there is an example of this in the [1391 rental](#)). However, as land was reclaimed from Purfleet, there was space on the southern side of the road for building. Fincham Street (on the east side of Briggate) was formerly known as Burghard Lane.

S5 **Webster Row**

Presumably named for the one-time presence of weavers there, just as the road south of Purfleet, running eastwards from Baxter's Bridge, was named Fuller Row due to settlement there of fullers, who needed the flowing water of the Purfleet for their work. Earlier (in the latter half of the 13th century) it was known as Collewilefleet – a reference to a minor fleet that ran down the centre of the road to Purfleet and was used as a gutter, as well as serving the town's cucking-stool. The area immediately north and south of the bridge across the Purfleet was known towards the end of the Middle Ages as Baxter Row. Further south of Purfleet, this route was known as Finnes Lane and possibly Skinner Row (although there is some confusion as to whether Skinner Row was not an alternate name for part of St. James' Street).

S6 **Ratton Row**

Probably represents in-filling of population between Baxter Row and the Dominican friary. The predominance of cottages here suggests it one of the poorer residential areas; several towns, including Norwich and Ipswich, are found with lanes of similar name (sometimes Rotten Row, although this is possibly a corruption), which may perhaps have been generally applied to such areas. The term may have originated from a reference to an infestation of rats there. The proximity to Spinner Lane may indicate that some of the cottages could have housed spinsters.

S7 **The Chequer**

At the time of the foundation of Newland, this street would have represented the bank of the Ouse, before land reclamation permitted building on the west side of the street. As reclamation pushed the river's edge further away, access to the quayside from the Chequer (or from its counterparts, Wingate and Lath Street, south of the Purfleet), was via a series of narrow lanes. The northern stretch of The Chequer was called Stockfish Row, presumably so named because stalls selling fish congregated around this offshoot from the market. Remains of a residence dating from ca.1180 was found there.

S8 **Gresemarket**

This street, just off the Tuesday market, seems to have had a high concentration of inns, perhaps to serve merchants bringing wares into town by road (via Damgate). Possibly a "grassmarket".

S9 **Jews Lane**

Jews Lane and Pillory Lane (the parallel lane further north) may have been an element in the original layout of streets in Newland, or later extensions. The presence of a Jewish community is indicative of the thriving economy of Lynn in the late 12th century; that it does not seem to have lasted long is perhaps more a consequence of the burning down of their houses in 1190, after which many survivors moved to better protection at Rising, where a castle had been built.



[MAIN MENU]

[\[contents\]](#)

APPENDIX I

The Officers of Borough Government

Lynn: mayors and chamberlains

| | |
|---------|---|
| 1272-73 | m. Robert de London |
| 1273-78 | unknown |
| 1278-79 | m. Adam de St. Edmund [12] |
| 1279-80 | m. John de Hispania |
| 1280-81 | m. William de Lindesey |
| 1281-82 | unknown |
| 1282-83 | m. John de Hispania |
| 1283-84 | m. Adam de St. Edmund |
| 1284-85 | unknown |
| 1285-86 | m. John de St. Omer |
| 1286-87 | m. Adam de St. Edmund |
| 1287-88 | unknown [13] |
| 1288-89 | m. Peter de Thurendine |
| 1289-90 | unknown |
| 1290-91 | m. John de Hispania |
| 1291-92 | m. John de Hispania |
| 1292-93 | m. Hugh de Massingham |
| 1293-94 | m. Thomas de Waynflete |
| 1294-95 | m. John de Merlowe |
| 1295-96 | m. John de Merlowe ch. William Schilling, Geoffrey Drewe, Henry de Heynore, -- |
| 1296-97 | m. Hugh de Massingham ch. – de Welle, Ralph le Palmer, Peter le Palmer, John de Almannia |
| 1297-98 | m. Hugh de Massingham ch. Geoffrey Drewe, Ralph de Fuldene, Thomas de Sechford, Geoffrey le Palmer |

- 1298-99 m. Thomas de Waynflete
ch. Richard de Mumby (Thomas de Aldeburgh), Alan de Walpole, Richard Hopman, William de Rigges
- 1299-1300 m. John de Merlowe
ch. Richard de Docking, William Schilling, Simon de Chestrefeld, Richard le Keu
- 1300-1301 m. John de Merlowe
ch. John de Acre, William de Cranewyc, Walter de Acre, Robert de Walton
- 1301-02 m. Richard de Gervestone
ch. Richard de Docking, John de Thurendine, Thomas de Sechford, Roger de Flicham
- 1302-03 m. John de Leycestre
ch. Richard Hopman, Lambert de St. Omer, Thomas de Bauseye, Adam Hurtlement
- 1303-04 m. John de Thurendine
ch. Peter Lomb, Thomas de Sechford, Simon de Chestrefeld, Richard de Toftes
- 1304-05 m. Thomas de Waynflete
ch. Peter de Elmham, John Braunch, Thomas de Spalding, Peter de Folsham
- 1305-06 m. Geoffrey Drewe
ch. Alan de Swerdestone, Richard de Swanton, Thomas de Walsingham, William de Eboraco
- 1306-07 m. Thomas de Sechford
ch. unknown
- 1307-08 m. Lambert de St. Omer [\[12\]](#)
ch. unknown
- 1308-09 m. Thomas de Sechford
ch. unknown
- 1309-10 m. Peter de Thurendine [\[12\]](#)
ch. unknown
- 1310-11 m. Richard Hopman
ch. unknown
- 1311-12 m. John de Merlowe
ch. unknown
- 1312-13 m. Lambert de St. Omer
ch. unknown
- 1313-14 m. John de Thornegge [\[12\]](#)
ch. unknown
- 1314-15 m. Lambert de St. Omer [\[12\]](#)
ch. unknown

- 1315-16 m. John de Thornegge
ch. unknown
- 1316-17 m. John de Thornegge
ch. unknown
- 1317-18 m. Peter de Elmham
ch. unknown
- 1318-19 m. Robert de Walsingham
ch. unknown
- 1319-20 m. Robert de Walsingham
ch. William de Benecroft, John Sefoul, John de Cokesford, William de Blakeney
- 1320-21 m. Peter de Elmham
ch. unknown
- 1321-22 m. John de Thornegge
ch. unknown
- 1322-23 m. William Fraunceys
ch. unknown
- 1323-24 m. John de Swerdestone
ch. unknown
- 1324-25 m. John de Swerdestone
ch. unknown
- 1325-26 m. John de Thornegge
ch. unknown
- 1326-27 m. John Burghard
ch. unknown
- 1327-28 m. John de Swerdestone
ch. Roger de Buttele, Thomas de Melcheburn, William de Hautboys,
Richard de Jakesham
- 1328-29 m. John de Swerdestone
ch. unknown
- 1329-30 m. John de Walsingham
ch. unknown
- 1330-31 m. John de Thornegge
ch. unknown
- 1331-32 m. John de Swerdestone
ch. Robert Erl, Thomas Ryghtwys, Thomas Bamme, Richard de Wotton
- 1332-33 m. John Burghard
ch. unknown
- 1333-34 m. William de Sechford
ch. Robert Braunch, Hamon de Cokesford, Robert de Docking, John de Manegrene

- 1334-35 m. William de Sechford
ch. Laurence de Fordham, Reginald de Systemer, John de Couteshale,
William de Hoo
- 1335-36 m. Adam de Walsoken
ch. Hugh de Betele, Walter de Ixworth, William de Grantham, Roger
Folcard
- 1336-37 m. William de Sechford (John de Swerdestone)
ch. Simon de Bitering, Robert Robot, John de Wesenham, Simon de Snoring
- 1337-38 m. John Burghard
ch. Robert de Wotton, Simon de Roughton, William de Swanton, Stephen
de Kent
- 1338-39 m. Thomas de Melcheburn
ch. John Ryghtwys, Thomas Belleyetere, William de Santone, Henry de
Gunton
- 1339-40 m. John de Cokesford
ch. Thomas de Swerdestone, William de Bitering, William de Snoring,
William Erl
- 1340-41 m. John de Cokesford
ch. John de Newlond, Adam de Refham, Simon Toly, Walter de Dunham
- 1341-42 m. William de Brynton
ch. Thomas le Cook, Thomas de Swerdestone, Henry de Betele?, John de
Massingham? [[14](#)]
- 1342-43 m. Hugh de Betele
ch. Robert Braunch, ---
- 1343-44 m. Adam de Walsoken
ch. Philip Wyth, John de Couteshale, Thomas de Fransham, William de
Swanton
- 1344-45 m. John de Massingham
ch. Richard de Docking, John Ryghtwys, Reyner de Wynch, John de
Manegrene
- 1345-46 m. Thomas Drewe
ch. William de Ellingham, Laurence de Reppes, Alexander de Lonewade,
John Lomb
- 1346-47 m. John de Cokesford
ch. William Erl, Thomas le Cook, Adam de Refham, John de Denby
- 1347-48 m. John de Swerdestone
ch. Henry de Betele, Thomas Ryghtwys, Thomas de Fransham, Dominic
Baude
- 1348-49 m. John de Massingham (John de Couteshale)
ch. John Ryghtwys, John de Caundish (John de Manegrene), John Elys,
William Erl

- 1349-50 m. John de Couteshale
ch. Edmund de Beeston, Thomas Baret, John de Swerdestone junior, John de Wormegay
- 1350-51 m. Robert Braunch
ch. Richard de Benecroft, Simon de Gunton, John de Sustede, Robert de Derham
- 1351-52 m. Thomas Ryghtwys
ch. John de Thirsford, Stephen Fot, John de Fyncham, Nicholas Toke
- 1352-53 m. William de Bitering
ch. Thomas de Botkesham, Nicholas de Somersham, John de Bekeswell, John de Rudham
- 1353-54 m. William de Bitering
ch. Ancelm Braunch, Thomas de Bukworth, Robert de Brysele, Roger Wyth
- 1354-55 m. John de Couteshale
ch. Simon de Gunton, William de Ellingham, Henry Elys, John de Bukenham
- 1355-56 m. William de Swanton
ch. Edmund de Beeston, John de Brunham, Nicholas de Swerdestone, Andrew Taverner
- 1356-57 m. John de Couteshale
ch. Geoffrey de Tolbooth, Thomas Curson, Hanekin Lister, William de Wesenham
- 1357-58 m. Thomas de Botkesham
ch. Laurence de Reppes, Thomas Ryghtwys junior, John de Faldyate, Matthew de Tilney
- 1358-59 m. John Urry
ch. Simon de Gunton, Thomas atte Bek, Richard de Botkesham, Geoffrey de Fransham
- 1359-60 m. William de Bitering
ch. Roger Wyth, Philip Wyth junior, John de Grantham, John Derewent
- 1360-61 m. Robert Braunch
ch. Henry Elys, Richard de Houton, Roger de Byntree, Ralph de Colkirke
- 1361-62 m. Simon de Gunton
ch. Robert Ryghtwys, John de Titleshale, Nicholas de Swerdestone, John de Brunham
- 1362-63 m. Thomas Drewe
ch. Thomas Ryghtwys junior, Reginald de Brynton, John de Rudham, William Galapyn
- 1363-64 m. Thomas de Botkesham
ch. John de Docking, Thomas Curson, John Blower, Matthew de Tilney

- 1364-65 m. Simon de Gunton
ch. John de Faldyate, Hugh de Ellingham, Nicholas de Somersham, Henry de Cove
- 1365-66 m. John de Couteshale
ch. Richard de Houton, Geoffrey de Fransham, John de Penteney, Walter de Dunton
- 1366-67 m. William de Bitering
ch. John de Docking, Thomas de Kenynghale, Richard Faukes, John de Bukenham
- 1367-68 m. John de Fyncham
ch. John de Brunham, John Blower, Thomas de Balsham, Ralph de Colkirke
- 1368-69 m. Thomas Drewe
ch. Thomas Curson, John de Faldyate, Edmund de Beeston, Robert atte Lathe
- 1369-70 m. Thomas de Botkesham
ch. Edmund Ferrers, Edmund de Fransham, John Lok, John de Rudham
- 1370-71 m. John de Brunham
ch. Thomas de Couteshale, Edmund Belleyetere, Roger Paxman, Henry de Cove
- 1371-72 m. Henry de Cove
ch. Henry de Betele, John Stalworthe, William Ingreth, Alan Hunte
- 1372-73 m. Geoffrey de Tolbooth
ch. Hugh de Ellingham, William de Holmeton, Adam le Clerk, John Kempe
- 1373-74 m. John de Docking
ch. Thomas Drewe junior, John Blower, Robert de Kent, John de Titleshale
- 1374-75 m. Edmund de Fransham
ch. John Waryn, Roger Paxman, Walter de Dunton, Ralph de Colkirke
- 1375-76 m. Robert atte Lathe
ch. Alan Hunte, Robert de Waterden, Thomas Bubbe, John Rede
- 1376-77 m. Richard de Houton
ch. John de Penteney, Thomas Curson, John de Brandon, William Erl
- 1377-78 m. John de Brunham
ch. Henry de Betele, John de Titleshale, John de Dunham, Philip Wyth
- 1378-79 m. John de Brunham
ch. John atte Lathe, Geoffrey de Gaysele, Robert Wake, Richard de Botkesham
- 1379-80 m. Geoffrey de Tolbooth
ch. John Keep, Robert Pulter, Thomas Faukes, Robert de Kent
- 1380-81 m. John Waryn
ch. Roger Paxman, William de Bilney, Thomas de Waterden, Richard Denby

- 1381-82 m. Roger Paxman
ch. Thomas de Couteshale, John Kempe, John Wace, Philip de Staunford
- 1382-83 m. Henry de Betele
ch. William Wyth, John de Lakinghithe, Hugh Sad, Adam Waryn
- 1383-84 m. Thomas Curson
ch. John Drewe, John de Botkesham, John White, Peter Mafey
- 1384-85 m. John Waryn
ch. John Lok, Edmund Belleyetere, John de Dunham, William de Silesden
- 1385-86 m. John de Brunham
ch. Thomas de Couteshale, William de Bilney, William Rising, William de Oxneye
- 1386-87 m. John Waryn
ch. Walter de Dunton, Robert Pulter, John atte Lathe, Andrew de Swanton
- 1387-88 m. Thomas de Couteshale
ch. Thomas Drewe, Robert de Botkesham, William Erl, William Spicer
- 1388-89 m. Roger Paxman
ch. William de Brycham, John de Wentworth, Alan de Wormegay, John Bolt
- 1389-90 m. Thomas de Couteshale
ch. Edmund Belleyetere, John de Bitering, Ralph de Bedingham, John de Dunham
- 1390-91 m. Edmund Belleyetere
ch. Robert de Botkesham, Thomas de Waterden, John de Botkesham, Thomas Faukes
- 1391-92 m. John de Brunham
ch. John Drewe, John Wace, Adam Waryn, Richard de Thorpe
- 1392-93 m. Thomas Drewe
ch. John de Bitering, John atte Style, Robert de Salisbury, Robert de Walpole
- 1393-94 m. Thomas de Couteshale
ch. Thomas atte Brigge, Richard Denby, John de Lakinghithe, John Wace
- 1394-95 m. Edmund Belleyetere
ch. Robert de Botkesham, Ralph de Bedingham, Richard de Thorpe, John Kempe junior
- 1395-96 m. Robert de Botkesham
ch. Thomas de Waterden, Thomas Trussebut, Robert de Brunham, Simon Kempe
- 1396-97 m. John Wace
ch. unknown
- 1397-98 m. Thomas de Waterden
ch. Thomas atte Style, John Home, John de Botkesham, ---

- 1398-99 m. Thomas Drewe
ch. John de Wentworth, Thomas atte Brigge, Thomas Faukes, Thomas Ploket
- 1399-1400 m. Edmund Belleyetere
ch. James atte Brigge, John Mafey, Robert Cokerell, William Rising
- 1400-01 m. John de Wentworth
ch. Ralph de Bedingham, Adam White, William Lok, Geoffrey Bradele
- 1401-02 m. John de Wentworth
ch. Robert de Brunham, Richard Denby, John Marche, John de Botkesham
- 1402-03 m. Thomas Brigge
ch. John Wesenham, Simon Feltwell, James Nicholasson, William Erl
- 1403-04 m. Robert Botkesham
ch. Thomas Ploket, James Brigge, ---
- 1404-05 m. Thomas Waterden
ch. Richard Thorp, Ralph Bedingham, Thomas Faukes, William Hunderpound
- 1405-06 m. John Wentworth
ch. unknown
- 1406-07 m. Robert Brunham
ch. unknown
- 1407-08 m. Thomas Brigge
ch. Robert Burgeys, William Hunderpound, William Blakeney, Thomas de Worsted
- 1408-09 m. Robert Brunham
ch. unknown
- 1409-10 m. John Brandon
ch. John Wesenham, Adam White, Richard Lechour, Philip Frank
- 1410-11 m. Robert Botkesham
ch. William Brycham, William Baret, John Home, ---
- 1411-12 m. Roger Galyon
ch. John Home, Richard Thewyt, Walter de Todenham, Richard Denby
- 1412-13 m. Roger Galyon
ch. William Walden, John Bukworth, John Mafey, Thomas Ploket
- 1413-14 m. Bartholomew Petypas
ch. William Spyr, John Alger, Nicholas Martyn, John Bryghtzeve
- 1414-15 m. John Lakinghithe (Robert Brunham)
ch. John Broun, William Herford, James Nicholasson, Adam White
- 1415-16 m. John Bilney/Robert Brunham (Thomas Hunte)
ch. Ralph Topcrofte, Thomas Worsted, Richard Lechour, John Brekerop
- 1416-17 m. John Wesenham
ch. Walter de Todenham, Hugh Cook, William Waterden, William Style

- 1417-18 m. William Hunderpound
ch. Philip Frank, John Filipp, William Blakeney, Robert Barleye
- 1418-19 m. Thomas Hunte
ch. Thomas de Burgh, William Spyr, John Copnote, John Warner
- 1419-20 m. John Wesenham
ch. Robert Sprot, John Frost, Adam Elsy, John Muriell
- 1420-21 m. John Spicer
ch. John Kelle, John Ashenden, Adam Marcaunt, William Kyrton
- 1421-22 m. John Spicer
ch. John Saluz, Thomas Wilkinson, William Norfolk, Thomas Langton
- 1422-23 m. John Spicer
ch. John Wyth, Thomas Gryme, William Richeman, ---
- 1423-24 m. John Permonter
ch. John Springwell, Alexander Brixwirth, John Staunton, Nicholas Frank
- 1424-25 m. John Permonter
ch. John Mafey, John Benycle, John Syff, Edward Mayn
- 1425-26 m. John Thorisby
ch. Thomas Spicer, Roger Ingram, William Bedingham, John Andrew
- 1426-27 m. Philip Frank
ch. William Palmer, John Maryot, John Boston, William Style junior
- 1427-28 m. John Permonter
ch. John Pygot, John Dun, John Hunderpound, Thomas Leighton
- 1428-29 m. John Permonter
ch. John Karle, Robert Hardy, William Kellowe, Robert Walsingham
- 1429-30 m. Richard Waterden (John Wesenham)
ch. John Nicholasson, Simon Scotland, John Gedneye, John Adams
- 1430-31 m. Thomas Worsted
ch. John Wesenham junior, Henry Thorisby, Richard Frank, Simon Greve
- 1431-32 m. John Permonter
ch. John Bocher, Richard Lent, Hugh Crosse, Ralph Brycham
- 1432-33 m. John Brekerop
ch. George Laurence, John Colchester, William Costyn, Nicholas Wyth
- 1433-34 m. Thomas Botkesham
ch. William Wyth, John Muriell, Thomas Lok, William Crosse
- 1434-35 m. Thomas Burgh
ch. Amery Trewe, Robert Sad, William Mollisworthe, Bartholomew Collys
- 1435-36 m. John Waryn
ch. Amery Trewe, Walter Curson, Thomas Calbot, John Hayward
- 1436-37 m. William Palmer (John Permonter)
ch. John Boys, John atte Gates, Henry Bermyngham, Richard Stalker
(Amery Trewe)

- 1437-38 m. Thomas Salisbury
ch. Richard Gigges, John Botyld, John Boston, John Silesden
- 1438-39 m. Thomas Salisbury
ch. John Robynson, William Wareles, Adam Dersingham, John Trunche
- 1439-40 m. Henry Thorisby
ch. Simon Pygot, Edmund Springwell, Bartholomew Collys, Stephen Aleyn
- 1440-41 m. John Ashenden
ch. Thomas Bene, John Duddy, Thomas Tolyot, William Pilton
- 1441-42 m. Simon Scotland
ch. John Petyclerk, Thomas Abbot, Richard Cosyn, Robert Lexham
- 1442-43 m. Henry Thorisby
ch. William Hardy, John Sutton, William Lenn, Martin Wright
- 1443-44 m. Henry Thorisby
ch. Thomas Baker, John Taillour, Thomas Asheburn, John Smyth
- 1444-45 m. William Kyrton (John Waryn)
ch. John Pye, Richard Abell, John Bagot, Alan Hoberd
- 1445-46 m. Thomas Salisbury
ch. Walter Dalham, Thomas Muriell, William atte Wode, William Lumbard
- 1446-47 m. John Pygot
ch. William Alkas, William Goodman, Thomas Thornham, John Houton
- 1447-48 m. Simon Scotland
ch. Walter Cony, John Wikilwode, John Taverner, Richard Halman
- 1448-49 m. Thomas Calbot
ch. Thomas Ormylle, William Philpot, William Ashill, William Gilbert
- 1449-50 m. Richard Frank
ch. William Ashill, William Gilbert [[15](#)]
- 1450-51 m. William Lewes
ch. John Melcheburn, Simon Park, Geoffrey Patryk, John Bek
- 1451-52 m. William Lewes
ch. Simon Baxter, William Bole, Adam Oky, Gilbert Watson
- 1452-53 m. John Gedneye
ch. John Enmeth, Henry Bek, John Marys, William Ivot
- 1453-54 m. Walter Cony
ch. William Caus, William Bolt, Nicholas Ivy, Richard Dyke
- 1454-55 m. Simon Pygot
ch. Edmund Westhorp, Richard Selwode, Robert Chapman, Lambert Sherwyn
- 1455-56 m. Simon Scotland
ch. Robert Marys, Richard Goodwyn, John Braybroke, Simon Oldmedewe
- 1456-57 m. Henry Thorisby
ch. Thomas Barker, John Welle, William Raulyn, John Kilfray

- 1457-58 m. Thomas Calbot
ch. William Walys, John Pecoock, John Candeler, John Stone
- 1458-59 m. John Nicholasson
ch. John Basse, Roger Bedon, William Danyell, Richard Jangill
- 1459-60 m. John Nicholasson
ch. Thomas Leighton, Simon Shropham, Richard Smert, William Marche
- 1460-61 m. Walter Cony
ch. John Gaunce, John Soome, Thomas Wright, William Burmond

APPENDIX I: Lists of Office-holders

[Introduction](#) | [Structure of Borough Government](#) | [Social and Economic Background of Office-Holders](#)

[Monopolisation of Office](#) | [Attitudes Towards Office-holding](#) | [Professionalism in Administration](#)
[Quality of Government](#) | [Conflict and Solidarity in Urban Politics](#) | [Conclusion](#)



Biographies

Lynn:

Baldeswell | Bedingham | Belleyetere | Bermyingham | Berry | Betele | Bitering | Blakeney | Blaunche | Bolt | Botkesham | Brandon | Braunch | Brigge | Brunham | Brycham | Brynton | Bukenham | Bukworth | Burghard | Cokerell | Cokesford | Cooke | Copnote | Couteshale | Creyk | Crosse | Crowmer | Denby | Draper | Drewe | Ellingham | Elys | Engelond | Erl | Falyate | Faukes | Feltwell | Fouler | Frank | Fransham | Frere | Fyncham | Galt | Gaysele | Goldsmith | Gunton | Halleyate | Herte | Houton | Hunderpound | Hunte | Keep | Kempe | Kenynghale | Lakinghithe | Lathe | Leche | Lok | Loveday | Mafey | Martyn | Melcheburn | Muriell | Neell | Nicholasson | Oxneye | Paxman | Paynot | Permonter | Pulter | Reppes | Ryghtwys | Salisbury | Silesden | Snailwell | Sparham | Spicer | Style | Sustede | Sutton | Swanton | Swerdestone | Systerne | Thewyt | Thirsford | Thorpe | Tidde | Tilney | Trussebut | Urry | Wace | Walden | Walpole | Walsingham | Walsoken | Waryn | Waterden | Wentworth | Wesenham | White | Wormegay | Yorke



Thomas de Baldeswell purchased entrance to the Lynn franchise in 1383. Over the decade that followed he played the usual minor role in public affairs (tax assessor, elector) but never rose beyond the middle rank of burgess society. The name of **William de Baldeswell** is not found in Lynn records; the reference to that name in the 1392-93 customs account may be a transcription error (although this is unlikely from the context), or he may have been a junior member of the Lynn family, or not a Lynn resident at all.



Ralph de Bedingham entered the franchise at Lynn in 1372, having completed his apprenticeship to Walter de Dunton, a probable merchant. Ralph certainly was being described as a merchant by the early fifteenth century. His international trading activities are documented between 1391 and 1412: he was exporting cloth, victuals and lumber and importing dried fish and a wide range of lumber. He served four terms as borough chamberlain and sat among the jurats for most of the period from 1390 to 1413. In 1412 he suffered a series of financial setbacks, losing one cargo of imports to a storm and two others to pirates, and in 1413 he was deposed as jurat by the reform party then in political ascendancy. However, he appears to have overcome these adversities and been restored to jurat ranks 1418-26, after which he is heard of no more – the last reference being a summons to the Exchequer to answer a house-breaking charge.



The individual identified in the 1392-93 **customs account** as Edward Belleyett' was properly **Edmund Belleyetere**, the most prominent member of a local family of bell-founders. Edmund, however, had expanded beyond family tradition to become a merchant and vintner, having been apprenticed to **John de Brunham**, father of the famous Margery Kempe, although Edmund was a generation older and had entered the franchise in his mid-twenties, in 1364, ten years before Margery was born. Edmund had a long (died ca.1414) and distinguished career in both local government – serving as jurat for most of the period between 1370 and 1413, three times as mayor during the 1390s, and alderman of the merchant guild for a good part of the subsequent decade – and in the customs service (1382-1404) most notably as Deputy Butler.

His mercantile activities are first documented in 1364, when he took £50 and woollen cloth to Gascony, with a view to buying wine for import. By the 1390s, he had refocused his attentions northward and was importing herring, dried fish, iron, beaver pelts, wax, tar, lumber, and ashes, although he remained involved in the wine trade. He continued to be active in commerce until the end of his life – pirates captured one of his cargoes, Norway-bound, in 1412. Some of his wealth he invested in buying estates in the vicinity of Lynn, and he had a manor-house on the opposite side of the Ouse from the borough.



Thomas de Bermyngham was probably a member of a Lynn family that became more prominent in the fifteenth century. He may perhaps have been the same as the fuller who served as a councillor several times in the 1420s and '30s (although this was more likely a member of a later generation).



William Berry of Holme-next-the-sea (15 miles north of Lynn) was a franchise entrant of 1385, but receives few mentions in Lynn borough records thereafter.



Henry de Betele was a member of one of the leading Lynn families of the fourteenth century. His father Hugh, a merchant who dealt in victuals (sometimes on behalf of the king), had been mayor in 1342/43 and co-owned a ship with his brother Henry, a slightly less prominent townsman; both succumbed to the first outbreak of plague. The Henry whose trading is evidenced in the 1392-93 customs account was born in 1339, entered the franchise at age 21 and followed his father's footsteps into commerce and politics. He first became a jurat in 1369 and, apart from a *faux pas* which led to his disgrace and disfranchisement for a year (1375/76), remained so for most of the period up to 1393. He was mayor in 1382/83 and alderman of the merchant gild 1390-93. His disappearance from the records in 1393 probably marks retirement or death. In 1374 he was exporting oats and beer to Zeeland, but only the 1392-93 account reflects his diversification into cloth, for surviving customs records from 1390-92 show no activity from him.



Although described as a vintner in August 1364, at the time he obtained a licence from the king to take to Gascony £50 in cash and the same in cloth in order to buy wine, **William de Bitering** is more often seen trading in victuals. However, this is because it is his exports that are most in evidence, not his imports.

We first hear of him in 1336/37 when he travelled to Stamford on community business (perhaps nothing more than message-bearing), and his earliest known mercantile activity is in 1337 – three years before he became a member of Lynn's merchant gild – when he partnered with Simon de Bitering to export 200 weys of white English salt to Germany; Lynn's early development owed much to its saltworks. Simon was a merchant of the previous generation but perhaps not a close relative, for his will (1349) left nothing to William, nor was the latter an executor, only coadjutor of the executors; the surname was present in Lynn from the beginning of that century, and the family's roots can apparently be traced to Cambridgeshire. The following year William and Simon exported the same amount of salt to Germany, this time in partnership with **Hugh Betele**, all three described as "king's merchants". In 1347 he is seen shipping two large cargoes of wheat and beans, again through partnerships; the same year finds him selling 6 tuns of wine to the King's Butler, who happened to be fellow-townsmen **John Wesenham**. In 1353 he was licenced to send wheat to Holland or Zealand, in 1355 wheat and ale, and in 1357 wheat to Gascony. In 1364 a more diversified cargo of wheat, barley, beans, peas and ale was sent to Holland. William was wealthy enough to own a ship by 1346, when he was reimbursed by the community for the expenses of making it available for royal service; his local tax assessment in 1357/58 was triple the average paid by townsmen. In 1356 he had been one of the merchants of the realm summoned by the king to attend a special assembly.

His first known role in local government was as chamberlain in 1339/40, and he was one of the jurats for most of the period from 1346-69. His first term as mayor began in 1352, he was re-elected the following year, and then for an unprecedented third consecutive term – on that occasion he begged off, but again served in 1359/60 and 1366/67. His prominence in the community is also evidenced by his role as alderman of the merchant gild 1361-69. He also held posts in the royal customs administration, as a collector of the customs on wool in the mid-1340s (Simon de Bitering having held the post immediately before him) and early 1350s, and as Deputy Butler 1350-

59, as well as holding the odd royal commission.

At his death in 1369, he left a widow, Juliana, a probably underage son John (who followed in William's footsteps as a merchant and jurat, but never quite achieved his father's prominence), and two daughters of whom one had become a nun at Carrow Abbey, near Norwich. A late eighteenth century antiquarian reported seeing his tomb and its brass, depicting him and Juliana, in St. Nicholas' church.



William Blakeney entered the franchise at Lynn in 1388, when referred to as a mariner. He was evidently of age (probably barely) in 1376 when he disposed of a piece of property from his inheritance. It was perhaps as a factor of a Lynn merchant (just possibly **Henry de Betele** or **John Waryn**, who were his guarantors for paying his entrance fine), that he was in Prussia when he received a beating. But more likely he was there as a ship's master, for in 1387 the king permitted his ship to be freed from arrest (for use in the navy), in order that it could carry a shipment of wool to Middelburg. He was in 1391 using the same ship to import herring – 7 last for re-sale and 4 last for his household use – and export cloth. In 1396, in a different ship which he owned, he exported a small amount of cloth. In 1398 he was in trouble for having captured a Scottish ship at a time of truce with Scotland. He was elected chamberlain in 1407/08 but then opted to side with the reform party in the years that followed; however, his mercantile associations made him acceptable to the ruling elite when they regained control of government and he served as a constable 1416-19 and again chamberlain in 1417/18, dying shortly after.



John Blaunche entered the franchise at Lynn in 1370, as a cooper. It would be tempting to assume that the name of **John White**, which also appears in the 1392-93 customs account, was an alternate version of his name. However, in a customs record of 1391 both Blaunche and White had cargoes in the same ship on one occasion, and both were mentioned in the same witness list of 1375, making it clear they were separate individuals. Neither man had much role in local government. In 1391, Blaunche was importing herring, sturgeon, lumber, iron, wax, beer, tar, and ashes, while White was involved in only one shipment, importing lumber, tar, iron, and ashes. However, White was more active in exporting cloth that year than in 1392, while Blaunche does not appear to have been active at all. Both were inactive by the end of the decade. White may have been the shipwright of that name who, in 1377/78 was constructing vessels for the town.



John Bolt purchased entrance to the franchise at Lynn in 1382 and became a member of the merchant gild three years later, having already been given modest community responsibility, as tax assessor and as a member of a committee to search out lepers and have them removed from the town. In the early 1390s we find him exporting cloth and being fined on more than one occasion for breaking the assizes of ale and wine; he was evidently doing business in the Baltic, for the ship he owned had been built in Gdansk and he appears to have married a woman from the same location (his son Robert later being described as the heir of a Gdansk man, Edmund Faukes).

It was at the same period that he entered the ranks of the jurats, having already served his 'apprenticeship' as chamberlain in 1388/89. He was a jurat throughout the period of political strife, during the reign of Henry V, and up until 1424, around which time he died. He was thus associated with the *potentiores* opposed by the Petypas faction, and as such was one of that group attacked in August 1415 while holding meeting in a tavern. His wife Margaret predeceased him, for in 1416/17 he purchased for her soul the spiritual benefits of membership in the merchant gild. His son was active in the customs service in the 1430s, but was not otherwise prominent.



Robert de Botkesham acquired freeman's status at Lynn in 1372, by right of his father Thomas de Botkesham, one of Lynn's leading merchants. Since **John de Botkesham** acquired the same status immediately afterwards, without fine, it is probable that he was a younger brother of Robert. Both men followed their father into jurat ranks, Robert remaining there for most of the period 1378 to 1403 (and probably to 1410) and John from 1391 to at least 1403; Robert alone followed his father into the mayoralty – also for three terms. Both likewise had brief stints of office in the customs administration, while Robert was appointed mayor of the Lynn staple in 1406. There is, however, no indication they partnered in commercial ventures, although both were all-purpose merchants dealing in similar goods: exporting cloth, grain, and victuals, and importing herring, dried fish, beaver pelts, iron, ashes, lumber, tar, flax, canvas, yarn, and probably wine.

Robert was evidently the more prosperous of the pair, and as such had that much more of a vested interest in the status quo, which helps explain why he was the most prominent among the leaders of the *potentiores* (anti-reform) party during the **political strife** which began in earnest during Robert's mayoralty of 1410/11; although there may have been some personal grudge involved too, for the reformers' leader was a former apprentice of John de Botkesham. Robert died during the course of the conflict (although there is no intimation of foul play), while John had already faded from the scene (and probably died) years earlier.



Thomas de Botkesham was to become one of the leading townsmen and merchants of the generation following that of **William de Bitering**. He entered the franchise in 1346 through apprenticeship; his master Humphrey de Wyken had died before Thomas could complete the final 6 months of his term, but the borough authorities waived that technicality. He had evidently already made something of a mark, and in 1350/51, as an elector, entered jurat ranks for the first time. In 1352/53 he served as chamberlain. Thereafter he was a jurat for almost the entire period up to 1390. During that period he served three mayoral terms (1357/58, 1363/64, and 1369/70).

In 1354 he was exporting malt, flour, salt and cloth to Norway and Germany, to trade for fish, and the following year was exporting

wheat, ale and cloth. The mid-1360s have left evidence of more of his mercantile activities, again exporting victuals to Flanders, Zeeland, Holland, Gascony and Norway. In 1372 he was shipping hides from northern England to Lynn, and was in the same year (as well as later in the decade) supplying the borough with iron, tar, timber and other materials for building barges. He was alderman of the merchant guild from 1370 to 1389, and became mayor of the staple at Lynn in 1373. He died ca.1389/90. The Thomas Botkesham who was mayor of Lynn in 1433/34 may have been a grandson, although I have not found evidence of any direct link.



John de Brandon, one of the exporters most frequently mentioned in the customs account of 1392-93, appears already to have been engaged in commerce, improperly, in 1372 when he was obliged to become a freeman in consequence. In 1383 he was exporting grain to Norway, and his mercantile involvements with that country, Prussia and the Low Countries are well-documented between 1388 and 1406: he was heavily involved in exporting cloth, hides and grain, while importing soap, garlic, herring, eels, sturgeon, and probably wine and tiles. By 1400 he had his own ship which was used not only for legitimate commerce, but also for fighting the Scots, and for piracy. He served in several posts in the customs service between 1389 and 1408 and was mayor of the Lynn staple 1390-91. In urban administration, he was a jurat for most of the period between 1380-1413, and mayor of Lynn in 1409/10.



Ancelm Braunch was probably some relation of Robert Braunch, but the proximity is unknown. He purchased entrance to the franchise in 1350, at the beginning of Robert's first mayoralty. Despite having married the widow of former mayor John de Massingham, his career was less distinguished than that of Robert. He served as chamberlain in 1353/54, and was elected a jurat the following year, continuing in that role up to 1362. Perhaps his life exemption from offices and assizes obtained in 1352 reflects a low interest in politics. From 1346 he was also one of the king's searchers of ships. In 1354 he was involved with the Cokesfords and John de Sustede in a partnership to export ale and wheat to the Low Countries, and in 1359 received licence in his own right to export the same kind of goods to



John Braunch became a member of the merchant gild in 1293. He was already well-to-do, for the previous year his goods had been valued (for purposes of a local tax assessment) at £12. Further valuations have survived for 1298, 1299, 1302, 1303, and 1305 when varying between £8 (below the average) and £20 in the 1300s. In a national tax levied in 1332 his goods were valued at £6.16s.8d, but the basis for the valuation was different from that for local taxes, and John's assessment on this occasion was well above the average of £2.19s.1d. Mercantile activities may do much to explain the fluctuations in local tax assessments. In 1308 and 1313 he is seen exporting wool. In 1309 he was fined for blocking the marketplace with his merchandize; during the same session, his wife was fined for breaking the ale assize. John was again fined for a similar offence in 1328, when his timber occupied excessive space in the **Tuesday Market**. He appears to have lived in **Damgate**, probably near the market end. That timber had long been an item in which he dealt is suggested by the fact that in 1303 he and Richard de Swanton had sold planks to the king's commissioners, for purposes of constructing pontoons.

John did his duty to the community, but no more: his roles in local government began with that of tax assessor (1301 and again in 1305); he served as chamberlain in 1304/05, as jurat the following year, being seen again in the latter role in 1322/23, and as an auditor of the town financial accounts in 1320. He likewise served the merchant gild, as a scabin, in 1306/07 and 1316/17.



The Thomas Attelburgh mentioned in the 1392-93 customs account may perhaps have been a Lynn man, for there is a fleeting reference, among a list of leading townsmen, in February 1392 to one with the name of Thomas Attlebrigge. This would have been the merchant more usually referred to as **Thomas atte Brigge**, a jurat for most of the period from 1393 to his death in 1422 (except for interruption during the governmental tenure of the reform party), and mayor in 1402/03 and 1407/08. After purchasing the franchise in October 1390, his mercantile activities are almost immediately evidenced: in 1391 he was exporting cloth and importing herring; probably he was trading before entering the franchise, as he was unable to claim free entrance by patrimony, even though his father Peter had become a freeman in 1349. He is again seen exporting cloth in 1394, but wool and woolfells between 1399 and 1403, and importing string in 1402 and (in partnerships, including with his brother James) herring, eels, sturgeon, iron and wine in 1406. Like John Wentworth, he ran afoul of the Bishop's officers in Lynn during one of his mayoralties, and became one of the chief opponents of the reform party.



The Brunham family was one of the most powerful in Lynn at this period, and two generations are represented in the 1392-93 customs account. **John de Brunham**'s father Ralph had been of above-average means and had served as jurat in the 1340s. John entered the franchise in 1353 and, after a term as chamberlain in 1355/56, the jurat ranks only four years later, remaining therein until at least 1403 and probably to 1412, except for when he served again as chamberlain and during 5 mayoralties – the first in 1370/71 and the last in 1391/92. By 1398 he had become alderman of the merchant gild, in which post he remained until about 1406.

His longevity was exceptional and the depth of experience he had helps explain why he was kept among the jurats until shortly before his death in 1413. As early as 1383 he was obtaining an exemption from jury-duty or any unwanted offices on the excuse of being "too old to labour"; far more credible was his excuse for non-attendance at a council meeting of December 1412 that he was bed-ridden. One of the targets of the complaints of the reform party in 1411/12, he was probably semi-retired at that point and played little active part in the opposition to the reformers.

His wide-ranging commercial activities are evidenced between 1352, when he was fined for **regrating** bread and 1397, when he was making money from the operation of a ferry-boat (leased from the merchant gild). His property included a quay and several shops. By 1357/58 his local tax assessment was already twice the average. In 1377/78 he sold herring to the community; in 1385/86 he bought a millstone from the merchant gild; in 1392/93 he sold iron to the Corpus Christi gild. Although in 1392 he exported only a shipment of corn, in 1391 he was exporting cloth and lumber, and cloth again in 1395. Despite all this, John de Brunham is best known today as the father of **Margery Kempe**.



John's son **Robert de Brunham** might have equalled the prominence of his father, had he lived as long. Unaccountably, there is no record of Robert's franchise entrance at Lynn, but he was one of several men fined in February 1388 for selling by retail – possibly a pressure tactic to persuade them to become freemen; Robert, who was on that occasion described as a vintner, was by far the most heavily fined. Vintner was evidently what he remained, for in 1400 he was fined for selling red and white wine contrary to terms of the assize, and he was heavily fined in 1403 for **regrating** 16 tuns of wine, and again in 1404 with regard to a further 6 tuns. In 1405-06 he imported several shipments of red wine. In 1408 the community was 100s. in debt to him for wine he supplied for official functions, and in 1412 we finally have a reference to his tavern. However, like all good merchants, he diversified: in 1391 he was exporting cloth, furniture, and lumber, and in 1405 and 1406 was partnering with others in the export of grain. That he was a ship-owner is suggested by his complaint of theft of an anchor in 1405.

His career in public administration was similar to his father's, but took place mostly in the 1400s and included constable of the Lynn staple (a role his father had also held), jurat from at least 1411 to at least 1420, two elections as mayor, and the aldermanship of the merchant gild from 1414-1419. He was one of the members of the ruling class most active in the opposition to the reform party and, as a result, was roughly treated when he (constitutionally, as alderman) tried to assume the mayoralty in 1415 after the death in office of **John Lakinghithe**; the reform party had forced him to surrender the mayoral seal and key to the borough treasury and, despite royal writs

in support of him, refused to return them or let him exercise mayoral authority. Die-hard reformers remained bitter towards him for years. He died at some point between 1420 and 1422, still a jurat.



William de Brycham was about 40 years old when found engaged in commerce, in the 1392-93 customs account. He had already served one term as chamberlain of Lynn, and was at this time (1391-92) constable of the staple at Lynn. The most prominent part of his career was ahead of him, however, when he rose into the ranks of the jurats, but supported the losing cause of the reform party. His early career was perhaps as a fishmonger or even a fisherman, and he remained active in the fish trade – being in trouble in 1413 for forestalling fish. But, having joined the merchant gild by 1385, from 1390 to 1413 he is seen active in more wide-ranging commerce, exporting cloth and grain and importing soap, lumber, herring, woad, madder, millstones (some of which he sold to the merchant gild), pitch and tar, and by 1413 owned his own ship.



At his earliest appearance, in 1319, **William de Brynton** (or Bruntone) was already prospering, if we may judge from the fact that his local tax assessment was well above the average; in the 1332 national subsidy his assessment was the third highest of all Lynn residents, over four times the average. He purchased membership in the merchant gild in 1324 and is seen exporting wool to Middelburg in 1336 and in 1348 suing Rodeland Tiler for 5s. remaining from a debt due for herring sold him. In 1356 he was summoned by name to attend a national assembly of merchants; he had already, between 1331 and 1352, been returned by his community to four parliaments and a special council summoned by the king (1351/52).

William's name is found among the constables on several occasions between 1326 and 1355, he being replaced in June of that year. He served as mayor in 1341/42, and is found as a jurat for much of the period between 1342 and 1362. He held for some years the post of borough coroner, being in that office by ca.1335 and retiring from it in June 1355, on the grounds of old age and ill health. In 1357 he obtained a royal grant of life exemption from office and jury-duty, and in 1357/58 his local tax assessment was only half the average.

Possibly these facts reflect a genuine retirement, except for him remaining in an advisory status through the town council. The entrance into the franchise of Thomas de Brynton in 1362 might mark William's death, but we cannot be sure whether Thomas was William's heir, as he entered by right of apprenticeship.



John de Bukenham obtained the franchise at Lynn in 1344 by graduating from his apprenticeship and is afterwards variously described as taverner, vintner and merchant. An earlier John de Bukenham, a barker, had entered the franchise in 1300 and was in 1349 described as "senior", but this does not necessarily mean he was related to the John of the next generation. Aside from being an elector in 1351, his election as chamberlain in 1354 was the first known role of responsibility he held in the borough; he served another term as chamberlain in 1366/67.

By the time of his first election, he was clearly prospering, for in 1354 he acquired three shops and a garden in **Pillory Lane**, next to property he already owned; at unknown date he also held property a little further south on Jews Lane. In 1368 he acquired a shop with a cellar at the corner of **Mercer Row** and **Purfleet Lane**. In December of that year he was exporting (through a partnership) 100 tuns of ale and 200 qt. of malt. In 1364 he received exactly the same permission as Gunton and Bitering, to take cash and cloth to Gascony to buy wine. On several occasions between 1349 and 1375 he was fined for breaking the assize of wine, and his wife Agnes for infringing the ale assize. He was a jurat in 1363/64 and from 1371-74, and one of the **constables** (an office reflecting his importance in the community) from 1370 on; the appointment of someone else to his constabulary in 1382 probably marks his death.



A series of men named **John de Bukworth** were in evidence in Lynn throughout the fourteenth century. One was a jurat in the 1320s, another was one of the keepers of the town gates in the 1340s. The best-known carrier of the name was from the middle rank of urban society and mainly active in the second decade of the fifteenth century. Affiliated with the reform party, he served in one of its administrations as chamberlain (and in the same year played a similar financial administration role in the merchant gild). He was – during the years of compromise following the defeat of the reformers – brought into the lower ranks of the jurats and had a post in the customs service, and in 1419 was nominated by the die-hards of the reform party as mayor, but was not elected. No record of his entrance to the franchise has survived, which might place it in the early 1400s, from which we are missing records. It is likely he who, with partners, exported a large cloth shipment in 1405. Whether he was the corn exporter of 1392 is more difficult to say; his partner on that occasion, Adam Borde, does not appear in Lynn records.



When **John Burghard** purchased the franchise at Lynn in 1305 he was described as "of Stoke"; the place-name is common and widespread, but may refer to Stoke-on-Trent, since his lengthy will included bequests of 100s. to be distributed among his poor relations and widows in Stoke and 40s. among the same in Burton. However, it is equally likely that his roots lie closer to home, in a cluster of villages some fifteen miles south of Lynn. He was probably already prospering as a wool merchant – in 1322 he was to be one of four Lynn men summoned by the king to attend a council of the country's greatest wool merchants – and found citizenship at Lynn convenient because it was an important export centre. Whether he moved permanently there at first is less certain. He did not bother to join its merchant gild until 1312/13, and it was in the years that followed that he is seen acquiring properties there, including a number of rents – which would provide him with a certain guaranteed income, as a buttress against the larger but less certain revenues from international commerce.

Most of the records we have of his activities relate to his real estate transactions, and his will shows that he had acquired, by his death in August 1339, numerous properties throughout the town, including a large number of selds (some at least larger than stalls, for they had courtyards associated), and two quays on the **Purfleet**. Despite this, it

is not certain where his personal residence was, but probably in the lane running east off **Briggate** on the north side of the Purfleet, for this was known for a while as **Burghard's Lane**. In the 1332 lay subsidy, he had the third highest assessment of any Lynn townsman and, although his commercial activities are little documented, evidently remained an important player in the wool trade up to his death, for in that same year the king acknowledged a debt of over £34 to John, for wool purveyed from him, and he is seen to have sheep-farms at several villages within a few miles of Lynn.

Not surprisingly, he numbered among the ranks of the jurats by 1322 (lists of the council being scarce at that period), and served as mayor in 1326/27, 1332/33, and less certainly 1337/38. He was survived by his widow, Alice, three sons – none of whom appears to have amounted to much (one possibly became a cleric and studied at Cambridge), and two daughters. One of the latter, Margaret **Kenynghale**, gave an important boost to the borough coffers by bequeathing the community and merchant gild the properties her father had left her, in return for them holding an annual obit for his soul; this was still being celebrated in 1424/25, when it was ordered that mayor, jurats, councillors and chamberlains attend the obit or pay a 12d. fine.



Robert Cokerell is another of the middle-ranking traders of Lynn. Although he imported a large quantity of dried fish and a small quantity of oil in 1391 (exporting cloth in the same year), he did not even bother to become a member of the town's merchant gild until 1396. After that date we have glimpses of his commercial activity: in 1400 he was renting two cellars by the quayside and was fined for breaking the assize of wine, and in 1402 he was importing garlic. Apart from one term as chamberlain, he played no part in borough administration.



Hamon de Cokesford entered the merchant gild in 1320 and served as one of its scabins 1339-41. He was a jurat in 1349/50 and the following year, because the electors (of whom he was one) were joined with others to form the full council. John de Cokesford and Robert de Cokesford were more prominent members of the family (if indeed all were related), and Hamon does not seem to have been as well-to-do, nor is there evidence of any significant mercantile activities.



Although the entrance of **John de Cokesford** into the gild merchant in 1317, by purchase, might appear to mark the beginning of his career, he had been briefly seen four years earlier, among those accused by **Robert de Monthalt** of a mob assault upon him, and that his local tax assessment in 1319 was over three times the average suggests his business affairs were prospering. That business was probably the usual trade in victuals that was the backbone of many mercantile operations; in 1328 he was fined for forestalling herring, in 1330 was capitalizing on the butchery of a beached whale, and in 1335, 1354 and 1355 is seen exporting grain and ale to the Low Countries. The 1354 venture was a partnership with Robert de Cokesford, **Ancelm Braunch** and **John de Sustede**. There are hints he made have had a side-business as an attorney. Chamberlain in 1319/20, he was frequently constable during the first half of Edward III's reign. He held three terms as mayor between 1339 and 1346 and also served the merchant gild as a scabin 1337-39. He was first jurat in 1325/26, again in 1342/43, and for most of the period from 1347.



Robert de Cokesford entered the merchant gild by patrimony in 1329; this may indicate him as a son of John de Cokesford, with whom he was a partner in an export venture in 1354. Possibly like John, he seems to have mixed commerce and legal business as the way to earn a livelihood; at least he appears to have acted as the borough attorney on several occasions, and fees paid him in 1348/49 and 1356/57 have the look of retainers. It was perhaps in this role that he was returned to the parliament of 1346, during which he attended the funeral of fellow-burgess Thomas de Folsham in London – this later proving to be a fraud, Thomas having faked his death to try to escape his debtors, but there is no indication Robert was aware of the

deceit. He was jurat for most of the period from 1350 to 1368, and served the king as Deputy Butler at Lynn from 1347 to 1350, with a brief overlapping stint as collector of tunnage and poundage (1350-51). In 1355 and 1363 we see him exporting ale. He died in 1369, leaving sons Thomas, who had entered the franchise in 1361, and Robert; neither figures prominently in town affairs, and Robert is last heard of going off to serve in the king's army in 1372.



A **Thomas Cooke** was active in Lynn in the 1320s, and may have been the clerk of the name who was an executor of John le Frenge in 1339. But it is doubtful this was the same man as the **elector of 1354**. That Thomas le Cooke purchased membership in the merchant guild in 1340 and served as borough chamberlain in 1341/42 and again in 1346/47. He is found as one of the king's bailiffs in Lynn in 1349/50; it may be more than coincidence that the office of borough bailiff was held by Stephen Cooke de Tylneye from 1351-61. Thomas was a jurat in 1347/48 (through electorship) and in 1349/50-1350/51, but not thereafter despite being chosen an elector on 6 other occasions during the 1350s. He appears to have been a man of modest means and perhaps indeed a cook, as his surname suggests (he was suing a cook for debt in 1350).



The **John Copnote** who received a beating in Prussia in 1385 was probably a member of a mercantile family visible in Lynn in the late fourteenth and early fifteenth family. A Robert Copnote was a ship-owner in 1391, while a later John Copnote, who entered the lower council at Lynn in 1418 and the upper council in 1423, had already served the community (1414/15, the same year in which he entered Lynn's franchise) in the role of its representative in negotiations with the king of Denmark regarding disputes between Lynn merchants and Hanse merchants.



John de Couteshale was possibly a descendant of Andrew de Couteshale, who was a scabin of the merchant gild ca.1262 and probably the mayor of ca.1270 simply referred to as "Andrew". Although John did not enter the merchant gild until 1340, his career was already well underway:

- he had been fined for infringing the assize of ale in 1328 (in 1359 he received the extraordinarily heavy fine of 50s. for the same offence, suggesting him to have been an incorrigible offender);
- his assessment in the national subsidy of 1332 was a little below the average; he had served his first of two terms as chamberlain in 1334/35;
- he was one of the collectors of a royal tax in 1336;
- and in the same year he and his wife Cecily are seen acquiring property.

By 1340 he was in fact wealthy enough to own a ship, the participation of which in a piratical attack on a Flemish vessel had obliged Edward III to pay heavy compensation; John, to allay the king's wrath, had to take his ship into royal service for a time in 1342. In 1354 he was exporting, in partnership with others not of Lynn, ale and wheat to the Low Countries, and his status as a leading merchant is indicated by him being summoned to attend a national assembly of merchants in 1356.

He was first jurat (as far as we know) in 1342/43 and held that position for most of the period between 1350 and 1371; during the same period he was mayor five times, the first beginning July 1349 to replace John de Massingham, felled by plague. He was one of Lynn's constables during the late 1340s and '50s, a territorial authority which is also evidenced by the lengthy will of his widow who died in 1389; this shows that John had built up a substantial block of property in the **Gresmarket/Jews Lane/Pillory Lane** sector of town, of which ward he was constable. One of John's sons, **Thomas de Couteshale**, was prominent in the next generation, as jurat for most of 1369-96 and three times mayor, but otherwise the family slipped into obscurity.



John de Creyk purchased entrance to the Lynn franchise in 1383, on the same day as **Thomas Baldeswell**. Like Baldeswell, his status in the middle rank of urban society is defined by his minor public roles during the late '80s and early '90s as tax assessor, capital pledge, and elector.



John Crosse was probably an early member of the family that became established in the lower ranks of the merchant class at Lynn in the first half of the fifteenth century. Unlike later members of the family, John features little in borough records, and may perhaps not even have settled in Lynn by 1392; a skinner of that name entered the franchise in 1401, but this is not necessarily the cloth exporter.



Thomas de Crowmer entered the franchise at Lynn, as a cordwainer (leather-worker) in 1385, but was not an especially prominent member of the community.



Richard de Denby entered the franchise at Lynn in 1377. Besides exporting cloth, he imported nails, lumber, iron, glass, and sackcloth; he also dealt in wine (but was not necessarily importing it himself). He was a jurat for much of the period between 1388 and 1419.



John Draper was probably the franchise entrant of 1381, a graduated apprentice of merchant **Geoffrey de Fransham**. Apart from acting as member of tax assessment committees on a couple of occasions during the '80s, he features little in Lynn records.



Merchant and shipowner **Geoffrey Drewe senior** had been one of the leading townsmen during the reign of Edward II and was probably frequently a jurat (although our sparse records from that period only document a couple of terms, in the 1320s). He may have been the mayor of that name in 1305/06; or perhaps this was an earlier generation of the family, since that Geoffrey had entered the merchant gild by patrimony in 1286, while the Geoffrey known as senior was still active in travelling on community business into the late 1330s.

Whether Geoffrey senior was the father of **Geoffrey Drewe junior** is not known, but some relationship is probable in what was a large family prominent in the town throughout the fourteenth century. Geoffrey junior had purchased membership in the merchant gild in 1317, but his fraternal oath was not administered at that time because he was underage. He served as gild scabin from 1333 to 1335, and as its alderman from 1349 to at least 1358 and probably until his death in 1361, when he was succeeded by **William de Bitering**.

He had been a one-time business partner of Bitering in 1355 and on his deathbed named William as one of his executors; William refused administration of the will, but nonetheless took on Geoffrey's son **Thomas Drewe** as an apprentice not long afterwards. Despite (or just perhaps because of) his aldermannic role and his frequent election as a jurat during the 1340s and '50s, he never held the mayoralty. His mercantile activities were likely extensive, but almost our only window onto them is during the period 1354-55, when on three occasions he was exporting large quantities of ale, wheat, and peas.

His participation in the royal customs service – as searcher for coin 1335-42, as collector of the wool custom 1342-46 and in the early 1350s, and briefly in 1350 as collector of tannage and poundage – would also be a typical indicator of involvement in long-distance commerce. The borough sent him as its representative to five parliaments between 1341 and 1358, and he is frequently seen travelling on community business, usually to London. At his death, he left a widow, Golditha, sons William and Thomas, and a daughter Katharine.



One of the customs collectors of 1392-93, **John Drewe**, was also one of the exporters listed, involved in 6 shipments during the year, while other customs documents also show him very active in international commerce between 1391 and 1393. A member of a prominent and prolific family of the town (his father, Thomas Drewe senior, had been mayor), he was frequently a jurat during the 1380s and early '90s, and was probably at the peak of his career – at about age 45 – at the time of the customs account of 1392-93. I suspect he was the franchise entrant of April 1368 who had served out an apprenticeship to merchant Thomas de Botkesham. He served as a customs collector at Boston and Lynn from 1388-93, and died ca.1398.



The **Thomas Drewe** who was one of the town councillors elected in 1354 was probably a cousin, or even brother, of Geoffrey Drewe junior (despite not being mentioned in Geoffrey's will). Thomas himself became known as "senior" from 1371, after Geoffrey's son Thomas had entered the franchise. Thomas' own son Geoffrey (to add to the confusion) obtained the franchise by patrimony in 1358, and another son John in 1372. Thomas first figures in the records in 1328, when fined for forestalling fish, and his first role in officialdom was as scabin of the merchant gild (1337-39). He appears to have been a jurat for the entire period from 1342 to 1376, with the exception of the years when he served as king's bailiff (1348/49) or mayor (1345/46, 1362/63, 1368/69) and possibly 1343-45 and 1351/52 (for which years we have no record of who was jurat). His commercial activities are almost undocumented, except for one export venture involving grain and ale in 1355 in which he was partner to Geoffrey Drewe junior, but it is reasonably safe to assume that he was a merchant.



The **Thomas Drewe** who made a single shipment in 1392 was at closest a cousin to John Drewe, his father being Geoffrey Drewe junior. Thomas Drewe junior was a jurat for most of the period from 1375 to at least 1403, and mayor twice in the 1390s; he also held several posts in the customs service between 1378 and 1392, both at Lynn and Yarmouth. He obtained the franchise in 1370 as a former apprentice of vintner William de Bitering (probably graduated, although Bitering had died in 1369). He is seen exporting cloth in 1391 and 1395 as well – although not huge amounts in either case. He probably died ca.1408.



Entering the merchant gild in 1341, a few years later **William de Ellingham** was described as a mercer and the following year (1349) is seen exporting wool; at an unknown date he was renting from the borough a stall in Mercer Row. In 1348 he is found in possession of a row of four shops between St. James' cemetery and other property he owned, and in 1359 he held a house in Skinner's Row, which led towards St. James'. Like many, if not most, of Lynn's leading merchants, he also had riverside property which included a quay. He served as chamberlain in 1345/46 and again in 1354/55. He was also jurat for three terms during the 1350s. It is not clear whether he had any children; there is some indication that he made his apprentice, Hugh de Dudlyngton, his heir, but Hugh may have been a relative.



Henry Elys purchased the franchise at Lynn in 1350. His commercial activities are little evidenced, although he sold the borough 40s. worth of fish in 1358/59 to provision a community ship. He was elected to the chamberlain's office in 1354 and again in 1360, and served a few terms as jurat (1357/58, 1362-66). He does not appear to have risen into the upper ranks of Lynn townsmen. Perhaps this was due to an early death: he is not seen after 1366 and we hear of his widow, Matilda, in 1379, while his son William entered the franchise by right of patrimony not until 1378 – either Henry had spent some years in retirement, or William had been a child when Henry died.



The **Edmund Engelond** who entered the Lynn franchise in 1371 is most likely the same person as the Edward Yngelond listed in the 1392-93 **customs account**. He played only minor roles in the public affairs of the community, and was briefly (1389/90) in the lower ranks of the jurats. His involvement in international commerce seems similarly slight.



William Erl was described as a vintner when he obtained royal licence, in 1364, to take cash and cloth to Gascony to buy £100 worth of wine. In 1377/78 he sold quantities of herring and wine to the community, and more wine in 1401/02. He was fined in 1375 for breaking the assizes of ale and wine, and again in 1400, 1403 and 1404 for **regrating** on each occasion up to 10 tuns of wine. The cellar he was leasing at the quayside in 1391 from the merchant gild may have been for storing wine. In 1387, however, he was exporting cloth, lumber and beds through the port of Ipswich. In local administration, he served three terms as chamberlain, was jurat for most of the period between 1378 and 1403, as well as acting as coroner (there being some evidence that he was literate) and constable of the Lynn staple in the 1390s.



John de Falyate entered the franchise at Lynn in 1345. He is not much in evidence in the early years of his adult life, although was fined for breaking the ale assize in 1349 and 1352, and his local tax assessment in 1357/58 was only a little above the average. Perhaps he represents an example of a retailer who expanded gradually into wholesaling. In 1366 he was exporting large quantities of grain, barley, malt, and ale, and in 1382 a large number of woolfells. He was certainly a member of the merchant gild by 1385, when he was also renting from the gild a room on the common quay. With success in business came acceptance into the ranks of the urban ruling class: his first term as chamberlain (1357/58) was followed in 1361 by election into jurat ranks and he spent much of the period until 1388 therein, punctuated notably by two further terms as chamberlain.



Thomas Faukes entered the franchise at Lynn in 1375. During the 1390s he was exporting cloth and importing herring. He had his own quay and probably ran a tavern too. It may have been financial acumen that resulted in him being chosen as scabin (financial officer) of the merchant gild in the 1380s, repeatedly as tax assessor in the same decade, and the unusually high number of four times chamberlain of the borough. He rose to the lower ranks of the jurats and remained there for most of the 1390s.



Simon de Feltwell was one of the middle rank of burgesses. He was resident in Lynn by the time of the 1379 poll tax, but did not take up the franchise until 1385. His term as chamberlain (1402/03) was the highest role he assumed in local government, as well as his last appearance in the records. His shipment mentioned in the customs account of 1392-93 is the only evidence of any mercantile activity. Two years later he was fined for regrating ale.



The **Thomas Fouler** who was captain of one of the ships mentioned in the 1392-93 customs account was likely a Lynn resident, as he was still captaining a ship based at Lynn in 1406. In his chosen occupation, however, it is not surprising that he does not feature in Lynn records. The single cargo on which he paid customs was too minor to represent serious mercantile activity.



Although the Frank family was prominent in Lynn in the first half of the fifteenth century, the scarcity of the surname earlier (other than bowyer Richard Frank who became a freeman in 1377 and was exporting wool in 1387) suggests relatively recent immigration or a previous low status. That **Philip Frank** had to purchase the franchise in 1402 would support either hypothesis. In the latter part of his life he was referred to as a merchant; we know he was involved in the Norwegian trade, like many fellow townsmen, but his commercial activities are little documented, although he was several times fined for infringing the assizes of ale and wine.

His political affiliation at this time was at first with the Petypas faction, for in April 1411 he was a mainpernor for the future peaceable behaviour of Petypas et al.; later that year he was one of its parliamentary representatives, and in 1413 served as one of the community prolocutors. During 1411/12 bowyer John Frank was admitted to the franchise as part of the attempt by Petypas to pack the electorate with his supporters. However, although in 1412 appointed to the auditing committee to review financial accounts of past administrations, Philip was not part of the solid core of that committee which continued its task after the *potentiores* members walked out. His association with the reforming party would have been to its advantage, for he had already served as chamberlain (1409/10) and so would have had some inside knowledge of the operations of the *potentiores*. But perhaps he was a more moderate member of that party, for after its collapse he was quickly 'rehabilitated', and went on to serve as a constable (1418-26), scabin of the merchant gild (1417/18, 1421-24), councillor (1418-22), jurat (1422-32), and mayor (1426/27). He died in 1432.

It is not clear whether merchant **Richard Frank** who, soon after a term as chamberlain, became a councillor (1433-35), thereafter promoted to the jurats (1435-63, except for 1457/58, when in disgrace due to arrears of his mayoral account), and mayor in 1449/50, was Philip's son; he was, however, nephew of a London grocer of the same name. Richard was involved in the trade with Prussia and Denmark, and is found in the 1440s exporting cloth, oats, barley, and dried fish, and importing wine, and at a slightly earlier date involved in the grindstones trade. His ship was accused of involvement in a piratic act in 1436, and he was personally accused of conspiring to hijack another ship, of which he later became the owner.



Richard de Fransham entered the franchise by patrimony at Lynn in 1384, and was still alive in 1404. Richard achieved no comparable prominence, either in commerce or in local administration, to his father **Geoffrey de Fransham**. Geoffrey was a merchant in the northern trade and, following immediately after his first of two terms as chamberlain (1358/59), served as jurat for most of the 1360s, '70s, and '80s; he also spent a few years as collector of the wool custom at Lynn in the '80s. He had become a freeman of Lynn in 1350, through apprenticeship to merchant Thomas de Fransham, himself briefly a jurat before his career was terminated by the plague. In 1391 Geoffrey was importing herring and may have died around this time (assuming later references in 1399 and 1407 to be to one of his sons).



The **Richard Frere** who served as mayor's (i.e. town) clerk from 1349 to 1369 was probably the Clenchwarton man who, in 1335, witnessed a deed to property in Lynn. A Robert Frere is seen in 1337 as master of a ship whose home port was Lynn. Richard disappears from local records after 1369. Given that his duties often called for him to travel across East Anglia or down to London, it may be that he was the Richard Frere whose murder prompted an order in January 1369 to arrest Adam Baumford of Ospringe (Kent); Baumford evidently eluded the authorities for he was outlawed in July, but bought a pardon the following year. Such an unexpected turn of events may explain why Lynn went without a clerk at the elections in September 1369, qualified men not always being readily at hand.



When **John de Fyncham** purchased the franchise in 1349, he was described as "of Lavenham". Precisely when he moved to Lynn is unknown. He had already been active in Norfolk in the king's service: in 1341 as a purveyor of victuals and in 1347 as collector of a wool-loan and shortly after collector of a tax; these roles were likely to have brought him into contact with Lynn. Perhaps the depletion of leading townsmen as a result of the Black Death encouraged him to advance his prospects by entering Lynn society. In 1351/52 he cut his teeth in local administration as chamberlain, was returned in 1352 to the first of four parliaments he attended on behalf of the borough, served his first term as jurat in 1354/55 and this role was repeated for most of the period up to 1366. In 1367/68 he was mayor. He had also acted as the bishop's steward in the town 1354-58, and was the king's Deputy Butler 1361-63.

His career shows an administrative, perhaps even legal, bent. But this was combined with mercantile activities: in 1360, 1364 and 1366 he is seen exporting grain and/or ale; it may be that some of this was the product of agricultural lands held outside the town. He is last heard of in 1367, as one of the commissioners of array in Lynn. His son Adam entered the franchise in 1375, but himself left no direct heir. The son's name may suggest a link between John and an earlier Adam de Fincham, who was a legal advisor to Lynn 1327-32, and Deputy Butler there 1327-28.



Henry Galt entered the Lynn franchise in 1363, on the same day – and (unusually) apparently in the same transaction – as **Roger Goldsmith**. In 1392, Henry acted as a pledge when Roger took Thomas Davy as his apprentice. Henry's roles in public affairs between 1363 and 1392 were frequent but minor (elector, tax-assessor, capital pledge), indicating that he was not in the top rank of urban society. The possible association with the Goldsmith family may give a hint to his own occupation.



Geoffrey de Gaysele was apprenticed to merchant **Thomas de Botkesham** and, after completing his term, entered the franchise at Lynn in 1362. His commercial activities are only slightly evidenced; his single venture in 1392 was paralleled by a single export cargo of cloth, of comparable value, the previous year. He is also found trading locally in millstones. Although a jurat for most of the 1380s and '90s, he never distinguished himself to the point where he was selected for the mayoralty. He disappears after 1401.



Roger Goldsmith of Dereham purchased entrance to Lynn's franchise in 1363, in a transaction which (atypically) saw two other men doing the same thing side-by-side with him: Adam Goldsmith of Dereham and **Henry Galt**. Like Galt his public roles did not extend beyond tax-assessor and capital pledge. When he took on an apprentice in 1392, his business was described as mercantile.



Simon de Gunton purchased membership in the merchant gild in 1340. A few years later he is found in possession of a tavern, but it is not until 1364 that he is explicitly identified as a vintner. In July of that year he was exporting woad to Zeeland and using the proceeds to buy wine for import, and in August (exactly as **William de Bitering**) was licenced to take £50 in cash and the same in cloth to Gascony to buy wine, while in December he planned to export ale and peas to Flanders; in 1366 he again exported wheat and ale to the Low Countries. In 1353 he had imported a quantity of rye from Germany but, finding himself unable to make a profit on it in England, obtained clearance to try to sell it in Holland or Zealand; the same region was later that year the target of a cargo of wheat, exported in partnership with **Robert Braunch**.

He served the unusually high number of three terms as chamberlain during the 1350s, which may be taken as an indicator of acument, was a jurat for most of the period between 1355 and 1376, and was mayor in 1361/62 and 1364/65, as well as borough coroner from 1355 until his death. In addition he took on the role as the king's Deputy Butler in the port from 1363 to 1369. The life exemption from offices and jury-duty he obtained in 1366 may indicate a reluctance to hold mayoral office again. He was dead by February 1376, leaving a

widow Felicia but no trace of any children.



William Halleyate seems almost out of place among the exporters listed in the customs account of 1392-93, for his modest venture in 1392 is the only direct evidence of mercantile activities. He was fined in 1400 for breaking the assize of ale, but by itself this is hardly evidence of wholesale trading. His claim to fame is as one of the leaders of the reform movement of 1411-15. Yet, in the royal pardon he obtained in 1416 after the collapse of that movement, he is described as "merchant". In 1392 he may not even have been a resident of Lynn borough, and he only took up the franchise as part of the reform party's attempt to consolidate its hold on local government. However, during the 1390s he was serving as a bailiff of one of the Lynn's overlords; and for a few years from 1408 he held posts in the customs service. It is not out of the question that his mercantile venture in 1392 may have been as factor for some other party, such as the Bishop of Norwich. On the other hand, perhaps he was engaged in small-scale international trading throughout his career.



John Herte, the son of Alan Herte of Snettisham, entered the franchise at Lynn in 1375 after completing an apprenticeship with John Drewe. He does not appear to have been highly active either in commercial or political life of the town.



The John de Howton mentioned in the customs account of 1392-93 may have been a Lynn man. Although no record of a **John de Houton** entering the franchise has survived, entrances of others bearing that surname, of moderate prominence in Lynn during the second half of the fourteenth century, are recorded. Most notable was shopkeeper/farmer Richard de Houton, who was a jurat for most of the 1360s and '70s and mayor 1376/77. It is, however, possible that the 1392 exporter may have been the John son of William Mey of Houghton (Cambs.), who was apprenticed to Richard de Houton and entered the franchise in 1369. A John de Houton skinner served as constable during several years between 1389 and 1400, and was briefly in the lower ranks of the jurats in 1390/91.



William Hunderpound was in the early phase of his merchant's career in 1392. He entered the franchise at Lynn in 1379 after an apprenticeship to the middle-ranking Nicholas de Narford. Apart from an infringement of the assize of ale in 1391, the shipment mentioned in the customs account of 1392-93 is the first evidence of his commercial activities. In 1395 he is again seen exporting cloth and beds. In the early 1400s he was importing herring, lumber, and iron. And in 1412 he lost a cargo to pirates. He was frequently a jurat in the decade and a half following 1399, and permanently following his term as mayor in 1417/18, up to December 1427; he died at some point between 1428 and 1430.



Thomas Hunte was a merchant with interests in both Lynn and London, although it is not evident which came first. That the surname is in little evidence at Lynn earlier (other than for a Thomas Hunte found in the role of executor in 1364) and that he purchased the franchise in April 1402 may be indicative of an immigrant; but not necessarily a recent one, for he was already in arrears of his taxes due in Lynn, from 1401/02 and 1398/99. However, it is not until 1418 that he was referred to as "citizen of London, burgess and merchant of Lynn".

His mercantile activities are evidenced by shipments in 1405 and 1406, when exporting oats and cloth and importing (with partners) dried fish and otter skins – the evident northern connection being

confirmed by his loss to pirates in 1412 of a cargo coming from Norway; in 1416/17 he sold half a barrel of sturgeon to the community. He served as one of the merchant gild scabins in 1407/08 and 1411/12.

In the political conflict of that period he was squarely aligned with the *potentiores*, but not one of the most active participants until, in October 1415 after factional politics had resulted in the election of two rival mayors, the king stepped in and appointed him, as "one zealous for peace and no disturber", to take the mayoralty. He had been one of the jurats since at least 1411. Peacemaker or not, he showed no sympathies for the reformers' aims and continued to meet opposition from them. Elected mayor again in 1418, towards the close of that term of office the reform die-hards accused him of persuading the Bishop of Norwich to a new constitutional composition favouring the *potentiores*, including restoring the power of the alderman of the merchant gild to choose the first four electors. Hunte himself succeeded **Robert Brunham** as alderman not long after (1420), remaining in that office until 1423.

He is still mentioned as jurat in June 1424, but may already have been dead. A later generation of Hunte is seen in Lynn, and one member was a jurat from 1438-71 (becoming so immediately after entering the franchise, suggesting respected antecedents).



John Keep entered the franchise at Lynn in 1374, and became a jurat the following year, a role in which he continued until 1393 (with exception of one year in which he served as chamberlain). He had probably already established himself somewhat by 1374, for he had at least one, probably teenaged, son by that date, had served as scabin of one of the local socio-religious guilds in 1370/71; and a few months before becoming a freeman he had been appointed the king's **tronager and pesager** at Lynn, an office he held up to his death in 1406. On several occasions between 1375 and 1400 he was fined for breaking the assizes of ale and wine and by the mid-'80s was becoming more involved in international commerce. He is found both importing and exporting lumber, which may provide some hint as to one facet of his occupation, but like most merchants the goods in which he dealt were fairly diversified.



The **John Kempe** listed among the exporters in the customs account of 1392-93 was most probably the father-in-law of the famous Margery Kempe daughter of leading citizen John de Brunham. Although Kempe's son of the same name was by 1392 an adult and probably already engaging in trade, he would likely have been distinguished by the epithet "junior". A John Kempe was in the skinner's trade when he entered the franchise in 1351, but presumably was just starting out; in a local tax of 1357/58 his assessment was well below the average, although he had been able to raise the 40s. entrance fee. This may have been the future father-in-law of Margery Kempe, or just possibly an even earlier generation of the family; he is known to have been married by 1352, which would allow time for an intermediary generation between him and Margery's husband, but nor is it implausible that his first (or a second) marriage produced sons in the 1360s. The John Kempe who served a term of chamberlain (1372/73) may represent an intervening generation, or the 1351 entrant finally prospering and gaining social standing; he became a jurat in 1375 and – apart from a second term as chamberlain – remained such until 1390, but never progressed beyond the lower ranks.

In the group demand for compensation for the arrest of English merchandize in Prussia in 1385, John made the largest claim of any Lynn merchant (£300) and a second claim (£100) for goods, including copper, seized at a second location. In 1391 he was exporting cloth and flax and importing herring, lumber, iron, copper, and ashes. His involvement in supplying the construction trade had already been evidenced in 1372/73, when he was a major supplier of lumber, pitch and tar to the community for the building of a barge.

He died in 1393 (which, if the 1351 franchise entrant, would have made him about 65-70 years old), his death most likely being what prompted his sons John and Simon to take up the franchise themselves, perhaps under pressure, on 28 May of that year, and John's marriage to Margery Brunham about this time is also unlikely to be coincidental. As men who had already embarked on mercantile careers (and were very soon thereafter, as the mature heirs of a man who had given long service to his community, to be thrust into positions of responsibility in local government) they were unable to benefit from right of patrimony, and were instead each charged the regular 40s. entrance fee.

Margery's husband failed to live up to his father's attainments, and Margery's expectations; there is little evidence of either commercial or political activities in the later part of his life, nor did Simon, although seen active in international trade, distinguish himself in the political life of the community; at least this meant that neither became embroiled in the violent political conflicts of the second decade of the fifteenth century. Whether the lack of prominence was due to failings in character, bad luck, or inability to compete in a changing economic environment is difficult to say. Margery later deplored her husband's failure to maintain the socio-political status that she considered her birthright, hinting at a lack of ambition on his part; she had to pay off some of his debts out of her own money. However, she having returned impoverished from her famous pilgrimage – itself undertaken as her own family's fortunes appeared to be foundering, with the death of her father and political embarrassment of her brother in the face of a populist revolt – there was a kind of reconciliation and she later helped tend him after a serious accident and into what Margery described as his years of "great age" when he became senile (another hint of an age difference between them).



John de Kenynghale may perhaps have been the son of merchant Thomas de Kenynghale and **Margaret, daughter of John Burghard** (the latter possibly the wealthiest wool-merchant of Lynn in the 1320s and '30s). More likely John was only a distant relative, if at all, and may be the John Kenynghale of Kenninghall (a village in south Norfolk) who entered the franchise in January 1392 by right of completing his apprenticeship to merchant **Roger Paxman**; in that case, his shipment of April 1392 could represent his first solo investment, or perhaps a venture as a factor of Paxman. However, there is no indication John prospered or rose in Lynn society; whether it was he, or the John de Kenynghale junior who became a freeman in 1405, who served as bailiff of Lynn's Tolbooth in 1409/10 cannot be said.



John de Lakinghithe was probably born ca.1336 and did not become a freeman of Lynn until his mid-30s, when he did so reluctantly, under pressure. At that time his occupation may have focused more on a craft – perhaps that of cutler – than on commerce. However, by the 1380s he was beginning to engage in mercantile activities, which are known in some detail from 1391 to 1405: he exported mainly cloth, but occasionally other goods, and imported herring, dried fish, eels, earrings, ashes, canvas, flax, yarn, oil, linen, handmill stones, soap, and iron. He was among the ranks of the jurats for most of the period from 1386 to 1413, and in the context of **political conflict** of the later period, by which time he was in old age (but still actively engaging in commerce) and apparently politically neutral, he was elected mayor as an unsuccessful effort at compromise by one of the parties, only to die during his term of office – possibly of old age, but perhaps his death was hastened by a beating and trampling underfoot he suffered when the reform faction broke into the guildhall.



John atte Lathe was the son of the vintner Robert atte Lathe who was mayor of Lynn in 1375/76. John entered the franchise in 1377; he was not allowed to do so by patrimony but had to pay an entrance fine, because he had already been engaging in mercantile activities. After his first term as chamberlain (1378/79) he became a jurat and remained one for most of the 1380s. Although he had joined the merchant guild before 1386, his commercial activities are less well documented than those of his father. It may have been he who was fined for **regrating** ale and keeping a common hostelry in 1404, if he lived that long. However, lack of other references to him after his inclusion among the merchants complaining in 1388 of seizure of their goods overseas (unless one counts the apprenticing of his son, Robert, to **Robert de Waterden** in 1391) suggests that his losses in Prussia may have had a seriously adverse effect on his career.



Although **William Leche** was living in Lynn by the early 1370s, he does not feature much in the borough records and was only from the middle rank of the burgesses; the only other official role in which he is found is that of king's bailiff in the town. He may perhaps have pursued a career in administration; he seems to have had no personal activity in commerce.



John Lok was coming to the close of his career by the time of his shipments listed in the customs account for 1392-93. He died in 1393. He had served as jurat for much of the 1370s and '80s. All his exports for which we still have record were cloth; he imported herring and dried fish, ashes, iron, lumber, oil, pitch and tar. He sold lumber to the community in 1388/89. His cloth export business was carried on by his widow Margery immediately following his death, and later by his son William.



Godfrey Loveday entered the franchise at Lynn in 1377, the son of Walter Loveday of Burnham Thorpe (15 miles north-east of Lynn), courtesy of his completed apprenticeship to Henry Betele. He is, however, barely evidenced in Lynn records.



Peter Mafey (a surname probably derived from the French *malfait*) had entered the franchise at Lynn in 1372, under pressure, perhaps because he was already trading. Apart from being one of the merchants to complain in 1388 about Prussian arrest of English merchandize in 1385, his shipment listed in the 1392-93 customs account is the only direct evidence of his involvement in international commerce. However, in 1373/74 he sold canvas to the community and in 1385/86 lead tiles to the merchant gild, while in 1378 he was fined for forestalling a tun of oil before it could be landed from a ship anchored off Lynn's harbour. His involvement in local administration did not exceed the roles of capital pledge and chamberlain.



Nicholas Martyn was one of the middle-ranking townsmen who supported the cause of the reform party, serving as chamberlain during one of the reform administrations. In that context he was explicitly described as a merchant. It was probably the same man who served on the lower council – itself the main legacy of the reforms – in 1420/21 and 1429/30, on the former occasion being described as a brewster. Although in the customs account of 1392-93 he is recorded as exporting beer, in January 1392 he had exported cloth, and in 1398-99 exported wool and woolfells (some in partnership with James Nicholasson); in 1405 he was exporting oats and calf hides. In 1416/17 he sold 8 millstones to the merchant gild, a man with the same surname happening to be the gild's clerk at that time. He probably died in the early 1430s.



Thomas de Melcheburn was one of the most active Lynn merchants of his generation; the commercial activities of few townsmen of that period are so well documented. He has been described as "among the great merchant capitalists of 14th century England" [V. Parker, *The Making of Kings Lynn*, London: Phillimore, 1971, 10], ranking alongside men such as John Lovekyn of London, the de la Poles of Hull, and the Canynges of Bristol [N.S.B. Gras, *The Evolution of the English Corn Market*, Cambridge: Harvard University Press, 1926, 173].

Thomas was already becoming established when he first comes to our attention – partly a facet of poorer survival of local records *tempore* Edward II than from the reign of his successor. The earliest references to him are in fact in 1318, when in the Spring he was prosecuting pleas of transgression and detention of rent in the steward's court at Lynn, and in September accused Thomas Leef of breaking and entering his house in St. James Street, breaking open his pyx (strongbox) and stealing a belt and purse. More significantly it was in that year, on 16 June, that he purchased membership in Lynn's merchant gild. In the following year, we first see him active in commerce. In June he obtained a royal safe-conduct for business trips, by sea or land, as a "king's merchant". The vicissitudes of international commerce quickly became apparent to him, for in December he and partner John Thornegge, a man already prominent

in Lynn's commercial and political affairs, complained to the king that their ship the *Godyer*, taking wheat, worsted, other cloth, and other unspecified merchandize, to Gascony had been captured by Flemish pirates. Yet another significant mention of Thomas is as one of Lynn's representatives to the parliament of May 1319, likely an indication of the trust he had already won in the town; he may also have acted as a replacement for the representative chosen to go to parliament the previous year.

For Thomas and his family were newcomers to the borough. There is no sign of the surname – which probably derives from Melchbourne in Bedfordshire – in Lynn at an earlier period. It is probable that an ambitious and already prospering Thomas migrated there from some hinterland location – perhaps somewhere like St. Ives – in order to have more immediate access to shipping. His brother William either came with him, or more likely followed him, since he did not take up membership in the merchant gild until 1331.

Despite the early indications of Thomas' career, his mercantile activities are only glimpsed in the 1320s. In 1327 he obtained a safeconduct for the ship *Peter* carrying victuals to Newcastle-upon-Tyne for the army – the **Scottish war** provided enriching opportunities for a number of enterprising merchants. It also presented risk, and this may be why Thomas borrowed from his community, ca. 1328, a springald (a weapon like a huge crossbow, used to project large bolts or even stones) for his ship the *Magdaleyn*. During the '20s he was also active in administrative roles. He attended one or two further parliaments for his borough (possibly July 1328, certainly February 1329). He was chosen as one of the scabins of the merchant gild in 1323 and continued in that role, which had responsibilities for financial administration, until 1327; he held the post again between 1330 and 1333. He served the borough itself in a similar role, as chamberlain, in 1327/28, having already been elected as one of the jurats in 1325/26, although at that period the office was not held continuously after an initial election. More important, he embarked on a side-career in the royal customs service, with an initial brief stint as a collector of wool custom from August to December 1328. All these things were indicators of the way his career would develop.

It was in the early years of Edward III's reign that Thomas came into his stride, and the (assumed) arrival of his brother William may have helped. The pair, referred to as "king's merchants", obtained a one-

year protection in December 1332 to go to Norway to trade for corn and victuals. Norway, which was dependent on Britain as a source of grain, was the principal foreign market with which the Melcheburns did business. Thomas had already, in May 1332, obtained a protection to assist him in taking 500 quarters of wheat to Norway to trade for **stockfish**, and he obtained similar export licences in March 1333 and January 1335. In 1336 he freighted a ship of fellow Lynn merchant John Bamme (who also frequented the Norwegian market) to fetch stockfish and victuals from Norway; his own ships may have already been absent on voyages. By 1337 this type of venture had expanded in scope, for the licence granted him in October was to export 500 qt. of malt, 500 qt. of wheat, and 300 tuns of ale to Norway, Holland and Zealand, and bring back stockfish and victuals, and that of March 1338 authorized him to export 1000 qt. of wheat to Norway and Zealand, doubtless for similar purpose.

But Thomas also gave attention to other markets. A second licence obtained in January 1335 was to export 100 tuns of ale; we do not know the destination, but it would appear not to have been Norway. In September 1332 he had obtained a protection to take wool to sell in Flanders, undeterred by his earlier problem with pirates (who, however, did not restrict themselves to Flemish waters). In December 1336 the destinations stated in his export licence, for 200 tuns of ale and 200 qt. of wheat, were Holland and Zealand. He was also dealing in wine, for the community bought £4 worth from him ca.1333, and in 1347 he sold 5 tuns for £22.13.4½d to the then deputy butler of Lynn, John Wesenham; this suggests continued involvement with the Gascon market.

The frequency with which he was able to obtain permissions and protections to trade abroad, at a time when there was some nervousness about English merchants supplying "the king's enemies" (whoever that might be at any given time) may have owed something to the services he was performing for the royal government. In 1335 Thomas' ship the *Magdaleyn* was carrying victuals to Berwick-on-Tweed to supply the army, and in June 1337 he and brother William employed that vessel, along with a second, the *St. Mary Cog of Wygenhale*, to transport wheat to supply the king's envoys on a voyage abroad. During 1336 those two ships, along with apparently a new addition to his fleet, the *Philip and Galya*, were all used to transport the king's messengers; about 3 years earlier the Lynn authorities had paid him for use of one of his ships to transport arms for the king. In December 1336 the brothers had been commissioned

to build a 60-oar barge at Lynn for the king, and in July 1337 and July 1339 Thomas was commissioned to purvey Norfolk wool for the king. In August 1341 he and William were purveying victuals for the king, while earlier that year in April the commission to the pair had been to arrest ships planning to trade with the king's enemies.

Thomas' activity in the customs service had continued: he was a collector of wool customs from May 1329 to January 1340, and for much of the subsequent period up to December 1344. He also took on the role of deputy butler at Lynn (dealing with the wine trade) in February 1338, continuing therein for most of the period until mid-1343.

An involvement in royal service to this degree was almost inevitably going to lead to accusations of maladministration, whether prompted by real abuses or jealousy of rivals. In March 1333 it was claimed that Thomas had tried to evade the wool-tax. New accusations several years later about the performance of customs officers in general resulted in a **sweeping investigation** that led to his dismissal as customer in January 1340 and a fine of £19.15s for unspecified "oppressions" committed as customer, deputy butler, purveyor of victuals, buyer of the king's wool, purveyor of materials for building a barge and making anchors and cables for the king, arrayer of mariners and soldiers for that barge and other ships in the king's service, purveyor of supplies for the same ships, commissioner to arrest ships carrying victuals to Scotland or Norway, and deputy admiral. However, by the same token of his great usefulness to the king, he was able to appeal the decision and persuade the king his conviction was unwarranted. Edward III's concern appears less with whether the customs service was run honestly than whether it was furnishing him with the money he needed to finance his wars; the two were perceived as going hand in hand. Thomas was restored to the customs post in March 1340, holding it for most of the period up to December 1344, and was pardoned the fine in February 1342. In July 1341 he was, however, still seeking an indemnity from the king for his actions when purveyor of wool (1337), various Norfolk men having accused him before the courts of taking more wool than his instructions permitted.

In 1347 the king acknowledged he owed Thomas £203.7s.2³/₄d for expenses Thomas had incurred in the duties listed above, as well as in transporting bows and arrows from Lynn to London in 1341. In 1344 the size of the king's debt to Thomas and William together had been £617.11s.6d, and they had been granted 6s.8d out of the subsidy

collectable on each sack of wool exported from Southampton, Newcastle-upon-Tyne, Lynn and Yarmouth, until the debt was paid; however, the king was always using and abusing this device to repay his debts, and it was no sure guarantee of repayment. Another indication of the financial risks involved in royal service is seen in November 1337, when Thomas was petitioning for payment of £114.16s. for 180 qt. of wheat and 238 qt. of oats lost in a shipwreck, and part of a larger shipment that the king had ordered Thomas to transport to Berwick.

That usefulness to the king went beyond personal services, for the Melcheburns were prepared to use their business profits to keep royal favour. In September 1337 the king authorized them to export 5 lasts of hide, 10 cartloads of lead, 300 qt. of wheat, and 200 tuns of ale to Zealand, in return for providing a loan to the king (via payment of extra customs duties). They could afford to curry favour with loans: the assessment of Thomas' goods for purposes of a local tax in 1332 was over twice the average assessment.

It seems to have been in this period that Thomas moved to a riverside property near the quay at Purfleet. He may have been casting around for a suitable site in 1331, when he bought up a quitclaim to a tenement on the north bank of Millfleet. In April 1336 he took out a 13-year lease of a property owned in Edward I's time by Richard de Almannia, also a "king's merchant" trading with Norway, and then briefly leased from Richard's widow by yet another prominent merchant, John de Walsingham, co-owner with John Bamme and John de Thornegge of a ship. It was from Walsingham's executor that Thomas leased the property. This riverside location, with warehouses, must have been more convenient for business than one in St. James' Street, within Lynn.

The Melchburne star rose yet higher in the 1340s. Thomas had been elected to the mayoralty in Lynn in 1338, and this assured him a place among Lynn's jurats during the 1340s (as far as our lists of members, incomplete for that decade, show). He had been chosen as a borough representative to five more parliaments between 1330 and 1340, as well as sitting as a merchant representing Norfolk at the session of July 1338; but thereafter he left this duty to younger men. In March 1340 he travelled to London on community business, to show proof to the city authorities that Lynn burgesses were exempt from **murage** exactions there. His responsibilities in the local branch of royal administration diversified: in addition to his roles as customer and

deputy butler, he took on the post of searcher for coin from November 1342 to April 1346, and searcher of ships (throughout England and Flanders) for smuggled wool from October 1345 to January 1346. William de Melcheburn meanwhile secured posts as customs collector and searcher of ships at Boston at various times during the 1340s, and replaced Thomas as deputy butler at Lynn in 1343; he also had London interests, holding a post responsible for the weighing of wool prior to export in the early 1340s.

Other commissions continued to come Thomas' way. In January 1340 it was to hold an inquisition at Lynn into a dispute between a Zealander and some Flemings; a similar type of commission was issued in June 1347, to look into the complaint by Robert Howel that Thomas de Folsham of Lynn had **faked death** to try to avoid paying money owed Robert. In February 1342 he and William were instructed to sell all victuals purveyed by them, and hang on to the money for future purveying when the king instructed; they were also to supervise the sale of victuals by other Lynn purveyors. The following month Thomas was ordered (presumably as deputy butler) to conduct an investigation into the gauging of wines at Lynn. In January of the same year, Thomas is identified as receiver of the king's wool in Norfolk, and in April the king had to order the Exchequer to give Thomas extra time to account for what he had received, since Thomas was busy arresting ships for naval service. Two of his own ships, the *Magdaleyn* and the *St. Mary Cog* were in royal service ca.1346, apparently on behalf of the borough of Lynn, which paid the ships' expenses. The year 1342 was evidently a busy one for Thomas, for in June he was once more commissioned to levy a wool-tax in Norfolk, and it was probably in the same year he and William delivered 20 tuns of flour to Berwick, for which they accounted at the Exchequer in March 1343.

In April 1343, his commission was to ship the king's wool from Norfolk to Flanders and sell it there; this appears connected with a task taken on the following year. For March 1344 saw Thomas and his brother commissioned to redeem the king's great crown from Germans who held it as security for a loan, and bring the crown secretly and safely back to England. The bailiffs of Boston had to be ordered in May 1344 to dearrest the *Magdaleyn*, as the brothers needed to use it to export wool to Flanders in order to raise money to repay the loan for which the crown had been security. This mission was evidently a success, for in October William received an annuity of £20 for his part in the mission. Further sign of the confidence in

which the king held Thomas was his commission, in September 1345, to treat with the governments of Flemish towns concerning the standardization of Flemish and English coinages; the following month his mandate was expanded to include negotiations for Flanders' recognition of Edward III as king of France and lord of Flanders. That Thomas and William continued to be employed on sensitive missions is suggested by the royal protection they were issued in February 1347, on the grounds they were afraid to appear before the king's Council (as summoned in January) to discuss secret business, because unnamed persons planned to have them arrested for debt. In October 1347 a further reward came the way of the brothers, under the name of "spoils of war", being three inns in Calais.

The Melchburnes continued to conduct private business during the '40s, although it is increasingly hard to know what was on their own behalf and what on the king's. In May 1342 the brothers handed over £220 at St. Ives to a third party, to trade with to their profit. At the close of that year Thomas received clearance to export ale and wheat to Flanders, on condition he not use any ships which had been designated for naval service. In May 1347 he was licensed to export 500 qt. of wheat, and in May 1349 he and William were authorized to export 1,000 qt. to Norway (other events may have overtaken this venture, however).

An indicator of the importance he had attained within the national mercantile community was his election as mayor of the staple at Bruges in 1343, a post he held until at least September 1345, and possibly to 1348. It was in this capacity that he acted (September 1343) as ambassador to treat with the Flemish town authorities regarding grievances of English merchants. It was also in this capacity that we find him in June of that year as leader of a syndicate of 34 merchants granted the **farm** of national customs (except the wine prise) for 4 years, at the staggering annual payment of Ɱ50,000; the syndicate had the power to appoint one of the customers in each port and controlled part of the cocket seal used to authorize exports, such controls being intended to help the syndicate combat loss of revenues through corruption. This was not Thomas' first experience of such an arrangement, for in 1337 he had participated in a mercantile syndicate looking to make a profit from dealing in wool purveyed for the king. Thomas was the nominal leader of the 1343 company but, although he was one of the most important members, William de la Pole was the real driving force; another member was Walter Chiriton. However, the inherent problems with the customs system and the

adverse effect of war on commerce put the company in serious difficulties by March 1345, when the contract was re-negotiated – it being ominously stated that several members of the syndicate had died or disappeared; and the company gave up the farm in August, after informing the king it could not pay the next instalment. A new syndicate, of which John de Wesenham of Lynn was the leader, took over the farm, at the same rate. The old company, in compensation for its losses, was given permission to export 2,000 sacks of the king's wool to recoup £7,000 of the money it claimed was due it; but what the king gave with one hand he took back with the other, for his concession was in return for the assurance that the company would raise £6,666.13s.4d for the war treasury. It was also in August 1345 that the Melcheburns and Walter Chiriton acknowledged a debt of £640.2s.8d to the Archbishop of Canterbury, although only half this was really owed.

Walter Chiriton headed the company responsible for the farm by November 1346, but it was no more successful. The Melcheburns were still involved, and were guarantors for Chiriton's ability to pay the farm. By mid-1349 it was evident he couldn't. The arrest for debt that the Melcheburns feared in 1347 may have been connected with the company's failure. The financial discomfiture resulting from Chiriton's default might have proved a severe embarrassment to Thomas, had he not already been carried off by the Black Death.

His testament was drawn up on 26 May 1349 and received probate on 8 June. At the time of its drafting he was still active and he specified he should be buried "wherever God arranges", indicating that he continued to travel around a great deal. The testament of such an important merchant is relatively brief and businesslike. Although he makes provision for his soul, it is only in general terms and he is not preoccupied with the matter. Nor is he interested in rewards or remembrances to friends, colleagues, servants, or even relatives (although it is possible he had a separate will for personalty, which has not survived). Of wealth there is far less indication than one might expect; perhaps most of it was liquid. Almost his sole concern is to pass on his real estate to his closest kin. His tenement between **Stockfish Row** and the river went to his wife Joan for life, and afterwards to his brother William, again for life, and then to be sold to pay for masses and charitable works. A second tenement, location unknown, went to his son Peter (who already held property in **Briggate**) without restrictions. Joan also inherited the household effects of their residence, but these too are identified only in general

terms – there is no indication of any items to which he had a particular attachment. One wonders whether the will was drawn up in haste, or whether Thomas' mind was not really elsewhere – perhaps on his financial troubles. His executors were his wife, son, and brother. There is no hint of any attachment to any other person.

The lands of Thomas, William and Peter were seized by the king in connection with the failure of Chiriton's company, and there is some hint of suspicion of smuggling (a common enough offence with people who held the type of posts the Melcheburns did). William was imprisoned at London by 1352. Peter, who had followed his father's footsteps into the customs service in the 1340s, and entered jurat ranks at Lynn briefly (1350/51), was himself dead by May 1352, when his widow Alice, a member of the moderately important Walton family, made William her attorney to sue for debts due Peter. H.L. Bradfer-Lawrence ["The Merchants of Lynn," *A Supplement to Blomefield's Norfolk*, London, 1929, 147] claimed to have seen Peter's will, made in 1350. According to him a Richard de Melcheburn was a further son of Thomas, despite being absent from Thomas' will. Perhaps Thomas had patrimonial property elsewhere that Richard inherited. In 1350 this Richard was in the post of supervisor of wool-weighing at Lynn and other east coast ports; however, when he stood as guarantor for William, upon the latter's release from the Fleet in March 1352, he was described as "of London".

No more is heard of the Melcheburn family in Lynn. There is nothing to connect merchant John Melcheburn, of moderate prominence in Lynn in the mid-fifteenth century, with the earlier Melcheburns. The family's flame had shone brightly in Lynn, but briefly.



John Muriell was described as "of London" when he first appears in connection with Lynn, in March 1405, exporting 600 qt. of wheat through the port to Holland and Zealand. A further, smaller shipment, of wheat and oats, followed in June. It appears he decided his interests would be best served by moving to Lynn, for at some point during the 1405/06 mayoral year he purchased the franchise there; in 1412 we have another glimpse of his mercantile activities, when his cargo coming from Norway was captured by pirates. An Alan Meriell had obtained the franchise through apprenticeship in 1403, but whether this was any relation, I cannot say.

Despite John's mercantile interests, he does not seem to have been accepted into the ruling class within the town, but instead (or perhaps because of) associated himself with the **reformers** and became a trusted member: in October 1411 and again in October 1412 he was one of those the faction selected to go to London to defend its position against accusations of the *potentiores*, and in June 1414 was one of five men given power of attorney to represent the community (by which was meant the reform party) in all pleas. Furthermore he was one of the die-hard supporters of the party after its fortunes had waned and its original leader, Bartholomew Petypas had given up the struggle in return for a place among the ruling elite: in August 1419 he was one of those who objected to the election of **John Wesenham** as mayor, proposing fellow reformer **John Bukworth** instead; when this was rejected, he walked out of the guildhall, with his supporters following.

Ironically, he had himself been elected chamberlain on the same occasion. At that time he was also serving as one of the common councillors, continuing in that office until 1421, and then serving again from 1424-33. He also held a constabulary 1425-33 and was again elected as chamberlain in 1433/34, but his political sentiments probably prevented him from being adopted into the ranks of the jurats. Despite that, he had a respectable position in the community. He served as alderman of St. George's Gild in 1419/20 and 1423/24, and in January 1431 was chosen to go to Denmark as the community's ambassador (but, after a haggles over wages, excused himself from the task). We last hear of him in May 1434.



Richard Neell was granted freeman's status at Lynn, apparently *gratis*, in 1377, because of his service as constable of the community barge, which suggests he was a seaman. The lack of other mentions of him in borough records may also reflect that he spent most of his time away from the town, at sea.



James Nicholasson was a patenmaker (maker of wooden shoes) by trade, and may be represented in the **customs account** of 1392-93 not only under his patronymic surname but also as James Patynmaker – note that both men were trading in calf skins. He had not yet become a freeman of Lynn, doing so in 1395, yet had been active in international commerce since 1387, when he was exporting woolfells. His mercantile activities continue to be well documented up to 1405, and there is reference to loss of his merchandize to pirates in 1412. The goods he exported were predominantly sheep, lamb, and calf skins, as well as wool, but occasionally he dealt in cloth; his imports were also atypical and included materials for his craft (paten wood, nails, and clogs), along with linen, painted cloths, haberdashery, dyes (madder and woad), glass, and crockery.

He was a supporter of the **reform movement** active 1411-15 and it was probably in this context that he came under attack because of his birth: his father was a foreigner (as the spelling of his surname suggests), either dead or departed, and it is not clear whether he was married to James' mother, who was a Lynn woman. James had to obtain denization papers in 1413, although his property was still subject to attack during a riot a few months later. By the end of the decade he had apparently overcome his problems of birth and political sympathies and was appointed to Lynn's council from 1418 until his death in 1420.



William de Oxneye entered the franchise at Lynn in 1370 and between 1373 and 1387 was several times in the role of tax assessor or collector, as well as one term as chamberlain, but is otherwise little in evidence in Lynn records. The 1392-93 **customs account** provides the only evidence for his commercial activity. It may be significant that the ship he selected to transport his cargo was the sole case of a Yarmouth ship using Lynn's port in this period, for there was an Oxneye family prominent in Yarmouth in the latter half of the fourteenth and early fifteenth centuries; in fact, merchant William de Oxneye was one of Yarmouth's leading townsmen from the 1370s to early fifteenth century (13 times bailiff). Kinship of the two Williams is a possibility. Note also that the master of the ship to which Lynn's William assigned his cargo may have been a member of Yarmouth's Beneyt family of ship-owners and town rulers.



John Paxman acquired the franchise at Lynn by purchase, in 1378. John was of the middle rank of burgesses, not holding any public role of greater responsibility than capital pledge. He also exported cloth in 1391, and imported lumber, iron, and stones in the same year. It is not clear what, if any, his relationship was to mercer **Roger Paxman**, a more prominent figure in the town. Roger had purchased the franchise in 1363, already an adult – having been taxed in Lynn, as a non-burgess, in 1357/58, when his assessment was below the average. However, his affairs were prospering enough by 1370 that he was elected both a chamberlain and a jurat; he spent much of the '70s and '80s in jurat ranks, interrupted notably by two more terms as chamberlain and two as mayor. Besides the large investments he was making in international commerce in the 1380s (if his claims against the Prussian authorities in 1388 are credible), in 1391 he is seen exporting three shipments of cloth, and importing shipments of timber, tar, ashes, iron, and dried fish. He was dead by the beginning of the following year.



The **Thomas Paynot** mentioned in the 1392-93 customs account was a Lynn man, although whether the father or son, in the case of the Thomas son of Thomas Paynot who entered the franchise in April 1393, is not easy to say. There is no surviving record of the father having entered the franchise, although his minor activities in borough affairs during the 1370s suggests he must have; he is less in evidence in the '80s although apparently still alive in 1393. The fact that Thomas junior had to pay for his entrance may suggest he was an adult who had been trading prior to entering; his father was already being described as Thomas senior in 1375.



The early career of **John Permonter** (or Parmenter), alias Causton, is little documented. His affiliation with the *potentiores* during the political conflict *tempore* Henry V is suggested by his summons to Chancery in 1415 along with select other members of the contesting factions, and by the fact that he was partner to vintner Robert Brunham (a leader of the *potentiores*) in importing wine in 1406, the earliest reference to him. Perhaps he had recently been one of Brunham's apprentices.

In 1416 he was described as a taverner, and later in life as a vintner and a merchant, and was on several occasions fined for infringements of the assize of wine. Apart from the fact that he was scabin of the merchant gild in 1411/12, however, there is nothing to indicate why precisely he was on the list of men summoned to Chancery, for he did not enter the ranks of jurats until 1418, after the political conflict was over. Perhaps this was a reward for his support of the *potentiores'* cause, for is not known to have previously served as chamberlain or councillor, although our lists of those officers are not complete; but it may simply be a recognition of his abilities, since he thereafter became one of the most prominent townsmen.

He continued as a jurat until 1438, probably the year of his death, and was elected to the mayoralty 5 times between 1423 and 1431, and served as alderman of the merchant gild from 1435-37. He was sufficiently capable that, through a possibly feigned reluctance to serve, he was able to negotiate bonuses for his performance as mayor. During the 1430s he was also one of the leading officers of the Corpus Christi gild.



Robert Pulter purchased the franchise at Lynn in 1363. It appears to have been he who was fined in 1349 for forestalling poultry (his surname meaning "poulterer"); certainly he was the Robert Pulter fined for forestalling fish in 1375. The 1392-93 **customs account** is the only document evidencing any involvement in international commerce. His participation in local administration was not great, although he served two terms as chamberlain. He died between at some point between 1395 and 1398.



Laurence de Reppes is seen in the records as early as 1339, when acquiring rents from some Lynn shops, but is not much in evidence until the mid-1340s. He twice served as chamberlain (1345/46 and 1357/58) and was jurat in 1346/47, 1350/51 (as elector), and for most of the period between 1358 and 1368. As Laurence Bon of [South] Repps, he and his children were in 1353 released by Alan Reyner of nearby Roughton from any claim of being Alan's villeins. His trade was as a tanner, but he was also involved in wholesale commerce, and in 1356 was summoned to attend a national merchant assembly. His commercial activities involved not only hides – he shipping 8 lasts from Newcastle-on-Tyne to Lynn in 1368, when described as a merchant – but also other goods, for in 1346 he was accused of forestalling 2 lasts of herring, and on more than one occasion of breaking the **assize** of ale.



Thomas Ryghtwys senior was mayor of Lynn in 1351/52 and served among the jurats for much of the period between 1342 to 1362 – the last specific mention of him was at Michaelmas 1361, and he probably died during the year that followed. His name appears in the local tax list of 1319, but his assessment was only a third of the average; by contrast, in 1357/58 his assessment was five times the average, and in the national subsidy of 1332 it had been double the average. Not only was he a merchant, he owned his own ship: in 1336 he was in possession of the *St. Mary Cog*, and in 1344 co-owned the ship *Elyne* which however had just been sunk by the Scots while in royal service. In 1333 he was fined for forestalling fish, and the same as regards timber in 1359. In 1336 he was importing wine from

Bordeaux, and in 1347 he sold 3 tuns of wine to the King's Butler; while in 1349 he exported cloth.

His brother John, who seems to have been involved in the fishing trade along with another brother Robert, had been a jurat for most of the 1340s and died in the summer of 1361 (possibly he and Thomas senior were victims of the second major outbreak of plague). John's son Thomas Ryghtwys junior in that year succeeded **William de Swanton** as the borough coroner, having already entered jurat ranks in 1359, remaining therein until his premature death in 1365. Thomas senior's son Robert (junior) appeared set to succeed to his father's interests, taking up the franchise in 1359 and entering jurat ranks in 1363, but he too died leaving underage children, in 1371.



Robert de Salisbury's modest shipment registered in the 1392-93 **customs account** was preceded by another cargo of cloth a little larger and more valuable in 1391, but he shows no signs of having been among the top rank of Lynn's merchants. He purchased the franchise in 1378 and first appears among the jurats ten years later, but only became established there in the early 1400s. He married a daughter or the widow of vintner Robert atte Lathe (mayor 1375/76), acquired through that connection a house equipped as a brewery (a tavern?), which became Salisbury's residence, and was himself in 1391 and 1425 fined for breaking the assize of ale. Perhaps he also traded in furs, as his merchant's mark was an animal (possibly a squirrel) ringed by a motto. He retired from the jurats in 1424, due to age and infirmity, and died five years later. His son Thomas, who had looked after him in old age, became one of the most prominent of Lynn's merchants and local administrators during the reign of Henry VI.



William de Silesden was a 1377 franchise entrant at Lynn and was referred to on different occasions as "merchant" and "brasier". He was not within the leading ranks of borough society and performed his citizen's duty only through one stint as chamberlain. Evidence of activity in the import/export trade is almost non-existent beyond the 1392-93 customs account, although in 1398 he is seen selling a large quantity of tiles (his will of 1410 mentions a tile-kiln of which he was part-owner) and he was occasionally fined for breaking the assizes of ale and wine.



John de Snailwell purchased entrance to the Lynn franchise in 1388, but left little mark on local records, despite having been resident in Lynn at the time of the 1379 poll tax.



Thomas de Sparham entered the franchise at Lynn in 1364, after completing his apprenticeship with merchant John de Fyncham. Unlike his master, he never rose into the upper ranks of urban society, though it is difficult to say whether one reason for this was the injuries he suffered during violent confrontations between townsmen and Bishop Despenser's retinue in 1377, which led the borough government to negotiate a settlement with the Bishop and subsequently to assign Thomas a 5-year annuity in compensation (most of which he reassigned during the next two years to merchants of Yarmouth and Norwich, his creditors).



John Spicer had been one of **John de Brandon**'s apprentices, completing his term in 1384, when he entered the franchise at Lynn. Shortly afterwards he married a daughter of merchant Geoffrey de Tolbooth, a two-times mayor and former Deputy Butler. John was very active in the customs service, initially partnering Brandon as the collectors of wool custom (1398/99), although his most notable role was as Deputy Butler in Lynn for most of the period between 1399 and 1419. He had joined jurat ranks by 1411, becoming one of the leading opponents of the reform party, and remained there until 1423, serving as mayor for three consecutive terms (1420-23) – dying within the few months following. To his various exports recorded in the 1392-93 **customs account**, the 1391 account add flax; his imports are not evidenced. The prominence of agricultural produce among his exports may receive added significance from the fact that he was **farming** the town mill in 1407/08, and the previous year had purchased a millstone from the merchant gild.



The two Attestyles whose trading is evidenced in the 1392-93 **customs account** were members of a moderately prominent Lynn family that flourished at the end of the fourteenth and in the early fifteenth centuries. **John atte Style** appears to have been the elder, standing as guarantor for **Thomas atte Style** when he entered the franchise in February 1392. Perhaps both were sons of a John atte Style who entered the franchise in 1369 and had some association with the **Wesenham family**. That freeman's status was no pre-requisite for mercantile activity is indicated by the fact that Thomas was importing (herring, iron, canvas) in 1391, and his commercial activities continued to be documented up to 1395. John's activities are documented from 1388 only to 1392 – he importing herring, lumber, iron, tar, and ashes – despite the fact that he lived to 1407, whereas Thomas was dead before the close of 1401. Neither man played much of a role in local government.



John de Sustede obtained the franchise in 1346 through apprenticeship to **William de Bitering**, and may have been descended from the John de Suthstede junior taxed at Lynn in 1319. In 1354 he was a partner with members of the **Cokesford** and **Braunch** families in the export of ale and grain; the following year he was licensed to export further large quantities of the same. In 1349, after acknowledging an offence against a fellow burgess, he gave 3 tuns of wine as a peace offering. Involvement in the wine trade may also be suggested by his role as Deputy Butler at Lynn 1359-61. He put in his time as chamberlain 1350/51 and was jurat for most of the period between 1353 and 1361, as well as serving as bailiff of the tolbooth in 1360/61. This despite having obtained in 1354 a life exemption from offices and juries. He is not heard of after 1361, and likely fell victim to the renewed plague.



John de Sutton was probably the John son of Walter de Sutton of Sutton (a few miles west of Ely) who entered the franchise at Lynn in 1378, after completing his apprenticeship with merchant Thomas Curson. In the early 1390s he held some very minor posts of responsibility within the community, but never rose into the upper ranks of borough society.



William de Swanton entered the merchant gild in 1340 and was important enough to be summoned by the king to attend a Merchant Assembly in 1356. The following year his local tax assessment of 15s. was well above the average of 6s.1d. His earliest known position of responsibility was as collector of a royal tax in 1337 – a thankless role he was required to repeat the following two years. Financial acumen may also be reflected in the fact that he was called on twice to serve as borough chamberlain (1337/38 and 1343/44). He was in jurat ranks for most of the period from 1342/43 to 1360/61, and served as mayor in 1355/56 – when his official duties included having built a barge commissioned by the king – and as borough coroner thereafter until his death in 1361. He was probably a victim of plague. He left behind daughters (apparently underage) and a pregnant wife, Alice, who was still alive at the time of the poll tax in 1379. It was to Alice that all his property was left, which included a tenement on opposite sides of **Webster Row**, on the banks of the Purfleet, where

he had a quay, and four shops in **Pillory Lane**. His posthumous child was probably Andrew de Swanton, who was jurat during much of the period 1389-1434, and borough coroner ca.1400-21.



The Swerdestone family, its name derived from Swardeston in Norfolk, was prominent in Lynn for much of the fourteenth century. **Alan de Swerdestone** appears in the records as early as 1292 and was already prosperous, for his possessions were valued for taxation purposes at £80; although the valuations were lower in 1297 and 1298, his tax assessment remained well above the average, and subsequent valuations (1299-1303) were £100 or more. We know nothing of his business, however, other than that in 1303 he sold a large amount of timber (probably imported from northern Europe) to royal commissioners charged with making pontoons, and in 1309 he was exporting wool. Alan had served as a scabin of the merchant gild from 1299 to 1303, and as borough chamberlain in 1305/06. He had died by February 1315, leaving a widow Theophany (d.1316), and bequests to sons John, Richard and William.

Theophany's will mentions another of her sons, Thomas, perhaps by an earlier marriage. However, he may be the **Thomas de Swerdestone** who entered the merchant gild in 1324 and served as its scabin in 1341/42. He was chamberlain in 1339/40 and 1341/42, jurat the following year and again from 1346 to 1348. He briefly (1341-43) held a post in the royal customs service. We know nothing significant about his commercial activities. It seems likely he was a victim of the plague.

Alan's son **John de Swerdestone** was far more prominent in the borough, but likewise succumbed to the Black Death. He was one of four Lynn men to count as the greater wool-merchants of numerous towns summoned by the king in 1322 to counsel him on reform of the staple organization. Surviving records mainly show him involved in the victualling trade, however: in 1333 he and **Hugh Betele**, as "king's merchants" took grain to Norway to trade for fish, and the following year they similarly (in their own ships) exported ale and grain; in 1336 he and Betele, together with **Simon de Bitering** obtained from the king a 3-year safeconduct while trading in England and abroad. Hugh was married to John's daughter Margery, and John lived just long enough to act as Hugh's executor at the beginning of

1349.

John had some involvement in the royal customs service, first in 1315 as the sheriff's deputy supervising the export of victuals from Lynn, with particular view to ensuring none were shipped to enemy countries, but from 1320 to 1322 and again 1332-33 and 1340-41 as a collector of wool custom. He gave more service to his town: although he appears among the jurats only on three occasions (the earliest being in 1322/23), he was elected mayor for six terms between 1323 and 1347, and for part of a seventh when William de Sechford died in office in 1336. The borough returned him to seven parliaments between 1324 and 1341. He also served the merchant gild: as scabin from 1317 to 1321 and as alderman 1340-49.

He was survived by his wife Muriel and sons Nicholas and John.

John de Swerdestone junior appears to have been the elder, having entered the merchant gild in 1337 and being the inheritor of his father's principal residence. He perhaps also took the lead in the family business; in 1358 he was given licence to export grain to the Low Countries or Gascony. He served the borough as chamberlain in 1349/50, and jurat in 1350/51 and 1352-54, but was clearly not as important in town affairs as his father and is last heard of in 1360.

Nicholas de Swerdestone is more in evidence, but neither could he equal his father's accomplishments. He became a freeman at Lynn upon the death of his father and he served two terms as chamberlain and was a jurat from 1359-70 and in 1378/79. He was returned to five parliaments between 1361 and 1379, but in the event did not sit in one (1372). He was also the borough coroner for an unknown period in the 1370s. This career ended in disgrace: in 1379 he was accused of conspiring with the chaplain of **St. Nicholas'** to have the chapel given the status of a parish church, an initiative which led to discord among the townspeople; the chaplain had obtained papal letters to this effect which were subsequently annulled by papal judges, the borough authorities evidently going to some effort to quash the separatist movement. For his part in this trouble, Nicholas was removed from the coronership in December 1379, and the following August was disfranchised and the burgesses were prohibited from trading, socializing or even speaking with him. The last heard of him is on two occasions in 1381 and 1382 when he and the chaplain failed to appear before a court of the bishop of Norwich to defend themselves in a charge of having pursued the matter. The family name disappeared from Lynn.



Bartholomew Systeme's earliest appearance in borough records is in 1398/99, when he travelled to Boston and London on community business; he performed a similar duty for Lynn in 1401/02, although only as far as Norwich on this occasion. A merchant, he is seen in 1405 and 1406 exporting shipments of cloth, as well as malt and peas, either solo or in partnership with **Ralph Bedingham** and **John Lakinghithe**, and in 1412 lost to pirates a cargo being brought from Norway. He may have been the son of the William Systeme who was exporting cloth and importing herring in 1391. And John Systeme, for whose entrance to the franchise in 1403 Bartholomew acted as pledge, was likely a younger brother; if so, John's entrance by patrimony would suggest Bartholomew himself was likely born in Lynn.

His earliest roles in the administrative system were as leet affeelor (1400), searcher of ships (1402-05), and scabin of the merchant gild (1406/07); during the last decade of his life he was the borough's coroner. He is also found as a churchwarden of St. Margaret's in 1419, when he requested to be released from the post, because the church coffers had been drained by belfry repairs and he did not wish to have to finance further work from his own pocket; however, he probably remained in office, for the corporation heard his plea and took steps to raise alms to support the church. He had entered the ranks of the jurats by 1411 – his position in the listings showing that he was one of the most junior members. Although he was appointed later that year to the **special committee** to re-audit financial accounts of past administrations, he was clearly identified with the *potentiores* and boycotted that committee along with fellow jurats once it was clear which way the wind was blowing.

Since his elder son had only taken up the franchise in 1426, by patrimony (indicative of recent adulthood), Bartholomew may only have been around 50 when he died in 1429; this premature death robbed him of a shot at the mayoralty, he having just reached the upper-middle ranks of the jurats from which mayors tended to be elected.



Reginald de Systeme's surname appears in Lynn in the 1290s (as de Sidesterne, perhaps suggesting a connection with Sidestrand in Norfolk, rather than one with the Systons further afield), and holders came to prominence at various times in Lynn – such as **Bartholomew Systeme**. Reginald purchased membership in the merchant gild in 1328 and later in the year was fined for using non-standard weights and for breaking the assize of ale. In 1354 he was exporting malt, flour, salt, and cloth to Norway and Germany, with the intent of bringing back a cargo of fish; a few years later his local tax assessment was well above the average. Whatever his business was, it also brought him in contact with London, for in 1364 he was being sued by a London hatter for an alleged debt of –200; the charge may be suspect, since two jurors in the case complained to the London authorities of an attempt by a goldsmith first to bribe them, then intimidate them, into bringing a false verdict in favour of the hatter. Reginald served as chamberlain in 1334/35 and as jurat in 1347/48, 1350/51, and during most of the period 1356-62.



Richard Thewyt acquired the franchise at Lynn (1385) through apprenticeship. His mercantile activities between 1391-96 show him exporting cloth and importing herring, wax, flax, iron, and canvas. He was of the middle rank in burgess society and his only office in local government came during the reform administration of 1411/12, after whose collapse he is rarely mentioned again.



Although he entered the merchant gild in 1328, little evidence remains of **John de Thirsford**'s commercial activities. He served as bailiff 1349/50, was sent as one of the borough representatives to parliament in 1350, and held the office of chamberlain 1351/52, but is not known to have been a jurat. In 1351 he was a pledge for William, the son of Roger de Thirsford, when he became a burgess; William (a merchant) may have been John's brother.



That **Richard de Thorpe** was already active in commerce before he entered the franchise at Lynn in 1378 is suggested by the fact that he paid his entrance fee in the form of 800 herring. Herring were among the goods he was importing in 1391, along with linen, canvas, iron, and lumber; his exports recorded between 1387 and 1394 were cloth and woolfells. By 1385 he was renting from the merchant gild a tenement with a quay on the Ouse and a small property, probably for business use, at the common quay; from at least 1398 he was also leasing from the borough several shops at the market end of **Damgate**. He was a jurat for most of the period 1393-1416 and a constable of the Lynn staple during parts of the '90s.

Towards the end of his life he may have suffered financial reverses – additional to his loss of merchandize to pirates in 1412 – for by the end of that decade he was in arrears for the lease of the Damgate shops and continued so until his son took over responsibility for the property in 1424; by which time, Richard was, if not already dead, aged and incapable. He may have left debts, for ca.1431 his widow was receiving alms from the merchant gild. Ship's master **William de Thorpe** may have been a member of the same family.



John de Tidde entered the franchise at Lynn in 1387, probably at a relatively late stage in life, since he was already being differentiated by "senior" from another of the same name. He is not much in evidence in local records.



The **John de Tilney** mentioned in the 1392-93 **customs account** is difficult to pin down as there were several men of this name living in Lynn around this period. The **John Tilney junior** who supported the efforts of the reform party through his legal training and ties to the Bishop of Norwich would likely have been too young to be trading in 1392, and shows no evidence of commercial activity. Another townsman of this name was described as a brewer in the 1379 lay subsidy. The most likely candidate, however, is the draper who entered the franchise in 1377, just possibly a descendant of an earlier John de Tilney who was exporting cloth from Lynn in 1349. The cloth exporter of 1392 also imported herring in 1391.



Thomas Trussebut was only a few years into his merchant's career at the time his various export shipments were documented in the customs account of 1392-93; he having entered the franchise at Lynn in 1385, after apprenticeship to merchant **John Lok**. Customs records of 1391-95 show him heavily involved in the cloth export trade, while importing herring, garlic, canvas and flax. By 1400 he had his own ship. Much of the wealth he accumulated was invested in real estate in numerous rural areas in the vicinity of Lynn. He did not play a large role in local administration, except for the position of coroner from which he was removed in 1441 on grounds of old age and infirmity.



Although there appears to be no surviving record of **Walter Urry's** entrance to the Lynn franchise, his term as scabin of the merchant gild 1386-88 (and again 1396/97) and his brief presence among the jurats in 1388/89 and 1391/92, suggests a moderate importance in the town – possibly partly through family reputation (merchant John Urry having been mayor in 1358/59, and Ralph Urry the Bishop's steward at Lynn in the 1360s). Walter was commercially active by at least 1385, when his merchandize was arrested in Prussia.



John Wace came from East Rudham (a few miles north-east of Lynn), and was apprenticed to Lynn mercer Ralph de Colkirke. He paved the way to setting himself up in business by entering the franchise in 1371. Possibly some of his relatives had already preceded his migration to Lynn, since one of the citizens guaranteeing John would pay his freeman's entrance fee was mercer John de Rudham, and Wace later took on kinsman Thomas Rudham as his apprentice; furthermore he had relations in the mercantile Dunton family in Lynn (although perhaps by marriage). His mercantile activities in the 1390s are well-documented: he exported cloth, grain, herring, and salt, and imported dried fish, canvas, iron, lumber, paper, wax, ashes, and flax. He was a jurat during much of the 1380s and '90s, culminating in his mayoralty of 1396/97, after which he retired from local government,

although in 1398 was a royal commissioner to organize a naval expedition against pirates plaguing the east coast. He died in 1399.



William Walden was described as a cordwainer in 1391, when the **leet court** fined him for breaking the ale assize. This aspect of his commercial activities was in evidence at his earliest appearance in the records, in 1375, when he was fined for **regrating** ale. Whatever the makeup of his business activities, he was doing well enough to have two servants, living with him, at the time of the poll tax in 1379. It was not until 1388, however, that he decided it advisable to purchase the benefits of freeman status. He continued to expand his horizons: in 1405 he was exporting large quantities of barley, oats, and wheat; and in 1412 he was trading with the Hanse and Norway.

Politically, he was an outsider until the **reform movement** led by Bartholomew Petypas; he served as chamberlain under one of its administrations (1412/13) and was closely enough tied to the reformers to be twice summoned to Chancery as one of the faction's spokespersons, in 1412 and 1415. After the failure of the reform movement, he was excluded from positions of authority, but appears to have continued to cling to his convictions. For at an assembly on March 5, 1421 when the levying of a new tax was on the agenda, he spoke up to urge that nothing be assessed on the poor, except for those able to contribute; the clerk made the point of describing him as "friend of the poor", suggesting he was already known for his championship of their interests. Possibly this was what led to him being elected as a common councillor for the following year, but his stint in office went no further.

The only further mentions of him during the 1420s are in the leet court, when fined for breaking the ale assize (described as a brewer), and later for blocking the road with dung on several occasions. The last reference to him is in 1430, when fined for failing to appear at the leet.



Robert de Walpole entered the franchise at Lynn in 1372, having completed an apprenticeship under his father, mercer Thomas de Walpole. In 1389 he was described as a draper. Later in the same month when he made his single export shipment of 1392 he was elected as chamberlain, never playing any more prominent role in borough government. Despite his specialization as draper/mercator, this was the only occasion he is seen dealing in cloth. In 1399 and 1400 he was exporting wool and woollens. In 1390 and 1391 he was importing wool, herring, and wax.



Although the surname Walsingham was well-represented in Lynn during the thirteenth and early fourteenth centuries (in the latter period providing 2 mayors), although not necessarily being a single family, and a Robert Walsingham vintner flourished 1415/1448, I find no other mention at Lynn of the **Roger de Walsingham** mentioned in the 1392-93 customs account.



Since an Adam de Walsoken was one of the more prominent of Lynn's merchants, twice mayor, before 1349, and a Walter Walsoken who entered the franchise in 1357 after completing his apprenticeship became a jurat in the 1370s, it is not impossible that the Adam who was mentioned in the customs account of 1392-93 was a descendant (although the earlier Adam's will mentions no sons); but since there are no references in borough records of late fourteenth century to an **Adam de Walsoken**, it is unlikely he was a resident of Lynn.



John Waryn was an established member of the merchant community of Lynn, having entered the franchise in 1365, served as jurat for most of the period 1376 to 1395 (when he died), and as mayor three times during the 1380s. He was already engaged in international commerce before he entered the franchise in 1365, having in 1364 imported salt from Brittany and exported ale, beans and peas to Flanders; he was taxed in Lynn, as a non-freeman, in 1357. This could explain why he had to pay for his entrance, but an equally likely reason is that he was an immigrant. He had become involved in the cloth trade by the 1390s and probably earlier – the lay subsidy of 1379 describing him as a mercer; but he was still quite diversified – as his several shipments recorded in the 1392-93 **customs account** shows. His imports included dried fish, wine (he holding a tavern near St. Margaret's and shops or taverns on the quayside) and probably iron. In 1384 he, **Adam Waryn** and others had lost a jointly-owned cargo of wine from Bordeaux to shipwreck.

He and Adam – who came from Aylsham (a few miles north of Norwich) – were probably related, although how closely is unknown. Adam was evidently the younger, having entered the franchise in 1377 (John acting as one of his guarantors), and serving as jurat frequently between 1386 and 1403. Beside his involvement in exporting cloth, Adam imported herring and was several times fined for breaking the assizes of ale and wine. He and John jointly leased from the community, two years after Adam entered the franchise, a property opposite St. Margaret's: possibly a business establishment, although perhaps a joint residence, for the two men were listed adjacently in the lay subsidy of 1379.



Thomas de Waterden was a merchant by apprenticeship and perhaps the most prominent member of an important local family, being already established in the ranks of the jurats and later to serve as mayor of the borough twice and as mayor of the Lynn staple. He would have been in his early 40s at the time of his export activity evidenced in the 1392-93 **customs account**. As this and other customs documents of the 1390s and early 1400s show, he was heavily involved in the cloth export trade, importing in return herring, tar, oil, lumber, iron and other goods from northern Europe. He lost two shipments to pirates in 1412.

He was one of Lynn's jurats for most of the period from 1383 to 1424, except for the period of the reform administration, of which he was one of the leading opponents. Although his exit from the jurats was a case of retirement, due to old age, there is no indication he lived much longer.

Thomas' master had been mercer **Robert de Waterden**, Thomas apparently being the first of a series of apprentices we know Robert took on, probably in January 1364 (since Thomas completed the apprenticeship and entered Lynn's franchise in January 1371). The two were probably kin, but the nature of their relationship is unknown. Robert may have been the Robert son of William Hard – Hard being an alternate surname associated with some members of the family in the fifteenth century – who entered the franchise in January 1364, having completed his apprenticeship to mercer Ralph de Colkirke. Robert was a jurat for much of the period between 1377 and 1399, when he died. He was also Thomas' predecessor in the office of mayor of the Lynn staple (1391-92, 1397-99). In 1375 he was exporting grain to Norway. His exports during the '90s were cloth, wool and woollens, but we know nothing of his imports.



John de Wentworth is another example of the rising young stars of the 1390s. He entered Lynn's franchise in 1382 and during the 1390s is seen exporting cloth (his 1391 exports far outstripped those listed in the 1392-93 **customs account**, being valued at £238.13s.4d) and importing salt; in 1406 he was importing wine. In 1403 he was sued by a London haberdasher. He entered jurat ranks in 1390 and remained there for most, if not all, of the period until 1413; during much of the 1390s he was also the town's coroner, and during the following decade served thrice as mayor. This both brought him into head-to-head conflict with the Bishop, over jurisdictional issues, and made him one of the chief targets of corruption charges levelled by the reform party. He it was who, in 1412, complained to the Bishop about the reform party expanding their own power base by giving the franchise to lesser members of the community, some mere shoemakers or tailors "worth only 1d." He probably died ca.1417.



John de Wesenham was apparently a member of a large, prominent and long-standing family of Lynn. A man of the same name had been one of the richest merchants of Lynn in the 1340s and served as King's Butler. Yet, if the John mentioned in the customs account of 1392/93 was the man who entered the franchise in 1387, the ancestry may not have been direct, since both John and his father, William de Wesenham, had purchased freeman's status, rather than earning it by birth. Yet evidently he was already wealthy, judging from the level of investment in the import/export trade, witnessed by several customs accounts between 1391-96: he was importing herring, iron, and wax, and exporting cloth. This is further evidenced in accounts of 1405-06, when he is seen partnering with William Lok, William Style, John Brandon and others), in the export of cloth and import of lumber, iron, eels, and herring. In 1407 and 1431 (and perhaps the intervening period) he was renting from the merchant gild land near the public quay for storage of lumber. He lost two shipments of imports from Norway and Dacia to pirates and shipwreck, respectively, in 1412. In 1428 one of his apprentices was trading for him in Prussia. Having entered jurat ranks by 1411, he later served twice as mayor and as alderman of the merchant gild 1424-33, probably dying in the mid-1430s.



John de Wormegay was probably a Lynn man, a member of a moderately prominent local family that also went by the surname Wyth. A man of this name who had been jurat frequently between 1357 and 1376 was still alive in 1391, but retired and therefore unlikely to have been the John mentioned in the 1392-93 customs account.



John de Yorke mercer purchased entrance to the Lynn franchise in 1387 and was another of the middle-ranking freemen in the same mold – so far as the sparse references to him allow us to say – as Creyk and Baldeswell, for example.



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Herbert Losinga

Herbert Losinga or Losing, *died 1119*. Prior of the monastery of Fiscamp, in Normandy, and as some say, Prior of Bec in that dukedom, was in great favour with William Rufus, who brought him from Normandy, made him his chamberlain, and kept him in his court. Bale says, "First was he here in England by friendship made of Ramseye, and afterwards by-shop of Thetforde by flattery, and fat payment, in the year of our Lord 1091, for which he is named in the chronicles to this day, the *kynelying match of Symony*, and that noteth him no small doer in that feate:" for he gave on less then £1900 (a very large sum at that time) for the see, and had, during his friendship with the King, amassed such a sum, that he brought for *Robert de Losing*, his father, the abbacy of Winchester for £1000. He repented on that *symony* and decided to go to the pope to obtain absolution for it. He was stopped in the process of traveling and deprived of his *pastoral staff*, when in 1093 he was given the Kings consent he resigned his ring and staff to the Pope and was told to build certain churches and monasteries as penance, this he did in lavish style as the Norwich Cathedral, [St Nichols's in Yarmouth](#), St Margaret's in Lyne, the Church of St Mary at North Elmham and that of St Leornards on the Hill and St Mary in the Marsh will testify. While there he obtained the Popes consent to remove his *see* from Thetford to Norwich, and on his return on April 9th 1094 did so with Thomas, Archbishop of York consecrating the ground on the same day as his return, this was most likely the Church of St. Michael on Tombland, which was the head church of the city.

Bartholomew Cotton, a monk of Norwich, gives him an excellent character, affirming him to have been a man learned in all parts of secular and divine learning, incomparably eloquent, and so very beautiful and grave that those who knew him not might discover him to be a bishop, the graces in his mind shining in his countenance, wise in all he did and said, faithful, charitable and honest, this brilliant character could not altogether said be true of a person who was branded as buying his title. Cotton had as much on his side for excuse as he could have, he being on in his order in Norwich, he excuses him from the *symony* by saying that the Scripture allows us " to redeem the time, because the days are evil," Eph. v. 16, and by the decretal which allows a clergyman to buy a right to a church of a layman, if he cannot otherwise obtain it.

From the memoir of William Herbert de Losinga, by the Rev.W.Spurdens, and published by the Norwich Archaeological Society in 1850, we gather many interesting particulars in respect of him. Mr. Spurdens says " The accounts transmitted to us respecting this Prelate by the ecclesiastical writers and chronicles of his age are so contradictory, so improbable, and some of them on which we cannot satisfactory rely. Still it is quite evident that Herbert was one of the remarkable men of the twelfth century: and hence we are led to desire a knowledge of all that can yet be recovered concerning him, his real character, and conduct. On investigation, we are surprised to find that his name has been misrepresented, *Losinga*, certainly formed no part of it, and was probably not applied to him till after his death, another add on was *Galfaus*.

Weever says: " Upon the death of Arfastus (the first Bishop of Thetford) one William Herbert, *surnamed Galfagus*, for the sum of nineteen hundred pounds, obtained from King William Rufus the Bishopric for himself, and the Abbey of Winchester for his father." His true name seems to have been William Herbert, son of Robert Herbert. The place of his birth also is not certain as Rev.W.Spurdens believes him to be born at his fathers manor at Syleham, in the Hundred of Hoxne, in the county of Suffolk, about the year 1045 and therefore an Englishman. He was then taken to Normandy for his education as before the conquest there were no schools, so the persons of wealth and station sent their sons to Abbeys in France and Normandy. Herbert therefore seems to have been sent to Fechamp with his education in mind and profited by the great promise shown by himself to such a degree that he was shown as a permanent figure to that institution. At what age he made religion his profession is not stated. He may have, possibly, have been occupied for a time, after the completion of his education, in wordily affairs; for a cloistered monk does not appear the best

school for acquiring such an acquaintance with the court and with the world, as would qualify him for the office of Sewer to one monarch and of Chancellor to another. He does seem to have had a office under Duke Robert, as he certainly did under Rufus, who was so pleased with his service that he bought him over to England with him. In about the same year, 1087, Herbert was made Abbot of Ramsey and while he held that office he bought off Rufus the See of Thetford and the Abbey of Winchester. Having then gone to Rome and laid at the feet of the Pope and being reestablished in his See needs some explanation. Henry I was left with a dispute that had arisen with Rufus and Anselm, the Archbishop of Canterbury, about investitures, so was not on good terms with the Pontiff. So although Herbert had obtained his See, he had little in the way of spiritual rights from the Pope, a visit to Rome could secure both these rights he wanted. The journey was undertaken without the Kings consent and before Herbert could leave our shores he was arrested. The King took away his ring and pastoral staff but when he saw what he could gain from Herbert's visit to the Pope he reinstated him and let him go on his journey as a minister for peace.

Herbert seems to have been a good scholar and a good writer who was ahead of his time in all he did especially as an early diplomat. The monks of Norwich tried to have him canonized as a Saint this never came about but his work in the region is still there to be seen in all its reverence.



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37. King's Lynn, All Saints' Church, exterior, 15th century rebuilding on earlier site.
After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



41. King's Lynn, St. James, Founded early 12th century, expansion in 14th century. Dismantling begun 1559. Engraving by Henry Bell, architect and alderman of Lynn. before 1682, showing remaining transept after the destruction of the nave. Now completely destroyed. After E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).

Plate No. 36.]

ST. JAMES', LYNN.

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ST. JAMES'—THE TRANSEPTS AND CENTRAL TOWER AFTER DESTRUCTION OF NAVE AND PINNACLE.

FROM ENGRAVING BY H. BELL.

ST. NICHOLAS CHURCH © Stanbury/Raguin/MMK

A chapel, in existence since the mid 12th century, was dependent on the parish church of St. Margaret's. An early Gothic chapel was built shortly after 1200. In 1379 and again in 1432, coinciding, it seems, with new building campaigns, the parishioners of St. Nicholas sued to have a christening font, to conduct marriages, and to perform the rite of purification after childbirth. Authority to perform these rites would have made "the chapel equal to the parish church" [*Book of Margery Kempe*, ch. 25: 1340-1381]. Margery's father John Brunham, as mayor, opposed the petition the first time it was brought, and Margery opposed the second. Margery has a revelation, an understanding in her soul, that though the parishioners behind this scheme would give a bushel of money, "thei schuld not have it" and because of her foreknowledge, "sche was the more bold top pteyn owyr lord to wythstonde her intent and to slakyn her bost" [1370]. (She was the more the more bold to pray our Lord to withstand their intention and to deflate their boasting.) *The Book of Margery Kempe*, trans. B. A. Windeatt (London: Penguin Books, 1985), based on *The Book of Margery Kempe*, British Library Additional Ms 61823, ed. Sanford Brown Meech and Hope Emily Allen (Early English Text Society, O.S. 212, 1940) Citations from *The Book of Margery Kempe* are from Lynn Staley, ed. TEAMS (Kalamazoo, MI, Medieval Institute Publications, 1996).

27. King's Lynn, St. Nicholas, south side. After William Taylor, [The Antiquities of King's Lynn \(London, 1844\)](#). Early work, 13th century, rebuilding ca. 1370. Most of the church's construction dates from 1421-3, chancel/choir, through the late 15th century, the south porch.
28. King's Lynn, [St. Nicholas, west facade and tower](#).
29. King's Lynn, [St. Nicholas, plan in 1425](#). After E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).
30. King's Lynn, [St. Nicholas, south aisle 1425-50](#).
31. King's Lynn, [St. Nicholas, west window, now devoid of its glass, 1450s](#). Photograph from E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).
32. King's Lynn, St. Nicholas, [detail of angel roof in nave, ca. 1450s. Angle with lute](#).
33. King's Lynn, St. Nicholas, [detail of angel roof in nave, ca. 1450s. Angle with flowered girdle](#).
34. King's Lynn, [St. Nicholas, choir stall, 1418](#), now Victoria and Albert Museum, London. (Tracy 1990, pl. 87). After William Taylor, *The Antiquities of King's Lynn* (London, 1844).
35. [Charter of John of Oxon, 1175-1200](#), Grant of St. Nicholas's Church to St. Margaret's (archives of the Dean and Chapter, Norwich Cathedral). After E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).

36. [Minutes of Council of the Borough of Lynn, 1 January 1432](#), text of letter sent to the Prior of Norwich requesting that St. Nicholas be granted authority to perform baptisms, marriages, and the “churching” of women (a ritual of purification after childbirth). After E.M. Beloe, F.S.A., *Our Borough: Our Churches: King’s Lynn, Norfolk* (Cambridge, 1899).

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CHAPTER 7

Conflict and Solidarity in Urban Politics

The Petypas Affair (Lynn)

The catalyst for a new round of internal disputes in Lynn at the turn of the century was the legal battle between corporation and Bishop at the opening of the reign of Henry IV. A large element in the community considered this too costly and a threat to future good relations with the Bishop. Popular discontent was brought to a head by several factors:

- £864 of community money had found its way into the king's treasury, much of it never to be recovered, in the shape of goodwill loans;
- the increasing burden of petty expenses - many not strictly necessary, but an expression of civic pride and the dignity of borough government;
- bread shortages, blamed on trade abuses by the merchant class; and
- the move by the [jurats](#), in the reign of Henry IV, to free themselves of the formality of annual election.

Taken together, all these served to provoke a hardened and organised resistance from the rank-and-file townsmen.^[73] In October 1403 the [capital pledges](#) refused to take their oath of office, and the [mayor](#) had to be summoned to persuade them. In 1404 the community refused to consent to the levying of a local tax, and disputes between "*les grauntz Gentz*" and the "poor commons" resulted in the imprisonment of 7 of the latter (one a [freeman](#) and most of the others identifiable as *inferiores*), who then petitioned the king for an enquiry into misgovernment. When a commission was appointed in 1406, however, it was to investigate the insurrections that had been erupting over the previous two years.^[74] The power of the [community](#) is suggested in a letter of about this time in which the mayor, instructing John Crosse to pursue certain business for the town only if he expected to be successful, complained that "The comones wil make no cost but if it myght availe."^[75]

Under the leadership of Bartholomew Petypas, the popular party won control of the administration in August 1411 by having its nominee, Roger Galyon, elected mayor. It is highly probable that this was managed by, as the *potentiores* later charged, Petypas and his multitude of supporters (predominantly non-freemen) taking over the electoral proceedings and abandoning the established method of election. Already in the first half of that year Petypas and his followers - especially William Halleyate, John Bilney, John Tilney, William Brycham, Philip Franke, and William Baret - had been causing trouble.^[76] The king heard the charges concerning the election, but let off Petypas with a warning. Encouraged, the

reform administration began negotiating for a new charter, probably to embody desired constitutional changes - already Tilney had been sent to Oxford to learn of the method of mayoral election used there. In addition, it obtained royal approval of the traditional practice that the jurats should be elected annually.[77] By December 1411 there had been set up a special committee of 18 persons, comprising 7 jurats (one of them Brycham), 5 non-jurat freemen (including Petypas, Bilney, Baret, and Franke), and 6 *inferiores* (including Halleyate and Tilney). Partly deriving its authority from the 1309 composition, this committee was to re-audit the [chamberlains'](#) accounts of the last twelve years and draw up a settlement between parties. But in April 1412 five of the jurats, realising they could not control the committee, dissociated themselves, leaving the "greater part of the 18", on the principle of majority rule, to draw up the terms of the settlement. These terms were that:

- various past expenditures of the *potentiores'* administration,[78] particularly those of 1401/2 on the suit against the Bishop, were disallowed;
 - also disallowed were debts claimed from the community by five ex-mayors, from their terms of office;
 - the mayoral salary was to be limited to £10;
 - the [mayor](#) was to be held accountable in future for borough revenues;
 - a committee of three persons per class was to handle community rents; and
 - the protection accorded to the *inferiores* by the 1309 composition was re-confirmed.
- [79]

The *potentiores*, although at first promising to accept the award, spoke out against it in assembly in July, unsuccessfully sought the Bishop's help in August, and then took their case before the king. In preparation for the coming battle, the reform administration made 112 of the *inferiores* freemen two days before the elections of 1412. This ensured the re-election of Galyon by a more constitutional method than had been used in 1411, and with a minimum of resistance from the supporters of the *potentiores* (most of whom boycotted the election). Keeping closely in touch with Bishop Tottington, who evidently approved of the reformers' actions, Petypas and co. defended their case before the Chancellor, who referred the disputants back to the Bishop. This inevitably resulted in the *potentiores* complainants being obliged to agree to accept the award of the "greater part of the 18". Other *potentiores* followed suit, and further resistance was cowed by an assault on the [Merchant Gild](#) members at a June 1413 meeting. In secret, however, the original complainants began plotting against the reform administration.[80]

Their hopes were aroused by the accession of a new Bishop of Norwich in September 1413. By now Petypas himself had been elected to succeed Galyon as mayor, and he sent Bilney, Halleyate, and Tilney to London to determine the wishes of the Bishop. The *potentiores* used their influence to have Tilney arrested. Violence in Lynn was on the increase, some of it organised assaults on the *potentiores*, some seemingly mob action perhaps aimed at Fleming residents. Rumours circulated that the *potentiores* would interfere with the elections of August 1414. Petypas therefore held that election early, but this did not deter the *potentiores* from proceeding, in the presence of the county sheriff, with their own election - although the

reformers did their best to disrupt this. Now the king intervened and both parties sent representatives before him. The result of his arbitration was a constitutional compromise known as the "New Ordinances". This settlement aimed at adopting features of London's constitution and electoral methods; the object was to guarantee the rights of all freemen to participate, to divide electoral power between the two estates of *mediocres* and *potentiores*, and to acknowledge the jurats as a [life-membership](#) body. This was put into effect immediately and fresh elections were held. A compromise candidate was elected mayor: John Lakinghithe, one of the oldest and most venerable townsmen; a jurat, but one who had acquiesced in the reform administration. It gradually became apparent, however, that Lakinghithe was only a front for a return to power of the *potentiores*. In January 1415 Petypas led his supporters in an armed attack on the *potentiores* in the town hall, and maintained the intimidation sufficiently to inhibit the holding of further corporation sessions for a while; although by March the jurats had recovered to the point where they were able to annul all the franchise entrances of *inferiores* between 1412-14, and go on to obtain an investigation which convicted Petypas and his lieutenants of various acts of violence, forcing them to go into temporary exile at Titchfield Abbey. A new committee was chosen to settle party differences, but was heavily overweighted with *potentiores*. Again appeal was made to the king, and it was decided that the Bishop and the Earl of Dorset should arbitrate.[81]

Meanwhile, it was time to elect a new mayor. The reformers managed to engineer the election of John Bilney; but the jurats, taking advantage of the episcopal interregnum consequent to the death of Bishop Courtenay, obtained from the king a writ ordering Robert Brunham (who, as gild [alderman](#), had replaced John Lakinghithe when he died in office) to remain in the mayoralty. A furious populace forced Brunham to acquiesce in the swearing-in of mayor-elect Bilney, but Bilney was now himself unwilling to go against the king's wishes. The impasse was settled by further royal intervention, appointing as mayor Thomas Hunte (October 1415), "one zealous for peace and no disturber", whom the king hoped would be suitable to both parties.[82] In fact, Hunte subsequently requested the Bishop-elect to exile Petypas and his supporters from the town until the *potentiores* had argued their case against the reformers. He may have had some justification, in that a number of *inferiores* were still acting together, trying to disrupt Hunte's administration. The jurats, having already sent an agent to Norwich "to learn in what fashion they are governed in those parts", [83] persuaded the king to approve the revocation of the New Ordinances in June 1416. Petypas and Halleyate, seeing which way the wind was blowing, had already bought pardons for all treasons, rebellions, felonies, conspiracies, etc., in April.[84]

Still Petypas hoped to regain lost ground. In July 1416 he was regathering around him his old supporters, some of whom were still actively resisting Hunte's government; and he was seeking a customs post at Lynn, as a first foothold in a return to power. On August 12 he pleaded his case before the Bishop's Council, but could not prevent the election of John Wesenham as mayor by the pre-reform method. Nonetheless, the Bishop intervened and in 1418 a new settlement was drawn up. There is some suggestion that this restored the New Ordinances, with slight amendments favourable to the *potentiores*, but the overall effect was much as the Norwich composition of 1415 (with which the jurats were doubtless now familiar): recognising the jurats as a life-membership body, therefore independent of direct

popular control; and counter-balancing this with the creation of a Common Council, but leaving the jurats with some measure of control over the membership of this lower council. [85] Petypas was still not happy, although his appeals to the Bishop in 1419 were largely a defence against the retributive measures brought by his old enemies. A few of his followers made an ineffective attempt to object to electoral procedure in that same year, but these were the die-hards, and Petypas' support had so dwindled that he gave up the fight, and was rewarded with a place in jurat ranks (1420).[86]

Previous interpretations of this affair have suffered from two things: lack of sufficient information[87] and a failure (due to want of space and time) to make a detailed examination of the membership of the contesting factions. We shall now try to redress the second, to some extent. Jeaffreson believed that the political crisis resolved essentially into conflict between the Merchant Guild and non-gildsmen. Harrod blamed the Bishop for exploiting hostilities between groups of townsmen, so as to consolidate his own lordship over the borough. Richards saw only an inexplicable personal rivalry between Petypas and John Wentworth, complicated by the ideas for political reform in Wycliffism. Hillen concurred with the former notion and, consistent at least with his interpretation of Lynn's political history generally, entirely blamed "the aggressive plutocrats and their turbulent partisans" for the disturbance of peaceful government. Green was largely responsible for Hillen adopting this interpretation, and she also maintained that, whilst the Common Council of Norwich was the product of a popular victory, that of Lynn was quite the opposite. Morey felt that this interpretation of a democracy vs. oligarchy battle was an over-simplification and that, although the economic distress of the urban lower classes (partly due to the corrupt and monopolistic practices of the *potentiores*) was a causal factor, hostility towards the Bishop complicated matters, so that the memberships of the opposing factions do not fit neatly into the tripartite class divisions.[88] It is here believed that some clarification can result from an investigation of the personnel involved in the Lynn affair, just as similar investigation throws light on the Ipswich crisis of 1320/1.

The names of a large number of the participants are known from the charter recording the agreement of the three classes (December 1411) to submit to the impending award of "the 18"[89]: 23 *potentiores*, 83 *mediocres*, and 66 *inferiores* were signatories to this agreement. Of these *inferiores*, 75% subsequently entered the franchise between 1412 and 1414, and 101 other *inferiores* were also made freemen in the same period.[90] Most of the 112 freemen created in August 1412 paid no fine, for it was claimed that they were entering as apprentices; the few fines that *were* paid ranged from 3s.4d to 20s. (6s.8d being the most common) - much lower than the customary 40s.[91] Previously, artisans' apprentices had not been permitted the free entrance granted to merchants' apprentices, and perhaps this was one of the grievances of the lower classes - as indeed it was in 1424/5, when artisans' apprentices were granted equal rights to those of merchants. In support of this we may note that in 1415 the corporation was advised, with regard to the *inferiores* entrants, that it was ancient custom for apprentices to pay 40s. entrance fine, although practice shows this to have been far from true. The 1424/5 ordinance shows that the reform party had achieved something, if only in reviving democratic consciousness in the community: Robert Brod, an *inferior* entrant of 1412, argued on behalf of the artisan apprentices "*quod est una libertas in villa, unum iuramentum et unum finem*

(sic)."[92]

The signatories of 1411 evidently represent only a minority, if a large one, of the total population. Not included in their number are 39 of the men who entered the franchise between 1399 and 1410 and whom we might reasonably expect to be alive c.1412. Nor are 23 of the burgess entrants of 1414/5 listed earlier among the *inferiores*, although the prominence of merchants among these entrants suggests that some at least were supporters of the *potentiores* brought in to redress the imbalance in the electorate.[93] A few important names, such as Roger Galyon and Robert Botkesham (possibly on his death-bed), are also not among the signatories. However, since it was obviously to the advantage of peace in the town to have as many as possible of the active participants in the dispute agree to the settlement, the names that we possess are likely to be a good indicator of the character of the hostilities. Not that we should assume that the three classes, as separately listed in 1411, necessarily represent the lines of division of opinion, and that this was a demarcation between Merchant Guild and craft guilds. True, the *potentiores* were all merchants, with the apparent exception of one of unknown occupation,[94] yet the majority of the *mediocres* of known occupation also were merchants, whilst even among the *inferiores* were a handful of merchants, although most of this last group - mercers and spicers - may have been little more than shopkeepers.[95]

The *potentiores* were in fact 23 of the jurats; this suggests a political rather than an economic struggle. Even though the missing 24th jurat, Roger Galyon, was the mayor of the reform administration, and jurats William Brycham and Richard Thorpe were among the supporters of Petypas,[96] whilst a few other jurats were not overly hostile to the reform administration, the majority more or less stood together in passive resistance.[97] The *potentiores* did have a little support from other burgesses, but it is difficult to establish identities, or what proportion of the *mediocres* gave this support. Of the *mediocres*, 2 were from jurat families, but 26 either held office under the reform administration or were associated with the reformers in other ways. The evidence suggests that it was not mere propaganda when Petypas claimed to have the support of the majority of the burgesses.[98] It may be that the *inferiores*, being the most aggrieved and the most removed from the interests of the jurats, supported the reformers almost to a man, particularly given the pro-episcopal stance of both groups; certainly, of the 38 men ordered arrested for opposing mayor Hunte in 1415, 26 were former *inferiores*. [99]

In fact, the source of active opposition to the reform party came principally from the elite clique of ex-mayors within jurat ranks - precisely the group blamed by the reformers for the financial maladministration of the previous decade or so. These men stood to lose a good deal of money, should the reformers triumph. Since financial matters sit at the hub of the grievances of, and the resistance to, the reformers, we must not entirely ignore occupational divisions. The *potentiores* do represent, not merely merchants, but the interests of the large-scale, international commercants, whilst the *inferiores* are clearly overwhelmingly artisan in composition.[100] It is again a question of scale - that is, the degree of combination of political power and wealth - rather than strict occupational divisions on an institutional (i.e. gild) basis. Yet the resentment against the growth of political privilege for the wealthier segment of the community would have lacked effective expression were it not for the small

group spearheading reform. Their identities are as much a clue to the nature of the affair as are the aggregate identities of the three classes.

Bartholomew Petypas, the driving force behind the reform party, appears to have been of the same social and economic status as the *potentiores*, although the only local office he is known to have held before the democratic 'coup' is that of [scabin](#) of the Merchant Guild, a role that may have given him privileged access to knowledge of the behind-the-scenes workings of borough finances. He entered the franchise in 1392 as merchant-apprentice of jurat John de Botkesham, kinsman of the Robert de Botkesham who was one target of the reformers' complaints. In 1405 Petypas was exporting cloth, and importing iron, timber, stone, and oil. Like Ipswich's John de Halteby, he seems to have preferred to exercise power from behind the throne, and probably only took the mayoralty in 1413 for want of any other strong helmsman at a time when the reformers' hold on government was increasingly precarious. When, after the failure of his efforts to hold together his supporters as funds dwindled, royal intervention broke his grip on Lynn's government, and the institution of the Common Council undermined his position, he bowed to the inevitable re-establishment of *potentiores* dominance. He was then allowed to take his proper place in their ranks and to serve as M.P. several times before his death c.1432, causing no further trouble for his former opponents.[\[101\]](#)

Petypas' right-hand man was William Halleyate, also a merchant, but not apparently on the scale of the *potentiores*. Halleyate was a customs collector in Lynn from 1408. He was one of the [bailiffs](#) from c.1393 to c.1401 and, as such, possibly an agent of the Bishop, although it is more likely that he was one of the king's bailiffs; with regard to his possible ties to the Bishop, we may note that the inquisitions of 1415 described him as "of Gaywood", the Bishop's manor, and he was an *inferior* before August 1412. He twice acted as M.P. on behalf of the reform administration, and frequently travelled on its errands to the Bishop and to London, where he may have owned a residence. After the disintegration of the reform party, he was given no office in Lynn and in fact rarely appears in the records, although still alive in 1420.[\[102\]](#)

John Tilney junior too may be suspected of being an agent of outside interests. An *inferior* in 1411, he was identified in 1414 as dom. John Tilney, clerk of the Bishop of Norwich, and was also a servant of the admiral Duke of Exeter, representing his (property) interests in Lynn and acting as his deputy in the Court of Admiralty. Tilney was principally a lawyer, although variously described as magister, clerk, bachelor-of-law, esquire, gentleman, and husbandman. As such, he served the reform party as legal advisor, scribe of documents too important to be entrusted to the town clerk (who appears sympathetic to the *potentiores* - or, at least, of the established order), and representative of the party's interests in parliament at four sittings. He had some mercantile interests, his father probably being the wool-merchant who entered the franchise as a draper in 1377, whilst John junior's own son was apprenticed to tailor/merchant Adam White at about the time that White was chamberlain for the reform administration. Thanks probably to his high-level contacts, the failure of the reformers was no serious blow to his career, and he subsequently became involved in the royal administrative network, notably as customs officer at Lynn and Yarmouth 1425-35.[\[103\]](#)

John de Bilney, the last of Petypas' lieutenants, was another merchant, dealing in cloth and fish, and just possibly another servant of Exeter. Bilney had become a freeman, and thereby a *mediocre*, in 1403, a move not inhibited by the fact that he was a resident of South Lynn. His political fortunes rose and fell with the reform party: selected to represent it in parliament c.24 October 1411, he was replaced a few days later; he was elected one of the community prolocutors in 1413, but the post did not outlast the reform administration; he was returned to the parliament of 1414, but suffered a further disappointment when the king quashed his election as mayor in 1415; nor did his stint as jurat outlive the reform administration. He is not heard of after 1415, although it may have been a son, Geoffrey, who was councillor 1418-20 and spokesman for the reform die-hards in 1419.[104]

Finally, mention should be made of Roger Galyon, although more a figurehead than the active participants that the above four were. Cloth-merchant, several times royal commissioner, and customs officer in Lynn 1395-1406, he may have been selected as the reform party's first mayor simply because he was a jurat, and one who either supported, or at least did not oppose, their aims. His motives in this are made suspect by certain aspects of his behaviour. That he courted power is hinted at by his (unsuccessful) competition with John Brandon to secure a customs posts at Lynn in the 1390s, and by his arrest of the horses of one Hans Leche without due legal process or the authority of the mayor (1404). Yet he was unreliable, twice failing to act on the king's commission, and twice charged with embezzling customs money. He was also convicted of forestalling wool in 1400. One of the most junior members of the jurats when he threw in his hand with the reformers, it may be that he therefore felt no great loyalty to the *potentiores*, although it would be unjust to discount the alternate possibility of genuine sympathy with the reformers' grievances. We may note, however, that when he was summoned, as mayor, to answer before Chancery for the troubles in Lynn, the reformers were unwilling to let him go as their spokesman, preferring to send others. He also seems to have played little role in affairs once his mayoralty had ended, and remained a jurat after the *potentiores'* restoration, until his death in 1418.[105]

The Lynn conflict thus contrasts with that at Ipswich in 1320/1, in that the ringleaders of reform in Lynn do not seem to have sought to displace the objectionable town rulers in order to clear the way for their own exercise of power; although their failure, contrasted with the success of Halteby, Preston, and Costyn, could disguise such motives. Yet, although the reform movement may be said to have failed in terms of the careers of Petypas and co., arguably it had more effect on the total personnel of government than the affair at Ipswich. This we may see from study of the political careers of the groups involved in the Lynn disputes. Of the 23 *potentiores*: four died during the course of the affair, from natural causes as far as may be determined, although the rough treatment that the elderly mayor Lakinghithe received under the feet of the insurgents in January 1415 may have hastened his death a few months later; three others held no further office after the local re-adeption.[106] This replacement rate conforms to the normal rate we have already calculated;[107] therefore, we cannot infer any political disgracings, like those of Stace and le Rente at Ipswich. Fifteen of the *potentiores* remained jurats, several proceeding to the mayoralty; whilst a sixteenth (Ralph Bedingham), who had been deposed in 1413, was restored to office. Of the 86 *mediocres*, 15 had held office prior to the affair (most as chamberlains); 12 of these 15 continued to be active

in borough government, and 39 others also held office. This is partly explicable by the fact that most of the subsequent office-holders were from the younger *mediocres*, who entered the franchise in the early 1400s. Yet several were older, and William Walden, a chamberlain of the reform administration, had been a freeman since 1388.[108] The evidence is more striking when we turn to the 167 *inferiores*. Bearing in mind that the important offices were restricted to freemen, and that many of the *inferiores* later entered the franchise,[109] we may note that only 2 of them held office prior to 1412 (one being Halleyate), whereas 32 held office during the reigns of Henry V and Henry VI. The increased political involvement of *mediocres* and *ex-inferiores* owed much to the creation of the Common Council, itself a by-product of the reform movement,[110] for it employed 55 of them at one time or other. Yet 19 *mediocres* and 2 *ex-inferiores* also became jurats, and 4 *mediocres* and 1 *ex-inferior* rose to the mayoralty. This strengthens the impression that men of capability and ambition could rise from the lower to the upper ranks of urban society, although circumstances dictated that this was not (nor should we expect it to be) a common occurrence. More importantly, it seems that, in terms of the number of burgesses participating in Lynn's administration from c.1418 onwards, the borough government cannot easily be categorised as an [oligarchy](#).

The effects of the reform movement were not great, but neither were they negligible, in providing for a new avenue of political promotion and in giving new expression to the traditional and democratic sentiments of community authority, seemingly quiescent for a century. Yet if those sentiments seem to have been dormant it is partly the fault of comparison with the revitalisation of politics in Lynn in the time of Henry VI. Critics may suggest that the Common Council was an impotent organ of government, its membership under the censorial control of the ruling elite, and therefore not truly representative but designed as a sop to the *mediocres* to break their alliance with the *inferiores*. Yet in fact it seems quite as powerful as the more nebulous 'institution' of the community had been previously - a limited power, admittedly - although its sphere of influence was primarily restricted to financial affairs.[111] The censorship powers of the mayoralty, regarding membership of the Council, do not seem to have been used, let alone abused. The Council was elected by non-freemen as well as freemen, and was thus more representational than any previous institution;[112] and it served to involve in some measure of decision-making a larger proportion of the population than would otherwise have been inclined to participate. Nor was the existence of the lower council used as an excuse to exclude others of the community from assemblies, for we occasionally find large attendances, as on 21 March 1457, when there was only one, but an important, piece of business: the reading out of the borough constitution.[113] We need not pretend that the community had emerged from the affair of the early fifteenth century unscathed; its position was compromised in that authority was now divided between two separate political estates. But this was essentially an adjustment of the political theory to a pre-existent political reality, and the only alternative to this solution was continued and irreconcilable hostilities, punctuated only by interludes of exhaustion or royal custodianship.

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INTRODUCTION

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Monopolisation of Office | Attitudes Towards Office-holding | Professionalism in Administration

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CONCLUSION



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Lynn by-laws

1309

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[Freedom to buy and sell](#)

[Town statutes](#)

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[Liberty of inhabitants](#)

[Immoderate tallages](#)

1315

[Assessment of taxes](#)

1331

[Wandering pigs](#)

1340

Most titles (in the left-hand frame) have been supplied by me. A few are based on titles given in original documents (e.g. the compilation of the 1420s), which I include following the date of approval of the ordinance.

- Items marked * are from the composition between Bishop and burgesses in 1309; I have used a copy written about a century after the original.
- Items marked ** are from a single but certainly incomplete list of market ordinances copied from other sources in the early 15th century. That they are written in English also argues for a relatively late date; however, the issues they address are so common that the ordinances could have been made at any time during the 14th century.
- Items marked *** were part of the aforementioned compilation begun in the 1423/24 mayoral year [KL/C9/1 ff.15-18b], and seem to have been mostly gathered from Hall Books (from where I have sought the dates of the individual ordinances) for inclusion in a register of oaths, ordinances and freemen's entrances.

Where to sell grain

1342

Chamberlains

1345

Imported timber

1358

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1363

Hosting

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1381

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Brokerage

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merchandize

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1382

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1386

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Officers' shares in merchandize

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1391

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1393

Tax assessment

early 15th century

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Forestalling

Spoiled meat

Ale sellers

Sale of fish by fishermen

Sale of fish by hostelers

Sale of dairy products

Wandering pigs

Street cleaning

Nightwatch

1420

Disclosure of town secrets

Constitutional matters

1423

Sale of meat

Giving holy bread

Late appearance at assembly

Manucaptors

Sale of meat

Absence of chamberlains

1424

Recording of judgements

Slaughtering animals

Impleading without licence

1425

Enfranchisement of apprentices

Participation in Burghard's obit

Discipline in assemblies

Opposing the liberties

Chamberlains defaulting in
duties

1426

Fishing without licence

Charge for refuse disposal

1430

Cleaning of fleets

1431

Cleaning of ditches

1432

Use of the common mill

1439

Disposal of entrails

1443

Place for buying victuals and coal

1444

Transport of offal

1445

Confiscation of grain ground outside town

1446

Coopers

Churchwardens

1448

Mayor's reward

1449

Regulation of tailors' trade

Engaging servants

Using shod carts

1455

Frequency of being mayor

1456

Concealment of leet offences

1457

Nightwatch

1459

Gaol delivery

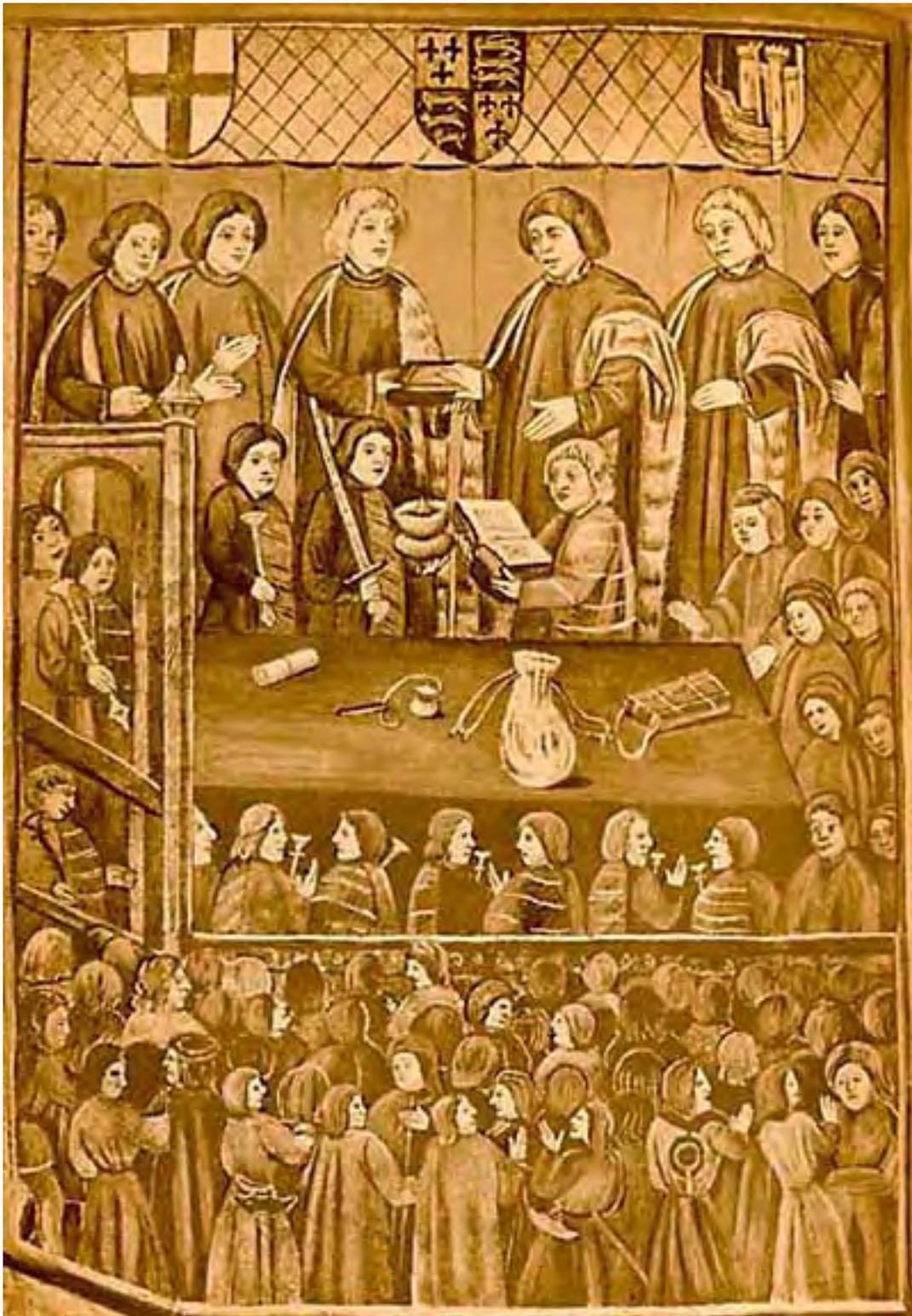
1461

Defence of the town

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About the title illustration

The title was created using an illustration from 15th century Bristol and images of two leading townsmen of 14th century Lynn, reconstructed (i.e. images inverted and colourized) from their memorial brasses.



Swearing in the mayor of Bristol

This is one of the illustrations from "*The Maire of Bristowe Is Kalendar*" a leather-bound paper volume among the Bristol archives, begun in 1479 by town clerk Robert Ricart, at the instructions of mayor William Spencer and the town council, and was intended to serve as a [custumal](#) and register of important "remembrances", although it is more commonly known for the chronicle it includes, covering events in national and local history throughout the Middle Ages.

The illustration above precedes the "Fourth Principalle" [part] of the volume, intended to describe the borough government and its duties, including electoral procedures and the oaths of officers. It shows the administration of the oath of office to mayor William Spencer at Michaelmas, 15 days after his election; it was at this point that the ceremony of transition of power took place. The illustration is a rare example of a contemporary depiction of borough government; the original is coloured.

With the Guildhall windows behind them decorated with the emblems of England, the Crown, and the borough behind – reminders of loyalties – the leading members of the corporation are gathered on the dais in the Guildhall. The five figures most prominent in the picture, and are shown by their dress – scarlet gowns trimmed with fur, and cloaks – to be former mayors (Spencer having served in the office twice previously). Spencer has his hand on the Bible while taking his oath of office. Technically the oath is administered by the man holding the Bible, outgoing mayor John Shipward, who had immediately before this given the traditional farewell speech which included an introduction of the new mayor. However, it was the town clerk (immediately in front of Spencer) who read out the text of the oath from one of the borough registers; whether the mayor repeated this or merely assented to it is unknown, but at its close he kissed the Bible to show that he took the oath seriously. Since Ricart was first elected town clerk in 1479, probably at the same time as Spencer's election, he may be the individual here depicted holding the open book; however, as officers other than the mayor did not take their oaths of office until the day following Michaelmas, this might be Ricart's predecessor Thomas Osney.

This scene and ceremony was probably being repeated in many English towns around this time. For example, on Michaelmas day 1420, at Lynn, a congregation in the Guildhall witnessed outgoing mayor John Wesenham make a farewell speech in which, while declaring his unworthiness for the high position to which he had been appointed, he stated that he had done his best during his year in office and thanked his colleagues and the burgesses in general for their support. Mayor-elect John Spicer was then administered his [oath of office](#) by the town clerk, after which the jurats and chamberlains took their oaths.

The other ex-mayors of Bristol shown on the dais probably include John Bagod and Robert Strange. Flanking them, at either extreme of the picture, are unknown officers who might, however, be the outgoing and newly-elected sheriffs of the city, or perhaps

they are the Steward and the Recorder, whose presence (as the city's chief legal adviser) at this ceremony would likely have been considered desirable. Two lesser officers are also in evidence, standing in front of Shipward; these are the sergeant-at-mace and the sword-bearer. At the conclusion of the oath-taking, the outgoing mayor handed over to the new mayor the sword (representing the dignity and power of the mayor as a lieutenant of the king), the hat of office (also seen here held by the sword-bearer), and a casket bearing the common seal and other official seals. The parchment scroll, pen and ink-pot, and bag of money on the table seem to symbolise the legal records of the city and its treasury, while the remaining (right-most) item is probably the case in which the Bible was kept.

The arrangement of the crowd in the hall reflects socio-political status. The group equivalent to Lynn's *nobiles de banco* have the place of honour on the dais, with the bureaucratic servants of the borough immediately at hand but not apparently on the dais. Surrounding the table or chest in the centre of the room are the aldermen (town councillors) at right and town sergeants (judging from their liveries and the staffs of office), some possibly seated on benches. Further back from events, and apparently separated from them by a wooden barrier as well as the row of sergeants, are the members of the community who have come to witness the proceedings of this key ceremony in communal life.

Adam de Walsoken

Walsoken was a village on the Norfolk border, near Wisbech, ten miles to the southwest of Lynn. Whether it was Adam or a descendant who emigrated to Lynn is unknown; the family name is not much in evidence in Lynn and the Geoffrey de Walsoken who held a tenement in Briggegate in the late thirteenth century need not have been an ancestor, although Adam is found with property in the same street.

If we may trust the evidence of the national taxation of 1332, Adam was the wealthiest man in Lynn at that time; the assessment of his goods – £20 – was the highest in the town (the average being £2.19s.1d). He was a merchant who dealt in wool and who served as collector of a royal tax in wool in 1338 and collector of national wool customs for a brief stint in 1340; like most other merchants he also dealt in other goods and in 1333/34 the community bought two barrels of sturgeon from him.

His beginnings may have been more humble, if he was the cobbler who became a freeman of Lynn in 1302, although the valuation of



his goods for purposes of a local tax in 1305 (£13.6s8d) indicates he was already fairly prosperous. In 1309 he was [amerced](#) by the [leet court](#) for using non-standard measures to sell goods.

By the end of his life he had acquired substantial property in Lynn. His residence was in Damgate, probably at the northwest corner; 5 adjacent shops were part of this property. He also held other property in the same street, in Finneslane (later Tower Street) with a quay on the Purfleet, on both corners of Wingate where it ran into Briggegate, shops on the Stone Bridge (where Briggegate crossed the Purfleet), and a concentration of property at the north end of Briggegate where it entered the Tuesday Market – including 11 shops and tenements in Cook Row, Jews Lane and Gresmarket. Possibly he was also the Adam de Walsoken who acquired a messuage in Norwich (St. Mary Coslany parish) in 1333.

Adam served on the town council of jurats in 1325/26 and frequently as one of the ward constables between then and 1341 – Jewslane ward was where he lived. By that time he had already been elected as mayor of Lynn (1335/36) and was so again in 1343/44; during the 1340s he was one of the leading jurats.

The [Black Death](#) brought an end to his life at the beginning of the summer of 1349, survived by his second wife Margaret and daughter Joan. No sons are mentioned in his testament (although this is not unusual); a Walter Walsoken who was jurat in the 1370s might perhaps have been an underage son, although this is unlikely given Adam's advanced age at his death (at least 60). Thomas atte Bek of Cley-next-sea, another recipient of property in the testament and one of Adam's executors, may have been a son-in-law; he moved to Lynn in the 1350s. [The brass over Adam's tomb](#) in St. Margaret's church shows him with his first wife, also named Margaret, who may have been a daughter of John de Merlowe (several times mayor between 1294 and 1311).



Robert Braunch

Robert Braunch represents the next generation along from Adam de Walsoken, although their lives overlapped and they certainly knew each other. Robert joined Adam on the town council during the 1340s. As a survivor of that initial, most devastating strike of the plague, Robert's existing experience in borough administration – he having also twice served as chamberlain and, very soon after his initial terms as chamberlain, was called on to serve a couple of years as the equivalent officer (scabin) of the [Merchant Gild](#) – was doubtless a factor in his election to the mayoralty in 1350/51. He was again mayor in 1360/61; between those two terms, and thereafter until his death, he had a permanent seat among the jurats.

Unlike the case of Adam, Robert's family name is well represented in Lynn, from late thirteenth to late fifteenth century (although we cannot of course be certain that all with this surname were related). John Braunch, a wool merchant of the generation preceding that of Adam de Walsoken, was already prosperous before he became a member of the Merchant Gild in 1293; he too served as chamberlain, gild scabin and jurat in several of the years during the period 1304-1323. His son William was [manucaptor](#) for (brother?) Thomas Braunch, when the latter and John were among a large number of townsmen charged in connection with the [attack on Robert de Monthalt](#). Possibly one of these, or the Hugh Braunch who was jurat in 1325/26 and scabin 1327-30, might have been Robert's father. Robert's nephew, of the same name, entered the franchise in 1348 under his sponsorship, and an Ancelm Braunch entered the franchise two years later (and later in the decade served as chamberlain and jurat). Although this entrance took place only days after Robert had begun his first mayoralty (a suspicious sign), since Ancelm, a merchant trading in grain and ale, paid for his entrance – rather than receiving it by patrimony – and has no mention in Robert's testament (although Ancelm's own last appearance in the records was three years previous – he may have been a victim of the first revisitation of the plague in 1361), we cannot be certain of a relationship. The family name reappears in the fifteenth century, when we hear of a William Braunch, son of another Robert Braunch, selling off Lynn property in 1428; by 1446 he had moved into the ranks of country gentry, with the epithet "esq." and lands in Lynn, Wiggshall, Islington and Terrington. *Tempore* Edward IV, a Thomas Braunch was settled in South Lynn.

The Robert Braunch depicted here is first seen in 1328, when he purchased a membership in the Merchant Gild. As a merchant, he is found trading in cloth, iron, leather, cotton, wax and silver ca. 1337 (when he and others complained to the king that their merchandise, to the value of £360, had been arrested in Bruges); and in the 1350s was exporting large quantities of wheat to the Low Countries. In 1333 he and associate John de Massingham (whose widow Ancelm Braunch later married) were described as "king's merchants" when licensed to take corn to Norway to trade for stockfish.

Robert was twice married; his second wife, Margaret, died after he had drawn up his will (April 1361) at the time of the second outbreak of plague. Surviving this too, he adjusted for his wife's death by making a codicil a few days before his own death on 15 or 16 October 1364. His executors were his apprentices, his only visible heir was his daughter Joan. A tenement on the river bank was to be sold to cover the costs of his funeral, obit and charitable works, while another (acquired by him ca. 1356) situated on Wingate near St. Margaret's church was to go to Joan; associated with this property was a ferry-boat right, which she arranged in 1378 would, after her death, pass to the Lynn community, in return for the borough celebrating the anniversary of Robert, his wives, sons and daughters. Robert was buried in the choir of St. Margaret's, where [his brass](#) shows him flanked by his wives Leticia and Margaret.

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CHAPTER 1

The Structure of Borough Government

The Executive Office

To turn now to a closer look at the administrative structure suggested by the archival structure, we must first note that, despite the diversity in titles of office from town to town, [\[20\]](#) medieval borough government may be reduced to the essentials of executive, financial department, conciliar devices, and bureaucracy. The first of these levels to become apparent is the executive, but our knowledge of it is very sketchy before the first royal charter grants. It has already been suggested that the [Merchant Guild](#) had a relatively important role during the nascent period of borough self-government. We may suspect that its role was no less in earlier times, for there was no other institution that was both representative of the interests of at least an important part of the [community](#) and sufficiently organised to speak for those interests, as in negotiation with the king for taking their towns to [fee farm](#).[\[21\]](#) [Ipswich](#) and [Yarmouth](#) seem to have had such a guild at the time when they received their first charters, and there is reason to believe this the case with [Lynn](#) and Norwich too.[\[22\]](#)

Before these charters the towns were governed by royally-appointed [reeves](#), whose basic duties were: to arrange the collection of revenues with which they were to pay the *firma burgi*; to preside in the court; and to execute royal commands. Although local men, they were required to put the interests of the king before those of the community. Some of Colchester's reeves are known from the Pipe Rolls and the earliest (1137) from a charter's witness list. There is evidence that a [moothall](#) stood on the site of the modern Town Hall since at least the time of the first charter in 1189.[\[23\]](#) Although Swinden claimed evidence of a reeve in Yarmouth by 1108, the first we can be sure of is the Abraham who ran into trouble with the king, in 1198, for overstepping his authority.[\[24\]](#) And the Ipswich reeve Elias probably held office prior to the 1200 charter; we cannot be sure, but he may have been the Elias who complained to the king, in 1212, of the innovations of the now-independent borough government and who was shortly thereafter murdered by a group of burgesses. It may also be that the Thingstead, just outside Ipswich's walls, recalls an early site of the community's folkmoot; but by 1200 the churchyard of St. Mary Tower was the site of that meeting, whilst the moothall was built adjacent to the site of St. Mildred's, itself an ancient dedication with governmental associations.[\[25\]](#)

The effect of royal charters granting self-government was not to alter radically the existing

executive structure but to place the executive more under control of the borough community. [26] Whether the size of the executive remained unchanged is less certain. The careful recording of [administrative arrangements](#) made in Ipswich, immediately after the grant of the 1200 charter, leave us in no doubt that Ipswich was governed by two bailiffs.[27] In the absence of contradictory evidence we are safe to assume that Yarmouth had, from at least the time of its charter (1208), four bailiffs to correspond to the four leets, themselves administrative divisions rather than a memory of separate original settlements (unlike in [Norwich](#)).[28] The evidence for pre-charter reeves in Colchester, already mentioned, suggests that the town was always governed by two bailiffs,[29] whilst the only evidence we have to doubt that Norwich's four bailiffs existed since the 1194 charter is the unsubstantiated statement of Blomefield that the four replaced a single officer in 1223.[30] Where doubt arises is in the terminology of royal documents. That Yarmouth's 1208 charter granted that a *prepositus* (singular) be elected, and Norwich's of 1194, while granting the election of *prepositi*, allowed for the execution of [withernam](#) by the *prepositus*, has led scholars to speculate that some or all of the four bailiffs of each of these towns originated as subordinates of the pre-charter reeve, and that even in the post-charter period one of the bailiffs sometimes appears to possess a seniority.[31] Some later royal documents also refer to the provost of Yarmouth or even the 'provost and bailiffs', and a similar division was occasionally made by the locals, as late as 1456 when a royal writ was replied to by Edmund Wydewell *prepositus* and Alexander Brygate *ballivus*. [32]

Despite the lack of evidence for a qualitative division of labour between individual members of the executive, and the notorious inconsistency of royal clerks in their use of titles when addressing communications to local officials - they do not appear to have known, or perhaps cared, much about local constitutional arrangements - it is hard to avoid this notion of seniority. Ipswich's 1200 charter specified that two men be elected to govern the town, yet it included the standard phrase granting that the town answer for the fee farm by the hand of its *prepositus*. In 1349 we find reference to John de Preston as *capitalis ballivus*. [33] Clerical practice of consistently listing bailiffs (of all those four towns currently considered) in the same name order fuels our suspicions. However, we must not ignore another possibility. When Ipswich elected its first bailiffs in 1200, it was not as *prepositi* but "*ad custodiendum preposituram*", a phrase that received royal approval in the charter of 1317. [34] It is just possible that the use of *prepositus* by royal clerks was, at least on occasion, intended as a generic reference to the executive office, rather than to a specific number of officers.

Discussion of Lynn and Maldon has been left until last since, as already suggested by the architecture of archival evidence, their courses of development are somewhat different, complicated by a division of dominion; whereas our other four towns knew no lord but the king. A further difference - although the significance of it, as regards the executive, is not apparent - is that Maldon and Lynn lack the quadrapartite division of the other towns. The origin of these divisions varies: at Yarmouth it may have been the outcome of leet administration; at Ipswich and Colchester it relates to the town gates and perhaps to watch and ward; at Norwich there was a topographical rationale. Maldon comprised [three parishes](#): All Saints' and St. Peter's being in the diocese of London, and St. Mary's a peculiar jurisdiction of

St. Martin-le-Grand (London); within these were scattered four concentrations of settlement. [35] The size of Maldon's population probably did not warrant administrative sub-division. Lynn was made up of four main units: South Lynn and West Lynn, in existence by 1086, but not part of the medieval borough in terms of jurisdiction and administration; Bishop's Lynn, [founded in 1101](#) when the Bishop of Norwich built St. Margaret's at the request (and probably the expense) of the men already settled there; and [Newland](#), a planned town set out by Bishop Turbe at uncertain date in the early part of his episcopacy (1146-74) to accommodate a growing population. [36] Although united about the time of the grant of the first charter of liberties (1204), previously Bishop's Lynn and Newland each had its own church, market, quay, and hall of administration. The chapel of St. James, to the east of St. Margaret's, probably represents population growth before the setting up of Newland. At some time after 1204 Lynn was divided into ten constabularies, [37] reduced in the fourteenth century to nine, perhaps a consequence of reduced settlement in the area of St. James.

The two bailiffs who headed Maldon's government in the fifteenth century, Petchey suggested, represented the [dual lordship](#) of the borough, although he later backtracked and proposed that one bailiff represented the king and the other the Bishop. [38] His initial hypothesis appears more consonant with the evidence. Maldon had only one bailiff until 1403, when we are naturally led to associate the institution of the second with the taking of episcopal jurisdiction at fee farm, and to suspect that the original bailiff indicates a similar pre-evidential arrangement with the Fitz Walter lords. Contrary to our expectations, no bailiff is listed among the witnesses to a grant of common soil in 1361. In our search for pre-ballival government we may look to the two constables, who were the king's executives in the town in 1359; once local records appear, the constables are ranked second to the bailiffs, with duties including collection of pre-fee farm sources of revenue. [39]

Lynn's executive development is even more intricate. Arundel and those who preceded and followed him in the lordship of Rising had their own bailiff - an officer sometimes called upon by the king, before 1204, to carry out his commands - and port officials. [40] Episcopal jurisdiction was administered by a steward and his bailiffs, from a hall by the Newland's Tuesday market. Communal interests were presumably represented by the Merchant Guild from its hall located in the Saturday market (originally, adjacent to the parish church), the site in itself suggesting an early gild role. [41] This was certainly the opinion of the gild itself, as represented in the 1389 returns and a document of unknown origin and purpose of which we have only a copy made *tempore* Henry V. [42] These claim the gild to have been the first form of organisation established by the traders who settled at early Lynn, its hall built on unoccupied land, and its [alderman](#) elected by the community (as opposed to the gildsmen alone). Subsequently the alderman shared government of the town with a [mayor](#), though the two documents disagree as to whether this was instituted by king John or by Henry III. Historians can be no more certain. The [1204 charter](#) granted a *prepositus*, [43] though whether an officer of that title was ever elected or local arrangements substituted a mayor from the beginning is difficult to say. For the former alternative we have only the untrustworthy evidence of addresses by royal clerks, while for the latter we have Howlett's arguments (from bede roll evidence) which do not stand up to criticism. [44] Possibly this executive referred to

was simply the officer(s) appointed by the Bishop.

The best our evidence can allow us to say is that, by the opening years of Henry III's reign, the townsmen had decided to commit internal affairs to the rule of an officer representative of community interests in a way the gild alderman or royal *prepositus* could not be. It is not necessarily the case that this mayor replaced the *prepositus*, for royal bailiffs are found in Lynn's administrative complex on numerous occasions in the fourteenth and fifteenth centuries. Probably the mayoralty developed slowly, gradually usurping the powers of the *prepositus*.^[45] Thus we have the curious order, in 1217, of the king to the men of Lynn to be intendant on Robert fitz Sunolf "as if (*tanquam*) their mayor."^[46] And in the 1230s there was conflict between burgesses and Bishop, ostensibly on the latter's complaint of innovations by the former in creating a mayor and imposing internal [tallages](#); in fact the real issue was that the mayor was assuming unauthorised judicial powers which ought to belong to the *prepositus*. The agreement of 1234, by which the Bishop formally recognised the mayoralty he could not suppress, was embodied in an episcopal charter (c.1257-66) which the king confirmed in 1268, transferring the powers of the *prepositus* to the mayor so that, if royal bailiffs remained in the town, their function was little more than to carry out royal orders; at the same time the Bishop preserved his dominion by requiring each mayor to take [oath](#) before him or his deputy.^[47] The 1268 confirmation may have played a part in the contemporary power-struggle between interests gathered around mayor and alderman, which seems to have resulted in a victory for the mayoralty.^[48]

We should not exaggerate the implications of the transfer of power from *prepositus* to mayoralty. The dogmatic Richards, who declared the medieval mayors to be "the Bishops' head-men, chief bailiffs or slave drivers", may, oddly enough, be closest to the truth in insisting the difference between the two offices to be little more than a gesture to the corporation's pride.^[49] The mayoralty may not have much increased the actual independence of the borough - although there is some hint that the Bishop had more control over the election of the *prepositus* than the townsmen liked - but it was at least a symbol of greater autonomy and self-determination, with its origins in the continental commune.^[50] In contrast to Tait's opinion that the mayor was less a royal officer than the *prepositus*, Hudson had earlier proposed that the mayoralty Norwich was granted in 1404 derived its authority from the king, whereas the previous ballivalty it had partly replaced was based on community authority.^[51] Tait is the more correct, but we should see the mayoralty, like other executives, as a Janus acting for and responsible to both king and community, as the practical functions and the oaths of officers show.

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INTRODUCTION

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CHAPTER 1

The Structure of Borough Government

The Town Council

The most difficult institution to trace in the borough hierarchy is the town council for, even more than the executive and financial offices, it has a history of gradual, almost imperceptible evolution; ordinances seeming to create such councils more often merely mark a stage in a process already underway. It is convenient to begin with the case of Ipswich, since the [proceedings there in 1200](#) include the earliest establishment of an upper council[71] of any of the towns under consideration here. Unlike the [bailiffs](#) and coroners, Ipswich's council was not provided for explicitly by its [charter](#), nor indeed do the first charters of our other towns mention such institutions; the royal government was not concerned with the internal arrangements of borough government[72] and the terms of charters were sufficiently vague to give plenty of scope for local nuances. Significantly, the setting up of an administration, which took place in a series of stages between 29 June and 12 October 1200, began with the election of the officers granted by the charter and the decision to elect:

duodecim Capitales Portmenni iurati, sicut in aliis liberis Burgis Anglie sunt, et quod habeant plenam potestatem pro se et tota villata ad gubernandum et manutendum predictum Burgum et omnes libertates eiusdem Burgi, et ad iudicia ville reddenda, Ac eciam ad omnia ordinanda et facienda in eodem Burgo, que fieri debeant pro statu et honore ville memorate.[73]

There were two features of this passage that bothered Tait. First the title Capital Portmen, which he believed was not used until a later date and thus threw doubt on the passage's authenticity. The title means the leading members of the [burgesses](#)(alias portmen); 'capital jurat' or simply '[jurat](#)' was a more common term for the councillors before 1325. But, as we may notice, they are referred to as jurats in the passage too, and portmen is an old term; the personal names in this document can be confirmed from other sources and there now seems no good cause to doubt the events themselves.[74] Secondly, Tait was suspicious of the suggestion that bodies such as the portmen[75] were common to English boroughs; although he himself is the principal proponent of the notion that town councils are foreshadowed in a number of cases, including that of Ipswich, by bodies of 'wise men' acting in official capacities. Having noted that the troublesome phrase may be no more than a justificatory repetition of the terminology of the charter clause granting that Ipswich might assume the

[liberties](#) and [customs](#) of other free [boroughs](#), we can nonetheless appreciate the rationale in Tait's suggestion that pre-chartered boroughs were likely to have leading townsmen consulted by the [reeve](#) and bargaining for the [fee farm](#)- perhaps as [Merchant Gilds](#), perhaps as informal associations. The men of Ipswich, like modern scholars, perhaps assumed that any self-governing town would have some consultative mechanism.[\[76\]](#)

Possibly Tait's underlying worry was with the broad powers accorded the portmen, though this may have related to the fact that [bailiffs](#) and coroners were members of that body. Tait would not have agreed here, since his evaluation of the nature of ballival office led him to conclude that governmental power lay with the portmen whilst the bailiffs' powers related only to fulfillment of their duties towards the king.[\[77\]](#) If so, then it is strange that the portmen do not figure more prominently in later records. We see them again in 1256, present in court to hear a [recognisance](#) of right, but this is an exceptional mention. They are dealt with in the [custumal](#), which elaborates on the 1200 account only to the extent of indicating that the office of portman was held for life and election of replacements was by [co-optation](#); we may note that the custumal was a reconstruction (the original having been stolen) by a committee composed partly of men who, a few years later, are revealed as portmen themselves.[\[78\]](#) That revelation comes in the surprising circumstance of the election of all twelve portmen in 1309, by the same method of parish representatives as in 1200. On this occasion we again hear of the principle of co-optation and it may be, if the earliest recension of the custumal dates from 1309 as Martin hypothesises, that this year marks the change in electoral practice.[\[79\]](#)

There is little evidence by which to assess whether the role of the portmen at this period went beyond counselling, to the active exercise of power. Ipswich's custumal refers to the [setting of fines](#) on certain offenders and the [disfranchisement](#) of others by the bailiffs, coroners and *bones gentz* of the community; these may be the portmen, as thought Twiss and the fifteenth century clerk who translated the customs into English and gave the rendering "goodemen", a single word as if an institution.[\[80\]](#) It is not the intention of this study to become embroiled in an argument concerning terms such as *bones hommes* or *probi homines*, which are vague and used without any apparent consistency of application. However, we may notice that the complainants (whom we shall later see to be the town council) against the reform movement of 1411-14 in Lynn identify themselves as "the good burgesses"; whilst, at about the same period, Margery Kempe provided the mayor of Leicester with character references by describing herself as the daughter of a "good man" of Lynn, formerly mayor, and wife of another "good man", a former chamberlain.[\[81\]](#)

During the fourteenth century we have no certain indication of the portmen membership; they receive no attention in the 1320 ordinances. It has been suggested that the portmen were named directly after bailiffs and coroners in lists of witnesses to court recognisances.[\[82\]](#) This is likely, but hard to prove. Sample analysis of all such witnesses appearing between January 1338 and December 1340 identifies 53 individuals of whom only 4, besides bailiffs and coroners, were present at more than 50% of the recognisances; one of the four was a professional attorney. The portmen are named more often in the fifteenth century, seeming to

have consolidated their position: offenders against the franchise threw themselves on the mercy of the community in 1323 but on that of the portmen in 1394, and the ordinances of 1361 were passed by bailiffs and community whilst those of 1429 by bailiffs and portmen.[83] The records begin to relate the practice rather than the theory of government.

Yarmouth's council is first seen in what appears to be the act of its [creation, in 1272](#). Another institution arising from reform ordinances consequent to internal conflict, the council comprised 24 [jurats](#) who were elected to support the bailiffs and administer the ordinances. Tait at first suspected that this was merely an *ad hoc* body, but later decided that not only was it a permanent council, it was perhaps preceded by a more informal body.[84] On neither point do we have any evidence other than the examples of conciliar development in other towns. Yarmouth's council does not appear again for more than a century - as in Ipswich, there was perhaps no occasion for its behind-the-scenes role to receive credit in routine records; then it makes a flurry of appearances. In 1386 [24 jurats were elected](#) pursuant to the prescription of the 1272 ordinances, to strengthen the bailiffs, uphold the ordinances and make new ones; as with the portmen, life office and co-optation were now features. Earlier in that same year, the [bailiffs and a group of 24 burgesses](#) - almost the same personnel subsequently elected jurats - issued ordinances for the running of St. Mary's Hospital. Bailiffs and 24 issued orders for constructing a [new haven](#) in 1392 and disfranchised a burgess in 1395. The 24, who remind us in more than one way of Ipswich's portmen, had added positive powers to what seem in 1272 only negative powers, although their fifteenth century oath of office still stresses only the latter duties of supporting bailiffs and maintaining town ordinances.[85]

In the case of Colchester we are yet again led to associate the establishment of a council with a wider scheme of reforms, but a century after those of Yarmouth, in 1372. Here eight auditors were to be elected by community representatives and they, together with the bailiffs, would choose sixteen councillors; the bailiffs and their 24 counsellors would serve as the legislative organ. This is a curious division to which the clue lies in the title *auditores*. Round claimed that this was no more than the Latin version of the title '[aldermen](#)' by which they were later known, but the reforms clearly indicate that the auditors had special functions: to authorize expenditures, to audit the receivers' accounts, and other duties relating to supervision of borough revenues. Their alderman's oath of office too stressed financial supervision and implied that the office was originally intended as a check on ballival mis-spending. We may infer from the reforms that the auditors were to deal with day-to-day business, whilst the councillors were to be present at the four major annual assemblies ([lawhundreds](#) and election), and at other times if circumstances warranted.[86]

The election of auditors is recorded from this time forward, but that of councillors not until 1381; this is probably a clerical rather than constitutional quirk. The ward of residence of each of the 24 was often recorded, but there was no consistent division and no evident representational significance. The change in the auditors' title, c.1404, may indicate an enhancement of status, the receivers being known from the same time by the more dignified title of chamberlains; but we cannot say for sure. Tait was of the opinion that the name-change amplified the distinction between aldermen and councillors, but this was partly because he

thought the change occurred closer to 1443.[87] Analysis indicates that there was no qualitative difference between the personnel of the two groups. Augustine Bonefaunt, for example, first became councillor in 1392 and was re-elected in 1395; he was auditor 1398-1400, councillor 1404-07, alderman several times again between 1411 and 1426, and ended his career with terms as councillor in 1428/9, 1432/3, and 1434/5. At least two dozen other cases of similar alternation, or of men serving as councillors after serving as aldermen, could be given; most occur before the 1440s, but a handful afterwards. On the other hand, the summoning, in 1417/8, of "*discretioribus concilii ville predictae tam majoribus quam minoribus*"[88] may indicate some perceived distinction in rank. On the whole, however, it will be less misleading to view aldermen and councillors as a single body, certain members of which made a greater commitment of time and had special duties, rather than as two separate conciliar levels.

Neither Tait nor Round were willing to believe that Colchester had no town council until 1372. Tait hypothesised an earlier council, on the grounds that the reform ordinances were made "by all the commonalty and by the more worthy sworn men of the town." [89] This is slim proof of a permanent council, especially given the sparsity of earlier evidence for groups that might be candidates for a conciliar body. What we have to work with are six groups of burgesses, of varying numbers, listed between 1311 and 1318 in important contexts: as pledges for the farmers of town customs; [leet](#) jurors; inquisition jurors laying charges against the abbot of St. John's and other local dignitaries; and persons attending town assemblies (meetings rarely recorded).[90] If we think of each name listed as a 'position', then 57 individuals occupied 102 positions; 21 of these individuals are known to have held office in the borough and several more were from families of which other members were office-holders. Twelve individuals, most of them past or future officers, were involved in 3 or more of these affairs, occupying approximately 40% of the positions. This evidence is not strong enough to indicate the existence of a permanent council, but does suggest that the group most frequently in attendance at court was much the same group as that which aspired to borough office. Perhaps there was a less formal council at this time, for in December 1310 a man was tried "before the Bailiffs and other Burgesses associated with them" for selling corrupt meat, whilst even in 1373 the bailiffs consulted with selected auditors, rather than the group as an institution, regarding the raising of a tax.[91]

Hudson has carefully traced the development of the upper council in Norwich and no new evidence will be presented here. In the same year that Yarmouth's council appears, a papal letter complaining of an [attack by Norwich's citizenry on the cathedral-priory](#) blamed the bailiffs, town clerk and 15 citizens "*quorum consilio eadem universitas tunc temporis regebatur*." [92] [Chapter 47](#) of the city customal, apparently a response to complaints of taxation abuses c.1326, required that tax-collectors and chamberlains render account before the "24", a group also referred to in [chapter 46](#) as acting in conjunction with the bailiffs. The earliest assembly records (1344-47) show the election of the 24, whose function was to make decisions regarding the performance of city business. When these records re-emerge after 1365 we find a group of 24 electing the bailiffs and, a little later, 24 citizens elected to attend every assembly. Whether these three groups were different, as Hudson thought, or the same

body in different roles, as I have elsewhere argued, is largely speculation. By 1417, when the 24 were transformed into aldermen, in imitation of London, they had established a firm and powerful position in the constitutional hierarchy.[93]

Two institutions performing different roles, yet essentially the same body, is what we again discover if we examine the council of Lynn. Tait, obliged to rely on the published transcript of Lynn's Red Register, noted the references to 24 men sworn to come to the gildhall whenever summoned "*ad consulendum cum maiore quociens opus et necesse fuerit pro communitate*" (1322), their functions elaborated upon in 1326 as "*pro custodia ville de Lenne facienda per preceptum domini regis et pro omnibus aliis necessariis communitatem tangentibus ordinandis et perficiendis*". In fact, in 1324 the mayor refused to give a decision on a certain problematical issue because not all his *consules* were present to advise him.[94] The editor of the Register automatically associated the [24 jurats](#) with the [Magna Jurata](#), a 24-man jury serving in pleas of land, although there is no explicit connection made in the Register, the only evidence being a close correspondence of memberships. It is not until the fifteenth century that the records clearly indicate that the jurats and Magna Jurata were a single set of personnel acting in two distinct roles - the distinction upheld by the fact that each jurat was administered two oaths, one as mayoral counsellor, the other as juror for the view of land.[95]

Whether one of these roles developed out of the other, or whether they were once performed by separate groups, we cannot tell from surviving evidence. However, there are earlier references to a council than those in the Red Register. The membership of a group whose role was described much as in 1326 is listed in the 1305 tallage roll; and in 1301 tax due from Ralph le Keu from that and two previous years was pardoned him "*per considerationem xxiii^{or} burgensium*", on the grounds of his expenses incurred on behalf of the community.[96] In contrast to our other towns, there is sufficient evidence to indicate that Lynn's jurats were elected annually throughout the fourteenth century. In a pattern of development similar to that at Norwich, the jurats consolidated their position in the later fourteenth century. Annual election did not produce a very high turnover of personnel and the apparent re-election in August 1365 of jurat [Robert Braunch](#), who had died almost a year before, must make us suspicious.[97] In the early fifteenth century the process reached its conclusion: the jurats officially became a council characterised by life membership and co-optation; popular election was remembered only in the annual renewal of oaths of office. This move was quickly opposed by the reform party in Lynn, who sought to dupe the king and overthrow the jurats by obtaining (1411) royal confirmation of the ancient custom of annual election of the Magna Jurata, mentioning to the king only the judicial, not the political, aspects of this body. The reformers' efforts were ultimately frustrated and a settlement (1420) formalised what the jurats had won.[98]

So far our efforts to trace the roots of town councils have been inhibited by the paucity of documents. In Maldon we encounter a town whose constitutional development was retarded until a period when record-keeping had become an established practice. What we are shown, in consequence, is most interesting. The first folio of Maldon's earliest Court Book includes,

among the list of officers elected in 1384, the wardemen - not individually named but said to be the same personnel as in the previous year. Thenceforward, however, 18 names are given annually and the group frequently appears in the records: described as "*auxiliiatores et coadiutores*" of the bailiffs; summoned to consult with the bailiffs whenever town business required it; ordaining that the bailiffs must account for all borough revenues; making other ordinances; granting leases of common soil; and appraising distrained goods.[99] In none of our other towns is the balance of power between executive and council more nicely expressed: in 1427 the bailiffs rented out a community tenement to Thomas Judde by consent of the wardemen; in 1430 the wardemen, with ballival consent, permitted Richard Lyon to extend his property onto common soil; the wardemen passed an ordinance in 1463 with the consent of the bailiffs; in 1423 they ordained that no bailiff might remit any court [amercement](#) without their consent.[100]

The name 'wardemen' does not seem to have any connection with territorial divisions; although on one occasion they were elected 6 per parish, there is otherwise no hint of this and it may simply have been a transitory experiment. The name would be better interpreted in the light of the later alternative 'guardians'; for they were the custodians of [borough custom](#) and the presenters of offences against that custom in the leet court. This was not, as apparently the case with Lynn's jurats, one head wearing two masks; in Maldon the roles of capital tithingmen, or [headboroughs](#), and of councillors were integrated. Their ordinances were often framed as leet presentments; thus, for example, they present (charge) that one of their members has defaulted in his duties (1434), they petition (ordain) that butchers slaughtering in the market must clear up the blood and entrails (1414), they present (order) that it is the will of the community that the bailiffs proclaim in town that butter be sold only in the market (1416), they present (ordain) that every resident over 12 years of age must swear allegiance to the king (1420), they present (instruct the bailiffs) that they wish to have their royal charter of 1171 renewed (c.1416).[101] In other words, the by-laws that they made were disguised as proposals for the bailiffs to take action on, a method illustrating immature development of the legislative organ. Although, by the time of the chapter in the 1444 custumal dealing with [their election](#), the wardemen were transforming into a life-membership (but not co-optative) body, the group never did become a fully-fledged council in its own right. In the 1554 charter of [incorporation](#) it was subordinated to the six aldermen, a group that had developed informally out of ex-ballival ranks, and the 24 men formed a Common Council.[102]

The notion of a town council arising out of the leet court has been proposed before. Leach speculated, without any direct evidence it seems, that Beverley's council evolved from the leet jury. Easterling notes that the first use of the term 'the 24' in Exeter appears in the thirteenth century applied to a jury which interpreted and amended borough custom. Bacon suspected (probably unjustifiably) that Ipswich's portmen were originally headboroughs. Gross believed that select councils superseded popular-based leet administration as a general principle. Tait, although rejecting Maitland's theory of a council developing out of the borough court via a process of differentiation of functions, conceded that leet juries might sometimes have set the tone for conciliar development.[103] The essential purpose of councils was to formulate and interpret borough custom and to advise the executive on its application in particular cases;

they were thus a check on the executive to prevent abuse of power via misapplication, neglect or ignorance of borough law. In this we see the inquisition jury, the witnesses to recognisances in court, Lynn's Magna Jurata giving judgements in pleas of land (a duty of Maldon's wardemen too), the reference to Lynn's leet court being held by the 24 (1309), the Colchester auditors advising the bailiffs on legal procedure, and the [election in 1291](#) in Ipswich of 24 men (most of them former or subsequent office-holders) "*des plus sages et meuz avisez de meime la vylle qe meuz se conussent en les leys e en les usages*" to reconstruct from memory the lost custumal.[104] Perhaps Maitland was not so far wrong. The formation of councils seems to have been a gradual process: from semi-formal counselling by those members of urban society most familiar with borough custom and consequently called upon to act in a variety of judicial or semi-judicial contexts; to a more crystalline institution specialising in legislative work in a governmental system where the difference between the judicial and the administrative had become more clearly defined. If we seek the training ground of men who would assume this leadership of their communities, we must look not only to the guilds but to the courts.

The lower council is another matter entirely. Where it appears it is as a deliberate act of creation, although occasionally foreshadowed by earlier selective representation devices. This was so at Norwich, where a Common Council of 60 persons was written into the constitution in 1417 - perhaps preceded by an earlier version 80-large in 1414 - to represent the interests of a community which had lost its electoral control of the upper council, now aldermen. The lower council shows no sign of positive powers but it had the right to block legislation proposals (which it was permitted time to debate) by withholding assent. The assembly roll of 1372 and the custumal both show that specific persons, besides the 24, were summoned to attend assemblies in the reign of Edward III on pain of fine for refusal.[105] However, there is a fundamental difference between this form of representation, enforced from above to ensure that decisions made would receive popular consent, and the Common Council, representation enforced from below to ensure some measure of control over a government that was becoming independent of the will of the governed.

As at Norwich, Lynn's Common Council was a counter-balancing feature of a settlement after a period of constitutional strife. Although its inception is generally accredited to the [tripartite indenture of 1420](#) theoretically dictated by the Bishop, in fact the council had been in existence since at least the 1418 elections, probably the result of a less formal accord of c.1417. Again as in Norwich, representation and voting was on a ward system (3 councillors from each of 9 wards); the names of the jurats are conspicuously absent from the lists of voters participating in elections. The role of Lynn's lower council was more limited than that of Norwich, in that it was expected to attend assemblies only when business touching upon community finances was on the agenda. Furthermore the mayor and jurats could exercise some control over the choice of personnel for the lower council, although it is never seen to be invoked. It is curious that, during the period in which the reform party held power, they arranged that the will of their supporters be expressed in assembly by a *prolocutor* rather than a second council; perhaps a council was not the inevitable resort of a populace trying to maintain some position in the constitution.[106]

Yarmouth presents much the same picture. A lower council of 48 to represent the community-at-large in the wake of a diminution of control over the original council; this was part of the constitutional readjustment in 1426, already mentioned. There is no reason to believe, with Palmer, that the 24 wise men "to have syght of merchandizes" chosen by the upper council, dealt with in the [1386 ordinances](#), was a prototype Common Council. This second 24 was the descendant of a specialised, long-established office provided for in the [1272 ordinances](#). Fresh ordinances in 1413 make reference only to the upper council.[\[107\]](#)

Colchester's lower council of 16 became a formal part of the constitution as a result of the royal charter of 1462, granting incorporation in the form of the bailiffs, aldermen (now more clearly the superior branch of the upper council) and their 16 colleagues, and the new council. Election of each of the groups of 16 was in the hands of the higher levels of the corporation, but bailiffs and aldermen continued to be elected by the traditional representative committees. [\[108\]](#) The lower council shows no sign of having existed before the 1462 charter; but since its election was not recorded (at least, not in the court rolls) for some time thereafter, we cannot be sure of this.

The inception of a Common Council in Ipswich is harder to pinpoint. The first explicit references are in 1473, when the preamble to a set of ordinances states that it has been the custom in the past for the bailiffs, 12 portmen, and 24 burgesses to govern the town through the General Court; taxes were to be assessed in Ipswich by the bailiffs, 2 portmen, and 2 of the 24 (a type of arrangement also found in Lynn), suggesting that portmen and 24 represented different interests.[\[109\]](#) The register and rolls of the General Court occasionally list the names of burgesses, besides portmen, present at those assemblies; although rarely higher than 24, the number of names does vary and we do not know that the men listed were specifically summoned or obliged to attend. More interesting is a list in the White Domesday of bailiffs, portmen and burgesses "*pro communi concilio*"; undated, this list was probably copied in c.1453 from an earlier document made before 1445, when the person at the top of the list died. The list is divided into two groups: the first of 17 names, most identifiable as portmen; the second of 23 names. Ordinances in 1447 and 1451 were passed by bailiffs, portmen, burgesses, and the whole community; we might interpret 'burgesses' in the sense of a representative council, but this need not necessarily be so. Ordinances of 1429, on the other hand, were made only by bailiffs and portmen, an arrangement justified by reference to the 1200 proceedings.[\[110\]](#) It therefore seems that a Common Council came into being in Ipswich at some point in the 1430s or '40s, though whether as a specific act of creation perhaps recorded in a now-lost volume, or as a process of evolution from less formal attendance procedures, we cannot say. Nor is there any evidence from that period to show whether twelve of the 24 were the headboroughs who served in the leet court and in property disputes (like Lynn's Magna Jurata), as was the case in the seventeenth century.[\[111\]](#)

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INTRODUCTION

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CONCLUSION

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- Henceforth there are to be elected from each of the 9 [constabularies](#), in the presence of the mayor (if he wishes to be present, to prevent discord or argument), 3 of the more capable, wise and peaceable burgesses holding a suitable residence in the town, to be present when business touching the town is dealt with; viz. all taxes, tallages, tithes, fifteenths, loans, repairs of houses, walls, bridges, fleets or ditches, and rendering of accounts, as often as necessary. [*i.e. the Common Council*]
- If 3 qualified persons cannot be found in any constabulary, candidates may be elected from other constabularies. If anyone elected is not qualified, then another may be elected in his place by the mayor, alderman, majority of the [24](#), and majority of the [27](#). The mayor has the power to remove dissenters from office.
- The common seal of the town is to be securely kept in the chest intended for that purpose, under three different locks. The mayor is to hold the key to one lock, another is to be held by a member chosen from the 24, and the third by one of the 27 elected by all who are merchants.
- All members of the council who are summoned by the sergeant to attend [congregations] shall faithfully do so, upon pain of removal from office and disbarment from future office-holding.
- The last exemplification of certain ordinances and articles, concerning the government of the town, to be sealed by the king shall be held valid. With the addition that, in regard to election of the mayor, the alderman of the Merchant Gild shall nominate the first 4 electors; he shall first [take oath](#) before the mayor and others present that he will, without favour or fraud, choose those 4 from persons who are impartial and not suspect.
- If any burgess, of whatever status, infringes or acts contrary to these ordinances, unless he swiftly makes amends and promises to adhere to them in future, he shall pay £10 to the use of the community (and not to any other use) each time he is so convicted by the council.

[*These articles are embodied in a tripartite indenture whereby the Bishop of Norwich endorsed and confirmed a constitutional settlement of 1417/18. The Bishop kept one part of the agreement and the other two went to the two opposing parties in the [constitutional conflict](#).]*



History of medieval Maldon



[MAIN MENU]

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[Buildings and fortifications](#) | [Economy](#) | [Summary/Recap](#) | [Information sources](#)

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Development of local government

Henry II granted the [burgesses](#) their first charter in 1171, which gave "free borough" status, specified the lands included within the town boundaries, and identified the various customs, jurisdictions and obligations to which the townsmen were subject or from which they were exempted (including tolls on merchandise throughout the country). The charter made no reference to any mechanism of local government; Henry II was wary about encouraging too much independence in his burgesses.

A jury investigating the lordship of Maldon in 1274/75 reached the conclusion that Henry II had turned over a share of his lordship of the borough to a Norman supporter, Ivo Patryk, as a reward for service, and another share to the Bishop of London; but they knew not how it had come, in their time, into the hands of William de la Launde and Roger Baynard. However, earlier evidence suggests Henry II had kept Maldon in the family, allowing his brother William to hold it (for a [fee farm](#)) for a while, and then leasing or giving the lordship to his illegitimate son, William Longspee, who passed it on to Oliver fitz Ernisius, whose son Eudo gave half to Eudo Patric and half to the friars of Bosco Herebaldi; these last gave their half to the Bishop of London.

We hear relatively little of Maldon in the thirteenth and early fourteenth centuries, when most medieval boroughs were in their heyday. The rights of the lords of Maldon – which would not have overridden the 1171 charter – were likely upheld by bailiffs they appointed,

while the king appears to have had two local constables to do his bidding there. In 1287 the bishop and the king (as guardian of the underage heir of the other lordship of the town) were suing the townsmen for infringing various traditional lordly rights. It seems likely that this was part of a deliberate challenge to or evasion of those rights, during the course of which the townsmen had set afire some of the bishop's parkland. The disputed matters were: dues owed from each stall in the town market (4d.), from all salt cargoes arriving by river (2 bushels of salt), and for the pasturage of livestock in Portman Marsh on the far side of the river (small amounts varying according to the type of animal); and the building of extensions onto houses or the expansion of property limits, which represented potential income, either through licence fees before the fact, or court fines after the fact. A jury decided for the lords, except in the case of stallage from which Henry II's charter exempted the burgesses.

Some measure of release from overlordship came to Maldon at the beginning of the fifteenth century, when the Bishop of London granted various jurisdictional rights to the townsmen in return for payment of an annual farm, reserving to himself only a few relatively minor local sources of revenue. This grant of 1403, which the king subsequently endorsed, gave to the community of Maldon, in exchange for a fee farm of £6.13s.4d, the following properties, jurisdictions, and revenues:

- the Moothall;
- all vacant plots of land in the town;
- rents from market stalls;
- Portman Marsh and the fees for pasturage there;
- hawgable rents;
- holding of four General Courts each year, of which one included view of frankpledge;
- toltray, a toll on ships carrying cargoes of salt;
- landchepe, a tax on the sale of any property within the borough.

Frequently, grants such as this tended to happen after the jurisdictions involved had already been usurped by towns.

The above concessions appear to have been prompted by the townsmen using force to express their wish for greater independence, for in 1401 we see 55 of them named in a charge of trespass brought by the Bishop of London and Sir Walter FitzWalter (whose family had held the other half of the lordship since 1315). The townsmen were represented in the dispute by Robert Darcy, a Northumberland-based lawyer both of whose parents had landed interests in Essex. The list of grantees of the episcopal charter of 1403 is headed by Darcy's name, followed by John Welles (probably the bishop's bailiff in the town), John Burgeys the townsmen's bailiff, 19 other named leading townsmen, and "all inhabitants of Maldon". In the years that followed, Darcy acquired numerous properties in the town and took up residence there; he built up a legal practice in Essex which resulted in him being appointed a Justice of the Peace in the county for most of the period from 1410 to his death (1448). He became a legal advisor to Lord FitzWalter and later to his son, as well as a feoffee of the FitzWalter estates; he similarly served the Earl of Oxford, who had landed and commercial interests in Maldon. In 1446, Maldon's fee farm was being paid to the Bishop of

London and to Robert Darcy esq., who had apparently taken over the FitzWalter lordship, although the FitzWalters continued to own property there. His son followed in his footsteps and was similarly recipient of one part of the fee farm in 1469.

The desire of the townsmen to force the issue of independence was nothing new; in 1386 the king had ordered the arrest of one of the constables and several other named townsmen who, with others unnamed, had besieged the servants of FitzWalter inside a house in the town, until they paid a ransom for their freedom. And deeds of 1331 and 1361 leasing parcels of common soil to individuals are said to be made by "burgesses and community". Although we should not read too much into this apparent dichotomy, the deeds at least suggest some kind of communal decision-making organization existed independent of the lords' officers in the town; the same may be suggested by the group actions mentioned above.

In fact, the townsmen already had a well-shaped local government in place by at least 1383 (the earliest date from which copies of its political records survive). A meeting, described as a "court" was being held each January, its business including elections, view of frankpledge, admission of men into the franchise (see below), and in later years auditing of financial accounts. Borough officialdom in the 1380s comprised:

- a bailiff (suggesting some rights, along with control of the officer administering those rights, had already been won from the non-episcopal lord of the town; this is supported by reference, in 1406, to the town's fee farm being £12, almost twice as much as the amount due the bishop – in the 1446 borough accounts it was exactly twice the amount);
- a council of 18 "wardemen" which had evolved out of the leet jury; in 1401 they were chosen 6 per parish, but it is not known if this was typical procedure;
- two constables (more when there was a national tax to collect);
- and a series of lesser officials:
 - affeerors of the court (who assessed fines on the guilty),
 - supervisors of the fairs, in the 1390s described as supervisors of the market and adding to their duties in the 1430s supervision of the port,
 - supervisors of the causeways,
 - supervisors of the leather trades,
 - "coroners" of bread (not coroners in the modern sense, but in that of men policing the crown's assize of bread), renamed "bread-weighers" in the 1390s, and
 - ale-tasters (who supervised the quality of the local brewing industry).

We also hear of a beadle in 1389 (this may have been when the office was created), a nightwatchman in 1406, and a clerk may be inferred from the recording of the electoral courts; however, these officers were appointed, not elected.

That there is no sign of community-elected officers in the deeds of 1331 and 1361 may indicate that local self-government did not take shape before the 1370s. It is not impossible

that the townsmen took advantage of the national unrest in 1381, which found expression in Essex, to assume powers of self-government; certainly the first written compilation of the borough custumal – which might itself be a reflection of acquisition of some independence – appears to have been made at that time. This had been prefaced by obtaining in 1378 a confirmation of the 1171 charter; although it was for most boroughs normal procedure to obtain confirmations upon a new king coming to the throne, Maldon had not bothered much with this, to its detriment. The 1378 confirmation may therefore be a sign of reviving ambitions.

By 1389 the borough administration had some kind of financial accounting system in place and was enacting local ordinances (by-laws), including that the community should hold a court each Monday in its own hall. At the election in January 1404 we see the result of the Bishop of London's grant the previous year, for two bailiffs were elected – the second superseding the Bishop's administrative officer in the town. We also first hear of chamberlains during this year, although they may not have become a permanent element of borough officialdom until 1413; they were responsible for supervising borough expenditures and revenues (the latter being deposited in the community chest known as the "pyx"), although it was the bailiffs who were held accountable for the budget. Annual income through most of the fifteenth century ranged between £20 and £25; sources of income indicated in the accounts for 1446 were:

- the farming out (i.e. leasing) of Portman marsh, the Maldon bridge, the causeways, various shops, taverns and other properties;
- estreats and amercements received from court sessions, including the leet courts;
- fines from foreigners (probably for the right to trade in the town);
- various tolls related to commerce (e.g. stallage, mensurage), some of which were farmed out;
- landchepe (see above);
- rents from community-owned tenements;
- freeman admission fees;
- licences to have coal-heaps at the Hythe.

Special levies might be made on townsmen to cover certain expenses, such as the wages of town representatives to parliament or repairs to the causeways.

The Moothall was a two-storey building located in the marketplace; the upper part was used for administrative business while at least part of the lower level held shops leased to townsmen. The town gaol was also located there.

In the Moothall the bailiffs held the Monday court, which had jurisdiction over pleas involving debt (the most common type of case brought before it), detention of goods, broken contracts, and minor transgressions. If one burgess had a complaint against another, he was expected to bring it before the town court, not to resort to any external legal authority. A piepowder court, to render swift justice to travelling merchants from outside town, was

being held by at least 1407.

Once each quarter, the General Court session was dedicated to the presentment of offences against the community, the peace, or the assizes of bread and ale. All householders were required to attend the General Courts or face a fine. Presentments were made by the appointed ale-tasters and bread-weighers, and by a jury of townsmen specially elected each year for this role, under the title of "headburgesses". The headburgesses were in fact the wardemen wearing another hat, with the result that the General Courts combined both judicial and legislative functions. The range of offences presented is exemplified by Simon Gylberd who, during the General Courts held during 1448, was accused of: failing to perform satisfactorily his duties as ale-taster the previous year (this being a not uncommon charge against the ale-tasters); breaking the assize of bread; regrating ale; and hosting gambling in his residence at unreasonable hours. Simon, whom we may guess to have been a taverner, was not happy with these charges and cursed the wardemen to their faces.

The town's acquisition of special privileges, through grants from its lords, necessitated a definition of who had the right to benefit from these advantages. This was achieved by giving the status of freeman to those residents who agreed to share the communal obligations and responsibilities of the town in return for a share in its privileges and benefits. Entrance to the franchise required the taking of an oath and the payment of a "fine" (i.e. a fee) which varied, probably according to personal means; in the late fourteenth century it was generally between 3s.4d and 6s.8d, although during the reign of Henry VI 20s. was the common fee. An entrant who was born in the town was exempted from payment; ca. 1403/04 this exemption seems to have been restricted to sons or daughters of a freeman (if born after he had entered the franchise), or a man who married the daughter or widow of one. All entrances were subject to approval by the community and its officers. As part of his oath (see the custumal, cap.44), the freeman guaranteed that he would uphold the liberties and customs of the town, obey the bailiffs, not discuss with outsiders decisions made by the local government, contribute towards communal financial obligations (such as taxes), and attend the January court meeting at which local elections were held. These features are fairly typical of the freeman's oath in other medieval towns. In their public behaviour, freemen were expected to have uppermost in their minds "the profit of the commonwealth". Failure to place the community's interest above personal interest could result in fines or, in extreme cases, forfeiture of the franchise. This included showing proper respect to the town's elected officials. A fine was imposed on anyone insulting an officer (see custumal cap.40); a much higher fine resulted if a man assaulted or drew a weapon on a bailiff.

A separate status was accorded to "aliens"; that is residents of the town who had not been born in England. They were allowed to enter the franchise with that status and took a different oath; they could not gain the franchise by marrying a freeman's daughter. The community distrusted them. They were not allowed to carry any weapon other than a knife for meals, unless they were going outside the town, where more protection was needed. They were subject to a curfew, which varied from summer to winter, and could be arrested if found abroad later. Residents sometimes tried to hide a foreign birth.

The 1460s saw some minor reforms in local administration that reflect growing professionalism in government. We begin to hear of a town seal and see greater attention to provisions to keep it – along with the borough treasury, archives, and official seals for marking measures (see the custumal [cap.6](#)) – secure by dividing among several officers the keys to the chests in which they were contained (such clavigers first being mentioned in 1416); pain was taken to record who had custody of the keys. In 1464 we first hear of a salaried sergeant-at-mace, whose principal duties were to oblige accused parties to attend court sessions (by [distraining](#) their personal possessions) and to collect amercements imposed by the town court, if not paid to the chamberlains immediately after judgement was handed down; a similar office had been farmed out in previous years and may itself have been successor to the beadle. The chamberlains took over accounting responsibilities from the bailiffs in 1465 and in the same year Reynold Rokes was appointed town clerk. Rokes, a lawyer, proceeded to draft a new compilation of the borough custumal, augmenting the existing edition with ordinances extracted from court records; to which he added a list of the tolls leviabie by the waterbailiff (apparently the officer stationed on the town bridge) on boats, horses, carts, chapmen and particular merchandize. In the same period the conditions for admission to the franchise were tightened to include possession of a tenement within the town.

Although it possessed several of the characteristics of a corporate entity in the fifteenth century, Maldon was not [incorporated](#) until 1554.



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Medieval Sourcebook: Statute of Mortmain, 1279

This statute, by King Edward I, was aimed at preventing land passing to the hands of immortal institutions, and thus out of the control and taxation system operated by the state. The Church was the main target.

(Stubbs' "Charters," p. 457.)

The king to his Justices of the Bench, greeting. Where as of late it was provided that religious men should not enter into the fees of any without the will and licence of the lords in chief of whom these fees are held immediately; and such religious men have, notwithstanding, later entered as well into their own fees as into those of others, appropriated, them to themselves, and buying them, and sometimes receiving them from the gift of others, whereby the services which are due of such fees, and which at the beginning, were provided for the defence of the realm, are unduly withdrawn, and the lords in chief do lose their escheats of the same; we, therefore, to the profit of our realm, wishing to provide a fit remedy in this matter, by advice of our prelates, counts and other subjects of our realm who are of our council, have provided, established, and ordained, that no person, religious or other, whatsoever presume to buy or sell any lands or tenements, , or under colour of gift or lease, or of any other term or title whatever to receive them from any one, or in any other craft or by wile to appropriate them to himself, whereby such lands and tenements may come into mortmain under pain of forfeiture of the same. We have provided also that if any person, religious or other, do presume either by craft or wile to offend against this statute it shall be lawful for us and for other immediate lords in chief of the fee so alienated, to enter it within a year from the time of such alienation and to hold it in fee as an inheritance. And if the immediate lord in chief shall -be negligent and be not willing to enter into such fee within the year, then it shall be lawful for the next mediate lord in chief, within the half year following, to enter that fee and to hold it, as has been said; and thus each mediate lord may do if the next lord be negligent in entering such fee as as been said. And if all such chief lords of such fee, who shall be of full age, and within the four seas and out of prison, shall be for one year negligent or remiss in this matter, we, straightway after the year is completed from the time when such purchases, gifts, or appropriations of another kind happen to have been made, shall take such lands and tenements into our hand, and shall enfief others therein by certain services to be rendered thence to us for the defence of our kingdom ; saving to the lords in chief of the same fees their wards, escheats and other things which pertain to them, and the services therefrom due and accustomed. And therefore we command you to cause the aforesaid statute to be read before you, and from henceforth firmly kept and observed. Witness myself at Westminster, the 15th day of November, the 7h year of our reign.

From Ernest F. Henderson, *Select Historical Documents of the Middle Ages*, (London: George Bell

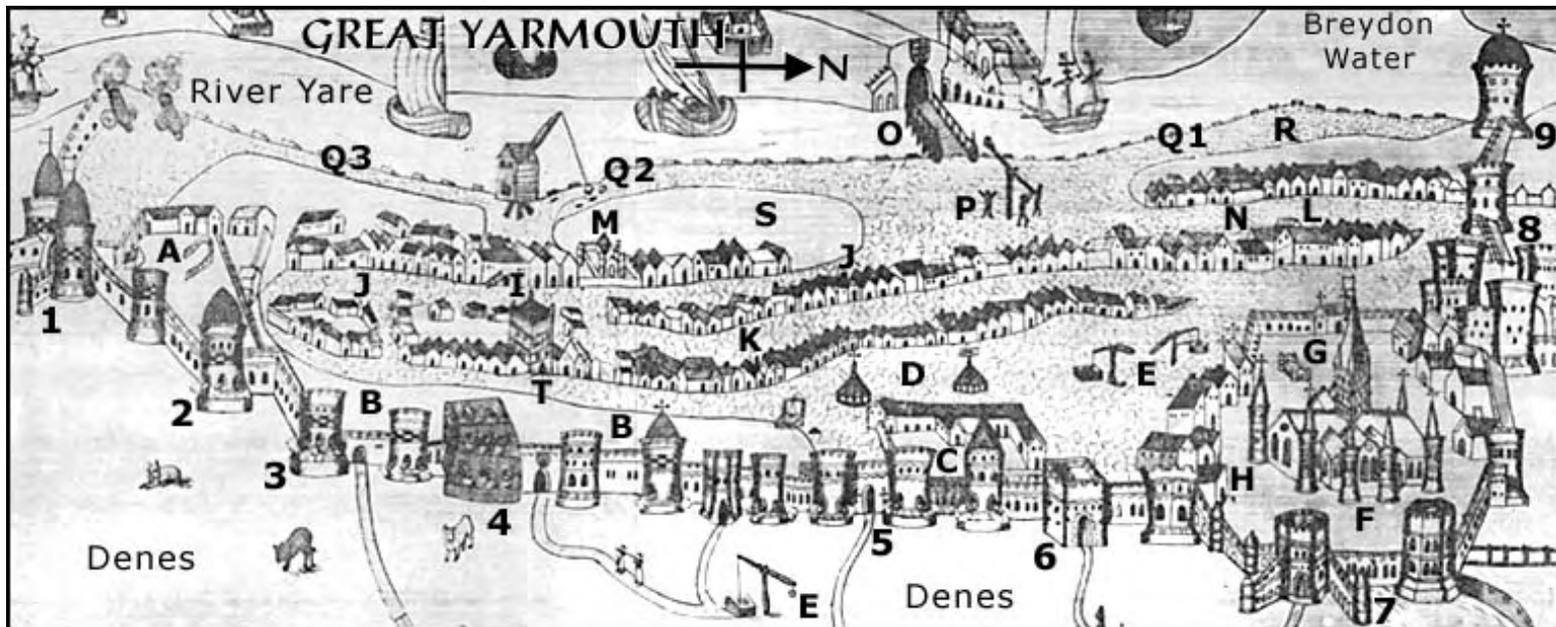
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History of medieval Yarmouth

Yarmouth at the close of the Middle Ages



This is a clickable imagemap.

NOTES:

This is in fact part of a larger plan showing Yarmouth and its surrounds in the time of Queen Elizabeth I. In most of its details it well reflects how Yarmouth must have looked at the close of the fifteenth century, although there are of course post-medieval features. This plan is presented to give a general sense of the appearance of the town, but should not be trusted for accuracy.

THE WALLS

Construction began in the 1280s and continued throughout the 13th and 14th centuries. It is generally thought that work began on the north-east portion (adjacent to St. Nicholas') and proceeded southwards. In 1337 work was underway in the vicinity of the Dominican friary. The northern stretch was perhaps the last part to be undertaken.

1 [South Gate](#)

2 [Blackfriars Tower](#)

3 [South-east Tower](#)

4 This appears to represent a fortification added in the post-medieval period, in response to the threat from Spain; if so, the artist has greatly truncated the stretch of wall between it and the South-east Tower.

5 Market Gate

6 Pudding Gate

7 King Henry's Tower

Thought to have been named after Henry III who first licenced the borough to construct walls.

8 North Gate

Two leper-houses stood a short distance north of the gate.

9 North-west Tower

THE DENES

The Denes were an extensive beachy area on the east side of the walled town. As can be seen from the depiction, townsmen let their animals roam here. Also visible in the complete depiction (but not in this cropped version) are the windmills that had been built on the Denes since the time of Edward I, and were a source of complaint by the Cinque Ports men, who charged that they interfered with the drying of fishing-nets (of which an example is also shown in the complete depiction); in 1277 Edward ordered a limitation on the number of windmills there. This right to dry their nets there was part of the rights of "den and strond" granted the Cinque Ports men by Henry II; the nets were hung from ships' masts. The beach was also used as an area for building ships, while old, derelict ships abandoned there was another source of annoyance to the Portsmen.

WITHIN THE WALLS

A **Dominican friary**

The Black Friars were said to have arrived in Yarmouth in 1267. They obtained licence from the king in 1271 to acquire a plot of land (referred to as being part of "La Straunde", i.e. the beach) 500' x 500' to expand a narrow strip of property already possessed at the south end of the town; on this land they had built a convent by 1273. This was subsequently extended, thanks to burgess benefactors, into a large precinct.

B **Dene side**

C St. Mary's Hospital

D **Marketplace**

The two features on either side of the "D" appear to represent the market cross (left), which sat atop an open-sided roofed building, and the pillory (right) that were set up there in 1395, when the market was also partially paved, as a result of a pavage licence obtained from the king.

E Community wells

F **St. Nicholas' Church**

Antiquarians are divided on whether this was founded on the site of the St. Benedict's mentioned in Domesday, or superseded a chapel built two decades earlier which became a source of dispute between the Bishop of Norwich and the Cinque Ports fishermen as to who would appoint the priest. It has been suggested that the Bishop of Norwich built the church with some of the Caen stone he was importing for the construction of Norwich cathedral. It was enlarged in the mid-13th century and again in the 1330s.

G **Charnel house**

The "Carnary" was built in the churchyard ca. 1308 through the benefaction of Sybil, widow of William Flathe. This was no easy task, since it required permission from the Bishop of Norwich, the King, and the Pope. Its purpose was to house the bones of those whose graves were dug up to make room for new inhabitants. Sybil endowed this chapel with various rents (for whose collection and application the borough government was made responsible) in order to support two priests to perform divine services for the dead. She herself died in 1311. The charnel was pulled down after the Reformation.

H **Benedictine Priory**

This was a cell of Norwich Priory

I Tolhouse

Built of flint in the 14th century

J **Great Middlegate** (street)

The southerly portion was sometimes known as South Middlegate or even Southgate

K **Little Middlegate** (street)

Known from the 1330s as Blind Middlegate

L **Northgate** (street)

M **Franciscan friary**

Established at some time in the 13th century, perhaps as early as 1226; the Gerberge family was said to have been the Grey Friars' patron.

N **Carmelite friary**

The White Friars convent was said to have been founded ca. 1278. The various orders consumed so much of the limited space in the town that when the Augustians arrived, latecomers, they established themselves in Little Yarmouth instead and had to be satisfied with a cell in Great Yarmouth.

O **Bridge to West Yarmouth**

The king gave the town permission in 1417 to build a bridge to replace a ferry service; it is not clear whether this was accomplished immediately or until a few years later.

P

Probably represents a mechanism for weighing merchandize (trone), given its central location on the quayside and near the bridge into town.

Q **Quayside**

Since it stretched along the length of the Yare bank, sections of the quayside were distinguished from each other by their own names.

1. The Lord's (i.e. king's) Quay, probably the earliest port area.
2. As its name indicates the Crane Key was where the borough crane was located; the borough had the right (although this was challenged by Norwich) to charge a fee for use of the crane for loading and unloading of cargos.
3. As the port silted up, harbour facilities had to be moved further south along the east bank of the Yare, and population followed it. Consequently, in the 15th century the South Quay was an area in which many of the town's wealthier merchants lived.

R **The Conge**

This was an area of the Lord's Quay. The name is possibly associated with a French term used in relation to the clearances to depart that ships' masters had to obtain from the authorities. It was perhaps here that there was a house for collection of customs (unless the Tolhouse served that function) – without payment of which, ships would not be allowed to depart.

S **The Foreland**

An open plain for much of the Middle Ages, residences were built upon part of it during the 15th century.

T

Possibly represents a building called **the "Castle"**, a keep-like structure, origins unknown, but mentioned as early as the 13th century and just possibly associated with the Earl of East Anglia. During the Late Middle Ages it was in private hands; by the time it came into the hands of the corporation, in the 16th century, it was in decay.



[MAIN MENU]

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APPENDIX I

The Officers of Borough Government

Yarmouth: bailiffs and chamberlains [\[16\]](#)

| | |
|---------|---|
| 1272-73 | b. William Gerberge, John de Goseford, Henry Aleyn, John Beneyt |
| 1273-74 | b. John Beneyt, John Brumnan, Richard Randolf, William de Acle |
| 1274-75 | b. John Beneyt, John Brumnan, Richard Randolf, --- |
| 1275-76 | b. William de la Mawe, William Aleyn, John Beneyt, John Goseford |
| 1276-77 | b. Robert Wyth, William Gerberge, Richard de Beverle, Nicholas de Monesle |
| 1277-78 | b. William de la Mawe, John Beneyt, John de Goseford, --- |
| 1278-79 | b. William de la Mawe, John Beneyt, John de Goseford, --- |
| 1279-80 | b. William de la Mawe, John Beneyt, John de Goseford, --- |
| 1280-81 | b. John Beneyt, Nicholas de Monesle, William de Acle, Alexander Fastolf |
| 1281-82 | b. William de la Mawe, John Beneyt, William Gerberge, William Fastolf |
| 1282-83 | b. William de la Mawe, Henry Randolf, John Fastolf, William Gerberge |
| 1283-84 | b. William de la Mawe, William Gerberge, John Fastolf, John Gerberge |
| 1284-85 | b. Nicholas de Monesle, William de Drayton, John Wyth, Richard de Drayton |
| 1285-86 | b. Alexander Fastolf, John Wyth, Henry Randolf, Stephen de Hoo |
| 1286-87 | unknown |
| 1287-88 | unknown |
| 1288-89 | b. William Gerberge, John Wyth, Alexander Fastolf, Henry de la Mawe |
| 1289-90 | b. Alexander Fastolf, Richard de Beverle, John de Fordele, Henry de Drayton |
| 1290-91 | b. William de Drayton, John Wyth, John Fastolf, Richard Randolf |
| 1291-92 | b. Nicholas de Monesle, Alexander Fastolf, John de Fordele, Thomas Fastolf |
| 1292-93 | b. John Wyth, John Fastolf, John Gerberge, William de la Mawe |
| 1293-94 | b. Alexander Fastolf, Henry de Drayton, John de Fordele, Henry de la Mawe |
| 1294-95 | b. John Wyth, Thomas Clericus, Nicholas le Potter, William de Goseford |
| 1295-96 | b. Thomas Fastolf, Eustace Bataille, William de Carleton, Laurence de Monesle |
| 1296-97 | b. Alexander Fastolf, John de Fordele, William de la Mawe, William Science |
| 1297-98 | b. Robert Wyth, John Fastolf, Henry Rose, Henry de Drayton |
| 1298-99 | b. John Wyth, Thomas Fastolf, John Aleyn, John de Fordele |

- 1299-1300 b. Henry Rose, Henry de Somerleton, Stephen de Goseford, Nicholas Ashman
- 1300-01 b. John Wyth, Henry de Drayton, Oliver de la Mawe, Robert de Fordele
- 1301-02 b. Henry Rose, John de Fordele, Richard Randolph, Eustace Bataille
- 1302-03 b. Henry Rose, William Fastolf, John Fastolf senior, Robert de Beverle
- 1303-04 b. William de la Mawe, Eustace Bataille, Nicholas le Potter, Richard Fastolf
- 1304-05 b. John Fastolf senior, Richard Randolph, John de Fordele, William Science
- 1305-06 b. Henry Rose, William Fastolf, Thomas Fastolf, Roger Gavel
- 1306-07 b. Henry Rose, Henry de Drayton, William de Goseford, Robert de Fordele
- 1307-08 b. Henry Rose, Richard Randolph junior, Robert de Fordele, Nicholas Ashman
- 1308-09 b. John Fastolf junior, John de Fordele, Eustace Bataille, Thomas Fastolf
- 1309-10 b. Henry Rose, Henry de Drayton, Robert de Drayton, Roger Gavel
- 1310-11 b. Richard Randolph, Richard Fastolf, Roger de Thurnton, William le Potter
- 1311-12 b. Eustace Bataille, Oliver de la Mawe, William de Monesle, Simon atte Sond
- 1312-13 b. Robert de Fordele, Richard Randolph, Roger de Thurnton, John Perbroun
- 1313-14 b. Robert de Fordele, Oliver de la Mawe, John Perbroun, Simon de Dighton
- 1314-15 b. William de la Mawe, Roger de Thurnton, Geoffrey de Drayton, Matthew de Redeham
- 1315-16 b. Robert de Fordele, Richard Randolph, Robert de Drayton, Simon atte Sond
- 1316-17 b. Robert de Fordele, William Thurkild, Farman Alberd, Robert Ashman
- 1317-18 b. Robert de Fordele, Roger de Thurnton, John Perbroun, Alexander Fastolf
- 1318-19 b. Henry Rose, William de la Mawe, Roger Gavel, John de Acle
- 1319-20 b. Roger Gavel, John Perbroun, Bartholomew de Thorp, Anselm de Fordele
- 1320-21 b. Roger Gavel, John Perbroun, Bartholomew de Thorp, Anselm de Fordele
- 1321-22 b. Robert de Drayton, John Perbroun, Stephen de Catefeld, William de Lincoln
- 1322-23 b. Robert de Fordele, Geoffrey de Drayton, Robert Ashman, Robert de Gimingham
- 1323-24 b. Henry Rose, Roger Gavel, Roger de Drayton, Anselm de Fordele
- 1324-25 b. John Perbroun, Bartholomew de Thorp, Alexander Fastolf, Robert Ashman
- 1325-26 b. John Perbroun, Edmund Gerberge, John de Acle, Farman Alberd
- 1326-27 b. Robert de Drayton, John Perbroun, Anselm de Fordele, Walter atte Sond
- 1327-28 b. Bartholomew de Thorp, John de Acle, Walter atte Sond, Robert Ashman [\[17\]](#)
- 1328-29 b. John Perbroun, Robert de Drayton, Stephen de Catefeld, Bartholomew de Thorp
- 1329-30 b. Geoffrey de Drayton, Stephen de Catefeld, Bartholomew de Thorp, Walter atte Sond
- 1330-31 b. Robert de Drayton, John Perbroun, Alexander Fastolf, Robert de Fordele
- 1331-32 b. John Perbroun, Richard Fastolf, Walter atte Sond, John Chyld
- 1332-33 b. John Perbroun, Alexander Fastolf, Robert Elys, Thomas de Drayton

- 1333-34 b. Bartholomew de Thorp, Anselm de Fordele, William de Monesle, Henry Randolph
- 1334-35 b. John Perbroun, Richard Fastolf, Thomas de Drayton, Robert Elys
- 1335-36 b. Alexander Fastolf, Thomas de Drayton, Walter atte Sond, John Elys
- 1336-37 b. Geoffrey de Stalham, Nicholas Fastolf, Thomas de Drayton, Bartholomew de Thorp
- 1337-38 b. Walter atte Sond, Anselm de Fordele, Robert de St. Botolph, Richard de Wymondham
- 1338-39 b. Bartholomew de Thorp, Walter atte Sond, Richard de Beketon, William de Motte
- 1339-40 b. John Perbroun, Alexander Fastolf, Thomas de Drayton, Stephen de Catefeld
- 1340-41 b. Thomas de Drayton, Bartholomew de Thorp, Geoffrey de Stalham, Geoffrey Trote
- 1341-42 b. Bartholomew de Thorp, Edmund Gerberge, Richard le Latoner, Peter de Cressy
- 1342-43 b. Bartholomew de Thorp, Edmund Gerberge, Richard le Latoner, Peter de Cressy
- 1343-44 b. Thomas de Drayton, Peter de Cressy, Richard le Latoner, Geoffrey de Stalham [[18](#)]
- 1344-45 b. Richard de Beketon, Edmund Gerberge, Richard le Latoner, Roger de Broxton
- 1345-46 b. Geoffrey de Stalham, William de Motte, Geoffrey Elys, Richard de Walsham
- 1346-47 b. Richard de Beketon, Roger de Broxton, Richard le Latoner, Richer de Gimingham [[19](#)]
- 1347-48 b. Geoffrey Elys, Geoffrey de Stalham, Richard de Wramplyngham, John le Neve
- 1348-49 b. Richard de Beketon, Robert Ashman, Simon de Halle, Geoffrey de Fordele
- 1349-50 b. Richard de Beketon, Roger de Broxton, Geoffrey de Fordele, Thomas Cobald
- 1350-51 b. Richard de Beketon, Geoffrey Elys, William de Oxneye, John Lawes
- 1351-52 b. Peter de Cressy, Alexander de Beverle, William de Fordele, John de Kilham
- 1352-53 b. Geoffrey Elys, Peter de Cressy, Geoffrey de Drayton, Geoffrey de Fordele
- 1353-54 b. Alexander de Beverle, Thomas Cobald, Stephen de Stalham, John de Thorp
- 1354-55 b. Hugh Fastolf, William atte Mawe, John de Wytton, John Cook
- 1355-56 b. Thomas de Drayton, Peter de Cressy, William atte Mawe, Stephen de Stalham
- 1356-57 b. Thomas de Drayton, Peter de Cressy, William atte Mawe, Stephen de Stalham
- 1357-58 b. Peter de Cressy, Geoffrey de Fordele, Stephen de Stalham, Robert Elys
- 1358-59 b. Alexander de Beverle, John de Drayton, John de Thorp, John de Kilham
- 1359-60 b. Peter de Cressy, Geoffrey de Fordele, William Elys, John de Halle
- 1360-61 b. Hugh Fastolf, Stephen de Stalham, Robert Elys, Peter atte Fen
- 1361-62 b. Hugh Fastolf, Stephen de Stalham, Robert Elys, William de Halle

- 1362-63 b. Alexander de Beverle, John de Halle, John de Beverle, John de Riston
- 1363-64 b. Hugh Fastolf, John de Belaugh, Simon atte Gappe, Reginald Lawes
- 1364-65 b. Alexander de Beverle, Hugh Fastolf, John de Wykes, John de Halle [20]
- 1365-66 b. William Elys, John de Beverle, William Faderman, John de Reppes
- 1366-67 b. Hugh Fastolf, Robert Elys, William de Halle, Edmund Oudolf
- 1367-68 b. Hugh Fastolf, Alexander de Beverle, John de Wykes, John de Stalham
- 1368-69 b. John de Beverle, William atte Gappe, John de Riston, John atte Fen
- 1369-70 b. Simon atte Gappe, John de Reppes, Edmund Sylke, Warin Lucas
- 1370-71 b. Alexander de Beverle, John de Halle, John de Stalham, Richard Spicer
- 1371-72 b. John de Beverle, Bartholomew Noggan, Reginald Lawes, Simon de Wroxham
- 1372-73 b. John de Beverle, William Elys, John de Drayton, John de Reppes
- 1373-74 b. Hugh Fastolf, Simon atte Gappe, John de Stalham, John atte Fen
- 1374-75 b. Hugh Fastolf, William Elys, John de Reppes, Edmund Oudolf
- 1375-76 b. Hugh Fastolf, William Elys, John de Beverle, John de Reppes
- 1376-77 b. William atte Gappe, Roger de Drayton, William de Oxneye, John de Halle
- 1377-78 b. Simon atte Gappe, John atte Fen, John Elys, Nicholas de Drayton
- 1378-79 b. William Elys, William de Oxneye, Robert atte Gappe, William de Stalham
- 1379-80 b. William Elys, Bartholomew Noggan, Roger de Drayton, Edmund Oudolf
- 1380-81 b. Bartholomew Noggan, John de Reppes, Nicholas de Drayton, Peter Beneyt
- 1381-82 b. John de Beverle, John Elys, William de Oxneye, Robert atte Gappe
- 1382-83 b. William atte Gappe, Edmund Oudolf, William de Stalham, John de Rollesby
- 1383-84 b. John Elys, William de Oxneye, Nicholas Wildgoose, Hugh atte Fen
- 1384-85 b. John de Beverle, Roger de Drayton, Alexander Fastolf, John Hakon
- 1385-86 b. Ralph Ramseye, Nicholas de Drayton, Warin Lucas, Adam Heyron
- 1386-87 b. William atte Gappe, Edmund Oudolf, Richard Elys, Edmund Bie
- 1387-88 b. John Elys, William de Oxneye, Robert Howlyn, John de Martham
- 1388-89 b. John de Beverle, Robert atte Gappe, Bartholomew de Drayton, John de Beketon
- 1389-90 b. Ralph Ramseye, Roger de Drayton, Hugh atte Fen, Thomas Marche
- 1390-91 b. William atte Gappe, Alexander Fastolf, Nicholas de Drayton, John Hakon
- 1391-92 b. John Elys, William de Oxneye, Bartholomew Elys, Robert Howlyn
- 1392-93 b. John de Beverle, John Elys junior, John Hughesson, William Ekles
- 1393-94 b. Ralph Ramseye, John de Beketon, Hugh atte Fen, Bartholomew de Drayton
- 1394-95 b. Thomas Marche, John atte Gappe, William Savage, Edmund Wyth
- 1395-96 b. John Elys senior, William de Oxneye, John Hakon, Richard Cleye
- 1396-97 b. Ralph Ramseye, Hugh atte Fen, Bartholomew Elys, Bartholomew de Drayton
- 1397-98 b. John Beketon, William de Oxneye, Thomas Marche, Thomas Halle

- 1398-99 b. Ralph Ramseye, Hugh atte Fen, John atte Gappe, Richard Cleye
- 1399-1400 b. John Elys, William de Oxneye, Bartholomew de Drayton, Robert atte Fen
- 1400-01 b. Hugh atte Fen, John Hughesson, Edmund Wyth, Thomas Carter
- 1401-02 b. William de Oxneye, John de Beketon, Richard Cleye, Roger Adams
- 1402-03 b. Hugh atte Fen, John atte Gappe, Bartholomew Elys, William Savage
- 1403-04 b. John de Beketon, William de Oxneye, Richard Cleye, Alexander atte Gappe
- 1404-05 b. John atte Gappe, John Hughesson, William Savage, Thomas White
- 1405-06 b. William de Oxneye, Hugh atte Fen, Bartholomew de Drayton, Bartholomew Elys
- 1406-07 b. John atte Gappe, Richard Cleye, Geoffrey Pampyng, Henry Rafman
- 1407-08 b. Hugh atte Fen, John Hughesson, Thomas Redberd, John Spitlyng
- 1408-09 b. William de Oxneye, Bartholomew Elys, Robert Elys, Thomas Clabeyn
- 1409-10 b. Henry Rafman, Edmund Wyth, Alexander atte Gappe, Ralph Leffyng
- 1410-11 b. John Hughesson, Geoffrey Pampyng, James Freeman, Thomas Conehithe
- 1411-12 b. Richard Cleye, Thomas White, Nicholas Cates, John Cranelee
- 1412-13 b. William Oxneye junior, Robert Elys senior, Thomas Clabeyn, John Soterton
- 1413-14 b. Geoffrey Pampyng, Robert Elys junior, Thomas Conehithe, William Colkirke
- 1414-15 b. Bartholomew Elys, Richard Cleye, Peter Savage, John Fen
- 1415-16 b. Edmund Wyth, Thomas White, Ralph Leffyng, Henry Spitlyng
- 1416-17 b. Robert Elys junior, John Spitlyng, Thomas Conehithe, Bartholomew Oxneye
- 1417-18 b. Bartholomew Elys, John Fen, John Hastyng, John Soterton
- 1418-19 b. Thomas Dengayne, Geoffrey Pampyng, Thomas White, Richard Elys
- 1419-20 b. Alexander atte Gappe, John Spitlyng, Thomas Conehithe, Robert Cupper
- 1420-21 b. John Leverych, John Hastyng, John Snellyng, Thomas Eyr
- 1421-22 b. Bartholomew Elys, John Cranelee, Roger Hoddes, Ralph Wevan
- 1422-23 b. Robert Elys, William Oxneye, Robert Cupper, William atte Fen
- 1423-24 b. Richard Elys, Thomas Conehithe, Thomas White, William atte Gappe
- 1424-25 b. Thomas Dengayne, John Hastyng, John Spitlyng, John Pynne
- 1425-26 b. Robert Cupper, Roger Hoddes, Thomas Eyr, Richard Flicke
- 1426-27 b. Robert Elys, William Oxneye
ch. unknown
- 1427-28 b. Richard Elys, John Manning
ch. Peter Fen, John Brackenham
- 1428-29 b. Thomas Dengayne, Thomas White
ch. Thomas Hillys, Thomas Chaunceux
- 1429-30 b. Robert Elys, Thomas Eyr
ch. Simon Folsham, Robert Persoun

- 1430-31 Richard Elys, John Pynne
ch. Thomas Adams, Robert Osbern
- 1431-32 b. Richard Elys, John Pynne
ch. Thomas Adams, Robert Osbern
- 1432-33 b. Robert Elys, Thomas Fen
ch. John Auncell, John Crowmer
- 1433-34 b. Robert Elys, John Hastyng
ch. John Westgate, Peter Dowe
- 1434-35 b. Roger Hoddes, John Philip
ch. Thomas Martyn, John Gedgebalt
- 1435-36 b. John Wydewell, John Chapman
ch. Robert Horrowe, John Wellys
- 1436-37 b. John Pynne, Robert Phelysson
ch. John Davy, Richard Tommesson
- 1437-38 b. Robert Elys, Thomas Humfrey
ch. John Brounyng, Alexander Brygate
- 1438-39 b. William atte Gappe, Thomas Martyn
ch. John Arnald, Nicholas Borell
- 1439-40 b. Robert Pynne, John Auncell
ch. John Everton, John Andrews
- 1440-41 b. Thomas Fen, Simon Folsham
ch. John Swolle, John Burdon
- 1441-42 b. Roger Hoddes, Thomas Hillys [\[21\]](#)
ch. unknown
- 1442-43 b. Robert Elys, John Chapman
ch. unknown
- 1443-44 b. John Pynne, Peter Dowe
ch. John Cecely, Thomas Lincoln
- 1444-45 b. Ralph Lampet, William atte Gappe
ch. Thomas Kysse, Thomas Wevyng
- 1445-46 b. Hamon Pulham, John Auncell
ch. John Swetman, Richard Groome
- 1446-47 b. Thomas Martyn, Simon Folsham
ch. William Jullys, John Codlyng
- 1447-48 b. Thomas Fen, Robert Pynne
ch. Geoffrey Hemmyng, Thomas Thorp
- 1448-49 b. Thomas Hillys, John Swolle
ch. Peter Levesson, John Buxston
- 1449-50 b. John Chapman, Peter Dowe
ch. Thomas Warner, William Holme

- 1450-51 b. Ralph Lampet, Hamon Pulham
 ch. John Alman, Thomas Belle
- 1451-52 b. Robert Pynne, Edmund Wydewell
 ch. John Wacy, John Tolke
- 1452-53 b. Thomas Martyn, John Westgate
 ch. John Pynne junior, Thomas Ponde
- 1453-54 b. Thomas Fen, John Alman
 ch. Robert Ingram, John Moine
- 1454-55 b. Ralph Lampet, Hamon Pulham
 ch. John Maynard, Roger Redehode
- 1455-56 b. Peter Dowe, Thomas Kysse
 ch. William Snellyng, John Merston
- 1456-57 b. Edmund Wydewell, Alexander Brygate
 ch. unknown
- 1457-58 b. Thomas Fen, John Pynne
 ch. Richard Bunne, Robert Candeler
- 1458-59 b. Robert Pynne, John Alman
 ch. unknown
- 1459-60 b. Hamon Pulham, John Codlyng
 ch. Robert Joye, William Bedingham
- 1460-61 b. William Julles, Thomas Thorpe
 ch. Walter Ingram, Edmund Ponde

APPENDIX I: Lists of Office-holders

[Introduction](#) | [Structure of Borough Government](#) | [Social and Economic Background of Office-Holders](#)
[Monopolisation of Office](#) | [Attitudes Towards Office-holding](#) | [Professionalism in Administration](#)
[Quality of Government](#) | [Conflict and Solidarity in Urban Politics](#) | [Conclusion](#)

Yarmouth - St. Nicholas's church



St. Nicholas' reflects the essence of medieval Yarmouth as a town reliant on the sea and its harvest. Dedicated to the [patron saint](#) of sailors and others who earn their livelihood from the sea, it was built by the Bishop of Norwich in the early twelfth century to supersede an earlier church believed to have been created to serve the local and visiting (Cinque Ports) fishermen.

As the sole parish church serving Yarmouth, St. Nicholas' was over time expanded into a relatively large building capable of holding a sizeable congregation. It was the beneficiary of many bequests from townspeople, who also contributed to extensions of the building, while social [gilds](#) also contributed to its improvement (notably the creation of chapels with which they then became associated). The creation of a "Bachelor's aisle" in the 1330s was halted by the Black Death. As was the case with many urban parish churches, its fabric was renovated and improved in the fifteenth century. Destroyed by bombing in the Second World War, the church was rebuilt on its medieval plan and re-consecrated in 1960.

The parish system developed at about the same time that towns were proliferating, in the Anglo-Saxon period. In the beginning, a town was often served by a single mother church, typically founded by the lord of the land, unless it emerged from the amalgamation of several settlements or estates of different landlords, each served by its own church (e.g. [Norwich](#)). As urban populations grew and boundaries expanded, new churches and parishes appeared, some quite small; Yarmouth and Bishop's Lynn represent exceptions to this process, perhaps because of the pre-eminent role of the Bishop in each and because of limited scope for geographical expansion. In the twelfth century the Church asserted control over many of the privately-owned parish churches.

These churches provided a key element of medieval urban society and culture. Spiritual

comfort and security in life and in death is one of the most evident contributions. But among the roles that prominent churches and their churchyards played in medieval times was that of [meeting-place for the community at large](#), or (inside) for smaller assemblies, to debate borough business; as well as sanctuary for criminals, who might hope for protection there from the mob or the agents of authority, for long enough for them to abjure the realm (i.e. admit to their crimes and take an oath to leave the country). Another role was as a solemn location for the conduct of private business, such as the making of a commercial contract (for which a deposit sometimes known as "God's penny" was a further guarantee of good faith), the payment of debt instalments, or the taking of oaths.

Not all of the multiple urban parish churches had, or could maintain over time, large enough congregations to earn the income (e.g. from tithes) to survive. However, in the Late Middle Ages, the foundation by townspeople of socio-religious guilds (and chapels, within parish churches, to serve them), the endowment of chantries to pray for the souls of the deceased, and the combination of pride and bad conscience that encouraged prospering merchants to channel some of their profits into renovation projects, all helped keep many churches vigorous institutions in the life of the town.

For further information on St. Nicholas' see [Palmer's Perustration of Great Yarmouth](#).



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CHAPTER 7

Conflict and Solidarity in Urban Politics

Discords and Disputes: Yarmouth and Norwich

It was suggested in chapters [2](#), [3](#) and [5](#) that there was no lack of mobility in urban society and politics. Transfer of power was normally a gradual and peaceful process; but on occasion, where a group of townsmen clung to power, it was sometimes necessary for the excluded and frustrated *nouveaux riches* to resort to more forceful means to obtain a share in power. This may have been the case at Ipswich in 1320/1, and less clearly at Colchester in 1372. We seem to perceive the same process at Yarmouth, where a good deal of the visible conflict was centered around family rivalries, perhaps intensified by the [decline in the town's prosperity](#) in the second half of the fourteenth century. The reign of Edward I saw a struggle between factions, with the one led by the [Draytons](#) succeeding in ousting the longer-established [Gerberges](#) from their position of prominence in the borough. Further violent outbursts occurred 1357-59, following swiftly on the heels of a royal investigation into monopolisation of [hostage](#) by the town's leading families (1357). The violence featured the Draytons and [Fastolfs](#) ranged against the relatively newly-established families of Elys and Stalham. The former families were apparently backed by a London faction whose interests at the herring fair were obstructed by the latter families, prominent in the 1357/8 administration.[\[47\]](#)

On top of these family rivalries were the troubles between rulers and ruled. Events surrounding the promulgation of Yarmouth's [1272 ordinances](#) are rather obscure, but there is some evidence that tempers were rising dangerously in the preceding period, so that the king ordered arrests to be made. The establishment of a formal town council may have been intended as a check upon [ballival government](#), but the principal concern of the ordinances seems more with market abuses and establishment of law and order. The rich and poor burgesses of Yarmouth were again in contention regarding fair market practices in 1281. In 1297 we hear of fresh disturbances of the peace. And a complaint by the poor men of the community, of [forestalling](#) by the rich men, was partly responsible for a royal prohibition of forestalling and brokerage at Yarmouth in 1306.[\[48\]](#) The constitutional reforms of 1426 and 1491 also appear the consequences of disputes and complaints of misgovernment, with typical solutions of counterbalancing ballival power, ensuring fair elections, and restricting the bailiffs' access to community revenues.[\[49\]](#) The best-documented outburst of popular discontent, however, does not seem to have produced any reforms. In 1375 the commonalty was employing organised force to express its resentment of financial maladministration, and

of the market abuses (particularly regarding the purchase of herring) of the leading families, to the derogation of the [equal rights principle](#) of the borough liberties. The town rulers in turn were responding to violence with violence. The "*poveres Communes*" petitioned parliament for relief from oppression and injustice in 1376, and the king intervened to prohibit unlawful popular assemblies and to order the offending "rich men" to appear before him to explain themselves; but there is no sign of a satisfactory settlement to the dispute. Again, there is some indication of a London interest involved on the side of the rich, and we may note that [Hugh Fastolf](#), who later moved permanently to London, was prominent in both the 1358/9 and 1375/6 affairs.[50]

If at Yarmouth the grievances of the townsmen focused on monopolisation of trade by a few of their number, at Norwich constitutional problems are more to the fore. The first grievances we encounter relate again to financial malpractices of the city rulers. The complaint about forestalling in 1304 was joined, in the following year, by one concerning misappropriation of the proceeds of excessive taxations. Whether the clause in the 1305 charter granting that the city government might levy [tallages](#) on the community, so long as they were reasonable and approved by common consent, was the outcome of this complaint (and whether the clause should be construed as authorizing or restricting taxation) is not quite clear, since the investigations were still going on in 1308. It is also difficult to say whether the petitions, undated but probably from the reign of Edward II, embodying the grievances of the poor and middle people of Norwich, were connected with the 1305 affair or later disputes. These petitions speak of tallages levied without common consent, and of a royal commission that had been appointed to investigate earlier complaints, but which had been deceived by an inquisition manipulated by the bailiffs and by promises from the upper class of future good behaviour. The consequence of these repeated complaints was chapter 47 of the city customal. A compromise solution, it provided for public accounting by tax officials and [chamberlains](#), so that the community should know how taxes were spent by the city rulers, and for the "more discreet" of the crafts guildsmen to be the assessors; but no reference was made to the principle of common consent.[51]

That omission seems more significant in the light of what was to come. Although we have no explicit indication of further class-based political conflict until the early fifteenth century, the disputes of that period stem partly from an earlier event. In 1371 there were violent disturbances in the city, seemingly popular protests against its government. At this period Norwich's council was crystallising into a formal institution and the city rulers were experimenting with restricted participation at assemblies, notably the representation of the community by selected craft guildsmen who would take over the role as electors.[52] Whatever the reasoning behind this - be it consolidation of the ruling class' hold on power, the elimination of unruly behaviour at assemblies, or the desire to guarantee some community participation - the petition of 1378, whereby the rulers sought from the king the power to make by-laws without consulting the community, appears somewhat sinister, particularly since the reason given for seeking this power was that the rulers wished to combat the contrarious behaviour of the commons.[53] Yet if the grant of this petition, in 1380, was the triumph for the [oligarchy](#) as which it could be interpreted, strange that it was not the subject of

popular criticism until the complaints issued by the "greater part of the citizens and community" against the "more venerable citizens" (viz. the ruling class) in 1414. It is difficult to believe that, having obtained so potent a weapon, the city rulers would leave its use to the next generation.

The divergent ambitions of rulers and ruled resurfaced only with the substitution of [mayoralty](#) for ballivalty in 1403. Almost instantly the populace asserted its right to elect the executive, by keeping William Appleyard, the architect of the constitutional change, in office for three consecutive terms - a move of dubious legality, and against which the ruling class reacted by superseding Appleyard's election to a fourth term and appointing their own candidate. That Appleyard acquiesced in this suggests he was no more than a figurehead for the democratic faction. The [charges laid](#), after several more years of contention, indicate that the community objected to its gradual exclusion from such little control of government as it had - that is, electoral rights and the right of consent - and that it feared it was losing authority over the government personnel, a fear sharpened by the continuing (it was claimed) financial abuses and market crimes of those personnel. The counter-charges of the ruling class confirm their goal of gaining a stronger grip on power, for the sake of efficient government, at the expense of what they considered to be the less capable section of the population. The [Composition of 1415](#), given royal blessing two years later, confirmed the principle of common consent. But it was really a victory for the ruling class, in that it allowed only a controlled popular access to decision-making, via the Common Council, and it guaranteed their independence by making the upper council a life-membership body. This division of authority, best reflected in the system of divided control over elections, was contrary to the original constitutional principle, but was the only settlement acceptable to both sides.[\[54\]](#)

Indeed, the new system seems to have satisfied. A [subsequent outbreak of political conflict](#) was not class-based, but the result of factions within the ruling class - something the Tripartite Indenture of 1424 fearfully anticipated but failed to prevent. The affair, named after its central figure, [Thomas Wetherby](#), has been discussed by many historians and we will not unravel its intricate details here. Suffice to say that Wetherby tried to [dominate city affairs](#) by having his protégés elected to the mayoralty, when not himself therein, or to other offices. Thwarted in this, he stirred up old quarrels between the city and the Prior of Norwich and other local ecclesiastics, promising to assist the cause of the churchmen; he also stirred up factionalism at city elections. The resultant disturbances of the peace were sufficiently serious for the king to set up investigations, appoint arbitrators from magnates whose favour Wetherby had obtained, and eventually (1442) to seize city government into his own hand after the citizenry vented their frustration in an insurrectionary protest. The suspension of the powers of the local rulers gave Wetherby a free hand to pursue his will in the city. Evaluation of this lengthy and complex conflict, which did not fully end until some years after Wetherby's death (1445), is complicated by the fact that our knowledge of it is primarily from records drawn up by Wetherby's opponents, the city government. Precisely as a consequence of this, he has been severely criticised by Hudson and equally ardently defended by Blake. Here we may suggest a slightly different perspective. It is not important to us whether Wetherby was an unscrupulous, self-seeking troublemaker, or an upholder of the cause of right in the face of the city's unjust claims against local religious institutions. What aggrieved the city government was that

Wetherby, as a [freeman](#) and as an [alderman](#) bound by the Tripartite Indenture, owed unswerving loyalty to the city, right or wrong. Instead, he chose to promote dissent and division in aldermannic ranks, support the city's enemies, and compound his errors by obtaining the maintenance and intervention of the Earl of Suffolk and the Duke of Norfolk. We cannot entirely blame Wetherby for this. He was one of a new breed of townsman, whose roots came from the gentry and who retained strong gentry links even while pursuing an urban career in commerce. Whether he actually represented the county wool-growers in their desire to obtain influence in Norwich, which controlled wool-marketing, must remain a matter for argument; but there can be no doubt that his interests and his loyalties were divided, with disastrous results for the city.[55]

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CHAPTER 1

The Structure of Borough Government

Checks and Balances

A word must be said about the office of coroner, which too had something of a dual aspect. Since a [franchise](#) independent of the county was being created by town charters, we find coroners - under that title or the more formal title of justiciar or custodian of pleas of the crown - granted by the king at the same time as grant of an executive. Two or four were the common numbers; Ipswich was granted four in 1200, but persuaded the king to reduce this to two in 1317.[\[52\]](#) The coroners were primarily royal officers, appointed (via approval of borough elections) by the king and removed by him, if not first removed by death; an unfortunate consequence of this orientation being the scarcity of coroners' rolls in borough archives. Recent historians of Yarmouth, where coroners are rarely mentioned, have concluded that those officers were no challenge to [ballival](#) power.[\[53\]](#) But the intention was probably otherwise, for borough coroners - like their county counterparts - had supervisory functions, to ensure the impartiality of ballival justice, to serve as *contrarotulatores*, and perhaps to keep an eye on the administration of court revenues. At Ipswich the 1200 proceedings took care to specify the [counterbalancing role](#) of the coroners, and bailiffs and coroners were listed side by side in court roll headings and witness lists of thirteenth and fourteenth centuries; the cooperation of bailiffs and coroners in Norwich's court is also evidenced.[\[54\]](#) As a check on ballival power we may doubt the effectiveness of coroners, since the two offices were manned by much the same personnel. At Ipswich some of the coroners' duties were subsequently given to the [chamberlains](#), and the slipping of position of coroners' names in fifteenth century witness lists (to behind the names of councillors) is also indicative of their decreasing importance.[\[55\]](#) By the seventeenth century their supervisory role was remembered only in their symbolic act of holding the oath-book from which the bailiffs were sworn annually.

It is not the intention of this study to analyse the minor officialdom of borough bureaucracies that backed up the executive. Suffice to say that they were founded on the town clerks and sergeants, the latter often known as sub-bailiffs or even bailiffs - Yarmouth, at least, provides some hint of seniorities within their ranks. As borough jurisdictions grew and financial affairs complicated, lesser officials proliferated under a variety of titles. Some were appointed, some elected, others farmed their offices. The predominant concerns of borough administrations are sometimes reflected by their ranks: [Yarmouth](#) had its [murage](#) staff, its [herring warders](#), its

[water-bailiff](#); Colchester its farmers of customs and mensurage at the port and in town; [Maldon](#) its custodians of market, river and causeway, its bread-weighers and ale-tasters; Lynn its [janitors of the town gates](#) and its bedeman; Ipswich its porters and [clavigers](#).^[56]

The financial office was too important in the medieval borough to be simply part of the bureaucracy.^[57] [Borough revenue](#) was the lifeline by which the [fee farm](#) was paid annually and the town's liberties were thus preserved; and by which the inevitable and rising expenses of a developing administration were defrayed. Presumably some accounting system was part of the administrative arrangement from the first, but there does not seem to have been a specialised financial officer at that point. To suggest, as Wodderspoon does, that the collectors of local custom instituted in Ipswich in 1200 were actually [chamberlains](#) is to stretch the evidence too far; not they, but the bailiffs, were primarily responsible for this income reaching the Exchequer in the shape of the fee farm - as indeed the instituting ordinance implies.^[58] Most probably the executive was initially the accounting officer in our other towns too. The earliest borough account known from Lynn (1271/2) is that of the [mayor](#); chamberlains are first mentioned in 1295.^[59] Norwich's first financial officer appears in 1293, without official title, handling revenues other than those which went towards the fee farm, for which the bailiffs accounted; this system was maintained throughout the fourteenth century and was reflected in the establishment of sheriffs in 1404 to deal with the fee farm. At just the same period as in Lynn and Norwich, financial officers made their first appearance (1291) in Yarmouth, in the form of keepers of the pyx (the chest containing the town treasury); their importance is suggested by the fact that the few whose names are known were former bailiffs. Again it seems that they handled only a portion of the revenues, the bailiffs and muragers dealing with others; reorganisation of finances seems to have eliminated the keepers before the end of the reign of Edward II.^[60] In Maldon too bailiffs were the accounting officers up until the mid-fifteenth century. Chamberlains were introduced in 1404, consequent to the increase in administrative activity brought about by the [1403 charter](#); they were created to relieve the bailiffs of some of their more routine duties.^[61]

Financial officers had no formal or visible influence over the borough's financial policies. They were required to make payments at the executive's command; they were [forbidden to deny such command](#) or to pay out any monies on their own initiative, unsupervised.^[62] Yet they were not mere functionaries, but watchdogs over the executive in its receipt and spending of community funds; the coroner does not seem to have been considered a sufficient check on misuse of executive power.^[63] Financial officers were often instituted in connection with administrative reforms. They were a key feature of the [Ipswich reforms of 1320](#), directed largely against ballival greed and embezzlement. Chamberlains were to be elected annually to have receipt of all town revenues and payment of expenses (salaries were especially mentioned), to be present when the bailiffs performed any duty involving a financial transaction, and to draw up counter-rolls in the town court to prevent tampering with that record of fines and amercements. Ipswich's chamberlains seems to be an entirely new office; although the town's undated, but ancient, [custumal](#) refers to untitled persons performing camerarian duties, the reference has the appearance of an addition to the main capitula and the tenor reminds us of the circumstances of 1320.^[64] The receivers of Colchester, later known

as chamberlains, arose out of that town's [1372 reforms](#), again the result of complaints of financial maladministration by the bailiffs. And the substitution of two chamberlains for two of Yarmouth's four bailiffs, in 1426, was also part of a reorganisation consequent to popular discontent.[\[65\]](#) Even in Norwich and Lynn there are indications of the watchdog role of the chamberlains. In the former the earliest reference to officers of this title is in a [chapter of the city customal](#), perhaps the product of complaints c.1326 of unjust taxation; the chapter assigns them a role in tax collection henceforth. At Lynn, [ordinances](#) insisted that only the chamberlains receive borough revenues, which they were immediately to put under lock and key in the treasury (1342), and [prohibited the mayor](#) from having possession of any community funds unless received from the chamberlains (1448).[\[66\]](#)

The relative importance of the financial officer increased over the course of time. Maldon's chamberlains replaced the bailiffs as accounting officers sometime between 1447 and 1468; from 1465 they were ranked second in the borough hierarchy, displacing the constables.[\[67\]](#) By the end of the fourteenth century Ipswich's sergeants had been assigned to act under the chamberlains in their collection of monies. During the reign of Henry VI we come across both chamberlains and treasurers in that town. Whether these were the same officers by different titles is difficult to say. Norwich too had officers of both titles and, at least in 1414, the treasurers were portrayed as subordinates of the chamberlains. Yet in seventeenth century (and possibly medieval) Ipswich the division was rather one of areas of jurisdiction.[\[68\]](#) There are other indications of the importance of the office. Colchester's fifteenth century ordinances made provision for the foregoing of annual elections of chamberlains in the event (it is implied) that the competence of any of the officers in tenure warranted their continuation therein. We see the same in the Yarmouth [reforms of 1491](#), doubling the number of chamberlains and advising that any found to do a good job should be kept in office for at least one further term.[\[69\]](#) The concern for producing a budget surplus probably was what prompted the farming of the Ipswich office to John Felawe, in 1439, for 12 years; but perhaps someone had second thoughts, as the arrangement did not last its full term if, indeed, ever implemented. In 1447 chamberlains were elected there for a two-year term with a special programme, and henceforth re-election in this office became more common. Similarly, in Lynn, where an [ordinance of 1423](#) required that there always be at least two chamberlains present at every congregation, it was decided in 1449 (perhaps to cut back on salaries) that William Ashill and William Gilbert alone hold the office for 5 years; problems with non-attendance prompted the abandonment of this experiment after the first year.[\[70\]](#)

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August 1491

The gaoler and other sergeants shall be chosen and appointed through the advice of the [bailiffs](#); they are to choose such men as they are prepared to answer for. The gaoler is to find sufficient [surety](#) for the keeping of the gaol, according to ancient custom, to discharge the bailiffs and the town [of their responsibilities for the same]. The gaoler and the sergeants are to take oath upon a book to perform honestly their duties; they are to find sureties for their honest collection and levying of estreats, and for honest delivery to the chamberlains of all money therefrom. [They are] not craftily to conceal or cover up any complaints or grievances brought before them, or any other profits from the court or market, arranging a settlement between parties privately for their own financial gain, to the loss and damage of the town through concealment of [amercements](#) and court profits. Each of these officers, if honest and diligent, shall have for his yearly wage 20s., and a gown according to ancient custom. These officers are, when not occupied on town business, attend and wait on the bailiffs. If one fails to attend, without reasonable excuse, then he is to lose from his wages 2d. the first time, 4d. the second, and so on doubling as often as he defaults (except on the grace [*i.e. forgiveness* of the bailiffs]). If any sergeant is found to behave dishonestly in office and acts falsely, contrary to these ordinances, and this is proven, he is to forfeit 10s. of his wages and lose his office forever.

August 1491

The **chamberlains**, in consultation with the bailiffs, shall choose as water-bailiff someone considered honest, diligent and profitable to the town; he shall be sworn before the bailiffs and chamberlains that he shall duly and honestly perform his duties in all matters that the chamberlains shall assigned him to undertake to the profit of the town. The water-bailiff shall in no regard collect customs from merchandize of denizens or outsiders coming [by ship or boat] into the haven or streams, but shall bring the owner or master of [the vessel] to the assigned house to pay custom to the chamberlains. Accurate lists of all such customs are to be brought into the court each week, to be enrolled according to ancient custom. The wages of a water-bailiff who performs his duties well and diligently shall henceforth be 33s.4d annually, plus a gown [*i.e. livery*] to be paid for by the chamberlains.



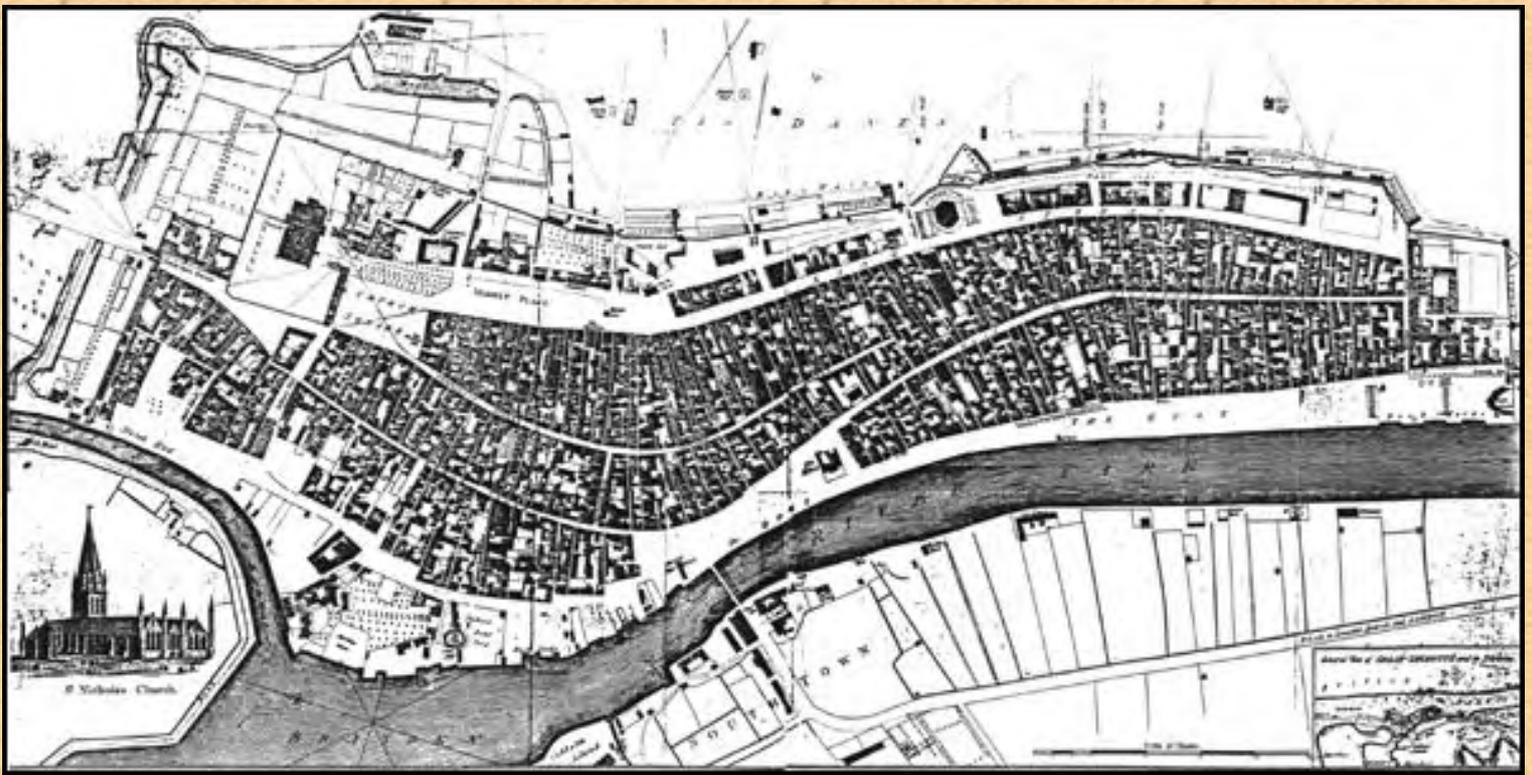
Early Town Planning in Great Yarmouth

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Once the town walls had been constructed, these huge masses of stone dictated the layout that the ancient planners could adhere to, as nobody wanted to build outside them. The style adopted by the planners was to build the houses in parallel lines so that more could be accommodated. The houses were so close together that in one row (being only 27 inches wide), one could shake the hand of the neighbour opposite whilst leaning out of the window.



These rows were built so that the pavements ran East to West, and as the street layout followed the natural fall of the land, the sewerage and rain dispersed quickly. It also ensured that there was always a flow of strong air blowing through the streets which helped clean out the stale air and smoke.



Great Yarmouth in 1751

At one time there were 145 of these rows each named after some notable person living in or after some peculiar character that it possessed, however, in 1804 in the interests of efficiency every row received a number, after several rows had had more than one name.

The rows were much too narrow for normal vehicular traffic and in consequence a special cart, known as a “troll” was constructed to carry herring and other merchandise from one end of the town to the other. These trolls, which were quite common as far back as the reign of Henry VIII, were about 12 feet long and just over 3 feet wide. They had a very short, low back axle with wheels running under the body of the carriage. They were extremely easy to load and when not in use could be tipped on end with the shafts in the air and then occupied very little space. In the eighteenth century it became quite fashionable for visitors to have rides on the troll carts, and for anyone visiting Great Yarmouth it was not considered a visit unless you had had a ride on one of these contraptions.

Unfortunately many of the rows were destroyed during the Second World War, and others have been pulled down to make way for new developments.

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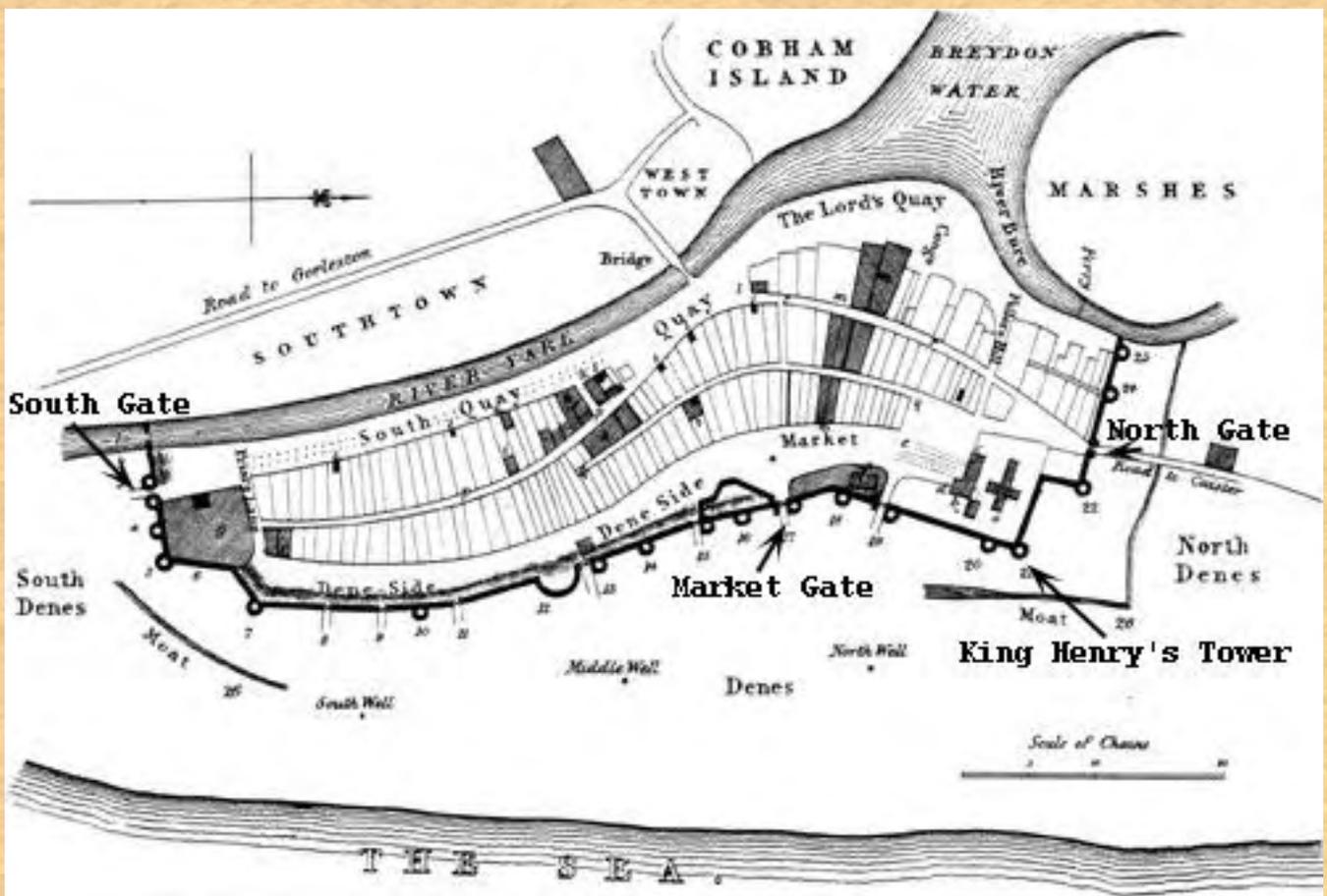


The Walls of Great Yarmouth

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The townsfolk of Great Yarmouth were in a very exposed location, being within easy reach of the sea, and in 1261 Henry III gave orders for the town to be enclosed by a wall and moat to defend the town of possible invasion, but work was not to start on the project until 24 years later.

The materials for these walls came from pebbles found lying on the beaches and local flint, due to the shortage of building stone in the area. The construction of square towers was out of the question, (except for one tower built for King Henry), as this would have involved using stone for the corners, and so the rest of the towers were built round.



Great Yarmouth's Walls

The walls were 23 feet high and 2200 yards long and enclosed an area of 133 acres. It seems likely that King Henry's Tower in St. Nicholas Churchyard was the first tower built and that wall, broken by no fewer than eight gates, was continued in a southerly direction as far as Black Friars Tower, and at this point it turned through a right angle to the river bank. Between Blackfriars Tower and the river the principal entrance to the town, the South Gate, was erected.



The South Gate

The coming of the Black death in 1349, caused work on the wall to be stopped, but its effect had passed off, and work began again. This time the walls were extended from King Henry's Tower across the northern boundary of the churchyard and across the road leading to Caister. Here another main entrance to the town, the imposing North Gate, was erected, and there is reason for believing that its two lofty square towers and central portal were built at the expense of those who had become rich bury the dead during the plague.



The North Gate

The walls then extended to the River Bure and terminated with the Northwest Tower. When the wall was finished a moat was dug all around it and Yarmouth was as strongly a fortified town as one would expect to meet in the Middle Ages.

As the town was developing quite rapidly, some townsfolk decided to build up against the town wall, due to the shelter that they provided, and in 1545 the Duke of Norfolk, instructed by Henry VIII, ordered the immediate destruction of these dwellings, as they compromised the defences of the town and looked an eyesore.

The rumour of a Spanish Armada spread, and Elizabeth (the current monarch) was so convinced of the importance of a fortified Yarmouth that she compelled Norfolk, Suffolk, and Norfolk to pay large sums of money towards the repair of the walls, whilst she herself despatched supplies of gunpowder and arms. Several cannon were strategically placed on a mound of earth higher than the wall itself, which was raised to the West of the South Gate, from this position the river could be commanded.

Once peace was declared, Charles I ordered an inspection to be made of the defences in 1625, and to his astonishment found that the walls were in a very bad state. He then

asked for the walls to be strengthened once again, with an additional thirty cannon.

When the civil war began the town declared for parliament and those suspected of royalist activities were locked in the towers. The town gates were kept locked, drawbridges were raised, the moats deepened and a watch kept from the walls.

The defences were being manned, however, for the last time, and when the war was over they were allowed to fall into decay - this time forever.



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January 1413

- **Concerning all herring brought to town by fishermen who are strangers, the host may have [*i.e. buy*] two parts and the community the third part (for the same price that the host buys each of his parts).**
- **The host may have half of all herring brought by English fishermen not of the town, and the community the other half at the same price.**
- **Fishermen of the town must sell half their herring to the community.**
- **No-one is to buy herring and take it to his house before the town wardens have seen it and obtained the community's half.**
- **The committee selects as wardens [of the herring trade]: Henry Spitlyng, John Ellingham, Thomas Eye, John Norton, William Oudolf, Thomas Adams, Thomas Halle, and Richard Roberd. They are to be replaced annually [through election?] by the community. They are to have 4d. per last for their fee.**
- **The bailiffs, 24, and the wardens shall be sworn each year to uphold these statutes.**

[These articles were copied from a document issued by bailiffs and community on 25 January 1413, in which they agreed to accept a set of ordinances made by a 10-burgess committee they had appointed for that purpose – apparently a settlement of concerns over local merchants having too much control over the herring trade. By this period, the fishery was much less productive than it had been a century earlier; the scarcity and price of herring had increased, making it more important to the lesser townsmen that they had access to this high-protein food without the interference of middlemen.]

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CHAPTER 5

Professionalism in Administration

Career Administrators

Precisely how much expertise we can distinguish in the upper levels of urban government, when most of its members remained at best part-time administrators, is questionable. Yet there were a few men who, either by inclination or by training, devoted a greater part of their time than most to a broad range of administrative activities, so that we might be warranted to conclude that they built careers from administrative work. The employment of estate administrators, the use of attornies, the development of credit, and the formation of syndicates, all contributed to allowing the wealthier townsmen to diversify their interests, which they could control from a central point without the need for constant travelling. If Pirenne's itinerant-chapman-as-*proto-burgess* was ever a prominent feature of medieval society, by the later Middle Ages he was an anachronism. The same developments drew townsmen into new relationships, and new lines of work open to the capable amateur. We have already made mention of townsmen who engaged in estate administration or legal work in their local courts, as a sideline.^[55] Careers in administration or high finance may not have developed in England as quickly and to the same degree of specialisation as on the continent, but we are not bound to follow Thrupp in thinking that "young men of ambition who did not care for trade" had little alternative other than a life on the land.^[56]

In fact, there were various alternatives. Of legal work, a role in the Church, and service to magnates, we have already given some indication. But certainly the largest lodestone around which the interest of townsmen polarized was royal service. Some of this was relatively informal, like the *ad hoc* commissions appointing taxation officials, purveyors, or "king's merchants"; these were essentially only extensions of the mercantile activity normally engaged in.^[57] Yet the royal administration network was a hydra, the numerous more permanent officials the heads on tentacular necks stretching back to the central organs of government. Omniverous, almost cancerous, its infiltration of borough administration is not immediately obvious. Only as an after-thought do we realise that the coroners and constables who appear, at first glance, integral parts of the urban administrative hierarchy were employed by the king; or that the town [bailiffs](#) were, strictly speaking, royal officers, required to take an oath of allegiance to the king, a technicality not diminished by the fact that the burgesses leased the right to choose the holders of those offices. Thus, on top of their local duties presiding over court and assembly, the bailiffs (and indeed any executive) were required to perform a variety of less regular but not infrequent tasks for the king.^[58]

One branch of the royal service was the military, although burgesses - who were on the whole no lovers of war - were rarely active therein, except when they needed to earn pardons for their crimes. However, John Perbroun's best-known role is as admiral of the northern fleet in 1322, 1323, 1327, and 1333, and he captained the Yarmouth contingent at Sluys. Besides being bailiff of Yarmouth 14 times between 1312 and 1340, Perbroun was in the customs service from 1330 to 1341, and on several judicial commissions. His services earned him the rewards of the grant of a royal ship in 1325 and £100 in 1333, yet his story ends on a sour note, with the posthumous seizure of his lands (1343) consequent to debts owed the Exchequer from his accounts as customer.[59] Another Yarmouth man, John Hakon, spent most of the period 1369-77 as master of a royal ship, and afterwards became involved in borough administration (3 times bailiff and 6 times M.P. 1382-96), although he continued to perform mariner's services: transporting pilgrims abroad in 1394 and organising naval expeditions for east coast defence in 1386 and 1398. In 1391 he had been rewarded, at the request of the Duke of Lancaster, with the grant of 6d. a day from Yarmouth customs. It comes as no surprise to find that his residence was adjacent to Yarmouth's harbour.[60] Like Hakon, Ralph Ramsey was a Yarmouth servant of the Lancastrians: esquire to Henry Bolingbroke, he was co-feoffee with Sir Simon Burley in a Herefordshire manor in 1388. After the termination of his esquire's duties he became involved in Yarmouth administration (5 times bailiff, 8 times M.P., and several customs posts between 1384 and 1399), but played an active role in the usurpation of Bolingbroke and was well-rewarded in 1399/1400 with a £40 annuity, a life-grant of St. Olave's ferry (near Yarmouth), and 2 tuns of wine annually. The accession of Henry IV was a boost to his career. Even before 1399 he had occasionally served as commissioner and in 1388 was farming the priory of Toftes (Norfolk) from the crown; after 1399 he was commissioner far more frequently, was appointed in 1406 to supervise expenditure on the crossing of princess Philippa to Denmark, sat in parliament for Suffolk in 1402, was county sheriff in 1403/4 and 1408/9, and in 1415 led his own retinue to fight in France.[61]

Saul has distinguished among the Yarmouth burgesses "a small group of men on whom the king relied heavily and who served him in several capacities over many years,"[62] and similar groups may be discovered in Lynn, Ipswich, and Colchester. Just over 50 of our men from these four towns performed services for the king, or for other magnates and prelates, over and above the occasional commission or standard posts in the customs network. We shall not review here the careers of Thomas de Melcheburn and John de Wesenham, some of whose services to the king have already been listed, although a whole chapter could be devoted to their great services to Edward III.[63] Some of the stewards of Lynn were chosen by the Bishop from Lynn men, whilst others appear to have settled in Lynn as a consequence of holding the stewardship. Richard de Rougham was steward 1358-61, and in 1361/2 a John Reed, son of Richard Reed de Rougham, was clerk to the steward. This John was subsequently steward himself (1370/1), by which time he had married the daughter of [alderman](#) William de Bitering; he entered the franchise 1371, was [chamberlain](#) and [jurat](#) later in the decade, and possibly the Norfolk escheator of that name c.1380.[64] Thomas Derham, legal advisor to Lynn 1400-19 and its M.P. in 1406, served as steward in 1406/7 and was on dozens of commissions in Lynn, Norfolk, and Suffolk in and after the same period; a William de

Derham, alias Cailly, had been bailiff to the steward 1367-76 and also served as jurat (1376-82), coroner (1380/1), and custodian of the Lynn Tolbooth (1377-80), whilst a Robert Cailly was appointed steward of Lynn in 1384, having held the stewardship of other of the Bishop's manors since 1380, and may conceivably be the Robert de Derham who was chamberlain for Lynn in 1350/1.[65] William de Whetacre, M.P. and jurat of Lynn in 1325, was the Bishop's steward 1326-28 and 1329-31, was in the customs service 1309-35 (in one or other of the posts of collector of wool custom, collector of prisage, and searcher for coin), and was keeper of the king's part of the Tolbooth 1333-40.[66] In the fifteenth century we find members of the Yelverton and Paston families in the steward's office.

A few men followed a legal career into royal service. The Nicholas Fastolf who was M.P. for Yarmouth in 1309, 1313, and 1316 is likely - although the large size of the family makes it difficult to be certain - the man who was commissioned in 1320 to investigate offences against the statutes of the wool trade in Norfolk and Suffolk, and who was subsequently Chief Justice of Ireland (1324-29) and justice/commissioner in several counties 1329-30.[67] The John Arnold who was frequently bailiff, M.P., and coroner of Ipswich between 1388-99, as well as customer 1396-99 and [farmer](#) of the subsidy and alnage of cloth in Suffolk for 10 years from 1398 (his mainpernors being James Andrew of Ipswich and Thomas Godestone of Colchester), may tentatively be identified with the sergeant-at-arms/commissioner active in Ipswich, Yarmouth, East Anglia, and Ireland 1400-04.[68] James Andrew, several times M.P. for Ipswich 1410-21 and portman by 1429, also served sporadically in the customs service (1404-05, 1416-17) and held several commissions. But he was principally an attorney, employed on various occasions by Lynn, Yarmouth, and Colchester to represent their interests at the Exchequer; James was well-qualified to do so, having been a clerk of the King's Remembrancer c.1398.[69] Attorney Hugh Fen, member of a Yarmouth family with something of a tradition of service, played a small part of that tradition in Yarmouth, where found as [capital pledge](#) in 1448/9 and M.P. in 1450; he also held the post of escheator in Norfolk/Suffolk 1456-57 and several commissions in Norfolk and Yarmouth 1457-71. But his main interests were in London, for he was a clerk of the Exchequer by 1444, and rose through a variety of posts to become Under-Treasurer of England by 1463, his influence at court being much relied on by the Pastons and their friends in the 1450s and '60s.[70]

A legal background was not, however, a pre-requisite to employment by the king, nor was it necessary to specialise in work in the royal administration. With a few select examples we may illustrate the broad range of administrative duties with which it was possible to occupy the time of men so inclined. John de Brunham has already been described in this study as one of the most powerful Lynn rulers: jurat from 1357-1412, he also, in roughly the same period, held the office of chamberlain 3 times, that of [mayor](#) 5 times, and represented his borough at 6 parliaments and the Council of 1385. In addition, he served in the [Merchant Guild](#) as alderman from 1398-c.1406, was appointed constable of the Lynn staple in 1373, held the office of coroner 1376-79, and was on a dozen occasions commissioner of the peace, of array, or of enquiry.[71] His contemporary Edmund Belleyeter presents a similar case. The former apprentice of Brunham, Edmund succeeded his master as alderman in 1406, holding that office until at least 1411; he had served as [scabin](#) of the gild in 1373/4. Jurat between 1370

and 1413, he was also chamberlain 3 times, mayor 3 times, M.P. twice, and coroner briefly in 1390 (a role cut short by his election as mayor). He held a series of customs posts: deputy butler 1382-96, mayor of the Lynn staple 1396-97, collector of customs and tannage and poundage 1401, and collector of the wool subsidy in 1404. He too was several times a commissioner.[72] Much the same involvement is exemplified, in the next generation, by Thomas de Burgh, jurat 1424-68, chamberlain and mayor once each only, but M.P. 6 times and alderman 1448-57. In addition he was treasurer of Corpus Christi gild in 1427/8 and master of that gild in 1441/2. He served as controller of customs from 1445 to 1447, held various commissions, and was selected by the king to act as his ambassador to Bruges in 1435. [73]

John de Preston of Ipswich has already been described by one eminent historian as a career politician.[74] Rising to power as one of the leaders of the movement which overthrew the Stace/Le Rente clique, he held the (at that time) key office of chamberlain in 1322/3, was coroner the next year, bailiff the year after that, and continued on to 11 more ballivalties and 14 more years as coroner between 1336 and 1356. In the same period he represented Ipswich in parliament some 9 times and was a merchant representative for Suffolk in July 1338; in 1340 he was even appointed to a parliamentary committee to draw up a statute based on petitions of the clergy. He held three different customs posts, at various times between 1323 and 1351, a handful of commissions, and in 1327/8 is found in the unlikely post of constable of Norwich castle.[75]

Particularly notable at Colchester are the Godestone brothers. Thomas, whose commercial activities we have already seen to be slight,[76] entered into the mainstream of borough administration within a year of taking up his [franchise](#) (1397), a migrant from Surrey. He gave long service to his adoptive borough, being 13 times bailiff, 13 times M.P., and frequently an alderman between 1398 and 1430. He is also found as master of St. Helen's gild, which he had helped to found (1407), in 1429. His service to his king was no less arduous. The beginnings of this are obscure, for we first see him as customs collector at Ipswich in 1396 (a post held until 1399 and again in 1401), yet in the same year he and John Bernard, the Ipswich bailiff, were granted the farm of the alien priory of Greenwich and Lewisham, as a reward for long service to the king; possibly his service is recorded under some alternate surname to Godestone. In 1399 Thomas was granted, with William Godeman, three years farm of the alnage of cloth in Essex and Hertfordshire. But his service was not restricted to the local area, for in 1397 he was granted for life the offices of high bailiff of Guiennes (Picardy) and victualler of its castle, being superseded in the latter c.1413, however; he also served as commissioner of inquisition in that province in 1397 and 1399. Although his work in the customs service was cut short by an investigation (1402) that convicted him of [concealing £249 in customs](#) - largely on the exports of his brother John - and he was implicated, in 1404, in the uprising of the Countess of Oxford aimed at restoring Richard II (believed alive in Scotland), this did not prevent the king from granting Thomas the farm of escheated land in Colchester and of its derelict Middle Mill, which Thomas renovated. He is found again as commissioner, in 1417, 1419, 1423, and 1430.[77] Landed interests may have been the most stable source of Thomas' income, but in the first half of his life administrative work

supplemented his income, and in the latter half commerce. His brother John Godestone entered the franchise in 1432 as a consequence of the deaths of Thomas and his son John (probably the M.P. of 1425), making John senior the heir to Thomas' property. Although John senior served as an alderman at Colchester 1434-36, his career lay mainly in the customs service at Ipswich, where he held posts between 1410 and 1437; he was also escheator of Essex and Hertfordshire 1415-16.[78]

From Yarmouth we will take two examples: Thomas de Drayton and Hugh Fastolf. Saul was unwilling to categorize Drayton as a full-time administrator, preferring to see him primarily as a ship-owner involved in foreign trade and the herring industry.[79] His considerable commercial activities are undeniable, but he nonetheless exhibits the same degree of commitment to administration as the men whose careers have been summarized above; this involvement was, for the most part, a natural extension of his mercantile activities. Eight times bailiff and 4 times M.P. 1332-57, he also attended the Merchant Assemblies of 1340 and 1347, and the Council of 1353; he was murager in 1338/9 and possibly until 1341. Thomas was in the customs service for almost the whole period between 1334 and 1359 as collector, controller, or searcher, is described as a "king's merchant" in 1338, was purveying fish for the king in 1348 and for the Black Prince in Gascony in 1356, and is found on several commissions of enquiry. In addition he was part of the Melcheburn syndicate farming national customs in the 1340s, but had the fortune or good sense to extricate himself before its collapse. From 1335 he and John Perbroun had farmed the Yarmouth wool custom for £390 annually and, like Perbroun, he was occasionally appointed admiral or vice-admiral of the northern fleet (1338, 1343, 1352).[80]

Hugh Fastolf's administrative work began in 1351 - and this is the earliest reference we have to him - in the office of controller of customs, held until 1354; Hugh returned to the customs service as collector, 1361-67, and became mayor of the Yarmouth staple in 1369. He too served in the navy, as vice-admiral of the northern fleet in 1362, 1370, and 1381, and he formed his own retinue to serve at sea in the war against France. Naval appointments such as those of Fastolf, Drayton, and Perbroun need not surprise us, given the largely amateur status of the navy and the role of shipping in Yarmouth's history. Hugh's numerous commissions were supplemented by a more permanent appointment as bailiff of the hundreds of Blythe and Waynford, an office in which he is found between 1363 and 1377, and by his deputising for Simon Burley in 1385-86 as constable of Dover castle and warden of the Cinque Ports - an ironical role, given the traditional hostility between the Ports and Yarmouth. His commissions, in Yarmouth, East Anglia, London, and Kent, involved him in such duties as:

- investigation of smuggling and other commercial offences;
- enquiry into disturbances at Lynn (a borough which courted his favour with periodic gifts of wine);
- examination of the Earl of Suffolk's property transactions;
- the imprisonment of mariners; and
- arranging construction, at Colchester, of a barge for the king;

These were all tasks to which Hugh's knowledge and experience were well-suited. His services were rewarded with grants of the farm of the alien priory of Panfield and Welles in

1373, and the lordship of Lowestoft manor and the hundred of Lothingland (again, traditional rivals of Yarmouth) in 1386. On top of this he had responsibilities in his borough: 10 times bailiff and 6 times M.P. 1354-77. Subsequently sheriff of Norfolk in 1389/90 and knight of that shire in the parliament of November 1390, by this time he had switched his base of operations from Yarmouth to London, where he also became involved in civic administration, in the 1380s, as sheriff and alderman. Not surprisingly, with such heavy involvement in public affairs he made a few enemies. Internal rivalries in Yarmouth resulted in his having to be pardoned for a homicide in 1355, fleeing town in 1359 to avoid arrest for assaulting Stephen de Stalham (bailiff in the previous and subsequent years), and being summoned before the Council to answer accusations touching his conduct in the borough political struggles of 1376. His deputy bailiff of Blythe was attacked in 1373, and in the same year his property at Caister was broken into and 280 sheep carried off, whilst in the turmoil of the Peasants' Revolt his property in East Anglia was invaded and his own life threatened when a mob broke into his London residence.[81]

It will be apparent even from these few examples that the branch of the royal service which attracted the greatest burgess participation, perhaps for no other reason than that it was most easily within their reach, was the customs service and its adjunct, the staple organisation. In fact 26% of our Yarmouth office-holders were active in one of these two areas. So too 16% of our Lynn office-holders and 29% of those at Ipswich; compare this to only 4% of the office-holders at Colchester, which was not a customs centre, whilst only one of our Maldon men was involved, and that briefly.[82] Length of involvement varied considerably; of the 218 of our men from Lynn, Ipswich, Colchester, and Yarmouth who held one or more posts in either of the aforementioned areas:

- 18% were involved for only a year or less,
- 42% for 1-5 years,
- 22% for 5-10 years,
- 10% for 10-15 years,
- 6% for 15-20 years,
- and 2% for more than 20 years.

Two of the members of this last group we have already presented as examples of men with broad administrative involvements: William de Whetacre and Thomas de Drayton. The others are: John Keepe of Lynn, briefly wool customer (1388-89) but principally tronager and pesager from 1374 until his death in 1406, a man otherwise with only average commitments in borough government; John de Acle of Yarmouth, also not heavily committed in borough government, but holding a series of customs posts beginning with that of controller, 1310-31; and Colchester's John Kymberley, who (1401-32) was deputy butler at Yarmouth and held several other customs posts at Ipswich, besides being one of the more prominent participants in Colchester's government in the same period.[83] Most of our burgesses in the customs service held the standard posts of collectors, controllers, and searchers, but a few were more eminent, such as "king's sergeant" Nicholas Shirlok of Ipswich who was granted the office of alnager of cloth throughout England for life in 1327,[84] and the already-mentioned John de Wesenham (King's Butler) and Thomas de Melcheburn (mayor of the Bruges staple, and national searcher of ships).

There is a marked slackening in the participation of burgesses in the customs service in the fifteenth century, which is not easy to explain. The royal prohibition of merchants being customers cannot be accredited with any serious influence. Nor is there any clear sign that the illicit profits from customs work were any less or that Exchequer vigilance for frauds was any more potent. Perhaps it is a case of other elements, notably the gentry, growing increasingly aware of the career potential of the customs service, or adopting that service into the network of patronage as was the case with parliamentary representation. They might have out-competed burgesses in a bid for customs offices. But we do not know a great deal about how customs officials were actually selected. What we usually see is their appointment by royal writ, but this can have been only the final step of the procedure; we can hardly believe that the Treasurer picked names out of a hat (although stranger things have happened, such as in the selection of sheriffs). It is reasonable to assume that, when the farming of customs became fashionable, the would-be farmers approached the king with a proposition. Otherwise we might expect the king to seek at least nominations from the local communities; this was the case in 1341, when the king required each customs centre to send to Westminster a group of nominees from whom he would select officers.^[85] Since such evidence of a local role in selection was rare in Yarmouth, Saul concluded that use of this role was only occasional experimentation and that royal initiative was predominant in the choice of customs officers.^[86]

Evidence of local involvement is not common anywhere, but the cumulative evidence from our several towns nonetheless outweighs the unambiguous evidence for direct royal appointment. In 1282 the king instructed the sheriff of Norfolk and Suffolk to go to Yarmouth, Ipswich, and Dunwich and arrange the local election of collectors of New Custom. In 1339 the bailiffs and men of Yarmouth were ordered to elect a controller to replace the deceased Thomas Stace. At Lynn in 1340 John de Swerdestone and [Adam de Walsoken](#) were elected collectors of the wool custom by the mayor and burgesses, as specified by the king. When Ipswich customer Roger le Mayster died in 1284 his family, in the presence of the other collector Vivian fitz Silvester, surrendered Roger's part of the coket seal to the bailiffs, who elected a replacement. And again, in 1339, it is specifically stated that the appointment of John Irp as Ipswich controller was subsequent to his election by the bailiffs and townsmen. Even the Colchester authorities thought it worthwhile recording, in one of their volumes of memoranda (manuals of administration), that part of the statute of Cambridge (1388) ordering that any who were given the responsibility of electing J.P.s, sheriffs, escheators, customers, controllers, or other royal officers, were to swear not to be influenced by gift or favouritism to pursue office for themselves or others.^[87] This same system is seen in other branches of royal service: Thomas de Melcheburn was appointed as mayor of the Bruges staple, pursuant to his election by the merchant staplers, and borough coroners too were elected by their communities.^[88] The role of the king in appointments of customers (or coroners) was threefold:

- to decide when a customs post had to be filled, as for example when Thomas le Rente resigned from the post of collector of the New Custom in 1319 on the grounds that he was too busy to fulfill his duties, and to instruct the appropriate borough accordingly;^[89]

- to confirm (or veto) the appointment; and
- to take the oath of office of the elected man, by attorney (viz. the Exchequer, the Chief Justice, or the escheators), as in the case of Peter de Clippesby when elected tronier at Yarmouth.[90]

The use of local elections was not a matter of democratic principles, it was a question of efficiency and of having suitable persons chosen. Local election need not always have been the selection method, nor is there any need to assume the king pursued a consistent selection policy. The mid-fourteenth century farming syndicates were empowered to choose their own collectors and, being men from local communities themselves, appear to have made direct appointments in many cases, or sometimes retained existing holders of office. Outsiders may have by-passed local communities to seek posts directly from the king; this may have been the prevalent practice in the fifteenth century - but this is hypothesis, we do not honestly know.

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CHAPTER 6

The Quality of Government

The Practice: Crimes of Violence

The unlawful behaviour of men whose principal concern in life was the pursuit of profit is not restricted to crimes of cupidity, however. Quick to anger - and perhaps quick to forget (if not forgive) - medieval townsmen inhabited environments that bred violence, both on private and public levels. The relative instability of social and political relationships in the town has been put forward to explain the high incidence of homicides perpetrated by the urban upper class, [\[92\]](#) and crowd psychology partly explains the eruptibility of the burgesses *en masse* against rival forces. Many of the latter type of incident occur in the first half of the fourteenth century, when East Anglian boroughs were, on the whole, at the peak of their prosperity and local patriotism was most keenly felt. Some were clearly organised excursions against local landlords with whom there was a jurisdictional rivalry.[\[93\]](#) Others were not so obviously under conscious control. The seizure of Robert de Monthalt by the Lynn burgesses in 1313 has some appearance of mob proceedings, but the concessions he was coerced into agreeing to were carefully drawn up, and the list of those guilty is headed by the mayor and town clerk. The [attack by citizens on Norwich's cathedral-priory](#) in 1272 may have degenerated into uncontrolled plundering and violence, resulting later in a number of citizens being hung; but, in its early stages, it was likely directed by the city rulers who appear among the accused. Regarding the attack on Bishop Despenser in 1377, the leading burgesses of Lynn, fully aware of what was liable to happen, made a point of excusing themselves beforehand from any complicity.[\[94\]](#)

It is the Yarmouth burgesses, markedly more than those of our other towns, who provide examples of group aggression. In their pleas for financial relief from the crown, they described Yarmouth as a frontier town,[\[95\]](#) and certainly frontier lawlessness prevailed there at times. Periodically, small armies of burgesses would sally out into the surrounding countryside with some malicious intent. In 1314 pardons were issued to 314 townsmen accused of having: ridden "with banner displayed" in Suffolk; taken and imprisoned men until they made ransome; perpetrated homicides, arsons, and other breaches of the peace; and sold weapons and victuals to the king's enemies.[\[96\]](#) The king refused to include in the pardons piracy or smuggling. At the former the seafaring men of Yarmouth were, naturally, rather adept. The king was prepared to overlook piracy when conducted against enemies of the realm - although the sailors of Yarmouth discriminated against no nationality - or when raids produced Scottish hostages. But it could prove politically embarrassing to him to have his subjects attack those

of his allies.[97] Yarmouth is of course well-known for its rivalry with the Cinque Ports; a rivalry that at times, particularly when the king's attention was elsewhere engaged, erupted into virtual civil war, with battles at sea or raids on the town of the rival side.[98] And during the interludes in this hostility, Yarmouth could always direct its aggression against the closer rivals of Gorleston, Lowestoft, and Norwich. Piracy, we may note, was a two-way affair, with Yarmouth mariners being on the receiving as well as the giving end. In 1307 William de Goseford was among the townsmen charged with abducting ships that had tried to unload merchandise at Little Yarmouth and Gorleston (to the prejudice of Great Yarmouth's tolls); in 1317, 1328, and 1340 his ships were involved in piratic acts, and in 1337 he was permitted to keep a Flemish ship he had captured. But in 1333 we find him complaining of the seizure of one of his ships at Bremerhaven. Robert de Gimingham is also found complaining of the loss of his ship to Flemish pirates in 1317, just a few months before he was charged with attacking a ship off the Sussex coast and carrying off its wine cargo.[99]

The more serious cases of personal violence often appear to be connected with political rivalries or inter-family disputes. In all, 23 of our office-holders participated in homicides, and 9 themselves met death by foul play, whilst 2 died in prison accused of manslaughter. Lynn jurat John atte Lathe's complicity in the murder of John Toth, at the instigation of the latter's wife, daughter of Geoffrey Tolbooth, seems a calculated act. We may read vendetta into the murder of Lynn's Robert de Waltone in 1316, by several members of the Lomb family, some of whom had already been imprisoned and subsequently pardoned (1316) for the death of William de Waltone (father of Robert).[100] Yarmouth in particular was a hotbed of family rivalries, probably with a political foundation - we have already noted the unusual prominence of a limited number of long-lasting families there. A bitter feud in the late thirteenth century produced, among other crimes, the death of John de Drayton at the hands of William Gerberge junior, who took refuge in a Cambridge friary and obtained a pardon in January 1302, only to meet his own end later in the year at the hands of members of the Drayton, Goseford, and Fastolf families; in 1303 we hear of the killing of another Drayton, by persons unknown. In a fresh outbreak of family hostility in 1359, the Draytons and Fastolfs led an attack on Stephen de Stalham.[101]

At Ipswich we see a not dissimilar situation: violence in the context of power-struggles between established cliques and the *nouveaux riches*. The families in control of the borough government at the end of the thirteenth century provided a legacy of violence for their up-and-coming rivals. John Clement, Hugh Leu, and Philip Harneys had taken part in a mob killing in 1263; Nicholas le Clerk and Thomas le Rente in another in 1283. John Leu had found his way into the Tower, crime unknown, in 1285. Thomas le Rente and Thomas Stace, during their period of power *tempore* Edward II, led groups of burgesses in violent excursions against local estates; prominent in these groups were their allies: the Roberts, le Fevres, Maisters, Malyns, and Goldings. In 1289 Gilbert Robert was imprisoned for assaulting John Costyn armed with daggers.[102] The reformers were no more restrained when they fought for power in 1321: one of Thomas Stace's sons was killed and Thomas le Rente's house was plundered and his wife and servants assaulted.[103] But the men who came to power after the fall of Stace and le Rente soon developed new alignments and fell out among themselves. Geoffrey Costyn, one of the reform leaders, sued reformer John Baude in 1331 for building a windmill

to the damage of his neighbouring tenement, and forced the demolition of the mill. In 1338 John's son Roger murdered Costyn in what was claimed to have been a drunken brawl. In the previous year Roger had mortally wounded the wife of William Malyn senior, who is found prosecuting Roger for an unspecified transgression in 1336.[104]

John de Halteby, the principal leader of the Ipswich reform movement, was also one of our worst offenders. Despite occasional forays into the realm of crime, none of our men seem to deserve the title 'villain' so much as Halteby. He and his father were participants in the raids led by his subsequent enemies in 1312 and 1315. In 1317 he, with Geoffrey Stace and others, assaulted Thomas de Veer's miller at Bramford and intimidated de Veer's tenants so that they dared not grind their corn there. Again he led an attack, in 1318, on the estate of minor Thomas de Shaldeford at Rivenhall (Essex), probably at the instigation of a relative of Shaldeford, and carried off young Thomas and much of his property.[105] In the events which led to the supplanting of [bailiffs](#) Stace and le Rente, John de Halteby seems to have been the prime mover; his name consistently heads the lists of those accused of rebellious activity, and of plundering le Rente's residence. Indeed, so prominent was he in affairs at this time that he was known in the local countryside as "the King of Ipswich". There is strong suspicion that he was acting in this as *agent provocateur* of Hugh Despenser junior and that the despoliation of le Rente's messuage was, under guise of political hostilities, really related to the large debt (£200+) in which le Rente was held to Despenser.[106] This connection would help explain why he was, in 1330, accused by the Archbishop of York of having tried to procure the latter's involvement in the misguided conspiracy of the Earl of Kent to rescue Edward II. It probably also explains how he came to be in the office of undersheriff of Suffolk, and his lieutenant John de Preston in that of constable of Norwich castle, posts from which they were removed in March 1328 when accused of the death of the parson of Bramford. And again it makes sense of the general pardon Halteby took out in April 1327.[107] The pardon was, of course, a political safeguard, not a prelude to behavioural reform. In 1336 he was accused of breaking into the estate of the archdeacon of Suffolk at Debenham, and carrying off goods therefrom. In the 1340s he is found fraternising again with Geoffrey Stace, son of his former enemy, who by now had married the widow of Geoffrey Costyn and had already spent a bout in Marshalsea for failing to pay the £250 damages awarded against him when convicted of kidnapping (c.1328-30). In March 1343 Halteby and Stace were summoned to Chancery to receive the king's instructions (i.e. a royal reprimand). In February 1344 they took out general pardons, covering the reigns of Edwards II and III, and in July they were accorded a royal protection against enemies who threatened them for prosecuting certain business before the Suffolk justices; this probably related to the [Malyn smuggling ring](#), since Halteby and Stace had acted as king's commissioners in arresting Malyn's lands and chattels in that year.[108] Halteby had made himself so obnoxious to his fellow townsmen by his thuggery that, when he was murdered in the summer of 1344 by Malyn and associates, a large proportion of the burgesses "*quam de maioribus quam de mediocribus et minoribus*" rejoicingly condoned the crime, provided supplies for the conspirators who had taken sanctuary, and so disrupted the royal investigation that the guilty parties could not be brought to justice, with the result that the king was obliged to seize town government into his own hands.[109]

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CHAPTER 3

The Monopolisation of Office

Power and Dynasty

Although it can therefore be argued that a genuine elite existed at the top of the borough political hierarchy - certainly by the close, and perhaps throughout, the later Middle Ages - it must be remembered that this elite was not entirely independent of the lower ranks of government, since it was recruited from those lower ranks. It can also be demonstrated that there was some degree of mobility within the lower ranks. Furthermore, we cannot describe the elite as a [patriciate](#) in the sense of power being monopolised by families and passed down from one generation to the next.[\[34\]](#) The majority of office-holders were not followed into office by sons, grandsons, or other heirs, and there was certainly no impairment of electoral rights by sons replacing fathers who died in office; Lynn's [Merchant Guild](#) legislated against such an occurrence,[\[35\]](#) but the possibility does not even seem to have been considered elsewhere. When John de Cavendish died in the office of Lynn [chamberlain](#) in 1348/9, his place was taken by John de Manegrene, who happened to be Cavendish's executor;[\[36\]](#) but this was an exceptional circumstance and, besides, we do not know that Manegrene was not duly elected as replacement. The co-optation of John Wesenham junior into the ranks of Lynn's [jurats](#) in 1435 was probably strongly influenced by the fact that his father, who had just died, had previously been jurat, [alderman](#), and [mayor](#), and the unwarrantedly swift promotions of John Style and John Waryn into that upper council may also owe something to heredity; but such moves were not popular and Wesenham at least did not remain a jurat for more than a few months.[\[37\]](#) Individual character and capability were more important considerations than family when men were elected to office; yet it is likely that one whose progenitors were of known and respectable reputation would be accredited with the same respectability, in the absence of proof to the contrary. General family prosperity also was a boon to its younger members, in their political aspirations; yet the other side of this coin is that family prosperity relied on the establishment and maintenance of wealth by individual members, and so could not substitute indefinitely for ability.[\[38\]](#)

It is not difficult to find examples of families which were active in borough government over a lengthy period; but these are nonetheless a small minority. In Norwich the Butt family provided officials between 1260 and 1475, but few others could come close to rivalling this longevity, and one would be hard-pressed to argue for family monopolisation of office in Norwich. At Colchester there were several atte Fordes in office 1312-1467, but the surname is

not an uncommon one and we cannot be sure that all these men were related. Very few other families there extend beyond two generations in office, although the Bosse family ran to at least four generations covering the fourteenth and early fifteenth centuries. At Ipswich we can point to the prominence of the Starlyngs from the mid-fourteenth to the early fifteenth century, but most examples are from an earlier period. The [fitz Norman/Beaumes](#) we have already documented. So too the [Leu family](#), which produced office-holders up until the end of the fourteenth century; but they are more notable for their wealth in lands and merchandise than for political prominence - only Richard Leu was much involved in local government (1292-1322). The Golding/Mayden family is also much in evidence in the second half of the thirteenth and early fourteenth centuries, when quite wealthy;^[39] but members showed little interest in politics, although William Golding was a portman in 1309 and John Golding coroner 1381-87 (however, by this time the surname appears little in borough records). The Maister family could trace its ancestry back to a portman of 1200, John le Maister; Roger le Maister, the third richest burgess in 1283, was bailiff 1279/80 and evidently a ship-owning merchant dealing in grain, malt, wine, and stone; his sons Thomas (who likewise had a part-share in a ship) and John were also bailiffs at the end of the thirteenth century. It was probably a different John le Maister, a nephew of Roger, who was coroner 1324-28 and who held lands in Great and Little Wenham, Halstead, Sprouton, and Stoke. The Thomas le Maister who was several times bailiff 1356-65 was a grandson of the earlier Thomas, and also a ship-owner, grain-merchant, and local land-owner. The next generation was represented by cloth-merchant William le Maister (several offices 1372-99).^[40] Although members of the family are found in Ipswich in the fifteenth century, none aspired to office.

At Lynn we find a large number of families remaining in government for three or more generations. However, one must normally beware of assuming family relationships from surname evidence alone. The several Massinghams in office 1292-1349 may belong to two or three unrelated families, and there is no evidence to link the Wesenhams of the early fifteenth century with the financier of the mid-fourteenth; nor can we prove that the Thomas de Botkesham who was mayor in 1433/4 was descended from the family that supplied several mayors and jurats in the second half of the fourteenth century. [Braunch](#), on the other hand, is a sufficiently uncommon surname in Lynn to imply relationship between the three merchants who held office at times between 1304 and 1364. The Drewe family appears in Lynn at the end of the reign of Henry III and perhaps finds its roots in a servant of John Chaucer, one Dreu, who was nonetheless a member of the Merchant Guild. Geoffrey Drewe was mayor in 1305/6, and his (probable) sons Geoffrey junior and Thomas were, respectively, alderman (c.1349-56) and mayor (on three occasions between 1345 and 1368); each in turn produced a son who entered borough government. All five were among the wealthiest merchants of the town.^[41] Five members of the Ryghtwys family were jurats 1342-71, but only one occupied the mayoralty. The Swerdestone family was more powerful. It first appears in the person of wealthy wool-merchant Alan de Swerdestone, who held only the post of chamberlain. His sons Thomas and John were both jurats and the latter 7 times mayor and 7 times M.P. 1323-47, as well as alderman 1340-49; John was one of the great wool-merchants of the town and also exported large quantities of grain and ale. His sons John junior and Nicholas became jurats a few years after John senior's death, but never acquired as much power as their father. John senior married a daughter to his trading partner Hugh de Betele, mayor 1342/3, whose

brother was a jurat and whose son also rose to the mayoralty (1382/3).[42] The fifteenth century saw far fewer families of longevity, although the Nicholassons and Thoresbys each ran to at least three generations in power; the same is the case in our other towns.

Of the six towns studied, only Yarmouth shows clear evidence of a small number of families dominating borough government, in terms of the provision of personnel.[43] Between 1270 and 1460 44% of the bailiffs belonged to one or other of 18 of Yarmouth's wealthiest dynasties. About half of the ballivalties of the period before 1350 fell to members of a dozen or so of these families. In the second half of the century a slightly different group of families of the same size held two-thirds of the ballivalties. Only in the fifteenth century did this situation change, both in terms of the number of families and the proportion of offices they held (one-third); and in this period the substitution of two chamberlains for two of the bailiffs also served to increase the variety amongst the names of office-holders. A few families were particularly long-lasting: the Draytons, Elys', and Fastolfs each produced a dozen officials spanning all three of these periods. The Elys family was in fact an offshoot of the Fordele family, deriving from Elias de Fordele, whose son Robert Elys de Fordele has already been mentioned;[44] taken together, the Elys/Fordeles provided 12% of Yarmouth's bailiffs between 1270 and 1460.

The evidence from our towns seems sufficient to permit the general conclusion that the families prominent in borough administration in the fourteenth century had mostly disappeared by the time of Henry VI, which reign is marked by an influx of new surnames. It is difficult to find clear-cut causes for this; there seems no reason, for example, to explain it at Lynn as the outcome of internal power-struggles in the reign of Henry V. It may be sufficient to put it down to natural attrition and migration, for the process was gradual, not a sudden, cataclysmic disappearance. What then of the other basis for periodization, the Black Death? One might expect that here would be a case of cataclysm. But again it is not easy to demonstrate such a proposition. The huge increases in will registrations 1348-50 that the student encounters in Lynn's Red Register, Colchester's Red Parchment Book, or the court rolls of Yarmouth and Ipswich, are grounds enough for suspicion; after all, wills were drawn up primarily by the wealthier townsmen. Among the list of the dead there are names already mentioned in this study: Thomas le Coteler, Thomas de Dedham, Anselm de Fordele, Laurence de Fordham, Thomas Leu, Thomas de Melcheburn, John de Ratlesden, John de Swerdestone, Adam de Walsoken. Lynn's Betele family suffered the loss of Hugh de Betele, his wife Margery de Swerdestone, Hugh's brothers Henry and Richard, and Henry's son Robert. Between them, the epidemics of 1349 and 1361 are known to have carried off 53 of the office-holders who fall under the scope of this study from Yarmouth, Colchester, Ipswich, and Lynn; more than two dozen others, who leave no wills or other documentation of death-date, disappear from the records after these times. Of personnel actually in office 1348/9, Colchester lost only its town clerk, Yarmouth lost one bailiff and possibly two, Ipswich a bailiff and the town clerk, Lynn its mayor, its alderman, its town clerk, and two or possibly three of the chamberlains. Obviously such a quantity of deaths - the plague particularly felling the elder members of the community, from whom upper administrative ranks were largely formed - provided openings, but not a wholesale change of ruling personnel. Plague survivors remained in government, junior members of established families filled some of the gaps, while

others were filled by new men - both immigrants and members of local families not prominent previously (e.g. the Ipswich Starlyngs). Not even in Yarmouth did the plague break the grip on government - insofar as there was any firm grip - of the leading families, but it certainly gave an artificial boost to the natural process of attrition.[45]

By this 'process' is meant a series of factors that influenced the survival of urban families. That they rarely lasted for more than two or three generations has been attributed largely to the failure of male heirs,[46] from the accidents of fertility and mortality; but this is neither a completely adequate nor a completely accurate explanation for the fact that established families could not by themselves maintain the size of the ruling class, so that immigration was essential. The spectre of infant mortality in the Middle Ages is undeniable. Margery Kempe claimed to have had 14 children, although only one appears to have been alive in her old age, and he had moved out of Lynn.[47] She, at least, had the fortune to be of a compatible age with her husband; that many husbands or wives lost their spouses and subsequently remarried suggests that often there may have been an age difference between marriage partners that limited the period of fertility.[48] Thrupp's analysis of Londoners has indicated that the average number of male heirs who survived their fathers' deaths and their own attainment of majority was rarely better than 1; to which Platt has added that the fourteenth century epidemics may have played a particular role here, with children prominent among its victims. [49] However, the practice in fifteenth century Ipswich of recording the names of the children of freeman entrants notwithstanding,[50] children do not feature very much in medieval records, with the exception of wills, and it is disputed whether wills are an accurate indicator of male heirs. The automatic inheritance of patrimony by the chief heir may mean that one (sometimes the only) son is not mentioned in his parent's will; for it was not always the case that even adult sons were among the executors. Furthermore, wills survive for only a minority of the men studied here. It is therefore impossible to ascertain with any precision the ratio of adult sons to fathers.[51] Of the 843 office-holders from Lynn, Ipswich, and Colchester, only 295 are known to have had one or more adult male heirs of direct descent. On the other hand, only 31 are definitely known not to have had any.

What is important for our purposes is that, of the 295, only 91 had sons who followed them into borough government in any capacity. This is evidently not just a case of survival, and it is notable that, in each of the three towns, the proportion of men who had sons in government to the total of men known to have sons is about the same (roughly 30%). We have already dealt with the tendency for a few families, particularly sons of borough officials, to desert urban in favour of gentry society. Yarmouth bailiff Henry Rose had 5 sons, none of whom followed him into office, for they seem to have moved out to their father's country estates.[52] Others may have moved abroad, like Margery Kempe's son,[53] or to other English towns. A few sons became clerics; Tanner's analysis of Norwich wills showed that about half mentioned children and that 10% of the sons mentioned were clerics.[54] Of the office-holders from Lynn, Ipswich, Colchester, and Yarmouth, 22 are known to have had sons who were clerics; this group had 44 (known) sons in total, 23 of whom joined the clergy, while only 5 entered borough government. It will be noted that in the majority of cases these clerics were not the only sons of the family; Margery Kempe's attempt to persuade her apparently sole surviving

son to become a monk is not likely to have been typical, especially given her own extreme religiosity.[55] The number of clerical sons is surely underrated, for we rarely hear of them outside the context of wills; we would not, for example, have known that Joseph Elianore had a son, had he not founded a chantry and appointed his son its chaplain.[56] Omitted from the list of 22 office-holders with clerical sons is the Fastolf family of Yarmouth. Here is one family that was prolific in its production of male heirs and that maintained its influence in the borough throughout the fourteenth century, despite the departure of several branches to country estates or other towns. We know of several members who had only female heirs, or no heirs at all, and several others who entered the clergy: two were monks at St. Benet of Holme, another had a living at Gaymerston; two were Cambridge graduates, one (the brother of a Chief Justice of Ireland) becoming a king's clerk and holding several notable positions; one became Bishop of St. David's.[57]

It seems likely that there would have been enough male heirs to maintain the size of the ruling class from established families, had all those heirs been inclined so to follow in their fathers' footsteps. But we are unreasonable to expect them to, for there was no compulsion upon them, and they were faced with a variety of choices of careers: legal or administrative work for the king, a life in the church, the role as country squire, or concentration on trade activities in their home town or elsewhere. Indeed, compared to these options, service in borough administration should hardly be considered a career (in terms of its direct rewards) at all - it was more of a sideline. The competing attractions, together with the deaths of sons before their time or the failure of some men to produce sons at all, combine to explain why there was plenty of room for new men in the ranks of government. We need not emphasise any one of these factors to the exclusion of the others.

Yet there is a further factor, not so readily apparent. The 'failure of male heirs' theory is partly founded on an inability to trace dynasties beyond more than a few generations. In some cases, however, it is possible to discover that dynasties do continue, but are simply not as conspicuous as once they were. We have noted that fortunes, political and financial, were founded on individual abilities rather than family traits; it does not follow that all sons should surpass or even equal the achievements of their fathers. For example, of three generations of Henry le Rotouns in Ipswich, the father and grandson both held the ballivalty, but the son does not figure in local government, nor do son or grandson evidence the ship-owning and mercantile activity of the first Henry.[58] Gilbert Robert served Ipswich in various official capacities between 1291 and 1328 in addition to occupying several posts in the customs service (1323-27); he was one of Ipswich's three great wool-merchants of 1322 and according to the 1327 subsidy the second richest burgess, holding lands in Bentley, Gosbeck, Whitton, Thurleston, and Stoke. He married a daughter of John Harneys senior - possibly his second wife - and left three, or perhaps four, sons (probably all adults). Yet no subsequent member of the family held office in the borough. Possibly some of the sons left town. One, Richard, son-in-law of Thomas le Rente, was [disfranchised](#) in the course of the political conflicts of 1323; his line remained in Ipswich but its decline is seen in that his son Gilbert was merely a clerk to Henry Brikoun (bailiff 1340/1), a later member of the family was a sailor, and not until the early fifteenth century do we find again a merchant in the family.[59]

There are a various reasons why the fortunes of individual families fluctuated. Wealth built up by successful men of business was not always passed on to the principal heir, who sometimes was left only with patrimony while property and goods acquired during the testator's life were divided amongst other heirs, or became entangled in disputes often the consequence of the widow re-marrying; bequests to religious and charitable purposes could occasionally be very large too. Simon Mate, the third generation of a line of Colchester bailiffs, died c.1439 leaving as his heir a daughter; but her inheritance of real estate was mortgaged by the widow to pay Simon's debts and bequests, and the mortgagee forged deeds to defraud and disinherit the daughter, who died penniless in prison.[60] Even when the heir inherited a firm foundation of wealth on which to build, it did not follow that he was inclined to or capable of building. Of the two known sons of Colchester bailiff Roger le Belch, one engaged in piracy but later settled down to legitimate commercial pursuits, although he and his own son predeceased Roger, victims of the plague; Roger's second son sold quitclaims to his late father's property to finance his gambling.[61] In a legal battle over custody of a propertied but lunatic relative (the widow of Edmund de Beeston), former Lynn chamberlain Philip Wyth[62] was described in 1382 by his opponents as

an evil man and needy, having foolishly wasted the goods which were his, so that he is become overwhelmed in poverty and debts to many men and goes about any means of gaining goods, caring not how or from whom so long as he gets them.[63]

The historian must of course be wary of such statements, yet this one seems to have some foundation, judging from other evidence as to Philip's financial difficulties. He had, at the time of the legal battle, a heavy financial commitment in the £112 he had contracted to pay the king annually for the farm of Lynn petty customs; and in 1391 he persuaded his father, who was retired, to reduce the rent that Philip paid him for various properties. Philip was allowed no role in local government after losing the custody case, and in 1385 was imprisoned for unspecified trespasses and disobediences, resisting arrest, and bending the town sergent's mace. His sole surviving son became a cleric, and his daughter married a London man and was subsequently defrauded of her inheritance by Philip's widow.[64]

As in the case of Philip Wyth and Richard Robert, political or other misdemeanours could end the careers of prominent families in their towns. Lynn's powerful Swerdestone dynasty ended with the disappearance of John junior about the time of the recurrence of the plague in 1361, and the disfranchisement and social excommunication of his brother Nicholas "*sine aliqua gracia reconciliacionis imposterum*" in 1380 for intriguing to obtain sacramental rites for St. Nicholas' chapel; the family is not heard of again. Jurat Walter de Dunton was similarly punished as an accomplice of Swerdestone; although reconciled in 1386, he was not permitted back into the council and his son never held more than a minor bureaucratic post.[65] John James and John Sudbury, former Ipswich office-holders, were disfranchised together in 1459, for breaking town ordinances and their freeman's oaths; we have no further specification, although both had been in various troubles in recent years, including James having been accused of minor embezzlement when chamberlain (1447/8) and Sudbury being ordered arrested and brought before the King's Council in 1453 (although he became coroner at

Ipswich later that year).[66] The former appeared no more in the records, the latter only in death; neither's descendants had any role in borough government. Adam de Brandeston, once M.P. and deputy butler in Ipswich, was outlawed for felony about the time of his death (c.1362) and his lands escheated,[67] after which the surname is not seen in the town records.

More often, however, personal fortunes were subject to the dangers of commerce: loss of merchandise through storms at sea, piracy, or confiscation by foreign governments, unprofitable ventures, or simply bad management. Ipswich bailiff Thomas Andrew mercer left no long will; it was necessary only to state that all his goods and chattels should be sold to pay his debts.[68] At Lynn the Merchant Gild allotted £30 annually to alms for members who had fallen into poverty, and even ran a crude insurance scheme. Edmund de Fransham, mayor 1374/5, was one recipient of such alms in 1386, his career possibly damaged by his participation in the violent [attack on Bishop Despenser](#) in 1377. Merchant and jurat William de Snoryng was another; he survived the Black Death only to be ruined by £100 damages awarded against him in a suit brought by Sir John de Gannok. A third was draper Philip de Staunford, chamberlain and jurat in the 1380s, who in 1396 was pardoned for failing to appear in suits of debt, totalling £43.6.8d, brought by various parties; he is not seen again until 1411, when receiving alms.[69] Grain-merchant Thomas Bubbe (jurat 1372-80) lost goods worth £73.6.8d in the general seizure of English merchandise in Prussia in 1385; in the following year the Merchant Gild paid out £20 to aid his release from debtor's prison, but too late to save his life.[70] James atte Brigge, twice chamberlain, does not appear in borough government after 1412 (despite his election as jurat in 1411) in which year he lost one shipment of merchandise to pirates and another to the raging sea.[71]

The above were all individual misfortunes. At Yarmouth we see how the general economic environment damaged the ranks of the ruling families. At various times in the fifteenth century the king granted aid to the townsmen, in the shape of reduction of the [fee farm](#) and grants of money towards building a new, navigable port. This was the consequence of repeated complaints (1378, 1397, 1409, 1442, 1463, 1471, 1502) that the town's commerce had declined considerably from its level in the early fourteenth century, so that the financial obligations of the community could not be met, and some of the more substantial burgesses had left or were threatening to leave - even going so far as to pull down their houses to rebuild elsewhere - with the result that Yarmouth was considerably weakened as a coastal defence. [72] In the post-medieval period the decline was said to have begun with the Black Death, but in fact the plague had only worsened the situation, for the first plea for assistance was made in 1347. This petition blamed the French war - long periods of arrest and impressment of the ships of local merchants in peak trading seasons, and the losses of ships in royal service - and inclement weather for the depletion of its mercantile fleet.[73] Only a small portion of the once-proud fleet that proved itself at Sluys remained seaworthy, while other ships lay damaged on the beach, their owners too poor to repair them, it was claimed. Several named merchants, impoverished, had left town, including former bailiff Richard de Walsham, who had lost his ship and £200 in merchandise. Others of the the formerly leading townsmen were now much reduced in means, including members of the office-holding families of Child, Rose, and Catfield. John Perbroun, arguably the major figure in Yarmouth history in the first half of

the fourteenth century, lost one of his ships in royal service; of his three sons, one entered the church, one was among those listed in 1347 as impoverished, and the third is seen only in the act of selling his father's property.[74]

At Lynn the commercial opportunities of purveying and victualling royal forces were a factor in the rise of financiers John de Wesenham and Thomas de Melcheburn, but at Yarmouth these 'benefits' of the war were outweighed by the loss of shipping on which that town was more dependent. Yet even great wealth was no guarantee of the establishment of a powerful urban dynasty. Melcheburn's son Peter inherited his father's wealth but lived only three years longer than his father. Wesenham's son Hugh married into a Midlands gentry family and was himself knighted.[75] Neither family is found in borough government in the second half of the fourteenth century. Lynn merchant-mayors John de Burghard (d.1339) and [Adam de Walsoken](#) (d.1349) both left substantial property in Lynn, but the latter had only a daughter to inherit, whilst of the former's three sons one became a cleric, one had died by 1352, and of the third we hear nothing.[76] Available evidence suggests it to hold true for all towns studied here, with the possible exception of Yarmouth, that, as Martin concluded regarding Ipswich, "it seems to have been rare for a son to succeed his father in his interests in the town." [77]

On the other hand, whilst Power's declaration that, in mid-fourteenth century conditions, "great men rose like meteors and, like meteors, disappeared into the night" [78] may hold true for men like Melcheburn and Wesenham, for most leading townsmen such a conclusion could only be the result of inadequate records or insufficient research. Old soldiers never die, they only fade away. Lynn jurat William Brycham left four adult sons, but they show no signs of their father's administrative and mercantile activities and, indeed, are barely visible in the records at all.[79] John de Couteshale was five times mayor of Lynn, frequently jurat 1342-71, grain-merchant and ship-owner, and personally owned much of the Jews Lane ward of which he was constable. His son Thomas inherited some of this property and also rose to the mayoralty, although he shows no signs of commercial activities; of Thomas' sons, one disappears entirely and another was a skinner who played no role in Lynn's administration. [80] John Pod, sometime bailiff, son of bailiff Alexander Pod, and veteran of Colchester's council (1398-1437) was one of the more prominent merchants of the town, dealing in a variety of goods. His son John junior, although tolerably wealthy, held no borough office and described himself in his will as a weaver; there is no sign that he added at all to the property left him by his father.[81] Thomas Stace, one of the most powerful of Ipswich's rulers,[82] was the son of a humble tailor and is known to have had 5 sons of his own. Of these: John was murdered in 1321 in the course of the political struggles focusing around his father; Thomas junior moved to Yarmouth (sitting as M.P. for that town in 1332) and his branch of the family gradually severed its ties with Ipswich and sank into relative obscurity in its new home; Henry disappears from the records; Nicholas remained in Ipswich and himself produced sons, but this branch was only of moderate means; Geoffrey served as bailiff and M.P. (but on nowhere near the scale of his father), spent more of his time getting into mischief and debt than trying to restore the family's fortunes, and left no known heirs.[83]

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INTRODUCTION

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Quality of Government | Conflict and Solidarity in Urban Politics

CONCLUSION

CHAPTER 6

The Quality of Government

The Practice: Sins of Avarice

The most common source of illegal profits was the customs system. Of our men who served as customs officials, 18 were caught embezzling customs money or taking bribes to ignore smuggling, whilst 26 of our office-holders (again, many customs personnel) were involved in smuggling. It is highly likely that smuggling was far more widespread than our records show, due to the inefficiency of the detection system, given the large amount of coast-line it had to cover, and that the crimes of customs officials were mostly disguised by falsified accounts and collaboration between the various departments of the local headquarters. Bribery was undetectable except when an informer came forward: in 1408 Yarmouth collector Geoffrey Pampyng was accused by Peter Savage of smuggling out 5000 woolpells, embezzling £15 in customs paid by two Dutchmen, and taking bribes from members of the Spitlyng family to turn a blind eye to their smuggling activities; Geoffrey had been trading partner of John Spitlyng in 1404, when John was a customer, and in which year John was caught smuggling wool. That Savage's motives in informing may not have been public-spirited is suggested by the fact that he took over the customs post from which Pampyng was dismissed.^[67] In 1396 Yarmouth customers Hugh atte Fen and Thomas Grimesby complained to the Exchequer that their controller had been: countenancing smuggling; embezzling customs money; absenting himself from office, so that merchants had been able to bring goods through the port without paying custom; and extorting additional imposts. All this had been done in their absence and without their consent, they added. The complainants seem unaware that the scandalous affair is an indictment of their own negligence, for it was their job - not the controller's - to be present to collect customs money.^[68] Again, William Elys, another Yarmouth collector, and his clerk William Savage were accused by two Lowestoft enemies of extorting money, under the guise of customs, on separate occasions from Prussian and Scottish merchants whose ships had been forced by storms to harbour at Yarmouth. The accusers laid their charges from prison, where sent (to prevent them testifying, they claimed) by Elys' partner George Felbrigge on a questionable charge of having tried to ambush Elys en route to London. Despite Elys' defence, some of which was proved true by later investigation, he was impeached before the Good Parliament of 1376 and spent a few months in the Tower. It is hard to determine where truth lay in this case. His conviction owes something to the political attack of that parliament on customs farmer Richard Lyons, whose deputy Elys was; whilst his release and pardon similarly were largely the result of John of Gaunt's cancellation of the acts of the Good Parliament. On the other hand, Morey at least believed that the major attention given to relatively minor crimes may have been because Elys was suspected of graver, but

unprovable, offences.[69] In 1382 Elys complained that an East Anglian contingent of the Peasants' Revolt had broken into his houses and carried off the money he had collected as customer, as well as private possessions; this may have been true, but it could also have been a very convenient excuse for embezzlement. It did not, however, prevent the posthumous seizure of his goods in the following year, on the grounds that he had not rendered account as customer.[70]

Money collected as customs was potentially useful capital that might be invested in private commercial ventures and repaid from the profits; delays in accounting may well be explained by such practices.[71] The often large amounts of money passing through customers' hands must have been a great temptation, and the competition for the [farm](#) of national or local customs indicates that collecting was considered a very profitable activity. Farms offered sometimes exceeded the annual yield of customs, suggesting that amounts answered for to the Exchequer were only a portion of the true yield; the advantage of farming was that one had a relatively free hand to extort what one could from merchants.[72] For all who operated the customs system, farmers or not, it seems likely that the opportunities for illicit profit were one of the major attractions of the service. General investigations into customs collection, nationwide in the 1340s, 1365, and 1402, and at Yarmouth in 1357, as well as the parliamentary complaint of 1449, suggest that popular opinion held the customs service to be rotten to the core, and that "avarice was widely viewed as the worst defect of local government." [73] Even if local appointees were, due to conflict of interests, responsible for more of the graft and corruption in the customs collection than were officials selected from outsiders, as Morey thought, the latter raised the spectre of absenteeism. Caught between devil and deep blue sea, the king chose (at least during the fourteenth century) to forgive corruption and re-appoint offending ministers to the same or different posts in his service.[74]

The somewhat belated insistence on personal attendance, and the prohibition of ship-owners from holding customs posts (1390), had an effect as yet uncharted but not obviously great.[75] Conflict of interests was inevitably endemic in the customs service: wool merchants or growers sought posts as collectors of the wool custom, vintners as deputy butlers; borough officials could not be relied upon to keep a check on the honesty of the customers, since the personnel of both groups was much the same, or the former were merchants who profited from the corruption and inefficiency in the customs network, or were themselves profiting from confiscated goods, which the king sometimes had trouble retrieving from them.[76] Obstructionism and bureaucratic red tape conspired to confound judicial investigations. Robert Pynne, searcher of ships at Yarmouth in 1440, was accused by the controller there of failing to record most of the forfeits of one arrested cargo, since he intended to keep the goods for his own profit. In 1447/8 he and kinsman John Pynne were charged with complicity in a wool-smuggling operation, and Robert was also said to have used his position as [bailiff](#) to obstruct the commission of enquiry.[77]

The Godestones of Colchester were also tied up in various activities of dubious legality. John Godestone and John Rous, collectors of customs and subsidies in 1410/11, were also partners in the wine trade in the same year, and were otherwise heavily involved in wool export. John

Godestone had taken advantage of his brother Thomas holding the customer's post at Ipswich, in 1397/8, to export 5 shipments of wool through the port, the customs on which went, not into the record, but into Thomas' pocket. In 1421, John was again subject to investigations regarding customs frauds, over a period of years. Thomas' concealments, not only on his brother's wool, but on that of others, were discovered in 1402 and he was convicted of having profited to the sum of £249. His controller, John Bernard, who had business associations with both Godestones, was convicted of complicity, and of having received £120 in customs money. John Arnold, co-customer of Thomas Godestone (who also mainperned for Arnold's farm of the Suffolk cloth subsidy in 1398) was convicted in the amount of £155. Arnold was fined less heavily than the other two, however, in consideration of his having informed on them; in fact, it was he, as king's serjeant-at-arms, who was ordered to arrest Bernard in 1401, who loaned Bernard the money to repay the Exchequer, and then had to sue him for the debt in 1403.[78] Rous, Arnold, and Bernard were among the more prominent Ipswich rulers in the reigns of Richard II and Henry IV, and Thomas Godestone was heavily involved in Colchester's administration.

At Yarmouth John Perbroun and William Elys were among the foremost of the burgesses, both in terms of political position and of wealth, and both died owing large amounts of customs money to the king from their terms as collectors.[79] Those two great financiers from Lynn, Thomas de Melcheburn and John de Wesenham, inevitably made the odd *faux pas* in their lengthy service careers. In 1333 Melcheburn was charged with trying to evade the wool-tax. Purveyor of wool himself in 1337, he was accused four years later, by various Norfolk men, of having taken more wool than his instructions had permitted. In 1342 he was pardoned a fine for "oppressions" committed in various roles of purveyor, customer, commissioner, and vice-admiral. Shortly after his death, all his lands were seized by the king for debts of farmer of customs Walter Chiriton, for whom Thomas had stood pledge.[80] Wesenham was convicted of smuggling victuals to the Scottish foe in 1337, only shortly after his release from the Tower for unspecified felonies. In 1340 he was charged with piracy, in 1342 with contempt of the king's court. And in 1352, a year after his appointment as changer of the king's moneys in London, he was pardoned his impeachment for importing false coin, using false wool-weights, and smuggling wool; in 1364 he was ordered arrested as mainpernor for the king's minters, who had got into hot water.[81]

From Ipswich we may select the example of a smuggling ring that apparently encompassed several leading families. In 1347 John Cobat cleared the way towards a lengthy career in borough administration by purchasing his release from Marshalsea, where he had been imprisoned from uncertain date for: smuggling wool out of Ipswich, bribing the king's officers not to search a ship departing from Orwell, and being involved in a smuggling plot hatched at the house of William Malyn.[82] This last charge refers to a case of 1344, whereby William Malyn junior, probably the wealthiest Ipswich man of his generation, was convicted of detention of the king's wool and money, wool-smuggling, and trading with the king's enemies. [83] Also apparently associated was William Kenebroke, town clerk (in the 1320s) turned bailiff (1341/2), whose abrupt disappearance from the office of coroner in October 1344 signals his commitment to prison on the charge of embezzling wool he had been commissioned (with Malyn?) to receive for the king; within two years he was dead, as far as

we know still imprisoned.[84] Malyn was more fortunate, taking his ship into royal service to win a pardon which, despite his desertion, he achieved in 1346 by paying a fine of 300 marks. By this time he could add to his crimes the murder of John de Halteby (1344), leader of the reformers in the 1320s and very probably the man who informed on Malyn's smuggling ring. Several other members of the Malyn family, as well as Kenebroke's wife and quite likely Kenebroke himself, were involved in the killing.[85]

Embezzlement of borough revenue was far less common. The complaint of financial maladministration was the foundation of the Colchester reforms of 1372, but it is not clear whether the bailiffs were accused of dipping into community funds for private purposes, or simply of authorizing borough expenditure without common consent.[86] The Ipswich reformers of 1320 were more explicit in charges laid against Thomas Stace and Thomas le Rente (not named but obviously intended) and their clique: market abuses of [forestalling](#), [hostage](#), and brokerage; receiving fines and [amercelements](#) privately, in order to keep the money out of the communal treasury; and charging exorbitantly for application of the ballival/ community seal. Le Rente's not inconsiderable wealth was built up not only by commercial enterprise, but by the disinclination to repay debts already noted above, and by embezzlement of customs money - he was convicted of £333 in 1322. In 1316 a German merchant complained to parliament that le Rente, Stace, and others had bought a cargo of fish from him, value £156, in the previous year but, to avoid payment, had him imprisoned on a trumped-up charge.[87] Another example of embezzlement charges comes from Yarmouth. It received its first grant of murage in 1261, yet foreign merchants complained in the following year that although murage was being collected they could see no wall-building. Again in 1279 there was complaint that the Yarmouth officials were applying murage to private ends rather than construction on the walls, with the result that the king appointed external auditors of the murage accounts; a record of 1285, however, suggests that the officials had been cleared of the charge.[88] At Colchester in 1357 a sub-collector of borough tolls was convicted of pocketing a percentage of his weekly collections.[89] At Lynn we find examples of abuse of tax-collection: in 1412 the collectors were accused of embezzling tax revenues over a four-year period, and in the 1357/8 tax the assessors are almost all markedly under-assessed. No wonder that it became common practice for a separate committee to be appointed to assess the principal assessors.[90] However, no great attempts to reform the system, to eliminate embezzlement, were made, beyond the introduction of [chamberlains](#) to handle revenues (or at least supervise the executives' handling of them) and, at Ipswich, the warning that any chamberlain caught embezzling would be fined 4d. for every 1d. concealed (1429).[91]

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[[MAIN MENU](#)]

Yarmouth by-laws

1272

[Resisting justice](#)

[Breaking the peace](#)

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[Assault](#)

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1300

[Burgess' share in merchandize](#)

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[Advance payment for shares](#)

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[Sale of fish](#)

[Payment for merchandize](#)

Capitula listed under the year 1272 were extracted from a royal charter of 1285, which itself was an exemplification of a charter of Henry III giving his approval to ordinances drawn up in October 1272. Although the 18th century antiquarian Swinden described this document as the town's custumal, it is really only a set of provisions made, in response to a period of [internal troubles](#), by "burgesses and community" in order to re-establish peace within the town. The character of the ordinances is suggestive of the types of problems that had been occurring.

Capitula listed under the year 1300 were copied from the "Golden Book" copy of a document issued by bailiffs and community on 4 July of that year. Their purpose seems to have been to exert greater control over [hosting](#), a system liable to abuse, and the [herring trade](#) in the context of the ongoing contest with the [Cinque Ports](#) in that regard.

In addition to the ordinances already mentioned, a series of customs from an older volume, written in French, was in 1491 copied into the Book of Oaths and Ordinances in an English translation made by the Steward of Yarmouth (an officer who provided legal counsel to the borough, much like the Recorder in other boroughs). The customs were of two types: generalized legal procedures based on national statutes, with examples from local court cases; customs that appear to have originated locally. This appears to have been a preface to the updating of local by-laws, embodied in a fresh set passed in that same year. All these appear here under the year 1491, subdivided as "customs" and "ordinances". Note the degree of detailed specification in the 1491 ordinances, as compared to those of the thirteenth and fourteenth centuries.

In all cases, I have supplied the capitula titles.

Fish-houses

1386

Town council

1413

Regulation of the herring trade

1491 - customs (TO COME)

Preamble

1491 - ordinances

Preamble

Presence at elections

Electoral procedures

Frequency of holding ballival office

Duties of the bailiffs

Chamberlains

Murage collection

Chamberlains' reward

Bailiffs' reward

Payment of customs duties

Refusal to pay customs

Deceit to avoid paying customs

Water-bailiff

Gaoler and sergeants

Audit of accounts

Admission fee for new burgesses

Admission by patrimony

No actions in external courts

Writ of error

Absence from an inquest

Aliens not to be hosts

Failure to attend council meetings

Shares in herring

Forestalling herring at sea

Duties of herring wardens

Renting of fish-houses to strangers

Replacement of members of the 24

Investigation of illegal fishing

Shares in merchandize

Shares in coal and salt

Weights and measures

Inquest into offenses against the ordinances

Bailiffs deficient in upholding the ordinances

Publication of the ordinances

*[According to the copy of a document (letters patent) that is undated, but can with some confidence be dated to August or September of 1386, the burgesses and community, pursuant to the [ordinances of 1272](#), chose to hold office from Michaelmas 1386 to Michaelmas 1387 24 men to support the bailiffs: Ralph Ramseye, Nicholas Drayton, John Hakon, John Elys, William Oxneye, Hugh atte Fen, Robert atte Gappe, John Rollesby, John Halle, Peter Beneyt, John de Beketon, Roger Adam, Robert Howlyn, Simon Geryng, Oliver Spicer, Thomas Bateman, Bartholomew Drayton, Laurence Stevens, Thomas Marche, Warin Lucas, Adam Heyron, John Beverle, Alexander Fastolf and Roger de Drayton] **Who are sworn to uphold and perform the said ordinances and to make other ordinances (the which the burgesses and community pledge to respect) for the profit or improvement of the community and the protection of the [liberties](#). If any of the 24 shall die within the year of office, or be removed for any cause, the remainder of the 24 shall choose a replacement. The 24 shall also choose the town officers and also [24 other wise men](#) to view merchandize according to the terms of the [ordinances](#).***

[The purpose of this document seems not to record the election of the 24 jurats of the town council – for a list of the [jurats of 1385/86](#) is so similar as to throw question on the idea of an annually elected council – so much as to introduce (or confirm) life membership, co-optation, the power of the council to elect other officers, and perhaps the increase in numbers of the supervisors of sales of arrested merchandize.]

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CHAPTER 2

The Social and Economic Background of Office-holders

Gentrification

There were clearly many avenues to advancement and it is difficult to view the urban upper class as a closed caste. A further socio-economic trend to be considered is the defection of leading burgesses into the ranks of the gentry. In fact this was a two-way movement, with junior members of knightly or armigerous county families taking an interest in towns and trade. George (later Sir George) Felbrigg, of a junior branch of the Norfolk family, farmed Yarmouth and Ipswich petty customs 1362-99. At Yarmouth he was the friend and trading partner of William Elys, his fellow farmer; at Ipswich he had associations with Richard de Martlesham, deputy customer there and his father-in-law, as well as with probable relative John Felbrigg mercer, later coroner and M.P.[153] Lynn mayor Thomas Curson was a member of the Norfolk family that provided a county sheriff in the reign of Richard II; as such, he had interests in manors in Norfolk and Hertfordshire. The Arnulph de Mounteney who was [bailiff](#) of Colchester(1319/20) was probably a son of the knight of the same name who held lands in Norfolk, Suffolk, Essex and Hertfordshire, and who granted some in Gyng Mountnessing, to Arnulph junior in 1321; after which time the latter appears no more in Colchester. Veteran Colchester M.P. John de Ratlesden, possibly a member of the family holding estates on the Suffolk and Essex borders, was married to Margery de Mounteney. Thomas Astley esq., the Ipswich bailiff, inherited several Norfolk manors from his father, the knight of the same name, and acquired property interests in Colchester by his marriage to the widow of Andrew Beche.[154] Thomas Wetherby, the central figure in the [party conflicts](#) that brought Norwich to its knees in the 1430s and '40s, was probably another of these men.[155] He became a [freeman](#) there in 1416 but was already using the city as a base for mercantile activities in 1413 when he bought property at Cringleford. In the same year he is seen as the holder of Hellesdon manor and was a participant in the election of county M.P.s. His brother was established as squire of Wicklewood, but also later became a freeman of Norwich. By 1440 Thomas was lord of the manors of Welborne, Brondale, and Intwood and held land at Swerdestone. He had associations with Sir Thomas Tuddenham, John Heydon, and John Jenney (whose father-in-law he was), won the patronage of the Duke of Norfolk and the Earl of Suffolk, and was an executor of Bishop Wakeryng of Norwich. At the end of his life he retired into quarters in Carrow priory, and was buried in Norwich's Augustinian friary - a choice more typical of gentry than [burgesses](#). [156]

More numerous than the gentry-become-townsmen were the burgesses who fraternised with the gentry. In some cases it was a question of the mercantile skills of townsmen being put to use by gentry. Ipswich's Richard Felawe, who himself held lands in both Norfolk and Suffolk at the time of his death (1483) and whose daughter married into the Fastolf family, was the agent in this respect for Sir John Howard the future Duke of Norfolk. Simon Pygot, one of Lynn's foremost merchants c.1440-60, similarly acted as the exporting agent of the Earl of Suffolk. Lynn mayor Henry Thorisby merchant, holder of lands at Ashwicken and feoffee to use for Norfolk esquires, produced as his offspring: Robert Thorisby, who entered the franchise as "gentleman" (1457) and who was trading partner of Simon Pygot; and Thomas Thorisby, who entered the franchise as merchant (1474), kept several sheep-farms in the vicinity of Lynn, held lands in Northamptonshire (possibly once of Henry Thorisby) and was creditor and executor of Lord Rivers.[157] In other cases the links arose out of marriage arrangements. Yarmouth bailiff Roger Gavel married the daughter of Walter de Cain and in 1321 purchased from him the lordship of Kirby-Cane; his heirs put aside their Yarmouth interests, which can be traced back through several generations, to concentrate on building up their county holdings. John Perbroun, merchant, fisherman, admiral, and bailiff of Yarmouth, married his daughter to Sir John le Gros of Sloley. The marriages of Elias fitz John and Thomas de Dedham of Colchester to the widows, respectively, of Henry de Merk and John de Daniswelle brought them county lands and a passport into county society, whilst Thomas Godestone's wife brought to her marriage the manors of Ramsey and East Newland. Robert Toppes, mayor of Norwich, acquired a manor at Great Melton, of which his son subsequently became the lord; his daughter was married first to merchant William Fen of Yarmouth, who held lands at Worstead, and later to Thomas Lovell esq. of Barton Bendish.[158]

But most commonly gentry associations were the consequences of the acquisition of land in the county, although it might be misleading to claim that achievement of the former was the purpose of the latter. We should interpret the building-up of estates, both within and without the towns, as a sensible investment by men who sought a steady source of income to guard against the vicissitudes of mercantile ventures. Investment of trade-acquired wealth in land was a practice stretching back as far as surviving records will show us. The dual interests of the fitz Norman/Beaumes family of Ipswich has already been [mentioned](#). Richard Leu, of a family equally ancient there, was an executor of Bishop Salmon of Norwich in 1325, married one of his daughters to Sir John de Castone, and held ¼ knight's fee in Rushmere, ¼ knight's fee in Parva Bresete, and lands near a dozen other local vills, some once of his father Hugh. Richard's lands were sufficient to qualify him for knighthood, a burden he resisted initially but unsuccessfully. Philip Harneys, the second wealthiest man in Ipswich in 1283, also held several ½ knight's fees and other lands, both in Suffolk and Essex, at a slightly later period. [159] At Yarmouth particularly, the limited real estate available within the borough and the instabilities of trade encouraged investment in external estates.[160] Ralph Ramsey, frequently bailiff and M.P. of Yarmouth, where he had mercantile interests, built his career on his role as esquire to Henry Bolingbroke and other services to him when Henry IV. He held lands in Suffolk and Norfolk and was sheriff of the same in 1403 and 1408. He has more of the gentleman than the townsman about him. The same could be said of Hugh Fastolf who, besides his considerable trading activities, held lands at some twenty locations in Norfolk and Suffolk totalling over 1000 acres.[161] Indeed, the Fastolf family as a whole, whose earliest

manifestations are in Yarmouth at the beginning of the reign of Edward I, by the mid-fifteenth century had undergone a quite prodigious expansion, with branches urban and rural throughout East Anglia, at Caister, Oulton, Gapton, Nacton, Okewell, Ipswich, and London. The family had produced numerous esquires, several knights including the famous Sir John Fastolf, and a few high-ranking churchmen; its marriage alliances had brought contacts with gentry families such as the Parks, Tibetots, Felbrigges, and Holebrokes.

Since the men who occupied the highest rank in borough government shared the attribute of being among the wealthiest of the burgesses, it is not surprising that many are found to have sunk capital into property. Of the 1142 office-holders investigated in Lynn, Ipswich, Colchester and Yarmouth, 204 are known to have made substantial investments, 54 of them in real estate within their towns, 124 in lands within the local neighbourhood of the town, 71 in lands further afield.[162] Five of them were knighted, 20 were esquires, 13 were known as gentlemen, 6 as yeomen, most of these titles being found in the late fourteenth and fifteenth centuries. Few of these men came from Lynn, where trade remained a more dominant interest than in our other towns. Although in 1434, when all the Norfolk notables were required to take a special oath to uphold the peace, listed together with the knights and esquires of the county are a large proportion of the Lynn and Yarmouth ruling classes.[163] The effect of investment in land, intentional or no, was to draw away leading townsmen - or, more often, their heirs - from the towns into the countryside. John de Preston and his son Robert were among the most prominent Ipswich leaders from 1324 to 1375; but Robert's son John, inheriting lands acquired by his father in Barking, Bramford, Tattingstone, Darmsden, Needham Market, Codenham, and Willisham, abandoned the town to become a country squire and died fighting on the losing side at Shrewsbury (1403). Having inherited his father's manors of Whatefield and Ramsholt, Thomas Denys junior showed no inclination to follow Thomas senior into service in Ipswich's government.[164] This movement was simply part of the upwards trend of migration and, as such, contributed to creating openings for new men in the ranks of the urban upper class. On the other hand, the intermixing of interests of gentry and wealthy townsmen acted as a further wedge driven into the increasing gap between the urban rulers and ruled.

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CHAPTER 2

The Social and Economic Background of Office-holders

Origins of the Ruling Class

Perhaps it is an invalid issue to try and distinguish mercantile and landed interests in the ranks of borough rulers. What we are searching for is the source of political authority and this seems to be, at least in part, wealth - whether that wealth came from land or from trade. Yet the question of burgess land-holding takes on added significance when we look further back in time. The origins of the urban ruling class - whether from Pirenne's itinerant chapmen, Lopez's moneymen, or Hibbert's enterprising landowners and feudal officials - is one of the key unresolved issues of urban historiography.^[49] Unfortunately the earliest period of borough independence is poorly represented in the records, whilst before the twelfth century glimpses are rare indeed and historians must rely on [Domesday](#) more than they might wish. This problem is not simply one of survival of records, but of the only gradual growth of medieval awareness of the value of a formal archive.^[50] Professor Lopez's theory need not detain us, since it is applicable primarily to the continent; the last vestiges of the local minting network in England disappeared in the course of the thirteenth century.^[51] But we must address ourselves to the opposing theories of a landed [patriciate](#) and a ruling class of traders, remembering that the thegn-worthy sea-crosser of Anglo-Saxon times suggests a merchant class (using that term loosely) to have been present then.

The case of Colchester has been one of the principal battlegrounds of those contesting whether the character of the borough was originally mercantile or agricultural (as though it had to be exclusively one or the other). Arguments have focused partly on Domesday evidence: Round suggested that Colchester at that period had not evolved into a trading community like other boroughs but remained dependent on farming activities; the relatively small population of 276 burgesses shared 1,297 acres of arable or pasture between them, whereas at Ipswich 538 burgesses held only 40 acres. He also pointed to features of charters granted by the king, such as the absence of reference to a [Merchant Guild](#), but instead the grant of hunting and fishing rights. To this Rickword added his interpretation of the evidence of taxation lists of 1296 and 1301, that 80% of the population were involved in growing crops or raising livestock to some extent, and 50% of the population exclusively so.^[52] Both sources have since received different interpretations. Tait replied to Round that in fact almost half of the Colchester [burgesses](#) of Domesday held houses but no private land, while most of the

remainder held small plots of land adequate only for subsidiary income; it was therefore likely that a majority of the burgesses relied on trade for their livelihood. And Britnell has pointed out that the taxation evidence is misleading since it ignores commercial possessions of residents in the hamlets, while the goods of residents in the walled centre of the borough are distinctly more commercial in nature.[53] To this we may add that the Ipswich comparison may also be misleading since, as already noted, the burgesses there customarily had strong landed interests in the villis surrounding, but not technically within the liberties of, the borough. Besides which, the most recent definition of a town holds that occupations of its inhabitants will be variegated, but that a significant proportion - although not necessarily a majority - will live off non-agricultural occupations.[54]

The evidence from the towns here studied cannot hope to solve the question of the origins of the ruling classes of those towns, but we may review it for the little light it sheds. The evidence of the Colchester taxations, referred to above, as well as Ipswich's lay subsidy of 1283, is inadequate due to the bias of those assessments towards agricultural and domestic goods, and other problems traditionally associated with taxation evidence.[55] But there are no other sources for analysing the whole populations; we shall therefore turn to the evidence of individuals. Four prominent Colchester men of the late thirteenth and early fourteenth century appear to have been particularly reliant on land as a source of income. Three of them - Warin fitz William, Hubert Bosse, and Elias fitz John - are listed in one or both of the subsidies mentioned above, assessed only on grain and livestock (except for the gown that Elias was fortunate enough to own!). All four not only served as [bailiff](#) but also sat in parliament; in fact Elias (16 times M.P.) and Warin (10 times) were among the foremost of the borough's parliamentarians. Part of the landed interests of Elias fitz John Elys derived from his wife's dower rights in manors at Marks Tey and Latton, interests subsequently expanded into Elms Tey and Belchamp St. Paul - his tax assessments there in 1327 being much higher than his Colchester assessment. Britnell has even suggested that Elias may have been only a part-time resident of the borough.[56] Warin fitz William fitz Warin held, in 1306 222½ acres of fields, woods and meadow in Colchester, Lexden, and Milend (most of it held by his father before him), in addition to the land he leased in the borough fields. His listing in the 1307 subsidy strengthens the impression of that of 1301, in accrediting him only with agricultural goods.[57] In 1310 Hubert Bosse was renting a field from Elias fitz John and may have held pasture in Bromfield too. In 1315 he gave up his legal battle with St. John's Abbey for control of land in West Donyland. Family interests remained rooted in the land over the next century, although they broadened into the victualling trades via baking and mill-owning.[58] Our fourth Colecestrian, Joseph Elianore, lived slightly later than the other three and is perhaps the best-known, thanks to his foundation of a chantry in St. Mary-at-Wall church (1341), which he endowed with 100 acres of arable land and woods within the liberties and 100 sheep; granting to the bailiffs, for maintenance of the chantry, further substantial property in town. On various other occasions we encounter references to his property (not inconsiderable) in Greenstead, Ardleigh, Great Wigborough, Salcott, and Layer Breton, and to his orchard in the suburbs.[59]

None of these men exhibit much sign of commercial activity, although Elianore's tilekiln was

evidently put to use, and fitz William had a shop in Colchester market.[60] We must expect that land-holding burgesses would at least market part of their own produce. On the other hand, the four share an involvement in administrative or legal work beyond borough office-holding. Fitz William, whose father was a clerk, acted as attorney for his community in a plea brought against it by the abbot of St. John's. Fitz John also appears in the contexts of clerk and attorney. Elianore, yet another clerk, often acted as pledge and attorney and was bailiff of the Colchester properties of the rector of Tendring, John de Colcestre, in December 1312 when he (Joseph) and Hubert Bosse acted together as pledges for dom. John. Bosse was retained as a counsellor to the Abbey of St John's.[61] Nor do the coincidences end here. Elianore held lands of fitz John and fitz William, whilst Bosse held land of fitz John.[62] Even more curious, all were at one time or other referred to by the surname 'de Colcestre', and it is not impossible that all were distantly related members of a single family of long-standing importance not merely in the borough, where their common surname would have been meaningless, but also in the local countryside. It is interesting that their usual surnames are all patronymics or matronymics, rather than the locatives that would be more likely were any of the four from immigrant families. Support for this theory also comes from a tantalising piece of evidence in the document recording the foundation of Elianore's chantry, whereby he required the chantry priest to celebrate for the souls of himself, his parents, (his wife?) Philippa, John (de Colcestre?), Hubert (Bosse?), and Elias (fitz John?).[63]

In Ipswich too, many leading townsmen supplemented their shares in the large areas of intramural and suburban arable and pasture with land-holding further afield. In the case of Thomas le Rente this may have been a way of increasing trade stock, for Thomas was already involved in the victualling trade (notably fishing) when he first appears in the 1280s. He acquired, principally during the reign of Edward II when his political career was at its peak, 142 acres in Stoke-by-Ipswich, 80 acres in Wherstead, 220 acres in Little Wenham, and 142 acres lying around several villages to the north of Ipswich. In 1324 an extent of his property, taken posthumously, revealed that 54 acres of his land in Stoke was sown with crops of barley and rye worth £37, whilst the pasture there doubtless hosted his 80 sheep. The extent paints a fine picture of his business activities: he had in storage quantities of wheat, barley, malt, pork, and beef worth £11.5.3d, and his business equipment included the articles that we would expect to find in the brewery and bakery which are mentioned, as well as several fish-traps, containers for salting meat, and numerous seats, tables and plates, suggesting that one or more of his shops may have been taverns.[64] What the document cannot tell us is whether local farming and retailing activities drew le Rente into the wider sphere of commerce (as Thrupp has noted was a natural progression), or whether originally mercantile interests prompted him to self-supply of merchandise. There is no evidence that any of le Rente's lands were inherited, although his father was also in the victualling trade.[65] A similar, if less well documented, case is that of Robert de Orford, several times bailiff of Ipswich during the last decade of the reign of Henry III and the first of that of Edward I. Like the Colchester cases already looked at, his tax assessment (1283) was on little more than grain and livestock; he is known to have held lands in Caldwell, Tudenham and Rushmere. Referred to as a clerk, there is no evidence of any mercantile activity, although he was overseas in 1271 on business unknown; but, like le Rente, he owned a bakery and brewery along with several rented properties. His daughters received, when Robert died, bulls, sheep and malt as their inheritance.[66]

More interesting is Robert's contemporary Vivian fitz Silvester, since his family was of long-standing prominence in the borough. As bailiff (10 times 1270-95) he was following not only in the footsteps of his father Silvester fitz Wakelin fitz Norman (bailiff at least 3 times around the middle of the century), but also of Wakelin's brothers John fitz Norman and William de Beaumes, Ipswich's first two bailiffs in 1200, and of other members of the family John de Beaumes and Geoffrey fitz William de Beaumes (bailiffs during the second quarter of the thirteenth century).[67] Although the evidence for the pre-Edwardian period is scant, a little is discoverable of this family, which we may suspect played a helmsman's role in directing the course of Ipswich's constitutional development at a crucial point. Wakelin fitz Norman was also known as Wakelin de Bramford and a Sir Hubert de Bramford, justice of assize in Suffolk and Ipswich in 1200 and 1223-24, witnessed (together with Wakelin's afore-mentioned brothers and his sons Nicholas and Silvester) a land transaction of Wakelin; Hubert and the sons of Norman appear together as witnesses on other occasions too. Peter Norman held land in Bramford c.1255.[68] The sons of Norman had a joint interest in 30 acres in Sprouton in 1206, whilst it seems that their mother had held three-quarters of a knight's fee in Leicestershire. The fact that Geoffrey de Beaumes was knighted suggests land-holding in the county, yet he also held a tavern in Ipswich. John de Beaumes was an attorney on behalf of county land-owners in 1229 and 1230; both men were benefactors of Ipswich's Priory of SS. Peter and Paul. William de Beaumes, on the other hand, was a ship-owner active in the coastal trade of grain and herring (1226). Another member of this most interesting family, a further son of Wakelin fitz Norman, was known as Ianusius Mercator[69], although whether he was in fact involved in commerce as his name suggests, is unknown. There is no direct evidence of land-holding for Vivian fitz Silvester, although his father held land in Thurston and Surneston, and a family with the surname Vivian was settled in Bramford in the first half of the fourteenth century; on the other hand, he was taxed in 1283 only on clothing, domestic utensils, a horse and malt, and his only known association with commerce was the butcher's stall he held.[70] The evidence is inconclusive, but at least suggests that the prosperity and authority of one of the earliest traceable families prominent in Ipswich were founded on land-holding.

It is far more difficult to trace the lineage of Colchester families back through the thirteenth century. A large number of deeds are preserved in the cartulary of St. John's Abbey but, due to the prevalence of patronymics in a period when surnames still tended to change from one generation to the next, it is rarely possible to determine whether the bailiffs of Edward I's time came from families long-established in the borough.[71] Elias fitz John appears to have been the son of the John fitz Elias who, with his brother Oliver, were prominent townsmen in the 1250s. Whether this line can be traced back to the beginning of the century in the persons of a Thurstan and his son Elias, as Benham claimed, is less certain; whilst to suggest that the Oliver family (which provided Colchester with officials in the early fourteenth century in the persons of Robert Oliver and his brother's son John Jordan) might be a branch of the same tree would be pure speculation.[72]

At Yarmouth we may reasonably suspect (but no more) that William Thurkild, bailiff in 1316, was one of the later members of a family that provided the town with at least three other

bailiffs in 1221, 1269, and 1270, and lasted there until mid-fourteenth century. We may similarly suspect that the Drayton family, very prominent from the time of Edward I to that of Henry IV, may have a forebear in shipowner Robert de Drayton, seen in 1230. A William Rose captained, with Robert Turkil, the Yarmouth fleet in 1242 and may be the shipowner of Little Yarmouth mentioned in 1230.[73] We may have more confidence in associating the Yarmouth family of Gerberge - a name not derived from 'Yare bridge' or 'Yarmouth burgh' as some have hypothesised - with Gerberga, a townswoman[74] of sufficient prominence that the king awarded her custody of rebels' lands in 1216. From her descended two notable lines: the Charles family, founded by her son Charles fitz William, alias de Jernemuth, whose interests lay as much in the county as in the town; and the Gerberge family, which provided several bailiffs (the first being William fitz Gerburg' c.1208) during the course of the thirteenth century, but gradually moved into the ranks of the Norfolk gentry.[75]

Ipswich's Leu family is traceable through its earliest visible member, Roger fitz Lyu. Coroner and portman in 1200 and subsequently bailiff (date unknown), Roger was one of the wealthiest townsmen in 1228 thanks to his trading activities in his two ships. His son Hugh was bailiff in 1255 and 1269 and had one of the highest tax assessments in 1283, principally on a large trading stock of agricultural produce, some of which he may have raised on his lands in the vicinity of Ipswich. The several members of the family who appear in borough office during the fourteenth century were Hugh's descendants.[76]

There is less indication of long-standing families in Lynn. The Belvaco family produced a number of officials. The earliest, Michael de Belvaco, appears to have been [alderman](#) of the Merchant Guild in 1223. Another, Stephen, was [scabin](#) of the same in 1249 and c.1265. Two others were [mayors](#): Bartholomew in 1257, James in 1268 and c.1271.[77] The family of Alexander Kellock, mayor c.1266 and alderman 1268, may be traced back through gildsman Ralph Kelloc, who lived in the reign of John, to Richard Chelloc, resident of Lynn in 1165. [78] However, there is nothing to connect it with the [chamberlain](#) of 1428, William Kellowe. The family of John Lamberd (M.P. 1312) may be traced back to the early thirteenth century; Richard Lambert, probably John's father, was alderman c.1271 and earlier family members were also associated with the Merchant Guild. It is curious therefore that in 1302 John was exempted from paying local tax (assessed only on trade goods) when he took oath that "*nullis catallos habuit in mercandisa*".[79]

In chapter 1 it was suggested that the men who took the reins of borough self-government at its initiation were those who had already acquired influence and administrative experience. Their influence doubtless derived from a social status dependent on wealth, but whence this wealth we cannot say. Land-holding and commerce both seem to have played roles from the time of our earliest evidence. In Ipswich and Colchester land may have been a more important foundation of wealth and social prestige at first, whereas in Yarmouth and Lynn trade was more probably the prominent factor; even Lynn's first mayor, Robert fitz Sunolf, appears as a merchant, exporting grain as an agent of the Bishop of Norwich.[80] Lynn's case may owe something to the strong foreign immigrant element in its upper class. But it would be dangerous to assume that a cohesive merchant class existed in thirteenth century Lynn, just as

it would a yeoman or rentier class in Colchester or Ipswich.

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CONCLUSION



History of medieval Yarmouth



[MAIN MENU]

APPENDIX 2: Register of the Hospital of St. Mary: A Calendar

Ordinances

[f.1r]

In the name of the Trinity – Father, Son and Holy Ghost – and the most blessed Virgin Mary, mother of the god and man Jesus Christ, saviour of mankind, we Ralph Ramseye, Nicholas de Drayton, Warin Lucas, and Adam Heyron bailiffs of Great Yarmouth, and John de Beverle, John Elys, William atte Gappe, John Beketon, Richard Elys, John de Rollesby, Robert atte Gappe, Alexander Fastolf, John Hakon, Edmund Sylke, Hugh atte Fen, Roger Adam, William de Oxneye, Robert Howlyn, Thomas Marche, John de Halle, Peter Beneyt, Simon Geryng, Oliver Spicer, Edmund Bie, Laurence Stevens, Thomas Bateman, John Rayl, Adam Alot and certain other burgesses of the town, with the unanimous consent of the whole community, for the well-being of our souls and those of our descendants [establish the hospital].

[ff.1r-3d]

[Ordinances for the operation of the hospital, dated 2 May 1386. These are repeated in a later English translation (summarized below), probably *tempore* Henry VI, in a subsequent section of the register:]

[f.28v]

Constitutions and ordinances of the hospital:

There are to be a warden, 8 brothers and 8 sisters. The warden is to be

chosen by the bailiffs and burgesses; he is not appointed for life but may be replaced whenever necessary, at the will of the bailiffs.

The residents are to be selected by the bailiffs and burgesses and may be evicted if they commit misdeeds.

Each brother or sister chosen is to take oath to be faithful to [the rules of] the hospital and are to make a true declaration to the warden of any assets or liabilities.

[f.29r]

While alive, residents may not freely dispose of their goods; after their death, the goods are to be divided between the other residents, with a share going towards the repair of the hospital.

Within six days of entering the hospital, a resident is to take an oath of obedience to the warden. They are only to wear cloth of the colour of russet or "blekkyed" [*black?*]. Sisters are not to wear silk veils on their heads.

The warden is to hire a priest to celebrate divine services and to pray for the bailiffs, community, warden, residents and the benefactors of the hospital. He is not, however, to perform any rites which properly belong to the parish church.

[*St. Nicholas' being only a short distance north of the hospital.*]

[f.29v]

There is to be a "little bell" [rung] to summon residents to divine service.

The warden is to hand over all oblations to the Prior of Norwich.

All residents are to be present at Mass.

[f.30r]

Residents are to remain chaste or forfeit one-quarter of the yearly alms. No married man or woman is to be accepted as a resident.

Residents may practice the crafts that they have learned. They may also dine with friends in town, but must not stay out after the curfew bell is rung at St. Nicholas'. They may go on pilgrimage, or go to stay with friends in country or town, with the permission of the warden.

No-one is to be accepted as a resident unless 30 years old or more, except in special cases. [f.30v] They are to live peaceably without arguing among themselves. They are not to frequent common taverns, nor bring pleas for trespass [in the town court] but are to make complaints only to the warden –

only if he cannot lawfully settle the complaints may they bring a plea.

The warden may compel the residents to do the gardening and other domestic work, with a reward for undertaking such chores at his discretion.

The warden is to appoint one brother and one sister of good character to report to him all troubles between residents. He is also to choose a brother to have custody of the keys to the cloisters where residents sleep [f.31r] (they being locked in after curfew).

If any residents are rebellious against these ordinances, the warden may discipline them by withdrawing their alms money; if this fails, they are to be expelled.

When a new hospital priest is engaged he must take oath before the bailiffs and the Prior to obey these ordinances.

[f.31v]

Every warden is to take a similar oath.

[ff.32r-71v]

[Manship's translation of the register contents.]



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History of medieval Yarmouth



[MAIN MENU]

APPENDIX 2: Register of the Hospital of St. Mary: A Calendar

Endowment documents

[ff.4r-6r]

[Approvals and confirmations by the Bishop and Prior of Norwich of the agreement made concerning jurisdiction over the hospital and of the ordinances for its governance, 1386.]

[f.6v]

Licence granted by the king (in return for a payment of £26.13s.4d by the bailiffs and community) for the hospital to hold land in mortmain. William Oxneye and Robert Howlyn are licensed to alienate in mortmain 1 messuage, 17 cottages, and 100s. rent in Yarmouth, which they held of the king in burgage; now to be held by bailiffs and community and their successors for the support of poor and infirm townspeople and for other works of devotion and piety specified by William and Robert. Dated: September 2, 1392. [The record of this in the Calendar of Patent Rolls gives the date as September 22.]

[f.7r]

Charter of the bailiffs and community granting to William de Oxneye and Robert Howlyn a messuage with buildings in Yarmouth, lying between common land (S. and N.), the town wall (E.), and the king's highway (W.). They also grant them 17 cottages located between the following:

1. **Common ways (S. and N.), Middlegate (W.), land once of Thomas de Drayton (E.).**

2. **Common way (N.), land once of John de Ocle and John de Wykampton (S.), land once of Hamon de Berton (W.), land once of John Holdeye (E.).**
3. **Common way (S.), land of the chaplains of the Carnary (N.), the Dene (E.), land of the aforesaid chaplains and that once of Hugh Paunflot (W.).**
[A charnel-house was built in St. Nicholas' churchyard in 1308, funded by Sybil Flathe, to house the bones of those whose graves were dug up to make room for new burials.]
4. **Common way (S.), land of Thomas Bateman (N. and E.), land once of Clement Bevre (W.).** *[Clement's surname is variously spelled in the Register as "Bere", "Bure" and "Bever"; my rendering is a compromise.]*
5. **Common ways (S. and N.), the Dene (E.), land of William de Oxneye (W.).**
6. **Common ways (S. and N.), land of Andrew Bowyer (E.), land once of Clement Bere (W.).**
7. **Common way (S.), land once of John de Reppes (N. and W.), land of John Brangill (E.).**
 [f.7v]
8. **Common ways (S. and N.), the Dene (E.), land of Thomas Westgate tailor (W.).**
9. **Common way (N.), land once of John de Halle (S.), the Dene (E.), land once of William de Ludham pelter (W.).**
10. **Common way (N.), entrance to the land of Peter Baxter (S.), the Dene (E.), land once of John de Stalham named "Goddeshmehous" (W.).**
11. **Common way (N.), land once of Edmund Bie (S. and W.), land of John de Byrlyngham (E.).**
12. **Common way (N.), land of Simon Catte and land once of Robert de Merton (S.), land of William Buskyn (W.), land once of John de Hunyngham (E.).**
13. **Land of John Wither, William Potter and William de Eccles (S.), common way (N.), the Dene (E.), land of Robert atte Cross (W.).**
14. **Common ways (N. and E.), land of John Dodge (S. and W.).**
15. **Common way (S.), land of Nicholas de Fordele (N.), Middlegate (W.), land of John de Halle (E.).**
16. **Common ways (S. and N.), land once of Edmund de Burgh (W.), Middlegate (W.).**
 [f.8r]
17. **Common way (N.), land of William de Worsted (S.), land of Robert Belle (W.), Middlegate (E.).**

Also granted is a rent of 6s. from the capital messuage once of Thomas Cobald, now held by his nephew Robert Cobald (which 6s. was recently given to the bailiffs and community by Walter atte Sond, to the use of the hospital, as appears in his testament).

Witnesses: John Elys, Ralph Ramseye, John atte Gappe, Edmund Wyth,

William Savage, Alexander atte Gappe, Thomas Redberd et al.; dated: October 1, 1397, in the time of William Oxneye, John Beketon, Thomas Marche and Thomas de Halle, bailiffs.

[It is reasonable to interpret the "common ways" as the Yarmouth rows, at least in most cases. This could not be the case with those properties backing onto the Denes, unless the open area within (to the west of) the walls was also considered as part of the Denes – a concept inherited from pre-wall times; this would explain why there are almost no references to the wall itself. Plans (post-medieval) of the town do not show any dwellings backing onto the Denes outside the walls – the closest structure to the Denes (apart from the walls) being the hospital complex; the appearance of that complex suggests it could have been formed from a row of cottages. Do the large number of references to former holders of abutting properties suggest that this document may have been partially copied from one or more older deeds or other sources?]

[f.8v]

Charter of Oxneye and Howlyn, pursuant to the king's licence, granting to bailiffs and community a messuage, 17 cottages and 100s. in rents. [ff.9r-9v]

[The messuage and cottages are granted in the terms above, with marginalia in a later hand, updating the ownership of abutting properties. The rents were due as follows:]

1. **6s. from the capital messuage once of Thomas Cobald** [*as above, the first mentioned property in the 1397 deed*].
[f.10r]
2. **2s.6d from a tenement now held by John son of John Elys, between common ways (N. and S.), Middlegate (E.), land of the said John Elys (W.).**
3. **2s. from a tenement held by John de Beketon, between the land of Nicholas Kirkhawe (N.), land of William de Runham (S.), Middlegate (E.), land once of Bartholomew Noggan (W.).**
4. **2s. from a tenement held by William de Runham, between a common way (S.), land of John de Beketon (N. and W.), Middlegate (E.).**
5. **12d. from a tenement held by John son of William atte Gappe, between a common way (N.), land of Bartholomew Elys (S.), Middlegate (E.), land of Simon Auncell (W.).**
6. **2s.10d from a tenement held by Simon Thurkild, between a common way (N.), land of Thomas atte Chirche (S.), the Dene (E.), land of the said Simon (W.).**
7. **3d. from a tenement held by Thomas atte Chirche, between a common way (S.), land of Simon Thurkild (N. and W.), the Dene (E.).**
[f.10v]
8. **2s. from a tenement of Roger de Drayton (once of Laurence de Drayton), between common ways (S. and N.), the Dene (E.), land of the said Roger (W.).**
9. **12d. from a tenement of Alice de Drayton, between a common way**

- (S.), land of Roger Kithode and land of John de Ocle (N.), land of John de Wykampton (W.), the Dene (E.).
10. 12d. from a tenement of Peter de Selby, between a common way (N.), land once of Geoffrey de Drayton (S.), land once of Simon Tailliard (E.), the port (W.).
 11. 12d. from a tenement of John de Beverle, between a common way (S.), land of John son of William Elys (N.), land of William Goddesfeld (W.), land of John Elys (E.).
 12. 2s.6d from a tenement of Thomas Martyn, between a common way (N.), land once of Simon de Hastyng (S.), Middlegate (E.), land of John Hacun (W.).
 13. 12d. from a fish-house called "Gavelfishhus" now held by John Hughesson, between a common way (S.), land of Henry Colman (N.), land of Thomas White (E.), land of the said John (W.).
 14. 12d. from a tenement of Simon Auncell,
[f.11r]
between a common way (N.), land of Bartholomew Elys (S.), land of John atte Gappe (E.), land once of Richard atte Gappe (W.).
 15. 12d. from a tenement of Robert Gare, between a common way (N.), land of Richard Midward (S.), land of the priory of Silton and land once of Peter Beneyt (E.), Middlegate (W.).
 16. 12d. from a tenement of Nicholas Frere, between a common way (S.), land of Margery Bange (N.), the Dene (E.), land of Thomas Stace (W.).
 17. 4s. from a tenement of Bartholomew Sprotholf, between common ways (S. and N.), the Dene (E.), land once of Hugh de Norwich (W.).
 18. 5s. from a tenement of Roger Fuller, between a common way (N.), land of the said Roger (S.), the Dene (E.), land once of Hugh Paunflot (W.).
 19. 12d. from a tenement of Beatrix de Blofeld, between common ways (N. and S.), land once of Robert Davy (W.), land once of Thomas White (E.).
 20. 12d. from a tenement of Robert de Cantele barber, between a common way (N.), land of the said Robert and Thomas Bateman (S.), land of John Lawes mariner (W.), land of Thomas Bateman (E.).
 21. 3s. from a tenement of Alice widow of John de Filby,
[f.11v]
between common ways (S. and N.), the Dene (E.), land once of Clement Bevre (W.).
 22. 6d. from a tenement of Richard Ivy, between common ways (S. and N.), land of John de Halle and land once of William de Ludham (E.), land once of the said William (W.).
 23. 5s. from a tenement of Adam Heyron spicer, between a common way (N.), land once of Geoffrey de Fordele (S.), the Dene (E.), land once of Hugh de Baggele (W.).
 24. 20d. from a tenement of William Stalon, between a common way (N.), land once of Geoffrey de Fordele (S.), Middlegate (E.), the port (W.).

25. 12d. from a tenement of William de Brisele, between a common way (S.), land of Robert Belle (N.), land of Geoffrey Wymark (E.), the port (W.).
26. 18d. from a tenement of William de Worsted, between land once of Benedict de Rokhawe (S.), a common way and land once of John de Ocle (N.), the port (W.), land once of John de Ocle and
[f.12r]
Middlegate (E.).
27. 6s.8d from a tenement of John Halman, between a common way (N.), land of Thomas de Aylesham (S. and E.), the port (W.).
28. 6s.8d from a tenement (60' long) of Thomas son of John de Halle, between a common way called Dameavelynsrowe (S.), land once of Adam de Claxton (N.), the Dene (E.), land of the said Thomas (W.).
29. 7d. from a tenement of Leticia Pette wortwoman, between a common way (S.), land of William de Barsham (N. and W.), Middlegate (E.).
[I suspect wortwoman was another term for alewife, i.e. a retailer of ale.]
30. 10d. from a tenement of William de Barsham wright, between a tenement of John de Hales shipwright (N.), land of Leticia Pette and a common way (S.), land once of Richard Tiler (W.), Middlegate (E.).
31. 12d. from a tenement of John Hales shipwright, between land of William de Barsham and a common way (N.), land of the said William and land once of Richard Tiler and land of John Belewe (S.), land of Hervey Cook (W.), Middlegate (S.).
[f.12v]
32. 5s. from a tenement of Thomas Bateman with shop annexed, between the capital messuage of the said Thomas (formerly of Ralph Marshale) (N. and W.), a common way (S.), the Dene (E.).
33. 3s.4d from a tenement of Ralph de Gunton, between the land of Thomas Wright baxter (N. and E.), a common way and land of the said Thomas (S.), Middlegate (W.).
34. 12d. from a tenement of Thomas de Barsham, between the land once of John Latoner (S.), land of William Waryn fletcher (N. and W.), the Dene (E.).
35. 2s. from a tenement of William Waryn fletcher, between a common way (N.), land once of John Latoner and Thomas de Barsham (S.), land of the said John (W.), the Dene (E.).
36. 6d. from a tenement (25' long at its north end) of John atte Chirche de Ormesby, between a common way (S.), a common way and land of Thomas Erfeld (N.), land of the said Thomas and land of John Yon (W.), land of Thomas Hunte and vacant land once of Thomas Baa (E.).
37. 9d. from a tenement of John de Riston smith, between a common way (S.), land once of
[f.13r]
Richard Broun barker (N. and E.), Gropecuntlane (W.).
38. 5s. from a tenement of Margaret de Kilham, between a common way

- (S.), land of John de Lessingham skinner (N.), the Dene (E.), land once of Bartholomew de Holderness (W.).
39. 3s. from a tenement of Henry Crane Chandler, between the land of Richard Belleman (N.), land of Oliver Spicer (S.), a road (W.), land of John de Buttele (E.).
40. 6d. from a tenement of Henry Crane Chandler, between a common way (N.), land of Geoffrey Twynne (S.), land of John de Lessingham (E.), land once of Richard Tryuman (W.).
41. 12d. from a tenement of William Benale, between a common way (S.), land once of Robert Barker (N. and W.), Middlegate (E.).
42. 18d. from a tenement of John White tailor, between a common way (S.), land of Robert Robell and John de Halle (N.), land of William de Hedynham smith (E.), land of John de Halle (W.).
43. 6d. from a tenement of John Lawes butcher, between a common way (N.), land of John Harpour (S. and E.),
[f.13v]
land of John Harpour and land of John Clerk butcher (W.).
44. 6d. from a tenement of Nicholas Kates and his wife Beatrice (widow of Peter Beneyt), between a common way (S.), land once of Edward Ambrose (N.), land of Henry de Barsham wright (E.), Middlegate (W.).
45. 18d. from a tenement of William Peper, between a common way (N.), land of Thomas de Halle draper and land of Thomas Grigges wright (S.), Middlegate (W.), land of John de Ingham "fisshebier" (E.).
46. 12d. from a tenement of Robert Godfrey, between the land of William atte Dam (N.), a common way called Gurnardkonge (S.), Middlegate (E.), land of Nicholas Kates (W.).
47. 4d. from a tenement of Thomas Hunte, between a common way (N.), land of the said Thomas once of Stephen Davy (S.), land once of Geoffrey Wymark (W.), land of William Waryn Fletcher (E.).
48. 6d. from a garden of William de Oxneye, between common ways (S. and N.), land of Hugh atte Fenne and land of the said William (E.), Middlegate (W.).
49. 7d. from a tenement of William Ive,
[f.14r]
between a common way (N.), land of Walter Davy and land once of Robert Skinner (S.), land of John Hanworth chaplain (E.), Middlegate (W.).
50. 18d. from the capitual messuage of William Ive, between a common way (N.), land of William Oxneye (S.), land of William Ive (W.), the Dene (E.).
51. 2s.6d from a tenement of John Hakon, between a common way (N.), land of the said John (once of Rose Thurkild) (S.), land of Thomas Martyn (E.), the port (W.).

Witnesses: John Elys, Ralph Ramseye, Hugh atte Fenne, John atte Gappe,

Roger de Drayton, Bartholomew Elys, Bartholomew de Drayton, Edmund Wyth, Alexander atte Gappe, Thomas Bateman et al.; dated: January 5, 1398, in the time of William Oxneye, John de Beketon, Thomas Marche and Thomas de Halle, bailiffs.



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APPENDIX 2: Register of the Hospital of St. Mary: A Calendar

Rental

The initial, principal section of the rental is dated at 23 April 1398; it was updated by later clerks. The properties itemized in the core list are essentially the same as those listed in the [grant of January 1398](#), and the information given is the same, but is presented in the following sequence: tenant, type of property, abutting properties/features, rent; I will list here only the tenants in 1398, the corresponding item number (in red text) in the January document (from which readers may discover the rents and abutments), any significant differences or variations between the entry here and that in the January document, and a few examples of the later tenants (my notes on these are incomplete). As will be seen, the rental was not simply a recopying of the list in the charter, but represents some form of reorganization of the data. Note that the tenants of some properties had changed between January and April.

[f.14v – marked in a contemporary hand as f.1]

1. **John Elys; (# 2); later: a) Sir John Fastolf, b) John Paston.**
2. **William de Runham; (# 4); abuts on land of John de Beketon near the priory tenement on Middlegate.**
3. **John de Beketon; (# 3); abuts on land of said John (S.); later:**
[illegible].
[f.15r]
4. **John atte Gappe; (# 5); later: a) William atte Gappe, b) Robert Gegch, c) Edmund Couper.**
5. **Simon Auncell; (# 14); later: a) William atte Gappe, b) Robert Gegch,**

- c) Edmund Couper.
6. Alexander atte Gappe (previously John de Beverle); (# 11).
 7. Robert de Plumstede (previously Nicholas Frere and before him Thomas Tiler); (# 16).
[f.15v]
 8. Thomas atte Chirche, smith; (# 7).
 9. Simon Thurkild; (# 6).
 10. Roger Fuller; (# 18).
[f.16r]
 11. John Hughesson; (# 13); a fish-house called "Gavelleshous".
 12. Alice de Drayton; (# 9).
 13. Roger de Drayton; (# 8); once held by Laurence de Drayton; later: John Pynne.
[f.16v]
 14. Peter de Selby; (# 10).
 15. Thomas Martyn; (# 12); later: a) Robert Pynne and once of John Cromer, b) Robert Tasburgh, c) John Alman, d) Robert Tasborowe.
 16. John Hakon; (# 51).
[f.17r]
 17. Bartholomew Sprotholf; (# 17); later: Richard Grom spicer.
 18. Nicholas de Blofeld; (# 19); abuts on land once of Thomas White clerk (E.).
 19. Thomas Bateman; (# 32); a shop and a cottage.
[f.17v]
 20. Ralph de Gunton; (# 33); later: Alexander Brygate.
 21. Margaret, widow of Robert de Cantele (who previously held); (# 20); lands of Robert and Margaret and of Thomas Bateman (S.); later: Roger Redhoyd.
 22. William Oxneye; (# 48); Robert Howlyn was an associate with William in renting this garden; later: a) Christian [or Christina] Felysson, b) Thomas Elys.
[f.18r]
 23. William de Oxneye; (# 21); later: Hugh Fenne.
 24. William Ive; (# 50); later: Robert Candeler.
 25. Thomas Halle; (# 28).
[f.18v]
 26. Richard Ivy baxter; (# 22); abuts on land of Thomas de Hall and land once of William de Ludham (E.); later: a) Simon Baxter, b) John Ingram, c) Robert Barrett carpenter.
 27. William Stalon and William Hedman smith (jointly); (# 24); later: a) Geoffrey Hemmyng, b) John Brere, c) Henry Leman, d) John Palmer, e) Edmund Woode alderman of Norwich [c.1536].
 28. Thomas Belle meysmaker (previously held by John Halman); (# 27); later: a) Thomas Belle, b) Stephen Katson, c) Henry Payn, d) Thomas King.
[f.19r]

29. **William de Brisele; (# 25); later: a) John Muslyng, b) John ---nt steynour, c) Henry Smyth, d) his wife.**
30. **Robert Cobald; (# 1); later: a) John Cobald, b) William Albon, c) John Pydgon, d) William Ilberd, e) Ralph Woode.**
31. **William de Worsted; (# 26); later: a) Robert Glover, b) William Felawe, c) his wife.**
[f.19v]
32. **William Benale mason; (# 41); later: a) John Bulle shipman, b) John Gyspon, c) William Ilberd, d) Henry Watson.**
33. **William Ive; (# 49); later: Nicholas atte Mere.**
34. **Richard Dokeling de Runham and John Hanworth chaplain [*possibly as executors of Robert Godfrey?*]; (# 46); abuts on a common way called Gurneyskonge (S.); later: a) Nicholas -----, b) Robert Kent, c) Robert Samson.**
[f.20r]
35. **Nicholas Kates and his wife Beatrice (jointly); (# 44); later: a) Nicholas [? atte M]ere, b) John Cook reeder, c) John Bonde chaplain, d) William Ilberd, e) John Pratt.**
36. **Robert Gare; (# 15); later: a) Simon Pecok meysmaker, b) Thomas Pecok and William Buk, c) William Aldryche, d) John Clerk, e) John Browerd mason.**
37. **Margaret widow of William Peper; (# 45).**
[f.20v]
38. **Leticia Pette wortwoman; (# 29); later: a) Alice Tulys[our], b) William Seman, c) John Ilberd.**
39. **William Barsham wright; (# 30); later: Thomas Amyel tulys[our].**
40. **John de Hales shipwright; (# 31); abuts on land of the said William and land once of Richard Tiler and land of John Belewe lister (S.), land of Hervey Cook de Southgate (W.); later: a) Thomas Amyel tuly [sour], b) William Cokefeld.**
[f.21r]
41. **Sybil wife of Adam Heyron (who held previously); (# 23).**
42. **Robert Bauchon fisher (previously held by John White tailor); (# 42); abutting lands of John Halle now referred to as once of John Halle; later: John Coddelyng, b) Thomas Joly, c) his wife.**
43. **Henry Crane (previously held by Margaret de Kilham); (# 38); later: a) Thomas Ellyngham, b) John Ingram, c) John Godfrey.**
[f.21v]
44. **Thomas Hunte; (# 47); later: a) John Goodknav, b) Alexander Manthorp miller, c) Walter Ingram, d) Geoffrey Atkins.**
45. **Geoffrey Twynne (previously held by Henry Crane chandler); (# 40); later: a) Thomas Ingham, b) John Pydgon, c) James Sterlyng.**
46. **Thomas de Barsham mason; (# 34); later: a) John Ingram, b) William Billing, c) Henry Ilberd.**
[f.22r]
47. **William Waryn fletcher; (# 35); later: a) Nicholas Cabe barber, b)**

[blank] Sporle.

48. **Oliver Spicer** (previously held by Henry Crane chandler); (# 39); abuts on a common way (W.); later: John Schurloc, b) John Davy, c) Thomas Grene.
49. **John Harper** (previously held jointly by John Lawes and his wife Joan); (# 43); one plot of land with buildings; later: a) Walter Holyconte, b) Alice Heche.
[f.22v]
50. **Robert Clerk wright** (previously held by John atte Chirche de Ormesby); (# 36); abuts on common way and land of Thomas Erfeld butcher (N.); later: John Torald.
51. **John de Riston smith**; (# 37); later: a) John Davy barker, b) Robert May.
52. **John Herling**, for a garden, between land once of Walter Roke (S.), land of John Dannard of Norwich (N.), land of the said Matthew [sic] (E.), the port (W.), for 4d rent; later: John Tolke; **(not in the January document)**.

[f.23r]

[Undated entry, ca.1398 but reliant upon the [charter of 1304](#)]

These are the rents in mortmain from the charter of William Gerberge supporting the service of a priest; viz.:

- **From Thomas Martyn and John Hakon for a tenement with appurtenances, once of Michael Hardman, lying between a common way (N.) and land of Rose Thurkild (S.), abutting on Middlegate (E. and W.); 5s.; as appears in William's charter.**
[This must have been located in the central portion of town, where Middlegate is disjointed, producing two streets – sometimes known as Great and Little (or "Blind") Middlegate streets – which ran parallel to each other for a short stretch.]
- **Thomas Bateman for a plot of land, once of John Smith, between the land of Geoffrey de Somerton smith (N.), a common way (S.), land of Thomas Bellard (W.), the Dene (E.); 5s., which formerly yielded 11s.6d; as appears [etc.]**
- **Robert Bauchon "fishbiere" for a tenement, once of Henry de Stoke, between the land once of Nicholas Rake (N.), a common way (S.), land of John Austyn (E.), land of Geoffrey Sylke (W.); 18d., which formerly yielded 3s.6d; as appears [etc.]**
- **William de Worsted for a plot of land, [once] of Henry Basset, between the land of William Stannard (S.), land of the said Henry (N.), land of Henry son of William called Clerk (W.), Middlegate (E.); 9d, which formerly yielded 12d.; as appears [etc.]**

[f.23v]

[f.24r]

Copy of a charter of 1304, whose original took the form of an indented chirograph between the Gerberges and the community of Yarmouth.

In the name of God, Amen. To all the sons of Holy Mother Church seeing or hearing this document, for its perpetual remembrance, William and John, sons of William Gerberge senior, a former burgess of Great Yarmouth recently deceased, and executors of his testament, give greetings. We wish to bring to your attention by this document that when our late father William was at the point of death, more than 26 years ago, he made a testament which by his last will he instructed to be firmly respected and fulfilled. In this testament the testator bequeathed the below-written rents, of an estimated value of 9 marks [£6], to be levied annually for all future time from the tenements indicated here, for the support of two priests in the hospital of St. Mary to pray for his soul and the souls of his wife Isabelle, their children and all the faithful. To this end he assigned the following rents:

- **16d. for a tenement once of Hugh de Waxtenesham, between a common way (S.), land once of Richard Fastolf (N. and E.), the quay (W.).**
- **5s. from a tenement once of Michael Hardman, between the land of Rose Thurkild (S.), a common way (N.), Middlegate (E.), the quay (W.).**
- **16s. from Oliver de la Mawe and Nicholas Cook and their heirs for a strip of land with buildings, between the land of Richard de Lincoln (N.), a common way (S.), land of John Gerberge (W.), the Dene (E.).**

[The "rengiate" of land, here translated as "strip", would typically refer to a whole range of property, originating as a basic unit of burgage tenement (but later subdivided), flanked by the main north-south streets or lying between one of those streets and the Denes or the port, as with the next item; since that is not the case here, it may be that the term is applied to a subdivision of the original burgage division.]

- **4s. from Oliver de la Mawe and heirs for a strip of land with buildings, once of William de la Crane, between land of Godfrey Pilgrim (N.), a common way (S.), Middlegate (E.), the port (W.).**

[f.24v]

- **5s. from the heirs and assigns of John de Fischele for a plot of land with buildings, between the land once of John de Fischele (S.), a common way (N.), land of John Gerberge (W.), the Dene (E.).**
- **11s.6d from John Smith and heirs for a plot of land with**

buildings, between the land of Geoffrey de Somerton smith (N.), a common way (S.), land of Thomas Bellard (W.), the Dene (E.).

- 20s. from Margaret de Scrouteby and heirs for a plot of land with buildings, between common ways (S. and N.), land of William de Antingham (W.), the Dene (E.).
- 38s.4d from Adam de Stratton and heirs for a plot of land with buildings, between lands of Clement de Trunch and Robert le Corder (S.), a common way (N.), land of Thomas Aysheaman (W.), the Dene (E.).
- 30s.6d from Henry de Stoke and heirs for a plot of land with buildings, between the land once of Nicholas Rake (N.), a common way (S.), land of John Austyn (E.), land of Geoffrey Sylke (W.).
- 8s. from Ralph le Tanner and heirs for a plot of land with buildings, between the land of Agnes Gobot (S.), a common way (N.), land of Henry Rose (W.), the king's highway (E.).
- 12d. from Henry Basset and heirs for a plot of land with buildings, between the land of William Stannard (S.)
[f.25r]
land of the said Henry (N.), land of Henry son of William called Clerk (W.), Middlegate (E.).
- 16d. from Geoffrey de Knapeton and heirs for a strip of land with buildings, between the land once of William de Monesle junior (N.), the Dene (S. and E.), the king's highway (W.).
- 2s. from Elvered Potekyn and heirs for a plot of land with buildings, between lands of the said Elvered (N., E. and W.), a common way (S.).

Whereas these rents may previously have been withdrawn by us and not paid to the hospital for the benefit of those souls, we wish that henceforth the last will of the testator not be obstructed and, with the assent of the whole community of Yarmouth and by the authority and order of the Archbishop of Canterbury (made during a visitation of the diocese of Norwich), to make amends for the withdrawal for ourselves, our heirs and executors, we (as executors [of the testator]) grant by this document that [the rents] be delivered and handed over to the bailiffs who are [in office] at the time of making this document and who shall be in the future. The bailiffs and community have the power to distrain for the rents and

[f.25v]

to replace priests unsuitable for conducting the services specified in the testament. Dated at Yarmouth, September 5, 1304.

Endorsement of the above grant by the official of the archdeacon of Norwich, October 8, 1304.

[f.26r]

This indenture witnesses an agreement between Geoffrey de Somerton, Robert Howlyn, and John Seford, executors of the testament of William de Stalham of Yarmouth, on one part, and on the other part, William Ive, executor of the same and warden of the hospital of St. Mary, and its brethren. In return for the great benevolence shown to the hospital by William de Stalham while he was alive, and by his executors, Ive and the brethren agree to support 7 cottages once of John de Stalham and now called "Goddeshmenhous", located between a common way (N.), land of Peter Baxter and land once of Thomas Cobald (S. and W.), land once of John de Stalham (E.). The purpose being to support 7 poor townsmen who shall celebrate day and night for the souls of John de Stalham and his brother William. The rents from the cottages are to be kept in a pyx chest.

[f.26v]

The executors give 100s. from the goods of the late William. Dated at Yarmouth, August 10, 1392.

[f.27r]

Later additions by diverse hands:

- **12d. from Edmund Hungate for a tenement, once of Thomas Kant and afterwards of John Medylton, between a common way (S.), land of William Bettys (N.), land of John Medylton (W.), the Dene (E.); (# 9 or 16 ?);**
- **2s. from William Shawe for a tenement, once of Laurence Drayton and afterwards of Robert Pynne, recently of John Shawe, between common ways (N. and S.), the Dene (E.), land recently of Roger Drayton (W.); (# 8).**
- **12d. from John Fox for a tenement, previously of Peter Selby, between a common way (N.), land once of Geoffrey Drayton now John Lamle (S.), land once of Simon Talliard (E.), the port (W.); (# 10).**
- **2s.6d from Robert Tasburgh for a tenement recently of Thomas Martyn and afterwards of Robert Pynne, between a common way (N.), land of Robert Osteler (S.), land once of John James now of William Bishop (W.), Middlegate (E.); (# 12).**

[f.27v]

- **2s.6d from William Bishop for a tenement, previously of John Hakon and afterwards of John James, between a common way (N.), land once of Rose Thurkild now of William Bishop (S.), land of Robert Tasburgh (E.), the port (W.); (# 51).**



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Buildings and fortifications

There was said to have been some kind of [castle](#) built in Ipswich after the Conquest, perhaps in the early year's of William I's reign as part of his programme to subdue the country. Matilda's son Henry besieged it in 1152, in the latter stages of the civil war. It was later again held against him when Hugh Bigot supported the rebellion of Henry II's sons. That latest in a series of problems with the incorrigibly rebellious Bigot earls of Norfolk led to Ipswich castle's demolition (along with other Bigot castles in the region) by Henry II in 1176. Construction of [rampart and ditch defences](#) was begun ca.1204 – although this may only have been an overhaul and/or expansion of an earlier fortification; that it was the king who took the initiative here, using labour from Suffolk and Cambridge, hints at a defensive imperative at that time rather than local ambitions. There were plans for a wall, but it is not clear how far they were carried out, and we find none of the applications to the king for murage that could be expected if a major wall-building project had been initiated. There are references between early fourteenth and late fifteenth centuries to properties adjacent to town walls, but a larger number to those abutting onto the "great ditches" or "wall-ditches", some of which must have connected to the river, since we hear of fish-traps in them. One grant of part of the ditches, in 1302, was revocable if walls were ever built there. Possibly walls were erected only around parts of the town and reliance elsewhere was placed on the

earthworks; the northwestern sector of the town was a part protected by a wall, and near that corner were one or more "[barred gates](#)", while other gates were on the [northern](#) and [eastern](#) sides. The rivers provided a natural barrier in the south and south-east.

During the Late Middle Ages most towns tried to stay neutral in national political struggles, and their interest in fortifications was as much a matter of controlling trade (to channel it through supervised town entrances/exits) as of protection. Only once do we find some militaristic alarm in Ipswich when, in October 1452, it was ordained that all burgesses be in possession of a bow and arrows, sword and shield, and other weapons, and ensure that their adult employees or servants have a cudgel handy, and that all be prepared to respond day or night to a summons from the bailiffs. Since active hostilities between Yorkists and Lancastrians were then in hiatus, the concern may have been with a more local dispute – perhaps that between the town and the Prior of Ely (landlord of local property) which had prompted forceful action by the borough against the Prior's enclosure of common pasture in 1451, and was before the king's court throughout the 1450s. Although Ipswich has been described as Yorkist in its sympathies, and certainly Sir John Howard had some influence there (as elsewhere in East Anglia) it was rather that a few prominent townsmen and rural gentry of the neighbourhood had Yorkist affiliations. The corporation itself shows no signs of taking sides, while the [ordinance of 1474](#) suggests that the borough was tired of being used as a pawn for individuals to assert exercise political influence [through parliament](#).

Although [St. Mary Tower](#), as we have seen from the [events of 1200](#), may have been the site of the folkmoot around that time (and its significance is further suggested by the fact that curfew was rung there), when a moothall was built it was on the south side of [Cornhill](#). This was a more important location, in terms of administration of commerce, since the large corn market was there; the commercial role of the borough authorities is reflected in the alternate name by which the moothall was sometimes known: the Tolhouse. The building may have been in existence by 1212, for the bailiffs' defence against the [complaint of Elias de Gippewyc](#) about the relocation of the fish market (to the vicinity of Cornhill) was in part that it was to make collection of tolls easier. Adjacent to the moothall site was [St. Mildred's](#) which, previously a parish church, appears to have been absorbed into the moothall property in the 14th century. In 1391 the borough authorities were acquiring another adjacent piece of land, presumably for further expansion of the administrative facilities.

As for most boroughs, the cost of maintenance and repairs to the moothall and other public properties became an increasing burden. In 1361 the borough authorities assigned certain sources of income to repairing the moothall and one of the town bridges; at the same time we hear that the authorities had recently built a new set of butchers' stalls in the meat market, which it then leased to two townsmen. Renovations to a house at one end of the moothall were initiated in 1435; and we hear of new construction at the end of the "plea-hall" in 1448, the costs to be covered from escheats, estreats from Sessions of the Peace, and freemen's entrance fines. In 1446 there is reference to the borough leasing to butchers stalls in the "Flesh-house", although whether the stalls in 1361 were within a permanent superstructure is unknown. In 1391 the borough had two [water-mills](#) built on common land between the town bridge and Stoke bridge – one was used for grinding corn, the other for fulling cloth. The

construction work was accomplished by granting the land to a small committee of burgesses who financed the construction and recouped their costs from the profits of the mill, after which they regranted the land and mills to the [community](#); this brought legal problems, obliging the borough authorities to obtain a royal licence to hold the property in mortmain. In 1435 [Stoke Bridge](#) itself was in need of rebuilding, and one of the town's wealthiest merchants, John Caldwell, offered to finance this, if the borough would make a contribution; at some point before 1477 a gate was built to control access over the bridge. The town conduit required work in 1451 as did houses associated with it, while repairs to the town [quay](#) were the reason for a levy on the community in 1473; two years later it was the town mill and fishmarket that demanded attention, and in 1477 a new crane was needed for the quay.



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Economy

Ipswich shared the same advantages as other East Anglian towns on or near the coast, in terms of convenient location for trade with the Baltic, Scandinavia, the Rhineland and the Low Countries, and in terms of access to the river system penetrating into the fertile agricultural lands of inner East Anglia. During the Late Anglo-Saxon period East Anglia was becoming one of the most heavily populated and prosperous parts of England, despite the disruptions of the [Danish invasions](#). In fact, the influx of Danish settlers contributed to the process, since they brought new blood into the towns and new hands to turn forests into fields – the production of surplus food being necessary to the growth of urban populations focusing more on commerce and industry. Ipswich was a prime beneficiary of this.

From the seventh to ninth centuries Ipswich was the main production centre for Ipswich ware, a sturdy type of pottery that is found throughout East Anglia during that period and as far afield as Yorkshire and Kent. Other industries – weaving, leatherwork, ironwork – have been revealed by archaeology, but not on the same scale or apparent organization as the pottery industry, which was concentrated in a particular part of the town. The ruling Wuffing family likely was a factor in directing trade northwards, to the land from which they had migrated.

In the post-Conquest period at least, Cornhill was the 'town centre' and there were several taverns nearby. Market stalls lined the surrounding streets, with the meat and dairy markets to the south of Cornhill. The quayside was another focus for occupation and commerce; trading here was probably of a wholesale nature, as opposed to the retail markets in the centre of the town. According to a complaint made by the bailiffs in 1230, about a rival market in Woodbridge, Tuesday was the principal market day in Ipswich.

In contrast to Lynn where the location of markets was dictated primarily by proximity to the quayside, the location of Ipswich markets away from the quay, along the ridge running through the centre of town, suggests that goods brought by land were at one time as important to the town's economy as water-carried trade. There were various specialized markets and, from a list of tolls levied on different merchandise, we see that there were separate locations associated with particular categories of product (although not rigidly):

corn market (extending eastwards from Cornhill)

corn

cloth market

striped cloths ("rays"); dyed cloths of Beverley and Lincoln; cloths of Coggeshale, Colchester, Maldon and Sudbury ("doubles"); long-weave cloth ("singles"); linen; canvas; tailored clothes, including surcoats, tabards, mantles, capes; hemp (which is sometimes referred to as having its own market)

fish market (south of St. Lawrence's church)

herring, porpoise, salmon, sturgeon, whale

wool market

wool-pells; cow and horse hides

cheese market

cheese; flax and hemp seed

timber market (south of Cornhill)

bowls, dishes, plates, cups, and other wooden wares; baskets, vessels, spades; timber, boards, slats, yardsticks; hurdles, splints; cords; cartwheels; broom.

bread market (south of Cornhill)

bread

meat market (it and the vintry stretched along Tavern Street, east of the corn market)

beef, pork, mutton, veal

livestock market

horses, oxen, cows, bullocks, heffers, swine, sheep, calves

quay (i.e. goods arriving or leaving by river and therefore featuring foreign imports/exports; these goods were not necessarily sold at the quay, but could be)

wine, vinegar, liquors; honey, oil, ointment; pitch, tar; ale; woad; cinders (used in fulling); archil, copper sulphate (both dyes); teazel; cloth; canvas; wool; millstones and other types of stone; marble ware (e.g. coffins, crosses, fonts); mortars; plaster; alum; almonds; figs, raisins; grain; Cordovan leather (used in shoemaking); Spanish iron, Normandy iron, wrought iron, old iron,

lead, tin, brass, copper, osmond; squirrel furs; wool-pells; skins of lamb, badger, rabbit, fox, cat; cow and horse hides; herring (smoked, salt, and fresh), salmon, whale; wax; cheese, butter, lard; swords, bucklers, targets, coats of mail; wainscot and other boards, barrel staves, shingles; wooden bowls, dishes and plates; caps; wood; corn, onions, garlic, walnuts; salt; sturgeon;

The street still known as Buttermarket reflects another area of specialization, while Tower Street (north of Tavern Street) was the place for buying poultry, and streets to east and west of St. Lawrence's church were the place to buy cloth or to have a bite to eat in Cook's Row.

Tolls were charged by the volume of merchandise (e.g. cartload, wheel-barrow, barrel), or for individual items in cases such as the presumably luxury items of porpoise and salmon. In addition, those selling their goods from stalls had to pay an annual fee called stallage. Bakers who had stalls paid 3d a year for them (6d for non-residents); instead of tolls on their bread, however, they paid a farthing a day to sell in the market, while those selling from their homes negotiated an annual (licence) fee with the town authorities.

The various market tolls were an important source of revenue for Ipswich throughout the Late Middle Ages. Other principal sources of income by mid-fifteenth century were rentals and leases of property owned by the community – houses, lands, mills, and market stalls – entrance fees paid by new burgesses, and fines imposed by the courts; the licenses for exemption of outsiders from certain tolls were not very lucrative by this period. However, these sources were outbalanced by the outgoings, chief among which was the fee farm, although the costs of maintaining community properties and general costs of government (officers' salaries and business expenses) were also not inconsiderable. Despite an income of £88, in 1446/47 the borough ran up a deficit of £20. There were problems at this period with collecting all the revenues expected and chamberlains were often considered to be in arrears from their account (probably through no fault of their own); there are several references to debts owed by the borough for the fees of officers or its representatives to parliament. In 1451, in order to cover the expenses of obtaining a new charter (presumably that of 1446, unless there was then a new initiative which proved unsuccessful), a general levy had to be made on the community: 3s.4d from each portman, 20d from each burgess, 12d from each foreigner.

By contrast, in 1286 (during the period of wardenship) the sheriff accounted for over £93 in revenues for a year and a half and could boast of a surplus of almost £17 over the expenses of administering the borough, in part because of a savings on salaries of town officers (only a serjeant of the court and a couple of toll-collectors being needed by the sheriff).

During the reign of Edward III, we may suspect that borough revenues were managing to cover expenditures (if barely) since the farming out of several sources of revenue produced income by itself sufficient to meet most or all of the fee farm. Although the town mills are seen being leased out in 1285 and 1308 (and this is likely to have been standard practice), the systematic leasing of a range of revenue sources seems to have begun as an experiment in 1334, when the meat market was farmed to two new burgesses for £9.6s.8d a year, for a

seven-year period. In 1339 the experiment was much expanded to include the corn market (£20), fish market (£8.13s.4d, with a slight discount if war with France jeopardized the seas), the petty goods market (£4.3s.4d), and the borough's half of the Woodbridge market (£1.4s.); the quay, the community-owned mills (the New Mill and [Horswade Mill](#), with [Odenholm meadow](#) subsequently attached to the latter), [hawgable](#), and "forwardesolver" (possibly estreats) were also available for farm, although there does not seem to have been any immediate takers. The mills later brought in £5 to £8 annually. [Tronage](#) and the carriage of bulk merchandise from the quay to merchants' warehouses and cellars were later added to the farm of the quay, to make it more attractive, but the initial amount of £20 likely proved unprofitable and in some years it was difficult to find a farmer, until the cost of the lease was halved. The tolls on broom were also added – a small item bringing only 5s. into the borough coffers. By 1347 the total revenue to the borough was amounting to over £58. A century later, in 1451, one man was prepared to pay £48 as one year's farm for a parcel of revenue sources: the Great Custom, customs collected at the quay and the Wool-house, the crane, the "petybeam" at the quay (probably for tronage), administration of weights and measures, the Flesh-house together with tolls on meat and wool-pells, tolls collected at St. George's fair (April) and [St. James' fair](#) (July), and foreign fines. In 1469 the tolls from St. James fair were to be applied to the care of lepers.

The Black Death only briefly disrupted this situation, but loss of key records prevents us from knowing how far into the second half of the century this practice was continued. A general decline in court business (and therefore borough income from it) in the third quarter of the century hints at a more general economic decline in the town, but efforts were made towards the end of the century to systematize revenue collection better, through [chamberlains](#) and sergeants. By 1415 the revenue from court business was at about the same level as in the 1446/47 accounts: £6.3s.2d from court estreats and £10.3s.4d from [leet](#) estreats.

In mid-fifteenth century, the borough authorities were making fresh efforts to regulate trade and commerce in the town. Mercers were forbidden, in 1434, to store wool in any private house unless the community warehouse was full. In 1446 there are references to stalls for the sale of fulled cloth in the moothall, as well as a draper's stall and a tavern under the moothall. In 1448 it was ordained that the fuller's market take place only in a room above the moothall, and the draper's market only under the moothall – any cloth sold elsewhere would be confiscated; a similar stipulation was made for wool and mercery markets, to be held only in the Wool-house, which was situated above the [butchery](#). A regulation of 1454 required all outsiders bringing merchandise into town to have it weighed by the Common Crane (at the quay), and not elsewhere without prior arrangement with the chamberlains, entailing payment of a cranage fee (3d). 1473 saw the prohibition of residents of the town having their grain ground at any mill other than the town mill (Horswade?), while at the same time the miller was instructed not to charge excessive fees, and the following year put in place (among a set of ordinances) the requirement that all merchandise be measured and weighed before being shipped out, while two months later a committee was appointed to reassess local tolls and customs on different types of merchandise. All these initiatives were aimed not merely at regulating commerce but at ensuring the borough had its cut of the profits

therefrom.

The Merchant Guild doubtless had some role in the regulation, or at least the fostering, of local trade and commerce; probably more so in the early thirteenth century than in later periods. We do not know precisely what, since it is rarely mentioned in the surviving borough records, and its own records have not survived. It was essentially the commercial face of the borough, which must have become redundant in some regards as the borough increasingly took control (as reflected in the custumal) of commercial matters. In 1325 it resurfaced in its aspect of a socio-religious association – the Corpus Christi Guild – whose alderman had to account before bailiffs and portmen for the property and debts of the fraternity, and which retained a connection with St. Mary Tower. Occasionally there is mention of the gildhall which, since identified in the fifteenth century with court sessions, must have been another alias of the moot hall/tolhouse. In 1446 we still hear of the election of alderman and associates (now reduced to 2) by "bailiffs, portmen and the entire community", and the alderman's monopoly on commerce in stones is reiterated. By this period one of the functions of the guild was to present an annual pageant on Corpus Christi day, financed by the borough; groups of craft guilds were each assigned a specific tableau to represent, while the different orders of friars, as well as the Priors of the two local priories and the bailiffs and portmen all had particular role to play. In fact, judging from the financial account of the Guild for 1478/79, the celebrations on Corpus Christi day – including a large feast – may have been the sole significant function of the Merchant Guild; all burgesses, both intrinsic and foreign, were expected to contribute 4d a quarter towards it and all could attend the feast with their wives – and bring a guest for an extra 4d. The income from the monopoly on sale of certain stones was now assigned to hiring a chaplain to pray for gild brethren. In 1482 it was reaffirmed that foreign burgesses must pay a quarterly fee to the Guild or lose their burgess rights.

The early importance of Ipswich as a market for regional agricultural produce is indicated by the number of manors that purchased exemptions from tolls on grain and other produce. Even in the late fourteenth century, grain featured prominently among exports of local merchants. Wool and cloth exports and wine imports became more important in trade as the fourteenth century progressed, although even in the earliest surviving court roll (from 1255/56) we find recognizances of debts for the purchase of cloths, which appear both to be Suffolk product and imports from Ypres. Customs accounts show that a wide-ranging trade was carried on with Flanders and the Low Countries. Ipswich was probably also a convenient port from which to ship wool to the staple towns of Calais and Middelburg. It was used quite a bit as a port by Colchester merchants; the national customs system had Colchester, Harwich and Maldon as subsidiary ports to Ipswich.

Suffolk had a smaller role in the wool trade than Norfolk; of the four East Anglian towns designated in the fourteenth century as Staple towns (i.e. the sole authorized centres for the sale of wool), three were in Norfolk – Norwich, Lynn and Yarmouth – and the fourth was Ipswich. East Anglian wool was not of the highest quality, and its economic importance was gradually supplanted by the cloth-making industry. There are indications of cloth-making at Ipswich in the twelfth century; by the thirteenth century, the town was known locally for its

cloth, linen, and hemp. But this was on a minor scale; commerce was of more importance to the town's prosperity than was industry. Wool continued to play a prominent role in exports from Ipswich throughout the Late Middle Ages, although it never rivalled Boston or Lynn in the wool trade (nor Yarmouth in the fish trade). Cloth began to appear among exports from the thirteenth century and became an increasingly important commodity in the fifteenth, but its trade was dominated not by local merchants but rather by the Merchant Adventurers (founded in London, with branches in Ipswich and other towns) and, by the end of the Middle Ages, the merchants of the German Hanse. A cloth-finishing industry tried to establish itself in fifteenth-century Ipswich, but discord between wool-producers, merchants and clothiers made the industry susceptible to the influence of London and Hanse merchants.

Petitions from "the poor burgesses" of Ipswich to the king in 1399 and again in 1402 complain of a decline in prosperity as a result of the burdensome fee farm and royal tallages, losses in shipping, and emigration of some of the wealthier burgesses. While such complaints are not entirely to be taken at face value, being devices to seek lower taxation or additional privileges (such as being made a staple town), evidence presented above suggests that the borough may not have been keeping its head above water, financially. Nonetheless, it does not appear to have been in dire straits; its diversified economy allowed it to weather the medieval fluctuations in the fortunes of commerce fairly well.



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History of medieval Ipswich



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Buildings and fortifications | Economy | **INFORMATION SOURCES**

Map of Ipswich at the close of the Middle Ages

Ipswich bailiffs, coroners, chamberlains, and treasurers

Appendix 1: Account of the setting up of self-government in A.D. 1200

Appendix 2: Calendar of usages and customs of Ipswich

Appendix 3: Oaths of officers and burgesses

Appendix 4: Account of revenues and expenditures, 1446/47

Information sources

The following is a small selection of published sources of information about medieval Ipswich. For additional secondary sources as well as primary sources, see the [bibliography to *The Men Behind the Masque*](#).

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[appendix 1](#)

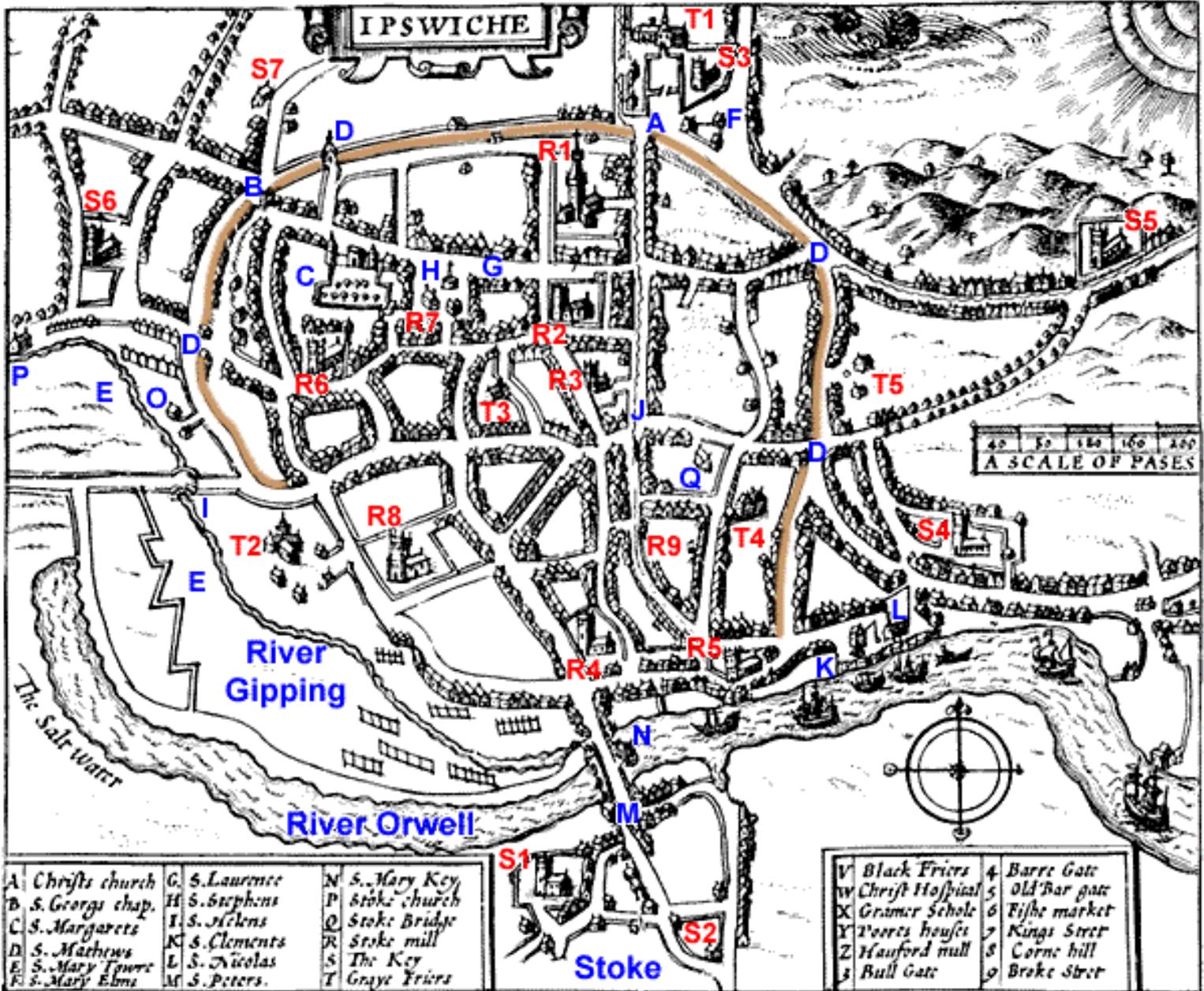
Created: *August 29, 1998*. Last update: *November 11, 2002*

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History of medieval Ipswich

Ipswich and suburbs at the close of the Middle Ages



This is a clickable imagemap.

NOTES:

This map is the work of antiquary [John Speed](#) (working with the Dutch engraver Hondius) and was created as an inset for a map of Suffolk published in 1610 as part of a series of county maps. (The additions in colour are of course my own).

DEFENCES

Line of the ditch/wall

The line (which I have indicated by a brown overlay on Speed's map) was clearly suggested in the topography of the streets into the 19th century (although less so with late 20th-century redevelopment), including street names like Tower Ditches and St. Margaret Ditches. According to a note in one of the Ipswich Domesday Books, the ditches were dug in 1203; but this does not rule out the effort simply being an enlargement or extension of an earlier line of defence. There are fairly frequent references to grants of parcels of the town ditch, particular along the northern boundary, where they are sometimes referred to as the "great ditches of the town". Walls are far less commonly mentioned and their extent is uncertain. In 1302 a burgess was granted a lease of part of the ditches, for 6d. a year, to be voided if the town were ever enclosed by a wall. We hear of town wall in St. Margaret's parish in a grant of 1315, and in St. Mary Elms parish in 1323. A change had occurred between the compilation of a [custumal](#) in 1291 and its translation into English in the fifteenth century, since the former refers to a watercourse called "Botflood" (the flooded town ditch?) passing along the side of a road, while the latter refers to it running alongside the wall. What wall-building there was may have focused on areas where the ditches were weakest and may never have proceeded to creation of a continuous line; the eastern and western sides of the borough clearly had walls, but it is less certain that the northern perimeter did.

A North Gate

No.4 in Speed's key, where it is named Old Bar Gate. The road from here led towards Norfolk.

B West Gate

No. 3 in Speed's key, where it is named Barre Gate. The same name (*portas barratas*) is found in a deed of 1343, in which the town authorities rented to Robert le Loyker a plot of land just north-east of the gate, where the town wall north of the gate began to curve eastwards; they reserved right of access to the wall for purposes of repair or defence. The gate's position at one end of the main street running through the town reflects its importance. Part of it was converted into a town gaol in the early 15th century, and was rebuilt to be more suitable for that purpose in 1449 at the expense of burgess John Caldwell. The road from here led deeper into Suffolk.

C Possible site of the castle

The location of the relatively short-lived Norman castle is unknown. Some have argued that it lay outside the town defensive perimeter, to the north of Christ Church (and therefore off Speed's map), or just within the northern perimeter where the ditch could have served as part of the bailey ditch. The basis of these theories seems to be topographical: names (some post-medieval) such as St. Mary Tower, Castle Hill (a feature well north of the town), and the Tower Ramparts on the line of the northern defensive perimeter. However, it seems likely that a castle intended to overawe the citizenry would have been conspicuously placed and reasonably close to the town centre (as at [Norwich](#)), or at least on the edge of town – not as far away as Castle Hill. Speed has on his map a feature that is not identified, yet clearly of some significance: immediately east of Cornhill a walled precinct fronted by sturdy wall with gate and towers (later part of a sizable residential complex). Might this have been part of the castle bailey? The curving line of Elm Street is suggestive of a route skirting a bailey, while the presence of St. Mary Elms is not necessarily a problem, since one of the three St. Mary's appears not to have existed at the time of Domesday, and St. Mary Elms is the likeliest candidate. By contrast a location just south of the northern ditch, incorporating the ditch into its defences, could be expected to have left some mark on the line of the ditch, but no anomaly is evident. By Speed's time the grounds here suggested as the possible bailey site were apparently being used for an orchard. The absence of houses from a large stretch there of what was essentially the town's high street is apparent and otherwise difficult to explain. A location atop the slope leading away from the river, and not far from the central market, is plausible enough; the location proposed here would have commanded access to the river crossings at Handford (west) and Stoke (south). A Shirehouse Hill is heard of frequently in the 15th century, when parcels of land there were being leased to private citizens, and as early as 1309 – this is doubtless connected with the site of the county court, for which a new building was constructed in 1397; its location, downslope near the quayside, would not be strategically as desirable for a castle, and it is doubtful the "hill" would have been the old mound for a keep. The relatively early [disappearance of the castle](#), in 1176, may explain why there seems to be no memory of its site in topographical names; although there is reference in 1486 to a plot of land in Ipswich called "Erlebegotes" (Earl Bigot's), the location is not identified and it might have been buildings the earl is said to have owned at the quayside.

D Other gates

The routes of streets strongly suggest the location of gates (or at least routes across the ditch) here, although no trace of their names remains on historical maps; they were probably lesser gates than the those marking the entrance into the town of the crossroads that was the early focus for settlement. The Ipswich Domesday book, in regulating fees for the carriage of merchandize, makes reference to sacks of wool passing through the East Gate, North Gate and West Gate. The topography of the town suggests that the likeliest location of the East Gate would have been at the end of Carr Street. There may also have been a gate further south, midway along the eastern stretch of ditch/wall, although neither the road approaching this point from within the town, nor the road leading directly east out of the town were of major importance, and we would expect any gate there to have been mentioned in the 14th-century description of the four wards of the borough (since the boundary of two of the wards passed through that point). Roads heading eastwards from the town led to the Suffolk coast. A Bull Gate is shown on Speed's map in the northern stretch of the defences, but its proximity to the West Gate and the fact that the gate leads only into fields (there was no road beyond it) show it as of minor significance.

COMMUNITY SPACES, STREETS AND STRUCTURES

E Common meadow and marsh

A large area of somewhat marshy ground west of the Gipping belonged to the burgesses in common; the northern part in particular, being drier, was used for pasturage. The common meadow included Portman Meadow, dedicated in 1200 to pasturing the horses of the town councillors; before 1200 and through the 14th century it was known as Odenholm meadow, although by the 1440s it was being called Portman's Meadow. It was accessed via a ford and later by Friars Bridge.

F Thingstead

This was a roughly triangular area of ground just east of North Gate; in 1315 it was itself referred to as a highway. A meeting-place of roads, even though its centre was built on by Speed's time, this large open area was still described in later times as a "green", a term itself suggesting a meeting-place of people. The name implies it an early location for the folk moot, although we cannot be sure whether this might have been a *burhgemoot* or a shire-moot serving not just Ipswich but other hundreds of east Suffolk. The fact of it being in the populous parish of Holy Trinity – usually a dedication of some importance – supports the possibility of a folk moot located here; although by 1200 (when, and perhaps because, Holy Trinity had become a priory and was subsequently superseded by St. Margaret's) the community meeting-place had apparently shifted to St. Mary Tower. The parish is occasionally referred to as St. Margaret in Thingstead, which may suggest that the churchyard absorbed some of the land previously used for the folk moot.

G Westgate Street/Tavern Street/Carr Street

This set of streets, essentially one east-west high street through the town, running along the ridge atop the slope leading down to the riverside, appears to have been the basis for the foundation of the settlement, and the focus for initial habitation in the 7th century. Westgate Street, leading from the gate to the town centre at Cornhill, was not often referred to by name in the Middle Ages; but when it was we find the name Burgate Street at first, and later Barregate Street. It is not certain whether the street name derives from "burh" (which would reinforce the early significance of this highway) or from the barred gate at the west end. In the early 14th century Carissstrete was the name for the eastern part of this highway, and perhaps the central part too (there seems to be no medieval foundation for Tavern Street).

H Cornhill

No. 8 in Speed's key. As the name indicates, the focus of the grain market. The town centre, where one of the most ancient town churches stood and also the location of the moothall/tolhouse and later the hall of Corpus Christi gild (successor to the Merchant Gild).

I Friar's Bridge

The name suggests it may have been built contemporary with or shortly after the establishment of the Franciscan friary (although it might have had a different name earlier). The only evident purpose of the bridge was to provide access to the community pasturage on the far side of the Gipping.

J Brook Street

No. 9 in Speed's key, Brook Street was the principal north-south route through the town, connecting the main east-west route with the western end of the quayside. This role would have made it an early feature of the settlement. It has been hypothesised that the name of this street derives from the watercourse that ran down its centre (a feature supportive of early settlement). However, the name is more likely associated with being a route to the neighbouring manor of Brooks to the north; some medieval spellings of the name (Brokesstrete) support this.

K The Quay

S in Speed's key. Archaeological evidence seems to indicate that a quayside revetted in timber existed from the Middle Saxon period. Successive phases of timber and wattle revetting are evidenced, as there took place gradual reclamation of land from what was once river. It may have been the case that, when built, the churches of St. Peter and St. Mary Quay stood close to the riverbank. The quay proper, from where the borough porters transported landed goods to the marketplaces or merchants' warehouses, stood immediately outside the defensive perimeter of the town. In 1306 Roger Bigod, Earl of Norfolk, died seised of the quay and the houses there. By 1398 it seems to have been in the hands of the king. By the 15th century the quay was outfitted with a crane and a public latrine.

L Customs house

Speed shows two structures on the quayside, neither identified in his key. One is clearly a crane. This was in existence by 1454, when borough authorities required that all outsiders bringing merchandise to Ipswich for sale have their goods weighed by the crane; but there were probably a series of cranes on the quayside: repairs to the crane was an item in the 1446/47 chamberlains' accounts, and a replacement had to be built in 1477. The other structure, judging by its location, might well be the precursor to the later Customs House. In 1433 a grant of land referred to the nearby "Houses of Office" on the quay. One of these may have been the Woolhouse which in 1448 was specified by borough authorities as the only place at which wool might be bought and sold, and which in 1451 was farmed out (along with collection of customs at the quay and the fleshhouse, operation of the weighing beam, and other sources of revenue) to John Bole.

M Stoke Bridge

Q in Speed's key. A bridge across the Orwell connecting Ipswich with the suburb (held by the Abbot of Ely) of Stoke, where many burgess held fields and other property, was certainly in existence in the late 13th century: in 1301 the will of Thomas Aylred assigned an annual rent towards the maintenance of the bridge, to be administered by the bridge's custodian – this not so much charity as gratitude, reflecting the fact that Thomas, as a holder of property in both Ipswich and Stoke, must personally have benefited from the existence of the bridge. However, the fact that Saxon Ipswich ware has been found in Stoke and the mention in Domesday of at least one, if not both, of Stoke's parish churches, creates the suspicion that some kind of crossing facility would have existed far earlier. In the 1430s John Caldwell offered to renovate the bridge at his own expense if townsmen would contribute to the maintenance. Access into the town via the bridge was protected by some kind of barrier by the 15th century, for an ordinance of 1477 placed the keys to the bridge in the custody of the bailiffs. Possibly the "Peter's Bridge" towards whose maintenance the borough assigned, in 1378, the rent from a tenement, it was also referred to on occasion as Ipswich Bridge and Port Bridge. By the 15th century, it appears to have been perceived as two separate bridges, the one closest to Ipswich called North Bridge and that closest to Stoke being called Stoke Bridge; the reason for this is not evident from Speed's map

but relates to a peninsula (created by a watercourse lying between the Gipping and Orwell) which provided a midway foundation for the linkage between Ipswich and Stoke. In the 19th century the intermediary watercourse was filled in and the northern part of the bridge, landlocked, disappeared.

N Stoke Mill

R in Speed's key. Where ended the narrow peninsula, mentioned above as the dividing point of two bridges providing a route between Ipswich and Stoke, Stoke Mill was built. By 1446 there were two mills at this location, one for grain and one for fulling – one of these perhaps being the "New" Mill.

O Horswade Mill

Speed does not reference this on his map, and the location of the mill is not clearly indicated in any medieval record that I have read. However, it was a water-powered mill and is frequently referred to in conjunction with the common meadow/marsh on the west bank of the Gipping – in the 1340s, when the borough was leasing the mill to private citizens, Odenholm meadow was jointly leased out with it; at that time Horswade Mill was said to be in a ruinous state. A deed of 1388 is concerned with a plot of land lying between a (river?)bank connecting Horswade Mill and Stoke Bridge and the road connecting the Barre Gates and Friars Bridge; based on this, on a feature on Speed's map showing otherwise isolated buildings at the end of a side-road leading to the Gipping, and on the evidence from later maps (which show one of those buildings extending to the river's edge), I am tentatively hypothesising that this may represent the mill location, directly across the river from the common meadow. Horswade served as the official place where burgesses were supposed to have their grain ground, judging from a borough lease in 1308 of the (tolls paid at) the mill. It was distinct from the New Mill, another building that was separately leased out by the borough; the leasing of both mills is referred to as early as 1286.

P Handford Mill

Erroneously indexed on Speed's map as Z. It is referred to under this name in 1323, but may have gone under different names at different times. A little further west was a second bridge (across the Gipping) serving the townspeople and, as the name suggests, replacing an earlier ford at the location; the bridge may have been in place before the Conquest.

Q Grammar school

X in Speed's key. The earliest reference to such a school in Ipswich was in March 1477, although there are references to schoolmasters in the early 15th century. Whether the location was the same as that in the time of Speed, however, is a matter of conjecture. In 1483, prominent townsman Richard Felawe bequeathed a building, adjacent to (which could mean opposite) the gate of the Dominican friary, to serve as a community schoolhouse and as a schoolmaster's house; this might approximately correspond with Speed's placement, if we compare with Pennington's map of 1778, which locates the schoolmaster's house across the (Foundation) street from the friary, although by that time the grammar school itself was immediately north of the friary. Speed seems to have the school a little far north.

RELIGIOUS INSTITUTIONS

R1 St. Mary Tower

E in Speed's key. Two churches dedicated to St. Mary are recorded in Domesday, without further distinguisher, other than that one was held by the burgess Culling and the other by Tumbi – it being common in Anglo-Saxon England for churches to be built and owned by private individuals. The reason for the name is evident enough from Speed's map. Its possession of a sizable tower (from which curfew was rung), the wealth of the parish and the church, the later attendance there of the town bailiffs, and above all the community meetings held there in 1200, all suggest this to have been the chief parish church of late medieval Ipswich. By the same token, its churchyard would have been a likely spot for the borough folkmoot. It was the second most populous parish in 1381, containing about 12% of Ipswich's taxpayers.

R2 St. Lawrence

G in Speed's key. Mentioned in Domesday as being held by Turchil and Edric, but as having been held, in the time of Edward the Confessor, by a freewoman, Lefflet.

R3 St. Stephen

H in Speed's key. Mentioned in Domesday as being held by Godric. Only a small parish, catering primarily to residents of Brook Street.

R4 St. Peter

M in Speed's key. Mentioned in Domesday as being held by Ascar; at that time the river's edge was probably much closer to the church than today. The Augustinian priory of St. Peter and St. Paul was established nearby around the close of the reign of Henry II; the founder is unknown, although the king was claiming its patronage by the time of Henry III. The priory was fairly wealthy by the end of the 13th century, holding the appropriation of the churches of St. Peter, St. Nicholas, and St. Clement. Royal licences to acquire property in mortmain allowed for a period of expansion into adjacent properties in the early 14th century. The Priory was dissolved in 1526 (by which time it was also holding the church of St. Mary Quay) in order to allow for Cardinal Wolsey to construct his short-lived college on the site.

[\(image of St. Peter's\)](#)

R5 St. Mary Quay

N in Speed's key. Believed to be in existence by the end of the 11th century, but not necessarily one of the St. Mary's mentioned in Domesday. It was clearly established to serving increased population around the quayside. Yet, despite the importance of the quayside, the Poll Tax of 1381 indicates that this parish was not heavily populated. Much of the fabric of the church now standing dates from the mid-15th century.

R6 St. Mary Elms

F in Speed's key. If the two St. Mary's mentioned in Domesday are, as seems likely, St. Mary Tower and St. Mary Stoke, this suggests St. Mary Elms may not have come into existence until the late 12th century.

[\(image of St. Mary Elms\)](#)

R7 St. Mildred

Likely a pre-Conquest foundation, quite possibly dating as far back as the 8th century. The church itself is rarely mentioned, particularly after the early 14th century, although its cemetery is referred to in 1420 and the parish as late as 1465, along with the cemetery. References to St. Mildred's are noticeably fewer than to other of the parishes within the defensive perimeter. It may have been in gradual decline for some time: perhaps part of the population originally served had been displaced by the building of the castle (as at Norwich) and had moved east into St. Mary Tower and St. Margaret parishes; events such as a fire in the fleshmarket ca.1319 (the western part of which would likely have been in St. Mildred's parish) may not have helped matters, and depopulation resulting from the Plague and its recurrences would have reduced the base of tithe-paying parishioners further, to the point where the church may have had difficulty supporting itself. The parish may have been a small one from its origin; a royal tallage of 1228 lumped it in with St. Mary Tower for purposes of listing taxpayers, while in 1309, when men were chosen from each parish to elect a town council, with different numbers of electors according to the size of the parish population, St. Mildred's was not listed at all. The church building was subsequently absorbed into the moothall property; it survived into the 19th century, when pulled down to be replaced by a new town hall. Judging from parish boundaries, it looks as though St. Mary Tower parish was extended to absorb the part of St. Mildred's east and south of Cornhill, while the western portion was added to St. Matthew's.

R8 St. Nicholas

L in Speed's key. Not mentioned in Domesday, it likely came into being in the following century, to serve residents spreading along the road connecting the town centre with Stoke. However, there may have been an earlier church with a different dedication on the site. The parish contained the timber market (perhaps located south of the Franciscan friary?).

R9 St. Edmund's chapel

A chapel dedicated to St. Edmund de Pounteney (Pontigny) was located between Lower Brook Street and Foundation Street (an earlier name for which was St. Edmund Pounteney Lane), with its rectory on the corner of Rosemary Lane. This was an unusual dedication, referring to an Archbishop of Canterbury canonized in 1248. It is first mentioned in Ipswich records in the last decade of that century, when a member of one of Ipswich's most prominent families was its chaplain; burial privileges were evidently associated, since its cemetery is mentioned in 1338. Originally belonging to St. Peter's Priory, in the 15th century it was consolidated with St. Helen's.

S1 St. Mary Stoke

P in Speed's key. It was probably one of the St. Mary's mentioned (without any distinguisher) in Domesday, whose entry for Ipswich clearly includes Stoke.

S2 St. Augustine

Mentioned in Domesday as being held by Lestan the priest. It was located at the southern end of Stoke, but decayed and disappeared during the Middle Ages (it was still in existence *tempore* Edward II), which is why it is not acknowledged on Speed's map. Nearby was the leper hospital of St. Leonard's, a poor foundation probably reliant on alms.

S3 St. Margaret

C in Speed's key. Probably built in the 12th century, when the church of Holy Trinity was turned into a priory (there would otherwise be no sense to have two parish churches immediately adjacent). The most populous parish judging from the Poll Tax of 1381, containing 19% of those taxed; this was partly because it was a large parish, incorporating Carr Street and its surrounds within the defensive perimeter as well as a suburban area. Again, in a parliamentary aid of 1463, St. Margaret's had the highest assessment of any parish (just edging out St. Mary Tower) and had 3 assessors, compared to 2 for each other parish.

S4 St. Clement

K in Speed's key. The suburb just outside the defensive boundary was established in the late 12th century, probably as a result of growing settlement in the vicinity of the quay. It was one of the more populous parishes in 1381.

S5 St. Helen

I in Speed's key. A suburban church in the hamlet of Caldwell, it is believed to have been in existence by the end of the 11th century. It seems to have been annexed to the combined hospitals of St. Mary Magdalene and St. James (see entry under Hospital of St. James).

S6 St. Matthew

D in Speed's key. Believed to be in existence by the end of the 11th century. The parish included a chapel dedicated to All Saints and St. John's Hospital.

S7 St. George's chapel

B in Speed's key. Mentioned in Domesday, not as part of the Ipswich entry proper but in the same half-hundred, as part of the hamlet of Baylham – where several burgesses were already established. This suburb never developed much and remained one of the borough's smallest parishes in 1381. In 1451 a St. George's fair is heard of, although whether connected with the chapel, I cannot say.

T1 Holy Trinity Priory

A in Speed's key. A church with this dedication is identified in Domesday, as being held by Alnulf the priest. It may have been the precursor of the building that later served as the Augustinian Priory of the Holy Trinity, established *tempore* Henry II. It was, at the time of Domesday, presumably a parish church, but must have been a priory when St. Margaret's (its replacement) was built on adjacent land. The first priory building was constructed in 1177. At the beginning of the 13th century it held the borough churches of Holy Trinity, St. Lawrence, St. Mary Tower, and St. Mary Elms, along with other churches and lands in the vicinity; by the end of the century, it also held St. Margaret. The Priory was sometimes known, as early as *tempore* Richard II, as Christ Church. Taken over by the Crown in 1536 and acquired by a London merchant a few years later, the priory ruins were rebuilt into a manor house now called [Christchurch Mansion](#).

T2 Franciscan friary

T in Speed's key. The Greyfriars, or Friars Minor, were established in Ipswich early in the reign of Edward I; in 1284 townsman Robert de Orford bequeathed them a small sum of money. The founder was Sir Robert Tiptot (died 1298) of Nettlestead and wife. Not much is known of the friary, although it covered a fairly large tract of land in what was otherwise a relatively uninhabited section of the town (on land once marshy), and left a memory in several topographic features in the post-medieval period; for example, the street leading along the edge of the precinct became known as Grey Friars Road, an easterly approach to the site is still (at least the surviving part) known as Friars Street, while the bridge leading across to the common marsh was known as Friars Bridge (by at least 1419). The friary was suppressed in 1538.

T3 Carmelite friary

V in Speed's key, but he misidentifies the convent as the Blackfriars. The Whitefriars probably established themselves in Ipswich around 1278; townsman Robert de Orford bequeathed them a small sum of money in 1284. Settlement of Carmelites here was perhaps the result of a decision of the provincial chapter held at Norwich in 1278, and the new community could have drawn its initial members from the Norwich Carmelite house. The friary absorbed a large area of the town just south of the town centre, bordered by Queen Street on the west and St. Stephen's Lane (on the west side of St. Stephen's church) on the east. The fact that provincial chapters were often held at Ipswich in the 14th century indicates the friary must have had the capacity to accommodate a large number of guests and, indeed, the central structure shown on Ogilby's map (1674) confirms this, although the church was rebuilt in the third quarter of the 15th century. It was suppressed in 1538.

T4 Dominican friary

W in Speed's key. A Dominican friary, dedicated to St. Mary, was established at Ipswich by Henry III, who in 1263 purchased a property there for the initial buildings. During the 13th century, there were perhaps over fifty friars in the community. John Ogilby's map of Ipswich in 1674 (the first large, detailed, to-scale plan of the town) shows a "Friery Garden" to the south of an unidentified building, which is called Christ Hospital – apparently some kind of almshouse – on Speed's map (and again so identified on Pennington's map of 1778). This was a surviving reflection of a large precinct built up by the Blackfriars over the course of the Late Middle Ages, stretching from the church of St. Mary Quay to the south, what was later called Foundation Street on the west, the town defensive line on the east and an uncertain distance north – perhaps as far as the north-eastern corner of the defensive line. King and borough permitted considerable expansion of the friary property on condition that the burgesses had access to the adjacent town ditch (and later the walls) for purposes of repair, and the friars' promise to assist with maintenance of the wall and two gates on the north and south sides of their property, through which public access was to be allowed. The line of houses shown by Speed on the east side of this precinct, where once a town wall would have stood, presumably did not come into existence until after the suppression of the friary in 1538. There is a reference in 1462 to a road running between Blackfriars Bridge and the quay; it is not clear where this bridge may have been located, unless it led out of one of the eastern gates, across the town ditch.

T5 Hospital of St. James

Little is known of this except from incidental references. It lay in the suburban part of St. Margaret's parish, probably on the border of St. Helen's parish, and near a lane (itself perceived as running roughly north-south) leading to St. Helen's. Based on this I have hypothesised that Speed may have represented the hospital (without identification) as a building shown set back a little from the road, separate from the main line of residences; these buildings were just barely within the boundaries of St. Margaret's parish and were backed by an area of unoccupied land not clearly associated with any parochial jurisdiction. The hospital housed both men and women and was intended for lepers. Besides St. Leonard's (see entry under St. Augustine), there were two other leper hospitals in Ipswich, dedicated to St. Mary Magdalene (in the vicinity of St. Helen's church) and St. James; that of St. Mary Magdalene was first mentioned in 1199, when the king granted it a fair to be held on the day of St. James Apostle, on its own land. In the 14th century the hospital of St. James was united with it, to be administered by a single master. In addition we hear of a hospital which sheltered the poor (1339) in the suburban part of St. Matthew's parish, and a Hospital of St. John of Jerusalem (1414) in St. Margaret's parish.



[[MAIN MENU](#)]

[\[contents\]](#)

APPENDIX I

The Officers of Borough Government

Ipswich: bailiffs, coroners, chamberlains, and treasurers

| | |
|---------|---|
| 1272-73 | b. Richard Fader, John Laurens |
| 1273-74 | unknown |
| 1274-75 | b. Vivian fitz Silvester, John Laurens |
| 1275-76 | unknown |
| 1276-77 | unknown |
| 1277-78 | b. Richard Fader, John Clement |
| 1278-79 | unknown |
| 1279-80 | b. Richard Fader, Roger le Maister |
| 1280-81 | b. Robert de Orford, Vivian fitz Silvester |
| 1281-82 | b. Robert de Orford, Vivian fitz Silvester |
| 1282-83 | b. Robert de Orford, Vivian fitz Silvester |
| 1283-84 | b. Thomas Aylred, Laurence Haraud |
| 1284-85 | b. Vivian fitz Silvester, John Clement |
| 1285-91 | Ipswich in custodianship, but ballival government maintained, probably in the persons of fitz Silvester and Clement |
| 1290-91 | |
| or | b. Vivian fitz Silvester, John Clement |
| 1291-92 | |
| 1292-93 | b. Laurence Haraud, Richard Leu |
| 1293-94 | b. John Leu, Thomas dil Stone |
| 1294-95 | b. Vivian fitz Silvester, Laurence Haraud |
| 1295-96 | b. Thomas le Maister, Thomas Stace cr. Philip Harneys, Vivian fitz Silvester, Richard Leu, Arnold le Peleter |
| 1296-97 | b. Thomas le Maister, Thomas Stace cr. Philip Harneys, Vivian fitz Silvester (Thomas Aylred), Richard Leu, Arnold le Peleter |
| 1297-98 | b. Thomas Stace, Thomas le Rente cr. Philip Harneys, Thomas Aylred, Richard Leu, Arnold le Peleter |

- 1298-99 b. John de Whatefeld, Laurence Cobbe
cr. Philip Harneys, Thomas Aylred, Richard Leu, Arnold le Peleter
- 1299-1300 b. Thomas Stace, John le Maister
cr. Philip Harneys, Richard Leu, Arnold le Peleter
- 1300-1301 b. Thomas Stace, John le Maister
cr. Philip Harneys, Richard Leu, Arnold le Peleter
- 1301-02 b. John de Causton, John Leu
cr. Richard Leu, Arnold le Peleter? [5]
- 1302-03 b. Laurence Cobbe, John Leu
cr. Richard Leu, Arnold le Peleter? [5]
- 1303-04 b. Thomas Stace, Thomas le Rente
cr. Richard Leu, Arnold le Peleter
- 1304-05 b. Thomas Stace, Thomas le Rente
cr. Arnold le Peleter? [5], Richard Leu, Thomas dil Stone
- 1305-06 b. Laurence Cobbe, Thomas dil Stone
cr. Arnold le Peleter, Richard Leu? [5]
- 1306-07 b. Laurence Cobbe, Thomas dil Stone
cr. Arnold le Peleter, Richard Leu? [5]
- 1307-08 b. Thomas le Rente, Thomas Stace
cr. Arnold le Peleter, Richard Leu
- 1308-09 b. Thomas le Rente, Thomas Stace
cr. Arnold le Peleter, Richard Leu
- 1309-10 b. Thomas le Rente, Thomas Stace
cr. Arnold le Peleter, Richard Leu, Elias le Keu
- 1310-11 b. Thomas le Rente, Thomas Stace
cr. Arnold le Peleter, Richard Leu, Elias le Keu
- 1311-12 b. Thomas le Rente, Thomas Stace
cr. Arnold le Peleter (Thomas le Rente [5]), Richard Leu, Elias le Keu
- 1312-13 b. Laurence Cobbe, Thomas Stace
cr. Thomas le Rente, Richard Leu, Elias le Keu
- 1313-14 b. Thomas le Rente, Richard Leu
cr. Thomas le Rente, Richard Leu, Elias le Keu? [5]
- 1314-15 b. Alexander Margaret, Thomas Stace
cr. Thomas le Rente, Richard Leu, Elias le Keu
- 1315-16 b. Laurence Cobbe, Gilbert Robert
cr. Thomas Stace, Thomas le Rente, Richard Leu, Elias le Keu
- 1316-17 b. Thomas Stace, John de Whatefeld
cr. Thomas Stace [5], Thomas le Rente, Richard Leu, Elias le Keu
- 1317-18 b. Laurence Cobbe, Alexander Margaret
cr. Thomas Stace, Thomas le Rente, Richard Leu, Elias le Keu

- 1318-19 b. Thomas Stace, Thomas le Rente
cr. Richard Leu, Elias le Keu [6]
- 1319-20 b. Thomas Stace, Thomas le Rente
cr. Richard Leu (Alexander Margaret), Elias le Keu
- 1320-21 b. Thomas Stace, Thomas le Rente (Laurence Cobbe, Henry le Rotoun)
cr. unknown
- 1321-22 b. Richard Leu, Walter de Westhale
cr. unknown
ch. John de Akenham, ---
- 1322-23 b. John Harneys senior, William Malyn
cr. Gilbert de Burgh, Elias le Keu
ch. John de Preston, Miles le Fevre
- 1323-24 b. Gilbert de Burgh, Edmund de Castleacre
cr. John Baude, John de Preston
ch. unknown [7]
- 1324-25 b. John Irp, John de Preston
cr. Gilbert Robert, John le Maister
- 1325-26 b. Gilbert de Burgh, John Harneys junior
cr. Gilbert Robert, John le Maister
- 1326-27 b. Geoffrey Costyn, Geoffrey Stace
cr. Gilbert Robert, John le Maister
- 1327-28 b. John Irp, Richard de Leyham
cr. Gilbert Robert, John le Maister (Thomas Stace, William de Causton)
- 1328-29 b. Geoffrey Costyn, Thomas de Whatefeld
cr. Thomas Stace (John Irp), William de Causton
- 1329-30 b. John Irp, Richard de Leyham
cr. John Irp, William de Causton
- 1330-31 b. Geoffrey Costyn, Thomas de Whatefeld
cr. John Irp, William de Causton
- 1331-32 b. Gilbert de Burgh, William le Fevre
cr. John Irp, William de Causton
- 1332-33 b. Geoffrey Costyn, Miles le Fevre
cr. John Irp, William de Causton
- 1333-34 b. Geoffrey Stace, William Ryngild
cr. John Irp, William de Causton
- 1334-35 b. John Irp, John Heved
cr. John Irp, William de Causton
- 1335-36 b. John Leu, Thomas le Coteler
cr. John Irp, William de Causton
- 1336-37 b. John Irp, John de Preston
cr. John Irp, William de Causton

- 1337-38 b. Gilbert de Burgh, Edmund Petygard
cr. John Irp, William de Causton
- 1338-39 b. John le Rente, William Malyn junior
cr. John Irp, William de Causton
- 1339-40 b. John Irp, John de Leyham
cr. John Irp, William de Causton
- 1340-41 b. John de Preston, Henry Brikoun
cr. John Irp, William de Causton
- 1341-42 b. Geoffrey de Stace, William de Kenebroke
cr. John Irp, John de Preston
- 1342-43 b. John Irp, John de Preston
cr. John Irp, John de Preston
- 1343-44 b. John Irp, John de Preston
cr. William de Kenebroke, William Ryngild
- 1344-45 b. John Irp, John de Preston
cr. William de Kenebroke (John de Preston), William Ryngild
- 1345-46 b. John Leu, Edmund Petygard
cr. John de Preston, William Ryngild
- 1346-47 b. John de Preston, John Irp
cr. John de Preston, William Ryngild
- 1347-48 b. John de Preston, Thomas Leu
cr. John de Preston, William Ryngild
- 1348-49 b. John de Preston, Thomas Leu
cr. John de Preston, William Ryngild
ch. – Baude, Richard le Spicer? [8]
- 1349-50 b. John de Preston, John Cobat
cr. John de Preston, William Ryngild
- 1350-51 b. John de Preston, John Cobat
cr. John de Preston, William Ryngild
- 1351-52 b. John de Preston, Walter Curteys
cr. John de Preston, William Ryngild
- 1352-53 b. John Cobat, Henry le Rotoun
cr. John de Preston, William Ryngild
- 1353-54 b. John Cobat, Richard de Haveringlond
cr. John de Preston, William Ryngild
- 1354-55 b. John Cobat, Thomas dil Stone
cr. John de Preston, William Ryngild
- 1355-56 b. Geoffrey Starling, Robert Thebaud
cr. John de Preston (John Hasting), William Ryngild
- 1356-57 b. Thomas le Maister, Richard de Haveringlond
cr. John Hasting, William Ryngild

- 1357-58 b. Walter Curteys, Henry Starling
cr. John Hasting, William Ryngild
- 1358-59 b. Thomas dil Stone, Thomas de Euston
cr. John Hasting, William Ryngild
- 1359-60 b. Thomas le Maister, Henry Starling
cr. Thomas de Euston, Elias Malyn
- 1360-61 b. Geoffrey Starling, Richard le Spicer
cr. unknown
- 1361-62 b. Henry Starling, Walter Curteys
cr. Baldwin Cobbe, Elias Malyn
- 1362-63 b. Robert Thebaud, Thomas le Maister
cr. Baldwin Cobbe, Elias Malyn
- 1363-64 b. Henry Starling, Walter Curteys
cr. Baldwin Cobbe, Elias Malyn
- 1364-65 b. Thomas le Maister, Robert de Preston
cr. Baldwin Cobbe, Elias Malyn
- 1365-66 b. Robert Thebaud, Robert de Preston
cr. Baldwin Cobbe, Elias Malyn
- 1366-67 b. Henry Starling, Robert Waleys
cr. Baldwin Cobbe, Elias Malyn
- 1367-68 b. Hugh Leu, Robert de Preston
cr. Baldwin Cobbe (Richard Randolph), Elias Malyn (Thomas de Leyham)
- 1368-69 b. Hugh Leu, Robert de Preston
cr. Richard Randolph, Thomas de Leyham
- 1369-70 b. John Cobat, Henry Starling
cr. Richard Randolph, Thomas de Leyham
- 1370-71 b. Geoffrey Starling, Robert de Preston
cr. Richard Randolph, Thomas de Leyham
- 1371-72 unknown
- 1372-73 b. William le Maister, Hugh Walle
cr. Thomas de Leyham, William le Northerne
- 1373-74 b. Henry Starling, Robert Waleys
cr. Thomas de Leyham, William le Northerne
- 1374-75 b. Robert de Preston, Hugh Walle
cr. Thomas de Leyham, William le Northerne
- 1375-76 b. Hugh Leu, Robert Waleys
cr. Thomas de Leyham, William le Northerne
- 1376-77 b. Geoffrey Starling junior, Hugh Walle
cr. Thomas de Leyham, William le Northerne
- 1377-78 b. Geoffrey Starling senior, Robert Waleys
cr. Thomas de Leyham, William le Northerne

- 1378-79 b. Geoffrey Starling senior, Robert Waleys
cr. Thomas de Leyham, William le Northerne
- 1379-80 b. William le Maister, Roger Gosewold
cr. Thomas de Leyham, William le Northerne
- 1380-81 b. Geoffrey Starling junior, Hugh Walle
cr. unknown
- 1381-82 b. Geoffrey Starling junior, Hugh Walle
cr. Thomas de Leyham, John Golding
- 1382-83 b. Geoffrey Starling junior, Hugh Walle
cr. Thomas de Leyham, John Golding
- 1383-84 b. Geoffrey Starling junior, Hugh Walle
cr. Thomas de Leyham, John Golding
- 1384-85 b. Geoffrey Starling,[\[9\]](#) Robert Waleys
cr. Thomas de Leyham, John Golding
- 1385-86 b. Geoffrey Starling, Robert Waleys
cr. Thomas de Leyham, John Golding
- 1386-87 b. John Andrew, William atte Fen
cr. Thomas de Leyham, John Golding
- 1387-88 b. Geoffrey Starling, Robert Waleys
cr. Thomas Clerk, Thomas de Rising
- 1388-89 b. Geoffrey Starling, Robert Waleys
cr. Thomas Clerk, Thomas de Rising
- 1389-90 b. Geoffrey Starling, Robert Waleys (John Andrew)
cr. Thomas Clerk, Thomas de Rising (John Arnold, John Plombe)
- 1390-91 b. Geoffrey Starling, John Andrew
cr. John Arnold, John Plombe
- 1391-92 b. John Arnold, Henry Walle
cr. John Arnold, John Plombe? [\[5\]](#)
- 1392-93 b. John Arnold, Geoffrey Starling
cr. John Arnold, John Plombe
- 1393-94 b. Gilbert de Boulge, William atte Fen
cr. John Arnold, John Plombe
ch. Peter Chaloner, William Debenham, Benedict Eldyve, John Hyll
- 1394-95 b. Gilbert de Boulge, William atte Fen
cr. John Arnold, John Plombe
- 1395-96 b. Geoffrey Starling, Robert Lucas
cr. John Arnold, John Plombe (John Aveline)
- 1396-97 b. John Bernard, John Aveline
cr. unknown
ch. Thomas Cardenal, John Howden

- 1397-98 b. John Arnold, Robert Lucas
cr. John Bernard, William Maister
- 1398-99 b. John Arnold, John Aveline
cr. John Bernard, William Maister
- 1399-1400 b. John Leu, John Parker
cr. John Bernard, Geoffrey Starling
- 1400-01 b. John Leu (John Horkesley), John Aveline
cr. John Bernard, Robert Lucas
- 1401-02 b. Richard atte Cherche, John Bernard
cr. Geoffrey Starling, Robert Lucas
- 1402-03 b. John Horkesley, William Debenham
cr. Thomas Cauntbregg, Robert Lucas
- 1403-04 b. John Horkesley, William Debenham
cr. Thomas Cauntbregg, Robert Lucas
ch. William Sparwe, Henry Heyward
- 1404-05 b. John Starling, John Aveline (Robert Lucas)
cr. John Knepping, John Bernard
ch. William Chamber, John Northerne
- 1405-06 b. Robert Lucas, Thomas Andrew
cr. John Knepping, John Bernard
- 1406-07 b. John Horkesley, Thomas Andrew
cr. John Knepping, John Bernard
- 1407-08 b. John Starling, John Knepping
cr. Robert Lucas, John Bernard
- 1408-09 b. John Rous, Robert Lucas
cr. Hugh Hoo, John Bernard
- 1409-10 b. John Rous, Robert Lucas
cr. Hugh Hoo, John Bernard
- 1410-11 b. John Horkesley, John Knepping
cr. Robert Lucas, John Felbrigge
- 1411-12 b. John Horkesley, John Knepping
cr. Robert Lucas, John Felbrigge
- 1412-13 b. John Starling, Thomas Andrew
cr. William Stonham, John Peyton
- 1413-14 b. John Horkesley, John Knepping
cr. Hugh Hoo, John Bernard
- 1414-15 b. William Debenham, Hugh Hoo
cr. Robert Lucas, William Chamber
- 1415-16 b. John Horkesley (Hugh Hoo), John Knepping
cr. Robert Lucas, William Chamber
tr. Richard Joye, Henry Heyward

- 1416-17 b. John Starling, Hugh Hoo
cr. William Stonham, John Bernard
- 1417-18 b. William Debenham, Robert Lucas
cr. William Stonham, John Bernard
- 1418-19 b. William Debenham, Robert Lucas
cr. William Stonham, John Bernard
tr. John Deken, William Bonde
- 1419-20 b. William Debenham, Robert Lucas
cr. John Joye, John Wode
- 1420-21 b. John Knepping, John Joye
cr. Robert Bikleswade, John Wode
- 1421-22 b. John Knepping, John Joye
cr. William Whethereld, William Bury
- 1422-23 b. Thomas Astley, John Deken
cr. William Whethereld, William Bury
- 1423-24 b. Thomas Astley, John Deken
cr. John Joye, William Bury
- 1424-25 b. Thomas Astley, John Deken
cr. John Joye, William Bury
- 1425-26 b. John Joye, John Caldwell
cr. John Knepping, William Whethereld
- 1426-27 unknown
- 1427-28 b. John Deken, ---
cr. John Knepping, John Wode
- 1428-29 b. John Deken, William Whethereld
cr. unknown
- 1429-30 b. William Debenham, Robert Drye
cr. Robert Wode, Robert Bikleswade
- 1430-31 b. John Joye, Robert Bikleswade
cr. John Deken, William Whethereld
tr. Thomas Chapman, John Drye
- 1431-32 b. John Deken, John Caldwell
cr. unknown
tr. Thomas Denys, Robert Drye
- 1432-33 b. William Whethereld, Robert Drye
cr. William Wallworth, Alexander Fornham
tr. John Blankpain, Robert Parmafey
- 1433-34 b. William Debenham, Thomas Denys
cr. William Wallworth, Alexander Fornham
tr. John French, William Rideout

- 1434-35 b. John Deken, Robert Wode
cr. William Wallworth, Alexander Fornham
tr. John Geet, Thomas Portwey
- 1435-36 b. John Caldwell, William Whethereld
cr. John Whitton, Alexander Fornham
tr. unknown
- 1436-37 b. William Wallworth, Robert Drye
cr. John Whitton, Alexander Fornham
tr. unknown
- 1437-38 b. Robert Wode, William Ketcche senior
cr. John Whitton, Alexander Fornham
tr. unknown
- 1438-39 b. John Deken, William Whethereld
cr. John Whitton, Alexander Fornham
tr. Robert Smyth, John Sudbury
- 1439-40 b. Thomas Denys, John Felawe
cr. John Whitton, Alexander Fornham
ch. John Felawe [[10](#)]
tr. Thomas Cowman, William Rideout
- 1440-41 b. Robert Wode, Peter Terry
cr. William Rideout, John Geet
tr. unknown
- 1441-42 b. William Debenham, John Deken
cr. John Wode, John Sudbury
tr. unknown
- 1442-43 b. Thomas Denys, John Caldwell
cr. John Wode, John Sudbury
tr. unknown
- 1443-44 b. Robert Wode, William Whethereld
cr. John Drayll, William Rideout
tr. unknown
- 1444-45 b. William Debenham (William Wallworth), Peter Terry
cr. John Drayll, William Rideout
ch. Robert Parmafey, Roger Stannard
- 1445-46 b. Thomas Denys, John Deken
cr. John Geet, William Rideout
ch. Robert Parmafey, Roger Stannard
- 1446-47 b. Robert Wode, William Whethereld
cr. John Geet, William Rideout
ch. John James, Richard Tough

- 1447-48 b. William Wallworth, Robert Smyth
cr. John Geet, William Rideout
ch. John James, Richard Tough
- 1448-49 b. John Caldwell, Richard Felawe
cr. John Geet, William Rideout
tr. Thomas Fastolf, Roger Stannard
- 1449-50 b. Thomas Denys, John Drayll
cr. Roger Stannard, William Rideout
tr. Robert Hall, Edmund Winter [[11](#)]
- 1450-51 b. William Whethereld, John Geet
cr. Roger Stannard, William Rideout
tr. William Winter, William Hall
- 1451-52 b. John Caldwell, Thomas Fastolf
cr. Roger Stannard, William Rideout
tr. Thomas Cowman, William Heede
- 1452-53 b. Richard Felawe, Robert Smyth
cr. Roger Stannard, William Rideout
ch. Robert Hall, Edmund Winter
tr. John Ward, Henry Stannard
- 1453-54 b. John Geet, William Ketcche junior
cr. John Langcroft, John Sudbury
ch. John Rever, Matthew Stabler
- 1454-55 b. Thomas Denys, John Caldwell
cr. John Langcroft, John Wallworth
ch. John Rever, John Goss
- 1455-56 b. Richard Felawe, William Baldry
cr. John Langcroft, John Wallworth
ch. John Ward, John Goss
- 1456-57 b. John Wallworth, Edmund Winter
cr. John Langcroft, Robert Hall
ch. John Blankpain, John Creyk
- 1457-58 b. Thomas Denys, John Drayll
cr. John Langcroft, Robert Hall
ch. John Blankpain, John Creyk
- 1458-59 b. John Caldwell, Richard Felawe
cr. John Langcroft, Robert Hall
ch. John Blankpain, John Creyk
- 1459-60 b. John Wallworth, Edmund Winter
cr. John Langcroft, Robert Hall
ch. William Style, John Campion

1460-61 b. Thomas Denys, William Rideout
 cr. John Creyk, John Rever
 ch. William Style, John Champion

APPENDIX I: Lists of Office-holders

Introduction | Structure of Borough Government | Social and Economic Background of Office-
Holders
Monopolisation of Office | Attitudes Towards Office-holding | Professionalism in Administration
Quality of Government | Conflict and Solidarity in Urban Politics | Conclusion

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Medieval Sourcebook:

Æthelred Unrædy:

The Laws of London, 978

For so long as Ethelred ruled over England the standard for London in the matter of coinage was the standard for all his dominions. His regulations about counterfeiting were applied to all towns under his jurisdiction. The reduction in the number of mints had as its object a better coinage system through more careful supervision. But Ethelred was a weak king and doubtless he did not enforce his laws.

C.5. Also they said that it did not appear to concern them that there was trade between coiners of false money and merchants who take good money to the coiners and buy from them so that they use impure and light coins, and then they furbish their goods and bargain and sell them to those who make coins secretly for money and they cut the name of other money on it and not of the impure. Wherefore it seems to all wise people that there should be three men of upright character. And if any of them be accused, be he English or foreigner, let him be put to the ordeal. And they decreed, that the coiners should lose their hand, and it should be placed above the money-smithy. And the coiners who work in the woods, or who make similar things anywhere, are guilty of their lives, unless the king wishes to have mercy on them.

C.6. And we command, in order that no one shall speak ill of pure money of correct weight, that it shall be struck only in whatever port it may be struck in my kingdom, upon pain of my displeasure.

C.7. And concerning merchants who bring false or chipped money to our port, we have said that they shall defend themselves if they are able; if they cannot, let them incur the penalty of their *wer* or of their life just as the king wishes; or, as we have said, let them prove themselves innocent in this ordeal that they knew there was nothing wrong with the money itself with which they carried on their business; and afterwards let him suffer the loss due to his carelessness, so that he exchange it with the decreed moneyers for money pure and of correct weight. And let the port-reeves who were cognizant of this offense be guilty of the same blame as the false moneyers, unless the king pardon them or they are able to exculpate themselves by the same *cyrsth*, or said ordeal.

C.8. And the king advises and commands his bishops, earls, and aldermen and all the reeves that they take care to see to those who make false money and transport it through the country, just as it has been ordered both among the Danes and English.

C.9. And let the moneyers be fewer than they were before; in every important port three, and in every other port let there be one moneyer; and let them have co-workers in their operations; let them make the money pure and of correct weight throughout the same *witan* as we have said before. And they who guard the ports shall take care upon pain of my displeasure that each coin conform to the standard at which my money is received and let each of these be stamped so that fifteen *orae* make one pound. And let all guard the money just as I have commanded and as we have chosen all to do.

Source.

From: Benjamin Thorpe, ed., *Ancient Laws and Institutes of England*, (London: Eyre & Spottiswoode, 1840), pp. 300-303; reprinted in Roy C. Cave & Herbert H. Coulson, eds., *A Source Book for Medieval Economic History*, (Milwaukee: The Bruce Publishing Co., 1936; reprint ed., New York: Biblo & Tannen, 1965), pp. 137-138.

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History of medieval Ipswich



[MAIN MENU]

APPENDIX 2: Calendar of usages and customs of Ipswich, capitula 57-83

cap. 57
*butchers who
bring
skinned carcasses*

Much evil handiwork has often been done in the countryside through theft of livestock, and the carcasses have been sold in the town by butchers, thus giving the town a bad reputation in the countryside. Therefore it is ordained that no butcher henceforth bring into the town to sell any carcasses of beef, veal, or mutton, unless he bring the skins and hides with the carcasses, so that any man seeking his stolen animals might be able to identify them through the skins and hides. If any butcher does otherwise, the carcasses found without skins or hides shall be confiscated to assist with [the revenues needed for] the king's farm of the town, for it looks very suspicious when butchers will not bring the skins along with the carcasses. This is not to prevent the butchers from selling the skins or hides when they have the opportunity, but they should not be removed from public view in the market before the hour of prime, and then under supervision of the wardens of the market. If any outsider butcher of good repute is found committing this fault, but defends that he was ignorant of this custom of the town and [did not hear] its declaration, the bailiffs may give him the benefit of the doubt the first time. But if he is found committing the fault a second time, he is to be punished as already indicated. The bailiffs shall have this ordinance announced publicly in the meat market each year at Michaelmas, so that it can be obeyed.

cap. 58
butchers who sell spoiled meat

All butchers, both residents and outsiders, should also take care not to display for sale the meat of diseased animals, or that is rotten or smells bad. Any such meat shall be confiscated on the first occasion; on the second occasion the meat shall be confiscated and its seller sent to the pillory. On the third occasion for the offender, the meat shall be confiscated and the seller shall give up his occupation in the town for a year and a day. If anyone insists on selling such bad meat in the town, let him stand under the pillory with a table in front of him from which audaciously to sell the meat, such as it is, to anyone who will buy it, without interference from the bailiffs or punishment.

cap. 59
cooks who keep victuals too long

Let the cooks of the town be warned that none of them keep or store beyond a reasonable time victuals that they intend to sell to the public. Nor is any of them to sell to resident or outsider victuals that are rotten or unsuitable for consumption. Any convicted thereof shall be punished for the first offence by [confiscation of] his chattels, and for the second offence shall be sent to the pillory; on the third offence he shall give up his occupation for a year and a day, so that neither he nor any of his [household] pursue the occupation in the town, on pain of confiscation of all his chattels used to pursue the occupation from his house, or in any other's possession for his profit. If anyone pursuing that occupation has nothing [by way of chattels] by which he can be punished, he is to be punished by the pillory; and after suffering the pillory twice, he shall give up his occupation for a year and a day, without prospect of reprieve. And if he is yet again convicted, he must give up the occupation forever.

Notes: the occupation" here referred to was the retailing of cooked foods; cooks were the medieval equivalent of today's fast-food vendors, usually operating from their houses or booths in the marketplace. In this and other chapters I substitute "occupation" for "craft" (English version) and "mester" (French version), the latter (also known as "mystery") from the term for trade or craft.

cap. 60
hosting of outsider merchants

It is ordained by common counsel of the town that no resident, except one who is a **burgess**, denizen, **peer** and member of the **community**, act as host of outsider merchants who come to the town by water to sell merchandise there. Hosts are to provide advice to these merchants on when and to whom they can sell their goods; each host may have a quarter of this merchandise – and no more – at the market price of the goods; the other three-quarters may be sold to other good townsmen. If the hosts sell the merchants' goods by their own hand, they are to be answerable to the merchants for the full amount of the selling price. Even if the merchants sell their own goods, without taking advice from their hosts, the latter may still have a quarter of the merchandise. However, in the case of vintners (no matter what country they are from)

who sell their wines out of the cellar, or woad-merchants who stay in town and sell their woad in taverns or outside a storehouse, their hosts may not claim any part of their merchandise on grounds of hosting.

cap. 61

*burgess suing
burgess
contrary to
the franchise*

Royal charters have given the town of Ipswich the **freedom** from any **burgess** of the town being impleaded outside of the town in any plea, **assize**, or suit related to any land or tenure within the borough or its suburbs, nor [related to] trespass or contracts made within the town or its **franchise**. Since each burgess is bound by his oath to uphold the charters and freedoms of the town, in all locations and in all points to the best of his ability, it is ordained by common counsel and unanimous agreement of the town that no burgess of the town, whether resident or **outsider**, shall from this time forth implead another in any place outside the town, whether by writ or without writ, contrary to the terms of the charters or prejudicial against the franchise – that is, concerning matters than can legally be dealt with in the town [court]. If anyone does so, he is to be warned by the bailiffs and two burgesses that, at risk of being **disfranchised**, he must not pursue the plea to the damage or prejudice of the franchise, but should seek his rights in Ipswich according to its laws and customs. If, after the warning, he [continues to] pursue his plea, contrary to the town franchise, then he is to be summoned by the bailiffs and two burgesses to appear before the portmensmoot on a specified day, to receive judgement for having proceeded contrary to the franchise, the warning, the prohibition of the bailiffs, and his own oath. On which day, whether he come or not (if witness is given to the fact that he was summonsed), then the bailiffs and good men [i.e. the portmen] of the town in full court shall strip him of his franchise, so that he be considered an outsider [henceforth]. Let the franchise not be restored to him unless he pays a new **fine** to the **community** to have it, for the costs and expenses that the community shall have incurred to challenge [the external court's jurisdiction in] the plea.

cap. 62

*challenging
allowance
of the franchise*

In the same way, a burgess shall be disfranchised if he counterplead or has another plead against allowance of the **franchise** in any place, contrary to the terms of the charter and his oath. He shall not be restored to the franchise except under the conditions mentioned above. However, if any **burgess** of the town, resident or **foreign**, can clearly prove that the town court has previously failed to give him justice or that his adversary cannot be brought to answer in the town court, in such cases may he sue an action elsewhere than in Ipswich without risk of disfranchisement.

cap. 63
*no foreign
merchant
to be a burgess*

It is ordained by the whole **community** that no **foreign merchant** may be accorded the **status of a burgess** of the town unless he has inherited a tenement there, by which he can be **distrainable** and made to answer to justice, if necessary. If anyone who is made a burgess disposes of his real estate in the town and moves his chattels out of town, and is no longer **at lot and scot**, nor contributing to taxes on the town as a burgess ought, then the bailiffs, coroners and good men of the town are to revoke his franchise. If someone who has thus withdrawn from the town is discovered selling merchandise in the town afterwards, toll is to be charged on the merchandise as with any outsider. This ordinance does not mean that there may not be accepted as burgesses knights and country gentlemen, whose association may benefit the town; but these men shall only have the franchise granted them for life.

Notes: that is, the sons of non-resident gentry could not become freemen of Ipswich by heredity; these foreign burgesses purchased freeman's status to obtain the rights to buy and sell in town without paying toll, but were not expected to be at scot and lot.

cap. 64
selling a pledge

If someone of the town borrows money or goods from someone else of the town, handing over personal property as **pledge** for repayment on a certain day, but the debtor allows the due date to pass without repaying the debt, the creditor may bring the pledged items before the bailiffs in court and, informing them of the circumstances of the failure to acquit the debt, may request the court's decision as to what he should do with the pledge. The bailiffs shall then warn the debtor to appear at a specified date to redeem his pledge [by repaying the debt]; if he comes and does so, then he shall have the pledge delivered to him without damages judged against him. If he fails to come, or comes and does not repay the debt although unable to deny the due date for repayment is passed, then the pledged items may be given to the debtor to do with what he will. This is to be as valid for items of gold, silver vessels or jewellery, armour, or brass, as for any other type of chattel.

cap. 65
*disclosure of
private
counsel of the
town*

If any burgess discloses the counsel of the town, or with malicious intent impleads the **liberties** and status of the town, so that the town is damaged and its liberties impaired, that burgess is to be summoned to come before the bailiffs, coroners and **community** on a specified day to answer. When he comes and is, through due process of law, convicted of the trespass, he is to be disfranchised, in the manner previously mentioned.

cap. 66
*burgess
pretending to
another's chattels*

If a burgess has any chattels of an outsider merchant among his own chattels and falsely claims the outsider's chattels to be his own, so as to avoid [paying] the king's customs, to the loss [of the town] and the profit of the outsider, the burgess convicted before the bailiffs of that falsehood shall be **disfranchised**. Thereafter he shall be considered as if an outsider and, if he conducts commerce, he shall pay customs (like any outsider), until he may be restored to the good graces of the **community** and pay a new fine [to regain the franchise].

cap. 67
*taking
merchandise
away by water*

It is the custom in Ipswich concerning goods and merchandise brought to the town by water that, from the time they are unloaded and laid out on dry land for sale, or [the time that] the merchants have sold any part of their goods – as men say in English, "broken bulk" – that these goods may not be removed towards the sea without permission of the bailiffs and good men of the town. The merchants should not be forced by the bailiffs or anyone else of the town to sell their goods in the town, against their wishes; however, if their wish is to take their goods elsewhere in the region to sell, that does not exempt them from paying customs to the town. If they do not intend to send their goods upriver into the region, but remain in the town for 8 days and yet are unable to sell their merchandise within that time [at a] suitable [profit], in that case the merchants may seek permission from the bailiffs and good men to take their goods elsewhere by water, where they can hope to make a better profit; permission is to be granted, but they must pay to the town the correct export customs just as they did for importing [the goods].

Notes: this seems somewhat punitive, and was perhaps intended to encourage merchants to lower their prices, if they were unable to get enough sales at the prices initially sought; Twiss notes that the king's regulations were that customs duty was payable only on those goods actually sold.

cap. 68
*time for selling
merchandise at
the quay*

Merchandise that is brought by water to the town is not to be bought or sold between sunset and sunrise, except fresh herring in the herring season, viz. between Michaelmas [29 September] and St. Clement's day [23 November] – and then only by burgesses, not by outsiders. If anyone is convicted of selling outside this time, his merchandise is to be confiscated and he is to be **amerced** 40d. for the first offence, half a mark [80d.] for the second offence, and the penalty doubled for each successive offence. And when the one committed of this trespass has his merchandise confiscated, it is to be taken to two good men of the town to sell for the common profit of the town.

Notes: the royal charter granted to the town in 1256 included a clause prohibiting middlemen (brokers) in the sale of fish or other merchandise brought by water; commerce was to be conducted by those merchants who

brought the goods.

cap. 69
selling shellfish

Concerning oysters and mussels brought by boat to the town quay, for selling, it is ordained for common benefit (of poor men as well of rich men) that such shellfish by sold by the same men who brought them. No one in the town is to meddle with such merchandise contrary to this ordinance, upon pain of its confiscation and 40d. **amercement**.

Notes: the term "meddle" is used by the custumal in a context that reflects etymological associations: the prohibition of middlemen in the retail of shellfish.

cap. 70
age in the town

All those, male or female, who hold lands or tenements in the town, know how to measure and to count, and have reached the age of 14 years, [are old enough] to give, sell or lease those lands or tenements, or to quitclaim in perpetuity their rights therein, as if they had the age of majority (21 years). If anyone of younger age gives or in any way alienates his property or quitclaims right in it, this is neither bar nor prejudicial to him seeking and recovering right therein (according to legal usage in the town) whenever he chooses after having reached the age of 14, without regard to any legal document he may have made when underage.

Notes: the ability to measure and to count were trials of the age of majority in many towns, being fundamental skills for pursuing any livelihood related to commerce.

cap. 71
menace

If anyone threatens the life or limb of another, or [threatens] to give him a beating or burn down his house, and the individual threatened can prove the threats before bailiffs and coroners, by [witness of] two sworn men, then the menacing party is to be **attached** by **mainprise** to come on a specified day before the bailiffs and coroners to assure them he will keep the peace in this matter and to provide sufficient **surety** through 4 **pledges** that no harm or damage will come to the complainant by his actions or procurement. If he is unable or unwilling to find mainprise for coming to court or, if he comes but cannot or will not find sureties for keeping the peace, then he is to be committed to prison until he finds such sureties.

cap. 72
*drawing weapons
in presence of
bailiffs*

If anyone with malicious intent draws a sword, knife or other weapon, or wounds, strikes a blow to, or assaults another against the peace in the presence of one of the chief bailiffs, for this trespass and contempt [of authority], let him be committed to prison for 40 days, or until he can find **mainprise** to make amends according to the judgement of the bailiffs, coroners and good men..

cap. 73
*procedure in
a case of slander*

If anyone falsely or maliciously slanders another in the public marketplace or [elsewhere] openly in public, [with accusation] of theft, robbery, treason, deceit, or other wrongdoing, so that [the one accused] suffers anguish or is harmed or dishonoured, the latter may sue for slander by **gage and pledge**. In such cases of open slander, the slandered is not to be allowed to defend himself by **his law**; instead an inquest is to enquire whether the slander took place or not. If the slanderer is found guilty, he is to pay damages assessed by the inquest or the court according to the gravity of his slanders and to the identity of the one slandered. If the guilty party is unable to pay the damages or find pledges, then his is to be imprisoned for a period (determined by the bailiffs and good men) according to the gravity of the slanders.

cap. 74
scolds

Women who are notorious scolds making strife among their neighbours, and unable to curb their wicked tongues, are to be punished by the tumbrel called the "thewe" unless they can make compensation (if they have the means).

Notes: Twiss identifies the "thewe" as a species of pillory, or possibly a cucking-stool; however, from the context and a possible etymological association with teuda (a protective cover) it might also be a scold's bridle.

cap. 75
*the 12 sworn men
of the town*

By common agreement of the town it is ordained that there shall always be 12 sworn men, [chosen] from the wisest and most loyal townsmen, to govern and to maintain the laws and correct customs of the town, to render good and honest judgements on behalf of the **community**, and to do and ordain whatever is needed for the benefit of the town and justice to the community, as much as to poor as to rich. And because these 12 sworn men are tasked with greater responsibility and effort for the welfare and honour of the town than are other townsmen, the community has granted to them and their heirs and successors to hold in common the meadow called Odenholm, for sustenance of their horses. If one of the 12 sworn men should die, or be disobedient or negligent in regard to his oath, then the [remaining] 11 sworn men have full power in their duty to the town to elect someone suitable to replace the deceased, or to remove the disobedient or negligent person from office and choose a suitable replacement.

*Notes: care was taken to record in one of the Domesday copies (Add.Ms. 25012) an account of the election of portmen in 1309; the account, parts of whose terminology is somewhat similar to parts of cap.75, refers to the portmen being given Odenholm meadow for life and to the filling of vacancies in portmen ranks through election by the remaining members. It is difficult to say whether this account simply reflects the terms of the custumal (and the account of the **1200 proceedings**, or whether those documents were reshaped to reflect a **constitutional change in 1309**,*

occurring under *atypical political circumstances*.

cap. 76
*negligence of
sub-bailiffs*

If the execution of [orders of] the town courts suffer delays because of the sergeants-at-mace, the negligent sergeant shall answer to the party who has suffered from the delay, if he wishes to bring an action. Whether so or not, the sergeant shall have his mace confiscated for 40 days for the first offence. For the second offence, it shall be confiscated for three months and he shall pay the plaintiff any damages awarded by inquest or the court. At the third offence he shall lose the mace and be permanently removed from office.

Notes: the English version talks of "subbailles beryng masys", more commonly known as "sergeants-at-mace"; the French version uses the title "subbaliffs portaunts verges" – a "verge" was a rod or staff of office, perhaps in practice no different from what the town later considered a mace.

cap. 77
*sub-bailiffs
spreading
discord*

If any of the sub-bailiffs is convicted of spreading slanders or lies among the good folk of the town, so that discord and bad feelings arise within the **community**, he is to be suspended from office permanently. He is to be similarly deposed if he discloses the private matters of the coroners or his superiors.

cap. 78
common clerk

If the common clerk of the town creates a false record, to deceive the court or the party [to an action], then he is to be committed to prison and for the first offence suspended from office for half a year. For the second offence he is to be removed from office permanently.

Notes: this is not a common type of provision within a borough custumal; it is tempting to see in it a response to the circumstances which led common clerk John le Blake to abscond with the original Domesday custumal and other records in 1272.

cap. 79
*process in plea of
debt
between burgesses*

If a plea of debt of greater than 16½d. and involving two burgesses of the town is brought before the bailiffs and the defendant denies the debt and intends to defend himself by **waging his law**, he must bring into court on that day 10 men. They shall be separated into two equal groups of five, and a knife with a point shall be thrown between the groups; that group in whose direction the haft of the knife lies is to sent away without doing anything. The group towards which the point of the knife lies shall remain with the defendant, except that one shall be removed and the other four shall make oath with the defendant. If the debt is 16½d. or less, the defendant need only do his law with two others. Let it be known that this custom applies only [to actions] between resident burgesses, who are called **peers and commoners**, and not [actions] involving a **foreign burgess**. If a foreign burgess impleads a resident burgess of debt, regardless of the amount of the debt, then either is to be

at his law. If the plea is of such a kind to allow the parties to wage their law, then [the defendant] may be allowed to do his law with two supporters. The requirement for bringing 10 men for waging of law, as mentioned, cannot be used in any plea except for that of unpaid debt.

cap. 80

bakers who break the assize

No baker is to make wastel, simnel nor the first cocket except using a bolter from Rennes; nor the second cocket except with a bolter of "beuquer"; nor whole wheat bread except with good clean wheat. Nor is any baker to mix bran into breads made of corn. Any baker making "fynget" bread must make it according to the assize and sell it for what it is. If he uses any other bolter for wastel, simnel or first or second cocket than those specified, at the first offence the bolter is to be burned beside the pillory; for the second offence, the bolter is to be burned and the baker amerced; for the third offence, the bolter is to be burned and the baker put in the pillory; at the fourth offence, the bolter is to be burned and the baker to give up his occupation for a year and a day. If any baker is convicted of mixing bran into corn breads, he is to receive the same punishment as for breaking the assize of bread. When a baker breaks the assize, for the first, second and third offences he is to be amerced according to the enormity of the trespass; at the fourth offence he is to be put in the pillory; at the fifth, he is to give up his occupation for a year and a day. Every baker is to keep to his craft specialization; that is, some make wastel, first cocket and treet only; some simnel and treet; and some whole wheat and corn breads. If any baker use any other craft, he is to be amerced 12d. for the first offence, 2s. for the second, 4s. for the third, or else (if he lacks the means to pay) to give up his occupation for half a year, yet still be punished for breaking the assize of bread (if he is found guilty thereof).

Notes: there were about a dozen varieties of bread made in late medieval England, although the Assize of Bread concerned itself principally with three: simnel, the highest quality, used at Lent; wastel, a good quality white bread; and cocket, the lowest quality of the three, with first or small cocket better quality than second or large cocket. According to the English version of the customal, "fynget" was also a white bread; Alan Ross ("The Assize of Bread", Economic History Review, 2nd ser., vol.9, 1956) speculates it may have been a milk bread called pain fraunceis. Treet bread was a coarse brown bread. This chapter points to some of the persistent abuses made by bakers, focusing on quality of materials, as opposed to fair weights and prices – although the mixing of bran with corn would have been to increase the weight of a bread (prescribed by the Assize) by using cheaper ingredients and thus increasing the profit margin. A bolter was a cloth or sieve used for sifting flour and Rennes was known for its manufacture of good quality linen; I do not know what "beuquer" is (Twiss hypothesised it might refer to Beaucaire, in France).

cap. 81
brewers

Concerning brewsters, it is ordained that in the month of Michaelmas, when men may have good malt from new barley, that the bailiffs have made, throughout the town, announcement of the **assize of ale** by which the sale of corn shall be [governed?]. If anyone is discovered selling or brewing contrary to the announced terms of the assize, he is to be punished by bailiffs and court for trespass according to the terms of the Statute of Merchants of the king and according to the law and custom of the realm.

Notes: despite the use of the masculine as the subject of the verbs in this chapter, brewing was principally an activity of women (Margery Kempe of Lynn is one of the best-known examples), and the chapter uses "brewer" in its feminine form braceresses. The Statute of Merchants dates to 1285.

cap. 82
condemning bad wine

Each year, in the season between the old wines and the new, the bailiffs shall, accompanied by the best qualified persons of the town, make a search of all taverns and cellars in the town, both of residents and outsiders. Relying on the oath of good and honest men – taverners and others – and on their own judgement, they shall taste-test all the wines that they find in these places. If they discover any wine that has gone bad and would be unfit to drink or to mix in with new wine, without showing favour to any individual they shall take the wine into the high street and in public view condemn it; the tun, pipe or other vessel shall be smashed and be given to the bailiffs for their fee.

cap. 83
testing of the town measures

No one in the town may buy or sell corn, wine, ale, or other liquor by any measure – not by ell nor by weight – unless it is approved according to the town standards and sealed with the town seal; that is, those measures that can and ought to be marked with the seal. If anyone in the town is convicted of using another [non-approved] measure or weight, he is to be heavily **amerced**. At any time they wish, the bailiffs may take any measures, ells and weights used in the town and test and assess which are good and accurate, so that no fraud can be committed by such measures, to the damage of the town's good name or to the harm of the people.



cap. 22-56



custumal contents



cap. 84-101



History of medieval Ipswich



[MAIN MENU]

APPENDIX 2:

Calendar of usages and customs of Ipswich, capitula 84-101

cap. 84

Recently, viz. on Thursday following the festival of the Nativity of St. John the Baptist in the second year of the reign of King John [29 June 1200], it was ordained by common counsel of the town of Ipswich that from henceforth there might be in the borough of Ipswich 12 sworn Capital Portmen, such as there are in other free boroughs of England. And that they should have full power on behalf of themselves and the whole town to govern and maintain the borough and all its liberties, and to render judgements of the town; and also to take care of, ordain and do in the borough whatever might need to be done to maintain the status and reputation of the town. Now, viz. on Thursday following the festival of St. Luke the Evangelist in the eighth year of the reign of King Henry VI [20 October 1429], it is ordained, established and agreed by William Debenham and Robert Drye, bailiffs and portmen of the town, and by James Andrew, William Whethereld, John Deken, John Joye, John Wode, Robert Bikleswade, John Knepping, John Caldwell, Robert Wode and Thomas Denys the other portmen of the town, that if a **foreigner or outsider** is arrested in a plea of debt, detention of chattels, charters, writings or other records, transgression, or any other contract, [then] the one arrested must – before being released from custody of the bailiffs or sergeants – find two **freemen** of the borough of Ipswich as **pledges** for him answering the plaintiff at the next court in his own person. If he defaults [in appearance] at the next court session, or at any session before which the action is brought forward, he risks conviction and being obliged to satisfy the plaintiff. The bailiffs shall have the power, at the petition or request of the plaintiff, to execute the judgement on the goods and chattels of the convicted party or his pledges at the court session next following the conviction. If the plaintiff

demands or seeks execution against the convicted party, it is granted and agreed that he shall have it against the convicted party or his pledges. The pledges will be informed of the date of the next court session, so that they might have the convicted party present to satisfy the plaintiff. If they do not have him at the next court, then execution is to be made on the goods and chattels of the pledges by the valuation of trustworthy men of the town specially sworn to that duty and delivery of the same, or the price obtained for them, to the plaintiff.

cap. 85

Present or future bailiffs of the town shall not again be bailiffs for two years immediately following the end of their year in office.

cap. 86

During his term of office, no bailiff shall sell wine or ale from his house or a tavern, nor regrate victuals personally or by anyone else acting on his behalf, nor lease his tavern (for the sale of wine or ale) to anyone. Neither shall he use his property for a common hostelry or a stable for the horses of outsiders, nor sell horse-bread, hay or oats, during his term of office. If it is determined by six or more portmen, before his successor bailiffs in full court of Portmanmoot, that he has been in any way delinquent in these matters he will incur a fine of £10, levied to the use of the community. With the proviso that if anyone elected bailiff has in his tavern, on the day of the election, a tun or two pipes of wine, he may be allowed to sell them at a profit after Michaelmas.

Notes: Michaelmas was the day when the men who had been, earlier in the month (see cap.91), elected bailiffs for the coming year assumed office. It is not certain whether the concern of this ordinance is the potential for the use of official status for personal profit, or the dignity of office; the suggestion is, however, that most men of means who might be chosen bailiff were likely to operate a tavern as part of their business interests.

cap. 87

If any Portman shall refuse the clothing called "Portman's livery" assigned to him by the bailiffs, he shall be permanently removed from the status of portmanship.

cap. 88

The town chamberlains are to have a review of their account of receipts of all incoming revenues of the town each quarter; at the end of the year, viz. on the eve of Michaelmas, they shall present their final account, without concealing anything, before the bailiffs and others whom the bailiffs assign [to the task]. If it happen that the chamberlains are convicted of concealing anything [of the revenues] then they shall pay to the use of the community 4d. for every penny [concealed].

cap. 89

It is agreed that since there are 4 wards in the town there are henceforth to be 4 sergeants-at-mace and each of them is to be assigned by the bailiffs responsibility for a ward. Each is to levy and collect all fines, rents, **farms** and **ameracements** due from his ward and execute, diligently and without fraud or negligence, all [ballival] commands and instructions occurring in relation to his ward. The sergeants are to find sufficient **surety** for answering faithfully in full court for the payment of ameracements, fines, rents and farms, and for the execution of orders passed on to them month by month, under penalty of being removed from office.

*Notes: this is based on an ordinance made in 1435, which was itself associated with a **dispute over the election** of sergeants.*

This set of ordinances concludes with the following paragraph:

The named bailiffs, together with the other portmen and the burgesses of the town whose names follow, took a sacred oath upon the Gospel that each and every one of them whose name is recorded in this book of constitutions (in place of his seal) as testimony to and affirmation of the above matters, shall perpetually keep, preserve, and observe these afore-written constitutions, ordinances and agreements, without any contradiction, revocation or diminution. And thus there follow the names, viz. William Debenham and Robert Drye, bailiffs and portmen [*followed by a long list of some 190 names; this list having been edited in later years, through additions and scoring out of some names while others were marked with crosses or dots or "mort", indicating that the individual had died.*]

cap. 90

At the General Court held at Ipswich on Friday following the festival of St. David in the thirteenth year of King Edward IV [4 March 1474], before Benedict Caldwell and John Hasting then bailiffs, according to the custom of the town used and approved since time beyond memory and to the liberties and franchises of the burgesses granted by the kings of England and confirmed by the present king. [*This was a typical header for a General Court session. The General Court Roll itself, however, gives a date a few days earlier for these ordinances.*]

Before the bailiffs and Richard Felawe, Robert Wimbill, Roger Stannard, Edmund Winter, John Gosse, John Rever and other portmen there at the time, and in the presence of William Worsop esq., William Winter, William Wattis, John Champion, Thomas Winter, John Litill, Richard Melis, John Baldwin, Roger Merveyn, William Sewall, Thomas Drayll, Walter Hering, John Broun, Robert Wode, Thomas Skipper, John Kingmason, Nicholas Purchet and other burgesses of the town. In

former times within Ipswich it was the custom for the government of the town and its inhabitants that the bailiffs, 12 portmen and 24 burgesses would make decisions through the holding of a Great Court, by which action often a great disturbance would come about through to ensure henceforward good and healthy government, it is ordained by common consent and assent of the bailiffs, portmen and burgesses that the bailiffs and the 12 portmen – or [at least] seven of them – have the power and authority to convene 14 of the 24 burgesses, which bailiffs, portmen and 14 burgesses have the power and authority to undertake and deal with each and every [matter] is perceived necessary to undertake for the benefit of the town; and for the enacting, condoning and making of taxes, laws, statutes, ordinances, provisions and constitutions which they shall consider necessary and proper.

Notes: the key point here seems to be the substitution of the principle of majority rule, or quorum, for the ancient preference for an appearance of unanimity.

cap. 91

All burgesses who are permanently resident, and no-one else, are (by ancient custom) free to participate in the elections of bailiffs and other officers of the town on the day of the Nativity of the Blessed Virgin Mary [8 September] and in the elections of burgesses to the king's parliament when such parliaments shall be summoned.

cap. 92

If anyone should procure or bring any letters written or signed by any lord, knight or esquire, for the purpose of being made a burgess to the king's parliament for the town, or for having or exercising the office of common clerk, serjeant-at-mace, or collector of petty customs within the town, that person shall not be elected nor admitted to the office [sought], but shall be banned from those [offices] in perpetuity.

Notes: an ordinance to this effect, but not specifying any particular offices, was passed in 1455.

cap. 93

If a **foreigner or outsider** is arrested in a plea of debt, detention of chattels, charters, writings or other records, transgression, or any other personal plea, [then] the one arrested must – before being released from custody of the bailiffs or sergeants – find two **freemen** of the borough of Ipswich as **pledges** for him answering the plaintiff at the next court in his own person. If he does not appear in person at that court session, or the next one or the one after that, he is to be **amerced** at the discretion of the bailiffs. And if, at the court next following the third non-appearance, he again defaults in appearance and the plaintiff, after that default, makes (personally or by attorney) in the appropriate form a **corporal oath on his accusation**, the bailiffs may with reason and good conscience convict the defendant of the charge and [assess on him] the damages and

costs of the action. If it is a plea of transgression in which the defendant is convicted, he may not put himself on the country in regard to the damages but must satisfy the plaintiff for the full amount.

Notes: it will be noted that this chapter begins with almost identical wording to that in chapter 84.

cap. 94

In the same way, if the arrested individual appears in person at any court, after the arrest has been made on him, and afterwards shall make his defence, then he shall be convicted and his pledges shall answer for the amercement.

Notes: the point of this chapter seems unclear, since it appears that the defendant was going to be convicted whether or not he appeared to answer the charge; it is also evident that "arrest" did not have the same meaning as it does today, in terms of confinement – perhaps the implication was that the defendant was not to leave town.

cap. 95

After judgement has been rendered in any action or plea, the bailiffs may make execution [of the judgement] by [writ of] *fieri facias* on the goods and chattels of the convicted party or his pledges, at the request of the plaintiff, whether by [writ of] *elegit* or [writ of] *capias*, in order to give satisfaction [to the plaintiff] at the next court session following the conviction.

cap. 96

If the plaintiff demands or seeks execution [of a judgement] against the convicted party or his pledges, this is to be granted. A day shall be assigned to the pledges to have the convicted party at the next court session to satisfy the plaintiff. If the pledges do not produce the convicted party, then execution may be made against them by [writ of] *fieri facias*, *per elegit*, or *per capias* to satisfy the option chosen by the plaintiff. With the proviso that if the pledges are unable to produce the convicted party because he is dead, then they are released from execution of the judgement of the court.

cap. 97

If the arrested party or his pledges, after the arrest but before the sergeants make return [of writ?], provide to the bailiffs or sergeants sufficient distraints, then the sergeant may make return based on those. Thereafter the bailiffs may prosecute the case according to town custom in the way and form as stated above.

cap. 98

If a **foreigner or outsider** is **attached** by goods or chattels to answer a plaintiff in one of the aforementioned pleas, but does not appear before the bailiffs at the first, second or third court session immediately following, he may be **amerced** at any of these courts at the discretion of the bailiffs. If, at the court next following the third non-appearance, he again defaults in appearance and the plaintiff after that default, makes (personally or by attorney) in the appropriate form a **corporal oath on his accusation**, the bailiffs may with reason and good conscience convict the defendant of the charge for which the said goods and chattels were attached, and [assess on him] the damages and costs of the action. If it is a plea of transgression in which the defendant is convicted, he may not **put himself on the country** in regard to the damages.

cap. 99

And let there be made execution on the goods or chattels to satisfy the plaintiff, after they are appraised by trustworthy men sworn to the task. The goods or chattels are to remain in the custody of the bailiffs for twenty days. If the attached party comes personally or by attorney within that time, he shall be allowed to answer by the country or by other manner according to the custom of the borough.

cap. 100

If the attached party is convicted by the country or by other manner or if, within the twenty days, he does not appear in person or by attorney to answer the plaintiff, then the appraised goods or chattels are to be delivered from the custody of the bailiffs to the plaintiff in execution of the amount due according to the judgement, in addition to the amount of the aforesaid amercement. And any residue shall be delivered to the attached party. If the plaintiff does not win his case against the attached party, the goods and chattels are to be restored to the attached party and the plaintiff shall be **in mercy** for false accusation.

cap. 101

If any resident of the town shall instigate or encourage any **foreigner or outsider** of whatever station, degree or status [in society] in maintaining or persisting in any [legal] dispute or settlement of a matter within the town, then if the instigator is a **burgess** he is to be **deprive of burgess status** forever. If he is a foreigner or outsider he is to pay a forfeit of 20s. (or more or less, depending on the circumstances of the case) to the king, levied on his goods, chattels, lands and tenements. If he has no property by which this can be effected, he is to be committed to the king's prison in the town, there to be kept without **manucaption** freeing him therefrom, until he is freed by the decision of bailiffs and portmen. The aggrieved party may recover damages against the one who made the instigation or encouragement concerning the legal action.



cap. 57-83



custumal contents



appendix 3

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History of medieval Ipswich



[MAIN MENU]

APPENDIX 2:

Calendar of usages and customs of Ipswich, capitula 1-21

cap. 1
pleas

"Great pleas" shall be brought before the bailiffs in the portmensmoot every fortnight, on Thursdays; these include actions begun by writs of right, other actions begun by king's writ, and actions concerning free tenements (which do not require a writ to initiate them), excluding actions of fresh abatement and nuisance which are introduced by gage and pledge and require short adjournments and speedy remedy. Pleas of the crown should also be heard at these sessions, before bailiffs and coroners, except for cases of cutpurses and thieves caught redhanded or arrested upon complaint of a visiting outsider (as in the time of fair or market). Actions begun by gage and pledge, called "little pleas", that involve residents should be heard on two days each week, unless certain causes prevent the bailiffs from doing this, in which case the actions may be adjourned. Cases involving outsiders, called "piepowder", should be heard on a daily basis, unless plaintiff or defendant request an adjournment. Those at fair time should be brought before the bailiffs at any hour or morning or afternoon, and the same applies to cases of law marine (viz. involving outsider mariners and others needing to depart at the next tide) which are to be heard from tide to tide. In these actions, three essoins by reason of illness are allowed to parties. Similarly, in all other pleas, with or without writ, 3 essoins are allowed to either party, except in cases of fresh abatement or pleas of nuisance by gage and pledge.

| | |
|---|---|
| <p>cap. 2 <i>essoins for tenants</i></p> | <p>In actions where a group of tenants are impleaded together and one of them makes an <u>essoin</u>, this must be taken as an essoin for all; the group shall not be allowed more essoins (i.e. cumulative for the number of persons in the group) than an individual tenant pleading alone.</p> |
| <p>cap. 3 <i>essoins for executors</i></p> | <p>In actions where multiple executors are impleaded for the debts of a deceased, each of them is allowed only one <u>essoin</u> before appearance and one after.</p> |
| <p>cap. 4 <i>essoins of the king's service</i></p> | <p>In actions pending before the bailiffs, whether begun by writ or without writ, three <u>essoins</u> by reason of [the essoiner being busy in] service to the king are allowed. Neither plaintiff nor defendant may make such essoins, however, in actions tried by piepowder, in time of the fair, or by maritime law. Nor may such an essoin be allowed to a woman. If the essoin is made at a great pleas session in portmensmoot, the case shall be adjourned to the next session of portmensmoot. If made at a petty pleas session, the adjournment is to be the the next petty pleas session after a fortnight has elapsed. But if the individual on whose behalf the essoin is made fails, on the day to which the case is adjourned, to present proof of the reason for the essoin, it shall instead be considered a default [in appearance] and he shall be <u>amerced</u> 2s. It is advisable for plaintiffs to begin their pleading according to the type of action – whether the common law, the law merchant, or the law marine – since this will determine what essoins will be allowed.</p> |
| <p>cap. 5 <i>writ of right</i></p> | <p>The process followed in writ of right is that when a man brings into court a writ of right against another concerning a borough tenement, the tenant is to be summoned at his tenement by two <u>freemen</u> to appear at the next <u>portmensmoot</u> to answer the complaint. If the defendant fails to appear, he is to be summoned again in the same way. And if he fails to appear on the second occasion, he is to be summoned a third time. If he fails to appear after three summonses, he is to be <u>distrained</u> [by goods] at the tenement in question, [to pressure him] to answer; and this shall likewise be repeated twice more. After this the tenant shall have [still the right to] 3 <u>essoins</u>, if he requests them. After which distrains and essoins, if the tenant continues to default in appearance, the tenement is to be taken into the king's hand, under view of lawful men living nearest, and the tenant again shall be summoned to answer at the next court session and to explain why he did not answer earlier summonses; and he shall be warned that if he fails to appear after a fortnight, he shall forfeit the tenement. When he comes to court ready to defend his right, and if the plaintiff press the issue of the default, then the tenant must deal with the summonses and distrains by <u>waging his law</u>; after which he may have 3 essoins if he need them. And if, by waging his law with 12 hands according to the custom of the town, he</p> |

can deny [receiving] the summonses or the distrains, or deny that the first set of essoins were made by him or with his assent, then the plaintiff shall obtain nothing through his writ and will be **amerced**, and the case against the tenant dismissed. But if the defendant defaults after, or fails in, waging his law, the plaintiff shall recover possession of the tenement and the tenant be amerced. If any other comes before judgement is passed and shows that he has some title in the tenement, and that the defendant's default ought not to damage his rights, then he shall be allowed to defend those rights; this holds true for women covered under husbands as much as for anyone else. If the plaintiff waives the default of the defendant and wishes to continue the case, then the action between them is to proceed according to common law, with the tenant taking an oath before God and being supported by the oaths of 12 law-abiding and honest men, in the form of the **grand assize**, to determine whether he is in possession of the tenement or he who is seeking possession of it has the right to it. Town custom does not allow [trial by] battle in such matters.

The jury should be chosen in the following way. The bailiffs shall choose 4 good townsmen acceptable to both parties (if the parties cannot agree, the bailiffs have power to make the choice unilaterally); these 4 are to select 12 **jurors** of the most knowledgeable townsmen able to say the truth as to which party has most right to the tenement. The 4 choosers have until the next great court session to provide a list of jurors, whom the bailiffs will summon (by good summoners) to the great court session following that. If the choosers do not appear to name the jurors, they shall be summoned to the next great court session; if they again fail to appear on that day, they shall be amerced and ordered to find **mainprise** for their appearance at the following session. If they still fail to appear, the mainperners shall be amerced, and each chooser must find six mainperners for his appearance at the session following, and so on with mainperners being amerced until the choosers come. When they appear, the choosers shall be sworn to select jurors, and they shall submit to the court a list of at least 24 names, in case any are challenged by one of the parties to the action. The first four names acceptable to the parties shall serve on the jury.

If the tenant, after the first 3 essoins, comes to court and requests a viewing of the tenement, to obtain a vouch of warranty from someone whose tenements are foreign [i.e. outside the jurisdiction of the bailiffs – this being a foundation for transferring the case to the king's court], then the case will turn upon this.

[The rest of this chapter, which is very long and convoluted, deals with procedure in this circumstance of the third party (of whom the tenant holds,

or from whom the tenant had acquired, the property in dispute) to warrant the tenant's ownership. See the corresponding [Norwich custom](#).]

[Again this is a long chapter and I greatly shorten its tenor].

If any man dispossess another of a tenement which is subject to the jurisdiction of the town court, and if the dispossessed bring complaint of this before the court within 40 days, the bailiffs shall take the tenement into the king's hand (delivering it to the safekeeping of two of the neighbours) while the case is tried. The dispossessor shall be required to [wage his law](#), in response to the plaintiff, on an assigned day. An [assize](#) shall be held involving 12 neighbours on that day, whether the dispossessor appears in court or not. If the dispossessor continues to hold on to the property, the bailiffs shall take it into the king's hand; if he cannot be removed without risk of violence, the bailiffs in view of one or more of the coroners and of other good townsmen shall nonetheless take it into the king's hand, regardless of whether the dispossessor is able to hold onto the property for more than 40 days. Anyone complaining of being dispossessed shall be advised by the bailiffs to initiate a plea before the court within 40 days of being dispossessed, or lose the right to bring a plea of [fresh abatement](#). If the person dispossessed is, at time of dispossession, in prison, or of unsound mind, or overseas, then he must make a plea of fresh abatement within 40 days of being released, recovering his sanity, or returning to England. No [essoins](#) are allowed in this type of action, in order that speedy justice be done.

Cases of nuisance relating to borough tenements are to be conducted by [gage and pledge](#) [i.e. without requiring a writ], if the action is initiated within 40 days of the nuisance being done; but if he has not complained of the nuisance within 40 days, he requires the king's writ to bring the case before the court [with the same three exceptions as in cap.6]. The defendant is to be attached by a pledge to answer; if he refuses or goes off so that he cannot be found, a summons is to be made at the place where the nuisance was done that he is to answer the plea on a specified day. The case is to be tried by an [inquest jury](#) of 12 good and honest men of the neighbourhood, who shall view the tenement and the nuisance in question. If the jury finds that a nuisance has been committed, the court shall require the nuisance to cease and be redressed so that the neighbours can see it is so, and the plaintiff shall be awarded damages. If the defendant, after finding pledge or after being summonsed, defaults in appearance in court, the inquest shall proceed regardless and judgement rendered. If the parties will agree to resolve their dispute, before their neighbours and the bailiffs, without bringing it to court, so well and good. No [essoins](#) are permitted in such actions initiated by gage and pledge, but 3 essoins if initiated by writ.

cap. 6
fresh abatement

cap. 7
fresh nuisance

Notes: a "nuisance" in this context generally referred to an action of the defendant which had resulted in damage to, or trespass into, the property of the plaintiff.

cap. 8
waste

Tenants holding tenements in the town for a term of years, or for life, or women holding by dower right, shall not let the property fall to waste or into disrepair, but shall maintain it in as good a condition as they received it, for the benefit of whomever the tenement shall revert to after the death of the tenant. If this is not done, then the person who has the reversion may bring an action before the bailiffs, either by gage and pledge or by writ. The which action shall proceed thus: when the plaintiff initiates the plea, the accused is to be summoned (at the place wasted) by 2 law-abiding men to appear in court on a specified day to answer the charge; if the defendant fail to appear after three such summonses, then the bailiffs and one or two coroners together with a jury of 12 men shall go to the place wasted and assess the damage. Following this inquest, the accused shall be warned to appear on a specified day before the bailiffs to offer surety for compensating the plaintiff and remedying the waste done to the tenement, and no essoin shall be allowed from the defendant on that day. If he still fails to appear, the plaintiff shall be awarded seisin of the wasted property and damages, and the defendant shall be amerced for his trespass and defaults. If the tenant comes into court after the first three summonses and acknowledges the waste, or comes after the inquest and offers surety for redress, then that is acceptable. But if he cannot or will not offer surety, he shall lose the property and damages be awarded against him. The waste of the property is to be assessed before any surety is given, and the surety will answer for it if the wasted property is not restored to its proper state. If the property is not restored, the defendant is to be warned to appear before the bailiffs to show reason why they should not award damages and seisin of the property to the plaintiff. If the tenant comes to court and deny the waste, an inquest shall be held; if it finds that waste has occurred, the plaintiff shall be awarded damages and seisin. If the defendant restore the property, but then let it go to waste a second time, he shall lose the property. Plaintiff and defendant are allowed 3 essoins in actions of waste, prior to an inquest being held, but no essoins thereafter.

cap. 9
*recognizance of
free tenement*

If a man sells property in the town which he holds in right of his wife, and does this with the consent of his wife, after seisin has been delivered to the purchaser the woman may come into court with her husband and acknowledge her agreement to the transaction. The woman must be examined alone by the bailiffs to determine whether she makes the acknowledgement of her free will. And if it is found that she consented to the sale without coercion or threats from her husband, then her recognizance is to be legally binding forever. The recognizance of husband and wife, together with the charter of sale may be registered in the common roll of the town and be solemnized in full court before the coroners and good people of the town. And the bailiffs shall deposit the [recognizance] roll of their year in office in the common hutch for safekeeping as if a treasure. Following the recognizance, neither the woman (after the death of her husband) nor her heirs may claim any right in alienated tenements. Such recognizances may apply not only to tenements that are the inheritance of a woman or are purchased by a woman, but also tenements purchased jointly by a husband and wife. However, no such recognizance can be taken in the cases of tenements that are given to a husband and wife under condition of entailment to their heirs, or of reversion or remainder to any third party, since this would prejudice the rights of those to whom the tenements should pass after the deaths of the man and his wife. If a recognizance is taken without realization by the court of the entailment or reversion of the tenement, then it shall not stand as an obstacle to legal claims on the property. The heir or party entitled to the reversion may seek from the court the voidance of the recognizance, if an inquest determines that the recognizance had no right to give seisin; therefore any purchaser of property who seeks to strengthen his possession through such a recognizance would be well advised to ensure the recognizance be legally valid.

Notes: the use of the portmanmoot to give official cognizance to land transactions by women is evidenced prior to 1200 (P.R.O. Ancient Deed A3904).

cap. 10
*a house that
abuts on another*

If a house fall against its neighbour or by leaning against it do damage, the owner of the damaged house may recover his losses from the owner of the responsible house, through a plea of trespass; the losses shall be assessed by an inquest.

cap. 11
*recognizances in
cases of reversion*

In cases where a tenement is held for term of the tenant's life, or for a set number of years, he to whom the tenement shall revert after that period shall present to the court the deed stating his right of reversion, and it shall be enrolled with other **recognizances** of free tenements. The tenant shall be summoned by the court, and shall find mainpernors for his coming, to identify his claim in the tenement, and no **essoin** shall be allowed for this. If he fails to appear on the appointed day, his mainpernours shall be **amerced**, and he distrained by his goods and chattels, wherever they may be found within the borough, until he come. And when he comes and acknowledges that his claim in the tenement is only for life or a period of years, then the court shall award judgment that the tenant holds of he who has the reversion. If the tenant refuses to find mainpernours, he shall be distrained by his goods and warned by 2 burgesses to appear before the bailiffs on a specified day, or risk forfeiting the goods that were seized. And the same process of distraint, warning, and forfeiture is to be repeated until he comes. However, no such legal process against a tenant may be initiated if he is in prison, of unsound mind, or overseas. By assent of the **community**, it is ordained that any forfeitures such as mentioned above be put to the common profit of the town (and delivered to persons who shall answer for them to the community) and not for the individual profit of the bailiffs.

cap. 12
*recognizance
of rent*

If there is a rent due from a tenement which is granted by a **recognizance**, then the tenant who ought to pay the rent shall be summoned to the great court following the making of the recognizance, to inform the bailiffs on what terms he holds the tenement. If he acknowledges he holds the tenement by a rent due to the maker of the recognizance, then he shall agree to pay the rent henceforth to the one to whom the recognizance was made. If he denies, then an **inquest** shall determine the matter; and if the tenant refuses to accept a finding that the tenant held the tenement of the maker of the recognizance, then he to whom the recognizance was made may initiate an action of **distress** to obtain the rent.

cap. 13
*fresh abatement of
an enclosed
tenement*

If anyone in the town encloses his tenement, so that the landlord or any other to whom rents are due therefrom cannot make **distraint** for rents in arrears, the landlord may recover his rights through a plea of **abatement**, if this is initiated within 40 days of withholding of rent. If refusal to pay rent occurs a second time, the award of damages shall be doubled, and so on with each new complaint from the landlord.

cap. 14
*tenements
lying fresh*

If any tenant allows his tenement to "lie so fresh" that the landlord cannot make a reasonable **distrain** on the tenement for rent in arrears, and the rent is in arrears for four terms, and if the landlord proves in the town court that he ought to receive the rent and damages for its withholding, but the tenant refuses to comply, then the tenement is to be handed over to the landlord for a year and a day. If the tenant, within this period, comes to terms with the landlord he may have his tenement again; but if he does not come to terms, then the tenement shall remain in the hands of the landlord and his heirs indefinitely.

Notes: I am uncertain of the meaning of "lie fresh", but it may have something to do with a property being in a tumbledown condition such that there is nothing of value there for the landlord to seize.

cap. 15
*fresh abatement
against a tenant
who counterpleads*

If a landlord **distrains** on property whose rent is in arrears, but the tenant liberates the distraint through initiating a counterplea or by rescuing the distrained goods, the landlord may recover by bringing a plea of **abatement** before the bailiffs, if within 40 days after the distraint was liberated.

cap. 16
*bequeathable
tenements*

Those who own tenements and rents in the town through purchase may freely bequeath them on their death-beds. The last will of the testator, whether written or oral, is to be probated before the bailiffs within 40 days of the death of the testator through the witnessing of at least two men; if this proof is satisfactory, it shall be registered in the town rolls and administration of the will shall be granted to the executors, and seisin of the bequeathed properties delivered to the beneficiaries in front of the bailiffs. If the probate is not satisfactory, with variant evidence giving suspicion of fraud, the testament shall be considered invalid and the tenements shall go to the rightful heir. If the executors, through malice or collusion, refuse to prove the testament within 40 days and do not deliver seisin of the property to the party to whom bequeathed, then the latter may within the first 40 days come to court, lay claim to the property, and request the executors to be summonsed. The executors shall be summonsed (at their dwellings or, if they are not residents of the town, at the bequeathed tenements in their keeping) to submit the testament to probate or show why the claimant should not have the property. If the executors come and the testament is proved, the claimant shall have seisin of the property. If the executors do not appear, but the claimant can prove by inquest that the testator bequeathed him the tenement, it shall be delivered to him. If the executors themselves die before proving the testament, then their own executors shall be responsible for probate, or subject to the claimant's action just as the original executors.

cap. 17
*tenements
bequeathed
to children*

If a tenement is bequeathed to any child not of the age of majority and the executors, through malice or collusion, refuse to prove the testament or to deliver seisin of the tenement to the child, then the closest friend of the child may assist the child to bring suit before the bailiffs to oblige the executors to come and prove the testament. If the child is kept out of the way by the executors or the testator's heir, in order to obstruct him from receiving what has been bequeathed him, then his closest friend may alone bring the suit.

cap. 18
*tenements not
bequeathable*

If a tenement that ought not be bequeathed *is* bequeathed to someone other than the person who has rightful inheritance, reversion or remainder of the property, the rightful claimant may recover possession through plea of **fresh abatement** if it is within 40 days of probate and delivery of seisin to the legatee. But if the claimant allows the legatee to continue his possession of the tenement for more than 40 days, the claimant may not recover through plea of abatement, notwithstanding that the tenement was not bequeathable. If the claimant is abroad, ignorant of the bequest, in prison, or of unsound mind, he may have 40 days to initiate an action against the tenant, after returning to England, leaving prison or being restored to sound mind. Similarly a child who has not come of age must introduce an action by himself or through his closest friend within 40 days, or lose the right to seek recovery through plea of abatement; however, once he comes of age he may [seek recovery through] purchase [of] a king's writ.

cap. 19
*tenements
bequeathed
to someone
abroad*

If a tenement is bequeathed to any man while he is out of the country, once the testament is proved seisin may be delivered to some of the closest friends of the legatee, to hold on his behalf (without **waste** or destruction of the property) until his return; this delivery of seisin may be registered in the town rolls. Upon the legatee's return, seisin should be transferred to him without any obstruction from those who have safekeeping in his name. If the keeper (or his heirs) try to prevent the legatee's entry into the property, the bailiffs can consult the town records for the proof of the testament and may deliver seisin on that basis, unless the keeper can present evidence why the seisin ought not be delivered. If the keeper wastes the tenement, the legatee may sue for damages. If the keeper die and his heir holds the tenement upon the legatee's return, the latter may recover against him just as would have been against the original keeper. If the keeper or his heir disposes of the tenement to some third party, and the returning legatee has his claim to it rejected by the tenant, he may recover through plea of abatement, if initiated within 40 days after rejection of his claim. If the executors collude to refuse to prove the testament or to deliver seisin either to the legatee's closest friend or to the returning legatee, the latter may bring action (within 40 days of return) to have probate; after that period a king's writ is require to obtain seisin. Such actions shall not be

prejudiced by the failure to prove the testament in the previous period. If an inquest restores the property to the claimant, he shall have double the amount of damages assessed by the inquest.

cap. 20

*rents
bequeathed*

If there is bequeathed a rent from a tenement, the legatee of the rent is to be put in seisin by the executors, if the tenant will acknowledge he owes the rent. If the tenant will not, the legatee may request the bailiffs to summon the tenant to court, to show under what terms he held the tenement and of what landlord on the day of the testator's death. If he states that he held it of the testator, owing to him the rent from the tenement, then the bailiffs shall award that the tenant now holds of the legatee and must pay the rent to him henceforth; no essoins are allowed the tenant in this action. If the tenant will not find mainpernors for his appearance, or finds them and still fails to appear (so that the mainpernors are amerced), then shall be implemented the same process to oblige him to come as in cap.11. If the tenant, when he comes to court, states that he did not hold the tenement of, nor owe the rent to, the testator, the legatee may disprove this by an inquest. If the tenant then still refuses to acknowledge that the rent is payable to the legatee, the latter may distrain the tenement for arrears. If, in cases of bequest of tenement or rent, a man witnessing the making of the testament refuses to come to court for its probate, then he shall be denied any bequest made him, while the legatee of tenement or rent may prove the bequest through an inquest of the nearest neighbours of the testator. But be it known that no woman who has a husband is allowed to bequeath any tenement in the town to the disinheritance of her heirs, not even though her husband consent to the bequest.

cap. 21

nurture

[Underage] female or male heirs shall be in the care of the closest friend (on the father's side or the mother's side) who is not in line of succession to the inheritance; this guardianship shall last until the heir is of full age according to the usage of the town, viz. 14 years old, and the guardian shall not allow the waste or destruction of the inheritance. When the heir is of age, the guardian (or his heirs) shall let him have the inheritance without obstruction. And account shall be made to the heir for all income from his inheritance during the period of guardianship, and of all moveable goods that may have come to the guardian along with the person of the heir, and any profits from such goods, with the exception of any reasonable allowance of costs that may be shown to have been spent on sustenance of the heir or maintenance of the heir's property. If the guardian allows waste or destruction [to the heir's property], he shall lose his claim to an allowance for costs in nurturing the heir, unless he provides surety that he will make good the damages and will maintain the inheritance, until the heir comes of age, in as good a state as he received it. In this circumstance, one of the closest friends of the heir shall be permitted to take the surety and, if the heir is too

young to do so, bring an action for waste before the bailiffs on the heir's behalf. If the guardian loses the costs of nurturing the heir, for the cause mentioned, then guardianship is to be transferred to another of the closest friends of the heir. A guardian has no right to arrange the marriage of his ward, unless the child and his closest friend consent to it.



preface



custumal contents



cap. 22-56



History of medieval Ipswich



[MAIN MENU]

APPENDIX 2:

Calendar of usages and customs of Ipswich, capitula 22-56

cap. 22

processes by writ

In cases begun by what are called "sheriff's writs" – such as writs of debt, writs of wrongful detention, and writs of account – which are to be held before the bailiffs, after the sheriff has returned the writs, the following is the legal process. When the plaintiff initiates the action, the defendant named in the writ shall be summoned to answer at the next court of **portmensmoot**. If he fail to answer the summons, let this be duly noted and he shall be required to find a **pledge** for his appearance. If he still defaults, causing his pledge to be **amerced**, he shall be required to find 4 pledges to answer. If he again defaults, so that his pledges are amerced, he is to find 8 pledges, and so on. If the defendant is so resistant that he refuses to answer the complaint, he is to be **distrained** by all his goods and chattels, wherever found within the territorial jurisdiction of the bailiffs, until he comes to court. If, to obstruct the suit and delay the legal process, the defendant locks his goods and chattels inside his house or chamber, so that the bailiffs cannot get at them for purposes of distraint, then that house or chamber is to be blockaded so that neither the defendant nor anyone on his behalf can have access thereto, until he come to court. When the defendant comes to court, he and the plaintiff shall present their cases as best they may. The same process, involving distraints and blockade, may be used not only in pleas begun by writ, but also in pleas begun by **gage and pledge**.

cap. 23
*assault and
battery*

In pleas concerning battery, wounding, breaking and entering, or other trespass against the peace, the legal process is as follows. If the defendant refuses to find **pledges** for his response to the charge, and if he has no chattels within the town [which may be distrained] to bring him to justice, and these facts are witnessed in court, then he is to be arrested and brought before the bailiffs to respond to the plaintiff. And if he is convicted, the plaintiff shall be awarded damages assessed by the court and the defendant committed to prison for the following terms:

- for malicious assault with sword, knife, staff or other weapon – 15 days;
- for battery committed during breaking and entering, if no blood is drawn – 15 days;
- for battery committed during breaking and entering, if blood is drawn – 20 days;
- for drawing blood through assault with foot or fist, or similar battery, the punishment is to be determined by how serious the beating, and whether the trespass is major or minor.

Imprisonment is the punishment to be applied to frequent offenders or incorrigible troublemakers. But if any trespass is done in the heat of the moment by one not frequently offending, instead of applying imprisonment the offender is to make amends for his crime according to recommendations of the court, beyond the assessed damages he must pay. If anyone is committed to prison by the court, but leaves it without permission of the gaoler, his sentence is to be doubled. If the gaoler, without the consent of his superiors, gives a prisoner permission to leave, in cases where the prisoner owes damages the gaoler will be held responsible for paying them, and he shall be punished for the permission he has unwarrantedly given.

cap. 24
*trespass against
bailiffs or
coroners*

It is ordained by common counsel of the **community** that if any townsman assaults a bailiff of the town with or without weapon, or gives him a blow or a wound, or draws his blood, or maliciously obstructs the performance of his duties, or disturbs the peace in the presence of a coroner or other good men of the town, so that the trespass can be proven by the witness of coroner or two or three honest men, or otherwise by **inquest**, the guilty man shall be committed to prison. He shall be securely kept there without prospect of bail until he has made full amends to the injured party, according to damages assessed by the coroners and good men of the town. He shall be seriously punished, for the sake of the community, for the harm done to its bailiffs; and before he is allowed out of prison, he must find **mainpernors** to answer to the king for his crime, when called upon to do so. If any townsman slanders

a bailiff in court, or out of court if the bailiff is in performance of official duties, and is convicted of the same, he shall be sent to prison until he can find sufficient surety to make amends according to the determination of the coroners and good men of the town.

Notes: the French terms used for what is here translated as "good men" and "honest men" are "bones gentz" and "prodes hommes" – terms often used to designate the ruling class or even the town council; it may be the case in this chapter, which is concerned with the sacrosanctity of office, that an Ipswich councillor was accorded particular credibility and authority as a witness to a crime.

cap. 25
*trespass against
the sub-bailiffs*

Any man who assaults or gives a blow or wound to a sub-bailiff of the town, or who obstructs his performance of duties (notably arrest), is to be taken and committed to prison. Unless the offender make amends to the injured party, he shall be punished by the court, according to whether his trespass is major or minor.

cap. 26
forestalling

It is ordained that there be wardens assigned to the fish market to ensure that the regulations ordained for that market, for the common profit of the town and the surrounding region, be properly observed. Those regulations being, first that no regrater nor non-burgess make a bargain outside of the market (either in or out of town), nor forestall fish being brought to the town for sale. A first offender shall have his merchandise confiscated (to the use of the **community) and shall compensate the individual from whom he bought it; failing this, he shall be punished for his trespass by imprisonment. If he has not the means to compensate the seller from whom he forestalled the merchandise, then the merchandise shall be returned to the seller and the offender shall remain in prison until he has compensated the community for the value of the forestalled items. For a second offense, the offender shall be put in the pillory, the forestalled fish confiscated, and the offender obliged to compensate the seller. For a third offence, the offender shall be obliged to give up his occupation for a year and a day, and the merchandise confiscated. The same ordinance applies to poultry.**

Notes: The punishment for the third offence – giving up one's occupation (in the originals "mystery" or "craft" are the terms used) – would have deprived the offender of his regular livelihood. Regraters – or middlemen (whom we might think of today as retailers) – were not prohibited per se, so long as they did not forestall or undertake other business practices intended to push prices up.

| | |
|--|--|
| <p>cap. 27 <i>regraters who sell to other regraters</i></p> | <p>No regrater in the fish market may buy from another regrater in order to sell the goods in the market, so that the price of fish goes up. The punishments for which may be confiscation of the fish, imprisonment, the pillory, and the offender giving up his occupation for a year and a day. No regrater in the market may remove plaice, sole, flounder, eels or any other fish from the baskets in which they are brought to the market, in order to sell at the same market, against the will of the owner of the fish; since this is a trespass against the peace, offenders will be punished by imprisonment.</p> |
| <p>cap. 28 <i>time ordained for regraters</i></p> | <p>No regrater of the fish market may buy fish there in order to sell it before the time established by the wardens, viz. half way to prime, upon pain of confiscation of the fish. Merchants from outside the town who are called pedlars may not begin to sell before the hour of prime; if these outsiders load up their fish they should do so in open market, not inside any house, and nowhere else, upon pain of confiscation of their merchandise.</p> |
| <p>cap. 29 <i>fish cut</i></p> | <p>No porpoise, salmon, conger, or turbot is to be cut in any house nor in any other place except the communal place of the fish market. No such fish is to be stored privately overnight without showing it to the warden of the fish market, upon pain of its confiscation.</p> |
| <p>cap. 30 <i>fish kept too long</i></p> | <p>The <u>community</u> forbids any <u>regrater</u> in the fish market from selling or displaying any kind of fish, scaled or unscaled, that is spoiled and unfit for human consumption, or that has been stored longer than appropriate. If anyone there is found with such fish, on the first occasion the fish will be confiscated and given to the poor; on the second occasion, the fish will be confiscated and the offender sent to the pillory; on the third occasion, the fish will be confiscated and the offender must give up his occupation for a year and a day.</p> |
| <p>cap. 31 <i>mixing in bad corn</i></p> | <p>Upon pain of the same punishment, it is forbidden that any storer of corn, miller, or anyone else mix rotten corn in with good corn with the intent of selling it in Ipswich, to deceive townsfolk or outsiders.</p> <p><i>Notes: I have followed Twiss' hypothesis that cornstorer and miller are possible translations of corlenocher and pokyere respectively.</i></p> |
| <p>cap. 32 <i>poulterers</i></p> | <p>Upon pain of the same punishment, it is forbidden that any poulterer sell or display for sale any fowl that is spoiled and unfit for human consumption.</p> |

cap. 33
*mercantile
contracts*

In any contract or covenant relating to merchandise, the legal process is as follows. If one party reneges on a contract or covenant, resulting in a plea being brought before the bailiffs, and the party defends by denying the contract or covenant, he is not to be believed if the plaintiff can prove the contract by the oath and examination of certain men who were present when the contract was made between the parties, or if he can prove the contract by **inquest**. Similarly, if a merchant sell his merchandise to another merchant with full payment to be made within the day, for which speedy payment of a debt no written record or tally is commonly made, and a plea arise between the two over the merchandise, then the purchaser is not to be allowed to **wage his law** until he has paid the seller every penny, so long as it can be proved (by inquest under the law merchant) that the goods were sold and delivered. The purchaser must also be given the chance to prove by inquest any claim that he owes nothing to the seller. The proof in either case must be through the examination of at least 2 sworn men. Also, if a man hands over his chattels to another, to hold in trust and return when requested, the keeper of the chattels is not to be allowed to wage his law while he withholds the chattels, so long as the plaintiff can prove the [defendant's] receipt of the chattels, by the witness of good, true and credible men, sworn and examined.

cap. 34
*recovery of
debts or damages*

When the court has awarded recovery of a debt or damages, but he against whom the award is made refuses to make satisfaction, the plaintiff may request that the court authorize daily **distrain** on his goods and chattels, whether inside house or outside, wherever they can be found within the liberties of the town, until the plaintiff has [goods to] the value of the amount due him. If the individual distrained continues to refuse to pay what has been awarded against him within 40 days after being distrained, the bailiffs shall have the distrained items brought before them in court, and the individual shall be warned by two men to appear at the next court session to reclaim the distrained items and make satisfaction of the award against him. If he still will not come, or comes and refuses to make satisfaction, then the distrained objects are to be appraised in court by sworn men, and the individual is to be warned to appear at the next court session and make satisfaction. If at that session he does not appear, or does not make satisfaction to the plaintiff, then the taker is to give the distrained objects to the plaintiff to do with whatever he wishes. If the items distrained are more valuable than the amount of the award, the surplus is to be returned to the distrained individual. If less valuable, then the remainder is to be levied without delay from the chattels of the debtor, and the sub-bailiff who was ordered to make the original distrain is to be reprimanded by his superiors for not having distrained sufficient goods, unless he has the excuse that he could not find other goods on which to distrain. The

appraisers of distrained goods are to be warned not to collude in appraising goods at a higher value than they are worth; if they do so, they shall be obliged to buy the goods at the price they have set. This process applies to residents of the town and the neighbouring countryside. If the plaintiffs are outsiders, such as merchants from foreign lands, or others from distant countries, or mariners coming to the town to sell goods or merchandise, or outsiders passing through at time of fair or market, then more rigorous and speedy efforts must be applied to the debts or damages awarded them (since they do not have 40 days to wait for distraint). If anyone delays rightful execution in the aforesaid situations, by locking up his goods within a house, so that the bailiffs cannot get at the goods for purpose of distraint, then the house or chamber, with all the goods therein, is to be blockaded until satisfaction is made. If anyone is convicted of breaking the blockade and carries off any of the goods, without permission of at least one of the chief bailiffs, he shall be arrested and held in prison until the purloined chattels are returned or he makes satisfaction for the award to the plaintiff – and even then he shall be punished for his trespass. When the chattels are brought back, the bailiffs shall levy from them the debt or award.

cap. 35
*increase of
damages*

In any plea of land where damages are assessed by **inquest**, if the members of the jury (by favouritism or ignorance) assess the damages too low, then the bailiffs and the court have the discretion to increase them.

cap. 36
*failure to pay
for goods bought
from strangers*

Some men without means or of bad faith who make themselves out to be merchants in the town, through envy, covetousnes or lack of good advice, have made bargains and bought merchandise from merchants or other outsiders coming to the town, but illegally and faithlessly (to the loss of the reputations of the town and good men living there) have delayed paying for the merchandise. Consequently, the outsider merchants have often avoided coming to the town again, to the damage of the town and countryside. Conscious of the wickedness and folly or such foolish purchasers and of the desirability for the honour and profit of the town to redress this defect, the good men of the town have unanimously ordained that no one residing in the town be involved in buying goods or merchandise from any **foreigner** or other outsider coming to the town by land or water, unless he pay the merchant on the date they agree. If anyone delays in payment, the bailiffs, as soon as they hear of it, shall without hesitation and rigorously seize the goods and chattels of the deceiver and satisfy the merchant for payment, without waiting 40 days for the **distraint** addressed in **cap.34**. If the foolish purchaser is a burgess and has no chattels from which the bailiffs may raise the money he owes to the merchant, then he is to be **disfranchised** for a year and a day, so that he have none of the financial or commercial

advantages that burgess status gives; and he shall not be restored to the **franchise** until he has found good and sufficient **surety** for compensating any townsman who suffers distraint, damage or grief as a consequence of him having falsely withheld what was due to the merchant. The bailiffs shall register the surety in the common roll of the town, so that every townsman damaged by the deceiving purchaser may recover [losses] against him and his surety. If the deceiving purchaser is a non-burgess resident and does not have sufficient [chattels] in the town to enable the merchant to be satisfied, then the purchaser shall be barred from conducting any commercial transaction in the town until he has paid the merchant what he owes him.

*Notes: what seems to be referred to indirectly, regarding the ramifications of the deceiver's actions on his fellow burgesses, is a variant of **withernam**.*

cap. 37
*an end to
wrangling*

Regarding fish, herring, onions, garlic and other merchandise brought by water into the town to sell, often when it comes time to pay for a bargain [made earlier], dissension arises between sellers and complaining purchasers who allege that the merchandise is not as good quality as it appeared when first they viewed it or as the sellers assured when the sale was made. As a result, the purchasers too often renege on the contract they have made, and arguments take place. To prevent such arguments, the **community** ordains that when the owner of such merchandise brought to the town has made a sale, before the goods are removed, the contract of sale is to be declared before a bailiff and set down in writing, if the seller requests it; the agreement, the day when payment is due, and the surety offered for payment (if applicable) is to be entered on the roll of the bailiffs. The bailiff and 4 good and honest townsmen, who are knowledgable about that type of merchandise and are sworn to the duty, are then to view the merchandise. In this way, if the merchandise [at time of delivery] is not as it was first shown to the purchaser, then the payment or the merchandise shall be adjusted as necessary. The bailiffs are to warn [the 4 surveyors] when taking oath that they must not collude to commit fraud in cases where any surveyor has a share in the merchandise. And they shall advise outsider merchants, when they bring goods to the town, to take good and honest **hosts**; if the hosts become involved in selling the merchant's merchandise, they must turn over all the proceeds to the merchant, failing which the hosts shall be punished in the same way as defaulters in payment [cap.36]. If the merchant sells his own merchandise to an unreliable purchaser, without seeking advice from his host and without making **recognizance** [of the contract] before the bailiffs or without survey of the goods, then the merchant must suffer for his folly by recovering the money owed him from the unreliable purchaser as best he may.

Notes: the actual chapter title refers to "wolvard", which I have tentatively translated as "wrangling"; I cannot find the meaning of "wolvard" but, based on the context of the chapter, I suspect it is a metaphorical term conjuring images of a pack of foxes or wolves squabbling among themselves.

cap. 38
*reasonable
division*

Tenements in the town can be divided among male heirs as well as among female heirs – excluding property gifted or otherwise bequeathed by the ancestor – whenever one of the parties requests his share. If the division of the inheritance is done by common agreement [among the heirs], then the eldest heir may have first choice of the part he wants; following which, each remaining heir shall choose a part in the order determined by [casting] lot. If any of the heirs through malice argue against and obstruct the division of the inheritance, then the heir who requested a division may recover his part by plea of gage and pledge, if he initiates it within 40 days of being denied his share (if not, he loses the opportunity to recover by that type of plea). Once the plaintiff has entered a plea, the bailiffs shall have the defendant summoned by two freemen to attend the next portmensmoot to answer the suit. If after three summonses he has not come, he may employ three essoins if he wishes. If after the summonses and essoins he comes to court and can offer no reason why the plaintiff should not have his share, or if he fails to come, the plaintiff shall be awarded his share of the inheritance with damages. The assessment of damages is to be delayed until the inheritance is divided, in case the defendant has caused the inheritance to go to waste – in which case, he shall be assigned the portion that has gone to waste. If the plaintiff's share is also wasted, the cost of the waste shall be included in the assessment of damages by 12 sworn men. Once the judgement has been awarded, the 12 sworn men shall make the division and the bailiffs shall deliver to the plaintiff his share. The defendant shall be warned to come to the next portmensmoot to hear the assessment of damages; whether he come or not, let the judgement be executed upon him. If the elder partner [in the inheritance] has countersued, he shall lose the right to choose first, and take his [choice of] share through lot, as the other partners.

cap. 39
*denial of quitclaim
or other writing*

If there is a plea in the Ipswich court concerning tenements subject to the court's jurisdiction, and a charter of feoffment, quitclaim or other document is introduced against the plaintiff to quash the suit, but the plaintiff denies [the authenticity of] the document, the defendant may prove that it is genuine by **inquest together with [examination of?] the witnesses named in the document (if they are residents of the town). The bailiffs may require, by the authority of the court, that the witnesses appear along with other good and honest men to test the authenticity of the document. However, if the witnesses are outsiders, so that the bailiffs cannot constrain them to appear before the court, neither the testing of the document nor the suit itself should be delayed, any more than if the witnesses were dead.**

cap. 40
*proof of tally
without a seal*

If there is a plea of debt between merchants, by law merchant, concerning a tally without a seal, [recording] a contract about merchandise, and the defendant denies the authenticity of the tally, the plaintiff may prove it by the law merchant. The proof is to be made by two men of good reputation, sworn and examined, who were present when the tally was made between the merchants, or when the debt recorded by the tally was acknowledged [in a recognisance] by the debtor. If the proof is acceptable, the plaintiff may recover the debt and damages. If the evidence given [by different witnesses] in the proof is found to be inconsistent, the tally is to be condemned as false. If however the debt by tally without seal is claimed without [recourse to] the law merchant, the defendant may be allowed to deny the tally be inquest or by his law [i.e. compurgation], whichever he prefers.

Notes: In a relatively illiterate society, the tally was a method of recording the amount of a debt; it was a stick of wood notched in a particular way, and in two parts which fit together: one part being held by the debtor and one by the creditor. Seals were similarly a feature of an illiterate society where many men could not even sign their names. Merchants had their own version of the heraldic crest, in the form of distinctive marks (similar to brands used on animals) that could be impressed into sealing wax; these marks, or a variant, might be handed down in a family from one generation to the next.

cap. 41
render of a sword

The son of a burgess who is his father's heir, after the death of his father, shall come into court within 40 days of the death (if he is in the country), and render to the bailiffs the sword on which his father swore to maintain the freedom of the town and to conceal the secrets of the town. If he does not, he is to be banned from every council of the town until he has complied. If there are several sons, the eldest brother shall render the sword, and the others shall give the same oath that the eldest does. It is not to be allowed that any son of a burgess sit down or remain at a common council of the town if he is not sworn to conceal the counsel and secrets of the town.

*Notes: the oath of the father referred to was that required from a townsman when entering the **franchise**. The ceremony described was that of a freeman's son taking up the franchise by right of patrimony, without fee (other than the sword); a rare recorded case of this in 1314 indicates that the entrant could redeem the sword with a small cash contribution. The "council" refers to assemblies of citizens at which town business was discussed.*

cap. 42
distress by one burgess on another

No burgess of the town shall by his own authority **distrain** on another whom he accuses of debt to him or trespass against him; he must initiate a legal action before the bailiffs.

cap. 43
distress by a burgess on an outsider

If an outsider owes a debt to a burgess and the day of payment passes, and the outsider, passing through the town, will not satisfy the creditor for his debt, the creditor has the right to arrest the debtor's chattels until he can find a bailiff, before whom he can initiate a plea of debt.

cap. 44
a burgess' share

If a burgess of the town buys merchandise within the **franchise** of the town and there is an **outsider** there who claims the right to have a share in the merchandise, the outsider shall not have a share. But if an outsider buys merchandise and there is a burgess present who claims a share, the burgess has the right to a share.

cap. 45
view of frankpledge

View of frankpledge is to be held in the town each day during the week of Pentecost; the purprestures presented in the view should be remedied and amended, by view of the bailiffs and chief pledges [who are] presenters within 40 days of the week of Pentecost.

*Notes: the English version of the custumal uses a different name for view of frankpledge – the **leet** [court]. The English version uses as the title of those who made presentments of offences "head boroughs", rather than capital pledges. A purpresture was an encroachment onto public property.*

cap. 46
prohibition of waste during a plea

When an action regarding a tenement is brought before the bailiffs by king's writ, the bailiffs shall forbid the tenant, against whom the writ is directed, from committing **waste** or despoilment on the property which is the subject of the action. If the tenant does so despite the bailiffs' prohibition and the plaintiff recovers the tenement in the action, the amount of damages awarded against the defendant are to be doubled; damages are to be assessed by 12 sworn men. The tenant is also to receive a serious **amercement** for his trespass in disobeying the bailiffs. The same procedure is to be in effect for pleas of land begun without writ; prohibition of waste should be made at request of the plaintiff.

cap. 47
not taking pledges from poor weavers

The **community** ordains and prohibits that no-one of the town take from poor wool carders, spinners, poor tailors, seamstresses, poor laundresses, nor other poor people of low status, any fabricated garments, linen, parcels of clothing, carded wool (white or dyed), flax, hemp, thread (woollen or linen), nor any other suspicious goods, as **pledge** for money, wine, ale or any other kind of victual, in cases where there is cause for suspicion that the goods offered as pledge may not be the property of the poor people who offer them. If anyone takes such goods as pledge from poor people, contrary to this prohibition, then the bailiffs may deliver the items back to their rightful owners, without the latter paying [any compensation to] the person in whose possession they were found, even if the person who put the items up as pledge has not the means to answer for it. The bailiffs should have this ordinance announced each year, along with the other cries, so that no-one infringing the ordinance may defend on the basis of ignorance.

cap.48
missing goods

In the same way, anyone in the town may, through plea begun by **gage and pledge**, recover missing goods and chattels, no matter in whose possession they are found or by what means the possessor has acquired them; the possessor must recover his loss as best he can from the pledger of the goods.

cap. 49
taking attorney

The chief bailiffs singly or jointly must appoint an attorney for the plaintiff and defendant in every action before them, whether with or without writ, whether the party is absent or present in court, and either in court or outside it. The name of the attorney must be recorded. If any party to the action is in such poor health that he cannot come to court without risking to life or limb, then the bailiffs must send a sub-bailiff or some other appropriate person to take the sick man's attornment in the action.

cap. 50
*recognizance
outside
court in
mercantile
contracts*

Any of the chief bailiffs, wherever he may be within the territory under his jurisdiction, may receive a **recognizance of debt**, so long as both the creditor and the debtor are present; the recognizance is to be entered into the town roll. Once this is done, the court may not entertain the debtor's denial of the recognizance made, against the witness of the bailiff; but nor are any damages to be awarded to the creditor in recognizances made, whether in court or outside it, without a legal action having been initiated. In cases where mercantile contracts or covenants are declared voluntarily before one of the bailiffs within the territory under his jurisdiction, in the presence of good men of the town, the word of the bailiff is credible enough to warrant registering [in the town records] the agreement. The court may not entertain either of the merchants denying what has been recorded; any who tries shall be condemned according to the law merchant. However, the oral witness of a bailiff to a recognizance cannot be accepted after the end of his term of office, if the recognizance is not found to be enrolled.

cap. 51
*widow's free
bench*

If any burgess who is a **peer** and member of the community, and not previously married, marries a single woman or a widow and the wife outlives husband, then the widow shall have the deceased's chief messuage for her residence in the name of "free bench" for as long as she remain a widow. She may not **waste** nor dispose of this property, so that her husband's heir is disinherited. She may also have dower rights in half of [the deceased's] other property in the town (if it is subject to dower). If her husband only held the one messuage in the town, the widow may still hold it by free bench, but her husband's children shall lodge with her in the house.

Notes: it appears from this (and the following chapter) that only a man's first wife had "free bench" rights in his principal residence; the reference to "children" may refer particularly to those who had come of age, rather than underage children (who it is difficult to believe would have been thrown out on the street by their widowed mother!).

cap. 52
dower

In the case of a woman who, after the death of her husband, does not have the right of free bench, she may remain dwelling in the chief messuage for 40 days after the husband's death (doing no **waste** thereto), within which period the husband's heir is voluntarily to assign her a reasonable dower; which is, half of all the tenements and rents of which her husband died in possession.

Notes: it is implicit that if the heir does not do this of his/her own accord within 40 days, the widow may sue for dower rights.

cap. 53
widow's franchise

If a resident burgess marries a woman from outside the town, and the woman outlives her husband, the woman may continue to enjoy the **franchise** for as long as she remain a widow.

cap. 54
no homage and fealty for tenements

It has been the practice in Ipswich from antiquity that no tenant of tenements in the town held by free burgage do homage or fealty for them to the property's chief lord. The chief lord may not demand from the tenant any relief, ward, marriage or other service, but only payment of the rent, nor may he have any other profit from the property except escheat when the law allows it. However, this does not exempt the burgesses from taking an oath of allegiance to the new king, their liege-lord, when it is demanded after the death of a king of England. It is also the custom in the town that no outsider may **distrain** his tenant for arrears of rent, except by the bailiffs of the town, for the reason that the bailiffs should not allow any distrained items to be kept in any place except within the town, so that they can redeliver them after [the distrained party makes] **gage and pledge**, if process of law necessitates this. However, those who are burgesses of the town, at **lot and scot**, may **distrain** their tenants for arrears of rent at any time, without the involvement of the bailiffs; for, if they put the distrained items anywhere other than they ought, then they can be distrained and brought to justice more easily than can be an outsider.

Notes: relief, wardship and marriage were feudal services. If the services were no longer performed for a property (e.g. because a tenant had died without heir, or had been imprisoned), the property reverted – or escheated – to the lord.

cap. 55
treatment of wives in plea of trespass

A woman who is covered [by the law] under her husband may be brought to justice before the bailiffs to answer to a plea of trespass or where the tumbrel may be the punishment, in the same way as she would be subject to justice were she unmarried; this applies to a case of personal trespass, but not trespass related to a tenement.

cap. 56
husband to answer for wife's debt

A husband shall answer in court in pleas concerning debts contracted by his wife before and after their marriage. But if the woman becomes a surety for a debt, the husband cannot be held answerable for that.



cap. 1-21



custumal contents



cap. 57-83

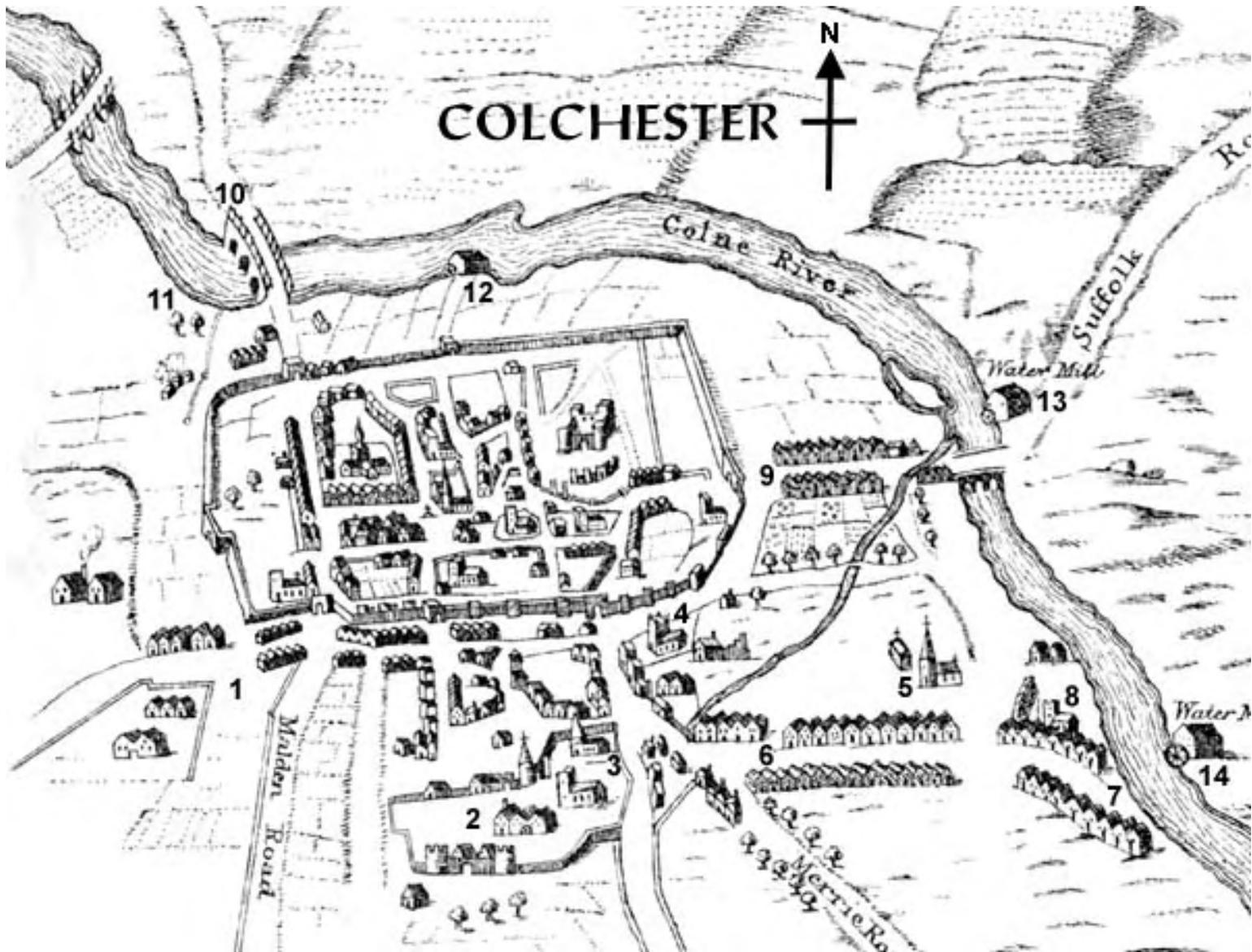
So that the king may have those [fees] deriving from the use of his weigh-beam in the city, no [comburgess](#) or anyone else in the city may, in a private place to avoid use of the beam, buy or sell wholesale, nor may anyone other than a comburgess buy retail, any merchandize which ought to be weighed on the king's beam. Nothing is exempt from this – not wool, nor onions, nor any goods sold by weight which ought to be weighed there, under penalty of confiscation of the merchandize. The troner may also use, in addition to the beam, balances and weights conforming to the king's standard.

[Most towns of any size seem to have been equipped with a "tron", a weigh-beam, which was intended to provide an honest and reliable device for measuring large volumes of merchandize; an official known as a troner or tronager was in charge of this task. The tolls (tronage) he charged for use of the beam were, in Norwich, one of the revenues that went towards the [fee farm](#).]



History of medieval Colchester

Colchester and suburbs at the close of the Middle Ages



This is a clickable imagemap.

NOTES:

This map, based heavily on that of [John Speed](#) in 1610 (but showing a wider area), was in fact drawn up in 1648 to show the siege works and defensive provisions, when a Royalist force occupied the town and was besieged by a Parliamentary army; the 11-week siege saw a great deal of destruction to houses, churches, walls and gates. Here I have edited out features related to the siege. What remains is a picture of the town that was likely not so different from that ca.1500.

OUTSIDE THE WALLS

1 **Crouched Friars**

They established a friary here before 1272, perhaps taking over an earlier wayside hospital, to which function it had returned by the end of the Middle Ages (as well as serving as the meeting place for the Gild of Holy Cross).

2 **St. John's Abbey**

Founded 1096, to the south of the southern suburb of the town. After the Dissolution, the abbey came into the hands of the Lucas family (gentry). It, along with the rest of the Lucas property, was largely destroyed during the siege of 1648, except for the 15th century gatehouse.

3 **St. Giles**

Probably built in the first half of the 12th century for the use of tenants and servants of the abbey, given its location within the abbey precinct and the fact that the boundaries of the parish lay largely within the abbey demesne. Possibly it succeeded an Anglo-Saxon wooden church, dedicated to St. John, that was on the northern part of the abbey site, just prior to the abbey's foundation. St. Giles was badly damaged during the siege of 1648.

4 **St. Botolph's**

The earliest ecclesiastical building on the site may have been a church dedicated to this saint, a 7th-century East Anglian abbot, which strongly suggests an Anglo-Saxon origin for the structure. Churches with such dedications are not uncommonly found near the entrances to settlements, for the saint was associated with travellers. The presence of a Roman cemetery around the site has even caused speculation that a church might have stood there in much earlier times. The first St. Botolph's probably functioned as the parish church of the southern suburb; it was then served by a small college of priests. In the last decade of the 11th century it became the Priory of St. Julian and St. Botolph, the first [Augustinian](#) priory established in England, and as such granted authority over all subsequent Augustinian foundations in England. Reverting to the role of parish church after the Dissolution (if indeed part of it had not continued in that role throughout the Middle Ages), when its conventual buildings were pulled down, the church itself was badly damaged during the siege of 1648.

- 5 **St. Mary Magdalen**
Founded as a hospital by Eudo the Steward, to support four leprous residents, its chapel became a parish church and (unlike the hospital *per se*) was able to survive the Dissolution. However, the medieval church was replaced by a Victorian building in the mid-19th century.
- 6 **Magdalen Street**
The road leading down to the port has been considerably foreshortened by the map-maker.
- 7 **The Hythe**
Perhaps the port for the Roman city; in the late Middle Ages it was referred to as New Hythe, a different haven (Old Hythe) having been used in the Saxon period. Building of a footbridge there was licensed in 1407, on condition it not block the passage of ships.
- 8 **St. Leonard's**
A good-sized church here served the parish around the port during the 12th century, but surviving fabric is no earlier than late medieval.
- 9 **East Street**
The road passing through the East Gate, down to the East Bridge, led to routes into Suffolk (e.g. to Ipswich and Harwich).
- 10 **North Bridge**
There was a bridge here from Roman times. In the Middle Ages there was a suburb on the far side of the bridge. The bridge marked the boundary of the borough jurisdiction over the Colne fishery.
- 11 (site of) **North Mill**
A grain mill until the Black Death; in the second half of that century it was converted to fulling.
- 12 **Middle Mill**
A grain mill until the Black Death, after which it was converted to fulling, but rebuilt to handle grain at the beginning of the 15th century.
- 13 **East Mill**
- 14 **Hythe Mill**
There was a fulling mill somewhere near the Hythe in the late 14th century; a grain mill had been built before 1428 by the bailiffs and community. Both were derelict by the end of the Middle Ages.

WITHIN THE WALLS



This is a clickable imagemap.

A St. Martin's

The tower and some minor elements date from the 12th century, while much of the rest of the fabric is late medieval. There are some reasons to think there may have been a church on the site in late Anglo-Saxon times, perhaps even as far back as the end of the Roman occupation.

B St. Runwald's

Likely of late Saxon origin, judging from the dedication, although its central placement without any surrounding churchyard suggests that it was an intrusion into an already built-up area. Before it lay the main market of the borough, and the medieval shambles were adjacent. Demolished 1878.

C St. Helen's chapel

Local legend – perhaps inspired by the impressive Roman walls – had Helen as a daughter of the mythical King Coel, ruler of Colchester, and as the mother of the Emperor Constantine. Neither has historical foundation; but more significantly St. Helen became viewed as patron saint of the town – her image was featured on the community seal. The same medieval tradition had the chapel being restored in 1076 by Eudo the Steward; if true, this might suggest an Anglo-Saxon origin, and there is some indication the chapel was built atop the remains of a Roman structure. Eudo gave it to the Abbey as part of his foundation endowment. In 1290 the Abbot was convicted of neglecting to provide a chaplain to celebrate in the chapel during part of each week. Perhaps in part because of the resulting impoverishment of the chapel, in 1320 John de Colcestre, the rector of Tendring (apparently a member of a prominent burgess family), endowed a chantry there with numerous rents and land to support a chaplain, and made the bailiffs and community the effective patrons; they subsequently placed the chantry under the

administration of the Gild of St. Helen's (a fraternity of which many leading townsmen, as well as some county dignitaries, were members) although retaining control over presentments.

D St. Nicholas

In existence at least by the 12th century, but rebuilt in the 14th, and again in the 1870s, finally to be demolished in 1955. Parts of the church had Roman walls for their foundation, although the Roman structure was probably secular, not ecclesiastical.

E All Saints

There remains minor evidence of Norman work in the church, although it is not impossible that there was an even earlier church, given the location and the incorporation of brickwork from an even earlier Roman structure (this part of town being the forum/basilica). It was expanded in the 14th and 15th century, with a tower and other additions.

F St. Mary's-at-the-Wall

Built on the site of a Roman house, with the original church perhaps of Saxon date (judging from burials in the vicinity), it may have been created as, or come to be, the private church of an estate of the Bishop of London (a soke outside the jurisdiction of borough authorities). [Joseph Elianore](#) obtained royal licence in 1338 to found a chantry there which during the 1340s he endowed with numerous lands and rents. The earliest known school in Colchester was located here in the 15th century. The church's proximity to the wall made it a defensive position, and target for the besiegers, in 1648. It was ruinous when rebuilt in the next century, to be demolished (except for its tower) in 1872.

G St. James

A church stood here from at least the 12th century (although that may have been a rebuilding of an earlier structure). There was further and substantial rebuilding in the 15th century.

H St. Peter's

The only Colchester church mentioned by name in Domesday, when evidently already well-endowed with lands. Its key position near the junction of two major streets also indicates its importance in the town. The surviving medieval fabric is, however, 15th century. The depiction in 1648 still reflects the medieval cruciform plan of the church, with a prominent tower (replaced in the 18th century) at the centre.

I Holy Trinity

It still has its Saxon tower, dating to ca.1000, constructed in part from brick and tile from Roman structures; there is evidence that part of the church dates even earlier. Parts were rebuilt in 14th and 15th centuries.

J Grey Friars

This Franciscan priory, whose grounds occupied the north-east corner of the land within the walls, was founded before 1279, and possibly by 1237. Little has been found by way of remains.

K East Gate

Badly damaged during the siege of 1648, the remains were torn down a few decades later.

- L Botolph's Gate**
Destroyed in 1823.
- M Schere Gate**
A postern.
- N Head Gate**
Removed 1756.
- O Balkerne Gate**
The western entrance to the walled city during Roman times (remains of the Roman gateway still stand), it fell out of use towards the end of the Roman period and was subsequently blocked; the road leading there from East Gate was thereafter stopped at North Hill, with traffic being diverted to the Head Gate as an exit to roads leading westwards and to London. The Balkerne gate was in later times thought to have been a fort. It was once thought that a postern gate existed further south in the western stretch of wall near St. Mary's, and may have been used as entrance/exit during medieval times; but this was subsequently discovered to have been only an opening for a drain to pass through the wall. We can therefore conclude that the map's creator is depicting the Balkerne.
- P North Gate**
- Q North Schere Gate**
- R High Street**
This east-west route was the main one through the town; it ran along the crest of a ridge. As the centre of the town, it was the site of various markets specializing in particular goods. The point marked by the "R" was the site of the medieval corn market.
- S East Street**
- T Botolph Street**
Site of the fair held at the opening of oyster season.
- U St. Martin's Lane**
The Jewish quarter was primarily focused here, nearby market and castle.
- V Moothall**
It is curious that this is not identified on the map. It was destroyed in 1843, when Norman doorway and arches were discovered therein (before being pulled down). Later town halls were built on top of the site.
- W Castle**
Medieval tradition held that the castle had been built atop the foundations of King Coel's castle. It has been suggested that this might reflect the former occupation on part of the site by the residence of an ealdorman or even an East Essex king.



[MAIN MENU]

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APPENDIX I

The Officers of Borough Government

Colchester: bailiffs and receivers/chamberlains

| | |
|-----------|---|
| 1272-73 | unknown |
| 1273-74 | b. Walter Goldsmith, John Clerk |
| 1274-75 | b. Roger Clerk, Thomas Lystwine |
| 1275-76 | unknown |
| 1276-77 | unknown |
| 1277-78 | b. Richard de Berholt, Geoffrey Godyear |
| 1278-79 | b. Sayer fitz Ralph, Richard Pruwet |
| 1279-80 | unknown [1] |
| 1280-81 | unknown |
| 1281-82 | unknown [2] |
| 1282-83 | b. Roger Clerk, John Clerk |
| 1283-87 | unknown |
| 1287-88 | b. Richard Tubbe, Richard de Berholt? [3] |
| 1288-89 | unknown |
| 1289-90 | b. Ralph Sefar, Alexander Tovy |
| 1290-1301 | unknown |
| 1301-02 | b. Elias fitz John, Warin fitz William |
| 1302-05 | unknown |
| 1305-06 | b. Sayer le Parmenter, Ralph Sefar |
| 1306-09 | unknown |
| 1309-10 | b. Warin fitz William, Sayer de Donyland |
| 1310-11 | b. Warin fitz William, Sayer de Donyland |
| 1311-12 | b. Joseph Elianore, William de Sartria |
| 1312-13 | unknown |
| 1313-14 | b. Warin fitz William, John le Teynturer |
| 1314-15 | b. Warin fitz William, John de la Forde |
| 1315-16 | b. Elias fitz John, Hubert Bosse |

- 1316-17 b. Warin fitz William, Adam de Castro
- 1317-18 b. Warin fitz William, Joseph Elianore
- 1318-19 b. Ralph Ode, William le Clerk
- 1319-20 b. Arnulph de Mounteney, John de Tendring
- 1320-21 b. Richard de Colne, William le Clerk
- 1321-22 b. Peter de Aston, William Tote [4]
- 1322-23 unknown
- 1323-24 unknown
- 1324-25 b. Peter de Aston, Warin fitz William
- 1325-26 b. John Caperon, John Jordan
- 1326-27 unknown
- 1327-28 b. Ralph le Knyght, Edmund le Chaloner
- 1328-29 b. Alan de la Neylond, Joseph Elianore
- 1329-30 b. Warin fitz William, Joseph Elianore
- 1330-31 b. Warin fitz William, Joseph Elianore
- 1331-32 b. Warin fitz William, Joseph Elianore
- 1332-33 b. Warin fitz William, Matthew fitz Robert
- 1333-34 b. Warin fitz William, Ralph Ode
- 1334-35 b. Warin fitz William, Ralph Ode
- 1335-36 b. John Jordan, Roger Belch
- 1336-37 b. John Fynch, John Caperon
- 1337-38 b. John Fynch, Matthew fitz Robert
- 1338-39 b. Ralph Ode, Joseph Elianore
- 1339-40 b. Warin atte Welle, Robert le Clerk
- 1340-41 b. William de Hadleigh, Robert le Clerk
- 1341-42 b. John de Fordham, William Buk
- 1342-43 b. John de Fordham, Joseph Elianore
- 1343-44 b. Robert le Clerk, Roger Belch
- 1344-45 b. John Waryn (Matthew fitz Robert), William de Hadleigh
- 1345-46 b. Thomas de Dedham, William de Hadleigh
- 1346-47 b. Thomas de Dedham, William de Hadleigh
- 1347-48 b. Thomas de Dedham, William de Hadleigh
- 1348-49 b. Roger Belch, William de Hadleigh
- 1349-50 b. Matthew fitz Robert, William de la Fermery
- 1350-51 b. John atte Forde, Adam de Colne
- 1351-52 b. Matthew fitz Robert, William de la Fermery
- 1352-53 b. Adam de Colne, Robert atte Forde

- 1353-54 b. John le Dyer, Richard de Bradewey
- 1354-55 b. John Boyn, Clement le Dyer
- 1355-56 b. Adam atte Welle, Richard le Dyer
- 1356-57 b. John atte Forde, John Aleyn
- 1357-58 b. John atte Forde, Richard le Dyer
- 1358-59 b. Adam Waryn, Richard le Dyer
- 1359-60 b. John atte Forde, John le Dyer
- 1360-61 b. Richard le Dyer, William Reyne
- 1361-62 b. Robert atte Forde, William Reyne
- 1362-63 b. Robert atte Forde, George de Fordham
- 1363-64 b. Alexander Coggere, William Reyne
- 1364-65 b. John atte Forde, William Reyne
- 1365-66 b. Robert atte Forde, Henry Bosse
- 1366-67 b. John atte Forde, Alexander Coggere
- 1367-68 b. John atte Forde, Alexander Coggere
- 1368-69 b. Richard Drury, John Keek
- 1369-70 b. Robert atte Forde, William Mate
- 1370-71 b. Robert atte Forde, John Lucas
- 1371-72 b. Robert atte Forde, John Lucas
- 1372-73 b. Alexander Coggere, William Cristemasse
r. unknown
- 1373-74 b. William Reyne, John Clerk
r. unknown
- 1374-75 b. John atte Forde, John Pebemarsh
r. John Sextayn, John Curtays
- 1375-76 b. William Reyne, Alexander Pod
r. John Sextayn, John Curtays
- 1376-77 b. Alexander Coggere, Stephen Baron
r. John Sextayn, John Curtays
- 1377-78 b. William Reyne, John Keek
r. William Penne, John Curtays
- 1378-79 b. Alexander Coggere, Geoffrey Dawe
r. unknown
- 1379-80 b. Robert atte Forde, Stephen Baron
r. Simon Clerk, John Curtays
- 1380-81 b. Robert atte Forde, Stephen Baron
r. Simon Clerk, John Curtays? [\[5\]](#)
- 1381-82 b. Thomas Fraunceys, Thomas Clerk
r. Simon Clerk John Curtays

- 1382-83 b. Simon Fordham, John Cristion
r. Simon Clerk, John Curtays
- 1383-84 b. Thomas Fraunceys, Ralph Algar
r. Simon Clerk, John Curtays? [5]
- 1384-85 b. Alexander Coggere, John Cristion
r. Simon Clerk, John Curtays
- 1385-86 b. Ralph Algar, William Penne
r. Simon Clerk, John Curtays
- 1386-87 b. Simon Fordham, John Cristion
r. unknown
- 1387-88 b. Thomas Fraunceys, John Seburgh
r. Simon Clerk, William Mate
- 1388-89 b. Ralph Algar, Stephen Baron
r. unknown
- 1389-90 b. Alexander Coggere, Thomas Fraunceys
r. unknown
- 1390-91 b. Simon Fordham, John Cristion
r. unknown
- 1391-92 b. John Seburgh, William Reyne
r. Simon Clerk, William Mate
- 1392-93 b. Thomas Fraunceys, John Cristion
r. Simon Clerk, William Mate
- 1393-94 b. Simon Fordham, Ralph Algar
r. unknown
- 1394-95 b. John Seburgh, Thomas Clerk
r. unknown
- 1395-96 b. Simon Fordham, John Dyer
r. Simon Clerk, William Mate
- 1396-97 b. John Cristion (Thomas Clerk), John Seburgh
r. unknown
- 1397-98 b. John Dyer, William Mate
r. unknown
- 1398-99 b. Thomas Godestone, Thomas Fraunceys
r. Simon Clerk, Michael Aubre
- 1399-1400 b. John Seburgh, John atte Forde
r. Simon Clerk, Michael Aubre
- 1400-01 b. Thomas Fraunceys, Stephen Flysp
r. William Snook, Andrew Beche
- 1401-02 b. Thomas Godestone, John Seburgh
r. unknown

- 1402-03 b. John atte Forde, Philip Neggmere
r. unknown
- 1403-04 b. Thomas Fraunceys, John Pod
r. Robert Slade, Simon Clerk
- 1404-05 b. Thomas Godestone, John Seburgh
ch. Simon Clerk (Matthew Dyer), William Wykham
- 1405-06 b. John atte Forde, John Dyer
ch. Matthew Dyer, John Mounsy
- 1406-07 b. Thomas Godestone, Henry Bosse
ch. John Plomer, Robert Priour
- 1407-08 b. Thomas Fraunceys, John Pod
ch. unknown
- 1408-09 b. John Dyer, William Mate
ch. unknown
- 1409-10 b. Thomas Fraunceys, John Pod
ch. unknown
- 1410-11 b. John atte Forde, William Mate
ch. unknown
- 1411-12 b. Thomas Godestone, John Dyer
ch. William Wykham, John Wylegh
- 1412-13 b. Thomas Fraunceys, John atte Forde
ch. unknown
- 1413-14 b. Thomas Godestone, William Mate
ch. William Wykham, John Mounsy
- 1414-15 b. Thomas Fraunceys, John atte Forde
ch. unknown
- 1415-16 b. Thomas Godestone, John Kymberle
ch. unknown
- 1416-17 b. John atte Forde, William Mate
ch. unknown
- 1417-18 b. Thomas Godestone, William Notyngam
ch. unknown
- 1418-19 b. John atte Forde, Augustine Bonefaunt
ch. John Mounsy, Thomas Oskyn
- 1419-20 b. Thomas Godestone, William Notyngam
ch. John Saundre, John Trewe
- 1420-21 b. John Kymberle, William Mate
ch. unknown
- 1421-22 b. Thomas Godestone, Henry Bosse
ch. unknown

- 1422-23 b. William Notyngham, John Sumpter
ch. John Saundre, Gilbert Kent
- 1423-24 b. Thomas Godestone, Robert Priour
ch. William Wykham, John Stevene
- 1424-25 b. John Sumpter, Henry Bosse
ch. unknown
- 1425-26 b. Thomas Godestone, John Kymberle
ch. John Saundre, John Cleve
- 1426-27 b. Henry Bosse, William Notyngham
ch. unknown
- 1427-28 b. Simon Mate, Thomas Oskyn
ch. John Saundre, John Bradley
- 1428-29 b. John Beche, Robert Selby
ch. Roger Lylye, John Mounsy
- 1429-30 b. Thomas Godestone, John Beche
ch. John Prymerole, John Odelyshoo
- 1430-31 b. Henry Bosse, John Trewe
ch. unknown
- 1431-32 b. John Beche, Robert Priour
ch. unknown
- 1432-33 b. Henry Bosse, John Stevene
ch. John Prymerole, John Odelyshoo
- 1433-34 b. John Beche, Robert Priour
ch. unknown
- 1434-35 b. Simon Mate, Thomas Oskyn
ch. John Prymerole, Thomas Smyth
- 1435-36 b. Robert Selby, Walter Bonefey
ch. John Cook, William Person
- 1436-37 b. John Trewe, John Rouge
ch. John Cook, John Person
- 1437-38 b. John Beche, Walter Bonefey
ch. William Gant, Roger Wyke
- 1438-39 b. Thomas Oskyn, Robert Selby
ch. William Gant, Roger Wyke
- 1439-40 b. Walter Bonefey, John Odelyshoo
ch. William Person, William Cook
- 1440-41 b. John Beche, Robert Priour
ch. unknown
- 1441-42 b. John Trewe, John Rouge
ch. unknown

- 1442-43 b. John Beche, Nicholas Peek
ch. John Sayer, John Edrych
- 1443-44 b. John Rouge, Thomas Cent
ch. John Sayer, John Edrych
- 1444-45 b. John Beche, Nicholas Peek
ch. unknown
- 1445-46 b. Thomas Oskyn (John Beche), Thomas atte Wode
ch. unknown
- 1446-47 b. Robert Selby, Roger Wyke
ch. unknown
- 1447-48 b. John Beche, John Rouge
ch. William Saxe, John Thomas
- 1448-49 b. Robert Selby, Roger Wyke
ch. Robert Hintelsham, Richard Parker
- 1449-50 b. Nicholas Peek, Thomas atte Wode
ch. unknown
- 1450-51 b. William Leeche, William Saxe
ch. unknown
- 1451-52 b. John Forde, John Baker
ch. John Seman, Richard Wyke
- 1452-53 b. Thomas atte Wode, William Saxe
ch. Roger London, Thomas Feelde
- 1453-54 b. John Forde, William Petteworth
ch. unknown
- 1454-55 b. William Forde, John Sayer
ch. unknown
- 1455-56 b. William Saxe, Simon Youn
ch. Richard Barker, Geoffrey Janyn
- 1456-57 b. John Forde, John Beche (William Saxe)
ch. Richard Barker, Geoffrey Janyn
- 1457-58 b. William Saxe, John Sayer
ch. John Auntrous, James Cook
- 1458-59 b. John Forde, Matthew Drury
ch. John Auntrous, James Cook
- 1459-60 b. William Petteworth, William Forde
ch. Robert Bieste, John Temyot
- 1460-61 b. Matthew Drury, John Baron
ch. Robert Bieste, John Temyot

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CHAPTER 7

Conflict and Solidarity in Urban Politics

The Mask of Unanimity

The desirability of presenting a united front to the world outside the borough boundaries - a world of "[foreigners](#)" - has already been noted.^[1] The mask of unanimity is not the visage of a mature democracy, confident in its ability to accommodate dissent, nor need we take literally the medieval declarations of it. Yet, even beyond the internal function of encouraging conformity, it performed the very practical purpose of camouflaging local disagreements,^[2] so that they might (hopefully) be settled locally without provoking the intervention of the king or his officers. For independence from external interference is a keynote of constitutional development in the medieval borough. The parochial outlook, with its distrust of outsiders and its various expressions of local identity and patriotism, and the medieval penchant for aggression, contributed towards the production, in an adolescent and competitive socio-economic system, of a network of rivalries between borough and neighbouring challengers to local jurisdictions: judicial, territorial, or mercantile. Whether the borough rulers were conscious of the political value of diverting popular discontent away from internal problems towards common external elements is a matter for speculation, not illustration; but certainly we find them at the head of large bodies of townsmen asserting their claimed - perhaps often usurped - rights against other communities or lordships.

Great Yarmouth was concerned to keep commerce channelled through the area in its own hands, and violently resisted the efforts of [Little Yarmouth, Gorleston, and Lowestoft](#) to share in that commerce. Its townsmen also resented the ancient rights of the [Cinque Portsmen](#) at Yarmouth's herring fair, as well as the role of Norwich as a port and staple which led to the bypassing of Yarmouth's harbour. In 1272 the Prior of Norwich had no difficulty in procuring mercenaries from Yarmouth for an attack on Norwich, during the dispute between city and priory.^[3] In 1343 the Yarmouth burgesses were quite willing to risk offending the admiral, Sir Robert Morley, a man whose favour they might have done well to court, by plundering his ships when he sought to use the harbour at Lowestoft.^[4] One of the focal features of Norwich's history is its [hostility towards the cathedral-priory](#), rival for judicial and market jurisdictions within part of the city. The warfare between monks and citizens in 1272, culminating in a devastating attack on the cathedral precinct, is merely the most conspicuous event in a lengthy struggle: the conservative Church trying to preserve its rights undiminished, the citizens determined to obtain control over all intra-mural areas. At Colchester too rivalry with an ecclesiastical potentate was a prominent, recurring theme in the thirteenth and

fourteenth centuries. There are interesting similarities between the affairs at Norwich and Colchester, with the summer of 1272 proving a particularly violent time at both locations.[5] At Colchester the enemy was the Abbot of St. John's, and the focus of [dispute](#) jurisdiction in the hamlets of the liberties surrounding the borough proper. Despite the accounts of the disputes in both borough and abbey records, it is perhaps the [leet](#) presentments, in which the abbot is easily the foremost and most regular offender, that provide the most convincing evidence for borough grievances.[6] In addition, we find large forces of townsmen: attacking a servant of the Earl of Essex, who had arrested cattle within the liberties (1319); attacking the servants of a royal commissioner sent to Colchester to purvey supplies for the army (1319); and breaking into the estate of John fitz Walter at Lexden, hunting, fishing, and felling trees there, as an assertive demonstration of borough jurisdiction in Lexden, and perhaps as retaliation for acts of intimidation by fitz Walter's steward (1343).[7]

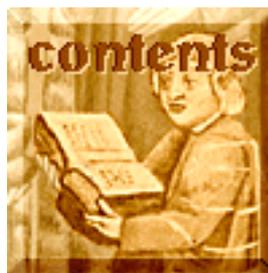
The situation at Lynn and Maldon is similar in that the principal rival of each was an ecclesiastic; but in these cases he was the lord of the borough. Too little of Maldon's history is known for us to detect the organised aggression found elsewhere, although there is a hint of it in 1401, when the Bishop of London and Maldon's other lord, Sir Walter fitz Walter, sued fifty-five burgesses for trespass. In addition, there is evidence of burgess [objection to the port and market](#) facilities existing at nearby Heybridge manor.[8] The rulers of Lynn made, at regular intervals, an effort to free the borough from the dominion of the Bishop of Norwich, which obstructed the realization of independent government; we shall deal with this in more detail later. Lynn's second lordship, of the heirs of Arundel, was a less recurrent problem, but it climaxed in the disastrous affair whereby the burgesses assaulted and imprisoned one of the heirs, Robert de Monthalt, and his officers of the Tolbooth in 1313. On top of their basic resentment at not controlling port tolls, the burgesses do seem to have been antagonised by the [extortionate activities](#) of Monthalt's collectors and by an assault on two Lynn men by Monthalt's servants. However, the resultant seizure of Monthalt, apparently stemming from a hue-and-cry, and the exaction from him of surrender of his Tolbooth rights to the community, was a naive move. It was inevitable that, once released, Monthalt would retract his promises on grounds of duress and complain to the king, with consequent conviction and crippling heavy fining of the borough.[9]

Ipswich, on the other hand, had no great lord below the king, nor serious commercial rival, despite its [competition with Harwich](#) for control of Orwell haven. Its history is therefore comparatively quiet, although c.1314 bailiffs Stace and le Rente led a force of burgesses to the Bishop of Norwich's manor at Wykes Bishop, disrupted the holding of a leet court there, and rescued a horse that the Bishop's steward had arrested. Again, at the late date of 1451, we hear that the assembly decided that the [bailiffs](#) should lead the townsmen in a circuit of Ipswich's boundaries and demolish a dyke of the Prior of Ely, which had enclosed what the town claimed as common pasture.[10]

Judicial and economic rights claimed by neighbouring manors, vills, or towns, by threatening to deprive the borough of income in [amercements](#) or to displace its port or market facilities, and thereby damage the prosperity of the community, provoked a commonly-felt resentment

that united almost all elements of the community regardless of internal jealousies and hostilities. Yarmouth declared that no rival (herring) market could legally be held within seven leagues; Maldon made a similar claim. After a legal dispute, Ipswich reached a compromise agreement in 1233 with nearby Woodbridge, whereby the former acquired a large degree of control over the market of the latter.[11] If the external rivalries, for the most part, diminished in intensity after mid-fourteenth century, it was largely because the boroughs had been successful with their claims as much as was possible, and a period of expansionism gave way to one of retrenchment.[12] It may be that this new introspective phase contributed to the growth of discontent amongst the less privileged townsmen. Yet it was still possible to obtain solidarity in internal politics: at a Lynn assembly of 1375, 108 burgesses were present to agree to the [disfranchisement](#) of jurat Henry de Betele, rebellious against mayoral authority, under the special conditions of excluding Henry from commercial relations with any member of the community; a year later a smaller group, for themselves and for all who were absent, agreed to stand firmly together in the face of any legal actions taken against the community by a rebellious Thomas de Couteshale. In 1423 at Ipswich it was similarly decided that all burgesses should take a special oath to stand together in the legal dispute then underway between the corporation and burgess James Andrew.[13] The spirit of the [commune](#) was not quite dead.

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CHAPTER 6

The Quality of Government

The Practice: Offences Against Law, Custom, and Morals

A paternalistic attitude to the truly needy - those not as fortunate or capable as the men in power, although not perhaps those whose destitution was the result of their own character defects - evidently was a feature of both corporate and individual outlooks of the urban rulers, but it is often difficult to extricate it from elements of self-interest. Examples of illegal behaviour are less ambiguous; here the problem is rather that we may assess criminal activity only by that portion of it which has been detected. Like the iceberg, much remains beyond direct perception. Yet even that part, of unknown proportion, which is revealed to the historian is not insignificant. Of the total number of office-holders here studied from Lynn, Ipswich, Colchester, and Yarmouth, 16.3% were either accused, convicted, or pardoned of some crime or other, not a few being multiple offenders.^[45] We are not speaking here of petty misdemeanours, the everyday quarrels and brawls to which medieval townsmen were easily provoked, or the common abuses of breach of [assize](#) or of [borough customs](#) such as hamsoken or [forestalling](#). Rather, a range of more serious offences is meant, from grievous assault to treason, from fraud to grand larceny. In a society where self-help was a more reliable source of protection for one's interests than was royal justice, and where self-interest, closely followed by family interest, usually over-ruled any sense of responsibility to one's fellows or community (local or national), we should not expect other than an attitude towards the law that it was something to be evaded or else manipulated to one's own advantage.

The men we have seen to display public-spiritedness and sympathy for the poor were not immune to the temptations of law-breaking. William Reyne was investigated on a wool-smuggling charge in 1362. And he used the experience of court procedure he had gained as [bailiff](#) to his profit: between March 1379 and January 1382 he introduced several dozen pleas of debt, against different persons, mostly for relatively small amounts. It has been suggested that such litigious activities were a form of business speculation, the profits to be gained from favourable verdicts outweighing the risk of [amercement](#) for false accusation.^[46] At very least it exerted pressure on one's debtors for swift repayment. John Permonter was accused, along with John Wesenham and Robert Permonter, of waylaying the gauger of Lynn by night with intent to kill, and subsequently so threatening him that he dared not perform his office (c.1427).^[47] Besides one or two examples of William Gerberge's fraudulent business practices, we also know that he sojourned, with a few other leading Yarmouth burgesses, in Norwich castle gaol during part of 1264, a precautionary measure by the king to stem renewed

violence at the upcoming herring fair. There is some suspicion of foul play in William's death. [48] Richard de Haveringlond was convicted of wool-smuggling in 1372.[49] John James was [disfranchised](#) in 1459 for unspecified offences, whilst John Caldwell was in trouble with Chancery in 1430, although again the nature of the crime is not clear.[50] Caldwell and Richard Felawe were required, in 1442, to put up a £100 bond guaranteeing that they would not hinder a king's commissioner in his naval duties. Felaw was twice accused of fraud, once in relation to his sale of Harwich property that he may not have owned, and again in persuading a partner to sell him a share in a ship under false promises. Circa 1455 a Harwich woman complained that Felawe was suing her for debt in Ipswich's court where he, as bailiff, would judge the case.[51]

At the [beginning of this study](#) it was noted that the application of selfish policies is an integral element in the definition of a government as an [oligarchy](#). Some historians have readily - one might say, enthusiastically - perceived such a characteristic. Of the Lynn rulers, for example, Hillen declared that "Their programme, as may be seen, was a disgraceful exhibition of unflinching selfishness", [52] perhaps being led to this conclusion by the more scholarly studies of Gross, who concluded that:

If, in viewing the past, one's vision is not impaired by the rose-hued glasses of sentimentality, one must perceive that the medieval gildsmen were not always animated by lofty motives of brotherly love and self-abnegation in their behaviour towards their fellow-men. Indeed, the desire for gain or self-advantage, which from the outset was the raison d'etre of the Gild Merchant ... degenerated at times into the most reprehensible forms of selfishness.[53]

and by Mrs. Green, who was more explicit in her statement that the [jurats](#):

ruled without restraint, and with a high hand assessed taxes, diverted money from the common treasury, profited by illegal trading, used customs contrary to common or merchant law, and bought the king's forgiveness if any complaint was made of their crimes.[54]

Even modern opinion has echoed this belief that, for Lynn's [mayors](#), "high office in the service of the borough ... in effect, meant in the service of their own personal interests." [55]

We, however, must put aside the demanding moral standards of the Victorian era and the more ambiguous values of modern culture, in favour of viewing illegal activity in terms of its contemporary societal environment. Some, at least, of the charges laid out by Green are true enough. But we must appreciate that in the competitive urban conditions - where the instabilities of international relations, the fluctuations of the economy, and the uncertainties in entrepreneurial activity wreaked havoc with men's nervous systems and with the membership of the wealthy families at the apex of borough society - we find a natural breeding-ground for self-interest, self-reliance, aggression, and distrust of one's fellow man.[56] The temptations to

corruption were great, the legal prohibitions and personal inhibitions too often inadequate barriers. Enforcement of the law was weak and the royal government overly inclined to forgive crimes in order to add to its revenues through the sale of pardons. This in itself was an encouragement to the wealthy to act as they pleased without fear of incapacitative retribution. Essex gentleman Lionel de Bradenham, in the course of his quarrels with Colchester in 1358, besieged the town with an armed force, plundered the suburbs, laid ambushes for any burgess attempting to travel out of town, and extracted a £20 ransom from the town. He also broke open the town gaol, meddled with local water-courses (resulting in four deaths), and interfered with the duties of the local coroner. When finally arrested by the king's officers, he broke out of Marshalsea and took sanctuary. For all these crimes, which Lionel himself admitted, the king pardoned him.[57] When examples of lawless and corrupt behaviour were set in the highest levels of medieval society, it is difficult to criticize too harshly the townsmen, aping their betters.

It is hard to judge the extent to which morals or laws were breached. The man who becomes rich by fair and honest business, without taking advantage of those from whom he buys or to whom he sells, indeed owes his wealth to good fortune.[58] Occasionally the consciences of merchants are revealed on their death-beds: Walter Daniel, frequently bailiff and mayor of Norwich, requested in his will that masses be celebrated for the souls of carpenters or tradesmen he had knowingly or unknowingly cheated in his business dealings.[59] Indeed, few of the urban rulers whose wills survive did not show considerable concern for lightening the burden on their souls as much as within their power. As in life they had spread their risks by the diversity of their profit-seeking ventures, so too in death: they paid for parish priests, private chaplains, monks, nuns, friars, and paupers, to intercede with Heaven on their behalf. The borough customs setting standards for trade practices, in their attempt to permit equality of participation, may have been appropriate to an early era of urban development, but were not to the late Middle Ages, when free trade was more desirable as the economy (at first) expanded and a greater share of international commerce came into the hands of Englishmen. The constant repetition of custumal prohibitions itself shows how commonly they were ignored. [Leet jurisdiction](#), and the assizes it usually encompassed, had largely been turned into licensing proceedings, amercements generally being accommodated by the profit-margin of the offending activities; even with nuisance offences we find the same charges being presented session after session. Between 1367 and 1382 Henry Bosse of Colchester was repeatedly amerced for anti-social offences such as: obstructing the road at the Hythe with posts; building dungheaps in Eld Lane and Wyre Street, the blockage causing the latter to flood; detaining rent due the community; excavating sand from the highway near the Hythe; enclosing part of a lane near Dedham; and encroaching on common land at Hakeney's Lane and diverting a water-course there. In addition, he was presented on numerous occasions between 1373 and 1392 for charging excessive toll on the corn of townsmen brought to his mill to be ground, and in 1406 his forestalling activities caused a shortage of cheap fish in the town. After his death, one son continued his father's corn-toll offences, and another tried to monopolise the town's fulling industry via 'protection racket' tactics.[60] The millers, as well as the vintners, of the town were regular performers at the leet cabaret; in 1382 the former were amerced *en bloc* for conspiring to grind their corn before that of others of the community at the times of the fairs. [61]

Forestalling, arguably the worst breach of market ethics, was occasionally punished with severity,[62] but was nonetheless widespread and not to be discouraged. Brokerage and [hostage](#), the one illegal, the other abused, were also recurrent problems that (by their nature) were restricted to the merchant class. The latter practice, of placing each foreign merchant visiting the town under the supervision of a freeman host, who took as his fee a percentage of the [foreigner's](#) merchandise, is found at [Lynn](#), [Yarmouth](#), Norwich, and [Ipswich](#). It had been intended originally as a device for guaranteeing local men a role in the trade of foreigners and for controlling the commercial activities of those merchants. It can easily be imagined how this left the visitors and local marketing largely at the mercy of the hosts. Borough governments fluctuated between policies of stricter regulation and abolition of the practice; in the thirteenth and early fourteenth centuries we also find provision for bargains to be made before the town officers or special witnesses.[63] A more exceptional problem was the discovery, in 1429, that several Lynn merchants had engaged in the slave-trade of Icelandic children. The record does not make it clear whether English morals were offended - certainly the affair did not prevent one of those guilty, John Boston, being elected to the Common Council a few days later - but Icelandic authorities were none too happy, and Lynn's trade with that country had been jeopardised.[64] Lack of scruples was not always an asset for the businessman, however. Thomas le Rente, exploiting the cumbersome and lengthy judicial process, managed to delay or even avoid repaying his debts by simply neglecting to make court appearances; but this device worked against him in 1321, when his absences facilitated his removal, by political opponents, from the office of bailiff. In 1316 Robert de Fordele contracted to buy salt and timber from Zeeland merchants for £169, but reneged on the agreement when the market price of salt dropped; subsequently, his own financial arrangements with the Count of Zeeland fell through, to his considerable loss, partly due to the resistance of Dutch merchants to the repayment scheme.[65] And Philip Wyth's eagerness to get his hands on the property of a female relative who had gone mad, perhaps as the result of the death of her husband, which led him (it was claimed) to bribe a jury investigating her state of mind, served only to make him unpopular with his fellow townsmen.[66]

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CHAPTER 1

The Structure of Borough Government

The Community as Political Entity

The purpose of the borough council was partly to provide a formal mechanism for supplying the executive with the legal advice needed to make decisions, partly to ensure that consultation with at least some members of the community occurred before decisions were finalised. The fact that it became necessary to institute second councils, to represent interests that the original council had been supposed to, is symptomatic of a modification of borough constitutional theory. This theory rested upon the principle of the [community](#) as the source of governmental authority. The basic objection to the form of pre-charter borough governments was that the executive was responsible to the king rather than to the community. By *communitas* is meant more than just the aggregate of individual residents; it implies joint interest, united action - in fact a corporate existence of which charters of [incorporation](#) were little more than a belated acknowledgement. Like *probi homines*, the term is not always used consistently in the sources, but the change in application is more easily perceived. Before towns acquired self-government, ['burgesses'](#) referred to all residents who were at [scot and lot](#) - that is, contributing to the financial obligations (e.g. royal taxations) laid on the town as a whole. Following the [fee farm](#) grants, the status of burgess, with associated superior privileges related to the [chartered liberties](#), was accorded only to those who elected to support the new local government in special ways: an immediate contribution to the borough treasury in the form of an entrance fine; and the taking of an oath to defend the borough liberties, keep secret matters discussed in assembly, and be obedient to the executive.[\[112\]](#) Henceforth the term 'community' appears sometimes applied only to the freemen, but sometimes used in addition as a more comprehensive reference to all tax-paying residents.[\[113\]](#) At first an inclusive term, it later came to be interpreted, as we shall see, as referring to a lower estate; the higher estate being the personnel of government, who saw themselves as the 'burgesses' of the titles of incorporation.[\[114\]](#)

It can be argued that the borough community had a corporate personality long before the introduction of incorporation grants involving the Five Points: rights of perpetual succession, possession of a common seal, ownership of property, making of by-laws, suing and being sued. We have already seen that legislative power was inherent in the concept of the town council. Communal ownership of property - churches and fields within the liberty - is seen as early as [Domesday](#); in 1200 the Ipswich community [granted Odenholm meadow](#) to the

perpetual use of the portmen, as a reward for their service. The community as a whole, rather than its individual members, was responsible for paying royal taxes and the borough farm. [115] The medieval town seal of Yarmouth was inscribed "*Sigillum Communitatis de Gernemuthae*", and that of Colchester "*Colecestrensis sui Burgi comune sigillum*"; that of Norwich, although inscribed "*Sigillum Ballivorum Norwici*", was on at least one occasion described as "*sigillum Communitatis Norwici*". [116] The 1200 proceedings in Ipswich included the [making of a common seal](#),

ad serviendum in grossis negociis tangentibus communitatem dicti Burgi, et eciam ad litteras inde consignandas de veritate testificandas pro omnibus et singulis Burgensibus eiusdem Burgi, et ad omnia alia facienda que fieri debeant ad communem honorem et utilitatem ville predictae;[117]

so that the seal could not be used without common consent, clavigers were appointed to have custody of the keys of the chest in which the seal and other communal treasures were kept, a constitutional feature confirmed in the [1320 ordinances](#). [118]

The community was quite capable of playing the parts of plaintiff or defendant in court. In 1329 the abbot of St. John's successfully sued twenty named men and the whole community of Colchester for disseising him of land in Greenstead. The abbots' periodic [legal battles with the community](#) over jurisdiction in the hamlets surrounding the borough are well documented in the Red Paper and Red Parchment Books and in abbey records, whilst the [leet](#) records in Colchester's court rolls show, in turn, the many [charges which the community brought against the abbot](#). [119] In fact leet jurisdiction was concerned not so much with offences against individuals but against the community as a whole; for instance: illicit trading by non-freemen who had not purchased a licence from the community; the blocking of common ditches, thoroughfares, or the market-place with refuse; allowing one's livestock to roam freely in the streets. Also that most heinous of crimes, denying the right of every freeman to an equal share in any sale of merchandise, by [forestalling](#) the goods before they reached port or market. Thus, in 1406 Henry Bosse, John Kymberle and three other men were [amerced](#) for forestalling a cargo of fish bound for Colchester and then refusing to let any burgess have a share unless he paid them a 20d. premium, this action causing a shortage of fish at affordable prices. Again, in 1359 John Pebemarsch and five fellow-bakers were convicted of "oppressing the people" by arranging with the town millers to have their corn ground before that of the community. [120] Forestalling was probably that much more a grievous sin for freemen than non-freemen, for in the former's case it involved breaking one's oath of loyalty to the community; which oath was intended to create a special bond of unity and mutual support between equals (*pares*). [121]

As evidence that the notion of 'community' is not one imposed by the historian in retrospect, we may note a court battle of 1326 between the men of Great Yarmouth and those of [Little Yarmouth and Gorleston](#), over market jurisdictions. The attornies of Great Yarmouth successfully argued that their opponents ought not to be heard because they formed no community, had no common seal, and so had no communal rights, whereas Great Yarmouth

had been a borough possessing such rights since Domesday.[122]

The vehicle of expression of the will of the community was the assembly, which Mrs. Green described as "the most conspicuous, if the most unwieldy, symbol of the authority of the people." [123] Its roots lay in the very ancient institution of the [folk moot](#). A Yarmouth conveyance of c.1168-75 was witnessed by "the elder and younger of the town", presumably meaning such a meeting; and in the twelfth century a *communitas* acting corporately to receive or make grants (pre-dating any visible city officialdom) indicates the same. But it is rare for a folk moot to leave documentary evidence.[124] The folk moot always lay at the bottom level of the borough constitutional hierarchy. At Ipswich meetings took place in a court context, the Great Court alias portmanmoot, which was transmuted in the fifteenth century (as the Petty Court absorbed the purely judicial functions) into the General Court, a strictly administrative organ. At Colchester meetings were recorded amongst judicial business, but the title of "assembly" was accorded these entries. At Lynn and Norwich separate series of records were the by-product of assembly meetings, known under the title of *Congregatio Communitatis*, a tautological title since the two terms were effectively synonymous.[125]

Regardless of the actual practice of government, the theory of authority deriving from the community remained in force throughout the medieval period. Although, in effect, the role of the greater part of the populace in Ipswich in 1200 may have been a passive one, the setting up of an administration took place in the context of the folk moot, and the assent of the community - "*ordinatum est per commune consilium dicte villate*", "*concessum est per totam Communitatem*", "*de communi assensu et una voce*" - is clearly indispensable to the proceedings. The communal authority behind legislation is also clearly expressed in the [custumal](#). [126] It is seen not only with regard to legislation, but also in other matters. Particularly in the granting of [taxations](#), and the leasing of plots of common soil and other community properties or sources of profit, always said to be made either by town officers and community or sometimes just the community. Also in the vetting of applicants for the franchise; in 1346 Richard Randolf was turned down on his first application because "*communitas ipsum noluit admittere*", perhaps because he had a bad reputation.[127] Again, the mayor of Lynn was forbidden to impose taxes or make any financial commitments on behalf of the borough without the advice and consent of his comburgesses and the commons. [128] Perhaps the best statement of the theory of community authority is found in [chapter 38](#) of the Norwich custumal, ordaining that:

quia mercandia in civitate est et esse debet communibus communis omnibus qui sunt pares civitatis (it is the duty of the bailiffs to investigate and punish infringements of this equal shares principle) ne communitas in defectum Ballivorum remedium apponere cogatur. [129]

Ironically, it was in Norwich that the theory was most successfully subverted. A focal point of the [constitutional conflict](#) there in the early fifteenth century stemmed from the action of the city rulers in 1380 - a secret action, without community consent, their opponents later claimed - in obtaining a grant from the king of legislative powers on the same lines as those obtained

by London in 1341, but omitting the London clause requiring community assent to all legislation. This proviso was restored to Norwich's constitution by the settlement of 1415, but its effect was considerably dampened by the simultaneous introduction of the Common Council to give the assent in place of the open assembly, and by the interim strengthening of the city rulers, particularly by the incorporation charter of 1404.[130]

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CHAPTER 7

Conflict and Solidarity in Urban Politics

Discords and Disputes: Maldon and Colchester

First we will briefly mention the conflicts that occurred elsewhere than Lynn. Maldon exhibits no indication of any such problems. Several factors may be proposed to explain this: we know very little of the borough's history before the 1380s; [constitutional development there](#) was comparatively retarded, so that [community](#) authority, via the [leet](#) jury, retained a good deal of say in government prior to the crystallisation of the [aldermannic](#) elite (after the period covered by this study); as Maldon was the [least prosperous](#) of our towns, there was less opportunity for a wealth gap to divide the members of the community into clear-cut classes with antagonistic interests.[\[25\]](#)

At Colchester there is no direct evidence of organised expressed of discontent except for the [1372 ordinances](#), whose contents have largely been divulged elsewhere in this study. Even on that occasion of obvious dissatisfaction with [ballival government](#) we do not know whether the reforms were passed after some violent upheaval[\[26\]](#) or whether as an in-house measure designed to spread office-holding amongst a larger group. Although there is no sign of any permanent displacement of pre-1372 ruling personnel, the reforms do seem to have been aimed at a few specific erring bailiffs, perhaps particularly the atte Fordes, rather than at a privileged ruling class as a whole. A division in the ranks of the Colchester *potentiores* may be implied in the reforms' pre-amble, referring to earlier constitutions ordained by "all the community, and the more worthy sworn men of the town", but this is not the only interpretation that could be placed on the phrase. The abuses of government were countered principally by improvements in the accounting system: introduction of financial officers, clavigers (none of whom were to be bailiffs), and an auditing committee selected from a council which itself may or may not have been an innovation in 1372. Additionally, stricter control was placed on ballival salaries and the frequency of holding office. The emphasis on electors and receivers of being chosen from non-bailiffs, and on account-giving being made in public, give a democratic flavour to the reforms. Yet, at the same time, there was an effort to bring discipline to assembly participation by requiring that burgesses present requests or complaints in writing, rather than orally.[\[27\]](#)

This political revitalisation, perhaps a product of economic revitalisation as the [cloth industry](#) developed with the influx of Flemish migrants and as commerce correspondingly grew,

bringing a number of new men into the ruling class,[28] may have encouraged more popular participation than was desired, for we subsequently find the new rulers digging in their heels. A set of ordinances probably dating from the first quarter of the fifteenth century, reacting against popular agitation at elections, insisted that only [freemen](#) householders had a right to vote, and added that at least a quarter of the electoral committee ought to be councillors, whilst the four chief electors should be men of substance, to ensure that capable persons be chosen as officers.[29] There is a slight hint here of popular discontent with the existing ruling class, but it leaves no trace in other records. An earlier dispute, in 1395, over the election of sergeants (particularly whether the bailiffs should have any influence therein) is somewhat confused and ended again with the affirmation of the role of the electoral committee.[30]

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CHAPTER 1

The Structure of Borough Government

Representation and Election

If the actual practice of consultation and consent did not correspond precisely to the theory that all governmental decisions had to be authorized by the whole membership of the [community](#), this does not mean that statements in the records expressing the theory were insincere. In 1286 a Norwich thief was convicted before "*Ballivis et tota Communitate totius civitatis in Tolboth*";[\[131\]](#) but we cannot take literally, nor are we expected to believe, that every single townsman in one of England's largest cities could be fitted into the small building that housed local government. The practicality of day-to-day administration necessitated the device of representation, as Miss McKisack points out, "not indeed as a principle, but as an expedient."[\[132\]](#) From this fact alone we might reasonably suspect that some sort of conciliar machinery is likely to have existed from the early days of each borough's independence. The transfer of the focus of government from the open-air [folkmoots](#) held in the churchyards of St. Mary Tower in Ipswich and St. Michael de Motestow in Norwich, to the town halls in the market-places of each, reflects the convenience of representation.[\[133\]](#) One feature of this convenience was that it could be assumed that assent to the acts or decisions of government by those actually present at the time was equivalent to the assent of, and binding on, every member of the community. This is the understanding behind phrases such as "the bailiffs and the whole community".

Those present generally meant the town council, for attendance on behalf of the community was their duty. On [29 June 1200](#) the Ipswich folkmoot gathered, elected [bailiffs](#) and coroners (as per the town's new [charter](#)), and then decided to elect the portmen, to which body it would delegate "*plenam potestatem pro se et tota villata ad gubernandum*".[\[134\]](#) With that election the initiative of the community ended, and it left its representatives to sort out the details of administrative structure, reserving however the right to assent to (and therefore, theoretically, reject) any of these details. The record of the 1345 electoral assembly in Norwich states that [the 24](#) were elected to govern on behalf of (*pro*) the community, and similar references may be found with regard to the councils of Lynn (1322, 1342), Ipswich (1312), and Colchester (c.1401-05).[\[135\]](#) In 1376, when a powerful but rebellious member of Lynn's community was threatening to take legal action against the borough government, the [mayor](#) and 33 other burgesses present that day in the gildhall drew up a declaration of hostility and united resistance to the rebel, signing it "*pro se ipsis et omnibus absentibus*".[\[136\]](#)

M.P.s are another of the more obvious examples of representation. The king insisted that they have full power to treat, speak and agree on behalf of their communities, who accordingly delegated this authority to the M.P.s via letters of attorney sealed with the common seal. It is interesting to note that the issuing of such letters in Lynn was particularly carefully recorded during the administration of the popularly supported reform party (1411-14). Parliaments were of course not the only meetings to which boroughs were enjoined to send representatives with power to act for the community.[137] Delegating authority involves the agreement of the delegator to accept the actions of the delegatee. This is usually implicit, although it was written into the record of the election in Lynn, in 1313, of a committee charged with determining how to further community business in parliament. On the other hand, delegation does not give *carte blanche* to the delegatee, who is expected to know the limitations of his power. Thus, when Colchester bailiff John atte Forde died in office in 1375, his associate continued in the ballivalty alone (rather than having a replacement elected, as was usually the case) "not of his own prompting, but by the counsel given him by the commonalty". And when an Ipswich man insisted on his right of having enrolled in borough records a deed drawn up by his wife, the bailiffs - although protesting that to enrol a deed that had no legal validity would only discredit borough government - were powerless to refuse him.[138]

The right of consent is one of the basic safeguards of a democracy; the other is control of elections. The device of indirect election has been blamed for contributing to the subversion of the democratic element in the borough constitution. Mrs. Green may be right that it "was admirably suited to the use and convenience of the minority", but there is no positive evidence that town rulers manipulated or influenced the process to ensure that men of their preference were elected.[139] The use of electoral committees was in fact a common and long-established method, whose intent shows no sign of having been to deprive the majority of their influence; it simply appealed to the taste for orderliness. The [election of Ipswich's portmen](#) in 1200 was made, apparently with full approval of the populace, by a committee of four men per parish, picked by the bailiffs; essentially the same method was used in 1309, when the electors were said to be acting on behalf of themselves and the rest of the community. Bailiffs and other officers were elected directly by the community, and this was still the case in 1434.[140] The first indication of indirect election that we have from Maldon is in the earliest recorded version of the custumal (1444), which reveals that [officers were elected by the wardemen](#). [141] This must originally have had the same democratic quality as an electoral committee while the wardemen themselves were elected annually, but by 1444 they were becoming a life-membership body, thus removing elections from popular control. At Colchester the method of indirect election was introduced as part of the reform package of 1372 and was evidently thought of, along with the creation of receivers and auditors to supervise finances, as a check on ballival power. The process was as follows: the community was to choose 4 persons who would co-opt twenty others; these 24, none of whom was to have held ballival office, were to elect bailiffs, auditors and receivers; the electors were to take oath that, in the choices they made, they would not be influenced by love nor hatred, procurement, gift nor affinity." [142] In 1406 a second set of electors was introduced to elect town clerk, coroners, clavigers, and sergeants, who were elected on a different day from the more important officers; on this occasion the initial four of each electoral committee were deliberately chosen from the

councillors, but this did not become standard practice. The basis of elections before 1372 is unknown, but the constables of the peace at least were elected by the community in 1312.

[143]

In 1344 the town council of Norwich was elected by the community; the method of electing bailiffs is not indicated at this point, but in 1365 election was made by a committee of 24 which may or may not have been the popularly-elected council. The [1415 composition](#) produced a compromise electoral form whereby the freeman assembly might nominate two mayoral candidates, one of whom would be selected by the then-mayor and upper council; as [already noted](#), by this time the community had lost control of election of that council. Only after the disturbances of the 1440s was a move made towards displacing the open assembly, by requiring Common Council and ward constables to select a mayor from two nominees put forward by mayor and aldermen; but this was only a version of the electoral committee, since councillors and constables were still elected democratically.[144] In Lynn too the council of [jurats](#) was initially elected by the community (1305, 1322), but by 1346 a 12-man electoral committee was choosing the jurats and all other officers; during the 1370s and '80s the committee elected only 12 of the jurats and then joined them to make up the full 24, but this experiment was subsequently dropped. The electoral committee was no innovation in Lynn in 1346, for it had been used to select the parliamentary committee of 1313; we find the system operating also for the selection of officers of [socio-religious guilds](#).[145] The system itself was not viewed as undemocratic, even by the fifteenth century reformers, who used it during their administration to elect M.P.s. What they objected to, however, was that the first four electors, who co-opted the remainder, were chosen by the Gild Merchant [alderman](#). The reformers gave (or returned, they claimed) this task to the assembly, but the alteration did not outlive their administration. The reformers proposed to amend mayoral elections so that the assembly would nominate two jurats, from whom mayor and jurats would select one for the following year's mayor. Again this did not survive, the electoral committee being restored and the alderman sworn to choose the first four electors without favour or fraud "*de indifferentibus et non suspectis*." [146]

It has been claimed that Yarmouth had a wider electorate than other East Anglian towns, but the evidence for this rests on a single document the nature of which is by no means clear.[147] Two small membranes contain a list of 89 names, the identities of these townsmen suggesting a date circa the last decade of the thirteenth century, so that "22 E.I" added in a later hand may be correct. We are told that "*Isti in istis .ij. cedalis composuerunt cartam de sigillo communitatis sigillatam ad ballivos in villa ista eligendos*", but this helps us little. Whether these were merely the witnesses to some document setting out the electoral method, or were those participating in an election, or were a list from whom an electoral committee was chosen (some names having marks beside them), we simply cannot tell. Clear evidence of Yarmouth's electoral system is not forthcoming until [1386](#), when we see the community electing the council of 24, which in turn was to elect the town officers; there is no indication whether this method was traditional or an innovation. The herring warders instituted in [1413](#) were to be elected annually by the community, although it is not inconceivable that this might have meant the community as represented by the 24. In 1491 reforms, said to be based on custom

and earlier ordinances, produced a [complicated system of indirect election](#), one feature of which was the selection of an electoral committee by an illiterate man pulling names out of hats.[148]

Borough parliamentary elections have received the attention of many historians and we may look briefly at these. Parliamentary returns from Norfolk and Suffolk are fairly detailed, compared to those for most other counties; they provide not only the names of M.P.s but also those of the returning officers of the towns. Many of the local indentures of the fifteenth century survive too; at first glance they seem informative, but can be misleading as to electoral method. As Houghton has pointed out, the purpose of an indenture was not to detail the course of the election, but to satisfy Chancery that it was conducted according to the specifications of the royal government - essentially, open election of suitable delegates who were residents of the locality represented.[149] At Lynn, as far back as the records show (1373), each election of M.P.s was by a 12-man committee usually chosen for that sole purpose and mostly from members of the corporation, although this was a question of convenient practice, not a constitutional principle.[150] Regarding the election of November 1420, the indenture tells us that the steward of Lynn (who had return of writs) and 12 named burgesses unanimously elected the M.P.s, whereas local record indicates that election was made by the usual committee, which has only two names in common with the indenture list.[151] The names found on this, and other indentures, were in actuality persons testifying that the election was conducted properly.

Indentures from Yarmouth usually tell us that the bailiffs "made to be elected" M.P.s in the presence of, or sometimes by, 4 named witnesses; although in 1449 we are told that bailiffs, coroners and community unanimously elected the M.P.s. As regards Ipswich, named witnesses testify that bailiffs, coroners and burgesses, some occasionally named, unanimously elected their representatives. Whilst from Colchester we hear that in 1455 12 men, by the assent of all the burgesses, made the election; whereas in 1472 it was made by the greater part of the more sufficient resident burgesses.[152] From local sources we learn that Norwich M.P.s were to be chosen by common assembly (1415). Those of Maldon, it is stated in the sixteenth century recension of the custumal, were customarily made by bailiffs, burgesses, freemen, and commonalty. Ipswich elections of the fifteenth century are frequently recorded as made by bailiffs, portmen, and the whole community.[153]

How literally we may take these statements is another matter. Wedgwood was willing to take the Yarmouth indentures at their face value, whereas Saul, dealing with the previous century, concluded from the absence of references to popular election that M.P.s were probably appointed by the bailiffs.[154] The Ipswich [ordinance of 1474](#), stressing that resident burgesses were the rightful electors of M.P.s and town officials, was not, as McKisack believed, an assertion of democratic election in the face of monopolisation by the persons named in the indentures, but a measure to prevent participation (i.e. interference) by outsiders. [155] Only in Lynn do we encounter a genuine complaint when, in 1419, several burgesses objected to the use of the electoral committee, arguing that M.P.s should be elected openly by the whole community, which had to pay their expenses. However, this objection, by the die-

hards of the defeated reform party, was quickly refuted by reference to the recent [constitutional settlement](#).^[156] If we hear little of electoral practice before the late fourteenth century, it is probably because M.P.s were only functionaries acting under the instructions of their local governments; control of the election of M.P.s at any time in the Middle Ages was of far less importance than control of the election of those governments.

The same problem holds true of elections of other officers: that when we hear that executive or council are elected by "*totam communitatem unanimi consensu*", or some such phrase, we are reluctant to take this literally. The question of the 'whole community' is accounted for by the theory of representation. As for unanimity, it was evidently considered desirable to project the image that the borough community acted 'one for all, and all for one', as was implied in the taking of an oath of loyalty by every freeman. Perhaps the royal government was a particular target for this myth, to avoid the risk of royal intervention in internal affairs. Susan Reynolds doubts that in borough elections or decision-making generally "the votes of the townspeople were considered equal and counted, or that the process was intended to be democratic."^[157] Yet occasionally we are afforded glimpses that suggest otherwise. Norwich's 1415 composition provided that each of the mayoral candidates be nominated by majority shout, a crude method which contrasts with the choice between candidates made by majority vote of mayor and aldermen, as determined by secret ballot. Similarly in Lynn, a dissenting voice on 29 August 1412 led to a vote as to whether the assembly could proceed with the election scheduled, and those in favour were asked to sit; whether a careful head count would have been taken is unknown, since in this case only half a dozen people remained conspicuously aloft (perhaps the intended effect). In 1419 we hear that, of the two men nominated as Common Councillor for one of the constabularies, the electors of that constabulary chose John Muriell by a vote of 27 to 14; whilst in 1430 John Emneth was elected by 6 votes more than the alternate candidate. Furthermore the vote on a proposed ordinance was recorded in 1427, and shows the names of the 16 councillors who voted against and the 5 who voted in favour; it should be noted, however, that the ordinance was subsequently passed when the jurats cast their votes in support.^[158] The circumstances which led to recording of the votes in the cases mentioned above may have been out of the ordinary, but there is no reason to think that counting votes individually was. The principle of majority vote was sometimes written into the constitution, partly because not all members of the legislature were able to attend every meeting and lack of a quorum could hinder the transaction of business. But more often it was because minorities in opposition were no longer willing to acquiesce in their defeat.^[159]

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CHAPTER 6

The Quality of Government

The Practice: Reconciling Paternalism and Self-interest

Before examining the criminality of the ruling class, let us see what good we may say of it. An examination of corporation policies would be unlikely to help us greatly here, for it does not follow that the rulers were acting disinterestedly when they carried out programmes relating to, say, the provision of sewage or fresh-water facilities, enhancement of the town's liberties, or regulation of its trade and industry. Although we should not over-readily interpret regulation of commerce as selfish protectionism in the face of a troubled economy,^[15] the welfare of the businesses of individuals was dependent to a large extent upon the welfare of the town as a whole. It may therefore be argued that, since the office-holding class held larger shares in the trade of the borough, it was correspondingly more in their interest to foster and to control urban affairs, of all kinds. Perhaps such a hidden ambition made office-holding more palatable to the wealthy townsmen. However, we may briefly examine two terms of government that stand out simply by the fact that the town clerks of the time took the unusual step of summarising their achievements.

The first is the Colchester ballivalty of William Reyne in 1373/4. One ought to say the ballivalty of William Reyne and John Clerk, but the author of the account of the ballivalty was so absorbed in the role of Reyne, possibly the senior [bailiff](#), as the instigator of reform and improvement that he added the name of Clerk only as an afterthought. So lavish was the praise laid by author on bailiff that Harrod, cataloguing the town records, was shocked by the impropriety:

Reyne certainly had been most active and valuable, and a simple record of his services would have been grateful to our feelings, but when we are told the whole country went into fits because he put in stone steps for brick, ridicule is brought on both parties.^[16]

Harrod notwithstanding, the historian may regret that there is not more of this detailed reporting (however biased) of governmental affairs. The identity of the author of the panegyric is not yet known for certain,^[17] but it is a fair guess that it was the town clerk. The enthusiasm of the account strongly suggests it to have been written roughly contemporary with the events, for at a later period some of the 'achievements' of the year might have paled; at that time the clerk was Robert Beche. Benham believed that Michael Aunger, responsible

for other chronicular passages, was the author; but Aunger does not appear in Colchester until 1380, when Beche (still town clerk) died - his will being proven, significantly, on the same day that Aunger was made a freeman.[18] It is not impossible that Aunger was earlier an assistant to Beche, but there is no evidence for this. No matter; neither Beche nor Aunger exhibit any relationship with Reyne outside of the corporation context, so we cannot attribute the account to personal favouritism. It has been suggested that Reyne himself dictated the eulogy,[19] but this can neither be proved nor disproved. Yet we have already noted that Reyne was that rarity of a man actively pursuing borough office[20] and he may have been equally rare in his energetic efforts to further, rather than simply maintain, the well-being of his town (not least for his own profit, bearing in mind that he was [farming](#) the ballivalty). Furthermore, the self-confidence he demonstrated in proposing, to the corporation, the unorthodox method of access to office is not incompatible with the idea that he would have wished to leave a record of his accomplishments. However, a more acceptable explanation for the account lies in the general environment of the time. 1372 had seen major constitutional reforms, revitalising Colchester's government and giving rise to the borough's books of memoranda.[21] The account of the 1373/4 ballivalty was simply part of this programme and its associated enthusiasm, which did not end with that ballivalty, but in fact continued on throughout the decade, in increasingly less detail as the initial burst of energy used itself up.

Reyne's vigorous administration no doubt contributed to the interest in recording the events of his term of office. He is credited with:

- re-negotiating with the farmer an increase in the farm paid for town tolls, without the farmer raising tolls to recoup;
- renovating the town hall cellar and having the wool-market moved there, from a private site, so that the lease of stalls would profit the community treasury;
- making more equitable the taxation system, by requiring all residents, not merely [freemen](#), to contribute;
- beautifying the town hall by various structural or ornamental additions;
- recovering a parcel of common soil which had been usurped into private hands;
- centralising the cloth fair at a special site in the market by the town hall; and
- improving the lot of town prisoners by allowing them out of gaol to sit (chained to posts) by the town hall, to beg for their necessaries.[22]

Reyne is thus depicted as a man of initiative - but not a dictator, for he is seen consulting with his councillors before rendering decisions - and as a man with pride in his town, with compassion for the oppressed, a sense of equal justice, but also with a policy of increasing community revenues. In other words, displaying the very qualities that the community of Colchester expected in a governor. We may infer too a certain shrewd business sense: having relocated the wool-market to a site where under community control, he promptly farmed it from the community during the following year and made a large profit from the lease of stalls, although he is said to have given this profit to the community.

The extent to which Reyne's policies were truly innovative is partly obscured by the enthusiasm of the records, but he certainly seems to exemplify the medieval ideal of government for the common good. In 1425 a shorter and slightly less florid, but no less

unprecedented, record of the accomplishments of the Lynn mayoralty of John Permonter (1423-25) was entered into the Hall Book.[23] Like Reyne, we have met Permonter before in an unusual context: extorting promises of exceptionally high salaries before accepting mayoral office in 1427 and 1431.[24] Here again, therefore, we have a man with confidence in his administrative capabilities, holding executive office more frequently than might reasonably have been required of him. Possibly the account of his mayoralty was prompted by the fact that, during most of the reign of Henry V, Lynn had been in inner turmoil as a bitter struggle for control of government ensued. Despite the formal settlement of 1420, some embers of resentment still burned; it seems that Permonter strove successfully to smooth over the remaining ruffled feelings. The achievements principally specified, however, were repair of town ditches, construction of a reservoir to irrigate the burgesses' extra-mural fields, and acquisition of land along the route of a water-course intended to supply fresh-water conduits. This last was in fact a project begun by mayor John Spicer in 1421; interestingly, the election of Spicer provides further suggestion of long-term policy, in his post-electoral speech (which has the air of a political platform) relating the intention of amending the abuse whereby butchers had gradually deserted the butchers' market in favour of selling from private shops, to the loss of community revenue.[25]

If the official acts of men like William Reyne and John Permonter were, in effect if not so clearly in intention, to the benefit of themselves and their fellows of the ruling class at least as much as to the benefit of the community at large, a more unequivocal paternalism occasionally appears in attitudes towards the poorer members of the community. A Colchester reform of 1447 was said to be passed by the members of the corporation in protection of "our povere comburgeis." [26] This notion of protection is exemplified also in the ordinance of 1411/2 permitting weavers to refuse acceptance of wages in merchandise and victuals, rather than cash, since their masters would try to pawn off on the weavers goods worth less than the claimed cash value; the bailiffs promised any wronged weaver justice with the speed of [piepowder](#) proceedings.[27] In the seasonal lists of women breaking the ale [assize](#) at Colchester we find that the poorer women were pardoned their fines, which we must remember were [not usually intended as punishments](#) of a practice that was widespread and tolerated. And at Lynn in 1421 William Walden, described as *amicus pauperum*, proposed to the assembly that the poor (viz. those whose assessments were below 6s.8d) be exempted from the latest tax.[28] In 1382, when repairs were being carried out on Colchester's wall, a house built onto the wall, inhabited by pauper John Hampton and his wife, was obstructing the work. It was necessary to tear down the house, but the bailiffs ordered that it be rebuilt at community expense on a plot of land granted to Hampton at a nominal rent.[29]

Borough corporations, however, were not - nor could they afford to be - charitable institutions. Nonetheless they approved of charity and were inclined to take a hand in fostering and administering leper-houses and hospitals for the old or poor. For example, c.1278 the prominent Yarmouth ruler William Gerberge endowed (perhaps founded) the Hospital of St. Mary with a bequest of rents from 13 properties, totalling 9 marks. In 1386 the corporation assumed control of the hospital, laid out a set of regulations for its administration, and acquired (1392) from the king licence in mortmain for the hospital to hold further property: a

message, 17 cottages and 100s. in rents, collected by the corporation, and 7 cottages provided by the Stalham family to support paupers.[30] But for the most part charitable activity was left to the socio-religious gilds. It was not uncommon for these gilds, even the poorer of them, to support not only impoverished members with annual or weekly payments, but also non-member paupers.[31] Lynn's Merchant Gild, with its superior resources, was able to expand its sphere of charitable operations correspondingly further. In 1389 the gild declared that it set aside £30 annually for alms. Not only did it support members who had fallen on hard times, but also widows, paupers, the aged, lepers, hermits, and anchorites; it financed the schooling of poor clerics, subsidised the friaries in the borough, maintained the community conduits, repaired and enlarged the town churches, and had its officers visit the sick and poor four times a year.[32]

Charity was also, of course, a private affair; but all too often we must rely on wills for evidence of it. Deathbed repentance, piety and conscience, the stimuli for works of charity, may well have been sincere, but they do not necessarily reveal anything about the charitable attitudes or activities of men earlier in their lives. It was no great hardship to men who worshipped money as much as they worshipped God to make arrangements for the welfare of their souls when their bodies were beyond caring for.[33] When we learn, for example, that William Daniel of Norwich bequeathed £10 to be spent on extinguishing the debts of prisoners in the castle and gildhall, that William Sedman of the same left £20 for distribution to the poor of Norwich and area and £26.13.4d to the poor of other East Anglian towns, or that John Burghard of Lynn provided £50 to be distributed among paupers attending his funeral, £5 among paupers too sick to attend, and £7 among his poor relations and widows in Stoke and Burton,[34] we are unable to assess the extent to which such generosity is guided by sympathy for those less fortunate than the testator, and how much by the doctrine of purgatory. We need not doubt that the poor relied on gifts such as these to alleviate the austerity of their lives, but we are none the wiser to the attitudes of the givers.

Despite the notoriety that medieval towns have acquired as breeding-grounds for heresy, and despite the burgesses' admiration for the communistic life of the friars in contrast to the worldly clergy, it is difficult to discover in the religiosity of the upper classes of East Anglian towns anything other than the Catholic orthodoxy that accepted and even promoted class hierarchy as a natural state of affairs.[35] Tanner's careful study of religious attitudes in medieval Norwich brought him to the conclusion that the city was "remarkably untouched by heresy." [36] Nor is there much trace of it in any of our other towns. It may be that the infrequent public burnings (usually of non-townsmen) were sufficient encouragement to conformity, actual or disguised, in the period of Lollardy. Margery Kempe may have been influenced, unconsciously, by Lollard beliefs - certainly some contemporaries accused her of this - but she is an extreme case, and was viewed with disapproval by her fellow residents of Lynn.[37] At Lynn in 1429 councillor John Springwell, jurat John Wyth, and town clerk Thomas Chevele were arrested by the Bishop's officers on heresy charges, whilst in 1428 William Gant of Colchester was denounced as a heretic and sent before the diocesan court of the Bishop of London. But all these men were able to clear themselves, and all subsequently held borough office. In the case of Gant, at least, there is reason to suspect that the accusation

was a machination of the abbot of St. John's, then involved in a territorial dispute with the community.[38]

In addition to being benefactors of the poor, testators might also leave something to the community as a whole, by way of a contribution to its expenses: amounts to repair or maintain town walls, bridges, harbours. For instance: Thomas Pond, bailiff of Yarmouth in the reign of Edward IV, left 6s.8d towards repair of the "great bridge" at Yarmouth; Thomas Aylred, bailiff and coroner of Ipswich, bequeathed in 1301 40s. annual rent, from several properties, to maintain the bridge between Ipswich and Stoke; and John Burghard of Lynn left 20s. to the repair of the road between Lynn and Setchey, 20s. to the repair of the road and bridge of his birthplace Stoke, 40s. to the repair of Lynn bridges, and 100s. to the repair of the road between Lynn and Wootton.[39] While such bequests reveal that the testators were aware of the needs of the community - at Yarmouth the port, so frequently silting up to the great harm of the town's trade, received many bequests - they also reflect the needs of the testator and his peers: the facilities that usually received bequests were those on which the testator had relied in life for the transport of his merchandise or for guaranteeing the security of his investments, just as bequests to extra-urban churches reflect his rural landed interests and the sphere of his local mercantile activities. Furthermore, these civic-minded bequests are one of the more minor features of wills; the testator provided for his soul and his family first, and for his hometown only if there was something left over. It is generally only the wealthiest testators who left bequests of other than nominal sums to civic projects, and then often as secondary bequests to be fulfilled if primary bequests could not be realized. Nor can we entirely exclude the possibility that civic bequests were essentially an extension of charitable bequests, to ease the conscience and provide for the soul.[40]

On the other hand, there are examples of benefaction to the community during the lifetime of the benefactor. To some extent we may include here the rebuilding or embellishment of parish churches in this period, although this phenomenon was a mixture of genuine piety, civic pride, and pride in personal achievements. In fact there is an ambiguity to several of these benefactions. In 1365 Richard de Haveringlond provided Ipswich's government with the money for making of weights and a balance for wool-weighing, Ipswich having been appointed one of the new staples. Ignoring the facts that this was only a loan and that Richard, a former bailiff, had just been elected mayor of the staple, we may note that this was a shrewd move beneficial to no-one more than Richard himself, one of the major merchants of the town who, in 1364, had had to arrange for the Yarmouth weighing equipment to be transported to Ipswich in order to avoid the costs of carriage of his wool to Yarmouth.[41] In 1435 John de Caldwell offered to finance the construction of a new bridge between Ipswich and Stoke, on condition that the community pay for the end posts. In 1449 the same man "inspired by charity took it upon himself to make or have made a town gaol" by the west gates, and on the same occasion offered of his own free will ("*spontanee super se assumpsit*") to pay the parliamentary wages owing, since 1447, to John Smith - an offer interpreted by the corporation as a loan rather than a gift.[42] Also from Ipswich, Richard Felawe, whom we have already encountered bequeathing property for a schoolhouse there and specifying that children of poorer burgesses not be charged for their education, was earlier benefactor to a previous hometown when, in 1452, he persuaded the king to allow him to apply the customs

due from his large export shipment of cloth to the walling of Harwich.[43]

The most conspicuous civic benefaction falling within the scope of this study was the work undertaken by Richard Spynk upon the construction of the walls of his city, Norwich, between 1338 and 1343, an act that won him the gratitude of his fellow-citizens and of local historians since. His case is most interesting. What he in fact seems to have done was to farm from the corporation the murage grant of 1337, or at least that portion of it which was to be levied from the less prosperous freemen, on the promise of completing the wall construction begun at the end of the thirteenth century. In addition, Richard - a man probably of the humblest origins himself - undertook the same responsibility for the contributions of the "mesne people" of the city to a royal subsidy. This work entailed, as Richard doubtless anticipated, no slight expenditure from his own pockets; but he was wealthy enough to bear the cost, although his fellow merchants had previously shied away from a role in the enterprise. For enterprise is what it was: a calculated financial gamble. We need not gainsay Richard's public-spiritedness to recognise that his expenses were amply repaid by community grants to him, and his heirs, of exemption from all office and from local and national taxes or other community expenses, and freedom from murage and pavage for any merchant who chose to trade with the Spynk family.[44] The document setting out the responsibilities of, and rewards due, Richard Spynk was an indenture and gives the impression of a pre-negotiated contract. Men like Spynk, Reyne, and Haveringlond had no difficulty reconciling civic patriotism with profitable business - a characteristic valued in community leaders.

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CHAPTER 1

The Structure of Borough Government

Limits to Participation

The selection of candidates in Norwich by 'loudest voice' procedure was contrary to the general trend in the late fourteenth and fifteenth centuries to sophisticate procedures so that assembly meetings were more orderly and dignified. At Lynn the right of any member of the [community](#) to attend at least the more important assemblies was not diminished by the constitutional compromise of 1420. On one occasion it was declared impossible to proceed with [co-option](#) of a [jurat](#) replacement because the community had not been forewarned to attend that particular meeting. On another, when the crowd in the gildhall was so dense that the clerk was unable to record the names of all present, the [mayor](#) replied to complainants that he was not empowered to deny anyone entrance to the hall because the day's business (parliamentary report and grant of expenses) affected every townsman. On the other hand, a [penalty was set](#) for anyone present at an assembly who spoke after the mayor had called for silence; and it was recommended that the mayor attend the constabulary elections of Common Councillors, to maintain discipline and [prevent argument](#).[\[160\]](#) At Maldon only the councillors and parties involved were permitted to participate in discussions of private business. A further feature of the 1372 reforms in Colchester was the prohibition of "comune clamour" in assembly - if a [burgess](#) wished to put a matter before the council he must do it only in a written petition.[\[161\]](#)

Although the right of the community to attend important assemblies such as elections and the giving of accounts - for the accountability of borough officers was another of the controls exercised by the electorate over its representatives[\[162\]](#) - was acknowledged, some attempt was made to restrict participation by re-defining who was eligible to attend. The rulers of Norwich, replying in 1414 to the charge that they were trying to make governmental decisions without obtaining the assent of the community, objected to their accusers' implicit claim that:

chescun persone de la plus meindre reputation de dite Citee davoit a taunt dauctorite et poair en toutz les eleccions et autres affairs ... come avount les plus sufficientz persones dicell Citee.[\[163\]](#)

It may be that in omitting the phrase concerning community assent in 1380 the Norwich rulers had planned to exclude all but the selected representatives of the community from assemblies,

as had been done in Exeter in 1345.[164] Undated electoral reforms in Colchester, whose tenor suggests them to be from the early fifteenth century, were the consequence of

parlous discordes and inconveniences ... by cause of the multitude concurrent to such eleccions, and presumyng and usurpyng enteresse in the seid eleccions, wher in dede they owe noon to have.

These reforms insisted that only [freemen](#) householders could participate; at the same time the four headmen of the electoral committee, who co-opted the other twenty, were required to be men owning property worth 40s. annually, so that "simple persones" incapable of the responsibilities would not be chosen to that office henceforth.[165] Even Lynn's reform administration, the backbone of whose support was the non-freemen section of Lynn's population, saw the need to restrict voting rights to freemen - although they had largely circumvented this potential problem by enfranchising a large number of their supporters.[166]

For what was desirable to the medieval mind was not democratic government so much as orderly government, free of the influence of the mob, conducted with justice and impartiality towards goals that were for the common good of all townsmen. Not direct popular participation, but controls - such as the electoral committee, financial accounting, and representation in government - were viewed as the means to ensure this end. It is not clear whether the stipulations regarding voting qualifications, just noted, were a narrowing of the electorate or merely a confirmation of the special privileges of the freemen. The fact that only the latter were sworn to conceal town counsels suggests that non-freemen may never have been allowed access to routine assembly meetings, and even at the electoral assemblies the permitted presence of any and every resident did not necessarily mean that non-freemen had a right to participate actively. Disregarding the Ipswich electorate of 1200, at which time the sworn franchise had not been created, only in the case of Lynn's Common Council is there clear evidence that non-freemen had electoral rights. Much revolves around the use of the term 'community' - whether in a technical or a general sense - and we rarely have sufficient evidence to be certain.

Borough records pay homage to the theory of governmental authority deriving from the community throughout the medieval period.[167] It may be that this theory was, in practice, little obstacle to the local governors pursuing their own chosen course of action, but the theory remained. Yet it was undermined. Not by indirect election, for that was merely an expression of the representation principle. More by co-optation and the associated life-membership status of councillors, which removed them from electoral controls. The Common Council was an inadequate substitute for a representative assembly, and eventually provided the excuse for creating [closed corporations](#) in which elections were an in-house affair. Initiative and the real power of decision-making remained with the upper council, which had begun to think of itself as a separate estate bound by the controls of the written constitution but not by the intangible authority of the community. This change, running counter to the original concept of the *pares*, lay at the roots of the development of borough government. It was a human, not an institutional, factor; and towards this, via a study of the men who held office and their

attitudes towards office-holding, our attentions shall henceforth be directed.

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CONCLUSION

Colchester: The Balcerne Gate and Roman Wall



Colchester (Camulodunum) was one of the most important towns of Roman Britain, serving as administrative headquarters during the initial Roman advance in the 1st century AD. Camulodunum was one of three Roman centers burned and sacked during the [Boudiccan revolt](#) of AD 60-61. It also held a colonia or settlement for legionary veterans. Large sections survive of the town's perimeter wall constructed during the 2nd and 3rd centuries AD, along with portions of the western or Balcerne gate and guardroom, today overlain by a tavern. The wall,

maintained through the Medieval period, shows typical Roman construction methods of stone masonry interspersed with layers of red bonding tiles.

[Fig.1: Western or Balcerne Gate at Colchester (*photo: Athena Review*).]

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Buildings and fortifications

Mention has already been made of the [Moothall](#) which, like [All Saints' church](#), was associated with the [marketplace](#) – the town centre, if not geographically then in terms of the essence of a town. Another prominent building on one side of the marketplace was the Saracen's Head, a tavern from which, by the 1440s, the borough was receiving 40s. for its annual lease. By 1413 [Robert Darcy](#) had acquired, or was renting from the borough, a tenement said to be in the middle of the market. Later in life, however, he acquired a large piece of property facing onto the High Street just outside the marketplace, immediately to the east of the church, and began building a more impressive residence suitable to his status in the town. It is not certain if this was ever completed, before he died, but a tower from it (an addition later in the fifteenth century) still stands and in the late sixteenth century it superseded the medieval Moothall as the [seat of borough government](#).

No walls were ever built around Maldon. The borough was not wealthy enough to afford them, nor strategically important enough to warrant them. We do hear of the Bishop's Castle Field, in St. Mary's parish west of the Hythe; whether there was indeed any kind of fortification there is unknown, but this was one of the properties the Bishop specifically excluded from his grant of 1403.

Where we find other towns struggling with the costs of wall building and maintenance, Maldon's preoccupation was with the bridges across the Chelmer and Blackwater connecting

the town and Heybridge, which were susceptible to damage from tidal flooding. In 1388 the king granted, to assist with the costs of bridge repair, that for three years the town not be required to send [representatives to parliament](#) – a potential savings in wages of 2s. per day per person – and that it be allowed to collect a special toll (pontage). The following election day, the townsmen appointed a committee of 14 of their leading members to oversee the project. The parliamentary exemption was renewed in 1392 for seven more years and repeated in 1407 for an equal period; in fact, however, we know that the town sent representatives to most parliaments within those periods – it was not in the best interest of the town to dissociate itself with an institution making decisions that could affect borough economies – but at least they had the option.

Repair and maintenance of the marketplace, causeways, and Moothall, as well as other properties acquired by the borough, were likewise items of expenditure in the budget.



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Economy

Since Maldon's residents owned very little [agricultural land at the time of Domesday](#), it does not seem that most townsmen earned a living from farming. Although by 1412 we find that the town itself held over 180 acres of fields, leased to a dozen individuals, apart from any property owned by townsmen personally, there is little evidence that any townsmen were involved in large-scale farming to supply mercantile ventures; it was the town's butchers who most commonly owned livestock. The apparent increase in lands may have had something to do with the acquisition of [wasteland](#) from the borough lords.

It seems likely from Maldon's location that some townsmen would have engaged in fishing for herring off the coast, and a number of residents owned boats. Mussels and (as with Colchester) oysters were available in the estuary, and saltpans extracted salt from the seawater. It was where the Blackwater began to widen into the estuary that Maldon's harbour facilities were established, at a detached suburb called the [Hythe](#); by at least 1365 a crane had been set up there to help with the loading and unloading of cargoes, and by the 1480s a community warehouse had been built by the town quay. Maldon's obligation to provide a ship for service to the king in time of war also reflects maritime occupations; this obligation is mentioned in Domesday, in the royal charter of 1171 to the town, and as late as 1336 we find the townsmen being asked to furnish a ship (although they negotiated to pay a sum of money instead). One or two townsmen are revealed as shipowners over the course of the Late Middle Ages, but much of the commerce passing through Maldon's harbour was carried

by ships of other towns (e.g. Colchester, Boston) or other countries.

One use of Maldon's harbour was for exporting wool. We hear of charges of wool-smuggling from there in 1339 and 1359, and in 1339 Italian merchants were shipping wool from Maldon (using Colchester ships) on behalf of the king. The port was being considered in 1351 as a base for transporting goods to Calais, and in 1357 there is reference to a merchant of Zeeland importing salt for sale in Maldon and exporting cheese and butter to his homeland. Cases of debt involving sales of cheese and butter are encountered several times in the town court records; it may be that dairy foods were among the more important local products. In 1439, William Aylewyn, a chandler, obtained royal licence to buy 200 quarts of barley in Norfolk to bring to Maldon. Sea-coal was another import, a few townsmen stockpiling it in the vicinity of the port; only freemen were allowed to sell coal locally. Some other trades, such as brewing or baking, were permitted to non-freemen only if they paid for licences.

One privilege of being a freeman was the right to purchase a share of any cargo brought into the port (see customal, cap.7). Merchants arriving with a cargo had to negotiate with the bailiffs a fair price at which to sell their goods, make public announcement in the Moothall of what goods they had for sale, and allow a certain amount of time for freemen to decide whether or not they wished to buy a share. Only after the grace period had elapsed could the merchant sell to non-freemen. If a freeman made a deal to buy a share and then failed to pay up, the community as a whole had an obligation to make good the default of its member.

Maldon was involved in the growth of the Essex cloth-making industry in the thirteenth century. To Ipswich's customal there was appended a list of goods on which local tolls were payable; these included cloths of Coggeshall, Maldon, Colchester and Sudbury, with others of unspecified origin, which were brought through Ipswich's port for shipping overseas. Evidently Maldon had some reputation for its cloth. It served as one of the subsidiaries of Ipswich for the national customs administration. Records of payments of the subsidy and ulnage on cloth show that Maldon was still a modest cloth market at the close of the fourteenth century – although on nowhere near the scale of Colchester. The same records sixty years later, however, indicate a considerable decline in the amount of cloth sold there, as the larger centres increasingly dominated the trade.

Maldon was not a particularly prosperous centre, nor a populous one – the number of inhabitants probably did not much exceed a thousand at any point in the Middle Ages; the poll tax of 1377 indicates 542 taxpayers in Great Maldon and Little Maldon together.^[1] In 1248, in a list of places in Essex, it is described as a *villata* as opposed to Colchester which is called a *burgus*. Around the turn of the century, even though the county sheriffs were including it in the lists of boroughs which were to send representatives to parliaments, the king's taxers did not feel Maldon's level of economic activity warranted it being assessed at the higher rate assigned to boroughs. Archaeology has provided additional, though slight, evidence of some decline in Maldon at this period: a sizable hall with courtyard and ancillary structures, built in the eleventh century in the high street, was superseded in the late thirteenth century by a more flimsy habitation.

Pleas of debt involving Maldon tradesmen and outsiders reveal a little more of the character of commerce in which the townsmen were involved. The outsiders were usually men of Essex, Suffolk or London, indicating the limited regional range of the townsmen's business activities. In 1409 we hear of a large debt of £50 claimed from a Lincolnshire man by (partners?) John Burgeys, a Maldon merchant, and John Younge, a London fishmonger. Burgeys, who served as a town bailiff on at least nine occasions, is found purchasing a large quantity of mussels in 1412, was being sued for debt in the same year by a London tailor, the widow of a London draper, and a Colchester man. By 1429 he had accumulated almost £130 in debts owed to fellow townsmen, other Essex men, and several Londoners; among the creditors were two fishmongers, two drapers and two ironmongers. Sales of herring were frequently the subject of cases of debt tried in the town court, and salmon is also occasionally mentioned.

The surnames or stated occupations of townsmen provide further clues. The presence of a cloth-making industry in all its stages is shown by the number of shermen, fullers, dyers, weavers, drapers, and tailors; while the leather-working industry is indicated by the skinners, tanners, cobblers, and glovers, as well as by the fact that borough officialdom included supervisors of these trades. Butchers were quite often in evidence, not least because their unsanitary practices were a matter of concern to the borough authorities. They were restricted to a certain section of the market, where they did not do a satisfactory job of clearing up the blood and entrails of slaughtered animals – the street outside the entrance to the Moothall was said in 1417 to be slippery from the blood. On non-market days they sold from the shops at front of their homes, but even here we find cases of them leaving piles of dung in the shop, or letting blood go fetid there.

A royal document of 1338 indicates that Wednesday and Saturday were market days in Maldon. Burgesses were forbidden to sell victuals within 5 miles of the town, except in the marketplace. Some merchants however were avoiding the town harbour and the tolls (notably mensurage) collected there, by steering their ships up the Blackwater, where it branched northwards away from Maldon, in order to unload and sell their goods at the manor of Heybridge. The king at first ordered that merchandise be sold only in the borough, but later reversed this after being persuaded by the lord of the manor (the dean and chapter of St. Pauls) of a long-standing right to collect tolls on goods landed at the manor. Heybridge continued to attract away from Maldon some of its commerce; a reflection of this is seen in Adam Mine-Honey, who emigrated from Winchester to Maldon and purchased freeman's status there in 1384, yet in 1413 is found as a resident of Heybridge. The town authorities tried to combat the threat by prohibiting ships from passing by the town port and continuing to Heybridge, or elsewhere, without paying a fine, and presumably the authorities had some means of enforcing this; the town records include several entries from 1460 documenting licences to load or unload goods at Heybridge.

The royal charter to Maldon of 1554 confirmed the right to hold three annual fairs, each of 4 days duration, one in March and two in September. A follow-up document in 1555, expanding the list of rights confirmed or granted, refers only to a Saturday market.

- 1 My thanks to Carolyn Fenwick, author of *The Poll Taxes of 1377, 1379 & 1381*, for this information; it had previously been my understanding that no poll tax information for Maldon had survived.



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Summary / Recapitulation

The paucity of evidence about Maldon throughout the medieval period, even in the fifteenth century for which there are some meagre [local archival records](#), make the following conclusions somewhat speculative.

It appears that Maldon was a moderately important settlement in late Saxon East Anglia, but was already beginning to decline by the end of the twelfth century. The distancing of the king from his original lordship of the town, and the subsequent fragmentation of lordship, combined with strong landlordship in the century or so before the Black Death and the Peasants Revolt, made it difficult for the townsmen to move beyond the initial royal charter of 1171 in acquiring additional privileges and freedoms that would have assisted Maldon in competing with other towns of the region for a role as market centre or a conduit for international trade. For two hundred years it was either quiescent or unsuccessful in obtaining from the king any expansion of the jurisdictions obtained in 1171.

Furthermore, Maldon had attached to it relatively little by way of the agricultural property that might have been a source of a profitable volume of surplus produce to supply the increasing demands of a rapidly growing population.

These were probably factors in retarding Maldon's political and economic development along the lines and at the pace of other boroughs. These poor prospects would not have

encouraged immigration from rural areas that might have contributed to industrial development. During the thirteenth century uncertainty arose whether it should be accorded the status of a borough or only that of a vill. It was not only overshadowed by London, Ipswich and even Colchester (which itself was overshadowed by the other two), but also outclassed and outdistanced by newer Essex towns of size comparable to its own (e.g. Harwich).

However, it became caught up in the expansion of trade from which East Anglia benefited in the latter half of the fourteenth century, based at first upon the wool trade and subsequently on the growth of the cloth-making industry. There is much greater evidence in the second half of the fourteenth century of Maldon men being involved in mercantile pursuits. As these merchants acquired some measure of wealth, their self-confidence and assertiveness grew and they were inclined to lead the burgesses into negotiating with the town's lords concessions which allowed greater self-determination. The first phase of this seems to have taken place in the 1380s, directed against the FitzWalter lord (the same family with which [Colchester](#) had a territorial rivalry), who appears to have turned over his administrative rights within the town, in return for an annual payment. It was followed at the close of the century by similar pressure directed against the Bishop of London, again largely successfully.

This late flowering was doubtless fostered by the sympathetic lordship of the Darcy family in the fifteenth century, but offset by the general decline in international commerce of the fifteenth century and by the loss of its share in the cloth trade to larger towns – none of the chapters of the fifteenth century custumal were directly concerned with regulating the making or sale of cloth. The royal charter of 1554 described Maldon as "ruinous and decayed".



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Information sources

Very little has been published specifically about medieval Maldon (except for the battle of Maldon, which has little to do with the town itself). For additional secondary sources as well as primary sources, see the [bibliography to *The Men Behind the Masque*](#); see also the [bibliography](#) at the Maeldune web site.

Clark, Andrew. "Maldon civil courts, 1402." *Essex Review*, vol.16 (1907), 126-33.

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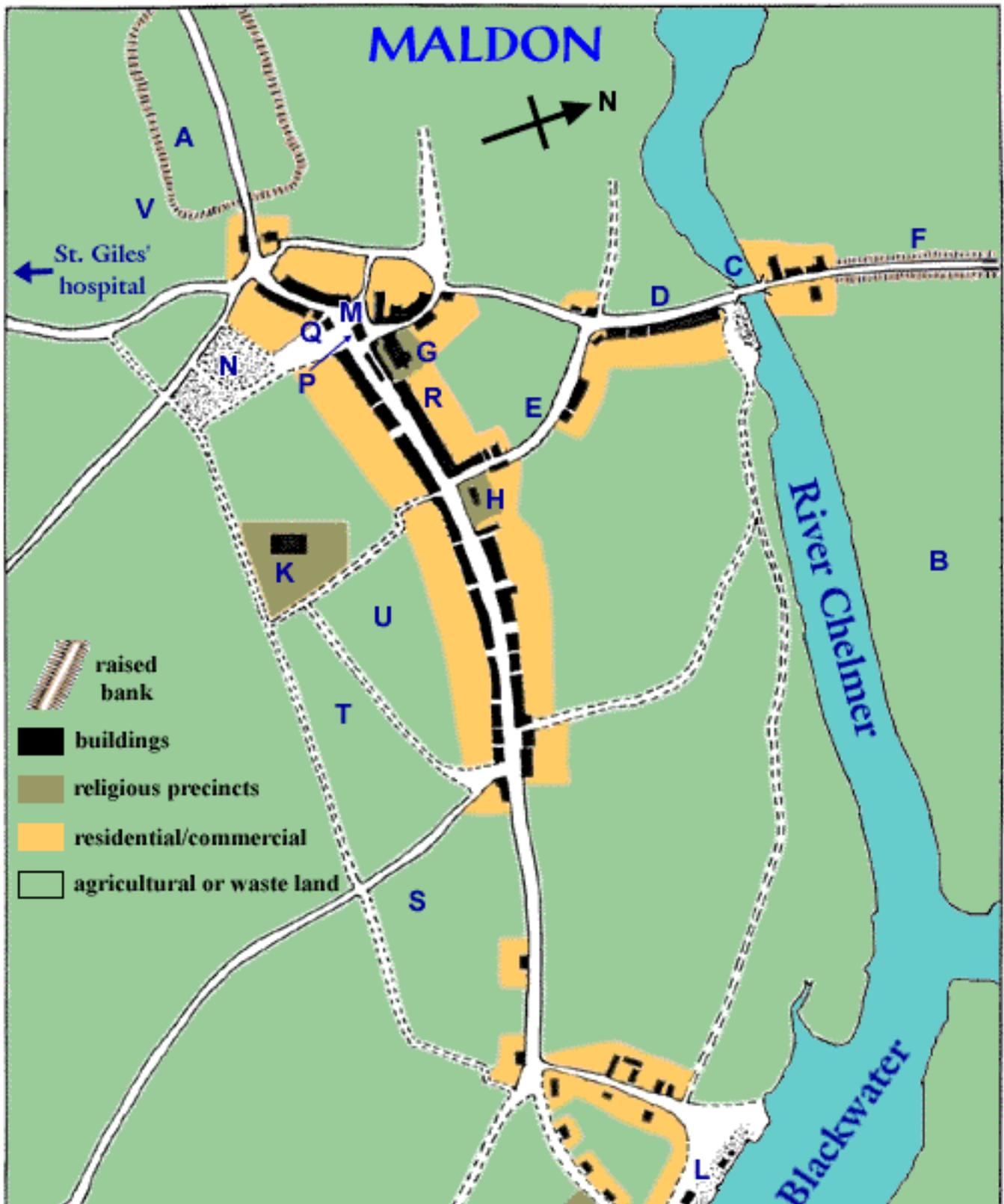


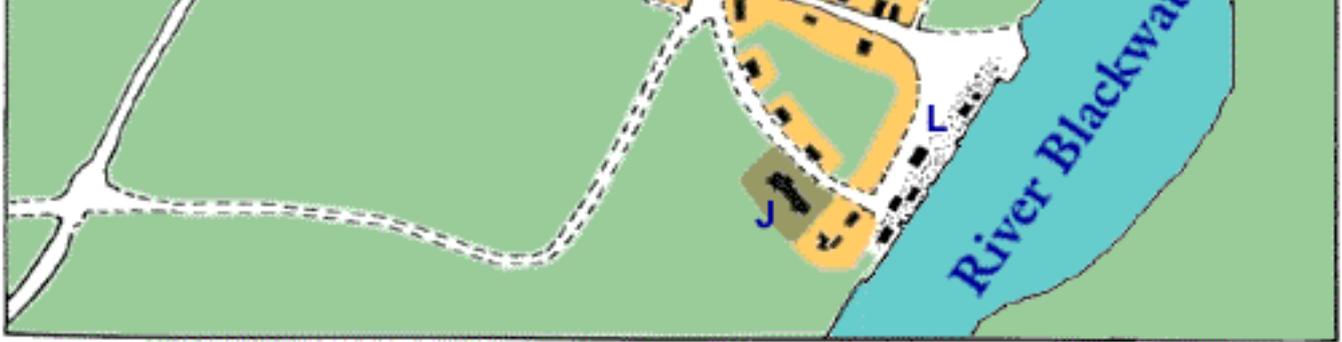
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Maldon at the close of the Middle Ages





This is a clickable imagemap.

NOTES:

The starting-point for producing this map were several maps produced by W.J. Petchey in his Ph. D thesis on post-medieval Maldon.

A Ramparts

Recent archaeological evidence has identified a small Roman settlement between the Chelmer and Blackwater. This led to a reinterpretation of what had previously been assumed to be the earthen ramparts of Edward the Elder's burh. The two are not incompatible: if Edward found the remains of Roman defences near the local settlement (by that time relocated from the Roman site, which had succumbed to the spread of marshland), it would have been logical enough to strengthen the perimeter to create a refuge for the community. The road running westwards through the ramparts led to Chelmsford.

B Portman Marsh

This meadow, in the vicinity of the site of the Roman settlement, served as pasturage for horses, cows and other animals of the townspeople. There was also at least one lime-kiln here (the noxious nature of kilns making them unsuitable for location near human habitation).

C Maldon Bridge

Although the surviving borough records refer to this timber bridge by the name of "pontmeldon", the name of the street leading up to it indicates that it was earlier – as far back as Saxon times, judging from the etymology of the name – known as Fullbridge. In the late Middle Ages, there was a toll for crossing the bridge of 1d. per cart or packhorse carrying merchandize.

D Fullbridge Street

This led down the hill from the marketplace to the Maldon Bridge. Possibly also known as Stone Hill at one time.

E Peter's Lane

I am not certain of the location of this, but it connected the high street with Fullbridge Street, passing by St. Peter's church.

F Causeway to Heybridge

This was a raised road, the land on this side of the Chelmer being flat, at sea-level and marshy. Built in Saxon times, it connected the bridge across the Chelmer with another bridge across the Blackwater in the manor of Heybridge. The causeway was maintained by the borough.

G All Saints' church

Its existence is documented in the late 12th century, when the king confirmed Beeleigh Abbey's ownership of it. Although apparently the last of the churches built at Maldon, it became the principal church of the town; [Robert Darcy](#) established a chantry there. The original building was probably of modest size, but it was expanded in the early 14th century.

H St. Peter's church

This appears to have been the original church in the settlement at Maldon, serving a small community of traders and craftsmen by at least the end of the 9th century. In 1189 it, along with All Saints, was confirmed as belonging to the abbey. A gild dedicated to the Virgin Mary was founded there in the early 15th century.

J St. Mary's church

Founded in mid-11th century, to serve those who had settled near the quayside, it is later indicated as belonging to St. Martin-le-Grand's, London.

K Carmelite Friary

The Carmelites had established a house in Maldon by 1293, and are seen enlarging their holding in 1314. According to Morant they settled in Maldon in 1292, at the initiative of the Bishop of London.

L The Hythe

It was here that all wholesale deals were made with outsiders bringing goods by water; before they could sell their cargoes, outsiders first had to go to the Moothall to obtain a licence and make it publicly known what goods they had sell. Townsmen could re-sell the goods they bought at the Hythe, but only in the marketplace or from the shops that were part of their residences (i.e. they couldn't resell them at the Hythe itself). Porters offered a service of carrying merchandize to the town centre, or elsewhere to townspeople's houses. In addition to the communal quay, parts of the waterfront were also given over to private quays and warehouses, mostly belonging to local lords. When the earliest surviving borough records mention the town quay in 1386, it clearly was not new. There had been a crane there for twenty years previous. And a warehouse for protecting the goods of the merchants of the town was built in the 15th century. The 16th century recension of the custumal reveals that one of the prominent features at the Hythe was heaps of coal that townsmen bought from merchants bringing that commodity from Newcastle; townsmen were required to buy a licence from the town authorities for their coal-heap (at the cost of 12d. a heap in 1447, when there were 12 heaps). Another feature that must also have been "noticeable" was dunghills.

M Marketplace

The presence of a mint by mid-10th century indicates that Maldon must have had a marketplace at that date, probably on the same location as in the late medieval borough. This was the principal site for retailing victuals and other necessities. Except in the case of meat, goods were to be sold only in the morning and very early afternoon; a bell – perhaps that hung at one end of the Moothall, in 1408, although more probably the bell in All Saints – would be rung to signal the close of trading. A row of stalls in the middle of the street on the east side of the marketplace was the butchery; one duty of the market custodians appointed by the borough was to wash the blood of butchered animals off the street. This was the only authorized place for the sale of meat in the town, making it easier for the authorities to supervise the trade. There is reference in 1407 to a shop in "le draperie", but where this was in relation to the town centre is not clear.

N Communal midden

Dunghills were at this location, referred to on occasion as "town's end".

P Moothall

The assembly room was on the upper level. On the lower level, as was common with many early town halls, were shops – at least 4 – that were rented out to townsmen. The common chest, holding the treasury, was in the vestibule (although in 1467/68 it was being kept in the house of one of the bailiffs of that year, and the contents were inspected by bailiffs, chamberlains and council). A second chest, called "le countour" containing court rolls and the standard measures (for keeping the assizes), along with the seals for stamping approved measures of private citizens, was in the assembly room. The chests were locked, and the authorities were careful to keep track of who had custody of the keys.

Q Saracen's Head tavern

It is not common to find mention by name of many taverns in medieval Maldon. This one, however, was named on several occasions and was one of the properties owned by the community and leased out to taverners.

R Darcy residence

This was the site of the residence Robert Darcy esq. had built in the 1430s, which (after substantial rebuilding) became the town's post-medieval moothall.

S Bishop's Castle Field

The name is intriguing.

T Tenter Field

Tenters were structures on which cloth was stretched, for drying and bleaching, as part of the overall dyeing and finishing process. In the town's 1413 rental "le Teyntourhawe" was being leased to John Sele and, since "hawe" could mean simply an enclosed area, may refer to this field; however, we also hear of other "Teyntourplaces" being leased out.

U **Mill Field**

In 1413 this was one of the fields that the borough was leasing out to a private citizen; it comprised 18 acres. Another field, of 5 acres, was called the Upper Mill Field.

V **Milkwell Field**

Another of the fields being leased out by the borough in 1413, it comprised 5 acres.



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APPENDIX I

The Officers of Borough Government

Maldon: bailiffs and chamberlains

| | |
|---------|--|
| 1384 | b. John Welles |
| 1385 | b. John Glover |
| 1386 | b. Henry Hales |
| 1387 | b. John Welles |
| 1388 | b. John Reed |
| 1389 | b. Peter Man |
| 1390-93 | unknown |
| 1394 | b. John Glover |
| 1395 | b. John Crakebon |
| 1396 | b. John Joce |
| 1397 | b. John Welles |
| 1398 | unknown |
| 1399 | b. John Page |
| 1400 | b. John Burgeys |
| 1401 | b. John Glover |
| 1402 | b. John Burgeys |
| 1403 | b. John Burgeys |
| 1404 | b. John Welles, John Page ch. John Pere, John Swofham, Richard Serjeant |
| 1405 | b. John Glover, John Page ch. John Pere, John Swofham, Richard Serjeant |
| 1406 | b. John Burgeys, Thomas Paffe ch. unknown |
| 1407 | b. John Glover, John Welles ch. unknown |
| 1408 | b. John Glover, John Page ch. unknown |

- 1409 b. John Welles, John Burgeys
ch. unknown
- 1410 unknown
- 1411 unknown
- 1412 b. John Glover, John Welles
ch. unknown
- 1413 unknown
- 1414 b. John Glover, John Welles
ch. John Page, John Clerk
- 1415 unknown
- 1416 b. John Page, Thomas Skulle
ch. Richard Sampson, Thomas Pye
- 1417 b. John Glover, John Welles
ch. John Clerk, John Godewyn
- 1418 b. Thomas Skulle, Thomas Paffe
ch. John Clerk, John Hocham
- 1419 b. Thomas Skulle, Thomas Paffe
ch. John Pepyr, Richard Baude
- 1420 b. Thomas Paffe, John Couper
ch. John Clerk, William Burgh
- 1421 b. Thomas Paffe, John Couper
ch. John Pepyr, Richard Baude
- 1422 b. Thomas Paffe, William Aylewyn
ch. unknown
- 1423 b. John Couper, William Aylewyn
ch. Richard Kyng, Thomas Lambe
- 1424 b. John Couper, William Aylewyn
ch. John Clerk senior, John Bown
- 1425 b. Thomas Paffe, Thomas Lambe
ch. unknown
- 1426 b. Walter Reeler, William Aylewyn
ch. Richard Kyng, John Bown
- 1427 b. Thomas Paffe, William Aylewyn
ch. Roger Baude, John Bown
- 1428 b. John Burgeys, Thomas Lambe
ch. John Clerk junior, John Bown
- 1429 b. John Burgeys, William Gore
ch. unknown
- 1430 b. Thomas Paffe, William Aylewyn
ch. unknown

- 1431 b. John Burgeys, William Aylewyn
ch. John Hardyng, John Heyward
- 1432 b. William Mayhew, Thomas Lambez
ch. Richard Sampson, Richard Kyng
- 1433 b. John Burgeys, William Aylewyn
ch. Richard Baude, John Clerk
- 1434 b. William Gore, Richard Bemunde
ch. unknown
- 1435 b. Richard Bemunde, William Aylewyn
ch. John Swayne, Richard Baude
- 1436 b. Thomas Lambe, John Swayne
ch. Richard Kyng, John Heyward
- 1437 b. John Swayne, William Aylewyn
ch. unknown
- 1438 b. Thomas Lambe, Richard Bemunde
ch. Thomas Judde, John Heyward
- 1439 b. William Aylewyn, William Gore
ch. John Hardyng, John Heyward
- 1440 b. William Aylewyn, John Pepyr
ch. Richard Sampson, Robert Burgh
- 1441 b. William Aylewyn, John Swayne
ch. Richard Sampson, Robert Burgh
- 1442 b. Richard Bemunde, Robert Burgeys
ch. Richard Sampson, Robert Burgh
- 1443 b. John Swayne, Robert Burgeys
ch. Richard Sampson, Robert Burgh
- 1444 b. John Swayne, William Holcote
ch. Richard Galyot, Robert Burgh
- 1445 b. John Swayne, Robert Burgeys
ch. John Kyng, Robert Burgh
- 1446 b. William Holcote, Robert Burgeys
ch. John Kyng, Robert Burgh
- 1447 b. William Holcote, John Swayne
ch. John Kyng, Robert Burgh
- 1448 b. William Holcote, Robert Burgeys
ch. John Kyng, John Santon
- 1449 b. John Swayne, Robert Burgeys
ch. William Wyxston, John Dale
- 1450 b. John Swayne, Robert Burgeys
ch. unknown
- 1451 unknown

- 1452 b. John Saykyn, William Holcote
ch. unknown
- 1453 b. John Saykyn, John Kyng
ch. unknown
- 1454 unknown
- 1455 b. Robert Burgeys, Thomas Fuller
ch. unknown
- 1456 unknown
- 1457 b. Robert Burgeys, Thomas Fuller
ch. unknown
- 1458 b. John Saykyn, John Kyng
ch. John Santon, John Parle
- 1459 b. Robert Burgeys, John Kyng
ch. William Rason, William Wyxston
- 1460 b. Robert Burgeys, Thomas Fuller
ch. William Rason, John Dale

APPENDIX I: Lists of Office-holders

[Introduction](#) | [Structure of Borough Government](#) | [Social and Economic Background of Office-Holders](#)
[Monopolisation of Office](#) | [Attitudes Towards Office-holding](#) | [Professionalism in Administration](#)
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Maldon.co.uk - The River Blackwater

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"Time was when I agreed with the popular, and the guide book, verdict that the Orwell is the finest estuary in these parts; but now I know better. I unhesitatingly give the palm to the Blackwater. It is a noble stream, a true arm of the sea; its moods are more various, its banks wilder and its atmospheric effects much grander. The season for cruising on The Blackwater is September, when the village regattas take place and the sunrises over leagues of marsh are made wonderful by strange mists."

Arnold Bennett, the novelist and reviewer, wrote these much-quoted words about Maldon's own river. The town has been a yachting centre for many years, smaller and more traditional than many other river- and seaside towns which have the mixed blessing of a marina. The River itself is one of great beauty and provides the small boat owner with excellent sailing and some interesting scenery and wildlife. There are in addition a number of boats available for charter, including the famous and impressive Thames Barges which have their home at the Hythe. Seals, geese and swans are residents for much of the year.

NOTES FOR RIVER USERS

The river at Maldon dries out almost completely at low tide, and there is usually about an hour and a half during which yachts may come and go at the Hythe. The district council has a number of inexpensive fore-and-aft moorings at Maldon which may be hired on a seasonal basis by arrangement with the River Bailiff (telephone: 01621 856487) and a visitors' pontoon, with shower and washing facilities are also available from him for shorter stays. The yard keeps a listening watch on VHF Channel 37.



From the Hythe, the home of the Thames Barges and the Maldon Little Ship Club, the river continues in a south-easterly direction before turning north-east at Herring Point, where it runs up past Heybridge Basin and the entrance to the Chelmer and Blackwater Canal. This was built in 1797 and runs for 14 miles to Chelmsford, although it is navigable by boats with masts only as far as the bridge over the road at Heybridge about three-quarters of a mile upstream. Moorings are available in the canal, and it requires a license to navigate. Generally the lock

is worked for an hour before high water, and from then until about an hour after high water a boat drawing six or seven feet of water should have no problem getting in or out. The lock master may be telephoned on 01621 853506.

Coming from the lock and heading down river, the low white building of the Blackwater Sailing Club will be seen on the port bow, with Northey Island to starboard. It was on this island that the vikings gathered before the Battle of Maldon, to be so ruinously invited over to fight by Brihtnoth. Its northern point, Hilly Pool, is marked by a red can.

After Hilly Pool the Channel turns to the south-east once more towards the pair of buoys known as the "Doubles" and the entrance to Southey Creek with its own red can. Osea Island is now to port and the Channel straightens to the green buoy marking the safe water to the South of the sand bank called the Doctor. This is about as far as most boats heading in the opposite direction towards Maldon will be able to get at low water.

Opposite Osea Island, about half a mile across the river, the entrance to Lawling Creek is marked by a red can. The entrance is obstructed by a shallow bar which allows only about a metre of water at LWS, but there are mooring buoys and a yard at Maylandsea. Further down river the Marconi Sailing Club appears on the south bank, followed in half a mile by Stone St. Lawrence, where there are moorings and it is possible to land a dinghy on the shingle beach at any stage of the tide.

Another half mile down-river, and a green cone marks the southern tip of Thirstlet Spit, where many an unwary yachtsman has gone aground. The safest thing to do is to set a course on Bradwell Power Station from just off the Stone, keeping well into the south shore until opposite St. Lawrence Bay.

Bradwell Marina is a popular place with sailors from Maldon wanting a short family sail and somewhere to stay before returning to Maldon the next day. Its entrance from Bradwell Creek can be slightly tricky, for the Creek itself becomes shallow at low water and has an

unexpected starboard dog-leg before the withies and marina buoys give out along the line of moorings. Following the line of moored vessels, however brings one to a red can buoy signed "Bradwell Marina" and the rather deeper water of the marina itself. The marina has fuel, good showers and a welcoming yacht club. It may be telephoned on 01621 7762325 and is on VHF Channel 80.

Beyond Bradwell, Tollesbury Creek and West Mersea are popular sailing centres, and moorings may be had at Brightlingsea as well. Going up-river, the entrance to the Blackwater is the Bench Head buoy, which is about 15 miles from Maldon (51.44.53N 01.01.05E)



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Maldon.co.uk - All Saints Church

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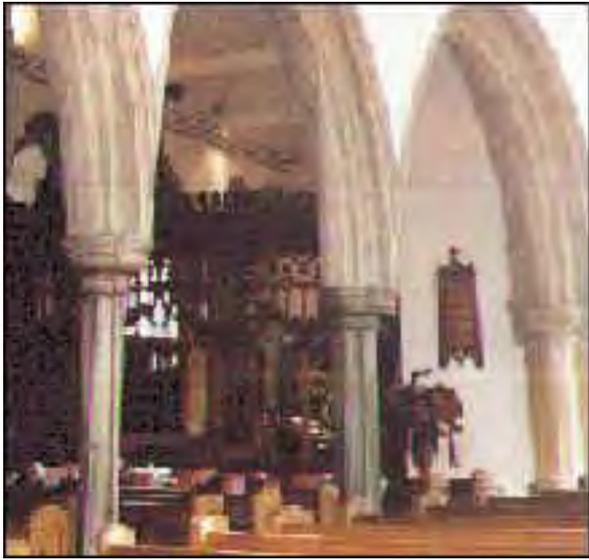


All Saints Church stands at the top of Maldon High Street. It has a handsome and unique triangular tower built in the 12th Century and a well-kept small churchyard containing interesting 18th and 19th century monuments. Carvings from the turn of the present century on the buttresses of the south wall depict figures from the history of Maldon and the surrounding area. These are of St. Cedd, the Celtic bishop who brought Christianity to the Saxon settlers of Essex from Lindisfarne in the seventh century and who founded the Church of St. Peter on the Wall which still stands in nearby Bradwell, and Brihtnoth, the Saxon Christian warrior who later so heroically lost the Battle Of Maldon to the heathen Vikings during the reign of Aethelred the Unready in 991. Archdeacon Thomas Plume, who gave the Plume Library to the Town also gets a statue, as do St. Mellitus, (Pope Gregory's missionary to the East Saxons sent in 601,) Sir Robert D'Arcy, the supposed founder of the Moot Hall and Robert Mantell, the principal benefactor of the nearby 12th-century abbey at Beeleigh.

Both All Saints and the nearby St. Peter's Church were confirmed to the abbot of Beeleigh by a royal charter of Richard I in 1189. After 55 years the two parishes were united: the monks found that it was too expensive to provide a priest for each of them. This marriage of the two parishes remains in place today, which is probably just as well, for in 1655 Archdeacon Plume rebuilt St. Peter's to house the Library he endowed for the town. Maldon thus provides what must surely be the among the earliest examples of a team ministry and redundant churches scheme in the Church of England.

The Reverend Lawrence Washington was the rector of one of the nearby villages, Purleigh, from 1632-'43. He was deprived of his living during the Puritan period and is buried somewhere in the grounds of All Saints - we do not now know where. He was the great, great grandfather of the first President of the U.S.A. This link with American history is commemorated inside the Church with the **Washington Window**, a gift from the people of Malden, Massachusetts made in 1928. Malden itself was founded by a Joseph Hills of Maldon. The Window combines English and American themes and is well worth looking at.

Inside the Church the visitor can see four distinct periods of building contributing to All Saints as it is today. Of the first only the **tower** now remains. That early 12th and 13th century church was small: its eastern end probably extended to around where the screen is today, while its south wall was where the arcading to the **south aisle** now stands. The addition of this aisle between 1290 and 1330 is what remains of a second period of work, which may originally have included a corresponding aisle on the north side.



The fine stonework of the South Aisle, with Purbeck marble pillars and graceful decoration, testifies to the wealth and religious zeal of Maldon's mediaeval patrons and the activities of the Guilds, or religious fraternities, which flourished in the area until the Protestant Reformation. One of these, the Holy Trinity Guild, took over the south aisle in 1380 and this part of the Church remains dedicated to the Trinity. Such mediaeval piety - combined with an eye for stylish self-promotion - was soon to give rise to All Saints' third period of expansion, when the present chancel and eastern chapels were added during the fifteenth century. The north chapel of St. Catherine on the north

side now unfortunately houses the organ, but the one still in use at the end of the south aisle was acquired from the Guild of the Holy Trinity in 1445 as a chantry by Robert D'Arcy - a place where masses could be offered for his soul after his death. The Reformation was, of course, to put a stop to chantries everywhere, but one of Sir Robert's more fast-living heirs had already sold off the one in Maldon before they were suppressed. Nonetheless this part of the church is still known as the **D'Arcy chapel**. While still in the south aisle, one can look for the sedelia where priests would have offered Mass. In the nave the arch over the chancel was constructed out of material taken from the old east wall.

In Maldon as elsewhere, the coming of Protestantism with its suppression of the old theology of the Mass, and then the ending of the tradition of mediaeval tradition of religious plays under the Puritans of the following century gave rise to a much-increased emphasis on preaching as the means of spiritual grace and of the sermon as a form of entertainment. This was to have a profound effect on the structure of All Saints, for in 1728 the old north aisle and **nave** were demolished and rebuilt to house the large congregations which were by now flocking to the church to hear famous visiting preachers. (Outside you can see where the mediaeval stone gives way to later brick.) This accounts for the enormous size of the nave which is perhaps one of All Saints' most immediately striking features: it is interesting to note that this work was done partly at the borough's expense, whereas in earlier times such patronage would have belonged to an aristocratic patron or guild. During the nineteenth century the seating capacity was once again expanded by the addition of galleries on the north and west sides of the nave: these have since been removed but you can still see the outline of the upper windows in the north wall.



There are a number of interesting individual features in and around All Saints .In St. Catherine's chapel, the **Cammock Monument** (1602) depicts Thomas Crammock, his two wives and twenty-two children.

Still in St. Catherine's Chapel, the **organ** has the royal lion and unicorn on it because it was bought second-hand from the Hanover Rooms in 1838, while beneath the Cammock Monument are a fifteenth-century **piscina** used to cleanse the sacred vessels of the Mass in the old liturgy and a small medieval door, still known as the **priest's door** which once gave out onto a sacristy.

The **Crypt** is fourteenth century and reached by a door between the sedelia in the south aisle. It has a fine vaulted roof to the staircase

The **Bells** of All Saints are still rung in traditional peals, to varying degrees of appreciation by those who live nearby. There were originally three, but these were replaced by a peal of six in 1699. On the spire outside a single sanctus bell is housed in a fifteenth century canopy.

In common with many English parish churches, All Saints still displays the **Royal Arms of Charles II** which were originally placed in the building at the restoration of the monarchy in 1660 after Britain's brief experiment as a puritan republic in Cromwell's Commonwealth. They are now on the North Wall. Fragments of the arms of Henry VIII and his third wife Jane Seymour may also be seen in the **West Window**: these were originally in St. Peter's.

Inside and near the Tower can be found the **grave of Edward Bright**, the famous 'fat man of Maldon' who died in 1756 at the age of 29. He weighed 44 stones (616lbs, or 280 kg)

Outside the Church, a walk round the Eastern end will bring the visitor out near the **vicarage**, a fine timbered house of the 15th century and still the residence of the vicars of All Saints.

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The tower of St. Mary's Church is a very prominent feature of the Maldon skyline. For hundreds of years it was used by sailors as a mark to guide them to harbour, and from its top a beacon shone to act as a lighthouse. The Church itself is Norman with the nave dating from about 1130. It almost certainly replaced earlier wooden buildings on the site.

After the 12th century later works obscured many of the Norman features inside the Church, but you can still see a small Norman window high in the North Wall and the chancel arch's north pier and north and south responds are equally early. The original Norman chancel fell down in the 14th century and was rebuilt then; the tower was to suffer a similar fate in 1605 -- the present brick one dates from 1636. The north porch, by which one enters the Church, is 15th century and has an attractive timber roof. Its

inner door arch contains some re-used Norman stones.

St. Mary's was enlarged and restored during the 19th century, and a handsome octagonal hall was added to its South side very recently. Both of these developments were executed with sensitivity. Apart from one 15th century window, those in the nave date from the Victorian restoration. The glass of the 15th century one is a memorial to the parishioners of St. Mary's who died in the Great War of 1914 to 1918.

During the Church's restoration three Medieval niches were uncovered in its north wall. These would originally have been for statues of saints, and during this century two have been re-filled with modern figures of St. George and the Mother of Christ. The stairs to the rood screen were also discovered by the Victorians. Before the Reformation this wooden screen separating the chancel from the nave would have played a prominent part in the liturgy, particularly during Holy Week (the week before Easter:) on Passion Sunday the story of the suffering of Jesus would have been sung from it, beneath its permanent figures of the crucified Christ with his Mother and St. John.. Such a close association with the most elaborate period in the year of the old church led to the dismantling of rood screens with the coming of Protestantism, and hence its removal from St. Mary's.

maldon mary 2.jpg (12186 bytes)

Today St. Mary's stands firmly within the High-Church or Anglo-Catholic tradition which began the revival of Catholic teaching in the Church of England in the 19th century. The rood figures which you can see above the chancel arch now are modern and originally stood in the Church of St. Andrew in Plaistow. They give a good feeling of what St. Mary's might have been like during the Medieval period and reflect renewed devotion of a Catholic type.

The earliest monument in the building stands near the chancel and dates from 1486. Unfortunately the brass has been lost, but it commemorates John Fenne, a merchant of the English possession of Calais who died in that year.

In the chancel the High Altar draws the eye as the focus of both the fabric and liturgy of the Church. The fine altar rails are of Dutch workmanship and date from 1700. In the Lady Chapel, where the Sacrament (the consecrated bread of Holy Communion) is kept in a modern hanging pyx, the chamber organ is from the town hospital, St. Peter's, and was brought to St. Mary's in 1980.

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Maldon.co.uk - Beeleigh Abbey



*The information portal for Maldon residents,
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The Abbey before the Reformation

W.J. Petchey

All that can now be seen of Beeleigh Abbey are the roofs of its surviving range of late-medieval buildings, viewed from a public garden on the west side of Maldon. From a footpath beside the abbey can be glimpsed the picturesque farmhouse which was built about 1570 on to that surviving range of the original abbey. The place is privately owned and not open to visitors but it is possible with a little imagination to reconstruct what the abbey would have been like and, more importantly, how it was used in the years immediately preceding its dissolution in 1536.

How can we tell what Beeleigh Abbey was like before it was dissolved?

i) Evidence from the Inventory of 1536

Late in the afternoon of 6 June, 1536, the last Abbot of Beeleigh, John Copsheath, was left with a duplicate of the official inventory of his abbey's goods and chattels "safely to be kept to the use of our sovereign lord" Henry VIII. Its annual gross income fell below the £300 ceiling set by the Act for the Dissolution of Monasteries; it was to cease being an endowed religious community of canons following the Rule established by St. Norbert in 1119. (The Order was known as Premonstratensian from the place near Laon in N.E. France where St. Norbert's first abbey was established.) The inventory would be needed when the site, the lands, the buildings and their contents, were either leased or sold by the Crown.

ii) Other Evidence

To the Inventory can be added:

- Some scraps of information in the grant of the former abbey to Sir John Gates (1540).
- Bequests made by wills in 1495, 1498 and 1505.
- Comments by the Visitor (a Church official) about the buildings in four reports made between 1482 and 1500.
- Evidence about the architecture and size of the place which the surviving parts of the eastern range supply. In particular, these provide the dimensions -the width, height and breadth- of the bays or units that were presumably common to all the buildings around the central cloistered courtyard.

Looking at the Evidence.

When Henry VIII's Commissioners toured Beeleigh Abbey with their clerk to gather information for their Inventory they would have done so in such a way as would prevent them from missing any part and save them from too much doubling back. So we might think that simply by reading the Inventory we could get a pretty good idea of what the Abbey looked like before 1536. But the Inventory was not compiled for the benefit of historians - it was strictly for the business of valuing saleable items, and empty rooms were omitted. In particular the Inventory does not mention a Common (or Warming) Room or a Chapter House, although every abbey had them. So where were Beeleigh's?

Here the surviving buildings can help us: the Common Room and the Chapter House can be identified as the surviving ground floor components of this eastern range of this abbey. By combining the evidence in this way we can reconstruct a plan of the Abbey (*Sorry, I seem to have lost the files for this...will repost as soon as I get round to it.*)

A walk round Beeleigh Abbey in 1536

(i) Living arrangements.

The First Floor

We can begin where the Inventory itself does: upstairs on the first floor at the room which has often been called the Canons' Dormitory. This is not a very good name - as we shall see, the last canons did not sleep in a communal dormitory but had individual accommodation. The Inventory calls the room the Great Chamber, as if it were part of a manor house. Its two beds, with bedding and curtains, the fireplace and the "old cloths or pieces of tapestry" on its walls suggest this large room with five windows and a wide timber roof served, by about 1500 as accommodation for members of the Bouchier family, Earls of Essex, who were the abbey's patrons and guardians.

From there we can move with the Commissioners to the next first floor space, the Children's Chamber, a name which is the only indication of the abbey's former role as a place for the tuition of schoolboys. Only one bed is mentioned but even until the mid-19th century children often slept several to one bed.

Next the Commissioners moved into the Dining Parlour or Refectory. As in other Premonstratensian houses it was on the south side of the cloister and on the first floor. It must have been almost as large as the Great Chamber and it was furnished with a long table on trestles with four forms. The Inventory says that to go at the table head and foot there were chairs -unusual furniture in 1536- of which one was covered with leather. There were three wall hangings painted "with steyned worke" and "iiii carpetts for wyndowes," meaning that there were four windows with thickly woven hangings acting as curtains.

The table furnishings were stored elsewhere but can be brought here to show how the community and its guests fared on feast days. There were:

- Three diapered table cloths and six "pleyne table clothes."
- 26 napkins, two diaper towels, three "pleyne wesshyng towells" to keep hands clean whilst eating greasy or sticky food, with three pewter basins and two pewter ewers for the water.
- Two silver-gilt salts, 18 silver spoons and three bowls ("masers") hooped with silver-gilt bands to be set on the Table. These are the most valuable domestic items in the Inventory.
- Three other salts, of pewter, and six copper or brass candlesticks.

Onto the table there then came, as needed, some of the abbey's 30 pewter platters, 27 pewter dishes, 13 porringers, 11 "sawsers of ii [two] sorts" and "a dosen of banquetewynge [banqueting] vessell[s]." From the kitchen with its five iron spits, three iron racks, two trivets, four brass pots, the great cauldron, colander, frying pan and "great dryping panne" the food was conveyed on a "charger" and a pewter plate.

So far the Commissioners have passed from the Chapter House to the Common Room (empty) in the eastern range, then gone up to the huge Great Chamber above those first two areas. and then - moving into the first floor chambers of the southern range- through the Children's Chamber to the Dining Parlour. Beyond that they must have found a kind of Screens Passage. In a college or manor house this would have separated the dining area from the buttery and kitchen. But at Beeleigh those were on the ground floor (with the kitchen most probably a high, two-storeyed room) and this first floor passage must have had a staircase leading down to the kitchen or buttery.

The Commissioners, however, remained on the top floor. Emerging from the Dining Parlour, they turned right into the western range of the Abbey. Here they found an unexpected domestic arrangement. Their Inventory refers to a series of Chambers apparently occupied by up to six canons and three or four servants. So no communal dormitory for these late-mediaeval religious: they had their own rooms.

The first of these chambers was called The White Chamber. It had a fireplace and a fine bed and what the Inventory calls a "Servant's Chamber next to the same," although it cannot have been strictly speaking adjacent for reason which will be clear in a moment. A third room, The Green Chamber, must have been immediately to the north of this Servant's Chamber and have abutted on the western end of the abbey church because it was the last room to be described on this first floor level (see the plan.). At this Green Chamber the Commissioners evidently retraced their steps through the Servant's Chamber. But now a peculiar thing happens - by doing this they came to "the Chamber under the White Chamber," i.e. on the ground floor. How did they get there? The Inventory gives us a clue when it refers to some bed furnishings stored in "a great chest next to the same (White) Chamber." The chest was in a space between The White Chamber and its Servant's Chamber like the stair passages which in Oxford and Cambridge colleges serve pairs of rooms on each floor level. It must have contained stairs leading to a landing, and it was these stairs which the Commissioners used.

The Ground Floor

On the ground floor of this western range were two more rooms lying no doubt directly beneath the Servant's Chamber and The Green Chamber, and northward of the stairway space. These were probably entered from the western Cloister Walk. One was another servant's chamber, the other was described only as "another chamber." Each contained a bed with sheets, blankets and coverlets, as did all the rooms in this western range. The Inventory would not include personal possessions such as chairs or stools, desks or tables with which these rooms must have been furnished, although in any case their owners may have already left the abbey and taken them.

Domestic life in Beeleigh Abbey.

At this point the Inventory ends its inspection of the domestic quarters and if these were all the chambers that the Abbey had then in its last thirty or so years it had accommodated itself to a falling number of inmates (11 in 1482, 9 in 1500) and a revised way of life. The place was more like a small Cambridge college than a monastery. But it was far more sumptuous accommodation than most colleges at that time. Each of those chambers must have been two bays in width (if only one bay deep), which would mean rooms twenty feet by ten (200 sq. ft.). The surviving buildings were beautifully reconstructed in the early 13th century of Reigate stone, (a kind of chalk) and, for the columns in the Chapter House and Common Room, Purbeck marble. The western range, with a columned "undercroft" at ground level (used for storage,) Children's Chamber and Dining Parlour above, may well have been in the same style and of the magnificence of the remains of the Refectory of another Premonstratensian house, Easby Abbey near Richmond, N. Yorks.

(ii) In the Church.

Relics: Beeleigh's own saint.

There is every reason to suppose that the abbey church, to which the Commissioners next directed their attention, was as imposing as Beeleigh's domestic buildings. It probably was, since by 1249 there was enshrined at its high altar the heart of St. Roger Niger of "Bileye," who was most probably one of the earliest members of this community after it was settled in Beeleigh about 1185. He had become successively archdeacon of Colchester and Bishop of London and was canonized shortly after his death in 1241. He was buried in London in St. Paul's Cathedral except for his heart, which was encased in lead (this was a quite usual practice) and brought back to the place after which he had been named. A holy relic, it would attract pilgrims and their offerings.

In 1507 a Maldon man, John Ormesby, added "a relic of the Holy Cross of the Sepulchre of Christ and of the Crib and Stall of Christ, enclosed in beryl" to the relic collection at Beeleigh. But these were not found by the Commissioners and had doubtless been destroyed between 1534 and 1536, as were most relics in England.

What did the Abbey Church look like?

The church had a steeple. It was not specified in the Inventory (so it had no bells in it by 1536) but it appears in a list of debts still owed by the abbey at the dissolution: £6 was owed

to John Maundye of Maidstone for eight windows for the steeple. In 1540 the premises were sold, the records show, to John Gates Esq. including "all the church, the bell tower and the cemetery." The number of windows mentioned in the steeple tower argues for a taller structure than would easily rise over a central crossing of nave, presbytery and transepts, so the spire must have been either at the west end of the nave (as at Shap Abbey, Cumbria) or against the north transept (as at Blanchland Abbey, County Durham). Because the ground beyond the north transept was close to the river Chelmer, the western position, on more stable land, seems a more likely location.

The Commissioners went straight through the Canons' Choir, which would be in the crossing of the east-west, north-south areas, up to the High Altar, whose furnishings they carefully appraised: its alabaster reredos, the curtains, carpeting, brass and gilt copper cross, candlesticks and service books. Three of these books they reckoned to be worth a lot of money to other Premonstratensian communities (abroad, presumably): they talk about "2 great antiphoners in parchment, written of their own Use (the liturgy particular to this Order) worth to be sold to men of their religion: £4" and "a great mass book [missal] of their Use, limned with gold, appraised and to men of their religion: 66s 8d [£3.33]."

The Commissioners then they moved south into the Lady Chapel which contained "a pair of organs," an image of the Blessed Virgin Mary with a branched candlestick of latten before it, and an altar "hanged with stained work [painted textile]" and beside it mass vestments of white Bruges satin.

The Lady Chapel and The Bouchier Tomb.

We know where the Lady Chapel was by a survival that can still be seen (but not at Beeleigh), and an associated bequest which shows that there were at least two arches separating the chapel from the choir. In 1498 Dame Elizabeth Bouchier, widow of Sir John Bouchier, required by her will that her late husband's corpse be brought from Stebbing parish church (some 18 miles away) to Beeleigh Abbey to be buried with hers under a tomb which was to be constructed "twixt the Choir and the foresaid Chapel of Our Lady" and next the tomb of her late father-in-law Henry Bouchier, Earl of Essex and Eu (who had died in 1483) and his wife Isabel Plantagenet, aunt of King Edward IV.

The Earl's and Countess' tomb of 1483 can still be seen: it was moved by their descendant, Henry Bouchier, fourth and last Earl of Essex, between 1536 and his death in 1540. It stands between the chancel and south chapel of Little Easton parish church, just as it had been sited at Beeleigh. There is a gangway between the east end of the tomb and the supporting columns of its stone canopy, a gangway which, in its original position would provide a way from the Choir and Presbytery into the Lady Chapel.

More chapels.

There were three more chapels within the church to be inspected. Their locations on the plan are conjectural. The Jesus Chapel may have been positioned to the north of the Choir, balancing the Lady Chapel, because outsiders were intended to have access to it. We know this because of a will made in 1505 by one William Malb, a layman who had retired to

live as a "commensal" of the abbey -in effect, a boarder- following the death of his wife.. His desire to have "a stone of remembrance" set in the chapel wall and his request that those attending Mass there should recite the Paternoster and Ave kneeling either in or "afore the said chapel" indicate that it was a stone building to which the laity frequently came, with an entrance within church.

The other two chapels were the Rood Chapel and St. Katherine's Chapel. A Rood was the Old English word for the Holy Cross which was placed on a screen and loft or platform between the Nave and the Choir of every church before 1549. So the Rood Chapel was in the Nave at Beeleigh. The Commissioners ordered some timber to be sold - obscurely describing it as being "the backside of the Rood in the Rood Chapel." The site of St. Katherine's Chapel must remain guesswork. The officials came last to it in their tour of the church and it seems to require the existence of a North Aisle so that it would not block the Nave. But because visitors also needed access to the Jesus Chapel without passing through the canon's Choir it has been placed midway in the North Aisle on the conjectural plan.

(iii) Buildings and land outside the Church. Seditious sympathies in the Vestry.

Leaving the church the Commissioners visited the Vestry. The five altars in the church were not provided with vestments, hangings or plate to any great value, and they discovered that the thirteen processional copes and sixteen sets of mass vestments stored there were mostly old. The Bouchier family who acted as patrons of the abbey, and had in the 15th century adopted it as their preferred burial place, had donated many of the vestments and the sight of them may have interested the Commissioners, for they were decorated with the badges of the Bouchier and Stafford families and one in particular was, after 1485, politically very incorrect: "a of blue velvet with fetter locks and Bouchier knots." Those were badges of the House of York (the fetter locks) and of Henry Bouchier, Earl of Essex, and his Plantagenet Yorkist wife. Throughout their reigns Henry VII and Henry VIII sought occasion to destroy the surviving branches of the House of York, and here in 1536 was a religious community still displaying Yorkist affiliations.

The Outer Parts.

Finally the Commissioners moved to the outer areas, traversing the cloister from the vestry to the Kitchen and Buttery (see the description of the Canons' Dining Parlour.) The final part of the claustral buildings was "the Fermory" or Infirmary which probably stood close to the Kitchen for ease of supplying sick canons with convalescent food. Then they moved to the byres, stables, pig sty, sheep pens and the abbey's mill. Their list of 11 horses, 30 cattle, 160 sheep, 4 sows "called shetes," a boar, two carts and 6 loads of hay are a reminder that this abbey was also a working farm concentrating on animal husbandry. 34 fields and 4 groves of woodland are listed in the Crown grant of the Abbey lands to John Gates.

Nowadays the remains of Beeleigh Abbey are approached by a minor road, but the Crown grant refers to a "Long Haure house called the Gatehouse." This phrase is best explained (remembering that this is an abbey and that it was situated on the south bank of the tidal River Chelmer), as referring to a building in which sculls ("long oars") were kept. That is to say, many people and the canons themselves arrived or departed in rowing boats.

Final Comments on the life at Beeleigh.

It is natural that documents produced by the process of dissolution and secularisation should emphasise the domestic and agricultural aspect of medieval monasticism, but in the case of the last White Canons of Beeleigh this may have been well justified. Beeleigh Abbey was very similar to the smaller colleges of Cambridge in the 1520s in its way of life; it was the comfortable though by no means luxurious home of a small community of studious, conventionally pious celibates who probably adopted a life-style reminiscent of that developed by the Brethren of the Common Life just across the sea in the Low Countries.

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The information portal for Maldon residents, businesses and visitors



These picturesque ruins are a short walk from the town centre along the road named after them: Spital Road.

St. Giles' was a leper hospital founded during the 12th century in the reign of Henry II. The remaining buildings are part of the chancel and transepts of the chapel, which must have been on quite an impressive scale. In 1402 an inquiry recorded that the Master of St. Giles was allowed to receive all the defective bread, meat and fish in the town in order to feed the inmates, and he was to provide a chaplain for them to take divine service each day in the chapel. In 1481 the hospital was conveyed to the abbot and monastery at Beeleigh.

The dedication to St. Giles was a common one for leper hospitals, and his cult was immensely popular during the middle ages. He was a late 7th century hermit who, according to legend, was shot in the hand while giving refuge to a hind escaping from a royal hunt. Thus he became the patron saint of cripples and, by extension, lepers. Such an association with the hopelessly oppressed was strengthened by another legend in which an emperor, overcome with sense of unforgiven sin, asked St. Giles to intercede for him. The story goes that the next day while St. Giles was saying Mass, he saw a chart held by an angel on which the nature of the emperor's guilt was written: but as the saint was praying the words disappeared. This second legend is the subject of a major painting, *The Mass of St. Giles*, (c.1500, artist unknown) which is on display at the National Gallery in London.

In common with Beeleigh Abbey, St. Giles was closed during the dissolution of the monasteries under Henry VIII.

[\[contents\]](#)

CHAPTER 5

Professionalism in Administration

Promotion and the Hierarchy of Experience

It is evident that a convenient approach to the question of experience is via an investigation of the ages of office-holders. Age was no guarantee of political authority - and in this sense it would be misleading to describe urban ruling classes as patriarchates - but since experience is generally a cumulative effect occurring over a period of time, a comparison of ages could prove a tentative guide.

Although we will discuss the evidence of ages and lengths of political careers from most of the towns studied here, it must be admitted immediately that only Lynn provides sufficient evidence for reconstruction of an age hierarchy, and even here there are several problems which must render any analysis imperfect. These problems relate to the estimation of dates of birth and death; the medieval historian is rarely so fortunate, unlike students of later eras, as to have the detailed parish and probate records that permit confident calculations of the ages of individuals. Wills, which provide an approximate date of death, survive *in toto* or extracts therefrom for only 52 of the 473 Lynn office-holders studied. Fortunately for our purposes, such documents were usually drawn up at the approach of death;^[3] where there is a gap of more than a year between the making of the will and its probate in ecclesiastical courts - probate in borough courts not being a consistently reliable guide - the year of probate has been considered closer to the death of the testator, in the absence of evidence to the contrary. Deaths of men actually in office are frequently recorded, due to the need to elect replacements, and the last year of listing of a man among Lynn's [jurats](#) in the fifteenth century is tantamount to an obituary, since the office was held for life except in the event of deposition or retirement, which are usually recorded. Thus, Robert de Salisbury, first jurat in 1388, is recorded as retiring in November 1424 and in June 1429 we hear of his son Thomas being excused his appointment to go to Denmark as ambassador for the borough, because he had custody of an aged father and mother; Robert drew up his will in December 1429.^[4] Even in the early fourteenth century the records occasionally reveal retirements, as in the case of Thomas de Sechford, whose administrative involvement began in the office of [chamberlain](#) in 1297, and who was elected to the [mayoralty](#) in 1306 and 1308; thereafter he apparently remained in the background, in jurat ranks, until 1324. In 1325 he retired from the office of coroner on the grounds of old age and paralysis, an excuse rendered plausible on this occasion by his death in 1326/7.^[5] On the other hand, we have a few cases such as those of William Wyth and Edmund Westhorp, who did not formally retire from the office of jurat, yet who did not attend

any assemblies during their last six years of office; in Westhorp's case this was probably due to infirmity - he had completed his apprenticeship in 1433, become a jurat in 1458, and died in 1493, a year after his last listing as jurat.[6] Even more misleading is the case of Richard Gigges, promoted from councillor to jurat in 1445 and last listed as jurat in 1451. He was certainly dead by November 1456, yet is said to have languished sick in bed for nine years before his death; if so, his active life as a jurat must have been rather brief.[7]

Year of birth is less easy to identify. Never specified, it may be estimated through rare clues such as provings of age of attainment, which was evidently 21 in Lynn,[8] or specific reference to an individual's age. Of the latter one must be wary, for in 1412 John de Lakinghithe was described as 80 years old, but in 1415 when he sought to excuse himself from appearing at Chancery on grounds of infirmity and old age, he was only 75 years old![9] Entrances to the [franchise](#) and, to a lesser extent, those to the [Merchant Guild](#) have been the principal sources for estimation of birth in this study. In particular, entrances by patrimony or apprenticeship have been considered relatively safe guides. The term of apprenticeship in Lynn lasted, as elsewhere, usually for seven or eight years and was begun in the teenage years; it was expected that an apprentice would be 21 years old before he ended his term and his master applied for the franchise on his behalf. Similarly, it was expected that all entrants to the gild have attained their majority. Furthermore, the communal duty of night-watch (from which we may infer, any position of responsibility) was not to fall to anyone under 21.[10] The use of merchant-apprentices as factors meant that they were sometimes abroad at the end of their apprenticeship terms and not able immediately to take up the franchise.[11] In the cases both of apprentices and sons of freemen, exemption from entrance fine was conditional upon their not having traded for personal profit between the times of qualification for entry and actual entry; it was therefore to their advantage to become freemen as soon as of the age of majority. [12] We see precisely this procedure in the cases of Andrew de Swanton, who was evidently the child born posthumously to William de Swanton (died August 1361) and who became a freeman in 1383, and of Philip Wyth (son of the man of the same name who died 1349) whose age was proved as 21 on the same day that he became a freeman in 1358.[13] In the absence of contradictory information, it has been assumed that entrants by patrimony and apprenticeship were liable to be between the ages of 21-25. Men who purchased the franchise have generally been considered as being a little older. Robert Wake, who purchased his freedom in 1376, was mentioned in his father's will dated 1340, when underage,[14] and there are over sixty other cases of men [amerced](#) in the [leet court](#), involved in trade, voting in Common Council elections, or active in the borough in other ways as to suggest residency, before purchasing freeman status.

The evidence for birth and death dates discussed above has been used in conjunction with all other available information for each individual, but because of the unavoidable imprecision involved, birth dates have in most cases been estimated to the nearest half-decade, and age estimates are therefore given in terms of a five-year span. The statistics thus available, for 170 of the total 473 Lynn office-holders, suggest an average life-span within the 57-62 years range, breaking down thus:

| age | 30-35 | 35-40 | 40-45 | 45-50 | 50-55 | 55-60 | 60-65 | 65-70 | 70-75 | 75-80 | 80-85 |
|----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| no. of persons | 2 | 5 | 8 | 11 | 24 | 32 | 44 | 24 | 9 | 9 | 2 |
| % * | 99 | 98 | 95 | 90 | 84 | 70 | 51 | 25 | 11 | 6 | 1 |

* (rounded off and cumulative in reverse order)

A number of qualifications must instantly be attached to these figures. Office-holders who did not live to middle-age are likely to be under-represented, since death may often have taken them unawares, before they had made wills. That is almost certainly the case with the Philip Wyth junior mentioned above, who died before 1377 and whose will, had he left one, would have been entered into the *Liber Lynn* alongside those of others of his family. Since, as we shall shortly see, men tended not to enter into the mainstream of administrative duties before their 30s, the average calculated above must not be taken as applicable to the whole adult male burgess population. Indeed, Thrupp's study of London merchants shows 49-50 to be a more reasonable life expectancy, supporting the findings of Russell.[15] If we eliminate those of Thrupp's examples who did not reach the age of 30, her average is raised, but only slightly, to 53-54. The remaining discrepancy may be explained away largely as the consequence of our figures relying over-heavily on the cases of jurats, who tended to be veterans. At the same time, it is clear that a substantial majority (over 80%) of the office-holders for whom length of life has been calculated lived beyond the average life-expectancy estimated by Russell and Thrupp. Platt has noted, with regard to Southampton burgesses, that "a strikingly high percentage" reached their 60s or beyond,[16] and the same may be said for these Lynn men.

Age was not a pre-requisite for power, but it may be true that the major figures in local government, wielding the most influence, were usually the survivors of their class: the long-livers. Our office-holders, as the wealthier members of the borough community, had a relatively comfortable standard of living and servants to do some of their work for them, and so had a better chance of survival to old age. Yet death is not only no respecter of persons, it also pays little heed to age. Richard Gigges had probably barely passed his fiftieth birthday when he finally succumbed, after years of illness; and Margery Kempe's husband John may have appeared to his wife "a man in gret age passyng thre scor yer"[17] when he turned senile, but other evidence suggests he was not much past the 60 years mark. By contrast, we have men like William de Swanton of Lynn, or Hugh Fastolf of Yarmouth, still fathering children in their late 40s or 50s - a fact which may help explain the large number of underage children found in wills - and Edmund Westhorp (jurat over a 34-year period), John de Lakinghithe (jurat 27 years), Ralph Bedingham (jurat 36 years), Edmund Belleyeter (jurat 43 years), Robert de Salisbury (jurat 36 years), Thomas de Waterden (jurat 41 years), and John de Brunham (jurat 55 years),[18] men still active in administration in their late 70s and early 80s, almost up to their deaths; most of this last group were mayors more than once and several held the post of [alderman](#) too.

Estimation of age is far more difficult from the Colchester and Ipswich evidence. A smaller proportion of burgess entrances have been recorded,[19] and we know too little about the

conditions governing entrance to the franchise in those towns for that evidence to be of much use in estimating birth.[20] In fact, of our Colchester officials the age of only one can be calculated with any confidence. Matthew fitz Robert le Verrer is first mentioned in the context of the 1296 lay subsidy, when his assessment and the description of his moveables suggest someone just starting out in life. As his first responsible role comes in 1301, as assessor of that year's subsidy, one is inclined to doubt that Matthew was born much later than 1280; nor does an earlier date commend itself greatly given that his father was still alive in 1307 and his mother in 1327, and that Matthew's will received probate in 1358/9 (although he does not appear in the records after 1352).[21] Matthew was therefore about 75 years old when he died. The ages of 13 Ipswich office-holders can be estimated and they average at the 54-59 years range, but so small a sample cannot be considered acceptable as a guide to the average age of the whole group.[22] However, this evidence, such as it is, still favours the idea that office-holders tended to live beyond the average life-span of the medieval burgess.

Nor are we enlightened on the subject of age by analysis of the average length of time between entrance to the franchise and the first holding of ballival or mayoral office.[23] At Lynn the average is 21 years, with a minimum of 1 year (John Urry[24]) and maximum of 42 years (John Lakinghithe); but few men (9%) held the mayoralty within their first decade as freemen, and the great majority of our examples are clustered within a decade on either side of the estimated average. At Ipswich the average is 17 years, with a minimum of 1 year (John Heved) and maximum of 37 years. At Colchester there is an average of 19 years, with a minimum of 1 year (Thomas Godestone) and maximum 37 years. In both Ipswich and Colchester, however, the examples are well spread out between the minima and maxima, with no conglomerations of statistics, and therefore the notion of an average is not very helpful. We are no better off at Maldon, where the franchise entrances of 28 of our office-holders are recorded. Judging from length of life approximations, it seems that entrances most commonly occurred in early adulthood, in the 20s. Analyses of the distances between entrance and the holding of offices of [chamberlain](#) and [bailiff](#) each produce an average of 15 years, but this is misleading as only four of the chamberlains whose entrances are recorded also held the ballivalty. Unfortunately we cannot tell whether the absence of any pattern in these towns is a consequence of trends in office-holding or in entrances to the franchise, lack of knowledge as to ages preventing us from clarifying the situation. We are thus encircled by our ignorance.

Once again it is to Lynn that we must turn for more detailed evidence of a hierarchy of experience; for, supplementing the data of men whose ages have been calculated with others whose franchise entrances at least are known, we may estimate the average ages for the holding of particular offices. The chart showing these ages[25] indicates a *cursus officiorum* and the association of higher office with men of greater age. The model constructed is one of men entering the corporation via the office of chamberlain, and/or that of Common Councillor in the fifteenth century, the worthier of their number being promoted into the jurats within a few years, and a large proportion of these attaining the mayoralty after a further few years service as jurats. It may be noted that, of the men who rose to the mayoralty before the age of 40, half held office in the earliest of our three chronological divisions. This impression of a younger administration the earlier back in time we look is supported by the evidence generally, although it is interesting that the average age of chamberlains - the point of entry of

the *cursus* - does not show any significant fluctuations. The increases, from one period to another, of the average ages of jurats[26] and mayors are quite distinct and may reflect increasing life-expectation, although this is purely hypothetical.[27] The correspondence of average ages of chamberlains and jurats 1350-99 is explicable by the fact that it was not uncommon in that period for men elected chamberlains to have already served in the jurats (which it must be remembered was the sole council and an elected one), or to become jurats when elected chamberlain; there are 28 cases of this. That situation altered with the borough constitutional reforms of the reign of Henry V, producing a lower council and raising the standing of the jurats, while also prohibiting that chamberlains be chosen from the jurats.[28] There are only two cases of jurats acting as chamberlains in the period 1400-60, one pre-dating the reforms, one contemporary with them; the Common Council henceforth took over (informally) the role of the jurats in furnishing many of the chamberlains.[29]

If we investigate this age hierarchy in more detail, we are led to conclude that an effective promotional system operated in Lynn's government. In fact, there is increasing evidence that such systems may have been common features of later medieval borough government generally. In fifteenth century Oxford we find a promotional route beginning with ward constable and progressing through common councillor, chamberlain, bailiff, to permanent aldermannic status and thence to the mayoralty; a man might hold the same office more than once before moving up a step on the ladder, but he would not be asked to serve in an office lower than the one last held. The *scabin*'s office in fourteenth century Southampton has been described as "a distinction or a reward for past services." A promotional relationship between the lower and upper councils in seventeenth century Ipswich, Stamford *tempore* Edward IV, and medieval Exeter has been discerned, whilst at Exeter (1340) service in the office of steward was prescribed as a pre-requisite for election to the mayoralty.[30]

At Lynn - and the same seems to hold true for the other towns studied here, as far as the poorer evidence allows determination - the lowest level of participation in borough administration seems to be in the leet. The responsibilities of many of our office-holders began as *capital pledges*[31] or leet affeerors, but not constables, an office generally held by men of jurat status, perhaps because of the coercive power it endowed. The minor, and very temporary, roles of tax assessor/collector also feature early in careers. Holding of these roles was not influenced by whether a man had yet entered the franchise. The same is true of bureaucratic posts, often held by non-freemen and usually by townsmen other than those of the wealthiest class. Just over a dozen of the office-holders studied from Lynn, Ipswich, Colchester, and Yarmouth (approximately 1%) held such posts, but of them only two rose to the executive offices of their towns;[32] the others were of little account, although two were briefly jurats, and at Colchester and Yarmouth a few M.P.s were men who held the post of sergeant.[33] Most of these bureaucrats date from the fourteenth century; with the growing awareness of the dignity of office in the fifteenth, we find fewer of our men serving in bureaucratic offices. Thomas Tolyot, councillor for most of the period 1443-72, refused the office of sergeant-at-mace in 1461; William Richeman appears to have turned down the same office and the janitorship of the town's south gate in 1450; and Amery Trewe (frequently councillor 1431-47) volunteered for the newly-created post of supervisor of community

tenements, in 1434, only after negotiating the relatively high annual salary of £5.[34]

However, there is no evidence that any of the above offices was either qualification or pre-requisite for higher office. If there *were* any pre-requisite - and such factors are generally unwritten laws - it would be found in the financial office. At Exeter the stewards mentioned above, although not the principal financial officers of the community, were officers with financial responsibilities. A similar case is seen at Norwich, where the requirement that all mayors have served first as sheriff, the office responsible for the [fee farm](#), was doubtless prompted not only by the value of shrieval experience but by the desire to ensure that holders could be found for a burdensome office.[35] We may suspect that it was usual in Lynn for a man to enter the higher ranks of government via the office of chamberlain from the fact that, of our 473 Lynn men, 416 held that office at least once in their lives. Of the 57 not known to have been chamberlain: 25 cases may be explained as due to gaps in the records or as men who were in borough administration before the office of chamberlain is known to have existed; 8 cases were of men not involved in the administrative mainstream, but acting only as M.P.s; 4 were town clerks; 5 were men who held office during the period of political disruption (1411-16) when the normal *cursus officiorum* was abandoned, and 4 were the atypical cases (already mentioned) of men prompted into the mayoralty or jurat ranks within a year of becoming freemen.[36] Setting aside these cases, we can conclude that 97.4% of the Lynn office-holders studied here held the office of chamberlain (although not all went on to hold other offices).

The situation in our other towns is not quite so decisive. At Colchester, where financial officers were to be chosen from persons who had never been bailiff,[37] the former were clearly junior in the administrative hierarchy but only one-third of the bailiffs are known to have served as receiver/chamberlain after that office was initiated. However, the list of known financial officers is only half complete, so it may well be that a majority of bailiffs did serve in the financial office first. Our lists of financial officers at Ipswich are similarly inadequate, but suggest that, in the reign of Henry VI at least, some two-thirds of the bailiffs were formerly chamberlains/treasurers. At Yarmouth the lists are somewhat fuller and indicate, for the same period, about the same proportion. At Maldon, on the other hand (again with inadequate lists), only one-third of the bailiffs are known to have been chamberlains. It may be noted that in all of these towns the financial office was invariably held prior to executive office; the sole exception, John Page of Maldon, occurring at an early stage (1414) in the development of the financial office there. Because of the unpopularity of financial office, very few men held it repeatedly, and the effect of Lynn's reform in barring jurats from camerarian office was to increase the number of men holding it, so that it became rare for any man to hold it more than once. In consequence, and despite the special efforts taken by borough authorities, [38] we cannot expect to find much expertise developing in this department.

According to our hierarchical model, the next step up the ladder was entry into the town council. Just over half the men who served as chamberlains in Lynn went on to become jurats. Creation of a Common Council in Lynn doubtless is largely responsible for raising the average age of jurats, by setting an additional rung in the ladder. That the lower council was the usual route of promotion into the upper is seen from the fact that, after 1418 (when the

first membership of the lower council is recorded), of the 73 of our office-holders who became jurats, 51 were councillors previously. Of the remainder: 16 had previously served as chamberlains; one was the rehabilitated leader and ex-mayor of the reformers, Bartholomew Petypas; 3 were the special cases discussed elsewhere;^[39] one was a man who had served as M.P. three times (John Waterden); and the last was Thomas Salisbury, who was to have been councillor, but instead engineered his succession to his father in jurat ranks. It must be stressed again that cases of sudden promotion, by-passing established routes, although not technically unconstitutional, were atypical infractions of tradition. When John Style was made a freeman and a jurat at the same assembly in January 1439, the move provoked such public criticism from young merchants who had only just begun to work their way up the ladder of promotion, that severe measures had to be taken to quiet the malcontents.^[40]

For a more typical example of the process of promotion, we may review the career of William Marche. A waxhandler, he first appears in 1445 when paid by the community for making wax figures to go in a model ship to be presented to Lord Scales, and he purchased the franchise in 1453; from this and other evidence a birth-date of c.1425 is likely. Assigned the roles of capital pledge (1454, 1457) and leet affeeror (1457) soon after his entrance, he became involved in borough administration proper when elected chamberlain in 1459 and, after the completion of this term, immediately entered the Common Council. There he remained until 1463, when he fell from grace as the result of some imprecisely understood quarrel with the mayor, as a result of which he was disfranchised and thrown into prison (this part of his career was, of course, not typical). His rehabilitation was accomplished before 1469, when he was re-elected as councillor for a year. A further year in the Common Council (1473/4) was interrupted by his promotion to the jurats in August 1474. He was selected as one of the jurats to hold the rarely-mentioned ward aldermen's posts in 1479, and the following year attained the mayoralty, to which he was re-elected in 1481. William remained a jurat, and also coroner after 1485, until the year before his death in 1489; by which time he had exchanged his chandler designation for that of merchant, and had acquired substantial property not only in Lynn borough, but also in South Lynn and the Wiggshall area.^[41] To give one more brief example, a similar line of development is seen in the career of John Gosse, who entered the franchise at Ipswich in 1443, was chamberlain first in 1454, apparently a Common Councillor by 1459, and almost certainly a portman by the time he held his first ballivalty in 1466; four further ballivalties followed, and Gosse is still found as a portman in 1486, some dozen years before his death.^[42]

The lists of Lynn jurats show a further sophistication of the *cursus officiorum* in the form of a *cursus honorum*. Again, this is not unknown elsewhere, having revealed itself in the listing of the councils of Oxford and Stamford,^[43] although that in Lynn may be traced further back in time. From the sample analyses of lists used in our [discussion of monopolisation](#), it is clear that the lists of jurats in office between 1430 and 1450 show a coherently consistent ordering of names, not so rigidly repetitive as to imply mere clerical copying from the previous year's list, but sufficiently similar to strongly suggest a reflection of seniorities within jurat ranks. Fluctuations such as occur in the listings are largely explicable. Some are simply clerical errors, as in 1435 when the influx of an unusually large number of new members appears to have thrown off the clerk who, however, corrected the ordering in 1436 so that it followed

logically on from that of 1434. Further error, in 1479, serves to illustrate that this *cursus* was a conscious affair: again in that year the clerk mixed up the order of names, but this was sorted out by placing miniscule letters above each name, in an alphabetical order corresponding to the seniority indicated in the list of 1478.[44] Alterations in listing, and thereby promotion up the course, were also the result of deaths of jurat members, and the promotion of one jurat annually to the mayoralty, thus putting him at the head of the list. Mayors tended to be chosen from the 'middle eight' of the 24; whatever the intent behind this, the effect must have been to guarantee mayors who had accumulated several years of experience in the higher decision-making which fell to the jurats, and who had time to develop a loyalty to the interests of the group, while maintaining a balance of power within the ranks so that the most senior of the jurats did not monopolise the mayoralty. Mayoral promotion was the only fast route through the ranks of the jurats, which was basically a society of equals of varying degrees of experience. On the other hand, at the top of each list after mayor and alderman were the ex-mayors (*nobiles de banco*), the elite we have [already uncovered](#); the retiring mayor was usually listed as the last of these. We can only speculate on how much this group may have been the real driving force behind borough government. The *nobiles* did not monopolise the mayoralty - in fact, 13 of the 24 jurats of 1430, and 14 of the 25 jurats of 1370, held the mayoralty at some time in their lives[45] - but they did supply the office of alderman of the Merchant Guild. Yet there is no indication this elite developed interests counter to those of their fellow jurats, it was simply a case of experience-based seniority.[46] In the period 1370-90 this careful ordering of jurats is not evidenced - it would have been a difficult task given the elective character of the jurats at that time - but its roots are visible in the recording of the names of mayor, alderman, and then former mayors, first; the special status of former mayors is visible at least as early as 1365.[47]

At Yarmouth our knowledge of administrative structure is too sketchy to reconstruct any political hierarchy. There is some indication that, notably in the fourteenth century, there may have been no age hierarchy, for a number of bailiffs evidently first held that office at a young age. We may select, from a large number of examples: Stephen de Catfield, whose merchant career began with a contract to supply the army with victuals in 1318, and who died in 1356, 35 years after his first ballival term; John de Fordele, whose ballival career lasted from 1289 to 1309, but who appears to be the same man who made his will in 1336; Richard Fastolf, first bailiff in 1303, who outlived his own children to die in 1356; Richard's nephew, Hugh Fastolf, who began his career in the customs service in 1351, became bailiff in 1354, and died in 1392; William de Oxney, 13 times bailiff 1376-1409, last heard of in 1410; Ralph Ramsey who, perhaps as a reward for his service to Bolingbroke (see [below](#)), was granted the office of controller in Yarmouth for life in 1384 (although he surrendered the office a few months later), became bailiff the following year, and rose ultimately to the county's shrievalty, dying in 1419; Thomas Halle, bailiff but once in 1397, although he later represented the borough in parliament (1423, 1429), and who was still alive in 1434; John Cranelee, bailiff in 1411, who died c.1445.[48] If we may use the average age of Lynn office-holders as a rough guide, then examples such as those listed above indicate that it was not too uncommon for men in the late 20s and early 30s to become bailiff. It may be that this is a consequence of the system of junior and senior bailiffs that seems to have existed, and perhaps was intended to give potential future leaders experience in government.

Before summing up, we may briefly look at the position of the M.P. in the hierarchy. McKisack's thesis of parliamentary experience has been echoed in, and supported by, various studies since.^[49] That thesis states: that M.P.s were chosen from men of influence, experienced in the art of local administration or versed in the affairs of the town; whether men who had actually served in borough government, or other members of the wealthy class from which the administration was recruited, they shared common interests and "they knew well what their own boroughs wanted."^[50] The statistics from the towns studied here, dealt with in the discussion of monopolisation, confirm the essence of this thesis, although we must not ignore a large minority of town clerks, sergeants, and men of little apparent note, who sat in the fourteenth century, and a smaller minority of outsiders who sat in the fifteenth. Our average age estimates confirm that M.P.s were usually men of jurat, although not quite mayoral, status. Lawson's analysis of London M.P.s 1413-37 similarly found that two-thirds were aldermen at the time of, or soon after, their elections, whilst most of the remainder held some lesser civic office.^[51] This is not to say that young men were not considered for the duty: John Walworth junior, M.P. for Ipswich in 1472, could not have been more than 24 years old, since his father had no children when he entered the franchise in 1448; and Richard Suthwell was probably no older than 30 when he sat for Yarmouth in 1455.^[52] On the contrary, it is the older of our office-holders who are conspicuously absent from the ranks of M.P.s, not surprisingly, since it can rarely have been necessary to send the most experienced members of local government - men becoming rather old for long jurnies - to do a job that could be done as well by others. But if age equals the accumulation of experience, as has been argued regarding members of borough government, and these members dominate the list of M.P.s, then we must conclude that experience played a definite role when it came to selecting M.P.s.

The evidence presented above leads to the conclusion that in Lynn there was a clear promotional system operating in government, albeit informally. It is likely that such systems, in a less or more elaborate form, existed in most of our other towns and, indeed, will probably be found in most English boroughs; one suspects it an inevitable development in a sophisticating hierarchy. Even in Maldon, the poorest and least mature of our towns, we find unmistakeable evidence of hierarchic and promotional notions. Hierarchy is expressed in a chapter of the sixteenth century recension of the custumal, setting out the graduated fines for officers refusing to accept office: bailiffs were to be fined £10, J.P.s and aldermen £7, wardemen and chamberlains £5, constables £2, other officers £1. Promotion is expressed in the [1444 custumal](#) requirement that, once a man had served as bailiff, he should never be chosen to any lesser office except M.P., which the sixteenth century custumal expanded to include deposed bailiffs and aldermen, who were not to be chosen to any office lower than that of wardeman, whilst deposed wardemen should not be elected to any office below constable.^[53] Wealth and parentage may have had some influence over the choice of who was to be promoted, but these were perhaps of diminished importance once the threshold into the ranks of the decision-making level of government had been crossed; thereafter experience is likely to have played a crucial role in promotional decisions, in a system where men tended not to court power. It might be stretching the evidence too far to suggest that medieval borough government was a 'meritocracy'. But certainly the seeming emphasis on experience and

promotion through a hierarchy is likely to have made for a relatively open form of government, in which power was shared between a fairly large number of townsmen, yet allowing for a higher degree of competency at the highest governmental level, where it was most needed to provide the efficient rule that was fundamental to burgh political philosophy. At the same time, the promotional system, particularly in the relationship between upper and lower councils, gave the urban elites some control over recruitment to their own number - including the opportunity to exclude potential dissenters, lone wolves, or demagogues, who might threaten the unity of the ruling class.[54] But it would be unduly cynical, and not consonant with the available evidence, to suggest that this control was used to create and maintain an [oligarchy](#).

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CHAPTER 4

Attitudes Towards Office-holding

The Burdens of Office

As counterbalance to the advantages of office, we may notice several detrimental features that may have served to discourage men from actively seeking office. The performance of official duties occupied time that might have been more profitably spent attending to personal business affairs. The above-mentioned grant of meadow to Ipswich's portmen was intended to compensate them since they "ben more ocupied for the state and for the worship of the toun, and oftyn more travayled and charged thanne other of the toun."[\[22\]](#) It is not easy, however, to estimate precisely how much time administrative duties took up. Presidency of the borough court, the principal task of the executives of most of our towns, was not limited to the one-day-a-week/fortnight which was the common prescription for the regularity of court sessions. As early as the end of the thirteenth century, the aptitude of medieval men for litigation was producing such a volume of court business that it was necessary to extend court sessions into at least a second day each week, or even to divide business between two or more courts.[\[23\]](#) Thus, at Ipswich the petty court developed out of the original great court, and at Colchester the [hundredal](#) sessions were supplemented by those entitled simply *placita*. These judicial sessions were separate from those that dealt with development of policy and making of administrative decisions, of which only the most formal and productive are usually recorded (except at Lynn) during the fourteenth century. In addition to the regular court sessions and the less frequent [assizes](#) and [leet courts](#), there were more impromptu ones to deal with pleas requiring haste: [fresh force/abatment](#) (the burghal *novel disseisin*), and cases involving the law merchant in "foreign" or [piepowder courts](#). Furthermore, executive officers could be asked to witness [recognisances](#) or apply their seal of office to private documents at other times outside formal court sessions. In 1405 it was necessary to respite the assize of bread, held in Colchester on February 9, to May 11 "*causa magne ocupacionis ballivorum*."[\[24\]](#) We must also remember that those men occupying the highest offices in their boroughs were generally the same men serving in official capacities in the customs service, staple organisation, and local [gilds](#), and had to devote some of their time to these interests too.

The development of the financial office and of the bureaucracy owes something to the desire to free the executive from his more routine chores, in order to concentrate on more important matters; the fact that most executives comprised more than one official may have been partly intended to permit a division of labour.[\[25\]](#) At Yarmouth in [1491](#), reference was made to the

duty of the [chamberlains](#) of spending 2 hours each morning and 2 hours each afternoon of every day in collecting town customs and duties.[26] Private individuals were commandeered to carry messages on behalf of the corporation to out-of-town locations, although it may be that at least some were travelling on business anyway. The same cannot be said of M.P.s, who were often required, in addition to their attendance at parliament, to transact community business at court or with representatives of other interests at the parliamentary location; M.P.s could usually expect to be absent from their own businesses for at least a month - in 1465 the Lynn M.P.s were away for 123 days, due to prorogations.[27] Absences out of town, or in performance of administrative duties in town, might have proved disastrous for the artisan of average means, but the wealthier burgesses' interests did not need such constant personal supervision: hired hands looked after fields and livestock, factors and apprentices the mercantile and industrial concerns. At the same time, some sacrifice was probably involved, as it seems that executive and financial officers were expected to remain within the town during their terms of office, under normal circumstances, or to absent themselves only on community business. In Lynn, at least, the [freeman's](#) right to claim a [share in mercantile sales](#) was forfeited by community officials if they were not able, because occupied with community affairs, to be present in person or by attorney.[28]

Executive office was also a heavy duty in that its holders were answerable for their conduct of government, both to the community and to the king. The latter required of the borough executive efficient, just, peaceable, and above all profitable administration. If the [farm](#) or other dues to the king were not paid, it may have been the [community](#) that was theoretically responsible; but in practice it was the executive and their fellows of the wealthy upper class who would have to make up the deficit from their own pockets, or bear the brunt of [distraint](#). It was the same group who paid out when the king demanded loans from the community, or who bore the immediate payment of royal expenses contracted locally, which the Exchequer was often in no hurry to repay. In 1338 the amount assessed on Colchester in a national taxation was paid by the wealthier townsmen who, however, had so much difficulty in obtaining repayment from the other members of the community that the king had to intervene to compel all to contribute. Again in 1373 part of the town's royal [subsidy](#) was paid out of the profits of ballival office, although this was said to be voluntary. In the same year, at Ipswich, William Maister and Hugh Walle complained to the king that during their ballivalty they had been obliged to pay part of the cost of a barge, commissioned by the king, from their own money, but now (no longer being [bailiffs](#)) could not obtain repayment from the burgesses whose contributions were still owing.[29] On top of this financial responsibility to the Exchequer, the bailiffs were similarly accountable to the community for borough revenues. It was declared at Yarmouth in [1491](#) that if the annual budget produced a deficit of up to £10 the bailiffs must provide this from their own pockets; over £10 and a special assembly had to be called to deal with the problem. In 1423 it was ordained in Maldon that all officials involved in the collection of borough revenues would be personally liable for the payment of the same, unless they could prove that the amounts could not be levied; the same system may be inferred from the Lynn accounts of the fifteenth century. But ultimately the Maldon bailiffs were responsible for budget deficits, their goods being distrained upon if necessary; accountants were not to be permitted to withdraw from the court of account until all debts and arrears were

fully paid. In May 1440 the Ipswich chamberlains of 1438/9 were ordered to produce in court, within a week, £20 that the community had loaned the king during their term, or be disfranchised.[30]

It is a sign of the immaturity of the financial system of the medieval borough that either executive or financial officers were personally responsible for payment of borough expenses from their own treasuries, hoping to recoup from borough revenues that were not always easy to collect; and that they were personally liable for any theoretical (i.e. estimated) surplus of revenue over expenditure. The same is seen in that it was these officers, as private individuals rather than representatives of a corporation whose existence was not adequately recognised by law before [incorporation](#) grants, who had to sue to obtain revenues when necessary. To this end, the Colchester receivers are found suing several persons in 1392/3. Matthew Dyer was sued in 1410 by a brewer for the price of victuals sold to the use of the community in 1405, when Dyer had been receiver. In 1396 the Ipswich chamberlains sued the town miller for damage to the town mill resulting from his neglect but, losing their case, were themselves [amerced](#) for unjust plea.[31] Lynn's [mayors](#), and presumably the same holds true of the executives of our other towns, sometimes had to bear the expense of domiciling and entertaining important visitors to the town.[32] Under such circumstances it is hardly surprising that we hear not of men seeking office or taking office, but of them being charged (*carcantur*) or burdened (*onerantur*) with it. Nor is it surprising that this charge and burden fell upon the backs of the wealthier townsmen.

A less common concern, but one not to be ignored, was the possibility of bodily harm coming to the holders of office. Deterrent ordinances notwithstanding, in an age when men were quick to anger, the person of the executive bore the risk of assault. In 1394 Giles Elleslee was gaoled at Ipswich for assaulting a bailiff; William Rason of Maldon was fined in 1461 for attacking bailiff Robert Burgeys with a club; in 1345 Roger Costyn was in the process of assaulting John Fynch in Colchester's market-place and, when the bailiff and a sergeant tried to apprehend him, he set upon them too.[33] Sergeants were particularly common targets for assault, being much involved in the areas of enforcement, distraint, and collection of revenues. So too were tax-collectors; at Lynn it was [ordained in 1374](#) that anyone slandering or obstructing tax-collectors would have to pay double his tax assessment. In 1327 the chief county taxer of Norfolk was attacked by a mob when he came to Yarmouth to select local taxers. And in the course of the Peasants' Revolt, the house of Ipswich's John Cobat, one of the M.P.s who had approved the poll-tax of 1377, was attacked.[34] Cases are rare, but we do find some executives killed in the course of their duty: a Yarmouth bailiff of the time of Edward I was hanged for killing a bailiff of the Cinque Ports, and an unidentified mayor of Lynn (probably William de Sechford) was killed by a Wyrehale man who subsequently abjured the realm.[35] Others from Yarmouth, Lynn, and Ipswich (as we shall see in chapter 7) were killed or assaulted outside their terms of office but in quarrels or vendettas consequent to political rivalries.

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CHAPTER 2

The Social and Economic Background of Office-holders

Social Cohesion and Mobility within the Ruling Class

Alongside class consciousness, and perhaps fostering it, were family pride and personal ego. That the solidarity and exclusiveness of the ruling class was furthered by marriage alliances between its component families is now well-documented. In early fourteenth century Lynn the families of Schilling, Keu, Thornegge, and Massingham were so linked. Slightly later Hugh de Betele married the daughter of his trading partner John de Swerdestone. At Ipswich we discover intermarriage between the families of Maister, Horold, and Curteys; also those of Rente, Roberd, Whatefeld, and Harneys.[\[112\]](#) To provide a full list would only use up space unnecessarily. Marriages between members of leading families was a natural consequence of their close social and business contacts; probably we should not go beyond this to infer some socio-political conspiracy. For it would be possible also to cite numerous cases of scions of leading urban families looking beyond the narrow horizons of their own community for a spouse, or taking in new blood. We have just noted Margery Kempe's scorn for her husband John Kempe's less distinguished social background; it is clear that John's modest success in business and politics owed as much to Margery's dowry and family prestige as it did to his own father's position as [jurat](#) and merchant.[\[113\]](#)

The cohesiveness of the ruling class was also contributed to by factors such as business partnerships and neighbourhood. The former could also be a source of fallings-out, however. And rarely does one see such a close relationship as that of John Ashenden and Edward Mayn of Lynn: partners in a brewing operation, they entered the [franchise](#) together in 1412, Corpus Christi gild together in 1436 (each standing pledge for the other), pledged each other's wife when she entered the Trinity gild, and stood side by side at assembly meetings; they were separated only by death.[\[114\]](#) Neighbourhood is more difficult to trace because it is not always clear which of several properties owned was a man's residence; but certainly market and port areas were heavily populated by members of the ruling class. One cannot help feeling, in looking at business involvement, however, that individualism was more important than family association. Enterprise is not inherited as easily as property, and it was by enterprise that family fortunes - and political prominence - were built and maintained. We therefore encounter not only expressions of family pride, but also personal pride: a sense of self-importance. John Prymerole of Colchester bequeathed in 1452 the bed-cover under which he slept, which was adorned with the image of St. John Baptist and flowers called primeroles.

Ipswich's John Drayll left a very long will (1464) in which he required that not only his name but an image of himself be carved on his tombstone, and that St. Mary Tower be provided with an altar-cloth with his name inscribed on it so as to be visible to all. John Burghard of Lynn insisted that bedemen be hired to proclaim his death throughout England. And Thomas de Couteshale of the same town was sufficiently arrogant to provoke the hostility of the whole community by his refusal to submit to minor disciplining.[115]

Personal merit and achievement were liable to mitigate the disadvantages of birth in the case of [alien](#) immigrants. The Lynn merchant class, with its wide range of trading contacts, was willing to accept these strangers into its midst. In the early fourteenth century and before, a large element of Lynn's upper class was composed of men who could trace their origins outside of England. The father of the first [mayor](#) of Lynn, Sunolf de Ley, had settled there by 1165, and was evidently a wealthy man; his son was exporting to Norway in 1200.[116] The families of Almannia and Thurendine (Trondheim) also reflect the importance of the northern trade to Lynn. Richard de Almannia traded with Norway and Estland in 1284; John de Almannia (chamberlain 1296/7) was also a merchant, whose goods were assessed in the local tax of 1298 at £40 - the average assessment being £11. John and Peter de Thurendine were both merchants, the latter trading with Trondheim and Bergen in 1308, and both mayors. Their local tax assessments in 1299 were, respectively, £120 and £300 - making Peter one of the two wealthiest men in Lynn. Whether the family's contact with Lynn began as mercantile agents for one of the Norwegian nobles or ecclesiastics who exported to England annually must remain speculation.[117] John de St. Omer and his son Lambert, also mayors of Lynn, were on a par with the Almannias rather than the Thurendines in terms of wealth. They exported wool (1273), had dealings with the Count of Holland, and maintained their ties with St. Omer, which was one of the earliest Flemish industrial centres, its merchants heavily involved in the early English cloth and wool trade.[118] Lynn's southerly contacts are indicated by the family of John de Hispania, merchant and several times mayor in the late thirteenth century, although members of that family are found in Lynn from mid-century.[119]

The attitude towards aliens in Lynn became less open-minded as time went on, despite the fact that in the fifteenth century apprentices were frequently sent overseas to serve for a few years as factors of their Lynn masters, and the German [Hanse](#) set up quarters in Lynn, whilst a colony of Lynn merchants had been established in the Baltic in the late fourteenth century. Some, like Margery Kempe's son, settled abroad where, as factors, they had established business and social ties.[120] The only case, in this period, of an alien attaining office in Lynn is that of James Nicholasson. A maker of patens (wooden shoes), he was heavily involved in exporting wool and importing paten materials and haberdashery even before he entered the franchise in 1395. In his trading ventures he showed a marked preference for associating with men of the Low Countries rather than those of Lynn. His economic prominence in the community may have influenced his selection in October 1411 to attend the upcoming parliament, but he was replaced a few days later, apparently because of complaints that his father had been an alien. In September 1412 he obtained testimonial letters from the mayor, stating that he was of good character and reputation and had been born in Lynn of an English mother. This was evidently insufficient, for in June 1413 James did homage to the king and

obtained a grant of denization; even this did not prevent a mob attack on his property at Lynn in November. A later member of the family, mayor John Nicholasson, found that the past was not easily escaped when the insult "Fleming's-brid" was flung in his face (1459).[\[121\]](#)

The same wariness of aliens at this period is seen in our other towns. Aliens in Maldon were subject to a strict [curfew](#), [forbidden to carry weapons](#), and obliged to take a special [oath of obedience](#) to the bailiffs. Giles Morvyle tailor became a freeman there in 1449, on which occasion he took oath that he was a denizen, born on Guernsey. It was subsequently rumoured (1457) that he was a Spaniard or a Breton; after two years of trying to disprove this, and compounding his error by seeking the support of external lords, he admitted to being a Fleming. He won back the grace of the community only by giving it his house (which was released to him) and re-entering the franchise as an alien; he was later allowed to hold minor office in the administration.[\[122\]](#) In Ipswich it was ordained in 1435 that no [burgess](#) who was alien-born should be admitted into the assembly, and in 1483 it was prohibited for any outsider to become a burgess.[\[123\]](#) On the other hand, foreign birth was not necessarily a bar to advancement. James Nicholasson went on to become councillor (1418-20), and a later Lynn man, vintner John Basse, did not find that fact that his father was born in Brabant a hindrance to his becoming [chamberlain](#). John Swolle's father was born in Utrecht, but John acquired letters of denization in 1437 and became bailiff of Yarmouth eleven years later, continuing to hold property in Holland, Zeeland, and Flanders, as well as in Yarmouth. John Asger was a merchant of Bruges, and was in fact in that city at the time he was elected mayor of Norwich in 1426.[\[124\]](#) It seems that economic status was more important than social background in determining political prospects.

The same conclusion is suggested by other migration evidence. Since Lynn is the town for which there is the best occupational evidence, we shall use it as the main example. Of the 473 Lynn men studied, something is known of the origins of 157: 9 emigrated from locations outside of Norfolk, 23 from locations within Norfolk, and 125 were born in the borough.[\[125\]](#) Occupational analysis of these groups reveals that:

- of the natives, 65% were merchants, 9% artisans/merchants, 7% artisans, 5% professionals, 10% unknown;
- of local immigrants, 74% were merchants, 13% artisans/merchants, 9% artisans, 4% professionals;
- all the distant immigrants were merchants.

The natives' proportions are very close to the occupational ratio amongst the office-holders as a whole, but a greater proportion of immigrants were merchants, suggesting that immigration played a more important role than local dynasties in maintaining the size of the merchant class. 36 of the 157 attained the mayoralty and it seems that natives and local immigrants stood about an equal chance at this, but distant immigrants a much better chance.[\[126\]](#)

Although a nine-man group is too small to be the basis for confident conclusions, we may reasonably suspect that immigrants from distant locations were well-established financially by the time they arrived and already had interests in the town, which was the principal port

through which was routed merchandise from, or bound for, not only Norfolk but also the West Midlands.[127] Henry Bermyngham alone of the nine does not fit this mould for, coming from Birmingham perhaps of an artisan family if we may judge from his alias Spurrier, he was apprenticed in Lynn as a merchant.[128] Yet even he was of Midlands origin. John Burghard entered Lynn's franchise in 1305 as "of Stoke", and this was probably Stoke-on-Trent, for his will mentions poor relations in Stoke and Burton. When the realm's great wool-merchants were summoned to advise the king in 1322, John was one of the four qualified men sent from Lynn.[129] William Pilton, who entered the franchise in 1440, evidently came from Northamptonshire, where perhaps known by his alias of William Reynolds. At his death he held land in several villis in the neighbourhood of Pilton, where his brother seems to have been living still. Conceivably, the William Pilton who was exporting wool from Ipswich in 1411 may have been his father.[130] When he became a freeman in 1445, William Lewes was described as "of Oakham", but even earlier (1440) he had become indebted to Lynn's [Merchant Guild](#) in the sum of £40. A merchant of the Calais staple by 1450, he maintained business relations with Rutland artisans up to his death.[131] Lewes' stature is indicated by the fact that he entered the ranks of the jurats only 8 months after entering the franchise. This unorthodox procedure is also seen in the cases of two men not included in our group of distant immigrants, yet who perhaps ought to be there. John Style was made jurat on the same day that he became a freeman in 1439 (a move which provoked some public criticism). Only two years later he was exporting large quantities of wine and cloth; there is some indication he may have been apprenticed in London and pursuing a career there in the 1430s, returning to Lynn perhaps as the heir of William Style who died c.1438.[132] The case of John Waryn is similar. He too was elected jurat on the day he entered the franchise (1427) and does not appear in Lynn records before this time, although a merchant family of the surname was in Lynn *tempore* Richard II and Henry IV. However, a John Waryn of London was warden of the English merchants' colony in Middelburgh 1421-23.[133] One member of our nine distant immigrants, Richard Selwode (about whom little is known), was identified as "grocer of London" when he became a freeman at Lynn in 1453.[134]

Those remaining from that group came from counties adjacent to Norfolk. John de Fyncham was from Lavenham, Suffolk, and was evidently no mean personage before he came to Lynn in 1349, since he was serving the king as purveyor of victuals in 1341 and as collector of the Norfolk wool-loan and lay subsidy of 1347.[135] John Bryghtzeve, who became a freeman in 1406 under the alias of John Bury, was quite possibly the merchant of the former name operating through Ipswich 1386-1402, conceivably coming from Bury St. Edmund's.[136] The career of William Caus began in the customs service at Yarmouth in 1443 and continued, soon after, at Lynn. He established a residence there and became a freeman in 1451; he may have been the William Caus of Wisbech involved in a large financial transaction in 1440.[137] Finally, John Bocher, who entered the franchise in 1429 as "merchant" and had already been shipping woolpells from Lynn to Holland in 1423-24, when a resident (at different times) of Godmanchester, Huntingdon, and St. Ives.[138]

This type of immigrant may be found in our other towns. From Ipswich: Richard Felawe, originally a merchant of Harwich, where he retained interests despite his move (c.1445) to

Ipswich where he almost immediately entered the ranks of the portmen; and John Parker, whose father was an Essex land-owner.[139] From Colchester: Ralph Algar, formerly a merchant of London who traded with Colchester men; Walter Bonefey, a Cambridgeshire cloth merchant trading in Colchester before he moved there; and brothers Thomas and John Godestone, each with landed wealth before they came to Colchester, the one in Surrey, the other in Essex - John also being a mercer of London, importing and exporting via Ipswich. [140] These are but a few of the examples which could be given. Also far too numerous to mention are the men from our towns who had close contacts with London: some moved from there to be closer to the ports through which their merchandise passed; more moved to London to try their luck in the game with the highest stakes; some simply had trade or family connections there; others acquired property or spouses there, occasionally holding citizenships in both London and their East Anglian town. London interests were particularly strong at Yarmouth, due to the herring fishery; on at least one occasion these interests intruded too far into local politics.[141] Merchant Hugh Fastolf was one of the most prominent Yarmouth rulers (10 times bailiff and 6 times M.P. 1354-77) and a man rich both in goods and lands. But his connections with London fishmongers, his interests at court, and his marriage to the widow of a London grocer prompted him to move to London (c.1379), where he became an alderman in 1381 and sheriff 1387.[142]

Movement to London was just one step in a migration pattern that generally followed a promotional route: beginning in villages, progressing to smaller towns and market centres, then to the larger towns, and finally on to London. This process took place over several generations, of course, but the movement was steady. McKinley has suggested that most Norfolk families changed their residence at least once in the later Middle Ages.[143] Richard Goodwyn was born at Sedgeford, moved as a child to Litcham, and then was apprenticed in Lynn where he became mayor in 1486; a relative lived in London. William de Lindesey's father, John, moved from Sutton Mareys (Lindsey) to Lynn circa the mid-thirteenth century, while John's brother took another family branch to Wisbech. William married his daughter to a Norwich man.[144] The son of William Bury of Ipswich moved to Colchester, although he retained burgess rights at Ipswich; Thomas Cowman of Ipswich, on the other hand, was the son of a Colchester man (whose family roots may have lain in Ipswich) and moved to Ipswich for apprenticeship.[145] William atte Fen of Ipswich married his daughter to Richard Purdaunce of Norwich, subsequently mayor there (1420), whilst William atte Fen of Yarmouth married the daughter of Robert Toppes of Norwich (mayor 1435) and himself moved to Norwich. Thomas Fraunceys of Colchester married his daughter to Robert Brasier of Norwich (mayor 1410) whose son Thomas adopted his maternal surname and returned to Colchester to claim his inheritance.[146] This constant mobility meant that families of the urban ruling classes had little time to consolidate their hold on government. It also provided constant openings in their ranks to be filled by newcomers or townsmen working their way up.

Some historians have suggested that gaps in the ruling class were filled primarily by migrants, and rarely by self-made men; the rags-to-riches theory, first seen in Pirenne's *Godric de Finchale*, would not find many proponents today.[147] Although it is probably true that the political influence of immigrants was proportional to their wealth, and that the sons of leading

townsmen possessed advantages over other residents when it came to advancement,[148] we do not have to search hard for examples of men who worked their way up. Although Norwich's [custumal](#) prohibited serfs from becoming freemen, it may be doubted that a thorough enquiry was made of the background of each applicant. In 1347 the Bishop of Ely claimed that Richard Spynk, possibly the richest man - certainly the one with the most business acumen - in Norwich, was his villein, a fugitive from Doddington. Spynk laid out a great deal of money to thwart the claim. In 1353 Lynn merchant and jurat Laurence de Reppes negotiated a release from all claim that a Roughton man had on him or his issue as villeins. We cannot be certain that Spynk or Reppes were ever villeins, of course, but evidently there was nothing incredible in the idea of a runaway villein becoming a prominent townsman.[149] Laurence, who perhaps came from South Repps near Roughton, began his career as a tanner. John Lomb of Lynn was a butcher in 1333 but between 1348 and 1367 traded in large quantities of victuals, wine, cloth, and other goods; in the same period he was jurat several times. The similar cases of Laurence de Fordham, Richard Cosyn and others were reviewed earlier in this chapter. We may add to them John Ashenden, a brewer of the *inferiores* class in Lynn, who rose to the mayoralty.[150] In Ipswich Thomas dil Stonhous stands out as an example of a self-made man. His employer bequeathed him a tavern in 1320 (although he had held his own shop since 1307), after which he adopted his master's surname of le Coteler and went on to acquire large holdings - largely commercial - nearby, in St. Laurence and St. Mary Tower parishes, as well as properties elsewhere in town. He also acquired a ship and mercantile interests.[151] We may also note that the Halteby and Starling families had been established at Ipswich for several generations before they produced members of sufficient prominence to hold borough office. We have already noted that the marriage of John Kempe junior to Margery Brunham helped his career in Lynn. The same is true there of John Reed, and in Maldon of John Dale, Thomas Fuller, and Richard Galyot; all these men married into the ruling class.[152]

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The pre-Conquest borough and effects of the Conquest

York of the tenth and early eleventh centuries appears to have been the second city of the kingdom – after London, which far outstripped all other English cities – in terms of its prosperity and population size, which has been estimated at between 8,000-9,000.

For administrative purposes the city was divided into seven "shires", best understood as wards, of which six were under the king and the seventh under the archbishop. This administration may have been associated with the "lawmen" (boroughs of the [Danelaw](#) typically having 12) who are mentioned and are thought to have been a hereditary "class" responsible for administering justice and collecting associated revenues. The opinion of such men would likely have been sought and borne weight in the communal assembly that met periodically to address issues of common concern. The archbishop's ward was essentially the area covered by the cathedral and monastic precinct, along with 189 properties occupied by laymen in that area. The archbishop also had a one-third right in a second ward, which included Layerthorpe and part of the old Anglo-Saxon settlement around the Foss. Another of the wards was called "Marketshire" and encompassed the streets known as the [Shambles](#) and the Pavement, both the sites of markets.

The Conquest had a dramatic effect on the city – perhaps no other suffered so badly from the consequences. William I's initial goal after defeating Harold was to consolidate his hold on the south. This gave the north a breathing-space in which to organize resistance; from 1068

to 1070 William faced repeated rebellions there. In response to an uprising in York in 1068, William pursued his general policy of building a [castle](#) there, garrisoned with 500 of his supporters. Despite this there was a second uprising in the city, in the following year; the castle was besieged and one of its commanders was among members of the garrison to be killed. William hurried north to relieve his forces, defeated the rebels, and punished the city by tearing down the homes of rebels; he built a [second castle](#).

After William's departure the remaining rebel forces again attacked the castles, unsuccessfully. An alliance of Danes and English resulted in a further assault on the city later in the year, in response to which the Norman garrisons fired houses near the castles (to prevent their use by the rebels); the fire spread throughout the city, destroyed houses as well as the Minster and the large library associated with its school. The rebels nonetheless were able to capture city and castles, tearing down the latter. William again hastened north, re-entered York without opposition, began rebuilding the castles, and proceeded to break the spirit of northern resistance by a scorched earth policy.

These devastating events left York with a much reduced population: of the 1,600 residences recorded by Domesday as having existed before the Conquest, 540 had been abandoned or destroyed by 1086 and 400 others were impoverished. Only four of the lawmen were still in evidence. The damming of the Foss to create a water barrier defending the east side of one of the castles may well have had a damaging effect on the fortunes of the Fishergate community. When the first Norman archbishop of York came to the city in 1072, he found the Minster little more than a charred shell and only three of its monks had stayed in the city. Despite all this the king was demanding a higher payment of the traditional dues than his predecessor had.

It took time for the city to recover. A revival of trade and population was likely assisted by William Rufus and other Norman lords whose patronage enabled the foundation or growth of [St. Mary's Abbey](#), [Holy Trinity Priory](#) and [St. Leonard's Hospital](#), all of which provided clients for local or imported goods. [Rebuilding of the Minster](#) began in the last decade of the eleventh century, and the religious community was reorganized as a secular (rather than monastic) canonical chapter; this work continued throughout the twelfth century in the Norman style, together with the building of an episcopal palace. Then in the thirteenth century, through to the end of the Middle Ages, the cathedral was extensively rebuilt on a larger scale, at first in Gothic style and later Perpendicular. This almost continuous effort created employment within the city.

A further reflection of the gradual recovery is seen in a charter of liberties granted by Henry II to the city (itself referring back to earlier grants, of similar character, by Henry I), giving or confirming commercial and urban privileges along with exemptions from tolls elsewhere in England; a charter of Henry I granting liberties to Beverley models those liberties after York's and reveals that a merchant gild had been created to direct some of York's affairs. Richard I expanded the exemption to everywhere within his empire.

Other stimuli to the restoration of prosperity included the establishment of a Jewish

community in York by 1130s; this provided moneylending services, in which Christians were forbidden to be active. It, however, came to much the same bad end as in other English towns. Crusade-fever and resentment on the part of debtors led to persecution of Jews after the accession of Richard I, when rioting prompted the Jewish community to [take refuge in the castle](#) and to refuse to allow entry even to the sheriff. He in turn ordered crusaders, assembled in York to prepare for departure to the Holy Land, to assault the castle. Most of the Jews died as a result. Although a new Jewish community grew up, it was not one of great size and there was no Jewish quarter in the city. Renewed anti-semitism in mid-century, followed by heavy taxation by the king, contributed to the community's impoverishment before the expulsion of all Jews from England in 1290.



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Development of local government

Henry I's charter did not delegate any local powers of self-government. Communal interests were probably represented by the merchant guild, whose alderman is mentioned in 1130 in a context showing he owed his authority to the king; curiously the alderman's name, Thomas son of Ulviet may indicate a connection with one of the last lawmen, Ulvet son of Forne (mentioned 1106), hinting at some continuity in local leadership. Nor was Henry II the type of king to go beyond the scope of his grandfather's grants, if he did not need to. Perhaps frustration with this state of affairs, in a period when London had shown itself prepared to assert its political ambitions forcefully, partly explains York's preparedness to support the rebellion of Henry's son in 1173/74 and to establish an independent commune. However, that initiative may have been taken by a clique, rather than supported by the citizenry in general, since it was individuals who were fined by the royal justices for their part in the rebellion and setting up the commune. One of those individuals was Thomas de Ultra Usam, and it has been argued he may have been the same as Thomas son of Ulviet, despite the length of time intervening. Another of the rebels is believed to have lived in a stone house that later became the city's first guildhall.

We hear of city reeves ca.1200, but these were probably acting as deputies to the sheriff, who had control over collection of the revenues for payment of the city farm until 1212, when the city acquired control for itself. There is reference very shortly afterwards to the city having a mayor. He was, or came to be, assisted by three bailiffs – together they

presided over the city court, meeting in a [civic building on the Ouse Bridge](#) – and by the end of the century by chamberlains responsible for administering city finances. The bailiffs collected the revenues that went to pay the fee farm and enforced market regulations, including the assizes of bread and ale. They nominated their own successors, although mayor and community had the power to veto the nominations. At the time when we first hear of chamberlains, the city revenues that had to go towards paying the fee farm were tolls and customs on commercial goods, fines imposed by the courts, the traditional husgable (house-rents), and rents from butchers stalls. Other city officers included: three coroners, each responsible for a section of the city; bridgemasters who collected tolls and later rents and were responsible for upkeep of the bridges; and keepers of the city gates; as well of course as a town clerk. Unfortunately, loss of most of the civic records prior to the reign of Richard II makes it difficult to trace or characterize the early development of York's local government.

The threat from Scotland, at the beginning of the thirteenth century only sporadic, increased during the course of that century, and became serious enough to discourage merchants from coming to the city. Income from customs and tolls consequently fell, leading the authorities to raise the level of tolls, which in turn produced complaints from traders who had to pay them. The city also began to expand the amount of property it owned, to increase income from rents; although there were several hundred properties subject to husgable, at a fixed level of, in most cases, a penny or twopence a time the total income was not great. Local taxation had to be resorted to in times of particular financial need or shortfall. This produced complaints of excessive or unbalanced assessments in 1276 – the same type of complaint was being heard in many towns at this period.

It was the need to mount a campaign against the Scots that prompted the king, in 1298, to summon a parliament at York and to order his Exchequer, Chancery, and courts of justice to transfer there from Westminster. For almost seven years the royal government remained, during which period the city was not only the capital of ecclesiastical administration in the north and the seat of the government of Yorkshire, but also the effective capital of England. The [castle](#) was the principal seat of the relocated government, although space was also commandeered in the archbishop's palace and the [Franciscan friary](#). The city became the focus for a war administration and gathering point for armies against the Scots. The move was not entirely popular with the bureaucrats of the royal administration, who were subjected to profiteering by local merchants and tradesmen and who probably found the city smelly and somewhat parochial after London. Even after things quietened a little and the king's government returned south, the Scottish threat continued to bring Edward II to York periodically. York was again a base for royal government during Edward III's campaigns of the 1330s; but after his attention refocused on France, the defence of the north was left to the powers of that region.

Despite York's importance as a command base for the Scottish wars, the citizens did not use this to their advantage to win greater self-government from the king; on the contrary, to some extent it exposed the city to greater royal interference in local administration. For most of the century the powers of the city authorities did not increase significantly, although a

royal charter of 1312 granted the citizens exemption from jury service outside of York, and officially sanctioned the principle that all who wished to enjoy the privileges of citizenship had to contribute to the common financial burdens (e.g. royal taxations).

The growing importance of the mayoralty is seen in the creation, before 1365, of the office of a sergeant to carry the mayor's mace of office, while a second was created in 1388 to bear a ceremonial sword which Richard II had allowed to the mayor. The city customal (apparently compiled in this period) specified that mayors were to be chosen by representatives of the community, from a small selection of aldermen nominated by the outgoing mayor. An attempt to impose controls on the mayor is seen in reforms of 1372 prohibiting re-election to the office until a period of eight years had passed, and forbidding the mayor to be given any financial reward beyond his annual salary; these were ineffective, although a further reform in 1392 again targeted the growing mayoral salary and insisted that no-one be re-elected to the mayoralty until all the aldermen who had not yet been mayor had served.

The first round of reforms came in the context of a power-struggle between factions led by John Langton and John Gisburne. The former, who had been mayor every year between 1350 and 1363 had blocked the latter's nomination as bailiff in 1357. Following Langton's monopolisation of the mayoralty, there seems to have been an attempt to restore what was perceived (by some at least) as tradition: that the mayoralty should change hands every year. In 1371 the two men were in direct and heated competition for the mayoralty – so much so that the king had to intervene to prohibit debates and unlawful assemblies and to forbid either man from becoming mayor. Despite that, Gisburne *was* chosen as mayor, and re-elected in 1372.

Gisburne was again elected to the mayoralty in 1380, but scandals during his term of office led to dissatisfaction that culminated in a riot, and he had to flee the city. His opponents forced Simon Quixley to accept the mayoralty and compelled the city council to swear obedience to their candidate; they had it proclaimed that, should need arise, the community would be summoned to defend this government by the ringing of the bell on the Ouse Bridge. Again, the king was obliged to intervene to restore Gisburne to office and punish the rioters. When Quixley was elected mayor by legitimate methods the following year, he proceeded to arrest or fine Gisburne supporters. In an environment complicated by the arrival of news of the rebellious peasant's assault on London, prompting further popular disturbances in York, Gisburne's followers launched an attack from outside the city on [Bootham Bar](#), and succeeded in winning entrance; they formed a sworn association and wore a common livery. [St. Leonard's](#) and the Dominican and Franciscan friaries were subject to attacks during these proceedings, though whether this was part of the factionalism or the northern mirroring of the southern revolt is not clear. Once more the king took a hand, obliging both sides to keep the peace and forcing the city to pay a large fine for a pardon.

The reforms of 1372 thus may not have been inspired by democratic sentiment so much as by rivalries within the ruling class, aimed at preventing any faction from becoming predominant. These rivalries were subsequently complicated by an assertion of community

control over its governors. The intentions of the royal government, which thought in terms of top-down power, were otherwise, however. In 1393, a new royal charter gave the mayor and aldermen the powers of justices of the peace, and the city courts allowed to entertain the petty assizes. This was a prelude to the important grant, three years later, of county status for York: two sheriffs replaced the bailiffs, and the mayor and sheriffs were empowered to hear a wide range of cases in court. By this time we are seeing tinkering with the electoral procedures and disputes over elections.

The county included not merely the city, but some surrounding lands – notably an area called the Ainsty, where the city sheriffs administered justice independently from the main city courts. The latter included a general court of pleas, administered by the bailiffs and later the sheriffs, which sat on Tuesdays, Thursdays, and Saturdays; a court of common pleas, whose sessions each Monday were presided over by mayor and bailiffs; and a special court for acknowledgements of debts incurred, made before the mayor. The city was still, by late fourteenth century, divided into six wards, each of which had its own wardmote court hearing minor complaints; ward constables, later referred to as sergeants, were responsible for collecting certain revenues and for assembling citizens for defence of the city.

City government was still based in buildings on the Ouse Bridge, but for functions requiring more space, in its Guildhall further west along the river. The latter was used for meetings of the full city council. A council appears to have existed throughout the fourteenth century (if not before) although only took formal shape with the constitutional changes at the end of that century. By that time we can see an innermost council of 12 aldermen which was constantly advising the mayor, backed up by a larger group of 24 *probi homines* ("reputable men"). In the fifteenth century the community was being represented by a further council of 48, although this was consulted only on major issues, sometimes augmented by prominent gildsmen (such as the searchers of the gilds).

York continued to be caught up in national conflicts, with adverse effects at a time when its economy was already struggling. It followed Archbishop Scrope into the northern rebellion in 1405. After quashing this, Henry IV threatened to raze the city if it offered further resistance, imposed a hefty fine on the citizens, and placed its government under royal wardens until the following year. During the early phase of the Wars of the Roses, York is seen giving gifts to a large number of lords, to curry favour (or at least avoid disfavour). The power-struggle between the parties on the national scene encouraged local factionalism in the city. This was reflected in frequent breaches of the peace, and in the form of armed confrontations between individuals or groups. Even the annual elections were often subject to violent disagreements.

After the victory of Edward IV, Richard of Gloucester came to be influential in the city, it being Edward's policy to make Richard the most powerful lord in the north. While the city and Richard did not see eye-to-eye on all matters, overall he succeeded in winning the loyalty of the city, which provided him with a contingent when he moved to defend his Protectorship (1483) and ended up seizing the throne. Shortly afterwards he returned to York for a lavish celebration, which included the investiture of his son as Prince of Wales.

Grateful for the city's support, he lent a sympathetic ear to the city's plea of financial hardship – particularly as it affected the ability to supply troops for royal needs – and its argument that a reduction in its fiscal obligations to the throne, in the form of an abolition of tolls, would allow it to re-energize the local economy; he reduced the amount of tolls the city was expected to collect each year, as part of its fee farm. The desire for a reduced fee farm was, however, probably also connected to a growing deficit that the city was carrying over from one year to the next in its annual budgets. Unfortunately, the Exchequer's refusal to acknowledge the reduction left York in the awkward position of still being subject to the full demand, yet having ceased to collect the tolls that contributed towards that amount.

The city expressed in its official records a [deep regret](#) when Richard III was defeated and killed at Bosworth. Although the city submitted to Henry VII, it was not without asserting its claim to the privileges enjoyed in the time of Richard, and the city was still prepared to oppose the king's nominations for the office of city recorder (legal adviser), asserting its right to choose its own officers – in this case from men known as former supporters of the Yorkist cause. However, to be fair, outside interference in local elections – from whatever source – had always been resisted by the city authorities.



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Power struggles with rivals

There were a number of independent franchises within York's boundaries. The most obvious was the archbishop's "shire", within which his officers had the power of judicial administration over minor offences occurring on lands owned by the cathedral – a court being held at one of the Minster gates – and to the revenues therefrom, as well as from hushable rents and other customary dues owed by tenants of cathedral lands. The archbishop also had the "third penny" of revenues from a second ward of the city, which included the tolls collected on the [Foss Bridge](#). By the mid-twelfth century, the cathedral had its own fair, which provided competition with the city markets, if only temporarily.

The castles too were areas within the city yet outside its sway; there were occasional disputes between city and sheriff regarding legal jurisdiction, although they were relatively minor. By contrast, a more important case involving rival jurisdictions took place in 1390-91, when wealthy citizen Thomas de Howom successfully sued a fishmonger in the city court for a debt of £8; when the fishmonger delayed in repaying, an impatient Howom took matters into his own hands, seizing a ship anchored in the Ouse belonging to the debtor. The fishmonger then appealed to the court of the admiral of the north who, on the grounds that the ship was on a tidal water when seized, reversed the city court's decision, despite the creditor's argument that the ship was moored and that the case therefore was within the jurisdiction of the city court. The admiralty court was already unpopular and its decision in the Howom case only gave more ammunition to its detractors. The king had to intervene to

stop the admiral prosecuting Howom, and the affair led to the introduction in parliament of statutes that led to restrictions on the authority of the admiralty court.

Other franchises included [St. Mary's Abbey](#), [St. Leonard's Hospital](#), and [Holy Trinity Priory](#). Lay tenants living on property owned by such institutions were independent of the jurisdiction of borough authorities, who could not intrude upon the areas covered by the franchises.

Inevitably there resulted disputes over the precise scope of jurisdiction of the various ecclesiastical authorities, not least with regard to whether tenants of the franchises were to be treated as residents or outsiders in the case of toll-collection or local taxation. The townspeople felt aggrieved that residents of the franchises could benefit from the economic and defensive advantages of the city without contributing to the costs involved in maintaining those advantages. This resentment led to a series of assaults by some citizens on the priory, beginning in 1258. St. Mary's was subject to similar treatment between 1264-68, following a dispute between the abbey and city over whether abbey tenants should be subject to tolls; in the course of rioting, some of the abbey tenants were killed and houses ransacked and burned down. The archbishop intervened to put the city under an interdict, but it was left to the county sheriff to mediate a restoration of peace; the abbey then erected a stone wall around its precinct. It may have been no coincidence that city authorities were themselves, at this period, engaged in an active programme of rebuilding the city walls, an assertive expression of jurisdiction.

By 1275 relations had so deteriorated that the archbishop and the abbot brought complaints before parliament. A royal commission was appointed; its investigations upheld the rights of abbey and cathedral, including the status of the Bootham suburb (beyond the northwest corner of the city) as a separate and abbey-affiliated borough in which the city authorities had no jurisdiction. The citizens were not prepared to let matters rest here. A fresh round of discords in the early fourteenth century led to an armed band breaking into the archbishop's property at the [Old Baile](#) – which was also subject to dispute between the city authorities and the archbishop over who was responsible for the maintenance and defence of the section of city wall there. The jurisdiction of the archbishop's courts over the cathedral franchise was another source of contention at this time.

During the reign of Edward II, the city authorities tried to assert jurisdiction in Bootham, by levying taxes and holding assizes of bread and ale there. Although Edward III reaffirmed the abbey's liberties, the citizens were not to be discouraged: they blockaded the Ouse to prevent food supplies getting as far upriver as the landing used by the abbey, and issued threats against the lives of abbot and monks, who eventually were forced to flee when there was an armed siege of the abbey grounds. By a settlement of 1354, most of Bootham was restored to the jurisdiction of the city, which used the argument – often convincing to kings – that it had difficulty paying its fee farm without the revenues that came from Bootham.

Hostility between the city and the abbey continued to express itself on one issue or another. In 1377 there was a dispute over a right-of-way from the Ouse to Bootham via a road on the

west side of St. Mary's; the abbey had blocked the road with a ditch, but was forced to fill it in. In the first half of the fifteenth century, one bone of contention was freedom of passage along the Ouse. In the second half we still see violent confrontations between citizens and residents of the abbey liberty.

A similar type of dispute with St. Leonard's erupted in 1401, when the brethren had a ditch dug around a piece of land considered by the citizens as common pasturage, and a gate erected there. The mayor sent twenty men to pull down the gate and fill in the ditch, which led the hospital to complain to higher authorities. We do not know the outcome. It appears, however, that St. Leonard's was resented as much as St. Mary's, for during the disturbances of 1380, the hospital had to obtain a special protection.



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Buildings and fortifications

The loss of most of the early records of the city has been compensated for somewhat by the survival of a built fabric in which there are an unusually high number of medieval elements, together with a strong [archaeological programme](#) in recent decades which in particular has thrown important new light on pre-Conquest York. The cathedral and castle keep were doubtless the most prominent features on the city skyline, along with the towers of the medieval parish churches, of which there were about forty, while the abbey, priories, hospitals, and friaries must also have been among the more prominent buildings of the city.

The late medieval version of the [cathedral](#) was rebuilt on a scale intended to rival Canterbury's and in a more modern style than the Norman predecessor. The [building programme](#) began with the south transept and north transept in the 1220s, continuing with the [chapter house](#) in the third quarter of the century, followed by the [nave](#); rebuilding of the [eastern end](#) of the cathedral, in Perpendicular style, was next, then the choir received attention, and finally in the fifteenth century the massive [central tower](#) was erected (replacing an earlier tower that collapsed in 1407).

A number of lesser buildings have also survived from the late medieval period – both ecclesiastical structures, such as a college of chantry priests built within the cathedral precinct and ruins of [St. Mary's abbey](#), and lay structures. The latter include three guildhalls

– one now associated with the Merchant Adventurers (although not built by them) and another which came to be used by the city government (surviving only as a reconstruction of the medieval original) – and a number of houses in Stonegate and the Shambles, both of which still have a slight flavour of medieval streets. One house lying just off Stonegate is now in process of restoration and refurnishing to represent the residence of a late fifteenth century merchant and city leader.

However, other than the cathedral, it is the medieval defences for which York is best known today, for a large portion of the walls and their gates and towers has survived the centuries. Archaeological investigation of the city walls has revealed successive layers of defensive works: the Roman stone wall having been covered over by the Danish earthworks, which in turn were heightened by the Normans (perhaps at the time when the castles were built), before being further bolstered in the thirteenth century to support the medieval stone walls.

References have already been made to York's involvement in various of the military conflicts of the Middle Ages. After recovering from the disastrous outcome of its resistance to the Conqueror and later to Henry II, York was caught up in the struggle between John and his barons. The king gave York timber from the royal forests to strengthen its defences; although when the barons attacked it was a bribe rather than the fortifications that protected the city. By this time there were already gateways, called "bars", controlling access through the ditch/bank in each of the four quarters of the city. Grants of temporary reductions in the fee farm and in royal tallages followed in the 1220s, so that the money freed up could be put towards bolstering the defences.

The castle itself was rebuilt in stone during the reign of Henry III, and the same period saw most of the city walls built. Although York remained largely aloof from the next round of baronial wars in the 1260s, the threat from the Scots was becoming more serious and encouraged sincere efforts to maintain the defences. When in 1319 a Scottish army defeated an army raised by the Archbishop and Chancellor (York losing its mayor and many citizens among the dead) and posed a direct threat to York, the king had to abandon his siege of Berwick to protect the city. He then ordered further strengthening of the walls.

Regular grants of murage for the purpose began in 1251, continuing with few breaks up into the fifteenth century. Except for in the Walmgate area (east of the Foss), the walls were completed by the end of the thirteenth century; the Walmgate ditch/bank does not appear to have received walls until about 1345. At each point where the walls reached the river, a tower with a postern gate was built.

Maintenance of the defences continued to be a small but constant drain on city finances. In the fifteenth century, masons were appointed to work for the city in taking responsibility for keeping the walls in good repair. From 1449, York was allowed to assess murage at will, although not all of the revenues collected went towards the intended purpose.

In 1392 the king authorized the city authorities to acquire lands worth £100 annually to

support upkeep of the bridges. The city already held property of about this value – listed in a rental of 1376 – of which the single largest source of income came from rents from stalls on the [Foss Bridge](#); a large number of houses on or beside the bridge were also held by the city, and there were numerous shops and other buildings on and around the [Ouse Bridge](#) too providing revenue for the city. The remainder of the properties from which rents were due the city were spread across the intra-mural area; a few more were outside the walls. They included buildings and open land – the latter for pasturing animals in some cases, and industrial uses in others. Space was being rented out in some city gates and in the cellar of the [Common Hall](#); also rented were some of the towers that were part of the walls, as well as sections of the city ditch (possibly implying fishing rights there). While some of the city properties listed in 1376 may have been purchased by the authorities, many were doubtless obtained through bequests.

The Common Hall referred to was probably a building on or near the site of the present Guildhall reconstruction. It may have been the guildhall mentioned in Henry III's charter of 1256, and a gildgarth mentioned ca.1080 could perhaps have been the merchant gild's base. Much of the day-to-day administration of the city, however, was carried out from the Tollbooth and other buildings on the Ouse Bridge. There was a council chamber in the Ouse Bridge headquarters, but this was likely for regular meetings of the aldermen and (perhaps) the 24. Full meetings attracting larger attendance from the community and, later, the required attendance of the 48 representatives of the lower council would have required the larger space of the Common Hall, and partly explains the attention on rebuilding that hall in the fifteenth century.



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Economy

Archaeological evidence suggests that the coming of the Danes stimulated significant growth in the city and its economy. The Danes preferred to settle around centres where their armies had their headquarters. By early twelfth century settlement had spread across the other side of the Ouse, and ships from Germany and Ireland were visiting it, although growing problems with river navigation, the growth in size of ships, and the development of a harbour at Hull gradually made York less attractive to sea-going vessels.

From Roman times York was one of the north's main population centres. By the thirteenth century it was drawing immigrants from far afield in Yorkshire and from the Midlands, as well as a few from Scotland, France, Lombardy, and Flanders. The city was an important consumer market itself, as well as the major redistribution point for goods destined for the northern regions. During the twelfth and thirteenth centuries it was being visited by merchants from Italy, Germany, Flanders, and France, and there is also evidence of trade with Ireland and Scotland. The bulk of trade was probably directed at the Low Countries, however, with grain, hides, and wool prominent among exports. A community of fishmongers is early in evidence, while wine merchants are also seen in the twelfth century.

Most local marketplaces are assumed to have been in the section of the city referred to by Domesday as "marketshire". Two were specifically mentioned at that time: the butchers' market, and a general provisioning market in the Pavement (which was also the location for

public proclamations and punishments – the pillory was located there). The Pavement's market was probably held on a Sunday, which appears to have been the main market day of the city until about 1322, when Sunday was prohibited for sale of most goods; the market day thereafter varied according to which market was being held. In the previous century we start hearing of the [Thursday Market](#), which eventually became the principal market of the city. There were other specialized markets further afield, such as one for fish caught at sea, held on [Foss Bridge](#), and the cattle market held on Toft Green (at least, by the fifteenth century). The city had annual fairs at Pentecost (late May/early June) and on 29 June, which were held outside the walls on the site of the horse market.

Perhaps even more than most towns, York showed great concern to keep its lifelines – roads and river – open to commerce. The maintenance of the bridge over the Ouse was the rationale for the citizens obtaining a grant of new revenues from the king in 1392 (lands in mortmain), while keeping the Ouse clear of obstacles – notably fish-garths – led to an [expensive lawsuit](#) against [St. Mary's Abbey](#) in the fifteenth century. Similarly, attempts by the lords of the [honour of Knaresborough](#) to impose tolls on river traffic at Boroughbridge met with resistance from York. York might be considered a port; for a brief period (1337, 1339) it was even one of the official collection points of the national wool custom. Its quayside stretched along both sides of the Ouse between the bridge and the Franciscan friary. However, it was too far upriver for most sea-going vessels. It was necessary to ship goods to some point downriver, such as Selby, and transfer them to larger ships that would continue on to the Humber. By the end of the thirteenth century, corn was being ferried from York to Hull, for transfer to ships bound for the Low Countries; from the 1340s, Hull was generally considered the port facilities for York's international trade.

The king's grant in 1163 to the weavers of York of the right to form a gild and to share with the weavers of other royal boroughs in Yorkshire a monopoly on the manufacture of dyed and striped cloth suggests the textile industry was important in the city at that period. York seems to have been one of the leading cloth-making towns in England in the late twelfth century. Yet, at the beginning of the next century, the weavers were having difficulty paying the £10 annual farm they paid to the king for their rights; assuming this was a genuine expression of financial hardship, it is perhaps attributable partly to competition from imported Flemish cloth. By mid-century the weavers gild was badly in arrears of its farm, and in the early fourteenth century was trying to persuade the king to release them from the farm altogether.

The wool trade gradually gained importance for the city during the thirteenth century, although much of it was in the hands of foreign merchants. At the same time, the various leather industries appear to have employed a greater number of local craftspeople; the skippers, glovers, saddlers and hosiers had all attempted – this time without royal authorization – to form gilds by 1180. During the thirteenth century, York's society appears to have been relatively egalitarian, in terms of wealth – there were very few residents who were noticeably more wealthy than their fellows as a result of extensive land-holding or participation in international commerce.

In the fourteenth century, York's economy was affected by the [Scottish wars](#), which both jeopardized the peaceful conditions under which commerce best flourished, yet also brought profit to those citizens able to take advantage of opportunities for provisioning the York-based national government and the royal armies, while also providing employment for craftsmen who could help furnish the army with weapons or clothing, or help with the rebuilding of city defences. Provisions were being taken from York to Berwick, while in 1316/17 and 1322 York merchants were active in the Midlands and East Anglia buying supplies for the relocated royal court. However, much of the international commerce at York was in the hands of foreigners. Furthermore, the downside of the stimulation to trade was that – with the relocation of government bringing a wealthier clientele to York, prices rose, due in part to shortage of goods (as many were diverted to the army) and in part due to local tradesmen trying to take advantage of the situation. The king, probably in consultation with city authorities, issued a set of [ordinances in 1301](#) to regulate York's trade: ensure that good quality foodstuffs were sold at fair prices, and combat illegal activities aimed at forcing prices up.

At York as in other English towns, the growing wool trade brought fortunes for a few. In the 1330s and '40s a group of England's leading wool-merchants were among the citizenry and the city remained an important source of wool exports throughout the century. The textile industry also revived and came to be helped, as the century wore on, by the growing numbers of Hanseatic merchants taking English cloth to northern markets. Consequently, the city attracted relatively high numbers of immigrants in this period, about one-sixth of them in occupations related to the cloth industry. The weavers' guild revived to the point where it was able to purchase royal confirmations of its ancient privileges in 1346 and 1377, and by the end of the century there were 51 master weavers operating in the city. The influx of immigrants in turn strengthened the revenue base of local government. But York's merchants were not reliant solely on the wool and cloth trades, even though it tended to be merchants active in the cloth trades who were most prominent among the political elite. They were also, for example, taking grain to London, wine to Carlisle, and importing iron from Spain, oil, figs, raisins and wine from Portugal, herring, timber, furs, iron and ashes from the Baltic and Iceland. In the last part of the century, when much of the country was experiencing an economic decline, York was probably at the peak of its medieval prosperity.

However, the seeds of reversal had already been sewn. The activity of Hanseatic merchants in York was not wholly welcome; although it stimulated the local economy, it also made it difficult for York's own merchants to capture or maintain a share in international trade. Whereas earlier kings had provided encouragement and incentives for foreign merchants to be active in England, from the late fourteenth century there was a trend towards protectionism, both at the national level (e.g. the imposition of special taxes on merchants of the Hanse) and at the local level. At York efforts were made to restrict the types of goods foreigners could deal in, or impose restrictions on those with whom foreigners could do business.

Retaliatory measures were ordered by the German authorities. After rivalry turned violent in 1385, leading the authorities in each country to seize the commercial goods of merchants of

the rival country, the king appointed two ambassadors – one a York citizen, the other a Londoner – to present complaints and demands for compensation before the German authorities; the complainants were merchants from a number of cities involved in the northern trade, but York's merchants were the most numerous among this group (although Lynn's merchants were claiming a larger sum of money). The dispute was patched up with a treaty, but resentment, hostility, and ill-treatment of foreign merchants (with reprisals by the other side) grew. While diversification continued to be a feature of York's international commerce, the northern trade was becoming increasingly important to its merchants. Consequently, intensification of political troubles between England and the Hanse during the fifteenth century had adverse effects on York's economy, by creating obstacles to the North Sea and Baltic trade.

A second factor in economic decline in the fifteenth century was competition from cloth producers in rural areas of the West Riding. York's weavers used this as leverage to persuade the king to allow them, in 1400, to levy charges on country weavers as a contribution towards the annual farm the gild paid for its privileges. Rural competition took its toll particularly on the broadcloth industry (as well as on the leather trades); the city's producers of worsteds and small cloths managed to hold their own. Fulling was another part of the industry in which rural competition was strong. The city authorities tried protectionist measures, ordering that no citizen have cloth woven or fulled outside York, nor buy wool in or near York unless he planned to have it made into cloth in the city. By the close of the Middle Ages, York's weavers' gild was in sufficient difficulty that it was able to convince the king to reduce its farm by half.

Evidence is conflicting on quite how much impact the declining economy had. On the one hand, depopulation is evidenced by vacant or ruinous houses and dropping property values; on the other, the financing of church rebuilding in the fifteenth century argues for continued private prosperity. Doubtless the fortunes of some declined, while others continued to get by – perhaps in part shifting their financial strategy to invest in extra-urban land (ultimately leading some families out of the city to join the rural gentry). It was more likely the city government that were worst hit, as its traditional sources of revenue – such as rents and tolls – fell, while its expenditures continued to grow in the demanding political environment of the fifteenth century, as well as the growth of public ceremony, including the mounting of the pageants of the famous York Mystery Play. By the end of the Middle Ages, York had declined to the point that it was no longer one of the country's top ten towns.



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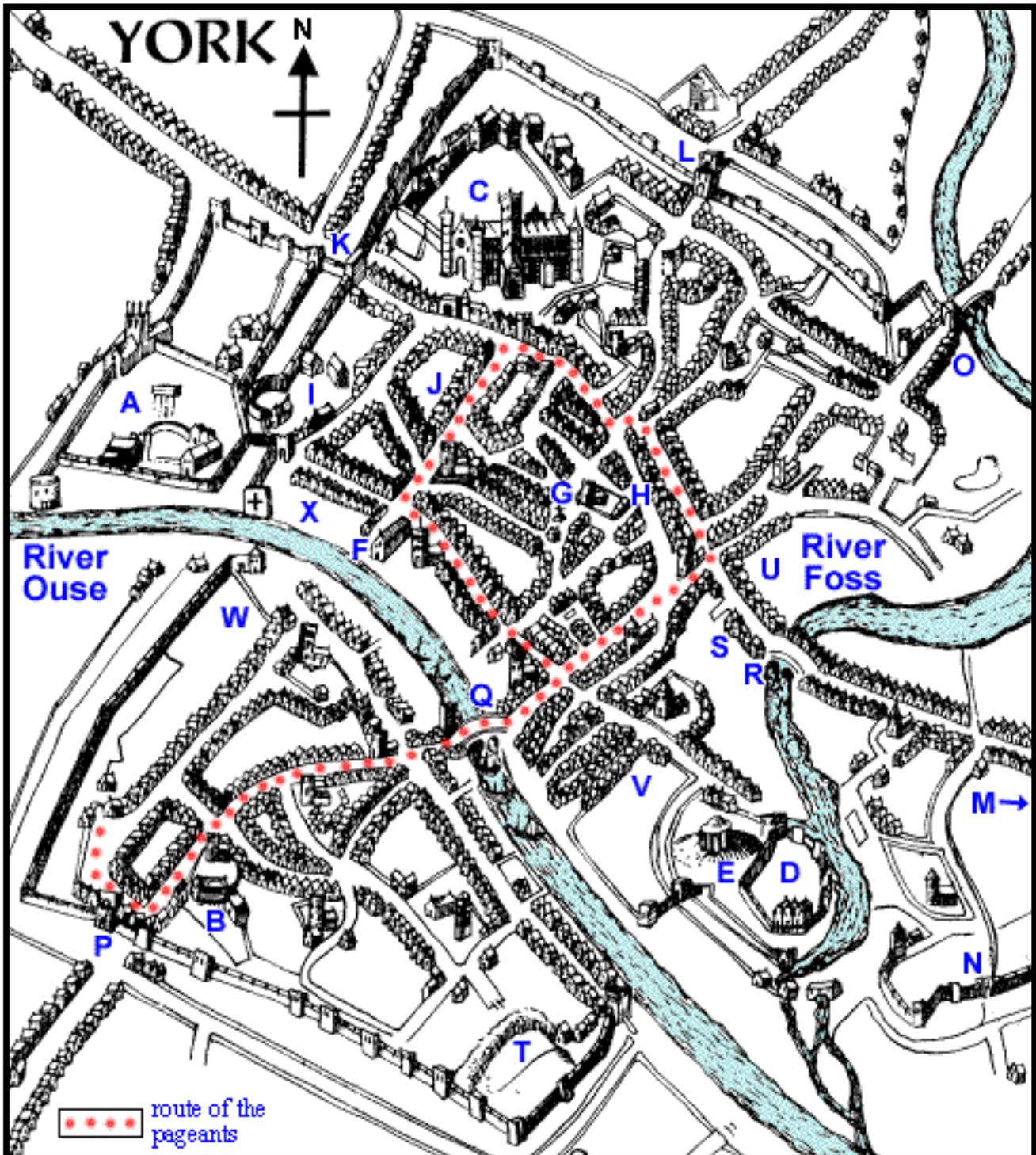


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History of medieval York

York at the close of the Middle Ages



This is a clickable imagemap.

NOTES:

This map is based on one of the series produced by [John Speed](#) in the early seventeenth century.

A **The Abbey of St. Mary**

St. Mary's became the wealthiest and most influential Benedictine house in northern England. Its origins can be traced back to a gift by Count Alan of Brittany, prior to 1086, of St. Olave's Church and some nearby land to monks displaced from Whitby and Lastingham. William Rufus enlarged the site in 1088 and construction of the abbey began the following year. As can be seen from Speed's map, the abbey precinct grew to cover a sizable area on the west side of the city: when walled in stone in 1334 (except for the wall on the Ouse side, set back from the river's edge, which was completed in 1354) about 12 acres of land were enclosed; the main gate faced away from the city, onto Marygate – Speed shows the large gatehouse, which accommodated the abbey court, although the monastic church which stood in the centre of the precinct has disappeared. Rufus' charter to the abbey granted the monks and their tenants exemption from the jurisdiction of external authorities, thus creating an enclave beyond the control of city or shire authorities and setting the stage for rivalry, disputes and bitterness.

[Further information and photo](#)

B **Holy Trinity priory**

The priory occupied a site of roughly 7 acres at the southern end of the city. It is believed to have been the successor to a pre-Conquest house of canons which had dwindled to almost nothing. The re-foundation in 1089 was the work of Ralph Paynell and took the form of an alien priory of Benedictines, subject to the French abby of Marmoutier; many of the properties with which Paynell endowed it had belonged to the earlier house of canons. As an alien priory, it was looked on with suspicion during the Hundred Years War and charges of harbouring spies and sending supplies to the enemy were flung at it. There were occasionally disturbances aimed at it. Nonetheless it survived the suppression of alien priories in the early 15th century and successfully petitioned for naturalization in 1426, thereafter having the effective status of an abbey, free from any foreign jurisdiction. During the reign of Henry VI it took over responsibility for the hospital of St. Nicholas in the suburbs. It was dissolved in 1538.

C **Cathedral precinct**

The dedication of the cathedral was to St. Peter.

[Information and photo](#)

D Castle

A Norman motte-and-bailey fortification on the site of the present Clifford's Tower (named, in the late 16th century, possibly after someone hanged there or possibly for one of the castellans), built in 1068, rebuilt on an enlarged motte after being destroyed in the [anti-Jewish riot](#) of 1190, blown down in a gale in 1228, and gradually rebuilt in stone between about 1245 and 1270. The outer wall of the castle perimeter enclosed not only the motte-and-bailey but halls and other buildings. Damming of the Foss created an additional defence on the outer perimeter, in the form of a lake. Uses of the castle included:

- as a fortress (although after 1190 it never experienced a siege);
- for housing the courts and departments of the royal government, when that was based in York for periods during the campaigns against the Scots in the early 14th century;
- as the location where circuit and county courts were convened;
- as the base for shrieval administration;
- as the county gaol.

The castle was a separate jurisdiction ("liberty") from the city, although the precise boundaries of that jurisdiction were a matter of dispute between the city authorities and Yorkshire's sheriff.

[Further information](#)

E Clifford's Tower

[Information and photos](#)

F Common Hall

A "common hall" is heard of by 1256, although its location was not identified. It is only speculation whether this might have been the hansehouse (i.e. gild hall) whose existence is inferred from a charter of 1154, in which the archbishop granted the burgesses of Beverley the same privileges as York. The connection of a community building with the present Guildhall site is evidenced only from 1378. This hall was capable of hosting large civic assemblies, and is presumed to be the predecessor of the Guildhall which represents a 15th-century renovation and enlargement. In 1445 there was an agreement between the city authorities and St. Christopher's Gild to share the costs of such a project; the gild's recompense was a gift of city-owned land nearby, on which it built a chapel and *maison dieu*, and the right to use the Guildhall during the 10 days surrounding the festival of St. James. Construction was underway during the 1446/47 fiscal year and sufficiently advanced to allow a council meeting to be held there in 1459. The great hall was the building's main feature, and was the location of mayoral elections and discussion of important business which required the presence of community representatives; a chamber at the west end was used for the council to meet in private. The present Guildhall is a reconstruction necessitated by damage to the original during the Second World War.

G Marketplace

The Thursday Market was the principal site for the retailing of foodstuffs; retailing could begin there at 5.00 a.m. in summer, 7.00 a.m. in winter. The market was supervised by a warden and by the fifteenth century that officer was farming revenues due the city from the market (e.g. stallage). The warden had to police city regulations regarding trading, such as the prohibitions against regrating and selling goods in private places. In 1421 John Brathwayt's widow Mary gave £13.6s.8d towards the construction of a new stone cross in the Thursday Market, as a work of charity for the benefit of the souls of herself and her late husband. She was very explicit that the money could only be applied to that purpose.

[Information and photos.](#)

H The Shambles

Parts of this butcher's market were also known as Haymongergate and Nedlergate during the Middle Ages.

[Information and photo](#)

I St. Leonard's Hospital

Tradition has it that the hospital's origins lay in the canons' responsibility for the welfare of the poor servants of the cathedral, to which King Athelstan gave support in 936 by requiring every plough operating in the diocese of York to contribute 20 sheaves of corn as alms towards this effort. A small hospital was then built on royal land west of the cathedral and given the same dedication as the cathedral. In 1246 an inquisition jury attributed the foundation to the Conqueror and identified the recipients of hospitality as the poor, sick and infirm who had no homes but slept in the streets at night. The next generation credited Rufus with the foundation. William Rufus' actual role seems instead to have been to move the hospital a little further west. Stephen constructed on the growing site a church dedicated to St. Leonard, and the hospital was henceforth known by that name.

From later evidence it appears that the charitable functions of the hospital were to distribute daily alms at its gates to 30 poor people, give alms to prisoners in the city and to leper houses, and maintain 206 sick poor folk within the hospital until they had convalesced sufficiently to be able to return to work. The hospital was staffed by 13 brethren and 8 sisters (who had special responsibility for tending to the sick and poor) pursuing a quasi-monastic lifestyle, involving chastity and renunciation of worldly goods; those with an aptitude for learning were placed in theological schools in York. Beds in the hospital might be endowed by private benefaction, with benefactors (or their heirs) nominating persons to be maintained by the hospital. In the building housing the infirmary, the lower floor was allocated to nursing exposed infants and looking after orphans and poor children; it was required that the chimney here function well, to avoid the children being harmed by smoke.

The extensive lands accumulated by the hospital were carefully cultivated and their crops, along with the sheaf-alms, sold to finance the hospital's work. However, this income proved increasingly insufficient to support needs – despite master and brethren being exhorted to avoid unnecessary expenses and forbidden to sell or pledge books, chalices, or vestments from the church – and the number of residents had declined by the early 14th century. By

the end of the century, due partly to mismanagement by the masters of the hospital, as well as delinquency on the part of many in paying the sheaf-alms, the hospital was in rough shape. Fire had destroyed the church's bell-tower, and the rooves of the infirmary and dormitory badly needed repair, as did other buildings of the hospital, its manors, and the rentable properties it owned in town. The foundation alms had been pilfered and church ornaments and vestments pawned to pay the hospital's debts, while the masters' personal household had run up high expenses. The hospital's debt was £543. Despite this, the hospital managed to survive until the Dissolution.

The hospital precinct, which occupied a site of 4 acres with one gateway opening onto the road to the east and another accessing a lane running south to St. Leonard's Landing on the river, was one of the special "liberties" within the city; it was and home not only to monks but also to laymen who might have trade privileges without the accompanying civic or gild obligations. This was inevitably resented by the citizens and the brethren of the hospital at times found themselves unpopular. In 1482 the cappers gild ordered that none of its members contract out work to anyone in St. Leonards' (or other liberties), because the gild had no authority to resolve any problems that might arise between master and worker. The location of the hospital grounds against part of the city walls meant that it was responsible for upkeep of that part of the walls, another likely bone of contention.

The [Multangular Tower](#) at the south-west corner of the precinct was part of the original Roman defences and marks the south-west corner of the *castra*.

J [Stonegate](#)

This was one of the major highways within the city, an important street connecting the Minster with the heart of the city; civic processions to the Minster would follow that route. Many of the houses in Stonegate belonged to the church. They included shops where theological or school books were sold, as well as shops of goldsmiths (who also did a lot of business with the church). The origin and meaning of the name are debated. It seems doubtful that it could have any bearing on a paved Roman road, which would have largely disappeared by the time when the Viking "gate" was applied. Possibly it was associated with a stone entrance to the Roman city, situated at the bottom of Stonegate, which is more likely to have survived to the 10th century.

[Information and photos](#)

K [Bootham Bar](#)

On, or very near, the site of one of the entrances into the Roman settlement (it even being possible that some Roman material was incorporated in the structure), this was the major entrance into the city from the north. Parts of the structure can be dated back to the 11th century.

[Further information and photo](#)

L **Monk Bar**

The most elaborate of the surviving medieval city gates, Monk Bar is also the highest (four storeys, with the topmost being a 15th century addition). It was constructed in the early 14th century and was equipped with portcullis; it had a barbican which was removed in the 19th century. There is no evidence for a gate here before the 14th century, but perhaps there was some minor access way through the walls for the monks attached to the cathedral.

M **Walmgate Bar** (not seen on this map)

First mentioned in the mid-12th century, when likely a wooden gate guarding an entrance through earthen fortifications, its lower section of stone may date to 1215, when a new ditch was dug around the eastern sector of the city. However, the present structure was largely part of the initiative to wall the city with stone in the 14th century.

[Information and photo](#)

N **Fishergate Bar**

This "bar" was in fact only a small postern gate beside one of the defensive towers in the wall, which might explain why it receives no mention in any early city documents. It probably had no superstructure during the Middle Ages. The present-day tower is an early 16th century replacement.

O **Layerthorpe gate**

This is generally interpreted as another postern gate, of lesser significance than the principal bars of the city, although it too was referred to as a bar in the Middle Ages, and had iron-bound doors. Nonetheless, it was a public entrance, at the city end of the bridge to Layerthorpe (which at one time would have been a village independent of York, until absorbed as the suburbs expanded) and its arch over the roadway was large enough for wagons to pass underneath; it was a location for toll collection. By the beginning of the 15th century, there was a hospital (*maison dieu*) atop it. When the bridge was built is uncertain, but possibly not until the beginning of the Late Middle Ages; it was in existence by 1309, but there is slight evidence that a ford may have been there earlier.

P **Micklegate Bar**

As the entrance into the city from the south, this was the most important of the city gates. Its importance is reflected in the fact that, in a list of leading townsmen to whom the keys of the various gates were entrusted for safekeeping in 1380, the keys to Micklegate were kept by the mayor himself; but this was during a time of political strife in the city, and it was more commonly sergeants or gatekeepers who kept the keys. It was usually through Micklegate that kings entered the city and were there greeted with ceremony by mayor, council, and citizens. The present structure is three storeys high. The original gate was built in the early 12th century, the archway still showing Norman influence; in the 14th century it was heightened to accommodate a portcullis, and a barbican was added (removed in the 19th century). "Mickle" means "much" and Micklegate might today be interpreted as High Street, Micklegate being the major route through the section of the city on the west side of the Ouse. However, the gate does not lie on the route of the Roman road that had headed south out of the city, but rather on what was probably a post-Roman track.

Q Ouse Bridge

A Roman bridge crossing the Ouse was upstream from the site of the medieval bridge. There may, however, have been a wooden bridge on or near the medieval site in the time of the Vikings, connecting the area of Roman settlement and Scandinavian suburb with an extension of the settlement across the river. A stone bridge is first referred to in the late 12th century. Along the river on either side of the bridge, on both sides but particularly the eastern bank, were the staiths where ships loaded and unloaded cargoes.

It was atop the west end of this bridge, on the north side, that sat a building housing the city council chamber; the room in which mayor and council conducted their discussions of civic business was on the upper floor, while the bureaucratic administration had its desks on the lower floor; the treasury and the prisons (often called kidcotes) associated with mayor's and sheriffs' courts were also here, or nearby. A city rental of 1376 refers to 36 shops and 5 tenements on, or at the end of, Ouse bridge. They included at least one house "overhanging the river" and the chapel of St. William, also on the north side at the west end; by mid-15th century the chapel housed the city clock. Opposite the chapel, on the south side of the bridge, was a small hospital – one of several in the city called a *maison dieu* – sheltering poor men and women. It was said to have been founded by the citizens in ancient times and endowed with lands and rents for the support of the poor and lepers; many citizens falling on hard times were given a home there, but neglect and mismanagement had led to its decline. This was the defence made by a group of citizens accused, in 1305, of illegally forming a gild a few years earlier; they explained that their fraternity was for the purpose of refounding the charitable hospital. Public latrines were in the same vicinity as the hospital.

Each of the two major bridges within the city had a pair of wardens, city employees, in charge of it. They were responsible for levying and accounting for revenues associated with the bridges, such as rents from the properties built on or in the neighbourhood of the bridges. A tollbooth situated at the west end of the bridge, near the hospital, was presumably used for collecting customs and tolls of passage, although there is reference to a building of that name associated with the hearing of pleas. The bridge encompassed six arches, but it was probably only the two central that accommodated vessels plying the river. The city was in a long [contest with St. Mary's Abbey](#) to ensure ships could move freely along the Ouse. As well, the bridge wardens were responsible for arranging maintenance work on the bridges and any civic buildings associated with them, dealt with some expenses related to the chapels (and the chapels' various chantries, founded by private citizens) on the bridges.

Such was the burden of all these buildings to the bridge that frequent repair was necessary, notably in 1307 and 1377, while several grants of pontage were made by the king in support of repair work in the early 15th century. In the 16th century the bridge collapsed due to its deterioration and the weight of the buildings.

R Foss Bridge

The earliest reference to a bridge at the end of Fossgate was ca.1145/48; doubtless it was made of wood at that time. Rebuilding in stone occurred in the early 15th century, although it is not impossible the structure replaced was also of stone. Like the Ouse bridge, the bridge over the Foss had numerous shops and other buildings atop it and retail stalls were also set up on the bridge. The buildings included a chapel dedicated to St. Anne, whose chaplain received his salary from the city. The west end of the pond which formed after damming, and served as a royal fishery, is seen at the right edge of the map, but the larger part of the pond is not seen in this edited version of Speed's original (which showed the entire pond). The king's interests in the fishery were represented by an officer who was probably based at the Foss Bridge. The bridge was the site of the market in saltwater fish, mentioned as early as 1253; consequently a number of those living near to the bridge were fishmongers.

S Merchant Adventurers' Hall

Some of York's wealthier citizens formed the Gild of Our Lord and the Blessed Virgin in the 1350s; after obtaining royal approval in 1357, they had a hall built for themselves in Fossgate, probably completed by 1361, apparently with the intent of founding a hospital there. What became of this plan and the gild is not certain, but by 1420 the property was in the hands of the mercers gild (itself dedicated to the Holy Trinity) which seems never to have been subject to any city regulations, in contrast to most trades, but instead received a royal charter of incorporation in 1430. In the 16th century this became the Merchant Adventurers which, like its more famous London counterpart, played a major role in controlling foreign trade.

This is one of the most impressive examples of a timber-framed gildhall (with brick undercroft) to survive today,. The upper floor was the great hall where gild members met. On the lower level was a charitable hospital (for pensioners of the gild) and chapel – the charter of 1430 having granted the right to hold real estate worth up to £10 annually, from the revenues of which the gild would support impoverished or needy members and pay the salary of a chaplain.

T Old Baile

The Conqueror had two castles built in York, one in 1068 the other in 1069. Although not all are in agreement, it is generally felt the castle on the west bank of the Ouse was the younger. It had acquired the epithet "old" attached to "bailey" by 1268. By 1308 it is found in the hands of the Archbishop of York, and this transfer may have taken place as early as ca.1194. What he used it for is uncertain; one suggested use has been a prison for criminal clerics. In 1423 the city was suing the archbishop for failing to keep in good repair the section of the city wall that was part of the Old Baile perimeter; this was one episode in a recurring argument over who was responsible for defence in that sector of the city. Finally, possibly in 1464 (but certainly by 1487), the archbishop handed over the castle to the city. By Speed's time only some of the earthworks, and the outer defence that was part of the city wall, survived.

U Carmelite friary

The Carmelites established themselves York in the early 1250s, their first residence in fact being in Bootham (outside the walls). They acquired ca.1295 a new site in St. Saviour's parish, they moved into this over the next few years – a church was under construction in 1300 and its cemetery was consecrated in 1304 – coming to terms with the parish rector and St. Saviour's patron (St. Mary's Abbey) concerning tithes, burial rights and other mutual concerns. About two dozen friars belonged to the house at this time. In 1314 they obtained two grants from the king. The first was permission to alienate in mortmain their previous home to the Dean of York (who used it to found the hospital of St. Mary), while the second was permission to build a quay on the king's fishpond in the Foss, for the purpose of transporting necessities to the friary by water.

The precise extent of the friary site is not certain, and expanded over time (into Holy Cross parish, for example); but part of the boundary was opposite St. Saviour's (on Hungate) and part on Fossgate, with the initial frontage probably facing onto Stonebow, a narrow passage connecting Fossgate and Hungate, although there was by mid-14th century a gateway onto Fossgate itself. The church itself stood in the northern section of this precinct. By the close of the century they had acquired enough adjacent land that they undertook an expansion of their church. The friary was dissolved in 1538.

[Further information](#)

V Franciscan friary

The Franciscans, or Friars Minor, came to York ca.1230; their first custodian had been personally associated with Francis of Assisi. This house became the head of one of the Franciscan administrative areas into which the English province was divided. The original site proved too small and ca.1243 they moved to a permanent location south of the castle, in the parish of St. Mary Castlegate. The king helped finance the original construction, although the church was rebuilt at the end of the 13th century, and the same century saw adjacent properties acquired to expand the precinct.

The extent of the Franciscan precinct, which was walled (except on the south-eastern boundary, where the city wall itself served) is clearly indicated on Speed's map; the road on the west side was named Friargate, although the precinct did not extend quite as far as that road. The site ran southwards to the north bank of the Ouse – friars and monks liked to have access to a water supply – and there, ca.1290, the friars had a wall built; since this deflected the current to the south bank and threatened Skeldergate with flooding, the citizens had to obtain the king's permission (1305) to build a wall along the south bank as well, using money from murage. In 1299 the community of friars numbered 52. The importance of the friary, or perhaps of its proximity to the castle, is reflected in the fact that Edward II, Edward III and Richard II all lodged there when visiting York. The friary even had sanctuary privileges. It was dissolved in 1538.

A city ordinance of 1371 prohibited the dumping of offal into, and the cleaning of skins in, that part of the Ouse between its bridge and the friars' property, since water was taken from that part of the river for brewing and baking. Possibly the friars themselves were

complainants, for in 1380 the king had to order that they not be inconvenienced by butchers dumping offal in the Ouse or in lanes by the friary. It again may have been partly for the friars' benefit that there was a postern gate in the small stretch of city wall below the castle, next to the friary.

W Dominican friary

In 1226 Henry III instructed some of his justices to consult with the mayor and leading citizens on a suitable site for the Dominicans. The recommendation was returned for a chapel of St. Mary Magdalene, with land behind it, in Kingstoft, on the south bank of the Ouse just within the city ditch. By the close of the following year, the friars had begun to wall in this property. They may previously have resided in Goodramgate, for they turned over a building there to the archbishop. Construction of the friary was going on until mid-century, and expansion of the precinct until at least the close of the century, although this was blocked on the southeastern side because the secular authorities did not want to give up land (Toft Green) which was needed for holding arrays of arms, trials by battle, and construction of military engines for defending the city; the green was also the site of horse and cattle fairs. Friary gateways opened onto the green and towards the Ouse. The precise boundaries of the friary are unknown, but at the Dissolution it occupied only 1 acre of land.

This was an important house for the Dominicans; provincial chapters were often held there during the later 13th and 14th centuries. The number of friars during the first half of the 14th century fluctuated between 47 and 60. It may be that the reformer John Wycliffe was one of their number in the 1350s, for there were acolytes of that name at the friary. The friary was destroyed by fire ca.1455 and a rebuilding effort was undertaken, supported by an indulgence proclaimed by the archbishop. The friary was dissolved in 1538.

X Augustinian friary

According to tradition, the Augustinians relocated from Tickhill to York, where they bought seven houses as the basis for a friary. Certainly they had established themselves in York by 1272. Their friary was in the south-west section of the city on a confined site (about 2 acres) north of the Ouse; it lay between present-day Lendal Street and the river, bounded on the west by the lane leading from St. Leonard's to a landing-place on the riverbank (just east of the present Lendal Bridge) and on the east by the lane next to the Common Hall. The walled precinct had its main gate opening onto Lendal Street. In 1300 it housed 35 friars. A catalogue of its library survives from 1372, listing 646 items. The friary was dissolved in 1538.



[[MAIN MENU](#)]

Prehistoric

Roman

Trade

Craft

Domestic

Dress

Religion

Military

Anglian

Trade

Craft

Domestic

Dress

Military

Viking

Trade

Craft

Domestic

Dress

Religion

Medieval

Trade

Craft

Domestic

Dress

Religion

Post-medieval

ROMAN YORK (EBORACUM) c. AD 71 — c. 400



© English Heritage

Founded as a fortress in AD 71, Eboracum housed first the 9th and later the 6th Legion. It soon had a civilian population and boasted fine public and military buildings. Eboracum became one of the most important cities of Roman Britain and, after 211, it was the capital of the province of *Britannia Inferior* (Lower Britain).



(left) Remains of a tower on the south-west side of the fortress defences found in Lendal



(right) Roman wall with arches opening part of a building in the [Colonia](#) excavated in Micklegate

Excavations by the York Archaeological Trust have revealed the complex life of the fortress — with its barrack blocks, streets, bath houses and elaborate system of drains and sewers. In the civilian areas, public and private buildings have been discovered. These include town houses with mosaic floors, and possible bath houses and temples. We have also uncovered substantial river revetments which were built to accommodate Roman ships bringing in goods from the rest of the empire.

timeline

Romans

[400-1068](#)

[11th century](#)

[12th-14th century](#)

[15th-16th century](#)

[17th century](#)

[19th century](#)

[20th century](#)

[Future](#)



The Romans arrived at the spot where the Rivers Ouse and Foss meet in AD71.

The Roman defences

They quickly set about building a sound set of defences as the local tribe – the Brigantes – were not very friendly.

We know how the fortress would have looked. This is partly due to excavation results and partly from looking at other fortresses of the same period.

The first defences were simple: a ditch, an embankment made of turf and clay, a large timber fence, and timber towers and gates. Inside was a simple pattern of streets and buildings.

The fortress was big. You could comfortably fit 50 football pitches inside the defences (20.3 hectares for the technically minded).

A large and important town grew up around the fortress over the following 150 years. It centred on the south-west bank of the River Ouse.

Eboracum

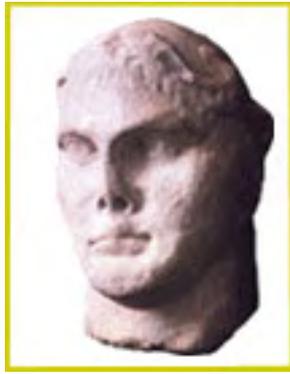
The Romans called it Eboracum. By the early third century a visitor to Eboracum would have seen a town and fortress surrounded by strong stone walls. The walls were symbols of Eboracum and Rome's importance as well as defences.

One of the most important parts of these defences – the Multangular Tower – is still here today.



[city walls](#)

[home](#)



Eboracum remained a very important settlement in the north of England. Constantine was declared emperor there in AD306. However, during the fourth century, the fortress and town started to change in character and level of occupation. How this affected the defences is not clear.

What is clear, however, is that the line of the defences established during the period from 71 to around 400 was to have a lasting effect on how York developed down to the present day.



page last modified: 22 September 2003

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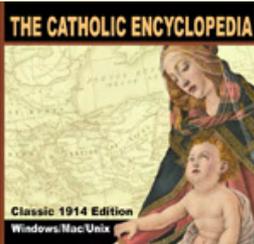
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Ancient See of York

(EBORACENSIS).

The seat of metropolitan jurisdiction for the northern province. It is not known when or how [Christianity](#) first reached York, but there was a [bishop](#) there from very early times, though there is a break in the historical continuity between these early prelates and the [archbishops](#) of a later date. At the Council of Arles (314) "Eborus episcopus de civitate Eboracensis" was present, and bishops of York ere also present at the Councils of [Nicaea](#), Sardica, and Ariminum. But this early [Christian](#) community was blotted out by the pagan Saxons leaving no trace except the names of three bishops, Sampson, Pyramus, and Theodicus, handed down by legendary tradition. When [St. Gregory](#) sent St. Augustine to convert the Saxons his intention was to create two archbishoprics -- Canterbury and York -- each with twelve suffragans, but this plan was never carried into effect, and though [St. Paulinus](#), who was consecrated as bishop of York in 625, received the [pallium](#) in 631, he never had any suffragans, nor did his successors receive the [pallium](#) until 732, when it was granted to Egbert. After the flight of Paulinus in 633 the country relapsed into Paganism, and though its conversion was once more effected by the Celtic bishops of [Lindisfarne](#), there was no bishop of York till the consecration of [St. Wilfrid](#) in 664. His immediate successors seem to have acted simply as diocesan prelates till the time of Egbert, the brother of King Edbert of Northumbria, who received the [pallium](#) from [Gregory III](#) in 735 and established metropolitan rights in the north.

This metropolitan jurisdiction was at first vague and of varying extent. Till the Danish invasion the archbishops of Canterbury occasionally exercised authority, and it was not till the Norman Conquest that the archbishops of York asserted their complete independence. At that time they had jurisdiction over Worcester, Lindsey, and Lincoln, as well as the dioceses in the Northern Isles and Scotland. But the first three sees just mentioned were taken from York in 1072. In 1154 the sees of Man and Orkney were transferred to the Norwegian Archbishop of Drontheim, and in 1188 all the Scottish dioceses except Whithern were released from subjection to York, so that Whithern, Durham, and Carlisle remained to the archbishops as suffragan sees. Of these, Durham was practically independent, for the bishops of that see were little short of sovereigns in their own jurisdiction. During the fourteenth century Whithern was reunited to the Scottish Church, but the province of York received some compensations in the restoration of Sodor and Man. At the time of the Reformation York thus possessed three suffragan sees, Durham, Carlisle, and Sodor and Man, to which during the brief space of [Mary's](#)

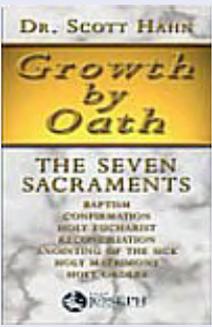
reign (1553-58) may be added the Diocese of Chester, schismatically founded by [Henry VIII](#), but subsequently recognized by the pope.

The mutual relations between Canterbury and York were frequently embittered by a long struggle for precedence. In 1071 the question was argued at Rome between Archbishops Lanfranc and Thomas in the presence of [Pope Alexander II](#), who decided in favour of Canterbury. At a subsequent synod that the future archbishops of York must be consecrated in Canterbury cathedral and swear allegiance to the Archbishop of Canterbury, and that the Humber was to be the southern limit of the metropolitan jurisdiction of York. This arrangement lasted till 1118, when Thurstan, archbishop-elect, refused to make submission, and in consequence the Archbishop of Canterbury declined to consecrate him. Thurstan thereupon successfully appealed to Calixtus II, who not only himself consecrated him, but also gave him a Bull releasing him and his successors from the supremacy of Canterbury. From time to time during the reign of Henry II and succeeding kings the quarrel broke out again, leading often to [scandalous](#) scenes of dissension, until [Innocent VI](#) (1352-62) settled it by confirming an arrangement that the Archbishop of Canterbury should take precedence with the title Primate of All England, but that the Archbishop of York should retain the style of Primate of England. Each prelate was to carry his metropolitan cross in the province of the other, and if they were together their cross-bearers should walk abreast. The Archbishop of York also undertook that each of his successors should send an image of gold to the shrine of [St. Thomas of Canterbury](#).

The diocesan history of York apart from its archiepiscopal rights presents few features calling for special remark. For its early memories connected with its founders [St. Paulinus](#) and [St. Edwin](#), who was baptized on the spot where the cathedral now stands, its canonized prelates St. Bosa, St. John of Beverley, and St. Oswald, its great scholars Archbishop Egbert and Aleuin, reference should be made to the articles dealing with those venerated names. At the Conquest it was Archbishop Ealdred who crowned [William I](#) at Westminster, but his successor, Thomas of Bayeux, the first Norman archbishop, found everything in confusion; the minster with its great school was in a ruinous condition, abandoned by almost all its clergy. The celebrated library had perished and the city itself had been devastated in the final Northumbrian rebellion against William. Thomas had to begin everything afresh. The pontificate of St. William gave another saint to York, and in 1284 his [relics](#) were solemnly enshrined there. With John de Thoresby (1352-73) a much needed period of reform began, and he began the present choir of the minster. Another popular archbishop was Richard Scrope, beheaded for his share in the rebellion of the Percys against Henry IV. After his death he was the object of extraordinary veneration by the people. Many of the archbishops besides Thoresby and Scrope -- Fitzalan, Lawrence Booth, Scot, among them -- held the office of lord chancellor and played leading parts in affairs of state. As Heylyn wrote: "This see has yielded to the Church eight saints, to the Church of Rome three cardinals, to the realm of England twelve Lord Chancellors and two Lord Treasurers, and to the north of England two Lord Presidents."

The following is the list of archbishops of York, but there is great difficulty in determining the exact dates before the Norman Conquest and there is no agreement on the subject. The dates of accession given below are based on the recent researches of Searle, but those earlier than the tenth century can only be regarded in most cases as approximate:

- St. Caedda;
- St. Wilfrid, 664-678;
- Bosa, 678;
- St. Wilfrid (restored), 686;



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- Bosa (restored), 691;
- St. John of Beverley, 705;
- Wilfrid II, 718;
- St. Egbert, 732 or 734;
- Æthelbeorht (Albert), 767;
- Eanbald I, 780;
- Eanbald II, 796;
- Wulfsige, after 808;
- Wigmund, 837;
- Wulfhere, 854;
- Æthelbeald, 900;
- Hrothweard (Lodeward or Redwald), uncertain;
- Wulfstan I, 931;
- Oseytel, 956;
- Eadwald, 971;
- St. Oswald, 972;
- Ealdwulf, 992;
- Wulfstan II, 1003;
- Ælfric Puttoc, 1023;
- Ælthrie, 1041;
- Ælfric Puttoc, 1042;
- Cynesige (Kinsy), 1051;
- Ealdred, 1061;
- Thomas of Bayeux, 1070;
- Gerard, 1101;
- Thomas II, 1108;
- Thurstan, 1114;
- *vacancy*, 1140;
- St. William, 1143;
- Mordac, 1147;
- St. William (restored), 1153;
- Roger de Pont l'Évêque, 1154;
- *vacancy*, 1181;
- Geoffrey, 1191;
- *vacancy*, 1212;
- Walter de Grey, 1216;
- Sewal de Bovill, 1256;
- Geoffrey of Ludham, 1258;
- Walter Giffard, 1266;
- William of Wickwaine, 1279;
- John de Romeyn, 1286;
- *vacancy*, 1296;
- Henry of Newark, 1298;
- Thomas of Corbridge, 1300;
- *vacancy*, 1304;
- William Greenfield, 1306;
- *vacancy*, 1315;
- William de Melton, 1317;
- *vacancy*, 1340;
- William la Zouch, 1342;
- John of Thoresby, 1352;
- Alexander Neville, 1374;
- Thomas Fitzalan, 1388;
- Ralph Waldby, 1397;
- Richard Scrope, 1398;
- *vacancy*, 1405;
- Henry Bowet, 1407;

- *vacancy*, 1423;
- John Kemp (Cardinal), 1426;
- William Booth, 1452;
- George Neville, 1464;
- Lawrence Booth, 1476;
- Thomas Scot (de Rotherham), 1480;
- Thomas Savage, 1501;
- Christopher Bainbridge (Cardinal), 1508;
- [Thomas Wolsey](#) (Cardinal), 1514;
- Edward Lee, 1531;
- *vacancy* during which Robert Holgate was schismatically intruded, 1544-55;
- Nicholas Heath, the last Catholic Archbishop of York, 1555-79.

The minster occupies the site of the church built by St. Edwin, which as restored by Archbishop Albert was described by Alcuin as "a most magnificent basilica". This perished in the rebellion of 1069. It was rebuilt by Thomas of Bayeux, but few portions of this Norman building now remain. The chief features of the existing building are the Early English transepts with the lancet windows known as the Five Sisters (late twelfth and early thirteenth century) and the west front (early fourteenth century), usually regarded as the finest in England. The nave and chapter-house, containing splendid examples of [medieval](#) glass, are of the same date; the Lady chapel and choir, the latter containing one of the finest perpendicular windows in the world, were fourteenth-century work. The towers were added during the following century, and the completed cathedral was reconsecrated on 3 February, 1472.

The diocese, which consisted of the counties of York and Nottingham, was divided into four archdeaconries -- York, Cleveland, East Riding, and Nottingham -- and contained 541 parishes. The religious houses, which were very numerous, included at the time of the [Dissolution](#) (1536-39) 28 abbeys, 26 priories, 23 convents, 30 friaries, 13 cells, 4 commanderies of [Knights Hospitallers](#), and formerly there had been 4 commanderies of the [Knights Templars](#). The abbeys and priories included some of the largest and most famous in England, such as the Benedictine abbeys at York itself, [Whitby](#), and Selby; Bolton Abbey, belonging to the Augustinians, and the [Cistercian](#) abbeys at Fountains, Rivaulx, Jervaulx, Sawley, and Kirkstall. The churches of York itself were remarkable for their beauty and size. Ripon and Beverley possessed large collegiate churches, and many of the parish churches in the diocese were noted for their size and architectural features. The [arms](#) of the see originally were:

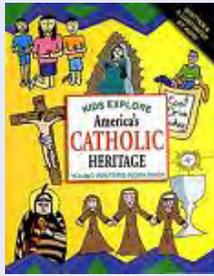
gules, a [pallium](#) argent charged with four crosses formee fitché, sable, edged and fringed or.

But subsequently another coat was used:

gules, two keys in saltire argent, in chief a mitre or.

The [Anglican](#) archbishops have, fitly enough, substituted a royal crown for the mitre. The city of York itself after the [Reformation](#) became endeared to English Catholics for two reasons, one being the large number of martyrs who suffered at the local Tyburn, the other being the establishment in 1680 of the celebrated Bar Convent founded outside Micklegate Bar by the English Virgins, now the Institute of Mary (Loreto Nuns). This community, which still carries on one of the most noted schools for girls in England, has the distinction of being the oldest convent now in England.





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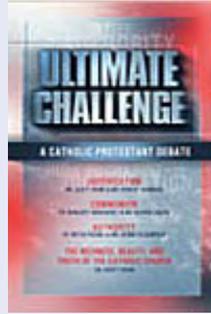
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EDWIN BURTON

Transcribed by Michael T. Barrett

Dedicated to those in York who died for the Catholic Faith

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Edwin, King of Northumbria

Born: ?

Died: 632

Father: [Ælla, King of Deira](#)

Mother: ?

Married (1): [Æthelberga](#)

Children:

[Eanfleda](#)

King of Northumbria 616-632

During the reign of King Æthelfrith, Edwin was in exile in North Wales. Upon becoming king, he attacked that kingdom, taking Elmet and Anglesey and besieging King Cadwallon of Gwynedd. During his reign he also took the Isle of Man. He was the first Christian king of Northumbria, baptized Easter Day 627. In 632, Cadwallon allied with King Penda of Mercia and attacked Northumbria in October. Edwin was killed.

return to [Imperium](#)

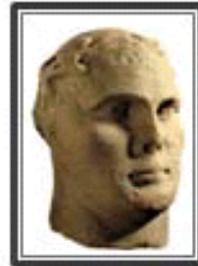
e-mail Joe Shetler at: shetler@ghgcorp.com

Minster History



In the Beginning

During the [Roman occupation of Britain](#) York was a thriving, well-defended settlement containing the army headquarters from which the Romans administered the north of England. These military headquarters were the first buildings on the Minster site.



4th Century stone head of Emperor Constantine.

No-one knows when Christianity first arrived in the city but by 306 when [Constantine The Great](#) was proclaimed Emperor in York it is probable there was a small Christian community among those who proclaimed him. In 312 he issued a general edict of toleration for the Christian Church. However, by the year 314 York already had its own bishop, implying that the Christian community had been meeting there for some time, probably since long before their faith was officially tolerated.



Saxon cross used as building stone in the foundations

The history of north-eastern England between 400 and 600 AD is obscure but York itself survived with its fortifications kept up and even strengthened. However, it seems that the organised Christian community disappeared during the pagan invasions that followed [Roman withdrawal](#) in the 5th century. In 625 Christianity returned to York when [Bishop Paulinus](#) accompanied Ethelburga, a Christian

princess from Kent in southern England, who came north to marry [Edwin](#), the pagan king of [Northumbria](#). Edwin accepted Christianity two years later and was baptised, along with his court, by Paulinus in a church built especially for the occasion - this building is traditionally regarded as the first York Minster. [Bede](#) records that the church was built in a hurry ('citato opere'), that it was made of wood, and that it was small. Before Edwin's death in 632/3 work began on a larger stone church designed to enclose the earlier wooden building. Edwin died before his stone church was completed and it was finished by his successor Oswald, dedicated to Saint Peter as the cathedral in York has been ever since.

Latest News

21 Jun 2004

[York Minster Fire - 20th Anniversary](#)

08 Jun 2004

[New Dean of York](#)

[more news...](#)



Coming Events

20 Apr - 19 Oct 2004

['Foundations of Faith' Course](#)

14 Jun - 12 Sep 2004

[Exhibition: To God be the Glory](#)

23 Jun 2004

[Informal performance by Sandefjord Chamber Choir, Norway](#)

23 Jun 2004

[Concert by the University of York and Northern Sinfonia](#)

[more events...](#)

A period of instability followed with York vulnerable to attack from [Penda of Mercia](#) and the Britons of North Wales. We know that the city was overrun at least twice and probably three times between the death of Oswald in 641/2 and the Battle of the Winwaed in 654/5. In about 670 St. Wilfred took over the see of York and found the structure of Edwin's church fairly lamentable 'The ridge of the roof owing to its age let the water through, the windows were unglazed and the birds flew in and out, building their nests, while the neglected walls were disgusting to behold, owing to all the filth caused by the rain and the birds.'

Saint Wilfred set to work renewing the roof and covering it with lead, whitewashing the interior walls and installing glass windows. Based on descriptions given of other churches built at a similar time it is possible to understand something of how Wilfred's restored church at York would have looked to the 7th century worshippers who entered it. The altar, within which relics were deposited, would have been decorated with purple silk hangings of intricate woven design. Upon the altar, raised by a book rest and in a jewelled binding, would stand the illuminated gospel book. The walls and probably also the testudo (a wooden partition screening the altar) would be adorned with icons painted on wooden panels depicting the types and anti-types of the Old and New Testaments. These church paintings were essential to the evangelization of England, being the only effective way of explaining the 'the new worship' to an illiterate population. [Gregory the Great](#) called them 'the books of the unlearned'.

Saint Wilfred held the see of York for 40 years until 705 but only when not in dispute with Canterbury or for some other reason out of the country. His successors were much more in accord with the wishes of Canterbury and Rome, at last making York a centre where both the Saxon and Roman church were at peace. In the period that followed until the arrival of the Vikings, the Church in York went through a great period in its history. Egbert, who ruled from 732 to 766 and was the first archbishop approved by Rome, hugely expanded the cathedral school and library, which became famous throughout the Christian world. The school's most famous pupil [Alcuin](#), wrote a verse in which he listed the books in the church library. They included not only the Latin fathers, Jerome, Augustine and Gregory, and more recent authors like Boethius and Bede, but classical texts, Virgil, Cicero and Pliny among them. No other such school and library existed north of the Alps and York was truly at the centre of civilization. Meanwhile, in 741, the Minster Church had been burned down. The fire left the old church in ruins but the people of York were in a position to rebuild it and judging by the account of Alcuin it must have been a work

of great splendour. He describes it as lofty, supported by columns, and having round arches and panelled ceilings. It contained thirty altars, and was surrounded by many beautiful side-chapels.

In 793, after 'dire portents' in the shape of whirlwinds, lightning and 'fiery dragons...flying in the air' the first Viking attacks fell upon Britain, destroying the church of [Lindisfarne](#). After years of sporadic attacks, the Viking army wintered in England for the first time in 855. By 867 the Danes were occupying [East Anglia](#), and the following year they went north and captured York. Despite losing both their kings in the fight to repel the invaders the English seem to have negotiated a truce which left them in possession of the city; but in 892 the Danes restated their claim and the see of York was vacant for eight years. For the first half of the tenth century there is very little recorded history of the church of York. Occupied in turn by the Danes, the armies of the West Saxon successors of [Alfred](#) and [Norse](#) raiders from Ireland, it was not until the reign of [Edgar](#) that the English were safely in possession of the whole of Northumbria.

These years were not, however, a time of entire depression, either for the city or its Christian population. The trading Vikings brought a measure of prosperity and the Anonymous Life of [St Oswald](#) in 980 describes York as a densely populated city, full of Danish merchants, even if its buildings were somewhat down-at-heel. The Minster survived and remained a centre of Christian worship with archbishops continuing to serve, although they are little more than names to us. Some of the Danes even showed an interest in Christianity and as early as 895 a Danish king, Guthfrith, was buried as a Christian in the Minster. In 934 King Athelstan made the Church a very significant grant of land and in 946 King Eadred presented it with two large bells. Even so, the pagan element among the north-eastern Vikings made York an insecure base for a bishop in the mid to late tenth century.

When the clouds of history rise again we find something altogether new; a line of archbishops, Benedictine monks but of Danish origin, restoring some semblance of order to the Christian life of the city and its Minster. The most distinguished of these were the second Saint Oswald, archbishop from 972 to 992 and Wulfstan from 1003 to 1023. The York of their day had become a largely pagan place, the most thoroughly Viking town of the whole Danelaw. Although none of these new monk-archbishops managed to restore a single monastery to the north they were far from negligible figures: it was the last of their line,

Archbishop Ealred, who travelled south on Christmas Day 1066 for a truly momentous engagement...

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ANGLIAN YORK (EOFORWIC) c. AD 400 — c. 866

Prehistoric

Roman

Trade

Craft

Domestic

Dress

Religion

Military

Anglian

Trade

Craft

Domestic

Dress

Military

Viking

Trade

Craft

Domestic

Dress

Religion

Medieval

Trade

Craft

Domestic

Dress

Religion

Post-medieval



Excavations by the confluence of the Rivers Foss and Ouse at Fishergate revealed the remains of an unsuspected Anglian settlement

Little is known about York immediately after the withdrawal of the Roman garrisons from Britain in the early 5th century. There are very few traces of the Anglo-Saxons who we know settled in the area during the 5th and 6th centuries. This remains a challenge for the York Archaeological Trust in the future.

Our work has led, however, to a greater understanding of the later Anglian period. Documents show that York was important enough for King Edwin of Northumbria to be baptised here in 627, and by the 8th century the city had a reputation throughout western Europe for learning and scholarship. Despite this, we found little real evidence from this period until the mid 1980s when we discovered 7th–9th century buildings near the River Foss in Fishergate, well outside the Roman centre, and at last the lost centuries began to unfold.



The magnificent 8th century helmet found at Coppergate

Prehistoric

Roman

Trade
Craft
Domestic
Dress
Religion
Military

Anglian

Trade
Craft
Domestic
Dress
Military

Viking

Trade
Craft
Domestic
Dress
Religion

Medieval

Trade
Craft
Domestic
Dress
Religion

Post-medieval

VIKING YORK (JORVIK) c. AD 866 — c. 1067



The Viking Dig: excavations in progress in Coppergate

The Vikings captured the city in 866 and there soon followed a tremendous boom in urban development. Although antiquarian discoveries of the 19th and early 20th century had hinted at the richness of the surviving archaeological record, it wasn't until 1972 that its full potential was recognised. Excavations by the Trust, first in Pavement and subsequently in Coppergate, uncovered material which attracted international interest and the so-called Viking Dig brought thousands of visitors to York to see the excavations taking place.

Part of Viking Age Coppergate was revealed in all its detail — timber houses, workshops, fences, animal pens, privies, pits and wells. Objects indicated extensive international trade and highly skilled crafts and technologies. Wood, leather, textiles, and plant and animal remains, which do not normally survive, were recovered in great quantities, along with pottery, metalwork, bone, antler and all the debris of everyday life.



A Viking family around the fire as reproduced in the Jorvik Viking Centre

Florilegium Urbanum

Introduction | **Community** | **Economy** | **Government** | **Lifecycle**



The **INTRODUCTION** presents perspectives on English towns and cities by commentators at different periods, and features in particular FitzStephen's "Description of London".

Introductory essay

The vast majority of the primary sources that bear witness to medieval English towns and the lives of the men and women who resided in them each focus on some particular aspect or event. General descriptions of any individual towns are rare, as are surveys or reviews of English towns generally. We do possess a few examples of these, however, and three are given here. Two happen to be roughly contemporary with each other, from the period when we are just beginning to see boroughs emerging as distinctive entities in the social and economic fabric. Furthermore, they present contrasting viewpoints on urban society: one pro, one con. The third comes at the close of the Middle Ages.

An imaginary town, in idyllic rural setting, with typical features: riverside location;



enclosing wall with gates
controlling the main entrances/
exits; high street, connecting
to a bridge across the river;
parish church; the square on
the left side may even
represent a marketplace. From
the Book of Hours of Henry Beauchamp,
Duke of Warwick (before 1446).

For the earlier pair we have two monks to thank – not surprisingly, given the limitations of literacy in that period. They are unlikely to have ever had contact with one another, but each gives us a lively and entertaining perspective on English towns of the late twelfth century. The third description comes from an outsider, probably a member of a diplomatic embassy sent by Venice to London.

The lesser-known of the monks, both today and in the Middle Ages, is Richard de Devizes, a monk of St. Swithun's, the priory of Winchester's cathedral. He was presumably born at the place from which derives his surname, a small town in Wiltshire some 35 miles northwest of Winchester and, again presumably as a monk at Winchester throughout his adult life, may well not ever have travelled beyond that part of the country. Nonetheless, Winchester was an important city at that time and attracted visitors from all parts, and Richard doubtless heard news, rumours and opinions about various English towns – many of his criticisms have the tone of put-downs of the type communicated in casual conversation. Richard's brief critique of English towns is outside of the mainstream of the theme of his chronicle, and it reflects both a measure of scorn for urban society that would have been echoed by many monks (except perhaps for those of more worldly tastes) and yet an affection for his own adopted home-town.

The better-known writer is William FitzStephen, who prefaced his

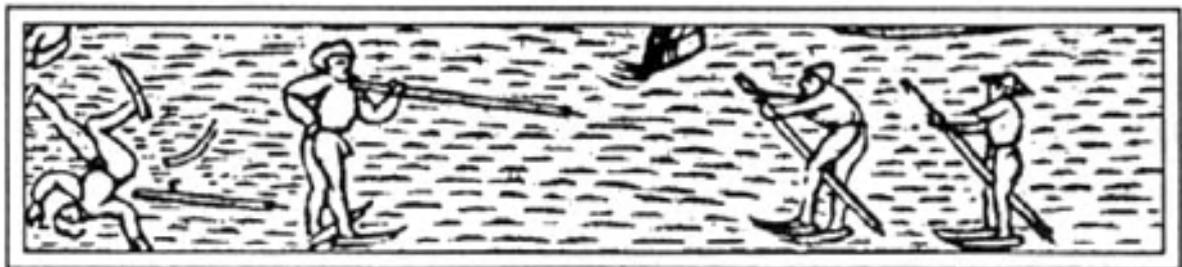
biography of Thomas Becket with a depiction of London during the reign of Henry II. FitzStephen, according to his own claim, served Becket both in the latter's role of chancellor, by preparing legal documents and assisting in the hearing of petitions, and in his role of archbishop, as a chaplain. He likewise claimed to be one of the three clerics who did not desert Becket during his assassination (1170). Despite or perhaps because of this, he seems to have won the favour of Henry II (whom he avoided blaming in his account of the murder), if he is the same William FitzStephen who in 1171 was appointed sheriff of Gloucestershire and later (from 1176) served as an itinerant royal justice; of that identification we cannot be certain. The biography was written at some point in the ten or twelve years following Becket's death.

The reason for a description of London preceding the biography of Becket was, ostensibly, that Becket was – like FitzStephen himself – a Londoner, being the son of Gilbert Becket, a Rouen merchant who settled in London and became an important enough citizen to serve as a sheriff of the city. Yet it is less Becket's association with the city and more FitzStephen's own that comes through in the description, which could easily stand by itself – and so, stripped of the biography, it does in some surviving versions, including one incorporated into London's *Liber Custumarum*. He provides us with a look at London through rose-tinted glasses, for his remembrances of the city are largely those of exuberant youth, full of wonder at metropolitan life, and eager to enjoy its pleasures. Although he does talk in general terms about aspects of the city, he also focuses on particular places, particular events – doubtless calling up the features that most embedded themselves in his memory.

It is easy to be tempted today, given the relative ease and luxuries of twenty-first century living and working conditions, to view life in medieval towns as dirty, harsh, unpleasant, and short. We must remember that this is only a perspective, albeit one not without some merit. It has an advocate in Richard de Devizes, if in tongue-in-cheek fashion; his harshest words are for London, not only because as England's sole cosmopolitan city it was the biggest den of iniquity, but also because its efforts to create a revolutionary commune in 1191 had filled him with a disgust founded on fear. FitzStephen's perspective is quite different, if naive where Devizes' is cynical; his fondness for London and his high regard

for its amenities and its *joie de vivre* are clear enough. He has little bad to say of London, other than references to its drunks and its vulnerability to fire. His account is a rhapsodic expression of that civic pride which historians must otherwise deduce from more formal or more impersonal echoes.

Yet for all this, and despite some minor flights of rhetoric in which the author tries to display his knowledge of classical authors (a trait common to writers of that time, although the knowledge was often acquired indirectly), FitzStephen's description is credible, as indeed Devizes' chronicle is believed to be, once the satirical elements are taken into account. FitzStephen has not exaggerated for the sake of hyperbole, only for literary effect or on the basis of second-hand information which he accepts unquestioningly. Much of what he speaks about is corroborated from other evidence; the ice jousting, for example, is depicted in a medieval illustration. We can well imagine that he was an eye-witness to most of what he portrays, as well as a participant in the schoolboy debating contests he recounts with some enthusiasm. The description ranges from the macrocosm of the quality of the citizens to the microcosm of the cookshop on the quayside and the Smithfield horse-races, which surely reflect fond memories of the author himself. The popularity of fast-food and racetracks is no modern phenomenon.



This late 15th century woodcut shows skaters engaged in the kinds of activities described by FitzStephen.

There is a good deal we can recognize in FitzStephen's characterization of twelfth-century London society that rings true for city life in the twentieth century, while Devizes' account similarly reflects many of today's prejudices towards the urban setting. *Plus ça change...*

[A description of London](#)

[A critique of English towns in the twelfth century](#)

[A perspective on English towns in the fifteenth century](#)



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The **COMMUNITY** [Introduction](#) | **Community** | [Economy](#) | [Government](#) | [Lifecycle](#)

The **COMMUNITY** section addresses various aspects of social life: what defined membership in the community and what were its privileges and obligations; social institutions; religious attitudes; communal events and activities (e.g. recreational); antisocial behaviour; and the construction and maintenance of the physical fabric and urban amenities.

The physical fabric

UNDER DEVELOPMENT

Membership

UNDER DEVELOPMENT

Religion

[INTRODUCTORY ESSAY](#) (image-heavy page)

[Accounts of the churchwardens of St. Mary at Hill](#)

[Provision by a gild for employment of a priest](#)

[A chaplain commits a worldly sin](#)

[Provisions for the parish church and memorial services for the deceased](#)

[Appointment of a chantry chaplain](#)

[Foundation of the Amyas chantry](#)

[Foundation of the Munden chantry](#)

[Lollardy at Coventry](#)

[Town authorities accused of abetting Lollardy](#)

[The fate of heretics](#)

[Collecting for charity](#)

[Hermits used as agents for public charity](#)

[Bequests for pious and charitable purposes](#)

[Regulations governing a hospital/almshouse](#)

[Rules of St. John's Hospital](#)

[Conditions for receiving residents into St. Nicholas' Hospital](#)

[Whittington's Charity](#)

[Decline in support for hospitals and chantries](#)

[Disrespect for religious places](#)

[Religious observances of city authorities](#)

[The Corpus Christi procession](#)

SEE ALSO:

[Register of the Hospital of St. Mary](#)

[Testaments of a devout husband and wife](#)

[Pious and charitable bequests](#)

[Attendance at funerals](#)

Socio-religious gilds

UNDER DEVELOPMENT

Social events

INTRODUCTORY ESSAY

Recreational activities at Coventry

A wrestling competition goes awry

Horse-racing

Prohibition of fencing

A gambling house in which the games are fixed

Gambling and cheating

Restrictions on games

Drinkings by the craft gilds

Participation of craft gilds in processions

Processions on saints' days

Winter ceremonies and festivities

St. George's gild celebrations

Arrangements for royal visits

Ceremonies to receive the king at Coventry

[Mummers](#)

[Undesirable Christmas customs](#)

[Extracts relating to the Corpus Christi play in York](#)

[Orders regarding the Corpus Christi pageants](#)

[The Corpus Christi pageants at Coventry](#)

[Provisions for the Leicester pageants](#)

[The Corpus Christi and Pater Noster plays in Beverley](#)

[Gild for performing the Pater Noster play at York](#)

[Minstrels at Coventry](#)

[Minstrels as civil servants](#)

Antisocial behaviour

UNDER DEVELOPMENT



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The **ECONOMY** section explores the conduct of commercial and industrial activities, locally, regionally, and internationally, and the regulation of commerce and labour by national and local governments as well as by guilds.

Labour

UNDER DEVELOPMENT

Commerce

UNDER DEVELOPMENT

Tolls and customs

[INTRODUCTORY ESSAY](#)

[Grant of exemption from tolls](#)

[Dispute over the payment of tolls by Londoners at Bury St. Edmunds](#)

[Agreement between Nottingham and Derby regarding payment of tolls](#)

Agreement between London and Winchester regarding payment of tolls

Letters testimonial to support a citizen's exemption from toll

Complaints about tolls taken by the Northampton authorities

Usages governing the collection of tolls at Torksey

Customs charged on imports to and exports from London

Customs and regulations related to fish imports into London

Customs charged on imports to and exports from Ipswich

Tolls on imports to Norwich

Tolls collected at the Winchester gates

Grant of murage to Northampton, itemizing the tolls to be collected

Tolls to be collected at Oxford for purposes of murage

Customs levied at Sandwich on imports

Exports to northern Europe, and customs levied thereon at Lynn

Special toll paid by outsiders on imports to Bristol

Prosecution of a toll evader

Steps to combat evasion of tolls

UNDER DEVELOPMENT



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The **GOVERNMENT** section examines constitutional development and political activities in towns, and looks at some of the key functions of government: the maintenance of law and order, the protection of the populace, and fiscal administration.

Constitution

INTRODUCTORY ESSAY

[Charter granted by Henry I to London](#)

[Charter granted by Henry II to Oxford](#)

[Charter granted by Henry II to Nottingham](#)

[Charter granted by Richard I to Northampton](#)

[Charter of the Earl of Chester to Coventry](#)

[Grant of farm by a mesne lord](#)

[Petition requesting county status be granted by charter](#)

[Charter granted by Richard II to York](#)

[Grant by Henry VI of charter of incorporation \(extracts\)](#)

[Incidental costs involved in obtaining a charter](#)

The fragility of chartered liberties

Customs of Newcastle-upon-Tyne

Recognition by an abbot of the customs of his burgesses

Factors influencing the gradual acquisition of freedoms

Origins of some customs at Leicester

Constitutional provisions at Bridgwater

Customs of Fordwich

A colonial constitution

SEE ALSO:

Account of the setting up of self-government in A.D. 1200

Calendar of usages and customs of Ipswich

Calendar of Norwich customs

Lynn by-laws

Yarmouth by-laws

Ancient usages and customs of the borough of Maldon

Politics

INTRODUCTORY ESSAY

Ideal qualities and behaviour of rulers

Alleged extortionate practices of officials

Misuse of executive office

Offences against authority

Offences against order and authority

Provisions for election of city officers

Electoral procedures and dates

Mayoral and shrieval elections

Mayor-elect requests to be excused from holding office

Issues of concern relating to duties of political participation

Reluctance to do one's duty in accepting office

Electoral reform

Procedures for electing and initiating a new administration

Rules for orderly procedure at elections

Political settlement concerning elections and powers

The mayoralty as a focus for unity and division

A disputed election

Pluralism as an excuse for political conflict

Competitive jurisdictions

Jurisdictional disputes at Reading

Suppression of alleged borough liberties and self-government

The king of Ipswich

Factionalism within the ruling elite

Government by council versus government by executive

Party politics lead to civil disorder

Disputes over elections and electoral methods

SEE ALSO:

Account of the setting up of self-government in A.D. 1200

Oaths of officers and burgesses (Lynn)

Oaths of officers and burgesses (Ipswich)

Crime and justice

INTRODUCTORY ESSAY

Community responsibility for police duties

The role of the wardmoot in policing

Tithingman's oath of office

Requirement to be in frankpledge

Reporting crimes to the authorities

Presentments in the Norwich leet court

Investigations of various crimes

Ordinances for policing the city

Ordinances for preserving law and order

Indictments for felonies before the justices of gaol delivery

Petition to the king against sanctuary rights of a homicide

Crimes investigated by the coroner

Homicides investigated by the coroner

Trial by combat between townsmen

Reforms of judicial procedures

Custom concerning defence through wager of law

Examples of defence through wager of law

Cases illustrating defence by wager of law

London custom for waging law adapted to Norwich

Procedure for conducting an eyre

Articles for investigation by the eyre

Proceedings of the eyre at Oxford

Cases presented before the Norfolk eyre

Accusation of rape

Cases perceived as precedents or illustrating points of law

The arduous legal process

Counter-suits for trespass

Domestic induced to become accomplice to theft

Withernam

Reforms of judicial administration

Complaint of unjust arrest and imprisonment

Prison conditions

Punishment of the pillory

Hanging without due process

[Citizen begs forgiveness for a homicide](#)

[The legal profession](#)

[Unethical behaviour from lawyers](#)

Defence

UNDER DEVELOPMENT

Finance

UNDER DEVELOPMENT



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The **LIFECYCLE** section focuses on the individual and aspects of personal life: childhood and education; marriage; careers and the accumulation of worldly goods; health; retirement and death. Women's rights and roles in society are also considered here.

Childhood

UNDER DEVELOPMENT

Adult life: men

UNDER DEVELOPMENT

Adult life: women

UNDER DEVELOPMENT

Health

UNDER DEVELOPMENT

Retirement

INTRODUCTORY ESSAY

Charitable provision for the aged

Grant of a corrody by Cirencester abbey

Corrody granted by De Vaux College to a Salisbury couple

Corrody granted by the Carmelites to a Lynn couple

Terms of employment and pension

Private contract for maintenance in retirement

Disputes over maintenance contracts

Death

INTRODUCTORY ESSAY

Mortal perils in the capital

Death by misadventure

Account of the drafting of a will on death-bed

A nuncupative will overruled

Borough probate of wills and testaments

Complications in the matter of probate

Dispute over bequests

Enquiry into the charge of forgery of a testament

[Early wills of townsmen](#)

[Will of a wealthy merchant](#)

[Wills of different types](#)

[The wills and testaments of three London grocers](#)

[The wills and testaments of three leading Ipswich men](#)

[Last will and testament of a London alderman](#)

[Wills of two Southampton mayors](#)

[Testaments of a devout husband and wife](#)

[Last will and testament of a merchant's widow](#)

[Testament of a city-dwelling knight's widow](#)

[Pious and charitable bequests](#)

[Attendance at funerals](#)

SEE ALSO:

[Homicides investigated by the coroner](#)

[Proceedings of the eyre at Oxford - Pleas of the Crown](#)

[Provisions for the parish church and memorial services for the deceased](#)

[Bequests for pious and charitable purposes](#)

[Whittington's Charity](#)



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Introduction

Although the character of government has been one of the most frequently addressed subjects in the field of the history of later medieval English towns, approaches to this sensitive issue have tended to focus on constitutional development and internal power-struggles between rival factions and classes. I use the term 'sensitive' because the absence of consensus amongst historians derives partly from the fact that interpretations centre on the value-charged concepts of democracy and [oligarchy](#). The earliest studies tend to be the most obviously partisan. Brady, in 1690, set out to justify the closed corporations of his day by tracing their ancestry back to the first royal charters of liberties. Merewether and Stephens fuelled the reform movement of the 1830s by portraying borough governments as democracies thwarted by the device of [incorporation](#) at the close of the Middle Ages.

Later interpretations, while conforming to the general historiographical environment emphasising development and transition, continued to diverge widely from one another. As a consequence of his emphasis on the rising influence of the [Merchant Guild](#) (as opposed to the diminishing role currently attributed to it) Gross concluded that an originally democratic community came to be dominated by a select group of merchants who monopolised power, a process he described as "the great municipal revolution", albeit a silent and gradual one. Colby simultaneously arrived at much the same conclusion. But within a few years Alice Green, refusing to believe that history could be anything but an upwards progress, reinterpreted the evidence; she described the modification of an originally oligarchic form of government as the result of often forceful assertions by a populace inspired by democratic sentiments (which underlay the realities of practical administration). Even such a scholar as Tait found that the evidence could be made to fit both interpretations. Initially favouring that of Gross and Colby, his study of the rise of the Common Council led him more towards the Green thesis, although he remained skeptical of how truly democratic that institution was.[\[1\]](#)

These disagreements are only partially explicable by pointing to the diverse routes of constitutional development taken by different towns, for even students working on the same individual town have put forward opposing interpretations. Thus, prompted perhaps by Strutt's insistence on the inalienability of community authority, W.G. Benham (to whom the historian is indebted for the publication of a substantial part of Colchester's medieval records) held that "From an unknown period ... Colchester enjoyed local liberty and self-government on singularly democratic lines."[\[2\]](#) Geoffrey Martin, on the other hand, has denied that the popular assembly in Colchester ever had a significant share in power, whilst by the end of the Middle Ages "the governing body wears the look of a self-perpetuating oligarchy with only

the sketchiest elements of popular election." [3] Again, Gray and Potter declared that Ipswich and Norwich had unusually democratic constitutions and never became closed corporations, although more careful studies by Weinbaum and Martin emphasised the strictly limited role of the Ipswich community compared to the initiative in the hands of the office-holding body, and Hudson portrayed a transition from democracy to oligarchy in Norwich. [4]

Current orthodoxy, reflected notably in the *Oxford History of England* and in Colin Platt's work summarising our knowledge of English medieval towns, is that democratic elements held, from the first, little real power in urban government. That government was, rather, controlled by an elite - or a succession of elites, since the sporadic popular upheavals served only to replace one set of rulers with another - characterised by social and economic prominence in the community, for wealth and authority were natural concomitants. These rulers - that is, office-holders - increasingly monopolised ('usurped' would be a more prejudicial term) participatory access to decision-making and eventually evolved into the notorious closed corporation. The opposing view, along the lines laid out by Green, now finds few proponents, although Bridbury has argued that, socially and politically, greater flexibility and accessibility were features of the fifteenth century town, and a recent study of Oxford's town council in that period has stressed the same open character. [5]

Modification of the oligarchic interpretation has also been advocated by Susan Reynolds; while Platt's book may be seen as the summation of an era of research into medieval borough history, Reynolds' cautious and balanced study, appearing in print immediately afterwards, points to the problems on which historians must now focus. She points out that:

The trouble with talking in terms of oligarchy and democracy is that oligarchy is a pejorative word: it traditionally implies not merely government by the few, but selfish government by the few. Modern writers tend to assume that all governments of the few must be selfish. [6]

'Democracy' too conjures up in the modern mind much more than it is likely to have done in the mind of the modern townsman. Green's belief that "if the towns had been called on for a confession of faith, the declaration of a pure and unadulterated freedom would have been in every mouth" [7] is perhaps more reflective of the sentiments of her own time than those of the medieval townsman, although it has some validity for the latter. Practical government, not political philosophy, was their prime concern. If we seek to discover that philosophy from the records they left, it is rarely forthcoming except from inference and deduction.

There are, then, two areas upon which this study proposes to focus. First, whether the terms *democracy* and *oligarchy*, although imperfect, are the most satisfactory that we possess to apply to borough government. Effective rule by an elite (not in itself incompatible with democracy) is not so much at issue. But was the behaviour of this elite self-interested, as that of an oligarchy must be? Was it paternalistic, an *aristocracy*, fitting the expectations of the medieval townsmen themselves? Does the apparent association of wealth with power allow us to use the term *plutocracy*? Or does the less commonly noticed predominance of the longest-

living, most experienced of the leading townsmen in the upper ranks of government suggest that we are dealing with a patriarchy - or, to use Hammer's term, *gerontocracy*?[8] Secondly, whether constitutional theory harmonised with the realities of day-to-day government, whether they developed along the same lines, at the same rate, or whether a divergence between the two may help to explain the contradictory interpretations that have plagued the historiography of this field.

It is intended to approach these questions through an examination of the governmental systems of several East Anglian towns: in Norfolk, (King's) [Lynn](#), [Norwich](#), and [Great Yarmouth](#); in Suffolk, [Ipswich](#); and in Essex, [Colchester](#) and [Maldon](#). This examination will rely chiefly on prosopographical analysis of the group of men who held the more important borough offices between the reigns of Edward I (in which period the regular keeping of borough records becomes widely established[9]) and Henry VI. Biographical data on almost 1300 office-holders has been compiled. It is not suggested that prosopography is the only nor necessarily the best approach. Yet, if justification were elicited, it might be noted that government is essentially the making of decisions and enforcing of the same via the exercise of power, and that both processes are strongly influenced by the human factor. As Meyer noted: "the folk of the later Middle Ages, like those of today, were governed by men and not laws, despite legal or political pronouncements." [10] If borough government never managed to measure up to the high standards expected of it - as complaints of the time suggest - or if it mutated from its originally intended form to another, the fault may lie with human behaviour as much as weaknesses inherent in the administrative machinery. With that in mind, this study will use simple prosopographical statistics [11] and individual biographical examples to throw light on six particular topics:

- the relationship of office to wealth and social position;
- the degree of monopolisation of power by an artificially small percentage of the population;
- attitudes suggesting the desirability or undesirability of office-holding;
- the extent of professionalism in administration;
- the quality of government; and
- the nature of urban power-struggles.

Prosopography has its own particular problems, as well as sharing others common to all types of research. Perhaps the most grievous is the lack of information. Richards, having entered biographical accounts of eminent local men of religion into his history of Lynn, desired to do the same for laymen, but lamented: "alas! we look and search for them in vain: hardly can one be found whose name deserves to be recorded, or remembered by posterity." Even the better-informed May McKisack, in her study of parliamentary burgesses, complained that of a large number: "There is little to be said of them as individuals, for most of them have left no memorial save a few sparse references." [12] Others have been more optimistic, preferring to emphasise the information we still have, rather than that now lost or never recorded. [13]

As regards the compilation of lists of officials, this has been achieved, for those towns

addressed by this study, with few gaps during the fourteenth and fifteenth centuries; only for the reign of Edward I are data unsatisfactory. Although few townsmen figure so prominently in the records as to permit the reconstruction of whole lives and careers with some confidence, enough may be learned to render a good majority susceptible to statistical analysis relating to most questions posed by this study.[14] Of 843 office-holders identified from the three principal towns researched, only 3% yield no more information than their tenure of office.[15] However, because records tend to focus on the affairs of the wealthier townsmen, it is rarely possible to examine more than one side of the coin: that section of the urban community generally described as the oligarchy.

One or two specialised problems must be noted. By the fourteenth century the hereditary surname was fairly common in towns and long enough established to be no longer a reliable indicator of occupation, parentage, or place of birth;[16] indeed, there is ample evidence to show that they were highly misleading in this respect. Some surnames continued to fluctuate during the later Middle Ages, obscuring pedigrees, whilst not a few men went by more than one surname: for example, John Ashenden of Lynn was occasionally called not only by his occupational surname of Brouster, but also by the name of Taylour (although there is no evidence for his participation in the craft); and William de Causton of Ipswich was also known as le Clerk and as Hering. The greater the amount of biographical data collected, the greater the chance of making these identifications, not always explicit in the documents. This, it is hoped, is the case with the individuals falling under this study; but it cannot be ruled out that information has been missed because of a failure to make an identification, or that two office-holders included in analysis might in fact be a single person under different surnames.

More difficult to distinguish from each other are different men of the same name, a problem intensified by the very common occurrence of a limited number of Christian names in this period, and the tendency to name children after other members of the family. An extreme case: in 1331 Thomas de Debenham, in claiming before Ipswich court a hereditary right to three shops, revealed that he was the sole survivor of seven brothers, five of whom had been named John![17] For further instance, the name Henry Bosse may be found in frequent occupation of Colchester offices between 1357 and 1433; this resolves into three individuals, but where the career of each ends and begins is a matter for speculation, for none has left a will. The same may be said of the two Geoffrey Starlings of Ipswich, whose careers overlap in the 1370s. It may be appreciated, therefore, that when the researcher is faced by a John Clerk or a John Smith, he is inclined to despair at ever disentangling the numerous individuals of those names, or determining if there is any family relationship with others of the same surname. The John Clerk who was bailiff of Colchester in 1373 was probably the merchant of that name, but he may have been one of the others who entered the franchise as "king's retainer" (1350/1) or weaver (1354). There is a list of candidates for the John Smith who sat in parliament for Ipswich in the 1440s: John Smith chandler, John Smith fuller, John Smith barker, John Smith atte Cay merchant, John Smith atte Cross, John Smith junior mercer, John Smith of Stoke, John Smith "recently of Akenham", and others all living in Ipswich during the reign of Henry VI. Given these uncertainties, one cannot expect precision from statistical analysis.

This study has even more serious limitations. No definitive conclusions on the underlying

theme of the character of borough government can be drawn from a few case-studies; but to investigate every town, or at least every major town, in the depth required would involve a vast amount of time. As far as this work is concerned, the records pertaining to Lynn, Ipswich, and Colchester have been carefully searched and their fruits have been the foundation of the study. Varying degrees of work have been done on Great Yarmouth, Norwich and Maldon: the Yarmouth records have been sampled, but much information has been gathered from secondary sources; the Maldon records, although not plentiful, have all been read through, but secondary material on the town is scarce; time has permitted Norwich records to be consulted only in their printed version and office-holders have not been studied individually. The history of each one of these towns has benefited from the attentions of scholars, both antiquarian and modern. Prosopographical data relating to prominent townsmen has been compiled and used effectively by several of the more recent studies.[18] Where this study hopes to profit is not merely from concentrating on particular aspects of urban administration (as opposed to attempting the overview found in pioneering researches), but also from comparison. The towns under investigation, all in the prosperous and populous eastern part of the country, all with strong links to maritime trade, existed in a broadly common economic environment. Some problems in administrative and political development were also common, others the product of peculiar circumstances, and the solutions were likewise. By contrasting these towns we may perhaps learn something that is not easily perceived from isolated studies.

A further limitation has been the grades of officials studied. The permanent officials of the bureaucracy - clerks, sergeants and minor officers - whose annual election disguises reappointment, and who had no voice in decision-making, have not come under scrutiny. The personnel of the town councils have not been directly analysed either, due to the infrequent recording of memberships in most of those towns studied. However, in effect, a large proportion of the councillors will be found to fall under the categories that have been analysed. These include the most commonly studied groups: the executive ([mayors](#) and [bailiffs](#)) and parliamentary burgesses. The latter are not town rulers *per se*, but the importance of their role to the town they represented makes worthwhile an examination of their relationship (supposing there to be such) to the urban ruling class; henceforth they will be referred to, for brevity's sake, as M.P.s, although this term is not to be thought of with its modern connotations but purely meaning a representative of a constituency at a single meeting of parliament. In addition, partly to enlarge the size of the group, partly in an attempt to deal with a broader social range than has been investigated by others, this study encompasses other important elected officers: financial officers (from those five towns whose personnel have been analysed) and also the coroners of Ipswich.[19] The Colchester records suggest a justification for this selection of offices. There, two elections were held annually: bailiffs, town council and [chamberlains](#) were elected in early September; other officers were not so vital to the government and their election was left until just after the new administrative year began at Michaelmas.[20]

This study was originally undertaken to fulfill the requirements for the degree of Master of Philosophy at the University of Leicester, 1978-1982. The present text represents an expansion of my thesis, based principally upon work conducted at that time but excluded (largely for reasons of space) from the thesis, yet also with some additions deriving from

subsequent research. I benefited greatly, in the course of my original research, from discussions with my Leicester colleague David Wykes and former colleague (from my time at Carleton University, when I was studying the government of medieval Norwich) Rudi Aksim - both involved in prosopographical studies of their own; also with the late Helen Sutermeister of the Norwich Survey. However, my perceptions of borough history were most deeply influenced by my M.Phil. supervisor, Professor Geoffrey Martin. Needless to say, the errors that I do not doubt exist in this study - which is but a way-station on the journey towards a better understanding of borough government - are due entirely to my own failings. A debt of thanks is also owed to the staffs of local and national archives who dealt with my many and sometimes unreasonable demands with much patience and kindness. In particular I think of Mr. David Lee of the Public Record Office and Ms. Susan Maddock, King's Lynn archivist at the Norfolk Record Office, who managed to produce documents for my perusal under the most trying circumstances. Finally, I must acknowledge the kindness of His Grace The Duke of Norfolk, E.M., C.B., C.B.E., M.C., in allowing access to his archives at Arundel Castle.



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INTRODUCTION

Notes

- 1 C. Gross, *The Gild Merchant*, (Oxford, 1890), I, 108, 110, 171; C. Colby, "The growth of oligarchy in English towns," *E.H.R.*, V (1890), espec. pp.633-34, 643; A. Green, *Town Life in the Fifteenth Century*, (London, 1894), espec. II, 221-22, 240, 255; A. Ballard and J. Tait, eds., *British Borough Charters 1216-1307*, (Cambridge, 1923), lviii; J. Tait, *The Medieval English Borough*, (Manchester, 1936), 28, 302-03.
- 2 W. Benham, ed., *The Oath Book or Red Parchment Book of Colchester*, (Colchester, 1907), i-ii; B. Strutt, *The Constitutions of the Burgh of Colchester*, (Colchester, 1822), ix-x.
- 3 G. Martin, *The Story of Colchester*, (Colchester, 1959), 36.
- 4 I. Gray and W. Potter, *Ipswich School 1400-1950*, (Ipswich, 1950), 2; M. Weinbaum, *The Incorporation of Boroughs*, (Manchester, 1937), 105-06; G. Martin, *The Borough and Merchant Community of Ipswich, 1317-1422*, (Oxford PhD thesis, 1955), 23; W. Hudson, ed., *The Records of the City of Norwich*, (Norwich, 1906), I, lx.
- 5 C. Platt, *The English Medieval Town*, (London, 1976), ch.4; A. Bridbury, *Economic Growth: England in the Later Middle Ages*, (London, 1962), 55-58; Carl Hammer, "Anatomy of an oligarchy: the Oxford town council in the fifteenth and sixteenth centuries," *Journal of British Studies*, XVIII (1978), 1-27. See also M. Clarke, *The Medieval City-State*, (Cambridge, 1966), for an interpretation of continental examples, which she summarised as "from democracy, through plutocracy, to oligarchy" (p.50); however, she exhibits some confusion in attempting to reconcile contradictory evidence to this theory.
- 6 S. Reynolds, *An Introduction to the History of English Medieval Towns*, (Oxford, 1977), 171.
- 7 Green, *op.cit.*, II, 240.
- 8 All of these terms have been used conscientiously by one writer or another, e.g.: E. Glover, *King's Lynn 1400-1600*, (London M.Phil thesis, 1970), 8; Reynolds, *loc.cit.*; B. Wilkinson, *The Medieval Council of Exeter*, (Manchester, 1931), 51; H. Hillen, *History of the Borough of King's Lynn*, (Norwich, 1907), I, 85-86; Hammer, *op.cit.*, 25.

- 9 Before which, borough records are rather sparse. See G. Martin, "The English borough in the thirteenth century," *Transactions of the Royal Historical Society*, 5th series, XIII (1963), 123-44.
- 10 E. Meyer, "English craft guilds and borough governments of the later Middle Ages," *University of Colorado Studies*, XVII (1929-30), 417.
- 11 Problems of comparability, lack of detail and incompleteness regarding extant records inhibit the use of statistics to provide more than impressionistic conclusions.
- 12 W. Richards, *The History of Lynn*, (Lynn, 1812), I, 620; M. McKisack, *The Parliamentary Representation of the English Boroughs During the Middle Ages*, (Oxford, 1932), 105.
- 13 J. Wedgwood and A. Holt, *History of Parliament: Biographies of the Members of the Common House, 1439-1509*, (London, 1936), x; R. Britnell, *Colchester and the Countryside in the 14th Century*, (Cambridge PhD thesis, 1970).
- 14 It is fruitless to speculate on what important information may be lost; the historian must work, cautiously, with what he has. Analyses have not been attempted where the data has been considered insufficient.
- 15 24, of whom 9 were M.P.s and possibly outsiders.
- 16 On this see R. McKinley, *Norfolk and Suffolk Surnames in the Middle Ages*, (Chichester, 1975), espec. comments on pp.13, 94; Platt, *op.cit.*, 96.
- 17 G.C.R. 5-6 Ed.III m.2r.
- 18 Notably Martin, *Borough and Merchant Community of Ipswich*; Britnell, *op.cit.*; A. Saul, *Great Yarmouth in the 14th Century*, (Oxford PhD thesis, 1975); H. Sutermeister, *The Social and Economic History of Medieval Norwich*, (L.S.E. PhD thesis, unfinished).
- 19 This is the only town where a reasonably complete list of coroners can be reconstructed.
- 20 The form of years sometimes used in this thesis (e.g. 1341/2) will be understood as referring to the borough administrative year, which ran from Michaelmas to Michaelmas, except in Maldon where it began and ended in January. In Norwich the mayoral year ran from May, although the shrieval year continued to run (as the ballival year) from September. At some time in fifteenth century Ipswich it is possible that the election date of September 8 may also have become the date of assumption of office.



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Introduction: The Architecture of Borough Records

The documents which remain as the principal physical evidence of the organisation by which the medieval borough was administered themselves demonstrate the diversity in administrative structure. The prominence of documents produced by the [Merchant Guild](#) among the earliest borough records is witness to the important role of that institution in the formative years of self-government.^[1] In most towns, however, the gild was gradually superseded as the focus of communal identity by the town court, presided over by an executive *prepositus* elected by the [community](#); the grant of which privilege was the first step towards independence from an executive appointed by an external authority. This court was an amalgam of ancient institutions: the *burhgemot*, the [hundred court](#), the [leet court](#), and the [folk moot](#) or portmanmoot as sometimes known.^[2] At this stage, government and the exercise of legal jurisdiction were much the same thing, so the court was a natural focus for administration. When regularly kept records appear from the boroughs, outside of the gild context, it is usually in the form of court rolls.^[3] Such is the case in Ipswich, Norwich and Yarmouth, where series of court rolls begin in the late thirteenth century, and in the case of Colchester whose 1310/11 roll, although the earliest to survive, is doubtless part of a series begun at an earlier date.

Since the court was not merely a judicial but a general administrative institution, its rolls record more than just legal contests. Documents relating to property transactions, communications from or to outside authorities, accounts of the costs of public services, entrances to the [franchise](#), elections of officers, ordinances, or indeed any memoranda that court or clerk felt worthy of notice, might be enrolled onto the parchment membranes or attached in the shape of schedules. In due course the regular recording of business peripheral to the principal judicial function of the court might produce sub-series. At Ipswich this took the form of entirely separate rolls, which themselves gave rise to a new institution in the petty plea court.^[4] At Yarmouth the separate membranes of each sub-series were attached together in a single annual parent roll.^[5] At Colchester such a process is only barely perceptible in the fifteenth century. Paul Rutledge, Yarmouth's archivist, has argued, on the basis of the pattern of the Yarmouth rolls, that town government there was structured simply and relatively centralised in ballival hands,^[6] but it is difficult to see that this holds any more true for Yarmouth than for Colchester or Ipswich, where the variety of names by which the town hall

was known - Tolhouse, *aula placitorum*, guyhald, moot hall - illustrate its multi-functionalism. Strictly administrative, as opposed to judicial, business took some time to produce its own records, for an appreciation of the difference was slow to impress itself on the minds of the burgesses.[7] But in fifteenth century Ipswich the appearance of the General Court, with its registers and rolls, represents the re-emergence of the old portmanmote freed from its judicial role and dealing with burgess entrances, leases of common soil, ordinances, and general administrative decisions. On the other hand, it should be noted that, in the fourteenth century, material either not strictly relevant to normal court business, or too important to warrant such routine recording, was entered into volumes of memoranda usually begun as [custumals](#) or as the result of some significant constitutional event such as the election of a town council in Ipswich in 1309, the Colchester reforms of 1372, or Norwich's acquisition in 1345 of [jurisdiction over its castle's formerly independent fee](#). [8]

However, when we look at the records of Lynn and Maldon a different course of development is indicated. In Lynn judicial administration lay not with the burgesses, but remained the prerogative of the town's founders and overlords, the Bishop of Norwich and the Earl of Arundel and his heirs.[9] The Merchant Gild records that survive - bede roll, morowspeche and congregation rolls, gild accounts *et al.* - by themselves testify to the continued vigour of that institution throughout the later Middle Ages.[10] In the absence of a strong, independent court, a wider spectrum of the community than represented by the gild focused its loyalties on the [assembly](#), in essence a folkmoot. The first regular non-gild records produced by the [borough](#) illustrate the workings of the assembly from 1292 to 1320; their title of 'tallage rolls' does not adequately reflect their scope, for they record not only the local [taxation](#) assessments that were, at this period, the foundation of the borough's budget, but also community expenditures, entrances of freemen, disciplining of transgressors against borough custom, and other memoranda. In place of the court rolls series of Ipswich, Colchester and Yarmouth, Lynn archives boast a series of assembly records, beginning with the tallage rolls, continued by the Red Register, and then by Hall rolls and books, covering the greater part of fourteenth and fifteenth centuries. At the same time, the unusually strong concern with financial matters, in a borough where several important sources of income were in the hands of outsiders, has produced a fine series of [chamberlains'](#) accounts.[11] The Norwich administration too was decentralised and we find accounts of financial officers from the 1290s, regular assembly proceedings from the mid-fourteenth century, and a variety of other records.[12]

The growth of independent government in Maldon, as in Lynn, was retarded by the rights of its overlords, notably the Bishop of London. Assessment of the growth is also made difficult by the fact that the passage of time has not been kind to the borough's medieval archives, for even the relatively few surviving documents are in poor shape. To judge from what we have, [Maldon's early administration](#) was based on the assembly, meeting as necessary but principally at the January electoral 'court'; records of these meetings begin c.1384.[13] An ordinance of 1389 granting that a court should be held by the community in its own hall is worded as if establishing, rather than confirming, the existence of the Monday plea courts.[14] The more prestigious quarterly General Courts, presumably harking back to the borough's half-hundred jurisdiction *tempore Domesday*, were acquired at [fee farm](#) (with [various other](#)

[privileges](#)) from the Bishop in 1403; it may be significant, therefore that the earliest court roll we possess is of the 1402/3 year.[15]

Since elections of borough officers were the function of the assembly rather than the court-as-tribunal, it is not surprising that lists of officers, fundamental to this study, are better supplied from the records of Lynn, Maldon, and Norwich than from those of Ipswich, Yarmouth and Colchester. In the latter group of towns the student relies heavily on the use of the names of executives as dating devices. It was the general, although not invariable, practice to enter these names at the top of the initial membrane of court rolls alongside the regnal year in the heading; there is some indication that years were popularly thought of in terms of the local officer of the time.[16] At Yarmouth the ballival names headed the various sub-series of the court rolls, whilst chamberlains were also named on the fifteenth century *querela* membranes. At Ipswich the names of the coroners were usually added to those of the [bailiffs](#), although in the fervour of the reforms of the time the names of the chamberlains replaced the coroners' in the rolls of 1322/3.

Although, as Martin notes, "consular tables do not seem to have been an inevitable or at least a highly-prized feature of early borough records",[17] the situation changes in the fifteenth century. In the context of the development of Ipswich's General Court, the results of annual elections were recorded from at least 1430.[18] The Colchester reforms of 1372 gave impetus to the recording of names of officers, although they were simply tagged on to the court rolls as schedules at first[19] - perhaps from uncertainty as to any more appropriate way of keeping them. Gradually they worked their way into a regular position on the initial membranes of the annual rolls and were supplemented by the barest of commentaries and addition of associated administrative material. Sufficient care was taken to separate these items from the account of the [lawhundred](#), previously the first item entered on the rolls and occurring on the same day as elections, that one is almost given the impression of a sub-series.

It is regrettable that, in the formal records of institutions, intimacy and insight are rarely glimpsed. When something is shown of the actual process of decision-making, of voting procedures, of reasoning, debate and dissent, it is like a voice from the wilderness. And when the records inform us, for example, that the 'whole community' elected an officer, passed an ordinance, or made some other decision, we are not expected to take the statement literally; what is being recorded is the legitimacy of the action taken, by declaring its source of authority, and the binding nature of the action, thereby, on all members of the community.



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CHAPTER 1

The Structure of Borough Government

Notes (1)

- 1 Martin, "English borough in the thirteenth century," 131. To this subject we shall return later.
- 2 Precise origins of the borough court are still somewhat obscure. See M. Bateson, *Borough Customs*, Selden Society, XVIII (1904), xii-xiii, XXI (1906), cxlv-cxlvii; Tait, *op.cit.*, 30-64; Reynolds, *op.cit.*, 92-96.
- 3 Martin, "English borough in the thirteenth century," 129-30, 132.
- 4 G. Martin, *The Early Court Rolls of the Borough of Ipswich*, (Leicester, 1954), 17.
- 5 P. Rutledge, *Handlist of the Archives of Great Yarmouth Corporation*, (1965), 6.
- 6 P. Rutledge, *The Court Rolls of Great Yarmouth*, (1963), 5.
- 7 Martin, *Borough and Merchant Community of Ipswich*, 139.
- 8 *Ibid.*, 49; *Records of Norwich*, I, xliii.
- 9 With the exceptions of the husting court, control of which was disputed, and the leet court farmed from the Bishop from 1309; see chapter 7. Arundel's influence was primarily restricted to the port (Arundel Castle Ms. MD 1472).
- 10 Most of these documents are still in King's Lynn archives; a few are in Arundel Castle archives. Gross, *op.cit.*, II, 151-70, prints extracts; others have been preserved through Richards, *op.cit.*, I, 450-66. The bede roll may be found in R. Howlett, "The early bede roll of the Merchant's Guild at Lynn," *Norfolk Antiquarian Miscellany*, 2nd series, pt.3 (1908), 29-79. The first extant morowspeche rolls, from the 1240's (Arundel Castle Ms. MD 426) are among the very earliest original borough documents.
- 11 Commencing in fact not in the KL/C39 series, but with the account of 1297/8 (KL/C37/2) stored among the tallage rolls.

- 12 See W. Hudson and J. Tingey, *Revised Catalogue of the Records of the City of Norwich*, (Norwich, 1898).
- 13 D/B 3/1/1; precise dating is prevented by the fact that at least one folio is missing from the beginning of this book. Evidence for earlier administration will be discussed later.
- 14 *Ibid.* f.5r.
- 15 Tait, *op.cit.*, 48-49; D/B 3/1/3 f.6; D/B 3/3/1.
- 16 See, for example, Cal. Anc. Deeds, III, 8; P.P.R. 31-32 Ed.I m.15r.
- 17 Martin, "English borough in the thirteenth century," 141.
- 18 In a volume not now extant, but preserved for us by N. Bacon, *The Annalls of Ipswiche*, (1654, ed. W. Richardson in 1884). His lists are mostly accurate, as far as can be confirmed from independent evidence.
- 19 At Maldon too schedules containing lists of elected officers were attached to several court rolls, and may have been the source from which the lists in the assembly books were copied.
- 20 Surveys may be found in L. Gomme, *Index of Municipal Offices*, (London, 1879), and J. Round, "Municipal offices: Colchester," *The Antiquary*, XII (1885), 188-92, 240-45, XIII (1886), 28-30.
- 21 See M. Beresford, *New Towns of the Middle Ages*, (London, 1967), 218-19 for a modern evaluation of the role of the guild.
- 22 A. Ballard, ed., *British Borough Charters, 1042-1216*, (Cambridge, 1913), lxxxviii, cii, 206-07. See later regarding Norwich and Lynn.
- 23 Pipe Roll Society, XXXVII (1915), 129; G. Rickword, "'Haymesokne' in Colchester," *Trans. E.A.S.*, XIV (1915-17), 143; G. Martin, *Colchester: Official Guide*, 4th ed., (Colchester, 1973), 81.
- 24 H. Swinden, *The History and Antiquities of the Ancient Burgh of Great Yarmouth*, (Norwich, 1772), 21; Pipe Roll Society, new series, XXXI (1955), 111; Rutledge, *Court Rolls of Great Yarmouth*, 3.
- 25 Cal. Anc. Deeds, III, 8; Curia Regis Rolls, 1210-12, 311; C.Cl.R 1204-24, 147; *Abbreviatio Placitorum temp. Ric.I-Ed.II*, 92. Martin, *Borough and Merchant Community of Ipswich*, 156-58; N. Scarfe, *The Suffolk Landscape*, (London, 1972), 101-03.

26 See Tait, *op.cit.*, 188-90, for discussion as to whether election of reeves was sometimes obtained before grant of fee farm.

27 This account, found in several copies of the Little Domesday books, is published in Gross, *op.cit.*, II, 115-23.

28 J. Ecclestone, *The Rise of Great Yarmouth*, (Norwich, 1959), 39; Rutledge, *Court Rolls of Great Yarmouth*, 11. Saul, *op.cit.*, 7 was a little uncertain, noting the different numbers of bailiffs listed in royal records on various occasions (Curia Regis Rolls, 1207-09, 168, 1225-26, 347; C.Cl.R. 1234-37, 12), but the 8 named in 1208 probably represent the executives of two years or perhaps a mix of Yarmouth bailiffs and those appointed by the Cinque Ports at the time of the herring fair (if we may judge from surnames). The association of four bailiffs with four leets should not be pressed too far; there is no evidence of direct representation. Colchester, Ipswich and Norwich also were divided into four leets or wards; in Norwich this reflected separate settlements made between sixth and eleventh centuries; in the other two, town ward boundaries paid little attention to topographic history, parish boundaries, or the lines of town walls. S. Alsford, *Influences Upon the Development of Urban Administration in Medieval Norwich*, (Carleton Hon.B.A. thesis, 1977), 33-41, 53-57; Black Domesday, f.70; E. Cutts, *Colchester*, 2nd ed., (London, 1889), 96-98; P. Morant, *The History and Antiquities of Colchester*, (London, 1768), 94.

29 The two terms, different names for the same office, are used here only for the effect of distinguishing pre- and post-charter governments.

30 F. Blomefield, *An Essay Towards a Topographical History of the County of Norfolk*, (London, 1806), III, 43. The supporting evidence of Hudson, *Records of Norwich*, I, xxv, is inconclusive.

31 Ballard, *op.cit.*, 196, 230, 244; *Records of Norwich*, I, xxvii, 13; Rutledge, *Court Rolls of Great Yarmouth*, 3, (followed by Saul, *op.cit.*, 7-8).

32 C.P.R. 1272-81, 204; Saul, *op.cit.*, 8; Swinden, *op.cit.*, 219-21. We must make some allowance for local officials replying to writs in the terms by which addressed.

33 Ballard, *op.cit.*, 226, 246; R.R. 22-23 Ed.III m.3d.

34 Gross, *op.cit.*, II, 116; C.Ch.R. 1300-26, 344.

35 W. Petchey, *The Borough of Maldon, Essex, 1500-1688*, (Leicester PhD thesis, 1972), 323-24, map 3; D/B 3/3/10 m.4r.

36 On the origins of Lynn, see V. Parker, *The Making of King's Lynn*, (London, 1971), ch.1; H. Clarke and A. Carter, *Excavations in King's Lynn, 1963-70*, (1977), ch.7; H. Saunders, ed., *The First Register of Norwich Cathedral Priory*, (1939), 50-52, 70-72, from which we learn (pp.30-32) that the Bishop founded St. Nicholas' at Yarmouth (at that time dominated by

Cinque Ports fishermen) shortly before St. Margaret's at Lynn.

37 Medieval boundaries unknown, but approximate locations are not difficult to distinguish.

38 Petchey, *op.cit.*, 160, 324.

39 D/B 3/1/3 f.38; D/B 3/1/1 f.2; D/B 3/3/11 m.3d; C.F.R. 1356-68, 92.

40 Curia Regis Rolls, 1201-03, 151. This jurisdiction stems from a grant of William Rufus, thus pre-dating the Bishop's interest; C.P.R. 1327-30, 20.

41 Parker, *op.cit.*, 143.

42 C47/43/255; Arundel Castle Ms. MD 1477; KL/C10/2 ff.117-18. We cannot discount the propaganda aspect of these accounts, stressing the powers of the alderman in a period of political upheaval, nor the distortion of tradition over time - some statements are highly suspect.

43 Ballard, *op.cit.*, 190.

44 C. Parkin, *A Topographical History of Freebridge Hundred*, (Lynn, 1772), 121; Howlett, "Early bede roll of Lynn," 42; There is no good reason to think this roll was begun in 1204.

45 H. Le Strange made this suggestion in a paper, "Early mayors of Lynn," *Norfolk Archaeology*, XII (1895), 229-33, which otherwise casts little light on the problem. A gradual growth in the power of an informal mayoralty is also seen in Exeter, Lincoln and Gloucester; Wilkinson, *op.cit.*, xvi-xvii, xx; D. Duke, *Lincoln: the Growth of a Medieval Town*, (Cambridge, 1974), 19; L. Fullbrook-Leggatt, "Medieval Gloucester," *Transactions of the Bristol and Gloucestershire Archaeological Society*, LXVII (1946-48), 256-57.

46 C.P.R. 1216-25, 100; see also Parkin, *op.cit.*, 122. Robert is traditionally held to have been Lynn's first mayor; there is absolutely no evidence to support the story, printed by H. Ingleby, *The Heart of Lynn*, (London, 1925), 31, that Sunolf was first offered the mayoralty but turned it down in favour of his son. It is possible there is a connection between this selection of a local leader and the national insurrection that took place immediately before (1216-17), in which Lynn had some involvement, leading to the king sending a contingent of troops there and work being undertaken on town defences. The order of 1217 implies that the town had a mayor at an earlier time, but we cannot rely on what may simply be royal supposition.

47 Ballard and Tait, *op.cit.*, 32, 362-63, 370; C.Cl.R. 1231-34, 465; C.Ch.R. 1257-1300, 92; KL/C4/4.

48 C.P.R. 1258-72 *passim*.

49 Richards, *op.cit.*, 388, 393.

50 KL/C4/4; Reynolds, *op.cit.*, 120; Tait, *op.cit.*, 298.

51 Tait, *op.cit.*, 234, 255; *Records of Norwich*, I, lxi. Ballival duties towards the king were largely taken over by the sheriffs created at the same time as the mayor who, however, was then given additional duties as escheator.

52 Ballard, *op.cit.*, lxxxvii, 246; M. Weinbaum, *British Borough Charters 1307-1660*, (Cambridge, 1943), 109; Rutledge, *Handlist of Yarmouth Archives*, 95; *Records of Norwich*, I, xxiii. Geoffrey Martin's statement (*Borough and Merchant Community of Ipswich*, 44) that the 1317 charter did not so much reduce numbers as recognise the custom of two bailiffs being two of the coroners is based only on the electoral evidence of 1200 and does not fit with later evidence nor the general theory of the coroner's role.

53 Rutledge, *Court Rolls of Great Yarmouth*, 3; Saul, *op.cit.*, 18.

54 R. Hunnisett, *The Medieval Coroner*, (Cambridge, 1961), 93-94; Duke, *op.cit.*, 19; Ballard, *op.cit.*, lxxxvi; Gross, *op.cit.*, II, 117; *Records of Norwich*, I, 138; T. Twiss, ed., *The Black Book of the Admiralty or Monumenta Juridica*, II, Rolls Series, no.55, (1873), 51, 56, 152.

55 E.g. I/C5/11/5 m.1r. The link between coroners and chamberlains, as supervisory officers, is also seen at Gloucester.

56 W. Benham, ed., *The Red Paper Book of Colchester*, (Colchester, 1902), 15; Col.C.R., I, 28, 75; Swinden, *op.cit.*, 136, 495; Saul, *op.cit.*, 31-33, 41; Gross, *op.cit.*, II, 119-20.

57 It is observable from identities of personnel, and was stated explicitly in Lynn (Add.Ms. 37791, f.50), that only freemen might be chamberlains, whereas minor officials were often non-freemen residents.

58 J. Wodderspoon, *Memorials of the Ancient Town of Ipswich*, (Ipswich, 1850), 128; Gross, *op.cit.*, II, 119; Martin, *Borough and Merchant Community of Ipswich*, 72.

59 KL/C37/1 m.7r; no mention of them is made in the 1292 tallage roll. Extracts from the mayoral account are preserved in Parkin, *op.cit.*, 125.

60 J. Tingey, ed., *The Records of the City of Norwich*, (Norwich, 1910), II, xvi, xl; Rutledge, *Handlist of Yarmouth Archives*, 123; Rutledge, *Court Rolls of Great Yarmouth*, 12-13; Saul, *op.cit.*, 20. Chamberlains first appear at York in 1289; R. Dobson, ed., *York City Chamberlains Account Rolls*, (1980), xx.

61 D/B 3/1/1 f.11b; D/B 3/3/8 m.3d.

62 Red Parch. Bk., 37; Y/C18/1 f.9; KL/C9/1 f.18; Petchey, *op.cit.*, 180.

63 Interestingly, at Gloucester it was the stewards, originally performing the duties of coroner, who assumed financial responsibilities in the early fifteenth century and who were later called chamberlains; Fullbrook-Leggatt, *op.cit.*, 254-55, 258-59.

64 Black Domesday, ff.74-75; Martin, *Borough and Merchant Community of Ipswich*, 72; Twiss, *op.cit.*, 64.

65 Red Parch. Bk., 31-32; Rutledge, *Court Rolls of Great Yarmouth*, 4. In Beverley too chamberlains arose, in 1382, in the context of popular resistance to the government of the town; A. Leach, ed., *Beverley Town Documents*, (1900), 7.

66 *Records of Norwich*, I, 61-62, 194-95; Add.Ms. 37791 f.45; KL/C7/3 f.249b.

67 D/B 3/1/1 ff.22, 33; D/B 3/1/2 ff.9b, 22; D/B 3/1/3 f.28; D/B 3/3/68.

68 Martin, *Borough and Merchant Community of Ipswich*, 140; G. Martin, "The records of the borough of Ipswich, to 1422," *Journal of the Society of Archivists*, I, no.4 (1956), 93; Bacon, *op.cit.*, passim; *Records of Norwich*, I, 72-74, II, xli-xlii; M. Grace, "The chamberlains and treasurers of the city of Norwich, 1293-1835," *Norfolk Archaeology*, XXV (1935), 182-84; M. Reed, *Ipswich in the Seventeenth Century*, (Leicester PhD thesis, 1973), 211-15.

69 Red Parch. Bk., 39; Swinden, *op.cit.*, 493.

70 I/C5/11/1 m.1r; Bacon, *op.cit.*, 104; KL/C9/1 f.16; KL/C7/2 f.7; KL/C7/3 f.262b.



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CHAPTER 2

The Social and Economic Background of Office-holders

Introduction: Class and Wealth

Charles Gross, contrasting the towns of the Middle Ages with those of his own time, stated that "there were in the former fewer class distinctions, more equality of wealth, and more harmony of interests than there are in the latter."^[1] This may be true in a relative sense, but we ought not assume from it that the medieval urban population was a homogeneous group in which distinctions - of wealth, social status, and interests - between individuals were negligible. The theory of [parity](#), discussed in chapter 1, was an ideal which arose out of probably sincere and church-inspired notions of justice and fair play, and the belief that the prosperity of each townsman depended upon the fortunes of the community as a whole.^[2] But the theory was incompatible with the human urge to exploit the facilities of the town as a centre for the distribution of goods and services. Profiteering, and the free trade which permitted it, could not be separated by mere laws from mercantile ambition; although with the end of the period of economic expansion, replaced by one of instability in trade (from circa the latter part of the fourteenth century),^[3] the merchant class dug in its heels and returned to a self-imposed, and self-interested, protectionism. We have only to look at lists of local or national taxations to appreciate the unequal distribution of wealth. Class differences based on social and economic determinants were present in the borough from Anglo-Saxon times and intensified - or at least became more exaggerated in medieval consciousness - in the later Middle Ages. They proved a destructive force, which Christian ideas of the 'common good' were too vague to counteract.



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The Social and Economic Background of Office-holders

Occupational Analysis

To determine the extent to which these differences were reflected in the character of borough government, the occupations of the principal governing personnel (as referred to in the introduction) have been analysed.^[4] The object of this analysis is not the usual detailed breakdown into types of product/service, but a more behavioural approach intended to suggest type of activity; it is loosely based on the divisions advocated by John Patten.^[5]

Problems encountered with socio-economic classification of medieval [burgesses](#) are basically twofold. The first is that the distinction between craftsmen and merchants, professionals and gentry, or other combinations, is often a fine line in what was a relatively unspecialised economy. This was what Gross really had in mind when he made the statement quoted in the [chapter introduction](#). The medieval burgess of means was likely to be a jack-of-all-trades. He was a farmer, perhaps no more than to the extent of raising crops and livestock for domestic use, but sometimes on a grander scale, holding extensive fields and grazing-lands outside his town. This alone was enough to draw a man into trade, for a surplus of grain, wool, or other fruits of labour had to be marketed locally or exported.^[6] The exporter inevitably imported too; but the merchant was also a tradesman, since goods produced or imported could be retailed for further profit: from shop, market-stall, or tavern. The same holds true of the artisan. The chandler, for example, not only manufactured wax- or tallow-based products, but retailed them and might also himself import the raw materials, financing this by exporting other goods; was he merchant, craftsman, or shop-keeper?^[7] Similarly, taverners were almost always vintners and brewers too. It is impossible to ascertain from existing evidence whether a tavern-owner became increasingly heavily involved in brewing ale and importing wine in order to stock his establishment, or whether a vintner acquired taverns in order to retail his merchandise; most probably the three activities went hand-in-glove. We may note also that the trader often provided his own transportation for his trade goods, in the form of carts and ships. Men such as Robert atte Forde of Colchester, whose commercial experience made them wise in the ways of the world - and (consequently) those of the law court - were sometimes disposed to market their knowledge by acting as attornies,^[8] whilst trained lawyers were not disdainful of investing in mercantile ventures. Thus, for example, John Creeke, attorney in Ipswich court c.1451-67, was also a shop-keeper, and the Gilbert Debenhams who represented

Ipswich in parliament in the 1450s (the father a prominent member of the Suffolk and Essex gentry, and the son a companion of Edward IV) were both involved in exporting cloth.[9]

An unusually well-documented example of the diversity of activities of the medieval burgess is Thomas le Rente, prominent in Ipswich's government c.1297-1321. Besides his activities in local and national (customs) administration, he was a rentier owning (c.1315) 7 messuages and 12 rents in Ipswich and area; he held substantial lands in the local countryside on which he raised sheep and grain; he owned 6 shops, the probable outlets for his victualling activities; and he was a merchant who owned a cart, a ship and a quay, and perhaps began his career as a fisherman.[10] Enough is known of Joseph Elianore of Colchester, although his career is not as detailedly documented, to illustrate a similar breadth of interests: described as a clerk, he frequently acted as attorney in the town court, but his principal source of income seems to have been from landowning; much of this land was arable but he also had a large sheep flock and may therefore have exported wool; there is also evidence of his involvement in tile-making.[11] How should one classify men such as these, who sought a livelihood and profit from any avenue open to them, striving for as much self-sufficiency as there was scope for in the medieval economy. This same theme is seen in the ubiquitous home-brewing activities, the keeping of livestock within the borough, and the leasing of common pastures, meadows, mills, and ditches. The use of factors was a necessary evil; partnerships were largely precautionary measures prompted by the unstable environment of international trade.

The second problem with classification is that its static character fails to reflect the realities of historical development. A few examples, selected from Lynn, will illustrate this. In one of his earliest appearances in the records, in 1378, John White was paid 3 months' carpenter's wages for work on the construction of a barge for the community; by the 1390s he was regularly involved in importing not only timber and other construction materials, but also wax, linen and ashes, in return exporting cloth.[12] Richard Cosyn entered the franchise in 1428 as a dyer; he is found exporting cloth in 1441. Similarly, Simon Baxter was said to be a brewer at his entrance (1449), but a decade later was known as a merchant, exporting primarily barley, malt and ale, but also cloth and hardware, in return for fish; a namesake, probably his son, entered the franchise as a brewer in 1479.[13] A less logical progression is the case of Laurence de Fordham, the first reference to whom (1313) is as a tailor; but by the time he entered the Merchant Guild in 1335 he had acquired his own ship which he used to import wine. [14] "Cobbler" was the description appended to [Adam de Walsoken](#)'s name when he became a freeman in 1302; plague-stricken in 1349, he described himself in his will as "merchant" - an enhancement of status witnessed by his two mayoral terms, his involvement in the wool trade and the royal administration thereof, and by the substantial borough real estate he had amassed. [15] This progression from tradesman or craftsman to merchant is invariable, when traceable; but the tendency for documentation to focus on mercantile activities and on individuals at the peaks of their careers doubtless obscures the process in many cases.

In the light of the problems noted above, no sensible classificatory system can accommodate every individual neatly within one of its compartments. It is felt therefore that the basic three divisions used here - of mercantile, artisan, and professional services - are not palpably more

misleading than a more discriminating division would be. 'Mercantile' is intended to denote those whose primary interest lay in wholesaling or in furnishing retail outlets with materials requiring a minimum of adaptation by the seller before the sale. The evidence has warranted the inclusion - along with men specifically designated merchants[16] - of vintners, mercers, grocers, spicers, and taverners (but not, generally, brewers). By contrast, 'artisan' indicates, whether it be the labour or the product that is sold, a manufacturing service that alters a material from one form to another; commercial activities, if any, being so slight as to suggest them a mere sideline or being necessary only to supply industrial needs. At the other end of the spectrum, 'professional services' indicates the marketing of an expertise (legal, clerical, medical) without the association of a tangible product. A category of merchants/artisans has been added to show the percentage of office-holders who exhibit involvement in both spheres at some time in their lives. Also a category of gentry, men who on the whole do not concern us, being primarily outsiders serving as M.P.s. In allotting individuals to these categories, use of any inflexible yardstick has been eschewed. It has not been considered sufficient to rely solely on designations found in wills or records of [franchise entrances](#); rather, the whole of the available evidence about each person has been weighed before placement in a category.

The results, as shown in [table 1](#), are a little disappointing in that a large number of office-holders remain of unknown occupation. As regards Yarmouth, a more thorough search than the author had time to perform would improve the statistics; but it is doubtful that any reduction could be made in the unknowns of Colchester, Ipswich, and Maldon. Only in Lynn is that category sufficiently small as to pose no serious threat to interpretation. Nonetheless, some tentative conclusions are readily apparent. There is a more marked preponderance of merchants over artisans in Lynn and Yarmouth. In Ipswich and, particularly, Colchester a more even spread of the three main groups in governmental involvement is suggested. Whilst in Maldon the artisans outnumber the merchants.[17] It should be noted that most of the Lynn artisans identified are from the post-plague period, especially the fifteenth century; this could be interpreted as a mitigation of the hold of the merchant class on borough government, but it is just as likely due to the proliferation of borough records and the increasing tendency to specify trades (a reflection of growing class consciousness?). Occupational analysis by period might therefore prove exceptionally misleading.[18] The biases of the records as a whole make it likely that artisans are under-represented in our calculations.

Having made those provisos, however, it may be added that the results of the analysis should not surprise us, for they conform to conclusions that could be drawn from other evidence about the towns in question. The prominence of merchants in [Lynn](#) and Yarmouth seems appropriate for towns which were major ports, foci for international trade, customs centres, and occasionally staple towns. At [Yarmouth](#), which at its peak was probably more prosperous than its larger and more important neighbour Norwich, the herring fishery and the role of the carrying trade meant that shipping was a major interest of the wealthier burgesses.[19] Indeed, as the townsmen petitioned the king in 1347 (seeking a reduction in taxation), Yarmouth, being founded on a sandbank, had no arable lands and the townsmen relied entirely on the profits of commerce. As early as 1298 the crown granted Yarmouth a special exemption on its ships being included in [tallage assessments](#).[20] A few of the wealthiest Yarmouth men owned

small fleets,[\[21\]](#) but ships were expensive and it was more common to own just one, or to share ownership with fellow-burgesses. At Yarmouth 54 of our office-holders owned at least one ship and 4 others had shares in ships; at Lynn there were 31 owners and 10 joint-owners, at Ipswich the ratio was 21 and 5, at Colchester 7 and 5.

Yarmouth and (even more so) Lynn are also distinguished by the presence of men whose commerce-acquired wealth led them into the field of financial speculation. One thinks particularly of Yarmouth's Robert de Fordele and William Elys. The former hoped to make a profit from arranging, in 1309, to assume £1213 in debts owed by the Count of Holland to various English merchants (including Robert), but spent the rest of his life unsuccessfully trying to recover this money through special tolls on the Count's subjects. Elys, with his trading partner Sir George Felbrigge, farmed Yarmouth's petty customs and subsidies from the crown between 1362 and 1382; his customs activities resulted in his impeachment before parliament in 1376.[\[22\]](#)

Two examples from Lynn are illustrative. Thomas de Melcheburn, with his brother William, built a fortune from huge exports of victuals, made the king indebted to him (in gratitude and in coin) by his many mercantile and other services, and became involved in several syndicates in the 1330s and '40s farming national customs or making a profit from dealing in wool purveyed for the king. John de Wesenham, who began his career as a cutler, similarly became rich from victual exports and won the king's favour through mercantile services; he stepped in to take over the farm of national customs when the Melcheburn syndicate failed to meet its commitments (1345). The careers of Melcheburn and Wesenham parallel again in the attainment of important positions in national economic administration: Thomas as mayor of the Bruges staple (1343-48) and searcher of ships throughout the realm (1345-46), and John as King's Butler (1347-50); and again in involvements with royal purveying and administration of the coinage. They number among the foremost capitalists of medieval England.[\[23\]](#) The lesson learned from the disasters that often befell such financiers, combined with the shrinking economy, resulted in a greater levelling of wealth amongst the merchant class of the later fourteen and fifteenth centuries, so that no fortunes were suddenly made and suddenly lost, and no merchant stood head and shoulders above his fellows.[\[24\]](#)

But these speculators were a small minority. It is clear enough from our figures that merchants were the backbone of the ruling class in all of our towns except [Maldon](#), the smallest and least involved in the network of international trade. None of its officers is known to have owned a large ship and there is little evidence of exporting abroad. Yet even Maldon merchants could run up sizeable debts: John Burgeys owed a total of £26.6.8d in 1412, and £129.6.8d in 1429, mostly to drapers, fishmongers, and ironmongers of London and Essex.[\[25\]](#) Ipswich and Colchester were more important ports (although only the former was a customs centre), but not as close to the coast as Lynn and Yarmouth; it may also be significant that their markets were on land-based routes, whereas those of Lynn and Yarmouth were (originally) adjacent to the ports. [Ipswich](#) and [Colchester](#) show a very similar occupational division, except for a slightly greater bias towards artisans in Colchester, an early centre of cloth manufacture (notably russet). Of the 33 artisan office-holders, two-thirds were involved in this industry.

Analysis of the trading activities of the office-holders also indicates the prominence of cloth, not only of the export trade but also of the cloth-finishing industries in the town, since cloth was also imported. Of the 67 members of the Colchester group for whom some record of trading activities has survived, 51% dealt (in part) in cloth; of these, 19 are seen specifically in exporting contexts and 6 also in importing contexts. By contrast, at Lynn - where cloth was the most common, though not necessarily the largest, item of trade - of the 233 office-holders whose trading activities are evidenced, 54% dealt in cloth but almost all were exporting.[26] At Ipswich cloth was no less important as an item of trade - 53% of 57 traders handled it - but again primarily as an export item. The artisanal group of office-holders is more diverse than at Colchester, only 29% being in crafts handling cloth.

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The Ruling Class as Plutocracy?

Can we conclude from the predominance of merchants in the ranks of government that those ranks formed a [plutocracy](#)? The close connection between power, influence and wealth is suggested by Margery Kempe who wrote, of an attempt c.1432 by prominent Lynn burgesses to lobby for the transformation of St. Nicholas' chapel into a parish church, that

The paryschenys which pursuyd weryn rygth strong & haddyn gret help of lordshyp, & also, the most of alle, thei wer ryche men, worshepful marchawntys, & haddyn gold a-now, which may spede in every nede. [\[27\]](#)

Strikingly similar assumptions are seen in Norwich ordinances of 1449, permitting craftsmen who were likely "be wisdom and good governaunce to growe to habundaunce of wordely godes and likely to ber worshipp and astate in the said cite"[\[28\]](#) to transfer from [gilds](#) ineligible for office to others which were eligible; but here note the element of mobility. Again we see the notion in the titles applied to that one of the three urban classes which is always the target for complaints, by the other two, of misgovernment. They were known as the *potentiores* in Lynn, both in the early fourteenth and early fifteenth centuries, and also as "the rich" in the former period. Those of Norwich were described as "*les Riches*" c.1326 and as "the more venerable citizens" in 1414.[\[29\]](#) The Colchester reforms of 1372 apparently required that councillors be elected from the wealthiest ("*de ceaux que plus out*") burgesses, although our towns have nothing to compare with the early requirement in Exeter (1340) that no-one be elected [mayor](#) unless he possess lands or rents worth at least £5.[\[30\]](#)

Historians have perhaps a little too readily embraced the interpretation that the principle of the stewardship of the rich, advocated by the church, was the reality which underlay the diverse administrative systems found in different boroughs. In this view, the wealthier townsman dominated the upper ranks of government while the average burgess had little role in administration outside the [leet court](#).[\[31\]](#) This conclusion is indeed hard to avoid. Meyer's analysis of London [aldermen](#) 1377-94 and Bristol councillors of 1381 showed a predominance of members of the wealthier gilds. Hammer's study of the Oxford councillors discovered that there was a definite hierarchy of wealth corresponding to the political hierarchy; if certain

gilds were better represented in government, it was because their members were wealthier than those of other gilds - fluctuations in the relative fortunes of trade being reflected in changes in the personnel of government.[32]

Analysis of those of the Lynn office-holders who were [jurats](#) shows a noticeably higher ratio of merchants than in the office-holding group as a whole: 249 were jurats, 74% of these being merchants, 11% being artisans with mercantile interests, 3% were purely artisans, 2% professionals, 10% unknown. It was in a lower level of government, the financial office, where artisans were more numerous. The same seems to hold in Yarmouth where, of the 10 men designated only by an artisan occupation, 7 served as [chamberlain](#) only, while 3 attained the ballivalty.[33] However, we must beware of assuming, without deeper investigation, that because the power-holders were the wealthier townsmen we have a situation whereby towns were governed by a unified merchant class,[34] or that power was monopolised by the rich as their right. For if we condemn government by the rich then we condemn the governments of most historical civilisations.

There were good reasons why office and wealth should have gone hand in hand: office was a liability with heavy financial burdens that not all could bear, nor could the average townsman afford the spare time, away from fields or business, needed to fulfill official duties; whereas part of the daily work of the wealthier merchant or craftsman was performed by deputy.[35] Let us not say that the mantle of power was grasped by the rich, but that it fell on their shoulders. If choice was involved it was perhaps as much a question of opting out as of opting in. John de Whatefeld was by far the richest Ipswich burgess of his time: his tax assessments of 1327 and c.1330 double those of anyone else; one of only three Ipswich men to qualify for a national assembly of "greater wool merchants"; and the owner of considerable property in and around Ipswich. Yet he took [ballival office](#) only twice - less frequently than many contemporaries of more modest means.[36] He did not pursue power; he merely did his duty to his community. When we recall that probably a larger proportion of merchants than the records show us began their careers in humbler occupations, we may realize that a more crucial question than whether wealth and power were concomitants is how much mobility there was within the political hierarchy.

Before turning to that question, we must take into account another economic factor which might help us in eliminating some of those officers in the 'unknown' category of our occupational classification: landholding. At Lynn, the most mercantile of our towns, investment in property was correspondingly low; yet sufficient to cause "certain rich men and sufficient having most lands, rents and goods" to refuse to contribute towards a national taxation in 1375, on the grounds that it had been the custom in the past to assess only moveables, not real estate.[37] However, this was probably a relatively small group. For only 10% of the office-holders studied from Lynn is there evidence of investment in urban tenements as a source of rents, or in rural lands as a source of agricultural produce, pasture, or rents. Yet in Ipswich and Colchester more men looked beyond commerce for sources of income: some 30% of our Ipswich group and 50% of the Colchester group had landed interests. In 1341 an Ipswich jury listed sixteen neighbouring villis in which many burgesses of

that town held lands, complaining of being assessed (in national taxations) on those lands both in Ipswich and in the vills themselves.[38]

In [Colchester](#) particularly, land may be suspected as the principal source of income of some of our 'unknowns'. Many of the Colchester 50% held only the odd field, meadow, grove, or the like in the countryside within a few miles of the borough.[39] The income from such would have been slight - doubtless domestic supplies or market-stall stock was all that was forthcoming. But interest in these lands at least suggests the inadequacy of common rights in the borough fields to fulfill the needs of all individuals; leet court records show burgesses being amerced for overburdening common pastures with their animals.

Of course a large percentage of those in the 'unknown' category is simply the result of inadequate evidence. But there are a number of prominent townsmen for whom evidence is not wanting and yet who still cannot be connected with mercantile pursuits. In 1376, just before entering the ranks of Colchester's administration, William Penne made more secure his tenure of 162 acres of lands and woods in Ardleigh and Elmstead and 84 acres in Thorpe-le-Soken; the income from this source he supplemented by serving as estate administrator for other local landlords.[40] William Buk held a 120-acre estate in West Mersea, as well as property in nearby Great Wigborough, and was involved in sheep-farming before settling in Colchester in 1330. There his interests broadened to include the export of cloth and the retail of wine and ale. However, these trade interests remained linked principally with the products of his estate; he owned several grain-barns near Colchester's port, and in 1362 was investigated (posthumously) on a wool-smuggling charge. Like Penne, he appears to have sold his services to the lord of Langenhoe manor.[41] In 1340 Thomas de Dedham and his first wife bought 75 acres of fields, meadow, and pasture in Dedham, perhaps expanding lands already held there; his second marriage some two years later brought with it the reversion of an even larger estate in Great Oakley, and after this we find him fraternizing with county gentry. The only evidence for an involvement in commerce - debts owed him by a baker, a ship-owner, and two merchants - is inconclusive and not incompatible with the occupation of farmer.[42] Like William Buk, Thomas Godestone was already wealthy in land by the time he entered the franchise (1397), his property centered around his birthplace of Godestone, Surrey. After settling in Colchester he wasted little time in finding a propertied wife. She held three manors within a 10-mile radius of the town, as well as several houses and 48 acres of land within its liberties; much of this she bequeathed to Thomas in 1424. Deed evidence shows him still much involved in property transactions in the last years of his life. Evidence of commercial activities is less conclusive: in 1410 he was trading in small quantities of salt and peas, and towards the end of his life (died c.1431) he was retailing wine and showed interest in having a ship built, a plan which may not have been effected.[43] Administrative work was a more prominent element in his career activities,[44] although his landed interests were probably his main source of income.

Similarities may be seen in the Ipswich cases of Thomas Fastolf and Thomas Denys. The former bequeathed (1452) three manors and other lands in Suffolk and Essex, which one would think to have been more lucrative than his work as attorney in Ipswich. Denys, Fastolf's

contemporary and fellow-attorney, held two and a half manors in the countryside west of Ipswich, as well as several properties within the town. Mention might also be made of the Andrew family of Stoke-by-Ipswich, several members of which represented Ipswich in parliament between 1382 and 1449; some pursued legal careers, others branched out into trade, but the lands they held in the neighbourhood of Ipswich gives them the appearance more of gentry than burgesses.[45]

There are no clear trends in investment activities that are general to our towns. Britnell demonstrated a change in the character of the Colchester rulers: in the first half of the fourteenth century their numbers were composed of a mix of landlords, traders, and artisans; but in the second half of the century they were predominantly merchants. Even pre-plague families whose interests lay primarily in land switched their attentions to commerce subsequently. This change he attributed partly to uncertainties about the stability of income from land, but more to the improvement (from the 1360s) of trade prospects.[46] By contrast, Saul's investigations of Yarmouth's leading families indicated relatively low investment in property there before 1349 - and even many of these properties were for commercial use - but heavier investment in the second half of the century in houses and lands (both local and rural) although not in rents.[47] This may be explained by noting that [Yarmouth's commerce](#) was at its peak in the former period, whereas much of its mercantile fleet was lost in the '30s and '40s because of piracy and war; in those same decades there were problems with [maintaining a navigable harbour](#), so that the town went into a slump and many survivors of the plague deserted Yarmouth. The fifteenth century is much more difficult to assess because of the introduction, in the late fourteenth century, of devices such as the 'use' and the feoffee syndicate, which mist the glass through which we gaze at property dealings. In fact, through the whole of the Middle Ages it is difficult to know precisely what part of a burgess' income came from land, for there is too little evidence on property values.[48] Local circumstances and individual inclinations combined with the overall economic environment to determine whether a burgess would show more interest in land, commerce, or legal and administrative services, at any given stage in his life. This dabbling, this readiness to seek profit from any opportunity that presented itself, might be interpreted as enterprise or, alternatively, as the caution of not putting all one's eggs in a single basket.

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CHAPTER 2

The Social and Economic Background of Office-holders

The Mercantile Interest

Before leaving the subject of the role of commerce in the development of a ruling class, we must examine whether the dominance of merchants suggested by our occupational analysis indicates the crystallisation of a ruling merchant class in the fourteenth century - particularly in Lynn, where the [Merchant Guild](#) remained a vigorous institution. So much so that most students of Lynn's history have claimed that borough government there was little more than the gild under a different name.[\[81\]](#) Only Gross stands out against this view.[\[82\]](#) But then he believed that trade played but a minor role in the thirteenth century borough and that the Merchant Guild therefore had not then reached the height of its power, and he also maintained that thirteenth century borough government was democratic; these views could not (as we have seen) be accepted today without considerable qualification.

The main points in the argument of those who have claimed Lynn's government was controlled by the gild are:

- that the gild [alderman](#) was ranked (in lists of [jurats](#) and witnesses) second to the [mayor](#), was empowered to take over the mayoralty if the mayor died in office or was prolongedly absent, and chose the key members of the electoral committee;
- gildhall and town hall were one and the same;
- the members of the corporation were all gildsmen;
- the great wealth of the gild inevitably gave it great influence, especially since the corporation and the individual members of the jurats were indebted to it at various times (the gild treasury acting as a sort of bank).

These points are, for the most part, true enough. But they are liable to lead to over-interpretation: Hillen painted a picture of the gild as an ultra-conservative closed elite; Ingleby concluded that non-gildsmen were excluded from any say in town government and that jurats, councillors and M.P.s were chosen by and from the gildsmen; Parker declared that mayor and alderman were the same person and that there was a similar identity of other gild and town officers. All this is patently false. Except in the special circumstances provided for by the constitution, the alderman was almost never elected to the mayoralty, and such pluralism was more unpopular with the incumbent than anyone else, because so burdensome.[\[83\]](#) To the contrary, new aldermen were generally chosen from ex-mayors - so one might as well argue

that the corporation controlled the gild! It was almost equally rare for [gild scabins](#) to serve simultaneously as borough [chamberlains](#). Although most corporation members were also gildsmen, this was not invariably (and therefore not inevitably) the case, nor should we read anything sinister into it; most of the moderately well-off freemen joined the gild, merchants or no. There is no evidence whatsoever that membership was a pre-requisite for borough office. The pre-requisite was rather membership of the [franchise](#) and there is positive evidence that this and gild membership were not synonymous.[84] We have already, in [chapter 1](#), dispelled concerns about the manipulation of elections via electoral committees. The use of the gildhall for assembly meetings was a straightforward rental contract and a logical utilisation of a suitable venue already in existence when Lynn obtained self-government. As for the gild's financial influence, some jurats were indeed occasionally debtors of the gild, but their debts were contracted as gildsmen not as jurats. Analysis of the chamberlains' rolls shows that the corporation was seriously indebted to the gild only in 1372/3 (£73, repaid in 1374/5) and in 1404/5 when the debt became a political issue and was repudiated a few years later by the reform party.[85] In the fourteenth century the corporation generally kept its head above water, whilst in the fifteenth it preferred to remain indebted to individuals rather than cover deficits by borrowing from the gild. In fact the gild treasury was semi-public property, the keys to which were held by alderman and mayor.[86] Apart from the special constitutional role of the alderman, who had been the leader of the community in pre-mayoral times, the gild had no formal role in Lynn's administration[87] and there is no evidence that, as an institution, it influenced corporation policy. Meyer was nearer the truth when he said that the "Gild consciousness was official consciousness." [88] The fact that the corporation was dominated by merchants, who also happened to be gildsmen thereby, produced an inevitable identity of interests of gild and corporation. Whether they were inimical to the interests of the rest of the community remains to be seen.

It is the visibility of the gild in Lynn that excites proponents of the gild-corporation theory; yet it is that very visibility which disproves the theory. Had the two merged then we would almost certainly have lost sight of one or the other. This seems to have been the case in some of our other towns, where the gild as an administrative institution in decline was absorbed by the youthful, expanding corporation. Whereas in Lynn the gild was stronger, in a town where commerce was so vital, and it managed to remain independent. In Norwich records a Merchant Guild is barely seen at all; none of the city's charters grant (or recognise) such a gild and in fact that of 1256 prohibits any gild from being held in the city, although this may have been aimed at craft guilds. Norwich has consequently been used as proof that a Merchant Guild was not an indispensable nucleus of the borough in its early days of independence. However, in 1285 Adam de Toftes, one of the most experienced city leaders (8 times bailiff since 1265), was elected alderman of the [Hanse](#), a reputedly ancient city institution in which we almost certainly see the remnant of the gild, its original functions now largely absorbed by the corporation and itself reduced to protecting the interests of Norwich merchants in external fairs and markets.[89]

This theory is strengthened by the Ipswich evidence of 1200, when alongside the machinery of self-government was created (or confirmed) a [gild machinery](#) controlled by alderman and

four scabins. All burgesses were given the opportunity to join the gild by making a payment to its hanse. To support its treasury, the gild was given a monopoly on the sale of stoneware; Lynn's gild too had a monopoly on millstones from at least the 1280s. It is interesting that gild officials were all portmen, but we should not make too much of this isolated piece of evidence occurring in extraordinary circumstances, nor of the fact that the courthouse was also the gildhall.[90] Parallelism of gild and corporation is further seen in an apparent division of freemen entrants: *forinseci*, outsiders who were allowed only the commercial privileges of the franchise, paid their entrance fines to the gild; whereas *intrinseci*, residents of the town, paid not only to the gild hanse but also a fine to the community.[91] Entrances were apparently recorded in gild documents at first, but in the second half of the thirteenth century were transferred to the court rolls and *forinseci* were said to pay their fines towards the town [fee farm](#). The diminishing importance of the gild is also suggested by its infrequent appearances in later records. In 1325 it transmuted into the socio-religious gild of Corpus Christi and its subjugation is clearly indicated in that gild officers were required to render annual account before bailiffs and portmen. By 1479 the impression received from surviving evidence is that the gild's principal - perhaps sole - function was to organise an annual feast to which every burgess was obliged to come and to contribute towards the costs; this was a memory of a time when the gild was more intimately connected with the concept of community. In connection with this we may note that in 1446 the alderman and scabins were elected by *tota villata*. [92]

Yarmouth's gild seems to have followed a similar course. By the time that local records appear, in the late thirteenth century, the gild granted in 1208 had declined into obscurity. There is some indication that its hall, in the marketplace, was used by the corporation; although the principal building of the latter was elsewhere. It is possible that a vestige of the Merchant Gild reappears in the fifteenth century in the guise of the *Magna Gilda Sancte Trinitatis* of which, by the following century, every councillor was required to be a member, and the alderman was the previous year's bailiff.[93] Circa 1435 it was ordained that all Lynn jurats belong to Corpus Christi gild,[94] whilst in Norwich St. George's gild from 1452 (and possibly the gild of the Annunciation previously) took the same role.[95] None of these were Merchant Guilds, although their memberships had always been elitist. In none of our towns is there evidence that office-holding was restricted to members of a Merchant Gild, as was the case in Southampton and Oxford. The service of the guilds was most valuable rather in the nascent borough, before self-government and while an independent administration was in the process of establishing itself.

There were other less obvious legacies of the gild: as the earliest organisational form in the borough it established a tradition of recording routine business and perhaps too machinery for financial administration (treasury, financial officers, an accounting system) subsequently adopted by the corporation.[96] Perhaps most significantly, the concept of the [community](#) (defined by membership acquired through explicit application) as a fellowship of [peers](#) with mutual loyalties and obligations is an influence that might be traced from gild to borough franchise.

Yet, whatever embryonic sense of a special mercantile interest may have been engendered by

the gild - particularly in Lynn - was enhanced by other institutions. First, by the 'estate of merchants' which arose in the first half of the fourteenth century as a rival to parliament, almost threatening to displace it, but declining after the failure of the English customs syndicates, and merging with the Commons by the end of the century.[97] Second, by the staple organisation that was set up in various English towns in the second half of the fourteenth century, and had police and judicial powers over its membership; although independent of borough corporation jurisdiction, its officers were much the same men who dominated borough government.[98] Both of these institution involved wide geographical associations and created the danger that merchants' loyalties (expressed in freeman's oaths) would be drawn away from local to national community, thereby undermining the integrity of the borough. Thirdly, in Lynn, by the merchant assemblies that developed in the fifteenth century; these were to discuss purely mercantile business and only merchants might be present - perhaps symptomatic of a conceptual (and insidious) differentiation of interests of the merchant 'class' and the town. It may be noted that Lynn's constitutional settlement of 1420 provided that the three keys to the chest containing the common seal be kept one by the mayor, one by a jurat, and the third by a councillor elected by all who were merchants.[99] A mercantile interest would no doubt have existed without these institutions, and we should not impose on them too great an impression of unity, for Lynn merchants were divided into parties according to the countries with which they traded - sometimes these groups clashed. But the fact of institutionalisation may have enhanced the awareness of interests separate from those of the non-mercantile members of the community.

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Class Consciousness and the Dignity of Office

Class awareness in the boroughs seems always to have taken a tripartite form, not only in England but in continental towns too. We have noted that the highest of the three classes was described by its attributes of wealth and power. Titles of the other two are not very revealing: *mediocres* or *menes gentz* were the middle class,^[100] while the lowest class was the *inferiores* or *poveres gentz*. In Lynn the latter were the non-freemen residents, but there is no evidence as to whether this was the case or not in our other towns, although a group of *pauperes burgenses* is seen in 1086 in Ipswich and Colchester, whilst the Norwich *bordarii* of that time were former [burgesses](#) who had fallen on hard times.^[101] The three classes were not merely a local perception, for the royal government acknowledged their existence too: in 1378 defining the Norwich upper class as citizens with merchandise, chattels, or lands worth £10 or more. The early fifteenth century Colchester ordinances prescribed that the headmen of the electors should possess real estate worth 40s. annually, or goods to the value of £40. And in the same period at Lynn the [jurat](#) qualifications are revealed as being possession of a good character and real estate worth 100s. annually.^[102] The same distinction by wealth is suggested in Ipswich in 1452 when the expenses of parliamentary business were assessed on the burgesses, with portmen being assessed at twice the rate of others, and in 1457 when the purchase of a barge was to be made via obligatory contributions of £20 from the bailiffs and portmen and £20 from the remaining burgesses.^[103] Behind the setting of wealth qualifications we see a fear of administration falling into the hands of men not capable of the responsibilities and demands of the task, to the ruin of all.^[104] In an age when little formal education was available to laymen, capability was judged by success in business - the acquisition of wealth.

In this we see the notion of 'sufficiency', a concept as vague as *probi homines*. It found expression in constitutional powers of executives or councils to reject candidates thought unsuitable for office.^[105] The growing class consciousness, of which conspicuous consumption and the taste for ceremony were symptoms, impressed itself strongly in the belief in the dignity of office. At least as far back as the thirteenth century, to commit an act of violence upon or in the presence of the executive (or even lesser officers) was considered particularly serious; it incurred heavier punishment than normal assault. This may have been

partly related to the fact that [bailiffs](#), as officers upholding royal law, were delegated some measure of the privileges of the 'king's peace'. This sacrosanctity came to include verbal attacks on the administration. Public criticism of the character or actions of the town officers was not tolerated, since it was liable to bring disrepute on them. An act of vilification in 1439 resulted in the culprit, Thomas Couper, being expelled from Lynn's Common Council, thrown in prison, and fined 40s. upon release.[\[106\]](#) The poll tax of 1379 assessed mayors at the same rate as knights and the "dom." prefaced to the names of the Ipswich bailiffs of 1284/5 may have been a mark of respect rather than a literal title.[\[107\]](#)

It was certainly in the interests of the ruling class to strengthen the status quo of the social hierarchy. One way of doing this was to introduce liveries: different designs or colours for each grade of the political hierarchy. Care was also taken not to allow persons of undignified occupations to enter the ranks of the ruling class. Bakers, victuallers, taverners, hostelers, and sometimes attornies were disqualified from election as [mayor](#) or bailiff in the fifteenth century. The royal statutes prohibiting election of such men may have been a guard against conflict of interest or the use of office to line one's own pockets. But local ordinances confirming them certainly had in mind that there was something distasteful about these occupations. In Colchester most of the occupational titles so banned were prefaced by the word "common", whilst in 1438 hosteler William Wyth of Lynn was permitted to become a jurat on the understanding that he would, within one year, have acquired an honest house where no common hostelry was held.[\[108\]](#) In 1463 Thomas Antyngham was forbidden to take up the office of Common Councillor of Norwich, to which he had been elected, on the grounds that he was a shoemaker. Tingey believed that, until 1449, only mercers had been permitted to hold the Norwich mayoralty; in fact a hosier was mayor in 1415 and a butcher in 1422. To be fair, we must note that in Norwich provision was made in 1449 for persons elected to overcome ineligibilities by transferring from one [craft guild](#) to another; John Aubrey butcher took advantage of this, moving to the drapers guild and subsequently becoming an [alderman](#) in 1461. In Colchester and [Ipswich](#) it was sufficient for victuallers or taverners to abstain from exercise of their businesses during their terms of office.[\[109\]](#) This state of affairs is in marked contrast to the situation we have already noted a century earlier, when someone like victualler and tavern-owner [Thomas le Rente](#) could be a dominant force in Ipswich politics for decades.

The dignity of office was in turn applied to the class that provided office-holders, to the point of creating an urban patriciate, a separate estate. The Norwich rulers were described as venerable citizens and *gentz destat*; 'venerable' was a term also applied to Lynn's mayor, alderman and jurats (although not to councillors); the most prominent of the jurats were known as the "*nobiles de banco*".[\[110\]](#) An example of the snobbery that this could engender is seen in Margery Kempe, the proud daughter of John de Brunham of Lynn; she felt she had married beneath her, chiding her husband "that sche was comyn of worthy kenred - hym semyd nevyr for to a weddyd hir, for hir fadyr was sum-tyme meyr ... and sythn he was alderman of the hey Gylde of the Trinyte."[\[111\]](#) The constitutional settlements in Lynn and Norwich in the time of Henry V formalised the separation of the ruling class from the rest of the community by a division of powers; in effect, they recognised that the solution to the

previous decades of internal conflict was to be achieved not by reconciling interests but by balancing them.

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Notes (1)

1 Gross, *op.cit.*, I, 74.

2 For discussion of the influence of Christian philosophy see S. Thrupp, "Social control in the medieval town," *Journal of Economic History, supplement no.1* (1941), 39-52; R. Roover, "The concept of the just price: theory and economic policy," *Journal of Economic History*, XVIII (1958), 418-34; J. Baldwin, "The medieval merchant before the bar of canon law," *Papers of the Michigan Academy of Science, Arts and Letters*, XLIV (1959), 287-99.

3 This is of course a generalisation which cannot reflect the subtleties of economic fluctuation. See R. Dobson, "Urban decline in late medieval England," *Transactions of the Royal Historical Society*, 5th series, XXVII (1977), 1-22, for a recent evaluation.

4 Appendix II, [table 1](#).

5 J. Patten, "Urban occupations in pre-industrial England," *Transactions of the Institute of British Geographers*, new series, II (1977), 296-313; with modifications suggested to me by David Wykes. For an example of the traditional analysis, see Glover, *op.cit.*, 27-28, 210.

6 E. Power, *The Wool Trade in English Medieval History*, (Oxford, 1941), 3.

7 In my analysis chandlers have been considered artisans unless there is direct evidence of mercantile activity. Corn-chandlers, who are rather called "cornmen" in the sources, have been taken as merchants.

8 Manucaptors and essoining agents may also have had a touch of professionalism.

9 Dogget rolls 17-38 Hen.VI m.7r, 4-5, 5-6 Ed.IV passim; IC/AA2/2 f.261; C.Cl.R. 1461-68, 357; W. Haward, "Gilbert Debenham: a medieval rascal in real life," *History*, XIII (1929), 305-06.

- 10 E122/50/11; E179/242/40; G.C.R. 8-9 Ed.I m.4r; P.P.R. 32-33 Ed.I m.5r. See S. Alsford, "Thomas le Rente: a medieval town ruler," *Proceedings of the Suffolk Institute of Archaeology and History*, XXXV (1982), 105-115.
- 11 Stowe Mss. 834 f.64, 841 f.35; Morant, *op.cit.*, 47; Col.C.R., I, *passim*.
- 12 KL/C39/37; E122/93/31; E122/94/12-14.
- 13 KL/C7/2 f.100; KL/C7/3 f.270b; KL/C7/4 ff.51b, 200; E122/96/35, 40, 41; E122/97/8.
- 14 KL/C5/2 m.8r; Red Red. f.177b; J.I.1/612/2 m.6r; Cal.Inq.Misc. 1307-49, 250, 366-67.
- 15 KL/C37/3 m.1r; KL/Roll of wages; Red Reg. ff.87b-89; C.Cl.R. 1339-41, 167; C.F.R. 1337-47, 155-56.
- 16 Or whose activities indicate them to be so. Unfortunately the title 'merchant' was rather freely applied and on occasion may be deceptive or even undeserved; the evidence is not sufficient to permit further breakdown of the merchant category according to scale of trading activity.
- 17 It is important to bear in mind that these proportions do not mirror those of the urban populations as a whole. Glover's (*op.cit.*, 210) analysis of Lynn entrants to the franchise 1420-51 indicates just over 20% mercantile, whilst almost 50% unknown.
- 18 Although Britnell, *op.cit.*, 477, has demonstrated that in Colchester there was some change of character in the office-holding class after 1349.
- 19 W. Hudson, "Norwich and Yarmouth in 1332: their comparative prosperities," *Norfolk Archaeology*, XVI (1907), 178-80; N. Gras, *The Early English Customs System*, (Cambridge, 1918), 115.
- 20 Cal.Inq.Misc. 1348-77, 5; Ballard and Tait, *op.cit.*, 119. As we shall see, the townsmen's claim was not entirely true.
- 21 See Saul, *op.cit.*, 213, and *passim* for discussions of the role of shipping in Yarmouth's history (summarised in his paper in *Bulletin of the Institute of Historical Research*, LII (1979), 105-15).
- 22 C.P.R. 1313-30, *passim*; C.Cl.R. 1307-22, *passim*; C.F.R. 1356-83, *passim*; Rot.Parl., II, 327-28; H. Smit, *Bronnen tot de Geschiedenis van den handel met Engeland, Schotland en Ierland, 1150-1485*, ('S-Gravenhage, 1928), I, 125; N. Kerling, *Commercial Relations of Holland and Zeeland with England from the Late 13th Century to the Close of the Middle Ages*, (Leiden, 1954), 12-13, 92-93.

- 23 C.P.R. 1327-61, *passim*; C.Cl.R. 1337-39, 148, 1343-49, *passim*, 1349-54, 99; C.F.R. 1337-47, *passim*, 1356-68, 287; KL/C5/2 m.7r. An account of the careers of these men could occupy a chapter in itself. Note that, although an important member, Melcheburn was only titular head of the company, William de la Pole secretly being the controlling force; G. Sayles, "The 'English Company' of 1343," *Speculum*, VI (1931), *passim*; T. Lloyd, *The English Wool Trade in the Middle Ages*, (Cambridge, 1977), 198.
- 24 G. Morey, *East Anglian Society in the Fifteenth Century*, (London, PhD thesis, 1951), 286.
- 25 C.P.R. 1408-13, 442, 1422-29, 510.
- 26 Linen and canvas being the only significant imported cloths.
- 27 Meech and Allen, *op.cit.*, 59, 373-74.
- 28 *Records of Norwich*, II, 289-90.
- 29 Add.Ms. 37791 f.58; KL/C4/10; C.P.R. 1301-07, 280; *Records of Norwich*, I, 61, 66.
- 30 Red Parch. Bk., 33; Wilkinson, *op.cit.*, 33.
- 31 Thrupp, "Social control in the medieval town," 41; Colby, *op.cit.*, 652; Green, *op.cit.*, II, 250-52; Saul, *op.cit.*, 9, 10, 26; Martin, *Borough and Merchant Community of Ipswich*, 148; Platt, *op.cit.*, 119.
- 32 Meyer, *op.cit.*, XVIII, 420-21; Hammer, *op.cit.*, 12-14.
- 33 Thomas Halle draper, Thomas Carter draper, Thomas Ponde chandler.
- 34 See Reynolds, *op.cit.*, 74-80, 137-39, for criticism of this assumption.
- 35 We shall delve further into these subjects in [chapter 4](#).
- 36 E179/180/6 m.30d; I/C1/2/4; I/C2/25/2; E40/3633, 3819; S. Hervey, ed., *Suffolk in 1327. Being a Subsidy Return*, (Woodbridge, 1906), 9, 17, 18, 158; J. Davies, "An assembly of wool merchants in 1322," *E.H.R.*, XXXI (1916), 605.
- 37 C.Cl.R. 1374-77, 137.
- 38 E179/180/11 m.16r.
- 39 Holdings in the common fields within or immediately surrounding the walled boroughs and suburbs have not been included in these calculations.

- 40 Feet of Fines, Essex, III, 148, 178, 183; Britnell, *op.cit.*, 499.
- 41 Britnell, *op.cit.*, 120, 352, 440-41, 470; Feet of Fines, Essex, III, 39, 108; C.P.R. 1361-64, 291; Col.C.R., II, *passim*; Red Parch. Bk., 46, 212.
- 42 Britnell, *op.cit.*, 441-43; Feet of Fines, Essex, III, 54, 63; C.P.R. 1348-50, 79.
- 43 Red Parch. Bk., 85, 106-09; Col.C.R./37 m.31d, /41 m.2d, /45 mm.2r, 39r, /49 m.5r, /56 m.19d; Cal.Anc.Deeds, III, 472; Feet of Fines, Essex, III, 236, 245.
- 44 See [chapter 5](#).
- 45 P.P.R. 21-23 Hen. VI *passim*; IC/AA2/1 f.152; I/C9/10/1 m.3r; Dogget Roll 5-6 Ed.IV mm.2r, 4r; N.C.C. Jekkys f.2; Wedgwood, *History of Parliament: Biographies*, 11, 269; C.Cl. R. 1435-41, 47, 107; C.F.R. 1430-37, 331.
- 46 Britnell, *op.cit.*, 437ff., 494-96, 500-01.
- 47 Saul, *op.cit.*, 217-20, 228-30.
- 48 Valuations in inquisitions *ad quod damnum* are too often estimates, incomplete or erroneous.
- 49 H. Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, (Princeton, 1952), ch.5; R. Lopez, "An aristocracy of money in the early Middle Ages," *Speculum*, XXVIII (1953), 1-43; A. Hibbert, "The origins of the medieval town patriciate," *Past and Present*, III (1953), no.3, 15-27. See also Reynolds, *op.cit.*, ch.4, and S. Reynolds, "The rulers of London in the twelfth century," *History*, LVII (1972), 346-47; Tait, *op.cit.*, ch.5.
- 50 On this see Martin, "English borough in the thirteenth century," and M. Clanchy, *From Memory to Written Record: England 1066-1307*, (London, 1979).
- 51 None of the Norwich mint officials elected in 1243, probably by a local electoral committee of 24 as in 1248, are among the city bailiffs of that period. H. Hall, ed., *The Red Book of the Exchequer*, (London, 1896), III, 1076; C.Cl.R. 1247-51, 107; W. Hudson, "A revised list of the bailiffs of the city of Norwich," *Norfolk Archaeology*, XI (1892), 241-46.
- 52 J. Round, "The domesday of Colchester," *The Antiquary*, V, espec. p.248, VI, espec. p.5; G. Rickword, "Taxations of Colchester, A.D. 1296 and 1301," *Trans. E.A.S.*, IX (1903-05), 146.
- 53 Tait, *op.cit.*, 73-74; Britnell, *op.cit.*, 403-04, 408-12.

54 Reynolds, *English Medieval Towns*, ix.

55 The Colchester taxations, preserved by Morant, are transcribed in Rot.Parl., I, 228-38, 245-65; that of Ipswich survives as E179/242/40, 42, and has been printed by E. Powell, "The taxation of Ipswich for the Welsh war in 1282," *Proceedings of the Suffolk Institute of Archaeology*, XII (1906), 137-57.

56 Britnell, *op.cit.*, 446-47; E179/107/12 mm.4r, 4d, 14r; C.P.R. 1313-17, 607; Feet of Fines, Essex, II, 173, 219, 237.

57 Feet of Fines, Essex, II, 105; Red Parch. Bk. 47, 213; Campbell ix, 4; Britnell, *op.cit.*, 452-53.

58 Col.C.R., I, 11-12, 31, 32, 47, IV, 182; Col.C.R./31 m.8d, /41 m.2d; Colch.Ms. 57 ff.179-80; Britnell, *op.cit.*, 448-51.

59 Stowe Mss. 834 f.64, 841 f.35; Morant, *op.cit.*, 47; Col.C.R., I, 9; E179/107/12 m.7r; C.P.R. 1334-38, 382; C143/243/12; C143/245/9.

60 Col.C.R., I, 55, 161.

61 Colch.Ms. 57 ff.26, 239; Col.C.R., I, passim; C.P.R. 1321-24, 389; Cal. Plea Rolls, Exchequer of Jews, II, 235; Britnell, *op.cit.*, 447, 460.

62 C143/245/9; Col.C.R., I, 11-12.

63 Stowe Ms. 841 f.35. The last two Christian names are sufficiently uncommon to warrant this hypothesis.

64 G.C.R. 8-9 Ed.I m.4r; P.P.R. 15-16 Ed.I(b) m.8r, 32-33 Ed.I m.5r; E179/242/40; E122/50/11; C143/147/16; CP25(1)/59/2; CP25(1)/60/27.

65 S. Thrupp, *The Merchant Class of Medieval London, 1300-1500*, (Michigan, 1948), 121; E179/242/42.

66 E179/242/42; E40/3312; W. Hunt, ed., *Two Rentals of the Priory of the Holy Trinity in Ipswich*, (Ipswich, 1847), 6, 7; G.C.R. 54-56 Hen.III m.6r, 11-12 Ed.I m.6r.

67 E40/3294, 3417, 3548, 3730, 3848; White Domesday f.70b; Black Domesday ff.77, 86b.

68 E40/3393, 3848, 3852, 3853; Curia Regis Rolls 1187-1201, 314; C.P.R. 1216-25, 480, 485.

69 E40/3283, 3730, 3732, 3776; E179/242/42; C.Cl.R. 1227-31, 239, 407; C.F.R. 1199-

1216, 336, 360; C.P.R. 1225-32, 17.

70 E179/242/42; E40/3919; Curia Regis Rolls 1230-32, 525; Hunt, *op.cit.*, 5; P.P.R. 31-32 Ed.I m.12d; G.C.R. 19-20 Ed.III m.2r.

71 On this see McKinley, *op.cit.*, ch.1.

72 Col.C.R. I, x-xi; S. Moore, ed., *Cartularium Monasterii sancti Johannis Baptiste de Colecestria*, (London, 1897), II, 505, 671; C.P.R. 1251-53, 453, 463, 1281-92, 445; C.Ch.R. 1257-1300, 55; Abbreviatio Placitorum, 131; Britnell, *op.cit.*, 454-55.

73 Abbreviatio Placitorum, 180; C.P.R. 1225-32, 373; C.Cl.R. 1237-42, 467.

74 Matronymics, though less common than patronymics, are not unknown, e.g. Joseph Elianore, John Aveline, Alexander Margarete. Women had no part in office-holding, but widows sometimes continued to operate their husbands' businesses: Sibyl Flathe, widow of merchant and bailiff Robert Wyth of Yarmouth, is a good example; C.P.R. 1301-07, 98, 319, 1307-13, 302; C.C.W. 1244-1306, 168.

75 C.Cl.R. 1204-24, 235, 1224-27, 86, 94, 1268-72, 119-20, 188, 1288-96, 490; C.Ch.R. 1257-1300, 101, 123; C.P.R. 1216-25, 394, 1258-66, 373, 1266-72, 277, 473, 1281-92, 326, 485; C.I.P.M., I, 361; Curia Regis Rolls 1207-09, 168, 1225-26, 347; Feet of Fines, Norfolk, 1201-15, 37; Cal. Anc. Deeds, I, 511; C. Manning, "Wickhampton church," *Norfolk Archaeology*, VII (1872), 1-8.

76 C.P.R. 1201-16, 171, 1225-32, 372; Feudal Aids, V, 33, 53; Feet of Fines, Suffolk, 105; E179/180/1; E179/242/42; E40/3668; G.C.R. 39-40 Hen.III m.4r, 54-56 Hen.III m.1r, 16-18 Ed.I m.2r; Hunt, *op.cit.*, 5; Black Domesday ff.77, 78.

77 C.P.R. 1216-25, 373; Arundel Castle Mss. MD 425, 426; *H.M.C. 11th Report*, appendix, part III, p.235; Le Strange, *op.cit.*, 232.

78 C.P.R. 1216-25, 373; Arundel Castle Mss. MD 425; Curia Regis Rolls 1187-1201, 81; Pipe Roll 12 Hen.II, 22; Howlett, *op.cit.*, 45.

79 KL/C37/1 m.23d; *H.M.C. 11th Report*, appendix, part III, p.235; Howlett, *op.cit.*, 44, 60; Arundel Castle Ms. MD 426; C.P.R. 1225-32, 293.

80 C.P.R. 1201-16, 61.



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Introduction: A question of perception

The question of mobility within the political hierarchy, touched upon in the previous chapter, needs to be explored in closer detail. Monopolisation of office by an elite has been a cornerstone in the argument that medieval borough government was [oligarchic](#) in character. The records are rarely so explicit as to reveal any conscious policy of monopolisation, despite the restrictive qualifications often placed on candidates for office. Such restrictions might indeed be seen as a manifestation of oligarchy; but they may as easily be interpreted as a desire to have only the most capable men running the administration (which is itself documented) as the expression of oligarchic policy. As most studies of medieval borough history are case-studies of individual towns, errors of judgement are more easily made because of the ambiguity of some evidence; through comparison of evidence from different towns a better perspective can be obtained, with the evidence of each being amenable to interpretation through the insights provided from the combined evidence of all (although this approach too has its pitfalls).

In fact the theory of monopolisation commends itself most to the student upon an initial study of lists of office-holders: browsing through the names, the mind quickly forgets those that appear only once or twice, but remembers those cases in which the same surname appears for several office-holders. The superficiality and dangers of this approach have been hinted at earlier.^[1] Although it is usually the case that common surnames indicate a relationship between individuals, this is not always so. There has already been mention of the problems with surnames of Clerk and Smith, whilst Dyer in Colchester is equally commonplace due to the importance of the cloth-fulling industry there. For further example, the relatively uncommon surname of Joye is shared by two Ipswich office-holders - a John and a Richard - for whom there is no evidence of family relationship, and even reason to doubt a relationship; nor is there any indication that the William Debenham and the Gilbert Debenhams, of the same town, were in any way related. We will not waste space with further examples. Again, it does not follow that a single name in lists of officials necessarily represents a single person. Witness Yarmouth's three William de Oxneyes (1350-1427), its three John Elys' (1335-1400), as well as innumerable Fastolfs and Draytons sharing a limited number of Christian names; witness also Colchester's three Henry Bosses (1357-1433) and four John atte Fordes (1312-1467), Lynn's three John Wesenhams (1336-1431) and three Philip Wyths (1331-78). The glancing eye may discern that the wide time-space over which these, and many other shared names, appear indicates more than a single individual; but only close study of the lists and

additional data reveals just how many.

Yet, in the end, monopolisation must be a matter of subjective judgement. Certainly we can distinguish a few men who were in office frequently and for continuous periods; but do we judge the whole by the few? And what yardstick does the historian have to say that an individual is monopolising a certain office if he holds it more than once, or twice, or three times ...?[2] Given this, it will be understood that the interpretation presented here cannot help but be open to challenge as personal opinion.



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Frequency of Office-holding

Turning first to the executive office, analysis of the executive personnel of Colchester, Ipswich, and Lynn,^[3] indicates that the average number of times [mayoral](#) office was held in Lynn was about twice, [ballival](#) office in Ipswich a little more than three times, ballival office in Colchester three times. At Lynn the average decreased over the course of the later Middle Ages, at Colchester it increased, at Ipswich it remained about the same; none of the changes is very great. These figures do not appear (to the author) to be excessive, but it must be remembered that averages are artificial statistics. About 45% of the 301 persons subject to this analysis held executive office only once, and they are balanced by a much smaller group whose members held office six, ten, a dozen or more times. There is no discernible pattern and certainly nothing that might suggest that an elite was shuffling around executive office between its component members over the course of the years. Individual inclination appears to be a greater factor in determining the number of times office was held. If we are to search for any elite, then it must be thus: in Lynn those who held executive office 3 or more times form a small group of 25 persons (27% of the Lynn group) who occupied 51% of the office-spaces; at Ipswich those in office 6 or more times form a group of 20 persons (19%) occupying 48% of the spaces; at Colchester those in office 5 or more times were a group of 19 persons (19%) occupying 52% of the spaces. But these statistics are hardly grounds for any charge of conspiracy to monopolise: this 'elite' was distributed over many generations, fairly evenly between the three periods adopted for analysis in Lynn and Ipswich, although at Colchester the members of the 'elite' are markedly more in evidence after 1349. We should bear in mind that Lynn had only a single mayor, whereas there were two executives in each of Colchester and Ipswich. It is therefore interesting that approximately the same number of persons held the executive office in each of these three towns - perhaps hinting that, in these towns of similar population size, there were a limited number of suitable candidates for mayoralty or ballivalty. ^[4] Maldon presents a slightly better case for monopolisation. The list of bailiffs there is complete between 1416 and 1450: 70 office-spaces held by 17 persons, an average of about 4 times each; 6 of these men also held the ballivalty outside this period and, were we to take their whole careers into consideration, the average would be 6 times - conceivably reducible if we knew how many others were executives in the same period. However, in Maldon the choice of candidates was even more limited than in our other towns, partly due to population size, partly to constitutional peculiarities which shall be mentioned later.

Frequency of office-holding was sometimes compounded by pluralism. The case of the [Ipswich administration of 1200](#) has been cited as an example of pluralism and, thereby, a closed corporation[5]: the bailiffs were also coroners, portmen, customs collectors, and clavigers; the other two coroners were also portmen, and one was a claviger; other portmen served also as gild [alderman and scabins](#). We must beware of taking this initial, experimental arrangement as typical of later times or as representative of any philosophy of government. Judging from later evidence, the bailiffs were *ex officio* members of the town council, as was the case with Lynn's mayor in the fifteenth century and its alderman throughout. In the time of Henry VI it was a deliberate policy that one of Ipswich's bailiffs act as one of the clavigers (with the other usually taking on the escheator's duties) - again this was the case with Lynn's mayor; it was simply part of the system of constitutional checks and balances. The bailiffs were also *ex officio* customs collectors, in their role as borough accountants. It was not, after 1200, the practice for bailiffs also to be coroners, although it occasionally came about; these exceptions may have constituted a genuine abuse of principle, given the supervisory functions of the coroner, and it is interesting that in 1364 the king ordered that Huntingdon's coroner be replaced on the grounds that he had just been elected bailiff of the borough.[6] There is insufficient information about Ipswich [gild](#) officers to ascertain whether they continued to be selected from the portmen; in Lynn, at least, there was a clear separation of the gild and borough offices and in 1469, when alderman [Walter Cony](#) was elected mayor, he accepted the office only on his insistence that the doubling of office not set a precedent for future electors to follow.[7]

There are some suspicious cases combining monopolisation and pluralism in Ipswich. Thomas Stace was bailiff during 18 of the 26 years between 1295 and 1321 and was also coroner in one of the years when bailiff, as well as ten times M.P. in the same period. His effective partner in office, Thomas le Rente, was bailiff during 12 of the 24 years between 1297 and 1321, coroner during several other of those years (one when bailiff), and twice M.P. When this pair was thrown out of office in 1321, one of the charges against them was monopolisation via the device of secret elections.[8] Their opponents and successors were little better: John Irp was coroner continuously from 1329 to 1343, yet held the ballivalty 5 times during this period and on 6 other occasions; John de Preston was 12 times bailiff and 14 times coroner between 1325 and 1356, often holding both offices in the same year. At Colchester one John atte Forde was bailiff 8 times and M.P. 5 times (on each occasion returning his own name on the writ of summons) between 1350 and 1375. It is possible that his example was one of the factors prompting the 1372 reforms, after which we find no further examples for a while of men re-elected bailiff in consecutive years. But apart from these few cases there is no evidence of deliberate self-perpetuation in power. This is not to say that it did not occur on other occasions, but we cannot ignore the possibility that lack of suitable (or willing) candidates is sometimes responsible for apparent monopolisation and even pluralism.

It may be suggested that ordinances restricting the frequency of office-holding represent a response to excessive monopolisation; but again there is more than one interpretation that can be given to this evidence. It is not clear whether Colchester's 1372 ordinance, that bailiffs should be changed every year, actually falls into this category or merely emphasises the

constitutionality of annual election. Receivers were also to be replaced annually, but only if the community wished to do so. At Ipswich it was specified in 1320 that different men be elected as [chamberlains](#) from one year to the next; but, apart from insisting on public elections, no steps were taken to limit the frequency of holding ballival office - not until the ordinances of 1429/30 established a 2-year interval. It may be doubted that such a limitation on ballival office-holding would have suited the underlying ambitions of the reform party leaders. In the complaints of 1414, the Norwich [prudeshommes](#) charged that the popular party had maintained William Appleyard in the mayoralty over consecutive years, whereas [custom](#) required that there be a 4-year interval between office-holding. This may not reflect the original idea behind the custom, which was once capitula 53 (the main text now missing) of the city custumal and which was probably ordained about the same time as chapter 50, which forbade men elected as bailiff to refuse the office; the interval between offices was perhaps intended to lessen the burden of duty - although had the order of these chapters been reversed, another interpretation might suggest itself. The same reason must lie behind the fact that no man was elected as sheriff - the office with the heavy responsibility of ensuring payment of the [fee farm](#) - more than once in his lifetime. A 3-year interval between ballival office was set in Maldon, but not, apparently, until the 1555 charter in the context of creating a closed corporation. Nor is there any regulation to this effect in Yarmouth until 1491, when a 5-year interval was prescribed; the hefty fine for transgressing candidates suggests that, here at least, the target was monopolisation. A 5-year interval is also seen in Lynn, imposed on the mayoralty in 1455, but [ordinances of 1358](#) set a 2-year interval. In the latter case it was clearly specified that the interval was not a prohibition but an exemption in consideration of the burden and expense of office; at the same time chamberlains were permitted a 2-year exemption. This 1358 ordinance, like that (roughly contemporary) which was put into Norwich's custumal prescribing a four-year interval, was similarly associated with [penalties set for refusal of office](#); the Lynn assembly subsequently voided these ordinances (c.1395).[9] On the whole, the evidence suggests that intervals between office-holding were intended as a protection of those liable to be elected rather than a check against monopolisation, at least until the late fifteenth century. As the latter, the setting of intervals would have had little effect anyway, since other offices or a role in the council were generally available to former executives in interim periods.[10]

Parliamentary elections, and re-elections, have attracted the notice of many historians and, although it has been suggested (probably correctly) that they were not as important an issue to medieval townsmen as to modern scholars,[11] we may look at them briefly. But we need not enter into the arguments as to how 're-election' should be defined, nor whether all those who were elected actually attended parliament; it is sufficient here to know which [burgesses](#) were considered suitable to represent their boroughs.[12] Again the subject is one in which it is easy to look at lists of M.P.s and then jump to conclusions. McKisack was the main proponent of the theory that experience was a major factor in the choice of M.P.s, as indicated by re-elections and by the prevalence, in the ranks of M.P.s, of men familiar with local administration.[13] Lawson and Roskell went on to conclude that this showed that [oligarchic closed corporations](#) were controlling borough elections to ensure that their own selfish interests were represented; Houghton has declared that, *tempore* Henry VI and Edward IV, the

Yarmouth bailiffs monopolised one of the borough's seats; and Rickword (pre-McKisack) asserted that every Colchester M.P. was selected from the corporation.[14]

Such dogmatic conclusions are not forthcoming from an analysis of the parliamentary personnel of the six towns studied here.[15] In fact the conclusions therefrom are much as those drawn from our analysis of the borough executives. Just over half the M.P.s sat only once, whereas a smaller group of around 10%-20% (a little higher in Colchester) were re-elected several times.[16] In the fourteenth century town clerks were among the burgesses most frequently elected, for parliamentary attendance was generally seen as a routine affair of observing and reporting - a task for which trained clerks were particularly suited - not involving much initiative. One is inclined to suspect that Maldon's William de Pakelesham, who attended 14 parliaments 1332-44 (all but one in which Maldon was represented) may have been town clerk just from this evidence alone. There is no common pattern in the development of this elite of veterans. In some towns there was a lesser, in others a greater, tendency for re-election as the later Middle Ages progressed. From the mid-fourteenth century onwards the majority of M.P.s were indeed men who had previously served at a policy-making level of borough government - natural enough choices, since their familiarity with borough problems, goals, and resources allowed them to be intelligent observers and, if necessary, participants; but this majority was not as high in Ipswich and Yarmouth as in Lynn, Colchester, or Norwich.

There remains a surprisingly large number of M.P.s - mainly in the pre-1349 period, but also visible later - who did not participate in borough administration during their parliamentary 'careers'; most never had any role in borough government. This is only partly explicable by gaps in the records and by the fifteenth century influx of outsiders into borough parliamentary seats. There was probably no consistent policy concerning selection of M.P.s. A careful study might throw light on whether the status of men elected was influenced by the perceived importance (that is, relevance to borough affairs) of the business anticipated or conducted at each parliament. An added complicating factor is that M.P.s sometimes were tasked with the conduct of other town business at the place where a parliament was held, although not necessarily connected with parliamentary matters; this might also influence the selection of a representative (and certainly did in many cases when town clerks were selected). Although present or former bailiffs and mayors were popular choices as M.P.s - as the wealthier townsmen they could better stand the shock of returning from parliament to discover that their boroughs could not pay their expenses! - there is no sign in any of our towns of an arrangement such as that at Northampton; there it was ordained in 1382 that every mayor should serve as M.P. to the parliament next following his mayoralty[17] - again perhaps suggesting the burden of service.

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CHAPTER 3

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Membership of Town Councils

If it is elites we hunt, it is perhaps the town council that is the natural habitat of our prey. To review the evidence presented in the [first chapter](#): the Ipswich portmen had become a co-optative council by 1309 and a life membership body by then, if not since 1200; two-thirds of the Colchester council were chosen by the other third, although this third was itself popularly elected; the [24's](#) of Norwich and Lynn were officially life membership and effectively co-optative councils from the time of Henry V; Maldon's wardemen were also a life membership (but not co-optative) body by 1444. We may add to this by noting that Yarmouth's upper council was also life membership and co-optative according to the [1491 ordinances](#).[\[18\]](#) This basic information may be expanded by an analysis of town councils at selected stages in their careers. Norwich's council has not been analysed, but we may bear in mind Hudson's observation that the councils of 1377 and 1379 were almost identical in personnel.[\[19\]](#)

In the twenty years between 1370 and 1390 the composition of the Lynn [jurats](#) was the product of experimentation. In 1370 the twelve electors joined the twelve jurats that they elected, and the four [chamberlains](#) were added.[\[20\]](#) In 1372 all jurats were elected and none of the electors or chamberlains were among their number. In 1374 the practice of joining twelve electors and twelve jurats was resumed, but chamberlains were omitted, although in 1379 the [mayor](#) did select four extra jurats, unidentified but perhaps the chamberlains. In 1393 the system of electors as *ex officio* jurats was permanently abandoned. That system may perhaps be viewed as a half-way step between indirect election and co-optation. Eighty-three persons were jurats 1370-90, a number large enough to suggest that there was a fair degree of turnover. By contrast, a period of the same length from 1430 to 1450, after the jurats had become a closed body, reveals 57 persons, indicating an average replacement rate of 1.7 persons annually compared to 3 persons annually 1370-90. The turnover rate 1430-40 was 71% and 1440-50 was 45%; the jurats in office in 1430 all disappeared within the next two decades, except for veterans Thomas Burgh (jurat 1424-68), Thomas Salisbury (1424-51), John Saluz (1427-51), and John Waryn (1427-51).

As far as surviving documentation allows us to say, and putting aside the uncertain cases of three mayors elected by the reform party 1411-15, the mayoralty was the preserve of the jurat membership. Certainly this was held to be a borough custom in 1416.[\[21\]](#) The exception

which proves the rule is John Urry, elected in 1358; his case is the more curious in that he had entered the [franchise](#) only a year before. However, he had evidently been a prominent figure in the community throughout the 1350s, loaning the king 200 marks in 1351, exporting grain, salt, ale, and cloth 1354-55, and attending a Merchant Assembly in 1356. A peer of any jurat, he became one of them immediately following his mayoralty, remaining so until his death in 1361. It may be that, armed as he was with a royal exemption from office, he had resisted earlier attempts to make him a jurat. Adding to the unusual (but illuminating) character of this case is the fact that Urry's friend and business partner, Thomas atte Bek, a man of equal prominence who came to Lynn from Cley-next-the-sea c.1349 as an heir to property bequeathed him by [Adam de Walsoken](#), was in a parallel situation. He entered the franchise on the same day as Urry, acted as chamberlain during Urry's mayoralty, and joined Urry amongst the jurats after this term. He too died in 1361, a few days before Urry, both men doubtless victims of the recurring pestilence.[22] The case of John Urry was therefore no serious deviation from a rule that was well understood, perhaps even written into the constitution, in the fourteenth century custumal rolls which are not extant. Even the reformers of Henry V's time did not try to change this constitutional feature, except to include former jurats among those qualified for election as mayor; this could not have been but an impotent addition, since jurats left that office only through death, deposition (which disqualified them from the mayoralty), or retirement due to old age or infirmity.[23]

The Maldon wardemen have also been analysed over two periods. Between 1401 and 1410 53 men were wardemen, and it is clear that annual election was no mere form, but a reality producing a turnover higher than in the councils of our other towns. But between 1440 and 1450 only 32 persons were wardemen, confirming the picture painted by the [1444 custumal](#) of the wardemen as a life membership body with a similar annual replacement rate to the Lynn jurats of the same period. This change seems to have occurred gradually in the late 1420s and early 1430s and not to have been the result of a deliberate act. Unlike the executives of our other towns, Maldon's bailiffs did not become wardemen after their terms of office.[23] Although 80% of the bailiffs served previously as wardemen, it was more common for bailiffs to be chosen from ex-bailiffs than from wardemen. This separation of bailiffs and wardemen fits with the balance of powers that we have already noted between Maldon's executive and council.

At Colchester 61 persons were members of the town council 1428-48,[25] suggesting that this supposedly democratically elected body was barely more open than the life-membership jurats of Lynn in the reign of Henry VI. Lists of Yarmouth's councillors are scarce, but two are recorded for May and [September](#) 1386[26]: 88% of those of May were re-elected in September, suggesting that either the council was already a life-membership body, or that annual election was little more than a formality. Not surprisingly, given that Yarmouth had four bailiffs annually, the council was dominated by ex-bailiffs (50%-63%); in fact, most of the councillors (79%-92%) held the ballivalty at some time in their lives. Certainly by 1491 it was taken for granted that bailiffs would be chosen from the council membership.[27] Complete listings of Ipswich's portmen are also rare. Analysis of the portmen of 1429/30 shows that the group comprised the 2 bailiffs of that year, 5 former bailiffs, 2 former coroners,

1 former M.P., and 2 men not known to have held office previously. The 1459/60 list similarly contains 8 former bailiffs in addition to the pair of that year.[28]

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The Executive Committee

Here at last we begin to catch glimpses of the elite we have sought, in the shape of what might be described as executive committees. The order of names of the Lynn [jurats](#) is very carefully recorded in the reign of Henry VI; after the [mayor](#) and [alderman](#) are listed the *nobiles de banco* already [mentioned](#), who were in fact the ex-mayors among the jurats. Even in the 1370-90 period we find that certain of the jurats continued in office, annual elections notwithstanding, in most of those years; these were primarily the ex-mayors. It seems to have been recognised that men of such experience ought to be kept in government, and it is likely that their continued presence guaranteed some measure of continuity and stability in borough policy.

Everywhere we find the same. At Colchester the ex-[bailiffs](#) tended to number among the 8 aldermen rather than the 16 councillors - this may have been an important factor in making the aldermen the superior branch of the council - and they seem to have been assured of re-election from year to year. They monopolised the ballivalty to a greater extent than Lynn ex-mayors the mayoralty. At least one of each pair of bailiffs (and often both) had served in that office before; of the 24 aldermen/councillors of 1428, 17 had held the ballivalty at some time in their lives. Once again we can appreciate the theoretical efficiency of this arrangement. The Ipswich portman council was much like the elites of ex-executives in Lynn and Colchester, lacking the adjunct of junior members from which future officers might be recruited. An ordinance of 1414 in Norwich specified that the upper council there should be elected from former mayors, sheriffs, and bailiffs (this being only a few years after mayoralty replaced ballivalty as the executive office); in the following year we see that ex-mayors had a recognised place in the political hierarchy, in that they were to participate at major assemblies and on ceremonial occasions dressed in their appropriate livery.^[29] At Maldon the ex-bailiffs, prohibited from entering the wardemen ranks (partly to preserve the integrity of the council), gradually coalesced into a higher council of aldermen from which (from 1555) all bailiffs were to be chosen and into which ex-bailiffs would retire. This group can be seen playing a role in government by 1468 when we find the [ordinance](#), copied from some earlier book of customs, that all ex-bailiffs were required to attend any ballival summons to discuss community business; in fact there is some hint of distinction of the ex-ballival group as early as 1406. Similar executive committees arose, in the fifteenth century, in Oxford, Stamford, and Winchester. In the last, the group was known as "the Bench", reminding us of Lynn's

nobiles de banco; to judge from the rare illustrations that survive of council meetings, the name seems to refer to the privileged seating position of these men in the council chamber. [30] A similar hierarchy is reflected in the 1479 illustration of the ceremony of swearing in Bristol's mayor, used as the [title illustration](#) of this study.

The evolution of these executive committees may owe much to the judicial powers granted by the king to the executive and a few assistants. These arose out of Commissions of the Peace and local administration of the labour statutes and other police matters in the latter half of the fourteenth century. At Norwich in 1404 the mayor and 4 *probi homines* were to be J.P.s, and in 1452 this was extended to the recorder and all aldermen who had been mayor.[31] At Ipswich in 1446 bailiffs and 4 portmen chosen by them were to be J.P.s; in practice, those chosen were ex-bailiffs. At the same time escheator's powers were accorded to one of the bailiffs.[32] In the following year Colchester received a similar grant of justices, interpreted locally as commissioning the more sufficient and wiser of the *bones gentz*; in practice, justices were chosen from the aldermen, a group whose members also filled the local offices of coroners and clavigers as well as that of bailiffs.[33] We can see the rationale in allotting the roles of J.P.s to men experienced in the presidency of local courts and accustomed to the exercise of authority. Yet the effect of endowing an already existing elite of experienced former executives with new powers was to create a magistracy independent of, and rivalling, the traditional borough courts - particularly the [leet](#) - which were instruments of communal authority.

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The Degree of Popular Participation in Office-Holding

There is one more aspect of the question of monopolisation that must be considered: what proportion of the population was involved in office-holding? As far as the total populations of our boroughs is concerned, there is no point in discussing in any depth evidence which has been fully exploited by others and which can never be considered satisfactory or conclusive. After [Domesday](#) we rely on taxation lists.[\[84\]](#) The earliest is that of Ipswich in 1228, which names 475 inhabitants - even those whose tax was assessed at nil were listed. Taxation records of 1283 listed 275 persons; those of 1327, 210; and those of 1340, 198. Of the Colchester taxations of 1296 and 1301 the latter is more complete, since there are no detectable exemptions; it lists just under 400 residents, 263 being males, but includes the four [hamlets](#) within the liberties, most of whose residents should not properly be considered townsmen. In Colchester's 1319 subsidy 168 laymen, and in that of 1332 153 laymen, are listed from the same broad area. The 1332 subsidy also produces figures of 149 persons from Lynn, 281 from Yarmouth, and 417 from Norwich. These numbers contrast starkly with the poll tax returns, although these were counting slightly different things from the earlier subsidies. In 1377 the number of residents over 14 years old was 3,127 at Lynn, 2,955 at Colchester, 1,941 at Yarmouth, 1,507 at Ipswich, and 3,952 at Norwich. The 1381 poll tax is far less reliable, due to evasion; although, for example, the Ipswich return lists 963 persons, the annalist Bacon had seen a local list for the same containing 1,188 names.[\[85\]](#)

Difficulties of interpretation focus on determining what proportion of the total population is represented by those taxed; but there are no clear guides here. Consequently, the 1377 evidence for Lynn was used by Cutts to hypothesise a total population of 4,700, whilst Parker used it to suggest a pre-1349 population of 5,700; on the other hand, Clarke and Carter calculated from it a total population of 5,546 and a pre-1349 population of 9,000.[\[86\]](#) It is evident that we cannot come closer than very rough approximations. The thing to bear in mind is that the populations of medieval boroughs were very small by modern standards. Except at Yarmouth, where space was somewhat limited[\[87\]](#) - producing the curious thoroughfare system of '[rows](#)' - we find plenty of open ground within our towns. At Lynn the residential area was markedly concentrated in that half of the intra-mural territory next to the river. [Waste-land](#) was periodically leased out by the borough authorities, but this was often to men who already held a residence in the town, and simply wanted to expand their holdings. No-one would deny that the pre-plague population, the product of a boom period, was higher than that

of the post-plague period, but there has not been enough work to allow us to ascertain how fast and to what extent plague losses were made up by immigration.

However, for the purposes of this study, it is not so much the total population as the [freeman](#) population which concerns us. Green believed that Lynn was unique in having a [community](#) composed of both freemen and non-freemen,^[88] but it is simply that in Lynn the *inferiores* were specified as non-burgesses; since other such groups elsewhere were described as the poorer residents, it is likely that they were the ones who could not afford the freeman entrance fine. The existence of non-freeman groups is evidenced in our other towns too: in Yarmouth's [custumal](#), which required borough laws to be obeyed not merely by every freeman but all inhabitants; in Colchester by the insistence (1373) that everyone living in the town for a year, be he [burgess](#), [foreigner](#) having his livelihood in the town, or foreigner who frequented the town to trade, must contribute to local taxations; in Ipswich by various fifteenth century ordinances made by the authority of, or binding upon, bailiffs, portmen, intrinsic burgesses, forensic burgesses, and other inhabitants of the town.^[89] The precise basis for entrance to the franchise is not sufficiently clear in the records and may have varied from borough to borough. This makes it difficult to determine what proportion of the population were freemen. At Yarmouth there is no extant record of entrances before the reign of Henry VI; 168 burgess entrances are recorded in the 28 years between 1429 and 1461 from which records survive, an average of 6 annually - not very high.^[90] Householding played some part in qualification, since all freemen were expected to be [distrainable](#);^[91] if so, then the fifteenth century specifications that freemen were to be householders^[92] may not be quite the restrictive manipulation of the electorate as that it is sometimes painted. Nor is it necessarily true that variation in entrance fine indicates similar manipulation to exclude undesirables, since fines were sometimes graduated according to the means of the applicant; whilst in Ipswich, at least, the freeman community had the power to reject applications by persons of poor reputation, without resorting to manipulative devices.^[93] At Ipswich the invitation in 1200 to [contribute to the Merchant Gild hanse](#) may have been tantamount to entering the franchise, but it was optional; at mid-century the ancient specification of being at [scot and lot](#) - that is, contributory to communal finances (which generally involved householding) - was stressed.^[94] At Colchester, however, it seem that householding was not initially a qualification, but that all born within the liberty had the right to enter the franchise without fine.^[95]

This last case has been the cause of problems, both for the Colchester authorities and the historian. Some townsmen simply assumed the burgess privileges, to which they were entitled by birth, without bothering to take the freeman's oath, forcing the holding of inquisitions to determine whether justified; in 1452 the corporation insisted that those entitled must take their oath or forfeit their privileges.^[96] For the historian, the Colchester situation means that records of freeman entrances there are incomplete, since they deal mostly with fine-paying immigrants. The same seems to hold true for our other towns. It would certainly explain the low annual average at Yarmouth. At Ipswich only those purchasing the franchise were recorded until the fifteenth century, the reason being that what the authorities were interested in recording was not so much the identities of freemen as the fines they had paid or owed (i.e. the records were part of the accounting system, more than a legal memory); even the few

entrances by patrimony that creep into the documents, if not because of dispute, involved the monetary redemption of the [sword of the entrant's father](#).^[97] Even at Lynn, where borough finances were an exceptionally prominent concern, and entrance fines were the second largest regular source of borough income until the late fourteenth century, there seem to be too few entrances by patrimony recorded; document losses cannot wholly account for the fact that almost half the entrances of those officials here studied cannot be traced.

The reason we are so concerned about the size of the freeman body is that most political privileges were restricted to its members.^[98] This is not surprising, since it was the freemen who were those residents: capable and willing to support the financial machinery on which independent government was founded; and willing to swear the almost conspiratorial oath of the commune, to support their fellow-freemen and the borough government in all things and to conceal the secret counsels of the assembly. No man could be trusted to lead his community who had not committed himself to such allegiance.^[99]

It is possible to draw together various local records to help suggest what approximate size the freemen group may have had. Lynn provides a few rolls recording internally imposed taxations, the foundation of its budget; that of 1298, for example, lists 487 persons.^[100] Exemptions are probably few, since even persons paying nothing are named, but we cannot account for the possibility of evasion.^[101] However, both freemen and *inferiores* were taxed, yet not until 1357/8 was a clearcut distinction made, when we find 132 burgesses and 245 non-burgesses.^[102] In 1313 just over 200 Lynn men were accused of attacking Robert de Monthalt when his abuse of his powers, as one of the heirs of the Earl of Arundel, threatened the privileges of the freemen of the town.^[103] Sample analysis of freemen entrances shows that between 1342 and 1353 145 persons became freemen (annual average 12 persons), whilst between 1445 and 1456 192 persons (average 16); for comparison, Ipswich saw an annual average of 12-15 persons^[104] between 1340 and 1351, but an average of only 3 1445-56. The temporary victory of Lynn's reform party inspired unusual interest in administrative affairs on the part of the populace. On 27 August 1412 112 *inferiores* were made freemen, to ensure the reformers' success in the elections on 29 August, when 148 burgesses and about 100 non-burgesses attended; the large crowds at assemblies, occasionally numbering 200-300, remained in evidence throughout the year, contrasting with peak attendances in the late fourteenth century of 70-110 burgesses. In 1421 119 of the better-off non-burgesses paid fines for trading licences; it should not be assumed that all the *inferiores* were poor - of the Lynn officials studied here, 65 are known to have been adult residents for some years before taking up the franchise. In 1461 200 of the "more vigorous" residents (those capable of military service) were taxed, but in fact this group included men in their 50s.^[105]

Figures of similar size are forthcoming from our other towns. At Yarmouth in 1344 314 townsmen were pardoned for various infringements of the peace that were clearly an expression of organised community aggression. Saul's analysis of jurors 1329-37 has shown 128 separate persons, only 83 of whom are found in the 1332 tax return.^[106] At Ipswich in 1429 approximately 190 burgesses swore to uphold ordinances newly made, whilst 79 witnessed a constitutional settlement concerning the election of sergeants in 1436.^[107]

Analysis of three groups of Colchester men involved in organised aggressions (1319-25), along the lines already noted at Lynn and Yarmouth, shows 187 different men, and this can be raised beyond 200 if we include other lists from contemporary sources. The lists of women fined annually for breaking the assize of ale include numbers of married women fluctuating in the fifteenth century between about 175-225. In 1451/2 216 Colchester men were sworn into [tithing](#), although only a small minority of the officials and electors of the year were among their number, and in 1472 208 "inhabitants" and 371 "foreigners" swore fealty to Edward IV. [108] By contrast, the largest group in Maldon listed together at any one time were the 55 men sued for trespass by the lords of the borough.[109]

We cannot come to specific conclusions from figures such as given above, but we may note that they all fall within much the same range and many derive from contexts suggesting a fairly complete muster of the freeman group. Hoskins has estimated that, in a town the size of sixteenth century Lynn, no more than one-third of the population were likely to have been freemen. Hammer has suggested about the same figure for fifteenth century Oxford. Martin has said of the proportion of freemen in medieval Ipswich that "it is probably a high one of those who are ordinarily in evidence." [110] Here we can only concur that the freemen section was a minority, but large enough and open enough to warrant the description of limited democracy rather than broad [oligarchy](#). Apart from the extreme cases of Maldon and Norwich, it seems likely that the number of freemen in our towns at any given time lay within the 150-350 mark.

Given this fairly small number of qualified men, and the evidence presented at the beginning of this chapter suggesting that there was a fair turnover in executive office and in elected councils, and that even life-membership councils had at least one vacancy annually, one is led to the conclusion that borough politics - within the limitations it imposed, probably by general consensus, on itself - was marked by a higher degree of popular participation than has previously been acknowledged. It is true that decisive power was concentrated in the hands of an elite we have called the executive committee, but power tends to devolve in such a fashion in most political systems. The number of offices to be filled annually in borough government, in executive, financial, and conciliar branches - to say nothing of the bureaucratic posts, the police organisation, and the *ad hoc* committees - particularly from the late fourteenth century onwards, when the population had shrunk but the ranks of administration were growing, make it likely that a large minority of the freeman population were involved with administrative duties at some time or other in their lives.[111] An almost complete roster of Lynn freemen drawn up in July 1440 lists 253 names.[112] Of these, 51 were then in office ([mayoralty](#), councils, [chamberlains](#)' or clerk's offices) and at least 89 others were past or future officers; that is, approximately 56% of the freemen alive in 1440 held office at some point during their lifetimes. This suggests that the real issue is not one of monopolisation of office, but monopolisation of the freedom. How restrictive was it, in terms of the proportion of freemen to the overall population? And, more importantly, whilst we know it was consciously restrictive, was it artificially so - had it become a form of elitism in itself? These are questions beyond the scope of this study.

The evidence that we have seen suggests that election of the same individual to a post more than once, no matter whether successively or with intervals between office-holding, could have owed as much to necessity as to monopoly, in the face of limited candidates (viz. those with appropriate qualifications and with the will to serve). It also suggests that electoral committees could, over the course of time, accommodate much of the electorate.[113] Yet, before we become overly impressed by the degree of participation, we must ask whether there may not be a fundamental assumption in which we are mistaken. It is easy for the modern writer to assume that office was desired and even pursued, for its power, dignity, and opportunities, and that in this race those members of the community who were socially and economically best-endowed were easy victors. But was this the case? Or were office-holders men who had been willing to accept governmental roles only when called upon by others less willing, or even men reluctant to take on the burden but obliged by the default of others and by the pressure of their peers? To this question we must now turn.

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Notes

1 [Introduction](#) and [chapter 2](#).

2 Glover (*op.cit.*, 80), for example, appears shocked by the fact that of the 202 (*sic*) mayoralties in Lynn 1400-1600, only 131 men held mayoral office - this he interprets as a particularly bad case of monopolisation.

3 See appendix II, [table 3](#).

4 This aspect of the subject of monopolisation will be discussed later in this chapter; see also chapter 4 regarding willingness, and chapter 5 regarding age, as limiting factors.

5 Tait, *op.cit.*, 271; Reynolds, *op.cit.*, 121.

6 C.Cl.R. 1364-68, 30.

7 KL/C7/4 f.137.

8 Black Domesday ff.73b-74. On this whole episode see Alsford, "Thomas le Rente," 106-08.

9 Red Parch. Bk., 32; Black Domesday f.74b; White Domesday f.18; *Records of Norwich*, I, 86-87, 95, 192; C.P.R. 1554-55, 97; Swinden, *op.cit.*, 492-93; KL/C7/4 f.30; Add.Ms. 37791 ff.48b, 50.

10 There are indications in Norwich and Ipswich of some men being quickly re-elected to executive office once the interval had elapsed. See also Petchey's (*op.cit.*, 168-69) comments on the sequence of office-holding in post-medieval Maldon.

11 [Chapter 1](#).

12 On these issues see particularly J. Edwards, "'Re-election' and the medieval parliament,"

History, II (1926), 204-10; N. Lewis, "Re-election to parliament in the reign of Richard II," *E. H.R.*, XLVIII (1933), 364; J. Muir, *The Personnel of Parliament Under Henry IV*, (London M. A. thesis, 1924), 106-19.

13 McKisack, *Parliamentary Representation of English Boroughs*, 21-22, 100ff.

14 Lawson, *op.cit.*, 247; Roskell, *op.cit.*, 50-51; Houghton, *op.cit.*, 134; G. Rickword, *Notable 'Parliament Men' in Essex*, (1902), 81.

15 See [appendix III](#).

16 Compare with figures drawn: from 39 towns by J. Edwards, "The personnel of the commons in parliament under Edward I and Edward II," *Essays in Medieval History presented to Thomas Frederick Tout*, (Manchester, 1925), 202; from 31 towns by Lewis, *op.cit.*, 370; and from all represented towns by Muir, *op.cit.*, 105. Viz. *tempore* Ed.I and Ed.II: 35% re-elected, 9% elected 4 or more times; *tempore* Ric.II: 36% re-elected, 12% elected 4 or more times; *tempore* Hen.IV: 20% re-elected, 5% elected 3 or more times.

17 McKisack, *Parliamentary Representation of English Boroughs*, 37.

18 Add Ms. 20152 f.50; Red Parch. Bk., 32-33; *Records of Norwich*, I, 36, 97-98; KL/C2/29; KL/C4/11; D/B 3/1/1 f.31b; Swinden, *op.cit.*, 499.

19 *Records of Norwich*, I, 1-li.

20 N.B. that conciliar titles such as "the 24" are often found to represent only an approximation of the actual numerical size of the council.

21 KL/C2/29.

22 Red Reg. ff.88, 105b-106, 136b; C.P.R. 1350-54, 143, 1354-58, 80, 206, 299; C.Cl.R. 1349-54, 458; Rot.Parl., II, 457.

23 KL/C2/29. Even infirmity was reluctantly accepted as cause for retirement; Edmund Westhorp continued to be listed among Lynn's jurats up to 1491, two years before his death, despite the fact that he had been unable to attend congregations, even to renew his annual oath of office, since October 1486.

24 The [1444 custumal](#) specified that ex-bailiffs could not be appointed to lesser offices (except that of M.P.); D/B 3/1/1 f.31b.

25 The choice of periods here and in the other towns is dictated largely by the survival of lists of conciliar personnel.

- 26 Y/C18/1 f.13b; Ms. Gough Norfolk 20 f.1.
- 27 Swinden, *op.cit.*, 171, 492.
- 28 White Domesday f.17b; C219/16/5; very few complete lists of portmen are extant from the medieval period.
- 29 *Records of Norwich*, I, 102, 274.
- 30 C.P.R. 1554-55, 97; D/B 3/1/2 f.12b; D/B 3/3/4 m.6r; Wilkinson, *op.cit.*, 54, 56; Hammer, *op.cit.*, 8; A. Rogers, "Late medieval Stamford: a study of the town council 1465-1492," *Perspectives in English Urban History*, (London, 1973), 19.
- 31 *Records of Norwich*, I, 34, 39-40.
- 32 C.Ch.R. 1427-1516, 54.
- 33 W. Benham, ed., *Colchester Charters and Letters Patent*, (Colchester, 1903), 38; Red Parch. Bk., 39; Red Paper Bk., 356; Tait, *op.cit.*, 335. Stamford's case is similar; Rogers, *op.cit.*, 20.
- 34 Despite what Mrs. Green, *op.cit.*, II, 251, thought.
- 35 Gross, *op.cit.*, II, 162.
- 36 Red Reg. f.82b. The private responsibilities of a chamberlain for public monies received would make his executor a logical choice as replacement.
- 37 KL/C7/3 f.50; regarding Style and Waryn, see [chapter 2](#).
- 38 For the coincidence of family and individual wealth in Yarmouth, see Saul, *op.cit.*, 210-12.
- 39 See for example E179/242/42, Add.Ch. 10119.
- 40 E179/242/42; Hervey, *op.cit.*, 5, 163; R.R. 9-10 Ed.III m.1d; C.P.R. 1358-61, 27, 312, 1361-64, 497; E122/50/33; I/C2/25/12, 17. Female members of the line married into the Horold, Westhale, Curteys, and Whethereld families.
- 41 Howlett, *op.cit.*, 56, 65; C.Cl.R. 1318-23, 144; C.P.R. 1354-58, 148, 285, 308; KL/C37/3 m.1r; E122/94/12-15. I find no evidence to support the hypothesis of Cozens-Hardy and Kent, *op.cit.*, 17, that Richard Drewe the bailiff/mayor of Norwich was a member of this family.
- 42 E122/93/5; KL/C37/1 m.16r; Red Reg. ff.90, 92b; Davies, *op.cit.*, 605; C.P.R. 1330-34,

424, 1334-38, 54, 74, 256.

43 See appendix II, [table 4](#).

44 Chapter 2, p.52. C.Cl.R. 1313-18, 443, 1318-23, 480.

45 Saul, *op.cit.*, 232-33, believes that the plague had a great impact. However, in my opinion the economic decline of the town, of which Dr. Saul is himself the most eloquent historian, was the main cause of the change in personnel - a problem only exacerbated by the plague. Britnell, *op.cit.*, 475-77, also sees the Black Death as the end of one administrative phase and the beginning of a new, in terms of official personnel. Periodization can be a convenient device, but can obscure the process of gradual change, which is more fundamental to history than is cataclysm.

46 This phenomenon is also said to be true regarding the late medieval aristocracy; Denholm-Young, *op.cit.*, 22.

47 Meech and Allen, *op.cit.*, 115.

48 E.g. Edmund Westthorp (mayor of Lynn tempore Edward IV) finished his apprenticeship in 1433, but remained abroad until 1450 when he became a freeman; he did not marry until c.1456 and his wife died in 1469, after which he appears to have remained single; there were no male heirs, but possibly one daughter. KL/C7/3 ff.35, 277; C.P.R. 1452-61, 456; PROB 11/5 qu.30, 11/9 qu.27.

49 Thrupp, *Merchant Class of Medieval London*, 191-206; Platt, *op.cit.*, 99, 101.

50 Only those sons born after their fathers became freemen were entitled to free entrance themselves.

51 See Saul, *op.cit.*, 221, for example.

52 Feudal Aids, III, 469-70; E40/8028; Saul, *op.cit.*, 99, 234; Palmer, *Perlustration of Great Yarmouth*, II, 117.

53 Meech and Allen, *op.cit.*, 222-23.

54 Tanner, *op.cit.*, 58-61.

55 Meech and Allen, *op.cit.*, 221.

56 Campbell xxiii, 14. The fact that the son's will was registered in Colchester's court rolls - unusual for a cleric - owes much to the fact that his appointment kept him in town.

57 Saul, *op.cit.*, 238; C.P.R. 1324-27, 26, 33; Bodl.Norf.Ch. 722.

58 C.P.R. 1321-24, 27; E122/50/12.

59 E356/2 m.11d; E356/3 mm.3r, 6-8, 26r; E122/50/12-17; E179/180/6 m.30d; Davies, *op.cit.*, 605; Hervey, *op.cit.*, 6, 19; KB 27/275 mm.58, 154d; R.R. 1-2 Ed.III m.2r, 8-9 Ed.III m.1d, 14-15 Ed.III m.2r, 8-11 Ric.II m.3r; G.C.R. 16-17 Ed.II m.2d.

60 C1/17/89.

61 C.P.R. 1324-27, 143; Red Parch. Bk., 49, 52, 55,56; Britnell, *op.cit.*, 358, 361; Col.C.R., II, 219; C146/205, 1038.

62 The Wyth family had produced merchants in Lynn from the time of Edward I. Philip Wyth, chamberlain and jurat of the 1340s, was particularly wealthy; after the early death of his son Philip junior (chamberlain 1359/60), Philip senior's several properties in Lynn passed to his brother John de Wormegay (jurat 1357-76) and thence to John's son, the Philip here discussed. SC8/3850, SC8/12878; C.P.R. 1334-38, 449; KL/C5/2 m.8r; Red Reg. ff.97b-98; Liber Lynn ff.16b-18.

63 Cal.Inq.Misc. 1377-88, 127.

64 C.F.R. 1377-83, 261-62; Liber Lynn ff.1, 9b, 20-27b; Red Reg. f.122. There is no evidence to connect this family with the Wyths found in fifteenth century Lynn, although one of the latter was a brasier whilst some of the former were farriers.

65 Red Reg. ff.125, 165; KL/C38/10.

66 Add.Ms. 30158 f.22b; I/C9/10/1 m.2r; C.P.R. 1452-61, 123.

67 C.P.R. 1358-61, 473; C.Cl.R. 1369-74, 494; Cal.Inq.Misc. 1348-77, 328.

68 E122/51/29, 39; PROB 11/2 qu.48.

69 Arundel Castle Ms. MD 1477; C.P.R. 1374-77, 502; KL/C5/3 m.1d; Red Reg. f.187; KL/C38/9.

70 C.P.R. 1364-67, 235, 323, 1370-74, 89; KL/C5/3 m.1d; Academies Lubeck, *Die Recesse und Andere Akten der Hansetage, von 1256-1430*, (Leipzig, 1870-89), III, 414. In 1371 Thomas had to re-export rye which he had imported from Prussia but had not been able to sell profitably.

71 KL/C10/2 ff.38b, 39, 44b.

72 Allowing for exaggeration, we may believe these complaints, despite the fact that Ipswich, c.1399 and 1402, jumped on the band-wagon, trying to obtain a reduction in its fee-farm on almost identical excuses. Cal.Inq.Misc. 1377-88, 54; C.P.R. 1408-13, 96-97, 1461-67, 262, 1467-77, 250; C.Cl.R. 1396-99, 225; Rot.Parl., III, 438, 447, 514; M. Rose, *Petitions in Parliament under the Lancastrians from, or Relating to, Towns*, (London M.A. thesis, 1926), 62; Swinden, *op.cit.*, 390.

73 Cal.Inq.Misc. 1348-77, 5-7. Piracy might well have received a mention too, but perhaps the townsmen - as much the culprits as victims in this sphere of activity - were too embarrassed.

74 Palmer, *Perlustration of Great Yarmouth*, I, 203; Saul, *op.cit.*, 233, 237. See the latter, pp.133-37, for the effects of shipping losses on other townsmen.

75 C.Cl.R. 1349-54, 479, 537, 1354-60, 549.

76 Red Reg. ff.75-76, 87b-89; C.P.R. 1343-45, 560; Bodl.Norf.Ch. 239.

77 Martin, *Borough and Merchant Community of Ipswich*, 180.

78 Power, *op.cit.*, 114.

79 KL/C17/15 m.5; E122/94/12, 14, 15.

80 C.P.R. 1354-58, 151; C.Cl.R. 1341-43, 553-54; KL/C12/1 mm.3r-4r; Red Reg. f.158b; Arundel Castle Ms. MD 1478 m.2r. Andrew de Couteshale was probably the mayor of c.1270.

81 E122/193/33; E122/51/29; Col.C.R./54 m.20d, /67 m.21r.

82 See [above](#).

83 P.P.R. 15-16 Ed.I(b) m.4d; R.R. 11-12 Ed.III m.2d, 17-18 Ed.III m.2d, 20-21 Ed.III m.1r; C.P.R. 1317-21, 512, 1321-24, 55, 1343-45, 200, 332, 1381-85, 395; Add.Ch. 2006; E179/180/12 m.13r; C.Cl.R. 1327-30, 402; Rot.Parl., II, 14; Ipswich Abatement Roll, 3 Ed.III m.1r; H. Riley, ed., *Munimenta Gildhallae Londoniensis: Liber Albus*, (London, 1859), 437-44.

84 E179/107/10, 12, 17, 54; E179/149/9; E179/180/1, 6, 11, 12; E179/242/40, 42; Rot.Parl., I, 229-36, 243-65.

85 Bacon, *op.cit.*, 82.

86 Cutts, *op.cit.*, 127; Parker, *op.cit.*, 1; Clarke and Carter, *op.cit.*, 429.

87 Saul, *op.cit.*, 1, estimates a pre-1349 population of at least 4500. Geoffrey Martin is certain that the rows were made more crowded by infilling at a time later than the Middle Ages.

88 Green, *op.cit.*, II, 409.

89 Swinden, *op.cit.*, 170; Red Paper Bk., 7; Add.Ms. 30158 *passim*.

90 J. L'Estrange, *Calendar of the Freemen of Great Yarmouth*, (Norwich, 1910), 1-8.

91 For purposes of disciplining, social control, and guarantee of contribution to communal financial obligations.

92 E.g. at Norwich in 1415 the electors of the Common Council were to be only freemen householders; *Records of Norwich*, I, 98-99.

93 Platt, *op.cit.*, 119, 121-22; H. Harrod, *Report on the Deeds and Records of the Borough of King's Lynn*, (King's Lynn, 1874), 63; Add.Ms. 30158 f.7b; G.C.R. 19-20 Ed.III m.2r. In Lynn *tempore* Henry VI the corporation was exerting itself to expand the freeman population, not trying to limit its size.

94 Gross, *op.cit.*, II, 121; G.C.R. 39-40 Hen.III mm.4d, 5d.

95 Col.C.R., II, 47, III, 63, 97, 105.

96 Red Paper Bk., 79.

97 G.C.R. 1 Ed.I m.1r, 8-9 Ed.II m.1r, 11-13 Ed.II m.5r. Financial interests may have been responsible for the inception of more records series than is generally realized.

98 Add.Ms. 30158 ff.6b, 7b; *Records of Norwich*, I, 94; Red Parch. Bk., 35. Minor bureaucratic officials were frequently chosen from non-burgesses (i.e. non-freemen). At Maldon, however, where the number of suitable candidates was particularly low, the community was on one occasion obliged to look beyond its freemen for as important an officer as its constable (William Rason).

99 Twiss, *op.cit.*, 128; KL/C37/1 m.13r; Harrod, *Report on the Records of King's Lynn*, 91-92.

100 KL/C37/1 mm.13-15.

101 But it may not be great: in 1373/4 it was specifically recorded that Robert de Bryselee had left town to avoid being assessed; KL/C39/33 m.2r.

102 KL/C37/7.

103 C.P.R. 1313-17, 57.

104 Depending on how one interprets cancellation of some entries.

105 KL/C39/48 m.9r; KL/C6/3 passim; KL/C6/5 mm.15-16; KL/C7/4 ff.74-75; Red Reg. ff.156, 163b, 164, 168.

106 C.P.R. 1343-45, 323; Saul, *op.cit.*, 49

107 White Domesday ff.8-9; I/C1/1/2/6.

108 C.P.R. 1317-21, 366, 474-75, 1324-27, 146; Col.C.R. passim; Red Paper Bk., 79-84.

109 C.Cl.R. 1399-1402, 489.

110 Martin, *Borough and Merchant Community of Ipswich*, 180; Hammer, *op.cit.*, 2; Parker, *op.cit.*, 16.

111 Of the 168 Yarmouth freemen entrants 1429-61, 33 held the office of bailiff, chamberlain or M.P. before 1470, and doubtless many others served in the Common Council. Petchey, *op.cit.*, 170-71, suggests a similar 20% regarding Maldon participation in the sixteenth century. The hypothesis of Bridbury, *op.cit.*, 62, that the proportion of freemen in the community rose after 1349 is based on the unproveable and unlikely assumption that all immigrants entered the franchise.

112 KL/C9/1 ff.20b-22b; one of the chamberlains of the year is missing although certainly alive *and* a freeman.

113 Tait, *op.cit.*, 321, accused that the popular basis of Lynn's Common Council was not broad, since the electorate of each constabulary was small. Analysis of the turnouts 1425-61 show an average of 166, with a high of 269 and a low of 119, but no detectable pattern; this suggests that individual inclinations plus particular issues of the year may have been influential. If we take the maximum single attendance of each of the nine wards 1438-45 (a period of relatively high turnouts) we can reconstruct a potential electorate of 278 persons. It must be remembered that: a) the jurats did not vote; b) the electorate of the lower council included non-freemen. There seems no reason to doubt that all men who wished to vote could and did. On the open quality of borough government see also Petchey, *op.cit.*, 168-70.



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Introduction: The human factor

In assessing the character of medieval borough government, it is desirable to know whether office was actively pursued. Some historians, their perspectives coloured by the situation of their own times, have assumed that this must have been the case. However, burgess attitudes towards office-holding are rarely directly evidenced, due to the lack of private records. We must therefore seek indicators of attitudes from the indirect evidence found in formal borough records, and weigh up the pros and cons. Although, in the end, we are left only with an overall picture, and a sketchy picture of how much individual attitudes varied - here we can only fall back on our knowledge of human nature, and assume that some individuals were more drawn to positions of power than others.



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Incentives to Office-holding

It would be wrong to think of medieval borough officials as permanent salaried professionals, devoting their full-time attentions to governmental duties.[1] Yet we need not go to the other extreme and suggest that they were obliged to serve for nothing.[2] Office-holding may well have been considered a duty, to the fulfillment of which the [burgess](#) might need to be compelled by threat of fine for refusal to serve, but it was not one which went unrewarded - 'uncompensated' might be a more accurate term. If it sometimes appears that officials served unpaid, it is probable that our information is inadequate. As Saul has noted regarding the Yarmouth customs officers, "a disguised form of wage" is encountered in expenses granted.[3] Yet there is evidence of salaries too. A recently discovered document in King's Lynn archives appears to be a claim made upon the royal government for moneys owed to some 66 townsmen for service in various posts at various times between 1327 and 1341;[4] it is clear from the periods and figures given that what was demanded was not irregular expenses but standard wages. The officers listed therein nicely complement those paid in the [chamberlains'](#) accounts, indicating that all services received remuneration; while the corporation was responsible for paying officers of purely internal administration, the royal government was responsible for the various branches of the [customs service](#), purveyors of victuals, coroners, king's [bailiffs](#), constables, and collectors of national [taxes](#). The corporation paid not only its principal elected and bureaucratic officers, but also temporary servants such as collectors of locally-imposed taxes, and the capital pledges of the [leet](#) (2s. for view of [frankpledge](#), 15s. for presentment of offences, divided between 18 men).[5] The various officers of the staple organisation - [mayors](#), constables, clerks, sergeants, weighers, porters, boatmen, etc. - were also paid by the royal government.[6] However, what is equally clear is that the salaries were too small in most cases to be, themselves, encouragements to office-holding; deputy butlers, for instance, received 5s. a year, purveyors 10s., king's bailiffs 3s.4d, constables 6d. annually. Compared to weekly wages of skilled labourers, these amounts seem almost contemptible, and should perhaps be thought of as honoraria rather than salaries. Some minor officers were, however, paid what are clearly wages: in 1285/6 the *custos* of Ipswich paid a sergeant 2½d a day to hold Ipswich's court, and the collector of petty tolls 2d. a day; and in 1347 a beadle was paid 1d. a day to collect the Lynn husting perquisites. On the other hand, annual payments may have been commensurate with the amount of time and effort required by each particular office; we cannot be sure.

Borough governments appear more generous than the royal government as regards wages, but even they paid little more than subsistence level wages unlikely to have had much attraction for the wealthier townsmen whom we have seen to have been the office-holders. Even town clerks, arguably the hardest worked of borough officials, usually supplemented their incomes with private work and often switched careers to more lucrative legal work. Colchester paid its bailiffs an annual salary of 40s. each in the early fourteenth century; this had risen to 60s. by 1372, but was reduced to 50s. in the fifteenth century. Its town clerk was paid £1.6.8d in 1319, and the local J.P.s of mid-fifteenth century 4s. a day during the [assizes](#).^[7] The Ipswich [ordinances of 1320](#) prescribed £5 as the salary for each of its bailiffs, £1 for each chamberlain, £2 for town clerk, and 6s.8d for each sergeant. By 1463 the chamberlains' salary had risen to 30s. each, that of the sergeants to £1 each, whereas those of bailiffs and town clerk had remained static. The councillors - exceptions to the general rule of payment of participants in government - were [allotted pasture-land](#), subsequently known as Portmansmeadow (a location remembered by today's Portman Road), for their horses as compensation; this payment of land in lieu of money, found also in several other boroughs, was perhaps prompted by the early establishment of a formal council whose members served for life.^[8] At Norwich (1375/6) and Yarmouth ([1491](#)) the salaries of the financial officers were each set at £1 (unless possibly the sum mentioned at Yarmouth was a "bonus" additional to salary), whereas in less prosperous Maldon it was 6s.8d (1469). At the same time in Maldon we find the clerk receiving a £2 salary, but the bailiffs and sergeant appear only to have been allowed enough to purchase their liveries.^[9] At Lynn, where financial accounts are less rare, we learn that the mayoral fee was £6 in 1271, £9 in 1297/8, but in fourteenth and fifteenth centuries it usually remained at the £10 level (occasionally, but temporarily, rising to £20), whilst the chamberlains' salary remained at £1 each.^[10]

In some towns salary was enhanced by various perquisites of office. The mayor of Lynn was [exempted from local tax](#) during his year of office; and he, clerk, and sergeant received customary fees from private individuals upon performance of certain duties, such as admission of [freemen](#) applicants. The latter is also true of Ipswich, where fines were paid by those wishing to have enrolments made in the town's [recognisance rolls](#); whether these were in fact assigned towards payment of ballival salaries, or more probably were additional (as was certainly the case with the town clerk) is not clear, but the 1320 ordinances indicate that a 6d. fee for application of the ballival seal to private documents was separate from the salary. The Ipswich bailiffs also were allowed all local customs taken on fish, onions, oil, and broom.^[11] In 1464 Ipswich's retiring town clerk was granted a pension, but this was not a common occurrence.^[12] Occasionally we find a bonus system whereby officers considered to have done a particularly good job during their term of office would be rewarded, at the rendering of account, by the grant of an additional payment. It is sometimes implied that the payment of the basic salaries of the financial officers depended upon them fulfilling their duties honestly and profitably. At Yarmouth it was decided in [1491](#) that, any year when the budget produced a surplus, up to £4 of it could be divided between the bailiffs. In fifteenth century Colchester it was prohibited that any negligent or lazy officer be paid anything above the basic salary prescribed by ancient ordinance. From the mid-fourteenth century in Lynn, an additional £10 reward was permitted to mayors who had served diligently; but, as tends to happen with *ad*

hoc procedures repeated on a regular basis, this soon became a formality granted even in years when the budget produced a deficit (e.g. 1376/7). Further expenses were also frequently allowed, particularly in the fifteenth century, so that Lynn's mayor might receive as much as £20-£35 beyond his basic salary.[13] In these circumstances, there is some evidence (presented below) that the financial reward could be an incentive to serve.

Parliamentary wages did not always conform to the 2s. a day minimum required by law. Yarmouth paid this amount, plus expenses, but Maldon could afford only 1s. a day to its 1384 representatives, whilst Norwich and Lynn initially paid 3s.4d a day - a fact that helps explain the lack of writs *de expensis* frequently sought by M.P.s. If the higher wage was due to those towns' relative prosperity in the fourteenth century, and to civic pride, as McKisack argues, then the occasional lowering of the wage to official minimum may reflect years of hardship. [14] Certainly in the tougher times of the fifteenth century there was a general revision of parliamentary wages, Lynn and Norwich resorting to the minimum, whilst wages were often negotiated with individual M.P.s. Some towns were more willing to accept outsiders as representatives since they would serve without wage or at lower rates: Ipswich's Edmund Winter agreed to serve at his own expense in 1452; in 1469 John Tymperley junior sat for 8d. a day, and his colleague John Alfrey of Hadley was content with being made a freeman in lieu of wages; and in 1472 it was arranged that William Wursop esquire have 5s. a week, but John Walworth junior only 3s.4d. Occasionally, location of the parliament was an influencing factor: in 1463 it was decided that William Wursop and John Lopham, Ipswich M.P.s, would be paid 20d. a day if parliament were held at Leicester or Northampton, 16d. if at any town closer than York, 12d. if at London.[15]

By the fifteenth century boroughs were discovering that even the meagre salaries and wages they paid to their servants were a strain on the budget. The £50 that York paid its mayor was well beyond the means of most boroughs' resources.[16] The total of Lynn officials' salaries grew with the burgeoning ranks of officialdom during the fourteenth century, from about £20 at the beginning, to amounts approaching £40 in the 1370s; even the various efforts to cut back, at the end of the century, could not keep down this expense for long. The consequence, at Lynn and elsewhere, was that when fifteenth century accountings produced deficits, the expenses which were left unpaid were usually the fees (or part thereof) of borough officials and M.P.s; the unfortunate chamberlains in office in such years, having paid expenses from their own pockets, failed to recoup these losses at once from the borough. We therefore find special arrangements being made to pay wages - special taxes levied, or specific revenues allotted to creditor officials - or M.P.s being obliged to sue corporations for arrears owing. In February 1430, when Lynn's mayor Richard Waterden died, alderman John Wesenham refused to take on his role as replacement until he was guaranteed that the salary and reward owed him from two previous mayoralities would be paid.[17]

If there was no profit to be made from wages, office-holding offered other pecuniary prospects. With reference to Yarmouth, Saul considered that: "The greatest benefit of being bailiff was the opportunity to use the position to one's advantage." [18] The opportunities for graft in the customs service are easily perceived, and were often realised, judging from the number of prosecutions by the Exchequer. It was perhaps unavoidable, given the conflict of

interests: the king found it convenient to use local men as customs officials, to counteract absenteeism, but such men were usually themselves importers/exporters or the friends of others. We may perhaps be so bold as to suggest (if cynically) that it was the very prospect of facilitated smuggling or access to often large amounts of money that encouraged some men to enter the customs service - certainly it can hardly have been for the wages![19] The potential profits from customs activities, both national and local, lay not only in smuggling, bribery, and extortion, but in the forfeiture system - perhaps instituted with the intent to counteract corruption - whereby customs officials had a right to a part of the goods confiscated from smugglers. This system is visible at all levels, from that of the syndicates farming national customs, through the regular searchers of ships and searchers for coinage, to the local supervisors of markets and crafts. That the profits from customs were attractive at all levels is seen in the large [farms](#) the national syndicates were willing to pay, and in the ability of Colchester's farmer of local customs in 1373 to pay £6.13.4d in addition to his usual farm of £35, without raising the borough tolls.[20]

The opportunities for illicit profit from borough office are not so obvious. Embezzlement may have occurred on occasion: Ipswich's 1320 ordinances and those of Colchester in 1372 reveal the suspicion, if not proof, of it. Salaries and perquisites are unlikely to have kept greedy men satisfied enough to prevent it. The executive, financial officers, or others such as Yarmouth's muragers, had the opportunity to put business their own way by supplying borough construction projects with material, or supplying wine and victuals for the numerous occasions required by the corporation. Again, the general influence of a man in office, especially when he controlled judicial or coercive powers, could be attractive and useful. However, the historian would be unreasonably cynical to assume that because opportunities for graft existed they were always, or ever, taken advantage of. Nor is it easy to detect corruption from the regular series of records which form the bulk of borough archives. And, to be fair, it must be noted that customs office had the attraction of being the first step on the ladder of a career in the king's service, leading to more important offices which offered greater (and legitimate) rewards.[21]

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Reluctance to Serve

Given the dangers and detriments of office, we might expect some reluctance to assume that burden. The evidence of it is abundant, but perhaps not all trustworthy. The most obvious indications of a widespread difficulty in obtaining persons willing to serve in office are the ordinances enforcing participation. Those of Yarmouth in 1272 set 6s.8d as the fine for any councillor who failed to attend when summoned by the [bailiffs](#) to deal with community business, as well as setting heavier fines for bailiffs and councillors negligent in their duties. In 1491 fines for not answering ballival summonses were 12d. for members of the upper council and 6d. for members of the lower council. The decrease perhaps reflected that, in the fifteenth century, the adoption of majority vote procedures made non-attendance a less serious hindrance to the transaction of business.[\[36\]](#) Chapters in the Norwich customal dating from about mid-fourteenth century prescribed a fine of 40s. on men elected as bailiffs but refusing to accept the office, and 2s. fine on those citizens summoned to attend assemblies (on behalf of the community) who did not bother to come; this last phrase - "*venire non curant*" - implies apathy, but the inconvenience of neglecting business affairs is indicated later in the passage, when it is ordered that routine assemblies were to be held only on holy days and non-market days. In 1465 the Norwich assembly set the substantial fine of £40 on those refusing to accept election as [aldermen](#).[\[37\]](#) At Colchester it was granted in 1411/12 that every councillor willing to perform his duties should be provided with 2s. worth of cloth for a hood, but for every default of appearance would lose 6d. of the value of the same; in 1443 fines for default of the aldermen and of the 16 councillors were set at the same levels as those of Yarmouth in 1491 - a further sign of the predominance of the aldermen in the council.[\[38\]](#) It was ordained at Ipswich in 1451 that anyone refusing election to any borough office would be [disfranchised](#) in perpetuity; there is no direct evidence of fines for default of appearance at assemblies, but there may well have been such, since promise of attendance was part of the oath of office of the members of the lower council.[\[39\]](#)

At Maldon, where the enfranchised population was particularly small, a strong concern for full participation is evinced. Loss of franchise was the punishment for wardemen who refused to take office. Default in attendance at the regular assemblies by wardemen or the informal council of ex-bailiffs was punished by fines which doubled with every recurrence of the offence; not only these councillors but every [burgess](#) was required to attend the courts of election and accounting - the [freeman's oath](#) guaranteeing that, were he within seven miles of

the town, he would come.[40] At Lynn we discover fines or harsher punishments for persons refusing office, not only in the corporation but also in the [Merchant Guild](#), private guilds, and in such semi-public posts as churchwarden. A £20 penalty was [imposed in 1358](#) upon those refusing mayoral office, although in return for this the unwilling party was granted exemption from being re-elected in the following year.[41] In the fifteenth century there was a complex set of fines dealing with absenteeism, whose roots may be traced back at least to 1358, when any [jurat](#) refusing to answer a mayoral summons was to pay 3s.4d, and if defaulting on election day (when every burgess was expected to attend without summons) to pay 6s.8d; every other burgess was to pay 12d. for defaults and [chamberlains](#) 3s.4d. In 1372 [4d. was set as the fine](#) for anyone summoned to attend an assembly who failed to appear by ten o'clock; those who persistently failed to come to pay their tax were to be [penalised 1d. per shilling](#) of their assessment. Elaboration of procedures produced, ca. 1425, a [series of fines](#): latecomers were to pay 4d. or give their excuse; if they did neither before taking their seat in the gildhall, they would pay 8d.; if absent for the whole meeting and then failing to offer an excuse at the next, 2s.; if any refused to sit in a specific place when ordered by the [mayor](#), 4d. It is difficult to tell whether such fines were effective in encouraging attendance and discipline; the revenue from defaults was a fairly regular, if small, item in borough accounts.[42]

Fines for refusal of office, on the other hand, were no deterrent for those determined to avoid the burden and willing to pay to do so, if necessary. This problem is visible not only in those towns that fall within the scope of this study, it is general across the country; although more noticeable in the fifteenth century (largely a function of more abundant and fuller records), it was no less a problem in the fourteenth and even the thirteenth.[43] At Lynn: Peter Lomb in 1292 paid 6s.8d because he refused to take the office of [scabin](#) in the Merchant Guild; Thomas Bene refused the office of constable in 1445; Thomas Botkesham and Thomas Salisbury those of councillor in 1424; of the 4 [leet](#) affeerors chosen in 1421, 2 resisted being sworn in and the other 2 had absented themselves from assembly, so that the sergeant had to be sent to fetch them.[44] The office of jurat was even more unpopular, partly because it called for more activity than most offices, partly because election was for life and, once in, it was difficult to get out; those wishing to retire had to present a reasonable excuse, proving incapacitation, before a special tribunal. In 1455 three men were elected to fill the gaps that tended to accumulate in jurat ranks; of these, William Pilton and John Adams "*nullo modo eorum onera noluerunt sumere*" and were fined £10 each, while Simon Baxter was given time to think his decision over and subsequently decided it was prudent to accept the post. Pilton and Adams were again elected jurats in 1456, and offered no resistance on this occasion. John Gedney was more determined: originally elected jurat in May 1437, he refused the office, only to be re-elected in January 1439, but by May he had engineered his dismissal, probably by refusing to join Corpus Christi gild, as was required of jurats; however, at a later time in his life he held the office with better grace (1452-62).[45]

We must beware of taking all refusals at face value. In January 1431 John Muriell accepted an appointment as one of Lynn's ambassadors to Denmark, but at the next assembly failed to negotiate a wage satisfactory to himself and refused to go. In August 1427, John Permonter,

elected mayor for the third time, asked to be excused from the office since he had held it twice at burdensome expense to himself; however, he hinted that he might reconsider if *guaranteed* the additional reward paid and, when he was promised as large a bonus as any previously granted, his reluctance vanished. He used a similar ploy when elected to his fifth mayoralty in 1431, absenting himself from the election and then appearing a few days later to claim illness as an excuse for delaying acceptance of the office, until he had negotiated a reward suitable to himself.[46]

Despite such theatricals, it was universally recognised that certain duties were genuinely burdensome and unpopular. Financial offices were spread widely among the suitable candidates, few men being asked to serve more than twice. It was often difficult to raise [juries](#) and there is a noticeable change in jury composition during the course of the fourteenth century, with the more prominent townsmen being increasingly rarely seen as jurors. Twentieth century attitudes towards jury-duty provide perhaps the best comparator for an empathic understanding of reasons for the medieval burgesses' reluctance to hold public office. Tax-collection too was very unpopular; in 1445 the Lynn authorities used the duty as a punitive device, by appointing non-burgesses as collectors, but offering to appoint a substitute for any willing to take up the franchise.[47]

The purchase of exemptions from office is generally pointed at as proof of an unwillingness to serve, but this evidence is a two-edged sword; there were not many who sought such exemptions, and they were usually among the townsmen most heavily involved in office-holding. The inclusion of clauses granting exemptions from jury-duty, tax collection, and royal ministries, in the royal charters to Ipswich and Colchester in 1462/3 - in the former case including a prohibition of fines for refusal to serve - may be discounted immediately as referring essentially to service outside the town; this was merely a logical continuation of borough efforts to obtain as much internal independence as possible.[48] The exemptions, acquired in an earlier period by Colchester, from sending representatives to parliament have been taken at face value and interpreted as showing the low interest exhibited by burgesses in parliamentary affairs.[49] In 1382 Colchester obtained its first grant to this effect from king, with a 5-year duration, on the grounds that the money saved in parliamentary wages and expenses would help finance the building of the [town wall](#). The same excuse was used to obtain renewals of the exemption, so that almost the whole period between 1382 and 1422 was covered, and so too 1422-42 if Colchester's petition for extension, in 1422, was in fact granted. It has not been previously noticed that Maldon obtained similar exemptions, to aid the borough's expenses in [repairing the Heybridge](#), which provided access to the town from the north-east, from 1388-99 and 1407-14.[50] Armed with such exemptions, it is difficult to see why both towns continued to elect representatives to the great majority of parliaments in this period and to return their names to the sheriff. The answer is probably that the exemptions were not, or were rarely, used; they were a safeguard giving the boroughs the option of attending or not, according to whether it suited their interests, and perhaps gave exemption from writs *de expensis*, so that Colchester and Maldon - the poorest of the boroughs studied here - could negotiate with the M.P.s wages that were acceptable to borough budgets. Although parliamentary attendance was not viewed by medieval burgesses as so important as to take priority over local necessities, a growing awareness of the usefulness of access to

parliament in the late fourteenth and fifteenth centuries - particularly the need to exercise some influence over taxation - make it unlikely that a borough could afford to absent itself from national affairs for an extended period.

The exemptions granted to individuals must be seen in a similar light. Between 1310 and 1476, from Lynn, Ipswich, Yarmouth, and Colchester, 17 burgesses are known to have obtained exemptions from the king,^[51] and 6 others were granted exemptions by their boroughs. This is not a large number, divided between four towns and such a lengthy period; however, there are marked concentrations of grants in certain periods. In 1310 the king granted life exemption from [tallages](#), prises, juries, [assizes](#), and royal ministries to Nicholas de Fakenham of Lynn, who is not known to have held any office. In 1316 Ipswich's Richard Leu obtained a similar grant, yet continued to hold offices in the customs service until 1326.^[52] Nothing more is heard until July 1346, when John de Wesenham obtained a grant which added to the earlier specifications exemption from local office, and this became the customary formula henceforth. In September 1346 Wesenham was elected into the ranks of Lynn's jurats, and there is no indication he raised any objection; although only there for a year, this was due to his commitments in the royal administration, he having taken the post of King's Butler in January 1347 (held until 1350).^[53] Only after obtaining a second exemption in 1353 - adding nothing to the first, which had been a life grant - did Wesenham retire from his administrative career, although he continued to hold the odd commission. His example inspired a wave of imitators among his fellow Lynn burgesses, nine of whom acquired exemptions between 1352 and 1383, as also did William Faderman of Yarmouth (1371) and John Boyn of Colchester (1380). Faderman is never known to have held any office, whilst Boyn had held no office since 1355. All of the Lynn men continued to hold royal and/or local offices after the dates of their exemptions, although [Robert Braunch](#) may have used his exemption to avoid parliamentary duty and Simon de Gunton his to avoid the mayoralty.^[54] Edmund Belleyetere's career in a variety of local and royal offices had barely begun when he received his first exemption in 1383; even after his second exemption, in 1406, he served as jurat and alderman in Lynn for several years. John atte Gappe of Yarmouth was bailiff four times after his first exemption in 1396, although he held no office after his second (1408).

In the middle part of the reign of Henry VI we find renewed interest in exemptions. A few were granted by the king: to Robert Toppes of Norwich (1443), John Wydewell of Yarmouth (1447), and Nicholas Peke of Colchester (1448). Peke and Toppes^[55] both served as executives of their town later, Wydewell had served only once as bailiff in 1435/6. More exemptions originated from town authorities, relating of course purely to local offices. Norwich had already granted exemption in 1343 to Richard Spynk and his heirs, but this was a [special circumstance](#) (not reflective of any general trend), part of a reward for Richard's large donations towards paying borough expenses; it did not prevent Richard's son from holding the ballivalty in 1375 and 1381. Not until 1429 were further exemptions granted by that city: to William Sedman, who had drawn up his will the previous year (perhaps suggesting infirmity), and to John Folcard, neither being subsequent office-holders.^[56] Lynn's corporation granted several exemptions: to John Mafey (1433) from the office of jurat, summonses to assembly, and other community burdens; to Edward Mayn (1441) and William Wyth (1447) from all

borough office; and to William Pilton (1450) only from the office of constable.[57] Mafey held no further office and apparently died soon after his grant; Mayn, who obtained his grant during the mayoralty of his close friend John Ashenden, continued to serve as jurat until 1454; Wyth also, theoretically, remained a jurat, although he had not in fact attended any assemblies since 1443! At Ipswich Thomas Medewe and John Trotte were exempted from the chamberlain's office in 1472 and 1476 respectively, and indeed never served.[58]

What are we to make of these grants? It seems clear that, although on occasion used to ensure exemption from specific offices, they were not generally intended to obtain exemption from service *per se*, for the majority of the recipients continued to serve after their grants. In a few cases we have genuine retirements, usually shortly before death; but the excuses for grants which begin to appear from the 1380s - citing infirmity and old age - are no accurate guide to this. These excuses are not always given in cases of genuine retirement, whereas the fact that Edmund Belleyetere was said to be incapacitated by infirmity and disease in 1383, and by old age in 1406 (when in his mid-60s) did not hinder him from years of further service. We frequently find these standard excuses given to justify the king replacing local coroners or other royal officers, and they are no more valid in these cases. It may have come as quite a shock to Walter Brun and Herman Breton of Yarmouth, when removed from the posts of coroner (1305) and customer (1327) respectively, to learn that they were dead. Fortunately for Herman, this was only a temporary setback to his customs career, which lasted until 1333; whilst the king shortly after had the good grace to admit that Walter was alive, although not at all well.[59] Nonetheless, it is evident that exemption grants were not merely pieces of parchment. Essex esquire John Doreward exchanged a £35 annuity for an exemption in 1404, William Sedman paid £20 for his, Edward Mayn £40, and John Mafey promised to bequeath the community a tenement. A clue to the role of exemptions may be found in associated cases from Lynn: in 1462 Richard Dyke was excused from being elected as [capital pledge](#), leet affeemor, or tax collector while serving as churchwarden of St. Margaret's; at his fourth election as mayor in 1474, [Walter Cony](#) was promised that he would not be elected again because of the burden of bearing both mayoral and aldermannic (1465-79) offices simultaneously; Thomas de Morton became town clerk in 1373 and, as a deserved reward for his labours, was granted the franchise *gratis* in 1377, when promised that he would never be elected clerk against his will, nor obliged to pay a fine for refusal - yet he remained clerk until 1396, when he disappears from the records.[60] The phrase "against his will" features in almost all exemption grants, and shows that they were intended and used as optional assets. Medieval burgesses (for the most part) did not seek to escape what they realized to be their duty, albeit a tiresome one; but they did not wish to be overburdened. A small number, largely of those who had cause to fear frequent election or the repeated payment of fines for refusal, were willing to pay a lump sum to obtain a safeguard against having to serve more often than they thought reasonable.

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Attitudes Towards Office-holding

The Pursuit of Power and Prestige

In contrast to the evidence presented above, suggesting that office-holding was generally unpopular, but that the wealthier townsmen accepted office as a responsibility that fell naturally to them, can we find any evidence of men who desire and pursued office? We may quickly point to the minority of office-holders already referred to, in the discussion of [monopolisation](#), who held executive or parliamentary office far more frequently than their peers. We have no direct evidence of their motivations or intentions, but it seems that some men were not averse to holding office more times than their communities might reasonably expect of them. Variation in attitude towards office-holding, from individual to individual, is natural and need not surprise us. Some were likely attracted by the prestige and influence of high position in government,[\[61\]](#) but this is an intangible with which it is difficult to come to terms. For the moment we shall set aside these 'professional' administrators and seek more concrete evidence.

Unfortunately borough records are not so intimate as to indicate whether office was sought, run for, or contested. The procedure of nominating candidates is little evidenced and, when it is, there is no indication of any forethought, although at Lynn mayoral candidates had to be selected from the [jurats](#) and those at Norwich from former [mayors](#) and sheriffs.[\[62\]](#) In the latter case the assembly nominated, by majority voice, two candidates from whom the upper council would choose a mayor; and we occasionally hear of two candidates for a single seat in Lynn's Common Council.[\[63\]](#) On the whole, however, the impression given is that all candidates for office were nominated by independent parties (whether with or without the candidates' prior approval is uncertain), rather than put their own names forward. We discover rivalries for office only in crisis periods, when parties struggling for control of government supported one of their own members; in these cases we find double elections producing stalemates, as often as one nominee winning over another. Otherwise, in normal, peaceful times, consensus was probably the rule, and not only may the man elected not have stood for office, he may sometimes not even have been present at the election or aware of his own candidacy. We may recall the case of John Asger, absent in Bruges at the time of his election as Norwich's mayor, so that a messenger had to be despatched to locate him. Lynn's ordinances of 1358 specifically provided for the circumstance of a man elected mayor *in absentia* and not wishing to serve.[\[64\]](#) Those may have been rare cases, but the more frequent refusals and the general distaste for office already noted make it unlikely that men normally

stood for office at their own initiative or of their own volition.

A rare explicit case of a local man seeking local office is that of William Reyne, and the very fact that it was entered among the otherwise rather routine records of Colchester's court rolls suggests how atypical the affair was. On 7 September 1360, a few weeks before the town's annual elections, Reyne, a mercer not particularly prominent in the local records during the previous decade, approached the [bailiffs](#) in public court and offered to pay £10 to the community if he were elected as one of the bailiffs for the coming year.^[65] This was agreed upon (apparently without any offence to political sensibilities - although the typically terse record does not reveal the reactions of the authorities to this unorthodox proposal) and William was duly elected, the start of a career which encompassed 8 ballivalties, 2 parliamentary seats, and several years in the council, between 1360 and 1393. Influenced by the contemporary eulogistic account of the achievements of Reyne's 1373/4 ballivalty - again an atypical record, which opens the Red Paper Book and is likely associated with the creation of that volume - Benham said of the 1360 affair that: "The arrangement seems to be characteristic of William Reyne, who was an ardent public servant Apparently he was not indifferent to flattery and love of office."^[66] The connection between the two unusual records is curious but, unfortunately, it may be stretching the evidence too far to suggest that Reyne sought office because he loved power and wished to use it to the benefit of the community. What we have in 1360 is actually an arrangement to [farm](#) the office of bailiff, with Reyne taking half the profits of the office, notably court [ameracements](#) and perquisites. This does not make the situation any less unusual, although farming arrangements are found in Colchester, Ipswich, and Maldon quite commonly with regard to lesser offices, generally involving the collection of customs. Reyne's actions were not those of a politician, but (more typically medieval) those of an entrepreneur.

In addition to the Reyne case, we have that of Thomas Botkesham and Thomas Salisbury, mentioned [earlier](#) as having refused the Lynn offices of Common Councillors in August 1424. In fact, in November following, both accepted posts as jurats and it seems not at all unlikely that, aware of the imminent vacancies in the jurats (Salisbury's father being one of those about to retire), they turned down conciliar roles to hold out for the higher status.^[67] Then there is the case of Ipswich bailiffs [Thomas Stace and Thomas le Rente](#), deposed in 1321 on various charges including that they had been maintained in power by a coven of supporters who conducted borough elections in secret.^[68] The control of office by this partnership and a few close friends and allies lasted for more than two decades, and they seem to have well understood how to use power to personal profit. Throughout history there have been unscrupulous men who have sought office for personal gain, and they tend to attract the attention of historians more easily than those who did not offend and so drew less notice to themselves in official records. We must expect to find some of these black sheep in the later Middle Ages, when the rule of law was poorly respected and its enforcement was weak, encouraging individuals to rely on their own resources and to act, in the default of others, in their own interests. It does not mean we should tar all medieval borough rulers with the same brush; nor should we judge those men by twentieth century ethical standards - rather we must understand them according to their own standards, insofar as we can identify such.

It may be that posts in the royal service were more sought after than offices in local government. The potential illicit profits from the customs service were greater than those from borough offices, and customs posts might prove stepping-stones to higher levels in the royal administrative network, where the rewards could be even greater.^[69] Thus we find outsiders seeking customs posts in East Anglian boroughs, particularly in the fifteenth century, and competition between men farming customs - the fickleness of royal government, where money was changing hands, making for frequent alterations in personnel in the late fourteenth century and occasional confusion as to who was in what post. Ipswich's John Goldyng decided to secure his position as pesager by forging "for life" in place of "during pleasure" in the letter patent appointing him in 1371; the fraud was discovered c.1379 but (after a temporary suspension from office) the king was persuaded, as usual, by the offer of money to pardon and reappoint John in 1380.^[70]

Parliamentary office presents a similar case. It could be the first step in a career, by bringing the ambitious within earshot of the king, his ministers, or other powerful men of the realm. Thomas de Melcheburn attended several parliaments, and may have made important contacts there, before beginning a dedicated career in royal service in the 1330s. Others sought parliamentary office to support the interests of noble masters in parliament; this is, of course, a well-documented feature of the fifteenth century power struggle between national factions. Men like the several John Timperleys, whose careers are difficult to disentangle, but who were retainers of the Duke of Norfolk and who, in his interests, found seats at Ipswich (1455, 1469, 1478, 1483), Suffolk county (1445), Reigate (1453, 1460), Steyning (1467), Gatton (1472), and Bramber (1472). Ipswich also had associations with the series of Gilbert Debenhams of Wenham, two of whom sat for the borough in 1450 and 1455, although they were more accustomed to sit for the county. Albeit that the family ranked among the country gentry by this period, it probably stretches back to the Gilbert de Debenham, son of Richard Child of Debenham, who acquired property in Ipswich between 1339-58 and was buried in Little Wenham in 1361.^[71] But, of our towns, it was rather Yarmouth and Maldon that acquired a reputation of non-resistance to outsiders holding its parliamentary seats. At the former John Paston had some influence, his friend John Damme of Southwold procuring a seat there in 1442, and another ally William Yelverton in 1435 and 1437, whilst it was through Paston's efforts that John Russe (M.P. at Yarmouth several times in the reign of Edward IV) obtained a customs post there in 1463.^[72] John Lowes, William Willy, John Ulveston, and Richard Suthwell were other outsiders who sat for Yarmouth. In this category at Maldon we may name William Laweshull, Walter Wrytell, William Tuft, and John Worthy. None of the outsiders held any other borough office, and the few who held citizenship in the boroughs for which they sat usually took it out only as a formality to facilitate their election. They do not, strictly speaking, concern us. Yet it is noticeable that the increasing appreciation by the gentry of the value of parliamentary seats was slower to dawn upon individual townsmen - despite Edmund Winter's offer to sit for Ipswich at his own expense in 1453 - and upon corporations as a whole, which seem concerned primarily with evading the payment of wages.^[73]

If there is any indication of a change in attitude to office-holding, perhaps it lies in the development of ceremony in the later fourteenth and fifteenth centuries. This may be taken not

merely as a visual expression of civic pride, and even civic patriotism, but as part of the growing awareness of the dignity and prestige of office. In fact, ceremony was a possibly vital reinforcement of the sense of identity, of autonomous administration, and of the predominant role of a select group within that administration. And yet this at a time when the identity was being shattered by the widening gulf between classes, the autonomy being undermined as the interests of the urban upper class and non-urban gentry moved closer together, and the powers of the ruling class were coming under challenge from the ruled, who felt they were being excluded from even their traditionally limited role in government. Originally the community's identity was expressed in its chartered privileges, common to all burgesses - the [franchise](#) is essential to an understanding of the self-governing borough. But it became increasingly obvious that some townsmen were more equal than others and, in the fifteenth century, we see separate estates evolving within urban society, and political power no longer shared between equals but divided among estates; such is the fundamental reason behind the creation of lower councils. Ceremony provided the means for emphasising, to themselves and to outsiders, the unity of the members of the ruling class, and their wealth-based superiority over the ruled; but it also provided contexts in which all burgesses could act together harmoniously.

It is difficult to ascertain how far back stretched the notion that officers of the community should have some sort of uniform to distinguish them. Colchester's 1372 ordinances provided for the purchase of ballival liveries, and in the following year we find further evidence of civic vanity in the work of bailiffs William Reyne and his junior associate John Clerk in building marble steps up to the front entrance of the town hall, tile steps to the back entrance, and having ornamentations carved into the benches and seats of the hall. These can only have been extravagances intended to impress the onlooker in a town where, a few years later, there was an effort to cut back on parliamentary wages. By 1411 the councillors had the beginnings of a livery in their hoods.^[74] By the beginning of the reign of Edward IV, the Maldon bailiffs were each allowed 16s.8d for a livery, but only 13s.4d if they failed to buy gowns of the proper colour; and the [chamberlains](#) were each to have 5s. for a hood.^[75] We hear of liveries for Ipswich's sergeants, town clerk, and customs collector in the [1446/7 accounts](#), whilst in 1429 the refusal of a portman to wear his livery was [ordained to be an offence](#) punishable by deposition.^[76] The liveries of Lynn's clerk and sergeant, which included special hair-cuts, are heard of as early as 1360. Those of Norwich's mayors, ex-mayors, and [aldermen](#) are referred to in 1415. Aldermen were to pay a fine of 10s. if they refused to buy and wear livery. This ruling came in the context of the Tripartite Indenture of 1424, an internal agreement between the component branches of the ruling estate, designed to strengthen solidarity within the group by having all pledge to be obedient to the mayor, to be loyal to each other, to submit personal quarrels to mayoral arbitration rather than making them public, and not to resort to demagoguery to gain power. This, more than any other document from our towns, illustrates the separation of the ruling class from its subjects.^[77] To what extent the sumptuary legislation of the second half of the fourteenth century, rendered somewhat ineffective by the high degree of social mobility and ambition, influenced the development of livery it is difficult to say; probably both were facets of the growing habit of conspicuous consumption. Margery Kempe, as a young woman, took much pride in the ostentatious fashion in clothing she wore, which she considered a visual indicator of superior social standing. It was of course at the major political meetings, religious processions, and social pageants, in which the

general public participated, that the ruling class took care to display its liveries.[78]

For other symbols of political identity we may point to the ceremonial maces and swords, precursors of liveries, carried solemnly before borough executives in procession to indicate the coercive power of those officers. Such rights are maintained now only for the sake of tradition, but were taken much more seriously in the later Middle Ages. At Lynn, for example, when in 1377 the visiting borough seigneur, Bishop Despenser, insisted that the borough mace (tipped with black ivory) be carried before *him* rather than the mayor, an enraged populace attacked him and he was lucky to escape with his life. In 1446 the Bishop vetoed a grant by the king that Lynn's mayoral sword be carried point-erect (as in London and Norwich) rather than point-down as was customary.[79] Even at Maldon, where the corporation was not terribly prosperous, there was a ceremonial mace, although it may not have been ornamented with gold and silver as were those of Norwich.[80] The enlargement, improvement, and decoration of town halls, particularly in the first half of the fifteenth century, is another sign of civic ego; Dobson has described them as "the material expression of that late medieval transition from urban community to urban corporation." [81] One cannot fail to be impressed even today by the Norwich gildhall (rebuilt at the end of the reign of Henry IV) even though it is dwarfed by the neighbouring modern city hall; and [Lynn's gildhall](#) (rebuilt early in the reign of Henry VI), with its chequered flint facing and great south window, remains visually striking. Again, we may recall the procedural regulations introduced in this same period which, like liveries, show the taste for conformity, orderliness, and ceremony; at Lynn this extended to the making of valedictory speeches by retiring mayors: rather formal, if brief, affairs which related nothing of substance but expressed a humility and unworthiness that it is, unfortunately, difficult to take seriously.[82]

To sum up, we may conclude that for most men office-holding was no great ambition to be pursued, but a duty which the wealthier members of the community were best-endowed to perform. For the unscrupulous, office might give access to large profits or the manipulation of power in the interests of self, friends, or family. For the others - and to be fair we should assume this to be the majority in the absence of evidence otherwise - it was a financial burden in its demands upon their time and their private revenues; the wages of office were nothing compared to the profit to be made from a year's involvement in the import or export of merchandise. Not until the fifteenth century, as class consciousness developed, does the sheer prestige of office seem to have outweighed its liabilities, and even then specific offices with accounting responsibilities remained unpopular. Whether the frequency with which individuals held office reflects their personal attitudes is something we can never know for certain. Men who served once or twice may often be men concerned only to do their duty and let well alone thereafter. Men who held office on numerous occasions need not necessarily be those most skilled at exploiting positions of power, but they are certainly more interesting to us, and an examination of the extent of 'professionalism' in borough government must command our attentions next.

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Notes

1 Although this is not to say that some men (not merely the town clerk) did not pursue careers in professional administration; see chapter 5.

2 As have A. White, *Self-Government at the King's Command: a Study in the Beginnings of English Democracy*, (Minneapolis, 1933), 128; Saul, *op.cit.*, 44; Reynolds, *op.cit.*, 121.

3 Saul, *op.cit.*, 91.

4 I thank the King's Lynn archivist for the opportunity to study this document a few days after its discovery, at which time it had not been catalogued; I refer to it here as KL/Roll of wages. Damage to the top of m.1 and loss of m.2 make it difficult to determine the exact nature of the document. Two-thirds of the persons listed are among the men falling within the scope of this study.

5 Red Reg. f.160b. In 1378, in the context of paring of the budget, the corporation ordained that tax-collectors would henceforth have to operate at their own expense.

6 And also officers of the staple, not mentioned in the roll; C67/23 m.6r.

7 Red Parch. Bk., 32, 39, 194; Strutt, *op.cit.*, xi. Each bailiff was also provided with a livery worth 20s.

8 Black Domesday ff.74-75; I/C1/3/1/1 ff.4-5; Gross, *op.cit.*, II, 122; Gomme, *op.cit.*, 34-35.

9 *Records of Norwich*, II, 44; Swinden, *op.cit.*, 494; D/B 3/3/68.

10 KL/C39 passim; KL/C37/2; Parkin, *op.cit.*, Add.Ms. 37791 f.45. Parkin may be correct in suggesting that the 1271 payment to the mayor was only an instalment of a full £10 annual salary.

11 KL/C37/5 m.1r; Martin, *Borough and Merchant Community of Ipswich*, 82; Black Domesday f.74.

- 12 Add.Ms. 30158 f.25.
- 13 Swinden, *op.cit.*, 494; Red Parch. Bk., 43; Add.Ms. 37791 ff.45, 48b; KL/C39 *passim*.
- 14 Palmer, *Continuation of Manship's History*, 194; D/B 3/1/1 f.4b; McKisack, *Parliamentary Representation of English Boroughs*, 82, 87, 89-90; McKisack, "Parliamentary representation of King's Lynn," 588; KL/C39 *passim*.
- 15 McKisack, *Parliamentary Representation of English Boroughs*, 90; Roskell, *op.cit.*, 141; Muir, *op.cit.*, 143; General Court Roll 12-14 Ed.IV m.2r; Add.Ms. 30158 ff.24, 25, 28b; Dogget Roll 6-7 Ed.IV m.4d.
- 16 Dobson, *York City Chamberlains' Account Rolls*, xxxii.
- 17 KL/C39/39 m.3d; KL/C7/2 f.152b; McKisack, *Parliamentary Representation of English Boroughs*, 88, 90, 91, 97; Wedgwood, *History of Parliament: Register*, cxxv.
- 18 Saul, *op.cit.*, 57.
- 19 *Ibid.*, 82, 92, 106-07.
- 20 C.F.R. 1337-47, 352; Col.C.R., II, 47; Red Paper Bk., 11; Gras, *op.cit.*, 97.
- 21 Martin, *Borough and Merchant Community of Ipswich*, 73; Saul, *op.cit.*, 25, 37, 92; C1/28/512. We shall investigate corruption more closely in chapter 6.
- 22 Twiss, *op.cit.*, 167.
- 23 One has only to see the quantity of Ipswich rolls, the bulk of the Yarmouth rolls, and the drastic increase in size (both in number of membranes and size of membranes) in the later fourteenth century Colchester rolls, to appreciate that the business of the principal sessions was not to be dispensed with quickly.
- 24 Col.C.R./34 m.21d.
- 25 However, it was more probably to cope with illnesses or other causes of absenteeism. There is no systematic division of labour evident in the records. Judging from Ipswich recognisances, it was common for both bailiffs to be present on even these relatively informal occasions (there being no good reason not to take witness lists at face value). At Yarmouth it may be that certain of the bailiffs did more work than others, but this appears to have been a matter of chance; Saul, *op.cit.*, 24.
- 26 Swinden, *op.cit.*, 494.

- 27 Saul, *op.cit.*, 34; Glover, *op.cit.*, 165; KL/C7/4 f.110
- 28 Red Reg. f.125.
- 29 Alsford, *Urban Administration in Medieval Norwich*, 75; Saul, *op.cit.*, 63, 138; C.F.R. 1347-56, 300; C.P.R. 1338-40, 133, 1370-74, 355; Red Paper Bk., 7. Yarmouth ex-bailiff Ralph Ramsey was, in 1405, pardoned £160 arrears from his account at the Exchequer as sheriff of Norfolk; C.P.R. 1401-05, 483.
- 30 Swinden, *op.cit.*, 494; D/B/ 3/1/1 f.22; D/B/ 3/1/2 f.22; D/B 3/3/14 m.1r; Add.Ms. 30158 f.8.
- 31 Col.C.R./28 m.12r, /37 m.34d; P.P.R. 20-21 Ric.II, mm.3d, 6d.
- 32 E.g. see KL/C39/35, 37; Glover, *op.cit.*, 81.
- 33 Martin, *Borough and Merchant Community of Ipswich*, 134; D/B 3/1/2 f.6b; Col.C.R., I, 202.
- 34 Martin, *Borough and Merchant Community of Ipswich*, 142, 189; Red Reg. f.155; Saul, *op.cit.*, 47.
- 35 C. Palmer, ed., *A Booke of the Foundacion and Antiquity of the Towne of Greate Yermouthe*, (Great Yarmouth, 1847), 106; Rot.Parl., II, 37.
- 36 C.Ch.R. 1257-1300, 185-86; Swinden, *op.cit.*, 497.
- 37 *Records of Norwich*, I, 191-92, 286.
- 38 Red Paper Bk., 16, 159.
- 39 Dogget Roll 17-38 Hen.VI m.4r; White Domesday f.14.
- 40 D/B 3/1/1 ff.4b, 31b; D/B 3/1/2 ff.2, 12b; D/B 3/1/3 ff.21b-24; D/B 3/3/4 m.6r, /21 m.1r.
- 41 Richards, *op.cit.*, 425, 463; KL/C37/3 f.99; Add.Ms. 37791 f.48b.
- 42 Add.Ms. 37791 f.50; Red Reg. ff.153b, 166; KL/C7/2 f.56; KL/C9/1 f.15b; KL/C7/3 f.273b; KL/C39/28 m.1r, /30 schedule.
- 43 Reynolds, *op.cit.*, 180-81; Dobson, "Urban decline in late medieval England," 13; McKisack, *Parliamentary Representation of English Boroughs*, 27. At a higher level of society knighthood was unpopular because of the responsibilities it incurred (the efforts of Ipswich's Richard Leu to avoid it have already been mentioned); Denholm-Young, *op.cit.*, 22.

- 44 KL/C5/1 m.3r; KL/C7/2 f.51; KL/C7/3 f.212; KL/C6/6 m.18d.
- 45 KL/C2/29; KL/C7/4 ff.28b, 41b; KL/C7/3 ff.78b, 101b, 106.
- 46 KL/C7/3 ff.5-6, 15; KL/C7/2 f.84.
- 47 W. Jones, "Rex et ministri: English local government and the crisis of 1341," *Journal of British Studies*, XIII (1973), no.1, 19; KL/C7/3 f.199b.
- 48 C.Ch.R. 1427-1516, 152, 197; Bacon, *op.cit.*, 123.
- 49 Rose, *op.cit.*, 126-27; Muir, *op.cit.*, 115, 146; Lawson, *op.cit.*, 268-69.
- 50 C.P.R. 1381-85, 214, 1385-89, 505, 508, 1391-96, 187, 379, 1401-05, 355, 1405-08, 376, 1408-13, 199; Rose, *op.cit.*, 167. Colchester already had a wall, since Roman times, but doubtless what was meant was repairs and rebuilding rather than construction.
- 51 C.P.R. *passim*.
- 52 E122/50/1; Cal.Memo.Rolls 1326-27, 235.
- 53 E101/457/19; E122/158/15; C.P.R. 1345-48, 220.
- 54 Braunch was M.P. in September, and obtained his exemption in October, 1353; Gunton was last mayor in 1364/5 and obtained his exemption in May 1366.
- 55 Lawson, *op.cit.*, 128, suggests that Toppes' temporary retirement from public life was prompted by the threats of his political enemies.
- 56 *Records of Norwich*, II, 66, 220.
- 57 KL/C7/3 ff.41b, 140, 242b, 279b.
- 58 Add.Ms. 30158 ff.30b, 33b.
- 59 C.Cl.R. 1302-07, 246; C.F.R. 1327-37, 48.
- 60 KL/C7/4 ff.92b, 165; Red Reg. f.158b.
- 61 Rogers, *op.cit.*, 37, felt this was the case at Stamford, where the material benefits of office were not, he considered, substantial.
- 62 KL/C2/29; *Records of Norwich*, I, 95.

- 63 KL/C6/4 m.10r; KL/C7/2 f.157.
- 64 Cozens-Hardy and Kent, *op.cit.*, 20; Add.Ms. 37791 f.48b.
- 65 Col.C.R./12 m.17r.
- 66 Col.C.R., II, 123.
- 67 KL/C7/2 ff.48, 51.
- 68 Black Domesday ff.71-74.
- 69 E.g. see Saul, *op.cit.*, 58-59.
- 70 C.P.R. 1370-74, 38, 1377-81, 403, 444.
- 71 McKisack, *Parliamentary Representation of English Boroughs*, 108, 114; Wedgwood, *History of Parliament: Biographies*, 856-57; R.R. 12-13 Ed.III m.2r, 25-33 Ed.III m.11d; N.C. C. Heydon f.44. One member of the Timperley family settled in Ipswich and was thrice bailiff in the reign of Henry VII.
- 72 Wedgwood, *History of Parliament: Biographies*, 252-53; Palmer, *Continuation of Manship's History*, 195; C.F.R. 1461-71, 95.
- 73 Add.Ms. 30158 f.16; McKisack, *Parliamentary Representation of English Boroughs*, 113-14; Morey, *op.cit.*, 334-37. Winter may have been a member of a prominent Norfolk gentry family.
- 74 Red Parch. Bk., 32; Red Paper Bk., 8, 11, 16.
- 75 D/B 3/1/2 f.23b.
- 76 I/C9/10/1; White Domesday f.18b. It is significant that this ordinance was made at the same time as that prohibiting bailiffs from retailing wine, ale, or victuals, during their terms of office.
- 77 KL/C39/23; *Records of Norwich*, I, 102, 109-12.
- 78 Thrupp, "Social control in the medieval town," 49; Meech and Allen, *op.cit.*, 9. C. Phythian-Adams, "Ceremony and the citizen: the communal year at Coventry 1450-1550," *Crisis and Order in English Towns 1500-1700*, (Toronto, 1972), 60, suggests that "the exaggerated social precedence of ceremonial occasions was an office-holder's basic reward."

79 J. Foxe, *Acts and Monuments of Matters ... Happening in the Church*, (London, 1641), I, 560; KL/C7/3 ff.217b, 229b. One might wonder what effect the former event had on Despenser's attitude towards the peasant rebels in 1381.

80 D/B 3/1/2 f.9b; *Records of Norwich*, I, 34.

81 Dobson, "Urban decline in late medieval England," 7.

82 KL/C6/4 m.22r.



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Introduction: A tradition of service

There are three aspects of professionalism that require consideration and will receive attention in turn: the acquisition of expertise in administration; the selection of officials from men qualified by special training or skills; and the devotion of full-time energies to administrative careers. McKisack concluded from her studies that the qualification of experience played an important role in influencing the selection of M.P.s, both in the sense of prior parliamentary experience, as indicated by re-elections, and familiarity with borough affairs and administration.^[1] We may extend this thesis to borough government as a whole and ask whether, despite the reluctance of men to serve in office too frequently, the burgess community was not wary of appointing rank amateurs to positions of importance in local administration, instead preferring to establish a hierarchy of experience reflecting the hierarchy of offices that we have already seen. This is the conclusion drawn, explicitly by Hammer regarding Oxford's government and by Petchey for early modern Maldon, and implicitly by Rogers who points out that the upper ranks of Stamford's council in the latter half of the fifteenth century were occupied by men with a tradition of two to three decades of continuous service.^[2]



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Expertise as a Factor in Selecting Officers

If there is any trace of policy in customs appointments, it is perhaps in favouritism shown to men with special training. From 1354 to 1375 all the men appointed as controllers, an office entailing only the keeping of a duplicate customs roll, were clerks.^[91] These include Henry Talliser, Yarmouth's town clerk circa the 1330s-'50s.^[92] It is not uncommon to find town clerks active in the customs service, either as a sideline to supplement their borough-paid salary, or after they had left the borough post. At Lynn we have various examples. Benedict de Massingham, acted as a junior clerk under his father Thomas (town clerk c.1312-38) in the early 1330s, and succeeded him briefly as town clerk in 1338/9, before going onto the controller's office 1339-41. Thomas de Morton not only served as clerk to the borough (1373-96) but also, like Thomas de Massingham, to the [Merchant Guild](#) (1385-87), in addition to holding simultaneously the post of controller (1378-89). And Roger Raulyn, who was town clerk c.1397-1401 and briefly controller in 1401.^[93] John Tilney, a lawyer who performed clerical work for Lynn's reform administration, was also a controller, from 1425-32, and held other customs posts in Yarmouth and Lynn 1432-35, whilst Geoffrey Costyn and Adam de Brandeston, who performed similar clerical duties for Ipswich in the reigns of Edward II and Edward III respectively, are also found in customs posts.^[94] Other clerks to be found in the customs service include: William Whetacre of Lynn (see above); John de Acle of Yarmouth (see above); Ipswich's John Bernard alias Stathe (searcher 1392, controller 1395-1401), who was also an administrator of the hospital of St. Mary Magdalene and St. James; and Nicholas le Clerk (controller 1296-98, collector 1302-07), also of Ipswich.^[95] A number of other customs men were amateur or professional attorneys.

Although the clerks and lawyers in the customs service were outnumbered by merchants - a sort of specialisation being seen in the number of vintners serving as deputy butlers - the not infrequent choice of men whom we may expect to have been able to read and write is interesting. When the king required that controllers write their counter-rolls with their own hand, what he was concerned with was not professionalism but a safeguard against fraud and absenteeism.^[96] Nonetheless, the stipulation may have encouraged the employment of trained men - although, when we read Geoffrey Starling junior's declaration (in 1387) that he wrote his counter-roll personally, we remain uncertain, for there is no other evidence of Geoffrey's literacy and so many medieval official statements cannot be taken at face value; here, Geoffrey's concern is to certify the accuracy of the information in the role.^[97]

We really have no adequate understanding of how many laymen could read and write, and to what extent, in the later Middle Ages - a period renowned for the 'spread of literacy'. These abilities appear to have been uncommon amongst the urban classes, because non-essential in a society where commercial calculations were worked out on the English equivalent of the abacus and recorded by carving notches in wooden sticks, where the wide use of signet-rings precluded even the need to sign one's name,[98] where the notion of recording everyday affairs in writing was itself relatively novel (outside of ecclesiastical institutions), and where a class of professional scribes existed to cater to the occasional need for documentation. The ability to read was still considered proof of training in the Church, the test of maturity was still the ability to count money and to measure, and education for most burgesses lay in the apprenticeship system, sometimes followed (in the case of merchants) by a 'graduate course' as factors serving overseas.[99] Grammar schools begin to be heard of more frequently in the fifteenth century, often when their schoolmasters, a troublesome lot, appeared in court; such men are seen in Colchester by 1424 and Ipswich by 1412 - in the latter, Richard Felaw bequeathed in 1483 a house in which to hold the school and others to support the master.[100] But precisely what effect this optional education had on burgess literacy is difficult to gauge. Occasionally we come across special individual educational arrangements, such as the case of Robert Beche, town clerk of Colchester (1349-80), who bequeathed property to a probably illegitimate son, Andrew, the profits from which were to pay for Andrew's maintenance and education at Cambridge for five years. Britnell suggests that Robert's intention was to provide for a successor to his profession but, if so, the plan did not materialize; Andrew may have gone to Cambridge, but on his return he showed no great interest in borough administration or clerical service generally, although Robert's legitimate son John, a notary public, followed in his father's footsteps as attorney in Colchester court, and possibly town clerk c.1393, whilst a great-grandson of Robert, another John Beche, was very prominent in Colchester's administration 1428-57.[101] Although we know little of it, the passing of skills and education through family ties is not to be underestimated as a factor in the spread of literacy.

Books were rare and valuable and few burgesses are known to have owned them. The widow of Norwich mayor Richard Purdaunce bequeathed an unusually large collection of books in 1481; Yarmouth bailiff Robert Cupper bequeathed a psalter, a primer, and three epilogues (1434); and Ipswich bailiff Robert Drye left at least one book-case, although his will is surprisingly silent on the subject of books.[102] Possession of such *objets d'art* is no proof of reading ability. More interesting is the "*quemdam librum vocatum le papir de debitis suis et aliis libris*" belonging to, and one suspects drawn up by, Ipswich bailiff and customs collector John Rous; the book was stolen from his house in 1414.[103] A private volume of John Lawneye of London embodies copies of all deeds, wills, and other documents (carefully listed in chronological order) relating to the descent of certain property in Lynn; although the script is too fine for us to suppose that Lawneye drew up the book himself, the purpose was very personal and the direct appeal it contains to his heirs to recover the said property, of which he had been defrauded by his mother-in-law, suggests not a book for public reading but rather a family memorandum.[104] Private documents rarely survive from medieval boroughs, and for the most part were not intended to; unlike Liber Lynn, most were draft documents often on cheap, perishable paper. It is difficult to believe, for example, that the disordered and

somewhat scrawled memoranda of some Lynn officer - probably one of the town's legal counsellors - on two small membranes were intended to outlive their use in obtaining repayment of expenses from the corporation.[105] Not a few medieval records survive quite fortuitously.

Perhaps a rudimentary reading/writing ability was more common than our evidence can reveal. That only a minority of customs officers were trained scribes meant the occasional slipping of standards. In 1457, during a smuggling enquiry at Lynn, Lord Scales ordered controller John Herman to produce his book of controlment; to which Herman replied, one imagines with some embarrassment, "that he had non Book yer of excepte oon litell scrowe whiche was of his owne hande writing". And in 1357 the king had to reprimand the Yarmouth customers for sloppy practices in making out letters of coket: failing to enter their names, the date, or the type and value of merchandise.[106] That some ability to write was possessed by men who did not expect to have to use it in official capacities is suggested by two cases: at the 1416 election in Lynn a list of names of those elected was drawn up personally by one of the electors, John Alger, a mercer of little administrative activity; and the first draft of Margery Kempe's memoirs she dictated to her merchant son (during his visit from Prussia, to where he had emigrated), although the priest who was asked to write the final copy found the son's draft "so evel wretyn ... it was neithyr good Englysch ne Dewch, ne the lettyr was not schapyn ne formyd as other letters ben." [107] Maybe there were other merchants, like Margery's son, whose script was good enough for their own eyes.

Besides the customs service, the other area in which professional training may have been an asset - although, again, not a pre-requisite - was parliamentary representation. The occasional prohibitions of lawyers being returned to parliament do not seem to have had much effect, and the presence of a sizeable number of men with legal or clerical training has been noticed by several historians.[108] From Lynn, Ipswich, and Colchester,[109] between 1295 and 1406, 39 men categorised as professionals in our occupational analysis (i.e. 70% of that group) served as M.P.s. In addition, 18 other men known to have had clerical skills or to have acted as amateur attorneys were also M.P.s. As the table below shows,

| | Lynn | Ipswich | Colchester |
|--|------|---------|------------|
| % of professionals in office-holding group | 4% | 11% | 10% |
| % of parliamentary seats held by professionals | 16% | 14% | 25% |
| % of same held by other skilled men | 5% | 13% | 9% |

professionals were selected to represent these boroughs in parliament to a degree disproportionate to their involvement in borough government otherwise.

The ability to write and some understanding of the law may therefore have been influential when the borough electors selected M.P.s. There is good reason for this: one of the principal functions of M.P.s was to report on parliamentary business to their communities, and memory (which was wont to be faulty) could be supplemented by written notes; in 1413 John Tilney presented to Lynn's assembly 18 folios written by him reporting on parliament's decisions on the Hanseatic trade.^[110] In addition, boroughs took advantage of sending their representatives to where the seat of government lay, to have them deal with town business in the Exchequer or other branches of the central administration of the king; such duties were at other times allotted to town clerks or attornies retained by the borough for that specific purpose. Besides attending the 1413 parliament, Tilney and his colleague were instructed to prosecute the claims of the reform administration at court, seek repayment of loans made to the king, present the grievances of Lynn merchants regarding their treatment in Prussia, and treat with Southampton representatives on the question of freedom from tolls; at the second parliament of that year the same pair were also charged with trying to obtain a confirmation of the borough charters.^[111] It was precisely such needs, perhaps combined with a reluctance of others to serve, that prompted boroughs to make use of their town clerks in fourteenth century parliaments. At Lynn, Thomas de Massingham was elected to 20 parliaments (although one was prorogued and another revoked) and 2 Councils between 1318 and 1338, Richard de Skyren to 2 (1340, 1344), Thomas de Morton to 11 parliaments and one Council (1377-94). At Ipswich, John Lenebaud was sent to the parliaments of 1318 and 1319, Geoffrey Costyn (although no longer town clerk) to 4 between 1328 and 1332, Adam de Brandeston to that of 1355, John de Lyng to another in 1384, and William Bury (again after leaving the clerkship) to one in 1423. At Yarmouth we know the identities of few of the town clerks, but one, William Ambrose, attended 11 parliaments (1307-30), whilst Henry Talliser and Godfrey de Colney - who were either town clerks or town attornies - attended 5 parliaments between them (1322-44), and Geoffrey de Somerton attended 6 (1378-84). At Colchester Robert Beche and his successor Michael Auger were each sent to one parliament, whilst Warin atte Welle, who was employed as a scribe by St. John's Abbey and whom circumstantial evidence indicates to have been town clerk c.1310-26, sat 4 times between 1329 and 1340.^[112]

As with the customs service, merchants outnumbered clerks and lawyers as borough representatives. Yet even this was a sort of professionalism if we consider that the parliamentary business with which boroughs were primarily concerned, and on the subject of which they might wish to present petitions or arguments, was largely that concerning commercial or other financial affairs. Occasionally the king specifically requested that the boroughs send representatives who were particularly knowledgeable in maritime matters, mercantile affairs, or even special branches of trade.^[113] A similar interest in expertise is seen in the arrangements for affeerors of arrested chattels, witnesses to commercial transactions, and even sometimes men assessing taxes, to be chosen from those with the best knowledge of the value of goods - in other words, merchants. Also in the development of a group of untrained para-professional attornies, [essoiners](#), and perhaps even executors - Colchester's Simon Clerk is regularly found in this last role between 1377 and 1403.^[114]

Legal or clerical training was no pre-requisite for the elected offices in borough administration; indeed, the business experiences of men pursuing careers in commerce or land-

holding, which entailed some familiarity with aspects of the law, was probably a more important grounding. Nonetheless, the town clerks, the lawyers who involved themselves in borough government, the men who built careers from service to the king, and the burgesses who dedicated much of their lives to holding borough offices: between them, they provided a solid if narrow backbone of experienced administrators whose devotion to their towns guaranteed a stability to borough government that the annual elections, combined with the general unpopularity of office, otherwise might have disrupted.

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Notes

- 1 McKisack, *Parliamentary Representation of English Boroughs*, 21, 40-41, 64, 100, 145.
- 2 Hammer, *op.cit.*, 23; Petchey, *op.cit.*, 171-72; Rogers, *op.cit.*, 20.
- 3 Tanner, *op.cit.*, 224, notes that 80% of the Norwich wills he analysed were drawn up within a year of probate.
- 4 KL/C7/2 ff.51, 135b; KL/C12/11.
- 5 Red Reg. f.64; C.Cl.R. 1323-27, 431.
- 6 KL/C7/3 f.35; KL/C7/4 f.53b; PROB 11/9 qu.27.
- 7 KL/C7/3 f.205; C.P.R. 1452-61, 313; C1/26/437.
- 8 See for example Red Reg. ff.17, 146b. At Ipswich, although 21 was recognised as the usual age of majority, the [custumal](#) indicates an age of 14 was sufficient to validate property transactions; however, this was probably only in the case of orphans - otherwise apprenticeship dictates, or those of parents, often determined when a male would begin his career as an independent adult; Twiss, *op.cit.*, 88, 160.
- 9 KL/C6/3 m.11r; KL/C10/2 f.78. What we have here is probably estimation or uncertainty, rather than clerical error.
- 10 KL/C9/1 f.17; KL/C7/2 f.16; KL/C7/4 f.48; C47/43/277.
- 11 E.g. in November 1428 William Style applied for the franchise on behalf of his apprentice John Heyward, then absent in Prussia; John returned to take his freeman's oath in January 1431. KL/C7/2 f.124b; KL/C7/3 f.5.
- 12 John Frost, former apprentice of Robert de Botkesham, and John son of Robert atte Lathe were obliged to pay the regular fines on these grounds, when they became freemen in 1401

and 1377 respectively; KL/C6/2 m.3d; Red Reg. f.158b.

13 Red Reg. ff.108b, 137b, 168b; William was jurat, on and off, between 1342 and 1361, Andrew for most of the period 1389-1434, making the latter at least 72 when he died.

14 Red Reg. ff.73b, 157b. Robert therefore held the chamberlain's office at a relatively late age; by contrast, Philip Wyth junior held the same office at the early age of 22.

15 Thrupp, *Merchant Class of Medieval London*, 194-95; Hammer, *op.cit.*, 24.

16 C. Platt, *Medieval Southampton: the Port and Trading Community, A.D. 1000-1600*, (London, 1973), 263.

17 Meech and Allen, *op.cit.*, 179.

18 Brunham is a quite exceptional case who was first elected jurat only four years after his entrance to the franchise (by patrimony) in 1353. One might normally expect that such an apparently lengthy political career would indicate two separate persons of the same name; but in fact Brunham's term as jurat was unbroken except for those years when he was chamberlain or mayor, and when the records themselves have gaps. His son John became a freeman in 1394, and the records clearly identify our man thereafter as John senior. John's great influence in the borough is suggested not only by his length of service and his role as Gild alderman *tempore* Henry IV, but by the fact that he had allies in the jurats in the persons of his in-law Kempes, relative Robert de Brunham, and former apprentice Edmund Belleyster. Red Reg. ff.118, 143b, 172.

19 24% of the Ipswich group and 37% of the Colchester group, compared to 58% of the Lynn office-holders.

20 Although there is some suggestion that 13 was the age of majority regarding entrance to the franchise in Colchester; Red Paper Bk., 79.

21 Rot.Parl., I, 231, 243; Campbell ix, 4; E179/107/10 m.4d; Red Parch. Bk., 62.

22 Despite this, the impression given by other evidence suggests quite a few officers from Colchester, Ipswich, and Yarmouth lived into their late 50s and early 60s.

23 An approach applied with success to his material by Hammer, *op.cit.*, 23-24.

24 See [chapter 3](#).

25 Appendix II, [table 2](#).

26 It has not been possible to calculate the average jurat age pre-1350 due to the survival of

very few lists of memberships.

27 Paradoxically, one consequence of the older age of mayors in the fifteenth century was a greater tendency for them to die in office, which may partly explain the decrease in the average number of times the mayoralty was held (appendix II, [table 3](#)).

28 KL/C4/11; KL/C2/29.

29 The average age of councillors is artificially high because, in the first few years of its existence, many members were older burgesses who had not previously qualified for jurat status.

30 Hammer, *op.cit.*, 3-5; Studer, *op.cit.*, xxiv; Reed, *op.cit.*, 203-04; Rogers, *op.cit.*, 20; Wilkinson, *op.cit.*, 24-25, 33. See also C. Phythian-Adams, *Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages*, (Cambridge, 1979), 123-24, and the clear promotionalism in Worcester in 1467, T. Smith, ed., *English Gilds*, (Oxford, 1870), 409.

31 On this see also Hudson, *Leet Jurisdiction in the City of Norwich*, lxii-lxiii.

32 John Geet of Ipswich, sergeant 1430/1, bailiff in the 1450s; William Hadleigh of Colchester, sergeant 1329/30, bailiff in the 1340s.

33 All *tempore* Edward III and adding to the impression we have of the low regard for parliamentary attendance at that time.

34 KL/C7/3 ff.45b, 276b; KL/C7/4 f.84. Ipswich's John French, when referred to as gaoler in 1412, appears only to have been deputising for his relative William Frensh; P.P.R. 14 Hen.IV m.2d.

35 *Records of Norwich*, I, 274. Allowing also for London influence.

36 These 4 cases are discussed in [chapter 2](#) and [chapter 3](#). Dobson, *York City Chamberlains' Account Rolls*, xxxvii-xxxviii, notes that of the 79 persons who became mayor 1396-1500, 71 had served previously as chamberlain, and that for election to mayoral and shrieval office "previous experience as chamberlains was most often a *sine qua non*."

37 Red Parch. Bk., 39.

38 Noted in [chapter 1](#).

39 See Note 36.

40 KL/C7/3 ff.101b-102b. None of the critics had any association with the reform fervour of a quarter-century earlier.

- 41 KL/C39/55; KL/C7/4 passim; C1/27/154, 155; C1/62/110; PROB 11/8 qu.14.
- 42 Add.Ms. 30158 f.8b; Bacon, *op.cit.*, passim; C219/16/5; I/C1/1/2/8; PROB 11/11 qu.24.
- 43 Hammer, *op.cit.*, 7, 8; Rogers, *op.cit.*, 20.
- 44 KL/C7/4 f.204b.
- 45 These figures seem abnormally high; probably something more like 30% of all jurats rose to the mayoralty.
- 46 Except for the naming of aldermen first, there is no trace of a 'pecking order' in the lists of the council at Colchester, which had a less sophisticated administrative system.
- 47 Red Reg. f.144.
- 48 C.P.R. 1317-21, 206, 1354-58, 465, 1381-85, 399, 479, 1408-13, 483, 1429-36, 407; C.F. R. 1399-1405, 231, 1405-13, 131, 1413-22, 240; Bodl.Norf.Ch. 722; Saul, *op.cit.*, appendices III H, VII G.
- 49 Lawson, *op.cit.*, preface; Muir, *op.cit.*, 122; Wedgwood, *History of Parliament: Biographies*, xxxvi; Glover, *op.cit.*, 164.
- 50 Muir, *op.cit.*, 127.
- 51 Lawson, *op.cit.*, 72-73.
- 52 Dogget Roll 17-38 Hen.VI m.2d; Wedgwood, *History of Parliament: Biographies*, 783-84.
- 53 D/B 3/1/1 f.31b; D/B 3/1/3 ff.23b, 28b. We may note that refusal of office was permissible in the circumstance of a man being elected to a second office in the same year.
- 54 One is inclined to ask how it was that Lynn's reform leader Bartholomew Petypas, a merchant, former apprentice of a prominent jurat, a man of influence and capability, and officer in the Merchant Guild, does not appear among the jurats until after the collapse of his party.
- 55 Examples in chapter 2.
- 56 Thrupp, *Merchant Class of Medieval London*, 233.
- 57 Similarly, the appointment of men like Lynn's Richard de Gervestone and Hugh de

Massingham to organise the resettlement of Berwick-on-Tweed in 1297 was a natural choice; C.P.R. 1292-1301, 227.

58 For an example, see the survey by Saul, *op.cit.*, 44ff.

59 C.P.R. 1321-24, 119, 288, 1324-27, 87, 204, 354, 1327-30, 101, 1340-43, 108; C.Cl.R. 1318-23, 462, 1333-37, 37, 68; Ms. Rawlinson Essex 11 f.176r; Saul, *op.cit.*, 99-102, appendix III F.

60 C.P.R. 1388-91, 464, 1391-96, 389, 1396-99, 367; C.Cl.R. 1385-89, 169; Saul, *op.cit.*, 124; Ms. Gough Norfolk 20 f.14.

61 Saul, *op.cit.*, 125, appendices III F, III G; C.P.R. 1381-85, 399, 479, 1385-89, 543, 1399-1401, 151, 188, 232, 336, 1401-05, 276, 1405-08, 206, 1408-13, 483, 1413-16, 421; C.Cl.R. 1385-89, 169, 641, 1402-05, 125; C.F.R. 1399-1405, 231, 1405-13, 131; Cal.Inq.Misc. 1392-99, 75.

62 Saul, *op.cit.*, 54; his estimate was under 1% of the town's population.

63 See [chapter 2](#).

64 C219/7/11-13; KL/C39/24, 30; KL/C50/Be 547; Red Reg. ff.110, 150b.

65 C.P.R. 1381-85, 380, 1405-41, *passim*; C219/10/4; E122/95/1; Red Reg. f.165; KL/C39/19-35, 37, 39, 43, 45-47, 50-53, 91.

66 Red Reg. ff.46, 61; KL/C17/2; R232B, box 2, #4141; C.F.R. 1307-37, *passim*; E122/93/8, 25; C219/5/7; SC6/938/12-14. Strictly speaking, the searchers for coin were not part of the formal customs network.

67 C.P.R. 1317-21, 489, 1324-27, 26, 33, 1327-30, *passim*.

68 C.F.R. 1391-99, *passim*; C.P.R. 1399-1401, 159, 1401-05, *passim*.

69 C.P.R. 1401-05, 477; 1413-16, 222, 1416-22, 424; C.F.R. 1413-22, 113, 130, 191, 193, 1422-30, 294; C.Cl.R. 1413-19, 80, 97; Palmer, *Perlustration of Great Yarmouth*, II, 180; Red Parch. Bk., 17, 21; KL/C39/42.

70 Y/C4/155; C.F.R. 1452-61, 176; C.P.R. 1452-61, 517, 672, 1461-67, 421, 2467-77, 250; Morey, *op.cit.*, 148; Wedgwood, *History of Parliament: Biographies*, 316; N. Davies, ed., *Paston Letters and Papers of the Fifteenth Century*, (Oxford, 1971), I, 263, 275, 537, II, 161.

71 Red Reg. ff.123, 157; KL/C39/40, 91; C67/22 m.24r; C.Cl.R. 1377-81, 269; C.P.R. 1370-96, *passim*, 1399-1401, 214.

72 KL/C38/1; Red Reg. ff.132-33; E40/2962; C267/7/14; Bodl.Norf.Ch. 245; C.Cl.R. 1402-05, 456, 1409-13, 293; C.P.R. 1391-96, 587, 1396-99, 99, 239, 436, 1399-1401, 214, 1401-05, 298, 359.

73 KL/C7/3 passim; KL/C18/1; KL/Gd 14, Gd 25; C.P.R. 1429-36, 132, 1436-41, 587, 1441-46, 344, 475, 1446-52, 36, 592, 1452-61, 672; C.F.R. 1437-45, 147.

74 Martin, *Borough and Merchant Community of Ipswich*, 187-88.

75 C.F.R. 1319-27, 256, 1327-56, passim; C.Cl.R. 1327-30, 269, 328, 1333-37, 58, 1339-41, 147; E122/50/12-19, 22; E356/2 m.11d; E356/3 mm.3r, 6-8, 26r; McKisack, *Parliamentary Representation of English Boroughs*, 120-21 (who has misidentified the member of the parliamentary committee).

76 [Chapter 2](#).

77 C.F.R. 1391-1405, passim; C.P.R. 1396-99, 429, 1399-1401, 62, 1401-05, 189, 432, 1405-08, 392, 1416-22, 143, 210, 1429-36, 40; C.Cl.R. 1396099, 429; E122/50/39; Morey, *op.cit.*, 388; Roskell, *op.cit.*, 184; Col.C.R./49 m.33r; Red Parch. Bk., 46.

78 C.F.R. 1405-37, passim; C.P.R. 1408-13, 361, 1429-36, 205; Col.C.R./45 m.39r, /56 m.19d.

79 Saul, *op.cit.*, 56.

80 C.P.R. 1334-38, 281, 577, 1338-40, 20, 143, 156, 1340-43, 108, 255, 1343-45, 94, 391, 1345-48, 117, 1354-58, 129, 468, 1358-61, 74; C.F.R. 1327-37, 438, 1337-47, 309, 467; C.Cl.R. 1343-46, 266, 573; Saul, *op.cit.*, appendices II E, III F, III H; E101/25/36; KL/C39/17. Whether or not Drayton left the 1343 company of his own volition is not clear; Sayles, "The 'English Company' of 1343," 200-01.

81 C.P.R. 1354-91, passim; C.Cl.R. 1354-60, passim, 1374-78, 470-71, 1381-85, 145, 1389-92, 306; C.F.R. 1356-68, 270, 1368-77, 232, 1377-83, 28, 248, 1383-91, 192; Rot.Parl., II, 375; Cal.Inq.Misc. 1348-77, 186, 1377-80, 217, 221; C67/22 m.22r; KL/C39/23, 29, 30, 39; Saul, *op.cit.*, 125, 172, appendices III F, III H; Thrupp, *Merchant Class of Medieval London*, 339; H. Le Strange, *Norfolk Official Lists*, (Norwich, 1890), 15, 45.

82 John Grete (constable 1359, M.P. 1366) as searcher of ships in Essex, 1361; C.F.R. 1356-68, 92; C.P.R. 1361-64, 62. Only two Colchester men were active in the customs service for more than five years - John Godestone mostly before he came to Colchester; however, Sayer le Lorimer, not involved in borough government, made a career as searcher in Essex (and, for a while, throughout England) in the 1340s; C.F.R. 1337-47, passim; C.P.R. 1343-45, 187.

83 C.P.R. 1327-30, 324, 1370-74, 443, 1377-81, 26, 1391-96, 131, 1399-1429, passim; C.F.

R. 1307-19, 82, 1383-91, 236, 1399-1405, 89, 1413-30, *passim*; Saul, *op.cit.*, appendices III F, III H.

84 C.P.R. 1327-30, 126, 1334-38, 28.

85 Saul, *op.cit.*, 102-03.

86 I find the attempt of Saul, *op.cit.*, 82-83, to reconstruct an intelligible policy of royal selection unconvincing.

87 C.Cl.R. 1279-88, 154, 1339-41, 35; C.F.R. 1337-47, 155-56; C.P.R. 1338-40, 202; G.C.R. 11-12 Ed.I m.5r; Red Parch. Bk., 190.

88 C.P.R. 1343-45, 43; C.Cl.R. 1427-1516, 150; Red Reg., *passim*.

89 C.F.R. 1307-19, 390; it is difficult to judge the validity of the excuses for retirement or replacement. Possibly local executives, as officers of the king, were able to take some initiative in replacements, as in the Mayster case.

90 Saul, *op.cit.*, 89.

91 *Ibid.*, 88.

92 *Ibid.*, 28; Swinden, *op.cit.*, 662.

93 KL/C39 *passim*; Red Reg. *passim*; KL/C5/2 m.1r; KL/C5/3; KL/C38/2 m.2r; KL/C6/2; E122/94/3, 7, 8, 10; C.P.R. 1313-17, 57, 1338-40, 345, 1377-81, 11, 1381-85, 128, 1385-89, 439, 1399-1401, 467.

94 KL/C39/49 m.1r; C.P.R. 1358-61, 473, 1422-29, 292; C.F.R. 1327-37, 82, 1430-37, *passim*; SC8/11637; R.R. 25-33 Ed.III mm.6r, 10r.

95 E122/50/4; C.F.R. 1272-1307, 477, 491, 1391-99, 30, 162; C.P.R. 1301-07, 77, 263, 1391-96, 623, 1396-99, 78, 1399-1401, 383; Martin, *Borough and Merchant Community of Ipswich*, 192. Bernard was an associate of the Godestones, in customs collection, other administrative work, and commercial ventures; C.F.R. 1391-99, 197; E122/193/33 f.42b.

96 E.g. C.P.R. 1338-40, 202.

97 E122/50/30 m.2d.

98 Hammer, *op.cit.*, 18, found that even in 1529 fewer than one-third of Oxford's rulers could sign their names.

- 99 R.R. 15-16 Ed.III m.4d; Kerling, *op.cit.*, 162.
- 100 Col.C.R./44 m.20d; Gray and Potter, *op.cit.*, 3-4; Great Domesday Book ff.144b-145.
- 101 Col.C.R., I-IV, *passim*; Col.C.R./20 m.24r, /28 m.27d; E40/7951; Britnell, *op.cit.*, 483.
- 102 Tanner, *op.cit.*, 115; N.C.C. Doke ff.65b-66; IC/AA2/1 f.90.
- 103 P.P.R. 2-3 Hen.V m.2d.
- 104 See extracts in Thrupp, *Merchant Class of Medieval London*, 123-24.
- 105 Bodl.Norf.Roll 9. We may better appreciate our poverty when we think of the some 120,000 letters, 500 account ledgers, and thousands of other documents relating to the life and business of the fourteenth century Italian merchant Francesco di Marco Datini; I. Origo, *The Merchant of Prato*, (1963), 347.
- 106 KL/C7/4 f.51b; C.Cl.R. 1354-60, 342.
- 107 KL/C10/2 f.115; Meech and Allen, *op.cit.*, 4.
- 108 McKisack, *Parliamentary Representation of English Boroughs*, 25, 117; Lawson, *op.cit.*, 249; Wedgwood, *History of Parliament: Register*, xc-xci; Roskell, *op.cit.*, 46.
- 109 See Saul, *op.cit.*, 34-35, for discussion of the phenomenon at Yarmouth.
- 110 McKisack, *Parliamentary Representation of English Boroughs*, 140-45; KL/C6/3 m.8r.
- 111 KL/C6/3 mm.6d, 9r. See McKisack, *Parliamentary Representation of English Boroughs*, 161-63, for an account of similar diversity of tasks assigned to the Norwich M.P.s of 1445.
- 112 Cart. St. John's Abbey, I, 640, 670; Colch. Ms. 57 *passim*.
- 113 McKisack, *Parliamentary Representation of English Boroughs*, 25; E101/447/5; J.C. Davies, *op.cit.*.
- 114 Twiss, *op.cit.*, 118-20; C.Ch.R. 1257-1300, 185; Red Reg. f.15; Cal. Pleas Rolls, Exchequer of Jews, III, xxv-xxvi; Col.C.R./18-33 *passim*.



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CHAPTER 6

The Quality of Government

Introduction: Chronicles of sin

If it seems to the reader that heretofore a somewhat rosier, or more sympathetic, picture has been painted of borough government than is consonant with orthodox views of the subject, it may be that this chapter will redress the balance a little. For we must now look at evidence of the general conduct of the men who governed their boroughs, not so much from the perspective of corporate policy as of individual behaviour.

It is largely due to the character of the surviving records that the judgements we, not as moralists but as historians, must pass speak unfavourably of our subjects. When judicial matters are one of the principal foci of borough and national records, we unavoidably receive an impression, not so much exaggerated as unbalanced, of the misdemeaning or felonious conduct of townsmen. Documents of the town court are central to the medieval archives of several of our towns, in a variety of forms ranging from leet to assize and coroners' records, and therefore encompassing a broad spectrum of illegal activities; in addition, the assembly was also a disciplinary and punitive institution. Both Chancery and Exchequer records provide us with information on an equally broad ranges of crimes, complementing more than duplicating local records. It is difficult to provide a contrast to the criminality of the townsmen, since the vast majority of public records were not created for the purpose of chronicling commendable behaviour; in this case good news is, unfortunately, no news.



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CHAPTER 6

The Quality of Government

The Theory: "Good and Vertuous Governance"

As Reynolds has pointed out, "Medieval townsmen ... thought that government by the few best men - that is, the more prosperous and able as well as the more virtuous - would be good and benevolent: it would be aristocracy and not oligarchy."^[1] In this we see a watered-down version of the notion of professionalism discussed in the previous chapter. The electors of Colchester were enjoined to choose as borough officers "the most abylllest, the most wysest, discretest, and the most profytabylest persons."^[2] The same expectations of merit and capability are implicit in the use of the title *probi homines* and its variants, often applied to the urban rulers. These multi-faceted terms could equally be interpreted as "law-abiding men", for good government depended not merely upon the supposed innate qualities of the governors, but upon their adherence to the rule of law. Thus, the [establishment of self-government](#) at Ipswich in 1200 concluded - one might even say climaxed - with the communal decision:

quod leges et libere consuetudines ville predicte ponantur in quodam rotulo vocabitur le Domesday. Et quod ille Rotulus semper commorabitur in custodia Ballivorum eiusdem ville, qui erunt pro tempore, ut possint scire et cognoscere modum qualiter agere debent in suo officio,

whilst a second roll containing the statutes of the [Merchant Guild](#) was to be in the possession of the [alderman](#), to guide his government of *that* institution.^[3] And, when the [loss of the original Domesday](#) necessitated its reconstruction from memory, the task was assigned to a special committee "*des plus sages e meuz avisez ... qe meux se conussent en les leys e en les usages.*"^[4] At Lynn and Colchester, and perhaps commonly but unexpressedly elsewhere, certain ordinances of constitutional significance were read out at the annual electoral assemblies, as reminder both to the community and its officers of their duties.^[5]

However, the clearest expression of expectations of the quality of government are found in oaths of office. Above all we find the demand, both on the part of the [community](#) and of the king, for impartiality. When selecting officers, electors were to ignore personal friendships or enmities, and were not to be influenced by persuasion or gifts from others. Those officers, for their part, were to deal with rich and poor as if equals. This reflects not merely the belief that government should be just, but also that borough officers were representatives of the whole

community, not just some special interest within it. The other central themes of oaths of office are diligent and honest fulfillment of duties, and placing the good and the profit of the town before all other interests (those of the king excepted - in form at least, but perhaps not in spirit).[6] The functions of the oath of office were various, we may posit:

- It outlined the general duties of, and limitations on, the officer and indicated his position in the hierarchy of authority.
- It committed the officer to constitutional rule, via the promise to uphold the town ordinances, and to certain standards of behaviour; transgression of these principles was thus the more easily punishable on the grounds of breaking of the oath.
- It was the point in the annual proceedings at which the elected officers were formally endowed with the authority of their offices; elections often occurred days or weeks before this actual assumption of power. It was the urban equivalent of coronation.

That the administering of oaths of office was necessarily a [public ceremony](#), which the records are sometimes at pains to point out, need hardly be said.

On the other hand, oaths of office also show a realistic appraisal of the opportunities available for misuse of power; as the saying goes, there is no smoke without fire. Officers involved in judicial administration were warned not to show favouritism, for love nor money, to any party and were not to sit in judgement on any case in which they were plaintiff or defendant. All officers were expected to take their duties seriously, so that the town not suffer from their negligence. Financial officers were required to account for all monies which had passed through their hands, without concealment, and town clerks to make record of the same without any fraud. Whilst the executives, although not to meddle with town finances or have in their possession money which ought to be secure in the town treasury, were expected to ensure the honest performance of duties by clerks and financial officers. Collectors of tolls and taxes were likewise not to exempt those who should pay, nor demand from anyone more than they should pay. That the community depended for good government not so much on the character of its officers as on the solemn commitment placed on those men by their oaths we may infer from a [chapter of the Ipswich custumal](#) regarding the ballival duty of hearing [recognisances](#): while bound by his oath of office, the word of a [bailiff](#) was sufficient to prove that a recognisance has been made; but, once out of office, the word of the ex-bailiff, if unsupported by written record, was worthless.[7]

It was in the interest of every officer to adhere to the standards imposed by their oaths, for upon such the legitimacy of their rule rested. If the authority of the ruling class was to be upheld, it was in its interest to punish any members who transgressed.[8] In their default, the community reserved the right to act for itself and, although we lack precise evidence, this appears to be what happened when the greatly erring Ipswich bailiffs Thomas Stace and Thomas le Rente were deposed in 1321.[9] Deposition was but one of the weapons in the armoury of the community when it came to disciplining dishonest or negligent officers. [Disfranchisement](#) or withholding of wages were alternative or additional threats; at Yarmouth a heavy fine of 40 marks was the penalty on councillors. It was not uncommon for officers, particularly those handling borough revenues, to be required to find [manucaptors](#) or put up

bonds for the faithful fulfillment of their duties.[10] It was amply clear to office-holders that their governmental behaviour was to be, as the king told the Norwich rulers in 1380, "*congruum bone fidei et consonum rationi pro communi utilitate civium*"[11]: the "common good" was central to the goals of medieval borough government.

But we must not mistake this theory of government for its practice. Oaths had more than symbolic implications in the context of Catholic society. Thomas Fraunceys of Colchester petitioned Chancery that he had been imprisoned on a trumped-up charge in an attempt to coerce him into surrendering certain lands, of which he was trustee, to a wrongful claimant; he had refused to disinherit the rightful heirs, avowing that he "had lever abyde in prison term of his live then to dampne his sewle." [12] The opportunities for abuse of office must nonetheless have been sorely tempting when service was underpaid and when wealth was built from enterprise and the exploitation of opportunity. When medieval government failed to meet up to its expectations, the failure was blamed not on the constitutional arrangement so much as on "lak of good and vertuous governance." [13] In consequence, disciplining or replacement of leaders of government was normally considered sufficient to rectify the problem. Perhaps they were right: human failure is undeniable. Yet the historian, with the advantage of perspective, may perceive in the system of government underlying inadequacies not so easily dealt with. [14]

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CHAPTER 6

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The Practice: Abuses of Power

We shall turn finally to examine offences relating to abuse of office. A man with the evident force of character of John Halteby did not need to rely on the force of authority to back up his deeds, and he is not found in many offices. However, the backing of an official title, given the belief in the dignity of office and the element of royal authority delegated to the borough executive, could be advantageous when furthering one's own welfare. Yet, if Saul is correct in his opinion that the principal attraction of executive office was the opportunity to use power for personal profit,[\[110\]](#) it is surprising that there is not more evidence of such abuse. We have already noted the somewhat tyrannical government of Stace and le Rente in Ipswich, involving fixed elections to ensure maintenance of power, extortion and favouritism in distribution of services, and application of communal revenues to private ends. Had this been typical governmental behaviour it would have less excited our attentions, and not given rise to such a drastic response by the burgesses of Ipswich. Other examples tend to be scattered. The hundredal inquisitions of c.1275 found that Yarmouth bailiffs of 1273-75, William de Acle and Richard Randolf, had taken payments (whether bribes or extortion is not clear) from foreign merchants for performing their office, and that Alexander Kellock, [mayor](#) of Lynn c.1266/7, had taken bribes to issue licences for corn-export against the prohibition of the king. Against this we may place an event of 1433, whereby mayor John Brekrope informed Lynn's council that a ship had offered him "a reasonable sum" for licence to depart with a corn cargo; upon being advised that only the king could authorize this, he prohibited the departure.[\[111\]](#)

Merchants and tradesmen in office may have occasionally put business their own way. An unknown pair of Colchester [bailiffs](#) of the late fourteenth century were taken to task for ignoring the royal and local statutes by selling beer and wine during their term, with the result that other taverners, either from fear or to curry favour, agreed to retail the bailiffs' beverages too. In response to this abuse, the community re-affirmed the statute, and the clerk made, in his account of the proceedings, a biblical allusion to the effect that sins were that much more grievous when performed by men responsible for upholding the law.[\[112\]](#) According to the Yarmouth murage accounts of 1342-45, a major supplier of construction materials was in fact one of the muragers, Simon de Halle. However, this may have been a matter of convenience, and the total value was just short of £2 - hardly the stuff from which fortunes are made![\[113\]](#) Hillen criticised Lynn mayor William de Swanton (1355/6) for claiming 52s.4d recompense from the borough treasury for his horse, which he had presented to a visiting Queen Philippa

as a gift.[114] Certainly this was an excessive price for a horse, but we may suspect that it was a fine animal, and decorative harnessing may have been included. The court rolls of Ipswich and Colchester reveal a slight tendency for executives to bring more of their personal legal business - suits and [recognisances](#) regarding debt or land transactions - into court during their terms of office than at other times. As bailiff a man could exert special pressure on his debtors to repay: within a few weeks of his election in 1376, Stephen Baron of Colchester had received 4 recognisances of debt. And it was financially sensible to have deeds and other documents enrolled at a time when the customary fees for this service would go towards one's own salary. But there are no extreme cases of this, and the practice varied considerably from person to person. Nor does it seem especially reprehensible behaviour. Minor irregularities such as a bailiff witnessing his own recognisance, even if the other bailiff were not present, were extraordinary yet did not provoke objections from any quarter.[115]

The responsibilities of office seem to have been taken seriously, on the whole, and, despite the leet [amercement](#) in 1456 of Yarmouth bailiffs Thomas Fen and John Alman for allowing the gallows to fall into disrepair, it did not require the heavy fines for negligence ordained in 1272 and 1491 to remind the bailiffs of their duties.[116] On the contrary, default of duty or abuse of power are more commonly found at lower levels of the governmental hierarchy. Sergeants in particular were a source of trouble. The customals of Ipswich and [Yarmouth](#) provided for fines, temporary suspension from, or even deprivation of, office in the case of sergeants who [failed to perform their duties](#) or who [stirred up malice](#) between members of the community. The latter seems to refer to the fact that private quarrels were often brought to the attention of sergeants, or ward constables, before being taken to court. These officers were forbidden to try to settle the quarrels themselves, as this deprived the borough court of revenues; in 1375 a Colchester sergeant was accused of this. In 1464 the Colchester bailiffs dismissed one of their sergeants for concealing private quarrels from the court, settling them himself, and pocketing the ameracements, as well as for refusing to obey the orders of the bailiffs. At an unusually well-attended assembly in Ipswich in 1470, sergeant John Newport was dismissed for unspecified injuries and deceptions - doubtless much as above - against bailiffs, portmen, coroners, burgesses, community, and the town franchises; a strict injunction was issued to future administrations never to re-appoint him in any office. And there was a general complaint in late fourteenth century Colchester about sergeants adapting the traditional ceremony of bede-ales into organised extortion meetings, whereby those who came and drank the ale (proceeds from which went into the sergeants' purses) would not be pressed to appear in court cases, whilst those who failed to come would be indiscriminately fined.[117] We also encounter frequent amercement of aletasters or other minor officials in Maldon for unsatisfactory performance of duties, as well as frequent accusations against [capital pledges](#) and [leet](#) afferors at Lynn of false presentments, concealment of offences committed by themselves, or of over-fining convicted parties; in 1439 it was demanded that the leet officials pay back the wages they had been given.[118]

One of the growing concerns of the borough government was the problem of maintenance in office. We are not thinking here so much of monopolisation of local office, which lay largely within the powers of the corporation to prevent, or of the influencing of parliamentary

elections by local men: there was a markedly high occurrence of the borough executives returning their own names as M.P.s,[119] but it is not clear that there is anything sinister in this. Rather, of intrusion of the influence of external lords in electoral decisions, and thereby the formulation of borough policy as a whole. A fiercely independent spirit - characterised in part by a hostility to neighbouring communities or landlords with rival jurisdictions, and a determination to exclude the interference of external royal officers in internal urban affairs [120] - prevailed during the thirteenth century and climaxed in the first half of the fourteenth. It is therefore significant that it was in the fifteenth century that the greatest fear of maintenance and patronage was evinced, for they were becoming a prominent feature of national politics; the urban families who had led their communities in the struggle for independence had largely disappeared by now, and some of their replacements did not feel the same exclusive loyalty to their boroughs - Thomas Wetherby is an excellent, and notorious, example.[121] As early as 1372 in Colchester, however, we encounter ordinances requiring that officers be elected from residents who were not in the service (taking neither fee nor robe) of any other master, particularly any having interests within the town.[122]

What was to be avoided was evidently a conflict of loyalties. While the king insisted, somewhat ineffectually, in 1413 that M.P.s be residents of their constituencies, local authorities were also struggling to preserve their own integrity. A [Lynn ordinance](#) from the first half of the reign of Henry VI set a fine on any burgess supporting, by word or deed, any person acting against borough liberties. The Norwich Composition of 1415 prohibited any mayor, sheriff, or [alderman](#) from taking the livery of any lord while in office, upon pain of [disfranchisement](#), and declared that whoever sought royal letters patent granting him office in the city would be barred from office. A Colchester ordinance of 1447 ruled that persons elected as bailiff, J.P., coroner, claviger, or alderman must hold only the livery of the town; the election of any holding the livery of other lords was to be void. At Ipswich in 1455 and [1474](#) we encounter ordinances against the same abuses (letters of recommendation, maintenance of outsiders in quarrels), affirmation of the exclusive rights of residents in elections, and the same penalties: fines, perpetual bar from office, disfranchisement.[123] It would be misleading were we to try to classify towns, or parties within towns, as Yorkist or Lancastrian. A distaste for political strife, which disrupted trade, was innate to the urban character; passions could usually be roused only over local political issues. The predominantly mercantile influence in towns encouraged the hedging of bets: it was wise to keep in favour with both national parties, but especially in that of the side which was currently in the ascendant. Personal adherences to particular magnates were more in the nature of commercial than political alignments, insofar as we can see. Nonetheless, there was a certain amount of inevitable and irresistible meddling by great men and their lieutenants in borough affairs, which it was safer to tolerate. The best-known expression of this being the election of outsiders as M.P.s; here the boroughs lost out in that such representatives could not be as concerned for borough interests as local men, but they gained from the greater influence of the outsiders in the highest circles of power.[124]

A less happy consequence of the intrusion of neighbouring gentry who supported the leaders of national parties was their disturbance of the course of justice. The most notorious example

of this is Gilbert Debenham esquire, servant to the Duke of Norfolk.[125] He had property in and around Ipswich and his belligerent partisan activity in the county earned him sufficient hostility to make him the target for a (thwarted) assassination attempt in Ipswich (but by non-townsmen) in 1468. He used Ipswich as a base for smuggling, and had so much influence over the bailiffs that they arrested and fined a customs searcher who had caught Debenham smuggling. Debenham did not get along so well with town clerks, however. In the 1430s William Bury, who by then had exchanged clerical duties for a lawyer's career, complained that Debenham had brought a false plea against him in Ipswich court, where the bailiffs were abetting him by having false entries made in the rolls. The reason for this was that Bury was defending Thomas Bloys in that court against an accusation of Debenham's; Bloys too complained to Chancery that he would be unjustly convicted due to Debenham's influence over the bailiffs. Ipswich's town clerk of the time of Edward IV, John Balhed, who was heavily in debt to Debenham, resented him sufficiently that he (so Debenham claimed) released another of Debenham's debtors from custody and made a false entry in the court rolls to justify it. Did space allow, other incidents could be related where Gilbert Debenham influenced the bailiffs of Ipswich and of Colchester to arrange miscarriages of justice to his advantage.[126]

Subversion of justice was nothing new, however. Leading burgesses were sometimes difficult to bring to task when their friends and allies were in control of judicial administration. The bailiffs of Yarmouth refused to entertain Margaret Fastolf's plea of dower, regarding borough property, against more influential members of the Fastolf family; the result was that the king had to order an enquiry, with which the bailiffs refused to cooperate. A royal investigation had also been necessitated in 1268, when the Yarmouth bailiffs declined to pressure William Gerberge to pay a foreign merchant, agent for Prince Edward, a debt of £45. And again, in 1339, the bailiffs ignored a royal order to force John Perbroun to restore goods stolen by his servants from Guelders merchants.[127] At Lynn in 1463 a quarrel between councillor William Marche and mayor Simon Baxter, apparently based on the former's rebelliousness against the latter's authority, came to a head when the mayor led the [jurats](#) and other councillors in an attack on Marche's residence. Marche then petitioned the royal Council and obtained a *subpoena* against Baxter. This only further infuriated the mayor, who had Marche thrown in prison. From that location Marche petitioned for and obtained a writ of *corpus cum causa*; but this the mayor refused to let the town sergeant or the gaoler return.[128] The end of the affair is not recorded; it almost certainly would have been Marche humbly submitting to the mercy of mayor and jurats, although it may have taken a few years of disfranchisement for him to accept the inevitable. We will finally select, from a number of cases among the early Chancery proceedings, that of Colchester bailiff John Bishop, seen abusing justice on two occasions: once in favouring one of his tenants who had brought a plea of account before Bishop; and again in persuading William Stonard, defendant in a plea of account, who had ingratiated himself with Bishop, to counter-sue the plaintiff for debt in [piepowder court](#) where, Bishop promised, he would condemn Stonard's opponent.[129]

All this is not to say that the townsmen of the ruling class were exempt from the law on the occasions when they controlled its administration. They were not. The leet court was particularly fearless in accusing such men, and in amercing them heavily when warranted; but

then these men were often the heaviest and most persistent offenders.[130] The wealthier men of the borough could more easily afford the risks inherent in illegal activity: payment of fines, purchase of pardons. And, given their wider and more diverse sphere of operations, there was more scope and greater temptation for such activity. Bad apples there were a few; men whose consciences were not overly bothered by breaking the law on occasion, there were more. Yet it is easy to overlook the majority who have not, or do not appear to have, seriously offended during the (relatively?) honest conduct of their businesses and lives. A certain amount of corruption was endemic to medieval society, at all levels, and we do not need the witch-hunt of 1341, purging the local networks of royal administration nation-wide,[131] to demonstrate the fact. For the most part, however, borough rulers seem to have been able to reconcile community, class, and personal interests in a tolerably responsible fashion; to which the usual quiescence of the townsmen at large is adequate, although not unambiguous, testimony. Judgement of the character, ethics, and integrity of the urban ruling classes has been traditionally based on, and does indeed come down to in the final resort, an understanding of the moments of crisis, when discontent was expressed by the masses via political conflict. At the last, therefore, we too turn to this.

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CHAPTER 6

The Quality of Government

Notes

- 1 Reynolds, *op.cit.*, 171.
- 2 Red Parch. Bk., 2, 32. Such expressions, in both local and national contexts, are common enough; see for example, Y/C18/1 f.8b, Gras, *op.cit.*, 218.
- 3 Gross, *op.cit.*, II, 122-23.
- 4 Twiss, *op.cit.*, 18.
- 5 Add.Ms. 37791 f.45b; Red Parch. Bk., 33.
- 6 Swinden, *op.cit.*, 493; Y/C18/1 f.8; *Records of Norwich*, I, 128-29, 198; Add.Ms. 37791 f.51; Col.C.R., I, 191; Red Paper Bk., 5; Red Parch. Bk., 31, 36, 45; D/B 3/1/3 ff.1-3; Gross, *op.cit.*, II, 116-18; White Domesday ff.13-14.
- 7 Twiss, *op.cit.*, 136.
- 8 Phythian-Adams, *Desolation of a City*, 138. Officers' oaths of good government met their response in those of freemen entrants, promising obedience to town officers; e.g. R.R. 4-9 Ric. II m.7d.
- 9 *Records of Norwich*, I, 192; Martin, *Borough and Merchant Community of Ipswich*, 61, 66.
- 10 Colby, *op.cit.*, 642; KL/C2/29; KL/C7/3 f.249b; Add.Ms. 37791 f.45; Y/C18/1 f.10b; Col. C.R., I, 191, IV, 52; Black Domesday f.75.
- 11 *Records of Norwich*, I, 109.
- 12 C1/12/14. We must allow for dramatics, indignation, and the possibility of fraud on Thomas' part.
- 13 *Records of Norwich*, I, 109.

- 14 It is not the task of this study to delve into these faults, which centre around problems of consultation, delegation of authority, and constitutional checks and balances.
- 15 Customals show control of trade, in favour of the freemen community as a whole, to be one of the earliest concerns of borough government, whilst certain aspects of it - such as price and quality controls - were enforced at the command of the king. Reynolds, *op.cit.*, 177; Thrupp, "Social control in the medieval town," 40.
- 16 H. Harrod, *Report on the Records of the Borough of Colchester*, (Colchester, 1865), 30.
- 17 Although Dr. Britnell has been investigating the origins of the Colchester memoranda books. Subsequent to writing this study, further detective work led me to the conclusion that the account was written by a cleric assisting an ailing Robert Beche in his duties; S. Alsford, "The town clerks of medieval Colchester," *Essex Archaeology and History*, XXIV (1993), 127. This individual also evidences no personal connection to Reyne.
- 18 Red Paper Bk., 155; Red Parch. Bk., 73; Col.C.R., IV, 33.
- 19 Reynolds, *op.cit.*, 179; Martin, *The Story of Colchester*, 38.
- 20 [Chapter 4.](#)
- 21 In addition this was a period of improvement for local commercial prospects, partly due to the important cloth industry established there.
- 22 Red Paper Bk., 6-11. Anyone who has experienced, however briefly, the absolute darkness of a medieval gaol (as is occasionally a feature of modern tours of medieval strongholds) would admit this last act a considerable kindness.
- 23 KL/C7/2 f.27b.
- 24 [Chapter 4.](#)
- 25 KL/C6/6 m.20r.
- 26 Red Parch. Bk., 187.
- 27 Red Paper Bk., 17. In 1425 Gilbert Kent, John Trewe, John Rouge, and Roger Lyllye were accused of this fraudulent practice; we may note the dichotomy of official and private attitudes. Col.C.R./45 mm.24d-25r.
- 28 Britnell, *op.cit.*, 326-27; KL/C6/5 m.13d. Walden, a grain-merchant, had been chamberlain in the reform administration of 1412/13.

- 29 Col.C.R., IV, 101.
- 30 Ms. Gough Norfolk 20 passim; Palmer, *Perlustration of Great Yarmouth*, I, 28-29.
- 31 C47/43/255; Smith, *English Gilds*, passim; H. Westlake, *The Parish Gilds of Medieval England*, (London, 1919), 217; Palmer, *Perlustration of Great Yarmouth*, I, 121-24.
- 32 C47/43/277; Arundel Castle Ms. MD 1477; KL/C38/1, 2; Harrod, *Report on the Records of Lynn*, 30-31; Parker, *op.cit.*, 136.
- 33 Tanner, *op.cit.*, 224; Origo, *op.cit.*, 9, 43.
- 34 Tanner, *op.cit.*, 263-64; Red Reg. f.75.
- 35 Thrupp, "Social control in the medieval town," 41. For examples of borough prosecution of members of the Yarmouth clergy abusing their positions, see Swinden, *op.cit.*, 800-02.
- 36 Tanner, *op.cit.*, 305.
- 37 Meech and Allen, *op.cit.*, lvii, 28-29.
- 38 KL/C7/2 f.127b; Col.C.R./48 m.25d; Red Paper Bk., 54; see also E. Reid, "Lollards at Colchester in 1414," *E.H.R.*, XXIX (1914), 101-04.
- 39 Palmer, *Perlustration of Great Yarmouth*, I, 107; G.C.R. 26-29 Ed.I m.1r; Red Reg. f.75. Much of Burghard's Lynn property later came into the hands of the corporation by bequest of his daughter and heir, in return for the corporation celebrating annually for John's soul - which the corporation dutifully fulfilled up to the end of the fifteenth century; Red Reg. f.162; KL/C50/Be 575; KL/C39 passim.
- 40 Tanner, *op.cit.*, 268; J. Jennings, "The distribution of landed wealth in the wills of London merchants, 1400-1450," *Medieval Studies*, XXXIX (1977), 264-65, 271.
- 41 In fact, on this occasion, Richard was exporting as an agent for the Earl of Suffolk; but he was also personally involved in the wool trade. C67/22 m.20r; C.Cl.R. 1364-68, 26, 103-04; C.F.R. 1368-77, 234, 329.
- 42 Caldwell was also appointed to two committees (1435, 1448) to deal with construction work on the town hall and, in 1459, was granted the common marsh for 3 years, to recoup the debts owed him by the community; Add.Ms. 30158 ff.6b, 11, 12b, 22b; Dogget Roll 17-38 Hen.VI m.2d.
- 43 C.P.R. 1446-52, 528-29.

- 44 *Records of Norwich*, II, 216-22; J. Tingey, "The grants of murage to Norwich, Yarmouth and Lynn," *Norfolk Archaeology*, XVIII (1914), 132-33.
- 45 It would be futile to attempt an accurate assessment of guilt or innocence in every case; the evidence is inadequate.
- 46 C.P.R. 1361-64, 291; Col.C.R., IV, passim; B. Breslow, "The social status and economic interests of Richer de Refham, Lord Mayor of London," *Journal of Medieval History*, III (1977), 142. Thomas Aylred also displays highly litigious inclinations; P.P.R. 16-23 Ed.I passim.
- 47 C1/26/290. Permonter was a vintner.
- 48 Rot.Hundr., I, 533; C.P.R. 1258-66, 372, 1266-72, 277, 1272-81, 474.
- 49 I/C5/7 Exchequer extract 10 Ric.II; Smit, *Bronnen...*, I, 387.
- 50 Add.Ms. 30158 f.22b; C.F.R. 1422-30, 333-34, 1430-37, 49. At the time of Caldwell's death one of his sons was in debtor's prison and may well have died there; IC/AA2/2 f.87b.
- 51 C.Cl.R. 1441-47, 113; C1/16/377; C1/27/84; C1/33/202.
- 52 Hillen, *op.cit.*, I, 87.
- 53 Gross, *op.cit.*, I, 36.
- 54 Green, *op.cit.*, II, 407.
- 55 Glover, *op.cit.*, 184.
- 56 See, for example, the cynicism of Francesco Datini; Origo, *op.cit.*, 81.
- 57 C.P.R. 1364-67, 54-55. See also J. Round, "Lionel de Bradenham and Colchester," *Trans E.A.S.*, new series, XIII (1913-14), 86-91.
- 58 As Power, *op.cit.*, 17, has noted: "honest burgesses climbed upon wool into the ranks of the nobility, only outstripped in their progress there by the dishonest ones," However, it is not certain that the medieval concept of the 'just price' meant anything more than market price; Roover, *op.cit.*, 420-21.
- 59 Tanner, *op.cit.*, 208.
- 60 Col.C.R., II-IV, passim; Col.C.R./28 m.1r, /35 m.26d, /41 m.2d, /44 m.21r, /46 mm.20d,

21r.

61 Col.C.R., IV, 128; see also vol.II, 83.

62 E.g. G.C.R. 16-17 Ed.II m.2d.

63 Martin, *Borough and Merchant Community of Ipswich*, 59, 60, 68-69; Saul, *op.cit.*, 193, 195, 207; Glover, *op.cit.*, 88, 93.

64 KL/C7/2 f.140. For a later case of Lynn men implicated in the slave-trade, see *Black Book of the Admiralty*, I, 273.

65 C.Cl.R. 1313-18, 443; *supra* [chapter 2](#).

66 [Chapter 3](#). It is equally questionable whether the contesting party, other heirs backed by the corporation, were more interested in the widow's welfare or her estate.

67 Smit, *Bronnen...*, I, 525-26, 555; C.P.R. 1401-05, 493; C.F.R. 1399-1405, 224, 1405-13, *passim*. Pampyng had also been convicted of homicide in 1398 and piracy in 1404; C.P.R. 1396-99, 448, 1401-05, 508.

68 Smit, *Bronnen...*, I, 470-71. Fen, a veteran both of borough and customs administration, was involved in piracy in 1404 and 1406, and pardoned for unspecified concealments, negligences, ignorances, and deceptions in 1408; C.P.R. 1401-05, 508, 1405-08, 168, 1408-13, 44.

69 Rot.Parl., II, 327-28, 374-75; C.P.R. 1374-77, 455; C.Cl.R. 1374-77, 438; J. Ramsay, *The Genesis of Lancaster, 1307-1399*, (Oxford, 1913), II, 48-52, 59; Morey, *op.cit.*, 133. Saul, *op.cit.*, 92-93, notes that Elys was licenced to export 500 sacks of wool in 1374-75 but that the total denizen exports from Yarmouth in that period were only 297 sacks, and suggests that Elys may have smuggled some out or perhaps simply doctored the records.

70 C.P.R. 1381-85, 197; C.F.R. 1383-91, 8.

71 Saul, *op.cit.*, 93-94. This is purely hypothetical.

72 *Ibid.*, 104-05; Morey, *op.cit.*, 132.

73 Jones, *op.cit.*, 325; Saul, *op.cit.*, 66, 95; Rose, *op.cit.*, 120; I. Abbott and R. Latham, "Caterpillars of the commonwealth," *Speculum*, XXX (1955), 231-32.

74 Morey, *op.cit.*, 325; Saul, *op.cit.*, 66, 95, 97-98.

75 Palmer, *Manship's History of Yarmouth*, 253.

- 76 For examples of the last case, see Saul, *op.cit.*, 61-62, 99-102; Morey, *op.cit.*, 325.
- 77 Smit, *Bronnen...*, I, 730-31, 851-52; Proceedings and Ordinances of the Privy Council, VI, 328-29.
- 78 C.F.R. 1391-99, 197, 255, 1405-13, 197, 199; C.P.R. 1399-1401, 553, 1401-05, 336; E122/50/39, 40; E122/51/2, 29, 58; E122/193/33 f.42b; Morey, *op.cit.*, 338; Abbott and Latham, *op.cit.*, 231.
- 79 Saul, *op.cit.*, 101-02, 218, 228.
- 80 C.F.R. 1327-37, 354; C.Cl.R. 1341-43, 191-92, 1349-54, 99, 1354-60, 465-66; C.P.R. 1340-43, 383. There is some truth in the 'bigger they are, harder they fall' cliché for merchants of this era.
- 81 Cal.Inq.Misc. 1307-49, 386; C.Cl.R. 1337-39, 121, 1341-43, 553-54, 701, 1349-54, 378; C.P.R. 1350-54, 257; C.F.R. 1356-68, 287.
- 82 C.Cl.R. 1346-49, 335; Rot.Parl., II, 216; C81/323/18765. Cobat was the son of a man of the same name who had been among the reformers of the 1320s, and was the son-in-law of John Harneys junior; Harneys' father was peripherally associated with the reformers, but his father-in-law was John de Whatefeld, allied by marriage to oligarch Thomas le Rente.
- 83 C.F.R. 1337-47, 376; C.P.R. 1343-45, 200, 305; Cal.Inq.Misc. 1307-49, 478. His father, William senior, also one of the wealthiest townsmen of his time (although retired by 1344), was not much involved in politics himself, but in 1323 his house was a focus for a forestalling plot involving members of the oligarchic party (John de Whatefeld, Gilbert Robert, and William le Fevre). E179/180/6 m.30d; G.C.R. 17-18 Ed.II m.1r.
- 84 Martin, *Borough and Merchant Community of Ipswich*, 172.
- 85 SC8/2965; C.Cl.R. 1346-49, 179; C.P.R. 1343-45, 305, 1345-48, 150, 155, 477, 493.
- 86 Red Parch. Bk., 31. The tenor of the reforms would, on the whole suggest the latter.
- 87 Black Domesday ff.71b-76; C.P.R. 1313-17, 427, 1321-24, 227; C.Cl.R. 1313-18, 271; Rot.Parl., I, 341.
- 88 Saul, *op.cit.*, 35-36, 57; C.P.R. 1272-81, 315; C.Cl.R. 1279-88, 328.
- 89 Col.C.R., II, 57.
- 90 KL/C6/3 m.17d, /4 m.16r; KL/C37/7. Regarding the frequency of charges of corruption

against national tax-collectors, see R. Glasscock, ed., *The Lay Subsidy of 1334*, (London, 1975), xv.

91 Black Domesday f.74; White Domesday f.19; KL/C7/3 f.249b.

92 J. Given, *Society and Homicide in Thirteenth Century England*, (Stamford, 1977), 183-84.

93 See next chapter.

94 J.I.1/612/2; W. Rye, "The riot between the monks and citizens of Norwich in 1272," *Norfolk Antiquarian Miscellany*, first series, II (1883), 17-42; Foxe, *op.cit.*, 560.

95 See [chapter 3](#).

96 C.P.R. 1343-45, 323.

97 See, for example, the plundering of the Flemish ship "Tarite" by a fleet including many ships from Yarmouth and a few from Ipswich and Lynn, for which the king had to pay £16,528 compensation; C.P.R. 1338-40, 491, 1340-43, 477; C.Cl.R. 1341-43, 553-54.

98 C. Compton, "Notes on ancient Yarmouth," *Journal of the British Archaeological Association*, XXXVI (1880), 13; Palmer, *Manship's History of Yarmouth*, 185-86; Saul, *op.cit.*, 145ff.

99 C.Cl.R. 1313-18, 448, 1333-37, 135, 1337-39, 172; C.P.R. 1301-07, 541, 546, 1313-17, 694, 1327-30, 291, 1338-40, 491.

100 C.P.R. 1313-17, 11, 682, 1377-81, 620, 1381-85, 16; Arundel Castle Ms. MD 232.

101 C.P.R. 1301-07, 10, 91, 135, 192, 1358-61, 276. Possibly the supposed second Drayton victim, John fitz William de Drayton, was the same as the first, John fitz Petronilla de Drayton; but, if so, it is not clear why a solved case was reopened.

102 C.Cl.R. 1261-64, 260; C.P.R. 1281-92, 97, 1307-13, 531-32, 1313-17, 404; G.C.R. 12-13 Ed.I m.6r; P.P.R. 17-18 Ed.I m.19d. Robert was also charged with assault on two other occasions.

103 C.P.R. 1321-24, 55; SC8/11637.

104 G.C.R. 5-6 Ed.III mm.1d, 3d; P.P.R. 10-11 Ed.III m.1r; Coroner's Roll 3-14 Ed.III mm.2d, 3r.

105 C.P.R. 1313-17, 689-90, 1317-21, 287, 290. Thomas Shaldeford was a ward of John de Gippewyc, who sat for Ipswich in parliament (although John may have been a London man).

106 C.P.R. 1317-21, 603-05; C.Cl.R. 1318-23, 548, 1323-27, 179, 357; C.F.R. 1319-27, 251; SC8/11637.

107 Rot.Parl., II, 31; SC8/8555; C.Cl.R. 1327-30, 269; C.P.R. 1327-30, 50.

108 C.P.R. 1334-38, 295, 1343-45, 200; C.Cl.R. 1330-33, 90, 1343-46, 107; C.F.R. 1337-47, 376; Cal.Inq.Misc. 1307-49, 478; Rot.Parl., II, 14; Liber Albus, 437-44; R.R. 15-16 Ed.III m.4r.

109 KB27/338 m.162d.

110 As thinks Saul, *op.cit.*, 57.

111 Rot.Hundr., I, 533, 543; KL/C7/3 f.33b.

112 Red Paper Bk., 14.

113 Add.Rolls 14976-80.

114 Hillen, *op.cit.*, I, 102.

115 Col.C.R., III, 105; Bacon, *op.cit.*, 83-85, 87; Martin, *Ipswich Recognisance Rolls*, 14, 17.

116 Swinden, *op.cit.*, 354, 500; C.Ch.R. 1257-1300, 185-86.

117 Twiss, *op.cit.*, 168; Swinden, *op.cit.*, 495-96; Col.C.R., III, 78; Col.C.R./72 m.13r; I/C5/11/5 m.1r (part of a Dogget Roll, incorrectly catalogued as a Recognisance Roll); Red Paper Bk., 14.

118 KL/C7/3 ff.104, 115b. An interesting charge was that the presenters simply referred to previous years' lists of offences and assumed they had been repeated.

119 See appendix III, column 5. At Lynn the steward, not the mayor, was usually the returning officer.

120 E.g. the doctoring of borough records by the Ipswich corporation in 1345 to deceive the *custos* appointed by the king during seizure of liberties; Martin, *Borough and Merchant Community of Ipswich*, 101-03.

121 See [chapter 2](#), and Morey, *op.cit.*, 154.

122 Red Parch. Bk., 32, 34, 39.

123 McKisack, *Parliamentary Representation of English Boroughs*, 47; KL/C9/1 f.18; *Records of Norwich*, I, 98, 107; Red Parch. Bk., 186; Dogget Roll 17-38 Hen.VI m.9d; General Court Roll 10-13 Ed.IV m.1. If Lynn shows comparatively less concern with interference, it is because there is less sign of it - or resistance was more effective.

124 McKisack, *Parliamentary Representation of English Boroughs*, 61-63, 100, 116, 118; Morey, *op.cit.*, 153-54, 343-44, 464; Haward, "Economic aspects of the Wars of the Roses," 175, 178-82; Dobson, "Urban decline in late medieval England," 15.

125 See [chapter 4](#).

126 I/C8/1/9 m.1; Dogget Roll 18-19 Ed.IV m.3d; C1/27/239; C1/71/2; C1/11/516; W. Haward, "Gilbert Debenham: a medieval rascal in real life," *History*, XIII (1929), 300-14. Sir George Felbrigge exercised a similar, if diminished, influence over Ipswich bailiffs at an earlier period; P.P.R. 17-18 Ric.II m.5d. All this talk of false entries in the rolls causes the historian's heart to tremor.

127 Palmer, *A Booke of the Foundacion of Greate Yermouthe*, 58-59; C.P.R. 1266-72, 277; C. Cl.R. 1339-41, 262, 326; Saul, *op.cit.*, 64.

128 C1/27/154, 155; KL/C7/4 ff.97b, 98b.

129 C1/66/309; C1/11/530. It will be appreciated that the truth of these Chancery charges is not usually verifiable.

130 E.g. see KL/C17/6 m.2r, /21 m.4r.

131 See Jones, *op.cit.*, passim.



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CHAPTER 7

Conflict and Solidarity in Urban Politics

Introduction: At moments of crisis

Political struggles between borough factions - whether it be rivalry between groupings of *potentiores* or the apparently class-based hostilities that have been interpreted by some as democracy versus [oligarchy](#) - have received plenty of attention from historians, due in part to the very conspicuousness of those affairs, and in part to the historiographical emphasis on moments of crisis. Unfortunately, evidence of solidarity in the community has been exploited less. In this chapter, although mainly concerned with the former aspect of borough history, we will touch upon the latter to offer some degree of balance.



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CHAPTER 7

Conflict and Solidarity in Urban Politics

Discontent and Division

Although townsmen were capable of closing ranks against a threat to their common privileges and prosperity, whether from an external enemy or a rebellious voice from their midst, they were also capable of divisions and dissensions within the community that could sometimes be difficult to reconcile. If the surviving evidence is an accurate indicator, outbreaks of internal hostilities were not common in any given town. Harmony, in the sense of the populace acquiescing in the just governmental decisions of those they chose to rule them, appears as the predominant theme of borough politics. Machiavelli's definition of politics as change and conflict was not characteristic of medieval English boroughs, but was rather the product of an historical environment in which those features were predominant. The rarity of crisis periods in any individual town, however, does not mean that we can lightly dismiss them as aberrations. It is from the aggregate evidence of towns across the country that we sense political conflict to be a recurring theme in the history of medieval urban development. Yet it is not easy to understand what lies behind this internal strife. Part of the problem is that the incidents take place over a large chronological span, from the late twelfth to the fifteenth century. There does seem to have been a concentration of expressions of discontent in the second half of the thirteenth and the early fourteenth centuries; but even this is a lengthy period and, if the momentum was begun by the national discontent expressed in the civil war of Henry III's reign, no historian has yet given a convincing explanation of how the latter phenomenon might have inspired the former. Unfortunately, evidence from borough archives for most of this period is slight and unhelpful. Although we do encounter complaints of unjust monopolisation of office by cliques, complaints more commonly centre not on the constitutional arrangement so much as on abuses of government: unfair taxation, embezzlement of community funds, evasion of market laws. Green concluded, from a comparison of complaints from Lynn in the early fourteenth and early fifteenth centuries, that the townsmen of the latter period possessed a greater political awareness. But we cannot be sure that this impression is not merely a consequence of richer records in the later period.^[14]

Both the political and financial aspects of the complaints are reflected in the identities of the parties in conflict. The rich/powerful are invariably the targets for complaints, while the complainants are the "middle people" and, less often, the "lesser people". The memberships of these groups, their relationships to one another, and the precise role of each in the borough community, are not usually specified by the records; and so the description of these groups as

'classes' is rather tentative - we must not read too many modern connotations into the term. A wealth difference and the association of the upper class with the families providing government personnel may be inferred with reasonable confidence, but not much else. It would be dangerous to suppose that a rigid stratification existed since, as this study has tried to show, there was a fair amount of social mobility.[15] On the other hand, we need not go as far as Morey in suggesting (with regard to Lynn) that the simplified tripartite structure of urban society obscures the real nature of conflicts.[16] His point that the personnel of the opposing parties do not neatly fit into the divisions is well taken but, if we dismiss the medieval insistence on those divisions as the basis of conflicting forces, we may ignore an important clue.

The theory that the three classes were merchants, craftsmen, and unskilled labourers, and that political conflict was essentially a struggle for power between [gilds](#) representing mercantile and artisan interests, was long ago sent to the historiographical graveyard, as a continental theory inapplicable to English conditions.[17] With the exceptions of London and a few particularly important industrial centres, there is no real evidence for a formal gild role in power struggles. Despite Norwich's system of popular participation at assemblies via crafts representatives (1372), in those towns with which this study is concerned, craft gilds begin to become a factor in the political structure only in the fifteenth century.[18] Our occupational analysis of office-holders suggests that craftsmen were not excluded from borough government at any period; if they were more prominent in the fifteenth century, it was largely due to the introduction of lower councils and the elaboration of the hierarchy of offices. The tripartite class division is not one of occupation but simply of wealth (and associated socio-political status). Inequality itself does not seem to have been questioned - it is notable that the urban lower classes, for the most part, did not feel that the Peasants' Revolt of 1381 had anything in common with their own grievances;[19] but the wealth gap was a source of resentment when increased by the rich misusing positions of trust and responsibility to line their own purses with money intended for the benefit of the community as a whole.

If it is not easy to relate borough conflicts to national political events or economic trends, neither has any historian yet been able to argue that outbursts of discontent relate to specific stages in urban development, the different rates of development then explaining the lack of simultaneity in the outbursts. To a large extent, historians' interpretation of moments of urban crisis has been inextricably bound up with the theories of democracy vs. [oligarchy](#) discussed in the [introduction](#) to this study. Gross rejected Brentano's theory of craft gilds rebelling against merchant gild tyranny, on the grounds that (as he believed) borough government was originally democratic and therefore not dominated by the merchant gild.[20] Green, however, from her thesis that originally oligarchic government was overthrown, or at least modified, by democratic revolutions, suggested that this was facilitated by the training in self-government given lesser townsmen via gild administration.[21] Bridbury's emphasis on the open character of society from the late fourteenth century onwards similarly forced him into the extreme interpretation of the preceding period as one of closed corporations maintaining a strict monopoly of power and privilege, through restrictive control over entrances to the [franchise](#); he therefore interpreted political strife as the product of the "mortified pride and stifled

ambitions" of the non-enfranchised craftsmen.[22] Meyer better reflected the historiographical mainstream of his time in suggesting that, although the craft guilds did gradually come to dominate borough governments, the former were institutions as oligarchic in nature as the latter.[23] It is clear that the subject of urban conflict must be tackled carefully, with each incident examined first in isolation and in local context, not just as part of a wave of seemingly identical occurrences sweeping across the country. Tingey's observation, for example, that grievances concerning financial maladministration at Norwich and Lynn are closely related, chronologically, to murage grants,[24] although not in itself a sufficient explanation, is an hypothesis more helpful to the historian at this stage than speculations as to whether the governments of those towns were oligarchic or democratic at that time. Here we will look in detail only at the troubles in early fifteenth century Lynn, partly from considerations of space, partly because that is the best documented of such events from any of our towns.

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Conflict and Solidarity in Urban Politics

Discords and Disputes: Ipswich

Interestingly, we find at Ipswich a dispute similar to that at Colchester. The two common sergeants ordained in 1200 had, by the reign of Edward II, been supplemented by two other officers apparently intended as ballival sergeants and possibly appointed by the [bailiffs](#) rather than elected by the [community](#). In the fifteenth century the bailiffs were showing such favouritism to their own pair that jealousy and hostility had arisen among the sergeants. In 1434 therefore the community persuaded the bailiffs to allow them to elect all four sergeants as equals. This may seem a minor matter, but it required the mediation of the Duke of Norfolk before a final settlement in 1436, and shows the concern that ballival government not become too independent of community control.[\[31\]](#) However, this is the only sign of popular discontent after the reign of Edward III, unless we care to read anything into the [ordinances of 1429 and 1474](#), the initiative for which one suspects came from above, not below.

Political unrest at Ipswich centres around the events of 1320/1, much of which we have touched upon already, and the key feature of which is the replacement of one power clique by another. The rise of the fortunes of Thomas Stace and [Thomas le Rente](#), although it did not begin in 1291, may be said to have reached its first plateau in that year, with their inclusion in the committee appointed to reconstruct from memory the [lost codex of borough laws](#); it is unnecessary to elaborate upon the importance of such a role.[\[32\]](#) Stace and le Rente were doubtless among the more junior members of this committee, neither having held any important post previously, and both probably representing the second generation of migrant families, le Rente's father having been fairly well-to-do, although not politically active, but Stace's only a tailor.[\[33\]](#) The ranks of their committee colleagues well illustrate the changing personnel of the ruling class. The families who had manned the incipient government at the beginning of the century had mostly disappeared, although [Vivian fitz Silvester](#) was on the committee (approaching the end of his career), and the long-lasting Maister and [Leu](#) families were represented. There were also representatives of families that rose to prominence in the reign of Henry III: the two Haraud brothers, William le Mayden, Laurence Cobbe, Alexander Margaret (his family coming from London), and three members of the Clement family.[\[34\]](#) Even more recent arrivals to the borough were several men who, by the time of the 1283 subsidy, had already risen into the ranks of the wealthiest burgesses and were just beginning to participate in administrative work: Thomas Aylred, Philip and John Harneys, Arnold le

Peleter, Elias le Keu. Finally, there were the newcomers who, along with Stace and le Rente, had not yet entered government: Nicholas le Clerk, [John de Whatefeld](#), and Gilbert Robert.

It was particularly from the younger and newcomer members of the committee that le Rente and Stace built up their clique of supporters. Thomas le Rente's daughter was married to Richard son of Gilbert Robert (whose wife was a Harneys), whilst Thomas' eldest son had married a daughter of John de Whatefeld. Stace, le Rente, Whatefeld, and Gilbert Robert were, in 1312, partners in a scheme to lease Horswade Mill from the community for ten years. Thomas dil Stone, a member of the Clement family, was a business partner of le Rente in 1281. Nicholas le Clerk was associated with le Rente in a homicide in 1283 and was a business partner of Gilbert Robert in 1305. Alexander Margaret and Laurence Cobbe can also be connected with le Rente in contexts outside borough government. Richard Leu was co-collector (and co-embezzler) of customs with le Rente, and was a business associate of Thomas Stace in 1291. Thomas le Maister chose Stace as one of his executors in 1301.[35] This was essentially the group involved with Stace and le Rente in the [monopolisation of ballival office](#) from 1295 to 1321. Further support for this charge, laid in 1320, is seen in the personnel chosen as M.P.s: when not selected from the 'in-group' we have defined, they were men not previously associated with borough government (except for town clerk John Lenebaud) but who were associated with Stace and le Rente, either in business, legal, or other contexts.[36]

Popular discontent with this state of affairs is first revealed by the royal letters of protection that Stace, le Rente, their families, and various supporters found it necessary to take out in October 1320; two of these supporters were charged with unspecified crimes against the community in November, a fortnight before the issuing of the [reforming ordinances](#).[37] The accusations laid in these ordinances, resembling in several respects the London reforms of the previous year, were: that market laws were being broken; that the bailiffs were augmenting their salaries with extortionate fees charged for the use of the common seal, with burgess entrance fines, and with the proceeds of excessive taxations; and that they were being maintained in power by a clique holding elections in secret.[38] It is difficult to determine whether these charges were justified, or contrived by a rival group of power-seekers. Maintenance cannot be proved, but it is certainly suggested by the evidence we have already reviewed; the reference to secret elections may indicate that the portmen, a group dominated by Stace, le Rente, and friends, had taken over the role of electors. The absence of records of burgess entrances between 1308 and 1321 (not due to any absence of records as a whole) also looks very suspicious and may hide embezzlement of fines.[39] And, in May 1323, charges relating to market offences were brought against a number of supporters of Stace and le Rente, [40] although this may partly have been the bringing to bear of pressure for submission to the reformers' authority. The solutions offered by the reformers were much the same as those in Colchester in 1372:

- elections were to be made in public, by common assent;
- [chamberlains](#) were to handle receipts and expenses and to account annually before the community;

- entrances of freemen and applications of the common seal were to take place only in public;
- salaries were regulated;
- clavigers were to keep the common seal and borough treasury secure.

It is probable that these efforts, as in Colchester, would have satisfied the reformers, had not Stace and le Rente fought back, by trying to secure the intervention of the king on the complaint that their opponents were rioting, resisting ballival authority, and obstructing the collection of tolls.[41] This sealed their fate, and at some point in the spring of 1321 Stace and le Rente were deposed from ballival office. This was a drastic, but not a revolutionary, act: provision for it had been made in the 1320 ordinances, and even this rested upon a statement in the [1200 charter](#) that the borough executive "*non amoveatur quamdiu se in balliva illa bene gesserit nisi per commune consilium predictorum burgensium.*"[42]

We need not dwell on the subsequent clashes of the [oligarchic](#) and reform parties in a struggle for control of government which gradually faded away as the foci of controversy died - le Rente in 1323 and Stace c.1329.[43] We must turn rather to look at the nature of the conflict. The 1320 ordinances are undeniably democratic in tenor, in their emphasis on community authority and the public performance of governmental duties. Apart from the removal of the principal offenders, Stace and le Rente, from power, and the [disfranchisement](#) of Richard Robert - largely due to his own obstinate resistance to the reformers - the oligarchs were not made political outcasts, however; this no doubt helped ensure no prolongation of hostilities. Most of them continued to serve in government. What was achieved, however, was the breaking of their exclusive grip on office. The former oligarchs were henceforth joined in governmental ranks by a number of new faces, many of them from the reformers.

Yet of those who benefited from the defeat of the old guard, none did more so than the leaders of the reform movement: John de Halteby, John de Preston, and Geoffrey Costyn. Costyn was four times bailiff and four times M.P. between 1326 and 1332. Preston has the appearance of a career administrator, monopolising office in Ipswich to a greater degree than his old enemies had done.[44] Halteby, working primarily behind the scenes, used coercive tactics to dominate Ipswich up to his murder ca. July 1344. Costyn and Halteby were business partners in 1322, whilst Halteby and Preston both appear to have been protégés (or tools) of Despenser.[45] As sincere as the grievances and reforms of 1320 may have been, one is inclined to suspect that the main goal of the reform leaders was to oust the Stace/le Rente clique in order to obtain power for themselves. It is questionable whether the quality of government much improved with the change of personnel. The counter-accusations of the oligarchs in 1324, although not entirely trustworthy, suggest that financial maladministration and abuse of justice were either inextinguishable problems or were standard charges against political opponents which must never be trusted without substantiating evidence.[46]

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Conflict and Solidarity in Urban Politics

Discords and Disputes: Lynn

The troubles in early fifteenth century Lynn have received less detailed attention from historians than those in Norwich, with the consequence that they have been easily misunderstood. The history of political conflict at Lynn, like its constitutional history, is complicated by the lordship of the Bishop of Norwich. Periodically, the borough rulers made attempts to [break free of this dominion](#), notably by seeking to usurp episcopal rights of judicial administration. In this they were encouraged by the willingness of the king to grant them liberties which, despite disclaimers insisting that no grant be implemented to the damage of the Bishop's prerogatives, subverted episcopal initiative in Lynn's development. Dissatisfaction on the part of the burgesses with the power of the Bishop's officers in the town finally found expression in 1236; the accusation of that date was essentially extortion, and the same charges were laid against the Bishop's bailiffs and his Tolbooth custodians at the [hundredal](#) inquiry of c.1275.^[56] If we conjecture that burgess resistance rallied around the [mayoralty](#), this would explain why the Bishop left it until 1234 to complain about the creation of that office, which had been in existence in Lynn for some two decades. Although the focal points of this dispute - which had led the Bishop to excommunicate the townsmen - were ostensibly the appropriation of the authority to impose external taxations and the election of mayors, the Bishop's concerns really seem to have been the independence of the mayoralty and, as later renewals of the dispute suggest, mayoral arrogation of judicial administration. For the time being, the Bishop - always the defender rather than the aggressor in these disputes - was content to settle for each mayor, upon coming into office, taking oath to respect episcopal rights in Lynn.^[57]

Discord between Bishop and community is again discovered in 1295, and in 1298 a cause is specified in that the burgesses' enlargement of the [town ditch](#) and building of sluices to keep water therein had resulted in encroachment on episcopal territory. The objection was probably not to the action itself, but that it was taken without seeking the Bishop's permission; furthermore, this was only one of a number of usurpations, as the composition of 1309 between town and Bishop showed. This compromise, and the complaints which preceded it in the same year, suggest that the main source of dispute was the town courts. It is not quite clear how many of these there were. The [leet court](#) was evidently judged to belong to the Bishop, since he [farmed](#) it out to the burgesses by the composition. The [husting](#) court (granted in 1204), it was arranged in 1309, would be presided over by the steward, but the mayor would

act as controller regarding pleas of [burghal tenure](#), and the court profits would belong to the community. This court, apparently the principal bone of contention, does not appear to be the same as the "steward's court", rolls from which survive from 1317/8 and 1448 under that title, whilst a cathedral account roll for the manor of Lynn from 1331/2 lists the revenues from the steward's hall and husting separately. The steward's court dealt only with petty pleas of transgression and debt, but was largely boycotted by the ruling class, who brought their pleas of debt before the husting; the latter also dealt with pleas of land and was conceded in 1309 the power to deal with probate, for borough purposes, although enrolment of testaments was subsequently transferred to other records which further symbolised borough authority in this area.[\[58\]](#)

The most determined effort by mayor and community to gain sole control of the courts was made just before mid-century. The path for this was paved by: seeking constitutional advice from Oxford, Lynn's model town, and from the royal government; bolstering the rights of Lynn's administration to levy taxes and enrol wills in the town hall; and acquiring the farm of the king's part of the Tolbooth.[\[59\]](#) Having probably usurped control of the husting in the mid-1330s, to which the Bishop responded (as traditionally) by threatening to abolish the mayoralty, the burgesses, by wilfully misinterpreting the 1309 composition, convinced the king in 1346 that the Bishop had in fact acquired the leet and husting by their grant in 1309, and had then leased the former back to the community. On the grounds that this supposed [grant in mortmain](#) was unlicensed, the king was persuaded to seize the courts into his own hand; the fact that the Bishop of that time was out of favour, for other causes, doubtless did not help his case. It was then a simple matter for the burgesses to arrange to farm the courts from the king. This brilliantly simple plan fell through after the Bishop was restored to favour and his appeal was heard by the king, who had not entirely trusted the arguments of the Lynn burgesses. The result was a definitive restoration of judicial jurisdiction to the Bishop in 1350. [\[60\]](#) A new composition in 1352 restored the status quo, the Bishop again recognising the mayoralty and the burgesses bowing to the terms of the 1309 agreement.[\[61\]](#)

Although the physical attack on Bishop Despenser in 1377, which led that haughty prelate to discomfit the townsmen with a sentence of interdict, does not properly belong to this sequence of conflicts, it shows the continuing resentment of episcopal lordship.[\[62\]](#) The borough had recovered from the repercussions of this misdemeanour by the last decade of the century, when seen acquiring property left and right, to enhance borough revenues; in 1392 the Bishop granted the corporation land on the banks of Mayor's Fleet[\[63\]](#) on which to build a watermill. The amity did not last long. Argument arose in 1401/2 over whether the Bishop was responsible for repairing the Bishop's Staithe, the deterioration of which was detrimental to the port as a whole. In 1402 mayor Thomas atte Brigge was complaining of extortions by episcopal officials. And in 1404 the Bishop was suing the burgesses for disseising him of 120 acres of land and for intimidating members of his Council. The corporation fought an expensive and unsuccessful legal battle against the Bishop, ending in a new composition in 1406 which, however, only enforced that of 1309; it is hinted that the old dispute over control of the courts had once again reared its head. The corporation was distracted from further efforts against episcopal rights by internal political troubles, after the settlement of which the struggle against the Bishop was largely abandoned, despite the trouble in 1447 over the

method of carrying the mayoral sword.[64]

The failure of the corporation in its battle with the Bishops was partly due to lack of unity within the ranks of the townsmen. There was perhaps always a measure of support for the Bishop in the ranks of the ruling class, or at least a cautious sentiment of not wishing to provoke the lord of the town. In the struggle between the factions led by Robert de London and Alexander Kellock, at the close of the reign of Henry III, the latter was an anti-episcopal party so perhaps the former was loyal to the Bishop.[65] Although it is going too far to suggest that the Bishop and Lynn's lower class, the *inferiores non burgenses*, were allies in a constant struggle against the ruling class, an alliance partly stemming from the landlord-tenant relationship and partly from a shared hatred of the *potentiores*,[66] it is true that the *inferiores*, particularly after 1309, looked to the Bishop for protection when they had grievances, just as the corporation sought the king's assistance in its efforts to weaken episcopal dominion; there is some indication that only the [freemen](#) section of the population was involved in the 1377 attack on Despenser.[67]

The earliest complaint from the Lynn community against its rulers was in 1277 and (matching the pattern in our other towns) related to [forestalling](#). At the end of Edward I's reign we find a wider range of charges. In 1304 the "poor men of the community" complained of excessive taxation and misappropriations, and soon after of forestalling again, by the rich burgesses. The latter, guilty or not, thought it safer to buy a pardon from the king (1305) for levying tallages without community consent, embezzlement of murage, and other financial and market crimes. Yet in 1311 further complaint resulted in a royal commission to audit the accounts of Lynn collectors of taxes, murage, community rents, and court profits, to as far back as 1296.[68] Perhaps consequent to the 1305 pardon, the complainants evidently appealed to the Bishop to step in, and he used the occasion to assert his own rights. The 1309 composition included a clause requiring that internal taxations be levied only at need and then assessed fairly "after the faculte, myght & power of every man", with tallage accounts to be audited by a committee composed of men from each of the three classes.[69] It also acted against another abuse, or rather an unwarranted assumption of power, which has generally been interpreted as a prohibition of forcing residents to take up the franchise.[70] Despite the attractive, and differing, justifications for this interpretation, and the fact that such recruitment pressure was indeed exerted in the fifteenth century, in 1309 it seems that what was prohibited was rather the requirement that non-burgess residents buy annual licences if they wished to retail or wholesale goods.

That the Lynn accusations are much the same as those from other boroughs leads one to think that financial maladministration must have been a crime general to borough rulers. Perhaps it was so, but it must be said that we have little or no evidence outside the charges themselves to back up this conclusion. Lynn is a rare case in leaving us [records of the local taxations](#). These documents give no clear evidence - nor should we expect them to - of abuses at the turn of the century. Yet they do show two things. First, that the taxation process was not simple, for the local taxes were then the core of the borough budget; the tax exemptions of mayors, and the system of paying community debts (usually to *potentiores* who had provided loans, goods, or

services during the year) via tax exemptions or allowances, were susceptible to misunderstanding by the uninitiated members of the community. Second, that when, in 1302, the community asserted its right to assess the tax itself, rather than by the usual committee, it proved incapable of so doing and resorted simply to repeating the assessment of the previous year - hardly a fair method, given the ups and downs of mercantile affairs.[71]

Again we hear complaint of unjust taxation in 1337 and 1375. It may be that these new taxation grievances centered on the fact that, *tempore* Edward I, only moveables and not realty were subject to assessment, whereas in 1375 the complaint was that the rich burgesses were refusing to pay their taxes because realty was now being taken into consideration. Complaint, by John Blower and others unnamed, to the Chancellor and subsequently to the Bishop that they had been excessively taxed in a royal subsidy, so that others could be under-assessed, resulted in disciplinary measures by the corporation: Blower was fined £20. This was a trying time for Lynn: the residents of South Lynn, jealous of their privileged neighbours, were resisting demands that they should contribute to the expenses of common defence, and complaining about the [Merchant Guild](#)'s monopoly of the sale of stoneware; a faction amongst the burgesses was agitating for the promotion of St. Nicholas' from chapel to parish church - possibly a separatist movement; [hostage](#) rights were causing problems; and the community was becoming restless over the growing expense and extravagances of administration.[72]

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Forces for Political Change

Not only at Lynn, but at Norwich and, less obviously, at all of our other towns, the fifteenth century represents compromises - sometimes gradual, sometimes more abrupt - between the theory and reality of borough government. If these adjustments became increasingly unfavourable to the lower urban classes, we should not blame this entirely on evil intent on the part of the rulers, for it was a mostly gradual and generally subtle development of elitism. Yet, that some measure of conscious policy was involved is suggested in the occasional coincidence of political conflict and alteration in the status of upper councils from elected to life-membership bodies. This alteration was fairly clearly the goal of the *potentiores* in early fifteenth century Lynn and Norwich, and the period of power of the Stace/le Rente [oligarchy](#) in Ipswich was marked in its early stage by something similar - either the transition itself, or the addition to life-membership status of the device of co-optation. The Yarmouth council was life-membership by 1386, and the same ambition may have played a role in the crisis of a decade earlier. The alteration may have been prompted by an increasing awareness of the possibilities for self-interested use of power, although it seems more likely that the ruling class feared (perhaps justifiably) the harmful effects that might result from the intrusion of the less capable[\[114\]](#) townsmen into decision-making. Thus, the Norwich *potentiores* in 1415 were resisting what they feared, perhaps mistakenly, was a demand by "every person of the smallest reputation" of the city to have as much say in government as "the more sufficient persons". The same fear and resentment was expressed by Lynn's *potentiores* representative, John Wentworth, in August 1412, when complaining to the Bishop that the new freemen, made to increase the strength of the reformers within the electorate, were mere shoemakers and tailors of whom 20 or so were worth only a penny.[\[115\]](#)

However, it is dangerous to suggest too much uniformity to the characters of the political conflicts occurring in separate locations at different times. Popular objection to the unauthorised use, or more often the unjust and self-interested use, of power may have been a common basis to most of these affairs; but each is complicated by one or more of: personal ambitions, family rivalries, power-struggles between established aristocracies and the *nouveaux riches*, interference by magnates or other external interests, or even the duplicity of the king wishing to restore peace to local government without upsetting the tradition of aristocratic rule. Would the Ipswich crisis of 1320/1 have arisen without the forceful character of John de Halteby to propel it? Would the popular concerns in Lynn, *tempore* Henry V, have

come to a head if the town had been under the lordship of the king alone? We cannot say for sure. Historical events are what they are, complex causal equations; we can analyze and differentiate the components, but we cannot know whether one or more selected components, if operating independently of the others, would produce the same result. However, one thing we may be more confident of is that the ideals of aristocratic rule and peaceful government were not only held by the king, but also were firmly implanted in the political philosophy (such as it was) of townsmen. This fact helps explain why political crises in English boroughs were not as revolutionary and drastic in character as those on the continent, and why, in the long run, borough governments evolved into closed corporations.

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Notes

- 1 [Chapter 1](#).
- 2 An integral part of the freeman's oath was the promise that he would not reveal the secrets or counsels of the assembly.
- 3 Rye, "The Norwich riot in 1272," 21.
- 4 C.P.R. 1343-45, 166-68, 385.
- 5 Rye, "The Norwich riot in 1272," *passim*; Red Paper Bk., 36-37.
- 6 E.g. see Jeayes, "Court rolls of Colchester," 83-87.
- 7 C.P.R. 1317-21, 366, 474-75, 1343-45, 98, 1350-54, 411-14.
- 8 C.Cl.R. 1337-39, 448, 1399-1402, 489; D/B 3/1/2 f.22. The 1401 record gives no further specification but, feasibly, the trespass was against the jurisdictional rights of the lords; N.B. that an episcopal charter of liberties followed in 1403, perhaps a settlement of disputes?
- 9 J.I.1/612/2; Rot.Parl., I, 37; Rot.Hundr., I, 542-43; C.P.R. 1292-1301, 113, 1313-17, 57-58; Harrod, *Report on the Records of Lynn*, 18; R. Howlett, "Tolls levied at the Lynn Tolbooth in the thirteenth century," *Norfolk Antiquarian Miscellany*, 1st series, III (1887), 609.
- 10 C.P.R. 1313-17, 404; Cal.Inq.Misc., 1307-49, 421; Add.Ms. 30158 f.14b. Official touring of boundaries periodically was (to a lesser degree, like town walls) an assertion of the extent of borough jurisdiction.
- 11 C.Cl.R. 1374-77, 432; D/B 3/1/2 f.22; White Domesday f.70b.
- 12 See Britnell, *op.cit.*, 497-98, for an example of how specific changing conditions affected the rivalry of Colchester and the Abbey of St. John's.

- 13 Red Reg. ff.156, 157; I/C7/1/7 m.3d.
- 14 Reynolds, *op.cit.*, 131-35; Green, *op.cit.*, II, 244, 422; Wilkinson, *op.cit.*, 3; C.P.R. 1301-07, 284, 287; Bridbury, *op.cit.*, 57; Leach, *op.cit.*, 7.
- 15 See the analogy given by Reynolds, *op.cit.*, 185, comparing borough society to a "trifle rather than a cake: its layers were blurred, and the sherry of accepted values soaked through them."
- 16 Morey, *op.cit.*, 32.
- 17 Reynolds, *op.cit.*, 181.
- 18 Platt, *op.cit.*, 118; Alsford, *Urban Administration in Medieval Norwich*, 142-43; *Records of Norwich*, I, 269.
- 19 Reynolds, *op.cit.*, 182-83; Cutts, *op.cit.*, 128; Ramsay, *op.cit.*, 169. However, conceivably the revolt may have strengthened the determination of the Norwich rulers, at least, to consolidate their grip on power at the expense of community authority.
- 20 Gross, *op.cit.*, I, 107-110.
- 21 Green, *op.cit.*, II, 271. But, as we have seen, what little administrative experience was necessary was available outside of gild contexts: in leet administration, the financial office, and business life generally.
- 22 Bridbury, *op.cit.*, 56-58.
- 23 Meyer, *op.cit.*, XVII, 416-20.
- 24 Tingey, "The grants of murage to Norwich, Yarmouth and Lynn," 131-33.
- 25 However, see *capitula* 17 of the 1468 custumal (D/B 3/1/2 f.12b) for an indication that factionalism among the wardemen was not unknown.
- 26 The silence of national records is also significant.
- 27 Red Parch. Bk., 31-33.
- 28 Britnell, *op.cit.*, 376-79, 384-85, 398-401.
- 29 Red Parch. Bk., 35-36.
- 30 *Ibid.*, 34-35; Red Paper Bk., 15-16. There is no evidence that the exclusion of bailiffs

from the electoral committee was ever contravened.

31 Gross, *op.cit.*, II, 119; I/C1/1/2/6; Add.Ms. 30158 f.7; White Domesday f.11.

32 Custumale Gippovicense f.27.

33 E179/242/42; P.P.R. 15-16 Ed.I (b) m.4d.

34 Members of these families are found in the 1228 tallage (E179/180/1) and/or the rental of Holy Trinity Priory c.1255.

35 I/C2/23/1; G.C.R. 8-9 Ed.I m.4r, 21-25 Ed.I m.9r, 26-29 Ed.I m.1d, 15-16 Ed.II m.3r; P.P.R. 28-29 Ed.I m.8r, 29-30 Ed.I m.17r, 33-34 Ed.I mm.2r, 15d; C.P.R. 1281-92, 97, 1321-24, 227; C.Cl.R. 1288-96, 200.

36 C.P.R. 1317-21, 512; C.Cl.R. 1323-27, 179; E101/457/5; CP25(1): 59/2, 60/3; P.P.R. 32-33 Ed.I m.11r, 16 Ed.II m.2r; G.C.R. 33 Ed.I-1 Ed.II m.6; R.R. 11-12 Ed.II m.1d.

37 C.P.R. 1317-21, 512; G.C.R. 14-15 Ed.II m.1r.

38 Black Domesday ff.71b-76b; Liber Albus, 141-44.

39 I/C1/2/5.

40 G.C.R. 16-17 Ed.II m.2d, 17-18 Ed.II m.1r. The accused included Gilbert and Richard Robert, William le Fevre, Geoffrey Stace, and John de Whatefeld.

41 C.P.R. 1317-21, 605.

42 Ballard, *op.cit.*, 245.

43 See C.P.R. 1321-24, 55, 1324-27, 65, 67, 72.

44 See [chapter 3](#) and [chapter 5](#).

45 G.C.R. 16-17 Ed.II m.1r; see [chapter 6](#).

46 For a more detailed account of this conflict, see: Martin, *Borough and Merchant Community of Ipswich*, 60-73; Martin, *Ipswich Recognisance Rolls*, 11-12; Martin, "The records of the borough of Ipswich, to 1422," 90; Alsford, "Thomas le Rente," *passim*.

47 Saul, *op.cit.*, 195, 206, 244-46; C.P.R. 1358-61, 74, 78, 276, 283; C.Cl.R. 1354-60, 647, 652.

- 48 C.Ch.R. 1257-1300, 185-86; C.P.R. 1266-72, 677, 1272-81, 469, 1292-1301, 308, 320, 1301-07, 284, 287, 455. The communities of Norwich, Ipswich, and Lynn also complained of forestalling in 1304.
- 49 Rutledge, *Court Rolls of Great Yarmouth*, 4; Swinden, *op.cit.*, 491-93. The reluctance to introduce constitutional changes, except under pressure and the threat of disruption of the peace, shows the essential conservativeness of the town rulers.
- 50 Saul, *op.cit.*, 172, 246-47; C.Cl.R. 1374-77, 415, 431, 470-71; Rot.Parl., II, 352-53.
- 51 C.P.R. 1307-13, 42; *Records of Norwich*, I, 20, 61-62, 194-95.
- 52 C.Cl.R. 1369-74, 222, 302, 345-46; *Records of Norwich*, I, xlviiii-xlix, 191-92.
- 53 *Records of Norwich*, I, 64-65.
- 54 *Ibid.*, 66-107.
- 55 For detailed accounts of Wetherby's Contention see Hudson, *Records of Norwich*, I, lxxix-xciii; Blake, *op.cit.*, 60-72; Lawson, *op.cit.*, 117-24; Haward, "Economic aspects of the Wars of the Roses," 175-78. Also Morey, *op.cit.*, I, 423-27, II, 15; Tanner, *op.cit.*, 281-82; Rose, *op.cit.*, 70. The differences of Hudson and Blake centre partly on the latter's failure to grasp the former's use of the term "unpatriotic" as applying to sentiment towards the city.
- 56 C.Cl.R. 1234-37, 316; Rot.Hundr., I, 543. The danger of extortionate practices had been anticipated in the agreement between Bishop and Earl of c.1240; Arundel Castle Ms. MD 1472; KL/C48/4.
- 57 Ballard and Tait, *op.cit.*, 362.
- 58 Harrod, *Report on the Records of Lynn*, 13; C.P.R. 1292-1301, 163, 382, 458, 1307-13, 129, 240; Ballard, *op.cit.*, 142; KL/C10/6; R232B, box 2, #4141; Bodl.Norf. Roll 8; SC2/193/17. Only a handful of husting rolls are extant (KL/C16/1, 2; SC2/193/16; Arundel Castle Ms. MD 1473) and the only one not from the period of usurpation of presidency by the mayor is incomplete, its heading missing.
- 59 Hillen, *op.cit.*, I, 115-16; Weinbaum, *op.cit.*, 82; C.F.R. 1337-47, 387.
- 60 C.P.R. 1345-48, 170, 1348-50, 506-07, 551; C.Cl.R. 1346-49, 338; C.F.R. 1337-47, 489, 496; Cal.Inq.Misc. 1307-49, 502, 520; Rot.Parl., II, 207. The case was muddied by the claims of an heir of Arundel to a share in the lordship of the leet.
- 61 KL/C4/4; Add.Ms. 37791 f.52b.

- 62 The assault was apparently a spontaneous, though predictable, reaction to the Bishop's undiplomatic (if technically legitimate) demands. Foxe, *op.cit.*, 560; A. Gransden, "A fourteenth-century chronicle from the Grey Friars at Lynn," *E.H.R.*, LXXII (1957), 278; C.Cl.R. 1377-81, 85; Bodl.Norf.Ch. 244; Hillen, *op.cit.*, I, 131.
- 63 Formerly Sunolf's Fleet, and later [Mill Fleet](#).
- 64 Harrod, *Report on the Records of Lynn*, 85; M. Legge, ed., *Anglo-Norman Letters and Petitions from All Souls Ms. 182*, (Oxford, 1941), 45, 50, 52, 92, 368, 370; C.P.R. 1391-96, 144, 147-49, 157, 1401-05, 67, 274; C.Cl.R. 1399-1402, 575, 1402-05, 166, 358, 575; KL/C39/43 m.3r; KL/C10/2 f.19; KL/C10/6 f.4; Glover, *op.cit.*, 58.
- 65 There were additional issues involved, however. C.P.R. 1258-66, 671, 1266-72, 388, 483, 485; see [chapter 1](#)
- 66 Green, *op.cit.*, II, 403; Jeaffreson, *H.M.C. 11th Report*, appendix, part III, 146; Morey, *op.cit.*, 32; Glover, *op.cit.*, 68. All the elements of this amalgamation of interpretations are exaggerated and misleading.
- 67 Bodl.Norf.Ch. 244 petitions the king (for relief from interdict) only on behalf of the middle and upper classes.
- 68 C.P.R. 1272-81, 239, 1301-07, 280, 287, 325, 1307-13, 317-18.
- 69 KL/C10/6 f.3b.
- 70 Green, *op.cit.*, II, 408; Hillen, *op.cit.*, I, 179; Glover, *op.cit.*, 57-58.
- 71 KL/C37/3 m.1r.
- 72 C.P.R. 1334-38, 441; C.Cl.R. 1369-74, 413, 1374-77, 137; Red Reg. ff.155b-157, 160b-162.
- 73 KL/C10/2 f.118; Morey, *op.cit.*, 313; see [chapter 1](#), [chapter 3](#).
- 74 KL/C17/14 m.1r; KL/C39/45 m.2r; Rot.Parl., III, 565; Legge, *op.cit.*, 106; C.P.R. 1405-08, 152.
- 75 KL/C10/2 f.18.
- 76 Cal.Inq.Misc. 1399-1422, 290; C.Cl.R. 1409-13, 179, 206; see also Red Reg. f.147b; KL/C10/2 f.17b.
- 77 KL/C39/48; KL/C4/6; KL/C10/2 ff.3b, 17, 24b, 32b. This last success may have been

achieved in November 1412 rather than November 1411 according to KL/C6/3 m.16r.

78 It was charged that ex-mayors John Brunham, Edmund Belleyetere, Robert Botkesham, and Thomas Waterden had made private conspiracy against the Bishop and pursued the suit without common consent.

79 KL/C10/2 ff.10b, 34b-35, 45-47b, 49; KL/C39/43, 49.

80 KL/C39/48, 49; KL/C10/2 f.28; KL/C6/3 passim; KL/C2/27; C.Cl.R. 1409-13, 353, 404, 408, 1413-19, 88; Cal.Inq.Misc. 1399-1422, 290.

81 Cal.Inq.Misc. 1399-1422, 291; C.P.R. 1413-16, 345; C.Cl.R. 1413-19, 148; KL/C43/1; KL/C2/29; KL/C39/91 f.58; KL/C6/3 m.11r; KL/C10/2 ff.41b, 102-05, 109b, 121.

82 C.Cl.R. 1413-19, 232; KL/C43/1; KL/C10/2 ff.105b-108b.

83 KL/C39/51 m.9r.

84 C.P.R. 1413-16, 411, 1416-22, 3; KL/C39/91 f.76; KL/C10/2 ff.100b, 101.

85 KL/C10/2 ff.101b-102, 105, 114b-115; KL/C4/11. The settlement was not formally issued until 1420, but was clearly in operation earlier; it is unlikely that the Bishop did anything more than approve the terms agreed upon by the Lynn parties.

86 KL/C6/4 mm.3d, 5r, 7r; KL/C39/52 m.7r.

87 Reliance has been placed primarily on the H.M.C. report, which printed mainly the more formal documents relating to the constitutional conflict. A major source of information - a formulary/chronicle/letter book compiled by the town clerk (KL/C10/2) in the reign of Henry V - was used in 1812 by Richards (who misread several entries) but was not known to later students of Lynn's history.

88 *H.M.C. 11th Report*, appendix, part 3, 228; Harrod, *Report on the Records of Lynn*, 12; Richards, *op.cit.*, 363-64; Hillen, *op.cit.*, I, 153-54; Green, *op.cit.*, II, 402; Morey, *op.cit.*, 416-17. Morey's statement that the attack on episcopal officials in 1402 was made by a group which cut across class boundaries is misleading; of the 24 accused, 14 were jurats that year, one was town clerk, one chamberlain, 3 or 4 became jurats prior to 1411, and 2 others were almost certainly supporters of the *potentiores*; C.Cl.R. 1399-1402, 575.

89 Copies of which are included in KL/C10/2 ff.9b-12 and KL/C2/27, the latter the source of the transcript in the H.M.C. report (pp.191-93); both the transcript and the former copy contain a few errors. Associated documents and post-award submissions giving a few extra names are KL/C10/2 ff.45-47b, 49; KL/C4/9-10.

90 KL/C39/48 m.9r, /49 m.11r and schedule; KL/C6/4 m.20d; KL/C10/2 ff.103-05. These documents specify occupations in most cases.

91 However, when his cause desperately required financing, Petypas seems to have demanded the full traditional payment of fines from the entrants; KL/C43/1.

92 KL/C7/2 ff.15-17; KL/C6/2 m.1r; KL/C10/2 f.102b.

93 KL/C10/2 f.125.

94 By comparison, the Common Council of 1420 comprised 13 merchants, 12 artisans, and 2 unknown.

95 *Mediocris*: 36 merchants, 12 artisans, 38 unknown; *inferiores*: 7 merchants, 115 artisans, 10 professionals (mostly barbers and sailors, but also a lawyer, a scrivener, and an illuminator), 36 unknown. Of the unknown *inferiores* 16 have occupational surnames (15 artisan), some of which almost certainly indicate occupation accurately.

96 See C.P.R. 1416-22, 3; C.Cl.R. 1409-13, 206; KL/C6/3 m.18.

97 E.g. the refusal of the jurats to be sworn in on 29 August 1412, to protest the unorthodox electoral proceedings; but even the records, made by a town clerk who slightly favoured the *potentiores*, admit that the proceedings were supported by the majority (178 persons) of townsmen then present; KL/C6/3 m.18.

98 KL/C2/29.

99 1 mediocre, 11 unknown. C.P.R. 1413-16, 411.

100 Analysis of a group of non-burgess residents summoned to a 1422 assembly shows 6 merchants, 42 artisans, 4 professionals, 14 unknown; KL/C6/6 m.10d.

101 KL/C38/10; Red Reg. f.115b; KL/C7/3 f.28; E122/95/27.

102 E122/94/14; C.F.R. 1405-13, 108; Cal.Inq.Misc. 1399-1422, 290; KL/C43/1; KL/C39/46; Liber Lynn f.35b.

103 C.Cl.R. 1413-19, 148; C.P.R. 1422-29, 160, 292, 1429-36, 36-37, 525; C.F.R. 1430-37, passim; Cal.Inq.Misc. 1399-1422, 290; E122/94/14; Smit, *Bronnen...*, I, 823; KL/C10/2 ff.1b, 18, 79, 114b; KL/C39/49 m.1r, /51 m.9r; KL/C6/5 m.13d; Red Reg. f.158b. N.B. that Exeter was formerly the Earl of Dorset who was appointed arbitrator between the rival parties.

104 Cal.Inq.Misc. 1399-1422, 290; E122/95/27; Harl.Roll H.23; KL/C6/2 m.1r, /3 m.10r, /4 m.3d; KL/C10/2 ff.1b, 28b, 105b-107, 121.

105 E122/95/12, 14, 16; Harl.Roll H.23; C.F.R. 1391-1405, passim; C.P.R. 1391-96, 526, 1396-99, 428, 1401-05, 358; C.Cl.R. 1402-05, 456, 1405-05, 245; KL/C17/15 m.4d; KL/C39/49 m.3r; Morey, *op.cit.*, 338, 376; Legge, *op.cit.*, 58.

106 But two are not mentioned at all and may have died, whilst the third could be merely a case of retirement.

107 [Chapter 3](#).

108 Red Reg. f128b.

109 Despite the annulment of the 1412-14 entrances, those involved were allowed to re-enter, for the traditional fine, if they wished.

110 But not an original goal, as the office of prolocutor suggests.

111 Since financial maladministration was the basis of popular grievances. In this the Common Council fits nicely into the reform tradition emphasising checks and balances on executive control over borough revenues.

112 That only freemen could serve in borough offices was a principle that even the reformers did not question.

113 KL/C7/4 ff.44b-45. Non-burgesses had equal access to major assemblies; *Ibid.* f.64b.

114 A quality evaluated according to prosperity, an indicator of success in business and thereby the quality of decision-making faculties.

115 *Records of Norwich*, I, 81; KL/C6/3 m.17r.



INTRODUCTION

Structure of Borough Government | Social and Economic Background of Office-Holders

Monopolisation of Office | Attitudes Towards Office-holding | Professionalism in Administration

Quality of Government | Conflict and Solidarity in Urban Politics

CONCLUSION

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Conclusion

At the close of this study, if one thing is evident it is that there is no simple, or single, label that will serve to categorise the government of boroughs in the later Middle Ages. We can certainly find examples of [oligarchies](#) in the boroughs: the period of power of Stace and le Rente in Ipswich is a clear case, assuming the charges laid against them to be accurate (as they seem); and there is at least a suggestion of oligarchic ambition in the behaviour of the rulers of Norwich and Lynn in the late fourteenth and early fifteenth centuries. Yet it would be dangerous to assume that these, the more conspicuous affairs in the boroughs' political history, were other than interludes in a normally more restrained, more harmonious relationship between rulers and ruled. It is precisely in the context of extreme political developments that we find the most forceful expressions of popular objection.^[1] Study of the governing personnel - for government itself is an abstract when separated from the men who interpreted and directed it - reveals a diversity which makes categorisation difficult: such is the stuff of history. At this point in historiographical time, the historian must be concerned, not with attempting to characterise borough government generally, but with the nature of the governments in individual boroughs. Some general suggestions and conclusions may be offered here, but it must be borne in mind that they depend largely on the evidence from only a handful of examples not necessarily 'typical'.

Evidence has been presented to show that the political hierarchy may be overlaid with hierarchies of wealth and age. Yet an attempt to classify the borough rulers as a plutocracy or a patriarchy would swiftly founder on presentation of contradictory examples which cannot be dismissed as exceptions to the rule. Occasionally, relatively young men attained high position in the political hierarchy, and men of apparently only moderate means mixed with the richest townsmen in the same positions. Nor would it be difficult to point to burgesses, qualified by wealth and by the experience of age, whose participation in government was negligible or non-existent. Even were either or both of the above labels applicable, this would not necessarily be helpful in understanding the character of borough politics. If men in executive office or in the upper levels of the conciliar structure tended to be the older members of the community, this owes much to the time required to work one's way through the hierarchy of offices - a hierarchy that became increasingly elaborate and formal as the ranks of officialdom grew - combined with the comparatively low average life-expectancy. In a community where the number of qualified (i.e. [enfranchised](#)) persons was quite small to begin with, the group in whose hands the real power of decision lay seems more a class of survivors than a senatorial elite monopolising government to the unjust exclusion of others.

Similarly, wealth was no formal pre-requisite for office, but there were good practical reasons why the wealthier townsmen were the heaviest participants in government. Wages of service were not commensurate to the outlay in terms of personal expense and, more importantly, time

which would otherwise be spent in making a living. Illicit profits from service were not as great in borough as in royal office, and the risks involved in taking such profits could be borne only by those already wealthy enough to buy their way back into favour. There is a good measure of truth in the medieval saying that "Pore be hangid by the neck; a rich man bi the purs."^[2] Ample evidence remains to indicate the unpopularity of office-holding, although precisely how general was this attitude it is difficult to say. There was certainly a small number of townsmen who actively courted office; and a somewhat larger group may be said at the least to have acquiesced in their repeated election to high office. These were the backbone of urban government. It may be that they did desire and pursue office, but this can remain only a hypothesis when our records are not so intimate as to reveal the behind-scenes machinations of politics. And, on the whole, it is not a hypothesis that one is inclined to accept readily. Office was probably seen by most as a burden; although the growing consciousness, towards the close of the Middle Ages, of its enhancement of social prestige and of the advantages of manipulating justice and administration^[3] alleviated this to an extent. However, it was recognised that the duties of administration must be borne, and it was clear enough that the wealthier townsmen were best able to shoulder the burden. It may even be, as Dobson suggests, that the accumulation of great wealth by individuals, in the face of corporations barely able to balance their budgets, was tolerated by the community only because those individuals bore the heaviest responsibilities of protecting and preserving borough liberties and prosperity.^[4] It is reasonably clear, at least, that no man was required to serve in a position the liabilities and responsibilities of which were greater than he could manage, although every burgess was expected to participate in government to some degree - even if no more than in tithing or tax collection roles, or simply in attending assemblies.^[5]

If wealth and age were not, as such, qualifications or pre-requisites for office, a greater importance seems to have been attached to experience, skill, and wisdom. This we may conclude from the political hierarchy, structured to ensure that men who attained positions of greatest authority and responsibility had been tutored in administration and versed in the needs and resources of the borough, through holding a series of subordinate offices. We could reach the same conclusion from the specifications that officers be chosen from men of capability, faculty, and sufficiency. Clerical and legal skill was taken into consideration, for some posts more than others, but even merchants or prosperous tradesmen and artisans were believed to be qualified: worldly-wise, familiar with the workings of the courts, successful in negotiations with their fellows, able to speak for the borough to external authorities. It is not insignificant that town councils evolved, in all probability, from more hazy groups already associated with advisory functions and with rendering of judgements in some court context. We may trace professionalism back this early, in that the customary law by which the towns were largely administered was retained in the minds of these men, from whom, subsequently, executive officers were chosen to preside over newly-independent borough courts. It does not appear that all towns committed their customs to writing from the beginning; and, when they did, the lists seem not so much comprehensive as representative of the more intricate cases. Again, the single, professional town clerk particularly responsible for advising the corporation on matters of borough law - a role that sometimes specialised to the point of mutation into the office of Recorder - is not generally manifest until the early fourteenth century.

What we must always remember is that medieval men desired, above all, efficient government that promoted the well-being of the whole community while adhering to the principles of justice, consensus, and harmony. The history of medieval Italian cities shows the extremes to which townsmen might be willing to go to obtain this. Be it democracy, oligarchy, or dictatorship: the end was more important than the means; in this at least Machiavelli was well-attuned to the mainstream of lay political thought. Indeed, it is to Italy that we must look for the most explicit theorising about the qualities of government, such as to Brunetto Latini's *Trésor*. Lest we think that Italian city-state politics have no relevance to English urban history, we should note that [extracts from Latini](#) were included, only one generation after his work was written, in the compilation of the *Liber Custumarum* of London (*tempore* Edward II), a work that may well have been consulted by other towns seeking constitutional guidance from the mother of English cities. The extracts included a list of twelve qualities Latini held to be desirable in a good ruler,[\[6\]](#) and the London scribe of the book of customs declared them worthy of being taken into consideration when [mayors](#) of London were elected. This revealing, if idealistic, list indicates that a man chosen to rule his peers should:

- Possess a wisdom that derives from experience, which itself is the product of age.
- Possess a noble heart that leads him to conduct his life honourably; electors should not be influenced by power stemming from personal attributes or family background.
- Be committed to the principle of justice - considered a very important quality.
- Possess rationality: the ability to perceive truth, and to know what course of action is the best to follow; in other words, to be a man of intelligence.
- Be objective (as opposed to gullible); a man was to be judged by his actions, not his appearance.
- Not be covetous either of money or prestige.
- Be a good speaker, capable of diplomacy and wisdom (discretion?) in speech.
- Not be extravagant in his personal expenditure; presumably such habits would influence his expenditure of public monies.
- Not be of immoderate temper (i.e. quick to anger).
- Be rich and magnanimous; this to ensure he could not be corrupted by offer of money, preferring to give than to receive.
- Hold no other office (the concern here seems to be with division of attentions, rather than conflict of interest).
- Be faithful and loyal to God and to the people; Latini considered this as the "chief quality".

Even if it was too much to expect that any man match up to such standards, the combination of experience and of the element of paternalism in corporation policies might lead us to characterise borough government as a meritocracy.[\[7\]](#) Yet somehow this seems too approbatory a title for a group motivated, arguably, as much by self-interest as by concern for community welfare. Aristocracy may be the most acceptable description, so long as we take 'government by the best' to refer not to moral character but to capability,[\[8\]](#) and we might cautiously qualify the title as 'aristocracy of wealth' to avoid presumptions of heritability of power, which the facts do not justify.

If this is considered the nearest we can come to a classification, however imperfect, we must nonetheless return to the terms democracy and oligarchy, with which this study was begun. It is difficult to doubt that democratic principles were the foundation of the borough constitution: popular election (direct or indirect), consultation or consensus, and the accountability of officers - with the ultimate right of the community to depose officers guilty of maladministration. All these express the basic tenet of borough politics, that the [community](#) was the ultimate source of authority. This is well expressed by John de Viterbo, who was no political philosopher but rather an administrator of Florence in 1228; in his treatise on urban government he wrote (concerning consultation) that "The principle to be followed is that all shall approve matters which concern all: let the judgement of all decide the future of all."[\[9\]](#) This was as true for English as for Italian cities, and as true for the fifteenth as the thirteenth century, but let us not forget that the translation of principles into reality tends to be modified by issues of practicability. Professor Reynolds was right to doubt that urban political history displays any great trend towards or away from democracy over the course of the later medieval period.[\[10\]](#) Any search for so blatant a transition will be liable to blind students to the real significance of the actual changes, subtle, for the most part gradual, an interaction of various influences. Elements of democracy and oligarchy co-existed in urban government throughout, not uneasily, yet a measure of tension between them necessitated periodic readjustment of the constitution to find a workable balance. Modification took the form of circumscribing executive power through the elaboration of constitutional checks[\[11\]](#) and emphasis on accountability, while at the same time restrictions were being placed on direct popular involvement in decision-making. Yet to interpret this latter trend as the growth of oligarchy would be to ignore the larger numbers, drawn from a broader social spectrum, participating in government in the fifteenth century. Perhaps, in the last resort, the changes reduce to a growth in consciousness of the classes composing the urban populace: consciousness of their relationships, their differing interests, and the role of government in shaping and reconciling the same, as well as of government itself not merely as a necessary function but as a corporate entity. Experimentation and more detailed, precise definition are prominent features of urban constitutional development.

If democratic principles were modified - even consciously subverted in some cases, it might be possible (although not easy) to argue - the aim was to bring the theory of borough government more in line with the equally long-established practice. The reconciliation of democratic and aristocratic elements in government was not to the medieval townsman the incongruity it might seem to the modern mind; indeed, it was felt that government at its best combined aspects of monarchy, aristocracy, and democracy.[\[12\]](#) Latini's list of desirable attributes of rulers suggests a realization that the quality of government depended more on the character of leaders than on the soundness of governmental institutions (whereas in the Church the opposite theory held sway). Aristocratic and democratic elements both had long traditions, the latter in the [folk moot](#),[\[13\]](#) the former in the informal proto-conciliar groups that we posit as influential in administration even prior to the epoch of self-government. The crystallisation of those groups into formal councils may have been intended to bring the men of influence in the borough under some degree of popular control. On the other hand, we cannot dismiss the possibility that, in some cases at least, councils evolved by expanding the sphere of operations of existing bodies.[\[14\]](#) Within the borough council lay the seeds of

change. The achievement of life-membership status, when combined with co-optative electoral methods, removed what was effectively the decision-making section of the community from popular control (short of revolution). And it ruined an original purpose of the council in representing the community-at-large in government; although it is difficult to believe that early councils could ever have been genuinely representative, given the conditions mentioned above favouring office-holding by the urban upper class. The consequence of this change, distancing the original council membership from popular control,^[15] was the creation of second councils to represent the community. The model of the two-tiered parliament, with its estates of lords and commons, was perhaps not so far from the minds of the ruling class, and terminology of the fifteenth century seems to reflect this somewhat. Although two councils served to institutionalise rather than heal the division between classes/estates, while the lower council remained under popular electoral control the effective role of democracy in borough government remained pretty much at the level it had been before. Since the executive was selected from the personnel of the upper councils, the change also increased his independence from popular control, particularly given the division of electoral authority (in Norwich and Lynn) between the two enfranchised estates.

Equally important in undermining democratic principles was the evolution of the executive committee, a feature even more common to our towns than change in the status of the upper council. This elite had no formal place in the fifteenth century constitutions and was therefore not subject to direct control. Yet there seems no doubt that it was the most influential group in government: at it, rather than the council generally, was aimed the Lynn reform movement of the early fifteenth century; at Colchester it came to control the aldermannic positions in the council, and at Maldon it had completely displaced the wardemen as the decision-making body by the mid-sixteenth century; at Ipswich it formed the majority in the comparatively small council of portmen. Since experience was valuable in borough government, it is easy to see how the executive committee, which dominated assembly meetings in terms of visibility, could have dominated decision-making. It is not as easy to judge how important a contribution to this development were the judicial powers accorded to the elite by the king in his expansion of the royal network of local administration. What we see therein is another of the contradictions in the urban constitution: the application of both ascending and descending theories of authority; the strong role of the monarchy in England checked not only the degree of urban independence, compared to continental towns, but also the application of populist theories to borough government.

When we look beyond purely political developments for causes of change, the waters grow murkier. Economic and demographic deterioration from the late fourteenth century have been used to explain seemingly oligarchic developments. However, the so-called 'urban decline' is itself a questionable phenomenon, not necessarily general; East Anglia perhaps weathered the storm better than most areas,^[16] although even the fortunes of the towns studied here varied widely. Yet if the gulf between classes was not still widening, certainly an awareness of the gulf (of its size, rather than its existence) was awakening in the consciousness of townsmen. In the growth of ceremony we see not only the formal expression of social superiorities, but also the whole gamut of social relationships; ceremony, while it pointed out the differences, also attempted to demonstrate the binding ties that made the notion of community a reality.^[17]

The segments of this community were interdependent: the rulers were relied on for benevolent and efficient government, and the ruled for obedience, since the power of urban administrations was less coercive than consensual. Had class antagonisms been as intense as some have claimed, there would surely be more evidence than we find of violent conflict in the boroughs?

The normally peaceful course of borough politics suggests that government largely conformed to expectations of aristocracy rather than oligarchy. It is difficult to justify charges of monopolisation of office when we look closely at the evidence. The component families of the urban upper class were linked by intermarriage and common interests - not least, admittedly, the desire to preserve the status quo - but there was a good deal of rivalry and of diversity in backgrounds too. Merchants may have predominated, but artisans and professionals were not meagrely represented, and we have also the more nebulous land-owning interest. Furthermore, individuals tend not to fit so neatly into any of these individual categories to the point where we might hypothesise a clearly delineated division, and conflict, of interests. To try to identify an elite of families monopolising government would produce a group so large that, when compared to the enfranchised population, it would hardly appear an elite at all. Besides, such a task would be quickly frustrated by the mobility within the ranks of the ruling class. For the many reasons enumerated elsewhere in this study, the ruling families were not even coming close to maintaining their representation in government from one generation to the next, and there was plenty of room for new men, either immigrating in a generally promotional pattern from smaller communities, or rising from lower ranks of the borough community. For a man of capability and ambition, no matter what his background, there was no serious obstacle to him rising to the pinnacle of borough society and government. The structured promotionalism of the administrative hierarchy, with promotion dependent partly on popular will, is itself a sign of the open character of medieval urban government.

If the effective exercise of power devolved upon a relatively small group, this is a feature common to political systems and not incompatible with democracy. It is too easy to condemn the past by using as a yardstick the standards of modern western democracies. Yet, in fact, one might be hard-pressed to find a fundamental difference between the political systems of the medieval borough and the parliamentary democracies of western nations of the twentieth century. Consider the following characteristics:

- no direct control over the government, except at election time;
- restriction of electoral rights to those who have taken up citizenship;
- no direct control over selection of the executive;
- upper council not elected, but appointed by other members of the government, generally for life, and chosen on the basis of superior experience and wisdom;
- actual power of day-to-day government concentrated in the hands of an executive committee, over whose selection the electorate has minimal control;
- a promotional system, whereby politicians work their way through the ranks and are evaluated for leadership roles partly on a basis of their experience in government;
- participation in office-holding by only a minority of those qualified;
- the tendency for political leaders to be persons who have acquired wealth and/or status

- in other walks of life;
- the cult of the leader as the focal point of popular expectations of government;
- popular participation at governmental assemblies prohibited (except by invitation), and a representation system imposed instead;
- decisions of highest importance rarely referred back to the community;
- an emphasis on financial accountability, through formal auditing procedures and/or auditing officers;
- periodic public complaints about excessive taxation, government corruption, or misuse of public funds.

Are these more (or less) applicable to the medieval than to the modern situation? *Plus ça change, plus c'est le même chose.*

If we are hardly in a position to criticize the fact of power devolving to small groups of borough rulers, nor should we assume that efforts of governmental elites to strengthen their hold on power were necessarily inspired by corrupt motives. The pressure imposed by the community for profitable government, and pressure from the king for peaceful and orderly rule, likely provided sufficient impetus in themselves. A number of factors, more naturalistic than sinister, might be suggested to explain why, as the later Middle Ages progressed, there was a clamping down on democratic impulses inherent in the concept of the borough as a community of [peers](#). In part it was a perhaps inevitable consequence of the general formalising, legalising, and bureaucratising of government: a tendency to emphasise structure and procedures. This encouraged a 'closed shop' approach which favoured orderliness. At the same time, government is, by its nature, a response to problems facing society. If life went on entirely harmoniously, we would need government for very little. As borough governments faced problems and crises, their members doubtless felt the need to exercise greater control over the course of events - not least in order to protect themselves from blame if things got out of hand and came to the king's attention. So they wished to concentrate power in their own hands, and subdue the unruly power of the community. A further factor might be that at the beginning of independent borough government, in the early thirteenth century, burgesses looked inward - at the commune - for the answers about how to govern themselves. By the fifteenth century, there was a growing sense of the larger sphere - the development of parliament and the war with France perhaps playing significant roles here - of nationalism; in the national sphere the dominant model for government was King and Council, with a representative assembly to petition and assent.

Since the proof of the pudding was in the eating, constitutional change was not obnoxious even to the conservative townsman. We need not resort to burgess apathy to explain changes apparently detrimental to popular rights; apathy is never easy to gauge, but it seems that the townsmen's interests were aroused when occasion warranted. Voluntary acquiescence seems a better explanation, although it is true that an otherwise unorganised populace may have relied on the appearance of leaders before underlying discontent could find forceful expression.^[18] How far we may trust those expressions for an accurate picture of misgovernment is uncertain, for popular complaints are complicated by personal ambitions, group rivalries, and perhaps also misunderstandings of administrative procedures. Furthermore, resolution of the conflicts too often are not recorded, or were forestalled by the purchase of pardons (not in themselves a

certain admission of guilt), or produced settlements so moderate in nature as to suggest that problems were not perceived as being deep-rooted in the constitutional arrangement. Indeed, rightly or wrongly, complaints were directed at erring rulers more than at the system itself, for the error was seen as basic human failing. Perhaps it was, for our investigation of the illegal activities of the ruling personnel shows, if not a prevalent, then an unfortunate degree of opportunism, corruption, and disregard for the law and for the principle of rule by law. Yet, in a society where self-interest and self-help were almost essential to success in life, governmental failings were not to be eradicated by the exchange of one set of ruling personnel for another. The temptations towards abuse of office were greater than many could resist; even the best-intentioned were susceptible to the corrupting influence of power or, by association with others less reputable, were entrapped in a web of events beyond their control. One who had cause to know left this poignant epitaph for the medieval politician:

Who meaneth to remove the rock
Owt of the slimy mud
Shall mire himself, and hardly scape
The swelling of the flood. [19]



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- 1 Although this is too simplistic an explanation in itself for the timing of reform/revolutionary movements.
- 2 Quoted in a review of B. Hanawalt's *Crime and Conflict in English Communities, 1300-1348*, in *Journal of Economic History*, XL (1980), 383.
- 3 Although this advantage may well have been appreciated long before the initiation of the early Chancery proceedings provides detailed documentation of it.
- 4 Dobson, "Urban decline in late medieval England," 13.
- 5 An unusually clear statement of this philosophy was issued in Coventry in 1494; for which see Phythian-Adams, *Desolation of a City*, 137.
- 6 H. Riley, ed., *Munimenta Gildhallae Londoniensis: Liber Custumarum*, (London, 1860), 518-21.
- 7 As did Hammer, *op.cit.*, 25, regarding Oxford.
- 8 Thus Aquinas: "*si unus homo habuisset super alium supereminentiam scientiae, et justitiae, inconueniens fuisset nisi hoc exequeretur in utilitatem aliorum*" (from extracts in Carlyle's *History of Medieval Political Theory in the West*, V, 12). Dante offered the term optimacy as an alternative to aristocracy.
- 9 From extracts in J. Mundy and P. Riesenber, *The Medieval Town*, (Princeton, 1958), 123. This notion is found in the Justinianic code.
- 10 See her comments in *English Medieval Towns*, 136.
- 11 Coroners, councils, and financial officers all played a part in this.
- 12 Carlyle, *op.cit.*, VI, 523.
- 13 We need not look to the spurious *lex regia* or the Aristotelian revival for the foundations

of medieval democracy, despite some possible influence on the Italian communal movement. Similarly, whilst trained lawyer John Tilney may have been familiar with the populist theory of Bartolus of Sassoferrato, it is futile and unnecessary to speculate on how this may have influenced the reform movement in early fifteenth century Lynn.

14 E.g. Lynn's Great Jury for pleas of land, and Maldon's leet presenters.

15 Deposition of individual members remained theoretically possible, although this now lay largely with the executive; but removal of councillors *en masse* could not have been achieved peacefully.

16 Reynolds, *English Medieval Towns*, 160-61; R. Gottfried, "Bury St. Edmunds and the population of late medieval English towns, 1270-1530," *Journal of British Studies*, XX (1980), 2-3.

17 On this see particularly Phythian-Adams, "Ceremony and the citizen," passim, and Phythian-Adams, *Desolation of a City*, 180-81.

18 Tait, *op.cit.*, 284; Phythian-Adams, *Desolation of a City*, 183.

19 From a poem by Henry VI, the full text of which is printed in J. Harvey, *The Plantagenets*, (London, 1959), 228.



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APPENDIX I

The Officers of Borough Government

Governmental Structure

The columns giving dates refer to the first known appearance of the office; in many cases evidence suggests that the office was created at this date.

| | EXECUTIVE | | FINANCIAL OFFICE | | UPPER COUNCIL | | LOWER COUNCIL | |
|--|--|---|--|------|----------------------------------|------|----------------|------------------|
| C O L C H E S T E R | 2 reeves 2 bailiffs | pre-1189 1189 | 2 receivers (title changed to chamberlains c.1404) | 1372 | 8 auditors and 16 councillors | 1372 | 16 councillors | 1462 |
| I P S W I C H | reeve 2 bailiffs, 4 coroners coroners reduced to 2 | pre-1200 1200 1317 | 2 chamberlains | 1320 | 12 portmen | 1200 | 24 councillors | temp. Hen. VI |
| L Y N N | gild alderman bishop's steward bailiff(s?) mayor | pre-1204 pre-1204 1204 c.1204-17 | 4 chamberlains | 1295 | 24 jurats | 1301 | 27 councillors | 1418 |

| | | | | | | | | |
|--------------------------------------|---|----------------|-------------------------|--------|---|------|---------------------------|------|
| M A L D O N | 2 constables | 1359 | 2 chamberlains | 1404 | 18 wardemen | 1384 | wardemen change status | 1554 |
| | bailiff | 1384 | | | 6 aldermen | 1554 | | |
| | 2nd bailiff added | 1403 | | | | | | |
| N O R W I C H | reeve | pre-1194 | untitled officer | 1293 | 15 councillors | 1272 | 80 councillors | 1414 |
| | bailiff | 1194 | 2 chamberlains | c.1326 | 24 councillors (become aldermen 1417) | 1344 | reduced to 60 | 1417 |
| | bailiffs increased to 4 mayor and 2 sheriffs | c.1223 1403 | | | | | | |
| Y A R M O U T H | 4 bailiffs | 1208 | 4 keepers of the pyx | 1291 | 24 jurats | 1272 | 48 councillors | 1426 |
| | bailiffs reduced to 2 | 1426 | 2 chamberlains | 1426 | | | | |

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APPENDIX I

The Officers of Borough Government

Lists of Office-holders 1272-1460

Lists of executive personnel have been compiled by earlier students for all of the towns falling under this study, excepting Maldon. Notably:

- by Harrod (*Calendar of Court Rolls ...*) for Colchester, where the Red Parchment Book fortunately provides an almost complete list from the reign of Edward III;
- by Bacon and Martin (*Borough and Merchant Community ...*) for Ipswich;
- again by Harrod (*Report on the Records of Lynn*) for Lynn;
- by Hudson ("Revised list ...") for Norwich;
- and by Palmer and Saul for Yarmouth.

The Return of the Names of Every Member ... is the basic source for lists of parliamentary burgesses. Le Strange (*Norfolk Official Lists*) also published lists of parliamentary burgesses and executives of Norwich, Lynn, and Yarmouth, largely based on some of the above sources.

As existing lists for Norwich are, for the most part, correct and complete, they have not been repeated here. It has been possible to make corrections and additions to the lists for Colchester, Ipswich, Lynn, and Yarmouth, however, which are therefore entered in full. With the exception of Norwich, lists of financial officers have not been previously published and consequently are included here.

Except in the case of Yarmouth, original records rather than the published lists form the foundation of the compilations below. Where names in the latter deviate from those in the former, faith may be placed in the lists herein provided, although it has sometimes been necessary to make judgements between conflicting evidence. Very occasionally, earlier lists have included names which I have been unable to trace in the records; these have been accepted, tentatively, where they seem reasonable. Lists for Ipswich *tempore* Henry VI, published by Bacon, were drawn partly from a volume not now extant; but evidence from other records suggests Bacon's lists to be accurate on the whole.

N.B. that where a name is placed in parentheses it designates that the man replaced the person listed immediately before (for reasons of death or dismissal) during the term of office.

- [Colchester: bailiffs, receivers, and chamberlains](#)

- [Ipswich: bailiffs, coroners, chamberlains, and treasurers](#)
- [Lynn: mayors and chamberlains](#)
- [Maldon: bailiffs and chamberlains](#)
- [Yarmouth: bailiffs and chamberlains](#)
- [Parliamentary burgesses for Colchester, Ipswich, Lynn, Maldon, and Yarmouth](#)
- [Notes](#)

Abbreviations used:

- b - [bailiff](#)
- C - Colchester
- ch - [chamberlain](#)
- cr - coroner
- I - Ipswich
- L - Lynn
- m - [mayor](#)
- M - Maldon
- r - receiver
- tr - treasurer
- Y - Yarmouth

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APPENDIX II Statistical Tables

Occupational Divisions

| borough | total persons | merchants | merchants /artisans | artisans | professional | gentry | unknown |
|-------------------|---------------|-----------|---------------------|----------|--------------|--------|---------|
| Lynn | 473 | 66‰ | 8‰ | 10‰ | 4‰ | | 12‰ |
| Yarmouth | 299 | 28‰ | 0.3‰ | 3‰ | 5‰ | 2‰ | 62‰ |
| Ipswich | 197 | 39‰ | 2‰ | 10‰ | 11‰ | 3‰ | 35‰ |
| Colchester | 173 | 32‰ | 3‰ | 16‰ | 10‰ | | 39‰ |
| Maldon | 92 | 9‰ | | 15‰ | 2‰ | 1‰ | 73‰ |

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APPENDIX II Statistical Tables

Monopolisation of Office

| borough | period | A | B | C | D |
|---------------------------------|-----------|-----|-----|-----|-----|
| Lynn (mayors) | 1272-1349 | 78 | 68 | 32 | 2.1 |
| | 1350-1399 | 50 | 50 | 27 | 1.9 |
| | 1400-1460 | 61 | 61 | 39 | 1.6 |
| | 1272-1460 | 189 | 179 | 94 | 1.9 |
| Ipswich (bailiffs) | 1272-1349 | 156 | 138 | 47 | 3.0 |
| | 1350-1399 | 100 | 98 | 29 | 3.4 |
| | 1400-1460 | 122 | 119 | 35 | 3.4 |
| | 1272-1460 | 378 | 355 | 105 | 3.4 |
| Colchester (bailiffs) | 1309-1349 | 82 | 74 | 32 | 2.3 |
| | 1350-1399 | 100 | 100 | 38 | 2.6 |
| | 1400-1460 | 122 | 122 | 39 | 3.1 |
| | 1309-1460 | 304 | 294 | 102 | 2.9 |

Key:

- A total number of executive office-spaces
- B number of spaces for which the identity of the holder is known
- C number of individuals holding executive office
- D average number of times office held

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APPENDIX II Statistical Tables

Ages of Office-holders (Lynn)

| officer | period | 20-25 | 25-30 | 30-35 | 35-40 | 40-45 | 45-50 | 50-55 | 55-60 | 60-65 | 65-70 | 70-75 | 75-80 | total no. | average age |
|-------------|---------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------|-------------|
| chamberlain | 1295-1349 | 1 | 6 | 16 | 16 | 8 | 2 | | | | | | | 49 | 33-38 |
| | 1350-1399 | 4 | 15 | 28 | 21 | 8 | 4 | | | | | | | 80 | 32-37 |
| | 1400-1460 | 5 | 18 | 30 | 28 | 17 | 9 | 3 | | | | | | 110 | 33-38 |
| | 1295-1460 | 10 | 39 | 74 | 65 | 33 | 15 | 3 | | | | | | 239 | 33-38 |
| councillor | 1418-1460 | | 12 | 28 | 17 | 14 | 6 | 3 | | 1 | | | | 81 | 34-39 |
| jurat | 1350-1399 | | 12 | 17 | 21 | 9 | 4 | 1 | | | | | | 64 | 33-38 |
| | 1400-1466 | | 3 | 3 | 16 | 14 | 14 | 7 | 5 | 2 | | | | 64 | 42-47 |
| | 1350-1466 | | 15 | 20 | 37 | 23 | 18 | 8 | 5 | 2 | | | | 128 | 37-42 |
| mayor | 1272-1349 | | 1 | 3 | 3 | 2 | 7 | 3 | | | | | | 19 | 40-45 |
| | 1350-1399 | | | 1 | | 7 | 10 | 3 | 1 | | | | | 22 | 44-49 |
| | 1400-1486 | | | | 6 | 6 | 5 | 8 | 6 | 4 | | | 1 | 36 | 48-53 |
| | 1272-1486 | | 1 | 4 | 9 | 15 | 22 | 14 | 7 | 4 | | | 1 | 77 | 45-50 |
| M.P. | 13th/14th centuries | | 4 | 6 | 10 | 14 | 11 | 1 | 2 | 1 | | | | 49 | 39-44 |
| | 15th century | | 1 | 1 | 7 | 6 | 5 | 4 | 1 | | 1 | | | 26 | 45-50 |

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APPENDIX II Statistical Tables

Families Prominent in Yarmouth Government

(Viz. those having at least 3 members in office over at least a two-generation span)

| surname | period of office | A | B | C | D | E | F | G | H |
|----------|------------------|----|----|----|------|----|------|----|-------|
| Aleyn | 1270-1314 | 3 | 5 | 5 | 1.5‰ | | | | |
| Ashman | 1299-1349 | 3 | 7 | 7 | 2.5‰ | | | | |
| Beverle | 1276-1393 | 5 | 20 | 3 | 1‰ | 17 | 8.5‰ | | |
| Drayton | 1284-1406 | 12 | 43 | 25 | 8‰ | 17 | 8.5‰ | 1 | 0.5‰ |
| Elys | 1332-1443 | 12 | 51 | 5 | 1.5‰ | 24 | 12‰ | 22 | 12.5‰ |
| Fastolf | 1280-1427 | 12 | 46 | 34 | 11‰ | 12 | 6‰ | | |
| Fen | 1360-1458 | 9 | 22 | | | 14 | 7‰ | 8 | 4.5‰ |
| Fordele | 1289-1360 | 6 | 31 | 27 | 8.5‰ | 4 | 2‰ | | |
| Gappe | 1363-1445 | 6 | 23 | | | 14 | 7‰ | 9 | 5‰ |
| Gerberge | c.1208-1345 | 5 | 15 | 13 | 4.5‰ | | | | |
| Goseford | 1271-1307 | 3 | 9 | 9 | 3‰ | | | | |
| Halle | 1348-1429 | 4 | 9 | 1 | 0.5‰ | 8 | 4‰ | | |
| Mawe | 1269-1357 | 4 | 20 | 16 | 5‰ | 3 | 1.5‰ | | |
| Monesle | 1276-1334 | 3 | 7 | 7 | 2.5‰ | | | | |

| | | | | | | | | | |
|---------|-----------|-----|-----|-----|-------|-----|------|----|-------|
| Oxneye | 1350-1427 | 4 | 18 | | | 10 | 5‰ | 8 | 4.5‰ |
| Pynne | 1424-1465 | 3 | 11 | | | | | 10 | 5.5‰ |
| Randolf | 1270-1334 | 4 | 12 | 12 | 4‰ | | | | |
| Stalham | 1336-1383 | 4 | 16 | 5 | 1.5‰ | 11 | 5.5‰ | | |
| total | | 102 | 365 | 169 | 54.5‰ | 134 | 67‰ | 58 | 33.5‰ |

Key:

"period of office" refers to the period during which offices were held; it does not mean continuous presence in office during that span of years

A number of family members who served as M.P. or bailiff

B total number of times ballivalty held

C number of times ballivalty held 1270-1349

D percentage (approx.) of total office-spaces occupied 1270-1349 (309 of a total of 320 spaces have identified holders)

E number of times ballivalty held 1350-1399

F percentage of total office-spaces occupied 1350-1399 (200 total spaces)

G number of times ballivalty held 1400-1460

H percentage of total office-spaces occupied 1400-1460 (174 total spaces)

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APPENDIX III Parliamentary Representation

Certain qualifications must be noted with regard to this analysis. "Re-election" is to be understood in the broader sense, not according to the more strict meaning of election to an immediately succeeding parliament; for justification of this usage, see J.G. Edwards, "Re-election and the medieval parliament," *History*, II (1926), 204-05.

By "high office" is meant the executive (including Ipswich coroners and Maldon constables), financial officers, and town clerks. For Yarmouth, the figure of 17 in column T, for 1295-1349, ought perhaps to be reduced to 15, as Godfrey de Colneye and William de Gaysele may have briefly served as town clerks.

Maldon is not known to have been represented in parliament before 1332. Due to the paucity of borough records before 1383, the analysis in columns O-T for Maldon, 1350-99, is based on incomplete evidence; and the figures in columns O and P might be more accurate if reversed.

Evidence regarding the identity of administrative personnel in Colchester is unsatisfactory prior to the reign of Edward III; so statistics in columns O-U for the period 1295-1349 should be viewed with caution. Again, for most of the medieval period the membership of Ipswich's portmen council is uncertain; figures for all periods in columns Q, R, and U are therefore likely to be too low, and those in column T too high.

Figures in columns A-K for London, Bristol, and York are given for the sake of comparison; they are taken from McKisack, *Parliamentary Representation of English Boroughs*, 40-42, 64.

| borough | period | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U |
|------------|-----------|----|-----|----|----|----|---|---|---|---|---|---|-----|-----|-----|----|----|----|----|----|----|------|
| Colchester | 1295-1349 | 48 | 95 | 25 | 12 | 5 | 0 | 4 | 0 | 0 | 2 | 2 | 52% | 32% | 0 | 10 | 4 | 0 | 17 | 17 | 11 | 40% |
| | 1350-1399 | 35 | 68 | 25 | 16 | 2 | 1 | 0 | 3 | 1 | 2 | 0 | 36% | 24% | 4 | 19 | 3 | 1 | 44 | 30 | 2 | 80% |
| | 1400-1460 | 31 | 61 | 30 | 17 | 8 | 1 | 1 | 1 | 2 | 0 | 1 | 0 | 43% | 13% | 1 | 17 | 11 | 9 | 35 | 12 | 1 |
| Ipswich | 1295-1349 | 48 | 92 | 33 | 16 | 7 | 3 | 3 | 1 | 1 | 2 | 0 | 52% | 21% | 1 | 11 | 8 | ? | 33 | 21 | 17 | 33%+ |
| | 1350-1399 | 36 | 70 | 34 | 22 | 6 | 1 | 2 | 0 | 3 | 0 | 0 | 36% | 15% | 2 | 18 | 7 | ? | 31 | 27 | 14 | 53%+ |
| | 1400-1460 | 30 | 60 | 34 | 21 | 8 | 0 | 4 | 0 | 1 | 0 | 0 | 38% | 15% | 3 | 18 | 6 | 1 | 29 | 11 | 11 | 56% |
| Lynn | 1295-1349 | 46 | 88 | 35 | 18 | 10 | 3 | 0 | 1 | 2 | 0 | 1 | 49% | 11% | 3 | 19 | 5 | ? | 37 | 5 | 10 | 54% |
| | 1350-1399 | 45 | 88 | 40 | 19 | 10 | 5 | 3 | 1 | 1 | 1 | 0 | 53% | 15% | 6 | 35 | 4 | 0 | 74 | 1 | 0 | 88% |
| | 1400-1460 | 44 | 90 | 45 | 25 | 6 | 6 | 6 | 6 | 1 | 1 | 0 | 42% | 18% | 4 | 28 | 5 | 6 | 53 | 0 | 7 | 76% |
| Maldon | 1332-1349 | 19 | 35 | 12 | 6 | 1 | 3 | 0 | 1 | 0 | 1 | 0 | 50% | 17% | 0 | ? | ? | ? | ? | ? | ? | ? |
| | 1350-1399 | 30 | 58 | 26 | 12 | 6 | 5 | 0 | 0 | 3 | 0 | 0 | 56% | 12% | 1 | 5 | 13 | 1 | 3 | 0 | 0 | ? |
| | 1400-1460 | 30 | 60 | 31 | 18 | 8 | 3 | 0 | 0 | 2 | 0 | 0 | 44% | 6% | 0 | 18 | 3 | 3 | 20 | 9 | 7 | 68% |
| Norwich | 1295-1349 | 53 | 107 | 46 | 26 | 9 | 4 | 2 | 1 | 3 | 1 | 0 | 43% | 15% | 2 | 17 | 7 | ? | 7 | 6 | 25 | 37%+ |
| | 1350-1399 | 43 | 83 | 32 | 17 | 2 | 7 | 1 | 3 | 1 | 1 | 0 | 47% | 19% | 3 | 26 | 4 | ? | 10 | 9 | 2 | 81%+ |
| | 1400-1460 | 40 | 79 | 36 | 19 | 7 | 3 | 2 | 2 | 3 | 0 | 0 | 47% | 19% | 2 | 30 | 2 | ? | 5 | 2 | 4 | 83%+ |

| | | | | | | | | | | | | | | | | | | | | | | |
|----------|-----------|----|-----|-----|----|----|----|---|---|---|---|---|-----|-----|---|----|---|---|----|----|----|------|
| Yarmouth | 1295-1349 | 53 | 107 | 40 | 18 | 14 | 2 | 3 | 0 | 1 | 1 | 1 | 55% | 15% | 3 | 19 | 4 | ? | 23 | 13 | 17 | 48%+ |
| | 1350-1399 | 37 | 71 | 26 | 11 | 4 | 3 | 3 | 1 | 4 | 0 | 0 | 58% | 31% | 0 | 15 | 6 | ? | 24 | 24 | 6 | 58%+ |
| | 1400-1460 | 30 | 58 | 39 | 26 | 11 | 0 | 1 | 0 | 0 | 1 | 0 | 34% | 5% | 2 | 22 | 5 | ? | 13 | 13 | 14 | 58%+ |
| London | 1354-1399 | 38 | 152 | 76 | 47 | 10 | 9 | 3 | 2 | 4 | 1 | 0 | 38% | 13% | | | | | | | | |
| | 1400-1500 | -- | 235 | 126 | 72 | 25 | 16 | 5 | 4 | 4 | 0 | 0 | 43% | 10% | | | | | | | | |
| Bristol | 1307-1399 | -- | 138 | 74 | 45 | 12 | 9 | 1 | 4 | 3 | 0 | 0 | 39% | 11% | | | | | | | | |
| | 1400-1500 | -- | 76 | 35 | 17 | 9 | 5 | 1 | 1 | 2 | 0 | 0 | 51% | 11% | | | | | | | | |
| York | 1307-1399 | -- | 141 | 66 | 42 | 7 | 7 | 4 | 3 | 1 | 2 | 0 | 36% | 18% | | | | | | | | |
| | 1400-1500 | -- | 80 | 54 | 41 | 7 | 3 | 4 | 0 | 0 | 0 | 0 | 26% | 7% | | | | | | | | |

Key:

- A Number of parliaments to which representatives were elected.
- B Number of elections in which the names of the elected are identifiable.
- C Number of individuals elected.
- D Number of individuals who held office once.
- E Number of individuals who held office twice.
- F Number of individuals who held office three times.
- G Number of individuals who held office four times.
- H Number of individuals who held office five times.
- I Number of individuals who held office six to ten times.
- J Number of individuals who held office eleven to fifteen times.
- K Number of individuals who held office more than fifteen times.
- L Percentage of individuals re-elected one or more times.
- M Percentage of 'veterans' (individuals elected four or more times).
- N Number of individuals who were also M.P.s in the subsequent period.
- O Number of individuals who held high office in borough administration previous to their first election as M. P.
- P Number of individuals who held high office only after their first election as M.P.
- Q Number of individuals who were members of the town council, but did not hold high office, prior to their first election as M.P.
- R Number of elections in which the individual elected was at that time a councillor or holder of high office.
- S Number of elections in which the individual elected was the returning officer.
- T Number of individuals not known to have been councillor or holder of high office prior to and during the course of their parliamentary careers.
- U Percentage of individuals associated with borough government (as councillors or holders of high office) prior to their election as M.P.s.
- ? Evidence inadequate for analysis.

APPENDICES

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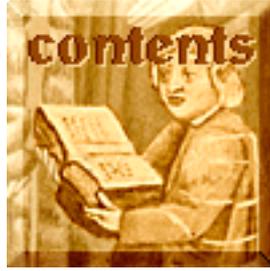
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Principal abbreviations used in Notes and Bibliography

| | |
|----------------|---|
| Cal.Anc.Deeds | Calendar of Ancient Deeds |
| Cal.Inq.Misc. | Calendar of Inquisitions Miscellaneous |
| Cal.Memo.Rolls | Calendar of Memoranda Rolls |
| C.C.W. | Calendar of Chancery Writs |
| C.Ch.R. | Calendar of Charter Rolls |
| C.Cl.R. | Calendar of Close Rolls |
| C.F.R. | Calendar of Fine Rolls |
| C.I.P.M. | Calendar of Inquisitions Post Mortem |
| C.P.R. | Calendar of Patent Rolls |
| Col.C.R. | (followed by a volume number) printed transcripts of Colchester court rolls, edited by Benham |
| Col.C.R. | (followed by oblique stroke and number) original court rolls of Colchester |
| D/B | Maldon borough records |
| E.H.R. | English Historical Review |
| G.C.R. | Ipswich Great Court Rolls |
| H.M.C. | Historical Manuscripts Commission |
| I | Ipswich borough records |
| KL | King's Lynn borough records |
| N.A. | Norfolk Archaeology |
| P.P.R. | Ipswich Petty Plea Rolls |
| Proc. S.I.A. | Proceedings of the Suffolk Institute of Archaeology |
| Rot.Hundr. | Rotuli Hundredorum |
| Rot.Parl. | Rotuli Parliamentorum |
| R.R. | Ipswich Recognisance Rolls |
| Trans. E.A.S. | Transactions of the Essex Archaeological Society |
| Y | Great Yarmouth borough records |

Principal abbreviations used
Primary sources: manuscripts
Primary sources: printed
Secondary sources



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N.B. It is possible that some of these records may have been recatalogued since the time that I consulted them (particularly those of King's Lynn). The Colchester records were being catalogued at the time of my consultation and may since have been assigned reference numbers.

1. Arundel Castle archives

MD: 232, 424, 425, 426, 427, 428, 1469, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480.

2. Bodleian Library

Essex charter 183.

Ms. Gough Cambridgeshire 22.

Ms. Gough Norfolk 20.

Ms. Rawlinson Essex 11.

Norfolk charters 14, 105-107, 120, 239, 242-247, 294, 299, 303, 339, 509-511, 513, 594, 722.

Norfolk rolls 8, 9, 10, 13.

Suffolk charters 207, 214, 897, 898, 1072, 1324, 1434.

Suffolk roll 18.

3. British Museum

Additional charters 2006, 5254, 6317, 6703, 7910-7913, 8069, 8371, 8382, 8479, 8480, 9235, 9252, 9542, 9554, 9661, 9662, 9666, 9716, 9720, 9721, 9952, 10118-10132, 10139, 10142, 10143, 10145, 10146, 14965, 19316, 19319, 34241-34244, 41691, 41692, 56809.

| | |
|----------------------|---|
| Additional Mss. | 5811 - Parochial antiquities, vol.X f.19b 12505 - Yarmouth chronicle copy 25011 - Ipswich Domesday book 25012 - Ipswich Domesday book 30158 - Register of the General Court of Ipswich 33447 - Ramsey abbey cellarers' accounts 37791 - Lynn custumal |
| Additional rolls | 689 - Rental of West Dereham abbey 691 - Fastolf deeds 692 - Rental of episcopal properties in Lynn 14976-14986 - Yarmouth muragers' accounts 26875 - Account of Holy Trinity Priory, Ipswich |
| Campbell | ii, 5; ix, 2-5; xxiii, 14; xxix, 10. |
| Cottonian Claudius | E VIII - Yarmouth chronicle copy. |
| Egerton manuscript | 2788 - Ipswich Domesday book. |
| Harleian charters | 45 D.34, 45 D.35, 46 E.30, 54 A.3, 54 B.41, 56 G.32, 85 A.4 85 H.12. |
| Harleian rolls | 23, 24 - Lynn customs account and control 1405-06. |
| Lansdowne manuscript | 101 - Yarmouth chronicle copy. |
| Sloane charter | xxxiii, 42. |
| Stowe charters | 384, 386, 388-93, 395, 397-99. |
| Stowe manuscripts | 834-841 - Morant collections. |

4. Corporation of London Record Office

Liber Lynn

5. Essex Record Office

a) Colchester Records:

Court rolls 2, 5, 12-16, 18-20, 22-81 (1311-1485).

Roll of pleas, fifteenth to sixteenth centuries.

Sergeants' Petitions (estreat rolls) a-f.

St. Helen's gild account, 1441-42.

Register of St. John's abbey (Colch. Ms.57).

b) Maldon Records:

D/B 3/1/1 Court Book, 1384-1449.

D/B 3/1/2 Court Book, 1458-1543.

D/B 3/1/3 White Book.

| | |
|------------------------|--|
| D/B 3/3/1-41, 401, 419 | court rolls, 1402-71. |
| D/B 3/3/68, 403 | chamberlains' accounts, 1458 and 1469. |
| D/B 3/3/74/3 | record of a civil plea. |
| D/B 3/3/212 | estreat and subsidy rolls. |
| D/B 3/3/411 | fee farm receipts. |
| D/B 3/3/216/1 | fee farm receipts. |
| D/B 3/3/216/2 | lease. |
| D/B 3/11/16, 17 | conveyances. |

6. Norfolk Record Office

a) King's Lynn records:

| | |
|----------|--|
| C2 | royal charters and letters patent. |
| C3 | royal letters close and privy seal writs. |
| C4 | non-royal charters and letters. |
| C5/1-3 | Merchant Gild congregation rolls. |
| C5/4 | Corpus Christi gild congregation roll. |
| C6 | Hall rolls. |
| C7 | Hall books. |
| C9/1 | register of oaths and freemen. |
| C10/2 | formulary/letter book. |
| C10/6 | compositions between Bishop and burgesses. |
| C12 | enrolled and original wills. |
| C13/1 | assizes of bread. |
| C14/1 | coroner's roll. |
| C15/1, 2 | constabulary inquisitions. |
| C16/1, 2 | hustings rolls. |
| C17 | leet rolls. |
| C18/1 | gaol delivery roll. |
| C19/1 | commission of the peace. |
| C34/1 | election of a committee for parliamentary affairs. |
| C35/1 | list of borough muniments. |
| C36/255 | appointment of ad hoc officers. |
| C37 | tallage rolls. |
| C38 | Merchant Gild account rolls. |
| C39 | chamberlains' accounts. |
| C43/1, 2 | mayoral accounts. |

C47/1, 2 constabulary tax assessments.
C48/4 composition between Bishop of Norwich and Earl of Arundel.
C48/6, 7 community rentals.
C50/Bd, Be deeds.
Gd 1-32 Corpus Christi gild account rolls.
Gd 75 Merchant Gild terrier.
Gd 80 register of the gild of St. Francis.
uncatalogued roll of wages of royal officers.

b) Norwich cathedral-priory records:

R232B, box 2, #4141 - account roll of Lynn manor.

c) Norwich city records:

Court roll 13.

d) Probate records:

Norwich Consistory Court: will registers Heydon, Harsyk, Hyrnyng, Doke, Wilby, Aleyn, Brosyard, Betyns, Jekkys, Paynot, Caston, Typpes, Sayve.

e) Great Yarmouth records:

C4 court rolls.

C18/1 Book of Oaths and Ordinances.

7. Public Record Office

C1 early Chancery proceedings.
C47 gild returns of 1389.
C67 Staple rolls.
C81 ancient petitions.
C143 inquisitions *ad quod damnum*.
C146 ancient deeds.
C219 parliamentary returns.
C267 appointments of Staple officers.
CP25 feet of fines.
E40 ancient deeds.
E101 various accounts.
E122 original customs accounts.
E179 subsidy rolls.

| | |
|---------|---|
| E326 | ancient deeds. |
| E356 | enrolled customs accounts. |
| J.I.1 | assize rolls. |
| KB27 | <i>coram rege</i> rolls. |
| PROB 11 | Prerogative Court of Canterbury: will registers Marche, Luffenham, Stokton, Godyn, Wattys, Logge, Milles, Dogett, Vox, Horne. |
| SC2 | local court records. |
| SC6 | ministers' and receivers' accounts. |
| SC8 | ancient petitions. |

8. Suffolk Record Office

a) Ipswich records:

| | |
|-----------|---|
| C5/1-9 | court rolls <i>temporibus</i> Henry III-Henry V: Great Court rolls, petty plea rolls, recognisance rolls, abatement rolls, miscellaneous documents. |
| C5/10, 11 | court rolls, 1420-1581: General Court rolls, petty plea rolls, recognisance rolls, dogget rolls, miscellaneous rolls. |
| C7/1 | leet rolls. |
| C8/1 | sessions rolls. |
| C9/10/1 | chamberlains' account, 1446/7. |
| C1/3/1/1 | chamberlains' account, 1463/4. |
| C2/23 | corporation leases. |
| C2/25 | miscellaneous deeds. |
| C2/26 | "gaol" deeds. |
| C2/27 | deeds relating to "Carvers" message. |
| C9/13 | grants of common soil. |
| C9/14 | foreshore deeds. |
| C13/6/3 | deeds relating to Tooley's Charity. |
| C4/1-4 | customals: Black Domesday, White Domesday, Customale Gippowicense, Great Domesday. |
| C1/1/2 | deeds (excepting C1/1/2/6, a composition regarding the election of sergeants). |
| C1/1/3 | royal pardon, 1446. |
| C1/1/4 | miscellaneous documents. |
| C1/1/7 | receipt for sailors' wages, 1311. |
| C1/1/8 | rental of lands of the queen in Codenham, 1469. |
| C1/1/16 | coroners' roll, 1329-40. |
| C1/1/22 | account for the building of a galley, 1295. |

C1/2 miscellaneous documents (including estreats, subsidy roll, medieval inventory of borough archives).

b) Probate records:

IC/AA2/1-2 Archdeaconry of Suffolk registers of wills, 1444-52, 1458-77.

IC/AA1/1/7/4 original will of John Caldwell.

Principal abbreviations used
Primary sources: manuscripts
Primary sources: printed
Secondary sources



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[Principal abbreviations used](#)
[Primary sources: manuscripts](#)
[Primary sources: printed](#)
[Secondary sources](#)



NOTES for:

[Introduction](#) | [Structure of Borough Government](#) | [Social and Economic Background of Office-Holders](#)
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[Quality of Government](#) | [Conflict and Solidarity in Urban Politics](#) | [Conclusion](#)

OF THE ASSISE OF NOVEL DISSEISIN

How possession lost by wrongful force may be restored by the assise of novel disseisin.

[003] ¹We have shown above how possession, acquired by whatever *causa* of acquisition,
[004] may be transferred to another with the possessor's consent. Now we must explain
[005] how, once acquired, it may be taken and lost, without his consent, by wrongful force.
[006] [Then] how and by what action [possession] so lost may be restored to the person
[007] despoiled, for no one ought to be disseised of his free tenement without judgment, nor
[008] put to answer for it without the precept of the lord king and without writ.² First we
[009] must see how and in what ways a disseisin is committed, then the kind of remedy
[010] available, at once or after a time, ³<[and then] what punishment follows.> [Something]
[011] must first be known of the trespass or *injuria* and the nature of the act,
[012] that the kind of remedy and the punishment that follows may then more readily be
[013] understood. <In this action of novel disseisin, which arises *ex maleficio*, one seeks the
[014] thing itself and the penalty ([which] is personal)⁴ as [in the action] *vi bonorum raptorum*,⁵
[015] and also the damages he sustained during the spoliation.⁶ The penalty is
[016] threefold:⁷ one because of the spoliation against the peace, for which a corporal
[017] punishment is exacted, another because of the wrongful detention, for which a
[018] pecuniary penalty is exacted, and also an added penalty, arising out of custom not
[019] right, that the principal disseisor, he alone, not the others, though all are convicted
[020] by the assise, give⁸ the sheriff an ox.>⁹ A disseisin is committed not only when one is
[021] himself driven out of his tenement, of whatever kind, violently, wrongfully and without
[022] judgment, or when his procurator or members of his household, in seisin in his
[023] name, are so ejected, but also if, when ¹⁰he has gone to market or into foreign parts,
[024] no one left in possession, another enters and refuses to admit him on his return,¹¹ or

[025] when he attempts to enter, by himself or with the help of others, forcibly repels him.
[026] A disseisin is committed not only where one ejects the true lord himself, his procurator
[027] or his household, or refuses to admit him or repels him on his return, but also where
[028] he prevents him, or his procurator or his household, though still in possession, from
[029] using [the tenement] at all, or

Notes

- [1.](#) *Supra* i, 142-54 (full collation)
- [2.](#) *Supra* ii, 302, 318
- [3.](#) *Supra* i, 391; from below
- [4.](#) *Supra* ii, 324, *infra* 26, 157
- [5.](#) *Supra* ii, 291; ‘vi’ for ‘vis’
- [6.](#) ‘Item . . . spoliationis,’ from lines 18-19
- [7.](#) *Infra* 26, 75, 76
- [8.](#) ‘dat’
- [9.](#) *Infra* 76, 160
- [10-11.](#) D. 41.2.6.1: ‘qui ad nundinas profectus neminem et . . . aliquis occupaverit possessionem’; D. 43.16.1.24: ‘nemine suorum relicto, mox revertens prohibitus sit ingredi . . . vi deiectus videtur’; G’terbock, 161

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Medieval Sourcebook: The Assizes of Bread, Beer, & *Lucrum Pistoris*

[Arkenberg Introduction]

*The Assize of Bread and Beer (including the Lucrum Pistoris), only takes the form found in the printed Statutes of the Realm in 6% of all Common Law English statute books written up to 1350. More often the three component parts, the Assize of Bread, the Assize of Beer, and the Lucrum Pistoris, appear alone in the statute books as separate instruments. Occasionally, though, the Assize of Bread and the Assize of Beer show up combined in a single instrument--the Assize of Bread and Beer. But in this instance, the Lucrum Pistoris still stands alone as a separately-titled instrument. Together or separately these three instruments appear in over half of all statute books written. Their popularity should not surprise. First issued in various forms during the reign of Henry II, with variations in form and issuance dates down to that of Edward II (See: G. J. Turner, "Some Thirteenth Century Statutes. II," *Law Magazine and Review*, 4th ser., 22 (1897): 240-250, p. 241), the three regulated the price, weight, and quality of the bread and beer manufactured and sold in town, village, and hamlet (See: Alan S. C. Ross, "The Assize of Bread," *Economic History Review*, 2d ser., 9 (1956): 332-342, pp. 332, 334; R. H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (London, 1966), pp. 230-231; Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock Before the Plague* (Oxford, 1987), p. 120; Bolton, *Medieval English Economy*, pp. 127-128; Helen M. Cam, *The Hundred and The Hundred Rolls: An Outline of Local Government in Medieval England* (London, 1930; reprint ed., 1963), pp. 211-212).*

Assisa Panis (Assize of Bread): When a Quarter of Wheat is sold for 12d., then Wastel Bread of a farthing shall weigh £6 and 16s. But Bread Cocket of a farthing of the same grain and bultel, shall weigh more than Wastel by 2s. And Cocket Bread made of grain of lower price, shall weigh more than Wastel by 5s. Bread made into a Simnel shall weigh 2s. less than Wastel. Bread made of the whole Wheat shall weigh a Cocket and a half, so that a Cocket shall weigh more than a Wastel by 5s. Bread of Treet shall weigh 2 wastels. And bread of common wheat shall weigh two great cockets.

When a quarter of wheat is sold for 18d., then wastel bread of a farthing white and well-baked shall weigh £4 10s. 8d.

When for 2s., then £3 8s.

When for 2s. 6d., then for 54s. 4d. ob. q.

When for 3s., then for 48s.

When for 3s. 6d., then for 42s.

When for 4s., then for 36s.

When for 4s. 6d., then for 30s.

When for 5s., then for 27s. 2d. ob.

When for 5s. 6d., then for 24s. 8d. q.

When for 6s., then for 22s. 8d.

When for 6s. 6d., then for 20s. 11d.

When for 7s., then for 19s. 1d.

When for 7s. 6d., then for 18s. 1d. ob.

When for 8s., then for 17s.

When for 8s. 6d., then for 16s.

When for 9s., then for 15s. q.

When for 9s. 6d., then for 14s. 4d. ob.q.

When for 10s., then for 13s. 7d.

When for 10s. 6d., then for 12s. 11d. q.

When for 11s., then for 12s. 4d. q.

When for 11s. 6d., then for 12s. 10d.

When for 12s., then for 11s. 4d.

When for 12s. 6d., then for 10s. 10d. $\frac{1}{2}$

When for 13s., then for 10s. 5d. $\frac{1}{2}$

When for 13s. 6d., then for 10s. 0d. $\frac{3}{4}$

When for 14s., then for 9s. 8d.

When for 14s. 6d., then for 9s. 2d. $\frac{3}{4}$

When for 15s., then for 9s. 1d.

When for 15s. 6d., then for 8s. 9d. $\frac{1}{2}$

When for 16s., then for 8s. 6d.

When for 16s. 6d., then for 8s. 2d. $\frac{3}{4}$

When for 17s., then for 8s.

When for 17s. 6d., then for 7s. 9d. $\frac{1}{4}$

When for 18s., then for 7s. 6d. $\frac{3}{4}$

When for 18s. 6d., then for 7s. 4d. $\frac{1}{4}$

When for 19s., then for 7s. 2d.

When for 19s. 6d., then for 6s. 11d. $\frac{1}{2}$

When for 20s., then for 6s. 9d. $\frac{3}{4}$

And it is to be known, that then a Baker in every Quarter of Wheat, as it is proved by the King's Bakers, may gain 4d. and the Bran, and Two Loaves for advantage [for the furnace?] for Three Servants, 1d. ob. for Two Lads, ob. in Salt, ob. for kneading, ob. for Candle, q. for Wood, 2d. for his Bultel ob.

Assisa Cervisie (Assize of Beer): When a quarter of Wheat is sold for 3s. or 3s. 4d. and a Quarter of Barley for 20d. or 2s., and a Quarter of Oats for 16d., then Brewers in cities ought and may well afford to sell two gallons of beer or ale for a penny, and out of cities to sell 3 [or 4?] gallons for a penny. And when in a town 3 gallons are sold for a penny, out of a town they ought and may sell four; and this Assize ought to be holden throughout all England.

Lucrum Pistoris (Gain of the Baker): And if a Baker or Brewer be convicted that they have not kept the foresaid Assizes, the First, Second and Third time they shall be amerced, according to the Quantity of their offence; and that as often as a Baker shall

offend in the weight of a farthing loaf of bread not above 2s. weight, that then he be amerced as before is said; but if he exceed 2s. then he ought to undergo the judgment of the Pillory without any redemption of money. In like manner shall it be done if he offend oftentimes and will not amend, then he shall suffer the Judgment of the Body, that is to say, the Pillory if he offend in the weight of a farthing loaf under two shillings weight as is aforesaid. Likewise the woman brewer shall be punished by the Tumbrell, trebuchet, or castigatorie, if she offend divers times and will not amend.

Source.

From: A. Luders, ed., *The Statutes of the Realm: Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain, From Original Records and Authentic Manuscripts*, 11 vols., (London: Record Commission, 1810-1828), Vol. I, pp. 199-200.

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Medieval Sourcebook:

Judicium Pillorie (The Judgment of the Pillory)

[Arkenberg Introduction]

The Judgment of the Pillory provided the articles for inquests into violations of the assizes of bread and beer, weights and measures, and forestalling. It appears in about of quarter of the Common Law statute books written through the mid-14th century.

If a Baker or a brewer be convicted, because he has not observed the Assize of Bread and Beer, the first, second, and third times, he shall be amerced according to his offence; if it be not over-grievous; but if the offence be grievous and often, and will not be corrected, then he shall suffer punishment of the body, that is to wit, a baker to the pillory, and a brewer to the tumbrel, or some other correction.

First, six lawful men shall be sworn truly to gather all measures of the town, that is to wit, bushels, half and quarter bushels, gallons, pottles, and quarts, as well of taverns as of other places; measures and weights, that is to wit, pounds, half pounds, and other little weights, wherewith bread of the town or of the court is weighed; that is to say, one loaf of every sort of bread. And upon every measure, bushel, weight, and also upon every loaf, the name of the owner distinctly written; and likewise they shall gather the measures of mills. After which thing done, twelve lawful men shall swear to make true answer to all such things as shall be demanded of them in the King's behalf upon articles here following; and such things as be secret, they shall treat of secretly, and answer privately. And the bailiffs shall be commanded to bring in all the bakers and brewers with their measures, and all things under written.

First, they shall inquire the price of wheat, that is to wit, how a quarter of the best wheat was sold the last market day, and how the second wheat, and how the third; and how a quarter of barley and oats.

After, how the baker's bread does answer in his court, that is to wit, wastel and other bread after wheat of the best, or of the second, or of the third price.

Also upon how much increase or decrease in the price of wheat a baker ought to change the assize and weight of his bread.

Also how much the wastel of a farthing ought to weigh, and all other manner of bread,

after the price of a quarter of wheat that they present.

And for default in the weight of the bread, a baker ought to be amerced, or to be judged unto the pillory, according to the law and custom of the court.

Also if any steward or bailiff, for any bribe, does release punishment of the pillory and tumbrel, being already judged, or to be judged of right.

Also if they have in the town a pillory of convenient strength, as appertains to the Liberty of their market, which they may use, if need be, without bodily peril either of man or woman.

After, they shall inquire of the Assize and price of wine, after the departure of the justices in eyre, or of them that were last in office of the market of the town; that is to say, of the Vintner's names, and how they sell a gallon of wine: and if any corrupted wine be in the town, or such as is not wholesome for man's body.

Also of the assize of Beer in the court of the town how it is, and whether it be observed; and if not, how much [how many?] brewers have sold contrary to the assize; and they shall present their names distinctly and openly, and they shall be amerced for every default, or be judged to the tumbrel, if they sell contrary to the assize.

Also if there be any that sell by one measure, and buy by another. Also if any do use false yards, weights, or measures.

And if any butcher do sell contagious flesh, or that died of the murrain. Also they shall inquire of Cooks that seethe flesh or fish with bread or water, or any otherwise, that is not wholesome for man's body, or after that they have kept it so long that it loses its natural wholesomeness, and then seethe it again, and sell it; or if any do buy flesh of Jews, and then sell it to Christians.

When a quarter of barley is sold for two shillings, then four quarts of beer shall be sold for a penny; when for two shillings sixpence, then seven quarts of beer shall be sold for tuppence; when for three shillings, then three quarts for one penny; when for three shillings sixpence, then five quarts for tuppence; when it is sold for four shillings, then two quarts at one penny. And so from henceforth the prices shall increase and decrease after the rate of sixpence.

Source.

From: A. Luders, ed., *The Statutes of the Realm: Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain, From Original Records and Authentic Manuscripts*, 11 vols., (London: Record

Commission, 1810-1828), Vol. I, pp. 201-202.

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August 1491

There shall be 4 [chamberlains](#), to be chosen on August 29 in this manner, that is: two of them to be chosen in the same election that chooses the bailiffs (as is written in the [article](#) about that election); and the other two shall be chosen the same day by the bailiffs and the 24, after the election [of bailiffs] has been made, before everyone leaves the community house – they are to be [selected] from the wisest and most able and diligent of the 48, for the profit of the town. At least 2 of the chamberlains shall continue [*i.e. be reappointed*] in that office for two or three years [running] if they are found to be profitable for the town. The chamberlains shall duly and honestly collect, or make to be collected and levied with the support and help of the bailiffs, all kinds of rents, farms, fines, amercements, customs by water and by land, and all murages, wrecks, strays, penalties, forfeitures and all other duties due the town, or belonging to it by right, and [shall] safely keep them in the box [*i.e. treasury*]. At least 2 of the chamberlains shall sit in court every day of session, to collect and receive all manner of fines, amercements and customs, as they are brought in by the officers to be put in the box, and [shall] honestly keep them for the profit of the town. With the money thus collected and received, the chamberlains shall pay each year all types of costs, such as by right must be paid by advice of the bailiffs in discharging the town [of its responsibilities]. The chamberlains shall be ready each year with their [account] books to come before bailiffs and auditors, on a day assigned them, and to give an honest account of all profits, revenues and receipts collected by them and [expenditures] paid, according to their oath.

INTRODUCTORY ESSAY

[Political theory](#) | [Political values and attitudes](#) | [Consent and representation](#) | [Political conflict](#) | [The character of government](#) | [Further reading](#)

Keywords: medieval urban self-government politics political thought values attitudes doctrine authority community sovereignty law hierarchy justice election decision-making consent consultation representation council mayor political conflict maladministration folkmoot processions guildhall riot

Political theory

Relatively few [medieval philosophers](#) focused their attention on political aspects of human activity. For most, power structures and the task of government were an integral part of a larger picture of the relationships between Man and Nature and between Man and God. It was not until the Late Middle Ages that we begin to see the notion emerging that political science might be something worthy of study in its own right, and then it was less from an abstract perspective than from observing actual practice and trying to rationalize this within existing theory and norms.

That being the case, we can hardly expect to find explicit statements of political doctrine issuing from pragmatic townsmen, few of whom had much formal education. For the most part, we have to infer their political views and values from the way they acted, the institutions and procedures they put in place, and the way they expressed themselves in documents related to the operation of government – documents such as charters of liberties, borough customs and the by-laws that succeeded them, and records of legal disputes. Even here we are treading on uncertain ground, for most of the documents that have come down to us are official records, undetailed, formulaic, and impersonal; we cannot be sure whether (or to what extent) they reflect the political attitudes of the general populace or superimpose the terminology and perspectives of the clerics and lawyers who drafted them. Historians tend to rely on political crises to bring forth something

more than the routine expressions of political viewpoints, but here again it is hard to know whether what was said in the heat of conflict represents everyday opinion. Nor should we automatically assume that principles, whether explicit or implicit, were necessarily upheld in practice.

Uneducated townsmen may have been, but stupid they were not. It would be a mistake to assume that they acted solely out of self-interest, or were driven purely by some kind of social and/or economic determinism, in developing their political institutions and behaviours. They did not operate in an ethical vacuum or independent of the larger political context of lordship. The Church promoted values such as peace and justice which had political dimensions, and the State (itself a relatively modern concept with limited applicability to the medieval period) had structures for formulation of law and the administration of justice that embedded political values. While we cannot be certain that the laymen to whom these were preached or on whom they were imposed shared these values, it is unlikely they were unaffected by them.

Nonetheless, the concepts historians have liked to use as yardsticks to characterize urban government – notably democracy and oligarchy – were not available for most of the Middle Ages, and even when they became so were largely the preserve of philosophers. In applying such concepts retrospectively we inevitably risk a present-minded interpretation of the past. However, although many values were shared, there was not a uniformity in political outlook within medieval urban society. Those medieval thinkers who wrote on, or around, politics reveal a range of ideas so that it would be hard to point to a political orthodoxy; we can expect a corresponding diversity of ideas, if less developed and less articulated, to have existed among the masses.

During the High Middle Ages philosophers naturally focused on autocratic systems and on issues such as authority and sovereignty, as a medieval world emerged in which popes, emperors and kings were key players. It was necessary to define the relationship within Christendom between these players, and the relationship of each with their subjects. But the twelfth

century, in particular, saw the rise of urban communities with some measure of political autonomy (the degree varying from place to place within Europe) and with increasingly complex societies and internal power relationships. One of the more prominent of the traditional conceptualizations of medieval society, differentiating three orders – those who fought, those who worked, and those who prayed – was as early as ca. 1100 being seen by some as needing modification, through addition of a fourth order: townspeople. But even within that fourth order there was not homogeneity. The growth of long-distance trade and the harnessing of rural and urban resources to fuel such trade, population growth prompting increased immigration into towns, and the integration of towns into the administrative framework of larger territorial entities, all helped bring about increasing specialization of labour: traders, producers, administrators, professionals. This accentuated stratification within urban society meant that such a society would encompass a range of goals and interests that had to be channelled, resourced, and harmonized through politics. At the same time that such developments were underway in secular society, organizational diversity was becoming more marked within the Church, notably with the formation of new religious orders of a fraternal character.

These developments must have helped prepare the ground somewhat for receptivity to Aristotelian ideas, when they were rediscovered by scholars and made available in Latin around the mid-thirteenth century. To Aristotle, of course, the city was a natural political unit and (in the absence of a strong religious philosophy that had a single divinity delegating power to earthly representatives) it was easy to view the community as a source of authority, and democracy as one of several viable political options. Aristotle himself preferred timocracy, a benevolent rule by the most honorable members of society (the term was corrupted by medieval thinkers to be more akin to oligarchy, but aristocracy expresses a similar concept to the original use of timocracy). Aristotle's concepts helped medieval philosophers come to terms with emerging urban powers. Above all, attentions were focused on the city-states of northern Italy, closest in essence to those of ancient Greece; the Italian cities' efforts to assert freedom to the point of autonomy from any external authority made it necessary to produce some kind of rationalization, and

some of the greatest political philosophers of the Late Middle Ages came out of that milieu. Unfortunately for us, towns in England, or elsewhere north of the Alps, received far less attention; the other side of that coin is that the work of political scientists was less likely to have any influence on the attitudes of English townspeople.

We should not think that Aristotelianism was the catalyst for a revolution in political thought. There was a long-standing foundation for the notion of the people as a source of authority, in the popular assemblies that made decisions affecting rural communities and in custom – practice given the force of law through repeated observance by a community – governing local communities. Concepts from Roman law – not least the famous maxim from Justinian that what touches all must be approved by all – also prepared the ground for Aristotelian ideas, while a growing appreciation of Ciceronian civic doctrine likewise bolstered the efforts of those integrating cities into the medieval political framework. But perhaps above all we must recognize that Christian ethics and values remained throughout the Middle Ages the foundation stone for all philosophy, political included. It was not Aristotle's convictions but more his concepts and language that were adopted and adapted for integration into established Christian thought.

This was a gradual process. Thomas Aquinas made the first major effort in the late thirteenth century; in so doing, he did much to make Aristotelianism more palatable to Christian thinkers. He took the descending theory that was inherent in Catholic orthodoxy, in which power was delegated from God, through the Pope, to princes, etc., and fused to it Aristotle's view of Nature and natural law as a source of human civilization and laws; this meant that secular government could claim to obtain its authority from God via the agency of Nature, without the intermediation of the Church. From this viewpoint, an ascending theory was possible and, without seeking to undermine the hierarchical establishment (although his ideas provided the fuel for later anti-hierocrats), Thomas acknowledged the existence of democracy in the sense of power emanating from the community: "they may elect their leaders from the people, and the election of leaders belongs to the people" [Summa Theologiae, I-ii, question 105,

article 1]. It followed from this that the rulers represented the people (unless one wished to adopt the extreme view, not unknown in the Middle Ages, that election irrevocably transfers power to those elected). Although Thomas did not employ his arguments in an anti-monarchical fashion, he did follow Aristotle in concluding that the optimal form of government was a kind of limited monarchy, in which there was a dominant ruler at the head of a state but that ruler governed with the assistance and advice of the best men of the state, and through consultation with the people.

What Aquinas had started, successors extended to the logical conclusion of portraying the feasibility of sovereignty of the people. Thinkers such as John of Paris, and Marsilius of Padua moved towards the conclusion that any ruler – unless behaving tyrannically – required the consensus, or at very least the acquiescence, of the people to exercise their authority. In essence, that authority therefore derived from the people; and what the people could give, the people could take away. Bartolus of Sassoferrato and his student Baldus of Ubaldis came at the subject from a different perspective – that of legal realists observing what was going on within the Italian city-states – but arrived at essentially the same conclusion: that the will of the people was source of authority for law, simply because their consent to be subject to the law was the basis for its effectiveness. Observing that customary (unwritten) law was founded on the tacit consent of the community, Bartolus argued that the explicit consent of the people could equally well give rise to new, written laws; thereby, since government was viewed essentially as the formulation, application, and enforcement of laws, a people could be self-governing within its own territory.

There was thus a dichotomy, or perhaps ambiguity would be a kinder description, in the political system of medieval Europe. Descending and ascending theories of authority co-existed necessarily. Even though autocracy was the most conspicuous form of government, fostered by the requirement for wide-territory authority maintained partly by military might, by the inheritance of imperial ambitions, and by the theocratic underpinnings of the Church, there was a strong tradition of collective decision-making through institutions such as the

folk moot or Church councils. Monarchs were not in a position to be absolute rulers; their coercive powers were limited. For their orders to be carried out, they relied greatly on co-operation from local authorities. Consulting with selected subjects and obtaining their consent to important acts (e.g. legislation) was a practical necessity, perhaps especially in England where the feudal character of kingship made it particularly dependent on support from at least the king's immediate (baronial) subjects. England's towns, although not in a position to aspire to the communal autonomy of some of their continental counterparts, nonetheless held some power – particularly economic – in the kingdom and the king ignored them at his peril. It was in his best interest to allow them a measure of self-government. That self-government itself reflected a political dichotomy, in which principle and practice did not always walk hand-in-hand. Even though democracy and oligarchy as such were foreign concepts to the medieval townspeople, we can see expressions of each, both in the values and in the practice of politics, sitting – sometimes comfortably, sometimes less so – side by side in the towns.



The portrayal by Bristol town clerk Robert Ricart of his home town reflects social and political perspectives that he shared with other members of urban patriciates.

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Political values and attitudes

What then are some of the values and attitudes that shaped political beliefs in English towns? One of the most commonly encountered terms with political implications is that of

"community". Before exploring what this meant, we must first rid ourselves of any associations with egalitarianism or libertarianism, two fundamental tenets of modern democracy. The perception that medieval society was naturally divided into orders or ranks, just as modern society is seen as class-based, was so deeply ingrained that it was little discussed and rarely challenged. The Church blessed this belief by emphasizing that all orders had an important role in contributing to the well-being of the whole; the reward for the common people being content with their lot was the levelling that would take place in the afterlife. Aristotelian ideas did not alter this, for he had acknowledged that the challenge of government was to balance the often conflicting interests of poor, rich and middle class through a system that was politically stable.

Within urban society there had probably always been a reasonably clear socio-economic differentiation and the gap between haves and have-nots became more pronounced as the economy sophisticated. Successful entrepreneurs became quite rich and invested in land purchases, partly through aspirations to rise into the ranks of the gentry and partly because those lands generated raw materials that fuelled their commerce. Meanwhile, the urban population was swelled by individuals or families lacking sufficient land for self-support, but most of these only joined the ranks of wage-labourers or the impoverished. In the middle – for the general perception was, as in Aristotle's day, that of three urban ranks – established craftsmen or small retailers tried to protect themselves from new competition, or uphold their interests against those of the mercantile element, by creating associations (which we today refer to, not strictly accurately, as guilds) that controlled access to and regulated the performance of skilled occupations. While there were no rigid barriers to social mobility, only a minority were able to make a success of themselves; for the remainder there must have been frustration or hopelessness, buried under a facade of acceptance but occasionally prepared to boil over into violence.

Where there was hierarchy there were relatively clear authority structures; everyone knew his or her place, even if that place need not be considered fixed. Hierarchy was therefore considered conducive to order (the just accommodation of social needs in a

directed, non-violent fashion), and in the interests of order the Church was happy to sanctify secular authority. In most places, and certainly in England, hierarchical authority was accepted as natural. Rights were not seen as inherent to the human condition, but particular to an individual or group, acquired through specific and documentable grants from an authority or through established practice from time immemorial (although in the Middle Ages, time beyond memory sometimes meant only a generation or two). Liberty was not an idealistic, generalized principle but a pragmatic goal involving the acquisition of immunity from external authority in specific areas of jurisdiction. Charters of borough liberties were thus instruments for according rights and transferring jurisdiction, with the concomitant authority, to the towns. In those towns liberties were mainly accorded to organized groups; affiliation with such groups enabled individuals to share in the liberties. One such group was the community.

"Community" was therefore a term with political connotations; but like many medieval terms, it seems to have been used imprecisely, or with the meaning varying from one occasion to another. Sometimes applied to the urban populace at large, more often it appears to have been intended to convey those residents who had some share in the special advantages and obligations of a self-governing town, and in whose interest and for whose benefit local government acted. There followed from this its applicability to public meetings for the purpose of learning of, or giving input on, governmental decisions. Initially at least it was used to encompass both ruled and rulers. Only towards the close of the Middle Ages, when constitutional developments had led to the establishment of political estates within the larger towns, was it used in ways suggesting intentional differentiation of those two groups. Be that as it may, when the townspeople of Ipswich gathered in June 1200 to set up institutions for local self-government, what they were doing in essence was to create a political community: a consociation whose constituents agree to exercise their rights in an ordered fashion for mutual benefit; it may be significant that the term "community" in fact does not begin to be used in the record of proceedings until the key institutions were in place and empowered to act on behalf of the burgesses.

It is sometimes said that a key characteristic of medieval society is that it was organized into collectives, whether formal or informal, and that for most individuals identity came only through membership in such groups. There is some truth in this, but it is a generalization. The tithing system is one illustration of the importance of belonging to a group. Guilds and parishes are other examples of such collectives, or greater or lesser degrees of organization. There was no medieval concept of, or term for, "the individual"; legal texts instead used vaguer terms that meant "someone". And we may note that persons of the same name were differentiated by assigning them (or them taking) surnames that in most cases associated them with a larger group – whether family, occupation, or territorial unit. However, it would be wrong to think that medieval people had no sense of individualism; economic entrepreneurialism, along with preparedness to violate communal norms, provide indications that self-interest was a very real driving force. Nor should we forget that, for all its support of social structure, the Church's preoccupation was with the salvation of souls on an individual basis.

The purpose of a community was to give strength and support to individual needs and aspirations, on the assumption that such needs and aspirations were shared by members of the community, and to protect individual rights or the liberties with which the community had been endowed. It was the creation of unity (of overall purpose) out of diversity. To achieve this, it follows that any community needed and wished to organize and govern itself. At the extreme end of the concept, the "commune" was an association whose goal was to achieve independence from external authority, by force if necessary, through presenting a common front of persons bound to each other by an oath of mutual support. Often associated with revolutionary movements, the "commune" was more a continental phenomenon, only very occasionally manifesting itself in English towns; although its spectre was often raised by parties to political disturbances, charging their opponents of making "sworn confederacies". In fact the whole concept of citizenship, which required the taking of an oath of allegiance (e.g. Lynn, Ipswich), was not so very far from the communal principle. But for the most part a community was a far less revolutionary association than philosophers such as Aquinas portrayed as a desirable within society, arising from the

natural human need for sociability.

If a community was an association of persons with common interests and mutual obligations, then it also followed that a "common good" could be identified. This is another concept that reflected political values of medieval townspeople; the notion is often captured in phrases talking about something being done for the benefit of the community. Individual interests were subordinated to communal interests, and private possessions could be called upon to meet communal needs (e.g. taxation). Lesser associations, such as craft guilds, might be regulated or even suppressed by government so that the interests of their members did not override those of the community at large. Just what the common good might be at any given point was, of course, open to interpretation; the concept of community might be invoked by either side in a political conflict, with those challenging the establishment using the term to infer a solidarity amongst an aggrieved populace, while those defending used it to suggest a state of orderly social relations they were trying to protect. Despite its susceptibility to interpretation, "community" was clearly intended to refer to an association imbued with some measure of political authority and capable of delegating that authority in order to administer itself. In that respect, charters granting incorporation towards the close of the Middle Ages did little more than formalize a situation long existing in the towns.

If day-to-day administration was in the hands of the upper crust of urban society, this was not inherently alarming to the rest of the community. Political authority was considered to be founded upon the law, and one of the principal tasks of government was to uphold the law. As noted above, early law (in the form of custom) had its origin in the will of the community. Those who governed were just as much subject to the law as anyone else, and faith was put in the supremacy of law – or more accurately of justice, the upholding of rights (*ius*). While absolute social equality may not have been a value to which townsmen subscribed – even though some custom emphasized equal opportunity – equality before the law was. It was believed all, poor or rich, should receive a fair trial – that is, procedural justice – without favouritism being shown by judges to any party, however powerful. This is evident from stipulations in officials' oaths or customs (e.g. see the

several mentions of this in the setting up of self-government at Ipswich), as well as in complaints of judicial maladministration in the context of urban political conflict. The same concern with equal justice was seen in the attitude towards taxation, that it should be fairly assessed; this too was a recurring source of complaints against borough governments. Such complaints suggest that the practice of government too often did not match the ideal.

Nonetheless the ideal of rule by law was there, if perhaps less ingrained than it is today, and adherence to the principles underlying the concept of community and common good was expected to assure that. The common good had two dimensions: on the one hand, the pursuit of what was beneficial to the community in terms of meeting the material needs of members; on the other, the fostering of moral virtue. The purpose of law was to encourage moral behaviour. The view of government as a "stewardship of the rich" was based on the assumption that the wealthier members of society were worthier – that is better qualified (in part from an ethical standpoint) – to administer justice and act for the common good. Such men had a major stake in the material well-being of their community; success in life had brought them wisdom and experience in managing affairs; they had a natural authority, which came from the respect they had already earned within the community; and as men already wealthy, they could afford the time required to serve their community with minimal financial reward, and they should be capable of generosity and less susceptible to corruption. Wisdom and virtue were the qualities that it was hoped the urban upper class would bring to the administration of existing law and the formulation of new laws. Such appears to have been the theory; although to find it explicitly expounded we have to look outside England, to writers such as Brunetto Latini, we occasionally catch sight of these principles in borough documents such as officials' oaths of offices (e.g. the mayoral oath at Bristol).

Power and wealth thus went hand-in-hand with the acquiescence of the community. Since all English rulers, from kings down to bailiffs, were considered to be limited in the exercise of power by custom, law and the need to consult with the community, what was of concern was not whether government was democratic or

aristocratic, but whether it was just and beneficial. An important part of the task of a just and beneficial government was to achieve and preserve peace, love and harmony across the social hierarchy which, as noted, was not itself open to question; such was the glue that held a community together.

Justice was not simply a matter of legal administration, there was also the question of social justice. It was the duty of government to protect the defenceless and provide for the needy; hence the courts showed particular concern for the rights of widows and orphans, and urban governments involved themselves in the administration and even the founding of hospitals for the sick and the impoverished. Interestingly, this may have benefitted the ruling class most, as there was a distinction between the poor worthy of charity – those downwardly mobile, having suffered from misfortune – and those unworthy, having fallen into poverty through sin or laziness. For the wider community, benevolent rule manifested itself in the provision of public facilities such as a supervised marketplace, sanitation measures, a water supply, the maintenance of roads and bridges, and police and defensive provisions. Insofar as medieval urban society was fraternalistic, it was so in the context of benevolence within a stratified society, rather than an egalitarian sense.

Not only charity, but the promotion of amicable relations was a moral duty of government; which is part of the reason why government was prepared to intervene in personal disputes to try to mediate a peaceful resolution. In a similar fashion, maintenance of peace and order (which, we must remember, was at least as much in the interest of government as in that of the governed) required that dissent not be tolerated to the point where it brought about a disruption of social or political relations. The late fourteenth and fifteenth centuries saw many urban governments specifying acceptable and unacceptable behaviours at council or community meetings.

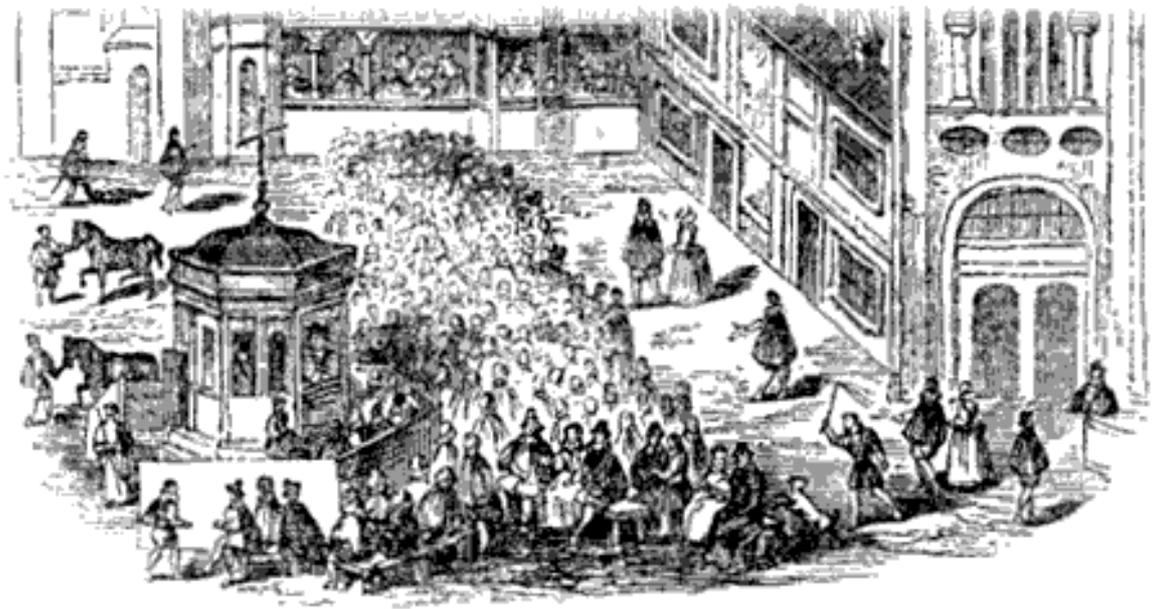
If we can see that justice, benevolence and social harmony were yardsticks according to which the quality of government was measured, it is not so easy to see *how* such ideas came to be infused as fundamental urban political values. It is hard to imagine that townsmen were avid readers (or rather, in most cases, the

audiences of readers) of the treatises of philosophers and theoreticians such as those mentioned above. To some, perhaps a large, extent the way in which government was fashioned was dictated by a limited set of options available as solutions to problems common to most societies. The options were narrowed and defined by the context of Christianity and its moral and ethical teachings, by the emerging model of national government and the influence of that government over the developmental course of local administration, and by a long-standing tradition of communal decision-making and informal law-making.

On the other hand, we cannot entirely rule out either direct or indirect influence of some of the ideas of classical or medieval philosophers. The presence of an adapted version of Latini's tract on good government among London records, although an isolated occurrence, shows that some townsmen had enquiring minds and might see the relevance of such ideas to their own environment. This was London, of course, a law unto itself among English towns; but by the same token a source of influence and inspiration. We should remember that not all townsmen were uneducated. Clerks, notaries, lawyers became increasingly common participants in urban government during the Late Middle Ages; some are visible among reform movements that challenged the political status quo in towns, and perhaps they may be channels for populist political ideas, however diluted. The clergy itself could be influential among the townspeople to whom they preached; the level of education among the clergy varied, but ideas spread through the universities might well have filtered down to townsmen. A diversity of political viewpoints existed within the ranks of the Church; friars in particular could be relatively radical, although we should avoid reading anything sinister into the occasional use of friaries for meetings of political dissenters, while the fact that clergymen are sometimes listed among groups making political mayhem may also not be significant in regard to the introduction of populist ideas.

Another mechanism for the spread of ideas or news of political developments was travel, both by traders and pilgrims. In the case of towns that were destinations of international commerce, residents were well-positioned to learn from foreign counterparts what was going on in the communes of France or the city-states of

Italy, for example. But even the smaller towns had a measure of access to these types of travellers. Nor should we ignore the filtering of political ideas through London. However, in the final resort it is probably sufficient to think that the ideas expressed by men like Latini (who was less concerned with the type of government, he incorporating concepts associable with both descending and ascending theories, than with its quality), Aquinas, or even Bartolus, were themselves shaped not only by classical forbears but by what was to them a rational interpretation of the nature of society and its political dimension; and that the same ideas might occur to others who were also, for their own reasons, preoccupied with issues of governance.



Political values at opposite ends of the spectrum are reflected in public gatherings for folkmoot meetings (perhaps not dissimilar from the gathering above) and civic processions (below).

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Consent and representation

If both philosophy and tradition provided grounds for an ascending theory of authority that stood in juxtaposition to the autocratic rule that, on the surface, seems more characteristic of the Middle Ages, there remains the question of how and to what extent the principle of the community as the source of authority was manifested in practice. The dichotomy between theory and practice has often led historians to dismiss the former as empty and characterize English urban governments as oligarchies. However, the seeming contradictions are perhaps of the essence of politics. That the majority of even the enfranchised male adult residents of a town had little say in the day-to-day decision-making of local government is no less true of modern democracies than it was of the medieval situation, and does not diminish a principle that is today considered in essence democratic. The idea that decision-making (that is, legislative) authority was grounded in the people was, if not a universal, then a widespread opinion for much of the Middle Ages; from this viewpoint, the role of the executive was to uphold laws authorized by the community. We may note that it was not a usual feature of borough charters to include grants of the right to make by-laws, probably because it was taken for granted – although the charters, by prescribing the scope of borough jurisdiction, defined the limits within which local legislation was valid; occasionally the explicit recognition of the town's lord was sought for such a right, but perhaps only in special circumstances dictated by particular need.

A concomitant of the people-as-source-of-authority principle was that executive officers were servants of the community, appointed by the latter to operationalize its will, expressed in a way that might better be thought of as collectively than democratically. The situation in England was of course complicated by the fact that towns, although self-governing in some respects, were also under the authority of the king; so they were subject not only to laws made locally but those imposed from above, and their executive was answerable to both community and king – the issue then became one of prioritization, and in that battle the growth of a national system of administration gradually won the upper hand. But we should not let this situation muddle us. The election of representatives to whom popular authority was delegated was a well-established principle in the medieval period, in both the secular and ecclesiastical spheres, at times applying to rulers at the highest levels of power. In fact, there was a large literature discussing elections in the ecclesiastical context and the way they transferred authority. Documents from urban archives are by contrast far more focused on procedures than principles, but it seems clear that elections were political events in which at least the entire enfranchised citizenry, if not the (male adult) community-at-large, was expected to participate, and lip-service was generally paid to the idea that officials were elected by the community, even when the actual practice was somewhat different.

For power – which requires both means and opportunity – inevitably rested on consensual at least as much as coercive foundations. This is well illustrated by events at Ipswich in 1344 [see `conflict_ipsw1.doc`], where the bailiffs felt powerless to apprehend the assassins of a prominent but unpopular townsman because the community condoned the deed and not even a handful would not support the bailiffs in the execution of their duty. It has already been noted that the English monarchy itself was reliant on consensual support from the baronial community which – as John, Henry III and Edward II discovered – was willing to resort to rebellion to restrain the king from absolutist tendencies and ensure that the nobility was properly consulted, and their advice listened to, on matters of national import requiring decisions. The barons even recognized that, in a sense, they were only representing the community of the realm; those who overthrew Edward II and

Richard II made some effort to evidence popular consent for their actions. A powerful group of barons in 1258 used force to impose on the monarchy constitutional and administrative changes (the Provisions of Oxford, expanded the following year as the Provisions of Westminster), which among other things established a new consultative council that advised the king on matters of state, required the broader community to be consulted through parliaments held three times a year, controlled appointments to the major bureaucratic posts, and reformed abuses such as excessive taxation. The same sorts of concerns are seen in movements for governmental reform at the local level.

Taxation, which necessitated the infringement of the rights of the king's subjects, and legislation were in particular matters felt to require community consultation and consent, and parliament came to be the principal mechanism through which this was achieved; it was a kind of court that came to assume a conciliar role. While parliament's emergence as a regular tool of government served a number of differing ends, including the monarchy's efforts at centralizing administration, and we should beware of thinking of the medieval institution as a fundamental of democracy, it did represent for the nobility a venue through which they would be consulted and could give or withhold their support for royal initiatives, and for the common people a public forum in which their concerns and grievances could be put before the king. The king was not, constitutionally, obliged to pay attention to his barons or his commons, but he was expected to act for the common good; from a practical standpoint he required their willing assistance to govern effectively. Edward I paid explicit homage to the political principle that decisions affecting the community must be agreed to by that community.

At the local level too, taxation and legislation were types of governmental decisions felt to require community consent; it is hard to say to what extent this mirrored and to what extent it paralleled developments at the national level. Historians are not certain what are the practical implications of phrases such as "by the consent of the community", before the fifteenth century when we see the spread of lower councils intended to represent the community and give consent on its behalf. But the very fact that, prior to the introduction of those mechanisms, such phrases are

almost ubiquitous in urban records of important decisions taken by the borough authorities is itself a clear indication of the perceived source of authority. Although some historians continue to argue that "urban political theory normally expressed a descending concept of political power" [Rigby and Ewan, *Cambridge Urban History of Britain*, 305], on the grounds that jurisdiction was accorded to executive officers by the king or other lord of the borough, this is *not* the view expressed in most medieval urban records. To dismiss phrases referring to community consent as rhetoric, lip-service or mere formulae simply because they are ever-present, or to assume that consent simply masked acquiescence in decisions made by an elite, is to miss the point. The rare occasions when we hear of the community rejecting proposals are suggestive that consultation may well have actually taken place, as opposed to being taken for granted, even though that consultation may have been of a yea-or-nay character, as opposed to meaningful discussion. In most cases, rejected proposals likely never saw the light of day in urban records.

At the same time, nor should we be naive enough to imagine that the community at any time took the lead in governmental decision-making, or that political assemblies were necessarily attended by the entire qualified populace, or even a majority. Today political apathy contributes to giving the community a largely acquiescent role in most political decision-making, and we should not expect higher standards from our medieval forebears. Given the belief, noted above, that government was best conducted by those of moral fibre and prudent judgement – the *probi homines* or *prudhommes* – it is most probable that the community was content to approve much of what was put before them, something that does not diminish the importance of that approval. And there is ample evidence that items of business of genuine concern to the community would draw large crowds to the town hall to hear debates and express opinions; this in itself posed a problem for government.

Consultation involved tapping into the collective wisdom of the community (a notion that increasingly fell into disrepute as the growing socio-economic divide fostered contempt for the rabble). Decisions that could be described as consensual were more likely

to win adherence from the populace, and provided legitimacy for the suppression of any future opposition or resistance. There was a low tolerance for dissonance in society, for fear that dissenting opinions might lead to factionalism or violence; in the absence of strong policing mechanisms, there had to be reliance on consensual behaviour, or at least the appearance of consensus. Urban governments preferred to have it recorded that decisions were reached or elections made through unanimous agreements, and criticisms of government or any of its members were increasingly addressed through by-laws that imposed fines or, where the dissenter was unrepentant, sterner judgements to the point of exile. In the same way, higher levels of government were often reluctant to intervene in local disputes (unless a sustained breakdown of public order occurred), preferring for matters to reach an accord locally.

The impracticality of the community as an institution of government, even if its role were restricted to consultation and consent, must have been as apparent to our medieval counterparts as it is to the citizens of modern democracies. Just as authority to administer had to be delegated to executive officers, so the authority to deliberate and make decisions had to be delegated to a select number of representatives. In most if not all cases this had probably come about naturally before any constitutional provision was put down in writing. Again, it made sense in the context of medieval values for these representatives to be drawn from the *prudhommes*, the wiser men of the community, and the domination of town councils by such men should not fool us into thinking of urban government as oligarchic. Towards the close of the Middle Ages the need to obtain the best advice manifested itself in the retention of legal experts by those towns with a budget that could accommodate the expense. Even when chosen from electoral districts (which we do not know to have been general practice) councillors were intended to be representatives in the sense of acting for the entire collective, rather than particular neighbourhoods or interests within the community.

Consilium is another of those imprecise medieval terms; it is often difficult to tell from the context whether it refers to a relatively informal process of obtaining counsel, or suggests a more formal institution, the council. Although a council was apparently a

formal component of the constitutional arrangements established when Ipswich acquired rights of self-government in 1200, we cannot be sure that this unique account is either reliable or typical; although, if we can put our faith in it, then it would seem that a council was no innovation in English communities in 1200 (quite how the men of Ipswich would have known this is not clear). It seems likely, however, that in many towns formal councils evolved out of informal counselling or some quasi-judicial body; I have discussed this elsewhere and will not go into the matter again here.

The task of the council was not, at first at least, to stand in place of the community in assenting to local legislation or other executive decisions. It was to advise the executives and to actively participate in the formulation of legislation and decisions. The urban constitution continued to provide for general assemblies at which the community could be sounded out on important matters. But during the latter half of the fourteenth century and continuing more strongly into the next, we see some significant changes taking place, with attempts to redefine the political community by restricting popular participation to the enfranchised segment and to major occasions, such as elections; and/or to substitute for the assembly a second (lower) council intended to represent the interests of the rank-and-file or, sometimes, the crafts – which suggests growing recognition that the original (upper) council had failed to represent popular opinion, as opposed to the interests of the class from which it was drawn.

The complex reasons for this change are still imperfectly understood, and I always feel as though venturing into quagmire when I try to summarize the trends. In an urban population where the gap between rich and poor had grown, in part as the wage-earning class was swollen with immigrants, where the wealthier burgesses now had as much if not more in common with the rural gentry, and where economic success was more dependent on competition rather than collaboration, it must have been increasingly difficult to identify a "common good". Socio-economic differentiation brought with it more class consciousness and corresponding attitudinal change, a growing divide in trust between the urban estates. Achieving social harmony was relying more and more on ceremonies that symbolized at the same time

hierarchy and unity, and more attention was given to proceduralism and orderliness, to ensure that political meetings were not disrupted by unruly mob behaviour. The desire for order began to take precedence over the principle of community consultation. With new magisterial powers delegated by the king to local government, and with local custom increasingly superseded by national statute, it became easier for the urban ruling class to divorce itself from the concept of the community as the pre-eminent source of authority. Theory notwithstanding, the practical operation of government was in the hands of an elite, and the fifteenth century saw a largely successful effort towards capturing this reality within the urban constitution; the effort included dispensing with popular assemblies. These trends tended to proceed more rapidly in the larger towns, where social, economic and political divides were more marked.

Two other, related, trends in the development of the political system should be mentioned. One was that the concept of community assent, as a collective and unanimous agreement to political decisions, was replaced. The "what touches all..." maxim implied unanimity, and urban records of decisions often claimed not merely the consent of the community, but of the *entire* community. It was not the role of such records, or in the interest of local government, to chronicle debates or political manoeuvring that may have lain behind decisions; nor have we much evidence on whether, at borough elections in the thirteenth and fourteenth centuries, voting was conducted through careful counting, through loudest shout, or some other method. As the recognition sank in that a council could, in some regards at least, substitute for the entire community, it opened the door for the notion that a section of the council might substitute for the entire council. The challenge of achieving full council attendance or of consensus within conciliar ranks made the concept of majority vote attractive. It was usually a numerical majority, although some philosophers argued that quality (i.e. of the councillors, in terms of experience, wisdom, status) might also be a governing factor – a matter which seems less arcane in the context of English medieval towns, if one considers the emergence of an influential elite within the ranks of the council.

That upper elite is one indication of the second trend that must be

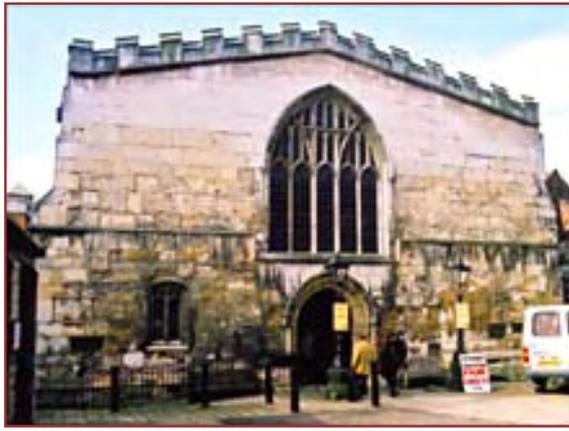
mentioned, which concerns the changing relationship between executive and council. Maud Sellers [*York Memorandum Book, part II*, Surtees Society, vol.120 (1911), v], perhaps influenced by Norwich's historian William Hudson, distinguished between the "communal period" of borough government and the "magisterial period". Despite being prone to the inadequacies of any generalization, this may be one useful way of thinking about the changing character of urban government over the course of the Late Middle Ages. By "magisterial" Sellers had in mind a government focused on the executive officers (mayor and bailiffs), although Edward Miller later narrowed this definition to the mayoralty alone [*A History of Yorkshire: The City of York*, Oxford: University Press, 1961, 70]. But we would do better to think of it as government focused on a small group of particularly influential townsmen, highly experienced in government (through having borne the mayoralty), and assigned special judicial authority.

The case of Beverley, where the council became so prominent that an executive magistrate was dispensed with entirely, may at first glance appear to be an exception to the rule. But perhaps we are missing the point. At Lynn and at York, for example, we see in the late fourteenth century power being more evenly shared among a group within urban society, as restrictions were put on the frequency with which a man might hold the mayoralty; such provisions may have been intended both to spread the burden and to prevent the office acting as a vehicle for political dominance. At Kingston upon Hull in 1379, the subjection of mayor, bailiffs and chamberlains to the supervision of a council of eight, whose members could not be re-elected until after an interval of three years, could be interpreted as a democratic move; but it is just as likely to be a move by the urban upper class as a whole to bring local government to rein.

During the thirteenth century the nascent mayoralty relied in part on a cult of personality; we find individuals who provided strong leadership being maintained in power for consecutive terms; some of the earliest mayors seem to have held office for several years in a row. This was perhaps the result of popular demand, or perhaps due to the prominence of a controlling interest in the town. At that period a conciliar group was hazy: even though it is partly

attributable to the poverty of urban archives that we see little of such a group, it is also likely that such a group was relatively informal, notwithstanding the evidence of Ipswich which is known only through the rewriting in the late thirteenth century, at the instance of a group representing conciliar interests. The emergence of a conciliar institution within local government should perhaps be viewed in a similar light to the development of a baronial interest intent on placing a check upon monarchical power.

By the close of the fourteenth century we see the mayor as less of an urban monarch and more as the president of a group of peers. Only in special circumstances might one acquire unusual prominence through re-election to consecutive terms – such as William Frost at York during the late 1390s and early 1400s, when the city had to come to terms with the major new powers it had acquired, or William Appleyard at Norwich who was instrumental in obtaining county status and a mayoralty for the city. The constitutional role of the council was by now not only formalized but entrenched and power was devolving towards it. It was possible for leading townsmen to exercise considerable influence from within the council without being in occupation of the mayoralty; Nicholas Blackburn at York and Richard Whittington at London are examples of men who had served long, performed well as mayor, and continued to have command respect and exercise influence in those years when not mayor. These men of experience and authority were needed as the scope of judicial administration of urban government necessarily increased, to ensure continued independence from external authorities in an age when the royal government control over justice was extending; above all the delegation of Justice of the Peace authority to that select group of townsmen provided the bolster that established an elite within an elite. Yet even as they were obtaining their enhanced independence from county officialdom and increased authority over the urban community, they were being tied more directly, more closely to the central government and to the will of the king. While, socially and economically, they were building closer ties to the landed gentry of the county, whose interests were often not the same as those of the urban traders.



Housing administration in confined spaces, such as guildhalls, was one of several factors encouraging the development of forms of government based on delegation of authority from the community to a limited set of representatives. Representation and restrictiveness are two sides of the same coin.

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Political conflict

In the above discussion we can see some of the causes for political conflict within medieval towns. Before reviewing that, it should be noted that many conflicts were occasioned not by disputes internal to the community, but by those between the community and other authorities. These might be disputes with the lord of the borough – particularly where that lord was a conservative ecclesiastical institution – prompted by the desire for greater autonomy. Whereas the king, as an absentee landlord, was less resistant to leasing out new privileges, extensions of jurisdiction, or sources of income, lords with a local presence were more inclined to hold onto their jurisdiction and try to milk it for whatever revenues it could bring in. Or again the disputes might arise from a competition for jurisdiction, territorial or commercial, with a manor, market, or another town in the vicinity. Such

disputes sometimes served to instil a sense of solidarity within the community, but on other occasions might divide local opinion and even prompt internal power-struggles, often with an alliance of convenience between the lord and the lower class, in opposition to the ruling class.

External opponents were useful tools for giving an urban populace a sense of united purpose. But such enmities could not be perpetually pursued. There was ample time for townspeople to look within and realize that some of their principles – community, the common good, justice for all, social harmony – were not well reflected in the practice of government. The community was a collective of individuals, motivated at least in part by self-interest, and a collective of other groups, each of which had its own interests. Mutual support for the purpose of common prosperity must have been a more attractive proposition for those in the lower ranks of urban society, than for those who had risen to the top. Wealthy townsmen could attribute their success as much to their personal capabilities and individual initiative, not forgetting family connections, as to membership in a privileged community; many may also have felt that their superior characteristics and skills *entitled* them to a dominant role in government.

The task of governing was not an easy one. Urban rulers were torn between loyalties: to the community, to family, to their trade, to their social peers, and to their personal business. The difficult choices faced in reconciling those interests, and the corresponding demands on their time and energy, only increased as the Late Middle Ages progressed. The drawn-out foreign wars in which English kings engaged during the late thirteenth and fourteenth centuries, along with their heavy demands for financing through taxes and their adverse and sometimes disastrous effects on commerce, put a pressure often severe on urban resources. The growth of the English cloth industry added another complication by encouraging ambition among the cloth-producing and cloth-retailing groups, who wanted a share of the decision-making power in the hands of established merchants who had built their success on trade in agricultural produce and other raw materials. In fact, there was periodic if not continuous pressure on established urban families to maintain their socio-economic position as capable new men migrated to the town or rose from

the lower ranks. In some towns, such as Colchester, the ruling class was not so heavily mercantile that it had difficulty incorporating the nouveaux riche. But where the mercantile elite had been long entrenched, as at London, tensions inevitably resulted as different interest groups quested for a share of power. The ramifications of national political conflicts, bad harvests and their effect on the urban food supply, the demand for higher wages after plague had decimated the labour-force, the growing complexity of the national legal system, the scare given to the establishment by the Peasants' Revolt, are other factors impacting on the challenges faced by local administration.

It was too much to expect that local administrators could maintain a harmonious balance of interests – politics is more pendulum than a balance. It was easy to succumb to the temptation to favour one's own, although we should not automatically assume that many did. The common good, virtuous government and social harmony were ideals; the failure to achieve them was more conspicuous in some cases than in others. We find complaints about, and popular outbursts against, maladministration from the second half of the thirteenth century into the first half of the fifteenth, and so far no clear pattern has emerged to explain the timing – perhaps there is no pattern. The problem was not blamed on unattainable ideals or flaws in the political system *per se*, but on human failure: greed and corruption on the part of specific rulers. Embezzlement of communal funds, unjust assessment of taxation, perversion of justice were the types of charges commonly levelled, and they speak to the values we have already noted. The failure was seen as human, not systemic, and the usual solution was typically to replace the erring rulers with others from the same class and introduce greater fiscal accountability and limits on the behaviour of officials. In fact, it might have been difficult to significantly alter the political system in a way that would have been acceptable to the king. In the latter phase of internal political conflict, in the late fourteenth and early fifteenth centuries, concerns were less over misgovernment than constitutional changes that were putting urban rulers beyond the control of the populace. Indirect election of councils or executives and the transformation of councils into life membership bodies, gaps in whose ranks were filled by co-optation, fractured the chain of authority and reduced the prospects for men of ambition to rise

to the highest levels of society.

Historians have much debated the character of internal political conflicts within English towns. If there is no consensus, it is partly because our knowledge of the conflicts is in most cases sketchy, particularly as regards motivation of the players. It is partly because we cannot always take at face value the statements of official records. And it is partly because the causes were complex, varied from case to case, and were probably not well understood even by those involved. What appears to be a popular movement seeking political reform was often a mix of interests, some or many of which were likely self-seeking. There was certainly a political dimension to the conflicts, even if the notion of a struggle between democracy and oligarchy owes more to the perspective of nineteenth-century scholars, their eyes on municipal reform of their own era, than to any conscious or overt ideological differences of the participants. There were no political parties in the modern sense; to avoid misleading modern audiences, historians prefer to talk of political alliances by using the term "faction", in part because they usually surface in the context of factionalism, i.e. conflict.

We can perceive a variety of dimensions to factions. From one perspective we can identify personal ambition for power, whether on the part of one or more outsiders or disaffected insiders, or family rivalries at play in a political arena. From another we might see a clash between rich and poor, the powerful and the disempowered, but such outbursts were generally reactive, without any clear agenda, unless there was some kind of strong leadership; it may have been the appearance of such a leader that explains the timing of political unrest. From a third, a power-struggle between different economic interests, such as craft vs. mercantile; but socio-economic inequalities, as we have noted, were less an infringement of medieval values than were abuses of positions of trust. Nor can we ignore the possibility of national events having a ripple effect on local affairs. More in-depth study of more episodes of political division will be needed before we can see if any general conclusions may be drawn about the phenomenon.

We focus on urban conflicts because they are the more

conspicuous events in a history largely unwritten, and of course because they are fascinating. But it should not be thought they are typical, nor that the picture of urban society we see through them is necessarily normal. They were not really revolutionary, in that they were not trying to overthrow the existing order. Furthermore, there was some recognition, beginning with Magna Carta, that if a ruler acted outside the law or failed to uphold the law, or promulgated law for personal gain or the advantage of an interest group that ran counter to the common good, such rule was unjust. In this situation, it was believed that aggrieved parties should, in sequence, speak out against injustice, seek redress through the legal process, and try to persuade the ruler to reform; if that failed, then the final and justifiable resort was to use armed force to protect communal rights and depose the offending ruler. In the case of towns, theoreticians argued that the extreme measure was only acceptable if supported by the entire community. Hence, in urban conflicts we often seem to find complaints to the king, followed by attempts to introduce political reforms (either by winning control of the administration, or through pressure-tactics of popular demonstrations), before the most serious outbursts of violence take place, with the name of the community invoked at each stage.

Let me reiterate that such outbursts are exceptions to the rule, although when political passions were aroused the resulting disputes could be bitter and sometimes prolonged. Allowing for the biases of surviving records, we are safer to assume that acquiescence in governmental decisions was a more typical behaviour of the community, for politics was about lordship and loyalty. Yet a recognition that rulers relied on such acquiescence is reflected in the resort to mob action to express popular displeasure. However, ultimately, political conflict resolved to the advantage of the ruling class, even where they had to make power-sharing compromises, as the monarchy was inclined to support the status quo and to reinforce it so that it could better meet its own priority of maintaining social and political order.



In the seventeenth century the London mob became notorious for its rioting; the disempowerment of the lower classes had left no other avenue for expression of discontent or resistance to tyranny. Mob action was equally a concern for, if not a fear of, London authorities from thirteenth to fifteenth centuries.

The character of government

Historians have played rather loose and free in labelling urban governments in medieval England as oligarchic; they have become ensnared by an historiographical tradition. The control of government by the upper class, with the acquiescence of lesser social orders, does not make it oligarchic; the term would more usefully be restricted to its Aristotelian meaning of monopoly of power for selfish gain or other corrupt purposes. When urban governments became oligarchic, as sometimes happened, we can see that it was considered unacceptable from the popular complaints and open opposition, these often accomplishing at least a partial corrective to the situation. Aristotle would likely have classed the government of medieval English towns as aristocratic, which for him did not have the negative connotations it has today. Today, democratic is probably the closest term we have to categorize it, for it is hard to see substantive differences between government in medieval towns and modern western democracies.

It is easy to fall into the trap of focusing on periods of popular discontent in towns and assuming that medieval townspeople were constantly disillusioned with government. To put things into a

comparative perspective, let me describe modern public perspectives on the character of government in my own country, Canada. A survey-based study (sample size 1500) conducted by Leger Marketing in April 2002 concluded that the majority of Canadians believe Canada's political system to be corrupt at every level of government. This is, it should be remembered, in a nation considered one of the more open democracies of the world. Of those surveyed, 69% believed that there was a high or moderate level of corruption at the federal level, 68% felt the same about the provincial level, and 53% of the municipal level of government. Politicians themselves were the most highly blamed for this perceived state of affairs, while their entourage and senior civil servants were the groups next targeted for blame. One particular area of grievance was the channelling of public money into the pockets of politicians' peers (i.e. other members of the same capitalist class), via purchases of goods and services. Furthermore 22% of Canadians felt that their political system is not truly democratic. Although the Prime Minister responded to the survey with a prompt denial of corruption in government, within the next few weeks several Cabinet ministers would lose their posts through scandals.

A second survey (sample size 2000) touching on the health of democracy, conducted by the Association for Canadian Studies and Environics/Focus Canada in June/July 2002, found that three-quarters of Canadians believe the wealthy members of society have too much influence over political decision-making, while over two-thirds feel the same about a superior external power (the United States) and about leading commercial interests. Individuals and small businesses are perceived as being correspondingly deprived of political influence; individuals in particular are seen as disempowered. I, for example, could not imagine successfully pursuing political power at almost any level of government, lacking the connections and the financial resources required. Only a very small minority of citizens seek active participation in government, and the extent of consultation (however superficial) of the citizenry on government decisions is far more restricted than it was in medieval towns – most calls for referendums on matters of import are rejected.

We should bear in mind that public criticisms of the political

system are not necessarily valid. What is important is that they represent public perceptions and suggest a disenchantment, warranted or not, with the power-structure and with politics. Yet it is a system of rule in which, for the most part, citizens willingly acquiesce, criticism peaking only when governmental acts are widely perceived not to be benevolent or for the public good. The same cynicism, or realism, depending on one's standpoint, is seen in the statement of a newspaper editor that: "clearly those attracted to executive power today seek it via the legislature, posing as the people's tribunes at election time so as to become their masters." [John Robson, "Gay marriage vs. Magna Carta", *Ottawa Citizen*, 17 July 2002, p.A16] Many people living in western democracies hold the opinion that politics by its very nature fosters corruption, whether manifested through rhetorical dishonesty or through misuse of power for personal benefit, and they feel excluded from the decision-making process. A sense that such public consultation as exists is largely for the sake of show and that one individual's vote makes little difference to the outcome of an election have played a role in de-motivating citizen involvement in the political system, except through organized interest groups. A fatalist attitude towards political corruption is visible at all levels: Canada's Prime Minister, upon dismissing one of his ministers for giving a contract to a former lover, was quoted in the media as shrugging things off: "These things happen." It is worth noting that much of the attention focused, at this time of writing, on Canada's political system comes towards the end of an administration which has held several consecutive terms in office, and one of the complaints is that too much power has become focused in the office of the Prime Minister.

Dangerous though comparisons can be, there are nonetheless many parallels here that might be drawn with the situation in English towns in the late fourteenth and early fifteenth centuries, when our records of local government have become fuller and more regular. A similar growth in alienation from the political system, a feeling of exclusion from meaningful participation, a fear that power-holders act to protect their own interests more than the interests of the community – interests that, as noted, had become increasingly complex and difficult to reconcile – and an increased attention to supposed corruption or maladministration, are features that become more pronounced in that period, although

we cannot be certain how much this is a facet of the better records. Popular frustration may help explain why there was a preparedness to look for leadership to men on the peripheries of the ruling elite, men held back on the normal path of political advancement and prepared to seek power by championing popular reform. Fear of this may similarly be a factor in explaining why more strenuous efforts were made by the authorities to create disincentives to popular dissatisfaction, by imposing heavy punishments on aggrieved members of the community who criticized, slandered, spread rumours about, or even laid hands on members of the governing body.

Whether resentment of the ruling elite was justified is not easy to assess. Popular discontent is muddied by the struggles of different interest groups within the community, mainly economic interest groups, to increase their influence, by personal ambitions or vendettas, by divisions within the ruling class, and by long-standing conflicts between internal and external authorities for jurisdiction in urban matters. We cannot rule out the possibility that medieval complaints about urban governments are sometimes, or in part, the consequence of false perceptions or misunderstandings. I have [elsewhere indicated](#) that the taxation system used in Lynn was inevitably subject to misunderstanding. Taxation is inherently unpopular; in my own time strenuous efforts are being made by governments at all levels to lower taxes or at least prevent tax increases, at a devastating cost to social services, so politically unpopular are taxes. We must therefore be careful in taking medieval complaints at face value. Which is not to say, either, that complaints were groundless.

The central government was prepared to intervene where it seemed that there were grounds for accusations of maladministration or corruption. The concern was partly for the king's oppressed subjects, partly over the threat to sources of royal revenues, and partly because the king considered that all exercise of power was by royal delegation, which gave him an inherent interest in local government. It was in part the royal interventions that tended to be frequent in the thirteenth century – often resulting in suspension of city privileges, including self-government, and imposition of more direct royal rule – that encouraged the urban ruling class to document the urban

constitution.

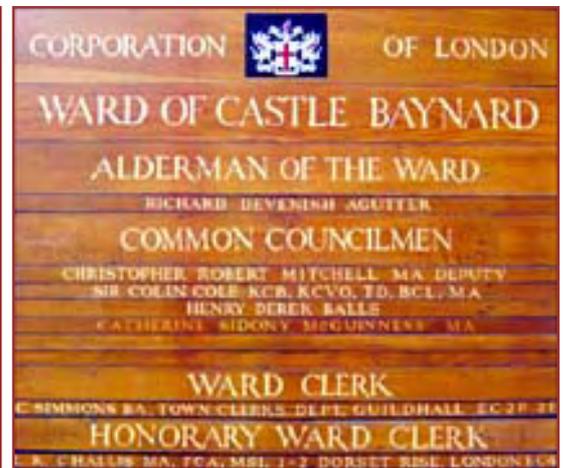
Populist sentiment and values in urban society were ultimately stifled by the monarchy, whose interest – like that of townspeople – was less in the character than in the effectiveness of government in achieving the common good. From the perspective of the king, however, the common good involved the standardization of administration across the realm and the preservation of law and order. It was partly in consequence that, at the close of the Middle Ages, borough government had become more closed, with the citizenry less directly involved in matters such as elections and the scope of elections having been narrowed (when alderman were chosen for life, and the mayor selected from their number), albeit that the number of citizens involved in the corporation had expanded with the introduction of large second councils. However, the additional judicial powers accorded to an elite-within-the-elite by the central government made it easier for a small group with little accountability to the populace to dominate the larger towns.

The emergence of relatively independent local government, with a developed corporate identity and more elaborately structured administrative hierarchy, characterized in part by greater bureaucratization and proceduralization, took place in the context of a growth in scope and strength of the central government of king and parliament. The central government, with its perspective of descending authority, favoured closed corporations as an agency for ensuring public order. This imperative gave strength to the organic tendency for power to devolve to the few most active in politics – those whom today we might consider professional politicians.



Medieval urban government was only as good as the men who ran it, and as stable as the faith the community had that those men were acting in the public interest. A few bad apples were enough to seed distrust in the relationship between rulers and ruled. It may be less that this gulf – a divide of interests, perspectives and even values – grew larger as the late Middle Ages progressed, than that it became more institutionalized.

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commune

[kôm'yOOŋ][Pronunciation Key](#)

commune, in medieval history, collective institution that developed in continental Europe after the fall of the Roman Empire. Because of the importance of the commune in municipal government, the term is also used to denote a town itself to which a charter of liberties was granted by the sovereign or feudal overlord. Although in most cases the development of communes was inextricably connected with that of the cities, there were rural communes, notably in France and England, that were formed to protect the common interests of villagers.

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It is lawful for a comburgess personally (if there is no bailiff at hand) to attach the goods of a debtor who is trying to avoid him. He must not retain the attachment in his own possession, but immediately bring it to the bailiffs, and attach himself to prosecute the debtor. If he retains the attachment in his possession and the debtor satisfies him for the debt, upon which the attachment is returned to the debtor, all without the involvement of a bailiff, the citizen is to be heavily amerced for taking the law into his own hands.

["Attachment" is used here in two different contexts, although the senses are related; only in the title of the chapter is the more precise "distrain" used, in reference to the seizure of the debtor's goods.]

In case of a writ to replevy goods and chattels, the seizer of the same is to provide the bailiffs with sufficient pledges for their return [to the individual from whom they were seized] if the court judges that to be right. The defence of the seizer may then be heard. If both parties are peers of the city, the case may be argued at the weekly session. If the party from whom the goods have been seized is a foreigner and the claimant a peer, the case is to proceed on a daily basis if the claimant acted without a writ, or a weekly basis if he had a writ. The seizer is to be distrained three times (if necessary) to answer in court, each distraint being of more valuable items than the previous; at the third distraint, he is to be warned to appear in court by the sergeants (who are to advise the bailiffs that the warning has been issued). If he continues to refuse to answer for the seizure, the items from the first two distraints are to be appraised by reliable men, in full court, and forfeited to the king. Distraints are to continue daily on whatever goods he has in the city, until he is prepared to answer in court. The same procedure applies in pleas of debt and trespass. Equal justice is to be done to every person, lesser or greater, without regard to any man's status and without any favouritism. In these pleas the bailiffs may receive [to be heard] attornies of the plaintiff and defendant, once they have attached themselves to pursue, or defend against, the accusation.

[Replevin involved the plaintiff seizing goods which he claimed the defendant had wrongfully taken from him (e.g. as a distraint), and then giving security to the authorities to guarantee that he would pursue the issue in court and would return the goods he had seized if the court decided against him.]

In all pleas in the city involving distrain, if the defendant – whether a peer of the city or an outsider – is absent from the city, or it is suspected that he is planning to absent himself in order to delay answering in court, the attached item is to be retained [until the defendant appears to answer]. If it has to be committed to the defendant's pledges, its value shall first be appraised. If the pledges fail to have the defendant in court to answer the plaintiff or to stand to judgement, the pledges shall be held answerable to the plaintiff for the appraised price of the distrained item delivered to them, as fully as if it were they who were defendants in the plea. In addition they shall be heavily amerced for failing to have the defendant in court.

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[001] in the same place on the same day and in the same year etc. the said E. came with
[002] the aforesaid C. and wickedly and feloniously held the said B., her husband, while
[003] the said C. killed him within her arms. And that he did this wickedly and feloniously
[004] etc. she offers etc.’ And so in the same way against several, and for several
[005] deeds. If the principal is taken in the act with his knife dripping blood there will
[006] be no need for further inquiry,¹ provided that this is established by the testimony
[007] of reputable men. ²But though her suit is properly made, in what way is the woman's
[008] appeal more effective than the king's suit when the appeal falls, or suspicion
[009] arises through indictment, since in both cases recourse is had to the country? The
[010] position seems to be the same as regards both, save in this respect, that the king's
[011] suit is occasionally remitted of grace or with knowledge of the cause,³ which would
[012] not be done had the woman sued properly.

The attachment of appellees.

[014] It sometimes happens that those appealed of homicide, wounding, robbery or
[015] some other felony are not attached⁴ because of the negligence of the sheriff and
[016] coroners. For that reason, on the complaint of appellors, let the king's writ be
[017] drawn in this form for attaching them to be before the justices:

The writ of attachment.

[019] ‘The king to the sheriff, greeting. If A. has made you secure with respect to the
[020] prosecution of his claim, cause B. to be attached by his body to be before our
[021] justices at the first session when they come into those parts to answer the said A.
[022] as to the death of C., his father (or ‘mother,’ ‘brother,’ ‘sister’ or other relative,
[023] or his lord) of which he appeals him. And have there this writ. Witness etc.’ But
[024] if the appeal is for breach of the king's peace, as in the case of breach of the peace

[025] and wounding, breach of the peace and mayhem, breach of the peace and robbery,
[026] breach of the peace and the rape of virgins etc., let the writ be drawn in this way:

Another writ on the same matter for the same purpose.

[028] ‘The king to the sheriff, greeting. If A. has made you secure etc. then put B. by
[029] gage and safe pledges to be before our justices at the first session etc. to answer
[030] the said A. regarding [blows and] the breach of our peace whereof he appeals
[031] him.⁵ And have there the names of the pledges and this writ. Witness etc.’ If it
[032] pleases the king that appeals [against appellees] attached in the county until the
[033] arrival of the justices for homicide or breach of the king's peace should come before
[034] him or his justices of the bench, let a writ for summoning the appeal then issue
[035] in this form:

Notes

1. *Supra* 404

2. New paragraph

3. ‘causae,’ all MSS.

4. ‘attachiati’

5. Hall in *L.Q.R.*, lxxiii, 66, 72

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THE DOMESDAY BOOK ONLINE

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Welcome to the new website.

The Domesday Book was commissioned in December 1085 by William the Conqueror, who invaded England in 1066. The first draft was completed in August 1086 and contained records for 13,418 settlements in the English counties south of the rivers Ribble and Tees (the border with Scotland at the time).

The original Domesday Book has survived over 900 years of English history and is currently housed in a specially made chest at London's Public Record Office in Kew, London. This site has been set up to enable visitors to discover the history of the Domesday Book, to give an insight into life at the time of its compilation, and provide information and links on related topics.

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Medieval Sourcebook: The Anglo-Saxon Chronicle: The Domesday Book, 1086

One of the most remarkable documents generated by the new circumstances King William faced in England was Domesday Book, a veritable treasure trove on information for King William (as well as for the modern historian!). The following documents explain some of the chief features of the survey.

The Genesis of the Survey, 1086

The king spent Christmas with his councillors at Gloucester, and held his court there for five days, which was followed by a three-day synod held by the archbishop and the clergy. At this synod Maurice was elected bishop of London and William bishop of Norfolk and Robert bishop of Cheshire: they were all chaplains of the king. After this the king had important deliberations and exhaustive discussions with his council about this land and how it was peopled, and with what sort of men. Then he sent his men all over England into every shire to ascertain how many hundreds of 'hides' of land there were in each shire. He also had it recorded how much land his archbishops had, and his diocesan bishops, his abbots and his earls, and--though I may be going into too great detail--and what or how much each man who was a landholder here in England had in land or live-stock, and how much money it was worth. So very thoroughly did he have the inquiry carried out that there was not a single 'hide,' not one virgate of land, not even--it is shameful to record it, but it did not seem shameful for him to do--not even one ox, nor one cow, nor one pig which escaped notice in his survey. And all the surveys were subsequently brought to him.

William the Conqueror Assessed

If anyone would know what manner of man King William was, the glory that he obtained, and of how many lands he as lord, then will we describe him as we have known him, we who had looked upon him and who once lived at his court. This King William...was a very wise and great man, and more honored and more powerful than any of his predecessors. He was mild to those good men who loved God, but severe

beyond measure to those who withstood his will. He founded a noble monastery [Battle Abbey] on the spot where God permitted him to conquer England., and he established monks in it, and he made it very rich. In his days the great monastery at Canterbury was built, and many others also throughout England; moreover, this land was filled with monks who lived after the rule of St. Benedict; and such was the state of religion in his days that all who would, might observe that which was prescribed by their respective orders.

King William was also held in much reverence. He wore his crown three times every year when he was in England: at Easter he wore it at Winchester, at Pentecost at Westminster, and at Christmas at Gloucester. And at these times all the men of England were with him, archbishops, bishops, abbots and earls, thanes and knights. So also was he a very stern and wrathful man, so that none durst do anything against his will, and he kept in prison those earls who acted against his pleasure. He removed bishops from their sees and abbots from their offices, and he imprisoned thanes, and at length he spared not his own [half-]brother Odo. This Odo was a very powerful bishop in Normandy. His see was that of Bayeux, and he was foremost to serve the king. He had an earldom in England, and when William was in Normandy he [Odo] was the first man in this country, and him did William cast into prison.

Amongst other things, the good order that William established is not to be forgotten. It was such that any man...might travel over the kingdom with a bosom full of gold unmolested; and no man durst kill another, however great the injury he might have received from him. He reigned over England, and being sharp-sighted to his own interest, he surveyed the kingdom so thoroughly that there was not a single hide of land throughout the whole of which he knew not the possessor, and how much it was worth, and this he afterward entered in his register. The land of the Britons [Wales] was under his sway, and he built castles therein; moreover he had full dominion over the Isle of Man; Scotland was also subject to him...; the land of Normandy was his by inheritance, and he possessed the earldom of Maine, and had he lived two years longer, he would have subdued Ireland by his prowess, and that without a battle.

Truely there was much trouble in these times, and very great distress. He caused castles to be built and oppressed the poor. The king was also of great sternness, and he took from his subjects many marks of gold, and many hundred pounds of silver, and this, either with or without right, and with little need. He was given to avarice and greedily loved gain. He made large forests for the deer, and enacted laws therewith, so that whoever killed a hart or a hind should be blinded. As he forbade killing the deer, so also the boars; and he loved the tall stags as if he were their father. He also commanded concerning the hares, that they should go free. The rich complained and the poor murmured, but he was so sturdy that he took no notice of them; they must will all that the king willed, if they would live, or keep their lands,...or be maintained in their rights. Alas that any man should so exalt himself.... We have written concerning him these things, both good and bad, that virtuous men may follow after the good, and wholly avoid the evil, and may go in the way that leadeth to the kingdom of heaven.

[from the *Anglo-Saxon Chronicle*, sub anno 1086, as it appears in F. A. Ogg, *A Source*

Source.

from the *Anglo-Saxon Chronicle*, sub anno 1085, as it appears in J. H. Robinson, *Readings in European History* (Boston: 1904)

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Paul Halsall, July 1998

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Medieval Sourcebook: THE DOMESDAY BOOK 1086 - Instructions and Extract

THE DOMESDAY BOOK 1086

Inquisitio Eliensis. Domesday Book: Additamenta, p. 495. Latin.

[TR Introduction] *The first approach to a modern assessment roll or cataster is the well known Domesday Book. The existing literature on this remarkable memorial is so extensive, that it has not appeared advisable to quote largely from it. Our first quotation contains the instructions issued to the Commissioners who made the record. The second is a specimen return. There is a wide variety in the returns, though certain factors recur constantly in each statement. The survey is the most extensive document, embracing as it does the entire area of England held by the Conqueror, which we possess in regard to medieval times. It is important to note how the feudal power as founded by William is no longer dependent like the Empire of Charles upon the personal estates of the crown, but brings the entire land under its influence through the feudal dues, and thus paves the way for the modern state founded upon the obligations of all its citizens.*

INSTRUCTIONS FOR COLLECTION OF THE DOMESDAY RETURNS.

Here is subscribed the inquisition of lands as the barons of the king have made inquiry into them; that is to say by the oath of the sheriff of the shire, and of all the barons and their Frenchmen, and the whole hundred, the priests, reeves, and six villains of each manor; then, what the manor is called, who held it in the time of king Edward, who holds now; how many hides, how many plows in demesne, how many belonging to the men, how many villains, how many cottars, how many serfs, how many free-men, how many socmen, how much woods, how much meadow, how many pastures, how many mills, how many fish-ponds, how much has been added or taken away, how much it was worth altogether at that time, and how much now, how much each free man or soeman had or has. All this threefold, that is to say in the time of king Edward, and when king William gave it, and as it is now; and whether more can be had than is had.

EXTRACT FROM DOMESDAY SURVEY OF THE COUNTY OF NORFOLK.

Domesday Book, Vol. 2, pp 153-154. Latin.

The land of Robert Malet.

Fredrebruge Hundred and half Glorestorp. Godwin, a freeman, held it. Two carucates of land in the

time of king Edward. Then and afterwards 8 villains; now 3. Then and afterwards 3 bordars; now 5. At all times 3 serfs, and 30 acres of meadow. At all times 2 carucates in demesne. Then half a carucate of the men, and now. Woods for 8 swine, and 2 mills. Here are located 13 socmen, of 40 acres of land. When it was received there were 2 r.,' now 1. At all times 8 swine, then 20 sheep, and it is worth 60 shillings.

There is situated there, in addition, one berewick, as the manor of Heuseda. In the time of king Edward, 1 carucate of land; then and afterwards 7 villains, now 5. At all times 12 bordars, and 3 serfs, and 40 acres of meadow; 1 mill. Woods for 16 swine and 1 salt pond and a half Then 1 r., and now and 14 swine, 30 sheep, and 50 goats. In this berewick are located 3 socmen, of 10 acres of land, and it is worth 30 shillings. The two manors have 2 leagues in length and 4 firlongs in breadth. Whosoever is tenant there, returns 12 pence of the twenty shillings of geld.

Scerpham Hundred Culverstestun Edric held it in the time of king Edward. Two carucates of land. At all times there were 4 villains, and 1 bordar, and 4 serfs; 5 acres of meadow and two carucates in the demesne. Then and afterwards 1 carucate, now one-half At all times 1 mill and one fish-pond. Here is located 1 socmen of the king, of 40 acres of land; which his predecessors held only as commended and he claims his land from the gift of the king. Then and afterwards there was one carucate, now 2 bovates, and 2 acres of meadow. At all times two r.[note: word indicated by "r" has not been identified] , and 4 geese; then 300 sheep, now 300 less 12; then 16 swine now 3. Then and afterwards it was worth 60 shillings, now 80; and there could be one plow. Walter of Caen holds it from Robert.

Heinstede Hundred. In Sasilingaham Edric, the predecessor of Robert Malet, held 2 sokes and a half, of 66 acres of land, now Walter holds them. Then 9 bordars, now 13. At all times 3 carucates and a half among all, and 3 acres of meadow, and the eighth part of a mill; and under these 1 soke of 6 acres of land. At all times half a carucate. Then it was worth 30 shillings, now it returns 50 shillings.

In Scotessa Ulcetel was tenant, a free man commended to Edric, in the time of king Edward of 30 acres of land. At that time 1 bordar, afterward and now 2. Then half a carucate, none afterward nor now. It was at all times worth 5 shillings and 4 pence; the same.

From University of Pennsylvania. Dept. of History: *Translations and Reprints from the Original Sources of European history*, published for the Dept. of History of the University of Pennsylvania., (Philadelphia, University of Pennsylvania Press [1897?-1907?])Vol III:2, pp.6-7.

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DOMESDAY /ˈdʊmzdeɪ/

On 24 November 1997, as part of its new policy of openness, the British government published a detailed schedule of all the property and goods it owns (as a sign of the times it is available on CD-ROM as well as in a 550-page book). It lists about 300 billion pounds worth of valuables, including foreign embassies, paintings, landholdings and miscellaneous goods.

The formal title of this document is the *Register of National Assets* but the press has decided, in one of its periodical fits of concerted mild inaccuracy, to call it the *New Domesday Book* or *Domesday Book II*. The listing is certainly wide-ranging, but it has only a little in common with the original **Domesday** Book, which was ordered by William I in 1085 to assess the wealth of England for possible taxation purposes. Nobody is proposing to tax items on the Register; it's more probable that some of them will be sold off to raise cash for the Treasury.

In origin, *Domesday* is just a Middle English spelling of *doomsday*, a name which only came to be applied to the survey a century after its compilation, at first facetiously as being an unavoidable and final judgement (contemporaries called it “the description of England”). A *doom* was originally a statute, decree or judgement (especially applied to the day of the Last Judgement in Christian theology, as in the *crack of doom*, and *doomsday* itself). There had earlier been *doombooks*, codes of laws, particularly the one said to have been compiled by King Alfred at the end of the ninth century. The *doom-settle* or *doom seat* was in early medieval times the place of judgement in a court of law. Later *doom* came to refer more generally to one's fate or destiny, often with a sense of evil befalling one.

It's closely related to the verb *deem*, which first came into the language with the sense of pronouncing judgement or acting as a judge; later it weakened to mean expressing an opinion or considered view and is now rather a formal word. It's also, if you go back far enough, linked to *do*. The Russian term *Duma* (ˈdʊ:mə/), an elected council, is also related to it, as is *Dáil* (ˈdɑɪl/), the name for the lower house of the Irish parliament.

The English suffix *-dom* is another cousin, which originally meant a jurisdiction, an area over which some official had the power of asserting his *doom*, such as a *kingdom*, but which later evolved to mean some condition or state, such as *freedom* or *wisdom*. Yet another—though much more distant—relative is *theme*, which in Greek derives from the same root as the English *do*.

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The Domesday texts
Kyoto University, Japan, 7 April 2001

So very narrowly did he have it investigated, that there was no single hide or virgate of land, nor indeed (it is a shame to relate but it seemed no shame for him to do) one ox nor one cow nor one pig which was left out, and not put down in his record.

Medieval chronicles are stuffed with hyperbole and one suspects that the intended readership was expected to be able to translate the references to the 50,000 men, 500 ships, and the like into the more realistic 'enough to knock your cowl off.' The writer of the 1085 annal of the Anglo-Saxon Chronicle knew full well that he was overstating the case, but he understood that his audience likewise would comprehend: the scale of the Domesday inquest was unprecedented. The initial reaction was horror, but in the course of time it changed to respect and then admiration; by the early twelfth century the Domesday inquest, and more particularly Domesday Book, had entered the popular imagination as an unimpeachable authority. It was a mystique that has remained into the present day. With the possible exception of Magna Carta, no other medieval document generated such enduring veneration. It is this, it seems, that is the abiding reason for the survival of so much documentation from the process. Medieval government was to be capable of producing more comprehensive surveys, but none would be able to muster such abiding interest.

The volume of information is awesome. Where most surveys in the Middle Ages go largely unnoticed in the chronicles, there are two contemporary accounts of the Domesday inquest. The 1085 annal of the Anglo-Saxon Chronicle has already been cited. Bishop Robert of Hereford, probably writing in 1087, had a slightly different perspective.

[In the] twentieth year of his reign by order of William, king of the English, there was made a survey (*descriptio*) of the whole of England; of the lands in each of the counties; of the possessions of each of the magnates, their lands, their manors (*mansionibus*), their men both bond and free, living in cottages or with their own houses and lands; of ploughs, horses, and other animals; of the services and payments due from all the men in the whole land. Other investigators followed the first and were sent to counties that they did not know, and where they themselves were unknown, to check the first description and to denounce any wrongdoers to the king. And the land was vexed with much violence arising from the collection of the king's taxes.

Further information is furnished by a letter of Archbishop Lanfranc to a commissioner in East Anglia, identified simply as 'S,' in which he confirmed that he had no demesne lands in the counties assigned to the commissioner. A slightly later account of the inquest in Worcestershire is recorded by Hemming in the first Worcester cartulary. Bishop Remigius of Lincoln, Earl Walter Giffard, Henry de Ferrers, and Adam, brother of Eudo the king's steward were sent to Worcestershire 'by the king himself to seek out and set down in writing the possessions and customs, both of the king and of his leading men, in this province and in several others, at the time when the said king had (details of) the whole of England set down in writing.'

A handsome body of evidence of procedure. Of the records that emanated from the process itself (table 1) the three largest are contemporary manuscripts. Exon is a composite document. The bulk of it is a series of accounts, fee by fee, of the lands of the king and his tenants-in-chief in Somerset, Dorset, Devon, and Cornwall with a single Wiltshire entry. Interspersed are geld accounts, related to an *inquisitio geldi*, lists of *terre occupate*, that is lands that had been illegally seized, and summaries of fees detailing total geld assessments, ploughs, population for the demesne and enfeoffed lands and a ploughland total for the whole fee. Welldon Finn established that Exon was written by a number of scribes and Caroline Thorn has shown that it is no coherent document. Each fee tends to be entered in its own quire, but the scribes change without any apparent pattern, even on occasion in the middle of a sentence, and there is much correction, emendation, and addition of material. There is no indication that the collection was originally bound, and it is best interpreted as a series of discrete sections united by a more or less common origin rather than an editorial schema.

Table 1: the Domesday corpus

| Document | Source |
|-----------------------|---|
| Abingdon A | Douglas, D. C., 'Some Early Surveys from the Abbey of Abingdon,' <i>EHR</i> , 44, (1929), 623. |
| Abingdon B | Douglas, D. C., 'Some Early Surveys from the Abbey of Abingdon,' <i>EHR</i> , 44, (1929), 623-25. |
| Bath A | Cambridge, Corpus Christi College, MS 111, pp.128-9; <i>Two Chartularies of the Priory of St Peter at Bath</i> , ed. W. Hunt, Somerset Record Society, 7, (1893), 67-8. |
| Bath B | <i>Two Chartularies of the Priory of St Peter at Bath</i> , ed. W. Hunt, Somerset Record Society, 7, (1893), 35-6. |
| Braybrooke Cartulary | Fowler, G. H., 'An Early Cambridgeshire Feodary,' <i>EHR</i> , 46, (1931), 422-3. |
| Burton B | Walmsley, J. F. R., 'Another Domesday Text,' <i>Medieval Studies</i> 39, (1977), 116. |
| Bury A | Douglas, D. C., <i>Feudal Documents from the Abbey of Bury St Edmunds</i> (London, 1932), 1-15. |
| Bury B | <i>Feudal Documents from the Abbey of Bury St Edmunds</i> , ed. D. C. Douglas (London, 1932), 15-24. |
| Bury C | <i>Feudal Documents from the Abbey of Bury St Edmunds</i> , ed. D. C. Douglas (London, 1932), 25-44. |
| Crowland DB | <i>Rerum Anglicarum Scriptores Veteres</i> , ed. W. Fulman (Oxford, 1684), i, 80-2. |
| Descriptio Terrarum | Roffe, D. R., 'The Descriptio Terrarum of Peterborough Abbey,' <i>Historical Research</i> , 65, (1992), 15-16. |
| Domesday Monachorum A | <i>The Domesday Monachorum of Christ Church Canterbury</i> , ed. D. C. Douglas (London, 1944), 80-1. |
| Domesday Monachorum B | <i>The Domesday Monachorum of Christ Church Canterbury</i> , ed. D. C. Douglas (London, 1944), 81-98. |

| | |
|-------------------------|---|
| Domesday Monachorum D | <i>The Domesday Monachorum of Christ Church Canterbury</i> , ed. D. C. Douglas (London, 1944), 98-9. |
| Domesday Monachorum E | <i>The Domesday Monachorum of Christ Church Canterbury</i> , ed. D. C. Douglas (London, 1944), 99-104. |
| Ely A | <i>Inquisitio Comitatus Cantabrigiensis</i> , ed. N. E. S. A. Hamilton (London, 1876), 168-73. |
| Ely B | <i>Inquisitio Comitatus Cantabrigiensis</i> , ed. N. E. S. A. Hamilton (London, 1876), 174-5. |
| Ely C | <i>Inquisitio Comitatus Cantabrigiensis</i> , ed. N. E. S. A. Hamilton (London, 1876), 175-83. |
| Ely D | <i>Inquisitio Comitatus Cantabrigiensis</i> , ed. N. E. S. A. Hamilton (London, 1876), 184-89. |
| Evesham A | Sawyer, P. H., 'Evesham A, a Domesday Text,' <i>Miscellany 1</i> , Worcestershire Historical Society, (1960), 22-36. |
| Evesham F | London, British Library, Cotton MS Vespasian B xxiv, f.11r. |
| Evesham K | London, British Library, Cotton MS Vespasian B xxiv, f.57r-62r. |
| Evesham M | London, British Library, Cotton MS Vespasian B xxiv, f.62r-63v. |
| Evesham P | London, British Library, Harleian MS 3763, f.71v. |
| Evesham Q | London, British Library, Harleian MS 3763, f.82r. |
| Excerpta | <i>An Eleventh-Century Inquisition of St Augustine's, Canterbury</i> , ed. A. Ballard, <i>Records of the Social and Economic History of England</i> , 4 (London, 1920), 1-33. |
| Exon | Exeter, Exeter Dean and Chapter, MS 3500; <i>Libri Censualis, vocati Domesday Book, Additamenta ex Codic. Antiquiss. Exon Domesday; Inquisitio Eliensis; Liber Winton; Boldon Book</i> , ed. H. Ellis (London, 1816). |
| GDB | London, Public Record Office; <i>Great Domesday</i> , ed. R. W. H. Erskine (London, 1986) |
| ICC | London, British Library, MS Cotton Tiberius A vi, ff.36-69: <i>Inquisitio Comitatus Cantabrigiensis</i> , ed. N. E. S. A. Hamilton (London, 1876), 1-95. |
| IE | Cambridge, Trinity College, MS 0.2.1, ff.191v-221v; Cambridge, Trinity College, MS 0.2.41, pp. 161-274; London, British Library, Cotton Tiberius A vi, ff.36-69; <i>Inquisitio Comitatus Cantabrigiensis</i> , ed. N. E. S. A. Hamilton (London, 1876), 96-167. |
| Kentish Assessment List | Hoyt, R. S., 'A Pre-Domesday Kentish Assessment List,' <i>A Medieval Miscellany for Doris Mary Stenton</i> , eds P. M. Barnes and C. F. Slade, Pipe Roll Society, ns, 36, (1960), 199-202. |
| LDB | London, Public Record Office; <i>Little Domesday Book</i> , eds A. Williams, G. H. Martin (London, 2000). |
| Worcester A | <i>Hemingi Chartularium Ecclesiae Wigornensis</i> , ed. T. Hearne (Oxford, 1723), 83-4. |
| Worcester B | <i>Hemingi Chartularium Ecclesiae Wigornensis</i> , ed. T. Hearne (Oxford, 1723), 298-313. |

LDB and GDB, by contrast, are self-evidently compilations that follow a programme. LDB is confined to the three counties of Essex, Norfolk, and Suffolk which form the major divisions of the text. Within each county section the account proceeds by fees and concludes with a list of *invasiones*, illegal seizures of land. The volume is the work of seven scribes, the last of whom was responsible only for the colophon at the end of the volume, the running heads, and the rubrication. Nevertheless, it is apparently a fair copy, with relatively few corrections and additions. GDB exhibits much the same form. It covers the rest of England county by county and within each fee by fee. There are claims relating to lands in Yorkshire, Lincolnshire, and Huntingdonshire and a summary list of villas and manors in Yorkshire. The volume is, however, largely the work of one scribe with a second adding the odd correction or gloss, and, very occasionally, entry. It is, by far, the most accomplished of the Domesday manuscripts. The reader's eye is drawn to the names of manors by the use of rustic capitals and rubrication, and a standard layout was employed. It was evidently drawn up for reference use.

The remaining documentation survives in later copies. Four texts are full Domesday-like compilations. ICC is the widest in scope, covering all the land in thirteen out of sixteen of the Cambridgeshire hundreds except for the demesne estates of the king. In marked contrast to the parallel account of the county in GDB, however, it is arranged by hundred and vill as opposed to fee. IE is a composite source. Surviving in three manuscripts, much of it is an account of the estates of Ely Abbey in the six counties in which it held land in a form that is very close to LDB and ICC. Additionally, however, it preserves what have been called the articles of inquiry in the prologue, lists of jurors for the counties of Cambridgeshire and Hertfordshire, summaries identical in form and content to those of Exon for a number of fees in Cambridgeshire and for Ely in Hertfordshire, Huntingdonshire, Norfolk, Suffolk, and Essex, and a schedule of Ely claims. Bath A is an Exon-like account of the lands of Bath Abbey in Somerset. The Crowland Domesday is a composite account of the lands of Crowland Abbey which draws upon the GDB account and an independent geographically-arranged list of villas and hundreds.

The rest of the corpus consists of some twenty-seven texts that with varying degrees of detail which fall short of full Domesday descriptions. Apart from their relative brevity; there is nothing that characterizes them as a coherent group. Nevertheless, for convenience we shall call them these sources 'schedules.' Their salient features are summarized in table 2.

Table 2: the Domesday schedules

| | Content | | | | | | | Forms | | | | | | | |
|-------------------|------------------------|------------------|-------------|---------|------------|-------|--------------|--------|------------------|----------------------|---------------------|--------------------|--------------------|-------------------------|-----------------------|
| | Assessment to the geld | Demesne/tenanted | Ploughlands | Ploughs | Population | Value | Presentments | Claims | Order as GDB/LDB | Order not as GDB/LDB | English orthography | Arrangement by fee | Arrangement by 100 | Extract/schedule of fee | Extract from 100 roll |
| Abingdon A | ✓ | ✓ | | | | | | | ✓ | | ✓ | | | | ✓ |
| Bath B | ✓ | ✓ | | | | | | | ✓ | | ✓ | | | | |
| Braybrooke | ✓ | ✓ | ✓ | | | ✓ | | | ✓ | | | | | | ✓ |
| Burton B | ✓ | ✓ | ✓ | | | ✓ | | | ✓ | | ✓ | | | ✓ | |
| Bury A | ✓ | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | | | | |
| Bury B | ✓ | ✓ | | | ✓ | | ✓ | | ✓ | | ✓ | | | | |
| Bury C | ✓ | ✓ | | | | ✓ | | | | | | | | | |
| Des. Ter. | ✓ | ✓ | | | | | | | | ✓ | ✓ | | | ✓ | |
| DM A | ✓ | | | | | | | | | ✓ | ✓ | | | ✓ | |
| DM B | ✓ | ✓ | | | | ✓ | | | | ✓ | ✓ | | | | ✓ |
| DM D | | | | | | ✓ | | | | ✓ | ✓ | | | ✓ | |
| DM E | ✓ | ✓ | | | | ✓ | | | | ✓ | ✓ | | | | |
| Ely A | | ✓ | | ✓ | ✓ | | | | ✓ | | ✓ | | | | |
| Ely B | | ✓ | | ✓ | ✓ | | | | | ✓ | ✓ | | | | |
| Ely C | ✓ | ✓ | | | ✓ | ✓ | | | ✓ | | ✓ | | | | |
| Ely D | ✓ | | ✓ | ✓ | ✓ | | | ✓ | | ✓ | ✓ | | | | |
| Evesham A | ✓ | ✓ | | ✓ | | ✓ | ✓ | | ✓ | | ✓ | | ✓ | | |
| Evesham F | ✓ | ✓ | | | | | | | | ✓ | ✓ | | | ✓ | |
| Evesham K | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | |
| Evesham M | ✓ | ✓ | | | | | ✓ | | ✓ | | ✓ | | ✓ | | |
| Evesham P | ✓ | ✓ | | | | | ✓ | | ✓ | | ✓ | | ✓ | | |
| Evesham Q | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | |
| Excerpta | ✓ | ✓ | | | | ✓ | ✓ | | ✓ | | ✓ | | ✓ | | |
| Kentish Ass. List | ✓ | | | | | | | | ✓ | | ✓ | | ✓ | | |
| Worcester A | ✓ | ✓ | | | | | | | | ✓ | ✓ | | ✓ | | |
| Worcester B | ✓ | ✓ | | | | | | | ✓ | | ✓ | | | | |

Documents are, of course, meat and drink to the historian. We are all adept at validating and assessing our sources. The analysis of early charters is now almost a science with criteria drawn up to establish not only authenticity but degrees of authenticity. In some editions Anglo-Saxon charters are accorded stars like the best hotels. Similarly, chronicle criticism has been honed down to a fine art. Texts are collated and autographs or 'originals' are identified. These are disciplines that, in their place, have all been well-learned. I shall argue here, however, that they are inappropriate to inquest records and have in consequence misinformed historians about the nature of the Domesday sources and the relationship between them.

Employing techniques of charter and chronicle criticism, much of recent Domesday scholarship has been concerned with producing a taxonomy of these sources. All of the texts in the Domesday corpus are in some way related to the Domesday inquest, but the problem has been to determine the nature of the relationship in each case. The most comprehensive examination of the corpus as a whole was undertaken by Dr Howard Clarke in 1985. He drew together analyses of individual schedules by a number of scholars, notably Galbraith, Sawyer, Harvey, and himself, to produce an account of the genesis of Domesday Book. He accepted that documents like Abingdon A and the Kentish Assessment List were pre-Domesday sources pressed into service in the inquest to inform the initial collection of evidence from the tenants-in-chief. Evesham A represents the sort of schedule that was then drawn up for validation by hundred jurors, and seigneurially-arranged Bath A and geographically-arranged ICC are representatives of the two types of source that their presentments took. From these county drafts regional returns, exemplified by Exon and LDB, were produced with the use of 'conversion tables' like Evesham K and Q which facilitated the transformation of a hundredal to a seigneurial form where necessary. Finally, GDB was produced by abbreviating the regional returns.

This analysis accepts a number of assumptions that must be tested. The first relates to techniques of dating texts. That the Domesday inquest was conducted in 1086 is clear, but none of the Domesday texts is unambiguously dated. The colophon at the end of LDB states categorically that 'this survey (*ista descriptio*) was made in the one thousand and eighty sixth year of the incarnation of the Lord, and in the twentieth of the reign of William, not only through these three counties, but also through the others.' It must be noted, however, that this is a postscriptal comment written by scribe 7, who did not otherwise participate in the production of the volume, and he almost certainly understood *ista descriptio* as the survey rather than LDB. None of the remaining texts is explicitly dated, the best indication being a statement that a text or schedule was drawn up 'when England was described' or the like. The problem is a common one with medieval records and the normal way of tackling it is to narrow down a date range from the known history of individuals and institutions. 'Dead dating' works well with charters; people cannot grant land or witness transactions when they themselves are dead or not in office, and if they do a fishy smell hangs over the document. Unfortunately, however, the Domesday documents are not always amenable to this type of analysis. It has been asserted that Abingdon A must pre-date Domesday because in one entry GDB records a successor to the tenant. At best this can only prove that the document is earlier than GDB, a different matter from demonstrating that it precedes the Domesday inquest. At best, for Domesday texts are often imprecise in their record. Queen Matilda appears as a tenant-in-chief in the Buckinghamshire folios and yet at the beginning of 1086 she had been dead for over two years. The problem is even more acute with holders of land before 1086. The assize was set at 'the day on which King Edward was alive and dead' at an early stage in the process, although this had been amended to the more realistic 'in the time of King Edward' by the time GDB came to be written. Thus, it is often assumed that a past tense in a Domesday text can be safely translated as 'before 1066.' In fact, the referent might be to any predecessor in the previous thirty years. Earl Siward appears regularly in the Northern folios and yet he died in 1055 and Earl Waltheof more widely, although he was still in possession of his lands within a decade of the inquest. Domesday was dependent on its sources and these were various.

On these grounds content is an equally treacherous anchor. Sally Harvey dates the Kentish Assessment List as pre-Domesday because it records TRE geld assessments where GDB has TRW figures. Inherent in her argument is the assumption that the purpose of the geld inquest, which she

saw as a contemporary but independent initiative, was to reassess tax liability. This is in itself questionable, but even within its own terms the argument does not work. In many counties TRE assessments are given and there is no indication that a reassessment was ever intended; Domesday hidation survived in many cases into the thirteenth century and occasionally beyond. But more to the point in Cambridgeshire there was a reduction in liability between 1066 and 1086 and yet both assessments are used in different contexts throughout the Cambridgeshire text. It would seem that the burden of the Danegeld might be reduced but by necessity other dues continued to be calculated on the older assessments.

Dead dating is, then, of dubious value. Given the manifold sources of the Domesday texts, it will probably always be misleading in providing a *terminus ante quem*; a reference to a person will not be an adequate ground for fixing a date before which a text was written. It can be of more positive use in determining a *terminus post quem*. It is self-evident that a document that makes reference to King William must have been written after 1066. On these grounds Dr Christopher Lewis was able to argue that GDB must post-date the death of William the Conqueror, if only in part, because in the Huntingdonshire and Surrey folios William de Warenne is called Earl William, a title he was granted by William Rufus. In this case, however, the deduction can only be made because it is apparent from the manuscript that *comes*, 'earl', is an integral part of the text. Where such a reference is postscriptal certainty dissolves. Claims have long been made that the Surrey section must already have been written when William the Conqueror issued a writ, 'after the description of the whole of England,' which set the assessment of Westminster Abbey's manor of Pyrford in Surrey at 8 hides, for in GDB the scribe originally recorded its liability as 16 hides only subsequently to add postscriptally that 'it now gelds for 8 hides.' The assumption, however, is unwarranted. The writ clearly sets a *terminus post quem* for the addition, but can hardly provide a *terminus ante quem* for the text itself. At most it can be said that the information was not in the scribe's original source.

Here we must substitute a positive with a qualified negative. Where we have original working documents this is often possible. Even qualified negatives, though, can become meaningless when we have texts only in later copies, for there is generally no way of knowing whether a reference is integral. Evesham K contains surveys of Gloucester and Winchcombe with information that dates them to c.1100, but this hardly dates the whole text. Rather it merely provides a *terminus post quem* for that part and may or may not provide a *terminus post quem* or indeed a *terminus ante quem*, for the rest of the text. Place-name forms, it is true, can sometimes hint at different strata in compound documents, but it can never be assumed that a scribe always copied what was before him. In the Crowland Domesday place-names were modernized to fourteenth-century forms except for those of places in which the abbey no longer had interests at the time of writing, and it would seem that the scribe only accurately copied those that were unfamiliar to him.

If precise dating is elusive, textual forms promise the possibility of constructing a relative chronology. Frank and Caroline Thorn have eloquently demonstrated how the language and layout of Exon have directly influenced the production of GDB. The GDB scribe's repeated transcription of textual peculiarities and misunderstandings of emendations demonstrate beyond doubt that the Exeter text was his principal source for the account of the South-Western counties. Where one or both texts are later copies, this sort of analysis is rarely possible, but diplomatic may betray a relationship. The geographically-arranged ICC is a case in point. The account of each vill commences with the statement 'X [the place] defended itself for y hides, A¹ holds....' while other fees in the same vill have

the form 'In the same vill A² holds..' These forms are consistently translated into GDB as X defended itself for y hides..' and ' In X A holds...' and it is thus clear that ICC precedes the account and was probably a principal source.

More subtle are editorial reorganizations of material. The GDB scribe is consistently more concise and organized than the scribes of Exon with only the occasional slip hinting at his more expansive source. They in their turn had imposed their own concept of what was required upon their material and the process indicates that Bath A was one of their sources. In content this document varies little from Exon, but where the one lists demesne and villagers' hides followed by demesne and villagers' ploughs, the other regroups the information so that the demesne assessment and ploughs come first. Furthermore, its language is somewhat looser. All in all, it seems clear that it was slightly earlier than Exon.

The organization of texts may also hint at a relationship. Common sequences of vills and hundreds are ubiquitous in the Domesday corpus and in themselves prove little beyond a common identity in a process: many a schedule exhibits a structure that is identical with that of LDB or GDB, but it may as easily be a precursor of the engrossed texts as an abstract or extract thereof. Evesham K and Q are difficult to interpret on these grounds. Rather it is in the disruption of sequences that relationships become apparent. The Suffolk section of IE shares a villar sequence with its LDB counterpart, but the order of hundreds is completely different. It would thus seem that it was extracted from a geographically-arranged source in which each hundred was entered in a separate quire and as such it represents a precursor of the LDB text. Again, however, the phenomenon is not always easy to interpret. It has been commonly assumed that the sequences are ultimately derived from the order in which hundred juries were called to make their presentments, and it therefore follows that aberrant forms must precede that stage in the inquiry. On these grounds Professor Sawyer has claimed that Evesham A stands at the very beginning of the Domesday process, representing a geographical arrangement of seigneurial returns preparatory to validation by the hundred juries. In reality, however, changes could be made at later stages in the process. The bishop of Worcester's *breve* in the Worcestershire folios of GDB is radically different in organization from the rest of the Worcestershire text, but it manifestly postdates the presentments of the hundred juries. Similarly, the Yorkshire Summary appears to postdate hundredal presentments, for it is the formal archetype of much of the Yorkshire text, but in the account of the lands of the Count of Mortain there is a disruption of that order occasioned by a scanning of the Summary exemplar a number of times.

From these techniques of dating sources a few firm conclusions can be drawn. GDB was conceived as an abbreviation of its sources which drew directly on Exon and ICC, and in Yorkshire was preceded by a document that had the same form as the Yorkshire Summary, while Exon in its turn drew upon Bath A and LDB was preceded, in part at least, by IE. These are precious conclusions. They are, nevertheless, a meagre harvest from such a volume of material. There is scarcely enough material to produce a complete taxonomy. A way forward seems to be offered by analogy, but in reality it is a method fraught with pitfalls for the unwary. The placing of LDB in the Domesday corpus illustrates the dangers. V. H. Galbraith, and most subsequent writers, have equated it with Exon. The argument put forward, however, is essentially a classic syllogism. Exon is earlier than GDB and records demesne livestock where GDB does not; LDB records demesne livestock and therefore it is contemporary with Exon and earlier than GDB. In fact the differences between Exon and LDB are greater than the similarities. Exon is a working document, in effect a series of office

files. LDB, by contrast, is a fully compiled fair copy. Its affinities are nearer to ICC than Exon, but its closest analogue is GDB itself. LDB is undoubtedly different in certain respects, but equally GDB varies in its range as the scribe worked on his task. Why, then, should the record of demesne livestock necessarily divorce LDB from GDB? As I have pointed out elsewhere, together they embody an evolving editorial programme. Features like the *invasiones* and the measurements of villas and manors are seemingly carried over into the first folios of GDB

The problem here is not only one of choosing the right characteristics to compare, it is also one of perception. All too often the production of the Domesday texts has been seen in rigid, mutually-exclusive stages, witness the table produced by Clarke. Symptomatic of this attitude is the assumption that, like chronicles, all documents have a single stemma, that is a straight line of transmission from a single original. The upshot has been to elaborate the taxonomy. Time and again it is asserted that if two documents share material but each contains data that are not found in the other, then they must be independently derived from a third source. So the Braybrooke Cartulary schedule has given birth to an ur-ICC and Exon to an intermediary before GDB. In reality, however, there is no necessity for documents to be copied from one source: many are patently compilations from a number of sources.

The concept of a stemma is, then, an unhelpful one, for it applies a model of authorship to a process that is of necessity other. The neat taxonomy that Clarke produces is less a function of what the texts themselves tell us than of a preconceived notion of what the Domesday process was about. What other reason is there for putting Evesham A at the head of the queue than a conviction that Domesday Book was from the outset the aim of the Domesday inquest? We are repeatedly told that all the Domesday texts with the exception of GDB are 'satellites,' they are merely a means to an end. Only thus has it been possible to put them into an order.

It seems to me that the authority for this concept is dubious. The so-called 'articles of inquiry' preserved in the prologue to IE have frequently been adduced as evidence of the purpose of the inquest at its earliest stage. They are, however, bad evidence. The articles are undoubtedly in a form that is very like that of Domesday Book: what is the name of the manor, what is its assessment to the geld, how many ploughs are there, how many men, what are its resources, what is it worth. But this list of questions does not necessarily imply a feudal survey. No mention is made of the fee and it could as easily have informed the account of each holding within the villas of ICC as a GDB-like source. In fact, the list is almost certainly very late in the Domesday process. Its very similarity to GDB should long ago have cast suspicion upon it. With no notice made of demesne livestock, it seems hardly possible that it could have informed the process that produced Exon, ICC, IE, or LDB. If not a literary conceit of the late twelfth century when IE was compiled, the list was probably drawn up as an abbreviation guide for the GDB scribe.

The form of Exon has been cited as further evidence that the production of Domesday Book was the aim of the Domesday inquest. Galbraith took issue with J. H. Round who believed that ICC was the typical product of the inquest. His objections, however, were misconceived. Whereas ICC was compiled from various sources to a conscious plan, Exon was a working record. Its form, then, is contingent to the aim of the inquest since it was a function of its sources. As Galbraith himself rightly divined, much of the Domesday data could only come from the tenant-in-chief and it was therefore

inevitable that it should be first written down in a 'seigneurial' form. On its own the form of Exon is no conclusive evidence for the aim of the survey.

No more so is the form of ICC. In reality, what evidence the Domesday sources afford suggests that there was no one single enterprise. The Anglo-Saxon annalist pointedly contrasts an audit of 'how many hundred hides there were in the shire, or what land and cattle the king himself had in the country, or what dues he ought to have in twelve months from the shire' with a survey of the lands and resources of his tenants-in-chief in the words 'also he had a record made of how much land his archbishops had, and his bishops, and his abbots and his earls.' At least some of the Domesday texts may relate to the former process. Abingdon A is said in the apology that introduces it to have been derived from a hundredally-arranged source which was kept in the Exchequer with Domesday Book, and the compiler of the Crowland Domesday refers to hundred rolls likewise kept with Domesday which he had consulted. Several other records make reference, more or less unambiguously, to similar records.

It seems clear enough that any examination of the processes of the Domesday inquest must start with those documents that can be related to each other, that is, Exon, ICC, IE, and above all LDB and GDB. Devoid of any clue as to their provenance and function, the remaining texts are useless as guides. The origins of some will probably always remain uncertain. For most the best that can be hoped for is a suggested function once different processes have been identified in the principal Domesday texts.

The Domesday texts, then, do not obey the rules of charter and chronicle criticism and they should not be made to do so. In essence the inquest was an investigation, and like all effective investigations its correspondents and sources were manifold. It took evidence from representatives of all levels of society from the humblest peasant to the greatest lord, and it drew on routine administrative and estate documents as well as its own records. By its nature its sources were multifaceted and attempts to formulate a taxonomy inevitably traduces the process. We have to resign ourselves to the fact that sometimes we will remain uncertain about the function of a document. But in return we have a much richer understanding of the truly communal enterprise that was the Domesday inquest.

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The essoin of bed-sickness.

[002] A person's absence is excused by an illness 'of residence,' from which the essoin
[003] called of bed-sickness arises,¹ which always follows immediately on the essoin of
[004] difficulty in coming, no other essoin intervening, neither that of service of the king
[005] nor any other.² It lies when one [essoined] of difficulty in coming is so impeded by
[006] illness³ that he cannot come, and, excusing himself from the journey, returns to his
[007] home, [as where] a passing illness has turned into 'languor.' We must then see
[008] whether the infirmity is a passing illness or 'languor.' If it is a passing illness, after
[009] the view the essoinee will have another day, fifteen days later at least. If it is 'languor,'
[010] a year and a day will then be given him, so that the year be an entire one,
[011] according as that is made up of moments, hours and days, that is, of three hundred
[012] and sixty-five days and six hours, whether the year is a leap year or not, nor, because
[013] of the excrescent day, will a leap year be longer by a day than any preceding
[014] year, nor by an hour or a moment, as will be explained more fully below, [of the
[015] year and day.]⁴ Within the year this illness is properly called 'languor,' but if it
[016] lasts beyond the year, it may be called 'dangerous disease,' that is, incurable disease.⁵
[017] An essoin of bed-sickness does not follow every essoin of difficulty in coming,
[018] for there are certain writs in which only the essoin of difficulty in coming follows,
[019] simply and by itself, never the essoin of bed-sickness, except sometimes by accident,
[020] as by the *narratio*, when a writ of entry is turned by the count into a writ of right.
[021] There, at the beginning of the suit the essoin of bed-sickness does not immediately
[022] follow the essoin of difficulty in coming, only when the nature of the writ of entry
[023] has been changed into that of a writ of right.⁶ Similarly, the essoin of bed-sickness
[024] only follows immediately on the essoin of difficulty in coming when the nature of
[025] the writ of common of pasture is changed into a writ of right by the count, a specification
[026] of quality and quantity having been made, as in the writ of *quo jure* and the
[027] like.⁷ The essoin of bed-sickness may follow the essoin of difficulty in coming and
[028] later, by the count, cease to follow it, as where one first sues by a writ of right: he

[029] will have both essoins at the beginning, but when the writ of right is turned into a
[030] writ of entry by the count and the tenant puts himself on a jury, the essoin of bed-sickness
[031] then ceases to follow the essoin of difficulty in coming, since by the count
[032] the plea begins to be of another nature.⁸ And so in a writ of right where the inheritance
[033] descends

Notes

[1.](#) *Supra* 72

[2.](#) *Infra* 96; cf. 103, 142

[3.](#) ‘quis essoniatus de malo veniendi ita infirmitate fuerit impeditus’

[4.](#) *Infra* 134; *B.N.B.*, iii, 301; Schulz in *Traditio*, iii, 280

[5.](#) *Infra* 116, 131; ‘morbus santicus’: D. 42.1.60; 50.16.113

[6.](#) *Supra* 22, *infra* 98

[7.](#) *Infra* 98, 105, 108

[8.](#) *Infra* 99, 105

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[001] an attorney¹ therefore, if that may conveniently be done, and if the lord does not
[002] come he will swear on the soul of the lord of the suit.² he will swear that he will
[003] have his lord on another day to warrant his statement and his essoin, and to
[004] prove by oath that he was so detained by illness while on his way to court that
[005] he was unable³ to come etc., as above. If he comes on that day, he will warrant⁴ the
[006] essoin, provided he proves by oath that he was impeded as his essoiner explained in
[007] putting forward his essoin. /But we must see whether the proof ought to be made
[008] to the judge or to the party, because if to the judge he may remit it if he wishes,
[009] because of the delay which would follow and the number of proofs. If it ought to be
[010] made to the party and not the judge, it cannot, without acting contrary to law, be
[011] remitted without the party's consent.⁵ Therefore if someone is absent for one or
[012] another of the foregoing reasons, let him send his essoiner to excuse him and put
[013] forward his excuse, in accordance with what was said above.^{6 7} <Essoins have their
[014] order just like actions. There is the essoin of difficulty in coming within the realm,
[015] if one falls so ill on the journey to court that he cannot appear, neither to gain nor
[016] to lose. An essoin of bed-sickness or⁸ *reseantisa* sometimes follows this essoin, where⁹
[017] the right itself is in question. When one has been so essoined within the realm by
[018] one of these or by both, the essoinee is not permitted to go outside the realm in
[019] order to gain himself a delay by the essoin of beyond the sea.¹⁰ There are several
[020] kinds of beyond the sea essoins, for instance, of beyond the sea and this side the sea
[021] of the Greeks and of beyond the sea of the Greeks:¹¹ 'of this side the sea of the
[022] Greeks,' as on pilgrimage to St. James, or for some other necessary reason, as the
[023] army or the like, in Germany or Spain or the like; /In these essoins the delay of the
[024] simple essoin of beyond the sea will be given the essoinee, at least forty days and
[025] one flood-tide and one ebb.¹² If mention is made of a [more] remote place, for some
[026] necessary purpose, as was said above, a greater delay will be given at the will and
[027] discretion of the justices, according to what seems appropriate according to the distance
[028] between the places. Delays are then arbitrary, provided they are at least forty
[029] days, as above. And the same will be done within the realm in the essoins mentioned

[030] above, [that is], according to the distances between the places, provided the delays
[031] are at least fifteen days.]¹³

Notes

- [1.](#) ‘attornatum’
 - [2.](#) *Infra* 92
 - [3.](#) ‘potuit’
 - [4.](#) ‘warantizet’; *infra* 111
 - [5.](#) *Infra* 89
 - [6.](#) *Supra* 73
 - [7.](#) *Supra* i, 412; belongs *infra* 76, line 27, after ‘ordinem’
 - [8.](#) ‘vel’
 - [9.](#) ‘ubi’
 - [10.](#) *Infra* 75, 77
 - [11.](#) ‘Graecorum’
 - [12.](#) *Supra* iii, 252
 - [13.](#) *Supra* 63, *infra* 77, 112
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[001] one ought to transfer himself to parts beyond the sea in order so to acquire further
[002] delays, since suits are to be restrained rather than extended.¹ And so if one is essoined
[003] simply 'of beyond the sea,' without any addition, though the essoin of the
[004] Holy Land would lie for him, it will never afterwards be allowed him, because after
[005] he has so essoined himself, at a certain place not far away, he ought not to transfer
[006] himself to more remote parts in order to acquire further delays. A plea shall never
[007] remain *sine die* for any essoin of beyond the sea unless one has set out for the Holy
[008] Land [in] a general passage.²

Essoins of the service of the lord king of this side the sea.

[010] Essoins of difficulty in coming of this side the sea are simple, but sometimes essoins
[011] of this side the sea arise³ which are not essoins of difficulty in coming because the
[012] essoinee is not taken ill on the way, while coming to court, but detained by the service
[013] of the lord king so that he cannot come. They may⁴ precede and follow such
[014] essoins,⁵ not once but more often,⁶ as long as he is in the service of the lord king,
[015] provided that on each day he has his warrant at hand.⁷ [Subject to the distinction
[016] noted above,⁸ when one essoins himself of service of the lord king the essoin ought
[017] to be admitted and allowed and a day given since the will of the lord king must
[018] not be questioned.]⁹ If on the day given he does not have his warrant, he will remain
[019] undefended.

Pleas specially excepted, in which the essoin of the service of the lord king does not lie.

[021] There are, however, certain specially excepted pleas in which the essoin of service
[022] of the lord king does not lie, because of necessity, as in the assise of darrein presentment,

[023] as [in the roll] of Trinity term in the fourteenth year of king Henry at the end
[024] of the roll, in the county of Suffolk, an assise of darrein presentment concerning the
[025] church of Great Thurlow.¹⁰ [To the same intent in the roll of the Bench in the thirty-seventh
[026] year of king Henry in the county of Kent, between Boniface, archbishop of
[027] Canterbury, and Robert St. John, concerning the church of Eyneford.]¹¹ The time
[028] limitation makes this necessary. Sometimes the essoin of service of the lord king
[029] does not lie because of favour, as in the case of dower, because if, immediately after
[030] the lawful essoins of difficulty in coming, the person summoned does not appear,
[031] proceedings are taken to default. Also, sometimes and according to some, because
[032] of the favour shown to minors, as

Notes

1. Drogheda, 127
 2. *Supra* 76
 3. ‘procedunt essonia’; *om.*: ‘essonia de servitio domini regis’
 4. ‘poterunt’
 5. ‘essonia’
 6. *Supra* 75
 7. *Supra* 71, 75
 8. *Supra* 71, 76
 9. *Supra* 71, *infra* 79, 158; belongs at the beginning of next section
 10. *B.N.B.*, no. 427; *C.R.R.*, xiv, no. 456 (sidelined)
 11. Not in *B.N.B.*; Br's second appointment to the court *coram page* was in July 1253
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[001] writ.¹ If he does not have it, let the matter proceed to default against the absentee
[002] as against one who has no excuse. Similarly, the reason of pilgrimage excuses,
[003] whether it is short or long. And here we must also see whether the summons came
[004] first or did not. Serious ill-health also excuses one who has been summoned, for he
[005] does not suffer the penalty for contumacy whose defence is ill-health.² It sometimes
[006] arises from illness on the journey, called of difficulty in coming, [sometimes] from
[007] illness at home, called of bed-sickness.³ One is also excused because he is occupied
[008] in a more important case,⁴ as where one is impleaded in the lord king's court, or
[009] called before it for some reason; he is excused in all inferior courts.⁵ But what is to
[010] be said of court christian, since we must obey God before men? I say that the suit
[011] must still be deferred,⁶ and that the king may warrant [the postponement], because
[012] of the reverence due the prince.⁷ The onset of an overpowering force which cannot
[013] be resisted⁸ excuses the absence of one who fails to appear up to the fourth day,⁹
[014] as where one on the way to court, having no other excuse, is captured by the enemy
[015] and detained by force so that he cannot appear. And so if he falls among thieves.
[016] And so because of accident,¹⁰ because of the force of a river, or because a bridge is
[017] down, or because a heavy gale makes shipping hazardous,¹¹ provided that the person
[018] summoned cannot come in due season by a circuitous route, for if he may come
[019] in time by so doing he is not excused by such accidental occurrence.

The excuses of one who does not come to court after summons.

[021] One is not excused if he leaves home later than is proper, if had [he left] earlier he
[022] could have come without difficulty and the accident would not have hindered him.¹²
[023] And so if he leaves home earlier than he ought and meets with an accident, that
[024] must be imputed to him, because had [he left] at a suitable time he would not have
[025] met with it. And so [though] the person summoned may be in a case by which his

[026] appearance is impeded,¹³ if he sought the disputes and causes whereby he was impeded,
[027] provided it was after the summons and not before. And so if he has fallen
[028] into an accident willingly, when he could easily have avoided it, and here we must
[029] also see whether the accident befell him before the day of summons or after it; if
[030] before, the excuse lies for him, as described above. ¹⁴It will not lie if he puts forward
[031] a reason why he could not come, as¹⁵ because a bridge was down, and on the same
[032] day

Notes

[1.](#) *Infra* 75, 78, 99

[2.](#) D. 42.1.53.2: *infra* 155

[3.](#) *Infra* 91

[4.](#) D. 42.1.53.2: ‘vel maioris causae occupatio defendit’

[5.](#) *Infra* 81, 155, 156-7

[6.](#) ‘differendum’

[7.](#) New paragraph

[8.](#) D. 4.2.2

[9.](#) *Infra* 104, 148, 158

[10.](#) ‘per casum fortuitum,’ from lines 15-16

[11.](#) D. 2.11.2.6-7

[12.](#) D. 2.11.2.8

[13.](#) *Om.*: ‘ut’

[14.](#) New sentence

[15.](#) ‘ut’

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guilds

guilds or **gilds**, economic and social associations of persons engaging in the same business or craft, typical of Western Europe in the Middle Ages. Membership was by profession or craft, and the primary function was to establish local control over that profession or craft by setting standards of workmanship and price, by protecting the business from competition, and by establishing status in society for members of the guild. In the Western world today the term *guild* is used for certain associations that have little connection with the medieval institution. Some of the great professional associations (e.g., in medicine and law) fulfill some of the functions of the old guilds but are rarely given that name.

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[001] join with them, [nor with those who harbour them, and if they know of any such they
[002] will cause them to be attached and show what they have done to the sheriff and his
[003] bailiffs.] And that if they have heard the hue and cry raised against such men, that
[004] immediately on hearing it they and their household, the men of their land being
[005] assembled,¹ will follow the trail through their own land and at its boundary
[006] show it to the lords of the neighbouring lands, that pursuit may thus be made
[007] from estate to estate with all diligence until the wrongdoers are apprehended,²
[008] such pursuit not to end unless some obstacle intervenes, darkness or other reasonable
[009] cause.³ <By which it may be noted that if one has committed a felony and,
[010] after the hue has been raised, is arrested at once, pursuit shall end. And hence if a
[011] man has been crushed, drowned, or has died or been killed in some other way by
[012] misadventure, let the hue be raised at once but pursuit need not be made from
[013] estate to estate [or] from vill to vill since the malefactor has been arrested, to wit,
[014] the 'bane'.>⁴ and will arrest as best they can those they suspect, without waiting
[015] for an order from justice or sheriff, and inform⁵ the justices or the sheriff of what
[016] they have done. They shall also swear that if anyone comes to a township or
[017] borough or any other place and buys bread, ale or other victuals and is suspected
[018] of doing this for the benefit of wrongdoers, that they will arrest him and deliver
[019] him under arrest to the sheriff or his bailiffs. Also that they will take no guest into
[020] their house by night unless he is well known, and that if they give lodging to a
[021] stranger they will not permit him to depart on the morrow before daylight, and
[022] then only with three or four of the nearer neighbours as witnesses.^{6 7} Let the
[023] serjeants and bailiffs of the hundreds then be called together, and the names of
[024] the hundreds or wapentakes and their serjeants enrolled in order, each of whom
[025] shall undertake on oath to choose four knights from each of the hundreds, who
[026] shall at once come before the justices to do the king's bidding. These shall immediately
[027] take an oath that they will choose twelve knights, or free and law-abiding
[028] men if knights may not be found, who are not appealing anyone nor being appealed
[029] themselves and are not under suspicion of breach of the peace, homicide or other
[030] crime, through whom the king's business may best and most profitably be expedited.

[031] And let the knights cause the names of these juries of twelve to be noted down at
[032] once on a schedule and deliver it to the justices. When the jurors arrive they also
[033] shall take an oath, in this form, the first of them as follows:

Notes

1. 'conductis' for 'conducent'
 2. *Cal. Cl. Rolls 1237-42*, 137 (1238)
 3. *Supra* i, 386; transposed from above
 4. P. and M., ii, 473; *infra* 350
 5. 'facient'
 6. Assize of Northampton, ca. 2; *infra* 330, 387
 7. New paragraph
-

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PIEPOWDER /'paɪpaʊdə/

A travelling man, a wayfarer, an itinerant merchant or trader.

This ancient word was originally the Anglo-French *pied-poudreux*, meaning someone with dusty feet (in Scotland the term was sometimes translated into the delightfully Tolkienesque *dustyfoot*). This was a graphic description of the state of someone travelling about on the unmade roads of medieval England. The word was most often applied to itinerant merchants who toured the country to buy and sell at fairs. Many of these fairs had been established by royal charters that gave rights to lords of the manor or religious houses to charge taxes and tolls and to enforce them. The enforcement was carried out in a rough-and-ready way through courts of piepowder (in Scotland these were sometimes known as *courts of dusty feet*). These courts usually had jurisdiction over such matters as contracts, trespass and debts, and they sorted out trading disputes, punished theft and violence and did their best to keep order. Because few such fairs lasted more than three days, justice had to be swift and summary. The piepowder courts died out during the course of the nineteenth century along with the fairs that had brought them into being; the last is said to have been that in Hemel Hempstead in Hertfordshire, which last met in 1898.

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No resident of the city may engage in commerce here unless he is at scot and lot and contributes to the aids imposed on the community. All who are to be accepted as a peer of the city is to be of free status and not the anyone's serf – careful enquiry is to be made about this before they are admitted [to the franchise]. Those who are admitted are to undergo the entrance ceremony before at least 12 of those assigned by the community each year to this task, at one of the four set dates each year; if a lesser number is present, applicants may not be admitted (or, if they are, their entrance shall be null and void). All applicants are to be carefully questioned under oath, in private, as to the quantity of their goods; if the 12 have any doubt that he is telling the truth, they may inquire further from those who have knowledge of him and his means. If the applicant is a foreigner and has not been apprenticed in the city, he must pay at least 20s. [as entrance fine] to the community, and more if his wealth allows it. No apprentice is to be admitted as a peer unless his master and his neighbours speak well of him, and for no less than 13s.4d – more, if the 12 decide he can afford it. An indented and duplicated roll is to be kept recording the names of the 12, the name of each entrant, his fine, the names of his pledges, the terms of payment of his fine and of the year and a day, and the name of the clerk making the record; one copy of the roll shall remain in the possession of the clerk, the other shall be placed in the common chest. No-one except the sworn clerk may make such enrollments. Each entrant shall pay the clerk 6d. for that service. The new peer shall provide security for his having, within a year of his entrance, a fixed residence (unless he already has one) for him and his family and for bringing his moveable possessions into the city; if he has not accomplished this after a full year, he shall be considered as an outsider. No entrant is required to contribute to any [local] taxes in the city during the year following his entrance, except an aid towards construction or repair of the city walls; however, he will be liable to contribute to any aid or tallage imposed by the king (from which no-one can excuse himself). If a serf wishes to enter [the franchise], he must first obtain letters from his lord granting permission.

[The "12" referred to are almost certainly a quorum of the council of 24, to whom it would naturally have fallen to make the decision on whom to admit to the franchise. Since freemen had to be able to contribute to common financial burdens, it was necessary to ensure they had the material means to do so. The clause "if the 12 have any doubt..." was omitted from the Book of Pleas version.]

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SCOT FREE

[Q] From Pete Barnes: “Exactly whence came the term *scot free*? Does it, as it sounds, refer to citizens of Scotland? Or am I reading something into that?”

[A] As with the word *hopscotch*, *scot free* has no connection with Scotsmen, frugal or otherwise. It’s a Scandinavian word meaning “payment”. The expression derives from a medieval municipal tax levied in proportional shares on inhabitants, often for poor relief. This was called a *scot*, as an abbreviation of the full term *scot and lot*, where *scot* was the sum to be paid and *lot* was one’s allotted share. (This tax lasted a long time, in some places such as Westminster down to the electoral reforms of 1832, with only those paying *scot and lot* being allowed to vote.) So somebody who avoided paying his share of the town’s expenses for some reason got off *scot free*. It was also used for a payment or reckoning, especially one’s share of the cost of an entertainment; when one settled up, one “paid for one’s scot”. Again, someone who evaded paying their share of the tab got off scot free. It’s been suggested that this usage may have come from the old habit of noting purchases of drinks and the like by making marks on a slate, or *scotching* it, but the evidence suggests this is just a popular etymology, and that the usage comes from the same idea of a sum due to be paid.

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Trading in the city is a common right of all peers of the city, but certain persons contrary to city custom have the practice of using several of their servants, or others whom they claim to be their servants or representatives, in order to purchase multiple shares in merchandize to the disadvantage of peers. Henceforth no-one is to make purchases except personally or through a single servant only, so that his fellow citizens who may wish to join in purchasing the same merchandize are not prevented from having an equal share, as they ought. Whoever is convicted of contravening this, as result of a complaint or an action taken by the bailiffs, is to be heavily amerced and the complainant is to recover damages and his share in the bargain. If no complaint is made at the time of the offence, but one is later revealed to have been committed, the bailiffs should make enquiry and punish the guilty in a way designed to deter others and avoid the scandal such offences bring on the city, lest the community is compelled to apply a remedy by the bailiffs' failure to act.

[It was a fundamental right of freemen to be able to claim a share in any mercantile bargain made by one of their fellows, if they were present when the bargain was made. Only in special cases could they claim a share if not present. The use of multiple representatives undermined this equal shares principle, and favoured the urban upper class, which supplied most bailiffs – perhaps explaining the final clause of this chapter, suggesting that the bailiffs might be reluctant to investigate such abuses in absence of a specific complaint, and producing a statement of the source of political authority in towns.]

July 1300

Every burgess who contributes to charges borne by the town may have [a share in] any merchandize brought into the haven, at the time when it is first offered for sale, without any restrictions or prevention by the original buyer [*i.e. whoever first makes a bargain to purchase the cargo from its owner*].

August 1491

By the nomination and decision of the bailiffs and 24 then in office, at the said [electoral] assembly each year there shall be written down for each leet the names of 9 of the most "discrete well-dysposyd and indyfferent" persons of the 48 who are then present in the house[, each name on its own slip of paper]; in default of that number of the 48 [being present for each leet] other well-disposed persons then present are to be nominated [by bailiffs and 24?]. Those persons who served as electors last year to be excluded, as specified in the old ordinances. The said 9 names for each leet are to be put in 4 hats, each leet in its own hat. All 4 hats shall be brought before the bailiffs, where a child ["an innocent"] or an illiterate man shall be called forth and he shall take out of each hat 3 slips and lay them down before the bailiffs. These 12 [named persons] are to be called forth, tasked and sworn according to ancient custom of the town, and the said 12 persons so tasked shall choose the officers for the year to come, that is: 2 bailiffs, 2 chamberlains, 2 churchwardens, 2 muragers, 2 collectors of the half-dole, 8 "discrete and sufficient" herring wardens, and 4 auditors (who shall comprise 2 of the 24 and 2 of the 48, of the wisest and most sensible, skilled in auditing accounts). If 9 of the 12 [electors] are in agreement [in their choice], even though the other 3 disagree, the verdict of that 9 shall be accepted and the election shall be valid.

translation | discussion | notes

Keywords: medieval Newcastle-upon-Tyne constitution politics factionalism election mayor monopolization office-holding political conflict ruling class social division reforms accountability financial administration electoral procedures tolls customs service murage wool trade victualling commerce smuggling piracy war taxation naval service fortifications corruption maladministration homicide trial fines pardons careers

Subject: Factionalism within the ruling elite

Original source: Public Record Office: item 1: Patent rolls, C66/ 15 Ed.III m.20d; item 2: Coram Rege rolls, KB27/342 m.44d

Transcription in: 1. R.F. Isaacson, ed. *Calendar of the Patent Rolls Preserved in the Public Record Office ... Edward III. 1341-1343*, London: PRO, 1900, pp.220-21; 2. G. O. Sayles, ed. *Select Cases in the Court of King's Bench*, vol.6, Selden Society, vol.82, (1965), 47-48; 3. Richard Welford, *History of Newcastle and Gateshead, vol. I: Fourteenth and Fifteenth Centuries*, London: Walter Scott, 1884, 114-16.

Original language: Latin (1. translated by Isaacson, 3. by Welford?)

Location: Newcastle-upon-Tyne

Date: 1340s

TRANSLATION

[1. Commission of enquiry, 16 October 1341]

Commission to Gilbert de Umfravill, earl of Anegos, Henry de Percy, Anthony de Lucy, Thomas Surteys, Thomas de Heppescotes, Thomas de Fencotes, Adam de Bowes and John de Menevill, reciting that whereas the king has been informed that men of Newcastle-upon-Tyne and other parts of the county of Northumberland are taking victuals, armour and other things to Scotland for the sustenance of his enemies and rebels, that confederacies are made in the said town with the intention that one confederacy elect as mayor, one man, and another confederacy may elect another man, whereby grievous dissensions will arise, that the collectors of customs, controllers and troners, bailiffs, escheators,



taxers and collectors of the tenth and fifteenth and other quota and subsidies granted to the king, and other ministers in the said town and county have borne themselves ill in their offices, that many men of those parts have taken wools and other things liable to custom beyond the sea without payment of custom, or from the port of Berwick-on-Tweed, where less custom has to be paid thereon, and some have concealed wool to prevent its being taken for the king's service and that ministers of the king and others by colour of their offices have committed manifold oppressions in those parts, for which a remedy is not applied, he has appointed them to find by inquisition the names of those who have perpetrated the premises and specially to enquire the bearing of the ministers, to find the names of those who by conspiracy caused discords in the election of the mayor contrary to the custom of the town and the manner and cause of such conspiracy, as well as the names of those who made proclamations and alliances to disturb the place by electing a mayor after that the king on account of the dissensions over the election committed the custody of the town to four of the good men, charging all to be attendant upon them in the custody, and whether John de Denton or Richard de Acton lately elected by reason of the discord to be mayors of the town, meddled in the mayoralty after they had been inhibited by the king, to hear and determine the premises and all complaints at the county of trespasses against the peace, to order that the election of a mayor be duly held and all those hindering or opposing the election chastised and punished and to quash any election made in opposition to this.

[2. Proceedings in the king's court, Michaelmas term 1345]

On 5 December 1341 at Newcastle upon Tyne, jurors from various wards in the county of Northumberland presented before Thomas Surteys, Thomas de Heppescotes and their associates, king's justices assigned to sit in judgement on [\[cases involving\]](#) trespasses, conspiracies, confederacies, oppressions, injuries, grievances, and abuses committed in that county, that on 1 October of that year, when the election of the mayor of Newcastle customarily and rightfully was to take place in the town, the then mayor of the town, John de Denton, and two of the bailiffs of the town, **Gilbert Haukyn** and Peter Graper, had an official proclamation made that **all who owed suit to the court** were to be at the **plea hall** in Newgate of the town. But then the

other two town bailiffs, Thomas de Burneton and John de Galeway, through a conspiracy hatched between themselves and Richard Scot, Thomas Flemyng, William de Burneton and others of the town, intending no good, dissociated themselves as a group from the mayor and bailiffs and, at the instigation of Richard de Acton and his wife Matilda, had a large number of the lesser people of the town (ignorant men of little understanding) gather at the **church of St. Nicholas**. Through this confederacy thus made among them, contrary to the custom of the town, they elected Richard de Acton as mayor in contravention of customary and usual method of electing their mayor and with the result of creating dissension and discord within the community of the town.

This indictment, among others taken before the same justices, the king caused by his writ to come before him to be tried in the following year. The sheriff was therefore ordered to have Thomas de Burneton, John de Galeway, Richard Scot, Thomas Flemyng, and William de Burneton present to answer [\[the charge at that time\]](#). The trial of Richard Scot continued from one session to another and from [\[law-\]](#) term to term until the present time – that is, 3 November 1345. On which date, a certain Henry de Bywelle, the attorney of Richard Scot, came before the king at Westminster and, when asked how he wished to acquit [\[his client\]](#) of the charges of conspiracy and trespass, he stated that the king had issued letters patent **pardoning Richard Scot** of the offence, and showed the pardon to the court.

[\[... \]](#)

On which grounds it was decided that the case against Richard be dismissed.

[\[3. Reform ordinances, 8 February 1342\]](#)

1. If any persons persistently violate the peace, by day or by night, and will not obey the custodians of the peace, all the community shall assist, and raising hue and cry, take the offenders, and have them punished according to law. And if any shall refuse to aid, etc., they shall be brought before the mayor and twenty-four brethren of the twelve mysteries, and be heavily punished and fined; one half of the fines to go to the king, and the other half to the common use of the

town.

2. Every burghess of the town, whether poor or rich, or of whatsoever condition, shall have the liberty of going on board ships, whether native or foreign, to buy whatsoever merchandise may be on sale; and if any wholesale merchant go on board and purchase a large quantity of goods, every burghess of the town shall have the right to buy of him for the sustenance of his family at the same price that the merchant gave. Nothing is to be sold from a ship until a plank has been placed on board connecting the vessel with the shore, under pain of forfeiture.

3. Whereas, many quarrels and dissensions have arisen concerning the elections of mayors and bailiffs by confederations and procurations, so that the town, with its mayoralty and liberties, has fallen into the king's hands: it is ordered that twenty-four of the most honourable, decent, and honest brethren of the twelve mysteries – namely, merchants of woollen cloth, mercers, skimmers, tailors, saddlers, corn merchants or boothmen, bakers, tanners, cordwainers, butchers, smiths, fullers – shall be chosen, two from each mystery; which twenty-four shall elect four, either of themselves or of other honest, respectable, and faithful men in the community; which four shall take to themselves other eight, making twelve, and these twelve shall elect other twelve, making twenty-four, by which twenty-four the mayor for the year ensuing shall be elected, and the mayor so elected and sworn, with the aforesaid twenty-four electors, shall elect the bailiffs and all other officers for the same year.

4. It is ordained and agreed that the mayor, with the bailiffs and their chamberlains, at the end of each week, shall see and compute all the issues and profits of the town, and write them in a roll, one part of which shall remain with the mayor, bailiffs, and chamberlains, and the other part shall be delivered to the aforesaid twelve mysteries, so that the whole community shall know the value of the town at the end of each year, and in what manner the receipts and payments have been dealt with, and in order that none may sell the property of the town to the deterioration and depreciation of the community. No writing or muniment to be sealed with the common seal of the town without the consideration, consent, and inspection of the aforesaid twelve mysteries.

5. The mayor and chamberlains for the time being shall cause auditors to be elected, who shall **render an account** yearly, within the fifteen days before Michaelmas, of all the issues and profits of the town.

6. It is agreed that all assessors of taxes shall be elected by the twenty-four of the aforesaid mysteries, with other honest men of the community, who know well and understand the state, condition, and capabilities of the community, and the mysteries of the town; the four-and-twenty to hold a counterpart of the taxation roll against the assessors, so that the community shall be able to see that the taxes are faithfully assessed and levied.

7. It is agreed that all tax-masters and collectors of the pence of our lord the king, the mayors also, and all other officers who levy taxes and other dues from the community, shall render account to the auditors assigned and appointed by the community and the twenty-four; so that all the community may be able to see in what manner the taxes are levied, and how much of those levied by the king they are to bear. The **king's assessors**, however, are not to account to such auditors without the royal command.

8. It is agreed that the good **usages and customs** of the town shall be reduced to writing, and that copies of the same shall be delivered to the twenty-four of the mysteries, and to all other burgesses who desire it, so that the usages and customs of the town may not by the will of the bailiffs be lost.

9. In each year, on the day of election of the mayor, all charters and muniments touching the liberties of the town shall be shown and read before the community, so that if any charter or muniment be withdrawn or lost, he or they in whose custody they remain may respond and give satisfaction.

10. Whereas, pleas of land by writ are pleadable in the courts of the town of Newcastle, by virtue of the liberties thereof: it is agreed that, to avoid the disinheriting of the men of the town, the rolls of the courts shall be preserved and safely kept in the treasury as matters of record; and that the chief clerk of the town shall freely exhibit them each year at the mayor-choosing, in presence of the community. And

if any of the rolls be lost or withdrawn, he shall reply and make satisfaction, etc.

11. Whereas, **Tyne Bridge is in places broken**, falling, and decayed, while the rents of the same are subtracted and withheld: it is ordered that the master of the bridge, with the aid of the twenty-four brethren of the twelve mysteries, and of the whole community, shall call in the arrears of payment, and apply them to the repairing and restoration of the structure.

12. Equal law shall be made and maintained in the court without change – that is to say, there shall not be one law for the rich and another for the poor. Judgement in the court shall be given according to law, and execution shall not be influenced by favour or gift to any magistrate, bailiff, or other officer. Any person convicted of offending herein shall be removed from office.

13. The **assize of bread and beer** shall be held and maintained according to law, and the master bakers, and not their servants, shall bear the penalties by the statute ordained. Proof or test of all measures, **ells**, and weights shall be made twice, or at least once a year.

14. The chattels of felons, and their lands and tenements, are to be delivered and placed in safe custody; and those who kept them, and their heirs, and all persons whomsoever having the custody of them, shall answer for the value of them to the justices itinerant, so that the community may be indemnified.

15. The fines of such persons as are convicted of any transgression against the peace and liberty of the town shall not be relaxed or condoned by favour or procuracy.

DISCUSSION

The ruling elite | Rivals for power | The contest of 1341

Other causes of the internal division | The conflict continues

Newcastle-upon-Tyne was an important town in the most northerly parts of England in medieval times, as it is today. Prior to the Conquest there were no towns in the north-east, with the possible exception of Durham; on part of the site that was to become Newcastle a small community of monks had established itself and there may in consequence have been some lay settlement in the vicinity. After the Normans began (1080) to build a castle to guard the Tyne crossing close to the coast, on the site where a Roman bridge and the fort protecting it had stood (part of the frontier defence of Hadrian's Wall), it is not surprising that more settlers were attracted. The fortification stimulated growth of both a town and a port, which quickly flourished, for throughout the medieval period there was little competition: although a few dozen settlements with some urban characteristics emerged or were founded, none rivalled Newcastle.

It had acquired distinctively urban privileges by the beginning of the twelfth century, and these were encapsulated in what may have been one of the oldest constitutional records written down within an English town, the "**laws and customs of the burgesses of Newcastle**". Constitutionally, it served as a model for Durham, Wearmouth, Gateshead, Alnwick, Hartlepool in the way that York, London, Oxford, and Winchester did for towns (mainly) in their parts of the country. Its customs show that commerce was already lively at Newcastle, and that the burgesses' control of commerce extended into the hinterland and up to the mouth of the Tyne. King John granted the town self-government via **fee farm** in 1216. Coal became increasingly important in the local economy in the decades that followed, Newcastle supplying the east coast down as far as London. Wool and hides, sourced from the flocks and herds supported on estates of the region, especially those of the Church, were predominant among the exports, however; in 1275 Newcastle was one of the ports authorized for wool export, and it became a staple town in 1326. A few years earlier, in 1318, the king had granted that the local fair, held each August, be extended from two to twenty-six days, a further indication of how the town was prospering. The abundance of wool stimulated a local cloth-making industry. By the close of the thirteenth century, local tolls on commerce were the principal source of revenue financing local administration; judging from the national taxation assessments of 1334 Newcastle was the fourth wealthiest town in the realm. As the principal port of the north-east, it later

became the centre for customs administration.

The town was strategically important, particularly during the wars with Scotland when it served as a base for royal armies, and construction of stone walls was underway from the 1260s – at least, a grant of **murage** was obtained in 1265. Leland later described Newcastle's walls – equipped with 7 main gates, 19 towers, and turrets spaced out between the towers – as the most impressive of any English town. The town's commercial and military roles intertwined, Newcastle serving as a supply depot for the frontier settlements (e.g. Berwick) and castles that the king tried to hold within Scotland. Newcastle merchants benefitted from the victualling of the royal forces, both from local resources and by importing from other parts of the realm. A wealthy elite was able to develop in Newcastle, comprising merchants and local land-owners.

The ruling elite

Although we know the names of several **reeves** who administered the town in the latter half of the twelfth century, government by mayor and bailiffs was an outcome of the royal charter of 1216. A merchant gild also existed and may have been particularly important in an earlier period. As was common in towns, the wealthy elite furnished the office-holders and some leading families provided heads of government over several generations. The Scot family was one such, a Nicholas Scot having served as mayor at some point in the 1220s, Peter Scot on several occasions in the 1240s and '50s, another Nicholas Scot in 1259/60, while in the 1270s and 1280s it was Henry Scot who served several mayoral terms, he and John Scot appearing in the office (sometimes called "chief bailiff") in the 1290s. Henry's son, another John, was bailiff 1314/15. The last member of the family – assuming they are all related – to hold the mayoralty was another Nicholas Scot, elected in 1310 and again in 1321, by which time he had acquired a knighthood and served as sheriff of Northumberland. The Richard Scot who features in the political conflict of the 1340s never attained the mayoralty, although he had tasted power through election as one of the bailiffs in 1332, 1333, 1335, and 1337; he seems to have been a grandson of Sir Nicholas.

The only other family as prominent in Newcastle politics in the thirteenth century was the Karliols: Henry de Karliol appears as a bailiff in 1232/33 and in the following year, and then for at least two terms during the 1240s, when a Thomas de Karliol also appears in that office; Henry was mayor for at least half of the terms during the 1250s, and Thomas served as bailiff and mayor in the same decade. The two men practically monopolized the

mayoralty in the 1260s, with Thomas apparently serving for at least five terms and continuing his run into 1270, further terms in the office came in 1270/71 and 1278/79. In the 1260s a Thomas de Karliol junior appears as bailiff, once during Henry's administration and once during Thomas senior's, and again during the latter's mayoralties of 1270/71 and 1272/73; Thomas junior was Henry's son. He was again elected bailiff in 1277 and for four consecutive terms 1286-89 (still referred to as "junior"). A Hugh de Karliol had joined the roster in the 1280s, with several terms as bailiff and he became mayor in 1291, although his term was cut short when the town liberties were suspended in February 1292 by the king, as a result of Quo Warranto proceedings into whether the town had the right to a mayoralty; after the liberties were restored, the town used the term "chief bailiff" instead of mayor, but during Edward II's reign the title of mayor gradually crept back in. Hugh de Karliol reappears as chief executive in 1294/95, but his baton was passed along to Nicholas de Karliol, bailiff for four consecutive terms (1299-1302), and immediately afterwards elected mayor in 1303 and re-elected in 1304. During that last term, Thomas son of Hugh de Karliol was one of the bailiffs. Nicholas was again mayor in 1309/10, and Thomas, having served as bailiff from 1309 onwards, was moved up to the mayoralty in 1313. The family had all but exhausted itself, however; although a Hugh de Karliol was bailiff in 1344/45 and 1347/48, this surname does not appear again among the office-holders until the very close of the century.

As the political power of the Karliol family began to wane, that of the Emeldon family briefly rose to community leadership in the person of Richard de Emeldon. As he was the first of that surname to enter the ruling elite at Newcastle, it is likely he was an immigrant, presumably from the Northumberland village of Embleton (about half-way along the coast between Newcastle and Berwick). Although his commercial activities and his tax assessment were, when he first appears in the 1290s, modest, his listing in the tax record next to that of wealthy burgess Samson Cutler, along with evidence from his chantry foundations, has led to the hypothesis he may have first married Cutler's daughter and later the widow of John Scot [Edward Miller, "Rulers of Thirteenth Century Towns: The Cases of York and Newcastle upon Tyne," *Thirteenth Century England: Proceedings of the Newcastle upon Tyne Conference 1985*, Woodbridge: Boydell Press, 1986, 131-32.]

He was to become the most prominent townsman of his time: political leader, the principal wool merchant of the town, and ship-owner; as a self-made man, we can imagine that he was forceful and self-confident. Bailiff in 1301/02 and re-elected in 1302 and 1303, he became chief bailiff in

either 1305 or 1306, was again elected to the office in 1307 and 1308, 1311 and 1312, and then for no less than 7 consecutive terms from 1314 to 1320, before Sir Nicholas Scot interrupted a run that then continued through the 1320s – although we do not have a complete list, Emeldon's name is the only one appearing as what now was mayor again up to 1329. He was put back in office, for the last times, in 1331 and 1332. Rarely in any English town was seen such a prolonged domination of the leading office in local government, but Richard failed to establish a dynasty: his heirs were daughters, and the John de Emeldon who was frequently bailiff between 1345 and 1368 was the son of Richard's nephew William de Emeldon (and thereby grandson of John de Denton). It took the battle of Halidon Hill (1333) to bring Richard's career to a close, he dying along with his contingent of 47 footsoldiers. This must have been a traumatic loss for the people of Newcastle, and likely helped set the stage for the political conflict to follow.

It is immediately following the end of Richard de Emeldon's "reign" that the principals who were later to engage in a bitter political hostility came to the political forefront. In fact, Constance Fraser ["The life and death of John of Denton", *Archaeologia Aeliana*, 4th ser., vol.4 (1959), 306] has argued that the appointment of Adam de Galeway, Richard de Acton and John de Denton as collectors of murage in 1327 is a reflection of the new order coming into power, as Emeldon (who was to be one of the supervisors of the muragers, together with Thomas Frismareys and Thomas Daulyn) had yielded to such men his formerly pre-eminent role in the export trade. Denton and Acton were re-appointed in the murager posts in 1332. In 1333 John de Denton was elected to his first mayoralty; he was to return to the post in 1336, 1337, 1340, and 1341. He had already been in the post of customs collector for some years. By the beginning of 1333 he had been given the authority to enforce the king's rights to a wine prise in Newcastle and other ports in the north-east, and in 1334 he and Acton were royal tax collectors. He was beginning to amass a large amount of power.

Perhaps from the beginning political rivalries were active: following Denton's first mayoralty, Richard de Acton was elected in 1334, and it appears that Denton may have been replaced towards the close of his 1337/38 term, as Hugh de Hecham is named as mayor in a deed in September 1338. However, this is flimsy evidence on which to base solid conclusions, and any notion of opposing factions seeking to control local administration is weakened by the personnel in the ballivalty. Of those later associated with the Acton faction:

- William de Burneton had already held the mayoralty in 1330/31,

when his bailiffs were Hugh de Hecham (who however, was replaced around May 1331 by Gilbert Haukyn), John de Denton, Robert de Haliwell, and Waleran de Lumley; Burneton had been bailiff under Emeldon in 1314/15, from 1316 to 1319, in 1323/24 and 1325/26, and from 1328 to 1330, as well as under Sir Nicholas Scot in 1321/22. Other men of this surname had been bailiffs in the 1260s and '70s.

- Richard Scot was a bailiff during Denton's first mayoralty (1333/34), again under Hugh de Hecham (1335/36) and once more under Denton again (1337/38).
- Robert de Haliwell was bailiff during Denton's third mayoralty, he having earlier served under Emeldon in 1323/24, 1327-30, and 1331/32, as well as under William de Burneton (above) and in 1334 under Acton.
- John de Galeway was first bailiff during Hecham's mayoralty of 1335/36, then again under John de Denton in 1340/41, while his brother Richard de Galeway had served during the 1339/40 mayoralty of Waleran de Lumley; the Adam de Galeway who had been bailiff ca.1306 was father to John and Richard, and like Emeldon a self-made man.
- Thomas de Burneton was another of the bailiffs during the mayoralties of Lumley (1339/40) and Denton (1340/41).
- John Frismareys' first ballivalty came under Hugh de Hecham (1335/36); he was again elected in October 1344, but his tenure was brief (see below).

We know fewer of the names clearly associated with the Denton faction, but of those:

- Gilbert Haukyn first appears as bailiff in 1317, alongside Acton and Burneton and mayor Emeldon, this group being re-elected en masse in 1318, with Haukyn continuing for a third term in 1319/20; he was again repeatedly elected bailiff from 1321 to 1323 and in 1325 (no election results being known for 1324 and 1326), and again repeatedly from 1332 to 1334, during which period he first served alongside Denton, then under him, and finally under Acton. He was bailiff again during the Denton administrations of 1336/37 and 1340/41, and that of Lumley in 1339/40.
- Peter le Graper, by contrast, was a relatively new figure in the leadership, having first been elected bailiff in 1337 (under Denton), and his 1340/41 ballivalty was only his second. However, his father, a prominent merchant of the same name, had been bailiff in 1293/94, ca.1295, 1296/97, and 1299/1300, before himself holding the

mayoralty for three consecutive terms between 1300 and 1303 (Emeldon first serving under him); and Peter junior appears to have married into the Karliol family. The younger Peter therefore had some roots in the urban ruling class, although Peter senior's father Osmund was a newcomer to the town, a branch of a county gentry family of declining fortunes.

Although it is clear that the top positions in local government were being repeatedly held by a relatively small group of townsmen, the groupings of personnel do not themselves provide any clear insight into factional affiliations in the years preceding the outbreak of hostilities. But then it is perfectly possible that former colleagues fell out, or that political alliances were fluid. Nor should we assume that any particular administration would be staffed solely by members of a particular party, any more than is the case with urban governments today. However, one possible indication of the alliance later to manifest itself in opposition to Denton is given in 1336, when Richard Scot and John de Galeway, then bailiffs, were arrested for the murder of two members of the Lubbard family, with an accusation made at the same time that they had abused their positions of power. Their fellow bailiff, John Frismareys, allowed Scot to escape from custody. All three bailiffs were removed from office. That those ordered to arrest Scot and Galeway were Denton, Acton, and Adam and Peter Graper, may or may not be significant, but at the next election Denton became mayor and the only bailiff of the previous administration untouched by the scandal, Gilbert Haukyn, continued in the ballivalty under Denton. Whether or not this was a sign of political problems within the town, it did not prevent Scot's re-appearance as a bailiff in 1338, and the king dropped the case against Scot and Galeway in June 1339; Frismareys had already been commissioned, in 1337, to levy wool in the north for the king. The king's need for such men to help him finance his foreign campaigns was greater than his need to see justice was done.

Rivals for power

Returning to the two chief opponents, although Denton had more of a grip on the mayoralty than Acton in the 1330s, Richard de Acton had been in government longer, having first been elected to the ballivalty in 1310 (under Nicholas Scot), again in 1315, 1316, 1317, 1318, 1320, and 1322 (all under Emeldon). Since Emeldon was Acton's father-in-law, we may be suspicious. However, Denton's first ballivalty came under Emeldon, in the 1327/28 term, and he was re-elected either the following year or the year after that, or both; Denton served again in 1330 (under Burneton), and for a final time in 1332 (under Emeldon).

Richard de Acton had followed in Emeldon's footsteps as an immigrant who made his fortune in Newcastle commerce; in 1308 he was the second largest exporter of wool from Newcastle, only Richard de Emeldon shipping more. Acton's rise was assisted by good family connections. Whereas Emeldon's family background is obscure, Acton was a younger son of a gentry family. **His father**, of the same name, had been married to the daughter of one of the Thomas de Karliols, although the son from this marriage predeceased the father and Richard junior was a son by an earlier or later marriage. The younger Richard himself made his marriage alliance with Matilda, daughter of Richard de Emeldon. Having married the daughter of the leading townsman and having been closely associated with the Emeldon regime, he may have considered himself the rightful successor to his father-in-law in the political sphere. An eighteenth century writer on Newcastle's history identified Richard de Acton as mayor in 1333; Welford tried to reconcile this with evidence of Denton's mayoralty in 1333/34 by proposing that Acton became acting mayor after Emeldon's death. Although not inconceivable for a family member to take over the duties, it remains unsubstantiated and it would have been equally if not more likely for one of the bailiffs to take the lead; Acton was not among their number, although Denton was – a stint as acting mayor would have positioned him well to win election in October 1333.

Denton was evidently on good terms with Emeldon too, for there was some family connection by marriage (see below) and he was one of Emeldon's executors; along with his co-executor, clergyman William de Emeldon, whose living at Bothal was close to an estate in Denton's hands, he petitioned the king for repayment of a debt of £26.13s.4d owed for cloth bought by Edward II from Richard de Emeldon ca.1313 – an action (which obtained consent from the king in March 1334, although this was not itself assurance of the money being forthcoming) that would have benefited Acton. On the other hand, Denton's control over disposition of the Emeldon estate, which Matilda had to share with her older sister Agnes, **wife of a son of Peter Graper**, and her younger sister Jacoba, then underage, could have been one source of problems between Acton and Denton; division of the property remained an issue until at least 1342, when Jacoba (by then married to Alan de Claveryng) was able to lay claim to her share. Denton himself had married the daughter of Thomas Daulyn, bailiff in 1320/21 and 1321/22, and the first occasion on which he is found exporting (wool pells) happens to be just after his father-in-law had been appointed collector of customs on wool.

Whether Denton and Acton were rivals or friends during Emeldon's tenure

cannot be said. Fraser [*John of Denton*, 320-21] found it inconceivable, given their long association in various roles, that they could have been personal enemies, and consequently concluded that Acton was only **the figurehead** for a faction led by Denton's real enemies, particularly Richard Scot and the Galeways. However, although the pair may have been colleagues on good terms for much of their careers, the difficulties besetting Newcastle's ruling class (described below) could have altered this and turned collaboration into competition. It can be argued that, in the years following Emeldon's death, Acton appears to have been denied the access to the mayoralty he might have expected, given his seniority and experience; this could have been blamed on the economic success, and corresponding political influence, of Denton and his supporters. Acton's response to this peripheralization was ultimately to resort to extraordinary measures to obtain power. We should not focus on Acton's role to the exclusion of those of others, who had their own reasons to be jealous of Denton's successes; but the royal administration (as we shall see) viewed Acton as one of the prime movers, not just **a figurehead**, in the conflict that would disrupt Newcastle in the early 1340s, while Denton himself in his original complaint claimed that Acton was a willing participant in his election. An alternative hypothesis might point the finger at Acton's wife, Matilda de Emeldon. It was very unusual for a woman to be blamed in a political dispute, since women had no role in politics; yet at the investigation in 1341 she was evidently blamed – probably by Denton – as an instigator of the opposing faction. Perhaps, as suggested above, she was in conflict with Denton over her father's estate and helped turn Acton against Denton.

The evidence for overt political or personal conflict prior to 1341, or to situations that could have given rise to the same, is not unambiguous.

- In 1336 repairs to the ruinous Westgate and its drawbridge, defending the weakest stretch of wall, were begun; but the following year it was reported that the gate was still in bad shape, and in April the king gave permission to the mayor (John de Denton) and bailiffs to spend up to £40 out of the borough fee farm to pay for work, but with the proviso that this be done under supervision of Richard Acton and Robert de Shilvyngton (one of the bailiffs). Despite this, in February 1339 an enquiry began into allegations of misappropriation of murage proceeds.
- April 1337 also saw Sir Ralph de Neville, one of the leading men of the county, appointing attorneys to prosecute Acton and Denton for a **recognizance** for £200 made to him in Chancery – one of the attorneys being a William de Emeldon, Denton's son-in-law;

unfortunately no context for this is given, so we cannot tell if it reflects, for example, some co-venture of the pair, or perhaps an aspect of arbitration of disputes between them.

- In November 1338, Denton was one of a long list of persons summoned before the king for refusing to obey royal orders; again, the context is absent.
- In May 1339, Denton was ordered, upon threat of punishment, to hand back a wool prise he had taken possession of (in what capacity or for what reason is not stated) from the king's receivers.
- In July 1339, the Exchequer was instructed by the king to allow more time to Denton and Acton to present their account as customs collectors at Newcastle, a post Denton had held since 1328 and Acton had become his colleague from September 1333; although such respites were not unusual, this could be a pointer to problems, and several years as customs collectors could well have provided occasion for the pair to agree or disagree on capitalizing on the opportunities for corruption that such a post offered. On the other hand, when respite had been given the pair in 1335, it was because they were busy on the king's business; in Denton's case at least this involved supplying the Berwick garrison and escorting the earl of Moray from one English prison to another. Denton was recommissioned in the role in February 1340, but without Acton, whose place was taken by Richard de Galeway; that pair were themselves replaced in May 1341, by Robert de Shilvyngton and John de Galeway. This was an unusually rapid rate of turnover in the posts.
- In July 1341 Edward III granted Newcastle a renewal of murage (the previous grant was due to expire in March 1342) for 7 years; he appointed as collectors John de Denton, Waleran de Lumley, Richard de Acton, Robert de Shilvyngton, and Richard de Galeway. However, this group could not agree on how to proceed; in May 1343 the king ordered the borough authorities to have the community elect new collectors, for some of the original group had refused to participate in collection, while Denton and others had retained what money was collected and were refusing to apply it to walling the town. Whether this falling out pre-dates or post-dates the October 1341 election, however, is not clear.

The contest of 1341

What does seem clear, however, is that both Acton and Denton had set their sights on capturing (or in the latter's case recapturing) the mayoralty at the election at the beginning of October. Denton having possession, and

evidently good support within the ruling elite, he was able to use the customary machinery to achieve his ends. Acton's election, while unconventional, was founded on the authority of the community, and he also had his supporters from within the ruling elite; his popular support allowed him to get the upper hand.

Denton could have lost no time in seeking royal intervention. There is an undated petition from him describing, in terms later reflected in royal orders issued, the rival elections, the resulting dissension within the town, and revealing that Acton had strengthened his position by having his supporters take control of the town gates [C.M. Fraser, ed. *Ancient Petitions Relating to Northumberland*, Surtees Society, vol.176 (1966), 33-34]. That Denton was in the disadvantaged position is indicated in that he did not request royal approval of his election. He instead proposed that the king order both men not to assume mayoral office but hand over the reins of government to Gilbert Haukyn, Peter Graper, Robert de Haliwell, and William de Acton, whom Denton described as the town bailiffs (the set elected by Denton's supporters, one assumes), and that Richard de Acton should be ordered to hand over to those four the keys to the town gates, until the king and his council could investigate the disturbance.

The king followed that advice, appointed the four men as custodians of the town on October 16, 1341 and on the same day commissioning an enquiry (as above). We need not imagine from this that Edward was favouring Denton's cause; he had his own agenda. In the decade before Edward III came to power, England had suffered much from factionalism. At his first parliament, the young king had set the tone for the opening decades of his reign, by removing all sheriffs, calling for an investigation into oppressions by officials, and demanding that judges not be persuaded to favour anyone but act strictly according to law and custom in dispensing justice equally to rich and poor. This promising beginning came to little. By 1341 Edward was in severe financial straits, due to lavish spending to win friends and allies and on his Flemish campaign. His military efforts were frustrated by lack of funds: tax revenues did not come in fast enough, forcing him to borrow and repay from tax proceeds, something that was unpopular. Deflation contributed to the difficulty in collecting taxes. The tax of one-ninth was granted for two consecutive years by parliament in March 1340, but only in return for the king conceding some wide-ranging reforms. Once more it proved difficult to collect what was assessed, and a prise of 30,000 sacks of wool was resorted to in place of the cash collection, but this too met with resistance. An angry Edward, forced to abandon his campaign, upon returning to England instituted a sweeping enquiry into the supposed maladministration of the officials he blamed for failing to produce the funds

he had needed; he discovered in the process an opportunity to help refill his coffers through large fines. Such was Edward's frame of mind when news reached him of the events at Newcastle. His mood may also have been influenced by a large debt the Newcastle burgesses were asking him to repay (see below), and by news that Scottish forces were in the field – he could not afford instability in one of the principal bulwarks against Scottish invasion.

Having suspended the mayoralty and appointed local custodians, Edward on the same day appointed a commission of enquiry which included royal justices Thomas Surteys and others, and later sent his keeper of the privy seal, Sir William de Kildesby, to oversee the investigation. It is possible the burgesses tried to stave off what was coming by holding a new mayoral election, with Robert de Shilvyngton as their choice, but the king was having none of it. Because of the threat of a Scottish invasion, Edward was hard on Kilsby's heels and was present when the inquisition into events was held, which must therefore have been in November.

The investigation must have given the opportunity for all elements of the community to voice all sorts of grievances. For example, at some point during 1341, in the course of a riot that pitted townsmen against the retinue of the earl of Warwick, the former had broken down the gates of the Dominican friary, where the earl was lodged, and the friars now complained that they had not been permitted by local authorities to replace their gates; on 6 December, the king acknowledged the problem and gave the friars the go-ahead.

Seeing perhaps the opportunity to counterbalance the money the king owed the burgesses, Kildesby imposed hefty fines on the principals in the political dispute, totalling £1775.13s.4d, payable in instalments. The largest fine (£266.13s.4d) was laid upon Waleran Lumleye, who had been superseded in the mayoralty by Denton, in 1340; the fine seems less related to any role in the political hostilities, however, than to other offences by Lumleye who was convicted of customs evasion and who, in October 1342 along with Robert de Haliwell, acquired a pardon for having traded with the Scots. John de Denton and Richard Scot received the next largest fines (£200 each) with John Frismareys next (£166.13s.4d); the size of the fines of Denton and Frismareys was because they were also found guilty of customs evasion. Apart from Scot's, the largest fine associated purely with the political disturbance was £160, laid on Richard Acton, again associated with his wife. William Acton, Robert de Haliwell and his sons John and Robert, John and Richard Galeway, Thomas Flemyng, and Geoffrey Wandesford were also heavily fined. A fine of £500 was also imposed on the community

as a whole. The king furthermore suspended borough liberties and turned local government over to a warden in the person of Sir William Felton on November 30; Felton, as sheriff of Northumberland, appointed a sub-warden to govern the town.

Other causes of the internal division

It has been suggested that this conflict was essentially one between the merchant guild and the craft guilds, because of the power accorded the latter in the 1342 ordinances. This was doubtless one dimension of the affair, but things were more complicated than that. There was evidently a struggle for control of government between the empowered and disempowered. The former being, it appears, some of those who had dominated government in recent years, backed by a portion of the enfranchised residents, who were themselves among the better-off townsmen and probably predominantly merchants. The latter included non-freemen, some craftsmen, and some of the town merchants who may have objected to Denton's recent domination of the mayoralty, and been at once envious of his financial success and resentful of how he had achieved it as the king's purveyor, and collector of customs and taxes.

The appointment of the custodians on October 16 echoed the terminology of Denton's petition in describing his supporters as the "older and worthier men" of the community, and Acton's as "some of the young people", which led one historian to characterize the latter as "the young hotheads of the town" [Thomas Hodgkin, "Municipal contests in Newcastle, 1342-1345," *Archaeologia Aeliana*, 3rd ser., vol.5 (1908), 6]. However, the sense of the terms should be understood less strictly in terms of age than as "senior" and "junior", or greater and lesser. In other words, Denton was claiming to have been elected by the better men of the town, meaning those of the ruling elite, while Acton's support was derogated as coming from those not really qualified to meddle in politics. At the same time, Acton's characterization of his supporters as the elder men of the community was an attempt to capitalize on the belief, in the patriarchal society of late medieval England, that older males were more respectable and credible than younger counterparts, had more experience and wisdom, and so had a greater claim to authority.

Why there had been an acrimonious split within the ruling class itself is a complex issue. To better understand matters we have to draw back and look at what was going on in the wider arena. A number of factors were putting the leading members of Newcastle's community under fierce pressure, and it may have been that things started to come apart after the sudden loss of the

strong leadership of Richard de Emeldon.

First and foremost there were the hostilities with Scotland, an almost continuous problem for the northern shires from about 1296 to 1346. While Edward I had carried the war into Scotland, under Edward II England was largely on the defensive and Robert de Bruce was subjecting Northumberland to systematic attacks in order to break the morale of the residents and force Edward to negotiate peace. In such a difficult situation, we can hardly be surprised that some leading men defected to the Scottish side, when they felt they had to do so to protect their property – e.g. the rebellion of Sir Gilbert de Middleton in 1318. Although this offered scope for the entrepreneurial, the risks were high and fortune was fickle. As well, the war countered profitable opportunities with onerous demands on the townsmen, particularly the wealthier.

Some townsmen benefited more than others from the situation: Richard de Emeldon, Gilbert Haukyn, and John de Denton were prominent among those who were contracted to supply the king with cloth and victuals. Denton for example was very active in victualling the renewed campaign to recapture Berwick in 1332. Occasionally, merchants might benefit from surplus army stocks, as in 1323, when Emeldon, Richard de Acton, William de Acton, Robert de Musgrave and William Thorald bought flour for £633.6s.8d. But while the royal army was a valuable client for Newcastle's merchants, providing supplies was one thing, getting paid for them quite another. At some point in the final years of Edward II's reign, Thomas de Karliol was pursuing a debt of almost £66 owed him by the king for victuals supplied for the army. Sometimes it was not a matter of purchase, but of forced requisitioning; an earlier **petition** by Karliol in the same period asked that a debt of £60 due from his account as collector of the new custom at Newcastle (in which position he was for most of the period from 1304 to 1318, partnering with Nicholas de Karliol) be offset against £126 due him for goods seized for the king's needs.

In similar fashion, Robert Oliver, who had been collector of wool customs at Newcastle 1317-23, had been called to account for £366 due from him in that role; in response he had asked allowance for £140 owed him by the king (he having the bills to prove it) and £100 he had paid out to others on royal orders. His requests having been disallowed by the auditors at Michaelmas 1323, he was over the next few months intermittently put in Marshalsea prison, until a final hearing after which he was committed to **the Fleet** and later the Tower of London, where he spent over two years, despite the king ordering the Exchequer at the close of 1324 to allow most of the claimed deductions. In 1327, Oliver, noting losses he had suffered from the

Scots and from burnings, and his good service to the Crown, asked again for the deductions to be made and for him to be allowed to pay the remainder in installments; this was granted.

The king often decided to pay his debts through assignments to his creditors from customs or taxes. For example, in May 1338 the king ordered that his debt to Richard de Acton be repaid by allowing Acton to export wool worth £61.15s.1d duty-free, this being reimbursement for the king's seizure of his wool at Dordrecht (see below); while the following year John de Denton was given a similar permission. But the course of such arrangements did not always run smooth. In 1339 a loan from various Newcastle merchants of £4,000 was to be repaid from the customs they or their "friends" would pay on wool exports; to ensure their access to this revenue stream, the merchants were given the **counter-cocket**, so that no goods could (in theory) be exported without their knowledge. The following year Robert de Shilvyngton, John Flemyng, Peter Favoler, Thomas Deverwik, John de Haliwell, John de Bury and other of these merchants complained that the arrangement was being violated, in part by the collectors, and in part at the orders of the king, who had licenced Italian merchants to export without application of the counter-cocket and later ordered the merchants to turn the counter-cocket over to a German consortium. With almost half of their original loan outstanding, the merchants were apparently obliged to loan an additional £1333.6s.8d to the king in order to get his agreement to a new arrangement for repaying the now expanded debt, from the taxation of one-ninth recently granted by parliament. This arrangement also went sour, when the king gave priority to paying the expenses of the contingents led by the earls of Salisbury and Suffolk against the Scots; in March 1341 it was agreed that the proceeds from the ninth be divided equally between the earls and the merchants.

Gilbert Haukyn complained to the king, ca.1323, that his three warehouses had been commandeered for one-and-a-half years, as storage depots for grain to provision the army, but that he had never been compensated for the rent of £6 due. Admittedly this was partly Haukyn's own fault, for refusing compensation offered him in the form of a quantity of oats, instead demanding a cash payment. But the point of concern to us here is that many of the town's merchants lost the use of their warehouses for the same reason.

Newcastle was often required to furnish and equip, with crews and provisions, ships from its mercantile fleet to support military campaigns or to patrol the seas in search of the enemy. For example, in June 1324 the king sent orders to mobilize all ships of over 40 tuns belonging to townsmen, of which there were six at that time, of which two belonged to

Robert de Musgrave (of which one had been captured, apparently temporarily, by Zeelanders the previous year) and two to members of the Haukyn family; the mayor and bailiffs responded that the ships were all off on voyages, but they promised to impress them as soon as they returned. Again, in May 1337, orders were sent to commandeer all ships of that size for convoy work in Scotland; four ships were removed from commerce during peak season as a result, one being occupied for 7 weeks, another for 18, the third for three periods totalling 26 weeks, and the fourth for two periods totalling 24 weeks. The total cost to the townsmen to equip crews of sailors and soldiers was almost £500; they were in due course to obtain reimbursement from the Exchequer, but the auditing of their accounts resulted in the rejection of about 10% of the expenses claimed, on the grounds of inadequate documentation. By 1340, the Newcastle townsmen were pursuing a claim of £723 they said was owed them for the expenses of ships ordered into service against the Scots, and in July 1341 the king indicated preparedness to make allowance from the borough's fee farm for £868.11s.9d for the cost of the ships and purveyance of supplies for the royal household; the farm, however, was only £100, so reimbursement would be slow. No wonder that the burgesses were reluctant to submit to their ships being commandeered; in September 1342, William de Acton's arrest was ordered because when his ship *La Rose* was impressed at Sandwich for war service, he and the ship's master broke it free.

A petition to the king from mayor Denton in 1333/34 explained that, in mayor Emeldon's time, by royal order two ships had been sent to sea to take action against the Scots; they had returned with five Flemish ships in which Scots had been found and handed over their cargoes to a royal official. Subsequently, the Flemings had retaliated for this capture by seizing merchandise of Newcastle men, valued at £666.13s.4d. Denton asked the king to consider the losses suffered by townsmen because of the war and the costs of maintaining the town and its bridge, and to arrange for release of the captured cargoes, to exchange for the goods held in Flanders.

Some of Newcastle's merchants were able to capitalize on the war, and on rebellions in the disturbed north, like William de Acton, who obtained from the king in 1331 a ten-year lease of lands in Swinburn forfeited from Sir John de Middleton, hanged for his part in the rebellion of 1318; the land had earlier been leased by another Newcastle wool merchant, William Thorald, and Acton seems to have been seeking to take it over as part of a marriage settlement with Isolda Thorald. In 1339 Acton's son, of the same name, had settled on him when he married into the Newcastle mercantile family, the Musgraves, other land in the same area: an estate was being built up. Richard de Emeldon had acquired over the course of his career substantial

property throughout the county, some of it through securities for loans made to Northumberland gentry subsequently ruined by the war or other difficulties. John de Denton and Richard de Acton likewise had county interests. Denton for example is seen in 1337 **farming** from the Countess of Pembroke her manor of Woodhorn and the borough of Newbiggin (both not far north of Newcastle), the reversion of which properties Denton had acquired from the king between 1335 and 1337 – the countess holding only for life, although she would disappoint Denton by living to 1375. And for some years prior to 1344 he had held, by royal grant, the custody of the village of Matfen (east of Newcastle) during the minority of the heir of the earl of Athol, probably in relation to his lease from the earl of the manor of Ponteland, possession of the larger part of which the king subsequently confirmed to him as a reward for his services to the Crown.

Investment in rural estates was on the one hand an avenue for social advancement, and on the other a means of banking profits from commerce in a way that was relatively secure and provided an annual dividend as well as a nest-egg for retirement. However, the security of such investments was precarious in times of war. Any undefended lands were liable to be laid waste by Scottish raiders, and the continual threat of attack must have been disruptive to efforts to raise crops or livestock and therefore the profitability of estates. In 1364 the manor of Woodhorn, still farmed up to that time by Denton's son, was described as laying utterly waste; the son was in the process of transferring his interest to a member of the Wydryngton family, which his own son continued. Throughout the 1320s we see repeated complaints from the county community about the ruination caused by the war; mid-decade it was being said (probably with exaggeration) that 200 townships in the county had been deserted by their inhabitants. If it wasn't the Scots laying waste to the countryside, then the English army was causing similar problems, either commandeering local produce, or destroying it and driving off livestock to prevent them falling into Scottish hands. Ca.1328 the burgesses of Newcastle were seeking compensation from the king for their grain crops growing in the fields around the town, which the king's army had destroyed on his last campaign (the army camped around Newcastle in July 1327); in consequence, the town merchants asked permission to trade wherever they could, in order to obtain the victuals the townspeople would need to keep them from starvation.

Building of a defensive ditch and wall around the town was almost a luxury for most English towns, which rarely came under threat (particularly after the period of wall-building had peaked), but for a town like Newcastle – not in the immediate line of fire, but not far behind – it was a vital undertaking. The ditch had been completed by 1316, but wall-building continued, with a

7-year murage granted in 1327; as the opening years of Edward III's reign saw a lull in hostilities with Scotland, there is some question as to the seriousness with which construction of the defences continued; however, with renewal of the conflict in 1332, an extension for ten more years was obtained, and this too was again prematurely renewed in 1341 (see above). Despite these grants, it appears that part of the cost fell directly on the shoulders of the townsmen themselves. So too did the burden of manning the walls; obligations for watch-and-ward, necessity though it was, created another impediment for townsmen trying to carry on a business – not just the merchants of course, but also artisans or wage-earners, who had fewer opportunities than the merchants to capitalize on the war effort. A petition to the king from the Newcastle community in 1316 asked for financial relief, due to costs and losses incurred in keeping the town safe from the Scots: defences had been built at much effort and expense; lands outside the defences had nonetheless been wasted by the enemy; the merchants and craftsmen of the town had found it difficult to earn a living because of the obligations to guard the town; and what cargoes the merchants had been able to ship had been captured at sea by Scots or Flemings. The king responded by pardoning payment of the fee farm for two years, although the final authorization for this did not come through until November 1318.

In addition to the costs of walling, the project aggrieved some of the local landowners, across whose property the line of the ditch and walls had to run. In 1337 Richard del Haye complained to the king that the sheriff had torn down his house, on the grounds that its proximity to the castle made it a potential security threat, but that he was still being charged rent on the property; that this demolition had taken place at least twenty years earlier, before completion of the town walls had been completed (which would have made the action unnecessary), is itself suggestive of the difficulty in obtaining compensation for losses. Ironically, by the time Haye laid his complaint the castle fabric had so deteriorated that an enquiry was ordered, and the king had to authorize expenditure on repairs. The town wall must have caused far more problems than the castle. A decision in 1310 to alter the planned course of the wall, so as to enclose a larger part of the town (notably the quayside) probably led to a few surprises for local landowners, although it was noted that the security of the town outweighed the resulting nuisance to inhabitants.

Earlier, in 1300, the Newcastle authorities had requested that the Carmelite friary be relocated (it was proposed to move the brethren to the house of the Friars of the Sack, so diminished that only one friar now lived there), as its church stood where the wall had to run, and therefore construction was held up. Because of the slow process of the royal bureaucracy's information-

gathering and decision-making, the transfer did not take place until 1307. The new location, however, also proved to be in the line of fire, for ca.1333 the friary was on a list of complainants that also included St. Mary's Hospital, Nicholas de Karliol, Peter Graper, John de Denton, Nicholas de Stockton (custodian of a chapel on the Tyne bridge), Adam Page, Thomas Thorald, John Paton, Emma Eyre, and Richard de Aukelond, all of whom had lost portions of properties they owned, when the town wall was built across them. They requested compensation out of the receipts from murage, or some other source – if granted, such a request was likely to arouse resentment in the community, which would see the money being raised for its defence going into the pockets of private citizens.

Another effect of the war was that it disrupted judicial machinery in the region, which in turn gave rein to greater flouting of the law – a situation made easier by war conditions in the first place. The "poor men of the county" were ca.1319 begging the king to ensure justices of assize came to the county, it being claimed they had refrained from appearing for some years due to the state of war; at the same time, the harrying of the shires by Scottish forces had so impoverished the residents that they were unable to pay their traditional dues. If war bred crime – and it was widely believed that increased levels of violent crime were due to soldiers returning from the wars – a related concern, not restricted to the north, was over Edward III's preparedness to sell pardons to criminals, which increased dramatically in the 1330s, despite statutes limiting the crimes for which pardons could be issued. The impecunious king refused to stop ignoring the statutes, and his practice continued into the 1340s. The practice of course favoured illegal activity by the wealthy.

The problems caused by the Scottish wars were exacerbated by the intermittent national quarrels with Flanders and France, peaking with a fear of French invasion in 1324. Declarations of hostilities sometimes caught merchants unawares, and in the process of ventures in those countries, and it exposed them even more than in peacetime to the depredations of pirates. The bailiffs were made representations to the king in 1307 and 1312 on behalf of Peter Graper (senior) who ca.1293 had sent a servant to Flanders to trade; war breaking out, the servant deposited the money he had made from sale of wool and other merchandize with a Bruges burgess, for safekeeping, but after peace was restored Peter had been unable to recoup the money. In 1319, Robert de Angerton and Waleran de Lumley sought the king's help in recovering a wool cargo worth (they claimed) £200 in a ship which, en route for St. Omer the previous year, had been intercepted by Flemish pirates and the cargo stolen. About three years later, Richard de Emeldon and Thomas Thorald were likewise seeking help to recover wool

and hides (valued by them at £383) captured in 1312/13 by Flemish pirates; Thorald and a servant of Emeldon actually tracked down the stolen goods to Sluys but were warned off, if they valued their lives. At some point between 1325 and 1337, William de Acton sought royal intervention in regard to a cargo of woad worth £80 he was planning to ship in peace-time from St. Valery to Newcastle, but which was seized by officers of the king of France; efforts to persuade the French chancellor to restore the cargo were rebuffed. In 1336/37 it was the turn of merchants Richard de Galeway, Robert de Shilvyngton and Adam Tredeflure to complain of loss of a cargo seized, along with the ship carrying it, at St. Valery by a French admiral, because of a dispute that had erupted between the kings of England and France; Galeway claimed the loss of the ship itself, worth £60 or more, and of cobs, herring, cockles and apples worth £125, while the other two mainly lost woad worth £162.

Newcastle men were not always the victims, however. A complaint made by two Gascon merchants, related to seizure of their ship and its cargo prior to July 1316, was during 1317 leading towards the outlawry of 37 Newcastle burgesses, including Robert de Shilvyngton, Hugh de Hecham, John Wodeman, Thomas Thorald, Robert Musgrave, and several members of the Acton and Haukyn families. They were saved only by repeated interventions by the Earl of Arundel, warden of the Marches, who indicated the accused were in his service, defending the town, and he could not afford to lose them. The opportunism of English merchants could translate at times into piracy. This meant that Newcastle's merchants had to fear not only the pirates of other nations, but also those from among their countrymen; in 1314, ships from some of the Cinque Ports had set upon a convoy of northern ships in their home waters, and made off with the wool cargoes and one of the ships.

As if international trade were not fraught with difficulties enough, Newcastle's merchants were also operating under some disadvantages. Although Newcastle was the authorized port through which wool to be exported, the wool from that region of the country was of inferior quality to that from other parts of the north, as a valuation of wool from different areas confirmed; later in the century the discouraged wool merchants of the town were to tell the king that it was hardly worth their while exporting it. This meant that Newcastle's merchants could not rely on home-grown wool to make their fortunes; they needed to diversify. Furthermore, the customs charged at Newcastle were four times as high as those at Berwick, which prompted merchants – including those of Newcastle – to transport their merchandise to Berwick for shipping from there. These two factors combined to make it hard for Newcastle merchants to compete in the same

marketplaces as other wool merchants, without taking actions such as padding their wool bales so that they compensated for low quality with higher quantity.

A troubled wool trade in the north is suggested by several pieces of evidence. A comparison of wool exports through Newcastle in 1308 and 1326, shows that the number of sacks shipped had fallen by one-third, while the number of merchants wealthy enough or daring enough to face the risks had dropped from 118 to 44. In 1336, when five Newcastle men were commissioned to buy up northern wool, at a low price reflecting its poor quality, the commissioners were able only to find small quantities, and most of that from their personal stocks; whether this represents a scarcity of wool, a lack of cooperation from wool merchants, or the commissioners' fear of incurring the wrath of their fellow merchants, is difficult to say. If the last, then John de Denton was less intimidated, for in 1337 he, along with two of the previous commissioners (Robert de Shilvyngton and John Frismareys) were appointed to a fresh wool collection, and the yield was three times as large as that of the previous year; that Denton may have taken advantage of the situation is suggested by him exporting 80 sacks himself the following year, free of customs. By contrast, when Edward III had all the wool of English merchants at Dordrecht seized in 1338, in return for a promise of reimbursement from customs on future exports, among those to suffer were Richard de Acton, Richard de Galeway, Robert de Haliwell, and John Frismareys; Denton's name is absent from the list. Fraser [*Ancient Petitions*, 215] has suggested that a collapse of the local wool trade in late 1341 may be reflected in the fact that the burgesses, when ordered to provide wool in lieu of the original £133.6s.8d originally assessed in the tax of one-ninth, begged the king – on the grounds of their losses from war and the fines imposed on them by the king – to let them pay the cash instead. Though whether this would have been due to inherent weakness in the trade, or to disruption of commerce by the local political strife, is uncertain.

There are also indications of tensions within the community. In 1305 the "poor burgesses" had complained that they were prevented from retailing cloth they made at home, being obliged instead to sell it only by the bolt (presumably to the town's cloth-merchants and mercers). There were similar grievances relating to restrictions on fish-curing, tanning, wool-collecting, and the retail of wine and groceries. In the complaint 51 "rich burgesses" were named as the oppressors; of the 32 whose trades were identified, 29 were involved in the export of wool or hides. The case was before the Exchequer for some years; in 1308 the plaintiffs were awarded £50 in damages. This and possibly later instances of the merchant guild trying to prevent freemen from buying directly from visiting merchants may be part

of what was behind cap.2 in the 1342 ordinances. Those ordinances also suggest that part of Acton's support came from the leaders of the craft guilds; the great majority of Newcastle's mayors and bailiffs had been merchants, and the crafts probably felt shut out of local government. Unrelated to this situation, but equally reflecting some breakdown within the community, was the activity in Newcastle in 1334 of a gang ambushing traders as they came to or left from the town; this was on mayor Denton's first tour of duty, and the king reprimanded him for failing to maintain law and order.

All this paints a picture of Newcastle's ruling class being under considerable stress, as mercantile ventures went wrong, the various national hostilities disrupted both land-based and sea-based commerce, they had great difficulty recovering debts owed them by the king, their ships and merchandize were commandeered for war use, their rural lands (a source of which crops and wool for export) and workers fell prey to the ravages of war, and their urban properties were sacrificed to the needs of defence or provisioning. Governing a town in war conditions must have been challenging and demanding. When Berwick was in 1333 recovered after fifteen years in Scottish hands, Newcastle's William de Burneton was assigned the task of governing it as mayor, which he did for several years; the task required so much attention that Burneton complained he was unable to give attention to his private business (an exaggeration, since customs accounts show him exporting wool, sheepskins and hides from Berwick in 1335/36) and was losing his health through overwork. The king doubled his mayoral fee to shut him up, but £20 could hardly have compensated for the profits he might have hoped to make had he given his full attention to his mercantile business, and perhaps not even for the personal expenses that such duty could have incurred.

In an environment that placed such a strain on those who faced the dual challenge of leading their community and supplying it with its necessities, through hazardous overseas ventures, we cannot be surprised that the fortune of some and misfortune of others – bearing in mind the concomitance of wealth and power – fostered jealousy and resentment, and that Newcastle's merchants feuded amongst themselves. The stress must have been felt by the whole community, making it easier for feuding politicians to stir up the populace.

For merchants to prosper in such trying times, we may suspect that they could not afford to be too scrupulous. Murage, customs, taxation all offered scope for embezzlement and, whether or not sins were committed, it could not have been difficult for a political faction to rouse popular support on charges based on suspicions of corruption. The men who played leading

roles in the political conflict were those who, as we have seen, were closely involved in administration of murage and the customs service. They were equally prominent in duties of assessing and collecting royal taxes. For instance, Hugh de Hecham, John de Denton, Richard de Acton, Robert de Shilvyngton, Waleran de Lumleye and Robert de Haliwell were appointed by the king to assess on the Newcastle community £400, granted him in 1337 and to be collected over a three-year period; in March 1339 he had to order the community to cooperate with the group, and a few months later there is reference to a fine imposed on the community because of its failure to send all that was due.

With regard to misuse of position for personal gain, we may point to a case in which John de Denton had obtained from the king on 8 October 1337 a grant of a perpetual lease on three plots of empty land in Newcastle. The community felt, it was later revealed by a complaint to parliament from the mayor in 1351 (upheld by an enquiry the following year), that these were part of the common land of the burgesses, not wasteland at the immediate disposition of the king. But Denton, as mayor and *ex officio* escheator, was able to convene an inquisition *ad quod damnum* that judged otherwise, to his advantage, and may also have undervalued the property; it was later alleged that the inquisition jury was packed with Denton's friends and kin. The conflict of interest was, however, acknowledged in regard to delivering possession of the property to Denton: this was normally the duty of the mayor/escheator, but Denton arranged for two other townsmen to be commissioned for the task. This affair may have been behind the grievance reflected in cap.4 of the 1342 ordinances, with regard to unjust alienation of communal property. Further light on Denton's character is shed by his petition of 1337, complaining to the king that he had, in peace-time, sent his servant William de Matfen to Flanders to sell wool, pepper, cloth and other goods worth £500, but that hostilities having broken out between the king and the count of Flanders, the merchandize had been seized by Bruges authorities and William was being held to ransom. An enquiry at Newcastle found that the goods were worth only £89.14s. and that William was being held for quarrelling with a Scotsman who had insulted the king and had to pay a fine of £36 for his release. To be fair to Denton, exaggeration and misrepresentation may have been par for the course.

The conflict continues

Whether or not the suspension of borough liberties and the heavy fines cowed the rival factions for a while is unknown. Certainly the community remained far from happy. A further petition to the king, probably in the first half of 1342, claimed that the town was in danger of collapse, due to the

heavy judgement laid down by Kildesby, various taxes imposed on them, their losses due to the Scottish war, the deaths of some of the "good men" by whom they used to be governed and protected, and the impoverishment of many other residents. They requested to be excused from the 108 sacks of wool assessed as their share of the 30,000 granted by parliament, and a review of the judicial records of Surteys and his colleagues leading to a reduction in the fines; they further suggested those sums be applied to the debt the king owed them. The king had other plans for the fine money, however, instructing in April his receiver of victuals in Newcastle to proceed immediately with collecting the instalment due, then wait for royal instructions on what to do with the money; the king was presumably making plans against the next incursion of the Scots, which came that summer and included a siege of Newcastle.

Under the watchful eye of Felton, the burgesses were also trying to put their house in order, although whether the reforms said to have been approved on 8 February 1342, by all the burgesses assembled in full guild at the hospital of St. Mary in Westgate, and sealed with the common seal, was the result of consensus or of one faction having an upper hand is unknown. Possibly all the parties were at that point inclined towards a compromise necessary to restore the peace, but the compromise went beyond addressing the immediate issue of electoral procedures, to more sweeping reforms of administration, particularly financial.

Richard de Acton died around this time, on April 2, the king ordering the escheator to take possession of Acton's lands, perhaps because of the fine still owing; there does not seem to have been any indication of foul play, but the events of the previous few months likely hastened the death of a man no longer young. By July 1343 it appears that Acton's fine had been cleared (if not pardoned) and a debt of the king to Acton was being repaid by allowing his widow and his executors, Adam le Bastynwhait and Roger de Wydrington, the latter Acton's son-in-law, to export wool customs-free. It might have been thought that the death of one of the principals would have helped matters; but it was not to prove so, indicating that we cannot attribute the opposition to Denton to Acton alone, or even primarily.

The king issued a new commission, on April 6, to a group very similar to that of October 1341, and on almost identical terms: to investigate whether any men of town or county had been supplying the enemy or had been involved in smuggling, to look into maladministration by Newcastle officials and into the political dissensions, whether Denton or Acton had tried to exercise mayoral power after the king suspended the mayoralty, and to have a new mayoral election made *by the community*. This was perhaps

just a review of the situation, and a favourable response may have been the cause of the king ordering on May 6 restoration of the borough liberties; this concession was premised on the past efforts of the residents in defending the town against the Scots, the heavy costs they had borne in constructing the town wall and their promise now to keep it in repair at their own cost, as well as to imprison and punish anyone committing offences (i.e. to maintain law and order). Two weeks later the king added a proviso that the restoration of liberties was in no way to be prejudicial to the liberties of the Bishop of Durham.

Presumably mayoral government was restored, but we do not know in whose person. Welford has it as Denton but there is confusion in his lists of officials around this time, and Welford was not even aware of the electoral battle that had gone on in 1341. It would not have been inconceivable for the warden to appoint Denton, as the last incumbent before the breakdown of law and order, particularly given Denton's past services to the Crown; but we can hardly imagine such a result had the February reforms been applied. Other evidence points to Robert de Haliwell having been the choice along with Robert de Musgrave, William de Acton, John de Dunelm and probably Thomas Flemyng as his bailiffs; all of whom were re-elected in October of that year. Later that month, royal approval was obtained for the reforms issued in February – not strictly speaking a necessity, but it strengthened their authority by placing them in the context of a royal charter of liberties.

The reforming ordinances issued in 1342 let us make inferences as to some of the problems causing political dissent in Newcastle. If we assume that they were formulated to address specific perceived abuses, then we it would appear the principal concerns were with:

- Suppressing further outbreaks of politically-motivated violence, and ensuring an electoral process that involved the community yet was also orderly
- Preventing merchants from controlling the victual trade (**forestalling** is implied in cap.2), for the purpose of profit either from local retail or provisioning the army, at a time when the war was creating a scarcity.
- Putting in place checks on fiscal maladministration, suspected in regard to revenues generally but particularly the proceeds from taxation – taxation grievances being the perennial lever by which politicians could arouse the populace.
- Safeguarding against inequitable taxation and inequitable administration of justice.
- Discouraging officials from using their privileged access to the courts

to further personal interests, benefit their allies, or line their own pockets, possibly falsifying records in the process.

Yet we should beware of reading too many specifics into the ordinances, for they are broadly similar to reforms implemented in other towns in response to perceived maladministration. As with such reforms elsewhere, the aim was not to overthrow the existing form of government, but to try to make it more accountable and to put in place checks and balances: the chamberlains (perhaps not new), the council (as the 24 of the mysteries must clearly have been, and not an *ad hoc* body), auditing of accounts, duplicate records, convoluted electoral procedures. Whether the reforms were targeted at one or more specific individuals whose actions were considered corrupt or self-interested, or whether more generally at merchant-dominated administrations incapable of managing the difficult situation in which Newcastle found itself, as described above, is more difficult to say. Although these ordinances may represent a compromise between the factions, it is equally possible that they represent a triumph of the anti-Denton faction. If so, it was a short-lived victory.

Haliwell's mayoralty of 1342/43 shows no sign of the political feud re-activating. In May 1343 the king set in motion again the collection of murage, apparently suspended due to the political contention. Whether Denton had given up the struggle or not is not clear; but his enemies had certainly not given up their hatred of him. Haliwell was succeeded as mayor by Richard de Galeway in October 1343. In July, Galeway along with some other Newcastle merchants had associated themselves with the consortium undertaking to farm the wool customs for three years. At the end of the first year the Newcastle men reviewed their participation, and withdrew. This failure may have fuelled the past jealousy of Denton's success in profiting from royal service. The arrest in 1336 of John de Galeway may also have still rankled. It appears the Richard, at his own initiative or that of other old enemies of Denton, decided in the latter days of his mayoralty to take advantage of the position of power in which he now found himself, and act decisively against Denton once and for all.

Perhaps tensions were again on the rise within the community. At some point during his term of office action was taken leading to a complaint (July 1344) by the Friars Minor that, whereas from the time before the town was walled, they had a conduit leading from a well to their friary, mayor Richard de Emeldon had covered part of the well, preventing the friary servants from repairing it; subsequently the friars had the well enclosed and locked, but mayor Galeway and his bailiffs, along with thirteen other named townsmen and others unnamed, broke open the enclosure and **diverted the**

conduit elsewhere, while the conduit had also been damaged at other locations. On October 15, 1344 the king appointed a commission to investigate this. Another sign of deterioration is that William Acton, John de Galeway, and John de Frismareys had been fined in May 1343 for smuggling wool and coal, probably the previous year.

On 4 November 1344 the borough liberties were again suspended and the town put under wardens. This was most likely in consequence of the murder of John de Denton. A few days later the king appointed a commission to investigate the killing, the mandate renewed in February 1345, expanded in March, and renewed again in May with changes in the commissioners. The expanded mandate of the commission was to investigate who had killed Denton and what property they owned, who had aided or abetted the murderers, and what felonies, trespasses, oppressions, conspiracies, wastes or purprestures had been committed in the town by its officials or anyone else; this suggests that Denton's death was not an isolated incident, but perhaps part of continuing political factionalism.

In January 1345 the king had granted Denton's widow Elizabeth an annual income out of the customs collected at Newcastle, after she complained that she and her children were destitute because her husband had been maliciously killed by his enemies before making a will and his goods had been carried off – by whom is not clear, but presumably those same enemies; the king's action was motivated, it was stated, by compassion and out of consideration for Denton's past services to the Crown, and half of the annuity continued to be paid to her son, after her death. In May, Elizabeth named those she held guilty of her husband's death, presumably pursuant to the findings of the commission. The list was headed by Richard de Galeway (not specifically identified as mayor, and none of the bailiffs under him were initially among the accused), followed by John de Galeway. Among the 22 named were others who had been among those fined for causing trouble in 1341: Robert de Haliwell and his sons John and Robert, and John Gategang; other members of the Haliwell and Gategang families were also on the list. A member of the Wydrington family was another of the accused. Occupations of the accused were given only in three cases; one was described as a merchant, two as skimmers (a third accused was also later identified as a skinner). It was noted at this time that the accused had fled the county in order to avoid justice and that the king had appointed four men as a posse to track them down, as well as ordering their **exaction**. The search was still underway in February 1346, when the king, having heard that some of the accused might be hiding in the liberty of Durham, sent orders to the Bishop of Durham to arrest Richard de Galeway (now described as formerly mayor) and 37 others who had been indicted before

the justices investigating Denton's murder and other crimes. The list included almost all of those accused by Elizabeth Denton. Among the additions were: Thomas Flemyng, one of those fined in 1341 and a bailiff at the time of Denton's murder; William de Burneton, who along with Flemyng had been among those named as members of the Acton faction; additional members of the Gategang family; two men of the surname Scot, though whether related to the same family that had furnished leaders of Newcastle, I cannot say; and brother Adam de Alnewyk, of the Dominican order at Newcastle. It has been suggested [Hodgkin, *op.cit.*, 8] that the last-named may reflect involvement of the religious orders in the political conflict of the town, but this is unlikely. Furthermore, there appear to have been men from outside the town among the accused, suggesting that Denton's activities in the region – as landlord, purchaser of agricultural produce, and collector of royal taxes – had also made him enemies.

Not all of the accused evaded capture. The two who suffered worst were, ironically, not even among those accused by the widow. Alan Chapman, refusing to plead, was thrown in prison and, like Denton, died there. Gilbert Dolfanby was convicted and hung for his part. In 1341 Dolfanby had leased for life a property from Matilda de Acton, at a very modest rate, although we should not read too much into such a connection and perhaps it was a very modest property. He had been among those fined for their part in the political disturbances of 1341, and among the group associated with mayor Galeway in the forceful action taken against the conduit of the Friars Minor in 1343/44. He had also been among another group accused in August 1345 of having seized ships intending to land cargo at Gateshead, on the opposite side of the Tyne from Newcastle and within the jurisdiction of the Bishop of Durham – there being an ongoing battle between the town authorities and the Bishop for control of commerce on the Tyne, and particularly the coal trade. The accused group included a number of those indicted for Denton's death – Robert de Haliwell (since he leads the list, the offence may have occurred during his mayoralty), Richard and John de Galeway, Thomas Flemyng, William Burneton and others – along with other leading townsmen such as Gilbert Haukyn, William de Acton, John Frismareys, and members of the Karliol family. This was not an act of factionalism but of the principal movers within the community taking aggressive action against an outside rival; however, it suggests that Denton's killers represented the faction dominant in the town at that time.

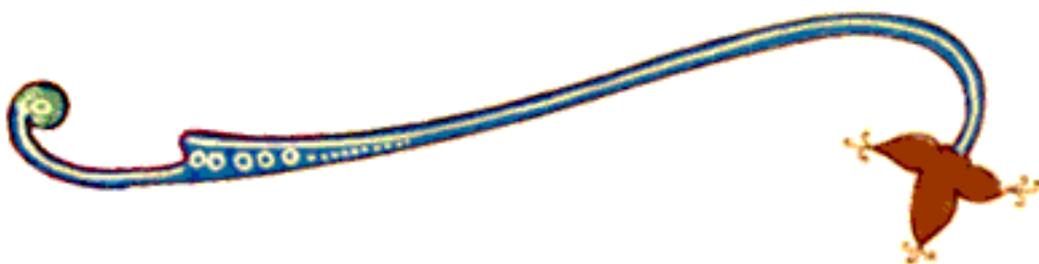
Nor were all of those accused convicted. In October 1345, one of those cleared of blame, Thomas Gretheved, who had been accused by Elizabeth de Denton, requested that the king remove the outlawry that still hung over his head and was preventing him from obtaining restoration of his lands.

From the ensuing investigative report emerges a story (whether true or not we may never know) of the events surrounding Denton's death. Gretheved had been tried in August, by which time Dolfanby had already been convicted and executed. It was stated at Gretheved's trial that, on 26 August 1344, mayor Galeway and the others, motivated by hatred rather than by any just cause, arrested John de Denton and put him in prison. There he was kept until the 31st, when he was brought before the mayor and accused of treason. Specifically that in 1322 he had received money from a Scot in return for he, and his accomplices, agreeing to deliver Newcastle into Scottish hands by arranging to have the West Gate left unlocked for three consecutive nights; and that in August 1341 he had supplied the Scottish king and his army, encamped outside Newcastle, with victuals. Denton either did not deign, or realized it was futile, to respond to these rumour-fuelled charges of his enemies. For this act of defiance, he was ordered returned to prison until he died. By October 18, that death had been accomplished. How, we can only speculate: Hodgkin argued that he was executed by crushing to death, a penalty of a later time for those refusing to answer to the law; Fraser suggested, more plausibly, that he was starved to death. The large number of those accused in his death hints at a lynching, but their indictment was more likely based on participation in Denton's trial. There is much that is unsatisfactory in this story, but it does seem to point to Denton's death at the hands of his enemies, under the guise of some sort of official action.

Gretheved was acquitted of any role in that action by a jury of twelve Newcastle burgesses, which included two of the bailiffs who had served under Galeway (William de Acton and John Wodeman), John Frismareys, and other leading townsmen. Richard de Galeway himself avoided capture long enough to save his life; although outlawed at some point before 4 August 1345, when some of his forfeit property was handed over to Sir Thomas Grey, he had purchased a royal pardon on 16 May 1347, but his property had not been restored. After his death (1359), his widow petitioned parliament and the subsequent enquiry recognized her rights in at least some of her late husband's former property. Among those accused by Elizabeth de Denton, Edmund de Wydrington, who had married into the Shilvyngton family, fled and was outlawed but won a royal pardon in September 1346 for service given in France; and Edmund de Pampeden was imprisoned but released on 6 July 1347, though whether through acquittal or pardon is unclear. Pampeden, Thomas Flemyng, John Gategang, and William Burneton had been outlawed, but later captured and put into Marshalsea prison (London). Friar Adam de Alnewyk had already taken the safer way out through a pardon obtained on 17 October 1345, and so too had Richard Scot, as the second document above indicates. We know that John de

Galeway also was outlawed and his property confiscated; the fate of the remainder of those suspected of involvement in Denton's death is unknown, beyond that those who evaded capture must have shared the fate of John de Galeway, but the more important of them never appear again in the lists of borough officials, and so openings were created for new men with no known affiliation with the old factions.

The king restored the borough liberties on 24 October 1345. At the same time he tried to prevent further disputes by revoking the charter of 1342 (although restored in 1371); a new procedure for mayoral elections was drawn up. The role of the craft guilds was removed, with instead the mayor and bailiffs empowered to choose seven others to act with them as a committee to choose four electors, who would co-opt eight others, then that twelve to co-opt a second dozen, and the twenty-four electors would elect the mayor and then, with the mayor, the other officials. Subsequent political quiet in the town was more likely due to the death or flight of most of the principals in the feud than to this procedural change. The mayoralty and ballivalty continued for the rest of Edward III's reign to be dominated by a relatively small group of men holding office repeatedly, but most were men who had little or no association with the feud that had torn apart the ruling class of the early fourteenth century. In 1365 we hear of dissension in the town, which the mayor blamed on a socio-religious guild that was politically active and trying to coerce townsmen into supporting their aims; whether the aims were political is not clear, and it is unlikely this situation was the heritage of the conflict of the 1340s.



NOTES

"Gilbert Haukyn"

The transcript has Geoffrey Haukyn, but this appears to be an error.

"all who owed suit at the court"

Those who, as householders within the area under the jurisdiction of the court (i.e. the borough), were answerable in that court; this most probably meant the freemen, since possession of a burgage tenement was generally a precondition of the (intrinsic) franchise. If this was the terminology entered into evidence by the complainants, it may have been used to highlight the involvement in the disputed election of residents not qualified to participate – the "lesser townsmen".

"plea hall"

I.e. the courthouse, which would likely have served for communal assemblies too. Newgate: It is not clear here whether the street or the gate is intended. The New Gate, in existence by 1309, stood at the northern end of Market Street. The hall of the merchant gild was at the southern end.

"church of St. Nicholas"

The original and principal parish church of the town.

"pardoning Richard Scot"

The pardon was obtained in May 1345 for £200, a figure set by Kildesby, but later halved by the king and his council, who considered the original amount excessive. The pardon was for all trespasses, conspiracies and extortions for which Scot had been indicted before Surteys and his fellow justices, as well as (on a precautionary basis) any other offences pre-dating Easter 1342 of which he might subsequently be accused.

"render an account"

The translation may be at error here; it is more likely the chamberlains who rendered the account to the auditors, perhaps with the auditors making a public report on the outcome.

"king's assessors"

This clause is indicative that the ordinances were reviewed by, or drawn up under the supervision of, the king or his representative (the keeper of the town). Such a proviso would normally have been taken for granted by the townsmen; the explicit statement here is suggestive of a revision, possibly made at the time the king gave his approval.

"usages and customs"

That the writing down of these was effected is suggested in that in September 1343, the Newcastle authorities sent to their counterparts at Stockton-on-Tees a list of these usages, not the same as the **customs attributed to the time of**

Henry I, although elaborating some of those.

"Tyne Bridge is in places broken"

This may reflect another grievance against Denton. In 1335 he, Acton and Hugh de Hecham had been given responsibility for tolls collected to pay for bridge repairs; damage to the bridge by a flood in 1339 may have been laid at his door.

"ells"

Measures of length.

"His father"

Richard de Acton senior does not feature prominently in the records. Constance Fraser [*John of Denton*, 306] thought that it was the father who was the bailiff and mayor and participant in the troubles of the early 1340s, but it was clearly the son. The son is never referred to in the records as "junior", so it seems likely his father had died during the reign of Edward I.

"wife of a son of Peter Graper"

Adam Graper according to an entry in the Close Rolls [1341-43, p.483], Peter Graper junior according to Miss Martin's notes to the Percy Chartulary [Surtees Society, vol.117 (1909), 336], she also mentions another unmarried and presumably underage daughter, Alice.

"the figurehead"

This led Fraser into the awkward argument that Acton had been persuaded to the role through his family's association with the Karliols, which itself had "a tradition of opposition" to the Emeldon regime, with which Denton was affiliated. This argument ignores Acton's own evident close ties with Emeldon.

"a figurehead"

In the political conflict at Lynn of the early 15th century, the reform faction's figurehead mayor, Roger Galyon, was largely ignored in the repercussions.

"petition"

Many of the examples given here come from Fraser, *Ancient Petitions Relating to Northumberland*.

"counter-cocket"

Licences to export had to be authorized by application of a cocket (seal) by the collectors, which affirmed that customs had been paid. The cocket was in two parts, normally held by separate officers, to ensure no individual collector could apply it fraudulently.

"diverted the conduit"

In the early years of the reign of Edward I a similar problem had arisen concerning a water-source that the Carmelites were monopolizing after obtaining a grant of it from the king. On this occasion it was the burgesses who complained, stating that the water-source was a man-made well, not a natural spring, and that its water had

been important to the work of dyers, fullers and other craftsmen, to the general population for cooking and brewing, and to visiting sailors and merchants for drinking water. An inquisition in 1278 concluded that enclosure of the water-source and routing of the water to the friary would be detrimental to the town; a sharing arrangement was worked out.

"exaction"

The summoning of accused in court; if a certain number of summonses was not answered, the accused could be outlawed.



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Keywords: medieval Nottingham borough self-government charters liberties election mayor bailiff qualifications voting rights monopolization political conflict rebellion factionalism intimidation friaries imprisonment parliamentary representatives market offences assault reforms trade licences

Subject: The mayoralty as a focus for unity and division

Original source: Item 1: Copy of royal letters patent in Nottinghamshire Archives; item 2: Public Record Office, C145/292/24-26

Transcription in: 1. W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 106-08; 2. *Calendar of Inquisitions Miscellaneous*, vol.7, 1399-1422, London: HMSO: 1968, 255-57.

Original language: Latin (translation of #2 by the editor of the CIM, with minor modifications by me)

Location: Nottingham

Date: 1. 1330; 2. 1413

TRANSLATION

1. Grant of executive officers for purposes of political reunification



Edward, by the grace of God King of England, Lord of Ireland and Duke of Aquitaine, to all who see these letters, greetings. Know that by the charter of our renowned grandfather Lord Edward, formerly king of England, it was granted to the burgesses of our town of Nottingham that each year at Michaelmas they may elect from among themselves a mayor to be in charge, above the bailiffs and others of that town, in all matters pertaining to the government and improvement of either borough of the town. And that immediately following that election they may elect one bailiff from the one borough and another from the other borough – because of the differences between the customs upheld in those boroughs – who are to undertake all duties pertaining to that office. But now the burgesses

have petitioned us that, because of the poverty of the inhabitants of one borough and a **shortage of qualified candidates**, so that they are at present unable to find a suitable person to undertake the office of bailiff in that borough, we be willing to grant them that they may elect the two bailiffs from whichever parts of the town they consider most expedient. Being favourably inclined towards their petition on this matter, we have granted them that, after the election of the mayor has been held (as indicated above), they have the authority to elect, from the best and most qualified townsmen [chosen] from the parts they consider most expedient, two bailiffs to undertake all duties pertaining to that office, notwithstanding the terminology used in the charter of our grandfather. In testimony of which we have had these our letters patent drawn up, to be in effect as long as it shall please us. Witnessed by myself at Woodstock, 1 May 1330.

1. Conflict over the mayoral election

From time immemorial the burgesses of Nottingham who have occupied the position of mayor or bailiff of the town have had the election of the mayor and bailiffs, and no other persons of the commonalty of the town should interfere therein. On 29 September 1412 very many burgesses of the town, to the number of 49, who had before enjoyed the said offices, being assembled in St. Mary's church to elect a mayor and bailiffs for the good government of the town and having elected **Henry Willeford**, a sufficient and fit person, to be mayor and **Thomas del Strete** and **John Clerk** to be bailiffs, **John Stook** summoner, **William Couper** of Nottingham, **John Wyrsope**, **Richard Coteller** of Nottingham, Richard Whetecroft, **John Fuch**, **Thomas Gay**, Richard Sawer, **Ralph Botiller**, **Robert Waltham**, **Robert Hayward**, **Nicholas Holbeche**, **Richard Koo**, **John Wyrall** the elder, **John Glen**, **William Buxum**, **John Epurston** and **John Albeyn**, being falsely, wickedly and maliciously confederated and bound together and devising how they might hinder [the said election] used for so long, and entirely subvert the good customs and government of the town, assembling to them a great multitude of other unknown evildoers to the number of more than 100, came [with one] assent to the church on that day with force, armed in manner of war with [arms] of defence, **corselets**, **palettes**, **baselards**, poleaxes and other arms. Guarding the doors of the said [church for a long time],

they called out publicly and said with a loud and threatening voice to the mayor, bailiffs and other burgesses therein that unless they would elect John Alastre, chosen by the said evildoers, [to be mayor] and John Braidsall to be bailiff they should be killed before they left [the church]. And so they kept them prisoners there for 2 hours; and if they had not escaped by God's grace through a secret door of the church, the said evildoers would have killed them by starvation or the sword unless they had done all their will. When the mayor at last came out of the church to exercise his office, carrying his mace in his hand, they shouted and said "We will not have this man for mayor or obey him in any way," and William Couper at once assaulted him, striking the **mace** with a staff so that the mace fell on the mayor's head and gave him a great blow so that he could scarcely escape alive from their hands. Afterwards on the same day the mayor by the advice of his peers and for the good governance of the town made a proclamation there according to custom for the governance of the assize of bread, wine, ale and other victuals in the town; but a great many of the evildoers said "**Raca** for your proclamation, mayor; we will not be governed by you." Further, to fulfil their evil and wicked intent, they appointed by their common consent the said John Stook to be their summoner to summon and warn them when they should make any assemblies or insurrections, which he did the following Sunday and several times in the year 1412/13, warning them sometimes to appear at the Carmelite friary in Nottingham, sometimes at the Rocheyard there, and sometimes at Larkdale; and they assembled in divers conventicles in the said places, arrayed and armed in the manner of a new insurrection, to resist the said mayor, b[ailiffs] and burgesses in all their ordinances. Afterwards, on **Sunday before St. Thomas 1 Henry** **V** they gathered to them many other unknown evildoers at the Minorites friary to take common counsel and ordained that they would obey no ordinance made or to be made by the said mayor. The mayor, hearing news of this assembly, by the advice of his peers took with him the **keepers of the peace** of the town and other sufficient power to the place where they were assembled and arrested the said John Stook and 20 other persons found there and imprisoned them as the law requires. Whereupon on the same day the said evildoers again assembled with a very great multitude of others armed as above in manner of a new insurrection and came to the prison where the said prisoners were detained, saying and shouting publicly that they would

break the prison and have the prisoners with them in spite of the mayor and burgesses, so that neither the mayor, the bailiffs, the keepers of the peace nor any other person dared arrest or resist them for fear of their lives; and unless the bailiffs who had the keeping of the prison had soon delivered the prisoners, they would have killed the bailiffs and broken the prison, to the extreme disturbance of the king's peace and the manifest ruin of the town.

And whereas the said mayor, bailiffs and burgesses have from all time had the election of burgesses to come to the king's parliament and whereas by the assent of 120 more sufficient persons of the town they had elected 2 of the better and more **discreet** burgesses, viz. **Thomas Mapurley** and **John Odynges**, to come on the town's behalf to King Henry IV's last parliament according to his writ, the said evildoers on 16 January 1413 again gathered a great multitude of evildoers at Nottingham and by their assent and will came with strength armed as above to the place where the mayor, bailiffs and burgesses had assembled for such election, saying that they would not agree to an election like that but would by all means have and elect **Robert Sutton** as one of their burgesses, and they so threatened the lives of the mayor, bailiffs and burgesses that none of the bailiffs and burgesses dared stay with the mayor but secretly departed from him as best they could; and he being thus left aloe with the evildoers, they horribly and maliciously went round about him like torturers, demanding the common seal of the town so that they might make the **mayor's return** and answer and seal it with the said seal. They pursued him from place to place, shouting with one voice that he should grant their demand, and so threatened him that for fear of death he tried to flee into the house of the said John Odynges to save his life. But John dared not receive him into his house nor help him in any way for fear of the said evildoers, and at last the mayor **granted all their demands** to save his life. Whereby the said mayor, bailiffs and burgesses dared not for fear of death attend publicly to their business and trade within the town or without save with a great power, to the extreme disturbance of the peace of the late and the present king and the manifest ruin of the town.

DISCUSSION

The two boroughs referred to as within the town of Nottingham were: the pre-Conquest settlement, whose development was spurred by its use first as a base by the Danish army and then as one of **burhs** in Edward the Elder's programme of defensive fortifications; and a new foundation settled by French immigrants shortly after the Conquest and lying between the English borough and the Norman castle (similar to that at **Norwich**, not least in the extension of the existing town centre, in relation to the construction of a castle). The cultural differences explain the divergence in some customary laws; legal cases during the reign of Edward III indicate that dower rights and inheritance were among those affected. One of the witnesses to a land grant of 1312 is described as the bailiff of the English Borough; this appears to be because he was the only bailiff witnessing – where both are named they are not identified with either borough. The distinction between the two boroughs persisted into the early fifteenth century, although there is no indication it had any practical implications by that time.

The charter of Edward I to which the letters patent refer was granted in 1284; the letters extract some of the terminology from that charter almost verbatim. The charter had followed a suspension of borough liberties, with direct royal government imposed and lasting for several years because of unspecified offences committed by the community – they had in some way over-extended their authority. When restoring the borough liberties, in return for an increase in the **fee farm**, the king also gave his recognition to the mayoralty:

On behalf of ourself and our heirs, to help the burgesses and other men of the town return to normalcy, we have granted that henceforth they may have a mayor [to be chosen] from among themselves. Whom, let them elect, each year at Michaelmas at an assembly of burgesses of each of the boroughs of that town, to be in charge over the bailiffs and others of that town in all matters pertaining to the government and improvement of either borough of the town."

It is not until this document of 1284 that we have reference to the town being divided administratively into two boroughs, and this may provide a clue as to the nature of the problem that led to the seizure of the liberties. It is in 1279 that we hear of the king handing custody of Nottingham over to a

warden, Robert de Tybetot, or perhaps one should say farmer since he was said to be renting the town for £60 annually, initially for a year. At different times in 1280, the king sent orders to the sheriffs of Northamptonshire, Nottinghamshire, and Yorkshire to release, upon **mainprise**, various Nottingham burgesses from the gaols of Northampton, Lincoln, Nottingham and York; the charges against them were unspecified "diverse trespasses" committed at Nottingham and it seems not unlikely that these were associated with the reason for the suspension of borough liberties. Whether that reason was internal political strife cannot be said, but it is notable that the accused were forbidden to return to Nottingham until the king had heard their case. Still less can we say whether any political conflict might have had its roots in the separation of the boroughs. It is not impossible that the difficulties at Nottingham were in part a spill-over from the more general unrest of the 1260s, which gave rise to disturbances in several towns, or to hostilities not purely internal in nature – the burgesses of Newcastle-on-Tyne also, in 1279, were in trouble, in this case for assaulting the king's officers of the county who were trying to collect sums of money owed the king.

If, however, the problem were internal division, the introduction of a mayor would have been perceived as a way to unify the two parts of the town. Unlike at some other towns, where the mayoralty existed informally for some years before being afforded official recognition (e.g. Lynn, Leicester) or disappearing (e.g. Canterbury), this grant of mayoralty appears to represent the beginning of the office in Nottingham. Under the charter of Prince John, ca.1189, there is reference to a single reeve to be elected by the townsmen, although also indication that the burgesses were tenants of more than a single fee (tenurial lordship). Witness lists to deeds prior to 1284, where witnessed by town officers, indicate only a single bailiff, although this may itself be evidence of the separation of the boroughs administratively. Those after 1284 are witnessed by mayor and two bailiffs, even when the property involved is specified as being in one or the other of the boroughs, indicating amalgamation.

Before 1284 the king had not explicitly licensed any other English town to have a mayor, except London, suggesting that Nottingham's problem was felt to require an unorthodox solution. Yet we cannot entirely rule out the possibility of the mayoralty existing earlier. In a series of writs sent out by Chancery in 1273, directed at executive officers of 22 towns, 20 were addressed to the mayor (including that to Nottingham) and only 2 to bailiffs, suggesting that at Westminster it was assumed mayors were commonplace; while the bureaucrats were known to be somewhat sloppy in such matters, many towns did have mayors by this time.

The grant of May 1, 1330 was, in essence, a postscript to Edward III's confirmation on the same date of his predecessors' charters of liberties to Nottingham, with new additions. The town had been for some years contesting with the castle, administered by an unpopular agent of the unpopular Edward II, over jurisdictional matters; the new charter settled that quarrel in the town's favour. The charter also represented another restoration of liberties, for in 1328 these had been seized into the king's hands following a deadly confrontation between the townsmen and soldiers quartered in the town. Yet the town was an important strategic centre, both military and provisioning, in regard to the war with Scotland; furthermore, it was a stronghold of Roger Mortimer, from whom Edward was now planning to seize the reins of power. In 1329 the justices in **eyre** arrived, with a mandate that included a review of borough liberties. The outcome was the charter of 1330. The problem of the unpopular constable of the castle was resolved when, in October, Edward's supporters arrested Roger Mortimer in the castle and a local man was subsequently made constable.

If in the thirteenth century the mayoralty was a rallying point for burgesses – or at least those who aspired to some measure of local self-determination – by the fifteenth century it had become a focus for internal conflict.

Although the disturbances of 1412-13 are portrayed in the verdicts of the two inquisition juries, of which one is given above (the second being almost identical), the account is essentially an endorsement of the complaint laid by the ruling group and so presents their perspective. However, this was not a mere mob rioting against the authorities, as the ruling group would have it, but a division between political parties. For one thing the opposition was clearly organized, involving an effort to set up a coordinated resistance and even a parallel government. One is reminded of the contemporary conflict at Lynn where opposing parties had elected rival mayors, and of that at London a generation earlier when both sides used force to try to determine the election results.

The inquisitions were held on 4 September 1413, but the complaints had been laid before the king earlier in the year, for when Henry V had appointed on 3 April a commission of investigation into the "many trespasses, rebellions, insurrections and unlawful conventicles", it referred to Nottingham men Robert Sutton, **Thomas Sutton** and William Couper having already appeared to answer before Chancery during Henry IV's reign (i.e. probably in February or March) but having withdrawn without permission, perhaps during the inevitable disruption of affairs of state occasioned by the king's death. Others had been, or were about to be,

arrested; for on 27 April the warden of Fleet prison, London, was instructed to release **William Pomfret, William del Stabelle, Richard Estwayte,** John Wyrale, **John Crophille, Nicholas Fossebroke, John Reynalde, John Bowere, William Cook,** Reynold Geffecoke, and **William del Rodes** of Nottingham, on condition they make no more insurrections or illegal assemblies to disturb the town and terrorize its inhabitants; they having found guarantors for good behaviour towards the mayor, bailiffs and good men of Nottingham, in **Thomas Strelly, Nicholas Stapelforde,** and **Reynold Shaw** of Nottinghamshire and William Aston of London, as well as standing guarantors for each other.

Some of the opposing party were important townsmen. The party's nominee for mayor, John Alestre, was a member of one of the families that would become prominent in Nottingham during the century, thanks to the wool-trade. He had entered the franchise in 1395 as an ironmonger, with Nicholas de Alastre (his father, and the borough's parliamentary representative in 1393) as his surety; it was to be investigated whether he had the right to enter without fee, by patrimony. Nicholas was also an ironmonger and had dabbled in the production of woollen cloth, but held no office in borough government. By the opening of the fifteenth century, John was also involved in the production and export of woollen cloth; he can be considered a merchant, and his will indicates associations, probably commercial, with Rotherham and Sheffield. He also held several properties in town and connections with local gentry – as supervisor of his will he named a man who was several times county sheriff. In that will, drawn up in 1422, several years before his death in early 1431, his wealth is demonstrated by his monetary bequests totalling over £615, most left to his widow Cecily, his underage children Thomas, Robert and Joan, a married daughter and her four children. About the same time he served as bailiff (1402/03) and mayor (1409/10); he was to become mayor again in 1414/15, 1420/21, 1426/27, and 1430/31 and to serve as parliamentary representative in 1416. We do not know whether he was an active member of the opposition party, but it seems not unlikely he would have been one of its leaders. If not, he was evidently well respected by the populace; in his will he left the unusually high amount of £100 to be distributed among the poor.

The party's nominee for bailiff, John Braidsall (or de Bridessalle, i.e. of Breadsall, Derbyshire), is found in 1393, 1396, 1397, 1403 and 1410 acting as an attorney in the town court; these being the principal references to him, it seems likely that he was in the legal profession. In 1395 he was a tenant of Thomas Mapurley. He never seems to have attained the political office his supporters sought for him.

As shown by the notes below on identified members of the opposing party, several had been or were to be office-holders in the borough and were therefore men of some standing in the community.

Much of the evidence we have related to the careers or family background of those identified from the opposing party is too slight or flimsy to allow for confident interpretation. But it does suggest that rather than a popular rebellion, this was at least in part a struggle between different economic interests in the town – perhaps between groups of crafts, or perhaps between industrial and commercial interests; there seem to have been a number of participants in the leather and metalworking trades among the opposing party. In fact, the impression I have is of a group of men whose craft-based families were once powerful in the borough, but had been eclipsed or displaced by a new group with mercantile interests; more in-depth research would be required to test this hypothesis.

A possible sign of tensions within the community comes in the form of the presentments in the Great Tourn, or Mickletorn (Nottingham's version of the **leet court**) in 1395. Most such presentments are directed at individual offenders; occasionally one finds blanket presentments against a particular class of offenders. At the 1395 leet there was an unusual number of the latter:

- the bakers were presented *en masse* for charging too much for baking services;
- all the butchers were presented for selling meat that had been kept around too long;
- the fishermen for the same regarding fish, and for forestalling;
- the taverners for infringing the assize of ale;
- the hucksters (a female occupation) for selling various victuals at too high a price, for forestalling, and for making false candles (lacking wicks);
- the tanners for not tanning their leather properly, and for selling from their houses instead of the marketplace, where goods were more easily subject to inspection;
- the shoemakers for mixing lower-grade with better-grade leather in their products, and for selling too dear;
- the cooks for selling meat and fish either not properly prepared or reheated (a health risk), as well as for forestalling victuals;
- the hostellers for breaking the assize, including selling provisions that had not been inspected;
- the weavers for charging too much for their services, and for

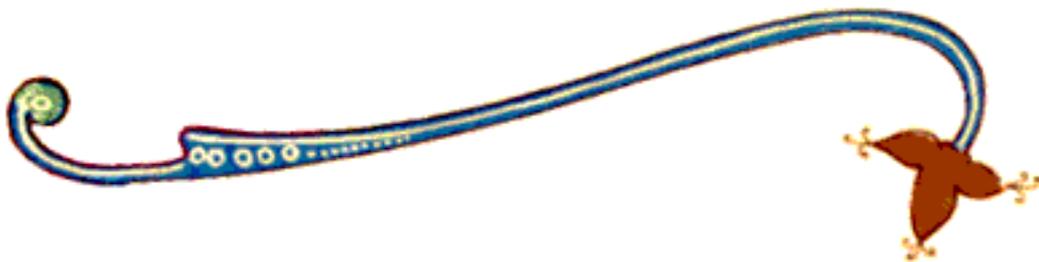
- demanding a surcharge for delivery of their products to the fullers;
- the fullers for charging too much for *their* services;
- the hosiers for using cloth poorly made, or mixing old cloth with new, in their products;
- the dyers for blocking the streets with their equipment and dirtying the streets by emptying from their vats the water used in the dyeing process;
- the carpenters, plasterers, stonecutters, and all labourers, for asking too much by way of daily wages;
- the apothecaries for using non-standard weights by which to sell, and for mixing old spices with new

These sweeping condemnations reflect either a general malaise in Nottingham society or an attempt by the authorities to bring the crafts under closer control and also to tap into their profits by general fines on trades, acting almost like a licensing process. The same kind of presentations were made the following year, although the list was less extensive. It may be that we see here an expression of mercantile influence on local government policy.

During the same year, a separate set of presentments reveals what seems to be a rather high number (38) of assaults in what was a population of only about two to three thousand; several of the assaults being premeditated. John Odynges was the target of one, launched by a draper, Thomas Fox, who was separately accused of ambushing and beating a messenger of the sheriff of Nottingham. Fox was himself the victim of an assault the following year, although there is nothing to indicate that any of these three bouts of violence was connected with each other. These may again reflect tension within the community, although this could have been occasioned in part by the national conflict.

In 1399 the citizens acquired an important new charter from the new king, grateful no doubt for support given him against Richard II. This gave the borough government expanded judicial powers, notably establishing powers of Justices of the Peace, to be held by mayor, recorder and four other suitable townsmen. This would have helped establish an elite within the ruling class that could have exacerbated political jealousies. This inner clique of power-holders was later to evolve into a slightly larger group of aldermen, forming the borough's inner council. Such trends towards elitism were serving to reduce the involvement of the community at large in decision-making, even though that may have been previously limited to approvals.

During his mayoralty of 1409/10, John Alestre introduced some reforms; what they are has been lost to us – for the core of the surviving records of this period are the town court rolls and they appear silent on the disturbances – but they may have had some relation to expanding the franchise. In his subsequent mayoralty, we find the practice of selling licences to non-burgess residents allowing them to retail. These reforms may give a hint as to some of the grievances that provoked the events of 1412-13, or at least may have won the opposing party's leadership some backing from the unenfranchised section of the population. The licencing programme – a compensation prize? – continued throughout the century; in 1478/79, 68 persons purchased such licences, both men and women, and they included weavers, shermen, capmakers, spurriers, minstrels, barbers, cobblers and other leather-workers, along with a large number of tipplers (alehouse keepers).



NOTES

"shortage of qualified candidates"

The original uses the term *insufficienciam*. "Sufficient" in this context was used to express whether a person was considered qualified to hold office, principally referring to the level of wealth, although it might also have connotations of suitability as determined by social status or quality of character, and perhaps even capability.

"Henry Willeford"

Henry had first served as mayor in 1398/99, without apparently having earlier served as bailiff, although he had been chamberlain in 1377/78 and a Thomas de Wylford had been steward of the court in 1375/76. He was a keeper of the peace in the borough during the mayoralty of John Alestre in 1414/15. At the leet court sessions in 1395 and 1407 he was presented for dumping cinders in communal ditches and pits; this might suggest an association with the cloth-finishing industry. He held property in Castlegate, with Robert Squire (several times mayor between 1384 and 1402) and John Odynges as neighbours, and in Lorimer Street.

"Thomas del Strete"

The *CIM* gives as its reading "Thomas Bethel Strete", i.e. Thomas by the Strete. He was described in 1405 as a draper when, with his wife, he took a life lease on a tenement in Bridlesmithgate, next to one owned by Thomas Mapurley. In 1419 he was suing John Crophill for debt.

"John Clerk"

He had previously served as town clerk, ca.1385-91.

"John Stook"

Possibly the John Stoke who, in 1395, as a member of Holy Trinity Gild, was being sued for a small debt, and who in the same year was presented at the leet court for **forestalling** coal in order to create an artificial shortage so as to raise prices. The following year he was presented for breaking the assize of ale, both in the brewing and retailing aspects.

"William Couper"

The Cupper surname was common enough in Nottingham, and we should neither assume nor discount family relationships without clearer evidence. Men with this surname were prominent in the town in the late thirteenth century, judging from witness list evidence. Robert le Cupper was mayor in 1301/02, William le Cupper in 1325/26. John le Cupper was bailiff in 1304/05. The William Cupper who was bailiff in 1373/74 is not likely to have been the insurgent of 1413; it was probably he who is found in the 1380s and '90s in the upper echelons of power (based on his position in official witness lists). In 1395 William owed a chaplain 3s.4d in schooling fees for his son, whose name is unfortunately omitted from the official record. In 1415 a William Cooper purchased a licence to retail within Nottingham (i.e. he was not a freeman), but is not otherwise noticed. Thomas Cooper saddler bought a like licence in 1478.

"John Wyrsope"

A William de Worksop barber was a leet juror in 1379, while the Richard de Worksop being sued by a member of the powerful mercantile Plumtre family in 1407 appears to have been a metal-worker.

"Richard Coteller"

Bailiff in 1419/20, he was also known as Richard Frankleyn, under which name he served on the leet jury in 1396.

"John Fuch"

In 1416 he was living in St. Marygate.

"Thomas Gay"

A Thomas Kay was bailiff in 1394/95, and it likely the same man; Kay went on to become one of the borough's keepers of the peace under Alestre's mayoralty of 1414/15 and succeeded Alestre in the mayoralty the following year. He was also alderman of the Holy Trinity Gild ca.1409.

"Ralph Botiller"

He was accused of sneaking into the inquisition hearing in order to write down the names of the jurors, so that his comrades would know who were their enemies. He may have been related to the William Boteler who was clerk of the town court (town clerk?) in the 1390s and represented the borough in parliament several times between 1386 and 1393. Another William Boteler, a butcher, was tithingman of Middle Pavement in 1396, while a third living at the same time was a draper.

"Robert Waltham"

A Roger de Waltham was being sued in 1399 by John Odynges for detention of goods.

"Robert Hayward"

In 1396 his wife was presented before the leet court for selling herring too dear. In 1398/99 he was being sued because one of his pigs, roaming without supervision, had killed and eaten a chicken and several herring of the complainant. In 1407 he was in trouble again, for dumping dung in the street in front of his house.

"Nicholas Holbeche"

A Christopher Holbeck tippler bought a licence to retail in 1478.

"Richard Koo"

A John Koo was presented before the leet court in 1395 for forestalling coal and for blocking the road with a tenement he had built in Castlegate. In 1436 we hear of a Richard Coo chaplain acting as an attorney in the town court, probably because the case involved work in St. Mary's church.

"John Wyrall"

A **tithingman** (constable) for Bridlesmithgate in 1395/96, the neighbourhood possibly suggestive as to occupation – his partner in the office being a John Lorimer. A John Wyrall junior was in the office of mayor's clerk in 1410.

"John Glen"

In 1436, a Thomas Glen found employment as a bellfounder's assistant.

"William Buxum"

In 1404 a John Buxum was acting as an appraiser of goods seized by the court.

"John Epurston"

In 1404 and on several occasions in 1408 John Epperston was acting as an appraiser of goods seized by the court.

"John Albeyn"

John Albyn was bailiff in 1393/94; his surname is also found as Albayne or Allewyne. In 1396 he was presented before the leet court for forestalling, viz. buying from a Bredon man a cart of tanned hides for which the latter had some verbal agreement to sell to four other citizens. In 1395 his (first?) wife Ivota had been presented for forestalling poultry and other victuals. In 1395 he stood as

surety for William Allewyne barker when the latter became a freeman, and in 1416 we hear of John Albayn barker and wife Agnes disposing of a cottage in Hundegate, next to a cottage owned by John Hodynge and formerly owned by John Crophull. In 1414 John Albeyn tanner was one of the sureties for a draper bound over to keep the peace.

"corselets"

Body armour, notably breastplate and backpiece.

"palettes"

Plates protecting elbows and shoulders.

"baselards"

A long knife, or short sword, that became a common weapon for the footsoldier.

"mace"

This would have been his ceremonial mace, indicative of authority, not an everyday weapon.

"Raca"

A term of reproach or dismissal used among the Jews in the time of Christ, loosely meaning worthless or void. Apparently a quotation from Matthew 5:22, it seems more likely the scribe's interpretation than a direct quote of what the mob would have said.

"Sunday before St. Thomas 1 Henry V"

This date makes no sense, given that the inquisition took place in May 1413, there was no festival dedicated to any of the Thomas' that fell within Henry V's first regnal year (commenced 21 March 1413) prior to that date. December 1412 is probably meant, assuming a scribal slip for the regnal year.

"keepers of the peace"

They had a position equivalent to justices of the peace, serving to sit with the mayor on cases related to that jurisdiction; the office seems to have been filled mainly with ex-mayors.

"Thomas Mapurley"

A lawyer who was in practice by at least 1376, he served as bailiff in 1381/82 under the name Thomas del Holt, later settling for his alias named for a Derbyshire village; the family name later became attached to a Nottingham suburb, Mapperley Park. The family had in fact held land in the town and vicinity since at least the mid-fourteenth century. His successful legal practice, operated both locally and in the king's courts, and his administrative roles funded purchases of much property in the town and outside, he building up several estates in the region. He was undersheriff of Nottinghamshire from ca.1387 to 1391, and on the occasional royal commission during Henry IV's reign. He was therefore a natural choice to represent the borough in parliament, and he served in this role on seven known occasions between 1388 and 1413. He was chosen its mayor in 1402, and later acted as its recorder (legal expert), from at least 1407 to 1410, and possibly until

his death in 1416. In 1392 he was charged before the King's Bench with extortion and using a position of authority to make false arrests, as well as having the previous year arranged on at least two occasions for his men to ambush Robert Sutton a Lincoln wool merchant while en route to Nottingham; he escaped with a small fine. He was ordered arrested again in 1400, though it is not known what for. He married his daughter into the ranks of the gentry, and one of his sons signed up as an esquire for Henry V's French campaign, while another was sub-dean of York. A later member of the family was mayor in 1473/74 and 1481/82.

"John Odynges"

Odynges, or Hodings, was bailiff in 1408/09. In 1395/96 he was assaulted by Thomas Fox armed with a club, but escaped without serious injury; there is no indication of whether this was a purely personal matter or part of some larger hostility, but in 1408 a Hugh Fox acted as pledge for the prosecution of a complaint of detention of rent brought against Odynges. In August 1399 he was said to be absent in the service of the Duke of Lancaster.

"Robert Sutton" "Thomas Sutton"

Robert de Sutton was a tithingman of Fleshhewergate in 1395/96, one of the chamberlains of 1396/97, and a bailiff in 1400/01. The presentment of Robert Sutton in 1395 for forestalling eels and other fresh fish en route to market is suggestive as to his occupation; he may have been, or been connected with, the Lincoln wool merchant of that name who had business ties with Nottingham and had incurred the enmity of Thomas Mapurley. A later Robert Sutton was Prior of the Carmelite Friary (1442) in Nottingham, but surely could not have been in any position in 1413 to have been a factor in why the opposing party chose the friary as one of its meeting-places. While it is worth noting in this context that the friars were ideologically sympathetic to reform targeting corruption, we probably need look no further than the size of the halls for a reason why at Nottingham, **Lynn** and **London** political meetings were held at friaries.

"mayor's return"

That it, the response to the king's writ, confirming that an election had been held as ordered, and identifying the representatives elected. To have force, such a document needed to receive the 'signature' of borough government, in the form of application of the communal seal.

"granted all their demands"

Whether in fact Mapurley and Odynges or Sutton were sent to parliament is unknown, as the official returns have not survived.

"William Pomfret"

A William Draper de Pountefreyt had purchased the franchise in May 1385, and was sued for the entrance fee the following year by the draper who loaned him the money. In 1395 William de Pountefract spicer was accused of forestalling various goods. Perhaps these were the same man. William Pontfrett was bailiff in 1398/99.

"William del Stabelle"

Possibly an ancestor of the Robert del Stabelle who was mayor in 1466/67.

"Richard Estwayte"

Possibly related to **Reynold Shaw**?

"John Crophille"

A skinner, he appears to have been a one-time neighbour of John Albeyn; in 1419 he was being sued for debt by Thomas del Strete. An earlier man of this name was a tanner (1321). The surname is well in evidence in fourteenth-century Nottingham, with a Robert de Crophull serving twice as mayor *tempore* Edward II, another Robert de Crophull mayor in 1336/37, and Nicholas de Crophill mayor in 1348/49 and 1360/61; two or more William de Crophulls held the ballivalty on numerous occasions between 1303 and 1347, one being described as a clerk. We should beware of assuming all holders were related.

"Nicholas Fossebroke"

Presented at the leet court in 1395 for dumping materials in a ditch and a watercourse, blocking them as a result.

"John Reynalde"

A David Reynald who took up the franchise in 1468 was a saddler.

"John Bowere"

John Bower of Gainsborough (Lincs.) purchased the franchise in 1396. It may have been the same man who was being sued in 1436 for detention of goods. A William Bower bought a licence to trade as a cobbler in 1479.

"William Cook"

A man of this name was presented in 1379 for selling ale contrary to the assize.

"William del Rodes"

A later William Rodes was a master-wright in 1478.

"Thomas Strelly"

A William de Strelley was bailiff in 1362/63 and a John de Strelley in 1366/67. Later in the fifteenth century, persons of this surname are found among the local gentry.

"Nicholas Stapelforde"

A Hugh de Stapelford was bailiff several times in the early fourteenth century.

"Reynold Shaw"

In 1432 and 1436 Reynald del Shawe de Estthwayt was the defendant in actions for debt.



main menu

Created: *May 27, 2003.*

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[translation](#) | [discussion](#) | [notes](#)

Keywords: medieval Nottingham chantries employment priests presentment parish church services endowments rent merchants

Subject: Foundation of the Amyas chantry

Original source: Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 130-34.

Original language: Latin

Location: Nottingham

Date: 1339

TRANSLATION

Know all people, present and future, that I, William de Amyas of Nottingham, have given, granted, and by this present deed confirm to Gervase de Barton, chaplain, who celebrates divine service every day in St. Mary's Church in Nottingham, for [\[the good of\]](#) my soul and the souls of my wife Margery and my son John, and the souls of our parents, our children, all our ancestors, and of all the faithful who are deceased, 68s. in annual rents; to be had, held, and received by Gervase and his successor chaplains who shall celebrate divine service every day, in perpetuity, in that church for the souls already mentioned. Viz.:



- thirty shillings of silver from the **tenement** that William de Holm holds in Lorimer Street, Nottingham, located on the north side of the tenement once of Adam Botild, the which tenement once belonged to William Godynough;
- eight shillings of silver, 4 hens and a cock from the tenement once of John le Spicer, located in the same street on the north side of the aforementioned tenement once of William Godynough;

- twenty shillings from all tenements lying next to each other in the Weekday Market in the town, between the tenement once of Laurence le Bere to the east and the Hall of Pleas of the town of Nottingham to the west;
- ten shillings from a tenement located in the same Weekday Market, between the tenement of William Brian to the north and the tenement once of John Flemyng to the south, as well as from a booth called "the Lyerbothe" in the same marketplace.

That is, thirty-four shillings **[due]** on May 3, thirty-four shillings on November 11, and the four hens and a cock at Christmas. I have also granted to the same Gervase and to William de Holbeck, chaplains, and their successors as chaplains, an annual rent of four shillings and sixpence due from the tenement of Geoffrey Stoye, which lies in Butcher Street in the town, next to the tenement once of Ralph Stoye to the south; that is, two shilling and threepence on May 3 and two shillings and threepence on November 11. To be had and held by Gervase and William de Holbeck, chaplains, and their successors as chaplains, so that Gervase and William de Holbeck, and their successor chaplains, provide each year in perpetuity on the anniversary of my death a **potation** for all chaplains, clerics and anyone else attending my **obit**. Should these rents be wholly or partly in arrears to Gervase or any of his successors, at any future time whatsoever, then Gervase or his successors are permitted to **distrain** in all the tenements mentioned until they are satisfied for what is due. On condition that if Gervase or any of his successors, after the time when the chantry has been established, discontinue the celebration for a period of eight days without reasonable cause and without appointing in his place another suitable chaplain to celebrate, the one who defaults may not from then onwards ever again demand or receive anything of the aforementioned rents, but is to be completely removed from the chantry and another chaplain substituted in his place.

It is my wish to **present to the chantry**, after the death of Gervase, during the remainder of my life, as often as the chantry shall happen to be vacant. I further wish that, after my death, my heirs and executors shall when any vacancy occurs present a suitable chaplain to the chantry, within twenty days of the vacancy occurring. If my

heirs and executors have not made a presentment within twenty days of the chantry happening to become vacant, or do not wish to make the presentment, in the manner already stated, then in that case it is my wish that the vicar of St. Mary's Church, Nottingham, the mayor of the town, and three reputable men of the parish of that church select and present a suitable chaplain to the chantry, to celebrate and to receive the rents in the manner stated. On the understanding that the vicar, or his successors, have no claim to any right other than (with his associates) the presentment in that case, or through the default of my heirs or executors. If the vicar, mayor, and their associates have not presented a suitable chaplain within twenty days after the chantry happens to become vacant, then it is my wish that the Prior of Newstead present a suitable chaplain to the chantry within forty days thereafter.

I have also granted to Gervase and to William de Holbeck, chaplains, and their successor chaplains celebrating divine service every day in perpetuity for the aforementioned souls, a tenement in the street called **Stonestrete** in the same town, lying between the tenement of Walter le Palmere on the south side and the tenement of William de Wodeburgh on the north side, and extending in length from the said street as far as the tenement of Thomas Lambock; to be had and held by Gervase and William de Holbeck and their successors, chaplains, for their common residence forever, of the chief lords of that property by the services customarily due therefrom. On condition that Gervase and William de Holbeck and their successors, chaplains, shall provide in perpetuity and at their own cost two wax candles weighing six pounds, to burn each Sunday and festival in the church atop my tomb while mass is being celebrated at the high altar.

In testimony of which I have appended my seal to this indented charter, made in four separate parts. Of which: one part remains in possession of myself, my heirs and executors; a second part in possession of the chaplain and his successors; the third part in possession of the vicar, mayor and their associates; and the fourth remains in possession of the Prior. These being witnesses: Henry de Cestrefeld, then mayor of Nottingham, John de Baston and Richard de Halum, then bailiffs of that town, William de Gotham of Nottingham, Robert de Crophull of the same, John le Colier of the same, Roger de Botehale of the same, Ralph de Wollaton of the same, Hugh le Spicer

of the same, William de Crophull of the same, William de Roderham of the same, Ralph le Taverner of the same, John de Tumbly of the same, and others. Given at Nottingham on 27 April 1339.

DISCUSSION

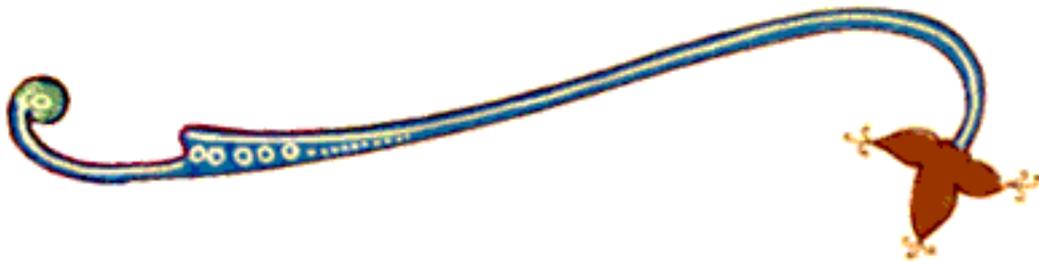
William de Amyas was a leading figure in the political and commercial life of Nottingham during the first half of the fourteenth century. He held the mayoralty four times between 1316 and 1334. He appears to have been a first-generation immigrant to the town and may perhaps have been connected to the mercantile family of the same surname resident in York. After his arrival, he married Margery Palmer, the daughter of a prominent citizen (who also served as mayor). That he had the second highest assessment of any Nottingham townsman in the national tax of 1327 shows how he had prospered in his new home. He traded in grain and probably other victuals in the earlier part of his career, and owned both boats suitable for inland transportation of his merchandize as well as one or more vessels described as "ships" presumably suitable for international commerce. Some of his business came from supplying royal armies or garrisons operating in the north against the Scots, while other stemmed from circumstances of bad regional harvests and famine which hurt the Midlands counties in 1315-16. Later in his career there is greater evidence of his involvement in the wool trade. Part of his wealth was put towards investments in property, mainly within the town; he also acquired some properties in the surrounding countryside, mainly in repayment from a family in difficulties to which he had loaned money.

It has been suggested that he may well have indulged in hoarding grain to push prices higher in times of famine, and he was involved in violent incidents in York (1319) and in 1348 when he and others attached a purveyor of oats for the Queen's horses. His son had been murdered in 1343, while he himself had been the target of a protection racket in 1333. Any proceedings against him for the 1348 incident were forestalled when the Black Death carried him off.

A number of wealthy burgesses "invested" in chantries for the benefit of their souls, and the souls of their loved ones. It should not be assumed that this trend was any more pronounced among those with a particular weight

of sins on their conscience, although such might have been part of the motivation in Amyas' case. It was an expression of the religiosity of the times. An early indication of Amyas' thoughts in this direction were his acquisition from the king, in 1324, for a licence to alienate property in mortmain, and a further such licence followed two years after the chantry foundation. Much of the property assigned to pay for maintenance of the chantry lay in St. Mary's parish.

For further information, see: Alan Cameron, "William de Amyas and the community of Nottingham, 1308-50," *Transactions of the Thorton Society*, vol.75 (1971), 68-78.



NOTES

"potation"

Hospitality in the form of drink, but perhaps with an element of ceremony.

"obit"

A religious service to benefit the soul of an individual on the anniversary of his or her death.

"present to the chantry"

Presenting to the chantry refers to the right of appointing a chantry chaplain.

"Stonestrete"

More commonly known as High Pavement.



[main menu](#)

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translation | discussion | notes

Keywords: medieval King's Lynn constitution reforms electoral procedures voting political conflict mayor council election disputes disturbances factionalism riot guildhall town clerk chamberlain oath ruling class maladministration freemen lawsuits arbitration

Subject: Disputes over elections and electoral methods

Original source: Items 1, 3, 5 and 6: Norfolk Record Office, King's Lynn Corporation archives, Volume of letters and memoranda 2 Hen. IV - Hen.V, KL/C10/2, ff. 79,101-02, 105-109, 114-115; item 2: Public Records Office, C145/294; item 4: Norfolk Record Office, King's Lynn Corporation archives, KL/C2/29

Transcription in: 1, 3, 5, 6: My transcription from original documents (transcripts of 3, 5, and 6 may also be found in Dorothy Owen, *The Making of King's Lynn*, 1984); 2. *Calendar of Inquisitions Miscellaneous*, vol.7, 1399-1422, London: HMSO,1968, 290-91; 4. John Cordy Jeaffreson, "The manuscripts of the Corporations of Southampton and King's Lynn." *11th Report of the Royal Commission on Historical Manuscripts, appendix, part III*, London, 1887, 195-203.

Original language: 1, 3, 5, 6: Latin and Middle English; 2. Latin (translated by the editor); 4. Latin (translated by Jeaffreson, and modernized by me, with reference to notes made from my examination of the original document)

Location: King's Lynn

Date: 1414-16

TRANSLATION

1. Letter from the mayor, seeking support for his cause
2. Inquisition into disturbances at Lynn
3. Thwarted mayoral election provokes an uprising
4. Revocation of the New Ordinances and Constitutions
5. Election day, 29 August 1416



6. Letter from the mayor and good men of Lynn concerning a rioter

[1. Letter from the mayor, seeking support for his cause, 1414]

Dear and trusty friends, we send you good greetings with all our hearts, letting you know that at the time of drafting this letter, we are healthy in body (thanks be to God), and **have not been imprisoned** as your opponents have stated in Lynn – which cost us a great deal of money. Nonetheless we are assured, thanks to the favour of my lord [the Bishop] of Norwich and of various **other lords**, that our opponents shall not have their way. We have high hopes of furthering our election, for the law is on our side. The steps they have taken against us are completely contrary to our charters and our liberties. Therefore keep your spirits up and encourage all those friendly to us, for the effort we have put into our cause has resulted in this great council; we anticipate no resolution until the council is over. We beseech you, and all our friends, with all our hearts to send us gold with as much speed that you can muster, for we have made major commitments and are spending large sums of money to achieve our goals and to protect the interests of the community (which God preserve, forever). Whoever believes in the rights of the community and its well-being, now is the time to put forward a helping hand, and achieve what we wish – or else [submit] to perpetual shame and pain that will last longer than we care to admit. Therefore, as quickly as you may, gather together six or seven of the best persons (as you so judge) and send them around to our friends to tell them the truth of the matter and of this great need, for the benefit of all. And send us an accurate account of what is received from every man, for it is essential if we are to recoup our expenses from our opponents. For many shameful things are spoken about them in the king's house, and in London among the estates. So that the blame will rest on your heads, not on us; for we do not intend to abandon our pursuit for our rights, unless it be due to you alone, which God forbid. Certainly we are going to need £40 or £50 more than we have. To speed things up, assign ten or twelve persons to collect as much as you can and, within three or four days, gather it together; for we must have it quickly, by [the hand of] whomever you think best, to ensure our cause is successful. We hope that every man shall receive back what he puts up [...] for, believe me, in whatever sum they happen to be condemned, we will never release them from it. We write no more at this time, but may the Holy Trinity guide us

all, and will be certain to destroy their commission. Written in haste at 2:00 p.m. on the Monday following St. Math.'s day. Your own **Bartholomew Petypas**, mayor.

[2. Inquisition at Swaffham, 23 May 1415, into disturbances at Lynn]

On Trinity Sunday 1 Henry V [18 June 1413] the said **4 persons** came with many others unknown with force and arms, viz. swords and staves, to the guildhall of the Holy Trinity at **King's Lynn [sic]** and violently and maliciously made an assault by night on the brethren of the gild against the king's peace, so that they were frightened and in great despair of their lives and mutilation of their limbs.

On Monday before St. Bartholomew 2 Henry V [20 August 1414], as **Thomas Waterden, John Wenteworth, Thomas Brygge, John Bolt**, and **John Spicer** of King's Lynn with other honourable gentlemen of the country were peacefully in **John Warner's** tavern in King's Lynn, there came the same 4 persons with a great multitude of people with **force and arms, violently**, wickedly and unlawfully against the king's peace upon the said Thomas Waterden and others, who intended to go peacefully to their inns and houses; and John Wardeyn glasier and **John Cissesson** spurrier of King's Lynn with other persons unknown lay in wait with force and arms against the king's peace for the said Thomas Waterden and others as they were going home with lights before them and assaulted them, to the no small disturbance of the king's peace and the bad example of others. John Frevylee, keeper of the gaol of King's Lynn, seeing the disturbance made by John Wardeyn, John Cissesson and many others, arrested them at the gaol by virtue of his office; but Bartholomew Petypas, hearing of this, came thither with force and arms and a great multitude of people and by strength and his own power, in the absence of the said keeper and without his assent or will, received and delivered John Wardeyn, John Cissesson and the others from the gaol, to the great prejudice of the king's laws and the perpetual destruction of the liberties of the town.

On Wednesday, the Decollation of St. John the Baptist 2 Henry V [29 August 1414], the king having directed his letter and command to

Edmund Oldhall, then sheriff of co. Norfolk, to survey and hear the governance and ordinance relating to the election of the mayor of King's Lynn, together with other gentlemen of the country, Bartholomew Petypas, then in his mayoralty, with William Halyate, John Bilneye and **John Tilneye** and a great multitude of men of the town in manner of war with swords, staves and other arms violently and unlawfully against the king's peace disturbed and hindered the said sheriff and gentlemen and the good burgesses of the town as far as they could with armed force and insulting words from the election of a mayor and violently broke the bridges about the town and maliciously guarded the gates with armed men, so that very many gentlemen of the country were unable to get in to the aid of the sheriff, whereby the said sheriff and other gentlemen and the good men, burgesses and **mayors elected from of old** were frightened and stood in despair of their lives and the **mutilation** of their limbs; and the said Bartholomew and his fellows would not let the said sheriff, gentlemen, good burgesses and mayors come to the guildhall for the election of the mayor according to use and ancient custom, but they held the election in the **house of the Austin friars** of King's Lynn, in contempt of the king and of the liberties of the town.

On Friday, the Conversion of St. Paul 2 Henry V [25 January 1415] Bartholomew Petypas made an assault in the guildhall at King's Lynn with his drawn baselard on John Lakynghithe and on other good burgesses of the town during his mayoralty, procured and abetted by William Halyate, John Bilneye and John Tilneye and their fellows unknown, whereby the said mayor was thrown to the ground and trampled upon among them violently, maliciously, wickedly and unlawfully against the king's peace, to the very great terror of the said good burgesses and mayors elected from of old and to the very great despair of their lives and mutilation of their limbs, and Bartholomew and his fellows did other evil things to the said mayor and good burgesses and mayors elected from of old every day maliciously, wickedly and unlawfully, against the king's peace, so that they did not dare for fear of death to hold any session in the guildhall, as was the custom from of old, for the good governance of the town and the preservation of the king's peace there, whereby the mayor, good burgesses and mayors elected from of old are seriously diminished and maliciously destroyed so far as is possible by the said 4 persons

and their accomplices, to the very great destruction of the governance of the liberty of the town, to the very great contempt of the king and prejudice of his laws and to the very great deterioration of the liberties of the town.

[3. The mayoral election of 1415, thwarted, provokes an uprising]

Memorandum that on 29 September 1415, between 9:00 a.m. and 10:00 a.m., when **Robert Brunham**, mayor of Bishop's Lynn, was attending mass in **Holy Trinity chapel** within the parish church of St. Margaret's, Lynn, burgess **William Wyth** suddenly appeared before the mayor and, calling on Thomas Abnale **prolocutor** of the community of Lynn to be his witness, delivered to Robert Brunham the mayor three royal writs, sealed in white wax under the Great Seal of England. One of which [ordered him] to continue to occupy the mayoralty himself until the King's Council has given consideration to the dispute [over the election], notwithstanding the election made by the community of Lynn the previous 29 August; upon penalty [for failure] of £1000.

[The clerk then proceeds to transcribe and/or summarize the content of the king's writs. The first, dated 26 September 1415, referred to the community having elected **John Bilney** as mayor, and ordered Brunham not to turn over the office to him. The second writ, of the same date, ordered him to ensure that John Spicer, John Bolt, **John Waterden**, **Bartholomew Systeme**, **John Permonter**, **Philip Franke**, **Bartholomew Petipas**, John Bilney, **William Hallyate**, **John Bucworth**, **William Walden**, and **John Meryell** appeared before Chancery in the quindene of Michaelmas. The third, which the clerk noted had been delivered to John Bilney and was not available for copying, ordered Bilney not to take up the office of mayor, despite his election, and to appear before Chancery in the quindene of Michaelmas.]

Robert Brunham having opened these two writs, by mayoral order the common clerk read them out and declared their contents to the mayor and people who were in the chapel. While the third writ was handed over to Robert Beer, the sergeant-at-mace, so that he could execute it. Hearing the clamour made by a great number of people who were pouring into and out of Holy Trinity chapel and the church itself, in consequence of this [turn of events] and in support, as it is said, of the liberties and franchises of the town or borough of Bishop's Lynn,

dom. Thomas de Hevenyngham, prior of the **monastic priory** at Lynn, after the procession [was over], came in person into the Holy Trinity chapel and ordered the crowd and populace in the name of God to quieten down and leave, to prevent the disturbance they were making from interfering with the daily divine services. He asked mayor Robert Brunham to go up into the chancel to hear High Mass (for it was Sunday and there were two services), and this was done, with Robert Brunham being assigned a stall at the entrance to the choir, where he might stand on the right-hand side of the prior; there being present Sir John Litolbury and Bartholomew Petypas a previous mayor of Bishop's Lynn. Meanwhile, so many members of the community of Lynn gathered and came into the church that it was extraordinary.

Once mass was over and the blessing had been given with the sacrament, Bartholomew Petypas **earnestly requested** Robert Brunham that, if it pleased him, he go into the guildhall, as was the custom and usage, for the swearing-in of mayor-elect John Bilney. He replied that when the Lord Chancellor of England was last in Lynn he had, in the presence of many persons, ordered Robert to continue to occupy the mayoralty until he received other instructions based on decisions reached by the King's Council; and he said that the Chancellor had today renewed those orders to continue in office, via a writ [given] to Robert by William Wyth, under penalty of a thousand pounds. He also said that the Chancellor had in another writ, [delivered] by William Wyth, ordered that John Bilney not be admitted to the office of mayor to which recently elected: "I, Robert, delivered the same by my own hands to Robert Beer, sergeant-at-mace, to give to John Bilney." He added that he had no intention of entering the guildhall for any purpose whatsoever, unless compelled by force against his will – seeing that the populace was stirred up and there was a real risk of that eventuality. Upon this, Bartholomew requested from the mayor the keys to the guildhall. Robert replied that they were at his house. [Bartholomew] requested that he send for them. He replied that no-one in his household had authority to touch them unless he was present in the house in person. He said that it was not his intention to disobey the orders (as above) in the Chancellor's writ, by handing over or surrendering in any way whatsoever his position as mayor, so that he would lose a thousand pounds, and added that if

any wished to take his position or office from him against his will, it would be at their own risk. Reproachful words from the vulgar people coming and going in the church have not been recorded here by the common clerk, as it seems to him they are in no way relevant to community affairs; and those things said against the community or slanders against the wise, **judicious** and providential patricians sworn to the service of the borough, I leave out.

Finally, at the instance of the council and entreaties of Sir John Litolbury and Bartholomew Petypas, former mayor of Lynn, and in order to avoid worse, Robert Brunham agreed to go to his residence in **Mercer Row**, Lynn, to get the keys to the guildhall, on condition that no-one in any way molest him or harm him physically. When he came out of the church door into the street, so thick was **the crowd that gathered** around, that by sheer force of numbers they propelled both him and the common clerk to the guildhall door. Then they called forward John Mordon the **bellman** of Lynn and made the mayor, against his will, send him for the keys to the guildhall doors. When the bellman returned, they made him unlock the door, and then Robert de Brunham was knocked down by the press of the crowd and lay there in peril for some time – **never was** a mayor so vilely treated, as far as anyone has heard – and likewise the common clerk. After that mayor Robert de Brunham was hoisted up by force, brought into the guildhall, and set down on the low bench in the south corner of the guildhall. While the mayor was so suffering and fearful, the chest or muniment box of the guildhall, in which are placed for security and safe-keeping the community treasures (that is, the royal charters, records, and evidences), was broken open by John Blome fletcher and three royal charters concerning the liberties, franchises and privileges of the borough or town of Bishop's Lynn, sealed with the Great Seal of England, along with a round casket of contents unknown, which were found there, were removed by Bartholomew Petypas the former mayor of Lynn. Taking firm hold of them, he carried them out of the guildhall.

Half an hour later arrived John Bilneye, **[who had been]** elected, named and legitimately appointed as mayor on 29 August according to **[the terms of]** the king's charter and the **new ordinances** enrolled in the king's Chancery with an exemplification issued under the Great Seal

of England; he had been detained by a high fever and other infirmities. Entering the guildhall, he seated himself on the lower bench. Immediately the community [wished to] follow up on the election and appointment of John Bilneye, having the common clerk bring about his admittance to the mayoralty by administering the customary oath. The clerk responded that from ancient times it had been prescribed that the mayor's oath was in the muniments chest, written down in a certain bound red book; the clerk did not know it by heart. [At that] the whole congregation raised their voices, crying out: "Indeed, you lie! You can give him his charge well enough!", and again, "Give him his charge!" The mayor [to] Ashebourne: "Why will you not give me my charge?" Upon this the clerk, to avoid the situation getting more out of hand, felt compelled to take from the muniments chest the book with a design of Holy Trinity [on its cover], upon which the oath of John Bilneye the mayor-elect was given and received, in the following words: "Sir, you shall place your hand upon the book and you shall swear that you shall govern and rule the community of this town well and truly, with all your ability and diligence, during the year that you are mayor. And maintain all the franchises of the town, and every parcel thereof both within and without, with all your power, and undertake all duties that pertain to the mayoralty, so help you God at the Final Judgement."

The mayor having been thus sworn, the community ordered Thomas Abnale, the prolocutor of the whole community, to administer to **William Ashebourne** the common clerk his oath of office according to the good ordinances enrolled at Chancery with an exemplification issued under the Great Seal of England. At this point Robert Beer, the sergeant-at-mace of the mayor and community, arrived and offered and delivered to mayor John Bilney the aforementioned sealed writ prohibiting him from taking up the mayoralty (as specified in [the above copy of] the writ). The latter, with the gravity due the situation, received the writ and ordered the common clerk to open it and read it out to the congregation, and this was done in Latin. The writ having been read out, heard, and understood, the mayor declared that he did not in any way wish to take up administration of the mayoralty, but rather he wished to obey the king's writ in all regards, whatever the writ demanded and required. Robert Brunham asked the sergeant-at-mace where he had been all this time, and why he had not [earlier] delivered the writ to John Bilneye as he had been instructed. He

replied that he had been at the house of John Bilneye mayor, but had been unable to speak with him; and, he went on, when he returned to the guildhall it had been impossible for him to pass through the doorway into the hall, due to the size and agitation of the crowd. Such was **the excuse** he offered. The community then instructed the common clerk to administer to Robert his oath, according to custom, and this was done; and the [guildhall] key was handed over to Robert Beer by the consent of the community.

Robert de Brunham was still sitting in the corner of the guildhall, confused and in pain. There were present Thomas de Hevenyngham, prior of the monks at Lynn, Sir John Litolbury, Bartholomew Systeme, one of the 24 **jurats**, and John Permonter burgess of the town, [acting] as mediators for the restoration of peace and harmony, since Robert de Brunham had been maltreated and subjected to compulsion against his will, even imprisoned and detained as some say. Robert de Brunham asked the community what it wanted. In response to which they unanimously asked to have handed over to them the key to the chest or muniments box in which are kept the treasures of the borough of Bishop's Lynn – that is, the king's charters concerning the liberties, appurtenances, privileges and franchises, and the records and evidences of the town of Lynn – as well as the key to the treasury where the **common seal** is kept under communal keys in the possession of the mayor along with the mayoral **sword** and seal of the mayoralty. As regards the common seal, **he had a concern** in view of the fact that there was some degree of disagreement, dissension and dispute persisting here and he did not wish the common seal to be put to any kind of use in support of some particular party.

Robert Brunham replied that the room in which the common seal was kept also contained the treasury of the Gild of Holy Trinity of Lynn, of which he was alderman, and that it had four keys, of which the two chamberlains of the town of Lynn had custody of two, while he, Robert, had two in his custody – one by right of his office as mayor, and one by right of his office as alderman of Holy Trinity Gild. He said that he was not prepared to surrender that the mayoralty was responsible, unless [forced] against his will. This issue was negotiated for a long time, from 10:00 a.m. to 5 p.m. and later. Finally, with the consent of Bartholomew Systeme, one of the jurats of the borough of

Lynn, and John Permonter, a burgess of good sense, and at the request and advice of the Prior of Lynn and the knight, Robert handed over all the items that had been asked for, as mentioned above, except for the sword belonging to the mayoralty, with an expression of concern and protest that he was doing so under compulsion and against his will. In the meantime, one citizen (whose name is not known at present) took that sword by force from Robert's sergeant, against the latter's will. John Bilneye, the mayor elected, appointed and sworn as indicated above, who was present, continued to protest before the community that this was not what he wanted, and that he did not wish to be in any way involved. And so it came about, against the express wishes of John Bilneye mayor as well as those of Robert de Brunham, that the keys to the muniments chest together with the mayoral seal were handed over to Sir John Litolbury for safekeeping, under the seals of Bartholomew Systeme and Bartholomew Petypas, by consent of and instruction from the community there.

[The account continues with somewhat confused memoranda noting that on 14 October a new writ, dated 6 October, was delivered to Brunham, confirming that notwithstanding Bilneye's election Brunham should remain in office until further notice; which was read out in the Tuesday marketplace on (Tuesday) 15 October as well as (later?) in the Saturday marketplace.]

A little later, by consent of the mayor and others of the 24 jurats as well as others summoned, nominated and elected, the Prior of Lynn, Thomas Brygge, **Thomas Hunte**, **William Hunderpound**, and William Ashebourne the common clerk went in person to Sir John Litolbury, who had in his custody the key to the chest and the mayoral seal, under the seals of Bartholomew Petypas and Bartholomew Systeme, to ask him on behalf of the mayor to return them, so that the mayor could carry out the exercise of his duties, by authority of the king's letters patent. In reply, Sir John Litolbury stated that when he was given sufficient authority he would willingly hand them over. Thomas Brygge then said to him: "Sir, we believe you have a writ to that effect." Who replied, saying: "Sir, I told you that when I have sufficient authority, I shall do what is right. You'll get no other answer from me at this time." This was communicated to the mayor by the Prior of Lynn and the others who were there at that time.

[4. Extracts from the king's Exemplification of the Revocation of

the New Ordinances and Constitutions, 2 June 1416]

[The king states that he has inspected the document of revocation, which is then recited:]

To all sons of Holy Mother Church who see this document, we **the mayor**, jurats, and the rest of their **fellow burgesses** of the town of Bishop's Lynn, together with the whole community of that town, give greetings in the Saviour's name. Whereas our ancestors and predecessors of happy memory, former burgesses of this town, from time immemorial, for the better and healthier government of the town were accustomed to make twenty-four jurats from the more judicious, upstanding, worthy, and qualified burgesses of the town, and to elect each year a mayor, chamberlains, common clerk, common serjeant-at-mace, and other officers and ministers in the town, by virtue and authority of certain liberties and privileges granted to our ancestors and predecessors and their heirs and successors by the charters of the noble ancestors of [... **the king** ...], with the assent and at the special request of the then Bishop of Norwich [...] under certain manner and form as follows.

Viz., that all the burgesses of the town each year on 28 August be summoned and forewarned by the common serjeant-at-mace, in the name and by the authority of the mayor of the town then in office, to assemble on the following day, along with the mayor and the jurats of the town then in office, at the guildhall of the town, for the election both of the mayor and of the other officers and ministers mentioned. They having assembled, the alderman of the Holy Trinity Gild of Lynn then in office or – if he is unable to attend – whomever he designates as his deputy in regard to this election is to choose and nominate four of the more worthy and qualified burgesses of the town who are not of the status or rank of jurats but are then among those present. Who are to elect to join them eight others of their fellow burgesses, likewise **not of the status or rank** of the twenty-four jurats, for choosing the mayor and the other officers and ministers of the town for the coming year. Which twelve burgesses so chosen, having been administered their customary oath by the common clerk of the town, should proceed at once to electing one of the twenty-four jurats – and no other – to the office of mayor of the town, and other of their fellow burgesses or others **who are not burgesses** to the offices

of chamberlains, common clerk, common sergeant-at-mace, and gatekeepers, as well as to the offices of bellman and **wayte** in the town for the coming year.

They having been thus elected to the offices, should in the guildhall on the following September 29 (and not before) without delay be administered by the common clerk the customary oaths pertaining to their offices. This having been done, they should continue to fulfill and undertake their duties throughout one entire year.

In regard to the election of the twenty-four jurats, the ancient custom was thus. Whenever one or more of the twenty-four jurats dies, retires from his position, or because of his faults legitimately warrants removal and expulsion from office, the mayor then in office and the remainder of the jurats, in the presence of each and every other burgess of the town who wishes to attend (upon being given notice by the sergeant-at-mace, on behalf of the mayor), as often as and whenever necessary, should elect, admit and appoint one or more of the more worthy, upstanding, judicious, and qualified burgesses to the place of he or they dying, retiring, or being removed, to exercise the corresponding authority. Those being thus elected, admitted and appointed – the customary oath having been administered – should continue for life in this status and position, unless it should happen due to the causes mentioned that they or any one of them should voluntarily retire or be removed.

Furthermore, should it happen that any one or more of the coroners or constables should die, or on account of old age or for some other good reason should retire or be removed, then the mayor then in office should have the burgesses of the town forewarned by the common sergeant to come to the guildhall to elect to the vacant office or offices. Once all his fellow burgesses wishing to attend have arrived, the mayor should nominate four of his fellow burgesses, who should similarly nominate eight others of their fellow burgesses who are then present. This being done, the twelve so nominated, after having been administered their customary oath, should elect and appoint another person or persons in place of the coroners or constables removed or whose positions are vacant.

While these ordinances, electoral procedures, and ancient customs

endured and were observed in the manner described, our ancestors and predecessors, the mayor, jurats, burgesses, and community of the town led a peaceful, contented, and pleasant existence, through a long period of prosperity. But recently serious discord, strife, controversy, riot, dissension, and quarrels have arisen and spread among the fellow burgesses and others of the same town, because of certain new ordinances and constitutions relating to the election of the mayor, the other jurats, and the officers and ministers mentioned; which were made by certain former burgesses of the town and their adherents. Which [discord etc.] has increased to a deplorable level in recent days. The tenor of these new ordinances and constitutions takes the following form:

Memorandum, that recently various disagreements, discords, and controversies have been stirred up and have arisen between the mayor of the town of Bishop's Lynn and the majority of the burgesses of the town, on the one hand, and certain other burgesses of the town, on the other hand, concerning the annual election, and the method of that election, both of the mayor of the town and of the chamberlains, prolocutor, common clerk, common serjeant-at-mace, janitors, and other ministers and officers it is accustomed to elect annually in the town. Also concerning the election, and the method of that election, of fellow burgesses of the town to the status and rank of the twenty-four jurats, whenever and as often as it happens that one or more should be elected because one or more in that position die or voluntarily retire, or are removed because of their faults, and likewise as to the offices of coroner, constable, or others in the town. The present king, our dread lord, has heard of these disagreements, discords and controversies as the result of a complaint by certain persons; and has observed that the disagreements, discords and controversies – stemming not only from the causes just mentioned, but also from older disputes not completely and amicably settled – having lain dormant, have broken out afresh between the parties, and that these are likely to foster and facilitate disturbances and commotions between the parties and the rest of the burgesses of town and the community of the

same.

He, wishing not only to take precautions against such dangers but also to put an end to the strife and bring about a secure restoration of peace and tranquillity between the parties, issued a royal command that certain of the parties appear before him. He informed them of his wishes in these matters, following which, he benevolently urged the parties to settle their differences and restore peace, putting an end permanently to the strife amongst themselves. Therefore, with the authority and at the prompting of the king, and also through their unanimous agreement, freely and willingly, the parties reached a final settlement of the disputes, discords and controversies between them, in regard to the elections and day of election of the mayor, jurats, prolocutor, and other officers indicated below; and also in regard to when the mayor assumes office and the way in which his oath is administered. The necessary articles, in the form that follows, were agreed upon unanimously to be valid in the town for themselves and for their successors.

That is, that henceforth and forever the election of the mayor in the town should be made according to the method used in the city of London. Or at least as much as it can possibly conform with the London procedures, insofar as that in the town there are not aldermen, wards, a recorder, nor various other things that exist in the city of London; but rather there are, by town ordinance, twenty-four jurats. That henceforth the election take place annually on 29 August. That whoever is then elected shall on 29 September following, and not earlier, according to custom, take his oath in the town guildhall; the common clerk administering the oath to the person elected. That having been done, he may assume the status and position, and continue therein as the chief executive throughout an entire year. Regarding the method of the election it was agreed that all burgesses of the town who are willing and able to assemble at the town guildhall on 29 August for the mayoral election may freely come there. The

assembly having come together, it should be publicly proclaimed that no-one, under penalty of imprisonment, presume to express an opinion or participate in the election unless he is a fellow burgess or a minister of the town.

Immediately afterwards, the prolocutor and the common clerk of the town should instruct all the assembled burgesses to elect and nominate, after careful deliberation, two individuals from the twenty-four jurats or others who have formerly been members of the twenty-four jurats and are of the same status and rank – other than those notorious for having been discharged because of dishonesty, or other faults relating to public business. Choosing and nominating, as candidates for the mayoralty, whichever two of the twenty-four jurats or others the burgesses believe to be the more judicious, qualified, and beneficial for the community, to the praise of God and to the town's advantage, honour, and good reputation.

The nomination of the two nominees should take place according to the following method. The prolocutor and common clerk are first to enquire of the burgesses to whom they would wish to give their support in the first place, and to whom in the second place; and this with an appropriate pause in between, to allow one of them to receive a clear nomination, so that those assigned to this task have fully sounded out public opinion before enquiring about the other nominee. It being carefully and properly ascertained by the prolocutor and clerk who as the first choice and who as the second choice in this matter have the greatest support among the burgesses. To ensure that this is accurately determined and reported to the mayor and jurats, the prolocutor and clerk should themselves be present among the burgesses. And they should be administered a sound oath to report openly, faithfully and without fraud to the twenty-four jurats in the chamber assigned for their sessions, the names of the two persons; that is, of he who had the greatest support in

the first place, and he who had the greatest support in the second place.

This having been done, first the mayor of the town, then each of the jurats **in sequence** should secretly state to the prolocutor and clerk his preference regarding one or the other of the nominees put forward to them, the mayor and jurats, as candidates for the mayoralty. The common clerk, under observation from the prolocutor, should write a confidential record of the individual preferences of each of the mayor and jurats. He of the two candidates on whom the majority of the mayor and jurats agree should be chosen and made mayor for the coming year. The election made in this way should forthwith be faithfully reported to the burgesses. Should the two candidates receive an equal number of votes from the mayor and jurats, then the mayor's vote is to count for two votes; so that, in such a situation, he who has the vote of the mayor should be chosen and amicably accepted as mayor of the town for the coming year.

In regard to the **election of four chamberlains** in the town, it was agreed that each year, immediately following the jurats and burgesses agreeing on the choice of a mayor, two burgesses of the town should be elected by the mayor and jurats to be two of the chamberlains, by the following method: agreement is to be reached on which two are to have the position or office of chamberlain by the mayor and jurats then in office, or at least the greater number of the twenty-four jurats shall be agreed, the vote of the mayor counting (as above) for two votes in the event that the mayor and jurats are evenly split in their votes and a majority does not exist. For the election of the other two chamberlains each year, two other burgesses should be nominated and chosen as chamberlains by those burgesses themselves who are present (as for the election of a mayor), or by the majority of the same; the testimony and record of the prolocutor and clerk, sworn in the manner mentioned, being always relied on to indicate which two burgesses of the town are decided upon by the

majority of the burgesses participating in the election. The intention of the parties being that none of the chamberlains be in any year chosen from the twenty-four jurats, nor that any of those jurats be appointed to the office of chamberlain.

It was also agreed that when any of the twenty-four jurats dies, or it happens that any of them voluntarily retires or is removed from the status and rank of jurat – whether by withdrawal, deposition, or discharge, on account of old age or physical infirmity or any other cause at all – the mayor then in office should immediately designate a day to address this matter. Through the common serjeant-at-mace, he should give notice of this date to the twenty-four jurats and all other burgesses, and forewarn them to appear then in the chamber and guildhall. All burgesses not numbering among the twenty-four jurats who opt to participate should there and then, after careful deliberation amongst themselves, select and nominate from their number two persons whom they consider the more judicious, dependable, and qualified men to assume the status and rank of jurat, to God's praise and the town's advantage and honour. The prolocutor and clerk, sworn to this duty, should be present amongst the burgesses for this business; they should, in the chamber of the twenty-four jurats, faithfully and without fraud (in accordance with the oath they took), immediately report openly to the jurats the names of those two burgesses on whom all the burgesses have agreed.

Regarding which nominees, if it appears to the twenty-four jurats, or at least to the majority, that the two burgesses nominated to assume the status and rank of jurat are sufficiently judicious and qualified, or that either of them is sufficiently judicious and qualified, then he whom the majority of the twenty-four jurats agree to be sufficiently judicious and qualified is immediately to be accepted and advanced by the jurats to their status and rank, once the customary oath has been administered to him; he should forthwith be considered one of their

number and ranked with them. Otherwise, if it appears to the majority of the twenty-four jurats that neither of the pair is, for any reason, sufficiently judicious and capable, then, those persons being excluded, the burgesses shall immediately convene again in the guildhall and, in the place of the excluded persons, should select two others from their number. On that occasion, and any thereafter, when there is need for someone to be chosen and advanced to that status and rank, both the choice and the acceptance should be restricted to the more judicious, more dependable, and more qualified burgesses of the town. It was agreed that no-one henceforth should be elected to or accepted into the rank of the twenty-four jurats unless he is of free status and possess [an income of] at least a hundred shillings in rents.

If in the future at such an election there is elected any common victualler who sells by retail, he should abstain from this kind of sale of victuals. Until he does so, he should not be advanced to that rank. And during his time at that rank he should not be a common victualler, under penalty of being removed from the rank.

In the same way, in all regards, that the twenty-four jurats are elected should the coroners and constables be elected, whenever there is a need to elect such officers. With the proviso, however, that coroners and constables may be chosen either from the twenty-four jurats or from any of the other burgesses, at the discretion of the electors.

It was also agreed and decided that, if in the future anyone petitions for the discharge of someone who is of the status and rank of the twenty-four jurats or the removal of that person from the status and rank, for any reason whatsoever, or any of the twenty-four jurats wishes to petition for his own discharge on account of old age, illness, physical infirmity, or any other reason whatsoever, the mayor then in office should designate a particular day and give notice of that date to all the jurats and burgesses, by forewarning them through the common

sergeant-at-mace to be present in the chamber and guildhall. Once they have assembled on that date – the jurats in their chamber with the mayor, and in the guildhall those of the burgesses wishing to be present – after serious deliberation in their separate groups on the reasons put forward by anyone for removing or discharging someone, or the reasons that an individual (or someone on his behalf) argues for his own discharge, if the reasons put forward and argued appear valid and reasonable to the majority of the mayor and jurats, and also to a majority of the other burgesses who are in the guildhall, then the jurat against whom the reasons for removal have been laid out or the reasons for discharge have been argued, should be discharged from the rank and status and another person elected in his place, in the manner indicated above with the customary oath being administered. Otherwise the person in question should not, at that time or in any way, be removed or discharged from the status and rank, whether at his own petition or that of anyone else.

In this matter the mayor's vote is to count for two votes, in the event that in the debate on the reasons there is not found to be a majority among the mayor and jurats. As for what was the majority opinion among the burgesses, full credence is to be given to the prolocutor and clerk, who are sworn to this duty, and to the report they will make on this matter, in accordance with the procedure set out in regard to the mayoral election.

It was also agreed that on **24 August** each year, the twenty-four jurats and all the other burgesses of the town having been duly forewarned by the common sergeant-at-mace to assemble in the chamber and the guildhall, by the assent of all, or at least a majority, of the burgesses who are not of the rank of the twenty-four jurats, there should be elected one of those burgesses not of that rank to be prolocutor of the town for the year following. Immediately after election, the person elected should take his oath before the mayor, jurats, and all the burgesses,

and thereafter assume and exercise his office during the year. The common clerk, sworn to this duty, is to make a report and announcement as to which burgesse the majority of the burgesses have agreed should be the prolocutor.

In regard to the offices of common clerk, common sergeant-at-mace, keeper of the east gate, keeper of the west gate, and keeper of St. Anne's gate, and the offices of bellman and wayte for the town, it was agreed and decided that each year the mayor and jurats then in office should nominate men for those offices. These can be burgesses or any other persons whatsoever, according to the judgement and discretion of the mayor and jurats. This to be done on 29 August immediately after the election of the chamberlains. With the proviso that if controversy of any kind arises among the mayor and jurats regarding any or all of these elections, those persons on whom the majority of the mayor and jurats agree are to be elected to the offices, and appointed individually in the same according to the nomination, the opposition or alternate preference of the minority notwithstanding. If a majority does not exist, but both parties are equal, then the mayor's vote is to count for two votes (as repeatedly indicated above) in order to create a majority.

With the further proviso that the names of the officers thus nominated be immediately announced to the burgesses in the guildhall, and that at least the majority of the burgesses be satisfied with the nominees. If the majority of the burgesses in the guildhall are not satisfied regarding the nominees, or any one of them, the mayor and jurats should proceed without delay to repeating the selection of another nominee. In the place of the persons rejected, there should be nominated such persons as the majority of the burgesses are prepared to approve and find satisfactory. The prolocutor and common clerk then in office, sworn to this duty, are each year to ascertain and report faithfully (according to their oath) to which

officers the majority of the burgesses have given approval, and with which they indicate they are satisfied and with which they are not satisfied. But if the majority of the burgesses are not satisfied with the persons nominated in the first round, nor with those nominated in a second round, then the person or persons on whom the majority of [\[both\]](#) the twenty-four jurats and the other burgesses can agree for holding those offices, or any of them, in a **third round** of elections should be elected to and hold the offices or office.

It was also agreed that in the appointment of the prolocutor and common clerk of the town to their offices, in the guildhall chamber before the mayor and jurats then in office each of them should take his customary oath for the faithful performance and exercise, without fraud, of his office and all things pertaining to the same. The common clerk's oath should be as follows: [\[see "Oaths of officers and burgesses"\]](#). The prolocutor at his appointment should take the same oath (*mutatis mutandis*). On any and each occasion when it happens that the prolocutor or the clerk – as well as the mayor and all the other ranks and officers – are re-elected to their offices, their oaths are to be renewed; that is, they are to be taken again, as often as this seems expedient to the mayor, jurats, and burgesses. If any prolocutor or clerk is found to act unfaithfully, contrary to his oath, and is duly convicted of the same, he is to lose not only his office but also his franchise of the town; and thereafter may under no circumstances be restored to that office and franchise, nor exercise or occupy any other office in the town in future.

Certain immense expenses, costs, losses, and intolerable damages have come about as a result of the aforementioned discord, strife, controversy, riot, and dissension, from the time that these new ordinances and constitutions were produced and enacted in the town. And over the course of time much worse is feared and can be expected to happen, unless things can be brought under control. They

may result in the final destruction and impoverishment, as well as the desolation and probable overthrow, of the entire town – may it be far distant! Observing this, and wishing to take precautions against losses and onerous damages of this kind and, to the best of our ability, pluck up by the roots and entirely erase the strife, quarrels, and dissension from the town and from among its inhabitants, as well as to restore peace, quiet, and true harmony between us, and our heirs and successors, with the support and assistance of the lords [of the town] in re-establishing it forever, by this document we – by our common consent, will, and authority, for ourselves and our heirs and successors – revoke, void, disempower, and annul each and every of the above new ordinances and constitutions regarding the election of the mayor, jurats, officers and ministers, as specified in the above memorandum. Which [ordinances] have been the basis for fuelling grief and hatred, and every instance of the same. It is our will that these new ordinances and constitutions not be applied henceforth in the town, by ourselves or our heirs and successors, or in any way whatsoever be in effect or exercised. But that from this time forward and forever they be completely without power or substance.

Furthermore, for the better, healthier, and more judicious government of the town, through our common decision, assent, will and authority, we wish, grant, order, give and declare for ourselves, our heirs and successors, that the abovementioned ancient customs, ordinances, constitutions and all other commendable and prescribed customs, in each and every of their articles pertinent [to these matters] from now on, and forever, be upheld, adhered to, and firmly observed.

And if it happen that the town's mayor then in office should die within his year, before he has completed the term of his mayoralty throughout that year, the alderman of the gild then in office is to occupy, exercise and undertake the office of the mayor thus dying until the end of that year, as was the case and custom from ancient time, the new ordinances and constitutions **notwithstanding**.

[The concluding section of the document begins with a statement – whether from the borough authorities or, less likely, the king is not clear – that nothing within the document is to be prejudicial to the lordship rights of the Bishop of Norwich, and that the **new common seal** of the town was applied to the document at Lynn on 1 June 1416. There follows a statement

of the king indicating approval of this exemplification of the revocation, witnessed by him at Westminster on 2 June 1416.]

[5. Election day, 29 August 1416]

At which assembly, around 11 o'clock, the mayor put the question whether there was anyone in the guildhall other than **sworn and known burgesses**. The general response to the mayor was "No". Upon which the mayor had William Ashebourne the common clerk publicly read out before the community the exemplification under the Great Seal of England of the king's *inspeximus* of the revocation of the New Ordinances [recited].

The public reading of the exemplification of the revocation and annulment of the New Ordinances and Constitutions having taken place, and it being understood, the mayor said: "Sirs, is there any man in this hall who objects to any point in this document of revocation and annulment?" They replied "No." After a brief pause, the mayor again asked: "Sirs, is there any man at all in this hall at this time who objects to any point?" They replied "No." For a third and final time the mayor gave an opportunity, saying: "Sirs, if there is any man in the hall at this time who is not happy or satisfied with these matters, let him stand up unafraid and state his opinion." They replied unanimously, to the effect that they considered themselves well satisfied with everything.

At this the mayor said: "Sirs, as you well know, today is our day to choose our mayor, and other officers, for the coming year. Is it your wish that we proceed to the election, or not?" They replied unanimously that it was. It is the case that the alderman of Holy Trinity Guild, Lynn, then in office may nominate and elect a minimum of 4 of the more judicious, qualified, and dependable burgesses who are not of the status or rank of jurats and are among those present, [who in turn are] to elect eight other of their fellow burgesses likewise not being of the status or rank of jurats, [all twelve serving] for the election of the mayor and other officers and ministers of the town. That alderman, standing **bare-headed** before the mayor and the community, both asked and requested: "Sirs, is it your wish that I name four persons, as **this book** prescribes?" Everyone responded that it was. Again he asked: "Sirs, what do you say – is it your wish that I

name and call up four persons?" And they said that it was. Having giving the opportunity for proper consideration of the matter, the alderman named **John Bryghtzeve, John Broun, John Maupas,** and **William Spyr,** burgesses and merchants of the town of Lynn. They were instructed to go into the council chamber, according to custom and usage, and use their judgement to add to their number another eight of the more judicious, qualified, and dependable burgesses, according to custom and usage, two at a time; these were: Peter Cambell, John Sylesden, William Blakeneye, Philip Franke, John Alger, William Gedeney, Richart Thweyt, and Robert Narburgh.

These 12 came out of the council chamber and one by one took their customary oaths to do their duty (as indicated above) well and faithfully, as contained in the **bound red book** kept in the muniments chest etc. The 12 then went back into the council chamber for quite some time, to reach an agreement that was satisfactory to them. They came out with their verdict in writing, carried by John Alger. Upon which the alderman, at the suggestion of Philip Franke prior to the decision being announced, left his seat and stood up bareheaded before the mayor and whole community there and asked: "Sirs, has it been your wish that I name and call up four burgesses, as we have done?" For certain, they unanimously responded that it was. Upon which the mayor instructed William Ashebourne the common clerk to take delivery of the verdict. The common clerk asked the 12: "Sirs, are you all agreed?" They replied that they were. He then said: "Sirs, hand over your verdict." They handed over to the common clerk a written paper note in which it was set down that the 12 sworn men had elected **John Wesenham** as mayor for the coming year, Walter Todenham, William Waterden, William Stile, and Hugh Cook as chamberlains, William Ashebourne as common clerk, Robert Beer as sergeant-at-mace and keeper of the east gate, John Frome as keeper of the south gate, **Thomas Groute** as keeper of the north gate, and John Mordon as bellman, for the next year coming, beginning as of next Michaelmas, on which day they will take their oaths in the guildhall, as is set down in the exemplification mentioned above.

Memorandum that on the same day, after the mayor, chamberlains, and other officers had been elected, the mayor with the consent of [\[those of\]](#) the community present had arranged, as a favour to the

mayoralty, for the council of the reverend father, dom. John Wakerynge by God's grace Bishop of Norwich, to come before the mayor and community gathered there following that event, as observers of the assembly and the people taking part in it. That is: Master John Cays, parson of the church of Fakenham and clerk of the King's **Hanaper**; Master William Sponne, steward of the hospice of the reverend father; dom. Thomas Hevenyngham, prior of the monks at Lynn; and Edmund Oldehall esq., receiver of the king's revenues for the Duchy of Lancaster in the counties of Norfolk, Suffolk, and Cambridgeshire, and one of the king's justices for keeping the peace in Norfolk, substituting for John Spenser, sheriff of Norfolk, also of the council, because the sheriff is said to be detained in London, infected with a fever and other infirmities. The mayor, 24 jurats, and burgesses there assembled rose to leave with both a cheerful demeanour and feeling of great satisfaction, pleased both with the conclusion of the day's events and the arrival of the bishop's council; and all departed in tranquillity, peace and harmony, giving praise to God and rejoicing in His grace.

On which day, proclamation was made in the town of Bishop's Lynn – that is, in the Tuesday marketplace and Saturday marketplace – around 9 o'clock, in the names of the king and the lord of the liberty of the town of Bishop's Lynn, at the instructions and recommendation of Edmund Oldehalle, king's justice for keeping the peace in Norfolk, with the agreement of those present from the council of the Bishop of Norwich, and in the presence of Thomas Hunte mayor of the town of Lynn, that craftsmen and labourers who were residents of Lynn should not fail to remain at and keep open their shops or selds, pursuing their crafts or other livelihoods as they are accustomed on week-days, unless they are burgesses. And that all vagrants or itinerant persons who were within the liberty should bring themselves before the king's justices [\[to give assurances\]](#) for keeping the peace, so that no insurrections, gatherings, conventicles, or riots in any form or fashion take place this day in the town of Lynn.

[\[6. Letter from the mayor and good men of Lynn concerning a rioter, 1416\]](#)

To the most honourable gentleman and our most devoted friend, John Spenser, sheriff of Norfolk. Respected and reverent sir, we commend

ourselves to you, and thank you from the bottom of our hearts for the kindness and courtesy you have shown us in times past, hoping for continuation of the same. We have understood your letter, for which our deepest thanks. As concerns **Thomas Feltwell** goldsmith, mentioned in your letter, it is well-known throughout Lynn that he was in the past indicted for rebellion and riot, and we have dealt with him fairly and in good faith, sir, since the last time that he was newly indicted. He never showed any repentance in word or action as far as we could tell, nor did anyone speak up for him until now – except only his wife spoke to us on his behalf – but he remained obstinate, full of ill-will, malice and worse. So it seemed to us and our fellows that we were not obliged to do him any favours. And we have been repeatedly informed, sir, that **Thomas Hardell, Thomas Enemethe** and many others with ill intent are consorting with and gathering again around Bartholomew Petypas, to offer him advice and his party support; and one is an attorney and schemes to have me, the mayor, brought in person to answer before the king or his council, along with all the bonds that we have taken in this matter. We beg you, sir, if it please you, to pay special attention to determining if this is what is being talked about there, and to do your best to prevent it, and send us information on the matter along with your best advice, by a speedy letter. We shall reimburse you for your efforts in a manner that will satisfy you, with God's grace. Sir, we are sending to you, by the carrier of this letter, a little young [...] **beer**, for we are given to believe that your other is destroyed. As regards your table "meyne" we have written on this matter, and as soon as it arrives we will send it to you. And sir, my wife Elizabeth commends herself to you a thousand times over. If there is anything else we may or can do to please you, do let us know by letter and we shall do whatever is within our power. Dear sir, we can say no more at this time. But Jesus give you long life, body and soul, and continual increase in honours. Written at Lynn, the second day of the month of July, in the fourth year of the reign of King Henry V.

DISCUSSION

It is not often we are given an intimate look at electoral procedures in medieval English towns; when we are, it is often as a consequence of disputes arising over those procedures. The texts above document episodes from a lengthier struggle between political factions in early fifteenth century Lynn. This struggle I have earlier **discussed elsewhere** and will try to avoid repeating all the same details here. At the risk of over-simplifying, it was a contest for control of borough government between two main interests in the town. One group, the *potentiores*, aimed to preserve its status as a ruling elite within a larger privileged group: the enfranchised burgesses. The other group, which may loosely be described as a populist or reform movement, aimed to alter the constitution to give or restore, depending on one's perspective, authority to the "community" – its support coming primarily from the lower ranks of the burgesses and from the unenfranchised residents. This group was led by burgesses Bartholomew Petypas and John Bilney, and two non-burgesses, William Hallyate and John Tilney.

Complicating matters was the involvement of the Bishop of Norwich, who had a tradition of being a champion of the interests of the lesser townspeople against the more prominent citizens, and who had long been engaged in a struggle of his own against the *potentiores*. The latter believed it would be the economic benefit of the town and to the improvement of their ability to run local affairs if they could obtain greater independence from the jurisdictional rights of the bishop. The political conflict internal to the community followed hard on after a series of clashes between the *potentiores* and the bishop and his officials in Lynn. These were complicated by popular riots, in support of which side is uncertain although a parliamentary petition of 1404 had **seven lesser townsmen**, claiming to represent the "poor commons", complaining of wrongs and extortions committed by "the great men", who had imprisoned the petitioners. The nature of the bishop's involvement in the internal struggle is also not entirely clear; at the least he gave moral support and showed some favouritism towards the reformers, but he may have gone so far as intentionally to furnish some of the key leaders of the resistance to the *potentiores*. On the other hand, the bishopric, initially (when the *potentiores* began their legal contest) in the hands of Henry Despenser who had **several reasons** to object to those governing Lynn, changed hands three times during the affair, making it necessary for the reformers to repeatedly reassure themselves of episcopal support.

Once the Petypas party had obtained control of government in 1411 by installing a figurehead mayor, **Roger Galyon** – by force, its opponents claimed (see below) – it quickly showed its intent to introduce constitutional reforms, sending fact-finding missions first to Oxford, where the method of mayoral election reported back could not have been very encouraging, then to Norwich and London. The *potentiores* were no less prompt to complain to the king that the recent election had been carried out contrary to the chartered liberties of the borough, obliging Petypas to lead a large delegation to Westminster, carrying the town charters for presentation in their defence; the detailed itemization of expenses associated with this episode, in the chamberlains account of 1411/12, shows how seriously this threat was taken.

After scraping through this challenge, the reform administration, in an effort partly intended to cow the *potentiores*, subjected to a review their past administrations during the years of the struggle against the bishop, and accused them of

"numerous injuries, oppressions, injustices, exactions, extortions, and wrongful vexations, and many sums of money in which the mayor and the *potentiores* became indebted, which were frequently imposed on and raised from the burgesses and *inferiores* who are not burgesses, frequently without a reasonable cause, to their serious injury and damage, and to the no slight impoverishment of the town, for which reason the opposition of the burgesses and *inferiores*."

[KL/C10/2 f.10b]

The new administration even went so far as to employ, for eighteen days, some sort of specialist to re-audit the chamberlains' accounts for the previous twelve years. The underlying concern seems to have been that borough expenditures had burgeoned out of control, with the community in effect becoming debtor to the *potentiores*, from whom money had been borrowed (both individually, and collectively through the merchant guild) or supplies purchased, giving them not only a political but also an economic hold over the town. There was additionally concern for management of revenues from rents, the backbone of the corporation budget, and freeman admission fees; during Petypas' mayoralty, four new rentals of community properties were compiled. The scrutiny may have extended beyond the ex-mayors, for the chamberlains account for that first year of the reform administration also included, in an attached schedule, a petition by town clerk William Ashebourne regarding the expenses of his offices since 1408; although perhaps the clerk simply took the opportunity to try to recoup his

personal outlay – an effort he continued to pursue in later years.

The review of past administrations by an investigative committee – from which the *potentiores*, initially participating, soon dissociated themselves – led to a decision that imposed financial penalties on that group, particularly those who had served as mayor. A note added at this time to both the 1401/02 and 1404/05 chamberlains' accounts (the only fair-copy accounts surviving from that decade) stated that all expenses of that year's administration – many of which related to the legal battle with Bishop Despenser – were disallowed by the majority of the investigating committee (i.e. those who remained after the *potentiores* had withdrawn). The reason given was that the mayors of those years, and several other mayors since and before, through "confederacies" and "private oaths" had conspired against the bishop, without consent of the burgesses or the *inferiores*, dishonestly, unjustly, inordinately, and dissolutely spending borough revenues. This referred to the legal battle with the bishop, part of whose costs had been paid for out of the pockets of the *potentiores*, particularly the past mayors. Under the award issued by the investigative committee on May 20, 1412 the ex-mayors' claims for reimbursement were denied and it was ruled they should repay community money expended on the legal battle.

Another irritant had been the growing salary demands of the mayors; Thomas Brygge, for example, claimed £26.13s.4d for his term in office in 1407/08, and he was excused the 20s. he had been assessed towards a communal tax, apparently a customary perk for mayors. The investigators cut his salary claim to the **traditional fee** of £10.

However, the reform administration dropped its demand for repayment, apparently on the understanding that the ex-mayors would drop theirs for reimbursement. As a result, agreements were obtained from most of the *potentiores* in July for their compliance with the award. In December this submission was given, it seemed, more security by each of the *potentiores* putting up a bond of £100 to guarantee their acceptance of the terms of the award. Later, once the *potentiores* had regained ascendancy, they would take bonds for good behaviour from *their* opponents.

The reform party was able to maintain its hold over the mayoralty at the 1412 election, thanks in part to having made 112 of its supporters burgesses days before the election took place; they included Hallyate and Tilney. The occupation of most of these was stated at that time, or later. The list identifies 39 different occupations spread across the board. Most were artisans, with an unsurprising predominance of those involved in the cloth industry (hosiers, drapers, tailors, weavers, shermen, chaloners, listers,

steynours, cardmaker), followed by the leather industry (skinners, tawyers, cordwainers, barkers, saddlers), and the metal-working industries (goldsmiths, cutlers, pewterers, spurriers, armourer, locksmith, brasier). Those involved in the food trades are less in evidence than might be expected: there are several butchers, but only a couple of bakers and brewers and a single cook on the list. Similarly, only a handful of middlemen – mercers, chandlers, spicers.

The list suggests that, unlike the situation at London, where different crafts were powerful enough to be rivals for power, at Lynn the split was more mercantile vs. crafts, although it would be dangerous to characterize the political conflict purely on that basis. It does appear that much of Petypas' support came from lesser tradesmen, as opposed to the mercantile *potentiores*. But, except for two mariners, who might have been ship's masters, there is no evidence of where lay the loyalties of the lowest strata of society: labourers; if indeed they were involved or interested in the struggle for power. The absence of those involved in the building industries, other than for two glasiors and a joiner, may also be suggestive.

However, the list of entrants is not by itself reliable evidence, since Petypas would have selected as franchise entrants those easiest to slip under the net. Many of them were probably financially qualified to be freemen, but had never thought it sufficiently advantageous, economically, to warrant paying the 40s. admission fee; strictly speaking, they were not supposed to retail in the town unless freemen, but this does not seem to have been much enforced until the 1420s. John Wentworth, on the other hand, would have disagreed about their eligibility, for he complained to the bishop that these were mere shoemakers and tailors of whom 20 or so were worth only a penny. These entrances became a bone of contention between the parties. This was partly over whether the entrants had the right to become freemen under guise of most (100) entering by right of apprenticeship, and thereby free of fee as was the case with merchants' apprentices. And partly over the payment of the entrance fees, which appear to have been deferred initially. Petypas later called upon them as a source of revenue to fund his efforts to stay in power, and accounted for them as revenues during his mayoralty (1413/14). But the *potentiores* subsequently refused to accept this and, suspecting the revenues had never reached the communal treasury, obliged the entrants to take a special oath to divulge when they had become freemen and to whom they had paid their fees; they were also required either to find guarantors for the payment of the fees in full, or to renounce citizenship.

The pressure the reform administration continued to be under during its second term in office (1412/13) is reflected in the chamberlains' account of

that year, which deviated from tradition in that it was prefaced by a narrative of events in the ongoing struggle with the *potentiores*; this was presented as an "account" of the activities of the investigative committee and the subsequent efforts of the reform administration. The account, likely drafted by John Tilney, was careful to state (whether accurately or not) that all actions taken by the administration were done through the assent and consent of the community. The mayoral account of Bartholomew Petypas for 1413/14 has a similarly unconventional character, not least because it extends throughout the term of his successor, as if Petypas considered that he was legitimately mayor during that second year. At the same time, the excitement generated within the community by the radical turn of events is reflected in the large attendances recorded at assembly meetings during 1412/13, often estimated as in the hundreds and triple the level of attendance common in an earlier period.

In late August 1412 the *potentiores'* representatives, Thomas Waterden and John Brandon, had put their complaints before the Chancellor, Archbishop Arundel, who had in fact been present on May 20 when the investigative committee made its award and received the *potentiores* submission to its terms. They succeeded in obtaining a writ summoning mayor Galyon to appear before the Chancellor, bringing the document embodying the award and the related bonds put up by the *potentiores*. The pair put up their own bond, guaranteeing they would pay the court costs if they failed to prove their case against the mayor. Galyon, doubtless at Petypas' instructions, neglected to respond to the first summons; after a second summons, permission was obtained for him to appear by deputy rather than in person. The reformers in their turn had obtained the intervention of the bishop, who summoned the *potentiores* to appear before him. After the bishop had ordered them to desist and respect the agreement, Petypas sent Tilney to London in mid-September to try to dissuade the Chancellor from proceeding.

All these activities, from about May to October 1412, resulted in expenses of just over £80; but it paid off for, after a period in which the *potentiores* continued to plot, during October and November groups of the *potentiores* dropped their actions against the reform administration. Meanwhile, in mid-October, Petypas further secured his party's position by leading a delegation to Westminster (in response to the writ originally directed to Galyon) where they consulted numerous lawyers, and obtained a review by the Chancellor of their complaints, the award of the investigative committee, and the related submissions. The Chancellor pronounced in favour of what had been done, and the king subsequently gave his stamp of approval in late November; to which letters patent of inspeximus the reform administration

applied the borough seal in a ceremony attended by various notables. A sealed exemplification of the inspeximus was obtained the following April.

Constitutional reform was still not yet underway, although Petypas and his colleagues were moving slowly in that direction, with the introduction of the office of prolocutor and the intent to seek from Henry V at least a confirmation of the borough charters, on whose brief terminology rested the claim of the community to a say in the mayoral elections. In that latter ambition they were disappointed: the parliamentary representatives (Tilney and Hallyate), assigned to the task, reported that no town had been able to secure confirmation of their charters from the new king. In July, they obtained the promotion of John Bilney into the ranks of the jurats, in place of **Ralph Bedingham** who had been deposed earlier in the year, for reasons unknown; this meant that two of the reform leaders were now qualified for the mayoralty, placing less reliance on Galyon.

A third term in office for the reformers was achieved through the election in 1413 of Petypas himself as mayor. It continued to be a year of struggle between the opposing parties; very soon in to his term, Petypas despatched his lieutenants to London to advise the newly-elected Bishop Courtenay of the continuing disputes and to seek his intervention. When the *potentiores* were asked if they would agree to his arbitration, however, they temporized. As the elections again approached in 1414, rumours reached Petypas that his opponents would bring in an armed force recruited in the countryside to help them control the outcome. He tried to pre-empt this by holding the elections on August 21, evidently resulting in his own re-election. Despite this the *potentiores* assembled a crowd of their supporters at the Augustinian friary on August 29, having been denied access to the guildhall, and held their own election; they further obtained a writ summoning Petypas, Galyon, Bilney, and Hallyate to appear before the king on September 7, to explain themselves. Before setting out, Petypas ensured he still had popular support, by asking an assembly if the community was willing to bear the expenses of the four men's journey to London and obtaining permission to take with him letters of attorney on behalf of the community.

The first document given above, not fully dated, was dictated by Petypas while in London, during the final days of his mayoralty. Dorothy Owen, in calendaring the volume of memoranda in which a copy had been made [*William Asshebourne's Book*, Norfolk Record Society, vol.48 (1981)] assigned it a date of 26 February 1414, on the assumption that the saint's day mentioned was that of St. Mathias. However, I believe that this document was written in London in the context of the hearing given by the

king's council to representatives of the two sides in the dispute, following each party having elected a rival mayor in August, and that the correct festival is St. Matthew's, making the date 24 September. The second document, stating complaints evidently laid by, and represented from the perspective of, the *potentiores*, indicates the strenuous efforts Petypas made to ensure his re-election, a success that would be overturned by decisions at Westminster.

The outcome of the arbitration of the king's council was that the parties agreed on what were named the New Ordinances. However, this settlement was not really satisfactory to the *potentiores* and did not prevent further disputes over constitutional matters. The ordinances were put into immediate effect through a new election; but the supposed compromise candidate for mayor, John Lakinghithe, was soon denounced by Petypas for plotting to subvert what the reformers had accomplished. The Lakinghithe administration annulled the mass freemen entrances made under the reform administration (a decision later reversed) and had the disputes brought back before the Chancellor. There they obtained permission to appoint new arbitrators, to be chosen by an electoral committee; however, the committee comprised 17 *potentiores* and 7 supporters of the reform party, and only the former were present when the arbitrators were chosen. This turn of events provoked violent protests from the reformers, and it was now their turn to complain to the Chancellor, who ruled in April that a fresh arbitration take place through the Bishop of Norwich and Earl of Dorset.

However, the *potentiores* seem to have been making complaints of their own, with the result that on May 10, 1415 the king appointed four justices to investigate "dissensions, discords and debates which have continued for no small time and still do daily between the mayor and certain of the burgesses of King's Lynn [sic] and certain other burgesses and the commonalty" [*Calendar of Inquisitions Miscellaneous*, 1399-1422, 189]; the king noted that he had tried to settle the problem by summoning representatives of both parties before him, but had been unable to get them to agree to compromise or even negotiate. The investigations (extracts in document no.2 above) went as far back as the mayoral election of Michaelmas 1411 when, it was complained, an armed mob led by William Hallyate, John Bilneye, Bartholomew Petypas, merchants, and John Tilneye junior, **husbandman**, had intervened by force to have their candidate, Roger Galyon, nominated and elected.

By this time matters had worsened for the reformers' cause, for Lakinghithe had died in office, allowing gild alderman Robert Brunham, a leader of the *potentiores*, to assume the mayoralty. When election time rolled around

again, the New Ordinances were followed; the community nominated two jurats – probably Petypas and Bilney – and the jurats selected as mayor the lesser of the evils: Bilney. Some of the jurats, however, complained to the Chancellor and sought to have the election annulled. When queried about this by the Chancellor, Brunham replied (according to Petypas' account) that the election had been legitimate. This position, if taken, was soon reversed – perhaps (again, according to Petypas) because the death of Bishop Courtenay left the reformers temporarily vulnerable – and some *potentiores*, probably Brunham himself during the final days of his term of office, obtained a writ summoning Bilney before the Chancellor. The immediate consequences are the subject of the third document above.

Bilney managed (once more according to Petypas) to justify his election to the Chancellor, but the latter decided it might quieten things down in Lynn if he put aside the claims of both Bilney and Brunham and appointed a third party. Thomas Hunte thereby became mayor, theoretically a compromise candidate. In fact he was evidently perceived as a trusted member of the *potentiores* for, at a meeting of the corporation in March 1415, when alderman Brunham could not be present, Hunte had taken his place; he had also been an executor of Robert Botkesham, one of the main early targets of the reformers. Once in the mayoralty, whether from a genuine desire to restore peace to local politics or from sympathies with his fellow merchants of the *potentiores*, Hunte engineered the revocation of the New Ordinances, and the restoration of the key points of the earlier constitution, removing the powers the community had won under those ordinances.

The lengthy text of the revocation, recorded on a single large membrane, which I have divided up into paragraphs to make for easier reading, illustrates the different political perspectives of the parties in conflict in early fifteenth century Lynn. The New Ordinances were based on constitutional arrangements in London. It may seem odd for a movement seeking to break the hold of an elite on government to look for a solution to a city where an elite was perhaps more firmly entrenched than elsewhere. But adopting this model appears to have been the idea of the arbitrators; the reformers probably had few options available, and the example of London provided a source of authority that might prove an acceptable compromise to all interests.

The procedure at the election in 1416 seems to show an electorate in which harmony had largely been restored. More likely it shows a political situation in which the fortunes of the reformers were at a low ebb and there was little resistance to the *potentiores* aims.

Hunte's querying of the guildhall audience whether they wished to proceed with the election may have been a traditional procedure. It is also recorded for the election of 1412 when, around 10 o'clock, mayor Galyon asked those in attendance – a crowd of about 150 burgesses and 100 non-burgesses – whether they wished to proceed with the election. When dissenters raised their voices, it was put to a vote; the procedure being for all in favour to sit, and all opposed to stand, leaving six persons conspicuously on their feet. The dissent was over the question of electoral procedures. This question was put to the burgesses at large, who responded that by right, granted through royal charters, it ought to lay with them to nominate and elect the mayor and other officers. The procedure followed, at the advice of John Bilney, used the co-optative committee of 12, but with the first four chosen by the congregation – two from the jurats and two from the burgesses – instead of by the alderman (who, like most of the jurats, was boycotting the election).

Hunte's mayoralty did not see the end of the wrangles over the constitution. During his successor's mayoralty the corporation sent a representative to Norwich "to learn how they are governed in those parts." [KL/C39/51 m.9] It would take a couple more years before things started to return to normal, following the introduction of a **lower council** as the voice of the community, the prolocutor being seen no more.

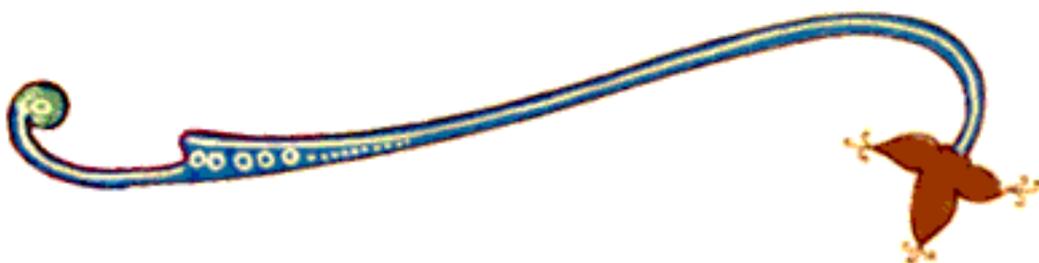
Differences in political perspective of the parties can be seen in the documents above. The *potentiores* preferred the more orderly process of nominal representation of the community through an electoral committee whose decision was held to symbolize a unanimous decision of the community, although the process of indirect election was influenced by individuals *they* would select (the alderman of the merchant guild being not merely one of their number, but one of the leaders of that party). The reformers preferred an open majority vote of all qualified voters to determine mayoral candidates, it being recognized that unanimity was unlikely.

The reformers, although they held that the community was the source of authority, acknowledged two separate empowered estates, jurats and burgesses, seeing the two as partners in government with the primary decision as to candidature for office being made by the burgesses. Membership in the jurats, through **identification with the Magna Jurata**, an originally separate body acting as a jury for the view of land, was restricted to townsmen who held property providing an income of at least 100s. a year. Even the reformers did not attempt to empower the unenfranchised class within the community, although non-burgesses were

often in attendance at assembly meetings during the reform administration; on one occasion (28 June 1413), when the *potentiores* refused to attend because there was such a crowd of non-burgesses present, the mayor replied that because the business in hand was the report of the representatives to the last parliament and the raising of money for their wages, he could not deny anyone entrance to the hall.

The *potentiores* on the other hand, although they might pay lip-service to communal authority, really saw that authority as divided; they had come to see it as their right to exercise decision-making in local government. Even within their own group they recognized a smaller elite whose opinions counted for more. By 1419, we find expression of this perception of the political hierarchy in a statement that an ordinance had been made in the guildhall by "the majority of the **patricians of the bench**, the 24 venerable sworn **combürgesses** of the town of Lynn, and the 27 judicious combürgesses of the common council of the town of Lynn." [KL/C39/52 m.11r] The terminology is significant.

The powerful ex-mayors who had been the principal target of the reformers had now established themselves more firmly in local government, while the community at large was excluded from routine assemblies, being represented by a lower council whose **oath** suggests its scope was restricted to domestic matters. The institutionalisation of communal consultation through the Common Council ensured more breadth to local government, and perhaps greater accountability. It may be that have helped detach the moderates from the extremists in the reform movement; but it did not involve a significant transfer of power. That and other small concessions to the community, such as that the election of replacement jurats could only take place in an assembly open to community attendance, failed to do more than delay the trend towards the development of a closed corporation. But it was sufficient to bring an end, for exhausted combattants, to one of the more virulent periods of urban political strife for which records survive from the medieval period.



NOTES

"have not been imprisoned"

Whatever the rumour, it was true as regards John Tilneye, who had been sent to London in advance of the 1414 mayoral election, to clarify to the king matters related to electoral procedure; he remained in gaol for over 8 weeks. On 1 October 1414 Petypas and other of his supporters, by standing as sureties, obtained royal orders to the steward and marshal of the king's household to have Tilneye released from gaol.

"other lords"

Possibly the Duke of Exeter, the Lord Admiral, was among them. He had inherited a part interest in the Lynn Tolbooth, a source of revenue, and had a house in Lynn; he may have been the author of an unattributed letter of June 1413, copied into Ashebourne's memoranda book, complaining of certain *potentiores* efforts to deprive the author of his rights. Both his personal interests in Lynn and those in his role of Lord Admiral (Ashebourne's book shows a strong interest in recording documents related to the extent of the Admiral's authority) would have made him a valuable ally. Certainly in December 1416, the reformer's legal expert, John Tilney, was trying to bring the Admiral into play to put the *potentiores* under pressure.

"4 persons"

Petypas, Hallyate, Bilney, and Tilney.

"King's Lynn"

Editorial licence; the town was known as Bishop's Lynn in the Middle Ages.

"John Warner"

Sent by the reform administration in late 1411, along with William Colles, first to Norwich and then to London to seek constitutional advice. In 1413 he was one of the few *potentiores* not boycotting corporation meetings. During Hunte's mayoralty (1415/16) he was entrusted with an important mission for the borough administration, and by 1420 had entered the ranks of the jurats. Possibly he was considered a neutral party in the political struggle.

"force and arms" "violently" "mutilation"

We must allow for the conventional expression of the time, which was prone to exaggerate both for effect and to ensure the complaint appeared serious enough to warrant the king's attention. This does not mean that any individual account is inaccurate, but that the terminology used was carefully chosen to influence the authorities' definition of the nature of the crime.

"John Cissesson"

One of the *inferiores* who had been brought into the franchise in 1412 (as John Sysson spurrier) to pack the electorate in favour of the reform party.

"mayors elected from of old"

The reason we find this unusual reference, particularly distinguishing these individuals from the "good men", is that the past mayors were the principal target and opponents of the Petypas faction, and probably the complainants here.

"Holy Trinity chapel"

Lynn's merchant gild was dedicated to Holy Trinity through its socio-religious counterpart, and the dedication and chapel were thereby associated with the borough officials. Note that later in the document the mayor-elect takes his oath of office on a book decorated with an image of Holy Trinity.

"William Wyth"

The surname was a common one in Lynn, without any clear indications whether or not their holders were related at all. There was a series of William Wyths in the late fourteenth and early fifteenth centuries and it is difficult to disentangle them. One was a jurat 1385-87, another jurat 1437-49. A William Wyth purchased the franchise in January 1401 and may have been the man who shortly afterwards travelled to Nottingham on unspecified community business, possibly the same as the William Wyth fined in 1400 for breaking the ale and bread assizes and for keeping a common hostelry and stable. Interestingly, the William who became jurat in 1437 had his status confirmed the following year only on condition he provided himself with a residence that was not a common hostelry; it may have been the same man, as the accusation had also been made at the leet court in 1421, 1428 and 1430. His political affiliations in 1415 (if any) are unclear, and probably he was just acting as an agent serving the *potentiores'* purpose.

"prolocutor"

This office was part of the reforms introduced by the Petypas faction when they came to power, and did not long survive their period in power. The role of the two officers, first introduced in January 1413, was to represent the interests of the community during corporation meetings, speaking on its behalf (given that the *potentiores* dominated the ranks of the jurats, who would normally dominate debates) and, as later events showed, helping coordinate the conduct of elections; the choice of John Bilney and Philip Frank as first holders of the office is indicative of the importance with which it was viewed, as too are the stipulations in the New Ordinances governing the election and conduct of the officer. Whether the office retained as much importance after the resurgence of the *potentiores* is not certain. Thomas Abnale was not one of the principal movers of the reform party, although one of the secondary lights. He had been one of a small delegation sent by the reformers in October 1411 to sound out the Chancellor about obtaining a new charter of liberties, and in the same month was part of the larger delegation to go to Westminster to defend against the *potentiores* charges. In August 1416 he was one of the named members of Petypas' entourage when they consulted with the bishop's council, regarding a settlement with the *potentiores* – a meeting which made the latter very nervous. On the other hand, he had been a junior member of a group, most of whom were jurats, accused by Bishop Despenser in 1402 of posing a threat to him and his servants, and a few years later was rubbing shoulders with men such as Waterden, Lakinghithe, and Galyon as prominent members of the town's Corpus Christi gild. He was also a councillor after the *potentiores* had regained control of government (1418-25), although this does not

preclude his being their continued opponent – during 1418 he and Hallyate brought some unspecified accusation against the corporation. I am not aware of any other instance of this office, so-named, in urban governments, although we may see here adaptation of an office at London, where a **common narrator** acted as spokesperson on behalf of the aldermen and the common council, while at Norwich a few years later there appears a **common speaker** as the mouthpiece of the new institution of the Common Council; other precedents are from ecclesiastical institutions. If not London influence, it may be that creating the office was the idea of **John Tilney**, the legal mind of the faction and its principal link to the Bishop of Norwich.

"John Waterden"

Unless this is a transcription error for **Thomas Waterden**, one of the leading opponents of the Petypas faction, John would at this time have been only a junior member of the family prominent in the ranks of the mercantile ruling class. It was not until the 1420s that he took on responsible roles in the community: legal counsellor to local government, parliamentary representative, and treasurer of Corpus Christi gild. His appearance in the role of **mainpernor** in 1410, however, may perhaps suggest he was already embarking on a legal career, and this may in turn suggest his usefulness to the *potentiores*.

"earnestly requested"

It is not clear from the grammar ("he requested") whether Robert or Bartholomew made this request, but likely the latter, given the tenor of what followed.

"the crowd that gathered"

Ashebourne, likely recording this account very soon after the events occurred (possibly even taking notes as they happened), had already given some indication of his agitation by his brief switch to first-person, declining to record some of the exchanges, and defending the honour of the jurats. Here he gives further sign of that, by switching from Latin to English; he goes back and forth between the two languages throughout the rest of the account.

"bellman"

One of the minor bureaucratic officers of the town, the bellman or bedeman was responsible for making public announcements.

"never was"

Ashebourne's indignation appears to have got the better of his memory, for on 25 January of the same year (it had been complained to Chancery) Petypas and his supporters had, with drawn baselard, burst into the guildhall and assaulted mayor John Lakinghithe, a man of advanced years, and other *potentiores*; Lakinghithe was likewise thrown to the ground and trampled on, it was claimed. Possibly this treatment contributed to the ill-health Lakinghithe claimed as an excuse for not appearing before Chancery in February. He was dead within a few months.

"William Ashebourne"

He became town clerk of Lynn in late 1407 or early 1408, having previously served the Bishop of Norwich in a similar capacity, perhaps clerk of the steward of Lynn;

he remained in that office until 1423, when he was pensioned off at 66s.8d a year, with survivor's benefits for his wife of 13s.4d annually. The examples that survive suggest that it may not have been uncommon for town clerks at this period to compile important town documents into a convenient reference work. Most of these were formal compilations for posterity; a few purely for personal convenience. Such a notebook, part formulary and part register of memoranda, was compiled by Ashebourne and it shows a particular interest in documents related to the constitutional contest of the first half of his clerkship. It may have been begun as a personal tool, although I suspect the intent came to be the creation a record that might support the *potentiores* in the later stages of their battle to regain control of local government; certainly the document appears to have remained with the borough archives throughout the 15th century, although at some later date it was removed, to be restored only in mid-20th century. Ashebourne was evidently scandalized by the reformers' behaviour, and they in turn considered him affiliated with the *potentiores*; although he remained in office during their administrations, they preferred to entrust important clerical work, pertaining to the political struggle, to John Tilney. That preference may also have had something to do with his switch in allegiance from bishop to corporation; he himself recorded his surrender to other episcopal officials of the court rolls, rentals, and other records for which he had responsibility, along with the keys to the archival chest, and of the insult offered him by one of them, describing him as changing from a Paul to a Saul. Ashebourne had lived in Lynn since at least 1392. About ten years later he was accused before Chancery by a tailor of Lynn (later one of the franchise entrants of 1412) of having called Henry IV a "false traitor"; if true it might reinforce the impression that he had a conservative tendency to look with disfavour upon revolution.

"the excuse"

This may simply be a statement of fact, or a sarcastic comment from the clerk. If the Petypas faction was supported by the bishop, aiming to overthrow the leading townsmen who were trying to break free of his lordship, then it may be significant that it was the bishop who requested Robert Beer be appointed as sergeant in December 1413, during Petypas' mayoralty, upon the death of the previous holder of the office.

"common seal"

The common seal served as the official signature of borough government; possession of it would allow its holders to act as if in power.

"sword"

This was a symbol of mayoral authority.

"he had a concern"

A hypothetical reading of *assignavit causam*. The difficulty here is that it is not clear who or what is the subject of the verb. Nor is it clear whether this sentence refers to something explicitly expressed, or an aside by the common clerk.

"exemplification"

An official copy.

"the mayor"

Thomas Hunte.

"fellow burgesses"

The Latin term *comburgenses* comes close towards being a technical term, superseding the earlier *pares*, the community of equals in which rights and privileges were shared (although some of the peers came to be, as the possessors of political power, "more equal").

"not of the status or rank"

Indeed, none of the 12 electors chosen were from the '24', although later examples show that this custom did not continue to be fully respected.

"who are not burgesses"

The chamberlains, as officers privy to confidential town business, were selected from freemen, who had taken an oath of loyalty to the town. The common clerk was also, in effect, a freeman, although it was sometimes necessary to give a new appointee the franchise. Lesser officers could be, and usually were, chosen from non-freemen.

"wayte"

Nightwatchman.

"in sequence"

This procedure may imply there already existed a **pecking order** such as is later very evident in the listings of the jurats.

"election of four chamberlains"

The draft accounts for 1414/15 evidence this divided election procedure having been put into effect.

"24 August"

The important role of the prolocutor in the elections must have made it seem necessary to the reformers that they ensure this position be assigned to someone in whom they had confidence, prior to 29 August. While they could have relied on the outgoing prolocutor, there may have been concern that an individual chosen a year earlier might not, for various reasons, continue to represent community interests as well as someone newly chosen.

"third round"

It is not clear here how the third round would work, but appears that the votes of the twenty-four and the other burgesses would be counted together and a majority vote considered decisive.

"notwithstanding"

The New Ordinances (if we have a complete copy of them in the revocation) say nothing about this eventuality. Possibly – since mayor Lakinghithe had died in early summer of 1415 and was replaced by alderman Robert Brunham, a major

opponent of the reformers – this had been a bone of contention, and the reformers may have argued, on the basis of the New Ordinances, that a new mayoral election should be held instead. If so, the reformers had had no qualms (admittedly prior to the New Ordinances) over the unorthodox and pluralistic procedure of their figurehead mayor, **Roger Galyon**, being appointed by the community as gild alderman. It is not clear exactly when this happened, but it appears to have been while **Edmund Belleyetere** was still in that office, and so there may have been two rivals in the same post for a while. Galyon's appointment may well have been a pretext to circumvent, at the elections of 1411 or (perhaps more likely) 1412, the problem of the alderman having the customary right to choose the first four electors – a problem the New Ordinances intended to resolve on a more permanent basis.

"new common seal"

This reference may perhaps indicate that the original common seal, removed from the guildhall at Michaelmas 1415, was still not back in the hands of the *potentiores*, and furthermore that they had given up on the prospect of re-acquiring control of it.

"sworn and known burgesses"

burgenses iuratos et cognitos would appear to refer to freemen, rather than the jurats proper; note the seeming identification, in the minds of the *potentiores*, of this group with the "community", although on the other hand there seems to be a distinction between burgesses and freemen. It is unfortunate the clerk did not record a list of attendees, as it seems very likely that they would have been predominantly the *potentiores* and such of the townsmen who were not allied with the Petypas faction.

"bare-headed"

i.e. with cap in hand, as a mark of humility and respect.

"this book"

Likely a reference to fourteenth-century constitutional ordinances in the Red Parchment Book.

"John Bryghtzeve"

A chamberlain during the Petypas administration, he shows no other signs of affiliation with that party, and was quickly (1418) accepted into the ranks of the jurats once the political conflict was over; he remained a jurat until his death in 1439 or 1440 and served as one of the borough constables for much of that period, but never reached the mayoralty. A merchant, he had become a freeman in 1405/06 and may have immigrated from Suffolk: a man of that name, possibly a Bury St. Edmunds' resident, is found exporting cloth from Ipswich in 1386 and as master of a ship operating out of Ipswich 1388-1402, and Bryghtzeve went by the alias of Bury. Although several of his apprentices entered the franchise during his life, or just after his death, there is little evidence what the focus of his business was. In 1414 he was seized in Brittany, despoiled of a shipment of wine, and held for ransome; and in 1426 he was fined for regrating wine. Around 1429 he is also seen involved in trade with Norway.

"John Broun"

A merchant who served, via nomination of the jurats, as chamberlain during Lakinghithe's administration in 1414/15, and then as councillor from 1418 (and constable from 1419) until his death in 1421.

"John Maupas"

Like Bryghtzeve, he was one of the *mediocres* who, on behalf of the community, ratified the decisions of the "greater part of the 18", but this designation does not reveal to us which (if any) faction he supported. The fact that he was a scabin of the merchant gild in 1411/12 is the only other clue to his loyalties.

"William Spyr"

A mercer, he purchased the franchise in 1402 (already having been living in the town for a while, since fined for a purpresture in 1400), served as chamberlain in 1413/14, again in 1418/19, and scabin in the merchant gild from 1421-24. He became a jurat in 1420 and remained so until his death in 1427. He was an executor of **John Bukworth** (ca.1421), but since this was after the period of political conflict, it is weak evidence from which to draw any conclusions of political sympathies.

"bound red book"

Probably the **Red Parchment Book**. The oath that Ashebourne recited was essentially the version contained in that book; although not a verbatim reading, it was the same style as had been administered Robert Brunham earlier in the year, when he had (under the constitution, as alderman of the merchant gild) assumed the mayoralty upon the death in office of John Lakinghithe.

"Thomas Groute"

In subsequent years he also served as superintendent of the marketplaces, and this may have been *ex officio* keeper of the north gate.

"Hanaper"

The financial department of the Exchequer.

"Thomas Feltwell"

One of the *inferiores* who had been brought into the franchise in 1412 to pack the electorate in favour of the reform party. He was one of 38 men named, in December 1415 when the king appointed a commission of enquiry, as participants with others unknown in created disturbances to disrupt Hunte's administration; Thomas Enmeth was also named, as was John Wardeyn.

"Thomas Hardell, Thomas Enemethe"

Neither appears particularly prominent among the supporters of the reform party in the early phase of the conflict. Enmeth, a sherman, and Hardell, a scrivener, were among of the large group of non-burgesses to whom the reformers gave the franchise in 1412 in order to pack the electorate with their supporters; this procedure was investigated in March 1415, under Lakinghithe's mayoralty, but most entrances confirmed upon the entrants putting up bonds to guarantee they would pay the 40s. entrance fee. But in March 1416, the mayor in a letter to the bishop asked him to agree to Petypas and 11 supporters, Hardell and Enmeth

among them, remaining exiled from Lynn while the *potentiores* met with him to argue their case; they claimed that the town had been more peaceful since the twelve men had been absent.

"[...] beer"

I cannot determine what the word is preceding beer. Dorothy Owen rendered it as "horsbeer" and certainly the first letter is an "h", but what follows appears to be two letters. I can find no reference to a word "horsbeer" and so cannot accept that hypothesis.

"seven lesser townsmen"

None were among the populist leaders of a few years later, but two were among the *inferiores* made freemen in 1412, one of them also serving on the investigative committee re-auditing the chamberlains' accounts.

"traditional fee"

The reformers however had no qualms about keeping Roger Galyon on board in 1413 by paying him £20 as his fee and £6 as expenses.

"husbandman"

There is no reason to think the term is being used here in its most common way, a small-scale farmer one level in socio-economic status below the yeoman. It could also be used to mean householder; but in this instance is most likely used with its third meaning of someone making a living from being in holy orders, which was the case with Tilney.

"identification with the Magna Jurata"

Memberships of the two bodies appears not to have been identical through most of the 14th century. It may be that the identification was a fiction intended to deceive the king, from whom in November 1411 permission was obtained for the mayor alone (rather than acting with the jurats) to appoint to vacancies in jurat ranks; this change worked to the advantage of the reformers, notably in the case of Bilney's promotion to jurat ranks.



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Keywords: medieval London mayor election disturbances guildhall assembly restrictions community participation representation electoral procedures alderman voting rights re-election oath ceremony transfer of power processions mass

Subject: **Mayoral and shrieval elections at London**

Original source: Corporation of London Records Office: item 1: Liber Albus, ff. 3-6; items 2 and 3: Letter Book I, ff. 33, 54

Transcription in: 1. Henry Thomas Riley, ed., *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 18-27; 2. and 3. Henry Thomas Riley, ed., *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green & Co., 1868, 560, 565-66.

Original language: Latin (translations of 2 & 3 by Riley)

Location: London

Date: late 14th and early 15th centuries

TRANSLATION

[1. Election and admittance to office of the mayor in the late fourteenth century]



Concerning disturbances. How to take precautions against turbulent behaviour during the elections of mayor and sheriffs

At the time of the elections of the mayor and the sheriffs, since it has been the custom of old for a large mob to gather at the Guildhall, and since a gathering of the populace (as Solomon noted in **Ecclesiastes**, chapter 26) is a cause for concern for the reason that it can easily give rise to protests and disturbances, the mayor and aldermen have been accustomed for several days prior to the day of mayoral election (and likewise that of the sheriffs), and it continues to be their habit, to meet and consider together how to make the election proceed peacefully, without any popular protests or disturbances. To which end they nominated from each ward the more judicious and more reliable

citizens, up to a number which they saw as sufficient, who were summoned expressly to attend the mayoral election on 13 October.

Because on election day a multitude of people who had not been summoned would throng into the Guildhall, the mayor and aldermen – sometimes by the authority of their offices (as appears in ordinances on the last folio of [Letter] Book F), sometimes by king's writ – would have it proclaimed throughout the city on 12 October that, under [threat of] severe punishment, no-one should come to the Guildhall the following day while the election was underway, other than those who had been specifically summoned; as appears on [Letter] Book D folio 3, [Letter] Book E folio 41, and [Letter] Book G folio 254. It is also found, as per [Letter] Book F folio 191, that on 11 October 1350 each alderman was sent a certain note by the mayor, ordering them, upon the loyalty they owed the king, to be at the Guildhall on the day set for the mayoral election, to summon 4 of the better men of their ward for the same business, and then to endorse the note with the names of those same.

Note that in ancient times the mayor was elected on 28 October. This was the case with the election of Thomas Romayn to the mayoralty in 1309; he was elected by the aldermen and by 12 persons from each ward summoned for that purpose. On the day after he was presented to and accepted by the barons of the Exchequer at Westminster, as appears in [Letter] Book D folio 2. The reason why the election was altered to another date is because of rising expenses and other factors, as appears in the next chapter.

How at some point the **commonalty claimed the sole right to name the mayor**

In mayoral elections in this city often there arose disputes between the aldermen and the commonalty. In which the commonalty maintained that it belonged to them alone to nominate or elect the mayor, and thereby [play] a very important role in the city, after they had reached agreement in the east end of the Guildhall (that is, in the place where the sheriffs customarily hold their courts, the mayor and aldermen being seated at the west end, which is the location of the husting) as to whom they wished to put forward for election as mayor for the year coming. The aldermen however argued against this, pointing out that

they were also citizens and [members] of the community of the city, so it would not be fair if, because of their special position that qualified them for their offices, they should be denied having a voice in the election of the principal lieutenant of the king in the city. Therefore it became the custom, by joint agreement of the aldermen and commonalty, that those commoners summoned for the election, after the **recorder** had on behalf of the mayor and aldermen declared to them the reason for their summons, would move to the other end of the hall (as mentioned above) and there nominate two aldermen who had already served as sheriff and who were fit to hold mayoral office. Having done so, they returned and, using their **common narrator** as spokesperson, delivered the two names to the mayor and aldermen, asking them to appoint to the mayoralty whichever of them they wished. The mayor and aldermen then, as one body, going up into the upper chamber, made the election by majority decision, under the supervision of the recorder and with the common clerk as scrutineer keeping a tally. Coming back down again to the populace in the Guildhall, they had their recorder make a public announcement who had been elected mayor for the coming year.

But it very often happened that when the mayor had governed well the commonalty willingly had him continue in the office [for a further term]. As evidenced by mayors who continuously occupied the mayoralty, such as: Andrew le Bukerell, seven years; Thomas fitz Thomas, four years; Gregory de Rokesley, seven years (that is, from 1274 to 1281 inclusive – i.e. counting both the first and last); also John le Blount continued as mayor for 6 years, as is fully set out in [Letter] Book F at the end, where the [names of] mayors and sheriffs are listed. But note that in ancient times the mayors spent little or nothing, more for things related directly to the mayoralty than for other circumstances, [such as] for one or at most two sergeants-at-arms accompanying them in their retinues. To be precise, they did not then supply liveries, [and] on the day of their election they either walked through the streets or went by boat on the Thames to Westminster or the Tower, where they were **charged and admitted**.

As the costs and expenses associated with the mayoralty rose considerably, the citizens obtained upon request from King Edward II in 1319 [a grant] that the city mayor should not remain in the

mayoralty more than a single year consecutively – as appears in Liber Custumarum folio 201, and the **chirographed charter** [copied] in [to Letter] Book E folio 90. That clause also, some believe, which was petitioned for in view of the fact that previously some mayors held royal commissions that put them in office for an indefinite period, during the king's pleasure (which caused the people displeasure!); such was the case with Nicholas Farnedone, as appears in [Letter] Book E folio 146, and likewise **Hamo de Chikewelle**, as appears in [Letter] Book E folio 148.

As it is therefore not possible for the mayor of one year to continue on as mayor in the following year, unless perhaps he should be most insistently required to do so, and were also agreeable to it (he can by no means be compelled, under the franchise of the city, to thus subject himself to that burden for two years in a row), it has been the custom in the course of peaceful elections for the aldermen and commonalty, before they elect a replacement (while a sense of appreciation is still felt among the citizens), to commend the mayor for his good leadership. And, through their common narrator, to emphatically entreat him to take upon himself for the year following the burdensome office of mayor. When he determinedly refused to do so, the commoners would present the aldermen with two names of aldermen, not including the one then mayor (since they know that he cannot continue to occupy the mayoralty against his will), from which two men they [i.e. the aldermen] decided on the one they wished to have as mayor, as already indicated. Which decision being made, it was the custom for them to leave the Mayor's Chamber and go down into the hall in procession, leading by the hand the mayor for the following year. The mayor and aldermen taking their seats, the recorder would make a public announcement to the populace of the name of the mayor elected for the following year, and notify the people also that they should be prepared to ride with their mayor to Westminster on 29 October following, for the honour of the city. This being done, the mayor and aldermen would rise and leave the hall, with the populace following.

If the elected man was not present, the mayor and aldermen, with the sheriffs, were accustomed to go to his house, to inform him there immediately that it was required of him to prepare to take up the office of mayor, and to be at the Guildhall on 28 October following,

for the purpose of taking his oath [of office], as had been the custom since ancient times. After which each of them returned to his own home.

Concerning the mayor. The manner in which it is the custom for the mayor to take his oath at the Guildhall on 28 October

With the arrival of 28 October, the mayor and all the aldermen, dressed in gowns of violet, along with many of the commonalty were accustomed to gather around ten o'clock at the Guildhall. The common crier (that is, the sergeant-at-arms) calling for silence and attention, the recorder, seated on the right of the mayor, would read out to the people the ancient custom of the city, which is that on that day the mayor for the coming year should take his oath. It has then been his custom to praise the mayor for those achievements in which he has shown leadership; and if the mayor also wished to say something, he was heard. When that was done, the mayor would vacate his seat and the mayor-elect would step up to take it over; the former mayor would take the seat on his immediate left. Then the common sergeant-at-arms holding up before him the **book with kalendar**, marked on the outside with the symbol of a crucifix, the common clerk placing the mayor-elect's hand upon the book, he would read out to him what would serve on the following day as the oath [taken] in the king's Exchequer, in the form it appears in [Letter] Book D, first folio. Once he had promised [to uphold the oath] and had kissed the book, he would receive from the former mayor two pouches containing the seal of the Statute Merchant and the seal of the mayoralty. Attention would then be given to what the new mayor wished to say, asking for the support of his fellow aldermen, as well as the sheriffs and the reputable men of the community, in governing the city during his term of office.

This done, it was their custom to rise and go out, with the people following. **A sword** would be borne before the outgoing mayor, leading by the hand the incoming mayor, with the aldermen and populace following, until they reached the home of the mayor-elect. And from there the sword was carried before the outgoing mayor as far as his own home. No further public appearances were customarily made the same day by either mayor. However, in the event of an

urgent need, the outgoing mayor might be required to exercise his office in public for the rest of the day, since he is not fully released from office until his successor as mayor is accepted in his place by the king, or the barons of the Exchequer, or the constable of the Tower.

[How] the mayor should take his oath on the day after 28 October

On 29 October, so long as it is not a Sunday (if so, then the following Monday), it has been the custom for both the new and old mayors, together with the aldermen, dressed in a uniform style, the sheriffs, as many as are of the mayor's livery, and numerous of the craft guildsmen, in their costumes, to assemble on horseback on the plaza outside the Guildhall, around nine o'clock, a sword being carried point-erect before the mayoral nominee. From there they would ride together along Cheap, exit through Newgate gate, head down to Fleet Street, and from it come to Westminster.

When they arrived, the mayor, aldermen and sheriffs dismounted and, with the mace-bearers and the mayor's sword-bearer leading the way, **went up** into the place where the Exchequer is held, where there would be the chancellor, treasurer, keeper of the king's privy seal, and the barons of the Exchequer. With the mayor, aldermen and sheriffs standing at the bar, the recorder would announce that the city of London, based on ancient custom and its franchises, had elected N. as mayor for the year to come, and on behalf of the city would request the barons to accept **[into office]** the one thus elected, who was present in person. The chief baron, or his lieutenant (if preferred), would respond by putting in front of the mayor a book on which the latter placed his hand and repeated the oath he had sworn in the Guildhall. Following this, it has been the custom of the chief baron of the Exchequer, on behalf of the king and the **lords**, to charge the mayor to take the lead in preserving peace and tranquillity in the city, and also **[in ensuring]** to the best of his ability that in whatever places the sale of victuals occurs the people not suffer from excessive prices. After that it has been the custom for the outgoing mayor to present himself there to render account for his office of **escheator**; he too would take an oath, to render an accurate and honest account of **[receipts and expenditures relating to]** his office, and he would appoint whomever he wished to act as his attorney in rendering account.

Likewise, the mayor and aldermen, on behalf of the city, would appoint **someone of the Exchequer** as the city's attorney to claim and defend their franchises, if and when it became necessary. And so, having received approval from the lords, they would depart. The same thing was done for the **Common Bench**, appointing someone from that place as attorney of the city. At the **King's Bench** it has been the custom to appoint two attorneys, [to act] together or separately in claiming the franchises and ancient customs of the city, if and when necessary. All this being accomplished, they would return, preceded by the commonalty on horseback, organized in groups according to their craft guilds. Those who were of the same guild as the mayor, or who were of his livery, would ride immediately ahead of the mayor. The mayor himself would proceed separated from others by **sufficient space**; but ahead of him [would go] his sergeants-at-arms, mace-bearers, and his sword-bearer, while one sheriff [would ride] to his right and the other to his left, with white rods in their hands, and the recorder and other aldermen following immediately behind him. [The parade made its way] through the middle of the marketplace of West Cheap as far as his house; then all those not invited to the banquet went home.

That same day, after lunch, it has been the custom for the new mayor to go from his house to the church of St. [Thomas] of Acon, with those of his livery leading the way. The aldermen having gathered there, they would all go together to St. Paul's. After arriving, (specifically, at a point near the middle of church building, between the two lesser entrances) it has been their custom to pray for the soul of Bishop William – who, it is said, at the request of the citizens of London obtained from William the Conqueror **important franchises** – while a priest recites *De profundis*. From there they would cross into the cemetery, where lie the bodies of the parents of Thomas, one-time archbishop of Canterbury; and there, next to the parents' tomb, they would recite another *De profundis* for all faithful Christians deceased. From there they would return via Cheap marketplace, (sometimes carrying lighted candles, if the hour is late), to the same church [from which they departed], where the mayor and aldermen would each make an offering of a single penny. This being done, each of them would return home. And so the **first day** was completed, morning and evening.

Let it be known that if the king's Exchequer is not in London, or if the court is not in session, the mayor is to be presented to the constable of the Tower of London or his lieutenant. He is to be accepted and sworn outside the first gate. As was done in the case of Sir Nicholas Brembre, elected mayor on the day before Palm Sunday, 1376.

Similarly, John le Blount was presented, accepted and sworn as mayor on [Sunday] 29 October 1357 by John de Blakbrok, lieutenant of Sir John de Sandwik, constable of the Tower, as appears in [Letter] Book C folio 112. This franchise is embodied in the king's charter.

[2. Restrictions on community participation at elections, 1404]

On Tuesday, the 23rd day of September in the 5th year etc., seeing that on the Day of St. Matthew the Apostle [21 September] last past, at the congregation of the Mayor, Aldermen, and Common Council, in the Guildhall, for the election of Sheriffs for the coming year, such an exceeding number of apprentices and serving-men, belonging to citizens of the said city, as well as of other men, strangers to the freedom of the City, was, without any summons, assembled together in the said Guildhall; and so loud and so clamorous was their shouting, that the Mayor and Aldermen were unable to understand the reason for their noise; to the manifest troubling and disturbance of the Mayor, Aldermen, and Common Council, there summoned; it was ordained and established that in future, as well at the election of the Mayor as of the Sheriffs, or other officers of the said city to be elected, no person, of whatsoever estate or condition he may be, shall presume to enter the Guildhall for the purpose of taking part in any election therein, unless he shall have been especially summoned and chosen to make such election, by the serjeants of the Mayor, Sheriffs, or Chamber, for the time being; on the pain that attaches thereto etc.

On the understanding also, that no one shall be summoned to any election hereafter, unless he be one of the more substantial men of the city, or one of the Common Council thereof.

[3. Mayoral election in 1406]

On Wednesday, the Feast of the Translation of St. Edward the King and Confessor [13 October], in the 8th year etc., John Wodecok, Mayor

of the City of London, considering that upon the same day he and all the Aldermen of the said city, and as many as possible of the wealthier and more substantial Commoners of the same city, ought to meet at the Guildhall, as the usage is, to elect a new Mayor for the ensuing year, ordered that a Mass of the Holy Spirit should be celebrated, with **solemn music**, in the Chapel annexed to the said Guildhall; to the end that the same Commonalty, by the grace of the Holy Spirit, might be able peacefully and amicably to nominate two able and proper persons to be Mayor of the said city for the ensuing year, by favour of the clemency of Our Saviour, according to the customs of the said city.

Which Mass having in the said Chapel been solemnly celebrated, there being present thereat the said **John Wodecok**, the Mayor, John Prestone, Recorder, Nicholas Wottone and Geoffrey Broke, Sheriffs, the **Prior of the Holy Trinity, John Hadlee, William Staundone, Richard Whytyngtone, Drew Barentyn, Thomas Knolles, John Shadworth, William Askham, Willam Bramptone, John Warner, William Walderne, William Venour, Robert Chychely, Thomas Fauconer, Thomas Polle, William Louthe, William Crowmere, Henry Bartone**, and **Henry Pountfreyt**, Aldermen, and many reputable Commoners of the City aforesaid; the same Mayor, Recorder, Sheriffs, Aldermen, and Commoners, entered the Guildhall, where the precept of the said Mayor and Aldermen, as the cause of the said congregation, was becomingly set forth and declared by the said Recorder to the Commoners aforesaid; to the end that such Commoners should nominate unto the said Mayor and Aldermen such able and proper persons as had before filled the office of Sheriff in the City aforesaid; it being for the said Commoners to take no care which one of the persons so to be nominated should be chosen by the Mayor and Aldermen to be Mayor for the ensuing year. Which being done, the said Mayor, Recorder, Sheriffs, and Aldermen, went up into the Chamber of the Mayor's Court, within the Guildhall aforesaid, there to await the nomination of such two persons. Whereupon, the Commoners peacefully and amicably, without any clamour or discussion, did becomingly nominate Richad Whytyngtone, mercer, and Drew Barentyn, goldsmith, through John Westone, Common Countor of the said city, and presented the same.

And hereupon, the Mayor and Aldermen, with closed doors, in the

said Chamber chose Richard Whytyngtone aforesaid, by guidance of the Holy Spirit, to be Mayor of the City for the ensuing year; after which, the Mayor and Aldermen, coming down from the Chamber into the Hall, to the Commoners there assembled, as the custom is, notified by the Recorder unto the same Commoners, how that, **by Divine inspiration**, the lot had fallen upon the said Richard Whytyngtone, as above stated.

And further, the said Commoners unanimously entreated the Mayor and Aldermen, that they would ordain that in every future year, on the Day of the Translation of St. Edward, a Mass of the Holy Spirit, for the reasons before stated, should be celebrated, before the election of the Mayor, in the Chapel aforesaid. And hereupon, the Mayor and Aldermen, considering the entreaty of the said Commoners to be fair, reasonable, and consonant with right, and especially to the glory and laud of God, and to the honour of the city, by assent and consent of the said Commoners, did ordain and decree that every year in future a solemn Mass with music shall be celebrated in presence of the Mayor and Aldermen; the same Mass, by ordinance of the Chamberlain for the time being, to be solemnly chaunted by the finest singers in the Chapel aforesaid, and upon that Feast.

DISCUSSION

The method of mayoral election at London was the reverse of that at York, where it was the mayor who nominated candidates and the commons who made the final selection from the nominees. But the effect was probably pretty much the same in either case, with the ruling elite exercising a significant degree of control over the choice of mayors. Although the document of 1406 indicates that the commons were not expected to argue with the decision of the mayor and aldermen, this did not always prove to be the case. For example, at the 1441 mayoral election in London the commons nominated aldermen Ralph Holland, a tailor, and draper Robert Clopton. Holland had already been associated with popular opposition to the status quo and had in 1426, some years before becoming an alderman, been imprisoned for criticizing electoral procedures. This fact, perhaps

complicated by a conflict between tailors and drapers crafts over supervision of the cloth trade, likely influenced the presentation by the mayor of Clopton as the mayor-elect; at which some of the commons (notably the tailors), dismayed, cried out: "Nay, nay, not this man but Raulyn Holland." [C.L. Kingsford, *Prejudice and Promise in XVth Century England*, Oxford, 1925, 108]. They were ignored, and their protest only resulted in the city authorities obtaining royal sanction for future elections being strictly closed to all but those who were summoned by name – names were checked at the door.

The manner of conducting elections and the question of who had a right to participate directly in them had been a matter of dispute – indeed the subject of political conflict – throughout the fourteenth century in London. Such participation was either broad or narrow, depending on which political party was in power at a given time. But a common problem faced by all was the conduct of elections in an orderly fashion. The **political conflict** of the early 1380s provides an instance of the concerns that may have given rise to the specifications above.

It was a common practice in many towns, particularly as the fourteenth century wore on and indirect election became increasingly common, for popular attendance at elections to be confined to **representatives** of the community. This was partly because of the impracticability of having all townspeople present once elections were moved into an indoors setting, but more as a guard against disorder, clamour or disruption of the elections. It also reflected a growing distaste among the ruling class for having the common people determine the outcome of elections. The language of the above passages itself betrays the writer's distaste for the lower class.

Various approaches were taken to **restricting participation** in elections. The type of solution chosen at London, of first selecting a limited number of representatives of the "common people", and secondly having them nominate two or more candidates from which the borough rulers would make the final choice, was one adopted in a number of towns, often with the London model in mind. Another option was to have the borough rulers nominate a limited number of candidates, with the commonalty making the final selection.

In 1385 it was enacted that nominees for the mayoralty could only be chosen from those who had already served as sheriff, on the grounds that this office provided an initiation into city government and tested an individual's administrative abilities. Those who did not acquit themselves

satisfactorily could, even if chosen alderman by a ward's residents and then nominated as mayor, be prevented from achieving the mayoralty by the final selection that mayor and aldermen had from the nominees. An underlying motivation for the qualification may also have been to discourage resistance to holding the shrievalty, a burdensome obligation that a citizen was not called upon to perform more than once. The mayoralty could also be a costly office, and those who were elected more than once tended to be the wealthier aldermen. In 1435 the requirement was added that nominees be aldermen.

The emphasis on experience is reflected also in the listing of the aldermen in the account of the 1406 election. We clearly see here an intentional *cursus honorum* such as is visible at **Lynn** and other towns: following the Prior (whose status warrants him the courtesy of being first-named), the aldermen who had previously been mayors are named, in chronological order of when they first held the mayoralty; then come those who had served as sheriff but not yet as mayor, again in chronological order of when they held that office; and finally, an alderman who had not yet held the shrievalty. The character of the aldermannic group is suggested through the biographies in the notes, below [most are based primarily on J.S. Roskell et al., eds. *History of Parliament: The House of Commons 1386-1421*, Stroud: Alan Sutton, 1992].

In the early period of the mayoralty, the change of regime – election and installation in office – occurred on the same day, October 28. This would have been no problem for mayors re-elected to subsequent terms, but the lessening of that tendency may have been one factor in the need for an interval between election and taking up office, to allow the mayor-elect time to prepare and for an orderly transfer of duties. So in 1346 the election was moved to two weeks prior to assumption of office; not until the reign of Henry VIII was it changed to Michaelmas (September 29).

We can see a developed ceremonial built into the election, public presentation, and oath-takings of the mayor. The introduction of a mass into the proceedings from 1406 was in line with this trend. Ceremony was designed in part to demonstrate social hierarchy while at the same time cementing social solidarity. At the same time, there was concern about the burgeoning costs of ceremonies surrounding the elections. In 1389 the city authorities agreed that, when the sheriffs went in procession to the Exchequer for their swearing-in, they should go on foot or by water, so that the men of the craft guilds who accompanied them did not have to bear the cost of hiring horses; it was further agreed that new liveries need not be bought for the occasion. In 1397 the Grocer's Company, which had several

of its members among the aldermen and was one of the principal sources for sheriffs and mayors, decided to cut back on feasts celebrating such elections; it set a limit of 12s. expenditure, confining the fare to bread, apples, beer and wine.



NOTES

"Ecclesiastes"

Riley identifies the reference as verse 5. However, neither the Book of Wisdom nor Ecclesiastes, both attributed to Solomon's authorship, has a chapter 26. Wisdom, chapter 16 (assuming transcription error), verse 5 states "For when the fierce rage of beasts came upon these, they were destroyed with the bitings of crooked serpents", which could be applicable, although taken slightly out of context – the scribe would have conveniently ignored the politically-charged verse 4: "For it was requisite that inevitable destruction should come upon them that exercised tyranny"!. However, the reference may perhaps be to Psalms 26, verse 5 "I have hated the congregation of evil doers; and will not sit with the wicked." Some psalms and proverbs were popularly attributed to Solomon.

"commonalty"

In this context (compare with the use of the term in the late 13th century) the term *communarii* is being used to refer to the lower classes of Londoners, perhaps even to the lower (common) council supposed to represent the interests of the lower classes. Those classes – the mass of the enfranchised populace – had won a formal place within the constitution in the early 14th century, and such is the sense of "commonalty", as opposed to "commoners".

"recorder"

The chief legal expert retained by the city, whose social status was at least equal to that of the aldermen.

"common narrator"

This officer is elsewhere identified as the common serjeant-at-law, or common countor (a name given to a type of barrister), one of the officers elected by and answerable to the Common Council. In this context his role was to act as go-

between for the commonalty.

"charged and admitted"

I.e. took their oaths to the king's representatives and were approved by the same in the mayoralty. This whole paragraph seems rather to lack coherence. The original scribe, or the later transcriber, does not complete a train of thought begun in the first sentence, while the last few sentences about the mayoral expenses also seem disorganized; these I have tried to work around in my translation by surmising what points the scribe was trying to make (that the mayoralty incurred few expenses, and those were household expenses, rather than expenditures related to city costs).

"chirographed charter"

The explanation of rising costs ascribed to the royal charter of 1319 is hardly sufficient. This charter was part of a lengthy struggle for power between various political factions representing the interests of patricians, professional administrators, or the populace, which has been eloquently described – in far more detail than can be presented here – by Gwyn Williams [Medieval London: From Commune to Capital (London, 1963), chapters 10-11]; Professor Williams characterized the charter as "the highest peak of achievement that a popular movement ever attained in medieval London" [p.282]. Obligatory annual re-election was a feature of reforms earlier in the decade, and the 1319 charter was preceded by a 3-year term of office of professional administrator John de Wengrave, re-elected by the aldermen each year without any involvement of, and in the face of hostility from, the commonalty. This was the immediate impetus for restricting the mayoral term of office.

"Hamo de Chikewelle"

Hamo de Chigwell led the resistance to Wengrave's party and the efforts to obtain the June 1319 charter, under which Chigwell captured the mayoralty in October of that year. He was succeeded the following year by Nicholas Farndon, whose government was however disrupted, and he deposed, by the royal **eyre of 1321**.

"book with kalendar"

Riley suggested this was a martyrology. One might expect the oath to be taken on some kind of holy book, and it is likely enough the book was indeed of some religious content and kept exclusively for oath-taking. However the term "kalendar" was applied more generally to registers of important documents, and it is not inconceivable this book may have been one of the city volumes recording constitutional customs and ordinances.

"A sword"

Probably not just any sword, but a particular ceremonial sword dedicated to being borne before the mayor, as a symbol of authority.

"went up"

The Exchequer was divided into two areas, upper and lower, probably reflecting a physical separation in the building in which housed. The upper Exchequer acted as a court, used to manage affairs related to revenues due the king; hence the

reference to the "bar". Note that although the Exchequer was by this time normally fixed in Westminster, in special circumstances it might accompany the king on his travels.

"lords"

The barons of the Exchequer were originally made up of the king's tenants-in-chief, but in the 13th century were reduced to a handful of specialised officers, still technically representing the aristocracy.

"escheator"

A royal officer whose duty was to uphold the king's ultimate title in lands over which lordship otherwise became vacant, through the failure of heirs or the loss of rights of the tenant due to conviction (or outlawry) for a crime; the duty involved the collection of revenues.

"someone of the Exchequer"

That is, an attorney who was officially recognized by the Exchequer; larger towns came, in the late 14th and 15th centuries, to retain their own special attorneys to act for them at Westminster. A city as wealthy as London could afford separate attorneys for each of the courts.

"Common Bench" "King's Bench"

The two Benches were the principal courts of the realm, two arms of a court over which the king himself had once presided. The Court of Common Pleas originally had a wide jurisdiction, although in the late 13th century this became limited to civil actions. The King's Bench dealt with criminal actions, notably infringements of the king's peace or other matters in which the king's interests were directly involved.

"sufficient space"

I.e. so that he could be clearly seen by onlookers, he was not hemmed in by his entourage.

"important franchises"

The charter of William I, granted soon after he captured the throne and intended to help him quell any opposition from the Londoners, was addressed to the bishop, to the portreeve (like the bishop, apparently a Norman), and to all the burgesses, is very brief; it essentially confirms to Londoners their legal customs held before the Conquest, acknowledges that sons will be allowed to inherit from their fathers, and implies that the king will do justice to the Londoners should anyone cause them harm.

"first day"

This sentence is based on Genesis, chapter 1, verse 5.

"solemn music"

Notated music.

"John Wodecok"

Alderman of Cripplegate ward from 1402 up to his death (1409), having previously held the Coleman Street aldermanry 1397-1402, and earlier having been a common councillor for Cripplegate (1388/89). He served as sheriff in 1397/98 and mayor 1405/06. He came from Doncaster (where he continued to hold some property) and had set up in London as a mercer by 1382; he serving as warden of the Mercers' Company 1390/91, 1397/98, and 1407/08. By 1391 he had married Felicity Austyn, the daughter of a wealthy mercer, which brought him property interests in London and Middlesex. He became one of the wealthiest Londoners of his time, his clients including John of Gaunt and his son Henry Bolingbroke, and the household of Richard II (despite Woodcock having, in 1398, to obtain a pardon for supporting the Appellants); upon Henry IV's accession, Woodcock had to petition for repayment of a debt of £1,250 still owed him by the king's wardrobe, and his petition was successful. Henry's favour also translated into a life annuity of £26.13s.4d, granted Woodcock in 1401, and he continued to be a major supplier of the wardrobe, as well as a source of loans to the king. He had already held the post of collector of wool customs at London (1397-1400), and in 1402 obtained that post at Ipswich, where he was authorized to keep all proceeds to repay debts owed him by the king – he remained in that post until 1405, in which year he was also permitted to export wool free of customs, again as repayment of a large royal debt. His clientele included other members of the nobility and gentry. He invested much of his money in estates in several home counties, as well as the city. Strong religious beliefs are suggested not only by his institution of the ceremony of a mass before mayoral elections, but also by a vigorous campaign as mayor against immoral conduct by priests. At his death he left two underage sons (the eldest reached his majority in 1413) and two underage daughters, while his widow remarried a Durham knight the following year. His monetary bequests totalled close to £3500, while he also left a large collection of gold and silver plate, and a complete set of jousting armour.

"Prior of the Holy Trinity"

He was *ex officio* the **alderman of Portsoken Ward**.

"John Hadlee"

Alderman of Tower ward at this time, he being first found in that post in 1375 and then sporadically up to 1381. From 1384 until 1392 he was alderman of Lime Street ward; he returned to Tower ward in 1394 and remained there until his death in 1410. He was sheriff 1375/76, mayor 1379/80 and 1393/94, and represented the city in 11 parliaments between 1369 and 1402. Hadley's family was from a Suffolk village of that name, but his father had the same surname and was evidently an emigrée; John Hadley appears in London by 1366 and two years later was trading as a grocer; he was a company warden in 1383/84. Despite a setback in 1370 when ships of a London consortium of which he was a part were plundered off the Calais coast, his business gradually prospered and on several occasions he contributed to loans to the king; he also loaned money to others, perhaps on a usurious basis. In 1371 he was one of a dozen citizens imprisoned by the king for a few months, because of violent disputes occurring in the city, in which Northampton and his followers were involved, although Hadley does not seem to have been associated with that faction; at the outbreak of political conflict in the early '80s, he at first tried to reconcile the factions, but Northampton's extremism alienated him and he thereafter supported the attempts to bring down Northampton and later execute him. If Hadley's early imprisonment hurt his reputation, it was not

for long; in 1374 he was acting as an auditor of city accounts and supervisor of expenditures. At the end of 1390 he was made mayor of the staple of Westminster; and, in June 1392, mayor of the staple of Calais. The latter appointment came immediately after Richard II, furious with the Londoners for having refused him a loan, suspended city government; it may have been a form of punishment, since it entailed the loss of his post with the Westminster staple, while at the same time he and his fellow aldermen lost those positions. A few weeks later he was replaced as collector of wool customs at London, a post he had been in for just over half a year. Loss of favour with the king did not prevent him being elected to a second term as mayor in the year following Richard's issue of a pardon to the citizens (in which Hadley was among those named). In March 1404 he was one of four men selected by parliament to act as "war treasurers" in controlling the funds from a subsidy, but was replaced later in the year when men more favourable to the king were put in the positions. Although he remained in his aldermanry, he ceased to be active in the Grocers' Company after 1408. As was common with wealthy merchants, he had invested heavily in real estate both inside and outside the city. At his death he left two daughters, by his first wife Margaret, to whom he was married by 1368; after her death he remarried (by 1400) Thomasina Goodlake, granddaughter of a wealthy vintner and former mayor, and this marriage brought him additional properties in the city. His daughters had been married to gentry and inherited most of his property outside London, while his widow was left with the city property.

"William Staundone"

Alderman of Cheap ward since 1393 (until his death), he had previously held aldermannic office in Aldgate (1383-90) and Dowgate (1392-93). He was sheriff in 1386/87, and mayor 1392/93 and 1407/08; he represented the city in parliament on five occasions between 1391 and 1406, and Cambridgeshire in 1404. His roots, however, lay in Hertfordshire, he bequeathing money for a family chantry at Standon there, and he held land at nearby Sawbridgeworth. If an immigrant, he had come to London by 1374, when he purchased membership in the Grocers' Company; he was active in the company until 1408, although he never served as one of the wardens. From 1378 he acted, sporadically over the next eighteen years, as a purveyor of victuals for Richard II's household, for which he was granted a life annuity of £6.13s.4d in 1385, which Henry IV continued to respect. He was also involved in the wool trade – not unusual for wealthy grocers – and was for a year (1406/07) collector of the wool customs in London; towards the end of his life he was active in the cloth trade. In business ventures he was often associated with John Shadworth, later one of his executors along with Thomas Knolles. He invested heavily in real estate not only in the city but further afield, at first in Kent but later sold his manor in order to buy another at Wimpole, Cambridgeshire, and he subsequently built up an estate around that; the income from this sufficed to qualify him for election to parliament as a knight for the shire. His third marriage (by 1403) to Agnes, coheirress of Sir Adam Francis and widow of a Kentish gentleman, brought him more property in Cambridgeshire and London as well as the dower property in Kent, but not the large inheritance from Sir Adam, who outlived Staundone. His association with the faction opposing John Northampton in the 1380s left him vulnerable after Brembre's fall from power, and to protect himself he purchased a royal pardon in 1388 for any felonious or treasonable acts he might have committed since 1382. Not being in office when Richard II and the London authorities fell out in 1392, he avoided royal disfavour and was a natural choice for mayor once Richard had restored city government. He

died in 1410, and was buried in Wimpole next to his first wife; he left an underage daughter (by Agnes), who became the ward of the widow's new husband, but did not live long into adulthood.

"Richard Whytyngtone"

A detailed **biography of Whittington** is given under the account of his charitable foundation.

"Drew Barentyn"

Alderman of Aldersgate at this time. He served in that ward 1392-93, was sheriff the following year, became alderman of Farringdon Within 1394, then transferred back to Aldersgate in 1397, and finally to Bishopsgate for his final year as alderman in 1414-15. He died in December 1415. His family seems to have been based in Oxfordshire, but he was apprenticed to a London goldsmith in 1363; he graduated in 1370, when he took up the franchise. His first known role in city government was as a common councillor, in 1381/82, representing the goldsmiths' craft. He was warden of the craft in 1380 and 1385. His business flourished – like many entrepreneurial businessmen of the time, he did not restrict himself exclusively to the trade in which he was trained, but also engaged in import/export ventures – and he became one of the wealthiest members of his craft, almost at a par with Whittington. His clientele included Henry IV, and the favour he won for services to the king (particularly loans of cash) brought him grants to his financial benefit. His first mayoralty came in 1398/99, and a second in 1408/09. He did not marry until the early 1390s, when the widow of goldsmith and former mayor **Sir Nicholas Twyford** (of whom Barentyn was an executor) became available. This was at least partly a strategic alliance, and the marriage allowed him to build up existing Twyford estates in East Anglia and the home counties. After Margery died, he remarried shortly before his own death. He left no children and his heir was a nephew. His will included bequests to Twyford's poor relatives and two chantries to celebrate for Twyford's soul, as well as his own and that of Margery.

"Thomas Knolles"

Alderman of Dowgate ward from 1393 until 1397, when he transferred to Cordwainer ward, remaining its alderman until his death in 1435. Sheriff 1394/95, mayor 1399/1400 and 1410/11; his second mayoralty saw the initiation of the rebuilding of the Guildhall. A grocer, he served as the company warden in 1387 and 1431. On several occasions he supported Henry IV with loans, and was one of five "war treasurers" appointed by the king in 1404. By 1428 he had acquired a manor in Hertfordshire. His epitaph in the church of St. Anthony's stated that he had 19 children by his wife Joan, buried beside him, to whom he was married for some 60 years; he was survived by two sons – one a London grocer (who had ten children), the other a Bristol grocer – and three daughters. He bequeathed his Watling Street residence to the Grocers' Company, to be used for relief of the poor, and provided for a water-supply for the prisoners of Ludgate and Newgate. A more detailed **biography** is given elsewhere.

"John Shadworth"

Alderman of Bassishaw ward from 1386 to ca.1415, having previously held the aldermanries of Tower (1383-84) and Coleman Street (1385-86), and in the interim (1384/85) having been common councillor for Cheap ward. He was sheriff 1391/92,

mayor 1401/02. He was apprenticed as a mercer, and served as a warden of the Mercers' Company in 1396/97, 1403/04, and 1409/10; he was on good terms in particular with Woodcock and Whittington, his wealth and influence being comparable with theirs. His earliest appearance in the records was, however, in 1371 in the role of executor. In 1378 he and John More, one of the principal adherents of John Northampton, purchased from the Exchequer the **farm** of collecting the subsidy on poundage between Dover and Gravesend; despite a continued close association with More and possible initial sympathy with Northampton's efforts to weaken the victualling guilds, Shadworth supported the Brembre faction against Northampton, probably alienated by the latter's extremism. Like not a few mercers, Shadworth's actual business was diversified; he was particularly involved in the wool trade, but is also found importing iron in 1390. In 1399 he was given a life grant of tronage in London, the administration of which was based at his own warehouse, the "wool wharf", on the Thames in Tower ward; however, he later turned over this post to someone else. His clients, either for merchandize or for loans, included the earl of Oxford and the king's wardrobe; in the later part of his life he claimed that the government owed him £1,515 – a figure perhaps equivalent to about £3,600,000 in today's currency. Being one of the sheriffs at the time that Richard II fell out with the Londoners, he was on 25 June 1392 along with his fellow sheriff and the mayor removed from office (as well as his aldermanry), on the pretext of maladministration, and thrown into prison. Four weeks later they all submitted to the king and agreed to pay a joint fine of –2,000, and Shadworth was restored to his aldermanry. They received a royal pardon two months after, and Shadworth was one of 15 city rulers who each contributed £11 towards a gift to thank the king. He again fell foul of Richard II during the latter's despotic period: in 1398 he was one of 28 persons, including several Londoners, forced to seal a blank charter guaranteeing he would supply the king with money whenever needed; an extension of this practice to the ruling group in London (as well as in other towns) helped lose Richard the city's support during Bolingbroke's rebellion. Shadworth certainly appears to have been Lancastrian in his sympathy, for he was one of three Londoners appointed to the king's council in 1399, although the appointment lasted only a few months. In May 1401, he obtained an exemption from holding any royal office, although we should not read too much into this. He continued active in city administration, and it was not until 1415 that he seems to have retired from public life. Despite which, he lived on until 1430. Two years before his death a Lollard priest was accused of being active in Shadworth's home and of communicating with Shadworth's own chaplain, who was subsequently imprisoned when he confessed to being a Lollard. If Shadworth was a Lollard sympathiser, however, no sign of it can be seen in his will, which is entirely conventional. Most of his estate was assigned to pious and charitable works, for he left no heirs and is not known to have been married.

"William Askham"

Alderman of Dowgate ward at this time, he having begun in the aldermanry of Castle Baynard (ca.1395-ca.1399), then moving in that or the following year to Dowgate; later in 1406 or perhaps in 1407 he transferred to Bridge ward, remaining alderman there until his death. He served as sheriff 1397/98 and as mayor 1403/04 (the sole fishmonger to attain that office between 1388 and 1411, and despite the unpopularity of the fishmonger's gild in that period). Son of a Londoner of the same name, he became an apprentice fishmonger under the William Walworth, at some point between the latter's two mayoralties and before the decisive action against

Wat Tyler that won him renown and a knighthood. The relationship with Walworth was evidently a good one, as he bequeathed Askham £40 and entrusted him with the disposal of part of his real estate; Walworth's widow showed the same trust, appointing him her executor. Upon her death in 1399, Askham purchased a sizable Thameside tenement with a quay, which Walworth had acquired from his master's widow; the property sold after Askham's death for £533.6s.8d and the site would later be used for the new fishmongers' hall. A neighbouring property was used as residence and place of business by William Bramptone, who was both his business partner and friend. Askham built up extensive property in several other parishes, although relatively little outside the city, and his marriage likely helped in this. The first to the widow of fishmonger William Wyght, who had the reversion (and therefore the revenues) from a number of properties, as well as the guardianship of Wyght's children and their cash inheritance; Margaret bore him a son, who seems to have predeceased him, and a daughter. She died in 1393, and by 1398 he had remarried; a third marriage was necessary less than a decade later. Although a fishmonger, like most men involved in mercantile activities, he engaged in whatever seemed likely to produce a profit at any given time. Thus he is found importing wine, cloth and woad (1390-91), and exporting large shipments of wool in the late '90s and first decade of the next century. For a few months in 1401 he was engaged as a buyer of victuals for the royal household. He was mayor of the staple of Westminster from 1402 to 1405, and mayor of the staple of Calais from 1403 to 1406, useful posts for someone engaging in commerce. Death came in 1414 or early 1415; no children are mentioned in his will and much of his wealth was spent on pious and charitable uses.

"Willam Bramptone"

Alderman of Bridge ward since 1390, holding the post until his death. He had been common councillor representing the Fishmongers' Mystery, in 1381/82, and was sheriff of London (and Middlesex) in 1394/95, as well as representing the city at five parliaments between 1390 and 1404. His bequest to the parish church of Brampton, Huntingdonshire, is suggestive of his origins. He appears in London by 1364, when involved with a fellow fishmonger in moneylending. That he acquired considerable wealth is indicated by the large number and amounts of debts for which he sued. In addition to the fishmonger's trade, Bramptone was also involved in exporting wool. He was closely associated with William Askham (see above). His term as governor of the staple of Middelburg, 1384-89, helped him build the right connections for the wool trade – in the early 1400s he was on several occasions an official agent involved in negotiations with merchants and authorities of the Hanseatic league. From 1397 to 1402 he was mayor of the staple of Westminster, and it was in that period that he was exporting large quantities of wool. He also dealt a little in cloth and wine. He also had, from an earlier period, connections in the Low Countries, and was consequently also engaged in other official activities in those parts. He acquired property not only in London, but also in Southwark (a landing point for much of the fish brought to the city), and in the last decade of his life his landed interests extended into Kent. He had been bailiff of Southwark from an unknown date but in 1382 was removed from office for having tried to monopolize the market in fish there – although this charge came in the context of Northampton's general assault on the fishmongers. Conversely, Carole Rawcliffe [*History of Parliament: The House of Commons 1386-1421*, II, 333] has suggested it may be significant his appointment as governor of the Middelburg staple came during Brembre's mayoralty, and that the patronage of Brembre could explain why

Bramptone was ordered arrested in February 1388, two days after the Merciless Parliament condemned Brembre to death. Brampton evidently cleared himself of any suspicion, and in September was part of an embassy to treat with the count of Holland. As alderman he was among the city rulers to incur Richard II's displeasure in 1392, and among the contributors to a cash gift, after Richard restored city government and pardoned a £2,000 fine. He was one of three Londoners appointed, for a few months, to Henry IV's council in 1399. He died in 1406, leaving a widow Alice and a son by a previous marriage.

"John Warner"

Alderman 1397-1412. Sheriff 1398/99. Ironmonger. Died 1413, leaving a widow, several sons and a daughter, and an estate in Buckinghamshire.

"William Walderne"

Alderman of Bread Street ward ca. 1399 to 1415, when he transferred to Bassishaw, remaining in that aldermanry until his death. He was sheriff 1399/1400, mayor 1412/13 and 1422/23. He was the son of Geoffrey Waldern of Waldron, Sussex; it is not known if that was the same Geoffrey who was a **supporter of the Northampton faction**. His first appearance is in 1388, during his apprenticeship to mercer John Frosh. He completed his apprenticeship in 1395, became a full member of the Mercers' Company in 1398, and served as a company warden 1398/99, 1404/05, 1410/11, and 1418/19. Loans he made to Henry IV, along with often large debts due him from other clients or businessmen, are indicative of his substantial wealth. In 1416 he, William Crowmere and Richard Whittington were associates in receiving from nine foreign merchants recognizances of a debt of £2,666.13s.4d; the following year that trio and three other of the wealthiest alderman were acting as go-betweens in the financing of the king's French expedition. He was part of a consortium of English merchants trying to break into the Mediterranean trade, but encountered opposition from the Genoese. Walderne counterbalanced that risky venture by exporting through the established channel, the Calais staple, and bringing back cloth through London. He was chosen as mayor of the Calais staple in April 1423, just one month after being made mayor of the Westminster staple; both posts were held until his death, but that was not far off. During his first marriage he did not accumulate much property, but his second marriage (by 1413) to the daughter of chandler John Clerk brought with it her inheritance of eleven shops and a number of other buildings and lands in the city, and during the years that followed he purchased more properties, both in London and in Essex and Hertfordshire. He died in 1424, survived by his widow Margaret, who survived him only by two years, and five underage children.

"William Venour"

Alderman from 1397. Sheriff 1401/02. He had entered the Grocers' Company by 1383. His father, a grocer of the same name, had been an alderman, sheriff 1387/88, mayor 1389/90, and died in 1395, William junior being an executor. In 1392/93, father and son had been prominent among the group of twenty citizens (also including William Brampton, see above) who owed John of Gaunt money, perhaps for his intercession with Richard II to obtain a pardon for the city after the falling out of 1392; the pair owed Gaunt £1,000. Such financial pressures on the city leaders made it difficult to find men willing to take on the job at this period; during the 1380s the grocers had seven or eight of their number among the

aldermen, but in the 1390s only half that number – and this included older men of Brembre's generation (Hadley and Staundone, see above). William Venour senior had represented the grocers in the aldermannic body since 1363, but upon his death no other grocer was willing to take on the office, until William junior was persuaded in 1397. William's uncle, vintner **Henry Vanner** (himself the son of a prominent vintner), had also been an alderman for much of the 1380s and '90s (until his death in 1395), and was a brother-in-law, business partner and political adherent of Nicholas Brembre, aiding in the **arrest of John Northampton**. With a depression in the wool and cloth trades around the turn of the century, many grocers struggled to diversify. Venour is found in 1407 earning money as an intermediary in a sale of tin to a Florentine mercantile company, and this appears to have been the last year he served as an alderman. In 1414 three prominent mercers complained to parliament that he owed them £411.10s.10d., but that he had evaded repayment by fraudulently turning over his property to feoffees, yet still enjoying their proceeds over the last five years while living abroad. William's son, of the same name, entered the Grocer's Company in the 1430s at a reduced fee (perhaps in acknowledgement of his father's role therein); at that time he was serving as warden of Fleet prison. But he preferred to call himself a gentleman rather than a grocer, living off the revenues from the property he had inherited; in a tax assessed on real estate in 1436, he had the highest assessment of any Londoner.

"Robert Chychely"

Alderman of Aldgate ward from 1402, switching to Vintry ward in 1407. Sheriff 1402/03 and mayor 1411/12. Grocer. His nephew married the daughter of Thomas Knolles, Robert's sometime business partner. Died 1439. A more detailed biography will be provided elsewhere.

"Thomas Fauconer"

Alderman of Coleman Street ward 1402-14, and subsequently of Cheap ward 1415-34. He was sheriff 1403/04, mayor 1414/15, and represented the city at six parliaments between 1411 and 1423. His family roots lay one generation back in Norfolk. He entered the Mercer's Company in 1391, acting as a company warden 1398/99, 1405/06, 1411/12, 1417/18, and 1423/24. His focus was on the wool and cloth trades, and he had close business ties with merchants of Florence, from whom he could have obtained high quality cloth and other luxury goods, as well as connections in various English ports. Posts in the customs collection service – at Southampton (1405-07), Boston (1407-09), and London (1412-16) would likely have helped his business. He owned more than one ship. His clientele in the 1390s appears to have included an earl of Gloucester, while in the early fifteenth century he loaned money to Henry IV and Henry V on various occasions. He invested part of his fortune in real estate, including at Coventry (perhaps a reflection of his involvement in the Warwickshire wool trade) and in Kent, near Maidstone and Faversham (where he kept a large flock of sheep), while his widow is later found in possession of lands in Berkshire. His role in London administration was not free of scandal. Shortly after the end of his term as sheriff, he and colleague Thomas Polle were accused of false arrest of a weaver (see below). In 1413 and 1416 Londoners were accused of slandering him, in the latter case it was claimed Fauconer had been imprisoned in the Tower for prosecuting a Lollard despite the latter having the king's pardon; although the slanderer renounced the claim publicly, the Lollard in question had been burnt during Fauconer's mayoralty, while

a second was also burnt after Fauconer's apprentice alerted the authorities to him and Fauconer himself worked hard for his condemnation. Again, in 1417, a draper was fined £40 for spreading the slander that Fauconer had falsified legal records; perhaps this too was associated with his campaign against the Lollards. He died in 1434, survived by a widow and daughter (a second, married daughter having predeceased him).

"Thomas Polle"

Alderman of Farringdon Within, a post held from 1397 to his death in 1413. He served as sheriff in 1403/04, but was never mayor. A goldsmith, he entered his apprenticeship in 1359 and had graduated before 1370, when he took his own first apprentice; he was warden of the craft in 1378, 1388, and 1395. He was one of the goldsmith representatives on the common council in 1381/82, and represented Farringdon ward there in 1384, 1386, and 1388. Along with Thomas Fauconer he was accused of having, when sheriff, wrongfully arrested a weaver, confiscated his possessions, and illegally demanded sureties; the case went to arbitration in 1406. Twice married, he was predeceased by both wives, and left no children.

"William Louthe"

Alderman of Castle Baynard ward; he was a newcomer to the aldermannic group, having joined them earlier in 1406. In 1413 he transferred to Farringdon Within ward (for which he had earlier served as common councillor, 1385/86), replacing Thomas Polle, and remained there until his death ca.1419. He had been sheriff in 1404/05, but was never mayor. A goldsmith, he was active in that craft by 1372, when he went to Winchester fair, and the following year took on the first known of a series of apprentices. He was warden of the craft in 1397 and 1402. He occasionally provided service to Henry IV and his successor as tax collector and source of loans to support military expeditions in France.

"William Crowmere"

Alderman of Billingsgate ward 1403-1420, then of Candlewick ward from 1420 until his death. He was sheriff 1405/06, mayor 1413/14 and 1423/24. He was said to be popular because a fair-minded man who could not be bribed – at least the brewers found him so, although the Lollards may have had different ideas, for he was active in putting down Oldcastle's rebellion and in implementing measures leading to the arrest of several Lollards. Crowmer's bequests to Cromer's parish church and his poor relations there, as well as his Norfolk estate, indicate that his surname points to his place of family origin. He first appears in London in 1390, when importing wine there, and later in the year importing drapery. His official trade was as a draper, and he was warden of the Drapers' Company in 1394 and in 1428/29. Henry Bolingbroke was one of his early clients, and put more substantial business Crowmer's way after becoming king. By the time of his successor's reign Crowmer had become very wealthy (of which the two terms as mayor is a reflection) and was one of the foremost aldermen in helping finance Henry V's French expeditions, while in the next reign he appears to have been making money from victualling the army; he likewise contributed in 1419 an unusually high sum towards the building of a new hall for the drapers. During the reign of Henry VI his clients included the duke of Gloucester and countess of Stafford. He was, at least in one venture, a business associate of William Walderne (see above) and Richard Whittington. By the time of his death, he held property in at least five London parishes and had over the course of many years built up an estate in Kent, part of it possibly through

his second marriage (by 1428) to Margaret the coheiress of Sir Thomas Squiry of that county. His administrative and commercial abilities led to him being chosen as an arbitrator in various disputes brought before the mayor's court, and in 1425 the Hanse merchants chose him as one of three aldermen to judge law merchant cases involving their members. From about 1428 we see him moving towards retirement. He died in January 1434, leaving an underage son in the care of his executor Henry Barton; the son became a member of the Kent gentry and incurred sufficient unpopularity to be murdered during Cade's rebellion. Crowmer bequeathed almost £500 for charitable and pious works, and other monetary sums to friends and family totalling about £1,250; today those amounts would be the equivalent of over £4 million. Later that year his widow married Lord Poynings.

"Henry Bartone"

A recent addition to the aldermannic group, he took the post for Farringdon Without ward, in early 1406; in 1412 he moved into the Cornhill aldermanry where he remained to his death. He was sheriff 1405/06, Mayor 1416/17 and 1428/29. He appears to have been a member of a family with long-standing landed interests in the Buckinghamshire manor from which he took his surname. A branch of the family may already have been established in the city, a stimulus for Henry and his brother Ralph to pursue their careers there, Henry as a skinner (a mercantile rather than craft occupation); Ralph was also an alderman from 1416. Although Henry is first heard of in 1391, when he stood surety in Chancery for a Londoner, part of his early career was as an official in the household of Richard II's first queen; after her death (1394) Richard II confirmed a £5 annuity to Barton, as did Henry VI later. He had also been employed by John of Gaunt as a skinner, and Henry IV continued to make use of him, as a yeoman of the king's chamber from 1400, and from 1405 as the first skinner officially retained by the king's wardrobe (which brought the wage of 1s. a day for almost the rest of his life), overseeing the preparation, storage and transport of furred clothing worn by members of the royal household, which enabled him to put business for furs in his own direction. Payment was, typically, less easy to obtain, and by 1423 the crown owed him £2,100. His roles in the customs service at London, as collector of tunnage and poundage (1408-10) and collector of wool customs (1410-16) were in part to provide him with opportunities to recoup some of the royal debt. With his profits he built up extensive property in several city parishes, including a purchase in 1419 of the late Drew Barentyn's house in St. John Zachary parish. He had estates in Buckinghamshire, Hertfordshire, and apparently East Anglia, as well as joint interest in lands in Middlesex, Norfolk, and Berkshire (the last with his brother). He died in 1435, leaving no children although married twice. Much of his wealth went towards pious or charitable uses, although his widow Joan was left very well off. In 1425 he had assisted John Carpenter in the foundation of Whittington's college and almshouse; in his own will, Barton bequeathed a generous number of city properties to the Skinners' Company to be turned into homes for citizens who had fallen into poverty.

"Henry Pountfreyt"

Sheriff 1407/08. Collector of tunnage and poundage at London in 1398. The surname was common in London, so it is not clear if he was the saddler of that name. Several men of that surname were involved in the leather trades. ?A William de Pountfret skinner was an alderman during the 1340s, but left only a nephew John as his heir.

"by Divine inspiration"

Riley suggests this is an allusion to *Acts 1, 24-26*, in which the selection of a disciple to replace Judas is made from two candidates: "And they prayed, and said, Thou, Lord, which knowest the hearts of all men, shew whether of these two thou hast chosen, that he may take part of this ministry and apostleship, from which Judas by transgression fell, that he might go to his own place. And they gave forth their lots; and the lot fell upon Matthias; and he was numbered with the eleven apostles."



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Keywords: medieval Southampton testimonials testaments bequests widows death memorial services property transactions feasts Salisbury

Subject: Account of the drafting of a will on death-bed

Original source: Borough archives of Southampton

Transcription in: J.C. Jeaffreson, "The Manuscripts of the Corporation of the Town of Southampton," *Historical Manuscripts Commission, Eleventh Report, Appendix, Part III (1887), 88-90.*

Original language: Middle English

Location: Southampton

Date: 1478

TRANSLATION

To all true Christians who see or hear read these letters, John Ingler, mayor of the city of New Salisbury commends you to our Lord God everlasting. Because it is necessary and meritorious for every true Christian man to bear witness to the truth, so that truth is always to be preferred and all that is untrue set aside, let it be known and shown to, and understood by, all who are sober and wise that one Thomas Pyrie, our faithful brother, a fellow citizen of the city mentioned above, who is among us a man of good reputation and standing and well thought of, and is trustworthy, creditable, and well behaved, came in person before me, the mayor, and others – that is, William Rokat merchant, William Shirwode mercer, John Gamelyn mercer, and **William Wynne** notary imperial, fellow citizens of the city – in my residence in the city. At that time and place, this Thomas Pyrie of his own free will before us reported and stated what is related hereafter.

First, that he was a servant of William Nicoll, sometime **burgess** and merchant of the town of Southampton, at the time of William's death



and a long time prior to that. And that this William, while in good health and of sound mind, ordered Thomas to bring to him in his parlour in Southampton blank paper and pen and ink, and to begin to write the formalities of the opening of a testament; which Thomas did. He then instructed him to write down specific legacies, both to churches and other religious institutions and to private individuals, servants and others named by William. And after that to write down the arrangements for disposing of the residue of his possessions, not previously bequeathed: to be divided equally between his wife Juliana and his kinsman Richard Thomas, who was then his **factor** and purser of his ship named the *Marie of Hampton*, then at sea. That being done, he instructed Thomas to write his arrangements for disposing of all the lands and **tenements** etc. that he held at that date within the town and suburbs of Southampton and elsewhere in England. These lands and tenements he intended to be divided, as soon after his death as could reasonably be done, into two equal portions. Of which he left the one half to his wife Juliana, for the term of her life, paying the **rents and services due** from the same, and also bearing half the annual costs of a priest's wages and an anniversary or obit in the parish church of Holy Rood in Southampton, while she lived. After her death, that half of the lands and tenements were to go forever to Richard and the lawfully begotten heirs of his body, paying the rents and services due from the same, and bearing in perpetuity half the annual costs mentioned above of the priest and the anniversary or obit in the church. The other half of all the lands and tenements William Nicoll left to Richard, he and his lawfully begotten heirs to have and to hold forever, paying the rents and services due from the same, and bearing the other half of the annual costs of the priest and obit or anniversary in the church in perpetuity. Should it happen that Richard die without leaving such an heir, then the half of the lands and tenements left to Richard, along with the other half of the lands and tenements left to Juliana, when they fell to him after her death, should go to Joan the wife of Thomas Payne of Looe in Cornwall, sister to Richard, and the lawfully begotten heirs of her body forever, paying the rents and services due from the same, and bearing the entire annual costs of the priest and obit or anniversary in the church, as set out above, in perpetuity. Should it happen that Richard and his heirs as well as Joan and her heirs fail to support the annual costs of the priest or the anniversary or obit in the church for an entire year, then

all the lands and tenements with their appurtenances should go to the mayor and burgesses of the town of Southampton, and their successors forever. Or should it happen that Joan die without lawfully begotten heir, then all the lands and tenements with their appurtenances should go to the mayor and burgesses of the town of Southampton, and their successors forever, paying the rents and services due from the same by ancient custom, and bearing the entire costs of the priest and anniversary or obit in the church in perpetuity. Should it happen that the mayor and burgesses fail for an entire year to support the costs of the priest and anniversary or obit in the church, then all the lands and tenements with their appurtenances shall go to the Prior and Convent of the **monastery of St. Denys** neighbouring Southampton, and to their successors forever, paying the rents and services due from the same etc., and bearing the costs of the priest and anniversary or obit in Holy Rood church in perpetuity. He made Juliana and Richard the executors of his testament.

After this had been done, William Nicoll became so seriously ill that his physicians were certain he would die. It was then recalled by dom. John Serteyn and others who were with William Nicoll that his manor of South Stonham with its appurtenances lay outside the city or borough, in the county proper, and if William Nicoll died in possession of it then his brother's daughter, Alice, who had married a bondman of Twyford, would be heir to it. Consequently they thought it advisable for them to draw up a deed of enfeoffment and transfer all the lands and tenements to certain persons. And so Thomas was ordered by Juliana, dom. John Serteyn, and William Stone to write a deed to that effect [[enfeoffing](#)] Master Thomas Forest, **Walter Fetplace**, **Robert Aylward**, William Stone and dom. John Serteyn priest, as well as a letter of attorney appointing Thomas Pyrie to deliver possession, in the name of William Nicoll, to the feoffees of and in all those lands and tenements. When Thomas Pyrie had written out these documents and put wax on them, and brought them to William Nicoll's bedside and read them out loud to him, William Nicoll's mind had already deteriorated to the point where he had lost awareness, so that he said nothing nor gave any sign or indication that he had heard or understood. But Thomas Pyrie took William Nicoll's hand from beneath the bedcovers and sealed the documents with the seal[[-ring?](#)] of William Nicoll, then reinserted his hand under the

covers. Immediately William Stone and Thomas Pirie went to South Stonham and there Thomas put William in possession of the manor and its appurtenances, by authority of the said document, and then returned to Southampton, where he put William Stone and the other co-feoffees in possession of the tenement of William Nicoll in which John Flecher was then residing, on behalf of all the lands and tenements subject to that deed within thw town and suburbs of Southampton. On the same day that those documents were drawn up and sealed, and possession was transferred as described above, William Nicoll died and departed from this world.

In witness that all this was related as is set out above, Thomas Pyrie put his seal to this evidential letter, in the presence of myself, the mayor. And to reinforce the credibility of this information, at the request of Thomas Pyrie, I have appended my seal of the office of the mayoralty of the city of New Salisbury. Drawn up at Salisbury on 2 December 1478.

DISCUSSION

Deeds and wills were all too often subject to challenge, or the grounds of forgery, and death-bed acts were particularly open to suspicion. In this case, the will itself was not tampered with, but additional action was required to avoid the will's provisions being superseded by county custom. Those gathered around Nicholl's death-bed may have felt, as Pyrie probably did, that the action they were taking would represent Nicholl's wishes, to ensure – through a trusteeship – that his widow had access to all the properties required to support the obit which appears to have been Nicholl's primary preoccupation. The wish to prevent inheritance by a niece who had evidently incurred disgrace, by marrying beneath herself, was presumably secondary.

It appears that some legal difficulty had arisen in Southampton with regard to the property bequeathed by William Nicholl, since Pyrie found it necessary to obtain the above evidential letter and present it to the Southampton authorities (whereby it found a place in the borough archives). Possibly the requirement was simply to clarify the rights of Nicholl's

trustees to dispose of the property, for in 1480 they – Walter Fetplace and four others who must have succeeded the original feoffees – quitclaimed their rights to the manor of South Stonham to William Langherne.

The events recounted by Pyrie must have taken place over thirty-six years earlier; in the 1470s he is found at Salisbury, perhaps in the service of the borough government, for in 1471 he was chosen by the city council to state its grievances before arbitrators in a dispute with the bishop. There were at least two men named William Nicholl in Southampton in the fifteenth century, and they were among the most prominent townsmen of the time; they are difficult to disentangle, one from the other, and their relationship to each other is not certain. One of them, a goldsmith and merchant, was elected bailiff of Southampton in 1401 and 1407, and mayor in 1411, 1417, 1422, and 1427; he is known to have had two wives, Elena and Catherine. Another of the name, possibly his son, was also a merchant – both men apparently active in commerce in the 1420s and '30s – and is felt to be the more likely candidate for the William elected mayor in 1438; it was probably he who is seen in 1422 with wife Alice. Which of these two was subsequently married to Juliana is unclear, but probably the latter, who is found associated with a chantry at St. Mary's and an obit at Holy Rood, in his name and the names of wives Agnes and Alice. Juliana had married Richard Thomas by 1442, so whichever William had been her former husband must have died before then.

It may be that Richard Thomas also died without direct heirs, for records of the Nicholl obit in 1495/96 show that it had been merged with obits for Richard Thomas and Thomas Payne, suggesting that the **heirs of Joan Payne** may eventually have inherited some of the property. Apart from the religious services, the obit was then being celebrated by a feast to which the poor of the town were invited (assuming they also attended the memorial mass). Provisions for the feast were: 400 plain buns, 300 spiced buns; butter, cheese, and saffron; a quantity of ale for the poor, and a small amount of wine for the priests and borough officials paid to attend the memorial.



NOTES

"William Wynne"

He was the town clerk at this time (appointed 1474).

"factor"

Business representative.

"rents and services due"

These were generally small but inescapable payments to the lord of the land.

"monastery of St. Denys"

The Augustinian priory, which held the advowson of Holy Rood church, lay two miles north-east of the town.

"Walter Fetplace"

It could have been Walter Fetplace senior who is meant; he was a merchant and parishioner of Holy Rood, who served as mayor of Southampton on five occasions between 1419 and 1444, and died in 1449. However, his kinsman (but not son) Walter Fetplace junior, who also served as mayor in the 1460s, was in 1454 living in Holy Rood parish in a tenement formerly of William Nicoll, and was one of the co-foffees of the manor in 1480; so it is possible that he was the Walter here referred to, at an early point in his career.

"Robert Aylward"

A merchant who associated with Walter Fetplace in some trading ventures. He is seen dealing particularly in wine, soap, and dyes, but occasionally in cloth and iron. In 1448 he was suing, in the king's court, John Shepard (referred to as both husbandman and chapman) of Ringwood, Hampshire, for a debt of £4.2s.2d. In 1449 and 1450 he was commissioned to investigate mercantile complaints: one concerning the seizure of a cargo by pirates, the other by Cologne merchants, despoiled of a cargo at Plymouth and suspecting that some of it had found its way to Southampton. In 1451 he is seen as an appraiser of linen cloth seized by the sheriff, and in the same year we learn that he owned two ships, the *Nicholas* and the *Margaret*. He served as steward of Southampton in 1430/31, as bailiff 1433/34 and was elected as mayor in 1436, 1441, 1449 and 1453. He died ca.1454.

"heirs of Joan Payne"

A John Payne, who had a brother called Thomas, was elected mayor in 1450,

1451 and 1462; a member of a later generation, also called Thomas Payne, was mayor in 1472/73 and it was he who founded a chantry in Holy Rood church.



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Keywords: medieval Reading liberties government political disputes jurisdiction abbey seigneurial rights lawsuits merchant guild revenues judicial administration market incorporation property holding burgage tenure guildhall butchery rent arbitration electoral procedures officers police

Subject: Jurisdictional disputes at Reading between burgesses and abbot

Original source: Item 1. British Library, Egerton Ms. 3031, Harley Ms. 1708, Ms. Cotton Vespasian E xxv; item 2. British Library, Add. Ms. 6214, ff.4-7, 16, 18-19

Transcription in: 1. B.R. Kemp, ed. *Reading Abbey Cartularies*, Camden Fourth Series, vol.31 (1986), pp.86-86; 2. C.F. Slade, ed., "Reading Records (4)," *Berkshire Archaeological Journal*, vol.61 (1963/64), 52-62.

Original language: 1. Latin 2. Middle English

Location: Reading

Date: 13th and 15th centuries

TRANSLATION

[1. Settlement of 1254]

This is the final settlement made in the king's court at Westminster, on 3 February 1254, before Henry de Bathonia, Henry de la Mare, **Henry de Bratton**, and Nicholas de Turry, justices, Ralph fitz Nicholas and Bertram de Curiel, then stewards, and others loyal to the king then being present there; between Henry Wille and Daniel W [o]lveseie, then stewards of the Gild of Reading, and the burgesses of that town, plaintiffs, and Richard, Abbot of Reading, **deforciant**, concerning the customs and services which the abbot has been demanding from the burgesses. In regard to which the burgesses have complained that the abbot **distraigned** them to answer to justice elsewhere than in their communal gild, and that he deprived them of their merchant gild with its **appurtenances**. Moreover, that the abbot



moved the market of the town of Reading from the place where it had customarily been held since ancient times. And, what is more, he demanded from the burgesses other customs and other services than those they ought to give, or had been accustomed to give in the time of the previous kings of England. Which customs and services the burgesses did not concede to the abbot, with the result of this plea between them in the present court.

Let it be known that the abbot has granted, on behalf of himself, his successors, and his church of Reading, to the burgesses and their heirs that the corn market in the town of Reading is to be held in perpetuity in the location where it previously used to be, and that all other things are to be sold in those locations where they have customarily been sold previously. And that the burgesses may have a hall for their merchant gild in the town of Reading, along with twelve **tenements** that belong to the gild, together with the meadow called **Portmanbrook**, for an annual rent of 6s.8d payable to the abbot and his successors and his church at Michaelmas – for which previously it was their custom to pay no more than 1d. And that they may have their gild merchant with all its appurtenances in perpetuity.

For this concession, settlement, and agreement, the burgesses have granted for themselves and their heirs that the abbot and his successors may henceforth appoint, from those burgesses who are in the merchant gild, one burgess satisfactory to the burgesses; who is to be the warden of the merchant gild and take oath before the abbot and the burgesses to faithfully administer all matters within the merchant gild's jurisdiction. He is to be removed on an annual basis and someone else put in his place, through the method described above. The burgesses have also granted for themselves and their heirs that the abbot and his successors may henceforth have from each legitimately-born son of a burgess, when he enters the merchant gild, four shillings; and from each **foreign man**, half the fee that he ought to pay to the warden. [These payments to be made] under the supervision of a monk assigned to witness these [entrances] by the abbot and his successors; on the understanding that if the fee is declared by six reliable gildsmen to be reasonable, the monk may not reject [the amount of] the fee.

Furthermore, the burgesses have granted for themselves and their heirs that the abbot and his successors may henceforth have, each year on 1 August, 5d. from each burgess in the merchant gild, by way of **chepingavel**. Moreover, they have granted for themselves and their heirs that it is perfectly permissible for the abbot and his successors to levy **tallages** in the town of Reading whenever the king taxes the lands over which he is lord. The burgesses have also granted for themselves and their heirs that it is perfectly permissible for the abbot and his successors, or their bailiffs, to preside in the gildhall over all pleas which can rightfully be tried in the town of Reading, and that they may have all [money from] fines, whether from gildsmen or others; and that the keys of the gildhall shall be in the custody of the gild warden, who is to hand them over to the abbot or his bailiffs without demur whenever they wish to hold pleas there. Should it happen that any burgesses of the merchant gild incur **ameracements** for any offence, they are to be amerced according to the gravity of the offence and their ability to pay.

Furthermore, the burgesses acknowledge that the meadow which lies at the head of that meadow called Portmanbrook belongs to the abbot and his church of Reading. They have in this same court restored it to them and released and quitclaimed [their right therein], on behalf of themselves and their successors, to the abbot and his successors and the church of Reading, in perpetuity.

[2. Legal battle ca.1499]

This is the complaint of the warden and burgesses of the merchant gild of Reading.

The warden and burgesses state that the town of Reading is an ancient borough and that they have been, and are, a **corporation** under the name of "warden and burgesses of the merchant gild of Reading" from time immemorial. In that regard they were, from the same period, in possession of certain stalls and shops called the out-butchery or the **out-fleshshambles** in the town of Reading, as part of their demesne as a fief belonging to the merchant gild. Until they were dispossessed by **Thomas Hendley**, abbot there, one of the present abbot's predecessors. The which wrong the present abbot continues.

Memorandum that the warden and burgesses of Reading claim that the borough is corporate on the grounds that Abbot Richard, one of the present abbot's predecessors, moved the market of the gild merchant there from the place it was customarily held since ancient times, and caused many other injuries and wrongs to the borough of Reading. For which reason the burgesses, in the name of the whole community of the borough, brought a complaint in the king's court at Westminster. Against which complaint, legal action and suit, Abbot Richard presented a defence, as if against a **corporate personality**, as is shown and set out more fully in a **fine of record** between the abbot and the burgesses.

These are the arguments presented to prove the borough of Reading is a corporation.

First, the mayor of the borough of Reading and the burgesses of the same, their ancestors and predecessors, from time immemorial had possession in their demesne, as a fief belonging to their gild, of a gildhall with stables, gardens, and other buildings with their appurtenances, to the value of £4.19s.6d in **annual income**.

Item, the mayor *ut supra* before this time have had possession of 12 tenements with appurtenances, together with a meadow called Portmanbrook, in their demesne, as a fief belonging etc., to the value of £3.6.8d and more in annual income.

Item, the mayor *ut supra* have had possession of a wharf and an adjoining tenement assigned to it with the **common beam** and weights to the value of 8s.4d and better.

Item, of an inn called the Fish Shambles, which attains an annual value of 32s.10d.

Item, the mayor and burgesses have had possession of the flesh shambles called the out-butchery – until recently, when they were wrongfully and without just cause dispossessed – which had an annual value of **26s.8d**.

Item, the mayor *ut supra* have from time immemorial had the

advowson, nomination and patronage of a chantry there, at some time granted to the mayor and his successors there by one Sir John de Colley, a knight, and **amortized** by the king's letters patent.

Item, the mayor and burgesses have always been tasked [with providing], and have provided, 2 parliamentary burgesses, as often as a parliament is held.

Item, the noble progenitors of our sovereign lord the king have by their letters patent under their Great Seal **granted, ratified, and confirmed** to the burgesses of the gild of Reading and to their successors forever that they be free of toll throughout England and discharged from [summonses to the courts of] all shires and **hundreds**.

Item, the burgesses have from time immemorial kept within their gildhall a common seal, and have held and possessed it without challenge, and have used the same for sealing [documents] as often as required, without hindrance, etc.

Item, the mayor and burgesses have charge of repairs to the stocks within the borough, as often as need requires.

Item the warden and burgesses *ut supra* state that they and their ancestors, burgesses of the borough, had possession of the [above] premises belonging to their merchant gild by the **service of one penny** due to the king, long before the monastery of Reading was founded and built. In proof of which they argue that if the merchant gild, tenements, stables, gardens and other buildings and their appurtenances had remained in the hands of the king at the time the monastery was endowed, that same king as founder of the monastery would have given and granted as endowment the entire town of Reading with its appurtenances. Which merchant gild, tenements, gardens, stables and other premises with their appurtenances the warden and burgesses and their ancestors had, held, occupied and enjoyed peacefully, by the service mentioned above, without counterclaim, challenge, interruption or demand on it, up to the date and time of the making of the fine mentioned above; which according to the terms, force and effect of that fine was then altered and changed to the sum of 6s.8d, as is shown and set out more fully in that

fine.

This is the response to the complaints of the so-called warden and burgesses of the merchant gild of Reading.

First, whereas the warden and burgesses pretend that they have been incorporate under the name of warden and burgesses of the gild of Reading from time immemorial, this is the response: that there is no formal record nor any other evidence sufficient in law to prove them to be a corporation in any regard. Whereas the warden and burgesses put forward in evidence a fine made, as proof of their corporateness, that fine in no way shows them to have been a corporation at the time the fine was made nor at any time previous. Further to this response, there is no formal record in which it is evidenced that Abbot Richard, [our] predecessor, affirmed that the warden and burgesses are a corporation under the title they have submitted.

The fine, as can be seen, was made between the steward and the burgesses of Reading, plaintiff, and the abbot, deforciant. At which time the town was not incorporated under the name of warden and burgesses; for, were that so, the fine would be invalid, insofar as the warden is not a party to that fine. Also, by the fine that was made the grant is stated to be to the burgesses and their heirs, and not to their successors; therefore these who are burgesses by succession may claim no rights therein.

Item, the phrases in the fine which are claimed as making the warden and burgesses a corporation exist by initiative of the burgesses, and not the initiative of the predecessors of the abbot, through any words spoken or written by them.

Also, whereas the mayor of the borough of Reading and the burgesses of the same pretend that they and their ancestors and predecessors from time immemorial had possession through their gild in a gildhall with stables, gardens and other buildings with appurtenances, to the annual value of £3 and more, and also of 12 tenements and a meadow called Portmanbrook, this is the response to the same: that the titles of the pretended corporations, before and in the article of this claim, are not in accord, and so neither is valid. Furthermore, so that the truth be known, the burgesses have held and occupied the gildhall and the

other premises specified in the article for a long time and up to the present day at the indulgence of the abbot and his predecessors, without the mayor and burgesses having any other satisfactory legal title to the premises they have identified.

Item, as to the wharf and tenements, the mayor and burgesses have had no legal possession thereof, but have held and occupied them without any lawful title.

Item, as to the fish shambles, they have been and are placed on the land and freehold of the abbot; and so rightfully the shambles and revenues therefrom belong to him and his predecessors. Albeit that he and his predecessors have allowed, out of their goodwill, the burgesses to receive the revenues from the same.

Item, as to the flesh shambles called the out-butchery, they were and are placed on the land and freehold of the abbot, and have been constructed, maintained and repaired by him and his predecessors. The mayor and burgesses have never had possession of the same, except with the indulgence of the abbot, and they were never dispossessed thereof by his predecessors.

Item, as to the advowson, nomination and patronage of the chantry, it was founded long ago at a date now forgotten, and there is no indication that the mayor and burgesses ever had possession of it, as they claim, except at the indulgence of the abbot.

Item, as to the provision of 2 burgesses for parliament, this is no basis for proof of corporateness, for various boroughs and towns in England which are not corporations do the same, such as "**Downton in Suth' and Ludyarsale**" and various others.

Item, as for the burgesses having a common seal, that is no proof of corporateness, for various other towns not corporate have the same.

Item, as for the burgesses alleging themselves to be exempt from **suit** [of court] to shire and hundreds by right of letters patent etc., the abbot responds to that by saying that long before these letters patent the king's progenitors granted to his predecessors the hundred in question,

with all things belonging to the same.

The title of the warden and burgesses of the free merchant gild of Reading to certain stalls and shops called the out-butchery, also known as the flesh shambles, located in the borough of Reading.

The warden and burgesses say that in the 38th year of the reign of King Henry III there was a fine made before the king's justices at Westminster between one Richard, then abbot of the monastery of Our Lady at Reading and predecessor of the present abbot, plaintiff, and one Henry Wall and Daniel Wolvesey, then wardens of the free merchant gild, and the burgesses of the same, deforciant, concerning certain tenements with appurtenances and other free liberties and customs, the subject of the action; of which the warden and burgesses were possessors, by right of their merchant gild, a long time before the fine, and were accustomed to hold as possessions of the merchant gild. Upon the plea and action of the fine that abbot, predecessor of the present abbot, acknowledged in that court on behalf of himself, his church of Reading, and his successors in the same, that among other liberties and free customs the warden and burgesses and their successors should forever have and enjoy without challenge the 12 tenements with appurtenances; and in the same court he turned them over to the warden and burgesses, in return for an annual payment on 1 August to the abbot and his successors, for the tenements and customs, of one penny in place of suits [of court] and customary payments of whatever kind due the abbot and his successors for the same – as in that fine is more fully set out. As a result of which fine and agreement on that matter, the warden and burgesses and their predecessors since the time of the making of the fine have had uninterrupted possession and tenure of the 12 tenements with appurtenances, among other of their liberties and customs, on the basis of that fine.

The present warden and burgesses of the free gild now state that the stalls and shops called the out-butchery are a part of those 12 tenements covered by the fine and are appurtenances of the same; and that their predecessors, as warden and burgesses of the gild, had uninterrupted possession of the same and received the rents, outgoing, and revenues thereof, as the right of the gild and by virtue of the fine, until in the time of Henry VI their predecessors were

wrongfully dispossessed by force of the same by one Thomas Hendley, predecessor of the present abbot. In which wrong and illegal possession the present abbot wrongfully persists, maintaining it by force to this day. As proof of the continuous possession of the warden and burgesses therein, they say that in the time of King Edward I, which was that immediately following [the reign] in which the fine was made, their predecessors the warden and burgesses of the merchant gild were in possession and receiving 62d. of rent from certain parts of the tenements with appurtenances, including the flesh shambles. This is set down in a book of accounts made in the 30th year of that King Edward's reign, which they are ready to present [in evidence]. The warden and burgesses add as clarification that the tenements with appurtenances are now of greater value than they were at the time when the fine was made, or for a long time after, because their predecessors as wardens and burgesses of the gild in past times renovated, rebuilt and repaired them at great cost and expense to the gild, something important to consider.

Item, it is evident from various letters and account books from the first to the ninth years of the reign of King Henry V that the warden and burgesses of the gild have, by the hands of their officers, annually collected and **paid out** the rents and revenues of the flesh shambles or out-butchedy, under the name of "the shops of foreign butchers there" (which is the flesh shambles and out-butchedy); and no-one else has. These various account books can be presented in evidence.

Item, it is evident from various account books drawn up in various years of the reign of King Henry VI – that is, first to twelfth, **fourteenth**, eighteenth, twenty-first, twenty-fourth, twenty-fifth, and twenty-eighth – that the warden and burgesses collected and received the rents and revenues from the flesh shambles or out-butchedy, under the name of "foreign butchedy", without interruption by the predecessors of the abbot, until they were wrongfully dispossessed thereof by Thomas Hendley, predecessor to the present abbot. The warden and burgesses say that it is evident from various of those account books that the shops or out-butchedy had been renovated and repaired by the predecessors of the warden and burgesses, [under the section] in the account books called "New rents from the new butchedy"; which books they are ready to present in evidence.

Item, the warden and burgesses state that it is evident from old book belonging to the gild, in which is recorded many and various of their constitutions and ordinances – compiled in the [missing] year of King Henry VI in the presence of the then warden (otherwise called mayor) of the gild, **William Huntynford**, and with the unanimous consent of the warden and burgesses – **among other [things]** it was agreed that the mayor then in office should each year collect and receive the rents and revenues of the flesh shambles or butchery to help cover the expenses and costs he incurred in executing his duties; paying [from the same] each year to the warden's officers called the **cofferers** 2s. for the repair and maintenance of the flesh shambles or out-butchery. Which book they are ready to present in evidence. They further state that there was a time when no accounts were made of the rents and revenues of the same, because the mayors then in office received those revenues in consequence of the grant mentioned above, until Thomas Hendley wrongfully dispossessed them.

The response of the Abbot of Reading to the bill of complaint drawn up against him by certain persons who call themselves the mayor, burgesses, and commoners of the borough of Reading, although they are not incorporated by that name, nor any other.

The abbot states that because there were various issues and court cases pending between him and the so-called mayor, burgesses and community, and for other reasons prompting the king's attention, it was commanded by the king that a **friendly discussion** be held between the two parties concerning the issues pending in the courts. Accordingly, a discussion was held and, by agreement of the parties and their counsel, they [undertook] to submit to arbitration and settlement of the matters by Sir William Hussy and Sir William Fey, as specified in the bill. At the end of last Easter term, those judges, having spent a great deal of time and effort and having frequently called both parties before them to hear their claims, after much deliberation gave notice to the council of the abbot, wishing the counsel to find out from the abbot whether he would be prepared to accept the so-called mayor having possession of certain fish stalls and other things in Reading. They also said that if the corporation showed determination, the abbot would face a law-suit brought against him by the so-called mayor. Because the abbot was not then in London, the

judges wanted his counsel to respond to this in the present **Trinity term**. The abbot, intending to have further discussions in the presence of the judges, therewith came to London in the present term. But before the judges could arrange a day for further discussion [between the parties], the so-called mayor had initiated a lawsuit with his bill of complaint, thereby refusing further negotiation on the issues pending between the parties or their further consideration by the judges. This without the abbot having gone against the instructions given by the king, or the justices issuing any further recommendations, or the abbot having rejected their recommendations in the way that is claimed in the bill of complaint. The abbot trusts that, if the judges are summoned on this matter, they will confirm the same. Furthermore, [the question of] the corporation and the other matters addressed in the bill are matters in the jurisdiction of the Court of Common Pleas, not this court. The abbot requests this court dismiss the case, awarding him reasonable costs for him having been wrongly harassed.

[The mayor and burgesses responded to the above that they have no objection to the arbitrators conducting a further session between the parties and trying to bring the parties to a final settlement. However, they affirm the accuracy of the information presented in their bill of complaint, which was intended to have the matter settled according to the Common Law.]

The response of the abbot of Reading to the bill of complaint made by certain persons calling themselves burgesses etc.

The abbot states that, to the contrary [of the bill], he and his predecessors from time immemorial are and have been the lords of the town of Reading immediately under the king. Throughout that time the abbot and his predecessors have been accustomed, at their discretion, to nominate and appoint each year one of the inhabitants of the town as keeper of the gild within the town. Which person so named must always take oath to uphold and administer all things within the gild's jurisdiction. He shall be removed on an annual basis and someone else elected and chosen in his place, taking oath in the manner indicated above.

In addition, the abbot states that he and his predecessors have throughout that time always had **a day** [assigned] for the keeping of the king's peace within the town. So that the town may be well-

governed, he and his predecessors and their stewards have appointed as constables such persons as seemed most suitable to them, and have similarly appointed all wardens of the wards and all other officers in the town; and the persons thus appointed have throughout that time been accustomed to take their oath before the abbot's steward. Throughout that time the abbot and his predecessors and their stewards or other officers have been accustomed to remove such persons from their offices of constable, warden, or other offices, at any time if there was reasonable cause, and to substitute others at their discretion, as required, regardless of:

- whether the town of Reading was incorporated under the name of burgesses and community of the borough and town of Reading, or some other name;
- whether there was within the town a mayor from time immemorial or that any such mayor had authority to punish those breaking the peace, vagabonds, or other persons misbehaving within the town;
- whether the burgesses of the town from time immemorial used to nominate or have the right to nominate 3 of the burgesses whom they think best suited to occupy the mayoralty, or that the abbot should nominate, or is obliged to nominate any of those three persons for the mayoralty;
- whether the burgesses have from time immemorial been accustomed at the annual **great leet** of the abbot to elect and nominate 2 of the burgesses or anyone else to be constables of the town;
- whether the abbot has nominated or appointed as constables any persons who were not able to occupy the office;
- whether the wardens of the town have customarily been chosen or nominated by the mayor or burgesses in their gildhall;
- whether those wardens have by custom always been chosen from the burgesses of the town or whether the abbot and his officers have appointed any wardens of other officers or **persons unable**, or that there has been a decline in the good government of the town or misbehaving persons increase, due to any reason such as is proposed in the bill.

All of which matters the abbot is ready to prove in whatever way the court should decide, etc.

This is the reply to the response made by the abbot of Reading against the burgesses of Reading.

Whereas the abbot says that he and his predecessors have been accustomed every year at their discretion to choose one of the inhabitants of the town to be named and accepted as keeper of the gild, the burgesses say that the abbot ought not appoint such an officer in that way. For it is indicated in the fine of record that he should choose a burgess belonging to the gild, with whom we should be satisfied; if the burgesses are not satisfied with that one, the abbot should choose another, and so on until the burgesses are satisfied. It was subsequently decided by the abbot and the burgesses, to reduce the power of the burgesses, that 3 of the most capable burgesses be elected and chosen by the burgesses in their gildhall on the Friday preceding Michaelmas; and on Michaelmas itself they were to be presented by the burgesses to the abbot, in his monastery at Reading, and he was to name one of those 3 to occupy the office for the coming year. And twelve months later another would be chosen and sworn into office, and the incumbent discharged.

Whereas the abbot says in his response that he and his officers have had the administration and keeping of the king's peace in the town, the burgesses say that the mayor and constable along with the wardens associated with the 5 wards within the borough have always had jurisdiction over offenders and punishment of the same, such as [putting them] in the stocks. Which stocks belong to their [gild]hall, and they have made and repaired them at their own cost whenever this was required; the abbot had nothing whatever to do with it, nor did his steward or bailiff, for neither he nor his predecessors were ever asked to pay a single penny for the repairs. If any offender should be taken by them, then they are supposed to deliver the same to the constable or wardens of the borough, to be punished by the mayor and constables as they think appropriate.

Whereas the abbot says that his steward should be able to dismiss and appoint officers as he pleases, they say it is not so, not without the consent of the burgesses. Such are to be presented by them to the steward and he is to administer to each the corresponding oath of office; and none is to hold office unless he takes oath before the

master of the gild.

The abbot is empowered to appoint constables.

The king to the sheriff of Berkshire, greetings. If John, Abbot of the monastery of Our Lady of Reading and, on behalf of the monastery, lord of the town of Reading provides **sureties** for pursuing his legal action, then require that **Richard Clech, Cristin Nicholas, John Baxter, William Linacre, Thomas Bye, Richard Lech, Thomas Carpenter, William Lendall** and **William Baker** provide sureties in the form of pledges that they will appear before the King's Bench a fortnight after 24 June, to respond to [\[the following accusation\]](#). That whereas the abbot, on behalf of the monastery, among other monastery privileges and liberties granted to the abbot and his predecessors, has the right and has been accustomed since time immemorial to appoint a burgess of the town as warden or keeper of the merchant gild in that town, which warden should not be (or have been) removed from office. And whereas the abbot, according to those same liberties and privileges, appointed and decreed the aforementioned Cristin to be warden or keeper of the gild for a year at Reading, and Cristin entered into the office and remained therein for a year. That despite this, Richard Clech, Cristin, William, Thomas, Richard, Thomas, William and William, immediately after that year wrongfully chosen John Baxter as warden of the gild for the year to follow; and John Baxter entered into that office through usurpation, and through that usurpation occupied and exercised the office for a long period, against the will of the abbot and contrary to the liberties and privileges mentioned above, to the abbot's damages of £40 etc.

Another action was brought by the abbot against Richard Clech, Cristin Nicholas, **John Norfolk**, Thomas Bye, William Lendall, Thomas Carpenter and William Baker. In that the abbot, on behalf of his monastery, among other monastery liberties and privileges granted to the abbot and his predecessors, has the right to appoint and has been accustomed to appoint from time immemorial, at will and whenever it suited him throughout that time, bailiffs, wardens of the 7 wards, constables and all other officers in the town, in order to uphold and maintain peace and tranquillity, good government, and stability in the town, according to the liberties and privileges of the monastery

used and accepted throughout that time. The bailiffs, wardens and constables of the town, thus appointed by the abbot and his predecessors, made all kinds of **attachments** on each and every person breaking the peace, thieves, vagabonds, and others committing offences in the town; and they also had, and were accustomed to have, the custody and keeping of such offenders. And the abbot and his predecessors had, and were accustomed to have, the punishment and correction of the same, on behalf of the monastery, throughout that time; and have had and received all kinds of fines, ransomes, and amercements from each and every disturber, petty thieves, vagabonds, and offenders, on behalf of the monastery according to its liberties and privileges applied from time immemorial. On the basis of those liberties and privileges, the abbot appointed certain persons – that is, Robert Benett and John Baker – as constables at Reading.

Notwithstanding that Robert and John had taken possession of the offices, it was against the wishes of Richard Clech, Cristin Nicholas, John Norfolk, Thomas Bye, William Lendall, Thomas Carpenter, and William Baker, who – against the wishes of the abbot and contrary to the liberties and privileges mentioned – wrongfully removed and expelled Robert and John; and, at the instigation of Richard, Cristin, John Norfolk, Thomas Bye and William Lendall, the office of constable of the town was taken over by Thomas Carpenter and William Netter; they usurped this office for a long time, exercising it and wrongfully occupying it to the abbot's damages of £40 etc.

Another action has been brought by the abbot against respondents Richard Clech, Thomas Carpenter and William Baker. The abbot, on behalf of the monastery, among other monastery liberties and privileges used from time immemorial, has appointed at will as often as it suited him a clerk of the market and other officers and ministers of the town to supervise weights and measures and to correct and punish **[infringing]** victuallers in the town, and **[undertake]** such other tasks as fall to the clerk of the market, according to the liberties and privileges of the monastery. On the basis of these liberties and privileges, the abbot appointed certain persons – that is, Walter Barton and **John Cokkes** – to the office of clerks of the market in the town and all powers that belong to that office at Reading. Notwithstanding that Walter and John had taken up and entered into the office and had exercised it for a long time, Richard Clech, Thomas Carpenter, and

William Baker, wrongfully expelled and removed Walter and John from their office, against their will and against that of the abbot, and contrary to the liberties and privileges mentioned. Then for a long time in the town they usurped the office of clerk of the market, wrongfully occupied it for a long time, and exercised the powers that belong to it, against the wishes of the abbot and contrary to the liberties and privileges mentioned, to the abbot's damages of £40 etc.

[The response of] **Richard Clech to the abbot of Reading.**

[...] whereas the abbot states in his bill [of complaint that] Richard Clech has for a long time borne a grudge against and felt malice towards the abbot and his monastery, Richard affirms that he never worked against the liberties and franchises of the monastery, but [...] has been as pleased to hear good news about it as any tenant of the abbot's.

The abbot complains that Richard Clech lately called an assembly of certain persons of your lordship's town of Reading, and took it upon himself to assume the mayoralty of the town, and to dismiss the town constables who were appointed by the abbot and his officers and to appoint others, from among his supporters, to occupy that office of constable contrary to the liberties of the monastery [...]. To that, Richard replies that from time immemorial there has been accustomed to be in the town an officer called the master of the gild, also called the mayor, whose purpose has been to assure the good government of the town. Which office known as master of the gild has been vacant for the last 3 or 4 years, in default of the abbot, to the great harm and damage of the residents. Because of that, based on the custom of the town used from time immemorial, on the Friday before last Michaelmas the burgesses in the gildhall elected and named Richard Clech to occupy that office; for which reason Richard took it upon himself to occupy the office, according to that same custom. Also because in the period just before last Christmas the number of offenders was increasing daily – cardplayers, diceplayers, gamblers, vagabonds, with many illegal games taking place both by night and by day – and the constable of the town, who from time immemorial was customarily nominated by the mayor then in office and the burgesses of the town, could not be admitted to the constabulary because the abbot had taken it upon him (contrary to custom) to admit **unqualified and deceitful persons** to the office of constable, thus

disregarding the need for good government of the town. In consequence of which Richard Clech and other burgesses of the town requested certain of the burgesses – that is, Thomas Carpenter and William Netter – to help ensure such offenders were punished during the Christmas season, and until such time as there was a better understanding between the abbot and the burgesses. Richard did not take it upon himself to dismiss any constable made by the abbot, nor did he appoint any constable by his own authority, other than in the circumstances described above.

The abbot states that Richard Clech along with certain of his supporters riotously broke the town stocks and had new keys made for them, and handed over those keys to the constables Richard had appointed. To that, Richard replies that the burgesses of the town had the stocks made at their own expense and thereafter would repair them whenever necessary. Insofar as the stocks and also their fasteners, such as locks and other things, were not adequate for the task, Richard and other burgesses sent a message to those persons appointed by the abbot as keepers of the keys, asking them to bring or send the keys; which they refused to do at that time. Therefore Richard and other burgesses of the town removed the inadequate locks and bolts, and made others that were more secure and keys for the same, as they could lawfully do. They did not riotously break the stocks, as the bill alleges.

DISCUSSION

The settlement of 1254 represents the culmination of the first (known) phase of struggle of the townspeople of Reading to assert their independence from the control of the abbot of the monastery established there over a century earlier. Its founder, Henry I, had delegated his lordship over the town, which had been a military base of some significance during the wars between the Danes and the English from ninth to eleventh centuries, to the abbey, without any acknowledgement of any earlier liberties or customs of the burgesses; his successors confirmed and expanded the abbot's jurisdiction.

By the time that Henry III came to the throne, the town was very much **under the thumb of the abbot** and his bailiffs. The community's vehicle for self-assertion was a gild to which the more important tradesmen belonged. Its control of the Portmanbrook meadow, whose name reflects an ancient designation for townsmen (still used in the early thirteenth century, although the use of "port" for market town disappeared quickly after the Conquest), is suggestive of it being more than just a merchant gild. The term "burgess" was normally used to refer to gildsmen, although the references to officers having to be chosen from burgesses who were members of the gild indicates recognition that the two terms were not synonymous at first; by the end of the Middle Ages they were.

The earliest references we have to the gild come shortly before the settlement of 1254. In one the gildsmen of Reading were granted an island near their hall. A second emerged in the context of the dispute with the abbot. The townsmen were resisting the authority of the abbot's bailiffs, and using force and even violence to do so, it was charged. This resistance was defended with the claim that the burgesses had liberties contrary to those of the abbey that were of older lineage (from Edward the Confessor). The claim was improbable, and had been prompted by the acquisition at great expense in 1252 of a royal writ acknowledging that the townsmen held the same liberties they had enjoyed in the time of the king's predecessors; since the townsmen, when summoned before the king, were unable to produce documentary evidence of what the pre-Conquest liberties were, the king ordered the sheriff to ensure the abbot's rights were upheld. Soon after, the king unwittingly issued a charter in July 1253 granting the gildsmen freedom from all tolls throughout England and exemption from subjection to external courts; what the gildsmen had in mind may have been particularly the abbot's court and tolls he imposed on commercial activities. The charter was perhaps as important for its recognition, in the addressing clause, of the merchant gild as a vehicle for local government.

The gildsmen quickly took advantage of this grant to lay the complaints documented in the settlement of 1254, including that the abbot obliged them to answer to justice elsewhere than in the gildhall. In the autumn of 1253, the abbot made his own complaint: that the burgesses were refusing to allow him access to the gildhall (presumably for the purpose of holding a court). However, a separate issue of the location of the market was settled between the parties around that time, and the more comprehensive settlement, as above, followed not long after. The settlement appears at first glance to favour the abbot, by acknowledging his lordship; but this was a *sine qua non* throughout the Middle Ages, and the gildsmen's intent was rather to

whittle away at his scope of jurisdiction rather than to overthrow it entirely. Besides the practical matter of the location of the market, the settlement won from the abbot formal recognition of the gild, as an organization representing the community, and as a body with the right to its own sources of revenue – rents and membership fees (revenues from legal jurisdiction not being available to the gild); such were two indispensable foundations for the development of urban self-government. The charter of 1253 may have been instrumental in giving the gild an advantage that enabled it to negotiate the settlement with the abbot.

Nonetheless, the gild's position was precarious. It had to concede to the abbot the right to make the final choice of its warden, although with the important proviso that the person chosen must be satisfactory to the gildsmen; this became one of the foci of the struggle thereafter. The further clause that the warden be changed annually probably worked more in favour of the gildsmen than the abbot. More serious, however, was the acknowledgement of the abbot's right to a number of revenues, including local taxation, court perquisites, and even a portion of gild membership fees. These entrance fines were a core revenue for borough governments; although not large, they normally represented a source of income exclusively the community's, which did not need to be purchased or wrested away from any other authority. To find part of this income being ceded to the abbot is suggestive of the corner in which the gildsmen found themselves, although they obtained a proviso which ensured that the abbot could not undermine the gild by raising entrance fees to the point where no-one would join. However, throughout the Middle Ages, the gild's limited revenues must have made it harder to fight the abbot; for the gildsmen needed support from the king, and there was generally a price for that.

The efforts of the gild over the next century and a half are not well documented, which we could interpret as an indication of peaceful relations; but it seems likely the events of mid-thirteenth century were only the opening salvo. It may be no coincidence that the title of mayor, for the head of the gild, appears to have been **introduced in Reading** ca.1301, at a period when the abbey was having financial difficulties and may have been less able to resist encroachment on its jurisdiction. That the first known incumbent, Walter Gerard, was said in 1302 to have been elected by community assent may be indicative of an attempt to bypass the abbot; on the other hand, we cannot rule out that it may have been the practice earlier for the gildsmen to choose a warden and simply present him to the abbot for approval. The same year saw the burgesses resisting the abbot's right to tax the community, and obtaining some support from the Prince of Wales on the question. Although when this was resisted again in 1309, the king (pointing

to the 1254 settlement) ordered the burgesses to comply.

Edward III's exclusion, from his confirmation (1344) of the 1253 charter to the burgesses, of the clause freeing them from external courts may also point to a reversal instigated by the abbot in the context of further disputes. The next confirmation came in 1379, a year after the cofferers first appear among borough officers – the introduction of such financial officers often being an indicator of political upheaval or reform. It could also point to an increase in revenues or their sources; possibly the fish and meat shambles were involved here, and/or the communal wharf with its weighing beam (and associated fees), which would explain why they started to become a target of contention. However, the revenues only amounted to a few pounds a year – very modest compared to many other towns – and there was little if any surplus after what was due the abbot, salaries of borough officers, and cost of repairs to gild property. Who would choose the constables, first seen in 1368, became a bone of contention from at least the 1390s; again the gildsmen tried to base their claim on the town having been a royal borough prior to the foundation of the abbey.

From the reign of Henry VI things began to heat up again. The abbey found itself some assertive champions in Thomas Henley and the second of two successive abbots named John Thorne (the first of the pair the townsmen having **tried to discredit** to Edward IV). It was during John Thorne II's tenure that the second group of texts above illustrate the areas of contention. These texts are undated and appear to be a compilation of elements from various legal cases between abbot and gild, possibly noted down for reference as the conflict moved on to future court battles. The compilation was, however, made in association with that phase of the struggle that took place around 1499. [N.B. these passages are given here in the order presented by Slade, who aimed to arrange them more logically, not that in which they appear in the original source.]

By 1491, the relationship between gild and abbot was under particular strain. Richard Clech was playing a leading role in the town and, during an earlier mayoralty, had been promised by the abbot concessions that were not forthcoming; he intended not to be fooled again. That September the burgesses nominated Richard Cleche, Thomas Bye, and John Langham for the mayoralty; the abbot liked none of these, and Cristin Nicholas ended up being appointed, although he remained in office only for half a year – this probably being the usurpation complained of by the abbot when John Baxter was chosen to replace Nicholas. In September 1492 the burgesses presented the same three choices to the abbot, who refused to accept any of them. The same trio was likewise presented and rejected in 1493. In 1494 and 1495 the

burgesses tried a variant set: Bye, John Baxter, and Thomas Pokeruge, but still without result; the 1496 nominees (Clech, Bye and Baxter) likewise failed to tempt the abbot, but the burgesses finally took the initiative into their own hands and elected Baxter themselves. He was succeeded by Cristin Nicholas, apparently in 1497, although the dating of the town diary is a little confused at this point; it is not stated by whose choice, but probably again the burgesses'.

1498, however, saw a return to uncertainty, with no nominee (Clech, Bye, Leche) being selected at first, but in early October, Richard Clech was chosen, again we assume by the burgesses rather than the abbot. The situation was sufficiently tense that in December ordinances were made threatening any gildsman who broke ranks with being kicked out of the gild unceremoniously, and forbidding any burgess to accept an office such as constable or warden unless elected by mayor and burgesses; on the same occasion, Clech dismissed the two constables, Robert Benett and John Turnour (a baker), on the grounds they had been appointed by the abbot and not by the mayor and burgesses. These were the circumstances which appear to have given rise to the court case, or cases, documented above.

With the 1499 election, and thereafter, relations with the abbot had been restored to some semblance of co-existence, and he was once more choosing the mayor from the three candidates. But by 1507 frustration had again reached boiling point, and mayor Cristin Nicholas, Richard Clech and Thomas Carpenter took the lead in complaining to the Lord Privy Seal and Lord Chamberlain about disputes said to have been going on for 19 years. They referred the matter to two justices of the Common Bench who, after having examined the evidence, ruled that Reading's merchant gild was a corporate body. The four dignitaries arbitrated a new settlement [J.M. Guilding, ed. *Reading Records: Diary of the Corporation*, (London, 1892), vol.1, 105-08] with the following points:

- The keeper of the gild was to be chosen as per tradition, with the gildsmen nominating each year three of their number, from whom the abbot would choose one and administer his oath of office; provision was made for a backup plan should the abbot be absent for more than a week after the nominees were chosen.
- All other articles of the 1254 settlement were reaffirmed.
- Election of other disputed officers was allowed to the town, but with provisos to assure that the gild interests did not dominate:

"the abbot is to allow the keeper of the gild and those of the town community who are householders, or the

majority of the same, to choose one capable and **judicious** person from the burgesses of the gild to be one constable, and 5 honest burgesses to be 5 of the wardmen of the 5 wards. Also the keeper, burgesses and those of the town community who are householders are to choose another capable person from the community at large, who is not a burges of the gild, to be the other town constable, and 5 other capable persons of the community at large [to be chosen] by the 5 burgesses of the gild; and those other 5 wardmen are not to include any burgesses. All these elections are to be held at the **leet and lawday** of the abbot"

with the officers oaths administered before the abbot's steward.

- Concerning burges entrances to the gild, whenever the keeper and gildsmen decided to admit a new member, the abbot was to be given a fortnight's advance notice, to ensure that a monk be assigned to be present when it was decided how much the entrant should pay as admission fee, half of which was to be paid to the abbot and the other half to the gild, with the same stipulations as in 1254 as to 6 burgesses having the final say on the fee, and with regard to what sons of gildsmen should pay.
- Chepinggavel was confirmed, as an annual payment from each gildsman of 5d, with the additional specification that widows of gildsmen paid 2½d., and the arbitrators thought it advisable to be more specific that the purpose of this licence was so that purchasers

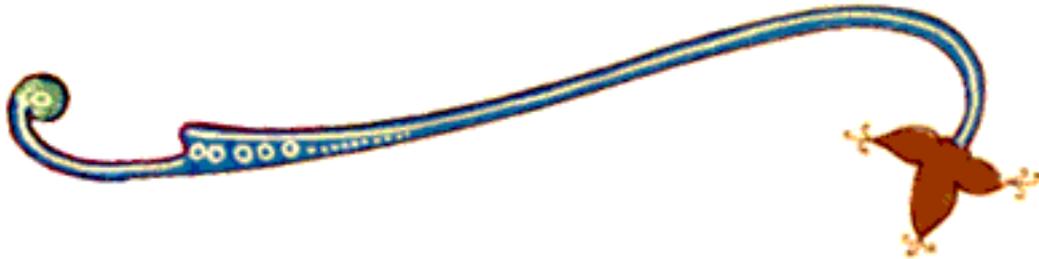
"may freely buy and sell all kinds of merchandize in their houses and shops in the town, and also buy and sell out of their houses and shops all kinds of merchandize and items saleable at fairs and markets of the town."

Gildsmen were to be allowed to set up stalls on vacant land in the town (so long as they did not cause a nuisance to neighbours or block any streets), without paying anything beyond the chepinggavel. However, from residents who were not members of the gild, the abbot could continue to take the traditional fees and tolls on any merchandize they bought or sold.

- Resolution of the dispute over the out-butchery was deferred until further evidence had been examined.

For the next year or two following the implementation of this agreement, we

see relatively large numbers of townsmen joining the gild. This was an indication of the gains the gild had made, and strengthened the gild's position further. Although the principle of the abbot's lordship was intact, the gild had continued to succeed in undermining the extent of the abbot's control. The next generation of townsmen would see the end of ecclesiastical overlordship, at the Dissolution.



NOTES

"Henry de Bratton"

Or Bracton, i.e. the justice of the royal court, later known as King's Bench, to whom was (probably erroneously) attributed the legal treatise *De legibus et consuetudinibus Angliae*.

"deforciant"

The party in a fine (final concord or settlement) who is said to be keeping the rightful possessor of property (i.e. real estate and its related jurisdiction) out of possession, hence the action for recovery; this party was thus the defendant.

"appurtenances"

Easements, rights and privileges; the term could also be used to encompass physical attributes of a piece of real estate.

"Portmanbrook"

One is reminded of **Portman Meadow** at Ipswich.

"foreign man"

This probably means anyone not entering the gild by right of birth; although it could refer, as at some towns, to non-resident burgesses. Later reference to "foreign butchers" again could refer to townsmen who were not in the gild, or to butchers from outside the town bringing animals into town to slaughter and sell the meat.

"chepinggavel"

A licence fee for the right to buy and sell in market.

"Legal battle"

A variant of this document, from a different folio of the same original source, is transcribed (with minor imperfections) in N.M. Trenholme, *The English Monastic Boroughs*, University of Missouri Studies, vol.2, no.3 (July 1927), 105, and I have also made use of this in my modernization.

"out-fleshshambles"

For the significance of shambles, see **York**. The "out" refers to the butchers being outsiders (i.e. non-gildsmen or non-residents). Reading's shambles had been set up in the early 1420s, with a view to controlling the trade better and providing additional revenue, from rents, for the gild.

"Thomas Hendley"

He was abbot from 1430 to 1445.

"corporate personality"

That is, instead of arguing that the burgesses as a group had no standing before the law and could not sue him, the abbot by offering a defence implicitly accepted the burgesses as a corporate body.

"fine of record"

I.e. the final concord of 1254, set down in the court records.

"annual income"

The version given in Trenholme has "£3 and more".

"common beam"

Equipment for weighing cargoes being brought in or taken out of town.

"26s.8d"

The version given in Trenholme has 36s.10d.

"amortized"

The medieval term has not quite the same application as the modern use; it refers to the granting of a licence for alienation in mortmain – the connection with the modern meaning being that by such a licence the king wrote off certain income he would otherwise have obtained from such property.

"granted, ratified and confirmed"

The charter grants of 1253 to the burgesses were confirmed by subsequent monarchs in 1344, 1379, and 1427.

"service of one penny"

I.e. a seignorial due; this would appear to have its basis in a hawgable payment for a single property, which was then subdivided over time. However, we have no evidence to indicate whether the burgesses' claim was justified.

"Downton in Suth' and Ludyarsale"

Slade suggests the former may refer to Downton in Wiltshire; Trenholme read it as Rowton in Suffolk, although I can find no reference to any such place, and Tudgorsall in Wiltshire (in the variant he transcribed, Wiltshire was specified). It is true that Downton was returning parliamentary burgesses in the late fourteenth and early fifteenth centuries, but *Suth'* can hardly refer to Wiltshire, although it might by slight stretch of imagination have been meant for Hampshire. The second location is evidently Ludgershall, which was a parliamentary borough.

"suit of court"

The obligation of a tenant to be answerable in the court of the lord of the property, on any legal matter related to the tenure, and to seek justice for any such matters in that same court; the obligation involved compulsory attendance, at least once a year, at a general court session at which broader legal administration (e.g. leet) was undertaken by the lord over his areas of jurisdiction, and at which each suitor might be called upon to play the role of juror.

"paid out"

Probably referring to rents resolute.

"fourteenth"

The interruptions in the sequence after 1434 presumably reflect the struggle between Abbot Hendley and the gild for control of the butchery.

"William Huntynford"

A William Hunte was mayor on more than one occasion in the 1430s and '40s, but I doubt this is the man intended. The ordinance referred to must have been from the early years of Henry VI's reign.

"among other"

This may possibly belong to the previous phrase "warden and burgesses", in which case it would suggest that communal meetings dealing with important issues were not restricted to guildsmen but non-guildsmen had the right to participate.

"cofferers"

I.e. the financial officers (more usually known as treasurers or chamberlains).

"friendly discussion"

I.e. that the parties try to settle the matter amicably outside the court.

"Trinity term"

Essentially, the latter part of June and early part of July.

"a day assigned"

This probably refers to a set date for an annual general court session at which presentments were made, by the constables or by capital pledges, of offences against the community.

"persons unable"

Probably this means persons unsuited for the office.

"Richard Clech"

He purchased membership in the gild in 1475, on the same day as Thomas Bye, and John Baxter was one of his pledges. The following year he was made a warden of High Ward, and in 1478 a constable (replacing Thomas Bye), surrendering his wardenship a few months later. He was a mayoral candidate first in 1483, again in 1484, 1485, and 1487 when chosen mayor. He was again a candidate in 1489, and on several occasion during the political impasse of the 1490s, and became mayor once more in 1498. He was mayor again in 1505, and his final roles of responsibility were to represent the borough in Henry VIII's first parliaments (1509 and 1510). He appears less frequently in the records thereafter, and although he and Thomas Carpenter were both mayoral candidates in 1518, Abbot Thorne by-passed them in favour of the third nominee, who had not been implicated in the earlier disputes. We last hear of him in 1520. In the latter part of his career he was described as a draper.

"Cristin Nicholas"

He entered the gild by purchase in 1488, his pledges being William Lynacre and John Baxter. In 1491 the abbot chose him as mayor, although his name was not among the three nominees put forward by the burgesses; he held office only for half a year, before relations between abbot and gild broke down, creating a political impasse. In 1497 he entered a second term as mayor and his third term in 1499, having on both occasions been one of the nominees, and on the latter again selected by the abbot. He was again mayor in 1507. He died ca.1510.

"John Baxter"

He was a member of the gild by 1473, when he stood pledge for another entrant. In 1474 he was elected one of the constables. He was first a mayoral candidate in 1476, again in 1478 and 1479, being chosen mayor on both occasions – consecutive terms being unusual – and again in 1482 and 1483, going to his third term on the latter occasion; again in 1487, 1490 (fourth mayoral term), on several occasions during the '90s and was mayor again in 1496.

"William Linacre"

An elder statesman of Reading's ruling class, he entered the gild in 1449, as the son of a burgess – presumably the Edward Linacre who acted as his pledge; having cut his teeth in the role of tax-collector the following year, he was elected as cofferer in 1451/52, during the mayoralty of Edward Linacre. He was a mayoral candidate himself as early as 1462 and, although not elected, was called on a few months later to serve as a member of the committee negotiating matters with Abbot John Thorne I (1445-86). The following year he was again a candidate and this time the abbot chose him as mayor. His importance in the community is reflected in that he was again a candidate in 1466, 1467, 1468 (when appointed to his second term), 1470, 1471, 1472 (third term), 1474, 1475, 1476, 1477 (fourth term), (i.e. every year eligible between 1468-77). In 1480 he was chosen to his fifth term as mayor. During almost all of his mayoralties we have evidence of his assertive actions in furthering the interests of the gild. In October 1482 he leased from the gild for three years the wharf and wharffhouse, and during this period

made improvements by installing a bell and firehooks. He is less in evidence during the later '80s and the '90s, but was identified among gild members in 1497.

"Thomas Bye"

He entered the gild in 1475, a couple of weeks later was chosen as one of the assessors of a parliamentary tax (and again the following year), and towards the end of the year was made a warden of London Ward. In 1477/78 he served as constable. He was a mayoral candidate in 1482, 1483, and 1484, being chosen mayor on that last occasion. Again a candidate in 1488, 1489, 1490, and on several occasions during the political impasse of the '90s. His son Thomas junior was a fuller, so Thomas senior may have been the same.

"Richard Lech"

He purchased membership in the gild in 1477, his pledges being John Baxter and Thomas Bye, and replaced Bye as warden of London Ward a few months later. In 1478 he served as one of the town cofferers. He was a mayoral candidate first in 1497 and again in 1499 and 1500. He attained the mayoralty in 1502. Possibly a dyer.

"Thomas Carpenter"

He entered the gild by purchase in 1488, Richard Cleche being one of his pledges. A few weeks later he was elected a warden of New Ward, and in 1490 chamberlain. In 1494 he was elected a constable, and in 1497 again served both as warden of New Ward and as chamberlain, repeating the latter office the following year as well as being elected constable. He served as mayor in 1504, 1506, 1508, and 1510. In that last year he was described as a mercer. He died ca.1519.

"William Lendall"

He purchased entrance to the gild in 1496, which probably made him the youngest of the group later being sued by the abbot. In 1497 he was a tax assessor, and a few months later was elected a constable, in which office he continued the following year; he is found in the same office in 1508; he appears not to have been considered mayoralty material. Possibly a dyer, if the man of the same name in the next generation was his son.

"William Baker"

He entered the gild by purchase in 1488, at the same time as Carpenter and Nicholas, and a few weeks later was elected both as warden of High Ward and as cofferer (or chamberlain as the post was now to be called). As one of the "usurping" constables of 1498, he was referred to by the abbot as William Netter, Baker being a netter by trade.

"John Norfolk"

I do not find this name in the borough records; possibly an alias for John Baxter.

"John Cokkes"

A John Cox was listed among the gildsmen in 1498, and was serving in 1509 as clerk of the gildhall, when described as a notary.

"unqualified and deceitful"

The terminology in the original is "simple and perjured", the former term referring to intelligence level, and the latter perhaps to deceit in the form of betraying the gild by siding with the abbot.

"leet and lawday"

A general court session, probably held annually (although at some places more frequently) and encompassing presentments of offences against the community, possibly administration of the assizes, and other business.



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translation | discussion | notes

Keywords: medieval London politics factionalism political conflict ruling class crafts conspiracy assemblies rebellion mayor election reforms disturbances jury trial

Subject: Party politics lead to civil disorder

Original source: Item 1: Public Record Office, Exchequer Miscellanea E163 5/28; items 2 and 3: Public Record Office, Coram Rege Roll, KB 27/507; item 4: Library of Corpus Christi College, Cambridge, Ms.197, ff.146-147; item 5: Corporation of London Records Office, Plea and Memoranda Roll A27, m.2; item 6: Public Record Office, Chancery returns to writs, C258/24/9; items 7 and 8: Corporation of London Records Office, Letter Book H, ff.114, 259

Transcription in: 1. R.W. Chambers and Marjorie Daunt, eds., *A Book of London English 1384-1425*, Oxford: Clarendon Press, 1931, 22-31; 2. and 3b. Edgar Powell and G.M. Trevelyan, eds., *The Peasants' Rising and the Lollards*, London: Longmans, Green and Co., 1899, 27-38; 3a. Ruth Bird, *The Turbulent London of Richard II*, London: Longmans, Green and Co., 1949, 137-39; 4. Joseph Rawson Lumby, ed., *Polychronicon Ranulphi Higden, Monachi Cestrensis*, vol.9, Rolls Series, no.41 (1886), 50-51; 5. A. H. Thomas, ed., *Calendar of Select Pleas and Memoranda of the City of London, A.D. 1381-1412*, Cambridge: University Press, 1932, 54-57; 6. A. J. Prescott, "The Accusations Against Thomas Austin," *Hochon's Arrow: The Social Imagination of Fourteenth-Century Texts* (by Paul Strohm), Princeton: Princeton University Press, 1992, 173-75. 7. and 8. Henry Thomas Riley, ed. *Memorials of London and London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green and Co, 1868, 494, 526-27.

Original language: 1. Middle English; 2, 3, 4, and 7. Latin (translation of 7 by Riley); 6. Middle English and Latin; 5. and 8. French (translations by Thomas and Riley).

Location: London

Date: 1380s

TRANSLATION



1. **Accusations brought by Usk against Northampton**
2. **Findings of an inquisition into Northampton's actions**
3. **Northampton's final resort to armed resistance**
4. **The mayoral election of 1384**
5. **Northampton blamed by his enemies for disturbances**
6. **Accusations of complicity against Thomas Austin**
7. **Burning of the documentary evidence of reforms**
8. **Attempt to prevent a resurgence of the divisions**

[1. Accusations brought by Thomas Usk against John Northampton]

[N.B. This document is damaged or partially illegible at beginning and end; lacunae are indicated by ellipses, unless the possible text can be hazarded.]

On 7 ... 1384, I, Thomas Usk, in the presence of John [Charneye coroner] of London wrote this statement with my own hand and vouched for its accuracy. To ... [give coun]sel during the term of John Norhampton mayor there should [come] ... to ... that is, in John Willyngham's tavern in **the Bow** ... of twenty of the crafts that support him, one or two men who are chosen to be common councillors for this year, and ... **John More** mercer, **Richard Norbury** mercer, and **William Essex** draper, together with myself, Thomas Usk, to write down their petitions ... so that those who were present might, at [the next session of] the common council be unanimous in their position on these matters, and vote in accord on the day of that common council ... and be ... to accomplish what John Norhampton, John More, Richard Norbury and William Essex purposed at, whether honest or dishonest, and did ... because Sir **William Walworth** and other persons of status, as aldermen and common councillors, were

opposed to the ord[inances of John] Norhampton, it was decided by John More, Richard Norbury and William Essex that the mayor should take as his councillors whomever he wished during his term of office, and have nothing to do with those who opposed him. And that those crafts antagonistic towards him should be represented only by the number [traditional] chosen by each craft, and no more; whereas those crafts that sided with him should be represented by as many as they wished. Thus he planned to have so many supporters that the opposing side would be powerless. Of this I accuse John Norhampton, John More, Richard Norbury, and William Essex.

It was the full intention of John Norhampton and his advisors – that is, John More, Richard Norbury, and William Essex – and of all the crafts that sided with him that, with whatever support from men of power that they might obtain, four points of law be established and enforced. That is, that the aldermen should be replaced from year to year; that the common council should be selected by the crafts; that no victualler should hold **judicial office**; and that all non-Londoner victuallers should be free to bring their victuals to the city to sell, by retail as much as by **any other method**, without having to pay for the **franchise**. His intent was indeed that all the ordinances that were made during his term of office, no matter how bad, should be maintained forever after, through the power of the people, against any mayor that would overturn them. To this end, once the most respectable and wisest townsmen had dissociated themselves with such worthless councils, the mayor John Norhampton, John More, Richard Norbury, and William Essex drew to their cause the common people, to give life-or-death support to this programme. At every council meeting was John More, Richard Norbury, and William Essex, and at some **Adam Bame**. But otherwise the mayor made his own decisions; one **Willyngham**, a scrivener, and one ... **Marchaund** clerk made a record of many matters in my absence, and on occasion were more privy [to information] than I. Certainly the overall purpose of those named above was to have the town in their control, and have it governed by their decisions, and to suppress or banish from the town all those powerful enough to resist them; and for the rest who lacked power, to have those under their thumbs forever. Of this I accuse John Norhampton, John More, Richard Norbury, and William Essex.

Because all the long-established officers in the town were no friends to the mayor or his ideas, all those officers were to be removed over time, and replaced by others who agreed with and supported his viewpoint; for they said that such persons as had intentions contrary to his were enemies to good intent. This was increasingly used to stir up the poor people and make them more fervent in their rebelliousness towards the great men of the town and towards its officers. The people were told that the great men wished to keep the people oppressed in their lowly status forever; this notion, continually put forward, caused dissension to arise between the respectable persons and the lesser people of the town. Of this I accuse John Norhampton, John More, Richard Norbury, and William Essex.

In preparation for the day when John Norhampton was elected for a second mayoral term, because Sir **John Philpot** had opposed the bad things done, as indicated above, John More took the lead in arranging for a petition to be drawn up in the name of the common council, demanding Sir John repay the money he had borrowed during his mayoralty. The plan was for him thereby to be condemned as unsuitable to hold any office in the town in future. Of this I accuse John More.

In preparation for that second election, great arrangements were put in hand by John More, Richard Norbury, Adam Bame, William Essex, and many others, including myself Thomas Usk, to ensure that on that day the **commons** would choose as mayor John Norhampton, and no-one else. With the intent of obtaining [\[during that term of office\]](#) confirmation by royal statute of all his reforms, so that they would endure perpetually. Thus the reforms would both be fixed by statute and maintained through the power of the people, as mentioned above. Of this I accuse John More, Richard Norbury, Adam Bame, and William Essex.

In preparation for the next parliament following this, mayor John Norhampton made me, Thomas Usk, go to the commons to inform them of the **ordinance against the fishmongers**, and to gain their support for, among other things, choosing Richard Norbury and William Essex **to represent them** in the parliament. He in turn was to arrange for the aldermen to choose John More and **Thomas Carleton**

[as their representatives] for the same. And so it was done, and they pursued matters contrary to the perpetual franchises of London. Of this I accuse John Norhampton.

At that parliament effort was made to obtain **an authorization** directed to the mayor **to punish usurers**, whether initiated by a private complaint or by indictment; which letters patent allowed sentence to be passed on any man who had been proven to commit such an act, or had been party thereto. In this regard, many of the most respectable townsmen have, through false schemes and plots planned in advance, been charged with the same and such sentences have been passed on them that they would fall from their position in the town. I now realize that, through those means, it was intended to bring about an evil end: to bring down the respectable citizens who had opposed him; and this writ was purchased not for any well-intended purpose, but only out of malice, to be able to get rid of all the most respectable men. By such false scheming and plotting of their downfall would the respectable people of the town have been banished from the town. In relation to which, it had already been decided who would fill the offices of the mayoralty, aldermanries, shrievalties, and others of similar importance, in the following year; so that John Norhampton's adversaries would not hold any offices thereafter. As a result of which we might well see the destruction of the town within a short time, because of having so many capable men gone from the town. Of this I accuse John Norhampton, John More, Richard Norbury, and William Essex.

At the contrivance of John More were indicted **Walter Sybile, John Horn, and Adam Carlell**. Although many inquisitions were held, [only] those that **best served the king** were returned. Indeed, **Robert Franceys** and others, whose names I no longer recall, wanted to indict Sir Nicholas Brembre of supporting **Thomas Farndon**; John More at first agreed to this, but afterwards prevented it, so that nothing was done. Of this I accuse John More.

Often, just before the election of Sir Nicholas Brembre as mayor, mayor John Norhampton, John More, and Richard Norbury sent William Essex and me, Thomas Usk, to Goldsmiths' Hall to speak with members of the common council in regard to electing a mayor,

and for the same purpose I, Thomas Usk, was to speak to those that I knew of the common councillors about choosing John Norhampton. There at Goldsmiths' Hall it was agreed among those who assembled that certain persons from various crafts other than those who were nominees for the common council should be [summoned] on election day to join the common council, to help [ensure] the election of John Norhampton. The lesser people were to be drawn into this arrangement, so that they should feel committed to John Norhampton; so that if, in the future, someone else chosen as mayor tried to take action against him, they might be ready to support him against any accusation brought against him. If he had become mayor, I know very well that he would either have enforced all his ordinances, or else have set the entire town in an uproar. Of this I accuse John Norhampton, John More, Richard Norbury, and William Essex.

The evening before the day when the mayor was to be elected, John More advised all his servants and his men to carry arms at the Guildhall the following day. For, he let it be known, he and his associates would keep guard at the entrances that day, with the intent that no-one should go in except those who would choose John Norhampton as mayor. Of this I accuse John More.

On the day that Sir Nicholas Brembre was chosen mayor, soon after dinner John Norhampton went to John More's house, and Richard Norbury and William Essex also came there. They agreed there that the mayor, John Norhampton, should send a message to the crafts members of the common council and to the wardens of the crafts, to tell them to come to Goldsmiths' Hall the following day, where **the mayor would speak** to them, to consider and arrange how to overturn the election of Sir Nicholas Brembre. And were it not for fear of the king, I am certain everyone would have been at each other's throats. Then he sent Richard Norbury, Robert Ryseby and me, Thomas Usk, to **the Neyt**, to the Duke of Lancaster, to say the following: "Sir, today when we wished to participate in the election of the mayor in the peace of God and the king, there came a dreadful crowd of hecklers whom no-one knew; and they, without any right other than that of force, chose Sir Nicholas Brembre mayor, contrary to the electoral procedures we have used in the past. Consequently we request you to obtain for us a writ from the king to hold a new

election." But the duke replied: "No indeed, you shall have no writ. Sort out the matter amongst yourselves." Of this I accuse John Norhampton, John More, Richard Norbury, and William Essex.

When all the people [summoned] had gathered at Goldsmiths' Hall, mayor John Norhampton painted as bad a picture as he could of the election the previous day, and said: "Sirs, this sets the scene for us to be trampled underfoot, and that," said he, "I will not tolerate. Let us rather die here and now than suffer such mischief." These words stirred up the commons, and they said that they would indeed hold another election, and not put up with such a wrong, or else all die together. Then the mayor, John Norhampton, instructed them all to go home, and quickly come back to the **Cheap** in strength with all their [fellow] craftsmen – I reckon there were about 30 crafts. The intent was for them to assemble in Cheap and proceed to hold a new election. In fact, if the aldermen had not come to negotiate and persuaded John Norhampton to send the people home, they would have held a new election and were so worked up they would have killed anyone who tried to stop them. Of this I accuse John Norhampton.

In regard to all the matters described above, though John Norhampton, who was at that time mayor, John More, Richard Norbury, William Essex, and occasionally Adam Bame, seeing that the most respectable men had dissociated from them because of their uncompromising policies and poor decisions, and had already rejected [working with] them, nonetheless attracted support from many crafts and a multitude of the lesser people who have no understanding of government or how to make good decisions. And through confederacy, [illegal] assemblies, and conspiracy, planned and brought about as indicated above, they intended to uphold by force their false and wicked notions, under the pretext of communal benefit exhorting the people to be ready from day to day to support them in what they were evilly planning. In this way, as much after he ceased being mayor as before, all those who were on his side stirred up trouble, held meetings, and plotted what has been described above – except for Adam Bame who, as far as I know, since he [i.e. Northampton] ceased being mayor, has not been involved with him. Also, John Norhampton, John More, Richard Norbury, and William Essex would so greatly slander the respectable men of the town that the people were, and are, sufficiently emboldened to rebel against those who govern them, now and in the

future, as a result of lies and agitation, conspiracies, assemblies, and confederacies made then and continued ever since, as described above. All this has come about – the confederacies, the stirring up, the debates, and the great strife that is still dominating the city – principally through John Norhampton, John More, Richard Norbury, and William Essex, and what they have had done. It is on the point of bringing trouble down on the whole kingdom. The city has been tottering on the brink, and still is. Which evil intentions I aided and abetted in whatever ways I could, for which I beg grace and mercy of my liege-lord the king, and secondly of the mayor and all the respectable aldermen, and of all the good commons of the town, as one who will never again offend against the town in any way. And to tell truth, Adam Bame was not so frequently nor so heavily involved in these matters as were the others. Of this I accuse John Norhampton, Richard Norbury, John More, and William Essex.

Ever since he ceased being mayor, John Norhampton, John More, Richard Norbury, and William Essex have busied themselves ... in winning the backing of the populace, and has put his own efforts into convening assemblies and gatherings of companies, [to urge them] to stand by him ... and he instructed me, Thomas Usk, to [go to] the Bow to meet with other folk he had gathered, and there he showed a petition that had been drawn up against him and he obtained assurance from that group that they would stand by him [only fragments of the remainder of the text could be read; they suggest that Northampton's supporters (Usk and two goldsmiths) were making a further effort to win support from the Duke of Lancaster, and they close with Usk reiterating his repentance for his part in the affair and appealing for mercy].

[2. Findings of an inquisition into the actions of John Northampton]

[N.B. The transcript omits parts of the text, as indicated by the ellipses.]

At an earlier date before Nicholas Brembre mayor **it was presented** that John Norhampton, recently mayor of the city of London (that is, in 1381 and 1382) held meetings on various occasions at the tavern of John Willyngham in the Bow involving one or two men from some twenty craft guilds – that is, the armourers, girdlers, lorimers, pinner,

wiredrawers, cardmakers, carriers, horners, tilers, smiths, dyers, fullers, shermen, haberdashers, cordwainers, and whichever of the other of the lesser guilds supported him – who were chosen by John Norhampton to be members of the common council. On any of these occasions the mayor was accompanied there by his advisors John More mercer, Richard Norbury mercer, William Essex draper, and also Thomas Usk, a scribe for writing his documents. At those meetings were debated various matters and proposals for diminishing and subverting the liberties and customs that have previously been used in the city. The aim being that, at any [\[session of the\]](#) common council at which those thus elected were present, they might unanimously agree on the matters or proposals previously dealt with in that way, and thus the common council would present to the public a common face on such matters as indicated above. Following this method, John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk introduced whatever proposals suited them and had them entered in the [\[Letter\]](#) book of the Guildhall of London as a matter of record. Because Sir William Walworth and others held contrary opinions, it was agreed among John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk that, during the time he was mayor, John Norhampton should accept onto his council those who suited him, and those who put themselves in opposition to his will should be rejected. And that no-one should come to the common council from a craft that opposed him, except only two presented by the craftsmen and who were approved by John Norhampton; but from other crafts that supported him might come as many as they wished. In this way he arranged to have with him at every common council so many men from those crafts supporting him that the party opposing him, or opposing his proposals, was powerless.

They also present that during the mayoral term of John Norhampton it was ordained by John Norhampton and the others that all alderman should be removed [\[from the office\]](#) on a yearly basis, and others should be elected in their place. That the common council should comprise men from various crafts. That no victualler might hold judicial office within the city, and that victuallers from outside might bring their victuals to the city and freely sell the same by retail or any other method, without being subject to the liberties customarily governing victualling. The intent and plan of John Norhampton being that those

articles and all ordinances made by them, whether good or bad, should in the future, through the power of the people that they had harnessed, be observed and maintained against any mayor holding office in future who might wish to act counter to them. Afterwards, once the **reputable men** forsook such wicked councils, as they had no option but to do, John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk drew to them the common people of whatever crafts were on their side, to stand with them in upholding, in life and in death, the wicked platform indicated above; at all such councils there were present, alongside John, John More, Richard Norbury, William Essex, Thomas Usk, and sometimes Adam Bamme. Their intent and arrangements were aimed at having the entire city under their rule etc., even if this necessitated getting rid of all the reputable men who had the power to speak out against them.

Also, because the long-standing officers – that is, the recorder, the chamberlain of the Guildhall, the common clerk, and other officers – were unwilling to endorse the ideas of John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk, but [\[instead\]](#) opposed them, around **Easter 1382** John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk, at the Guildhall and elsewhere, from day to day during John Norhampton's mayoralty, conspired to remove those officers over the course of time and to replace them with such men as were willing to support their ideas. They declared in public that all who held themselves in opposition to their intentions were enemies of all good intentions; this was constantly used to get the poorer of the common people worked up against the reputable men and the city officers. And John Norhampton said to the people that the great men of the city wished to have the people in subjection, oppressed, and at the lowest level they could, forever. By him persisting in saying these things, it promoted discord and dissension between the reputable men and the middling people, to the detriment of the status quo.

Also, they present that on **11 October 1382**, prior to the second **election of John Norhampton** to the mayoralty, because Sir John Philpot was opposing the wicked acts of John Norhampton, John More falsely arranged for a petition to be drawn up and submitted by the common council to the mayor and read out on election day. It

sought from John Philpot a certain sum of money that he had borrowed from various persons when he had been mayor; it was then proposed that John Philpot be prohibited from holding any position or office within the city from that time forth.

Also, they present that on that same date certain provisions were made in secret by John Norhampton and others, at the houses of John Norhampton and John More, to do everything they could to have the commons of the city agree to the election of John Norhampton and no-one else as mayor, with the intent that all ordinances previously made by John Norhampton and others might be confirmed by the king in his next parliament.

Also, they present that at that parliament a writ from the king was sought by Richard Norbury, William Essex, John More, and Thomas Carleton, giving the mayor authority to punish all usurers within the city, whether at the suit of some [private] person wishing to lay a complaint or through an indictment. It was afterwards, that same year, in London agreed between the mayor and the others mentioned that by means of this writ they might have the pretext to take action against any person who happened to be found guilty in a public suit. And thus that same year, through scheming and plotting in advance in the parish of St. Mary-le-Bow, John Norhampton would have implemented his plan through attacks on many of the most reputable citizens of good standing, so that thereafter they might be unable to hold any position or office within the city. In this way they intended to put into action all their wicked arrangements and plans which had previously been put in place by John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk, concerning the offices of mayor, aldermen, sheriffs and other officers in the years following, so that none of John Norhampton's adversaries could hold any office.

Also, they present that at John More's contrivance Walter Sibyle, John Horn, and Adam Karlill were falsely indicted in 1382 by several inquisitions [held] before the sheriffs of London at that time, Adam Bamme and John Sely, on various charges of insurrection and other felonies [committed] at London. Of which [the findings of] the two best inquisitions were returned to the king, and not the others – the remainder of the inquisitions being kept back, at John More's

contrivance, in the hands of the sheriffs.

Also, they present that, prior to 13 October 1383, the date when Nicholas Brembre was elected mayor of the city, by the decision of John Norhampton then mayor, John More, Richard Norbury etc. prearranged between them through their deceitful connivance and conspiracy, William Essex and Thomas Usk frequently went to the Goldsmiths' Hall to speak with members of the common council about electing a mayor for the year coming; to which end the names of the councillors were given to Thomas Usk by John Norhampton, with the intention that Thomas communicate to the commons his understanding of the said matter. There an agreement was reached that certain persons of various crafts, whose names had not previously been put forward for the common council, would be required [to come] among the common council on election day to help elect John Norhampton as mayor. And that the middling people were to be **placed on the council** to provide similar support; with the intent that they stand solidly behind John Norhampton in all actions, and that if in future any other mayor elected in the city was an opponent of John Norhampton and wished to speak out against John concerning what has been mentioned above or any other wicked deeds, John Norhampton might rely on the middling people he had drawn to himself appearing to support him against all things of which he was accused.

Also, they present that on the evening before the day of Nicholas' election as mayor, John More in his house in St. Mary-le-Bow parish forewarned all his servants to be armed the following day at the Guildhall, and he told them that he and his colleague, the **other sheriff**, wished to stand guard that day at the entrance to the Guildhall, so that no-one should enter unless he was someone willing to elect John Norhampton in the mayoralty.

Also, they present that on the day when Nicholas was elected, John Norhampton, Richard Norbury, William Essex, and Thomas Usk came to John More's house in the Bow immediately after the [main] meal [of the day]. There it was agreed that John Norhampton should send [instructions] to those persons who, at the time of Nicholas' election, were in the common council of the crafts and to the wardens

of the crafts, to come to Goldsmiths' Hall the following day, where John Norhampton would talk with them and arrange how the election of Nicholas Brembre might be annulled. And this being done, it was only fear of the king intervening in the city that prevented John Norhampton and the others instigating a public outcry and uprising, at a time when John Norhampton was mayor and keeper of the peace.

Afterwards, John Norhampton sent Richard Norbury ... to the Neyt to inform the Duke of Lancaster that on election day they had expected to proceed with the mayoral election in the peace of God and the king, but there intervened a dreadful crowd of unknown persons making a great clamour; and there, without any precedent in city custom concerning the mayoral election, they used force to elect Nicholas. They begged the duke to let them have a king's writ to proceed with holding a new election. In response to which the duke told them that they could have no writ on the matter, but should sort out the matter amongst themselves.

Also, they present that on the day following that on which Nicholas Brembre was elected mayor, at the Goldsmiths' Hall, when the populace had gathered there at his wishes, John Norhampton painted as bad a picture as he could of Nicholas' election and said to them that it was certain that an effort would be made to crush them if that election were allowed to stand, which he himself was not willing to permit; rather, he said, let us be agreed all to die together at one time than to endure such abuse.... The commons were stirred up and said that they wished to proceed to another election. So John Norhampton ordered them all to hurry home and return with all the men of their crafts to the Cheap, to hold a new election. If many of the aldermen had not intervened and negotiated with John Norhampton for a peaceful resolution, the commons would have fulfilled their wish to proceed with a new election, and they were so stirred up and hot under the collar as to threaten to kill anyone – including Nicholas and the aldermen, among others – who wanted to prevent them.

Also, they present that concerning all these matters described above during John Norhampton's mayoralty, that is during the years 1382 to 1383, John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk, and on occasion Adam Bamme, subjecting to their bad government and poor decisions the good and reputable

people of the city, who dissociated from them because of the abuse they had suffered in the past, [instead] drew to themselves many men of various crafts and many of the middling people who were completely ignorant of good government. Through their premeditated conspiracy and by means of popular assemblies they intended to maintain by force their perverse and wicked notions under the pretext of communal benefit, and were always exhorting the people to be ready to support them. In this way, both after John Norhampton had ceased to be mayor (that is, in 1383) and before, John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk feloniously conspired and so greatly slandered the good people of the city that the populace was, and still is, sufficiently emboldened to rebel against those who govern them ... And because of them ... great dissension and tumult have arisen among the people, and are still holding sway up to the present, to the point where they threaten to disrupt the whole kingdom of England.

After John Norhampton was no longer mayor, that is immediately after 28 October 1383 and the year that followed, and Nicholas had assumed the mayoralty, John Norhampton, John More, Richard Norbury, William Essex, and Thomas Usk focused their efforts on winning the populace to John Norhampton's side and urging them to stand by them in their wicked acts against Nicholas Brembre. In this regard, on 18 January 1384 John Norhampton sent Thomas Usk to the Bow to meet with men he had gathered there, and there he showed them a certain petition drawn up against him and entreated them all to stand by him ... that they should not be exposed to any injury or oppression that any Londoner sought to inflict on them.

Also, they say that after John Norhampton was arrested in London by Nicholas Brembre, that is on 7 February 1384, Robert Franceys goldsmith, John Lincolle goldsmith, and Thomas Usk at their own deceitful initiative followed up with the Duke of Lancaster, to inform the duke that John Norhampton was the best mayor that had ever been and to criticize Nicholas Brembre and his administration.

Also, they present that on 11 February 1384 John More mercer, Richard Norbury mercer, Robert Franceys goldsmith, and others rose up against mayor Nicholas ... and made illegal assemblies both in the parish of St. Mary-le-Bow and elsewhere in various parts of the city

and suburbs, with the result that the doors and windows of many shops in West Cheap, Budge Row, Fleet Street and elsewhere that were previously open quickly closed as soon as they had word of the uprising, and the people gathered together, conspiring to kill mayor Nicholas. Which mayor, hearing of this, gathered around him many of the aldermen and other sensible men and went in armed force to West Cheap to **uphold the king's peace**.

Also, it was similarly presented by a certain inquisition that John Norhampton citizen and draper, William Essex draper, Richard Norbury mercer, Robert Ryseby draper, Thomas Usk scrivener, John Maudeleyn tailor, Guy Paulyn draper, John Bere haberdasher, John Muntham joiner, and Thomas Kyngesbrigge cordwainer are the leading conspirators behind such illegal assemblies. And that they, out of malice, on 2 November 1383 in the parish of St. Mary-le-Bow in the ward of Cordwainer Street, after the aforementioned mayor had assumed all the powers of the mayoralty of the city by taking his oath, and after that from day to day, both there and at St. Paul's church, the Minorites' friary, and the Augustinian friary ... conspired against the mayor and the aldermen and ... as a result of which a certain part of the populace showed itself through various indications, in looks and in words, to be rebellious and disobedient towards the mayor etc.

They also say that this mayor, on 22 January 1384, before the king's council at Westminster and in the presence of various aldermen, spoke as politely as he could to John Norhampton concerning his misdeeds and other of his malicious acts. Although John Norhampton was unwilling to acknowledge any such misdeeds, he did however in front of the council submit himself entirely to accept whatever judgement the mayor and aldermen reached. Upon which the council ordered John Norhampton to go with the mayor and aldermen back to the city, in their custody, and there to accept and comply with their decision ... if he wished to avoid serious punishment. Which, when there, John Norhampton having agreed to do ... immediately, by the mayor's grace and out of respect for the king's council, he was set at liberty upon reputable men being found as **guarantors** of John Norhampton's peaceable behaviour and abstention from making any assembly without the mayor's permission ... All of which notwithstanding, over the course of two days preceding Sunday, 7 February 1384, John Norhampton sent his neighbours to summon various men, numbering

about 500 in total, who came to John Norhampton at St. Mary-le-Bow church on that Sunday in response to the call. John Norhampton led them through the centre of West Cheap and through the middle of St. Paul's church[yard], and thus beyond Ludgate as far as the church of the Carmelite friars in the suburbs. For which reason the mayor arrested him and he remained under arrest, until by the authority of a royal writ he was sent to Corfe Castle.

[3. Northampton's final resort to armed resistance, as reported by two inquisition juries]

a) Also, they say under oath that John Norhampton and his aforementioned accomplices [Essex and Usk], together with John More and Richard Norbury, whom he permitted to aid and abet him, devised a crafty way to engineer an uprising by the people of the city against the mayor, in a felonious and treasonable effort to overthrow the city, notwithstanding the earlier proclamation of the king's restraining order. To further the wicked plans he had already worked out, during the two days prior to 7 February 1384, without having sought licence from the mayor, they arranged for various messengers to summon men of their and other crafts, under penalty of a monetary fine, that is 6s.8d (even though John Norhampton was not at that time an officer of the king in the city), to gather on the Sunday after midday in the churchyard of St. Mary-le-Bow, London. On which day, shortly after midday in response to the summons, there assembled **Geoffrey Waldern**, William Hoghton, John Whytyngton, Thomas Noket, Richard Norbury, John Carbonell, John Chedder, and others to the number of about five hundred men, whom John Carpenter led – as if their captain – through West Cheap. The mayor being advised of this was astonished and as fast as may be hurried after them, concerned about the possibility of them causing an affray or a disturbance of the peace. Seeing them as they proceeded on their perambulation, he twice sent ahead to them, through his sergeant John Bothisham, to tell them to wait for him. But John Norhampton and his followers had no inclination to do so at that point, nor until the mayor caught up with them near the bridge over the Fleet. There John Norhampton, openly revealing the animosity towards the mayor he felt in his heart, acted in a rebellious manner to the mayor, organizing his followers by dividing them into two ranks lined up along opposite sides of the street,

obliging the mayor with the men who had come with him to make his way down the middle of them, showing no honour or respect for the mayor as they ought to have done because of their oaths [as freemen].

Also, they say under oath that after Nicholas the mayor reached John Norhampton and his followers at the Fleet Bridge and asked him, as well as ordered him in the king's name, to come with him, they refused to heed his warning at first, until at the last John Norhampton ordered his companions to follow him, not the mayor, and they left the latter standing there. Nor was John Norhampton himself willing to go with the mayor, but in defiance of the mayor he and his followers stuck together in their rebellion and he went his own way.

Also, they say under oath that the same Sunday, after the rumour had spread in the city that John Norhampton had gathered a crowd in Fleet Street to put up resistance to the mayor, people of the city who sided with the mayor hurried there to help him. The mayor seeing this and realizing how stirred up the populace was and particularly how rebellious John Norhampton was, in an attempt to calm the crowds, asked and ordered those who sided with John Norhampton to move off with him from the church of the Carmelite friars; this they refused to do, declaring openly to each other that "we didn't come here with him, so we won't leave here with him". Because of John Norhampton's rebelliousness, and in order to protect his life and those of others who were with him, the mayor arrested John Norhampton and took him into custody.

Also, they say under oath that the same Sunday, after John Norhampton was arrested by the mayor in Fleet Street, as mentioned above, a certain **Robert Cumberton** the brother of John Norhampton and John Blyton a servant of John Norhampton, brandishing their glistening knives and daggers before the mayor, attempted a rescue on John Norhampton near the hostelry there call Topfeld's Inn, feloniously disturbing the king's peace. As a result of which, the mayor subsequently arrested Robert Cumberton and John Blyton.

Also, they say under oath that the same Sunday, shortly after John Norhampton had been placed under arrest, he arrived with the mayor at the street called Cordwainer Street. Seeing his supporters gathered around his house there and hoping that he might be rescued, he

arrogantly threatened the mayor with these words, as if rejecting the fact that he was in custody, saying "You have brought me here by force, now shall I go into my house?" To which the mayor replied, "No, you shall come with me." John Norhampton responded, "If you take me any further, I won't be held responsible for any violence that comes of it. Whatever happens, let it be on your head." This was said by John Norhampton because of his intention, with malice aforethought, to benefit from the trouble he had stirred up in his effort to overthrow the city – and indeed the whole kingdom of England.

Also, they say under oath that following John Norhampton's confinement in the house of the mayor, John Remes, **Thomas Lincolle**, Richard Brendewode, Robert Ryseby, Thomas Depham, and Simon Stratton, along with Robert Chamberleyn a servant of John Norhampton and Robert a former servant of William Essex, came with a huge crowd of people which they had raised and led to the mayor's house. They did the best they could to use force to break down the doors of that house (which had the status of the king's prison) and feloniously and treasonably to remove John Norhampton from the mayor's custody.

Also, they say under oath that Robert Cumberton, John More, John Constantyn, Robert Ryseby, Thomas Usk, William Tyngewyk, and other accomplices and supporters of John Norhampton, on the first count and also on the second one indicated above, with the agreement, arrangement, and instigation of John Norhampton, who was at that time in custody in the mayor's house, as has been said, treacherously, feloniously and treasonably plotted and raised a conspiracy involving the people of the city. That is, in the churchyard of St. Mary's and elsewhere in the city from that Sunday continuously until the Thursday following, they tried to raise the people, carry out a rescue of John Norhampton, and kill the mayor and other reputable men of the city. As a result of which conspiracy and plot, on the morning of that Thursday, Robert Cumberton, John More, John Constantyn, Robert Ryseby, Thomas Usk, and William Tyngewyk, as the principal movers, rose up and incited the people to do the same. Many shops in various streets of the city – that is, in West Cheap, Budge Row, and elsewhere – that were previously open were closed up, and the people who sided with John Norhampton found themselves weapons and rose up, with the result that the city would have been given over to

extensive carnage and pillage, to the point of its overthrow, had not the mayor, by the grace of God, quickly brought an opposing armed force to the aid and relief of the populace, stood his ground against the rioters, and forced an end to their activities, pacifying them by **encircling their forces**.

b) It was presented that John Norhampton draper, Thomas Carleton embroiderer, William Essex, Thomas Usk, and Richard Norbury were the chief conspirators. They also say that John More, Robert Cumberton the brother of John Norhampton, John Constantyn cordwainer, John Doncastre coppersmith, John Muntham joiner ... were their supporters [The document proceeds to describe the events leading up to and of 7 February, with the progress of Northampton's perambulation] beyond Ludgate as far as Fleet Bridge. Without prior warning of this assembly, the mayor was advised of it while at a meal at the house of Sir Richard Waldegrave in Wood Street, **St. Michael of Hog Lane** parish, with Sir William Walworth, Sir John Philpot, Robert Warbulton, **John Shadworth**, Adam Bamme, Henry Bamme, and others. Taking with him John Philpot, **Henry Vannere**, and **William Cheyne**, along with Simon Wynchecombe one of the city sheriffs ... the mayor hurried to West Cheap, where he caught sight of John Norhampton and his followers heading for the church of St. Michael at Corn[market]. Then the mayor sent John Botkysham, one of his sergeants, to John Norhampton to forbid him, on behalf of the mayor and in the king's name, going any further before the mayor could catch up to him. John Botkysham reached them as they were about to go into St. Paul's churchyard and communicated to them the prohibition as instructed. That notwithstanding, they refused to wait, some of them declaring "Keep marching, keep marching". Seeing this, John Botkysham returned to the mayor and informed him of the situation. The mayor then ordered the same sergent to go back to them again, to get them to wait for the mayor and his associates. The sergent went and, reaching them in St. Paul's churchyard, announced his message to them. But John Norhampton and his lieutenants refused to pay heed, so the sergent went back to the mayor and told him of it. A third time that sergent was instructed by the mayor to go to them to say that, in the name of the mayor and the king, they should

halt until the mayor and his associates reached them, or otherwise risk the penalty.

The sergeant ran off a third time and came to John Norhampton at Fleet Bridge, where he communicated his message. At that, John Norhampton and the others, looking back the way they had come and seeing the mayor close at hand and hurrying towards them, called a halt. John Norhampton lined up his followers on either side of the street. When the mayor, with a handful of others, had come up to them they passed through the middle of them, heading towards the Carmelite friary. Then, looking back the way they had come, they saw John and the people with him still standing together assembled in the positions they had held when they passed through them, rather than following the mayor; seeing this, the mayor and all the others [with him] were astonished by it. In this fashion John Norhampton demonstrated his rebelliousness and opposition towards his mayor. Upon which, the mayor then three or four times by words and signals requested and ordered them to come and go with them; but none of them budged until first John Norhampton slowly made a move, and then the others came with him, and they followed the mayor at a distance and defiantly as far as and into the church of the Carmelites ... At which point, in the Carmelite church, the mayor ordered that everyone who belonged to the liberty of the city should withdraw with him, in order to preserve the king's peace. But some declared they would not go off with him. When the mayor left the church, heading in the direction of Fleet Bridge, it was with John Norhampton in his custody ... for the purpose of calming down the folk on either side, for many had gathered together there to take sides in the uprising against the mayor; but, God be thanked, the mayor and alderman then had the more powerful following. With much difficulty, they placed a guard around John Norhampton and his brother Robert and, careful to remain alert, made their way towards the mayor's house.

When they arrived at the end of Cordwainer Street, next to William Kyng's shop and close to the entrance to John Norhampton's house, John made a request to the mayor, saying by way of a threat, "Unless you allow me to go home to my house, I will not be held responsible for any violence that occurs hereafter." This he said in an arrogant and contemptuous manner. Upon which the mayor led John Norhampton

to the mayor's house, to make his custody more secure and certain.

And they say that disturbances, rumours, and clashes were instigated and fomented on a daily basis in the city and suburbs, particularly on Thursday, 11 February, when huge gatherings took place and the windows, doors, and shops in West Cheap, Budge Row and elsewhere were closed in anticipation of an uprising ... And certain troublemakers and disturbers of the king's peace – that is, John More, Robert Cumberton, and John Constantyn – caused an uprising ...

[4. The mayoral election of 1384]

It being the case that each 12 October the **senior** and more important citizens of London were accustomed to proceed with the election of a new mayor, Sir Nicholas Brembre, who had been mayor over the past year, wanted to take precautions against any disputes or disturbances being stirred up during this election. Acting secretly, he concealed armed men in rooms of the Guildhall, with the intent that, should any disagreement or dispute occur at this election, they would at once appear to subdue the rebels and troublemakers; so that fear of being punished with imprisonment, at the least, would discourage them from their disruptive behaviour and heckling, and they would immediately revert to **a harmonious and communal frame of mind**. What more need be said? **[When]** the important townsmen assembled at the Guildhall to elect a new mayor, one part of the citizenry raised loud cries of "Twyford! Twyford!", disposed to have him as their mayor, while another part had other loyalties and shouted even more loudly "Brembre! Brembre!" This division of opinion having thus arisen, Sir Nicholas Brembre gave a signal and at once the armed men emerged to confront the assembly and **quell those** acting seditiously. When they saw this, those who were shouting "Twyford!" took to flight. Once order had been restored, those of the important citizens who remained were united in acclaiming Sir Nicholas Brembre to the mayoralty for another term. This being achieved, Brembre with his armed troops made their way along the street called Cheap, on the lookout for any disturbers of the peace who might have congregated there, and afterwards paraded through other streets for the same purpose, with the intent that if he found any such troublemakers he would make an example of them to others, by chaining them up in

Newgate for a while. In this fashion was the election carried out.

Although there were those who challenged its validity, insofar as they dared, nonetheless [Brembre] remained mayor throughout the rest of the year, with the special approval of the king.

[5. Northampton squarely blamed by his enemies for the disturbances, 1385]

Memorandum that at a congregation of the mayor, alderman and several good men chosen from the wisest and most **discreet** men of the wards summoned and assembled in the Chamber of the Guildhall on 22 March 1385 there were present Sir Nicholas Brembre mayor, William Cheyne recorder, **John Hadle**, John Boseham, Robert Warbulton, Henry Vannere, John Hende, Adam de Seint Ive, William More, Nicholas Exston, John Fressh, John Rote, Roger Elys, John Fraunceis, Thomas Welford, **William Staundon** and Simon Wynchecombe, aldermen, and the following persons from the wards: [70 men are named, per ward].

Whereas there had long been dissension and division in the city between divers men of the same, whereby great evil and peril might arise, to the destruction and loss both of the city and of the whole realm, unless remedy were found by the aid of God, and the said mayor and aldermen and other wise men desiring peace and tranquillity, accord, unity and quiet among the people, and wishing to be informed and certified, as far as possible, as to the cause and root of the said dissension and division and how they might be ousted, and unity and accord be made and kept among the people, demand was made of every person, alderman and commoner, by the faith which he owed to God and our lord the king and the oath which he had made to the city, to declare and say openly on his conscience and as he would answer before God, sparing none, what was the cause and root of such dissension and division, whereupon all said severally that it was the life of John Norhampton, for so long as he remained alive all those that were of his covin hoped that he would return to the city and by this hope they comforted others, **whereby dissension arose** and would always continue so long as he lived. And further, each of them said on his conscience that the thing which would most easily engender unity and accord, and would oust all dissensions and

divisions and, in their opinion, would bring the matter to a good end, would be to require and pray our said lord the king in his high and royal majesty that execution of the judgement of law given on the said John Norhampton in the Tower of London should be done, for so long as he lived the said people of his covin and lovers of his opinions would hope for his return to the city as aforesaid, which would be to the utter confusion and destruction of the city, which God forbid. And upon this, with one accord, it was agreed that it would be well for the mayor to take with him certain aldermen and commoners, such as seemed to him good, and to approach our lord the king, petitioning him in the manner and form aforesaid.

And also because the mayor and commoners were advised that for safeguarding of the city and suburbs against any peril that might arise, it would be necessary that a good ditch and a pale above it should be made around all the suburbs of the city for its defence in case need should arise, which God forbid, and because it would take too long to settle the question as to how and in what manner it should be done, since many matters and arguments would be raised among so many men and peradventure no conclusion would be made, it was agreed by everyone that the mayor and aldermen on the morrow should choose from among themselves twelve aldermen and twelve commoners of the most sufficient and discreet men in the city to ordain and treat by what means and how the said matter should be brought into effect, and in what manner the costs which would be needed might be levied, and to do all other things which appertained to the said matter.

[6. Accusations against Thomas Austin, of complicity in Northampton's cause]

First, the essence of the accusation or appeal [...]

To his worship the mayor of London: please be informed that Thomas Austyn is, and has been, one of the principal supporters of the treason against our liege lord the king; that is, in aiding and abetting John Norhampton and those holding the same views regarding the overthrow of the city of London, and regarding making a false complaint to the Duke of Lancaster that he [i.e. Northampton] was unjustly convicted before the king.

One instance of this is that Thomas Austyn was always ready to contribute to John Norhampton's cause or, personally and with his men, to stand alongside John Norhampton and his supporters against the king, insofar as he was able and dared.

Another instance is that, during Sir Nicholas Brembre's mayoralty, on every occasion that Thomas Austyn was given advance warning by the mayor to [\[join in the\]](#) ride to meet the king, or to participate in maintaining the peace, then Thomas Austyn was scornful and resisted the summonses, and either kept out of the way or had to go out of town on an errand.

Another instance is that two days before the time of Sir Nicholas Brembre's second election, Thomas distributed his **principal goods** by night to various places, for what purpose we never knew.

Another instance is that Thomas instructed all his men that none should absent themselves from his house on the following morning, at which time they would see men heading toward the Guildhall, but none returning. In the privacy of his own property, Thomas Austin armed himself from head to foot, except for his helmet, and armed the 15 or 16 men who were at hand; in anticipation that if Sir Nicholas Brembre, then mayor, took possession of the Guildhall, they (together with other companies that they expected to be there in defiance of the king's peace) would attack him, planning to have completely destroyed those who were in the right. In addition, his brother Roger Austyn went to and fro between [\[Thomas' group and the others\]](#), to keep them informed about what was to be attempted at the election of Brembre. Upon which Thomas Austin sent [\[a message\]](#) to **Wigmours**, where an illegal common council was held that night by the supporters of John Norhampton, that they should be ready to pursue their aims. The following morning, at the time of the election of Brembre as mayor, he went out into Cheapside and then, seeing the strength [\[of the opposing forces\]](#), Thomas Austyn threw off his armour and declared "All we have been trying to achieve is lost!" He quietly instructed his men to return to his shop and open it, as if nothing had happened; and so they did.

Also, another instance is that on the same day his servant, Hochon of

Liverpool, was keeping watch from his room when along came **Hugh Fastolf** and urinated against the wall of **St. Laurence's** church.

Hochon of Liverpool said, "There's one of those thieves," and continued, "Watch how I nail him to the wall with an arrow." Then he pulled back on his bowstring with the intent of killing him and **I, John Hore**, said, "Leave it out, you'll do for us all." And so it was stopped.

Another instance is that Thomas Austyn saw that other dishonest men were punished for their lies and was afraid that his deceit would be revealed. So soon after he sent to his man overseas, telling him not to mark his wares with his own [\[merchant's\]](#) mark, so that it might be arrested upon arrival in England; he abandoned his true mark and took this mark [\[illustration\]](#). This was done for fear that his dishonesty might be revealed.

Another instance is that Thomas Austyn has said on several occasions, with forethought, that things would never be well in England while this king were king.

Another instance is that on several occasions, in his presence, his wife has said that certainly the king was never the [\[Black\]](#) Prince's son; she also said that his mother was never any more than a whore, through and through. Thomas never once showed any inclination to tell her to hold her tongue, but indulged her malice.

And another instance is that when Thomas Austyn realized that the Duke could not get his way with our liege lord, he said, "There is nothing for it now, but that someone arranges for two men to run Brembre through and skedaddle."

Also, another instance is that when the Duke was staying at Hertford while there was a quarrel between him and our liege lord, he [\[i.e. Austin\]](#) sent me, John Banham, to Hertford as quick as I could, so that I could find out when he intended to come to London and whether he would come in strength or not. The man from whom I, John Banham, should have learned this was not there, but was out delivering a message from the Duke.

Also, another instance is that on the same day as the election Thomas Austyn told me, John Banham, to go into Cheapside and spy if I could see any companies heading for the Guildhall – that is, goldsmiths, tailors, cordwainers – and come home and tell him.

Another instance is that on various occasions Thomas Austyn has said that things would never be right until the lying whores who controlled our liege lord the king &150; namely, Brembre – were hung.

Another instance is that four days before the same election took place, Thomas Austyn [\[said\]](#) to a Kidderminster man: "Right now, the mayor imagines he won't face much opposition on that day. Well, he'll have more than a thousand against him, so let him enjoy himself while he can."

Another instance is that he has **stolen a thousand pounds** from our liege lord the king.

Another instance is that on several occasions he said he didn't care who was king, so long as he were left in peace.

Another instance is that while Norhampton's brother was in prison, all that he could find out came by word of mouth through me, John Banham. And I, John Banham, stand by [\[these accusations, affirming\]](#) that they are honest and truthful, without deceit or evil motive.

As regards the essence of any of these indictments, we do not have nor have we sought any other indictment regarding persons named in the king's writ, nor anyone else, other than on the articles and accusations in the document specified above; from which inquisition, recently held before Nicholas Exton mayor of the city of London, William More and William Staundon then sheriffs, and John Charneye the city coroner, we attach for you the tenor of the indictment, as follows:

Inquisition taken at the Guildhall of London on 16 September 1387, before Nicholas Exton mayor of the city of London, William More and William Staundon sheriffs, and John Charneye coroner of that city, by the oath of reputable and law-abiding men of the city, to enquire into articles and accusations contained and specified in the

aforesaid document. The inquisition jurors present under their oath, saying that **everything contained in the document is true**, except the article stating that "he has stolen a thousand pounds from our liege lord the king." And that Thomas Austyn is guilty of all the other articles and accusations contained and specified in the document, except that in which it claims that Thomas Austyn stole a thousand pounds from the king. Those jurors say that they know nothing about that, but that Thomas at various times concealed [his obligation to pay] the king's customs and withheld them, that is the subsidies on cloth, linen, canvas and other of his merchandize imported into the city of London, to the value of one hundred and twenty-five pounds. The jurors say that all other offences contained in the document were committed mostly prior to the election of Sir Nicholas Brembre as mayor of the city of London – that is, before 13 October 1384 – and from there up to about 1 May following; they cannot discover among themselves that anything happened in these regards afterwards. But, the jurors say, it is their understanding that Thomas Austyn has continued up to the present to hold in his heart these evil intentions towards the city government.

We, **William Venour** and Hugh Fastolf, sheriffs of London, have no other indictments, appeals or accusations such as are mentioned in the writ, that were in any way received or tried during the time that we have been sheriffs of the city.

Further to this, I Nicholas Exton, mayor, am advising you that a certain extremely serious accusation was made before me and the former sheriffs, William More and William Staundon, against Roger Austyn in regard to the person of the king. Into which we have not dared enquire without special orders from the king; nor are we prepared to report on it in writing or orally, except in private. The king is fully informed on this matter.

[7. Burning of the documentary evidence of reforms, 1387]

Be it remembered, that on the Saturday next after the Feast of St. Gregory [12 March], in the 10th year etc., by precept of **Nicholas Extone**, the then Mayor, a Common Council of the City of London was summoned, as well of those chosen for the Common Council by

each Ward of the said city, as of other the more reputable and more substantial men of the same; who assembled in such great numbers, that the Upper Chamber would not hold them; wherefore, they removed to the Guildhall below, and the Mayor, Aldermen, and Sheriffs, being seated there in the place for the Husting assigned, because that by reason of certain new oaths of the officers of the said city, and certain new ordinances, repugnant to the old and approved customs of the same, which were written down in a certain quire, or book, called "*Jubile*", great controversies, dissensions, and disputes were often caused among the citizens; and that therefore it had oftentimes been asked in divers Common Councils of the said city that the said quire, or book, should be burnt; – it was now, by assent of the said Mayor and Aldermen, and the whole of the Common Council, and of the other reputable men aforesaid, agreed and adjudged, that the said quire, or book, should be burnt on that same day in the place without the Guildhall.

[8. Attempt to prevent a resurgence of the divisions, 1391]

Whereas many dissensions, quarrels, and false reports have prevailed in the city of London, as between trade and trade, person and person, because of divers controversies lately moved between Nicholas Brembre, Knight, and John Norhampton, of late Mayors of the same city, who were men of great power and estate, and had many friendships and friends within the same; to the great peril of the same city, and, maybe, of all the realm; to the displeasure also of God, and of every good man: and by reason thereof, if some remedy, with the Almighty aid, be not applied thereunto, destruction and annihilation to the said city may readily ensue, and peril and damage to all the realm, – the which may God avert; – therefore, by assent of Adam Bamme, the Mayor, and the Aldermen of the said city, considering the mischief and great damage that from this cause has ensued, and desiring to maintain the peace of our Lord the King, and of all the realm; for the common profit, they have ordained and established, that no man, great or small, or whatsoever estate or condition he be, shall speak from henceforth, or agitate upon any of the opinions, as to either of them, the said Nicholas and John, or shall by sign, or in any other manner, shew that such person is of the one opinion or the other. But let the folks of the same city be of one accord in good love,

without speaking, any person to another, on the said matter, in manner of reproof or of hatred; on pain, if any one shall speak or do against any of the points aforesaid, of imprisonment in Newgate for a year and a day, without redemption; and of being subject to other penalty and ordinance in the Guildhall for the like cause made and ordained.

DISCUSSION

The setting and the principal characters | **The contest** | **Thomas Usk**
The trial | **The aftermath** | **An assessment**

The political unrest in London during the 1370s and '80s has been characterized in various ways: as a struggle between poor and rich; as a class conflict of artisans and merchants; and as factionalism between different mercantile interests, whether victuallers versus non-victuallers or simply those in power against those wanting power. There is some measure of truth in all of these interpretations. The complexity of the situation and of the **motivations of the people** involved does not admit of a simple explanation. Party politics, in terms of a contest for power between relatively well-defined groups with variant and sometimes conflicting interests, appears to have been more developed in London than in most English towns, simply because socio-economic structure in London was more complex and more differentiated. Furthermore, London was inevitably caught up to some degree to the political rivalries and conflicts occurring at the national level, and these too complicate the local situation.

At the same time, we should not ignore the importance, in the timing of such political conflicts, of "the man of the moment": that is, the emergence of a determined individual willing and able – regardless of whether for ideological or selfish reasons – to lead a movement seeking political change. John Northampton was "essentially leader of that party in London which wished to break down the monopoly of power possessed by the merchant capitalists both of the victualling and the non-victualling misteries" [Bird, *op.cit.*, 81] although by making the victuallers and especially the fishmongers his particular targets, he was initially able to win support from non-victualling crafts, notably his own craft, the drapers, the mercers, and also the goldsmiths, who were jealous of the power of other guilds.

The setting and the principal characters

This was by no means the first such division to engender constitutional reform and political conflict in London. At the **earlier end of the fourteenth century** the less prominent guilds, both of crafts and victuallers, were asserting themselves more strongly, their members taking up citizenship in greater numbers, and so creating an enfranchised power-base in search of constitutional changes that would increase the representation of their interests in city government – changes that included making the guilds, rather than the aldermannic wards, the basic unit of government. In resisting this development, the patriciate laid complaints of conspiracies, illegal meetings, heckling and other methods to unduly influence elections, and disturbances of the peace; but the guilds' real tactic seems simply to have been to pack communal assemblies with their members and influence matters through voting power. At this period the ruling class was itself weakened by factionalism, and some of the factions were prepared to placate popular feeling with cautious reforms.

This only whetted the appetite, however, and in 1311, with the local power-struggle going on against the backdrop of a national contest (distracting the monarchy, while also making the parties inclined to curry favour with the Londoners), a set of constitutional reforms were put in place. Among other things, they made all important officers subject to popular election, and on an annual basis; and they enforced greater fiscal accountability, through comptrollers and auditors. Yet the craft guilds' attempt to dominate city government made other elements of the community nervous, furnishing the support to allow the aldermannic elite to reassert itself and restore the previous constitution. This set the scene for a contest between the reactionaries and the victualling interests, led by the fishmongers. It culminated in a forceful expression of community authority in 1319, producing fresh constitutional reform that has been **described as** "the highest peak of achievement that a popular movement ever attained in medieval London," despite the fact that the new provisions were dampened or ignored in the years that followed, as the national power-struggle encouraged greater division and factionalism in London.

These events are not of direct consequence to the contest for power between the parties of John Northampton and Nicholas Brembre, but to some extent they show parallels. Such waters are muddied, however, by the characters of the principals in the affair, particularly that of Northampton. At the close of Edward III's reign, London's society, economy and government was dominated by a small number of guilds – mercers, grocers, fishmongers,

vintners, and goldsmiths – whose line of work naturally brought successful practitioners considerable wealth and real estate, and thereby influence. These were the groups who supplied most of the city's mayors and aldermen, and who have been characterized as a capitalist elite, of which Brembre was one of the wealthiest members.

A merchant heavily but not exclusively involved in the wool trade, he like others who made a successful career in London (e.g. Whittington), had no established city family on which to rely. However, he married one of the heiresses of wealthy city vintner John Stodeye (mayor 1357/58), an alliance that added to his already extensive city real estate when his father-in-law died in 1376. Through marriage, business, and property-holding, he was associated with other leading or up-and-coming Londoners, such as William Walworth and John Philpot. Brembre appears to have entered the grocers' gild around the time it was reorganizing itself as the Company of Grocers, in 1372, and Philpot shortly after. It may have been the expanding influence of the company that resulted in Brembre and Philpot both being elected both as aldermen and sheriffs in September 1372.

Compared to Brembre, John Northampton was of relatively modest means and associations. He and his family were involved with the cloth and leather-working crafts; his own gild, the drapers, was during the late 1360s and '70s, losing ground to the grocers, in terms of access to positions in city government. Yet he and his brothers were not the kind of men to submit to the authority of others, if we may judge from what are scattered pieces of evidence. The cause they appear to have espoused was opposition to the king's policy of war with France, in regard to its side-effects: turning over a large share of control of the wool trade to foreign merchants, who counter-balanced this by importing larger amounts of foreign products, such as cloth, that hurt the trade of Londoners. The drapers' underlying aim, it **has been suggested**, was to increase their numbers among the aldermen, thereby influencing city policies related to controlling the local market for English cloth and their rivals in that trade, the fullers and dyers. In 1368 the king temporarily restored the citizens' monopoly of the retail trade in London, abolished by the Statute of York in 1351. But the restoration was in regard to victuals, and cloth, leather, and goods sold by avoirdupois were excluded; this may have been what fostered an alliance of interests among the drapers, skimmers, mercers, and to an extent the grocers.

Telltale signs of the coming storm can be seen years in advance. John Northampton had been bound over to keep the peace in 1365, in the context of some personal quarrel. In 1369 he and John More, along with other drapers and mercers, were required to put up bonds to guarantee they would

not initiate any violence or hold assemblies; this may have been prompted by an attack on foreign merchants. In 1371 the renewal of taxation to support the war led to resistance to tax-collection by Northampton's brother William, who himself had already run into trouble with city authorities in 1365, when arrested for trade abuses; he foolishly started a brawl outside the mayor's house and was again arrested. That same year, after the king had lectured the mayor and aldermen about keeping the peace in London, John Northampton, John More, and William Essex were among a group of twelve men arrested and imprisoned for a few months, being released upon providing assurances that they would make no more assemblies and would behave peaceably. It appears as though a party intent on agitation was already forming around Northampton. In the early 1370s, Northampton and Essex were members of a commission investigating cases involving usurious loans made by foreign merchants.

Although his commercial activities have left only a few traces and do not come close to the level of activity of Brembre's, John Northampton was fairly prosperous and likely to have been one of the leading members of his craft guild; certainly the men who were his principal supporters in the coming political struggle were essentially those who served as masters of the smaller craft guilds; such men wanted to rise in London society and were in a position to harness the underlying discontent among the crafts. Much of his landed property came, however, through his second marriage, at some point in the early 1370s, to a co-heiress of the Preston family. His and his wife's properties were concentrated in Dowgate and Cordwainer Street Wards, the latter being where his drapery business was located. The grocers were also based in Cordwainer Ward and Northampton's wife's grandfather, John de Preston, had been an important corder – a group that had a long-standing working relationship with the grocers.

The contest

Northampton's property in Cordwainer Ward gave him both the financial qualifications and local influence that made him a potential choice for alderman. With perhaps the sponsorship, or at least the acquiescence, of the grocers influential in that ward, Northampton was elected its alderman in 1375. The following year he was one of a group, which included several of his subsequent followers, who advised the mayor to summon an assembly to deal with charges that the city government had been run for some years in an oppressive and self-interested manner – this was fallout from the 'Good' Parliament's purge in mid-1376 of persons influential at the royal court, in the circle surrounding John of Gaunt, and including London vintner and financier Richard Lyons and two other aldermen. Other London victuallers

among the aldermen, including Brembre, may have been under suspicion too, as they absented themselves from the assembly that had been summoned. Although there is no direct evidence Northampton was leading a specific party at this point, his enemies subsequently accused him of being behind the constitutional reforms of that came out of the assembly of 1 August 1376.

Certainly those reforms headed in the direction that Northampton wanted: to reduce and eventually break the power of the aldermen, the city's most powerful officials who represented the interests of the city capitalists. One reform subjected the posts of aldermen to annual election, no-one being eligible for re-election to the same position until a year's interval. This had been one of the **reforms of 1319**, confirmed by royal charter, but was ignored once the mercantile patriciate regained power. It was in effect for a few years after 1376, but the stipulation about the interval was abolished in 1384, and annual election in 1394. Further changes in 1376 transferred the election of the common council from the wards to the craft guilds, made the council a fixed body that had to be consulted at least twice a quarter, and required that no measures put forward by mayor and aldermen could become a local by-law unless approved by the majority of the common councillors. It was from this group, rather than from the aldermen, that Northampton was expecting to find his main support for his broader aims of unseating the capitalists from power, for a ward-elected council likely made the choice of members more susceptible to aldermannic influence. However, the reform seems to have had little impact on the composition of the council, forcing Northampton to take other measures to stack the council when he himself became mayor. Nor did annual election impact greatly on the composition of the court of aldermen, which continued to be dominated by grocers and fishmongers. Another reform made the common council the agency for electing mayor and sheriffs, rather than electors chosen by mayor and aldermen. These changes in electoral procedures were also reversed in 1384.

Only twelve of the twenty-four aldermen gave their assent to these reforms, and six of those were grocers; these assenters perhaps felt it better to acquiesce in the reforms than provoke a struggle that might bring the king's intervention – a prospect highly feared by the aldermen, even though Edward III had limited the circumstances under which the monarchy would seize the city liberties into its own hands. The reforms may have been assisted by indirect support from John of Gaunt, who had similar underlying interests to Northampton's; this would help explain why Northampton later turned (unsuccessfully) to Gaunt for aid in crucial moments. Brembre, Philpot and Walworth were among those who were absent from the

proceedings; they presumably represented a more militant viewpoint, but not yet inclined to open resistance. A **committee of eight** was formed to review the city ordinances; it included Northampton and several of his known supporters. The constitutional reforms, along with re-written oaths of office which probably emphasised the accountability of officials to the community, were embodied in a new edition of the city customal, selecting for inclusion only those earlier ordinances considered good by those now in power. It was called the *Jubilee Book*.

The jubilation of the reformers was short-lived. In 1377 Brembre, Walworth and Philpot came to the fore as the leaders of the capitalist party and re-united it in the face of Gaunt's efforts to extend the authority of the marshalsea court into the city. They proposed to support the young Richard II (with money) against Gaunt's influence. They were able to have the mayor then in office deposed and replaced by Brembre; and a regulation, agreed to by a special common council elected only by a select number of the more important guilds, provided that any common councillor removed from office for good cause could never be re-elected or serve as alderman. The same year Northampton lost his aldermanry, and his supporters on the common council were deposed on the charge of betraying city secrets and not supporting the resistance to marshalsea jurisdiction.

His party crippled and Gaunt's influence superseded by the courtiers surrounding Richard II, Northampton began to rebuild. He decided to extend his powerbase into Dowgate Ward, where his wife's grandfather, John de Preston, had once been alderman for an eighteen-year stretch. An intensive period of buying property in that ward in 1381 and 1382, including property owned by the man who had succeeded Preston as alderman, was followed by Northampton's election as alderman in March 1382.

But by that time he had already secured the mayoralty at the election of October 1381. How he managed this is not clear, but he evidently found support from some quarters and, with the city still recuperating from the effects of the Peasants' Revolt and probably not relishing any internal disputes that might excite the populace, the capitalists appear to have acquiesced in his election. Perhaps the grocers were still interested in using Northampton's supposed influence with Gaunt. As yet they had no inkling of the revolution he was contemplating.

The policies Northampton pursued at first were not such as to cause great alarm among the capitalist party. His various actions, taken together, have been described as a campaign against immorality: reiterating earlier

ordinances regulating the dress of prostitutes; establishing punishments for prostitutes, adulterers, and lascivious priests; and restricting the amounts of money to be given as offerings at mass, baptism, or weddings (it being claimed that the wealthy, by offering large sums, had established expectations that the poor could not meet). He also moved, in February 1382, to have revoked the 1377 ban from office on his supporters; it was immediately after the revocation that John More was made an alderman. Northampton's principal goal of undermining and displacing the existing London elite began in the early summer. He attacked the trade monopoly of the fishmongers; since the monopoly was a source of general resentment in the city, it was not going to arouse widespread opposition among the elite. This policy was pursued by the city's parliamentary representatives – all Northampton supporters – in October; when the fishmongers objected, More discredited them by accusing two of their number of complicity with the rebels of 1381. The **popularity of this attack** on the fishmongers may have been what enabled him to obtain from the king letters recommending Northampton's re-election that same month.

But in his second year of office, the broadening of his efforts to undermine the power-base of the capitalists – beginning by forcing Philpot out of aldermannic office – made it evident to them that they had to have him removed from the mayoralty. The grocers finally were prepared to join forces with the fishmongers in this; Brembre led the way. Northampton was unable to get any support from the king or Gaunt that might have countered this. With the success of the capitalists' resurgence, through Brembre's election, Northampton felt forced to more drastic measures to ensure what he had achieved was not overthrown – measures, described in the documents above, extreme enough to stimulate at least one key defection from his party. His resentment immediately after the election was palpable, and although he soon after made a show of peace and reconciliation with Brembre, this was just to win himself a little time in which to gather his thoughts. For a man with the extreme views of John Northampton, there really was no middle ground. He was determined and inflexible.

It is not clear what Northampton's intent was with the protest march of 7 February 1384. If to provoke a showdown with the mayor, then it is strange he surrendered himself at the crucial moment. Perhaps he was simply trying to demonstrate his level of support in the city. Or perhaps he had some idea of marching well beyond Fleet, to Westminster, to put his case to the king – a ploy dangerous and unlikely of success, with the events of 1381 still resonating. Northampton may simply have been uncertain how to proceed, now that Lancaster had refused to support him, and perhaps hoped to stir up enough popular support to intimidate Brembre into giving way – another

slim hope, given Brembre's strength of character.

Thomas Usk

At this point, Thomas Usk becomes a pivotal player in events, providing a tool to assist Brembre in acting against Northampton. A Londoner by birth, the son of a craftsman, Usk is little in evidence before the 1380s. He had been trained as a scribe, a training that would have involved acquiring some understanding of the law. It is possible that Usk was recruited late in the day, well after Northampton had come to power, although the sources are not so explicit as to rule out Usk having done work for Northampton at an earlier period. When subsequently trying to dissociate himself from the guilt of Northampton and his lieutenants, he portrays his role as strictly that of employee: clerk, messenger, publicist, perhaps even legal advisor. As an employee, it does not follow that he espoused the political philosophy of Northampton, any more than Cratchit had the same outlook on life as Scrooge. However, upon taking up the mayoralty, Northampton realized he could not rely on the city bureaucrats, whose loyalties lay with those they had been accustomed to serve. He may have found a sympathiser in one of the clerks of the bureaucracy, John Marchaunt, but more likely used Marchaunt for official documentation, and for that relating to his behind-scenes machinations made use of private sector secretaries.

If Northampton felt he could trust Usk – and trust him with some fairly important tasks – he must have believed Usk was a sympathiser with his aims. Usk himself admitted to being sufficiently comfortable with his role in Northampton's circle, involving himself in governmental policies that he believed initially at least would be good for the community, that he did not care if this incurred him the enmity of the aldermannic class. But later, he claimed, he came to see Northampton's aims in a different light.

Interestingly, Usk is seen in 1376 in the role of attorney successfully suing someone who had assaulted John Bere, one of Northampton's more prominent and unwavering supporters. Although we cannot safely draw conclusions from such isolated evidence, it may be Usk had some peripheral involvement with the Northampton faction prior to 1383; Northampton must have had some reason to select and place his trust in Usk.

Usk's change of heart came while he was suffering imprisonment, a traumatic experience especially for someone of learning and artistic sensibility. Following Northampton's arrest, his lieutenants continued to agitate, in the hopes of obtaining his release or, if necessary, rescuing him by force. More and Norbury were therefore also arrested; Essex had already gone into hiding, perhaps abroad. Usk himself was under arrest by early

August 1384. Whether through pressure from Brembre's people, as Usk himself later claimed, or concern about his future, or out of genuine distaste for what Northampton's movement had become, Usk decided to make a confession. Brembre had Usk transferred to his own house, a less uncomfortable form of detention. Usk composed the appeal (set of accusations) given above and, as the process of law required, delivered it to the coroner.

This is not the only example of Usk's writing that has come down to us. He is in fact better known as the author of *The Testament of Love*, a work that survives to us only in a sixteenth-century rewrite and was for some centuries mistakenly attributed to Chaucer. The idiosyncratic work has elements of philosophy and allegory, touches on a range of subjects, and was in part an apologia for his seeming betrayal of Northampton and a consolation for the hatred this brought him. It reveals a familiarity – sometimes apparently secondhand – with the writings of some key Christian philosophers, such as Boethius and St. Augustine, as well as those of his far better-known contemporaries, Chaucer and Gower. It is believed to have been written between the time of Northampton's fall and Usk's own, probably closer to the former event. Since Usk places the narrator in prison, it is possible he conceived the work during his imprisonment following Northampton's arrest – an imprisonment that caused him to be **resentful**, for there he felt abandoned by his allies, and that they had used rather than valued him. But the main purpose of the work seems to be to justify his confession and portray himself as a man of integrity, who could be trusted with further positions of responsibility; the work was probably written following Northampton's conviction, when neither faction had confidence in him. A portion of his text presents his own perspective on the affair, reiterating positions taken in his appeal against Northampton, and also reflecting conventional political philosophies of that time; whether those philosophies were always his or represent a realignment (or even brainwashing) as the result of his imprisonment, cannot be said.

Given the evidently autobiographical nature of parts of his text, but bearing in mind that Usk tends to talk in general terms rather than specifics (Northampton not being mentioned by name), that *Testament of Love* is couched in a form that is literary rather than historical, and that it was written after his transfer of loyalties and the collapse of the party he originally supported, we are offered what may be some insights into his motivations. He was evidently deeply perturbed by the fact that his former allies who previously (apparently in his role of messenger) had commended him as one to be believed, now condemned him as a liar and a betrayer of his master, while those who had branded him as a villain subsequently

relied on portraying him as credible. He is therefore at pains to defend his integrity as one dedicated to the truth.

Usk explains his involvement with Northampton as commitment to what he had initially believed a meritorious cause, but **observes** that "common profit in the community does not obtain unless peace and tranquility through just governance proceed from that profit." Consequently his conscience later told him he had deluded himself, that Northampton was motivated by malice and envy, and that the cause he was aiding would produce not benefit to the community, but tyranny. Despite this change of heart, those he had opposed ("the mighty senators") imprisoned him and pressured him, with threats of life imprisonment or execution, to make a confession that would lead to the defeat of Northampton. He persuaded himself therefore that it was his duty to make a statement in order to rescue the community – "the commonalty being above all things else what I am bound to maintain and defend" – from the risk of a disruption of peace, the attribute "most necessary to commonalties and cities."

This statement begins with a more literary rendering of several of the points covered in his appeal:

First, those persons who had induced me to serve their purposes, I not knowing the secret intent of their meaning, drew also the feeble-witted people, who have no insight of governmental prudence, to clamor and cry out on matters that they themselves directed; and under the pretence of the common advantage, they emboldened the ruled to take on the actions of the rulers, and they also directed people innocent of political cunning to cry after things which 'may not,' they said, 'stand unless we serve as the executors of those matters, and unless authority of execution is handed over to us by common election. And that must come by strength of your maintenance, for we, expelled from such degree of power, the oppressiveness of these old hinderers shall again rise up and put you in subjection such that you will complain in endless woe. The government,' they said, 'of your city, left in the hands of extortionate citizens, shall bring in pestilence and destruction to you, good men; and therefore, let us have the common administration of government to lessen such evils. Also,' they said, 'it is proper to commend the good and punish the guilty as they deserve. There are many citizens who are afraid of actions that will be taken, because the extortions they have committed are continually against these purposes and all

other good intentions.'

Usk goes on to describe the failed attempt by Northampton and his associates to win at all costs the election of 1383, followed by the effort to have the election annulled, leading in due course to their trial before the king.

The trial

It seems to have been Northampton himself who sought to have his case heard by the king, but this may well have suited Brembre, who seems to have aimed to have Northampton tried for treason or sedition, by emphasising the conspiratorial character of the Northampton faction and its intent to provoke social disorder; a conviction for treason would allow for Northampton's execution. Usk's appeal was invaluable in this, in that it was tantamount to the confession/accusation of an approver: a convicted criminal who turned king's evidence on his fellows and validated his accusations by acknowledging his own complicity. The trial took place at Reading in mid-August. Usk's appeal was presented and apparently accepted as if that of an approver, even though Usk had not himself been convicted or even charged. In *Testament of Love* Usk claims that, true to approver's tradition, he had offered to prove his accusations through combat, but that the accused disdained that offer, preferring to confess and throw themselves on the mercy of the court. However, this was part of Usk's effort to assert the truthfulness of his accusations against Northampton. Independent evidence indicates rather that Northampton, after denying Usk's charges, offered to put his fate in the hands of God via a judicial combat. The court was not interested in the outdated tradition of combat, which was also repugnant to London custom; nor was it in Brembre's interests to have matters decided in that way. Usk was shuffled off, and the king – provoked by Northampton's lack of deference, particularly his demand to have Gaunt present to speak for him – sentenced Northampton to be hung. At the queen's intercession, this was commuted to life imprisonment. Both he and Usk were returned to custody.

Northampton was able to raise jurisdictional uncertainties and claim a new trial, which took place in London before justices of the King's Bench in September. Brembre decided on a different tack, not involving Usk directly but making use of his confession. An inquisition was held in St. Mary-le-Bow parish to pronounce on the evidence against Northampton. It may have been one of several inquisitions, for it was not unusual in the case of serious offences to widen the range of public opinion consulted, by holding multiple inquisitions; an example is mentioned above regarding the

inquisitions into citizens' involvement in the Peasants' Revolt, of which only the findings most suitable to the results desired by those in power were then forwarded to a court which had the authority to convict and punish the offenders. The findings of the St. Mary-le-Bow jury are so similar in content and structure as to be clearly an edited version of Usk's script, in which the terminology of the charges is now recast as inquisition jury presentments, omitting the personalized elements – Usk's own opinions or readings of situations – altering Usk's personal admissions of complicity into simply the inclusion of his name among the list of offenders, and adding some fine details and a couple of additional, minor charges. Of these new charges, the matter of influencing the choice of the parliamentary representatives does not seem anything especially beyond normal political machinations; similarly, the charge that More contemplated accusing Brembre of supporting Farndon, although not implausible, appears equally insubstantial.

We should not think of the inquisition presentments as a balanced statement of evidence presented by hostile and friendly "witnesses" but rather as a list of charges against the accused whose validity the jury, by reiterating, was affirming. Usk's appeal was clearly the basis for the charges on which this jury was asked to pronounce; we see, for example, the same political perspective of the patriciate reflected, characterizing the players in the piece as the "good men" who have been injured, the "wicked" conspirators of the Northampton party, and the lower class of townsmen who were not fit to have a say in government. The jury's restatement of the charges emerged again in 1388, along with other inquisition findings on the events of the early 1380s, when Northampton's followers were seeking pardon or compensation for convictions or oppressions suffered at the hands of Brembre. The text was again altered, further depersonalizing it; this is the version given above from the Coram Rege roll.

The aftermath

At the trial in London Northampton was again convicted. The city authorities urged his execution. Along with More and Norbury he was imprisoned for a while; but, through the intercession either of Gaunt or the chancellor, Michael de la Pole, this was commuted to a sentence of exile from London. Due to the objections of the Brembre party, Northampton was not allowed to come any closer to the city than 100 miles; in 1386, Gaunt obtained a reduction of this to 80 miles. After Gaunt's return in 1390 from his Spanish adventure his influence was sufficient to obtain a pardon for the trio. Northampton returned to the city, but almost everything he had tried to achieve had been dismantled and the old patriciate was even more strongly

entrenched in power than ever.

Removal of the leaders did not immediately quell the struggle between the factions; underlying grievances continued to bubble to the surface for several years. Just two months after his election, Brembre found it necessary to prohibit any public assemblies and encourage citizens' arrests of anyone found engaging in such gatherings. As he approached the next election, a sign of his continued anxiety are the ordinances reiterating the illegality of conspiratorial gatherings, forbidding any citizen from bringing a petition before parliament on the subject of the government of the city, and restricting attendance at the election to the "senior, good and important men" of the city. He evidently anticipated opposition at the election to his own plans of having himself re-elected. Among the accounts we have of that election is the one given above, in a continuation of the chronicle of Ralph Higden (which originally went up to 1327); of several continuators, including Higden himself, the writer of the events from 1383 is believed to have been monk of Westminster abbey – the strong interest in London affairs being one of the arguments for this. As a member of a community in which conformity, harmony and obedience was expected, the monk was naturally more sympathetic to Brembre than to Northampton.

To contest the 1384 mayoral election, the Northampton party found a figurehead in goldsmith Nicholas Twyford; although not really a supporter of Northampton, Twyford had been one of the aldermen acquiescing in the constitutional reforms of 1376, and was an enemy of Brembre for his own reasons. The crafts that had supported Northampton turned out in force on election day, some of them armed, to exert influence on behalf of Twyford. Brembre, not foolish enough to rely on the public proclamation made just before election day forbidding anyone to bear arms or armour or to come to the election unless specifically summoned, was ready for them. He had brought in a force of his own, some probably tenants of his estates outside London, had equipped them with arms he had smuggled into the Guildhall, and had posted his men both there and in ambush along Cheapside; when the pro-Twyford demonstrators gathered at the Guildhall, they were dispersed by an aggressive charge of Brembre's men, and sent fleeing home. Brembre was re-elected, as he was again in 1385, and at the following two elections his close supporter, Nicholas Exton, followed him in office; they ensured that members of their faction held other key offices. After the collapse of that party's fortunes, however, Twyford won the mayoralty in 1388 as a moderate candidate, yet one whose sympathies by now lay more with the patriciate's constitutional views.

Throughout his period in power, Brembre continued to take legal action

against individual supporters of the Northampton faction, on any pretext he could find, leading to imprisonments and even executions. He is likely behind the further petition in 1385 to have Northampton executed, on grounds of the continued disruptions occurring in the city.

Opportunities were also taken by others to settle personal scores by accusing their enemies of affiliation with the Northampton faction. The example given above is a set of accusations made, in early September 1387, against mercer Thomas Austin by his former apprentice John Banham, backed by fellow apprentice John Hore. Whether any of these accusations, which are reminiscent in type to those penned by Usk, have substance is **uncertain**. Although Austin was a member of the mercer's guild that backed Northampton, and as such he sat on the common council during Northampton's first mayoralty, his name is not among the sometimes long lists of those singled out for mention as Northampton supporters; and, in the late '80s when the patriciate was allowing access to power by others than Brembre factionalists, he was made common councillor, alderman, and sheriff in quick succession. This suggests he was a moderate – quite different from the picture painted by Banham. Furthermore, the motivation for the accusations was less than public-spirited: earlier in the year Banham was sued by Austin to account for revenues from merchandize he had sold on Austin's behalf from 1382 to 1385, and was imprisoned in consequence of the charge (and later convicted in part). The counter-accusations may be seen as an attempt to discredit Austin and pre-empt his suit. Although there is no smoke without fire, some of those accusations are so vague, circumstantial, or difficult to corroborate, that a jury should have had a hard time pronouncing with confidence on them.

Nonetheless, in the highly-charged political atmosphere, the accusations were credible enough and were designed to arouse fear in those then in power. They responded by arresting Thomas, his wife, his brother Roger, and Hochon (elsewhere called Hugh), and putting together a jury to rubber-stamp the charges. It is not impossible that the Austins – perhaps Roger in particular – were already suspect and the Brembre party had been looking for an opportunity to act against them; Banham's predicament could have provided that opportunity, to find another tool to be used as Usk had been, to bring treason charges. Most likely the accusations are a mix of truths, exaggerations, and fabrications, but they nonetheless illustrate the kind of attitudes and behaviours that were expected in the context of the factional animosities of the time. They also show how the focus of grievances was on the key personalities, rather than on underlying issues of governance. Furthermore they reflect the resentment towards the way in which power struggles at the national level were intertwined with those internal to

London. The document translated here is a response to a demand by Chancery for copies of all the evidence; the ensuing review of the case by Chancery resulted in the release of Thomas and the others in February 1388. The shift in political power at the national level may have been responsible for the London authorities' decision not to pursue the matter further.

Brembre's vacation of the mayoralty in 1386 was taken as an opportunity by several of the non-victualling guilds to complain to parliament about his behaviour while he was in office. The mercers, for example, began their petition with a description of how Brembre had used force to win the 1383 election, and continued by telling how he persecuted his enemies thereafter, how he manipulated the 1384 elections first by summoning only his supporters to vote, and then violently intimidated any others who came to the Guildhall; after which he continued to bring false charges (the mercers claimed) against their members. The petition also dwells on Brembre's close relationship with Richard II, which he was able to use to prevent his enemies appealing to the king.

In 1387 the cordwainers complained to parliament about the burning of the Jubilee Book; later that year Exton charged them under the terms of Brembre's prohibition of assemblies. That same year Lord de la Zouche was lobbying at court for a pardon for Northampton, prompting Exton's administration to send him a blunt letter advising him to mind his own business. In 1388 it was the turn of the cutlers, complaining to parliament that Exton was continuing Brembre's extortionate policies, and asking for the permanent removal from office of his cronies, recorder William Cheyne and sheriff Hugh Fastolf. Northampton's return to the city in 1390 sparked fresh fears among authorities of a re-opening of old wounds, and led eventually to mayor Bamme's proclamation against public discussion of Northampton or Brembre. But to regain power would have been more of an uphill battle than it was in the 1370s, and Northampton perhaps now lacked the will or the energy. He played no further role in city politics.

Brembre's pre-eminence, achieved in 1383, lasted little longer than had Northampton's. He had already earned unpopularity among some of the London guilds during an earlier mayoralty and, following his displacement of Northampton, ruled with an iron hand and used force to maintain himself in power, in a London still unsettled. More significantly, he was too closely linked to national politics; having loaned large sums to Richard II, he had too much invested in the status quo. He tried unsuccessfully to persuade the Londoners to fight for Richard against the Lords Appellant. The latter, at the Merciless Parliament in 1388, included Brembre in the list of impeachments. He was tried, obtained no support from mayor Exton or any

other fellow Londoners, who mostly preferred to stay out of national conflicts, was convicted and hanged.

As for Usk, his transfer of loyalties did him little good. Willing to be used, perhaps looking for a cause, he had become a tool to help the Northampton faction achieve its ends, then received the same treatment by Brembre's faction. Once Brembre had Usk's appeal, its author's use to him was limited. He was rewarded for his contribution to Northampton's downfall with a pardon for his part in the affair. Eventually, he won the confidence of the royalist party sufficiently that he gained appointment as under-sheriff of Middlesex (1387); whether *Testament of Love* was any help there we cannot say, for it is not clear whether Usk's contemporaries read it. His rehabilitation was to prove his downfall: he was caught up in the charges of maladministration brought against Brembre and others of the king's faction; in particular he was accused of having drawn up false charges against some of the Appellants. Still the target for resentment in the city over his betrayal of Northampton, two weeks after Brembre's execution he too ended up at Tyburn, drawn, hanged, then (still alive) slowly beheaded. He went to his death asserting the truth of his appeal against Northampton. By contrast, Brembre had, at the gallows, admitted to Northampton's son that he had wronged his father – a confession we can attribute to Brembre's preoccupation with his afterlife destiny rather than guilt about his past.

An assessment

The charges laid against Northampton, although engineered by his opponents, are in broad terms credible; some points are corroborated by other sources. But they are also in part a case of the victors rewriting history from their own perspective. Northampton's own account of affairs would have been somewhat different, if not in substance, then in perspective. At the same time, the Usk appeal must necessarily have been a selective version of events, in that it focused on the actions of only one faction. For example, in preparation for the 1383 mayoral election Northampton had packed the common council with his supporters, had installed a few supporters among the aldermen (although only a small number can be unequivocally identified with his party), had guards posted to turn away any hostile voters, and should have been in a position to intimidate hostile aldermen against voting for any alternate candidate. Given all this, it is hard to imagine that Brembre could have emerged victorious in the election without having been able to bring to bear greater force than that provided for by Northampton; certainly at his re-election in 1384 he premeditatedly used armed force to frustrate the hopes of an opposing candidate. Yet that aspect is not dwelt on in Usk's appeal or the inquisition presentments, other

than as an uncorroborated claim used by Northampton to try to obtain the intervention of Lancaster in city affairs; this piece of "evidence" was important not only for condemning Northampton in many eyes for his disloyalty to the city, but also because Lancaster's rejection provided grounds to dismiss a claim that was otherwise broadly credible. But we should not expect Brembre's actions to come under question; the presentments, we must remember, were charges not evidence, and Brembre was not the one on trial.

Northampton has been described by Pamela Nightingale as an astute, calculating politician, using radicalism only as a tool to achieve an essentially reactionary goal of supplanting the guilds then dominating city government with others, notably his own. Although the element of self-interestedness is undoubtedly present, it is hard not to see Northampton as a radical in some regards. A capable politician is able to reconcile interests and find the path of compromise. This was not Northampton. The extreme measures to which he resorted during his second mayoralty, perhaps partly out of desperation as he sensed a resistance against him crystallizing, had him increasingly working outside of the system. Northampton might perhaps have accomplished some enduring reforms had he chosen to work within the system. There was widespread sympathy for some of his aims. But if his principal aim was to replace one set of power-holders with another, then we may concede he was astute enough to know that this could not be done without radical changes; the events of 1376-77 having shown that changes within the system could easily be reversed once power changed hands.

In this sense, we should not imagine that Northampton's political convictions were democratic in a way that we might understand them in a modern context. Although he appears to have put more faith in the "power of the people" than was warranted (just as he seems to have overestimated his relationship with Gaunt), it may be doubted whether Northampton truly had any more confidence in popular decision-making than did the ruling class, which was contemptuous of the idea that such ignorant persons were qualified to have a significant say in government. On the other hand, we should not represent Northampton's faction merely as Northampton and a group of followers. The continued agitation of his party, after he himself was removed from the game, indicates that the underlying dissatisfaction with the almost monopolistic hold a few of the leading guilds had on government was real enough and not Northampton's invention.

Nonetheless, a leaderless party could not keep itself afloat for long. No political perspective in medieval English towns favoured a form of

democratic government in which there was sustained and meaningful popular participation. Then, as today, good leadership was seen as the key to good government. Northampton's aim, to overthrow the ruling elite, was acceptable insofar as it meant replacing the distrusted rulers with others that the populace hoped, perhaps even expected, would rule better. He knew such aims could not be achieved simply by legislating constitutional changes. It was necessary to ensure that his followers continued to hold power, in order to maintain a reformed constitution, and that other measures be put in place to secure what he had accomplished: obtaining statutory recognition of the reforms, and using annual election to ensure that those in office were supporters of a reformed constitution. And it was necessary to remove the leaders of the elite from access to power, whether by disqualification, exile, or death; Brembre saw the same approach as necessary to defeat Northampton's party.

Such measures would never have allowed for the "power to the people" approach that Northampton exploited to win office temporarily. Nor would the dictator/mob style of democracy that Northampton was prepared to install have found approval with the central government, since it would not well have served two fundamental requirements that government had of urban administrations: law and order, and revenues. None of this mattered. Northampton's intent to break the hold of the wealthy on government was a non-starter. That hold was too strong, too long-standing, and a leaderless populace was unable to mount real opposition to the elite regaining control of government, without the significant violence for which it had no stomach. The live-and-die together bond, which hearkens back to the roots of the communal movement when the townspeople were not so divided by class consciousness, was still fine for mob mentality, but no more maintainable when the Londoners' fiery leader was out of the picture than for the peasant army when Wat Tyler lay dying.

Northampton's failure could be ascribed to his own uncompromising nature. Brembre was little better, and such success as he achieved was because he had the status quo on his side. On a personal level, both men ultimately paid for their sins. London was caught up at this time in factionalism, just as England was embroiled in factionalism in national politics. Not until more moderate leaders took the helm were London affairs able to settle down. For both Northampton and Brembre, politics proved a fickle mistress. As Usk wrote, "Fortune sheweth her fayrest whan she thynketh to begyle."



NOTES

"the Bow"

I.e. the parish of St. Mary-le-Bow. This was within Cordwainer Ward, where More was alderman and had his residence, and where Northampton and some of his lieutenants held property.

"John More"

One of Northampton's principal and long-time supporters. When Northampton was elected alderman of Dowgate Ward in March 1381, More was elected alderman of Cordwainer Street Ward (Northampton's earlier powerbase, of which he had been alderman 1375-77). After Northampton became mayor in October 1381, he, probably with Northampton's connivance, brought accusations against five aldermen from the victualling trades that Northampton hated of aiding and abetting the rebellious peasants in their assault on London earlier in the year [see **note** below on Sibille etc.]. More went to trial with Northampton.

"Richard Norbury"

A prominent supporter of Northampton, under whose regime he was an alderman and a parliamentary representative for the city. Also a prominent mercer, having served as warden of the gild. He went to trial with Northampton.

"William Essex"

Another of Northampton's closest supporters and possibly a one-time business partner. He was one of the leading drapers, having served as gild warden. He had served the city as one of its parliamentary representatives in 1370 and 1376, and again during Northampton's mayoral terms. After Northampton's arrest, he escaped trial himself through flight.

"William Walworth"

A wealthy fishmonger who was one of the principal leaders of the group of merchant capitalists against whom Northampton's efforts were directed; an alderman since 1368, and mayor in 1374/75 (just prior to the constitutional reforms of 1376) and again in 1380/81 (immediately preceding Northampton's term), in the latter term he having attempted to reverse the reforms of 1376. His death in 1385 pre-empted the possibility he would be involved in the fall of Northampton.

"judicial office"

I.e. offices in city government involving presidency of a court, such as mayor or

sheriff.

"any other method"

I.e. wholesale, leaving retail a prerogative of freemen.

"Adam Bame"

As a leading goldsmith (warden of the gild in 1377) Adam Bamme was wealthier and more prominent than most of Northampton's supporters. He had been an opponent of the "capitalist" party in the 1370s, despite a family connection to Brembre through their wives, and initially backed Northampton's reform effort, ; he served as sheriff during Northampton's second term, although technically (but not insignificantly) elected towards the close of Northampton's first term. But when Northampton failed in his bid for re-election in 1383, Bamme switched to the opposing side. He was presumably more moderate than Northampton, although this did not save him from a temporary disgrace, in exclusion from the aldermannic ranks, during Brembre's mayoralty. Nonetheless he had obtained an aldermanry again before the close of the decade. It was during Bamme's mayoralty of 1396/97 that the proclamation was made forbidding anyone to discuss the Brembre/ Northampton matter because it only led to dissension; Bamme died during his mayoralty.

"Willyngham"

Possibly the same tavern-owner at which Northampton's party held meetings, or a relative.

"Marchaund"

Probably John Marchaunt, one of the clerks of the chamber at this time; his association with Northampton did not wreck his career prospects, for he became London's town clerk ca.1400, serving it well and training an even greater successor, **John Carpenter**.

"John Philpot"

One of the merchant capitalists against whom Northampton aimed his reforms, grocer John Philpot became an alderman in 1372, and mayor in 1378. He was a business partner and political ally of fellow-grocer Nicholas Brembre, as well as husband (by the mid-1370s) of a sister of Brembre's wife. He was also a leader of the anti-Gaunt party in the city. By 1377, he, Brembre and Walworth were the leaders of the party opposed by Northampton; at the same time Brembre and Philpot held the two posts of collector of customs in the port of London. Philpot loaned large sums of money to the king, to support the war against France, and even financed entire expeditions against the French or French pirates operating in the Channel. He was involved in raising loans for the king throughout the city, which were to be repaid from customs proceeds, which Philpot himself co-managed. However, there is no independent evidence of any embezzlement here, and the timing of the accusations laid at More's instigation were clearly an attempt to discredit or disqualify a potential opponent in the election; the terminology of the documents implies that the proposal to make him ineligible did not succeed. Philpot, who was knighted in 1381, was favoured not only by the king but also by the citizens, and may have been the only member of the capitalist party that could have wrested the mayoralty away from Northampton. In the event, since

Northampton's attack, as mayor, on the fishmongers was no particular threat to Philpot's mercantile activities, he (unlike Brembre) was prepared to acquiesce in Northampton's election to a second term; he also attempted, unsuccessfully, conciliation when Northampton actively opposed Brembre's mayoralty. He died before Brembre's ultimate fall from power.

"commons"

What is being referred to here is the common council, rather than the community *per se*.

"ordinance against the fishmongers"

These ordinances of June 1382 in essence prohibited London fishmongers from buying up stocks of fish brought into the city by outsiders, or from making partnership arrangements for such purchase in advance of the fish arriving, so as to sell them with an added profit margin tacked on. As the price of such a staple as fish was a matter of general resentment in the city, blamed on the monopolistic practices of the London fishmongers, Northampton's measures found support, or at least acceptance, among most Londoners including other victuallers. But when the next parliament (October 1382) expanded the attack to the victualling trades generally, and particularly tried to exclude victuallers from "judicial office", London's merchant class recognized the need to oust Northampton from the mayoralty.

"to represent them"

London was represented in parliaments by four citizens; at this period, two were chosen by the common council, two by mayor and aldermen.

"Thomas Carleton"

An embroiderer who had at an earlier date (1364) been bound over to keep the peace, he owed his improvement in wealth and status partly to being given the post of king's armourer in 1368. After being superseded therein at Richard II's accession, he turned more of his attention to local politics and built up his property in Cripplegate ward, for which he was elected alderman during Northampton's mayoralty of 1381/82. By this time he had some affiliation with the tailors' gild, from which Northampton was receiving support. Carleton was one of Northampton's more prosperous supporters, and perhaps one of the most active, depending on to which evidence one pays attention. He was doubtless attracted to Northampton's party, as many were, by the prospect of breaking the power of the victuallers, and may have been among those who became alarmed by the subsequent extremism of Northampton's policies. Although named among the leaders of that party in the indictments, he did not suffer as dreadful a fate as the others, although he lost his alderman's post (in fact due to Northampton's prohibition of re-elections to the aldermanries) and did not regain it until after Brembre's administration had fallen, but then held it only for a short while before his death in 1388. He left behind a widow and a daughter; some of his property had to be sold to pay his debts, although his estate was still able to fund a chantry and pay for a marble tomb slab, into which was carved a cross, his coat of arms, and the date of his death. He also bequeathed two books – a bible and stories of the saints' lives – but there is no mention of a common-place book (extant) believed to have been compiled for him, containing copies of national and civic laws, some extracts from chronicles, and a few documents related to his private business.

"an authorization"

The original has a *patent*, the inquisition presentment shows that this was not letters patent but a *breve domini Regis patens*.

"to punish usurers"

This was one part of Northampton's programme against immorality. Usk's concern with the move, however, was because he felt it would provide Northampton with more power to use the offence as a stick against his political opponents. Chambers and Daunt state that the petition was refused on the grounds that it would prejudice the jurisdiction of the Church in such matters, and that city custom and common law already gave the London authorities some powers in policing this offence. The two sets of accusations seem to suggest that the writ was obtained and acted upon, unless Northampton was jumping the gun.

"Walter Sybille, John Horn, and Adam Carlille"

Fishmongers Sibille and Horn, and grocer Carlille, were among 5 aldermen – all victuallers – accused of complicity in the Peasant's Revolt. The evidence is not solid enough to know if there was any basis to this; possibly some victualling elements took advantage of the situation to act against the interests of Northampton's party (none of whom was ever accused of supporting the rebels). The accusations against Sibille, Horn and Carlille were made by More before the parliament of October 1382, after Sibille had protested the petition that resulted in anti-fishmonger ordinances, and were essentially that the three obstructed official efforts to prevent the rebels from entering the city. If the inquisitions sent to the king's justices were biased we cannot rely on their detailing of the charges, but it does seem likely that Horn at least offered the rebels some encouragement, with a view to taking advantage of the tense situation to take some legal matters into his own hand. The charges were partly politically motivated, but the accused were eventually acquitted once Northampton's opponents had regained control of city government.

"best served the king"

That is, only the findings that supported the prosecution position were sent to King's Bench for follow-up.

"Robert Franceys"

One of the goldsmith supporters of Northampton, but not politically prominent; in 1378 he obtained, through the intervention of Lancaster, a pardon for a homicide, and in 1395 was again tied up in a murder.

"Thomas Farndon"

Goldsmith Thomas Farndon is one of the few citizens to have clearly supported the rebellious peasants; or rather, to have taken advantage of the havoc to settle scores against personal enemies, having supported the execution of a Prior who had had him evicted at an earlier date, having (it was claimed) compiled a list of citizens to be executed, and being in the process of wrecking one Londoner's house when he was arrested.

"the mayor would speak"

Northampton was still mayor until Brembre would take his oath of office on 28 October.

"the Neyt"

An estate to the west of Westminster, belonging to the abbey, where John of Gaunt would stay occasionally; the name survives in the modern Knightsbridge.

"Cheap"

Cheapside was the city centre in medieval times.

"it was presented"

That is, as the findings of the inquisition jury.

"Easter 1382"

Although Powell and Trevelyan interpret this as 22 March, *Pasche* usually refers to Easter Sunday, which fell on April 6, or to Easter Week following that date. Lent ended on 22 March. A precise date may not be intended by the document.

"11 October 1382"

Powell and Trevelyan interpret *die sabbati proximo ante festum translationis sancti Edwardi anno Ric. II 6* as 13 June 1383, but since the text goes on to identify the date as prior to the election of Northampton to a second term, the date must be before 13 October 1382. Powell and Trevelyan selected the wrong St. Edward in interpreting this date.

"election of John Northampton"

Some writers have suggested that it was unconstitutional for Northampton to be elected for a second, consecutive term. In fact, although not the normal situation, it was recognized that if a mayor had served particularly well and there was strong public demand for him to continue in office, a second term was permissible. Northampton's party probably aimed at arranging for the commoners at the election to nominate only him, instead of the usual two candidates from whom mayor and alderman would choose one. (On this see "**Mayoral and shrieval elections at London**".)

"placed on the council"

The original *positi fuerunt in dicto consilio* may perhaps mean "made privy to these deliberations".

"other sheriff"

More had been elected in September as sheriff, and thus served out most of his term under Brembre. The other sheriff, Simon Wynchecombe, was an armourer; it is difficult to imagine Northampton did not see him as a supporter, or at least not an enemy, although Wynchecombe was later one of the signatories to the petition demanding Northampton be executed.

"uphold the king's peace"

At West Cheap they arrested one of the insurgents, John Constantyn, a cordwainer

and a relative of Northampton's wife, and executed him as a warning to the other rioters.

"guarantors"

Northampton was required to put up a bond of £5,000 to keep the peace, a transaction that took place in the Guildhall, where a record was made of it.

"Geoffrey Waldern"

A draper, not one of the wealthiest citizens, but among the more affluent of Northampton's supporters. He was a common councillor from 1382 to 1385, surviving the fall of Northampton's faction, thanks to a political about-face. Although he participated in the gathering Northampton summoned in February 1384, and subsequently stood as surety for one of the more violent partisans arrested on that occasion, in June he was at the council meeting where it was agreed to blame Northampton for the recent disturbances in the city, he was shortly after put on the committee to revise the Jubilee Book, and his name was among those who petitioned in March 1385 for Northampton's immediate execution. This was political expediency; that some sympathies still lay with the reform movement (if not with Northampton personally) are suggested by his willingness to act as surety for a Londoner accused in 1386 of having attempted to disrupt the re-election of Brembre as mayor. Such sympathies, if perceived, did not prevent his business prospering up to his death ca.1396; he never entered the ranks of the aldermannic elite, but was sufficiently trusted to send as a city representative to the parliament of 1395.

"Robert Cumberton"

Northampton was occasionally referred to by this surname, and it was the surname commonly used by other members of his family.

"Thomas Lincolle"

Although a supporter of Northampton, and one of his common councillors, he was a fishmonger, one example of how the victuallers vs. non-victuallers characterization of the conflict is not clear-cut.

"encircling their forces"

Given the fate of John Constantyn, it is possible that *potencius coartasset* might mean by depriving them of their leaders.

"The document proceeds"

Powell and Trevelyan do not transcribe this part of the text.

"St. Michael of Hog Lane"

More commonly known as St. Michael Wood Street.

"Henry Vannere"

A common councillor and a vintner (his family having a pedigree in the city wine trade), and later alderman under Brembre's administration, he was also Brembre's brother-in-law (by marriage to another daughter of John Stodeye) and business partner. During Brembre's ascendancy he served on a committee to dismantle the

reforms Northampton had put in place. He was serving as sheriff when Richard II and the Londoners fell out over their refusal to loan the king money, and was imprisoned with other city officials on the pretext of maladministration, but released within a few weeks and later pardoned. He died without direct heir in 1395.

"William Cheyne"

The city's recorder (legal expert).

"senior"

This could refer to the aldermen, or perhaps just the aldermannic class.

"a harmonious and communal frame of mind"

The original expresses it as *ad concordiam ac unitatem*; Brembre's wish must have been to suppress any opinions contrary to his own, but the chronicler is unlikely to have been aware of that and would simply have perceived it as desirable that the electorate act in a peaceful manner to arrive at a decision beneficial to the community and in which all acquiesced – the concept, so often expressed in medieval writings regardless of the reality, of communal unanimity. *Concordia* could imply a spirit of compromise: the democratic principle of accepting a decision reached through due process.

"quell those"

One source claims that the armed men advanced on the Twyford faction, crying "Slay! Slay!".

"Newgate"

One of the most unpleasant of the city prisons.

"whereby dissension arose"

As examples of the continuing problems Brembre's government was facing while the hope of the reformers remained alive: between late 1383 and spring 1385 securities were taken to pressure numerous citizens to keep the peace and obey city officers; most ranged from £40 to £300, but that from Northampton himself was for £5,000 and More's was for £4,000. This was quite apart from the arrests and mainprises following the armed battle at the mayoral election of 1384. In May 1384 grocer William Mayhew was condemned to a year's imprisonment, to be followed by an unspecified fine, for having publicly criticized the government, accusing it of maladministration and injustice, including describing the recent execution of John Constantyn as unjust; Mayhew was released upon surety for future good behaviour. Bail was given in March 1385 to cordwainer John Remes, who had confessed to having publicly said before the last parliament that there would be no peace in the city until Brembre was done away with. In September of that year a barber was thrown in gaol for spreading the rumour that Northampton had returned to London.

"principal goods"

While the insinuation here seems very vague, in the context of the times it was possibly understood as implying that Austin had secreted weapons in various locations.

"Wigmours"

A Roger Wygemor was among 139 persons accused of disturbing the peace around the time of Brembre's electoral defeat of Northampton.

"Hugh Fastolf"

Fastolf was a wealthy member of one of the leading Yarmouth families and began **his career** as a fishmonger at Yarmouth, where he served numerous terms as its chief executive officer, showed his martial abilities by serving as an admiral in the war against France, and was a prominent player in local vendettas – being accused of homicide as early as 1355. With years of service to the Crown already under his belt, shortly after the accession of Richard II he moved his base of operations to London, and transferred from fishmongering to the more powerful grocers' gild, after marrying Joan Hanhamstead, the widow of a grocer and granddaughter of a former mayor. He served as a London alderman in 1381 and from 1384 until shortly before his death in 1392. His political affiliations brought him widespread unpopularity; during the Peasants' Revolt there were attacks on his property in Yarmouth, at Caister (by the Norfolk rebels), on his manor at Bradwell (looted by the Suffolk rebels), and at London although this was due to a private quarrel. During the first phase of his career he seems to have links to Gaunt, but during the second he was associated with the Ricardian party, serving as a royal commissioner and acting as deputy of Simon Burley in the latter's office of constable of Dover Castle and warden of the Cinque Ports, although he later had a run-in with Ralph Ramsey, a Yarmouth man with London interests who was another of Burley's followers (but later switched allegiance to Henry Bolingbroke). It is not surprising to find him associated with the Brembre faction; he was in fact elected sheriff a couple of weeks after Banham stated his accusations against Austin, and so was responsible for follow-up.

"St. Laurence's"

The church stood at the southwest corner of the Guildhall complex, from which Strohm concludes that Hochon, Banham and Hore had been posted in the room facing it so as to lie in ambush. Assuming the action that follows actually did occur, it is assumed to have taken place after Brembre's forces had routed his opponents and taken control of the Guildhall; after all that tension, Fastolf needed to relieve himself.

"I, John Hore"

Possibly a scribal error, confusing John Banham with his colleague Hore, or an indication that Hore was joining Banham in making the accusations.

"stolen a thousand pounds"

The implication is presumably one of customs avoidance.

"everything contained in the document is true"

This was not a conviction, but simply a statement by the jury that the evidence (or presumption) was sufficient to warrant bringing the case to court – although the jury does not address what the nature of the crime(s) might be, other than the felony in concealment of customs.

"Nicholas Extone"

The successor to Brembre in the mayoralty and a continuator of his policies, fishmonger Nicholas Exton nonetheless found it politic to sacrifice Brembre to his enemies and to the scaffold, rather than risk drawing the attention of those enemies towards the city and himself.

"motivations of the people"

Bird, *The Turbulent London of Richard II* is the principal study of this part of London history and gives a detailed analysis of the background of Northampton's supporters and opponents, to show that a victualling vs. non-victualling classification is useful only as a generalization. A re-interpretation is provided by Pamela Nightingale, "Capitalists, crafts and constitutional change in late fourteenth-century London," *Past and Present*, no.124 (August 1989), 3-35; for her (p.33), "Northampton was not a radical leader fighting for the destruction of the merchant oligarchy and for its replacement by a more broadly based civic government. He was a member of that oligarchy pursuing, first, the narrow sectional interests of his mystery, and secondly, his own personal power." Although parts of her argument are unconvincing, she offers important new insights, particularly in regard to the complexity of and shifts in the local political situation, and in the effect of national economic policies on the motivations of the various London interest groups. Two papers by Paul Strohm, particularly the latter, clarify the process by which Northampton's conviction was obtained: "Politics and Poetics: Usk and Chaucer in the 1380s," pp.83-112 in *Literary Practice and Social Change in Britain, 1380-1530*, ed. Lee Patterson, Berkeley: University of California Press, 1990; "The Textual Vicissitudes of Usk's 'Appeal'," ch.7 in *Hochon's Arrow: The Social Imagination of Fourteenth-Century Texts* (by Strohm), Princeton: Princeton University Press, 1992. The text of Usk's writings have been made available in an online edition produced by R. Allen Shoaf, *Thomas Usk, The Testament of Love*, Kalamazoo (Mich.): TEAMS, 1998, <http://www.lib.rochester.edu/camelot/teams/uskintro.htm>

"earlier end of the fourteenth century"

The key account is in Gwyn Williams, *Medieval London, from Commune to Capital*, London: Athlone Press, 1963, although it has not been free of criticism.

"described as"

Ibid., 282.

"has been suggested"

Nightingale, *op.cit.*, 17.

"reforms of 1319"

Nightingale, *op.cit.*, 20, sees Gaunt's hand here, in Northampton being able to obtain a royal *inspeximus* of the 1319 ordinance; she argues that Gaunt saw the opportunity to get rid of his opponents among the aldermen and install instead a group obliged to him.

"committee of eight"

One cannot help but be reminded here of the early role of **Stace and le Rente** in

compiling an new custumal for Ipswich, the prelude to their rise to power in that town.

"popularity of this attack"

Members of the patriciate had their own reason for approving of the assault on the fishmongers, whose gild had obtained for its own court an extraordinary level of jurisdiction over legal cases involving fishmongers, to the detriment of the authority of the city courts.

"resentful"

There is also some indication that Usk had other grudges concerning money owed him, either stretching back to an earlier period of involvement in Northampton's business affairs, or related to efforts in assisting fellow rebels (Essex?) avoid capture.

"observes"

This translation and others here are by Shoaf, *op.cit.*, <http://web.clas.ufl.edu/users/rashoaf/modusk/musk/one/6.htm>

"uncertain"

An interesting analysis of the accusations is given by Paul Strohm in chapter 1 of his *Hochon's Arrow*, as well as by Prescott in his introduction to the transcription he offers in the same book.



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Keywords: medieval Reading King's Lynn testaments bequests charity pious uses funerals property holding rent wardship memorial services personalia probate records hatters merchants careers

Subject: Early wills of townsmen

Original source: Item 1. British Library, Ms. Cotton Vespasian E xxv, f.189; item 2. Norfolk Record Office, King's Lynn borough records, Red Register, f.42.

Transcription in: 1. B.R. Kemp, ed. *Reading Abbey Cartularies*, Camden Fourth Series, vol.33 (1987), pp.166-67. 2. Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.1 (1919), 76-80.

Original language: Latin

Location: Reading, King's Lynn

Date: early 14th century

TRANSLATION

[1. Testament of Alan de Bannebury]

In the name of God, Amen. I, Alan de Bannebury, have set out my testament on 4 November 1311. First, I bequeath my soul to Almighty God, the Blessed Mary, and all the saints, and my body to be buried in the cemetery of St. Laurence, Reading. I bequeath 6d. to the fabric of Salisbury [cathedral]. To the hospital of **Crowmarsh**, 6d. For bread to be distributed to poor people at my burial, 10s. I bequeath 12s. for the performance of funeral services. For the purchase of ale to be given out on the night of the vigil around my corpse, 12d. For the use of the Friars Minor of Reading, 5s. To the two boys of my brother **Elias**, 2s. To Alice, **daughter of Alan's wife**, 12d. To Joan, wife of Robert de Hampton, 12d. To Robert de Hampton, 12d. To Richard de Asheburn, 2s. To John le Cave, 2s. To the vicar of St. Laurence, 2s. To each altar in the church of St. Laurence, 3d. To the altar of the Blessed Mary in the church of St. Laurence, 12d.



I bequeath my wife Christine five shillings in annual rent received at two terms in the year from a certain **tenement** in London Street, which tenement Thomas Hubert formerly held of Alan. To John le Cave of **Blewbury**, my entire **hat-shop** located at Tothill, in perpetuity. I bequeath to my wife Christine and my daughter Margery all my goods that are in that hat-shop on the day I die. I bequeath my daughter Margery 3s.4d in annual rent that I am accustomed to receive from Richard de Stratfeld at Michaelmas [for a tenement] in the high street of Reading. I bequeath the same Margery 4 acres of arable land in the field called Northfield; which 4 acres I took by way of dowry when I married her mother. I bequeath the entire tenement in which I reside with appurtenances to my wife Christine for all the days of her life; once Christine is dead, I wish the entire tenement with its appurtenances to revert to my daughter Margery. I bequeath half of my **money** to my wife Christine and the other half to my daughter Margery. If anything else remains among my goods that is not bequeathed, I wish and grant that it go in its entirety to my wife Christine and my daughter Margery.

I designate and appoint as my executors Richard de Asheburn and John le Cave of Blewbury, to bring about the execution of this testament faithfully and without delays, as seems to them most expedient for [the good of] my soul. I also bequeath 12d to my servant Agnes. It is my wish and provision that after my time is up the aforementioned John of Blewbury have custody of my daughter Margery, along with all her possessions and all rents that come to her by right of heredity and through the legacy of her father Alan, as well as with the other goods belonging to her, until she reaches marriageable age; and afterwards, let her marry by the advice and with the support of that John, [taking] with her all her own belongings, as soon as John sees it to be advantageous for her. In testimony to which, I have validated this my testament with an impression of my seal, on the date indicated above. Also, I bequeath to my wife Christine **our servant** Robert with his service, while the terms agreed between he and I remain in force.

[2. Testament of John Lambert]

In the name of the Father, Son and Holy Ghost, Amen. I, John

Lambert, burgess of Lynn have set out my testament on 30 November 1312 in the following manner. First, I commend my soul to Almighty God and my body to be buried within the Friars Preacher at Lynn. I bequeath 20s. to the high altar of the **church of St. Margaret**, Lynn, for **offences** concerning my tithes. Towards the fabric of that church, 40d. Towards its **charnel**, 40d. To the principal chaplain of the same, 2s. To dom. Gilbert de Hauld, chaplain, 6s.8d. Towards the fabric of the **chapel of St. James**, Lynn, 12d. To dom. Thomas Pleindamour, chaplain, 12d. To dom. Walter de Dudlington, chaplain, 12d. I bequeath 40s. to the Friars Preacher at Lynn. To the Friars Minor, Lynn, 6s.8d. To the Carmelite Friars of Lynn, 2s. To the Augustinian Friars of Lynn, 2s. I bequeath to the poor [residents] of the **hospital of St. John**, Lynn, 12d. I bequeath 6d. to the lepers of **St. Mary Magdalene** on the Causeway. To the lepers of **Hardwick**, 6d. To each chaplain who comes to my funeral service, 2d. I bequeath £10 to cover the expenses of carrying out my funeral services, on the day of my burial, on the **seventh day**, and on the **thirtieth day**.

I bequeath to my son Robert and his legitimate heirs my **messuage** in **Wingate**, Lynn with its buildings and appurtenances, which is flanked by the messuage of **Peter Lomb** on the west side and the messuage of dom. Alexander Sefoul chaplain on the east side, and extends [in length] from the public road on the north as far as the **communal channel** on the south; together with the large solar at the front of the messuage, extending from the aforementioned land of Peter Lomb to the messuage of dom. Alexander the chaplain. Excluding a certain plot of land which I leased to my sister Isabelle for her lifetime; after her death I wish that plot of land revert to my son Robert. I bequeath to the same Robert, my son, and his legitimate heirs 20s. in annual rent received each year from the messuage of Philip Tubbesye, in **St. James Street**, Lynn, at the corner of **Finnes Lane**, with the homage and service pertaining thereto. I bequeath to my son Robert and his legitimate heirs 5s. in annual rent received each year from the entire messuage in the said St. James Street at the corner of Finnes Lane, with homage and service pertaining, which the heirs or assigns of William Wrongnose hold of me. I bequeath to my son Robert, in the form specified above, 8d. in annual rent received each year from the messuage that Robert de Walsingham holds in St. James Street, Lynn;

which rent I acquired from Thomas de Ridon. I bequeath to my son Robert, in the form specified above, 2d. in annual rent received each year from a message next to **Purfleet** that once belonged to William de Massingham, with the homage and service pertaining thereto. I bequeath to my son Robert, in the form specified above, one penny in annual rent received each year from the tenement in Wingate formerly of Humphrey Aurifaber, with the homage and service pertaining thereto. I bequeath to my son Robert, in the form specified above, my three new shops with solars in **Briggate**, Lynn, which lie between the messuage of dom. Ralph Sefoul on the north and the land of John de Thorndeyn on the south, and extend from the street of Briggate on the west as far as the land of John de Thorndeyn on the east. My son Robert and his legitimate heirs are to have and hold in perpetuity those tenements, rents, and shops, with all appurtenances, homages, services, and escheats, of whatever kind belong to them.

If Robert should die without producing legitimate heirs, I wish that those tenements, rents, and shops, with all their appurtenances, be sold by my executors (if they be alive), and the proceeds be distributed in alms of various kinds in the town of Lynn, as seems to my executors most effective for my soul, the soul of my wife Matilda, the soul of Muriel de Ispania, and the souls of all the faithful deceased. If my executors are not alive at that time, or if only one of them survives, then the tenements, rents, and shops, with all their appurtenances, are to be sold by the mayor and aldermen of Lynn who are in office at that time, by my two closest blood relatives, and by my surviving executor, and the proceeds distributed in the fashion specified above. In that event, in order that the mayor and aldermen and my two nearest blood relatives have clear authority to sell my tenements, rents, and shops, I wish that my executors arrange for a copy of this clause concerning them in this matter to be delivered to them under the seal of the **commissary** of Lynn, for safekeeping in the common chest of the mayor and community of Lynn.

I bequeath to my son Alexander, for life, after the death of my wife Matilda, 40s. in annual rents received each year from the tenements and shops mentioned above. I bequeath my son Nicholas, a member of the order of Friars Preacher at Lynn, for life, **[to pay]** for his habit and other necessaries, 20s. in annual rent received each year at

Michaelmas, beginning with that following my death, by the agency of my son Robert. Should it happen that Robert fail to pay that rent, in whole or in part, in the fashion specified above, or in any way refuses to pay the same, then I wish that the **executor of the Holy Land** bring an action seeking the annual rent of 20s., whenever and as often as Robert stops paying Friar Nicholas the 20s. annual rent. However, I wish and require that the said executor not bring any action concerning the 20s. annual rent other than for the period during which Robert ceased to pay Friar Nicholas the rent in the way and at the time mentioned above.

It is my wish that Robert and his legitimate heirs maintain in perpetuity a two-pound wax candle at **Christ's sepulchre** in St. Margaret's church from Good Friday until High Mass has been celebrated on Easter Day. So that this never be forgotten, I wish my executors arrange for a copy of this clause to be delivered, under the seal of the commissary of Lynn, to the prior or warden of St. Margaret's, Lynn. I wish Robert or his legitimate heirs to pay the prior and convent of **Castle Acre** £8 within four years following my death and the death of my wife Matilda. If Robert dies without legitimate heirs before paying that money, I wish and charge my executors to make prompt payment of the £8 to the prior and convent.

My three shops with solars in Briggate, Lynn, which lie between the tenement of John de Thorndeyn to the south and the land of Robert de Walton to the north, and extend from the messuage of Robert de Walton on the west as far as the public road on the east, I bequeath to be sold by my executors after the death of my wife Matilda. From the proceeds of the sale of those shops, £10 are to be given and paid to my daughter Matilda and her sons and daughters, and the rest of the money on masses to be celebrated by the Friars Preacher for my soul and the souls of all the faithful. In particular, the Friars are to celebrate an anniversary mass for the souls of chaplains dom. Henry de Dunham and dom. Alan de Oxheburgh.

I bequeath my daughter Matilda and her daughter Margaret a messuage, with its buildings and appurtenances, in Lynn, between the messuage of Walter de Acre to the east and the messuage of Walter de Bredenham to the west, extending from the public road on the north as

far as the land of John de Gernemuta to the south. Matilda and her daughter Margaret, and Margaret's legitimate heirs, are to have and hold in perpetuity; if Margaret dies without legitimate heirs, then the messuage with its appurtenances is to revert to her brother John and his heirs.

I wish my wife Matilda to have all these tenements for as long as she lives, in fulfillment of her dower right, as well as [my] goods, moveable and immovable. I bequeath to my son Robert all my vessels and utensils, of whatever kind and wherever they may be, after the death of my wife Matilda; and it is my wish that my wife Matilda, while she is alive, provide my son Robert each year with a linen gown and give ... Robert whenever Robert may give way to the wishes of his mother, showing her honour, reverence, and obedience, as a son is obliged to act towards his mother.

I bequeath my daughter Matilda, for life, my **curtilage** with dovecote on the near side of **Swaggess Mill**, Lynn. On condition that she maintains the curtilage walls and dovecote in as good a condition as when she receives them. After her death it is to revert to my son Robert, in the manner as mentioned above. I bequeath my daughter Matilda my stone called a diamond.

I bequeath 20s. in support of the Holy Land, to be put in the hands of the monk of the church of St. Margaret the Virgin, Lynn, assigned to custody of Holy Land money. The rest of my goods, as well as debts [due me] and other things, wherever they are found, after my debts are paid, I wish to be distributed in Lynn by my executors as alms of various kinds, for my soul, as seems most expedient to them for my soul. I appoint these as my executors: that is, my wife Matilda, Thomas de Ridon, mag. Gilbert de Geywode, and my son Robert. I bequeath the same Thomas de Ridon 20s. for his labour, and 20s. to master Gilbert. In testimony to which, I have set to my seal to this document. Drawn up at Lynn on the above date.

On 14 December 1312 I, John Lambert of Lynn, being of sound mind, bequeath to my son Alexander £6.13s.4d, as part of my testamentary wishes concerning Alexander, which remain valid. It is also my wish that the tenement bequeathed in my original testament to my daughter Matilda and the heirs of her body remain valid, and that she receive

the entire £10 bequeathed her in my testament, provided however that my other testamentary wishes can be fulfilled and my debts paid. On the other hand, if the testament cannot be fulfilled and my debts cannot be paid, so that the bequest to Matilda not have to be abandoned, I wish that then the tenement be sold by my executors and £10 received from the sale of that tenement, together with the sale of my shops in Briggate (bequeathed to be sold in my original testament), be paid to Matilda and her daughter Margaret, and that together they receive the whole £10. I forgive Friar Nicholas, my son, the 20s. he owes me. I bequeath 40d. to John Skirbek. To the son of John de Salle, 40d. I bequeath my son Alexander my overcoat, my **tabard**, and a russet tunic; to Benedict le Fitheler, my **striped** tunic; to John Leverich my gown, my striped tabard, and my **perse-coloured** gown. To my servant John I bequeath 40d. [and] my fur-lined tabard. I appoint as executors of this codicil the same as named in the original testament.

On 16 January 1313 this testament was proven before the official of the Bishop of Norwich, the commissary general, in Lynn, through the agency of trustworthy men under oath, viz. Ralph de Egemere, Thomas Hauteyn, Richard le Taverner, John son of Alan Sefoul, and John Clerk. The codicil annexed to the testament was proven the same day and place by trustworthy men, viz. Ralph de Egemere, William Madame, Richard de Gernemuta, and John Leverich. Administration of all the property of the deceased was handed over, via the taking of an oath, to those named executors in the testament: Thomas de Ridon, mag. Gilbert de Geywode, and Robert the son of the deceased. Matilda, the wife of the deceased, named an executor in the testament, explicitly and in due form declined to take on the responsibility of administration.

DISCUSSION

[I have divided the documents into paragraphs to make for easier reading.]

Probate of wills and testaments was recognized as being within the jurisdiction of the Church. Registers of the archiepiscopal prerogative courts, episcopal consistory courts, and commissary or archdeaconry courts are the principal source of wills from medieval England. But these provide relatively few wills of townspeople prior to the fifteenth century. Before that time, we must rely more on local records.

Early charters of liberties to some towns (e.g. **Northampton**) imply that borough courts they authorized had jurisdiction over legal matters concerning urban real estate owned by townspeople. Some borough customals include numerous clauses regulating property transactions (e.g. **Norwich, Ipswich**). During the second half of the thirteenth century, when our earliest records from these courts survive, property transfers were being documented in those records in a few towns, such as London and Ipswich. Since the purpose of wills was to transfer property at death, extracts or abstracts of their content were copied into the record. The intent was to focus on the clauses relating to urban property. However, as time went on it became more common, or more expedient, to simply copy the whole into the court record.

A second source of early wills of townspeople were the cartularies of religious houses in the towns, or their vicinity. When those houses had, or came to acquire, interests in property transferred by townspeople, their deeds, quitclaims and wills were copied into the records of the institution. Bequests with other implications for religious houses might also warrant copying. Again, sometimes only the relevant parts of wills and testaments were transcribed, but more or less complete copies also can be found.

The two examples given above are among the earliest of the fuller transcriptions that found their way into borough or ecclesiastical records. In the case of Lynn, the borough court and **its claim to probate** were in the hands of the Bishop of Norwich, but the more indépendantiste townsmen resisted this. What little survives of the hustings rolls of the court of the bishop's steward shows no indication of any enrolments of wills or testaments, whereas from the early fourteenth century the assembly presided over by the mayor was having such documents presented before it, and copied into the Red Register and, later, a more formal, register, now lost.

Not surprisingly, these testaments are much the same in shape and in the type of information they provide as their counterparts that survive to us in greater numbers for the late fourteenth and fifteenth centuries. Which is to say that they make some provision for the funeral, they make pious and charitable bequests, they remember relatives, friends and servants through small bequests of cash or personal items, they make the necessary provisions for widow and children, and they leave instructions for the disposal of real estate, while at the same time leaving us largely in the dark regarding issues of patrimony – that property which, because itself inherited, descended automatically to the principal heir and was not bequeathable. If there is a notable difference between testaments of this period and the later, it is perhaps that the concern for having prayers said for the soul, while not absent in the former, is less of a preoccupation; for **worries about Purgatory** weighed more heavily upon the mind of town dwellers as time went on.

The first document translated above appears, at first glance, slightly conflicted in that it is, typically, drafted as though dictated by the testator, but occasionally lapses into referring to the testator in the third person. However, these shifts appear to be deliberate clarifications by the scribe of what the testator dictated.

The testator was perhaps a hat-maker, judging from his legacy of a "capella" in Tothill. On 14 August 1314, one John son of Thomas le Cave of Blewbury and his wife obtained a life lease from the abbot of Reading on a corner shop (seld) in the Drapery at Reading, opposite Tothill, formerly held by Alan de Bannebury. The abbot's lordship over this property probably explains why Alan's testament was copied into abbey records. The records of a taxation imposed on the borough in 1297 include an assessment on Alan which, however, throws little light on his occupation, for it mentions only grain, hay, firewood, a pig, a cow, and unspecified utensils.

Rather more is known about John Lambert. The surname is in evidence at Lynn for much of the thirteenth century; although we cannot be sure all the holders were related, it is not unlikely. A Richard Lambert and a John Lambert, along with several others of this surname, appear in a bede roll of the merchant gild whose compilation was begun during the term of Lynn's first mayor (ca.1217) and continued throughout the century. Richard Lambert appears to date from the earlier part of this period, and was a member of the merchant gild. Peter Lambert, listed adjacent to John, was perhaps the same who was defendant in a plea of novel disseisin in 1229. Hugh Lambert served as one of the gild merchant scabins in the early

1260s, and at the same period Alan Lambert was a member of the gild, while a (presumably later) Richard Lambert held the influential post of gild alderman ca.1271. The last was a prominent player in the local factionalism of the 1260s, which may have owed something to the civil war and/or to the struggle between pro- and anti-episcopal interests in the town. It was probably his wife, Matilda, who was listed in the obit roll of the hospital of St. Mary Magdalene (pre-1296). He was likely the father of the testator of 1312, for in 1289 John son of Richard Lambert was fined by the merchant gild for some unspecified but minor offence. It would appear that this family (if family it was) was among the more important mercantile families of Lynn.

John Lambert's own importance is evidenced in several ways. Such as his frequent appearance in witness lists to deeds where those deeds are witnessed by the mayor, other officials of Lynn, and men who were probably serving on the town council. And by the valuations of his goods for purposes of assessments of local taxes. His name appears in several assessments between 1292 and 1305 and his valuations are well above the average; in 1298 for example, his goods were assessed at £50, when the average assessment was £11. In 1300 and 1301 his taxes were remitted after he took an oath that he owned nothing by way of merchandize. Perhaps this reflects a bad patch in his business operations; but it is difficult to read it as meaning he was not involved in commerce, for other evidence contradicts that. As noted above, he had become a member of the merchant gild before 1289, and a Richard son of John Lambert took out membership in 1294. John served as a scabin of the merchant gild from 1295 to 1299. In 1293 he was suing Peter de Thurendine (a former mayor) and Richard de Gervestone for his share of profits from the sale of Norwegian herring. Two years later an inquisition into debts owed by Lynn merchants to Frenchmen found that Lambert owed £12.10s. to Peter Reymund of Vindymes. In 1305 he was allowed to deduct from his tax assessment of that year 9s., as the cost of wine bought from him by borough government. Furthermore, he held office as a customs collector at Lynn from 1305 to about September 1312; most local men in these offices also engaged in commerce. He may have engaged in retail from one or more of the shops he owned, although one suspects some of these were intended to give him income from rents.

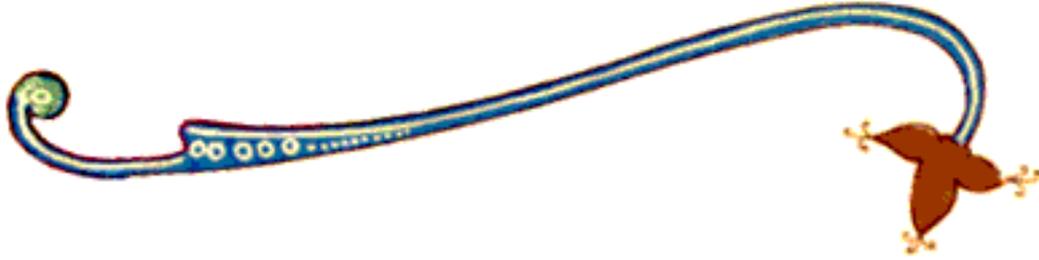
Although he is not known to have risen to the mayoralty, and our knowledge of membership of the town council at this period is almost non-existent, John Lambert held the post of constable ca.1299-1305. This post, giving responsibility for one of the wards of the town, was later associated with aldermannic status, and other constables of the period included leading townsmen. Lambert also represented the borough at the parliament of 1312.

He was associated, in 1309, with the faction in Lynn trying to resist the bishop's jurisdiction. The naming of Muriel de Ispania alongside his wife as someone for whose soul prayers were especially to be said may indicate a relationship with this powerful family – John de Hispania served several terms as mayor between 1279 and 1292. Perhaps Matilda Lambert had been born into that family; in this regard, we may note the uncommon name of Alexander given to one of John and Matilda's sons, and that Alexander de Hispania (killed by John de Hispania prior to 1307) was a constable 1295-98.

The relationship with the Ridon family was also a close one, although whether of kinship, marriage, or friendship cannot be said. They have a prominent role in the testament of John Lambert's son Robert, in January 1323. The testament was drawn up at Beverley, and it seems that Robert may have moved there, for he asked to be buried there, had debts there, and bequeathed some personalia to a Beverley apothecary and his wife. On the other hand, he had retained in Lynn the Wingate property inherited from his father (although his name is otherwise absent from borough records); this he wanted sold, with part of the money used for two chaplains to celebrate masses for him, his parents and his wife for one year, and most of the remainder given to his brother Nicholas and the Friars Preacher in Lynn generally. The rents he held in Lynn were likewise to be sold, with half the proceeds distributed among the poor and the other half among his kin. Some of his personal possessions, including precious jewellery, were being kept safe for him, in a strongbox and a cloth sack (? *clotsok*), by Emma the wife of Thomas de Ridon; most of these, along with a separate cash bequest, he left to Emma and her two daughters. Thomas was named one of Robert's executors. Robert Lambert also had landed interests in Lincolnshire: he was leasing lands at Skendleby from Sir Peter de Maule and Alice de Furnival (the latter another recipient of a personalia legacy). In addition we hear that Robert had debts in Norwich.

Robert's name is absent from borough records, apart from his will being copied there. His interests were evidently wide-ranging, and it is not clear if his pursuits were primarily mercantile. His will gives more the impression of someone aspiring to rise higher in social standing, perhaps partly through military service. He aspired to go on a pilgrimage to St. James of Compostella. The personalia he bequeathed reflect a taste for finery: several gold rings, a gold necklace, a pearl-studded belt, silk purses, a chain bearing his silver seal, silver spoons, maplewood goblets, and a primer with an ivory cover. On the other hand, we also hear of his armour, sword and dagger, all then in the custody of another executor, and two horses: one a black hackney (a riding horse), the second being of such an estimated value that

one suspects it may have been a charger. These things are not incompatible with the lifestyle of leading merchants at this time, but somehow Robert appears more than that.



NOTES

"Crowmarsh"

The village lay about 10 miles north-northwest of Reading, near Wallingford.

"Elias"

An Elias de Bannebyr was one of the tax assessors at Reading in 1297.

"daughter of Alan's wife"

Presumably the testator's step-daughter.

"Blewbury"

The village lies about 11 miles northwest of Reading. Both it and Crowmarsh lay roughly between Reading and Banbury.

"hat-shop"

The original has *capella*, but "chapel" (or "chapel fittings") seems an unlikely translation here.

"money"

I am uncertain how to translate the original, *eris*; it might refer to coin, to household utensils, perhaps to debts owed the testator, or simply to moveables generally.

"our servant"

It appears that an apprentice (the servant of our business?) is meant; it was the term of service, not the individual, that was being bequeathed.

"offences"

I.e. defaults in paying tithes (a one-tenth share of income expected to be paid to the Church by laymen to support its religious activities).

"charnel"

A special chapel built to house skeletal remains removed from the cemetery to make room for fresh graves (i.e. an ossuary).

"St. Mary Magdalene"

This hospital was on the road (raised, because of marshy ground) to Gaywood.

"Hardwick"

A village to the south of South Lynn.

"seventh day" "thirtieth day"

Commemorative services a week after the burial (not including the day of the burial) and, more common, a month after were often held where money permitted, as it was felt that in this early period following death the soul could benefit more from prayers said.

"Peter Lomb"

It would appear from the will of Robert Lambert, that Peter Lomb was the husband of John Lambert's daughter Matilda. Margaret, daughter of Peter and Matilda, was not yet married when Robert died.

"communal channel"

Presumably some kind of ditch; Purfleet cannot be intended, for it lay to the north.

"commissary"

Refers to the episcopal official with the authority to grant probate, mentioned at the close of the record.

"executor of the Holy Land"

Evidently an official of the Order, but I do not know the correct title and so have made a literal translation.

"Christ's sepulchre"

The Easter Sepulchre was a model representative of Christ's tomb; it might be a wooden construction or a more permanent architectural feature of a church, such as a recess; the moveable models might also be placed in a recess or on top of another tomb. They were usually in the chancel or sanctuary. During Easter, the entombment and resurrection of Christ were commemorated by placing a crucifix by the sepulchre and the consecrated elements of communion inside it.

"Castle Acre"

13 miles west-southwest of Lynn.

"curtilage"

Derived from a French word roughly meaning "courtyard", the term is used today primarily in legal contexts and normally refers to that part of an enclosed residential property which is not built on. Enclosure and clear association with a home

(geographically and functionally) are elements of the modern legal definition, insofar as one has been established by the courts. As can be seen from the case of Lambert's curtilage, enclosure is one of its characteristics, but there is no evident association with any of the houses he owned. Use of the term in the Middle Ages seems to have been loose, and all we can say is that it referred to an area of private land not built on, with boundaries probably defined by some kind of enclosure, and function varying from a domestic yard to an area where cultivation might take place (although not strictly a garden), or animals be kept, or possibly even industrial activities take place.

"tabard"

Like the overcoat (*supertunica*), the tabard was a tunic worn atop other clothing.

"striped"

The first instance is in the original *stragulatam*, while the second is *de raye*, so there was a difference in the way the cloth was striped.

"perse-coloured"

A dark blue cloth.



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Keywords: medieval London parish churches churchwardens finances account revenues expenditures chantries endowments rent buildings maintenance repairs hardware craftsmen labourers wages priests funerals memorial services furniture furnishings waxchandlers

Subject: **Accounts of the churchwardens of St. Mary at Hill**

Original source: Corporation of London, Guildhall Library, Ms.1239/1, ff.15-26

Transcription in: Henry Littlehales, ed. *The Medieval Records of a London City Church (St. Mary at Hill) A.D. 1420-1559*. Early English Text Society, original series, vol.125 (1904), 76-92.

Original language: Middle English

Location: London

Date: 1477-79

TRANSLATION

Miscellaneous receipts | Receipts for burials
Expenses of Weston's living | Expenditures on the church
Repairs to the church | Expenses of Causton's tenements
Repairs to the same | Expenses of Gosselyn's tenements
Repairs to the same | Expenses of Bedeham's tenement
Expenses of Cambridge's tenements | Repairs to the same
Costs of the waxhandler | Potations



This is the account of John Palmer and John Clerke, wardens of the church of St. Mary at Hill beside Billingsgate, in London, from 29 September 1477 to 29 September 1479; that is, for two whole years etc.

First, they are accountable for £29.12s.4d in rents from the **tenements** assigned to the **chantry of John Weston** during the 2 years; accounting for £14.16s.2d per year.

And with £35.3s.4d. in rents from the tenements assigned to the **chantry of John Causton** for the same 2 years; accounting for £18.1s.10d per year, etc. And with £19.17s.4d in rents from the tenements assigned to the **chantry of Richard Gosselyn** for those 2 years; accounting for £9.18s.8d per year.

And with £26.13s.4d in rent from a tenement assigned to the **chantry of John Bedeham** for those 2 years; accounting for £13.6s.8d per year.

Also, received in rent from a tenement located in the parish of St. Christopher at Stocks, formerly belonging to **William Cambridge**, for the Midsummer and Michaelmas terms in 1478, £3. And in rent from the same tenement for the year ending at Michaelmas 1479, £10

£13

total: £125.6s.4d

Rent increases:

Also, they are accountable for 23s.4d from a rent increase on a tenement in the parish of St. Mary at Hill, which is accounted for among the rents of Weston's chantry (called the Church Rents) at 20s. a year, recently [rented] to John Dokeling for 33s.4d a year; that is, for one year and three quarters etc.

total: 23s.4d

Bequest:

Item, received from Richard Bliot of Thussocks, Essex, as a gift towards the maintenance of the church

6s.8d

Arrears:

Item, received from John Johnson butcher as **arrears** of rent

46s.8d

Item, from dom. John Mortram as arrears of rent

24s.

| | |
|---|------------------|
| Item, from the wife of William Geffereis as arrears of rent | 20s. |
| And from James Cokke weaver as arrears of rent | 20s.2d |
| | total: £5.17s.6d |

Total on this page: £7.10d

Miscellaneous receipts

| | |
|--|--------|
| Received over the two years for the beam light | 42s. |
| For the Easter taper during that period | 25s.4d |
| For the melted wax from two candles [used] at Causton's obit | 4d. |
| For the melted wax from two candles [used] at John Bedeham's obit | 4d. |
| For the melted wax from two candles [used] at Richard Gosselyn's obit | 4d. |
| For the melted wax from two candles [used] at William Cambridge's obit | 4d. |
| For an empty hogshead , sold to William Proyne | 6d. |
| For an old gravestone, sold to [blank] | 6s.8d |
| From the sale of 2 bushels of sand | 2d. |
| Item, received from the wife of Thomas Crulle , for the ringing of the great bell for her husband | 3s.4d |
| For the burial of Thomas Crulle in the church | 13s.4d |
| For the burial of dom. Thomas Wilkyson priest in the church | 13s.4d |
| Received from William Prune for the burial of his son in the church | 13s.4d |

For the burial of a stranger in the churchyard 3s.4d

Received from John Jacob for observances held in
the church for a Spaniard who was killed 5s.

total: £6.7s.8d

**Sums received for the burial of corpses in
the **pardon churchyard****

For the burial of Crulle's daughter 2s.

For Harry Clerke's, as a donation 2s.

For William Blase's child 2s.

For John Smyth 2s.

For the kerchief launderer's daughter 2s.

For Dokeling's manservant 2s.

For Hunt's wife 2s.

For Cecily Crulle 2s.

For John Clerke's daughter 4s.

For John Baker's daughter 2s.

total: 22s.

Total of all the receipts for which they are accountable: £139.16s.10d

**Payments and expenses relating to Weston's
living**

Quitrents:

First, paid to the abbot of Waltham, as a **quitrent**
of 38s. **[annually]** due from a tenement that once
belonged to John Weston, located in the parish of
[blank]

76s.

To Michael Harryes, warden of the church of St. George in Pudding Lane, as a quitrent of 20s. annually due from a tenement located in the parish of St. Mary at Hill, for 2 years, [paid] at Michaelmas 1479 40s.

To the Prior of Christchurch inside Aldgate, London, as a quitrent of 3s. annually due from a tenement located in the same parish of St. Mary, for 2 years ending at Easter 1479, [evidenced] by two receipts 6s.

To the same Prior, as a quitrent of 5s. annually due from [blank] tenements located in the parish of St. Botolph's outside Aldgate, once of John Weston, for **2 years ending at Christmas 1479** 5s.

total: £6.12s.

Priests' wages:

Item, paid to dom. **John Philippe** for conducting the morning mass, at 5s. per quarter, for the period of 2 years 40s.

Item, paid to dom. **John Colyns**, to supplement his wages, at 8s.4d per quarter, for the period of 2 years £3.6s.8d

total: £5.6s.8d

Total: £11.18s.8d

Vacancy:

Allowance for the rent of a tenement located in the parish of St. Mary at Hill, held by Harry Williamson, accounted for in the rental at £4 a year, which stood empty throughout the first year £4

Obits:

Item, paid for the obit of John Weston, held twice within the period covered by this account, at 3s.4d each time 6s.8d

Item, for the obit of dom. John Bradmere, who gave the church a new chalice weighing [blank], at 3s.4d per year 6s.8d

Paid to John Modley for **servicing the choir** during the Midsummer and Michaelmas terms 1478, at 6s.8d per quarter 13s.4d

To the same John, for his wages serving in the choir from Michaelmas 1478 to Midsummer 1479, at 6s.8d per quarter – 20s. And from Midsummer to Michaelmas following, serving as the parish clerk, 13s.4d for his wages 33s.4d

To the parish priest to make mention from the pulpit of the soul of [Richard] Bliot, who gave 6s.8d towards the maintenance of the church 2d.

Item, paid to **William Paris**, for carrying the great book to dom. William Palmer's room, for making another copy 4d.

Item, paid to William Paris and the [parish] clerk for a meal one Good Friday 2d.

total: £7.8d

Expenditures on the church

Item, paid to a vestment-maker for mending the black copes, and all the other copes in need of repair, for 14 days at 9d. a day. Total: 10s.6d

| | |
|--|-------|
| For red silk, 12d. | |
| Ribbons of various colours, 4s. | |
| For velvet, 9d. | |
| For buckram for lining, 4s. | 9s.9d |
| | |
| To Ralph Smyth, for mending a chain of a book in the choir, 2d. | |
| For making a baldrick and a new buckle for the small bell, 8d. | 10d. |
| | |
| For a rope for the same bell, 3d. | |
| For 8 fathoms of rope for the middle-sized bell, 9d. | |
| For washing altar-cloths, albs, amices , and towels, 12d. | 2s. |
| | |
| For scouring the standards, candlesticks, and the rood loft, during the two-year period | 3s.8d |
| | |
| For 72 lb. of tallow candles, used in divine services performed in the church during the period covered by this account, and in watching the church | 6s.5d |
| | |
| To William Proyne, for 18 gallons of oil , used in the church lamps | 16s. |
| | |
| For scouring, repairing, and gilding of a crucifix | 5s. |
| | |
| To William Paris, for nails and repairs to certain of the church pews, 10d. | |
| For a key to the lower vestry door, 3d. | |
| For 2 small keys to a little chest in the vestry, 6d. | |
| For a new key and repairs to a lock to the steeple door, 4d. | |
| For leather and clasps for an antiphonary , 8d. | 2s.7d |

| | |
|---|---------------|
| For mending a surplice, 5d. | |
| For repairs to the pavement in the church, 2d. | |
| Paid to William Paris, for taking down the cross from the steeple, 2d. | 9d. |
| For washing and sewing John Modley's surplice | 2d. |
| | total: 57s.8d |

| | |
|---|---------------|
| Item, paid for birch at Midsummer, 8d. | |
| Item, paid for box[wood?] and palm on Palm Sunday, 12d. | |
| For coal on Easter evening, 10d. | |
| Item, for garlands on Corpus Christi day, 10d. | |
| To 5 men, to carry the torches, 9d. | |
| For rose garlands and woodruff garlands on St. Barnabas' day, 11d. | |
| To dom. John Henley, for singing on those days, 8d. | |
| To 4 children of St. Magnus [parish], for singing, 4d. | |
| To Walter Plesaunce, for playing the organ, 6d. | |
| For expenses of the priests and clerks in bread, ale and wine at the abovementioned festivals and at All Hallows, 2s.5d | 8s.11d |
| For a new key to the chest containing the torches | 3d. |
| Item, paid to Thomas Goldsmyth for repairs to 2 pax and the socket of a silver candlestick | 2s. |
| Item for repairs undertakn by Michael Gloctir to the " capis " of the organs | 8d. |
| For 3 wicker mats, bought for priests and clerks | 4d. |
| | total: 12s.2d |

Repairs

| | |
|--|---------|
| Item, paid for 3,000 tiles, at 5s.4d per thousand, 16s. | |
| Item, for 100 roof tiles, 15d. | |
| To Harry Clerke, for 8 loads and a sack of lime, 8s.2d. | |
| For 3 loads of sand, 18d. | |
| For 2 loads of loam, 8d. | |
| For 200 laths , 4d. | |
| For 2 pecks of tile-pins, 4½d. | |
| For 200 sixpenny nails , 12d. | |
| For 500 spriggs , 3½d. | |
| For a water-pail, 3d. | |
| For 100 threepenny nails, 3d. | |
| For 2 lb. and 3 quarterons of solder, used in the tenements of Harry Williamsson and John Dokeling, 22d. | 31s.11d |
| Item, paid to a tiler and his labourer, for a day's work on the church | 13d. |
| Item, paid to a tiler and his assistant, for a day's work on Thomas Raynold's house | 13d |
| Item, to 2 tilers and 2 labourers, for 9 days work on John Williamson's house and John Dokeling's house, at 2s.2d a day (divided among them) | 19s.6d |
| For a bucket for Harry Williamson's well, and for binding it | 3s.2d |
| To a dauber and his labourer, for 3 days work there, at 13d. a day | 3s.3d |
| For carrying off 8 loads of debris from the same locations | 10d |
| For emptying out 2 tuns in the privy of Harry Williamson's house | 5s.4d |
| For 400 hertlaths, at 5d. a hundred | 20d. |

Total on this page: £3.7s.10d

Item, for a **wainscot** used in Harry Williamson's house, 9d.

Paid to Stere for sawing 3 curves into the same, 3d.

For legs, 4d.

For 100 threepenny nails, 3d. 19d.

To a carpenter working there for 2 days, 16d.

To a mason and his assistant for a day's work, 13d. 2s.5d

To a paver, for laying 9 **ties** in front of the tenement of John Modley and Hugh Clerke, at 7d. per tie, and 12d. for 3 loads of gravel 6s.3d

Item, paid to William Paris for keeping watch in the church over 16 nights, during the construction of the vestry, 16d.

For a quarter of coal, 5d.

For bread and ale bought from the wife of [the keeper of] the Bell, 16d. spent there 3s.1d

Item, paid to a carpenter to make a shop door for Thomas Reynold's house, including the [cost of] nails, 12d.

And for a key to the same, 3d. 15d.

Item, for 3 loads of lime used in conjunction with the sand that was left from the materials acquired for the vestry construction 3s.

For drawing up a pair of indentures between the churchwardens and [blank] Mille, for the lease of his house 2s.6d

Item, to [blank] Masse scrivener, for reviewing the old indentures regarding that house 8d.

total: 20s.9d

Expenditures on the tenements of John Causton's chantry

Quitrents:

In money paid to the wardens of London Bridge, as a quitrent of 13s.4d annually due from a tenement in Gracechurch Street held by John Fisshe, for two years ending at Easter 1479 26s.8d

Item, to William Inkyrssale and Thomas Broke, wardens of the fraternity of Our Lady and St. Thomas of Canterbury, or Salve Regina, founded in the church of St. Magnus in London, as a quitrent of 6s. annually due from the same tenement, for two years ending at Midsummer 1479 12s.

Priest's wages:

To dom. **Philip Norton**, priest singing for the soul of John Causton, for two years' wages ending at Michaelmas 1479, at £6.13s.4d a year £13.6s.8d

To Hugh Clerke and Robert Clerke, for money due them for the Dirige of John Causton 10d.

Allowance for the rent of a tenement that Hugh Clerke held for 20s. annually, which stood empty during the terms of Easter, Midsummer and Michaelmas 1479. 15s.

Allowance for the rent of a tenement that the clerk of St. Dunstan held, who was in arrears to the church in the amount of 25s. and vacated the tenement without leaving behind anything that could be **distraigned** for the rent, and afterwards died in the plague, leaving no estate from which payment could be made. 25s

total: £17.13s.10d

Repairs

For 2,000 tiles used to repair the tenement of William Blase and other tenements, 10s.8d

For 100 laths, 5d.

For 100 fourpenny nails, 4d.

For 100 fivepenny nails, 5d.

For a peck of tile pins, 1½d.

For a load of lime, 12d.

For a load of sand, 6d.

For a load of loam, 4d.

For 3 quarters of sprigg nails, 3½d

For a lock and key for Christian Stevyns garden, and for nails, 9d.

14s.10d.

Paid to a tiler and his labourer, for 4 days work there, the pair receiving 13d. daily, 4s.4d.

To a dauber and his labourer working in the tenement of John Brewster turner in East Cheap for a day, 13d. And in the tenements of James Cokke and Clement [Hille], [for] two days, 2s.2d.

7s.7d

Item, for 3 loads of paving gravel, 12d.

To a paver for laying 9 ties of pavement, at 7d. per tie, 4s.1d

5s.1d

For a post, a **plate**, and a trestle head, to set under the **binding joist** in John Brewster's house, 14d., and 2 pieces [of timber] for the sides of a staircase, 6d.

For 25 feet of elm board, for steps and standards for the staircase, 6d.

For 6 **quarters** for the walls and bridges for the staircase, 12d.

To 2 carpenters working there for 2 days, 2s.8d

Item for repairing a lock, and for a new key, to Hugh Clerke's house, 3d.

6s.1d

For repairs to the tenement held by John Fisshe

For 1,000 tiles, 5s.6d

For a load and 4 sacks of lime, 20d.

Item, for 4 roof tiles, 4d.

Spent on repairs to John Fisshe's house in
Gracechurch Street

7s.6d

To a tiler and his labourer working there for 4
days, at 13d. a day

4s.4d

To a carpenter, for his labour, a principal post, and
a water board

20d.

For 4½ lb. of solder, 2s.3d

For a key to William Blase's shop door, 3d.

For transporting a thousand and a load of sand,
from **Foster Lane** to Gracechurch Street, 6d. For
transporting 5 loads of debris from Foster Lane
and East Cheap, 10d.

3s.10d

total: 50s.11d

**Payments and expenditures made on the
tenements belonging to Richard Gosselyn's
chantry**

Quitrent:

To the Prioress of Kilborne, as a quitrent of 6d.
annually due from the tenement in Foster Lane, for
the two years ending at Michaelmas 1479

12d.

Obits:

Item, paid for the costs of Richard Gosselyn's obit,
held twice during the period covered by this
account

6s.8d

Vacancies:

Item, allowance for the rent of a tenement held by
William Dighton, which stood empty for a year
because no tenant could be found

£3

Item, [allowance for] the rent of a tenement that William Catour embroiderer holds, which stood empty throughout the first quarter of [the period covered by] this account 4s.6d

Priests' wages:

Item, paid to dom. John Mouteyne for 12 weeks and 5 days, 31s.8d

To dom. Thomas Wilkynson, for a quarter and a half, 50s.

To dom Thomas [blank], for a quarter 33s.4d.

To dom. Robert Barette, for 5 weeks and 2 days, 13s.

And to dom. William Lun for 6 weeks and a day, 15s.4d

Priests singing for the soul of Richard Gosselyn during the period covered by this account £5.3s.4d

total: £13.5s.6d

Repairs to Richard Gosselyn's tenements

Repairs:

For 6,000 tiles, at 5s.4d a thousand, 31s.8d

For 600 laths, at 5d. a hundred, 2s.6d

For a quarter of roof tiles, 16d.

For 1½ bushels of tile pins, 9d.

For 6 loads of sand, 3s.

For 10 loads and 4 sacks of lime, 10s.8d

For 2 loads of loam, 8d 50s.8d

For 12 feet of floor boards, 4d.

For 5½ feet of "lire" board, 2d.

For 31 yards of eave boards, 20d. 2s.7d

For quarter boards bought for the physician's house, 16d.M|
For 2 quarters, 5½d
For a rafter foot, 1d.
For a leg, 1½d.
For a quarter and a half of elm board, 6d.
For a quarter of elm, 5d.
For 200 sixpenny nails, 12d.
For 100 fivepenny nails, 5d.
For 200 fourpenny nails, 4d.
For threepenny nails, 5d.
For lead nails, 1d.
For spriggs, 12d., and for roof nails, 8d.
For 2 hooks, 1d.
For shaping a hundred and a half of lead, 2s.1d.
For 10½ lb. of solder, 5s.3d.
For a new bucket for William Dighton's well, 8d.
For two new hoops for, and binding of, that bucket, 14d.
Item, for a **bast rope**, 2d.
Item, paid to 2 tilers and 2 labourers working there for 20 days, at 2s.2d a day (divided among them), total 43s.4d
To a labourer, to remove debris from the house over 2 days, 10d.
For the carrying off of debris, 20d.
For transport of 2 loads of brick, some of this to Cwi..ke's house, 4d.
For demolishing a chimney in the small shop, 6d.
For cleaning out the **privies**, 18d.
To a carpenter for 2 days, 16d.
To a dauber and his assistant for 3 days, at 13d. a day, 3s.3d.

£3.9s.4d

total: £6.2s.7d

Repairs:

Item, paid to a mason working on diverting the gutter for carrying off water from [William]

Shirborne's kitchen, 2s.

For 300 bricks, 18d.

For 1,000 tiles used in the physician's house, 5s.6d.

For 2 loads and 6 sacks of lime, 3s.

For tile pins, 1d.

For 2 loads of sand, 12d.

To a tiler and his assistant for 7 days, at 13d. a day, 7s.7d.

To a carpenter for 2½ days, 20d.

For half a hundred and 8 feet of elm board, 14d.

For nails, 6d.

For quarter boards, 3d.

For legs and hooks, 4d.

For cleaning the house and getting rid of the dust, 8d.

For carrying off 3 loads of rubbish, 10d. 26s.1d

For a load of loam, to spread over the floor in [William] Levisham's house, 4d.

To a dauber and his assistant [working] there for a day, 13d. 17d.

total: 27s.6d

Payments and expenditures on the tenement that belonged to John Bedeham

Priest's wages:

First, paid to dom. John Plomer, priest of John Bedeham's chantry, as his wages for 2 years, at £6.13s.4d a year

£13.6s.8d

Obits:

Item, paid for the obit of John Bedeham, 6s.8d for each year covered by this account

13s.4d

Bequests:

Item, allowed to the churchwardens, by John's bequest, 3s.4d to each of them per year, for both years 13s.4d

Repairs:

Item, paid for 4,000 tiles, 21s.4d

For 400 laths, 20d.

For 1,250 spriggs, 7½d.

For a bushel and a half of tile pins, 9d.

For 5 loads of sand, 2s.6d

For 12 loads and 2 sacks of lime, 12s.4d 39s.2½d

To 2 tilers and 2 labourers working there for 18½ days, at 2s.2d a day (divided among them) 39s.6d

Item, paid for a half hundred and a quarteron of paving tiles, 7½d.

For a quarter of small paving tiles, 5d.

For 200 fivepenny nails, 10d.

For 100 fourpenny nails, 4d.

For 200 sixpenny nails, 12d.

For 4 hundred and 3 quarters of quarter board, 12s.2½d

For 9 quarters of oak, 16d. 16s.9½d

To a carpenter working there for 5½ days, 4s.4d

Item, to a carpenter to mend the privy there, 6d. 4s.10d

total: £5.4d

Total on this page: £19.13s.8d

Repairs:

For a load of loam, 4d.

For straw, 1d.

For a dauber and his labourer for 2 days, 2s.2d. 2s.7d

For two iron plates and nails for the gate, 12d.

For a board for the kitchen, 12d.

For nails for the same, ½d. 2s.½d

| | |
|---|-------|
| Item, paid to the scavagers for the charge concerning the pavement | 8d. |
| For 4 loads of gravel, 16d. | |
| For laying 11 "teies" of pavement, at 7d. per tie, 6s.5d | 7s.9d |
| For a peck of plaster of paris, for repairs to a chimney | 4d. |
| For carrying off debris | 12d. |
| For 3 lb. of solder used there | 18d. |
| Alms money: | |
| Item, paid to 3 poor men, by bequest of John Bedeham, 4d. per person per week; that is, from 28 December 1477 to 6 February 1480 (both days inclusive), viz. for 111 weeks | 111s. |

total: £6.6s.11½d

Payments and expenditures on the tenements belonging to William Cambridge's chantry etc.

Quitrent:

| | |
|--|------|
| First, paid to the abbot of Bermondsey as a quitrent of 6s. annually due from that tenement, for the two years ending at Michaelmas 1479 | 12s. |
|--|------|

Priest's wages:

| | |
|--|-----|
| To dom. John Mortram, priest singing for William Cambridge, as wages for a year and a half, at Michaelmas 1479 | £10 |
|--|-----|

Obits for William Cambridge:

Item, paid for the costs of William's obit in 1478,
4d. each to 8 priests, 2s.8d

To 2 clerks for their labour and for ringing, 2s.

To Humphrey Heyforde, mayor of London, 6s.8d

To Harry Colette and John Stokker, sheriffs, 3s.4d
each, 6s.8d

And to Metford the [mayor's] swordbearer, 20d., as
per the terms of William's testament, for their
efforts in ensuring the observances for him are
kept up

For two candles burned down, 4d.

For bread, 12d.

For a **kilderkin** of good ale, 2s.

For 10 cups, 4d.

23s.4d

Item, paid for William's obit in 1479, to 8 priests,
2s.8d

To 2 clerks for there labour and ringing, 2s.

To Master Gardiner the mayor, 6s.8d

Nothing paid to Robert Hardyng and Robert
Byfelde, sheriffs, for they did not come

To [blank] Metford the swordbearer, 20d.

For bread, 12d.

For a kilderkin of ale, 2s.2d.

For a woman to draw the ale, 2d.

As an offering, 1d.

In alms, 2d.

Item, for 2 tapers burned down, 4d.

16s.11d

total: £12.12s.3d

Repairs

Item, paid for a load of sand, 6d.
To the plumber for mending a lead cistern, 6s.
To a mason for repairs to the paved floor of the kitchen, for 2 days, 16d.
To a labourer for 2 days, 10d.
To a carpenter for a day, 8d.
For 2 timber posts to support the kitchen underneath, 12d.
For a quarter and 8 feet of boards, 9d.
For plaster of paris, 2d.
For nails, 4d. 11s.7d

Item, paid to **Richard Cyrik** for repairs made in his house, as a reimbursement towards his costs for those repairs 5s.

Item, for cleaning out the privy in Cyrik's house 2s.

Item, paid to Hugh Clerke and to Robert Clerke, for money owing them for their services at the Dirige and obits of William Cambridge prior to the period covered by this account, 12d. each 2s.

total: 20s.7d

Item, paid to [blank] Banestre sergeant, for arresting Christian Stevyns in an **action of debt** (for house rent), 8d.
For recording the complaint, 2d.
For withdrawing the complaint, 6d. 16d.

Item, they ask allowance of the money [due] from Christian that the parishioners forgave 5s.4d

Item, paid to John Russell clerk as wages for a quarter 12s.6d

Item, paid to Robert Clerke for what he was owed in wages: 2s.1d at Michaelmas 1479 and 3s.4d at Christmas 1479 5s.5d

Item, paid to Hugh Clerke for what he was owed
in wages from the time that he was in service here 10s.1d

Item, paid to Thomas Warwyk clerk for **money
owing him**: 19½d. that he should have been paid
by John Smert, 19½d. by Robert Revell, 19½d. by
John Braymong, and 19½d. by John Palmer. 6s.6d

Also, paid as wages to a clerk who came **[from]** St.
Margaret's 25s.10d

total: 57s.

Costs of the waxhandler

Item, paid for new wax bought for use in the
church (such as for the **[rood-]**beam light tapers,
pricketts, and candles), weighing 92½ lb., at a
price per lb. of 4½d., 34s.8d

Item, over the two years **[of the period covered by
the account]** they received in old wax from the
store kept by the church (as from old beam light
tapers) 191 lb. Total of the new and the old wax:
283½ lb., **[weighed]** by the small hundred**[weight]**.

Paid to Roger Middilton waxhandler for making
the new and old wax into tapers for the beam light,
and other tapers, pricketts, and opaque candles, at
½d. per lb., 11s.11d.

Item, paid to the same Roger for making the Easter
taper during the two years, weighing each year 30
lb., at 1d. per lb., 5s.; and for the wax lost from the
same during those years, 5 lb., at 4½d per lb.,
22½d.

total: 53s.3½d

Potations

Item, they ask allowance for money spent while collecting rents from the tenants and overseeing repairs during the 2 years, 10s. And for paper purchased for the purpose of making this quire, and other quires used to itemize the expenditures and repairs, 4d.

10s.4d

Total on this page: £3.3s.7½d

Total of all payments and allowances: £113.7s.1d

And so there remains [as surplus] £26.4s.9d

Item, there remain in the hands of tenants from money they owe the church, as follows etc.:

John Johnson butcher 53s.4d

John Dighton capper 45s.

William Levisham 26s.8d

William Shirborne 15s.

William Breuster 9s.6d

Harry Mershe 5s.

[blank]Cobbe brewer 6s.8d

The clerk of St. Dunstan's £2

Clement atte Hille 12s.

[John]Motte carpenter 5s.

Christian Stevyns £2

James Cokke 12s.6d

John Kyrkeby £2

Total: £9.11s.8d

So there remains owing [by the churchwardens] to the church: £16.13s.1d

£16.13s.1d was received by **Thomas Breteyn and John Smert** and put into the **box**.

| | |
|--|-------------|
| Item, owed to the church for burial of Nicholas Vavasere, his daughter, and his son's child in the church, 13s.4d each | 40s. |
| Item, for the burial of Harry Vavasere's daughter in the pardon churchyard | 2s. |
| Item, [owed] by John Dokelying for burial of three of his children in the same place | 6s. |
| | total: 48s. |

DISCUSSION

There were a number of dedications to St. Mary in the city. St. Mary at Hill stood in the southeast quarter of London, the parish stretching down to the Thames, but the church itself was located upslope: London's walls enclosed two low hills rising from the river's edge and separated by the Walbrook, and it was possibly the eastern rise that gave the church its name.

England is not rich in medieval records from parish churches, but a volume of church records from the fifteenth century has survived for St. Mary at Hill. It contains documents related to properties held by the church and the several chantries founded there, inventories of church goods, and accounts of the churchwardens. The last type of document is represented by several accounts, or extracts therefrom, from the 1420s and then, after a hiatus, a fairly good series from 1477 through to the end of the century. These accounts focus heavily, but not exclusively, on revenues and expenditures related to the maintenance of the chantries and the properties whose rents supported the chantries; it is notable that, although we hear of numerous of the chantry priests and the parish clerk and sexton are well in evidence, **William Wyld**, the parson of the church at this time, does not figure in the accounts at all. The accounts from the 1420s are relatively unorganized itemizations of either receipts or expenditures, but not both. Those from the 1470s are more closely organized and represent fair copies of rougher lists, probably recorded as items occurred, and possibly with separate records for receipts and for outgoings; they suggest greater attention to the accounting process. Whereas the accounts for 1477-79 are organized mainly by

chantry, those for 1479-81 were organized by type of expenditure, with the chantries being integrated except as regards repairs to their properties. Later accounts were variations on one or both of these themes.

The types of expenditure in 1479-81 were, however, much the same as in the preceding two years. Various locks needed attention, the candlesticks and other metal furnishings of the church needed cleaning, and the church linen and priestly vestments required further mending, while the best cope was decorated with gold, silk, pearls, buckram and ribbons. The procession churchyard was refreshed with new gravel; church and vestry windows were in need of repairs, and a major job of retiling the church roof was undertaken, while there were also significant renovations to the steeple. The construction of a new pew was commissioned, and a table acquired for the vestry, on which to lay out the copes on festival days. Holy water sprinklers were purchased, and a new quire inserted into the antiphoner. A substantial part of the expenditures continued to be in repairs to the chantry properties, and it becomes evident that some expenditures at least were being cleared with the parish community before bills were paid.

Other than minor items of receipt, such as donations towards the cost of painting a image of the Virgin Mary inside the church and 1d. paid by an unidentified woman for her being allocated **a place in the pews**, the revenues differed in the 1479-81 accounts only in that we hear of two further chantries. Their absence from the 1477-79 accounts is strange because both were testamentary foundations of the fourteenth century, by John Nasing and Rose Wrytell. Wrytell had bequeathed in 1323 property in Thames Street that is referred to in 1485 as one large tenement (rented as a whole by a single individual, an ironmonger); it was then called the "old Swan" and elsewhere the "Swan on the Hoop", and may have been a tavern or inn when Wrytell owned it, as she refers to her brewing equipment therein. The property assigned to Nasing's chantry (founded ca.1361) was a tenement incorporating shops; by 1483 there were ten tenants, most of them occupying individual chambers, so it is unlikely that all these would have been vacant for several years. The lack of reference to these chantry properties in the 1477-79 accounts is therefore difficult to understand; and yet even in the 1479-81 accounts neither chantry's properties were furnishing rents for the entire two years. There is some small indication, however, that Nasing's chantry may have earlier been combined with Weston's or perhaps that of Bedeham (whose will made provision for prayers to be said for Nasing). Some kind of transition may have been taking place; it may be noted that the 1479-81 accounts make no reference to obits for Wrytell or Nasing, although these become items of expenditure in later accounts.

With the several chantries active in the church, services must have been going on there throughout much of the day. The church would normally be locked up at night, but opened just before dawn by the morrow-mass priest who said the first mass. Later in the morning would arrive the chantry priests to sing their matins and masses at one or other of the several altars in the church. Various other services were conducted by these priests during the day and into the early evening. Obits, diriges, special services at the frequent festivals – at the most important of which the church would be decked out with flora and/or banners – as well as funerals, weddings and other such ceremonies would have made a city church a more lively place than most parish churches are today.



NOTES

"chantry of John Weston"

Weston, a merchant who made his will in 1407, sought burial in St. Mary at Hill and bequeathed to the parson and churchwardens a property he and his wife had purchased in the same parish, to furnish £4 to hire a priest to celebrate daily for his soul and that of his widow, to pay the parson a fee for conducting divine services on Weston's anniversary, and to pay other minor costs, to a grand total of £4.15s.2d; with any surplus from the rent to be distributed among poor parishioners. By 1477 the chantry had assigned to it 9 tenements in the parish – possibly reflecting subdivision of the original property, or perhaps the addition of property as other chantries were amalgamated with Weston's; the rents of these 9 tenements ranged from 8s. to £4, and several were being paid by priests. Two other properties, one in the neighbouring parish of St. Botolph and the other also nearby in St. Leonard's, were also providing rents, while smaller quitrents were coming from two further properties.

"chantry of John Causton"

Causton was a prominent mercer who served as alderman between 1323 and 1350. His residence was adjacent to St. Mary's churchyard, although he chose to be buried in St. Pancras'. He died in 1353, bequeathing his residence and several shops – some on the banks of the Thames at Billingsgate, and others in East

Cheap (St. Andrew's parish) and parishes in the vicinity – to the Benedictine convent of St. Helen's Bishopgate. With an obligation to the prioress to use some of the revenues to pay: £6.13s.4d annual salary to a priest to celebrate in St. Mary at Hill for the testator, his two wives, and various members of the Causton, Abingdon and Langton families; 4s.10d in fees to the parson, parish clerk and his assistant for celebrating Causton's anniversary; and 20s. to pay for candles to burn before various altars in the church at specific times. Causton also bequeathed to St. Mary's his brewery in that parish, to support a priest to celebrate for the soul of Henry Barnard. In 1477 we hear of 4 tenements in St. Mary at Hill parish, 2 tenements in St. Andrew's parish, 3 tenements and 5 gardens in St. Botolph's, and 1 in Gracechurch Street assigned to the chantry.

"chantry of Richard Gosselyn"

Gosselyn was an ironmonger who served as alderman 1423-29; he made his will in 1428 and died three years later. His widow was to fund from the properties her husband left her a chantry within St. Katherine's chapel in St. Mary at Hill; to be continued after her death, when the property passed into the hands of parson and churchwardens. The revenues were also to cover the cost of a 5 lb. candle burning before St. Katherine's altar every Sunday and festival day, and 6d. a week given to the 2 of the neediest poor men and 2 of the neediest poor women in the parish, to pray for Gosselyn's soul; there is no indication from the accounts that these alms were being paid. From any surplus, the churchwardens might take 3s.4d for their labour, and the rest was to go to maintenance of the church. The property bequeathed to support the chantry was in St. Leonard's parish, and in 1477 the church's rental listed 6 tenements there from which rents were paid, along with a very small sum paid by a tailor without further explanation. Gosselyn's widow Beatrice married fishmonger John Bedeham.

"chantry of John Bedeham"

A fishmonger (presumably descended from the man who married Gosselyn's widow) who died ca.1472. He bequeathed to St. Mary at Hill a tenement in the neighbouring parish of St. George, to support: a chantry in St. Katherine's chapel in St. Mary at Hill; an oil lamp to be kept alight perpetually; celebration of the testator's anniversary; and 4d. a week in alms to 3 of the most needy poor parishioners. With any surplus going towards maintenance and renovations of the church. Bedeham also bequeathed the church a large garden just outside the walls, near Tower Hill, to pay for a priest to celebrate morning mass and remembers in his prayers the soul of John Nasing. The 1477 rental, registered immediately before the churchwardens' accounts, mentions only the St. George's property.

"William Cambridge"

Cambridge began his career as an ironmonger, but later advanced to the status of grocer; he was a city alderman 1415-32. His will was made at the close of 1431, and he died the following year. He desired burial in St. Stephen's chapel in St. Mary at Hill, to which (along with the wardens of the Grocers' Company) he bequeathed an unspecified number of tenements – although the 1477 rental and account refer only to one – to support a priest to celebrate for his soul in the same chapel, to provide candles for a candelabrum he had earlier given to the church, to cover costs of the celebration of his anniversary, and to pay annual fees to the mayor, sheriffs, and the mayor's swordbearer as incentive for them to ensure the

terms of Cambridge's foundation were carried out. With any remainder going to the use of the church. Although not specified in the will, it also became the custom during Evensong on Christmas day for the parson, parish clerk and choirboys to make a procession to Cambridge's tomb, carrying candles and singing hymns dedicated to St. Stephen.

"arrears"

The first three were from rents assigned to Weston's chantry, and the fourth to a rent assigned to Causton's chantry.

"beam light"

Candlesticks that were attached to the rood-beam; the amounts received were probably donations or bequests to purchase candles.

"taper" "prickets"

Tapers were long, slender candles placed in holders, as opposed to short thick candles that might be put on plates; prickets were candles that were stuck on spikes, rather than being placed in candlesticks.

"melted wax"

Referred to in the original as the *wast*; the meltdown would be used to make new candles.

"hogshead"

A cask used to contain wine, ale or beer (or other liquid items such as oil or honey). It was not necessarily of any consistent fixed capacity during the Middle Ages, but varied according to the contents. In later times it has been used to refer to measures ranging between 50 and 140 gallons; a wine hogshead was probably closer to 63 gallons (two barrels) in the late medieval period, for in 1423 a statute defined a pipe of wine as 126 gallons, and two hogsheads made a pipe.

"Proyne" "Prune"

Possibly the same man.

"Crulle"

The deaths of several members of the family probably evidence the outbreak of plague around this time, as may the reference (at the close of the account) to the fate of the Vavaseres.

"pardon churchyard"

The east and west ends of the church faced directly onto streets, and there were therefore separate churchyards on the north and south side. The latter appears to have been the pardon churchyard; it more private and more commonly used for burials and storage. The former would have been the procession churchyard; it was also occasionally used for cheaper burials.

"quitrent"

Earlier known as a *rent resolute*, it was a financial charge on a property that was

passed along when the property changed ownership.

"2 years ending at Christmas 1479"

This entry seems to be in error, and perhaps should say: for 1 year ending at Christmas 1478.

"John Philippe" "John Colyns" "Philip Norton"

They were also tenants of some of the rental properties assigned to the chantries they served.

"serving the choir"

This would appear to mean looking after (i.e. cleaning etc.) the choir. Modley, the tenant of one of the properties assigned to Causton's chantry, was apparently the sexton; during the period covered by this account he took over the post of parish clerk, at a doubling of his wages. But this was apparently only an acting assignment, until Thomas Warwyk was appointed; Modley again stepped in when Warwyk left (1480/81), until Saunder Clerke was appointed.

"William Paris"

He appears to have been used by the church as an odd-job man; in 1490 he is referred to as one of the poor men receiving alms from Bedeham's chantry. In the 1479-81 accounts, we find a John Paris similarly employed: sweeping out the church and the parsonage, mending the church window, and other tasks.

"a baldrick and a new buckle"

In this context a baldrick was a strap from which the clapper was hung inside the bell, and used to control how the clapper will strike the bell; the buckle was presumably to attach the baldrick to the bell.

"fathoms"

A measure applied to ropes, equivalent to 6 feet.

"albs, amices"

An alb is the long white linen robe worn by a priest, and an amice is the piece of white linen worn around the neck and over the shoulders of a priest during mass.

"watching the church"

Usually a church was locked up at night; but there were some circumstances in which it was left open, and a nightwatch was required to protect the valuables (including the sacrament).

"oil"

Oil lamps were becoming more common at this time, as the whaling industry grew and furnished a more abundant supply; during the 1479-81 accounting period, the church purchased 34 gallons (compared to 16 gallons in 1428-29), as well as a pot in which to store oil, while in 1487-88 12 gallons were purchased just for Wrytell's chantry alone.

"antiphonary"

A liturgical book containing the psalm verses or sections of holy scripture chanted by the choir during services (notably, Matins and Vespers).

"birch"

Used to decorate the church at this festival.

"bread, ale and wine"

It was common for medieval officials, ecclesiastical or secular, to take some refreshment after the conduct of business.

"pax"

A small tablet bearing an image of the crucifixion, the Blessed Virgin or some other religious symbol, kissed during mass by the priest and others (instead of kissing each other) as an indication of being at peace with God and with fellow celebrants.

"Michael Gloctir"

Later referred to as an organ-maker.

"capis"

Possibly the keys or the organ covers?

"loads"

The pricing here and in other items makes it evident that a load comprised 6 sacks.

"laths"

Thin planks used for walls and ceilings in building construction.

"sixpenny nails"

Nails of a certain size, so that a hundred cost 6d.

"spriggs"

Small headless nails.

"quarterons"

An uncertain weight, and perhaps one varying according to context; the term could be similarly used for a quantity.

"wainscot"

A wooden panel usually used in walls; here it appears that some kind of moveable screen was being constructed.

"ties"

A measure representing 6 ft. if linear, or about 4.5 sq.yds if area.

"plate"

A term used to refer to horizontal timber beams of various kinds.

"binding joist"

A term applied to tie-beams that were part of a house frame, connecting the outer horizontal beams, so as to prevent the frame from spreading.

"quarters"

Smaller pieces of timber, equivalent to today's 2"-by-4" or 4"-by-4".

"Foster Lane"

The name had been corrupted from Vaast, a French bishop of the 6th century whose cult had been brought to England by the Normans.

"William Dighton"

Clerical error; the rental gives John Dighen as the tenant, as does the arrears section of the account.

"lire board"

Littlehales suggests this may mean edge boards.

"bast rope"

A rope made from tough fibres, such as obtained from flax, hemp, or some inner barks.

"privies"

This seems to be what is intended by *Sege holis* (seat holes).

"scavagers"

One of the duties of this minor civil official was to patrol the streets to look out for public nuisances (e.g. broken pavement, for which the tenant in front of whose house the pavement lay could be held responsible).

"6 February 1480"

This date would suggest the account was rendered well after the termination of the period it was supposed to cover.

"kilderkin"

A measure equivalent to 18 gallons (half a barrel).

"action of debt"

Stevyns is listed in the rental as tenant of a garden (associated with Causton's chantry) but may also have held a house associated with Cambridge's chantry, as the rental does not identify the tenants. As the list of arrears at the end of the account confirms, he owed a sizable amount in back-rent and the churchwardens had pressured him to pay up by having a legal action brought and Stevyns arrested. However, the parishioners decided that there were mitigating circumstances and waived part of the arrears; the case against him was dropped, perhaps on assurance by Stevyns that he would pay the rest. Whether those circumstances were personal hardship, or old age or illness, cannot be said, but

Stevyns does not appear as a tenant in the following year – he may have been evicted or died.

"Richard Cyrik"

In the 1483-85 accounts referred to as Richard Crick upholsterer.

"money owing him"

Warwyk was the parish clerk, lasting in that office until about 1480. The wages of the parish clerks seem to have been paid by a levy on householding parishioners, although some parishioners were often in arrears. The 1483-85 accounts include a list of 76 parishioners contributing amounts, varying from 1d. to 16d., towards "the clerk's wages".

"Potations"

A drink between parties following business – whether the payment of a rent, or the completion of some repair job – was a way of keeping relations on a friendly level.

"Thomas Breteyn and John Smert"

Contrary to what one might expect, these were *not* the churchwardens for the succeeding term of office. They were probably parishioners who acted as auditors.

"box"

Probably the treasury chest in the vestry.

"William Wyld"

He is referred to as parson in John Bedeham's will (1472), again in 1492, and appears to have retired from the living or died ca.1503; a man of the same name, likely a relative, was sexton in the 1520s. Much of the parish work may have been carried out by his deputy, the parish priest.

"a place in the pews"

Seating in medieval churches was segregated: men sat apart from women, rich sat apart from poor.



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TRANSLATION

1. [Election of the mayor]

In the name of the Trinity – Father, Son, and Holy Ghost, three persons and one God in Majesty – the **principal and special patron** of the city of Norwich and its entire community, in honour of whom our mother church was founded and dedicated, on St. Valentine's day, when (it is said) people are moved by love to choose their mates, in the second year of King Henry V [14 February 1415], in the time of **John Biskele**, mayor, and **Henry Rafman** and Thomas Cok, sheriffs, with the consent of the good **commonalty** of the city of Norwich. Which city has been divided, disturbed and brought to the point of destruction by disputes, controversies, changes in direction, and discord concerning various matters that have for some time remained unsettled. Now, thanks to the mediation and prayers of St. Valentine, the city is prompted out of love to bring about peace, unity and one accord, [so that] poor and rich shall be united in their hearts, love and charitable feelings, never again from this time forward to be



torn asunder, through the help and grace of their special patron the Holy Trinity, but rather to stand wholly united and in agreement as to the articles written below, in the following tenor, that is, in this form:

The mayor of the city of Norwich shall be chosen annually on May 1, in the **Guildhall**. To which election the mayor and the **24 co-citizens** shall come – every one of them, except he who has a valid reason for being excused, upon penalty of 2s. [for default], to be levied by the sergeant and paid to the use of the commonalty. In addition, all those persons chosen for the Common Council for that year are to attend the election, every one of them, except he who has a valid reason for being excused, upon penalty of 12d. Also, all **citizens who are residents** of the city shall be free to attend the election, as they ought to do; the doors of the hall are to be open to all citizens who wish to enter, without hindrance, and none shut out or prevented from coming in, except for **outsiders**.

Then the mayor and the 24 are to **go up to** the bench, and shortly thereafter the **recorder** of the city then in office, or (when he is absent) someone in his place designated by the mayor or his lieutenant, is to announce the reason for the gathering at the election. Following the making of this announcement, the mayor and the 24 shall remove into the chamber of the hall and wait there. Then the common speaker is to stand up and say as follows to all the members of the community there assembled:

"Sirs and friends, for the love of our lord Jesus Christ, in proceeding with the election at hand, acting well and honestly and without favouritism, hate or fear, do not fail to select and nominate two qualified persons for the office of mayor, such as will bring honour and profit to the city, and who each have [already] been mayor or sheriff of the city, but neither have been mayor during the previous three years."

Which aforesaid two persons are to be chosen in the following manner. That is, that he who has the **greatest support** of the people in the hall is to be received and accepted as one of the pair; and he who has the next greatest support of the people in the hall is to be taken as

the other of the pair. The names of those two thus chosen are to be written down on a **bill**, and communicated by the common speaker and six members of the Common Council to the mayor and 24 in the chamber of the hall. After giving this notification, those six shall **go back into** the hall. At that point the common clerk, under the supervision of the recorder and the common speaker, is to have the bill in his custody. The mayor, in person and alone, is to approach those three persons in the part of the chamber where they are, and to each of them **separately and secretly** shall name which one of the two nominees he wishes to have as mayor; and in the same fashion each of the 24 then present is to go to those three persons and separately and secretly and name which one of the two nominees he wishes to have as mayor. The one of the pair who has the largest number of votes as a result of this scrutinized tally is to be admitted to the mayoralty for the coming year; if there is a deadlock, the mayor's vote shall count for two votes.

Should controversy arise due to disagreement among the commons in the hall upon the nomination of the two persons, so that the common speaker cannot find any way of determining clearly which two have the greatest support, then the common speaker and the common clerk are to go to the mayor and advise him of the division among the people in the hall. The mayor is then to give the common speaker a command to gather together the 60 members of the Common Council of the city – or as many as are then present – in a room by themselves. There they shall try to settle the differences of opinion in the same way that has been, and still is, **used in the city of London**.

Shortly after the election of the mayor for the coming year, the mayor then in office, along with the sheriffs and the 24, shall come back into the hall among the commons and take the dais. The mayor having taken his seat, the recorder (or, in his absence, another designated by the mayor or his lieutenant) is to announce to those of the commonalty then present the name of he who has been chosen as the new mayor. If he so chosen as mayor is then present, the mayor shall bring him honourably to sit beside him, on his right side.

2. [Election of the sheriffs]

It is also agreed that each of the sheriffs are to be chosen on September 8, in the following manner. That is, the mayor, sheriffs, 24, and the 60 members of the Common Council are to come to the election, upon the same penalty set in the case of the mayoral election, unless any has a valid reason for being excused. All other citizens may freely attend the election, in the same way as set out for attending the mayoral election. Then the mayor, sheriffs, and the 24 are to go into the mayor's chamber. There the mayor, with the advice and agreement of his 24 counsellors, or the greater part of them, are to choose one sheriff for whom they shall be **answerable**, the mayor's vote counting double if deadlock should arise. Then the mayor, sheriffs, and 24 are to go back into the hall, and take [\[their seats on\]](#) the bench, and there a public announcement is to be made by the recorder, or someone in his place designated by the mayor or his lieutenant, to the commons then present of the sheriff thus chosen by the mayor and the 24 (or greater part of the same). Upon which, the mayor is to command the commonalty to gather together and choose a co-citizen resident in the city for the other sheriff – such a one for whom they will be answerable during the year to come. Then the mayor, sheriffs, and 24 are to go into the chamber of the hall, and the commons in the hall are duly to proceed with the election of the other sheriff. When the commons have chosen a sheriff they are to convey to the mayor, sheriffs, and 24, through the common speaker, the name of him they have chosen. If any disagreement divides the people and the commons, concerning the election of a sheriff, then this disagreement is to be settled through the 60 members of the common council, just as set out in the case of disagreement over the mayoral election. He who serves once as sheriff of the city shall never thereafter be chosen again to the same office in the city.

3. [\[Election of the 24\]](#)

The election of the 24 is to taken place annually during the same four days that the Common Council are chosen, by each ward individually, in the following manner. The mayor is to say:

"Sirs, it is stated by **charter** that you shall each year choose 24 co-citizens for the mayor's council.

Notwithstanding which, it has been agreed and consented to, through the composition made, that the names of the

24 should be read out to you on this day. That is to say, six qualified men for **Conesford** (if there are that many qualified in the ward) to be members of the 24; and if there are not that many qualified, it is allowed for the ward [constituents] to make up the number by choosing from qualified men in any other ward of the city."

And in the same way, 6 for **Mancroft** ward, 6 for **Wymer** ward, and 6 for the **Ward over the Water**. Who are to be freely chosen during the 4 days when the Common Council is chosen, as is more fully set out below.

Those 24 thus chosen are to remain in office in perpetuity, as is **done in London** by ordinance, unless [removed] for **reasonable cause**.

Should it happen that any reasonable cause is found for any of the 24 persons on the aforementioned day, then the mayor is to be notified of such reasonable cause for changing a member. Then the mayor is to instruct the ward in question not to fail or neglect to gather together to choose another qualified person to be a member of the 24, in place of such person to be changed. If there is any controversy among the people of the ward concerning a reasonable cause for changing any of the members of the 24, it is to be decided by the majority vote of those assembled that day whether there is reasonable cause or not to change one and nominate another. The reasonable causes for accusation and discharge brought against a member of the 24 in the city of Norwich are to be the same as the reasonable causes for accusation and discharge regarding the 24 in the city of London. Once the 24 is chosen, if it seems to the mayor that any of the members is not qualified, then the mayor has [the power] to challenge and veto, just as the mayor of London does, according to the ordinances of the city of London.

It is also agreed, concerning the **charter article** about the 24, that they shall do or make nothing that binds or commits the city, without the consent of the commonalty. In that regard the article concerning the 24 is to be amended in a [new] charter article corresponding to that in the **London charter** concerning the 24.

Also, no mayor, or sheriff, or any member of the 24 is to receive or

wear the livery of any lord while he holds the office of mayor, sheriff, or member of the 24, upon penalty of **disfranchisement** – that is, whoever does the contrary shall be deprived of his freedom of the city. Nor is any man to be chosen as a member of the 24 who keeps a common hostelry or common alehouse.

4. [Election of the Common Council]

It is also agreed that the election of the 60 citizens for the Common Council is to be made annually by the 4 wards, in the following manner. That [it be held] on **Monday following Passion Sunday**, except when it falls on Lady Day [the Annunciation of the B.V.M., March 25], in which case the election is to be held on the next working day. On the Sunday preceding that Monday the mayor is to instruct his officers that they must, upon penalty of losing their office, duly forewarn the ward of Conesford that all enfranchised male householders of that ward should come to the Guildhall on that Monday at 8 o'clock, unless Lady Day falls on that day – in which case, the next working day.

When they are assembled, the mayor and one of the 24 chosen for that ward shall announce, or have announced, the reason for coming and then command them to get together to choose 12 qualified men from the ward to sit on the Common Council for the year to come; that is, 6 in **Conesford** and 6 in **Berstrete**. The names of those so chosen are to be presented forthwith to the mayor, by 4 persons assigned [to that task] by the entire ward. These being presented, the mayor is then to administer to them their oath to give good and true counsel, to the best of their knowledge, for the benefit of the city, and to be ready to attend the Common Council whenever summoned, upon the penalty set in that regard, unless any has a valid reason for being excused. Also, in Mancroft ward on the day following (unless Lady Day falls thereon) they are to choose in the manner mentioned above 16 men; that is, 7 from St. Peter Mancroft, 5 in St. Stephen's, and 4 in St. Giles. In Wymer ward, on the next day following, they are to choose in the same manner 20 men for the Common Council; that is, 7 in St. Gregory's, 7 in St. Andrew's, and 6 in St. George's. The Ward over the Water, on the next day following, is to choose in the same manner 12 men for the Common Council; that is, 6 for Coslany and 6 for

Fybriggate.

In the above manner is the Common Council to be chosen annually. And the persons thus chosen for the Common Council in Norwich are to have the same power as have those persons chosen for the Common Council in London. It is the responsibility of the mayor or his lieutenant to uphold the manner of the election of the 24 and of the members of the Common Council on the aforementioned ward days, by virtue of the oath he makes for his mayoral office, before the mayor [then in office] in a communal assembly, after the form of the oath taken in London.

All **ordinances and regulations** that seem to the mayor and 24 to be useful and desirable for the needs and welfare of the city, the mayor then in office is to read out, or have read out by the recorder (or, in his absence, some other person designated by the mayor), to the Common Council. Following which promulgation, if it seems to the 60 members of the Common Council that those matters put before them require more discussion and deliberation before they can respond, they are to request a respite for deliberation and more discussion and whatever else seems expedient, through the common speaker, of the mayor and [those of] his council then sitting. By command of the mayor, a bill containing the matters in question is to be delivered to them, for response at the next assembly or at some other time, sooner or later, as seems [best] to them regarding the matters of concern. The mayor has the obligation to permit without any refusal, as often as they request it, that they may gather together privately in another room, no-one else with them except the common speaker; if they wish others to join them, as often as they request this the mayor is obliged to send for those others without argument. Concerning matters that the 60 members of the Common Council do not feel needs detailed or lengthy discussion, it is [nonetheless] allowable if they wish to withdraw to a private location with their common speaker to accomplish their task without too much delay – whatever seems to them necessary to a successful outcome – and come back with their answer.

5. [Judicial jurisdiction]

It is also agreed that the mayor is to hold a court of jurisdiction and

correction once a week, or more often if it seems necessary and advantageous, to hear and determine before himself in his court all kinds of [complaints of] extortion, oppression, injury, excess, ignorance, false arrest, or negligence committed by any lesser officer; to examine, correct, redress, and reform such complaints and award compensation to aggrieved parties, according to the seriousness of the offence. And, as the one who is the principal Justice of the Peace in the city, he is to entertain in his court, before himself, all cases concerning apprentices and apprenticeships, servants and their service, according to the **Statute of Labourers**; also: **cases of fine and ransome** [to be paid] by prisoners taken and not acquitted of the same by their fellows; cases concerning debt, letters of payment, and of all other contracts drawn up or put in place between merchant and merchant, or any person from overseas; and all other cases and matters that fall to the mayoralty, except where they concern revenues that pertain by right to the sheriffs. The mayor is not to bring to trial before himself in his court any cases without there being a bill of complaint from the plaintiff's party, setting out the grievances of the complainant. The recorder who is assigned to the mayor is to take oath, before the mayor and his council in a common assembly, that he shall give him good and true counsel regarding the governance of the common people's communal rights. And the communal treasury shall not pay for any negligence or offence committed by the sheriffs or their officers. Nor shall the recorder act as judge in the sheriffs' court, or give counsel to anything that may be to the hindrance of the mayor's court, in contravention of the oath mentioned above.

It is also agreed that all cases involving rents, lands and tenements, or registrations, enrolments, and **recognizances** are to be held before the mayor and sheriffs in the mayor's court, with the revenues therefrom going to the sheriffs and fees for recording enrolments to the mayor's clerk.

Also that whatever man brings a complaint before the mayor or the sheriffs, seeking a surety of the peace, then the mayor or sheriffs have the obligation to see that he has surety as the law requires. And that person who provides surety in the town court is not to find surety, on the same matter, in any other. He who on a matter of **surety** of the peace (or for any other cause) is at the mayor's command committed

to prison, the sheriffs may not set free without specific instructions from the mayor.

As regards the **assize** of bread, the mayor, the sheriffs, or one of the sheriffs together with the mayor, are to hold the assize and identify the infringements, and the fine is to be assessed by the mayor and the sheriffs according to the extent of the offence. The fines for which adjudged infringements shall go to the sheriffs. He who is found in infringement twice, the fine therefrom shall be put towards the sheriffs' **[payment of the farm]**. At the third infringement he is to receive punishment as the law requires; and if he is shown the mercy of allowing him to pay a fine for his infringement, then that fine is to be assessed by the mayor and the sheriffs, three of the 24, and 6 commoners chosen for the Common Council – which 6 persons are to be chosen by the 60 members of the Common Council; and the fine that he pays shall be put to the common profit. The mayor is to have the **[power of]** search and correction over all other victuals within the city, with the revenues going to the sheriffs.

6. **[Liveries]**

It is also agreed, and incorporated in the composition, that the mayor and the 24 are to be clothed in a costume suitable to their status. That is, that all those who have served as mayor of this city are to wear fur-lined cloaks, according to what is required by the season of the year. Those of the status of the 24 have the obligation of accompanying the mayor, dressed in their best suit of clothes, on the principal **[saints]** days to **Christ Church**, to assemblies and to other places within the city. When the mayor rides, all those who have served as mayor are to ride in their cloaks, and the other peers in their suits of livery. Every man who has been mayor has the duty to uphold this ordinance, upon penalty of £20, and every one of the remaining members of the 24 upon penalty of 100s.; which penalty is to be levied by the mayor, for the common profit.

No man who is a bondman is hereafter to be chosen for the office of mayor or sheriff. The commonalty is to have the same access to information about the communal goods, and the same level of safekeeping of the same, as the commons have of the communal

goods in London.

7. [Legislative authority]

It is also agreed that even if at the renewal of the charter the article about the 24 that follows is enshrined in the charter, as mentioned above, that the 24 are to be nominated and elected annually to administer and legislate for the city, as is specified in the article, nonetheless it is agreed and consented to that they shall remain permanently in office, except for reasonable cause, based on this ordinance and not on point of charter on the matter.

Furthermore, we have granted for ourselves and our heirs, and by this our charter have confirmed to our citizens, that should any customs of the city previously in force and used in the city in any regard become problematic or unsatisfactory, so that – because of new situations arising in the city, for which no remedy has previously been available – what has been ordained requires adjustment; then the mayor of the city then in office and the 24 co-citizens of the city elected each year by the community have the power and authority to ordain and implement, with the consent of the community, a remedy congruent with good faith and consonant with reason, for the common utility of the citizens of the city and others of our faithful [subjects] who visit the same. And to put into execution such ordinances, as the situation demands, as often and whenever as is needed or as seems advisable to them. On condition that these ordinances are useful to us and our people, in good faith, and consonant with reason, as already mentioned.

8. [Election of mayor's assistants]

Also, every year at the mayor's convocation on May 3 is to be held a common assembly, at which the mayor newly elected on the preceding May 1 is to nominate two persons to bear the [mayor's] sword; from which pair the assembly shall select one by majority decision of those present. At the same assembly the [mayor]-elect is to nominate 4 persons for his two sergeants; from whom the common

assembly, or the majority thereof, shall select two to attend upon the mayor for the year, in the office of sergeant.

9. [Annual review of by-laws]

It is also ordained and agreed, by the consent of the common assembly, that following the election of the 24 and the 60 members of the Common Council all ordinances and regulations that have been made and been in force prior to that date, but are not covered by this agreement, shall be put before the mayor, the sheriffs, the 24, and the 60 members of the Common Council. Those that are good and beneficial are to be kept, and those no longer suitable are, by [the authority of] this agreement, to be set aside. All other issues that may need to be addressed for the welfare of the city, but which are not thought of at present, lie within the power of the entire assembly to address and remedy through ordinance, with the consent of the entire community, for the benefit of the whole city.

10. [Election of other bureaucratic officers]

It is also ordained that once the newly-elected mayor has thus chosen his officers, forthwith the same day at that assembly the entire assembly is to choose the recorder, **bellman**, and **dykekeeper**. Next the mayor and the 24, by themselves, are to choose a common clerk, a coroner, two **clavigers**, and 8 **constables**. Then the 60 members of the Common Council, by themselves, are to choose a common speaker, a coroner, two clavigers, and 8 constables. On September 21 following in an annual assembly convoked by the mayor are to be chosen, for the year to come, by the mayor and the 24 one **chamberlain**, one treasurer, two auditors ([from those] who are **not accountable** for communal goods), and three commoners to act as advisors to the chamberlains for that year. And the 60 members of the Common Council chosen for that year are, by and for themselves, also to choose from their own number one chamberlain, one treasurer, one common sergeant, two auditors (who are not accountable for communal goods), and three commoners to act as advisors to the city chamberlains. Which officers chosen for the year have the obligation [to be present] at a common assembly following the end of their year in office, convoked by the mayor between Michaelmas [29 September] and

Hallowmas [1 November]. At which assembly **statements** are to be made of what goods the community possesses, in debts and ready cash, and the names of the debtors; notwithstanding which [declaration] the treasurers shall remain obligated to the community for the same debt and debtors, and be accountable to the community for the debts due, unless those treasurers have a valid cause to be excused of the same.

11. [Supervision of craft work]

It is also ordained that each craft in the city is to choose annually and freely, from the craft membership, two masters for the year to come. [The names of] which 2 masters are to be presented by men of that craft in a written bill to the mayor. On a certain day of the year fixed in advance by ordinance – that is, the Monday following **the mayor's riding** – those masters have the duty (under the oath to that effect made before the mayor) of carrying out a thorough and honest survey throughout their craft of all **defects in the craft**. All notable defects that they discover in their craft are to be faithfully reported to the mayor, without any concealment. The mayor and the masters reporting the defects, along with other of the more prominent men of the same craft, shall judge the faults and assess fines according to the gravity of the offence; of which fines, half shall go to the sheriffs and half to the masters of the crafts.

Should it be found that the masters conceal any notable defects, then the masters are to be punished for the concealment, according to the gravity of the offence, by decision of the mayor and the more prominent men of that craft. Or if there is any craft that needs to be surveyed but will not have a survey conducted, then the mayor is to send for the craft and order them to choose 2 masters from their number; and if they will not choose and present the names within 8 days following, then the mayor is allowed, in default of the craft that refuses to choose anyone, to choose for the craft 2 members of that craft and to instruct them to carry out a thorough and honest survey, in the manner mentioned above. Those crafts subject to searches in the city of London are to be subject to searches in the city of Norwich, and in the same fashion as applied at London, except for those crafts that are privileged to have [letters] patent granted by the king, in the

form of a charter. If there is any craft in Norwich that does not exist in London, they are to choose masters of the craft annually and act in the same manner as do other crafts in the city of Norwich.

[Cap.12 to 14 are concerned with limitations on the rights of non-freemen residents and are not of immediate concern here. Non-freemen could follow a trade for a temporary period, under licence, but at the end of that period had to enter the franchise. Similarly, they might not have apprentices or employees, except in specific circumstances. Apprenticeships were to be registered officially, and all entering the franchise had to do so as a member of a specific craft. This section of the composition will be presented under the category "Community - Membership". The following extracts are pertinent to constitutional matters:]

... Six men are to be chosen to act as the chamberlain's committee for the admission of burgesses.

... No **alien** of any kind may hold community office within the city. Burgesses who are chosen to be **knights of the shire** for the city are to be chosen by the common assembly and the names of the persons so chosen are to be presented and made public in full shire [court] within the city, to the mayor, sheriffs, and the councillors then present in the Guildhall.

15. [Gild liveries]

It is also agreed and ordained, and by this composition established and confirmed, that the **costumes** and headgear used in the past by all gilds and companies in the city of Norwich, as well as the names and privileges of those gilds and companies relating to the livery and costume of the gilds and companies, are from this time forward to be put aside and left aside. All crafts that wish to costume themselves are to do so after the fashion in London. That clothing is to bear the name of the craft in question, and not of any other; no craft is to be fitted out in the colours of another **affiliated craft**. If [members of] any craft gild or company pursue [their past practice] or appear contrary to the above requirement – excepting only crafts that are self-contained and have no affiliation with other crafts – then they are to be arrested as rebels against the peace and the terms of agreement in the city, and committed to prison, there to remain until they have paid a fine and ransome, as determined by the mayor and the entire assembly, for

their offence.

If any man brings legal proceedings, on the basis of [royal letters] patent, to obtain any office in the city, he that does so may not hold any kind of office in the city. [This] in protection of the liberties of the city, which the king has granted by charter. Whoever acts so is to be disfranchised.

16. [Taxation]

Concerning the king's tax, when the time comes for it to be collected in the city, it is agreed that the common assembly is to choose, for each of the 4 wards of the city, 4 men to assess the tax and 2 men to collect it. That is, from Conesford ward 4 men to assess the tax in that ward. Those persons thus chosen by the assembly are to take oath before the mayor that they will properly and correctly assess every man of the ward, according to the extent of his goods. The other 2 men who are to be chosen to collect the tax in that ward are to take oath to collect it properly and honestly, based on documentation provided them by the assessors, and shall not at their own initiative or authority, out of friendship, enmity or fear, increase or reduce [the assessment] contrary to their oath. So that those 4 persons of each ward and the 2 of the same ward, chosen by the assembly for that ward – that is to say, 4 to assess and 2 to collect – shall correctly and honestly carry out their duty according to their oath, as indicated above.

In witness of all things stated above, the mayor, sheriffs, and commonalty, by the unanimous consent of the entire city, have as an indication that they will respect this agreement in its entirety appended the common seal and the mayor and sheriffs **their seals**.
Made at Norwich on 14 February 1415.

DISCUSSION

I have elsewhere provided background to and assessment of the political struggle that gave rise to the Composition of 1415, in *The Men Behind the Masque* and in the *History of medieval Norwich*, and will not repeat the details of events here. I have only a few, mostly general, observations to add.

Unlike most constitutional settlements of which record has survived to us from the Middle Ages, that of Norwich is relatively detailed in some of its provisions. The specifications for the elaborate conduct of elections evidently had in mind concerns, justified or not, about how a fair election might be subverted. The document's purpose is, however, not to state those concerns but to present solutions; we are left to speculate about the underlying problems.

In this regard, we must suspect that most provisions will have been included because of specific instances of difficulty that have arisen in the past. Hence, for example, that the document containing the names of candidates was held by the town clerk, with the recorder and common speaker (in effect, representatives of patriciate and commonalty) looking on, was probably to ensure it was not tampered with. And that the vote of mayor and 24 was tallied by each of those three officials was presumably to avoid fraud in recording the votes. The secret ballot was intended to reduce the prospect of collusion or undue influence in the voting – in an open discussion, the more senior members of the group would likely have been able to direct the result. On the other hand, avoidance of open discussion may have been intended to prevent serious argument and division within council ranks.

A secondary preoccupation of the composition, which appears when taken at face value as fairly broad-ranging, is with crafts-related matters. It suggests that part of the disputes necessitating a settlement revolved around the making of freemen, and involved alliances of crafts in the political conflict.

The Composition of 1415 brought almost to a conclusion a protracted struggle within the community of Norwich over issues of governance; I say "almost" because the accord was itself intended to be the template for negotiating the terms of a new royal charter, and was inevitably fragile until that charter was obtained in 1417 (the delay occasioned, Hudson argues, by

the absence of the king and of Norwich's arbitrator, Sir Thomas Erpingham, in France). The only significant deviation from the original of the charter section authorizing the stipulations of the accord is that it gives the more prestigious title of "aldermen" to the 24 co-citizens. Henceforth it was no longer pretended that this upper council was the instrument representing the community in government; that role fell to the 60 townsmen of the Common Council.

The constitutional composition suggests the same kinds of popular concerns seen in other towns at this period and at other times: electoral rights, participation in government, rule by law, fiscal accountability, equitable taxation and justice, access to the franchise, and reaffirmation of the concept that government was intended to be for the equal benefit of all. At the same time, as an instrument of compromise, it reflects issues of concern to the ruling class, at Norwich and elsewhere:

- ensuring orderly, controllable proceedings at communal meetings;
- having the ability to react to changing circumstances by shifting from reliance on a set of customs (relatively fixed) to a situation where by-laws could be made and changed at need;
- assuring stability in government and governmental policy, by according the key decision-makers – the upper council of 24 – life tenure (an earlier effort at constitutional reform, in 1414, having insisted the 24 be subject to annual election);
- bringing the principle and the practice of government into better alignment, in terms of representative institutions substituting for the theoretical participation of the community;
- placing restrictions on eligibility for office, to avoid undesirables entering their ranks;
- avoiding divisive factionalism, both within the community and within its own ranks;
- reducing the risks of external interference in internal politics;
- bringing the craft guilds within the system of governance in a more structured, and thereby controlled, fashion;
- promoting a system which fostered harmonious political relations while at the same time acknowledging political hierarchy and corresponding levels of legitimated authority.

It should not come as a surprise then, that London was looked to as the model, as some measure of compromise between populist and patrician ambitions had been attained there that kept London politics relatively quiet for much of the fifteenth century. Exhausted by years of disruption, the majority of Norwich's townsmen were probably as eager for a restoration of

peace and quiet as were those of London (or would be those of **Lynn** just a couple of years later, itself looking to Norwich for inspiration on constitutional compromise).

At Norwich, however, there were other complications, and continuing nervousness among the authorities about a lack of solidarity within its ranks gave rise to a "code of conduct" in December 1424, called the Tripartite Indenture (because there were three parties to it: mayor, sheriffs, and aldermen), for which royal approval was obtained in 1429. It is worth closing with a few extracts, for the light they throw on difficulties in maintaining discipline and loyalty within the patriciate:

Because the city of Norwich is, in various parts of the English realm, heavily criticized for lack of good and virtuous government ... the mayor and aldermen wishing and desiring to provide to the commons of the city a good example of proper and peaceable behaviour among themselves The aldermen of the aforementioned city of Norwich, and each of them, are to come to the mayor at the Guildhall or at any other location within the boundaries of the city of Norwich where the mayor wishes to discuss or speak about matters important to the city and its good government ... and they are to be on time.... The 24 aldermen, and each of them, are to keep to themselves all discussions and information communicated to them on all matters ... until such time that they are made public in a common assembly Any alderman doing the contrary ... is to be deprived of the status of alderman and expelled from the council by the mayor and aldermen (or the majority of the same) once his fault has been proved.... All the 24 aldermen, and each of them, to the best of his ability and wisdom is to support the mayor then in office, in attending upon him, giving advice, accompanying him in walking on festival days and in processions or to any lord or lady or honorable person in any location within the city.... None of the 24 aldermen is to bring any kind of lawsuit or complaint against any of his fellow aldermen unless he has first stated his complaint and grievance to the mayor and various aldermen of the mayor's council ... and has failed to obtain a remedy.... None of the 24 aldermen is to be a party to any matter brought against any fellow alderman involving a **loveday**, or agree to be chosen or act as arbitrator on behalf of any other individual against any of the 24 aldermen; he may on behalf of a friend encourage all matters to a peaceful resolution, but in no way should act for a

party in arbitration or any other kind of cause whatsoever against any of his fellow aldermen, without the consent of that member of the 24 aldermen against whom he is chosen, unless it is for a close relative or in-law.... None of the 24 aldermen is to encourage, support, or commiserate with any person whatsoever who utters slanderous words, or works against, any of the other aldermen; but on any occasion when any of them hears such a person say anything slanderous or **[discovers them]** in any way acting maliciously against any of those 24 aldermen, then he is to contradict or restrain that person thus speaking or acting ... and furthermore to warn the member of the 24 aldermen who is the target of the slander or act.... None of the 24 aldermen is from henceforth is to be active, in person or through any other persons in his name, among the common people of the city, stirring or arousing sentiment so that he be chosen to any office relating to the government of the city, nor concerning any other matters relating to communal government to the benefit of himself or any other person, unless it be with the prior consent of the mayor then in office and the majority of the 24 aldermen, so that the office in question may be filled peaceably without any taint of **maintenance**.... In respect of the oath that he took, none of the 24 aldermen is to utter slanderous words about any fellow alderman, nor wish him harm, discomfort, or unhappiness, nor rejoice at any setback, loss, or discomfort experienced by any of his fellow aldermen. If it so happens that any such member of the 24 aldermen acts viciously or is accused of being a liar and will not correct his faults, so that his guilt may be known, it is permissible under this ordinance for any of the 24 aldermen to inform the mayor then in office and the aldermen, or the majority thereof, of those faults.... That each of the 24 aldermen is each year to take, use and wear the livery that is prescribed by the mayor and the aldermen, or the majority thereof, and honestly pay the price for it set by the mayor and the majority of the aldermen; whoever refuses it and will not buy it, receive it, and wear it shall, by authority of this ordinance, pay 10s. for his fault in the year that he refuses it. Any member of the 24 found and proved to be in default, in contravening any of the above points, or in any way acting contrary to these matters, and refusing to be ruled or governed by the ordinances of the mayor and the 24 aldermen, or the majority thereof ... is to be deprived of the livery and advice of the 24 aldermen and, from that time forward, to be deposed of

the status of aldermen and expelled from the city council.
[*Records of the City of Norwich*, vol.1, 109-112. My modernization.]



NOTES

"principal and special patron"

This was because the dedication of Norwich cathedral was to the Holy Trinity.

"John Biskele"

Mercer John Bixley had been mayor since May 1414; he had served as one of the sheriffs of Norwich in 1408/09. He had taken up the **franchise** in 1400/01. Another merchant of this name who, having become a freeman in 1374, is in evidence in the latter years of Richard II's reign, may have been his father. The mayor owned a number of properties in the parish of St. Gregory, but is not known to have had significant property interests outside the city. He died in 1425, leaving a daughter as his heir.

"Henry Rafman"

Believed to have been born in Wymondham, Norfolk, Rafman (who also went, less frequently, by the surname Alcock, rafman being an occupational surname meaning a chandler) built his early career in Yarmouth. He held several posts there in the customs service, as controller and collector, between 1399 and 1409. They may have been a reward for his support of Bolingbroke and the other lords opposed to Richard II, for in 1398 he had been obliged to obtain a royal pardon for his political activity; the pardon perhaps also helped him evade legal actions brought against him by a number of creditors. During his time as customs collector, he is also seen exporting large quantities of cloth and woolfells, importing wine and foodstuffs in return. He was also chosen as one of Yarmouth's representatives to the 1406 parliament; during its sitting he was elected one of the borough bailiffs, the first to two terms – the second coming in 1409/10. During his first ballival term he took out another pardon, this time for outlawry, consequent to his failure to appear in court to defend in an action of debt brought against him during the reign of Richard II. Around the same time he was also in trouble in the admiral's court, where a Flemish merchant had complained that his merchandize had been spoiled while in Rafman's custody; in 1408 Rafman was appealing his conviction. In

December he (along with other officials in the customs service) received a further pardon, covering offences such as that for which he had been convicted. It may not be coincidence that his customs career came to an end at the same time, and that this was also about the time he quit Yarmouth, and purchased the franchise at Norwich. The change of residence did not cure his perpetual indebtedness: in 1413 he was again pardoned outlawry for failing to respond to actions of debt. Despite this he was chosen as sheriff in 1414, as a parliamentary representative of the city in March 1416, and then elected mayor in May 1416. Not long after the end of his term he was again in hot water, accused (with his son) of having murdered John Caley of Norwich; although the court decided that the widow's accusation was malicious and not supported by the evidence, for technical reasons Rafman was unable to obtain a pardon until 1423. He is little in evidence otherwise in this period, and it has been suggested he was slipping into poverty [*History of Parliament: The House of Commons 1386-1421*, vol.4 (1992), 171]. At some point he was put in the debtors prison (Fleet) in London, and the last we hear of him, in 1435, is still in connection with legal trouble over debts.

"commonalty"

The term seems to have been increasingly used in this period to refer to the community as a constitutional entity.

"24 co-citizens"

The city council; *concitezeyns* reflects that members were all peers (equals), while the number of members was often used as a name for the body as a whole.

"citizens who are residents"

This must mean intrinsic freemen; assumption of the franchise brought benefits and obligations, such as participation in the political process.

"outsiders"

foreyns is probably intended to include non-citizens and forensic citizens (those residing outside the city who purchased the franchise for its commercial benefits).

"go up to"

The bench – the seating for mayor and council – would have been on a dais.

"recorder"

A legal advisor employed by the city. As a lawyer he might occasionally be absent, either on city or other business.

"greatest support"

The original has *most voys*. Whether this implies loudest shout, or whether individual votes were tallied, is not clear; but the same term is later used to refer to the individual votes for the nominees.

"bill"

The term was used primarily for relatively informal documents of various formats, particularly petitions, but also letters, not necessarily intended for archival retention as legal record. Here a note is doubtless what is meant.

"go back into"

Although the original document talks about the mayor and 24 withdrawing by *passen up in* to the chamber, and the six councillors *go down in* to the hall after communicating the names of the nominees, the private chamber was on the same level as the **main assembly room** with which associated. If it were accessed via the dais, this could explain the terminology, but the description of the post-election return of mayor and 24 to the hall suggests otherwise. More likely there were a couple of steps leading into the private chamber.

"separately and secretly"

In other words, a secret ballot, with each of the three officials keeping a separate tally of the vote.

"used in the city of London"

This would appear to be addressed in *Liber Albus*, book1, pt.1, cap.13, which states in regard to matters to be determined by the Common Council: "If there should arise matters of great controversy or doubt, on which they cannot agree, they are to be separately examined, under the oath to which they are bound to the city, by the sergeant-at-law, the common clerk, and the common sergeant-at-arms." [my translation]

"answerable"

The 24 were bound to make good any failure of their sheriff to pay his share of the fee farm, whose collection and payment fell to the sheriffs; the commonalty likewise for the behaviour and accomplishment of theirs.

"charter"

Hudson thought this was the charter of 1404, giving the city county status and replacing the bailiffs with mayor and sheriff; however, it makes no direct reference to the upper council of 24, so it is more likely the charter of 1380 – which does refer to (though not grant) the annual election of 24 co-citizens to represent the community – that is meant.

"reasonable causes"

Liber Albus states that to be discharged an alderman must be found guilty of some grave offence or enormity.

"charter article"

Again, the charter of 1380 is intended.

"London charter"

This would be the charter of 1341 (reissued in Richard II's *inspeximus* and confirmation of 1377), granting legislative power to the mayor and aldermen with the consent of the commonalty.

"Monday following Passion Sunday"

Hudson speculated that the timing may either have been in imitation of London,

where an ordinance of 1384 specified the election of common councillors there, per ward, within the latter half of March; or may have had something to do with the timing of Norwich's leet court sessions (held per ward), which required popular attendance and would have been completed just before the election of councillors.

"Conesford" "Berstrete"

The wards were divided into **smaller administrative units** for purposes of leet jurisdiction, and this now served to establish proportional representation on the lower council. Mancroft, as the commercial focus of the city, and Wymer as a trades and quayside area, had the largest concentrations of population, and so larger representation on council than the other wards.

"ordinances and regulations"

Given the context, this must refer to draft legislation. The passage is evidently defining what constitutes communal consent to enactments formulated by the mayor and upper council; it was to be more than just a yea-or-nay.

"cases of fine and ransome"

The sense of this sentence is obscure and interpretation difficult; it seems to refer to those arrested for an offence and unable to find guarantors to bail them out or to pay their fines for them.

"Christ Church"

Norwich cathedral.

"Furthermore, we have granted..."

This quotation, in Latin, appears to be from the royal charter of 1380, with several alterations: insertion of the phrase *de assensu communitatis*; substitution of the term "mayor" for "bailiffs"; omission of the stipulation that a majority vote withn the 24 is sufficient to effect a decision.

"bellman"

An official responsible for making announcements around the town. In late fourteenth-century Beverley the bellman made a daily trek through the town, ringing one of his handbells (he being issued with four) at various points to mark the time when trading could begin; he also informed members of the council when meetings were to be held and may have rung the communal bell to summon participants to guildhall meetings. Similar duties may have been performed by bellmen of other towns.

"dykekeeper"

An official responsible for supervising the defensive ditch surrounding the city walls, to ensure they were kept in good condition and were not put to inappropriate uses (e.g. grazing of livestock).

"clavigers"

Persons assigned to have custody of the keys of communal chests containing the common seal and treasury. This type of officer was often introduced in the context of reforms, stemming from distrust between rulers and ruled as to how community

money was being expended.

"chamberlain"

Although not explicitly stated in surviving city records, it appears that the **chamberlains** were responsible for overall fiscal management, while the treasurers were the men who actually doled out money and received it into the treasury.

"not accountable"

That is, those chosen as auditors of the financial accounts of city officers were not themselves to be men bearing an office whereby they had to render account.

"statements"

The process described here is the annual accounting of financial officers, at which a fair copy of revenues and expenditures needed to be presented and reviewed by the auditors. The officers could be held personally accountable for any revenues due that had not found their way into the treasury; however, if there was a valid reason why revenues could not be collected, the auditors might exonerate the officers from such amounts.

"the mayor's riding"

This took place on the Tuesday after Trinity Sunday.

"defects in the craft"

Such as products of sub-standard quality, inappropriate processes, or excessive prices.

"alien"

The term was used to refer to outsiders who had not become foreign burgesses (those who purchased the franchise for its benefits, without becoming permanent residents).

"knights of the shire"

Parliamentary representatives (bearing in mind that Norwich now had county status, and its court was the equivalent of a shire court).

"costumes"

In the sense of a uniform style of clothing, i.e. a livery.

"affiliated craft"

The original has *Craft of Coillet*, which Hudson suggests derives from the French *cueillir* (to collect). It presumably refers to the tendency for lesser, poorer crafts of small membership to affiliate with larger crafts usually (but not exclusively) operating in a similar field. See for instance the association of crafts at **Coventry** and **Beverley** to mount the annual pageants, or the groupings at **Bristol** to receive doles of wine for ceremonial drinkings.

"their seals"

I.e. their seals of office, not their personal seals.

"loveday"

A day of reconciliation between disputing parties.

"maintenance"

The term was used in regard to support given to sustain or increase the power (political or otherwise) of an individual.



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Keywords: medieval York merchants widows religiosity wills testaments administration chantries civic works bridge maintenance charity funerals silverware furniture furnishings linen cloth personalia careers socio-religious guilds

Subject: Testaments of a devout husband and wife

Original source: Borthwick Institute of Historical Research, Prob.Reg. 2, f.605, 3, ff.415-16

Transcription in: James Raine, ed. *Testamenta Eboracensia, part II. Surtees Society*, vol.30 (1855), 17-21, 46-51.

Original language: Latin and Middle English

Location: York

Date: 1430s

TRANSLATION

The testament of Nicholas Blakburn senior, citizen and merchant of York. [\[extracts only given by the transcriber\]](#)



20 February 1432. I, Nicholas Blakburn senior, citizen and merchant of York [...] to be buried in the cathedral church of St. Peter, York, on the south side, before the image of Our Lord there, under my marble stone which has been prepared on that spot for the purpose. [...] To **Brian Sandford** esq. and his wife Isabelle, my daughter, all gifts, collations and presentments to the four chantries that I have in the city of York, of which **one is in the chapel of St. William** on the Ouse Bridge in York, another in the church of St. John the Evangelist at the end of the Ouse Bridge, and two chantries in the church of St. Martin Micklegate, York. [...] To the sons and daughters of the same Brian and Isabelle, £66.13s.4d. [...] To my wife Margaret, my entire capital messuage in North Street etc. for her lifetime; after her death, to my son Nicholas Blakburn, for his lifetime, and after his death to his son Christopher Blakburn [...] then to his sister Agnes Blakburn [...] then to

his sister Alice Blakburn. [...] To dom. Robert Semerr, also called dom. Robert de Revestre, £3.6s.8d. [...] To **Nicholas Wyspyngton** and William Blakburn my son, the entire debt owed me by Cowpyn cooper of Aldwark and John Cotell of the same. [...] To my daughter Alice Bolton, wife of **John Bolton**, and their daughters Margaret, Joan, Agnes, Isabelle, and Elena, £66.13s.4d. [...] I bequeath 40s. towards the tax that has been granted to the king, to help out with the levy on the entire community of citizens of the city of York, to be paid between now and Easter next, in praise and honour of the glorious resurrection of Our Lord Jesus Christ. I bequeath £100 for giving firewood, linen and woollen cloth, boots and shoes to poor men and women at Easter, for [the benefit of] my soul. I bequeath £100 for the same thing at All Saints. I bequeath £60 for the same at the Purification of the Blessed Virgin Mary. I bequeath £10 to be distributed to poor men of the town of Richmond, for them to pay their tax granted to the king, payable between now and Easter, and £10 towards the fabric of the parish church there. To John Walton mercer of Richmond, £5, which William Bedford, receiver of my lord the Duke of Bedford, is holding as my fee. I bequeath to my executors the reversion of all tenements in the Flesh Shambles, also called Needlergate, in York, following the death of **Joan Blakburn**, widow of my son John Blakburn; to be sold, and the money thereby received disposed of to bring praise to God and his Son and in pious works. [...] I appoint as my executors my wife Margaret, mag. John Carleton canon of the cathedral church of St. Peter, York, **Richard Russell**, **William Ormeshede**, **John Aldstanemore**, my son Nicholas Blakburn, John Bolton citizen and merchant of York, and William Revetor chaplain, and I bequeath to each of them £10. Drawn up at York.

[Codicil:]

In the name of God, Amen. I, Nicholas Blakburn senior, citizen and merchant of York, beseech Almighty God, as any earthly man can or may, in soul and mind, to grant me the strength and grace to arrange the disposition of the residue of the possessions that he has given me here in this world, in a way that will above all be pleasing to and show my love towards him, his blessed mother Saint Mary, and her blessed mother Saint Anne, and all the saints in Heaven, and will afford help

and relief to the health of my soul, [those of] my wife Margaret, our fathers and mothers, our brothers and sisters, our children and all our friends, and all the souls of those from whom I have undeserving received anything in this world, and all Christian souls. First, I wish and provide that, should Catterick Bridge, Kexby Bridge, Thornton Bridge, or Skip Bridge suffer from any misfortune or faulty workmanship during the four years after my death, which God forbid, my executors shall sue those [who have taken responsibility], by recognisance or bond, for maintaining them. If those responsible for the same strive to the best of their ability to repair defects in the bridges, insofar as their means allow, rather than letting the bridges collapse, I wish my executors of the goods of God and myself to make the repairs, acting under the best advise and recommendations they can obtain; so that, with God's grace, those bridges will not in any way deteriorate. I wish my wife Margaret, quite apart from what I advised her in my testament, have [provision] for the livelihood of a gentlewoman, while she lives – for her, and a priest, and a servant. I wish my executors to send for **Sir Gilbert Gyghlay**, knight, to be present at my burial; for his efforts, I wish him to have a **pipe of wine**, or its equivalent in monetary value. I assign £40 to Christopher Blakburn and his sisters Agnes and Alison for their marriage, so that they can make good ones. To my son Nicholas Blakburn, £40 to spend on his three sons – that is, Robert, Thomas and Henry – and **they will be false to find them with "bonn by ye wall"**, while it will last. I assign 40s. to dom. **Nicholas Clyffe** priest. And 26s.8d to the wife of Kendall the lister. I assign 20s. to each of my son Nicholas' servants; that is, John, Richard and Isabel. To dom. John Chalkar priest, 40s. To Agnes Salkan, 40s. To Simkin, Watkin, and Alison Meyke, servants of John Bolton, 26.8d each. To the **nurses** of John Bolton, 20s. To Margaret Horsley, 20s. To my servant Sissota, if she remains with me after her term is up, I wish her to have her wages and 20s. To Alison of the kitchen, 6s.8d. I assign to Alison Strynger, my cousin, who lives in Blackburn parish, 100s. To Richard Stowe vintner, 26s.8d. I assign to my chantry in the chapel of St. Anne on Foss Bridge, York, my best vestment, my best missal, and my best chalice, for the use of that chantry in perpetuity. I assign 20s. to William Glover. To Alison Walker, my sister, 100s. I assign 20s. to John Robynson my former servant. I assign [...] to William Revetor priest for the good work he has done and will do in my behalf.

The testament of Margaret, widow of Nicholas Blakburn, one-time citizen and merchant of York, deceased.

In the name of God, Amen. On 10 March 1433, I, Margaret Blakburn, widow of Nicholas Blakburn citizen and merchant of York, sound in body and mind, have made and set out my testament in the following manner. First, I give, bequeath, and commend my soul to Almighty God, the most Blessed Virgin Mary, her holy mother Anne, and all saints; and my body to be buried in the cathedral church of St. Peter, York, there to lie next to the body of my late husband Nicholas Blakburn, under the marble stone before the image of Our Lord on the south side. I bequeath to the rector of the church in whatever parish I die, the best cut of cloth from my body, with hood, by way of mortuary payment. I bequeath eight wax **torches**, each weighing 16lb., to burn around my body during my exequies and mass on the day of my funeral. Of [\[the remains of\]](#) which eight torches, I wish two to go to All Saints parish church in North Street, York, to be lit there each year (as long as they last) on Easter Day during [\[the services commemorating\]](#) the resurrection of Our Lord Jesus Christ. Two other of those torches are to be placed in St. John the Evangelist parish church, at the end of Ouse Bridge, York, to be lit there each year (as long as they last) on Easter Day during the resurrection of Our Lord Jesus Christ. Another pair of those torches are to be placed in Holy Trinity parish church in King's Square, York, to burn there on the same terms. And the final pair of those torches are to be placed in St. Mary Virgin parish church in Richmond, to be lit there on Easter Day during the resurrection of Our Lord Jesus Christ, for as long as they last. I bequeath £20 to pay for funeral expenses at the time of my exequies. I bequeath £10 to be distributed among paupers, at the disposition of my executors, on the day of my burial.

To each chaplain who regularly celebrates divine services in All Saints church, North Street, 12d. To the parish clerk there, 8d. And to the sub-clerk, 4d. To each chaplain who regularly celebrates in the church of St. John the Evangelist, 12d. I bequeath 10s. to the prior and convent of the **Abbey of Holy Trinity** in Micklegate, York. I bequeath 10s. to the house of the Friars Preacher, York. And to the other three orders of mendicant friars in York, 20s., divided equally between them. I bequeath 10s. to the three recluses of York, divided

equally. I give and bequeath £9.6s.8d for a suitable and respectable chaplain to celebrate for the soul of my late husband, Nicholas Blakburn, my soul, the souls of our parents, as well as the souls of those to whom we are obliged, and the souls of the the faithful deceased, in the church of St. John the Evangelist for two whole years.

I bequeath to William Ormeshede, my brother, a silver ewer with a spout, gilded in parts. And to Elena Ormeshede, his wife, a flat piece of gilded silver plate, **pounced**, with cover. I bequeath to my son, Nicholas Blakburn, a silver pot of any size under a **pottle**. To his wife Margaret, a piece of silver plate, "swared", marked under its base with an "K". I bequeath Isabelle Sandford, my daughter, a silver pot called "the quart". I bequeath Alice Bolton, my daughter, a silver spice-plate and two silver pots called pottle-pots – of which one is marked with a shield of seven bars, a dog, and "N" and "B", and the other is marked under its base with a sign like an "M" – and one piece of gilded silver plate, covered, with a **knop** and a lion on the top. I bequeath to John Wyspyngton a flat piece of silver, covered, with a hawthorn chaplet and its knop gilded. I bequeath to Friar Nicholas Watre a standing-cup called "the nut", covered, with silver base. I bequeath to my son, Nicholas Blakburn, the £10 which he owes me as per his bond. And to Robert Blakburn, his son, £6.13s.4d. To Thomas Blakburn, £6.13s.4d and a red **coverlet with valance**, embroidered with chaplets and stars; a pair of new linens. To Henry Blakburn, £6.13s.4d. To Christopher Blakburn, £6.13s.4d. To Agnes Blakburn, £6.13s.4d and a girdle decorated with 8 bars and three "teryngbarres" of gilded silver and white swans in the tissue; a feather bed with bolster, a pair of new linens and a bed – that is, a coverlet with valance of red **say** embroidered with popinjays, and red curtains, and a tester of the same colour. To Alice Blakburn, her sister, £6.13s.4d, a flat piece of silver, covered, with a round knop, a feather bed with bolster, one pair of new linens.

I bequeath Isabelle Sandford, my daughter, the £6.13s.4d she owes me. And to John Sandford, her son, £6.13s.4d. And to Katherine, his wife, a flat piece of silver, covered, **[engraved]** with a **motto scroll** "Bien venir". To Edmund Sandford, £6.13s.4d and a silver goblet. To Nicholas Sandford, £6.13s.4d and a silver goblet. To Henry Sandford,

£6.13s.4d and a silver goblet. To Richard Sandford, £6.13s.4d. To William Sandford, £6.13s.4d. To John Sandford, £6.13s.4d. and a flat piece of silver, covered, pounced, [engraved] with the twelve months of the year. To Elizabeth Sandford, £6.13s.4d, [and] a silver candelabrum. To Agnes Sandford, £6.13s.4d and a small girdle with six enamelled and gilded silver **bars**. To Isabelle Sandford, £6.13s.4d and a necklace called "Lamb of God".

I bequeath to Alice Bolton, my daughter, £6.13s.4d. To her son, John Bolton, £10 and 12 silver spoons marked with "R" and "K". To Margaret Bolton, £10 and a flat piece of silver without cover; a blue coverlet of **arras-work** with images [woven] into it, with the valance belonging to the same; and a pair of **linens** of triple-weave. To John Bolton, £10 and six silver spoons with gilded acorns. To Agnes Bolton, a silver powder-box and a gold necklace in the style of a rose. To Isabelle Bolton, £10 and a flat **mazer** with a single band of gilded silver, and a girdle with eight bars of gilded silver and the image of Our Lord in its pendant. To Elena Bolton, £10, a mazer with the image of St. Katherine called "Fronnce" at the bottom, and a small girdle with six bars of gilded silver and the pendant likewise a rose.

I bequeath to John Esyngwald a flat piece of silver without a cover. To his son, John Esyngwald, 13s.4d. And to his brother, William Esyngwald, 13s.4d. To Elena Wyspyngton, 13s.4d. To her sister, Elizabeth Wyspyngton, 20s. I bequeath to John Ormeshede, the son of my brother William Ormeshede, £6.13s.4d towards his marriage. To the two sons of Thomas Blakburn, 40s. divided equally between them. To Lady Joan Sponyngthorn, 6s.8d, a black cloak lined with buckram, a black hood, and a set of jet beads. To William Blakburn, 26s.8d. I bequeath to John Brandesby, my son, 13s.4d. To the nuns of **St. Clement's** in the suburbs of York, 6s.8d. To the nuns of Essholt, 10s. As for the residue of all my goods and utensils, I give and bequeath them to be disposed of, at the disposition of my executors, as is more fully specified in a certain **schedule**.

[Codicil:]

In the name of God, Amen. I, Margaret Blakburn, widow of Nicholas Blakburn senior, one-time citizen and merchant of York, concerning

my utensils not bequeathed in my testament. First, I give and bequeath to my son, Nicholas Blakburn, a chest banded with iron in which there used to be my silver vessels, and one of the best quilts. I bequeath to Brian Sandford a large, flat chest painted red. And to his wife Isabelle: another, smaller chest, carved on the outside in the shape of windows; a spruce coffer; one of the best tablecloths, **diapered** with roses; one wide towel of **"amys" work**; six new gryphon cushions; one large, round bowl. I bequeath to John Sandford a small chest painted green, and a bowl called "counterfeit" with **laver**. And to his wife Katherine a twill towel with black borders, four and a quarter **ells** long, and a pair of double-weave linens. To John Sandford, a tablecloth of Flemish work, two towels 18 ells long, a pair of linens, and a coffer with two iron clasps. To Edmund Sandford, a counterfeit bowl with laver. To Nicholas Sandford, a counterfeit bowl with laver. To Elizabeth Sandford, a twill tablecloth five and a quarter ells long, and a towel four ells long (less the "nale").

I bequeath to Agnes Blakburn, daughter of my son Nicholas Blakburn, a plain tablecloth four and a half ells long, and two towels with plain edges. To Alice Blakburn, her sister, a twill tablecloth four and a half ells long, one towel five and a half ells long, and another towel three ells long. To Christopher Blakburn, a bowl with laver.

I bequeath to John Bolton senior a chest banded with iron, standing on four iron **wheels**. To his wife, Alice Bolton: a **Flemish chest** whose exterior is carved with images; a small chafing-dish for water; a brass mortar; six new gryphon cushions; six cushion covers of Arras work. I bequeath to dom. John Fox chaplain a red-and-white coverlet with three curtains and **testers** belonging to the same, a small round bowl, and a pair of linens. I bequeath to Agnes Gudeale a black gown with **grey fur**. To Alice Kirkeby, daughter of the late Thomas Kirkeby mason of York: another black gown, furred with lamb-shanks wool; a kirtle; a blue coverlet with trees, lions and birds woven into it, with a valance; and a pair of blankets. I bequeath to my servant Joan Escrik: a short black tunic, lined; a blue and grey coverlet; a pair of new linens; a pair of blankets; two bronze pots, one larger and one smaller; a "kilped" pan; a bowl with laver, and two small round bowls for the **[bed]**chamber; six "gaitez" cushions; one of the best kirtles; a "frende" with grey fur; two crape kerchiefs; and two bronze candelabra. I

bequeath to John Geddesson: a coverlet with valance, with red and blue border; a pair of linens; and a pair of blankets. I bequeath to dom. John Fox two bronze candelabra. To William Revetour chaplain a large chafing-dish for water, and a small round bowl. I bequeath to Alice Kirkeby a pair of second-quality linens. To Margaret Wilson a red and blue coverlet spangled with roses, with valance, and a pair of linens. To Alice Meke, a coverlet of **murrey and grey**, and another coverlet, red, embroidered with a hawk. To Joan Usburn, a red and blue coverlet with roses woven in.

I bequeath to the chantry in the chapel of St. Anne on Foss Bridge, York, founded by my late husband Nicholas Blakburn, a green vestment, two painted cloths with the **Salutation** and the curtains belonging to them, and two other cloths [hung] next to each other there above the high altar. I bequeath to John Fox and Joan Escrik three blue and green painted cloths with depictions of birds and roses, to be equally divided between them. 10 March 1433.

[Another codicil, 5 April 1435:]

[Drawn up] in a certain inner chamber at the upper end of the hall of the residence of John Bolton, citizen and merchant of York, in Skeldergate. I wish my executors, in order to fulfill my husband's will, pay £100 towards the fabric of Kexby Bridge and £100 towards the fabric of Catterick Bridge, under the following conditions. Viz. that those responsible for administration of those bridges are willing to provide my executors with satisfactory guarantees that thereby the bridges will be fully and satisfactorily built within four years after my death; and on condition that, at my wish, my executors pay annually towards the fabric of each bridge, during those four years, £25 of the £100. Always with the proviso that my husband's goods suffice to see the bridge works carried out. My daughters Isabelle Sandford and Alice Bolton [to be] my executors.

DISCUSSION

[I have divided the second will into paragraphs to make for easier reading.]

The Blackburns were one of the more prominent York families in the opening decades of the fifteenth century, and their lifestyle a cut above even the average city merchant. Nicholas senior served as mayor in 1412 and his son **Nicholas junior in 1429**; a second son, John, who was one of the city's aldermen by 1419, having represented it in parliament two years earlier, and who took as his second wife a daughter of William Bowes (mayor 1417), might also have risen to the mayoralty had he not died prematurely in 1426. Nicholas senior drew up his will at a time when he probably sensed his end approaching, for it received probate on 10 April 1432.

Nicholas migrated from Richmond (although the family had its roots in Blackburn, Lancashire) to York in the late fourteenth century, becoming a freeman there in 1396, when already referred to as "senior". His wife Margaret was from a family that also had its roots in Richmond: her brother William Ormeshead, who became a colleague of Nicholas in York's government, also entered the franchise (1404) as "of Richmond". Possibly Nicholas had made his marriage before moving to York; his elder sons John and Nicholas, also merchants, were old enough to take up the franchise themselves in 1403, suggesting a possible birth date for Nicholas of ca.1365/70.

He was probably prospering in business before making the move to York. In his will Nicholas did not forget the home town that was his stepping-stone to success. Surviving records sample his mercantile activities between 1395 and 1431 and suggest a pattern that was fairly typical: wool, sheepskins, and cloth were his major exports, although he dabbled in other goods (e.g. coal) when there looked to be a profit in it; his imports were likely even more varied, and included iron. He is also seen active in the victualling trade, notably the opportunities to serve the frontier garrisons and the king's household. Like many leading merchants of that period, he is found making sizable loans of money to Henry V; this was part of doing business with the king.

His quick rise into the ranks of York's mercantile leadership – he being one of the few men not called on to serve as chamberlain before reaching higher office – is reflected by a couple of things. First, he and his wife together, and apparently at the same time as William Ormeshead and his wife,

became members of the **Corpus Christi Gild** at York in 1414. This influential, cleric-run, socio-religious gild, which had been in existence for perhaps only a few years, associated many of the city's leading churchmen with the leading citizens, as well as with members of the country gentry. Women were prominent among the secular members and it may have been Margaret Blackburn's influence that prompted her husband to join; or perhaps that of their son John, who had become a member two years earlier. The gild's register of obituaries lists both Nicholas and Margaret in the appropriate years, and indicates that the gild had received from Nicholas an extraordinarily large legacy of £15.

Second, Nicholas was appointed the king's Admiral of the North in 1406. He is not known to have held the post for long, yet it was remembered as significant as late as 1432, when he was described in a completely unrelated context as a former mayor of the city and former admiral of the king. Other royal commissions regularly came his way in that early phase of his career, notably involving investigations to be made in Yorkshire – many of which related, directly or indirectly, to commerce, which was why Nicholas was qualified for such duties.

The context in which he was remembered as admiral was the foundation by Nicholas and Margaret on 2 February, just a couple of weeks before the former drew up his will, of two perpetual chantries (at different altars) in the house of the Friars Preacher of York. The Blackburns made some significant donation to the Dominicans, although whether in cash or property is not stated. Detailed instructions [see the abstract in J. Percy, ed. *York Memorandum Book*, Surtees Society, vol.186 (1973), 155-56] were given regarding those foundations:

- A qualified friar was to celebrate daily at each altar.
- The friary was to supply the celebrants' needs (chalice, book, bread, wine, wax).
- At the altar of St. Mary Magdalene the celebrant was to begin the chantry service by ringing the chapter bell, just as was done for high mass. A daily mass of the Holy Spirit was to be said for Nicholas while he lived, and a Requiem mass for his soul, and that of Margaret, after their death. However, on Sundays and festival days (with named exceptions when masses were not to be celebrated at any but the high altar of the church) a slightly different service was prescribed. These services were not to be omitted except in special, specified circumstances, e.g. epidemic, fire, general interdict, etc.
- At the high altar of the friary church a mass of the Blessed Virgin Mary was to be celebrated daily – again with differing specifications

for the service before and after Nicholas' death – followed by specified psalms and prayers to be said by all the brethren.

- After the deaths of Nicholas and Margaret, an obit was to be celebrated annually, by the choir wearing their copes, with specified offices being performed on the feast of St. James (25 July), and a Requiem mass on the feast of St. Anne (26 July). The obit was not to be omitted unless unavoidable, such as in the case of a general interdict. The holding of the obit was to be announced publicly by the city bellman.
- Each new prior was to take oath, on his first day in office, to uphold this agreement, and was to ensure that all those under his authority did the same, with any brother who failed to do so being punished by excommunication. Failure to meet the above conditions in any year incurred a fine of 40s., **distrainable**, to be equally divided between the mayor and community and the estate of Nicholas Blackburn.

It would appear that the Corporation was made a party to this agreement, which resulted in it surviving to us through the copy in a city register.

Blackburn's foundation of a chantry in the chapel of St. Anne was a natural follow-up to the major **renovation of the Foss Bridge**, with the building of the chapel probably an integral part of that initiative; this had taken place while Blackburn was involved in city government. It is the establishment of Blackburn's chantry, in 1424, that lets us know that the chapel (administered by the corporation) was completed and in operation. It represents therefore, from one perspective, an investment to assure the continuation of an institution Blackburn had a hand in creating. The chantry was still in existence in 1534 when its owner (by purchase) was still paying attention to Nicholas' prescription for how the chantry would be run; but York's chantries were dissolved not long after.

The administration of Nicholas' will evidently proved demanding. His monetary bequests amounted to over £600, half of which was to be expended on provisions for the testator's soul, and raising this money from the estate (including debts due, themselves possibly requiring litigation) would have been onerous. Margaret Blackburn had to follow up, in her will's codicil made less than a month before her death in April 1435, on her late husband's open-ended request regarding the support of local bridges – bridges on which merchants such as Nicholas depended for their businesses. Margaret provided clearer specification of how the bridge bequest was to be handled. The ongoing demands of fulfilling Nicholas' will are indicated by the fact that his executor and brother-in-law, William Ormeshead, in a codicil (1437) to his own will asked one of his own executors, Nicholas

Wyspington, to take over his remaining obligations regarding Blackburn's will. Perhaps one of the reasons why Margaret Blackburn did not include her brother among her executors, apart from his advanced age, was a feeling that he had been burdened enough by her late husband's will. However, it seems that Margaret's confidence lay more in the female members of her family; women's wills often appear more female-oriented than men's wills.

Administration of Nicholas senior's will could not have been made easier by a quarrel among the executors: Nicholas Blackburn junior accused Revetour, Carleton, Bolton and Aldstanemore of having influenced his father's wishes, so as to defraud the son of property in York. Where the other executors, not accused, stood in this dispute is unknown. As the split must have taken place before Aldstanemore's death in early 1435, it is not clear if it has any relation to the reversion of the Needlergate property, which the executors transferred (September 1436) to Nicholas Wyspington and other York men. Surprisingly, the will mentions relatively little property. Possibly other property had been held but provision made for it prior to drafting the will; this might have been transferred directly to one or more of the sons, or put in the hands of trustees – likely some of the executors-to-be. Another possible bone of contention was a debt for £400 that Margaret Blackburn claimed John Bolton had owed her husband; she gave Bolton two years grace after her death to repay the amount to the heirs; whether he did so is unknown, but Nicholas junior left only a small amount of cash in his will. The administration of *his* will presented sufficient problems, or was so singularly unattractive, that the two men designated his executors refused to take on the task, leaving it to Nicholas' widow, who procrastinated and eventually passed along the challenge to her own executor.

Nicholas and his wife lived in North Street. We can well imagine the colourful and, for a merchant household, sumptuous rooms of Margaret Blackburn's home. Along with silverware and other tableware, table linens, bed furnishings and linens, and wall coverings were among the kinds of valued items – reflecting wealth and social status – that were considered bequest-worthy. Margaret herself left monetary bequests of over £500, indicative of a level of wealth few widows could match, although of course there had been relatively little time since her husband's death to drain the money supply. Nicholas junior inherited the North Street property after his mother's death but, dying (1448) without sons, it passed to his brother Christopher. The latter, described as "late of Sandwich" (Kent), in 1453 transferred his rights to his sister Agnes and her husband; Agnes had at some time between 1433 and 1436 married Thomas Wandesford (possibly the man who served as mayor's esquire-at-mace 1454-80).

The Blackburns' parish church was All Saints, also in North Street. Although they sought and obtained burial in the cathedral, this does not reflect any alienation from the parish church. On the contrary, the family were important benefactors of All Saints, endowing it with **two stained-glass windows**; these still survive, now known as the Blackburn window and the Corporal Acts of Mercy window. To what extent this was the initiative of Nicholas senior and his wife Margaret, or that of Nicholas junior and his wife (another Margaret), is uncertain; both couples are depicted, as donors, in the Blackburn window – **Nicholas senior in armour**, perhaps as a reference to his military role as admiral. But the devotion to St. Anne, reflected in the wills of the older couple – such mention being unusual – is also evident in the choice of the imagery in the windows. The central of the three main lights of the Blackburn window (dated between 1417 and 1427) is a depiction of St. Anne teaching Mary to read. The cult of Mary's mother was growing stronger in the early fifteenth century and may be reflective of a renewed piety among the urban elite; we may note the growth in popularity of Agnes (Anne) as a Christian name. One analysis of the content of the windows has led to the conclusion about the Blackburns that:

"their choice of iconographic material and the act of donating the windows were part of the donors' larger concern for maintaining the social fabric.... such donations form part of a new and internalized piety and thoughtful charity inspired by more than the customs of the day."

[Sarah Pedersen, "Piety and charity in the painted glass of late medieval York," *Northern History*, vol.36 (2000), 35.]

Whether we see a woman's hand in the choice of St. Anne as the central figure of the Blackburn window, perhaps even reflecting an interest in female literacy [Pedersen, p.36], it is hard to say. It is the female donors, rather than the males, depicted in the window who are holding books with legible texts. It is not inconceivable that the female members of mercantile families – with the wealth and connections that could provide access to education, yet not as preoccupied as the males with mundane matters – may often have taken the lead in setting the standards for piety in a household.

Another key figure in the Blackburn window is St. Christopher. He was the patron saint of travellers, and merchants were some of England's most regular travellers. In 1416 Nicholas had donated £10 to erect in Durham cathedral a statue to St. Christopher, St. Anne, or St. John the Baptist.

Possibly the interest of the Blackburns in that saint reflects a mercantile preoccupation, just as the concern with maintenance of local bridges in a fit state of repairs was also a matter of business sense. Blackburn's interest in bridges preceded his will. His name is the first in a list of those contracting for the construction of Catterick Bridge – which stood on the road between York and Richmond – in 1421; interestingly, a chapel dedicated to St. Anne was built on the bridge at date unknown, but before 1474. As mentioned, the rebuilding of the Foss Bridge had been a programme of a city government of which Nicholas was a member. Kexby Bridge lay on the route between York and the port of Kingston-upon-Hull, through which much of York's overseas commerce was conducted, and so was important to Nicholas' personal interests, not just his pious intentions. The Blackburn obit at the Dominican friary was to begin on St. James' day, which also happens to be the festival of St. Christopher, although this may be coincidence. We may also note that there was a socio-religious gild in York dedicated to St. Christopher and this, like the Corpus Christi Gild, became increasingly associated with the city corporation, helping pay for rebuilding of the city guildhall in 1444 and maintaining a chapel in the cathedral that served particularly the civic elite. Whether Nicholas Blackburn was a member of this gild is unknown, but the association of St. Christopher with the pious dimension of city government is not insignificant.

The other window donated by the Blackburns depicts six of the seven **acts of mercy** prescribed for those who wished to be win favour at the Final Judgement. In each, a wealthy man is shown performing the acts, such as **visiting prisoners** to give them a charitable dole. It has been suggested that the wealthy man is Nicholas Blackburn; clearly it is not intended as an accurate depiction of him, being dissimilar to the donor's portrait of him and far more comparable to the saints portrayed in other windows, but it may be intended to reflect Blackburn as a performer of these charitable acts. In a parish such as All Saints where many of York's well-to-do merchants lived, the window's depiction of exemplary behaviours for merchants hoping for salvation may have been particularly *à propos*. Whether this moral lesson is in fact intended to point to moral leadership through the example of the Blackburns during life (as opposed to in their last wills) we cannot know for certain.

It is easy to read into the pious and charitable provisions of what are often formulaic testamentary documents a conventionalism and a selfish concern for saving one's own soul, and doubt whether the those provisions represent charitable outlooks and actions during life. However, we should not brush aside the possibility that in at least some cases, the piety was genuine and death-bed charity provides a final instance of a concern during life for the

well-being of one's community, including the less fortunate members. We should not forget that religion was more pervasive then than it is today. The influence of Christian mores is suggested, for example, by the number of churchmen shown, by the wills of Nicholas and Margaret Blackburn, to have been within their circle of close acquaintances. These included:

- Robert Semer, who had become a freeman of York in 1425/26, as a "vicar", and by the time of his death in 1432/33 was sub-treasurer of the cathedral.
- John Carleton, who was either the cathedral prebendary who had joined the Corpus Christi Guild at around the same time as John Blackburn, or the doctor of laws who acted as an advocate in York's consistory court (also a member of the guild).
- William Revetour, a cleric when he became a freeman of York in 1420 (the son of a riveter originally from Swinton). By 1423 he was acting in the capacity of chantry priest in the chapel of St. William on Ouse Bridge, and by 1424 had a post as a deputy clerk in the city bureaucracy. By August 1428, he was **associated with the chantry** in St. William's chapel that Nicholas Blackburn had purchased from the descendants of the founder, Richard Toller; Nicholas had presented Revetour to the post of chantry chaplain. Revetour is suspected of being the author of the Creed Play, the manuscript of which he bequeathed to the Corpus Christi Guild (of which he had been one of the custodians in 1440/41) on condition it saw the play performed, apparently among the other Corpus Christi pageants, each year for ten years. His will of 1446 also bequeathed a second play to the guild of St. Christopher, and props for a third play to the girdlers guild, as well as numerous other books, including an English translation of *De Oracione Dominica et Stimulus Conscientiae* to Blackburn's daughter, Alice Bolton, and an illustrated Primer to Alice's daughter Isabelle, who was Revetour's god-daughter. In 1434 he was also, along with cleric John Carleton junior, a trustee of manors of Roger Salvayn, husband to Alice's other daughter, Margaret. Here was evidently an educated and cultured man close within the Blackburn circle.
- Nicholas Wartre, a Franciscan friar who had been Bishop of Dromore (Ireland) 1419-27, but had returned to York – possibly his home town (goldsmith Richard Wartre being sheriff in 1429/30 and elected to his first of two mayoralties in 1436) – by 1429, when he became a member of the Corpus Christi Guild. Ca.1437 he was presented to the rectory of St. Mary's, Castlegate. Nicholas had bequeathed him (in part of the will omitted by Raine) £3.6.8d on condition he celebrate the mass at Nicholas' funeral.

- John Fox, who went on to an appointment in 1439 as master of Trinity hospital, Fossgate, remaining in that post for 40 years; he also served the Corpus Christi gild as a custodian (1453/54) and later as master (1470/71).

Such men – along with some of the ecclesiastics with whom the Blackburns rubbed shoulders in the Corpus Christi Gild – may have encouraged and fostered pious and charitable behaviours on the part of the Blackburns.



NOTES

"Brian Sandford"

According to Raine, the Sandford family was based at Thorpe Salvin (thereby making a connection with the Salvayn family into which a Blackburn granddaughter married) , in South Yorkshire, some distance south of York. The family had no evident connections with, or interests in, York.

"one is in the chapel of St. William"

Nicholas had founded (or rather re-founded) this chantry in 1425, giving the city corporation at the end of the previous year the sum of £226.13s.4d to support the chantry in perpetuity, and reserving for himself the presentment to the post of chantry chaplain.

"Nicholas Wyspyngton"

A merchant, he entered the franchise in 1425, was sheriff in 1433/34, and still in aldermannic ranks in 1442.

"John Bolton"

The son of John Bolton senior, who had been active in city government since the mid-1380s and became mayor in 1410; probably himself the son of another John Bolton who had been a city chamberlain in 1380. John Bolton junior and his brother William entered the franchise (by patrimony) in the year of their father's mayoralty. He went on to pursue a career as a mercer, and served as sheriff (1420) and mayor (1431), and by the time of Margaret's will was himself the "senior" John Bolton (his father having died ca.1426). He and his wife Alice joined the Corpus

Christi Gild in 1430. He held several manors outside York. He died in 1445.

"Joan Blakburn"

She lived, still in possession of the Flesh Shambles property, until 1446. The daughter of William Bowes (mayor 1417), she had no children by John Blackburn, and his sons by his first wife had predeceased him.

"Richard Russell"

One of York's merchant mayors, and a business partner of Nicholas Blackburn. He died 1435, bequeathing £13.6.8d towards the repair of bridges and causeways in the neighbourhood of York, and provided for several chantries in his will. Further information may be found in the discussion of **his own will**.

"William Ormeshede"

Active as a merchant when he became a freeman at York in 1404, William Ormeshede served the city as chamberlain in 1411/12 and as sheriff in 1415/6, and was elected to two mayoralties in 1425 and 1433. He was one of the city councillors by mid-1417, and promoted to the upper circle within the council by 1425. He also represented York in parliaments of 1421, 1426, and 1431. Like Nicholas Blackburn, his main interest was the wool trade. He and partners lost a cargo to pirates off Dover in 1426. At a later date he acted as an arbitrator in a mercantile dispute involving the business of John Aldstanemore. His connection to Blackburn was not only by marriage, but also through business: the pair, along with **Richard Russell** acquired Cumberland property from the earl of Northumberland. William may have had interests in that part of the country, for he is also found prosecuting a Penrith barber for a large debt. In 1430 he acquired papal licence for a portable altar, an indication of his wealth and of a non-sedentary lifestyle. He also served as a trustee of property that Blackburn's widowed daughter-in-law held for life. He had married three times, but only three children are known: two daughters, and a son who predeceased him, possibly a minor. William's will of 1435 included bequests to John and Alice Bolton and to Nicholas Wyspington and his wife Joan, as well as members of the Blackburn family.

"John Aldstanemore"

A merchant, he entered the franchise in 1412, was sheriff in 1421/22 and became mayor in 1427; died January or February 1435. In 1410 he was charged, along with associate Nicholas Blackburn (described on this occasion as "of Richmond") of smuggling wool out of Newcastle.

"Sir Gilbert Gyghlay"

Member of a rural gentry family, who himself died around October 1432. A Richard Kyghlay was chaplain of the Holme chantry in St. Anne's chapel from the 1430s to '60s.

"pipe of wine"

A quantity equivalent to 126 gallons at this period.

"they will be false ..."

I am not sure of the meaning of this phrase; possibly "bonn by ye wall" is idiomatic

or metaphoric.

"Nicholas Clyffe"

A chaplain, possibly serving the chapel of St. William, to which he made bequests, or the church of All Saints, North Street, which is where he sought burial (1456). The city chamberlains accounts mention John Clyffe as, in the 1440s and '50s, chaplain of a chantry in All Saints, North Street.

"nurses"

Presumably servants looking after Bolton's children.

"torches"

Large candles.

"Abbey of Holy Trinity"

In fact, a **Benedictine priory** belonging to a foreign abbey, yet retaining parochial functions from a period prior to its attachment to the abbey.

"pounced"

The term refers to a kind of ornamentation involving dots or perforations made in metal by a punch or die.

"pottle"

Half a gallon (two quarts).

"knop"

An ornamental knob, presumably atop the cover and surmounted by the lion.

"coverlet with valance"

The original is *coopertorium cum tapete*. Tapeta normally refers to a tapestry, but if *coopertorium* is translated as coverlet (referring to a bed-cover) the interpretation of valance would seem to make sense. However the phrase might alternatively refer to an awning with valance, or to a wall-hanging (the large number of these items bequeathed, and the kinds of decoration or colouring, leads me to suspect the latter may be correct – except that references in the codicil to "painted cloths" are likely wall-hangings, which suggests that *coopertorium* refers to something else).

"say"

A fine cloth with a worsted warp and a woollen weft.

"motto scroll"

This is my guess as to what is intended by *rotulo scripto*.

"bars"

Girdles of wealthier women were often decorated with sculpted bars, mounted at spaced intervals, made of precious metal.

"arras-work"

Woven with decorations, like a Flemish tapestry.

"linens"

Linthiaminum could refer to a variety of cloths, from napkins to sheets. The latter seems likely in the present context.

"mazer"

A cup originally made of maple-wood, although precious metals came to be introduced into the construction, initially in the form of metal bands or hoops running around the rim and/or side of the cup; this was more a display than a utilitarian item.

"St. Clement's"

The Benedictine priory, founded in the first half of the twelfth century, lay in the area known as Clementhorpe.

"schedule"

A subsidiary document attached to the main one; in this case, the codicil.

"diapered"

The verb could refer either to drawing flowers (or other motifs) on cloth, or weaving that cloth in such shapes (which was later done particularly with towels and napkins, from which our modern use of "diaper" arises).

"amys work"

Possibly referring to a style originating from Amiens (at that time known as Amyas).

"laver"

Or "lotorio" may refer to a ewer.

"ells"

A measure a little longer than a yard; the length of the towels here suggests they may have been some kind of winding towel, while the tablecloths would have been for long tables.

"wheels"

Or possibly *rotas* may refer to roundels.

"Flemish chest"

The term *archam* is used here, in distinction from *cistam* used in previous references to chests.

"testers"

Parts of a bed canopy.

"grey fur"

"Greywork" is probably intended: the winter fur of squirrels.

"murrey and grey"

Murrey was a purple-red colour; *glauco* refers to a grey of a yellow or green tinge.

"Salutation"

Possibly referring to a quotation from the *Salve Regina*, a popular anthem widely used in evening services attended by socio-religious fraternities.

"Nicholas junior in 1429"

Nicholas junior had held the shrievalty just the previous year. There remains to be accounted for the Nicholas Blackburn who became a freeman in 1422, was chamberlain in 1433/34, and sheriff in 1437/38. References to Nicholas Blackburn junior, merchant and alderman, in 1437 and Nicholas Blackburn senior, alderman, in 1442 may indicate two men of the name were then living. Perhaps the junior may have been a son of William, son of Nicholas Blackburn senior, or of Edward Blackburn (dead by 1432), for whose widow William Revetour was an executor.

"associated with the chantry"

The transaction, involving the assignment of a rent to the chantry, was witnessed by the two city sheriffs (who included Nicholas Blackburn junior), four aldermen who also would be Nicholas senior's executors – Russell, Ormeshead, Aldstanemore, and Bolton – John Lofthouse (with whom Nicholas senior was, in 1416, co-owner of a fishing-boat supplying fish to the royal household) and others unnamed; Blackburn had the mayor William Bowes – the father-in-law of his late son John – append the mayoral seal to the document.



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Subject: Constitutional provisions at Bridgwater

Original source: Borough archives

Transcription in: T. Bruce Dilks, "The Burgesses of Bridgwater in the Thirteenth Century", *Proceedings of the Somersetshire Archaeological and Natural History Society*, vol.63 (1917), 55-56.

Original language: Latin

Location: Bridgwater

Date: Early to mid-13th century

TRANSLATION

To all faithful Christians to whose attention this document comes, eternal greetings in God from all the burgesses and the community of the borough of Bridgwater.



In order to promote amity and good feelings among our own number, and quell discord and rancour, by our common agreement and assent we have ordained all that follows.

First, we ordain and wish to have among ourselves two stewards of our gild, elected annually by us from our number; and, to assist those stewards, one bailiff elected from our number for the same term.

Also, we ordain, wish and grant that those stewards who are elected for a particular term may have the power to punish every individual among us who commits an offence against the ordinances that follow.

We also wish that if one of us maliciously **imputes** that any of his **peers** is a thief, **deceiver**, villein, homicide, adulterer, or

excommunicate, and is convicted of the same before the stewards, he is to be **amerced** and obligated to our community in [the amount of] twelve pence, and should satisfy the [falsely accused] party according to what his peers consider appropriate.

We also wish and grant that if one of us impleads outside the borough any of his peers for any cause – unless first having the case tried by his peers in the borough (as justice requires for the sake of goodwill) is denied him by an opposing party – he is to be amerced and obligated to the community in [the amount of] twelve pence.

We also wish and grant that if one of us is summoned by the bailiff, at the orders of the steward, to come before them and he does not come, he is to be amerced and obligated to the community in [the amount of] six pence; and at any repetition of such **disobedience** the penalty is to be doubled.

We also wish and grant that if any of us opposes or obstructs the bailiff from executing [his duties] or a **distrain** which the stewards have ordered him to carry out, he is to be amerced and obligated to the community in [the amount of] forty pence.

We also wish and grant that if any of us in any way **refuses to cooperate** with the bailiff in the performance of his duties, he is to be amerced and obligated to the community in [the amount of] twelve pence and, notwithstanding, should [also] make amends according to what his peers consider appropriate.

We also wish and grant that none of us is to buy meat or fresh fish in the town before the **third hour**, for purposes of reselling by retail. If any of us does so, he is to be obligated to the community for the value of the fish or meat thus bought or sold.

We also wish and grant that is any of us accepts election to the office of steward **of St. Mary's or of the [Holy] Cross** of the town church, or of keeper of the town bridge, or bailiff serving the stewards, they are to render a satisfactory account of all revenues from the same to the stewards of the gild, whenever and as often as they are forewarned to do so.

We also wish and grant that the aforesaid fines and penalties incurred or due are to be levied by the bailiff at the orders of the stewards and handed over to those stewards.

We also wish and grant that if any of us accepts the office of steward, he is to take responsibility for those revenues of fines and amercements received by him from the said officials, and is to render a satisfactory account of the same to the community each year on 2 January.

And we have made a commitment on behalf of every one of our number and our heirs and successors forever to observe among ourselves and to conserve in perpetuity, resolutely and faithfully, each and every of these [\[ordinances\]](#).

In witness of which, our common seal has been appended to this document.

DISCUSSION

In **Domesday**, Bridgwater has the appearance of an agricultural settlement. But, as its name indicates (believed derived from a term either meaning "quay" or "gangplank"), its location on the River Parrett, at a point where that tidal river could still be crossed before widening and flowing into the Bristol Channel, was allowing the location to act as an informal port. Bridgwater was probably the demesne land of a larger manor. The bridge that existed in medieval times, however, may not have been built until borough status was acquired for Bridgwater in 1200.

This was the initiative of **William Brewer** who, in 1199, had acquired Bridgwater through an exchange. The following year, he obtained from King John permission to build a castle there, and also a royal charter giving the status of *liber burgus* to Bridgwater; it was in fact the second place in England to obtain that status by explicit charter grant. The grant enabled Brewer to endow Bridgwater with privileges of his choice (as far as was within his power) associated with established boroughs; it explicitly

included the rights to a market and a fair, to collect tolls and for the burgesses to be free of tolls elsewhere (such being rights only the king could grant). It did not however alter the fact that Brewer and his heirs remained lords of the borough, controlling the courts – although the gild appears to have had its own court to deal with internal matters. The burgesses did not hold the town at **fee farm** until the fifteenth century; the town was incorporated in 1468, when the gild and borough courts were probably integrated and a mayor became the executive officer.

The nucleus of the settlement lay on the west bank of the river; there were probably only a few hundred inhabitants (313 burgages in 1257). Brewer built his castle in the north-east corner and the topography of the town suggests that some new streets may have been laid out between the parish church and the waterfront, including a marketplace. A bridge across the river – its building associated by local tradition with Brewer – led to the development of an eastern section of the town; the bridge would have been one point for toll-collection, which is the main reason it required a "keeper". Some kind of fortifications were added in the late thirteenth century, but perhaps not beyond stone gates at the main entrances.

Brewer went on, in 1204, to a second "free borough" foundation, at Chesterfield in Derbyshire, part of a royal manor granted him by John, along with licence for a market and fair. Several years prior to obtaining lordship he had already been active in acquiring property that was on the edge of the settled area and on which a new marketplace had been established, larger than the cramped original of the manor. Whether this new marketplace was an initiative of Brewer or local residents, possibly as far back as the 1160s, is not certain; similarly, since 1195 the king had been paid an annual fee for the right for a fair to be held at Chesterfield. At the least Brewer, who after John's abortive rebellion in 1194 had come into temporary possession of Chesterfield along with Prince John's other Midland estates and the shrievalty of Derbyshire, was capitalizing on what he perceived as a growth in trade. But it seems likely he was fostering that growth from about 1194, expanding the new marketplace and perhaps initiating the fair. The Pipe Rolls following that year show an increase in the revenue expected by the king from Chesterfield, and by 1198 it was being described as a *burgus* in the rolls. The 1204 charter was simply the culmination of Chesterfield's evolution from village to town.

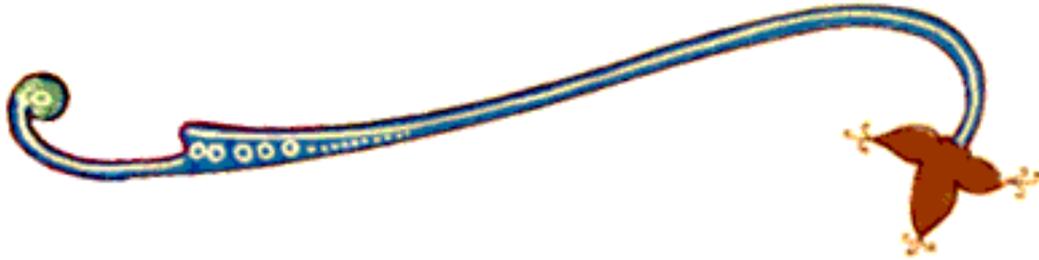
The motivation for such foundations was financial: to stimulate the commercial development of a settlement, and take a cut of the profits, e.g. through tolls from visiting traders, rents from settlers attracted to a free borough, and larger numbers of court fines or administrative fees that

growth in commerce and industry brought with it. In Brewer's case, he may also have had in mind the provisioning of his castle at Bridgwater, whose presence also provided a special clientele for goods and services. But his actual vision appears broader; Brewer seems in fact to have been something of a speculator in commercial growth, and might be considered the most important founder of boroughs during John's reign, which saw the peak for grants of liberties to boroughs. That Brewer witnessed 44 of the 98 such charters has led to speculation [R.V. Turner, *Men Raised from the Dust: Administrative Service and Upward Mobility in Angevin England*, Philadelphia, 1988] that he may have served as the king's negotiator with urban representatives in such matters. As early as 1190 he had ensure a weekly market was among the rights when Richard I granted him the royal manor of Somborne in Hampshire. In 1199 he was granted Bakewell in Derbyshire, but surrendered it a few years later; it did not develop into a market town until the latter half of the next century. In 1209 he obtained a royal charter giving Axminster, Devon, borough status, along with a market and fair, and a few years later was protecting his investment by suing Sidmouth (some 15 miles distant) and Lyme Regis (5 miles away) for having established markets that he considered unfairly competitive. In 1221 he acquired a 3-year lease of the borough and fair of Great Torrington, Devon, and in the year of his death (1226) the king granted him a market at Newton Poppleford, Devon.

By the mid-fourteenth century Bridgwater was Somerset's most prosperous town. Goods such as wine were being shipped between Bridgwater and France (notably Bordeaux), Spain, Wales and Ireland, and the Bardi were using it as one shipping point for their wool exports. Although there was some economic decline towards the end of that century, in the next the town benefited from a steady trade in cloth and from being made a separate port, for purposes of customs collection, from Bristol.

Once the foundations of self-government had been acquired from the lord of a community, local authorities felt themselves empowered and obliged to begin shaping the details of the local constitution. The set of ordinances above, undated but probably from the first half of Henry III's reign, clearly does not represent the initial constitution, for the community already had a fundamental institution of self-government in its gild, and possessed a communal seal. The preamble suggests the document to be more of a constitutional retooling consequent to political disagreements within the community. Perhaps differences of policy between the mercantile interests and those of the rest of the community: the provision for two elected stewards may have superseded a single gild leader, with this duality reflected in two gilds serving the parish church, one for merchants and one

for other townspeople (a duality seen at Chesterfield). The constitutional adjustments are typical in their concern for defining town officials and the scope of their responsibilities, enforcing obedience to those officials, requiring accountability for borough revenues, and addressing abuses contrary to the interests of the community.



NOTES

"imputes"

I.e. slanders.

"peers"

Fellow townsmen.

"deceiver"

Possibly refers specifically to forgery, or more generally to any action involving fraud.

"disobedience"

Literally, contumacy: an arrogant resistance to authority.

"refuses to cooperate"

The original is *contempserit*, hence contempt of court: refusal to cooperate with (by inference, show respect for) legitimate authority. Insulting a town officer was one of the more common ways of offending under this category, hence the need to compensate the officer.

"third hour"

The third hour after daybreak.

"of St. Mary's or of the Cross"

There were apparently two gilds associated with the parish church, presumably serving two different altars in the church. Interestingly, two gilds of the same names were found in the parish church of Chesterfield; that of St. Mary's at least

claimed to have been founded in 1218, and its purposes included to protect the rights of the church, to protect the rights of the lord of the borough, and "to guard all their liberties, within town and without town, and to give trusty help thereto whenever it may be needed". It seems likely these gilds associated with the parish church were the socio-religious face of the town gild, perhaps explaining why the latter required two stewards. At Chesterfield, at least by the late 14th century, the Holy Cross gild was for the merchants of the town. Perhaps at Bridgwater the two gilds had memberships that were socially or economically distinct – however, we must beware of inferring too much.

"William Brewer"

A man of ambition and capability, Brewer progressed from modest beginnings, as a royal forester in Hampshire, an office that was hereditary in his family, to the role of one of the leading administrators and counsellors serving four of England's kings. Although often thought of primarily as a member of the Angevin judiciary (e. g. *Dictionary of National Biography*), in an age before the judiciary was fully professionalized, he was one of many men who were all-round administrators and took on judicial roles as part of their wide-ranging duties. He is first seen in direct association with the king when witnessing one of his charters in 1175. In the last decade of Henry II's reign he was a local administrative agent based in the southwest; a variety of roles led him to the shrievalty of Devon, where he already had acquired a small estate. Although there is no sign of an initial close association with Richard I, someone must have recommended his talents for, when Richard set off for crusade in 1189, he left the kingdom in the care of two senior and four assistant justiciars; Brewer was one of the latter group. He continued to fill shrieval posts, in Oxfordshire and Berkshire. He stood by Richard during the difficult times of his imprisonment in Germany and the rebellion by his brother John and, after Richard's return, was transferred to the shrievalties of Nottinghamshire and Derbyshire and made one of the ambassadors to negotiate peace with Philip of France. John bore no grudge, however, and in fact placed more reliance on him than had Richard; Brewer was even more of a familiar of John than of Richard, spending large amounts of time in his retinue and urging him to courses of action that won him criticism from the Church. He remained supportive of John during the interdict and the baronial rebellion. John showed his gratitude by giving him many grants of lands, and allowing him to serve at different times as sheriff of almost a dozen counties in the south, southwest and Midlands. In 1209 his multiple shrievalties essentially gave him responsibility for the south coast, an area that John wished to protect against attack from France. During Henry III's minority, Brewer continued to act as a leading advisor of the monarchy against its enemies. Brewer's landholdings were, like his shrievalties, scattered throughout several counties, collectively equalling a baronial honor in their quantity, although Brewer was never given an aristocratic title. Devon was his main base until he acquired Bridgwater, where he financed the building of a castle and residence on a baronial scale. He was evidently a skilled acquirer, exploiter and manager of estates, quite capable of using the law to defend the privileges of his holdings, and was also a businessman with some minor involvements in commerce. His financial acumen had led to his appointment as a baron of the Exchequer under Richard I, and he became one of the senior barons under John. His efforts to secure borough status and/or markets and fairs for his manors reflect his business sense of how economic conditions in England were changing, with the growth of trade offering prospects of greater revenues from well-placed and well-endowed market centres.

He used some of the great wealth he accumulated to found: Torre Abbey, which became the richest Premonstratensian house in England; the hospital of St. John at Bridgwater, which was to look after 13 poor sick persons; Mottisfont, an Augustinian house in Hampshire which thereafter served as his treasury and archives; and Dunkeswell, a Cistercian abbey in Devon, to which he and his wife retired shortly before his death in 1226.



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translation | discussion | notes

Keywords: medieval Beverley testaments religiosity charity bequests churches funerals friaries abbey paupers hospitals memorial services

Subject: Bequests for pious and charitable purposes

Original source: Borthwick Institute of Historical Research, Prob. Reg. 2, ff.86-87

Transcription in: James Raine, ed. *Testamenta Eboracensia, part II. Surtees Society, vol.30 (1855), 96-98.*

Original language: Latin

Location: Beverley

Date: 1444

TRANSLATION

In the name of God, Amen. In the name of the Highest and Indivisible Trinity, Father, Son and Holy Ghost, Amen. On 9 July, 1444, I, John Brompton merchant of Beverley, being sound in mind and memory, make, ordain and provide for my testament in the following way. First, being about to depart from this world, Father, into your hands I commend my soul, that I may be redeemed, Lord God of truth, if not through my own merits – I who am a sinner – I nonetheless hope that the **Bosom of Abraham** will receive me in redemption through the Passion of Our Lord Jesus Christ, and the merits and intercession of the exalted Mary, Mother of God, Saints Michael, Gabriel, Raphael and all the angels and archangels, St. John the Baptist and all the Patriarchs, SS. Peter and Paul, Andrew, James, John and the Apostles, All Saints, SS. George, Denis, Thomas, Alban and All Holy Martyrs, SS. Edward, Remigius, Nicholas, **John de Beverley**, **John de Bridlington** and all Confessors, SS. Anne, [Mary] Magdalene, and Brigid, the matrons Winifred, Katherine, Barbara, Etheldreda, **Ursula and the Eleven Thousand**, with all Holy Virgins, and the entire heavenly court. Also, through faith, hope and charity, I devoutly trust in the highest



clemency of the Great Saviour.

I leave my body to be buried in the collegial church of St. John of Beverley, next to the body of my wife Elena. I bequeath 20s. to the fabric of that church. To the fabric of the [cathedral] church of St. Peter at York, 5s. To the fabric of the chapel of the Blessed Mary at Beverley, 10s. I bequeath 6s.8d to mag. Henry Bowett, formerly my rector and [now] prebendary in the prebend of St. Martin in the collegiate church of St. John of Beverley. To each of the friaries at Kingston-upon-Hull, 3s.4d. To every friary at Scarborough, 3s.4d. I bequeath to the convent of nuns and sisters at Watton, 20s. for a **pittance**. I bequeath 3s.4d to the Prioress of **Swine**, 2s. to each nun of that house, and 3s.4d to the vicar there. And 12d. to each chaplain celebrating divine service in the churches of that village. To Hamond the servant there, 12d.; and to each female servant of the nuns within that abbey, 6d. To the nuns of **Keeling**, 10s. To the nuns of Burnham, 5s.

I bequeath £3.6s.8d for wax [candles] to be burned at the time of my exequies. I bequeath 36s. to clothe in russet cloth thirteen poor men carrying candles [at the funeral]. I bequeath £10 to clothe, in cloth called "walshefresed" Coventry russet, 60 paupers of either sex. I bequeath £18 to be distributed among the poor at the time of my obit. To the lepers outside the north gates of Beverley, 2s. and half a **cauldon** of coal. I bequeath to the paupers of the **almshouse** outside the same gates 4d. every week for three years, as a pittance. Also, 6d. to each of them at the time of my obit and a cauldron of coal. To the paupers of Holy Trinity on the Cross bridge, 4d. every week for three years, as a pittance. Also, 6d. to each of them on the day of my burial, and a cauldron of coal between them. To the paupers of St. John in Lathgate, 2d. a week for three years. To each sister of the house of St. Giles, 6d. and half a cauldron of coal between them. To each poor person, up to the number of 15, 1d. each week for four years. To the hermit next to St. Giles' church, 3s.4d. To the **anchorite** at the friary of St. Nicholas in Beverley, 18d.

I bequeath 3s.4d to my parish vicar. I bequeath 12d. to my parish clerk. I bequeath 4d. to each chaplain who is at my exequies and mass. I bequeath £12 in food for paupers and other of my friends and in

clothing for my **brethren** and my friends [for the funeral]. I bequeath [blank] to pay the king his tax, or two half-taxes, on behalf of the inhabitants of **Langtoft and Cottam**. I bequeath 10s. to the fabric of the church of Langtoft. I bequeath 12d. to each poor person, of either sex, in the villages of Langtoft and Cottam. I bequeath £4.13s.4d to be taken annually [as salary] by each of two chaplains, for celebrating divine services for me for three years in the Charnell. I bequeath £4.13s.4d per year to John Burnard chaplain, for celebrating divine services for me for three years in the church called Holmekirke. I give and bequeath 40s. to the same John Burnard. I bequeath £4.6s.8d per year to a chaplain celebrating for a year in Langtoft church for the souls of my parents and all my benefactors.

DISCUSSION

John Brompton was one of Beverley's wealthiest merchants, and a name of influence in the town, having served as one of the **keepers** of the town first in 1407/08 and on 6 further occasions up to 1440/41. Since Brompton died in July 1444, just three weeks after drawing up his will, the man of this name who was a keeper in 1453/54 must have been one of his grandsons of the name. The relatively luxurious lifestyle revealed by his will makes him exceptional among his peers, and the amount he was able to give to charitable and pious uses, upon turning his mind to death and the afterlife, was correspondingly greater. Brompton was himself the founder of three almshouses for housing the poor; they do not, however, appear to have lasted for many years.

The lavish expressions in the preamble are unusual, perhaps reflecting personal preferences in the selection of the saints, and contrast with the much briefer self-commendation in Whittington's will. The testament of John Baret of Bury St. Edmund's (to come) paints yet another picture, for Baret – Brompton's counterpart in wealth and taste for luxury – focused his attention on funeral arrangements. It would be tempting to give in to modern cynicism and ascribe Brompton's apparent piety to the conscience of a politician and merchant who might have acted in self-interest, to the detriment of others, many times during his career. However, we should not dismiss the possibility that it reflects a sincerely devout and pious mentality.

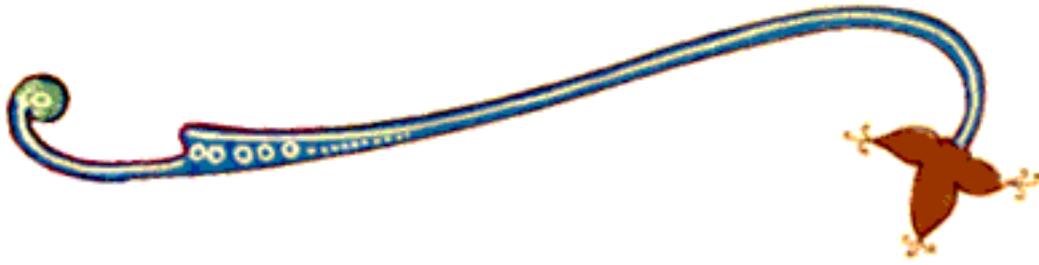
Nor are the two interpretations necessarily incompatible.

Nonetheless, it is a risky business taking the evidence of the last will and testament and trying to reconstruct from it a sense of the religiosity of the testator. Does the will reflect the testator as he or she was, and behaved, during life? Or does it attempt to make amends for failings? To what extent are the provisions of a will motivated by desire to make provision for heirs and dependants? To wrap up unfinished business and personal matters? To make a final display of socio-economic status? Or to arrange for the fate of one's soul? Some wills were drawn up hastily, as death approached, giving the testator little time for self-expression and obliging him or her to rely on the executors or heirs to deal with spiritual investments; others were evidently drawn up with considerable forethought, and possibly under the influence of others, notably the principal heirs. A will may tell us something of the testator's state of mind at death, but not so much about attitudes during life. Furthermore, we cannot generalize from one testator to the class as a whole, and the testament of such a wealthy man as John Brompton should not be taken as typifying the merchant class of late medieval Beverley.

The large sums assigned to pious and charitable purposes, including his own funeral, were of course not affordable for most townsmen. Handouts to the poor on the day of the funeral or obit were probably fairly common, at least in the case of wealthy testators; the aim being to attract to the event the attendance and prayers of those on whom God was believed to look in favour. Brompton made little attempt to identify which poor might benefit – his munificence needed no provisos; less wealthy testators might limit the dole to poor persons in their own parish or neighbourhood.

In the codicil to his will he left amounts ranging from 3s.4d to 10s. to the fabric and decoration of parish churches of various villages in the immediate vicinity of Beverley and Kingston-upon-Hull: Etton, Cherry Burton, Bishop Burton, Walkington, Rowley, Cottingham, Hessele, Swanland, North Ferriby, Melton, Elloughton, Brantingham, Ellerker, South Cave, North Cave, Hotham, Sancton, etc.. These were perhaps places he held land, although the careful sequence in which the places are named – beginning northwest of Beverley, then heading south to the west side of Hull, and then proceeding along the road west out of Hull for a few miles, before veering north again, may have some other significance, such as a route for collecting the wool on which Brompton's mercantile fortune was based. Such gifts to churches, possibly excepting those specified as recompense for forgotten tithes, were likely understood as eliciting prayers of thanks from parish clergy and parishioners, which would benefit the

testator's soul.



NOTES

"Bosom of Abraham"

A term deriving from ancient Jewish beliefs and reflected in the gospels only in St. Luke, in a parable in which a rich man, selfishly ignoring the needs of the leprous beggar lying helpless outside his door, after death suffers the fate of an outcast from Heaven, while the beggar banquets, his head resting on the bosom of Abraham. The term became a medieval metaphor for a place of comfort for the righteous after death (in effect, Heaven itself). The mention is pertinent to the testator's charitable motivations.

"John de Beverley"

An eighth-century Bishop of Hexham and York, who founded a monastery at the site of what developed into the town of Beverley, and later retired and died there.

"John de Bridlington"

St. John Twenge, the last Englishman made a saint. In the 14th century he was Prior of St. Mary's at Bridlington, and had a reputation for great holiness and miraculous powers.

"pittance"

handout to be divided among the nuns (as opposed to a contribution to the house itself).

"Swine"

A village lying roughly between Beverley and Kingston-upon-Hull; the several bequests to the abbey there suggests that Brompton had more than once enjoyed abbey hospitality.

"Keeling"

Now Nunkeeling.

"cauldron"

There was a specific measure of this name.

"almshouse"

This probably refers to St. Mary's hospital, which stood immediately outside the north gates. The leper house is thought to have been a few hundred yards further north.

"anchorite"

A hermit, probably female, since the term is distinguished from the previous bequest to a "recluse".

"brethren"

The reference here may be to the testator's fellow town rulers, rather than to siblings.

"Langtoft and Cottam"

Villages about 15 miles north of Beverley. It appears Langtoft may have been Brompton's birthplace, and possibly other kin lived in nearby Cottam.



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Keywords: medieval Bridgnorth politics bailiff maladministration corruption factionalism assault felony intimidation imprisonment market offences rape jury trial

Subject: Misuse of executive office

Original source: Public Record Office, KB9/206/1, mm.18-19

Transcription in: Edward Powell, "Proceedings before the Justices of the Peace at Shrewbury in 1414: a supplement to the Shropshire Peace Roll," *English Historical Review*, vol.99 (1984), 542-47.

Original language: Latin

Location: Bridgnorth

Date: 1414

TRANSLATION

The jurors state that John Bruyn esq. of Bridgnorth, Shropshire, during the time when he was bailiff of Bridgnorth – that is, on 8 March 1413 – invited William Beckebury chaplain to dine with him at his house in Bridgnorth. While William was eating, John asked him to return a chaplet decorated with various items of silver, which John's mother had previously put up as a pledge for 6s.8d he had loaned her. The chaplain declared that he was prepared to do so, and after dinner offered it to John in return for being satisfied for his money. This angering John, on that same day at Bridgnorth he beat and ill-treated the chaplain, using force and arms. As a result, the chaplain, for fear of a worse beating, handed over the chaplet to him and gave up dropped all claim to the money, reluctantly and under coercion that was contrary to the king's peace.

And that John, while bailiff of Bridgnorth, on 6 July 1409 at Bridgnorth assaulted a certain burgess, **David Balle**, with [the assistance of] armed men, and beat and ill-treated him in infringement of the king's peace. And he took from him, by extortion, fourteen



shillings and fourpence, contrary to the king's peace.

And that John, while bailiff of the town, that is on 11 November 1410 in the house of Henry Cardemakere at Bridgnorth assaulted Henry Meose, the town's communal bellman and someone of little consequence, in infringement of the peace, and punched him in the mouth so that he lost his two front teeth, harming and maiming Henry contrary to the king's peace.

And that John Bruyn, while bailiff of the town, that is on 22 September 1408, with force and arms seized Geoffrey Taillour of Bridgnorth and imprisoned him in the king's gaol there, maliciously and without just cause holding him for ten weeks, until he offered to pay a fine of forty shillings, which payment was extorted from him before John would release him from gaol, in infringement of the king's peace.

And that John Bruyn, while bailiff of the town, that is on 4 May 1408, went to chaplain Richard Yreland's residence in the churchyard of St. Leonard at Bridgnorth, entered his room without the chaplain's permission, and with the assistance of armed men feloniously and in infringement of the king's peace took, carried off, and robbed Richard of various goods and possessions, viz.: a **baselard** decorated with silver worth 20s., and woollen and linen cloth found there worth 40s.

And that John Bruyn, while bailiff of the town, that is on 8 May 1409 at Bridgnorth, made such serious threats against Roger Bakere of Bridgnorth, concerning life and limb, that Roger was intimidated out of fear of John's ill-will into paying him 26s.8d against Roger's will and by extortion, and for the same reason he left town and has not returned since.

And that John Bruyn, while bailiff of the town, that is on 8 September 1410 at Bridgnorth, made such threats of violence against William Brugge clerk that William, out of fear of greater harm and in order to be left in peace, paid him twenty shillings, taken extortionately and contrary to the king's peace.

And that John Bruyn, while bailiff of the town of Bridgnorth, made such threats of violence and so verbally abused Robert Castell and his

wife, on 29 September 1410 at Bridgnorth, that Robert and his wife were intimidated into paying John 13s.4d, out of fear of John and [being done] greater harm and in order to be left in peace. In this way, John Bruyn took the money by extortion and contrary to the king's peace.

And that John Bruyn, while bailiff of the town, that is on 4 April 1413, sent to the house of Henry Cardemakere in Bridgnorth to summon William Ryndelford, and thereafter John so forcefully beat William on the head with the handle of a dagger that William's knees buckled under him, and he mistreated him, and afterwards imprisoned him without just cause in the king's gaol at Bridgnorth, and extortionately refused to set him free until William provided surety for paying 13s.4d, in infringement of the king's peace.

And that John Bruyn, while bailiff of the town of Bridgnorth, on 2 May 1410, as a disturber of the peace, assaulted by force Richard Cressege smith while he was at the house of Henry Cardemakere at Bridgnorth; he kicked his legs out from under him, trampled on him, and beat him. Afterwards he put him into the king's gaol at Bridgnorth, without just cause, and took 20s. from him by extortion to let him out and give him his release, in infringement of the king's peace.

And that John Bruyn, while bailiff of the town of Bridgnorth, that is in 1411/12, in many places and on many occasions that year ordered the bakers of the town not to buy grain in the communal marketplace except from himself. To which bakers he sold over a hundred bushels of corn at 10d. a bushel, the bailiff assuring the bakers that throughout the year they might bake bread using a standard of 10d.; thereby profiting both the bailiff and the bakers. Whereas in the town market a bushel of grain was commonly and usually sold for 6d. Thereby he caused harm to the community, deceived the town and countryside, and infringed the established standard of 6d.

And that John Bruyn, on 18 October 1404, in the time when William Palmere and William Goldsmyth were bailiffs of Bridgnorth, a certain brass plate worth 40d. having been seized and arrested in the town by those bailiffs by reason of a just and rightful **distrain**t, along came John with an armed band and used force to rescue and carry off the

distrained item, removing it from the bailiffs' custody against their will, in contempt of the king and the bailiffs. Not only that, but at the time of the fair held the same day, the bailiffs having as customary assigned a certain plot of ground on a decent site to a certain merchant, for a stall on which he could display brass pots for sale, John and his armed men vexatiously overturned the canopy and knocked down the stall, against the will of the bailiffs and the merchant, in contempt of the king and in infringement of his peace.

And that while John Bruyn esq. of Bridgnorth, Shropshire, was bailiff of the town, on 12 March 1413, **John Dawes** chaplain of the parish church of St. Leonard, Bridgnorth, fearful because of the threats and ill-will of John Bruyn, sent a large chest of his containing his goods and possessions worth 40s. out of Bridgnorth by boat along the river Severn to the village of Cressage, up Shrewsbury way. Thereupon, John Bruyn, having learned about the despatch of the chest with its contents, straightaway sent his men in pursuit, to have the chest brought back to Bridgnorth again by threatening the boatman with beheading. The boatman, reluctantly but fearful of being harmed, brought back the chest to Bridgnorth. Then John Bruyn seized and held the chest and its contents by force, and he still has and detains it, extortionately and in infringement of the king's peace.

And that the same John, while he was bailiff of Bridgnorth, on 17 November 1408, went with armed men to the house of Margaret the wife of William Lode of Bridgnorth, where he assaulted and beat a certain John Pynte chaplain, who was sitting down to dinner, and mistreated him by twisting his genitals. He took him off and imprisoned him without cause, keeping him in prison at Bridgnorth until he had extorted from him a payment of a hundred shillings. Not only that but he, feloniously and in infringement of the king's peace, despoiled and robbed a certain Margaret Wawne, who was there at the time, of a strong-box containing her kerchiefs worth 40d. and other of her adornments (that is, rings, brooches, and other jewelry) worth 40d., together with 14s.8d in cash contained in the same coffer belonging to Margaret.

And that on 8 October 1410, during the time that John was bailiff of the town, Griffith, a Welshman who was the servant of John Bruyn of Bridgnorth, at John's orders infringed the peace by going to the house

of widow Margaret Lye in Bridgnorth and, she being in her room, he came into the room without her leave and feloniously raped her, despite the fact that she **raised the hue**. For John Bruyn kept guard at the entrance, so that no-one could go in. And so John was an accessory to the rape and the felony perpetrated, in infringement of the king's peace.

The jurors say that John Bruyn esq. of Bridgnorth, Shropshire, on 13 November 1413 came to **Oldbury** with force and arms, in infringement of the king's peace, and there assaulted **Richard Horde** who had been commissioned by the king to arrest John, and took from Richard the writ the king had addressed to him. On the same day and in the same place, John wounded William Skrevener and John Adames, who were there with Richard to carry out the king's orders and commission.

DISCUSSION

The above sixteen charges laid at the door of John Bruyn are the record of a session of the peace held at Shrewsbury on 6 March 1414, before a group of justices headed by the earl of Arundel, a magnate with strong landed interests in Shropshire. They, together with reports of other disturbances and lawlessness in the region, were sufficiently disturbing that in June, justices of the King's Bench arrived at Shrewsbury to review and remedy the situation. These charges individually provide indications of the kinds of abuses to which local offices gave scope; together they present a picture of the opportunity for an unscrupulous individual to manipulate a position of authority in his self-interest.

However, Dr. Powell warns that the charges against Bruyn must be seen in the context of wider political factionalism, and suspects the charges may have been trumped-up by rivals. Arundel appears to have perceived his influence in the county to be at risk from John Talbot, lord Furnival, who had some years earlier acquired a landed interest in Shropshire, via his wife. Furthermore, Talbot and Arundel were in 1413 in direct dispute over a parcel of land, and in May John Bruyn led a group of Talbot supporters to defend the property against Arundel's supporters.

The origins of Bruyn's family may have lay in Cheshire, but in the fourteenth century the family established a foothold in Bridgnorth; it also had county interests. John's influence there is indicated by the seven terms he served as bailiff (1403/04, 1405/06, 1407-09, 1410-13 – the indictments above being evidence for the last two), his first term having been preceded by his representation of the borough at parliament in 1402. Even before the Arundel/Talbot quarrel was fully underway, John was in embroiled in trouble. He was indicted before justices of the peace of having, in June 1408, extorted a payment of £2 from a churchman to allow him to take up his appointment as the new prior of the hospital of St. John in Bridgnorth, as well as other minor extortions from local men, including a pipe of wine from Richard Selman. At the proceedings before King's Bench in 1414 were added the accusations, not in the list above, that Bruyn had in 1408 allowed a felon to escape from his custody, and in the following year unwarrantedly confiscated a pack of wool. Whatever the suspicions of him, he was able to gain re-election to the ballivalty, and in December 1408 obtain appointment as the county escheator, a post he held for almost a year; this post, with some authority over matters of land inheritances, could have made him very useful to the Talbot interest. He had been ordered to appear before Chancery to answer such charges and, when he failed to do so, his arrest was ordered in February 1409; however, the orders were cancelled in May when the steward of the king's household, a Cheshire landowner, stood surety for John answering to Chancery and not pursuing any hostility to Selman. We do not know what may have been the outcome.

We must assume factionalism within the borough to explain how Bruyn was able to maintain himself in office for most of the next few years. The tide turned in autumn 1413 when, for whatever reason, Bruyn was not re-elected to the ballivalty; instead his old enemy Selman, along with Richard Horde, were elected. At some point in that year, perhaps after departing office, Bruyn decided it was politic to buy a royal pardon. The parliament of 1413, at which Shropshire was represented by two Arundel supporters, Richard Lacon (Arundel's military lieutenant in the region) and Robert Corbet, nominated for the unpopular job of collecting the parliamentary subsidy Bruyn and four other Talbot supporters, including Robert Lyney of Newport and Robert Swynnerton of Poynton. When they came to carry out their duties, however, Arundel's supporters – particularly Lacon, Corbet and his brother Roger – offered a good deal of resistance and harassment.

In late 1413 a petition to Chancery, purportedly from the burgesses of Bridgnorth (but presumably from the faction opposing Bruyn), asked that John Wynnesbury, a Shropshire J.P. who also happened to be one of

Arundel's affinity, be commissioned to assist the town bailiffs in arresting John Bruyn and his supporters, complaining that the sheriff had failed to do so, despite John's many offences; the complainants declared that the Bruyn gang was inhibiting them from leaving the town to conduct trade. A further petition, under the name of the king's tenants at Bridgnorth, likewise complained of Bruyn's oppressions and malicious acts. A petition from chaplain John Dawes declared that Bruyn had threatened him with violence. Together with the complaints made before King's Bench, which include additional charges (assault, unlawful imprisonment, and extortion), to those listed above one has the impression that the Bruyn party was terrorizing both the town and the surrounding hamlets, right up to the time that the king's justices sat down at Shrewsbury in 1414.

The attempt to arrest Bruyn, along with Lyney and others, at Oldbury proved abortive, despite that, as the collectors of the subsidy complained, a large group of about 120 men, including Horde, had attacked them there, stolen their goods, and killed their horses. The collectors continued to pursue this complaint before the parliaments of 1414 and 1415. Meanwhile, Arundel had gained the upper hand. Just a few days after the conflict at Oldbury, the king required Arundel and Talbot to give guarantees they would maintain the peace; Arundel having the ear of the king, Talbot was temporarily taken into custody and early in the following year shipped off to Ireland as king's lieutenant there. At the same time Arundel obtained a commission of the peace to investigate accusations against Bruyn and Robert Swynnerton (extortion), as well as supporters of another lord with whom Arundel was in contention; his fellow justices included Robert Corbet, John Wynnesbury, and other of his known supporters. It was not uncommon in this period for judicial commissioners to take advantage of their positions of authority to further the interests of themselves or the faction they supported. A **jury of Bridgnorth men** presented fifteen of the accusations, while the sixteenth was presented by a jury of county men who included Richard Lacon and John Corbet.

Although Arundel tried to obtain a swift royal confirmation of the convictions, the king preferred to send his justices of King's Bench into the region to make their own investigations. The concern about disarray of administration in Shropshire had prompted a complaint by parliament, and the king was doubtless concerned about the resistance to the subsidy collectors. The king's justices not only paid attention to Bruyn but also to Arundel's leading cronies. Wynnesbury was investigated for plundering and setting afire the house of the prioress of Brewood; he, Corbet and a third Arundel supporter were dropped from the county bench in 1416, after the earl of Arundel's death, when John Talbot's influence in the county was on

the rise (he later became earl of Shrewsbury). Of Bruyn's immediate fate we are uncertain; he was said in summer of 1416 to be in prison, but was able to make use of the pardon obtained three years earlier to win his release.

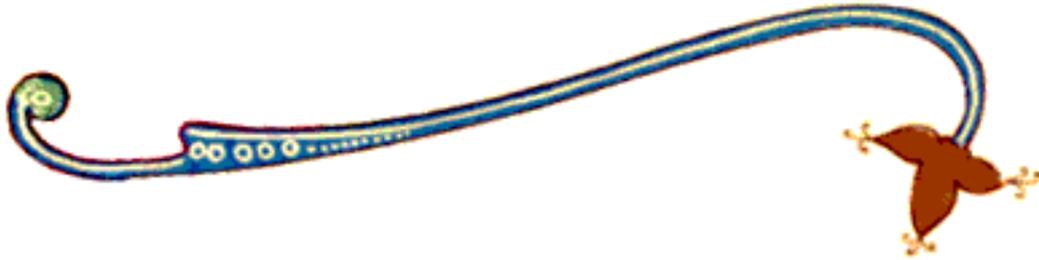
With the shift in power towards the Talbots, Bruyn's fortunes rebounded. He was appointed county sheriff in 1420, remaining such for three consecutive years, and was immediately thereafter made escheator again for a further year, following which he served as a county J.P. until 1432, again holding the shrievalty in 1431/32. In 1423 he was granted the wardenship of the forests of Morville and Shirlett (just north-east of Bridgnorth); the grant of that to someone else in 1437 is indicative of his death.

Was Bruyn an abuser of his position as bailiff, or was he simply a target as a leader of the pro-Talbot faction that was trying to protect Shropshire from the depredations of Arundel's lieutenants, as Dr. Powell proposes? Our concern here is less with Bruyn's guilt or innocence than with the plausibility of the charges. Were I to make public accusations against my hometown mayor that he had been running a protection racket targeting small businesses, had systematically blackmailed or bribed political opponents and even had one murdered, was heavily involved in drug-smuggling, and had introduced hallucinogenic drugs into the local water-supply, I should be considered a lunatic or a troublemaker. I ought instead to fabricate accusations that I expect to be, at first glance, credible in the context of existing public opinion concerning political corruption; I might for instance claim that he had received kickbacks from contractors. The charges against Bruyn needed to be compatible with the worldview of politics at that time, notwithstanding that the lengthy list of charges presented in total a picture of a wholly corrupt administrator.

To some extent Arundel's influence over the initial hearings in March 1414, both in packing the bench and perhaps the juries, might be thought to mitigate the need for credibility. But he then faced the challenge of convincing higher authorities, up to the level of the king. Despite the fact that the king was not prepared to take his word for it, on the whole we have to accept that the accusations laid against Bruyn had to be credible to stick, and were the sorts of crimes or abuses of power that the community, the courts, and the king could believe possible for someone in a position of power at that time.

It is not unlikely that real events lay behind some or all of the charges, but that the interpretation given them was skewed. Several of the actions taken by Bruyn might, for example, have been related to official distrains, while others are indicative of political factionalism in the town. Whether such

were the case and Bruyn's perhaps heavy-handed actions were necessitated by political opposition, or whether Bruyn was an unscrupulous man ruling the town by intimidation in his own self-interest, as his enemies charged, we see here an indication of the types of abuses of power which might arise, in extreme cases.



NOTES

"David Balle"

He was one of the jurors presenting the charges against Bruyn.

"baselard"

A type of dagger, sufficiently long and wide-bladed to serve as a short sword, carried both by soldiers and civilians.

"John Dawes"

A William Dawes was one of the jurors presenting the charges against Bruyn.

"Oldbury"

This lay immediately south of the town.

"Richard Horde"

Possibly a political rival of Bruyn. He served as bailiff of Bridgnorth for nine terms between 1413 and 1446, as well as two terms as Shrewsbury's bailiff (having married an heiress there) during Henry VI's reign, and had county interests. In 1440 he was among commissioners instructed to investigate what estates belonging to the late earl of Arundel had not been reported at the original inquisition post mortem; when they failed to act on this, the sheriff was ordered to seize certain of their properties.

"jury of Bridgnorth men"

In addition to the jurors mentioned above, who may be suspected of having an interest in the case, another was Hugh Green, who became bailiff in 1415/16; he was a member of a family that had supplied bailiffs over three generations: two in 1328/29 and 1374/75, while in the same generation as Hugh (possibly his brothers)

were Walter Green, bailiff in 1405/06 and 1417/18, and Thomas Green who held the ballivalty five times between 1414 and 1427. Thomas was among the accused parties summoned, along with Bruyn, to appear before the King's Bench at Shrewsbury in 1414, but he failed to obey the summons.



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Keywords: medieval London crime community police homicide hue-and-cry frankpledge arrest

Subject: Community responsibility for police duties

Original source: Corporation of London Records Office, Misc. Roll AA, m.2

Transcription in: Helena Chew and Martin Weinbaum, eds. *The London Eyre of 1244*, London Record Society, vol.6 (1970), 21.

Original language: Latin

Location: London

Date: 1231

TRANSLATION

In the same year [1231] ... on 13 January, it came about that Robert de Kingestone, a servant of **Andrew Bukerel**, struck Alice's son Adam on the head with an axe, resulting in his death the following day. Coming to the place where Adam had been attacked, Alice seized Robert and she and her neighbours brought him to the house of John, beadle of the ward at that time, so that he could be kept in custody until the following day. She delivered him to the beadle, who received him but afterwards **allowed him to escape**. Because this took place during the day, and **hue-and-cry** was raised so that all the neighbours and everyone living in the ward of **Joce fitz Peter**, alderman at that time, were made fully aware of what had gone on, yet the wrongdoer was not detained after his capture, they are to be subject to judgement. When the beadle comes [before the justices] he is committed into the sheriffs' custody. Robert was in frankpledge in St. Pancras' parish, in the county of Middlesex. So the sheriff of Middlesex is instructed to make enquiry among his frankpledge and concerning his possessions, and to arrange to have him **exacted** and outlawed in the county court. Since the mayor and citizens testify that Robert was captured and taken to John the beadle's house at a time when he was not there, John



is exonerated. Robert had no belongings. The chamberlain, the sheriffs, and the [ward] alderman knew nothing of this affair, nor was Robert in frankpledge or [resident] of the ward, for he was an outsider; therefore nothing [is due from them by way of fine]. Nothing from Andrew Bukerel, to whose household he belonged, since Andrew is dead.

DISCUSSION

This was one of a number of old crimes reviewed by the king's justices in eyre, authorized to examine various types of offences infringing royal laws. There had been no previous eyre in London since 1226. Consequently, in the case of the older crimes, many of the accused were no longer to be found, or had died in prison, while many of the witnesses (including neighbours, who were expected to be in the know) had likewise died. The account of the case is a summary of key developments in the proceedings. These accounts, and possibly the proceedings themselves, showed far less interest in the motives for crimes – something hard to arrive at anyway in the frequent absence of victim (usually dead) and accused (usually disappeared) – than in which parties could be fined or what possessions of the accused or deodands (instruments by which a crime was committed, forfeit to the crown) could be confiscated.

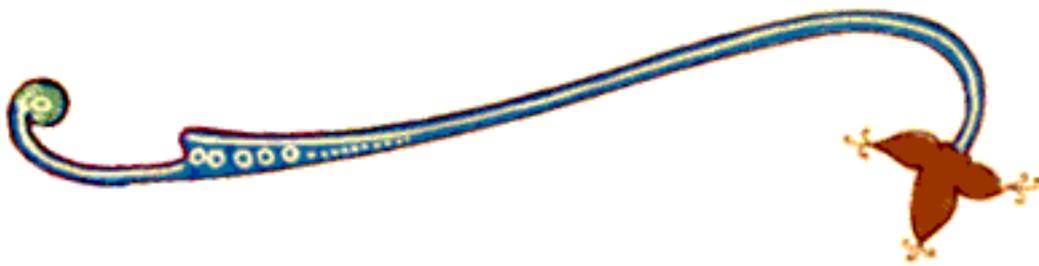
There are several instances here indicative of the important role of private citizens, individually or collectively, in bringing wrongdoers to justice. Alice attempts a citizen's arrest on the attacker of her son, and summons the neighbourhood to her assistance – and to witness the results of the crime (so that later in court they can assist with Robert's conviction) – by raising hue-and-cry. This was probably an obligation at first, although subject to abuse – some citizens raising the hue at the slightest provocation; at the 1276 eyre, the London authorities were claiming that raising hue-and-cry and pursuing criminals was optional for a neighbourhood, and failure to do so should not result in a fine.

In 1231, however, the neighbours take responsibility for escorting Robert to where he can be secured until Adam's fate is determined. The inhabitants of the ward are collectively blamed for Robert's escape – since they cannot claim ignorance, they must accept responsibility and face a fine. There are

numerous other cases among the London eyre records of the 13th century in which the community of a ward is fined for failing to report something suspicious or being ignorant of activities within ward boundaries.

Finally, reference is made to Robert's frankpledge, a group of friends or neighbours which has some responsibility for knowing the whereabouts of its members and providing mutual guarantees of good behaviour. Frankpledges were often fined by the 1244 eyre for failing in their duty. In this case Robert must have been associated with extra-mural property held by Bukerel since he belonged to Bukerel's household but was not a London resident.

By contrast, the city authorities take care to avoid any risk of being fined themselves, by arguing that Robert was not a citizen and therefore they could not be held responsible for his actions.



NOTES

"Andrew Bukerel"

A member of one of the most prominent merchant families of the city, specializing in the pepper trade. His father had served as sheriff, and Andrew and two brothers held aldermannic office in the city. This crime of his servant, in which Bukerel seems in no way implicated did not hurt his social status, for he was elected mayor soon after and held the office for several years until his death in 1237.

"allowed him to escape"

The Latin literally reads "permitted him to depart". Dr. Chew's translation "let him go" would suggest a deliberate act on the beadle's part, but his subsequent exoneration (together with Robert's apparent disappearance) suggests more that Robert was not properly secured in the beadle's absence.

"Joce fitz Peter"

Alderman of Farringdon ward.

"exacted"

Exaction, or exigent, was a preliminary to outlawry: in cases where the accused could not be found, proclamation had to be made in court ordering the accused to surrender to justice. In London such proclamation had to be made at three successive husting sessions before (assuming failure to appear) the accused could be outlawed at the folkmoot; unless the accused were a non-Londoner, in which case the exaction took place at four sessions, to give more time for the accused to turn himself in.



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Keywords: medieval Colchester investigations testaments forgery heirs testimonials death property disputes executors fraud

Subject: Enquiry into the charge of forgery of a testament

Original source: Essex Record Office, Colchester borough records, Red Paper Book, ff.312-314

Transcription in: W.G. Benham, ed. *The Red Paper Book of Colchester*, Colchester, 1902, 112-14.

Original language: Middle English

Location: Colchester

Date: 1492

TRANSLATION

[Parts of this document were illegible to the transcriber]



To all true Christian people by whom this document is seen, we Thomas Cristmasse senior and Nicholas Clare, bailiffs of the town of Colchester, give greetings in the name of the Lord, and all reverence and due honour to those who merit it. Since it is well known to be meritorious and necessary to testify and bear witness to the truth in all matters, so that any intrigue and fraud may be averted and suppressed, and what is right and fair applied without bias, we the bailiffs certify and assure you, and every one of you, that on 3 April 1492, at Colchester, John Dixwell gentleman and his wife Katherine, daughter and heir of the late William Bury gentleman of Colchester, came before us, the bailiffs, to complain that they had for a long time been suffering from a great wrong, causing them much damage, and that they and their lawfully begotten children, the rightful future heirs of William Bury, were likely to suffer being wrongfully disinherited of the manors, lands and tenements [...] of William Bury, whose heir Katherine [was ...] in the matter of the truth concerning [...] the form

and making of the last will of the same [William] ... to the utter misfortune of them and their [...]. As a consequence of which John Dixwell and Katherine [...] requested us, the bailiffs, that we should [...] the statements of the persons named below, who, according to John and Katherine, were willing to take an oath on their Holy Doom to declare and affirm the truth in that regard. To which [request] we, the bailiffs, being unbiased and fair-minded, not motivated by malice or favouritism towards any person in this matter, agreed to allocate time and effort to hearing all such statements and depositions as should be impartially given and declared before us regarding this affair.

Whereupon, on that same day, John Dixwell and Katherine brought before us, the bailiffs, those persons named hereafter; that is:

Edmund Martyn fletcher, William Bloy, and John Algood, our fellow residents and burgesses. Which persons then and there, of their own free will, each individually took a solemn oath upon the **Holy Evangels** to testify and bear witness as to the truth in this matter.

Then Edmund Martyn, who was about 70 years old, took oath (as described above), stated and affirmed that about 20 years previous – whether a little more or less he could not remember – he was a tenant of William Bury in a rental property in Colchester situated next to the residence of William Bury, on the day that William Bury departed this world. And that he was, among various other persons, in William Bury's chamber in the quarter of an hour immediately before he died. Then and there he saw one Benet Popy, an educated man who was regarded with particular favour by William Bury, enter bringing with him pen, ink and paper, and ask William Bury [...] with making his last will, and then [...] Bury, noticing his daughter Jane [...] the wife of Thomas Chevyng, coming towards [...] William said to Benet that the same [...] over-hastily, because it was not William's intention that Jane should be involved in and privy to the making of the will. Yet nonetheless, Benet began to draw up a section of the will, viz. that William Bury gave and bequeathed his soul to Almighty God and his body to be buried in the Abbey of St. John, Colchester, beside the grave of his second wife. Then Edmund left to return to his shop, which was adjacent to William Bury's house. Fairly soon afterwards various women, who were then gathered around William Bury (his

caregivers, servants, and others), loudly cried out to Edmund begging him to come to them and saying that William Bury had departed this world. As soon as Edmund could return, he found William Bury dead there. Then Edmund asked Benet Popy, who was present, how much more he had drafted or heard of the last will of William Bury; and Benet answered that there had been nothing more of the will drafted or declared in any particular or in any regard, other than what he had drafted at the beginning.

Immediately afterwards William Bloy similarly took oath and deposed and affirmed that at the time of William Bury's death, and prior to that time, he was a servant in attendance on William Bury, and a son of the caregiver for the illness of which he died; and he was present at William Bury's death. He went on to state and declare, concerning the last will [...] everything that Edmund Martyn had just before testified and deposed.

[John Algood] also took oath, and testified and deposed that at the time [of the death of] William Bury, before and afterwards, John was one of [...] the court of Colchester. Also how within [...] following the death of William Bury, Jane [daughter ...] of the late William Bury, sent for John Algood to come to her [...] residence, formerly belonging to William Bury; and once John Algood had come before her, Jane showed John Algood a paper document and then told John that it was the last will of William Bury, concerning the disposition of and arrangements for his lands and tenements, and she wished John Algood to write out a copy of the same on parchment. So John Algood, as he was requested, wrote a copy of the same on parchment and subsequently delivered it to Jane. John further stated and deposed that in the paper it was included that Jane should have various lands and tenements of William Bury, for her lifetime, with the remainder after her death going to the rightful heirs of William Bury; he added that the paper document Jane showed him contained or specified nothing about any manors, lands, or tenements to be had by Jane in fee simple. Furthermore, he said that the matters he copied from the paper to the parchment and those contained in what is called the last will of William Bury, registered in the court rolls of the Colchester moothall, are contradictory and incompatible in every clause, because the so-called will, as enrolled, purports that Jane should have various manors, lands, and tenements in fee simple.

Subsequently, on 5 April, John Dixwell and Katherine advised us, the bailiffs, that one Agnes Bloy, widow, who at the time of the death of William Bury was William's caregiver and very close to him, could give more reliable testimony on these matters than most others, because she was associated with William Bury long before his death. As that widow was then bedridden, John Dixwell and Katherine requested us to [... go to] the widow and [hear] her statement [...] say on these matters.

Agnes, after she had that same day been administered an oath upon [... for which] she would be answerable before God at Judgement Day [...] time of the death of William Bury and earlier, she [...] William Bury, and that she saw [...] William shortly before his death intended to have his last [will] drawn up [...] and how William Bury could not be persuaded to proceed with making the will because Jane was present and close at hand. She also said that William, immediately after Benet Popy had begun to draft the will, died; Agnes Bloy and various others standing beside and at the head of the bed having expected that William would have lived longer. Furthermore, she had never heard of William Bury having made any will.

Not long afterwards, on 16 May, John Dixwell and Katherine brought before us, the bailiffs, Richard Sabern, and Alice Lenynton and Alice Garsey, widows. Who, as John and Katherine said, were prepared of their own free will to testifying and make a statement of their knowledge as to the truth concerning the drafting or dictating of the last will of William Bury.

Whereupon, that same day, Richard Sabern, after taking oath upon the Holy Evangels that he would say or affirm nothing but what he knew to be the truth in this matter, immediately deposed that when William Bury had reached a critical point in his illness, Jane sent for Richard Sabern, who was then the sacristan of the church of St. Runwald, Colchester, in which parish stood William Bury's residence; Jane requested Richard Sabern to arrange for William Bury to have the holy sacraments administered to him as soon as possible. At Jane's summons, Richard came as quickly as he could to the residence of William Bury, where he then lay ill, and there he saw (among others) Benet Popy, an educated man, with pen and ink.

DISCUSSION

The surviving copy of the record of this investigation ends abruptly and incomplete as above.

If the accusation made by William Bury's daughter Katherine and her husband has any foundation, then the implication is not merely that a will was forged, to fill the void left by Bury's death before he could carry out his intent to dictate a will on his death-bed, but that the beneficiaries of this forged document – Bury's other daughter Jane and her husband – subsequently had a second forgery made to improve the terms of the original. Whether the absence of further record of the depositions implies, as Benham thought, that the bailiffs were not convinced of the truth of the accusation and never completed their investigation, or whether due to some defect in the register in which a copy was made – or perhaps the whole was never even copied into the register – we cannot say. But the fact that the bailiffs felt it appropriate to draw up a testimonial letter documenting the evidence is suggestive that they felt the accusation was not groundless. Their concern may have been prompted by the possible compromise of the official borough record as much as anything else.

A few scattered points can be added that corroborate more than elucidate. Although the court roll for the administrative year 1471/72 has not survived to us, a calendar of selected features of the court rolls includes the fact that the testament of William Bury was indeed registered in that roll, roughly 20 years prior to the investigation, as Edmund Martyn correctly remembered.

We do not know much about William Bury. He was already resident in Colchester in 1445 when he obtained, without fee, citizenship at Ipswich; that act was probably prompted by family reasons (inheritance), his lawyer father having served as Ipswich's town clerk and later, in the 1420s, as coroner and parliamentary representative. The testator of ca.1472 was alive, but probably underage, when his father had become a freeman of Ipswich in 1421. William Bury junior played no similar role at Colchester to that his father had at Ipswich, not being seen involved in any way in affairs of local government, and his business is unknown, although he may have been the William Bury who was licenced in 1439 to ship 500qt. of barley from

Yarmouth to Colchester.

Whether the thrust of Katherine's challenge to the purportedly false will was intended to nullify it and thereby ensure herself of an immediate share in the properties then in Jane's hands, or whether the concern was rather with the issue of the nature of Jane's rights in those properties (for life vs. unfettered ownership) is not clear, as we do not know for certain which daughter was elder; however, when Bury had entered the franchise at Ipswich the only of his children mentioned were Nicholas, Katherine, and Margaret, and this list would likely have been complete for that date (but Jane might not have been mentioned if already married). The long delay between the death and the challenge to the will is mystifying, if Katherine was suspicious about the terms of the will. But perhaps the purpose of the version drafted by Algood was for Jane to show Katherine, a more plausible version that might pacify the latter and avert any legal challenge until too late. Possibly Jane's own death, and a consequent revelation that the property would not revert to her older sister, occasioned the challenge. As is too often the case with medieval legal battles, we see only part of the evidence and cannot surely decide where lies the truth.

That something may have come of the investigation is suggested in that ca.1493-95 Dixwell and his wife were involved in granting or releasing their rights to Bury's property to others. There is no evidence Dixwell was a Colchester resident himself; referred to as "esquire", it is likely he was a country gentleman and only interested in the Bury inheritance in order to sell it.

Other records of disputes over wills, some complaining disinheritance as a result of fraud or forgery, make it plausible that Katherine's accusation had merit. A testator relied on his executors to fulfill his last wishes properly; the appointment of supervisors of wills was intended to keep the executors honest, and the payment of executors "for their labour" may have been as much to discourage embezzlement as to thank them. Even so, executors (including widows and sons) did not always respect the letter of the law when administering bequests. Sometimes it was a matter of convenience to do otherwise that the testator wished; sometimes changes may have been forced on them when the testator's assets did not prove equal to his or her ambitions. An executor of Simon Mate of Colchester (d. ca.1439) complained that property Simon had bequeathed to his widow, for life, and afterwards to their children; but the widow, also executrix, had – in order to fulfill testamentary bequests and pay Simon's debts – mortgaged some of this property to William Barker for far less than their worth, and Barker had subsequently sold them at a sizable profit, so that Simon's daughter was

disinherited, she was evicted from the property, and ended up in prison where she died. The complainant argued that Barker had arranged for forgery of deeds whereby the widow granted him the property; the town clerk was named as co-feoffee with Barker and might perhaps have been the forger, if the accusation were true.

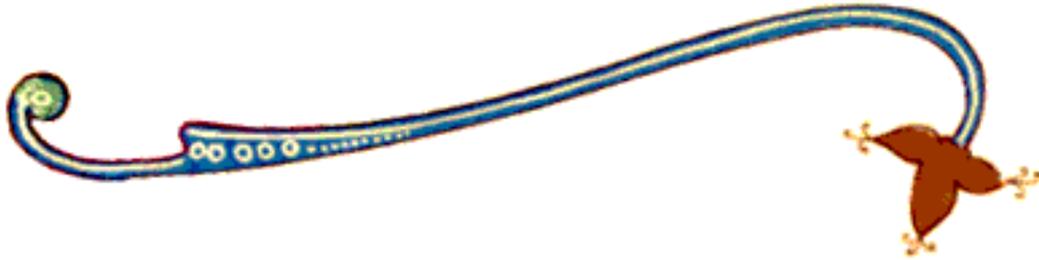
Executors had some leeway in interpreting the broad wishes of testators. But there was always that risk that an executor might try to defraud the heirs. For example, ca.1456 the widow of John Syffe of Lynn complained to Chancery that her late husband's sole surviving executor, also the feoffee-to-use in one of Syffe's tenements, was refusing to recognize the widow's life tenure of the property.

Often it was one or more of the feoffees-to-use of a testator's property, or those trustees and executors in cahoots, who blocked the claims of the heirs. For instance, John Fyllebregge, the son of Johanna the late wife of John Caldwell of Ipswich (whose own will is elsewhere given here), complained in 1454 that his mother had held by dower right a property in Bury St. Edmunds; following her death, one of the feoffees was refusing to hand it over to Fyllebregge. The reverse problem could also occur: at some point in the 1430s, the executors of John Joye of Ipswich complained that his widow had persuaded Joye's feoffees-to-use that a particular tenement had been bequeathed to her and her heirs, whereas it was only to go to her for life and after that to Joye's children; now the widow had obtained access to the property and the executors could not ensure Joye's testament would be upheld.

On the other hand, disputes between the heirs were equally problematic. One of the sons of John Spryngwell of Lynn (d.1439) complained that his father had bequeathed his property to be shared between all his children, but that the eldest son, Edmund, by domineering his mother, into whose hands the estate initially came, had controlled the total inheritance; with the mother now dead, Edmund was only allowing the complainant a token share of his inheritance, and the only surviving executor was being allowed no say in the matter. The complainant had originally brought his case before the mayor, who appointed arbitrators who failed to bring the parties to a settlement; so an external arbitrator was brought in, and Edmund promised to deliver the inheritance, but subsequently reneged; recourse was consequently had to the king's court.

Quite a few of the class of records called Early Chancery Proceedings in fact stem from disputes over testamentary bequests, failures to pay debts owed to or by testators, or problems in obtaining a claimed inheritance.

With the onus on documentary proof of claims, it is no surprise that some parties resorted to forgery. Fraud was made that much easier by adversities such as the fire of 1421 in Lynn's guildhall, through which many registered copies of wills and deeds were destroyed, as the heirs of Geoffrey Tolbooth discovered to their dismay.



NOTES

"Edmund Martyn"

Probably the man of that name who entered the franchise at Colchester ca.1465.

"Holy Evangels"

Books containing portions of the Gospels that were read during divine services.

"caregivers"

The original has "kepers". Benham thought this referred to a housekeeper, in the case of Agnes Bloy; but the use of the plural and the reference to "his kepare in his siknes whereof he died" suggests instead women who were tending to Bury during his final illness (which is not to preclude Bloy also having been his housekeeper).



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Keywords: medieval Ipswich testaments wills bequests heirs pious uses silverware chantries property holding religiosity civic works careers

Subject: The wills and testaments of three leading Ipswich men

Original source: Suffolk Record Office: 1. Dogget Roll 17-38 Henry VI (C5/11/1), f.4; 2. and 3. Archdeaconry of Suffolk register of wills 1458-77 (IC/AA2/2), ff.87, 291.

Transcription from: Original documents

Original language: 1. Latin; 2. and 3. Middle English

Location: Ipswich

Date: mid-15th century

TRANSLATION

[1. The testament of Robert Drye, presented in the borough court 11 February 1451]



In the name of God, Amen. On 11 January 1450, I, Robert Drye of the parish of St. Mary Tower in Ipswich set out my testament in the following manner. First, I commend my soul to Almighty God, the glorious Virgin Mary, and all the saints, and my body to be buried in the cemetery of St. Mary Tower, next to the tomb of my wife Matilda. I bequeath 3s.4d to the high altar of that church, in recompense for forgotten tithes. I bequeath 12d. to the parish clerk of the same.

I give and bequeath to my son John Drye my tenement situated in the Old Fishmarket, together with a **curtilage** and house built thereon on the west side of the cemetery of the aforesaid church of St. Mary; he, his heirs and assigns to have and to hold in perpetuity. I bequeath to the same John Drye, to repair the buildings of that tenement, £13.13s.4d to be received from the sale of my goods and chattels. I bequeath to the same John 12 silver spoons and two silver bowls, one

with a cover and the other without. I bequeath to my wife Margaret my other two silver bowls with covers, one [decorated] with vine leaves and the other with an eagle standing upright, which formerly belonged to my wife Matilda.

I bequeath to the church of St. Mary Tower a censer with a gilded incense-boat, worth £10.13s.4d; it is my wish that it be used exclusively in divine services. I bequeath to the same church £2.13s.4d to buy a font for christenings. I bequeath to the Corpus Christi gild 10s. and a large gold ring. To mag. William Gosselyn, my large **chest**, for his labour in the execution of this my testament.

I bequeath 4d. to each chaplain who attends my funeral services, 2d. to each clerk, and 2d. to each pauper. I wish two priests to be found to celebrate in St. Mary Tower for the souls of myself, Henry V king of England and his queen Katherine, as well as [other] kings and queens of England, and particularly for the souls of Robert Drye and his wife Alice, Robert Drye and his wife Matilda, [their children?] Elizabeth, William, William, William, William, Roger, Matilda, John and Margery, and all others for whom Robert Drye is bound to pray, and all the faithful deceased.

I bequeath 2s. to my domestic John Burton. As for the residue of all my goods, I leave them to the disposition of William Harleston esq. of **Wenham** and mag. William Gosselyn, whom I make and appoint my faithful executors, so that they may pay my debts, distributed my legacies, and make arrangements for my soul, disposing of the same as seems to them most likely to please God and benefit my soul. I bequeath to mag. William Gosselyn, official of Suffolk, my gold signet ring. In testimony to which, I have set my seal to this document. Drawn up on the date and at the place mentioned above.

[2. The testament of John Caldwell, proved 19 June 1461]

In the name of God, Amen. On 9 November 1460, I, John Caldewall merchant of Ipswich, being of sound mind and good memory, make my testament in this manner. First, I bequeath my soul to Almighty God, to his blessed mother Mary, and to all the holy company of Heaven, and my body to be buried in the churchyard of St. Laurence, Ipswich, by my wife's grave, if it is Christ's will that I die here. I

bequeath 6s.8d to the high altar there, for forgotten tithes and offerings.

I wish my son Benet to have the manor of Blomviles with its appurtenances, located in **Monk Soham**, he and his heirs to have [and hold] in fee in perpetuity, paying therefrom an annuity of 40s. to his brother, dom. Robert, my son, during the lifetime of dom. Robert, if he is **well-behaved**. I wish all my feoffees-to-use in that manor of Blomviles with all its appurtenances to transfer their estate and enfeoff Benet in that manor with all appurtenances, or such persons as Benet wishes to enfeoff therein, at whatever time Benet requests them to.

I wish my son Edmund to have the place at the quay in which Herman lives, to him and his heirs in fee in perpetuity, under the following specifications and conditions: that if my son Benet, [as] one of my executors, pays out of my goods to settle the finances of my son Edmund – that is £53.5s.6d – and have him released from prison (**Benet taking the rent, service and profit from the aforementioned place during the year after he is out of prison**), then the place is to remain and stay in Benet's hands **to his own use** for 8 years after he is out of prison, Benet taking the rent, service and profit from that place during that period, until the £53.5s.6d has been completely repaid to Benet. Should my son Edmund die, which God forbid, within that 8-year period, then the place is to be sold by my executors or executor and [the proceeds] disposed of in alms and [charitable] works for my soul and the souls of my friends. By this my last will, I pray and request all my feoffees-to-use in that place to transfer their estate when they are requested.

I wish that after my death my son Thomas have the place in which I live, with garden and stables, located by the wall-ditches belonging thereto, to him and his heirs in fee in perpetuity. If Thomas is well-behaved, he is to have the rental property in which Roger Talbot lives.

I wish to have a priest for 12 years in St. Laurence's church to sing for my soul, for the souls of my father and mother, for the souls of my 3 wives – that is, for Cicely's soul, Margaret's soul, and Joan's soul – for the soul of my grandfather **William Debynham**, for all my friends'

souls, and for all Christian souls.

The residue of all my goods not bequeathed, I give and bequeath to my executors, as whom I appoint and make Benet Caldewell and Edmund Caldewell, my sons, to fulfill my wishes and to pay all my debts as they think most pleasing to God and profitable for my soul. I wish **John Drayll** to be supervisor of this testament; for his labour, and for all sorts of matters between him and me, he is to have £3. In testimony to which, I have set my seal to this present testament. Drawn up on the date mentioned above.

[3. The testament of William Style, proved 21 July 1475]

In honour of the blessed Trinity – Father, Son, and Holy Ghost – and in honour of our blessed Lady Mother and Virgin and of St. Nicholas, on the 28th day of the month of April, in the year of our Lord Jesus Christ 1463, at Ipswich in the county of Suffolk and diocese of Norwich, I, William Style of Ipswich, being of sound mind, make my testament in the following manner. That is, first I commit and give my soul to Almighty God, our lady St. Mary – the intermediary and go-between for me and for all creatures to our Lord Jesus Christ, Redeemer of all mankind – and to all the holy saints of Heaven. And my body to be buried in the church of St. Nicholas, before the image of the St. Saviour, if it is agreeable to the parishioners of the parish. Giving and bequeathing 6s.8d to the high altar of that church, in compensation and satisfaction for my tithes that I was negligent in giving.

I bequeath to the repair and **leading** of that church half a **fother** of lead. I bequeath 10s. to the house and brethren of the order of St. Dominic in the town of Ipswich, to pray for me. To the house and brethren of the order of Carmelites in the town of Ipswich, 10s. I bequeath 6s.8d towards making a door into the choir of **St. Peter's priory**, Ipswich. Towards the construction of the steeple of the parish church of St. Peter, Ipswich, 10s.

I bequeath to my wife Isabelle my residence and all my other tenements, with all the goods, moveable and unmoveable, along with all manner of stuff and necessaries, with all appurtenances therein and

belonging to the same; to her and her assigns, to dispose of freely, at will or pleasure, saving only as much as is required to fulfill my will. If my son William is obedient to and loving towards his mother while she is alive, I give and bequeath to that William and his heirs and assigns, after the death of his mother, my residence, in the state it is presently. I wish that my son John Style, if he is obedient to and loving towards his mother while she is alive, receive and enjoy after her death Sprott's Place, with all the tenantries belonging to the same, as is presently the case. I wish my daughter Amy to have £20 for her marriage, if she gives her hand according to the advice and recommendations of her mother and her friends. I bequeath 10s. to Isabelle Dow, if she remains in my service until I die.

To ensure this will is carried out and fulfilled in every respect, I make and appoint my wife Isabelle to be my true and faithful attorney.

DISCUSSION

Two generations are represented in the three testators here. Robert Drye and John Caldwell were contemporaries. After one of them had departed the scene, and the other was about to, William Stile appears on stage.

Not a great deal is known about Robert Drye beyond the evidence from his will. The list therein of souls to be prayed would suggest his parents were Robert and Alice Drye. This was most likely the Robert Dreye who entered the franchise at Ipswich in 1374 and who, with wife Alice, acquired property in St. Laurence parish in 1382. The testator of 1450 had served three terms as one of Ipswich's bailiffs (1429/30, 1432/33, 1436/37), and one as its treasurer in 1431/32, as well as being seen in the ranks of the **portmen** several times between 1429 and 1442. He was a royal commissioner of the peace in Ipswich in July 1433, and in Suffolk in July 1434. He was fined for breaking the assize of ale in 1436, '37, and '38. In 1432 or '33 he was a feoffee-to-use for a fellow member of the ruling elite, William Wallworth (later to partner Drye during his last ballivalty). This is all we have to say of him.

The sequence of Christian names included in the list of those for whose

souls Drye's chantry was to pray may represent his children: the multiple Williams perhaps reflecting a sequence of male children who died soon after birth or in infancy, with the name being then given to the next male child born. On the other hand, "John and Margery" in that list may represent the John Drye who was treasurer of Ipswich in 1430/31, and was more likely a brother to the testator. There is no sign of any of Drye's children active in Ipswich after his death.

John Caldwell has left a better imprint on surviving records than Drye, although his parentage is far less certain. The only candidate I can offer for his father is a Thomas Caldwell who was a customs collector at Ipswich 1393-94. Most of John's earliest appearances show him running into trouble: in 1423 he was fined for breaking the assize of ale; he was condemned for the same the following year, when also fined for selling food in his hostelry at an excessive profit margin. Yet these were minor offences in the scheme of things, and he was clearly already one of the leading men of the town, for he had been a portman from May 1420 and his first ballivalty came in 1425/26. It may have been excessive zeal in that role that brought him into hot water with Chancery; but he weathered the teacup-tempest. He remained in portman ranks probably continuously up to his death, other than those years in which bailiff – he serving seven other ballival terms between 1431 and 1459. He was given the added duties of the post of claviger 1442-47, 1448-58, and 1459-61, and his seniority among the portmen is evidenced in him being one of the Justices of the Peace chosen from portmen ranks 1449-60, he having previously served on royal commissions of the peace in 1433 and 1434. Furthermore, besides being sent as a borough representative to the parliament of 1427, he is found in the rarely seen post of merchant gild alderman in 1446.

That last office is indicative of his prominence in the mercantile community. His early offences regarding the retail of victuals is a pointer to his mercantile activities, but we do not know a great deal about his business. He took on apprentices and employed factors, and co-owned a ship, the "Trinity", which in 1436 he was equipping for military service. Ca.1446 Hans Stendell, a Gdansk merchant, was suing one of those apprentices, Thomas Bradde, for repayment of a £138.6s.8d, which Thomas claimed had been to pay debts incurred by him on John Caldwell's behalf. In April of that year John found it necessary to obtain a testimonial letter from the Ipswich authorities certifying that he had never constituted Bradde as his factor, or authorized him to deal with Stendell. Bradde's apprenticeship, it was stated, had ended in 1443 (Bradde still being in Prussia) and John had sent him a letter discharging him; then, after Bradde had returned to Ipswich in 1445 and rendered an account of John's goods, he was found to owe

£138.10s., and was imprisoned until he made out a recognizance of the debt to John. Around the same time John successfully sued, in the court of admiralty, a Norwich alderman for a debt of £13.13s.4d. This was not the only occasion when John took exception to the initiatives of his employees: at a date unknown he complained that William Baldry, a younger merchant of the town (a bailiff and portman of the 1450s), had as his factor been given 4 packs of woollen cloth, worth £200, to trade with in Prussia on John's behalf; but William, so John complained, had used the goods to trade with on his own behalf and shared none of the profit with John.

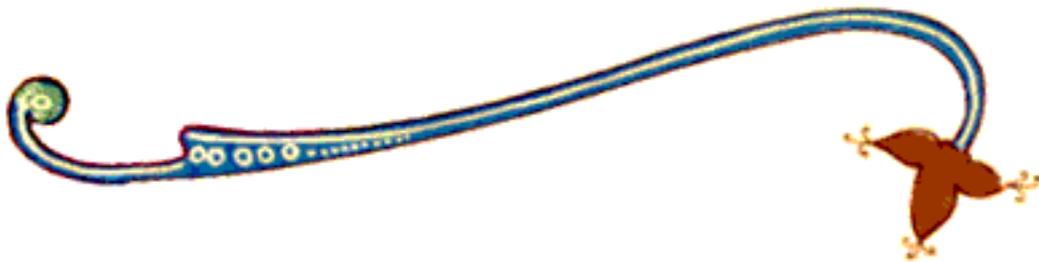
On the other hand, John's public-spiritedness (tempered by self-interest) is seen in his offer, in January 1435, to build a new bridge at his own expense between Ipswich and **Stoke**, if the borough would pay for construction of the end-posts; we may note that John owned land in Stoke, so a safe bridge was to his benefit. That same month he was appointed a member of a committee supervising the rebuilding of a house at the end of the guildhall, and in 1448 was in a similar role concerning the "new work" at the end of the borough plea hall. Later that year, after re-election to the ballivalty, he undertook to have a gaol built for the town in the **Barre Gate**, probably from his own capital, but equally probably on the expectation of being repaid. In June 1459 he was granted the communal marsh for three years, until the debts owed him by the community were recouped from its revenues.

It may be that John's fears about two of his sons' unruly or irresponsible behaviour were realized, for nothing further is heard of Robert, Edmund, or even Thomas (who had entered the franchise at Ipswich in 1455, probably as soon as he was of age). However, Benedict Caldwell, who had entered the franchise in 1450 (again probably at the age of majority), lived up to his father's standards: he served as bailiff four times between 1473 and 1483, and is found as a local Clerk of the Peace and subsequently Justice of the Peace. He had also been undersheriff of Suffolk in 1463/64. At his death (1487/88) he left two manors, one being Blomviles, and lands in six Suffolk hamlets, as well as in Ipswich; his will makes it clear that brothers Robert and Edmund were already dead. As well it indicates close connections with the Debenham family.

William Style has left a will that is out of the ordinary in its terminology, and appears to reflect a little more than conventional religiosity. It was drawn up when he had barely embarked on that part of his career that has left documentary evidence. There is no other evidence surviving that might let us speculate further on his religious attitudes. William first appears in 1453, as an elected assessor of a royal tax. In 1455, 1458 and 1459 he was

performing similar duties in regard to borough taxations. By this time he had embarked on a role in borough government proper: as chamberlain 1459-61 (and probably a common councillor 1459/60), and as bailiff in 1467/68, a role he reprised for a few months in 1472, as a replacement. He too was chosen one of the local Justices of the Peace (1467-69, 1472/73).

Like those of Drye and Caldwell, Style's business is obscure. He was repeatedly fined for infringing the assize of ale between 1466 and 1475, as was his widow in 1481, but this evidence is not even sufficient to let us know if Style could be categorized as a merchant. His widow Isabelle drew up her own will in 1487 and died in 1491, requesting burial beside her husband in St. Nicholas'. She respected her late husband's last wishes by leaving her residence to her son William, and Sprott's Place to son John. Another tenement was left to the son of William Style junior.



NOTES

"chest"

Or possibly bookcase.

"Wenham"

Little Wenham lay a few miles south-west of Ipswich.

"Monk Soham"

Some twelve miles north of Ipswich.

"well-behaved"

Well ruled and governed, in the original. It would appear that some of Caldwell's sons were still young enough that he could not be sure how they would turn out. Edmund had evidently run up debts, and perhaps John was afraid that Robert and Thomas might get into similar trouble.

"Benet taking...out of prison"

This clause has been crossed out; it was not in the original will, preserved as IC/AA1/1/7/4.

"to his own use"

The enregistered copy has "to myn use", suggesting that Benet himself was dictating these conditions; the original will has the same terminology.

"William Debynham"

One of the most prominent Ipswich men of the first half of the fifteenth century, during which he served 10 terms as bailiff, the last being cut short by his death in March 1445. He also represented the borough in five parliaments. A vintner, like most entrepreneurial merchants of his time, he was prepared to trade in other commodities (such as salt, iron, grain, candles, fish) as well; but his main business was exporting cloth and importing wine. He held lands in the Suffolk countryside, on some of which he raised sheep. He served brief stints in national trade administration: as deputy butler (1397-1401) and tronager and pesager (1420-21). But he is mainly in evidence in the customs accounts as a merchant, and in borough records as a plaintiff suing for debts owed him for goods he had sold or for rents due from his properties.

"John Drayll"

He served side by side with Caldwell in borough government and, like Caldwell, had some association with the Debenham family: with Caldwell he was executor of Margaret Debenham (who bequeathed Drayll's wife a dress), and he desired burial beside William Debenham in the Carmelite friary. A portman throughout the 1440s and '50s, senior enough to be one of the Justices of the Peace drawn from the portmen from 1448 on, he also served as Ipswich's bailiff in 1449/50 and 1457/58. We do not know his business, but it was likely mercantile; he had entered the franchise (1432) through apprenticeship. His wealth is evident from the several properties and the precious possessions listed in his lengthy will, recorded in a dogget roll. So too is his ego (or his desire to be remembered): he requested a marble tombstone with his name and an image of himself carved therein, and bequeathed to St. Mary Tower an altar-cloth inscribed with his name. He set up two chantries: one for 30 years in the Carmelite friary, and the other for 6 years in St. Mary Tower. his son dom. John Drayll chaplain being given first refusal of the latter post.

"leading"

Roofing.



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Keywords: medieval London financiers Richard Whittington testaments funerals piety bequests churches monasteries prayer charity hospitals executors almshouse constitution paupers endowments administration mercers memorial services regulations behaviour travel pension lepers offences punishment careers

Subject: **Whittington's Charity**

Original source: **Item 1: Lambeth Palace Library, Reg. Chichele, I, ff.354-355; item 2: Archives of the Worshipful Company of Mercers, Ordinances for the Governance of Whittington College.**

Transcription in: **1. E.F. Jacob, ed. *The Register of Henry Chichele, Archbishop of Canterbury 1414-1423*, vol.2, Canterbury and York Society, no.42 (1937), 240-44; 2. Jean Imray, *The Charity of Richard Whittington: A History of the Trust administered by the Mercers' Company 1424-1966*, London: Athlone Press, 1968, 109-20.**

Original language: **1. Latin; 2. Middle English**

Location: **London**

Date: **1420s**

TRANSLATION

[1. Last will and testament].

The testament of Richard **Whittington**. In the name of God and the Holy and Indivisible Trinity, Father, Son and Holy Ghost, amen. On 5 September 1421, in the ninth year of the reign of Henry V, I, Richard Whittington, citizen and alderman of London, being sound in mind and memory, make this my testament in the following manner. First, I leave my soul to almighty God, the Blessed Virgin Mary, and all the saints, and my body to be buried in the church of **St. Michael Paternoster Royal** in London, that is, on the north side of the high altar of that church. It is my first and foremost wish that, before anything else, all the debts that I rightfully owe, to whomever I owe them, be paid in full. I bequeath £100 to cover the



costs of my funeral expenses and for saying vespers after my death, the **Placebo and Dirige**, and on the following day a requiem mass; together with a monthly remembrance for my soul, the souls of my father, my mother, my wife Alice, and all those to whom I owe a debt of gratitude. I bequeath 1d. for **every poor man**, woman and child, to be distributed on the day of my funeral. I bequeath 100s. to the high altar of the aforementioned church for tithes or offerings unpaid due to forgetfulness or negligence; also, 6s.8d to each chaplain of that church, to pray for my soul and those of the others mentioned and to say the Placebo and Dirige every day for a month after my death. I bequeath 40s. to Thomas the present [parish] clerk of that church, if he is still its clerk at the time I die. I bequeath 100s. to be distributed in alms, at the discretion of my executors, among poor parishioners known to that church, so that they may pray for my soul and those of the others mentioned. I bequeath 40s. to dom. Thomas Kirton, lately rector of the aforementioned church, to pray for my soul and those of the others mentioned. I bequeath 100s. to John White, master of St. Bartholomew's hospital in the London suburb of West Smithfield, so that he may pray for my soul and the souls of the others mentioned. Also, 100s. to be distributed, at the discretion of my executors, among poor persons who are in that hospital. I bequeath 40s. towards the structural fabric of All Hallows church in Honey Lane and to the repair of the church ornaments, that **they** may pray for my soul and the souls of the others mentioned. I leave 100s. towards the structural fabric of the church of St. Margaret Lothbury and the repair of ornaments of that church, that they may pray for the soul of Roger one-time rector there, and my soul and the other souls mentioned. I bequeath 53s.4d towards the structural fabric of the church of St. Pancras, London, and the repair of ornaments of that church, that they may pray for my soul and the souls of the others mentioned. I bequeath £13.6s.8d for the alms [fund] of my craft gild of the mercers of London. I bequeath 100s. to each order of friars in London, to pray for my soul and the souls of the others mentioned. I bequeath 8d. to each stipendiary chaplain in London and its suburbs, to pray for my soul and the other souls to be remembered. I bequeath 40s. to be distributed, as my executors determine best, among poor people of the parish of St. Stephen Coleman Street, London. I bequeath 40s. [to be distributed], as my executors determine best, among poor people of the parish of St. Michael Bassishaw, London. I bequeath 40s. towards the

structural fabric of St. Alphege church, London, that they may pray for my soul and those of the aforementioned. I bequeath 20s. to be distributed, as my executors determine best, among poor people of that parish. I bequeath 40s. towards the structural fabric of the church of St. Mary Staining and the repair of ornaments of that church, that they may pray for my soul and the aforementioned souls; also, £10 to be distributed, as my executors determine best, among poor people in the hospitals of **St. Mary without Bishopsgate**, **St. Mary of Bethlem**, and St. Thomas in Southwark, and among the lepers of Lock, Hackney, and **St. Giles** without Holborn. I bequeath 20s. to be distributed, as my executors determine best, among the poor brothers and sisters of the hospital of **Elsing Spital**. I bequeath 100s. to the monastic house at **Burnham**, that they may pray for my soul and the aforementioned souls. I bequeath 40s. to the monastic house at Cheshunt, that they may pray for my soul and the aforementioned souls. I bequeath 40s. to the monastic house at Rouney near Ware, that they may pray for my soul and the aforementioned souls. I bequeath 40s. to the monastic priory at Bromhale near Windsor, that they may pray for my soul and the aforementioned souls. I bequeath £100 for the **marriage of virgins**, [to be distributed] as my executors determine best. Also, for the repair and improvement of roads in bad condition, £100 [to be distributed] as my executors determine best, where the necessity is most felt. I bequeath for distribution among those imprisoned in **Newgate**, **Ludgate**, **Fleet**, **Marshalsea**, and the **King's Bench** 40s. each week for as long as £500 holds out. I leave to my executors named below the entire tenement in which I live in the parish of St. Michael Paternoster Royal, London, and all lands and tenements that I hold in the parish of St. Andrew, near **Castle Baynard**, London, and in the parish of St. Michael Bassishaw, as well as in the parish of St. Botolph outside Bishopsgate, in the same city; so that after my death they may sell them as soon as they may conveniently do so and distribute the proceeds for [the good of] my soul and the souls already mentioned, when they see a good opportunity to benefit my soul and please God – that is in the celebration of masses and other works of charity, and to fulfill this my testament. The remainder of all my possessions, wherever they may be, after the payment of my debts has been given priority and my bequests have been fulfilled, I leave to my executors to dispose of in works of charity for [the good of] my soul, such as they would wish me

to do for their souls if our situation were reversed. I appoint as my executors of this my testament **John Coventre**, **John White** clerk, **John Carpenter**, and **William Grove**, and as their supervisor **William Babyngton**; and I bequeath to the same John Coventre £20 for his labour, to John White £13.6s.8d for his labour, to John Carpenter £40 for his labour, to William Grove £10 for his labour, and to the supervisor £20 for his labour. I do not wish any of my executors to have any administration or involvement whatsoever in anything concerning this my testament or my last will without all my executors approving, or three of them being present, or which three or four it is my wish that John Carpenter be one. I wish that my executors have in their custody a chest, secured with three locks, containing my goods and jewels, to be distributed for [the good of] my soul; and that none of those who are my executors remove anything from the same except in the presence or with the consent of all as a group. I further wish that my executors maintain and support my household together with meals for my personal servants for one year following my death, as they determine best. Also, I bequeath to the house of the Carthusians 100s., that they may pray for my soul and the other souls mentioned. In testimony to which matters I have set my seal to this testament. Drawn up at London, on the day and year indicated above.

[2. Ordinances for the almshouse].

To all true Christians who witness or hear about matters covered by these documents, John Coventre, John Carpenter, and William Grove, executors of the testament of the respectable and famous merchant Richard Whittington, late citizen and mercer of the city of London and sometime mayor of that city, send greetings in our Lord God everlasting. The strongest desire and greatest preoccupation of a prudent, wise, and devout man should be to plan ahead and make provision for the state [of his soul] and the termination of his short life, through acts of compassion and benevolence. In particular, to provide for those poor people who have been crushed by **severe hardship and cruel misfortune** and who do not have the means to earn a living through a craft or manual labour. So that, at the day of the Last Judgement, he will find a place with those who are saved. Having given serious consideration to this, that respectable and famous merchant Richard Whittington, who while he was alive gave large

handouts liberally to people who were poor and in need, gave strict instructions on his deathbed for we, his executors, to establish after his death an almshouse for the perpetual support of the type of poor people indicated above. He fully expounded to us his wishes in this regard; and we wish to do whatever we can to fulfill the commendable intent and beneficial wishes expressed in his will, as is our duty. First, we have founded with official approval, in the church of St. Michael Royal in London where are buried Richard and Lady Alice his wife, a college of priests and clerics to perform divine services there daily for [the souls of] Richard and Alice. We have also founded, in response to his wishes, an almshouse for 13 poor people as a perpetual residence and place of sustenance for them and their successors. This house has been built upon land that we recently bought for the purpose in St. Michael's parish; that is, situated between that church and the wall enclosing a vacant plot to the rear of the high altar of the church, on the south side, and our great tenement that was until recently the home of Richard Whittington, on the north side, and stretching [westwards] from the residence of the master and priests of the college mentioned above. Which [residence] we had built recently on the east side, on a large empty plot of our land; from which we intend, with God's help, to have within a short time a churchyard lawfully consecrated to serve the church, on the west side [of the college]. Calling to our aid the power of the Father, the wisdom of his Son, and the goodness of the Holy Ghost, we have next set out ordinances giving specifications for the foundation and establishment of the almshouse and its poor men.

First, as a result of a **licence** granted by the authority of the noble and powerful prince and present lord king of England and France, Henry VI, and by the **consent** and wish of the reverend lord and father in Christ Henry, by the grace of God Archbishop of Canterbury, primate of England, and legate of Rome, under whose immediate jurisdiction are the church and parish mentioned above, and after obtaining the necessary agreement of each and every man who had any title or interest in the property, we wish and ordain that from this time forward there be admitted to reside and obtain sustenance in the almshouse 13 poor people, either men alone or men and women together, according to the best judgement and decision of the **overseers** identified below and **conservators** of that house. Who shall every day forevermore at a proper and convenient time pray for all

those who are now living and for those who have gone to God, particularly those whose names are identified in the statutes written below.

Of which poor people we wish that there always be one who is the principal, given more authority and respect than the others, and called the tutor. The responsibility and duties of that tutor shall be to administer well and truly the goods of the almshouse that come into his hands, gathering together again any goods that are dispersed. And to take care of those goods which, through his efforts, are gathered together, for the use and support of the almshouse. All almshouse-related matters that he is in a position to oversee he is to manage through decisions and actions, taking care to foster and build charitable and peaceful relations among his fellows, and in all matters to set an example of cleanliness and virtuous behaviour, both in word and deed.

We wish and ordain that the poor people of the almshouse, present and future, are to be upright in their intentions and obedient to the tutor in all matters in which he has authority or that concern the good reputation or benefit of the house.

We wishing to realize the intent of the foundation and above ordinances providing for the almshouse and the 13 needy and devout poor people, well-behaved and of honest character, have now put into operation that intent by designating the poor people who are to be maintained in the almshouse. Of whom one that we consider most suitable and capable to be in authority, by the name of Robert Chesterton, we have appointed and ordain to be tutor of the poor people and the almshouse, as mentioned.

And we have granted and by the tenor of this present document, thanks to the aforementioned licence and grant of the king, handed over to the tutor and the poor people of the almshouse that same almshouse which we founded and recently had built; with all free entrances and exits to the house via the street and the church adjacent, together with the openings, windows, gutters, eavestroughing, chimneys, privies, well and each and every other appurtenance, convenience and easement whatever, as fully and completely as they existed and were built at this present time, even though they open onto

our great tenement, lately the residence of Richard Whittington, or in whatever manner they have been built on or overhang any part of that residential property. To have and to hold the entire almshouse, together with the free entrances and exits of the house, the openings, windows, gutters, waterfalls, chimneys, privies, well, and each and every other appurtenance, convenience and easement, by the tutor and poor people and their successors as their residence in perpetuity, without any reclaiming or hindrance from ourselves, our heirs, or our assigns, no matter whoever they be of the chief lords of the fee, in regard to the services due therefrom or the customary rights therein.

We wish and ordain that this house be forever known as God's House, or Almshouse, or the Hospital of Richard Whittington, and that Richard and his wife Alice be considered and credited by everyone forevermore as the true principal founders of that house and hospital.

Furthermore, we wish and ordain that the present mayor of the city of London and his successors who are mayors or wardens of the city are to be overseers of the [\[administration of\]](#) the almshouse; and that the present wardens of the community of the craft of mercery in London, and their successors as wardens of that craft, shall forever be and be known as conservators of that almshouse.

We wish and ordain that each one of the tutors and poor people, and their successors, should have within the almshouse a place to himself. That is, a cell or little house with a chimney, a privy and other necessaries, in which he shall lodge. So that he may in solitude, without the interference of anyone else, give himself over to the contemplation of God, if he wishes. And we wish that the present and future tutors and and poor people, when they are in their houses or cells as well as in the cloisters and other parts of the almshouse, behave in a quiet and peaceable manner so as not to disturb their fellows with noise, and that they occupy themselves in prayer, or reading, or manual labour, or some other respectable activity.

We ordain that every tutor of the house, within a month of having been appointed to take charge of the administration of the almshouse, is to associate with 2 of the most sensible of his fellows (appointed by nomination of the conservators) to make an honest and accurate inventory of all the communal goods of the house. This inventory, to

be made without dawdling or delaying, is to be delivered to the then conservators and fellows of the almshouse. At the end of every year, or whenever a tutor is about to resign his post, he is to do the same and render an honest account for the entire period of his administration, before the overseer and one of the conservators and the fellows of the house at that time, so that all men are fully informed in what condition the tutor received, maintained, and left the house during his term.

We have ordained, and ordain, that henceforth within 20 days immediately following a vacancy at the almshouse in the office of tutor, due to a death or any other reason, a member of that house who is suitable and qualified – or someone from outside the almshouse, if one capable of governance cannot be found inside the almshouse at that time – is to be selected and appointed as tutor of the house by we the executors, for as long as we live or the longest-lived among us. After our deaths, [the tutor] is to be appointed by the conservators of the almshouse; that is, the wardens of the craft of mercery in London then in office. If after our deaths the conservators are negligent in choosing and appointing such a tutor, as indicated above, within the deadline set them of 20 days as mentioned, then we wish and ordain that whenever the 20 days have passed the selection and appointment of the tutor [fall] to the overseer of the house – that is, the mayor or warden of London then in office – but only in the event of those special cases, with the proviso that this provision in no way prejudice any rights of the conservators in other selections and appointments of such tutors on future occasions. The provision and appointment of other poor people to places in the almshouse, as often and under whatever circumstances that they become vacant henceforward, we the executors reserve particularly to ourselves, for as long as we live or the longest-lived among us. We wish and ordain that after our deaths the specified provision and appointment belong to the conservators and the master of the college mentioned above, and their successors in perpetuity, in the following form. That is, that on the first occasion after our deaths of a vacancy in the almshouse the master of the college shall provide and appoint a suitable poor man to the vacant place; and in the same way the conservators of the house, on the next 6 occasions when there are vacancies, shall provide and appoint 6 other poor people to fill the vacancies. Thereafter, [the selection] reverts again to the master of the college, and then the next 6

times the selection belongs to the conservators, as indicated previously. And so on in this way we wish that it be done by, and between, the master and the conservators and their successors whenever there are vacancies. With the sole, perpetual exception of the place and office of the tutor. For fear that the place of any such poor man of the almshouse be vacant for a long time – which God forbid – we wish and ordain for perpetuity that he or they to whom after our deaths the provision and appointment, in the form written above, belongs or shall belong be obligated to provide and appoint a suitable poor man to that place within 15 days from the time that any such vacancy becomes common knowledge. If at any future point the master, when it is his turn, or the conservators, when their turn, fail to make the provision within the 15 day deadline assigned them, then we wish and ordain that every time when such a default occurs the provision and appointment of poor people to such vacancies be devolved to the overseer of the house then in office, as often as this situation shall arise, in perpetuity. Reserving to the master and conservators and their successors their right to make the provision and appointment at other times of vacancy thereafter, according to the specifications given above.

We wish and ordain that every poor person who shall be provided, appointed, and admitted to the almshouse, or any place therein, is to be a man mild in manners, destitute of worldly goods in other locations (from which he might be able to make a satisfactory living even if he were not of the fellowship of the almshouse), physically chaste, and known to be of good character. All those to whom, by these our ordinances, it shall after our deaths fall to provide any poor man to the almshouse, or any place in that house, we humbly and earnestly beg and also direct, as respectfully as we can – as they will answer for it to God at the dreadful day of judgement – that they ignore any especial friendships, or influential requests, or gifts made to them, and do not in any way provide or appoint anyone other than suitable and dutiful poor men to vacancies, as indicated above.

We also ordain and forbid that the conservators of the almshouse provide and admit as a fellow of that house any man who is, has been, or shall be of the livery of the mercers' craft, or the livery of any other craft of the city; for which **poor men of such liveries** the wardens and community of the craft should find sustenance, from lands and

tenements given and bequeathed them, under special licence from our sovereign lord the king, or in other ways. Should it happen otherwise than we wish and ordain, then all such provisions and admissions are to be completely invalid. In such a circumstance it is permitted to the mayor or warden of the city of London then in office, as overseer of the house, to remove completely and expel from the house any such man so provided and admitted, and to provide and appoint another poor person in the place of he who is expelled from the house.

Nevertheless, we intend and so ordain that it henceforth be established and respected that poor citizens of London – notably poor infirm men of the mercers' craft who have not been of the livery of the mercers and for whom the community of mercers is not obligated to provide [support], as well as poor and infirm clerics and lower ministers of the college mentioned above who have given long, faithful and commendable service in the college – are to receive preferential treatment in provisions and appointments to any vacancies among the fellows of the almshouse. The present tutor of the almshouse and his successors as tutor are likewise obligated by their duty, through the authority of this document, to admit all types of suitable poor people, as specified above, who are provided and appointed to each of the places of the house when they are vacant, after a certain period (to be set by decision of the conservators) of probation and trial of the suitability and character of those men, if they prove suitable.

Furthermore, we wish and ordain that the present tutor and poor people and their successors in perpetuity shall have and hold in peace and may have and hold without harassment or hindrance from any man the seats that we have assigned for them in the church and college mentioned above. In which college and church it is our wish that the tutor and the poor people be obliged to be in attendance to hear matins, mass, evensong, **compline** and the recital of other divine offices there, and to give prayers to God there for all those whose names are written next in the statutes. That is, first and foremost for the souls of Richard and Alice Whittington, the founders. Also for the souls of Sir William Whittington knight and Lady Joan his wife, and the souls of Sir Ivo FitzWaren and Lady Maud his wife, the parents of Richard Whittington and his wife Alice. Next, for the souls of the worthy princes King Richard II, king of England and France, and Sir Thomas of Woodstock, late Duke of Gloucester, the particular lords

and patrons of Richard Whittington, and for Anne and Eleanor the wives of that king and duke. Furthermore [they are to pray] for the good health and prosperity of the present lord king and lord archbishop, and the conservators and benefactors of the house, while they are alive, and for our prosperity while we live and for their and our souls when they and we have departed this world. And generally for those to whom Richard Whittington and Alice were indebted in any way during their lifetimes, and for all Christian souls.

Furthermore, we ordain that each of the tutor and poor people and their successors, every day – first when they get out of bed, and secondly when they are about to go to bed – kneeling on their knees say a paternoster and an Ave Maria, with particular and heartfelt commendation of Richard Whittington and Alice to God and our blessed lady the Virgin Mary. Also that each of the tutor and poor people, at other times of day when each is most likely to have a moment of leisure or when it is the most convenient time, is to say two or three prayer rounds to Our Lady for the well-being of all the souls mentioned above – that is, at least three times an Ave Maria with 15 Paternosters and 3 Creeds – unless he is excused by reason of infirmity or some other reasonable cause.

We wish and ordain that the present tutor and poor people and their successors shall whenever possible at least once a day – that is, after mass or when compline is over – gather together in the college around the tomb of Richard Whittington and Alice; and those who can shall recite, for the souls of all Christian people, the psalm **De profundis** with the **versicles and orisons** that are part of the same. Those unable to shall say three Paternosters, three Ave Marias, and one Creed. After this is done, the tutor or one of the eldest of the men shall say in English for all to hear "God have mercy on our founders' souls and all Christians"; and the other standing around shall respond "Amen".

We wish and ordain that the present tutor and poor people and their successors in the future, each and every one of them, be obliged to live and to stay continually within the almshouse and its boundaries, just as other poor people in similar almshouses or hospitals typically reside or are obliged to stay. And that every day, both at dinner and supper, they take their meals within the almshouse, unless they are excused for a good reason.

While they are at dinner or supper, we wish that they will avoid idle and self-centered conversation as much as they can; if they want to talk about any subject it should be one serious and productive.

Moreover, we ordain that the outer garments of the tutor and poor people of the almshouse be of a dark brown colour, not a bright one that will attract attention, and of modestly-priced cloth commensurate with their station.

Furthermore, we wish and ordain that neither the present tutor nor any of his successors as tutors of the almshouse for any reason absent themselves from the house in the future for more than 12 days, whether consecutively or discontinuously, without permission from us or from one of us, while we live, or without permission from the overseer or one of the conservators of the house, after our deaths. [The travel] should then be for some necessary cause and to some reputable destination. Nor should any of the other poor people of the house be absent from the house for any reason for a whole day, or go beyond the parish boundaries, without permission from the then tutor of the almshouse, if he is present, or in his absence the permission of his substitute or deputy; [and then] not unless there is a very pressing reason that demands it, or there is some other good reason which is enquired into and approved by the tutor or his deputy. We also wish that the tutor, whenever he goes out into the town or anywhere else, appoint one of his fellows to take over his responsibilities until his return.

Furthermore, we wish and ordain that those of the almshouse who have their strength and health – especially of the women, if there are any – take care of the residents who are sick or feeble and help them with their basic needs, as often as they are in need of help and support.

We wish and ordain that the tutor and poor people have a communal **chest** and a common seal. In which chest they are to keep the seal, along with their charters, letters, grants, writings, and valuables of their house, and any other things which seem to the tutor and poor people advisable, for the benefit of the community. Which chest we wish to be placed in a secret and secure location within the boundaries of the almshouse. This chest is to have 3 different locks, with 3

different keys; of which one shall always remain in the possession of the tutor, another be kept by the oldest resident, and the third be kept by one of the other residents, chosen anew each year by us, while we live, and after our deaths by the masters of the mercers mentioned above. No man is to presume to have possession or keeping of all three keys under his control at once; nor is anything to be sealed with the common seal without permission and consent of the overseer and conservators of the house at that time. We also wish and ordain that every year all the remaining money and revenues from rents and their communal goods, after the accounting given by the tutor for the expenses of the house, are to be kept in that chest, along with the precious objects belonging to the house that are not for everyday use.

Moreover, we wish and ordain that none of the present or future tutors or poor people dare in any way to waste, use up, give away, or pawn unnecessarily the possessions, or any part of the possessions, belonging to the house. But that all of them do their utmost to devote their thoughts and energies towards preserving and increasing those possessions. When one departs this world, he is to give or bequeath all his personal possessions – or a significant part thereof – to the almshouse.

We wish and ordain that the tutor and poor people of the house, and their successors, are to receive in perpetuity from the rents and funds of the house certain weekly pensions or allowances for their food, drink, and other necessaries, as follows. That is, the tutor shall have every week for his allowance, 16d. And each of the other 12 poor people shall receive weekly as their portion 14d. They are to be satisfied with those amounts, and are not to beg in that location or elsewhere – those who are incorrigible in doing so will suffer the penalty determined and written below.

We wish and ordain that no leper or lunatic, nor anyone else who is constantly plagued by an incurable illness, be admitted into the almshouse. Should it happen in the future that any person who is admitted to the house goes mad or crazy, or becomes infected with leprosy or any other such incurable illness, then we wish and ordain that each such person be expelled from the house, to avoid him infecting his fellows. He is to go to some other place where he can be admitted; where, it is our wish, he be given the same 14d. for his

livelihood and necessities that he would have in the almshouse and that he be counted as one of the house and of the number of the 13 poor people, throughout his lifetime.

We ordain also that in the event that any of the poor people, after their admittance to the house, happens to prosper or have his situation improved through an inheritance or some other means by an income to the value of £3.6s.8d annually, that person is to be expelled from the house and the number of the 13 poor people, and another is to be received and admitted in his place. If anyone of the house, after his admission, prospers likewise through an inheritance or other incidental income to an annual value of less than £3.6s.8d, then we wish and ordain that an even half of that sum every year (without fraud or deceit) be deposited and kept in the communal chest for the profit of the community; and the other half shall be received by the person so fortunate, along with his own allowance from the house – with which it is our wish that he be satisfied. In the event that he does not comply but acts contrary to this ordinance, then we wish that he be permanently expelled from the house, and someone else be chosen to take his place.

Furthermore we wish and ordain that all statutes and ordinances that are made for the improvement of the house and the welfare of the poor people, after our deaths, by the conservators with the agreement of the overseer, be upheld and observed by the tutor and poor people; so long as those statutes and ordinances are reasonable and not in conflict with the statutes and ordinances that we have made. In the event that any uncertainty or disagreement arises through misunderstanding of the statutes, then we wish that the statutes that are misunderstood be clarified, revised and reformed by the mayor or keeper of the city of London then in office.

We also wish and ordain that none of the poor people of the house who are of lesser status than the tutor should sleep overnight outside the house, in the city or its suburbs, without a good reason to be discussed with and ruled upon by the tutor. We also wish that none of the poor folk be habitually drunk, gluttonous, or quarrelsome with his fellows, haunting taverns, indulging in lechery, or wandering the streets of the city or suburbs by day or by night without a good reason, to be discussed with and a wise decision made by the tutor or

conservators of the house. Whoever among the poor people is well known or commonly believed to be guilty of such faults or other similar vices is to be pointed out by the tutor or one of the fellows and punished, on the first two occasions, by withholding part or all of his allowance (according to the judgement of the tutor); which withheld allowance is to go [\[back\]](#) into the communal chest of the house. If any of the poor people who has been thus twice warned, reprimanded, and punished for such vices and faults as indicated above, or others similar, is found by ourselves while we live or by the tutor and conservators of the almshouse after our death, to be at fault a third time, then we wish and ordain that every such misbehaving person be considered incorrigible and insufferable, and be utterly expelled from the house and from any benefits or advantages he would have therein, by us, while we live, and by the tutor and conservators after our deaths. And another suitable person is to be chosen to take his place. Moreover, if any of the poor people is, in our presence while we live or that of the conservators of the house after our deaths, openly accused of despoiling or wasting excessively the possessions of the house, or of being a lecher or a **fewterer** or worse, and by our or their judgement is found guilty of the same, then we wish and ordain that upon the first conviction of each such person he be utterly expelled from the house. In the event that such a person wishes to protest or appeal [\[the decision\]](#), after our deaths this is to be done to the overseer of the house only, not to anyone else.

We wish and ordain that any faults or offences of the tutor of the house then in office be subject to correction and punishment by ourselves, while we live, and whichever of us lives longest, and after our deaths by the conservators and overseer of the house, in the following manner. That is, one option is to withhold the tutor's allowance to an extent commensurate with the gravity of his offence, to be assessed by the judgement of ourselves or he of us who lives longest, and after our deaths by the determination of the conservators and overseer mentioned. Another is to deprive the tutor of his post, his pension, and his place in this almshouse, should he be guilty of an offence that warrants it.

Furthermore, we wish and ordain that this foundation document, and each and every chapter and statute of its ordinances, be read out and explained in the presence of the tutor and poor people of the house at

least once every quarter of the year. And that the tutor and the poor people have available to them in their house a copy of the statutes, in order that they can read the chapters of the ordinances when they wish and so better keep them in mind.

Finally, we urge and earnestly entreat the tutor and poor people, present and future, to live together in harmony with each other, serving God, and praying devoutly for the souls mentioned, as this document intends. They are to be upright in behaviour and live together in this poor house in such a manner that, at the close of their lives, they may attain the kingdom of heaven, which God by his own words has promised to poor people. We reserve to ourselves, under the force of this document, full power over all matters relating to the almshouse for as long as any of us shall live; that is, to change the ordinances, should there be any need to reform, clarify, or suspend them, to make new statutes, or to revoke those that we have now made, in the event that we consider this advisable, the present document notwithstanding, for as long as we are alive. In witness to which, we have put our seals on this document, drawn up at London on December 21, 1424, in the third year of [the reign of] King Henry VI.

DISCUSSION

No **other medieval townspeople** has attained in the English-speaking world the legendary proportions of Dick Whittington. The legend is based upon the accumulation of wealth and status, and upon the subsequent application of that wealth to benefit society. In the former case, Whittington's level of accomplishment made him one of an elite, but not so exceptional as to warrant remembrance where others have been forgotten by the general public. It is in the latter that Whittington's name was made, for his philanthropy and in particular his almshouse.

If the story of his generosity was kept alive through later centuries, when works of charity were considered *de rigueur* for wealthy merchants, it was in part due to the continued presence of the almshouses as a reminder of

Whittington's example. Those almshouses, which have become confused in name with the college founded at his bequest at the same time, have been relocated more than once, but **still thrive now** at a rural Sussex location, where 60 homes for elderly residents are supported; Whittington's endowment also provides hundreds of other pensioners with an income supplement, and additional funding for other charities. In 1996, over £2 million was put into charitable works. His name has continued to resonate in popular culture throughout the twentieth century, thanks in part to pantomimes; and in 2000 a plan was put forward to create The Dick Whittington Family Leisure Park in the county of his birth, with exhibits on both his history and his legend.

Let us be immediately clear that cats have no known part of the historical facts behind the legend. Nor did Richard Whittington rise to riches from rags, although the landed Gloucestershire family into which he was born, probably in the late 1340s or early 1350s (his father having died in 1358), had some financial difficulties. As a younger son in such circumstances, he chose or was obliged to pursue a career in commerce, for he had no prospect of inheriting landed estates. He presumably underwent an apprenticeship to a mercer, although by the time he is first seen in London, in 1379, he was already established in business. In the years that followed, his clientele included nobles and courtiers closest to the young Richard II as well as the future Henry IV, perhaps particularly the duke of Gloucester; by 1389 he could add the king himself to the list of clients. Richard had a taste for finery and during the period 1392-94 (from which records survive) 27% of the total expenditures of his Great Wardrobe department went to Whittington for mercery. At Richard's deposition, Whittington was still owed a large sum, which Henry IV conceded should be repaid through an exemption from customs on wool exports.

Despite Whittington's attachment to Richard II, as evidenced in the almshouse ordinances, the new king continued to purchase from Whittington, on a more frugal scale. But we see a gradual decline in his sales to the royal court, and perhaps in his own interest in the mercery trade – for he seems to have given up taking on apprentices early in the fifteenth century. The death of his wife in the early fifteenth century may have contributed to his demotivation; his attachment to Alice is reflected in that, when she was mortally ill in 1410, he obtained special licence from the king to bring a renowned doctor over from the continent to treat her.

Having built up a small fortune, he put it to use as a royal financier, a practice he had begun in Richard II's reign, although not significantly until 1397. We cannot tell whether this was directly profitable financially (usury

being illegal), but if nothing else it brought indirect rewards in terms of royal favour and influence. Just a few months after Whittington's first large loan, the king appointed him mayor of London when the incumbent died in office, and shortly after we find the city government making a huge loan to the king, part of which may have been used to pay debts owed Whittington for mercery supplied to the king's favourites. The loan was in fact a gift, intended to encourage the king to restore the city liberties, which he had suspended.

Despite the king's interference in London affairs and general unpopularity in the city, Whittington's close connection to him appears to have had no adverse effects on his own importance in the city. He had been serving, on and off, as a member of the city's common council from 1384 until his appointment as an alderman in 1393. His royal appointment as mayor in 1397 was probably not distasteful to the citizens, who would have appreciated the benefit of a mayor having influence with the king; that fact, together with his firm administration of law and order at a troubled time, led to the citizens electing him to continue in office for the 1397/98 term. His mayoralty saw an ordinance restricting the market for woollen cloth, brought into the city by outsiders, to a particular building near the Guildhall and to particular days and times; in part to ensure that cloth sales were conducted in public, and in part to ensure the collection of the king's customs thereon could be more effectively administered. Whittington was again elected mayor in 1406, during which term of office he successfully campaigned against fish weirs illegally placed in the Thames. His third and final term was in 1419/20, when he took action to reassert and strengthen regulations controlling the brewing industry, a matter with which he continued to show concern in the years following. He also encouraged town clerk John Carpenter in an initiative to compile the customs and by-laws of the city into a reference work, which has left historians the single most important record of medieval London in the *Liber Albus*. Whittington served as a master of the **Mercers' Company** in 1395/96, 1401/02, and 1408/09; although less active in the company in later years, his continued association is shown in the bequest towards the company's alms fund and the trust he showed by giving the company an important role in the administration of his almshouse.

Nor did Whittington's association with Richard II, whom he viewed as his patron and possibly even as a friend, put him out of favour with the new king, even though he had continued to loan money to Richard in his final years on the throne, when other Londoners had all but abandoned the king. He secured his position by providing Henry with cash on a larger scale and more regularly than he had his predecessor. Repayments were made usually

by assigning to him revenues from subsidies on wool exports levied at London and several other ports, or occasionally through customs exemptions on his own wool exports; this was typical practice by the king (although Richard II, perhaps as a special mark of favour, had repaid Whittington in cash). He was even, during the first year of Henry's reign, one of three Londoners appointed to the king's council. Nor did Henry or his son have any qualms about using a man of Whittington's experience and capabilities to undertake various administrative/judicial commissions, as was done with many leading townsmen.

Whittington was thus drawn both into the wool trade and into the customs collection service. He became a moderately heavy exporter of wool, perhaps sometimes as part of a consortium of mercers. Between 1401-03 and 1407-10 he served as collector of the customs and subsidies on wool at London. And for several years during Henry IV's reign he held the post of mayor of the Calais **staple**. This diversification of activities and business was typical of medieval merchants.

Not typical was the fact that Whittington did not invest much of his wealth in real estate. His landed interests outside of London were mostly temporary, of a trustee nature and perhaps the source of some modest income. He did acquire a small manor in his home county of Gloucestershire. His marriage to Alice FitzWaryn brought the prospect of a landed inheritance in Somerset and Wiltshire, but Alice predeceased her father, and there is some indication that the couple had already sold their interest to Alice's sister and her husband. On the other hand, Whittington did possess a few properties, including shops, in several London parishes, besides his large holding in St. Michael Paternoster Royal, where he had his own residence (purchased in 1402, the last of his personal real estate acquisitions) and where the almshouse and college were later established. But even his London holdings were not exceptional, considering the wealth he could have invested therein. Whittington was also atypical in that he appears to have been less litigious than most of the contemporaries of his class; he appears as principal in very few lawsuits. Possibly his reputation and influence made it too risky for anyone to try to defraud or slander him, or withhold a debt, gambling to win any legal battle that ensued.

Having chosen to put the money he had made from commerce to use as a financier, Whittington needed liquidity and so preferred to have his wealth ready to hand, or invested (as was the custom) in precious items – plate and jewellery – rather than tied up in real estate. The number and size of his bequests indicate that, in modern terms, he would have been a multi-millionaire. His will mentions no family to whom he wished to leave some

of his fortune. He left no (or no surviving) children; after his wife died, he never remarried. Although respected for his moral rectitude during the latter part of his life, he may not have been very approachable; he seems not to have made any close friends after Richard II's fall. His Gloucestershire manor, but nothing else, passed to his only surviving brother, apparently as a nuncupative bequest on his death-bed; perhaps they were not close. Nor does his will suggest a close attachment to any of his personal servants or any of his executors, in whom he was careful not to place unreserved trust, with the possible exception of John Carpenter, with whom he had had at least a close working relationship. He was wealthy, but empty.

The deposition of his royal patron, preceded by the disgrace and deaths of other of his clients at court (first the earl of Oxford and later the **duke of Gloucester**), and followed within a few years by the death of his wife, at a time when he was no longer young, seems to have marked a turning-point in his life. As one of his biographers has noted,

"the fire had gone out of his life, the thrust of a man on the make had given way to the calm of a made man.... He buys very little property after 1402; he becomes correct and formal; he is rigid in his treatment of the brewers, correct in his attitude to usurers, formal and cold in his will. He appears to have been an upright and judicious man, not one who was quickly or intemperately roused."

[Caroline Barron, "Richard Whittington: the man behind the myth", *Studies in London History presented to Philip Edmund Jones*, ed. A.E.J. Hollaender and William Kellaway, London: Hodder and Stoughton, 1969, p.254. (Dr. Barron's study is the principal source for the biographical information summarized here.)]

By the 1420s, all that was left to him in life was to prepare himself for death. Although the amount of money bequeathed in Whittington's will is exceptional, the types of pious and charitable bequests are conventional and exemplify the range of opportunities open to a wealthy townsman turning his mind to the afterlife:

- to provide for his funeral;
- to arrange for prayers to be said for him and for those to whom he owed debts of gratitude, by both men of God and by laymen;
- to contribute to the fabric of society (churches and roads);
- to provide relief to the least fortunate members of society: the poor, the sick, lepers, and prisoners.

That the destination of some of his bequests were to institutions outside London in part reflects his dealings with the royal court – for instance, he probably lodged at the monastic house near Windsor when he had business with the king – or commercial travel destinations.

Whittington's preparations for death were a case of prudent planning. Although old, he was remaining active in his civic duties. He probably died shortly before March 8, 1423, when the probate of his will took place in the London **husting**. If he suffered a lingering final illness, as an illustration of him on his death-bed hints, it was not devastating enough to keep him from attending a session of the aldermen's court in February.

In fact the will is a litany of works intended to benefit Whittington's soul in preparation for the Last Judgement. Was it then insincere from a charitable perspective? We may throw a little light on this by looking at charitable works he performed during his life. The preamble to the almshouse ordinances states that Whittington, during his lifetime, gave generously to help the needy and the poor. While this is not well-documented, we do know of a few instances of his public-spirited efforts:

- In 1401/02 he donated a small sum towards the building of a new nave at Westminster Abbey, probably because it was a project of his late patron, Richard II.
- In 1409 he purchased land next to his parish church and then acquired licence to give it in mortmain to the rector, to allow the church to be rebuilt and a cemetery added. The task of rebuilding was completed by his executors. Since his wife had died not long before, it may be that his underlying intention was to make the church a more fitting site for his and his wife's tombs.
- In 1411 he contributed most of the funds for building and outfitting a library at the London Greyfriars.
- He was said to have funded a refuge for unmarried mothers at St. Thomas' Hospital, Southwark.

His major good works were posthumous. A good deal of leeway was left to his executors in how to apply the funds realized from the sale of his property, and certainly they acted as they thought best, not always within the strictest wishes of the testator. Where they chose to spend Whittington's money was on the rebuilding of Newgate prison, the construction of a gate to St. Bartholomew's hospital, the creation of a library at the Guildhall, paving of the Guildhall (then undergoing massive rebuilding) with marble,

the foundation of a college of priests associated with St. Michael Paternoster, and the almshouse. Since there is no evidence that Whittington himself possessed any books or was intellectually inclined, it is possible that John Carpenter, inspired by the precedent of the Greyfriars library and Whittington's prominence in local government, settled on this as a worthy cause, to which Carpenter later bequeathed much of his own extensive personal library. As for the Newgate project, the executors intimated that it had been Whittington's wish to remedy the unwholesome conditions that prisoners suffered in the existing gaol.

Although the will does not specifically mention founding an almshouse, Whittington's executors ascribed the idea to him. The text of the ordinances for Whittington's Charity is immediately preceded by an illustration showing an emaciated Whittington propped up in his canopied bed, naked except for his nightcap (to protect from lice) as was the medieval sleeping habit, and apparently giving instructions to his executors – Carpenter, Coventry and Grove – who, along with a priest (possibly, but not necessarily, White), stand immediately beside his bed; while, in the background, a physician holds up to the light a flask of Whittington's urine – the chief method in this period of diagnosing illnesses. At the foot of the bed stand thirteen men, evidently representing the twelve initial residents of the almshouse, headed by their tutor. This element indicates that the illustration was not intended to document authentically the scene; the primary intent was to indicate, as the preamble to the ordinances states, that Whittington gave deathbed instructions as to the almshouse; we cannot rule out that this was not to justify a post-mortem decision by the executors, but there is no reason to think that Whittington may not have been the originator. Unless copied from an earlier source, the illustration would have been made around the time of Carpenter's death, two decades after Whittington's; the distinctive appearance of Grove suggests some attempt to portray the principals accurately. It is as close to documentary as most medieval illustrations of historical events come.

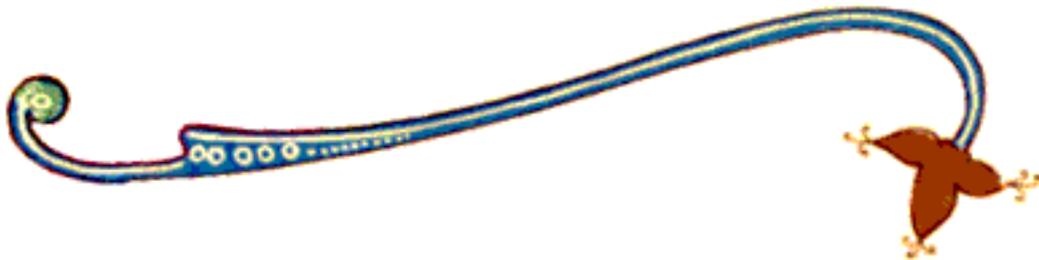
The ordinances for the almshouse probably owe much to John Carpenter's organizational abilities, perhaps fleshing out wishes expressed by Whittington before he died. They were finalized in December 1424, by which point the buildings were probably ready for occupation. The earliest surviving version is in the foundation charter of 1432. The text above is based on the earliest English translation, made in the 1440s. Additions to the ordinances had been made in 1425, to make provision for the endowment of £40 annually, establish an infirmary for sick residents, and designate an adjacent plot of land for the residents to use for recreational purposes.

Immediately after setting up the community of poor residents, the executors proceeded to ensure its viability through an endowment. They had already sold Whittington's own residence and set up the college and almshouse on properties adjacent. But, instead of selling his other properties as he had directed, they used them, along with other properties which they acquired with some of the money realized from the sale of Whittington's valuables, to provide an annual income (rents) to support the college and almshouse. This work was completed, by Carpenter, in 1431, and he then proceeded to transfer the ownership of the endowment property to the Mercers' Company, conditional on the company applying them to its trusteeship of the college and almshouse. Carpenter's meticulous work in arranging the endowment, placing the almshouse under the supervision of secular authorities, and ensuring official authorization of all that was done, assured the survival of the almshouse.

We cannot escape the fact that the college of priests was fundamentally self-interested. Although it provided employment for clergymen, its main aim was to ensure the continuing prayers for the souls of Whittington and others for whom he felt a particular affection or gratitude. Nor was the almshouse free of the same self-interestedness, since part of the rationale for supporting the poor residents was that they would offer prayers daily for Whittington's soul. In fact, the regime prescribed for the residents restricted their mobility and placed heavy demands on their time. In return for accommodation, food and clothing, they became servants to the founders' spiritual needs.

On the other hand, we should not discount the genuinely charitable dimension of such a foundation. In line with medieval political thought, Whittington must have felt it incumbent on him, because of his wealth, social status, and political influence, to justify his fortune by protecting and aiding those less fortunate. An example is in his attempts to keep the price of ale down, even to the point of insisting on what was unrealistic. We should bear in mind that he came from a gentry family and probably felt that social superiority even when making his life among urban merchants, many of whom aspired to rise to the ranks of the gentry. His affinity with king and courtiers may have stemmed in part from a shared aesthetic sensibility, he married into the gentry rather than the class with which he rubbed shoulders (although his knightly father-in-law also engaged in mercery), and the house he chose as his residence from 1402 had previously been owned by a knight. Whittington in some regards strove, at least in the latter part of his life, to be that good ruler Latini had described in an earlier century: just but tough-minded, committed to the welfare of the community,

known and respected for acts of virtue and nobility, uncorrupted by bribes or love of money, manifestly devout. Whittington's financial success, influence at court, integrity, and civic-mindedness gained him the respect of most of his fellow Londoners during his lifetime. His posthumous philanthropy ensured that he remained highly regarded throughout the centuries that followed.



NOTES

"Whittington"

There are a number of villages of this name spread across England, including one in Gloucestershire, in which county Richard's immediate family was based. However, the actual spelling in the testament, *Whidyngton* means that we cannot entirely rule out Widdington in Essex as the source of the family roots.

"St. Michael Paternoster Royal"

It was in this parish, which once stretched to the river's edge (hence Royal, deriving from the Latin *riolus*, applied to the street La Rirole on the west side of the church), that Whittington had his personal residence, on a large block of property immediately north or northeast of the church.

"Placebo and Dirige"

The former was the evensong on the day beginning the funeral services, and the latter the matins and lauds sung the morning after; a mass often followed, only after which was the body interred.

"every poor man..."

This likely referred to every pauper who attended the funeral.

"they"

I.e. the clerics associated with the church.

"St. Mary without Bishopsgate"

Founded in the late twelfth or early thirteenth century by citizen Walter Brown and

his wife, on land donated by an alderman, and staffed by Augustinians and lay helpers. It was known at that time as the New Hospital, and became a substantial institution, with 180 beds by the time of the Dissolution.

"St. Mary of Bethlem"

Later infamous as the mental hospital known as Bedlam, it was founded in 1247 in the northeastern suburb (again, outside Bishopgate) through a gift of land from London merchant and alderman Simon Fitz Mary to the monks of St. Mary of Bethlehem, to build a priory. By 1330 the monks had established a hospital for the sick poor there and obtained royal licence to collect alms to support it. The city seems to have taken it over in the 1340s, but in 1375 the king took it into his hand, on the grounds of it being an alien priory. We hear of mentally disturbed persons being cared for there as early as 1377, and in 1403 when the king appointed a commission to investigate the hospital, its inmates comprised 6 lunatics and 3 other sick persons.

"St. Giles"

The hospital of St. Giles in the Fields was founded, beside the road entering London via Holborn, by Queen Matilda; as possibly the earliest leper hospital, it represents an awakening in English society of the importance of social benefaction.

"Elsing Spital"

Also known as St. Mary within Cripplegate, it was founded by mercer William Elsing in 1329, to look after 100 poor men and women, but specialized in caring for the blind and for disabled priests.

"Burnham"

Possibly Burnham Green in Hertfordshire, since Ware and Cheshunt are in that county. However, there is also a Burnham just north of Windsor.

"marriage of virgins"

I.e. as dowries to enable young women to make good marriages.

"Newgate" "Ludgate" "Fleet" "Marshalsea" "King's Bench"

Newgate was the largest of several prisons; set up in one of the city gates on the western side of the fortifications surrounding London, it was administered by the city. Ludgate was a later foundation, again city-administered, intended for freemen and designated, during Whittington's 1419 mayoralty for housing debtors and those convicted of other civil offences, rather than criminals. The Fleet had also originally been a gaol for citizens, but by this time was also being used for offenders convicted by the king's courts. Marshalsea and the King's Bench were likewise for those convicted, or awaiting trial, by the royal courts, and were both in Southwark.

"John Coventre"

Like Whittington, a mercer and a member of the city administration, sheriff 1416-17, alderman from 1420, and mayor a few year's after Whittington's death. Whittington was involved in exporting wool in the latter part of his life, and Coventry may have been one of his associates in such ventures. Both men and their wives

were members of the Holy Trinity Guild at Coventry, a reflection of London mercers' interest in a city that was an important market for the wool of central England. As a prominent member of both the Mercers' Company, having served as its master in 1417, and of the city administration, John Coventry was well-placed to advocate the support of both groups for Whittington's plans. He died in 1429.

"John White"

In 1409 he had been rector of the church of St. Michael Paternoster, and had a relationship with Whittington in the capacity of his parish priest. Perhaps thanks to Whittington's influence, he became master of St. Bartholomew's hospital in 1417, resigning on 18 February 1423 (possibly suggesting the time of Whittington's death) to take up residence in Whittington's house, where he died in January of the following year. It was not uncommon for testators to select a cleric as one of their executors, and White's probably close personal relationship with Whittington made him a logical choice.

"John Carpenter"

Town clerk of London from 1417 to 1438, having been promoted through the city bureaucracy; as town clerk, he would have had a good knowledge of the law, if not some formal legal training. Other evidence indicates him a man of capability, intellect, and initiative, with his own charitable bent; he might be considered England's most famous town clerk, the only one to my knowledge to have a book dedicated to his biography, a statue made of him, and a road named after him. He was evidently the person in whom Whittington had most confidence of the ability to fulfill and expand on his final wishes. That trust was repaid by considerable effort in interpreting and realizing the terms of the will in the years that followed; Carpenter, who was the longest-lived of the executors, is believed to have played the principal role here and supervised the administration of the almshouses until his death, when the Mercers' Company took over responsibility.

"William Grove"

A scrivener, perhaps chosen precisely because of his professional skills, and an elderly man judging from the long beard in the illustration of Whittington's death-bed.

"William Babyngton"

One of the king's justices, who went on to become a Chief Justice. In the event, thanks in part to Carpenter's assiduous attention to his duties, Babyngton had little need to involve himself in the administration of the testament.

"severe hardship and cruel misfortune"

This to distinguish worthy recipients of charity from those unworthy, whose poverty was the result of their own folly, negligence, or vices.

"licence"

Obtained November 18, 1424. In 1432, the executors (notably Carpenter, the only survivor by this date) made sure of all their efforts by obtaining from the king letters patent inspecting and ratifying the earlier licences, the ordinances (with subsequent amendments), endowment documents, and the executors' grants of

the college and almshouse to their residents; on the same day as the letters patent were issued, an Act of Parliament confirmed what the executors had put in place.

"consent"

Obtained November 24, 1424.

"overseers" "conservators"

Imray explains the decision to make, as the ultimate authority over the almshouse (and therefore responsible for its continuance and adherence to purpose), the Mercers' Company and the city government as due in part to lack of confidence in this period in the Church's ability to care for the poor, and in part a natural tendency to trust in like-minded colleagues, as well as the fact that both guilds and urban authorities by now had some history of involvement of in poor relief and were beginning to acquire the ability to act as trustees of endowments for such purposes.

"poor men of such liveries"

In 1394, when Whittington must already have been one of the more influential members of the Mercers' Company, it obtained permission from the king to hold land in mortmain to fund the support of impoverished members. Imray believed that this prior provision for this class of impoverished person, not inconceivably the initiative of Whittington himself, is what persuaded Whittington (or his executors) to exclude them from fellowship in the almshouse.

"compline"

The service at the end of the day (about 9 p.m.).

"De profundis"

Psalm 129, recited principally at funerals or during prayers for the dead.

"versicles and orisons"

The back-and-forth recitation and response of priest and congregation in chanting brief sections of a prayer.

"chest"

Perhaps the same chest in which Whittington had secured his valuables.

"fewterer"

The original is *voultrier*, which I suspect may derive from the Latin *veutrarius* meaning fewterer (a keeper of dogs, possibly greyhounds, or a kennel owner). The term is apparently being used here in some metaphorical sense, undoubtedly unflattering and possibly refers to pimping.

"other medieval townsman"

With the arguable exception of Thomas Becket, whose urban origins are, however, not part of his claim to fame. If any other medieval townsman is remembered today outside of historians' circles it is perhaps Whittington's friend and colleague John Carpenter, and largely for the same reason of an endowment.

"staple"

A town designated by the king as having a regional commercial monopoly, in terms of being the required centre through which goods had to be exported or imported. Several towns in England had the status at one time or other, and for the king's French territories, Calais held that role.

"duke of Gloucester"

Noting that there is no evidence beyond the mention in the almshouse ordinances of any connection between Whittington and Duke Thomas, Dr. Barron suggests that Whittington may have known of Richard II's plans to murder him and later felt a prick of conscience over the matter. However, as Whittington clearly identified the duke as a patron, the simpler answer is that he was a client during the 1390s when he was powerful at court. The two hypotheses are not incompatible.



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Keywords: medieval London grocers testaments wills bequests pious uses charity heirs prisons property holding craft guilds breweries hospitals dowry civic works memorial services chantries personalia careers Norwich

Subject: **The wills and testaments of three London grocers**

Original source: Lambeth Palace Library, Reg. Chichele, I, ff.450-52, 467-69, 484-85

Transcription in: E.F. Jacob, ed. *The Register of Henry Chichele, Archbishop of Canterbury 1414-1443*, vol.2, Canterbury and York Society, no.42 (1937), 519-26, 564-68, 615-20.

Original language: Latin

Location: London

Date: 15th century

TRANSLATION

1. Will and testament of Thomas Knolles
2. Will and testament of Robert Chichele
3. Will and testament of John Welles



[1. The last will and testament of Thomas Knolles]

In the name of God, Amen. I, Thomas Knolles senior, citizen and grocer of London, being of sound mind and body and with good memory, on 20 May 1435 in the 13th year of the reign of King Henry VI, make and set out this my testament in the following manner. First, I leave and commend my soul to almighty God, my creator and my saviour, to the Blessed Virgin Mary his mother, and to all the saints, and my body to be buried in the church of **St. Antholin**, London. I bequeath to the high altar of that church, [\[in recompense\]](#) for forgotten offerings, ten pounds. To each stipendiary chaplain of the church,

6s.8d to pray for my soul. I bequeath 13s.4d to the principal cleric of that church and 6s.8d to his assistant there. I bequeath £20 to be spent on repairs to the fabric of the church, on whatever is of greatest need or most appropriate. I bequeath to each of the four orders of friars in London – that is, the Friars Preacher, the Minorites, the Carmelites, and the Augustinians – 40s. to pray for my soul. I bequeath to the hospital of **St. Mary of Bethlem** outside Bishopsgate, London, 20s. to be distributed among the infirm residents. For the same purpose, I bequeath 20s. to the hospital of **St. Mary without Bishopsgate**.

I bequeath to my son Thomas Knolles each and all household items, decorations, utensils, cloths, bed fittings, table linens, precious objects and vessels of gold and silver, whether gilded or not, that are part of my residence – that is, in the hall, the chamber, the storeroom, the kitchen, and other parts of my house. I bequeath to my son William Knolles £66.13s.4d, wishing that this sum be in the safekeeping of my son Thomas, who is to use his good discretion in paying it out to my son William. I bequeath £66.13s.4d to each of Robert and Richard, sons of my son Thomas Knolles, and to Beatrice his daughter; it is my wish that all those children of my son Thomas, while they are in their minority and until they are married, together with the £200 I have bequeathed them, be and remain in the custody, under the control, and at the disposition of the children's father Thomas Knolles, under guarantees made in relation to the same before the mayor and aldermen of London, without any interest being due thereon. If any of the children of my son Thomas should die before reaching the age of majority or before getting married, then I wish and bequeath that the share of the deceased individual be turned over and remain to he or they of the surviving children; this to apply to each of them. If all the children of my son Thomas should die before reaching the age of majority or before getting married, then I leave the above bequest of £200 for my son Thomas or his executors to put towards, dispose of, and distribute for [\[the benefit of\]](#) my soul and the souls of my late wife Joan, my parents, our benefactors and all those to whom we are obliged, and all the faithful deceased; such as through the celebration of masses, hand-outs to the poor, road repairs, dowries for poor girls of good reputation, discharge of the debts of those imprisoned as debtors, and other works of charity and compassion such as seem best to Thomas or his executors, with the intent of pleasing God and

furthering the salvation of my soul and the other souls mentioned.

I bequeath to my daughters Beatrice, Margery, and Margaret – that is, to each of them – a gold ring worth a hundred shillings. I bequeath to Joan the wife of Robert Shelley esq. a gold ring worth a hundred shillings. I bequeath twenty pounds to the fabric of **North Mymms** church. I bequeath 6s.8d to each of my poor tenants at North Mymms. I bequeath £5 to Thomas Bryght; and £6.13s.4d to my servant John Helder. I bequeath £3.6s.8d to my servant Alice Geret. I bequeath 40s. to my servant Alice Haukyns. I bequeath 40s. to the nuns of **Sopwell**, to pray for my soul. I bequeath 40s. to the nuns of **Pray**, to intercede for my soul. I bequeath £13.6s.8d to my servant William Harry, on condition that William shows diligence in supporting and helping my executors to collect all my debts.

I bequeath twenty pounds to be distributed and disposed of among poor London householders, wherever it can be applied to most effect, at the best judgement of my executors. I bequeath £10 to be disposed of among the poor and the needy residing in the parish of St. Antholin. I bequeath £10 to be disposed of among poor men of my **mystery** in London, applied wherever it seems to my executors needed and appropriate. I bequeath 4d. to each person incarcerated in the **prisons** of Newgate, Ludgate, Fleet, **Marshalsea, and King's Bench**, to pray for my soul. I wish my executors to reward all my other servants whom I have not named in this testament; that is, to each of them according to the good service they have given me, according to the best judgement of my executors. I bequeath one hundred pounds to dispose of in discharging those held in the prisons of Ludgate and Newgate for debts of forty pounds and more, giving to those imprisoned a hundred shillings in each case where having it will bring about their release, without any deceit, fraud or deception.

I bequeath twenty pounds to each of my executors for willingly shouldering the burden of fulfilling this my testament. As for the residue of all my goods, chattels, and debts [owed me], wherever they may be (after my own debts have been paid, my burial has been duly and properly taken care of, and this my testament has been fulfilled) I give and bequeath them in their entirety to be put towards, distributed, and disposed of for my soul and the other souls mentioned, by my

executors – especially, chiefly, and principally by my son Thomas Knolles my chief executor – both through the celebration of masses, hand-outs to the poor, road repairs, dowries for poor girls of good reputation, and discharge of the debts of those imprisoned as debtors, and through the purchase of russet cloth to be made into gowns to clothe and attire poor and needy men and women; [this to be done] to [my] best advantage, whether in the city of London or in the countryside, along with other charitable works such as seems to my son Thomas most likely to please God and further the salvation of my soul and the other souls mentioned.

Of this my testament I make, designate and appoint my son Thomas Knolles as my chief executor and Richard Hakedy citizen and grocer of London as his co-executor and assistant, to carry out truly and faithfully each and every thing specified above. In testimony to which, I have set to my seal to this document. Drawn up at London on the above date.

[Codicil 1:]

In the name of God, Amen. I, Thomas Knolles senior, citizen and grocer of London, being of sound mind and memory, have on 12 July 1432, in the tenth year of the reign of King Henry VI, made and set out my testament in the following manner concerning one of my **tenements** with appurtenances that once belonged to **Richard Odyham** senior, once a citizen and grocer of London, in the parish of St. Antholin in London.

First, I leave and commend my soul to almighty God, my creator and my saviour, to the Blessed Virgin Mary his mother, and to all the saints, and my body to be buried wherever God decides it should be. By this my testament I, Thomas Knolles, I give and bequeath to Robert Wydyton, citizen and grocer of London, and his wife Elizabeth, daughter of the late Richard Odyham and widow of **John Oxneye**, once a citizen and grocer of London, all that tenement with its appurtenances which is situated between the tenement once of John Haddele on the west side, the tenement of the rector of the church of St. Antholin on the east side, and the cemetery of the church of St. Antholin on the south side. Which tenement with appurtenances I,

Thomas, together with dom. John Snell clerk (who released his right and claim therein to me, Thomas Knolles, and my heirs and assigns in perpetuity) once had to myself, my heirs and assigns in perpetuity through the grant and feoffment of Elizabeth during her first widowhood; as is more fully set out in a certain deed thereof made out to John Snell and myself, the said Thomas Knolles, and read out and enrolled in London's **husting** session of pleas of land held on 28 July 1410. Robert Wydyton and his wife Elizabeth and their assigns are, for the lifetime of whichever of them lives longer, to have and to hold the entire tenement with its appurtenances of the chief lords of that fee by the services due therefrom and customarily owed by right.

I give and bequeath to Lady Joan Welles, nun in Sopwell nunnery near the town of St. Albans, daughter of that same Elizabeth an annual rent of thirteen shillings and fourpence, to be received by Lady Joan Welles after the deaths of Robert and Elizabeth from that tenement with appurtenances each year at the four principal terms in equal portions, throughout the entire natural lifespan of Lady Joan Welles, together with the power to **distrain** on the tenement and its appurtenances for the rent as often as may be necessary.

I wish and bequeath that the entire tenement with its appurtenances, immediately following the death of whichever of Robert or Elizabeth is last to die, shall remain in its entirety to Joan Saundres, widow of Thomas Saundres and sister of Elizabeth. Joan Saundres is to have and to hold for life the tenement with appurtenances of the chief lords of that fee by the services due therefrom and customarily owed by right, except for the right of Lady Joan Welles in and to the aforementioned annual rent of thirteen shillings and fourpence for the term of her natural life.

I wish, bequeath and provide that after the deaths of Robert and Elizabeth and the death of Joan Saundres the entire tenement with its appurtenances remain in its entirety to Stephen Broun, Nicholas Wyfold, and Ralph Say, presently the wardens of the Grocers Company of the city of London and to the community of that mystery. The wardens and community of the Grocers Company and those who succeed them at any given time are to have and to hold in perpetuity in pure and perpetual **almoign** for the support and relief of poor

members of their community in perpetuity of the chief lords of that fee by the services due therefrom and customarily owed by right, except for the right of Lady Joan Welles in and to the aforementioned annual rent of thirteen shillings and fourpence during her natural life, as specified above. Of this my testament I make, designate and appoint as my executors my son Thomas Knolles, citizen and grocer of the city of London, John Snell clerk, and Richard Hakedy, citizen and grocer of the same city. In testimony to which, I have set to my seal to this document. Drawn up at London on the above date.

[Codicil 2:]

In the name of God, Amen. I, Thomas Knolles senior, citizen and grocer of London, being of sound mind and memory, have on 29 June 1435 in the thirteenth year of the reign of King Henry VI made and set out my testament in the following manner with regard both to my brewhouse called the Crane on the Hoop with its appurtenances in Fleet Street in St. Dunstan's parish in the suburbs of London, which once was Thomas Duke's, and to my shop with dwellings built above it and their appurtenances situated in the parish of St. Michael Cornmarket in West Cheap, London.

First, I leave and commend my soul to almighty God, my creator and my saviour, to the Blessed Virgin Mary his mother, and to all the saints, and my body to be buried in the church of St. Antholin, London.

I give and bequeath by this my testament to mag. Reginald Kentwode, dean of the cathedral church of St. Paul of the city of London and to the chapter of that place and their successors the entire house that is my brewery called the Crane, with all vessels and utensils (moveable and immoveable) that belong to the brewhouse, and all other of its appurtenances. Which brewhouse with appurtenances I, Thomas Knolles senior, lately had for myself, my heirs and assigns in perpetuity, by the demise and feoffment of Thomas Pulter clerk. The which brewhouse, called the Crane, with appurtenances is situated beside the tenement once held by William Yeman, belonging to the church of St. Dunstan, Fleet Street, to the west, and the tenement of the said dean and chapter to the east; and it extends in length from that tenement of dean and chapter at the north end, as far as the highway

of Fleet Street at the south end.

I also give and bequeath by this my testament to the dean and chapter of St. Paul's church and their successors my entire shop with dwellings built above and its appurtenances in the parish of St. Michael Cornmarket. Which shop with dwellings built above and appurtenances I, Thomas Knolles, lately had for myself, my heirs and assigns in perpetuity, by the demise and feoffment of Thomas Pulter and John Fuller clerks. And which shop with dwellings built above and appurtenances is situated between tenements that belong to St. Paul's church on the east and west sides, the highway of West Cheap on the north side, and the great belltower of the church of St. Paul on the south side.

The dean and chapter and their successors are to have and to hold in perpetuity the brewhouse called the Crane in Fleet Street together with all vessels and utensils (moveable and immoveable) that belong to the brewhouse, and its other appurtenances, as well as the shop with dwellings built above and its appurtenances in the parish of St. Michael Cornmarket, in pure and perpetual alms, of the chief lords of that fee by the services due therefrom and customarily owed by right; [in return] for praying during all future time for my soul, the souls of all to whom I am obliged, and those of all the faithful deceased. Of this my testament I make, designate and appoint as my executors my son Thomas Knolles, Richard Hungate, William Aston, and John Stafford. In testimony to which, I have set to my seal to this document. Drawn up at London on the above date.

[Codicil 3:]

In the name of God Amen. I, Thomas Knolles senior, citizen and grocer of London, being of sound mind and body and my memory good, on 26 May 1432 in the tenth year of the reign of King Henry VI have made and set out my testament in the following manner.

First I leave and commend my soul to almighty God, my creator and my saviour, to the Blessed Virgin Mary his mother, and to all the saints, and my body to be buried in a tomb in church as is specified in more detail in my other testament concerning my moveable goods.

I give and bequeath to brother John Snell, warden, preceptor or master of the house or hospital of St. Antholin of London my entire shop with a solar built above it and its other appurtenances, located in the parish of St. Benet Fink in Bread Street ward in the city of London. That is, between the tenement belonging to the house or hospital of St. Antholin on the south side, and the tenement of the abbot and convent of **St. Mary Graces** by the Tower of London (which was formerly [the property] of Richard de Plessis, archdeacon of Colchester) on the north side; and it extends from the highway leading to the church of the Augustinian friars of the city of London at the west end, as far as the building of the house or hospital of St. Antholin at the east end. Which shop with solar above and appurtenances I, Thomas Knolles senior, recently acquired with Thomas Knolles junior my son, for myself, my heirs and assigns in perpetuity, by the grant and enfeoffment of John Tunbyk, alias Petresfeld, ironmonger, Richard Lyndesay scribe, and Thomas Balle ironmonger, citizens of the city of London, as is more fully set out in a certain deed made to that effect and read out and enrolled in the London husting session for pleas of land on 28 January 1432; and in which Thomas Knolles junior, by his document dated 2 March of the same year, turned over, released and quitclaimed to me, Thomas Knolles senior, and my heirs and assigns in perpetuity all right or claim he had in that shop with solar above and its other appurtenances, as is more clearly specified in the said document. John Snell warden, preceptor or master and the brethren of the house or hospital of St. Antholin of London and their successors are to have and to hold in perpetuity the shop with solar above and its other appurtenances of the chief lords of that fee by the services due therefrom and customarily owed by right, in the following manner and under the following conditions.

Viz. that the warden, preceptor or master and the brethren of the house or hospital, and their successors at any given time, shall provide and support in perpetuity a lamp continually burning in the chancel of the church or chapel of the house or hospital of St. Antholin. Also, that the warden, preceptor or master and the brethren at any given time of the house or hospital, and their successors in later times, shall every year in perpetuity celebrate or have celebrated publicly, solemnly, and devoutly full services for the dead for the oft-mentioned brother John Snell, warden, preceptor or master of the house or hospital of St. Antholin on the Friday after the festival of St. Gregory the pope next

following the anniversary of the death of that brother John Snell, warden, preceptor or master, in the church or chapel of the aforementioned house or hospital of St. Antholin; [this for the benefit] of the soul of brother John Snell, warden, preceptor or master of the said house or hospital and the souls of his parents and benefactors and all the faithful deceased. Moreover, it is my wish and provision that the warden, preceptor or master of the house or hospital then in office, and his successors in later times, shall each year have and receive 12d. for his labour in arranging the anniversary, that each brother or other priest of the house officiating there at that time shall have and receive 6d. for his labour, and as well that each clergyman of the house or hospital for his solemn intercession and other efforts on this matter shall have and receive 4d. What is more, I wish that the warden, preceptor or master of the house or hospital and its brethren, and their successors in later times, each year in perpetuity on the day of the anniversary in memory of brother John Snell warden, preceptor or master of the hospital, following the celebration of a requiem mass, have the obligation to give out 13d. in alms to 13 needy paupers, and in fact do so, for the soul of brother John Snell warden, preceptor or master of the house or hospital of St. Antholin and for the souls mentioned above.

If the warden, preceptor or master of the house or hospital and the brethren, or their successors in later times, do not provide the burning lamp as specified above or in any way through negligence default in the commemoration on the date indicated above of the anniversary of brother John Snell, warden, preceptor or master of the house or hospital of St. Antholin, or if they fail to pay the money to the brethren, clergymen, or paupers, as specified to be paid as alms by my above bequest, in part or wholly, contrary to the intent of this my testament, and this should be proved convincingly and with due process by [the witness of] two or three reputable and respectable men before the mayor and sheriffs of London, or some other judge with jurisdiction in such matters; then, it is my wish and bequest that, because of the default and negligence, it be permissible for the heirs of myself, Thomas Knolles senior, to have and receive an annual compensation of 6s.8d from the shops with solar above and appurtenances. And, if necessary, to distrain on the shop with solar above and appurtenances for that annual payment of 6s.8d., and to carry off the items taken as distraint and keep them in their possession

until they have been fully and legally satisfied for the annual payment of 6s.8d, together with all arrears built up to that time. This to be so as often and whenever default or negligence occurs in these or any other matters. Of this my testament I make, designate and appoint as my executor my son Thomas Knolles junior. In testimony to which, I have set to my seal to this document. Drawn up at London on the above date.

Also I, Thomas Knolles senior, have the following wish: that those who are my co-feoffees in trust of and in all my lands and tenements, rents and services, reversions, [with] houses, shops, buildings, cellars, solars, and all their other appurtenances in the London parishes of St. Antholin, St. Thomas the Apostle, St. Martin in the Vintry, All Hallows Honey Lane, All Hallows on the Wall, and anywhere else in the city, together with the advowson of the church of All Hallows Honey Lane, London, immediately after my death enfeoff my son Thomas of and in each and every of those lands, tenements, rents, services, and reversions, with houses, buildings, shops, cellars, solars and their other appurtenances together with the advowson of the church of All Hallows Honey Lane. My son Thomas, his heirs and assigns to have and to hold in perpetuity. I also wish that those who are my co-feoffees in trust of and in all my manor of North Mymms with its appurtenances, in Hertfordshire, and of and in all my other lands and tenements, rents and services with appurtenances in Hertfordshire, as well as of and in my lands and meadows with appurtenances in Lambeth in Surrey, immediately after my death enfeoff my son Thomas in and of the manor, lands and tenements, rents and services with their appurtenances in Hertfordshire and in and of the lands and meadows with appurtenances in the parish of Lambeth. My son Thomas, his heirs and assigns to have and to hold in perpetuity.

[2. The last will and testament of Robert Chichele]

In the name of God, Amen. On 5 June 1439, in the 17th year of the reign of Henry VI, king of England, I, Robert Chichele, citizen and grocer of the city of London, being of sound mind and memory, make and set out my testament concerning my moveable possessions, in the following manner. First, I leave and commend my soul to almighty God, my creator and my saviour, to the Blessed Virgin Mary his

mother, and to all the saints, and my body to be buried in the nave of the parish church of St. James Garlickhithe, London, of which I am presently a parishioner.

I bequeath to the reverend lord Henry, by the grace of God archbishop of Canterbury, my brother, each and every pearl that I own, or whatever sort it may be, large or small. I bequeath to the rector of the church of St. James 40s., that the rector may say special prayers for my soul. I bequeath to each chaplain of that church who celebrates there and undertakes services to pray especially for my soul, 13s.4d. I bequeath to each of the parish clerks of that church 6s.8d, also to pray for my soul. I bequeath towards the structural fabric of that church, for my burial as pre-arranged, £10. I bequeath to each of the four orders of mendicant friars in the city of London (that is, the Augustinians, the Minorites, the Preachers, and the Carmelites) 40s., that the brothers specially commend my soul to God. I leave 20s. to the friars of the order of the Holy Cross next to the Tower of London, on the same condition. I leave £10 to be expended on and distributed among chaplains who celebrate services within the city of London and its suburbs; each chaplain to receive 4d. for as long as the £10 holds out, so that they may pray for my soul.

I bequeath £20 to be distributed in the same fashion among prisoners held in the gaols of the city of London and its suburbs or persons laid up in hospitals within the city and suburbs, each prisoner or patient to receive 4d. while the £20 lasts. I bequeath to the convent of **Tandridge** £6.13s.4d to pray specially for my soul. I bequeath £60 for the marriage of thirty girls of good reputation; that is, 40s. to each of the thirty girls as her dowry. I bequeath £60 towards **acquitting and freeing** from gaol various prisoners detained in the gaols within the city of London and its suburbs, or in the King's Bench and Marshalsea; to go as far as it will stretch, on the understanding that no more than 20s. maximum be paid for the acquittance and freeing of any single prisoner. I leave £133.13s.4d to be distributed among prisoners held in the gaols within the city of London and its suburbs, as well as in the King's Bench, Marshalsea, and the gaol of the abbot of Westminster; that is, each week for the two years following my death, 26s.8d for the purchase of bread to be distributed among those prisoners, so that the prisoners in those gaols receive weekly a loaf

worth a halfpenny, throughout those two years. I bequeath £20 to be distributed among poor householders in the **Vintry and Queenhithe** wards, at the discretion of my executors identified below. I bequeath my nephew, John Chichele, £20. I bequeath £20 to have twenty **trentals** celebrated in St. Gregory's for the souls of myself, my wives Elizabeth, Agnes, and Agnes, as well as those of my parents, friends, and benefactors, together with all deceased Christians. I bequeath to John Stystede, my servant, and his wife £10. I bequeath £20 to be distributed, at the discretion of my executors, among my other servants who are in my service in London on the day I die. I bequeath £20 to be distributed among the parish churches of Higham Ferrers, for their fabric. I bequeath to Thomas Spytele £5. I bequeath £20 to support poor brethren of the London grocers' company. I bequeath £5 to Anthony Astell, fishmonger of London. I bequeath £5 to his brother, John Astell, saddler of London. I bequeath to **Lady Florence**, the widow of John Darell and daughter of William Chichele, my brother, £10. I bequeath £10 to **Thomas Knolles**, citizen and grocer of London. I bequeath £10 to the master of the college of Higham Ferrers and his colleagues of that place, to pray specially for my soul. I bequeath 100s. towards the structural fabric of the parish church of Tandridge. I bequeath £5 to be distributed, at the discretion of William Warbylton esq., amongst the poor of Tandridge parish. I bequeath 40s. towards the structural fabric of the parish church of **Sherfield**. I bequeath £10 to William Warbylton.

I bequeath to each of my executors identified below, for undertaking the task of executing this my testament, £10. The remainder of all my moveable goods and chattels whatsoever, after my debts have been paid and my testament fulfilled, I wish and bequeath to be entirely disposed of by my executors in works of charity for [the good of] my soul and the souls of those mentioned above; such as in the celebration of masses, distribution to poor people, repairs to bridges and roads, and other pious uses, just as their good judgement leads them to think will be most pleasing to God and most profitable for the salvation of my soul and the other souls mentioned. I appoint as executors of my testament John Lorchyn grocer, John Broddsworth mercer, John Wyverton fishmonger, and Styfford the draper, citizens of the city of London. In testimony to which matters I have put my seal to this testament. Drawn up at London, on the day and year

indicated above.

In the name of God, Amen. Memorandum that the present codicil, made on 17 December 1438 in the 17th year of the reign of Henry VI, king of England, contains the last will of me, Robert Chichele, citizen and grocer of London, in regard to the disposition of my lands and tenements described below in the city of London, in which various persons in whom I have highest confidence are **feoffees to my use**. That is:

First I wish and require that my executors, as soon after my death as they are able, by the best means that they know, and without any fraud, sell all the lands and tenements described below. That is, all of my lands and tenements in the parish of St. Michael Queenhithe, London, and my great tenement of which Sir Ralph Botiller is at present the tenant in the Vintry, in the parish of St. James Garlickhithe, London, as well as the whole of the great tenement or lodging-house in which I am now living in the same parish of St. James, together with a certain other tenement in which William Abraham is at present the tenant in that parish of St. James and which is situated next to and adjoined to the great tenement in which I live. And that my executors dispose of the money received from the sale in the following way, that is:

First, to the boys or **children of John Chichele**, my nephew, £133.13s.4d to be divided equally among them; if any of John Chichele's children should die **[before coming of age]** then his portion passes to the other, surviving children of John Chichele, and so with each of them.

Towards the structural fabric of the church of Romford, so that the rectors or vicars, the wardens, and the parishioners of Romford church hold in that church each year in perpetuity a celebration of the anniversary of my death, for my soul and the souls of my wives Agnes, Elizabeth, and Agnes: £20.

Towards the structural fabric of the parish church of St. Antholin, London, so that special prayers be said for my soul and the souls mentioned: £10.

Towards the structural fabric of the parish church of St. Michael Queenhithe, London, on condition that special prayers be said for my soul and the souls mentioned, £10. Towards the structural fabric of the church of St. Dunstan in the East towards the Tower of London, so that prayers be said for my soul and the souls of **William Baret** and his wife Eleanor: £10.

Towards the structural fabric of the parish church of Wimpole, so that prayers be said for my souls and the souls of **William Staundon** and his wife Agnes, £10. Towards the maintenance of the bridge at Rochester, Kent, £20. Towards the maintenance of London bridge, £20. Towards the maintenance of the Guildhall of the city of London: £20.

Towards work on the bridges at Higham Ferrers and **Hartlebury** – that is, for work on each of the bridges – £10. To my poor relations in the parishes of Higham Ferrers and **Souldrop**, as well as other poor people in those same parishes, £20. To lepers, the poor infirm, and lunatics in the **following hospitals**: St. Giles outside Holborne gate, London, the New Hospital of St. Mary outside Bishopsgate, London, St. Mary of Bethlehem outside Bishopsgate, London, Saint Bartholomew of West Smithfield, London, and St. Thomas the Martyr in Southwark; £100 to be distributed in the following manner: bread and ale bought for and delivered to the lepers, poor infirm, and lunatics every week, that is 2s. per hospital per week for as long as the £100 lasts.

The remainder of the proceeds from the sales of the aforementioned lands and tenements I wish my executors to dispose of in its entirety by spending it on dowries for poor maids of good reputation, on repairs to the king's highways, on the relief of those poor persons in greatest need (whether in London or in the countryside), on handouts to poor prisoners, and on other works of charity, according to the best judgement of my executors, for my soul, the souls of my parents, and the souls of William More, my wives Elizabeth, Agnes and Agnes, Richard Merlawe, all others who merit it, and all deceased Christians.

I also wish and require my feoffees to turn over their rights and tenancy of the aforementioned tenements, which I have assigned to be

sold, to him or them to whom my executors shall sell them.

I wish and require that immediately after my death my feoffees of and in my tenement with appurtenances located in the parish of St. Laurence Pountney, London, surrender their rights and tenancy to my servant Simon Pynkeherst, for him and his heirs and assigns to hold in perpetuity. In testimony to which matters, I have put my seal to this codicil, being my last will. Drawn up at London, on the day and year indicated above.

In the name of God, Amen. On 17 December 1438, the 17th year of the reign of Henry VI, king of England, I, Robert Chichele, citizen and grocer of the city of London, being of sound mind and memory, make and set out my testament concerning my tenements located in the parish of St. Antholin, London – that is, between the tenement formerly of John Hadle on the east side, the highway called Soper Lane on the west side, the tenement of the prior and convent of the hospital of St. Mary outside Bishopsgate to the north, and the highway called Watling Street to the south – in the following manner. That is, by this my testament I give and bequeath each and every tenement with appurtenances to the master or warden of the College of the Blessed [Virgin] Mary, St. Thomas the Martyr, and St. Edward the Confessor of Higham Ferrers, **lately founded by my brother**, the right reverend father in Christ, dom. Henry, archbishop of Canterbury by divine permission, and to the chaplains and their colleagues of that place. The present master or warden, chaplains, and fellows of the college, and their successors as masters or wardens, chaplains and fellows of the college, to have and to hold in perpetuity all those tenements with appurtenances of the chief lords of the fees by the services due therefrom and the customary rights, to assist with the support of poor people duly living in the hospital lately founded and built there by the lord archbishop, my brother; for the purpose of carrying out and fulfilling in perpetuity all my wishes and requirements written below. That is, first that the master or warden, chaplains and poor people make special mention in their prayers, masses, and devotions of my soul, the souls of my parents Thomas and Agnes, William More, my wives Elizabeth, Agnes and Agnes, my brother William Chichele, and his wife Beatrice, as well as my friends and benefactors, and all faithful Christians deceased. I further wish and require that the master or warden, the chaplains and their fellows

of the college, and their successors in perpetuity, each year observe and celebrate in the parish church of Higham Ferrers divine offices [... the medieval clerk has not finished transcribing the will].

[3. The last will and testament of John Welles]

In the name of God, Amen. On 7 June 1442 in the 20th year of the reign of King Henry VI, I John Welles, citizen, grocer and alderman of the city of London, being of good and sound memory, make and set out in the following manner this my testament containing my last will. First, I leave and commend my soul to almighty God, my creator, saviour and redeemer, to the Blessed Virgin Mary the glorious mother of God, and to all the saints, and my body to be buried in the chapel of St. John the Baptist and St. John the Evangelist which I provided for and built on south side of the church of St. Antholin, London.

It is my first and foremost wish and bequest, before all other things, that each and every of my debts be faithfully paid. After which, I bequeath twenty shillings to the high altar of St. Antholin's church, to relieve my soul of the burden of **tithes and offerings** I have forgotten or failed to give. I bequeath £13.6s.8d to the making of a new canopy with fittings for hanging the body of Christ above the high altar of the church, as per the instructions of Thomas Knolles, John Chichele or mag. William Cleve clerk – and not to be put to any other use. I bequeath £200 to provide for a suitable and respectable chaplain to celebrate divine services for the 30 years following my death in that chapel of St. John the Baptist and St. John the Evangelist, for the souls of myself, my late wife Margery, as well as the souls of my father John and mother Isabelle, the father John and mother Marion of my late wife Margery, and also for the souls of our friends and benefactors and all the faithful deceased. I wish that the chaplain who shall thus celebrate of my soul and the souls of the others shall be present in his own surplice and participate every day in each and every of the **canonical hours** and masses in the choir of the church of St. Antholin – singing, reading, reciting psalms and versicles, praying and interceding – as he should wish to answer for (that he has nothing failed to do) before the highest authority on Judgement Day.

Also, I bequeath £60 to support the holding and observance of the obit or anniversary of myself and my wife Margery, as well as our fathers

and mothers, each year for the 30 years following my death; that is, during the night [to chant] the **Placebo and Dirige by note** and on the following day a requiem mass by note in the church of St. Antholin. It is my wish that, each year during the period of 30 years when the obit or anniversary is thus held, 40s. of the sixty pounds be spent, laid out and disposed of by the wardens of the **Grocers Company** of the city of London in the following manner. Viz. 3s.4d to the mayor of the city of London then in office, as long as he attends my exequies; 20d. to either city sheriff then in office who is present; 12d. to he who bears the sword before the mayor, for being there; 3s.4d to each of the three wardens of the city grocers for being present there. Also, 11s.8d on wax, spices, bread, wine and ale; 6s.8d to priests, clerks, and bell-ringers; and 4s. to the most needy poor people of the parish of St. Antholin.

It is my wish that the £200 to provide chaplains and the sixty pounds to support my obit or anniversary, bequeathed by me as specified above, be delivered by my executors to the wardens of the mystery and community of city grocers by means of indentures between the rector and churchwardens of St. Antholin then in office and the wardens of the Grocers Company then in office, for execution by the hands of the successive wardens of the Company for the duration of the 30 years. On the understanding that each year the newly elected and instituted wardens of the Grocers' Company **provide security** to those who had been Company wardens in the previous year for whatever remains of the aforementioned sums.

I bequeath to Thomas Knolles, citizen and grocer of London, my **psalter** written in Latin, my best gold chain with a cross hanging from it [decorated] with diamonds and **balases**, my rosary with the Lord's Prayer, ten Ave Marias, and the Apostles Creed in gold, and my cypress chest. I bequeath to John Chichele a cup called "Standingcup" of gilded silver and my gold ring called "Mase" and £10. I bequeath to clerk William Clyve clerk my ... , £10, and a chest. I bequeath to John Routhe my best furred gown and £10.

I bequeath to William Osbarn, the son of my late wife Margery, two cups; that is, one called "Pear" and the other called "Apple", my silver balance called "goldbalance", my sword, my **baselard**, all my harness

and equipment required for a horse, and all my armour, as well as my bed with an **arras tester**, curtains, and **valance** belonging to that bed. I bequeath £20 to Walter Hunte grocer. I bequeath to Robert Gayton grocer a cup called "Standingcup" of gilded silver. I forgive my servant Henry Archer the entire debt he owes me, and I bequeath the same Henry Archer £10. I bequeath £6.13s.4d to Robert Loumour. I bequeath £3.6s.8d to little John, my boy[-servant]. I bequeath £3.6s.8d to John Portour. I bequeath £6.13s.4d to Thomas Howerwode. I bequeath £3.6s.8d to my kinsman Thomas Fastolf. I bequeath 40s. to little Oliver. I bequeath 20s. to John Martyn. I bequeath £20 to Margaret Cartmell, on condition that if she should happen to marry hereafter, she do it with the consent and approval of my executors named below. It is my wish and bequest that the £20 I leave to Margaret, as indicated above, be and remain in the safekeeping and under the control of my executors until Margaret comes of legal age or is married with the consent of my executors. Should Margaret die before coming of age or marrying with my executors' consent, then it is my wish that my bequest of £20 be faithfully distributed by my executors, at their discretion, in pious works of charity for my soul and the other souls already mentioned. I bequeath 20s. to Agnes Russell. I bequeath £10 to my servant John. I bequeath £10 to my servant Alice Pankbourne. I bequeath 40s. to my servant Anne. I wish that each and every of my servants not named above, who serve or have served me, receive a reasonable reward at the discretion of Thomas Knolles. I bequeath 20s. to John Stede of Lewisham. I bequeath my best **primer** to Elizabeth Marchall. I bequeath my second best primer to **Beatrice Knolles**. I bequeath twelve pounds of "Malik" **silk** to the wife of John Routhe.

I bequeath one hundred shillings towards work on the parish church of **St. George Muspole** in the city of Norwich, in whose holy font I was baptized. I bequeath to each order of mendicant friars in the city of London – that is Carmelite, Augustinian, Preacher, and Minor – on condition they devoutly pray for my soul, 40s. **at the discretion of my executors**. I bequeath to the friary of the **order of Holy Cross** next to the Tower, 40s. at the discretion of my executors. I bequeath to poor prisoners in the gaols of Marshalsea, King's Bench, Fleet, the two counters of the London sheriffs, Ludgate and Newgate, 40s. per gaol at the discretion of my executors. Also, 40s. to the lepers in **St.**

Giles hospital. I bequeath 40s. to the lepers at the "lokes" outside St. George's gate, and 40s. to the lepers at Hackney, at the discretion of my executors. I bequeath 20s. to each **anchorite** within the city of London and its suburbs. It is my wish that the two chalices, four sets of priestly robes, one pair of silver **cruets**, and two pairs of **latten** candelabra currently in my chapel shall remain in that chapel for the future, to be used for the worship of God for as long as they are serviceable.

I bequeath £33.6s.8d towards the construction and erection of a new **boundary marker** for my ward of West Cheap, under the supervision of John Chichele, Thomas Knolles and William Clyve. I bequeath £20 towards **upgrading** the water supply by provision of a conduit, paid out at the discretion of my executors. I bequeath £20 towards the repair of London Bridge, to be paid out at the discretion of my executors. I bequeath £6.13s.4d towards the repair of the highway between **Sydenham** and London, at the discretion of my executors. I bequeath £10 to poor householders within Cordwainer ward, especially those in the parish of St. Antholin, to be distributed at the discretion of my executors. I bequeath five pounds to Joan the widow of John Kyngescote.

It is my wish that after my death my feoffees of and in all my lands and tenements with appurtenances situated in Tower Street, London, which I acquired from William Burton citizen and grocer of London, transfer possession of all those lands, tenements and appurtenances to the wardens of the **mystery and community** of grocers of the city of London. The wardens, and their successors as wardens of the company, are to have and to hold in perpetuity, for providing relief and help to poor members of the company residing, or to reside in future, in the newly-constructed tenements next to the grocers' hall in the parish of St. Mildred Poultry, London. On the conditions that: for all future time those poor people say special prayers for the souls of myself and my late wife Margery, the souls of our fathers and mothers, and the souls of all the faithful deceased; the company wardens hold and observe annually, throughout the thirty years mentioned above as following immediately after my death, my obit or anniversary in a decent fashion, as described above.

It is my wish that all my lands and tenements with appurtenances situated in the parishes of St. Mary Magdalene Old Fish Market, St. Peter Paul's Wharf, St. Michael Paternoster Royal, and St. Swithin Candlewick Street in the city of London be sold by my executors or their executors as quickly after my death as they may and for as good a price as they know how. And that the money received by those vendors from such sale of my lands and tenements with appurtenances be faithfully disposed of and distributed through charitable works, as they judge best for my soul and the other souls mentioned above. I wish, entreat, and require each and every of those who are my feoffees to use in all my aforesaid lands and tenements with appurtenances in those parishes of St. Mary Magdalene, St. Peter, St. Michael and St. Swithin, on the basis of the great trust I place in them, to transfer possession of all those lands and tenements with appurtenances to him or them to whom my executors (or their executors) shall sell those lands and tenements with appurtenances, when they are required to do so by my executors (or their executors).

It is my wish that as soon as possible after my death my manor of Sydenham, in the parish of **Lewisham**, in the county of Kent, along with its appurtenances and all other lands, tenements, rents and services with their appurtenances that I had or have in that parish be sold by my executors. And that the money received therefrom be disposed of by my executors to carry out my will, as set out in this testament, and on charitable works for my soul and the soul of my late wife Margery, as they think best pleasing to God. Provided always that prior to the sale or in [the terms of] the sale they make good and sufficient provision for William Osbarn to have and receive for life from that manor with appurtenances an annual rent of forty shillings, [payable] at the usual two terms during the year, with power to **distrain** on the manor with appurtenances for the rent and its arrears, whenever during William's lifetime that rent might happen to be partly or wholly in arrears. I wish, entreat and require that all my feoffees in that manor, lands and tenements with appurtenances, on the basis of the great trust [I place in them], transfer possession therein to him or them to whom my executors shall make the sale, when reasonably required, without any delay or refusal whatever, as they shall wish to answer for before God.

It is my wish that after my death my executors transfer the years

remaining on my lease of a mansion with shop and garden attached in the parish of St. Antholin, London, to some particularly respectable member of my own mystery in the city of London, as suits them and is considered expedient. And that the money received by my executors from the sale of the lease be disposed of for my soul and the souls mentioned above in whatever way they anticipate may please God and benefit the salvation of my soul.

It is my wish that if the aforementioned William Osbarn is not content with what I have bequeathed him above, but instead harasses in any way my executors indicated below, or if William or anyone else on his behalf or in his name through any wiles, fraud, or trickery disturbs my feoffees in my above-mentioned manor, lands and tenements with appurtenances, or makes any legal claim to the manor, lands and tenements with appurtenances (or any portion thereof), contrary to what is set down in my last will, then I wish that each and every of the above legacies that I have made to William be considered null and void.

As for all the rest of my goods and chattels, whatever and wherever they may be, after my debts are paid, my testament is fulfilled, and my funeral expenses fully dealt with, I give, bequeath and assign them to be distributed and disposed of by my executors in pious uses and charitable works for my soul and the souls mentioned above, in whatever ways my executors anticipate may best please God and benefit the salvation of my soul. As executors of this my testament, I make, designate and appoint Thomas Knolles, John Chichele, mag. William Clyve, and John Routhe. In testimony to which, I have set to my seal to this testament. Drawn up at London on the above date.

DISCUSSION

Thomas Knolles | Robert Chichele | John Welles

These three documents – which I have broken up into paragraphs to make for easier reading – embody to some degree the thoughts and preoccupations of three contemporaries as they approached death, although it is difficult to know how much the terminology of testamentary instruments reflect the character of the testator and how much that of the scribe who drafted them. Knolles, Chichele and Welles must have known each other quite well, from being in the same business, from social interaction (particularly in the case of the pair living in the same parish), and from service together in London's government. The three documents show differences and similarities, the latter above all in the provision for pious and charitable works, supporting the interpretation that some historians favour of wills and testaments being primarily tools to provide for the health of the soul in the afterlife, by arranging for proper funeral ceremonies and prayers to be said in the years that followed. This interpretation seems more supportable for testators who were as wealthy, powerful and influential as the three men here; those leaving briefer and terser wills are not so focused on this aspect of testamentary provision.

Thomas Knolles

The family of Thomas Knolles, or Knollys, believed itself related to Sir Robert Knolles, who had been a military commander of Edward III's forces in France and later helped protect London during the Peasants Revolt; Thomas acted as one of his executors in 1389, although it is not known what their relationship was, and Thomas' father was probably a Richard Knolles. Thomas had no less a distinguished career than Sir Robert, in his way, through service to his community. He was on a par in terms of his influence and wealth with contemporaries **Richard Whittington** and Robert Chichele, and – like them – a long-liver. Knolles seems to have had a close association with Chichele, both in business and in private life; Chichele's nephew John had married Margery, one of Knolles' daughters.

His first known position of responsibility was as warden of the grocers company in 1387/88, an office he held once more at the further end of his career (1431/32). By the time of his first tenure he was probably already in his mid to late 30s, and his business must have been doing well. Although his commercial activities are not much evidenced, the debts for which he sued indicate that he could invest sizable amounts of money in his business

ventures. His parish church, St. Antholin's, was closely associated with the grocers.

His election as alderman of Dowgate ward in 1393 was preceded by him acting as auditor of accounts of the city guardian of orphans on two occasions, and his status is also seen in him being among 24 commoners chosen to accompany city dignitaries to Nottingham to meet with the king in 1392. In 1397 he transferred from Dowgate to Cordwainer ward, remaining its alderman until his death in 1435. Soon after being made an alderman, he was elected a city sheriff (1394/95) and subsequently served two mayoral terms, in 1399/1400 and 1410/11. His second mayoralty saw the start of the project to **rebuild the Guildhall** on a grand scale; he also contributed a large sum towards the construction of a new hall for the Grocers Company. He represented the city at the parliament of 1416.

On several occasions he supported Henry IV with loans, and was one of five "war treasurers" appointed by the king in 1404. Despite the king being constantly in debt to him, he was willing to continue the loans to Henry V and Henry VI. On the other hand, he is not known to have been heavily involved in supplying the court with its necessaries, nor was he especially active in royal administration. He was briefly a collector of customs at London (1400-01) and served on a number of judicial commissions between 1400 and 1418, but this can hardly be said to have been a major aspect of his career.

With the profits from his business, which he continued to manage up until the end of his life, he gradually acquired properties in several London parishes, providing another form of steady income. Just as friends and colleagues obliged him by acting as trustee or feoffee to use in his property transactions, he too was often called upon to do the same for them – among the number were fellow grocer John Welles. Outside London his landed interests focused on Hertfordshire, where he started to build up an estate in 1391, with the purchase of one-quarter of North Mymms manor; the remainder he purchased in 1428. He also held lands in Essex (apparently disposed of before he drew up his will) and just across the river from the City, in Surrey. Stow assumed Knolles had a knighthood, probably on the grounds of his mayoralty, but this does not seem to have been the case.

Probate of the several wills of Thomas Knolles took place before the prerogative court of the archbishop on 11 July 1435, with administration committed to Thomas junior and Richard Hakedy. Although some of its provisions had been drawn up in earlier years, the final form of the will was evidently put together at Knolles' death-bed. It was not until the following

February that the document also received probate and registration in London's husting court.

Thomas was buried next to his wife Joan, who had died in 1431. The epitaph on their tomb read:

*Here lyeth graven undyr this ston
Thomas Knolles, both flesh and bon,
Grocer and Alderman yeres fortye,
Sheriff, and twis Maior truly:
And for he should not ly alone,
here lyeth wyth him his good wyff Jone:
They weren togeder sixty yere,
And nineteen children they had in feer;
Now ben they gon wee them miss:
Christ have there Sowlys to heven bliss. Amen.*

Of their 19 children, only two sons and three daughters appear to have survived. If we may trust the number in the epitaph, it is probable testimony to the high infant mortality rate even towards the close of the Middle Ages.

Knolles' younger surviving son, William, established himself at Bristol in a grocery business. It is not clear why the father seems to have had some concerns about William, requiring his legacy to be doled out at the discretion of the elder son. Perhaps William brought financial difficulties on himself when young, his relocation to Bristol might be suggestive of the need to leave a past behind. William died without heirs in 1442. Thomas junior took over his father's business and, although he did not achieve the same prominence in community affairs as his father, ran an even more prosperous business. He was buried near his father's tomb in St. Antholin's. His epitaph, destroyed by fire along with that of his father and the church as a whole in 1666, read:

*Thomas Knolles lyeth undre this ston
And his wyff Isabell, flesh and bone;
They weren togeder nyntene yere,
And x chyldren they had in fere.
His Fader and he to this Chyrch
Many good dedys they did wyrch.
Example by him ye may see
That this world is but vanitie;
For, wheder he be smal or gret,
All sall turne to wormy mete.*

*This seyde Thomas was leyd on Bere
The eighth day the moneth Fevrer,
The date of Jesu Crist truly
An Mcccc five and forty.
Wee may not prey, hertely prey ye
For owr Soulys, Pater Noster and Ave,
The sooner of owr peyne lessid to be,
Grant us the holy trinite. Amen.*

Again, only four of his many children are known to have outlived him. The descendant of one rose to an earldom.

At the time of Stow, Thomas Knolles senior was remembered for his part in initiating the rebuilding of the Guildhall, and for his charitable benefactions resulting in the renovation of St. Antholin's, the provision of fresh water supplies for Newgate and Ludgate prisoners, and the poor relief provided through the bequest of his house in Watling Street to the Grocers' Company. The last, next to the churchyard, was still providing a rent of almost £126 in 1863, with the proceeds still being distributed to poor members (or their widows) of the Company. He is also credited with having built the west tower of St Mary's, North Mymms, ca.1428; his **arms** are displayed in one of the church windows.

That, despite having no shortage of heirs to whom to leave his fortune, Knolles assigned a large part of it to charitable works is partly a facet of this type of document: there were laws in place to assure that the heir and the widow were provided for from a man's estate, so testaments of wealthy men often show a preoccupation with means to ease the burden on the soul after death. Historians debate whether such provisions may reflect a guilty conscience of men who likely had built their wealth by means sometimes not entirely scrupulous. Some of the debtors whose plight Knolles wished to alleviate may have found their way into prison through his own legal actions. His attention to returning to Elizabeth Oxneye the property that had been her inheritance, but which as a widow she had sold to Knolles, may reflect him having taken advantage of her widowhood to acquire the property at less than its true value; on the other hand, this provision of his will may alternatively mask past friendships or other social obligations. His provision for his manorial tenants at North Mymms may owe a little to their past mistreatment, in terms of extortionate rent increases; but to give Knolles his due, he had left the running of the manor to his wife and a kinsman and was mortified when informed of the state of affairs by one of the angry tenants.

Robert Chichele

Robert Chichele was one of three brothers who all achieved positions of importance in society. The family was based in Northamptonshire, and this particular line, in the person of Robert's father Thomas, was established by the beginning of the 1360s in Higham, a small Northamptonshire town on the Ferrers estates although after the battle of Evesham it passed into the hands of what later became the duchy of Lancaster. Thomas appears in various roles in the court records of Higham Ferrers from 1363 on, and his prominence in the town is evidenced by his election as its mayor in 1381, and again in 1383; in 1386 he was a collector of a tax in the county. He is little seen after 1391, although he lived to 1400. He had married, probably ca.1350, Agnes Pynchon, believed to have been the daughter of William Pynchon esq.. The Pynchons were a gentry family whose roots were in Essex, although there were branches in other counties. One branch was in London, where John and Walter Pynchon were influential members of the Drapers' Company, and John was alderman of Cornhill Ward by 1389 (dying 1392). It has been suggested that Thomas Chichele may also have been a draper, which could explain the original connection between the families, although no concrete evidence survives.

At any rate, the connection with the Pynchons may explain why and how Thomas' two eldest sons, William and Robert, chose to pursue careers in commerce in London, and were able to rise to prominence in that city. Their younger brother Henry, born ca.1362, settled on a career in the Church and was fortunate to come to the notice of William de Wykeham, Bishop and Chancellor, who had founded a school at Winchester; from Winchester, Henry, progressed to Oxford where he studied civil law. His abilities as a lawyer led to the Bishop of Salisbury taking him into his service in 1396 and he rose to become chancellor of the cathedral in 1404. Whether the Lancastrian connection or his now-wealthy London brothers' influence were a factor or not, he came into the employ of Henry IV, who used him as a diplomat; he was made Bishop of St. David's in 1407. Having served on the king's council, he was chosen Archbishop of Canterbury in 1414, dying in that office in 1443.

Meanwhile, the eldest brother William had become a member of the Grocers' Company by 1373 and served as its warden in 1385/86 and again in 1405/06. One of his clients was Henry Bolingbroke, and this patronage continued after Henry became king. William served the city as warden of London Bridge from 1401 to 1404, as a common councillor representing the grocers in 1402, and had become alderman of Aldgate ward by 1408 in which office he remained to 1420, when he seems to have retired, dying in

1426. After his brother had become archbishop, William benefited by being appointed (1416) steward of the archbishop's liberty. After his death the post was given to his son John Chichele, who married the daughter of wealthy grocer Thomas Knolles – they were said to have had 24 children, although several probably died in childbirth. As an earlier instance of Henry's influence, William's elder son, also William, had been made chancellor of Salisbury cathedral shortly after Henry resigned the post in 1409, despite the fact that William junior was a minor; he later became archdeacon of Canterbury in 1420 (dying in 1424). A Thomas Chichele was archdeacon of Canterbury and an executor of the archbishop in 1443; if this was the son of John, then he too must have received the archdeaconry at an early age.

William senior died in 1426 and chose to be buried in Higham Ferrers, next to his parents, to whom he had already set up a monument there. He returned the favours shown his family by the archbishop by bequeathing him the reversion, following his widow's death, of much of his London real estate; the property became part of the endowment of a college of priests Henry had founded in Higham Ferrers. William's bequests included £10 to buy books for the library recently set up (thanks to **funding bequeathed** by fellow alderman Whittington) in the Guildhall, to help buy a new hall for the Grocers' Company, and for repairs to London Bridge, as well as smaller amounts towards the upkeep of two parish churches. He possessed his own bible and primer, which he bequeathed to his children.

Robert Chichele may well have been introduced into the city by his elder brother. He was certainly in London by 1390. Thomas Knolles was his partner in at least some business dealings. Like his brother, a Lancastrian, he is found lending money to Henry IV and Henry V; he and the archbishop were both supervisors of Henry V's will. His first marriage, ca.1403, was to Elizabeth the widow of wealthy vintner William More; she brought to the marriage property in several parishes, including St. James Garlickhithe, St. Antholin, and St. Michael Queenhithe – prior to his marriage, Robert appears to have been living in a rented house. After Elizabeth's death ca.1421, Robert married Agnes Faryngton, the widow of his friend Richard Marlow, who died about the same time as Elizabeth; this marriage brought him further property both inside and outside the city. He had interests in his own right in other property in Essex, Cambridgeshire, and Surrey, although it is not certain he was the outright owner. He did, however, own a house and agricultural land in Romford, Essex. At an unknown date, Robert married his third wife, Agnes Apulderfield, daughter of a Kentish gentleman. Despite three marriages, Robert gives no indication in his will of any children to inherit his wealth.

Robert served as sheriff of London in 1402/03, and was made alderman of Aldgate ward that same year, switching to Vintry ward in 1407, in which aldermanry he remained to 1425. He was elected mayor in 1411 and again in 1421. He represented the city at parliaments of 1414 and 1415, and perhaps earlier in 1397, standing in for his brother who had the election. Robert also served as warden of the Grocers' Company in 1413/14 and 1417/18. Like his brothers he showed some signs of interest in learning: he commissioned poet Thomas Hoccleve to translate into English at least one ballad, and it was during his second term as warden of the Grocers' Company that its ordinances were translated into English.

The generous bequests made in his will were preceded by gifts during his lifetime. In 1428 he bought from the Grocers' Company a plot of land which he gave to the church of St. Stephen Walbrook, where his brother had once been rector, as a rebuilding site; he then proceeded to finance the rebuilding, personally laying the foundation stone the following year. He was reputed a benefactor to many London churches. His will, made shortly before his death (he being dead by November 1439), left almost £700 for charitable and pious works. The money raised by his executors from sale of his property was largely put towards schemes to help the London poor. The generosity he showed towards prisoners was not atypical, and may reflect some measure of conscience about being a litigator whose actions resulted in the imprisonment of others. Bequests might seek to relieve prisoners of the debts keeping them imprisoned, or to improve **prison conditions** by providing prisoners money with which they could buy food. The pursuit of wealth and status might lead men of business to act ruthlessly towards their fellows; at death, they tried to lighten the burdens on their souls by compensating for such deeds.

John Welles

John Welles was born in Norwich, his father John de Welles already being of some prominence there by the 1360s and chosen as a city representative to the parliament of 1381; his will of 1384 indicates that his son and namesake was not yet 20. The son may well have been apprenticed in London and, although promised an inheritance of property in Norwich, chose to pursue his career as a grocer in the capital. He was already doing well, having acquired property in London and being a supplier of cloth for Henry V's French expedition, by early 1416 when he married Margery, the widow of Welles' fellow grocer Henry Halton (died between October 1415 and January 1416); Margery had previously been married to wealthy fishmonger John Osborn, and she brought to the marriage land in Lewisham

as well as a life interest in Halton's property. A few years later Welles became the legal custodian of Halton's children; because they all died without heirs, Welles was able to profit from what they would have inherited.

He had been called to the service of his community by 1417, when seen in the role of a common councillor; that same year he was chosen as one of the city's parliamentary representatives, a duty he repeated on five later occasions. He was made alderman of Langbourn ward at the end of 1420, remaining therein until 1436 when he transferred to Cheap ward for the last years of his life. A few months before becoming alderman he was elected to a term as a city sheriff. During that term the victorious Henry V came to London with his queen and the Grocers' Company spent a large sum to provide and clothe a large retinue to escort Welles (who had loaned the king a modest sum to support the costs of the recent French expedition) when he participated in greeting the royal entourage. The confidence his fellow citizens had in him is evidenced in him being on a number of occasions called upon to act in roles such as trustee, auditor, or arbitrator, while the Hanseatic merchants active in England chose him, in 1425, as one of the men they would prefer to have act as a judge in mercantile disputes involving them. In 1431 he was elected to a term as mayor of London.

Welles was also very active in the Grocers' Company, serving as its master for six terms between 1426/27 and 1441/42. Although he doubtless built much of his wealth from his mercantile business, he also profited from playing a kind of banker's role for commanders of the English forces fighting in France, who would send him booty and money acquired through ransomes to hold for them (at 5% interest p.a.); while in possession of the money he could invest it in mercantile ventures. Among those for whom he acted as a financial agent was Sir John Fastolf, a Norfolk man who about the time of Welles' death acquired a moated manor house in Lambeth. Welles had some kinship with the Fastolfs; the Thomas Fastolf mentioned in his will may have been the Suffolk gentleman and lawyer who also had interests in Ipswich (although not taking up citizenship there until 1447) and served as its bailiff in 1451/52. Sir John placed a great deal of confidence in Welles and deposited large sums of money in his keeping during the 1420s and '30s; he complained after Welles' death that he was still owed some of this – but Fastolf was suspicious by nature and, although he demanded an inquiry, could never prove anything. Fastolf had also chosen Welles as one of his feoffees-to-use in some of his Norfolk manors, along with Sir Henry Inglose, another distant relation of Welles; and that trio, along with others, were associated in a rent-collecting scheme in London's Dowgate ward. Welles similarly made Fastolf one of his feoffees in his Lewisham manor.

His family and possibly property interests in Norwich, his connections with county gentry, and his experience in London government all help explain why Welles was appointed keeper of Norwich in the summer of 1437, after the king had suspended the city liberties (including local self-government) because of **political factionalism** there. The task must have been demanding for a man then around 70 years of age. Welles continued to allow some of the mechanisms of government to operate during his custodianship, while at the same time trying to bring the parties to a peaceful resolution of differences. The costs of this work proved high, and in November Welles had to have a local tax levied to cover his expenses, ordering that the doors or gates of anyone refusing to contribute be sealed shut. Welles also took advantage of his London connections: it was doubtless at his instructions that John Carpenter, London's experienced town clerk, was kept informed of developments and presumably consulted on constitutional matters. By November the Privy Council was also arguing about the expense of a warden, and it was decided to restore mayoral government provisionally, with Welles staying on to supervise and ensure matters did not deteriorate again. By the following spring, Welles had apparently brokered a settlement and Carpenter was being asked to act as Norwich's agent to request the king restore the city liberties. That restoration came in July, although peace in local politics proved shortlived.

Without his own heirs and evidently not having any high opinion of his stepson, William Osborn, Welles could afford in his last will to direct his wealth to the needs of his soul. His sense of civic responsibility led him to assign unusually large sums towards repairs or improvements of public amenities, while at the same time the bequests to friends and servants seem to reflect the value he placed in human relations. The administration of such bequests must have been onerous for the executors. They had to find buyers for much of his property in order to finance the bequests. They had to face pressure from Fastolf, as well as a complaint before Chancery by a disgruntled servant of Welles. In the months following Welles' death, his executors entered into a written agreement to construct a large window in the Guildhall chapel, a presbytery and other additions, and obtained royal permission and a parliamentary confirmation for construction of the standard and conduit in West Cheap. Welles had helped supervise the construction of the new Guildhall chapel, and his association with the project was close enough that his executors apparently ignored his wish to lie in St. Antholin's and had a tomb erected for him in the Guildhall chapel, bearing the device of two wells that Welles had used on his personal seal. As with Whittington, it was thanks largely to his executors' efforts that Welles was remembered as a great benefactor of the city.



NOTES

"St. Antholin"

The parish church was closely associated with the grocers.

"North Mymms"

A Hertfordshire village about 16 miles north of London and a few miles east of St. Albans; Knolles was its manorial lord.

"Sopwell"

The priory of St. Mary Sopwell lay immediately southeast of St. Albans and was a daughter house of the abbey there.

"Pray"

Could refer to Bray in Berkshire. But given the bequest to Sopwell and Knolles landed interests in North Mymms, it is more likely the reference is to the Hospital of St. Mary de Prae on the northwestern outskirts of St. Albans. Originally founded by the abbey, in meadows it owned, for the care of leprous nuns, the hospital had transformed into an ordinary priory by mid-fourteenth century.

"mystery"

Craft guild, or company as they were known in London.

"Marshalsea, and King's Bench"

Prisons for those convicted, or awaiting trial, by the royal courts; both were in Southwark.

"Richard Odyham"

He died ca. 1407, leaving his wife his tenement in St. Antholin's parish, with remainder to his daughter Elizabeth. Elizabeth's then husband, John Oxneye, died in 1409.

"John Oxneye"

Knolles acted as one of his executors, and took his son as his ward and

apprentice.

"almoign"

Frank almoign, or free alms, was a form of tenure in which the tenant was granted property for the purpose of performing spiritual/charitable services, usually in lieu of such other services due the lords of the fee as could be dispensed with. The tenant was normally a religious institution, although the same type of tenure gradually came to be applicable to other perpetual corporations, being effectively a tenure in mortmain.

"St. Mary Graces"

This was in East Smithfield; it was a Cistercian abbey founded by the king in 1350.

"Tandridge"

In Surrey.

"acquitting and freeing"

I.e. payment of their debts, damages, or fines.

"Vintry and Queenhithe"

Chichele's parish lay in the Vintry ward; Queenhithe was the adjacent ward to the west.

"trentals"

In the context of the one month (30 day) anniversary of the funeral, the term could be applied to masses for the deceased generally, or to a particular service in which thirty masses were celebrated, over the course of a number of days.

"Lady Florence"

Previously married to Sir Nicholas Pecke. John Darell esq. was the third husband she had outlived; Darell, who had died in 1438, had been steward of Archbishop Henry Chichele, sheriff of Kent, and had served the king in numerous roles.

"Thomas Knolles"

This would have been the son of the mayor whose testament is given above.

"Sherfield"

Presumably one of the Sherfields in Hampshire.

"feoffees to my use"

A legal device in which a property holder appears to surrender ownership to others, but in fact they serve as trustees allowing the holder to continue to use the property and/or to redeliver the property at some point in the future, to the real holder or his heirs or assigns. The purpose of "the use" was circumvent obligations or legal entanglements associated with property ownership, and was prevented by a statute in 1535.

"children of John Chichele"

The larger bequest to the children than to John himself may owe something to the nephew's past history as a spendthrift.

"William Baret"

A prominent Londoner. Erroneously believed to have been the father of William Chichele senior's wife. His mention here, combined with the fact that Robert was one of Baret's executors, may indicate a business partnership.

"William Staundon"

Another prominent Londoner for whom Robert served as executor. See his [biography](#).

"Hartlebury"

A small town in Worcestershire.

"Souldrop"

A village a few miles southeast of Higham Ferrers.

"following hospitals"

Information may be found elsewhere about the hospitals of [St. Mary's and St. Giles](#), and [St. Bartholomew's](#). The hospital of St. Thomas in Southwark, for the poor sick, was said to have been founded by Becket, but more likely was founded in his memory a few years after his death.

"lately founded by my brother"

Archbishop Chichele founded the college in 1422, to celebrate for the souls of Henry V, his queen, the archbishop himself, his parents, and others.

"tithes and offerings"

Tithes were a one-tenth share of income (profits from commerce, labour, or agriculture) expected to be paid to the Church by laymen to support its religious activities. This payment was promoted by the Church as a divine law, and gradually enforced by secular law, in contrast to an "offering" which was theoretically voluntary.

"canonical hours"

The regular services taking place at Prime, Terce, Sext, None etc.

"Placebo and Dirige"

These were services for the souls of the dead, said, respectively, at vespers and matins.

"by note"

Musically notated: that is, sung rather than said.

"Grocers Company"

Grocers Company: The terminology used in the testament translates more literally

as "the mystery [i.e. gild] and community of grocers".

"provide security"

I.e. guarantees or guarantors of their proper management of the fund.

"psalter"

A book of the psalms, usually supplemented by other pious texts, used by lay persons as a manual for private devotions.

"balases"

A type of ruby.

"baselard"

A long knife, or short sword. It is often seen in illustrations of men of the late fourteenth and fifteenth centuries, hanging from the girdle (belt) in front of the body.

"arras tester"

A tester was a canopy, sometimes specifically the part placed vertically at the head of the bed; the qualifier arras means that the tester was woven with decorations, like a Flemish tapestry (Arras being a location in Flanders).

"valance"

The drapery fringes around the tester and head of a bed.

"primer"

A book of devotions, used by lay persons as their prayer-book for various services (including Placebo and Dirige).

"Beatrice Knolles"

Sister of Welles' executor.

"silk"

The original has *duodecim libras cerici de Malik*. Silk would seem a likely material to bequeath to a woman (and there was a fortified settlement called Malik located on the Great Silk Road), but would not normally be measured by weight. There was a red, arsenic-bearing dye called *sericum*, and this would be an alternate, if improbable, translation.

"St. George Muspole"

Better known as St. George Colegate (the pond Muspool and adjacent street Muspolegate being nearby).

"at the discretion of my executors"

This probably meant that the way in which the money was divided and distributed was left to the executors.

"order of Holy Cross"

I.e. the Crutched (or Trinitarian) Friars.

"St. Giles hospital"

The hospital of St. Giles in the Fields, in the suburb of Holborn, one of the first leper hospitals in England and, thereby, an early indicator of lay benefactors starting to take responsibility for social welfare.

"anchorite"

A hermit or religious recluse; sometimes female hermits were meant, but that distinction is not clear here.

"cruets"

In this context, the reference is to small containers used to hold wine and water using during Mass.

"latten"

Although today mainly used to refer to a man-made alloy of iron plate covered with tin, the term is and was also used to refer to any metal, precious or otherwise, thinly sheeted.

"boundary marker"

Known as a "standard" and made of stone (at least after the rebuilding financed by Welles – possibly wood before). They were apparently in every ward, although that at Cheap is best known: "famous as the site of rabble-rousing speeches and summary executions" [Timothy Baker, *Medieval London*, New York: Praeger, 1970, 248]. They also served as conduit destination points, where the public could collect water.

"upgrading"

Again this was presumably for West Cheap ward.

"Sydenham"

Or Sippenham as called in this will and until the 18th century, this village lay a few miles south of London (just beyond Lewisham, of which borough it is now a part).

"mystery and community"

I.e. company; mystery was the term for a craft guild.

"Lewisham"

As the association of "Sippenham" and "Levesham" indicates, the location meant by "Levesham" is Lewisham, which lies south-east of the city (then Kent).



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London alderman Robert Clopton
Original in the Guildhall Print Room

There exists a set of twenty-six colour portraits, carried out in the late 1440s, probably by a royal herald (hence the heraldic style). The subjects, all similarly posed, are dressed in their aldermannic liveries and each proudly displays his heraldic arms. The standardized portraiture gives a homogenizing effect, and this symbolizes the character of the aldermannic body at that period: a social group of peers, without the standouts of the fourteenth or even early fifteenth century. These were all individuals of course, with different occupations, personalities, interests. And yet there were none who stood head-and-should above their peers in the way that men such as Fitz Ailwyn, Waleys, Rokesley, Wengrave, Walworth, Brembre, or Whittington did, in terms of wealth, authority, influence at court, leadership, or notoriety.

Perhaps this was because urban government in the fifteenth century has more the appearance of rule by a group, headed by one of their members, rather than of a leader assisted by his fellows. This is partly due to the changed economy, which gave less scope for the meteoric rise of men accumulating great wealth, and partly due to London politics from the 1430s having been less turbulent – and so less demanding of forceful and strong-willed men at the helm – than for much of its earlier history.

Robert Clopton, alderman of Lime Street ward (as inscribed at bottom of the placard bearing the blank shields), was one of the London rulers of that period. He was an alderman from 1434 to 1448, although his last known attendance of a meeting of the court of aldermen was in October 1446. His earliest documented position of responsibility was as commissioner to collect a parliamentary subsidy in 1434. In 1435 he was elected one of London's sheriffs and from 1437 to 1439 acted as a city auditor; he represented the city at the parliament of 1439/40.

By 1441 he was prominent enough to be elected mayor, but there are indications his mayoralty ran into problems. It began inauspiciously with a disturbance at his election, caused by some of the skinners and tailors, who had wanted another alderman to be chosen. In November 1442, after the end of his term, he found it advisable to obtain a pardon for all trespasses and contempts committed as mayor between 28 October 1441 and the same date the following year, and of any legal actions that might be brought against him in the king's name, stemming from his activities as mayor. In April 1445 he, described as king's serjeant and alderman, obtained a royal exemption from being obliged to serve in any office, although whether this is connected with his difficulties as mayor or with the onset of old age is unknown.

Like many of his fellows, Robert Clopton was a relative newcomer to London, the son of a Cambridgeshire man. In 1445 he was clearing his title to a manor at Clopton – by obtaining a waiver of any claim on the part of the son and heir of its previous owner – with associated lands at Croydon and East Hatley; the latter were in Cambridgeshire and there may also have been a Clopton in that vicinity, or otherwise it was likely the village in Suffolk. As well he held property in Middlesex and Kent, in addition of course to London itself; these were estimated in 1436 as having an annual value of £83. His landed interests in Cambridgeshire are also reflected in his service as a Justice of the Peace for that county from 1443 until his death, and possibly in his latter years he increasingly turned his attention away from London to his rural estates.

Robert Clopton had pursued in London the trade of draper, which meant he was active in the international cloth trade. His first wife, Clarissa, the widow of a salter, predeceased him (1436). They had a daughter, Alice, who married Henry Chichele, scion of a family that had been powerful in London a generation earlier. Robert's second wife, Margery, was left a widow when Robert himself died in early 1448. The Hugh Clopton who was an alderman and mayor during the reign of Henry VII was no relation, as far as we can tell.

[translation](#) | [discussion](#) | [notes](#)

Keywords: medieval Ipswich government corruption politics factionalism ruling class political conflict office-holding monopolization reforms vendetta petition housebreaking assault conspiracy homicide trial intimidation maladministration customs service smuggling pardons careers

Subject: The king of Ipswich

Original source: Public Record Office: item 1: Ancient Petitions, SC8/233/11637; item 2: Coram Rege rolls, KB27/342 m.162d

Transcription in: My transcription from original documents (transcript of 2 may also be found in G. O. Sayles, ed. *Select Cases in the Court of King's Bench*, vol.6, Selden Society, vol.82, (1965), 37-38).

Original language: 1. Anglo-Norman French; 2. Latin

Location: Ipswich

Date: first half of the 14th century

TRANSLATION

[1. Petition, 1321]

To our lord king, Thomas de la Rente his burgess of his town of Ipswich complains that on the night of 16 January [1321] there came John Halteby, who is called "the king of Ipswich" throughout the region, Geoffrey Costyn the **common clerk** of the town, [and] William Devenish the common sergeant of the town, [with] a large force of up to 200 men of the community, armed as if for war, and they forced their way into Thomas' hall while he was out of town. Not satisfied with committing **hamsoken** by night, with swords drawn they beat and **roughed up** his wife, tore off her dress leaving her naked, and so feloniously mistreated her that her life is despaired of. They also beat and roughed up his **other people** in his houses, broke down the doors of his rooms and his other houses, and entered and searched them, **as if soldiers**. They carried off a large part of his possessions. Thereby they committed a night-time infringement of the king's peace, against the law and without just cause. This despite the



fact that the king, by his special grace, has placed Thomas and what belongs to him under his protection; the offence related above was made during the term of this protection, so that the king ought to associate himself with the complaint. Thomas begs that, if it please the king, he grant and order that suitable and quick redress be arranged for him, and for upholding the peace against so powerful a conspiracy within the town – of people who have allied themselves by an oath to live or die together and to destroy many of their neighbours by means of that conspiracy – that the like has never before been seen in any county of England. Should our lord king fail to arrange for that conspiracy to be broken and done away with, his town is as good as lost, and many peaceable townspeople will be undone forever by those who behave as if they are kings and sovereign lords of the town.

[2. Proceedings in the king's court, Michaelmas term 1344]

Memorandum that in **Michaelmas term** 1344 when the King's Bench sat at Ipswich, many wrongdoers were indicted before it for the death of John de Halteby, who was feloniously killed there for pursuing the king's business before William de Shareshull and his colleagues, royal justices currently assigned to hear and determine various felonies and trespasses in the county of Suffolk. The king then being present, he was given to understand that immediately following the commission of the felony many of the townspeople – as much the greater of them as the middling and lesser folk – bolstered the spirits, morale, and courage of those wrongdoers and of others who have misbehaved in infringement of the king's peace and terrorized all those who respect the king's peace (thereby undermining the peace and the king's authority in that regard), by **bringing the felons gifts** such as food, drink, silver and gold, and by singing to them such songs of rejoicing that you would have thought God had come down from heaven.

The king was also given to understand that after William de Shareshull and his colleagues had concluded their session in the town, according to the terms of their commission from the king, and had left town, the wrongdoers and many of their supporters in the town went to the **plea hall** in the town where, sitting on the **staircase** leading up to the hall, they had it proclaimed that William de Shareshull should appear before them under penalty [for default] of one hundred pounds

and **William de Notton** under penalty of forty pounds. The like was done in regard to many others who took the king's part in the judicial session; that is, some under penalty of twenty pounds, others under penalty of ten pounds, some more and some less. This in contempt of the king and in ridicule of the justices and officials in the king's service.

For which reason, on 29 November 1344 John Irp and John de Preston, then bailiffs of the town, appearing in person before the king in the king's court, the court interrogated them as to whether they themselves had been in the town when such outrageous and improper acts had been carried out there; and, if so, whether or not they had arrested any of the offenders or those who supported any of their acts. Also, by what person or persons they had been made bailiffs of the town. They replied that they had been elected as bailiffs of the town by the whole town community and that they **could not deny** having been in town at the time the offences were committed; but they had not arrested any of the offenders because, immediately after committing their felony, they placed themselves in a church, into which holy place they [i.e. the bailiffs] had no right of entry. It was then enquired of the bailiffs why they did not have arrested those who brought them gifts such as food, drink and other necessaries, and who encouraged them and kept their morale up. They replied that so large was the crowd of townspeople who celebrated the death that they could not have quelled or arrested them, because being now **old men** they lacked the strength. The bailiffs were then asked why, if they are in their later years yet had been elected bailiffs by the whole community of the town, they did not take that community with them to arrest the offenders and their supporters, as they ought to do in such a case. They replied that the relatives of the same were some of the most high-ranking, powerful, forceful, and influential men of the community, so that they dared not arrest the felons. The bailiffs were then asked whether, if the wrongdoers and their sympathisers who had fled were to return to town, they as bailiffs would have the courage to arrest them and **attach** them to stand trial, as ought to happen. They replied that they would not dare take on such a challenge by themselves, but only if a dozen or half a dozen of the higher-ranking men of the town proved willing to undertake it with them.

The court's decision was that the custody of the town be taken into the king's hand and that some other representative of the king with the courage to maintain the king's peace be installed in the town to keep the peace there, as ought to be done, until the king shall think fit to make other arrangements; for the following reasons. Responsibility for keeping the king's peace in the town was at an earlier time, by the king and his predecessors, turned over to the community of the town, and (as the bailiffs admitted above) that community elected the bailiffs on their behalf to take responsibility for the king's peace in the town – the purpose of which is to sustain good, peaceable people in peace and quiet, and to threaten the wicked and the reprobate with the rigour of the law of the land, so that they are deterred from acts of malice. And now those bailiffs, who were by the community of their town **elected and delegated** with preserving the king's peace therein, have expressly stated that they would not dare to take it upon themselves to attach or arrest the offenders, in the event they should return to the town. Therefore the king's peace has not been upheld as it ought and the town has been virtually deprived of good peacekeeping. Such circumstances could cause very great harm to befall men staying in the town, set a dangerous example for those inclined to disturb the king's peace, there or elsewhere in his kingdom, and maybe even undermine respect for king and Crown in that regard.

Upon which [\[judgement\]](#), the bailiffs surrendered their rods [\[of office\]](#) to the court. The king's court turned over custody of the town to the sheriff, John Haward, who was administered an oath to administer the town well and truly, to the benefit of the king, and to uphold the king's peace there in the way required.

DISCUSSION

We have here two chapters in a story that spans almost half a century; one chapter is from the earlier half of the story, one from its closing stages. The story is one of a struggle for power and for access to sources of illicit wealth and is to some degree tied up with the disturbed politics of Edward II's reign and the fiscal crisis of Edward III's. Parts of this story I have told **elsewhere**, and will not repeat all the same details here. John de Halteby is the central, although not the only, character linking the different stages and to some extent the story is that of his rise and fall. The records of medieval England, local and national, being what they are, show us only extracts from that story and then the glimpses they provide are of violence, corruption, and shifting alliances; we should not suppose that the history of Ipswich in this period is all such.

By the close of the thirteenth century, the power of the families who had led Ipswich through its first century of self-government was waning. At the risk of overgeneralizing, it may be suggested that the wealth and influence of those leading families, during that initial century when the **foundations of local government** were built, **owed much to land-holding**; marketing the produce from their lands and livestock naturally drew them into regional and international commerce, while their role as landlords correspondingly supported their socio-economic superiority. To some extent during the reign of Henry III, but even more pronouncedly during that of his son, new families gradually moved to the fore, their initial success based upon trade; as they prospered, they invested profits in real estate, in part to produce the raw materials they needed for their craft and/or commercial occupations, as well as to diversify their economic activities. These *nouveaux riches* took their share in administrative responsibilities and political power, shaping the future direction of the town, whose special privileges and advantages were instrumental in determining the personal and family fortunes.

In particular, two men came to act as leaders of the **new men dominating local government**: Thomas Stace and Thomas le Rente. Following a suspension of the borough liberties and the seizure of the reins of local government into the hands of a royal keeper (1285-90, for reasons unknown, although there is some hint of maladministration, a probable cause or pretext, and the king called for an eyre there in 1286), Stace and le Rente were among the new men who in 1291 joined with more established members of the local "aristocracy" to restore mechanisms of self-government, including **redrafting the borough custumal**, whose original

had been **stolen**. Stace rose to the highest local office of bailiff in 1295 and le Rente in 1297 and they became the **dominant figures in local government**, particularly from the accession of Edward II – most notably, the pair were partners in the two ballival offices during 8 terms (1307-12 and 1318-21). They, together with Richard Leu, likewise dominated local posts in the royal customs service: le Rente as collector of the Ancient Custom from 1304 to 1320, and of the New Custom from 1304 probably until 1319 (when he retired because too busy to perform his duties), as well as being responsible for the king's wine prise from 1310; the latter role had been filled previously by Stace since 1305, and he is seen as deputy butler in 1309 and 1315, as well as a customs collector in 1303-04 and a searcher for coin in 1309. Combining ballival and customs offices would give a considerable degree of control over local commerce, and opportunities for unfair advantage.

This firm control of borough government gave them and their close associates the confidence to assert aggressively jurisdiction over neighbouring hamlets that they considered part of borough territory. In 1312, for example, Stace and his son Geoffrey, along with members of the le Rente, Harneys, Robert families and others were accused by Christine de Muse of breaking down the enclosure around her land at **Brooks**, breaking her dykes there, fishing in her stews, and carrying off the fish – an act of assertion more than theft. Another royal investigation was initiated in 1315 as a result of a complaint by the Bishop of Norwich, who claimed the right to hold an annual **leet court** at **Wicks**, that bailiffs Stace and le Rente had (evidently a couple of years earlier) led a large group to his manor where they had assaulted his steward and clerk, prevented them from holding the leet, and had broken into his park from which they led off a horse that the Bishop's officers had arrested as payment of a fine. The 46 men named as accomplices of the bailiffs included other of the most prominent townsmen, such as Laurence Cobbe, John de Whatefeld, Elias le Keu, Gilbert Robert and his sons Richard and John, and several members of the Maister family, as well as the town clerk John Lenebaud and Laurence atte Wentte. Such forceful expressions of jurisdictional claims were not atypical in towns of this period.

Less typical was that Stace, le Rente, and their friends seem to have been using their control of borough government for personal benefit, by applying justice to their own advantage, or not applying it when it came to their own infringements of the law, as well as by pocketing communal revenues. Or so we infer from the issue of a set of **reforming ordinances** in December 1320. Although promulgated during a Stace/le Rente ballivalty, they only

make sense if that administration is seen as the target rather than the source of the reforms, a hypothesis supported by events that preceded and followed. For on 26 October 1320 the king had issued letters granting a two-year royal protection to: Thomas le Rente and his sons Richard and John; Thomas Stace and his sons Geoffrey, Thomas, John, and Henry; known Stace/le Rente associates Richard Robert, Alexander Margaret, Thomas le Maister, and John Lenebaud; Clement Shawe, whose sole known distinction was having been sent to parliament during a Stace/le Rente ballivalty, and Clement le Spicer who appears to have been one of the portmen (town councillors) at this period; as well as to Laurence atte Wente, John del Wente, Alan Davy, William le Fevre taverner, John de Leyham, and John Irp. It may have been that those from whom they were seeking protection had already seized, or were about to seize, control of the borough court; for on 27 November that court issued the order to warn John Irp and Alexander Margaret to answer for some unspecified offence against the community. Since both men were merchants, the offence may have been **forestalling**, which topped the list of concerns expressed in the reforming ordinances.

Forestalling was prohibited by custom and by the borough charters; it had been the subject of a complaint by the "poor men" of the Ipswich community to the king in 1304. Several of the reforms targeted this and other market offences contrary to communal interests, and threatened disfranchisement for offenders. The reforms were said to have been made by the "alderman, bailiffs and the community" [Black Domesday book, Suffolk Record Office, Ipswich records C4/1 ff.71v, 76v], even though the **merchant gild alderman** is not known to have played any significant part in local government for decades; possibly the office was here being used as a lever against ballival government, as it would be in similar circumstances at Beverley later in the century [see "**Government by council versus government by executive**".].

Other grievances addressed through the reforms targeted political and financial maladministration. It was indicated that ballival elections were being held by a select group behind closed doors, rather than on a set date at a public gathering at which communal opinion could be consulted – a complaint that, when taken in conjunction with the timing of the conflict, is suggestive of a contested, or at least disputed, election in September 1320. The "usurpers" thus elected, it was continued, would impose taxes and fines on the community, putting the money to their private use; it was similarly accused that the bailiffs embezzled fees paid by franchise entrants, a charge possibly supported by **other evidence**. To guard against this, the reforms instituted various mechanisms for **accountability and checks** on ballival

freedom of action. Elections were to be held on the same known date each year (September 8) and the choice of bailiffs required communal assent. The earlier method of election is uncertain, other than for the very first communal **election of bailiffs** in 1200 and a reference in 1309 to the bailiffs being elected "by the common counsel of the township, just as they have customarily been elected" [British Library, Add.Ms.25012, f50b]. On the latter occasion, on 16 September 1309, it was not the ballival election that was the order of the day, it apparently having taken place at some earlier time, but election of the town council of portmen; a group of 27 townsmen was selected from the various parishes to elect, on behalf of the community, the portmen and the way it is described echoes, probably deliberately, the account of the first **election of the "capital portmen"** in 1200. Unlike the document describing the events of 1200, however, that of 1309 goes on to define the portmen as a life-membership body, with replacements for those who died in office being chosen by the survivors. This reiterated a **stipulation in the borough custumal** – a document, let us remember, reconstructed in 1291 by a group of 24 townsmen which appears to include the then-portmen along with the clique that was by 1309 dominating borough government – while omitting the custumal's acknowledgement that portmen failing in their duties might be removed. Of the 12 portmen elected, or perhaps confirmed in office, in 1309, 10 had been among the redrafters of the custumal in 1291; besides Stace and le Rente, the portmen included Richard Leu, John de Whatefeld, Thomas dil Stone (a business partner of le Rente from his early days), John le Maister, Alexander Margaret, and Gilbert Robert.

This then was the group whose sway over Ipswich was opposed in 1320, evidently with some success. How that success was achieved is not clear, but force seems to have been involved and perhaps the opposition seized control of the moothall, along with the borough seal, records and treasury, or perhaps they set up a parallel government at another base. The next glimpse we are given of the disturbed affairs at Ipswich are through the complaints made to the king by Thomas le Rente in early 1321, of which the above petition is one. On February 10 and February 17, the king appointed commissions to investigate the infringement of the royal letters of protection, the forced entry into le Rente's house, the assault on his wife and servants, the theft of his goods; on March 1, following a further complaint, probably from both bailiffs, an investigation was to encompass rioting, resisting the authority of the bailiffs, and preventing them from collecting tolls. Whether any judicial enquiries ever took place is unknown; if so, there is no sign they had any effect, except perhaps to strengthen the reformers' resolve: before the end of April Stace and le Rente had been deposed and Laurence Cobbe and Henry le Rotoun put in their place. Cobbe and Rotoun

were both members of the ruling class: le Rotoun had been one of the portmen of 1309 but had never yet held the ballivalty; Cobbe had already served as bailiff on seven occasions between 1298 and 1318, yet was not among the portmen of 1309, although he appears to have been one by about 1315. The choice was doubtless intended to allay local and royal concerns by being seen as conventional, rather than revolutionary. That is, in selecting chief executives from the urban class traditionally considered – both by the community and the king – as best qualified to govern. Although Cobbe appears to have been a close associate of le Rente, he was perhaps not seen as one of the principal enemies of the reformers; and, besides, this ballivalty was his swan-song. The implementation of the December reforms would have created new posts through which the reformers could influence local government from within. At the elections of September 1321, Richard Leu and Walter de Westhale became bailiffs and throughout the rest of the decade the office changed hands every year.

The inability of Stace and le Rente to resist their opponents can be attributed to a number of factors. Since the coercive resources of urban authorities were limited, it was always hard for them to resist the power of the mob, particularly a mob with strong leadership. Le Rente's reference to the town clerk and one of the town sergeants being among his opponents would have facilitated their seizure of the moothall. At this crucial time, le Rente was being sued for the sizable debt of £24 and delayed the trial by staying away from the court (despite efforts by Stace to persuade him otherwise), a tactic he had adopted before but which this time must have worked counter to his political interests. Furthermore, he was embattled from another direction: he and fellow customs-collector Richard Leu were facing a suit before the Exchequer for not accounting for about two-thirds of the money they had collected in customs between 1315 and 1317; each was convicted to repay just over £333. Leu, however, perhaps through his role as a county landholder with the status of a knight, had a friend in Bishop Salmon of Norwich, at whose instance he had been granted by the king (1316) life exemption from county responsibilities, such as the shrievalty, coronership, jury duty, and whose executor he was in 1325; the Bishop's intervention obtained in December 1322 a **pardon for Leu** of his half of the fine for concealing customs. Le Rente, who was additionally accused of not paying customs on his own wool exports, which may explain why his fine was later stated as being £360, had no protector.

It was in fact John de Halteby who had provided the documentary evidence of the customs fraud, leading to the inclusion of the Ipswich collectors in the broader investigation in 1322 of dishonesty in the customs service [R. Baker, "The English Customs Service, 1307-1341", *Journal of the American*

Philosophical Society, new series, vol.51, pt.6 (1961), 14, 21, 55]. It seems likely that this evidence had been obtained through the raid on le Rente's house that Halteby led in January 1321. Perhaps even one reason for the raid was to obtain such evidence against le Rente and Leu, who may have already been under suspicion since, after being partners in collection of the Ancient Customs on wool since 1307, the pair were replaced on 22 November 1320 by John de Whatefeld and Henry le Rotoun.

The course of national politics also had an impact on the fall of Stace and le Rente. From 1317, Edward II had come under the influence of the **Despensers**, father and son, whose consequent efforts to further their personal interests in various parts of the country aroused resentment in many quarters and led to a gradual slide into civil war during 1319-20. During the autumn and winter of 1320, the attention of the conflicting parties was focused on tensions building in Wales, and by May 1321 open warfare had broken out. Although the baronial opposition, the Contrarians, succeeded in forcing the exile of the Despensers in the latter half of the year, fortunes reversed and the defeat at Boroughbridge in March 1322, followed by execution or imprisonment of many of the Contrarians, left the Despensers in the ascendant until 1326, their regime characterized by a general breakdown of law and order, banditry, gang warfare, and murder. The preoccupation of the king in 1320/21 may help explain the timing of the upheaval in Ipswich and why nothing material seems to have come of the complaints of Stace and le Rente. It was not uncommon for advantage to be taken of disorder at the national level to pursue local vendettas or express communal discontent: the attack of Cambridge's burgesses on the university in May 1322, and the communal revolts at St. Albans and Bury St. Edmunds in 1326-27 at the time that national revolution was in process of overthrowing Edward II, have been attributed in part to such a context; and urban upheavals in the previous century at the time of the Montfortian civil war and when Henry III was on his last legs could be considered similar situations. As one historian has noted, "Any failure of government could at any moment let loose a terrible flood of anarchy and banditry" [Natalie Fryde, *The tyranny and fall of Edward II 1321-1326*, Cambridge: University Press, 1979, 194].

Although the younger Despenser had held property across East Anglia since 1310, neither he nor his father paid much direct attention to eastern England, although they likely had agents to further their interests in the region. At an unknown date, le Rente made a recognizance of debt to Hugh le Despenser junior in the sum of £200, of which he still owed £153.6s.8d in May 1322; a petition of later date [PRO SC8/50/2485] associated this with le Rente's fine for customs concealment, and states that John de Halteby had

pressured le Rente to make the recognizance. It also appears that Halteby led a second raid on le Rente's property to seize goods in partial repayment of the debt. Now probably in his mid-sixties and weighed down by these misfortunes (admittedly largely of his own making), Thomas le Rente died at some point before Michaelmas 1323. He still owed Despenser £140 and bequeathed him some rents towards gradual repayment. Due to his indebtedness to the Crown, an extent was taken of his property, but much of his moveables were said to be in the hands of Halteby and John Harneys senior. Throughout the rest of the decade le Rente's lands were the subject of legal disputes and division of the spoils among other townsmen, including former enemies.

Before we consider the possibility that Halteby may have been an agent of Despenser interests in East Anglia, we must look at some of the other opponents to the Stace/le Rente faction. The groups against whom accusations were made in early 1321 – the attack on le Rente's residence, and the general resistance to the bailiffs – were both headed by John de Halteby, Geoffrey Costyn, and John de Preston, and these seem to have been the ringleaders. Sixteen men were named in the assault, twenty-two in the resistance; that every member of the first group was also in the second shows the association of the events. Most, but not all, were Ipswich men. Among them were men associated with families that benefitted politically from the overthrow of the dominant group:

- Thomas de Westhale, likely a relative of one of the bailiffs who replaced the deposed Stace and le Rente, and who himself may (to judge from his prominence in witness lists headed by bailiffs) have become a portman ca.1338-40.
- John Cobat, who was a portman ca.1340; his son of the same name built up his local real estate through marriage to the daughter of John Harneys and granddaughter of John de Whatefeld, and served several terms as bailiff between 1349 and 1370 (he will reappear later in the story).
- William de Causton draper, the occupation being given to distinguish him from other residents of the same name; one of them was coroner of Ipswich from 1328 to 1341.

John de Preston was the principal beneficiary of the group, however. He upheld the interests of his faction by serving as chamberlain in 1322/23, coroner the following year and bailiff the next; in all he served 12 terms as bailiff between 1324 and 1352 and 14 as coroner 1323 and 1356, with the 1340s representing the peak of his power when he often improperly held both posts simultaneously. He features little in local affairs prior to 1321,

although already a merchant and property-holder. Thereafter he gained not only more political prominence, but more commercial prominence, judging from the fact that he won a post as customs collector in 1323 and remained in that service for most of the period to 1351 (mainly excepting when customs posts at Ipswich were given by the king to non-local men). He also represented Ipswich at eight or nine parliaments, as well as Suffolk at a mercantile assembly in 1338. His son Robert was one of the leading townsmen of the next generation.

While John de Preston came from a family not noticeable in Ipswich before him, Halteby's other close associate, Geoffrey Costyn, came from a family well in evidence, though not prominent, in thirteenth-century Ipswich. A William Costyn was by mid-century a tenant of property owned by the Priory of Holy Trinity; in 1263 he was one of a long list of Ipswich men accused of killing Roger le Chapelman and his son, while two years later William's sons John and Walter were themselves pardoned for a different homicide. That John Costyn may have been the same man who on two occasions in 1292 was partner with Thomas Stace in business ventures. Geoffrey was the son of a John Costyn. Although not politically active prior to his participation in the reform movement, the previous decade had seen him engaging in various property transactions – some of the property in hamlets surrounding the town – so he must have been a man of some means, yet his assessment in the 1327 national taxation was below the average. There is no clue as to what his occupation may have been, except that he presumably had sufficient education to serve as town clerk in 1320/21; perhaps he earned his living from property-holding and/or administration – not long after his death he was described as having the status of a yeoman of the earl of Suffolk. In September 1322 he and John de Halteby were jointly suing an outsider, John de Manitre, for render of account for the period when he was the collector of their money; but the source of such revenues is not specified. After turning over the clerkship to William de Kenebroke, Geoffrey went on to four terms as bailiff of Ipswich, the first in 1326/27 and the last in 1332/33, and represented the borough at four parliaments in the same period. Although briefly a customs collector (1328-29) there is no indication he was personally active in commerce. Like Preston, he seems to have been a beneficiary of the overthrow of the old regime in 1321.

In stark contrast to Preston's almost monopolistic tenure of office, John de Halteby never held one of the leading borough offices, although he may have been among the portmen by the late 1330s, if not before; perhaps he lacked the political inclination or the proper socio-economic status, but more likely he had other fish to fry and preferred to direct from behind the scenes. The impression from the fragments we see of his career is that he

was a man who preferred coercion to consensus. The records speak, in turns, of John de Halteby and John son of Richard de Halteby; despite the fact that the latter form is often used to distinguish a man from another of the same Christian and family name, in this case (except for one very uncertain occurrence) the two names do not appear in the same record, and other evidence suggests they were **one and the same** person. The Halteby family had been in evidence in Ipswich from the 1250s, although we first hear of Richard de Halteby only in 1280, when involved in a legal battle with Wymarc de Halteby over a tenement. Possibly it was a dispute related to inheritance, as after Wymarc's death we hear that he had inherited a share in the property of Gilbert de Halteby; at that time (1303) Gilbert's sons Richard, Roger, and Christopher and his daughter Agnes, along with Richard's wife Mable and their sons William and Thomas, were being sued by Richard's niece Agnes, daughter of Thomas de Haltebe (a man who appears briefly in the records, in the role of attorney, in 1280).

The Halteby family was not one of the more prominent of the town, and not among the newcomers starting to gain a foothold of influence in local affairs towards the close of the thirteenth century. In the national taxation of 1283, Richard de Halteby was the only member of the family to be assessed, and the valuation of his moveables at £3.6s.8d was well below that of the leading townsmen of that time. His assessment was based on a stock of malt and timber and on household goods; inadequate though the assessment is as a guide to wealth or occupation, his does not give the impression of either mercantile activity or extensive holding of agricultural land, which can be inferred for some of the others assessed – Thomas le Rente, his days of power still well ahead of him, had an even smaller assessment and that of his father John was also modest, but both included boats among their goods assessed. On the other hand, Richard was by 1300 in a position to afford a pilgrimage to the tomb of St. Edmund of Pontigny, although he may never have completed it, since he was the victim of an assault outside Calais. Perhaps the Halteby family migrated to Ipswich in the third quarter of the thirteenth century, whether from Holtby in Yorkshire or another village of similar name now disappeared, cannot be said; no-one of the surname is listed at Ipswich in the record of the national taxation of 1228, but we cannot read too much into this. More significantly, no Halteby is listed in the national tax imposed in the first year of Edward III's reign, although 210 Ipswich residents are named; this conspicuous absence seems suspicious. Richard's brother Roger appears frequently as a witness to deeds registered in the borough court during Edward II's reign – a role that was often undertaken by portmen. By contrast, their brother Christopher was one of the town sergeants from 1294 to 1305 – a post that required more brawn than brain and was beneath the dignity of leading townsmen. Christopher's

name was linked with that of Agnes Costyn in a rental of the Holy Trinity priory, ca.1283, though whether this implies a relationship or merely co-tenancy is unknown. A further hint at some link, whether blood or marriage, between the Halteby and Costyn families is that one member of the Halteby family, who became a freeman at Ipswich in 1331, bore the uncommon Christian name of Constantine, from which "Costyn" likely derives.

Although attributable partly to the preoccupations of those records that survive to us, the earliest references to John de Halteby do not paint an appealing picture. The first we hear of the name is in 1289 when being sued for debt by Philip Harneys and when suing Richard de Halteby for debt, and again in 1290 when sued for some unspecified trespass by John le Coteler. It is conceivable this might have been a John de Halteby of an earlier generation, but not impossible it was the son of Richard having just reached his age of majority (which would suggest a birth-date of ca.1275). At about the same date, Christopher de Halteby, perhaps already in the post of sergeant, was acting with two of the more prominent townsmen to prosecute a man accused of customs evasion. During the first two decades of the fourteenth century, John de Halteby appears on a number of occasions acting as an **attorney**, **essoining agent**, or **pledge** suggesting that this may have been part of the way he made a living.

Another form of his association with the borough authorities was through their organized aggression against those who defied their jurisdictional claims. He was a named member of the group headed by Thomas Stace and other leading townsmen in 1312 who attacked the property of Christine de Muse, and also – along with his father Richard and his servant Miles – a participant in the bailiff-led force against whom the Bishop of Norwich complained in 1315 (see above). In March 1317 he was the first-named in a group, which also included Geoffrey Stace, accused by miller Roger Bille of having assaulted him at Bramford, a village just west of Ipswich; that this was a similar act of jurisdictional challenge or competitive intimidation is seen from the fact that, a few days after Bille's complaint, his master Thomas de Veer reiterated the charge and added that the accused had prevented his tenants from grinding their grain at his mill in Bramford. The next such charge brought against Halteby came the following year, when he appears to have led a group composed mostly of non-Ipswich men (except for a junior member of the prominent Haraud family) in an attack on the property of Thomas son of Bartholomew de Shaldeford at Rewenhale, Essex, resulting in the theft of timber and legal documents; the investigation seems not to have made much headway, for it was renewed in August 1319 after the death of one of the royal commissioners. Thomas was a minor in the custody of John de Gippewic, who had a connection with Ipswich (other

than his surname) since he was its representative to three parliaments between 1324 and 1334, but otherwise features little in town affairs. Gippewic had further cause for complaint when a group, probably led by Thomas' uncle Ralph, abducted the boy from Ipswich in 1318 – although a separate commission of investigation was appointed only days after that set up to look into Halteby's attack on Rewenhale, the second commission was also charged with investigating an attack on Rewenhale, so there may be a connection between the events.

John de Halteby was thus experienced in violence and intimidation when he led the raid on Thomas le Rente's house in early 1321. He was similarly well-qualified to lead the continuing and seemingly back-and-forth struggle between the factions, of which we see glimpses. Thomas Stace's son John was killed in the suburbs in or before August 1321, by persons unknown. Halteby and Geoffrey Costyn found it advisable to acquire, in March 1322, royal letters of protection. In April 1323, Costyn was warned by Thomas Stace, Gilbert Robert and other *probi homines* to appear in the town court to answer for an offence against the community (breaking a sequestration), and when he failed to show, the summons was repeated under threat of disfranchisement. The following month a series of charges was brought, in the name of the community, against various townsmen:

- John le Man senior was accused of selling beef of bad quality in the market;
- John Irp, William le Fevre and John de Leyham were accused of offences contrary to their freeman's oath – possibly market offences were intended – le Fevre failing to appear to answer the charge, but Leyham throwing himself on the mercy of the court;
- Richard Robert, more specifically accused of forestalling, making mercantile deals in private places, and committing some offence related to **aulnage**, refused to come and answer the charges and was disfranchised (this did not put an end to him, but in 1326 he was again in trouble with the court);
- perhaps prompted by Robert's fate, Geoffrey Stace threw himself on the mercy of the court for the unspecified trespasses and falsehoods of which he was accused, and he was fined £10, of which half was remitted conditional on future good behaviour.
- William de Causton followed Stace's example in June, offering a £10 fine, of which he later paid 66s.8d and the rest was forgiven him by the bailiffs and community.

In October there was a further prosecution along these lines: John de Whatefeld, Gilbert Robert, Richard Robert, John Blount, and William le

Fevre were accused of infringing the "laws and constitution" of the town by buying in a private place – the house of William Malyn – rather than in a public place, as custom required, a ship's cargo of oats. The accused (except for Blunt, who was a no-show) denied the charge, but an inquisition concluded that a cargo of oats had been sold elsewhere than at portside, although it did not name the culprits.

Possibly all this was an effort to follow up on the recent reforms, or perhaps the factions were trying to flex their muscles, to bring opponents in line – several of the accused were among the group that obtained a royal protection in October 1320 (see above). Irp, le Fevre, and Leyham were all merchants and all would later serve at least one term as bailiff. Costyn's inclusion may indicate that the old regime was still trying to fight back; although it is possible that the Costyn-Halteby alliance stood on shaky ground, as the former was suing the latter in March 1322, and we do not know whether Costyn's removal from the office of town clerk was at his own volition.

If the aim was to cow opponents of the reforms, then any success was only temporary. In 1324 the contest was renewed. The king appointed a commission on July 12 to investigate the complaint by "various persons" that bailiffs Gilbert de Burgh and Edmund de Castleacre, coroners John Baude and John de Preston, John de Halteby (named immediately after the officials), **17 named others** (Costyn's name being conspicuously absent), and additional unnamed members of the Ipswich community

"presuming upon the liberties and immunities granted to them by the king's progenitors, have made unlawful confederacies and conspiracies by oaths and other means to maintain and defend one another in all plaints, exactions and demands, and under colour of this have put divers injuries and oppressions upon other men of the said town, who refused to join them, and upon merchants and others frequenting there, causing them under pretext of feigned larcenies, robberies and homicides to be indicted and imprisoned, some innocent persons to be convicted thereof, and some notorious malefactors to be acquitted; assessing tallages and exactions upon the said merchants and men as though in the king's name and levying the same to their own use, and concealing felonies, robberies and homicides."

[*Calendar of Patent Rolls 1324-27*, p.65]

We need not take these charges too literally; they were the types of

accusations typically levelled against a communal uprising or abuses of local government in order to capture the attention of the king and oblige an investigation, with the hope that the complainants could turn an inquisition to their advantage. On the other hand, some corroboration comes from a complaint that same year, but apparently relating to events of 1323, by John Fairher a burgess of Berwick-on-Tweed (then in Scottish hands), who had under safe-conduct brought a cargo of salmon, deer skins, and tallow to Ipswich. After he sold £12 worth of salmon to John le Keu and Simon Shakelok, they refused to pay, instead threatening him with violence if he pursued his demand for payment. Having proceeded to sell the rest of his cargo and buy grain to take back to Berwick, Fairher found his ship arrested by bailiff Edmund de Castleacre and customs collector Henry le Rotoun; and at the collusion of Castleacre, le Rotoun, le Keu, Shakelok, John le Blount, Thomas de Westhale, John de Melford and others not named, frivolous charges were brought against Fairher in the borough court. That group, together with others including John Irp, John Robert, John and Thomas le Maister, Henry Stace and Miles le Fevre, then divided the return cargo amongst themselves. Upon an earlier complaint the king had ordered the bailiffs to return Fairher's ship and grain and pay him £12 in damages, but they had done nothing. Whatever the truth of the accusations made in July, they at least reflect that factionalism was still lively, that the reformers were continuing to try to suppress opposition through the courts, and that a change in administrative personnel may have not made great changes in the quality of administration.

The impression of continued factionalism is reinforced by a second complaint, leading to a further investigative commission being appointed on 29 August. Again the complainants are not identified, the king is merely 'acting upon information', but a badly damaged petition to the king points to Edmund de Castleacre. The accusation is that Philip Harneys, his brother John and his servant Hugh, Thomas Stace, Geoffrey Stace and his brother Henry, Thomas Leu, John de Grymmesby, Thomas le Maister, Laurence le Clerk (a town sergeant in 1319/20), Simon Shakelok, and others had made a conspiracy, forced yet others through illegal oaths to maintain and defend them in all complaints, and had assaulted bailiffs Castleacre and Burgh, along with John de Halteby constable of the peace at Ipswich, during the execution of their official duties. The officials had taken refuge in the house of John de Preston, where their enemies besieged them and eventually succeeded in breaking down the door, entering and beating those persons along with others who were there in their support. Furthermore, through continued intimidation they were preventing the officials from carrying out their duties. The outcome of these investigations is not known, but on 19 November 1324 Henry Stace, having been convicted before the King's

Bench of killing his fellow townsman John Christopher, was hanged at Marshalsea prison in London.

The reference to Halteby as constable of the peace is very interesting. The post is not at any other time documented in medieval Ipswich officialdom, with the exception of 1338 when the holder John Irp was in trouble for obstructing the earl of Northampton in impressing Ipswich ships into royal service. Perhaps it was a position specifically created to give Halteby enforcement powers to further his efforts to control the town. During the following ballival term (1324/25) we find him receiving estreats (fines imposed by the courts), which may indicate continuation in the constableness. It was suggested above that Halteby may have been acting, in part at least, as an agent of Despenser interests. We cannot be certain, but Halteby is found involved in suspicious circumstances. In March 1325 he acknowledged in Chancery a debt of £100 to John de Carleford, and at the same time he, Carleford, and Gilbert de Carleford the parson of Rochford, Essex acknowledged a debt of 100 marks to Hugh le Despenser junior. In an equally surprising association, at the close of Edward II's reign we find John de Halteby in the office of **undersheriff** of Suffolk and John de Preston in the office of constable of Norwich castle and keeper of the county gaol there. The Mortimer regime sent, in March 1328, an order to the sheriff of Norfolk and Suffolk to remove the pair from the posts, on the grounds that they were not suitable holders and had been improperly appointed, and for the reason that the pair had been accused of the death of mag. Geoffrey de Horewode, parson of Bramford. In February 1330, John Rodlond junior, an Ipswich man, was pardoned for that homicide and released from Marshalsea, on the grounds of self-defence.

Moreover, Halteby was implicated in the misguided plot of Edmund, Earl of Kent in 1329 to rescue his older half-brother Edward II, whom he believed still to be alive, and restore him to the throne. An undated (ca.1330) and only partly legible petition, mentioned above for its reference to le Rente's debt to Despenser, tied Halteby in with some conspiracy by Sir William de Cleydon, John de Cleydon, Bennet de Braham and others unnamed, associating the names of Mortimer and Kent. The petitioner is not identified; but, since the document links two unrelated offences by Halteby, it must have been made by one or more persons hoping to bring him down. A second petition [PRO SC8/172/8555] of about the same time was put forward by William de Melton, Archbishop of York (1316-40), whose career had owed much to Edward II's favour and who was replaced as Treasurer when Edward III was put on the throne. Melton was among those fingered by the Earl of Kent as willing to support his plot. Following Kent's execution in March 1330, Melton was naturally at pains to dissociate

himself and, despite having snubbed Edward III's coronation, he was able at his trial to convince the authorities of his innocence. His petition to the Chancellor blamed John de Halteby and Martin Loue for trying to persuade him, at a meeting at Eye in Suffolk, to join Kent's plot. It may also be noted that Gilbert de Burgh of Ipswich was another implicated in that plot and his lands were seized, although in December 1330 the king decided Burgh was innocent and ordered the escheator to restore the lands. Burgh, who like Preston and Halteby had earlier held a county office – in this case that of sub-escheator in Essex – had been a member of the group that Halteby led in 1317 in the assault on Roger Bille. Another link between Burgh and Halteby was that both were included in a set of general pardons issued on 25 April 1327 (in the context of a much larger number of pardons issued in the weeks following Edward III's accession); other Ipswich men were included in that set of pardons: Thomas de Westhale, Thomas de Holebrok and Richard de Holebrok (a Robert de Holebrok having been one of the participants in the raid on le Rente's house in 1321).

Those with whom Halteby was associated in the conspiracies were not Ipswich men. Martin Loue hailed from Westhall in Suffolk; in 1319 he was among a group of men accused of breaking into the Bacons' windmill at Westhall. Bennet de Braham was among 40 persons pardoned, in February 1327, for holding Caerphilly castle – one of the last refuges of Edward II and Hugh le Despenser junior (it being part of the inheritance of Hugh's wife, Eleanor de Clare) – against Mortimer and Queen Isabella; the son of Hugh le Despenser junior was also pardoned in association with the Caerphilly garrison, and the name of Horewode is also found among the defenders. Earlier in that same month, Bennet was described as "of Braham" (possibly referring to Brantham, Suffolk) when he, his wife and brother, Sir William de Braham, and 76 named others were accused by Richard de Holebrok of assaulting him at Tattingstone, Suffolk, binding him to a tree and cutting off his right hand. Braham and Holebrok, the latter of whom had been imprisoned at Newgate in 1321 for the death of Walter de Clist but obtained a pardon in June on the grounds of self-defence, had something of a history: in 1323 Braham was commissioned by the king to arrest Holebrok, and Holebrok had been another of the defenders of Caerphilly castle pardoned in 1327. Among the group associated with the Brahams in the mutilation of Holebrok were William de Cleydon and his brother John, the Thomas de Shaldeford against whom Halteby had acted (see above), and several Ipswich men, including Thomas Leu, Richard de Leyham (elected bailiff later in 1327, brother of the John de Leyham targeted by the reformers), Geoffrey Costyn, William Harneys senior and William Harneys junior, and John Pecke. The Cleydons had landed interests in the Ipswich area, and John de Cleydon held property in town, but the

family was not centrally involved in Ipswich affairs.

It appears then that Halteby was somewhat involved in the political machinations going on during the 1320s on the national scene, though whether he was directly affiliated with any lord, or simply gave his allegiance as it suited his own interests in terms of local domination, cannot be said. He seems to have emerged from the troubled times unscathed, however. During the 1330s he came far less to the attention of national authorities. There were troubles at Ipswich in autumn 1335 when, while the king was busy up in Scotland, a band of armed men terrorized the town and surrounding countryside; arriving in four ships, they seized control of the port for several weeks, along with other ships there that had been fitted out for naval service, waylaid local and visiting merchants coming by land and sea, prevented the collection of customs, and interfered with fishermen, not stopping short of murder and arson. But the troublemakers all seem to have been outsiders, and Halteby's name is not mentioned. The trouble may have been associated with deserting soldiers or sailors, or perhaps was one episode in Ipswich's competition with Harwich to win jurisdiction over the stretch of the Orwell between the two. Ipswich's liberties were seized by the king in 1338, but we do not know for what offence. It may have had something to do with a further disturbance around this time, when Sir Thomas de Holebrok led an armed force in an assault on the king's justices of the peace in Suffolk, while holding a session at Ipswich, in order to rescue some who had been arrested for rebellion. In February 1339 the king appointed a commission to enquire whether named men had been participants; these included Thomas Leu, John Harneys, and John Robert, but again Halteby's name is not in evidence. This affair may give significance to an elaboration of the freeman's oath at Ipswich ca.1340, to which was added the requirement that new freemen "shall be obedient to their bailiffs then in office and shall not involve themselves in any protests or confederacies by which the community of the town shall be disturbed." [Great Court Roll, 13-14 Ed.III, m.4r, Suffolk Record Office, Ipswich records, C5/6]

Halteby is mainly visible during the 1330s through his acquisitions of property in Ipswich – an indication of growing wealth and consolidation of his influence. That influence is also reflected in the increasing frequency of his role in court as a reliable witness of property transactions – in fact by the end of the decade he is usually named immediately after the bailiffs in such witness lists, and this indication of his seniority continued up until his death. On the other hand, Halteby had not abandoned his old ways. In 1331 and 1332 there were made in Chancery a series of acknowledgements of large debts owed to Halteby: £20 by William Michel, the parson of Woburn

(Buckinghamshire), £120 by Essex men Robert son of Richard de Rivers of East Mersea and Luke son of Henry Lucas of Shalford, and separate recognizances of £26.13s.4d and £40 by the Suffolk knight Sir John Dagworth. We do not know **what these were for**, but they look suspicious, particularly considering that Halteby shows no sign of mercantile activity or of land-holding that far afield, which might provide reasons for such large debts; as late as 1341 Halteby was seeking repayment of his loans to Dagworth, who had died in 1332. More telling is that in June 1336 an investigative commission was appointed on the complaint that John de Halteby, along with Constantine de Halteby and Ipswich chaplain Albred de Cleye, had broken into the Debenham property of the archdeacon of Suffolk, assaulted his steward, and carried off his goods. Earlier that year, a royal commission had been set up to look into smuggling off the stretch of Suffolk coast between Ipswich and Yarmouth, and in 1337 the investigation was expanded to cover Norfolk and Suffolk as a whole; there is no reason to think Halteby was involved, but this was a harbinger of the final phase of his story.

Another early warning sign was the murder of Geoffrey Costyn. One of Costyn's comrades-in-arms during the revolt against the Stace/le Rente administration was John Baude senior (the surname a patronymic, his father being Baldwin de Ballyol), who served the reform administration as a coroner in 1323/24. He and Costyn may even have been residential neighbours, if their adjacent listing in the 1327 subsidy assessment is a reliable guide. In 1325 a John Baude junior and his wife sued Geoffrey Costyn, his boy-servant, his maid, a chaplain, and Richard dil Market and wife for dispossessing him of a tenement in Ipswich; a jury found in his favour. A little later that year John Baude senior (under his alias of John de Ballyol) was sued for dispossessing Albreda, the daughter of William de Ponte of a property she had inherited from her father; John secured the case's dismissal on a technicality. In November 1331, Costyn – acting on his own behalf and apparently that of neighbours – obtained a writ against John Baude senior, on the complaint that the latter had, contrary to borough custom, on a flat piece of land called Michelheles Down, built up a mound 20 feet high and erected a windmill atop it; this was a nuisance in terms of having damaged a dividing wall, blocking the sunlight, causing flooding, and being noisy. Baude having failed to appear in court to present a defence, a jury was put together to view the land and come to a conclusion; which was that Baude had illegally erected the mill and that it had caused damage to Costyn's property. Baude had to pull down the mill and pay Costyn £10 in damages. This must have caused some bad blood, and been brought back to mind in April 1338, when Geoffrey Costyn and William Malyn junior stood as pledges for the widow of Richard dil Market in suing Roger and

Baldwin, sons of John Baude, for dispossessing her of a share of a property in the suburbs. It may be more than coincidence therefore that, after Geoffrey Costyn was found dead in the suburbs on November 8, 1338, the coroner's inquest found that the previous night Geoffrey and Roger, the son of John Baude senior, had emerged from a tavern together; Roger proposing to walk Geoffrey back to his lodgings, an argument had broken out en route and Roger had pulled a dagger and stabbed Geoffrey.

The case is that much more the curious because Roger had already been convicted of a homicide. On the night of 25 January 1337, he had got into an argument with Albreda, the wife of William Malyn senior and cut off her hand with his sword; Albreda had languished until September when she died, and Roger went into hiding to avoid the inevitable findings of the coroner's inquest, which also stated that he had no possessions that could be forfeited for his crime. Whether his reappearance to kill Costyn in an apparent drunken brawl was just that, or perhaps a family vendetta manifesting itself, we shall probably never know. Baude obtained a royal pardon in 1339 for killing Costyn. However, it may be noted that some doubt appears to have been cast on the findings of the Costyn inquest, as in February 1341 the king set up an investigation to re-examine the case; why or with what outcome, we know not.

Having introduced William Malyn, we must now pay that family more attention, for it becomes a key player in events. William was no newcomer to the town, nor was his family. The 1283 taxation list includes a Duce Malyn who appears moderately well off, although it is not clear if this was a man or a woman; the principal item on which he/she was assessed was wine. At about the same date this person was renting from the Holy Trinity priory a tavern formerly held by Robert Taverner and a shop formerly held by Malina de Lundres, from which we may surmise the origin of the surname. An Isabella Malyn who was a contemporary of Duce was the husband of Andrew le Taverner. So we may infer that the family was involved in the retail and probably the wholesale of drink.

There were a series of men named William Malyn and it is not easy to disentangle them. According to local historian Vincent Redstone ["The Chaucer-Malyn family, Ipswich." *Proceedings of the Suffolk Institute of Archaeology*, vol.12 (1906), 188], Isabella, the widow of Andrew le Taverner, in 1288 mortgaged to William Malyn the tavern once in the hands of Duce Malyn; unfortunately, I have not been able to confirm this, and Redstone's article is riddled with errors and untenable conclusions. It is a fact, however, that in 1305 a William Malyn was being sued by Isabella le Taverner, to oblige him to render account – possibly for revenues from a

tavern. In 1309 he was certainly the proprietor of the Holle Tavern, rented from Holy Trinity; this does not appear to be the same one, but rather an adjacent property that Malyn acquired from the widow of Philip Harneys as an expansion of his original tavern. Philip had held it in the 1280s, and the previous tenant had been William Schoop, whose neighbours had been Malina de Lundres on one side and Robert le Taverner on the other; both the neighbouring properties being in the hands of Duce Malyn in Harneys' time. These properties were in St. Laurence parish, in Cook Row. In 1324 William Malyn leased this tavern to William de Wachesam on a commission basis (5s. per tun of wine sold), but two years later had to sue him to account for the proceeds.

This William Malyn must have been born by at least 1285, for in 1308 we hear of his wife Albreda, and their children John, William, Agnes, and Alice. He was likely even older, for he was doing well enough in his career to have built a house by 1312. That he had already established important business connections is seen in that in 1304 he was in partnership with John Thurton, when the pair were sued for debt by, or acknowledged debts to, merchants such as John de Grymmesby and John de Whatefeld, some of which were for freight charges. By the 1320s Whatefeld was probably Ipswich's wealthiest burgess, but Malyn was not so far behind: in the 1327 taxation the former had the highest assessment, while the latter's assessment was the third highest, and he was also taxed on goods in several hamlets in the vicinity of Ipswich. Both Whatefeld and Malyn were among the three greater wool merchants of Ipswich to be summoned by the king to participate in a council of 1322, held concurrently with parliament, to discuss reform of the staple organization.

The continued association of Whatefeld and Malyn was noted above, regarding Malyn having in 1323 allowed his house to be used by Whatefeld, Gilbert Robert and others for secret trading, which however was discovered by the authorities and a prosecution resulted. Whatefeld and Robert had been former business partners of Thomas le Rente and were doubtless, in the minds of the reformers, associated with that clique. Malyn on the other hand, although he had been one of the handful specifically named as participating in the raid on Christine de Muse's estate in 1312, seems not to have been directly involved in the political conflict; this may have made him acceptable, among the candidates from the wealthy upper crust of urban society, to the reformers as a choice for bailiff: his single term in office coming in 1322/23. He had a couple of run-ins, on a private level, with members of the reform faction in later years. In 1331 he came to an agreement with John de Halteby, who had brought a suit of **novel disseisin** against him, in regard to rent he claimed was due him from Malyn's New

Tavern in Cook's Row; Halteby emerged triumphant, and in the following year is seen expanding his holdings in Cook's Row. In January 1336, Malyn and his wife Albreda together sued Roger the son of John Baude for some trespass committed against them. This may have been part of the explanation why, one year later, an argument between Roger and Albreda led to the latter's death. Malyn's last real appearance was in May 1342, when he was being sued by John de Halteby – since the charge was "nuisance" it was likely property-related; we know that Malyn survived until 1349, however.

The son of William and Albreda, William junior, was himself a prosperous and leading citizen by this time. He is not much in evidence until the 1330s, when legal cases in which he was a party reflect his commercial activities; at some point in his career he was able to buy his own ship. He was important enough to be elected bailiff in 1338, and after the end of that term leased the corn market from the borough authorities for a year, to see if he could make some profit there. During the 1340s he was probably one of the portmen, and he represented his borough in parliament in 1348, but held no more ballivalties in that decade. Having been convicted for his participation on a piratic attack on a Flemish ship (1340), he earned a royal pardon in July 1342 after equipping his ship for naval service for a two-month stint.

Not long after he was in even more serious trouble. Not long before May 1344 he was convicted of smuggling wool and other crimes. It appears that this was on evidence gathered by John de Halteby and Geoffrey Stace. In March 1343, Halteby and Stace, along with the king's serjeant-at-arms Ralph de Lillebrok, had been ordered to hurry to Chancery to receive instructions from the king and his council. In the light of what followed, we may suspect that they were being used as agents to inform on, if not infiltrate and bust, a smuggling ring. The general investigation of smuggling in that region a few years earlier has already been noted, and it may be significant that in July 1343 customs collection in the Ipswich region was taken out of the hands of Ipswich men and turned over to the **Yarmouth collectors**, a situation not reversed until the summer of 1345.

The East Anglian investigation of 1336-37 was itself part of a larger review of the integrity of the customs service, whose principal officers – the customs collectors – received no salary and must have sought other benefit from the posts. The first loyalty of such men was to themselves, the second to their relatives, friends and business associates in the community, and concern for the king's interests ranked only after this. Improper conduct on the part of local customs collectors had been suspected for some time – Thomas le Rente being one of the few victims of the early round of

investigations. During the reign of Edward II there began to be appointed in some ports a new officer, the controller; this was a (poorly) salaried official whose duty was to **compile a duplicate** customs account, as a check on the honesty of the collectors – the introduction of chamberlains in borough government, reflects a similar effort to have a second set of eyes overlooking financial administration. There was no controller at Ipswich until early 1327, when John Irp was given the post. However, collectors Gilbert Robert and John de Preston obstructed his assumption of office, and he had probably only just begun to undertake his duties when the king instituted a general investigation of the performance of controllers, which in June 1331 declared Irp absolved of any suspicion of misconduct or negligence; he continued to hold the post until at least 1343. Based on what appear to be abnormally low wool exports being reported from Ipswich between 1322 and 1331, Robert Baker [*op.cit.*, 21] suspected that Preston and Robert were guilty of embezzlement, which could explain why they wanted no controller. Yet the controller could not be effective if he acted in collusion with corrupt collectors, as was the case at Boston and Hull in 1327. As a merchant himself, Irp would have been exposed to the same temptation as the collectors, his fellow merchants, to doctor customs records for personal benefit. We have no proof that he succumbed; but he cannot be above suspicion, given the market offences with which he was charged at the time of the political struggle in the early 1320s, and his conviction for participating in a piratic attack on a Flemish ship in 1340.

After Edward III assumed personal control of national government in 1331 he instituted reforms in the customs service. His underlying interest was to optimize the customs revenues, which were among those on which he relied to finance his military campaigns, and it was this factor that drove investigations of malpractices or smuggling. Between 1338 and 1343 the same self-interest led him to obtain taxations payable in wool, and then restrict exports to his own wool; or, when private exports were licensed, to impose additional duties. In this environment, it is not surprising that some merchants felt encouraged to smuggle, and that the royal government put more effort into policing. In 1340, Edward was forced to make a truce with France because he had not the money to continue making war; furious, upon returning to England he set in motion a reform of the customs service. John de Preston was one of many replaced (1341) in the overhaul, although Irp managed to buck the trend and remain in the controllership. The increasingly impecunious king seems prepared to take any steps to bring in revenue, and the use of Stace and Halteby to inform on smuggling at Ipswich must be seen in that context.

To return to our main narrative, on 6 February 1344, Halteby, Stace, and

Roger de Shribbe obtained general pardons covering the reigns of Edward II and Edward III. On 13 February the king sealed, seemingly with some urgency, pardons for all felonies and trespasses on behalf of Stace, Halteby, Shribbe, and William de Porklee clerk; these were perhaps to exculpate them either from acts which as spies they may have committed in connection with the smuggling ring, or from illegal acts committed in the process of gathering evidence. Rather than face trial, Malyn went into hiding, and was outlawed. On May 6, the king again made use of Halteby and Stace, this time to seize on his behalf, in the presence of the town bailiffs, the real estate and moveables Malyn had held on the day of his conviction, and to assemble a jury to assess the values of those properties, which they did on May 10.

At the risk of another digression, Halteby's association with the son of the man he had overthrown some twenty years earlier need not seem so strange. The passage of time was sufficient to replace old alliances with new ones, and both Geoffrey Stace and John de Halteby were older – they were probably fairly close in age, and may even have been companions in mischief in older days (the event of 1317 mentioned above being slim evidence, however). They pursued their best interests; already by 1340 they had recognized a mutuality of interest, or of style, and were acting together to sue William Maynard regarding some real estate contract. Halteby's interest was perhaps the same as it had ever been: to make trouble in order to assert himself and dominate, and his intimidation activities during the '30s and early '40s – effected partly through the legal system – seem to have had the goal of increasing his property holdings.

Stace's interests are less easy to pinpoint. He had not suffered long from his father's disgrace, having served as bailiff (along with Costyn) in 1326/27, and again in 1333/34 and 1341/42; he was probably one of the portmen by the 1340s. He was also briefly employed in the customs service, in 1328-29, again with Costyn his associate. Like Costyn, however, he does not appear to have been active in commerce, and perhaps lived off real estate and administrative services. By 1327 he had married Agnes the widow of Walter de Westhale; this Agnes was the daughter of Andrew le Taverner and Isabella Malyn, and through that related to the Chaucer family which in a later generation produced the **famous poet**. Since 1324 Agnes had been in a legal battle with Margaret (or Mary) the widow of Robert le Chaucer, Agnes' brother, over inheritance rights to property. In 1326, Margaret and her new husband, Richard le Chaucer of London, had successfully prosecuted Agnes de Westhale, Geoffrey Stace and his brother Thomas, for abducting John, the underage son and heir of Margaret and Robert le Chaucer. The abduction was for the purpose of getting control of John's

inheritance; in 1329 Geoffrey and Agnes sold a house they had "acquired" from John. Geoffrey and Agnes appealed their conviction and petitioned parliament for relief from the ruinous £250 damages they had been ordered to pay, which they argued was greater than the value of John's property. After the appeal failed, at Michaelmas 1329, they were imprisoned in Marshalsea and not released until December 1330, only after paying the damages to John. More of Agnes' property, this time her dower from the Westhale marriage, was sold off in 1332. How long after this Agnes survived is not known, but by March 1342 Geoffrey Stace had remarried, this time the widow of Geoffrey Costyn, another woman of property and possibly an Irp by birth. He may have continued to bear a grudge against the Malyns in association with his previous marriage or his ambition to sell off his Malyn wife's property, or perhaps he thought it to his advantage in some way to bring about the fall of William Malyn junior.

Halteby, however, had overreached himself on this occasion. He had succeeded in building, over a long lifetime of bully-boy behaviour, a good deal of unpopularity. His action against William Malyn and other members of the smuggling ring quickly provoked a backlash, in the form of public ridicule of the spring judicial proceedings after their conclusion, and subsequently a plot against Halteby himself. In July 1344, Stace and Halteby obtained royal letters of protection in view of threats made them by their enemies, because of the evidence they had given to the judges who tried the Malyn case; perhaps Halteby had seen trouble building, for he had drawn up a brief will in January 1344, but this could be coincidence – he was after all a man of advanced years by now.

Some of the threats may have come from Malyn himself, who, having on June 22 purchased a general pardon which covered homicides, had paid a further fine of £200 – representing about a quarter of the assessed value of his moveables – to obtain a more specific pardon on June 25: for embezzling the king's wool and money (this probably relates to his stint as king's commissioner to supervise and enforce the collection of a wool-tax in Suffolk, in 1342), smuggling wool, trading in Scotland, and removing his ship from royal service off the coast of Brittany without the king's permission. William de Kenebroke appears to have been accused before the same judicial session as Malyn; having been town clerk through most of the 1320s and possibly the '30s too, he had served a term as bailiff (1341/42) and had been made coroner in 1343. He was convicted of embezzling a quantity of the sacks of wool he had been commissioned to receive for the king; imprisoned, he is not seen at freedom again, and was dead by mid-1346. John Cobat – either the former member of the Halteby faction or, more likely, his son, the husband of a Harneys daughter – was another

convicted of several crimes: arranging for 18 sacks of wool belonging to other men to be transported, in his own cart, to Douneman's Bridge, where it was put aboard a ship and carried overseas without customs having been paid; paying a 40s. bribe to the king's officers on behalf of the master of a Berwick ship to allow it to depart from the port of Orwell without undergoing a search; and having been party to the conspiracy made at the house of William Malyn junior to smuggle various goods out of Ipswich.

As the second document above indicates, those who had been convicted on Halteby's evidence had their revenge through his murder and then took sanctuary; the act probably took place some time between 1 August, when Malyn was at large, and 20 August, when Halteby's will received probate. The community condoned the deed, and bailiffs Preston and Irp seem to have been disinclined to take action against the culprits, so friendless was Halteby – his will makes reference only to his wife. The king took a dimmer view of matters and, following the judicial enquiry in the autumn, Malyn found himself an outlaw again and his lands once more forfeited to the king. Dim enough that the borough charters were suspended and the town was put under a **royal governor** until about July 1345, when ballival government was restored – at the elections the following year, the community thumbed its nose at the king by re-electing Preston and Irp. Not so dim, however, that King Edward was averse to selling, in July 1346, pardons for the murder to William Malyn, his wife Emma, the widow of William de Kenebroke, and Robert le Smyth an Ipswich seaman. More general pardons were issued in September to Elias Malyn, John Malyn, and Emery Kenebroke; William and Emma Malyn likewise were able to obtain general pardons – for all homicides, felonies, robberies, trespasses, and consequent outlawries – in October. Elias, John and Emery had had to win their pardons through military service in the French war. William had similarly sought redemption, during his outlawry, by service to the king, first in Ireland from February 1345 to April 1346, then in Brittany until June; the general pardon was his reward.

Even then the vendetta between the families seems not to have run its course. For in May 1347 the widow of Roger de Halteby was suing William Malyn and his wife for dispossessing her of dower right in two shops. Meanwhile, John Harneys junior sued Constantine de Halteby, who was married to the widow of a John Harneys of a previous generation; the suit demanded Constantine account for merchandize John had passed along to him in 1343 – via third parties including John de Halteby – to sell on his behalf. Having exhausted his delaying tactics and convicted by a jury in absentia, Constantine disappeared to avoid ruin (as an agent of the king in some unknown regard, he might have headed for London, where one of

John de Halteby's daughters had married into the Causton family).

It may have been around the same time that pardons were being issued that John Cobat petitioned the Chancellor, offering to pay a fine for his release from prison, claiming that his conviction on the smuggling and other charges had been the result of malice on the part of certain men, some of whom were outlaws. Perhaps he was hinting at a packed jury, or it may have been an oblique reference to Geoffrey Stace, who had not been targeted by Halteby's killers, even though he was in town during August. Stace had other worries: he was enmeshed in a lawsuit in London's husting, as a result of which he was outlawed (for non-appearance) but pardoned in November 1345 after turning himself in to the Fleet prison. In October 1347 the king granted that Cobat pay his fine and go free. He went on to become a bailiff at Ipswich in 1349, the year when Geoffrey Stace and William Malyn disappear from the records, doubtless the victims of plague.

This story of events at Ipswich in the first half of the fourteenth century is a fascinating one, but we should not look for a hero. If there were one, the scattered documents that allow us only glimpses of the full narrative would not identify him or her; their concern is principally to record wrong-doing, and they are not a solid foundation on which to assess personalities or motives, but they are almost all we have to go on. It is a cloak full of holes. By modern standards none of the principals can be much admired; but we should be hesitant in trying to point the finger at one or more villains of the piece. By their own standards, leading townsmen acted out of self-interest in a society where disregard for the law appears commonplace (although again this is a bias of the records), the national government could not effectively supervise the behaviour of those on whom it depended for local administration but instead relied on after-the-fact intervention, local government was a matter of group interest, politics a matter of harnessing popular discontent, and there was little room for ethics if you wished to avoid ending your days in poverty. What this story illustrates is not a struggle between good and evil, or even the rise and fall of a man whose prominence in urban society appears to have been achieved principally through the application of force and intimidation. It is instead a tale of the twists and turns to which all men, or women, of ambition were subject in a society where family relationships and rivalries were interwoven in complex patterns, and loyalties shifted at need.



NOTES

"1321"

The regnal year is illegible in the original, but can be determined from external evidence.

"common clerk"

This was a frequent title of town clerks and meant, of course, clerk of the community.

"roughed up"

The term in the original was one usually applied to shipwrecks.

"other people"

The term in the original, "gentz", may apply to servants, family or both.

"as if soldiers"

"Com gentz de guerre" may be intended to connote the roughshod behaviour of soldiers or their plundering.

"Michaelmas term"

On 4 September 1344, the king ordered the Chief Justice, William Scot, to be at Ipswich by 6 October to try the case, bringing with him the court records of the previous session held by William de Shareshull et al., at which Malyn and others had been convicted. It was evidently after that earlier session that the townspeople had performed the mockery of the proceedings, and the murder of Halteby and popular support for his killers came later.

"bringing the felons gifts"

Their appreciation of the enormity of the homicide and their anxiety over the consequences that their act would bring is seen in that they straightaway fled to sanctuary. The duty of the community was to guard sanctuary-seekers, to ensure they could not escape before answering to justice, but here the killing of Halteby was so condoned that instead the killers were supplied with necessaries that would enable them to remain in sanctuary and with money that might allow them to buy a royal pardon.

"plea hall"

I.e. the courthouse; probably the moothall on **Cornhill**.

"staircase"

The term in the original, *super gradus*, most probably refers to a narrow external staircase leading to the upper level of the moothall, as opposed to the type of wide ceremonial steps leading to the entrance of many public buildings today. The term might also refer to a raised platform within the hall, but it seems improbable the crowd would have gone so far as to appropriate justice by using the courthouse interior; its act seems one of mockery rather than serious defiance of the law.

"William de Notton"

Another of the king's justices. The Chief Justice, William Scot, had also sat on the session, but Shareshull and Notton may have been singled out because, as justices of oyer and terminer on the Suffolk circuit, they were better known (and correspondingly disliked) by the citizenry.

"could not deny"

It was normally expected that those chosen as executive officers would not absent themselves for any extended periods from the town, but give their first priority to their official duties.

"old men"

Preston's first appearances in the records were in 1315, when acquiring property with his wife and with another merchant being sued for a debt. He was probably in his mid-50s in 1344, but he survived for over a decade more – much of which he spent as bailiff. Irp's first appearance was in 1310, as master of an Ipswich ship sent for service to the Scottish war, and he was married by 1319. He was likely about Preston's age, perhaps a little older, but did not live out his natural lifetime, being felled by plague in 1349. Irp served at least 10 ballival terms at Ipswich, represented the borough at 12 parliaments between 1323 and 1344, was coroner from 1329 to 1343. He held various posts in the customs service, notably as controller.

"elected and delegated"

This phrase provides a nice expression of the concept of the authority of the executive officers deriving from the community, although the king's acknowledgement is not a recognition of an ascending theory, since it is tempered by his previous reference to the duty of keeping the peace being passed down from the Crown to the community (implicitly, by charters granting self-government).

"pardon for Leu"

Richard Leu and Thomas Stace were in trouble again in 1326, when it was ordered they be **distraigned** to force them to account for counterfeit money arrested at Ipswich; this would suggest they had held the posts of searchers for coin.

"one and the same"

Richard's brother Christopher also had a son by the name of John, but he was much younger than the John son of Richard, and if a distinction were felt needed, we could expect the records to speak of "John son of Christopher" rather than

"John son of Richard"; besides, there were other reasons why a man's patronymic might be brought into play. Christopher's son only seems to appear as a teenager, in the context of quitclaiming his rights to property of his late father (1310); it is unlikely he would have attained the respect or social stature to have been able to lead a popular revolt in 1320, although admittedly John de Halteby seems to have relied on a forceful character, which could have developed quickly in a fatherless boy. However, on the whole it is my feeling that John de Halteby and John son of Richard Halteby display a oneness of character.

"aulnage"

The task, assigned beginning in the reign of Edward I to royal officials (known, naturally enough, as aulnagers) of checking the quality and size of wholesale cloth, in particular to ensure that standard lengths (in ells) were being complied with. Like other officials, aulnagers had opportunities for malpractice of their duties, such as embezzlement of the duty imposed on cloth, determined by its length. Whether Robert's offence was associated with the office of aulnage or with evading submitting cloth to aulnage is unknown.

"17 named others"

These included men associated with the Halteby faction in 1321: John Cobat, Thomas de Westhale, Thomas Randolf, Geoffrey Pecke, John Godscalk, Peter le Jaye, William de Brome, Roger le Barker. Along with new faces, some of were coming into more importance in the town: merchant Miles le Fevre, chamberlain of the reform administration in 1322/23 and bailiff in 1332/33; William Ryingild, wool and cloth merchant, who would become bailiff in 1333 after several years in the local customs service; dyer Richard Starling, an early member of a family that would be very prominent in Ipswich in the second half of the fourteenth century.

"undersheriff"

Curiously, but probably coincidentally, a Simon Costyn was shortly afterwards in this post.

"what these were for"

Dagworth, who had lands in both Suffolk and Essex, had held the post of proclaimer of the Marshalsea and usher of the Exchequer (which gave him the right to appoint substitutes to serve as usher in eyres) throughout the reign of Edward II, and in 1322 he was in the retinue of the king and the Despencers as they campaigned in Wales against the Contrarians. He often appears in the Close Rolls during the 1320s making debt recognizances, some to merchants, and towards the end of his life was leasing out his royal post to others, perhaps a reflection of financial difficulties. Sir Richard de Rivers, on the other hand, was one of the most trusted adherents of Henry, earl of Lancaster, supporter of Mortimer and brother of one of the principal opponents of King Edward and the Despencers in 1322; Halteby's association with his son may have had less to do with politics, however, than with the fact that Robert was just in the process of obtaining possession of the estates of his late father, which lay in both the west and east of England, at exactly the same time he became indebted to Halteby. Sir Richard had himself become indebted to a John Michel of Tendring, Essex in 1329, but there may be no connection between that creditor and William Michel.

"famous poet"

Unlike Redstone, however, I see no reason to think that Geoffrey the son of John Chaucer was named after Geoffrey Stace; Stace and his wife were accused of trying to marry off the kidnapped John Chaucer to Agnes de Westhale's own daughter, but on this count were acquitted. Redstone seems to think that the abduction somehow endeared John Chaucer to Geoffrey Stace.

"Yarmouth collectors"

This change could equally have been part of the desperate attempts at this period to find some way to improve the customs service. Faith in Yarmouth townsmen might cause eyebrows to be raised, considering that they were even more unruly than those of Ipswich at this time. For example, in November 1343 an enquiry was launched into Sir Robert de Morley's complaint that 137 named men of Yarmouth attacked his ships anchored at Lowestoft and carried off their cargoes. While in June 1344 a pardon was issued to 314 Yarmouth men for the crimes that they: rode "with banner displayed" (i.e. as if at war) in Suffolk; captured men and held them for ransome; perpetrated homicides, arsons and other infringements of the peace; and supplied arms and victuals to the king's enemies. Explicitly excluded from the pardon were smuggling and the plundering of the ship *la Tarite*. Customs collector (and town bailiff) Thomas de Drayton was among both groups of accused.

"compile a duplicate"

This needed to be ensured by assigning to the controller one half of the seal applied to cocket letters (receipts for customs paid), so that he had to be present at all transactions; however, the central government was slipshod in ensuring that the collectors turned half of the seal over to the controller.

"royal governor"

Officially Sir John Howard, the county sheriff, although he appointed Edmund Noon to act on his behalf. Howard had his own grievance against the town, for in September 1343 he had complained to the king that a group of men from Ipswich and its neighbourhood (Thomas and Walter Leu being among those named) had broken into his estate at Whitton, just northwest of the town, hunted there and felled trees and carried off their spoils.



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Keywords: medieval London gentry widows testaments bequests debt heirs furniture furnishings linen silverware property holding funerals memorial services chantries careers lawyers royal service parliamentary representatives

Subject: Testament of a city-dwelling knight's widow

Original source: Corporation of London Records Office, Plea and Memoranda Roll A99, m.3

Transcription in: Philip Jones, ed. *Calendar of Plea and Memoranda Rolls of the City of London, A.D. 1458-1482*, Cambridge: University Press, 1961, 136-139.

Original language: Middle English

Location: London

Date: 1478

TRANSLATION

In the name of God, Amen. On 11 June 1478, in the 18th year of the reign of King Edward IV, I Lady Agnes Say, widow, being of sound mind, make and set out this my testament in the following manner. That is to say, first I bequeath and commend my soul to almighty God, my creator and maker, and to his blessed mother Mary the Virgin, and to all the saints, and my body to be buried within the parish church of St. Bartholomew the Less of London, near the tomb where my late husband, Sir John Fray, is now buried. I bequeath 6s.8d to the high altar of that church. I bequeath 40s. towards the church-works of that church. I bequeath 6s.8d to the high altar of the church of St. Benet Fink, London. I bequeath 20s. towards the church-works of that church of St. Benet. I bequeath 6s.8d to the high altar of the church of St. Christopher near the London stocks. I bequeath 20s. towards the church-works of that church of St. Christopher.

I bequeath £10 to a respectable priest to sing and recite for my soul,



the souls of my husbands Lord Wenlock, Sir John Fray, and Sir John Say, the Gregorian **trental** in such a place as designated by my daughter Lady Margaret Leynham, the wife of Sir John Leynham.

I pardon and forgive my brothers, Thomas Danvers and William Danvers, of all sums of money in which they are indebted to me. On condition they discharge me and my executors of all sums of money in which I was bound, on their behalf, to anyone. I pardon and forgive Agnes Hill, Katherine Humfrey, John Childe, Thomas Wrongey, Agnes Holgill, and **Margery Banastre** of all sums of money in which they are indebted to me or owe me. I pardon and forgive John Dryland, my former servant, of all sums of money in which he is indebted to me. I pardon and forgive all persons who are indebted to me, if they do not have the means to pay such sums of money as they owe me, at the determination of my executors.

I bequeath to Henry Parson, to pray for my soul, a bed; that is, a mattress, 2 blankets, a **coverlet**, and two pairs of sheets. I bequeath and wish that John Dye have every year for as long as he lives 20s., to say special prayers for my soul. I bequeath 20s. to Robert Abell to pray for my soul. I bequeath to William Walgrave my best bed; that is, a feather bed, a **bolster**, a piece of **fustian**, 2 pairs of sheets, a coverlet, the **celour and tester**, and 3 curtains.

I bequeath 13s.4d to the 4 orders of friars at Cambridge, to pray for my soul; that is, 3s.4d to each order. It is my wish that, whereas I have advised Master Thomas Asheby and my daughter Lady Margaret Leynham of a matter concerning the sum of £10, if in their opinion it represents a burden on my conscience then it should be given to the **church of Syon**, or wherever it is best disposed out of conscience, as they think best. I bequeath a gown to each of the wife of John Priour sherman and his daughter Agnes. I bequeath to Emlyn Wellys a gown.

I instruct and require all my feofees who are enfeoffed to my use in all the lands that were Brodgore's in **Wenden**, in the county of Essex, that immediately following my death they transfer ownership of the same to Lady Elizabeth Walgrave, she and her direct legitimate heirs to have and to hold in perpetuity. In default of such heirs, the remainder to go to the heirs of myself, Lady Agnes Say, in perpetuity.

I give and bequeath, by this my present testament, to Constance Browne, spinster, all my lands and tenements with their appurtenances located in the alleyway called the George Alley in Secol Lane, in the parish of St. Sepulchre outside Newgate, in the suburbs of London in the ward of Faringdon Without; which I recently purchased from Henry Ive. Constance to have and to hold for her lifetime. After her death I wish those lands and tenements to remain to Lady Agnes Gate, widow. Lady Agnes to have and to hold for her lifetime, on condition that Lady Agnes pays and satisfies Constance for £100 within 2 years following my death. After the death of Lady Agnes, or if the £100 is not paid, I wish the lands and tenements to remain to Robert Browne gentleman of Oxfordshire. Robert and his direct legitimate heirs to have and hold in perpetuity. In default of such heirs, the remainder goes to the proper heirs of Lady Agnes Gate in perpetuity.

I give and bequeath to Lady Elizabeth Walgrave and Lady Margaret Leynham all my rights and the remaining term of my lease in the house in which I live at present. It is my wish that all my share in stocked goods worth £400, for which my servant Robert Galyon can account, be evenly divided into 6 parts. Of which I give and bequeath 5 parts of the same to Agnes, Katherine, and Margaret my daughters, to Richard my brother, and to the aforementioned Constance; each of them to have an equal share of the 5 parts. I wish and specify that if Constance dies while her mother, my daughter, is yet alive her mother is to have her share, on condition that Lady Agnes Gate pays and satisfied Constance the £100 already mentioned within 2 years following my death. Similar, if my daughter, the mother of Constance, dies while Constance is yet alive, then I wish Constance to have her mother's share.

I bequeath to Lady Elizabeth Walgrave a standing cup of gilded silver with a cover and a silver basin and ewer, whichever she chooses from among mine. I bequeath to Lady Margaret Leynham another standing cup of gilded silver with a cover and a silver basin and ewer, chosen from mine after Lady Elizabeth has made her choice. In addition, I wish Lady Margaret to have another cup, which was given her by her father, my late husband Sir John Fray. I bequeath to my daughter Katherine Stafford another standing cup of gilded silver with a cover and a silver basin and ewer, chosen from mine after Lady Margaret

Leynham has made her choice. I bequeath to my daughter Lady Agnes Gate a standing cup of gilded silver with a cover and a silver basin and ewer, chosen from mine after Katherine Stafford has made her choice. I bequeath to Alice Tracy another of my standing cups of gilded silver with a cover, chosen from mine after Lady Agnes Gate has made her choice.

I wish that the costs and fees related to my burial and **month's mind** be paid honestly by my executors, without any pomp or display, or putting on any feasts or dinners, but giving food and drink and other charitable hand-outs to poor people, to pray for my soul.

The residue of all my goods, chattels, and debts **[due me]**, whatsoever they be, after my debts are paid and the costs and fees of my burial and month's mind are expended, and my present testament is in all regards fulfilled, I give and bequeath to my executors named below. With the intent that they, using wise judgement, use the same to provide and arrange for the foundation of a perpetual chantry, with a priest singing and praying in the parish church of St. Bartholomew for my soul and for the souls of my late husbands, Lord Wenlock, Sir John Fray, and Sir John Say, for our friends and benefactors, for those for whom I am specially bound to pray, and for all Christian souls. Once that perpetual chantry has been arranged, established, and securely founded, I wish that Lady Elizabeth Walgrave and Lady Margaret Leynham dispose of all remaining unexpended goods and debts for my soul and the other souls mentioned, by distributing them in charitable works, acts of mercy, and other good deeds, as according to their best judgement they consider best pleasing to God and most profitable for my soul and the other souls mentioned. I wish my daughters to have preference, before any others, when it comes to buying any of my possessions, paying for them whatever they have been appraised at.

Of this my present testament I make and appoint as my executors my daughter Lady Elizabeth Walgrave, Henry Danvers, and John Clopton esquire. As their supervisor I make and appoint my especial good lord, William Lord Hastings, the king's chamberlain; and I bequeath to the Lord Chamberlain for his labour £20 and a **pyx** of gold. I bequeath £20 to each of the Lady Elizabeth and Henry Danvers for their labour, and I bequeath £6.13.4d to John Clopton for his labour.

In witness to this my present testament, I have set my seal; drawn up on the date above.

DISCUSSION

[I have divided the documents into paragraphs to make for easier reading.]

Agnes Say cannot really be considered a townswoman, but at the close of her life she was evidently living there and desired burial there, and her three principal husbands all had London interests.

Agnes was the daughter of John Danvers of Banbury, a member of the minor gentry in Oxfordshire, who represented his shire in several parliaments between 1420 and 1435, and served as the county escheator 1424-26. His own inherited properties were modest, but he was able to build up a large estate in the northern part of the county. He married first Alice, daughter and heir of a Northamptonshire gentleman, William Verney; Agnes was the result of this union, as were three sons: Thomas, Robert and Richard Danvers. Robert studied law at Lincoln's Inn and went on to serve as a lawyer to the London Corporation, first as Common Pleader (1441/42) and then as Recorder (1442-48), before becoming a Justice of Common Pleas (1450-58); after being knighted, he died in 1467. Richard also entered the legal profession, dying in 1489. Alice having died by circa 1420, John Danvers married Joan, the daughter and heir of John Bruley, another Oxfordshire man. By her he had five sons and four daughters. The sons included another Thomas, who also became a lawyer and parliamentarian, and was knighted, dying 1502; and William, yet another lawyer and parliamentarian, who would also serve as Justice of Common Pleas from 1488 until his death in 1504. When John Danvers died in 1449, his property was divided between the several sons.

Agnes had first married Thomas Baldington of Hertfordshire and Oxfordshire, in 1427. Although we hear of both a senior and a junior of that name, he was most likely the Thomas Baldington who, the heir of William Baldington esquire, was a minor in 1420, but in 1425 proved himself of the age of majority and was allowed to come into his inheritance. Perhaps the marriage was no great success, for his name is conspicuously absent from her testament and they are not known to have had any children. He died in

August 1435, and in the following year Agnes remarried.

Her new husband, who was clearly to her the most significant of her four spouses, was John Fray; he too had been married before and was about 40 years old when he married Agnes. It may have been no coincidence that he, like some of Agnes' brothers and half-brothers, was a lawyer. He has been described as "a particularly striking example of the 'self-made man' whose success was achieved through a combination of talent, hard work and personal ambition" [Carole Rawcliffe, *History of Parliament: The House of Commons 1386-1421*, III, 124]. Much of that hard work was related to service to the Crown; between 1408 and 1457 he is known to have served on at least 59 royal commissions. Most of that work came after he had established a clientele for his legal practice in London. He was appointed to the legal staff of the city, as Common Sergeant (1421), but in that year or the next was promoted to the important office of Recorder. In 1426 he quit that office, to move into the royal bureaucracy, as a Baron of the Exchequer, becoming Chief Baron in the same year that he married Agnes. During the Exchequer tenure, which lasted to 1448, he served in various other capacities, such as Justice of the Peace in various counties, Deputy Treasurer of England, and a member of Henry VI's council. Not only did he have the gratitude of the king, which resulted in Fray being knighted prior to 1459, his legal clients included many members of the nobility. Like Baldington he had an estate in Hertfordshire; he had served as the county's parliamentary representative in 1419 and 1420; he also had lesser landed interests in several other counties, as well as in London – at some point prior to 1458 he had lived in a house called "Parker's Place" in the parish of St. Benet Fink, but he had also invested in various other houses and shops in London, which provided him with a source of annual income. Despite his service to the House of Lancaster, towards the end of his life he loaned money to support the Yorkist cause (perhaps no more than political astuteness); it was soon after recouping this from Edward IV that Fray died, in July 1461. It was thanks to Fray's influence and wealth that the daughters Agnes bore him – there being no sons – made good marriages into the gentry: Margaret to Sir John Leynham, Elizabeth to Sir Thomas Walgrave, Katherine to Sir Humphrey Stafford, and Alice to Henry Tracy esquire.

In 1467 Agnes married for a third time; her dower rights in Fray's property must have made her an attractive partner. Her choice on this occasion was Sir John Wenlock, whose own wife (a Bedfordshire heiress) of over thirty years had died in the early 1460s, without leaving any surviving children. Both Agnes and Wenlock would have been in their late 60s when they married, so there was no question of further children from this alliance. The son of a Bedfordshire gentleman, Wenlock was also active in county affairs,

representing it in five parliaments between 1433 and 1455, serving a term as escheator of Bedfordshire and Buckinghamshire, and later one as sheriff of the latter county. Wenlock's seat was at Luton, in Bedfordshire, his property there coming through inheritance; in 1462 he acquired Hertfordshire property forfeited by the former Chief Justice, Sir John Fortescue. In his youth he had participated in Henry V's invasion of France, and he later entered the service of Margaret of Anjou, eventually becoming her chamberlain. His service to the Crown is also reflected in his employment as a member of some 18 embassies in the '40s and '50s. He was knighted in 1449. It appears to have been on one such embassy that he came into contact with the Duke of York and Earl of Warwick, and he became a supporter of the latter. Initially fighting on the Lancastrian side in the civil war, his relationship with Warwick led him to change sides, and it was as a Yorkist that he served as Speaker of the House of Commons in the parliament of 1455. Having successfully besieged the Tower of London for Edward of York, he was part of the latter's triumphal entry into London in 1461 and was elected a knight of the garter a few days after. Later in the year he received appointment as Chief Butler of England and was made Baron Wenlock. In 1463 he helped Lord Hastings capture Bamburgh castle. He continued to undertake diplomatic missions for Edward IV, and had command of Calais for him (possibly as deputy of Warwick). Although he did not immediately follow Warwick into the Lancastrian camp, his sympathies clearly remained with his friend, and by 1471 he too had switched sides, accompanying Margaret of Anjou back to England, only to meet his end in the Battle of Tewkesbury that same year. Agnes' association with the Browne family may have come through Fray, who had been friends with John Browne, one of Henry V's esquires of the body, or through Wenlock, who had in 1466 been a trustee of the lands of Sir Thomas Browne. The implication from the will appears to be that her daughter Agnes had been married into that family at one time.

Wenlock having died, in essence, a traitor, the marriage probably did not leave Agnes materially better off. It may have been advisable in those uncertain times for her to form another alliance, or perhaps it was just a matter of preference. At some point between September 1473 and October 1474 she married Sir John Say, another Hertfordshire man, whose seat was the manor of Hoddesdon (Broxbourne), although he also held other estates in the county. Say's parentage is uncertain, but his original name seems to have been John Fiennes. He apparently adopted Say as his surname in order to reinforce his claim to descent (via a female line) from Geoffrey, Baron de Say (d.1359). His first wife, Elizabeth Cheyne, was the daughter of a Cambridgeshire gentleman, and it was likely this family connection that led to him being chosen to represent the borough of Cambridge at parliament in

1447. Two years later he represented the shire itself, and was chosen Speaker of the House of Commons for that parliament. He represented Hertfordshire in at least five parliaments between 1453 and 1478, serving twice again as Speaker, in 1463 and 1467. Much of his energy was expended in the service of the Crown: in numerous commissions, as Justice of the Peace for Cambridgeshire (1448-58) and Hertfordshire (1454 until his death), as Chancellor of the duchy of Lancaster (1449-62, 1466-71, 1477-78), Under Treasurer of England (sporadically from 1455 until his death), and Keeper of the Great Wardrobe (1476-78). As a servant of the house of Lancaster and an associate of Lord Say, he was a target of the rebels during Cade's insurrection; and in the parliament of 1451 a request was made to banish him from the court (because of misconduct), but ignored. He transferred his loyalty to the Yorkists in 1460, and continued to find employment in royal service; one of his roles was, in conjunction with Lord Wenlock and others, to act as custodian of the forfeited estates of the Earl of Oxford. He was made a knight of the Bath in 1465, upon the occasion of Edward IV's marriage. He was able to switch loyalties back to Henry VI at the Readeption, and back again to Edward IV soon after, without apparent adverse effect on his reputation or employability.

Say died on 12 April 1478, requesting burial at Broxbourne beside his first wife, who had given him three sons, the eldest of whom married the widowed Elizabeth Walgrave, daughter of Agnes and John Fray, and produced daughters who would marry Lord Mountjoy and the Earl of Essex. Agnes was acknowledged in Say's will only insofar as he specified that she should retain the possessions she had brought into the marriage, and she was not designated one of his executors; however, these things do not necessarily reflect an unsuccessful marriage, or even constitute a snub – a woman of Agnes' age would not have been a sensible choice as executor. Say's judgement there was sound, for Agnes did not long survive him. Her testament received probate in the Prerogative Court of Canterbury on 16 July 1478, when her daughter Elizabeth was granted administration of Agnes' goods. However, Elizabeth died that same year and in May 1480 it was Robert Browne and Thomas Gate who presented the document before the mayor's court for enrolment in the above form.

Agnes was presumably buried as she requested in St. Bartholomew the Less, London, beside the husband who had meant the most to her, just as Say had sought burial beside the wife with whom he had spent the greater part of his married life. Fray's tomb still survives in that church. Agnes is further commemorated, along with two of her daughters, in the stained glass of a window at the famous Holy Trinity church in Long Melford (Suffolk), whose benefactors were the Cloptons, a family seated in the neighbourhood.

One of Agnes' executors was a leading member of the family. Agnes' associations were clearly more with the lesser nobility than with an urban community, yet in some regards she exemplifies the connections that the gentry had with urban society, particularly that of the capital.



NOTES

"trental" "month's mind"

Both terms were applied to a commemorative service held thirty days after the funeral. The term "trental" was also applied to dirges generally, and in the case of the Gregorian trental referred to 30 masses celebrated over the course of the 30 days following the funeral.

"Margery Banastre"

In 1450, London fishmonger Christopher Banastre granted all his possessions to John Fray, Robert Danvers, Richard Danvers et al.

"coverlet"

I.e. bedspread.

"bolster"

A long flat cushion placed at the head of the bed, across its width, to support the head or a pillow and to serve as a backrest when sitting up in bed.

"fustian"

A heavy-woven fabric of linen warp and cotton weft, likely used as a blanket.

"celour and tester"

Parts of the canopy over the bed. The terms seem sometimes to have been used interchangeably. Where both were used together, one likely refers to the canopy itself and the other to additional cloth hung at the head of the bed.

"church of Syon"

Syon Abbey, originally founded on the Middlesex bank of the Thames near

Richmond, but soon after relocated to the site now occupied by Syon House. It became the wealthiest nunnery in England.

"Wenden"

Presumably the modern Wendens Ambo.

"pyx"

A small box.



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Keywords: medieval King's Lynn Carmelites friaries pensions accommodations food regulations careers

Subject: Grant of a corrody by the Carmelite friars to a Lynn couple

Original source: Cartulary of the Carmelite friary at Lynn, f.32b

Transcription in: A.G. Little, "Corrodies at the Carmelite Friary of Lynn," *Journal of Ecclesiastical History*, vol.9, no.1 (April 1958), 18-20.

Original language: Latin

Location: South Lynn

Date: 1377

TRANSLATION

This agreement was made at South Lynn on 29 September, 1377, between the prior and convent of the friars of the order of the Blessed Mary, Mother of God, of Mount Carmel of South Lynn, on the one hand, and Hugh de Ellingham of Lynn and his wife Cecilia, on the other. By unanimous agreement of the chapter, the prior and convent, on behalf of themselves and their successors, grant to Hugh and Cecilia for their entire lifetime a hall with a double chamber – that is, one [chamber] below and one above – and with two fireplaces and two latrines, at the end of their [i.e. the friars'] main hall next to the friars' refectory. Also, at the other end of the hall, a lower chamber for storage and another lower chamber for their food and other supplies [i.e. pantry]; with a chamber above those two lower chambers, containing a small kitchen with fireplace. [This dwelling] to be constructed, entirely at the expense of the prior and convent, at the east end of the second cloister of the friars, extending in length from the friars' communal refectory to their new infirmary; with free access in and out through a gate [leading] towards the **Southoken** directly opposite the chamber of Hugh and Cecilia, together with free passage on any day at appropriate hours



through the middle of the cloister in order to get into the church to attend mass or other divine services. The prior and convent also grant to Hugh and Cecilia a large space for their garden, extending the length of the dwelling of Hugh and Cecilia as well as the width of the infirmary, as far as the great wall enclosing the garden on the Southsoken side. Also, access for Hugh and Cecilia's servants to fetch from the friars' fresh-water supply whenever and as often as they have need.

The prior and convent also grant to Hugh and Cecilia for life (and to whichever of them survives the other), so long as they dwell within the friary and not outside it, each week 18 **conventual loaves** of white bread and 6 loaves of bran bread weighing 50 **shillings**, and 16 gallons of the convent's best ale, to be taken from the friary bakery and brewery by their servants before anyone else may receive bread and ale therefrom. On their part, Hugh and Cecilia agree and promise faithfully that they will not (nor will anyone else on their behalf) in any way sell all or any of the bread and ale granted to them; nor will they invite in any guests other than good and honest folk for whom the prior and convent would wish to be answerable before the law. They likewise promise that they will conceal the secrets of the friary, and not divulge any so that the friary's interests are in any way threatened. [Interpolated: Hugh also promises and has given his word that after the death of Cecilia, if he happens to outlive her, he shall not take another wife.]

By this document the prior and convent obligate their house and all their goods to the faithful fulfillment of each and every of these arrangements. In witness to which indenture the seal of the community of the friars together with the seal of Hugh and Cecilia are appended. Dated [as above]. The names of **the friars** agreeing to [the appending of] to convent's seal to the this indenture are: the prior brother John Honygge, the reverend master brother Peter Wysbech, the baccalaureate brother William Cokesford, and brothers Edmund Barsham, William Spaldyng, Nicholas de Lenne, Thomas Lomb, Robert Swerdestone, John de Lenne, John Fransham, Robert Bilney, William Walton, Robert Walsoken, John Cole, Richard Brethenham, Stephen Worsted, John Tilney, Richard Norehale, Richard Wysbech, John Schipedham, Thomas Castre, Thomas de Lenne, William Babyngle, John Hyndringham, Peter Benet, Thomas Wyssingsete,

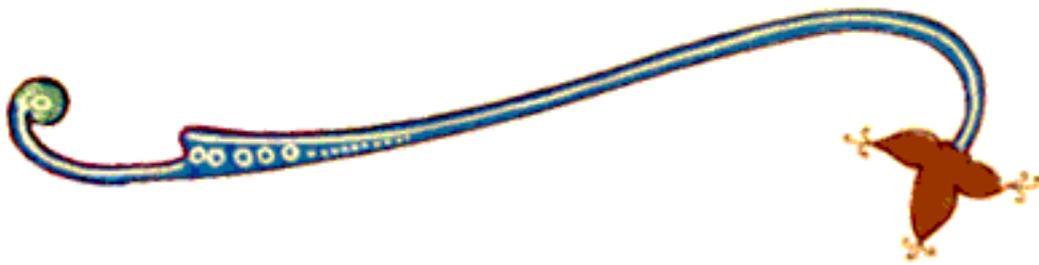
Thomas Peveryl, John Brunham, Roger Barsham, Robert de Norwyc, Walter de Lenne, William Gedneye, John Wysbech, Richard Enmeth, William Harsyke, Richard Rowham, John Oxenforde, William Elm, William Bardefeld, John de Cantebrigge.

DISCUSSION

On the same day that the above contract was agreed to, a second but more modest corrody was granted to another townsman, Thomas Paynot and his wife Joan. They were allocated a plot of land within the friary precinct on which to build a house at their own expense. They were assigned a smaller allowance of bread (14 loaves of white) and ale (10 gallons), but were also to have two dishes of the friars' potage each day, free access to the conventual kitchen to cook their food (presumably they had no servants), and 3,000 peats a year for heating. In addition, the friars were to arrange for a chaplain to celebrate a daily mass for Thomas, Joan and their benefactors. For that last item alone, Thomas was to pay £100 in five annual instalments; the cost of the entire corrody must have been significantly greater. At the bottom end of the scale a corrody granted, in 1367, to John Winston baker, described as a servant of John de Penteney (one of Lynn's **jurats**) involved assignment of a bedchamber and the same meals as the friars; his payment was: £3.6s.8d; his labour in the friary bakery and brewery (in return for perks, but no wages) until prevented by extreme old age; and a testamentary bequest of all his possessions to the friary.

No terms of payment are recorded for the Ellingham corrody, but we can imagine that it must have been quite considerable, probably involving a lump sum payment or transfer of real estate, as well perhaps as assurance of a sizable bequest. He and his wife had doubtless planned out their retirement carefully. Hugh began life as Hugh de Dudlyngton, entering the franchise under that name in 1360, after having completed an apprenticeship with mercer William de Ellingham. He adopted his master's surname at some point after the mid-1360s, perhaps because of some relationship or perhaps upon becoming one of his master's heirs (William last appearing in the records in 1359): in the early 1380s Hugh is found in possession of a tenement, near St. James' church, formerly owned by William. He followed William into borough government, first as chamberlain in 1364 and later, mostly during the 1370s, as a jurat and constable. He made his living as a

mercator and vintner; in 1364, for example, he took cash and cloth across to Gascony to trade for wine. The agreement in 1377 – at which point Hugh would probably only have been in his late 30s, or at most his early 40s – was not put into effect immediately, for time was needed for the house to be built and for Hugh to wrap up his affairs. This apparently took about one and a half years: he was not re-elected jurat after 1378 and in February 1379 a replacement was elected to his constabulary (on the same day Thomas Paynot was likewise replaced in the office of constable he had held), while in the lay subsidy later that year he was listed under the heading for South Lynn. He lived for several more years, but died before 1388/89, when the borough was in possession of a ferry-right he had given (bequeathed?) it. Unfortunately, his will – which might have thrown more light on the terms of his contract with the Carmelites – has not survived. However, there is no evidence he left any direct heirs (a John de Ellingham active in Lynn in the early 15th century was not necessarily related), so it may have been that the attractive terms offered by the Carmelites was on the understanding that they would inherit at least some of his property.



NOTES

"Southsoken"

The "Suthsokene" was simply another name for South Lynn, perhaps restricted to that part in which early settlement had congregated.

"conventual loaves"

A conventual loaf was one of a particular size, intended as the daily allowance of a friar (or monk).

"shillings"

The reference to "shillings" in regard to the bread refers to a unit of weight rather than value, one shilling corresponding to 12 pennyweight; with 20 pennyweight to an ounce, 50 shillings would correspond to 30 ounces.

"the friars"

Many of the names of the friars witnessing the Ellingham corrody, as of those elsewhere recorded in the cartulary, are the names of prominent families of Lynn; although this could be coincidence, based on the general immigration catchment area of Lynn, it would not be unreasonable to theorize that friaries drew many of their recruits from the local community.



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**This canopied statue represents
Sir Thomas Erpingham kneeling at prayer**

Photo © S. Alsford

Sir Thomas Erpingham, of Erpingham in Norfolk, is most famous as the commander of Henry V's archers at Agincourt. His role in Norwich's affairs was also an important one, however. A member of the local gentry who had been in service to the house of Lancaster since his youth, he was called on by the Norwich authorities on various occasions to assist them in their dealings with the king.

In 1400 for example, when he held the office of king's chamberlain, his advice was sought by the city on some matter, presumably either related to the effort to have the new king approve the existing city charters, or the wish to move beyond that towards a new constitution; whichever, he was asked to put in a good word for the city to the king. For this he was paid £13.6.8d, and when his wife came to the city she was given a gift of wine, oats, capons and swans. His further advice and influence at court, together with a large loan made to Henry IV by the city in 1402, were factors in Norwich's success in winning from the king its important charter of 1404, which brought about the desired constitutional changes, included substituting a mayor for bailiffs; certainly he received gifts of wine from the city at that time. Interestingly, a man of the same name – conceivably a relative – was given the post of mace-bearer to the city's first mayor; perhaps this was another sign of the city's gratitude.

Between 1409 and 1411 Sir Thomas was also involved – through advice, influence, and loan of money – in obtaining for the city a grant from the king of the jurisdiction over alnage of worsted cloth. In 1414 he was called on to arbitrate a very divisive constitutional crisis in Norwich and, after his return from the French war, cemented the settlement he had helped broker by using his influence (he then being steward of the king's household) to obtain a royal charter embodying the new constitution. As late as 1420/21 he was being rewarded with wine for his counsel, in this case with regard to how the city should handle a visit by the king.

Much of the rebuilding of the Dominican friary in Norwich was financed by him and his son Robert, who became a friar there. The family arms were set between each of the clerestory windows of the friary church, and may still be seen there today.



The Erpingham Gate

Photo © S. Alsford

The gate that bears his name, one of three surviving gateways leading into the cathedral close – in this case on the route leading directly to the main entrance to the cathedral – is thought to have been built at his cost, a gift to the cathedral, ca.1420. The upper portion, surrounding the canopy within which Sir Thomas's statue is recessed, is faced with flint in Norfolk style. Below it, surrounding the Perpendicular arch, the outward face of the gateway is highly decorated with figures of saints. The buttresses at either side also bear sculptures, as well as the heraldic devices of Erpingham and the families of his two wives, and each buttress is topped by the statue of a priest. The word *yenk* ("think") is engraved at various places on the gateway, and is a request for

viewers to remember (and say a prayer for) the donor.



The mouldings around the arch contain a series of 14 female saints in the outer moulding and 12 male saints in the inner. The pedestals of some of the figures emerge from exquisitely carved foliage.

Photo © S. Alsford

The date of the building of the gate is not known for certain, but it must have taken place after his second marriage (1411). The style suggests the 1420s, and it seems likely the gate would have been given at a time when Erpingham's thoughts were turning to his death and afterlife – by this time he would have been in his sixties (he was born in 1357). There are stories that he built the gate as a penance for a sin he had committed – different versions suggest a homicide or support of heretics – or in gratitude for surviving Agincourt, but there is no real foundation for any of these.

Erpingham died in 1428 and was buried inside Norwich cathedral, in a tomb built in advance, alongside his two wives; a chantry was established there in his name. His testament did not forget the city in whose affairs he had always shown an interest. He left sums of money to the cathedral and the Prior and monks there, as well as to the church of St. Martin at Palace; his armour too he left to the cathedral. He also bequeathed £6.13s.4d each to the sisters and poor inmates of St. Giles' hospital, Bishopgate, and to the same of Normanspitel, and lesser sums to prisoners in the gaols of Norwich castle and the city guildhall, as well as to hermits within the city.

The construction of the gate may have been an act intended to win favour from the cathedral in which he hoped to be buried, to win favour from God, and to

establish a memorial to himself. The armour in which he is depicted may have been that which was bequeathed to the cathedral. It is not impossible the gate was begun close to his death and finished posthumously by his executors, or even have been entirely a project of his executors. His testament focused on pious and charitable bequests and left the rest of his worldly goods to his executors' disposition – they may have felt the gateway a suitable application of that wealth, and certainly it has stood the test of time.

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Original language: 1.-3. Latin ; 4. Middle English

Location: Newcastle upon Tyne

Date: early 15th century

TRANSLATION

[1. The testament of Robert Hibburn]

In the name of God, Amen. I, Robert Hibburn, mayor of the town of Newcastle upon Tyne – turning my thoughts to the transitory nature of this world and to the threat of death hanging over me, given that I am sick in body but sound in mind, in which state we cannot cling to our worldly attachments but must **look to our future** – on **3 August** 1415 at the town of Newcastle have set out my testament in the following manner. First, I bequeath my soul to God, the Blessed Mary, and all the saints, and my body to be buried in the **church of All Saints** of that town, before the altar of the chantry of St. John the Evangelist.

I give and bequeath to my wife Agnes the entire **burgage** that is my **chief tenement** with its appurtenances, situated in the town of Newcastle in the street called **The Close**, on the west side of the tenement of Robert Clyfforth, as per its established boundaries. Agnes



is to have and to hold that **tenement** and appurtenances for the term of her life, from the chief lords of the fee by the services owed therefrom and rightfully due; with the proviso that after Agnes' death, the chief tenement and its appurtenances shall in their entirety remain to my son Thomas and his heirs and assigns in perpetuity, to be held of the chief lords of the fee by the services owed therefrom and rightfully due. I give and bequeath to my son Robert all my lands and tenements (or burgages) with appurtenances that are outside the gate of **Sandgate**, within the area of jurisdiction and suburbs of that town, as per their established boundaries. My son Robert and the legitimate heirs of his body are to have and to hold of the chief lords of the fee by the services owed therefrom and rightfully due. With the proviso that should it happen that Robert die without legitimate heirs of his body, then all those tenements (or burgages) outside the gate of Sandgate shall in their entirety remain to my son Thomas and his heirs and assigns in perpetuity of the chief lords of the fee by the services owed therefrom and rightfully due. I give and bequeath to my son Roger all my lands and tenements being in the town of Newcastle upon Tyne that I hold in fee from the master and friars of **Wall Knoll** upon the Quayside or in **Pandon**, as per their established boundaries. Roger and the legitimate heirs of his body are to have and to hold of the chief lords of the fee by the services owed therefrom and rightfully due. With the proviso that should Roger die without legitimate heirs of his body, then those lands and tenements with appurtenances shall in their entirety remain to my son Thomas and his heirs and assigns in perpetuity of the chief lords of the fee by the services owed therefrom and rightfully due.

I wish that all my goods and moveables, once my debts have been fully paid, be divided. So that one part go to my executors named below, to distribute for my soul, in whatever ways they consider most effective. Another part of the goods is to go to my wife Agnes, as her **fair share**. And the third part of the goods is to go to all my **children named above**, as their fair share, the said legacies notwithstanding. I give and bequeath to my daughter Margaret £26.13s.4d in cash, provided however that she follow the advice and counsel of my below-named executors, Richard Dalton, and other of her brothers, as to whom she shall marry. If the above-mentioned fair share of the goods that happens to fall to Margaret exceeds the value of £26.13s.4d, I

nevertheless wish that Margaret may have her share, if she marries with the approval of the afore-named; with the proviso that under all circumstances the £26.13s.4d be counted as part of her fair share.

The residue of all my goods I give and bequeath to my wife Agnes and my son Thomas to distribute for my soul and the souls of my parents, as they would wish to answer for it before God and his saints, and I appoint, make and name Agnes and Thomas as my executors, to make provision for my soul, and Richard Dalton to be supervisor of this testament. In testimony to which, I have set my seal to this testamentary document. Witnesses: John de Hall, John de York, Richard Willysby chaplain, John Brompton, John Alnewyk, and others.

[2. The testament of John Stokdale]

In the name of God, Amen. On 6 April 1416 I, John Stokdale, brasier and burgess of the town of Newcastle upon Tyne, being of sound mind and having it in mind to go overseas for purposes of commerce, have set out my testament in the following manner. First, I commend my soul to God, the Blessed Mary, and all the saints, and my body to be buried wherever God sees fit. By this document I wish and direct that my kinsmen, John de Wermouth chaplain and William Cayster, and their heirs and assigns, peacefully enjoy tenure and possession of all my lands, tenements, rents, and services with their appurtenances that are in the towns of Newcastle and Gateshead, and elsewhere within the See of Durham, according to the terms, force and effect of certain of my charters concerning the same, previously made and delivered to them, without any challenge, claim or dispute from me or my heirs; for the purpose of fulfilling my wishes, as stated to them, concerning the lands and tenements. I wish and direct that the aforesaid John de Wermouth and William peacefully hold and possess all my goods and chattels, wherever they may be – whether on this side of the sea or overseas – as per a certain other document bearing my seal which I previously granted and delivered to them, according to the terms and effect of that other sealed document. Because there are various other goods and chattels, as well as debts, acquired by me subsequent to the issue of my said sealed document, and now in my possession, both on this side of the sea and overseas, I give and bequeath to John and William those goods, chattels and all kinds of debts owed to me from

anybody whatsoever. Concerning all those goods, chattels, and whatever debts are now owed to me, by this document I make, appoint, and name John and William my executors, to make arrangements for my soul, as they would wish to answer for it before God and his saints. By this my current testament, I ratify and confirm, and for myself and my heirs approve as mentioned above, the right and possession of John de Wermouth and William in all of the aforementioned lands, tenements, rents and services, and all other goods in my possession at present or granted to them by my other sealed writing, taking into account the grants of possessions and the seisin of lands, tenements, rents and services with appurtenances, and the grant of all goods and chattels wherever they may be via my other previous document. In testimony of which I have set my seal to this testament. Witnesses: **Emery Heryng**, John Barker merchant, **John de Moreton** merchant, Robert de Wytton clerk, Robert Fletcher, and others.

[3. The testament of William Esyngton of Newcastle]

In the name of God, Amen. On 15 March 1416 I, William de Esyngton, burgess of the town of Newcastle upon Tyne have made and set out my testament in the following manner. First, I give and bequeath my soul to Almighty God, the Blessed Virgin Mary, and all the saints, and my body to be buried wherever God sees fit. I give and bequeath to the high altar of my parish church, for **tithes and offerings** I neglected, £20. I give and bequeath £30 to the fabric of the church of St. Nicholas in that town. I give and bequeath £3.6s.8d to the fabric of the chapel of St. John in that town. I give and bequeath 13s.4d to each order of **friars mendicant**. I give and bequeath 6d. to each pauper who is, due to infirmity, confined to bed within the town.

I give and bequeath to my son Nicholas and to the legitimate heirs of Nicholas' body all my lands and tenements, with all their appurtenances, revenues, produce, and easements, however defined, both within the town of Newcastle and outside it. Should it happen that my son Nicholas die without legitimate heirs of his body, then I wish that all those lands and tenements with all appurtenances, revenues, produce, and easements be sold, without any fraud or deceit, and **[the proceeds]** distributed for my soul and the souls of my wife

Alice, our children, and all the faithful deceased, and for the souls of those to whom we owe a special and genuine debt of gratitude – through the performance of both divine services and other pious works, as my executors identified below think most beneficial and effective. I give and bequeath to my son Nicholas all my chief possessions in my chamber, hall, pantry, kitchen, brewhouse, alehouse, and stable, together with all my arms and armour, both offensive and defensive. All the remainder [of my possessions] – that is the utensils – I give and bequeath to my aforementioned son Nicholas, and my alleged sons Henry and William, to be divided equally amongst them. I give and bequeath to my alleged son Henry £40 and to William his brother £40. I give and bequeath to my son Nicholas all my jewels and ornaments for adorning both the head and the body of a woman, together with the bags in which they are kept, which my wife Alice directed should go to our daughters Elizabeth and Ellen in her last will. I give and bequeath £6.13s.4d to my sister Matilda. I give and bequeath £200 for priests to celebrate divine services for the souls of myself, my wife Alice, our children, and all the faithful deceased. As for the residue of all my goods, not otherwise bequeathed above, I give and bequeath it to my son Nicholas, to dispose of for my soul, as seems most effective to him after he has taken good advice.

So that this testament may be faithfully carried out, I make and appoint these as my executors: viz. the aforesaid Nicholas my son, dom. John de Etall chaplain, Richard Forester clerk, and William de Cornford. To which executors, for their labour in seeing the entire testament fulfilled, I give and bequeath £13.6s.8d to be divided equally amongst them, exclusive of all other expenses and costs incurred in carrying out my testament. In testimony to which, I have set my seal to this testamentary document. Witnesses: William Redmershell, John Whyt draper, John Pontfreit cordwainer, John Cosson glover, and others. Drawn up at Newcastle on the date above.

[4. The testament of Roger Thornton senior]

In the name of the Father and the Son and the Holy Spirit, Amen. On 22 December 1429 I, Roger Thornton senior, have made and set out my last will and testament in the following manner. That is, I commend my soul to God's mercy and my body to be buried beside my wife in **All Hallows church**, Newcastle. I wish that every secular

priest who attends my interment have a **noble** to pray for my soul and attend my **dirge and coming forth**. I wish that £100 be spent and distributed at my interment, at the directions of my son Roger. I give 100s. to the vicar of St. Nicholas' church for forgotten tithes. To the church of St. Nicholas for repairs and ornaments, £26.13s.4d. To All Hallows church for the like, £20. To St. John's church, 4 **fathers** of lead. To St. Andrew's church, 2 fathers of lead. To the chapel of St. Thomas on the Tyne bridge, 6 fathers of lead. Towards the repair of **West Spital**, 2 fathers of lead. To the Wall Knoll [**friars**] for the repair of their church, 2 fathers of lead. Towards the repair of the **The Nuns** of Newcastle, 2 fathers of lead. To the **leper-men** of Newcastle, 40s. Towards the repair of Newcastle's Tyne bridge, £66.13s.4d, if the mayor and community will agree to release me from any lawsuits – I who never caused them any problems, nor owe them anything as far as I know, but I desire this [**commitment**] so as to avoid any controversy. To the Maison Dieu dedicated to St. Katherine, which I founded, £20 for its ornaments. To my chantry dedicated to St. Peter in All Hallows church, £10 for its ornaments. To the chapel of **Witton by the water**, £4. To every almshouse dedicated to the bedridden in Newcastle, 13s.4d; which is to be part of the amount [**assigned**] to be spent on my interment. Towards the repair of those tenements that I have given to the aforementioned Maison Dieu and chantry, £10. I wish that 30 priests sing for me, for two years following my death; each priest having as his salary £5.6s.8d. I wish that the £266.13s.4d owed me by the prior and convent of Hexham be spent upon the building of their church, if they will put up satisfactory surety that such will be the use made of it. I give to the house of Blanchland 2 fathers of lead. To Brinkburn, 2 fathers of lead. To Coketland, 1 father of lead. Towards the repair of Farnland, 1 father of lead. To the nuns of Holystone, 1 father of lead. To each of the four mendicant orders in Newcastle, to pray for my soul, £6.13s.4d, to be divided among each friar, at the direction of my son. I wish that the hermit of Newcastle and dom. Henry Fenwyk and dom. Henry Lincoln, priests, be among the 30 priests for 2 years; after those two years, I wish the three to sing for me, each of the two secular priests receiving £5.6s.8d annually and the hermit £4. Up to £66.13s.4d is to be spent on this, if they live that long; failing that, it is to be spent for [**the good of**] my soul, at the direction of my son. I pardon £30 of the debt that the house of Gisburn owes me (besides the £100 that I have given them at

an earlier time), on condition they find a priest to sing for me in their house in perpetuity, as we have agreed upon. I wish that my poor tenants – those who have difficulty paying [their rent] – be pardoned £66.13s.4d, at the direction of my son. I give to the convent of Yarm and the convent of Hartlepool £6.13s.4d each to pray for my soul, to be divided among them [i.e. the residents] at the direction of my son. I give 1 fother of lead towards the repair of the steeple of Durham minster. To every monk of Charterhouse at Mountgrace to pray for my soul, 6s.8d. To every monk of Tynemouth, 6s.8d. To every monk of Whitby, 6s.8d. I give 100s. to dom. Thomas Pityngton, vicar of Hartburn. To **dom. John Fenwyk**, £10. To dom. William Harwod, 20s. To my servant Margaret "**in penny and in pennyworth**", £86.13s.4d; also, for her lifetime, the house in **Broad Chare** in which Nicholas Baxster resides. To Roger Corbet, £4; also, for life, the almshouse of the Maison Dieu, on condition he not reside there. To my servant Hawlay, 40s. To John Gofden, 20s. To my servant Robert Hall, 40s. [pardoned] of the debt he owes me. To John Desburgh, £4 of the debt he owes me. To my former servant Thomas, 6s.8d. To Agnes Hume, 20s. To Agnes Ward, 20s. To Ellen Ward, 20s. To Marion Wan, 20s. To old Gillot, 20s. To Janet Pryddowe, 20s. To Sir Henry Lincoln, 13s.4d. To William Mawe, if he renders account honestly, 20s. To Thomas Gentyلمان, 20s. To John Tynmouthe, 20s. To Emery Heryng, 100s. To William Desburgh, 100s. To Henry Thornton, 100s. To John Wharnowe, 50s. out of his debt. To Robert Barker, 13s.4d To Thomas Skynner the skinner, 4s. To John Sharp, 15s. To John Moreton, 20s. To William Walker, 20s. To Chirnsid, 6s.8d. To John Felton, his house free [of rent] for his lifetime (he to keep it in repair) and a **corrody** in St. Katherine's for his lifetime. I pardon John Whelewryght 20s. of his debt. I give 13s.4d to Thomas Croxton. I wish that £40 be at the disposition of my son for the following purpose: if any poor labourer or other person claim any debt that I owe, he may use his discretion in doling the money out to pay them, to remove the burden from my soul, as he will answer to God for it. I give 100s. to Gerard Mitford. To John Robynson of Thornton, if he renders an honest account, 100s. To young John Robynson, his son, 100s. To John Brompton, 40s. To my servant Cok, 20s. To my servant George, 13s.4d. To Margery Corbet, 40s. To Margaret Dalton, 20s. To my servant Alison, 6s.8d. To Robert Killingworth, 13s.4d. All these bequests I wish my son to fulfill, as he will answer to God for it. All

the remainder and residue of my goods, moveable and non-moveable, together with all my lands in which I or anyone else in my name or to my use are enfeoffed (except the lands assigned to my Maison Dieu and my chantry), I give fully, freely, and with clear title to my son Roger and to his heirs and assigns in perpetuity. To fulfill this, my last will and testament, I make and appoint that same Roger my son to be my executor, in the presence of dom. John Fenwyk, Emery Heryng, and my servant Margaret, sealed with my own hand on the day and year indicated above.

DISCUSSION

These several examples of wills of fifteenth century townsmen demonstrate some variety in tone and preoccupation. Hibburn's is formal to the point of coldness. The document was drawn up as he approached death (which took place on 31 August, and probate was completed on 27 September), his mind is focused on the succession to his real estate; while he makes the customary provision for the dower for his wife – but no more – his main concern is that his estate pass only to his legitimate male heirs, particularly the eldest. A stern, paternalistic attitude is conveyed.

Stokdale's will is precautionary: he is prudently making provision as he prepares to make a trip overseas, but only needs to do so in general terms, not with specific bequests; this is not a deathbed will where provision for one's soul becomes a motivator, but more of an insurance policy. He probably drew up similar documents when making other overseas voyages; the reason this one survives is because he did in fact die, although under what circumstances we are ignorant, probate being granted on 13 June.

Provision for the soul is demonstrated most clearly in the will of Roger Thornton, again drawn up as he was approaching death, the probate process having been initiated on 4 January 1430 (the day after he died) and completed on 19 January. It makes only a passing reference to his real estate, focusing firstly on pious bequests and funeral arrangements – his concern with the future of his soul being evidenced not only by his will, but also by the foundation earlier in his life of a hospital and a chantry – and secondly with rewards to his servants and employees, with occasional

intimation of genuine gratitude, if not fondness, and a concern for their welfare after his death. His will is otherwise uncomplicated, since his wife had predeceased him, and everything would go to his son.

William Esyngton's will (which, like that of Hibburn, I have divided up into paragraphs, for easier reading) was not drawn up so close to death, but likely as the testator sensed himself going into decline. It is more balanced, making a more conventional provision for his soul, and then proceeding to address the disposition of his estate, both moveable and real, among his heirs; the latter is his principal concern and motivation, provision for his soul being secondary. This otherwise fairly ordinary will is marked by the peculiar references to his *filiis putativis*, a term I have rendered (hypothetically) as "alleged sons"; whether this implies bastardy, step-sons, alienation from sons of an earlier marriage, or something else, I cannot be sure. But the testator had reservations about Henry and William, and was not prepared to name them among his executors; he perhaps provided for them only in the hope that they would not interfere with the inheritance of his principal heir, Nicholas, who was either underage or incompetent. Probate was granted on 23 February 1417, when John Strothir was appointed guardian of Nicholas Esyngton, who was judged too young to take on the role of executor unaided; Strothir therefore became, in effect, executor along with Richard Forester, John Etall refusing to undertake administration and William Cornford perhaps having died as he is not mentioned.

Although refusals are not so uncommon, in this case it may be a reflection of trouble foreseen in administering the will. On the same date that probate was completed, the executors obtained from Bishop Langley a letter to the parish priests of Gateshead and Newcastle, condemning persons purportedly unknown for having removed from Esyngton's house, before he was even dead, "gold, silver, obligations, contractual documents, papers, tallies, memoranda, letters, financial accounts, and other legal documents... as well as jewellery and other personalia, merchandize, household utensils, and various other goods" [*Register*, vol.II, 145], and for intentionally obstructing the executors in their work. The parish priests were ordered to denounce and threaten with excommunication anyone so behaving, or assisting or instructing those behaving in that way, and failing to restore the illegally appropriated goods. Possibly it was the elder sons who were considered the culprits, or at least instigators. The outcome is unknown. Nicholas, as an orphan, was not in a position to assert his rights. On 10 March 1417, he was transferred to the guardianship of chaplain John Wermouth, and matters relating to his inheritance had still not been cleared up. Why the wealthy and influential Strothir had relinquished his

responsibility is not known; perhaps he did not wish to become embroiled in a legal battle on someone else's behalf at a time when his own career was more demanding: he had just served as sheriff of Newcastle in 1415/16, was elected as its parliamentary representative in 1417, and would be elected to the first of two mayoral terms in 1418. Or perhaps Nicholas' enemies were too powerful to oppose. In this regard we may note that a William Esyngton served as mayor of Newcastle in 1421/22 and possibly in the following year as well.

We should beware of reading too much into these documents, as regards the character of the testators. What appears formal may simply be the style of the clerk or lawyer who drew up the document. Historians have much debated on how reliable testaments – usually the closest we have to a personal document for the vast majority of medieval townspeople – may be in accurately reflecting the psychology or attitudes of testators.

We must also keep in mind that these wills come from the upper crust of urban society; which means that any attitudes we may infer from them would not, even if valid, necessarily represent those of urban society as a whole. Robert Hibburn, for example, was one of the more prominent townsmen of his generation, who served as one of the sheriffs of Newcastle in 1403/04 and again in 1410/11, and was approaching the close of his term as mayor when he died. He on one occasion described himself as having been 30 years old in 1380, which would have made him 65 at the time of his death – a good age, by medieval standards. His father was also a Newcastle man, although less prominent, but the family had its roots among the county gentry; Hebburn lay on the banks of the Tyne a little east of Newcastle, while the family also held land at Newton-by-the-Sea, quite some distance north. John Hibburn's wife was a co-heiress of property in the same areas and others, and in time Robert had the benefit of this. He himself similarly married into an important county family, to Agnes the sister of Sir William Carnaby.

Despite all this, it was as a merchant that he primarily established himself (land-holding being, in northern parts susceptible to Scottish raids, no less precarious a source of income); he is found exporting wool in the 1380s, and later woad, and in 1406 we glimpse him acting as a middleman for a London merchant. His administrative service likewise began, as far as we can see, in the early 1380s, with him serving first as an assessor of taxes in the borough, and a few years later as a tax collector. He was a collector of pontage from 1390 to 1393 and again (when combined with pavage) from 1406-11, and a collector of the king's customs in the port from 1411 until shortly after he had been elected mayor. At his death he left three sons and

two daughters, of whom the elder, Agnes, was not mentioned, having received her dowry when she married Richard Dalton ca.1411; Agnes' second husband was the John Strothir who was briefly guardian of Nicholas Esyngton.

Even more prominent in Newcastle was Roger Thornton. The geographical origins of his family are uncertain. According to one tradition he may have come from Hartburn. As he evidently held an estate at Thornton (since a bequest went to someone likely his steward there), his ties to his ancestral home remained strong. But where that home was is not easy to identify. The placename of Thornton is quite common in England, with a particularly large number of villages in Yorkshire bearing the name (most with some qualifier). A second tradition associates him with the Thornton that is near Bradford. There is a Thornton in Northumberland, a few miles southwest of Berwick, which could be a candidate, but one closer to Newcastle is in the North Riding of Yorkshire, just outside Middlesborough; the latter has the attraction of being close to Yarm, which would help explain the bequest to the monastery there.

Like Hibburn, he was not the first generation of his family to settle in Newcastle; a John Thornton was bailiff there (1382/83), customs collector, and an exporter of cloth and leather, dying in 1394. By that time Roger had already become one of the leading merchants and Leland later described him as the richest merchant ever to live in Newcastle; Roger's wealth is reflected through the large number of bequests he could make without impoverishing his heirs. He is seen exporting wool in 1385, lambskins in 1389, and cloth in 1393. In 1400 he was licenced with partners to buy 2,000 sacks of wool to ship to Flanders, and licences on a similar scale were issued again in 1408 and 1410. At the same time he was diversifying his business by moving into the coal and lead trades, as well as by dealing in iron, woad, madder, and wine. Lead eventually became his chief commodity; in 1401 he negotiated a 12-year lease from the Bishop of Durham of mines that produced lead and silver. This explains the numerous bequests of that material; he had also paid the dowry of his daughter Agnes in gold and lead, when she married the son of Sir John Middleton.

With the fortune he made from commerce, he was able to invest in real estate; this included manors at Netherwitton, about 20 miles northwest of Newcastle, and (much closer to home) at Byker, the latter later being the source of endowments of his chantry in All Saints and the poor people's hospital, or Maison Dieu, of St. Katherine, a project he had begun in 1402 and, some years after its completion, turned over to the administration of the borough authorities. He also came to hold several other estates, both in

Northumberland and County Durham, some of which were received as a reward from the king for his efforts and expenses in defending Newcastle against the rebellious earl of Northumberland in 1405; as well, he leased the manors settled by the Middletons on their young son, when he married the young Agnes Thornton. Roger held extensive property in Newcastle itself, his own residence being in Broad Chare, and in the later part of his life he even bought property in London, including a business office in Sea-coal Lane. Many of the smaller cash bequests (under 100s.) in Roger Thornton's testament may have been to servants, even where this is not specified, who were needed for the upkeep of his household and his properties across the north-east.

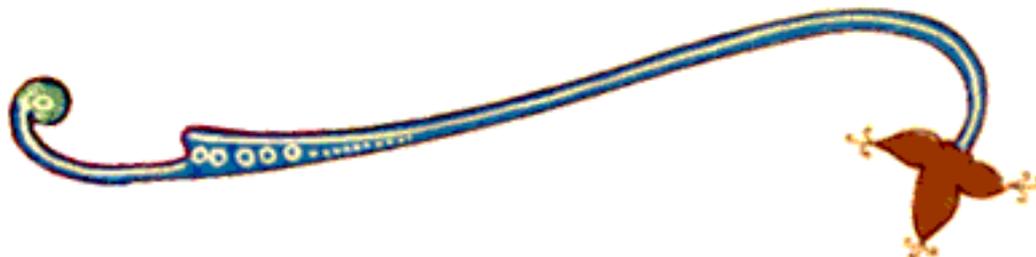
Roger was very active in both local and royal administration. His earliest known position of responsibility was as a borough tax collector in 1385. He served as a bailiff of Newcastle in 1396/97, followed by 9 terms as mayor, the first in 1400/01 and the last in 1425/26. Constable of the Newcastle staple in 1399/1400, he went on to serve briefly as collector of pontage (1406), and more extensively as a customs collector there (1406-13, 1421-25). He had married Agnes Wauton, who bore him seven sons and seven daughters, if we may trust the depiction on the brass covering the couple's tomb, although only two are known to have survived him. His son and heir Roger was, a year before Roger senior's death, betrothed to the daughter of Lord Greystoke; a sizable part of the father's property was settled on the son at that point.

William Esyngton was yet another prominent wool merchant; his surname could refer to one of several villages called Easington, in Yorkshire, Northumberland, or Durham. Henry IV granted licences in 1400, 1408 and 1410 for the purchase and export to friendly countries of large amounts of northern wool, hides and wool-fells by a consortium of Newcastle merchants whose core membership was Esyngton, Roger de Thornton, **William Langton**, **Robert Gobefore**, and **William Middleton**. The purpose of such licences for the merchants was to export directly to the continent instead of having to go through the Calais Staple. After the first licence in 1400, the Staple organization protested this challenge to their monopoly and the king backtracked. Despite the losses they incurred as the result, the Newcastle consortium tried again a few years later, salvaging some of the warehoused wool from their first effort; they met with more success, the Staple offering less resistance now, and went on to a more ambitious venture in 1410.

In 1412 Esyngton placed a claim, in the court of admiralty, on the cargo of a Scottish ship captured at sea and brought into port at Kingston-upon-Hull; it

appears that some of the co-owners of the ship owed money to him; the ship's master settled the debt and the king gave permission for the ship to be released from arrest. The following year we hear mention of a ship co-owned by Esyngton and Hugh Byker, the *Christopher*, which was one of a small fleet that had captured a hulk and a barge on the belief they were transporting a cargo of wine belonging to the French enemy. Esyngton, along with Robert Hibburn, was also associated with Thornton in the latter's acquisition of the manor of Byker in the same reign. He was probably one of the aldermen by 1406, and in 1412 he was one of a delegation of leading townsmen (headed by mayor Langton, and including Hibburn and Thornton) negotiating with Bishop Langley in a dispute between bishop and borough over a tower the latter had erected on the south side of the Tyne bridge.

John Stokdale is much less well-documented both in local and national records, and the absence of immediate family mentioned in his will may indicate he was still relatively young, although he evidently had an active business.



NOTES

"look to our future"

i.e. make provision for the future of the soul.

"3 August"

The date is uncertain, as the document states *die veneris tercio mensis Augusti*; the 3rd was a Saturday. As Professor Storey noted, the third Friday of the month (16th) may be meant, but a scribal error is just as likely.

"church of All Saints"

Technically All Saints – like St. John's and St. Andrew's – was a chapel, Newcastle only having a single parish church (St. Nicholas') to which tithes were due.

"chief tenement"

A *capitale mesuagium* generally meant the house in which the owner lived, as opposed to one owned but rented out.

"The Close"

This road ran parallel to the bank of the Tyne, to the west of the bridge; it may be that Hibburn's property was a riverside one, as might be expected of a merchant.

"Sandgate"

Situated at the southeastern corner of the walled town; possibly riverside land.

"Wall Knoll"

A street in the southeastern corner of the town, just within a stretch of the walls that was evidently an afterthought to the original plan of the circuit, apparently intended to circumvent the hill (knoll), and/or take buildings that would otherwise have been suburban (and thereby exposed to Scottish invaders), and/or take in a large stretch of the quayside. The Carmelites had their friary in Wall Knoll until at least the early fourteenth century, although in 1360 the site was taken over by the Trinitarians (an order of friars associated with the Crusades, with only a handful of houses in England).

"Pandon"

The name of the southwestern neighbourhood in which Wall Knoll lay; at its southern end lay part of the quayside.

"fair share"

A third part of the property was often identified by borough custom as the widow's right.

"children named above"

Although the text says *filiis meis supradictis*, it appears from what follows that the daughter (not "named above") was also to be included in the share-out.

"Emery Heryng"

He served on three occasions in the 1420s as a parliamentary representative for Newcastle, but is not known to have otherwise held any post in local government. He was, however, keeper of the seal of the statute merchant there from 1423 to 1442. His witnessing of the wills of Stokdale and Thornton could be an indication of friendship, business association, legal representation (he is conspicuously not described as a merchant), neighbourliness, or simply social solidarity. Thornton's bequest suggests something more than a casual association.

"John de Moreton"

Probably the merchant who was one of Newcastle's leading exporters of wool, hides and cloth from the 1380s, and a town bailiff in 1393/94; although still alive in 1408, a John Morton junior had appeared from 1394. It is almost certainly the latter who received a bequest from Thornton in 1429.

"tithes and offerings"

Tithes were a one-tenth share of income (profits from commerce, labour, or agriculture) expected to be paid to the Church by laymen to support its religious activities. This payment was promoted by the Church as a divine law, and gradually enforced by secular law, in contrast to an "offering" which was theoretically voluntary.

"friars mendicant"

Orders which, having adopted a vow of poverty, were required to beg. These were the Franciscans (Friars Minor), Dominicans (Friars Preacher), Carmelites, and Augustinians. As distinct from monastic orders such as Benedictines and Cistercians which, although the individual members were not to own significant possessions, the communities as a whole were permitted to amass property. It was partly because the friars depended on public alms that the orders established themselves primarily in towns, where there were relatively dense populations.

"All Hallows church"

I.e. the chapel of All Saints.

"noble"

6s.8d.

"dirge and coming forth"

Typically, a procession would escort the corpse into church, where funeral services would begin that day with the *Placebo*, followed by an overnight vigil, and the following morning by the *Dirige* and perhaps one or more masses, after which the body was brought forth for burial.

"fothers"

A measure traditionally applied to lead in England, its weight might vary between 2100 lb and 2600 lb.

"West Spital"

A hospital (alms house) in Westgate Street.

"The Nuns"

St. Bartholomew's Priory, a Benedictine nunnery.

"leper-men"

Possibly referring to the lazar-house in the northern suburb, associated with the hospital of St. Mary Magdalene.

"Witton by the water"

Presumably Netherwitton, situated on the bank of the River Font (although the claim to be beside a water source could of course be made by any number of English settlements).

"dom. John Fenwyk"

Elswhere described as a chaplain, although even without that reference his witnessing of the will would argue in favour of clerical status. Since he and Pityngton were clerics, it is a fair bet that Harwod was too. Bequests to laymen are grouped later in the document, although whether Henry Lincoln was a knight or clergyman is more difficult to say.

"in penny and in pennyworth"

My assumption would be that this means "in cash or goods to the value of".

"Broad Chare"

The name of a street leading from All Saints chapel to the quayside.

"William Langton"

Sheriff of Newcastle 1404-06, mayor 1408-10, 1411/12. Active in commerce from 1386-1410, his mercantile dealings were in a wide range of items, but particularly wool; before the consortium of 1400 formed he usually acted alone in mercantile ventures.

"Robert Gobefore"

Co-owner with Thornton and others of the ship *Good Year*.

"William Middleton"

Sheriff of Newcastle 1408/09, 1414/15. Perhaps a member of the family into which Roger Thornton's daughter married. He was active in Newcastle's commerce from about 1394.



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**Drawing based on the monumental brass of
Alderman John Feld and his son John**

from E. Cutts, *Scenes and Characters of the Middle Ages*. London, 1925

John Feld senior must have been born around the beginning of the fifteenth century. The John Feld of Standon, Hertfordshire who died in 1408, and a John atte Feld brewer of London, whose will was made in 1405, are candidates for his father, and they may even be the same person. The alderman held property at Standon, as well as in Essex and Kent, and was residing in Standon by 1465.

He began his career as a stockfishmonger, and the unfinished inscription on his brass describes him as "a merchant of the staple of Calais"; in 1449 he was one of 15 commissioners appointed to negotiate with the Duke of Burgundy regarding the commercial interests of England and France, particularly the traffic in wool and woollens through the Calais staple. But later in life he seems to have retired to his estates outside the city and in 1470 was described as "late of London, gentleman".

Feld served as sheriff of London in 1454, and two years later became an alderman, remaining such until 1463. In that year he obtained from the mayor a release from all future service to the city, on the grounds of illness. Yet the importance to him of aldermannic status is seen in that his brass depicts him wearing an alderman's gown atop his other clothes; the brass was originally inlaid with colour, traces of the red of the livery and the white of its fur lining still being visible at the time the above illustration was made. From his girdle

hangs his purse, the mark of a man of business, and a rosary, to symbolize his piety.

His brass, in Standon church, states that John Feld senior died on 16 August 1474. His son and heir, John junior, was his executor, along with John junior's wife Agnes. This suggests a second son, indicated on the brass, had predeceased him – the risk of a father living to old age. John junior had the status of esquire and probably had chosen to pursue his career among the landed gentry. The contrast between the way he and his father are depicted on the brass is telling. John junior did not long outlive his father, dying in 1477; the brass indicates that he had two sons and two daughters.

The monument to the two Johns symbolizes one characteristic of the urban ruling class of the fifteenth century: that wealthy merchants were inclined to purchase extra-urban land – part investment, part acquisition of productive land to serve or expand their business, and part ambition to raise themselves into the ranks of the gentry. The transition in social status often took place across generations. It meant that the loyalties, interests, and preoccupations of urban leaders did not lay wholly with those they led, driving a wedge into the community, a concept important to the survival and advancement of towns in their early period of self-determination.

The divided loyalties are emblemized on the monumental slab on which the brass of the Felds was mounted. It was ornamented with the arms of the city of London, those of the merchants of the staple, the alderman's own merchant-mark, and the arms that can also be seen on John junior's tabard.

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translation | discussion | notes

Keywords: medieval London politics mayor election political conflict factionalism arbitration taxation warden folkmoot rebellion fines

Subject: A disputed election

Original source: Corporation of London Records Office, *Liber de Antiquis Legibus*, ff.132-33

Transcription in: Thomas Stapleton, ed. *De Antiquis Legibus Liber. Cronica Maiorum et Vicecomitum Londoniarum*. Camden Society, vol.34 (1846), pp.148-53.

Original language: Latin

Location: London

Date: 1272

TRANSLATION

Let it be remembered that during the term of **John Horn and Walter le Poter** as sheriffs (whose names are listed **three folios** further on in this book), when on 28 October, as customary, the citizens of London gathered in the Guildhall to elect a mayor, the aldermen and the **more judicious** citizens wanted to elect **Philip le Tailleur**, but the **rabble** of the city opposed that choice and made an uproar, crying out "No! No! We won't have anyone as mayor except Walter Hervy!" (who had been mayor on a previous occasion). And, contrary to the wishes of the others, they used their force of numbers to install him in the mayor's seat. The aldermen, along with many of the judicious men who supported them, lacking the power to resist such a large multitude, too many to number, at once took off for Westminster to see the king and his council. Walter Hervy likewise set off for the same destination, taking with him the populace and promising them, as he had done at an earlier time, that he would look after every one of them throughout the term of his mayoralty, keeping them free of any **tallages**,



exactions, or tolls, and that he would acquit the city of all its debts, whether owed to the Queen or to anybody else, as identified in the rolls of the city chamberlains as arrears.

What he referred to as "arrears" related to a major tallage imposed by the assent of all citizens, and were [sums of money] released and remitted, by writ of the king sent to Sir Alan de la Souche at that time warden of the city, to those citizens who had been assessed amounts higher than they had the means to pay towards levies previously made to pay the king to redeem the city. Which release and remission was made by sworn men **of the same locality and trades** as those to whom the remission was given; as such, it was openly and explicitly recorded in the rolls of the city chamberlains, which rolls are [an official] record. Furthermore the king had recently written to the mayor and sheriffs of London on behalf of some of those [seeking remission], to have the rolls scrutinized and, if their names were included in the enrolment, that they should not be harassed, or be allowed to be harassed, contrary to the tenor of that record.

Notwithstanding these enrolments and the orders of the king, the mayor strove to extort large sums of money from those citizens, consistently making promises to the populace as mentioned above and assuring them that he would keep his word. The people in return, believing that what he promised was the truth, supported him and agreed to whatever he wished of them; so that a great multitude of men, by the hundreds and thousands, too numerous to count, followed him at his command, on foot and on horseback.

To continue what was said above, on 28 October when the aldermen and their supporters came before king and council, they laid before them serious complaints about how the populace had used force to interfere, violently and unjustly, with an election [being carried out] by those to whom the right of electing the city mayor and sheriffs belongs more than to anyone else, and has always belonged according to custom. They respectfully requested the king and his council that the king take matters into his own hands, to prevent these people – who were calling themselves "the commune of the city", and were excluding the aldermen and the more judicious citizens – from an uprising in breach of his peace and jeopardising the peace of the kingdom, just as had come about in the time of the Earl of Leicester.

That is, when **Thomas fitz Thomas** and Thomas de Pullesdon had so raised [the power of] the city populace above the aldermen and more judicious men of the city that, when occasion required it, the latter were unable to bring people to answer to justice; in consequence of which, as is notorious throughout the whole world, a deadly war came about in England.

The populace, however, offered no rebuttal to this but instead raised a great outcry in the king's hall – so that the noise of it reached the king, who lay in bed suffering from a serious illness – repeatedly chanting "We are the commune of the city! To us belongs the election of the mayor of the city! Our explicit wish is that Walter Hervy, whom we have elected, be mayor!" Against which the aldermen presented many arguments for the election of the mayor belonging to them, both on the grounds that they the aldermen are like the **heads** while the people are like the limbs, and that it is the aldermen who are the judges of pleas held in the city. Whereas, [they argued,] many members of the populace have no lands, rents, or houses in the city, are the **sons of various mothers**, are some of them of **servile condition**, and all of them care little or nothing about the well-being of the city.

The populace, however, still carried on its chanting. The members of the king's council, not wishing to provoke either the aldermannic party or the popular party [to further commotion] that would disturb the king, who was in a weak condition, dismissed them until the following day and told Walter that he should not come to the court with such a great multitude of people, but only with ten or twelve men at most. They having received these instructions, everyone returned to the city.

But Walter, caring nothing for the orders given him by the king's council, immediately after **breakfast** sent out to everyone in the city, except those who were supporters of the aldermen, a summons in the name of the king – although the latter could have known nothing about it – and on penalty of a heavy fine [for defaulters], for everyone to follow him. And so on that following day a vast number of people accompanied him, on horse and on foot, to Westminster. Entering the king's hall, they offered no arguments but, just as on the previous occasion, raised a chant in the words: "We want Walter Hervy for our mayor, because no-one in the city is so suitable to govern us." The

aldermen were also there, hoping for a ruling from the king and his council. The councillors told the aldermen and the others, Walter's supporters, that they themselves ought to have reached a unanimous agreement on who they wanted to be their mayor in the city, and that if they **presented such a person** to the king, the king would admit him to the mayoralty. The populace maintained its chanting, as described above. But the parties could obtain no other answer from the king or his council for several days.

Nonetheless, the aldermen and their adherents, as well as Walter with the multitude whom he summoned every day under the same penalty and in precisely the same way as was mentioned above, continued to go to Westminster on a daily basis until 11 November.

It should be noted that when Walter realized he was being criticized by some people because of his desire to be mayor of the city – they saying "No-one who covets **executive office** should be allowed to have it, since such a person focuses only on his own advancement and not at all on the betterment of those he governs" – he defended himself against that charge to those of his people standing around him. With an oath in the name of God and on his own soul, he assured them that he had no desire to be mayor or hold other executive office in the city for his own sake, but that out of love for God and **for the benefit of others** he was prepared to take on the burden and undertake the work involved, so that he could support the poor people of the city against the rich, who wished to oppress them through **tallages and expenditures** made by the city.

On 11 November the members of the king's council, seeing that nothing was to be gained by dragging out this matter further, called before them the aldermen and also Walter and his associates, and told them: "The king wishes to preserve intact all your liberties; since you cannot agree together on the election of one person as mayor, it is his wish that both Walter Hervy and Philip le Taillur be removed from the mayoralty and that you have a warden chosen by us, who can on my behalf keep custody of the city for the benefit of myself and that of my son, Edward. From this moment on, **Henry de Frowick** is appointed warden of the city, to hold that office until 13 January next. Although if at any time the citizens are prepared to reach unanimous

agreement on a mayor, they may present him to the king and the king will be pleased to admit him to the office, removing Henry from the wardenship of the city."

Following this, certain members of the king's council – that is, **Walter de Merton** and others – came into the city and over several days held discussions with the aldermen and Walter, with a view to restoring peace and harmony. As a result of which it was agreed by all parties that five men be chosen on behalf of the aldermen and five on behalf of Walter, and that whomever they elected would be mayor for that year.

The names of those **chosen by the aldermen** were John Adrian, Walter le Poter, Henry le Waleys, Henry de Coventre, and Thomas de Basinge.

The names of those **chosen by Walter Hervy** were Robert Gratefige, Robert Hauteyn, Alan le Hurer, Bartholomew le Spicer, and Henry de Wynton.

However, these arrangements agreed upon were not put into effect, as indicated by what is written below.

Let it be noted that certain malicious men, inspired by the Devil it was said, proposed that as soon as the king was dead they should rise up against the aldermen and their supporters, and plunder all their goods and possessions to be found in the city. Their thinking was that they could do this with impunity while the kingdom was **without a king**. In this they were wrong, for upon the death of the king the kingdom passed to his son, the Lord Edward; and once everyone in the kingdom had pledged their loyalty to him, then (as is well known) anyone under his lordship who in any way might breach the peace would be just as subject to a commensurate punishment as would have been the case had his father still been alive and ruling. However, those evil-minded persons were forestalled from carrying out their evil acts. For, immediately following the king's death, on 17 November the Archbishop of York, the Earl of Gloucester, and many other lords of England who were present [\[at court\]](#), came into the city and had a proclamation of peace made, towards everyone, Jew or Christian.

Afterwards they went to the chamber of the Guildhall, where the aldermen and Walter, along with a vast number of people, had gathered. Learning of the disagreement between the aldermen and Walter, and seeing that Walter had such a large following among the people, the Earl wished to allow Walter to take up the mayoralty, to avoid any disturbance of the peace in the city. But the aldermen told him that the matter had been put to the arbitration of ten men (as mentioned above). However, the Earl, dismissing the arbitration solution, ordered that on the following day, a Friday, the **folk moot** should assemble in the cemetery of St. Paul's at the cross there, and whomever the majority of citizens agreed to elect should remain as mayor that year.

So that following day everyone in the city came into St. Paul's cemetery. The Archbishop, the Earl, Robert Burnel, Walter de Merton, and many other magnates also came to St. Paul's and, going into its chapter-house with the aldermen, advised them to agree to the election of Walter as mayor, since it was only for a year, to avoid further troubles in the city. The aldermen, seeing that this was the will of those great men, and that there was no alternative for them at that point, agreed to this. Walter was called into their presence and was told what had been decided. Then, under orders from the Archbishop, the Earl, and the other magnates, Walter took an oath that he would not, for the duration of his mayoralty, harass or allow to be harassed anyone who had opposed his election. As a result, Walter de Merton, standing by St. Paul's cross, announced to the entire populace that the aldermen had agreed to Walter being mayor that year.

DISCUSSION

This extract comes from a chronicle suspected to have been written by Arnold fitz Thedmar. The reason for the attribution is because the chronicle incorporates a detailed story of the birth and descent of that man, along with other extracts from his life history, particularly complaints about him being taxed unfairly and rebuttals of various charges brought against him. Fitz Thedmar was a wealthy city alderman, in his 70s by the time of the events surrounding Walter Hervey's mayoralty; the original part of the chronicle extended only to 1274 – fitz Thedmar dying in late 1274 or early 1275 – but was continued by later writers. A brief mention of the fact that he had, during part of his career, custody of city archives has led to speculation that he may have been town clerk at some point – which would support the possibility of his authoring a chronicle; however, custody of archives could also point to a camerarian role. The author of the chronicle is clearly in opposition to Hervey, which would again be consistent with authorship by fitz Thedmar. We probably owe the detailed account of the political struggle between Hervey and the aldermannic party to the fact that Hervey was pursuing tax debtors such as fitz Thedmar.

As one involved in politics and with the wealth to afford books, fitz Thedmar may well have had access to Brunetto Latini's political treatise written just a few years before the events of 1272; extracts from Latini dealing with the appropriate **qualities of city governors** were, around this time or a little later, inserted into a volume of memoranda that found its way into the city archives. It is possible we see the influence of Latini in the reference to the head/body metaphor and the warning against those who covet office. Certainly the author's political attitudes are strongly reflected in the chronicle, and are probably fairly typical of those of the conservative faction in the city's ruling class. Another example of this is in a passage describing the populist administration of Thomas fitz Thomas in 1262/63:

Let it be noted that this mayor, during the term of his mayoralty, so indulged the city populace that, calling themselves the "commune of the city", they had gained the primary say in city affairs. For all business that this mayor brought to a conclusion was done on their say-so, he asking them, "Do you wish that it be done this way?" and, if they replied "Ya! Ya!", then so it was done. The other side of the coin was that the aldermen or the great men of the city were consulted little, if at all, on such matters – almost as if they

didn't even exist. As a result, the populace became so carried away with itself and self-important that, at the time of the national conflicts mentioned above, they formed themselves into **companies**, of hundreds and thousands, bound by oath to stand together, on the pretext of preserving the peace – although they themselves were clearly the ones disturbing the peace. For whereas the barons had taken up arms only against those who infringed the **statutes** mentioned above, and plundered their property, but this in full light of day, the others by night broke into the houses of the **Cahorsins** and others in the city who were no enemies of the statutes, and used violent force to carry off goods they found in those houses, as well as doing many other illegal things. As for the mayor, he gave them a half-hearted slap on the wrist.

[*De Antiquis Legibus Liber*, 55]

The forceful expression of popular will at the mayoral election of 1272 traces its roots back a decade to precisely the national crisis that gave rise to the chronicler's complaint above, a crisis which led to Simon de Montfort rallying his supporters and, with a large contingent of London infantry in his army, defeated the king's forces at Lewes. The city was divided in its loyalties, with much of the aldermannic class royalist, but the populace along with a few radicals and newcomers among the city patriciate favouring Montfort's rebels; this side-taking in the national contest was complicated by long-established rivalries in local politics. With the Montfortian party dominant in London, the traditional mechanisms of city government – the aldermannic council and the husting court – were displaced by mayor and folkmoot in a revival of old ambitions associated with the commune. Gwyn Williams [*Medieval London, from Commune to Capital*, University of London, 1963, ch.8] has shown that the backbone of the opposition to the patriciate came from crafts whose social and economic stars were on the rise – such as the fishmongers, cordwainers, and goldsmiths – and who were predisposed to hasten the process (as per Hoffer's theory of revolution) by acquiring similar advance in the political sphere.

Through 1264 the London forces helped de Montfort maintain his party's control in England; his reliance on urban support is reflected in the first invitation to towns to send representatives to parliament the following year. In late summer 1265, de Montfort's defeat and death at Evesham shattered the hopes of the populist party in London. The city surrendered to Henry, who took his vengeful feelings out on friend and foe alike in the city; just to be a Londoner was a crime sufficient to warrant persecution. The city's

jurisdiction was also subject to depredations, and the city was placed under the control of a royal warden late in the year, with aldermannic authority re-established. By the beginning of the following year, Henry was satiated and offered the city a pardon, at the huge cost of £13,332. Meanwhile the royalist patricians who had suffered under the commune were pursuing their own revenge. In 1267 social tensions reached a breaking point; a popular rebellion took control of the city for two months, until the king reasserted himself.

The huge fine the city had to pay to regain the king's favour, and free itself from wardenship, began to be raised through local taxations, while Henry took advance payment of more of it in forced loans from individuals, supposed to be repaid by the city from its debt. There were complaints from royalists (including fitz Thedmar) that they were being particularly targeted in the assessments, and being over-assessed; they obtained a commission of enquiry, and some subsequently obtained releases from further payment. Objections by their opponents, who urged that the royalists be obliged to pay their "arrears", resulted in a second commission of enquiry in 1269. This however helped provoke a reaction from the royalists leading to the banishment of many Montfortians from the city; only after which, along with a new gift of money to the king and an increase in the city **fee farm**, did Henry restore the city liberties in 1270.

This was the backdrop to Walter Hervey's rise to power. His origins are obscure, and he was probably a first-generation immigrant to London. By the 1250s he was mixing with aldermannic society but himself had no prominence. In 1265 he was appointed the king's bailiff to oversee the city (under the constable of the Tower) while local government was suspended; later that year he was made alderman, when the king allowed the aldermen back into power, and from 1267 he served as the king's escheator in the city. The importance thus gained was sufficient to justify his election as mayor in 1271, despite his high-handedness which was making him enemies among his fellow aldermen. A further royal commission to look into the "arrears" was appointed in July 1272, with Hervey a member; he went after the men who had purchased exemptions. The aldermen were therefore not inclined to keep him in the mayoralty, when the 1272 election rolled around.

The aldermannic faction, by raising the spectre of the revolutionary commune that had tended to appear during times of civil war, and ramming this home by the subsequent reference to de Montfort, calculated that fear would incite the king to action; the perspective of the Londoners, part parochialism part self-importance, is evidenced in their preparedness to attribute national civil wars to local factionalism. However, Henry III's

health was failing rapidly and his heir was absent abroad; the preoccupation of the court with Henry's health may have inhibited a fast response.

The decision by the king's council to pressure the aldermen into accepting Hervey was motivated by the well-orchestrated campaign that he ran to demonstrate his popular support, itself obtained by his platform of cracking down on the privileges of the established elite (notably their use of influence to avoid the "arrears"), and by the wish to avoid any civic disturbances at the time of transition of power to the new king. Hervey's re-election as mayor represented a revival of the spirit of '63. Rebels banished in 1269 returned to London. Notwithstanding his promise of immunity to his opponents, he proceeded to pursue the matter of the "arrears". He also kept operations of the husting court, the power-base of the aldermen, to a minimum – the chronicler attributing this to the fact that Hervey was himself being sued in that court regarding property acquired during the confiscations that resulted from the national power-struggles. And he strengthened the position of several craft guilds by giving civic authorization to charters they had drawn up to govern their crafts.

His enemies brought charges of bribery, fraud, and misgovernment against him, perhaps not all without foundation, and his popular support waned sufficiently that the aldermen were able, without opposition, to elect Henry le Waleys as his replacement in 1273. Waleys moved against the popular movement: imprisoning returned rebels, charging Hervey's sheriffs with corruption, and – despite rallies organized by Hervey to protest it – having the gild charters annulled. When Waleys moved to clear out of Cheapside the clutter of stalls leased there by butchers and fishmongers, Hervey again organized protest marches and led one to an invasion of the Guildhall. After clearing it with the king, Waleys responded by bringing all sorts of charges of misgovernment against Hervey, from both his mayoralty and his time as king's bailiff. He deposed Hervey from his aldermanry, bringing his political career to a close.



NOTES

"John Horn and Walter le Poter"

They were sheriffs in 1272/73.

"three folios"

In fact two folios as we would count them; three folios including the one on which the note was made.

"Philip le Tailleur"

A mercer, with a lucrative business selling wine in particular to the royal court, he married into the family of London's first mayor. He had been alderman since 1260, and was one of those who benefited from the reductions in taxation assessments. After the failure of his candidacy in 1272, he never held the mayoralty, but continued as alderman until 1292, when he died.

"rabble"

In the original, *vulgus*, hence disparaging references elsewhere to the "vulgar people". Use of this kind of attitudinal terminology is another reason to suspect that the author is a member of the urban ruling class.

"of the same locality and trades"

The point the chronicler is trying to make here is that the men who recommended the remissions of the taxes were those best qualified to know what were the financial resources of those seeking remissions. The fact that the author is so anxious to justify the exemptions suggests that he was one of the beneficiaries.

"Thomas fitz Thomas"

A draper member of the patriciate, first elected mayor in 1261, despite association with the London administrations that had been in conflict with the king during the '50s. He was re-elected for the subsequent three terms and so was in office when de Montfort returned to raise his banner of revolution in England, in 1263. Fitz Thomas threw his support in with the de Montfortians, leading the populist party against the aldermannic party in London. He was supported by Thomas de Puleston, a newcomer to London who had married into one of the more radical families of the patriciate and probably had direct connections with de Montfort's party. The two men organized the populace into a militia grouped into units of a hundred and a thousand – possibly explaining the chronicler's use of these terms – to hold the city. After the collapse of the rebellion, fitz Thomas was imprisoned briefly and his family impoverished after all his property was forfeit, while Puleston was left in prison until 1275, dying a couple of years after his release.

"heads"

The head/body metaphor was an established political doctrine to rationalize the aristocratic form of national government, in the same way that the Church used a soul/body metaphor to argue for the supremacy of the spiritual over the secular authority.

"sons of various mothers"

I can only assume this is intended to connote bastardy, or insignificant parentage; certainly it is denigrative.

"servile condition"

This would appear to refer to the populace, not the mothers. Again it is not clear whether the reference is to the presence in the mob of household servants, or whether the defamation relates to villein status. Regardless of whether these were actually the arguments used by the aldermen, they reflect the disdain that at least some of the members of the urban upper class felt for the rank-and-file townspeople.

"breakfast"

The original, *prandium*, was a general term that could refer to breakfast or the midday meal. If we take into account the amount of time taken on the 28th by the election itself, the march to and from Westminster, and the time spent before the council, I am inclined to think that the summons must have been given after breakfast on the 29th, with a view to gathering Hervey's supporters for the march.

"presented such a person"

The Londoners were required to have the mayor-elect ratified by the king, and swear an oath of allegiance. In many other towns something similar was required in regard to the overlord of the city or his representative.

"executive office"

The original is *ballivam*; it was the mayor and sheriffs who held the equivalent of a **ballivalty**.

"for the benefit of others"

More literally, "motivated by charity".

"tallages and expenditures"

This was the classic complaint in political conflicts between rulers and ruled in urban settings: that the former incurred excessive expenses without approval of the latter, and covered the costs by taxes on the citizenry.

"Henry de Frowick"

A citizen, later (if not already) an alderman. The appointment of a royal warden was always a slap in the face for the city as it removed a degree of independence of city action, subjecting it instead to closer royal scrutiny. This taking of the city liberties into the king's hand was often used at this period as a way of punishing the citizens for failing to maintain law and order themselves.

"Walter de Merton"

The king's chancellor from 1261 until 1263 (when removed by the rebel barons) and re-appointed upon Edward I's accession in 1272. In 1271 he was described as a "justiciar", which may explain his selection of this mission, although it could also have been related to the fact he held a large estate just north of London (Finsbury).

Best remembered as the founder of Merton College, one of the first colleges of Oxford university.

"chosen by the aldermen"

All these electors were members of the ruling class.

"chosen by Walter Heryv"

His electors included two men who had supported the Montfortian party, and three royalists.

"without a king"

Technically, Prince Edward would become king at the moment of his father's death, but there was usually a gap of a few days before the successor could receive oaths of fealty; in this case Henry III died on 16 November, and Edward's reign commenced on 20 November, when Henry was buried and oaths of fealty were given in Edward's absence (he did not return from the Holy Land for several more weeks).

"folk moot"

This ancient **popular assembly** traditionally met in St. Paul's churchyard; whether it had met on the same site before St. Paul's was built is unknown. A compilation, made around the time of Magna Carta by unknown author, of national laws and city customs, include a list of proposed reforms of which one was that the mayor should be elected annually by the folk moot; it is not certain whether this was a response to the multi-year term of office of Henry fitz Ailwin, or whether it reflected some more ancient custom of the folk moot choosing local representatives. King John's concessions to the barons were paralleled by grants to the citizens in May 1215 that included the right of annual election of a mayor, on condition each mayor-elect take an oath of loyalty before the king.

"companies"

The original Latin term, *conventiculas*, has conspiratorial connotations.

"statutes"

The Provisions of Oxford, a set of constitutional and administrative reforms which the baronial party imposed on Henry III in 1258, with a view to giving them greater say in the government of the realm. The king's counter-coup in 1262 freed him from the confines of the Provisions, but de Montfort returned from exile the following year to try to effect the restoration of the Provisions. Eventually the attempted limitations on monarchical initiative failed, but some reforms survived to be incorporated into the Statute of Marlborough (1267).

"Cahorsins"

Foreign residents from Cahors in southern France, their links with that rich trading area had helped them become important financiers in London by this time; but they were becoming increasingly unpopular due to usurious moneylending, in which they would eventually take over the role earlier played by the Jews. Foreigners and Jews were frequently a target when there were outbreaks of mob violence in the city; this occasion provides one instance.



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Subject: Town authorities accused of abetting Lollardy

Original source: Public Record Office, Ancient Petitions 7099 (English translation of 17th century, in British Library, Cott. MSS. Cleopatra E.II, f.201)

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Location: Northampton

Date: 1393

TRANSLATION

Richard Stermesworth of the town of Northampton lays a complaint before our sovereign lord the king and his council against John Fox, mayor of that town of Northampton: that, whereas it is ordained by statute as well as by the laws of Holy Church that Lollards should be punished, etc., the mayor has presumptuously abused his office by using his royally-granted power within the town of Northampton to authorise Lollards to preach, in despite of the Bishop of Lincoln and his curates.

Also, that the mayor is [\[himself\]](#) a Lollard ... supporting within his household one Richard Bullocke, a chaplain who has been convicted of many heretical errors before the Archdeacon of Northampton, and similarly one James Collyn, formerly an apprentice in the mercers' trade in London, who was the first adherent and promoter of Lollardy in Northampton. The mayor also associates with and takes advice from one Thomas Compeworthe of Oxfordshire, who has been convicted before the Chancellor and University there of many



[doctrinal] errors and heresies, and one Nicholas Weston, an apostate Carmelite friar who became a Lollard without permission from his order. The mayor has engineered Friar Nicholas becoming chaplain of the parish church of St. Gregory at Northampton, where he may preach Lollardy in comfort and encourage those townspeople who hold false beliefs.

The mayor has drawn into his circle of advisors **William Northwold**, a Lollard and one who engages in instructing and taking confession from those lay people of the town who are Lollards, without licence from the Bishop. This William, under false credentials, occupied the archdeaconry of Sudbury for some seven years and, upon leaving that post, took with him a huge sum of money made through **simony**, which he uses to pay for accommodation at the house of St. Andrew in Northampton, where he has brought about such arguments between the Prior and the monks that the house is near ruin, and many of the monks have abandoned it. William caused similar trouble at **Mekkesworth**, at **Osney**, in the house of St. John at Bedford, and elsewhere. All his behaviour, both in England and in the court of Rome, has involved simony and underhanded dealings; notwithstanding which, he is still in Northampton among the Lollards and heretics, who look on him as a prophet speaking with an angel's tongue.

Also, the mayor has set the whole town on the path towards become Lollards, so that the town is now wholly governed by them, no one daring to oppose them for fear of being killed. All vulgar persons corrupted by Lollardy who come into the town are received with courtesy and treated better than others, as if they were prophets.

Also, on the day after Christmas last, the mayor brought with him one Robert Braibrok, a chaplain and Lollard deceiver, to preach in All Saints church at Northampton, in despite of the Bishop and contrary to a prohibition issued to him. He preached various falsehoods to strengthen the Lollards. As a result of that sermon, the same day disputes broke out between one man and another throughout the town, thanks to what the mayor had done.

Also, [the day] before the festival of St. Hilary [13 January] last past the

mayor brought with him one ... parson of the church of Wynkpole, a Lollard deceiver, to preach etc.; the preacher being supported in this by the mayor and the power of all the Lollards of the town who had assembled by pre-arrangement. This preacher went up into the pulpit to preach, when the vicar of the church, after the Offertory of the parochial mass, returned to the altar to sing his mass; upon which the mayor, highly indignant, went up to the vicar at the high altar and seized him by the back of his robes, to make him stop performing the mass until after the preacher had preached. The vicar responded "I may not". After which, the parson preached falsehoods and heresies to the congregation. That same day, after dinner, the parson, together with the mayor and many of the Lollards, came to preach in the same church. There he preached falsehoods and heresies, condemning the people's devotion to Holy Church, pilgrimage, images, painted tableaux, the Church's display of elaborate and expensive [art]works, and the use of chalices made of gold or silver in divine services; he also condemned statutes both of the king and the Church. ... On which occasion Richard Stermesworth cried out at the preacher, "Now, now!" to try to make him shut up, and ordered him to "come down, false Lollard" without saying anything more or further jeopardising the peace; Richard Stermesworth was not aware that others were in league with the preacher. Upon which the mayor hastily arose, along with many Lollards – both of the town and of the countryside – and with force and arms, in infringement of the peace, and tried to seize Richard and kill him in the church. And some of the armed Lollards prepared an ambush for Richard outside the church, intending to kill him; Richard was escorted out of the church by some of his friends, but they immediately took him back inside, alarmed by the enemies waiting outside. Then the mayor, to please the Lollards, came and arrested him for breach of the peace. The Lollards meanwhile were so infuriated and ill-willed towards Richard that they would have killed him, and he escaped only with difficulty, being secretly conveyed to the vestry, to protect his life, until the uproar had died down. All the other people inside the church, who were not aware of the conspiracy of the Lollards, fled in confusion and for fear of their lives. ... Upon which, William Broughton and John Tony, chaplains, rang the church bells to bring people back to their senses. After that, the mayor went into the pulpit to encourage the preacher to continue with his sermon etc. and ordered the congregation to keep silent and pay attention to the sermon, on penalty of death; the mayor remained in the pulpit,

close to the preacher, until he had finished his sermon. After the sermon the mayor and Lollards, with great pride and merriment, escorted the preacher to the mayor's house. The Lollards then returned to the churchyard of that church and, using sharp language, threatened violence to anyone who contradicted any point made in the sermon. Consequently the whole town has become Lollard, because no-one dares speak out against their views, for fear of the mayor and the Lollards.

Also, on 14 January the mayor, fearing to be blamed for what had taken place, called to him eight or nine of the **24 chief men** to assist him in preparing an indictment of Richard for the disturbance. ...

[...]

Also, Richard declares that the mayor, with the agreement of the Lollards there, sent messengers to Oxford and other places to hire Lollard preachers to come to Northampton every Sunday during Lent last, by the cross in the churchyard next to the marketplace of Northampton. That cross was given added solemnity by the mayor decking it out with tapestries and other decorations during the times when sermons were given. By the instructions and arrangements made by the mayor, those preachers preached there in support of Lollardy, contrary (as already mentioned) to the Bishop's prohibition etc. After arriving in town, several of those preachers were at pains to borrow furred hoods and habits to wear during their sermons, so that the common people would take them for important clergymen, thereby bolstering the credit of Lollardy.

Also, the mayor behaves so high-and-mighty in the town that the commissaries of the Bishop of Lincoln dare not hold court within the town to enquire into Lollardy.

Also, on 23 February last the mayor and others went to the monastery of St. Andrew's in Northampton, to request William Northwold to preach to them. They brought him back with them with great solemnity, he being dressed in a fur-lined cape and coat and with a cap upon his head, as if he were a doctor or master of divinity – whereas he never pursued any degree at school. After the Offertory of the mass, this Master William went up into the pulpit to preach, even

though the vicar (under orders from the Bishop) had previously forbidden him, and preached with great pride and daring during the time when the vicar had returned to the altar to sing mass. He paid no attention to the mass or the divine service, nor the elevation of the sacrament, but disturbed the vicar with the loudness of what he was saying. So that, when the vicar made several attempts to begin the opening of the mass by note in a loud voice, not a single chaplain dared make the responses, for fear of the mayor. As a result, the vicar was greatly distressed and with much regret was obliged to complete his mass without note.

Also, on 9 March last William made his way again to the cross, dressed in furs as before, to preach there. Prior to the sermon, William withdrew into the vestry of All Saints church until the congregation assembled. In that place there came to him officers of the Bishop and of the Archdeacon of Northampton, with a special commission and letters from the Bishop to prohibit William from preaching and to summon him before the Bishop to answer certain charges; which command he completely disregarded. Thereupon the mayor arrived with a large crowd of the common people and openly berated the officers for what they had done, and asserted publicly that he and the commons would have William preach that day at the cross, in despite of the Bishop, the Archdeacon, and all their officers. Furthermore, he ordered those officers, because of what they had done, either to leave or to stay at their own risk. And, taking out of the commissioners' hands the Bishop's letters, the mayor escorted William to the cross to preach. The officers remained in the vestry until the mayor returned to order them to come out and listen to the sermon. They having no inclination to do so, asked the mayor for leave to return safely to their inn and from there to ride out of town without any fear of attack; this was allowed them. The mayor then returned to the cross to hear the sermon, which William had delayed until his return. Then he began as best he could, asking the commons to pray for him and to assist him in his case against the Bishop and his officials, whom he described as followers of the devil and disciples of the Antichrist, wrongfully persecuting him contrary to God's laws. All this was done by the mayor and William in support of the Lollards and in contempt of Holy Church.

DISCUSSION

The Midlands were an important source of support for the Lollard uprising led by Oldcastle in 1414, and continued later into the century to be a centre for the heresy despite Oldcastle's failure. Leicester in particular had proved fruitful ground for it; which is not to say the town was taken over by it, but that division in the population led to some disturbances. In Northampton the situation is less well documented, other than for the complaint recorded above, which has always been taken at face value by historians, in the absence of other evidence.

John Fox was evidently, by 1393, one of the more prominent townsmen. Most probably a merchant involved in the wool or cloth trade (although the only clear evidence of commercial activity I have yet uncovered is the debt of £60 he incurred ca.1388 to a London armourer), he had served as one of the town bailiffs in 1379 and had represented the borough in the parliament of late 1381. A further sign that he must already have been among the upper ranks of the local ruling class is that in 1384 was twice called on by the king to serve as a commissioner: first, acting together with the escheator of Northamptonshire, to investigate an intrusion into a property in Braunston in which the king had a temporary interest; and a few months later to work with two other burgesses to organize a group of carpenters, masons and labourers to construct a gaol in Northampton castle; little could Fox have guessed that he would one day become one of its residents. Shortly after these appointments, Fox was elected to his first mayoralty (1384/85). He is found on royal commissions later in the decade. In October 1386 he was investigating extortions and oppressions by the king's ministers of the town, castle, and county; the king's ministers of the town would have included the town bailiffs, and it may be significant that one of the pair then in office was Richard Stormesworth. The second commission, the following year, was to investigate the counterfeiting of seals of the pope, archbishop of Canterbury and other ecclesiastical dignitaries in order to forge papal bulls and episcopal mandates – acts attributed to French spies operating in England.

Richard Stormesworth is even less in evidence prior to the events of 1393. His ballivalty indicates that he, like Fox, was a member of the ruling class, although less experienced and less prominent. In 1391 there is a passing reference to rent due from a tenement and 6 shops of which he had become

the owner as a result of his marriage to Katharine. The header of the post-medieval English translation of his complaint identifies him as a "woolman", and the occupation of wool merchant is confirmed by the reference to him in October 1395, when he obtained a pardon from the king for infringement of the wool statute; this event is pertinent to the 1393 affair. An indication further to that of 1386, mentioned above, that Stormesworth may have been involved in a political vendetta, is that in November 1388 the king had sent an order to the county sheriff not to proceed with any arrest of Stormesworth, against whom Simon Daventry had complained of intimidation; Daventry had been mayor in the same year that Stormesworth was bailiff and was, like Fox, a leading citizen (also serving as mayor in 1380/81 and 1390/91).

A further instruction from king to sheriff was issued on 28 March 1393. It ordered the restoration to Stormesworth of his goods seized by mayor John Fox. Fox had acted, according to information earlier returned to the king (via the sheriff) by the Northampton bailiffs of that year, upon a complaint being brought against Stormesworth by William Brace of Northampton (bailiff 1381) and Thomas Wryght of Walgrave (a village a few miles northeast of Northampton) related to a contract concerning a sale to them of wool and weights that proved to be in infringement of the wool statute. The timing is unlikely to be a coincidence, but whether we have the situation here of a trumped-up charge being brought to disable Stormesworth's own complaint of heresy, or whether the latter's complaint was an effort to stymie the charge brought by Brace and Wryght, is difficult to say. On the one hand, doubts about the validity of the latter charge may be suggested by the king's order that Brace and Wryght appear before his council the following month, bringing the contract with them – it appears that the mayor was himself in possession of one of the two copies. On the other hand, Stormesworth had agreed to stand to justice and had found guarantors for that: Thomas Neweton of London and Matthew Swettenham of Northamptonshire; in 1394 Stormesworth witnessed a grant of property by Swettenham, concerning lands in London and Cheshire.

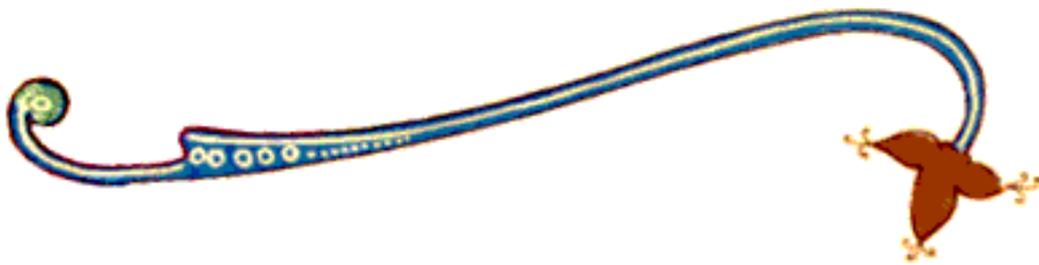
This royal order was in response to a petition from Stormesworth. There is no indication that he brought up the matter of Lollardy, though he might have used that to suggest why the action had been taken against him. Quite possibly there were some grounds to the charge brought against him, and certainly he later felt it necessary to purchase a royal pardon (although this is not necessarily an admission of guilt). Although Stormesworth's petition about Lollardy is undated, presumably it had already been placed before the king. Doubtless there were some grounds to the charges, although it is difficult in the absence of other evidence to know to what degree they may

have been exaggerated or dramatised. The section of his petition, omitted by Powell and Trevelyan, dealing with the felony indictment brought against him indicates that Fox tried to pack the jury with Lollards and an enemy of Stormesworth (William Pysford, one of the bailiffs – and as an officer of the court, an inappropriate choice as juror); despite which, one of the jurors so strenuously refused to agree to the jury presentment condemning Stormesworth that he was thrown in prison. It seems likely that Stormesworth had some political rivalry with Fox which could have motivated the accusations; and yet we cannot ignore the possibility that political hostilities were the result of religious differences.

At any rate, the king took the charges seriously – or at least felt it advisable not to dismiss them. He deprived Fox of the mayoralty and on 24 April advised the bailiffs and community of Northampton of the fact, without specifying the reasons, and instructed them to elect a new mayor. On May 4, he advised the constable of Nottingham castle that he would shortly have Fox delivered to him, and was to keep him in custody until further orders. Stormesworth capitalized on the situation by managing to obtain a letter under the king's signet commanding the townsmen to elect him as mayor. This must have met with resistance from Fox's supporters in the borough government, and they appear to have written the king to protest this interference in their electoral process. On September 22 a further royal order was directed to the mayor, bailiffs, and community of Northampton again ordering them to elect a mayor – this time for the coming term (the electoral year began in September), but freely, on the basis of their customary procedures, and to ignore any previous royal order concerning Stormesworth. The king placed one condition on this, which was that they choose "no man impeached or defamed for evil opinions and unsound doctrine, or in any wise suspect" [*Cal. Close Rolls*, 1391-96, 167], and noted that Fox had been deposed by him because of disputes in the town about unorthodox doctrines. At the same time the king stated that Stormesworth was unqualified to hold office in local government because of the charges pending against him; these charges are not specified, but the terminology used by the king reads as if taken from the counter-complaint by Fox's party, and talks of felonies, deceits and evildoings committed against the king and some of the people of the town, and of Fox's scheming to rid himself of such charges by obtaining the king's support for his election as mayor, contrary to the borough liberties.

This was not quite the end of the affair. How long was Fox's incarceration is not clear, but in 1395 he staged a comeback and won election to a new mayoralty. The opposing party must have complained to the king, who in October sent strongly worded orders to the bailiffs and community of

Northampton to arrange for a new election, reminding them that he had previously disqualified Fox from the mayoralty and any role in borough government. It was in the same month that Stormesworth obtained his pardon and thereby removed his former disqualification, although if this was a prelude to a new bid for office it was unsuccessful. Curiously, the same month saw a royal pardon granted to John Fox wool merchant of Benniworth, Lincolnshire, for infringing the wool statute; whether this was the same person as the Northampton man is unknown. Fox, however, persevered in his efforts to regain power and evidently had strong support in the town; following Richard II's fall from power, he was chosen mayor again in 1399 and re-elected in 1400.



NOTES

"William Northwold"

This cleric had already been in and out of hot water several times. In 1380, as parson of Timworth in Suffolk, he found guarantors, in the persons of four London mercers of whom one was a John de Northwold, after the archdeacon of Sudbury had accused him of threatening him and his officers. In December 1384, the king ordered the sheriffs of London to free William Northwold, they having imprisoned him after he had been unable to find guarantors following his arrest on suspicion that he planned to travel abroad on business contrary to the interests of the king and many of his subjects. As indicated in Stormesworth's complaints, Northwold had somehow managed to procure appointment to the archdeaconry of Sudbury before 1386, when he was allied with another cleric, Hugh de Gaudeby; in March the pair were putting up £1000 bonds to one another for some unspecified reason. June 1386 saw orders for Northwold's arrest sent into Suffolk, with instructions he be brought before king and council (although they were cancelled three weeks later), and this may be associated with a chaplain, John Elys, finding guarantors in July that he would neither do, nor procure, harm to the archdeacon. The dispute between them all was to come before the king. In 1390 we hear of him again, this time under the title of parson of West Walton (Norfolk), when he obtained a royal pardon for his outlawry for failing to show up in court to answer a plea of debt of £24 owed to the Bishop of Norwich. Just a couple of months after his involvement in the Northampton affair, he again had to obtain a pardon for outlawry, this time

for failing to answer Richard Charman, in Suffolk, concerning a plea of debt of £20.

"simony"

The sale of ecclesiastical positions, promotions etc.

"Mekkesworth"

Possibly Maxworthy in Cornwall, or Mackworth in Derbyshire.

"Osney"

Location of an abbey near Oxford.

"24 chief men"

I.e. the town council.



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Keywords: medieval York charter jurisdiction judicial administration justices peace landholding mortmain bridge maintenance self-government county

Subject: Charter granted by Richard II to York

Original source: York City Archives, Memorandum Book A/y, f.56

Transcription in: Maud Sellers, ed. *York Memorandum Book, part I (1376-1419)*. Surtees Society, vol.120 (1911), 143.

Original language: Latin

Location: York

Date: 1393

TRANSLATION

Richard, by the grace of God King of England and France and Lord of Ireland, to his archbishops, bishops, abbots, priors, dukes, earls, barons, justices, sheriffs, reeves, officers, and all his bailiffs and loyal subjects, greetings. Know that by our special grace and at the petition of our well-loved subjects, the mayor and citizens of our city of York, we have granted and given licence, on behalf of ourself and our heirs (insofar as we may), to the mayor and citizens that they, their heirs and successors may acquire and hold in their name lands, **tenements** and rents with appurtenances up to the value of £100 annually, to be held of us in **burgage** within our city and its suburbs. [The purpose being] for the perpetual maintenance and support of the bridges across the Ouse and Foss within the said city and other bridges in the suburbs of the same, and for the mayor and citizens to find and support various chaplains and other priests to celebrate mass and perform other divine services and charitable acts in the communal chapel on the Ouse bridge, for the worship of God and giving of prayers for ourself, our heirs, and the souls of our ancestors, as well as for the aforesaid mayor and citizens. Notwithstanding the statute of mortmain



concerning lands and tenements, nor that the said lands, tenements and rents are held of us in burgage (as it is said). Provided that, however, it is determined, by an inquisition held in due form and [the findings] returned as customary to our Chancery, that this [acquisition of property] can be done without any loss or injury to ourself, our heirs, or anyone else. Also, considering that the mayor and citizens, through grants made by our ancestors and confirmed by us, have jurisdiction over all kinds of pleas related to land within the city and its suburbs – by virtue of which grant, our justices having cognizance of pleas of **assize [of land]** do not care to make allowance to the mayor and citizens, because in our said grant no express mention of pleas of assize was made, as we are informed – by our special grace and at the petition of the mayor and citizens we have granted, on behalf of ourself and our heirs (insofar as we may), to the mayor and citizens that they, their heirs and successors may have jurisdiction over all pleas of assize, **novel disseisin, mort d'ancestor**, relating to all lands and tenements within the city and its suburbs, [initiated] either before our justices of either bench, the justices of assize and justices itinerant, or before any other justices and royal officers holding and taking assizes in the presence of the mayor and citizens in the city's Gildhall. We also grant to mayor and citizens in perpetuity that no justices of the peace or justices assigned to try felonies, transgressions and other wrong-doings, nor justices of labourers, servants and craftsmen in the three tithings within the county of York or in any other place, may in any way meddle within our city or its suburbs or liberties, nor outside, concerning anything done or occurring within the city, suburbs or liberties. And that the mayor and twelve aldermen of our city, and their successors [in office] in perpetuity – or four, three or two of them with the mayor – have full power to correct and punish, and the power and authority to take cognizance, enquire, hear and determine all things and matters concerning all kinds of felonies, transgressions, misprisions, and extortions, as well as all kinds of other cases and pleas whatsoever occurring within or pertaining to the city, suburbs and liberties in whatever way, to the full extent that justices of the peace [etc. as above] have or shall in any way have in the future outside the city, suburbs and liberties; reserving to ourself the fines, **amerancements**, revenues and other profits issuing therefrom in whatever way. Furthermore, considering that the bridge over our fishery the Foss is in a state of some deterioration, so that, as we

understand, it cannot last much longer without repairs and renovation, we have granted and given licence, on behalf of ourself and our heirs (insofar as we may), to the mayor and citizens and their heirs and successors that they may construct and place piles and columns of stone in the fishery within the space of one hundred feet over and above the space in the pond occupied by the bridge at present, for the purpose of strengthening and supporting the bridge and houses built or to be built atop the bridge, along with a certain chapel which they propose to build on the bridge in the future, for the celebration therein by certain chaplains [of services] for ourself and our heirs and for the souls of our ancestors and for the mayor and citizens. And that they may transport by boat or by other means, beyond the head of the pond of the fishery, stone, timber and other supplies necessary for this work. Witnesses: the venerable fathers W. Archbishop of Canterbury primate of all England, T. archbishop of York primate of England, our chancellor; W. bishop of Winchester, R. bishop of London, J. bishop of Salisbury, our treasurer; John duke of Aquitaine and Lancaster, Edmund duke of York, T. duke of Gloucester, our dear uncles; Thomas earl of Warwick, William earl of Salisbury, Edward earl of Devon; John Devereux our steward of the household, Edmund de Stafford our keeper of the privy seal, and others. Given by our hand at Winchester, 11 February 1393.

DISCUSSION

In the fourteenth century, royal charters granted to boroughs were more differentiated than those of the twelfth or thirteenth centuries, as local issues came more to the fore. However, common threads can still be identified in the development of local government. York's liberties did not significantly increase during the fourteenth century, until its final decade. Although the charter here only had two concerns to address, they were important ones. The charter of 1393, together with that of 1396, represented a significant change for city government, providing the fullest expression of self-government that was possible under a monarchical regime; just how significant the ramifications would be may not have been fully appreciated at the time.

One of matters addressed by the 1393 charter was a continuation of the expansion of judicial administrative powers that is a feature of urban constitutional development. The particular concern at hand was that the borough authorities were unable to persuade royal justices to relinquish to borough courts the hearing of pleas of assize, because the borough charters did not clearly specify jurisdiction over that kind of case. The solution here was for the judicial authority of mayor and selected aldermen to be explicitly broadened to be the equivalent of royal justices dealing with local cases (petty assizes); for the borough this was part of the long-standing ambition to be independent of external authorities as much as possible, while for the king the change served to integrate boroughs more closely into the national system of administration. In the process of this extension of jurisdiction, the long-standing sphere of jurisdiction of the borough courts was confirmed; perhaps equally important, confirmed without specifying exemptions for the **independent liberties** within the city, long a thorn in the side of city authorities. The secular jurisdiction of those liberties was henceforth more limited.

The appointment of local officials as commissioners, and later justices, of the peace was not uncommon. But nor was it guaranteed or continuous. Outsiders could continue to be appointed to administer justice in York in certain types of cases. In particular, the Statute of Labourers (promulgated following the labour shortage caused by the Black Death, which enabled survivors to demand higher wages and gave rise to inflation) and the statute instituting searchers of crafts to police shoddy workmanship or monopolistic, price-fixing practices (the searchers themselves policed by royal justices), had introduced additional external intervention in trade matters previously left to local authorities. The 1393 charter transferred this jurisdiction back to them. The 1396 charter, giving York county status (only **Bristol** having already acquired such status by grant, while London had it as the result of a long development), was a natural extension of what had been started in 1393 and also plugged a few holes in the earlier charter, as well as ensuring that the revenues from the judicial jurisdiction granted went into city coffers. County status was an additional guarantee that officials of the external county could not intervene locally. It became a common feature of fifteenth-century charters, at least in the case of larger cities, for justice of the peace powers to be granted to local authorities and often this was associated with the grant of jurisdiction equivalent to that of a county.

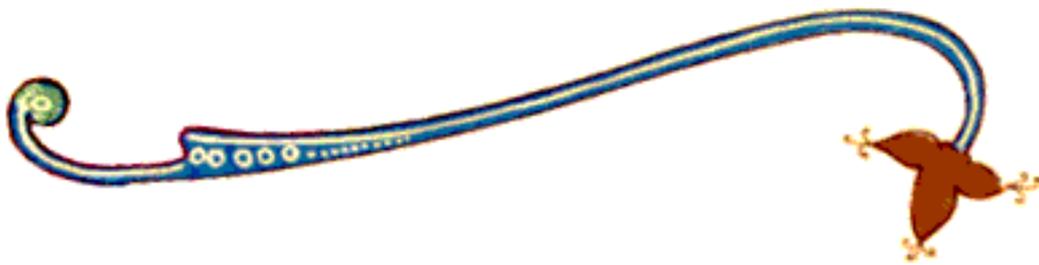
The second concern was to find new or expanded sources of revenue to pay for the increased activities borough governments had assumed over time. In this case the concern was with the city bridges and the communal chapels

built thereon. From at least the mid-fourteenth century, York was appointing wardens to be responsible for the bridges and collection of associated revenues. The acquisition of real estate, for purpose of obtaining annual income from rents and leases, was a common solution pursued by boroughs, and was one factor paving the way towards formal **incorporation** of boroughs. Of the two rivers flowing through York, the Ouse was the major, and the route for commerce. The Foss gradually lost its navigability after William I dammed it just below the castle in order to ensure a supply of water for the castle ditch, and as a result a large pond formed further north, which became a royal fishery; mud and debris from the fishpond clogged the stretch of river to the south. Thus, in the charter (and sometimes in local documents), the Foss is not referred to as a river but by the term *vivarium*, a fish preserve – not just the pond, which is itself referred to in the charter as *stagnum*. South of the pond was the **Foss Bridge** which, by 1376, was encumbered by 23 tenements, 3 shops and a salt fish market; the more important **Ouse Bridge** held not only St. William's Chapel but also a city prison and its council chamber.

Royal interest in the valuable fishery, on which boats were infrequently allowed to travel, was the reason the city had to seek licence to expand the bridge and use the river for transporting construction materials. Renovation probably began soon after the charter grant and continued for some years – there being grants of pontage for this purpose in 1402, 1406, 1409 and 1411, by the end of which period the bridge had been substantially rebuilt in stone. Construction of the proposed chapel, which was dedicated to St. Anne, near the northern end of the bridge was underway by 1407 and the chapel was certainly in use by 1424. The chapel is an example of the involvement of urban government in administering religious matters, by meeting the pious needs of citizens concerned with their souls.

The charters of 1393 and 1396 were obtained at much effort and expense on the part of the citizens, and the fiscal advantages they gave must have been offset by the increased administrative responsibilities and costs. The citizens of York were able to capitalize on Richard II's quarrel with the Londoners, who had supported the Appellants against him in 1387 and in 1392 refused to loan him money; as a result he briefly moved his court from Westminster to York in the latter year. This proximity made it easier for the citizens to present their petition and follow up with initial negotiations; the king was doubtless inclined to be sympathetic, both to win gratitude and support from the city and to thumb his nose at London. Similarly, the grant of the 1396 charter was facilitated by a visit of Richard to York with much pomp and ceremony. It was probably not uncommon for towns to take advantage of royal visits in that way. It has been estimated that the city spent the

equivalent of £1,000,000 in modern value on gaining its end [S.R. Jones, "York's Civic Administration, 1354-1464", *The Government of Medieval York*, 1997, 115], and details were still being worked out when Richard returned to London, his retinue accompanied by a team of York negotiators, led by mayor **William Frost**, a man whose past service in royal administration may have helped give the king confidence that new administrative responsibilities could be placed on the shoulders of the York rulers. Richard never returned to York after 1396, and his subsequent financial exactions from some of its leading citizens lost him some of the goodwill his charter grants had presumably won; the citizens were prepared to lend Bolingbroke money to assist his coup in 1399.



NOTES

"burgage"

The 13th-century codification *Summa de legibus* from Normandy characterized burgage as property: capable of being bought or sold without licence from an overlord or challenge from heirs or relatives of the seller; subject to dower right after the death of the owner; divisible between both male and female heirs; and not subject to feudal reliefs. It contrasted burgage tenure with tenure by homage or by charitable gift (alms).

"mort d'ancestor"

The assize of mort d'ancestor concerned itself with the right of an heir to immediate possession of the property held by a deceased party at death, even if another claimant had better title (that claimant had other legal avenues than asserting his rights upon the death of the tenant).

William Frost

Frost is credited with being the moving force behind the city's efforts to obtain the charter of 1396. A relative newcomer to the city, he was already important enough in county circles to have served as Yorkshire's escheator (1388-90), and he served in this period and later on various royal commissions. He had ties to a family important in Beverley and Kingston-upon-Hull; but, more important, before 1390 he

had married the coheiress of the wealthy former mayor **John Gisburne**. He did not take up citizenship until 1395; but having already succeeded to Gisburne's residence and possibly his business, as well as having connections among the gentry, must have helped catapult him to the mayoralty the following year. His involvement in commerce does not seem to have been great, however, and his own wealth may have been built more from the lands he owned. Frost's success in negotiating the charter (during which process he also obtained royal licence to found his own chantry) helped win him re-election in 1397. Despite favour shown him by Richard II's government, he supported Bolingbroke's coup and in 1404 Henry IV rewarded him with the rank of esquire and a life annuity; this relationship may help explain his repeated elected to York's mayoralty in 1400, 1401, 1402, and 1403 – an extraordinary run, especially given that an ordinance apparently still on the books, though largely disregarded, dictated a long interval between mayoralties. When the city followed Archbishop Scrope into the rebel camp in 1405, Frost (despite being related to Scrope and to other rebels) remained aloof and, after the city surrendered to the king, was made joint keeper during a period of suspension of city liberties. Following their restoration, in June 1406, the citizens thought it politic to again make Frost their mayor. Not long after concluding that term of office, he fell ill and disappears from the record after 1408. He left a widow, but no children.



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Keywords: medieval London election mayor sheriff alderman office-holding citizenship duties scot and lot conspiracy factionalism political thought careers

Subject: Reluctance to do one's duty in accepting office

Original source: Corporation of London Records Office: Letter Book I, ff.157, 176

Transcription in: Henry Thomas Riley, ed., *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green & Co., 1868, 601-03, 635-37.

Original language: Latin (translation by Riley)

Location: London

Date: 1415-16

TRANSLATION

[1. Imprisonment for refusing to serve as alderman, 1415]



Forasmuch as a laudable custom which has hitherto prevailed in the City of London, has so prescribed and ordained, that the inhabitants of each of the Wards of the said city are at liberty to elect an Alderman whensoever they need one, to rule them in their own Ward; provided always, that the person so elected is presented to the Mayor and Aldermen, for the time being, and by them is deemed worthy to be admitted and approved. And whereas, on the 3rd day of January, in the 2nd year of the reign of King Henry etc., one Ralph Lobenham, late Alderman of the Ward of **Farndone Without**, having voluntarily resigned the rule of that Ward, the inhabitants of the Ward thereupon, according to the usual custom, met together at the usual place within the Ward, for the purpose of electing an Alderman thereof, and there unanimously chose one John Gedeney, citizen and draper, to hold the office of Alderman of the Ward aforesaid, and presented such choice to **Thomas Fauconer**, the then Mayor, and the Aldermen, in the Chamber of the Guildhall; the said Mayor and Aldermen, holding

such election to be good and ratified, confirmed the same, and admitted the said John to the office, and approved of him as sufficient unto the same, and deserving thereof, as well as to the worldly goods as to the requisite **discreetness**. After which, the said Mayor and Aldermen commanded John Pickard, Common serjeant-at-arms of the said city, whose especial office it is, according to custom, to attend to the performance of duties and services of that nature, to warn the said John Gedeney to appear before the Mayor and Aldermen on the 17th day of January then next ensuing, to take the oath, and to do such other things as upon him on behalf of the Court should then be enjoined.

By virtue of which warning, the said John Gedeney appeared before the Mayor and Aldermen, in the Chamber aforesaid, and after the reason for his being so summoned had been first stated to him, precept was given to him forthwith to take his seat there in Court, that he might take the oath the pertains unto the office and rank of Alderman. Whereupon, the same John Gedeney, after first setting forth his excuses on the ground of his inability, and his insufficiency for the office, wholly refused to accept it: upon which, he was informed by the Court that he could not refuse this office, to which, as being a fit person, he was admitted by the Court, without breach of his **freedom**, and of the oath which by him, when he was admitted to the freedom of the City, had been made; and this the more especially, as every freeman is bound to be a partaker in Lot, which is liability to hold office, and in Scot, which means contribution to taxes and other charges, by reason of such oath.

But all and singular the matters before stated notwithstanding, he altogether refused to accept the office, like a person who was utterly obdurate. And hereupon, the matter having been considered by the Mayor and Aldermen, because that it appeared to them that if any one, when elected to such office, should be at liberty at his own will and pleasure to refuse the post, and pass it by, not improbably the City before long would be left destitute, as it were, of all rule and governance whatsoever; the same John Gedney was by the said Mayor and Aldermen committed to prison, there to remain until the Court should be better advised what to do as to the matters aforesaid. And in the meantime, precept was given to the Sheriffs of London to shut up

the shops and houses of the same John Gedeney, and to sequestrate his goods and chattels, until the Court should be better advised thereon.

And afterwards, on the 18th day, through the mediation of many reputable men of the said city, who intervened, word being brought that the same John Gedeney was willing, if the Court should think proper, to undertake the duties of the office aforesaid; he was therefore brought here on that day before the Mayor and Aldermen, and, having first obtained dispensation for breach of his oath made by him when he was admitted to the freedom of the City, he was admitted and sworn, as the usage is.

[2. Ordinance against efforts to avoid office, 1416]

Forasmuch as it is not consonant with reason that those who for their own purposes dwell within a city, and there enjoy many advantages in so doing, should refuse the charge of the offices of such city when they devolve upon them: and then besides, as it is the fact that many citizens of the City of London, who are blessed with affluence and sufficiency of property and means, not at all bearing in mind the **oaths** which they have taken in the Chamber of the Guildhall of the said city, with a secret malignity, do not fear at present to infringe upon the good peace and concord of the City; and in this way more particularly, that, whereas according to the custom of the said city, laudably prescribed and followed for the healthful rule thereof, the Mayor and Sheriffs ought each year to be freely and indifferently elected by the more sufficient and more discreet men thereof, in the usual manner specially summoned to Common Council for making such elections, and for treating of other business of the said city; at the present day, a thing to be lamented, some who are citizens thereof, although themselves deemed worthy, upon faithful testimony, to bear the offices aforesaid, still, striving manifestly against the tenor of their said oath, before the time of the election of such officers, as well in their own persons as through others interposed, do diligently go round to many other citizens and other persons in the said city, and influence them, and prevail upon them to come to the Guildhall of the City, together with their apprentices and serving-men, and, there collecting a great crowd, to shout and make an uproar, to the effect that such a one must be Mayor or Sheriff, about whom perhaps there has been but

little or no mention before; it being their own end and object that by the prevalence of shouting they may gain exemption from such offices for themselves.

By reason of which crowding also, and division into parties, various dissensions and contumelies are daily occurring and arising; and to a much greater extent in future will arise, unless there be a speedy stop put thereto: in consequence whereof, not only the general peace of the people dwelling within the said city, and the true and free election of the Mayor and Sheriffs, have been oftentimes disturbed, but also, sudden destruction, it is feared, will overtake the same people, a thing that must result in still greater mischief, beyond a doubt; seeing that such partisanships and meetings must tend manifestly as well to the contempt of our Lord the King, as to the desolation, division, and destruction of the said city, if upheld.

Therefore, on Thursday, the 24th day of September, in the 4th year etc., Nicholas Wottone, now Mayor, and the Aldermen, with the assent and consent of very many of the more reputable and more sufficient men of the said city, in Common Council of the same city, in usual manner, for the consideration of these and of other matters, especially assembled, for augmenting the quietude of the said city, which with especial zeal they desire, and in order to defeat the malicious covin of parties and confederacies of this nature, and of the adherents thereof, have ordained and established that no one of the said city in future, upon whom the election to the office of Mayor or Sheriff is likely to fall, shall form any parties or hold any meetings for the purpose of avoiding such office; seeing that through such meetings or parties a real and free election of such officers may be disturbed or impeded; and this, under a penalty of £100, to the use of the Chamber of the Guildhall to be paid, so often as and when any one may be lawfully convicted of the same, etc. And that no other person than a freeman of the City, and one especially summoned to such election by the custom of the said city, of whatsoever estate or condition he may be, shall presume to hold such meetings or to make such parties, or to do other things which redound to the breach or disturbance of the peace, or of the free election of such officers; on pain of imprisonment, and of making fine, at the discretion of the Mayor and Aldermen, so often as and when any such person shall be lawfully convicted of the same.

DISCUSSION

Although we have reason to believe that some men actively pursued aldermannic office, the example of John Gedney in the first document above and the general regulation in the second show that there were also those who did not desire office. The **attitude expressed** on behalf of London society by a chronicler some 140 years earlier – that anyone who sought power was by that fact unsuited to govern – if not simply a position of political convenience, may well have reflected one perspective of that period. But it is equally clear that some men did then see advantage, to themselves and to the interests they represented, of wielding decision-making authority. This appears even more true by the late fourteenth and early fifteenth centuries. By that time political office had become even more intimately tied with social status. We should not assume that either outlook was dominant; probably there was an attitudinal spectrum much as there is today. We must beware of playing down, or ignoring, the feeling of many that office-holding was burdensome, yet a duty for those best able to shoulder the burden. Few of those who did their duty to the community were professional politicians.

Gedney's reluctance to serve was clearly no feigned modesty; after attempting to escape by excusing himself as unsuitable, and this having no sway with a group that had already examined and approved his qualifications, he flatly refused to take office and was prepared, initially, to suffer imprisonment so strong was his unwillingness. Given this strength of feeling, we must conclude that his initial election by ward residents was contrary to his will or perhaps in his absence; certainly we cannot imagine he had put himself forward as a candidate. This case illustrates how administrative duties were perceived not as a privilege, bringing power (although doubtless some saw them thus), but as a duty, an obligation of citizenship; the reference to **scot and lot** points back to the concept of citizenship that was already well over two centuries old, though whether the meaning of "lot" has here been interpreted as originally intended, or whether a distortion (or a specific application) of that meaning, is a matter for debate. Indeed the council's deliberation on how to deal with Gedney's refusal suggests, if we can take it at face value, that the majority of those called on to serve in city government did so because it was their obligation.

What Gedney's reasons were for refusing we cannot know. The office of sheriff had long been perceived as burdensome and, to counter reluctance to serve therein, it had been made a pre-requisite for election to the mayoralty. In the 1390s there was increased reluctance to serve as alderman, because of troubles the city was having with Richard II, which made the aldermen a particular target for his wrath and extortions. Perhaps Gedney's reasons were purely personal: he simply did not wish to devote part of his time to political office at this stage in his career, feeling it might adversely affect his business – in this context, we can appreciate the preference to put in office men of a certain affluence, whose livelihood need not be jeopardised by them giving time to political affairs. In this regard we may note that to exert pressure on him, the city authorities closed down his business operations. Or perhaps his objection was to the ward of which he was made alderman: Farringdon Without was by far the largest of the wards – and had been even larger until 1394, when Farringdon Within was split off – and was an area becoming increasingly built-up; so it might have made particularly onerous demands on an alderman's time. The fact that the previous alderman had resigned (whereas, at this time, it was more common to hold the office until death) may indicate something. Possibly these two reasons were interlinked. Two weeks of imprisonment, plus the involvement of arbitrators, was sufficient to change Gedney's mind. Yet Gedney did not long remain alderman of that ward, but early in 1416 transferred to Coleman Street ward, where he remained until 1435, then switching to Cornhill ward, in which he remained until his death in 1449.

Nothing is known for certain of John Gedney's family background. The surname is derived from a group of Lincolnshire villages, but from here migrants had spread out widely. There was a relatively prominent family of that name in Lynn at this period, for example. The draper John has been associated with a Cambridgeshire family and with a Middlesex man of the same name but previous generation who had an interest in the cloth name. In neither case can a relationship be demonstrated, nor between this John and another John Gedney living in London at the same time, a grocer. The draper is first distinguished when purchasing the reversion of a City property in 1407. Between 1412 and 1422 he was the principal supplier of cloth to the Grocer's Company, for members' liveries – possibly suggesting kinship with his namesake who was one of the Company. The royal household was also among his clients, both in the reigns of Henry V and Henry VI. He also dealt in luxury items, obtained from Italian suppliers. His business was doing well enough by 1415 for him to have an apprentice, and clearly the city authorities considered that he possessed the financial means to make him a suitable candidate for an aldermanry. He was sufficiently

prominent in the Drapers' Company to serve as a warden (1427/28) and, after it obtained its charter of incorporation, he was the first to be elected to the new position of master of the Company (1439/40 and again in 1447/48). Gedney was twice married, his first wife having borne a son who, however, predeceased him. His second marriage in 1444 was to a woman who had already been widowed three times, Gedney having been a friend and executor of her previous husband, the mercer and ex-mayor Robert Large; she brought additional wealth, in cash and real estate, to Gedney, who already held numerous properties in the city and in Middlesex. Joan had taken a vow to become a nun and Gedney had to do penance for persuading her otherwise. On his manor at Tottenham, Gedney built a fulling mill and set up a brick-making industry. Gedney leaving no heirs of his body at his death, most of his property, held by his widow, passed along to her son by a former marriage.

Whatever the reason for his initial reluctance to become an alderman – this being the first responsible role assigned him in London's administration, except that he had been chosen as a parliamentary representative in 1414 – once he had accepted the inevitable he went on to serve as sheriff (1417/18) and as mayor (1427/28, 1447/48), two terms being unusual and generally a sign of a citizen wealthy enough to bear the extra burden, as well as capable enough to warrant another tour of duty. Other than during his mayoralties, however, his name was not regularly on the attendance lists of aldermannic meetings; Carole Rawcliffe [*History of Parliament: The House of Commons 1386-1421*, II, 172] estimates he attended only about one-third of the meetings, suggesting his business interests outside the city kept him away.

The ordinance of 1416 suggests that Gedney's case was not isolated, for we can hardly imagine such an ordinance being the consequence of a single problem. It presents the picture, almost alien to modern political perspective, of persons running *against* office; that is, canvassing 'voters' to participate in elections in a fashion aimed at preventing one from being elected! The document indicates both that informal nominations might be mooted in advance of an election, and that other nominations might come out at the election itself; while neither case rules out an individual engineering his own nomination, the impression given is rather that nominations were proposed independent of what the nominee's wishes in the matter might be. This also follows logically from the official philosophy expressed in the preamble to the ordinance: that bearing office was a duty for those of the wealthier citizens, and part of the obligations of freeman's status: the reciprocity of sharing in common advantages and shouldering one's share of common burdens. The size of the fine is indicative of how seriously the authorities expected this obligation to be taken.



NOTES

"Farndone Without"

That section of Farringdon that lay outside the walls.

"oaths"

This is probably a reference to the oath taken upon entering the franchise.



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Keywords: medieval Southampton merchants testaments funerals mass charity memorial services property holding gates dower clothing chantries trustees careers royal service shipbuilding

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Location: Southampton

Date: Late 15th century

TRANSLATION

[1. Will and testament of William Soper]

In the name of God, Amen. On 8 November 1458, I William Soper esquire, burgess of the town of Southampton, being of sound mind and memory, have set out my testament in the following manner. First, I bequeath my soul to Almighty God, the Blessed Virgin Mary, and to all the heavenly host, and my body to be interred within a certain marble tomb which, for my burial, I recently had built in the southern part of the nave of the church of the Friars Minor, in the town already mentioned. I wish my executors to have as many masses for my soul celebrated in that church, on the days of my burial and obit day, as they are able to arrange. For [the good of] my soul, I wish that on my burial day, and as promptly as possible following that day, my executors distribute to poor married men and women, as well as to those who are infirm, blind or crippled, alms to the value of £66.13s.4d, in the form of woollen and linen cloth and other necessaries, from my moveable goods; [that is,] up to the value of 6s.8d each, handing out less to some and more to others, as my executors, in their sound judgement, think appropriate to achieve the **best results**. Furthermore it is my wish that, each day during the thirty



days following my burial, in the chapel where my corpse is buried, the warden or his deputy and six of his brethren of the Friars Minor of that town shall chant solemn **exequies** and requiem masses for my soul. I also wish that my executors (or **[at least]** one of them) make offerings at all the masses mentioned above as being celebrated during that thirty days, and that they or he pay to each warden on that occasion, or to his deputy, and his six brethren who shall be present at the exequies and masses each of those thirty days, sixteen shillings towards the cost of their vestments.

I bequeath 105s. towards the repair of the church of the Friars Minor in that town. I bequeath 3s.4d to the cathedral church of St. Swithun at Winchester.

I give and bequeath to my wife Joan that **tenement** situated on the west side of English Street in the parish of St. Laurence. Which tenement extends in length from English Street at its east end, as far as the boundary of the king's castle in the town, at its west end; and it lies between the tenement of Joan Mersh, formerly the wife of Adam Mersh, on the south side, and the tenement of John Stake on the north side. Joan is to have and to hold that tenement with all its appurtenances for the term of her life, under the following condition: that while my wife Joan is alive she provide food and clothing for John Hawyt; should it happen that my wife Joan die before John, then I wish and grant that John receive the rent due from the tenement for the rest of his life. After John's death, I give, bequeath, and grant **[it]** in perpetuity to Joan the wife of John Heckley junior and the direct and legitimate heirs of the same Joan. Should it happen that Joan die without a direct and legitimate heir, then it is my wish, decision and provision that the tenement be sold by my executors (or their executors) and the money issuing from the sale of the tenement be distributed as alms to the needy, for **[the good of]** my soul and the souls of my parents.

I give and bequeath to my wife Joan twenty shillings in annual rents, received quarterly in equal payments from my tenement **[held by]** **John Ingoldesby**, my fellow burgess of the town of Southampton, out of the rent issuing from two conjoined towers built above the town gate called the Watergate, with all buildings and gardens belonging to

those towers; as is set out more fully in a certain agreement made in regard to that between ourselves, William Soper and John Ingoldesby. Which towers the mayor and community of the town of Southampton granted to me, William, and my heirs and assigns for a specific number of years. I also give and bequeath to my wife Joan a shop and a room built above it situated on the east side of those towers; in which shop and room John Draper currently lives. My wife Joan is to have and to hold the aforesaid twenty shillings rent, together with the shop and room mentioned for the term of her life. Immediately after the death of my wife Joan, I wish the annual rent of twenty shillings together with the shop and room to be sold by my executors (or their executors), and the money received from the sale to be received and distributed as soon as possible to poor people and others in charitable works for my soul and for the souls of my parents Robert and Clemency, my wives Isabelle and Joan, and all my benefactors.

I also wish that once all my debts have been paid my wife Joan receive possession of half of all my goods not otherwise bequeathed.

I bequeath my wife Joan, for life, those adjoining **messuages**, with the cellar atop which they are built, which I recently had put up in the cemetery of the Friars Minor of the town of Southampton. I also give and bequeath my wife Joan my messuage with adjacent garden located in Holy Rood parish in the town of Southampton, on the east side of English Street, between the tenement recently of Richard Holte esq. to the north and the tenement of John Ludlowe to the south. That messuage, cellar, and garden with all its appurtenances, Joan is to have and to hold for life from the chief lords of that fee by the services due and customarily owed by right; and also by finding and providing annually, during Joan's lifetime, two wax candles to burn above the altar in the south chapel next to my tomb, each day during celebration of the morning mass there, as well as by offering one penny daily, or having that offering made daily, at the same morning mass. And also by providing and distributing annually, in perpetuity, thirty-four shillings and eightpence, for my soul and the souls of my parents Robert and Clementia, my late wife Isabelle, and the souls of all my benefactors, divided up and distributed in the following manner. Viz.

- To the warden of the church of the Friars Minor then in office,

or to his deputy, with his six brethren, for performing and solemnly chanting the exequies in the south chapel in the nave of the church of the Friars Minor, next to my tomb, and for observing my anniversary with an annual mass there, ten shillings towards their footwear.

- Item, to eighty poor people of the town most in need, 6s.8d to be distributed on the day of my anniversary thus: a penny each.
- Item, to the **town crier** for proclaiming at the usual places in the town the observance of my anniversary in the above-mentioned fashion, 4d.
- Item, to the parish clerk of Holy Rood church of the town, for ringing the bell called the "assembly bell" on the vigil and on the day of my anniversary, 12d.
- Item, to two poor burgesses or (if there are no such burgesses) two other poor persons who are greatly in need, for holding two torches on my anniversary, ten shillings for two gowns.

It is my wish and provision that immediately after Joan's death, the messuage mentioned above, with cellar and adjacent garden, situated in Holy Rood parish in the town of Southampton shall remain to the mayor then in office and the burgesses of the town of Southampton. The mayor and burgesses, and their successors as mayors and burgesses of the town, are to have and to hold the messuage, cellar and garden in perpetuity. On condition however that the mayors and burgesses, by the hand of the steward of the town then in office (or whoever is performing those duties), out of the revenues and profits of that messuage turn over and distribute annually in perpetuity, for my soul and the souls of Robert and Clemency my parents, Isabelle and Joan my wives, [etc.] 34s.8d divided and distributed as follows. Viz.:

- To the warden [etc. as above]
- Item, to eighty paupers [etc. as above]
- Item, to the town crier [etc. as above]
- Item, to the parish clerk [etc. as above]
- Item, to the mayor of the town of Southampton, or whoever is then exercising his duties, for his diligence in being present at my anniversary and oversees it being carried out properly, 3s.4d.
- Item, to the steward of the town then in office, for his efforts in the same regard, 2s.4d.
- Item, to the common clerk of the town, or whoever is exercising

his duties, for reading out this my last will publicly, immediately after my anniversary services, 12d.

- Item, to two poor burgesses [etc. as above]

In addition they are, by the hand of the steward (or whoever is exercising his duties) to turn over and pay annually, in perpetuity, thirty shillings and fivepence out of the revenues and profits of that messuage, in the following manner. Viz. by making an offering on a daily basis, or having it made, of one penny at the morning mass, for my soul [etc.]. On the understanding that, if the rent of my tenement with cellar and adjacent garden and its appurtenances is at any time in the future unable to support the above charges, after necessary repairs [have been paid for], due to lack of tenants or something similar, then the mayor and burgesses and their successors are bound to observe my anniversary and make the daily penny offerings no more than in proportion to the diminished rent and revenues realisable from the property at that time. However, it is my wish that should it happen that the mayor and burgesses default in coming up with and distributing the 34s.8d, to be divided and distributed as already indicated, or in coming up with and paying the thirty shillings and fivepence to be offered as stated above, or in any way fail to carry out what has been specified above, that the estate in and power over the messuage with cellar, garden and appurtenances, on the part of the mayor and burgesses and their successors shall entirely cease. And that thereafter the messuage [etc.] shall remain to the Abbot and Convent of Beaulieu in Hampshire. The Abbot and Convent and their successors to have and to hold of the chief lords of that fee in perpetuity by the services due and customarily owed by right, and by paying, finding, undertaking, and fulfilling each and every charge, offering, and payment specified and stated above using the rents and profits of the messuage, cellar, garden and appurtenances, each year in perpetuity – faithfully, properly and entirely, as set out above.

[Further clauses, set out in much the same terms, provide that: 1) if the Abbey of Beaulieu fails to perform the obligations, then the property is to pass to the **Prior and Convent of St. Denys**, near Southampton, under the same conditions; 2) if the Priory defaults in those obligations, the property is to be sold by Soper's executors, or their executors, and the proceeds spent on masses, alms and other charitable works, for the benefit of his soul and the souls of all faithful deceased.]

Also, I wish that my wife Joan have possession of all rents and revenues from all my tenements, services, **vaults**, shops, cellars, bakehouses, empty plots of land, and gardens, with each and every of their appurtenances, which I have within the **liberties of the town** of Southampton, for the period of five years immediately following my death. Immediately after the five years are up, I wish and instruct my executors to sell all those remaining lands and tenements, rents and services, vaults, shops, bakehouses, empty plots, and gardens with all their appurtenances (such as are not otherwise given or bequeathed above) that I have in the town of Southampton or within the liberties of the town. The same applies to each and every of my rights, title, estate, and claims (not bequeathed above) that I have, whether for a term of years or on any other basis whatsoever, over and in all lands, tenements, cellars, bakehouses, empty plots, gardens, and **enclosures**, with all their appurtenances within the town of Southampton and within the liberties of that town. All monies arising from the sale of those lands and tenements [etc.], as well as all my rights, title, estate and claims, not given or bequeathed above, my executors are to distribute on a merit basis to poor men and women and on mending the roads around the town of Southampton, which on occasion need repairs and maintenance.

I bequeath to Robert Janyn one hundred shillings. I bequeath 6s.8d to my servant Richard Waryn. I bequeath 40s. to Friar William Chamberleyn. I bequeath a silver platter to the high altar of the Friars Minor in the town of Southampton. I bequeath a silver basin with a silver jug to Hugh Pakenham. I bequeath a **charger** with a silver platter to Thomas Chamberleyn. I bequeath a silver charger to dom. Thomas Hacker chaplain. As for the residue of all my goods, not otherwise bequeathed above, after my debts have been paid, I give and bequeath them to my wife Joan, Hugh Pakenham, Thomas Chamberleyn and dom. Thomas Hacker chaplain. So that they may dispose of and distribute the goods in alms to those poor people in greatest need, and in other pious uses on the basis of what seems to them most efficacious for the health of my soul, the souls of my parents Robert and Clemency and of my late wife Isabelle, and those of all the faithful deceased, as they would wish to answer for it at the Final Judgement.

For the faithful execution of this testament, by this document I make, designate, and appoint my wife Joan, as my chief executrix, and Hugh Pakenham, Thomas Chamberleyn, and dom. Thomas Hacker chaplain as my true and lawful executors. In testimony to which, I have set to this document the seal I am accustomed to use. Drawn up at Southampton on the above date. Witnesses: **Walter Clerk**, then mayor of the town, **Nicholas Holmage**, **John Williams**, **Walter Fetplace**, **John Donne**, burgesses of the same town, and many others.

[2. Will and testament of William Gunter]

In the name of God, Amen. On August 1, 1492, in the seventh year of the reign of King Henry VII, I William Gunter being of sound mind and memory, [but] perceiving my death approaching, have set out my testament in the following manner. First, I bequeath my soul to Almighty God, the Blessed Mary His Mother, and my body to be interred in the church of St. Mary near the town of Southampton, on the right-hand side of the tomb of John Jamys, **lately buried** in that church – or in some other location my wife Alice sees fit to arrange.

I bequeath 12d. to the cathedral church of St. Swithun at Winchester. I bequeath 6s.8d to the fabric of **St. Mary's church**, [in appreciation] for my burial. I bequeath 6s.8d to the nave of Holy Rood church in the town of Southampton, for repairs to the church. I bequeath to Joan, the widow of my brother Henry, one of my fur-lined gowns red in colour, called "**murrey** gown". I bequeath to my kinsman John, son of my brother Henry, one of my fur-lined gowns called "deep **sanguine**". I bequeath to John's brother William the other of my fur-lined gowns also called "deep sanguine". I bequeath to each daughter of my brother Henry 6s.8d cash, or other of my goods to the same value at the discretion of my wife Alice. I bequeath to **William Justice** one of my fur-lined gowns crimson in colour, called "wedding gown". I bequeath to Gilbert Mowntegue, **recently my servant**, one of my fur-lined gowns called "**russet** gown". I bequeath 40s. to little Margaret my servant for her dowry, if she lives [long enough]. I bequeath 20s. to Margaret's mother Emma, or the same amount in goods at the discretion of my wife Alice. I bequeath 3s.4d to my servant Cecily. I bequeath 4d. to each of my godsons and god-daughters who survives me, to pray for my soul. I bequeath 3s.4d. to Alice Durante, to pray

for my soul. I bequeath to my servant John Fynmore a gown or 10s. and a double, at the discretion of my wife Alice.

I bequeath to the altar of the church of St. Mary at Andover, called "Sawnderys wenydd", a silver **chalice and paten**, [in return] for prayers for my soul, the soul of my late wife Agnes, and the souls of my parents and all the faithful deceased. I wish and bequeath that on the day of my burial money be distributed for the sake of my soul to the most needy poor folk, at a penny a time up to the amount of one hundred shillings; that is, one penny to each poor person, etc.

I give and bequeath to my wife Alice my three tenements. Of which two are situated in English Street in the town of Southampton, on the east side of that street. One being situated there, with gardens and other appurtenances, between the tenement recently of Andrew Jamys, to the north, and the Southampton tenement in which William Dey presently lives, to the south; at its east end it abuts on the stones of the town wall and at its west end on the street, and it is called **the Dolphin**. The other tenement situated there, with adjoining garden and appurtenances, is between the tenement recently of Thomas Avan, to the north, and the tenement recently of John Williams, to the south; it abuts on the stones of the town wall at the east end and the street at the west end. As for the third tenement, it is located in the city of Salisbury, in a certain street there called Wynman Street, viz. between the tenement of John Curteys to the east and the tenement recently of William Cockys spindler (now of his son John Cockys) to the west; the which I William Gunter recently acquired from Thomas Somer. My wife Alice is to have and to hold these three tenements with gardens and all other appurtenances for her lifetime. After Alice's death, I will, give and bequeath the three tenements with all their appurtenances as indicated above to **Thomas Dymmock** at this time mayor of the town of Southampton, **Thomas Overey**, **Thomas Reynolde**, **Vincent Tehy**, **Thomas Troyes** esq., **John Feteplace** gentleman, **Thomas Thomas**, **John Dawtre**y, mag. John Dogode cleric, William Nycollson the rector of St. Laurence, **William Heckeley**, **Masse Salmon**, **John Godfray**, William Justice, **Peter Spryng**, **George Cockys**, William Wisham, **Thomas Wilson**, **John Baudewyn**, and Gilbert Mowntegue; they, their heirs and assigns to have and to hold the three tenements with all things belonging thereto

and indicated above in perpetuity.

[\[Here the document switches to English\]](#)

To the intent that my wife Alice shall, during her life, arrange for a priest of good judgement and proper qualifications to sing a mass and perform other divine services each day at the Holy Rood altar in Holy Rood church in Southampton, and to be present in the choir on holy days when divine services are performed, for the souls of myself, William Gunter, my father and mother, John Jamys, the souls of all my friends, and all Christian souls. Taking £6 as his annual salary. After her death, [\[the property\]](#) is to remain to Thomas Dymmock, Thomas Overey etc. and to their heirs in fee. To the intent that, with the annual profits and revenues from the 3 tenements following Alice's death, they should and shall find a priest of good judgement [\[to officiate\]](#) in Holy Rood church for my soul and all the souls mentioned above, and all Christian souls, in the same manner that Alice did. Whenever and as soon as any three of my feoffees named above have died, then 3 other persons in possession who are still living should and shall make a further enfeoffment of the 3 tenements and appurtenances to as many other persons as are named by John Adam and Robert Wright, wardens of Holy Rood church, or their successors of that time, to the same use and intent as indicated above. And so continually the estate be renewed every time, forever, that 3 of the feoffees happen to die.

During her lifetime, my wife Alice is to engage, appoint and admit the priest, and to remove and dismiss him if she finds reasonable cause, and then appoint another. My feoffees are to act similarly after her death, in perpetuity. But after her death I give full power and authority, notwithstanding what has already been said, to John Adam and Robert Wright and to their successors as wardens of Holy Rood church, in perpetuity, to enter into the 3 tenements and their appurtenances and to demand, levy and receive the rents of the same, and use them to pay the priest his annual stipend and wages. And with the same revenues and profits that exceed his wages, to properly repair and maintain the 3 tenements forever. After the death of my wife Alice, I wish that the wardens of Holy Rood church and their successors, if they carry out their duties specified above under the supervision of my feoffees, each receive for their labour 3s.4d a year

out of the [revenues from] the 3 tenements.

I also wish my wife Alice to hold my obit in Holy Rood church each year on the date of my departure from this life, distributing and disposing of 20s. that same day. That is:

- 20d. to the mayor if he attends – otherwise that sum is to be distributed suitably as alms on that occasion;
- 12d. to each of the then wardens of Holy Rood church, whom I wish to hold my obit each year in perpetuity following the death of my wife;
- 8d. to the vicar or curate of the church;
- 4d. to every priest there;
- 6d. to the clerk of that church;
- 2d. to the **bedeman**;
- 13s.4d on bread, cheese, ale and wine

The annual value of the 3 tenements, after costs are deducted, is £8.13s.4d. Of which, £6 is to be paid each year to the priest, 20s. for my obit (divided as indicated above), and 6s.8d each year to the churchwardens as mentioned above. There still remains of the £8.13s.4d the annual sum of 26s.8d, which I wish to remain in my wife's hands during her life. And after her death in the hands of the wardens of Holy Rood church and their successors; to the intent that if anything unfortunate happen to the 3 tenements, or any one of them, by way of fire, dilapidation or something similar, they apply it to the repair, upkeep, and maintenance, and in all regards shall protect and look after them. I wish and fully empower my feoffees to see that all these obligations are performed, undertaken, and carried out after my wife's death, according to [the instructions in] this my last will. If no such [misfortunes] befall the 3 tenements, or any of them (which God forbid!), then I wish the remaining 26s.8d of the £8.13s.4d to be expended by the wardens, after my wife's death, under supervision of my feoffees, on ornaments for Holy Rood church, if they are needed, or else on other suitable alms as seems best to them, and so continue in perpetuity. On condition that a priest is constantly provided for.

[The document now reverts to Latin]

As for the residue of all my goods not bequeathed above, my debts

having first been paid, I give and bequeath them to my wife Alice, so that she may arrange for their disposal for my soul, as she considers most expedient, pleasing to God, and beneficial for my soul; and as she will be willing to answer for before the highest authority on Judgement Day. For the performance, execution, and fulfilment of this my testament, I make, designate and appoint my wife Alice as my executrix, and Thomas Troyes esq. and William Justice as supervisors. Thomas is to have 40s. for his labour, and William 20s.

In testimony to which, I have set to my seal to this document. Drawn up at Southampton on the above date.

DISCUSSION

[I have divided the documents into paragraphs to make for easier reading. The itemized lists are also my own editorial interpretation.]

William Soper

William Soper was one of the most prominent members of Southampton's community of his generation. Born and raised in Winchester, where his father was a draper, he had moved to Southampton by 1410, when he served a term as its steward – a position that originated as assistant to the alderman (originally the executive officer not only of the merchant guild but of the town), with responsibilities of directing the borough courts and administering public property and finances, although during the fifteenth century it became the low rung on the ladder of political advancement. His high standing by this time is further evidenced by his election as mayor in 1416, a second term coming in 1424/25. Immediately after his first mayoralty he served as alderman, and once more after his second term – this time remaining in office until 1429; he was again alderman from 1430 to 1433 and 1434 to 1437. Between 1413 and 1449 he was chosen to represent Southampton in 13 parliaments, yet another sign of the trust the Corporation had in him.

Greater testimony to his administrative abilities is seen in his frequent employment in the king's service. Much of it was in relation to maritime

activities, as suited a merchant engaged in overseas commerce. He had entered the customs service by November 1413, as one of the collectors of tunnage and poundage at Southampton, and then from 1421 as collector of customs on wool; he remained in this branch of the service until at least 1446 – an unusually long tenure, during which he also held the post of deputy butler (supervising the wine trade) from 1418 to 1422.

In 1414, soon after Henry V's accession and as the nation geared up for war, he was set to work constructing ships for the king at Bursledon, on the Hamble River, a few miles southeast of Southampton, as well as renovating captured enemy vessels. It has been suggested that this came about because several Southampton ships, including one of Soper's, had been involved in seizing a Spanish ship under questionable circumstances; and that, to avoid the king's wrath, Soper had (perhaps at his own suggestion) undertaken to convert the prize for use by the king [S. Rose, *Southampton and the Navy in the Age of Henry V*, Hampshire Papers 14 (1998), 2]. Soper's handling of this task, the close availability of timber from the New Forest, and the convenience of Southampton as a base for pursuing the war in France and in the Channel itself, may all have contributed to the decision to make the area a naval centre.

Soper had two storehouses at Bursledon and in 1418 built a wooden tower to defend the river entrance against French raiders. When a naval dockyard was built at the mouth of the Hamble River, Soper was put in charge of it. He became closely involved in organizing the king's expedition to France in 1415, for which he was rewarded the following year with a lifetime annuity. In this period Southampton became the major base for the royal navy (although of course this did not exist as a formal, permanent force at this time). After a special dock had been built there in 1416, Soper had a role overseeing the construction of the *Gracedieu*, the largest ship built in England in the Middle Ages. Moved to Hamble for fitting out, launched in 1418, and later laid up at Bursledon, it never saw action in Henry's French war – the success of which outpaced the need to defend the Channel – and is known to have participated only in one expedition to patrol the Channel (1420). In 1439 it was destroyed by fire, its **remains** still occasionally visible in the Hamble. Soper accounted for thousands of pounds spent on this project, much of it from the customs money he collected. Much of this money went to Soper's associates among the mercantile ruling class of Southampton, who supplied materiel for the ships.

Part of Soper's reward for this work was appointment as a clerk of the king's ships in 1418, which formally made him a supervisor of naval construction, and gave him a daily wage of one shilling (compare to twopence to

fourpence for a craftsman). In 1420 his salary was doubled – although not paid regularly – when he was appointed keeper and governor of the king's fleet, a post in which he remained until 1442, after which he served a further ten years as controller of his successor in the post. He was in charge of a fleet of up to 30 vessels. He built a storehouse and forge at Southampton, adjacent to his own property near the Watergate. His duties included organizing royal construction projects in Normandy, and in 1419 he was leasing a house at Harfleur as his base. When the fleet was dismantled after Henry V's death, Soper was instructed to sell many of the ships (to help pay the late king's debts); several local men were able to acquire vessels at bargain prices; Soper was allowed to take some of the profits himself in recompense for expenses and/or wages owed him by the government. He continued to try to keep a few unsold ships seaworthy for the king's use. This demanding work, and the difficulty in recouping his expenses, prompted him to seek release from his post as early as 1436, on the excuse that he wished to make a pilgrimage to Lombardy before he became too old for it; this may, however, have been a pressure tactic to recover his costs. His value to the king is seen in that his successor in the post was offered only the shilling-a-day wage, although admittedly the duties of the officer were by then lighter than they had been during Henry V's wars.

During this period he frequently received other royal commissions in the southern counties, involving equipping ships, mustering troops, arranging for the transport of soldiers to France, raising loans or purchasing wine, investigating smuggling, and other judicial enquiries. In 1445 he was part of the delegation that went to Rouen to escort Margaret of Anjou to England, to meet her future husband Henry VI at Southampton. His naval work also brought him in contact with England's admiral, the Duke of Exeter, for whom he acted as a feoffee of the Duke's property in Southampton. At some point before 1447 Soper was given the rank of royal sergeant-at-arms and granted a further life annuity for his long service. He continued to receive commissions after that, but less frequently.

His mercantile activities are evidenced prior to him entering the king's service. By 1412 he was importing wine from France, partnering with William Nycoll (mayor four times between 1411 and 1427), and in subsequent years was bringing in a range of goods – cloth, grain, hardware – from Spain and Italy, as well as salmon and hides from Ireland. Nycoll had also been one of the larger suppliers of construction materials to Soper in the latter's role as clerk of the king's ships. As mentioned above, in 1414 he had been accused of involvement in a piratical seizure of Castilian cargoes. He was involved in the export of wool, taking advantage of his royal post to obtain related trade licences. He acquired a ship out of the

royal fleet; in 1426 it was carrying his grain, coal, fish and cloth to France. In 1429 and 1430 he joined with the existing wine-dealing partnership of Walter Fetplace and Peter James in exporting cloth and other goods to Spain; but, when upon arrival his factor was arrested and held to ransom and the £500 cargo was confiscated, Soper gave up on Spain as a regular market. His association with these men was more than just a matter of business: he acted as an executor of Fetplace's will (d.1449), and as a trustee for the daughter of Peter James (mayor five times between 1428 and 1447), who was Isabelle Soper's god-daughter, although James was subsequently accused of engineering the trusteeship as a way of gaining control over her property. Soper continued to be active in commerce into the 1440s, although perhaps on a lesser scale; the wine and luxury goods he is recorded as sending by cart to London may have been for his own use, as he spent quite a bit of time there on royal business, at parliament, and paying Southampton's fee farm (assigned to Henry IV's widow), he having taken on this responsibility between 1428 and 1437. In 1443 he is recorded as having some kind of lodgings in London; three years earlier he had a feather bed transported there from Southampton, along with supplies of paper.

William Soper's last will and testament only partially reveals the extent of the wealth he must have built up. In 1431 his property within Southampton was assessed at having an annual value (i.e. in actual or potential income generated) of £15, and a few years later his property in Hampshire was assessed at being over £50 a year. The latter included an estate and moated hunting lodge on the edge of the New Forest, possibly at Dibden, a little south of Southampton on the far side of Southampton Water. A record has survived to us describing his hospitality on the festival of the Purification of the Virgin to the captains and owners of Florentine galleys, who joined him at his country house for a good lunch, some hunting in the forest, a large dinner, and a vespers service, the party being so congenial that the guests did not depart until the early hours of the following morning. In relation to this estate, we may note that he held the royal post of verderer of the New Forest from about 1428 to ca.1445, although it is unlikely he saw to the duties in person; and that on one occasion he stood as surety in the Exchequer for the abbey of Beaulieu (just a few miles south of Dibden, within the forest). He also held or co-owned properties in several other villages along the south bank of Southampton Water.

His town property in 1431 lay on English Street (Southampton's high street) and comprised what may have been his early residence, as well as a house and quay (by the town quay) known as "Isabelle's vault", and a nearby property that he held on a long lease and may have used for customs collection – at a later date it became the town's official Customs House. He

also held property on the south side of Broad Lane, in the same vicinity, and perhaps all the property stretching from there to the customs house. The Franciscan friary in whose cemetery his will indicates he had built shops was also in the same sector of the town. Towards the end of his life he probably lived in the house in Holy Rood parish that he bequeathed to his second wife. The private chapel for which he received papal licence in 1420 may have been there, or perhaps the one he evidently had at his country house.

Soper's involvement in borough government is reflected in several ways in his will. At his own expense he renovated one of the principal gates through the town wall, the Watergate, which separated the bottom of English Street from the town quay. The borough government rewarded him in 1433 with a 100-year lease on the Watergate towers at a nominal rent and permission to build a shop next to the town wall; "rewarded" may not be the correct word, as he perhaps undertook the renovations on some such understanding. By 1455 Soper had built up a cluster of several tenements around the Watergate. In October 1439, however, Soper had sub-let the towers themselves to John Ingoldesby for £1 a year, in gratitude for "counsel he has given me". Soper likely had occasion to seek the lawyer's advice not only on town matters but also in regard to his pursuit of royal business. Ingoldesby continued in tenancy until 1477, when he turned the towers back to the town.

Soper may have had a similar client-counsel relationship with William Chamberleyn, who also had held the post of recorder in the town (ca.1428 to ca.1439). Soper and Chamberleyn were paired on seven occasions as parliamentary burgesses. Isabelle Soper was related to the Chamberleyn family and William Chamberleyn's young niece Joan came to live with the couple. After Isabelle's death, William married Joan, in 1438 obtaining papal letters to remove any potential obstacle due to family ties. Of the Chamberleyns mentioned in Soper's will, one of them warden of the friary, while Thomas was the son of John, brother of William Chamberleyn; John had held the office of clerk of the king's works at Portsmouth and may have been associated with Soper through those duties.

Soper's involvement with local government is also reflected in his first-choice selection of the Corporation to administer some of his property to maintain an obit; it is probably due to this that his will fortunately survives among borough records. His choice reflects a confidence in his colleagues, although not so great that he neglects to provide for a backup. His mind had turned to the afterlife several years before his death, and possibly the draft of the will that survives to us was not the first. For in 1452 he gave the

Franciscans the two houses he had built in their cemetery, in return for provisions for a daily mass to be celebrated in the friary for his soul; the construction project had probably been for that specific purpose, Soper aiming to shore up friary finances in order to ensure his corpse a secure home and his soul perpetual remembrance. In 1454 William Soper esquire granted to Thomas Chamberleyn his property in Eling, Dibden and Fawley; one year later, Thomas conveyed the property back to Soper and his wife, for life, for the annual rent of a rose. This was a legal device to clear the property of inheritance obstructions, thus allowing Soper to bequeath it as he wished. Thomas's involvement with the property would reactivate after the couple's deaths, and his commitment was then to pay out of rents received from the property 40s. each year to Southampton's mayor to support Soper's obit in the Franciscan friary:

"Of those forty shillings, the mayor shall have 6s.8d. And the town clerk shall have 40d. for being there in person and publicly reading out William's testament. And each of four paupers there holding lights shall have 10d. And the warden there shall have 6s.8d. And his brethren of the convent who are present at the exequies and masses celebrated shall have 20s. each year, to be divided equally among them at the disposition of the mayor and the executors of William and Joan, to be in effect for all time."

[*Black Book of Southampton*, II, 122-24.]

William Soper's will received probate in November 1459. He must have been in his seventies by then. In part because he died childless, provision for his soul is the principal preoccupation of Soper's will. He is less concerned with itemized bequests of property and still less with disposition of his personalia. The will of a later mayor, William Gunter, shows the same preoccupation with **easing the suffering of his soul** in Purgatory. However, it gives a brief glimpse at his personalia, in the form of the better items from his wardrobe; he bequeaths his nearest blood heirs – his nephews, and their mother – may be considered his "business suits": dark red gowns such as he probably wore when attending Corporation meetings or other formal occasions.

William Gunter

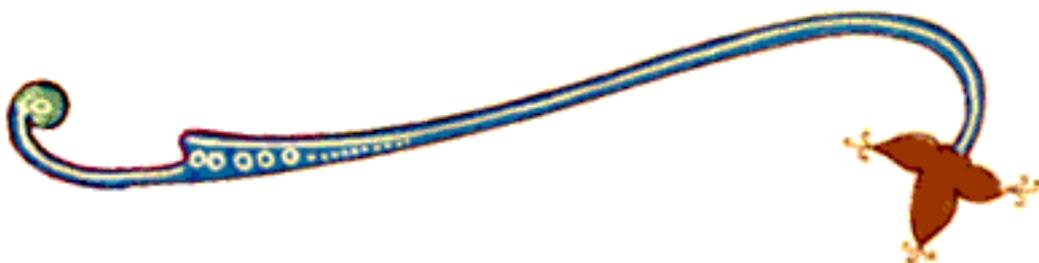
Gunter had been chosen sheriff of Southampton in 1475, and two years later was elected to his first term as mayor, a second coming in 1485. Although he believed he felt the approach of death when he drew up his will, in 1492, this appears to have been a false alarm. Not only did he live into the

following year, he was elected to his third term as mayor, and took advantage of the situation to have his will copied into the borough records during his term of office. In fact he was still alive in 1496 and, since we have no probate record, we do not know when he died, but he was dead by 1500.

Like Soper, Gunter had confidence in his peers, with whom he shared political power in late medieval Southampton. It was to the members of borough government that he looked to act as trustees of his property, to ensure after his wife's death that the Holy Rood churchwardens would put the revenues from his properties in Southampton and Salisbury to the pious uses he had prescribed. The group of initial trustees, headed by the mayor of 1492, seems to be dominated by aldermen, with a few clerics and friends or business associates thrown in for good measure; as regards the Corporation members listed, it almost has the appearance of a *cursus honorum*.

Again like Soper, Gunter had no son to inherit, and was able to dispose of much of his property for the benefit of his soul. He had some association with Andover, perhaps having spent his early career there. In a commission of arrest, issued to him and the sheriff of Southampton in 1467, he was described as William Gunter esq. of Andover; and his first wife Agnes was buried there. On another occasion he was referred to as "merchant". Whether a removal to Southampton or his marriage to John James' widow came first is uncertain; his wish to be buried next to her former husband is curious, but perhaps he looked upon James as an indirect benefactor, since James had died childless and his widow had been left with some of his property in Holy Rood parish. There Gunter settled.

Gunter's chantry was still in operation in the reign of Edward VI, but the revenues assigned it had declined in value to £7 and the obit had been dropped as a result.



NOTES

"best results"

The editor believed, probably correctly, that this meant achieving the best results for Soper's soul, rather than for the recipients.

"exequies"

Funeral rites and memorial services.

"John Ingoldesby"

Recorder (legal advisor) to the borough government from about 1444 to 1459, but perhaps not for the entire period.

"town crier"

The original has *preconisator*, an uncommon term for this officer.

"Prior and Convent of St. Denys"

The priory was situated within the liberties, to the north-west of the town.

"vaults"

This probably means shops, or possibly taverns, situated in the vaulted lower floors of buildings. An example of a medieval vault, likely used for commercial purposes, still survives in Southampton.

"liberties of the town"

By the town itself, Soper would appear to be referring to the walled borough. The liberties consumed a much larger territory to the east and north, several miles beyond the walls.

"enclosures"

The Latin, *purpresteris* was normally used to refer to illegal encroachments, usually on public land, which were subject to prosecution as nuisances. But the term can hardly be taken in that sense here, as the testator purports to have a legal claim over the property in question.

"charger"

A large flat dish for serving joints of meat.

"Walter Clerk"

Mayor for two consecutive terms, 1457-59.

"Nicholas Holmage"

Mayor 1443/44 and 1454/55.

"John Williams"

Mayor for two consecutive terms, 1455-57.

"Walter Fetplace"

The heir (but not son) of Soper's former business partner. He was sheriff in 1456/57 and mayor several times in the 1460s.

"John Donne"

Mayor 1461/62.

"lately buried"

James had in fact died more than twenty years earlier, in 1471, an indication of the untrustworthiness of the Latin "nuper".

"St. Mary's church"

Suburban St. Mary's was situated within the liberties, a quarter mile east of the north-east corner of the walls.

"murrey"

A purple-red colour, the colour of mulberry.

"sanguine"

A dark red colour.

"William Justice"

He was later to become mayor himself (1501); possibly Gunter's crimson gown was worn as his mayor's livery. In 1492 he served as senior bailiff of Southampton, having been junior bailiff in 1489, so would have been a colleague of Gunter in borough government. Or his connection to Gunter may have been through Justice being a friend or protege of John James, with whom some association is evidenced. He also served as sheriff in 1495.

"recently my servant"

Chapman plausibly suggests the phrase may point to an apprentice whose term had been completed. Montague was evidently no domestic, for he went on to become mayor himself in 1521, having worked the usual way up the Corporation ladder through steward (1512), junior bailiff (1513), senior bailiff (1516), and sheriff (1517).

"russet"

A type of cloth brown in colour, although the colour could range from a grey-brown to a red-brown.

"chalice and paten"

For holding the wine and bread during mass.

"the Dolphin"

An inn of the same name stood there in the eighteenth century; it must have been of some size, as four tenants were occupying the buildings there in 1455.

"Thomas Dymmock"

He was mayor during the term immediately preceding that of Gunter, and in the year before that (1491 and 1492); he had served as steward in 1483, junior bailiff in 1484, and sheriff in 1486.

"Thomas Overey"

His position second in the list is significant; he had been the mayor preceding Dymmock, and in fact had served three consecutive terms beginning in 1488. Overey, himself likely the son of William Overey (mayor 1474), had served as junior bailiff during Gunter's second mayoralty and had been elected sheriff two years later in 1487.

"Thomas Reynolde"

Steward in 1461, bailiff 1465, sheriff 1469, mayor 1476.

"Vincent Tehy"

Bailiff in 1470, sheriff 1474, mayor 1484 (and again in 1498).

"Thomas Troyes"

A county gentleman active in royal service, including the post of pesager at Southampton in 1485.

"John Feteplace"

Doubtless a member of the family that had furnished Southampton with two fifteenth century mayors.

"Thomas Thomas"

A Welsh supporter of Henry Tudor, after whose victory he settled in Southampton, serving as customs controller there from 1486 to ca.1499; he never acted as mayor (although his son did), but represented the town at parliament in 1495.

"John Dawtrej"

He was the second parliamentary representative in 1495 (having already acted in that capacity in 1491/92), and succeeded Thomas as controller of customs by 1500. He had already been a customs collector there, since before 1490 when he became a burgess of Southampton.

"William Heckeley"

A man of this name had been steward from 1453-55, but must have been an earlier generation. Our man is doubtless the steward of 1481, senior bailiff 1486, and sheriff 1488.

"Masse Salmon"

Steward in 1480, junior bailiff 1483, senior bailiff 1485, sheriff 1489, mayor 1494.

"John Godfray"

Steward in 1485, junior bailiff 1487, senior bailiff 1489, sheriff 1492, mayor 1496

and 1505.

"Peter Spryng"

Steward in 1486, junior bailiff 1488, senior bailiff 1490, sheriff 1494, mayor 1499.

"George Cockys"

Steward in 1492, junior bailiff 1502.

"Thomas Wilson"

He acted as the borough's broker from 1502 to 1510, but evidently was not a prominent member of the ruling class and his inclusion in the list may have been due to some personal connection with Gunter. During Gunter's second mayoralty, Wilson stood with men like Dymmock and Reynolde as witnesses on behalf of Richard Tehy in a recognizance of debt made before the mayor, so he was not unknown to authority.

"John Baudewyn"

Steward in 1490, junior bailiff 1492, senior bailiff 1495, sheriff 1500, mayor 1506 and 1513.

"bedeman"

An official who made public announcements of the death of a towns person.



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Keywords: medieval Leicester commerce wool merchant guild membership privileges foreigners middlemen tolls smuggling market offences punishment

Subject: Prosecution of a toll evader

Original source: Borough archives

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899), vol.1, 205-07.

Original language: Latin

Location: Leicester

Date: 1280s

TRANSLATION

Memorandum that on 2 June 1281 Jakemin de Lede was accused by William Lengleys, mayor of Leicester, and the community of that town that Jakemin travelled through the countryside in the county of Leicester, taking with him **foreign merchants** and with the money of those merchants buying wool wherever he might find it, to the serious damage and in contravention of the liberty of the gild of the town.

And this Jakemin came to an open court session and could not deny the thing. Therefore it was decided that no-one who is **within the liberty of the merchant gild** may be involved with Jakemin in the town of Leicester henceforth. If anyone who belongs to the gild is found to associate with Jakemin, he is to lose the gild and the liberty of the town in all regards, until Jakemin has made satisfaction to the community for the damage mentioned.

On 28 June 1289, Jakemin de Lede was accused of having taken merchants outside the fixed boundaries of the town of Leicester as far as the vill of **Tilton** and elsewhere; and there they bought wool by the



fleece and by the sack, in contravention of the liberty of the town and gild, and to the serious damage of the entire community and its gild.

Jakemin comes and says that it seems to him that he has done nothing wrong, because a certain chaplain by the name of William came to his house and there sold to his master Peregrine eight and a half sacks of wool. Subsequently, Jakemin journeyed with Peregrine to that vill, and there they put the wool into packs and carried it off, and paid neither **tronage** nor toll on the wool. From there they travelled to **Garthorpe**, where they bought 23 sacks of wool and likewise carried it off [without paying] tronage and toll. And it seems to him that he is able to do this fairly, since he is an outsider and not a member of the liberty of the town and its gild. If he had not taken Peregrine, some other outsider (such as Michael Frothe or others) would have taken him.

The same Jakemin was accused, based on him not being in the liberty of the town or its gild, regarding the way in which he buys his malt in the lord's market, and makes ale from it, and has it sold **by measure** in his house to anyone who wishes to buy, in contravention of the liberty of the town and to the serious damage of the entire community.

Similarly, he was charged, on the same grounds, that he bought wine at Boston and sold in in his house in large and small measures that were not **certified**, and he arranged for coal, oats, hay, and various other items intended for the market to be **regrated**. And Jakemin comes and says that it seems to him that he has done nothing wrong in this regard, because he is a **stall-holder** and pays "**cannemol**" annually, at the sum assessed by the jurors, for [the right] to sell ale.

The same Jakemin was accused of having taken the **same merchants** to **Dalby**, and there he bought the lord of Dalby's wool, viz. 8½ sacks, in contravention of the liberty of the town. And Jakemin comes and says that a certain clerk of the **lord** of Dalby came to his house while his master Peregrine was counting the money and sold Peregrine the wool; and Peregrine took one penny from the money and gave it to the clerk by way of **arrears**. After which Peregrine and Jakemin travelled to Dalby together and put the wool into packs and carried it to Leicester, and paid the bailiffs tronage and toll on that wool.

DISCUSSION

Jakemin's surname, referring to Liège, implies he was from Flanders; neither he nor his master's Christian names are English in origin and, as he himself stated, he was not a citizen of Leicester. We may surmise Jakemin was a factor residing in Leicester in order to do business there for his master. His defence to one of the charges, that if he hadn't guided the merchants someone else would, has a touch of the flippancy of a young man, and factors were often newly-graduated apprentices; although if the date of the first entry is correct, Jakemin had been in the town for several years – he is listed amount residents taxed in 1286.

The method of carrying out Peregrine's business, which was the export of wool (complaints about Jakemin's brewing and retailing activities probably reflecting a side-business to help Jakemin support himself), was to make deals inside Leicester, at Jakemin's residence there, but to collect the goods outside the town, thus making it difficult for toll to be collected on it, the loss of such revenue being part of the damage done the community. The authorities would have preferred for the wool to be brought into the town market.

In early 1290, Jakemin took out membership in the merchant guild. Possibly this was necessitated by a decision of the court, or possibly he thought it the safest course to reconcile himself with the community. Two years later we again find him in trouble, fined for selling wine contrary to the terms of the assize; however, this was a common enough offence, 15 other townsmen being fined for it on the same occasion. He appears to have put down some roots, if he is the same as the Jacob of Liège, merchant of Douai, who with his wife Ellen in 1298/99 sold a house in the High Street worth £20, and a nearby piece of property in 1306, when his son William was old enough to quitclaim his rights in the same.



NOTES

"foreign merchants"

The term *extraneos* could apply to anyone outside of Leicester; but in this context it is likely to mean foreigners as we would understand the term.

"within the liberty of the merchant gild"

I.e. a member in possession of the privileges of gildsmen.

"Tilton"

Tilton-on-the-Hill lies a few miles east of Leicester.

"tronage"

A fee payable for weighing of merchandize, named for the tron, or large beam (to distinguish it from the small beam used for goods measured in avoirdupois).

"Garthorpe"

A village to the northeast of Leicester.

"by measure"

Probably referring to retail sales in smaller amounts than the law allowed.

"certified"

In the original *sine signo posito*, lacking the mark that measures had to bear to show they had been examined by the authorities and certified as corresponding to standards.

"stall-holder"

I.e. he pays a licence fee for the right to have a stall in the market.

"cannemol"

An annual levy collected, more in the manner of a tax than a toll, from brewers, and probably assessed on an estimation of quantities brewed.

"same merchants"

Presumably Peregrine; it is not clear who else is intended, unless the merchants from the charge of 1281, but perhaps foreign merchants in general are meant.

"Dalby"

Great Dalby lies about halfway between Leicester and Garthorpe.

"lord"

The original has "master", perhaps because reflecting the terminology used by Jakemin who, as a foreigner may not have had the best grasp of English; the reference is likely to the lord of the manor, on whose estate the wool would have been produced.

"arrears"

Jakemin probably means "God's penny", a token given in earnest of sealing a bargain, and which might be accepted by the courts as proof of a contract.



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Keywords: medieval King's Lynn probate investigations heirs testaments property transactions bequests

Subject: Complications in the matter of probate

Original source: Norfolk Record Office, King's Lynn borough records, Red Register, f.51

Transcription in: Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.1 (1919), 91-93.

Original language: Latin

Location: King's Lynn

Date: 1335

TRANSLATION

Enquiry and probate conducted before William de Secheford, then mayor of Lynn, on 22 September 1335, concerning the sex and kin of Katherine, daughter and heir of **William de Lyndeseye**, former burgess of Lynn, deceased, and late wife of Nicholas son of John Page of Norwich; in relation to **tenements** in the town of Lynn which Nicholas holds for his lifetime, together with other tenements elsewhere regarding which a **fine** was levied between them in the king's court, and concerning who may be the nearest heir or heirs of that Katherine, so that each and every of these matters may be determined before the law.



Thomas de Lyndeseye, aged eighty, took oath of his own free will and, upon examination, stated under oath that John de Lyndeseye and Robert de Lyndeseye were brothers with the same father and mother, and from them issued the heirs that appear below.

- John de Lyndeseye, Robert de Lyndeseye } brothers
- From John de Lyndeseye issued William, his son and heir.
From William, Katherine, who was the last owner [of the

property], and who died without direct heirs.

- From Robert, a son and heir Geoffrey. From Geoffrey, co-heirs Alice, Katherine, and Joan.
- From Alice, Alan the son of John de Colne, who now lays a claim.
- From Katherine, Joan the wife of John Gillyng of Wisbech, who now lays a claim.
- From Joan, Katherine, who now (along with Alan and Joan) now lays a claim.

Thomas de Lyndeseye was further interrogated concerning how old Alan, Joan and Katherine were at present; he said that they were of the age of majority. Queried how and by what means he knew that Alan, Joan and Katherine were really the true heirs of Katherine, he said that a certain Cecilia, Thomas' grandmother, was sister to John and Robert de Lyndeseye; they were born in **Sutton Mareys** in Lindsey, and John made his home in Lynn. From whom, as already noted, William; and from William, Katherine. The other brother, Robert, made his home in Wisbech; from whom issued Alan, Joan, and Katherine, as stated above. Queried if any other heirs had a rightful claim, by reason of heredity, to the tenements of which Katherine was in possession when she died, he said simply "No".

Another witness, John de Colne of Wisbech, father of Alan, took oath of his own free will and, under careful examination, said the same as Thomas in each and every regard, concerning kinships and heredity. Queried how he knew this, he said that he had married a certain Alice, the daughter of Geoffrey son of Robert de Lyndeseye, who told him all the above. He was also queried whether anyone else might be an heir of Katherine, other than Alan, Joan, and Katherine; he said simply "No".

DISCUSSION

Most records of probate are straightforward statements that probate was made and administration of the will was granted to the executors. Complications did sometimes occur, however, particularly where a testator had no direct heirs. It may be in this case that Katherine Page died intestate; her husband would have been able to lay claim to a lifetime interest in at least some of her property. Possibly more distant relatives subsequently heard of her death and put in a claim to her property, or possibly what we have here is Nicholas Page seeking to obtain more than a life interest in his late wife's property.

For on folios adjacent to the transcript of the probate session five related documents are copied. These are in the form of quitclaims (releases of right) to the Lynn property of Katherine Page. On the day immediately proceeding the probate hearing, after the claimants had arrived in Lynn, Nicholas obtained – probably by purchase – quitclaims from John Gilling of Wisbech and his wife Joan, Alan de Colne of Wisbech, and Katherine the daughter of Simon fitz Theobald of Ashby near Horncastle. These legal transactions were all witnessed by essentially the same group of prominent townsmen, along with Thomas de Lindesey and in at least one case by some men from surrounding villages – for the properties in question, described only in broad terms as encompassing tenements, houses, gardens, quays, rents, arable land, meadows, pastures, fields of rushes, lanes and footpaths, were located not only in the town of Bishop's Lynn, but also in South Lynn, North Lynn, North Clenchwarnton, and other villages in the locality. It is evident these transactions were all effected at the same time in the same place.

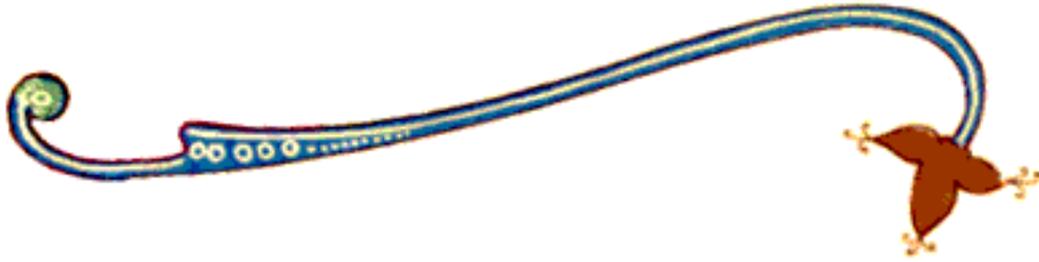
Although none of the witnesses participated in any official capacity, the transactions seem to have taken place in the gildhall at an assembly meeting. For accompanying these entries in the Red Register is a note stating that Peter, the son of **Robert de Walton** (died 1316), appeared before mayor and community the same day and put in a claim to one of the properties. Peter's claim was as a grandson of Katherine de Lindesey, by her marriage to William de Walton (dead by 1313), father of Robert. This puts in question the testimony the following day that Katherine died with direct heirs. That Peter's claim was not without foundation is indicated by a quitclaim purchased by Nicholas Page and his wife Katherine in 1331 from Robert's widow Alice, concerning one of the Lindesey properties in Lynn. Nicholas Page thought it best to buy Peter off too, and did so in a quitclaim

dated 25 October 1335, which Peter followed up with a public statement before the assembly confirming that he had surrendered his claim. At the same time, Nicholas obtained a quitclaim from Simon fitz Theobald. Much the same group of witnesses was used for this second set of transactions as was used for the first.

The probate proceedings may therefore have served, from Nicholas' point of view, to confirm before the law that he had obtained his quitclaims from the right people. The significance of these events is reinforced by the fact that Nicholas' testament later underwent probate before the borough authorities at Lynn. The testament was drawn up in 1341 but did not receive probate until 1345. The exceptional nature of this situation is reflected in that 8 days was allocated for anyone with claims to any of the property devised to come forward, whereas 3 days was the normal period.

Although Nicholas was in Norwich when the testament was drafted, and requested burial next to his late wife Katherine in the church of **St. Julian**, Conesford Street, Norwich, much of the document concerns itself with the properties in Lynn. With the exception of a property called "Grymestonestede" in **Brigate** and a meadow called "Feggishil", the real estate was to be sold by his executors within a year of his death, and the money put towards pious uses and commemorative services for the souls of himself, his wife and their parents. He also made provision for services for a few others, including Robert de Walton, his wife, and son. The two excepted properties he left to a household servant, Elena atte Chirche, who was important enough in Nicholas' life also to be designated one of his executors; she was to hold for life, with the option of purchasing permanently, failing which the properties were after her death to be sold and the proceeds put towards the benefit of the souls of Nicholas and Katherine. The testament gives no indication that Nicholas held any significant property in Norwich; such clauses could have been omitted by the Lynn clerk, but the inclusion of other irrelevant clauses makes it unlikely.

This document may also be taken as an illustration of the "failure of male heirs" phenomenon. The Lindesey male line had died out both in its Lynn and Wisbech branches, with the sole exception of Thomas, who is not known to have had any children; the name does not appear in Lynn records after this time. The Page family had similarly died out; Nicholas left no children, and his siblings were one or possibly two sisters and a brother who was a clergyman.



NOTES

"William de Lyndeseye"

A merchant important enough in the community to be elected mayor in 1280; a survey of properties in the northern section of the borough (ca.1267/1283) includes several held by him. His father John had come to Lynn before 1263, by which year he had already joined the merchant gild. Several other gildsmen of the period bore this surname; one, an Alan de Lindesey, appears to have been the wealthiest man in Lynn, judging from the valuation of his goods for local taxation purposes in the 1290s. Perhaps he was a brother to William, the two holding adjacent properties in the Tuesday Market.

"fine"

A final agreement, i.e. concerning the transfer of property, in effect a registration of an agreement reached outside the court.

"Sutton Mareys"

Perhaps Sutton on Sea? now in East Lindsey (although in the Middle Ages, Lindsey as a whole was an administrative region of Lincolnshire). Although Mareys normally refers to marshland, it may also have referred to the marshy coast.

"Robert de Walton"

A wealthy wool merchant, almost on a par with Alan de Lindeseye. His father, of whom little is known, was probably a natural marriage partner for a daughter of the upper crust Lindesey family. Robert held the posts of constable and chamberlain in local government during the 1290s and the subsequent decade. He was very much involved in local political struggles, siding with those seeking independence from the town's lords, and had consequent run-ins with other members of the borough elite who preferred not to antagonize those lords. Stemming from this, a vendetta with the Lomb family led to the murders of William de Walton (ca.1313) and Robert (1316).



main menu

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translation | discussion | notes

Keywords: medieval York royal visits routes ceremony livery gifts symbols theatre pageantry expenditures

Subject: Arrangements for royal visits

Original source: York City Archives, House Book, volume 1, ff.93, 95, 97, 98, volume 2, ff.15-18

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Original language: Middle English

Location: York

Date: 1480s

TRANSLATION

4 August 1483

[List of members of city government present at the meeting]

On which day it was agreed by all those listed above that my lord the mayor and all my masters, his colleagues the aldermen, in scarlet [gowns], and all my masters of **the 24**, and the chamberlains, and all those who have been chamberlain, as well as those who have bought exemptions from bearing office in this city, in red gowns, shall on horseback meet our most dread liege lord the king at Brekles Mills. Furthermore, that the bridge wardens and everyone else who has been a bridge warden, along with all other honest men of the city, shall be [dressed] in red, upon penalty of forfeiting 20s. to be paid to the community of the city by any man doing otherwise. My lord the mayor is to levy the fine in that regard, or face the penalty of 40s. payable to the community of the city. All others of whatever occupation shall, [dressed] in blue, violet and **musterdevillers**, shall meet our sovereign lord on foot at St. James' church.



Memorandum to send for **dom. Henry Hudson**, Richard Burges the parish clerk of St. Crux church, Richard Standish parish clerk of Christ Church, William Hewet parish clerk of All Hallows, William Gylmyn parish clerk of [St. Michael le] Belfrey, George Lovell esquire of **St. Mary's Abbey**, to consult them on a show to be presented when the king comes to **Micklegate Bar, Ouse Bridge, and Stonegate**.

11 August 1483

[List of members of city government present at the meeting]

On which day it was agreed by all those listed above that , as regards the show to be put on when his grace the king comes, the costs of the same shall be covered by **the chamber** and recorded by the chamberlains.

28 August 1483

[List of members of city government present at the meeting]

On which day it was agreed that our sovereign lord the king shall be presented when he arrives with 500 marks in a pair of gilt silver basins, or in a gold cup or gilt piece [of plate], and that our sovereign lady the queen shall be presented with £100 of gold in a piece [of plate]. Of which my lord the mayor promised to contribute £20, **Master Meitcalf** the recorder £100, Master York £40, Master Lam £10, Master Tong £20, Master Fereby £20, Master Tod £10, sheriff Miles Greenbank [blank], Thomas Allayn £10, William Chymney £10, Henry Williamson £5, Thomas Scotton £5, John Hag 100s., Michael White £5, John Harper £5, William White £10, Richard Clerk £10, Robert Gyll £5.

2 September 1483 at the common hall

[List of members of city government present at the meeting]

That same day it was agreed that the **Creed play** shall be performed before our sovereign lord the king next Sunday, at the **cost of the**

most honest men of every parish in the city.

[...]

[spring 1486]

It has been decided by the mayor, his fellow aldermen, and others of the common council of the city that – they being hopeful of finding the king prepared to be a gracious lord to the city as the result of intercession by the most reverend father, the archbishop of York, and other lords spiritual and temporal of his most noble council, and they and all the inhabitants displaying how happy and overjoyed they are about his most royal person coming to the city, with other of his lords – they are to make arrangements and preparations to greet his grace the king in the following manner. That is to say:

First, whereas it has been the custom for the two city sheriffs then in office, with 20 horse, to meet previous kings coming to the city at **Tadcaster** bridge, since that is at the boundary of the **franchise**, it is now decided that not only the two sheriffs but also two of the aldermen, accompanied by 40 horse, are to pay their respects to his grace there.

Second, whereas it has been the custom for the mayor and aldermen, dressed in long scarlet gowns, and others of the council, accompanied by the inhabitants of the city, on horseback, to pay their respects to kings coming to the city about two miles from the city, they have decided that the mayor and aldermen in the scarlet costume mentioned, the common councillors and the [city] clerk in violet, the chamberlains in **murrey**, and many of the inhabitants in red, shall meet the king on horseback at Bilbrough cross, about 5 miles from the city. Other inhabitants lacking horses or unable to provide themselves with red gowns are to wait for the king on foot between Dringhouses and the city, apart from a certain number of children who are to be gathered together beside St. James chapel, crying out "King Henry!" in the way that children do.

Third, at the entrance and **first bar** of the city is to be cleverly crafted a scene incorporating a heaven characterized by great joy and angelic

harmony; underneath the heaven is to be an unpopulated world, full of trees and flowers, where springs up a pure **red royal rose** (moved by some device). Before which rose is to appear another rose, of pure white. Towards which, once the pair have come together, all other flowers shall show clear deference and recognition of sovereignty, showing that the rose is the foremost of all flowers, as Bartholomew states. And next is to appear out of a cloud a crown that will descend over the roses. After which is to appear a city with citizens, with its founder called **Ebrauk**, who is to give salutations to the king with the following words in **prose**, and afterwards present the king with the keys of the city, representing Ebrauk surrendering his inheritance – his title and his crown – to the king, as if pleased with him above all other men.

[There follow four seven-line stanzas of poetry, as Ebrauke's speech, in essence requesting him to be a good lord to the city].

Fourth, when the king progresses along the streets he is to see them decorated with the best cloths that can be obtained with the city, for its honour. When he arrives at Ouse Bridge, at the corners of Skeldergate and North Street, because no gaps should appear, cloths are to be hung and some viable method devised so that, if the weather is fine, rose water shall rain down on the lords preceding and following the king.

Fifth, on the crest of Ouse Bridge is to be a royal train in which will suddenly appear sitting together in council six crowned kings – representing the six Henries – who, after the king has had a leisurely chance in which to view them, shall commit a sceptre to Solomon (dressed as a king). Solomon is to accept the sceptre and recite the following words in prose to the king, yielding the sceptre to him, as a symbol that he is the possessor of wisdom and justice.

[There follow three seven-line stanzas of poetry, as Solomon's speech, in essence flattering the king, acknowledging him as the legitimate successor to the throne, and exhorting him to wise and just rule].

Sixth, there is to appear at the end of **the street** (which later becomes Coney Street) running into Ousegate a presentation in which hailstones are to be made, by some device, to fall upon the lords and

others preceding the king – hailstones to be made by the **comfitters** craft.

Seventh, at the **common hall** is to be [erected] what appears to be a mighty castle, in which David is seen as the leader [of the inhabitants]. Reciting the following words, he is to surrender to the king his sword of victory. In the castle are to be citizens dressed in white and grey who, after the king has viewed and acknowledged them, are with a cheerful disposition to show their true and heartfelt affection for the king.

[There follow three seven-line stanzas of poetry, as David's speech, in essence flattering the king and praising the city].

Eighth, at the end of Swinegate, where it **meets Stonegate, Our Lady** is to appear [as if] from heaven and welcome the king the following words. After which she is to ascend back into heaven, with angels singing, and with snow falling (to be made by craftsmen from wafers, so as to appear like snow).

[The record concludes with three stanzas of varying length, as the Blessed Virgin's speech].

DISCUSSION

It became increasingly common as the fourteenth century wore on for royal visits to English towns to receive ceremonial welcomes, some more elaborate and showy than others. Such displays were an attempt to win royal favour by flattering the king, and to show unity and harmony among the residents, as an indication the town was well governed. In addition, such welcomes represented an acknowledgement of the visitor's legitimacy as the ultimate lord of the town, and indicated to the king that he could rely on the town's support.

The first set of extracts above deal with the visit of Richard of Gloucester to the city only a few weeks after he had taken the throne, part of his inaugural

tour of his realm. Since Richard had previously been a champion of city interests – part of a policy to win friends in the north – his accession was welcomed by the city. The contributions towards a monetary gift by the mayor, aldermen and councillors reflect that support. The intent to welcome Richard royally was encouraged by the king, who wished to show the southerners in his entourage his popularity in the north; his secretary wrote to York Corporation on 23 August, encouraging a reception with pageants, speeches and the streets hung with decorations.

An account of the royal visit itself, which began with a state entry on 29 August, the king and queen accompanied by numerous bishops, earls, lords and leading officers of state, is not recorded in the House Books. But other evidence suggests lavish pageantry that included the investiture of Richard's son as Prince of Wales.

The initial enthusiasm of the citizens for Richard was not unanimously maintained over time, although the city continued to support him during Buckingham's rebellion, and sent troops to help him at Bosworth (they arriving too late). Henry VII's accession was greeted with mixed feelings and some trepidation. Nonetheless, the Corporation was wise enough to know its best interests lay with another splendid welcome when Henry prepared to visit the city, and the preparations for this one were recorded in more detail. There was a great deal of emphasis on flattering the king, while yet at the same time asserting the city's expectations that Henry would treat them fairly and justly. The king's procession through the city, replete with ambitious special effects, was to follow the **same route** as the Corpus Christi pageants.

Henry's visit was part of his first major progress through the kingdom after winning the crown. His visit to York, which took place in June, is the best documented of the welcomes he received at various towns. Arrangements reflected the socio-political hierarchy in the town. The chamberlains' account for that year recorded expenditures of £35.18s.6d on miscellaneous related expenses, such as: carpentry for scaffolding and other structures probably associated with pageants; the purchase or fabrication of props, costumes, and backdrops; fees of a choir of clerics. Another £30.3s.4d was spent on items given to the king, but the details were recorded in a book that has not survived to us.



NOTES

"the 24"

The city councillors.

"musterdevillers"

A grey cloth, named after a town in Normandy.

"dom. Henry Hudson"

A chaplain, rector of All Saints; he, along with three other unnamed clerics, was again involved in organizing the pageants during the 1486 visit, at which time Hudson was parish priest at Spofford.

"the chamber"

I.e. city government; or, more specifically, its financial arm.

"Master Metcalfe"

Miles Metcalfe was a member of a gentry family of the county and a Yorkist. It is suspected to have been Richard of Gloucester who had persuaded his brother, Edward IV, to recommend Metcalfe for the post of recorder (legal expert) of York in 1477; the incumbent Guy Fairfax, a supporter of the Earl of Northumberland, whose influence in the north Richard was trying to supersede, was resigning because of his appointment as justice of the King's Bench. Certainly Richard in April 1483, as Regent, appointed Metcalfe – by then a member of his ducal council – as justice of the county palatine of Lancaster. Metcalfe's strong support for Richard and his personal wealth explain why his contribution to the gift was so much higher than of the mayor and aldermen. That very support led the newly-enthroned Henry VII to demand that York replace Metcalfe with his own nominee, on the grounds that Metcalfe had been working against him, and to exclude Metcalfe from a list of northerners pardoned for their Yorkist sympathies. The city's own sympathies and determination not to come under Henry's thumb are shown by its stalling tactics – accepting Henry's nominee only on a stand-in basis, while Metcalfe worked to obtain a return to grace. Metcalfe's influence in the north may have been part of the reason Henry waited until spring 1486 – some three months after Metcalfe's death – to make his first visit there.

"Creed play"

In 1446, chaplain William Revetour (who had also held a minor post in the city bureaucracy) had bequeathed a copy of the text of the play to York's influential

Corpus Christi gild, along with some props, on condition it be performed annually for the following ten years; the gild was still using a copy of that text over a century later. Possibly this was the text used for the play to be presented to Henry VII. Revetour also bequeathed a copy of a play about St. James to the gild of St. Christopher, and other props to the York girdlers for their Corpus Christi play.

"cost of the most honest men"

I.e. a collection would be taken up.

"Tadcaster"

Tadcaster is just under 10 miles southwest of York.

"murrey"

Cloth of a purple-red colour (the colour of mulberry).

"first bar"

The gateway into the city: Micklegate bar, the entrance from the south.

"red royal rose"

Symbolizing Henry Tudor, as the Lancastrian heir, while the white rose was his Yorkist wife.

"Ebrauk"

The legendary founder of York (Eboracum), from what little is revealed of him in his speech and from other sources, his pretensions were Arthurian. He was one of the line of successors of Brutus, the fugitive from Troy and thereby connected to the New Trojan claims of London; York would have been able to claim a status second only to that of London, on the basis of this legend (other cities, such as Canterbury, Winchester, Leicester, were said to have been founded by later kings).

"prose"

The term could be applied, in the Middle Ages, to rhyming verse.

"the street"

This would have been Spurriergate.

"confitters"

The producers of confectionery (i.e. sweetmeats, known today as candies).

"common hall"

The city guildhall.

"meets Stonegate"

This was halfway up Stonegate.

"Our Lady"

I.e. the Holy Virgin.



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Keywords: medieval York vintners testaments bequests pious uses civic works churches clothing books funerals charity prayer memorial services chantries

Subject: Pious and charitable bequests

Original source: Borthwick Institute of Historical Research, Prob.Reg. 2, ff.439-41

Transcription in: James Raine, ed. *Testamenta Eboracensia, part II. Surtees Society, vol.30 (1855), 52-57.*

Original language: Latin

Location: York

Date: 1435

TRANSLATION

I, Richard Russell, citizen and merchant of York [...] my body to be buried in my parish church of St. John the Baptist in Hungate, York. [I bequeath] to the rector of my parish church the best cut of cloth from my body, with hood, by way of mortuary payment. And to the same rector, 100s. to pray for my soul.

It is my wish that the belfry of the church of St. John the Baptist be completed, along the lines already begun, at my expense, under the supervision of mason **John Cotom**. And I wish that carpenter **John Bolron** construct the door, the ladder, and all the beams from which to hang the bells in the belfry. Also that the church interior be **decorated** during the **following summer**, when convenient for the church. Also that a good and useable altar be made out of boards for the north side of the church, before the images of the Blessed Mary and St. Anne, and underneath that altar a cupboard for safekeeping of books and vestments belonging to the altar. And that another suitable altar be made for the south side of the church, before the images of Ss.



Katherine and Mary Magdalene, along the same lines as the other altar. Also that three new stone windows in the church be glazed and filled in, during the following summer, in the best fashion possible, at the discretion of my executors.

I bequeath to the wardens of the church fabric, and their successors, for use in the church of St. John the Baptist in perpetuity:

- a **chasuble**; an **alb** of grey **fustian** with a pattern dyed in and a chasuble;
- two **tunics** of black **arras** spangled with **Luca gold**, and a suit [to go] with the tunics;
- two chasubles, and a **cope** spangled with golden stars, with a frontal and cloth for the altar in the same style;
- two other altar-cloths and two of my "**corpraxis**";
- another set of black vestments with strands of Cyprus gold, viz. a chasuble, two tunics, and a cope, with their accessories;
- a large **antiphonary**, notated, which begins on the third folio with *Seph nuncia*;
- a **legendary** in two books, based on the rites and ordinals of the cathedral church of St. Peter of York, of which the first book begins on the second folio with *per aliter fieri*, and the second book begins on the third folio with *mittit servicio*;
- two **graduals, notated**, of which the principal begins on the third folio with *Quem Joseph*, and the lesser begins on the third folio with *Intende qui*;
- another new gradual, notated, which begins on the third folio with *potenciam*;
- a book, notated, containing invitatories with responsories, and collects with processions, for the principal festivals;
- a large **missal** for the high altar, which begins on the second folio following the table of contents with *meus egressus*;
- a chalice with **paten**, and one gilded silver spoon with two silver **cruets**

On this condition, that the chaplain of the parish then in office shall, from the pulpit of the church, say a special prayer and, at the time for prayer, require all the parishioners who are there each Sunday to say a special prayer, for my soul and the souls of my late wife Petronilla,

my parents, my benefactors, and all the faithful deceased, in perpetuity. I bequeath 100s. to the wardens of the fabric of the parish church of St. Saviour in the same city.

I bequeath 40 lb. of wax, in three wax candles to burn around my body at the time of the **exequies** on my burial day. And 48s. to buy twelve torches, at 4s.each, to burn during those exequies. I wish that eight of them (what remains to burn down) be given to the high altar, two to the altar of the Blessed Mary, and two to the altar of St. Katherine in my parish church, to burn their at the time of the elevation of the Host. Also, 60s. to buy clothing for the paupers who hold the torches during my exequies. To distribute to the poor and needy between the time of my death and the putting of my body into the ground, £13.6s.8d. To distribute to poor folk of the city and suburbs of York who are blind or ill, bed-ridden and not healthy enough to go out, £10. To distribute to poor men and women who are householders in the parishes of St. John the Baptist, St. Saviour, and All Saints in the Marsh, £13.6s.8d, wherever the alms are most needed, according to the discretion of my executors. To distribute to poor men and women, householders or residents of all the other parishes in the city and suburbs of York, at the discretion of my executors, £20.

For my funeral expenses – both my burial and my eighth day [\[commemorative service\]](#) – £50. To each chaplain who celebrates regularly in my parish church, 2s. for being at my funeral. To my parish clerk, 3s.4d. To Thomas, my former parish clerk, 3s.4d. To each chaplain who celebrates in the parish churches and chapels in the city of York and its suburbs, 12d.; of which 4d. is paid to each. To each parish clerk of the same, 6d. To each sub-clerk, 4d. On condition those chaplains and clerks earnestly sing or say the offices for the dead in their parish churches and chapels, with ringing of their bells, for the souls of myself and my late wife Petronilla, our parents, benefactors, and all the faithful deceased.

To each leper in the four leper-houses in the suburbs of York, 5s. To each Maison Dieu in the city and suburbs of York, 10s. To distribute to poor people resident – that is, staying overnight – in the infirmary of **St. Leonard's hospital**, £3.6s.8d. To each order of mendicant friars of York, to celebrate and say special prayers for my soul, the soul of

my late wife Petronilla, and all the souls mentioned above, £10.
Towards the fabrication of new glazed windows above the entrance to the vestry of the monastery of St. Peter, York, £8.

To the nuns of Marrick, to pray for my soul, the soul of my late wife Petronilla, and all the souls mentioned above, £6.13s.4d. To the Prior and convent of Durham, to pray for my soul, the soul of my late wife Petronilla, and all the souls mentioned above, and to repay them fully for the board and lodging I had there in my youth, £6.13s.4d. To the Abbot and convent of Newsham, to celebrate the offices of the dead in their church for my soul, the soul of my late wife Petronilla, and all the souls mentioned above, 40s. To the convent of Holystone, 100s., on the same condition. To friar mag. John Rikall, of the Friars Minor of York, 40s. To friar mag. William Neseham, 6s.8d. To each other master friar of the four orders in the city of York, 6s.8d.

It is my wish that my brother Henry have £3.6s.8d annually for the rest of his life. To Euphemia Russell, daughter of my brother Henry, £40. To each other child of my brother Henry, 100s. I wish for his son Henry junior to receive support from my executors until he is eighteen, if he is willing to be governed by the sensible advice of John Threske. To Robert Russell, the son of my brother John Russell, £30 to provide for his education at Oxford University. To Robert's sister, Elizabeth Russell, £20. Towards the marriage of Petronilla, daughter of John Threske, £20. To Elizabeth, the sister of Christine, late wife of John Threske, £13.6s.8d. To Robert, the brother of Christine, late wife of John Threske, £10. To my sister Joan, 40s.

To be distributed among the **husbandmen** of the Yorkshire Wolds from whom I have bought wool, £20. Similarly, among the husbandmen of **Lindsey**, £10. To Lady Agnes Wensley, nun of Marrick, 40s. To William Driffeld, knight, lately tailor of York, 40s. For the repair of bridges and causeways within ten leagues around the city of York, wherever the charity is most needful, £13.6s.8d. To **John Matester** chaplain of York, 40s. To William Horseley, £10. To the recluse [\[living\]](#) in the cemetery of St. Margaret's church, York, £3.6s.8d, and to the recluse in the cemetery of St. Helen in Fishergate, York, £3.6s.8d. To the recluse in the cemetery of All Saints in North Street, York, 40s. To the Prioress and convent of St. Clement's, York,

£3.6s.8d. To the Prior and convent of St. Andrew's, York, 100s. To the cloistered monks of Hull, £3.6s.8d. To the cloistered monks at Mount Grace [Priory], £3.6s.8d. To each order of mendicant friars within Yorkshire, 26s.8d. To each head of a nunnery in Yorkshire, 20s.

To **John Turnor** chaplain, £46.13s.4d, to pray and celebrate for my soul, the soul of my late wife Petronilla, and the souls of our parents and benefactors and of all the faithful deceased for the full ten years following my death, in my parish church. Furthermore, I wish and prescribe that John Turnor – if he acts well and with propriety in time to come – have the appointment to any chantry that I have established, whenever the occasion may arise. To William Yorke of Berwick and his wife, the daughter of John Barker, £10.

It is my wish that all the lands and tenements that I lately received by the grant and feoffment of John Newland, citizen and goldsmith of York, along Davygate and at its corner opposite Stonegate, be granted in mortmain for a chantry established by him in my parish church, to which chantry my chaplain the aforementioned John is to be appointed. I wish my executors to buy on my behalf certain lands and tenements to the value of eleven or twelve marks a year, with which to establish a chantry – as always, dom. John is to be chosen for these chantries, and he is to celebrate at the altar of the Blessed Mary and Saint Anne in my parish church.

To the Corpus Christi Gild at York, 40s. To Elizabeth Russell my title in four tenements in Walmgate. To John Threske my entire capital messuage.

[Codicil, 1 December 1435:]

To Ellen, the wife of John Threske, a piece of silver with gilded cover, made in the shape of a chalice. I wish my executors to buy a marble slab to place above my body and the body of my late wife Petronilla in my parish church, where our bodies are buried. It is my wish that out of the annual revenues from my capital messuage a suitable and respectable chaplain be found to celebrate divine services continuously in my parish church for thirty years after my death, for my soul, the soul of my late wife Petronilla, and the souls of all the

faithful deceased.

DISCUSSION

[I have divided the documents into paragraphs to make for easier reading.]

Rarely does one see in the will of even a wealthy townsman such lavish and detailed attention to funeral arrangements and those pious and charitable gifts that were, to a degree, associated with the funeral and the post-mortem fate of the soul. The preoccupation with this side of things is that much more pronounced when compared to the short shrift given to disposal of realty, and the almost complete absence of any gifts of household valuables or personalia to friends and family. Whether the extent of this testator's investment reflects a deep religiosity or a guilty conscience is not easy to say, but certainly it shows a strong belief in the efficacy of death-bed charitable acts and of the prayers of the poor to ease the burden of the soul in Purgatory. In considering the sincerity of the testator's bequests to the Church and the poor, we may keep in mind that he received his education at the hands of monks at Durham; although he chose not to pursue a career in the Church, the values he learned from the monks may have stayed with him.

Richard Russell lived in the parish of St. John the Baptist, ground reclaimed from the low-lying marshy area around the Foss. By his time it was attracting a few wealthy merchants and appeared to be becoming one of the preferred neighbourhoods of that class, but this did not last and the parish had declined by the late fifteenth century. The parish church no longer survives; Russell's will (of which Raine's transcription is not complete) is one of a relatively small number of sources that provides some documentation about it. The nearby church of St. Saviour, also on formerly marshy ground, likewise served a parochial community that included many merchants and was consequently the recipient of much benefaction.

Russell was a successful vintner who also was much involved in the wool trade. His education at Durham may indicate origins in that part of the country. He had entered the franchise at York in 1396, and two years later we have record of him importing 6 tuns of wine. His wool dealings drew him into the affairs of the Calais stapler community; in April 1407 he was

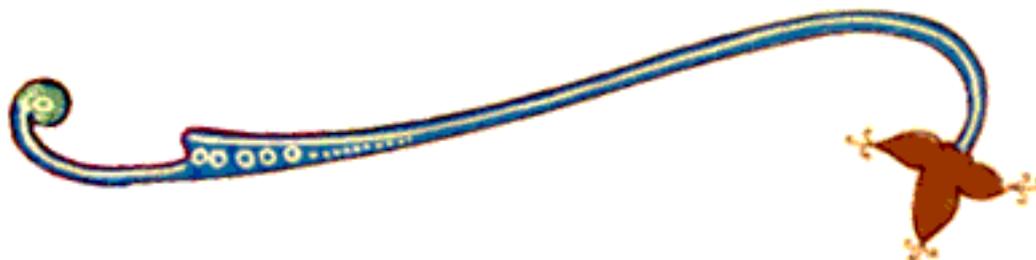
associated with other staplers (such as **Richard Whittington**) in a loan to the king of £4,000 to pay the wages of the Calais garrison; it was of course in his own interest to ensure the security of the town. Religious he may have been, but the wealth he could bequeath to pious and charitable works – his monetary bequests being well over £600 – was built over a lifetime of shrewd business dealings.

His status and abilities are evidenced by the duties the community assigned him. He was chosen as a city chamberlain in 1409, served as sheriff in 1412/13, and was elected to the mayoralty in 1421 and again in 1430. He also represented the city at two, or possibly three, parliaments, and was present at eleven of the parliamentary elections held there between 1417 and 1435. In January 1425 he is found as mayor of the Calais wool staple, a post more commonly held by wealthy London merchants; but by June 1426 is referred to as "recently" mayor of the staple. In that latter year two ships carrying cargoes of his wool from Hull to Calais were lost at sea. Despite this, he was still in a position to contribute towards another large staple loan to the king in 1433, to support the costs of national defence. Further indication that his mercantile ventures extended beyond wine is seen in his partnership with another leading merchant, **Nicholas Blackburn**, in a wool export venture. On another occasion he partnered with Blackburn's son-in-law, John Bolton, as did Richard's brother John. Colleagues also in local government, on a par in terms of socio-economic status, and perhaps sharing very similar religious beliefs, Russell and Blackburn may have been quite close. They and **William Ormeshede** partnered in acquiring, from the earl of Northumberland, property in Cumberland. In 1432 Blackburn chose Russell as one of his executors, along with Ormeshede. Richard is also found exporting cloth and calf skins. Like many other of the leading merchants of the city, he became a member of the Corpus Christi Guild, along with his wife, although not until in 1426.

His wife Petronilla died not long before him; her will was drawn up in March 1434 and received probate in June 1435. Richard had already lost his sister, Alice (widow of York merchant Peter Upstall) in 1431, his friend and associate Nicholas Blackburn, and one daughter, Joan, was also to die before him. Richard's own will was drawn up on 1 December 1435 and received probate on 10 December. His other daughter Ellen had married **John Thirsk**, another parishioner of St. John's, Hungate, although only a short time before Richard's death, for Thirsk's previous wife, Christine, had died around June 1435. Thirsk, a merchant, went on to serve as mayor of York, and also follow in Richard's footsteps as a mayor of the Calais staple. It is evident from Richard's will that he placed much store by his new son-in-

law, whom he had doubtless known for some years and had probably probably carefully chosen as husband for his daughter. An excellent marriage, from the economic perspective, it explains why Richard felt no need to provide directly for Ellen in his will; the bequest to the marriage of his residence may have been part of the marriage settlement. In 1460 Thirsk set up a chantry to celebrate for the soul of Richard and Petronilla Russell, among others; this in fact appears to have been associated with the alienation in mortmain of Russell property for a chantry, which had taken Thirsk 25 years to complete, and it worked to the benefit of Thirsk, who ensured he was among those for whom prayers would be said.

Apart from his married daughter, who received a bequest of property indirectly, via her husband, Richard's nearest blood relatives were his brothers John (died 1443) and Henry and sister Joan. The sister receives cursory mention in the will; probably because her needs were taken care of through marriage. Nor was Henry's benefit from the will great, and one suspects Henry may have been perceived as a failure by Richard, who also had some doubts about Henry's heir. In the children of his brother John – who was like him an industrious wool merchant – he placed, it seems, greater hope; although since John's daughter received real estate, and Robert only money for education, one suspects that Robert was headed for a career in the Church.



NOTES

"John Cotom" "John Bolron"

Bolron was employed by the city at this period as its official carpenter. The city was also doing occasional business with Cotom (it purchased a quantity of parchment from him in 1433/34).

"decorated"

This probably refers to repainting, which is why the work needed to be undertaken in the warmer months and at suitable times (i.e. outside of the hours of service).

"following summer"

Whether. the summer following the death of the testator, or following the completion of the belfry (it being sensible to wait until the dust had settled) is not evident.

"chasuble"

The principal and most visible vestment worn by the priest celebrating Mass.

"alb"

A long white linen tunic, worn under the chasuble.

"fustian"

A heavy-woven fabric.

"tunics"

More strictly, tunicles: the upper vestment worn by subdeacons during celebration of Mass.

"arras"

A term meaning that the cloth had decorations woven in (presumably the spangles).

"Luca gold"

The original has "auro de Luka", which might mean bright gold, but the subsequent reference to Cyprus gold suggests Luka is also a place-name.

"cope"

A vestment similar to a chasuble.

"corpraxis"

Possibly meaning the corporal, a cloth (distinct from an altar-cloth) on which the host and chalice were placed during celebration of Mass, or the cases in which such clothes were stored. Two such cloths might be used at the same time, with one of them used to cover the top of the chalice.

"antiphonary"

A liturgical book containing the chants sung at Mass and other divine services.

"legendary"

A book of readings (lessons) for divine services, perhaps particularly stories about the lives and miracles of the saints.

"gradual"

A book containing liturgical texts (psalms, readings, etc.) used during Mass.

"notated"

I.e. scored musically.

"missal"

A book containing prayers and other devotions said or sung during Mass.

"paten"

A shallow plate on which the consecrated Host (bread) was placed during the Eucharist.

"cruets"

Small containers, one for the sacramental wine and a second for the water used (poured into the chalice) during Mass.

"exequies"

Funeral rites.

"husbandmen"

I.e. those raising sheep.

"Lindsey"

A region of Lincolnshire.

"John Matester"

Possibly a chaplain serving St. Saviour's, as his will (1446) requested burial there.

"John Turnor"

It seems likely that Turnor may have been Russell's private chaplain; the amount of paraphernalia associated with divine services that Russell owned surely point to him having had a private chapel in his capital messuage.

"John Thirsk"

Raine thought that Thirsk's previous wife, Christine, was the link to the Russell family, suggesting she may have been Richard Russell's sister; the hypothesis was adopted by Wedgwood and Holt in *History of Parliament: Biographies of the Members of the Commons House, 1439-1509*. However, Jenny Kermode [*Medieval Merchants: York, Beverley and Hull in the Later Middle Ages*,

Cambridge: University Press, 1998, 79] identifies Ellen Thirsk as Russell's daughter. Ellen apparently predeceased John, for we hear of two other of his wives. John had become a freeman at York in 1427, was chosen as a city chamberlain in 1433, as sheriff in 1435, and served two mayoral terms in 1442/43 and 1462/63. The latter despite the fact that in 1445 he purchased an exemption from serving on juries and from holding civic office (such exemptions were cards only to be played at need). He also represented York at parliaments of 1445/6, 1449, 1450/1, and 1467/8, and was a frequent participant in other parliamentary elections in the city between 1442 and 1460. He had joined the ranks of the aldermen by 1453. Like many merchants, he dealt in whatever might offer a profit: mainly wool, but also items such as iron, lead, woad, and grain. Thirsk's standing in the mercantile community is evidenced in 1449, when he was appointed to negotiate a trade treaty between England and Flanders; in 1458 he participated in an embassy to Burgundy, which he also helped finance through a loan by the staplers. In 1450 he contributed money, as a loan, towards the defence of Calais (an indication of his own interests there), and was involved in raising other loans in 1454 as a royal commissioner and as a merchant of the staple. Two years later he is found in the office of mayor of the Calais staple, and in 1464 added the duties of treasurer to those of mayor. In 1467 he established the dual role of mayor and treasurer as a permanent feature of the staple administration, seeing this as needed to facilitate repayment to the Staple of a loan of £20,000; he appears to have remained in the office up to his death. That office, together with his involvement in various commissions of enquiry in Picardy, suggest he must have spent a good deal of his time in France, and presumably had some kind of residence in Calais. It must have been demanding to divide his time between there and York, for even after his second mayoralty he remained involved with York's affairs. In 1458 he had co-founded, with William Holbeck, a religious gild there, and in the same year set up a chantry for the soul of Petronilla Russell. In 1466 he endowed another chantry, to pray for the souls of his wives Ellen, Alice and Agnes. In November 1464 he became the new partner of John Ferriby (a yeoman of the Crown, and older brother to a later York mayor of the same name) in custodianship of the Foss Water at York. The last of several royal pardons – not uncommon during the period of national political upheaval – was granted him at the beginning of 1472, when he was described as mayor of the staple, alias mayor of York, alias of Burton by Lincoln, merchant. He was dead by September 1473, when the king consequently took back into his own hands the Foss Water.



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Brass (replica) of Ralph Segrym

Photo © S. Alsford

After Ralph Segrym's death a memorial brass effigy of he and his wife was placed above their tomb in the church of St. John Maddermarket, Norwich. The replica above was displayed in a museum once housed in St. Peter Hungate. He is depicted wearing a long tunic with baggy sleeves, high-standing collar, and a full-length cloak and mantle.

Segrym had become a freeman of Norwich in 1426/27 as a mercer. He served as

chamberlain of the city from 1437 to 1439, as sheriff in 1442/43 and, unusually, again for part of 1447/48 (after city government was restored, following a royal wardenship), and – after representing the city at one of the parliaments of 1449 – as mayor in 1451/52. He participated in four other parliamentary elections at Norwich between 1442 and 1453, on the last occasion being described as an alderman.

Segrym was a benefactor to the city. In 1454 he, in the role of executor of John Wilbeye, used money allocated by Wilbeye to charitable works to construct a separate prison for women in the city guildhall; it was said that he did this out of community-spiritedness. From his own resources he also funded the creation of a chapel inside the guildhall; this may have been to serve prisoners there, for the dedication was to St. Barbara, the patron saint of prisoners, but it could also have been used for chantries.

Segrym himself died ca.1455/56 – another former mayor, Richard Brown, when given a royal pardon (April 1456) was described as his executor – and his bequests included £10 to clean up the river running through Norwich. The following year his executors allocated £133.6s.8d from Segrym's estate towards repairing the city walls, on condition that if the work cost more, the city would pay the remainder. These initiatives were perhaps in response to a complaint from the king ca.1452, addressed to mayor, sheriffs, and the principal aldermen (Segrym among them), that the river passage was obstructed by weeds and the dumping of muck therein, and that the city walls and towers were in so ruinous condition they could not withstand a siege.



**13th century gravestone
of Bert[r]and de Fun...eki,
with inscription in Anglo-Norman French;
displayed in St. Peter Hungate**

Photo © S. Alsford

Brasses were expensive and it is unlikely that the tombs of many townsmen were thus memorialized. For the majority, buried in a churchyard rather than inside a church, a gravestone would have been their memorial. But few of these have survived and so we have little evidence of the ways in which they may have remembered the deceased.

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translation | discussion | notes

Keywords: medieval London politics corruption bailiff sergeant maladministration farm tolls butchers stalls jury trial eyre customs gratuities laws prohibition

Subject: Alleged extortionate practices of officials

Original source: Item 1: Public Record Office, Eyre roll, JI/1/546, m.58; item 2: Corporation of London Records Office: Letter Book I, f.238

Transcription in: 1. Helen Cam, ed. *The Eyre of London, 14 Edward II, A.D. 1321*, vol.1, Selden Society, Year Books of Edward II, vol.26, (1969), 265-66; 2. Henry Thomas Riley, ed., *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green & Co., 1868, 670.

Original language: Latin (translation of 2. by Riley)

Location: London

Date: 1321, 1419

TRANSLATION

[1. Bailiff convicted of extorting licence fees from butchers]



Goscelin le Serjaunt, an **officer of the sheriffs** of London and their **farmer** for collecting tolls on grain and poultry in the city, was **attached** to answer a charge brought by Henry Rous, butcher of **East Cheap**, as to why on 4 October 1316, at Henry's shop in East Cheap, London, he used the authority and excuse of his office to take **two shillings** from Henry, by extortion and **distrain**. Afterwards, Goscelin levied from Henry two shillings every year, so that he has levied six shillings [**altogether**] prior to the present. Concerning which **he says** that he has suffered damages to the value of ten shillings. For that reason he has brought this action etc.

[There follow a series of like charges brought by other East Cheap butchers, 5 for exactions beginning on the same date, 12 for exactions

beginning in 1304 (with a total over the years of 36s., and claim of 100s. damages), 3 for exactions beginning in 1314 (16s. levied, damages claimed 40s.), and 2 for exactions beginning in 1315 (12s. levied, damages claimed 20s.).]

Goscelin comes and denies the force and injury in each case of these several offences. He says that Henry and the others have unjustly laid all these accusations. For, he says, he was appointed by the sheriffs of London to collect **certain tolls** belonging to the farm of the London shrievalty; and because of that office Goscelin, and others who held the office before him, from the time that the shrieval revenues were granted to the community of the city by John former king of England, the great-grandfather of the present king, have taken two shillings annually from each butcher who wishes to have a **stall** outside his house from which to display and sell meat, for the city sheriffs to put towards the farm of the shrievalty. He says that the sheriffs of London similarly, in the same way, took two shillings annually from each butcher's stall at the time when the shrievalty was in the hands of King John and his predecessors who were kings of England. He also says that because Henry and each of the others had a stall outside their houses for selling meat displayed there, he took from each of them 2 shillings annually for the use of the sheriffs of the city, just as other sheriffs' bailiffs before him took and were accustomed to levy from that time. And this he is ready to prove.

Henry and each of the others individually say that the two shillings levied from each of them by Goscelin was something new, and that Goscelin levied those two shillings from Henry and each of the others by his own wrongful action and under guise of his office. Each of them individually requests a **public enquiry**, and Goscelin makes the same request. Therefore a jury is to be convened etc.

The jurors – that is, Thomas de Wyntone, Roger Sterre, Robert Austin, Robert Swote, William de Braie stockfishmonger, Geoffrey Beauflur, Walter de Mor, William Haunsard, John Freishfish, John de Mockynge, Adam Inthelane, Walter de Stebenhithe, say under oath that the bailiffs and officers appointed by the sheriffs of their time first began to levy and take two shillings from each butcher of London about 24 years ago. They add that prior to that period it was never the custom to levy 2 shillings in that way from each butcher, as Goscelin

claims etc.

Upon this the king sent an order to his justices, by a writ, in the following words:

Edward, by the grace of God etc. to his justices in **eyre** at the Tower of London, greetings. The mayor, sheriffs and community of our city of London have informed us that they and their ancestors, citizens of that city, have previously always received and had as part of **[the revenues towards]** the farm of their city, paid by them to us and our ancestors, 2 shillings annually from every butcher of the city for each stall set up in our streets outside those butchers' shops, to be levied by the city sheriffs. But that a certain Goscelin le Serjaunt, who was farming from the sheriffs the two shillings annual toll, has recently submitted himself to an inquest on the matter, **[having been accused]** before you in eyre by Henry le Rous of East Cheap and other butchers of the city of unjustly and extortionately levying from each of them that two shillings, at his own initiative; he not having called in his defence the mayor, sheriffs and community (who are particularly capable of defending those tolls), but having entirely ignored them. By which inquest, it is said, Goscelin has been convicted. So that, if this goes further, it clearly may be to the permanent detriment of the mayor, sheriffs and community and to the rights that they claim belong to them in this matter. Because we do not wish it to be prejudicial against the mayor, sheriffs and community in that way, we command you to suspend passing judgement on this case, and to send the documentation of the legal process before our council at Westminster on 13 October next, arranging with the parties to be there on the same date to hear and obey whatever decision our council might reach on this matter. You are also to have this writ there. Witnessed by myself at Westminster, 3 July 1321.

[2. Sergeants prohibited from demanding gratuities from city businesses]

Forasmuch as it is not becoming or agreeable to propriety that those who are in the service of reverend men, and from them or through them have the advantage of befitting food and raiment, as also, of reward or remuneration in a competent degree, should, after a perverse custom, be begging aught of people, like paupers; and seeing that in times past, every year at the Feast of Our Lord's Nativity [25 December], according to a certain custom, which has grown to be an abuse, the vadlets of the Mayor, the Sheriffs, and the Chamber of the said city – persons who have food, raiment, and appropriate advantages, resulting from their office – under colour of asking for an **oblation**, have begged many sums of money of brewers, bakers, cooks, and other victuallers; and in some instances have more than once threatened wrongfully to do them an injury if they should refuse to give them something; and have frequently made promises to others, that in return for a present they would pass over their unlawful doings in mute silence; to the great dishonour of their masters, and to the common loss of all the City: therefore, on Wednesday, the last day of April, in the 7th year etc., by William Sevenok, the Mayor, and the Aldermen of London, it was ordered an established, that no vadlet or other serjeant of the Mayor, Sheriffs, or City, should in future beg or require of any person, of any rank, degree, or condition, whatsoever, any moneys, under colour of an oblation, or in any other way, on pain of losing his office.

DISCUSSION

The sergeants (a term derived from "servant") and bailiffs attached to the principal city officers and to the bureaucratic arm of government, the chamber, were responsible for executing tasks set them by their masters and so were frequently out and about in the community, enforcing court orders and collecting fines or other revenues. This provided ample opportunity for venality to those so inclined, and sergeants appear to have been chosen in part for their brawn, enabling them to be forceful in the execution of their duties. However, it does not follow that all cases in which such officials are accused of extortion under colour of their office represent a straightforward

matter of corruption.

The first case above, although presented initially as an act of extortion by one of the sheriffs' staff, is in fact concerned with whether the city would be able to impose fees for trading licences on the butchers. The city authorities recognized the importance of this case when the record of it was copied into one of the volumes of city memoranda and precedents, the *Liber Custumarum*, along with other proceedings of the **London eyre of 1321**.

Although the jury verdict went against the city, it may be that the jury membership – which included fishmongers and likely other victuallers – saw in the two shilling annual fee the thin end of a wedge that might later be used against them. Goscelin is here the **scapegoat** in a political battle, with the butchers making a concerted attack on an unpopular levy on their trade; a levy the city authorities, far from disowning Goscelin, were eager to protect. We need not believe Goscelin's claim that the levy had been in effect since the beginning of the thirteenth century, but nor need we see it as a personal initiative of Goscelin at extortion. We may also note that Goscelin was one of several bureaucratic officials dismissed for abuses of office, as a result of a royal investigation of London government in 1319; but without placing too much emphasis on this, for the investigation was part of another political battle, as a populist party led by victualling interests sought successfully to overthrow a faction of professional administrators that had held power for several years.

The venue for the accusation of Goscelin must also be taken into account, for the 1321 eyre was an attempt to challenge many of the powers of the city government. The bakers complained at the eyre about a fee the city had imposed for weighing grain at the time they purchased it. The men of Billingsgate, a ward associated with the fish trade (and also containing East Cheap), accused Goscelin le Serjaunt of having, when in the office of bailiff of the **queen's river**, taken 1 fish per basket from a fish cargo brought to the wharf by foreign merchants, on the grounds of a toll, although no such toll ever existed; the jury placed the blame for this innovation on a previous bailiff, and the court banned further exactions. The bailiff of London Bridge and Old Fish Street (one of the locations of a fish market) was also indicted for taking unwarranted tolls from residents of the street; he was imprisoned, and the exaction banned. Another man was likewise condemned for levying a new toll on boats transporting rushes and other goods.

On the other hand, the description of Goscelin as the farmer of this revenue source may indicate that the sheriffs had either contracted out the collection to someone not one of their regular officers, or had assigned to one of their

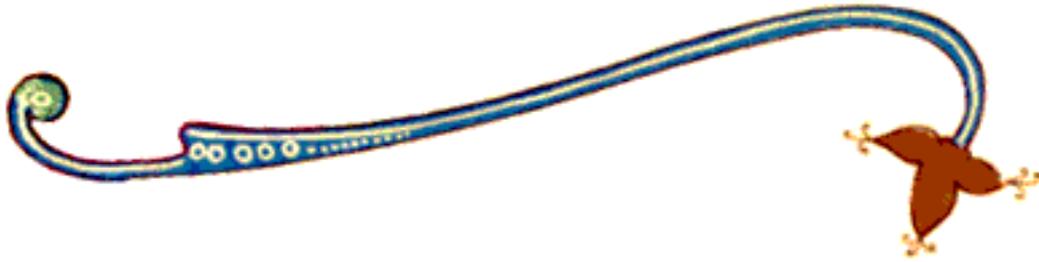
officers a specific target that had to be collected towards the city **fee farm**, payment of which was one of the fundamental duties of the sheriffs. In either case, it would have been left to the collector to raise this sum as he thought fit, and pocket a surplus, if any. Such an arrangement was an incentive to extortion, but in this case the butchers' target seems not to have been Goscelin's behaviour, which may not have exceeded his mandate, or any profit he may have been making therefrom, but the toll itself. It is not clear what the resolution of the dispute was; however, just before the attention to Goscelin's case, the justices had ordered the butchers' stalls in East Cheap torn down, after a complaint by the men of Candlewick ward (into which the street of East Cheap led). The mayor protested that this would result in the butchers selling meat from within their houses, which would make the trade harder to police; he did not mention, but may have had in mind, that it would also deprive the city of licence fees from the stalls. Just possibly the complaint was a desperate ploy by the butchers to rid themselves of the toll.

As the second text above indicates, there were certain long-standing customs involving small gifts, and it was widespread in medieval society to grease the wheels of administration, or to curry favour with men of in positions high and low, through small payments. Clerks in the employ of urban governments often charged small fees for the undertaking of official acts on behalf of private citizens; this was not seen as improper, so long as the fees were modest. However, such practices were open to exploitation; gifts could easily turn into bribery or blackmail. One example of this is seen at **Colchester**, but examples can also be found in other towns.

It may have been not that the situation had greatly worsened by 1419, but that this year saw in the mayoralty a man not inclined to tolerate such abuses. William Sevenok has been described as "A pious, even puritanical man" [Carole Rawcliffe, *History of Parliament: The House of Commons 1386-1421*, IV, 340], and a generous benefactor to several city churches, as well as founder of a grammar school at Sevenoaks, Kent, where his father or step-father had been based. This prominent citizen had served in a wide range of capacities in London, before going into semi-retirement six years before his death in 1432. For the city he was an auditor of accounts (first in 1399/1400 and on two later occasions); a tax collector (1402); warden of London Bridge (1404-06); a post that brought him the reputation as an expert on bridge maintenance; alderman (1411-26); sheriff (1412/13); parliamentary representative (1417); and mayor (1418/19). For his community he was a churchwarden of St. Dunstan's in the East around 1400 and was called on to act as arbitrator in various disputes between private citizens. For the king he served on various commissions relating to

recruitment of troops, judicial proceedings, and victualling of the army; as regards the last, in his capacity as alderman he assisted the mayor to set prices for the ale to be supplied, the containers they were to be sent in, and for costs of transporting them. For his fellow merchants he was warden of the Grocers' Company in 1404/05, having begun his career in 1394 as an ironmonger, but shortly afterwards paid a large sum of money to transfer to the grocers; in the years that followed he is seen exporting wool and salt, and importing wine and cloth, as well as buying large quantities of wheat in northern England, for sale in London. During his mayoralty, in addition to forbidding the sergeants to seek perks at Christmas time, he **took action to suppress** mummary and other rowdy behaviour at that season. He also prohibited the fraudulent abuses of adding artificial colouring to lower-quality wine in order to pass it off for better wine, or of mixing different types of wine, at the encouraging citizens to inform on any trader adulterating wine in that way. Furthermore, he closed down Ludgate prison, on the grounds that citizens convicted of debt were choosing to go there rather than repay those debts and, once inside, were using their money to make themselves comfortable and continue their bad habits (including bringing false charges against members of the city elite); the inmates were transferred to the harsher conditions of **Newgate**. His successor as mayor, Richard Whittington, however, reversed this because the transfer resulted in the deaths of several prisoners.

Sevenok's severity, if a feature of his administrative career as a whole, may be guessed to have made him some enemies. In 1413, during his shrievalty, he was informed that an elderly scrivener, John Askwyth, had let escape (whether from custody or sanctuary is unclear) a priest caught in the act of fornication; he summoned Askwyth to answer the charge. During the interrogation, Askwyth became angry, took hold of Sevenok and insisted he show him justice regardless of any personal prejudice. Sevenok had him thrown into one of the **Counters**, and complained to the court of mayor and aldermen. Askwyth confessed and threw himself on the mercy of the court but, despite his age, it was decided to make an example of him, and he was stripped of citizenship and put into Newgate for a year (itself a likely sentence of death for an old man). Two years later Sevenok was interrogating grocer Thomas Maynelle, a resident of Tower ward of which Sevenok was alderman, about unspecified "irregular and sinister doings and sayings" [Riley, *op.cit.*, 605]; Maynelle became angry with what was being laid at his door and warned Sevenok to act honestly, or he would suffer the **same fate as Nicholas Brembre**, a former mayor. Maynelle was again sentenced to a year in Newgate, but in this instance Sevenok intervened and obtained leniency.



NOTES

"officer of the sheriffs"

Whether he was, strictly speaking, one of the sheriffs' sergeants at this time is unclear; it is his surname rather than a specific reference, that leads one to that conclusion. In the official record he is referred to as a bailiff, which could be used generically, while in an independent report of the proceedings he is referred to as a beadle and as the sheriff's bailiff.

"East Cheap"

The smaller of the two shopping ("chepe") areas, or markets, of London dedicated principally to foodstuffs.

"two shillings"

Collected quarterly, 6d. a quarter.

"he says"

Not literally; the arguments for the defence were made by a lawyer, not Goscelin personally, but the lawyer is of course assumed to be speaking with Goscelin's voice.

"certain tolls"

The original term is *custumas*, as opposed to the *theolonio* mentioned in the opening sentence. However, these were not customs duties in the sense that we would use the term today, but rather customary payments such as, but not necessarily restricted to, tolls on commerce.

"stall"

An independent report of the process indicates that the stall took the form of a framework or overhang (perhaps attached to the shop) from which carcasses or cuts were hung.

"public enquiry"

The original *inquiri per patriam* ("to be enquired by the countryside") is a request to bring together a jury from the locality to give its opinion on the facts.

"oblation"

An offering (i.e. something of a theoretically voluntary nature, rather than a required payment); the term is more commonly found in a religious or charitable context.

"scapegoat"

Even after the jury's verdict was that the toll had only been in effect 24 years, Goscelin's lawyers demanded he be exonerated, on the grounds that the innovation had taken place during a former administration, and he was simply continuing a practice previously (even if wrongly) established. Since sheriffs held office for only a year, Goscelin clearly served under several sets; the accusations suggest Goscelin was in the office by 1304, but less likely he was so since ca.1296, although the court itself was uncertain on that point and proposed to make enquiry. Prosecution made the rebuttal that, even if the wrong had been initiated by others and even if Goscelin himself had no profit from the exaction, he was equally in the wrong for continuing it. There was some debate over whether it was the sheriffs who should have been charged.



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RICARDIAN FRIENDS OF BARLEY HALL

Society Members Form Group to Aid York's Hidden Ricardian Treasure



[\[Barley Hall Index\]](#) [\[Richard III Society/American Branch\]](#)

Many travelers to the medieval city of York, even Ricardians, overlook a site tucked away in one of its back alleys-- Barley Hall, a fifteenth-century townhouse in Coffee Yard.

This is a shame, because Barley Hall offers us something that no other site in York can match -- a look at medieval life as it was lived by the emerging middle class that gave such strong allegiance to the Yorkists, in a house occupied by one of Richard III's urban supporters. The Barley Hall team has restored the building to its fifteenth-century appearance, and is recreating its furnishings and other objects to give us a look at medieval life as medieval people would have seen it.



BARLEY HALL seen from the courtyard. Until recently, this monastic-hospice-turned-goldsmith's-residence in a York back alley was bricked up and used for offices and workshops. Now, the Ricardian Friends of Barley Hall are helping to provide for its continued survival. Photo by Simon Ian Hill FRPS, © [York Archaeological Trust](#). Used with permission.

Barley Hall was constructed as a townhouse for a Wakefield-based priory.

Later it became the townhouse of a goldsmith who was one of the members of York City Council to learn of Richard III's death on August 23, 1485. It is architecturally significant, historically significant, and connected to Ricardian history. And it needs Ricardian help.

Barley Hall's story is, in its own quiet way, a cliffhanger, and the last chapter isn't written yet by any means. To help assure its continued existence, members of our parent society have formed the Ricardian Friends of Barley Hall, dedicated to increasing awareness of and support for this important piece of our Yorkist heritage. With the travel season rapidly approaching, American Ricardians may want to add this site to their York itineraries, especially if they can visit during the Richard III Society days (from June 26, the date of Richard's accession, through July 4).

A Narrow Escape from the Wrecker's Ball

Barley Hall's medieval origins had been long forgotten by 1980, when it appeared to be a jumble of brick structures. Ironically, millions of tourists had literally walked right through what was originally an internal corridor of the L-shaped house as they used the Coffee Yard snickelway (an alley-like passageway from one street to another) to travel from busy Stonegate to Swinegate and Grape Lane. When its medieval origins were documented in 1980, it was also classed as a "dangerous structure," a

prime candidate for demolition.

Four years later, a developer bought the site, planning to convert the crumbling buildings into offices and apartments. When an archeological survey revealed the building's true nature, the [York Archaeological Trust](#) stepped in and purchased the building, intending to make it an example of a medieval citizen's residence, something missing from York's stellar array of medieval buildings open to the public. The building was re-named Barley Hall in honor of Professor Maurice Barley (d. 1990), founder and chairman of the Trust and an expert on "vernacular" buildings.

Finding Barley Hall

Tucked away in a snickelway as it is, Barley Hall is a true hidden treasure, which is one of the pleasures and the frustrations of getting to it. It wasn't listed on any of the tourist maps Roy and I picked up, at our hotel and elsewhere, when we visited York last summer. So plan before you go. [\[printable map\]](#)

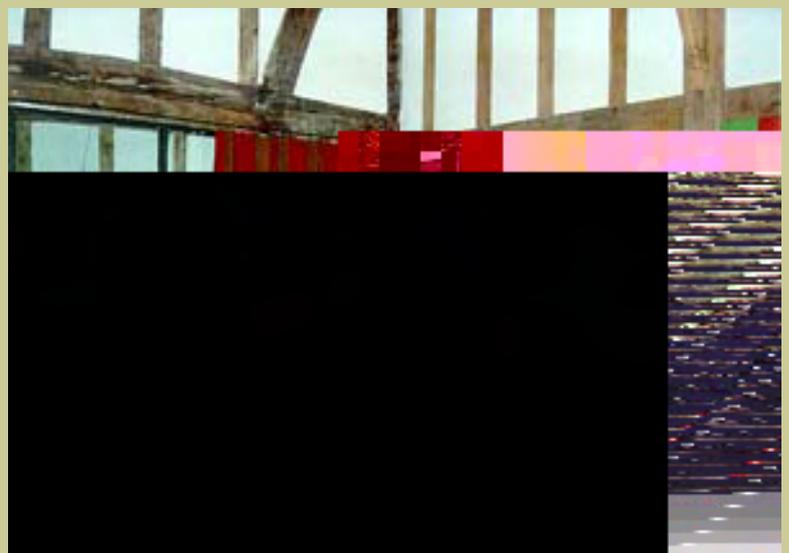
Coffee Yard is a snickelway that runs between Stonegate -- a very fashionable address in the later middle ages -- and Grape Lane. From the South door of York Minster, walk down Stonegate, cross High/Low Petergate, and watch for an elaborate wrought-iron sign saying "Olde Starre Inn" that stretches all the way across Stonegate, preceded by a few meters by a small cast-iron Red Devil somewhat above eye-level on your left. The Devil is famous -- you can buy postcards with his picture on them all over York -- and he's a marker for the snickelway. Turn in, and the building you see arching over the next passageway when you emerge from the first tunnel is Barley Hall.



The Devil.

If you buy a copy of Mark Jones' popular "snickelways" guidebook while in York (or have one in your library), you may find references to the "hospice to Nostell priory" in the section on Coffee Yard. When these books were written, there was talk of restoring the building to its condition when it was the priory hospice, and that is how the building we know as Barley Hall is identified in older editions.

Although I had a map and was planning to search out Barley Hall the next day when I was in York last summer, I happened upon it quite by accident on my way to dinner in Grape Lane. Since Coffee Yard goes right through the building, the Trust has cleverly put a large glass wall at the end of the Great Hall facing the passageway (and they leave the lights on). The vast expanse of glass may not be authentic, but it certainly is effective. The view of the Great Hall lights up the gloomy passage, and I suddenly found myself staring right through the glass and into a welcoming fifteenth century hall, all ready for a festive dinner.



THE GREAT HALL. The glass windows at the left of the photo face the Hall's original screens passage, now a public thoroughfare. Thousands of tourists pass through

The Priory Hospice

As part of its investigative work, the York Archaeological Trust sent twenty-two timber samples from two ranges, or wings, of Barley Hall to the Nottingham University Tree Ring Dating Laboratory.

They found that the older part of the building, described in this section, was built from oak from one small area of woodland, felled in 1359-60. Builders didn't wait for beams to cure in those days, so the Trust could be pretty confident that this part of the building went up in 1360 or 1361.

Barley Hall was originally built as a monastic "hostel" or townhouse for the Augustinian Priory of St. Oswald at Nostell, near Wakefield in West Yorkshire. The priors of Nostell had been members of York Minster's governing body since 1130, and were expected to be present for important ceremonies and services. Additionally, York was an important regional center with a diverse population of noblemen, craftsmen, and merchants, and both ecclesiastical and civil courts. Nostell Priory thus had a number of pragmatic reasons to maintain a presence in the city, and so they built their hostel on a strip of land leased from the Minster.

The prior who commissioned the present building, Thomas de Dereford, is remembered as an unbending disciplinarian who was rarely seen to laugh; but his careful management greatly increased the wealth and status of the priory. The building included a section that still stands as the North or "Chamber" range. It consists of ground floor rooms, possibly used for storage, and at least five chambers on the first and second storeys. A central "Great Chamber" extended through both storeys to the roof, with pairs of single-storey rooms, one above the other on either side. The chambers served both as sleeping and living rooms, and the Great Chamber had a stairway entrance from the courtyard.

In addition to this Chamber range, the 1360-era building also had a Great Hall range, in the same location as the current Great Hall range, and another range, set parallel to the Chamber range to form a U-shaped building. After the stone-faced Prior Dereford died, the Priory fell on hard times, and by 1438 the canons were complaining of extreme poverty. Their records indicate that they were buying supplies closer to home, and thus had less need for a luxurious York townhouse. The obvious solution: make money by renting it out.

William Snawsell, Lord Mayor and Alderman

The second group of tree-ring samples, from the Great Hall range, indicates that this part of Barley Hall was rebuilt in the 1430s. Some of the construction techniques smack of work done on the cheap, leading the Barley Hall construction team to theorize that it was built by a tenant who was not necessarily concerned about the long-term effects of his actions. It took some creative work with hidden steel beams to save this part of the structure during the restoration.

We don't know who was responsible for the rebuilding. We do know, however, that the first record of rental for the property is from 1466, when it was leased -- for the then-astronomical sum of fifty-three shillings and fourpence -- to one of York's leading citizens, William Snawsell.

this passageway daily during the tourist season. The oak beams on the wall above the window are part of the original fifteenth-century construction. The two shields overpainted on the wall hangings represent the initials of William Snawsell and the family arms of his wife, Joan Thweng. The birds are parrots. (Photo by Lynda Pidgeon.)

Snawsell's family originally came from Gloucestershire, but had settled in York by the middle of the fourteenth century. "Our" Snawsell inherited his grandfather's property in the city, and took on his father's trade of goldsmithing, becoming a goldsmith to the Minster canons. He owned considerable property both in York and in surrounding villages. He was married to Joan Thweng of Sheriff Hutton, whose cousin Agnes was married to Thomas Wytham, one of the councillors of Richard Duke of Gloucester.

Snawsell became increasingly prominent in York civic affairs, first as a member of the Corpus Christi and Holy Trinity Guilds, then becoming Chamberlain (finance officer) in 1459, Sheriff in 1464-65, and finally, Lord Mayor in 1468 and alderman for two decades thereafter.



THE GREAT HALL. The square hearth in the center of the floor, the raised dais, and the patterned tile floor are reconstructed based on evidence found during the archaeological excavations. The designs on the red-and-green striped painted wall hangings (left) are based on a fifteenth-century Book of Hours. The furnishings in this room were made possible by a grant from the London Clothworkers' Foundation. (Photo by Lynda Pidgeon, used with permission)



THE PARLOR. In this room William Snawsell, an Alderman in the City of York during Richard's time as duke of Gloucester and King, would have received business associates, and its furnishings were calculated to impress the visitor. Shown here are some of

Barley Hall's meticulous reproductions: chair, table, stool, writing desk, pottery, and hornbooks. Many of the items shown here were made possible by gifts from local residents and merchants. The Ricardian Friends of Barley Hall hope to raise funds for the construction of additional furnishings. (Photo by Lynda Pidgeon, used with permission.)

His career intersected with that of Richard III in several ways. He was kissing cousin to one of Richard's councillors, as noted above. As an alderman (a post he held for 23 years, stepping down in 1492, when in his late seventies), he often turned out in his scarlet gown to greet the Duke of Gloucester, and as a fellow member of the Corpus Christi guild, he would have walked in procession with the Duke and Duchess of Gloucester on this feast day. After Richard III's accession, Snawsell joined the civic party taking gifts to Richard's son, Edward of Middleham. Snawsell was prominent in the ceremonies surrounding Richard III's September 1483 visit to York, and two years later he was present at the emergency meeting of the City Council that dispatched troops to Richard III's aid in the fight against Henry Tudor. His name is first among the councillors who were present to hear John Sponor's August 23 report that "King Richard late mercifully reigning upon us was through grete treason...piteously slane and mured to the grete hevyness of this citie." Later, making the best of a bad bargain, he swore allegiance to Henry VII. He died two or three years after resigning as alderman. His will has not survived, so we know neither the date of his death nor the place of his burial, although we do know that he had left Barley Hall by 1489.

Decline of Barley Hall

The later history of Barley Hall awaits further research, but we know that the building was marred by poor quality brick repairs and was divided into smaller and smaller units. By Victorian times it had become a hodgepodge of offices and workshops. In the 1930s and 1940s, its tenants included an undertaker, a radio repairer, and a tire vulcanizer. Its last tenant was Mr. Auton, a plumber, who filled the Great Hall with plumbing fixtures and the tools of his trade as recently as 1978.

Barley Hall Today

After years of painstaking archeological and historical research, the York Archaeological Trust has decided to furnish and equip the interior as it would have appeared in 1483. This makes Barley Hall unique among York's medieval sites – visitors can actually experience a late-medieval townhouse as the inhabitants themselves would have known it, not as a museum filled with objects half a millennium old.

Fortunately, the York area is rich in archival resources, and has many surviving objects which can serve as patterns for the furnishings, crockery, and other items in Barley Hall. Because of later medieval York's strong connection to the Low Countries, many houses contained objects of 'Flanders make,' and these are also represented in the material furnishings of Barley Hall.

A visit to Barley Hall today means a step back in time, as authentically-recreated as archaeology and

historical research can make it. On special days, guides in costume appropriate to the period explain their master's connection to our Good King Richard. They lead visitors on a tour that includes detailed explanations of both the function of the objects found in Great Hall, Parlor, Kitchen, Pantry, Buttery, and Chamber and of the processes of restoration and rebuilding. Visitors are encouraged to handle pottery, sit on chairs and peer into chests. At other times or if they simply prefer it, visitors can tour Barley Hall at their own pace, listening to a pre-recorded tour narrated by Robert Hardy CBE and Dame Judi Dench. Visitors wishing to contribute to the general fifteenth-century ambience (or keep warm in spring or fall months!) may borrow medieval garb.

Barley Hall is open seven days from 10:00 a.m., with last admission at 4:00 p.m., July through October this year. Admission is £3.50, concessions £2.50, under 6 and disabled free. Group bookings and winter openings are by appointment; call the Barley Hall Office on (01904) 610275, or write Barley Hall, 2 Coffee Yard, off Stonegate, York YO1 8AR.

Ricardian Friends of Barley Hall

The York Archaeological Trust has committed considerable funding to the restoration of Barley Hall and to its day-to-day operation, but always with the expectation that it would become self-sustaining at some point. While restoration work on the building itself is largely complete, Barley Hall still is a long way from being properly furnished and fitted out. Despite its hidden location, Barley Hall is able to attract enough paying visitors to meet its ongoing expenses. However, it is encumbered by a loan from the York Archaeological Trust, which must be repaid if the building is to remain open; and it will need additional revenue to complete its furnishing.

In April 1998, a group of Barley Hall's supporters formed the Barley Hall Trust. Three Society members were asked to be Trustees and were given permission to form a group of Friends within the Richard



THE PANTRY. This room includes a broad range of reproduction pieces -- furniture, baskets, metal trenchers, pottery, and more. (Photo by Lynda Pidgeon, used with permission)



THE BUTTERY. This room was sponsored by T. & R. Theakston Ltd. of Masham, makers of the fabled Old Peculier ale. Coopers from the brewery also made the buttery's barrels. Pictured here, a range of wooden and pottery bowls, jugs, and other vessels, together with pewter trencher bases. All the pottery pieces are replicas of examples from medieval York and its environs. Many of the originals can be seen in the Yorkshire Museum. (Photo by Lynda Pidgeon, used with permission)

III Society to support this imaginative and exciting project. The Friends' mission is to promote Barley Hall as an educational and historical attraction, and to raise funds to assist in the completion of the restoration and furnishing of Barley Hall. Ricardians are encouraged to make Barley Hall their York "tourist information center." Friends members have prepared guides to Ricardian York and Ricardian Yorkshire, with other guides to sites with particular connections to our period, and these are available at the Hall. As a contribution to this project, the American Branch is donating server space and web design for the Friends web site, and is also sponsoring July 4 as an American Branch Day at Barley Hall.

For a brochure and membership application, write to the membership secretary, (barleyfriends@r3.org).

[Ricardian Friends of Barley Hall]

This page maintained by feedback@r3.org

translation | discussion | notes

Keywords: medieval London alderman drapers testaments funerals chantries bequests heirs property holding

Subject: Last will and testament of a London alderman

Original source: Corporation of London Records Office, Plea and Memoranda Roll A96, m.3

Transcription in: Philip Jones, ed. *Calendar of Plea and Memoranda Rolls of the City of London, A.D. 1458-1482*, Cambridge: University Press, 1961, 108-110.

Original language: Middle English

Location: London

Date: 1464

TRANSLATION

On 26 March 1464, I, John Stokker, alderman of London, [being] of sound mind, bequeath my soul to Almighty God and my body to be buried in the chancel of St. Michael Cornhill. I bequeath 40s. to the church, and 40s. to the parson for forgotten offerings. I wish to have a Dirige at my **month's mind**, without candlesticks, with 4 tapers and 12 torches and 16 poor men to hold the **tapers** and torches. Each poor man is to have 20d. I wish that every priest [of that church] have 10s., to recite the Dirige **by note** at the month's mind, and every clerk 10s. to pray zealously for my soul. To all **other priests** who attend my Dirige, 4d. apiece. When my month's mind is concluded, I wish that 1 torch be left at the high altar, another torch go to the brotherhood of Our Lady, another to [the altar of] St. Michael, another to St. Christopher, another to St. George. I wish to have a priest to sing for my soul and for all my friends' souls in St. Michael's church for the term of 5 years. That priest is also to pray for all those persons from whom I ever took any goods wrongfully, privately or publicly, and for all the souls of such persons.



I wish that my wife Katherine have all my household [items] for as long as she remains single. Should she marry, then the household is to be divided between my children and her; that is, Katherine is to have half of my household and my children the other half. As for my plate, I wish my wife to have half and my children the other half – excepting such plate as I bequeath to other people.

First, I bequeath my cousin William Stokker the largest Christmas bowl. Also, I bequeath my cousin John Stokker the standing cup [decorated] with the columbine. I wish my cousin John Pake to have a standing cup with gilt chasing. I wish Agnes Basse to have 40s. and her husband 40s. I bequeath to Pernella Calett, my brother's daughter, 1 **pottle pot**, chased. I bequeath 20 **nobles** to John Stokker's daughter Alison. I bequeath 40s. to Robert Stokker, the son of my brother, and I bequeath 40s. to his brother Thomas. I bequeath £10 to Simon Hogon. I bequeath £10 to William Sawstone. I bequeath 40s. to John Serley, 40s. to Robert Holt, 40s. to John Nek, 40s. to William Couper, and I bequeath 20s. to John Cooke. I bequeath £6.13s.4d to Elizabeth Reder. I bequeath £5 to Emlyn Mirfyn. I bequeath £5 to Margaret Baron. And 20s. to little Robin.

I bequeath my wife half the remainder of all my possessions, and the other half to my sons John and William. I bequeath my wife all my **income** for as much of her lifetime as she remains unmarried; if she takes a husband she may have only her dower. That remainder is to go to my children after my wife is dead. I wish my son John Stokker to have the house in which Hungerford is living, the house that Nicholas Notman rents from me in Cornhill, the house in which William White draper lives, and my stable. I bequeath my son William Stokker my renter in Thames Street, in which Pynke the cordwainer and Richard Couper live. I also wish my son William Stokker to have the house at **Radclyf**, with all the lands and meadows I own there. If either of my children dies without issue, then his brother is to inherit all. If they both die without issue, then I wish my cousin William Stokker to have the house in which William White lives, and the house in which Hungerford lives. And I wish my cousin John to have my house at Radclyf with the land and meadow. I wish my cousin John Pake to have the house in Cornhill in which Nicholas Notman lives. I wish Thomas Basse's wife to have my house in Thames Street in which

Pynke and Richard Couper live. And I wish William Stokker to have my stable. If any of those men die without issue, then it goes to my next of kin among the sons of Henry Stokker, my brother.

I wish my debts to be faithfully paid. I wish Laurence Martyn to have £10 in recompense for various things. I wish John Hille of Brikhille to have to his own use the house of which I have ownership; concerning which I have the legal documents, which I wish you to return to him. I appoint as my executors William Stokker and my cousin John Pake; and I appoint as my overseer Philip Malpas, who is to have 20 nobles for his labour. I wrote this testament with my own hand.

DISCUSSION

John Stokker served London as an alderman from 1454 to his death in 1464, although it was not until 1477 that his widow, Katherine, put before the city authorities his will for registration. The will she presented had long before received probate in the Prerogative Court of Canterbury, necessitated by Stokker's real estate outside of London. The delay seems not to be related to the sons coming of age, for the elder son William is said to have done so in 1472, although John's executor was his cousin of that name, not the son. Perhaps the timing had something to do with Katherine's health or marital status, but something was certainly afoot, for in 1478 Katherine and the other executors were involved in transactions to firm up rights to property.

The family was involved in the drapery trade, and its London interests seem to have been centered in the parish of St. Dunstan in the East. John himself was a draper, and a later alderman (1479-85) of the same name was too – the testator being referred to as John Stokker senior as early as 1457 – and his executor William Stokker (alderman 1470-85) was another draper. These two were not the testator's sons, but probably kinsmen, and their family roots were in Bedfordshire; they and Henry Stokker founded a chantry in their home town ca.1471. This drapery business was of a mercantile nature. In 1438 an investigation held at Sittingbourne, Kent found that John Stokker had the previous year smuggled 80 woollen cloths, worth £100, by shipping them from the Isle of Sheppey without paying customs. Stokker appealed to the king, protesting his innocence and

claiming that it was a false and malicious charge brought by personal enemies. Whatever the truth, the affair had no great impact on his fortunes. In 1440 he was engaged in importing salt when his ship, along with others, was threatened by pirates from Holland and Zealand, forcing the king to send out ships to try to capture the pirates. Stokker was evidently well respected by his fellow drapers, for he was often called upon to act as a trustee for them, from the late 1430s into the early '60s; he played the same role for men of other crafts as well.

His involvement in international trade is reflected in a role he was called upon to play in the summer of 1450. Along with Henry Bermyngham, a Lynn merchant, and Thomas Kent, a clerk of the king's council, Stokker was sent on a diplomatic mission to Prussia. This was in regard to some trade violation (perhaps a seizure of merchandize) affecting John Stokker and Robert Stokker, Bermyngham and his partner Thomas Talbot, John and William Catrik of York, and perhaps others. Those merchants put up £400 as a loan to the king to finance the mission, and were authorized to recoup the costs via exemptions on customs they would otherwise have paid on export cargoes.

Bermyngham (whose expense account survives) returned about a year later. However, Kent and Stokker – who had apparently already taken the precaution of appointing Robert Stokker and several other drapers as trustees of all his goods during his absence – had been arrested and imprisoned at Lubeck; it may be in association with this that Robert Stokker and other Londoners were ordered (September 1450) to arrest the ships and merchandize of Hanse merchants – the same order being sent to authorities in Ipswich and Colchester, and in May 1453 the king appointed a commission to find out whether the Lynn authorities had, in retaliation, arrested men of Lubeck, as he had ordered. John Stokker had already been released by that time, however; he was back in London before the end of 1451. His business had not been severely hurt by the affair, it seems, for in 1456 we hear of a transaction through which Thomas and Simon Eyre, London drapers, owed Stokker £236. In 1457 he was a member of a royal commission to put together a fleet to accompany the king's army in a campaign.



NOTES

"month's mind"

A commemorative ceremony held a month after the funeral; also known as the trental.

"tapers"

Long, slender candles placed in holders (not candlesticks).

"by note"

Musically notated; that is, sung rather than said.

"other priests"

In the original, "straunge prestes" meaning strangers (i.e. not associated with) to the church of St. Michael.

"pottle pot"

A pot with a half-gallon capacity.

"nobles"

A coin of value 6s.8d.

"income"

The original has *livelode* (i.e. livelihood) and I take this to mean annual income such as would come from rents.

"Radclyf"

Perhaps Redcliff, Somerset, but more likely Radclive, Buckinghamshire.



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Keywords: medieval King's Lynn widows testaments bequests charity pious uses furnishings jewellery property holding memorial services quays personalia silverware heirs merchants careers

Subject: Last will and testament of a merchant's widow

Original source: Norfolk Record Office, King's Lynn borough records, Red Register, f.79

Transcription in: Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.1 (1919), 159-61.

Original language: Latin

Location: King's Lynn

Date: 1341

TRANSLATION

In the name of God, Amen. I, Joan, the widow of John de Thornhegge, burgess of Lynn, on 24 February 1341 have set out my testament in the following manner. First, I commend my soul to God, the Blessed Virgin Mary, and all the saints, and my body to be buried in St. Margaret's church, Lynn, on the north side of John's tomb. I bequeath 20s. to the high altar of that church, and 6s.8d to its fabric. I bequeath 13s.4d to the convent of the Friars Minor at Lynn. I bequeath 10s. to John de Cantbrigge, a **lay brother** of that order, for his necessaries. I bequeath 6s.8d to the convent of the Friars Preacher at Lynn. I bequeath 2s. to the **Magdalene** lepers next to the Lynn Causeway. To the lepers of **Cowgate**, 2s. To the lepers of **Hardwick**, 2s. To the lepers of **Setchey**, 2s. I bequeath £10 for my funeral expenses. I bequeath 20s. to my niece Margaret, a nun at **Blackborough**, for her necessaries. I bequeath 40d. to Alice Bataille, nun of the same house.

It is my wish that out of my goods my executors arrange for the celebration of four anniversaries for my soul and those to whom I am



beholden, in St. Margaret's church by suitable chaplains chosen by them. I bequeath to my daughters Agnes and Margaret, and their daughters, to be divided among them in equal shares, the whole of my bedroom and its contents, viz. hangings, blankets, linens, quilt, of whatever type or colour, bed, pillows, table linen, and towels. I bequeath to my daughter Agnes a gilded silver cup with cover, a girdle [decorated] with pearls, a golden box, and 2 gold rings of which one has a sapphire embedded and the other a **peridot**.

I bequeath to John de Massingham, [his wife] Margaret my daughter, their daughters Joan and Agnes, and the legitimate heirs of Joan and Agnes, my **capital tenement** in the town of **Bishop's Lynn**, lying between the tenement formerly of Folkard le Estrish on the north and the tenement formerly of Katherine de Lyndiseye on the south, and extending in length from the public road called the **Exchequer** to the west as far as the tenement of Ralph de Brunham to the east; as well as all vessels and utensils of lead or wood belonging to the tenement. On condition that John pay my executors £40 for the fulfillment and performance of my testament, and that he, for as long as he lives (and after his death, his heirs), arrange for the celebration each year, at the convent of the Friars Minor in Lynn, of my anniversary and the anniversary of my late father and mother, Ralph Coc and his wife Agnes, and my brother Walter. It is my wish too that John, for as long as he lives (and after his death, his heirs) donate 13s.4d to the Friars Minor, as a **pittance**, on each anniversary day. I also bequeath to John de Massingham, my daughter Margaret, their daughters Joan and Agnes, and the legitimate heirs of Joan and Agnes, my **quay** with all buildings at the same site; which quay and buildings on that site in Bishop's Lynn lie between the tenement of Folkard le Estrish on the north side and the tenement of my sister Margaret on the south side, and extends in length from the public river on the west to the public street on the east. But if Joan and Agnes die without direct heirs, then I wish my capital tenement and my quay, and the buildings on the same, to revert in its entirety to and remain in future with the closest heirs of my daughter Margaret.

I bequeath to John de Massingham one gold brooch, one set of coral beads, and 6 gilded silver crosses. I bequeath to Joan, daughter of my daughter Agnes, and her heirs and assigns, half of a certain tenement

of mine in the town of Bishop's Lynn which lies opposite St. James' chapel (to the north). I bequeath to my sister Margaret a large set of silver beads, with a gold brooch and ring belonging to the same. I bequeath 13s.4d to Richard de Sutton, canon of **Pentney**. I bequeath to mag. Thomas Beek, my kinsman, my best altar-cloth, a chalice, a missal, a large portable altar, a portable breviary, and a maple-wood cup which dom. Richard de Creyk gave me. I bequeath to dom. William Baret of **Sculthorpe** my other altar-cloth and a maple-wood cup. I bequeath to Peter de Hidyngham one piece of silver [plate] and six silver spoons. I bequeath to Agnes de Elmham a silk girdle with embroidered images and a **silk bag**. I bequeath Margaret, my sister's daughter, a green silk girdle adorned with animals. I bequeath to Margaret, daughter of Thomas Shillyng, 12 sheep and forty shillings that her father owes me. I bequeath 13s.4d to dom. William de Erpyngham chaplain. I bequeath to Margaret, daughter of my niece Matilda, a **mazer**.

The residue of all my goods, once my debts are paid and this testament is fulfilled, I wish to be sold and the money received from the same distributed faithfully by my executors to poor people in the town of Lynn for [the benefit of] my soul and the souls of all the faithful deceased. To carry out and fulfill this testament, I make, designate and appoint as my executors mag. Thomas de Lenna my kinsman, Thomas Shillyng, and John atte Hirne de Massingham. Written at Lynn on the above date. In addition to those things arranged and disposed of by my testament, I wish that my executors pay all my debts out of my goods; and if my goods do not suffice to pay the remaining legacies in my testament, then I wish that the omissions be decided by my executors. I bequeath to my daughter Agnes a silver cup, other than that left her in my testament, and a silk girdle.

DISCUSSION

[I have divided the documents into paragraphs to make for easier reading.]

A good deal of what we know about specific individual lay women living in towns comes from their wills; because of their low involvement in politics or large-scale business, and lesser involvement than men in acquiring and managing property, they inevitably make less of a mark on majority of the types of records that have survived to us from medieval England. As with the men, it is the women of the urban upper crust who are most in evidence through wills.

It is unfortunate that we must largely identify townswomen by their relationships to men. Joan de Thornegge was the daughter of Ralph le Keu (or Cook), a man in evidence around the turn of the century; in 1297/98 he travelled to St. Albans and Norwich on community business, and three years worth of tax assessments (1299-1301) were remitted, in consideration of his work on behalf of the community. He is not known to have held a borough office, although his brother Richard served as chamberlain and jurat, but he was a scabin of the merchant gild from 1295 to 1299. Ralph was also a customs collector at Lynn 1298-1303. So the family was of some account in the town. Joan was also the widow of one of Lynn's most prominent townsmen of the early fourteenth century. John de Thornegge had probably died about five years before Joan drew up her will, although he had drawn up his own will in 1330. When Joan actually died we are not certain, but the wills of both her and John did not receive probate before the mayor until March 1345.

Before he died, John de Thornegge had served his community as mayor for five terms between 1315/16 and 1330/31, and may have served in that capacity in 1313/14 as well. In other years during the same period he is found in the posts of **jurat** and ward constable, and twice represented Lynn at parliament (1321 and 1324). He was also very active in the royal customs service, in the posts of collector of wool custom from 1318 to 1320 and again from 1322 to 1334, as collector of prisage (1322-27, and from 1328 possibly until his death), and as a searcher for counterfeit or smuggled coin (1324-35).

John first appears in the local records in 1303, when his goods were valued, for taxation purposes, at £26.13s.4d, well above the average. The surname does appear in Lynn earlier in the reign of Edward I, but John or his family

may have been relatively recent arrivals from Thornage, Norfolk (some 25 miles west-north-west of Lynn), for John's will shows continued connections: he bequeathed 20s. to the fabric of the village church at Thornage, provided for an anniversary service for his soul in that church, and made a charitable donation to poor people there. John had married Joan before 1309, when the pair made an agreement with Joan's sister Margaret and her husband John de Frenge about the division of the women's inheritance from their father, Ralph Cok. Joan and her husband received the northern part of a tenement in Wingate and a half share in a riverside quay associated; this is evidently one of the properties bequeathed in Joan's will (the distinction between Wingate and the Chequer sometimes being blurred).

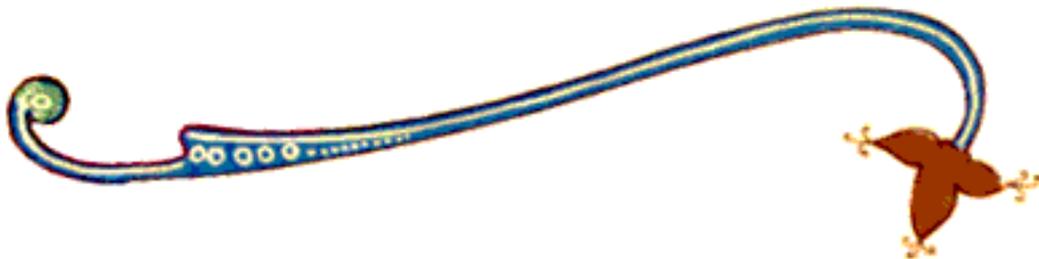
John was a merchant, apparently specializing in victualling: in 1314 he received a royal safeconduct to take victuals throughout England for trading purposes, and another safeconduct in 1322 to acquire grain and other victuals for the use of the king's army in the north – later that year he is seen as co-owner of the vessel *Margaret* bound for Norway to bring back victuals. His one-year protection from the king may also have been for trading purposes. The *Margaret* was not the only ship in which he had an interest, for in 1319 he and **Thomas Melchburne**, who would become one of the most active Lynn merchants of that generation, complained that their ship the *Godyer*, carrying a cargo worth £200 – wheat, worsted, and other cloth – to Gascony had been captured by Flemish pirates. That same year he had been sent by Lynn as one of its representatives to a national Merchant Assembly, to discuss the stabilization of the wool trade. He is also seen at that time or slightly later selling timber to the borough, for work needed on the guildhall. Two years earlier he had been given £20 worth of the goods of the merchant gild, to trade with on the gild's behalf; although no record of his membership in the gild has survived, we can take it as a given, and in 1321/22 he served as one of the gild scabins.

Although Joan was named one of the executors of her husband, his will bequeaths her nothing; doubtless he considered her widow's dower, along with what she held in her own right, would suffice to support her in the style to which she was accustomed. John's will refers to his daughter Margaret, to whom he left one property (on condition she used the income from the same to support anniversary celebrations for him for ten years), some cash, and some precious household items. There is no mention of Joan's other daughter Agnes; possibly she was the offspring of an earlier marriage. Despite the lack of attention paid Joan in her husband's will, the close bond between the pair may be suggested by the fact also among his executor's was Joan's sister Margaret Frenge, while the couple's son-in-law John de

Massingham was another executor. Massingham himself was a good match for Thornegge's daughter; he was himself a prospering merchant and served two mayoral terms at Lynn – in fact was in that capacity and heading proceedings when the Thornegge's wills were together brought in for probate. After he succumbed to the plague in 1349, his widow Agnes married **Ancelm Braunch**.

The roster of executors was completed by Thomas Shillyng. Shillyng and his wife were remembered in the will with bequests of small valuables, but their daughter Joan received a property on Stonegate with a staith, while her sister Margaret received an associated property comprising three shops with upper rooms (both on condition of applying the income from the same to anniversaries for Thornegge's soul). Clearly the Shillyng and Thornegge families were close, but whether it was a matter of kinship or friendship is unknown; possibly Thomas' wife Agnes may have been Joan's other daughter. The Shillyngs were from the wealthy urban upper crust, although not so politically prominent as Thornegge, and Thomas acted as the community attorney from 1331 to 1344.

It is notable that Joan's bequests focus on female members of the family. She and her husband are not known to have had any male heirs, but their daughter Margaret had a son by John de Massingham, and Joan's sister Margaret also had two sons; if they were still living in 1341, then they are ignored by Joan's will. On the other hand, John's will had ignored those of Joan's nieces to whom she made bequests, so perhaps she was just redressing a perceived imbalance.



NOTES

"lay brother"

For communities of monks or friars to dedicate themselves primarily to spiritual matters, they needed help to take care of worldly concerns. Some communities therefore instituted lay brotherhoods, whose members took vows of obedience and observed the rules of the order, but spent their time dealing with matters such as property management and looking after fields or livestock.

"Magdalene"

The hospital of St. Mary Magdalene was on the road (raised, because of marshy ground) to Gaywood.

"Cowgate"

A stretch of road just south of the Tuesday Market running between Briggate and the Chequer; it had been reduced to no more than a lane by the close of the Middle Ages.

"Hardwick" "Setchey"

Villages to the south of South Lynn, originally on the bank of the Ouse estuary, when the upper part of the Little Ouse was in effect a lake.

"Blackborough" "Pentney"

A few miles southeast of Lynn, Pentney lying a little beyond Blackborough.

"peridot"

A gemstone of green colour (lighter and more yellow than emerald).

"pittance"

A pious gift.

"quay"

This must have lay between the Chequer and the Ouse bank.

"Sculthorpe"

Northwest of Lynn, near Fakenham.

"silk bag"

A small bag, possibly a reliquary.

"mazer"

A wide cup made of maple-wood; there appears to be a difference between this and the maple-wood cups (*chiphum de murno*) bequeathed earlier.



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The first sheriff of Bristol

original in Bristol Record Office, MS. 04720 f.100

The original full-colour depiction of the first sheriff of Bristol, elected pursuant to the city charter of 1373 (see "Petition requesting county status be granted by charter"), illustrated the volume known as Ricart's Kalendar. It was placed within a listing of the city's principal officers.

The newly-elected sheriff, John Vyell, is shown centre, seated on the dais in the guildhall. He is apparently acknowledging his audience. He wears as livery a scarlet gown trimmed with white fur, and a blue domed hat bearing a golden badge (possibly a rose), probably a symbol of shrieval office. In Ricart's time (1480s) the city paid an allowance of £6.13s.4d for 10 yards of cloth for the sheriff's livery, and £5 for the fur; there were relatively extravagant sums, given the overall size of the city budget.

The two men flanking him carrying the axe and mace, more potent symbols of office, might perhaps be intended to represent (left) mayor William Canynges and (right) one of the bailiffs; but more probably, based on the colour of their liveries, they are the sheriff's sergeants. The depiction reflects more accurately a sheriff's livery at the time when Ricart was town clerk than at the time when Vyell was sheriff.

John Vyell was a member of a Bristol branch of a county family; the surname would appear to be a patronymic. Another member of the family, merchant-

draper Henry Vyell (likely John's father), had served as a town councillor in the years following the first visitation of the Black Death, and as bailiff of Bristol in 1359/60. He, or another of the name, also held a ballivalty in 1371 and shrievalty in 1376. John Vyell himself was a city bailiff for two consecutive terms from 1369 to 1371.

Despite obtaining from the king in 1374, only months after completing his shrieval term, a life exemption from the offices of mayor and sheriff, along with royal offices, and in 1382 a confirmation of that exemption, he accepted election to the post of constable of the Bristol staple in 1378, continuing therein for four years, and (having served on the city council in the 1380s) election as Bristol's mayor in 1388. In the years preceding his mayoralty he had even shouldered the unpopular duty of tax collector on several occasions. He was thus a man prepared to do his duty, but careful to ensure that he had some say in what would be the extent of that duty.

His service as an officer of the staple was the type of obligation many of the mercantile class were prepared to undertake. He was much involved in the export of cloth, sending his wares to France, Spain, Portugal and Ireland, and also invested in its manufacture – he was described as a draper, but this is indicative more of commercial than craft activity. His trade dealings are also reflected through his membership in socio-religious gilds in Coventry and Lynn. Through marriage, and with the money he made from commerce, he built up property holdings in Bristol, including shops and a stone house near the quayside, which was his residence. He also came into possession of a manor in Somerset.

John Vyell died in 1399, survived by his widow Elizabeth and sons Henry and John. The beneficiaries of his charitable bequests included city almshouses, the poor residents of St. Bartholomew's hospital, poor people who were bedridden; £20 was bequeathed to pay off small debts of selected debtors in a city prison, so that they could be set free. He instructed that anyone claiming a debt from him, who swore to the truth of it on the Bible, was to be paid. To St. Stephen's church he left a ring bearing what he believed to be a relic: a stone chip from a pillar to which Jesus had been bound. He ordered that expenses on his funeral be limited, but paid for 1,000 masses to be said for his soul, after death.

translation | discussion | notes

Keywords: medieval King's Lynn judicial administration gaol delivery indictments felony theft assault

Subject: Indictments for felonies before the justices of gaol delivery

Original source: Norfolk Record Office, King's Lynn archives, KL/C18/1

Transcription in: Dorothy M. Owen, ed. *The Making of King's Lynn: A Documentary Survey*, British Academy Records of Social and Economic History, new series, vol.9 (1984), 429-30.

Original language: Latin

Location: King's Lynn

Date: 1455

TRANSLATION

Delivery of the gaol of **Bishop's Lynn** of prisoners there, before **William Yelverton**, one of the king's justices for hearing pleas *coram rege*, **Simon Pygot** mayor of Bishop's Lynn, **John ...atham**, **Thomas Burgh**, on 21 March **1455**.



John Hide yeoman of Setchey in the county of Norfolk, Peter Mower labourer of Setchey, William Lekyngfeld weaver of the same town, John Boston of Hardwick next to Bishop's Lynn in the county of Norfolk, John Glover glover of Downham Market in the county of Norfolk, John Ogan sailor of Bishop's Lynn in the county of Norfolk, Thomas Lekinfeld husbandman of South Lynn in the county of Norfolk, [and] ... Blakenham thatcher of Gaywood in the county of Norfolk, are indicted for having, on [date partly obliterated, but see below], broken into and entered the **close** of Thomas Wodehous at Bishop's Lynn, within the hospital of St. Mary Magdalene, and having feloniously taken and carried off [goods] found there.

John Hide ... Peter Mower ... John Ogan ... and William Lekyngfeld are indicted before the keepers [of the peace] on the grounds that on 6 March 1455 they with force and arms (viz. swords, **glaives**, and cudgels) feloniously entered the close of John Pygot in the location called **Le Balle** at Bishop's Lynn and feloniously took, carried away and stole from there a **dozen** of white, coloured, wide, woollen cloth worth 10s. belonging to John Byrde fuller, as well as 24 yards of white, coloured, narrow, woollen cloth worth 8s. belonging to John Litill fuller

John Shomaker cobbler of Downham Market in the county of Norfolk is indicted ... on the grounds that, on 6 March 1455, he and others with force and arms (viz. glaives, bows and arrows) broke into the close and buildings of Thomas Wodehous at Bishop's Lynn, within the hospital of St. Mary Magdalene, and feloniously took and carried off goods and possessions they found there belonging to Thomas Wodehous; viz.: a partly gilded chalice with a silver dish, worth 30s.; a purse; a book of services, worth 26s.8d; eight books called primers, worth 27s.; a gown, hood, and bonnet, worth 16s.; a silk belt woven through with silver, worth 8s.; along with other items to the value of 46s.8d

John Kyng formerly of Middleton in the county of Norfolk, alias John Kyng of West Lexham in the county of Norfolk, yeoman, and John Neyburgh innkeeper of Bishop's Lynn are indicted before ... on the grounds that, on 20 January 1454, they and others with force and arms (viz. bows and arrows) committed an assault upon William Gilberd clerk within the inn called the Swan in **Gresemarket** at Lynn, beating, wounding and mistreating him so that his life was despaired of; besides which, [they took] William's goods and possessions in the form of cash to the value of £2.13s.4d.

Walter Walshe sailor of Lynn was arrested at Bishop's Lynn by the mayor on suspicion of felony.

John Smyth porter of Bishop's Lynn likewise.

William Launde porter was arrested by **William Caly** for the same.

William Davy of Wormegay, Frenchman, likewise.

John Lomb porter likewise.

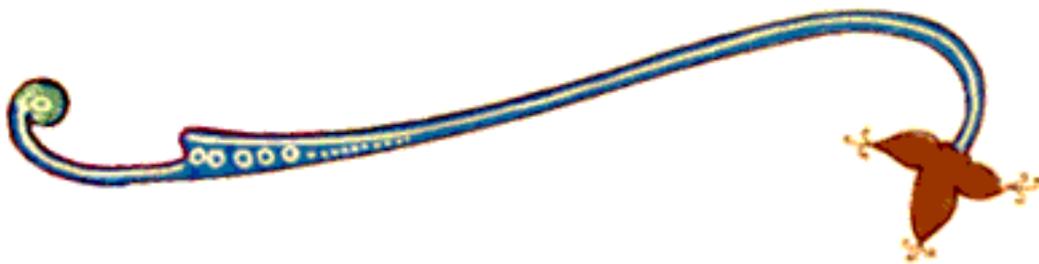
Robert Watson tailor of South Lynn [likewise].

Isabella Doraunt of South Lynn was arrested by **Ralph Geyton** for the same.

John Kyng of West Lexham likewise.

DISCUSSION

The fifteenth century saw an increase in the number of judicial commissions to prominent local men, as well as the extension of justices' powers to borough executives. Commissions of gaol delivery were issued frequently, to ensure crimes subject to the king's jurisdiction could be dealt with periodically.



NOTES

"Bishop's Lynn"

Until the king took over **lordship of Lynn**, in the 16th century, Lynn's lord was the Bishop of Norwich.

"William Yelverton"

Yelverton had a long and distinguished career in royal judicial administration, based in Norfolk; his early career included the roles of judicial commissioner at and recorder of Norwich, where he was later the architect of **political settlements**, as well as bishop's steward in Lynn (1441). From at least 1459, and probably from 1443, he was a Justice of the King's Bench until his retirement in 1470.

"Simon Pygot" "John ...atham" "Thomas Burgh"

Symon Pygot was mayor 1454-55. Thomas Burgh was alderman of the Merchant Gild. The middle-named person (whose name is lost due to damage to the document) was probably the bishop's steward – only that official could rank high enough to be named before the alderman. Unfortunately, I do not know who held the steward's office at that time.

"1455"

The date of 1453 given in Mrs. Owen's heading to the document is a typographical error.

"close"

An enclosed piece of land.

"glaive"

A particular kind of sword, like a broadsword.

"dozen"

A "dozen" was a volume rather than a quantity.

"William Caly" "Ralph Geyton"

Geyton may have been acting in the official capacity of coroner in making the arrest. He was certainly one of the coroners by 1466. Caly was perhaps the other coroner (I have no reference to him in any other official capacity); although he might have been the bishop's steward, since members of that family had **served the bishop** in the past.



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Anglo-Saxons

Anglo-Saxons, name given to the Germanic-speaking peoples who settled in England after the decline of Roman rule there. They were first invited by the Celtic King [Vortigern](#), who needed help fighting the Picts and Scots. The Angles (Lat. *Angli*), who are mentioned in Tacitus' *Germania*, seem to have come from what is now Schleswig in the later decades of the 5th cent. Their settlements in the eastern, central, and northern portions of the country were the foundations for the later kingdoms known as [East Anglia](#), [Mercia](#), and [Northumbria](#). The [Saxons](#), a Germanic tribe who had been continental neighbors of the Angles, also settled in England in the late 5th cent. after earlier marauding forays there. The later kingdoms of [Sussex](#), [Wessex](#), and [Essex](#) were the outgrowths of their settlements. The Jutes, a tribe about whom very little is known except that they probably came from the area around the mouths of the Rhine, settled in Kent (see [Kent, kingdom of](#)) and the Isle of Wight. The Anglo-Saxons eventually formed seven separate kingdoms known as the [heptarchy](#). The term "Anglo-Saxons" was first used in Continental Latin sources to distinguish the Saxons in England from those on the Continent, but it soon came to mean simply the "English." The more specific use of the term to denote the non-Celtic settlers of England prior to the Norman Conquest dates from the 16th cent. In more modern times it has also been used to denote any of the people (or their descendants) of the British Isles.

See P. H. Blair, *An Introduction to Anglo-Saxon England* (1954, repr. 1962); F. M. Stenton, *Anglo-Saxon England* (3d ed. 1971); D. M. Wilson, *The Anglo-Saxons* (rev. ed. 1971); D. J. V. Fisher, *The Anglo-Saxon Age, 400–1042* (1973); G. R. Owen, *Rites and Religions of the Anglo-Saxons* (1985); M. J. Whittock, *The Origins of England, 410–600* (1986).

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ECONOMICS DEPARTMENT
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Econ 110

**Henri Pirenne's Thesis Concerning the Economic History of Europe
in the Middle Ages**

References:

Henri Pirenne, *Economic and Social History of Medieval Europe*

Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*

The Roman Empire was fundamentally a maritime empire oriented around the Mediterranean Sea. There were of course nonmaritime frontiers in the wooded north of Europe and the deserts of the Sahara and the Middle East but most, if not all, was within the watershed of the Mediterranean-Black Sea. The sea not only provided the routes for political administration and military supervision but also for trade. Sea trade was predominantly in the hands of merchants from the Levantine, the Syrians and Jews. This trade made possible regional specialization and economies of scale. Not only were goods provided cheaper as a result this trade but there was a vastly larger variety of goods available.

The Germanic tribes in the West were becoming Romanized. Germans served in the Roman Army and sometimes Germans commanded the armies of Rome. Thus the conflicts in the West were not civilization versus barbarians but instead Romanized Germans fighting against Germanized Roman armies. The battles in the East were a different matter; there it was Roman culture versus Parthian (Persian) culture. Losses in the West could be regained by diplomacy if not military operations, but losses in the East were permanent. Thus the shift of administration from Rome to Constantinople reflected this situation.

When Moslems captured the Mediterranean in the seventh century the trade routes were cut. The Vikings later also made sea trade difficult. The Magyars swept into Europe out of Central Asia and further cut trade in the east. The net result is that individual regions could not count on producing some goods for market and using the proceeds from their sale to buy the other goods which were needed. Each region had to be self-sufficient.

Self-sufficiency has its attractions but with self-sufficiency are lost the gains from specialization

and the economies of scale. The levels of income standards of living decline so there may not be any market for trade goods even if they were available. The surpluses that could support some elements of the society pursuing cultural activities disappeared and almost everyone had to grub for a living.

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Wessex

[wes'iks][Pronunciation Key](#)

Wessex, one of the Anglo-Saxon kingdoms in England. It may have been settled as early as 495 by Saxons under [Cerdic](#), who is reputed to have landed in Hampshire. Cerdic's grandson, Ceawlin (560–93), annexed scattered Saxon settlements in the Chiltern Hills and drove the Celts from the region between the upper Thames valley and the lower Severn. But Ceawlin himself was finally expelled from Wessex, and until the end of the 8th cent. the country was overshadowed successively by Kent, Northumbria, and Mercia. King Cædwalla (reigned 685–88) conducted several successful campaigns; and his successor [Ine](#) consolidated the western expansion through Somerset and exacted tribute from Kent. After Ine's death, however, the kingdom relapsed into anarchy. [Egbert](#) (802–39) became overlord of all England, but his successors were forced to relinquish many of his gains and to concentrate on defending their lands against the invading Danes. With the reign of [Alfred](#) (871–99) and the halting of the Danes, the history of Wessex becomes that of England. In the 10th cent., Edward the Elder, Athelstan, Edmund, and Edred gradually acquired firm control over all England, including the Danelaw. This unity ended, however, after the quiet reign of Edgar (959–75), for [Æthelred](#) (978–1016) could offer no effective resistance to the invading Vikings. Canute established Danish rule in 1016. The end of his line caused the recall of Edward the Confessor (1042–66), last of the Wessex line of Alfred. In the novels of Thomas Hardy, Wessex is used to mean the SW counties of England, mainly Dorsetshire.

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Mercia

[mûr'shu][Pronunciation Key](#)

Mercia, one of the kingdoms of Anglo-Saxon England, consisting generally of the region of the Midlands. It was settled by Angles c.500, probably first along the Trent valley. Its history emerges from obscurity with the reign of [Penda](#), who extended his power over Wessex (645) and East Anglia (650) to gain overlordship of England S of the Humber River. After his death Mercia suffered a three-year loss of ascendancy during which it was converted to Christianity by a Northumbrian mission. Penda's son, Wulfhere, then reestablished a Greater Mercia that finally, under [Æthelbald](#) in the 8th cent., extended over all S England. This hegemony was strengthened by [Offa](#) (reigned 757–96), who controlled East Anglia, Kent, and Sussex and maintained superiority of a sort over Wessex and Northumbria. He had the great Offa's Dyke built to protect W Mercia from the Welsh. After his death, Mercian power gradually gave way before that of Wessex. The victories of [Egbert](#) of Wessex in Mercia established him briefly as overlord. In 874, Mercia weakly succumbed to the invading Danish army, and ultimately the eastern part became (886) a portion of the [Danelaw](#), while the western part was controlled by [Alfred](#) of Wessex.

Thereafter Mercia had no independent history, although it had one more distinguished ruler in [Æthelflæd](#), Lady of the Mercians.

See F. M. Stenton, *Anglo-Saxon England* (2d ed. 1947).

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Alresford - Fulling mill

Alresford is a small Hampshire town a few miles east of Winchester. There was an Anglo-Saxon settlement (now Old Alresford) belonging to the church at Winchester, but this declined after Bishop Godfrey de Lucy established – as part of a plan for six "new towns" – a new community on the south bank of the River Arle in the late twelfth century and subsequently obtained a grant of privileges for it from King John: market, fair and the rights to build mills on the river and collect tolls on goods being transported along the River Itchen. The Bishop had canalized the Itchen and, to ensure a good head of water, dammed the river, creating a huge reservoir. It was immediately to the south of this (now much shrunken to the Alresford Pond) that he established his town, originally called *Novum Forum* (Newmarket), although subsequently referred to as Alresford Forum. The "town" was essentially a street running south from the dam, wide enough to host a market.

New Alresford was perhaps the most successful of the Bishop's town foundations, thanks in part to the nearby Winchester-London trade route – this ancient road was realigned to bring it past the southern end of the market street, in order to make the town more attractive to merchants. New Alresford was being referred to as a borough by the early thirteenth century; over 40 burgesses were listed there around that time, attracted to occupy the building-plots the Bishop had offered to newcomers. The Bishop set up a town hall, communal oven, and a building for sifting bran from flour, as well as rebuilding a fulling mill already there.

New Alresford's growth was due in large part to its role in sheep-farming, the wool trade, and the manufacture of cloth. In the fourteenth century it was an important wool-collecting centre for the regions east and north-east of Winchester, and was even said to be one of the ten greatest wool-markets in the country. However, its prospects were limited by proximity to its much larger neighbour: Winchester so dominated regional trade that Alresford could not compete at that level.



There still stands, on the modest Arle, a mill built (or rebuilt) in the thirteenth century for the fulling of cloth. Access to clean, fast-running water was a requirement of this element of the cloth-finishing industry and much of the mill is built directly above the river. The great pond created by the Bishop's weir supplied a source of fast-running water for the operation of mills.

England's wool was known throughout medieval Europe for its quality (although that of southern England was not the finest produced in the country), and the wool and cloth trades were a major element in the English economy from the twelfth to the fifteenth century. At first it was the export of raw wool to cloth-producing centres of Flanders and Italy that was important, particularly in the earlier period, as a growing population across Europe produced greater demand for clothing.

English merchants and entrepreneurs came to realize the sense in using the wool to produce cloth domestically (rather than buy it back from Europe). They invested in the development of an existing, modest, rural cloth-producing industry (with a corresponding adverse effect on the elements of that industry already established in the larger towns); many fulling mills were built in the thirteenth century. Cloth manufacture employed a large number of townsmen in its various stages (e.g. shearing, carding, combing, spinning, weaving, fulling, felting, dyeing, cutting). Fulling was a two-part process:

1. newly-woven cloth was cleaned by soaking it in clean water and then beating it, usually with water-driven mechanical paddles;
2. the cloth was thickened by scrubbing it with "fuller's earth" (aluminium oxide) which provided a good texture and initiated bleaching, a process later completed by the cloth-owners who stretched the cloth out to dry over a wooden frame called a "tenter".

In the fourteenth century, wool exports were declining and those of cloth increasing. The Merchant Staplers increasingly dominated the wool trade during that century. At the end of

the century and into the fifteenth (although it is difficult and dangerous to generalize for all areas of the country) there was a downturn in commerce, greater competition in the cloth trade from foreign merchants – notably those of the Hanseatic League – who acquired advantageous privileges from the king, and later a decline in foreign demand for English cloth (in part due to international political troubles) which was offset a little by growing domestic demand. The economies of many of the larger towns were adversely affected, while some smaller centres went into decay as the larger towns tried to dominate what commerce remained. Most large towns were sufficiently diversified in their economies to weather the storm.

For tourist information on Alresford, including a map showing the location of the fulling mill, see the [Hampshire County Council](#) Web site.



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St Frideswide & the Beginnings of Oxford

Since the Thames formed a frontier between two Anglo-Saxon kingdoms, Wessex and Mercia, a habitable site at an established crossing place was likely to become important. Of Mercian Oxford, however, almost nothing is known, yet by the early tenth century the site was occupied by a major town.

Tradition links the beginnings of Oxford with St Frideswide, part of whose legend, first recorded in the twelfth century, depicts her as a pious Mercian princess who became a nun in an Oxford monastery founded at her behest; she was pestered by a lecherous royal suitor who was struck blind when he tried to enter Oxford to seize her, but he recovered at Frideswide's intercession, and she continued in the monastery until her death.

Scholars now think that Frideswide was a real person associated with Oxford and nearby Binsey, and that a religious house, perhaps for a mixed community of monks and nuns, with Frideswide as first abbess, was indeed founded about AD 700 on the site of Christ Church. It was burned down in AD 1002, rebuilt, and in AD 1122 refounded as the Augustinian priory of St Frideswide. A cemetery, probably attached to the first St Frideswide's, has been excavated in Christ Church.

Significantly, the site chosen for the early minster was beside the north-south Thames crossing on the line of the later St Aldates and Abingdon Road, a route important enough by the later eighth century to require considerable engineering work. Here indeed may be the 'oxen ford' from which the town is named, although some later evidence points to the ford at North Hinksey.

It now seems likely that the earliest settlement called Oxford comprised a small lay community at the gates of St Frideswide's, flanking the important route from Mercia into Wessex, but firm archaeological confirmation is awaited.

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Alfred, Edward the Elder & the Saxon Burh



▶ Alfred, Edward the Elder & the Saxon Burh



Model of Oxford as it may have looked in the tenth century. Later the Norman castle was built to the west and the walled area extended eastwards

We are told that on the death of Aethelred of Mercia in AD 911 the West Saxon king Edward the Elder, Alfred's son, took control of 'London and Oxford and the lands that

belonged thereto'. By then Oxford was clearly an important place, and in the early tenth century, possibly earlier, it belonged to a system of fortified towns or burhs created as a defence against the Danes.

The surviving rectilinear street plan, centred on Carfax, resembles that of other Saxon planned or 'planted' towns, and documents and archaeological evidence suggest strongly that the central streets of Oxford were deliberately laid out within a fortified enclosure at some date in the late tenth or early eleventh century.

Instead of fortifying whatever settlement existed near St Frideswide's, the king provided land for an entirely new town. The building plots between the grid-plan of streets were no doubt quickly taken up by magnates, merchants and craftsmen, who saw the advantages of royal protection, strong military defences and a market located on an important trade route.

The area enclosed by the original earth banks and ramparts was smaller and squarer than the medieval walled town. The fortifications on the east were probably just west of Catte Street and Magpie Lane, on the west somewhere west of New Inn Hall Street and St Ebbe's Street, on the north on the line of the medieval wall, and on the south aligned with Brewer Street, meeting St Aldates near the south-west corner of Christ Church's Canterbury Quadrangle, the site of the medieval church of St Michael at Southgate.

Churches seem to have been built at the other three principal gates: St Michael's church tower in Cornmarket Street, Oxford's oldest building, marks the site of the north gate, and the original east and west gates were probably near St Mary's church in High Street and the demolished church of St Peter-le-Bailey at the west end of Queen Street.

The grid of central streets seems to have been established in a single operation, and under New Inn Hall Street, embedded in the original surface, was found a coin of Edward the Elder (d. AD 925), perhaps the safest indication of the date of the town's creation. Even so, Edward's father, King Alfred (d. AD 899), was the first to



establish a system of fortified towns and he is associated with Oxford not only in legend but through a puzzling series of coins bearing his name and that of a mint called 'Orsnaforda' or 'Ohsnaforda'. Scholars are uncertain whether or not these coins were minted in Oxford, and in default of further evidence the identity of the king who founded Oxford must remain in doubt.

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Medieval Sourcebook: Edgar, King of the English: Grant of Market Rights to Medhamstead Minster, 963

Market rights were sometimes extensive. Other markets might not exist in a given area and exclusive rights were granted to the local lord of the manor. There was also a very careful definition of the localities in which tolls might be levied.

I, Edgar grant and give today, before God and before Archbishop Dunstan, freedom to St. Peter's minster at Medhamsted, from king and from bishop; and all the thorps that thereto lie; that is, Eastfield and Dodthorpe, and Eye, and Paston. And so I free it, that no bishop have any jurisdiction there, but the abbot of the minster alone. And I give the town called Oundle, with all that thereto lieth, called Eyot-hundred, with market and toll; so freely, that neither king, nor bishop, nor earl, nor sheriff, have there any jurisdiction; nor any man but the abbot alone, and whom he may set thereto. And I give to Christ and St. Peter, and that too with the advice of Bishop Athelwold, these lands;--- that is, Barrow, Warmington, Ashton, Kettering, Castor, Eylesworth, Walton, Witherington, Eye, Thorp, and a minster at Stamford. These lands and all the others that belong to the minster I bequeath clear; that is, with sack and soc, toll and team, and infangthief: these privileges and all others bequeath I clear to Christ and St. Peter. And I give the two parts of Whittlesey-mere, with waters and with wears and fens; and so through Meerlade along to the water that is called Nen; and so eastward to Kingsdelf. And I will that there be a market in the town itself, and that no other be betwixt Stamford and Huntingdon. And I will that thus be given the toll;---first, from Whittlesey-mere to the king's toll of Norman-cross hundred; then backward again from Whittlesey-mere through Meerlade along to the Nen, and as that river runs to Crowland; and from Crowland to Must, and from Must to Kingsdelf and to Whittlesey-mere. And I will that all the freedom, and all the privileges, that my predecessors gave, should remain; and I will write and confirm this with the rood-token of Christ . . . (sign of cross follows).

Source:

From: James Ingram, trans., *Anglo-Saxon Chronicle*, (London: J. M. Dent & Sons,

1917), p. 93, reprinted in Roy C. Cave & Herbert H. Coulson, *A Source Book for Medieval Economic History*, (Milwaukee: The Bruce Publishing Co., 1936; reprint ed., New York: Biblo & Tannen, 1965), pp. 115-116.

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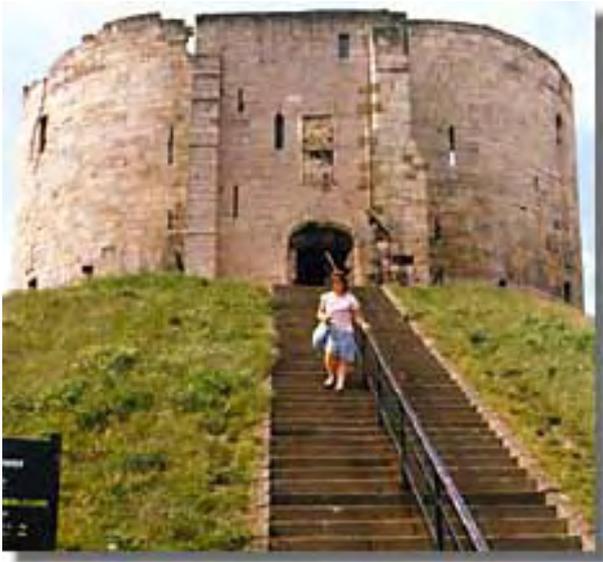
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York - Clifford's Tower

As one of the most important cities in England, and an important base for holding and administering the north, York was the site for two of the castles William the Conqueror built in the years immediately following his conquest. The principal castle was begun in 1068, as part of a campaign to subdue anti-Norman sentiment in the north. Its wooden defences focused around and atop the motte; they were destroyed during a local rebellion the following year, but rebuilt by the Normans after suppressing the rebels and taking harsh reprisals on York.



In 1190 the wooden keep was again burned down, during a siege by citizens of the Jewish community which had taken refuge there. This was one instance of a continent-wide persecution stimulated in part by the emotionally-charged and propagandized environment of the Crusades. At and following the accession of the crusading king Richard, successor to Henry II who had been careful to protect England's Jews, there were a number of violent outbursts against them in various English towns. In York, a violent incident was quickly followed by most of the Jews there seeking protection within the castle. However, when their fear became so great that they refused even the constable of the castle admittance, an attempt by royal authorities to regain access deteriorated into a mob assault on the castle. Rather than fall into the hands of the mob, many of the Jews committed suicide and set the keep afire. The survivors emerged the following day, only to be massacred by the besiegers. As punishment for this terrible act, the king's Chancellor dismissed the sheriff and constable, imposed a heavy fine on York's citizens (who claimed not to have been involved), but the ringleaders had fled and could not be brought to justice.

In the latter half of the thirteenth century, the keep was rebuilt in stone. It was given a quatrefoil plan, of which there is no other example in England. The keep later became known as **Clifford's Tower**, possibly after Roger de Clifford, who was hanged there in 1322.



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Yarmouth - Tolhouse



The building known as the **Tolhouse** was the seat of local administration in Yarmouth in the thirteenth and fourteenth centuries. A focal part of such administration was the borough court presided over by the town bailiffs, in part because the development of self-government was largely a matter of the gradual acquisition of expanded legal jurisdiction, while the revenues from fines and licenses were part of the income needed to support autonomous activities.

The precise role and importance of a borough court was varied from town to town – in part depending on whether it was in the hands of the community, or of the borough's lord. (If the latter, communal ambitions for self-government were more likely to express themselves through a Merchant Guild). It was not necessarily solely a judicial organ, but could appear in many guises, adapted to a variety of governmental functions. It might deal with contentions over matters of local by-laws or (to an extent) national law, and the jurisdictions granted the borough through royal charter grants; it administered matters relating to property and financial transactions (also governed in part by local custom), as well as supervising such matters when they involved community income or expenditures; and it served not only as a law-enforcing or law-interpreting mechanism, but also a law-making one. In a number of boroughs, including Yarmouth, enrolments of court business are the central and predominant elements of surviving medieval archives, covering a variety of records under their umbrella, with specialized records emerging only as borough business became increasingly complex.

The transfer of decision-making from the ancient and unwieldy [folk moot](#) to a representative set of officers operating out of a building with limited capacity to host gatherings of the urban citizenry, was an early step on the transition from a primitive democracy to a more bureaucratized form of local government.



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York - Shambles



York's **Shambles** is a rare example of a street identified as far back as [Domesday Book](#). In the Middle Ages the street was used as the butchers' market, its name deriving from an Old English word referring to the [stalls from which meat was sold](#). Shambles were to be found in many of the larger English towns.

The slaughter of livestock and sale of carcasses in York (as elsewhere) created a range of health hazards, prompting city ordinances such as that of 1301, which forbade butchers to sell carcasses or cuts of meat that had already been displayed for sale on their stalls, exposed to the sunlight, for a full day (unless it had been carefully cleaned and salted). Spoiled or poor-quality meat might be given to the city's lepers.

As one of the elements that made up the city [fee farm](#), butchers were required to pay 1d weekly, under the name of "Schameltoll", for the right to slaughter beasts and sell their meat from these stalls. In 1382 the butchers refused for several months to pay this toll and used

force to retrieve an item that the city bailiffs had distraigned from one of the butchers. The bailiffs responded by successfully suing the butchers.

There remain examples of late medieval buildings in the Shambles, which represents a good example of how houses – topped by overhanging "solars" through which it was hoped that sunlight might be brought through the windows into burgesses' living quarters – were sometimes within arms' reach of each other.



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To ensure that every craft or industry in the city is carried out properly and honestly, without any fraud that might cause scandal to the city, each year the bailiffs and the 24 elected by the community shall choose between two and four of the more prominent and trustworthy of each industry or craft (or others knowledgable in the craft, depending on whether the industry is large or small). They are to be sworn on the Gospels to conduct an honest and comprehensive search [i.e. investigation] of the industry or craft, without sparing anyone, at least four times a year – more if need arises – so that no fraud, deceit or falsehood can be maintained by the practitioners. If they discover any such offence, they are to inform (without any concealment) the bailiffs and the 24 elected in the name of the community, who are to amend the problem, exact compensation, and punish the guilty in order to set an example to others and to restore the city's good name. If the searchers are convicted of negligence or concealment they are to be heavily amerced as accomplices after the fact and are to be removed from office and replaced by others.

[The description of the qualifications of those to be chosen as searchers is "potencioribus et fide dignioribus"; the former term could be translated as "more capable", but the adjective was also frequently applied to the ruling class and the intent here was probably to designate the leading (in socio-economic terms) members of a craft; the proviso indicates that others of lower status could be chosen if a craft had only a few practitioners.]

6 October 1309 *

Any existing ordinances or statutes of gilds or the community which are detrimental to free commerce (as for example trade in millstones) and thereby harmful to the community and residents of the [neighbouring] countryside are to be annulled. Nor shall any such be made in future. Anyone infringing this may be subject to legal action taken by the Bishop's bailiffs.

No merchandize which is brought to the city by land or by river may be concealed in any house or courtyard to prevent the king's officers from collecting custom or toll. Nor may any resident pretend as his own the merchandize of outsiders, nor import or export (openly or secretly) outsiders' goods under the pretence of owning them, to avoid custom or toll. Anyone convicted of this offence shall pay double the amount of custom or toll that would have been due and also 40s. fine for violating the [[freeman](#)'s] oath, of which half is to go to the use of the community and the other half to the bailiffs for their trouble [in investigating], provided that they are vigilant in such matters.

[That this type of problem was common in towns is suggested by similar by-laws at [Yarmouth](#), [Ipswich](#) and [Maldon](#). The losses in revenue involved both national customs and local tolls; since the latter was a component of the [fee farm](#) upon which the city liberties were conditional, to evade tolls was to act contrary to the welfare of the community.]

October 1272

All merchants of the town shall fully and honestly pay for merchandize [they purchase] according to the terms of the bargain. If any refuses, the matter is to be examined by four wise men (chosen by the town) who are knowledgable about mercantile affairs. If the buyer refuses to settle within three days of a judgement being rendered by bailiffs and the four men, then the goods in question are to be sold under supervision of the four, until the seller is satisfied . If this is not sufficient, other property of the buyer may be handed over to the seller, until the debt is paid.

18 February 1340

All grain brought by barge to Lynn should be sold at "le cornsondes" and nowhere else. If any burgess buys at any other location grain brought in this way, he shall pay 20s. to the community each time he commits the offence.

[The "cornsondes" was probably a designated area of the sandy Ouse shoreline. The record of this ordinance was followed by another that was unfinished, but apparently of the same tenor in regard to herring and other fish.]

Early 15th century **

No hosteler or owner of a hostelry within Lynn shall hide, conceal or disguise fish in his inn, but lay it out for sale in the market and sell according to market price (as recommended by the mayor), to the benefit of the people, upon pain of [its] confiscation and [his] imprisonment.

[This seems to be a variant of [forestalling](#), with inn-keepers attempting to retail fish through their inns.]

No [comburgess](#) or any other resident of the city or its suburbs, nor anyone at all, may on any day in the year buy for purposes of resale to others any foodstuffs in the market, on the quay, on the river, in a house, courtyard, street, lane, or at any location in the city, nor make a bargain to buy such items by giving God's penny, until the bell has been rung for the mass of the Blessed Virgin in the church of Holy Trinity. No one may, in any road, street, lane or other place in the city or suburb, nor within one league outside by land or water, intercept such foods being brought to the city for sale, with the purpose of buying them before they reach the public marketplace [and then reselling them in the market], so that goods are sold for a higher price than they ought to be; no one who brings victuals to the city may in any way be impeded from being able to sell them freely in the market to anyone wishing to buy. If the bailiffs find anyone in contravention of this, or if any reputable man makes a complaint about such an offence, and the accused is convicted then he must be heavily [amerced](#) by the bailiffs and any complainant is to be awarded damages. If the offender is convicted of the same offence a second time, all his merchandize is to be confiscated and the city court is to sentence him to the pillory, as a deterrent to others and so as to make public his offence; the cause of his punishment is to be publicly proclaimed in the market. Because the offence is against the whole community, the bailiffs are not allowed to commute this punishment [to a fine], nor put off or delay carrying it out, but should execute it immediately after the conviction. If the same offender is again convicted, he shall be punished as before and also abjure the city for a year and a day, as well as paying damages to any complainant. If he thereafter returns to the city to live, he must provide good [security](#) for never committing the offence again. No citizen or city sergeant is to encourage, support or protect such men in committing these offences which cause a great scandal in the city and are contrary to its liberties, customs and ordinances. Anyone convicted of such support is to be fined 6s.8d to the profit of the community, which is to be levied immediately after conviction and delivered by the bailiffs to the [chamberlains](#) who shall have a record made of it and include those moneys in their annual accounts.

[This chapter eloquently shows the strength of feeling against [forestalling and regrating](#), offences that were fundamentally contrary to the communal principle underlying towns, yet that – as is also evidenced in other towns, such as [Maldon](#), [Ipswich](#), [Yarmouth](#), and [Lynn](#)– were ubiquitous and that borough authorities tried in vain to suppress. Today most foodstuffs are sold through middlemen-retailers, even in fruit and vegetable markets, but the medieval marketplace dealing in the necessities of life was not considered an appropriate venue for entrepreneurial profit-making via price-fixing. The closest modern equivalents to the medieval attitude towards forestalling and regrating might be those towards black marketeering or the recurrent suspicions of concerted price-fixing by the petrol industry. The sale of necessities at a "fair price" was important to the medieval townsman, and open sale in the marketplace helped provide an assurance of this. As J.C. Tingey noted in his introduction to volume 2 of the Records of the City of Norwich:

"All buying and selling was invariably carried on in the market place, where not only could the authorities keep an eye upon what was going on but the citizens themselves could see that no transactions were made contrary to their general interest."

The [leet court](#) is often seen dealing with forestalling offences by individuals or by whole trades (e.g. fishmongers). The exile of an offender from his means of livelihood for a year and a day was also prescribed as a punishment at [Ipswich](#). God's penny was a nominal but good faith deposit made to seal a commercial bargain in which full payment was to be made at a later time. The bell for the mass of the B.V.M. was rung at the "hour of prime" (i.e. the beginning of the day) in the cathedral.]

Early 15th century **

No resident is to stockpile grain from market day to market day, but let it be sold to the people in response to market demand, upon pain of confiscation of the grain and imprisonment.

[The issue here was probably one of pushing up the price of grain by creating an artificial shortage.]

CUSTOMAL: CAPITULUM 34

Ells and weights used by merchants of the city for buying and selling are, between two to four times a year, to be examined by the bailiffs to see whether they are accurate and reliable. [If so] they are to be stamped with seals dedicated to that purpose. Ells and weights found to be inaccurate are to be confiscated and destroyed, as with all unreliable measures discovered in the city. Those who use such measures are to be heavily punished and to find security that they will not commit such offences in future. If, despite that, they are again convicted of the same offence, let them be so heavily penalized that it will deter others [from committing that offence].

[An ell was a measure of length, a little longer than the modern yard, used in particular for measuring cloth.]

Early 15th century **

Milkwives are to sell good milk and cream that is sweet [i.e. not sour], in the form that it comes out of the cow – not combined or thickened with flour, nor diluted with water, to the deceit of the people, upon pain etc. And they are to sell good, sweet butter, freshly made.

16 August 1449

Statute for the tailors trade

A certain statute made by the mayor and council, with the consent of the tailors, for the regulation of the tailors' craft, viz. that each year within the two months after Michaelmas, all resident craftsmen will be advised by the sergeant-at-mace to appear before the mayor in the gildhall to elect two burgesses of the most suitable of their number to be their headsmen. Which burgesses thus elected are to take oath to [see performed] the following:

- To make search of [i.e. supervise] the craft among all residents.
- Not to allow any newcomer to set himself up in the craft unless he has proper knowledge of it (which shall be determined by mayor and headsmen).
- Any newcomer admitted to the craft who does not wish to be a burghess shall pay, for the right to set up in the craft, 40d. each to mayor, community, and headsmen (the last to be put towards the cost of the Corpus Christi day procession); any wishing to become a burghess shall pay only the 40d. to the headsmen/procession.
- Craftsmen shall be answerable to the headsmen for resident seamstresses, a farthing a week or 2d. a quarter, and double for outsider seamstresses.
- Any craftsman who is not a burghess but has an apprentice shall pay 40d. towards the cost of the Corpus Christi procession.
- If anyone complains of bad workmanship by a craftsman, and the latter is found guilty, he shall compensate the aggrieved party in the presence of the mayor and headsmen.
- If a craftsman speaks slander of the deeds of any man, and the slanderous accusation cannot be proven, he shall be punished according to the judgement of mayor and headsmen by forfeiting 40d. towards the Corpus Christi procession.
- If anyone not of the craft slanders any [crafts?]man, and the slanderous accusation cannot be proven, he shall be punished according to the judgement of mayor and council.
- If there are any disputes between members of the craft, they are not to bring the complaint to court, but before the headsmen who will try to arbitrate a settlement; failing that, the headsmen shall bring the matter before the mayor. Failure to comply will result in a fine (prescribed in an existing statute). If any headsman shows partiality or lets anything other than good conscience rule his judgement, the aggrieved party may complain to the mayor; or if any headsman fails to arbitrate, so that the dispute is not resolved and the parties resort to the courts, the delinquent headsman will be fined.

1424 ***

Penalty for butchers if they kill animals in the highway

Any butcher killing an animal on the highway shall pay 4d. fine, for each animal killed; the fine is to be levied by the common sergeant-at-mace.

[The issue here, for medieval townspeople, was one of hygiene and public safety (animal blood made the roads slippery).]

13 February 1439

Henceforth the entrails of all animals slaughtered (especially those by butchers) in the southern part of town are to be carted to [Le Balle](#) and there cast [into the river] at the low-tide mark at the time of half-ebb; entrails of animals slaughtered (especially those by butchers) in the north end of town shall be taken to [Dowshill](#) and be similarly disposed of. Furthermore it is ordained by agreement of the whole congregation that butchers shall, by next Easter, equip themselves with covered barrows or carts such as those used in London for transporting entrails to the said locations, on pain of 20s. fine for failing to obey this ordinance.

[Le Balle was an area of open land on the bank of the River Nar close to where it entered the Ouse; this land was normally used for drying fish, so the intent was probably to keep foul-smelling activities away from habitation. Dowshill was on the northern bank of the River Gay, again fairly close to the confluence with the Ouse.]

29 September 1331

Henceforth no-one shall allow his pigs to wander in, or go along, the streets on any day of the week except Saturday. If a pig is found wandering on any other day, its owner shall pay 4d. (and may be distraigned by the common sergeant for the said fine), and Adam Tolob shall take custody of the pig.

[The fines became a regular, if minor, source of income for the borough. In 1370/71, for example, fines amounted to £6.8s.8d, with 47 pig-owners being fined, many for multiple offences; two years later the fine had been dropped to 2d. and there were 675 offences by 86 pig-owners during the fiscal year.]

York - Marketplace

The **Newgate Market** in York has a strong flavour of a medieval marketplace, surrounded by merchants' houses and inns, and with church towers rising in the background. Ironically, this was not in fact one of the medieval marketplaces but was established in 1955. In the Middle Ages goods were bought and sold in a number of locations, but particularly the [Thursday Market](#), to the west (now St. Sampson's Square), and Pavement, to the south -- the latter a street market, that spread out into adjacent streets; due to post-medieval redevelopment, neither of these now has much that brings to mind a medieval marketplace. My first experience of the Newgate Market was on a late afternoon in November when the marketplace was shrouded in mist, creating a blurring effect which only made it easier to imagine how a marketplace might have looked in the fifteenth century.



Markets and commercial privileges were fundamental features of towns (although not exclusive to towns), and the development of trade was a major factor in urbanization. The marketplace was a focal point, both economically and socially, of – and often a fairly central space (as in York) in – the town. It might take the form of a large open space, or be held along one or more streets of the town. Often certain types of goods were sold in particular, set locations; e.g. in York, meat was sold by local butchers in the [Shambles](#) (just off the modern Newgate Market), although it was also sold in the Thursday Market, while fish and poultry was sold on the Ouse and Foss Bridges.

Some characteristics of the medieval market have lasted into the twentieth century. The selling of goods from stalls, in the open air, was typical of much medieval retailing; the stalls in the Newgate Market seem to have about the same length and width dimensions sometimes found specified for medieval stalls. Although craftsmen would have workshops in their residences, most selling of goods was done from through the ground-floor front windows of houses, from temporary stalls outside the houses, or in a marketplace (or similar area designated for retailing). Over time some of these stalls became more elaborate and permanent fixtures, and evolved into the modern shop. This conversion process often meant that parts of the original marketplace were lost to the structures in process of becoming permanent buildings.

The public character of retailing was important, particularly since some bargaining would be involved. The marketplace brought retailing into a venue where both community and local authorities could see that trading was conducted fairly, with goods (above all, foodstuffs) freely available to all-comers, of a satisfactory quality, and offered at a fair price. Ordinances were made to restrict or prohibit retailing in private places or outside normal market hours. The purpose of the marketplace was also to allow producers of goods to sell directly to the public, without intervention of middlemen who might seek a profit by raising prices or lowering quality or quantity. Thus a set of ordinances made by York's government in 1301 included the specifications that:

- Middlemen could not sell food or drink for higher than the price they bought them from the producers.
- Fishmongers should sell fish only in the public market designated for this, holding none back for private sale in their own houses, nor should they resell fish they had bought from others; fish was not to be sold between the hours of Vespers and Prime.
- Fixed prices were set for various goods and anyone selling at a higher price would forfeit the merchandize.

Of course, the fact that such regulations were necessary is itself witness to contrary practices; profiteering is innate to commercial activity and was not to be controlled.



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Arch 343: Cities in History

Lecture 9: Medieval Cities, Bruges and Florence

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The Advent of the Closed City

Every time we use a term to categorize a city, the "Islamic" city, the "hellenistic" city, and today, the "medieval" city, we set up a frame that can easily be broken. The Islamic city may be characterized by the dominant religion of Islam, but it has other less specific aspects connected to trade and to time that make it not only Islamic but also medieval, or mercantile, or expansionist, or multi-ethnic, or whatever the case may be. The city is never one thing, and it never stops changing, even if like Venice it is physically being frozen and purposely kept unchanging, the life it contains is never static and will never remain in the same categorical frame, tourists meeting for cappuccino to discuss the city's charm are not the same as black-robed nobles meeting in the Broglio to discuss the city's fate.

The medieval city enjoys a special mythical status in Western culture, and is a category that is tremendously fuzzy, referring to a vague time and implying certain formal characteristics, like winding, narrow streets. In the imagination, the medieval city is littered with formidable castles and soaring cathedrals, and is the habitus of fairy tales. The term "medieval," the time in between, presumes that Roman culture and Renaissance culture, the bookends that enclose it, were somehow superior, better organized, more like us on our path to ultimate efficiency. So medieval also comes to represent a time when cities disappeared or closed in on themselves, when language is confused, the clarity of Latin dissipated into numerous barbaric vernaculars. For various reasons the middle ages was a time dominated by a religious distrust of cities and a military abuse of them, a time that interrupted the progression toward the achievement of a technical and social perfection that often is justified as the ultimate goal of human culture.

These are preconceptions, and in some way misconceptions. As Henri Pirenne, the great historian of medieval cities pointed out long ago, cities did not disappear after the dismantling of the Roman Empire, and for at least four centuries after the Sack of Alaric in Rome, that is until the 9th century, the trade networks that had sustained an interdependence of cities in the accumulation of wealth continued, although at a much reduced scale. It is only with the antagonism to Islam, that western Europe became greatly limited in its trading possibilities. In Italy, the Lombards and other invaders, inherited the cities of the Romans, and adapted to urban traditions. In particular, the new religion of Christianity became the religion of their states. The papacy attempted to continue the unifying structure of the empire in the organization of the Church, and for many cities during the middle ages, the bishop as representative of the central religious authority of Rome, had the authority of a provincial governor analogous to those of the empire. The Church's diocese replaced the empire's civitas. Many cities of Roman origin became cathedral cities, with the church and bishop's palace as

the new urban focus.

In places with a Roman past, the frazzling we observed in Damascus was quite similar: densification began to alter the clarity of the street patterns, straight roads were made crooked by overhangs crossing over the street and shops blocking it, the attempt to fortify individual family compounds, created impediments and blind alleys. The authority of the city was fragmented and could no longer control the plan of the city as a whole; thus the building of the parts, the concentration on enclaves, began to determine the plan. The transformation of the grid of Florence from the 4th to the 12th century shows this dynamic process of pinching and clogging the urban pattern and filling it in with solid enclaves. The city was greatly reduced in size, walls thrown up, invasions and sacks change the fabric. After the period of invasions subsided a new landed gentry created reproduced in the city the same sort of fortified castle-like compounds built to defend their estates in the countryside. The solid works of the Roman past, such as the amphiteater's structure was recycled during the next expansion to serve as the foundations for housing. The closed medieval city gathered around three solid enclaves: the castle, the cathedral, and the monastery.

Feudalism and Medieval Enclaving

Much of western Europe by the late 9th and 10th centuries had been politically fragmented into feudal estates arrived at through sometimes arbitrary acts of force or fate. This geographic reapportionment of the Roman Empire was directly due to the constant incursion of nomadic warriors from the north and the east, who destabilized the military security of larger territories, but indirectly it was just as much a consequence of a significant drop in population and the ebbing of international trade. The historic wave carried marauding invaders until at least the year 1000, and as we shall see, the mobile invader usually had a certain military advantage over the settled defender, in particular because they had nothing to lose.

One trend in the late empire that had profound economic significance was the creation of latifundi, huge estates meant to avoid the high taxes of the cities that became self-sufficient entities. This will evolve into the feudal system in the 9th century, when as Pirenne says: "an economy of exchange was substituted for an economy of consumption...each demesne (or estate) constituted from this time a little world of its own." A feudal desmene typically was composed of 300 farms, about 10,000 acres of land. The monarch of the region is the theoretical owner and the bishop or high nobility the titular owner, managing the property like a tenant-in-chief, owing service to the crown in the form of knights or arms. The land was worked by serfs, people who were not free to move, or own property, and who were required to give at least half of the yield of the land they worked to the local aristocrat, or vassal, who in turn owed tribute and military service to the regional lord.

When trade was revived in the 11th century, the feudal castles, known now as bourgs, that were closest to the trade routes or were able to draw the route toward them, became the nuclei for a market-based city. The castle in Hereford precedes other urban features such as the cathedral. The bourg, which often became an urban nucleus, was not always a precedent to urban formation but inserted into a growing complex, such as Gloucester in England, a small roman castrum town that first had its cathedral and then attracted a castle with its lord. Or Hereford, a trading town that grew around the year 1000, and from a crossroads fair attracted a castle and a cathedral. The attraction of the city to the

lower classes was that if they could establish residence there they could become property owners and get free of feudal obligations--thus the saying "the city air makes you free" (Stadtluft macht frei). Enterprising castle lords speculated on this desire for freedom, realizing that there was more to be gained in taxes than from feudal agricultural surplus. Monasticism

The historic wave affecting Europe between the 4th and 9th centuries was also made of plagues and abandonments. And of course it carried high religious fervor and fanaticism. Military issues had always determined status in the Hellenistic and Roman world, the equestrian class being higher than the infantry. A Roman emperor was always treated as a military commander first. Something outside of the chain of command occurred between 300 and 1000, however, that altered military effectiveness. Post-empire life will be in some respects much more influenced by military events due to the greater instability of urban settlements, but there will also be a significant pacifist element in culture, in which humility, prayer, and cultivation of the after life replaced the more worldly concerns of conquest or defense. The pursuit of a spiritual alternative led many to the non-military solution of monasticism, a utopian flight from the city that resulted in small, self-selected groups of non-reproducing monks, who produced a remarkably disciplined settlement of a timeless and rigid social and architectural order as an antidote or antithesis to the moral, military and progressive nature of the secular city of the Romans. St. Augustine (354-430, *De civitate Dei*), a bishop from North Africa, theorized that if the *civitas* was predicated on justice, then Rome, or any city built by man would not be able to provide it because of the treatment of women and slaves and the other excluded members of society. The City of God, where true justice could only be found in a Heavenly Jerusalem, where all mankind gave up the vanity of this world and joined together in a state of humble pilgrimage.

I would never want to give the impression that Christianity is necessarily a pacifist religion--after all Constantine won his battles in the name of the cross, and the Church will constantly be taking sides in wars, and eventually during the Renaissance become an actively aggressive military power. Let's just say that Christianity among other things has the potential to inspire interpretations in favor of pacifism with the parable of turning the other cheek. And it is this potential for non-participation that is interesting as a component of the city, or sometimes as an alternative to the city.

Monasticism was already widespread in the Middle East during the lifetime of Christ-- his teaching may in fact have been derived from the monastic cult of the Essenes, a Judaic brotherhood who like Christian monks took vows of chastity and increased their numbers by adopting abandoned children and training them, devoting much of their daily life to prayer and reading the scriptures. Monasticism is of course not limited to Christianity but is found in most major religions--Islam has its Sufis, Buddhism its monks--in any case it implies a life separated from the daily obligations of the world of the city, devoted expressly to prayer, work, and study. Christian monasticism followed the examples established in Syria and North Africa, of retreating to caves and inaccessible places. Monks will remove themselves to mountaintops and islands and isolated sites that are really the opposite of the city as a demonstration of anti-worldliness. Perhaps the most extreme example was the case of St. Simeon Stylites, a 5th century mystic living in Syria, who spent thirty years chained to the top of a 60 foot high column. A great octagonal shrine was built around the column in reverence for his high example and a monastery for those who would follow his practice of self denial was attached to one side. But no matter how far monks retreated from the world, it is curious to see how much they brought urban organization in their architecture, and military discipline to their way of life.

St. Benedict, (480-543) a monk from central Italy, had the greatest influence on the movement in Europe when he wrote his little book on the rules of a monastery, explaining how every hour of the day was to be occupied by work, devotion and prayer (*ora et labora*). The monk's life is regimented like that of a soldier's and the conceptual plans for early monasteries resemble the order of a castrum military plan. The earliest document describing one is the plan of St. Gall, made sometime around 800, which shows the orderly arrangement of religious, living and working quarters. The great body of the church, like a covered hall or basilica, is offset by the void of the cloister, a rectangular or square court, slightly smaller than the enclosed Hellenistic urban spaces such as the imperial fora, but usually larger than the courtyard of a house. The artfully shaped void of the cloister instead of being an active public space for the community, was its antithesis, a purposefully uneventful space of silence and contemplation, with a green center, for a group that often respected vows of silence. The plan with its clear orthogonal links was like the memory of the order of the lost city. It was not only written culture that was preserved in the monasteries but also a language of architecture and planning.

Monasteries such as the fictional St. Gall were small cities unto themselves, like the feudal estates, and often had a feudal relationship with local peasants. Although in Benedict's original rules the monks were to do all of the work themselves, the revised rules by orders such as the Cluniacs, created a theocratic division of labor, with monks specialized in learning and religious functions, served by their dependents. Monasteries were even involved in trade.

One thing monasteries lacked, however, was military force, and many of the early examples, such as St Benedict's original monastery at Monte Cassino, and even its second version, which has been reconstructed in this perspective, were destroyed by marauding invaders. Monasteries were usually positioned in defensible sites and often attracted towns that settled around them and eventually became involved in their defense. The monastery as an institution and a form is important to the discourse of the European city on the one hand because they maintained the rational typologies of an earlier urban order that had lapsed during the devastation of the cities, but also because they often gave rise to the idea of a new city (such as we saw in Venice), or provided pockets of order as new additions to cities, such as the convents built for the mendicant orders during the 13th and 14th centuries--the soft armature I previously mentioned in reference to the Franciscan and Domenican convents in Venice.

The Soft Armature

A soft armature is a term I invented to indicate that in the carpet-like urban patterns of medieval cities like Cairo or Venice there are occasional breaks, usually devoted to religious institutions like mosques and medresa in Cairo or monasteries and hospitals in Europe, that constitute local pockets of orthogonal order. It is an armature only in that you expect every once and awhile that there will be this kind of highly structured element graced with monumental architecture and with columnated open space; it is soft because it usually bleeds into the carpet and does not makes definitive links from piece to piece for an overall coherent urban structure.

The ancient hellenistic city had large buildings and usually a temple mount or Akropolis as a strong vertical element, but the buildings themselves were not conceived vertically. The order in the city was achieved through coordinated horizontal organization or columnated spaces, of wide buildings

like baths and theaters--breadth not height was the modicum of good urban importance. For the post antique city verticality became the new legible order of the city. On the horizontal plane, most cities were often as confusing and snarled as Venice, but they always offered strong vertical elements as signals of hierarchy: the cathedral and its bell towers and steeples, the towers of fortified castles, the towers of important citizen's compounds, and the bellfry of the municipality, once that institution took hold. The shape of the city became pyramidal and soaring: be it a town that grew from an earlier Roman city like York, where the cathedral overwelled the rest of the skyline, or one based on a monastery like Le Mont Saint Michel, which used its rocky site to climb to the sky, or a new cathedral town like Chartres, which promoted itself as a pilgrimage site, or a castle town, or a crossroads trading center like Troyes that grew up around the international fairs of Champagne. This same quest for vertical expression was present in the new founded towns that appeared after the year 1000, like Delft, towns that had a high degree of integral planning. The spire or tower were the points of orientation of the soft armature of medieval cities.

When the Cathedrals were White

About the year 1000, the map of the Mediterranean showed the great expanse of Islamic states on the south, the large but fragile byzantine empire to the East, the Holy Roman Empire, unified under Charlemagne but in no way resembling the administrative control of the old Roman Empire, the Frankish kingdom to the west. Europe was divided into an infinity of substates, duchies, church controlled territories, and city-states such as Venice. In Germany for instance of 120 towns, 40 were controlled by bishops, 20 by monasteries, and 60 by castles. Until the revival of international trade, the towns of Europe were fairly static. In the Domesday book written in England after the Norman invasion of the 11th century, it is explained that there were 13,000 villages in England, with none having a population greater than 8,000, and most of them located at a distance of no more than two miles. Market towns were found at a distance 7 miles from each other.

Almost every city in the medieval west is dominated by the cathedral, at first the site of power of the bishop, but as power shifted to the middle classes a great collective artifact and built mother for the people. The cathedral was a book in stone of the lessons of Christian virtues: charity, humility, respect. As the fortunes of medieval cities increased in the 12th century, the cathedral was boosted into a new program for a fantastic gravity-defying enclosure that lept above the city on flying buttresses, pushing beyond the logic of structure to ever greater heights and ever more marvellous filtering of light. The pointed arch of Gothic cathedrals is both a symbol pointing to heaven and the key to a new flexibility that allows through rotated groin vaults to deposit the load of the roof on points. If the City of God was impossible to attain because of mundane requirements of daily life, a substitute could be sculpted of stone. The cathedral came to represent the city, and in some cases like Chartres, rising in the distance above the wheat fields as prominently as the acropolis of an ancient city, it was the city.

The confusion of authority between church, state, local and international, feudal allegiance and craft or trade based allegiances, was reflected architecturally in the Medieval city as we shall see. This conflict partly accounts for the atomized quality of most medieval cities. Atomization is that phenomenon of things being related contingently but not comprehensively, what we have also called piecemealism, like each of the Venetian islands, which share adjacencies but are generally lacking a comprehensive order between the parts.

Bruges

As the feudal order was breaking down in the 12th century, the more enterprising lords sought to attract commerce. Among the most successful were the Counts of Champagne who set up seasonal trade fairs for merchants from the northern industrial cities of Flanders and the Italian merchants. By guaranteeing safe passage and protecting the mechanisms of exchange and credit, instant urbanism occurred on the outskirts of these small bourgs. Troyes set about to build a new cathedral from the new wealth it received. The fairs were at first held outside the city walls on fair grounds where long rows of tents were assembled. They generally lasted for two months and allowed foreigners to bring their wares for international clients. The walls of Troyes built in 1250 enclosed long strips of commercial streets extending from the intersection of the city's canals that bear reminiscent of the activities of the fair: street of money changers, court of meetings, street of spice, etc.

It may seem surprising that the major good that inspired this new wave of mercantilism was cloth--fashion if you like. Silk wool, and flax, which need to be carted, processed, woven, and marketed. The Champagne Fairs declined with the arrival of Atlantic shipping and the promotion by the Counts of Flanders of allowed Bruges to become a central node in international exchange. Bruges grew from a fortified bourg at a river crossing to be a great emporium.

Bruges is in the lowlands between France and Holland in the heart of a major textile producing area; like Venice highly urbanized and with a minimum of landed gentry and peasants. It takes its name from its function as a bridge across the Reie River, where a small castle town was set to regulate commercial traffic. The city was favored by a literal historic wave in 1134 when a storm altered the configuration of the coast and brought Bruges within one mile of the sea, the port of Damme was set up and the river was used as a canal to bring goods to the city, with at first the major trading partner being England across the channel. The counts of Flanders who were the lords of the city allowed it to have an annual trade fair beginning in 957 and guaranteed privileges for those involved in commerce to build in the city in the form of freehold estates. The traders, shops, money changers and such were allowed to deal outside of the gates of the bourg or castle compound, in an area called a Faubourg, meaning outside the bourg. The new residents of the faubourg as they grew wealthier separated into economic classes, the Poorters, the commercial elite from the draper craft were analogous to the nobility of Venice. They formed a self-governing body that communicated with the Counts of Flanders and were allowed to own property. The craftsmen were not allowed to own land and thus did not have the same juridical rights. The Poorters met in a special hall with a tall tower, the Poorterslodge, located at the head of the river where goods would first be sited entering the city. Already by the 12th century the city had become self-governing with a council of elected officials and a large collection of magistrates which among other things collected customs taxes and supervised the public works on canals and markets that would make the city attractive and efficient for foreign merchants. Once the Genovese in the 1270s had perfected the Atlantic route from the Mediterranean, the fortunes of the city escalated as the central merchandising site for wool and linen in the world. The new port of Sluis was opened in 1290. Major alterations to urban form would follow, financed from the revenues put on exchange and consumption.

New walls were thrown up in 1297 trebling the size of the city which was quickly filled in with new

palaces and warehouses. The old moats were now used as canals facilitating the transport of goods. Legislation was reaffirmed that only tile roofs could be used as a fire safety measure and the city paid for every third tile. The streets were widened and the city government paid for demolitions: one of the first instances of eminent domain. The streets were cleaned every week at the expense of the city. The city also financed the construction of a great hall for storing and selling wool, the Waterhalle which spanned the river, so that the bundles could be unloaded in a covered space. In 1377 the Belfry, attached to the central markets and the tallest tower of its time, and not unlike the function of the campanile in Venice--it was a secular belltower, a great timepiece regulating the city that gave it a vertical core. The city also invested in public waterworks to bring clean water to the town and sponsored the hospital of St. Johns.

The foreign merchants were the wealthiest residents of Bruges, often having their own palaces or compounds. Sixteen nations were represented in Bruges, and half of these were from Italy. Among the wealthiest natives were the inn-keepers and one in particular, the vander Beurs family, gave their name to an institution, the bourse or stock exchange, that would stick as one the key ingredients of capitalism. The plaza in front of their inn, which was two steps away from the Poorterslodge, was next to the compound of the Genoese and the Florentines. It was a space analogous to the market of the Rialto in Venice, where prices were determined and information about investments was relayed. Bruges was a much smaller city than Venice, at its height in only had 40,000 residents (about a tenth the size of Venice). The lower classes succeeded in the 14th century in gaining representation, but switches in the world market and the decline of the Flemish textile industry were imminent, plus the silting up of the Reies River made access difficult to Bruges by the end of the 14th century.

Unlike Venice, those who had the greatest capital, the foreigners, had no commitment to the city, and when water access and markets became more favorable in Antwerp further east, they pulled out of Bruges without second thoughts, leaving a financial vacuum. From Bruges the center of European exchange moved to Antwerp, then to London and Amsterdam in the 16th and 17th centuries. Bruges establishes a pattern to be followed by Antwerp and Amsterdam of public investment in infrastructure, waterworks, street building, and monumental civic structures to encourage the processes of exchange from which the population would gain residuals. The art of space making in Bruges was not as refined as that of Venice, for instance the major square was lined with narrow, step-gabled buildings each not more the 15 to 25 feet wide and did not have the look of consciously shaped space. Although the patronage was usually guided by the Council, the elements were added piecemeal and the spaces were cut out of dense fabric as residual rather than figural.

Florence

One of the great trading partners in Bruges was Florence, and some of her incredibly wealthy bankers, in particular the Medici, had representatives stationed there. Florence, which is often offered as the epitome of the Renaissance city, is actually a fine example of the Medieval city. Until the rise of the Comune (the municipal government), it was contended over by the ecclesiastic authorities, by local feudal lords, by invading feudal powers, and by the Holy Roman Empire. Added to this chessboard of bishops, knights, and kings, was a new factor, not just the pawns that represent powerless peasants, but the craftsmen or producers, the more mobile commercial sector that will attract capital surplus to the city.

Florence had a succession of walls that can be read in the street patterns of a modern map; but within those walls, there were other sets of walls, where the islands of the Roman grid were taken over to create consorterie, family alliances protected by a fortified compound, each with one or more towers from which to keep a lookout for neighbor-enemies in times of feuding. [A glance at San Gimignano, a town controlled by Florence to the south where these consorterie with towers still exist in the form they would have had in 12th century Florence show these austere towers with arrow slit windows rising with the density of a modern highrise city]. The feudal towers were as symbolic as they were functional, indicating the status of the family. There were at least 90 of them in the center of Florence, but today only a few remain, and these were ordered to be lowered to the height of the palaces at the end of the 13th century, the moment when the magnates or urban nobles were excluded from the municipal government.

The mid-14th century Palazzo Davanzati is a fine example of the sort of palace that succeeded the tower houses, now with a symmetrical facade, nicely articulated with rusticated masonry, a bottom portal that would open for business on the ground floor, generous rounded arch windows above, and a top storey loggia or belvedere. The house was still defensible but had lost the fierce details.

The question of authority in the Medieval city often came up due to external threats, attacks by other cities or marauders. The elite could either turn to the Church to resolve its disputes, or to representatives of the Emperor, or else to an impromptu assembly. A common practice arose of appointing an outsider, a podesta, for short terms of one or two years, a noble person with no local conflicts of interests to serve as an objective arbiter and even a military leader when the town was under attack. The first Podesta was sent to Florence in 1193. So aside from the bishop's palace and the various fortified compounds, a common building that sprouted up in the 11th and 12th century was the Palace for the Podestà--the outside arbiter. Like the Bargello palace in Florence, built in the 1250s, these were usually fortified compounds, castles in the city, with narrow windows, and with crenellations for battle positions on its parapets, a sign both of the authority of the resident and the warlike nature of the city with its competing factions.

The placement of the largest structures in Florence, the town hall and the Cathedral demonstrates the historic antipathy between the power of the bishop and that of the republican comune. During the 13th century the population doubled to 100,000, making it one of the largest cities in Europe. Florence had well developed cloth industries and from the profits of this it developed a formidable banking industry to the extent that the standard currency used in the 14th century was known as the florin. Unlike Venice and Bruges, the nobility, which was derived from a squabbling feudal aristocracy, lost its authority in municipal politics during the mid 13th century to the emerging bourgeois class of cloth merchants and bankers, the officers of the well-organized upper guilds, or *arti maggiori*.

When the new town hall was commissioned in 1298, it was called the Palazzo del Popolo, the palace of the people, meaning those who have the right to participate in the government--today after the intervening years of monarchy it is called Palazzo Vecchio, the old palace. Notice that it is also conceived of as a fortified castle. The elected officials were to live in this compound during their two month terms, not unlike those living in the tholos in ancient Athens. The palace could be seized by dissident nobles or by factions that disagreed with policy.

Florence underwent a fairly coordinated rethinking at the end of the 13th century under the artistic guidance of the sculptor Arnolfo da Cambio, who was responsible for the new palace, the new series of walls, which gave Florence a girth she never was able to fill until the late 19th century, and a series of new towns in the provinces ruled by Florence. San Giovanni Vald'arno, structured on three parallel streets which are proportionately measured and divided by a central piazza for the palace of the Podesta and the major religious buildings, is an interesting depiction of the type of hierarchical and rational order that the dreamed of in the old city. It is one of hundreds of new towns that were created all over Europe, especially where there were contested borders or major trade routes, during the 13th and 14th centuries. If they were constructed for military purposes, they were known as bastides and almost always followed a rigid orthogonal composition, usually structured on a grid, leaving a void in the center for public open space and civic institutions. 35 bastides were built in Gascony where England and France disputed territory: Monpazier, founded in 1284, around the time of San Giovanni, shows how similar and international the idea of the new town was.

During the time of Arnolfo, Florence produced a collection of urban statutes for paving the streets, and later would add fire codes to these, insisting that facades be made in masonry to a nine foot level. The space for the piazza of the city hall was expanded in the beginning of the 14th century by expropriating the property of the Uberti family who were punished for their affiliations with the Ghibellines. The front of the palace had a special set of seats, known as the arangario (from whence we get the term harangue) meant for public speeches, and to the side of the palace a special loggia for public meetings, the loggia dei Lanzi was added mid-century. The loggia had a special function in Florence and almost all important families had one attached to their palaces. It is analogous to the stoa in Athens, a permeable and visible space to do business or carry out ceremonies that can be observed by all in the interests of accountability. The Loggia del Bigallo, built for a religious confraternity, near the cathedral is one of several examples of the type, and later the loggia for the palazzo Rucellai, the famous work of Alberti will continue this republican tradition.

The major building in the city, the great cathedral of Santa Maria dei Fiori was begun in 1296, and purposely meant to be larger than St. Peter's in Rome. The wool guild, the Arte della Calimala was in charge of its administration. The project for the dome was already planned mid-century and enlarged to its final form under Brunelleschi during the next century. As in Venice, the preaching orders of the Franciscans and Dominicans were allowed to establish their convents at the edges of the developed parts of the city, where they served as nodes for future development, soft armatures again. The magistrates known as the Ufficiali della torre, the officials of the tower, administered most of the public works in the 14th century, including the Ponte Vecchio, which had to be rebuilt after being washed out in a flood. The shops lining either side were a means of financing the project.

Probably the most interesting bit of urban planning carried out during the medieval republic was the widening of via dei Calzaioli, the axis connecting the Duomo to the town hall. This required eminent domain to condemn and tear down parts of buildings, and the magistrates enforced a building code on all the reconstructed facades to be masonry with rounded arches. A similar edict went into effect for the buildings surrounding the apse of the Duomo. This was done both in the interests of fire safety, but also out of a taste for order and regularity, a sense of urban decorum. It shows the attempt to coordinate public space, not just building bit by bit as in Bruges, but thinking of the effect of the whole, thinking of streets in terms of axes. And space is understood in three dimensions as having a

shape that should be regulated for the good of the community.

The maintenance of Florence, its paving, rebuilding of public features such as the Ponte Vecchio, the coordinated planning of urban space, was arrived at through the effort to resolve the marked conflicts present in the city. There is an attempt in giving regularity to the city fabric, in straightening and widening, making safe, but also in making decorous, to impose civility, to create the citizen. Architecture thus returns to a rhetorical role as in Greco-Roman times. The new city imagined through these urban regulations has harnessed the conflicts between the bourg, the nobility in its castles, the church and its bishops, dreaming of its city of God, and the faubourg market tugging at the old walls. The comune, the medieval republic formed by the merchant class, was founded upon conflict and produced a new rhetoric of urban consciousness, punctuated by strong acts of architecture-- the city hall and the new cathedral--in the effort to make all of the individual and competing parts of the Medieval city desire to belong to the whole.

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Richard Ingersoll

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Medieval Sourcebook:

Matthew Paris:

Grant of a New Fair at Westminster, 1248

The merchant who attended a fair not only had to run the risk of inclement weather but the possibility of the suspension of the fair by the king.

The king then declared it as his pleasure, and ordered it to be proclaimed by herald throughout the whole city of London, and elsewhere, that he instituted a new fair to be held at Westminster, to continue for a fortnight entire. He also strictly interdicted, under penalty of heavy forfeiture and loss, all fairs which usually lasted for such a length of time in England; for instance, that of Ely and other places, and all traffic usually carried on at London, both in and out of doors, in order that by these means the Westminster fair might be more attended by people, and better supplied with merchandise.... But all the merchants, in exposing their goods for sale there, were exposed to great inconveniences, as they had no shelter except canvas tents; for owing to the changeable gusts of wind assailing them, as is usual at that time of the year, they were cold and wet, and also suffered from hunger and thirst; their feet were soiled by the mud, and their goods rotted by the showers of rain....

Source:

From: Matthew of Paris, *English History*, trans. J. A. Giles, (London, 1852), Vol. II, p. 272, reprinted in Roy C. Cave & Herbert H. Coulson, *A Source Book for Medieval Economic History*, (Milwaukee: The Bruce Publishing Co., 1936; reprint ed., New York: Biblo & Tannen, 1965), pp. 124-125.

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The Hundred Years' War (1336-1565)

Dictionary and Thesaurus



Western Europe in 1328

CAUSES

The Battle for Flanders

Flanders had grown to be the industrial center of northern Europe and had become extremely wealthy through its cloth manufacture. It could not produce enough wool to satisfy its market and imported fine fleece from England. England depended upon this trade for its foreign exchange. During the 1200's, the upper-class English had adopted Norman fashions and switched from beer to wine.

*(Note that beer and wine were very important elements in the medieval diet. Both contain vitamin and yeast complexes that the medieval diet, especially during the winter, did not provide. Besides, the preservation of food was a difficult matter in that era, and the alcohol in beer and wine represented a large number of calories stored in an inexpensive and effective fashion. People **did** get drunk during the middle ages, but most could not afford to do so. Beer and wine were valued as food sources and were priced accordingly)*

The problem was that England could not grow grapes to produce the wine that many of the English now favored and had to import it. A triangular trade arose in which English fleece was exchanged for Flemish cloth, which was then taken to southern France and exchanged for wine, which was then shipped into England and Ireland, primarily through the ports of Dublin, Bristol, and London.

But the counts of Flanders had been vassals of the king of France, and the French tried to regain control of the region in order to control its wealth. The English could not permit this, since it would mean that the French monarch would control their main source of foreign exchange. A civil war soon broke out in Flanders, with the English supporting the manufacturing middle class and the French supporting the land-owning nobility.

The Struggle for Control of France

The English king controlled much of France, particularly in the fertile South. These lands had come under control of the English when Eleanor of Aquitaine, heiress to the region, had married Henry II of England in the mid-12th century. There was constant bickering along the French-English frontier, and the French kings always had to fear an English invasion from the South. Between Flanders in the North and the English in the South, they were caught in a "nutcracker".

The "Auld Alliance"

The French responded by creating their own "nutcracker." They allied with the Scots in an arrangement that persisted well into the 18th century. Thus the English faced the French from the south and the Scots from the north.

The Battle for the Channel and North Sea

The French nutcracker would only work if the French could invade England across the English Channel. *(The French call it "La Manche," "The Sleeve," for what reason I do not know.)* Besides, England could support their Flemish allies only if they could send aid across the North Sea, and, moreover, English trade

was dependent upon the free flow of naval traffic through the Channel. Consequently, the French continually tried to gain the upper hand at sea, and the English constantly resisted them. Both sides commissioned what would have been pirates if they had not been operating with royal permission to prey upon each other's shipping, and there were frequent naval clashes in those constricted waters.

The Dynastic Conflict

The last son of King Philip IV (*The Fair*) died in 1328, and the direct male line of the Capetians finally ended after almost 350 years. Philip had had a daughter, however. This daughter, Isabelle, had married King Edward II of England, and King Edward III was their son. He was therefore Philip's grandson and successor in a direct line through Philip's daughter. The French could not tolerate the idea that Edward might become King of France, and French lawyers brought up some old Frankish laws, the so-called ***Salic Law***, which stated that property (including the throne) could not descend through a female. The French then gave the crown to Philip of Valois, a nephew of Philip IV. Nevertheless, Edward III had a valid claim to the throne of France if he wished to pursue it.

An Agressive Spirit in England

Although France was the most populous country in Western Europe (20 million inhabitants to England's 4-5 million) and also the wealthiest, England had a strong central government, many veterans of hard fighting on England's Welsh and Scottish borders (as well as in Ireland), a thriving economy, and a popular king. Edward was disposed to fight France, and his subjects were more than ready to support their young (only 18 years old at the time) king.

THE COURSE OF THE WAR

War broke out in earnest in 1340. The French had assembled a great fleet to support an army with which they intended to crush all resistance in Flanders. When the ships had anchored in a dense pack at ***Sluys*** in modern Netherlands, the English attacked and destroyed it with fire ships and victory in a battle fought across the anchored ships, almost like a land battle on a wooden battlefield. The English now had control of the Channel and North Sea. They were safe from French invasion, could attack France at will, and could expect that the war would be fought on French soil and thus at French expense.

Edward invaded northern France in 1345. The Black Death had arrived, and his army was weakened by sickness. As the English force tried to make its way safely to fortified Channel port, the French attempted to force them into a battle. The English were finally pinned against the coast by a much superior French army at a place called ***Crecy*** (pronounced "cressie"). Edward's army was a combined force: archers, pikemen, light infantry, and cavalry; the French, by contrast, clung to their old-fashioned feudal cavalry. The English had archers using the longbow, a weapon with great penetrating power that could sometimes kill armoured knights, and often the horses on which they rode. The battle was a disaster for the French. The English took up position on the crest of a hill, and the French cavalry tried to ride up the slope to get at their opponents. The long climb up soggy ground tired and slowed the French horses, giving the English archers and foot soldiers ample opportunity to wreak havoc in the French ranks. Those few French who reached the crest of the hill found themselves faced with rude, but effective, barriers, and, as they tried to withdraw, they were attacked by the small but fresh English force of mounted knights.

Nevertheless, facing much the same battlefield situation some ten years later, the French employed the same tactics they had used at Crecy, with the same dismal result, at the battle of Poitiers (1356). The

French king and many nobles were captured, and many, many others were killed. Old fashioned feudal warfare, in which knights fought for glory, was ended. The first phase of the war ended with a treaty in 1360, but France continued to suffer. The English had employed mercenaries who, once they were no longer paid, lived off the country by theft and plunder. Most French peasants would have found it difficult to distinguish between war and this sort of peace.

END OF THE CONFLICT

As the war dragged on, the English were slowly forced back. They had less French land to support their war effort as they did so, and the war became more expensive for them. This caused conflicts at home, such as the *Peasants' Revolt of 1381* and the beginning of civil wars.



BERBER TRIBES

LYBIAN TRIBES

MAMELUKE EMPIRE

BEDOUIN TRIBES

Western Europe in 1382

Nevertheless, in the reign of Henry V, the English took the offensive once again. At Agincourt, not far from Crecy, the French relapsed into their old tactics of feudal warfare once again, and were again disastrously defeated (1415). The English recovered much of the ground they had lost, and a new peace was based upon Henry's marriage to the French princess Katherine. These events furnish the plot for Shakespeare's play, *Henry V*. With Henry's death in 1422, the war resumed.



Western Europe in 1430

In the following years, the French developed a sense of national identity, as illustrated by *Joan of Arc*, a peasant girl who led the French armies to victory over the English until she was captured and burned by the English as a witch. The French now had a greater unity, and the French king was able to field massive armies on much the same model as the British. In addition, however, the French government began to appreciate the "modern" style of warfare, and new military commanders, such as *Bertran du Guesclin*, began to use guerilla and "small war" tactics of fighting.

The war dragged on for many years. In fact, it was not until 1565 that the English were forced out of Calais, their last foothold in continental France, and they still hold the Channel Islands, the last remnant of England's medieval empire in France.





Western Europe in 1470

THE RESULTS

This war marked the end of English attempts to control continental territory and the beginning of its emphasis upon maritime supremacy. By Henry V's marriage into the House of Valois, an hereditary strain of mental disorder was introduced into the English royal family. There were great advances in military technology and science during the period, and the military value of the feudal knight was thoroughly discredited. The order of knighthood went down fighting, however, in a wave of civil wars that racked the countries of Western Europe. The European countries began to establish professional standing armies and to develop the modern state necessary to maintain such forces.

From the point of view of the 14th century, however, the most significant result is that the nobility and secular leaders were busy fighting each other at a time when the people of Western Europe desperately needed leadership.

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Conflagration: The Peasants' Revolt

Part One: The Fire is Laid

by [Melissa Snell](#)

In the spring of 1381, a rebellion occurred in England that threatened the very foundation of feudal government. No longer willing to accept the bonds of villeinage, thousands of peasants rose up and demanded legal recourse for the injustices of inherited servitude. The resulting explosion of violence and betrayal has gone down in history as the Peasants' Revolt.

Villeins, while theoretically "free" and owned by no man, were nevertheless bound by law to work the land on which they lived and provide services and goods to the owner of that land. They were prohibited from translating these services into cash and from paying rent instead of working. If they were ill-treated in any way by their landlord they could not speak against him in court; if they left the land without his permission they could be hunted down and imprisoned. There was no way out of this cycle of bondage except to change the law, but no one represented the peasantry in Parliament.

Why, after centuries of compliance with this system, did people accustomed to service suddenly rebel? The answer is that there was nothing "sudden" about it. Over the course of generations, conditions steadily worsened for the peasantry while the nobility not only thrived but displayed their riches with ostentation. The recurring conflicts of what would come to be called the [Hundred](#)

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[Years' War](#) drained England of manpower and funds alike, and be it in blood or money, it was the lower classes who paid the most dearly.

In the [aftermath](#) of the Black Death, unstable economic conditions led the English government to restrict wages in an attempt to control the rising costs demanded by skilled laborers. The result was the widely ineffective yet dangerously unpopular [Statute of Laborers](#). At the same time, a shortage of food made it absolutely mandatory that as many farms as possible be worked, and the rights (such as they were) of the villeins who worked them were often overlooked in favor of turning a profit. Whether he stayed with his farm or found a way to move to the city, the average peasant would find it impossible to dig himself out of the hole into which the world seemed intent on shoving him.

To make matters worse, upon the death of [King Edward III](#) the crown passed to his young grandson [Richard](#), and the reins of the country were put into the hands of a council led primarily by Richard's uncle, [John of Gaunt](#). It soon became apparent that Gaunt cared less for the welfare of England than he did for conquering parts of the continent. Not only were issues of domestic importance ignored or mishandled, but the money to finance his expeditions was raised by round after round of injurious taxation.

Conditions were bad, but they'd been bad before. Now, however, an *awareness* of injustice had been awakened in the general populace. In the 1370's [John Wycliffe](#) had begun writing his revolutionary theories in which he tore at the roots of the papacy's power. Because of the spread of these theories, the Church, already [unpopular](#) thanks to a general failure of the clergy to live up to its standards during the plague, fell even further in the eyes of many people. For centuries the Church had been reminding peasants to keep their place. Now, slowly, serfs and laborers alike began to question just where their place was.

[Legendary King](#)

[The Truth of Arthur - Page Two - Fictional History](#)

[The Diabolical Black Death Quiz - Question Ten](#)

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Wycliffe's theories were spread throughout England by his followers, who would later become known as the [Lollards](#). Among these was John Ball, a particularly radical and outspoken priest whose speeches on equality and freedom landed him in prison on more than one occasion. Four hundred years later, these principles would form the founding philosophy of two successful revolutions and a brand-new nation; but in the fourteenth century they were considered by those of property, means and education to be "crazy," as Froissart recorded in his [chronicles](#).

Crazy such ideas may have been to the rich, but to the "downtrodden masses," much of what John Ball was saying began to make sense:

"Are we not all descended from the same parents, Adam and Eve? and what can they show, or what reasons give, why they should be more the masters than ourselves? except, perhaps, in making us labour and work, for them to spend."

The Chronicles of Froissart

If such grumblings and murmurs of discontent were heard by the upper classes, they were largely ignored. The prevailing attitude was: "They're only peasants. What can they do?"

Just what the peasants could do was about to be seen when Parliament decreed one poll tax too many.

Please join me next week for [Part Two of Conflagration: The Peasants' Revolt](#).

Sources and Suggested Reading

The links below will take you to mySimon, where you can compare prices at booksellers across the web. More in-depth info about each book may be found by clicking the "buy" button to go on to one of the online merchants.

[A Distant Mirror](#) by Barbara Tuchman.

[Peasants and Landlords in Later Medieval England](#) by E. B. Fryde.

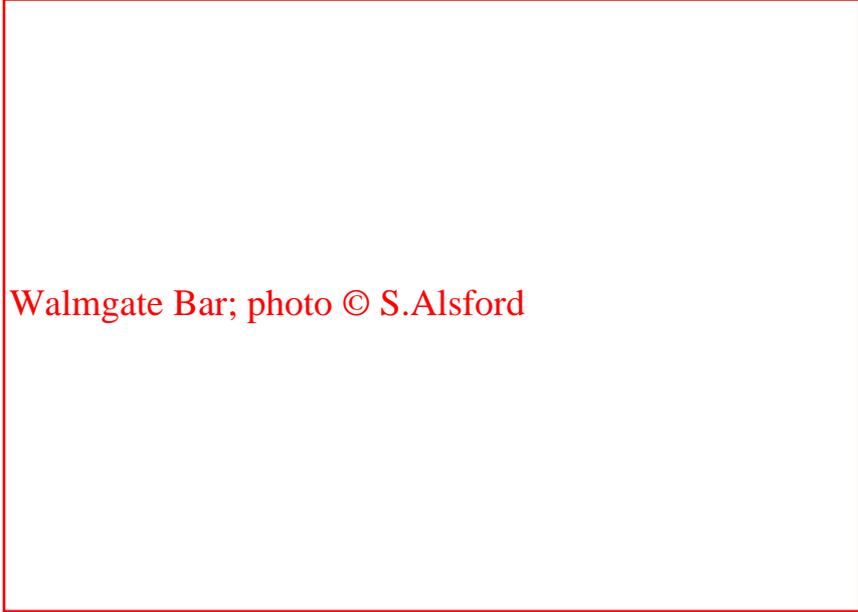
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York - Walmgate Bar



Walmgate Bar; photo © S.Alsford

Walmgate Bar is the most easterly of the gates of York's medieval wall. It is the only gate still to retain its barbican (the outer extension prominently seen in this shot), a fourteenth century addition which originally ran over a water-filled defensive ditch. Heads of those executed for treason were stuck on pikes which were mounted atop this gate, as a public warning.

By at least the latter part of the fourteenth century, the gatehouse was being rented out by the city to private citizens. It was perhaps this residence that was in 1478 assigned, rent-free, to a mason as part of the terms of his employment as a civil servant with the duty to "*view and oversee yearly the walls of this city and all defaults therein to show and declare to the mayor and chamberlains of the time being, and he at all times to have and receive for him and his servants labouring on the said defaults such wages as belong to a mason to take daily.*" [*The York House Books 1461-1490*, ed. L. Attreed, 1991, vol.1 p.139; language modernised somewhat by me.] That the previous tenant was also a mason may reflect a similar, less formal arrangement.

Providing for a city's defence was not just a matter of building strong surrounding walls. It was necessary to furnish the gates with barriers such as portcullises (as Walmgate Bar had, and still has today). When [Richard Spynk](#) funded the improvement of Norwich's defences in the fourteenth century, this included provision for portcullises, wooden doors reinforced with lead, bars and chains for the entranceways (presumably when the doors were open), 28 springalds with ammunition for each, and a [special defence](#) for the river access into the city at the south end. By the end of the century, small cannon were being used to defend city walls. In the context of the civil war, ca. 1463, York took measures to repair the walls and the guns of the city and to buy supplies of gunpowder. By 1487, however, the citizens were petitioning

the king to send them some of the royal armaments to augment city defences; Henry VII arranged for 12 serpentines, with gunpowder, to be transferred from Scarborough.

At the same time, the heads of each city ward were ordered to have the citizens of their wards assemble, armed and armoured, at a specified location for a "view of arms" by the mayor. This was a further essential element of city defence: the allocation of responsibility for defence of particular gates and stretches of wall to one or more wards and wardens – or, in 1380, to parishes and constables – and the provision of guards at each gate overnight in times of threat. Under the Assize of Arms (1181), reinforced by the Statute of Winchester (1285) each adult freeman had to provide himself with certain arms and armour, according to his financial means, and each hundred was to hold a review of the armed militia twice a year. Some townsmen (the information here coming from mid-14th century Norwich records) were wealthy enough that it was expected they be able to equip themselves with a full set of body armour suitable for a foot-soldier: breastplate with a padded undergarment such as a doublet, a bascinet helmet with neck protection (aventail), and brassarts and gauntlets to protect arms and hands. Others were only partly armoured (arm protection being the most dispensable item), while others had no armour, only weapons: usually a sword, dagger and staff or cudgel, although some specialized as archers.



[main menu](#)

Medieval Sourcebook: Reginald of Durham: Life of St. Goderic [12th Cent]

The growth of trade in the middle ages is of overwhelming significance. By the 13th century towns and trade, even though comprising a minority of the population, dominated the Western economy. This has widespread ramification - the monetization of life, the possibility of communally rather than aristocratically sponsored art, the possibility of urban subcultures and so on. On a wider level, it was this expansion of trade which in a later age pushed European states to establish the world system of the modern period.

Since literature was long the domain of aristocrats and clerics, we sometimes miss direct early accounts of merchant's lives. One merchant, Goderic, became a saint and hence we do have an account of his life.

This holy man's father was named Ailward, and his mother Edwenna; both of slender rank and wealth, but abundant in righteousness and virtue. They were born in Norfolk, and had long lived in the township called Walpole.... When the boy had passed his childish years quietly at home; then, as he began to grow to manhood, he began to follow more prudent ways of life, and to learn carefully and persistently the teachings of worldly forethought. Wherefore he chose not to follow the life of a husbandman, but rather to study, learn and exercise the rudiment of more subtle conceptions. For this reason, 'aspiring to the merchant's trade, he began to follow the chapman's way of life, first learning how to gain in small bargains and things of insignificant price; and thence, while yet a youth, his mind advanced little by little to buy and sell and gain from things of greater expense. For, in his beginnings, he was wont to wander with small wares around the villages and farmsteads of his own neighborhood; but, in process of time, he gradually associated himself by compact with city merchants. Hence, within a brief space of time, the youth who had trudged for many weary hours from village to village, from farm to farm, did so profit by his increase of age and wisdom as to travel with associates of his own age through towns and boroughs, fortresses and cities, to fairs and to all the various booths of the market-place, in pursuit of his public chaffer. He went along the high-way, neither puffed up by the good testimony of his conscience nor downcast in the nobler part of his soul by the reproach of poverty....

Yet in all things he walked with simplicity; and, in so far as he yet knew how, it was ever his pleasure to follow in the footsteps of the truth. For, having learned the Lord's Prayer and the Creed from his very cradle, he oftentimes turned them over in his mind, even as he went alone on his longer journeys; and, in so far as the truth was revealed to his mind, he clung thereunto most devoutly in all his thoughts concerning God. At first, he lived as a chapman for four years in Lincolnshire, going on

foot and carrying the smallest wares; then he travelled abroad, first to St. Andrews in Scotland and then for the first time to Rome. On his return, having formed a familiar friendship with certain other young men who were eager for merchandise, he began to launch upon holder courses, and to coast frequently by sea to the foreign lands that lay around him. Thus, sailing often to and fro between Scotland and Britain, he traded in many divers wares and, amid these occupations, learned much worldly wisdom.... He fell into many perils of the sea, yet by God's mercy he was never wrecked; for He who had upheld St Peter as he walked upon the waves, by that same strong right arm kept this His chosen vessel from all misfortune amid these perils. Thus, having learned by frequent experience his wretchedness amid such dangers, he began to worship certain of the Saints with more ardent zeal, venerating and calling upon their shrines, and giving himself up by wholehearted service to those holy names. In such invocations his prayers were oftentimes answered by prompt consolation; some of which prayers he learned from his fellows with whom he shared these frequent perils; others he collected from faithful hearsay; others again from the custom of the place, for he saw and visited such holy places with frequent assiduity. Thus aspiring ever higher and higher, and yearning upward with his whole heart, at length his great labours and cares bore much fruit of worldly gain. For he laboured not only as a merchant but also as a shipman ... to Denmark and Flanders and Scotland; in all which lands he found certain rare, and therefore more precious, wares, which he carried to other parts wherein he knew them to be least familiar, and coveted by the inhabitants beyond the price of gold itself; wherefore he exchanged these wares for others coveted by men of other lands; and thus he chattered most freely and assiduously. Hence he made great profit in all his bargains, and gathered much wealth in the sweat of his brow; for he sold dear in one place the wares which he had bought elsewhere at a small price.

Then he purchased the half of a merchant-ship with certain of his partners in the trade; and again by his prudence he bought the fourth part of another ship. At length, by his skill in navigation, wherein he excelled all his fellows, he earned promotion to the post of steersman....

For he was vigorous and strenuous in mind, whole of limb and strong in body. He was of middle stature, broad-shouldered and deep-chested, with a long face, grey eyes most clear and piercing, bushy brows, a broad forehead, long and open nostrils, a nose of comely curve, and a pointed chin. His beard was thick, and longer than the ordinary, his mouth well-shaped, with lips of moderate thickness; in youth his hair was black, in age as white as snow; his neck was short and thick, knotted with veins and sinews; his legs were somewhat slender, his instep high, his knees hardened and horny with frequent kneeling; his whole skin rough beyond the ordinary, until all this roughness was softened by old age.... In labour he was strenuous, assiduous above all men; and, when by chance his bodily strength proved insufficient, he compassed his ends with great ease by the skill which his daily labours had given, and by a prudence born of long experience.... He knew, from the aspect of sea and stars, how to foretell fair or foul weather. In his various voyages he visited many saints' shrines, to whose protection he was wont most devoutly to commend himself, more especially the church of St Andrew in Scotland, where he most frequently made and paid his vows. On the way thither, he oftentimes touched at the island of Lindisfarne, wherein St Cuthbert had been bishop, and at the isle of Farne, where that Saint had lived as an anchorite, and where St Godric (as he himself would tell afterwards) would meditate on the Saint's life with abundant tears. Thence he began to yearn for solitude, and to hold his merchandise in less esteem than heretofore....

And now he had lived sixteen years as a merchant, and began to think of spending on charity, to

God's honour and service, the goods which he had so laboriously acquired. He therefore took the cross as a pilgrim to Jerusalem, and, having visited the Holy Sepulchre, came back to England by way of St James [of Compostella]. Not long afterwards he became steward to a certain rich man of his own country, with the care of his whole house and household. But certain of the younger household were men of iniquity, who stole their neighbours' cattle and thus held luxurious feasts, whereat Godric, in his ignorance, was sometimes present. Afterwards, discovering the truth, he rebuked and admonished them to cease; but they made no account of his warnings; wherefore he concealed not their iniquity, but disclosed it to the lord of the household, who, however, slighted his advice. Wherefore he begged to be dismissed and went on a pilgrimage, first to St Gilles and thence to Rome the abode of the Apostles, that thus he might knowingly pay the penalty for those misdeeds wherein he had ignorantly partaken. I have often seen him, even in his old age, weeping for this unknowing transgression....

On his return from Rome, he abode awhile in his father's house; until, inflamed again with holy zeal, he purposed to revisit the abode of the Apostles and made his desire known unto his parents. Not only did they approve his purpose, but his mother besought his leave to bear him company on this pilgrimage; which he gladly granted, and willingly paid her every filial service that was her due. They came therefore to London; and they had scarcely departed from thence when his mother took off her shoes, going thus barefooted to Rome and back to London Godric, humbly serving his parent, was wont to bear her on his shoulders....

Godric, when he had restored his mother safe to his father's arms, abode but a brief while at home; for he was now already firmly purposed to give himself entirely to God's service. Wherefore, that he might follow Christ the more freely, he sold all his possessions and distributed them among the poor. Then, telling his parents of this purpose and receiving their blessing, he went forth to no certain abode, but whithersoever the Lord should deign to lead him; for above all things he coveted the life of a hermit.

From Reginald of Durham, "Life of St. Godric, " in G. G. Coulton, ed. *Social Life in Britain from the Conquest to the Reformation*, (Cambridge: Cambridge University Press, 1918), pp. 415-420

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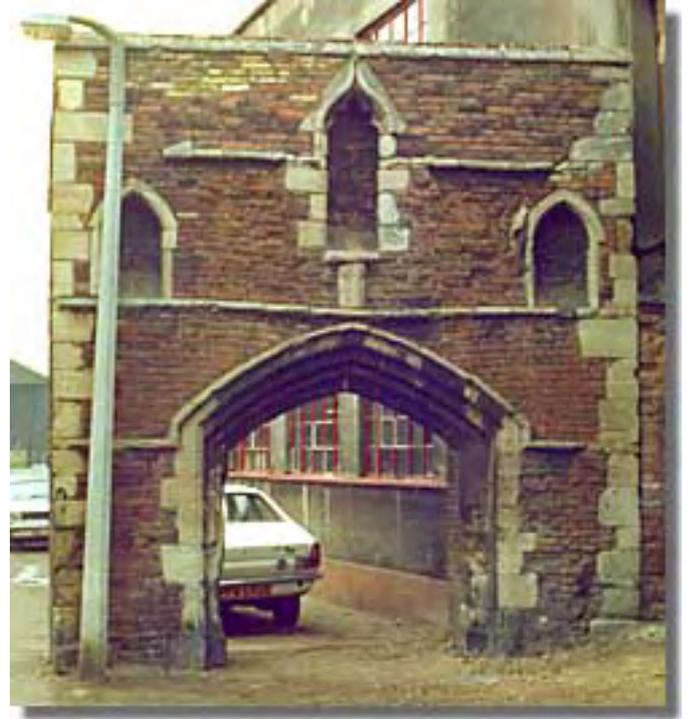
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halsall@murray.fordham.edu

CUSTOMAL: CAPITULUM 19

If a woman acquired property in the city before consummating a marriage, she may freely bequeath it to whomever she wishes (i.e. not necessarily her husband), unless she bore her husband a child after the marriage. If so, her bequest may take the form of the tenement going to the legatee only after the death of her husband, so that the husband retains the tenement during his life (without doing it any waste). She may also distinguish in her testament whether a bequest is to her husband and his heirs in perpetuity or just for the term of his life.

[Note that the woman had to acquire the property before consummation of the marriage, not before contracting the marriage – the latter could sometimes occur at a young age, long before the real marriage ceremony took place. The provision for a husband's life-interest in a property after his wife's death, referred to as "courtesy of England" was more for the benefit of the children than of the husband and had its equivalent, for a widow, as "free bench".]

Lynn - Whitefriars Gate



The various orders of friars were essentially a mission targeted at towns. The Church wished to use the friars to set an example of Christian values associated with modest lifestyle (to the point of austerity) and charitable behaviour. The friars played an important role in town life: preaching in public settings, providing spiritual services, their cemeteries offered sites for burial of townspeople, and they assisted in the improvement of living conditions through (for example) the creation of conduits for bringing in fresh water. They were popular with townspeople, as evidenced by the many bequests and gifts of land to them.

At Lynn, as in many other towns, it was in the thirteenth century that the friars established a presence. However, already the areas of [Bishop's Lynn](#) and [Newland](#) closest to the waterfront were already densely built up. Most of the friaries therefore built up what became quite extensive sites on the outskirts of the heavily settled areas in the eastern half of the area enclosed by the ditch/wall. The [White Friars](#), however, acquired a site in sparsely settled South Lynn, along the western side of the road leading to the South Gate.

Little remains today of these friaries since, after the Dissolution, they were abandoned and their building materials were scavenged for use elsewhere. A [tower](#) of the Franciscan friary still stands, and one of the gateways, [once-ruinous](#) into the Whitefriars precinct also survives. The gateway was called Barfotesgate and led from the northern side of the friary into a road heading for the bridge across the Millfleet.



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York - St. Mary's Abbey



St. Mary's Abbey, a Benedictine community, was built as the result of patronage by the king in 1088, on the site of an older religious foundation. It lay just outside the city wall, which provided its eastern boundary, in its own walled precinct. This proximity to the city and the fact that the abbey liberty was outside city administration almost inevitably meant that there would be conflicts between abbey and city officials over territorial (e.g. rights on common land outside the walls, right-of-way through the liberty along the wall) or jurisdictional (e.g. freedom from tolls and murage, rights to hold inquests within the liberty), and personal disputes between abbey tenants and citizens. In the mid-1440s the city was suing the abbey in regard to fishgarths placed in the section of the Ouse adjacent to abbey-owned land; these obstructed river navigation and therefore affected water-based commerce. The city paid out over £250 in legal costs in this dispute, necessitating special taxes upon the citizens to cover the expense.

Cathedrals, monasteries and abbeys – initially Benedictine, but joined in the twelfth century by Augustinian houses – were a part of the ecclesiastical element in many of the larger towns. Although, unlike parish churches and the orders of friars, they were not as popular with townsmen, in part because they were rivals for commerce and authority, and in part because monks were considered too worldly – in contrast to the more austere friars who won the townspeople's respect. On the other side of the fence, monastic communities found that the worldly temptations presented by urban society made it difficult for them to exist in that environment.

The ruinous remains of St. Mary's Abbey date mostly from the thirteenth century. Today they provide a backdrop for the medieval mystery plays associated with York (which originally

were staged at various points in the city streets).



[main menu](#)

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To undertake the assize of bread, four honest and law-abiding men (two of them bakers, and two knowledgable in what is required by the city and country) are to be elected each year. In front of the community, they are to take oath to keep the assize. They are to buy corn, have it ground, sifted and baked into bread, which they shall sell to the populace; this is to test the accuracy and honesty of the processes. The bailiffs shall supply the money for buying the corn and having it processed. No baker may sell bread until the bread [of the assize] has been sold. This testing is to be carried out twice a year, after Michaelmas and after Easter. No measure used by bakers or by others may differ in size from the king's standard kept by the bailiffs. If any divergent measure is found it is to be permanently confiscated by the bailiffs, and those who use such measures are to be punished as the offence warrants. The bailiffs are to undertake an assize of wine and ale according to the law and their ballival oaths; they are to ensure that there are no false measures used in the city, and that all measures used by taverners or brewsters have been compared to the king's standard and [if accurate] stamped with the city seal of approval in the presence of a bailiff. No measure may be stamped except under supervision of at least one of the four principal bailiffs; the stamp may not be delivered to a sergeant except in the presence of their superiors.

[Parts of this chapter are not very clear in their meaning, and I have taken some liberties in rendering in English what I believe that meaning to be. "Principal bailiffs" referred to the city's chief executive officers, distinguishing them from the sub-bailiffs, or sergeants, who did the bidding of the executive. The reference to the two members of the assize of bread "qui melius sciverint facere quod incumbit pro communi utilitate civitatis et patrie" may be one of the typically vague (for the early fourteenth century) references to members of city council, or at least the ruling class generally.]

Saint Crispin's Day

Regarding

William Clopton, Knt., & His Uncle,
Thomas Erpingham, K.G.

By John Henry Knowlton, J_H_Knowlton@email.msn.com, &
Suellen Clopton Blanton, bblanton@fast.net ^[1]

*We few, we happy few, we band of brothers.
For he today that sheds his blood with me
shall be my brother; be he ne'er so vile,
this day shall gentle his condition.
And gentlemen in England now abed
shall think themselves accursed they were not here,
and hold their manhoods cheap whiles any speaks
that fought with us upon Saint Crispin's day.*

Henry V - William Shakespeare ^[2]

Delectable Valleys

*It is truly a beautiful thing to behold
one or two thousand tame swans
upon the River Thames.*

The last half of the fourteenth century saw the Cloptons migrate from their ancestral English environs of Wickhambrook, ^[3] and began to imprint the indelible mark of the family upon the history of East Anglia. It was a thrilling time as countries locked in battle for control of England; kings were murdered and deposed, armies marched and old noble names were ruined while rising dynasties seized power and lands.

The Black Death ^[4] of the fourteenth century left in its wake a large proportion of England's inhabitants dead, entire villages abandoned. With less competition, many survivors were able to grow rich beyond their wildest dreams. Peasants were now able to negotiate cash wages in return for their labor. This cornucopia did not go unnoticed. The Italian scholar Polydore Vergil, ^[5] was impressed by what he saw.

[In England is found] delectable valleys, pleasant, undulating hills, agreeable woods, extensive meadows, lands in cultivation, and the great plenty of water springing everywhere. It is truly a beautiful thing to behold one or two thousand tame swans upon the River Thames. The riches of England are greater than those of any other country in Europe. There is no small innkeeper, however poor and humble he may be, who does not serve his table with silver dishes and drinking cups.

There were many who wished to have the glittering gem as their own, none so impassioned than the French. At the same time, Henry V ^[6] longed to renew Edward III's claims to the throne of France. ^[7] Not only would victories abroad restore England's somewhat tarnished prestige but they would also give the people confidence in the Lancastrian dynasty.



King Henry V

And that is how Sir William Clopton, ^[8] would find himself along side his uncle, Sir Thomas Erpingham ^[9] on a cold and wet morning in 1415 facing the flower of French chivalry.

Following an unexpectedly long march in an attempt to find a practicable ford over the Sommes, during the mid-point of the Hundred Years' War, ^[10] an exhausted army of 6,000 Englishmen, led by Henry V, was caught at Agincourt. ^[11] The French force, numbering between 20,000 and 30,000 men, under the constable Charles I d'Albret, blocked the road to Calais.

On October 25, Saint Crispin's Day, 5,000 archers stood waiting at Agincourt. King Henry V called to him the husband of Joan Clopton, the distinguished marshal of his army, Sir Thomas Erpingham. Sir Thomas brought them into position. The elderly knight tossed his baton into the air and cried 'Nestrocque,' ^[12] his command answered with roars which echoed across the gentle countryside soon to be drenched in blood. And thus began one of the most famous battles in history, the Battle of Agincourt. ^[13]

It would be the skills of the English archers, ^[14] under the command of Sir Thomas, that would prove the decisive factor.

An Unforgiving Weapon

*The French were so packed together
that many could not raise their arms to use their weapons.
The bodies began to pile up
until they had to climb up to get at the English.
It was a bloodbath.*

Understanding the military advantages of the longbow, King Henry II^[15] mandated that men with a net worth of two to five pounds or more should own and practice with a longbow^[16] to defend the nation. Churches were required to set aside a butt, or target, in a marked area for archers to hone their skills. For archery was an art that took practice. A great deal of practice.

The English longbow was an unforgiving weapon. Anyone could pick one up and fire an arrow, but the key was being able to hit the target consistently and to be able to fire rapidly. A good archer could fire from six to twelve arrows^[17] a minute. This was critical when one considers facing a charging knight on horseback. The more arrows fired the better the chance of hitting the knight or his horse and surviving the encounter.

The armor^[18] that the knights wore on their torsos and heads was thick enough that arrows would have a difficult time piercing it. But the armor on their arms and leg was thinner. The horses had less armor and could be brought down, thus dismounting the knight. At Agincourt, the English archers had another advantage.



Sir Thomas Erpingham was one of the highest ranking officers at the Battle of Agincourt. This painting is based on his statue atop The Erpingham Gate, Norwich Cathedral Norwich, County Norfolk. It must be understood that unlike his nephew, William Clopton, Sir Thomas did not actually engage in battle. He observed and commanded the archers in a relatively safe location throughout the engagement. Photograph from *The Armies of Agincourt* by Christopher Rote. Photograph reproduced with the kind permission of the publisher, Osprey Publishing, Limited.

At first the French would not attack the English. After sitting for four hours in battle array, King Henry gave the order to advance to within three hundred yards of the French, maximum range for the longbows.^[19] Henry V

ordered Sir Thomas to inspect his men to insure that they were in order and that they had their bows strung and arrows ready. ^[20]

Sharpened stakes were driven in front of the archers to protect them from the French knights charging on horseback. Sir Thomas then gave the order to fire the first volley of arrows. This was all it took to spur the French to action.

The French leaders tried to restrain their knights but to no avail. The mounted French knights, who had been placed on the flanks of the French army, impulsively charged. Their horses churned the ground into a mire. It had been raining for two weeks prior to the battle and the ground was saturated. King Henry had positioned his troops in such a way that the initial advance of the French was across marshy ground, and he kept his own armored cavalry in reserve until the charge of the French cavalry had been thrown into confusion by his archers. The field at its best places was ankle deep in mud. In the worst places there were reports of the mud being up to the bellies of the horses, waist deep on a man. ^[21] The French knights would fall from their disabled mounts and become mired in the mud.

The English archer's arrows brought down the first ranks. ^[22] The noise of horses and riders screaming in pain covered the battlefield.

The following ranks could not see what was happening and rode on top of the fallen men and horses and were killed also. Riderless horses ran in panic through the French infantry advancing behind the knights. The archers of Sir Thomas were pitiless and poured the arrows into the tightly massed ranks of French infantry. The French infantry slogged forward with their heads slightly down because they knew if they looked up an English arrow would come through the eye slit in their helmet. Men were falling as arrows penetrated their leg armor and other lightly armored areas of their bodies. The entire length of the field was a killing zone.



A kneeling statue of Sir Thomas Erpingham is in a niche in the center of the tall flint-faced gable of the Erpingham Gate at Norwich Cathedral.

The French infantry came to the piles of dead and dying knights and horses and began to climb over them. All the time they saw their comrades falling around them hit with English arrows. The impact of the French infantry drove the English line back several yards but it held. The French were so packed together that many could not

raise their arms to use their weapons. ^[23] The bodies began to pile up until they had to climb up to get at the

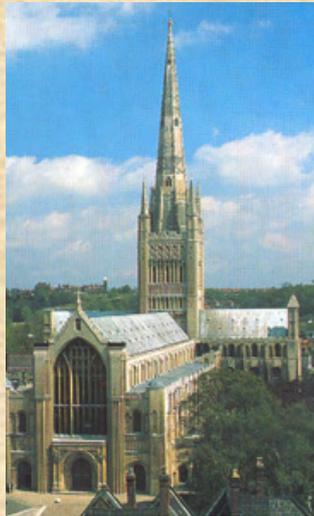
English. It was a bloodbath. ^[24]

The French died in the thousands of arrows, weapon strikes by English men-at-arms, and of falling and being suffocated by the weight of their own comrades trying to climb over them. The archers joined the men-at-arms in

the butchery that followed. The closely packed French knights and infantrymen that were mired in the mud were killed without pity.^[25] The French faltered and then fled. Over 2,000 prisoners were taken after the French attack disintegrated.^[26] Then the French second wave began to advance and King Henry ordered the killing of the prisoners. The second wave faltered and fled but not before a number of prisoners had been killed.^[27] The prisoners were worth ransom money and therefore more valuable alive than dead. As the English looked across the battlefield they said it looked rather odd because in places the feathered ends of the arrows that they had fired were so thick it appeared there was snow on the ground.^[28] They had done their work too well. The field was now covered with over 5,000 French dead.^[28] The English losses were negligible.^[29] The English longbow was a death instrument in the hands of the experienced English yeomen archers. All the bravado in France could not ignore the fact that Sir Thomas and his yeomen archers had destroyed a generation of French nobility on that muddy field near Agincourt.

A Good Old Commander

*May the Dedicated Service of William Shakespeare;
"Good Old Commander" and most kind Gentleman
Ever Be remembers and his Soul Rest in Peace.*



Norwich Cathedral

Sir Thomas' role at Agincourt was immortalized not only in history but also in fiction. In William Shakespeare play, *Henry V*, 4.1.17, on the eve of the battle, Sir Thomas rejects King Henry's suggestion that his "good old commander," is too elderly to sleep on the hard ground. Sir Thomas replies that he enjoys being able to say, "Now Lie I like a king." King Henry then congratulates him on his spirit, thus contributing to the episode's emphasis on the high morale of the English army.^[30]

Sir Thomas is buried on the north side of the presbytery at Norwich Cathedral with his two wives, Joan Clopton and Joan Walton^[31] A plaque reads:

SIR THOMAS ERPINGHAM, K.G.

1357 – 1428

A GALLANT SOLDIER AND GENEROUS BENEFACTOR LIES BURIED WITH HIS TWO WIVES NEAR THIS SPOT. In 1399 HE WAS ONE OF THE COMMISSIONERS TO WHOM RICHARD II SURRENDERED HIS CROWN AND IN 1415 AS MARSHALL OF KING HENRY V'S ARMY AND COMMANDER OF HIS ARCHERS, HE PLAYED A PROMINENT PART AT THE BATTLE OF AGINCOURT. LOCALLY HE FUNDED THE REBUILDING OF THE DOMINICAN FRIARY NOW KNOWN AS ST. ANDREWS AND BLACKFRIARS HALLS AS WELL AS THE ERPINGHAM GATE LEADING INTO THE CATHEDRAL CLOSE AND WAS LARGELY RESPONSIBLE FOR NORIWCH OBTAINING ITS MOST IMPORTANT CHARTER.

MAY THE DEDICATED SERVICE OF WILLIAM SHAKESPEARE'S "GOOD OLD COMMANDER" AND MOST KIND GENTLEMAN EVER BE REMEMBERED AND HIS SOUL REST IN PEACE.



Opposite the west door of the Cathedral is the Erpingham Gate, given about the year 1420 by Sir Thomas Erpingham, whose chantry is in the Presbytery. It is very richly cared on the outside, with statues of the apostles and of female saints set in canopied niches in the arch mouldings. The Clopton arms are replicated dozens of times, either by itself or with Erpingham impaling Clopton. An attractive paving was laid from the gate to the west door in 1968-71.



Detail showing Erpingham impaling Clopton. In other words, the left half of the shield is Sir Thomas' arms and the right half, the arms of Joan Clopton's father.



Sir William Clopton would return to Long Melford following the battle, however, any joy he may have felt was short lived. It is thought a plague visited the countryside, and in 1420, his first wife, Margery Drury, their son William, and two daughters died. His second wife, Margery Francis, would die in 1424. [\[32\]](#)

1. Walter⁷ Clopton, Lord of Chiperley Manor (William⁶, Walter⁵, William⁴, Walter³, William², Guillaume¹ Peche, Lord Of Cloptunna and Dalham)¹ died 1327 in Poslingford, County Suffolk, possibly, and believed to be buried at The Church of the Blessed Mary, near Chipley Priory². He married **(1) Alice FitzHugh³**, daughter of Warin FitzHugh. She died Aft. 1289 in Poslingford, County Suffolk, possibly, and believed to be buried at The Church of the Blessed Mary, near Chipley Priory⁴. He married **(2) Anwett or Ivetta Weyland⁵**. She died Aft. 1338 in Poslingford, County Suffolk, possibly, and believed to be buried at Chipley Priory, Clare⁶.

Children of Walter Clopton and Alice FitzHugh are:

- + 2 i. William⁸ Clopton, Knt., Lord of Toppesfield Manor, died Bet. January 22, 1375/76 and January 14, 1376/77 in England and buried in Babwell Friary.
- + 3 ii. Thomas Clopton, Knt, of Kentwell Estate, Suffolk, died Bet. March 8, 1381/82 and October 12, 1383 in Long Melford, County Suffolk, and buried at the Church of the Blessed Mary, near Chipley Priory.

Child of Walter Clopton and Anwett Weyland is:

- 4 i. John⁸ Clopton, of Chiperley Manor, died Aft. 1338 in Poslingford, County Suffolk, possibly, and believed to be buried at Chipleigh Priory, Clare.

Generation No. 2

2. William⁸ Clopton, Knt., Lord of Toppesfield Manor (Walter⁷, William⁶, Walter⁵, William⁴, Walter³, William², Guillaume¹ Peche, Lord Of Cloptunna and Dalham)⁷ died Bet. January 22, 1375/76 and January 14, 1376/77 in England and buried in Babwell Friary⁸. He married **(1) Amitia or Ivetta Grey, of Buckenham Castle⁹**, daughter of Thomas Grey, Knt., of Buckenham Castle, Norfolk. She was born in England. Buckenham, County Norfolk, is about 8 miles southeast of Norwich. It is reported that her daughter Johane, was born at Paston, Norfolk, about 22 miles north of Norwich. None of this has been confirmed. He married **(2) Mary Cockerell, of Toppesfield Manor, Hadleigh¹⁰**, daughter of William Cockerell, Knt, of Toppesfield Manor.

Children of William Clopton and Amitia Grey are:

- 5 i. William⁹ Clopton, of Hawstead Manor¹¹, died in Hawstead Manor, County Suffolk, possibly, about 4 miles southwest of Bury St. Edmunds and may be buried at All Saints, Hawstead. He married Chewyt; died in Hawstead Manor, County Suffolk, possibly, about 4 miles southwest of Bury St. Edmunds and may be buried at All Saints, Hawstead.

- 6 ii. Walter Clopton, of Toppesfield Manor, Hadleigh¹², died Aft. May 5, 1413 in Toppesfield Manor, probably, and possibly buried at Holy Trinity Church, Long Melford, County Suffolk¹³. He married Elizabeth Peccott¹⁴; died in Toppesfield Manor, probably, and possibly buried at Holy Trinity Church, Long Melford, County Suffolk.

The 1612 Visitation of Essex refers to Sir Walter as a Knight of the "Roodes." States he was the third son by the second wife.

- 7 iii. Edward Clopton, of Newnham Hall, Ashdon, Essex¹⁵, died 1389 in Newenham Hall, Ashdon, County Essex¹⁶. He married Blanche FitzEustice.

- 8 iv. Johane Clopton, of Toppesfield Manor, Hadleigh¹⁷, born in Paston, County Norfolk, possibly, about 22 miles north of Norwich. She married (1) Walter Walcote, of County Norfolk. She married (2) Roger Beauchamp, 2nd Baron Beauchamp of Bletsho¹⁸¹⁹; born Abt. 1363 in Bletsoe, County Bedfordshire, about 24 miles west of Cambridge, County Cambridgeshire²⁰; died May 3, 1406²¹. She married (3) John Cavendish, Knt.²².

Johane married into one of the most eminent and powerful families, the Beauchamps. A companion in arms of the victorious William the Conqueror, the family was represented by the Earls of Warwick and Albemarle, and, the Barons of St. Amand, Barons of Bletsho, Hache, Kydderminster and Powyke. Counted among her direct descendants are most of the Kings and Queens of England who have held the throne since Henry, VII.

- 9 v. Joan Clopton, of Wickhambrook & Norwich²³, died 1404 in England and buried on the north side of the presbytery at Norwich Cathedral, County Norfolk²⁴. She married Thomas Erpingham, K.G., Lord Marshall of England²⁵ Aft. 1380²⁶; born 1357; died 1428 in England and buried on the north side of the presbytery at Norwich Cathedral, County Norfolk²⁷.



The opposite side of the Erpingham Gate is very plain, with diagonal buttresses and the gable plastered and Sir Thomas' arms as the only ornament.

Child of William Clopton and Mary Cockerell is:

- 10 i. Thomas⁹ Clopton, of Toppesfield Manor²⁸.

3. Thomas⁸ Clopton, Knt, of Kentwell Estate, Suffolk (Walter⁷, William⁶, Walter⁵, William⁴, Walter³, William², Guillaume¹ Peche, Lord Of Cloptunna and Dalham)²⁹ died Bet. March 8, 1381/82 and October 12, 1383 in Long Melford, County Suffolk, and buried at the Church of the Blessed Mary, near Chipley Priory³⁰. He married **Katherine Mylde, of Clare, Suffolk**³¹³², daughter of William Mylde, of Clare, County Suffolk. She died Bet. February 24, 1402/03 and June 18, 1403 in Tendring Hall, Stokes-by-Nayland, County Suffolk, about 6 miles southwest of Hadleigh, and buried The Church of St. Mary the Virgin, before the altar in the South Chapel³³.

After Sir Thomas' death, Dame Katherine took as her second husband Sir William de Tendring of Stoke-by-Nayland. Through this marriage she became the distant grandmother of three queens of England: two of the unfortunate wives of Henry the VIII, Ann Boleyn and Catherine Howard, and Queen Elizabeth I. Dame Katherine, who died in 1403, is buried at the Church of St. Mary the Virgin, Stoke-by-Nyland, Suffolk. Their memorial brasses are among the finest in England. The Clopton Arms: ermine spot on the bend in base may be seen on the mantle of the depiction of Dame Katherine. The descendants of William Clopton and his wife, Ann Booth, are direct descendants of Guillaume Peche and Alfwen, his wife, by both the Clopton-Mylde marriage and the Mylde deTendring marriage. See "Place of Lutons."

Children of Thomas Clopton and Katherine Mylde are:

- 11 i. William⁹ Clopton, Knt., of Long Melford³⁴, born in Long Melford, County Suffolk, England³⁵; died August 1446 in Long Melford, County Suffolk, England and buried in the North Aisle of the Clopton Chancel of Holy Trinity Church, Long Melford³⁶. He married (1) Margery Drury, of Rougham³⁷; born in Rougham, County Suffolk, about 3 miles southeast of Bury St. Edmunds and possibly baptized at St. Mary³⁸; died June 19, 1420 in England and buried Holy Trinity Church, Long Melford in the North Aisle of the Clopton Chancel³⁹. He married (2) Margery Francis, of County Norfolk⁴⁰ Bef. 1423 in County Norfolk, probably; died June 12, 1424 in Long Melford, County Suffolk, England and buried Holy Trinity Church, Long Melford and buried in the North Aisle of the Clopton Chancel⁴¹.

- 12 ii. Thomas Clopton, of Long Melford, Suffolk⁴², died Aft. 1382⁴³.

Endnotes

1. Walter Clopton of Wickhambrook, 22 E. 1, when he bought lands in Chipley, &c. See deeds, Harleian Manuscript 380.

2. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 23, Their son, Sir Thomas Clopton, stated in his will that he wished to be buried between his mother's and wife's [first wife, possibly) grave in the Church of the Blessed Mary of Chipley Priory.
3. *D'Ewes Collections, Harleian Manuscripts No. 380*, "Walter de Clopton soone and heire of William de Clopton of Wikhambroke, married to his first wife Alice, the daughter and coheire of William, commonly surnamed Fitzhugh, sonne of Hugh de Warrenna. Hee died temp. E. II."Arms: -- Clopton, impaling on a cross five escallops.
4. Harleian Manuscript No. 380, British Museum, A deed of partition of lands dated Wednesday after the Feast of the Apostle James, the 17th Edward I (1289) between "the same FitzHugh between Robert de Sevlishe and Mabel his wife of the one part, and the said Walter de Cloptone and Alice his wife, sister of the said Mabel, of the other part."
5. *D'Ewes. Harleian M.S. 10*, See also Harleian Charter, 51 A. 48; and D'Ewes, Harleian Manuscript 639.
6. Harleian Charters 51 A. 48, British Museum, Bearing the date 11th Edward III (1338) a deed refers to Anwett, "once the wife of Walter Cloptone and her son John."
7. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, 23, States he was called Sir William Clopton. "Breviary of Suffolk," as does the Visitation 1561, associates Cockrell with Cloptons. Cockrell - Ermyn on a fesse azure 3 lions rampant or.
8. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, His will was dated January 22, 1376, proved in Norwich January 14, 1377. Stated he was "William de Clopton, son of Walter de Clopton of Wykhambrok, cormorans in Wykhambroke, miles." see Cur. Ep. Norw. 1376.
9. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, She was the daughter and co-heir of Sir William Cockerell, of Toppesfield Manor in Hadleigh.
10. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, States she was the daughter and co-heir of Sir William Cockerell, of Toppesfield Manor in Hadleigh. Cites Copinger, "Manors, III. p. 164; "Proc. S.I.A.," XI. p 212-3.
11. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, He was left property in Hawkedon in his father's will.
12. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, States he was left the Manor of Toppesfield in Hadleigh in his father's will.
13. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, His will was dated May 5, 1413.
14. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, Citing Woodforde, "Norwich School of Glass-Painting in the Fifteenth Century," p. 126: "Remains of wife's portrait in Melford church glass, 'her face is very fragmentary. Her robe is of red glass. Her mantle bears the arms of Clopton with two annulets interlaced on the bend. Beneath, Uxor Walteri Cloptn filie Johes Peceot ml.'"Erwin, Ancestry of William Clopton," page 252 states Elizabeth is "probably dau. Sir John Peecot," but cites no source nor give further evidence. And Harleian Manuscripts 1103 and 1560, states she is the "dau. of . . . Pygott." An old inscription on the parapet of Melford Church describes the daughter of Sir John Peecot as wife of Walter Clopton, son of William Clopton of Wickhambrook and Amitis Grey.
15. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, His father left him the Manor of Newenham in Ashdon, County Essex.
16. Parker, *History of Long Melford*, (Courtesy of William Purcell Clopton), Clopton Pedigree.
17. Weis, *The Magna Charta Sureties*, (Copy located Clopton Family Archives, courtesy of Suellen (Clopton) DeLoach Blanton), p. 57, 64, 89, 93.
18. *Complete Peerage*, (Courtesy of Suellen (Clopton) DeLoach Blanton), Volume 2 p. 45, The surname is spelled De Beauchamp in Burke's Dormant and Extinct Peerages, page 33.
19. Reyce, *Suffolk in the XVIIth Century*, (Courtesy Martin Wood, LL.B., M.A. & Suellen (Clopton) DeLoach Blanton), p. 218., Reyce connects the Beauchamp family with the Clopton family of Long Melford. "The Complete Peerage" and "Burke's Dormant and Extinct Peerages" record the marriage. "Claiborne of Virginia," page 727, cites Frederick Lewis Weis, "Ancestral Roots of Certain American Colonists Who Came to America before 1700 " (7th ed., with additions and corrections by Walter Lee Sheppard, Jr.; Baltimore, 1992). Bank's "Baronia Anglica Concentrata also recognized the marriage and specifically notes William Clopton as her father. The 1612 Visitation of Essex Bendish pedigree notes that Alice Clopton, daughter of Walter Clopton, Johane's brother, married Thomas Bendish, Esq., the son of Edmond Bendish and Alice, daughter and heir to John Banington, and Isabell Beauchamp, daughter and coheir to John Beauchamp of Herford.
20. *Complete Peerage of England*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 45., "He was aged 17 in 1380, and made proof of his age (1374) 7 Ric. II, when he had livery of all his lands, viz. Bletsoe, co. Bedford, Bloxham and Spelsbury, Oxon, and Lydiard Tregoz, Wilts. He was a knight." In 1395 he attended the King into Ireland."
21. *Complete Peerage of England*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 45..
22. Parker, *History of Long Melford*, (Courtesy of William Purcell Clopton), Clopton pedigree. Does not list any other marriages nor give further information about this marriage nor any evidence.

23. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 22, States: two women, both named Joan Clopton, are generally stated to have been sisters of Sir William Clopton and to have married, respectively, Sir Thomas Erpingham, K.G. (A.;B.; Blomefield. IV. 38-9 and VI. 413-8) and, 1st, Sir Walter Walcote, of co Norfolk and, 2nd Sir Roger Beauchamp.
24. Records of the Society of the Friends of St. George's & The Descendants of the Knights of the Garter, Courtesy of Mr. D. H.B. Chesshyre, L.V.O., M.A., F.S.A., Clarenceux King of Arms & Secretary of the Order of the Garter.
25. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 252, He is co-heir with his sister, Jullian upon his father's death August 1, 1370.
26. Records of the Society of the Friends of St. George's & The Descendants of the Knights of the Garter, Courtesy of Mr. D. H.B. Chesshyre, L.V.O., M.A., F.S.A., Clarenceux King of Arms & Secretary of the Order of the Garter, As a member of the retinue of John of Gaunt, Duke of Lancaster, Thomas' indenture dated September 13, 1380 stipulates he should receive 50 marks during peace time, and during war, 20 pounds, for himself and a servant, the usual "wages of a batchelor of his sort."
27. Sansbury, *An Historical Guide to Norwich Cathedral*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 28, A window opposite Sir Thomas Erpingham's chantry is known by his name because it once displayed him and his two wives. Church records state he is buried with both of his wives.
28. Parker, *History of Long Melford*, (Courtesy of William Purcell Clopton), Clopton Pedigree.
29. *D'Ewes Collections, Harleian Manuscripts No. 380*, "Sr. Thomas Clopton, Knight, 2d sonne of Walter de Clopton & Alicia his wife, married Katherine the sole daughter and heire of William Milde, esquire, who as is conceived brought vnto this Familie the Mannor Kentwell and other lands in Melford. This Sr Thomas died a^o 6 R. II, having lived temp. E. II and E. III."Arms: - Quarterly, 1 and 4, Sable, a bend Ermine, between two cotises dancette Or; 2 and 3, on a cross four escallops, Weyland, impaling Argent, a lion rampant Sable, over all a fess couter compony Or and Azure, Mylde.He is mentioned in Lady Katherine's codicil, dated February 24, 1403, as Thomas Clopton, "my late husband." Harleian Manuscript 10 fo. 158 Brit. Mus.
30. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 23, His will was dated March 8, 1382, proved in Ipswich October 12, 1383, as "Thomas de Clopton, Melford, miles' States he is "To be buried in St. Mary's Chippeleye in choir between my mother's and wife's graves; residue of goods and chattels to wife Katherine for her and her children, and I make her executrix.' It is assumed he refers to the grave of a first wife, although her name is not known. Will located British Museum, Harleian Charter, 58. H. 22.
31. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 23, Refers to their portraits in Long Melford Church. He wears a tabard of Clopton with an ermine spot on the bend, she wears a kirtle of Mylde and mantle of Clopton with the ermine spot.Also, "The Cloptons of Suffolk," quotes: "Katherin, d. of Mylde, brought wth her the mannor of Kentwell, in the countie of Suff., to Sr Thomas Clopton, Knight, being her husband."
32. Knott, *Holy Trinity Church Guide to the Stained Glass*, (A photograph of this window is located Clopton Family Archives, courtesy of William Purcell Clopton).
33. Engleheart, *The Church of St. Mary the Virgin*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 8-9, The monumental brasses of both Sir William de Tendering and Katherine Mylde are found in the south chapel of the church. They are considered among the finest in England. Sir, Williams brass, in full armour, resting his head on his helm, bears a crest of feathers. Citing Weaver's "Funeral Monuments" Written in 1631, the brass is described: "Upon the Pavement before the high Aultar lyeth an auncient Gravestone, having thereon the figure of a Knight in compleat Armour, resting his Head upon his Gauntlet, with this circumscription: 'Hic iacent Tumulati, Dominus Willelmus Tendering, miles, et Katherine Clopton uxor eiusdem: obierunt anno Domini 1408.'" Engleheart notes the incorrect death date of 1408. Possibly Weaver misread the date and assumed they both died in that year. Unfortunately, many publications have used this date of 1408 which is incorrect on both accounts.Also, in her will dated February 24, 1403, proved June 18, 1403, she states she wishes "to be buried in the Chapel of the Church of Stoke Neyland on the south side of the church before the altar of said chapel."
34. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 23, It is noted he is "usually called a knight" D'Ewes refers to him merely as "Esquire." His effigy is clothed as a knight, see note regarding his death. However, the inscription on the brass of his daughter, Alice, refers to him as "W'mi Clopton armigeri que obijt"Harleian Manuscript 1103.
35. Lady Katherine's Codicil, dated February 24, 1403: "My son William Clopton to have the Manor of Kentwell Hall if he do not contest my will. And to have all lands and tenements called Lutons with a charge of ten marks yearly for ten years. . ." He is mentioned several times throughout the will. He and John Howard are to supervise the executors, "Master Henry Thompson and William Thompson and Wm. Brook." Harleian Manuscript 10 fo. 158, British Museum.
36. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 23, Citing "Chorography of Suffolk. 98.; Chitting Manuscript; facsimile. Conder. plate IX, states he died in August 1446, buried in Melford Church. "Melford Against the North windowe is a fayre raysed tombe on it laying an armed k't at his feete an hound couchant of alablaster over him these coates 1. Clopton 2. or a lyon ramp. sable debruised with a fesse counter compony or and azure. 3. p'pale Clopton & Drury 4. Clopton empaled with gules a saultier entre 4 crosletes or at his feete in brasse these

verses:..."Harleian Charter, 58 G. 28.

37. *D'Ewes Collections, Harleian Manuscripts No. 380*, And undated will, which was made before her death by her husband, states: "My wife margery to have profits of my Manor of Kentewll, but ony 9 marks yearly if she remarry." and "My wife t have all my lands for her life in Chippeleye, Polyngforde, Stradesylle, Wykhambrooks and Atteltone. . ."

38. Birch, *Suffolk Parish Churches*, (Courtesy of Bert Hampton Blanton, Jr.), p. 126, States there is within the church a "fine large brass in N aisle to Sir Roger Drury 1400 [?] and wife Margery 1405 [?]."

39. Muskett, *Suffolk Manorial Families*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 142, Cites D'Ewes Harleian Manuscript 380. "The Visitation of Suffolk, 1561," p. 23, cites "Chorography of Suffolk. 98." quotes "Melford...another stone fayrely arched on it the pourtrayture of a woman over hir head Clopton empaled with Drurye, this circumscription. Hic iacet Margeria Clopton filia Rogeri Drury militis que obijt 19 die mensis Junij a'o D'ni 1420." and Chitting MS, "...que obijt 11 Junij 1420.

40. *D'Ewes Collections, Harleian Manuscripts No. 380*, "William Clopton of Melford, in the Countie of Suffolk, Esquire, sonne & heire of Sr Thomas Clopton, Knight, married Margerie, sole daughter & heire of Elias Francis, Esquire. He lieth buried in the north isle of ye chancell of Melford Church. He died a 25 H. VI, and lived temp. R. 11. II, H. IV, and H.V." "The Cloptons of Suffolk," p. 105, quotes: "Sr. Wm Clopton of Kentwell, Knight, sonne and heire, maryed the daughter and heire of Hellyas ffrancis of Norff., and by her had yssue John Clopton, Esq.; a daughter maryed to Harleston; another to Denston". Arms: - 1 and 4, Clopton, the bend charged with an ermine spot; 2 and 3, Mylde, impaling Gules, a saltire between four crosses pattee Or, Francis.Crest: - Out of a ducal coronet a wolf's head Or.

41. Muskett, *Suffolk Manorial Families*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 142, Cites Harleian Manuscript 384, fo. 135. "The Visitation of Suffolk, 1561," p. 23, citting "Chorography of Suffolk, 98.; and Conder. plate XII), notes 'Melford On a stone not farre from this tombe [that of Sir William] fayrely arched is the pourtrayture of a woman, on her gowne p'pale Clopton & gul. a saultier between 4 crosses or on eche corner of the stone an escotcheon. 1. Clopton 2. Clopton empaled with Fraunceys as before upon hir gowne 3. Fraunceys as alone 4. as the second. Under the pourtrayture Hic iacet Margeria Clopton nuper uxor W'mi Clopton ac filia et heres Eliae Fraunceys armigeri que obijt 12 die Junij a'o D'ni 1424." D'Ewes. Harleian Manuscript 384, fo. 135.

42. Hervy, *The Visitation of Suffolk 1561*, (Courtesy of Suellen (Clopton) DeLoach Blanton), p. 23, Refers to a second son, Thomas, who married a Eustace. However, to date, there is no other evidence of this son. Erwin's "Ancestry of William Clopton," does not mention a second son. "The Cloptons of Suffolk, Visitations of 1561," quotes: "Sr Thomas Clopton of Kentwell, married Katherine daughter and heire of Mylde of Clare, in the Countie of Suff., and had yssue --- Clopton, sonne and heire, weh maryed wth the daughter of Eustace of, ---- and had yssue Sr Wm Clopton, Knight."

43. Harleian Charter No. 48 D. 3, Indenture of Thomas de Cloptone, Knt. to Dom. Robert de Bockyngg and others, holding his land in Suffolk, to put Katherine his wife and Thomas his son, in possession after his death of the said lands: viz. lands and tenements called Luytones in Melforde, Schymplyngg and Appleton; also the Manor of Kentewelle, and lands in Chyppeleye, Poselyngworth, and other places. Dated at Melforde, Friday before the Feast of St. Andrew the Apostle, 6 Richard II.

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Comments? Questions? Corrections?

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[1]

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[2]

King Henry king makes a speech reflecting the pride the English took in the memory of a glorious victory, and, by connecting the Battle of Agincourt with a holy day, helped reinforce the popular belief that Providence played a role in England's fortunes during that historic battle.

[3]

See *Of Norman Blood*.

[4]

Actually a series of epidemics beginning about 1346. It is estimated that about 1 « million people died between 1349 and 1377. The deaths of so many people from every rank permitted those who survived and were ambitious and wise to accumulate wealth and advance themselves socially. See *Disease and History*, Frederick F. Cartwright in collaboration with Michael D. Biddiss, Barnes & Noble, Inc., New York, 1991.

[5]

Polydore Vergil, *The Anglica Historia of Polydore Vergil, AD 1485-1573*, translated and edited by D. Hay, Camden Series, 1950. Papel envoy to the court of Henry VI, Piero da Monte, wrote that England, was "a very wealthy region, abounding in gold and silver and many precious things, full of pleasures and delights." It seems a bit doubtful, however, that even the "poor and humble" innkeepers used silver vessels.

[6]

Henry V, 'of Monmouth,' son of Henry IV and Mary Bohun, ascended the throne in 1413 and reigned until his death August 31, 1422. See Antonia Fraser, *The Lives of the Kings & Queens of England*, University of California Press, Berkeley, Los Angeles, 1995, p. 125-131

[7]

Edward III (1312-1377) claimed the throne of France by descent from his mother Isabelle, Princess of France, (1292-1358), the daughter of King Philippe IV of France (1268-1314).

[8]

The son of Thomas Clopton, Knt, of Kentwell Estate and his wife, Katherine Mylde, an abbreviated genealogy follows. Sir William fought under the banner of the Duke of Gloucester. Humphrey Plantagenet, The Duke of Gloucester (1390-1447, the son of Henry IV, and his wife, Mary de Bohun.

[9]

The husband of Joan Clopton, daughter of William Clopton and his wife, Amitia or Ivetta Grey, an abbreviated genealogy follows.

[10]

In the 14th and 15th centuries England and France fought the Hundred Year's War, a conflict in which the English lost all their French possessions, except the port of Calais, and France was ravaged by the pillaging and dislocation of war. And yet each country emerged stronger at the end. The aftereffects disrupted England and led to the dynastic Wars of the Roses between the House of Lancaster and the House of York.

[11]

Azincourt in the Pas-de-Calais.

[12]

Although some scholars have made educated guesses of what this word means, no one really knows.

[13]

Christopher Rothero, *The Armies of Agincourt*, Osprey Publishing Limited, p. 14.

[14]

Christopher Hamme, *The Miracle of Agincourt, Was Henry V's Great Battlefield Victory or the Inevitable Result of Circumstance?* http://www.thehistorynet.com/BritishHeritage/articles/2000/0200_text.htm. Prior to Agincourt, most archers held their bows horizontally while drawing the arrows back to the waist. This method greatly reduced the bow's range and effectiveness. At Agincourt Henry's archers employed the superior technique of holding their bows vertically and drawing the arrows back to the their ears. The English bowmen could shoot nine arrows per minute and hit targets at 400 yards. Their proficiency took the French completely by surprise.

[15]

1154-1189

[16]

For a detailed study of the longbow, see Robert Hardy, *Longbow: A Social and Military History*, Privately Published by the author, 1992; and, Robert Wilkinson-Latham, *Phaidon Guide to Antique Weapons and Armour*, Prentice-Hall, Inc., New Jersey, 1981. See also *History of the Longbow* by Robert Sanderson at <http://gondolin.french.liv.ac.uk/~azaroth/university/longbow.html>; *The Agincourt Honor Roll* http://www.familychronicle.com/agin_ae.htm; *The Battle of Agincourt* <http://www.aginc.net/battle/index.html>; *The English Longbow* <http://www.gci-net.com/users/w/wolfsoul/medieval/longbow/the-longbow.html>; *The English Longbowmen* <http://www.gci-net.com/users/w/wolfsoul/medieval/longbow/longbowmen.html>; *The Medieval English Longbow* by Robert E. Kaiser, M.A. <http://snt.student.utwente.nl/~sagi/artikel/longbow/longbow.html>; and, *The Battle of Agincourt: Sources and Interpretations*, Anne Curry, Editor, Boydell & Brewer, Inc., 2000.

[17]

The archers carried a number of different types of arrows designed for different purposes such as armor piercing and horse killing.

[18]

Contrary to popular opinion, some scholars maintain that the armored knight was not a helpless turtle when he fell from his horse. In *The Battle of Agincourt*, <http://www.aginc.net/battle/index.html>, there is an interesting analysis of the armored knight.

Knights who were in good physical shape were very nimble in their battle armor. They took great pride in their strength and ability to fight in the armor. They did not need assistance in getting on their horse and could easily get up if knocked down. Uninformed writers and scriptwriters have created these myths about knights in armor being immobile.

[19] Maximum range varied from archer to archer. Skilled strong archers could shoot effectively out to 450 yards. It is obvious that Henry V wanted to not only reach the first ranks but beyond to strike throughout the entire French force and goad them to attack. Many sources called the large number of arrows fired an "arrow storm."

[20] John Keegan, *The Face of Battle*, Viking Press of New York, 1976, p. 90.

[21] Allison Weir, *The Wars of the Roses*, Ballentine Books, New York, 1995, p.64-65/

[22] The forward impetus of the mounted knights was so great that many impaled their horses on the sharpened stakes. See Keegan, *The Face of Battle*.

[23] The French crossbowmen and cannoneers could not fire in fear of hitting their own men.

[24] The majority of the casualties at Agincourt were in the French infantry, men-at-arms.

[25] The English yeomen archers were bare footed and in most cases bare legged. They easily moved through the sucking mud that held the armored French knights and men-at-arms. The archers swarmed around the flanks of the French columns pulling French infantrymen down and killing them as quickly as they could with swords, knives, and mallets. A hit to the back of the head or knee knocked them down then a quick thrust through the eye slit or a gap in the armor plate dispatched the helpless Frenchman.

[26] Reports of the number of prisoners taken and the number executed vary from source to source.

[27] In *Face of Battle*, John Keegan analyzes the circumstances of the killing of prisoners. The order was not obeyed immediately because the prisoners were the prisoners of individual captors and not the King. The captors were reluctant to sully their honor by killing prisoners against the law of chivalry. Also there was the ransom value of the prisoners that the captors did not want to lose. Henry V had to detail 200 archers to carry out his order. The archers were not under the law of chivalry and therefore had fewer reasons not to carry out the king's order. All this took time so the real amount of time available to kill the prisoners was quite short, considering that the order was immediately canceled when the French did not attack. Close to 2000 prisoners were taken back to England to be ransomed.

[28] *The New Encyclopaedia Britannica*, Volume 1, Micropaedia, Encyclopaedia Britannica, Inc., Chicago, 1987, p. 148. The French lost 13 members of the highest nobility, about 1,500 knights, and approximately 4,500 men-at-arms.

[29] Charles Boyce, *Shakespeare A to Z, The Essential Reference to His Plays, His Poems, His Life and Times, and More*, A Roundtable Press Book, Dell Publishing, New York, 1990, p.721. The only nobleman killed was Edward, Duke of York, who had commanded the right flank of the army during the battle. Although Shakespeare, in his play, *Henry V*, paints the Duke's death as heroic, he was a big man and very overweight, and it was reported that he either suffocated to death in his armor or suffered a heart attack in the press of fighting. His corpse was put in a huge cauldron of water and boiled all night so that the flesh dissolved and the bones could be transported back to England where they were buried in the collegiate church at Forthinghay.

[30] Boyce, *Shakespeare A to Z*, p. 180. The historical Erpingham supported the King's father, Henry Bolingbroke, later King Henry IV, when he deposed King Richard II (enacted in *Richard II*), and later served as his chancellor. Sir Thomas was about 58 years old at the time of the battle, rather long in the tooth for that period.

[31] See *An Historical Guide to Norwich Cathedral*, by Ethelreda Sansbury, Dean and Chapter of Norwich, 1994, and *Norwich Cathedral, A Guidebook*. Joan Walton's first husband was John Howard, the son of John Howard, Knt., Sheriff of Essex & Hertford and his wife, Margaret Plaiz.

[32] See *Black Death*







The Benedictines

The revival of monasticism in England in the tenth century, whose spirit had been so severely damaged during the Viking invasions of the ninth century, was led by the great Benedictine monk, Archbishop and advisor to the royal house of Wessex, St. Dunstan. Through the efforts of Dunstan and others, by the year 1066, there were some three dozen Benedictine houses in England, a number which would grow to 136 by the time of the Dissolution of the Monasteries in the mid-sixteenth century.

Each Benedictine abbey was an autonomous body, only loosely tied to other Benedictine communities by mutual adherence to the "rule". Larger houses were ruled by an abbot, and smaller communities, known as priories, were responsible to the "mother" abbey, and were governed by a prior.

Over the years, the Benedictines became known for their church architecture. Seven of the great Cathedrals were once Benedictine abbey churches: Canterbury, Rochester, Winchester, Durham, Norwich, and Ely. Benedictine life centered on liturgical celebration, and scholarship. Monks copied ancient manuscripts, and kept learning alive throughout the middle ages, with schools and universities rising up around their monastic centers. Benedictine monasteries could be found throughout Europe, and became the predominate form of monastic life. In 1539, it was calculated that, over their thousand year history, there existed over 37,000 Benedictine monasteries.

In Europe, Benedictines were very influential people. Their brother/sisterhood had included 11 emperors, 20 kings, 15 sovereign dukes and electors, 13 sovereign earls, 9 empresses and 10 queens. In England, Benedictine monasteries were quite wealthy and exerted great influence on society.

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The Carmelites

Known as the Order of Our Lady of Mount Carmel, the Carmelites are unique, in that they claim no founder. Hermits lived on Mt. Carmel in pre-Christian times, and Christian hermits continued to do so. St. Berthold attempted to gather these hermits into an organized community in 1154. Albert the Patriarch of Jerusalem petitioned Rome that they be recognized as an order within the Church. They were given the Rule of St. Augustine to follow and were grouped with the emerging mendicant orders.

Their life was one of extreme asceticism. They came to England after the failure of the Crusades, arriving around 1240. They lived in monasteries, called priories, and at their height had 50 houses before the Dissolution. Their nickname, The White Friars, came from the color of the cloaks they wore over their brown habits.

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The Augustinians

The Augustinian order (also known as Austin Canons, or Black Canons) came to England and established themselves at St. Botolph's Priory at Colchester, c. 1106. They spread rapidly, reaching Scotland by 1120. At their height, the Augustinians had over 200 houses in England and Wales.

Each of the houses was governed by a prelate, usually a prior, but sometimes, an abbot. The monastic "rule" followed by the Augustinians was that of St. Augustine of Hippo and was not particularly austere. Each of the Austin Canons was a priest and as such was not bound to his house, but was free to have outside responsibilities, such as to a parish. The Black Canons also ran schools, hospitals and almshouses.

Some well known Augustinian houses are Holyrood, St. Andrews, Jedburgh, Lacock, St. Botolph's, Leeds (Kent), Llanthony, Walsingham and Barnwell. Their habit consisted of a hooded black cloak over top of a black cassock. The Augustinian Friars are another, separate order.

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The Franciscans

The **Franciscans** arrived in England in 1224, and settled in Canterbury, London and Oxford. They are a mendicant order, founded by St. Francis of Assisi.

Their star seemed to rise for about a hundred years, but faded in the mid fourteenth century., when they went into a period of laxity and decline, possibly as a result of the Black Death. Even during the lifetime of St. Francis, himself, there was discord about the future direction of the Order. Various attempts at reform produced off-shoots known as the Observants (most of whom were arrested by Henry VIII during the English Reformation) and the Capuchins, who never reached England.

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Medieval Sourcebook: *Statuta de Forstallariis* (Statute of Forestallers), c. 1300

[Arkenberg Introduction]

Of the various mercantile statutes, the Statute of Forestallers appears in very few of the Common Law statute books. Prohibiting forestalling, an activity of middlemen designed to drive up prices, the statute first appears in books written at the beginning of the fourteenth century (See: R. H. Britnell, "Forstall, Forestalling and the Statute of Forestallers," EHR 102 (1987): 89-102).

And also Forestallers, that buy any thing afore the due and accustomed hour ["hour which is due and appointed in the Town"?] against the good state and regulation of the town and market, or that pass out of the town to meet such things as come to the market, and buy outside of the town, to the intent that they may sell the same in the town more dearly, that utter it more dear than they would that brought it, in case they had come to the town or market. And their names shall be presented distinctly and openly, and they be amerced for every default, or to be judged to the Tumbrel, if they forestall contrary to the statute.

Source.

From: A. Luders, ed., *The Statutes of the Realm: Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain, From Original Records and Authentic Manuscripts*, 11 vols., (London: Record Commission, 1810-1828), Vol. I, p. 202.

Scanned by Jerome S. Arkenberg, Cal. State Fullerton. The text may have been modernized by Prof. Arkenberg.

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[001] one will not answer for his mainpast for any offence unless the malefactor has
[002] returned after the felony or he has harboured him after the offence, as [in the roll]
[003] of the eyre of Martin of Pateshull in the county of Hereford in the fifth year of
[004] king Henry.¹ [According to the laws of king Edward,² ³archbishops, bishops,
[005] earls and barons, and all who have soke and sake, toll and team, and similar
[006] liberties ought to have their knights and their household servants, as stewards,
[007] butlers, chamberlains, cooks and bakers, within their frankpledge, and these in
[008] turn their own squires and others serving them, so that if they have become liable
[009] to anyone their lords may produce them for trial, or if they do not, pay the forfeiture
[010] for them.⁴ and for all others who are of his mainpast, for⁵ every man, whether
[011] free or bond, is or ought to be either in frankpledge or in mainpast, unless he is one
[012] who wanders from place to place, remaining no longer in one than in another, or
[013] has what suffices for frankpledge, a dignity or a religious order, a free tenement, or
[014] in a city, an immovable.

At the view of frankpledge.

[016] [Every [male] who has reached the age of twelve years must take an oath at the
[017] view of frankpledge that he does not intend to be a thief nor a party to thieving.⁶
[018] All who hold land and house, who are called 'householders,' ought to be in frankpledge,
[019] and also those who serve them, who are called 'followers.'⁷ No one ought
[020] to dismiss his servant before he is cleared of every accusation, those with which he
[021] has previously been charged.⁸ A man belongs to the mainpast and household of
[022] him from whom he has food and clothing, or food only with wages, as in the case of
[023] hired household servants. He may also be called a member of another's household,
[024] according to ancient custom, who has lodged with another for three nights, because
[025] on the first night he can be described as 'stranger,' on the second as 'guest' and on
[026] the third as 'one of the household.'⁹ And in conclusion note that one, as a 'borg-holder,'¹⁰
[027] may receive another in frankpledge when he wishes and at his pleasure,

[028] but cannot extrude him from frankpledge when he pleases; nor, it is submitted, is
[029] the converse true, for one who has put himself in the frankpledge of another,

Notes

- [1.](#) Not in *B.N.B.*; no roll extant
- [2.](#) ‘secundum leges Edwardi regis,’ from lines 14-15
- [3-4.](#) Leges Edw. Confess., cc. 21, 21.1, 23b: Liebermann, i, 647, 648
- [5.](#) ‘et pro omnibus aliis qui sunt de suo manupastu, quia’; *om*: ‘sic erit observandum,’ a connective
- [6.](#) Inst. Cnuti, 21: Liebermann, i, 325: ‘precipimus ut omnis homo ultra etatem duodecim annorum faciat sacramentum quod nec latro vult esse nec latroni consentire.’
- [7.](#) *Ibid.*, 20a: Liebermann, i, 323: ‘Hoc quoque dicimus et de iis qui domum et terram habent et de iis qui non, sed serviunt aliis, quos Angli vocant husfaest et fogaeres’
- [8.](#) *Ibid.*, 28.1: Liebermann, i, 331: ‘Nullus repellat a se servientem suum antequam sit purgatus de omni calumnia unde fuit prius calumniatus.’
- [9.](#) Leg. Edw. Confess., 23, 23.1: Liebermann, i, 648; *Gloucester Crown Pleas*, xxxi, and add to n. *Cal. Cl. Rolls 1231-34*, 309 (1233) which also allows but one night's hospitality without responsibility; cf. Richardson in *Traditio*, vi, 78
- [10.](#) Morris, *Frankpledge*, 93, 99, 103

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Byzantine & Medieval Studies Sites

Back to [Internet History Sourcebooks Project](#)

Last Update: September 9, 1998

BYZANTINE & MEDIEVAL LINKS INDEX

Notice: until this list is updated, please use www.netserf.org

[March 2001: this list is now quite out dated. Many links are dead, and there are hundreds of of additional resources around. Manual maintenance of this list long ago became unfeasible. I do intend to update it, once I have located good links management software.]

This page attempts to track ALL Byzantine material on the Internet, and ALL significant entry points for Medieval studies. Ancient and Classical links, except insofar as they impinge directly on Byzantine and Western Medieval matters, should be sought out via the direct links provided to ARGOS associates which track and maintain sites devoted to the Ancient world.

Since this page was begun, the Medieval and Byzantine Internet has exploded in size. As a result, although I will take suggestions, I will no longer add the following materials:

- *Syllabi for courses, unless the page contains additional material - texts, graphics, lecture notes.*
- *History Department sites, unless the page contains additional material - texts, graphics (etc.)*
- *Sites at geocities, or any other free web site which forcibly opens pop up windows.*
- *AOL sites, which seem to last just a few weeks on average.*
- *Sites which do not look to be stable: e.g. temporary exhibition pages.*
- *Sites for individual Orthodox or Easter Catholic churches, unless the page contains additional material (see above).*
- *Gopher sites. Gopher is dead.*

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Vikings

Germany

Low Countries

Misc

Islam

Turkish Studies

Greece after 1453

General Resources

General History

General Research

The author and maintainer of this site is Paul Halsall [\[a picture!\]](#)

If you have other suggestions for Byzantine Studies or Medieval links, or find that links have expired or gone bad, please email me. *I can be contacted by email at at halsall@murray.fordham.edu*

If you thought you once saw a website here, but its not here now, check the [Dead Links Page!](#)

hits since May 31 1998

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The structure of this set of *World Wide Web Links* is as follows. You can browse through the entire list, or jump directly to the part that interests you by selecting the underlined links.

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WIDE AREA SEARCHES

Here are links to the best "wide area" search engines on the Web. The Web is so vast now that it contains more, and more diverse information, than any single printed source. This availability of information will only increase.

To use the Web efficiently, the various search engines are essential. **Yahoo** is best, I think, if you are looking for specialized websites. **Lycos, Excite, and Hotbot** all index many more documents. These engines will always turn up more references, but far more will be dross than with Yahoo. It is useful to start with **Yahoo** since it has a nice feature - once it tells you everything that it has found, it will automatically plug you in to the other search engines.

It is important to form your query words as clearly as possible. For

instance, if you are interested in finding information on a particular musician, do not search for "music", but for a style [eg "jazz" or "gregorian chant"] or even a name ["abba", "charlie parker", "hildegard"].

As the WWW has grown these wide area engines have become more difficult to use. Searching for "Plato" for instance, will return more "hits" than one could possibly read in a lifetime. For this reason it is best to start searches for Byzantine and Medieval subjects with the "limited area" ARGOS search engine.

- [Google](#)
- [Yahoo](#)
- [Hotbot](#)
- [Excite](#)
- [Lycos](#)

Dedicated Byzantine Sites

Byzantine Studies - Top Sites

GENERAL BYZANTINE

- **MAJOR SITES**
 - [Byzantium: Byzantine Studies on the Internet](#) Created by the maintainer of this links page, this is currently the most extensive Byzantine site on the net.
 - [Dumbarton Oaks](#) The leading research center for Byzantine studies.
 - [Dumbarton Oaks: Library Online](#)
By far the most important library for Byzantine studies - now searchable online.
 - [Byzantine Studies Conference](#) The BSC is both a conference and an organization of Byzantinists. The site contains minutes and conference program information.
 - [Society for the Promotion of Byzantine Studies Home Page](#) [British Site]
- **MINOR SITES [based on amount or quality of content]**
 - [Byzantine and Orthodox Studies](#) [At Beaver College]
 - [Byzance: A Byzantine History Page](#) A very well put together page by Edward Choh in Singapore. Dedicated to Byzantine studies, it covers general history, religion,

military issues, architecture, and geography. The aim is to present information for those who know little about Byzantium, but in fact the site will be of interest to all Byzantinists. It includes a pocket history of Byzantium and a hypertexted [Chronological Guide to Byzantine Emperors](#).

- [ByzNet Byzantine Studies on the Net](#)
- [Byzantine Information Site](#)
- [Byzantina Site](#) [in Italian], by Tommaso Braccini
- [ROMANITY ROMANISM ROMIOSINI](#)
Site presenting the theories of John Romanides. Lots of theories.
- [Focus on Byzantine Civilisation](#) Part of a quick overview of world cultures.
- [Ed's Byzantine Home Page](#)
Labelled "The Underground Byzantine Home Page". Not much there.
- [The Byzantine Web Page](#)
I could not get it to load.
- [Byzantium](#) A collection of Byzantine names (for babies?)
- **WEB GUIDES**
 - [Yahoo: Byzantium Links Page](#) Yahoo, the prime Internet listing service, now has a dedicated Byzantine Studies page.
 - [NM's Creative Impulse..Byzantium](#)
Excellent webguide to Byzantine studies
 - [Byzantine Studies - Medieval/Renaissance History Net Links](#)
From the Mining Company. It usually manages to dig up interesting places to browse.
 - [Rechtsgeschiedenis RUG - \(faculty of law\); Byzantium](#)
Useful guide - in Dutch.
 - [Greek History Pages. GREECE: Modern History. The Byzantine Empire. Ancient Greece](#)
Many useful pointers, but messy and with far too many images loading at odd points.
 - [Byzantine Links](#)
Stolen from an older version of this page.
- **BIBLIOGRAPHY SITES**
 - [Library of Congress Guide to Classics Collections](#) - includes Byzantine studies.
 - [Byzantium](#)
A short bibliogaphy from Stanford.
 - [Sources littéraires - Auteurs byzantins](#)
 - [Women of Byzantium](#) bibliography
- **HISTORY SITES**
 - [De Imperatoribus Romanis: An Online Encyclopedia of](#)



[Roman Emperors](#) From Augustus to Constantine Dragases.

- [Rulers of the Roman and Byzantine Empires](#)
- [Rome and Romania, 27 BC-1453 AD](#)
A useful site which combines a dynasty by dynasty chronology with a series of historical maps showing the ebb and flow of Byzantine power.
- [Knox, The Byzantine Empire](#)
From Skip Knox's History of the Crusades course.
- [Romiosini Homepage](#) A general Byzantine site with an effort to create a hyperlinked history of the Byzantine Empire. Well worth a visit. It presents an overall history, but from a nationalist point of view.
- [FOCUS on CIVILIZATIONS](#) Anatolian Throught the Ages. We do not often think of Hittites and Byzantines at the same time!
- [Late Byzantium](#) Highly recommended page by Steven Reinart at Rutgers University.
- [Decadence, Rome and Romania, and the Emperors Who Weren't](#)
- [Europe and Byzantium](#)
Great course notes from University of Hawaii
- [Levantia: Byzantine Medieval Near Eastern Social History](#)
- [ROMAN TIMES / BYZANTIUM](#)
At a history of costume site.
- **HISTORICAL POINTS**
 - [CH Issue 54 Also: East Criticizes Roman Pope](#)
An Orthodox archbishop on the Catholic pope. 1134
 - [CH Issue 54 Killing Each Other over Icons](#)
Kissers and Smashers: Why the Orthodox killed one another over icons. by Bradley Nassif
 - [Menander Rhetor: the true story](#)
paper by Malcolm Heath
 - [Manuel Palaeologus' inebriate father](#)
paper by Malcolm Heath,
 - [Irene of Athens](#)
Presented as a feminist heroine.
- **BYZANTINE STUDIES CENTERS**
 - [Dumbarton Oaks](#) The leading research center for Byzantine studies.
 - [Istituto di Teologia Ecumenico-Patristica Greco-Bizantina](#)
 - [Center for East Roman Studies at the University of Warwick](#)
- [Christian Hagiography](#) - a site dedicated to hagiography run by the Bollandists.
- [Calculation of the Ecclesiastical Calendar](#) - both Catholic, and Old and New Calendar Orthodox, by Marcos J. MONTES

- [Gouden Hoorn](#) An online Periodical of Byzantine studies. Roughly half in Dutch, half in English.

BYZANTIUM: CITY SPECIFIC SITES

- **CONSTANTINOPLE**

- [Constantinople -- Home Page](#) Excellent page by Bob Ousterhout concentrating on Architecture.
- [Byzantium1200](#)
A wonderful site which provided CAD drawings of 50 buildings in Constantinople as they would have been in 1200.
- [The Constantinople Project](#) Over the past several years, Professor Ahmet Cakmak, of Princeton University's Department of Civil Engineering and Operations Research has undertaken the structural analysis, under earthquake loads, of the Hagia Sophia, the major church built by the Emperor Justinian during the 6th century AD. Professor Cakmak sought to determine the susceptibility of the structure, specifically its large dome and arches, to collapse due to the earthquakes that often strike that part of the world. As an extension of that work into the architectural realm, he recently offered a class which studied Byzantine structures from a structural and art-historical perspective. One of the goals set forth in the class was for students to construct three-dimensional models of specific Byzantine structures utilizing the computer drafting software AutoCAD. This was the first step towards a long term goal of creating a full model of the topography of ancient Constantinople, with models of many Byzantine buildings in place.
- **"ISTANBUL"**
 - [Istanbul Guide](#)
 - [History of Istanbul](#) A Turkish perspective
 - [Searching Byzantium](#)
Photographs of Modern Istanbul.
 - [Istanbul and the Marmara Region](#)
Photographs
 - [Images of Istanbul](#)
 - [The Liberation of Constantinople](#)
Turkish view of 1453.
 - [Constantinople: City of the World's Desire, 1453-1924](#)
Chapter 1 of *Constantinople City of the World's Desire 1453-1924*
By Philip Mansel

- **ANATOLIA**

- [Greek & Roman Cities of Western Turkey](#) [At Artserve/ Australian National University. This site now *charges* for use.]
- **GREECE AND AEGEAN**
 - [The City of Thessaloniki](#) Illustrated History of Thessaloniki, from the Aristotle University of Thessaloniki website.
 - [Thessaloniki Page](#) Somewhat populist! [in multiple languages]
 - [Thessaloniki: Cultural Capital of Europe 1997](#)
 - [Virtual Patras](#)
 - [A Journey Through the Morea](#) images available
 - [Monemvasia](#)
 - [Byzantine Museum of Chios](#)
 - [CRETE:Culture](#)
- **BALKANS**
 - [Diocletian's Palace at Split](#)
- **BYZANTINE ITALY**
 - [The Norman City of Cefalu](#)
- **SYRIA/PALESTINE**
 - [The Roman-Byzantine Period](#) At the Jerusalem Mosaic
 - [The Roman-Byzantine Sites](#) At the Jerusalem Mosaic

BYZANTINE: TECHNICAL SITES

- **MANUSCRIPTS/PALEOGRAPHY**
 - [Catalogi Codicum Montis Athonis](#)
 - [Philtheou Project](#) [link updated 11/23/96]
 - [Archive of Watermarks and Papers in Greek Manuscripts](#)
This developing site consists of the guide (html texts) and 3 major components: an archive images & prints of watermarks (from Greek manuscripts), a database of paper descriptions, and a bibliographical database. It is both a research tool and a mode of publishing information on papers in a centrally accessible way, and much more. The database interface is not yet functional, but the rest is, and there's a lot to think about there relevant to the methodological issues about use of evidence from paper to identify scribes and centers of book production. Part of it (the bibliographical database) is mostly just a shell at the moment, but you can see how it will work once our database interface is done.
 - [Byzantine Paleography](#)
With illustrated guides to Byzantine writing through the centuries, along with decoding tools.
 - [THE Infimae Aetatis PAGE /ICE-ICK INFORMATION A](#)

Textual Data Bank of Late Antique and Medieval Inscriptions.

- [Cambridge University Library: The Taylor-Schechter Genizah Research Unit](#) The *Genizah* was the document house of a Cairo Jewish community. Its resources pertain to a massive array of aspects of Eastern Mediterranean life in the Middle Ages.
- [TLG](#) Information on the *Theasaurus Linguae Greaca*.
- **NUMISMATICS**
 - [JEAN ELSSEN s.a. numismatic website](#)
 - [Ancient and Byzantine Coins](#)
 - [Byzantine Coins](#) still a very limited site.
- **WARFARE**
 - [Giovanni Amatuccio- PERI TOXEIAS ABSTRACT- Bow for War in The Byzantine World](#)
- **LAW**
 - Internet Medieval Sourcebook: [Medieval Law Page](#)
 - [Roman Law on the WWW](#) Contains texts and commentaries on the Corpus Iuris Civilis. Available in English, German, Italian and Latin.
- **PROSOPOGRAPHY**
 - [Prosopography of the Byzantine Empire Home Page](#)
- **SCIENCE/TECH/MEDICINE**
 - [Antiqua Medicina: Byzantine](#)
 - [Ancient Medicine: Homer, Hippocrates, Galen, and Vesalius](#)

BYZANTINE MUSIC

- [Byzantine Chant Page](#), by Pavlos Papadakis
- [Monumenta Musicae Byzantinae](#) A site in Copenhagen devoted to Byzantine Music.
- [Byzantine Music](#) with some downloadable examples. Part of [Nick G's Homepage](#) which contains information and links about Greek and Orthodox communities in Montreal.
- [Thamones Home Page](#) Greek music group

BYZANTIUM - RELATED REGIONS AND CULTURES

- [Vryonis Center homepage](#) Mainly modern Greek concerns.
- [Cyprus Homepage](#)
- [Cyprus through the ages](#)
- [Cyprus Tourist Page, including Roman sites and museum material](#)
- [Armenian Research Center: UMichigan- Dearborn](#)
- [The Alexandria Page](#)

BYZANTINE RELATED MISCELLANY

- [Perseus Project Home Page](#) The Perseus Project is concerned with the classical world. But it is also of great use to Byzantinists. For instance it has the entire Liddell-Scott-Jones in a searchable form - and with the ability to display the results in Greek [if you use a fixed with Greek font downloadable from the Perseus site.
- [Classics and Mediterranean Archaeology](#) Covers much more than its title implies.
- [Diotima: Materials for the Study of Women & Gender in the Ancient World](#)
- [Inventing the Subject: Gender, Sex, and Texts, 350-1400](#)
- [People With A History: Online Guide to Lesbian, Gay, Bisexual and Trans* History](#)
With significant Ancient, Byzantine and Medieval coverage.
- [Byzantine Chess](#) a site devoted to a game known as *Byzantine* or *Round* chess, apparently once popular in Constantinople.
- [Byzantine Textiles](#) Illustrated site by an SCA enthusiast.
- [Irene of Athens](#)
- [Medieval New York](#) A site dedicated to the impact of the middle ages on New York city. It contains pictures of various Byzantine (-style) buildings and churches.
- [Drafn](#) Drafn is a SCA [Society for Creative Anachronism] affiliate dedicated to recreating the Varangian Guard.
- [Roman/Byzantine Discussion](#) Some modern Greek writers are concerned about the use of the word "Byzantine". This is an article on the subject.

BYZANTINE STUDIES DEPARTMENTS

- [Catholic University of America: Medieval and Byzantine Studies](#)
- [Byzantine and Modern Greek studies at Queens College/City University of New York](#)

BYZANTINE COURSE MATERIALS/PAGES

- [The Byzantine Empire, 330-1453](#), At Assumption College, taught by Fr. Dave Gallo A.A.
- [Late Byzantium](#) Highly recommended page by Steven Reinart at Rutgers University.
- [Early Byzantine History](#), At Ohio State University, taught by Timothy Gregory. The site includes a useful and interesting [Outline of Early Byzantine History](#).

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Byzantine Art and Architecture

See also the [Gallery](#), a series of illustrated exhibitions of Byzantine art and antiquities, at this site.

- [The Glory of Byzantium](#). A very professional guide to Byzantium at the Metropolitan Museum of Art, mounted in connection with its "Glory of Byzantium Exhibition". It includes many images from the MMA's collection [but not from the Exhibition's borrowed works.]
- [Royal Ontario Museum - Gallery of Byzantine Art](#)
- [BYZANTIUM - Exhibition at University of Michigan](#)
- [Images of Ravenna Large collection of photographs of the main sites in Ravenna.](#)
- [Images of from Early Byzantine History](#), at Images from World History Site.
- [Art and Architecture of the Byzantine Empire](#), part of a course at Wisconsin.
- [Byzantine Art Page](#) in Mexico
- [Byzantine museum of "Antivouniotissa"](#) on Corfu.
- [Ashkelon - Byzantine Church](#) archeological site
- [Franciscan Archeological Institute - Jordan](#)
- [Eliadis Archeological Photography - Greece](#)
- [The Monastery of Deccani](#) near the town of Pech. Its frescoes were painted between 1335 and 1350.
- [Orthodox Christian Fellowship Icon Archive](#)
- [Dakota State University Art History Site - Greek, Roman, Early Christian, Byzantine and Medieval Images](#)
- [Life In Byzantine Jerusalem](#), part of a wonderfully illustrated Internet exhibit by Israel Information Services on Jerusalem in early Christian times. This is a MUST SEE.
- [Roman and Byzantine Sites in Israel](#) Part of a much larger illustrated guide to historic sites in Israel called [The New Jerusalem Mosaic](#)
- [Historical Museum of Crete](#) minor site for Byzantine items.
- [The Alexander Project](#) Technical description of a project to create a multimedia database of the artifacts of the Byzantine Museum of Athens.
- [World Art Treasures](#) this is a major resource, based on a 100,000 image archive. It organizes a series of web exhibitions. Of special interest to Byzantinists is its



[Roman Portraits from Egypt Exhibition.](#) This is a stunning collation of Roman-Egyptian portraiture linked to images from museums all over the world.

- [Art Serve](#) Art history related images from Australian National University. This is a vast resource - over 4000 images on Western Art alone, plus much more.
- [Mosaic Matters](#) on the Web (Paul Bentley & Andy Mitchell)
- [Catholic Encyclopedia: Byzantine Architecture](#)
- [Catholic Encyclopedia: Byzantine Art](#)
- [Catholic Encyclopedia: Byzantine Empire, The](#)

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Byzantine Texts

- [Internet Medieval Sourcebook](#) A sourcebook of Medieval and Byzantine sources directed at classroom use.
- [Internet Medieval Sourcebook: Hagiography Page](#)
- [The Christian Classics Ethereal Library](#) This is an effort to alphabetize and make links to all the Christian literature on the internet. Of special, and recent, interest is that the entire 38 volumes of the *Ante-Nicene* and *Nicene and Post-Nicene* is now available on line. Some of it is not cleaned up from initial scanning, but this is a great resource. There are also a variety of links to Bible tools, including parallel texts in English/German and English/Latin.
- [Early Church Fathers](#) A direct link to the 38 volumes of the *Ante-Nicene* and *Nicene and Post-Nicene* fathers.
- [St. Pachomius Library](#)
- [St. Pachomius Library; Greek Sources to 1200](#)
- [St. Pachomius Library; Byzantine Sources, 1200+](#)
- [St. Pachomius Library; Syriac Fathers](#)
- [St. Pachomius Library; Lives of Saints](#)
- [Cyril of Alexandria Page](#)
- [Gregory of Nyssa HomePage](#) This page contains English translations of Gregory's works by Brother Casimir McCambley, OCSO of St. Joseph's Abbey, Spencer, Massachusetts. McCambley has published numerous translations of Gregory's works including his *Song of Songs Commentary*. The Web Page contains a growing number of translations, introductions and bibliographies. The Page is written and maintained by [David A. Salomon](#) of the University of Connecticut.
- [Roman Law on the WWW](#) Contains texts and commentaries on the Corpus Iuris Civilis. Available in English, German, Italian and Latin.

- [Indiana University Gopher](#)
- [Virginia Tech Gopher](#) This site contains the full text of a large number of books, including the works of Plato and Aristotle.
- [The Tech Classics Archives](#) Full texts of many classical authors.
- [American University file archives](#) A site which under the heading "Catholic" has not only full texts of many papal documents, but also ascii texts of many of the Church fathers.
- [Daniel Ridings on Chrysostom](#) An entrance point to an edition D. Ridings is working on of one of Chrysostom's works. It will be updated as time goes by.
- [The Poetry of Yeats](#)
- [Bibliography: ALEX](#): A Catalogue of Electronic Texts on the Internet
- [Jump Back to INDEX](#)

Byzantine Commercial Sites

BYZANTINE BOOKS

- [Camden Books](#)
- [De Gruyter Publishers: Byzantine Studies / Byzantinistik](#)
- [Dumbarton Oaks Publications Web page](#)
- [Seraphim Rose Books](#) - an Orthodox book seller
- [SVS Press : Overview](#)
- [Papyrus Books](#) Commercial 2nd hand bookseller, with Byzantine stock. Mainly Art history, and very expensive in my opinion. Still if you need a book... [The owners of this store contacted me and objected to the "very expensive" note. They pointed out that their prices are standard in the book trade. I still think, after direct comparison with prices at the Strand in NYC that "standard book trade" prices are high.]

BYZANTINE ART, ICONS AND CRAFTS [Commercial]

- [Living Tradition](#) "Byzantine" Crafts.
- [Cal-Hellas](#) Producer of high quality reproduction icons and Byzantine ecclesiastical ware [censors, pectoral crosses, etc.] The site has many images, which may be its biggest attraction to those not intending to buy just yet.
- [JLA ART](#) Commercial painter of modern "Byzantine" Icons.
- [Slava Gallery LLC](#) - Russian Icons
- [Byzantine Religious Iconography and Icon Art](#)

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Linked Subjects - Religion

Orthodoxy

- [Links to Orthodox Sites](#) A collection maintained by Christopher Sokolov. Tends to have a lot of links to Orthodox parish churches.
- [Orthodox Net](#)
- [Patriarchate of Constantinople Homepage](#)
- [News of the Ecumenical Patriarchate](#)
- [Orthodox World News](#)
- [The Saints of the Orthodox Church](#)
- [Orthodox Ministry Access Page](#)
- [Orthodox Church in America Page](#) Official page of the OCA.
- [Orthodox Church in America -- HomePage](#)
- [The Orthodox Christian Page in America](#)
- [The Orthodox Christian Fellowship Homepage](#)
- [The Orthodox Christian Foundation](#)
- [The Orthodox Churches](#)
- [Byzantine Catholic Site](#)
- [Orthodox Church in America: St. Vladimir's Seminary](#)
- [St Vladimir's Orthodox Theological Seminary -- HomePage](#)
- [Russian Orthodox church: early history](#)
- [Holy Cross Orthodox Mission](#)
- [The Christian Coptic Orthodox Church of Egypt](#)
- [The Antiochian Orthodox Christian Page](#)
- [The Monk Page](#)
- [The Divine Liturgy of John Chrysostom](#) as used in Orthodox Churches
- [Divine Liturgy of St. John Chrysostom](#) in form used by Eastern Catholic churches
- [Liturgy of The Assyrian Rite](#) in a modernised form.
- [Orthodox Confession of the Faith](#) by Peter Moghila of Kiev. Perhaps the most Western "Orthodox" confession ever written
- [Christian Hagiography](#) - a site run by the Bollandists.
- [Calculation of the Ecclesiastical Calendar](#)- both Catholic, and Old and New Calendar Orthodox, by Marcos J. MONTES
- [Orthodox Prayers](#)

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Orthodox Monasteries, Churches, Cathedrals

- [St. Catherine's Monastery, Mt. Sinai](#) St. Catherine's Monastery



located in Sinai at the foot of Mount Moses (Mt. Sinai) is a true jewel of Christian heritage. Founded around 527, it is the oldest fully functioning monastery in the world. Yet, because of its isolation, fortification and specific protection granted by the Prophet Mohammed, it remains original and pristine. Its powerful setting seems a natural home for the many rare Christian icons which it houses, including a collection of original illuminated manuscripts second only to the Vatican. Within, one will find the chapel of the Burning Bush, which is believed to be built atop the famous burning bush of Moses, but most Christians have never even seen the monastery's exterior, and interior views are almost non-existent. Egypt's Ministry of Tourism has expanded these pages so that we can now have a first look into this fascinating Christian setting. It is worth a visit. Go to antiquities and then monuments, or to destinations and then Sinai to find the St. Catherine pages.

- [Mount Athos Website](#)
- [Athos Page](#)
- [Meteora](#)
- [Meteora Monasteries Website](#)
- [Nea Moni Museum - Karyes, Chios](#)
- [Taxiarchs' Monastery](#) on Lesbos.
- [Patmos](#)
- [Archbishopric of Cyprus](#) Has a "Pillaged Churches" page.
- [Northern Epirus Churches](#)
- [Monasteries in Yugoslavia](#) Sites and pictures for: Graccanica Monastery (near Pristina), Studenica Monastery (near Kraljevo), Zzicka Monastery (near Kraljevo), Lazarica Monastery (Krushevac), Sopochni Monastery (in the vicinity of Novi Pazar), Deccani Monastery (near the town of Pech), Ravanica Monastery (in the vicinity of Chuprija), Ljubostinja Monastery (near the town Trstenik), Patriarshia Of Pech (Pech), Kalenich Monastery (in the vicinity of Jagodina), Ostrog Monastery (between the towns of Danilovgrad and Nikshich), Moracca Monastery (near the town of Kolashin)
- [Valamo Monastery Home Page](#)
- [Monastery of St. Isaac of Syria Skete](#)
- [Kiev-Petcherskaya Lavra](#) in Ukraine
- [Holy Trinity Cathedral](#)
- [St. John the Baptist](#) in Washington DC. Built in the traditional Russian cathedral style, page includes a guided tour of the cathedral with almost anything usually included inside one.
- [Melkite \(Byzantine\) Catholic - St. George Church Milwaukee](#)
- [St. Michael Ukrainian Catholic Church \[Divine Liturgies\]](#) The site has some interesting graphics on the celebration of the liturgy.

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Catholicism

- [Guide to Catholic Sources](#) Don't get caught without proper references. This is a guide to the best and most authoritative source for Catholic teaching. This version of the document contains hypertext links to reference documents if they exist on the Internet.
- [Vatican Home Page](#) The Holy See's own home page, with collections of documents [In English and Italian at the moment, other languages promised soon.]
- [Catholic Files](#) This site has full text files of many conciliar documents, papal and magisterial documents, and texts of writings of the fathers.
- [CatholicMobile](#) Despite its odd name, this is one of the best guides to Catholicism on the Internet, with links to sites presenting many perspectives.
- [Christus Rex](#) A general Catholic site with wonderful guided tours of the various Vatican museums.
- [Catholic Resources on the Net](#) One of the earliest Catholic sites, it keeps up a pretty good set of links to other Catholic sites.
- [Benedictine Run Liturgy website](#)
- [Glen Gunhouse' Page](#)
Contains a parallel Vulgate/King James Psalter, a parallel Latin/English Hours of the Virgin, an on-line calendar of saints' days
- [Guide to Liturgy Resources online.](#)
- [Hours of the Virgin in Latin and English](#)
- [Online Calendar of Saints Days](#), refers to saints days in Latin/Western usage. By Glen Gunhouse at the University of Alberta
- [The Catholic Encyclopaedia 1907- 1913](#) An effort by the New Advent Catholic Web site to put the entire multivolume CE on the web. Many articles are already loaded, and the site is growing. While not as useful as the great French ecclesiastical encyclopedias, this is a very useful project for Byzantinists.
- [Douai-Rheims Bible Home Page](#) - etext of the old "official" Catholic translation of the Vulgate.
- [The Complete List of Popes](#)
- [The Monk Page](#)

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Judaism and Judaic Studies

- [The Internet Jewish History Sourcebooks](#)
- [Introduction To Judaism Home Page](#)
- [The Digital Genizah](#)

- [Jewish/Israel History - Link Launcher](#)
- [Israel Museum Jerusalem](#)
- [Medieval Judaism: Course Notes](#)
- [The Wisdom of Maimonides](#)

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Linked Subjects - Ancient Studies

Ancient World - General

ARGOS ASSOCIATE SITES

- [Abzu: Guide to Resources for the Study of the Ancient Near East Available on the Internet](#)
Edited by Charles E. Jones (Oriental Institute), **Abzu** is an extensive index of resources on the pre-Islamic civilizations of Western Asia and Egypt.
- [The Cambridge Classics External Gateway to Humanities Resources](#)
Edited by Bruce Fraser (University of Cambridge), **Cambridge Classics** provides access to internet resources of general interest to classical scholars, including links to materials on philosophy, ancient science, linguistics, drama and art.
- [Diotima: Materials for the Study of Women and Gender in the Ancient World](#)
Edited by Suzanne Bonefas (Associated Colleges of the South/Miami University) and Ross Scaife (University of Kentucky), **Diotima** features a wide-range of resources for teaching and research on women and gender in the ancient world.
- [Exploring Ancient World Cultures](#)
Edited by Anthony F. Beavers (University of Evansville), Exploring Ancient World Cultures is a general textbook project dedicated to the ancient Near East, ancient India, ancient Egypt, ancient China, ancient Greece, ancient Rome, early Rome and medieval Europe.
- [Kirke: Katalog der Internet-Ressourcen für die Klassische Philologie aus Erlangen](#)
Edited by Ulrich Schmitzer (Universität Erlangen-Nürnberg), Kirke (in German) is an extensive index of internet sites relating to the classical periods of Greece and Rome.
- [Rassegna degli Strumenti Informatici per lo Studio dell'Antichità Classica](#)
Edited by Alessandro Cristofori (University of Bologna), the **Rassegna** (in Italian) is a gateway to resources for the classical

periods of Greece and Rome.

- [Romarch: Roman Art and Archeology](#)

Edited by Pedar Foss (University of Cincinnati) and supported by the University of Michigan, **Romarch** is a wide-ranging index of resources on ancient Italy and the Roman world.

SEE ALSO

- [Ancient History Sourcebook](#)
- [Aiolos](#) A very complete guide to Classical sites on the Internet. It is in Dutch, but even if you don't read that language, your German [!] should enable you to follow its suggested links.
- [Ancient World Web](#)
- [Ancient literary criticism](#)
- [Lecture: Exploring Ancient World Cultures](#)
- [Ancient geography](#)
- [De re militari](#) Classical and Medieval Military history.
- [Arachnion. A Journal of Literature and Ancient History on the Web](#)
- [Journal: Bryn Mawr Classical Review](#)
- [Hadrianic Baths](#)
- [Babylonian and Egyptian Mathematics](#)

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Archeology

- [Romarch: Roman Art and Archeology](#)
Edited by Pedar Foss (University of Cincinnati) and supported by the University of Michigan, **Romarch** is a wide-ranging index of resources on ancient Italy and the Roman world.
- [Classics and Mediterranean Archaeology](#)
- [Archaeology: an Introduction](#) - an 'electronic companion'
- [Seven Wonders of the Ancient World](#)
- [Greek & Roman Cities of Western Turkey](#)
- [Society for Libyan Studies](#)
- [Evolution Entrance](#) A little bit early for Byzantinists and Medievalists - but a good site for early paleoanthropology. Knocks the socks off creationism!
- [Archaeology at University of Connecticut](#)
- [Department of Archaeology, York University](#)
- [Glasgow University Archaeology Research Division](#)
- [L'archeologie sous les mers](#) [FR]
- [Ancient: Classics and Mediterranean Archaeology](#) [US]
- [Archaeological reports on-line*](#)

- 
- [Architectural Images*](#) [US]
 - [Architecture Overview of the Mediterranean Basin*](#) [US]
 - [More Classical, Medieval, and Renaissance Architecture and Sculpture*](#)

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Ancient Near East

- [Abzu: Guide to Resources for the Study of the Ancient Near East Available on the Internet](#)
Edited by Charles E. Jones (Oriental Institute), **Abzu** is an extensive index of resources on the pre-Islamic civilizations of Western Asia and Egypt.
- [Selections from Ancient Near East Texts](#) Original Sources.
- [Oriental Institute, UChicago](#) An Excellent resource and an interesting site.
- [Ancient Near East: Excavations at Ciftlik \(Sinop\), Turkey, University of Warwick*](#)
- [Ancient Near East: Northeastern Turkey Archaeological Project](#)
- [Ancient Near East: Objects from Karanis in the Kelsey Museum of Archaeology\(US\)*](#)

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Egypt

- [Abzu: Guide to Resources for the Study of the Ancient Near East Available on the Internet](#)
Edited by Charles E. Jones (Oriental Institute), **Abzu** is an extensive index of resources on the pre-Islamic civilizations of Western Asia and Egypt.
- [Guide to Ancient Egypt on the Internet](#)
- [Tour of Egypt](#)
- [The Institute of Egyptian Art and Archaeology](#)
- [Reeder's Egypt Page](#) An interesting site for non-specialist and specialist alike. Exhibitions, guides, images, and links. Includes a tour of what seems to be the tomb of the earliest known homosexual couple.
- [Ancient Egypt on the Internet*](#)
- [Ancient Egypt: Alexandria](#)
- [American Society of Papyrologists*](#)
- [Anciens documents sur l'Igypte*](#)
- [Annual Egyptological Bibliography home page*](#)



- [Archaeological Survey in the Eastern Desert of Egypt*](#) [US]
- [Clickable image of the temple of Abu Simbel*](#)
- [Egyptological Fieldwork Directory](#) from The Netherlands.
- [Ancient Egypt: Djoser Complex*](#)
- [Ancient Egypt: Duke University Special Collections Library*](#)
- [Egyptology Resources from the University of Cambridge*](#)
- [Ancient Egypt: Gesamtverzeichnis der griechischen Papyrusurkunden Aegyptens](#)
- [Ancient Egypt: History of Ancient Egypt](#)
- [Journal: ZPE: Index of the Journal of Papyrology](#)
- [Ancient Egypt: Les obelisques*](#)
- [Ancient Egypt: Memphis State University*](#)
- [Ancient Egypt: Netherlands Institute for the Near East](#)
- [Newton Institute Egyptology Homepage*](#)
- [Nubia Exhibits at the Oriental Institute Museum, U. Chicago*](#)
- [Papyrological resources by Gopher](#)
- [Papyrology Collection -- U. of Michigan](#)
- [Papyrology: Immagini Digitali di Papyri](#) The page has information on the research (conducted by the Papyrology Institute 'G. Vitelli' in Florence and the Istituto Nazionale di Ottica) in imaging carbonized or illegible papyri.
- [The Duke Papyrus Archive](#) has now virtually completed the task, which began in September of 1992, of making the Duke papyri more accessible. Available are records and images of all 1373 inventory numbers of papyri in the Duke University Collection. (About 200 images remain to be added.) The approximately 2000 images of these texts are presented in three ways: a "thumbnail," a 72 dpi image and a 150 dpi version. All images are linked to catalogue records.
- [Ancient Egypt: Restitutions virtuelles*](#)
- [Ancient Egypt: Restoring Ancient Egyptian artifacts... by computer*](#)
- [World Art Treasures: Portraits Romains d'Egypte*](#)

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Persia

- [AVESTA Web Server](#) The best place to start.
- [PersiaNet](#)
- [Iran Home Page](#)
- [Iran](#)
- [Iranian/Persian Art](#)
- [Art of Persia](#)

- [Mithraism](#)

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Ancient Greece

- [Hellenic Civilization Database](#)
- [Hellenic Resources](#)
- [History of Mathematics: Greece](#)
- [Greek Mathematics & Its Modern Heirs \[US\]](#)
- [Ancient Greece: City of Athens: the archaeological and architectural](#)
- [Web Acropolis](#) A Virtual tour of the Acropolis in Athens.
- [Hellenic Civilization Database](#)
- [Ohio State University Excavations at Isthmia](#)
- [Pylos Regional Archaeological Project*](#)
- [Lecture: Exploring Ancient World Cultures: Greece](#)

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Greek Language

[See also Biblical Studies links]

- [Perseus Project Home Page](#)
- [Hellenistic Greek Linguistics](#)
- [Greek Fonts and Computing Site](#) Also has Armenian, Coptic resources. In German. etc.
- [Greek Fonts](#) site in Greece.
- [How to Read, Write, Print and Email in Greek \[At Hellenic Resources\]](#)
Covers Apple, UNIX, Windows 3.1 / 3.11, Windows 95, and Windows NT Systems
- [Using WinGreek in Windows 95](#)
A graduate student at Oxford has macros to allow the use of the Wingreek fonts in various programs under Windows 95. The package together is available from the Oxford Classics web site. [Note that, unless changes have been made, you will have fiddle a bit to make this work with US keyboard settings]
- [Thesaurus Linguae Graecae](#)
- [Interpreting Ancient Manuscripts Web](#) A Site at Brown University which examines Greek paleography, textual transmission, etc., with special reference to the New Testament.

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Ancient Rome

- [SPQR: Virtual Rome](#) Online game set in ancient Rome. Great graphics, but have a fast modem!
- [Warfare in the Roman World](#)
- [A Visual Compendium of Roman Emperors](#) Site put together by Justin Paola, who went to Rome with a camera and took snaps of as many emperors as he could find.
- [De Imperatoribus Romanis: An Online Encyclopedia of Roman Emperors](#) From Augustus to Constantine Dragases.
- [Roman resources](#)
- [Rome: Roman Law](#)
- [Ancient History Course](#)

Reports from Roman Sites

- [Romarch: Roman Art and Archeology](#)
Edited by Pedar Foss (University of Cincinnati) and supported by the University of Michigan, **Romarch** is a wide-ranging index of resources on ancient Italy and the Roman world.
- [Rome's Ruins, Learning to Read](#)
- [Rome: Art and architecture in Turkey](#)
- [City of Trier, Germany; art and architecture](#)
- [Roman Palace in ex-Yugoslavia](#)
- [Other links removed - see [Romarch](#)]

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Ancient Israel

- [Jewish History Sourcebook](#)
- [Ancient Near East: Ancient Shikhin and Sepphoris, Israel](#)
- [Ancient Synagogues in the Holy Land - What Synagogues?](#)
- [Ancient Near East and Palestine](#)
- [Jerusalem Mosaic](#)
- [Israel: Official and Government Sources\]](#)
- [Journal: Judaica: Jewish Studies](#)
- [Univ.Cal. at Davis: Judaism RST 23 homepage](#)
- [Israel](#), a central point for connecting with all known Web Sites in Israel.

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Bible Resources

- [Biblical Studies Resource Page](#) Regularly update metagpage to Biblical and early Christian studies on the web.
- [Bible Gateway, Calvin College](#)
- [Bible Search Facilities](#)
- [Bible Browser](#) by Richard_Goerwitz [Richard_Goerwitz@Brown.edu]
- [Parallel Latin-English Psalter](#), by Glenn Gunhouse.
- [Noncanonical Homepage](#) - Wonderful collection of full texts.
- [The Gospel of Thomas Homepage](#) - many, many, full texts.
- [Library of Ethiopian Texts - Introduction](#)
- [Dead Sea Scrolls - Today](#)

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New Testament Period

- [Resource Page-Biblical Studies](#)
- [IOUDAIOS Review HOME PAGE](#) IOUDAIOS is an mail list devoted to the four hundred years around 1 BCE/I CE.
- [Dead Sea Scrolls Exhibit](#)
- [Jump Back to INDEX](#)

Patristics

- [Ecole Initiative](#) The Ecole Initiative is an evolving online encyclopedia of the early Church.
- [Ecole Initiative Documents Page](#)
- [Guide to Early Church Documents](#)
- [Early Church Documents -- ca 96-150 A.D.](#)
- [New Advent: FATHERS OF THE CHURCH](#)

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Late Antiquity

- [ORB: Late Antiquity Pages](#), contains a guide to Late Antique studies on the net.
- [Society for Late Antiquity](#), contains the Late Antiquity Newsletter, programs for the two Shifting Frontiers in Late Antiquity Conferences, and cross references to other WEB sites dealing with Late Antiquity.

- 
- [Worlds of Late Antiquity](#) A course by Professor James O'Donnell at the University of Pennsylvania
 - [The Worlds of Late Antiquity Readings for Students](#)
 - [James O'Donnell: *Cassidorus*](#) (Berkeley & Los Angeles: University of California Press, 1979) - full text available online.
 - [Augustine on the Internet](#) Another *coup* by Professor O'Donnell. Includes full Latin and English texts of the *Confessions*, many papers, links to other Augustine material [including the *City of God*, the *Rule*], the *Ennead* of Plotinus, and a song by Sting!
 - [Boethius Course](#) By James O'Donnell. Includes full Latin text of the *Consolation of Philosophy*, English translation and commentary, along with other course materials.
 - [Christian Catacombs of Rome](#)
 - [Manicheanism Web Page](#)
 - [Traditions of Magic in Late Antiquity](#)
 - [Warfare in the Roman World](#)
 - [Historical Atlas of Late Antiquity](#). At the moment the site has the maps for the Occident at the time of Justinian. It is in French, but the maps are in Latin, Old English, Arabic, etc., so I guess it could be useful to anyone.

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Syriac Studies

- [Suryoyo Online](#) A Link for the Syrian Orthodox Church?
- [Hugoye: Journal of Syriac Studies](#)
- [Edip Aydin: A bird's eye view of the Syriac language and literature](#), *Gouden Hoorn*, Volume 5, issue 1 (summer 1997)

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Linked Subjects - Medieval Studies

Slavic World and Balkans

- [Bucknell Russian Studies](#) Possibly the best Russian studies site, with links to many others. The [Russian Chronology](#) is detailed, covers all of Russian history, and has links to pictures, text files, and other sites in Russia. Europe and North America.
- [Russian and East European Studies](#)
- [Journal: Slavic Review](#)
- [Khazaria Information Center](#) The Khazars were a medieval people

which converted to Judaism and established a significant political presence in the lower Volga area.

- [Russian & European Network Information Center](#)
- [Sovam Teleport - Ukraine](#)
- [St Petersburg Pictures Gallery*](#)
- [Treasures of the Czars, 1613 to 1917](#)
- [Bob Atchisons Site on the Alexander Palace in Tsarskoe Selo](#)
- [EUNet Bulgaria Online](#)
- [History of Bulgaria Online](#)
- [The Monastery of Deccani](#) near the town of Pech. Its frescoes were painted between 1335 and 1350.
- [Bosnia](#)
- [The Franciscans in Bosnia](#)

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Medieval West

Medieval - General

WEB GUIDES

- [Labyrinth WWW Home Page](#) A site designed as a reference point for all medieval studies on the web. Although in place since 1993, it is still sorely lacking in some areas [Byzantium for instance], and seems to emphasize only mainstream academic sites. In practice many of the more interesting web sites are - at this stage - efforts by enthusiasts.
- [ORB: Online Reference Book](#) for Medieval Studies
- [HN Source index to medieval studies on the Internet](#)
- [Oxford Gateway to Medieval Studies](#)
- [Index - WWW Medieval Resources](#) based at Virginia Tech
- [Medieval History and Literature](#) by Prof. Grover Furr at Montclair State University. This is not as extensive as some guides, but is well-annotated, and especially good on medieval literature.
- [The PSC Medieval Society Official Medieval Links List](#)
- [Ancient & Medieval History](#)
- [Medieval Resources 800-1200 CE](#) Mostly Northwestern Europe.
- [Libellum Mundi](#) Medieval studies on the web guide.
- [VOICE OF THE SHUTTLE HOME PAGE](#)
- [Amsterdam Society For Medieval Studies](#) Reviews, discussions and links. Many in Dutch.

ASSOCIATIONS

- [The Medieval Academy of America](#)
- [Medieval Academy News](#)
- [Medieval Studies Conference Calendar](#)
- [International Congress of Medieval Studies](#) at Kalamazoo, Michigan
- [International Medieval Institute](#), Leeds. Includes details about their activities and programmes, including the annual Medieval Congress held in Leeds each July.
- [Texas Medieval Association](#)

TECHNICAL

- [Otfried Lieberknecht's Homepage](#) An very useful set of links for dictionaries and other technical information useful to medievalists. Special concentration on Romance philology.
- [Lingua Latina](#)
- [Middle English Dictionary*](#)
- [Middle English Texts](#) at University of Michigan
- [Middle English Brut](#) manuscript images at University of Michigan
- [Calculation of the Ecclesiastical Calendar](#) - both Catholic, and Old and New Calendar Orthodox, by Marcos J. Montes.

INTERESTS - Christianity

- [Christian Hagiography](#) - a site run by the Bollandists.
- [Hagiography Site](#), by Thomas Head, one of the leading experts on Western Hagiography.
- [Medieval Sourcebook: Saints' Lives Page](#) Full texts of many ancient and medieval saints' lives
- [Eckhart Society](#)
- [The Franciscan Archive](#), a WWW resource on St. Francis of Assisi and Franciscanism, is now online. Included are original texts in Latin and English translation, plus links to biographies, histories and related materials in liturgy and art.
- [The Monk Page](#)
- [A New Relic in the Cathedral](#)
- [Medieval Attitudes Towards Dismemberment of the Body](#)
- [Relic Hierarchy - Mail Discussion](#)
- [Relic Hierarchy](#)
- [SACRED RELICS](#)
This is about Buddhist relics, but is good comparative material.
- [Summa Theologica III, 25, 6: The adoration of the relics of saints](#)
- [Catholic Encyclopedia: OIL OF SAINTS](#)
- [Catholic Encyclopedia: RELICS](#)
- [Mary's Gardens](#) - researches the hundreds of flowers named in

medieval times as symbols of the life, mysteries and privileges of the Blessed Virgin Mary.

INTERESTS - Education

-

INTERESTS - War

- [Castles on the Web](#)
- [Arador Armour Library](#)
- [Grey Company Trebuchet](#) web site. It has a good bit of graphical and technical information, as well as links to other trebuchet sites (this begins to look like a fairly popular hobby).
- [Council of Remiremont](#) Information

INTERESTS - Gender

- [Medieval Women Homepage](#) at MacMaster University. Concentrates on later middle ages.
- [Medieval Women site.](#)
- [Medieval Women](#)
- [Medieval Women](#)
- [Medieval Feminist Index](#) MFI covers scholarship on women, sexuality, and gender (450 CE to 1500 CE) published in journals and essays in collections. Currently there are 700 records for titles published in 1995 and 1996 with 100 being added each month.
- [Medieval and Renaissance Weddings](#) Although apparently directed at "re-creators", this site contains much useful information, and a very good bibliography on the subject. It addresses heterosexual ceremonies only!
- [Becoming Male in the Middle Ages](#), ed. Jeffrey Jerome Cohen and Bonnie Wheeler
- [People With A History: Online Guide to Lesbian, Gay, Bisexual and Trans* History](#)

INTERESTS - Science

- [Internet History of Science Sourcebook](#)
- [Medieval Science](#)
- [From Miracles to Medicine. - The Mediæval Miracles of Healing Check Medical Science.](#)
- [The Astrolabe](#)
- [Plague and Health in Renaissance Europe](#)
- [The Art of Renaissance Science Table of Contents](#)

INTERESTS- Music

- [Gregorian Chant](#)
- [Altramar Medieval Music Group](#)
- [The Indiana University Early Music Institute](#). The important part for Latinists and Medievalists is the: [TML: Thesaurus Musicarum Latinarum](#) database for Latin music theory which gives the texts of hundreds of writers from ancient times through the 18th century.
- Gregorian Chants - with audio. Currently has 8 different versions from Mass ordinaries ("kyriale" - kyrie, gloria, sanctus and agnus) and 3 alleluias, all sung by monks from Sao Paulo Benedictine Abbey (Brazil). Live recordings during the masses. The files are in wave format, stereo, and also in Sun Audio (au) mono, which are smaller in size.

Visit this page in [English](#) , [Spanish](#), or [Portuguese](#). [Located in Brazil, so downloads may be slow if you do not have fast connection.]

INTERESTS- Food and Drink

- [Medieval Recipes](#)
- [Medieval Food](#)
- [Early Medieval Brewing](#)
- [Medieval & Renaissance Brewing](#)
- Ben Stiles' [Women & Brewing in the Middle Ages](#)

INTERESTS- Other

- [The Center for Millennial Studies](#)
- [Cyprus Under Richard I and the Templars](#)
- [Roman Law on the WWW](#) Contains texts and commentaries on the Corpus Iuris Civilis. Available in English, German, Italian and Latin.
- Brendan McManus' [List of Legal Manuscripts](#) and [List 2](#) (commentaries on the Decretum, Decretals, and the Roman law) from the high and later Middle Ages. I finally got around to encoding the thing in HTML and placing it on my website.
- [Marco Polo Expedition](#) An expedition from Italy to Hong Kong via the Internet. The expedition team will start in Venice, Italy and travel through Austria, Eastern Europe, Turkey, Central Asia, China, and Hong Kong. The team will end its trek in Hong Kong, having retraced Marco Polo's historic passage to the East.

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Documents

- [Medieval Sourcebook](#)
- [EuroDocs: Primary Historical Documents from Western Europe](#) A site is provided by a bibliographer at Harold B. Lee Library, Brigham Young University. The site includes pointers to documents and full text works for Medieval and Renaissance Europe, Europe as a Supernational Region, and over 20 Western European Countries. Materials are transcribed, translated, or facsimiles of the originals. Some materials are in the language of the originating country. Time frame is medieval to present.
- [Online Medieval and Classical Library](#) At Berkeley. Contains **public domain** full texts of source material.
- [Monumenta Germaniae Historica](#) (Institut für Erforschung des Mittelalters, Munich) Page, with, among other things, complete listings of their publications and info on their ongoing project to make the complete edition of sources available on CD (eMGH):
- [Migne: Patrologia Latina Database](#) Now available also on the WWW. This Internet access has of course its price (annual subscription: starting at L2500 for one concurrent user and going up to L6250 for an unlimited site arrangement).
- [Index - Medieval Studies - WWW Virtual Library](#)
- [Latin Text Archives at Wiretap \[US\]](#)
- [Latin Text Archives at Libellus \[US\]](#)
- [Latin Medieval Literature](#)
- [Aquinas' Summa Theologiae](#) - full text in English, with search engine "coming soon"
- [Saint Patrick: Autobiography](#)
- [Baragona's Chaucer](#) A home page for a class on Chaucer, this page contains links to major sites for Chaucer, medieval literature, and general literature.
- [Canterbury Tales \[University of Virginia\]](#)
- [Chaucer Bibliography \[University of Toronto\]](#)
- [European Texts and Images from before 1620](#)
-

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Manuscript/Document Presentations

- [The Charrette Project](#) This page allows access to a prototype version of an image/text database of Chrétien de Troyes's *Le Chevalier de la Charrette*.
- [The Piers Plowman Project](#) Contains full texts of various mss.
- [Beowulf Project](#) US site
- [The Anglo-Saxon Chronicle](#)



- [Dante: Divina Commedia](#)
- [Dante: Vita Nuova*](#)
- [Les tres riches heures du Duc de Berry](#)
- [Le Roi Charles V et son temps](#) from the Bibliothèque Nationale (1318-1380; photo facsimiles of manuscripts)
- [Les très riches heures du Duc de Berry -- A medieval book of hours](#) (ca. 1412-1416; photo facsimiles from the calendar section)
- [Les Très Riches Heures du Duc de Berry](#) one of a genre of 15th-century illustrated prayer books known as "book of hours".
- [Society for Early English and Norse Electronic Texts](#)
- [DScriptorium: medieval manuscripts \[US\]](#)
- [Hill Monastic Manuscript Library Homepage](#)
- [Medieval Europe: Horae Beatae Virginis Mariae, secundum usum Romanus](#)
- [Manuscript Study: Basic](#)
- [Bookmine MSS Page](#)
- [Abcbooks MSS Page](#)
- [Abcbooks MSS Page - Medieval](#)
- [Columbia University Manuscripts](#)
- [Stanford Medieval Images](#)
- [Stanford Medieval Images II](#)
- [Princeton Chant MSS](#)
- [Brown University MSS Page](#)
- [Illuminated MSS](#)
- [Chadwyck-Healy Pages](#)
- [Labyrinth MSS Page](#)
- [Aberdeen University MSS Pages](#)
- [Aberdeen University MSS Pages II](#)
- [Scriptorium MSS](#)
- [RIT MSS Page](#)
- [Altramar MSS Page](#)

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Art and Architecture

- [Medieval graphics](#) a source for gifs and jpegs of medieval subjects.
- [The Green Man](#) - a site devoted to a recurrent figure of Medieval architecture.
- [Bayeux Tapestry](#) tells the story of the events leading up to and including the Battle of Hastings on October 14, 1066.
- [Amiens Cathedral](#) A stunning web-project at Columbia University with technical, artistic, and architectural guides.



- [Maulbronn Monestary](#) A Cistercian house of 1147 in Baden-Wuerttemberg. Unesco World Heritage site.
- [Romanesque Art At Wisconsin](#)
- [Art History 201 Syllabus At Wisconsin](#)
- [Romanesque Art \(3\) At Wisconsin](#)
- [The Romanesque Tour](#)
- [Romanesque](#)
- [Romanesque Architecture](#)
- [A Romanesque Ruin](#)
- [Catholic Encyclopedia: GOTHIC ARCHITECTURE](#)
- [Gothic Architecture: Art 325 Reed College Fall 1991](#)
- [Gothic Architecture](#)
- [International Gothic Architecture](#)
- [Catholic Encyclopedia: Augustus Welby Northmore Pugin](#)
- [CATHOLIC ENCYCLOPEDIA: STAINED GLASS](#)
- [Twelfth Century](#)
- [K's Gargoyle Links](#)
- [Gargoyles and Grotesques](#)
- [The Cloisters](#), Museum in New York. For concerts at the museum see [here](#)
-

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Exhibitions

- [Sigtuna Museum \[SE\]](#)
- [El Camino de Santiago](#) Illustrated guide to the great pilgrimage center of Western Europe
- [Citta - A Tour of the Vatican City](#)
- [Musei - Vatican Museum Web Site](#) with hundreds of images.
- [Sacred Time: The Book of Hours from the Middle Ages to the Present Day](#)
- [The History of Printing](#)

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Conferences

- [Cultural Frictions: Medieval Cultural Studies in Post-Modern Contexts](#) Conference Proceedings of "A Local and World-Wide Interactive Conference held at Georgetown University October 27-28, 1995". Includes full text of papers.

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E-Journals

- [The Medieval Review](#) A new website and new title to replace the Bryn Mawr Medieval Review [next item.]
- [Medieval Europe: Journal: Bryn Mawr Medieval Review](#)
- [Journal: Exemplaria: Theory in Medieval and Renaissance Studies](#)
- [Medieval Life](#)

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Courses

- [Courses Using the Internet Medieval Sourcebook](#) - lists about 60 courses, most online, using the Medieval Sourcebook.
- [Lynn Nelson: Medieval History: Fall 1995 Web Site](#)
- [History of Western Civilization](#) A WWI Course offered by Skip Knox at University of Idaho - can be taken for credit
- [Shaping of Medieval Europe](#) A Course offered by Paul Halsall at Fordham University
- [Lecture: Exploring Ancient World Cultures: Medieval Europe](#)
- [Marriage and Sexuality in Medieval Europe](#) by Paul Hyams at Cornell.
- [Conflict Resolution in Medieval Europe](#) by Paul Hyams at Cornell.
- [German Civilization I \[to 1600\]](#) A course by David Sheherd at American University. Texts in German.

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College Medieval History Departments

- [Catholic University of America: Medieval and Byzantine Studies](#)
- [Medieval Studies at Univ. of Connecticut*](#)
- [Fordham University history Department](#)
- [Oklahoma University Medieval and Renaissance Studies](#)
- [Medieval & Renaissance Studies at W & L](#)
- [U. of York, Centre of Medieval Studies](#)
- [The Jacques Maritain Center at Notre Dame](#)

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Area Sites

ITALY

- 
- [Online Catasto of 1427](#) The database found on Medievalist David Herlihy's computer at his death. Contains searchable data from the 1427 Florentine tax survey
 - [The Art of the Renaissance](#)
 - [Civilization of Renaissance Italy](#)
 - [Commune of Florence Web Site](#)
 - [The Vatican Exhibit: Rome Reborn](#)
 - [Gardens, Villas, and Social Life in Renaissance Florence](#)

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SPAIN and PORTUGAL

- [American Academy of Research Historians of Medieval Spain](#)
- [Medieval Iberian Archives at Northwestern](#) if busy try [here](#)
- [Portuguese Literature](#). Medieval, Classic, Baroque, Neoclassic and Romantique Portuguese literature.
- [Internet Resources in Spain \(including libraries\)](#)
- [The Cid](#) Translated from a number of sources by Robert Southey in 1637.
- [Mark Johnston's "Do Exempla Illustrate Everyday Life?"](#)
- [Test Site for Cyberia, an Electronic Journal for Medieval Iberia](#)
- [El Camino de Santiago](#) Illustrated guide to the great pilgrimage center of Western Europe

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FRANCE

- [Tom Dube's Merovingian Page](#)
- [Gregory of Tour's Page](#)
- [Writers and their Copyright Holders](#)
- [Ballads Lyrics and Poems of Old France](#)
- [French Page](#) This page, under development by Michelle Caroly-Alter, contains a number of files, maps and illustrations on the theme of the Capetiens and the Crusades. The text is in French.

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ENGLAND

- [Celts & Saxons homepage](#)
- [Old English Pages](#)
- [Hwæt! An Old English Learning Site](#)
- [British History at Britannia Magazine](#)



- [Apollonius of Tyre](#) Version in Old English and translation into modern English
- [1066 ARCHIVE](#)
- [Secrets of the Norman Invasion](#) A site put together by Nick Austin arising from his obsession in finding out exactly where the Normans landed in 1066. You may or may not agree with his thesis [that the documents specifying Pevensey as the site simply do not fit the lie of the land, but Wilting Manor does], but along the way he has provided over 7megabytes of maps, pictures [including chunks of the Bayeux tapestry], arial photographs and argument. A good example of the possibilities of web publishing.
- [Bayeux Tapestry](#) The whole tapestry in a series of 250k images.
- [Regia Anglorum](#) The pages are designed to be an interactive experience for anybody with an interest in Early Medieval Europe in general and Anglo-Saxon and Viking Britain in particular. A popular focus, but with many full text articles.
- [Shropshire](#)
- [The Castles of Wales](#)
- [A Virtual Tour of Durham Cathedral](#)
- [Web Site on the city of Exeter](#) with pictures of Cathedral and other medieval sites.
- [Exploring Lavenham Audio Tour](#) Lavenham is, reputedly, the finest small medieval town in England.
- [Medieval Europe: All Hallows parish church, Nottingham](#)
- [Anglo-Saxon Church](#) in Bradford-on-Avon in Wiltshire, England.
- [The History and Construction of Medieval Timber-Framed House](#) by Steve Kirkby. This site describes, for the lay reader, the development from about 1200 AD in England and Wales of the cruck and box-frame house from the earlier hut made from earth-fast posts, and the invention of the chimney, tiles and window glass. A Bibliography is included. The site has been designed for the interested layperson who knows little or nothing about the subject and would welcome a simplified jumping-off point.
- [Richard III Society--Bosworth Facts](#)

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NORSEMEN/SCANDANAVIA/VIKINGS

- [The Viking Lady Answer Page](#)
Really interesting articles. Gunnora [the Viking Lady] responds to the wide interest in Vikings with some well-researched answers.
- [Rune Typology Project](#)
- [Runes Ancient Coins Page](#)
- [Search Runic inscriptions](#)
- [Medieval Europe: Viking Materials](#)

- [Medieval Europe: Viking Navy](#)

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GERMANY

- [Castles of Germany](#)
- [Jump Back to INDEX](#)

LOW COUNTRIES

- [Narrative Sources](#), is now available on the Internet. This a survey of all the medieval narrative sources originating from the Southern Low Countries. 'Narrative Sources' includes all the primary sources, in prose or verse, written in order to describe the past in a narrative way (chronicles, diaries, saint's lives etc.). Each source is described in 21 fields: identification number, type, language, author, status of the author, title, incipit, explicit, size, century, redaction (place, date, patron, dedication), abstract, manuscripts, editions, translations, sources, influence, literature, desiderata, name of the contributor of the record and update code. Developed by the departments of medieval history at the universities of Ghent and Leuven (Belgium).

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Misc. Medieval!

Also included here are the following sites by businesses and re-enactment enthusiasts. They vary enormously in quality.

Caveat emptor!

- [SCA - Main Page](#)
- [Knights of Trinity - Medieval and Renaissance Reenactment Organization](#)
- [CA Shakespeare Fest](#)
- [Contemporary Chivalry](#)
- [Faire Liste](#)
- [Welcome to the Renaissance Faire](#)
- [Celtic Cultures](#)
- [Distant Caravans](#)
- [Gaukler Medieval Wares](#)
- [Molds and Accessories for Creating Miniatures](#)
- [Knighthood & Chivalry Resource Library](#)

- 
- [The NOBLE BLADES Home Page](#)
 - [Realms of Despair](#)
 - [The Knights Templar Preceptory Portcullis](#)
 - [Joyce Lionarons Home Page](#)
 - [Monk's Abbey of the Blade](#)
 - [The Virtual Press Presents the Writer's Gallery](#)
 - [Early Modern Literary Studies: WWW-Accessible Resources](#)
 - [The Sentimental Reading Room](#)
 - [Hearthstone](#)
 - [Castle of Anthony Thyssen](#)
 - [Swords and Stuff](#) Commercial site.

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Islamic World

Islam

- [Islamic History Sourcebook](#)
- [Islam Homepage](#)
- [Islamic City](#) Very well done site for exploring Islamic culture and history.
- [Islamic History in Arabia and Middle East](#)
- [Quran Resources](#) at IslamiCity. Excellent.
- [Hadith Resources](#) at IslamiCity. Excellent.
- [Library of Islam](#) at IslamiCity.
- [Al Mashriq](#) The Levant Cultural MultiMedia Servers [including Egypt, Iraq, Israel, Jordan, Lebanon, Palestine, Syria, Turkey].
- [Middle East Studies Association](#)
- [Islam: Islamic Architecture in Isfahan](#)
- [The ICB Islamic Audio Studio](#)
- [Journal of Arabic and Islamic Studies](#)
- [Muslim Students Association, Caltech](#)
- [Lecture: Exploring Ancient World Cultures: The Islamic World](#)
- [Greek and Roman Cities in Turkey](#)
- [Stories of the Sufis](#)

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Middle East Studies in General

- [Middle East Studies, University of Texas](#)
- [Centre for Middle Eastern and Islamic Studies, University of Bergen](#)

- 
- [American Oriental Society](#)
 - [Middle East Studies Association Bulletin](#)
 - [Middle East-Related Sites](#), provided by the Middle East Documentation Center of the University of Chicago.
 - [Royal Embassy of Saudi Arabia](#) in Washington, D.C.
 - [Egypt-Home Page](#) from the Mid East Network Information Center at the University of Texas.
 - [Egypt-Regional Information](#)
 - [Lebanon-basic information](#)
 - [Lebanese Government](#)
 - [Lebanon-Regional Information](#)
 - [Syria-basic information](#) from the University of Texas.
 - [Syria-Regional Information](#)
 - [Syria-Home Page](#) from the University of Michigan
 - [Syria - other WWW sites](#)
 - [Asharq Al-Awsat \(Saudi Arabia\)](#)
 - [BYTE MIDDLE EAST](#)
 - [Star \(Amman\)](#)
 - [Al-Ayyam \(Bahrain\)](#)

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Arabic and Persian Language and Literature

- [AATA](#)
- [Association for Persian Logic, Language and Computing](#)
- [Arabic Studies, University of Pennsylvania](#)

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Arabic and Persian Computing

- [ArabTeX](#)
- [PC Arabic Computing Resource \(Abdel-Hadi Bukres\)](#)
- [PMosaic](#)
- [Reader FTP Site](#)
- [Tehran Persian Site](#)
- [Common Ground Software](#)
- [Gamma Productions, Inc.](#)
- [Arabia.Com](#)
- [Bahrain.Com](#)
- [American Arab Scientific Society](#)
- [Ritsec.Com \(Egypt\)](#)
- [Gulfnet Kuwait Home Page](#)

- 
- [Accent Software International, Ltd.](#)
 - [Home Page of Isam G. Ishaq](#)
 - [Arabic Software Map \(Isam G. Ishaq\)](#)

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Ottoman and Turkish Studies

- [The Middle East: Period of Ottoman Domination](#) A course put together by Alan Fisher of Michigan State University.
- [All About Turkey](#)
- [Tubitak Srdc: Information Server Ankara](#)
- [Turkey in Pictures](#)
- [Time Travel into the History of Turkey](#) [link updated 11/23/96]
- [Embassy of the Republic of Turkey in Washington, D.C.](#)

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Greece after 1453

- [The Greek Connection](#) Modern Greek Links
- [Historical Museum of Crete](#)
- [Vryonis Center homepage](#)
- [Council for Worldwide Hellenism](#)

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General Resources

General History

- [HN Source: History Resources](#)
- [WWW services for historians](#)
- [History/Social Studies Web Site for K-12 Teachers](#)
- [Needle in a CyberStack](#) Simple, powerful, quick-loading (Table Format- no graphics), and useful - with links to all the best Search and InfoTools in the world. People will have fun comparing searches on the different engines and also using the meta-searchers like DogPile - strange name - but Very Useful! Some links are very convenient such as OneLink to all of the online dictionaries in the world. The people finders and map tools are quite helpful. The purpose of the page is to enable you to find anything on the Internet fairly easily.
- [Using the WWW in Teaching History](#) paper given at 1996 AHA



convention

- [Medieval Maps Index](#) A large series of maps of Europe, all keyed into to specific dates.

- [Map History / History of Cartography](#)

- [Historical and Cultural Atlas Resource](#)

Maps in a new on-line atlas use the latest technology -- animation and pull-down menus -- to help show how nations have been settled and how empires have risen and collapsed. The atlas offers more than 50 maps -- about half of them interactive -- and is divided into two sections. A group of maps of North America focuses on important themes in 18th- and 19th-century U.S. history, such as territorial expansion and slavery. A section on Europe explores trade routes, political change, urbanization, and the distribution of natural resources. Also on the site are maps of North Africa and the Middle East. Users can follow the expansion of Macedonia under Philip II and his son, Alexander the Great, in the fourth century B.C.; compare migration routes of the Vandals, Franks, Huns, Saxons, and Visigoths during the time of the Roman Empire's disintegration; and examine changes in slave-population density in 19th-century America. To see the interactive maps, users must have free Shockwave software installed on their computers and must have computers that can handle graphics.

- [Maps: Earth Images from NASA](#)

- [Historical Map Collection -- U. of Georgia](#)

- [Rank Xerox Public Web Maps](#)

- [The World Lecture Hall](#) A set of links to faculty prepared homepages for a variety of courses.

- [Evolution Entrance](#)

- [Black/African Internet Resources](#)

- [University of Maryland at College Park inforM system on Women's Studies](#)

- [Women's Studies Database \[US\]](#)

- [Maritime History](#)

- [Virginia Tech Libs](#)

- [Virginia Tech Books](#)

- [World Factbooks, 1990-1992](#)

- [World History Gateway](#)

- [World History Association](#)

- [New England Regional World History Association Archives](#)

- [World History Documentary Archives](#)

- [World History Image Archives](#)

- [The Modern English Collection at the Electronic Text Center, UVa](#)

- [University of Toronto English Library Author Index](#)

- [World-Wide Art Resources - Galleries and Exhibitions](#)

- [Demography: Center for the Study of Population: Florida StateU](#)

- [Demography & Population Studies](#)

- [Population Studies Center at U Michigan](#)
- [Demography](#) Search the "ANU-Demography-Publications database"
- [Digital Image Center Image Collections](#)
- [Eastman Kodak*](#) [US]
- [Fine Art Archive*](#) [JP]
- [Berea College Museum](#)
- [Icon Browser: PisaU](#)
- [Icons](#)
- [Graphics: Images, Icons, Flags](#)
- [Critical Theory Website](#)
- [United Kingdom: Institute of Historical Research \[IHR-INFO\]*](#)
-

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General Research Resources

- [New York Public Library Home Page](#)
- [CARRIE: An Full Text Electronic Library at U. Kansas](#)
- [Eye on the Arts](#) Eyes on Art. This is a site for beginning to advanced students of the visual arts (painting in particular) created for the Education First Initiative in California. Seven activities comprise the site and lead students from creating an online monitor museum (using arts images from the Web and PGView or Lview Pro) through studying art through the ages in "Miles of Styles" and ultimately ending up with a fun Expert's Quiz.
- [IATH Server](#) Insitute for Advanced Technology in the Humanities at University of Virginia in Charlottesville, VA.
- [Britannica Online](#) You can have a trial two week subscription to the entire EB. After that you must pay. Still...
- [Ordnance Survey](#) British Map Site
- [Computer Aided Language Learning](#) A site which collects links to language shareware worldwide.
- [Multilingual Instruction Software](#) DOS and MacOS shareware and demonstration programs teaching grammar and/or vocabulary of Basque, Bulgarian, Catalan, Cornish, French, Georgian, Gothic, Greek, Indonesian, Irish, Latin, Malagasy, Nahuatl, Old English, Old Occitan, Pali, Portuguese, Quechua, Romontsch, Sanskrit, Sardinian, Urdu, Welsh and Yiddish .
- [List of Lists](#) Guide to all lists in all subjects
- [Queer Resources](#)

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- [Unclassified Links](#)



**The author and maintainer of this site is Paul Halsall [\[a picture!\]](#) .
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Please do not hesitate to mail comments or suggestions.

In pleas initiated by the king's writ where essoins are permitted and a party provides an excuse why he is unable to appear, he is to be given a week's postponement. The same applies in pleas of debt begun by writ in which a peer of the city is defendant. If a plea between peers is begun without writ, the extent of the postponement is to be at the discretion of the bailiffs. If the defendant, after he has been attached [to answer a charge] gives the excuse that he is busy performing a service for the king he must present documentary proof of this on the date to which the case is postponed or face being heavily amerced (and must still answer the charge).

[Some situations, such as the borough equivalent of novel disseisin required quick remedy, which precluded the delay involved in obtaining a royal writ to initiate legal proceedings. In such cases, the bailiffs would need to set briefer postponements in response to essoins.]

Pleas relating to matters such as construction of a wall, house, drain or ditch creating a nuisance to the tenement of another are to be initiated by king's writ, proceed by summonses and attachments and by inspection of the location of the nuisance (if either party requests that). If it is found that there is a nuisance, it is to be removed at once and compensation awarded by the inquest jury (or other judge depending on the direction the case has taken) to the plaintiff. As well, the party responsible for the nuisance it to be heavily amerced by the bailiffs and be obliged (by distraint) to remove the nuisance.

In pleas which city custom treats like novel disseisin by fresh force, once a suit is introduced, the land or tenement in question is to be seized into the king's hand and the tenant to be removed – the bailiffs may call upon the community to assist in this, if required. The person accused of the forceful intrusion is to be attached to answer the charge on a specified date. At which time an inquest jury may need to be assembled from the neighbourhood of the tenement. If the defendant fails to appear or refuses to attach himself, the inquest may nonetheless authorize seizure of the tenement; it will subsequently be restored either to plaintiff or defendant, depending on the jury's verdict. Such pleas are to proceed on a daily basis, so that a judgement can be reached within 40 days (after which the bailiffs have no power to proceed [without a royal writ]).

Because legal matters concerning tenements in the city are governed by city custom and city courts (as is the case in London and other boroughs) and because such tenements can be freely bequeathed, probate of the last testament of persons bequeathing these tenements is to be made before the bailiffs in the city court, immediately following probate in ecclesiastical court (concerned with disposition of moveable goods). No executor may have administration of any bequeathed tenement until probate in city court makes public the bequests, legatees and conditions governing the bequests. To protect the rights of legatees, testamentary clauses referring to tenements are to be enrolled in the court records, and record of probate is to be made on the dorse of the testament by the bailiffs' clerk. Note that a tenement which descends, or reverts, hereditarily cannot be bequeathed; any such bequest will not be allowed if against the interests of the testator's heir. However, if the heir sells or gives his inheritance to anyone, the acquirer may freely bequeath it (as he may any property that he has acquired) without any future challenge. And that bequest shall hold good, and be forever steadfast and firm in the city, without opposition, just as [those of] any other tenement he has acquired.

[Strictly speaking, the will was the document that dealt with real estate, while the testament bequeathed personal effects and other moveables. However, the distinction was not always maintained, and both types of bequest might be combined in a single "will and testament".]

In the case where property that is jointly owned by husband and wife is bequeathed by the husband to his wife for her lifetime and afterwards to go to some other legatee and his heirs (said legatee having no heirs, the property to be sold for pious uses for the benefit of the souls of the deceased husband and wife), if the wife has ratified the testament after her husband's death, or was its executrix, or in any other way can be shown to have consented to her husband's bequest, then she may have no future claim on the bequeathed property. If she subsequently denies or backtracks on that consent and claims right by joint acquisition, so as to assert ownership of the property contrary to the terms of the bequest, but if a record of her consent is found in the court rolls, then her right in the property may not extend beyond tenancy during her lifetime – if she makes any attempt to sell, give or bequeath it herself, that shall not be held valid.

[The application of bequests to benefit the testator's soul generally meant either charitable gifts or provision for priests (or others) to say prayers and celebrate masses for the testator – as well, often, as the souls of his wife, children and sometimes other kin, friends or benefactors (the king often being thrown in for good measure!). Wealthier testators might make provision for the foundation of a chantry for long-term celebration for their souls.]

CUSTOMAL: CAPITULUM 21

If the widow or executor of a testator refuses to deliver to the legatee of a tenement the deeds relating to that property, the legatee may obtain a writ from the king to initiate an action demanding the deeds be handed over. It will have to be proven that the deeds in question were in the possession of widow or executor after the testator's decease. When such a deed is displayed in the city court, the claimant is to be examined as to whether he has legitimate children. If he has, then the deed may be delivered to him; if not, the deed is to be placed in the common chest of the city until the legatee has legitimate offspring.

[The chapter evidently relates to the circumstances of cap. 20 and 21, in which property bequeathed to a legatee who dies without heirs shall be sold by the city officials.]

In a case such as in the [earlier chapter](#), where someone bequeathed a tenement dies with heirs, the tenement may be bought by the nearest heir of the original testator or (if the testator has no direct heir) by his closest relative for the assessed value of the property, giving [good security](#) for payment within a time-limit set by the bailiffs and other wise men of the court. Which money will be put towards pious uses for the testator's soul by the bailiffs and others chosen for the purpose. If the heir or next of kin declines to purchase the tenement, it may be offered to the landlord. If he declines then, by joint decision of the Ordinary of the ecclesiastical court in which the the testament was proved and of the bailiffs and others chosen for the purpose, someone is to be appointed to manage the sale of the tenement for the benefit of the testator's soul.

[As Hudson notes, the right of first refusal by the original testator's relatives, and subsequent right of refusal by the lord of whom the property was held, is also seen at [Nottingham](#) and Northampton. A more elaborate statement on the subject is found among the [customs of Fordwich](#).]

When a tenement jointly owned by a man and his wife has, with the wife's consent, been bequeathed by the man to be sold so that the money can be used to benefit his soul, and the widow has ratified this before the bailiffs in full court, her consent is to be recorded in the court rolls. She is then to be instructed to deliver any deeds or documents relating to the property to her husband's executors. If she refuses or is reticent, she is not to be allowed any [lifetime] rights in the bequeathed tenement until she delivers up the deeds. No-one who holds a tenement for life, or for a specified number of years, may bequeath, sell, lease or in any way alienate the tenement beyond the term of his permitted tenancy; and if that *is* done, it shall not be held valid.

Often self-seeking persons will intrude into lands and tenements legitimately bequeathed to others, claiming to have a hereditary (or some other) right to those properties. The executor of the testament may introduce a plea of hamsoken by gage and pledge, to have the tenement seized into the king's hand and the intruder attached to answer in court on an assigned day. At which day the testament referring to the tenement is to be produced in court. If the intruder cannot show reason for putting aside the testament, the court may delivered the seized tenement to the executor to carry out the last will of the testator, and the intruder is to be heavily amerced for trespass and is to pay damages.

[Procedure in a plea of hamsoken is dealt with in cap.17. This would appear to be a special application of that, focused around the legitimacy of the will and testament.]

Sometimes, when a husband and wife give or sell their jointly-owned tenement and make [recognizance](#) of this fact in the city court, the deed is endorsed but not enrolled in the court records (which are preserved in the treasury of the city, according to custom); such endorsements and enrollments have the same legal force as a fine levied in the king's court. The bailiffs' clerk is to be charged – as part of the oath of office he swears each year – not to endorse any deed unless the woman who is co-owner is present in court and is examined by the bailiffs to ensure that she is not being forced into agreeing to the transaction against her will. If she acknowledges to the bailiffs that she willingly agrees to the transaction, then the deed should be endorsed and enrolled in court (and not elsewhere, outside the [Tolbooth](#)). The clerk is to perform this duty conscientiously and shall receive a minimum fee of 4d. [for the endorsement] and 2s. for the enrollment (unless a larger sum is offered him). He may not refuse to endorse or enroll any deed thus acknowledged. Each Michaelmas the recognizance rolls are to be placed in the common chest of the city for safekeeping, so that if there is any future question about the transaction the enrollment can be quickly found to provide clarification.

[The type of "fine" referred to here was an abbreviation for a "final concord"; this was a method of transacting a transfer of property via a fictitious legal action over ownership (in which the party transferring conceded the right in the property to belong to the transferee) in order to give the transfer the force of law – i.e. there was a legal record of ownership. Michaelmas represented the end of the administrative year for Norwich, and many other boroughs; the records of that year were closed and a new set of records begun. However, records of several years were often grouped together before they were permanently deposited in the archives. Payments to town clerks (or other officers) for services performed to the benefit of private individuals were quite typical and, in modern conception, would lie somewhere between a fee and a gratuity; the Liber Consuetudinum version specified a fee of 2d. not 4d. for the endorsement, and 4d. (not the rather expensive 2s.) for the enrollment.]

In a plea of debt between peers of the city, regardless of the amount involved, as soon as the plaintiff has made attachment for prosecuting the plea, the debtor is to be summoned to answer on the following day. If the debtor comes and claims to be a freeman he is to attach himself to answer in eight days time. If he fails to come, then he is to be distrained; if he comes after that and attaches himself, he is to be given the eight days. If he maliciously delays the plea by allowing three distraints without coming, he is to incur the penalty specified in chapter 14 and distraint is to continue each day until he attaches himself. When accused in a plea of debt, a citizen shall defend himself by waging his law, if there is no written record or tally of the debt. If a plaintiff produces a tally of the debt, then – if there is any question as to its authenticity – the bailiffs are to ensure that it is carefully examined by witnesses under oath; if they are uncertain or cannot agree (especially if the debt claimed is a large one) the tally is to be considered a fake and the defendant exonerated.

[A tally was a way of recording a debt in the non-literate urban society: a stick was notched in such a way as to represent a sum of money (e.g. each notch represented a certain amount); upon payment of the debt, the notched stick could be cut down the middle, so that the debtor could have half as his receipt for payment.]

CUSTOMAL: CAPITULUM 27

In a plea of debt between a peer of the city and a foreigner, whether initiated by or without king's writ, when it comes to judgement the peer's proof is to hold good over the word of a foreigner. The citizen may wage his law according to the ancient customs of the city.

[In the absence of any deciding factor, when it came down to word against word, it was natural enough that the city court would show favouritism to citizens.]

Where the wife of a comburgess has borrowed goods from a neighbour (with or without providing any security for the loan), without the knowledge of her husband, the husband is nonetheless answerable for the loan. Provided that the husband and wife are on good terms, viz.: that they were living together when the goods were borrowed, or were living apart with his consent and at his wish; that the wife is of good reputation and has not separated from her husband through deceit or her own wilfulness; that the separation is not the result of dishonest and bad behaviour on the part of the wife, intending to do mischief (as opposed to harsh maltreatment by the husband). If any of these proves to be otherwise, then the husband may not be held liable for the loan. Creditors lending anything to a woman who is separated from her husband without good cause do so at their own risk, if the husband has not consented to the loan.

[This chapter is more interesting for what it reveals about marriage relations than its ostensible purpose of dealing with pleas of debt in a specialized situation.]

During a plea a plaintiff may allege that a contract or trespass was made in the marketplace, in order to exclude his adversary from waging his law and to obtain a favourable inquest from a vicinity other than that where the deed was actually committed. If the defendant wishes he may be given the chance to disprove that it was in the marketplace; if an inquest or confession of the plaintiff finds that it was not, the plaintiff shall be in mercy for making a false plea, but shall nonetheless be allowed to enter a new plea and have a new inquest based on the location where the deed actually took place. The same is to hold for deeds alleged to be committed at the fish quay during fishing season. If a plea is to be decided by inquest, it is to be made by men of the vicinity in which the deed was committed. If it is found that a contract or trespass was done in the market, the plaintiff must initiate his complaint within 15 days of the deed; if the plaintiff waits longer without prosecuting, the defendant may be at his law if he wishes, regardless of the market being named as the location.

[It was evidently felt a superior means of getting to the truth of a case to have an inquest of witnesses from the marketplace or quay – busy locations where witnesses would not be in short supply – than to rely on the word of the parties supported by compurgators (who were really more akin to character witnesses than witnesses to events central to the plea). Compurgation was the necessary resort where witnesses to events were lacking, or where (as indicated at the end of this chapter) so much time had elapsed after the deed that witnesses might be hard to find, or perhaps their memory hard to trust. The opening of the chapter, however, does suggest that an inquest could be "fixed" by obtaining jurors from a location where one of the parties was in favour. The qualifier "in fishing season" appears in the Liber Consuetudinum version but not the later one of the Book of Pleas; this may simply be a scribal omission.]

When a man sells a rent of assize due from a city tenement of which someone else is the tenant, the purchaser cannot have full seisin delivered without [the acquiescence of] the tenant of the property from which the rent issues. So, when recognizance of the deed of transfer is made in court before the bailiffs, in the presence of the purchaser and vendor, the purchaser may request that the tenant immediately be summoned to court. If the tenant comes, the bailiffs are to ask him whether the tenement was the property of the vendor or owed to the vendor the said rent. If the tenant acknowledges this, he is to be advised by the bailiffs that the rent should henceforth be paid to the purchaser, so that the latter have the same lordship over the rent that the vendor had, including the power to distrain for [arrears of] the rent. By reason of this acknowledgement, the purchaser may in any plea (if necessary) assert that he made distraint on his own property, and the tenant may not deny that rent is due from the property to the purchaser. However, if when the tenant comes he denies that any rent issues from the tenement to the vendor, the purchaser may request an inquest into the matter. If this finds that the tenement was, at the time of the sale, within the lordship of the vendor, the tenant is to be instructed to pay the rent to the purchaser henceforth; if it does not, the tenant may leave free of any obligation. If the tenant refuses to come to court to perform his duty, the bailiffs have full power to distrain on the tenant (if the purchaser so requests) from day to day by anything distrainable at the tenement in question or other tenements in the city [held by the tenant], until he comes. If, after the tenant's denial of the vendor's lordship, an inquest is called but the tenant defaults [in participating], the inquest may nonetheless proceed and a verdict may be issued on the matter. The same procedure is to apply with regard to rents bequeathed to any individual or to be sold by the executor. If a [sub-]bailiff reports to a court, three days running, that he can find nothing in the city by which to distrain the tenant, then the bailiffs may give the purchaser leave to try to make distraints. If the tenant, after acknowledging the rent due, sells or alienates the tenement in question, he must join with the new tenant in repeating the transfer of the obligation to the latter. No essoins are allowed to any party in the aforesaid process.

[When the tenant (who, as can be seen, might well be the owner of the physical property) made his acknowledgement to the owner of the rent this was called "attorning" himself to his new "lord" (i.e. the individual to whom an obligation was due through tenancy of the property).]

No peer of the city may take his servant as a partner for purposes of buying and selling unless the servant makes entry as a peer, nor may the servant be represented as an apprentice in order to make profit for his master. Anyone convicted of this shall pay a fine of 40s. to be delivered to the chamberlains for the use of the town.

No butcher, broker or those called "tipplers" may, by God's penny as an earnest of payment, reserve corn, animals or any other goods being brought to the city for sale, unless they are prepared immediately after the bargain is made to satisfy the vendor [for the price]. This is so that country-folk are not hindered in receiving payment for their goods. After a buyer has viewed the merchandize and a deal has been struck for it, the quantity of goods in the lot is not to be reduced. If it is, a plea may be introduced and if it is found to have been done with the knowledge of the seller, the complainant may receiving damages, and the offender is to be heavily amerced if he has the means to pay – if not, then some other punishment is to be assigned by the bailiffs. Repeat offenders are to be punished with the pillory as well as making satisfaction to the complainant, and subsequently with abjuring the city for a year and a day, as in chapter 37.

[This chapter is somewhat confused, in part due to scribal errors and omissions in copying it into the Book of Pleas. From an additional clause supplied by the Liber Consuetudinum (incorporated here), it appears that the concern with fraudulent reduction of the volume of goods sold was an offence by the original seller, although the same offence could have been committed by the buyer prior to re-selling the goods (at the same price for which he bought them, the profit thus being in the number of goods held back). Since the chapter is primarily targeted at brokers, that latter offence may also be contemplated. A tippler was a tavern-keeper and, as such, a re-seller of victuals.]

No outsider is to be hosted for more than a day and a night unless his host is prepared to be answerable for him, so that if the outsider flees the city after incurring a debt or committing a trespass, regarding which legal action is brought, the [outsider's] goods and chattels left in possession of the host are to be frozen by the bailiffs' order and surveyed to see what they comprise, and may not be restored to the outsider until he has attached himself to answer the charge and satisfy his creditors. If the host, contrary to the freezing of the assets, restores them to the outsider, he himself shall answer (just as the accused would have done) to the complainant for any debt due or trespass committed, up to the value of the goods and chattels that had been in his possession. In addition the host shall be heavily amerced for disobeying the order of the bailiffs.

Some labourers who work for citizens at various tasks for a penny a day are the subject of complaints. Because they have no possessions by which they can be [attached](#), and in certain cases they cannot be arrested, nor are their employers answerable for them (since they are day labourers and not servants belonging to the employer's household), these men are emboldened in offending and it is difficult to put a stop to their behaviour. Therefore, whenever anyone takes legal action against such a person by [gage and pledge](#), no-one is permitted to give the offender employment until he has answered to the law; any person who contravenes this is to be [amerced](#). If loss of work fails to force offenders to answer to the law, then they are not to be allowed to stay in the city.

Because the city ditches deteriorate from being fouled by animals, public proclamation is to be made four times a year, from street to street and gate to gate, that all owners of animals are to keep them away from the ditches. Any animal found in a ditch is to be seized and kept by the gate-keepers until its owner has paid, towards repair of the ditches or towards [murage](#), one penny per foot [i.e. the number of legs] of the the animal. Whichever gate-keeper captured the animal shall be rewarded with a quarter of this fine. Every gate-keeper shall take oath annually to seize and detain all animals found in the ditches and to pay the redemption fines towards murage, without any withholding.

[In the agreement of 1344 between the city and Richard Spynk concerning upkeep of the city defences, to whose costs Spynk had made very large contributions, this chapter's provisions were reaffirmed. Additional detail was also given (perhaps representing subsequent interpretation or elaboration of the custom): the proclamations were made on 2 February, a moveable date in late May, 1 August, and 29 September; the fine was 1d per foot for citizens, but 2d per foot for non-citizens. Furthermore, a fine was set for citizens who hung their cloths (probably a reference to cloth-makers, dyers or fullers) on the walls, in the archways built into the walls, or on the adjacent ground which gave foot-passage along the course of the walls.]

When there has been the need to hold a common assembly for the benefit of the city, some [comburgesses](#) have not bothered to obey the summons to come and deal with community business, with the result that much business cannot be dealt with, to the detriment of the city. Henceforth let summons be made (as in the past) from each [leet](#) of the better and wiser citizens to come on days specified by the bailiffs' sergeant, viz. 8, 10 or 12 per leet (according to its size). On that day the sergeant of each leet is to be prepared to name the panel he had summoned to attend, and to give true assurance that he has made the summons at the house of each individual, to his wife or his household. A roll-call will be taken and a cross is to be put by the name of anyone failing to appear, who shall be summoned to appear the next day before the bailiffs and other good men of the city to give a credible excuse for his absence (if he can) – whether prevented by serious illness or not in the city at the time of the summons, and to give assurance of [the authenticity of] this. If a good excuse cannot be given, the absentee shall be [amerced](#) two shillings, half going to the bailiffs and the other half to the community; the amercement is to be levied immediately by a sergeant and the common clerk, who are to deliver it to bailiffs and community, and the [chamberlains](#) are to make record of the amount and the name of the person fined and account for these monies. So as not to hinder merchants from conducting their business, summonses are only to be made on holy days when no market is held, unless there is some special business concerning the king's rights or urgent business posing a risk to the city, which must be addressed at need.

[What we see here is an early effort to formalize and regulate democratic participation in the assembly, although it would be going too far to argue that such participation was (at the time of this chapter – probably the early fourteenth century) restricted only to those summoned. Nor should we think that the summoned participants are a formal [town council](#), for the numbers involved add up to greater than the size of council membership (24), even though for a while at least council membership was drawn 6 per leet. There is some [evidence](#) of a council from the late thirteenth century and that council may itself be reflected in this chapter by the reference to the "bonis viris de civitate" who assisted the bailiffs in judging defaulters; see also [cap. 46](#). It is not clear from the text, which merely says "et super hiis faciant fidem", whether the assurance to be given in regard to the excuse of absentees was by personal oath or by supporting evidence from others.]

The problem of absenteeism was not easily solved. At one assembly meeting in 1367, only 5 of the 24 councillors showed up. In 1372 an ordinance (similar to part of this chapter) was made confirmed 2s. as a fine for unreasonable absenteeism by the councillors and 12d. fine for the craftsmen who were summoned as representatives of the community, with half of each fine going to bailiffs and half to community.]

Tallages and other taxes for the financial benefit of the community have often been levied from some but not others, so that the middle people and poor people inhabiting and making a living in the city feel themselves injured and oppressed. Therefore the collectors of such taxes and the receivers and chamberlains are to give an account under oath of such monies each 8th September (and at other times if necessary) before the twenty-four, or a quorum of those being in the city. After having accounted, and delivered receipts and any arrears owing, they shall be given an acquittance [of future liability] for the time when they served as collectors. [The purpose of] this is so that it shall be publicly known how the levied money was spent, and so that the middle and poor people are not excessively burdened [by taxation] while the greater people are exempted therefrom. Such taxes are to be imposed [i.e. assessed?] by the more judicious men elected at need by the community from each of the crafts in the city.

[Local taxation had been a bone of contention since at least the beginning of the fourteenth century. A protest about unauthorized taxation by the bailiffs and the rich had been made to the king by the "middle people" in a petition of ca.1326, and it may have been these that gave rise to this chapter; however, complaints about taxation are sufficiently commonplace that we cannot use the petition as a device to date this chapter with confidence.]

Where damages are awarded in the city court in debt, trespass or other pleas, let the judgement be executed immediately through an order to distrain for the full amount of the damages; distrained items are to be placed in safekeeping. The individual distrained upon is to be instructed to make satisfaction to his adversary within 8 days. If he fails to do so, let another distraint be made. If, in contempt of the court, he neglects to make satisfaction for a fortnight, let the first distraint be brought into court before the bailiffs and others of the court – its owner being given forewarning so that he may appear if he chooses – and there appraised by trustworthy men under oath, and delivered to the one to whom damages are due. If the distraint is appraised at a greater value than the damages, the amount exceeding the damages is to be restored to the one from whom the distraint was taken. The same thing is to be done with distraints made in regard to community aids, which are to be delivered to the chamberlains.

Sergeants who plead on behalf of clients in the court of which they are officers are to uphold the laws and customs of the city and shall not for any client, outsider or other, make arguments contrary to those customs. They are to take oath before the bailiffs each Michaelmas. They shall not, in court, speak of their associates [i.e. fellow sergeants representing the opposing party?] nor their adversary in a defamatory or dishonourable way, nor stir up bad feelings, but rather serve their clients in a good and honest manner. If any acts contrary to this and continues in such behaviour after three warnings to desist and behave honorably, he shall be suspended from pleading the case until he amends his behaviour and wins back into the good graces of the community.

[It was not uncommon in towns for sergeants, who were familiar with the workings of the court, also to act as legal representatives (or "countors") for a party to a case. This was not considered a conflict of interest, but there was the need, as this chapter shows, to define a code of conduct.]

Those peers whom the community elects as bailiffs of the city may not refuse to take up the burden [of office], under the ancient penalty of 40s. paid to the community. Which fine the bailiffs then in office are to quickly levy from everyone who refuses (sparing no-one), unless they change their mind within three days and accept the office. Once a fine is levied, the appointed electors shall choose another suitable person in the place of him [who refused]. Each year on the day of their election the bailiffs are to swear an oath on the Gospels to observe and maintain all this [i.e. the city customs].

[It was only "peers" – i.e. freemen of the city – who could be elected to the executive office; accepting such election was considered to be one of the obligations of citizenship.]

Upon their election each year, the city bailiffs will take oath that:

- They will serve the king faithfully in that office of having custody of the city.
- They will treat the people of the city properly, giving equal justice to rich and poor.
- They will uphold and maintain the laws, liberties and customs of the city in all matters.
- They will faithfully acquit the city of its obligation by paying in full its fee farm.
- They will execute judgements of the city court in all points, as specified by city custom, sparing no-one.
- They will not permit any foreigner to stay in the city conducting commerce as though a peer of the town, unless he first makes solemn entry [into the franchise] before those elected by the community to administer that.
- If they are informed of anyone conducting commerce in the city contrary to the above, they will have his goods seized and put in safekeeping until he pays a penalty for the offence and swears not to commit the act again without becoming a peer of the city (to which he is to be compelled, if he wishes to remain in the city).

[This chapter is little more than a rephrasing of the oath itself, except that it becomes diverted at the close into the matter of illegal trading – it is hard to believe that the last clause – perhaps even the last two clauses – would actually have been specified in the ballival oath. It is not clear here whether the use of "foreigner" refers to someone whose residence is outside of the city, or to a resident non-freeman. Similarly, the entry to which the foreigner is to be compelled may be as a full freeman (if he is a resident) or as a foreign burgess, if all he wishes is to obtain trading rights in the city. The Liber Consuetudinum version is less specific, using "anyone" instead of "foreigner".]

October 1272

If anyone wounds another with a sharpened (or other) weapon so that blood is drawn, he is to be put in prison until he finds surety for his appearance in court to answer a plea of trespass.

October 1272

If anyone beats or hurts another to the extent that the latter's life is endangered, the assailant is to be put in prison until it is determined whether the victim recovers or dies. If he dies, the felon shall remain in prison to await the arrival of the [king's] justices who will try the case.

December 1444

Carts that transport malodorous and other vile materials through the streets of the town may do so only twice a week, that is on Wednesdays and Saturdays. Anyone who dumps such materials at the Muckhill, or in the watercourses or ditches shall pay [a fine of] 1d. for each "treyleft", 2d. for every "soo" and 4d. for every "grete lepe", and shall forfeit the treye, soo or grete lepe. Butchers shall obey the same in transporting animal entrails in enclosed carts or barrows to the river at flood, half-ebb, or half-flood.

[Since entrails are separately mentioned, the materials initially referred to were probably primarily dung and manure, perhaps including human refuse. An ordinance made early the following year specified a quarterly fee payable per household to carters who were presumably collecting such refuse. It is not evident where this offensive material could be dumped, if not at the Muckhill. I am not certain what were the measures mentioned, although a "leap" is a name which occurs throughout the late Middle Ages as a container for a dry measure, and a "treye" was a tray which (in some circumstances) held about 6 lb. avoirdupois and may have resembled the v-shaped container used for carrying mortar, although the term could also be used for a sled.]

(17 December?) 1390

Because frequent ringing of bells in bell-towers of the town, especially that of [St. Margaret's](#), threatens serious costs or injuries to the townspeople, damage to the towers, and danger to approaching ships, it is ordained that the great bells in St. Margaret's main tower and in the chapels of St. James and St. Nicholas shall not toll for the dead except for brethren of the [great gild of Holy Trinity](#) and their wives, or for the Prior and monks [of St. Margaret's priory], or other worthy persons according to their social status at the discretion of the wardens of the church or chapels. No bell is to be tolled for a longer period than the day of the individual's death or its anniversary, except for one hour (with pauses), for which the sacristan shall receive 10d. if the great bells are used or 6d. if the lesser bells.

[One of the dangers that prompted this ordinance is exemplified by Margery Kempe's report, a few years later, of a stone falling from the church.]

3 February 1461

Each **constable** with four men of his constabulary shall attend the mayor, each group for eight days. Each of the **jurats** shall have one man for protection. Twenty of the men involved in the defence of the town shall attend the mayor daily, at the cost of the community (4d. a day), and eight men of whichever constabulary is on nightwatch shall guard the gates, viz. four at the south gate and four at the east gate. The jurats shall each find a man for the defence of the town, 12 on each alternate day.

[While this is not a general ordinance, but one providing a temporary response to a specific crisis, I have thought it worth including here as a rare example of efforts towards defending the town. The crisis was of course the civil war, now in full swing with the recently ascendant Duke of York killed at Wakefield and a Lancastrian army marching south. On 7 January, the Lynn constabularies were each assigned their section of the town perimeter to defend, both land-side and river-side. One week later it was decided to despatch a small force of 24 well-armed men to the royal commissioners raising troops in Norfolk, and a tax of £40 was to be assessed on all other full-bodied males to cover the wages of this contingent. Six days after the above ordinance, which seems mainly concerned with providing bodyguards for the town's governors and a standing force to respond to emergencies, it was elaborated with the specification that, of the 20 men attending the mayor, 4 each would be assigned to day-guard of the town's two main gates, and that an additional 12 men would be assigned to attend on the mayor. Three days later (on 12 February), there were more orders for stepping up the defences, including fines for constables and ward-captains neglecting their duties (in March, 4 men were imprisoned for this), and doubling of the nightwatch. After the Yorkist victory at Towton, concerns reduced and on 29 April the nightwatch was given a respite and attention turned to examining the costs that had been incurred in the defensive provisions.]

May 1424 ***

Penalty for impleading a burgess without licence of the mayor

From this time forward, no burgess of Lynn shall implead another in any court without licence from the mayor, on pain of 6s.8d fine to the use of the community, to be levied by the common sergeant-at-mace. With the proviso that if the mayor is not able to bring to a settlement a quarrel between burgesses, then he shall allow the plaintiff to pursue his complaint [in court].

[While an ordinance of this type might in most boroughs refer to citizens taking their pleas before external courts, in Lynn the reference is as likely to be to the local courts, since much judicial jurisdiction was in the hands of the Bishop, not the borough. Throughout the fourteenth century, however, we see the mayor and assembly frequently acting as an informal judicial authority to resolve disputes between burgesses.]

16 January 1381

[Income from the following sources] shall be put safely away, without taking anything out of it, so that the mayor and community may use the revenues for a purchase which shall be to the profit of the community: all money arising from [sale of] merchandize called "host's parts" which was [above](#) granted to the benefit of the community; the money issuing from rental of stalls by St. Margaret's church; the rents from [waste land](#) near the South Gates; the rents once belonging to John Burghard, now in the hands of the community; and also the reversions of rents belonging to the community after the death of various folk (who inherited them for the term of their lives). Exceptions to these are: the [normal] deductions from the profits of the said houses and stalls; the life annuity due to Thomas de Keninghale; the salary of two priests celebrating in the Charnel for the souls of John, his wife and his children. These revenues shall be in the safekeeping of the chamberlains, who shall render account for them when mayor and community order it.

[The intent was probably to use the money put aside to buy real estate, rents from which would increase the annual revenues of the borough. Keninghale was Burghard's son-in-law.]

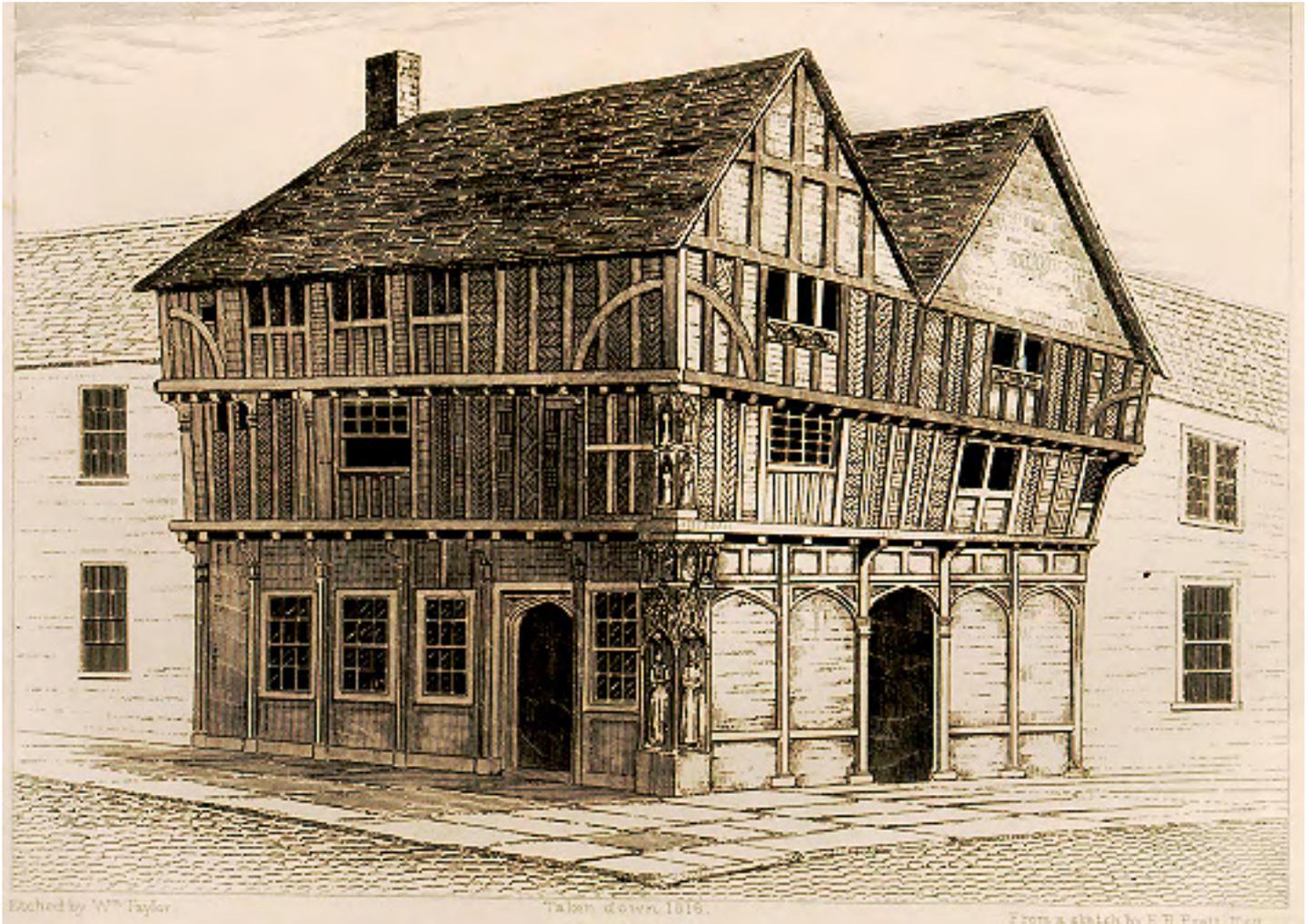
Early 15th century

Every man is to keep his watch according to the [Statute of Winchester](#) and the common custom of the town. He is to be at the constable's house between 8 and 9 o'clock to answer the roll-call and be assigned his charge. If any man defaults in this the [constable](#) may take [distress](#) from his house the morning after and sell it to the profit of the community, and the defaulter will have to answer before the justices of the peace, as law prescribes.

[This undated extract from the early 15th century volume of memoranda is actually described as a command by the mayor, but it has much the same appearance as if an ordinance of mayor and council. The town was divided into ten constabularies in the 14th century, but only nine in the fifteenth; constabularies were named after the appointed constable of the time, who had to be a resident of that ward.]

45. King's Lynn, Old House on High Street, exterior, mid 15th-century residence of Walter Coney, destroyed 1816.

Coney (+ 1476) was four times mayor of Lynn and had a memorial brass in St. Margaret's. After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



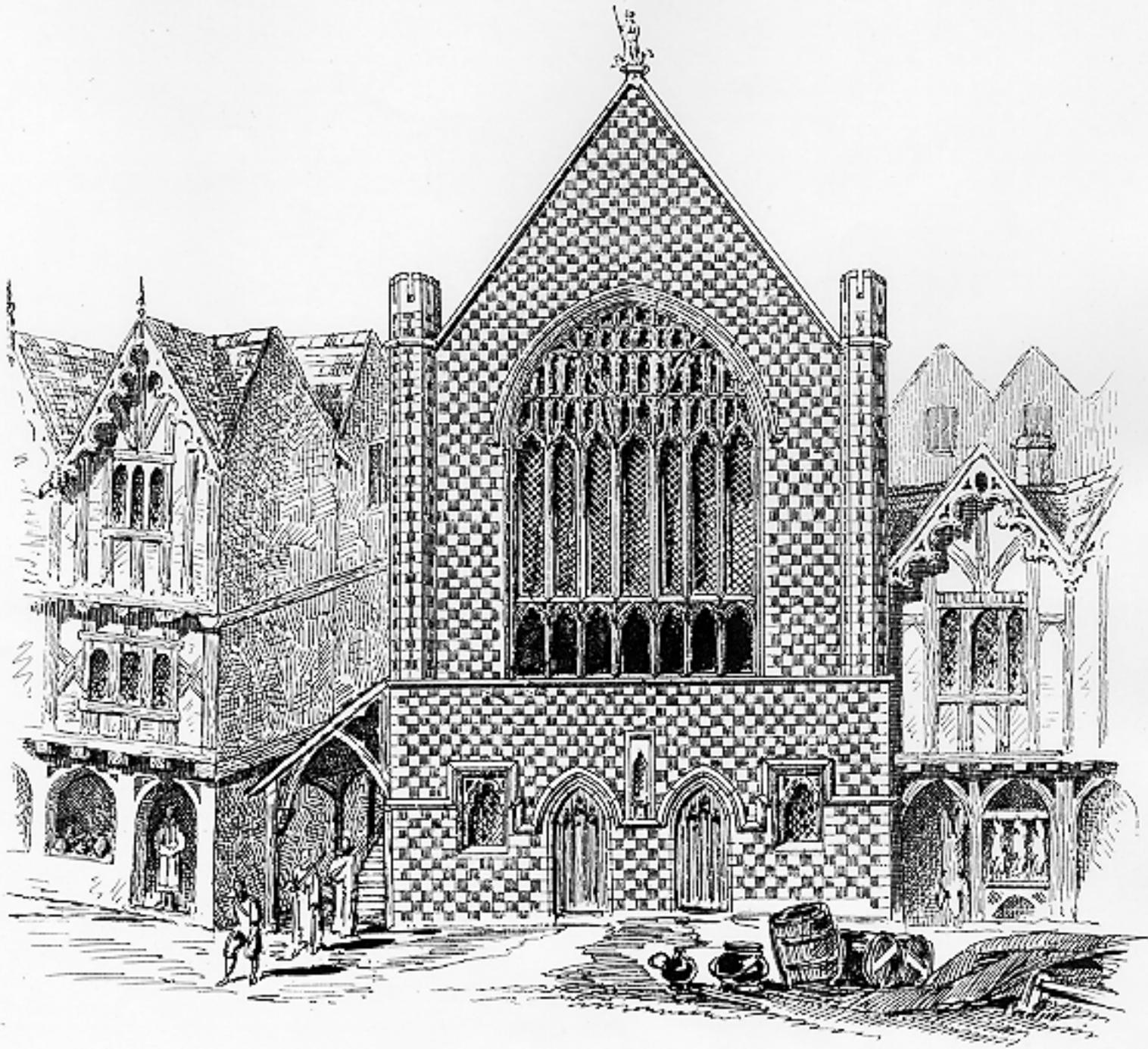


17 December 1390

Frequently, excessive crowding at the town's water conduits has resulted in damage to their vaulted arches, or their stones have been carried off and other intolerable damage done; without prompt remedy this essential utility, constructed at great cost and labour, will be destroyed. Therefore, taking example from the regulation of conduits in London and elsewhere, it is ordained with regard to the getting of water in containers: first come, first served. All seeking to fill their containers may place them in a queue, so that each may be served in succession without any arguments arising. Furthermore, it is ordained that no very large containers, commonly known as "sogs" [tubs] are to be filled at the conduits until smaller containers have been filled, nor are large containers to be placed so as to impede others. Anyone breaking this ordinance, or supporting someone breaking it, shall be fined 12d.; anyone informing on a transgressor shall receive 4d. out of this fine. If anyone breaks the fragile containers of poor people, the mayor will ensure that he compensates the injured party.

[A further ordinance on the matter was required in May 1426; it re-emphasized the first come, first served principle (regardless of whether the individual was a burgess or a servant) and set 10d. as the fine for queue-jumpers.]

3a. King's Lynn, Guild Hall built 1421-3, original condition. After H. Harrod, Esq. F.S.A., *Report on the Deeds & Records of the Borough of King's Lynn* (King's Lynn, 1874). © Stanbury&Raguin/MMK



TRINITY GUILD HALL.
1423.

47. King's Lynn, Old City Walls, areas dating to 12th century, majority destroyed in 19th century.
After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



48. King's Lynn, South Gate of City, rebuilt 1436-40s.
After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



6 October 1309 *

The mayor and community grant "that all unlawful and unreasonably harsh taxes and tallages which have often been imposed by the great men of the aforesaid town upon the middle and poor people, to their oppression and hindrance, taken of them forcefully, without cause and to the great impoverishment of the town, shall not be done hereafter except when required for profit or need, and then reasonably and in a measured way, with contributions given according to the faculty, might and power of every man without exception of any person." The account of such tallages is to be audited before a group of townsmen chosen from each of the three degrees.

[These local taxations appear to have been the basis for the budget of Lynn's self-government The older (probably original) Latin fair copy of the composition uses the terms potentiores, mediocres and inferiores for grete men, mene peple and povere.]

18 September 1377

If anyone is summoned by the common sergeant to come to a session of the mayor and community in the gildhall, he should come before St. Margaret's clock strikes nine, under penalty of 4d. [fine] to the use of the community.

[In 1444 the corporation issued an order to move the orlagium anglice also known as "the klokke" from the new bell-tower where it then was back to the lantern where it had anciently been.]

24 July 1378

Because the community daily bears greater and excessive costs and expenses so that it[s budget] is much in arrears, it is ordained that the share [in merchandise] that hosts used to have shall belong to the use of the community and hosts shall only have the same share as other purchasers present at the sale of the remaining parts of the merchandise; hosts may not acquire any of the merchandise as their share to the loss or damage of the community. Anyone infringing this ordinance, so that the community is deprived of its share, shall be punished at the discretion of mayor and community. Furthermore, after the [annual] election of officers, one of the chamberlains is to be assigned to take charge of the said share.

[This ordinance, by an administration evidently concerned with fiscal reform, was repealed in November 1380, probably by an administration representing the interests of the wealthier merchants of the town who profited much from [hosting](#). However, an ordinance of January 1381 seems to reflect another attempt to formulate this type of ordinance.]

December 1423

Butchers resident in Lynn may not sell meat on Saturdays in any place except [that] next to St. Margaret's church; if they do so they shall hereafter be excluded from the marketplace like any non-resident.

[This would seem to be just a variant of the ordinance dated tentatively to November 1423.]

26 March 1432

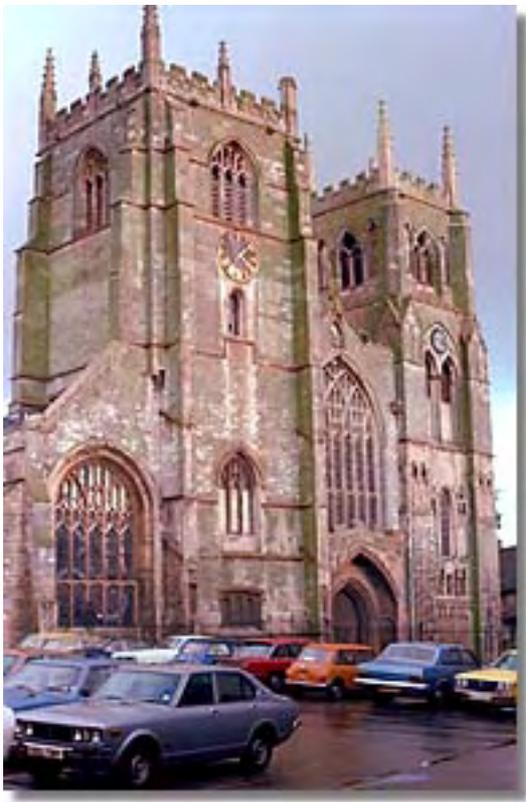
All residents of Lynn, whatever their status, shall have their grain ground at the common mill if the mill is able to handle their demands. Henceforth if anyone has his grain ground at any mill outside of town when the common mill could have ground it, he shall forfeit the grain or the flour produced outside town, which may be confiscated by the common serjeant or someone else and put to the use of the community.

[The [mill](#) had been built in the 1390s to create a new source of revenue for the borough (see the notes appended to the mill's entry in the [rental](#)); one of the chamberlains was assigned the responsibility of keeping track of mill finances, and there even appears to have been a contrarotulator assigned to keep duplicate accounts, as a control on honest accounting. Between 29 September 1398 and 25 March 1399 the borough had obtained revenues of £33.3s.4d from the mill, through fees for grinding 1,670 qt. of grain (at 4d. a quarter), although much of this had to be reinvested in mill maintenance. After March 25 the corn mill, together with a fulling mill, two cottages and a garden, were farmed to John Miller for three years at £50 a year, and farming out henceforth became the preferred approach for dealing with the mills. However, it proved difficult persuading bakers and other townsmen to give their business to the town mill, and eventually it became necessary to apply compulsion through this ordinance. Four bakers were appointed to supervise adherence to the ordinance. Fines were later introduced as an added deterrent.]

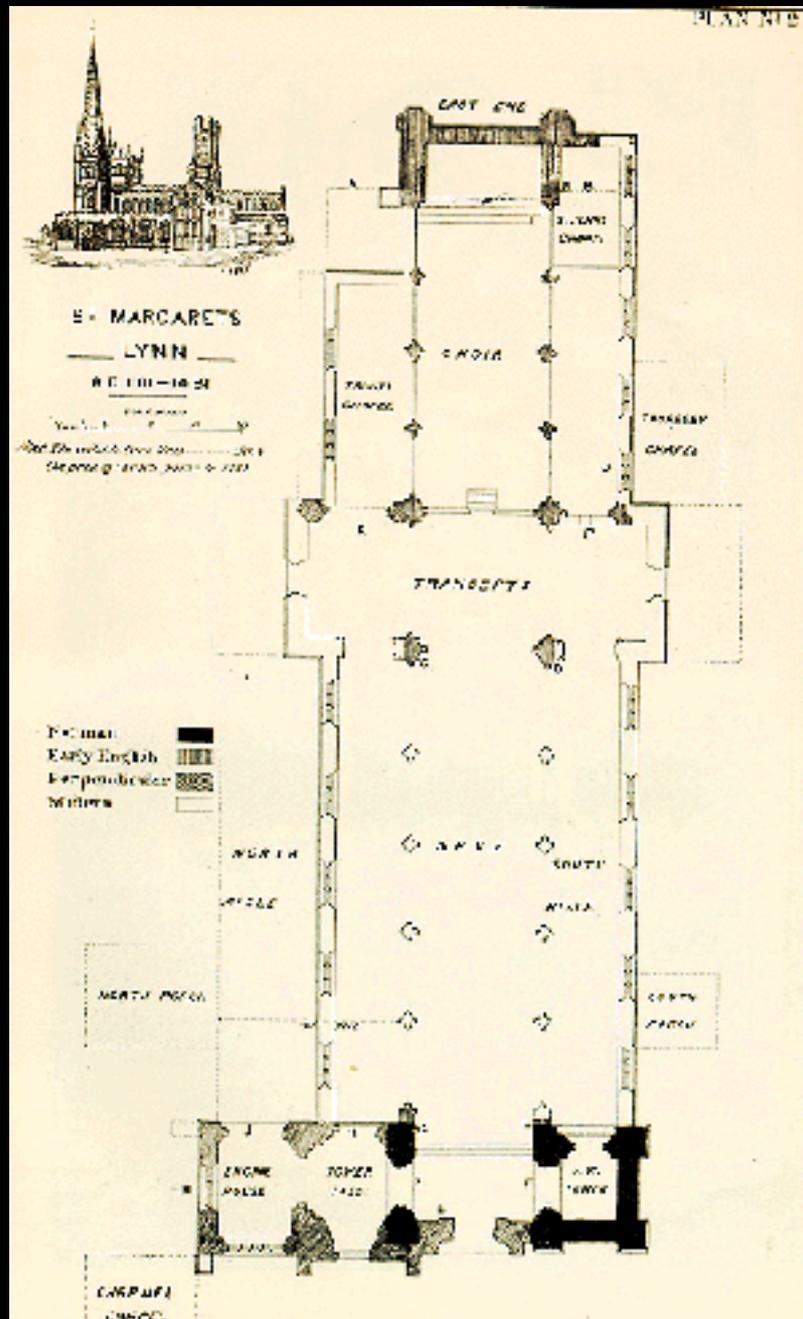


(February) 1391

Concerning seven ladders newly-made for use of the community, they shall not be loaned out in future except to the gild of Holy Trinity, for work on St. Margaret's church or the chapels of St. James and St. Nicholas, and for fire-fighting. Of these ladders, two are over 43 feet long and have 28 rungs, one is 30½ feet and has 20 rungs, one 28½ feet with 19 rungs, one 26½ feet and 17 rungs, one 16½ feet and 11 rungs, and one 11 feet and 8 rungs. The ladders are marked with a crown at one end.



ST. MARGARET'S CHURCH: FLOOR PLAN



Back to the [Mapping Margery Kempe Homepage](#).

ST. MARGARET'S CHURCH © Stanbury/Raguin/MMK

This is the parish church of Margery Kempe whose autobiography of 1436 is now much studied as a source of understanding lay piety, gender roles, and the development of written English. In this large parish church it is possible to see that the parishioners were often well out of earshot of anything said, as opposed to sung, at the altar. During Lent a huge veil was suspended in the sanctuary reaching almost to the ground, which remained throughout the weekdays so that the observers were completely blocked off from the clergy singing their office or saying Mass. Margery's vocal outbursts may be seen as fitting into this situation where sound may have substituted for sight even in the "regular" performance religious ritual.

4. [King's Lynn, St. Margaret's, plan 1102-1481](#), length 236 feet. The 13th-century hexagonal Chapter House, was off the arm of the south transept, destroyed in the 15th century to build the Thoresby Chapel (Thomas Thoresby mayor in 1477, 1482, and 1502), now also destroyed. After E.M. Beloe, F. S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).

5. King's Lynn, [St. Margaret's, facade, south tower](#): base 12th century, upper levels, 14th century. North tower 1452.

5a. King's Lynn, [St. Margaret's, facade](#). Note location of burial ground around the church. The churchyard closed in 1754 and parishioners were buried on the north side of St. Nicholas's churchyard. After John Britton and Edward Wedlake Brayley, *The Beauties of England and Wales* (London: Vernor & Hood, 1801-16).

6. King's Lynn, [St. Margaret's, south exterior](#), as it was in 1685. After William Taylor, *The Antiquities of King's Lynn* (London, 1844).

6a. King's Lynn, [St. Margaret's, Charnel Chapel](#), ca. 1350, built on north west tower, destroyed 1779. The upper level was a funerary chapel dedicated to St. John the Evangelist; the lower room was a consecrated vault where the authorities of St. Margaret's could place the bones of the dead that had been disturbed in forming new graves in the burial grounds surrounding the church. After William Taylor, *The Antiquities of King's Lynn* (London, 1844).

7. King's Lynn, [St. Margaret's, interior of nave](#). State close to what it was during the time of Margery Kempe. Arcade before 1230, clerestory and roof rebuilt 1481. (Destroyed by collapse of the spire of south tower during a storm of 1741 and rebuilt 1745 with different proportions.) After William Taylor, *The Antiquities of King's Lynn* (London, 1844).

8. King's Lynn, St. Margaret's, [exterior of choir, south side](#).

9. King's Lynn, St. Margaret's, interior of choir, [looking east to the high altar](#), arcades before 1230, clerestory and roof rebuilt probably 1481 or a few years earlier.

10. King's Lynn, St. Margaret's, [interior of choir, high altar, medieval location Easter Sepulcher, now](#)

[destroyed](#).

11. King's Lynn, St. Margaret's, interior of choir, location of medieval Easter Sepulchre (now destroyed)

12. King's Lynn, St. Margaret's, [interior of choir, north side](#).

13. King's Lynn, St. Margaret's, [interior of choir, south side](#). After William Taylor, *The Antiquities of King's Lynn* (London, 1844).

14. King's Lynn, St. Margaret's, [interior of choir, detail of 14th-century screens separating choir from aisles](#).

15. King's Lynn, St. Margaret's, [detail of 14th-century choir screen and 13th-century pillar and capital](#).

16. King's Lynn, St. Margaret's, [north choir stalls with misericords, 1370-7](#).

17. King's Lynn, [St. Margaret's, north choir stalls, details of misericords, 1370-7](#). After William Taylor, *The Antiquities of King's Lynn* (London, 1844). Description from G. L. Remnant, *A Catalogue of Misericords in Great Britain* (Oxford: The Clarendon Press, 1969), 102-3. [from east]

1. Youthful head wearing ermine-trimmed cap (or flowers). Supporters: flower.

2. Youthful head wearing wreathed chaplet. Supporters: foliage

3. Woman's head wearing cap and hood. Supporters: leaf.

4. Foliage. Supporters: flower

5. Shield charged **six escallop shells** (arms of Scales [Robert de Scales?]). Supporters: five petalled flower.

6. Head of old man, with arms and hands supporting the bracket. Supporters: five petalled flower.

7. Foliage. Supporters: large formal leaf.

8. Head of man with curly hair and beard, his hands on each side of his head supporting bracket. Supporters: acanthus-leaf.

18. King's Lynn, St. Margaret's, [north choir stalls with misericords](#), 1370-7, nos. 5, Arms of Scales, 6, head of old man, and 7, foliage.

18b. King's Lynn, St. Margaret's, [north choir stalls with misericords](#), 1370-7, nos. 7 foliage, and 8, head of man with curly hair.

19. King's Lynn, [St. Margaret's, south choir stalls, details of misericords, 1370-7](#). After William Taylor, *The Antiquities of King's Lynn* (London, 1844). Description from G. L. Remnant, *A Catalogue of Misericords in Great Britain* (Oxford: The Clarendon Press, 1969), 102-3. [from east]

1. Head of Edward III. Supporters: foliage

2. Foliage. Supporters: foliage

3. Face with foliage springing from mouth (Green Man). Supporters: leaf.
 4. Head wearing cap bent sideways; the right hand together with the head, supports the bracket; the left hand is bent downwards. Supporters: leaf.
 5. Foliage. Supporters: flower.
 6. Spray of Flowers. Supporters, flower.
 7. Head of Edward the Black Prince. Supporters: Left, shield charged sable, **three ostrich feathers enscrolled or**. Right, shield charged diapered, **six water bougets** [question identification as water bougets; could this be the tincture ermine?, born by John of Brittany, Earl of Richmond, d. 1399] (arms not recorded).
 8. Head of Henry Despencer, Bishop of Norwich (1370-1407). Supporters: Left shield charged three mitres (arms of the see of Norwich); Right, shield parted quarterly, **argent and gules, in the second and third quarter a fret or, overall a bend gules, in a border sable, mitred of the third** (arms of Despencer). From each shield depends a six petalled flower.
-
20. King's Lynn, St. Margaret's, [south choir stall, misericord 3, Green Man \(sprouting foliage\)](#).
 21. King's Lynn, St. Margaret's, [south choir stall, misericord 4, man supporting bench](#).
 22. King's Lynn, St. Margaret's, [Coats of arms on back of choir seats 1370-7](#). After William Taylor, *The Antiquities of King's Lynn* (London, 1844).
 1. **Six escallop shells** (Scales).
 2. **Sable a cross engrailed or** (Robert Dufford, earl of Suffolk; his daughter Catherine was the wife of Robert, Lord Scales).
 3. Three cinquefoils; if **or three cinquefoils azure** (Bardolf); if **azure three cinquefoils argent** (Fitton).
 4. **Gules a bend between six crosses crosslet fitchy** (here shown as **botonny fitchy**) **argent** (Howard).
 5. **Ermine a cross sable** (Sir Robert de Bois; his daughter Alice was the wife of John Howard).
 6. **A chevron** (Unidentified but appearing with the arms of Howard in that family's funerary chapel, East Winch, now destroyed).
 7. **Barry of six pieces** (unidentified) [as in no. 12].
 8. **Azure a fess between two chevronels argent** (Tempering).
 9. **Sable a fesse dancetty between three mullets pierced argent** (Weasenham).
 10. **On a chevron three crosses botonny fitchy** (Unidentified).
 11. **Sable, three mallets argent** (Rainham).
 12. **Barry of six pieces** (unidentified) [as in no. 7].
 13. **Azure, three crescents argent** (Thorpe).
 - 14 **Gules a saltire engrailed argent** (Kerdeston).
 15. **Argent a chevron between three boar's heads couped sable** (Mosel)
 16. **Quarterly or and gules, in a border sable bezanty** (Rochfords).
 23. King's Lynn, St. Margaret's, [south aisle of choir \(St. John's Chapel\), Adam de Walsoken and wife Margaret](#), 1349, 118 x 68 in. Detail of bottom, men carry grist to mill and carry Walsoken in litter over stream. Brass executed on continent. After John Sell Cotman, *Engravings of Sepulchral Brasses in Norfolk* (London: Henry G. Bohn, 1838).

24. King's Lynn, St. Margaret's, [south aisle of choir \(St. John's Chapel\), monumental brass of Robert Braunche with both Letitia, first, and Margaret, second wife](#), 1364, 106 x 61 in., detail of Peacock Feast at bottom. Brass executed on continent. After John Sell Cotman, *Engravings of Sepulchral Brasses in Norfolk* (London: Henry G. Bohn, 1838).
25. King's Lynn, St. Margaret's, [choir, monumental brass of Robert Attelath](#), 1376, merchant, mayor in 1374 (was originally represented with wife Johanna). Brass executed on continent, destroyed before 1813 but known from a rubbing of male figure only by Craven Ord taken in 1780. After John Sell Cotman, *Engravings of Sepulchral Brasses in Norfolk* (London: Henry G. Bohn, 1838).
26. King's Lynn, [St. Margaret's, north aisle of choir \(Trinity Chapel\), monumental brass of Walter Coney, 1476, four times mayor of Lynn](#). Motto Laus Trinitati (Praise to the Trinity) on scrolls and Coney's merchant's mark on shield (the commoner's substitute for heraldic charge). Coney was a prominent member of the Trinity Guild. Largely destroyed, known from rubbing. After William Taylor, *The Antiquities of King's Lynn* (London, 1844).

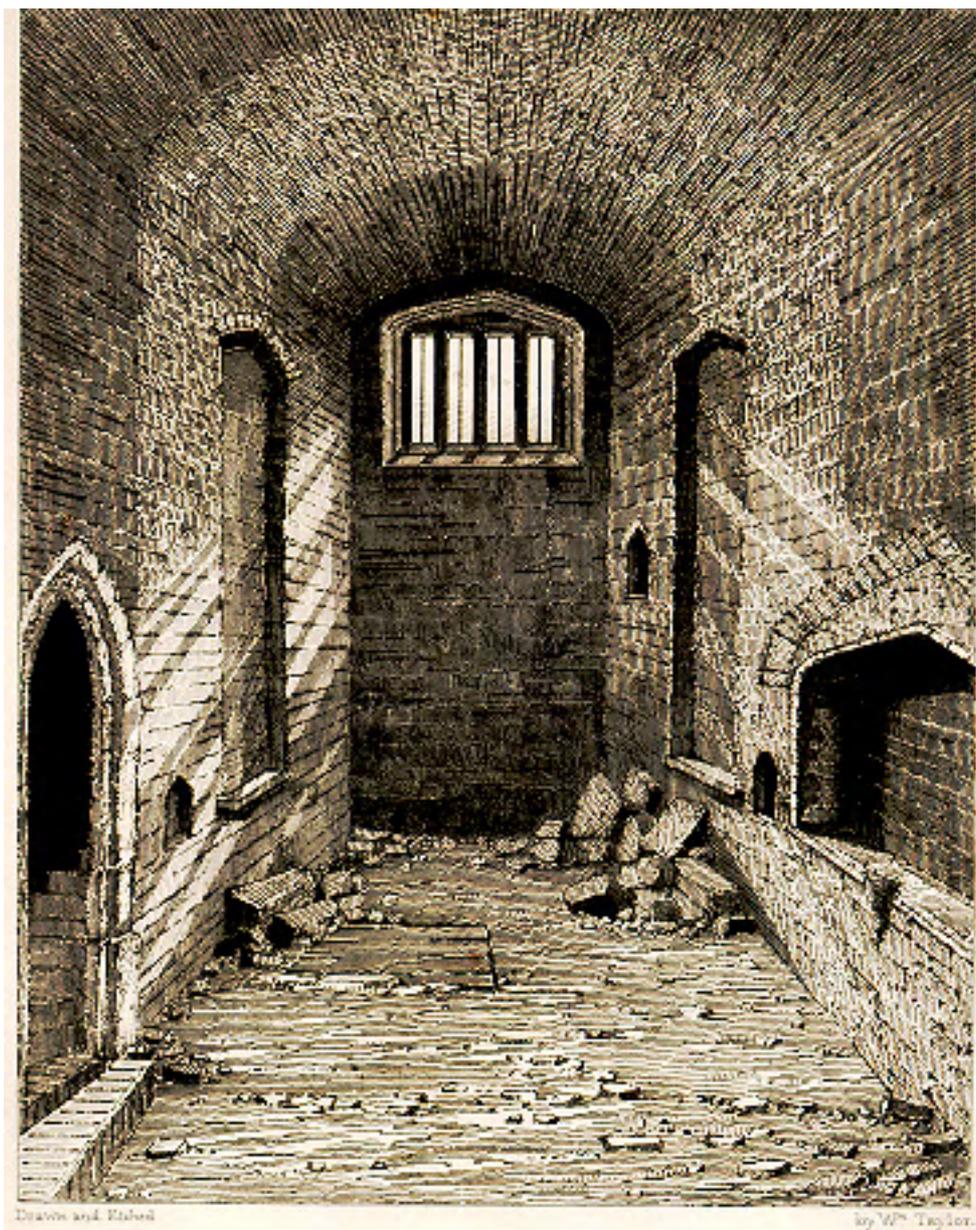
16 April 1361

It was agreed by the entire community that henceforth the clergy of the church of St. James shall carry the holy water from the east gate of Lynn along the whole of the south side of Damgate and [then] south through Webster Row; and the clergy of St. Nicholas shall carry the holy water from the same gate along the whole of the north side of Damgate.

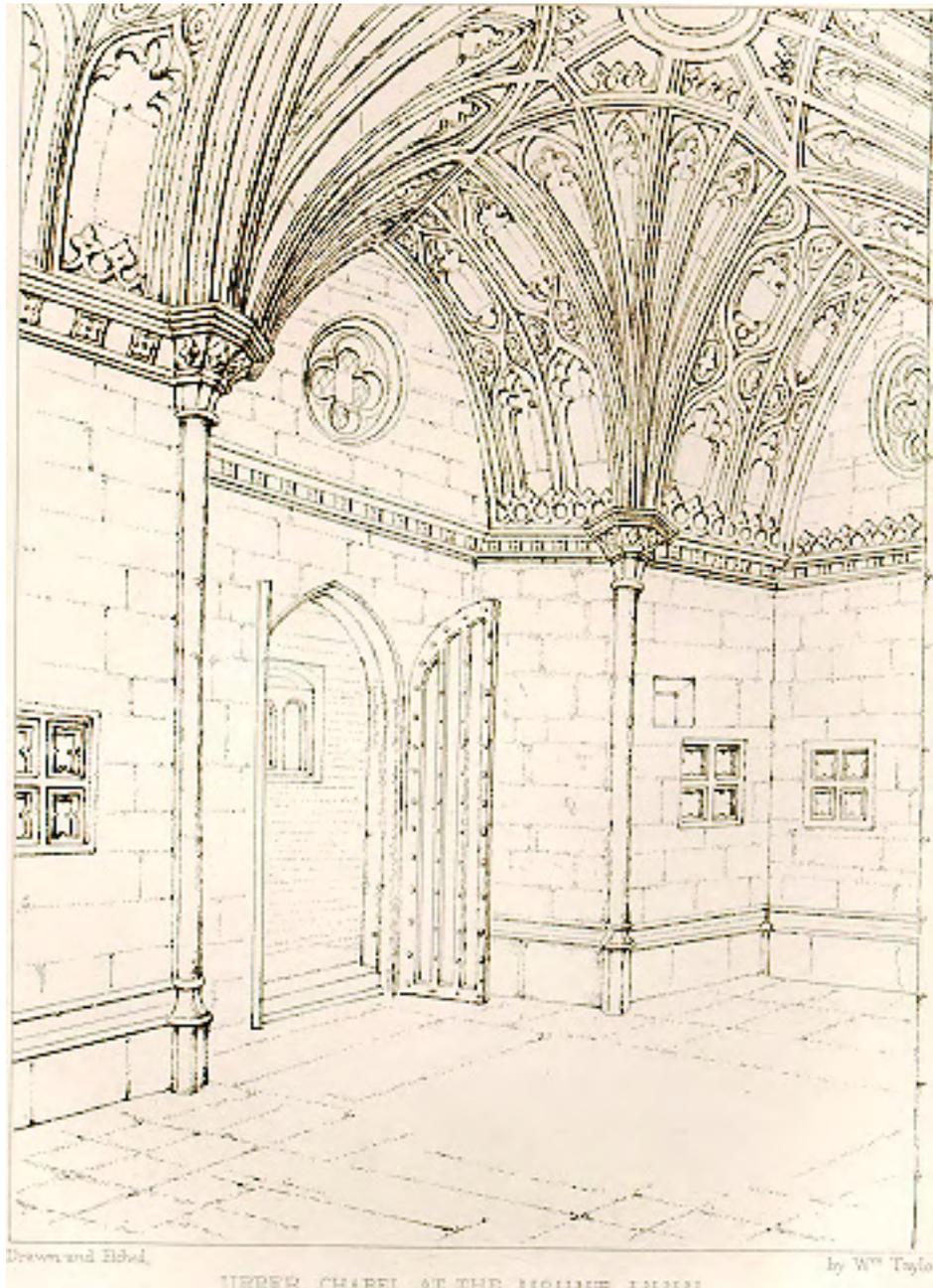
38. King's Lynn, All Saint's Church, interior, 15th century.
After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



43. King's Lynn, Red Mount: Chapel of Our Lady at the Mount, 1483, interior, lower chapel. After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



44. King's Lynn, Red Mount: Chapel of Our Lady at the Mount, 1483, interior, upper chapel.
After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



[\[contents\]](#)

APPENDIX I

The Officers of Borough Government

Notes

- 1 I cannot verify the statement that Henry Godyear was bailiff, made by Rickword (*Trans. E. A.S.*, IX, 134) who is unreliable in some other attributions.
- 2 The date of – fitz William and Adam de Castro to this year (Red Paper Bk., 74) is almost certainly a mistaking of 10/11 Ed.I for 10/11 Ed.II.
- 3 From an undated deed (Red Paper Bk., 71) of *tempore* Edward I; it is Rickword (*op. cit.*, 144) who gives the precise date, without substantiation.
- 4 Possibly alias le Clerk
- 5 Hypothetical.
- 6 The number of coroners was reduced from four to two from 1318 onwards.
- 7 The names of chamberlains are rarely recorded in the fourteenth century.
- 8 It is not quite clear whether these men are chamberlains or sergeants; see G.C.R. 22-23 Ed. III, m.1.
- 9 No qualificative epithet is placed after the Starling name henceforth, so it may be that one (presumably Geoffrey senior) had died.
- 10 See [chapter 1](#).
- 11 Thus Add.Ms. 30158 f.14, although Bacon gives William Winter and Robert Hall as treasurers.
- 12 According to Harrod, from the evidence of deeds.
- 13 But possibly William de Karleton; see KL/C50/Be 204.

14 Not all identities are certain, due to damage to the source document (Red Reg. f.61; see also Arundel Castle Ms. MD 428).

15 Only two chamberlains were elected this year.

16 Based on Saul (who follows Le Strange, who in turn used Swinden) and on Palmer (using Swinden and Manship), with amendments and additions (including chamberlains' names) from primary evidence.

17 However, an entry in Cal.Memo.Rolls 1326-27 (p.145) lists these bailiffs for that year.

18 Thus C.P.R 1343-45, 166 (for 20 November 1343). Le Strange and Palmer state that the bailiffs of 1341/2 were re-elected in the next two years, however.

19 Although Palmer gives Richard de Wymondham, E101/507/30 gives Gimingham; it is not certain whether the two names might represent one individual.

20 Thus Add.Ms. 14965 (dated 3 February 1365). Le Strange gives a different set (without citing his authority), whilst Swinden and Palmer leave this year blank.

21 Although Le Strange and Palmer say Thomas Hall, the parliamentary return (C219/15/2) gives Hillys.

22 Ipswich, Lynn, and Yarmouth (as well as Norwich) are known to have been represented in parliament as early as 1268, but no names of members are known until 1295. Maldon is not known to have been represented before 1332.

23 Although Lynn, at least, is known to have been represented (KL/C37/1 m.20r), Henry Barsham being a likely representative.

24 Possibly alias de Massingham.

25 Alias de Ormesby.

26 Prorogued to November.

27 Although Thomas Stace and Gilbert Robert are known to have journeyed to this parliament (C.Cl.R. 1313-18, 271), it is not clear whether as formal representatives.

28 The former pair were named on the return, but the latter pair were paid in the borough account.

29 I.e. of the Haraud family.

- 30 Prorogued to February.
- 31 Possibly an error for John? I find no other biographical data on a Richard Jordan.
- 32 We cannot be certain that Maldon was summoned to every parliament during this period.
- 33 Although Lynn paid Roger de Buttele, Geoffrey Drewe and Thomas de Massingham for attending a 'Council' of this year.
- 34 Hypothesis from a surname ending '--lle': all that remains of the writ. N.B. that Warin atte Welle died in 1349.
- 35 Summoned by name, not elected. McKisack thought it was Tolbooth who attended the June parliament, but the chamberlains' account clearly pays Botkesham for attending the Winchester session, and names Tolbooth and Botkesham together in relation to an unspecified (but doubtless the February) parliament.
- 36 Replaced Nicholas de Swerdestone, who was originally elected, before the October prorogation.
- 37 The name is only partially legible on the writ.
- 38 Thus the original return, but the Red Register f.161b records the election of Hugh de Ellingham, not that of Morton.
- 39 Prorogued to January.
- 40 John Bilney and James Nicholasson had originally been selected, however.
- 41 Walter Curson according to one source, but this is probably an alias.
- 42 Confirmed from the original returns; the suggestion by Palmer/Le Strange of Gaynes and Elys is incorrect.
- 43 This pair was hypothesised by *History of Parliament: Biographies*, 652, on rather flimsy evidence.
- 44 Hypothesis, on the grounds that the Paston letters refer to Heydon in connection with these parliaments, and Yarmouth is the most likely constituency.

[APPENDIX I: Lists of Office-holders](#)

[Introduction](#) | [Structure of Borough Government](#) | [Social and Economic Background of Office-Holders](#)
[Monopolisation of Office](#) | [Attitudes Towards Office-holding](#) | [Professionalism in Administration](#)
[Quality of Government](#) | [Conflict and Solidarity in Urban Politics](#) | [Conclusion](#)

Created: *July 30, 1998*

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From John de Sawreby for 5 pieces of white cloth, worth 70s. subsidy: 3s.6d

From William de Chapel for 1 bale of thrums, worth 15s. subsidy: 9d.

From **Thomas Paynot** for 10 dozen white cloths in 1 pack, worth £7.10s. subsidy: 8s.6d.

From Peter Oldeman for 8 dozen white cloths in 1 pack, worth £4 subsidy: 4s.

From Hugh Mathewesson for 8 pieces of white cloth, 2 pieces of narrow cloth, 15 calf skins, worth £4.9s. subsidy: 4s.5½d.

From John de Brandon for woollen cloth in 1 pack, worth £6 subsidy: 6s.

Total: 29s.2d

In the ship of James Hubbyng, called *Margaret of Lynn*, departing 29 March in the above-written year:

From Thomas Attestyle for 8 woollen cloths in 1 pack, worth £15 subsidy: 15s.

From **Richard Thweyt** for 24 pieces of broad cloth in 1 bundle, worth £21 subsidy: 21s.

From **Thomas Fawkys** for 12 **worsted**s, 18 pieces of white cloth, worth £20 subsidy: 20s.

From John Drewe for 60 kerseys in 1 pack, worth £10 subsidy: 10s.

From William Berry for 60 pieces of narrow cloth, 7 woollen cloths in 1 bundle, worth £38 subsidy: 38s.

From William Brycham for 10 dozen
broad cloths in 1 pack, worth £8.6s.8d subsidy: 8s.4d

From **John de Botekysham** for 20 pieces
of narrow cloth, 4 pieces of broad cloth in
1 pack, worth £11.6s.8d subsidy: 11s.4d

Total: £6.3s.8d

In the ship of Robert de Wolforton, called *Trinity of Lynn*,
departing 1 April in the above-written year:

From John Kepe for 20 woollen cloths in 1
pack, worth £38 subsidy: 38s.

From Thomas Attestyle for 12 dozen
broad cloths in 1 pack, worth £11 subsidy: 11s.

From Thomas de Waterden for 18 pieces
of broad cloth in 1 pack, worth £15 subsidy: 15s.

Total: 64s.

In the ship of Benedict May, called *Thomas of Lynn*, departing 5
April in the above-written year:

From **William de Sylesden** for 2 pieces of
woollen cloth, worth 26s.8d subsidy: 16d.

From John Blaunche for 14 woollen cloths
in 1 bundle, worth £30 subsidy: 30s.

From John de Brandon for 40 pieces of
narrow cloth in 1 pack, worth £16 subsidy: 16s.

Total: 47s.4d

In the ship of **William de Thorpe**, called *Nicholas of Lynn*,
departing 7 April in the above-written year:

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|---|-----------------|
| From Thomas Trussebut for 40 pieces of narrow cloth, 4 pieces of broad cloth in 1 pack, worth £18 | subsidy: 18s. |
| From Thomas de Waterden for 60 kerseys in 1 pack, worth £11 | subsidy: 11s. |
| From John de Burwell for 26 woollen cloths in 1 bundle, worth £57 | subsidy: 57s. |
| From John Crosse for 28 dozen broad cloths, 10 pieces of narrow cloth, worth £30.8s.4d | subsidy: 30s.5d |
| From Richard Thweyt for 9 woollen cloths in 1 pack, worth £18 | subsidy: 18s. |
| From John de Kenynghale for 30 pieces of narrow cloth, 14 pieces of broad cloth in 1 bundle, worth £19 | subsidy: 19s. |
| From John Wace for 14 woollen cloths in 1 bundle, worth £25 | subsidy: 25s. |
| From John de Sutton for 30 dozen woollen cloths in 1 bundle, worth £29 | subsidy: 29s. |
| From Robert de Botekysham for 9 woollen cloths in 1 pack, worth £17.10s. | subsidy: 17s.6d |
| From John Draper for 12 cloths, 30 pieces of narrow cloth, 20 dozen broad cloths in 1 pack, worth £48 | subsidy: 48s. |
| From William de Keel for 14 woollen cloths in 1 bundle, worth £25 | subsidy: 25s. |
| From Thomas Attestyle for 9 worsteds, 4 dozen cloths, worth £7 | subsidy: 7s. |

From **Thomas de Baldeswell** for 26 dozen
broad cloths, worth £26 subsidy: 26s.

From John Drewe for 20 pieces of narrow
cloth, 12 kerseys in 1 pack, worth £10 subsidy: 10s.

From John Lok for 12 woollen cloths in 1
bundle, worth £24 subsidy: 24s.

From Thomas Trussebut for 10 woollen
cloths in 1 pack, worth £17.19s.4d subsidy: 18s.

From John de Botekysham for 40 pieces
of narrow cloth, 6 pieces of broad cloth in
1 pack, worth £19 subsidy: 19s.

Total: £20.1s.11d

In the ship of Albert Gylesson, called *Godfrende of Flushing*,
departing 7 April in the above-written year:

From John de Brandon for 4 pieces of
cloth of 6 quarters, 2 pieces of "damdok",
worth 44s. subsidy: 2s.8¼d

Total: as appears [\[above\]](#)

In the ship of Thomas Daffron, called *Christopher of Lynn*,
departing 16 April in the above-written year:

From John de Burwell for 5 dozen broad
cloths in 1 pack, worth 60s. subsidy: 3s.

Total: as appears [\[above\]](#)

In the ship of Henry Holander, called *Trumpower of Middelburg*,
departing 16 April in the above-written year:

From Ludwic de Reder for old clothes,
worth 33s. subsidy: 20d.

Total: as appears [above]

In the ship of Simon Jonesson, called *George of Briel*, departing
16 April in the above-written year:

From John de Brandon for 14 pieces of
white cloth, worth 100s. subsidy: 5s.

From Simon Chapman for 4 pieces of
cloth cut into small sections, worth 30s. subsidy: 18d.

Total: 6s.6d

In the ship of William de Grene, called *Peter of Lynn*, departing
16 May in the above-written year:

From William de Brycham for 5 dozen
broad cloths, 55 pieces of narrow cloth in
2 bundles, worth £29 subsidy: 29s.

From John de Brandon for 90 pieces of
narrow cloth in 2 bundles, worth £21 subsidy: 21s.

From John Waryn for 111 quarters of
wheat, 17 pieces of broad cloth, 55 pieces
of narrow cloth, 3 whole cloths, worth £65 subsidy: 65s.

From Peter de Vine for 161 quarters of
wheat, 10 **quintals** of tallow, worth
£51.16s.8d subsidy: 51s.10d

Total: £8.6.9½d [sic]

In the ship of Klaus Howmeystre, called *Maryknyght of Gdansk*,
departing 20 May in the above-written year:

From **Robert Cokerell** for 22 dozen broad
cloths, 4 pieces of Irish cloth, 1 barrel
containing diverse goods, worth £22 subsidy: 22s.

From Robert de Botekysham for 300
quarters of malt, worth £52.10s subsidy: 52s.6d

From the same Robert for 2 tuns of wine subsidy: 6s.

From Edward Belleyett for 43 pieces of
broad cloth in 1 bundle, worth £35 subsidy: 35s.

From the above-named Robert Cokerell
for 11 stones of hemp, 1 bale of rice,
worth 23s. subsidy: 14d.

From **John de Creyk** for 4 pieces of broad
cloth, 1 piece of narrow cloth, worth
67s.4d. subsidy: 3s.4½d

From Henry Galt for diverse small goods
called haberdashery, worth £4 subsidy: 4s.

From Thomas de Bernyngham for 28
pieces of broad cloth, 5 pieces of narrow
cloth in 1 bundle, worth £21.16s. subsidy: 21s.10d

From the above-named Robert de
Botekysham for woollen cloth in 1 pack,
worth £16 subsidy: 16s.

Total: £10.2.6½d

In the ship of William Hoop, called *Christopher of Lynn*,
departing 21 May in the above-written year:

From John Blaunche for 22 pieces of narrow cloth in 1 pack, worth £10 subsidy: 10s.

From William de Brycham for 3 woollen cloths in 1 pack, worth £4 subsidy: 4s.

From **Walter Urry** for 14 woollen cloths in 1 bundle, worth £25 subsidy: 25s.

From **Thomas de Sparham** for 60 pieces of narrow cloth called "damdok", 8 pieces of broad cloth, 15 blankets, worth £25 subsidy: 25s.

Total: 64s.

In the ship of John Owtelawe, called *James of Lynn*, departing 27 May in the above-written year:

From the same John for 29 pieces of narrow cloth in 1 pack, worth £11.11s. subsidy: 11s.7d

Total: as appears [\[above\]](#)

In the ship of Walter Hake, called *Christopher of Briel*, departing 27 May in the above-written year:

From Michael Scarlake for 2 pieces of narrow cloth, 1 barrel containing diverse goods, worth 60s. subsidy: 3s.

From Martin Jonesson for 22 calf skins, worth 30s. subsidy: 18d.

From **Adam de Walsokyn** for 4 dozen narrow cloths, worth 30s. subsidy: 18d.

From John de Lakynghyth for 17 pieces of cloth of 6 quarters, 11 dozen narrow cloths in 1 pack, 900 rabbit skins, 6 dozen cat skins, worth £20.17s.

subsidy: 20s.11d

From Reginald van Mastreght for 1 unfulled woollen cloth, 4 pieces of fulled narrow cloth, 1 blanket, 24 stones of lead, worth 68s.

subsidy: 3s.5d

Total: 30s.4d

In the ship of Peter Baldwyne, called *Margaret of Lynn*, departing 27 May in the above-written year:

From the same Peter for 4 cloths, 15 pieces of narrow cloth called "damdok" in 1 pack, worth £9

subsidy: 9s.

From Thomas de Sparham for 18 cloths, 8 dozen cloths, 13 worsteds, 4 pieces of narrow cloth, 4 blankets, worth £39

subsidy: 39s.

From Walter Urry for 17 woollen cloths in 1 bundle, worth £30

subsidy: 30s.

From Thomas de Baldewell for 18 dozen broad cloths, 16 pieces of narrow cloth in 1 bundle, worth £21

subsidy: 21s.

From Adam de Well for 1 tun of wine

subsidy: 3s.

From John Lok for 60 kerseys, 2 cloths in 1 bundle, worth £18

subsidy: 18s.

From **Robert Pulter** for 10 pieces of broad cloth, 41 pieces of narrow cloth, 9 worsteds, 2 blankets in 1 bundle, worth £23

subsidy: 23s.

From John de Lakynghyth for 12 pieces of narrow cloth, 1 piece of broad cloth in 1 pack, worth 100s.

subsidy: 5s.

From John Blaunche for 7 woollen cloths in 1 pack, worth £12

subsidy: 12s.

From **Henry de Beteley** for 5 woollen cloths in 1 pack, worth £6

subsidy: 6s.

Total: £8.7s.

In the ship of Edward Westerne, called *Christopher of Lynn*, departing 28 May in the above-written year:

From **Ralph de Bedyngham** for 310 quarters of wheat, 63 quarters of beans and peas, 3 pieces of broad cloth, 4 pieces of narrow cloth, worth £87.13s.

subsidy: 87s.8d

Total: as appears [\[above\]](#)

In the ship of Adam de Well, called *Holy Ghost of Lynn*, departing 28 May in the above-written year:

From the same Adam for 12 quarters of wheat, 12 quarters of oats, 12 quarters of beans, worth 110s.

subsidy: 5s.6d

From **John Spicer** for 200 quarters of wheat, 20 quarters of oats, 40 quarters of rye, worth £62.6s.8d

subsidy: 62s.4d

Total: 67s.10d

In the ship of Klaus Fer', called *Maryknyght of Lubeck*, departing 28 May in the above-written year:

From the same Klaus for 1 woollen cloth,
4 worsteds in 1 pack, worth 68s.8d subsidy: 3s.5½d

Total: as appears [\[above\]](#)

In the ship of Lambert Fry, called *Maryknyght of Bremen*, departing 28 May in the above-written year:

From Henry Fry and Browning van
Brossell for woollen narrow cloth in 4
bundles and 1 pack, worth £106 subsidy: 106s.

From Robert de Botekysham for 6
worstedes in 1 pack, worth 40s. subsidy: 2s.

Total: 107s. [\[sic\]](#)

In the ship of Henry Benet, called *Edmund of Yarmouth*, departing 1 June in the above-written year:

From **William Oxneye** for 80 quarters of
wheat, 40 quarters of beans, worth
£24.13s.4d subsidy: 24s.8d

From John Waryn for 120 quarters of
wheat, 100 quarters of beans, 24 stones of
tallow, worth £42.17s.4d subsidy: 42s.10½d

From John Drewe for 100 quarters of
wheat, worth £22.10s. subsidy: 22s.6d

Total: £4.10s.½d

In the ship of James Bolleson, called *George of Dordrecht*,
departing 1 June in the above-written year:

From John Handewarpe for 480 calf skins
in 7 packs, worth £4.10s. subsidy: 4s.6d

From Ludwic van Eussyn for woollen
cloth in 1 pack, worth £15 subsidy: 15s.

From Andrew S kyrmer for 500 calf skins,
worth £4 subsidy: 4s.

Total: 23s.6d

In the ship of Thomas Fouler, called *Mary of Lynn*, departing 14
June in the above-written year:

From **John de Wentworth** for woollen
cloth in 2 packs, worth £40 subsidy: 40s.

From **John de Tylneye** for woollen cloth
in 1 pack, worth £15.11s.8d subsidy: 15s.7d

From John Wace for 160 quarters of malt
and woollen cloth in 1 pack, worth
£44.10s. subsidy: 44s.6d

From John Waryn for 80 quarters of malt
and woollen cloth in 1 pack, worth £21 subsidy: 21s.

From Henry Galt for 80 quarters of malt
and other small goods called
haberdashery, worth £26 subsidy: 26s.

Total: £7.7s.1d

In the ship of John Good, called *Maryknyght of Sund*, departing
14 June in the above-written year:

From Thomas de Attelburgh for 18
woollen cloths in one bundle, worth
£42.13s.4d

subsidy: 42s.8d

From John de Brandon and John de
Lakynghyth for 120 quarters of malt,
worth £21

subsidy: 21s.

Total: 63s.8d

In the ship of Herman Scoff, called *Christopher of Gdansk*,
departing 15 June in the above-written year:

From John Drewe for 45 kerseys, 30
pieces of woollen cloth in 2 packs, worth
£23.5s.

subsidy: 23s.3d

From **John de Howton** for 15 woollen
cloths in 1 bundle, worth £20

subsidy: 20s.

Total: 43s.4d

In the ship of William Pott', called *Holy Ghost of Rotterdam*,
departing 16 June in the above-written year:

From Richard Jonesson for 200 calf skins,
900 pelts, 2 stones of lead, worth 34s.7d

subsidy: 21½d

Total: as appears [\[above\]](#)

In the ship of Benedict May, called *Thomas of Lynn*, departing 4
July 1392:

From John de Brandon for woollen cloth
in 1 pack and blankets, worth £6.0.4d

subsidy: 6s.¼d

Total: as appears [\[above\]](#)

In the ship of Robert de Wolforton, called *Trinity of Lynn*,
departing 20 July in the above-written year:

From John Kepe for woollen cloth in 1
pack, worth £9 subsidy: 9s.

Total: as appears [\[above\]](#)

In the ship of Herman Whytetope, called *Maryknyght of
Greifswald*, departing 8 July in the above-written year:

From John Blaunche for 200 quarters of
malt, 30 worsteds, worth £45 subsidy: 45s.

Total: as appears [\[above\]](#)

In the ship of Siward Jonesson, called *Maryknyght of Harderwijk*,
departing the last day of July in the above-written year:

From the same Siward for 2 pieces of
woollen cloth of 6 quarters, worth 30s. subsidy: 18d.

From John de Brandon for woollen cloth
in 1 pack, worth £15 subsidy: 15s.

Total: 16s.6d

In the ship of Derek Walterson, called *Skenkwyne of Durdrecht*,
departing 2 August in the above-written year:

From Hugh Mathewesson for 300 calf
skins, worth 54s. subsidy: 2s.8d

Total: as appears [\[above\]](#)

In the ship of John Bonnek'husse, called *Maryknyght of Gdansk*,
departing 4 August in the above-written year:

From the same John for 39 kerseys in 1
pack, worth £7.10s. subsidy: 7s.6d

Total: as appears [\[above\]](#)

In the ship of Stephen Nek, called *Maryknyght of Gdansk*,
departing 5 August in the above-written year:

From William Derenbergh for woollen
cloth in 1 pack, worth £9 subsidy: 9s.

Total: as appears [\[above\]](#)

In the ship of Peter But, called *Christopher of Durdrecht*,
departing 12 August in the above-written year:

From John Handwarpe for 500 calf skins
in 9 packs, worth £4 subsidy: 4s.

From **William Halleyate** for 21 pieces of
narrow cloth in 1 pack, worth £6.6s.8d subsidy: 6s.4d

From John Jonesson for 11 pieces of white
broad cloth in 1 pack, worth £7.6s.8d subsidy: 7s.4d

From Arde Aldenbergh for 65 pieces of
narrow cloth called "damdok", 5 pieces of
cloth of 6 quarters, worth £20.3s. subsidy: 20s.2d

From Arde van Bentyn for 30 pieces of
white broad cloth, 25 pieces of narrow
cloth called "damdok", worth £38 subsidy: 38s.

From Otto van ye Brygg for 5 pieces of 6
quarters, 50 pieces of damdok, worth
£14.8s subsidy: 14s.5d

From John Bakker for 300½ calf skins in 1 bundle, worth 56s. subsidy: 2s.10d

From Robert Pulter for 12 pieces of white broad cloth, 2 pieces of narrow cloth, worth £7 subsidy: 7s.

From the above-named Peter But for 1 piece of broad cloth, 1 hood, 1 blanket, worth 33s. subsidy: 20d.

Total: 101s.9d

In the ship of John Yngberson, called *Holy Ghost of Kampen*, departing 18 August in the above-written year:

From John Lok for 19 woollen cloths, 8 worsteds in 1 bundle, worth £31.8s. subsidy: 31s.5d

From **Robert de Waterden** for 28 woollen cloths, 5 worsteds in 1 bundle, worth £44.18s. subsidy: 44s.11d

From Walter Urry for 18 cloths, 18 worsteds in 1 bundle, worth £31.10s. subsidy: 31s.6d

From John Blaunche for 84 pieces of narrow cloth, 17 woollen cloths in 2 bundles, worth £47 subsidy: 47s.

From Thomas de Waterden for 20 woollen cloths in 1 bundle, worth £36 subsidy: 36s.

From **Thomas Drewe** for 40 worsteds in 1 bundle, worth £13.6s.8d subsidy: 13s.4d

From Thomas Attestyle for 10 pieces of broad cloth in 1 pack, worth £10 subsidy: 10s.

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| From Richard de Thorpe for 20 woollen cloths, 10 blankets in 1 bundle, worth £39 | subsidy: 39s. |
| From Thomas de Baldeswell for 16 pieces of broad cloth, 8 pieces of narrow cloth in 1 pack, worth £15 | subsidy: 15s. |
| From Walter Urry for 10 pieces of narrow cloth, 12 worsteds in 1 bundle, worth £10 | subsidy: 10s. |
| From Thomas Trussebut for 12 pieces of broad cloth, 4 pieces of narrow cloth in 1 pack, worth £10 | subsidy: 10s. |
| From Edward Belleyett for 14 woollen cloths in 1 bundle, worth £26.10s. | subsidy: 26s.6d |
| From Godfrey Luffedey for 30 pieces of narrow cloth in 1 pack, worth £9 | subsidy: 9s. |
| From Henry de Beteley for 8 woollen cloths, 3 blankets, worth £16 | subsidy: 16s. |
| From William de Baldeswell for 31 pieces of Welsh cloth in 1 bundle, worth £10 | subsidy: 10s. |
| From Thomas Attestyle for 30 kerseys, 11 blankets in 1 pack, worth £7.12.8d | subsidy: 7s.8d |
| From John Paxman for 20 pieces of broad cloth, 20 pieces of narrow cloth, 8 pieces of cloth of 6 quarters, 6 worsteds, worth £35.3s.4d | subsidy: 35s.2d |
| From John de Brandon for 14 woollen cloths, 8 blankets in 1 bundle worth £21.13s.4d | subsidy: 21s.8d |
| From the above-named Richard de Thorpe for 13 woollen cloths in 1 bundle, worth £25.17s. | subsidy: 25s.10d |

From Richard Thweyt for 11 pieces of broad cloth, 15 pieces of narrow cloth, 8 blankets, worth £22 subsidy: 22s.

From John Draper for 30 dozen broad cloths in 1 bundle, worth £20.15s. subsidy: 20s.9d

From John de Wentworth for 20 pieces of broad cloth, 40 pieces of narrow cloth, 8 worsteds, worth £32.10s. subsidy: 32s.6d

From John Waryn for 9 woollen cloths in 1 pack, worth £14 subsidy: 14s.

From John de Botekysham for 5 woollen cloths in 1 pack, worth £9 subsidy: 9s.

Total: £19.12s.11d

In the ship of Thomas Bullok, called *Mary of Lynn*, departing 24 August in the above-written year:

From Robert de Waterden for 8 woollen cloths in 1 pack, worth £15 subsidy: 15s.

From John de Freston for 4 pieces of broad cloth, 2 narrow blankets in 1 pack, worth 76s.8d subsidy: 3s.10d

From **Adam Waryn** for 20 pieces of cloth, 2 pieces of broad cloth, 21 worsteds in 1 bundle, worth £17 subsidy: 17s.

From Ralph de Bedyngham for 12 woollen cloths in 1 bundle, worth £22.13s.4d subsidy: 22s.8d

From John Waryn for 7 woollen cloths in 1 pack, worth £14 subsidy: 14s.

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| From Richard de Fransham for 13 pieces of narrow cloth in 1 pack, worth 112s. | subsidy: 5s.7½d |
| From Robert de Salesbery for 4 pieces of broad cloth in 1 pack, worth 68s. | subsidy: 3s.5d |
| From John Spicer for 14 pieces of broad cloth, 12 blankets in 1 pack, worth £16 | subsidy: 16s. |
| From Richard de Denby for 30 pieces of woollen cloth, 8 worsteds in 1 bundle, worth £34 | subsidy: 34s. |
| From William de Brycham for 6 woollen cloths in 1 pack, worth £12.10s. | subsidy: 12s.6d |
| From John Herte for 7 dozen broad cloths, 9 pieces of narrow cloth, 20 worsteds, worth £14.18s. | subsidy: 14s.11d |
| From Thomas Attebrygg for 9 pieces of broad cloth, 3 worsteds, 4 blankets in 1 pack, worth £11.11s. | subsidy: 11s.6¾d |
| From John Whyte for 14 woollen cloths in 1 bundle worth £20 | subsidy: 20s. |
| From Robert Pulter for 12 dozen broad cloths in 1 pack, worth £10 | subsidy: 10s. |
| From Roger Carter for 45 pieces of narrow cloth, 5 pieces of broad cloth in 1 bundle, worth £20 | subsidy: 20s. |
| From John de Botekysham for 50 pieces of narrow cloth in 1 bundle, worth £20 | subsidy: 20s. |
| From Simon de Feltwell for 4 pieces of broad cloth, 8 blankets, worth £4.8s. | subsidy: 4s.5d |
| From William Oly for 4 pieces of white cloth, 4 worsteds in 1 pack, worth 66s.8d | subsidy: 3s.4d |

In the ship of Giles Bogard, called *Come Well Home of Briel*, departing 29 August in the above-written year:

From John de Brandon for 20 pieces of woollen narrow cloth, 2 pieces of Irish cloth in 1 pack, worth £7 subsidy: 7s.

Total: as appears [\[above\]](#)

In the ship of John Broune, called *Magdalene of Lynn*, departing 29 August in the above-written year:

From John Kepe for 20 woollen cloths in 1 bundle, worth £35 subsidy: 35s.

From Richard Thweyt for 17 pieces of broad cloth, 12 pieces of narrow cloth in 1 bundle, worth £20.14s. subsidy: 20s.8½d

From Thomas de Keel for 13 dozen woollen broad cloths, 9 pieces of Irish cloth, worth £20 subsidy: 20s.

From **William Hundrepowde** for 18 worsteds, 20 pieces of damdok in 1 pack, worth £11.10s. subsidy: 11s.6d

Total: £4.7s.2½d

In the ship of Gerard van Tellet, called *Christopher of Gdansk*, departing the last day of August in the above-written year:

From John Lok for 24 kerseys in 1 pack, worth £4.8s. subsidy: 4s.5d

From Robert Baly for 2 pieces of English white cloth, worth 20s. subsidy: 12d.

Total: 5s.5d

In the ship of Thomas Fouler, called *Mary of Lynn*, departing the last day of August in the above-written year:

From John Waryn for woollen cloth in 1 pack, 140 quarters of malt, worth £39.6s.8d subsidy: 39s.4d

From John Wace for 23 pieces of woollen cloth in 1 bundle, 140 quarters of malt, worth £41.5s. subsidy: 41s.3d

From John Lok for 8 pieces of woollen cloths, a half-hundred sack-cloths, 2 worsteds in 1 pack, worth £7.6s.8d subsidy: 7s.4d

From the above-named Thomas Fouler for 1 blanket, worth 2s.6d subsidy: 1½d.

From John Whytelambe for 20 pieces of damdok, worth £6 subsidy: 6s.

From John Kempe for 14 pieces of woollen cloth of 7 quarters, worth £10 subsidy: 10s.

From John de Lakynghyth for 4 woollen cloths in 1 pack, worth £8 subsidy: 8s.

Total: 112s.½d

In the ship of Thomas Daffron, called *Christopher of Lynn*, departing 5 September in the above-written year:

From Vermond Rener for 2 cloths, 22 dozen white cloths, 6 pieces of cloth of 6 quarters, 4 pieces of narrow cloth, 1 kersey in 1 bundle, worth £22.4s. subsidy: 22s.2½d

From the above-named Thomas Daffron
for 4 pieces of white cloth, 3 dozen broad
cloths, 2 dozen narrow [cloths], 5 fulled
worsted, 10 worsted **says**, 2 barrels of
tallow, worth 108s.4d

subsidy: 5s.5¼d

Total: 27s.7¾d

In the ship of Albert Heket, called *Maryknyght of Elbing*,
departing 6 September in the above-written year:

From Thomas de Baldeswell for 6 cloths
in 1 pack, worth £12.16s.

subsidy: 12s.10d

From John Draper for 18 pieces of narrow
cloth in 1 pack, worth £7

subsidy: 7s.

Total: 19s.10d

In the ship of John Owtelawe, called *James of Lynn*, departing 6
September in the above-written year:

From the same John for 68 quarters of
wheat, 2 chests, worth £14.3s.

subsidy: 14s.2d

From **Robert de Brunham** for 4 pieces of
white cloth, worth 53s.4d

subsidy: 2s.8d

From **John de Snaylwell** for 4 pieces of
white cloth, worth 53s.4d

subsidy: 2s.8d

Total: 19s.6d

In the ship of William de Thorpe, called *Nicholas of Lynn*,
departing 6 September in the above-written year:

From Andrew Skyrmer for 20 pieces 10
ells of white broad cloth, 20 pieces of
damdok, 3 worsteds, 1 chest, worth
£18.10s. subsidy: 18s.6d

From John Grolle for 9 pieces of white
cloth in 1 pack, worth £6.5s. subsidy: 6s.3d

From **Robert de Walpol** for 19 pieces of
woollen cloth which make 6 cloths, 8
quintals of tallow, worth £21 subsidy: 21s.

From **James Nicholasson** for 200 calf
skins, worth 33s.4d subsidy: 20d.

Total: 47s.5d

In the ship of Adam de Well, called *Holy Ghost of Lynn*, departing
14 September in the above-written year:

From the same Adam for 33 quarters of
wheat, worth 110s. subsidy: 5s.6d

From John de Brandon for 4 tuns of
wheat, worth 115s. subsidy: 5s.9d

From John Spicer for 9 quarters of wheat,
8 dozen cloths, 3 lasts of red herring,
worth £14.10s. subsidy: 14s.6d

From John de Bamburgh for cheese worth
100s. subsidy: 5s.

Total: 30s.9d

In the ship of William Heynesson, called *Goodwill of Briel*,
departing 21 September in the above-written year:

From Henry Gylesson for 2 pieces of Irish
cloth, worth 40s.

subsidy: 2s.

Total: as appears [above]

In the ship of Derek Thomasson, called *Godesknyght of Briel*,
departing 24 September in the above-written year:

From Hugh Sprog for 1 piece of white
broad cloth worth 12s.

subsidy: 7½d

Total: as appears [above]

In the ship of Bartholomew Jonesson, called *Maryburght of
Durdrecht*, departing 24 September in the above-written year:

From James Michellesson for 26 pieces of
Irish cloth in 1 bundle, worth £17

subsidy: 17s.

From Martin Bayard for 6 pieces of
woollen cloth, 8 weys of tallow, worth £14

subsidy: 14s.

From Henry van Akyn for 5 pieces of Irish
cloth in 1 pack, worth 76s.

subsidy: 3s.10d

From John Westefalyng for 4 pieces of
broad cloth, 14 pieces of narrow cloth,
worth £8.4s.

subsidy: 8s.2½d

From Robert de Botekysham for 5 pieces
of white cloth in 1 pack, worth 70s.

subsidy: 3s.6d

Total: 46.6½d

In the ship of James Hubbyng, called *Margaret of Lynn*, departing
1 October in the above-written year:

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| From John de Botekesham for 40 quarters of wheat, 1 last of red herring, worth £9 | subsidy: 9s. |
| From Robert de Botekysham for 106 quarters of wheat, worth £15.9s. | subsidy: 15s.5½d |
| From John de Letham for 3 tuns of wheat, half a last of red herring, worth 75s. | subsidy: 3s.9d |
| From John Wace for 1 last of herring worth 70s. | subsidy: 3s.6d |
| From John de Markeby for 3 pieces of woollen cloth which make 1 cloth, worth 30s. | subsidy: 18d. |
| From Robert Gardener for 1 folding table, worth 4s. | subsidy: 2½d. |
| | Total: 33s.5d |

In the ship of John de Wysebeche, called *Michael of Lynn*, departing 4 October in the above-written year:

| | |
|--|-----------------|
| From Thomas Kechesson for 2 pieces of white cloth, worth 16s.8d | subsidy: 10d. |
| From John Waryn for 160 quarters of wheat, 1000 " tunholt ", 20 pieces of woollen cloth in 1 pack, worth £39.13s.4d | subsidy: 39s.8d |
| From Adam Waryn for 8 woollen cloths in 1 pack, worth £12 | subsidy: 12s. |
| From Henry Dey for 120 quarters of wheat, worth £20 | subsidy: 20s. |
| From Peter de Halle for 60 quarters of wheat, worth £10 | subsidy: 10s. |

| | |
|---|------------------|
| From Reginald de Wysebeche for 1 tun of wheat, worth 14s. | subsidy: 8½d. |
| From John de Bukworth and Adam Borde for 3 tuns of wheat, worth 42s. | subsidy: 2s.1¼d |
| From John Wryght and John de Wysebech for 2 tuns of wheat, worth 28s. | subsidy: 17d. |
| From Peter de Halle for 1 tun of wheat, worth 14s. | subsidy: 8½d. |
| From John de Brunham for 4 tuns of wheat, worth 53s.4d | subsidy: 2s.8d |
| From Robert Neefe for 1 last of red herring, worth 53s.4d | subsidy: 2s.8d |
| From John Drewe for 30 tuns wheat worth £20 | subsidy: 20s. |
| From Richard de Fransham for 6 dozen woollen cloths in 1 pack, worth 110s. | subsidy: 5s.6d |
| From John de Snaywell for 1 dozen white woollen cloths, worth 13s.4d. | subsidy: 8d. |
| | Total: 118s.11¼d |

In the ship of John Cattes, called *Godesknyght of Briel*, departing 20 October in the above-written year:

| | |
|--|---------------|
| From Lambert Ryke for 1 piece of broad cloth, 10 yards of narrow cloth, 6 yards of russett cloth, worth 13s.4d | subsidy: 8d. |
| From Adrian Ordesson for 3 pieces of white cloth, worth 30s. | subsidy: 18d. |
| | Total: 2s.2d |

In the ship of Henry Cunst, called *Maryknyght of Gdansk*,
departing 21 October in the above-written year:

From the same Henry for 3 woollen cloths
in 1 pack, worth £8 subsidy: 8s.

Total: as appears [\[above\]](#)

In the ship of Flores Bonard, called *Godesknyght of Briel*,
departing the last day of October in the above-written year:

From John de Brandon for 7 pieces of
Irish cloth, 113 mantles, 11 pieces of
damdok, 5 barrels of tallow, worth
£13.10s. subsidy: 13s.6d

From Giles Boggard for 6 pieces of white
woollen cloth in 1 pack, worth 60s. subsidy: 3s.

From John de Lakynghyth for 26 pieces of
narrow cloth, 3 pieces of broad cloth, 3
blankets in 1 pack, worth £18 subsidy: 18s.

From John van Gyff for 3 pieces of broad
cloth, 6 pieces of narrow cloth in 1 pack,
worth £6.10s.8d subsidy: 6s.7d

From John Bakker for 300 calf skins,
worth 56s. subsidy: 2s.10d

Total: 43s.9d

In the ship of William Pott', called *Holy Ghost of Rotterdam*,
departing the last day of October in the above-written year:

From **Nicholas Martyn** for 8 barrels of
beer, worth 13s.4d subsidy: 8d.

Total: as appears [\[above\]](#)

In the ship of Everard Howmeystre, called *Maryknyght of Gdansk*,
departing 12 November in the above-written year:

From the same Everard for 2 woollen
cloths, 12 blankets in 1 pack, worth £6 subsidy: 6s.

Total: as appears [\[above\]](#)

In the ship of Klaus Evertardesson, called *Paschedey of
Schiedam*, departing 15 December in the above-written year:

From the same Klaus for 22 stones of lead,
worth 28s. subsidy: 17d.

From Robert de Botekysham for 30 tuns
of ale, 2 lasts of ashes, 60 goat skins,
worth £29 subsidy: 29s.

Total: 30s.5d

In the ship of James Dwyte, called *Christopher of Elbing*,
departing 22 December in the above-written year:

From the same James for 1½ woollen
cloths, 2 worsteds in 1 pack, worth £4 subsidy: 4s.

From Henry Pay for 1 woollen cloth, 3
worsted in 1 pack, worth 60s. subsidy: 3s.

Total: 7s.

In the ship of John Crabowe, called *Maryknyght of Gdansk*,
departing 29 December in the above-written year:

From Thomas de Waterden for 5 woollen
cloths in 1 pack, worth £10.13s.4d subsidy: 10s.8d

Total: as appears [\[above\]](#)

In the ship of Henry Thomasson, called *Goodwill of Aremuth*,
departing the last day of October in the above-written year:

From Arnold van Mastreght for thrums in
1 bale, worth 8s. subsidy: 5d.

From Giles de Pynchebek for 5 pieces of
white cloth which make 2 cloths, worth
£4.10s. subsidy: 4s.6d

From the same Giles for 6 hoods lined
with rabbit fur, worth 13s.4d subsidy: 8d.

From the above-named Henry of 1 quarter
of a cloth, worth 5s. subsidy: 3d.

From Bartholomew Pewdrer for 2 pieces
of white cloth, worth 26s.8d. subsidy: 16d.

From John Bakester for 10 pieces of
narrow cloth called "damdok" in 1 pack,
worth 70s. subsidy: 3s.6d

Total: 10s.8d

In the ship of Mathew Elwer, called *Christopher of Gdansk*,
departing the last day of December in the above-written year:

From the same Matthew for 1 woollen
cloth, 2 worsteds, worth 60s. subsidy: 3s.

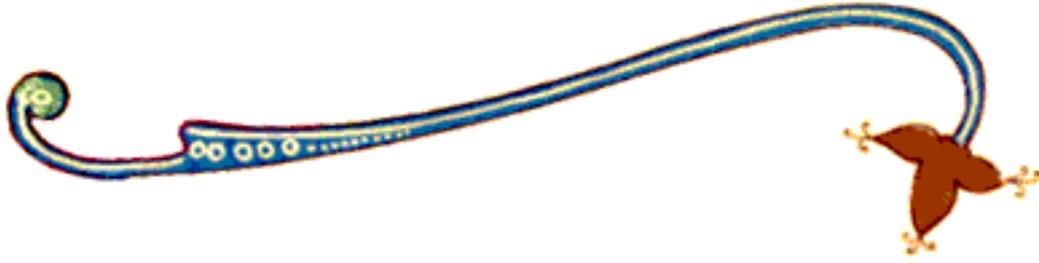
Total: as appears [\[above\]](#)

DISCUSSION

This document provides a glimpse, over the course of a year, into part of the export trade conducted, through the port of Lynn, with parts of northern Europe stretching between the Low Countries and the Baltic. Besides this subsidy, there were other customs collected on particular types of imports and exports, and accounted for separately (often by different sets of collectors). The particular levy reported here was categorized as a subsidy on tannage and poundage. Whereas customs duties were, in general, permanent impositions by the king, subsidies were – at least in theory – temporary grants by the populace of financial aid to the king, for specific purposes such as funding efforts to make the seas safe for commerce in times of war. Since there were a variety of different customs and subsidies collected, we should not imagine that this document represents the total volume of international trade conducted through Lynn in the period covered.

The customs collectors based at Lynn were responsible for a 45-mile stretch of the northern Norfolk coast, between Wisbech (10 miles south-west of Lynn and connected to the Wash via the River Nene) and Blakeney (30 miles north-east of Lynn). However, the fact that the vast majority of merchants and ship-owners mentioned in this account were either Lynn citizens or foreigners suggests that all of the traffic reported by the collectors went through Lynn's port; not surprisingly, the majority of the Lynn exporters were men from the upper echelon of borough society, characterized by membership in the town council of **jurats**. Judging from the places of origin of the ships, the most prominent destinations for the exports were Gdansk, Briel and Durdrecht. Most commercial ventures were conducted by individuals; partnerships were few, and joint-stock companies a thing of the future.

For each locality where customs collectors were in operation a controller (literally, keeper of a counter-roll) was appointed to compile a duplicate record of customs receipts, as a guard against fraud on the part of the customs collectors. Since this was just a check-list, the controller rarely bothered to provide a final total of all receipts. The total (estimated) value of the goods shipped was just over £5,632 and, as can be seen, cloth was by far the most prominent export item.



NOTES

"dozen"

The term "dozen", when applied to cloth, does not represent (as it appears) a quantity, but a length: a dozen was a cloth of approximately 12 ells (about 13-14 yards).

"packs"

Pack is a hypothetical translation for *pynnok*, as opposed to *fardellus* which was used for a bundle of some kind; these terms had more precise meaning, in terms of volume, to medieval people than they do to us.

"kerseys" "worsted"

Cheaper types of cloth assumed to have originally been produced at the villages of Kersey (Suffolk) and Worstead (Norfolk).

"bale of thrums"

The term here translated as "bale" is in the original *poka*, which might however be used in this context for a smaller pack or pouch. Thrums were threads or yarn.

"quintals"

A *quintal* was a measure equivalent to 100 lb.

"maces"

The term I have translated as "maces" is *macecell*; the term might perhaps refer to wooden bowls (mazers) or silk, or – given the context – be a name for a type of cloth.

"says"

A say was a fine cloth with a worsted warp and a woollen weft.

"tunholt"

Tunholt refers to a kind of lumber.

"John Grene"

Appears not to have been a citizen of Lynn.



[main menu](#)

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Medieval East Anglian

Preface: By the end of the 11th century political organisation had given Western Europe a degree of stability, this allowed the growth of civilisation which is called *Medieval*. Morals were beginning to be of value although there was very little knowledge of physical science, education was for the upper class and Latin was the international language. The papal authority over the churches in Western Europe led to a central organisation which brought the first stability to England since the Romans left our shores, this was called the Holy Roman Empire.

This combining of European countries led to the Crusades for Christian dominance in the Middle East, the biggest being in 1188 under Emperor Frederick I. The East Anglian See was moved from Thetford to Norwich by Bishop Herbert de Losinga when he was appointed in 1091, a few years later a huge cathedral was starting to take effect in Norwich. It was built on the site of two earlier churches which were demolished to make way for it. The cathedral had cells for 60 monks and was built with defence in mind with a keep.

English was now being abandoned for French which became the language of the Royal Court, churches and Law Courts. Anglo-Saxons followed the Normans and even used French names.

Yarmouth was a Medieval Town. Taken from *Before the Walls* by Paul Rutledge

Herbert de Losinga, the first Bishop of Norwich. He had churches built throughout East Anglia.

Visit to Flegg in 1088 by Barbara Cornford



Goto Menu



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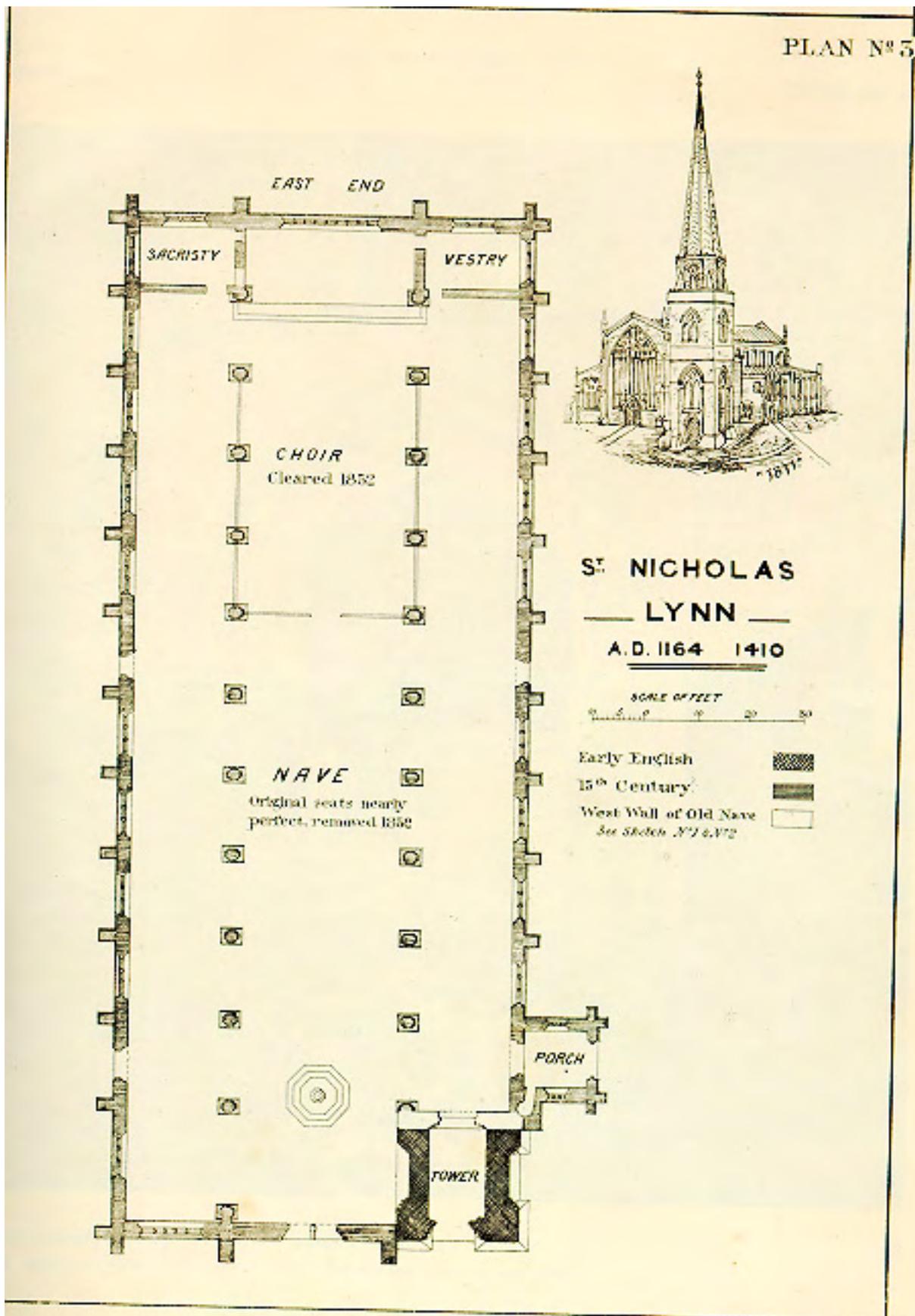
27. King's Lynn, St. Nicholas, south side. After William Taylor, *The Antiquities of King's Lynn* (London, 1844). Early work, 13th century, rebuilding ca. 1370. Most of the church's construction dates from 1421-3, chancel/choir, through the late 15th century, the south porch.



28. King's Lynn, St. Nicholas, west facade and tower.

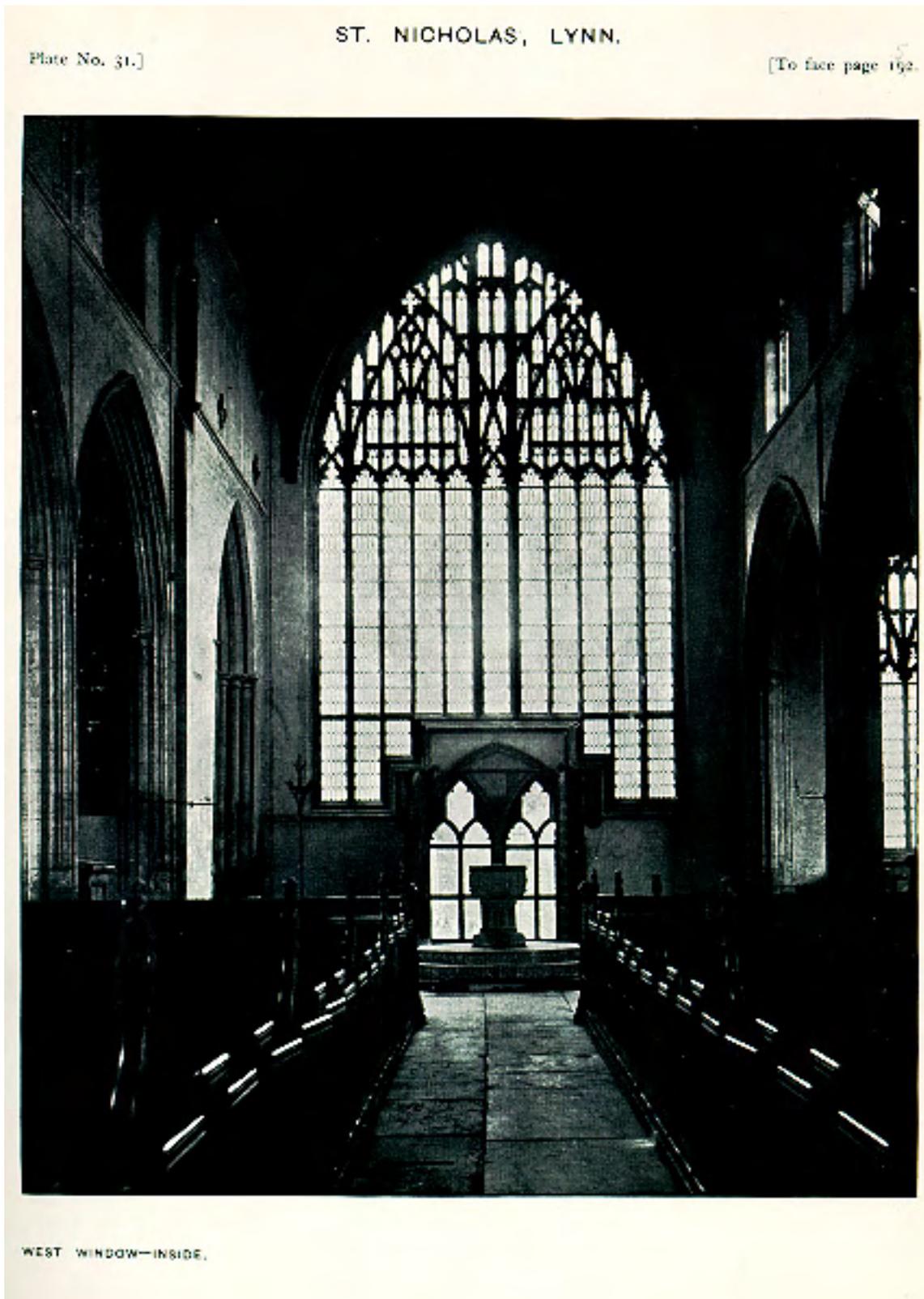


29. King's Lynn, St. Nicholas, plan in 1425. After E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).





31. King's Lynn, St. Nicholas, west window, now devoid of its glass, 1450s. Photograph from E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).



32. King's Lynn, St. Nicholas, detail of angel roof in nave, ca. 1450s. Angel with lute



33. King's Lynn, St. Nicholas, detail of angel roof in nave, ca. 1450s. Angel with flowered girdle.



34. King's Lynn, St. Nicholas, choir stall, 1418, now Victoria and Albert Museum, London. (Tracy 1990, pl. 87).

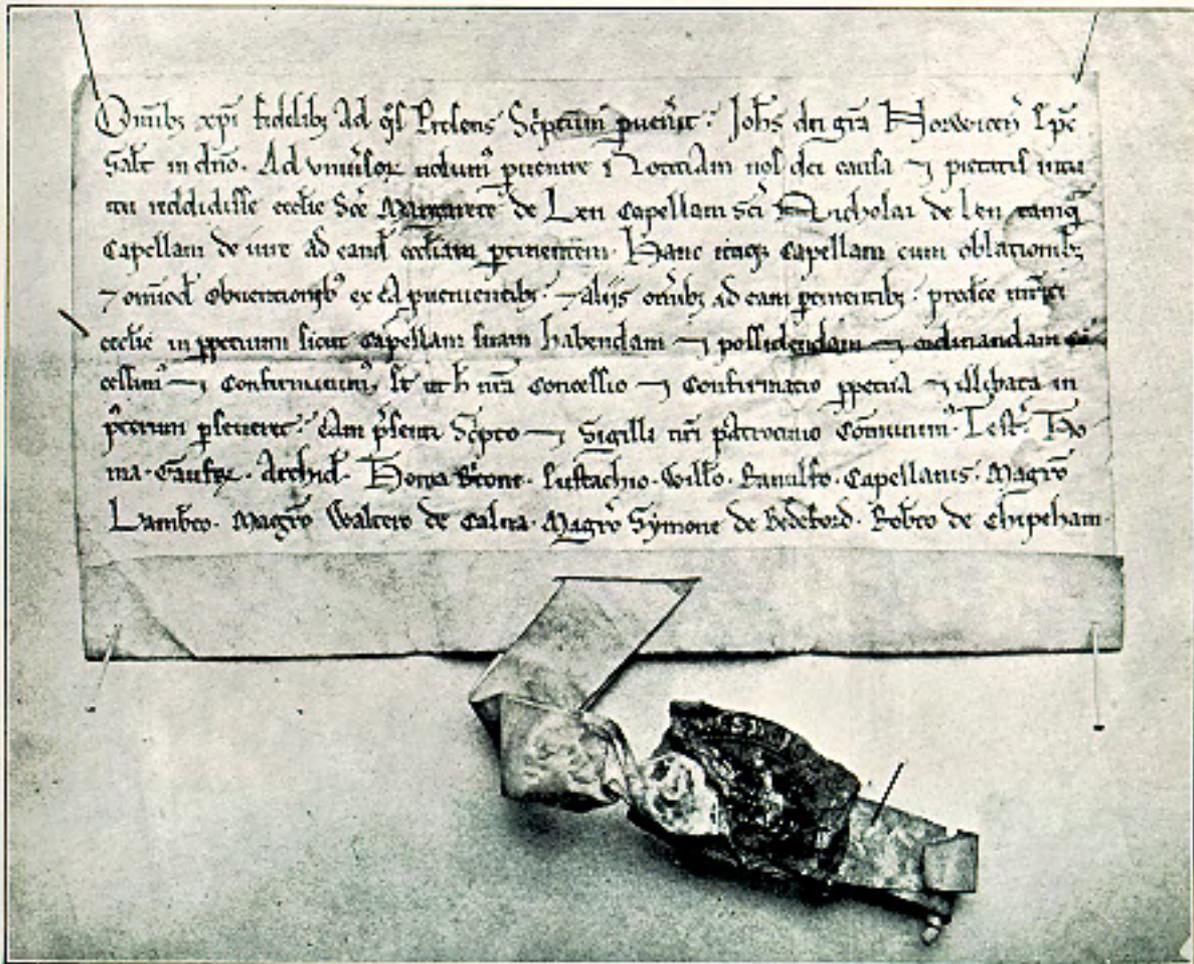
After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



35. Charter of John of Oxon, 1175-1200, Grant of St. Nicholas's Church to St. Margaret's (archives of the Dean and Chapter, Norwich Cathedral). After E.M. Beloe, F.S.A., *Our Borough: Our Churches: King's Lynn, Norfolk* (Cambridge, 1899).

Charter No. 2.]

[To face page 140.



THE CHARTER OF JOHN OF OXON, 1175-1200.
GRANT OF ST. NICHOLAS' TO THE CHURCH OF ST. MARGARET,
THE ORIGINAL WITH THE RECORDS OF THE DEAN AND CHAPTER, NORWICH.

6 October 1309 *

Regarding the "use of free court and plea", the [view of frankpledge](#) held by the 24 [capital pledges] belongs to the Bishop and is presided over by his ministers and bailiffs, but mayor and burgesses commit themselves to participating in it.

[The view of frankpledge was part of the leet court proceedings (see next capitulum)]

6 October 1309 *

At the leet court, held in the [Bishop's] Steward's Hall each October 28, certain members of the community chosen by the steward are to make presentments on the leet articles and regarding the observance of right and the peace. The steward is to preside over the court, and court profits and ameracements belong to the Bishop, but he farms them (in perpetuity) to mayor and community for £40 annually, to be paid in two instalments due 30 November and 2 February. Excepted from this is the assize of bread, whose ameracements are to be collected by the Bishop's bailiffs as often as necessary, but in the presence of the mayor who will be given notice by the bailiffs when they intend to hold an assize. The assize of ale will be held by the bailiffs only on leet day, unless specific complaints are made at other times. Correction of trespasses made by officers of the Bishop, and their ameracement, remain within the power of the Bishop alone. He also reserves: the ameracement of any non-resident foreigners who trade within the town; the goods and chattels (seized by the court) of fugitives or outlaws; any other rights prescribed in royal charters to the Bishop. The bailiffs may distrain upon any and every burgess for default in the community paying the farm.

6 October 1309 *

They [the bailiffs] (and not mayor and community) may execute any summonses, attachments, arrests, and distrains for the [steward's] court. However, any amercements and amounts offered as redemptions [for distrained goods?] they will deliver to mayor and community, without any fraud or withholding; to ensure this, the mayor and community may choose persons from their number [i.e. auditors?] to assist the clerk of the court in recording these estreats and to be present when the steward seals this record, which is to be delivered to mayor and community. If the bailiffs are found to have been negligent or remiss in this duty, then (unless the bailiffs can justify their action) whatever amount has been lost to mayor and community shall be deducted from the farm of the following year. If the mayor and community withhold an amount from the farm for the above reason, but it is subsequently proved that this was unwarranted, they shall deliver to the Bishop whatever they withheld, without delay or argument.

6 October 1309 *

[The standard] **weights and measures are to remain in the keeping of the steward and bailiffs, and profits from their application are to belong to the Bishop without any objection from mayor and community, except amercements resulting from presentments in the leet court.**

[Weights and measures were to be presented for examination at the annual leet court, so that their accuracy could be checked, as was required by royal decree; townsmen failing to bring them were fined.]

6 October 1309 *

The mayor and community concede that the husting (previously a subject of dispute between parties to the composition) is to be presided over by the steward in the presence of the mayor, or by their deputies. Summoning, distraining [etc.] are exclusively within the power of the bailiffs. However, profits of this court will go to the mayor and community. The mayor may compile a [control] record of all pleas touching free tenements and cases claimed out of the king's court.

6 October 1309 *

Testaments involving [borough] lands or tenements are similarly to be dealt with; they shall be proved before the Bishop's official and then presented to the steward in the [husting](#) (and nowhere else). Whoever brings the testament shall pay no charge [for probate or enrollment], unless money is due from any plea resulting from the will – and this money is to belong to the Bishop.

[The [assembly](#) record, the Red Register, which is full of enrolments of testaments, illustrates how this provision of the composition was subverted by the burgesses]

6 October 1309 *

No member of the community shall occupy waste ground for more than four or five days without being enfeoffed therein by the Bishop or defending by law his claim to the land. At the time of holding the town fairs the Bishop has the right to rent out any [plots] of the waste ground to residents or outsiders.

6 October 1309 *

No townsman shall construct a quay on the port without the Bishop's permission. The Bishop has the right to tear down or appropriate to his own use (renting out for his profit) unlicensed quays; the same applies to any quay built without his permission prior to this composition.

6 October 1309 *

Any statutes or ordinances made in the town hall for community benefit must be approved by the Bishop.

6 October 1309 *

Because alien merchants have, for various causes, withdrawn from the town, to encourage their return the mayor and community grant that any coming to sell their goods may freely reside in the town for 40 days (as is the custom in other boroughs). The Bishop's bailiffs are to preside over any plea regarding disruption of this right. No burgess shall retract on any commercial agreement made with an alien.

[In fact, it seems to have been just as much the extortionate actions of the officers of the Earl of Arundel – exercising their charter rights of charging for harbourage, applying standard measures (inconsistently) to cargos of grain and ale, and imposing unreasonable tolls on merchandize – that was discouraging outsider merchants from frequenting Lynn.]

6 October 1309 *

The mayor and community shall not ask or take anything [i.e. a fine or licence fee] **from any man wishing to dwell in the town, as this is expressly against the liberty** [granted to the town by] **the Bishop. But if anyone resides there for a year and then wishes to be treated as other than a stranger, he may give what is reasonable** [to purchase the [franchise](#)].

[The first sentence doubtless refers to licences to trade sold to non-burgess residents, which were themselves in part a punitive measure to create incentive towards becoming a [freeman](#) (a status which was supposed to provide superior commercial rights). The licences might be of a general tenor, or might be specific such as the case ca.1299 in which various butchers paid a fee for permission to retail meat on days other than the Tuesday market.]

20 December 1315

[In association with a decision to levy a tax on the community, in order to pay off borough debts, the assessors were instructed] **to have regard to those who were richer and better able to contribute, and to those burdened with children ... so that the tax be assessed fairly on each according to his means.**

- On the day after Michaelmas [election day] the chamberlains of the previous year shall hand over to the new chamberlains all the muniments and records belonging to the community. The muniments and records shall be displayed and read out each year before the mayor and those ordained for [i.e. to represent and serve - probably the jurats are meant] the community. Each chamberlain is to provide surety for the performance of his duties; on any who acts contrary to his duty the common bailiff, at the command of the mayor, will levy [i.e. distrain] on the surety, which will be put towards the common profit, to offset the outrageous costs the community has had to bear.
- All officers elected are to take oath before the mayor and those ordained, upon pain of a fine.
- All debts due to the community are to be paid (at the exchequer in the gildhall) to the chamberlains and to no-one else; these revenues are to be deposited in the treasury of the hall, under lock and key, upon pain of 20s. fine.
- The chamberlains elected in future are to serve the community better than those of earlier times, taking from the community for their annual fee 20s. each (conditional upon good performance of their duties). Chamberlains are to strive for the profit of the community.
- Chamberlains leaving office are to render their accounts within 8 days after Michaelmas, on a day to be assigned them by the mayor; the account is to be reviewed by the mayor, the new chamberlains, and those chosen by the community to act as auditors. Anyone who refuses to come to render account shall be fined 20s.; defaulters who are assigned a second day to appear and fail to come shall be fined 40s. – and so on, the fine doubling from day to day.

[It is not clear from the larger record within which these ordinances are embodied whether they predated 1342, or whether they were additions at that time to a larger set of constitutional ordinances that were read publicly each Michaelmas. The borough budget ran up small deficits in several years during the 1330s. Account rolls for 1341/42 and 1342/43 have not, regrettably, survived, but an improvement in the style of recording the accounts between the rolls of 1340/41 and 1343/44 is one reflection of the attempt to reform financial management.]

20 May 1345

Every alien bringing a cargo of timber to the port of Lynn shall give [as toll? to the borough] two boards or beams for every hundred sold.

[The record of these ordinances in B.M. Add.Ms.37791 is badly damaged and parts are difficult to read.]

- Because the community recognizes that the office is burdensome and costly, it is agreed that if a burgess is elected **mayor**, accepts the office, takes **oath** and serves for the year, then he is exempt from holding the same office for two years following.
[This item is struck through, with the note "voided by common assent".]
- Each mayor, if he has served diligently and preserved the honour of the town, is to receive £20 for his fee and shall be exempt from taxation during his year in office; if not, then he shall have only £10 and exemption from his tax.
- If anyone elected as mayor refuses to accept the office, he shall pay £20 to the community in return for being discharged from the office for a period of two years (but shall be exempted from taxation during the first year). If he refuses to pay the £20, the community may use all powers at its disposal to levy the amount from him. In cases where the person elected mayor is absent [at the time of his election], he may come at a later time and offer the £20 to be discharged. Any burgess elected **chamberlain** may, if he wishes, be exempted from holding the same office again during the next two years, on condition that he renders account within 15 days [of leaving office] for all expenses and receipts. No-one is to be made a chamberlain unless a **burgess** and sufficient for that office.
[This item is struck through, with the note "voided by common assent, 14 August 1395". The reference to a chamberlain being "sufficient" likely refers to having the means by which to be **distrainable** for any arrears owing to the community.]
- No mayor is to place any charges [i.e. taxes or other financial commitments] on the community without the aid and counsel of his comburgesses and commoners.
[The comburgesses are presumably the **jurats**, and the commoners are other townsmen summoned to participate in assemblies – possibly this was on an ad hoc or rotational basis prior to the creation of a **Common Council**.]
- The 12 burgesses who are elected to give counsel to the mayor and who elect another 12 to their number – the which 24 (or the majority of them) may, by advice of the mayor and chamberlains, ordain as seems profitable [to the community].
- Because burgesses [have proven] unwilling to appear before the mayor to give aid and counsel regarding matters concerning the community, it is ordained that if any burgess is summoned, by the common sergeant or another, and defaults in appearance he shall pay 40d. per occasion. If any [jurat?] defaults on election day he shall pay 6s.8d, and each other burgess 12d. Each chamberlain who fails to come [when summoned?] during the term of his office [shall pay] 40d. per occasion. Unless they provide a reasonable excuse.
- Community **taxations** that are granted from year to year are to be assessed in the first quarter of the year and collected during the second quarter.

20 May 1363

The community agreed that all burgesses who act as hosts shall have from their guests one-sixth of any merchandise they bring to the town, except for kippered herring, pickled herring, fresh herring, fresh salmon, or other fresh fish, of which they shall have one-third, on condition they (nor anyone on their behalf) not buy anything further from the guests through fraud or collusion, contrary to the interests of the community, nor that the hosts conceal any of the merchandise their guests bring. The [visiting] merchant is to be allowed to sell his merchandise openly both within the community and elsewhere. Salmon or other victuals of which the third part is allowed to the hosts may not be bought or delivered before sunrise or after sundown. Any host convicted of infringing any of these points shall lose the profit from hosting for a year afterwards and shall pay a fine to the community.

[That the borough persevered in enforcing this ordinance – which brought it a source of revenue – is evidenced by the case of Philip Frank who, in 1430, was reprimanded by the corporation for taking one-third of the share of a herring cargo of an outsider to whom he was host; he was instructed to take only one-sixth part, according to custom.]

5 September 1363

Whereas previously the election of mayor, chamberlains, clerk and bailiff was held each Michaelmas [*September 29*], henceforth elections shall be held on the Friday following the Decollation of St. John [*August 29*], or on that feast-day if it falls on a Friday. The officers elected shall take up office on Michaelmas. On which days every burgess is expected to attend without being summoned.

[This ordinance, which is recorded immediately following those of September 1358, on a similar subject, is deleted, suggesting its repeal at some point.]

18 February 1368

Every burgess who is to contribute to a tax on the community shall be given notice by the sergeant to pay his tax on a certain day at the gildhall or to the chamberlains. If he does not pay on that day, he is to be given notice by the sergeant to pay on another specified day. If he still fails to pay, he shall pay (in addition to his tax) 12d. for his default, and be given a third day to pay. If he continues not to pay, he shall be distraigned by the sergeant by all goods available for distraint, until the amount is paid.

14 July 1368

No burgess may personally or by his sons or servants buy any merchandise from any ship in the port until the merchandise has been brought to shore, as per the king's statute, under penalty of 20s. paid to the community for each transgression.

[This ordinance was subsequently repealed.]

18 November 1372

No burgess shall make an agreement with a "lodesman" to sail a ship to locations outside of Lynn for a fee greater than 40s., under penalty of a fine of 40s. paid to the community.

[A lodesman was a pilot.]

8 December 1372

If any burgess is summoned by the common sergeant to appear before mayor and community at any day when they are in session and he fails to come before the clock strikes ten, but arrives later, he shall pay 4d. into the chest in the gildhall immediately.

8 December 1372

All burgesses shall henceforth pay their taxes at the gildhall to the chamberlains when given notice or summoned by the sergeant. Any burgess thus forewarned three times and failing to come to pay after the third warning shall pay a surcharge of 1d. for every 12d. due in tax. And each further time he is warned to come and pay his tax and fails, a surcharge of a 1d. per 12d. shall be imposed, until the tax is paid in full.

27 January 1374

If anyone speaks ill of tax-collectors because of the tax assessed on them, or arranges for anything to happen whereby they are harmed or obstructed, he shall pay twice as much tax that year.

7 May 1378

Tax assessors shall not henceforth be reimbursed by the community for any expenses, but will have to cover their own living costs, if it is a community tax that is being levied.

[Presumably expenses would be allowed if it was a national tax that they were assessing.]

7 May 1378

Whereas great, various and excessive expenses have been incurred during the period of office of several mayors on the occasion of the holding of the [leet](#) and immediately afterwards in food and drink (as evidenced in the accounts of those mayors), the mayor and community wish not to have to bear these expenses hereafter. They ordain that henceforth no expenses at the time of the leet will be allowed or reimbursed, except those that are necessary and have existed from ancient times, such as 2s. to the [capital pledges](#) upon view and presentment of offences and 15s. [wages?] before the submission of the roll of verdicts of the leet. If anyone incurs expenses contrary to this ordinance, he shall pay them himself without any reimbursement from the community.

7 January 1379

Because matters affecting the community have often been dealt with by individual members of the community without the knowledge or consent of mayor and community, with the result that discord has arisen within the community, it is ordained that if any burgess henceforth pursue, or cause to be pursued, any community business without the knowledge of mayor and community he shall be disfranchised and fined £100 to the use of the community.

[It may be suspected that this ordinance was prompted by an attempt being made about this time by a segment of the populace (including some prominent townsmen) to obtain from the Pope letters granting sacramental privileges for St. Nicholas' chapel. This was vigorously and successfully resisted – but not without effort and cost – by the corporation and majority of townsmen. This ordinance may have been a pre-emptive measure, but proved insufficient. In 1380 jurat Nicholas Swerdestone was perpetually disfranchised (in part on the grounds of infringing this ordinance) for his part in the St. Nicholas' affair.]

19 December 1379

If the mayor orders any burgess to get up from the place where he is seated in the communal assembly and move to another place, and the burgess is unwilling or can't be bothered to do so, he shall pay 1d. into the community chest each time he fails to obey an order from the mayor.

16 January 1381

In order that silence be better maintained in communal assemblies so that business can be more speedily dealt with, it is ordained that any burgess whose chatter delays business after the mayor (or anyone else by his instruction) has struck three times on the chest or pyx in the gildhall shall immediately pay into the chest 4d. per offence.

16 January 1381

Before this time citizens of Norwich have appointed certain burgesses of Lynn their attornies to sell their merchandise stored in various places within Lynn, and given them keeping of their keys for that purpose, to the damage of the community. It is therefore ordained that no burgess henceforth be the attorney of the said citizens, nor others, for the storage and sale of such merchandise, nor receive the keys of houses where such merchandise rests with the intent that they become its guardians, upon penalty of 20s. for each conviction.

16 January 1381

It is ordained that the community shall have the third part of all types of merchandize that outsiders or aliens bring by sea into the port of Lynn – or by land, if the merchandize belongs to aliens and is coming from far away – excepting victuals brought for the use of lords; paying for the third whatever their value is [fairly] assessed as. After the purchase of such merchandize, the chamberlain who has been assigned to take care of the third part shall have one hour's notice to make the third part available to the community. Furthermore, it is ordained that the hosts of these aliens or outsiders may have the sixth part of the two parts remaining after the taking of the third part, on condition they buy nothing more from [the merchandize of] their guests. If any burgess conceals [merchandize] or is the cause of the community being obstructed from, or deprived of, its share, he shall pay 12d. for each load concealed and also will lose his share of merchandize for the following year. In times past outsiders have sent merchandize with letters [of attorney] to various burgeses of Lynn to sell their merchandize as if they were the burgeses' own, so that the community would be deprived of its part, if remedy were not made. Therefore it is ordained that anyone receiving such letters and merchandize deal with the chamberlain to ensure that the community is not deprived of its share, or face the penalty already mentioned.

3 October 1382

No host in Lynn shall from now until the end of Michaelmas have more than an eighth part of any merchandize.

[Here Michaelmas is referred to not as a specific festival but as a term, which ended in late November.]

6 December 1385

No son of a burgess may enter the franchise without paying a fee, unless he is of legitimate birth and was born after his father entered the franchise.

No burgess shall take on anyone as his apprentice unless that individual is of free birth, and was not born into servitude. When someone is about to take on an apprentice, he shall come before the mayor in the Gildhall with the apprentice and the indenture [of apprenticeship] and the apprentice shall be examined in the presence of other burgesses as to whether he is of free or servile status. If he is found to be free and not a villein, the date of him being received into apprenticeship shall be enrolled in the gildhall records. But if, after completing his apprenticeship, he is found to have had a servile birth, his term of service shall be invalidated as a basis for entrance to the [franchise](#).

No mayor may have a share in merchandize brought by outsiders into the port, unless he or his nominee is present at the sale; except in the case of wholesale cargoes, in which the mayor may have a share the same as those present at the sale, even if not present. No tax-assessor or parliamentary burgess, nor anyone else busy in the service of the community, may have a share unless he or his nominee is present at the sale.

25 February 1390

Every man shall repair broken pavement adjacent to his house; if any fails to do so, the mayor may assign workmen to the task and distrain [on the defaulting householder] for their wages.

17 December 1390

Whereas it had been ordained that anyone summoned by the common sergeant to go to the gildhall and failing to do so would be fined 12d., the mayor and community now extend this to any location within the town where the sergeant issues such a summons, by instruction of the mayor on community business, and the word of the mayor shall be sufficient to warrant levying a fine on a defaulter.

3 February 1391

Henceforth when certain men are elected as collectors of taxes imposed on the town by the king, they shall render true account [of the money collected] before mayor and community and deliver the tax money to the chamberlains.

No record of a tax assessment on the community for a previous year should be used as a basis for a subsequent assessment; the assessors should arrive at their assessment based on current information.

Early 15th century **

No man, regardless of status, may himself or by deputies lay in wait at watergates, highways, or entryways into the town in order to forestall or buy corn, grain or other victuals before they reach the market for sale (as custom is), upon pain of confiscation [of victuals thus purchased] and imprisonment.

Early 15th century **

No butcher, whether townsman or country-dweller, may sell corrupt or unsuitable meat in the market, upon pain of [its] confiscation and [his] imprisonment.

Early 15th century **

All retailers of ale are to close their doors at 9 o'clock in the evening.

[The terms used to describe these retailers are "camerers, tapsterys, [gannokers](#) and sellers of ale".]

Early 15th century **

Fishermen bringing fish by cart or by boat to sell [in town] must bring them into open market and sell them by their own hand; the fish is not to be concealed but laid out for sale openly, as is ancient custom in Lynn, so that no huckster or forestaller can interfere, upon pain of [its] confiscation and [his] imprisonment.

Early 15th century **

Every man who keeps pigs within the town is to keep them in their sties every day, except on Saturday afternoon while [the sties] are being cleaned, upon pain of 1d. fine paid to mayor and community for every default as often as they [i.e. wandering pigs] are captured by the town officers appointed to that duty.

[A borough-employed pig-keeper is seen in 1360/61, and may be implied in the [ordinance of 1331](#). A further ordinance against wandering pigs was made in November 1427, when it was allowed to whoever captured a loose pig to keep the animal unless the owner redeemed it for 4d.]

Early 15th century **

Every man is responsible for keeping the area in front of his house clean of dung or other filth, upon pain of 4d. fine every Saturday that a default is discovered.

8 January 1420

Because on many occasions discussions in the Guildhall have been made public, to the damage of the mayor and the town, it is ordained that any burgess spreading rumours or revealing any Guildhall deliberations shall be amerced 20s.

[This was probably a measure at the tail-end of over ten years of political strife, to help prevent any recurrence. However, it also reflects a typical medieval borough concern with secrecy, often stated in custumals or in the burgess' oath.]

6 October 1423 ***

Manner of giving holy bread

A resident of a tenement worth 20s. annual rent or more shall make an offering of holy bread and a candle. If the tenement is divided among several residents but the total rent exceeds 20s. annually they may jointly offer holy bread and a candle, and each make a contribution according to the amount of his lease. If there are several shops under one roof and the [total value of the] lease is 20s. annually, they may jointly give holy bread and make a contribution according to the amount of each's lease. If it is a capital tenement which has other tenements under one roof (not separated) and the capital tenement is worth 20s. annually or more it shall give holy bread without any contributions being made [by the adjoining tenements?]. If this [capital] tenement is not inhabited, then the adjoining tenements – so long as their [total] lease is worth 20s. annually and one of them that is inhabited is worth at least 6s.8d annually – shall jointly give holy bread and each make a contribution according to the value of each's lease. If there are three tenements or shops situated together, with each of them worth 6s.8d annually, they shall give holy bread in the same fashion. If there are two inhabited tenements situated together and one is worth 6s.8d and the other 13s.4d annually, they shall jointly give holy bread [contributing] according to the value of each's lease. With the proviso that no tenement or shop that by itself is worth less than 6s.8d annually or that is inhabited by mendicants should be obliged to make any contribution towards holy bread.

[Holy bread (panis benedictus) was a loaf that was blessed after Mass and then cut up for distribution among parishioners. Mendicants may refer here to the friars who had taken a vow of poverty, or simply to poor people. In 1428 this ordinance was reconfirmed after some debate about the question of shared contributions by multiple residences under a single roof.]

1423 or 1425 ? ***

Penalty on those warned to come to the hall

All burgesses summoned by the common sergeant to come to the [gild]hall and failing to appear before the hammer is struck for the second time shall pay 4d. If he sits down before paying the 4d., he must pay 8d. If he absents himself for the duration of the whole meeting, he must pay 12d. If, on the next time he returns to the hall he sits down before paying the 12d. or offering to the assembly an excuse for his absence, he shall be fined 2s. to the use of the community.

["Burgesses" here likely refers to the members of the recently instituted Common Council. A very similar ordinance was passed in October 1425 and it is difficult to know whether that above is simply a variant draft, or an earlier ordinance on the same subject. The 1425 ordinance applied to the jurats, councillors and chamberlains who arrived after the mayor had taken his seat (4d. fine); 8d. was the fine for sitting down without offering an excuse, 2s. for failing to offer an excuse for being absent for an entire congregation, and 4d. for any jurat refusing to sit in a particular place designated by the mayor. There were evidently periodic ordinances on this matter, for in October 1421 the corporation confirmed an earlier ordinance (record of which has not survived) imposing a fine of 12d. on any jurat or councillor failing to attend a congregation when advised to do so, and 4d. fine for arriving late (again defined as after the mayor had taken his seat).]

November 1423 ***

Penalty on manucaptors of anyone acting against the community

No burgess is to be manucaptor or pledge for any man or woman in any legal matter concerning the town liberties which may result in mayor and community suffering a loss of their liberties or financial loss due to damage to the liberties, on penalty of 6s.8d fine.

November 1423 ***

Penalty on butchers not using the Saturday Market

Anyone not selling meat in the section of the Saturday Market set aside for that next to St. Margaret's shall be disfranchised unless he make amends according to the decision of the mayor.

December 1423 ***

Penalty on chamberlains not coming to the hall

At every assembly held there should always be at least two [of the four] chamberlains present when summoned by the common serjeant-at-mace, on the same [penalty as for burgesses](#), unless they have a reasonable excuse for not coming.

Manner of registration of judgements by the jurors

Each and every judgement given in future by the mayor and jurors, at the request of parties, concerning view of land, shall be enrolled by the common clerk in the Red Parchment Book. He or those to whom the judgement is given in favour shall pay 40d. to mayor and jurors (or wine of that value if they prefer), 8d to the common clerk, and 4d to the common sergeant-at-mace. If anyone is summoned by the sergeant to come to be a juror and fails to come, he shall pay 40d. to the use of the community.

[View of land might be required in pleas concerning property and involved a [jury](#) known as the [Magna Jurata](#), which would determine rightful ownership. On this see the [Ipswich custumal](#).]

24 January 1425 ***

Manner of enrolment and admission of apprentices

From this time onwards anyone, whether merchant or craftsman, shall during the first year [of the apprenticeship] bring his apprentice to the gildhall before the mayor and common clerk, so that he [i.e. the apprentice's name] may be enrolled – just as merchants have been accustomed to do since ancient times. As was the case in ancient times, the common clerk shall be paid [by the master] 4d. for the enrolment. After the completion of at least seven years [of apprenticeship], or the term specified in the indenture [of apprenticeship], the craftsman or his executor shall bring back the apprentice to the gildhall before mayor and common clerk, so that he shall be issued by the clerk with a written record that he is free to practice his craft, without paying any fee, until he has reached the age of twenty-one. If, upon reaching that age, he is found through interrogation of reliable witnesses to be free-born, well behaved, and able to bear the burdens of a member of the community, then he will be admitted into the [franchise](#) according to ancient custom. With the proviso that no-one shall be admitted to the franchise unless he has faithfully completed the [apprenticeship] term of at least seven years.

[The key feature of this was that craftsmen's apprentices were to receive the same treatment at those of merchants, who had long been entitled upon graduation to enter the franchise without admission fee. This concession must have been hotly debated, and we are told that a speaker for the craftsmen, Robert Brod, put forward the egalitarian argument "quod est una libertas in villa, unum iuramentum et unum finem [sic]" ("that there is one franchise in the town, one oath and one fee"). The record of this ordinance was inserted in the Hall Book on a separate sheet (schedule) immediately before the folio recording Brod's declaration. The interrogation of the apprentice, before grant of the franchise, also required the right answers to the questions: whether the apprenticeship term had been properly completed; and whether the apprentice had bought or sold anything for his own profit since completing the apprenticeship. If the graduated apprentice did not take up the franchise before embarking on a career, he lost the exemption from an entrance fee.]

9 August 1425 ***

Penalty for not coming to the exequies of John Burghard, and the manner of seating [the 24](#) in St. Margaret's choir on feast days

The mayor, with the 24, chamberlains and common councillors shall gather together at St. Margaret's church for the annual obit of John Burghard, on pain of 12d. fine for non-appearance without a reasonable excuse. All [members] of the 24 who are present at the celebration of any religious festival shall seat themselves in the choir in an orderly fashion, on pain of 12d. fine for each default. The chamberlains shall reimburse them for their oblations, from borough revenues, when they attend these services.

[The last sentence was a slightly later addition, in the same hand as the ordinances that followed. Burghard was a leading merchant of the 1320s and '30s, several times mayor. His will (1339) made unusually large provision for charitable bequests, including to the poor and infirm of Lynn and to the repair of public roads and bridges; many of his property bequests were conditional upon the perpetual commemoration of the anniversary of his death, and much of this property – along with the obligation of the obit, to be attended by the mayor – was [bequeathed to the borough](#) by one of Burghard's daughters. The ordinance has been struck through, although this was probably a consequence of the Tudor Reformation.]

1425 ? ***

Penalty for those ordered by the mayor to come into hall and refusing

If the mayor calls on anyone to take a seat and he refuses to do so, he shall pay 4d. each time he refuses. And if anyone, after silence [is called for] in the hall, is clearly seen to go on talking, to the hindrance of silence, [he shall pay] 4d.

1423 or 1425 ? ***

Penalty for showing favour to anyone acting against the community

If someone shows favour or gives support, by word or deed, to anyone acting against the liberties in any way, and the one thus acting is examined in the presence of the mayor and convicted, he who supported him shall pay 6s.8d to the use of the community. And if that person repeats [his offence] by favouring or supporting the convicted party against the conviction, by word or deed, and this is proved, he shall pay as great [a fine] as he who was condemned.

1425 ? ***

Penalty for chamberlains refusing to pay to the order of the mayor

If any [chamberlain](#) refuses, when instructed by the mayor, to make any payment or pay any expense that is for the benefit and advantage of the town, so long as it does not exceed the revenues he has been assigned to collect, for the first offence he shall lose his annual fee, for the second offence [he shall pay] 20s., for the third offence 20s., and so on. If any member of the 24 or the common council, or any other burgess, shows favour or gives support in word or deed to such a chamberlain, he shall pay 20s. to the use of the community.

31 May 1426

Anyone fishing with nets in the town ditch, without licence from the mayor and community, shall be fined 20d. and their nets, baskets and other equipment shall be confiscated. Anyone who informs on such offenders shall have one-third of the money from the fine.

[This was not strictly speaking an ordinance, but a general decision stemming from a specific offence.]

July 1426

A carrier having offered his services for disposal of refuse, for 66s.8d a year, it is ordained that every householder shall pay a base fee annually of 5s. a year, with additional amount determined by the value of his rent (increasing in amounts of 1/2d. per level) and 1/2d. per beast owned. Each constable shall select a resident of his ward to assess the appropriate amounts.

[In January 1424 the council had discussed whether private householders should remove their own domestic refuse from town or pay an annual fee to have this service provided them, but no resolution was recorded. 5s. seems a remarkably high fee and may be an error for 5d. (which, from each house, should have amply covered the payment to the carrier).]

6 November 1430

All inhabitants of [residing beside?] the Old Lynn and Mercer Row fleets shall clean them by 24 June next, on pain of 40s. from each inhabitant who fails.

The sewer [or privy] at Gannock [gate] is to be repaired by the chamberlains as quickly as possible. All constables of the town, with [the aid of] persons living in their constabularies, are to clean Mill Fleet from Gannock gate to Mintling.

21 January 1443

All victuals or coal brought to the town by outsiders may not be bought by burgesses except in the Corpus Christi [gild] hall, assigned for that purpose, and between the hours of 2 p.m. and 4 p.m., upon pain of confiscation of the victuals or coal.

January 1445

The keeper of the east gate is empowered to confiscate any townsman's grain that has been ground [by a mill] outside town; the offending baker shall pay 6s.8d to the use of the community.

March 1446

Coopers of the town shall be under the supervision of the mayor regarding their barrels, so that barrel of herring have a 30-gallon capacity, and half barrels and "feryndell" contain the correct quantity; and each barrel of beer is to have the same capacity, and similarly with half barrels and "feryndell".

[A ferndell was a measure that was probably equivalent to a quarter barrel.]

14 December 1446

Elections of churchwardens of St. Margaret's, which may be held every year if necessary, are to be made by 8 persons, with the mayor nominating the first 2 electors who shall choose the remaining 6. Anyone elected and refusing office shall pay 13s.4d.

[The borough had long been appointing churchwardens, so the principal issue here seems more with affirming that right and setting out the practice, perhaps in the face of some discord on the matter.]

2 August 1448

No mayor is to have his reward until the chamberlains' account has been written onto a parchment roll, and shown to the council [i.e. audited], and they are acquitted. Nor is any mayor, under penalty of £10 fine, to have possession of any gold or silver belonging to the community, unless he receives it by the hands of the chamberlains then in office.

[The "reward" referred to was a sort of performance bonus, above and beyond the mayoral salary; what started out as an ad hoc reward for some incumbents had, by this time, become a standard payment expected by each mayor. Here the council seems to have been trying to ensure that it was not automatic, but linked to fiscal responsibility if not profitability.]

3 November 1449

No resident of the town shall take on as a servant any man or woman until first ensuring that the servant has faithfully completed his/her term with the previous master.

November 1449

No resident of the town shall (after next Christmas) own sleds or carts that are shod [with iron], but shall have unshod carts and also "bouges" for carrying water. Anyone delinquent in this shall forfeit the shod vehicles. The custodians of the town gates [shall warn] others living outside town that after Christmas they may not bring beyond the gates carts lined with iron.

[I am not certain what a "bouge" was, but suspect it to have been a type of cart – perhaps one that bulged like a barrel; in the 19th century "bogie" was a term used for a cart, and in the 20th century it was being used for railway vehicles (some of which were barrel-shaped). Presumably the implication here is that the shod vehicles were being used to transport water. The issue addressed by this ordinance was probably related to damage done by such vehicles to paved streets.]

29 August 1455

No-one who occupies the office of mayor shall again be chosen to that office within the period of five years following.

1 October 1456

If it is proved that any capital pledge conceals any offence against the articles of the [leet](#), then he shall be [amerced](#) the same amount that would have been assessed on the concealed offence.

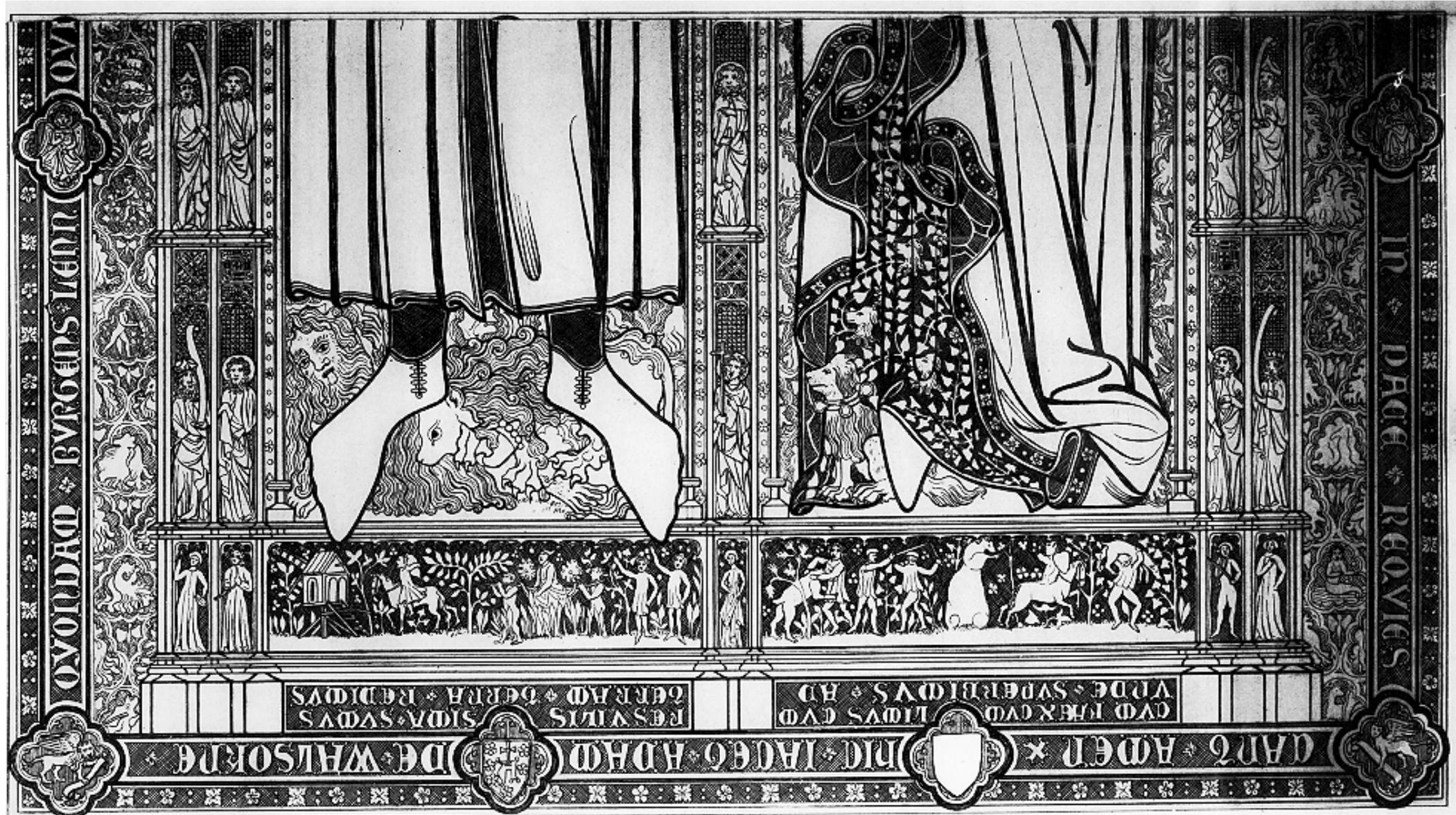
2 September 1457

Every constable, with [all members of] his whole constabulary in person or by a suitable deputy, shall keep the nightwatch when it is their turn. No-one who is under 21 years of age shall participate, however. Any householder failing to participate shall be fined 4d.

6 April 1459

If any burgess henceforth seeks [from the king] a commission of gaol delivery without the assent of mayor and council, he shall be fined 100s. and have to pay all the expenses of the commission.

23. King's Lynn, St. Margaret's, south aisle of choir (St. John's Chapel), Adam de Walsoken and wife Margaret, 1349, 118 x 68 in. Detail of bottom, men carry grist to mill and carry Walsoken in litter over stream. Brass executed on continent. After John Sell Cotman, *Engravings of Sepulchral Brasses in Norfolk* (London: Henry G. Bohn, 1838).



24. King's Lynn, St. Margaret's, south aisle of choir (St. John's Chapel), monumental brass of Robert Braunche with both Letitia, first, and Margaret, second wife, 1364, 106 x 61 in., detail of Peacock Feast at bottom. Brass executed on continent. After John Sell Cotman, *Engravings of Sepulchral Brasses in Norfolk* (London: Henry G. Bohn, 1838).



[\[contents\]](#)

CHAPTER 1

The Structure of Borough Government

Notes (2)

71 I use this term to distinguish it from the lower council, sometimes known as the Common Council (although strictly speaking that term referred to the legislative as a whole).

72 Ballard and Tait, *op.cit.*, lviii.

73 Gross, *op.cit.*, II, 117.

74 Tait, *op.cit.*, 271; Martin, *Early Court Rolls of Ipswich*, 14; G.C.R. 39-40 Hen.III m.7r; Saunders, *op.cit.*, 32.

75 For by this title, for brevity, they shall henceforth be referred.

76 Ballard, *op.cit.*, 14; Ballard and Tait, *op.cit.*, lix; Tait, *op.cit.*, 31, 42-45, 124, 291; Reynolds, *op.cit.*, 121-22. See also Wilkinson, *op.cit.*, xviii, a study influenced by Tait.

77 Tait, *op.cit.*, 270-71, 284.

78 G.C.R. 39-40 Hen.III m.7r; Twiss, *op.cit.*, 16-18, 166.

79 Add.Ms. 20152 f.50; Martin, *Borough and Merchant Community of Ipswich*, 43-44, 47-49, 70.

80 Twiss, *op.cit.*, 98, 150-52.

81 Cal. Inq. Misc., 1399-1422, 290; S. Meech and H. Allen, eds., *The Book of Margery Kempe*, (London, 1940), 111. Margery seems to be using the term to denote not moral character but status.

82 G. Martin, ed., *The Ipswich Recognisance Rolls 1294-1327*, (1973), 14.

83 R.R. 11-12, 12-13, 13-14 Ed.III; G.C.R. 16-17 Ed.II m.2d; P.P.R. 17-18 Ric.II m.7r; White Domesday ff.17b, 66.

- 84 C.Ch.R. 1257-1300, 185-86; Y/C18/1 f.10; Ballard and Tait, *op.cit.*, lix; Tait, *op.cit.*, 278.
- 85 Y/C18/1 ff.8, 13b-14; Ms. Gough Norfolk 20 f.1; Y/C4/104 m.12r, /105 m.6r; Saul, *op.cit.*, 10-12; Rutledge, *Court Rolls of Great Yarmouth*, 4.
- 86 Red Parch. Bk., 32-33, 43; Round, "Municipal offices: Colchester," XII, 241.
- 87 Tait, *op.cit.* 335; evidence supporting this view will be discussed in [chapter 3](#).
- 88 Red Paper Bk., 46.
- 89 Red Parch. Bk., 31; Tait, *op.cit.*, 333-34 (Tait unjustifiably tried to strengthen his case by adding "of the" before "sworn"); Round, "Municipal offices: Colchester," XII, 241.
- 90 Col.C.R., I, 3, 34, 42, 46-47, 61; Red Paper Bk., 45.
- 91 Col.C.R., I, 14; Red Paper Bk., 7.
- 92 *Records of Norwich*, I, 60; *universitas* means the urban community.
- 93 *Records of Norwich*, I, xliv, xlvi-li, 37, 60, 193-94, 261-63, 269; Alsford, *op.cit.*, 119-22.
- 94 H. Ingleby, ed., *The Red Register of King's Lynn*, (King's Lynn, 1919-22), ff.35, 40, 46.
- 95 *Ibid.*, I, ii, iv; KL/C6/3 m.5r; KL/C6/2 m.2r.
- 96 KL/C37/1 m.20r; KL/C37/5 m.1r.
- 97 Red Reg. f.145; what we have here is probably not a genuine re-election but a case of the clerk anticipating re-election of the membership *en masse* and copying out the previous year's list of names.
- 98 KL/C10/2 ff.3b, 17; KL/C2/29; KL/C4/11. This subject will be further discussed in chapters 3 and 7.
- 99 D/B 3/1/1 ff.1, 5, 22; D/B 3/3/4 m.6r; D/B 3/3/13 mm.2r, 3d, /18 m.7d.
- 100 D/B 3/1/1 f.23; D/B 3/1/2 f.8; D/B 3/3/14 m.1r, /18 m.4d.
- 101 D/B 3/3/2 m.4d, /9 m.4r, /10 mm.4r, 8r (schedules), /12 m.3d, /20 m.1r. The terms in parentheses are my own interpretation.

- 102 D/B 3/1/1 f.31b; C.P.R. 1553-54, 137-38. Round, "Municipal offices: Colchester," 241, mistakenly assumed that the 24 were the original medieval council and that the subdivisions were later developments.
- 103 Leach, *op.cit.*, xxv; R. Easterling, introduction p.xxi in Wilkinson, *op.cit.*; Bacon, *op.cit.*, iii, vi; Gross, *op.cit.*, I, 126; Tait, *op.cit.*, 287-88, 292.
- 104 Wilkinson, *op.cit.*, xxix; D/B 3/3/23 m.1r; KL/C10/6; Red Paper Bk., 50; Custumale Gippowicense, f.27b.
- 105 Records of Norwich, I, lxii-lxiii, 37, 98-100, 191, 269, 274.
- 106 KL/C4/11; KL/C6/3 m.10r; KL/C6/4 mm.3d, 19r, 21r; KL/C39/52 m.11r; KL/C2/29.
- 107 Rutledge, *Court Rolls of Great Yarmouth*, 4; Ecclestone, *op.cit.*, 40; C. Palmer, *The History of Great Yarmouth*, (Yarmouth, 1856), 45; Y/C18/1 ff.10, 13b.
- 108 C.Ch.R. 1427-1516, 150; Col.C.R./72 m.1r.
- 109 General Court Rolls, 10-13 Ed.IV, m.1r, 12-14 Ed.IV m.1d; White Domesday f.74.
- 110 White Domesday f.73b; Add.Ms. 25011 f.29; Add.Ms. 30158 ff.10b, 14b. The 1464 charter incorporated Ipswich by the name of the bailiffs, burgesses and commonalty - this is unhelpful; R. Canning, ed., *The Principal Charters Which Have Been Granted to the Corporation of Ipswich*, (London, 1754), 12.
- 111 Bacon, *op.cit.*, iv; Reed, *op.cit.*, 205-05.
- 112 Note, for example, the early freeman's oath in Lynn (KL/C37/1 mm.3r, 17r), the chapters in the Ipswich and Norwich custumals dealing with entrances to the franchise (Twiss, *op.cit.*, 128, 152; *Records of Norwich*, I, 178-80), and that the last stage of the setting up of Ipswich's administration in 1200 included giving all residents an opportunity to pay a fine entitling them to superior trading privileges (Gross, *op.cit.*, II, 121).
- 113 Lynn's tallage rolls, especially that for 1357/8, demonstrate that not only freemen but all inhabitants were subject to local taxation.
- 114 Tait, *op.cit.*, 241-44.
- 115 *Records of Norwich*, I, 2, 3, 6; Green, *op.cit.*, II, 234; Tait, *op.cit.*, 114, 123-24; Gross, *op.cit.*, II, 122; Alsford, *op.cit.*, 74-75, 79, 97-98.
- 116 C. Palmer, ed., *The History of Great Yarmouth by Henry Manship*, (Yarmouth, 1854), 366; Red Parch. Bk., 226-27; Alsford, *op.cit.*, 78.

- 117 Gross, *op.cit.*, II, 119.
- 118 *Ibid.*, II, 121; Black Domesday ff.74b-75.
- 119 Colchester Ms. 57 f.26. For the abbots' crimes see, for example, the leet record published by I. Jeayes, "Court rolls of Colchester," *Trans. E.A.S.*, XIV (915-17), 83-88.
- 120 W. Hudson, *Leet Jurisdiction in the City of Norwich*, (1892), xxxiv-xxxvi; Col.C.R. II, 83; Col.C.R./35 m.26d.
- 121 LK/C37/1 m.17r; G.C.R. 14-15 Ed.II m.1r, 16-17 Ed.II m.2d. The theoretical concept of parity of rights of all freemen is most clearly expressed in Norwich's custumal.
- 122 C.Cl.R. 1323-27, 457-61.
- 123 Green, *op.cit.*, II, 226.
- 124 Rutledge, *Court Rolls of Great Yarmouth*, 3; Wilkinson, *op.cit.*, xvii.
- 125 Martin, *Borough and Merchant Community of Ipswich*, passim; Col.C.R. I, 33; *Records of Norwich*, I, xlv; Tait, *op.cit.*, 318. Regarding synonymity, compare separate accounts of the same meeting in KL/C6/1 f.1 and Red Reg. f.153.
- 126 Gross, *op.cit.*, II, 116-22; Martin, *Borough and Merchant Community of Ipswich*, 23; Twiss, *op.cit.*, passim.
- 127 G.C.R. 19-20 Ed.III m.2r; C.Cl.R. 1349-54, 100; G.C.R. 29-31 Ed.I m.7d; I/C2/23/1; Black Domesday f.89; White Domesday f.66b; Col.C.R. I, 82; Ms. Gough Norfolk 20 f.1; D/B 3/1/1 f.6; D/B 3/1/3 f.38.
- 128 KL/C37/6 m.1r; Add.Ms. 37791 f.50; *Records of Norwich*, I, 61.
- 129 *Records of Norwich*, I, 192.
- 130 *Ibid.*, I, liv, 29, 68-70, 98.
- 131 *Ibid.*, I, 220.
- 132 McKisack, *Parliamentary Representation of English Boroughs*, 6; see also M. Clarke, *Medieval Representation and Consent*, (London, 1936), 288-89.
- 133 Martin, *Borough and Merchant Community of Ipswich*, 161; W. Hudson, "The growth of an English city: being an account of the early topographic development of the city of

Norwich," *Transactions of the Eastbourne Natural History, Photographic and Literary Society*, III (1895), 4.

134 Gross, *op.cit.*, II, 117.

135 *Records of Norwich*, I, 262; Red Reg. f.35; Add.Ms. 37791 f.45; G.C.R. 1-6 Ed.II m.2r; Red Paper Bk., f.50.

136 Red Reg. f.157.

137 M. McKisack, "Parliamentary representation of King's Lynn before 1500," *E.H.R.*, XLII (1927), 584-85; KL/C6/3 *passim*; Strutt, *op.cit.*, 47; C.Cl.R. 1296-1302, 593; *Records of Norwich*, I, 266, 269.

138 KL/C34/1; Red Paper Bk., 13; Martin, *Borough and Merchant Community of Ipswich*, 122-23.

139 Green, *op.cit.*, 303.

140 Gross, *op.cit.*, II, 116-17; Add.Ms. 25012 f.50; I/C1/1/2/6. There is no evidence to support the statement of Saul (*op.cit.*, 9) that the portmen elected the bailiffs.

141 D/B 3/1/1 f.31b. This process attained its zenith with the 1554/5 charters.

142 Red Parch. Bk., 31-32, 41. The same stipulation is found in the oath of the electors in Lynn (KL/C9/1 f.10b). There is, of course, no evidence as to whether the expectations expressed in these oaths were matched by the reality.

143 Col.C.R./36 m.1r; Col.C.R. I, 66.

144 *Records of Norwich*, I, 94-96, 119-20, 261, 263. We may note that the Common Council first appears in the form of an electoral committee (*ibid.*, I, 274).

145 KL/C37/5 m.1r; Red Reg. ff.35, 177; KL/C34/1; C47/43/278. The most informal arrangement I have encountered was in Ipswich when, in 1335, four elected and sworn burgesses were told to go off and choose 18 others for an inquisition jury, and bring the names to the next court; G.C.R. 9-10 Ed.III m.1r.

146 KL/C6/3 mm.10r, 18r; KL/C2/29; KL/C4/11. The electoral reforms proposed in Lynn and Norwich tempore Henry V were loosely based on the London system.

147 Add.Ch. 6317; see Saul's discussion, *op.cit.*, 9, 11.

148 Y/C18/1 ff.13b-14; Swinden, *op.cit.*, 491-92.

- 149 K. Houghton, "Theory and practice in borough elections to Parliament in the later fifteenth century," *Bulletin of the Institute of Historical Research*, XXXIX (1966), 130. See also J. Roskell, *The Commons of the Parliament of 1422*, (Manchester, 1954), 30; J. Roskell, *A Study of the Parliamentary Burgesses During the First Half of the Fifteenth Century*, (Manchester M.A. thesis, 1936), 85.
- 150 Red Reg. f.154b; McKisack, "Parliamentary representation of King's Lynn," 583. The use of committees was a prominent feature of practical administration in Lynn, and served to involve a large percentage of the freemen in governmental duties.
- 151 KL/C6/5 mm.18r, 19r; C219/12/3.
- 152 C219/10-17; Strutt, *op.cit.*, 45-47.
- 153 *Records of Norwich*, I, 107; D/B 3/1/3 f.29b; Add.Ms. 30158 ff.12, 13, 23; General Court Roll 12-14 Ed.IV m.2r.
- 154 J. Wedgwood, *History of Parliament: Register of the Ministers and of the Members of Both Houses, 1439-1509*, (London, 1938), 664; Saul, *op.cit.*, 35.
- 155 McKisack, *Parliamentary Representation of English Boroughs*, 58; General Court Roll 10-13 Ed.IV m.1r. Perhaps specifically participation by 'foreign burgesses'.
- 156 KL/C6/4 m.2r.
- 157 Reynolds, *op.cit.*, 122.
- 158 *Records of Norwich*, I, 95; KL/C6/3 m.18r; KL/C6/4 m.10r; KL/C7/2 ff.88b, 157.
- 159 Cases of this may be found in KL/C2/29; General Court Roll 12-14 Ed.IV m.2r; Swinden, *op.cit.*, 492.
- 160 KL/C6/3 m.6r; KL/C6/6 m.9r; KL/C9/1 f.13; KL/C4/11.
- 161 D/B 3/1/3 f.24; Red Parch. Bk., 33.
- 162 Red Parch. Bk., 32; KL/C39/1; Reynolds, *op.cit.*, 176.
- 163 *Records of Norwich*, I, 81. This was quite a turnabout from the position in the time of Edward III, when the city government was obliged to compel selected members of the community (besides the council) to attend; *ibid.*, I, 191, 269.
- 164 Wilkinson, *op.cit.*, xxii.

165 Red Parch. Bk., 35-36.

166 KL/C2/29; KL/C39/48 m.9r.

167 Although in Norwich, where the course of events took a faster turn, the terminology of incorporation was used to suggest division of authority.

 [previous](#)



INTRODUCTION

Structure of Borough Government | Social and Economic Background of Office-Holders

Monopolisation of Office | Attitudes Towards Office-holding | Professionalism in Administration

Quality of Government | Conflict and Solidarity in Urban Politics

CONCLUSION

October 1272

To strengthen the ability of the [bailiffs](#) in administering and enforcing these ordinances, 24 wise men of the town have been chosen and have been sworn to obey a summons from the bailiffs – upon pain [, if they default to answer, of a fine] of 6s.8d to be levied the morning after [their default], without remission. If the bailiffs are negligent [in levying this fine?], they shall pay £4 to the profit of the community. If the [jurats](#) are found guilty of failing to maintain the king's peace to the best of their ability or to uphold these ordinances, they shall pay £26.13s.4d to the king. Anyone supporting a jurat who fails to submit to this, shall likewise pay £26.13s.4d to the king or, if he lacks the means, shall be put in prison for a year and a day. If any [townsman] complains in a foreign place [*i.e. an external court*] about the 24, or anyone else of the town, to their damage or conviction, he shall be similarly punished to the king's use.

South Gate

Also known as the Great Gate. When the deputy-lieutenants advised on the defence of the town in 1625, they considered the East Tower of this gateway to be a very convenient place upon which to plant a "murdering piece." In later times a telegraph was erected on the West Tower.

The ceremony of shutting this gate every night was continued down to the 18th century, for in 1724 an order was made "to pay Goody Ely 35s. a year for cleansing, opening, and shutting the South Gate."



Engraving of South Gate



Goto Menu



East Anglia Net



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pudding Gate

Why it is so called is unknown. The name appears at an early period, but is sometimes spelt "Poding." The open space to the north, within the wall and adjoining the precincts of the Priory, was called Pudding Yard. (P. viii p.26).



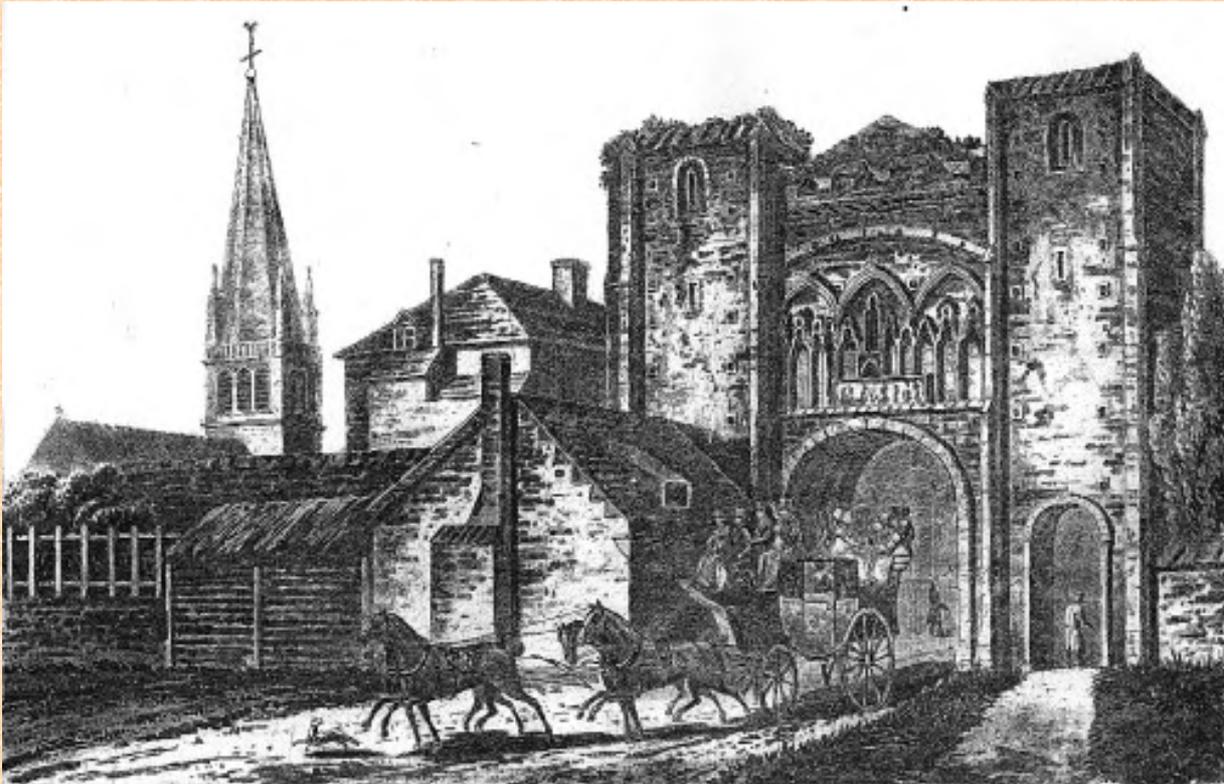
Engraving by Mrs Bowyer Vaux

(taken just before the gate was taken down 1837.).



[Goto Menu](#)

North Gate



Engraving of the North Gate

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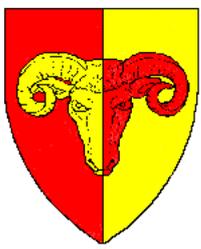
Best viewed with





August 1491

Chamberlains are to provide themselves with a building where they shall be in attendance twice a day, viz. two hours in the morning and two hours in the afternoon, if necessary, in order to receive and collect from merchants, both denizen and alien, customs duties which rightfully belong to the town. Often in the past the goods and merchandize of denizens and outsider merchants, on which custom ought to have been paid, have been falsely presented by men of this town and others privileged [to trade without paying custom] as their own property, thus concealing and withholding the customs to the loss and damage of the town. Therefore it is ordained that whenever any ship or boat, whether of this town or any other place, is freighted or loaded with merchandize within the liberties of the town, [whether bound] inward or outward, the owner of the ship or boat if present, or in his absence its master, shall each time be brought by the water-bailiff before the chamberlains in the said assigned house, there to take oath on a book as to whose goods they have as cargo, so that the town custom may be honestly paid without any fraud or deceit, excepting the customary freedom [from paying customs] cities, towns and other **enfranchised** places.



Stefan's Florilegium

[Society of Creative Anachronism](#)

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Welcome to the Florilegium SEARCH

THL Stefan li Rous (Mark Harris,
stefan@florilegium.org)

This is a collection of files that I have assembled from various sources since I first joined the SCA (Society for Creative Anachronism) in 1989. The information in these files comes from the Rialto newsgroup (rec.org.sca), the old fidonet medieval echo conference area, various mail lists and articles submitted to me by their authors.

Florilegium Tile Project

I would like to remind folks of the Florilegium "Tiles of Many Media Contest" that will be held at the upcoming Lilies War, Pennsic War and Knowne World A&S Collegium. "Huh, you say? I've never heard of this before.". No, probably not, for it is only a little over a month old. What is it? Well, from the website, "The purpose of this display is to show in a uniform way the great number of different media/ artforms that are done in the SCA, as well as to encourage folks to try media which they have not worked in before."

In other words, create a tile using an artform done in the SCA period of study, whether that artform was used for creating tiles in the Middle Ages or not. Bring it to one of these two events or send it with someone, and we will organize these tiles into a large display showing what folks in the SCA can do. To encourage folks to try new artforms, anyone may enter multiple tiles, but only one tile per artform.

How about a tile with your device on it

- [Sweet or Decorated Foods](#)
- [Food - Utensils](#)
- [Food - Vegetables](#)
- [Heraldry](#)
- [Home, Sweet Home](#)
- [Info-Sources](#)
- [Life-Steps](#)
- [Medieval-Life](#)
- [Articles by Nicolaa deBracton](#)

[of Leicester](#)

- [Norse-related stuff](#)
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- [Plants, Herbs and Spices](#)
- [Religion](#)
- [SCA Camping](#)
- [Planning SCA Events](#)
- [The SCA, Inc](#)
- [SCA Sociology](#)
- [SCA Stories](#)
- [Scribal Arts](#)
- [Structures](#)
- [Textile Arts](#)
- [The 12th Century](#)
- [Time](#)
- [Travel](#)
- [Weddings](#)
- [Uncatalogued](#)

made of sugarpaste? Or one carved into wood? Or done in tooled leather? Or blown into glass? Or if you tend to break ceramics, a tile mosaic? Are you better working with embroidery or calligraphy? Thin media can be backed with another material to create a stiff tile of the appropriate size. How about copperworking or other metalwork?

While this project is meant to show the arts done in the SCA, it is not meant to be confining or stuffy. While documentation would be nice to have on the various artforms, it is not a requirement. So, think of various period artforms and how you might be able to adapt them, and have a fun time with this!

More details can be found at this site:
<http://www.mindspring.com/~tripper/serena/TileProject/>

Just as this display is meant to show what SCA folks from across the Known World can do in the Arts, I also welcome volunteers from across the Known World to help out with this project either at these events or beforehand.

Stefan

Several types of files are available:

- **-msg (or no suffix)** These files are composed of a variety of short messages from a variety of authors having a common subject .
- **-art** A stand-alone article written by a single author. Some are off of the networks while some were submitted to me by the author.
- **-bib** A bibliography of book and article titles on a single subject.

- **-FAQ** An article file that follows a Frequently Asked Questions format.

WANTED - Article Submissions

I am always looking for additional articles for the Florilegium. The copyright remains with the author and I will accept or remove an article upon request by the author. Short articles written for local newsletters are often good candidates for the Florilegium, as are longer papers written as Arts and Sciences contest entries and even Master's Theses. Bibliographies, especially annotated bibliographies, are also desired. Even class notes that you may have assembled for a class you taught may make good submissions.

To contact me about submissions, write to me at: stefan@florilegium.org)

Bad Links

I try to do my best to ensure that all links that you find in the Florilegium are correct. It bothers me when you can't get to a file you seek here due to a bad link. However, because of the constant updating that this site undergoes, bad links do creep in. If you find a non-working link, PLEASE let me know. The sooner I know about it the sooner I can fix it.

To contact me about a broken link, write to me at: stefan@florilegium.org)

What's a *Florilegium*?

Literally, it means "a gathering of flowers". Florilegia were collections of choice tidbits (from Ovid, Aristotle, various popes, church scholars, etc) arranged topically.

Typically, a florilegium is huge, encyclopedic, and contains only choice selections from particular works. Example, Ovid's *Metamorphoses* would be too long to include in its entirety and might suggest some of the wrong ideas (from a Church viewpoint), so only those works that offer clear exegetic or moralistic exempla would likely be included. Thus, a florilegium would probably **not** include Nestor's account of the battle of the Lapiths -- the tale pokes fun at Nestor, at old men attempting to claim wisdom solely based upon age, and (less directly) at Homer. A florilegium probably **would** contain the tales of Midas, however, because they provide lessons on the evils of greed, pride, and gossip.

I hope you find these files useful, interesting, amusing or all three.

St Nicholas Church

Chapter II



St Nicholas Church 1870

"Say, sacred edifice, thiysself with years

" Grown grey - how long hast stood

" Thy weather-braving tower, and silent marked

"The humanleaf in constant bud and fall ?

" The generations of deciduous man

"How often hast thou seen them pass away !" - Hurdis.

Five rows of lime trees form pleasant avenues from the Marketplace to the Parish church, (*many old and decayed trees have, in late years, been removed and new ones planted. It is earnestly to be hoped that the hand of innovation, more destructive than that of time, will never be permitted to displace them altogether*) of which sacred edifice it is no part of the design of this work to give a history, as that has already been done in the *Continuation to Manship* (p.109).

We have seen that, soon after the permanent settlement of the inhabitants, a small church, dedicated to St. Bennet was erected. This, at the commencement of the twelfth century, gave place to a much larger structure erected by Herbert de Lozinga, the first Bishop of Norwich, completed. in 1119, and dedicated to St. Nicholas, the patron of mariners (*Before the reformation the model of a ship was suspended in this church, as an emblem of the patron Saint; for says Peter of Langtoft -*

"The bishop, Saint Nicholas, his help is ay redie

" To shipmen in alle cos, when thei on him crie."

Sir William Denny, in his Pelicanicidium, likens a church to an inverted ship. "The roof," says he, "is the keel; the walls, the sides; the floor, the deck; the east end, the prow or forecastle; the central tower, the mast; and the west end, the poop.")

It was very different from the church which we now see, for it consisted of a portion only of the present nave, having small aisles with lean-to roofs, a central tower, small transepts and a chancel.

Some Norman work still remains; and when the south aisle was taken down in 1869, for the purpose of being rebuilt, the Norman tower, with its superstructure of early English, was laid bare, and its original proportions distinctly seen (*Among the additional M.S.S. in the British Museum (Kerrick's Collections, 6,751 and 6,759), there is a ground plan of St. Nicholas' church, before the aisles of the nave were enlarged, from which it appears that there was then a chancel transept. Floor Plan*)

As the town augmented in population and wealth, so did the church of St. Nicholas increase in size, until it became, as it now is, the largest Parish church in the kingdom. (*It covers more ground; measuring in length 230 feet, by 108 feet in breadth. Its internal superficial area is 238085 feet, whilst the areas of its nearest rivals are as follows: -*

St. Michael..... Coventry.....23,080.

St. BotolphBoston.....22,270.

St. NicholasNewcastle 20,110.

Holy TrinityHull.....20,036.

Holy TrinitySouthwark18,200.

4,000 persons can be accommodated on the floor of St. Nicholas' church.)

The borough rolls are full of entries respecting the repair and enlargement of this church from time to time, some of which are very curious. In 1296 John, servant of Gilbert de Hardele, sued Simon le Parmenter, for breach of contract for not providing a ship to carry stone, for the use of St. Nicholas' church, he having received 2s. " in earnest." The plaintiff recovered, and the defendant was amerced.

Large as this church is, there was, nevertheless, an intention of extending it; for in 1330 a new building was commenced at the west end, called "Bachelor's aisle," as its cost was to be defrayed by the young men of the town. It was to be 107 feet from north to south, and 47 feet from east to west. Considerable progress had been made, the walls being sixty feet from the ground, when the works were suddenly stopped by an outbreak of the plague. They were never resumed, and what had been erected was allowed to fall into ruin. The walls however remained until 1650, when some of the great stones were taken down and carried to the haven's mouth, where they were employed in the repair of the piers. In 1658 Colonel Briscoe and Lieut-Colonel Stile obtained a further portion to be employed in strengthening the fortifications; and, 1714, the churchwardens obtained a faculty from the Bishop of Norwich (*This faculty is printed in extenso in the East Anglian, vol. ii. p. 208.*), authorizing them to pull down what thus remained. of the "new work," as it was called, and to use the same in the construction of St. George's chapel, and thus an interesting and magnificent ruin was finally destroyed.

St. Nicholas' church probably attained to its greatest state of magnificence towards the close of the 15th

century. It was then open from end to end; the windows were filled with stained glass, (*Upon opening a door at the foot of one of the turrets at the west end in 1847; some bushels of minute fragments of stained glass were found, no doubt the remains of demolished windows.*) the walls were covered with poly-chromatic decorations ; and the floor enriched with sepulchral brasses. A stone reredos, richly carved and decorated, stood at the back of the high altar (*An altar stone, marked with five crosses, was discovered some years since. In the wills of the 13th. and 14th centuries may be found numerous bequests to the high altar*), which latter was laden with rich and massive church plate and. jewelled, reliquaries. (*Sacrilege was in the middle ages considered one of the blackest crimes, yet it was occasionally perpetrated. In 1348 a chalice was stolen from St. Nicholas' church, but was recovered by the bailiffs in a broken state, and it was by them delivered, in the presence of witnesses to a silversmith to be repaired. Previously to the reformation, this church was particularly rich in plate (see F., p.88; and P.C., p.116); and possessed some relics which were much prized, especially some oil supposed to have been consecrated by St. Nicholas, the gift of Prior John Hoo, and a holy thorn set in silver. There still grows in the neighbourhood of Jerusalem a peculiar thorn, specimens of which are occasionally sent to this country, and preserved in the cabinets of the curious*). Other altars there were in. the chancel aisles, and in the numerous side chapels belonging to the several guilds or to private persons of influence and importance, (*For an account of the guilds and their chapels, see M. i., p143*). A richly-carved. rood loft stretched. across the west, end of the "middle aisle" of the chancel, upon. which a cross was displayed; and lights burned day and night before the images of saints, dispersed throughout the church (*Some of the stone steps, leading to the roof loft on the north side, still remain with the aperture for the door; but there is no vestige of a screen*).

Benedictine monks in the costume of their order, and singing men in surplices had their appropriate seats, while the services of the church were performed by priests and chaplains, dressed in magnificent robes, varied in accordance with their degrees, the duties they had to performe, and the season of the year. Black (*of which there were several velvet copes, some of them spangled with gold, and others with bells of gold*), were seldom worn, except on Good. Friday, Rogation Days, and on occasions of mourning. Violet was also a mournful colour. Red and. purple were used on occasions of great solemnity; of these there were two copes of red satin of Bruges, and others of red velvet (*Red is still worn by Roman catholic priests in England on the anniversary of an English saint's martyrdom*). There were tunics also of red satin and velvet.

Green and blue (the emblems of faith and. hope) were used on particular festivals; one vestment of green was wrought with birds, another was of branched silk, and another of velvet: of blue velvet there were several copes. White signifying purity, was worn on the festivals of confessors, virgins, and angels. The principal vestment, composed of cloth of gold., and eleven tunic were the gift of Sir John. Fastolfe.

In Process of time the seeds of the reformation, sown by Wickliff which had long been germinating, began to bear fruit; and early in the 15th century, the bishop of Norwich was called upon to suppress the heressies which were spreading in his diocese.

In 1428 Margery, wife of William Backster, a wheelwright at Martham was accused. The evidence against her was given by another woman, named Joan Cliffand, who deposed that being asked by Margery what she did every day at church, she answered that she kneeled down and said five paternosters in worship of the crucifix, and as many Ave Marias in worship of Our Lady, upon which Margery denounced the worship of images as being of no avail. Having stated her belief that the sacrament of the altar, after consecration, was the very body of Christ, Margery denied it, giving cogent reasons, and affirmed that such doctrine had been "falsely and deceitfully ordained by the priests, to induce simple people to idolatry." She denied the necessity of fasting in Lent, or on other days appointed by the church, saying that people had better eat their fragments of meat on such days, than "goto market and bring themselves into debt to buy fish." Margery also asserted that it was useless "to go on pilgrimage, either to our Lady of Walsingham or to any other saint or place;" and offered that her husband should come secretly at night to Joan, and "read the law of Christ

unto her." It seems that Margery had some suspicion of Joan, for she said to her - " it appeareth by *your* countenance that you intend. to disclose what I have said to you," but Joan sware she would not. Then Margery said to her "if you so accuse me "unto the Bishop of Norwich, I will do unto you as I once did unto a "certain friar, a carmelite of Yarmouth, who was the best learned friar "in all the country." Margery had rebuked the friar for begging, saying that it was no alms to give him anything, unless he would leave his habit and go to the plough, which would please God more than following the life of some friars; and at his request she " declared to the friar the gospel in English." Afterwards the friar accused her of heresy, and she made a counter accusation against him, "for which her husband would have killed him;" and so the friar, for fear, held his peace " and went his way for shame." Margery also told Joan that she would never confess to a priest, "because he had no power to absolve any man from his sins," but that "men ought to confess themselves only unto God. It was also proved against her that, upon going to Margery's house on Saturday after Ash-Wednesday (horrible to relate) a brass pot was found standing over the fire, with a piece of bacon and oatmeal seething in it. The depositions in this case raised nearly all the questions at issue, between the catholics of that time and those who protested against what they believed to be the errors of Rome. Ecclesiastical censures and severities were able for a time to suppress the "new doctrines," but could not extinguish them. They continued to spread until some of the priests themselves were converted to them.

In 1535, whilst Sir Cotton, a priest, was preaching a sermon in the parish church, William Swanton, a chaplain, openly denounced the practices of Rome, maintaining that no honor should be given to saints, or to the pictures or images of them within the church; that a christian man profited nothing by praying for their intercession; and ended by saying that holy water was "good sauce for a capon." He was supported by twenty-four persons, and a great tumult took place. Six years afterwards four merchants openly derided the elevation of the Host, speaking "heretical words;" and Thomas Hammond, a fish-merchant, bargained with one Thomas Alleyn for the sale of a last of white herrings, within the church during divine service. These disorders called for suppression, and the offenders were fined; and the corporation made an order that whoever thereafter disturbed or "disquieted" any preacher, "should be committed to ward, there to remain at the discretion of the bailiffs." Some account of the further progress of the reformation and of the subsequent ecclesiastical affairs of the parish, will be found in P. C., p. 147. (*A popish priest at Yarmouth having sent up to the privy council certain questions concerning the sacrament of the Eucharist, the same were referred to J. Boleyn and John Foze, who answered them. Harl. M.S.S., No. 416*).

The church books inform us that, in 1465, there was in the church "our lady's organ," and in 1485 they speak both of the "old organs" and the "new organs," and in the following year the "great old organ," and in 1550, "Jesus organ." Manship says that, when he wrote in 1619, there was in the chancel on the north side, "a fair pair of organs," and near thereto sat eight priests and "a competent number of singing men." Organs continued to be used in the reformed churches until the puritans got the upper hand.

By an ordinance of Parliament made in 1644, "no organs were to remain in churches, choral books were to be torn, painted glass windows broken, sepulchral brass inscriptions defaced, and cathedral service totally abolished;" notwithstanding which the people of Yarmouth contrived to preserve "a fine old organ " until 1650 when *it* was destroyed. At the time of the restoration not a single instrument is known to have been in existence throughout the kingdom: and nearly a century elapsed before an organ was replaced in this church, by which time the chancel and north aisle and north transept had been separated, and divine service was performed in the south aisle, the nave itself being occupied by a huge gallery.

The organ of St. Nicholas' church was built by Jordan Byfield, and Bridge, at that time the best organ builders in England, who had agreed to unite their talents so as, without competition, to produce the best instruments that could be made. It was erected in 1733, and to celebrate the opening, a sermon (afterwards printed) was preached by the Rev. Dr Macro, (from Eph. V19), in which he cautions the organist not to let "the harmony of its sounds be frisking, airy, or ludicrous, which tends to dissipate the thought and break the attention of the mind."

This organ was long considered as the best in England for the excellency of its tone. It has lately been enlarged by Hill and. son, of London, under the advice of Mr. Henry Smart, at an expense of £800; and, under a faculty obtained for the purpose, it has been removed from the west end of the south aisle to the north transept.

The following is a description of the organ as now constituted: (*This noble instrument is ably presided over by Mr. Henry Stonex, a pupil of Dr. Buck of Norwich. The appointment of organist was long in the hands of the corporation, and during the last century there have been organists, good, bad, and indifferent. The most distinguished were Heighington, Eager, and Warne. Previously to the appointment of Mr. Warne, "the blind organist," there was one whose musical talents were appreciated solely by his father, a very aged man. On one occasion, when the son was playing his best, the father exclaimed, "a second Handel!" "Yes," said a stranger who sat next him, "quite a second-hand one." As the organist was utterly regardless of the vocal accompaniment, the playing and singing were seldom in accord.*)

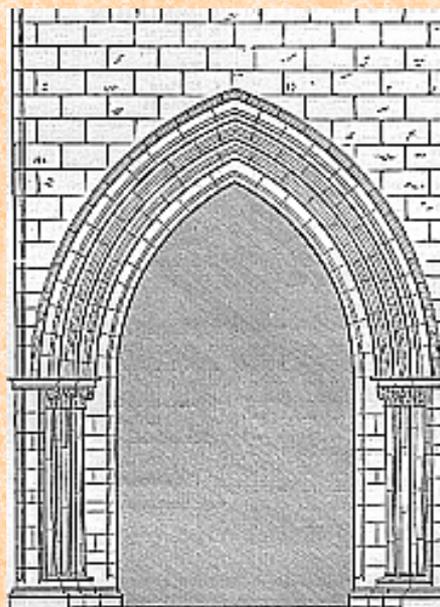
| Great Organ | | | Choir | |
|--------------------|------------------------------|-----------|--------------------|---------------------------------------|
| 1 | Double Open Diapason (metal) | 16 feet | 1 | Slider for Lieblich Bourdon 16 f.tone |
| 2 | Open Diapason | 8 feet | 2 | Open Diapason 8 feet |
| 3 | Open Diapason | 8 feet | 3 | Dulciana 8 feet |
| 4 | Stopped Diapason | 8 feet | 4 | Stopped Diapason 8 f.tone |
| 5 | Slider for Gamba | 8 feet | 5 | Principal 4 feet |
| 6 | Principal | 4 feet | 6 | Flute 4 feet |
| 7 | Principal (No 2) | 4 feet | 7 | Fifteenth 2 ranks |
| 8 | Twelfth | 3 feet | 8 | Mixture 2 ranks |
| 9 | Fifteenth | 2 feet | 9 | Clarionet 8 f.tone |
| 10 | Tierce | 1.75 feet | 10 | Slider for Claribella |
| 11 | Sesqui-altera | 5 ranks | Pedal Organ | |
| 12 | Mixture | 3 ranks | 1 | Double Open (wood) 32 feet |
| 13 | Cornet | 5 ranks | 2 | Open Wood 16 feet |
| 14 | Double Trumpet | 16 feet | 3 | Violoncello England's) 16 feet |
| 15 | Posaune | 8 feet | 4 | Principal 8 feet |
| 16 | Trumpet | 8 feet | 5 | Trombone 16 feet |
| 17 | Clarion | 4 feet | Couplers | |
| Swell Organ | | | 1 | Swell to Great Sub. 8ve |
| 1 | Lieblich Bourdon | 16 feet | 2 | Swell tp Choir |
| 2 | Open Diapason | 8 feet | 3 | Swell to Great |
| 3 | Gamba | 8 feet | 4 | Swell to Pedal |

| | | | | |
|----|---------------------------|-----------|---|------------------------------------|
| 4 | Stopped Diapason | 8 feet | 5 | Swell to Pedal |
| 5 | Principal | 4 feet | 6 | Great to Pedal |
| 6 | Fifteenth | 2 feet | 7 | Full Pedal |
| 7 | Mixture | 4 ranks | | Six Composition Pedals, viz |
| 8 | Suabe Flute | 4 feet | | 4 to Great Organ |
| 9 | Piccolo | 2 feet | | 2 to Swell Organ |
| 10 | Slider for Contra Fagotto | 16 feet | | |
| 11 | Oboe | 8 feet | | |
| 12 | Horn | 8 feet | | |
| 13 | Trumpet | 8 feet | | |
| 14 | Clarion | 4 feet | | |
| 15 | Vox Humana | 8 f. tone | | |

In the vestry there has been long preserved a very curious library table, having six shelves for books suspended between two discs, and so regulated by concealed wheels, that, in revolving, the shelves remain horizontal, thus allowing the reader to consult a large number of open books spread out upon them.

(See illustration . A copy of this desk, made by Mr. Norman, of the Market place, is now in the library of the Middle Temple).

Upon removing the plaster from the west side of the south transept in 1869, a noble early English doorway, of remarkable delicacy of detail, was uncovered, of which no living person had any remembrance. It is represented on the page, and may have been the "marriage door," mentioned by Manship.



.Old English Doorway

It was anciently the custom for a couple about to be married to appear at a particular door, where the priest joined their hands and performed the greatest part of the ceremony. They then entered the church and proceeded to the altar, there to receive the nuptial benediction and to hear mass.

Chaucer, in his *Wife of Bath*, says-

"She was a worthy woman all her life,

Husbands at the Church Dore had she five"

The origin of this custom may be traced to the desire, which prevailed from the earliest times, to make the ceremony as public as possible. Many years elapsed, after the disruption of Roman Catholicism in this country, before the nuptial ceremony was wholly performed within the church. Selden affirms that dower could only be lawfully assigned at the church door; and Littleton says that the bridegroom "when he cometh to the church door to be married there, after affiancing and troth plighted, endeweth the woman of his whole land, or of the half, or other lesser part thereof, and there openly doth declare the quantity and the certainty of the land she shall have for her dower."

The unusual position of this door, which has every appearance of having been an external one, was probably occasioned by the south transept being connected with the priory by a cloister, so that the priests and monks could alone enter by the south door.

The tower and spire of St. Nicholas' church were always conspicuous as a land and sea mark; and in 1798, when an invasion was apprehended, the churchwardens were provided with a red flag, which if hoisted was to be repeated from every church tower in the county, to communicate an attempted landing as rapidly as possible.

The Spire was 186 feet high. It was struck by lightning in 1683, and the woodwork having ignited, the fire was extinguished by John Grice, for which service lie was presented by the corporation with a silver tankard, having a view of the church engraved upon it; and the same man, in 1695, was paid £4 for taking down and putting up the weathercock. When this spire was removed, the flat top of the tower was used as a telegraph station. (*In 1732 "a man," says Ives, sen., "slid from the church steeple upon a rope."*)

There appears to have been a bell foundry in Yarmouth, for a bell in Martham church bears the name of "Thomas Doo, bell founder of Yarmouth, 1674." (*Rev. J. J. Raven, who in 1869, published *The Church Bells of Cambridgeshire*, and has extended his researches in campanology into other counties, the result of which it is to be hoped he will give to the world.*)

The sessions rolls afford evidence that at an early period the church was fled to by malefactors as a place of sanctuary. If such an offender could reach the churchyard, without being apprehended, and there confess his crimes before the coroner or bailiffs, he was allowed to abjure the realm; a limited time being fixed within which he was to leave the kingdom at some appointed outport. Thus, in 1295, Richard Clerk of Norwich placed himself in the church of St. Nicholas, and acknowledged to have killed John Russell, and to have broken out of prison. He was allowed to take ship at Southampton within a month. In like manner, Simon Blaking confessed to several robberies and to have broken out of prison, and afterwards killed a Martham man. Port was given him to transport himself within fifteen days.

It was formerly considered necessary when one man undertook to pay another a sum of money, to specify the place where such payment was to be made; and, down to a late period (in bonds given as a primary or collateral security), it was customary to name the south porch of St. Nicholas' church for this purpose. This was not altogether imaginary, for in ancient times such payments actually took place in churches, until, by a proclamation of Queen Elizabeth, they were prohibited. Nevertheless the porch continued to be named as a place for the payment of money; for Mr. Warnes, by his will, made in 1694, directs an annuity, which he gave to Anne Markant, the sister of his widow, to be paid "yearly on the 1st of May, in the south porch of

the church of Great Yarmouth."

The congregation has always been a very large one. Never probably were they more disturbed than on St. Andrew's day, 1544, when, during divine service, it being Sunday, news arrived that two French ships had pounced upon two crayers, then riding in Yarmouth roads laden with wheat for the King's service at Boulogne, and were making off with them. The townsmen "presently betook themselves to armour, and having manned a ship, pursued and overtook the enemy, and after notable skirmishing rescued the prizes, and brought six Frenchmen found in them prisoners to Yarmouth, where their purses paid passage before their departure."

During the seven hundred years this church has been in existence, how many eloquent sermons have been delivered in it! No preacher, probably, ever excited more commotion than did Dr. Camil, rector of Bradwell, in 1724. His sermon gave great offence to "a certain person of great power in the town," who summoned some of his brethren to meet him, and then sent for the clergy, and "made a violent speech," ending by telling one of them to inform the doctor that he "should never come into the pulpit again." Upon this Camil published his sermon to prove that it only contained "some warm expressions against the crying vices of the age," and insinuated that "the cap fitted." "For my part," says the preacher, "I am resolved to cry out and spare not; and the scandalous and opprobrious usage which the ministers of Christ sometimes meet with, shall not frighten me from discharging my duty; and neither the frowns of the great, nor the threats of the wicked shall hinder me from telling the house of Jacob their iniquity, and the house of Israel their sin." (*There is an engraved portrait of him. His great grandfather came from Scotland and settled at Gisleham in Suffolk, in 1583. The original name was Campbell; and he bore gyronny of eight or,' and sa, a crescent ar. He died in 1732. Fancy the mayor offended at a sermon, calling the council together, and reprimanding the clergy, for too much freedom of speech in the pulpit!*)

Dean Davies, when in Yarmouth, took the following method of rebuking the congregation for their impatience of long sermons, When the preacher had, one Sunday, finished his morning discourse, the Dean rose in the reading desk and commenced the afternoon service. "The grinning congregation," says Doran, "who found themselves subjected to this discipline would have been a study for Hogarth. (*Saints and Sinners:- How startled would have been the congregation, in former times, to have seen a black man rise in the pulpit and deliver a sermon! This was Bishop Crowther; his ample lawn sleeves contrasting strongly with his face and hands.*)

The floor of this church was filled with the graves of those who in their day were the most considerable burgesses. Unhappily the numerous brasses which recorded their names and deeds were, in 1551, ruthlessly torn from their stones and sent to London, there to be cast into weights for the town's use. (It might have been asked, with Dr. Corbet, the witty Bishop of Norwich, "

"Tell me, ye antii-saints, why brass,

With you is shorter-lived than glass ?

And why the saints have scap'd their falls,

Better from windows than from walls ?"

for it is said that some of the stained glass, with which the windows of this church were once so rich, remained until the end of the last century, when every particle was carefully removed.

A better taste now prevails; the first of a proposed series of memorial windows in the south aisle, is one in

remembrance of the late Charles Cory, Esq., town clerk, erected by public subscription. It was designed by Mr. Seddon, the figures by Mr. Rossiter, and the glass executed by Messrs. Saunders.

Some few incised slabs alone remain. So utterly were all funereal monuments in this church defaced, that when Weever visited Yarmouth he could find no inscription or epitaph save this one-

"Elyn Benaker, mercy doth crave;

God on her soul, mercy mote have."

Since that period the chancel, transepts, and north aisle have been almost re-paved with sepulchral slabs, bearing inscriptions to the memory of many whose names will be recorded in these pages. Of those buried in this church and the adjoining churchyard, who were neither natives nor residents, or who cannot be connected with any particular locality, mention will be made in a separate chapter. (*The most ancient monuments were conceived in a spirit of great piety and simplicity. Those of more modern date frequently exhibit a false taste, and bear -*

"-the marks of earthly state,

And vain distinction."

Others display-

"The pride of heraldry and pomp of power";

nevertheless their mutilation or removal is unjustifiable end contrary to law. We all know that-"Sepulchral columns wrestle but in vain

With all subduing time; whose cank'ring hand

With calm deliberate malice, wasteth them."

But this inevitable result ought not be hastened by the hand of man.)

We are told by Manship, that a carnel or charnel house, built in the churchyard, was "fully finished" in 1308 by Sybilla, the widow of William Flath, "a woman of singular virtue and dignity;" for the purpose of containing the bones of the dead formerly there buried and again cast up by the making of new graves; and to enable her to do so she obtained a licence from the bishop of Norwich and a bull from Pope Clement V., subsequently confirmed by Richard II. Over it she built a mortuary chapel, "wherein divine service was by two priests, for that purpose by her appointed, solemnly performed." She died in 1311, having first endowed the carnel with an ample revenue arising from the rents of houses, vested in the corporation, who appointed two of their number to be "collectors of charnel rents." (*F. vi., M. p.39, and P. C. p.115*)

This chantry was dissolved at the reformation, the building fell into ruin, and in 1588 was levelled with the ground; the stones being employed in constructing the lower wall of the mount, to guard the town against the Spanish Armada; there says Manship, "to defend the bodies of the living, as they had previously done the bones of the dead." The latter were removed and buried under the east wall; and ultimately the lower part of King Henry's tower, at the N.E. corner of the churchyard, was appropriated for that purpose, and is now filled to a considerable height, so that entering the tower from the churchyard, the living may stand upon the

bones of many generations. In the Cottonian view of the town this carny is depicted, standing in the S.W. part of the churchyard, of an oblong shape, having a turret or pinnacle at each corner; but there was nothing to mark the spot, until, in lowering the path leading from the church gate to the west door in the present year, a portion of the foundation, of a most substantial character, was laid bare.

Since the publication of the Continuation to Manship's *History*, considerable progress has been made in restoring St. Nicholas' church, under the advice of Mr. J. P. Seddon.

The central tower has been reinstated, the Norman work being carefully preserved; and the four corner pinnacles have been replaced.

The chancel proper has been carried out to its original extent; and after the lapse of two centuries the church has been thrown open from end to end. A new oaken ceiling in panels, divided by ribs, has been placed on the middle aisle of the chancel.

The south aisle (except the lower portion of the west gable internally) has been entirely rebuilt from the original foundations. The noble triplet at the west end, formerly hidden by the organ, has been restored. The seven south windows, originally early English (subsequently filled with perpendicular tracery), have been rebuilt in the early geometrical style, alternately varying in detail. Between each pair of these windows, a buttress finished with a gabled canopy rises to the level of the parapet. A new roof of Memel timber has been placed on this aisle, of better construction than the old one, which had become decayed, and had thrust out the south wall. The ceiling, which is of oak, is of an elegant arched form (instead of the former awkward waggon shape); and is divided into panels by moulded ribs, and the original bosses with their shields of arms and curious emblems have been replaced.

These ribs and the wooden cornice, above that of stone, have been quietly but richly decorated with colour, producing a fine and pleasing effect, whilst the oaken ceiling is left untouched.

The pinnacle at the S. W. corner has been rebuilt from the foundation, to allow of which a huge modern buttress of red brick covered with cement had to be removed.

The works remaining to be done are :-To rebuild or thoroughly repair the west gables of the nave and north aisle, and rebuild the three dilapidated pinnacles; to replace the present ceiling in the north aisle by a loftier one, corresponding with that in the south aisle; to bring the great south porch into harmony with the new work; to rebuild the south transept, replacing the present perpendicular south window with one of early English, and to substitute for the present debased windows in the south aisle of the chancel, others corresponding with those of the south aisle; to restore the two east windows of the chancel aisles, and to put in these aisles new carved ceilings of panelled oak; to fill all the windows with stained glass, of patterns and colours harmonizing one with the other; and to crown the whole by placing a loftier spire upon the present tower.

St Nicholas Church was destroyed by a fire bomb in the second world war and then rebuilt

This document is part of **The Perlustration of Great Yarmouth** and has been left in its original form. **By Ron Taylor.**



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Great Yarmouth's History

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and
The Evolution of Great Yarmouth's "Golden Mile"



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After King Johns' Charter

Now that the King's reeve was no longer with them, the burgesses elected from among their own a number of four provosts or bailiffs to govern them, as their royal chartered had ordained. The town was then divided into four districts. Each bailiff looked after his own particular ward, and it was he who was responsible for public behaviour and the maintenance of the watch. By 1269, the fifty-third year of the reign of Henry III, the system was beginning to be over stretched, and the bailiffs were complaining of being overworked. King Henry, in response agreed that the town should appoint a further twenty-four burgesses called jurats to help the bailiffs.

So the town was governed for over hundred years until 1386, when 24 citizens were elected to form a common council and assisted the 24 jurats and the four bailiffs to administer the town. However over time the number bailiffs halved and a little later it was recorded that the 24 aldermen represented the burgesses and the 48 councillors the common people. This was to be the first sign of decay in the true democratic spirit in Yarmouth, and gradually a few wealthy families prospered and began to take control of the town.

Acts from the Monarchy and Parliament came and went with each one restricting the rights of the townsfolk and giving massive benefits to the few with voting rights and freemen. Aldermen and councillors alike feathered their own nests and those of their friends. Lucrative posts within the Corporation were given to blood relatives and so corruption was happening left, right and centre. In 1834 to make there position secure Aldermen and Councillors saw to it that they were elected for life!

But this was not to last forever and in 1835 after many year of protesting being heard throughout the length and breadth of the country, Parliament created the Municipal Corporations Act. This piece of legislation gave voting powers to all

ratepayers and it was they, and not a privileged few, who elected their councillors for a term of three years. The councillors elected the aldermen, who were expected to serve for six years, and these two sections, together with a mayor to control meetings, formed the town council, and apart from one or two changes still works in much the same way today.



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August 1491

The wardens who are to be elected and chosen for the awarding of herring to the community shall be given their oath every year on Michaelmas [*September 29*] or the day after at the latest. They shall honestly and impartially award and assign to the community its share of all fresh herring that is brought to the quay by any fisherman, regardless who may be his host, except [in cases where] the fishermen are townsmen or are being hosted by [one of] the bailiffs. No herring are to be awarded, neither for bribe nor through favouritism, to any man who resides outside of the town, only to the community – that is, every man dwelling in the town, according to his status, be it last, half-last, one thousand, or half a thousand. They may take for their labour, 4d. from every last, 2d. from every half-last, 1d. from every thousand, and a half-penny from every half thousand, as per an old ordinance made in the past. The wardens shall honestly collect and levy the money for the herring that they award to the community and shall deliver it, or have it delivered, to the hosts, so that the fishermen are not ill-served through default in payment. If any warden acts contrarily to any aspect of this ordinance, he shall pay 10s. fine for each proven fault, without any remission.

[I am uncertain whether the central part of the ordinance implies that the share of herring allowed to townsmen would vary according to their status ("degre"), although this could simply refer to their means to pay. The term which I have translated as "bribe" is in the original "mede" which was used at that time for a money payment such as a reward.]

October 1272

If any man refuses to be subject to gage and pledge, or will not be attached, then he is to be put in prison and left there until he submits to justice.

October 1272

If anyone goes about armed in peace-time, unless at command of the king, he is to be disarmed and put in prison until he finds [surety](#) for making amends for his disturbance of the peace.

October 1272

Anyone found wandering at night is to be put in prison until he finds [surety](#) for keeping the peace.

October 1272

Any burgess who suffers distraint or arrest in a foreign place, [i.e. elsewhere than Yarmouth] in order to make payment [of a debt] due from [one of] his neighbours, may recover his losses and damages from that neighbour. If the neighbour lacks the means to make reparations, he shall be put out of the community until able to make them; if afterwards he is discovered conducting mercantile activities in the town, he is to be imprisoned until he settles [with the injured party].

[This ordinance refers to a common practice, such as occurred in cases of [withernam](#): if a merchant of Town-A, while visiting Town-B, incurred debts to a burgess of Town-B, but failed to pay them, the burgess of Town-B could seek payment through [distrain](#) upon the goods of any burgess of Town-A who happened to be in Town-B – this being a concept inferred from the notion of [community](#). If unjust by modern standards, this was a pragmatic solution to the problem that the Town-A merchant (if no longer in Town-B) could not be obliged to come to Town-B's court to answer in a plea of debt, while had it been possible to bring the case before Town-A's court, the defendant might receive favouritism from the judges. Consequently retribution was from one of the debtor's "neighbours" (i.e. fellow-citizens), thereby in effect making him the surrogate of the creditor in seeking repayment of the debt in the court of Town-A, where a case between two members of the same community would receive more equitable treatment. The reference to being put out of the community means [disfranchisement](#) rather than exile.]

July 1300

Every host may claim [the exclusive right to purchase] a **one-third share of the merchandize of foreign merchants whom he is hosting. The other two parts are to be divided between the principal buyer and those [burgesses] who are present [at the making of the bargain] and claim a share (other than the principal buyer).**

July 1300

All merchandize [of the hosted merchant] is to be sold by the hands of the host – excepting herring and other fish, which is to be sold by the fishermen.

[The exception clause would have been aimed at preventing middlemen pushing up the price of what was a staple part of the medieval diet.]

July 1300

The third part [of a cargo of merchandize] which is hostage may not be sold by the host to foreigners but only to his neighbours [*i.e. fellow burgesses*].

July 1300

Because some people who claim a share in merchandize fail to pay their part of the price, the principal buyer shall receive [at the time of the claim] from each claimant 2s. in the £ as part payment. Anyone refusing to give this shall forfeit his right to a share.

July 1300

Anyone breaking these ordinances shall pay a fine equivalent to one-fourth part of the merchandize that he claims; if he lacks the money to satisfy [this fine?], then for every £ [due] he shall be imprisoned for 8 days.

July 1300

Anyone who harbours at the quay must unload his cargo for at least a day, so that any burgess wishing to may claim the right to buy a share.

July 1300

Herring are to be sold only in the quantity of 11,000 per last; ling and "Iceland fish" at the quantity of 164 per hundredweight if in a dogger, or 144 per hundredweight if in a "trohwer".

[A "last" was a term for a load applied to certain types of goods (not exclusively fish); the Statute of Herring (1357) seems to define a last as 10,000. "Iceland fish" likely means cod. A dogger was a broad two-masted fishing-boat used in the North Sea. A "trohwer" was presumably a trawler.]

July 1300

All merchants are to pay fully and honestly for merchandize [they purchase] according to the terms of the bargain. [etc. reiterating the [1272 ordinance](#).]

July 1300

No man who owns a fish-house is to hire it out to a stranger for purposes of fraud or collusion, or he shall pay [a fine of] 6s.8d per last of the said fish-house's capacity. If the owner lacks the money to pay, then the fish-house shall be confiscated by the community, as security for payment.

[A fish-house was where fish were hung for drying and smoking. An ordinance on the same subject in [1491](#) seems to imply that the concern may have been competition with the curing activities of burgesses. However, the reference to "fraud and collusion" is mystifying, unless there was an additional problem of the owners of the fish-houses misrepresenting the outsiders' fish as their own when it came time to sell them.]

August 1491

Because disagreements and discords have arisen among the burgesses and community of the town of Yarmouth, and have increased due to lack of good government and maladministration of, or failure to uphold, the ordinances and laws in earlier times made, ordained and established by wise and sensible men (burgesses of the town);

And because [of the need] to resolve and quieten the said disagreements and discords, with the goal of restoring and building an amicable peace and unity to the honour of Almighty God, and to the increase of the common good and prosperity in the town;

The bailiffs, burgesses and community of the town, assembled on Tuesday before the feast of Easter in the 6th year of the reign of our sovereign lord king Henry VII , by the good and sensible advice of the right worshipful James Hobart, the king's attorney, then being present, intending to provide a remedy in this matter, it was fully decided and agreed by their common assent that two burgesses, John Peers and John Tanne, should nominate and select 10 other well-disposed burgesses to join them, and those 12 should after consultation amend and reform the old ordinances and apply their discretion to formulating other ordinances and reforms such as to prevent the difficulties that recently caused the said disagreements and discords.

Whereupon John Peers and John Tanne nominated to join them John Russe, William Albon, William Aldrich senior, Robert Baret, Christopher Moy, Nicholas Moore, Stephen Watson, John Borell, William Patenson, and Richard Osteler, well-disposed burgesses of the town. Which 12 burgesses thus selected took upon themselves, for the honour of God and the increase of the common good, the task of reforming the old ordinances and creating additional ordinances, as follows, to endure perpetually by the grace of God.

[The first six of these 12 had already served as bailiff; 3 others were to take that office within the next 3 years. It seems probable that the committee therefore represented the perspective of the ruling class. The committee took several months over its task; they applied their personal seals to the document on 22 August.]

August 1491

Each year on August 29 a common assembly is to be held in the community house for the election of bailiffs and other officers, according to ancient custom of the town. Each of the 24 [jurats] and of the 48 [Common Councillors] who is in town shall – without any excuse, except for illness or some particularly good reason – be present at this annual assembly without having to be summoned, upon the following penalties: 20s. [fine] on each of the 24 who fails to appear by 9 o'clock, or 10 o'clock at the latest; 10s. on each of the 48 who similarly fails, to be forfeited and levied without delay for the use and profit of the community. None of those who are absent are to purpose to go out of town that day without a very good reason, upon the same penalties.

[The last sentence probably referred to an attempt to avoid the fine for non-appearance by pretending an absence from town.]

August 1491

Henceforth, he who is [bailiff](#) one year shall not be bailiff [again] for five full years afterwards. Each time that one of the 24 (whoever he may be) presumes to break, or by any subtle means or collusion causes to be broken, this ordinance in any way, and is found guilty thereof by sufficient evidence, shall pay a forfeit of £40 – half to the king and half to the profit of the community – to be levied on him or his goods. If any of the 12 persons [of the electoral committee] is obstinate and, for favour or through ill-will, presumes to behave contrarily to these ordinances and impose [his will] on part or all [of the choices], each that does so and is found guilty shall pay a forfeit of 40s. – half to the king and half to the profit of the town. This ordinance is to be read out each year by the steward, or his deputy, to those 12 persons when they take their oath at the election, so that they are well advised of their responsibility; and the steward or his deputy shall assign them their task and administer the oath, according to the form and intent of these ordinances.

[We may infer from the opening part of the ordinance that bailiffs were selected from the 24 jurats – something which appears to be the case a century earlier, although the evidence is too scant to be certain.]

August 1491

The **bailiffs** shall execute the office of bailiff and administer justice well, honestly and impartially, delivering justice to the poor as well as the rich, according to the law and the good customs of the town, and [they shall] observe, preserve and maintain all **franchises**, liberties, ordinances, customs and statutes of the town. They shall punish according to their deserts those breaking or rebellious against these franchises, ordinances and statutes, as well as those breaking the king's peace; the bailiffs and chamberlains (or two of the said chamberlains with them at least) shall affeer and assess the fines and **amercements** of such evil-doers, according to the seriousness of the offence. The bailiffs are to levy, or make to be levied, the said fines for the profit of the town; they are in no way to meddle with any revenues – that is, rents, farms, fines, amercements, wrecks, waifs, strays, forfeitures, customs (by water or by land) – or with any other manner of thing accumulating profit for the town. The bailiffs are to acquit and discharge themselves of all types of charges relating to the king's **fee-farm** of the town, as shall hereafter be more fully laid out in another ordinance on that subject.

[N.B. that it was not until 1494 that the bailiffs acquired, by royal charter, the authority of justices of the peace.]

August 1491

Each year the chamberlains are to collect and receive all the customs called murage, and honestly [*i.e. without any fraud*] deliver the same to the muragers, by [record of] indentured bills to be made between them. At accounting time the chamberlains are to give an honest account of their receipts and of the delivery of the murage money, and the muragers are to account under oath for the expenses [paid] therefrom.

August 1491

Henceforth the auditors may allow the 4 chamberlains, upon the rendering of their annual account, £4 – that is, 20s. each – by way of a reward for their labour and their attendance [at the accounting], to encourage them to be diligent in carrying out their duties as specified by these ordinances.

August 1491

Whenever the revenues for the accounting year produce a clear surplus (all expenses being paid and the chamberlains' fee and other allowances being made) of £4, then the [bailiffs](#) who were in office during the accounting year shall have the £4 by way of a reward, for their gowns [*i.e. towards the cost of their ballival liveries*], to be divided evenly between them. All revenues accounted for in any year that exceed the said £4 shall be deposited in the common chest for the profit of the community. Whenever it is found from the chamberlains' accounts that the profits, revenues and receipts are not sufficient to cover the reasonable expenditures for that year, those who were bailiffs during the accounting year shall bear the cost between them to the sum of £10 (maximum) and thereby preserve the town [from debt]. And if the expenditures exceed revenues beyond the amount of £10, the bailiffs then in office are to set [a date] for a common assembly within four days after the account is audited, so that a satisfactory solution may be commonly agreed for acquitting the bailiffs and chamberlains of the deficit beyond the £10 to be borne by the bailiffs. So that these ordinances may be better observed and kept, the chamberlains shall be sworn upon a book at Michaelmas, according to ancient custom; if any newly-elected chamberlain refuses to accept the office, or is negligent or contrary and will not do as these ordinances prescribe, he who is found to be in default will forfeit 40s. to be levied to the profit of the town and also be deprived of his [burgess status](#).

August 1491

Whenever any owner or master of a ship or boat within the haven or streams, loaded [with merchandize] of burgesses or outsiders, proves obstinate and refuses to come before the chamberlains to take an oath, as per these ordinances, then his ship or boat is to be attached without further ado. The ship or boat is to remain under attachment until he [*i.e. the owner or master*] has paid a 20s. fine for his resistance to authority, to be levied to the profit of the town. And notwithstanding [this fine], the owners are to pay their customs to the town without any pardon.

[The "streams" referred to were probably the local rivers that fed into the estuary channels surrounding the site of Yarmouth.]

August 1491

Whenever it can be shown hereafter that any person, by fraud or deceit, falsely pretends or claims the ownership of any goods or merchandize with the intent of denying the town the customs duties on them, he who makes the false statement shall forfeit 40s. for each fault proved without reasonable doubt and also lose his liberty and burgess status forever.

August 1491

All receivers [of revenues] for the town, viz. chamberlains, churchwardens, muragers, haven reeves [*? water-bailiffs?*], collectors of the half-doles, keeper of the hospital, keeper of Our Lady's light, and keeper of the sick men's house, with all other accountants, shall once a year render a due and clear account before the bailiffs then in office, the bailiffs of the previous year [*i.e. the year in which revenues were collected*], and at least two of the auditors. This audit shall be held in the [tolhouse](#) each year on the first working day after New Year's Day, continuing day by day until each of the accountants has rendered account of all revenues and receipts received and payments paid, for and to the use of the town and church. All the accounts are to be recorded in fair books within 14 days after New Year's, regardless of any other business occupying [the clerk]. The bailiffs shall also, a week before the day appointed for the audit, send an officer to the auditors and to the accountants giving them notice to keep the appointment at the tolhouse. If any of the auditors is at home [*i.e. in town*] and able to come to the audit but refuses to, he shall pay 20s. fine (half to profit of the town and the other half to the use of the bailiffs). If any of the accountants absents himself and refuses to come to [give] his account on the day assigned, he shall pay a fine of 20s. (half to the town and half to the bailiffs). These fines are to be levied by the bailiffs within four days after anyone makes default [in appearance]; if they are obstinate and refuse to pay the fine when first asked, or argue with the bailiffs about the default, then the bailiffs may send them to prison no matter who they are, there to remain until the fine is fully paid, without any remission. However, so often as two of the auditors and two of the chamberlains attend [the audit], the other two who fail [to attend] shall not be fined for that.

["Fair book" refers to the making of a more legibly written copy of accounting records in an official volume; this copy may also have amalgamated the separately kept accounts of each chamberlain and organized items of receipt and expenditure differently from the sources from which the information was copied.]

August 1491

Henceforth the fine of every new burgess who is to be made [*i.e. permitted to enter the franchise*] by advice of the bailiffs and chamberlains, is to be affeered at a minimum of 20s., to be collected for the profit of the community. Those who have the means are to be asked to pay more, according to an old ordinance under the common seal of the town which is kept in the common hutch.

August 1491

Henceforth, for evermore, those who are the children of burgesses and were born in Yarmouth shall be sworn to the liberties of the town when they reach the age of 20 years. Hereafter, he who refuses to be sworn shall forfeit 10s. each year after he has reached the said age, for as long as he remains unsworn, to be levied to the use and profit of the community.

[It was probably too well understood to need specifying that males alone were being referred to in this ordinance.]

August 1491

No comburgess or inhabitant of the town shall initiate or bring any suit, action or cause against any other burgess or inhabitant [of this town] in the Court of the Admiralty nor in any other foreign court, spiritual or temporal, concerning any matter of covenant, contract, debt, or [other] matter capable of being judged in the king's court within this town; unless the matter has [already] once been tried in the court before the bailiffs. If any man acts contrary to this ordinance, he shall pay for each fault 40s. fine, to be levied half to the profit of the town and the other half to the profit of the bailiffs; if he is frequently found to be committing this fault, he is to lose his burgess status forever.

August 1491

If any burgess, whether principal [party in a plea] or pledge, sues a writ of error upon any record or judgement given in the king's court here, and if the judgement is not reversed at a higher level in the King's Bench, and [with result that] a writ of execution is issued for the party [to whom judgement was originally given], then he who sued the writ of error shall pay a 40s. fine, half to the profit of the town and the other half to the profit of the bailiffs.

[The aim here was to discourage frivolous appeals.]

August 1491

Whenever any man is summoned to take part [as juror] in an inquest between one party and another, and he fails to appear, wilfully absenting himself, he will be allowed grace at the first default, but for the second default is to be amerced 3d., for the third 6d., the fourth 12d., and thus doubling with each further default. The bailiffs are to levy these ameracements to the profit of the town, without any remission. The chamberlains are to account for the same at their audit, based on entries [of the ameracements] to be made in the [court] records by the steward.

August 1491

No alien dwelling within the town, no matter what nationality he may be, is to act as host to any man, nor give bed or board, except for his own servants and children, upon penalty of 20s. each time he is at fault in this, to be levied by the bailiffs (without any remission), half to the profit of the town and half to the profit of the bailiffs.

[I have assumed that this refers to hosting in the narrow sense of taking responsibility for visiting merchants and guiding their mercantile activities while in town – something that was the prerogative of burgesses. However, it may perhaps refer to being a host in a broader sense.]

August 1491

When any member of the 24 or 48 is duly summoned to come before the bailiffs at any place within the town, for the holding of a council [session] or to give help to the town, and absents himself and fails to appear before them at the appointed hour, whoever of the 24 is absent is to forfeit 12d. on each occasion and whoever of the 48 is absent is to forfeit 6d. to the use of the town, unless they have a legitimate excuse; levy [of these fines] is to be made immediately or[, if not possible,] a distress is to be taken by the officers, wherever it [*i.e. distrainable property*] may be found, and brought into the Tolhouse, there to remain until the fine is paid.

August 1491

During fishing season, when English fishermen come to the quay with herring, each fisherman shall come ashore to his host; and that host shall sensibly and wisely buy his herring for the best [bargain] that can be achieved, as much for the benefit of the community as for himself. If it happens that they cannot agree on a price, and the fisherman quits his host with the intent of obtaining from another man a higher price than the current market price, it is ordained that no man shall involve himself in any way nor offer to buy the herring of a fisherman who has quit his host, unless the host permits and consents to it. Of all such herring bought by a host, he is honestly to make available to the community its share, by assignment of the wardens; viz. half of all fresh herring that are brought to the quay. The community shall take its share both of old herring and new, paying for them the same price at which the host bought them, without the host scheming to take any profit. If any man, no matter what his status, presumes to act contrarily to any aspect of this ordinance, and is found guilty in that respect, he shall pay a fine of 20s. to the profit of the town each time he is found in default, to be levied by the bailiffs within 3 days – or else he is to be sent to prison, there to remain until the fine is paid without any remission.

August 1491

In the past it has happened that irresponsible persons have prematurely gone aboard fishing-boats [while still] at sea near the town, and have bought the herring catches without permission from the [hosts](#), at an excessive price to the serious damage of both the hosts and the community, as well as contrary to ordinances made in times past. It is therefore ordained and warned that no man shall in any way interfere or offer to buy herring from any fisherman [while] at sea, excepting the hosts; if the host is not present there [*i.e. when someone tries to make a bargain*] then the fisherman is to come ashore to his host, who is to buy the herring for the best [bargain] that can be achieved. And those persons present when the bargain is made for such herring are to have their share, as has been the case in times past. Whosoever acts contrarily to this ordinance shall for each fault pay 20s. fine to the use of the town as [previously](#) indicated.

August 1491

Nowadays various residents of the town rent their fish-houses to denizen outsiders, so that the said outsiders make [*i.e. cure*] their own herring there, as freely as any burgess of the town, to the damage and impoverishment of those burgesses, and contrary to statutes and ordinances made on 4 July 1300, which statute is under the common seal of the town as more plainly is indicated in the no matter what his status, shall rent any fish-house nor other houses or yards to outsiders for making either white or red herring by any fraud or collusion. If it is sufficiently proven that any resident has done so, he shall pay to the profit of the town a fine of 10s. for every last of herring so made in any house or yard; if he lacks the means to pay the fine, or the property whereof a distress might be taken, then the party at fault is to be attached and taken to prison, to remain there 14 days for every last of herring, without any prospect of bail or mainprise.

August 1491

When any of the 24 dies, or is removed [from office] for a legitimate reason, the bailiffs and their brethren [*i.e. the remaining jurats?*] shall choose a replacement from the wisest and most able townsmen who are not aliens nor the children of aliens. Each newly-chosen member shall take oath well and truly to maintain, execute or cause to be executed – without any favouritism, partiality, bribe, ill-will or malice – all ordinances and by-laws made by this town or in future to be made for the common good, profit and politic rule of the town. Also, no member of the 48 is to be expelled from that council, nor any new member elected, without consulting the common assembly.

August 1491

Henceforth the bailiffs shall, at least once [during their term of office], in person or by suitable deputy, carry out upon the waters and streams within the full extent of the jurisdiction and liberties of this town a search for unlawful drag-nets, trammels, bow nets or other nets, or hurdles made, set or used contrary to the laws, statutes or ordinances made for the common good. Periodically (at least once a year), information about these infractions is to be presented to a panel of 12 men, chosen and sworn to enquire into all such infractions, without any concealment; fines and amercements stemming from the same are to be levied by the bailiffs to the profit of the community.

August 1491

When any burgess of the town buys any kind of merchandize [carried] in any ship or ships coming into the liberties of the town, or [at sea] in front of the town, from outsider merchants (whether aliens or denizens) who are coming to him or are sent to him as host: if the merchandize is worth £13.6s.8d or more, then the host buying the merchandize may have a one-third share for his own use and the other two parts are to be divided between those [burgesses] who are present at the making of the bargain and wish to claim their share. If any such merchandize coming within the town liberties is bought by a burgess other than the host, then the host may have a one-quarter [share]. The principal purchaser thereof shall have a share equivalent to that of two men, and the remainder is to be divided among those present when the bargain is made. This ordinance is to apply to all types of merchandize except fresh herring and fresh fish brought in by fishermen. And because some men will claim a share in merchandize when they are present, and afterwards will "stand at large" [*hold off in paying for their share?*] until seeing if the bargain is profitable, it is therefore ordained that the principal purchaser shall receive from every merchant who makes such a claim 2s. in the pound as part payment in advance (that is, 2s. for 20s., 4s. for 40s., more for more, and less for less), as per an old ordinance made in times past.

August 1491

Concerning every ship loaded with coal or salt, to the volume of 10 weys of salt or more, that hereafter is bought within the liberties of the town by any burgess of the town or by some other man not resident in the town, the bailiffs shall have a proclamation made around the town about the sale of such coal and salt, with the intent that members of the community may claim part of it for their own use, at the same price for which it was [originally] bought; [such claims may] extend up to the amount of one-quarter of the coal and salt, without the [original] buyer taking any profit therefrom. If it is proven that any man acts contrary to any point of this ordinance, he shall pay 40s. fine, half to the profit of the town and half to the profit of the bailiffs, without any remission.

August 1491

The chamberlains, in consultation with the bailiffs and the 24, shall periodically when it is necessary correct and renew the required common weights and measures at the cost of the community, the chamberlains to be allowed [the expense] in their account.

[The common weights and measures would have been the town-owned standards used for judging the accuracy of privately owned weights and measures.]

August 1491

At least once a year between Martinmas [*11 November*] and Christmas, the bailiffs are to impanel 20 of the "best dysposed" of the 48, [who] are to be summoned to appear before them in the Tolhouse on a certain day set by the bailiffs. There, these ordinances are first to be read out to them, [then] they (or at least 12 of them) are to be sworn and charged to make enquiry about all who have broken or disobeyed any aspect of any of these ordinances, and are to render a true verdict on the matter. If any of those summoned to be impanelled on the enquiry defaults [in appearance], he shall be amerced 12d. for the first default, 2s. for the second, this doubling with each further default. If any of those impanelled and sworn, to win favour [*possibly, for a bribe*] or out of preferentiality or fear, avoids presenting any person (whatever his status) who has broken or caused [others] to break any of these ordinances, or conceals such offenses, and that offense is afterwards discovered and presented by another inquest, then every member of the first jury shall pay a fine of 40d. for concealing the offense, to be levied to the profit of the community.

[The descriptor "best dysposed" could be interpreted in different ways, although my personal guess is that it means those members of the Common Council thought most likely to comply with the summons.]

August 1491

Whenever hereafter it may happen that the [bailiffs](#), through preferential treatment or negligence, fail or refuse to enforce any aspect of these ordinances, or for the same reasons fail to punish and properly correct the breaker or breakers of the same, or refuse to levy any fine or [amercement](#) that has been affeered or assessed upon anyone for breaking or disobeying any aspect of the ordinances, and the bailiffs' faults are discovered by the verdict of [the inquest of] 12 men [held] before the bailiffs who succeed them, then every [former] bailiff found deficient shall for each fault pay a fine of £5, to be levied on his goods to the profit of the community.

August 1491

Because of the great need and desirability that all men be aware of the aforesaid ordinances and that they are properly enforced, they shall be publicly read out to the community twice a year, viz. on 29 August and again the first Friday of Lent. Responsibilities related to the same are to be read out periodically by the steward to those who are to be charged and sworn to inquire about those who break or disobey the ordinances.

[\[contents\]](#)

CHAPTER 2

The Social and Economic Background of Office-holders

Notes (2)

81 J. Jeaffreson, *H.M.C. 11th Report*, appendix, part II, p.228; R. Mander, "Walter Coney of Lynn," *East Anglian Magazine*, VII (1947-48), 600; Parker, *op.cit.*, 16, 142; Hillen, *op.cit.*, I, 87; Morey, *op.cit.*, 150; Green, *op.cit.*, II, 253-54, 403; Howlett, *op.cit.*, 31; McKisack, "Parliamentary representation of King's Lynn," 583; Ingleby, *Red Reg.*, I, i-ii.

82 Gross, *op.cit.*, I, 36, 64-65, 74-75, 83, 107-08. He was scathingly critical of what he saw as selfish, clannish, monopolistic policies of the guild undermining democracy in boroughs.

83 See Walter Coney's complaint about being elected mayor while alderman; KL/C7/4 f.165.

84 Gross, *op.cit.*, I, 66-67, II, 167; the ordinance of 1357 also demonstrates the separateness of guild and borough machinery.

85 KL/C39/32, 34, 45.

86 KL/C38/11 m.2r.

87 Except, of course, for the mercantile supervision which was the special function of Merchant Guilds.

88 Meyer, *op.cit.*, XVII, 417.

89 Tait, *op.cit.*, 232-34; *Records of Norwich*, I, 17, 260-61; Hudson, "Revised list of bailiffs," 245-56. Toftes' predecessor in the office was also an ex-bailiff.

90 Gross, *op.cit.*, II, 121-23; KL/C5/1; R.R. 4-9 Ric.II m.7d.

91 Gross, *op.cit.*, II, 123-25, 154; G.C.R. 39-40 Hen.III mm.4d, 5d, 54-56 Hen.III passim; Martin, *Borough and Merchant Community of Ipswich*, 24-25. Again there was a similar arrangement in Lynn, whereby outsiders desiring the commercial privileges of freemen would

join the gild.

92 Gross, *op.cit.*, II, 125-26; Martin, *Borough and Merchant Community of Ipswich*, 62-63, 148-49; Dogget Roll 18-19 Ed.IV mm.4r, 15d; Add.Ms. 30158 f.9b.

93 Palmer, *The History of Yarmouth by Henry Manship*, 53, 245; Swinden, *op.cit.*, 812; Rutledge, *Court Rolls of Great Yarmouth*, 3, 5; Saul, *op.cit.*, 12-14.

94 This may be inferred from the removal of John Gedneye from the office of jurat in 1439 (KL/C7/3 f.106), and from the flurry of entrances into the gild by jurats 1435-36 (KL/C5/4 - a Corpus Christi gild roll, previously thought to have been a Merchant Gild roll).

95 *Records of Norwich*, II, 152; M. Grace, ed., *Records of the Gild of St. George in Norwich, 1389-1547*, (1937), 23, 39-43; N. Tanner, *Popular Religion in Norwich with Special Reference to the Evidence of Wills, 1370-1532*, (Oxford PhD thesis, 1973), 155-58.

96 P. Studer, ed., *The Oak Book of Southampton of c. A.D. 1300*, (1910-11), I, xxi, xxiii, xxx; Hammer, *op.cit.*, 2-4; Martin, *Borough and Merchant Community of Ipswich*, 27-28; Dobson, *York City Chamberlains' Account Rolls*, xx; KL/C6/3 m.4r.

97 Lawson, *op.cit.*, 15-16.

98 E. Rich, "The mayors of the staples," *Cambridge Historical Journal*, IV (1932-34), 121-31; C.Cl.R. 1360-64, 267; C67/22, 23 *passim*.

99 KL/C7/2, 3 *passim*; KL/C4/11.

100 Not to be taken in the modern sense.

101 Tait, *op.cit.*, 69; Alsford, *Urban Administration in Medieval Norwich*, 24-25.

102 C.P.R. 1258-66, 235; C.Cl.R. 1377-81, 57; Red Parch. Bk., 39; KL/C10/2 f.3b; The record shows that the Norwich upper class was not composed solely of merchants.

103 Add.Ms. 30158 ff.14, 20b.

104 See [chapter 1](#).

105 E.g. *Records of Norwich*, I, 98. In Norwich in 1389 a distinction was made between citizens sufficient to bear ballival office and common freemen; Alsford, *Urban Administration in Medieval Norwich*, 124.

106 Twiss, *op.cit.*, 162; G.C.R. 1 Ed.I m.1r; Red Reg. f.144; KL/C7/3 ff.102, 117; D/B 3/3/28 m.2d; D/B 3/1/2 f.10; Col.C.R., I, 202.

- 107 Lawson, *op.cit.*, 16; G.C.R.12-13 Ed.I m.2r.
- 108 Red Parch. Bk., 36, 39; Red Paper Bk., 14; White Domesday f.18b; KL/C7/3 f.100b; *Records of Norwich*, I, 98; KL/C2/29.
- 109 *Records of Norwich*, I, 286, II, li, 289; B. Cozens-Hardy and E. Kent, *The Mayors of Norwich, 1403-1835*, (Norwich, 1938), 18, 23, 30; White Domesday f.18; Red Parch. Bk., 36.
- 110 *Records of Norwich*, I, 66-67; KL/C6/6 m.20r; KL/C17/17 m.1r.
- 111 Meech and Allen, *op.cit.*, 9.
- 112 For Yarmouth examples see Saul, *op.cit.*, 235-36. The opinion of Platt, *op.cit.*, 105, that such intermarriage was "the stuff of which borough government was made" is an allowable exaggeration perhaps suggested from his study of Southampton more strongly than from towns studied here.
- 113 Meech and Allen, *op.cit.*, 24.
- 114 KL/C39/48 m.9r; KL/C17/13-22; KL/C5/4; KL/C6/5 m.7r; KL/C38/16.
- 115 Col.C.R./66 m.22r; Dogget Roll 4-5 Ed.IV m.15; Red Reg. ff.76, 157.
- 116 Pipe Roll 12 Hen.II, 25; C.F.R. 1200-16, 64.
- 117 C.P.R. 1281-92, 116; C.Cl.R. 1307-13, 127-28; Arundel Castle Ms. MD 424; KL/C37/1 mm.15r, 16d, 17r; E122/93/5; B. Quamme, "King's Lynn," *Norseman*, VII (1949), 90.
- 118 KL/C37/1 mm.14r, 17r; C.P.R. 1272-81, 26, 35; Smit, *Bronnen...*, I, 26; Power, *op.cit.*, 10, 15, 96.
- 119 KL/C5/1 m.1r; Arundel Castle Mss. MD 425, 426.
- 120 KL/C7/2, 3 passim; Meech and Allen, *op.cit.*, 221-23; Parker, *op.cit.*, 11; E. Carus-Wilson, "The medieval trade of the ports of the Wash," *Medieval Archaeology*, VI-VII (1962-63), 198.
- 121 E122/93/31; E122/94/8, 12, 13, 14, 20; E122/95/3, 15, 27; Red Reg. f.119; KL/C10/2 ff.1b, 5, 41b, 121; KL/C7/4 f.60b; C.P.R. 1413-16, 138.
- 122 D/B 3/1/1 f.34b; D/B 3/1/2 ff.5-6, 22b.
- 123 Add.Ms. 30158 ff.6b, 41b.

- 124 C.P.R. 1429-36, 572, 1436-41, 47; N.C.C. Aley f.141; Cozens-Hardy and Kent, *op.cit.*, 20; Morey, *op.cit.*, 43.
- 125 As regards the natives, parental identity is specified in most cases; in others there is strong circumstantial evidence to suggest the relationship. Surname evidence has not been used as an indicator of geographical origins, although it would confirm that the overwhelming majority of migrants came from the local area; on this see McKinley, *op.cit.*, 76-77; Platt, *op.cit.*, 96.
- 126 20% of the natives, 17-25% of local immigrants (there being 2 problem cases), 67% of distant immigrants.
- 127 C.F.R. 1347-56, 273-74. By contrast, Yarmouth, Colchester, and Ipswich tended to serve their home counties mainly.
- 128 Wedgwood, *History of Parliament: Biographies*, 79; KL/C7/3 f.16b.
- 129 KL/C37/4 m.3r; Red Reg. f.75; Davies, *op.cit.*, 605. [Further analysis of the evidence has since led me to the conclusion that Burghard was a Norfolk man. S.A., 2003]
- 130 KL/C7/3 f.119b; PROB 11/6 qu.1; E122/51/28; Wedgwood, *History of Parliament: Biographies*, 686.
- 131 KL/C7/3 f.197b; KL/C38/18 m.9d; C.P.R. 1446-52, 315, 1467-77, 79.
- 132 KL/C7/3 f.101b; E122/96/35; Wedgwood, *History of Parliament: Biographies*, 809.
- 133 KL/C7/2 f.94; Smit, *Bronnen...*, I, 601-02, 607-08.
- 134 KL/C7/4 f.14b.
- 135 Red Reg. f.178; C.P.R. 1340-43, 252; C.F.R. 1347-56, 3, 44.
- 136 KL/C39/46 m.2r; E122/50/30, 33; E122/51/2.
- 137 KL/C7/2 f.177b; C.F.R. 1437-45, 242, 278; Wedgwood, *History of Parliament: Biographies*, 166.
- 138 KL/C7/2 f.148b; Smit, *Bronnen...*, I, 616-17.
- 139 C.Cl.R. 1441-47, 113; C.P.R. 1446-52, 528-29; C1/16/377; C1/33/202; PROB 11/2 qu.1.
- 140 Col.C.R., III, 27; Col.C.R./41 mm.22r, 27d, /43 m.5r, /56 m.19d; C.P.R. 1399-1401,

443; E122/50/40; E122/51/2, 29; E122/193/33 f.42b.

141 Saul, *op.cit.*, 170-72.

142 C.Cl.R. 1377-81, 112; Cal.Inq.Misc. 1377-88, 217, 221; C.P.R. 1361-64, 492, 495, 1364-67, 36, 1370-74, 307; Thrupp, *Merchant Class of Medieval London*, 339; Saul, *op.cit.*, 134, 172, 234, app. VIII, VIIIK.

143 McKinley, *op.cit.*, 77-80, 94; Platt, *op.cit.*, 98.

144 KL/C7/3 f.233b; N.C.C. Typpes ff.100-101; Red Reg. ff.51-52.

145 Add.Ms. 30158 ff.1, 3b; Dogget Roll 17-38 Hen.VI m.1d; Red Parch. Bk., 128.

146 R.R. 4 Hen.IV m.1r; C. Palmer, *The Perlustration of Great Yarmouth*, (Yarmouth, 1872-75), I, 102; Col.C.R./41 mm.45r-46r, /72 m.18r; K. Newton, "Some original documents in the Morant Mss.," *Trans. E.A.S.*, 3rd series, II (1970), 294-95.

147 Britnell, *op.cit.*, 469; Reynolds, *English Medieval Towns*, 163; Pirenne, *op.cit.*, 116ff.

148 E.g. favourable terms for entrance to the franchise and Merchant Guild, and a greater readiness to accept sons of fathers of known reputations.

149 *Records of Norwich*, I, 179; Morey, *op.cit.*, 133-34; C.Cl.R. 1349-54, 609-10.

150 KL/C17/3 6; C.P.R. 1348-70, *passim*; KL/C39/48 m.9r.

151 R.R. 14-15 Ed.II m.1r, 15-16 Ed.II mm.1r, 2d, 2-3 Ed.III m.3r, 4-5 Ed.III m.1d, 5-6 Ed.III m.1r, 8-9 Ed.III m.1d, 11-12 Ed.III m.2d, 17-18 Ed.III m.1r, 19-20 Ed.III m.1d, 22-23 Ed.III mm.1d, 6r; C.P.R. 1340-43, 477.

152 Red Reg. f.110; D/B 3/1/1 ff.22b, 29b, 33b.

153 C.F.R. 1356-83, *passim*; Rot.Parl., II, 328; C.P.R. 1361-64, 495; C.Cl.R. 1385-89, 439; P.P.R. 17-18 Ric.II m.5d; V. Redstone, *The Ancient House or Sparrowe House*, Ipswich, (Ipswich, 1912), 19; Martin, *Borough and Merchant Community of Ipswich*, 190-91.

154 C.Cl.R. 1377-81, 342; C.P.R. 1324-27, 135, 137; Feudal Aids, II, 134, 150, 425, 438, III, 472, V, 35; Feet of Fines, Essex, II, 196; Britnell, *op.cit.*, 472. On this topic see also N. Denholm-Young, *The Country Gentry in the Fourteenth Century*, (Oxford, 1969), 4-5, 65-66; Roskell, *op.cit.*, 150; Col.C.R./40 m.44r, /54 m.30d.

155 Helen Sutermeister, who had made a thorough study of the social backgrounds of Norwich merchants, informed me that Thomas' descent is untraceable.

156 C219/11/1; Lawson, *op.cit.*, 118-23; W. Blake, "Thomas Wetherby," *Norfolk Archaeology*, XXXII (1961), 60-68; Tanner, *op.cit.*, 35, 37.

157 C.F.R. 1471-85, 235; C.P.R. 1436-41, 385; Wedgwood, *History of Parliament: Biographies*, 313, 315, 684, 847; Wodderspoon, *op.cit.*, 208-10; W. Haward, "Economic aspects of the Wars of the Roses in East Anglia," *E.H.R.*, XLI (1926), 171, 180; E122/96/35, 37, 40; KL/C7/4 ff.43b, 160; Morey, *op.cit.*, 137; Ingleby, *Heart of Lynn*, 86.

158 Palmer, *Perlustration of Great Yarmouth*, I, 102, II, 423; Swinden, *op.cit.*, 816-17; Britnell, *op.cit.*, 442-43, 447; C.P.R. 1313-17, 607, 1348-50, 79; C.Cl.R. 1302-07, 358; Col.C. R./45 m.39r; Cozens-Hardy and Kent, *op.cit.*, 23.

159 C.Cl.R. 1323-27, 518; Cal.Inq.Misc. 1307-49, 71; Feudal Aids, V, 33, 36, 41, 53-54; E40/3448, 3521; Feet of Fines, Suffolk, 96, 105, 160; Feet of Fines, Essex, II, 42; R.R. 15-16 Ed.III m.3d; G.C.R. 11-12 Ed.I m.3r; E179/242/42.

160 See Palmer, *Perlustration of Great Yarmouth*, I, *passim*, and Saul, *op.cit.*, 218-20, 234, for details. Want of space prevents listing of land-holders in our several towns.

161 Saul, *op.cit.*, 93, 125, 230-32, app.VIIK; C.F.R. 1399-1405, 231, 1405-13, 131; C.P.R. 1399-1401, 151, 188, 232, 336; C.Cl.R. 1377-81, 112.

162 These figures must of course be taken as minima.

163 C.P.R. 1429-36, 404-07.

164 Cal.Inq.Misc. 1399-1422, 142; N.C.C. Jekkys f.2.

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CONCLUSION





Athena Review Vol.1, No.1

Boudicca, Queen of the Iceni, led a revolt against the Roman military in AD 60-61



The Iceni were a Celtic tribe living in Norfolk and Suffolk in eastern Britain. Due to flourishing trade across the English Channel with the Roman empire, their merchants and rulers prospered, issuing their own coinage between about 65 BC and AD 61. Near the end of this period, following the Roman invasion of Britain under Claudius in AD 43, king Prasutagus (AD 50-60) became a rich and powerful client of the Romans. After his death, however, the Roman administrators in Britain made the Iceni a subject population.

Fig.1: Iceni silver coin from hoard, AD 61 (*photo: Athena Review*).

Boudicca, widow of Prasutagus, now became queen of the Iceni. After she and her two daughters were subjected to grave humiliations by the Romans, she led a revolt of the Iceni and several other tribes which lasted for several months in 60-61. The Boudiccan forces burned and destroyed the three major towns of Londinium (London), Verulamium (St. Albans), and Camulodunum (Colchester), killing many thousands of citizens.

The revolt was eventually suppressed in AD 61 by the Roman military governor, Suetonius Paullinus. The story is told in the *Annals* of Tacitus, written about AD 110-120. Tacitus had a special interest in Britain because his father-in-law, Agricola, became governor of the Province in AD 77-85 after a successful military campaign in Wales and the north. This campaign, together with some details on the native Celtic tribes, is described in the book *Agricola* by Tacitus, written in AD 98.

The silver Iceni coin shown above was buried in a hoard along with hundreds of similar coins during the Boudiccan revolt. These were minted in great quantities in order to finance the rebellion. After their defeat in AD 61, the Iceni were resettled in a civitas capital at Caistor-by-Norwich (also called Caistor St.Edmunds), located along the River Tas. The site may be visited today, along with related exhibits at the Norwich Museum.

[Description by Tacitus of Boudicca's rebellion](#)

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Maldon.co.uk - Moot Hall

*The information portal for Maldon residents,
businesses and visitors*



The Moot Hall as it stands now is a 16th century building, purchased by the Corporation of Maldon as its meeting place in 1576. The word 'Moot' comes from a Saxon one meaning meeting-place, and to this day (or until the new town Hall opens on Market Hill) the building's principal purpose is to house the chamber of the Town Council. It was first built as a family home by Sir Robert D'Arcy in the mid-1430's. The tower was raised on top of the original house later in the 15th century, and completed in brick in the year of its purchase by the Corporation. Property prices then were strikingly different in those days: when it was acquired for the town it cost just £55.

Perhaps the most interesting feature of the Moot Hall from an architectural point of view is the brick staircase which leads from the ground to the upper floors. This is a fine example of 16th century brickwork. It has a built-in handrail and vaulted ceiling. The ground floor was the police station between 1839 and 1914, first as the headquarters of Maldon's own police force and then as the County police station until the opening of the new building in West Square. The Moot Hall yard was used to exercise prisoners held in the cells of the old police station and many of their names with their dates of incarceration be seen scratched in the outside walls. The ground floor also contains the Mayor's Parlour.

On the first floor is the old Magistrate's Court, which still remains as it was when the last session was held there. From this room a door leads to the magistrates' robing room and thence to the gallery, which with the handsome portico beneath it is a Georgian addition.

The Council Chamber is on the second floor and from it a door gives access to the roof and splendid views over the town. Leading off the Council Chamber is the Muniment Room where the town's records were once stored in the chest which can still be seen, although the documents themselves have been transferred to the County records office in Chelmsford.

Opening Times

Tours (taking approx 1 hour)

Saturdays (March – October) 2pm & 3.30pm

Other times by appointment only, tel 01 621 857373

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APPENDIX I

The Officers of Borough Government

Parliamentary burgesses for Colchester, Ipswich, Lynn, Maldon, and Yarmouth [\[22\]](#)

| | |
|-------------------------------|---|
| Nov 1295 | C: Elias fitz John, Hubert Bosse; I: Thomas Stace, Nicholas le Clerk; L: John de St. Omer, Richard de Docking; Y: John Wyth, Henry Rose |
| Nov 1296 | unknown |
| May 1298 | C: Elias fitz John, Roger de Tyrington; I: Laurence Cobbe, Gilbert Robert; L: John de Merlowe, Richard de Docking; Y: unknown |
| Nov 1300 | unknown [23] |
| Jan 1301 | C: Elias fitz John, William de Plumstede; I: Richard Leu, Thomas Stace; L: Henry de Barsham, William le Clerk [24] ; Y: William Fastolf, Henry Rose |
| Oct 1302 | C: Adam Planting, Warin fitz William; I: Richard Leu, Thomas Stace; L and Y: unknown |
| Feb 1305 | C: Elias fitz John, --- ; I: Richard Leu, Thomas Stace; L: John de Merlowe, Hugh de Massingham; Y: Henry Rose, John Fastolf |
| May 1306 | C: William le Clerk, --- ; I: Thomas Stace, --- ; L: unknown; Y: Henry Rose, John de Fordele |
| Jan 1307 | C: Elias fitz John, John de Stratton; I: Laurence Cobbe, Nicholas le Clerk; L: unknown; Y: Robert de Fordele, William Ambrose [25] |
| Oct 1307 | C: William le Clerk, Robert Olyver; I: Laurence Cobbe, Thomas Stace; L: unknown; Y: Henry Rose, William Fastolf |
| Mar 1308 | unknown |
| Apr 1309 | C: William le Clerk, --- ; I: Philip de Leghton, --- ; L: unknown; Y: Nicholas Fastolf, William Ambrose |
| Aug 1311 [26] | C: William de Plumstede, William le Clerk; I: Thomas Stace, Laurence Cobbe; L: unknown; Y: Robert de Fordele, William Ambrose |
| Nov 1311 | C: as August?; I: Thomas Stace, Geoffrey Stace; L: unknown; Y: William Ambrose, Eustace Bataille |
| Aug 1312 | C: unknown; I: William de Causton, William de Boxferd; L: John de Merlowe, John Lamberd; Y: Oliver de la Mawe, William Ambrose |

- Mar 1313 C: unknown; I: Thomas Stace, Thomas le Rente; L: unknown; Y: William Ambrose, Herman Breton
- Jul 1313 C: Elias fitz John, John Parles; I: unknown; L: John de Merlowe, Lambert de St. Omer; Y: William Ambrose, Nicholas Fastolf
- Sep 1313 C: Elias fitz John, Warin fitz William; I: Geoffrey Stace, William de Croffeld; L: John de Merlowe, Lambert de St. Omer; Y: William Ambrose, Geoffrey de Lakenham
- Apr 1314 C, I and L: unknown; Y: Matthew de Redeham, Geoffrey de Lakenham
- Sep 1314 C: unknown; I: Thomas Stace, William de Croffeld; L: Lambert de St. Omer, Peter de Elmham; Y: John Aleyn, William de Gresienhale
- Jan 1315 C: Elias fitz John, Warin fitz William; I: Thomas Stace, Thomas le Rente; L: unknown; Y: William Ambrose, Matthew de Redeham
- Jan 1316 C, I [\[27\]](#) and L: unknown; Y: William de Hewille, Nicholas Fastolf
- Oct 1318 C: Robert de Goldingham, John Parles; I: Clement Shawe, John Lenebaud; L: Thomas de Spalding and Thomas de Massingham, or, Thomas de Melcheburn and Geoffrey de Fakenham [\[28\]](#); Y: William de Hewille, Alexander Talliser
- May 1319 C: Elias fitz John, Warin fitz William; I: John Harneys, John Lenebaud; L: Thomas de Melcheburn, Thomas de Massingham; Y: William de Gaysele, Herman Breton
- Oct 1320 C: Elias fitz John, Warin fitz William; I: Gilbert de Burgh, John Harneys; L: unknown; Y: William de Gaysele, William Ambrose
- Jul 1321 C: Elias fitz John, Warin fitz William; I: John Horold,[\[29\]](#) Edmund le Fleur; L: John de Thornegge, Thomas de Massingham; Y: John de Acle, William Ambrose
- May 1322 C: John Parles, Warin fitz William; I: John de Whatefeld, Richard Leu; L: Thomas de Sechford, John Herberd; Y: Henry Rose, John Perbroun
- Nov 1322 C: Peter de Aston, Elias fitz John; I: Richard Leu, Bartholomew Sulyard; L: Thomas de Sechford, Ives de Massingham; Y: William de Gaysele, Godfrey de Colney
- Jan 1324 C: Elias fitz John, Warin fitz William; I: unknown; L: John de Thurendine, Thomas de Massingham; Y: Walter atte Sonde, Godfrey de Colney [\[30\]](#)
- Feb 1324 C: as for January; I: John de Gippewyc, Gilbert de Burgh; L: John de Thornegge, John de Swerdestone; Y: John Perbroun, William de Gaysele
- Nov 1325 C: unknown; I: John de Gippewyc, Gilbert de Burgh; L: William de Whetacre, Thomas de Massingham; Stephen de Catefeld, William de Gaysele

- Jan 1327 C: Elias fitz John, Warin fitz William; I: Thomas Stace, John Irp; L: Geoffrey de Mumby, Thomas de Massingham; Y: Robert de Drayton, John de Acle
- Sep 1327 C: unknown; I: Thomas Stace, John Irp; L: Geoffrey de Mumby, Thomas de Massingham; Y: William Thurkild, William de Gaysele
- Feb 1328 C: John Parles, Elias fitz John; I: Geoffrey Stace, Geoffrey Costyn; L: John de Swerdestone, Roger de Buttele; Y: William Thurkild, William de Gaysele
- Apr 1328 C: John de Ratlesden, John Jordan; I: unknown; L: William de Hautboys, Thomas de Massingham; Y: Walter atte Sond, Robert Elys
- Jul 1328 C: Richard [\[31\]](#) Jordan, Elias fitz John; I: Geoffrey -- , John de Hadeley; L: Thomas (de Melcheburn?), Thomas (de Massingham?); John fitz John, William de Gaysele
- Feb 1329 C: Warin atte Welle, John Jordan; I: Nicholas Shirlok, John de Hadeley; L: Thomas de Melcheburn, Thomas de Massingham; Y: William de Gaysele, Roger de Braysele
- Mar 1330 C: John de Ratlesden, Thomas Bygod; I: John Irp, Nicholas Shirlok; L: Nicholas de Pulham, William de Sechford; Y: William de Gaysele, John de Raveningham
- Nov 1330 C: John de Ratlesden, Joseph Elianore; I: John Irp, Geoffrey Costyn; L: Thomas de Melcheburn, Thomas de Massingham; Y: William de Gaysele, William Ambrose
- Apr 1331 C and I: unknown; L: Thomas de Massingham, Philip Wyth (parliament revoked)
- Sep 1331 C: unknown; I: Geoffrey Costyn, John Irp; L: William de Brynton, Thomas de Massingham; Y: William de Gaysele, Roger de Braysele
- Mar 1332 C: John de Ratlesden, Warin fitz William; I: Geoffrey Costyn, John Irp; L: John de Walsingham, Thomas de Massingham; M: William de Pakelesham, Robert de Maldon; Y: Richard Fastolf, William de Gaysele
- Sep 1332 C: John de Ratlesden, Joseph Elianore; I: Gilbert de Burgh, Thomas de Whatefeld; L: John de Walsingham, Thomas de Massingham; M: unknown [\[32\]](#); Y: William de Gaysele, Thomas Stace
- Jan 1333 C: John de Ratlesden, Richard le Barbor; I, L, M and Y: unknown
- Feb 1334 C: Ralph Ode, Matthew fitz Robert; I: Nicholas Shirlok, John de Gippewyc; L: William de Brynton, Thomas de Massingham; M: William de Pakelesham, John Ivote; Y: Godfrey de Colney, Roger de Braysele
- Sep 1334 C: John Parles, --- ; I: John Irp, William Ryngild; L: Geoffrey de Mumby, Thomas de Massingham; M: unknown; Y: William de Gaysele, Roger de Drayton

- May 1335 C: John Parles, John de Ratlesden; I: unknown; L: John de Swerdestone, Thomas de Massingham; M: John Ivot, John de London; Y: William de Gaysele, ---
- Mar 1336 C: John Parles, John de Ratlesden; I: John Irp, John de (Preston?); L: John de Swerdestone, William de Sechford; M: William de Pakelesham, John de Brotewell; Y: Thomas de Drayton, William de Gaysele
- Sep 1336 C: John Parles, John de Ratlesden; I: John de Preston, Edmund Petygard; L: Thomas de Melcheburn, Thomas de Massingham; M: William de Pakelesham, Thomas Celer; Y: Edmund de Burgh, William de Gaysele
- Jan 1337 unknown [\[33\]](#)
- Mar 1337 C: John de Ratlesden, Warin atte Welle; I, L and Y: unknown; M: William de Pakelesham, John Heyroun
- Sep 1337 C: John de Ratlesden, Joseph Elianore, John Fynch; I: John de Preston, Edmund Petygard, John Irp; L: Hugh de Betele, Thomas de Melcheburn; M: William de Pakelesham, Peter le Palmer; Y: Peter de Cressy, Thomas de Beverle, William de Gaysele
- Feb 1338 C: John de Ratlesden, Matthew fitz Robert; I: John de Preston, John Irp; L: Thomas de Melcheburn, Thomas de Massingham; M: William de Pakelesham, John Ivot; Y: Roger de Braysele, William de Gaysele
- Jul 1338 C: John de Ratlesden, Roger Belch; I: John de Preston; L: Thomas de Melcheburn. --- ; M: William de Pakelesham, William le Chapman; Y: William de Gaysele, John de Raveningham
- Feb 1339 C: John Parles, Joseph Elianore; I: John de Halteby, John -- ; L: John de Cokesford, Roger de Buttele; M: William de Pakelesham, Robert de Maldon; Y: John de Hemsby, Henry Talliser
- Oct 1339 C: John de Ratlesden, John Parles; I and Y: unknown; L: William de Snoring, --- ; M: William -- , ---
- Jan 1340 C: John de Ratlesden, Warin atte Welle; I: unknown; L: John de Swerdestone, --- ; M: William de Pakelesham, Peter le Palmer; Y: John de Hemsby, ---
- Mar 1340 C: John de Ratlesden, Warin atte Welle; I: John de Preston, --- ; L: Thomas de Melcheburn, John de Swerdestone; M: William de Pakelesham, Peter le Palmer; Y: unknown
- Jul 1340 C, I, M and Y: unknown; L: Richard de Skyren, ---
- Apr 1341 C: John de Ratlesden, William de Hadleigh; I: John de Preston, John Irp; L: John de Swerdestone, Geoffrey Drewe junior; M: William de Pakelesham, William le Chapman; Y: Richard de Beketon, Roger de Blakeney
- Oct 1342 unknown
- Apr 1343 unknown

- Jun 1344 C: Roger Belch, John Parles; I: John de Preston, John Irp; L: William de Snoring, Richard de Skyren; M: William de Pakelesham, Robert de Maldon; Y: Peter de Cressy, Henry Talliser
- Sep 1346 C: Thomas de Dedham, William de Hadleigh; I: John de Preston, Thomas le Coteller; L: Robert de Cokesford, John atte Fen; M: Peter le Palmer, John Auger; Y: Thomas de Drayton, Peter de Cressy
- Jan 1348 C: John Parles, William de Hadleigh; I: John de Preston, William Malyn junior; L: John de Cokesford, Geoffrey Drewe; M: Peter le Palmer, John Auger; Y: Richard de Beketon, Walter atte Sond
- Mar 1348 C: Thomas de Dedham, William de Hadleigh; I: John de Loventon, Robert de Preston; L: William de Brynton, Geoffrey de Ketelston; M: Amise le Palmer, John Longe; Y: Walter atte Sond, Peter de Cressy
- Feb 1351 C: Adam atte Welle or John de Halle? [\[34\]](#); I: John Cobat, Robert de Preston; L: Geoffrey Drewe, John Thirsford; M: unknown; Y: Richard de Beketon, Nicholas de Parham
- Jan 1352 C: William de la Fermery, John Justard; I, M and Y: unknown; L: Thomas Drewe, John de Fyncham
- Aug 1352 C, I and M: unknown; L: William de Brynton, ---; Y: Peter de Cressy, ---
- Sep 1353 C and M: unknown; I: John de Boulge, Thomas de Euston; L: Robert Braunch, Simon de Gunton; Y: Peter de Cressy, Stephen de Stalham
- Apr 1354 C, I and M: unknown; L: Geoffrey Drewe, John de Couteshale; Y: Thomas de Drayton, Hugh Fastolf
- Nov 1355 C: Richard le Dyer, Robert Beche; I: John Cobat, Adam de Brandeston; L: Thomas Drewe, John Lomb; M: William de Maldon, John Auger; Y: Thomas de Drayton, Geoffrey Elys
- Apr 1357 C: John atte Forde, John Aleyn; I: Thomas le Maister, Walter Curteys; L: William de Swanton, Thomas Curson; M and Y: unknown
- Feb 1358 C: John atte Forde, John de Halle; I: John Cobat, Walter Curteys; L: Geoffrey Drewe, John de Cokesford; M: John Parker, Thomas Short; Y: Peter de Cressy, Robert Elys
- May 1360 C: John atte Forde, John le Dyer; I: John Hasting, Elias Malyn; L: Thomas atte Bek, Thomas Ryghtwys; M: John Parker, John Colle; Y: Peter de Cressy, Stephen de Stalham
- Jan 1361 C: John de Halle, William Reyne; I: John Cobat, Richard le Spicer; L: John Lomb, Nicholas de Swerdestone; M: John Hanecok, Thomas Short; Y: Hugh Fastolf, Alexander de Beverle
- Oct 1362 C: John de Halle, Robert atte Forde; I: John Cobat, John dil Botelrye; L: Simon de Gunton, John de Fyncham; M: William de Maldon, William de Halle; Y: John de Kilham, William Colyn
- Oct 1363 C: John de Halle, William Reyne; I, L and Y: unknown; M: John Vek, John Mepham

- Jan 1365 C: John de Halle, John atte Forde; I: Robert de Preston, Robert -- ; L: John de Brunham, Nicholas de Swerdestone; M: John Palmer, --- ; Y: unknown
- May 1366 C: John de Halle, Robert atte Forde; I: Robert Thebaud, John Plombe; L: Simon de Gunton, John de Fyncham; M: John Grete, William de Halle; Y: Hugh Fastolf, William Elys
- May 1368 C: John de Halle, John atte Forde; I: Hugh Leu, John Horold; L: John de Brunham, John de Fyncham; M: John Palmer, William de Halle; Y: Simon atte Gappe, William Elys
- Jun 1369 C: John de Halle, John Keek; I, L and Y: unknown; M: John Danebery, William de Halle
- Feb 1371 C: John de Halle, --- ; I: Robert Preston, --- ; L: Thomas de Botkesham, Geoffrey de Tolbooth; M: William de Halle, --- ; Y: John de Halle, ---
- Jun 1371 first-named of each pair from February parliament [\[35\]](#)
- Nov 1372 C: Alexander Coggere, Thomas Fraunceys; I: Richard de Haveringlond, Hugh Walle; L: Edmund de Fransham,[\[36\]](#) Adam le Clerk; M: John Palmer, William de Halle;
- Nov 1373 C: John Clerk, Simon Fordham; I: Richard de Haveringlond, Robert Waleys; L: Robert atte Lathe, John Waryn; M: William Heyward de Maldon, Henry Hales; Y: Hugh Fastolf, John de Halle
- Apr 1376 C: Thomas Fraunceys, Simon Fordham; I, M and Y: unknown; L: John de Brunham, Geoffrey de Tolbooth
- Jan 1377 C: Thomas Fraunceys, Simon Fordham; I: Robert Waleys, Geoffrey Starling; L: Henry de Betele, Thomas de Morton; M: John Crakebon, Henry Hales; Y: Hugh Fastolf, William de Oxneye
- Oct 1377 C and M: unknown; I: John Cobat, Robert Waleys; L: John de Docking, Thomas de Morton; Y: Hugh Fastolf, William Elys
- Oct 1378 C: Geoffrey Dawe, Robert atte Forde; I: John Manser?,[\[37\]](#) Walter de Stratton; L: Nicholas de Swerdestone, Thomas de Morton;[\[38\]](#) M: Robert de Wyght, Peter Goldsmyth; Y: William Elys, Geoffrey de Somerton
- Apr 1379 C, I, M and Y: unknown; L: Nicholas de Swerdeston, Hugh de Ellingham
- Jan 1380 C: Stephen Baron, John de Halle; I: Robert Waleys, William le Maister; L: John de Brunham, Thomas de Morton; M: Thomas de Maldon, John Reed; Y: Bartholomew Noggan, William Elys
- Nov 1380 C, I, M and Y: unknown; L: Richard de Houton, Henry de Betele
- Nov 1381 C: Thomas Fraunceys, Simon Fordham; I: Geoffrey Starling junior, Robert Waleys; L: Adam le Clerk, John Keep; M: Richard Bush, John Crakebon; Y: Bartholomew Noggan, William de Oxneye

- May 1382 C and M: unknown; I: Geoffrey Starling junior, John Andrew; L: Richard de Houton, John de Titlesdale; Y: Bartholomew Noggan, William de Oxneye
- Oct 1382 C: John de Halle, John Cristion; I: Geoffrey Starling junior, John Andrew; L: Thomas Drewe, Thomas de Morton; M: Richard Bush, John Reed; Y: Geoffrey de Somerton, John de Martham
- Feb 1383 C: Michael Aunger, John Loche; I: Geoffrey Starling (junior?), Robert Hethe; L: John de Brunham, John Waryn; M: Thomas de Maldon, Thomas Wrench; Y: Geoffrey de Somerton, John Hakon
- Oct 1383 C: Thomas Fraunceys, Ralph Algar; I: Geoffrey Starling junior, John Andrew; L: Thomas Drewe, John Waryn; M: Richard Bush, John Crakebon; Y: John de Martham, Geoffrey de Somerton
- Apr 1384 C: Thomas Fraunceys, Ralph Algar; I: John de Lyng, Robert de Soham; L: Henry de Betele, Roger Paxman; M: Peter le Man, John Dyer; Y: Bartholomew de Drayton, Geoffrey de Somerton
- Nov 1384 C: John Cristion, Alexander Coggere; I: Robert Waleys, Thomas de Rising; L: John de Brunham, Thomas de Morton; M: Thomas de Maldon, Richard Bush; Y: Geoffrey de Somerton, John Hakon
- Oct 1385 C: Thomas Fraunceys, Ralph Algar; I: Robert Waleys, William le Maister; L: John de Brandon, Thomas de Morton; M: Richard Bush, John Crakebon; Y: Ralph Ramseye, John Hakon
- Oct 1386 C: Thomas Fraunceys, Ralph Algar; I: Geoffrey Starling, Robert Waleys; L: Henry de Betele, Thomas de Morton; M: John Dyer, Henry Hales; Y: Ralph Ramseye, John de Beketon
- Feb 1388 C: Thomas Fraunceys, Simon Fordham; I: Geoffrey Starling, Robert Waleys; L: Henry de Betele, Thomas de Morton; M: John Dyer, Henry Hales; Y: Ralph Ramseye, John Elys
- Sep 1388 C: Simon Fordham, Ralph Algar; I: John Arnold, Robert Waleys; L: Edmund Belleyetere, Thomas Drewe; M: John Crakebon, John Welles; Y: Ralph Ramseye, John Hakon
- Jan 1390 C and M: unknown; I: Robert Hethe, Geoffrey Starling; L: Robert de Waterden, John Wace; Y: Ralph Ramseye, John Elys
- Nov 1390 C, I, M and Y: unknown; L: John de Wentworth, Thomas de Waterden
- Nov 1391 C: Thomas Fraunceys, John Cristion; I: Geoffrey Starling, Robert Andrew; L: Robert de Botkesham, John Keep; M: John Welles, John Page; Y: Ralph Ramseye, John Hakon
- Jan 1393 C: William Mate, John Cristion; I: unknown; L: Thomas de Morton, Thomas atte Brigge; M: John Skynner, John Glover; Y: John Elys senior, John Hakon
- Jan 1394 C, M and Y: unknown; I: John Arnold, Henry Walle; L: Thomas Drewe, Thomas de Morton

Jan 1395 C: John Cristion, Thomas Fraunceys; I and M: unknown; L: Thomas de Waterden, John Brandon; Y: Ralph Ramseye, Hugh atte Fen

Jan 1397 C: Henry Bosse, John Seburgh; I: John Bernard, John Arnold; L: Thomas Drewe, John Brandon; M: John Glover, John Joce; Y: Richard Cleye, Hugh atte Fen

Sep 1397 C and M: unknown; I: John Bernard, William Debenham; L: John de Wentworth, Roger Raulyn; Y: Ralph Ramseye, William Oxneye

Oct 1399 C: Thomas Fraunceys, Thomas Godestone; I: John Leu, John Arnold; L: Robert de Botkesham, Thomas de Waterden; M: John Joce, John Crakebon; Y: John de Beketon, Hugh atte Fen

Oct 1400 C, I, M and Y: unknown; L: Thomas Drewe, John Bolt [\[39\]](#)

Jan 1401 C, I, M and Y: unknown; L: Robert de Botkesham, Thomas de Waterden

Jan 1402 C, I, M and Y: unknown; L: Thomas atte Brigge, Roger Galyon

Sep 1402 C: Thomas Godestone, Henry Bosse; I: Richard atte Cherche, John Starling; L: Thomas Faukes, Robert Brunham; M: John Page, Thomas Paffe; Y: unknown

Jan 1404 C and I: unknown; L: Thomas Drewe, John de Wentworth; M: John Burgeys, Thomas Paffe; Y: Roger Adams, Geoffrey Pampyng

Oct 1404 C, I, M and Y: unknown; L: Thomas Drewe, John Brandon

Mar 1406 C: Henry Bosse, William Mate; I: John Starling, Robert Lucas; L: Thomas atte Brigge, Thomas Derham; M: John Floure, Robert Peyntour; Y: Robert Elys, Henry Rafman

Oct 1407 C: Thomas Godestone, William Mate; I: John Bernard, John Felbrigge; L: William Lok, John Wesenham; M: John Page, John Hocham; Y: Robert Clere, Peter atte Fen

Jan 1410 C and M: unknown; I: John Rous, James Andrew; L: John Spicer, John Broun; Y: William Parker, Alexander atte Gappe

Nov 1411 C: Thomas Godestone, John Pod; I: John Starling, John Bernard; L: Philip Frank, Bartholomew Systerne; [\[40\]](#) M: John Floure, John Burgeys; Y: Nicholas Cates, Peter atte Fen

Feb/May 1413 C: Thomas Godestone, Thomas Fraunceys; I: James Andrew, John Starling; L: William Halleyate, John Tilney; M: John Burgeys, Richard Galon; Y: William de Oxneye, Alexander atte Gappe

Apr 1414 C, I, M and Y: unknown; L: John Tilney, John Bilney

Nov 1414 C: Thomas Godestone, Simon Mate; I: William Debenham, John Rous; L: John Spicer, Andrew Swanton; M: John Burgeys, John Floure; Y: Geoffrey Pampyng, Robert Elys junior

Nov 1415 C, I, M and Y: unknown; L: Thomas atte Brigge, John Tilney

Mar 1416 C, I, M and Y: unknown; L: Thomas atte Brigge, John Spicer

Oct 1416 C, I, M and Y: unknown; L: William Herford, John Warner

- Nov 1417 C: Thomas Godestone, John Forde; I: unknown; L: Robert Brunham, Thomas Hunte; M: Thomas Paffe, Richard Sampson; Y: Henry S (pitlyng? [\[5\]](#)), Richard (Elys? [\[5\]](#))
- Oct 1419 C: Thomas Godestone, John Sumpter; I: William Debenham, James Andrew; L: Philip Frank, Walter de Todenham;[\[41\]](#) M: Richard Galon, William Benyt; Y: William Colkirke, John Cranelee
- Dec 1420 C: Thomas Godestone, John Kymberle; I: John Knepping, John Wode; L: Thomas atte Brigge, Andrew Swanton; M: John Burgeys, Richard Galon; Y: Thomas Dengayne, Robert Elys
- May 1421 C: Thomas Godestone, John Kymberle; I: James Andrew, William Debenham; L: Bartholomew Systemer, John Permonter; M: John Couper, Richard Baude; Y: Thomas Conehithe, Robert Elys
- Dec 1421 C: Thomas Godestone, William Notyngnam; I: Thomas Kempston, William Whethereld; L: Robert Brandon, John Waterden; M: William Burgh, William Gore; Y: Richard Elys, Robert Cupper
- Nov 1422 C: Thomas Godestone, John Sumpter; I: Thomas Astley, John French; L: Bartholomew Petypas, Richard Waterden; M: Robert Darcy, Richard Galon; Y: Robert Elys, John Hastyng
- Oct 1423 C: Simon Mate, John Sumpter; I: John Bernard, William Bury; L: Bartholomew Petypas, Richard Waterden; M: Richard Galon, Roger Baude; Y: Ralph Brounyng, Thomas Halle
- Apr 1425 C: Henry Bosse, John Godestone; I: John Deken, John Joye; L: John Copnote, Thomas Burgh; M: John Couper, Richard Galon; Y: Thomas Dengayne, John Pynne
- Feb 1426 C: William Notyngnam, Thomas Oskyn; I and Y: unknown; L: Bartholomew Petypas, John Permonter; M: Richard Galon, Thomas Salcok
- Oct 1427 C: Thomas Godestone, John Sumpter; I: John Deken, John Caldewell; L: Philip Frank, Bartholomew Petypas; M: John Burgeys, Richard Sampson; Y: John Fastolf, Robert Cupper [\[42\]](#)
- Oct 1429 C: John Beche, Thomas Oskyn; I: William Whethereld, Robert Wode; L: John Permonter, John Waterden; M: William Aylewyn, John Burgeys; Y: John Manning, Thomas Halle
- Jan 1431 C: Robert Priour, Robert Selby; I: Thomas Denys, John French; L: John Permonter, Thomas Salisbury; M: Richard Galon, William Mayhew; Y: John Pynne, John Jakes
- May 1432 C: John Beche, Thomas Oskyn; I: William Wallworth, Thomas Denys; L: Thomas Botkesham, John Waterden; M: John Burgeys, Thomas Lambe; Y: John Pynne, William atte Fen
- Jul 1433 C: John Beche, John Trewe; I: Alexander Fornham, John Smyth; L: Thomas Spicer, John Waterden; M: William Aylewyn, Richard Galon; Y: Thomas Fen, John Pynne

- Oct 1435 C: John Beche, Thomas Oskyn; I: Robert Wode, Thomas Denys; L: Richard Frank, Thomas Burgh; M: Thomas Lambe, Richard Kyng; Y: William Yelverton, John Philip
- Jan 1437 C: Robert Selby, Walter Bonefey; I: William Debenham, John Smyth; L: John Waryn, Thomas Burgh; M: Richard Bemunde, John Pepy; Y: William Yelverton, John Pynne
- Nov 1439 C: John Beche, Thomas Oskyn?;[\[43\]](#) I and M: unknown; L: Thomas Salisbury, Thomas Burgh; Y: John Pynne senior, William atte Fen
- Jan 1442 C: John Beche, Thomas Oskyn; I: John Andrew, Thomas Denys; L: Richard Frank, Walter Curson; M: William Holcote, John Swayne; Y: Thomas Hillys, John Damme
- Feb 1445 C, I, M and Y: unknown; L: Thomas Burgh, Henry Thorisby
- Feb 1447 C: Nicholas Peek, John Forde; I: John Smyth, William Rideout; L: Richard Frank, John Style; M: Robert Burgeys, Richard Saxlingham; Y: John Ulveston, Hamon Pulham
- Feb 1449 C: John Forde, John Saveyn; I: John Andrew, Richard Felawe; L: Thomas Salisbury, Henry Bermyngham; M: John Swayne, John Worthy; Y: Thomas Hylls, William Willy
- Nov 1449 C: John Rouge, William Leeche; I: Thomas Donton, John Smyth; L: Thomas Salisbury, Henry Bermyngham; M: Robert Burgeys, William Holcote; Y: John Ulveston, Robert Pynne
- Nov 1450 C: Thomas atte Wode, William Forde; I: Gilbert Debenham senior, John Smyth; L: Thomas Burgh, Henry Thorisby; M: John Swayne, John Worthy; Y: Hugh Fen, Edmund Wydewell
- Mar 1453 C: William Petteworth, John Wright; I: Edmund Winter, John Smyth; L: Henry Bermyngham, William Pilton; M: unknown; Y: Ralph Lampet, John Lowes
- Jul 1455 C: John Forde, William Saxe; I: John Timperley, Gilbert Debenham junior; L: Henry Thorisby, Walter Cony; M: Walter Wrytell, Thomas Fuller; Y: Hamon Pulham, Richard Suthwell
- Nov 1459 C: John Baron, John Bishop; I: William Wursop, John Rever; L: Simon Pygot, William Pilton; M: William Tust, William Laweshull; Y: John Heydon,[\[44\]](#) ---
- Oct 1460 C: John Bishop, --- ; I: Richard Felawe, William Baldry; L: Henry Bermyngham, William Pilton; M: unknown; Y: John Heydon,[\[44\]](#) ---

[APPENDIX I: Lists of Office-holders](#)

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Minster History



The Norman Minster

On Christmas Day 1066 Ealdred anointed and crowned [William the Conqueror](#) king of the English in Westminster Abbey, an event which radically changed the course of history for Britain, York and its cathedral.



The Doomstone:
Norman carving

When Archbishop Ealdred was buried in the Saxon Minster in 1069 the building was virtually intact. However, within days of his burial it was severely damaged during conflicts between the Danes, rebellious Saxons and William I and his followers, with many of its charters and fittings lost. William had faced rebellion in the north in that year and always feared York as a centre of Viking sympathisers. His answer

was characteristic: a [fearful devastation](#) from which the city took several generations to recover fully.

In 1070 Thomas of Bayeux was consecrated the first Norman archbishop, and on his arrival began to put the affairs of the church back in order, re-roofing the church and rebuilding the refectory and dormitory. In 1075 the Danes came again to York and destroyed the church entirely. Undaunted, In 1080 the archbishop, decided to rebuild the Minster. Remains of this Cathedral can still be seen in the Foundations Exhibition below the present Minster. The first Norman church was remarkable, 365 feet long with walls seven feet thick, the exterior was rendered with hard white plaster and lined in red to look like ashlar.



St Luke from
the York Gospels
c.1000 AD

Perhaps the greatest change to the everyday life of the church in York after the arrival of the Normans was caused by the introduction of a secular Chapter. Archbishop Thomas, who died in 1100, reorganized his cathedral on an institutional pattern that survives to this day. In York, unlike some other medieval cathedrals, the foundation was never monastic. Thomas of Bayeux introduced canons living the common life at York, later converting the Chapter to

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conform with the model to which he had been accustomed in Normandy, a fully secular Chapter of canons living in their own houses, enjoying separate incomes or 'prebends'. From among this Chapter of canons the four offices of Dean, Treasurer, Precentor and Chancellor were created to manage the running of the cathedral, while the Archbishops themselves became increasingly significant national figures, often away from York on the business of King or Pope.

In 1137 York Cathedral was damaged by fire. The worst damage was to the eastern arm with the remainder being as patched up or improved. Newly quarried limestone was used in repairs to the walls which were re-rendered with red lines as before. However, even if the eastern arm had not been damaged in the fire, it would have been antiquated by the standards of other large churches of the twelfth century.

When Roger of Pont l'Eveque became archbishop in 1154 he set to work and built anew the choir and crypt of the cathedral. Evidence of this rebuilding can still be seen in the western crypt. Over the years the east end was entirely rebuilt with the west end enlarged by the addition of a pair of towers, close together and projecting only a little beyond the side walls of Thomas's nave. Also at the west end a large chapel known as St Sepulchre's was built at an angle to the north wall of the nave. By the early thirteenth century the fame of the Norman cathedral at York had spread beyond the Alps: it was one of the great Norman cathedrals of Europe. But fashions were changing and the first cathedrals in the '[Gothic](#)' style had already been built, including the [new church at Sens](#), finished in 1168, a new choir at [Canterbury](#). York Minster must have seemed dark, heavy and antiquated to anyone who had visited Canterbury or Ile de France.



12th century glass depicting Saint Nicholas.

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The Battle of Bosworth August 22, 1485

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The Battle of Bosworth Field

Primary & Contemporary Sources

From Bennett, Michael, *The Battle of Bosworth*, reprinted by kind permission of the author. HTML markup by Judie C. Gall.

I. Government Sources and Common Intelligence

(a) *Proclamation of Henry Tudor*

DATE: 22-3 August, 1485. AUTHOR: King and council. TEXT: *Tudor Royal Proclamations*, Vol. I. The Early Tudors (1485-1553), ed. P.L. Hughes and J.P. Larkin (New Haven, 1964), p. 3. (English; spelling modernized.)

'And moreover, the king ascertaineth you that Richard duke of Gloucester, late called King Richard, was slain at a place called Sandeford, within the shire of Leicester, and brought dead off the field unto the town of Leicester, and there was laid openly, that every man might see and look upon him. And also there was slain upon the same field, John late duke of Norfolk, John late earl of Lincoln, Thomas, late earl of Surrey, Francis Viscount Lovell, Sir Walter Devereux, Lord Ferrers, Richard Radcliffe, knight, Robert Brackenbury, knight, with many other knights, squires and gentlemen, of whose souls God have mercy.' [Back to [Contemporary and Tudor Accounts](#)]

(b) *York Memoranda*

DATE: 23 August. AUTHOR: Mayor and aldermen of York. TEXT: York City Archives, House Book, B2-4, f.169v. (Also printed in *Extracts from the Municipal Records of the City of York during the Reigns of Edward IV, Edward V, and Richard III*, ed. R. Davies (London, 1843), pp. 218, 217. (English; spelling modernized.)

Memorandum of meeting in council chamber on the Vigil of St Bartholomew, 'where it was shown by divers persons, and especially by John Sponer, sent unto the field of Redemore to bring tidings of the same to the city, that King Richard, late mercifully reigning upon us, was through great treason of the duke of Norfolk and many others that turned against him, with many other lords and nobles of this north parts, was piteously slain and murdered, to the great heaviness of this city.'

There is also a summary record of the battle at 'Redemore near Leicester'. It is followed by information obviously derived from the king's proclamation, though a clerk has later crossed through the names of three lords (Lincoln, Surrey and Lovell) who had been wrongly reported dead. [[Back to Contemporary and Tudor Accounts](#)]

(c) Parliamentary Record

DATE: November, 1485. AUTHOR: King and council. TEXT: "Rotuli Parliamentarium," ed. J. Strachey, 6 vols.(London, 1767-83), VI, p. 176. (English; spelling modernized.)

The act of attainder records that 'Richard, late duke of Gloucester, calling and naming himself, by usurpation, King Richard the Third.' John late duke of Norfolk, Thomas earl of Surrey, Francis Viscount Lovell, Walter Devereux late Lord Ferrers, John Lord Zouche, Robert Harrington, Richard Charlton, Richard Radcliffe, William Berkeley of Weobley, Robert Brackenbury, Thomas Pilkington, Robert Middleton, James Harrington, knights, Walter Hopton, William Catesby, Roger Wake, William Sapcote, Humphrey Stafford, William Clerk of Wenlock, Geoffrey St German, Richard Watkins, Herald of Arms, Richard Revel of Derbyshire, Thomas Poulter junior of Kent, John Walsh alias Hastings, John Kendal, secretary, John Buck, Andrew Ratt, and William Bramton of Burford, on 21, in 'the first year of the reign of our sovereign lord, assembled to them at Leicester ... a great host, traitorously intending, imagining and conspiring the destruction of the king's royal person, our sovereign leige lord. And they, with the same host, with banners spread, mightily armed and defenced with all manner [of] arms, as guns, bows, arrows, spears, 'glaives', axes, and all other manner [of] articles apt or needful to give and cause mighty battle against our sovereign lord'. Keeping the host together, they led them on 22 August to a field in Leicestershire, and 'there by great and continued deliberation, traitorously levied war against our said sovereign lord and his true subjects there being in his service and assistance under a banner of our said sovereign lord, to the subversion of this realm, and common weal of the same.' [[Back to Contemporary and Tudor Accounts](#)]

(d) Historical Notes of Londoner

DATE: Probably 1485-6, though later copy. AUTHOR: Londoner, using civic records. TEXT: R.F. Green, "Historical notes of a London citizen, 1483-1488" *E. M.R.* 96 (1981), 589 (English; spelling modernized.)

'This year the earl of Richmond and Jasper, earl of Pembroke ... came forth into England and met King Richard III at Redesmore, and there was King Richard slain and the duke of Norfolk and Lord Ferrers and Brackenbury, with many other. This battle was the 22 August, 1485. Likewise, in this year the earl of Northumberland and the earl of Surrey were taken and brought into the Fleet of London, and there they were nine days, and then they were led into the Tower of London, and there they were two days, and after had to the castle of Queenborough in Kent.' [[Back to Contemporary and Tudor Accounts](#)]

(e) *Miscellaneous Town Chronicles*

DATE: Probably compiled annually, but recopied and updated in early 16th century. AUTHORS: Citizens of London and Calais. TEXTS: London "Vitellius A XVI": C.L. Kingsford (ed.), *Chronicles of London* (Oxford, 1905), p. 193; Calais Chronicle: *The Chronicle of Calais in the Reigns of Henry VII and Henry VII to the Year 1540*, ed. J.G. Nichols (Camden Society 35, 1846), p. 1. (English; spelling modernized.)

The London Chronicle 'Vitellius A XVI' records that on 22 August 'this year ... was the field of Bosworth' at which King Richard, the duke of Norfolk, Brackenbury and many others were slain, and the earl of Surrey taken prisoner, 'by the power of King Henry the Seventh'. The Calais Chronicle dates the battle to St. Bartholomew's eve and locates it a 'Bosworth heath', but otherwise follows the same pattern. In addition, it records the death of Sir William Brandon as well as the slaying of Radcliffe, Catesby and the "gentle" Brackenbury; it includes the earl of Northumberland, the earl of Shrewsbury, and Lord Zouche among the prisoners; and it documents the escape of Lord Lovell.

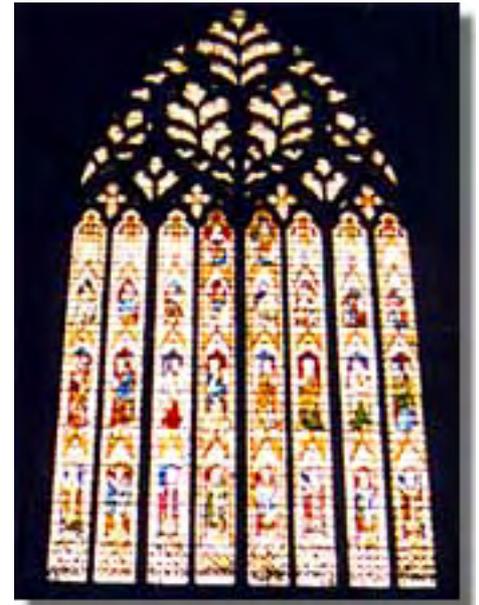
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York - Minster

As the [second city](#) of the kingdom – in effect the northern capital – and with the archbishop of York the second most important churchman in England, York not surprisingly is home to what is the largest cathedral in England and one of its most important surviving medieval buildings.



The **cathedral** that dominates York's skyline almost as much today as it must have done during the Middle Ages was [constructed between 1220 and 1472](#). It is distinguished not only by the predominantly Gothic architecture, but also by decoration such as [stained-glass windows](#) and numerous elaborately carved roof bosses – some of these the original medieval pieces, others copies made after the several fires which have ravaged the cathedral over the last two centuries.

The cathedral was built on the site once occupied by the fort of the Roman legion based at York. The city had a bishop at the close of the period of Roman occupation, and what is considered the first episcopal church was built by the newly-Christianized Edgar, king of Northumbria, in the 620s. Even under the rule of the Vikings, a line of archbishops managed to survive, with a few interruptions. Destruction during attacks on the city by the Normans in 1069 and the Danes in 1075, and a fire in 1137 provided only setbacks to rebuilding initiatives. In the early thirteenth century Archbishop Walter de Gray undertook not only to reform the monastic chapter, but also to rebuild the Minster on a scale rivalling Canterbury. The outcome was, eventually, the present building.

For further information about the cathedral, see the [history section](#) of the York Minster Web site.



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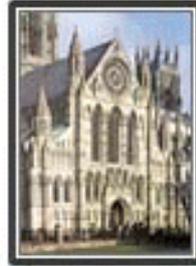
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Minster History



Rebirth

Toward the end of 1215 Pope Innocent III brought a long and ill-tempered election process to an end by telling the representatives of the York Chapter that 'By Saint Peter, virginity is a great virtue; and we will give him to you.' The events of the next forty years were to reveal to the canons of York that chastity was only one of their new Archbishop's many qualities.



The outside of the south transept



Tomb of Walter de Gray c.1255 (south transept)

The accession of Walter de Gray marks the most important turning point in the history of the medieval Minster. During the previous generation the clerks of the cathedral had suffered from the lack of an effective and respected leader. By formulating a strict code of conduct for members of the Chapter, regulating the size and distribution of prebend payments and, for the first time, keeping careful records of his acts, Gray

redefined the position of the archbishop in his diocese and his cathedral.

It was in 1220 that construction of the Minster as we know it began. Archbishop Gray and the Dean and Chapter decided to rebuild the Norman Minster on a scale to rival Canterbury.

The South Transept was the first section to be rebuilt between 1220 and 1250 with the North Transept both started and finished a few years later. Both transepts were built in the Early English Gothic manner and with similar interiors. The very different atmosphere created in each transept is attributable to contrast between their end walls. The south wall is in an elaborate French style featuring **gables**, **arcading** and **lancets** thick on its surface with two tiers of doubled lancet windows below an ornate rose window. The north wall is so different it is hard to believe it was built at the same period: the Five Sisters, five tall, even lancets, rise above a blind arcade and are crowned by five graduated lancets in the gable. The effect is austere and

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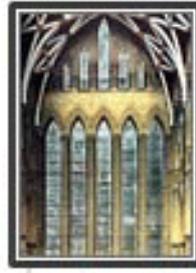
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graceful. While the South Transept is believed to have been the personal scheme of Walter de Gray it is his sub-Dean and eventual treasurer, John Romanus who is associated with the North Transept - whether the design was dictated by aesthetics or economics, it makes him a noble memorial.

Romanus was also responsible for the great central tower built at this period, which held the Minster bells and was almost certainly topped by a wooden spire. It is thought to have been heavier than the present tower, though carried on smaller piers, which probably explains its collapse in 1407.



The Five Sisters window, c.1250

Walter de Gray died in 1255 an elderly and wealthy man and his burial place is the Minster's most beautiful tomb, in the South Transept he and his Chapter created between the dark nave and choir of the Norman cathedral.

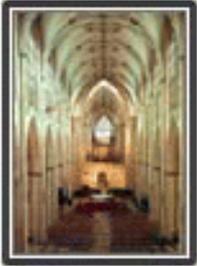
The rebuilding of York Minster that began with the transepts went on almost continuously for two hundred and fifty years.

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Minster History



The Nave



Interior of the nave, looking east.

By the 1280s, when the Archbishop, Chapter and their master-masons turned their attention to the nave they were surrounded by a just-finished, up to the minute Chapter House separate from the daily liturgical routine of the Cathedral. Down the passage and across the tranquil space of the North Transept stood Archbishop Thomas's old, gloomy nave, the only part of his church still intact. The decision to replace it with a new

aisled nave, its vault even higher than the transepts, its interior lit by huge and complicated expanses of glass and tracery would involve the Minster in seventy years of building work.

It was decided early on that the new nave should stand on the deep, well-constructed foundations of the old Norman foundations, in this way the two lines of piers would run directly westwards from the pillars that supported the tower. The distance between them, that is the width of the Norman church, was the guiding measurement. The new outer walls were half this distance from the piers and each pier the same distance again from its neighbour. The whole structure was therefore exactly twice as wide as its predecessor. The result of this simple but highly ambitious scheme is the widest nave in England and, after Westminster Abbey, the tallest.



Carving showing Samson forcing the jaws of a lion.

In about 1320, when work on the nave had already been in progress for 30 years, it was decided to demolish Archbishop Roger's Norman towers and build a completely new west front with two new towers. What these western towers were intended to look like is now impossible to tell, since the front was finished only as far as the height of the nave roof with the present top storey, parapet and pinnacles added at a much later date.

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The outer roof of the nave was finished by the 1330's and the glazing of the windows began, but the vaulting caused a great deal of trouble. The planned stone vault was abandoned, either through concern about the foundations or the technical difficulties of spanning almost fifty feet in stone. In the end wood had to be used and all kinds of problems held up completion of the work.

Supplied of the necessary oak timbers were hard to come by and in 1345 the master-carpenter was found to have lost his head for heights and had to be replaced. Four years later [the Black Death](#) killed the master mason and many of the craftsmen. In the end, the vaulting was not completed until 1360.



Window designs drawn on the gypsum floor.

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Minster History



The Eastern Arm

The intention of successive archbishops since the beginning of the new nave had always been to replace the whole of the Norman cathedral with a larger, more modern building. When Archbishop Thoresby laid the first stone of the new eastern arm in 1361 he was continuing a process that had already been going on for almost 150 years. The Zouche chapel (in memory of Thoresby's predecessor) and the vestries behind it had been started and the masons and carpenters who had finally completed the nave simply moved their tools and equipment eastward.

Beginning on fresh ground with the Lady Chapel, the four easternmost bays of the present Minster, the furthest wall was a good sixty feet further east than Archbishop Roger's east front. With its massive proportions and the unadventurous tracery of its aisle windows it is remarkably consistent with spirit of the nave. Only the external screenwork of the clerestory, which, against the more exuberant tracery of the clerestory windows, produces one of the most dramatic architectural effects of the building.



The east end of the Minster.

In the early 1390's, under Archbishop Thomas Arundel, demolition of the choir, the only surviving part of the Norman building commenced. In 1395 construction of the new choir began and celebration of the liturgy was transferred to the vestry. The design was close to that of the Lady Chapel but not identical, in particular, the tracery and screen were reversed so the tracery was now on the outside wall and the screen, across an internal passage, on the inside wall.



The choir, looking west.

During the decades that saw the building of the new choir the drama surrounding the throne of England produced repercussions in the see of York. [Richard II](#) had close connections with Archbishop Arundel and gave money for the work at the Minster. In 1396 he translated Arundel to

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Coming Events

20 Apr - 19 Oct 2004

['Foundations of Faith' Course](#)

14 Jun - 12 Sep 2004

[Exhibition: To God be the Glory](#)

23 Jun 2004

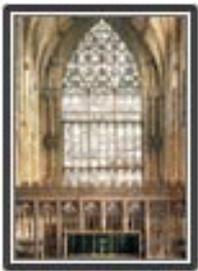
[Informal performance by Sandefjord Chamber Choir, Norway](#)

23 Jun 2004

[Concert by the University of York and Northern Sinfonia](#)

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Canterbury and York received an [Austin](#) friar Robert Waldby for its archbishop although in the two years left before his death he never actually visited the Minster. The Chapter elected a Yorkshire cleric, Bishop Skirlaw of Durham as Waldby's successor in 1398 but were immediately over-ruled by the now desperate Richard II who installed another aristocratic friend, Richard Scrope. A brave and learned man, Scrope nevertheless betrayed two kings and died a traitor's death. Only a year after Richard II had personally secured him the archbishopric, he was in the [Tower Of London](#) with other lords to hear the king's statement of abdication. In 1405 he led several thousand men in revolt against the new king Henry IV. After being tricked into surrender he was executed under the walls of York amid a huge crowd on the feast of St William.



Great East Window from the choir.

After this disaster the see of York was vacant for two and a half years while Bishop Skirlaw, ousted by Richard II's appointment of Scrope, attempted to regain office. He never succeeded and died with the matter still unresolved but in the meantime made the Minster a gift which ensured him immortality. In 1405 Skirlaw commissioned and paid for the glazing of the east window of the Lady Chapel by master-glazier John Thornton of

Coventry who finished the window (with studio help) in three years. This window is not only the largest expanse of medieval glass to survive but is a masterpiece of narrative design. It tells the story of God as alpha and omega, of those who praise Him, of the beginning of the world and the end. At the centre of the bottom row of panels which show legendary and historical figures from York's past, Skirlaw kneels at his altar.

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Minster History



The End of the Middle Ages

In 1407, while work on the windows and vaulting of the eastern arm was still in progress, part of the central tower of the Minster collapsed. Although this was blamed on 'a horrible tempest' it is more likely that alterations to the crossing weakened the tower's support. The master-mason William Colchester was dispatched from Westminster Abbey to solve the architectural problems and supervised the completion of the eastern arm and the strengthening of the crossing. He also inserted two screen arches (with a sliding joint against the piers which actually allowed them to move while adjusting to their load) at the entrances to the choir aisles and is thought to have planned the exceptionally solid choir screen (which was not built until later) and was definitely responsible for the design of the new central tower which was begun after his death in 1420 and never completed according to his intentions.



The western towers.

During the middle of the fifteenth century the church was absolutely subordinate to politics. In 1465, as the [conflict between the houses of Lancaster and York](#) raged, Archbishop George Neville (bother of [Richard Earl of Warwick, the Kingmaker](#)) was enthroned at the Minster. It was a magnificent occasion, fraught with dynastic tensions, the Neville family parading their Yorkist allegiance. At the feast afterwards the chief guest was the Duke of Gloucester, who eighteen years later became Richard III.

By this time the Minster was, at last, almost complete, the building programme of two and a half centuries slowly reaching its close. Master Colchester's plan to rebuild the central tower with the bells in its second stage had been abandoned because of concern for the strength of the piers and foundations. Instead, the south western tower was designated the new belfry and the new central tower was raised only to the top of the lantern. In 1472 the Dean and Chapter decided that the Minster was at last complete and held a great re-dedication ceremony to mark the occasion.

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Coming Events

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In 1536, after suffering several weak, ineffectual and often absent archbishops York witnessed the Pilgrimage of Grace, the only serious popular protest against Henry VIII's proceedings against the church. The archbishop at the time, Edward Lee, was a nervous man who had presided over an historic meeting at the Chapter House on 5 May 1534 where it was declared that the Bishop of Rome had no greater jurisdiction in the realm than any other foreign bishop. However, when the Pilgrimage passed through York, the Minster clergy met its leaders and Lee himself, under duress, first joined then disowned the revolt. This rebellion, brutally put down by Henry VIII was a protest against the first dissolutions of abbeys and priories. When Henry VIII made his only visit to York in 1541 the city fathers crawled before him and the new Dean Richard Layton smashed St William's shrine as a gesture against popery. The [Reformation](#) changed English life forever.



King Henry VIII

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Temporary Table of Contents



This site is under construction. While we build it, we hope you will enjoy the following two resources:

- [Overview and history from the Spring 1999 Ricardian Register](#) (publication of the American Branch of the Richard III Society)
- ["Virtual tour" of Barley Hall](#) (also under construction)

See also calendar of events at [our parent society's Friends of Barley Hall site](#).

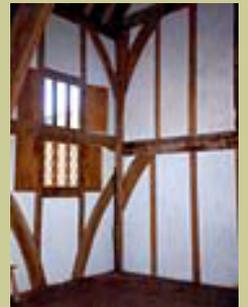
Coming Soon: The Great Chamber Project



The Barley Hall Trust is planning to furnish additional rooms at the Hall, and to this end is setting up a Furnishing Fund. Plans are in a very early state at the moment and full details are not yet available but the first new room to be furnished will be the Great Chamber, William Snawsell's bedchamber.

For this room we will need a large bed, complete with hangings, bolsters and covers, a cupboard, folding chairs and, when we have achieved the other items a painted wall

hanging, perhaps showing the Seven Works of Mercy, a popular subject. This will be an excellent opportunity for Barley Hall's many friends to show their support by "adopting" an object or group of objects.



As soon as possible the Trust will announce its full plans and the Friends will want to play as big a part as possible. Your gift can help bring Barley Hall's Great Chamber to life. To be added to the e-mail list to receive advance notification of the giving opportunities offered by this project, write to barleyfriends@r3.org.

Other links of interest:

- [York Archaeological Trust](#)
- [About York](#) (Hotbot)
- [York City Council Web Site](#)

Richard III Society Links

- [Richard III Society](#)
- [American \(U.S.\) Branch](#)

- [Canadian Branch](#)
- [Yorkshire Branch](#)

For information on joining Ricardian Friends of Barley Hall, send e-mail to barleyfriends@r3.org

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CITY OF YORK WALLS TOUR

A virtual tour of York's city walls

There are three ways to take our virtual tour of the walls.

- Select locations on the map below for more information on specific parts of the wall
- Use the timeline to the left to choose different eras in the walls' history
- Click the link at the bottom of each page to view each era in turn



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A History of the North Yorkshire Market Town of Knareborough

Part One - Origins, a Saint and a Sybil

Unfortunately instances of information and images being removed from websites and reproduced without permission is increasing. I have therefore reluctantly had to protect many of the pages in the History Section, including the two pages of Town History, which are some of the most attractive to theft. This means that Find facilities on browsers may not operate, for which I apologise.

- [Origins](#)
- [The Honour of Knareborough](#)
- [Royal Maundy](#)
- [Murder in the Cathedral](#)
- [Saint Robert](#)
- [14th Century and Lancastrian Links](#)
- [Chapel of Our Lady of the Crag](#)
- [Religion, Civil War, Education and Spas](#)
- [Mother Shipton and the Dropping Well](#)

Origins

The particular siting of Knareborough may well be due to the easily defended location - the castle remains stand on a rocky outcrop 120 feet above the river. Ancient Britons gave the Nidd its name over 2000 years ago, although very little evidence of iron age or subsequent Roman occupation remains.

The origin of the name of Knareborough is not altogether clear, although one of two sources seems most probable. The origin of "borough" is not in dispute, being derived from "burgh", an Anglo-Saxon word for fortress or fortified settlement. "Knare" may come either from the name of a chieftain, such that the whole means something like "Cenheard's fortress"; or it may derive from "knar" - a rocky outcrop - thus giving Knareborough the appellation of "the fortress on the rock", which would fit the location very well. The development of the name of the town is explored in [From Chenaresburg to Knareborough](#)

Several ancient name derivations survive around the town - "gate" is a Scandinavian word for street and survives in "Briggate" - the street leading to the bridge, "Kirkgate" - the street leading to the church, "Tentergate" - the place where cloth is stretched for drying on "tenterhooks"; "ing" means meadow, "Gracious" as in Gracious Street, probably derives from Anglo-Saxon "gracht-huys" - the houses on the ditch.

The very first mention of Knareborough is in the Domesday book, begun in 1086 only twenty years after the conquest by order of William, as "the Manor of Chenaresburg", there being no mention of a castle at this time. Thus it is the time of William the Conqueror and the Norman invasion which sees the beginnings of the town of Knareborough when Serlo de Burgh was granted the Manor of Knareborough as a reward for his part in the invasion.

In 1158 Knaresborough was granted to Hugh de Morevill, possibly as compensation for lands given to the King of Scotland. Morevill forfeited the lands in 1173, according to [Early Yorkshire Charters](#): "... not apparently for his participation in the [death of Becket](#), but for complicity in the rebellion of the young Henry.". Knaresborough, together with Aldborough, were granted to [William de Stuteville](#) in the same year.

The Honour of Knaresborough

The totality of the Manor was known as the Honour of Knaresborough and comprised three parts - the Forest, the Borough or Town, and the Forest Liberty. In medieval times a Forest was not simply an extensive expanse of wooded area but included clearings and settlements and was associated with hunting. The Forest of Knaresborough was located west and south-west of the town and covered about 100,000 acres, stretching twenty miles from east to west. The inhabitants of its settlements were occupied in farming, fishing, charcoal burning, and iron smelting. The Forest Liberty was an area of farmland to the north of the town where its dozen villages occupied a fairly flat and easily cultivated landscape.

We now begin to see the town developing. The earliest recording for the parish church is in 1114 in the Coucher Book of Nostell Priory as "the Church of Cnaresburgh" and we can today see remains from this time, particularly in St John's which has outlines of Norman windows and a typical chevron patterned string course. The first documentary evidence for the castle occurs in 1130 in an account of works carried out by Henry I, when Knaresborough is again described as "Chenardesburg".

When the direct line of descent of the [Stuteville](#) lords of the manor was interrupted, King John contrived to take over the Honour for himself (1204/1205) by the levy of a fine. The king was then able to collect various revenues associated with rents, harvests, court proceedings etc. In 1211 the revenue came to £318, 19s 3d ([Early Yorkshire Charters](#)). In the same year his outgoings included "work on the castle of "Cnarreburch" and on the ditch and houses thereof for 2 years £119, 18s. 8d."; also "in work on a new mill, improvement of fulling mills and repair of the mill-pools of Knaresborough and Boroughbridge £15, 8s. 2d" ([Early Yorkshire Charters](#)). He was one of several royal visitors who enjoyed hunting in the forest.

Royal Maundy

Dr. Arnold Kellett's research ([1](#)) has revealed that the first recorded instance of a Royal Maundy (Royal gifts) took place at Knaresborough on April 15th, 1210. King John gave the traditional gifts to each of thirteen paupers - thirteen pence, one belt, one knife, clothing, and a pair of shoes. The tradition, of course, is still maintained to this day, although the reigning monarch now gives a second purse in lieu of clothing. Dr. Kellett's evidence for the historic claim for Knaresborough comes from the king's personal account of his expenses - the Rotulus Misae.

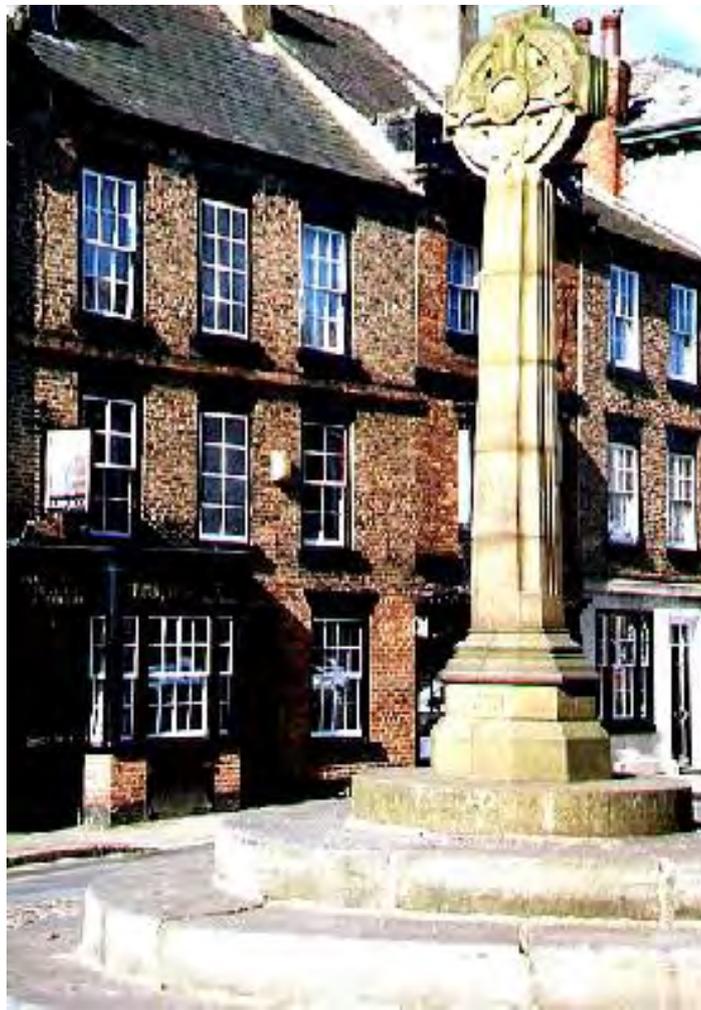
Murder in the Cathedral

Hugh de Morville was Constable of the Castle of Knaresborough and leader of the unfortunate group of four knights who took King Henry II at his word when he said "will nobody rid me of this turbulent priest". On December 29th, 1170 they murdered Thomas Beckett, Archbishop of Canterbury, on the steps of the altar of his cathedral. The four knights first fled to Knaresborough, where legend has it that they were reviled even by the dogs of the town, although Hugh is also said to have built Hampsthwaite Church and dedicated it to the canonised priest as an act of penance.

Saint Robert

Robert Floure was born in York around 1160 and became a hermit in a riverside cave at Knaresborough. Attributed with miracles of healing and powers over wild animals, when he died in 1218 a cult grew up and the waters of St. Robert's Well were said to have healing powers. His land was given to the Trinitarian Friars and a friary was built. Nothing of the riverside friary remains today. See also [The Will of Thomas Hill](#) and [St Robert's Cave and Friary](#)

Fourteenth Century and Lancastrian Links



The Market Cross.
© Alyson Jackson

The market is first mentioned in 1206 and the fair in 1304 but the earliest known **charter** was granted by Edward II in 1310, confirming Wednesday as Market Day and the fair to be held between July 18th and July 20th.

During this time the castle continued to expand. Under Edward II it gained twelve towers and a keep.

Rebels occupied the castle during Edward's reign and the curtain wall was breached with a siege engine during its recapture. Later, Scots invaders burned much of the town, including the parish church. The church was restored by Queen Philippa, wife of Edward III, who had been granted "the Castle, Town, Forest and Honour of Knaresborough" as part of her marriage settlement in 1328. After her death the Honour was granted in 1372 by Edward to their youngest son, John of Gaunt (born in Ghent). He had already inherited the estates of his wife, Blanche of Lancaster, and was Duke of Lancaster and thus linked the Honour of Knaresborough with the Duchy of Lancashire and hence to the Lancastrian cause in the Wars of the Roses.

King Richard II spent a night in Knaresborough Castle on his way to Pontefract Castle in 1399 where he was murdered.

Chapel of Our Lady of the Crag

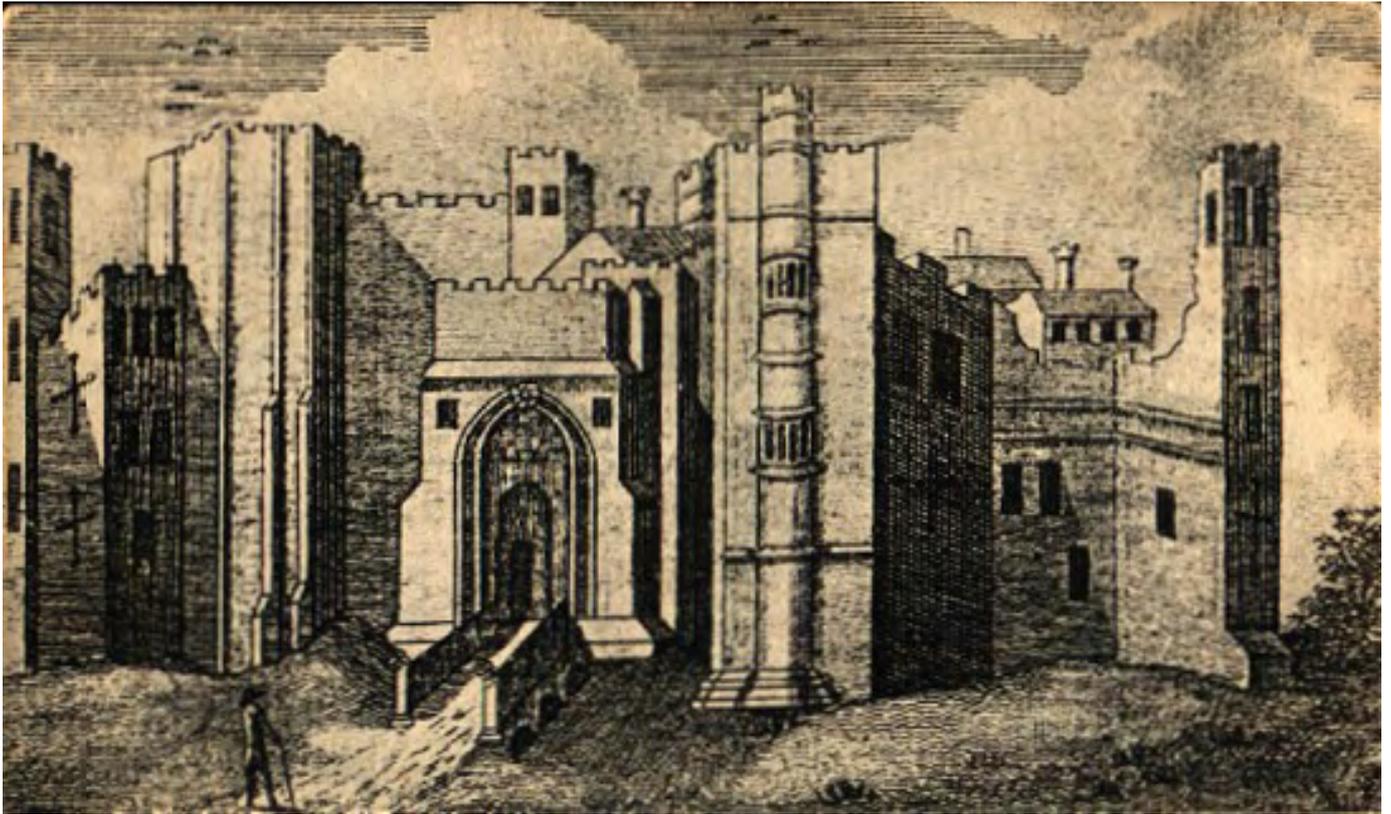
This wayside shrine was carved out of the rock face near Low Bridge in 1408 by John the Mason. The entrance is guarded by a carved medieval knight, possibly a Knight Templar, whose face has been "restored" in later times! Services occasionally take place but must be held outside as the chapel measures only 12 feet by 8 feet. See also [The Will of Thomas Hill](#)

Religion, Civil War, Education and Spas

The various religious upheavals of the first half of the sixteenth century, during the reigns of Henry VIII, Mary and Elizabeth,

affected the people of Knaresborough who were generally loyal to the Catholic faith. They were conservative in their religion and slow to accept new ideas, especially if imposed from above by a distant monarch. In addition, most of the local landowners and lords were of the Catholic faith. After the unsuccessful Rising of the North in 1569 services were still being secretly held but the Protestant religion gradually became established. In 1580 a great effort was made to suppress recusancy (the refusal to conform) and an Act of Parliament the following year made this a crime punishable by a fine of £5 a week.

At this time the parish church became firmly established as the church of [St John the Baptist \(Virtual Tour\)](#), having previously sometimes been known as St. Mary's (a more Catholic name) and the Parish Register was begun in 1561 with the recording of 41 baptisms, 12 marriages, and 21 burials in its first year. Thatched Manor Cottage at the bottom of Water Bag Bank (up which ponies carried bags of water from the river to the town) dates from this period. Effigies of the Slingsby family in the parish church are worthy of note and include the recumbent Francis Slingsby who died in 1600, cavalry officer to Henry VIII, with his wife lying on his right hand side as she was from a higher born status of the Percy family. Other notable tombs are those of Sir Henry Slingsby, executed under Cromwell in 1658, and Sir Charles Slingsby who drowned in 1869. The church also contains a fine late Jacobean font-cover.



Knaresborough Castle
As restored in 1590 by order of Queen Elizabeth.
Image from an old postcard kindly lent by Pat Wood

During the civil war Knaresborough was a Royalist stronghold. The castle remained loyal to King Charles but was taken by Cromwell's soldiers, after a short siege, on December 20th, 1644. A popular story tells (see e.g. [The Knaresborough Story](#)) how a Mrs Whincup successfully led a group of people to plead with the commander for the life of a boy found taking food to his besieged father. The castle suffered little damage at this time but in 1648 was a victim of an Act of Parliament ordering the demolition, or "slighting", of several Royalist castles.

Sir Henry Slingsby, MP for Knaresborough, who had been expelled from the House of Commons for his Royalist tendencies in 1642, remained determined to restore the monarchy. He was arrested in 1654 and charged with high treason. Being found guilty, he was beheaded on Tower Hill on June 8th, 1658 and his headless body returned to Knaresborough for burial.

The early 17th century saw the establishment of [King James's School](#) in the town, its charter being granted in 1616, beginning a long tradition in the town emphasising the importance of education. Originally this was an all-boys school, endowed with £20 per year by Rev. Dr. Robert Challoner, who was born in [Goldsborough](#), and boys from Knaresborough and Goldsborough were to be admitted free, with fee-paying scholars admitted at the discretion of the governors. By 1820, however, there had been no free scholars for over twenty years. In 1971 it became a large mixed comprehensive school, still bearing the name of King

James.

The Charity School was established at the bottom of the High Street by Thomas Richardson in 1765. It was to accommodate "thirty boys and girls of the township of Knaresborough, and for putting them out to apprenticeship". Several Sunday Schools provided elementary education for all denominations.

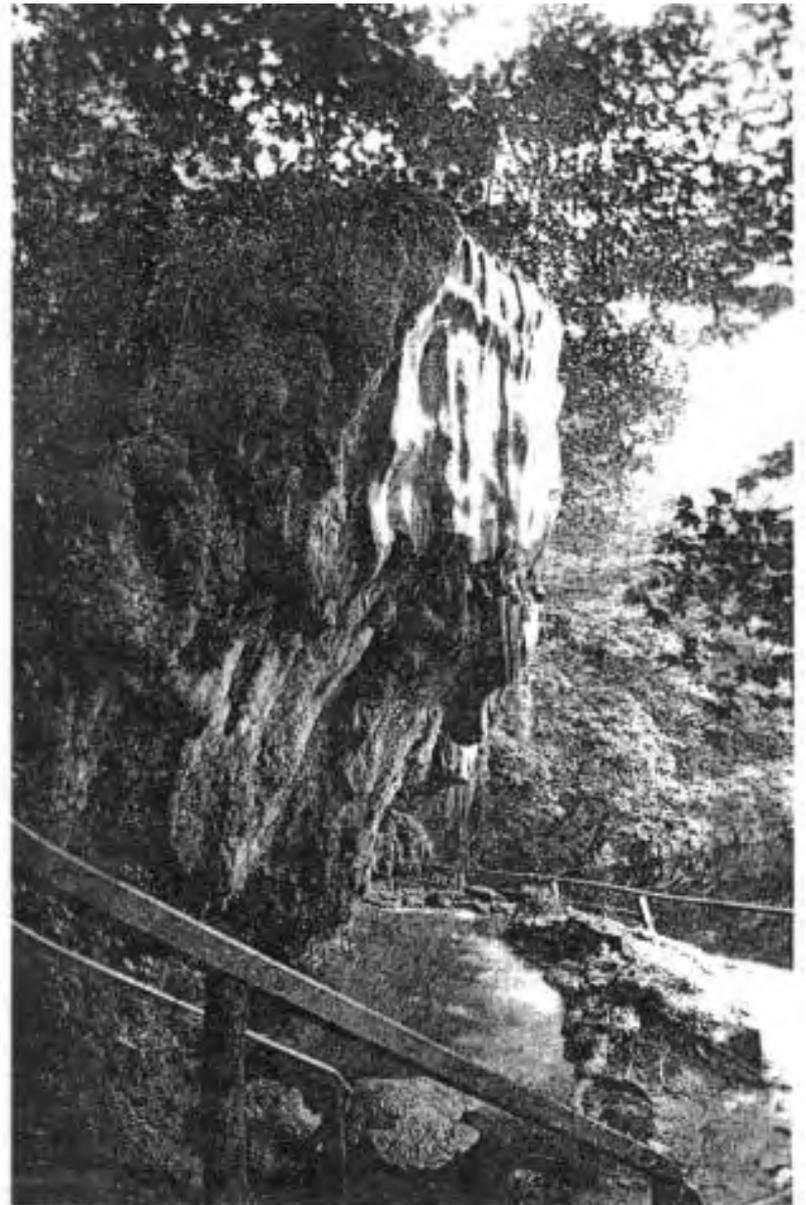
It was in the latter half of the sixteenth century that Knaresborough's reputation as a spa town began with its recommendation as a base for taking the newly discovered waters of Tewit Well. Many eminent travellers of the day, including Celia Fiennes (1697) and Daniel Defoe (1717) visited Knaresborough at a time when Harrogate was still only two small hamlets - Low and High Harrogate. Inns and hotels were being built in High Harrogate but the tradition at this time was to stay in Knaresborough and travel to the Harrogate area to take the waters.

Mother Shipton and the Dropping Well

Much has been written of this semi-legendary figure. She is said to have been born in 1488, but the earliest reference appears in a pamphlet of 1641, associating her with York. A later pamphlet of 1667 states that she was born at "Naseborough near the Dropping Well in Yorkshire". She is famed as a prophetess, although most of the prophecies attributed to her were, in fact, later forgeries. John Leland, Henry VIII's official antiquary, makes no mention of Mother Shipton in his account of his visit to Knaresborough in 1558, although he visited, and was impressed by, the Dropping Well.

The Dropping Well has appealed to visitors for centuries, attracted by the curious sight of objects, suspended in the cascade of water, apparently turning to stone. In reality, the objects are calcified by a deposit from the waters.

Although the origins of Mother Shipton and her prophecies may still be debated today, the Mother Shipton Cave and the Dropping Well remain very popular attractions in Knaresborough, delighting thousands of visitors every year.



VISITING PHOTO. THE DROPPING WELL, KNARESBOROUGH

The Dropping Well
From an 1891 publication courtesy of David Oswald

Part Two - The Making of Modern Knaresborough

- [Blind Jack](#)

- [The Linen Industry](#)
 - [Victorian Knaresborough](#)
 - [The Twentieth Century - Knaresborough Today](#)
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-

References and Further Reading

1. *Historic Knaresborough*; Arnold Kellett; Smith Settle Limited, Otley; 1991.
2. *A History of Nidderdale*; Pately Bridge Tutorial Class; Editor Bernard Jennings; Advertiser Press Limited, Huddersfield; 1983.
3. *Early Yorkshire Charters Vol.I and Vol IX(The Stuteville Fee)* based on manuscripts of the late William Farrer and edited by Charles Travis Clay C.B., F.B.A. Printed for the Yorkshire Archaeological Society Record Series 1952. Consulted at Public Record Office, Kew, UK.
4. *The Knaresborough Story*; Arnold Kellett; Lofthouse Publications, Pontefract; 1990.
5. *Knaresborough in Old Picture Postcards*; Arnold Kellett; European Library - Zaltbommel/The Netherlands; 1996.
6. *Knaresborough (Archive Photographs)*; Arnold Kellett; Chalford Publishing Co.; 1995.

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Multangular tower



The Roman-built Multangular Tower stands in the Museum Gardens in the centre of York. It has been called the Multangular Tower since 1683. Between 1315 and 1683 it was called Elrondyng (the earliest reference to a Tolkein character!)

However, the tower is much older than its first mention in the records.

It was built as part of the Roman defences that began in the late second or early third centuries AD. The main feature of these defences was the south-west wall of the Roman fortress that overlooked the River Ouse and the civil town (called the colonia) on the opposite bank. This wall has been described as one of the grandest examples of military architecture of its age.

There was a multangular tower at each end of the wall. The Multangular Tower in Museum Gardens is one – the other is buried underneath the street Feasegate. There were six other towers, three on either side of a central gateway which guarded the entrance to the fortress. The centre of the wall and cornices (mouldings at the top) of the towers were decorated with tiles. The corner towers were at least 10 metres high.

The Multangular Tower is the only section of this wall that has survived. It was probably built during the reign of the Emperor Severus who was in York between 209 and 211.

The tower has ten sides and is nine metres high. Originally there would have been three floors on the inside and a roof on top. Only six metres of this surviving masonry is Roman.

The tower and wall continued as defensive features long after the Romans had left.



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York - Stonegate

The York street (now pedestrianized) of **Stonegate**, was one of the main roads of the Roman city and, as such, would have been paved with stone – hence the name that Norse settlers gave it when they established themselves in the former Roman base of Eboracum, subsequently an Anglo-Saxon administrative centre (Eoforwic). The Norse made the place, which in their tongue was "Jorvik", a commercial centre of the kingdom they established in northern England.



Stonegate is lined with buildings representing architecture from many periods in history; some timber-framed buildings hark back to the late Middle Ages. Mulberry Hall, for instance, was built in the fifteenth century. Most of these buildings are today shops at ground-floor level. The street led from the community hall, passing by the marketplace, and terminated, as it still does, at the cathedral. When the street was laid out by the Romans, its purpose was to connect the headquarters of the legion based at Eboracum to one of the gates in the city wall.

A number of English boroughs had their shape and layout influenced by preceding Roman settlements. Even though Roman features may have become obscured or obliterated during the decline of urban society in the Early Middle Ages, the Roman walls and gates (the likeliest feature to survive) influenced later settlers to recreate – perhaps unknowingly – the grid pattern of streets originally laid down by the Romans; Colchester provides another example. The shapes of other towns were influenced by a variety of factors, such as the intersection or convergence of highways (land- and/or water-based), the presence of a fortification or religious house, the curve of a river, access to a sheltered harbour, the availability of an open flat area, the preoccupations (e.g. protection, agriculture, commerce, industry) of the peoples

who settled in these locations at different periods, as well as specific historical events that owe little or nothing to topography. These often interacting factors produced the great variety of medieval town plans many of whose features may still be traced in their modern descendants.



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Created: *March 7, 1999*. Last update: *December 28, 1999*

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York - Bootham Bar



York, as England's second most important city during the Middle Ages and as a northern stronghold against incursions by the Scots, required a strong defensive ring. **Bootham Bar** was one of the original Roman gateways into the city/fortress of Eboracum, providing access from the north, although the present structure is mostly of late medieval (or later) construction. To what extent the Roman-built walls were maintained by the Anglo-Saxons is uncertain, but they failed to prevent its capture by Norse invaders who, however, themselves made effort to restore city defences once they were masters there.

The fifteenth-century city financial accounts show that expenditure on wall maintenance was a repeated (if not huge) item in the city budget. The temporary right to levy murage had been granted by the king in 1226 and repeated at intervals. In 1449 the right was granted in perpetuity. Although Richard III cancelled this on the grounds that the tolls were a disincentive to commerce, he compensated the city with an annuity for wall maintenance. Collection of the tolls imposed on commercial goods at the city gates was, in the fifteenth century at least, often leased out to private citizens, who would hope to make a profit beyond the amount they were paying to the city for the lease.

By the close of the Middle Ages the walls and gates were strong enough, to be a useful defence during the conflict between Yorkists and Lancastrians. For instance, during the rebellion of Lambert Simnel (whom the Yorkists claimed to be Edward V), "*the lords Scrope of Bolton and Upsall, constrained as it was said by their folk, came on horseback to Bootham Bar, and there cried 'King Edward' and made assault on the gates, but the commons who were watchmen there well and manfully defended them and put them to flight.*" [The York House Books 1461-1490, ed. L. Attreed, 1991, vol.2, p.572; language modernised somewhat by me.]

Nonetheless, Henry VII criticized the city for not keeping its walls in top condition when, two years later (in 1489), other Yorkist rebels were able to breach the defences and capture the city.

Although towns for the most part tried to distance themselves from the national political conflicts that could erupt into warfare, and although private loyalties varied in the event of such conflicts, York – neither surprisingly, nor consistently (opinion within the city being divided and it being politic to give lip-service loyalty to whichever side was dominant at any given time) – had [Yorkist leanings](#) during the Wars of the Roses. This was most noticeable when Richard, Duke of Gloucester, tried to establish a power base in the north, by winning allies there and showing himself a supportive lord to those under his authority. City authorities prosecuted several citizens for criticizing or slandering Richard, provided military support on occasions of need, and expressed deep regret over Richard's death at Bosworth. Towards Henry VII the city behaved coolly, although cautiously, and looked instead to the Earl of Northumberland for support. The capture of the city in 1489 was aided by Yorkist sympathizers among the citizens.



[main menu](#)

Chronologies of Medieval Carmelite Houses in Great Britain



(as they become available further chronologies will be published here)

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[translation](#) | [discussion](#) | [notes](#)

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TRANSLATION

The fame of the city of London | The mild climate | Christian worship there | The setting and security of the city | The cultivated gardens | The pastures | The fields | The spring waters | The reputation of the citizens | Proper behaviour | The schools | The daily routine of the city | Smithfield | Ships and commerce | Religious observances | Recreational activities | Miracle plays | Cockfighting and ball games | War games in the fields | Naval exercises | Summer games, such as wrestling and the like | Winter baiting of boars, bull and bears with dogs | Games on the ice | Those who amuse themselves with birds of prey | Sons and daughters of the city of London



1. The fame of the city of London

Among the splendid cities of the world that have achieved celebrity, the city of London – seat of the English monarchy – is one whose renown is more widespread, whose money and merchandize go further afield, and which stands head and shoulders above the others. It is fortunate in the wholesomeness of its climate, the devotion of its Christians, the strength of its fortifications, its well-situated location, the respectability of its citizens, and the propriety of their wives.

Furthermore it takes great pleasure in its sports and is prolific in producing men of **superior quality**. Each of which characteristic I shall address in turn.

2. The mild climate

There, without question, "the mild sky doth soften hearts of men", not so that they become "[**weak slaves**] of **lust**", but so that they are not brutal and uncivilized, instead being of a kind-hearted and generous disposition.

3. Christian worship there

The bishopric is seated in the **church of St. Paul** there. At one time it was a metropolitan see, and it is believed that it will be again, **if the citizens return to this island** – unless perhaps the title of archbishop, which the Blessed Martyr Thomas held, should preserve that status in Canterbury, which has it now. Since St. Thomas has graced both of those cities – London in the early part of his life, and Canterbury in the later part – each has **just grounds** to argue against the other, with regard to [**a claim on?**] that saint. In relation to Christian worship, there are also in London and in its suburbs thirteen conventual churches and **one hundred and twenty-six** lesser, parish churches.

4. The setting and security of the city

On the east side stands the **royal fortress**, of tremendous size and strength, whose walls and floors rise up from the deepest foundations – the mortar being mixed with animal's blood. On the west side are two heavily fortified **castles**. Running continuously around the north side is the city wall, high and wide, punctuated at intervals with turrets, and with seven double-gated entranceways. Similarly, London had **wall** and turrets on its south side; but that greatest of rivers, the Thames, which teems with fish, through the ebb and flow of the tide lapping against the wall, has over time undermined it and caused it to collapse.

In addition, further to the west, two miles from the city and linked to

it by a populous **suburb**, there rises above the bank of that river the king's palace, a structure without equal, with inner and outer fortifications.

5. The cultivated gardens

Beyond the **suburban houses**, on every side and adjacent to each other, the citizens have beautiful and spacious gardens, planted with trees.

6. The pastures

To the north there are tilled fields, pastures, and pleasant, level meadows with streams flowing through them, where watermill wheels turned by the current make a pleasing sound. Not far off spreads out a vast forest, its copses dense with foliage concealing wild animals – stags, does, boars, and wild bulls.

7. The fields

The arable fields of the city are not gravelly and parched, but are like the fertile fields of Asia which "make glad the crops"; their cultivation fills the granaries "with sheaves of Ceres' stalk".

8. The spring waters

There are also in the northern suburbs of London springs of high quality, with water that is sweet, wholesome, clear, and "whose runnels ripple amid pebbles bright". Among which Holywell, Clerkenwell and St. Clement's Well have a particular reputation; they receive throngs of visitors and are especially frequented by students and young men of the city, who head out on summer evenings to take the [\[country?\]](#) air. Truly, a good city – **if it has a good lord**.

9. The reputation of the citizens

The city has won repute for its men and glory for its martial prowess, and has a very large population; so that, during the ruinous wars of the time of King Stephen, it was able to marshal an estimated **20,000**

cavalry and 60,000 infantry fit for battle. The citizens of London are universally renowned and talked about for their superiority over those of other cities in the refinement of their dress, manners, and dining.

[see notes]

10. Proper behaviour

The married women of the city are true **Sabines**.

11. The schools

The three principal churches of London – St. Paul's (seat of the bishop), Holy Trinity, and St. Martin's – possess **schools**, by ancient right and privilege. But, thanks to the support of a number of those scholarly men who have won renown and distinction in the study of philosophy, there are other schools licensed there.

On holy days, the schoolmasters assemble their students at the churches associated with the particular festival, for purposes of a training exercise. There the students debate, some using demonstrative rhetoric, others using dialectical logic. Yet others "hurtle **enthymemes**", while those who are more advanced employ syllogisms. Some undergo the debating exercise just to be put through their paces, it being like a wrestling match of the intellect; for others it is to help perfect their skills in determining the truth. The contrivances of sophists receive credit for the torrent and flow of their arguments. Others apply false logic. Occasionally some speakers strive to persuade by delivering rhetorical orations, taking care to observe the rules of their art and not to leave out anything related to them. Boys from different schools fling **versified arguments** against each other, disputing matters of grammatical principles or rules governing the use of the future or past tenses. There are those who make use of epigrams, rhymes, and metrical verse – types of sarcasm traditionally heard at street-corners; with "**Fescennine License**", they freely ridicule their associates, without naming names. They hurl "abuse and jibes"; with Socratic wit they take digs at the character flaws of their fellows, or even their elders, and "bite more keenly even than **Theon's** tooth" with their "bold **dithyrambs**". The audience being "ready to laugh their fill", "with wrinkling nose repeat the loud guffaw".

12. The daily routine of the city

Every morning you can find those carrying on their various trades, those selling specific types of goods, and those who hire themselves out as labourers, each in their particular locations engaged in their tasks. Nor should I forget to mention that there is in London, on the river bank amidst the ships, the wine for sale, and the storerooms for wine, a public **cookshop**. On a daily basis there, depending on the season, can be found fried or boiled foods and dishes, fish large and small, meat – lower quality for the poor, finer cuts for the wealthy – game and fowl (large and small). If friends arrive unexpectedly at the home of some citizen and they, tired and hungry after their journey, prefer not to wait until food may be got in and cooked, or "till servants bring water for hands and bread", they can in the meantime pay a quick visit to the riverside, where anything they might desire is immediately available. No matter how great the number of soldiers or travellers coming in or going out of the city, at whatever hour of day or night, so that those arriving do not have to go without a meal for too long or those departing leave on empty stomachs, they can choose to detour there and take whatever refreshment each needs. Those with a fancy for delicacies can obtain for themselves the meat of **goose**, guinea-hen or woodcock – finding what they're after is no great chore, since all the delicacies are set out in front of them. This is an exemplar of a public cookshop that provides a service to a city and is an asset to city life. Hence, as we read in Plato's *Gorgias*, **cookery** is a flattery and imitation of medicine, the fourth of the arts of civic life.

13. Smithfield

In a suburb immediately outside one of the gates there is a **field that is smooth**, both in name and in fact. Every Friday (unless it is an important holy day requiring solemnity) crowds are drawn to the show and sale of fine horses. This attracts the earls, barons and knights who are then in the city, along with many citizens, whether to buy or just to watch. It is a delight to see the **palfreys** trotting gently around, the blood pumping in their veins, their coats glistening with sweat, as they alternately raise then lower both feet on one side together. Then to see the horses more suitable for squires, rougher yet

quicker in their movements, simultaneously lifting one set of feet and setting down the opposite set. After that the high-bred young colts, not yet trained or broken, "high-stepping with elastic tread". Next packhorses, with robust and powerful legs. Then expensive war horses, tall and graceful, "with quivering ears, high necks and plump buttocks". Prospective buyers watch as all are put through their paces: first, their trot, followed by their gallop (in which their two sets of legs, front and rear, are thrust out forwards and backwards, in opposition to each other).

On occasions when a race is about to be held between these chargers – or perhaps other steeds who, like their kind, are strong enough to bear riders and lively enough to race – the fact is loudly proclaimed and a warning goes up to clear lesser horses out of the way. **Two or sometimes three boys** prepare themselves to take part as riders in such contests between the fleet-footed creatures. Skilled in controlling horses, they "curb their untamed mouths with jagged bits"; their biggest challenge is to prevent one of their competitors from taking the lead in the race.

The horses too, in their own way, psych themselves up for the contest: "their limbs tremble; impatient of delay, they cannot stand still". When the starting signal is given, they leap forward and race off with as much speed and determination as they can muster. The riders, eager for glory and hoping for victory, try to outdo one another in using spurs, switches or cries of encouragement to urge the horses to go faster. You start to believe that "all things are in motion", as Heraclitus put it, and lose faith in Zeno's theory that motion is impossible – so that no-one could ever reach the end of a racetrack!

In a separate part [of [Smithfield](#)] are located the goods that country folk are selling: agricultural implements, pigs with long flanks, cows with swollen udders, "woolly flocks and bodies huge of **kine**". Also to be found there are mares suited for pulling ploughs, sledges, and two-horse carts; some have bellies swollen with foetuses, while around others already wander their newborn – frisky foals who stick close to their mothers.

14. Ships and commerce

Middlemen from every nation under heaven are pleased to bring to the city ships full of merchandize:

"Gold from Arabia, from Sabaea spice
And incense; from the Scythians arms of steel
Well-tempered; oil from the rich groves of palm
That spring from the fat lands of Babylon;
Fine gems from Nile, from China crimson silks;
French wines; and sable, vair and miniver
From the far lands where Russ and Norseman dwell."

[\[see notes\]](#)

According to the chroniclers, London is far older than Rome. For **it was founded** by the same race of Trojans, but by Brutus prior to Rome's foundation by Romulus and Remus. Consequently both still have **in common** the same ancient laws and institutions. The one, just like the other, is divided into **wards**. In place of consuls, London has **sheriffs** chosen annually. It has a **senatorial order** and lesser officials. It has a system of sewers and conduits in the streets. Judicial pleas, arguments, and deliberations each have assigned places, their courts. It has days fixed by **custom** for the holding of **assemblies**.

15. Religious observances

I cannot think of any city more commendable for the habits of its citizens in attending church, in observing the divine festivals, in giving alms, in providing hospitality, in formalizing betrothals, in contracting marriages, in celebrating weddings, in throwing banquets, in keeping guests entertained, as well as in attention to the burial and funeral needs of the deceased.

The only problems that plague London are the idiots who **drink** to excess and the frequency of fires.

To all this I should add that almost all the bishops, abbots, and lords of England are residents and, for all practical purposes, **citizens** of London. They have imposing houses there, where they stay and make lavish expenditures when summoned to the city by the king or

archbishop to take part in councils or important gatherings, or when they come to deal with private business.

16. Recreational activities

Let us look more closely now at the city's recreations, since it is not productive for urban society to be always serious or practical – it also needs to smile and have fun. In relation to which, on the signet seals of the High Pontiffs, down to the time of Pope Leo, there was engraved on one side Peter the fisherman and over him a key, as though it were being passed down from heaven by the hand of God; around which, the motto "For me thou lef'st the ship; take thou the key". While on the other side was engraved a city, with the words "Golden Rome". Again, it was said in praise of Rome and Caesar Augustus:

"All night it rains; with dawn the shows return.
Caesar, thou shar'st thine empery with Jove."

17. Miracle plays

In place of such theatrical performances and plays, London has religious drama portraying the miracles performed by the Holy Confessors or the sufferings endured by martyrs illustrating their constancy.

18. Cockfighting and ball games

Let us begin with **boys' games** (for we were all boys once). Each year on the day called "**Carnival**" schoolboys bring fighting-cocks to their schoolmaster, and the entire morning is given over to the boyish sport, for there is a school holiday for purpose of the cock fights.

After lunch all the youth of the city go out into the fields to take part in a **ball game**. The students of each school have their own ball; the **workers** from each city craft are also carrying their balls. Older citizens, fathers, and wealthy citizens come on horseback to watch their juniors competing, and to relive their own youth vicariously: you can see their inner passions aroused as they watch the action and get

caught up in the fun being had by the carefree adolescents.

19. War games in the fields

Every Sunday in **Lent**, after lunch, a "fresh swarm of young gentles" goes out into the fields on chargers and "steeds skilled in the contest", each being "apt and schooled to wheel in circles round". Crowds of the **lay sons** of citizens pour through the city gates armed with **military spears** and shields; the younger carry spears whose metal point has been removed. "They wake war's semblance" and practise military exercises. With a view to joining in the combats, there come many of the king's entourage, when he is in residence; and from the households of earls and barons, young men not yet invested with knighthood. Each is consumed by a hope for a victory. The fierce horses whinny, "their limbs tremble; they champ the bit; impatient of delay they cannot stand still"[\[see notes\]](#). When finally "the hoof of trampling steed careers along", the young horsemen have divided themselves into troops; some unhorse their comrades and speed past, while others chase those who retreat, but fail to catch them.

20. Naval exercises

At Easter they hold games that are a sort of naval tournament. A shield being securely fastened to a mast fixed mid-river, a young man standing in the prow of a small boat, propelled by the current and by several rowers, has to strike that shield with a lance. If he can splinter the lance by striking it against the shield and manage to avoid being thrown off his feet, his prayers have been answered and his objective achieved. If on the other hand the lance strikes it square on without breaking, he'll be cast into the fast-flowing river, and the boat will move on beyond him. However, there are anchored on either side two boats holding several young men to pluck out of the river any contestant who has taken a plunge, once his head emerges above water-level or "once more bubbles on the topmost wave". On the **bridge** and on galleries overlooking the river are numerous spectators, "ready to laugh their fill".

20. Summer games, such as wrestling and the like

On festival days throughout the summer young men exercise through sports such as **athletics**, archery, wrestling, shot-put, throwing javelins (by use of a strap) **beyond a marker**, and duelling with **bucklers**. "Cytherea leads the dance of maidens and the earth is smitten with free foot at moonrise".

21. Winter baiting of boars, bull and bears with dogs

On most festival days during winter, before lunch, boars foaming at the mouth and hogs armed with "tusks lightning-swift" fight for their lives; they'll soon be bacon. And fat bulls with horns or monstrous bears, under restraints, are set to fight against hounds.

22. Games on the ice

When the **great marsh** that laps up against the northern walls of the city is frozen, large numbers of the younger crowd go there to play about on the ice. Some, after building up speed with a run, facing sideways and their feet placed apart, **slide along** for a long distance. Others make seats for themselves out of ice-slabs almost as large as millstones, and are dragged along by several others who hold their hands and run in front. Moving so quickly, the feet of some slip out from under them and inevitably they fall down flat. Others are more skilled at frolicking on the ice: they equip each of their feet with an animal's **shin-bone**, attaching it to the underside of their footwear; using hand-held poles reinforced with metal tips, which they periodically thrust against the ice, they propel themselves along as swiftly as a bird in flight or a bolt shot from a crossbow. But sometimes two, by accord, beginning far apart, charge each other from opposite directions and, raising their poles, strike each other with them. One or both are knocked down, not without injury, since after falling their impetus carries them off some distance and any part of their head that touches the ice is badly scratched and scraped. Often someone breaks a leg or an arm, if he falls onto it. But youth are driven to show off and demonstrate their superiority, so they are inclined to these mock battles, to steel themselves for real combat.

24. Those who amuse themselves with birds of prey

Many citizens enjoy sports involving high-flying birds – falcons, hawks and the like – or hounds for hunting in the woods. The citizens have **hunting rights** in Middlesex, Hertfordshire, throughout the Chilterns, and in Kent as far as the river Cray. The Londoners, in a time when they used to be called Trinovantes, repulsed Caius Julius Caesar, who "rejoiced to make no way save with the spilth of blood". Regarding which, Lucan writes: "To the Britons whom he sought, he showed his coward back".

25. Sons and daughters of the city of London

The city of London has been the birthplace of a number of persons who brought under their rule many kingdoms and the Roman empire, and many others who, through their excellent qualities, have been "raised to the Gods as lords of earth", just as had been promised to Brutus by Apollo's oracle:

"Brutus, past Gaul beneath the set of sun,
There lies an isle in Ocean ringed with waters.
This seek; for there shall be thine age-long home.
Here for thy sons shall rise a second Troy,
Here from thy blood shall monarchs spring, to whom
All earth subdued shall its obeisance make."

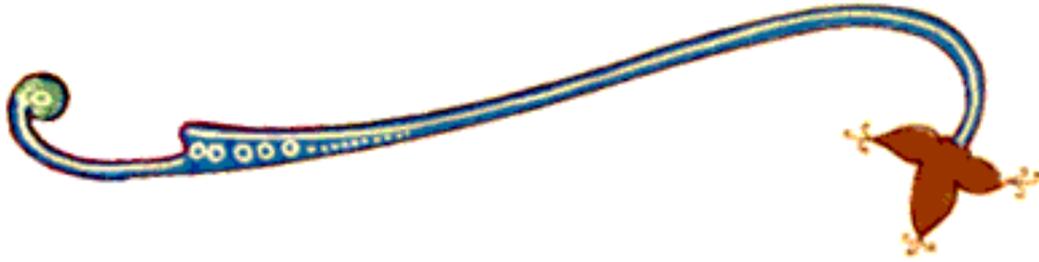
During Christian times it gave birth to the noble emperor Constantine, who dedicated the city of Rome and all symbols of empire to God, St. Peter, and Silvester the Roman pope, to whom he showed his subordination by holding his stirrup; he preferred the title Defender of the Holy Roman Church, rather than the traditional one of emperor. So that the peace of His Eminence the Pope should not be disturbed by the hurly-burly of worldly affairs occasioned by his presence, Constantine entirely withdrew from the city he had handed over to the Pope, and built the city of Byzantium for himself.

In modern times, London has produced majestic and celebrated rulers: the Empress Matilda, **King Henry III**, and the blessed Thomas the archbishop, Christ's glorious martyr, "than whom she bore no whiter soul nor one more dear" to all good people in the whole of the Latinized world.

DISCUSSION

FitzStephen's Description has survived to us in several versions, some part of the biography of Becket, some independent (while some versions of the biography lack the Description). It has been printed and translated, in whole or extracts, a number of times since 1598, when Stow included a transcript in his *Survey of London*; he appears to have had access to another version, not now extant. The best-known translation is perhaps that of H.E. Butler, a professor of Latin at the University of London, published in 1934 as an accompaniment to Sir Frank Stenton's study *Norman London* (Historical Association Leaflets nos.93, 94). The translation by Butler, who was also qualified to identify many of the classical sources that FitzStephen quoted or adapted, was based on an examination and collation of several of the surviving versions. Christopher Brooke has more recently thrown fresh light on the Description, although I have not had access to his full translation.

The version in *Liber Custumarum* (hereafter L.C.) is not the oldest extant, having been copied into the London volume of memoranda in the early fourteenth century. Nor is it the best, for the copyist has made alterations to parts of FitzStephen's text he found unintelligible and has divided the text under a larger number of headings than other versions have. Those headings, none of which may have been present in FitzStephen's original, represent a more logical division than in the other versions; although even they do not fully do justice to the range of topics FitzStephen covered or occasionally disturb the logical flow of the narrative. I have chosen to translate the *L.C.* version simply because it reflects a **city perspective**, both from its author and from the editor-copyist of the *L.C.*. In attempting to render the literary style into modern, accessible English, I have inevitably taken more liberties than are necessary with other, more bureaucratic documents translated in this *Florilegium*. The reader is referred to Professor Butler's translation for something more faithful, for the most part, to the original Latin, as well as for references to the sources of quotations from other authors (which is not our principal concern here). In cases of such quotations, I have avoided modernizing but instead have relied on Professor Butler's expertise in the classics.



NOTES

"men of superior quality"

The association that FitzStephen seems to imply between sports and the men of the city is that it is the heavy involvement in sporting activities that produces manly males. On the other hand we should not forget that this account of London is a preface to the biography of Londoner Thomas Becket, a man of superior quality in FitzStephen's eyes.

"weak slaves of lust"

This quotation, part of which is missing from the L.C. version, in this context means decadent.

"church of St. Paul"

St. Paul's cathedral was founded in the early 7th century as the seat of the bishop of the East Saxons. After fire destroyed one of a succession of versions of the building in 1087, it was rebuilt on an even larger scale and this version lasted throughout the Middle Ages. It was the largest structure in the city.

"if the citizens return to this island"

The seemingly cryptic phrase "if the citizens return to the island" (which I have modified with a slight clarification) has been identified by Christopher Brooke as an allusion to Geoffrey of Monmouth's History, specifically the prophecies of Merlin therein. Professor Brooke believes that in his adaptation of part of one of the prophecies, FitzStephen envisaged a possible restoration following the Second Coming of Christ. FitzStephen is evidently, however, torn between his loyalties to Canterbury and London.

"just grounds"

The L.C. version of the passage concerning whether Canterbury or London should have metropolitan status (i.e. the head of an ecclesiastical province) omits – probably more than a scribal error – an additional argument favouring Canterbury: that Becket's tomb was there.

"one hundred and twenty-six"

The number of 126 parish churches cannot be confirmed with certainty, but historians generally accept the high figure on the understanding that the "suburbs" included a large surrounding area of what is now Greater London. Having said that,

it is likely that most of these churches (perhaps a hundred or so) lay within the city walls. English townspeople seem to have preferred worshipping in small churches with their close neighbours.

"royal fortress"

The fortress on the east side of the city was the Tower of London, built by William the Conqueror to ensure his control of one of England's power centres, which had resisted his claims to sovereignty. Although its size, intentionally, overawed the citizens, the Tower in the 12th century occupied a smaller site than it did later: basically the great keep (the White Tower) atop an existing small hill, surrounded by a palisaded ditch/rampart. The myth about the keep's mortar being mixed with the blood of beasts perhaps, Brooke cautiously implies, had some connection with the fact that butchers operated in East Smithfield, to the northeast of the Tower.

"castles"

The western fortresses, likewise probably built by William the Conqueror or with his permission, as part of his early programme to subdue England, were (subsequently) known as Montfichet Castle and Baynard's Castle, both named after families who at one time held the lordships of those fortifications. Castle Baynard was built in the southwestern corner of the city, just inside the city wall, and its lords later claimed – perhaps with justice – to hold the hereditary generalship of the city militia. The original castle lasted only to the 13th century, when the site was given to the Dominicans, although a more scaled-down version was later built. The site of Montfichet Castle is not known with certainty, but was probably just to the north of Baynard's, and was also gobbled up by the Dominican precinct.

"wall"

The city wall was the medieval citizens' principal inheritance from Roman Londinium. Unlike its medieval successor, which had no stretch along the riverfront, the Roman wall surrounded the city on all sides, and the Thames stretch evidently survived into the early Middle Ages, for local placenames such as Billingsgate and Dowgate would seem to reflect openings through the wall; it was around such openings that goods were being landed. But that part of the wall was not maintained, since the river frontage was gradually being extended into what had once been river and built on. Whether FitzStephen's reference to the Thames stretch was just a folk memory by his time, or whether some fragments of wall remained, we are not sure. Around the remainder of the wall there were six main gateways at this time: Aldgate on the east side; Bishopsgate, Cripplegate, Aldersgate on the northern circuit; and Newgate and Ludgate facing west. FitzStephen probably intended the Tower's postern gate as the seventh.

"suburb"

The suburb between the city and the palace of Westminster was more properly the site of the old Saxon town of Lundenwic, straddling the Strand and with settlement spreading as far west as the future Westminster. Although largely abandoned during the period of Viking incursions, this area was repopulated after Edward the Confessor refounded and enlarged the abbey there and established a palace nearby. In the 13th century Westminster attained borough status of its own. We can understand why Professor Brooke preferred to translate FitzStephen's

suburbano as "faubourg", thinking of the orientation towards Westminster rather than London. The administrative capital and the commercial centre together defined what is modern London.

"suburban houses"

The suburban stretch between London and Westminster was beginning to become popular as the location of town houses of the nobility.

"if it has a good lord"

This aside is taken by some to be as close as FitzStephen dared come to an admonishment to Henry II, who is markedly absent from the list of worthy monarchs at the end of the Description. The dig, however, may be aimed more at the Empress Matilda, to whom the Londoners were opposed, rather than at Henry – Christopher Brooke suggests that FitzStephen had in mind the crisis of 1173, when London supported Henry against his rebellious son.

"20,000 cavalry and 60,000 infantry"

These figures are an obvious exaggeration (not atypical of medieval writers dealing with numbers greater than were countable), for the total population of the city in the 13th century is unlikely to have amounted to half that total. But certainly London did muster large forces to take part in the civil war between Matilda and Stephen.

following "dress, manners, and dining"

Curiously, the L.C. version omits here two sentences one might think the scribe would have taken pains to include. The first states (Butler's translation) that: "The inhabitants of other towns are called citizens, but of this they are called barons"; it has been suggested that the term represents a Latinization of the Anglo-Saxon *burh-thegn*, reflecting the superior status of merchants active internationally, but this is looking further than necessary – "baron" was a term widely employed in a variety of circumstances, ranging from no more than male head of a household to a tenant-in-chief of the king, either of which might be applicable to the leading men of London. Possibly, however, the omission of this sentence from the L.C. version reflects a change in use of "baron", **restricting it** more to the upper urban class. The second omitted sentence states (Butler) that: "With them a solemn oath ends all strife", a reference to the prominence of purgation in urban judicial procedures, which is echoed in the **charter of Henry I** to London.

"Sabines"

The Sabine women of Roman legend had become a metaphor for chastity, propriety and fidelity.

"schools"

The school attached to St. Paul's is heard of during the reign of Henry I. St. Martin-le-Grand was a college of secular canons in existence by 1068. Holy Trinity, Aldgate, was an Augustinian priory founded by Queen Matilda; its prior was also an alderman of the city, due to the priory's lordship of the Portsoken ward of London, acquired from the *cnihtengild*.

"enthymemes"

An enthymeme is a simple type of argument, in contrast to a syllogism which is a more complex form of argument.

"versified arguments"

Versification was presumably a device for assisting with memorization.

"Fescennine"

Fescennine verses were a crude precursor to Roman dramatic verse, often with a satirical or sarcastic bent (in some regards, limerick-like).

"Theon" "dithyrambs"

The L.C. version does not actually use those two terms, the copyist (or the source from which he copied) having failed to understand the terms, or their classical source (Horace), and having substituted other terms. A dithyramb was a song in praise of Bacchus and here perhaps connotes a bawdy verse.

"cookshop"

The cookshop that FitzStephen singles out may have been located on the vintner's quay, near to where the Walbrook flowed into the Thames.

"goose"

Butler argues that "goose" (*anserem*) is a corruption of "sturgeon" (*acipenserem*), which appears in other versions, on the grounds that the latter would appear more of a delicacy.

"cookery"

The point which FitzStephen, in somewhat garbled fashion, has taken from Plato is that cookery is like medicine in catering to the physical needs of citizens.

"field that is smooth"

The derivation of Smithfield is, as FitzStephen correctly states, from the fact that the field was "smooth" (level and/or trampled flat). It is West Smithfield to which he refers, there having been another field of the same name on the east side of the city, just outside the Tower.

"palfreys"

Horses of subdued temperament, easy to ride (especially for women).

"two or sometimes three boys"

An addition in some other versions, meaning "according to what the arrangement is", may imply the races were organized by spectators wishing to wager on the results.

"kine"

Here the term means cattle.

"middlemen"

FitzStephen's use of the term "institores" (salesmen or hucksters) rather than

"mercatores" may or may not have some significance (perhaps derogatory?), so "middlemen" may catch his tone better than "merchants".

following the verse on merchandize

This lengthy quote (by an author unknown, but inspired by Virgil), while it may appear fanciful at first glance, and likely FitzStephen's knowledge of geography was weak, nonetheless provides a fair reflection of the type of goods involved in the London luxury trade of this period, and of the general area of the world from which they came. London was an important trade destination.

"it was founded"

FitzStephen doubtless took this legend of London's founding by Trojans fleeing the wreck of their Homeric city from Geoffrey of Monmouth, who had it from even older tradition. This legend was of some psychological significance to Londoners, judging from the fact that it resurfaced periodically and at one point leading politician **Nicholas Brembre** was said (perhaps scurrilously) to be contemplating renaming London "New Troy", as the legend had it named originally.

"in common"

Some continued to argue, down into the 19th century, the influence of Rome on medieval urban institutions. The comparable elements are, however, so fundamental to organized civic life that we do not need to resort to such an argument.

"wards"

The two dozen wards – 12 on either side of the Walbrook – were a basis for raising manpower for policing and defence of the city (several encompassed territory surrounding a part of the city wall). An alderman had authority in each ward and presided over his own court (wardmoot), comparable to a **hundredal jurisdiction**; wards seem to have been named after the incumbent alderman. The wards may perhaps trace their roots to a time when London lacked a centralized authority and certain areas were administratively independent communities of varying types; their precise boundaries may not have become fixed until the 11th century.

"sheriffs"

By the time FitzStephen wrote, two sheriffs administered on behalf of the king London and a large area of adjacent territory (Middlesex); as a collection of administrative areas comparable to **hundreds**, this territory had a status analogous to a shire. The fundamental duty of a sheriff was to collect and deliver revenues due to the king. During Henry II's the office was frequently held by citizens, and sometimes earlier – the **charter of Henry I** to the city tries to formalize this, but we cannot be certain of the authenticity of the charter. It was likely the sheriffs who came to preside in the **husting court**, although that institution is heard of as early as the late 10th century, later to be superseded by the mayor (an office post-dating FitzStephen) in the role.

"senatorial order"

In using this term (*Senatoriam dignitatem*), FitzStephen is probably thinking more in terms of the office of alderman than a class of patricians, although it would be

possible to read into it that some Londoners were at this time perceived as worthier than others of holding aldermannic office.

"custom"

Even though FitzStephen's term is *jus statuendi*, I am inclined to think that he was not referring to any specific statute formulated by city government – at this period it being doubtful whether London had such communal organization – but by the 'natural law', or custom, later encapsulated in writing as a quasi-constitution.

"assemblies"

Here the term refers to governmental meetings involving public presence and participation. He was likely thinking of the **folk moot**, which met three times a year, and the husting court which, as **Henry I's charter** indicated, convened every Monday.

"drink"

The transcription has *putatio*, which would be nonsensical in its translation of "pruning" but has been interpreted as "fornication". Entirely apart from the fact that the Latin for that would be *putagio*, it seems unlikely that fornication, although doubtless as offensive to FitzStephen, would have been as conspicuous a folly as drunkenness, and we may recall that he has already (section 1) praised the chastity of London's matrons. We can clearly prefer the *potatio* of other versions.

"citizens"

FitzStephen makes an interesting distinction between *cives* and *municipes*. While it is risky to read anything too precise or fixed into this, FitzStephen himself grew up in the urban community and may have been conscious of a distinction. To effect a translation inevitably results in an interpretive decision, and the temptation is to distinguish between those who were residents of the town, which the passage goes on to support, and those who were members of the civic community – the latter being fully subject to local jurisdiction and sharing in communal privileges and obligations. Whether "citizenship" was, at this date, more formally defined in terms of freeman status is questionable; FitzStephen's statement might suggest not. But we may remember that true Londoners had, by the time FitzStephen wrote and perhaps within the scope of his personal memory, forcefully expressed collective identity in the form of the commune.

"boys' games"

It is possible that FitzStephen was using *pueri* in the general sense of "children", but more likely that his thinking was focused on boys – himself and his fellow playmates from school. His text as a whole shows little perception of the female dimension of urban society.

"Carnival"

Carnival (or *Carnilevaria* in the Latin) was Shrove Tuesday, the festival marking the beginning of Lent when meat-eating (*carnivorax*) was put aside (*levare*); it was consequently taken as an opportunity for great feasting and drinking – by the end of the Middle Ages it had almost become orgiastic in its excesses, which were condemned by the Church.

"ball game"

FitzStephen's use of the term is the earliest reference in England to what eventually became football.

"workers"

By workers (*exercitatores*), FitzStephen was probably thinking of the apprentices and journeymen; the masters of the trades and crafts were perhaps included among the older (*majores natus*) citizens.

"Lent"

Lent, the few weeks before Easter, was presumably a natural time to practice horsemanship, weapons and combat skills, since it preceded the preferred campaigning season. That the river-based contests were later may have been to allow the water to lose some of its winter chill.

"lay sons"

FitzStephen means those who were not being trained for a career in the Church.

"military spears"

By qualifying spears with "military" FitzStephen as presumably contrasting the pike-like spears used by soldiers with shorter spears used for hunting.

following "cannot stand still"

FitzStephen appears to have forgotten he has already made use of this quotation (section 13).

"bridge"

This is of course London Bridge; since it was the only one in existence at that period, it needed no distinguishing name. It is not clear whether the galleries (*solariis*) were actually part of the structure of the bridge, as was the case in later centuries, or were part of buildings on the riverbank. FitzStephen probably felt no need to clarify, expecting his readers to know. The bridge was one of those features of London FitzStephen took for granted and felt no need to dwell on. He could not know that, by representing the crossing of the Thames, it also reflected the reason why settlement was established at London in the first place and why London became important under the Romans, the hub of their road system in Britain. It was they who built **the first London bridge**, just east of the site of the medieval and present bridge. The site was probably dictated primarily by the availability of suitably solid ground on the southern bank of the Thames, which was marshier than the northern bank, for a road leading south. Not long after FitzStephen wrote, the city authorities rebuilt the bridge in stone; it was an expression of the confidence of communal government, and has remained one of the foremost symbols of the city, down to modern times.

"athletics"

This seems to be a plausible interpretation of *saliendo*, literally "leaping" (although a related term meant "tumblers").

"(by use of a strap) beyond a marker"

The relatively lengthy qualifications attached to javelin throw were presumably to make it clear that the purpose was to throw a distance, rather than hit a target.

"bucklers"

These were small, round shields intended for practice or lightly-armed combat; we may assume that swords of some kind were also used in the one-on-one combats.

"great marsh"

This lay in the area now remembered by the names Moorfields and Moorgate. It served as meadowland when it was kept drained, thanks in part to the Walbrook – a stream which divided the city into eastern and western halves – channelling water into the Thames. During the Middle Ages, the moor was not kept well-drained, and the Walbrook's course was encumbered with debris and garbage cast therein by the citizens; consequently, the area became boggy.

"slide along"

The run-and-slide recreation was still, in my schooldays, a favourite playground activity during the winter, done exactly as FitzStephen describes.

"shin-bone"

Numerous examples of such crude ice-skates have been found at archaeological sites, dating from the 8th century to the close of the Middle Ages.

"hunting rights"

The extensive area of hunting rights probably owes much to the role of London as a centre of one of the early Saxon kingdoms. Compare with the clause in **Henry I's charter**.

"King Henry III"

Henry II, wishing to secure the succession of his heirs, had his eldest son Henry crowned in 1170; "the young king", however, did not outlive his father to take sole possession of the throne.

"city perspective"

A further known copy, made from the *Liber Custumarum* version in the late fourteenth century, is notable for several updates made to reflect the situation at that time. It was selective in what it copied, showing interest in passages on city administration and economy and ignoring those on social recreations. But it retained the reference to the supposed Trojan roots of London, showing a continuing interest in that legend. See Hannes Kleineke, "Carleton's book: William FitzStephen's 'Description of London' in a late fourteenth-century common-place book," *Historical Research*, vol.74 (2001), 117-26.



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[translation](#) | [discussion](#) | [notes](#)

Keywords: Richard Devizes medieval chronicles satire towns cities society London Winchester Canterbury Oxford Exeter Bath York Ely Bristol Jews

Subject: A critique of English towns in the twelfth century

Original source: Corpus Christi College library (Cambridge), MS. no.339; British Library Cott.Ms.Domit.A.XIII

Transcription in: J.T. Appleby, ed. *The Chronicle of Richard of Devizes of the Time of King Richard the First*. London: Thomas Nelson, 1963, 65-67.

Original language: Latin (English translation by Appleby)

Date: 1190s

TRANSLATION

When you reach England, if you come to London, pass through it quickly, for I do not at all like that city. All sorts of men crowd together there from every country under the heavens. Each race brings its own vices and its own customs to the city. No-one lives in it without falling into some sort of crime. Every quarter of it abounds in grave obscenities. The greater a rascal a man is, the better a man he is accounted. I know whom I am instructing. You have a warmth of character beyond your years, and a coolness of memory; and from these contrary qualities arises a temperateness of reasoning. I fear nothing for you, unless you live with evil companions, for manners are formed by association.

Well, be that as it may! You will arrive in London. Behold, I prophesy to you: whatever evil or malicious thing that can be found in any part of the world, you will find in that one city. Do not associate with the crowds of pimps; do not mingle with the throngs in eating-houses; avoid dice and gambling, the theatre and the tavern. You will meet with more braggarts there than in all France; the number of parasites



is infinite. Actors, jesters, smooth-skinned lads, Moors, flatterers, pretty boys, effeminates, pederasts, singing and dancing girls, quacks, belly-dancers, sorceresses, extortioners, night-wanderers, magicians, mimes, beggars, buffoons: **all this tribe** fill all the houses. Therefore, if you do not want to dwell with evildoers, do not live in London. I do not speak against learned or religious men, or against Jews: however, because of their living amidst evil people, I believe they are less perfect there than elsewhere.

I do not go to the extent of saying that you should not go to any city whatever, since in my opinion there is nowhere for you to live except in a city; I refer only to which city. If, therefore, you arrive in the neighbourhood of Canterbury or if, indeed, you pass through it, your journey will be wasted. There is a whole collection of men there who have been **abandoned by their lately deified leader**, I know not whom, who was high priest of the men of Canterbury, who now, through lack of bread and of work, die in the open day in the broad streets. Rochester and Chichester are mere hamlets, and there is no reason why they should be called cities, except for the **bishops' seats**.

Oxford scarcely sustains, much less satisfies, her own men. Exeter refreshes both men and beasts with the same provender. Bath, placed or, rather, dumped down in the midst of the valleys, in an exceedingly heavy air and sulphureous vapour, is at the gates of hell. Neither should you choose a seat in the Marches, Worcester, Chester, or Hereford, because of the Welsh, who are prodigal of the lives of others. York is full of Scotsmen, filthy and treacherous creatures scarcely men. The region of Ely stinks perpetually from the surrounding fens. In Durham, Norwich, and Lincoln there are very few people of your sort amongst the powerful, and you will hear almost no-one speaking French. At Bristol there is no-one who is not or has not been a soap-maker, and every Frenchman loves soap-makers as he loves a dung-heap.

Outside the cities, every market-place, village, or town has inhabitants both ignorant and boorish. Moreover, for such qualities always look on Cornishmen as we in France consider our Flemings. In other respects, that country is most blessed with the dews of heaven and with richness of soil. In each locality there are some good men, but

there are fewer of them by far in all of them put together than in one city, Winchester.

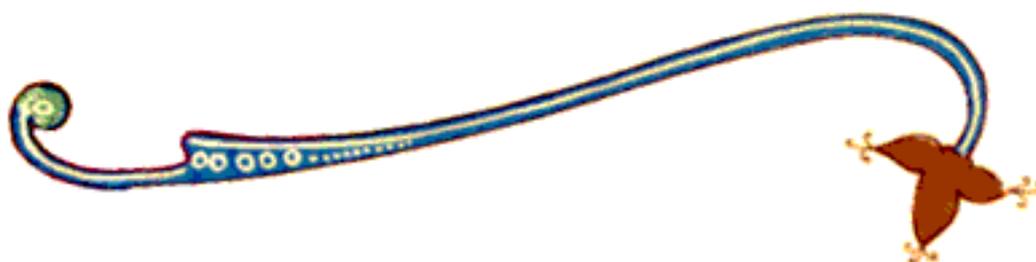
That city is in those parts the Jerusalem of the Jews; in that city alone do they enjoy perpetual peace. That city is a school for those who want to live and fare well. There they breed men; there you can have plenty of bread and wine for nothing. Monks are there of such mercifulness and gentleness, clerks of such wisdom and frankness, citizens of such courteousness and good faith, women of such beauty and modesty, that for a little I would go there myself and be a Christian among such Christians. I send you to that city, the city of cities, the mother of all and better than all others. There is one vice there and one alone, which is by custom greatly indulged in. I would say, with all due respect to the learned men and to the Jews, that the people of Winchester lie like sentries. Indeed, nowhere else under heaven are so many false rumours made up so easily as there; otherwise they are truthful in all things.

DISCUSSION

Richard de Devizes' chronicle of events of the early years of Richard I's reign (1189-92) was produced for the benefit of a former Prior of St. Swithun's and is not believed to have circulated much beyond perhaps a small group of friends. Only two versions are known to have survived and that there may not have been others is suggested by the lack of references to his work by later writers.

Richard was a man of distinct prejudices and quite willing to make them known – at least among that circle of intimates for whom his chronicle was produced. Among those prejudices was a distaste for urban society, other than that of the city in which he lived. On the other hand, his opinions may have been distorted somewhat by the satirical character of his work; parts of his chronicle are irreverent and intended to amuse – his humour is perhaps at its best in his critique of the towns and the surrounding passages. Dr. Appleby's translation so well captures this character that I have thought it futile to try to offer here a new translation of my own, although I have broken the text into shorter paragraphs to make it easier to read.

The context for Richard's critique is a fictional speech by a French Jew to a young orphan he had befriended; having advised the boy to seek his fortune in England, which he describes as "a land flowing with milk and honey", he goes on to recommend the places to avoid – being practically all of the towns he mentions. Since the Jew can only recommend the youngster to his fellow Jews in England, there is no notion that the boy might go beyond urban centres, where Jewish communities congregated. Ironically, the boy later becomes the purported victim of a ritual murder by the Jews; this was a time when attacks on Jewish communities were incited by similar accusations elsewhere, attacks to which Richard refers at the beginning of his chronicle, while noting that Winchester did not get caught up in that madness. There is an additional irony in that Richard, like most Englishmen of his time, had no love for the French (nor evidently for any other foreigners); thus the critique of English towns may itself be intended to be seen by readers as suspect because of its source – perhaps Richard was seeking to escape any possible censure by portraying his own opinions as those of another.



NOTES

"all this tribe"

Since the foregoing list was inspired in part by lines from Horace's *Satires*, and probably other classical sources, we must beware of taking it too literally.

"abandoned by their lately deified leader"

The leader was Becket, and the "abandonment" refers to a dispute which turned nasty between the monks of Canterbury and some of Becket's successors as archbishop.

"bishops' seats"

The technical distinction between a city and a town was the the former was the base for a bishopric and therefore home to a cathedral.



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Keywords: medieval towns cities Bristol York London officers feasts commerce

Subject: A perspective on English towns in the fifteenth century

Original source: Private collection

Transcription in: Charlotte Augusta Sneyd, ed. *A Relation, or Rather a True Account, of the Island of England*. Camden Society, vol.37 (1847), 31, 41-45.

Original language: Italian (English translation by Sneyd)

Date: ca.1500

TRANSLATION

The population of this island does not appear to me to bear any proportion to her fertility and riches. I rode, as your Magnificence knows, from Dover to London, and from London to Oxford, a distance of more than 200 Italian miles, and it seemed to me to be very thinly inhabited; but, lest the way I went with your Magnificence should have differed from the other parts of the country, I enquired of those who rode to the north of the kingdom, i.e. to the borders of Scotland, and was told that it was the same case there; nor was there any variety in the report of those who went to Bristol and into Cornwall ...

[....]

... there are scarcely any towns of importance in the kingdom, excepting these two: Bristol, a seaport to the west, and Boraco (Eboracum) otherwise York, which is on the borders of Scotland; besides London to the south.

Eboracum was in ancient times the principal city of the island, and was adorned by many buildings by the Romans, in their elegant style;



but, having been sacked and burnt in the reign of King William the Conqueror, she never afterwards could recover her former splendour; so that, at present, all the beauty of this island is confined to London; which, although sixty miles distant from the sea, possesses all the advantages to be desired in a maritime town; being situated on the river Thames, which is very much affected by the tide, for many miles (I do not know the exact number) above it: and London is so much benefited by this ebb and flow of the river, that vessels of 100 tons burden can come up to the city, and ships of any size to within five miles of it; yet the water in this river is fresh for twenty miles below London. Although this city has no buildings in the Italian style, but of timber or brick like the French, the Londoners live comfortably, and, it appears to me, that there are not fewer inhabitants than at Florence or Rome. It abounds with every article of luxury, as well as with the necessaries of life: but the most remarkable thing in London, is the wonderful quantity of wrought silver. I do not allude to that in private houses, though the landlord of the house in which the Milanese ambassador lived, had plate to the amount of 100 crowns, but to the shops of London. In one single street, named the Strand, leading to St. Paul's, there are fifty-two **goldsmith's** shops, so rich and full of silver vessels, great and small, that in all the shops in Milan, Rome, Venice, and Florence put together, I do not think there would be found so many of the magnificence that are to be seen in London. And these vessels are all either salt cellars, or drinking cups, or basins to hold water for the hands; for they eat off that fine tin, which is little inferior to silver (pewter). These great riches of London are not occasioned by its inhabitants being noblemen or gentlemen; being all, on the contrary, persons of low degree, and artificers who have congregated there from all parts of the island, and from Flanders, and from every other place. No one can be mayor or alderman of London, who has not been an apprentice in his youth; that is, who has not passed the seven or nine years in that hard service described before. Still, the citizens of London are thought quite as highly of there, as the Venetian gentlemen are at Venice, as I think your Magnificence may have perceived.

The city is divided into several wards, each of which has six officers; but superior to these, are twenty-four gentlemen who they call aldermen; and, of these aldermen, one is elected every year by

themselves, to be a magistrate named the mayor, who is in no less estimation with the Londoners, than the person of our most serene lord (the Doge) is with us, or than the Gonfaloniero at Florence; and the day on which he enters upon his office, he is obliged to give a sumptuous entertainment to all the principal people in London, as well as to foreigners of distinction; and I, being one of the guests, together with your Magnificence, carefully observed every room and hall, and the court, where the company were all seated, and was of opinion that there must have been 1000 or more persons at table. This dinner lasted four hours or more; but it is true that the dishes were not served with that assiduity and frequency that is the custom with us in Italy; there being long pauses between each course, the company conversing the while.

A no less magnificent banquet is given when two other officers named sheriffs are appointed; to which I went, being anxious to see every thing well; your Magnificence was also invited, but did not go in consequence of the invitation having come from the Lord Privy Seal. At this feast, I observed the most infinite profusion of victuals, and of plate, which was for the most part gilt; and amongst other things, I noticed how punctiliously they sat in their order, and the extraordinary silence of every one, insomuch that I could have imagined it one of those public repasts of the Lacedemonians that I have read of.

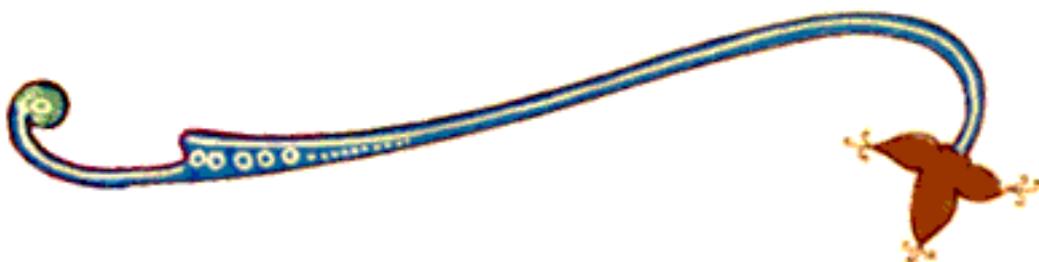
In imitation of London, which is truly the metropolis of England, every town, however small, elects its mayor, and the least towns their bailiff, and the shires their sheriff. I believe that the same is done in the island of Jersey, one of the Menanian isles, lying near the kingdom of England to the south; and in other small islands appertaining to Normandy, but nevertheless under the dominion of England.

DISCUSSION

Neither the identity of the sender nor that of the recipient of the report, of which the above is just an extract, is known for certain. It is assumed from internal evidence to be a report produced for a commissioner sent by Venice to England in 1496 to negotiate a treaty of alliance, which task was concluded the following year. The reporter was evidently part of the embassy sent to England and remained behind after the commissioner returned home, in order to carry out additional research and write his report, which he did in 1500, according to its title.

It is therefore not surprising that London gets the lion's share of the attention, as it does from Devizes and of course FitzStephen. The writer's direct knowledge of English towns, as he admits, is limited, and he relied on reports of others for locations farther afield. It seems unlikely he would have relished visiting most, for only London came close to matching the great Italian cities with which he was familiar – although his incorrect suggestion that London was as populous as Florence or Rome is an example of his tendency to exaggerate for effect.

The writer's particular interest in London is in its commerce: its capacity to act as a maritime port, and its luxury trades. The main thrust of his research seems to be towards England's wealth, and who controls it, although he is clearly as fascinated as any tourist in a country so different in many regards from Italy; his report addresses a wide range of subjects, from social behaviour to the way the kingdom was governed, and he makes the types of errors in interpretation that one might expect from a tourist, although at times there is some depth to his perception – he was at least an avid researcher.



NOTES

"goldsmiths"

London's goldsmiths had in fact been known, nationally and internationally, for their skill since at least the 11th century and in the 13th century a small community of English goldsmiths (some with the surname de London) were found operating in Genoa.



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INTRODUCTORY ESSAY

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Keywords: medieval towns cities attitudes religion church architecture beautification patronage endowments guilds parish priests friars poverty charity hospitals almshouse social welfare Purgatory piety chantries heresy Lollardy spirituality religiosity

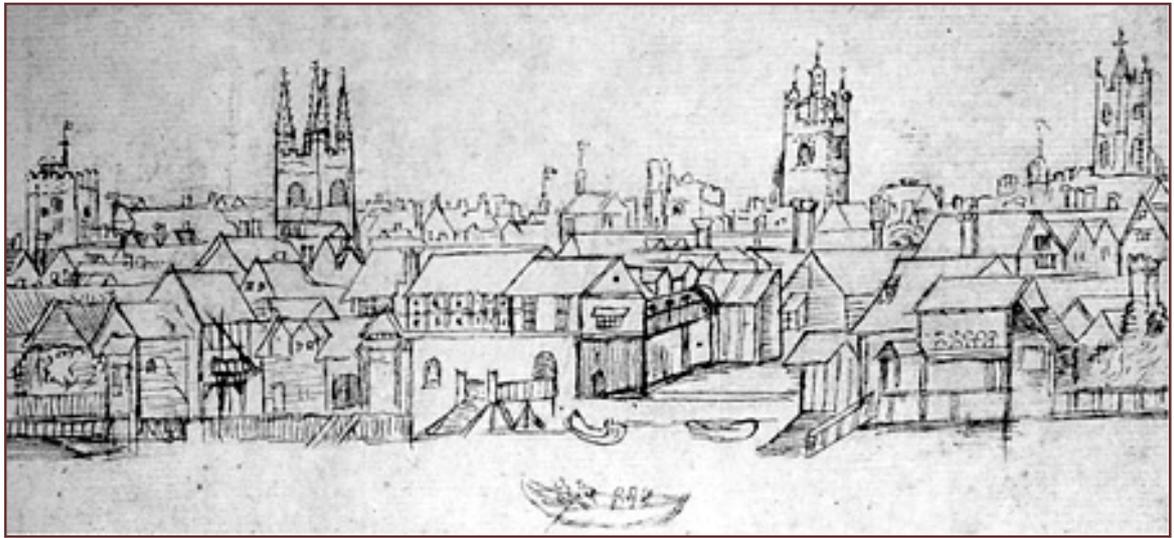
The role of the Church in urban life

It is tempting today to think of towns primarily as business and industrial centres. Yet by contrast with the secularized and highly commercialized society of the latter half of the twentieth century, in which the cityscape has been dominated by sprawling factories, indoor shopping centres, and towering high-rises for residential, business or governmental use, the urban skyline of the Middle Ages spoke of the prominent role of the Church in society. The towers and spires of cathedrals, abbeys, friaries, and churches rose above other architectural features of the townscape (castles excepted). Religious institutions consumed a large amount of urban territory, both in their own precincts which were sometimes quite extensive, and in properties they had acquired, by purchase, gift or bequest, which provided revenues from rents. They had command of large proportion of the wealth of the nation. A sizeable minority of the residents of urban areas, whether intramural or suburban, were in religious orders: clerks, priests, deacons, monks, friars. Despite the programmes operated by fraternal societies of laymen and laywomen, most of what we would consider today social services were provided by religious institutions: temporary housing and food handouts for the poor or disabled, care of the sick, education, protective custody (sanctuary), and retirement homes. Finally, most of what we know of the Middle Ages through its documentary evidence was written by men trained and educated by the Church.

The Church played an important role in the survival or revival of

urban life in the Early Middle Ages, providing some degree of leadership, protection, and a wealthy clientele for local products and services; the growth of many settlements was initiated or stimulated by the foundation of cathedrals and monasteries. This patronage and authority continued in subsequent centuries. In the High Middle Ages, bishops were prominent among the founders of "new towns". Even where bishops or abbots were not themselves lords of towns, their influence was strong: they had jurisdiction over large areas within the urban boundaries, they were employers or landlords of many townspeople, and they exercised spiritual authority. The more important of these ecclesiastical foundations demonstrated their dominance in the form of superior skills (e.g. architectural, literacy), through the wealth at their disposal, and through the favour of king and nobles, who were patrons of the institutions and increasingly chose burial there.

On the other hand, the proliferation of smaller churches during the High Middle Ages, of which Domesday Book provides clear evidence, can also be an important reflection of urban development, since these churches were largely private foundations and the result of a growth in prosperity in urban areas. During the Early Middle Ages the Christian church had a missionary character in England, and the minsters built as a focus of missionary activity were the central points of worship, in part because there were relatively few priests available. However, it was more suitable to many of the converted owners of estates to build their own chapels or village churches, and at the same time the very centralization of the minsters made them targets for the depredations of the Vikings.



These illustrations of London suggest how ecclesiastical architecture visually dominated the cityscape.

(Above:) Extract from a panorama of the London waterfront, in the western half of the city just east of St. Paul's, viewed from the Thames; from an anonymous sketch ca.1550 now in the Ashmolean Museum.

(Below:) The Greyfriars hall dominates the northwest corner of the city near Newgate, where Joce fitz Peter, a former sheriff, whose son subsequently became a friar, donated land for the friary ca.1226, while alderman Henry de Frowyk assisted the friars in building an aqueduct to supply the friary with clean water; extract from Ralph Agas' plan of London, ca.1560/70.



Parish churches

The tenth and eleventh centuries saw a high-level of church-

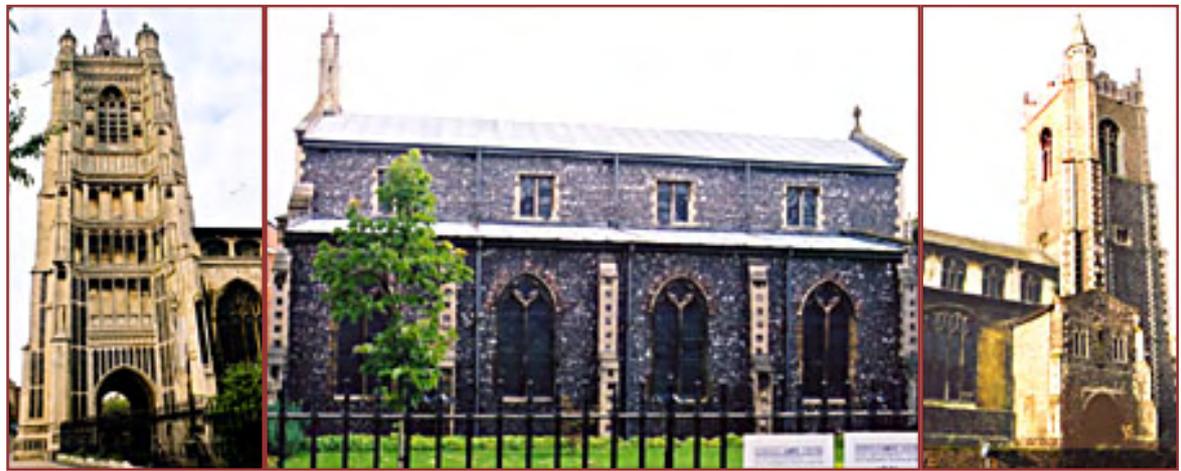
building by laymen in established towns; it was an activity by which men showed that they were men of wealth and status, leaders in their community, and to be respected for their piety. Although these churches were mostly associated with private residences, some public use may have been allowed, if only for the founder's tenants. The transfers of land ownership after the Conquest added further impetus to church-building or to re-dedications of existing churches. At the same time as local churches were proliferating, the tithe system enforced by legislation in the tenth century provided a means for their financial support and, by placing the onus of support on the locality rather than the private founder, set the scene for the gradual development of the parish system.

By the twelfth century, during which period the nobility turned over their control of many local churches to the bishops or to monastic houses, the parish system had taken shape and private churches were being converted to parish churches. The number of churches reached its peak around this time or a little later, in part due to development of new towns or expansion of existing ones. The number actually declined slightly during the Late Middle Ages, and new towns founded from the twelfth century on were more likely to focus on a single parish church. Urban wealth in this period focused rather on the rebuilding, expansion and beautification of parish churches (although this did not happen in all towns), and private citizens had to content themselves with founding chantries or chapels rather than entire new churches.



One can hardly turn a corner in central Norwich without coming across a church, most of which served a medieval parish; a mere handful are shown here.

(click on the images for enlarged versions and more information)



The high ratio of churches in medieval Norwich is still evidenced by surviving buildings, although many have now been turned to non-religious uses. As astonishing as this concentration may seem to the modern visitor, around 1300 there were almost twice as many: perhaps 60 parish churches, serving a city population probably between five to ten thousand people. Although the Late Middle Ages saw a drop in the number of churches at Norwich, some destroyed and others reduced to chapels, most of those that remained were rebuilt on a larger scale and were capable of holding congregations of around 200-250. London had just over twice as many churches as Norwich, but serving a population several times the size; the Great Fire of 1666 put paid to most of the medieval structures. The number in York, compared to population size, again suggests an average congregation of about 200 people. It was the longer-established towns that had so many parishes, inheriting a network of churches established prior to Domesday. By contrast, less important towns such as Maldon had only a few parishes, while the newer foundations of Lynn and Yarmouth are examples of the single-parish model.

Early churches were mostly modest in size and simple in plan. Their primary role was to accommodate a congregation, and so the most basic form of a church encompassed a single rectangular hall. A second important function was liturgical services, and so the most common form of the early church involved two adjoined spaces: nave and chancel. Some churches were built with, or had added later, side chapels for special ceremonies (e.g. funerals) or to house altars to saints other than the principal dedication. Or they might have a tower to serve as belfry, community landmark acting as a constant visual reminder of Christian values – many of the Anglo-Saxon towers probably having been crowned by a

wooden steeple – and for defensive purposes (although this aspect has been exaggerated). Anglo-Saxon churches used much more timber in their construction than we see today; the rebuilding that became fashionable in the twelfth century, and continued into the thirteenth, replaced timber structures with more durable stone.



Early churches, (left) St. Mildred's at Canterbury, and (right) St. Mary's at Burnham Deepdale.

[\(click on the images for enlarged versions and more information\)](#)

That trend was accompanied by the elaboration of church decoration through wall-paintings and followed by the introduction of stained glass. The Biblical stories and miracles portrayed were intended to assist preachers with the instruction of the laity in religious messages; initially they illustrated Biblical stories and figures, particularly the life of Christ, but towards the close of the Middle Ages more admonitory themes – such as the Last Judgement or moralistic stories – were favoured, a change in temperament inspired partly by the traumatic impact of the Black Death. But there was also a desire simply to beautify churches for the glory of God (and to win divine favour for those who paid for the beautification), seen in the more elaborate carving on fonts, the intricate wooden screens to separate one section of the church from the remainder, and the ornate tomb sculptures that began to find their way inside churches from the thirteenth century, followed by brasses. By the fourteenth century we see an almost competitive interest on the part of laymen for contributing towards the improvement and decoration of the fabric of the church and and beauty and richness of its furnishings; most leading townsmen in their wills left something to their parish church, if not to several churches in their community as well as to those in places with which they had family or commercial connections, although part of the rationale was self-interested piety.



Townpeople could give generously to the Church in life as well as in death. Besides genuine piety, they were motivated by such things as the desire to beautify the parish churches where they worshipped, to enhance their social status by being seen as benefactors, and to obtain some benefit in return from the Church – such as prayers for the soul, or retirement provisions.

(click on the images for enlarged versions and more information)

The parish was the principal means of organizing the practice of religion by the lay community. Parishioners were expected to attend mass in their parish church each Sunday and on the special festivals, to receive the sacraments of Penance and the Eucharist there yearly, and to support the parish church through tithes and oblations (offerings). The roles of the parish priest were:

- to teach Christian values to the parish community, through sermons for example, and oversee the adherence to those values;
- to provide the fundamental services required by the community, such as baptisms, weddings and funerals, although the scarcity of records of such make it difficult to assess just how common baptism and wedding rites were;
- to perform the increasingly elaborate liturgical rituals;
- to preserve and if possible increase the property, revenues, and rights of their church;
- and to undertake charitable work, particularly in support of the poor.

Sometimes the amount of work required more than one priest to serve a church, and where chantries were established within a church this called for additional staff. Priests, however, were not

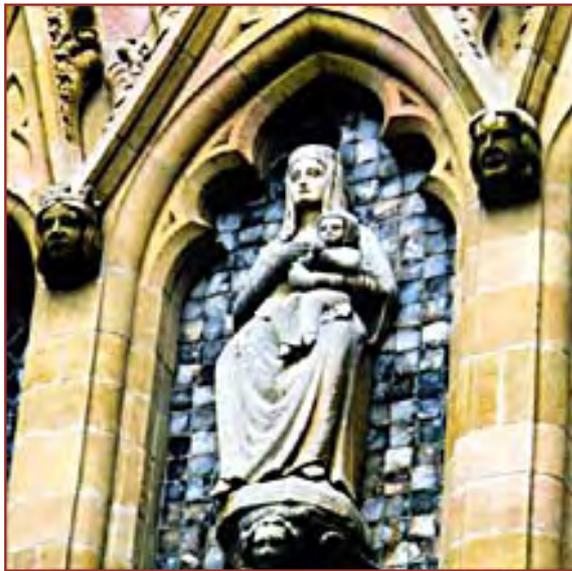
supported by wives. Reforms during the High Middle Ages aimed at ensuring priests were unmarried was in part a concern for their purity, but also a desire to avoid any of the Church's property becoming in effect a family inheritance, divisible among heirs. The parishioners do not appear to have had much control over their parish priests, however; it was up to periodic episcopal visitations to root out performance or morality problems, as well as deal with parishioners defaulting in their duties.

The principal income to support the parish church and its staff was the tithes, a kind of tax payable on crops, livestock, wage earnings, and profits from commerce or industry. The Church was constantly battling with a minority of parishioners to obtain these payments due it; but the majority seem to have acquiesced in their financial obligations, although resentment over tithes seems to have increased in the fourteenth and fifteenth centuries, perhaps most notably in London where resistance became widespread. In those later centuries, wills not uncommonly include bequests to the parish church to cover tithes unpaid due to (supposedly) negligence or oversight, although the small size of most such bequests is not suggestive of serious defaults. A mortuary payment at the funeral was expected, in part to cover defaults in tithes. *Ad hoc* offerings, at festivals or in gratitude for non-routine services also contributed to the income supporting the church, the maintenance of the priest in his own residence, and the payment of those who helped the parish priest undertake increasingly complex liturgical and administrative duties – notably a parish clerk, sometimes with his own assistant (the suffragan).

With much of the responsibility for the upkeep and improvement of church buildings falling upon the parish community, meetings of parishioners – later to become formalized as the vestry – must have occurred periodically, and we start to hear in the late thirteenth century of the churchwardens, lay officers whose range of duties, growing over time, included fund-raising, repair of church fabric and furnishings, purchase of supplies, and administering some of the church revenues. However, this kind of community involvement in managing church affairs may have varied from place to place across the country; the scarcity of related documents leaves us uncertain how common churchwardens were. For the extensive improvements or

substantial re-building efforts undertaken in the late fourteenth and fifteenth centuries, individual benefactors vying with each other in their generosity were instrumental in some initiatives, while the cumulative effect of small gifts or communal collections financed others; on one level, these alterations were aimed in part at making church conditions (e.g. lighting) better for the congregation, on another at memorializing the benefactors. The focus of the parish community on the physical fabric of its church, with the setting up of fabric funds and testamentary bequests to the fabric, provided another factor that siphoned money away from payment of tithes, perceived as supporting priests rather than churches.

Not only the parish community but also craft guilds and socio-religious guilds had associations with some particular church, or a chapel within a church. Guild valuables or trappings for pageants might be stored there. Guilds or individual members were among the patrons of improvements to those churches, whether extensions to or renovations of the structure, or beautification the church. The last century of so of the Middle Ages saw increased decoration of tombs with three-dimensional effigies or brasses; equipping of churches with gifts of relics or jewelled ornaments, religious art, gold and silver plate, service books, and even decorative priestly vestments; introduction of more carved features, such as roof supporters, pew ends, pulpits, and reredos; and, with rebuilding introducing more and larger windows, more numerous installations of painted glass (largely destroyed during the Reformation). In the case of the last, donors were often acknowledged by including in one of the less central panels their arms, a portrayal of them at prayer, or some representation of their trade. Brasses were likewise an expensive decoration; they reflect a growing preference for burial inside a church – something restricted to ecclesiastics until the twelfth century, and still uncommon in the next except for the nobility. To obtain this privilege, bequests to the church were *de rigueur*.



Decoration of both the exterior and interior of religious buildings must have given the phrase "to the glory of God" meaning that we can hardly appreciate today, when so much of the colour and richness has been lost. The art served to reinforce the educational messages of Catholicism, by targeting the visual senses (in a manner perhaps not dissimilar to the effect of television today), as well as to inspire awe both for religion and for the power of the Church.

(click on the images for enlarged versions and more information)



Chantries

While the beautification of parish churches was in part a matter of community and of civic pride, the desire of the wealthy to leave a memorial for themselves and the more general desire to commemorate their dead and, particularly, provide for the well-being of their souls during the expected ordeal in Purgatory. Borough governments increasingly became involved in the

administration of such matters, as citizens looked to them – as perpetual institutions – to manage and protect their pious investments. The piety of the corporation itself (whether real or to enhance its authority) often found expression in the fifteenth century through a close affiliation with a socio-religious fraternity.

Chantries were endowments to maintain one or more priests to celebrate services for the soul of the founder(s), typically on a daily basis; foundations might take place during the founder's lifetime or through testamentary provision. Some founders intended for these services to continue indefinitely, and so we refer to them as perpetual chantries, in contrast with the provision of services for a limited period – usually for one year or a few years following death – which can be considered temporary chantries. The foundation of chantries was one of the most common concrete forms in which piety was expressed in late medieval England. In that period it was believed that nothing so pleased God as to have mass celebrated, and so to provide for the saying of mass was a sure way of winning divine favour. There are many instances, therefore, of medieval townspeople providing during life or at their deaths for masses being said. Money might be given to an existing religious institution so that one or more of its members would provide this service, or property assigned to provide annual income to support the services. In the latter case, those who could afford it established independent chantries through which masses could be said daily on a permanent basis, with a priest appointed solely for that function – wealthier founders, such as Richard Whittington, might set up a college of priests to man the effort.

If the founder was particularly wealthy, a perpetual chantry might have its own dedicated building constructed, served by a college of priests, or a new chapel built onto an existing church. But more commonly chantries were established in existing chapels of churches, or in other parts of the church, usually with a new altar being provided for the purpose by the founder; alternatively, services might be said at the tomb of the founder. It is important to conceive of chantries as services rather than places.

During the Late Middle Ages it was not too difficult to obtain licence to found a chapel in which a chantry was established.

Those wills that have survived for citizens of fourteenth-century London show that an average of 28 chantries were founded each decade. At York we know of at least 140 perpetual chantries that were founded during the course of the Late Middle Ages. Not all of the urban chantries were founded by citizens, whether individually or communally through guilds; some were by clerics or by gentry residing outside the town. However, all too often the funding provided for the indefinite continuance of chantries – usually in the form of a real estate endowment, whose annual rents supported chantry costs – proved inadequate within a couple of generations, or for other reasons the chantry lapsed or was amalgamated with a later foundation. The problem lay partly with dropping property values, and partly with rising clerical wages, following the depopulation due to mid-fourteenth century plague. Those able to provide a higher-level income to ensure continuance (like John Baret) had similarly high expectations of the amount of work the chantry priests would undertake. Others with more modest means, or more realistic outlooks, might provide for services to be said for their souls for a finite period of years; in fifteenth-century York, experiencing economic decline, this became the norm and foundation of perpetual chantries became a rarity. Still others might place their reliance on membership of socio-religious guilds, part of whose function was to maintain services for the souls of deceased members.



A chantry was established in the chapel added to the church of Holy Trinity, Goodramgate, York. Almshouses were built to endow another chantry there.

(click on the images for enlarged versions and more information)

Other religious institutions in the towns

The vigour and importance of a medieval town may be reflected in the number of foundations not only of parish churches but of other religious institutions such as monasteries, friaries, hospitals – particularly the latter two, which were more reliant on support and donations from townspeople – and in a few cases cathedrals. Towns were less reliant than were rural communities on the parish church to provide the range of religious services needed. A few of the wealthiest townspeople could even afford to employ private chaplains or have private chapels in their own homes, although the extent of this practice seems to have varied from town to town.

The larger religious foundations – monasteries and abbeys, predominantly Benedictine, Cistercian or Augustinian – tended to have a touchy relationship with the urban community within, or adjacent to, which they were situated. Initially trying to distance themselves from the secular world, they attracted benefactors from that world – who endowed them with treasures, lands, and parish churches – and became wealthy and worldly as a result. Although an important market for products and services of the townspeople, the religious houses, as major landlords in the locality, had a degree of legal and commercial jurisdiction that periodically brought them into conflict with urban authorities. Not surprising then that their precincts were surrounded with high, sturdy walls (e.g. [St. Mary's Abbey](#) at York).

The friars, on the other hand, were an essentially urban phenomenon from the beginning, since their aim was to minister to sinners rather than to pursue a life of contemplation and worship; they integrated more comfortably, and intentionally, into towns. They arrived in England in the 1220s and, their intent being to preach to the maximum number of people possible, spread from town to town quite quickly during the first half of the thirteenth century; patronage from the nobility was often instrumental in the construction of the earliest friaries. Friaries tended to be built initially on unoccupied, out-of-the-way land, whether inside or outside the walled area of a town, that was of little use for other purposes. But in the fourteenth century we find some trying to establish themselves closer to the centre of town life, closer to their audiences. The orders of the Dominicans

(Black Friars or Friars Preacher) and Franciscans (Grey Friars or Friars Minor) were most in evidence, with the Carmelites (White Friars) and Augustinians next in prominence.



Twentieth-century depiction of a friar preaching from the market cross.

It was, ironically, the fact that friars were dedicated to lives of poverty that attracted the approval of townspeople (as well as of the nobility) and their benefactions. Historians are uncertain whether this endeared them to the lowest levels of urban society: the ideal of apostolic poverty, in the context of a community of mutual support, may not have had much appeal to those living in destitution and lacking the communal support available in the upper echelons of urban society. On the other hand, perhaps the friars' philosophy that poverty was a commendable state which would bring rewards in the afterlife enabled prosperous townspeople to feel less concerned about the plight of the poor. Yet a high level of patronage could work against the friars; if they became seduced away from their ideals by the higher standard of living made possible, it could jeopardise their reputation in the eyes of townspeople. That the friaries must have been comparatively comfortable accommodations is suggested by the fact that visiting dignitaries, including kings, often chose to stay there.

Friaries attracted not only living benefactors and guests, but also

dead ones. Donations to friaries are a common feature of wills, and they were popular burial places for those who could afford it. Friaries seem to have been attractive to the upper echelons of urban society, which increased the resentment of the parish clergy at the competition. As well, arrangements for memorial services to the deceased could be made through the friaries, as an alternative to a chantry in a parish church. But perhaps their greatest influence on urban society may have been through their sermons, although we know too little about these to judge precisely what impact they had.

Sizable chunks of urban land had been, by the close of the Middle Ages, consumed in the larger towns by friary precincts; it being the major towns, with the larger populations and wealthier benefactors, where multiple orders could flourish side by side. Some were established within the heavily populated areas of towns, while others received land in less populated or wasteland areas, or in suburbs, although the friars' preference seems to have been to be situated as close to their lay audiences as possible. The management of property may have helped make the friars more worldly, although they sometimes sought lay administrators. The friaries, along with monasteries, were dissolved in the reign of Henry VIII and their properties passed into private hands, a fact that goes a long way to explaining why relatively little has survived either of their architecture – except where it was suitable for conversion to residential or commercial purposes – or their archives.



Norwich cathedral with its Benedictine priory (left) and the Franciscan friary at Canterbury (right) illustrate how religious precincts could consume large tracts of land within a town.

(click on the images for enlarged versions and more information)

Heresy

The thirteenth and fourteenth centuries were a time of great intellectual speculation, thanks in part to the rise of universities, when established theology was subjected to question. There was, however, no significant heretical movement in England before the late fourteenth century. At that time, from the environment of intellectual debate emerged [John Wycliffe](#); his initial metaphysical speculations expanded into a condemnation of the structural fundamentals of the Church: the papacy, the sacraments, priestly authority, excommunication, etc. Although heresies which had divided society in parts of Europe in the twelfth and thirteenth centuries had left England largely untouched, there had been, for a long time before Wycliffe, among the common people and even the lower ranks of the clergy a distaste for the wealthy, self-satisfied, and, in some instances, dissolute Church establishment more interested in protecting the status quo than promoting true Christian values. The worldly vices of some of the clergy, and absenteeism of others, so that duties to parishioners were left to those less well-endowed, similarly diminished laymen's respect for the mainstream Church. This helps explain why the friars, initially exemplars of the ideals of apostolic poverty, simplicity and spirituality (and, ironically, a rather anti-establishment movement given papal blessing in order to fight heretical fire with fire), were welcomed by townspeople as an alternative. Wycliffism only added doctrinal enrichment to an existing undercurrent of religious thought that, in later times, is called puritanical.

It was not heresy but plague that brought disruption to social organization, both secular and religious, prompting the lower classes (now at an advantage with the shortage of labour) to seek economic improvement while increasing their resentment of the wealthy, while landlords tried to dig in their heels and maintain the established social and economic order. Wycliffism, arising at a

time when even the friars had lost their apostolic ardour and become propertied and worldly and a target for criticism, simply gave the underlying discontent a focus and brought anti-clericalism to a crisis point, of which one expression was the Peasants' Revolt, with its insistence on redistribution of the wealth of the Church. Its initial successes were also due in part to the preparedness of some politicians – as far up the ladder as John of Gaunt – to support anti-clericalism for their own reasons.

The heretical movement called Lollardy (originally by its detractors, although the precise meaning of the term is debated), following in Wycliffe's footsteps, and facilitated to some degree by the political conflict in the latter part of Richard II's reign, acquired sufficient support as to present a real threat to both Church and State, requiring severe measures from each to suppress it. They included an Act promulgated by the Church and supported by the State, condemning persistent heretics to be burnt at the stake – although there were not very many executions, the Church preferring public recantations to martyrs. By 1414, with the failure of the uprising by Sir John Oldcastle – a response to the newly-enthroned Henry V's expressed determination to support his bishops in stamping out heresy – the strength of the movement had been broken. Yet Lollard ideas continued to diffuse through and percolate in various parts of England for the next three decades, and in some places even longer, providing a legacy for Protestantism.

An economic downturn in some parts of England during the fifteenth century aroused among merchants and crafts masters greater resentment towards the wealth of the Church; this may have helped the spread of Lollardy in some towns, while at the same time decreasing tolerance of the licentious behaviour of some of the clergy. The growth in educational standards among the urban upper class may also have been a factor here, both through the spread of vernacular literature and through raising expectations of the moral and educational standards of the clergy.



It is not evident that "Lollardy" represents a clearly defined set of beliefs; confessions of accused heretics suggest diversity in the ways their beliefs diverged from Catholicism. The above image of the crucifixion is from a replica of the Jelling runestone in Jutland, ca.965; the stone was a monument to King Harald Bluetooth's intent to Christianize the Danes. The original is held by the National Museum of Denmark.

Charitable attitudes

For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.

[Matthew 25: 35-36, King James Version]

These instructions of Jesus to his apostles formed the basis of the charitable obligations of Christians in the Middle Ages. They were known as the Corporal Acts of Mercy and depictions are found in stained-glass windows such as those at York and Leicester.

In the view of the early Church, private property (i.e. wealth) was

not something God had in mind when he created the world. But it was a reality of medieval society and of course the Church itself accumulated immense wealth. The position that gradually emerged from the work of theologians and canonists was that while the unbridled pursuit of profit was contrary to Christian morals, wealth was acceptable so long as it was put to good uses, notably the support of one's family and support for the wider community, particularly the less fortunate members of the community. There was no notion of eradicating poverty, as a social undesirable; but alongside an acceptance of poverty as a part of the social hierarchy went the belief that the involuntarily poor had the right to expect help from the wealthy. At the same time, the recognition of poverty as part of the social reality led Catholic thinkers to rationalize and glorify it as a form of spiritual purity, although it is hard to imagine that for the lay poor this made their situation more palatable.

It can be argued – though not without contradiction – that poverty became more of an issue as a result of the emergence and growth of towns. In rural communities, the difference in economic status between one resident and another was less dramatic; most lived close to the subsistence level, but there was a high degree of mutual support possible in a small, close-knit community where everyone knew each other. Towns, by their nature, fostered differentiation in occupation, level of success, and socio-economic status; they attracted large numbers of immigrants, creating a growing labour supply which had an adverse effect on employment availability and wages. The labouring class as a whole was perceived as poor; with no discretionary income, they were also disempowered, and with a poor standard of living and harsh working conditions were more susceptible to health problems. Up to the end of the Middle Ages in England we still find urban society viewing itself through the simple differentiation between the *potentiores* and the *pauperes* groups, even though they also saw a middle group in the equation. Thanks in large part to the friars, towns were also where there was a good deal of social pressure, i.e. through preaching, on behalf of poor relief; they were likewise where most charitable support institutions were founded.

The poor, sick, and unfortunate, along with churches and their

personnel, were typical recipients of charitable bequests. In some cases it was a matter that the testator believed the intercession of such persons with God, through prayer, would weigh at the final judgement. In others it was a question of relieving the unpleasant circumstances in which those less fortunate found themselves; many prisoners relied on bequests like this to provide them with some income with which they could make their prison conditions less uncomfortable.

It is difficult to judge whether the intentions of such bequests were truly charitable, in the sense that we would understand it, or were more a matter of currying favour with God. By the Late Middle Ages, the fear of Purgatory had become prominent among lay religious beliefs; perhaps particularly in towns, since the friars who especially emphasized this aspect of doctrine. Purgatory was that part of the redemptive process in which sin was purged from the soul of any sinner who had shown penitence before death and had been absolved in the last rites. The purgative process could, it was believed, be eased by investing in charitable and pious acts that both demonstrated contrition and obtained divine intercession through those who had the special favour of God.

We do not have to opt for one or the other motive; they were two parts of a whole. Even in modern charitable works, motivation may combine an easing of the conscience with a genuine desire to help others. Charity was a kind of social contract, a win-win situation. Given strong medieval religious beliefs, most notably in divine judgement and damnation, and the fact that pious and charitable bequests, small or large, were a very common feature of medieval wills, historians today are inclined to emphasize testators' concern for their own souls. Nonetheless, it is also recognized that the last testament provided a final opportunity to give something back to the community – a concept more vital in medieval towns than it is in modern cities – at a time when the testator could have no further personal use for the worldly goods and wealth acquired during life; other than, of course, to provide for heirs, which remained the first priority. Even founding a chantry was more charitable than simply providing for a large but finite volume of masses to be said, for the chantry priests thus employed contributed to the performance of the liturgy of the church as a whole, and to the quality of services for the

community.

Nor should we forget the self-satisfaction that comes from giving aid to others. Charity is a value that helps define both personal identity and one's place in society. It is thereby a two-way street. Moreover, a street that links the different strata of society, through mutual obligations. If the wealthy were obliged to provide relief to the poor, the poor were obliged to be grateful and to demonstrate that gratitude in a variety of ways, such as showing humility, not envying their betters or seeking to overthrow them, and interceding with God on behalf of their benefactors, whose advantages in many cases owed something to the transgression of Christian morals; without this return on investment, there might have been far less impetus to charitable behaviour. Charity – as the return of ill-gotten gains to the less fortunate or more exploited members of society – may have enabled the entrepreneurial exploiters to rationalize their good fortune and make it socially more acceptable within a framework of Christian teachings. At the same time, the gradual development of an alternate view of the poor from that of the Church, in which they were perceived as lazy, troublemaking, and sinful, made it easier to think of them as undeserving, and encouraged a narrower focus of charitable efforts towards the close of the Middle Ages. We find many of the charitable institutions set up in the thirteenth or fourteenth centuries having their mandates changed or restricted in the fifteenth, in part due to shifting priorities but as much to a decline in resources, itself the result of factors such as maladministration and decline in public interest.



Religious art communicated the importance of the rich giving to the deserving poor.

(click on the image for an enlarged version and more information)

Hospitals

From an early time, the Church took some responsibility for creating supportive programmes and institutions for the unfortunate, unprotected, and unaided members of society. The system by which tithes were paid had been created to support poor relief, although this was gradually undermined. It became necessary for laymen to take up the slack, even though only a small percentage of their incomes was diverted to charitable purposes. The foundation of hospitals arose out of a variety of Christian beliefs: the importance of charitable acts (not least for the good of one's soul), concern for the poor and helpless, and support for pilgrimage. It is not clear what proportion of townspeople may have made pilgrimages during their lifetimes, even if only to local shrines; but a small percentage of wills included bequests to individuals to make pilgrimages on behalf of the testator, to fulfill a pilgrimage vow the testator had not personally been able to keep.

The twelfth century saw a growing pace of investment in institutions dedicated to social welfare; these went beyond the provision of hospitality in the guesthouses of abbeys and priories, and show a recognition of the need to address in an organized

fashion problems particularly affecting urban society.

Although they were not an exclusively urban institution, hospitals were mostly in or just outside towns. This should not be surprising, for several associated reasons:

- towns were the more populous parts of the country;
- urban society had a more conspicuous wealth gap, from wealthy merchants to poor labourers and widows;
- dense population in parts of a town made it more unsanitary and more susceptible to epidemic diseases and there was a relatively high mortality rate (thus producing larger numbers of widows);
- towns attracted settlers who through migration had been separated from immediate family and the related support structures;
- towns had less tradition of the mutual support that characterised smaller and closer-knit rural communities.

It was the growth of towns and of a complex urban social structure, in which poor and wealthy were in close proximity and part of the same community, that fostered awareness of the need to address issues such as welfare and hygiene. Community support in urban settings needed a more conscious effort. Towns became the source of experiments with social programmes, some as private initiatives of leading townsmen or fraternal associations, and others under the wing of borough authorities as they extended their areas of activity. Furthermore, towns had a relatively high density of moderately wealthy individuals, potential benefactors; many hospitals were founded and expanded through the endowments of townspeople.

Early hospitals, as the name indicates, were concerned with providing food and shelter (hospitality) for the needy, continuing the charitable tradition of Benedictine monasteries and nunneries, an ethic which had infiltrated lay society by the late Saxon period. Few hospitals were dedicated to their modern purpose of caring for the infirm and aged and tending to the sick, although there was some growth in that role towards the close of the Middle Ages. We can distinguish four main types of hospital:

- *Hospices*, either dedicated to providing temporary lodgings for poor wayfarers and pilgrims – wealthier travellers being able to stay in inns, and visiting merchants often being hosted by a local merchant – or including limited accommodations for such alongside permanent accommodations for poor folk.
- Almshouses, the second most common type, which might be intended for anyone who was poor, although some were restricted to local residents or even just members of the founding guild who had fallen into poverty. Most were for males, a few for females; where both sexes were accommodated there was strict segregation. Rules were laid out for inmates to lead a semi-monastic life. Domestic chores might be handled by servants. Healthy female inmates helped look after sick inmates. Although such houses accommodated the infirm, this meant invalids rather than those suffering from illness. Some hospitals might, alternatively or additionally, distribute food as alms on a regular basis to poor people who were not residents.
- Leper houses were the most common as well as the earliest type, with many being founded between late eleventh century (when a fresh epidemic of leprosy was causing problems in England) and the early thirteenth century. Towns of any size usually had several such institutions, although most were small with only a few inmates. They were located around the outskirts of a town, since lepers were required to remain apart from the townspeople or anyone who was healthy.
- Hospitals dedicated to giving medical care or dealing with casualties were by far the least numerous type.

In a few cases, hospitals might provide education, either to clerical residents or to poor students who could not afford tuition fees elsewhere.

But we should not forget that, as religious houses, hospitals also had the role of worship, the founders looking to set up institutions where prayers for their souls could be said, and worship being seen as curative for the souls of the sick, or preparation for the afterlife on the part of those in the last years of life. Strictly speaking, we should probably see the primary role of medieval

hospitals as religious.



Two early hospitals in Canterbury, catering to different groups.

(click on the images for enlarged versions and more information)

Historians have identified "waves" in which the foundation of hospitals occurred most intensively. The first took place between the middle of the twelfth and the early thirteenth century, and was primarily the initiative of the Church or the aristocracy; by the end of this period there were over 250 hospitals in existence, although many were very modest establishments. A second wave occurred in the late thirteenth century, with townsmen particularly prominent among the founders; there were at least 540 hospitals in existence just before the Black Deaths struck. And another in the fifteenth century, focusing on the almshouse type; these were predominantly urban foundations, occasionally catering to particular groups, such as widows, impoverished members of the ruling class, or the long-term infirm members of specific trades. Following the depopulation and adverse economic effects of the plague in the third quarter of the fourteenth century, hospital funding and governance underwent something of a crisis, some hospitals were unable to stay in operation or were merged with other religious institutions; in some cases, urban governments stepped in to take responsibility for their management.

Most large towns had several hospitals. It was relatively easy for the wealthier townsmen to found and endow small hospitals, and there were no legal restrictions, whereas the endowment of religious houses such as monasteries was more a challenge for the nobility. The locations chosen for hospitals tended to be just outside or inside the town gates (i.e. on routes taken by travellers,

who might either be recipients of hospitality, or donors of alms), or on sites that were not in demand or not of use for other purposes, which usually meant they were quieter and there was scope for future expansion; only towards the end of the Middle Ages did such institutions start to appear in significant numbers near the centre of towns. Norwich provides an example of a large town where leper houses were distributed around the outside of the town walls, each near one of the principal gates, thus optimising the prospect of alms from travellers. For the same reason of proximity to traffic, we find a number of hospitals situated adjacent to bridges or quaysides.

Among the most prominent hospitals were St. Leonard's in York, and St. Bartholomew's in London. The latter was one of the earliest founded by a lay commoner, while the former was one of (if not the) wealthiest, housing a large community – about two to three hundred – of clergy, sisters, corrodarians, sick people, and orphans. Excavations of burials on the site of St. Mary Spital, founded just outside Bishopsgate, London, in 1197, have revealed some distinctive groups: a high proportion of adolescents, the hospital being known to have had a special mandate for care of orphans; a group of well-fed, older citizens buried inside the hospital church, reflecting the role of the hospital as a retirement home for the wealthy; and a large number of adult males, possibly representing migrants to London unable to establish themselves and not surviving long.



St. Mary's at Chichester and St. Bartholomew's at London
(click on the images for enlarged versions and more information)

Religious attitudes of townspeople

As important as the physical fabric of the Church was the set of

religious beliefs and attitudes that pervaded urban life. It is not easy for citizens of the highly secularized western world to appreciate how deeply-seated Catholic beliefs were and how they permeated every aspect of medieval life. On the other hand, nor is it easy to reach confident conclusions on to what extent such beliefs were acted upon upon by all sectors of society, when all we have to go on are reflections. Consequently, historians debate just how sincerely religious were medieval people. It would of course be a mistake to tar all with the same brush, either of unquestioning devotion or scepticism. We find evidence to support both interpretations and must allow for some measure of ambiguity and ambivalence.

There was doubtless a spectrum of religiosity within the urban population, ranging from genuinely devout attitudes (whether catholic or non-conformist) to indifference. There was also some measure of anti-clericalism, fostered by resentment towards the legal privileges and jurisdictional authority of the longer-established religious houses, disgust at the worldliness and even moral corruption occasionally evidenced, but we should not over-emphasize this. Urban society accommodated a good deal of diversity in its religious options. Those who could afford it, when they made bequests to religious institutions, tended to spread their money among the options: monastic houses, friaries, parish churches, even hermits and anchorites might be recipients. Urban families continued throughout the Late Middle Ages to supply recruits for all branches of the Church, and provided employment opportunities for priests through the socio-religious guilds and chantries they founded and supported.

At the same time, there are indications that the Church was not universally, or at all times, held in the highest respect. Churchyards were often the site for activities that would today seem inappropriate and were occasionally the subject of reproofs in the Middle Ages: commercial transactions were often finalized there; youths played games there, even during services, causing annoyance or worse; and even more formal community sports, such as wrestling matches, might be held there. On the one hand this illustrates how central churches were in community life; however, such activities do not suggest a strong respect for the sanctity of religious sites, and even the time-honoured principle of

religious sanctuary was not free from violation. Another indication of less-than-exemplary devotion, suggestive of the priorities of some townspeople, are prohibitions of trading on Sundays or other religious festivals. In relation to this and other distractions, if not a want of religiosity itself, we may note those parishioners who were taken to task before ecclesiastical authorities for their failure to attend divine service and/or pay the tithes or oblations that were expected of them, as well as for performing labour or retailing food or drink on the sabbath. They were a minority certainly, but nonetheless illustrate how strength of religious feeling varied from person to person. A more extreme indifference to divine displeasure is seen in that churches, as a source of items of precious metals and high-quality cloth, were not immune from burglaries. Occasionally, religious houses or high-ranking religious officials were the target for violence; the assault on Norwich cathedral-priory in 1272 and an attack on Bishop Despenser at Lynn in 1377 are extreme but by no means unique examples. In such cases, however, the religious institutions or personnel were resented as possessors of jurisdictional privileges rather than as sources of pastoral authority; yet it was precisely this heavy involvement of the Church in secular affairs that contributed to alienation among the otherwise faithful. Finally, we can point to heresy; this is not an alienation from religion, but as a divergence in belief it further illustrates the diversity in religious attitudes that existed during the Late Middle Ages.

We may suspect that religion was in some regards a privilege of the wealthy. The poorer townspeople, who struggled to make a living, did not always feel they could afford the luxury of a day of worship and rest; it is they we more often find accused of failing to attend church services or pay their dues, and doubtless primarily they who might be driven by desperation to robbing churches. At the same time, wealthier citizens also occasionally bequeathed money to make up for unpaid tithes. There seems to have been some undercurrent of resentment towards the obligatory payments to the Church; although we cannot be certain how widespread it was, the impression is that parishioners preferred to give when charitable feeling moved them, and particularly when they had some say into what was done with the money.

But even here there is uncertainty. To what extent were the wealthier citizens' contributions towards the rebuilding and beautification of churches a genuine expression of religious devotion, and to what extent was it self-serving? Testators who left money to such projects may have been motivated primarily by a last-ditch effort to redeem their souls; their generosity was not necessarily paralleled by comparable patronage during their lifetimes. At the same time, we should not forget that while some parish churches benefitted from having wealthy parishioners, other churches were falling into disrepair because parishioners either would not or could not contribute to their upkeep. Possibly financial support for religious institutions varied according to the level of prosperity of a community.

Sponsorship of improvements to the fabric, donations of valuables to a church, or patronage of stained glass windows sometimes had attached a proviso that the sponsor/donor/patron would receive recognition, such as through public announcement, an inscription, or depiction in a panel of the window. There are some indications that this conspicuous patronage was considered by critics contrary to true religious humility, and may have been a source of resentment among the less well-to-do. At the same time, what it perhaps reflects is a desire, on the part those parishioners with the means to influence events, not merely to play the passive flock responsive to the bidding of those who spoke the word of God, but to shape the local institutions of the Church in ways that addressed local concerns, as they perceived them.

For it can be argued that the urban upper class used conspicuous religiosity to reinforce the hierarchical values that ensured its hold on political power. Patronage of churches, increased emphasis on civic parades during major religious festivals, association of urban government with a prominent socio-religious gild, governmental direction of religious drama, are all indications of this. Much of what we see of the attitudes of urban society towards the Church is through the eyes of the upper class, because their activities are best represented in the records surviving from the Middle Ages. Therefore we get a somewhat one-side picture of religious attitudes. Despite this, we can be confident that organized religion, not least through its determination of the festivals that punctuated and defined the yearly cycle of medieval life, played a

substantially and significantly more important and more central role than it does today, even though the experience of that religion may have varied from place to place, class to class, individual to individual.



While some townspeople may have shaped their devotion to the Church to suit their own interests, it is hard to discount the effect on attitudes and behaviours of the belief – so strongly promoted by Catholicism – of an all-seeing, all-knowing God, who would consign souls to Heaven or Hell, based on earthly performance.

(click on the image for an enlarged version and more information)

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Keywords: medieval Leicester guilds hospitals endowments employment priests duties church services prayer

Subject: Provision by a gild for employment of a priest

Original source: Leicestershire Record Office, Leicester archives, Locked Book, p.4

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1901), vol.2, 282-83.

Original language: Middle English

Location: Leicester

Date: 1477

TRANSLATION

This arrangement and agreement was made by indenture on 20 September 1477 between dom. Robert Syleby, master of the hospital of St. John Evangelist and St. John Baptist of Leicester, and the brethren of the same place, on the one part, and **Richard Wiggeston** of Leicester, steward of the gild of the same St. John, on the other part. It witnesses that Richard and his successors as stewards of the gild, in consultation with the mayor and his successors, are to provide for as long as the gild endures a good and capable priest to say or sing mass in the chapel of the gild of St. John, and on two days each week in the chapel of St. John located at the **Town's End** in Leicester, unless the master or his successors at any time wish to say mass there themselves. On which occasions, or when they are out of town, the gild priest is to sing or say high mass at the high altar of [the hospital of] St. John; and he is to assist the master and his successors with singing and readings in the choir there during divine service on every holy day in the year. Saying special prayers for the souls of Piers Celler and his wife and for the welfare and the souls of all the brothers and sisters of the gild and hospital, and general [prayers] for all other



kind benefactors of the hospital or gild. The master and his successors are to provide the gild priest with sufficient food and drink, or else 40s. cash a year for his board. The steward and his successors are to pay the remnant of his salary, as negotiated with him, and to find him a room within the [hospital of?] St. John. Should it happen through the default of the master or his successors that the gild priest fail to receive his board or the 40s., as he ought to have at the appropriate times, then it is permitted to the steward or his successors during their terms as stewards to enter into a place that belongs to St. John, currently occupied by Thomas Davy grocer, located outside the East Gate of Leicester between the property of the gild of Corpus Christi in St. Martin's church on the west side and St. Margaret's Lane on the east side; and there take and carry off a **distress** for the 40s., as often as there is a default in [provision of] the board or payment of the 40s. annually. In testimony to which, the common seal of the hospital and the seal of the stewards have been appended to the opposing halves of this indenture.

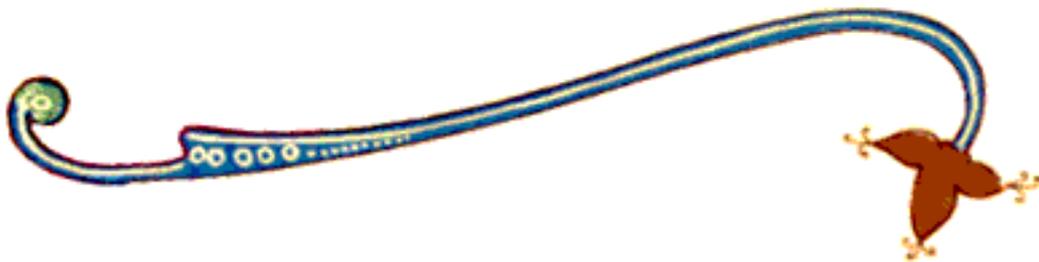
DISCUSSION

The hospital of St. John, with which a college of priests was associated, was an early foundation at Leicester, in existence by the close of the twelfth century. We have records of endowments of lands around the turn of the century, and at the same time it was said that the hospital had been endowed with a monthly supply of grain by the second earl of Leicester, who lived in the first half of the twelfth century. The brethren were living under the Augustinian rule in the fifteenth century, and this was likely the case earlier. The purpose of the hospital is uncertain, but there is a reference ca.1200 to it sheltering the poor; in 1518 (some 70 years before it was dissolved and its lands turned over to the borough corporation) it housed six poor women, and this tradition was continued at its revival in the seventeenth century as an almshouse for poor widows.

In 1355 the hospital had been endowed, by the executors or trustees of the late Peter Seler (saddler) of Leicester, with a share in a tenement, adjacent to property the hospital already held outside East Gate, and 12 cottages to fund one of the brethren of the hospital serving as a chaplain for daily

celebration of divine services for the souls of Peter, his wife Alice, their children, and all benefactors of the hospital. The person chosen as chaplain, a life appointment, was to take his oath of office before the mayor and community in portmoot. That arrangement had probably lapsed and the spiritual obligation to Peter was assumed under this new arrangement.

Bateson has suggested that the endowment of 1355 also marked the foundation of the gild of St. John. Whether so or not, it had a chaplain in the early fifteenth century. The purpose of the 1477 agreement was evidently to make new provisions for the financial support of that priest.



NOTES

"Richard Wiggeston"

A member of a prominent local family of wool merchants. In 1483, a quitclaim to which Richard was party, as one of a group of feoffees, was witnessed by Roger Wigston as deputy mayor; Roger was mayor of Leicester in 1465/66, 1471/72, 1487/88, and other men with the surname also held the mayoralty in the second half of the 15th century. In 1513 another ex-mayor member of the family founded a hospital dedicated to St. Ursula, although during Elizabeth I's reign the name was changed to William Wigston's Hospital.

"Town's End"

A neighbourhood just outside the East Gate.



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Keywords: medieval Nottingham lawsuits trespass priests immorality adultery

Subject: A chaplain commits a worldly sin

Original source: Borough court roll, Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 240-43.

Original language: Latin

Location: Nottingham

Date: 1389

TRANSLATION

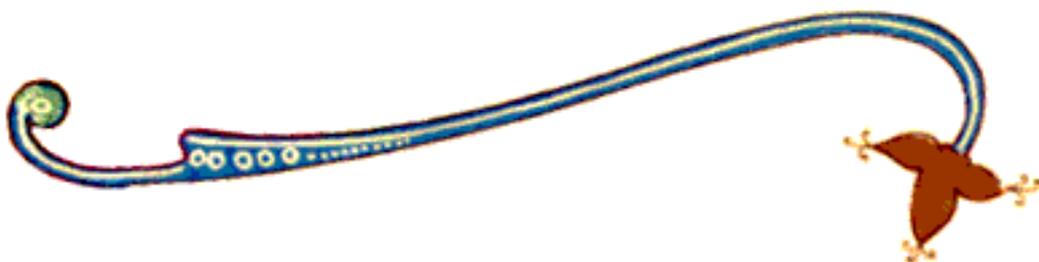
John de Bilby brings a charge of trespass against Roger de Mampton, chaplain, complaining that when John, on 1 August 1387, was at **Radcliffe** on business, Roger broke into his property and entered his chamber here at Nottingham in Bridlesmithgate, in contempt of John[[s rights](#)]. He was found under a curtain of John's bed. John interrogated Roger as to what he was doing there; who responded that he was not there, nor had he come, with any evil intent. After which John advised Roger that he had better not find him with his wife, nor in any of his houses, at any time of day or night. After which warning, Roger subsequently, in the week following 22 June 1388, came during the night to John's house in Stone Street, here at Nottingham, and broke John's wall there, leaped over it to [\[get to\]](#) the houses of John de Bilby, entered where was private and John's wife was, and spent a long time there with John's wife, without John's permission or consent. This continued through an entire year after the warning. Because of Roger's visits, John's goods and possessions have been used up and lost to him, viz. two pairs of linen sheets, tablecloths, towels, and 1 brass pot, worth 13s.4d, have been lost to him through their destruction, and the entire profits in John's money from 10 quarters of malt have been



spent and wasted by Roger and John's wife, particularly due to the visits paid by Roger. For which reason John brings this complaint, claiming a hundred pounds in damages. Roger appeared in person and denied the force and injury and the damages, saying that he was going about with holy water in his parish, as is the custom for parish clergy, and came with the water to John's house in a proper fashion, not with any evil intent. As for breaking the wall, wasting John's goods and possessions, or entering John's house, he says that he is in no way guilty, and asks that this be enquired into. And the other [party requests] the same. Therefore it is ordered [to hold an inquest].

DISCUSSION

This complaint was brought before Nottingham's court on 13 October 1389. The jury inquest upheld Bilby's accusation. This was the sort of morals-related offence that brought disrepute on the clergy. However, it is notable that John does not dwell here on damages associated with interference in his relationship with his wife, but more on property damage and loss of possessions. Nor is there any suggestion that John's wife was an unwilling partner in the offence.



NOTES

"John de Bilby"

Probably the skinner of that surname (without mention of a Christian name) referred to in 1396. He was himself in trouble with the authorities in 1394, for refusing to take the juror's oath and participate in an inquest, and in 1395 for forestalling coal in order to create a shortage and push up the price at which he could sell it.

"Radcliffe"

Radcliffe on Trent, a few miles east of Nottingham.



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Keywords: medieval Henley government parish churches priests mass churchwardens account expenditures funerals bridges Purgatory memorial services

Subject: Provisions for the parish church and memorial services for the deceased

Original source: Bodleian Library, Henley Assembly Book, vol.1, ff.18-20, vol.2, ff.10, 13

Transcription in: P.M. Briers, ed. *Henley Borough Records: Assembly Books i-iv, 1395-1543*. Oxfordshire Record Society, 1960, 26, 27, 29, 76, 80.

Original language: Latin

Location: Henley

Date: 15th century

TRANSLATION

On that day [20 October 1419] it was agreed through the assent of the warden and the entire community that two chaplains who are of honest demeanour, good reputation, and are good singers of plain-song should each receive annually **from the bridge-keepers** £6 for their services as chantry priests, and living quarters adequate for their needs. And furthermore that the chaplains shall supervise the choir at appropriate times, both on the eve and on the day of a festival.

[...]

Also on that day, the warden and community of the town agreed that bridge-keepers Hugh Bakere and John Tubbe, and their successors, shall keep and observe an obit in memory of Hugh Cooke and his wife Alice once a year in Henley church, beginning on 12 November of this year and so from year to year until a full twenty years have elapsed. This out of consideration for the fact that Hugh and Alice contributed many items to the parish church of the town. For which



reason the warden and community wish and grant, for themselves and their successors, that the bridge-keepers then in office expend on the memorial obit forty pence, in the following way. First, to each chaplain of the parish church who celebrates there and attends the **exequies**, 2d. Also, in offerings at the five Masses, 5d. The rest is to be spent on **wax**, on the clergy (2d. each for their labour), and on bread and ale; should there be anything left, it is to be distributed among the poor. In regard to that forty pence spent by the bridge-keepers, they shall have allowance made for it when they render their accounts before the warden and community.

[...]

On that day [7 November 1419] Thomas Barnavyle and John Curteys churchwardens and **William Logge**, supervisor of the upkeep [of the church], presented their accounts before the community, as set out in a roll of their receipts. Notably, of £67.17s.2d and of 26s.8d. Out of which they paid for 9 **fothers** and 400 lb. of lead, bought at the price of £5.16s.6d per fother; total £53.13s. In expenses incurred on the labour of plumbers, on other work on the church and its bells, for [re] paving the church, on ornaments and vestiments for the church, and for a new missal, as set out in that same roll, £21.6s.4d. Total of all expenditures on lead, £74.19s.4d. And therefore there is owed to William Logge, 5.16s.6d.

[...]

On that day [1 June 1420] it was ordained by the consent of the warden and community there that on the day the obit of any person there [i.e. of the town] may be rung by the ministers of the church on a single bell. That is, whichever bell is wished, according to the wishes and pleasure of the friends of the deceased, is to be rung in the appropriate fashion; they paying to the ministers of the church 2d. for the ringing and their labour. Also that on memorial days the trental or anniversary of the deceased may be rung on four bells in the appropriate fashion, paying to the ministers 2d. plus bread and drink. Anyone who does anything contrary to this ordinance is to pay 6s.8d into the community money-box.

[...]

The account of John Wryght and John Elam wardens of the church and bridge of Henley, covering the accounting period from 25 March 1472 to the same date following, that is for an entire year; audited **23 May 1474**. The two Johns accounted for £31.1s.¼d from the rents payable to the church, as set out in the court roll. Also, they accounted for 30s. in arrears from the previous account. And they accounted for 10s. collected at the church porch in Easter week. And they accounted for 20s. [paid] for various interments within the church. Total, £34.1s. ¼d. Out of which were paid various costs and expenses made by the wardens, as itemized in the [written] account they submitted for examination, £32.19s. At the close of their accounting, they owe 22s. Of which 10s. was paid out for the purchase of stone. Also 14d. to William Styleman for making 1 tallow [candle].

[...]

On the same day [14 September 1476] it was agreed and ordained by the warden, bridge-keepers, and the entire community of the town, that henceforth no-one from inside or outside the town might have the largest bell, of the five great bells hanging in the bell-tower of the parish church of Henley, rung at his exequies or Masses at which the body is present, nor at any obit or anniversary whatever in the future, unless he pays 4d. into the communal money-box for [having] that single bell [rung] on each occasion. That is, 4d. for when his body is present at the exequies and Masses, and likewise at his obit or anniversary, on top of the fee due the clerics and others who undertake the ringing. But that everyone, depending on his social standing, may have at his decease, when his body is present, an appropriate amount of tolling with a single one of the other four great bells, at the exequies or at another time as suits those who will be in attendance. And that everyone may have at his exequies, obit, or anniversary, three appropriate tolls with the four bells, and not more. At the time of the Masses with the body present, and at the burial, as well as at the Masses of the obit or anniversary, [there may be] appropriate tolling with the same four bells, and not more.

DISCUSSION

Henley-on-Thames provides an instance of the authorities in a town of very modest size and modest means exercising its concerns for the religious life of the community. It was not uncommon in the last century or so of the Middle Ages for borough authorities to be called upon to play some supervisory role in regard to the maintenance of chantries or services for the dead. In the case of Henley, a single-parish settlement, the community and its representatives were that much more closely involved in the affairs of the parish church.

Henley's urban status was recognized by the central government by at least the 1240s, and it is in the same century that we first hear of bridge-keepers there. The town had as its executive officer the warden, who appears to have originally been the head of the Merchant Gild through which the community was organized – by the fifteenth century the burgess community and the gild were one and the same – and its aspirations were achieved; judicial administration was in the hands of the lord of the manor and law enforcement carried out by bailiffs, who were manorial officials, even though their election was a privilege that the community had won. Other than these, and with a formal town council not apparently emerging until the reign of Henry VI, local government also included two constables and the two bridge-keepers.

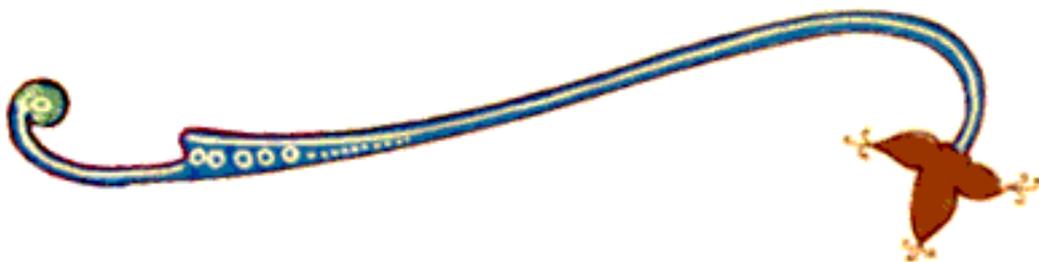
In 1385 a townsman obtained licence to alienate in mortmain rents from 115 properties towards the maintenance of the bridge across the Thames and a chantry in the town church. Thereafter, if not before, the bridge and the church were associated administratively. The bridge-keepers were responsible for administering the rents of such a staggering number of properties, for a small community. By the end of the fifteenth century, the "bailiffs of the church and bridge on Henley were accounting regularly for these revenues and the way they were spent on upkeep of bridge and church. At the earlier end of the century, the churchwardens were accounting for expenditures; they were also elected officials of the borough, but perhaps not on an annual basis. The work of the churchwardens called on revenues additional to those assigned the bridge-keepers, such as burgess entrance fees. In 1415 the offices of bridge-keeper and churchwarden were held by the same pair, but this appears an exception; after 1429 the offices were combined, and the office of the *pontenarii* is actually described in 1433 as *procuratores ecclesie et pontis*.

After a brief experiment in 1434, an additional set of officials was created in 1441, by ordinance, to be keepers and supervisors of all goods belonging to the church and to act as holy-water clerks; their duties involved receiving income associated with burials (including bequests to the fabric of the church) and using it for repairs, and to look after the furnishings, books, vestments, etc. of the church. In 1449 we hear of a special commission of townsmen appointed to look after renovations to the bell-tower and its bells; but this effort apparently proved too much for, in 1455, it was necessary to sell a large new-made bell in order to pay borough debts, but what remained was to be used to make smaller bells. Four years later a new commission was appointed, to collect alms for the churchworks. The work on the bell-tower went ahead and in 1462 a contract was let to build a steeple atop it; by the following year the collectors were able to turn over to the churchwardens £69.15s.2d for the work on the bell-tower, and in 1464 or 1465 the hanging of the bells was begun. In 1473 a record was entered of the five new bells and their weights and total value (over £91). The preoccupation with the bells was because their tolling was an important part of the ceremonies marking the death, and subsequent anniversaries of the death, of townspeople – reminding others to pray for the soul of the deceased.

The concept of Purgatory, posited in the twelfth century and receiving official recognition in the thirteenth, established in the Late Middle Ages a core belief that gave tremendous impetus to the saying of prayers for the souls of the deceased, and to the purchase of such prayers in one's last will and testament – for those who could afford it, by the foundation of chantries dedicated to saying a special Mass for the soul(s) of the founder(s) along with prayers for others the founder designated. Prayers could help relieve the suffering of the souls parked in Purgatory until they would be released to the Last Judgement. For the poor who could not afford to buy prayers, general prayers were said at every Mass and each November, on All Souls Day, a special Mass was dedicated to every soul in Purgatory. But prayers said for specific individuals were considered far more efficacious.

Consequently, services for remembrance of the dead – obits, or anniversaries – became an important element in church celebrations, filling in gaps between the major daily services. Whereas today most churches are quiet for the greater part of a day, in the Late Middle Ages, many had activities going on throughout the day. Only a handful of townspeople were wealthy enough to be able to found chantries. The less expensive alternative was to arrange for an anniversary each year; like a chantry, it was typically funded by endowing the church where the anniversary was to be celebrated

with property or rents, or with a sum of money expected to support a finite number of anniversaries. These memorial services could sometimes be as elaborate as the original exequies, or obsequies, at the funeral. Although far less frequent than chantry services, they compensated somewhat by involving larger numbers of attendants to pray for the soul of the deceased. Another tool for remembrance was the bederoll, listing the names of deceased parishioners, read out in church. In the fourteenth and fifteenth centuries we find bedemen, or bellmen, appearing in the roster of borough officialdom, part of their duties being to go round town announcing deaths or anniversaries; Henley's earliest record of such an appointment is in 1426, although the fact that the appointee was handed the bell of office suggests that he was not the first.



NOTES

"from the bridge-keepers"

I.e. from the borough revenues collected by the bridge-keepers, or Bridgemen, of which there were two elected annually.

"exequies"

Funeral rites and/or the annual memorial service.

"wax"

For candles.

"William Logge"

He was the warden then in office.

"fother"

A measure traditionally applied to lead in England, its weight might vary between about 2100 lb and 2600 lb. Unless the financial calculations in the record are inaccurate, the additional amount of 400 lb must have been charged at a significantly higher rate.

"23 May 1474"

The date is suspect as the record identifies it as a Wednesday; it was in fact a Monday.



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Keywords: medieval York chantries priests presentment endowments bequests patronage administration

Subject: Appointment of a chantry chaplain

Original source: York, City Archives, Memorandum Book A/Y, f.9

Transcription in: Maud Sellers, ed. *York Memorandum Book, part I (1376-1419)*. Surtees Society, vol.120 (1911), 24.

Original language: Latin

Location: York

Date: 1378

TRANSLATION

Memorandum that on January 30, 1378, **Roger de Seleby**, the son of Hugh de Seleby, appeared in the mayoral chamber above the Ouse Bridge, before John de Santone then mayor of York, Robert de Howom, Thomas de Howom, William Tondew, William de Tykehill, Robert Talkan, and other of the reputable men of the city. He presented to the mayor, chamberlains, reputable men, and community his preferred choice, dom. John de Crome chaplain, to [service] the chantry long ago established and constituted for the soul of Hugh de Seleby senior and the souls of his ancestors and all the faithful deceased, at the altar in the chapel of St. William the archbishop on the Ouse Bridge. To the effect that dom. John should celebrate the chantry appropriately and act and serve according to the custom of the chapel. And that he should be in permanent possession of all tenements, objects, rents, and goods pertaining to the chantry. On which day the said dom. John, by consent of the community, was administered the oath and admitted to the chantry on the aforementioned terms, for as long as [he behaves] properly and honestly in that duty.



DISCUSSION

The foundation of chantries – that is, the provision of an endowment to cover the costs of Masses celebrated and prayers said, sometimes indefinitely, for the benefit of the soul of one or more specific individuals – became increasingly popular, among those who could afford it, during the Late Middle Ages; they supplanted, to an extent, charitable donations to monasteries or friaries for similar intercessional purposes. In cases of the better-endowed chantries, there might even be a chapel within a church dedicated to the function; in other cases an altar was set up for the purpose within an existing space.

The founder was often deceased when the chantry was established, through a testamentary provision; or sometimes a widow or heir might take the initiative, usually providing for their own souls at the same time. Bearing in mind the tendency of bloodlines to die out, townspeople not infrequently delegated the responsibility for maintenance of chantries to guilds or to borough authorities (which had at least the semblance, if not the legal recognition, of being perpetual corporations); the founders allowed such trustees to manage – and potentially profit from – the funding, itself usually stemming from annual revenues from real estate, allocated to the chantry. John de Eshton, for example, bequeathed (ca.1384) 18 houses and shops with a total annual income of £10.18s.8d (although £1.16s.8d of this was lost in rents resolute), to fund a chantry in St. Nicholas' church, Micklegate; £5 of this was applied to the chaplain's salary.

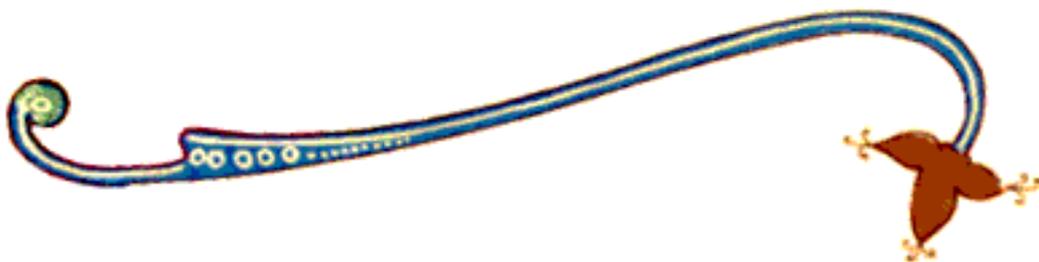
The responsibility turned over to the authorities gave them a role in the appointment of chaplains to serve the chantries. In fact, in the context of a dispute (1388) between York's chantry priests and the parish rectors, over a traditional exaction which the former were resisting, mayor William de Seleby came to their defence with a public statement that, since the chantries had been founded by citizens, this made the city the patrons and masters of the chantry priests, and it was incumbent upon the citizenry (as heirs of the chantry founders) to defend those priests from any onerous demands.

York's churches and chapels had numerous chantries by the late fourteenth century, eight of which were identified by name as under city patronage in the documentation of the 1388 dispute. However, recruiting chaplains was

not easy, since nominees had to pay various fees to the Church before obtaining admission to a benefice. A number of such appointments are found among the city records of medieval York. A few months before the appointment of John de Crome to the Selby chantry, the city appointed dom. William de Thorne to a chantry in the same chapel, requiring daily celebration of a morning Mass. Crome's own appointment, although the nomination lay within the Selby family's power, evidently had to be approved by the city authorities before coming into effect. Crome did not last long in the job, resigning in July 1379; although a replacement had already been found, he too resigned in November 1381. In 1416, alderman William Selby presented Thomas Howran as chantry chaplain, after the previous incumbent, John Algude, had died.

When Richard II granted the city a new charter of liberties in 1393 it included permission to the authorities to acquire real estate to the value of £100 a year, to support not only the maintenance of the Ouse and Foss Bridges themselves but also the maintenance of various chaplains and clerics celebrating divine services in the community-owned chapel of St. William, some of those services being for the spiritual well-being of the king and his ancestors and successors.

In 1536 the city authorities obtained from parliament the abolition of seven chantries for whose maintenance it was still responsible. Not so much because religious attitudes had changed and now saw no rationale for that kind of thing, but more because the income devoted to the chantries could then be diverted to offsetting the borough's financial deficit.



NOTES

"Roger de Seleby"

A man of this name was mayor in 1369. The chantry founder was more likely one of the citizens acting in 1380 as constable of the ward stretching from the Ouse to St. Leonard's.



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Keywords: medieval Bridport chantries presentment priests duties church services endowments finances regulations property values

Subject: Foundation of the Munden chantry

Original source: Borough archives

Transcription in: K.L. Wood-Legh, ed. *A Small Household of the XVth Century: being the account book of Munden's Chantry, Bridport.* Manchester: University Press, 1936, 84-86.

Original language: Latin

Location: Bridport

Date: 1361

TRANSLATION

Know all people, present and future, that I, John Munden, having obtained licence from the king and other chief lords, have given, granted and by this present charter have confirmed to God, the Blessed Virgin Mary, St. Michael archangel, Nicholas Gourtop and Nicholas de Portlond priests, and the priests who succeed to their posts, for the purpose of divine services celebrated in perpetuity in the chapel of St. Michael at Bridport for the souls of King Edward, myself and my late wife Christine, Nicholas Pynnok, Robert de Faryndon, and the souls of my father and mother and of all the faithful who are deceased: twelve **tenements** and four acres of land with appurtenances in Bridport; six tenements, thirty-eight acres of land, four acres of meadow, thirty acres of pasture, 60s. in rent, and the rent of five pairs of gloves and half a pound of pepper, with appurtenances, in **Allington, Bradpole and Walditch**. The said Nicholas and Nicholas, priests, and their successors to the chapel are to have and to hold the aforementioned tenements, land, meadow, pasture, and rents with their appurtenances for purposes of celebrating divine services in the following manner.



Viz. that one of those priests celebrate the daily mass each day and the other the mass of the Blessed Virgin in the chapel of St. Michael, and every day they are jointly to say matins, vespers and the other canonical hours, and the placebo, dirige, and commendatio in the chapel according to the Salisbury usage, unless one is incapacitated or has other reasonable cause to be excused, and one or other of the priests shall conduct the daily services dressed in the surplice designated and prepared for that.

While I live, I am to have the **presentation** of the priests, and those who succeed them in the office, to the Bishop of Salisbury. I grant, on behalf of myself and my heirs, that after I die whoever is at that time rector of the church of St. Mary, Bridport, may in perpetuity present to the chantry or chantries a suitable priest or priests, within a month after being informed of the deaths of those priests, or any one of them. If, after a month, the presenting rector proves negligent or remiss in presenting those priests, or any one of them, then the bailiffs and community of Bridport may in perpetuity present a suitable priest or priests to the chantry or chantries within a month following that month which the rector has exhausted. If, after a month, the bailiffs and community prove negligent or remiss in presenting those priests, then the incumbent Bishop of Salisbury shall appoint suitable priests to the chantry or chantries; first, as a pre-requisite for the conferral, an oath is to be administered to the presented priests that they will not fail to celebrate divine services in the manner specified above. It is to be ensured that those priests thus presented, or on whom after a lapse in time the Bishop may confer the chantries, have no obligations related to any other benefice or ecclesiastical office, but can devote their complete attention to the chantry duties and will be continuously resident, **twenty-four hours a day**, in the house where I, John, used to reside. If those priests, or any one of them, acquires thereafter obligations to, or possession of, a benefice or office elsewhere, then they are to be deprived of their rights in the chantry and be completely excluded from **[control over]** the lands, properties and rents. Each of the priests and their successors in perpetuity is to receive annually for food and clothing **100s.**, in equal quarterly installments at the **principal terms** of the year. For bread, wine, and lighting for the masses, **10s.** from the rents and other revenues from the tenements, land, meadow, and pasture. They are to take their meals together. Any

surplus income from the land, tenements, and rents that Nicholas Gourtoup and those named to succeed him as warden of the house of St. Michael can clearly demonstrate before the rector, bailiffs and community each year at Michaelmas, I require to be put to the benefit of the two priests through repairs and improvements to the chapel and tenements. Each priest, when admitted and instituted [to the benefice], is to take oath before the Bishop of Salisbury that he will adhere faithfully to the above ordinances, and every one of them, to the best of his power.

In case the priests are unable to continue their divine services, because of the inadequacy of the revenues from the tenements mentioned, I have given and granted to [support] the celebrations of the priests in that chapel £200; of which £100 is in the custody of the abbot and convent of Cerne, and the other £100 is in the custody of the abbot and convent of Abbotsbury, [secured] under my seal and [those of] the bailiffs and community and the priests, to be and remain there during my lifetime. After my death, it is to be delivered to the priests and their successors when they may be in dire need, in annual allocations, at the discretion of the incumbent rector, bailiffs and community, to support the priests and also to maintain the tenements.

It is a duty of the priests to participate in each of the principal holy festivals at vespers and mass, and for one of them to be present at mass each Sunday, in the parish church of St. Mary, Bridport, until vespers and mass on such days have been concluded.

I have also given and granted to the chapel, for the use of the priests, two **missals**, three **breviaries** (of which two are large), a good bible, one **gradual**, two chalices, three sets of vestments (of which one costume incorporates a cope and tunic), one silver basin, and two silver **cruets**, to remain within the chapel in perpetuity and to be inspected by the rector, bailiffs and community each year at Michaelmas, to ensure they are not disposed of by the priests or put to other uses. I, John, and my heirs will warrant, defend, and acquit in perpetuity the aforesaid Nicholas and Nicholas, priests, and the priests who succeed to their duties in celebrating divine services in the chapel, against all persons concerning [legal challenges to] all the above-mentioned tenements, land, meadow, pasture and rents with

their appurtenances.

In testimony to which matters, I have put my seal to this charter.
Witnesses: Sir John de Chidiok, Sir Robert Latymer, Sir Richard
Tourbervile, Sir Edmund Everard, Sir John de la Hale, Ivo de
Chiltecombe, John de Watton, John de Fighelten, Robert de
Bemynster, William Hichecok, Richard Laurenze, and others.

Drawn up at Bridport on 24 May 1361.

DISCUSSION

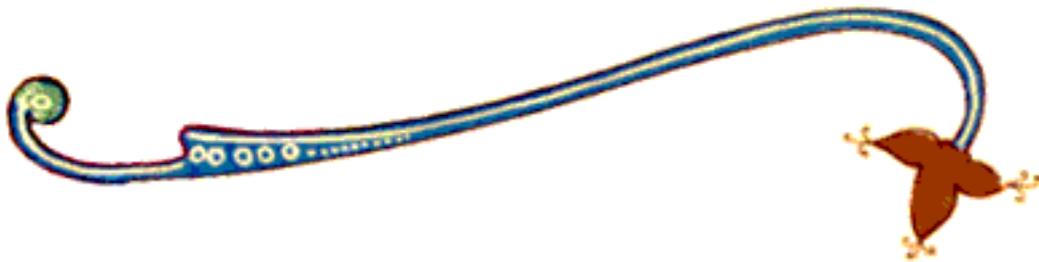
John Munden was a prominent member of Bridport society, having represented the county of Dorset in parliaments of 1339, 1346 and 1352, and found acting as a county justice on several occasions during the 1340s and '50s. By giving the borough authorities some responsibility for the supervision of the chantry – they having to audit the financial accounts and inspect the property and its moveables each Michaelmas – he assured that relevant records would find their way into the borough archives, and a few of these have survived. It was written into the borough customal that the inspection of the chantry should take place on the Monday following Michaelmas (September 29), and that the warden's accounts be presented in writing.

It is not clear whether the chapel of St. Michael was a stand-alone building (no such exists today), or was within **St. Mary's** church, which still stands, although its present fabric is mostly of the fifteenth century. Wherever situated, certainly the chapel was in existence prior to Munden's time, for an earlier chantry was instituted there by Robert de Farendon; this does not appear to have lasted – perhaps inadequate provision was made for it, financially or administratively – and the inclusion of Farendon's name in the list of souls for special mention in services may indicate that Munden was taking responsibility for the earlier chantry. We can see from Munden's foundation document that a chantry was viewed as a service rather than a location.

Chuntries were usually supported through endowments of the revenues from

real estate. Munden evidently feared – perhaps prompted, Dr. Wood-Legh suggests, by the decline of property values following the plague's extermination of tenants and buyers – the property he provided might not be sufficient; the provision of a cash fund as an emergency reserve is unusual. For a later period, when we have figures as to income and expenditures, the former was not greatly exceeding the £10.10s. assigned by Munden as the operating expenses, although the expenditures were generally a little higher than Munden had anticipated.

By contrast with the **Whittington foundation**, Munden made no explicit provisions for absences of either of the priests from the chantry at any point. Those priests whom we know to have staffed the chantry were aged and unlikely to travel far afield. Possibly such institutions were perceived as appropriate for older priests in a state of semi-retirement; certainly Munden expected that there be no other demands on their time, although this was primarily to ensure chantry duties were attended to conscientiously.



NOTES

"Allington, Bradpole and Walditch"

Hamlets in the neighbourhood of Bridport.

"presentation"

The right to appoint a priest to a living (or other benefice).

"twenty-four hours a day"

The original has *cu[m]bantes*, meaning lying down – i.e. staying overnight.

Absentee priests, dividing their time between multiple posts, were a problem in the Church.

"100s."

At the time from which the priests' financial accounts survive (1450s), they were in fact receiving 20s. each, leading Dr. Wood-Legh to conclude that the remaining £4

due each were probably being pooled to pay for common expenses, such as food.

"principal terms"

Quarters focused on the major Church festivals of Christmas, the Annunciation, the Nativity of St. John Baptist, and Michaelmas.

"10s."

Dr. Wood-Legh read this as 10s. per priest; the text is not precise on this, however. The punctuation inserted by Wood-Legh would suggest a single allowance for the pair, while a late fifteenth century document, referring to the borough authorities having temporarily taken direct control of administering the chantry budget, read it likewise.

"missals"

Books containing prayers and other devotions said or sung during mass.

"breviaries"

Books compiling the order of prayers for the canonical offices.

"gradual"

A book containing liturgical texts (psalms, readings etc.) used during mass.

"cruets"

Small containers, one for the sacramental wine and a second for the water used (poured into the chalices) during mass.



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Keywords: medieval Coventry heresy Lollardy preaching doctrine friars riot conflict suppression arrest punishment

Subject: Lollardy at Coventry

Original source: Coventry City Record Office, Leet Book

Transcription in: Mary Dormer Harris, ed. *The Coventry Leet Book or Mayor's Register*. London: Early English Text Society, old series, vol.134 (1907), 96-97.

Original language: Middle English

Location: Coventry

Date: 1424

TRANSLATION

On 30 November 1424, one John Grace, who was at that time called John Grace hermit – and since then men have said he was a monk, then a friar, and after that a recluse – came to this city and preached for 5 days consecutively in the **Little Park**, saying that he was a licenciate and had a licence to preach from the bishop's officials in this diocese, and that he had preached to the canons at the close in Lichfield for 3 consecutive days, and after that he preached at Birmingham, and next at Walsall, then at Coleshill, and thence came down here. At that time this John Grace was highly reputed among the populace for his preaching, since he was very graceful in his speech, and saintly in the way he lived, and performed and demonstrated many marvels. Because of his reputation, many men were prepared to believe what was said about him in the past, and that encouraged the people to be more receptive to his preaching. Nonetheless, on 30 November after John Grace had preached, it was rumoured that he was not a licenciate and had no licence to preach, notwithstanding that he himself stated in every sermon he gave that he was a licenciate and had such a licence.



On the afternoon of the same day, once Evensong was over, Richard Croseby, Prior of St. Mary's church in Coventry, intended (it was commonly said) to go into the pulpit in the church of Holy Trinity to denounce as accursed all those who listened to the sermon of John Grace. And so, because of the behaviour of the Prior, and what was said by one Master John Bredon, one of the Greyfriars in Coventry, making critical comments among the people, the rumour spread among the populace that the Prior and Friar Bredon wanted to curse all those who had heard John Grace preach. Because of that rumour, neither the Prior nor Friar Bredon were willing come out of the church until the mayor was present; despite the fact that they could well enough have gone wherever they wanted, Heaven knows!

Because of what had happened, the story was spread in the countryside that the commons of Coventry had rioted and planned to kill the Prior and the friar – which, God knows, was not the case, nor was any such thing attempted or plotted. Word of this came to the king's council, which was at that time in London, and it had a letter sent to the mayor, bailiffs, and commons of this city, in the following words: "Trusty and well-beloved, we greet you well; forasmuch as it was recently reported to us and some of our councillors that a certain person, a sometime monk, etc."

DISCUSSION

Puritanical criticism of the Church, many of whose institutions had become very worldly, was nothing new in the Late Middle Ages, and **Lollardy** simply provided a new, doctrinal focus. It found strong sympathy in the Midlands in the late fourteenth century, including at Coventry, which became notorious as a base for the heretics. The citizens' long political struggle with the Prior, who had lordship over half the town, may have contributed to the anti-clericalism felt by some. At the same time, Coventry was one of several places where seemingly heretical tendencies emerged from the other end of the spectrum: a peculiar devotion to a local cult focused on a purportedly miracle-working statue of the Virgin Mary, which was a particular target for Lollard derision.

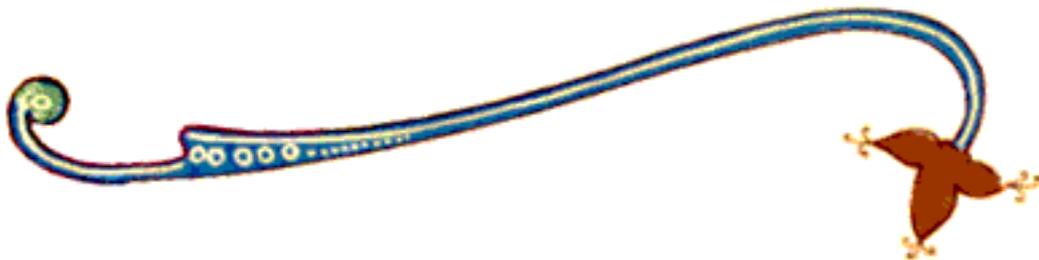
Lollard sympathisers included some in positions of power and influence, and they were able to return supporters to parliament. At one such parliament held at Coventry in 1404, the Church came under attack and the demand was made (fruitlessly) that its revenues be confiscated. But even then the crackdown on heretics was underway. At an episcopal convocation of 1413 a number of books were condemned as heretical, and one of the most offensive had been produced at Coventry. Again, the abortive uprising by Lollard Sir John Oldcastle attracted some supporters from Coventry. In 1419 Robert Clerke, alias Taylor, of Coventry was brought before the bishop on a charge of heresy; he recanted and did penance, but it has been suggested his ideas were due more to mental instability than Lollardy.

In general, urban authorities were anxious to deal firmly with heretics, not for reasons of doctrine but simply to prevent any divisions within the community that could lead to a breakdown in law and order. In some Midlands towns, however, we find sympathy or tolerance for Lollards among the authorities. Such at least is evident from the above document, representing the viewpoint that events had been blown out of proportion, a position that may have been taken to try to forestall or limit intervention by external authorities. The document does not imply any overt support *per se* for Grace, however, and the city rulers must have been concerned about the disorder that had come about; Lollardy incorporated ideas about social equality that were part of what appealed to the lower classes and must have made the ruling class somewhat nervous. In some cases, the authorities overreacted, as in the famous detention at Leicester of Margery Kempe, returning from her Spanish pilgrimage and en route from Bristol to Lynn; despite her orthodox answers to doctrinal questions, the mayor of Leicester doubted her sincerity, and needed persuasion from the clergy that she could be sent on her way.

Grace was an anchorite friar who had obtained a preacher's licence from Bishop Heyworth. His preaching had caused riots in Staffordshire before he reached Coventry. At this period Coventry was perhaps the principal centre in the Midlands offering support to Lollardy. Prior Crosby was a natural opponent, both because of his ecclesiastical and secular interests in the town. Already, in 1421, he, mag. Bredon (a doctor of theology), and the warden of St. John's Hospital had submitted a proposal to the city authorities for preventing disturbances on Midsummer's Eve and St. Peter's Night, resulting from the large crowds in the streets; they advocated appointing special officers for each ward on those nights and having the mayor or bailiffs patrol the streets with a posse. Possibly they were instrumental in the issue of royal letters patent, in December 1424, ordering

Grace's arrest for teaching unorthodox doctrines. The following Easter saw orders for the arrest of seven Coventry men on charges of insurrection; on May 6 two of them and thirty-one others put up bonds to guarantee that they would be obedient to the mayor, would not knowingly support Lollard or other heretical opinions, nor make congregations contrary to the king's peace; sixteen more men gave similar assurances later that year. These were probably the outcome of the investigation into the disturbances resulting from Grace's visit.

Two of the original men whose arrest was ordered, along with two more ordered apprehended in late 1425, remained at large at the beginning of the following year. One was taken and brought before the bishop in March 1426, obtained his release by recanting his heresies, and promptly disappeared – he had still not been retaken by 1428. The mayor's account of 1429 refers to £3 having been spent on fines incurred by poor men of the town in relation to some unspecified indictment before the King's Bench; it is not unlikely that these were fines consequent to the investigation into the alleged riot. In 1431, Lollard leaflets were spread around Coventry, but the problem was dealt with locally, without arousing the king's attention. The same year saw executions of some Lollards at Coventry. For a few decades after this, things were quieter, but Lollardy made a strong reappearance in the 1480s and helps explain why, under the Tudors, Coventry was strongly Protestant.



NOTES

"Little Park"

This was part of the grounds of Cheylesmore manor, in the southern suburb of Coventry.



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Created: *March 14, 2003.*

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Keywords: medieval Colchester Norwich heresy Lollardy beliefs doctrine Church suppression trial confession capital punishment

Subject: The fate of heretics

Original source: Item 1: Register of William Alnwick, Bishop of Norwich, ff.41-42; item 2: Essex Record Office, Colchester borough records, Red Paper Book, f.82

Transcription in: 1. Norman Tanner, ed. *Heresy Trials in the Diocese of Norwich, 1428-31*. Royal Historical Society, Camden 4th series, vol.20 (1977), 185-87; 2. W.G. Benham, ed. *The Red Paper Book of Colchester*, Colchester, 1902, 52.

Original language: 1. Middle English; 2. Latin

Location: Norwich and Colchester

Date: 1428-30

TRANSLATION

[1. Confession and recantation]

In the name of God, before you the worshipful father in Christ, William by the grace of God Bishop of Norwich, I, John Fynch tiler, resident of the parish of **Crouch Church** in Colchester, recently arrested in the town of Ipswich of your diocese under suspicion of heresy and imprisoned, [as] your subject, on the grounds that I have been associated and in communication with heretics – that is, with Laurence Tyler, **Dutchman**, and with his servant John Laborere and others – whose doctrines I have heard, learned, understood, and spread; [viz.] all the errors and heresies which are written and included in this indenture, which I have held, believed and affirmed:

First, that the sacrament of baptism by water, in the common form customarily [performed in] the Church, is neither necessary nor helpful



to the increase of bliss, for every child is sufficiently baptized in the blood of Christ's passion, and needs no other baptism.

Also that confession ought to be made only to God, not to any priest, for no priest has the power to absolve a man of any sin.

Also that a simple agreement between man and woman to love one another is sufficient for the sacrament of perfect matrimony, without any verbal contract or any solemnization in church.

Also that it is not lawful to swear [\[an oath\]](#) for any purpose.

Also that every man may lawfully carry out any physical activity, excepting sinful, on Sundays and all other festivals which priests command be kept holy by order of the Church.

Also that every man is obligated to cease paying and withhold all tithes and offerings from curates and priests, and give them to poor people.

Also that no man is obliged to fast at Lent, the Ember Days, Fridays, nor the eves of saints [\[days\]](#), when priests command fasting.

Also that all prayers ought to be directed only to God, and not to other saints.

Also that **pilgrimages** should not be undertaken, except to the poor people.

Also that no reverence or worship of any kind ought to be done to any images.

The which errors and heresies I heard, understood, spread, held and affirmed since Christmas 1427. For the which errors and heresies I, John Fynche, was brought to justice before mag. David Pryce, Commissary of my lord [\[the bishop\]](#) of London, sitting in judgement in St. Nicholas' church in Colchester and proceeding against me, accused of heresy, around Michaelmas 1428. Before which mag. David Pryce, I – judicially impeached on articles of heresy and errors which I did in truth hold, believe and affirm before that time – denied and swore

false oath on the mass book, which I touched with my body, that I never held, believed, nor affirmed any heresies. And so I falsely cleared myself of all [charges of] error and heresy before the same mag. David. And since the time that I foreswore myself falsely on the mass book I have on many occasions listened to, learned, spread, held, believed and affirmed those heresies and errors of which I swore untruthfully that I was not guilty.

Because of which – and many other errors and heresies – I am summoned before you, worshipful father, who has responsibility for my soul. Let me declare absolutely to you that what I have affirmed, believed and held are plain errors and heresies, in contravention of what the Church of Rome has determined [as doctrine]; for which reason I willingly follow and uphold the doctrine of Holy Church and put aside any kind of error and heresy, and return with a good will and heart to the authority of the Church. Considering that Holy Church does not reject those who turn back towards it, and that God does not desire that a sinner die but rather that he reform and live, with a pure heart I confess, detest, and despise my errors and heresies, and acknowledge the opinions as heretical and erroneous, and repugnant to the faith of the Church of Rome and the entire universal Holy Church. And to the same extent that I, through the things I held, believed and affirmed, showed myself to be corrupt and unfaithful, I shall henceforth prove to be uncorrupt and faithful, and I promise to adhere to the beliefs and doctrine of Holy Church. And all kinds of error, heresy, doctrine, and opinion contrary to the faith of Holy Church and to what the Church of Rome has determined – notably the opinions stated above – I abjure and forswear, and swear by these holy gospels which I am touching with my body that from henceforth I shall never hold errors, nor heresies, nor false doctrines against the faith of Holy Church and what the Church of Rome has determined. Nor shall I obstinately defend any such things. Nor shall I support or [allow] anyone else [to support], openly or privately, any person holding or teaching such kinds of things. From this time forth I shall never receive, support, advise, or protect heretics or anyone suspected of heresy. Nor shall I give any credence to them. Nor shall I knowingly have any association with them, not by socializing with them, nor giving them advice, gifts, help, favour, or comfort. If I learn of any heretics or persons suspected thereof, or of their supporters, advisors, or protectors, or of any persons holding private conventicles or

assemblies, or [of persons] holding divergent or separate opinions from the common doctrine of the Church, I shall promptly and readily inform you, worshipful father, or your vicar-general in your absence or the diocesans. So help me God at the holy doom and these holy gospels.

In witness of which, I inscribe here with my own hand a cross +. And to this part of the indenture which will remain in your register, I imprint my signet. And the other part of the indenture I receive under the seal of office of your vicar-general, to remain with me for the rest of my life. Given at Norwich in the chapel of your palace, 20 September 1430.

[2. Execution]

Memorandum that on 27 October 1428, during the term of John Beche and Robert Selby as bailiffs of the town of Colchester, a certain William Chivelyng tailor of Colchester was, in the **church of St. Nicholas**, Colchester condemned for heresy before mag. David Pryce, vicar in spiritual matters of the venerable dom. William, Bishop of London, and for that reason was handed over to the custody of those bailiffs. In consequence of which he was taken to the Colchester **moothall** and there held in prison. At that time that bailiffs requested from the king's Chancery a writ from the king [authorizing] the burning of William Chivelyng. Which writ was in the following words:

Henry, by the grace of God King of England and France, and Lord of Ireland, to the bailiffs of his town of Colchester, greetings. Mag. David Pryce, vicar-general of William, Bishop of London, in the absence of the bishop but with the agreement of the clergy of the bishop's diocese, due process of law having been followed in all regards, has pronounced and declared a definitive judgement that William Chivelyng tailor of Colchester as a manifest heretic is condemned, in accord with canon law, sanctions and legal customs in such cases; so that the vicar has certified to us, through our Chancery, that Holy Mother Church has nothing further that it may do in this matter. Therefore, we being devoted to the cause of justice and supportive of the Catholic faith, wishing to

maintain and defend Holy Church and its rights and liberties, and to tear out by the roots such errors and heresies in our kingdom of England, to the best of our ability, and to inflict a fitting punishment on convicted heretics – considering that such heretics who are convicted and condemned in the way indicated above, according to both human and divine law and to canon law customarily observed in such cases, should be burned in fiery flames – we order you as firmly as we can that the aforesaid William, who is now in your custody, be placed in the fire in some open and public location within the liberty of the town, the reason for the proceeding having been announced to the populace; and that he in that fire be burned. This you are to have done as a clear example to other Christians of how abhorrent is this kind of crime. Should you fail to carry this out in any regard, it will be at your peril. Witnessed by myself, at Westminster, 2 November 1428.

By authority of which writ from king, addressed to the bailiffs, the heretic William Chivelyng as burned before the tower at **Colkynescastell** on 4 November 1428.

DISCUSSION

East Anglia was one of the regions of England in which Lollardy was evident in the early years of the reign of Henry VI, and there is evidence that it had taken root in Colchester (although not to the degree it had in some towns, such as London, Bristol or Coventry). In the opening years of the century, Essex had not come under much scrutiny by those rooting out heresy. In 1405 there had been an investigation of books, suspected of containing heresy, in possession of some Colchester citizens; but, since these were returned, we may assume the suspicions were groundless. In 1414 we hear of a group at Colchester alleged to hold secret readings of books written in English. Again we need not take that as an indication of a heretical sect. But that was the year of Sir John Oldcastle's rebellion, and

Essex is believed to have made the largest contribution of dissidents to his forces.

The quick suppression of the rebellion encouraged heretics to lie low throughout the remainder of Henry V's reign. But during the last years of his episcopate, Bishop Wakering of Norwich renewed the investigative efforts, and his successor, Bishop Alnwick, was even more determined to renew the persecutions; these efforts suggest that Lollard communities were become large and lively again, and they seem to have been in communication with each other, as the leaders moved from place to place, in part to keep ahead of the law; certainly we can see connections between the Essex and Kent communities of Lollards. We hear of "schools" of heretics, where their beliefs were passed on to new converts; one was hosted in the home of a Colchester cordwainer, John Abraham, who had become a freeman there in 1416, after migrating from nearby Great Tey.

Between 1428 and 1431, as part of a general attempt to suppress Lollardy throughout the country, 60 men and women went on trial in the diocese of Norwich. The Bishop of London's people were also active in Essex, and John Fynch was first arrested there, but saved himself from an abjuration of his heretical beliefs by lying. In Norfolk and Suffolk Lollardy focused on villages and small towns and did not have much impact on the large towns. This was just part of undercover survival of heretical beliefs; there is virtually no evidence of any influence from the continent, although Fynch's connection with a foreigner – apparently of the same profession as he – is an exception.

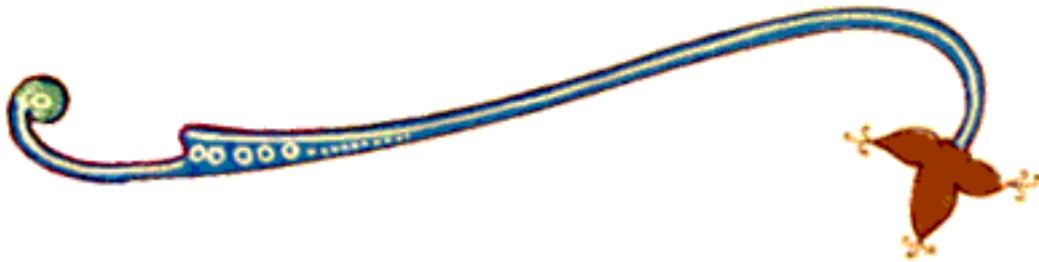
The above copy of the confession and recantation is part of a longer record of Fynch's trial, which however does not add a great deal beyond the above extract; the records of inquisitions are quite formulaic, partly because the authorities were only interested in recording those elements of an accused heretic's answers that related to a set of questions considered pertinent to the charge. This could have served, in consequence, to lump together under Lollardy individuals whose religious attitudes may have varied widely. Fynch lived in Crouch Street in the southwestern suburb of Colchester; he was not a burgess of any prominence, not apparently being one of the freemen. Colchester being in the diocese of London, he appears to have been snared only through his visit to Ipswich, where perhaps he was involved in meetings with other heretics. His confession and recantation were doubtless drawn up by his advocate, notary public John Wylly, and were read out by Wylly to the court, following which Fynch placed his right hand on the Bible and swore to the accuracy of the statement and signed one copy of the document with a cross.

None of the 60 persons tried is known to have been sentenced to death – a punishment normally given only to relapsed heretics. Public flogging and/or solemn penance were the judgements handed out. As one who was, in effect a lapsed heretic – only his perjury having saved him from prior conviction in Colchester, at the time of the Chivelyng affair – Fynch was fortunate to escape execution. He received a stern warning from the bishop never to reoffend, upon pain of burning, and the sentence of three public floggings in the cathedral and city marketplace, and several appearances over the following three years, to do penance before the bishop. However, the last entry in the record of his trial states that he failed to appear at the Cathedral on the February 1431 date assigned for his first flogging; we hear no more.

At the same time as the investigations were going on in East Anglia, Archbishop Chichele was taking similar action in Kent. Several dozen Lollards were arrested and, after confessions were made to a plot for an abortive uprising, some were hanged. Other suspects fled Kent into East Anglia, only to be captured and executed there. One of these was the unrepentant William Chivelyng. Upon his condemnation by the Church, the bailiffs lost no time in obtaining permission from the king to make an example of him, nor in burning him at the stake once they had the king's writ. The speed with which they fulfilled their duties may owe something to a dispute underway at that time between the Colchester authorities and the **abbot of St. John's**, one episode in an ongoing battle over jurisdiction, with a series of related documents copied into the borough register, the Chivelyng execution being one. In the context of the bill the abbot had written to the king, complaining of various offences committed against him by the bailiffs supported by a community "among whom some have been discovered, rumoured or accused of Lollardy" [*Red Paper Book*, p.54]; the abbot returned later in his letter to the same theme, asking the king to order the bailiffs not to countenance Lollardy within the community. The date of this document is uncertain, but according to the town clerk's notation it would have been written a matter of weeks before the Chivelyng affair. The bailiffs were doubtless anxious to demonstrate their catholic zeal, so that the king did not take the abbot's side for that reason. We hear in 1429 that John Abraham was dead, so perhaps he too was caught up in these executions. William Caleys, a priest connected with the Colchester Lollards, was burnt at Chelmsford in 1430.

This did not extinguish Lollardy in Colchester, though it must have cowed it for a while. At the beginning of the next century, the heresy was to emerge in some of the leading families of Colchester society. Of these the Bardefields supplied, from the head of the family, a borough bailiff in 1505,

although John Bardefield escaped a trial for his beliefs by dying during his ballivalty. It may have been he or his father who had in 1463/64 been dismissed from the office of sergeant-at-mace after falling out with the bailiffs, although he regained favour and twice held the ballivalty himself in the 1490s. The Cowbridges, who were said to have been Lollards since Wycliffe's day and were associated with Bristol, likewise provided a bailiff, in the person of Robert Cowbridge, in 1501/02 and 1507/08. Robert's daughter married a John Bardefield of the younger generation.



NOTES

"Crouch Church"

A name by which St. Mary's-at-the-Wall parish was sometimes known, because the Crouched Friary was in that parish.

"Dutchman"

"Ducheman" was a generic term applied to those from the Low Countries or parts of Germany.

"pilgrimages"

The reference to pilgrimages to the poor people perhaps refers to charitable visitations.

"Colkynescastell"

Tradition had it that **Colchester castle** had been built by the legendary figure whose name has come down to us in nursery rhyme as Old King Cole.



translation | discussion | notes

Keywords: medieval London charity hospitals fundraising butchers religiosity

Subject: Collecting for charity

Original source: British Library, Cotton Ms. Vespasian B ix, ff.54-55

Transcription in: Norman Moore, ed. *The Book of the Foundation of St. Bartholomew's Church in London*, Early English Text Society, no.163 (1923), 24-25.

Original language: Middle English

Location: London

Date: ca.1130s

TRANSLATION

Chapter 22: Concerning Godric the butcher

When indeed the aforementioned church began to rise from foundations that the heavenly Father had put in place, and the reputation of the **apostle's virtues** was spreading throughout the neighbourhood, **Rahere** associated himself with a certain elderly man known as **Aelfwine**, who had the seriousness of those his age and associated with that seriousness the wisdom of age. Not long before, that old man had built the **church of St. Giles** by the city gate whose name in English is Cripplegate, and had brought that project to a successful conclusion. Rahere thought this man could be a big help to him. He took him on as his associate and, with his advice and assistance, arranged and undertook all that needed to be done. It was the habit of this Aelfwine to roam the neighbourhood around the church, along with ecclesiastical officials, on the business of soliciting contributions for the relief of the poor men who were laid up in the hospital and for those who had been hired to build the church. He was diligent in bringing back whatever was handed over to him and dividing it among those who needed it. Now there was a certain



butcher by the name of Godric, a hard man and acerbic, far more than he had any business being; not only would he refuse to give anything to someone who asked him, but he would scornfully insult them. One day, as this Aelfwine was going around to the butchers, one by one, after the others he came to this Godric and in the name of the apostle urged him with good and honest words, persevering unwaveringly, regardless of whether the moment were opportune or inopportune, despite his unwillingness to give anything; he [i.e. Aelfwine] was not willing to go away empty-handed. And when the old man came to the realisation that neither for the fear or love of God, nor for the shame that any normal man would feel, could that hard and stubborn heart be softened from its persistent refusal, he was driven to exclaim:

"What a sorry excuse for a man you are! Disrespectful and ungrateful towards the Giver of all things, for you will not share with Christ's poor folk those things given by heaven's grace. Wretched man, I entreat you to soften a little your hard and unfaithful heart, and open it up to the virtue of the glorious apostle – if you place your trust in him, I promise you that each heap of meat from which you give me a portion will sell faster than any other; and, what is more, without any reduction in its price."

This did nothing to stir up any charitable feelings in him, but worn down by the persistence of the supplicant, he brought forth a piece of the worst [meat] and threw it into his [i.e. Aelfwine's] pot and, calling them **truants**, told them to take themselves off. To which Aelfwine replied: "I shall not leave here until what I have foretold has come about." No sooner had he spoken than there came a citizen wishing to buy meat for himself and his household. And he bought that heap to which Aelfwine had referred, at the price of the seller, and carried it away with him. When the news of this spread throughout the butchers' market it was taken, as was fitting, to be a creditable miracle. From that time on, they began to be more enthusiastic about giving alms, more fervent in their devotions, and competed to be the first to give – particularly he, the hardness of whose faithless heart had been dissipated through the power of Christ the Lord, who promised to anyone giving a dishful of cold water to someone who comes in the name of a disciple that he will not go unrewarded.

DISCUSSION

This anecdote is one of many recounted in a work whose purpose is to describe the foundation in 1123 of a **priory and hospital dedicated to St. Bartholomew** and at the same time present (as Christopher Brooke puts it) a "prospectus" illustrating to pilgrims or the sick the efficacy of the hospital as a place of miracles. St. Bartholomew was not one of the foremost saints, but there had been previous English foundations dedicated to him, including close to London a hospital at Rochester/Chatham in the late eleventh century.

The founder of the London institution was Rahere, a man of whom we have almost no mention other than in this work. According to the author, Rahere was of humble birth, but sought to improve his lot by becoming a hanger-on at the court of King Henry I. This description, which probably stems from Rahere's own self-deprecating story of his youth, uses terms that suggest he was some kind of court jester, although Professor Brooke proposes that he may rather have held some clerical position at the court. Whichever is the case, he seems to have prospered and become more serious at the same time; a man of this unusual name is found as a canon of St. Paul's.

Regretting his youthful follies, Rahere **made a pilgrimage** to Rome where, becoming seriously ill and fearing that he had not yet cleansed his soul, he vowed that if he were restored to health he would build a hospital for the poor. On his return journey, still feverish, he had a vision of hell, followed by one of St. Bartholomew, who instructed him to build a church in the London suburb of (West) Smithfield. Later in that century FitzStephen painted an appealing picture of the **horse market at Smithfield**; the "smooth field" was evidently already by the 1120s dedicated to the horse and cattle markets and Rahere, when he obtained licence from the king to proceed with his plans, faced erecting church and hospital on ground to the east; much of this area was **marshy**, but Rahere built on the higher part, which had been used for public executions (the gallows thereafter being moved further west, to a spot now under the present meat market at Smithfield). The land given him by the king was expansive enough for a large priory to be built and a separate hospital close by, to the southwest. He began that task in 1123 and, by recruiting citizens to help him with reclaiming the land, fundraising, transporting building materials (the stone

being imported) and building, work had proceeded sufficiently for the site to be consecrated by the end of 1129.

The account of these events was set down by a canon of the priory, in the years following the death in 1174 of Rahere's successor. The author claims to have obtained information from those who had known Rahere. The surviving copy of this account dates from ca.1400. It is likely that the book incorporates elements of fact amidst its propaganda.

Whether true or not, the story above provides a small corrective to documentation of charitable foundations and gifts, indicating that not everyone was of a charitable frame of mind. At the same time, while the charitable foundations of the twelfth century are more commonly associated with royalty or the nobility, wealthy citizens were also active either as **founders or as donors**, and the story of Godric implies that he was an exception to the rule of charitable giving. While the stories in the foundation book talk in terms of modest donations, the survival of hospitals and other such foundations relied upon their endowment with real estate, usually from bequests.

Rahere became the first prior of the Augustinian community he established. In 1133 he secured a royal charter, giving the priory various privileges and exemptions, and licensing a three-day fair around the feast of St. Bartholomew; this fair, which had apparently grown up because of the crowds of pilgrims, sick, cured persons etc. who gathered at the church on the feast-day, became one of the major cloth fairs of medieval England. By Rahere's death in 1143 only the eastern end of the church had been completed; its choir is today one of the few medieval structures to remain standing in London. Furnished with royal and papal grants of privileges, St. Bartholomew's went on to become a wealthy priory, although the hospital became distanced from it at the end of the century; Rahere's successor as prior appointed a businessman, Adam the Merchant, to run the hospital. A charter of 1147 defines the purpose of the hospital as to provide shelter and care for the poor, the sick, the homeless, and orphans; in the fourteenth century, the hospital was focusing its efforts on looking after the sick poor until they had recovered, caring for pregnant women until after they had given birth, and maintaining children born in the hospital until they were seven years old. A separate building, south of the Thames, was set up as a leper house.

Although the account, unlike **FitzStephen's** written around the same time, does not have London as its focus, its miracle stories throw some light,

incidentally, on urbanisation in England and there are points of comparison with what FitzStephen reveals. We have reference to the specialized markets in London – that at Smithfield, and the Shambles just within the walls south of the site of St. Bartholomew's – as well as the Jewish quarter. We see that the brewing of ale was already a task associated primarily with women in the first half of the twelfth century. Rural residents were coming in to London to buy or sell food in the markets there, paying toll at the city gates, while the women were taking on piecework, spinning cloth to be sold by the wives of the citizens. Mentions of prostitutes and pimps reflect another trade for which London was well-known. We hear of commercial voyages from London to the "ends of the earth". Meanwhile, Flemish merchants were heading for London's harbour; two such ventures are mentioned, one involving a fleet of eleven ships owned by the merchants and carrying domestic goods made by Flemish craftsmen. There are also references to the coastal trade between Dunwich and London, ships setting out from Sandwich and Dover, as well as travel between Norwich and Yarmouth, and between Northamptonshire towns and London – one case involving a young man possibly off to seek his fortune in London, and another involving the transport of logs to be sold in London. One merchant of Hastings is mentioned as bringing wine from foreign parts to London in his ship, in a story in which we hear how many Hastings houses were lost in a great fire.

In another anecdote, a Colchester victualler perceived the king's war in Wales (1157) as an opportunity to supply the army, and was able to make a good profit from his venture (relying on coastal rather than overland transportation), some of which he then reinvested in other business deals. He was so occupied with his business dealings that he could not find the time to go to St. Bartholomew's to donate a few pennies he had apparently vowed to give in return for success in his venture. When his money was stolen on the return journey, he called on the saint for aid, only to be upbraided for fraudulent dealings to earn exorbitant profit, and for being dilatory in fulfilling his vow. Naturally the story ends with him fulfilling his charitable obligations.

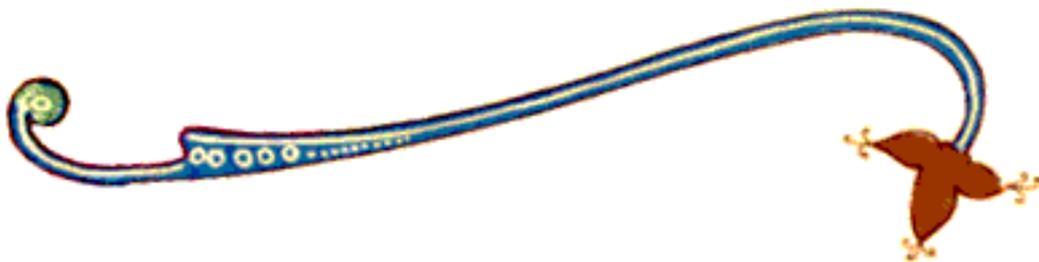
Yet another story reflects on the role of the hospital, and why people placed faith in its ability to restore them to health:

"Another man, named Aldwyn, lived in a town which is called Dunwich on the sea-shore, who was so crippled that he had not the free use either of feet or hands.... When the story of the miracles of the most blessed apostle reached him he began to raise his sorrowful spirit with a better hope and to promise

himself that he would have health if he should be carried thither.

Therefore... he paid the passage money and was set on a ship and, being carried to the church, was set in the hospital of the poor and supported there some time of the alms of the said church. Meanwhile, by the virtue of the apostle he began to revive and his longed-for health began to return bit by bit. And so at first, bent though he was, he made with his hands little things such as distaffs, weights, and other girls' gear. Next as his steps grew stronger and his limbs enjoyed their natural vigour, he followed the more important works of those who cut logs with axe and hatchet, and not long after practised the craft of carpentry in the same church and throughout the City of London as he had been taught as a boy, blessing God whose eyes are on them that fear Him and on those who hope in His mercy."

[E.A. Webb, ed. *The Book of the Foundation of the Church of St. Bartholomew, London*. Oxford: University Press, 1923, 26-27]



NOTES

"apostle's virtues"

The reference here is to the efficacy of prayers to St. Bartholomew, one of the 12 apostles, whether at the church dedicated to him or elsewhere, for healing the sick or protecting those in danger; a number of such miracles having been recounted earlier in the book.

"Aelfwine"

Alfunine in the original, although a different source renders the name as Aelmund.

"church of St. Giles"

Built just outside the walls, a little east of the site for St. Bartholomew's, its location

might suggest a role as a leper-house, but we know it only as a parish church; not long after Queen Matilda built a leper hospital dedicated to St. Giles in the Fields just west of London (Holborn). South-west of St. Bartholomew's, the extra-mural parish church of St. Sepulchre Newgate was also built by an individual or group associated with Rahere.

"truants"

In the sense of someone who avoids work, preferring to live by begging from others

"made a pilgrimage"

An implicit association is often made between Rahere's change in attitude and the gloom that overtook the king's court after Prince Henry drowned when the White Ship sank in November 1120. However, the book of St. Bartholomew's states that Rahere was prior for 22½ years, yet he died in September 1143. If this is not an error by the writer (which seems unlikely, for the writer clearly knew 1143 was the year of death), it may be a matter of licence, with the priorate being dated back to the conception of Rahere's plan. Since that would point to early 1121, when Rahere was already lingering sick in Rome, he is likely to have departed for Rome prior to the death of Prince Henry. An alternate inspiration for his conversion might have been the death of Henry I's queen in 1118; Matilda's own good works had included the foundation of the Augustinian priory of Holy Trinity, Aldgate and the hospital of St. Giles (see note above).



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Keywords: medieval Oxford hermits charity fundraising contracts bridge maintenance testimonials officers lepers

Subject: Hermits used as agents for public charity

Original source: Items 1. and 2. Documents now known only through Twyne's transcription of 1624; item 3. Peterborough Cathedral, Snappe's Formulary, f.446

Transcription in: H.E. Salter, ed. *Munimenta Civitatis Oxonie*, (Devizes, 1920), 141, 154, 177.

Original language: Latin

Location: Oxford

Date: 14th century

TRANSLATION

[1. Presentation to a hermitage]

John de Hertwell mayor of Oxford, William de Codesale and Geoffrey Lodewell [bailiffs], together with the entire community of Oxford lease to John Bray of **Shiplake**, hermit, a plot of land with **appurtenances** in **Swinsell**, opposite the **chapel of St. Nicholas** and called St. Nicholas' yard, in the county of Berkshire, for 12d. annually etc. Given at Oxford on 28 February 1365. By this indenture he is obligated to repair and maintain all those buildings presently standing or that will be constructed in the future.

[2. A leper? appointed to the post]

Indenture by which William le Northerne mayor of Oxford and the entire community of that town lease to John Leper a plot of land next to Cowmead in the county of Berkshire, called the Bridgewright's Place, opposite the chapel of St. Nicholas, for the term of his life for an annual rent of 12d. [payable] quarterly. For the term of his life, John



is to maintain, repair and support the bridge of **Grandpont** both on the inner and the outer sides of the **New Gate**, using the alms given and bestowed for that gate and what he receives for himself, and is to preserve the plot and the buildings presently standing or to be constructed there in the future without any deterioration or damage. Should it happen that the rent be in arrears for a full year, or John be responsible for deterioration or damage to the land or the buildings, or fail to maintain the bridge, John acknowledges that the community and its successors will be fully within their rights to re-enter and repossess the land, buildings, and appurtenances, etc. Given at Oxford on 20 January 1377.

[3. Letter of reference for a hermit collecting alms for borough works]

Let it be made known to all people through this document that we, Richard de Garston mayor of the town of Oxford, William Ryvel and John Banbury bailiffs of that town, Walter Bowne, John Shawe, John Merston and Edmund Kenyan aldermen, with the consent and at the wishes of the entire community of the town of Oxford, have ordained and appointed William Cardon hermit, the bearer of this document, as warden of the great south bridge in the county of Berkshire. To live in the hermitage located there, as long as we wish it, to repair any defects found on the bridge and, in addition, to maintain various other places around the town of Oxford and correct anything found to be a **threat to life and limb** in the vicinity. Consequently, we humbly request each and every person who reads this letter that, when William comes to you seeking alms and collecting on behalf of the causes mentioned above and you do not feel inclined to be responsive, as a favour to us you give credence to William and that you show a willingness to give generously by way of charity whatever is within your means and pleasure, in support of the aforesaid project. In witness to which we have set the seal of the mayoralty of Oxford to this document. Given at Oxford on 10 November 1399.

DISCUSSION

Hermits, also known as anchorites, accepted poverty, deprivation and seclusion as part of their lives of contemplation and devotion. The Church tolerated rather than approved this form of religious expression, but hermits were on the whole well respected in lay society. How well they were supported by that society, in terms of charity, is less well understood. The third of the documents above indicates that charity was not more freely given in the Middle Ages than it is today, people being suspicious of beggars; a stationed supplicant might be more favoured than an itinerant one. Testaments occasionally include small charitable bequests to hermits, but far less frequently than to parish churches, communities of monks or friars, leper-houses, or the poor (on the other hand, hermits were likely fewer in number, the heyday for eremitical leanings having passed by the Late Middle Ages).

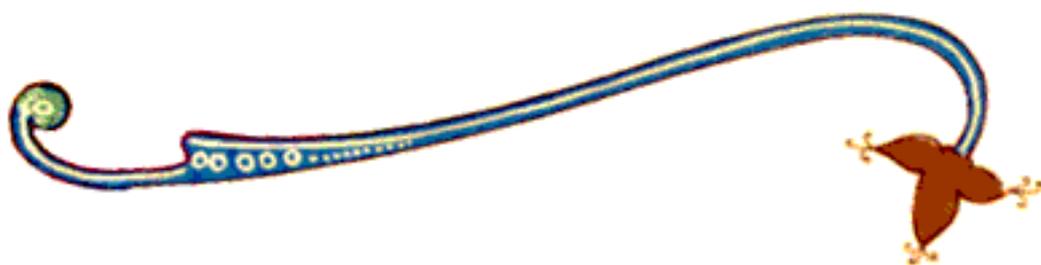
The above documents suggest that Oxford authorities were killing two birds with one stone: providing some support for those committed to a life of relative solitude, while also addressing the growing need for maintenance of civic works. The extracts from borough chamberlains' accounts made by Brian Twyne, Oxford university's first archivist, in the early seventeenth century show that during the 1360s, at least as early as 1363, the borough was providing the hermit of Grandpont with 13s.4d annually towards the costs of repairing "the south bridge of a certain school", with the money coming from the rent paid by the school.

The bridge in question lay across the Thames south of Oxford, controlling access to the causeway known as Grandpont, entering Oxford at its South Gate, one of the entrances through the town walls; from the late seventeenth century the South Bridge became known as Folly Bridge. Probably in the late thirteenth century the New Gate had been built atop the bridge, the outer fourth of which was turned into a drawbridge. In 1283 we hear of 12d. rent from a tenement in Oxford assigned to the *pontarius* of South Bridge, and it may be that this officer was a hermit from that time; hermits were appointed to the task up until the late fifteenth century. That the bridge was situated partly on land within the liberties of Oxford, and partly on Berkshire soil created a complication to arranging for financial support for repairs. The use of a hermit able to move about freely collecting alms may have tapped into diverse communities in a way that the Oxford authorities could not, had they sought a more conventional solution.

In these circumstances, clearly the hermit could not have been almost wholly divorced from society. But his work on behalf of the borough also provided him with somewhere to live at a modest rent. It is not certain whether John Leper was a hermit, or whether he was living alone and seeking alms because diseased, or again was perhaps leasing the property as a business arrangement – although that would seem to defeat the charitable aspect of the initiative. In a rental of town properties compile in 1387/88, John Leper is still paying 12d. a year for the plot on Grandpont. It is not unlikely that this man was a leper, living in isolation at the edge of town as a hermit would do; although leprosy was a term applied to a range of skin diseases in the Middle Ages, seclusion was the general approach insisted upon by lay authorities. However, we should not put too much reliance on surname evidence, for one of the chamberlains in 1363/64 was named John le Leper, and we hear again in the poll tax of 1380 of a married baker named John Leper, sufficiently well-to-do to have six servants.

That the alms collected by the hermit were insufficient to meet needs is suggested by a section of the 1404/05 chamberlains account, itemizing expenditures of almost 43s. on materials and labour for work on "the bridge at the new gate". Occasionally royal grants of pontage were obtained to help fund bridge repair.

Rochester provides another example of a town where a hermit was commissioned to travel around the parishes responsible for maintenance of its bridge, collecting donations for the upkeep. And in 1496, the Henley-on-Thames authorities decided "that Reginald Wynche hermit should be given a certain public letter under the seal of the community [\[authorizing\]](#) him begging [\[for money\]](#) for repairs to the chapel of St. Anne on the bridge and the highway there, continuing [\[in this task\]](#) from year to year while it suits the warden and the community." [P.M. Briers, ed. *Henley Borough Records: Assembly Books i-iv, 1395-1543*. Oxfordshire Record Society, 1960, 117.] A building adjacent to the chapel was later, suggestively, known as the hermitage.



NOTES

"Shiplake"

A village some distance south of Oxford, near Henley-on-Thames.

"appurtenances"

Easements, rights of way, or other rights belonging to a piece of real estate; in medieval use, the term may also have occasionally encompassed physical attributes of the real estate other than the main house, such as garden and outbuildings.

"Swinsell"

Swyneshull in the original, this was a suburb surrounding the South Bridge, crossing the Thames to the south of Oxford, bearing part of the Grandpont a causeway heading north from the bridge into Oxford.

"chapel of St. Nicholas"

A wayside chapel, where alms could be collected.

"Grandpont"

A "great bridge" was said to have been built by one of the companions of the Conqueror, **Robert d'Oilly**, who also built Oxford's castle; later the name came to be used for the suburb lying between the South Gate and South Bridge. The bridge had four arches.

"New Gate"

This was built towards the southern end of the bridge, over the piers beyond the third arch.

"threat to life and limb"

Literally "perils"; the authorities probably had in mind things such as fallen trees, blocked ditches, holes in the road, etc.



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Keywords: medieval Bristol almshouse hospitals endowments regulations administration fraternities paupers clergy duties oath procedures mass meals clothing charity

Subject: Regulations governing a hospital/almshouse

Original source: Bristol Record Office, Cartulary of the hospital of St. Mary and St. Mark of Billeswick, ff.4-6

Transcription in: C.D. Ross, ed., *Cartulary of St. Mark's Hospital, Bristol*. Bristol Record Society, vol.21 (1959), 267-70.

Original language: Latin

Location: Bristol

Date: 1259

TRANSLATION

These are the ordinances made by the authority and with the advice of the venerable father Walter, by the grace of God Bishop of Worcester, with the consent and involvement of Sir Robert de Gournay, patron of the almshouse of St. Mark at **Billeswick** and Henry Gaunt, then master of the same, concerning the rents and lands acquired by Henry and belonging to the almshouse. That is, the manor of Stockland with the **advowsons** of the churches of **Stockland and Quantoxhead**, the manors of **Earthcott** and Lea with [their] appurtenances, the lands acquired in **Brewham**, and **Langford** mill, and the rents in the town of Bristol.

The ordinance previously made by Sir Robert de Gournay, and approved by the Bishop, concerning there being a master and three chaplains in the almshouse and concerning the daily feeding of poor Christians there (as is more fully set out in his charter), is nonetheless to continue in force. That it, that among the number of the poor are to be twelve scholars, who may be admitted or removed at the will of the master; they, dressed in black copes and surplices, shall fulfill their



duties under the direction of the **precentor**. Satisfactory provision for whose needs is to be made, by arrangement of the master, depending on the resources of the house. From whose number one is to be chosen who is capable of overseeing and instructing the others; more complete provision is to be made for his needs than for that of the others.

Further to Robert's ordinance, it is ordained that there be appointed three clerks in holy orders and five lay brothers there wearing the habit, in a style similar to that of the brethren of the hospital of Lechlade, except for the badge of the almshouse which is a white cross and a red shield bearing three white geese. Should it happen that any of the six clerks be raised to the order of priest by the master, he shall nevertheless **[continue]** to take his turn in fulfilling his duties in the church under the precentor's direction. Beyond the aforesaid number of chaplains, clerks and brothers, there are not to be any others wearing the habit. The number of chaplains and clerks is not to exceed thirteen, unless over the course of time the house's resources increase and then they **[received]** into the charity of the house may increase accordingly as the master of the house shall think fit in God's sight.

When anyone shall be admitted into the fraternity, while he is in his probationary period his habit shall be imprinted only with the shield; once his year of probation is up and **[if]** he is found suitable, then he is to profess **[his vows]**, and then the shield with the cross may be placed on his **[habit]**. Or, if during his probationary period he requests an exception be made and asks for the right, the shield with the cross may be placed on his upper habit once he has taken the basic vows of the order; that is, to **contenance, obedience, and renunciation of material possessions**, as well as observance of the other rules of the house. If someone who has been admitted is, during the probationary period, found to be less than suitable, he may be allowed to leave without obstruction or may be removed by the master.

In regard to fasting and other observances, the procedures and practices of the brethren of Lechlade hospital are to be followed, except that as regards divine offices they are to comply with the **consuetudinary and ordinal** of Salisbury. Should it happen that any

deceased persons will their bodies to be buried in this place, or if any prince or prelate comes to visit, it is permitted for the chaplains and clerks to go out to meet them dressed in their almshouse habits or in more solemn attire as prescribed by the Salisbury practice; on condition that this not be a habit used for other purposes [i.e. in divine services], except in the choir or other situation when church services are not being performed.

On the matter of celebrating solemn mass, the chaplains and clerks of the almshouse are to behave as follows. One mass is to be celebrated solemnly each morning for the Blessed Virgin Mary, a second for the deceased, and a third as the daily mass; this is a daily requisite. The other chaplains may celebrate their masses, both for the living and the dead – and especially for the benefactors of the house – according to the direction of the precentor. After these solemn masses and other divine services have been celebrated, the needs of the poor shall be seen to by two of the chaplains and the six clerks, wearing the habit of the house, together with two lay brothers each carrying in his hand a knife to cut the bread of those who are debilitated or incapacitated, according to their preference. This between the first and third hour, before the chaplains and clerks themselves breakfast, so that having received a share there they [i.e. the poor] may nonetheless **seek their necessities elsewhere.**

As for the master, the chaplains, the clerks, and the brothers wearing the habit, they are to sleep together in one building and take their meals in one building (that is, the refectory); but no secular person may eat or drink in that refectory unless by special permission of the master. Nor shall any of them [i.e. the brethren] eat or drink within the grounds of the almshouse other than in the refectory, unless prevented by illness or blood-letting; in which case, at the direction of the master, he may take his meals in the space designated and outfitted as an infirmary. If guests arrive or there is some other good reason, the master, however, may dine in his room or some other location of his choice; with the proviso that when the master does not wish to join his guests at table, or is prevented from doing so for some reason, he may task whichever he wishes of the chaplains, clerks or brothers in the almshouse habit to substitute for him in that duty. Furthermore, whenever the master eats outside the refectory he **may have with him**

one or two of the chaplains of the house. The same applies whenever he happens to go outside to some other place, such as into the town of Bristol or beyond, on whatever business or for whatever reason. Also, none of the chaplains, clerks, or brothers may eat or drink in the town outside of their house, unless in the company of the bishop or the patron, or in [other of] the religious houses; and then [only] with the permission of the master or someone acting in his place. On such occasions he is to take with him one of the chaplains, clerks, or brothers in the habit of the house, both on his way there and on the way back, to avoid any of them being seen wandering around alone in the town.

Whenever they are at table, or within the grounds of the house, or elsewhere, the master and the chaplains are to wear black mantles and **amices**, with the badge of the house visible on the outside. But when riding out or walking about the town they are to wear black copes bearing the badge.

The chaplains, clerks, and brothers are to have **good bread made from corn** and, similarly, good ale well brewed and good **pottage**, with a small dish, and an allowance determined by the master – but they may not [use it to] buy wine for their own consumption nor to host a party to which others are invited, at the expense or to the loss of the poor. At each mealtime and get-together some lesson is to be read out, as is the custom among other religious communities, under the direction of the precentor.

Also, if any of the chaplains or clerks knows how to write or has experience in notating music, he should under instruction from the master write or notate such things that are useful for the house. Similarly, if any of the lay brothers has received training in any **mechanical art**, he is to employ himself in the same, under instruction from the master, for the benefit of the house. Moreover, each and every of the lay brothers is to be diligent in attending to the duties assigned him by the master, whether inside or outside the house, whenever and as often as required by determination of the master. If in fulfilling his duties someone behaves improperly or performs less well than he should, and this is proven, he is to be removed from that role and someone else substituted, as seems best to

the master.

This also must be stated, that if the land at **Pawlett** next to the sea, which belongs to the almshouse, should be flooded because of tide action (which Heaven forbid), so that the crops grown on that land are completely or in large part ruined; then, this having been proven by the master of the house to the bishop of Worcester then in office and to the patron of the almshouse, after an enquiry has taken place, with their agreement the allowance for the poor and costs incurred in relation to that allowance are to be reduced until the house has recovered from its loss.

The bishop has also granted, for himself and his successors, that the house of St. Mark be relieved of and exempted from his procurations, visitations from the archdeacon or his official, and from making obedience to the archdeacon, as much as permissible for a religious house, given the obligations with which the house is burdened and due consideration to its limited means; however, visitations of the house will be conducted by the bishop or his official as the law requires.

We, Walter, by the grace of God Bishop of Worcester, having inspected these ordinances, confirm them by our authority from the pope. In witness to which, we have had set to this document our seal, together with the common seal of the house of St. Mark, as well as the seals of Sir Robert de Gournay the patron of the almshouse and Henry de Gaunt the master of that place. Given on 15 September 1259.

DISCUSSION

At an uncertain date in the early years of the reign of Henry III, wealthy landowner Maurice de Gaunt built an almshouse just west of intramural Bristol, near St. Augustine's Abbey (itself founded by one of his ancestors), and made an arrangement with the abbot and convent that they, in return for him supplying them with a certain quantity of produce from his estates, to provide a daily meal for a hundred poor people there and to maintain a chaplain to pray for the souls of Maurice and his ancestors. He subsequently added properties in the town and county, notably the manor of Pawlett, to the endowment.

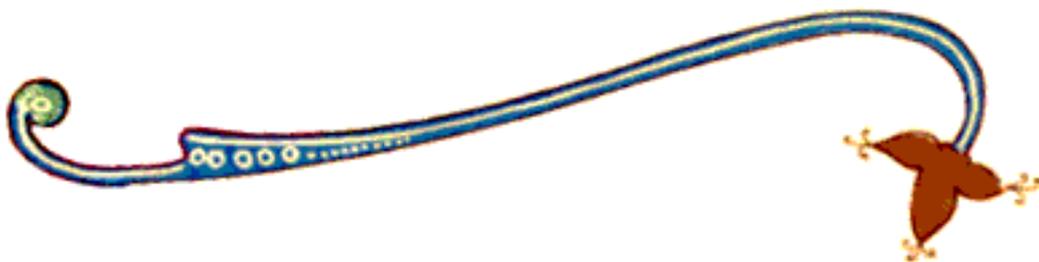
Maurice's nephew and heir, Robert de Gournay, transformed the almshouse into a hospital that was a religious house in its own right. He made it and its endowment independent of the abbey (which led to a series of disputes between the two corporations), limited his own powers as patron, increased the number of chaplains, and appointed a master to govern the institution; Maurice's younger brother Henry de Gaunt was given that post, although thereafter the community was to elect its own masters. In consequence, Robert was viewed as the founder of the hospital, although from the fifteenth century it was increasingly known as Gaunt's House. Most of the endowments of the hospital were acquired from, or through the agency of, Gournay or the Gaunts; from the late thirteenth century on, there were few gifts of land to the hospital.

It seems likely Robert continued the daily feeding of a hundred poor persons, although his foundation charter refers to only twenty-seven; but over time the charitable handouts were reduced and by the close of the Middle Ages were restricted to the twenty-seven. This limitation of activities was the result of revenues from the endowments being diverted to support the enlarged clerical community – the regulations of 1259 present one stage in that **process of expansion** – and the high cost of legal battles with the abbey and with later patrons, as well as a general trend taking place in hospitals. At several times later in the thirteenth century bishops or hospital patrons complained about reductions in the hospital's almsgiving, and royal commissions similarly investigated suspensions of the doles in the early fifteenth century.

It is not certain whether the hospital went beyond the daily meal to providing short- or long-term accommodations for the hundred poor. The impression is not, for Gournay's confirmation ca.1231 of his uncle's

endowment refers to the obligation to give bread or broth to any poor person coming to the hospital between the first and ninth hour of the day. The exception may have been the twenty-seven, whose number included twelve poor scholars serving as choristers. Nor seems there to have been any mission to look after the sick or aged infirm, although from the mid-thirteenth century the hospital was prepared to take on as **residents** those willing to turn over their lands to the house. It therefore served as a retirement home, but out of self-interest and in favour of persons of at least modest means rather from charitable concerns about the poor or down-and-out. Probably the twenty-seven recipients of alms were, or came to be, all residents; besides the scholars, the number may have encompassed the pensioners and retired hospital brethren or servants – certainly the hospital's residents later included some of its retired masters. There was a trend away from general handouts to more targeted maintenance of inmates in medieval hospitals over the course of the Late Middle Ages.

The focus of St. Mark's hospital was, then, primarily its monastic life, governed like Lechlade hospital by the Augustinian rule; in this it was atypical. It did not abandon its charitable work, nor did its reduction in charitable activities lose it the respect of the local community. Several Bristol merchants founded chantries there in the fourteenth century; in the fifteenth and early sixteenth, the master was called on to perform religious trusteeships, including of Forster's Almshouses in Bristol. Nonetheless, it was as an Augustinian convent, not a hospital, that it was closed at the Dissolution (1539). Its site was purchased by the Corporation of Bristol. Today there survives only a storage cellar of the master's house, which now houses a wine museum.



NOTES

"Billeswick"

An area in the suburbs to the north and west of the walled town.

"advowsons"

The right of nominating a clergyman for appointment to a vacant living in a church or some other ecclesiastical benefice; the person holding the advowson was in effect the patron of the church. Presentative advowsons typically originated in the Anglo-Saxon period, when major landowners built churches on their property and were allowed by the bishop of the diocese to present a priest of their choice for the bishop's confirmation. After the churches themselves passed out of private hands, the advowsons tended to remain with the heirs or designates of the original patrons.

"Stockland and Quantoxhead"

These two parishes were near each other, but quite some distance southwest of Bristol, near the coast of Bridgwater Bay.

"Earthcott"

Earthcott was part of what is now Almondsbury, a few miles north of Bristol; Lea was a subsidiary manor.

"Brewham"

What is now South and North Brewham in Somerset, to the south of Bath.

"Langford"

Probably Langford Budville in southern Somerset.

"precentor"

This ecclesiastical dignity had functions that included teaching and leading the choir, and explaining the church ceremonies to those who participated in them.

"continence"

This refers principally to chastity (i.e. abstinence from sex), but also to the self-discipline and self-restraint that permits moderation in sensual indulgences generally. It was not the same as celibacy, although a required condition for celibacy.

"obedience"

Aquinas argued that, of the three monastic vows, poverty and continence were less important than obedience.

"renunciation of material possessions"

i.e. poverty.

"consuetudinary and ordinal"

I.e. documents recording the customs and regulations governing the religious community, principally with regard to divine services and observances. For bibliographical references to those of Salisbury, see [here](#).

"seek their necessities elsewhere"

I assume this to mean that the non-resident poor, having received some food from the hospital, would go to other locations whence they might expect to receive a handout.

"may have with him"

It is unclear whether this was an option or an injunction; i.e. whether for the benefit of the master, or as a check on his behaviour.

"amices"

An oblong piece of linen placed around the neck and over the shoulders; usually a white cloth worn during mass, but here specified as black.

"good bread made from corn"

The bread to be given to the poor was specified as being made from equal quantities of wheat, beans, and barley or rye.

"pottage"

A thick broth; the pottage for the poor was thickened with oat-flour.

"mechanical art"

I.e. a craft.

"Pawlett"

A manor in Somerset, on the other side of the River Parrett from Stockland Bristol (see above). It was presumably proximity to the Parrett estuary that put it in jeopardy from storm-fostered high tides; Stockland was similarly vulnerable.

"process of expansion"

According to Ross, the figures given in the constitutions were a clerical error; the copies enrolled in episcopal registers indicate that rather than 3 (chaplains), 3 (clerks), and 5 (lay brethren), the numbers should be 6, 6, and 5. It is not impossible that these later enrolments, the first of which was ca.1269, reflect alterations to the terms of the original, which clearly envisaged further expansion beyond the numbers it specified. However, Gournay's confirmation ca.1231 of his uncle's foundation referred to 4 chaplains and 8 clerks.

"residents"

Some diverse examples: in 1248 carpenter Simon de Dene gave the hospital his lands at Earthcott and La Lea in return for an annual pension of 13s.4d and, after his wife Isabella Bochan was dead, room and board in the hospital on an equal footing to a chaplain there, for the remainder of his life – he does not seem to have made provision for his wife, in the eventuality of him dying first. Around the same

year, Robert de Malefeld and his wife Aldith Bochan gave land in Earthcott and Lea in return for a lump sum of 20s., a quitrent of 13s.4d annually, and for boarding their son John at the almshouse, for life; possibly this unusual arrangement points to mental incompetence in the son, for the hospital added the proviso that it would not host him if he proved disobedient or ungrateful. In 1255, Robert Bilebost offered to transfer his legal rights to a piece of land and provide his services to the house (in what capacity is unknown), in return for a 10s. annual pension and board and lodging on a par with that given the more important servants of the house; the hospital accepted and promised to loan him a horse so that he could travel to the king's court to establish his claim to the land, but warned that if he failed to win his case, the contract would be void. And in 1268, Thomas de Ermynton gave to the hospital houses, land, rents, and a row of shops in Bristol, in exchange for accommodation and maintenance equivalent to that provided the chaplains (excepting clothing and shoes) for himself, his father, and his brother, for as long as each of them should live. He negotiated for the "knights chamber" to be allocated to their use, with sufficient fuel and candles supplied and, in case Thomas and Elias died (or became monks), leaving their father alone, a servant was to be provided for the father. Supervision of fulfillment of the terms of this agreement was put in the hands of the borough authorities.



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Keywords: medieval Nottingham hospitals administration regulations church services poverty meals clothing behaviour Palmers charity

Subject: Rules of St. John's Hospital

Original source: 17th century transcript (believed to be from the Red Book), Greaves papers, Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 29-32.

Original language: Latin

Location: Nottingham

Date: 1241

TRANSLATION

This is the order and rule of the brothers and sisters of the Hospital of St. John the Baptist at Nottingham, made and ordained by Walter de Grey, archbishop of York, in 1241 A.D.



Walter, by the grace of God Archbishop of York, primate of England, to our beloved in Christ Robert Alwin, master of the Hospital of the blessed John the Baptist of Nottingham, and to the brethren serving God and St. John the Baptist there, our greetings and blessing. Since men of religion have agreed among themselves that order should be observed, without which order there would be no religion, we decree and firmly direct that whoever shall be the warden or master of the House of St. John the Baptist of Nottingham is to ensure that there will always be two or more chaplains there to celebrate divine service. Furthermore, we decree that between Michaelmas and Easter all brethren shall get up at the same time for **Matins**, at an early enough time to allow Matins to be sung before dawn or at the break of day. **Prime and Tierce** having been sung thereafter, mass is to be

celebrated; **Sext and None** having been sung after mass, the brethren may attend to the business of the house, each one according to the duties assigned to him. And, when they are not prevented by some reasonable and unavoidable hindrance, they shall hear **Vespers and Compline**. We also decree that all shall habitually be obedient to their warden or master, without gainsay or demur. None of them is to possess any property; but if any of them has possessions, he may surrender them to the warden or master within seven days of the issuing of this rule, or else on the seventh day be excommunicated on the grounds of having kept possessions. The keeper or warden may put to the use of the house the possessions anyone may have. If, however, it is discovered that any of them has property when he dies, his corpse shall be denied burial on Christian ground, and shall be buried elsewhere, the brethren casting his possessions upon him and saying "Take your money with you into perdition!" No-one may have a locked chest, unless it is a chest assigned for his official duties. Everyone shall receive the same kind of clothes, food and drink, and shall not eat meat during the week except on three days – Sunday, Tuesday, and Thursday – unless by permission of the warden. They shall dine together in one refectory, keeping silent during the meal or – if it is necessary to say something – speaking in a low voice. Everyone shall sleep together in one dormitory, dressed in breeches and undershirts or garments which they use instead of undershirts; and they shall go to sleep at the time they retire to the dormitory. They shall observe silence until Prime has been sung and, during the night, the brothers shall not approach where the sisters are, nor vice versa, unless they are taken ill. Everyone shall be chaste and sober; they shall not drink anywhere in the town or the suburb. They shall eat in moderation, putting the goods of the house and alms collected to provide [\[instead\]](#) for the needs of the poor and infirm. They will dress in a standard habit; that is, of russet and black cloth. At least once a week they shall meet in chapter where transgressions [\[of the rule\]](#) will be denounced and formally corrected by the warden or master; there is to be no chatter or noise while the chapter is being held, and those who have transgressed shall humbly and obediently submit to canonical discipline. No more brothers and sisters are to be admitted [\[to the brotherhood\]](#) than are needed to serve the infirm and administer the goods of the house. If any of them has a **household** it is to be well-behaved, honest, sober, and chaste; if any member of the household is

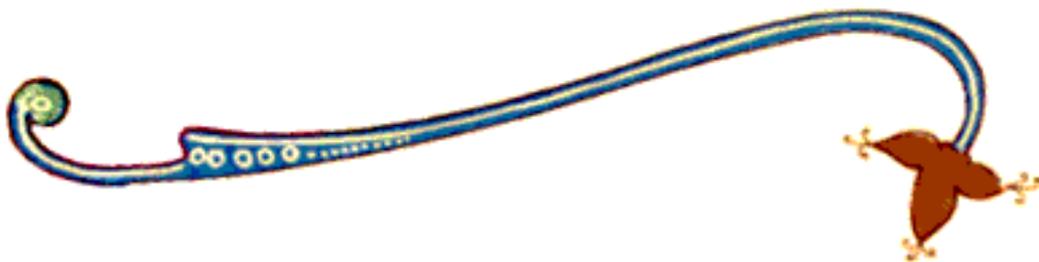
discovered to be drunk or lecherous he is to be expelled from the service of the house, unless he restrains himself from such vices. No brother may wander through the town or elsewhere, unless he has formal permission from the warden or master. [Financial] accounts shall be rendered immediately after the Provincial Council. This document is to be read out in chapter, once a month, in French or English. To the extent compatible with their sex, the lay sisters shall comply with what we have above decreed for the brothers to observe. At the beginning of Matins the lay brothers and sisters shall chant "Credo in Deum" and "Pater Noster"; next, for Matins, twenty-five "Pater Nosters"; at Prime, seven "Pater Nosters"; at Tierce, seven "Pater Nosters"; at Sext, seven "Pater Nosters"; at None, seven "Pater Nosters"; at Vespers, fifteen "Pater Nosters"; at Compline, seven "Pater Nosters". After Compline they will chant a single "Pater Noster" and "Credo in Deum". In the place where brothers and sisters shall die, the remainder will, within thirty days, chant five hundred "Pater Nosters". Also, everyone shall chant a hundred "Pater Nosters" each week for the brothers and sisters living and dead and for all the benefactors of the House of the Hospital of St. John the Baptist.

DISCUSSION

The foundation of a hospital, or almshouse, at Nottingham by the Palmers was made possible by a grant of land by Robert de St. Remy (for the benefit of the soul of his brother); it was confirmed by Henry II at some point in the 1160s or '70s, and in the 1180s given recognition by the Pope. The Palmers were professional pilgrims – that is, those who chose a pilgrim life, as opposed to those who made a pilgrimage as a break from their normal life; their name associates them particularly with the Holy Land (palm leaves), although they in fact travelled to many lands. They professed poverty and supported their wanderings through alms. In one or two places in England they seem to have established guilds – which suggests that some at least had given up the itinerant life – and this may have been the case in Nottingham. The purpose of the hospital was described as providing hospitality to poor folk, and probably the Palmers had their own kind particularly in mind. Whether it was this that subsequently became the hospital of St. John Baptist – perhaps as a re-foundation – is not clear, but possible.

The hospital of St. John, by that name, is first mentioned in endowments of land from the 1220s, when already in existence as is evident from a papal grant (1220) of chapel and cemetery for the house; it is believed to have existed since at least 1202. Yet, in response to investigations during an archepiscopal visitation in 1321, jurors stated that the hospital had been founded by those men of Nottingham who made the endowments in the 1220s. Possibly it was at that time that the hospital adopted its dedication to St. John. The roles of the hospital at that time were to give alms to the poor, and to provide shelter and care for the infirm poor. Its funding for this came from the income from the endowments and apparently also efforts to collect alms for redistribution; the latter task helps explain its location next to the bridge where the road from London crossed the River Trent and entered Nottingham, the hospital being assigned responsibility for the bridge's upkeep.

The hospital subsequently came under the administration of the borough authorities, but some of this control was lost in the early years of Edward I's reign (when the borough liberties were suspended for several years). By the time of the inquiry in 1321, the hospital had declined considerably in means – accusedly by dissipation – and motivation, and its community had dwindled to practically no-one. The archbishop's intervention began a process of recovery, and was later furthered by a licence from the king to acquire property in mortmain. The hospital is still heard of in the 1460s.



NOTES

"Matins" "Prime and Tierce" "Sext and None" "Vespers and Compline"

In canonical rule **Matins** are the divine offices held at midnight; *matutina* were originally held just after dawn, but later the term was applied to midnight service and the service in the first hour after dawn renamed **Prime**, approximately 6 a.m. Here Matins is evidently used for a pre-dawn but not necessarily midnight service, Prime presumably for the first post-dawn one. Tierce, as the third hour after dawn, would have been approximately at 9 a.m., Sext around midday, Nones around 3 p.m., **Vespers** (the hour for lighting candles) around 6 p.m., and **Compline** (the completion, or close, of the day) around 9 p.m. Bells were rung to announce these services, thus providing some indication of the time of day, but only an approximate one, since the intervals between services were adapted somewhat to the differing number of hours of daylight in summer and winter.

"household"

The reference to individual brethren having a "household" is unclear; it seems improbable that anyone admitted to the house would bring family with him or her, and the communal style of living indicates that there were no household accommodations. Possibly what is meant is brethren in their official duties having servants.



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Keywords: medieval Salisbury hospitals almshouse regulations duties ceremony oath behaviour constitution architecture revenues bridges

Subject: Conditions for receiving residents into St. Nicholas' Hospital

Original source: Wiltshire and Swindon Record Office?, Cartulary of St. Nicholas' hospital

Transcription in: Christopher Wordsworth, ed., *The Fifteenth Century Cartulary of St. Nicholas' Hospital, Salisbury, with Other Records*. Wiltshire Record Society, vol.3 (1902), 1-2.

Original language: Latin and Middle English

Location: Salisbury

Date: Late 15th century

TRANSLATION

The way in which [...] any brother or sister is received into the almshouse of the hospital of St. Nicholas within the city of Salisbury.



First, it is ordained that the master, or warden, of that hospital is to call together all the brothers and sisters in the chapel of St. Nicholas within the hospital. In front of which gathering, the reason for the meeting having been declared, the following should be declared in English to those to be admitted:

You are to be loyal and obedient to the master of this place and to his successors.

If you should happen to have any of the goods of this house under your administration, you are to take care of them to the benefit of the house.

Also, if you know now, or come to know at any time hereafter, that any goods belonging to this house have been carried off, given away, or stolen, you shall do your duty by ensuring the master is informed of it, as soon as you reasonably can.

Also, you shall make an honest declaration to the master or his deputy, within a month [of admission], of what possessions you are bringing in with you.

Also, you will not reveal [to outsiders] the matters discussed in this place, or concerning the brothers and sisters, while they are confidential and private.

Also, you are to live chastely insofar as God gives you the fortitude.

Also, you are to hear a mass every day, whenever you are able.

And if you know how to, you shall every day recite a **Placebo and Dirige** with Commendations.

And if you are not as educated as that, every day you are twice to say **Our Lady's Psalter**.

Also, you shall attend the daily mass anciently ordained, and there pray for the souls of the founder, all those who have supported this place, and for all Christian souls.

Also, you shall behave in a peaceable manner and do all you ought to ensure every brother and sister is at perfect peace with, and loving and charitable towards, one another.

All these things, and each of them, you will uphold to the best of your power, so help you God at the [Holy] Doom, and by [oath on] this book.

Then the master is to say: "My friend, commit to **continence**, and dedicate yourself and all your possessions to God and St. Nicholas, and [your] continual service to this house, turning over to it all your goods and properties."

DISCUSSION

When St. Nicholas' Hospital came into being is unknown. It might have been associated with Harnham, a village on the south bank of the Avon, before the bishop founded his new borough on part of his manor of Salisbury on the north bank. But more likely it was Bishop Richard Poore, the founder of New Salisbury (which in time eclipsed and superseded the hill-fort of Old Salisbury, in which both king and bishop had a share of the lordship), who established the hospital after beginning construction of his new cathedral. The hospital was located south of the close, near a crossing of the Avon. Certainly the hospital was in existence by 1227, when it received endowments from the Bishop and from the Countess of Salisbury; at that point the hospital had a chapel, chantry commitments, and the mission of catering to the needs of the sick, the poor, and travellers.

The next bishop made such major changes that he subsequently claimed, and for some time was believed, to be the hospital's founder. He built a new bridge at the Avon crossing and a chapel on the bridge, and then rebuilt the hospital, adding new buildings to the south of the original. The constitution he issued for the hospital in 1245 associated the administration of bridge and chapel with that of the hospital. The purpose of the hospital was stated as to receive, help, and support the poor, the weak, and the sick. A warden was given the duties as administrator of the property (including the bridge) and its revenues, as supervisor of the charitable obligations towards the inmates, and as principal priest conducting the divine offices – with emphasis on masses for the souls of Bishop Bingham, the hospital's benefactors, the residents, and anyone who died in the hospital – assisted by three other priests. They were to wear, when in public, russet cloaks as their uniform, to eat communally in the refectory, and two were to sleep in the hospicium on the bridge while the warden and the third priest slept at the hospital. Patronage of the hospital had been transferred by Bingham to the Dean and Chapter, but was returned to a later bishop in 1260, possibly in relation to episcopal plans for the foundation of **de Vaux College** nearby, on land that was part of the hospital endowment.

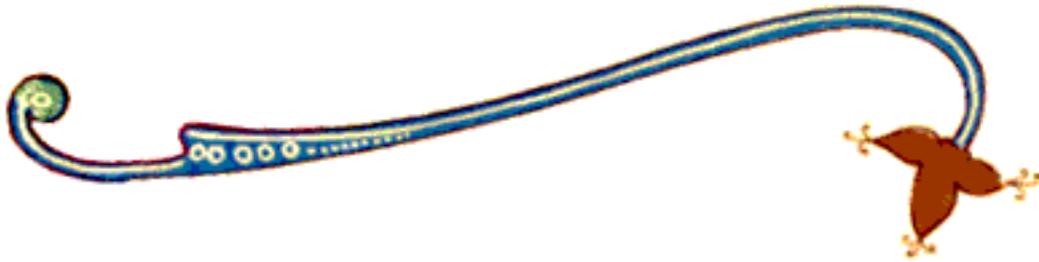
The new hospital took the form of a church, but with only two aisles, separated by an arched arcade; this had led to speculation that it may have been designed as an infirmary segregating male and female inmates, each into their own half. In the final years of the fifteenth century, the south aisle

was divided up into six cubicles, as more private quarters for the brethren and sisters, and an upper floor added with further rooms, some for the master and chaplain; the north aisle served as a common hall. Besides the priests there were some lay brethren, tasked with serving God in the hospital; it is not clear if they were included among the poor or sick inmates. We have explicit references to sisters from the late thirteenth century. The inmates were apparently admitted for life.

Neither the hospital nor its neighbour, and possibly associate, the college were wealthy in terms of endowments. While the latter's expanded through the Middle Ages, however, some of the former's were lost. This, along with falling rent values and some poor fiscal administration, caused the hospital increasing difficulties, obliging it to restrict its activities to what its revenues would support; the bridge had become ruinous by 1413, requiring a royal grant of pontage to restore its integrity. A new constitution issued by Bishop Beauchamp in 1478 shows that the hospital had become by then only an almshouse for a limited number of inmates (probably 12), at least some of whom were its own retired or incapacitated staff; this had probably been the case since at least the 1440s. Most entrants were from the city or the surrounding region of Hampshire; some were widows, others married couples.

The ordinances of 1478 stated that brethren and sisters were to have an allowance of 7s.6d a week, divided between them, and annual provision of 16 wagonloads of firewood and 1 wagonload of coal. That this was recognized as meagre is suggested by the prohibition of inmates begging on the street. As indicates of necessary economies, temporary hospitality was to be available only to benefactors, and those admitted were required to own a certain level of property; that property would henceforth be administered by the warden, who would use its revenues to support the clothing and other needs of the former owners. The warden was also required to pay for the services of a barber and laundress, as well as supply everyday utensils. He exercised disciplinary authority over the inmates, punishing any guilty of quarrelling, or co-habitation of unmarried men and women, and similar faults. Sharing of quarters was permitted only in the case of a man and woman who had been married before entering the hospital.

The admission regulations and/or oath set out above stems from the new ordinances, although the copy in the chartulary may have been made a decade or two later. The final instruction by the master invites the entrant to take the three monastic vows of chastity, obedience, and poverty. Psalms and prayers followed that, and the ceremony closed with the new entrant receiving the kiss of peace from each of the inmates.



NOTES

"Placebo and Dirige"

These were services for the souls of the dead, said, respectively, at vespers and matins.

"Our Lady's Psalter"

The reading from the original is uncertain, and this is the editor's hypothesis. Two psalters, he notes, would consist of 100 Aves and 10 Paternosters.

"contenance"

This refers principally to chastity (i.e. abstinence from sex), but also to the self-discipline and self-restraint that permits moderation in sensual indulgences generally. It was not the same as celibacy, although a required condition for celibacy.



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Keywords: medieval Reading hospitals chantries bridge maintenance widows abbey schools maladministration disputes

Subject: Decline in support for hospitals and chantries

Original source: British Library, Add. Ms. 6214, f.22

Transcription in: C.F. Slade, ed. "Reading Records (4)," *Berkshire Archaeological Journal*, vol.61 (1963/64), 51-52.

Original language: Middle English

Location: Reading

Date: Late 15th century

TRANSLATION

Once, as King Edward IV was passing through Reading en route to Woodstock, in **1480**, complaints were made to him by the townspeople and country-dwellers against the abbot and convent of Reading, concerning certain dilapidated bridges, chapels, and almshouses not kept up or maintained as they ought to be and as they used to be in past times; they having, it is said, both lands and income sufficient for that purpose. First, a part of Caversham Bridge on which stands a chapel dedicated to the Holy Ghost. Also the High Bridge and other bridges throughout the town. Also a chapel at the west end of the town, dedicated to St. Edmund king and martyr, in which lie the bones of many Christian folk, and now it is used as a barn. Also there was outside the abbey gate a place called St. John's house in which resided and were supported certain religious women, widows living in chastity in the service of God, praying night and day for the king's health and for the souls of their founders and benefactors. In which there was a fine chapel dedicated to St. John Baptist, for those women to say their prayers at certain times of day and night, and where masses were also said many times in the year, as well as other divine



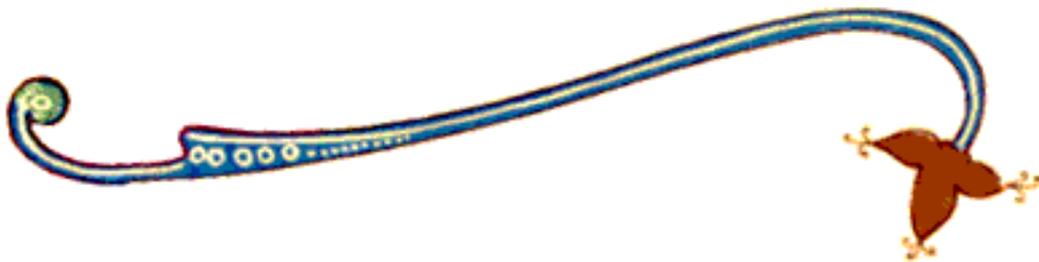
services. These women were accustomed to receive each week from the abbey a certain [quantity of] bread and ale, as well as money; and, it is said, once a year certain clothing. This was set up for such women as had once been the wives of men who had previously held office in the town, but who in old age had fallen into poverty or did **not intend to remarry**, etc. Nowadays there are neither divine services or prayers, nor anyone left alive to perform them. Yet the abbot takes the revenues associated with it, but uses none for alms or good deeds. Moreover, there was another chapel there, on the east side of town, called the Chapel of Mary Magdalene, with income associated for the relief of sick people, such as lepers, as well as a house in which they could live, with good land attached. Whose revenues the abbot receives, but he has demolished the chapel and the house associated. With the result that it no longer provides relief for any poor people.

Not long after these complaints were made, King Edward IV commanded Richard Beauchamp, the then Bishop of Salisbury, to see that all these matters be corrected straight away, and that they be restored to the terms of the original foundation and arrangements. Notwithstanding those commands given by the king, the bishop came to the place during his regular visitation, with the intent of making the required examination and finding out more, so that he could determine how to proceed on these matters. Having continued his visitation until a certain day, he departed from the place highly dissatisfied not only in regard to the above but, it is said, as to many other things similarly badly managed within the place due to the wayward behaviour of the abbot and his assistants. A few days later *he* received a visitation – from God – and he died; and so all these matters have remained in limbo, uncorrected. Notwithstanding that my lord of Salisbury who lately died had said that whoever was bishop of Salisbury was one of the founders of the house of St. John, as he had evidence to prove. He had intended, had God let him live longer, that it should have been restored to supporting sisters, as it was in oldentime according to the terms of its original foundation. Which place the abbot has now transformed into a free school, telling his neighbours that he has made provision to pay a schoolmaster £6.13s.4d [annual salary] and an **usher** £3.6s.8d to teach grammar there at no cost [to students], etc.; adding that Master Robert Shorborne, now Dean of St. Paul's, has given him £40 for the project. Despite this, there is as yet no school, nor any

man, woman or child assisted by it. Yet the place has been receiving the revenues from the same [almshouse] for the last 35 years and more.

DISCUSSION

This document is among a collection compiled ca.1500 as part of legal evidence in jurisdictional disputes between the merchant gild and the abbey of Reading; the burgesses of the gild likely saw this document as supporting their charges of maladministration against the abbot, John Thorne I (1445-86). The abbot has no opportunity to present his side of the story. Whatever that may be, the case of Reading provides one example of how some almshouses or hospitals were no longer able, for whatever reason, to pursue the aims of their founders, and their communities dwindled or the buildings were converted to other purposes.



NOTES

"1480"

The original simply gives the regnal year (19 Ed.IV); the editor appears to have had other information, attributing the complaint to November 1481.

"not intend to remarry"

Probably they had taken vows of chastity, or wished to lead such a life.

"usher"

Under-teachers, i.e. assistants to schoolmasters; this usage is archaic.



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Created: *March 14, 2003.*

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Keywords: medieval London cathedrals disrespect offences excommunication commerce sanitation recreation vandalism assemblies folkmoot

Subject: Disrespect for religious places

Original source: Lambeth Palace Library?, Reg. Braybrook, f.330

Transcription in: David Wilkins, ed. *Concilia Magnae Britanniae et Hiberniae ab Anno MCCCL ad Annum MDXLV*, London, 1737, vol.3, 194.

Original language: Latin

Location: London

Date: 1385

TRANSLATION

To all sons of Holy Mother Church into whose hands these letters come, **Robert**, by divine permission Bishop of London, gives greetings. Lord Jesus, our Saviour, when he entered the Temple, predecessor to the Church, and seeing there the Jewish populace more involved in buying and selling than in prayer, and in the uninhibited performance of other abominable acts there, by whipping them with cords ejected the buyers and sellers, and overturned the tables of the money-worshippers Now indeed, it has come to our attention through persistent reports made by many credible persons that on an almost daily basis, and particularly on days of worship and festival days, people – both men and women – are getting together at our cathedral church for the purpose of selling merchandize, goods, and other things; so that this place, which was created for the worship of God, has been perverted through the increasing iniquities of the people. At their stations there, as if they were in a public square or marketplace, they show disrespect [for the place] by exposing for sale and selling their merchandize, goods and other things. Not content with this, but as if degenerate and ungrateful sons, neither paying heed nor showing



respect to their mother, they **defecate** next to the entrance and **urinate** upon the doors of our church, and in the churchyard; which, hardly surprising, is abhorrent and disgusting – not only in appearance but in its stench – to those persons who visit our church to perform their devotions.

There are also others – insolent, idle persons answering to no-one, troublemakers by nature, who would rather cause mischief than make themselves useful – who throw or shoot stones, arrows, and various other missiles at the crows, pigeons and other birds that nest or perch in the walls and recesses of the church. Not only that, but they play ball-games inside and outside the church, and engage in other **destructive** games, breaking or seriously damaging the glass windows and the stone carvings in the church; which, being of the highest craftsmanship and very expensive, are adornments throughout the church and add refinement to its fabric, giving pleasure to those who gaze upon them. In doing so they offend God, cause us and our church injury, and also expose their souls to grave danger.

With the intent, therefore, of putting a stop to these kinds of wicked, malicious, and injurious activities, insofar as we are able – to avoid the appearance of approval or sanction that would come from tolerating what ought to be suppressed, or letting it go unpunished, or looking the other way – we are by this document issuing a warning **[to be proclaimed]** three times, requiring that each and every person committing the types of offences mentioned above, within ten days of the publication of this document ... cease and desist from these kinds of wicked acts, on pain of sentence of major excommunication ... By virtue of the sacred obedience **[owed us by]** each and every rector, vicar, priest, and curate who is ordained in our city of London, we command and enjoin very strictly that they proclaim publicly and with all solemnity – with the ringing of bells, lighting of candles, and holding erect the cross in their hands – that all and any troublemakers who commit such offences after the issuance of our warning have been and are excommunicated. And this is to be proclaimed on the dates and at the times and places which they consider most effective.

Given in our palace at London, 9 November 1385, in the fourth year following our consecration.

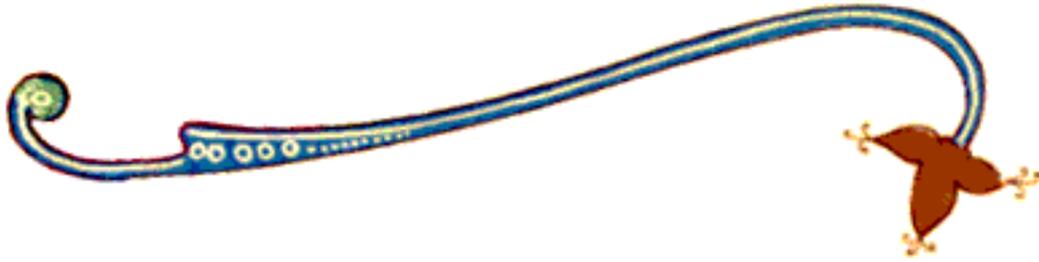
DISCUSSION

St. Paul's was founded in 604 as the episcopal seat it has remained; its early foundation helped make it an integral part of the city and city life, rather than the imposition of a rival authority as was the case with cathedral-priory foundations in some other English cities (although this did not prevent jurisdictional disputes between city and chapter). Londoners' pride in St. Paul's was reflected in his figure being placed on the common seal of the city. The structure that existed in the Late Middle Ages was even more of a landmark than the present building, with a spire considerably higher than the current dome; it was the largest church in England, and even few continental cathedrals surpassed it. In that period the cathedral was surrounded by a sizable wall-enclosed precinct that consumed a large chunk of the western end of the city; the roads leading west out of the city had to circumvent this obstacle.

The precinct was a lively place. The bishop had his palace there, the canons and cathedral officials their residences; St. Paul's brewery and bakery, nearby, furnished bread for that community. The cathedral drew the citizenry to services, particularly on important holy days, and there were even two parish churches incorporated within the precinct. St. Paul's was a sanctuary and so among those it attracted were undesirables. The folkmoot had its traditional meeting-place in the northeast corner of the precinct. Although there were few such gatherings in the Late Middle Ages, that area attracted congregations who came to listen to sermons or public proclamations delivered from St. Paul's Cross, near the folkmoot site, and the churchyard was a common assembly point for crowds. Because of the large area consumed by the precinct, it was inevitably a thoroughfare for the citizens, whether on daily business or taking part in civic parades. Men of trade and commerce met within the precinct, and even the cathedral itself, to make business deals; by the sixteenth century it had become notorious for this.

Bishop Braybroke's complaint and injunction is indicative of the alarm that the resident religious community was feeling because of the familiarity with which the citizens treated St. Paul's. From his perspective, things were getting out of hand. His was the earliest known of a series of efforts to prevent the cathedral precinct from being used as a place for inappropriate

activities; the efforts continued up to the seventeenth century. From another perspective the abuses are indicative of the importance of churches in the everyday life of medieval townspeople.



NOTES

"Robert"

Robert Braybroke became Bishop of London in 1382, holding office until 1405. He was one of the most active of the medieval bishops of London. The year following his effort to cleanse the precinct, he was trying to resurrect observance of the festivals dedicated to St. Paul and St. Erconwald, while in 1392 he sought to prevent London shoemakers from working on Sundays or other holy days. Yet he was also considered lax in taking action against prostitution.

"defecate" "urinate"

This I take to be the meaning of *naturae suae pondera foetida et horrenda*, the locations given suggesting both bodily functions; the verbs in the sentence indicate both that they dropped their loads and then failed to clear away the faeces.

"destructive"

The original term, *inhonestos*, means shameful or inappropriate; but in this context it would appear that the connotation is harmful.



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Keywords: medieval London customs ceremony festivals church services livery processions gratuities ritual

Subject: Religious observances of city authorities

Original source: Corporation of London Records Office, *Liber Albus*, ff. 6-7

Transcription in: Henry Thomas Riley, ed. *Liber Albus*. Rolls Series, no.12, vol.1 (1859), 27-30.

Original language: Latin

Location: London

Date: 14th century

TRANSLATION

Concerning certain observances and ceremonies at various festivals



It is said to be the custom for the mayor, on the **festival of All Saints** following [\[his election\]](#), to go with his household after **lunch** to the **church of St. [Thomas]**, and also for the aldermen, and those who are of the **mayor's retinue**, together with the **leading men** of the crafts, to congregate there in their **suits**. And from there to go to the church of St. Paul and hear vespers there before returning. Similarly, on Christmas Day it has been the custom for the mayor, aldermen, and sheriffs, and those who are of the mayor's and sheriffs' retinues, to come together after lunch at the church of St. [\[erased\]](#) and from there, as mentioned above, to go to the church of St. Paul. There he is accustomed to stand on the right side of the choir, in the stall next to that of the Dean; while the aldermen, arranged in order of precedence, stand some on the same side of the choir near to the mayor and some on the other side. After hearing vespers and **compline**, the next thing they do is as set out in the **previous chapter**. The same procedure is followed on **St. Stephen's day**. Likewise on the **day of St. John** the

Evangelist. And on **Holy Innocents day** it has been the custom for the mayor, aldermen, sheriffs, and the others to hear vespers in the church of St. [Thomas of Acon]; and on the following day there to hear a mass, as well as vespers. Which being done, they return home. Formerly, these rites were also observed on the **day of Circumcision**, at **Epiphany**, and on the **festival of the Purification** of the glorified Virgin.

Note that no prayers are said for the soul of Bishop William inside that church, except on the days when the mayor and sheriffs take their **oaths** at the Exchequer. Nor has it been the custom for the mayor and aldermen to stay at St. Paul's until compline is over, except at Christmas, Epiphany, and the Purification of the Blessed Virgin. At other of the abovementioned festivals they leave immediately after vespers. On the Monday in Easter week, before noon, it has been the custom for the mayor, aldermen, and sheriffs, in their suits, as well as either sex of the greater populace of the city, to come to the **Hospital of St. Mary** outside Bishopsgate to hear a sermon. Likewise on the Tuesday and Wednesday of the same week.

Also, around the festival of **Pentecost** it has been the custom of the mayor and aldermen to get together and, by joint decision, make arrangements for suits of clothes for themselves. Furthermore, the mayor and the sheriffs confer on their friends, members of their households, and officers of the city their **liveries**, according to what is demanded by each's level.

When in fact the Monday during Whitsun arrives, before lunch, between the bell striking nine and ten, the mayor, aldermen, and sheriffs have been accustomed to assemble in their suits at the church of St. Peter Cornhill, along with all members of the retinues of sheriffs and mayor. From which place, they would set out in a procession of the rulers of London along Cheapside as far as the cemetery of St. Paul's, with those of the sheriffs' retinue leading the way, followed by those of the mayor's retinue; then the mayor, with the recorder and the aldermen, in order of precedence. Entering on the north side and making their way through by procession towards that church, they would exit on the south side of the cemetery, and thus via the close they would enter the church from Watling Street, through its

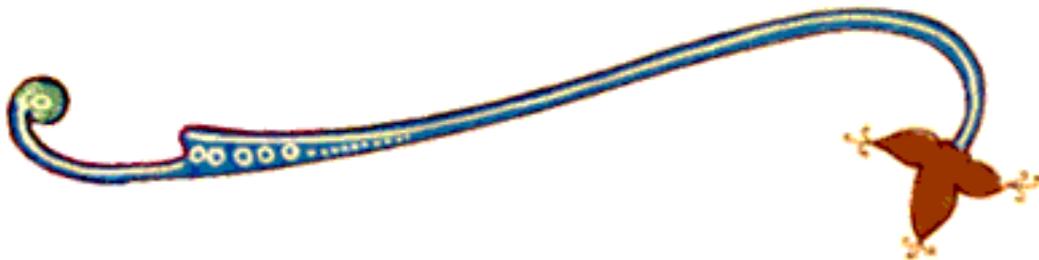
great west entrance. There they would rest themselves, while verses of the hymn *Veni, Creator* were, alternately, chanted by the vicars and played by the organ, while angels on high dispensed incense. After which the mayor and aldermen, going up to the altar, would make offerings. Once this was completed, each returned to his own home. Note that the Archdeacon of London was accustomed to give to the sergeants-at-mace accompanying the mayor, sheriffs and the chamber, because they had protected the procession of rulers from the press of the crowds, two **nobles** to be divided equally between them.

The following day (that is, the Tuesday) before lunch, between the bell striking nine and ten, the mayor and aldermen have been accustomed to gather at **St. Bartholomew's** and, from there, leading a procession of the folk of Middlesex, they would pass through the gate of Newgate and from there to St. Michael Cornmarket; then beyond, via the **Old Exchange**, they would enter the close of St. Paul's by **St. Augustine's gate**, and from then on just as was done the previous day. And the Archdeacon would give 10s. to the same sergeants, so it is said. On the third day (that is, the Wednesday in Whitsun week), the mayor, aldermen and the others have been accustomed to gather at the same hour at the church of St. **[Thomas]** of Acon, and from there lead a procession of the folk of Essex, along a direct route to St. Paul's cemetery. And the same proceedings would take place as on the Monday previous; and the Archdeacon of Essex would give the sergeants-at-mace 6s.8d. Let it be known that when those fees were not paid, it was customary to **distrain** on the Archdeacon to pay them.

DISCUSSION

These quasi-religious rituals owe as much to the forging or maintenance of social solidarity within the ruling class, and reinforcement of the social hierarchy, as they do to religious customs. Which is not to deny the religious sentiments of those townsmen, but to suggest that these ceremonies served purposes above and beyond the demands of such sentiments. Such ceremonies are a feature particularly of the late fourteenth and fifteenth centuries, when class consciousness within the towns was finding clearer expression; they doubtless grew out of less formal periodic events.

It will be noted that a number of these ceremonial occasions clustered around the Christmas season.



NOTES

"festival of All Saints"

November 1.

"lunch"

The original has *prandium* a term for meal-time, usually applied to breakfast or lunch; since Vespers was celebrated around 6 p.m., lunch is the likeliest meaning here.

"church of St. [Thomas]"

The hospital of St. Thomas was centrally located, north of Cheapside. It was perhaps not just the location but the connection of Thomas Becket, a source of pride to Londoners, with the hospital (the building originally having been his father's house) that dictated the choice. The building later became home to the powerful Mercer's Company. The name "Thomas" has been erased from the original document.

"mayor's retinue"

Literally, of his livery: those officers specifically assigned to assist him (e.g. his sergeants and clerks).

"leading men"

Another use here of *probi homines*, in this context likely referring to the chief officers of the craft guilds.

"suits"

Probably referring to their official costumes (liveries), implying a similar style. Or *in sectis suis* might possibly mean "with their followings".

"compline"

Compline was celebrated around 9 p.m.

"previous chapter"

This was to offer prayers for William, Bishop of London, credited with having obtained from King William I a charter of liberties for the city, and to pay a visit to the graves of the parents of Thomas Becket.

"St. Stephen's day"

December 26.

"day of St. John's"

December 27.

"Holy Innocents day"

December 28.

"day of Circumcision"

January 1.

"Epiphany"

January 6.

"festival of the Purification"

February 2.

"oaths"

Oaths of loyalty to the king, as distinct from their oaths of office.

"Hospital of St. Mary"

The "New Hospital" dedicated to St. Mary was founded in the thirteenth century, by a London citizen and his wife.

"Pentecost"

The 7th Sunday following Easter (Whit Sunday).

"liveries"

Depending on who was receiving it, this might range from a badge, to a particular style of cap or other worn article, to an entire uniform.

"nobles"

A noble was a gold coin valued at 6s.8d.

"St. Bartholomew's"

The **priory of St. Bartholomew** stood not far outside the city walls, in northwestern London; today it represents one of the few medieval standing structures to have survived (partially) in London.

"Old Exchange"

I.e. the mint and money exchange; this would have placed it around the northeast corner of St. Paul's churchyard, adjacent to the site of the old folkmoot – a logical location.

"St. Augustine's gate"

This appears to have been the same cemetery entrance mentioned earlier as leading off Watling Street.



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Keywords: medieval York Winchester Corpus Christi festivals processions ceremony craft guilds friars plays disrespect behaviour church services Purgatory prohibition commerce civic events

Subject: The Corpus Christi procession

Original source: Item 1: York City Archives, Memorandum Book A/γ, f.278; item 2: British Library, Add. Ms. 6036

Transcription in: 1. Maud Sellers, ed. *York Memorandum Book, part II (1388-1493)*. Surtees Society, vol.125 (1914), 156-58; 2. W.H.B. Bird, ed. *The Black Book of Winchester*. Winchester: Warren & Son, 1925, 27-30.

Original language: Latin

Location: York, Winchester

Date: Early 15th century

TRANSLATION

[1. Provision for proper attention to the Corpus Christi and other divine services]



In the name of God, Amen. By a certain custom in effect over the course of many years, all of the crafts of the city of York have taken upon themselves the presentation of a lavish **play** (its various pageants, taken together, telling the story of the Old and New Testaments) each year at the festival of Corpus Christi, at various stations in the city; at the same time they make a solemn procession in honour of the blessed sacrament representing the body of Christ. This begins at the great gates of the **priory of Holy Trinity** in York and goes in procession to **York cathedral**, and then to the **hospital of St. Leonard** in York, where the sacrament is delivered up. It [i.e. the **sacrament**] is preceded by numerous lighted torches and a multitude of priests dressed in surplices, and is followed by the mayor and citizens of York with crowds of other people flocking behind.

On this matter a certain very religious man, brother William Melton of the order of Friars Minor, a **propounder of holy scripture** and one of the most famous preachers of the word of God to have come to this city, in several of his sermons commended the play, declaring that it was a good thing and most praiseworthy, in itself. However, he said, the citizens of the city and outsiders attracted to the festival there, instead of focusing their attention exclusively on the festival play, also gave themselves over to feasting, boozing, carousing, sing-songs, and other improper behaviour, and made little effort to attend the divine services that day. And what was most to be regretted was that, because of this, they lost the right to the indulgences recorded to have been graciously granted in regard to the festival by Pope Urban IV: of one hundred days to those Christian faithful who attend the **Matins** services celebrated in association with the festival; the same amount to those [who attend] mass; to those who attend instead the **Vespers** of that festival, which is the second most important, likewise a hundred; while to those who attend **Prime, Terce, Sext, None** and Compline, forty days for each of those hourly services; and to those who on the octaves of the festival attend the morning or evening services, Mass, and the hourly offices, a hundred days for each day of the octave. Just as is more fully specified in canon law.

Consequently it seemed advisable to Friar William, and he had convinced the people of the city in that regard, that the play take place on one day, and the procession on another; so that the populace could congregate in the churches on the festival and be present for the church services that would result in them obtaining the indulgences.

In relation to which, Peter Bukcy mayor of this city of York, Richard Russell recently mayor of the staple at Calais, John Northeby, William Bowes senior, John Moreton, Thomas Gare senior, Henry Preston, Thomas Esyngwald, Thomas Bracebryg, William Ormesheved, and John Aldestanemore, aldermen, Richard Louthe and John Dodyngton, sheriffs, John Hewyk, Thomas Doncastre, John Usburn, Thomas More, Robert Yarom, Robert Midelton, Geoffrey Savage, Thomas Snawdon, John Loftehouse, John Bolton, John Lyllyng, John Gascoigne, William Craven, Thomas Aton, Thomas Davy, John Baynbrig, Thomas Kyrkham, William Bedale, William Gaytesheved, John Louthe, and John Warde, members of the 24,

gathered in the city's **council chamber** on 6 June 1426 [to consider] the declarations, urgings, and the sensible warnings convincingly put forward by Friar William, and persuasive arguments that it was not a sin, nor would it offend God, if something good were changed to something even better. Having therefore carefully discussed among themselves the issues set out above, they gave their unanimous and explicit agreement first to the proposal being announced to the community in the **common hall**; and then, having obtained the consent of the community, to these matters being reformed for the better.

For which purpose the mayor and community of this city having come together in the common hall on 10 June, and having made a proclamation about the aforesaid serious matter, it was ordained with community consent that as to the solemn play, which it had been the custom to present on Corpus Christi day, it would henceforth be presented annually on the Wednesday, the day before that festival. And that the procession should be made in a solemn fashion on the day of that festival. So that all the people then in the city could devote time to Matins, Mass, Vespers, and the other hourly services of the festival, and be recipients of the indulgences graciously granted in that regard by Pope Urban IV.

Burton, R.

Also at the same place and time, at the urging of Friar William, it was first ordained by the mayor and the community that on Sundays no victuallers or craftsmen henceforth have their shops or **windows** open, nor place stalls or benches in front of their houses in the place called the Thursday Market, nor anywhere else within the city or its suburbs (except in times of great need [such as] the sudden arrival of lords or ladies or persons from outside the city), for the purpose of buying or selling any kind of merchandize, or for buying or selling meat, fish or any other foodstuffs. But that shops and windows of all men be kept closed on Sundays, from nightfall on Saturday to sunrise on the Monday after, with the sole exceptions of those of taverners and common cooks, for the convenience of travellers, and also fishermen on the Ouse and Foss bridges from **Lent to Easter**. Buyers, **captors**, and **purveyors** of victuals should make arrangements for spending time in buying supplies on the Saturday rather than the Sunday

following. So that six days may be occupied with all business and labour, while the people set aside the seventh – that is, Sunday – for rest to the praise of God, who on the seventh day rested from all those works he was performing; and putting aside their worldly preoccupations, they may go to church and personally attend Matins, Masses, and Vespers. Upon penalty of 6s.8d paid to the use of the community of this city by anyone engaged in commerce, industry or victualling who is found to have contravened this [ordinance] at any time in the future.

Burton, R.

[2. Arrangements for the procession at Winchester]

At the congregation held at Winchester on 31 May 1437, an ordinance was made by Richard Gater mayor of the city of Winchester, John Gymer and Henry Putte bailiffs of that city, and agreed to by all the citizens and the community of that city, concerning the public procession on the festival of Corpus Christi by the various crafts within the city. Which is that the carpenters and tilers should go together in the first section of the procession, the smiths and barbers in the second section, the cooks and butchers in the third, the shoemakers with two lights in the fourth, the tanners and coverlet-weavers in the fifth, the fraternity of St. Thomas and the tailors' assistants in the sixth, the fishermen and the skimmers in the seventh, the vintners and the fraternity of St. Anne in the eighth, the weavers with two lights in the ninth, the fullers with two lights in the tenth, the dyers with two lights in the eleventh, the mercers with two lights in the twelfth, wives with one light and **John Blake** with the other light in the thirteenth section of the procession. All these lights ought to be carried in due order in the procession, in advance of the priests walking in the procession. Four lights of the fraternity of St. John Baptist should be carried on either side of the body of Our Lord Jesus that day in the procession. If any member of those crafts raises any objection, or refuses hereafter [to comply with] this ordinance, or pulls out of the procession, then that craft offering resistance or failing to participate is to forfeit 20s. to the city, at the discretion of the mayor and the 24 then being in office, and may face imprisonment. And should any craft slander any other craft, then it is to forfeit 6s.8d to the city, on the grounds of having committed a violation.

DISCUSSION

In 1264 Urban IV ordered that Corpus Christi be celebrated as a religious festival each year on the Thursday following Trinity Sunday, although his death that same year prevented this from having much effect. It was not until early in the next century that Clement V followed up and observance of Corpus Christi, as one most important Catholic festivals; its observance spread quickly across England in the 1320s. The festival was marked by a solemn procession whose purpose was to display the Holy Sacrament (or rather, the shrine that contained the Host) on its travels from one church to another, but also gave the Church the opportunity to show off its pomp and circumstance, since it was the local clergy who accompanied the Host on the march. With observance and organization being left by the Church up to its local representatives and to local authorities, we find the procession becoming a major civic event by the mid-fourteenth century. The timing of Corpus Christi, a moveable festival occurring between late May and late June, placed it very close to midsummer, providing for long hours of daylight and one of the best chances for clement weather.

The Corpus Christi procession provided an opportunity for communal display generally. Particularly the display of communal harmony, in which all interests – as represented by the various trades and the socio-religious fraternities – worked together. The lower strata of urban society are not very conspicuous in this ceremony, and this may reflect their general exclusion from the definition of community at this period in towns; on the other hand, the guilds simply provided a convenient mechanism for ordering the procession, while at the same time reflecting how urban society was coming to be perceived as divided into these interest groups. Borough authorities often took advantage of the event to reinforce their authority by giving themselves a conspicuous role in the procession. The trend towards ever more elaborate display, fostered in part by competitiveness between the guilds, led to the introduction of religious iconography and in some English towns to the **Corpus Christi pageants**, which may initially have been still-life scenes but later developed into playlets. It is not clear whether these could have been integrated into the procession itself, but possibly they were presented on a second circuit, after the procession proper – which began very early in the morning – was completed.

The procession thus combined expression of religious piety, civic pride, and gild rivalry. Ironically, because of the social statement being made by the procession and the competition between the participating groups to see which could outshine the other, matters such as the order in which participants appeared, or the costs of participation, or behaviour prompted by jealousy, could become the cause of squabbling, disharmony, and even bloodshed. An example of this is at York, where it appears that the torches for the procession were custom-made to beautify them as much as possible. In 1419 on the day after Corpus Christi the skimmers complained to the mayor and city council that their torches had been smashed by certain carpenters and tawyers, using cudgels and **Carlisle axes**, and other unspecified enormities had been done to them, disturbing the ceremonies. Early in the reign of Henry VI the York cordwainers were complaining about the high cost of custom-made torches for the procession as well as the cost of the Corpus Christi plays (which was a frequent bone of contention for the craft gilds). In 1426, a week after Corpus Christi, we have the concern expressed in the document above, that the party atmosphere at the time of Corpus Christi plays was interfering with the solemnity associated with the procession; the arrangement for separating the two was later altered so that the play would be the main feature on Corpus Christi day, and the procession was relegated to the day after.

The persuasive argument in leading the city authorities to this decision was the question of indulgences. The concept of Purgatory had become, for the lay population, a key feature of Catholic theology in the Late Middle Ages, painting the picture of an extended period the soul must spend prior to the Last Judgement in a place of punishment and torment – at least, so it was perceived in England. Indulgences provided a partial remission of their punishments, for sins that had already been confessed and contrition shown, so that the recipient was in a state of grace. Normally, the adverse effect of sins on the well-being of the soul had to be erased not merely by absolution from guilt but also by undertaking the reparations assigned by the pardoning agent; in order to remove the burden from the soul before Judgement, these reparations might be undertaken during life (e.g. through penance) or for a certain period in Purgatory. An indulgence removed or reduced the obligation for reparations (or, more strictly, assumed that the sinner's debt to the Church had been paid in full or in part). The value of such remissions to medieval people, in reducing the length of the dreaded stay in Purgatory, was influential, as evidenced in the widespread medieval traffic in indulgences, reflected in Chaucer's Pardoner. The normal length of time specified on an indulgence was 40 days, but longer periods could be given – in the case of the Corpus Christi indulgences above, 100 days for attending the principal Mass of the day. The various services gave structure to a day

for the clergy and especially monks, but Mass lay at the core of religious participation for lay people.

Friar William did not stop with his proposal about Corpus Christi. He was on a reforming kick for, as we see above, his proposals to the authorities went beyond Corpus Christi to lack of church attendance on Sundays generally. At the same time he also had roused the populace, and was urging the authorities, against prostitutes, seeking their expulsion from the city; the authorities revived an existing ordinance prohibiting them from living in the city and ordering all to leave within eight days or forswear their occupation.

A gild dedicated to Corpus Christi had been founded at York in 1408, though it is difficult to say whether this had anything to do with a perception among the clergy that the spirit of Corpus Christi observances had been corrupted among the citizenry. It took some years for the gild to establish its authority in regard to the procession. At some point apparently after the date of the document above, which makes no reference to the gild's role, it was the master and keepers of the gild – all chosen from local clergy – who took the lead in the procession, ensured the procession remained orderly, and accompanied the bejewelled gilded container of the blessed sacrament in the procession. Other local clergy sang, if capable, during the procession, and carried crosses, banners, and lights (torches and tapers). The city officers, dressed in their ceremonial robes, followed after the clergy, and were in turn followed by the the gilds, each in a prescribed order, carrying more banners (symbolizing their crafts) and torches. The streets down which the procession passed were decorated by the citizens. Most members of the Corpus Christi gild were clergymen. Lay persons of good reputation could also become gild members, but not participate in governing the gild; mayor Peter Bukcy had been a member since 1414, and Richard Russell (a former mayor) joined in 1426 – probably close to the events in June – while Thomas Gare had been one of the founding members. Melton was not a member; he would have lacked the means to join.

As the Winchester ordinance was made immediately following the day of the procession, we may suspect some local commotion there concerning the ordering of the procession, necessitating intervention from the borough authorities. As in other towns, each group participating in the procession would carry a large light, which went in pairs; they would probably end up as an offering. The largest crafts monopolised a section of the parade and thereby had to provide two lights; we can clearly see here the importance of the cloth industry in the town. These provisions remained in effect into the reign of Henry VIII, with minor additions of other crafts (the plumbers, silk-

workers, chandlers, and brewers).

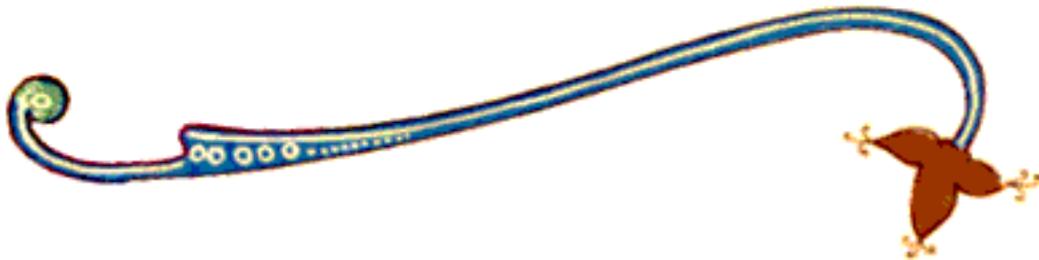
At about the same period we find other urban regulations governing the processions. At Beverley a Corpus Christi gild founded to support the procession, with priests its principal members, dates back to the 1330s. As the craft gilds became involved, there was a tendency towards disorderly behaviour. In 1430 the Beverley authorities **restricted participation** in the procession to the aldermen and stewards of the gilds, and arranged the order in which the gilds would appear in the procession. At Chester too we see, in the first reference made to a Corpus Christi procession (1399), an outbreak of violence between the weavers and fullers participating.

At Norwich we hear of the procession in the 1389 returns of two gilds associated with the Collegiate Church of St. Mary's, also known as the **Chapel in the Fields**; one of the gilds, its members clerics, was said to have been created in honour of Corpus Christi in 1278, which was when the chapel changed from a hospital to a college. It is therefore probably significant that a Norwich ordinance of ca.1449 reveals the Chapel in the Fields as the destination of the Corpus Christi procession; the fact that the same building was also used at times in the late fourteenth and early fifteenth centuries for large civic assemblies is of less certain significance. The same ordinance specified that the procession should begin with the Body of Christ surrounded by light-bearers, followed by specific gilds, the lesser in front and the greater (mercantile) to the rear, each bearing a banner, then followed by "the procession" **possibly meaning** a dozen pageants depicting scenes from Old and New Testaments, and ending up with the city officials: the sheriffs' assistants, the sheriffs themselves, the mayor's assistants, the mayor himself, and finally the aldermen each carrying bibles or rosaries.

Instructions issued at Coventry in 1445 for the order of the procession also seem to embody some rationale for positioning, placing victuallers first, artisans involved in the leather- and metal-working trades next, those involved in the cloth industry (more vital to the city's economy) thereafter, closing with the large-scale cloth-dealing trades of drapers and mercers. Charles Phythian-Adams has noted that this arrangement is the reverse order in which the crafts were likely to have access to high political office in Coventry ["Ceremony and the citizen: The communal year at Coventry, 1450-1550", in *Crisis and Order in English Towns 1500-1700*, ed. P. Clark and P. Slack, London, 1972, 63]

London, as so often, is an exception to the rule. It had no gild of Corpus

Christi dedicated to organizing a city-wide procession, and the feast of Corpus Christi was not treated as a civic ceremony, per se. However, the skinnners gild, whose dedication was to Corpus Christi, was holding a procession by at least 1327; over time this grew to incorporate (according to Stow) over 100 decorated wax torches, more than 200 singing clergymen, followed by civic officials, and finally the members of the skinnners gild. In some other London parishes, other individual gilds or fraternities organized lesser processions for their members.



NOTES

"York cathedral"

Here a sermon was preached to the principal participants in the procession.

"propounder of holy scripture"

The original *sacre pagine professor* might alternatively be translated as "advocate of the holy pageants", which is tempting given the overall context; but the association with the specific context of him being a preacher is slightly more likely.

"Matins" "Vespers"

Matins was the principal service of the day, celebrated at dawn. Vespers, the most solemn office of the day, was celebrated at sunset; this service was the most popular with the faithful, Matins being at a difficult time to attract celebrants.

"Prime, Terce, Sext, None"

The shorter services of the day, taking place respectively around 6:00 a.m., 9:00 a.m., noon, and 3:00 p.m.

"Burton, R."

"Burton recorded this", i.e. the stamp of Roger Burton, York's town clerk at that time, a man trained as a notary and with a strong interest in historical matters.

"windows"

Lesser retail outlets were essentially residences/workshops with goods being sold

through the open window.

"from Lent to Easter"

I.e. when fish became more the dietary staple.

"captors"

Officials taking prizes of shipments.

"purveyors"

Those tasked to requisition victuals for official purposes or purchase them for provisioning some noble or ecclesiastical household.

"John Blake"

A man of this name was mayor in 1403/04 and 1407/08, although it is unlikely he would still be alive in 1437.

"possibly meaning"

So thought Alan Nelson (*The Medieval English Stage: Corpus Christi Pageants and Plays*, Chicago: University Press, 1974).



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INTRODUCTORY ESSAY

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Keywords: medieval society towns cities recreation sport combat archery wrestling football competition games gambling taverns festivals ceremony ritual solidarity entertainment music dance minstrels theatre Corpus Christi mystery plays morality

Urban recreation

There was not during the Middle Ages the same differentiation between sport, entertainment, and casual recreation that we make today. The term *ludus* might be applied indifferently to martial contests, hunting, dramatic performances, children's games, sports, adult board games, or just taking a break from the workaday life, but generally involved some kind of social gathering or interaction. All these had the character of diversion or recreation, although some also had more serious attributes in terms of, for example, skills acquisition or moral education.

On a more informal level, the medieval tavern served the same need for social gathering and recreation, and was as ubiquitous, as the modern-day British pub. Both men and women frequented taverns, although some that doubled as brothels were more male haunts. In the fourteenth and fifteenth centuries, socio-religious guilds were providing social occasions for urban upper classes that avoided the common or dangerous aspects of tavern visits, while the crafts guilds too had social gatherings usually involving drinking. Medieval townspeople liked to make merry, and there were plenty of opportunities for it. An Italian commentator at the very end of the fifteenth century made these amusing but disparaging observations about English social habits:

"Few people keep wine in their own houses, but buy it, for the most part, at a tavern; and when they mean to drink a great deal, they go to the tavern, and this is done not only by the men, but by ladies of distinction. The deficiency of wine, however, is amply supplied by the abundance of ale and beer, to the use of which these people are become so habituated, that, at an entertainment where there is plenty of wine, they will drink them in preference to it, and in great quantities. Like discreet people, however, they do not offer them to Italians, unless they should ask for them; and they think that no greater honour can be conferred, or received, than to invite others to eat with them, or to be invited themselves; and they would sooner give five or six ducats to provide an entertainment for a person, than a groat to assist him in any distress."

[C.A. Sneyd, ed. *A Relation, or Rather a True Account, of the Island of England*, Camden Society, vol.37 (1847), 21-22]

Sports and games

Probably the closest thing to an organized sport in the Middle Ages was the tournament, which was of course for the aristocracy. But commoners also had a role to play in military operations, and so they too had recreational activities aimed at developing martial skills – notably archery and hunting. There may have been a keep-fit rationale behind some of this, and some activities appear to have been simply for the sake of exercise. At the other extreme, perhaps for reasons of increased enjoyment, activities such as archery went beyond mere practice into the realm of competition. Where there was competition there was gambling and aggression. Most outdoor sports were fundamentally races or combats, which inevitably got adrenaline flowing and excited emotions. Even indoor games often symbolised martial activities or racing; or the

element of chance made them prone to cheating and to emotional upsets – dicing was one of the simplest, longest-standing, and most prevalent, particularly in taverns or gambling dens. Sports and games often come to the historian's attention because they have deteriorated into brawls or worse, giving rise to court records.

Another dimension to sporting events was that of assertion. On the individual level it might be a matter of building and maintaining a reputation – opportunities to demonstrate personal prowess and even, on occasion, take licence in challenging social superiors in a way that could not be done in other contexts. On the communal level, activities such as wrestling and hunting often involved rivalries with other communities or authorities. Hunting rights were associated with territorial jurisdiction, and were for a while sought after by urban authorities. Most recreational activities were male-oriented. However, women are occasionally found engaging in such activities, but usually of a less competitive or more solitary sort (e.g. swimming, boating, skating, gardening), or of a sedentary sort (e.g. chess). Many activities involved animals, particularly the horse which was so important to medieval society, but also wild animals or performing animals; gambling was often involved.

While some recreational activities could be healthy for medieval society, others were perceived as undesirable, and attempts were made to suppress them. Competition, and particularly gambling, too often led to criminal or antisocial acts; gangs of youths were particular sources of violence, while boardgames were targets for fraud. The king preferred his subjects to engage in activities that fostered martial abilities; so he encouraged archery (its practice being enforced beginning with the Assize of 1252, and receiving a further boost from the Hundred Years War), while prohibiting ball games. The game that by the close of the Middle Ages was beginning to be referred to as football was for most of that period considered particularly reprehensible, appearing to the authorities as little more than another expression of the mob violence that too often caused problems in towns. Yet by the

fifteenth century we find the beginnings of organization in the sport, at least in London, in the form of a fraternity of football players. Mock combat with short sword and buckler, an exercise for adolescents, likewise over time degenerated into gang warfare. Yet even games such as tennis, or its racquetless counterpart handball, were the subject of bans. However, the repeated prohibitions at both national and local levels suggests that suppression was, for whatever reason, not very effective.

Games like football might take place on wasteland in or near a town, or in the streets themselves. Just as churches were foci for social gatherings, churchyards were also a place for sporting events, as they might be also for commercial transactions. However, the church authorities deplored the risks of damage this posed.

Although we often hear of recreational activities in the context of them being banned, or leading to court cases (too frequently, coroner's reports), there are other sources of information. One of the best descriptions of the spectrum of such activities available to townspeople is given by [FitzStephen](#), whose memories of growing up in London are largely those of the more diverting side of life. He makes reference to numerous avenues for diversion:

- taking a stroll on a summer evening;
- debating contests, often amusing, which he likens to intellectual wrestling matches;
- going out for some fast food;
- watching horses be put through their paces before being sold at market;
- horseracing, ostensibly as a way of illustrating the value of horses for sale, but behind it lying the competitiveness of the riders;
- social occasions – weddings, banquets, as well as frequenting taverns;
- theatrical performances;
- animal contests (cock fights, and the baiting of bulls, bears, or boars);
- ball games, with teams representing schools or crafts,

- which attracted an audience;
- jousting on horseback;
- river-based tilts at a quintain, another amusement that drew an audience;
- yet another variant inspired by tournaments, a form of jousting on ice-skates;
- more casual fun on the ice, simply sliding, or being drawn on a crude, makeshift form of sled;
- other quasi-military exercises, including athletics and duels;
- hawking and hunting with hounds;

This, we must never forget, is London, England's metropolis. But the same range of activities was available elsewhere, if on a less ambitious scale. It is evident that medieval people valued their off-work time, whether it was for casual recreation or more elaborate celebrations or competitions on the occasion of festivals. FitzStephen indicates that certain recreational activities were associated with particular days or season. Lent/Easter was particularly being a time of outdoor activity, as spring arrived; the great Carnival preceding Lent became a time for a wide range of celebrations, often to excess – Bruegel's allegorical depiction of "Carnival and Lent", although produced in 1559, compiles illustrations of many medieval recreations (while his "Children's Games" is a similar visual compendium). Such activities provided a release mechanism, while at the same time opportunities for socializing – even to the point of crossing class barriers – and in some cases rituals that helped cement or restore group solidarities.



Medieval games took various forms and catered to both physical and intellectual competitiveness. Many however met with disapproval from both secular and ecclesiastical authorities, being considered unproductive or even a threat to social order or morals.

(click on the images for enlarged versions)



Ceremony

Not mentioned by FitzStephen, largely because it was more a feature of later centuries, was the recreational element of ceremonies. Whether having a political function (e.g. swearing-in of newly-elected mayors), a social character (e.g. annual gild feasts and processions), or a ritualistic role (e.g. the Corpus Christi day procession), ceremonial occasions provided an opportunity to reinforce communal solidarity and fellowship within a celebratory context, while at the same time subtly reasserting society's hierarchical structure by distinguishing leaders from followers and associating wealth with power. Even charitable activities could disguise similar messages.

The great nobles of the kingdom travelled around their domains a good deal, accompanied by retinues. Not only because of the cost-efficiency of living off the hospitality of those under their lordship, but also because their personal presence was the most effective way of ensuring their rule was enforced, their wishes respected. Their display of power was not merely in the soldiers they brought with them, but in the magnificence – the evident visual superiority – of their parades. This was in turn aped by the ruling class of the towns, many if not most of whom aspired to rise into the ranks of gentry, and increasingly felt themselves superior, not merely economically but also socially, to other townspeople.

Townspeople did not have to wait for visits of dignitaries to engage in festivities or ceremonial. There were many festivals throughout the year that provided opportunity for conviviality or show. Some involved solemn ceremonies, others called for free-spiritedness. Christmas, Easter, Corpus Christi, May day, Midsummer, and Lammas were but a few of the times when there were communal feasting and drinking or other activities and when the streets might be decorated. Besides which the socio-religious guilds of the town each had their own special feast-days, associated with the saint to which they were dedicated.

Entertainment

As with sports, much medieval entertainment took place in outdoor contexts, since this permitted more communal participation. At home, those who were well-off might be able to engage minstrels or storytellers for social occasions, or amuse themselves with parlour games. But for those without parlours (the "chamber" of the medieval house) or halls, the home was mostly a place to eat and sleep, and recreation was ought out-of-doors.

In addition to communal gatherings, sports, and public ceremonies, there was a taste for music and dancing, and

dramatic or comedic performances, appealing to emotions that sometimes seem less governed than those of Victorian and post-Victorian society, although perhaps the fondness for drinking was partly the cause of this.

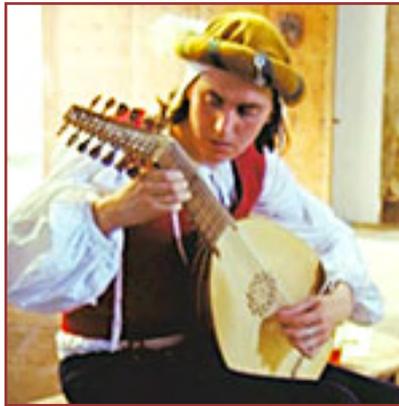
Music and dance:

In Anglo-Saxon England, secular music tended to be accompaniment for storytelling – whether spoken or sung – or more lighthearted tomfoolery, such as dancing or tumbling performances. The tradition of bard with harp gave way as new instruments came to the fore, and individual itinerant minstrels were joined by travelling bands. By the close of the Middle Ages, ensembles rather than solo performers were the norm.

Urban authorities themselves had occasion to hire musicians, most commonly called "waits", not just to entertain the populace or visiting dignitaries on celebratory or ceremonial occasions, but for more mundane tasks, such as noisemaking to accompany social offenders to the pillory, playing fanfares to bring audiences to order, sounding the hours during nightwatch, or accompanying a contingent of the local militia to the front. At Lynn for example one of the bureaucratic officials hired from mid-fourteenth century was a bedeman, whose duties included the making of public announcements, i.e. town crier; the incumbent from 1375 to 1388 was Thomas de Sutton, alias Thomas Bedeman, alias Thomas Belleman (either because of the use of a bell to attract public attention, or because he tolled the church bell to announce the death of a citizen), alias Thomas Whaite. But these various roles do not mean we should discount the entertainment element. Music was popular on most occasions, including as an accompaniment to feasting.

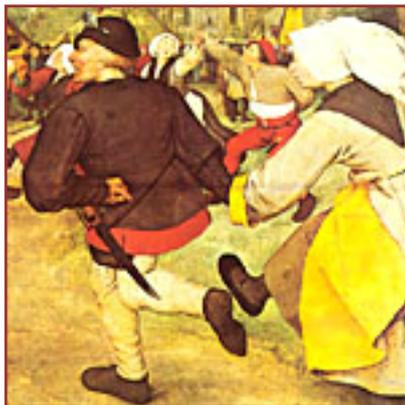
Dancing was also well loved, as a participative activity – perhaps nowhere more clearly expressed than in the exuberant folk dances depicted by Bruegel – or in performance. Some of those performances became increasingly dramatic at the close

of the Middle Ages, as the penchant for display and disguising increased. The Dance of Death, for those able to afford professional performers, was something occasionally staged as part of pageants, to remind the audience of their mortality.



Outdoor events required loud instruments, notably wind and percussion; such events included dances in a range of social settings. Music suitable for the intimacy of a chamber called for softer instruments such as the lute.

(click on the images for enlarged versions and more information)



Theatre:

It was sometimes a thin line between a dramatic dance and a masked mime. At one end of the spectrum they were rowdy and almost anarchic – perceived as a threat to order and eventually banned. At the other end they developed into dumb pageants with ritualistic elements. A second influence on the development of medieval theatre was the celebration of divine services, which had inherently dramatic qualities and, on special occasions, came to involve the introduction of props or costumed characters from the Bible, as dramatic elements were emphasized to create an impression on the congregation.

The best-known and most urban manifestation of medieval drama was the Corpus Christi plays. They, together with other plays known to have been performed in a number of towns, are one example of the rich ceremonial life of townspeople. But ceremony with a more overt educational purpose – entertainment having a long history of being bound up with education.

The play associated with the festival of Corpus Christi was actually a cycle of performances which came to be known, in the post-medieval period, as mystery plays – not because of their content, but because the performances were organized using the craft guilds, or *misteria* (a term derived from the classical Latin word for "occupation" and evolving into the French *métier* meaning "trade" or "craft"). One or more guilds were assigned responsibility for the production and performance of one of the dramatic presentations in the cycle, with the town government overseeing and regulating the whole.

To the best of our knowledge, the Corpus Christi cycle was strictly an urban phenomenon, although by no means all towns engaged in this activity – it appears to have been only a few of the larger, more prosperous towns, particularly those in the northern half of England. Samples of the plays performed have survived for York, Chester, Wakefield, Coventry, Newcastle and Norwich, while there is evidence (or suspicion) that Beverley, Ipswich, Kendal, Leicester, Lincoln, Bristol and Worcester; Lancaster, Louth, Preston, Canterbury and London may perhaps also hosted similar performances – although at London the large number of national, civic and parochial processions, full of their own kind of drama and celebration, may have made it unnecessary to develop the play cycles found elsewhere. Plays that may or may not have a Corpus Christi association, written largely in Cornish Celtic, with the surviving copy dating from the late fourteenth century, are associated with the town of Penryn. For the guilds, production and presentation of the plays gave an opportunity for conspicuous display of socio-economic status; there is some evidence of competition between guilds to present visually

impressive performances, sometimes leading to excess.

The Corpus Christi play comprised a number of individual performances, the number and subjects varying from town to town, each dramatising events or persons from the Bible, from the Fall of Lucifer to the Last Judgement. Sometimes it appears that plays were assigned to particular guilds because of a perceived association, or perhaps the guilds themselves made a choice that might serve to advertise their trades – occasionally explicit advertisements were posted, although city authorities considered this an abuse; the plasterers (who undertook construction work) might, for example, present The Creation, the shipwrights the building of Noah's Ark, the water-carriers or mariners Noah's Flood, the bakers the Last Supper, or the cooks the Harrowing of Hell. The Corpus Christi plays were not strictly speaking morality plays, although their function was partly didactic. The individual performances were often referred to as pageants, a term deriving from the crude stage (Lat. *pagina* meaning "plank") on which presented, usually mounted on wagons; the mobile character of the performances seems to be particular to England, whereas on the continent the locations were stationary.

Historians generally agree that the roots of these urban plays, which were performed in English, lie in Latin liturgical drama – particularly miracle plays – presented by the Church in the twelfth century, at religious festivals such as Easter and Christmas; they focused particularly on the life and death of Christ, although FitzStephen mentioned plays in London depicting holy miracles and the sufferings of martyrs. There is less agreement on how this evolved into the secularized form of the Corpus Christi play. Some point to folk-plays acted out by wandering minstrels, during seasonal revels of the common people, as one influence, infusing burlesque or humorous elements into religious drama. The Corpus Christi play retained religious influences, such as instructional tactics derived from sermon and homily; and the Church likely encouraged and supported the presentation by laymen of drama that provided religious instruction, even in a popularized form relying on visual illustration and appealing

more to the emotions than the intellect.

A major step towards the development of the Corpus Christi play had to have been the official establishment by the Pope of Corpus Christi as an important and universal festival; this happened in 1311. Since the festival took place at a time of clement weather (late May or June), it was suitable for an outdoors procession led by city and church officials in which the holy sacrament was carried through the streets to a church; the Pope authorized such a procession in 1317, and the earliest record of one in England is from the following year. Over the years this festive parade likely became more elaborate, with additional religious ornamentation introduced and in due course, it is hypothesised, static depictions of scenes from the Bible, drawn along on wagons. Brief dialogue may next have been introduced to interpret each scene; in time these pageants developed, in ways differing from town to town, into scripted plays. For the populace, the play cycle represented on the one hand a celebration of the God-directed destiny of humanity, and on the other hand a new facet of the traditional midsummer revels.

Although there is a suspect tradition that the dramatization cycle had emerged in Chester by about 1328, other evidence suggests the 1370s as a more likely period of origin. At York and Beverley, the plays were said in the 1390s to have been long-established, although this too likely does not refer back much beyond the earliest references: 1376 in York (a passing reference in a rental to a house where pageant stages were stored), and 1377 at Beverley (likewise, the context suggesting that the performances were well-established). That Corpus Christi fell in a period when daylight hours were long helped encourage the development of a cycle of performances. At York the cycle became so extensive that it seems unlikely that all pageants could have been performed on one day; by 1426, there was no time for both pageant and procession, and the latter was displaced to the following day.

The Corpus Christi play was not the only play for public entertainment and edification. The Passion play was also

popular. At York, Beverley and Lincoln a play called the Pater Noster was created along similar lines to the Corpus Christi play, in terms of sections being allocated to different groups to produce. The Pater Noster, unlike the Corpus Christi play, was essentially a morality play. Morality plays appeared about the same period as gild pageants; their aim was to personify the vices and virtues. There is slight evidence for other plays – nature unknown – having been performed in York as early as the thirteenth century.

With the miracle, morality and other plays having moved out of the sphere of influence of the Church into the hands of the guilds, there was the tendency to introduce secular and even farcical elements to appeal to popular taste. This degradation, from the perspective of the Church, led it to become increasingly critical of the plays and, after the Reformation, to succeed in repressing performances in the sixteenth century, although the legacy of the plays found its way into dramatic forms and characterizations of the Early Modern period.



Twentieth-century depiction of performance of a play from a pageant; the monstrous mouth

from which devils issue represented the entrance
to Hell.

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(N.B. there is no shortage of works on medieval English drama. Nelson's study is particularly recommended for being organized as a survey of urban settings.)



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Created: *August 18, 2001*. Last update: *May 4, 2003*

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translation | discussion | notes

Keywords: medieval Coventry recreation sport hunting archery offences

Subject: Recreational activities at Coventry

Original source: Coventry City Record Office, Leet Book

Transcription in: Mary Dormer Harris, ed. *The Coventry Leet Book or Mayor's Register*, London: Early English Text Society, old series, vol.134 (1907), 27, 197.

Original language: Middle English, Latin

Location: Coventry

Date: 15th century

TRANSLATION

[1. Brawling and hunting, January 1421]

[We command] that there be no gatherings for the purpose of the group supporting the quarrels of its individuals, nor that [anyone] go to any **bede-ale** held outside the city, nor that anyone ride into the countryside, without permission from the mayor and bailiffs, upon penalty of up to 40s. for every infringement. Also that no man should be so bold or foolhardy to go into the countryside and break into any lord's park, for the purpose of hunting his deer or rabbits, under penalty of 100s. fine and imprisonment.

[....]

Also, that no man walk **large hounds** or bitches along the highway, upon penalty of 40d. for every infringement.

[2. Archery and cock-fighting, 22 April 1441]

It is **their** wish that **William Oxtun** remove the butts specified herein,

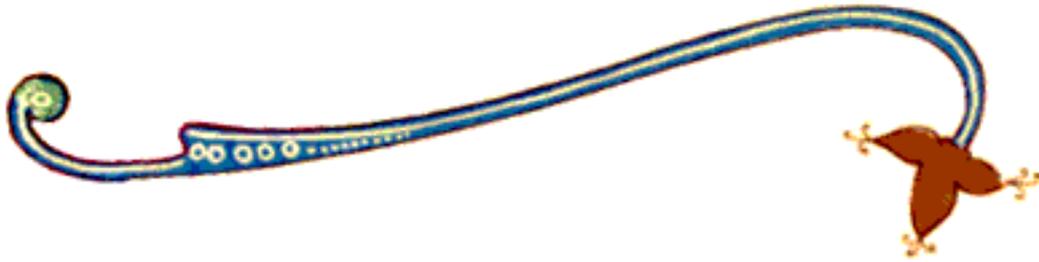


located at the muckhill in Little Park Street, without anyone objecting (by order of the mayor); and that those being made at present should be erected elsewhere. No-one is henceforth to practice archery in the place for cock-fighting.

DISCUSSION

Recreational or sporting activities in towns are usually evidenced through authorities' prohibitions of those considered undesirable. Prohibitions were, however, no more effective than their enforcement, which relied largely upon charges being brought by private individuals or presented by the leet jury. It was a not uncommon complaint from owners of estates surrounding towns that townsmen would trespass and poach thereon. In 1480, for example, the Prior of Coventry was complaining to the mayor that (among other things) townspeople: were hunting and hawking on his lands within and outside the city bounds; had damaged his hedges and crops by a reckless sport called "roving" which involved shooting arrows at movable targets; were surreptitiously, during the day and at night, fishing in his ponds; had made a "sporting place" on his land where they practised archery and played "other games". The mayor's response was basically that all these were offences committed by individuals and it was incumbent upon the Prior to prosecute any guilty party; the mayor noted that roving was a problem commonly encountered in large cities and prohibited in Coventry by ordinance.

Archery was one of the few sports sanctioned by authority, since it built skills useful in times of war or local defence. In the passage above, the concern was not with archery *per se*, but with it being practiced in a location where it was not likely to prove a danger to bystanders.



NOTES

"bede-ale"

An ale was a drinking party thrown for the purpose of fundraising. Such parties might be the subject of a general invitation (probably as here) or of specific invitations; in some cases these became opportunities for a form of extortion by local officials, in which invitees – coerced into participating – were expected to pay high prices for the ale they drank.

"large hounds"

This would probably refer to hunting hounds.

"their"

This refers to the leet jury, who acted with the mayor and other officials as the legislative body of the city.

"William Oxton"

The common sergeant of the city.



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translation | discussion | notes

Keywords: medieval London sport wrestling competition assault homicide riot Bury St. Edmunds

Subject: A wrestling competition goes awry

Original source: British Library, Add.Ch. 5153

Transcription in: Martin Weinbaum, ed. *The London Eyre of 1276*, London Record Society, 1976, 32-33.

Original language: Latin (English translation by Weinbaum)

Location: London

Date: 1261

TRANSLATION

On Sunday before the Nativity of Mary [4 September 1261], Richard de Borham with many other people from London went to a wrestling match at

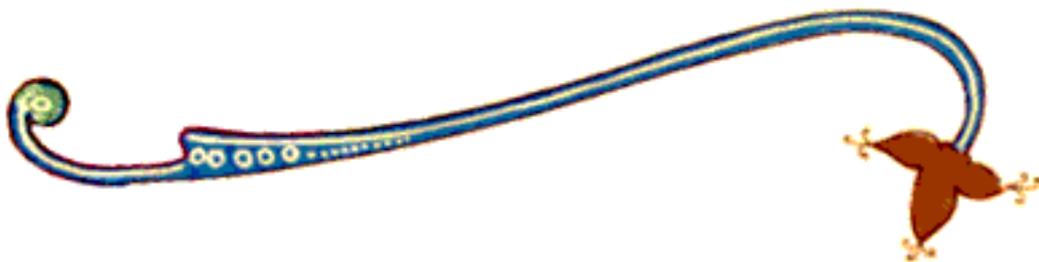
Bermundseye outside the City and there wrestled with the men of the prior of Bermundseye; a quarrel arose between them and Richard and his companions chased the prior's men into the priory; then came a monk called Arnulf and other monks from the priory who entered a solar above the gate and threw stones at Richard and his companions; Arnulf the monk threw a stone upon Richard and crushed him so that he quickly died.



DISCUSSION

It seems that wrestling competitions were commonplace, and perhaps initially among approved sports, being martial in bent or at least a demonstration of combatitiveness. In towns, wrestling was perhaps one of the most popular competitive sports not involving teams. **Fitzstephen** mentions the matches as a typical pastime on summer holy days. However, the roughness of the contests and their attraction for gambling on outcomes brought wrestling into disfavour with the Church. Furthermore they excited crowd emotions in a disruptive manner that in modern times is more associated with soccer matches.

It is mostly when matters got out of hand that we hear of wrestling bouts. At a time not much beyond that of Fitzstephen, **Jocelin de Brakelond** mentions what were perhaps Christmastide wrestling matches between the townsmen of Bury St. Edmunds and the abbey's men, which broke down into a free-for-all. Roger de Wendover tells how, on St. James Day in 1222, several teams representing the citizens of London and residents of the various suburbs held a **wrestling competition** that resulted in the steward of Westminster Abbey, a member of one of the losing teams, seeking revenge via a return challenge on St. Peter's day. That second bout likewise disintegrated into a general brawl.



NOTES

"Bermundseye"

Now part of Greater London, in the Middle Ages Bermondsey was a village just south-east of the city, across the Thames.



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translation | discussion | notes

Keywords: medieval Nottingham recreation sport competition gambling lawsuits debt

Subject: Horse-racing

Original source: Borough court roll, Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 150.

Original language: Latin

Location: Nottingham

Date: 27 June 1352

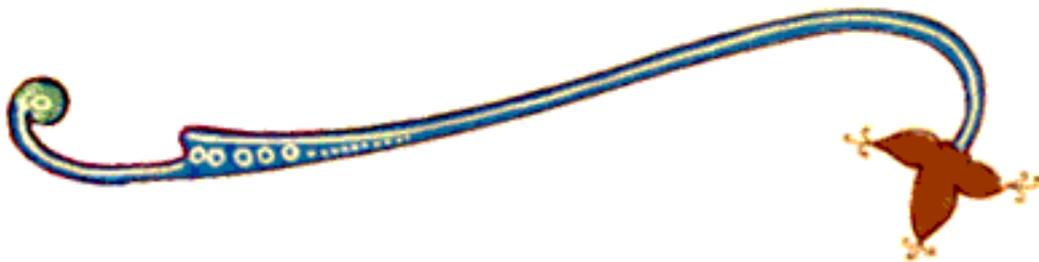
TRANSLATION

John Dauson brings a complaint against Henry Dromeys, on the accusation that he unjustly withholds twenty shillings that he owes him. Unjustly for the reason that it was agreed between them at Nottingham, on 8 May last, that John and Henry should ride together from the town of Nottingham to the town of West Chester on a particular day to be agreed upon by John and Henry – that is, **John upon a stallion and Henry upon a mare** – and that they return upon those horses from West Chester to Nottingham without any rest period; so that whichever of them was the later to arrive back at Nottingham should give to the one arriving first 20s. of silver the day after his return. In this regard John went to Henry on the day set and gave him notice to come and fulfill their agreement. Henry did not come, nor carry out the agreement; consequently John on several occasions afterwards went to Henry and asked him to pay him the 20s.; Henry did not wish to pay, but withheld it and continues to do so, to John's damage of 40d., whereof he **produces suit etc.** And Henry comes and defends etc. and says that he made no agreement such as John has testified against him, and on that defence he **wages his law** with the 12th hand, and he is assigned a hearing at the next court session.



DISCUSSION

FitzStephen shows racing to have been a common sport at London and, although a churchman, clearly reveals how deeply such events affected him as a spectator. The races he describes were associated with showing off horses in order to sell them, and that may have been a common motive behind public horse-racing, although the desire to show off the superiority of horses and riders was by itself a motivation from the earliest time that horse-racing is evidenced in English records (seventh century). The proposed race described above was less of a sport, however, than a personal wager. Like many sports, horse-racing – whether a private or public race – attracted gambling.



NOTES

"John upon a stallion and Henry upon a mare"

My interpretation of "super unum equum et ... super unum jumentum" is a hypothesis on the assumption that there must have been some reason for mentioning the different types of mounts in the evidence. Possibly part of the background to the wager was a disagreement between the two men as to what type of horse was faster or had more stamina. Stevenson interpreted *jumentum* as draught-horse, but the more common interpretation of mare would then suggest that the opposing horse might have been male.



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translation | discussion | notes

Keywords: medieval London recreation combat training offences curfew

Subject: Prohibition of fencing

Original source: Corporation of London Records Office, *Liber Custumarum*, f.217

Transcription in: Henry Thomas Riley, ed. *Liber Custumarum*, Rolls Series, no.12, vol.2 (1860), 282-283.

Original language: French

Location: London

Date: late 13th or early 14th century

TRANSLATION

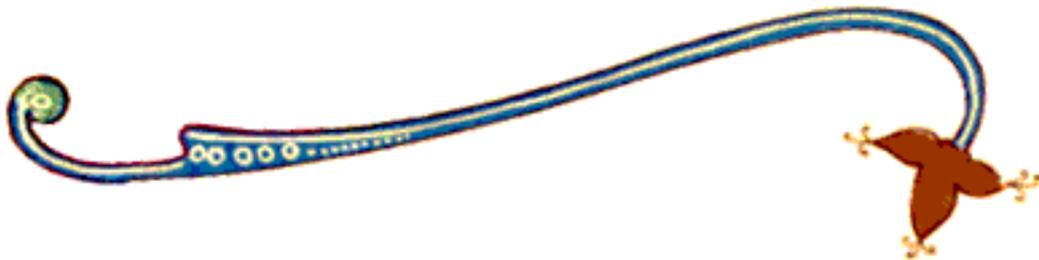
Concerning those who delight in mischief, proceed to learn in the city how to fence with the **buckler**, by night and by day, and consequently are emboldened to do wrong: it is decided that no-one within the city is to hold a school nor take lessons in fencing with the buckler, by night or by day. Anyone so doing is to be imprisoned for 40 days. He [i.e. an instructor] is not to take an apprentice by day, unless he is a man of good reputation and known [character]; if he is convicted of doing so, he is to receive the same punishment.



DISCUSSION

The intent of this ordinance was to suppress the conditions that encouraged brawling and duelling, and in that sense is a concern with keeping of the peace, but might also be considered part of the "recreational activities" of a certain set within London society – largely adolescents who roamed around, often in gangs, to challenge each other. The king and aristocracy were offended by what they saw as the degradation of their values based on honorable combat, as well as the risk of death or injury from this sort of behaviour (even though swords and bucklers were often made of wood). In 1310, one Roger, surnamed "the Skirmisher", was brought before the courts for teaching fencing skills to the sons of respectable citizens.

The context of this passage is a set of ordinances prescribing curfew and, particularly, ordering taverns and alehouses to close by curfew. The connection presumably being that, under the influence of drink, the men of London were more inclined to brawling, and training in swordplay only made this situation worse. It is not certain whether the last part of the passage is connected with the first.



NOTES

"buckler"

This was, in the 13th century, a small shield – not used as a bodily protection so much as for parrying blows, and thus particularly in duels to serve with sword or dagger. There is a small possibility that the French *eskirmir de bokeler* could alternatively be translated "to fight with a staff (bacellus)". In either case, the issue here is that the authorities were concerned that the giving of combat lessons would only encourage duelling.



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Keywords: medieval London recreation gambling games fraud punishment pillory

Subject: A gambling house in which the games are fixed

Original source: Corporation of London Records Office, Letter Book H, f.32

Transcription in: Henry Thomas Riley, ed. *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*. London: Longmans, Green & Co., 1868, 395-96.

Original language: Latin (English translation by Riley)

Location: London

Date: 1375-76

TRANSLATION

Nicholas Prestone, tailor, and John Outlawe, were attached to make answer to John atte Hille and William, his brother, in a plea of deceit and falsehood; for that the same John Outlawe, at divers times between the Feast of Our Lord's Nativity, in the 49th year etc., and the First Sunday in Lent, then next ensuing, came to the said John atte Hille and William, and asked if they wished to gain some money **at tables**, or at **chequers**, commonly called "*quek*"; to which they said "Yes"; whereupon, the same John Outlawe said that they must follow him, and he would shew them the place, and a man there, from whom they could easily win; and further said, that he would be partner with them, to win or to lose.

And they followed him to the house of the said Nicholas, in Fridaystret; and there they found the said Nicholas, with a pair of tables, on the outside of which was painted a chequer-board, that is called a "*quek*." And the said Nicholas asked them if they would play at tables for money; whereupon the said complainants, knowing of no



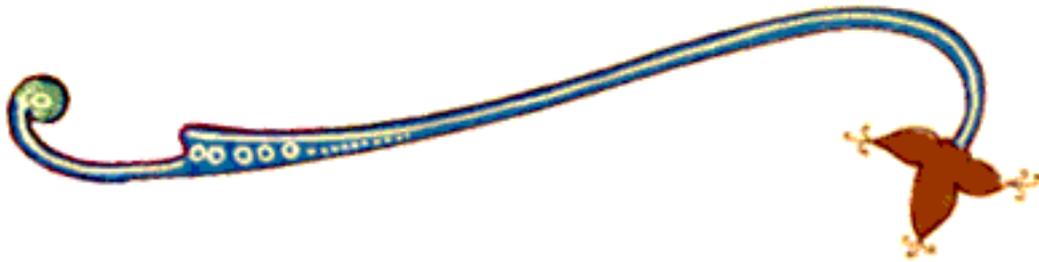
deceit of ill-intent, being urged and encouraged thereto by the same John Outlawe, played with him at tables, and lost a sum of money, owing to false dice.

And the said John then left them to play alone, and after that they still continued to lose. The said tables were then turned, and the complainants played with the defendant Nicholas at *quek*, until they had lost, at the game of tables and *quek*, 39s.2d. After which, the complainants, wondering at their continued losing, examined the board at which they had been playing, and found it to be false and deceptive; seeing that in three quarters of the board all the [black] points were so depressed, that all the white points in the same quarters were higher than the black points in the same; and on the fourth quarter of the board all the white points were so depressed, that all the black points in that quarter were higher than the white. They inspected and examined also the dice with which they had first played at tables, and found them to be false and deceptive. And because that they would play no longer, the said Nicholas and John Outlawe stripped John atte Hille of a cloak, 16 shillings in value, which they still retained. Wherefore the said John atte Hille and William, his brother, made plaint etc.

DISCUSSION

The accused pair, evidently in cahoots, with Outlawe rounding up suckers for his partner to fleece using the fixed table and dice, was accused at the same time by William Caboche and Robert Geffrone of having, at various times, used false dice to cheat them out of 53s.4d. The only defence Prestone appears to have put up was that he had acquired the table from an outsider, as security for a loan, and did not know it was fixed. A jury, however, concluded that Prestone and Outlawe were guilty of fraud; they were ordered to repay the four men for the amounts the latter had lost. They were also to be committed to the pillory for one hour, with their false board being burned under their noses, and then to be returned to gaol until the city authorities saw fit to release them.

On January 8, 1382 an embroiderer, William Soys, was accused by three separate complainants of having a fixed chequer board, with its white squares depressed in some quarters, and the black squares in the other quarters. The complainants had lost 76s.8d in total. These were no small amounts in that period. William was found guilty and sentenced to go to the pillory, with fanfare, for an hour on each of three consecutive days, with his false board displayed beside him. The same court session saw charges brought by two Dumfries men against a hosier, Richard Scot, of being enticed into his house to play dice and being cheated out of 44s. Richard was convicted, and sentenced to three sessions in the pillory, with his false dice hung around his neck.



NOTES

"at tables"

Riley suggests that this dice game was similar to backgammon. However, it may have been a general term for games played with board and counters (pebbles).

"chequers"

According to Riley this was "probably played with rounded pebbles, rolled upon the squares", in which one party wagered on the pebbles landing on the white squares (or points) and the other wagered on them landing on the black. It was among the games that the king specifically prohibited in 1477.



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translation | discussion | notes

Keywords: medieval Nottingham lawsuits fraud gambling games conspiracy recreation

Subject: Gambling and cheating

Original source: 1. Borough court roll, Nottinghamshire Archives; 2. Quarter Sessions roll, Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1883), vol.2, 133-34, 330.

Original language: Latin

Location: Nottingham

Date: 15th century

TRANSLATION

[1. Court session of 5 February 1433]

The same Henry [Bonyngton] complains in person of the same John [Balthwayt junior of Nottingham] concerning a case of deceit. Regarding which he says that on 26 December 1428 at Nottingham, John was playing **at tables** with Henry under the terms of an agreement previously made, that if Henry allowed John to win Henry's money as a strategem whereby the money of the other players could be won, John would give back to Henry the money he had lost together with half of the winnings had from the others. As a result of this collusion, John, playing and gambling with various men on that date and in that place, accumulated the amount of 9s., including 20d. of Henry's. Although he has often been requested to, John has not yet paid Henry the 3s.8d that are his share of the winnings together with the 20d. belonging to Henry, but has refused to pay him and continues to do so to this day, defrauding and injuring Henry. As a result of which, he says, he has suffered damages to the value of 6s.8d; and for this reason he has brought this action. John comes in person and denies force [and injury] etc. and says that he is in no way guilty as



[charged] etc., and he is prepared [to defend] etc.; and Henry does likewise etc. Therefore an inquisition [is to be held] etc.

[2. Assizes of 1483]

The jurors from the western sector [of the town] say, under oath, that Thomas Coste baker of Nottingham, in the county of the town of Nottingham, Thomas Mariott barber of the same town and county, Thomas Ball tailor of the same [etc.], Geoffrey Whitehed tailor of the same [etc.], Richard Parker baker of the same [etc.], William Howett sawyer of the same [etc.], Thomas Chaworth esq. of the same [etc.], and Joan Kell housewife of the same [etc.], on 10 October 1482 and on various other dates and occasions, regularly and usually host individually in their houses at night disorderly gatherings, receiving and welcoming the servants of various men who in their houses, using the goods of their masters, play at dice, cards, and other illegal games prohibited by the statute issued on that matter, to the serious detriment of their masters and contrary to the king's peace.

DISCUSSION

A series of royal ordinances and statutes throughout the Late Middle Ages, the nearest in time to the latter case having been that of 1477, prohibited various sports or games, particularly where gambling was involved, on the grounds that they were idle and useless recreations, if not morally reprehensible (compared, say, to archery or hunting which instilled martial skills useful to society). The former case illustrates part of the moral concerns. Bonnington was rather audacious to think that he might seek to use to the law to claim profits from an illegal activity; and indeed, the (possibly indignant) mayor threw his case out of court and fined Henry for bringing the charge.

Nonetheless, games of chance involving gambling were popular across the spectrum of medieval society. Dice, in the cubic form in which we still know them, had been around since ancient times; their portability in part accounts for the prevalence and popularity of dicing or board games involving dice. It also meant that fixed dice frequently featured in cases of

fraud brought into the courts. Playing cards, on the other hand, were rather more expensive to obtain, being imported, and only **filtered down from the aristocracy** to lower classes towards the end of the Middle Ages, although they infiltrated society fairly quickly and led to a domestic industry springing up to produce them.



NOTES

"at tables"

There were a number of board games that fell under this general title. All employed dice to determine the movement of counters over a board. Such games have modern counterparts in backgammon, or the less serious ludo (a name as generic as tables).



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translation | discussion | notes

Keywords: medieval Henley games sport gambling church services

Subject: Restrictions on games

Original source: Bodleian Library, Henley Assembly Books, vol. I, f.47

Transcription in: P.M. Briers, ed. *Henley Borough Records: Assembly Books i-iv, 1395-1543*, Oxfordshire Record Society, 1960, 56.

Original language: Latin

Location: Henley

Date: 1451

TRANSLATION

[10 September 1451]

On that day, the **warden**, and all **officers**, and the **whole community** of the town granted that if anyone of the town plays a ball-game on holidays or festivals while divine service is underway, from now on any officer present at the occurrence has full power to **distrain** [on the players] and impose [a fine of] four pence, towards supporting the lights of St. Mary, Henley, whenever and however often this occurs.

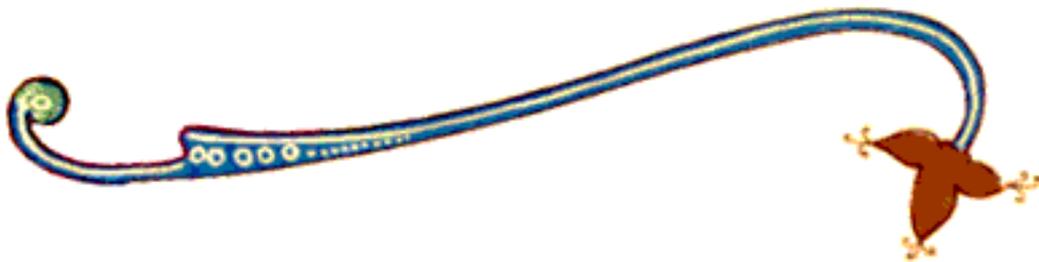
Also, the same thing applies to those playing at dice, except at Christmas time.



DISCUSSION

There was nothing metropolitan about vices, which in the eyes of authority included many sports and games. Henley's example shows that problems plaguing large towns were also concerns in small towns.

It is not certain whether the objection behind this ordinance was to parishioners being seduced away from attending church services, or to the playing of handball using the exterior wall of a church, as was often done, thus disturbing the service.



NOTES

"warden"

The title of the executive officer of local government at Henley.

"officers"

Bailiffs, constables, and bridge keepers were also elected.

"whole community"

Likely meaning as represented by the town council.



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translation | discussion | notes

Keywords: medieval Bristol recreation festivals drink crafts celebration

Subject: Drinkings by the craft gilds

Original source: Bristol Record Office, Great Red Book, f.14

Transcription in: Elspeth Veale ed., *The Great Red Book of Bristol*, Bristol Record Society, vol.4 (1933), part I, 125-26.

Original language: Middle English

Location: Bristol

Date: 1450

TRANSLATION

Memorandum that on 20 May 1450 William Canynges, mayor of the town of Bristol, Thomas Hore, sheriff of that town, John Borton, Richard Forster, John Sherp, Clement Bagot, John Shipward, John Stanley, Nicholas Hille, William Coder, John Forde, William Pavy, with all [other] notable and worthy persons who were assembled in the hall of the common council of the town on the above date, have ordained and permitted that the drinkings on the nights of [the festivals of] **St. John and St. Peter** shall, from henceforth, be restricted solely to members of those crafts who come on those nights before the mayor, sheriff and notable persons, and their successors. The mayor then in office is to provide at his expense wine to be sent to the craft [gild] halls on St. John's day, according to the provisions below. And the sheriff then in office is to do the same on St. Peter's day. On condition that the members of the crafts send their own servants and their own pots for the wine. Which ordinance the mayor, sheriff and notable persons commanded me, John Joce their **common clerk**, to enrol in their book of records. Which is:



| | | | |
|-----------------------|------------|---------|-----------|
| First, to the weavers | 10 gallons | Hoopers | 3 gallons |
|-----------------------|------------|---------|-----------|

| | | | |
|--|------------|--------------------------|-----------|
| Item, to the fullers | 10 gallons | | |
| Item, the dyers | 5 gallons | Barbers and waxmakers | 4 gallons |
| Item, the tailors | 8 gallons | Cordwainers | 8 gallons |
| Item, the skinners | 4 gallons | Tanners | 4 gallons |
| Item, to the butchers | 6 gallons | White-tawyers | 4 gallons |
| Item, the bakers | 5 gallons | Bowyers and fletchers | 2 gallons |
| Brewers | 5 gallons | | |
| Smiths, ironworkers, cutlers, locksmiths, and cardmakers | 3 gallons | Wiredrawers | 3 gallons |
| Masons | 3 gallons | Shermen | 5 gallons |
| Tilers | 3 gallons | | |
| Carpenters | 4 gallons | | |

Any future mayor or sheriff who acts contrary to the above ordinance is to forfeit and pay £3.6s.8d, to be levied by the mayor next in office to the put to the use of the community of the town of Bristol, without any remission.

DISCUSSION

This appears to be one example of the effort by urban governments to bring craft guilds under careful regulation and control. The volume of wine assigned to each craft, or group of crafts, was presumably dictated (at least in part) by the numbers of gildsmen.

For another example of a festival celebration specific to a craft, see "**Homicides investigated by the coroner**".



NOTES

"St. John and St. Peter"

The former probably refers to the festival of St. John before the Latin Gates (6 May), while the latter to St. Peter in Chains (1 August).

"common clerk"

I.e. the town clerk.

"cordwainers"

Leather-workers specialising in a fine quality leather originally from Cordoba in Spain. This leather was found particularly suitable for footwear, and so cordwainers were essentially shoemakers, but distinct from cobblers (who repaired shoes).

"white-tawyers"

Tawing and tanning were the two main methods softening and preserving (preventing decay of) hides. White-tawyers took hides that had been cleaned and treated them with alum and oil, to produce a hard white leather useful for manufacturing items.

"wiredrawers"

I believe these were makers of wire, although the term "drawers" was more usually applied to those involved in transportation services.

"shermen"

Sheep-shearers.



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translation | discussion | notes

Keywords: medieval Norwich regulations craft guilds processions ceremony church services saints festivals Corpus Christi assemblies meals livery warden mayor precedence

Subject: Participation of craft gilds in processions

Original source: Norfolk Records Office, Liber Albus of Norwich

Transcription in: William Hudson and John Cottingham Tingey, eds. *The Records of the City of Norwich*, vol.2 (Norwich: Jarrold, 1910), 284-85, 287-88, 312-13.

Original language: Middle English

Location: Norwich

Date: mid-15th century

TRANSLATION

[Extract 1]

Each and every craft with **mysteries** assigned it, and each craft without mysteries, is to hold a religious service for the saint to which it are dedicated in **such a place** as is mentioned above, in this fashion: that each and every warden of the crafts shall each year hold a day of solemnity in worship of their saint, if they have one or are likely to have one in the future, in such a place as is indicated above and on whatever day they prefer. And on that day it is permitted for them, if they wish, to meet and discuss among themselves matters that are necessary for their business and the benefit of the crafts. On condition that the crafts are not obliged henceforth to provide more than one meal; but if a craft wishes to have more than one meal, it is to cover the costs of the meal based on agreement and arrangement among the membership.

The mayor to be informed where they will hold their assemblies and religious services, or any individual such



event, for their patron saint

It is also ordained that the place where the crafts are to hold their **assemblies** and religious services for their patron saint – if they have such now or in the future – is, within 14 days of this ordinance being communicated to the wardens, to be made known to the mayor prior to the holding of any assembly or service and to be restricted [in location] by the wardens and craftsmen as per the city ordinance; upon penalty of 40s. to be levied from wardens and craftsmen who fail to comply, to be paid to the chamber of the city for the use of the community....

That every craft that stands alone and every craft with mysteries assigned to it is to be clothed, who is to be clothed, and when

Furthermore, it is ordained, granted and enacted that the craft wardens have the power to order and require each and every citizen belonging to their craft, and of the mystery or mysteries assigned to their craft, who is wealthy enough and well-behaved, to be **clothed** in such a costume or livery as the craft wardens indicate, by the time of the next riding of the mayor. And thereafter to be so clothed whenever they are so instructed, upon such a penalty as is or will be recommended by the common council of the city....

[....]

How persons properly clothed are obliged to participate in processions on foot or horseback and to worship of the saint to whom the craft is dedicated

It is ordained, granted and enacted that all those persons who may dress in the livery of a craft – whether of that craft standing alone, or the craft as united with mysteries – have the duty on all occasions to participate in all processions on foot or horseback to attend religious services in honour of the saint to whom the craft is dedicated, on the principal saint's day, and in other obligations such as are set out above or below.

[....]

How they shall ride or walk, and in what manner

First, it is ordained and granted in relation to rules governing gild processions on foot or horseback that all craft wardens – both those of crafts standing alone and those of crafts with mysteries assigned – shall by themselves take charge of and supervise all walkings and ridings, in such order and form as is set out on the [blank] leaf of this book, under penalty.

Ordinance on which craft is to ride in front of the mayor

It is also ordained and granted, for the honour of the crafts, that from henceforth that craft of which the city mayor then in office is a member is to ride or walk immediately ahead of the mayor at times of his ridings, and at all other ridings or walkings – for the honour of that craft during the term of office of the mayor.

At what times crafts are to be prepared to accompany the mayor dressed in their liveries

It is also ordained, granted, and enacted that all crafts – both crafts united with mysteries and crafts standing alone – are to be ready in their liveries to accompany the mayor, sheriffs, and aldermen to the cathedral church of the [Holy] Trinity in the city, or to any other destination, at all times designated by the mayor, and at whatever hour the mayor designates upon these 3 festival days: that is, All Hallows Day [1 November], Christmas Day [25 December], and Epiphany [6 January], and other days that the mayor designates, and in such an order and manner as is indicated above, upon penalty such as is or will be recommended by the common council of the city.

[....]

[Extract 2]

The order of the procession of occupations on Corpus Christi day from the Common Hall, through Cutler Row, around the marketplace,

through Holter, and so straight back to the same Hall.

First, smiths, tilers, masons, and limeburners with their 2 banners.

Carpenters, engravers, joiners, sawyers, sieve makers, bowyers, fletchers, wheelwrights, and basket makers – 1 banner.

Reeders, claymen, reed sellers, and carters – 1 banner.

Butchers, glovers, parchment makers – 1 banner.

Tanners – 1 banner.

Cordwainers, curriers, cobblers, and collar makers – 1 banner.

Woollen weavers, linen weavers, fullers, shermen, wool chapmen – 2 banners.

Coverlight weavers, dornish weavers, and girdlers – 1 banner.

Bakers, brewers, innkeepers, vintners, coopers, and cooks – 1 banner.

Fishmongers, freshwater fishermen who are keelmen – 1 banner.

Barbers, waxchandlers, and surgeons – 1 banner.

Haberdashers, cappers, hatters, bag makers, lace makers, pinners, wiredrawers, and armourers – 1 banner.

St. Luke's Gild, that is, pewterers, brasiers, bellfounders, plumbers, glasiers, and painters – 1 banner.

Tailors, hosiers, skinnners, and embroiderers – 1 banner.

Goldsmiths, saddlers, dyers, and "**calaundrers**" – 1 banner.

Worsted weavers – 1 banner.

Grocers and raffmen – 1 banner.

Mercers, drapers, lawyers, and scriveners – 1 banner.

DISCUSSION

Corpus Christi day had become one of the most important holy days of the year. Even those towns that did not mount pageants or plays for the community had at least a parade, usually from some public place or landmark to a local church, which was itself a spectacle. Craft guilds were expected to take part in civic processions. In addition they often held their own parades and feasts on their own festivals, where a guild was associated with a saint.

The first extract given above is from a set of ordinances in which the city

government attempted to regulate various aspects of the craft guilds in 1449. This included the special feast-days of the individual guilds, as well as communal occasions in which the guilds were expected to make an appearance to show community solidarity.

The route of the Corpus Christi procession given in the second extract above, of uncertain date but ca.1453, indicates that the starting point was the Blackfriars hall, heading directly south to Cutler Row (present-day London Street), which swung west around the castle ditch, and following until the marketplace was entered from its north-east corner; the procession then probably followed a clockwise route around the edge of the market until, just after passing the Guildhall, it turned north into Holdtor (earlier Smallgate, later Dove Lane) and then making its way back to the Blackfriars. However, another undated order of the procession (ca.1449) indicates that the chapel of St. Mary in the Field, a little southwest of the marketplace, was the destination on that occasion; the chapel was the base for the Guild of Corpus Christi, whose members were the local parish priests, and was also associated with the Great Guild (a.k.a. the Guild of the Annunciation of St. Mary). The latter was amalgamated with another important socio-religious guild, dedicated to St. George, in 1452, as part of a constitutional reform in the city, which may help explain the change of venue for the Corpus Christi procession. The same document of ca.1449 mentions that the procession of craft guilds followed a group of light-bearers surrounding the body of Christ, and that at the rear of the procession came the sheriffs' entourage followed by the sheriffs themselves, the mayor's entourage followed by the mayor, and finally the aldermen carrying bibles or rosaries.

A certain logic can be perceived in the groupings of the guilds. Similar but not identical groupings are seen in the partnerships for mounting the Corpus Christi pageants at Norwich. Since the positions of honour were, as the ca.1449 list indicates, at the rear of the procession, it is likely that the order of the guilds also reflects a ranking of socio-economic precedence; certainly at this period the higher city offices were filled by members of the guilds towards the end of the list.



NOTES

"mysteries"

In this context the term is used for smaller crafts that did not have enough members to warrant them being treated as fully-fledged guilds, and were apparently unregulated. For administrative purposes, they were therefore affiliated with the larger guilds; those with seven or more members were allowed to elect their own warden to supervise the craft, those with fewer had a warden chosen by the mayor. Whether the list of groups of crafts for the Corpus Christi procession precisely represents these groupings is uncertain.

"such a place"

The specification "above" was that the meeting place be within the city.

"assemblies"

The ordinances required that a guild meet at least four times a year to deal with business and that this set of ordinances (or such of them as were relevant) should be read out to the membership at such gatherings.

"clothed"

Dressed in a costume, or livery, that distinguishes the members from those of other guilds (as with a uniform). The craft warden was to supervise the design and fabrication of the craft's livery, after first presenting the proposed colour combination to the city chamberlain and receiving approval, to ensure no two crafts used the same design, nor that any livery was too like that worn by mayor and aldermen.

"calaunders"

Probably calenderers (who pressed cloths, such as linens, to make them smooth and glossy), although might be launderers.



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translation | discussion | notes

Keywords: medieval Beverley socio-religious guilds assemblies saints festivals processions mass meals

Subject: Processions on saints' days

Original source: Public Record Office, Chancery Miscellanea, Gild Certificates

Transcription in: Toulmin Smith, ed. *English Gilds*, Early English Text Society, old series, vol.40 (1870), 148-49.

Original language: Latin (translated by Smith)

Location: Beverley

Date: ca. 1388

TRANSLATION

[1. St. Helen's Gild]

At the year's end, the alderman and stewards, and the bretheren and sisteren of the gild, meet together, on the feast of **St. Elene** [18 August]. And then a fair youth, the fairest they can find, is picked out, and is clad as a queen, like to St. Elene. And an old man goes before this youth, carrying a cross, and another old man carrying a shovel, in token of finding of the Holy Cross. The sisteren of the gild follow after, two and two; and then the bretheren, two and two; and then the two stewards; and after all follows the alderman. And so, all **fairly clad**, they go in procession, with much music, to the church of the Friars Minor of Beverley; and there, at the altar of St. Elene, solemn mass is celebrated, and every one of the gild makes offering of a penny. The mass ended, and all prayers said, they go home; and, after dinner, all the gild meet in a room within the hall of the gild; and there they eat bread and cheese, and drink as much ale as is good for them.

[2. St. Mary's Gild]



Every year, on the feast of the Purification of the blessed Mary [2 February], all the bretheren and sisteren shall meet together in a fit and appointed place, away from the church; and there, one of the gild shall be clad in comely fashion as a queen, like to the glorious Virgin Mary, having what may seem a son in her arms; and two others shall be clad like to Joseph and Simeon; and two shall go as angels, carrying a candle-bearer, on which shall be twenty-four thick wax lights. With these and other great lights borne before them, and with much music and gladness, the pageant Virgin with her son, and Joseph and Simeon, shall go in procession to the church. And all the sisteren of the gild shall follow the Virgin; and afterwards all the bretheren; and each of them shall carry a wax light weighing half a pound. And they shall go two by two, slowly pacing to the church; and when they have got there, the pageant Virgin shall offer her son to Simeon at the high altar; and all the sisteren and bretheren shall offer their wax lights, together with a penny each. All this having been solemnly done, they shall go home again with gladness. And any brother or sister who does not come, unless good cause for staying away be shown, shall pay half a pound of wax to the gild. On the same day, after dinner, the bretheren and sisteren shall meet together, and shall eat bread and cheese and drink ale, rejoicing in the Lord, in praise of the glorious Virgin Mary.

DISCUSSION

Nothing is known of St. Helen's gild other than what is revealed in its response in 1389 to the king's demand for information about the character, purposes, and possessions of socio-religious gilds. It appears to have been associated with a chapel dedicated to St. Helen that was later absorbed into the Franciscan friary. The description of its celebrations on its saint's day is strikingly similar to that of the gild of St. Mary.

St. Mary's gild is better known than St. Helen's. It was founded in 1355 by the vicar of St. Mary's, nine married couples, and two unmarried women. Its procession is its most notable feature. In the following century, the gild went on to found a hospital/almshouse.



NOTES

"St. Elene"

The mother of Constantine the Great, and incorrectly believed by the English during the Middle Ages to have been the **daughter of a British king**.

"fairly clad"

There is no indication here of a formal livery, but members were evidently expected to dress decently for this occasion.



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translation | discussion | notes

Keywords: medieval Bristol festivals ceremony church services feasts recreation plays processions order mummers

Subject: Winter ceremonies and festivities

Original source: Bristol Record Office, MS. 04720 (Mayor's register)

Transcription in: Lucy Toulmin Smith, ed. *The Maire of Bristowe Is Kalendar*, Camden Society, new series, vol.5 (1872), 79-81, 85-86.

Original language: Middle English

Location: Bristol

Date: 1479

TRANSLATION

It has been the custom upon All Hallows [1 November] for the mayor and sheriff of Bristol, after dinner, to gather with the entire council at the **Tolsey**, along with such other respectable and well-born commoners who show up at that time, and from there to proceed to All Saints church. There they make offerings and then the company walks to the mayor's house, where they have [?bon]fires, eat spiced cakebread, and drink various wines, everyone's cup kept **cheerfully filled**. From there, every man heads off for his parish church for evensong.

[...]

Again, on the eve of St. Clement's [22 November], the mayor, sheriff and their **colleagues** are accustomed to walk to St. Clement's chapel within **St. Bartholomew's**, there to hear evensong and, on the following day, mass, and to make offerings.

And on the eve of **St. Katherine's** [24 November], the mayor and sheriff, with their colleagues, walk to St. Katherine's chapel within the



Temple church, there to hear evensong. And after evensong they walk to the **Katherine Hall**, where they are received with formality by its wardens and brethren, and in the hall there have a fire and a drink, with spiced cakebread and a choice of wines with which to keep everyone's cup cheerfully filled. Thereafter each man heads for home, the mayor, sheriff and their honorable associates preparing for a visit from St. Katherine's players, offering them a drink at the front door and a reward for their performance. On the following day, St. Katherine's day, the mayor, sheriff and their colleagues are to go to the **Temple church** and, from there, take part in a procession around the town, ending up at the Temple church where they hear mass and make offering. After which, everyone returns home.

In the same way, on the eve of St. Nicholas [5 December], the mayor, sheriff and their colleagues walk to St. Nicholas' church where they hear evensong; likewise the following day, to hear mass and make offering, and to hear the bishop's sermon and receive his blessing. After dinner, the mayor, sheriff and their colleagues are to assemble at the **mayor's Counter** to await the bishop's arrival, playing dice in the interim (the town clerk is to provide the dice and to receive 1d. from every **raffle**). When the bishop arrives, his chaplains are to sing, the bishop will give them his blessing, and then he and his chaplains are to be served bread and wine. After which the mayor, sheriff and their colleagues leave, to hear the bishop celebrate evensong at St. Nicholas' church.

The following day, St. Nicholas' day, it has been the custom for the bailiffs of Bristol to hand out the town **livery cloth** to all the officers of the town ...

[...]

The mayor and sheriff of Bristol are, by custom, during the quarter and season before Christmas to attend Advent sermons – that is, on the first Sunday of **Advent**, which always falls on the Sunday following the day of St. Livinus the bishop in November. On which first Sunday the mayor and sheriff, with their colleagues, are to walk to the Friars Preacher and there hear the sermon. The following Sunday they are to hear the sermon at the Friars Minor, and the third

Sunday at the Friars Preacher. The fourth and last Sunday of Advent, at the Friars Minor. And that brings to an end the Advent sermons.

By custom, during this quarter on the market day preceding Christmas day (or else on Christmas eve), the mayor of Bristol is to have a public announcement made that during the holidays everyone behave in a good and orderly fashion in the town, along the following lines:

"The mayor and the sheriff order and command, in the name of our sovereign lord the king, that no persons, regardless of social status, at any time during Christmas are to go mumming with masks covering their faces, nor go out after curfew has been rung at St. Nicholas without carrying a light – that is, a **sconce** light, lantern, candle, or torch. And that under no circumstances should they go about carrying weapons, so that the king's peace risks being infringed in any way. Upon penalty of imprisonment, and payment of a fine to the king."

DISCUSSION

These passages provide an indication of how ceremonial and recreation were intermixed, and how they had underlying political functions. It was important for the town leaders to be seen participating in festival activities, while at the same time setting an example for decorous behaviour. Processions and worship were suitably dignified activities that helped to reassert political authority within the community, in part by imputing legitimacy to the town rulers by linking their earthly jurisdiction with Divine order. At the same time, they reinforced bonds within the ruling class. Unfortunately these passages reflect only the participation of Bristol officials in the celebrations, and say little of the way the community as a whole celebrated.

The official ceremonies associated with the festivals of St. Clement, patron saint of merchants and mariners, and St. Katherine, patron saint of weavers and (particularly) spinsters, were probably a product of the fifteenth century, when ceremonial had become very important in the preservation of

harmony in a society that was, or had once been, egalitarian in theory, but by this time was clearly stratified socio-politically. The great **Corpus Christi festival** was the clearest expression of such symbolic ceremonies, but at Bristol November was an important time in the annual cycle of urban affairs, since towards the end of the month a great fleet would set sail for France carrying English cloth manufactures; Bristol's importance and prosperity relied heavily on the cloth export trade.

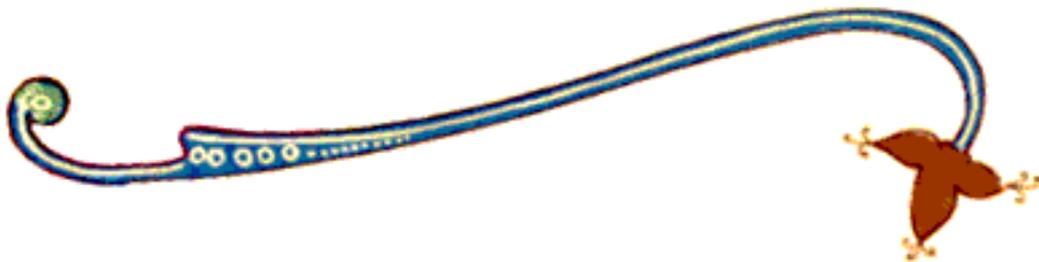
The procession and religious service on St. Katherine's day, a very popular festival and the high point of November, was followed by merry feasting and itinerant actors performing outside selected homes – a form of wassailing, it appears. Probably the play presented related to the legend of the saint's life; we hear of a play in honour of St. Katherine being performed elsewhere in England during the fifteenth century.

David Sacks (*The Widening Gate: Bristol and the Atlantic Economy, 1450-1700*, University of California Press:1991) has interpreted the official activities preceding the festivals of St. Clements' and St. Katherine's as rituals of social unification. He argues that underlying symbolism demonstrated amical relations between the town authorities and the weavers, who were focused in the franchise called the Temple Fee not under jurisdiction of the authorities, while the subsequent visits by St. Katherine's players symbolized the powerful members of the community paying tribute to the less powerful, a reversal of the normal relationship in which rulers exacted payments from the ruled. The procession on the saint's day itself, by encompassing the independent franchise with the rest of the town, was to show the essential territorial cohesion of the town, he suggests.

St. Nicholas' day was another popular festival associated with various entertainments, prior to the more solemn period of fast that was Advent. Smith assumed that the bishop active on this day was in fact the boy-bishop, a character associated with misrule – a feature of the Christmas season. It was a custom in many places on St. Nicholas' day for a schoolboy or choirboy to be chosen and dressed in episcopal robes, then to proceed around a town blessing the townspeople and presiding at church ceremonies, sometimes with elements of parody or burlesque involved, although the Church authorities had suppressed much of this by Ricart's time. Bristol was evidently one of those places where this took place; an inventory of 1433 includes the boy-bishop's mitre and crozier, eight banners to be carried in his procession, and a white cloth hung before the statue of St. Nicholas (presumably also carried in the procession). The gambling activity of the town officials prior to the bishop's arrival would seem inappropriate behaviour (especially given the usual prohibition of gambling)

except in the context of misrule.

The Christmas season as a whole provided a release mechanism for feasting, drinking and high spirits; Carnival, preceding Lent, was another season when misrule came into play. The authorities were anxious to keep Christmas revels from getting too far out of control. With many of the townspeople staying up late to attend midnight mass, there was greater concern that honest folk abroad in the dark identify themselves by carrying a light. However, a certain amount of tomfoolery was tolerated. By reversing the norms of society, misrule provided a temporary release for social tensions which, through dissipation, helped ensure compliance with those norms during the rest of the year and thereby it too contributed to unity and conformity within a community.



NOTES

"Tolsey"

A building near the town centre where court sessions were held; the name derives from "toll-seld" suggesting a small building where market tolls were collected.

"cheerfully filled"

According to Dr. Sacks, the turn of phrase used here was one that implied the drinking of healths.

"colleagues"

I.e. the members of the city council.

"St. Bartholomew's"

There were both a priory and a hospital of this name in Bristol; St. Clement's chapel, founded in the 1440s, was in the latter, which like the Temple church lay outside the walled urban core.

"St. Katherine's"

One of the principal "virgins of Christ", **St. Katherine's** festival was widely celebrated, and chapels were frequently dedicated to her.

"Katherine Hall"

The hall, which stood near the Temple church, was associated with the weavers and possibly the hosts were the gildsmen; the weavers' gild was one of the largest and most important in the town, to judge from the amount of **wine allocated** for its "drinkings".

"Temple church"

A church that had once belonged to the Templars, who had held land on the marshy south bank of the Avon.

"mayor's Counter"

This refers to the place where mayor and sheriff conducted town business; they were expected to be in the office from 8 o'clock in the morning until 11, and again from 2 o'clock until 5 in the afternoon, every day except Saturday afternoon (and presumably Sunday), unless it was a religious festival.

"raffle"

A cast of dice for a stake towards which each player contributed.

"livery cloth"

The material from which uniforms were made for the city officials to wear on formal or ceremonial occasions.

"Advent"

The four weeks preceding Christmas; Advent began the ecclesiastical year and was a period of spiritual preparation for Christmas.

"sconce"

For holding a candle; it usually took the form of a wall-mounted bracket.



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translation | discussion | notes

Keywords: medieval Norwich socio-religious guilds regulations feasts church services mass saints festivals livery assemblies processions pageantry charter

Subject: St. George's gild celebrations

Original source: Norfolk Records Office, St. George's gild book

Transcription in: Mary Grace, ed. *Records of the Gild of St. George in Norwich, 1389-1547*, Norfolk Record Society, vol.9 (1937), 33-36.

Original language: Middle English

Location: Norwich

Date: early 15th century

TRANSLATION

[...]

Also the king has granted that the brethren may wear a **livery** and may hold their feast in a suitable place assigned by the alderman and masters....

.... It is ordained, by common agreement of the fraternity, that all the brothers and sisters of the fraternity shall honour as holy St. George's day [23 April] each year, on whatever day [of the week] it falls.

Also they are to celebrate the divine services of both evensong and mass in the **cathedral**, and other observances ordained by the fraternity.

An exception occurs when St. George's day falls within the three days preceding Easter Day or the three days following. Should it happen that St. George's day fall on any of those seven days, the alderman and the masters, with the agreement of the brethren chosen for the assembly of 24 for that year, shall **set a day** by ordinance. On which,



all brothers and sisters are to participate in the observances of the divine services mentioned above, and participate in the horseback procession, and wear their liveries, and hold their feast.

It is also ordained that all brethren shall provide themselves with a suit of clothing one year (that is, in red), and the next year with hoods. Which gowns and hoods every brother is to keep for the use of St. George and the company, for two years.

And if he no longer wishes to wear it, [no matter] what brother he is, he is not to give or sell it to anyone else, neither within the city or outside, unless the colour of the cloth is changed. Whichever brother is found defaulting in this is to pay 6s.8d for a gown and 3s.4d. for a hood.

It is also ordained that no brother is to buy or wear any kind of clothing intended to be the livery of St. George except from those men officially appointed as buyers of liveries by common agreement of the fraternity for that year. Unless an ordinance to the contrary is made by the alderman and masters.

It is also ordained that every sister of the fraternity and gild is to be dressed in a hooded costume that is red.

It is also ordained that the alderman and masters shall set a date for an assembly prior to St. George's day. On which date the 24, or the majority thereof, are to choose [who will act the role of] their George, and a man to carry his sword before him and be his carver, and a man to carry the banner of St. George, and two men to carry the **wax** (or have it carried by persons of good reputation, and accompany them). And any man who rejects or fails to perform the role for which he is chosen, without a good excuse, he shall pay [a fine].

And at that assembly the alderman and masters shall announce and make it known at what place the brethren should gather for their horseback procession. And at what location the brothers and sisters shall **set their wax**. And in what location they shall eat together.

It is also ordained that on St. George's day (or a substitute day assigned, as indicated above) every brother, in his livery for that year,

shall be on horseback at a certain location at the hour designated and ordained by the alderman, masters, and by the agreement of the 24 chosen for the assembly.

When the riding is over, every brother and sister is to be ready at the located assigned for the setting and carrying of their wax, and make an offering of it at the high altar of the church indicated above, to burn there for the worship of the Trinity, Our Lady, and the glorious martyr St. George.

Also that every brother and sister is to attend mass from beginning to end, and make an offering of a halfpenny, for the worship of the Trinity and the glorious martyr St. George.

Any brother or sister who is absent during mass, without the special permission of the alderman or a good excuse, is to pay 2s. to the fraternity.

It is also ordained that when mass is said and ended, all the brothers and sisters are to proceed in good faith to their meal, to the place assigned by the alderman and the masters where they shall eat together. Every brother and sister paying for their meal, wax, and minstrelsy, 10d.; and any brother or sister who is absent [\[is to pay ...\]](#)

[....]

It is also ordained that every brother and sister shall on the festival day, after the meal, attend evensong and pray for the health and prosperity of the king, this city, the brothers and sisters of the fraternity, and all true Christians. And afterwards they are to hear a dirge praying for the souls of the king's ancestors and those of the deceased brothers and sisters of the fraternity. No brother or sister is to be absent from this divine service without a good excuse, upon penalty of 16d.

It is also ordained that on the day after St. George's day every brother and sister of the fraternity is to come to the church mentioned above by 8 o'clock (that is, as struck by Our Lady's bell). Where they are to hear a requiem mass for the souls of all the brothers and sisters and for all Christians. At that mass every brother and sister is to offer a

farthing. Any brother or sister absent from this mass is to pay 6d. unless he has permission or a good excuse.

DISCUSSION

The socio-religious gild dedicated to St. George is thought to have been founded about 1385; this was certainly its own claim. The cult of St. George had already established a good foothold in England (his arms are visible flying from a ship portrayed on the official seal of Lyme Regis in 1285), and appears to have been particularly strong in Norwich. Two of the city's churches were dedicated to him, and there were a number of depictions in the city of dragons or **knights fighting dragons** dating as far back as the late thirteenth century. St. George's day was a lesser festival in England as early as 1222, but not until 1415 was it made one of the major festivals.

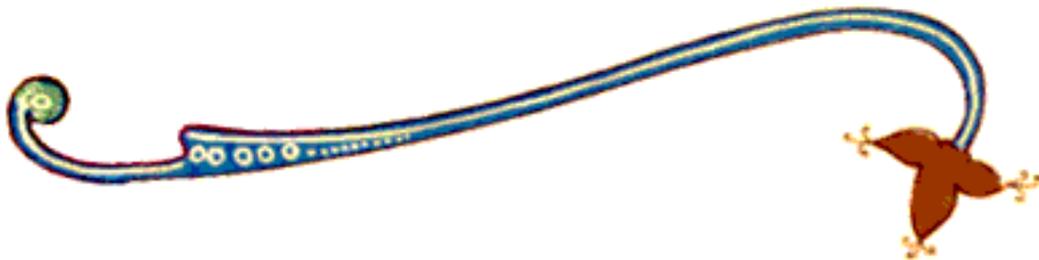
There was nothing that made the gild stand out from others of this type when, in 1389, it responded to the central government orders that all gilds submit information on their functions, governance, and property. Although the gild of St. George was already associated with Norwich cathedral, rather than a local church, hinting at some social importance. It was possibly an influential membership, extending beyond leading citizens to include notables from the regional gentry, that led the gild to the unusual step of being able to obtain a charter from Henry V (1417), incorporating it, recognizing its privileges, and allowing it to acquire real estate; Henry was thereafter viewed as the gild's founder. Equally unusual was that the prior of Holy Trinity and the city mayor and sheriffs were given the right to expel members who caused trouble within the gild.

The gild ordinances, from which those above are extracted, were likely formulated within the years closely following the royal charter, judging from the way in which Henry V is referred to within the document. In 1452, after a period of constitutional conflict within the city, St. George's gild – possibly a power-base for members of one of the competing political parties – became part of the settlement and was merged with the city corporation, so that the outgoing mayor took over the gild aldermanship for a year, and city aldermen were to be members of the gild.

The gild brethren got together for a winter dinner every Christmas, but their

principal ceremonials focused on St. George's day. That day began with a procession led by the bearer of an ornate (but wooden) sword, preceding the person chosen to play St. George, decked out in armoured and riding a horse trapped out in finery. A third participant carried a painted canvas dragon, with which St. George was expected to engage in mock combat during the procession. The ordinances also mention a banner, probably bearing the arms of St. George. Possibly, as at later times, lights were carried by other participants, including a few poor men hired for the occasion, and minstrels and chanting churchmen also added to the spectacle. After the gild's unification with the city government, the mayor and aldermen also took part in the procession, dressed in their official robes. The cathedral bells were rung throughout the duration. The cathedral was the ultimate destination of the procession; there the brethren made offerings of wax, to be burned during the mass that followed.

The annual gild feast was the next event of the day, held in the Blackfriars hall. After which the brethren returned to the cathedral for further divine services. The following day saw more of the same.



NOTES

"livery"

Costume and/or adornment that distinguished the members from those of other gilds (as in the way of a uniform).

"cathedral"

There was an altar or small chapel dedicated to St. George within the cathedral.

"set a day"

The postponement of celebrations was usually to May.

"wax"

Wax for candles.

"set their wax"

Possibly purchasing the wax is meant; the gild return of 1389 required that members show up at a waxchandler's shop first thing in the day.

"farthing"

One quarter of a penny.



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Keywords: medieval Coventry royal visits ceremony symbols processions clothing mass mayor

Subject: Ceremonies to receive the king at Coventry

Original source: Coventry City Record Office, Leet Book

Transcription in: Mary Dormer Harris, ed. *The Coventry Leet Book or Mayor's Register*, London: Early English Text Society, old series, vol.134 (1907), 262-66.

Original language: Middle English

Location: Coventry

Date: 1451

TRANSLATION

Because it is necessary and desirable to set down in written record matters undertaken in the past, to avoid research and effort when such matters are expected to arise again in the future, the mayor has recently compiled [\[an account\]](#) of the king's visit to this city, of his stay within the city, and of his departure from the city, with all that took place during that period; as appears in writing below:



Receiving the king

Memorandum that on 26 September 1451 our sovereign the king came to Coventry from Leicester; the mayor then in office (that is, Richard Boys) and his **worthy brethren** decked out in scarlet, and all the commonalty dressed in green gowns and red hoods, waited on horseback at **Hazelwood**, beyond the **Broad Oak**, for the arrival of our sovereign. As soon as our sovereign came into view, the mayor and his peers approached him on foot and humbly made obeisance to our sovereign, bending the knee before him three times, the mayor speaking these words to him: "Most high and gracious king, your true

liegemen welcome you with all our hearts." At this point the mayor, by advice of his counsellors, was not holding **his mace** in his hand; but his sergeant, who was in attendance upon him, put the mace in the mayor's hand after he had uttered those words and the mayor, kissing the mace, offered it to the king. The king, halting to give fair hearing to the mayor's speech, responded thus: "Well said, sir! Mayor, mount your horse." The mayor then set off, riding ahead of the king, carrying his mace in his hand. Next came the High Constable, preceding the king's sword. The city bailiffs rode ahead of the mayor, with their maces in their hands, clearing a way for the king's passage. They rode thus before the king until the king arrived at the outer gate of the **priory**. The king then straight away sent a knight to summon the mayor and his brethren into his presence in his chamber, in order to speak with him. Obeying his command, the mayor and his peers came into his chamber and three times knelt to make their obeisance. Thomas Littleton, who was then **recorder**, said some pleasantries to the king, our sovereign responding again thus: "Sirs, I thank you for your welcoming reception and orderly behaviour, especially for your good behavior during in the past year, when the people [of the city] have been the best behaved in my realm. I also thank you for the present you have just given us." This present was a tun of wine and 20 large, fat oxen. The king continued by commanding them to govern his city well and see that the peace was well preserved, as it had been in times past, and promised that he would be a good lord to them. Following which the mayor and his peers departed, etc.

The king was still lodging in the priory on Michaelmas eve [28 September] when he sent the clerk of his closet to St. Michael's church to prepare **a space** there for him, advising them that the king would make a procession there on Michaelmas day and hear high mass there. The mayor and his council taking thought on the matter, recommended him [i.e. the clerk] to request the Bishop of Winchester to say mass before the king. The bishop agreed to do so with great pleasure.

In preparation for the king's visit to St. Michael's church, the mayor and his peers, clothed in scarlet gowns and wearing cloaks and everyone else in scarlet gowns, proceeded to the door of the king's chamber, to wait for the king to come out. When the king came out of

his chamber, the mayor and his peers performed due obeisance and the mayor took his mace and bore it in front of the king, preceded by his brethren, until he came to St. Michael's and led the king to the space assigned. Then the bishop, dressed in his pontifical garments, with all the priests and clerics of the church of **Bablake** wearing copes, made a procession around the churchyard. The king devoutly followed this procession, along with many other lords, bareheaded and dressed in a gown of golden cloth, lined with fur of a sable marten, the mayor carrying the mace before the king, as he had done previously, until he came back to the space assigned him. During this mass, after the king and his lords had made their offerings, he sent Lord Beaumont, his chamberlain, to the mayor to say: "It is the king's wish that you and your brethren come and make an offering." And so they did.

When mass was over, the mayor and his peers escorted the king back to his chamber in the same manner they had done before, except that the mayor with his mace went before the king until he had gone inside his chamber, his brethren waiting at the chamber door until the mayor came back out.

At evensong that same day the king, by 2 of his personal attendants and 2 yeomen of the Crown, sent the furred gown that he had worn during the procession and gave it to God and St. Michael **freely** (in that none of those who brought the gown would accept any kind of reward).

After all these events, on 5 October the king, deciding to depart, mounted his horse and rode out toward Kenilworth. In the same manner that they had ridden with the king into town, the mayor, his peers, and the commonalty likewise rode with the king towards Kenilworth, until they came to a place beyond Astill Grove, where a wide lane leads off to Canley. There the king, wishing to speak with the mayor and his brethren, said the following to them: "Sirs, I thank you for your welcoming reception and orderly behaviour at this time, and for the good order there has been among you in the past, especially that during the last year. And whereas you now have bailiffs, it is our will that you hereafter have sheriffs; this we grant to you of our own free will and not from anyone's special request. Moreover, we charge you to keep our peace amongst you, and not to

allow any riots, gatherings, or assemblies of immoral persons [to take place] among you. And also that you not permit anyone of your number to receive liveries from lords, knights or squires, for this is contrary to our statutes. And also that you obey my commands. If you govern yourselves in this manner, we will be your good lord." This being done, the mayor and his brethren took their leave of the king, and departed and rode back to Coventry. God save the king.

And the mayor, considering the great affection and kindness that the king, our sovereign, has shown to this city, as appears in the above record, on 13 October summoned before him the worthy men whose names are indicated below, to have their advice on what is most necessary and desirable to obtain for this city. The which worthy men decided that Thomas Littleton, recorder, Reynold Bere, one of the city bailiffs, John Norwode, William Betley, Henry Boteler, John Whalley and John Abell should ride to London and there, with advice from lawyers, obtain a charter that shall best serve the needs and benefit of this city.

DISCUSSION

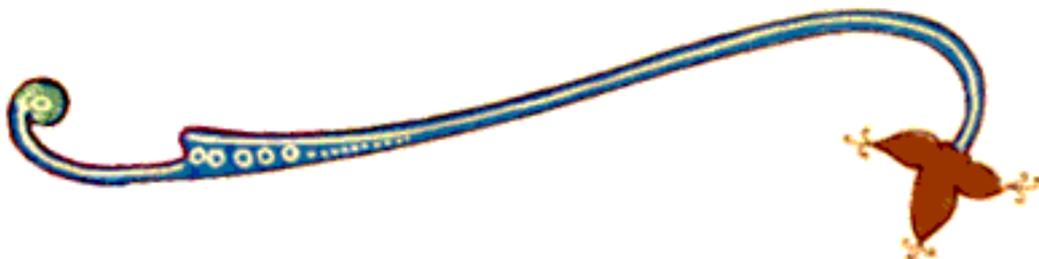
This part of the country, Coventry included, was particularly strong in its support of the Lancastrian party, and the king and queen consequently were often in residence here in the troublesome 1450s. The year prior to the visit to the city of Henry VI in September 1451 had been a particularly trying one. Henry's enemy the Duke of York was building support during his virtual exile in Ireland and, before September, word had come that the Duke was returning in force to England. Several of Henry's supporters, most notably the Duke of Suffolk, had been murdered. His possessions in France were falling in quick succession to the French armies. And Jack Cade led a popular uprising in Kent that caused the court to take flight to Kenilworth castle (near Coventry) and, although opposition from London eventually ended Cade's cause, led to a series of lesser uprisings in other counties. Small wonder then that the king expressed appreciation of the administration of Richard Boys, who had made strenuous efforts to bolster the city defences; and, when leaving the city, urged the authorities not to allow any riotous assemblies or citizens to develop political affiliations with

the aristocratic factions then at odds in England.

Henry's visit provided the opportunity for the city ruler's to demonstrate their solidarity with their monarch, the source of their authority to rule. It will be noted how the members of city administration were distinguished by their apparel from other members of the community; even when all dressed in clothing of the same colour, the city rulers showed their superior status by wearing cloaks. The city authorities were by no means averse to capitalizing on Henry's gratitude to strengthen the powers of self-government.

In September 1456 less solemn celebrations were mounted for a visit from Henry's queen. At various points during its entry into the city, the royal entourage was met with pageants and speeches, performed by actors portraying biblical characters, saints, the cardinal virtues, and conquering heroes (such as Alexander, Arthur, and Charlemagne). From the market cross, passed along the route, angels swinging censers had been hung and pipes of wine had been opened so that the wine was flowing out freely. Such a parade must have delighted the townspeople as much as it did the queen.

The attachment to the Lancastrian cause waned somewhat as its fortunes ebbed and as the Earl of Warwick's influence rose in the region. In 1474 the infant Prince Edward was given much the same kind of pageant-based reception accorded Queen Margaret eighteen years earlier, with fewer speeches but more elaborate props and minstrels playing harp, lute, pipes, and organ.



NOTES

"worthy brethren"

The city councillors.

"Hazelwood"

A wooded area north of the city, but part of which lay within Coventry's liberties; the road to Leicester (via Nuneaton) ran through this area.

"Broad Oak"

An area of open land adjacent to the Leicester road.

"his mace"

A symbol of mayoral office. Mace and/or sword were the two symbols of power, as a lieutenant of the king, usually permitted to a mayor.

"priory"

This was the cathedral priory of Holy Trinity, not far within the northern wall of the city.

"recorder"

The city's principal legal advisor. Such men were usually recruited from the gentry and typically went on to impressive legal careers; Littleton, for example, who had been appointed the city's recorder in 1449 (at the age of 47), was made a sergeant-at-law in 1453 and left the city's service two years later, upon appointment as king's sergeant. After several years as justice of assizes and other roles in service to the king, he was appointed (1466) a Justice of the Common Bench, continuing as such until his death in 1481. As a learned, diplomatic person of respectable status, the recorder was often called upon to speak for the town.

"a space"

In the original *Closette*, a private area set aside exclusively for the king and his attendants.

"Bablake"

The church of St. John Baptist, which was the base for the Holy Trinity gild, the principal socio-religious gild of the city, closely linked with the corporation.

"freely"

The refusal of royal officials to accept any kind of fee or gratuity for transporting the royal gown as an offering to St. Michael's is itself considered worthy of note, as an exception to normal circumstances.



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Keywords: medieval London processions mummary festivals entertainment

Subject: Mummary

Original source: British Library, Harleian MS. 247, f.172v

Transcription in: Edith Rickert, Clair Olson and Martin Crow, eds. *Chaucer's World*, New York: Columbia University Press, (1948), 233.

Original language: unknown (English translation is Rickert's)

Location: London

Date: 1377

TRANSLATION

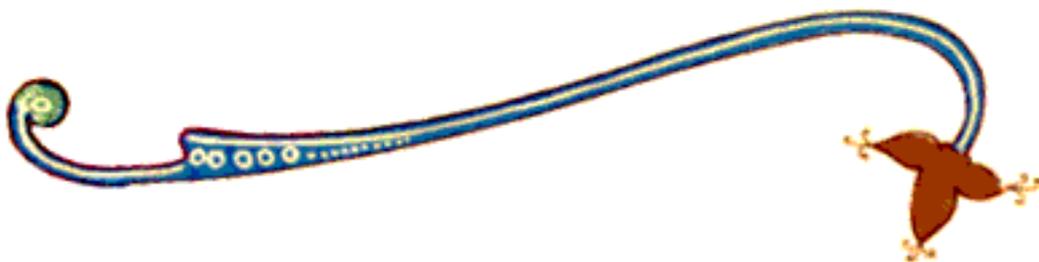
At the same time the commons of London made great sport and solemnity to the **Prince**. For upon the Monday next before the Purification of Our Lady, at night, and in the night, one hundred and thirty men were disguised and well mounted on horseback to go mumming to the said Prince, riding from Newgate through **Cheapside**, where many people could see them, with great noise of minstrelsy, trumpets, cornets, and **shawms**, and a great many wax torches lighted. The first forty-eight rode like esquires, two and two together, in coats and cloaks of red **say or sendal**, and had their faces covered with **vizards**, well and handsomely made. After these esquires came forty-eight like knights, well arrayed in the same manner. After the knights came one excellently arrayed and well mounted, as though he were an emperor; after him some one hundred paces came one nobly arrayed as a pope; after him came twenty-four arrayed like cardinals; and after the cardinals came eight or ten arrayed and with black masks like devils not at all amiable, seeming like legates. All these rode through London and over London bridge to Kennington, where the young Prince lived with his mother. The Duke of Lancaster, the earls of Cambridge, Hertford, Warwick, and Suffolk, and many other lords



were there with him to behold the solemnity.

DISCUSSION

Mummers or **mumming**, or disguisings as it came to be known towards the close of the Middle Ages, had its origins in the performance of legends in which a hero was killed and restored to life; it therefore was largely a male activity and **could get out of hand**. Christmas was the season for mummers. The Purification of Our Lady, known as Candlemas (2 February), occurring 40 days after the birth of Jesus, when under the Law of Moses a mother could be cleansed of the impurity of giving birth), was therefore considered an extension of that midwinter festivity. It may be noted that curfew was evidently not applicable on occasions such as this.



NOTES

"Prince"

The Prince of Wales, shortly to become Richard II. He was doubtless fond of mummers and pageants, for his own coronation was celebrated with some of the most spectacular pageants seen up until then in England.

"Cheapside"

This route was typically chosen for processions, because one of the widest streets in medieval London.

"shawm"

A double-reed, woodwind instrument, sounding similar to an oboe.

"say or sendal"

Light, fine-quality cloths.

"vizards"

Painted masks shaped like visors.



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Keywords: medieval London festivals celebration mummary plays sergeant extortion gratuities

Subject: Undesirable Christmas customs

Original source: Corporation of London Records Office, Letter Book I, ff. 223, 238

Transcription in: Henry Thomas Riley, ed. *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green & Co., 1868, 669-70.

Original language: Middle English and Latin (the former modernized by me, the latter translated by Riley)

Location: London

Date: 1418-19

TRANSLATION

The mayor and aldermen order, on behalf of the king and his city, that no-one whatsoever, regardless of status or position, during this holy season of Christmas be so bold as to walk about at night engaging in any fashion in **mummary**, plays, **interludes**, or any other form of dressing up in false beards, painted masks, or with faces made up or altered in any way; upon penalty of imprisonment and payment of a fine determined at the discretion of the mayor and aldermen. Except that it is lawful for every person to make merry in a respectable manner inside his own home. Furthermore, they order, on behalf of the king and his city, that each respectable person who resides in any street or lane of this city should hang from his house each night during this solemn festival a lantern containing a candle, burning for as long as it lasts, upon penalty for each default of 4d. paid to the Chamber.

[...]

Forasmuch as it is not becoming or agreeable to propriety that those



who are in the service of reverend men, and from them or through them have the advantage of befitting food and raiment, as also, of reward or remuneration in a competent degree, should, after a perverse custom, be begging aught of people, like paupers; and seeing that in times past, every year at the Feast of Our Lord's Nativity [25 December], according to a certain custom, which has grown to be an abuse, the vadlets of the Mayor, the Sheriffs, and the Chamber of the said city, – persons who have food, raiment, and appropriate advantages, resulting from their office, – under colour of asking for an oblation, have begged many sums of money of brewers, bakers, cooks, and other victuallers; and in some instances have more than once threatened wrongfully to do them an injury if they should refuse to give them something; and have frequently made promises to others, that in return for a present they would pass over their unlawful doings in mute silence; to the great dishonour of their masters, and to the common loss of all the City: – therefore, on Wednesday, the last day of April, in the 7th year etc., by William Sevenok, the Mayor, and the Aldermen of London, it was ordered and established, that no vadlet or other serjeant of the Mayor, Sheriffs, or City, should in future beg or require of any person, of any rank, degree, or condition, whatsoever, any moneys, under colour of an oblation, or in any other way, on pain of losing his office.

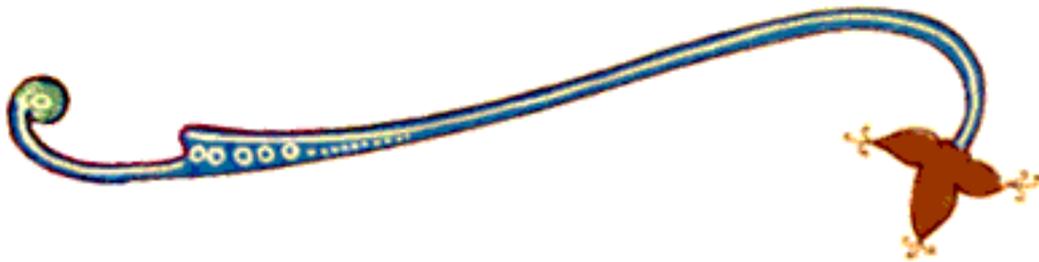
DISCUSSION

Christmas was one festival season at which liturgical drama might be performed. The kind of "plays" referred to here, however, are unlikely to have been of that type – unless perverted or profaned in form. It seems more probable that those being banned were rather some kind of revelry – the predecessor to masques – tomfoolery, or just plain rowdiness, perhaps distantly inspired by the religious plays, but considered by the authorities inappropriate for Christmas. The passage suggests that Christmas was already taking on celebratory features in the modern sense.

Mummery in particular was a characteristic of "misrule", a concept closely associated with Christmas. In a mayoral order sent to the aldermen on 13

December 1405, they were reminded to keep a well-armed nightwatch patrolling the streets throughout the Christmas season, with special instructions to arrest anyone going about wearing a mask or a false face, and to ensure each house had its lantern burning outside during Christmas.

The second passage presents a different instance of misrule, in the form of begging for a Christmas "bonus" which – following a long tradition – has become in some cases an extortion (protection money). Christmas was typically a season at which officials received an instalment of their annual salary, but the bureaucratic officials (clerks, sergeants) might also – as at fifteenth century York – receive oblations (gratuities for good performance) on top.



NOTES

"interludes"

Relatively informal and short plays, involving few actors and little by way of props or costumes, and lasting under an hour.



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Keywords: medieval York Corpus Christi plays procession routes expenditures petition fees revenues craft guilds goldsmiths masons

Subject: Extracts relating to the Corpus Christi play in York

Original source: York City Archives. Items 1, 3, 4 and 5: Memorandum Book A/Y, ff.17, 19, 187-188, 257. Item 2: Chamberlains account 1396/97 YC/F: C. 1:1 m.1.

Transcription in: Maud Sellers, ed. *York Memorandum Book*, Surtees Society, vol.120 (1911), 47, 50-52, vol.125 (1914), 63-65, 123-24. R.B. Dobson, ed. *York City Chamberlains' Account Rolls 1396-1500*, Surtees Society, vol.192 (1978), 4-5.

Original language: Latin and French

Location: York

Date: late 14th and early 15th centuries

TRANSLATION

[1. City ordinance of 1394]

It is agreed that all **Corpus Christi pageants** be performed in the places anciently assigned them, and not elsewhere than where advised by the mayor, bailiffs and their officers. If any pageant is presented contrary to this order, the craftsmen responsible for that pageant shall pay 6s.8d in the mayor's **chamber**, to the use of the community.

[2.] Expenses on the festival of Corpus Christi with gifts to lords' minstrels throughout the year [1396]

- They account for the dyeing of 4 cloths for use in the pageants, 4s.



- For transporting and bringing back timber for barriers in front of the king, 2s.1d
- To 8 porters for hauling and moving the pageants, 5s.4d
- For a new banner and its apparatus, 12s.2d.
- Towards the performances, 15s.4d.
- For bread, ale, wine, meat, and a fire for the mayor and reputable men on the day of the play, 18s.8d.
- To the gatekeeper of Holy Trinity for hosting the pageants, 4d.
- To minstrels on the feast of Corpus Christi, 13s.4d.
- For iron nails for repairing the pageants, 5d.
- For 20 "**fursperres**" for the barriers before the king, 5s.10d.
- To Robert Paton for carpentry in making a pageant, two days work, 12d.
- For the painting of the pageant, 2s.
- For 19 saplings bought from John de Craven for [making] the barriers, 6s.8d.
- To William de Barneby carpenter for his work on the same, 4s.4d.

Total: £4.11s.6d

- To visiting minstrels of the king and other lords, £7.7s.4d.

[3. Petition of the community to restrict the locations of the performances, 1398/99]

The community of the city of York petitions the honourable mayor and aldermen of the city that: Huge expenses and costs are incurred on the play and the pageants of Corpus Christi day, which cannot **[all]** be acted or performed on the same day (as they ought to be), because the pageants are acted in such a large number of locations, to the great damage and annoyance of the community and of outsiders who visit the city on that day for that reason. Considering that the pageants are maintained and supported by the community and craftsmen of the city, in honour and reverence of our Lord Jesus Christ and for the honour and benefit of the city, we ask you to ordain that the pageants be acted in the locations to which they were assigned and restricted by yourselves and the community in earlier times – the which locations are in a schedule attached to this petition – or in other locations each of which will be determined by the mayor and council. And that any

and all who contravene the aforementioned ordinance and determination shall incur a penalty of 40s. payable to the council chamber of the city. And that if any of the pageants are tardy or dilatory [in progressing from location to location] due to default or negligence of the actors, they incur a penalty of 6s.8d to the chamber.

They implore that these matters be undertaken, or otherwise the play cannot be performed by the community. And this they beseech for God's and charity's sakes, for the benefit of the community and outsiders visiting the city, for the honour of God and fostering of charity among the common people.

The places where the Corpus Christi play shall be presented:

- first, at the gates of Holy Trinity in Micklegate;
- second, at the entrance to Robert Harpham's house;
- third, at the entrance of John de Gyseburne's house;
- fourth, at Skeldergate's end and North Street's end;
- fifth, at the end of Conyng Street opposite Castlegate;
- sixth, at the end of Jubretgate;
- seventh, at the entrance to Henry Wyman's house in Coney Street;
- eighth, at the end of Coney Street, next to the common hall;
- ninth, at the entrance to Adam del Brigg's house;
- tenth, at the gates of the monastery of St. Peter;
- eleventh, at the end Girdlergate, at Petergate;
- twelfth, on the Pavement.

It is ordained that banners for the play, [decorated] with the arms of the city, shall be made available by the mayor to the Corpus Christi pageants, for setting up in the locations where the pageants are to be performed. Those same banners must, each year on the day after Corpus Christi, be redelivered at the chamber into the hands of the mayor and **chamberlains** of the city, for storage during the year to follow, upon penalty of 6s.8d paid to the use of the community by any or all who hold on to those banners beyond the day after and do not return them as specified.

[4. Extracts from city ordinance of 1417]

The mayor, reputable men, and the whole community by unanimous agreement have ordained that all those who receive money for seating upon scaffolding, which they erect in the aforementioned places [i.e. the locations for performances] in front of their houses on communal land, must pay one third of the receipts to the city chamberlains to be applied to the use of the community. If they refuse to pay the one-third share or to make some other fair arrangement with the chamber, then the performance will be transferred to some other location selected at the discretion of the mayor at that time and of the city council; no-one being exempted from this ordinance, with the sole exception of a few owners of scaffolds in Micklegate....

... it is improper, and not to the advantage of the community, that the play be presented each year in the same particular locations and nowhere else, since everyone according to his status is doing his share of the work towards maintaining the performances. They have therefore unanimously ordained, for the benefit of the community, that the places where the play is performed may be changed, unless those before whose houses performances have previously been presented pay some fee to the community for that personal privilege which they have each year. And that in all years to come, for as long as the play continues to be performed, it shall be presented in front of the entranceways and houses of those who pay the best and largest [fee] to the chamber and show a preparedness to do more for the benefit of the whole community in order to have the play presented there; no favour being shown to any individual for his personal advantage, but taking into consideration only the public benefit of the whole community of York. The respectable gentleman John Moreton, in regard to his house, submitted completely to the decision and ruling of the mayor and council on the matter of the play being performed in front of his residence in Micklegate and other of his properties in the city.

[5. Record of the difficulties of the goldsmiths and masons with their pageants, 1431]

It should not be ignored but instead committed to memory that the goldsmiths of the city of York have in previous years borne considerable and onerous expenses related to their two pageants in the Corpus Christi play. But now the world has changed for them; they

have become poorer than they were in the past, because of the circumstances mentioned above. They have made repeated appeals to the mayor and council for grant of a subsidy that would lighten their insupportable burden. Or, failing that, for release from responsibility for one of their pageants and its associated expenses, which grow day by day, since they cannot much longer support the burden of both of the pageants without putting themselves in great difficulty. On the other hand, the masons of the city have been grumbling among themselves concerning their Corpus Christi play pageant, in which Fergus is scourged, because the subject of that pageant does not derive from holy scripture and has provoked shouting and laughter rather than evoked devout feelings. In consequence, arguments, quarrels and fights have occasionally broken out among audience members. Rarely, if ever, could they produce and perform their pageant in daylight, as preceding pageants did. Therefore the masons expressed a strong desire to be released from responsibility for that pageant and assigned a different one, which would be based on holy scripture and could be produced and performed in daylight. To have their wishes fulfilled, both groups petitioned and beseeched the mayor and council for their consent and favour in the matter. Whereupon the mayor, Thomas Snaudon, and the aldermen and council of the city chamber, sympathizing with the wishes and desires of the men of those crafts and considering them valid, decided that the goldsmiths should have their burden lessened by relieving them of one of their pageants – that is, Herod. Similarly, the masons and their gild should be released from the pageant of Fergus, taking over [instead] the pageant of Herod for which the goldsmiths had formerly been responsible, producing it at their own expense and performing it in a proper fashion that would bring credit to the city, as part of the Corpus Christi play, as often as that play would be performed in the city.

DISCUSSION

These various extracts are indicative of the amount of trouble and expense the city underwent to organize and present the Corpus Christi play, a burden it shared with the guilds supporting the individual pageants. The city put its stamp on the event through the banners bearing city arms, set up at authorized performance locations, and later permitted to be mounted above each pageant – in place of signs advertising the trade of the guilds producing each pageant.

One recurring problem was regulating the locations for presentations of the pageants. It may have been that the guilds were bribed by wealthy townsmen to stop and perform before those townsmen's houses. The large number of individual pageants, combined with the large number of performance locations – swollen by unscheduled stops – may well have impeded progress to the point of failure to complete the route during the day. Just possibly some such embarrassment may have occurred when Richard II attended the performance in 1396 (two weeks after granting the city a new charter).

The wagons were stored in one or more communal buildings on Toft Green, in the southwestern corner of the city; these storage sheds came to be known as Ratton Row. It was natural, therefore, for the route of the performances to begin outside the Benedictine priory at the southern end of Micklegate, not far from the town wall; just possibly the pageant scenery was erected on the wagons within the priory walls, and the cavalcade emerged from there. The wagons then trundled northeastwards along Micklegate, stopping before the homes of two citizens – master-weaver Robert Harpham and ex-mayor John Gyseburn – and again at the junction where North Street and Skeldergate ran into Micklegate, before crossing the Ouse at the only bridge then in existence. A short distance beyond the bridge up Ousegate, they reached a junction with Coney Street (west) and Castlegate (east), and gave another performance. Turning up Coney Street (the name meaning King Street), they stopped en route at the junction with Jubbergate (now Market Street), in front of the house of a prosperous merchant (and future mayor), and outside the hall that served for large political meetings. Further along Coney Street, they headed northwards up Stonegate; there they stopped at Adam del Brigg's house, then travelled on to where Stonegate ended, at the boundary of the Minster precinct. After a presentation near the Minster gates, they turned eastwards along Petergate and presented again at its junction with Church Street (formerly Girdlergate) then continued on until

reaching the Pavement (a wide paved street) where the final presentation was given by All Saints church. From here it was a short distance south via Ousegate to the bridge and the route back along Micklegate. Part of the complaint of the masons seems to point to the problems which occurred with the large number of pageants combined with large number of stations; those coming last in the process were still performing after daylight had faded. As the final pageant, the Last Judgement, was put on by the powerful mercers guild, any complaint they might have had in this regard would have been influential.

At a meeting of the city authorities in June 1417, one item of business was the confirmation of ordinances stemming from the petition of 1398/99, including the stations for the presentation of pageants, which were described in almost the same terms (although "formerly of" was inserted in front of the names of most of the individuals outside whose houses presentations were to be made). Provisions about the banners were likewise reiterated. Two additions were made, a few days apart, to this ordinance to capitalize on the benefits to certain private citizens from the stations appointed for performances: intangible benefits in terms of social status, but also concrete profits from charging the audience for superior viewing-points; the city felt it should share in the revenues. Councillor John Moreton – being one of the citizens personally benefiting – evidently opposed this at first, but later gave way to majority opinion; he was elected mayor the following year. The city's resentment of the private profits being made from the pageants was doubtless partly due to the fact that costs related to the pageant were a regular item in its own budget. A grant in 1478 to two fishmongers to have the pageants performed between their properties, on the Ousegate side of the Ouse Bridge, shows that the city received 11s. annually for this licence fee; the grant was made for twelve years. The 1486/87 city chamberlains accounts show an income of £4.13s.4d. from 66 "locations" (presumably including both the licences for performance stations and taxes on viewing stands), although 12 other locations, in the Pavement, had not found lessees – perhaps these last stations were less popular because of the late hour at which the final presentations took place there. This represented only a small percentage of the city's total annual income.

The resentment felt by the city may have been exacerbated by the occasional complaints from some of the guilds about the burdensome expense to their members of mounting the pageants. The coopers guild, for example, requested the city authorities adopt an ordinance requiring that anyone who set up shop as a master-cooper should straightway pay a fee of 6s.8d, half going to the city and the other half towards the cost of the pageant. And in 1421 several minor guilds requested that their assignments

be amalgamated into a single play, towards whose production costs all of the guilds would contribute (although arguments soon broke out between these guilds as to the amount of contributions). For a number of years in the same period the smiths and marshals (blacksmiths) were demanding – on the grounds of encroachment by each on the trade of the other – contributions towards the production costs of its pageant; arbitration finally decided that one representative from each guild should work together to collect the "pageant silver" from members of both guilds, with the sum collected being put towards production of both pageants. The plea from the goldsmiths again is testimony of what was perceived as a high expense, although we must allow for some exaggeration from the petitioners. Nonetheless, the play overall remained popular, and performances continued well into the sixteenth century.



NOTES

"chamber"

I.e. office – in this case probably the financial (chamberlains') office.

"fursperres"

Perhaps some kind of spar (supporting pole or beam)?



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Keywords: medieval York Corpus Christi plays preservation peace crafts theatre

Subject: Orders regarding the Corpus Christi pageants

Original source: York City Archives, Memorandum Book A/Y, f.245

Transcription in: Lucy Toulmin Smith, ed. *York Plays: the plays performed by the crafts or mysteries of York on the day of Corpus Christi*, New York: Russell and Russell, 1963 (original edition 1885), xxxiv.

Original language: Middle English

Location: York

Date: 1394

TRANSLATION

Proclamation **[concerning]** the Corpus Christi play performed on the eve of Corpus Christi



Hear ye, etc. On behalf of the king and the mayor and sheriffs of this city, we order that no-one is to go about in the city armed with sword or Carlisle-axe, nor any other weapon, so as to disturb the king's peace or the play, or to obstruct the Corpus Christi procession. They are to leave their **harness** in their inns – except in the cases of knights and respectable squires, who have their swords carried after them – upon penalty of confiscation of their weapons and imprisonment. Those men who present the pageants are to perform at the places assigned them, and nowhere else, upon penalty of the fine already established; that is, 40s. The craftsmen and all other men who have to provide torches are to proceed out in good array, in the fashion which has previously been the custom, carrying the pageant lights; none are to be bearing weapons. Officers responsible for keeping the peace, upon penalty of disfranchisement and imprisonment, ... **[see note]**. All craftsmen are to present their pageants in an orderly fashion,

according to sequence, using good performers properly costumed and reciting audibly, upon penalty of 100s. to be paid to **the chamber** without any remission. All performers who are to take part are to be ready at the proper time – that is, at the half-hour between 4 and 5 in the morning; with each of the pageants following each other, according to the sequence, in a timely manner without dawdling, upon penalty of 6s.8d. paid to the chamber.

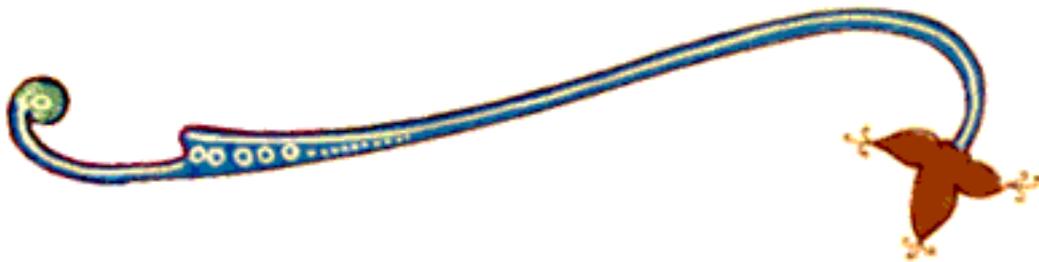
DISCUSSION

This set of orders suggests that the celebrations on Corpus Christi day had become an opportunity for trouble-making by rowdier elements, or a venue for bringing rivalries to a violent head. Such problems were not easy to resolve; we hear again, in 1419, that while participating in the Corpus Christi procession the skimmers were assaulted by members of the carpenters' and tawyers' guilds. Further evidence from the next decade indicates that the Corpus Christi festival was far from being a solemn religious ceremony, but was an excuse – at least among some elements of the city populace, as well as some of the visitors from outside – for general raucous behaviour.

The orders also reflect the continual difficulty with keeping the large number of presentations sequenced in an orderly fashion that adhered to a schedule and specific locations for performance. A **simulation of the sequencing/timing of performances** at the different stations has estimated that it would have required 20 hours to complete the entire cycle of 48 presentations at each of the 12 stations, assuming everything ran smoothly and there were no unscheduled stops (as there evidently were), with each wagon taking about 3 hours to complete the route. This estimation is based upon assumptions regarding the lengths of each performance and the speed and coordination with which wagons moved from station to station, and the assumption that all pageants were presented each year; all of which historians debate. That the different pageants varied considerably in length – performance time ranging between 5 and 30 minutes – must have made smooth transitions near to impossible: some stations would have been without any performances for periods, while other stations would have the next wagon waiting for the previous to finish. Even though the daylight

hours were relatively long in northern England at this time of year, the last pageants must have been performing in twilight or the dark (as some complaints attest).

In addition we see a concern for the quality of the presentations. Craftsmen were not necessarily good actors (as Shakespeare reflected through Bottom's troupe in *A Midsummer Night's Dream*). A later ordinance (1476) required four of the most capable actors in the city to ensure the quality of production of the pageants, including auditioning performers and discharging any not up to the demands of theatrical performance. At the same time, it was prohibited for any performer to undertake more than two roles (again Bottom is recalled), suggesting either that the more capable guildsmen were being over-used or perhaps even that professionals were being employed by some of the guilds.



NOTES

"harness"

In this context, harness refers to the accoutrements worn for carrying weapons. This phrase also indicates how the plays and the procession must have attracted visitors from outside the city, some perhaps coming for other entertainment than just the official events.

[latter half of text]

The latter half of this text is not the original version, but written in a different hand over an erasure. The erasure probably explains why the sentence concerning keepers of the peace is truncated and lacks verb and object.

"chamber"

Refers to the financial office of city government.



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translation | discussion | notes

Keywords: medieval Coventry Corpus Christi plays craft guilds smiths partnership expenditures royal visits gifts food socio-religious guilds regulations

Subject: The Corpus Christi pageants at Coventry

Original source: Coventry City Record Office, Leet Book

Transcription in: Mary Dormer Harris, ed. *The Coventry Leet Book or Mayor's Register*, London: Early English Text Society, old series, vol.134 (1907), 115-16, 195, 205-206, 300, 312.

Original language: Latin, Middle English

Location: Coventry

Date: 15th century

TRANSLATION

[1. Leet court session, 15 April 1428]

Memorandum that at [this session] the smiths of Coventry put forward a petition in the following words: "To the honorable mayor, recorder, bailiffs, and to all your wise councillors, the craft of smiths informs you that they were discharged from [assisting with] the cutlers' pageant by a leet in the time when **John Gote** was mayor and [by] mutual acquittances made between the two crafts, as is well known and as they are ready to prove. And now, when **Giles Allesley** was lately in the mayoralty, he requested the smiths craft to take on the production of that pageant during his term of office, and no longer. The craft willingly did so, to please him. The result of which is that the pageant has again been assigned to the craft, although it is by no means their responsibility to undertake it. They therefore beseech you to be so good as to discharge the craft of smiths from the pageant, for the sake of God and the truth, and assign it to some other [craft] which your wisdom tells you would be a better choice." Which petition, by the counsel of all the worthy [men] of the



leet, and everyone else in attendance on the leet, was answered and **endorsed** thus: "It is ordained that the smiths shall henceforth take charge of the pageant every year, upon penalty for default of £10 to be paid to the use of the chamber."

[2. Leet court session, 22 April 1441]

It is ordained that Robert Eme and all the others who perform at the festival of Corpus Christi are to perform well and properly, so that no **problems** occur in any of the plays. Upon penalty of 20s. for each default, levied by the mayor and chamberlains for application to [maintenance of] the [town] wall.

[3. Ordinances regarding the pageant of the cardmakers, saddlers, masons and painters crafts, 1444]

By the recommendation of the mayor and his council, it is ordained that the 4 crafts shall associate with each other in bearing the costs, charges, and all other payments regarding their pageant and their association.... Also, every member of the crafts is to pay annually to the masters 12d. and all other customary and lawful payments that relate to the pageants and to the association.... Also that no man of the 4 crafts is to perform in any pageant on Corpus Christi day except that pageant of his own craft, unless he has permission from the mayor then in office.

[4. The Queen visits on 15 June 1457]

On the evening before Corpus Christi the queen came by night from **Kenilworth** to Coventry. She did not wish to be greeted formally on that occasion, but came privately to see the play there on the following day. And she then saw all the pageants performed, except Doomsday, which could not be presented because daylight ran out. She was lodged at the grocer Richard Wood's [house], where Richard Sharp once lived, and all the plays were performed there first. On which occasion the mayor and his associates sent her a gift comprising the following: that is, 300 **demesne loaves**, a pipe of red wine, a dozen plump **capons**, a dozen large pike, a large basket full of "**Pescodes**" and another basket full of **pippins** and oranges, two coffers of confectioneries, and a pot of green ginger. She was

accompanied at that time by the following lords and ladies: that is, the Duke of Buckingham, his wife, and all their children; Lord Rivers and his wife; the dowager Countess of Shrewsbury and the Countess of Shrewsbury; and many other lords and ladies.

[5. Leet court session, 19 April 1460]

It is ordained that every craft that has a pageant to perform is to make preparations for the pageant and have it ready to be performed, upon penalty of 100s. to be levied from the 4 masters of the crafts that fail to comply.

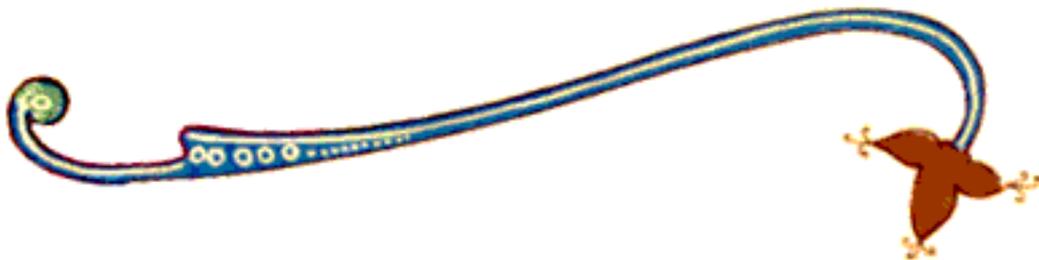
DISCUSSION

A gild dedicated to Corpus Christi was founded at Coventry in 1348; around this period such gilds were springing up in many towns for the purpose of organizing a procession to celebrate that festival. It may have been around the same time that the city fair which, in 1218, had been granted to be held following Trinity Sunday, became known as the Corpus Christi fair. We hear nothing explicit of the Corpus Christi plays until the next century, but reference to a pageant house in 1392 suggests that they were already being performed then, and in 1416 the pageants were said to have been performed before the king and his nobles; they were to be performed for the enjoyment of royalty several times during the century, and Coventry became renowned for the quality of its plays. The pageants probably took place after the early morning procession – itself an exciting affair, with the streets decked out with freshly-leafed boughs, town officers in their official robes and craftsmen in their liveries, the city waits playing musical accompaniment, and the ringing of church bells in the background. There were several stations at which plays were performed, probably chosen in part because they could accommodate a crowd.

The Corpus Christi plays are mentioned only briefly in the Coventry records, and texts of only two of the plays have survived, but it is clear that there was a similar cycle to that performed in other towns. Some of the texts may have been copied or adapted from those elsewhere, and the plays evolved through frequent rewriting. There does not seem to have been at

Coventry the degree of local government supervision over the performances that we see at York, except insofar as the city government was concerned to ensure the guilds acted responsibly in fulfilling their duties in presenting the plays. We can see from the above extracts and other references that at Coventry, as elsewhere, there were problems with the financial burden of putting them on. It was not only a question of the regular yearly pageants; when royalty visited the town there were often special presentations of selected plays from the Corpus Christi repertoire, or pageants of a pseudo-historical bent, with the Corpus Christi props sometimes being called upon.

To address the financial difficulties various steps were taken. In 1424, a settlement of disputes between the master weavers and the journeymen of that craft included the requirement that journeymen contribute 4d. annually to the cost of the weavers' pageant. In 1435 it was ordered that the saddlers and painters join with the cardmakers in financing and mounting the latter's pageant. The pinner and needlers were joined in supporting their pageant by the tilers and wrights at some time before 1436, when the carpenters were added as well; the coopers joined this consortium in 1459. Partnerships between crafts continued to be a trend throughout the century and into the next.



NOTES

"John Gote"

Mayor in 1420.

"Giles Allesley"

Mayor in 1427.

"endorsed"

Not approved, as we would use "endorsed" today, but simply meaning that the response was written onto the dorse of the petition. The response took the form of an approval, in essence.

"problems"

The Latin *impedicio* implies the kind of problems that might disturb or hold up a performance; since the target of the ordinance is the actors, we may surmise past problems with the actors perhaps becoming embroiled in arguments.

"Kenilworth"

A village with castle a few miles southeast of Coventry; a common refuge for the **beleaguered** king and queen.

"demesne loaves"

Paynemaynes (*panis dominicus*), a high quality bread produced for consumption by lords.

"capons"

Roosters castrated to improve edibility.

"Pescodes"

Unknown; perhaps some kind of fruit, although the London Lickpenny refers to the sale of "Hot peascods".

"pippins"

A type of apple.



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translation | discussion | notes

Keywords: medieval Leicester plays organization

Subject: Provisions for the Leicester pageants

Original source: Leicestershire Record Office, Leicester archives, Hall Book

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1901), vol 2, 297.

Original language: Middle English

Location: Leicester

Date: 1477

TRANSLATION

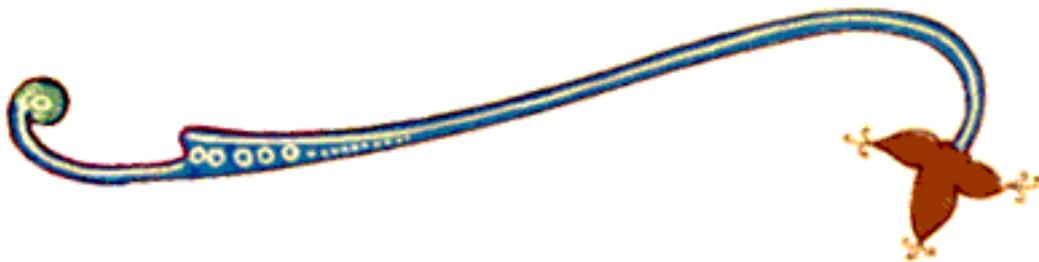
At a **town council** meeting held at Leicester on 26 March 1477 the actors who had performed the Passion play the previous year presented a petition regarding payment of **debts** and concerning whether the passion [\[play\]](#) should be made the responsibility of the craft gilds or not. At that time the actors turned over to the pageants the money they had received for performing the play in the past, and all the costumes and other items they had at the time. And at the same meeting, by the advice of the community, there were chosen the persons hereafter named to organize and direct [\[the performance of\]](#) the play.



DISCUSSION

The Passion play in some places (e.g. York) was part of the Corpus Christi cycle of plays – although they more commonly dealt primarily with Old Testament events – and in others was presented at Easter. It focused on the events surrounding the death of Christ, although in its fullest representation might encompass events from throughout his life. Emerging out of liturgical dramatic representation, it is known as a play in its own right from as early as the beginning of the thirteenth century (in Italy). In England, the Passion play was second in popularity only to the Corpus Christi play.

A list of 19 townsmen and two bealdes were named to take charge of the next performance. Here as at other towns, the borough authorities felt a vested interest in the performance of the pageants and did not wish to leave the matter entirely to the craft guilds.



NOTES

"town council"

The original does not talk about a "town council" *per se* but uses the term "common hall", which means in essence 'a gathering of community representatives in the town hall'. The "community" which gave advice to the decision taken at the meeting may have meant whichever burgesses were in attendance – a common hall being open to all freemen – or perhaps already a group of representatives foreshadowing the formal lower council of 48 whose constitutional existence was confirmed in 1489.

"debts"

It is not clear from the document whether the debts that were the subject of the actors' petition were owed to or by the actors; Mary Bateson thought the latter. Either possibility could have encouraged the actors to try to have responsibility for the play transferred to others.



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translation | discussion | notes

Keywords: medieval Beverley Corpus Christi plays organization mediation craft guilds butchers fines default duties processions festivals

Subject: The Corpus Christi and Pater Noster plays in Beverley

Original source: Humberside Records Office, Beverley Corporation archives; items 1 and 2: Great Guild Book, ff.12-13; items 3 to 5: Governors Minute Book, ff.83, 121, 150

Transcription in: Arthur Leach, ed. *Beverley Town Documents*, Selden Society, vol.14 (1900), 33-35, 37; Arthur Leach, *Report on the Manuscripts of the Corporation of Beverley*, Historical Manuscripts Commission, 1900, 135, 139, 142-43.

Original language: Latin, French

Location: Beverley

Date: late 14th and 15th centuries

TRANSLATION

[1.] Ordinance for the perpetual performance of the Corpus Christi play



On 3 April 1411, to the praise and honour of God and Corpus Christi and for the peaceful unity of the worthier and the lesser of the commons of the town of Beverley, a restrained negotiation took place involving William Rolleston merchant, Nicholas de Ryse, Adam Tirwhitt, John de Holme, William Wilton, Adam Barker and other respectable men of the worthier sort, who do not – unlike those belonging to other crafts of Beverley – have **liveries** each year nor are otherwise involved in performing the play, [on the question of] whether the worthy men should (even though they were not accustomed to previously) at their own expense mount, support and arrange to be performed, in a fitting and creditable manner, a particular pageant on the festival of Corpus Christi. Regarding which, those worthy men, on

behalf of themselves and others of their sort, insofar as as they were able, agreed to accept the decision and judgement of Richard Aglyon, Thomas Coppandale senior, William Dalton, William Melburne, and their associates, the **12 keepers** of the community of the town of Beverley.

Those 12 keepers gave the following judgement: that, around the festival of Corpus Christi coming in the present year, the worthier sort should – through [the agency of] four of them and the supervision of the 12 keepers of the community in office at that time – at their own costs and expenses cause to be constructed a fit and proper **pageant** and a suitable play to be performed therein, under penalty of 40s. to be levied from the worthy men for the use of the community.

Furthermore, so that the honour of God and good reputation of the town be glorified with greater devotion and respect, as many as were present of the aldermen and stewards of the crafts in Beverley – viz. mercers, drapers, tanners, weavers, tailors, leather-workers, watermen, dyers, fullers, saddlers, bakers, butchers, smiths, skimmers, and others – on behalf of themselves, their crafts, and the whole community, insofar as they were able, agreed to accept the decision of the 12 keepers regarding both the erection of **castles** and the maintenance of the Corpus Christi play.

Whereupon the keepers announced their decision: that each and every craft accustomed to erect and have a wooden castle in honour of God and **St. John of Beverley**, or doing so in the future, shall from henceforth and forever erect them each year and cover them with greater ornamentation than is customary, under penalty of 6s.8d to be levied from any craft failing to do so, for whatever reason. And that every year from now on they shall perform those pageants of the Corpus Christi play which they have been accustomed to perform, and which shall be assigned to them at the discretion of the sworn governors of the town, when given a reasonable amount of advance warning by the 12 keepers. And that the worthier men of the town shall, as indicated above, henceforth each year arrange for a presentation to be performed in their pageant. Under penalty of 40s. to be levied to the use of the community for failure to do this, whether by the worthier or the lesser of the community. If any individual,

whether of the worthier or the lesser sort, refuses to perform or have performed [the pageant], he shall pay 3s.4d to the use of the community, plus his share of the 40s. should it happen that any craft or pageant default in its entirety.

[2.] Ordinance regarding the performance by the hairers of Beverley, called "Paradise"

On 13 January, 1391, John de Erghes hairer came into the gildhall before the twelve keepers of the town of Beverley, and undertook on behalf of himself and his fellow craftsmen to perform properly a certain play called Paradise every year on Corpus Christi day, when the other craftsmen of the town perform, at the cost of the same John Erghes while he is alive. He willingly granted that he will pay to the community of Beverley 10s. each and every occasion when he defaults in [producing] the play, Nicholas Fauconer being his **pledge**. In addition he undertook, under penalty of 20s., that at the end of his life he would redeliver to the 12 keepers of the town in office at that time all the items in his possession that pertain to the play, viz.: 1 wagon, 8 **hasps**, 18 **staples**, 2 **visors**, 2 angel wings, 1 pine beam, 1 serpent, 2 pairs of linen hose, 2 pairs of undershirts, 1 sword.

[3.] Allocation of the Corpus Christi play [1450]

Memorandum that the pageants of the Corpus Christi play are assigned to be performed as written below. First at the North Bar. Again at the **Bullring**. Again at the **house of John Skipwith**. Again next at the Fishmarket. Again between the [? **illegible**] and the bell-tower. Again at the Minster. Again at the stream.

[4.] Penalty paid by the butchers regarding the Corpus Christi play

On 5 June 1459, Thomas Law, alderman of the butchers gild of Beverley, and other fellow gildsmen came into the Gildhall of Beverley and handed over 40s. of English money to the disposal of the community, because they and their players had been late in arriving at the North gates of Beverley for performing their pageant last Corpus Christi day, contrary to the ordinance on that matter. Of

which 40d. was received and the rest remitted, on condition they not do it again.

[5.] Performance of the Pater Noster play this year

On 29 May 1467, the various crafts of the town of Beverley agreed to perform the Pater Noster play within Beverley on Sunday, 2 August 1467. Those agreeing: merchants, glovers, sailors, barbers, barkers, tilers, smiths, coopers, fletchers, walkers, weavers, tailors, leather-workers, dyers, bakers, labourers, **cellarers**, brewers.

Records [of the decision?] were delivered to: the barbers, glovers, sailors, tanners, fletchers, coopers, fishermen, butchers, bakers, weavers, tailors, smiths, carpenters, leather-workers, fullers, dyers, tilers, labourers, cellarers, brewers, merchants.

Places assigned for performances: first at the North Bar, the Bullring, at the threshold of Richard Conton's house, in the High Street, at Cross Bridge, the Wednesday Market, Minster Bow, and Beckside.

Plays: Pride, Envy, Anger, Avarice, Sloth, Gluttony, Lust, Cruelty.

The crafts and misteries were assigned to perform the said play. All the venerable men and craftsmen were assigned to perform different pageants within Pater Noster, as shown below:

- To the pageant Cruelty: gentlemen, merchants, clerks, and yeomen; Roger Kelk and John Copy have been appointed aldermen of that pageant.
- To the pageant Pride: shoemakers, goldsmiths, glovers, glasiers, skinnners, and fishermen; William Downes has been appointed alderman.
- To the pageant Lust: dyers, walkers, weavers, pinner, cardmakers, wire-drawers; Robert Johnson has been appointed alderman
- To the pageant Sloth: watermen, husbandmen, labourers, saddlers, ropers, **creelmen**, millers, and **furbishers**; Richard Bliton has been appointed alderman.
- To the pageant Gluttony: bakers, vintners, brewers, cooks,

tilers; John Spaldyng has been appointed alderman.

- To the pageant Envy: butchers, wrights, coopers, fletchers, pateners; John Wod has been appointed alderman.
- To the pageant Avarice: tailors, masons, braziers, plumbers, cutlers; Nicholas Gedney has been appointed alderman.
- To the pageant Anger: tanners, barbers, smiths, and painters; John Robynson has been appointed alderman.

DISCUSSION

In the late Middle Ages **Beverley** was a thriving seaport and more prominent among the towns of England, in terms of wealth and comparative population, than it is today. Its church of St. John, a pilgrimage site and sanctuary since the late Saxon period, had become an archepiscopal minster in the eleventh century; the town had developed as a community serving the needs of the minster and its visitors, and the archbishop was the town's lord. It is not surprising, therefore, to find Beverley as one of the places where a Corpus Christi play evolved. An ordinance of 1390 lists 38 gilds required to put on parts of the play; whether each had its own pageant or there were partnerships is not revealed, but 37 plays were listed in the early sixteenth century. However, at Beverley the craft gilds were not as formally structured as at York; only about half were sufficiently organized to be electing aldermen to lead them, and there were frequent amalgamations of the smaller crafts.

No copies of the scripts performed at Beverley have survived, but there are ample references in the town records to indicate that performances were an annual occurrence from at least 1377, when the tailors were ordered to present a financial account of their costs in producing their part of the play. A later document – a petition which was probably adopted as an ordinance (1457) – reflects that there had been some slacking off, since its aim was to reaffirm that the play would be presented every year. In the years immediately previous there are instances of the authorities taking the fishermen and carpenters to task for failing to put on their parts of the play, the skimmers were receiving a financial subsidy from the borough to help pay costs of its pageant, and the hairers had turned over to the ropers production of "Paradise". It seems that from the 1430s the play was not

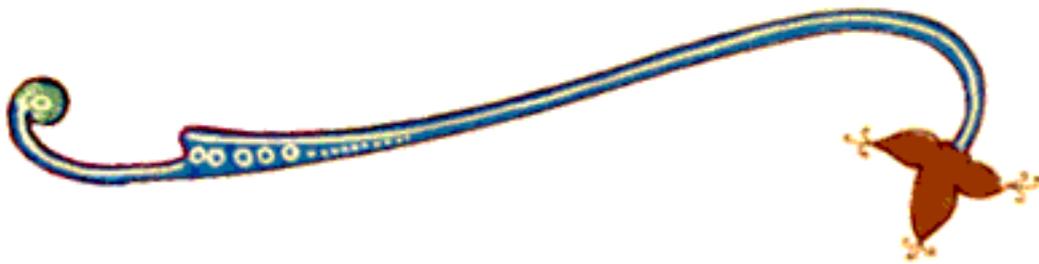
being performed annually, and even after 1457 there may not have been performances every year. All this evidence shows that, as at York, the urban authorities were regulating and supervising the performances by the various guilds, although in mid-fourteenth century a guild of Corpus Christi, consisting mainly of priests, had been founded to organize the procession itself. Borough control is again indicated by the fining of the smiths in 1392 for failing to put on their part (the Ascension) of the play, although the fine was remitted upon humble submission by the leaders of the guild and writing of a bond guaranteeing no future defaults.

The procession that took place on Corpus Christi day also came to be regulated by borough authorities; in 1430 the keepers ordered that the guild alderman and stewards represent their guilds, without any additional guild members, in the carrying of candles or torches in the procession, and the precise order in which each of the guild representatives would appear in the procession was laid out. A few weeks before Corpus Christi there was another procession, in Rogation week, in which the shrine of St. John of Beverley was carried from the minster to St. Mary's church, passing liveried members of the craft guilds stationed at points along the way, then later back again with the guildsmen now joining in the procession. This was an even older tradition than Corpus Christi and more important in Beverley, since the tomb of St. John was the focus of pilgrimage. But whereas Rogation Day was an occasion for the guilds to display their wealth and status, Corpus Christi was more an opportunity for the expression and reinforcement of communal solidarity. Taken together, the period from Rogation Day to Corpus Christi was the ceremonial apex of the year for the townspeople of Beverley.

The Rogation procession was a case of a "performance" passing fixed audience points. In the case of the Corpus Christi play, the evidence from mid-fifteenth century suggests a similar approach of a series of stations at which each pageant was performed; although the number of stations was fewer than that at York, the fining of the butchers for starting late suggests that the total number of presentations to be made on Corpus Christi day required a strict schedule to be followed. A list of stations in 1449 had some small differences. The route of the play seems to have been a linear one beginning at the northern entrance into the town, south-eastwards along the High Street, passing through the Saturday and Wednesday marketplaces – the latter formerly serving as the fishmarket – until the Minster was reached, when the pageants verred eastwards for a final presentation beside the Beck (a tributary of the River Hull), where there was a prosperous suburb.

Despite the apparent reluctance of some guilds to participate in the Corpus

Christi play, it was evidently popular enough to introduce another play later in the summer, the Pater Noster, whose component parts featured the **Seven deadly sins**, in this case expanded with an eighth (Cruelty). Although the 1467 orders have the appearance of establishing the performance, the Pater Noster play is mentioned as early as 1441, when the performance was given on 23 June, and the assignments of part of the play to specific groups was quite different from that of 1467. Production of this play was apparently under the supervision of a gild of the same name, possibly created for that purpose.



NOTES

"liveries"

These were the 'uniforms' worn by at least the more prosperous members of each gild on ceremonial occasions, to identify them with a particular craft; poorer craftsmen could not afford these liveries.

"12 keepers"

The keepers, or governors as they came to be known during the 15th century, were the town council, similar to Ipswich's capital portmen and Maldon's wardemen but, from the early 14th century, the sole source of governmental authority – Beverley not having, with the exception of brief experimental intervals, a chief executive officer at the head of its urban administration (except insofar as the merchant gild's alderman represented burgess interests in 12th and 13th centuries).

"pageant"

Leach translated *pagenda* more literally as the physical stage, and *ludus* as the pageant or play. It does appear that *ludus* might be used for either; however, I prefer to interpret *pagenda* as possibly including not only the stage itself but also any associated backdrop scenery or props.

"castles"

It is not clear whether the castles had any association with the play. Other

references indicate they were wooden frameworks with decorative coverings (perhaps ad hoc, e.g. bedspreads of gildsmen) large enough to hold a number of persons sitting or standing, and served as shelters from which leading gildsmen watched the procession of St. John in Rogation week. Each gild that was formally recognized by the borough authorities had its own castle, and each castle was reserved solely for the members of a gild – thus, a presence in the castle on ceremonial occasions defined and publicized gild membership. Each gild had a particular spot in the town reserved for its castle. Whether they may have been brought out again for the Corpus Christi performance is not clear, although other evidence suggests that only the keepers watched from a castle on that occasion.

"St. John of Beverley"

A bishop of York who retired ca.714 to a monastery traditionally considered the magnet for settlers who founded Beverley. Bishop John's tomb at Beverley acquired a reputation for miracles and, whether or not the tradition is historically reliable, the town became a moderately important religious centre from the 10th century, thanks in part to royal patronage, and in part to the efforts of the archbishops of York in building up the minster and its powers, as well as in having John canonized. Edward the Confessor made the archbishop the lord of Beverley. (A somewhat similar process is seen at **Bury St. Edmunds.**)

"hasps" "staples"

The hasps were either part of the harnessry for the wagon or hardware associated with the erection of a backdrop on the wagon. The staples likewise were probably required for fixing in place a backdrop.

"visors"

Probably masks for the actors.

"Bullring"

Where bulls were baited before being slaughtered for sale in the butchery. In 1449 the allocation of sites had specified "next to the Bullring". It was located at the northern end of the main (Saturday) marketplace.

"house of John Skipwith"

In 1449 Skipwith's house was indicated as being in the High Street.

"illegible"

All Leach could read of this word were the first few letters *cer....* Possibilities include an alehouse, sail-yard, weathercock, fishpond, butchery, or a round tower. The location evidently lay between the Wednesday Market and the Minster, so we can probably rule out the butchery, as this is believed to have been in the northern part of the Saturday Market.

"cellarers"

This would be an unusual craft in a town, unless it refers to a group specializing in providing storage facilities for merchandize. The original Latin may be *tellarii* rather than *cellarii*, suggesting craftsmen associated with the cloth industry.

"creelmen"

A kind of porter, distinguished by (and named after) the type of baskets they used for carrying goods from the quayside into town.

"furbishers"

Armourers.



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translation | discussion | notes

Keywords: medieval York socio-religious guilds morality plays prayer processions feasts

Subject: Gild for performing the Pater Noster play at York

Original source: Public Record Office, Chancery Miscellanea, Gild Certificate 454

Transcription in: Toulmin Smith, ed. *English Gilds* Early English Text Society, old series, vol.40 (1870), 137-39.

Original language: Latin (translated by Smith)

Location: York

Date: 1389

TRANSLATION

As to the beginning of the said gild, be it known that, once on a time, a play, setting forth the goodness of the **Lord's Prayer**, was played in the city of York; in which play all manner of vices and sins were held up to scorn, and the virtues were held up to praise. This play met with so much favour that many said:—"Would that this play could be kept up in the city, for the health of souls and for the comfort of the citizens and neighbours." Hence, the keeping up of that play in times to come, for the health and amendment of the souls as well of the upholders as of the hearers of it, became the whole and sole cause of the beginning and fellowship of the bretheren of this brotherhood.

....they are bound to make, and as often as need be to renew, a table showing the whole meaning and use of the Lord's Prayer, and to keep this hanging against a pillar in the said cathedral church near to the aforesaid candle-bearer. Also they are bound, as often as the said play of the Lord's Prayer is played in the city of York, to ride with the players thereof through the chief streets of the city of York; and, the more becoming to mark themselves while thus riding, they must all be



clad in **one suit**. And, to ensure good order during the said play, some of the bretheren are bound to ride or to walk with the players until the play is wholly ended.

...There do not belong to the gild any rents of land, nor any tenements, nor any goods save only the properties needed in the playing of the before-named play; which properties are of little or no worth for any other purpose than the said play. And the gild has one wooden chest, in which the said properties are kept.

DISCUSSION

The document of which only a few extracts are given here was one of numerous whose production was the result of a national survey of guilds and fraternities ordered by a parliament of 1388; the survey wanted information about when guilds had come into existence, what purposes they served, and what property they owned. Most that replied were fairly typical socio-religious guilds.

In the present case, however, the gild had been created specifically to produce the Pater Noster play, although it had other characteristics similar to typical guilds (e.g. charitable works, burial of members, annual feast). Its return does not state when it was founded, but Wycliffe had made mention in 1378 of performance of the Pater Noster play in York. In 1399 the gild had 76 male and 57 female members. To prepare its feast, 6 cooks were hired with 4 women to help them; the menu included beef, pork, calves feet, sucking pigs, young pigeons, eggs, honey, wine, and ale. In the mid-fifteenth century the gild united with St. Anthony's Gild, which henceforth took responsibility for production of the play. Although it was not performed every year, performances were still going on as late as 1558 when the Pater Noster was performed instead of the Corpus Christi play.



NOTES

"Lord's Prayer"

The Lord's Prayer has and had a prominent place in Church liturgy. That name (*oratio dominica*) was not actually used much during the Middle Ages, however. The prayer, which was said in Latin, was better known by its opening words, in Latin *Pater noster*.

"one suit"

I.e. everyone was to dress in the same uniform or livery.



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Keywords: medieval Coventry minstrels fees livery pension officials socio-religious guilds

Subject: Minstrels at Coventry

Original source: Coventry City Record Office, Leet Book

Transcription in: Mary Dormer Harris, ed. *The Coventry Leet Book or Mayor's Register*, London: Early English Text Society, old series, vol.134 (1907), 59, 200.

Original language: Middle English, Latin

Location: Coventry

Date: 15th century

TRANSLATION

[1. Payments for services, 6 October 1423]

They ordain that **Richard Waite**, for the good service he has given to the city of Coventry and for the long time he has spent in that service, shall have during the rest of his life [a pension of] 13s.4d from the **Trinity Guild**, 6s.8d. from the **Corpus Christi Guild**, and 20s. from the wardens of the City.

Also, they have retained Matthew Ellerton, Thomas Sendell, William Howton and John Trumpere as minstrels for the city of Coventry, and [agreed] that they shall have the same [salary] that others have had before them. They shall also receive each quarter from every [dwelling] place with a hall 1d, and from every cottage a halfpenny; and may receive a better reward depending on their performance. And they ordain that two men from every ward shall be available to them each quarter to help them collect their quarterly fees.

[2. Minstrels' uniforms, 7 April 1442]



They wish that they [i.e. the minstrels] should have a **livery**, as this bill requests, on condition that they have a **trumpeter**, as is mentioned in [the bill], and **escutcheons**, upon providing **security**. That is, they shall have a dozen of cloth for their livery, of the value of 20s. to be paid them by the **wardens** shortly before the festival of Corpus Christi.

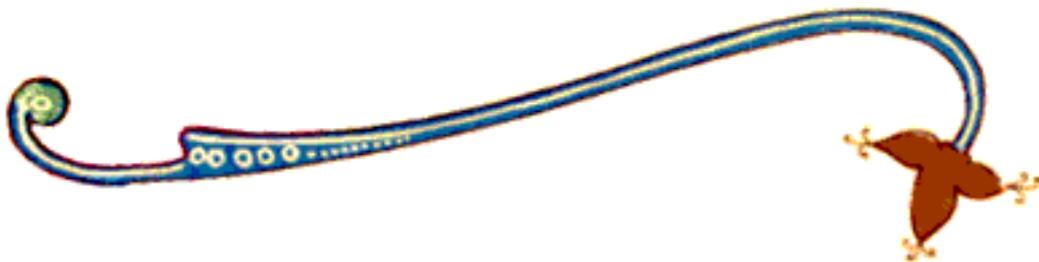
DISCUSSION

It was increasingly common during the fifteenth century for towns to include minstrels, also known as waits, among the lesser bureaucracy or to engage minstrels for particular occasions. This was an age when medieval urban ceremonialism reached a peak, as social stratification hardened and a need was felt to make and reinforce wealth-based social status in public settings. It was also an age when towns became increasingly caught up in the national political conflict, and felt it advisable to win the favour and support, or ward off the disfavour, of powerful and influential men by sending them presents, or hosting them at banquets which were often accompanied by musical entertainment.

In fact it was precisely those influential men who were the early employers of minstrels. From the 1330s the borough financial accounts from Lynn refer to payments to various visiting minstrel groups named for their employers, such as those of the Earl of Suffolk, Lord Bardolf, the Duke of Lancaster, the King of Scotland, Sir Robert Mortimer, and Lord Scales, or to the king's minstrels, as well as to solo artists playing gittern, harp, trumpet or other instruments; other minstrels paid had no identified affiliation with a patron. At an earlier date (1280s) the Merchant Guild accounts refer to small payments to minstrels. They were presumably rewards for performances given at Lynn, some of them specified as taking place on festive occasions such as Christmas and May Day. The **employment of minstrels by the borough itself** appears to have begun around the 1390s, although payments to men of the surname Wayte can be found earlier. Some of these waits were employed as nightwatchmen, a role calling for a good voice. But the employment of a small troupe of minstrels by the borough did not prevent it paying for engagements by visiting minstrels into at least the reign of Edward IV.

If employees of the city, minstrels were expected to wear some kind of uniform, or decoration, indicative of their status. Liveries of the Lynn waits were paid for in the 1430s. In 1470 mention is made in Coventry records of a silver badge and silver collar as part of these accoutrements. They evidently received an annual fee from the city, along with the proceeds of a levy on householders, although the latter may have been difficult to collect: in 1459 the minstrels had to petition the leet to appoint an "honest man" from each ward to accompany them when they made the rounds to collect their quarterly wages.

Many minstrels were itinerant, earning their living through commissions wherever they could find them. As employees, Coventry's minstrels were expected to be available when needed, however. Thus, in 1467 they were instructed not to go out of the city to undertake private engagements, with the exception of those for abbots or priors whose houses were within a ten-mile radius of the city.



NOTES

"they"

The "they" at the beginning of each clause refers to the leet jury, a group of 24 impanelled citizens, drawn from the ruling class, who acted with the mayor and other officials as the legislative body of the city. For the most part, this urban authority seems to have framed legislation in response to petitions, or bills, put forward by the citizenry.

"Richard Waite"

By this period, surnames had become relatively fixed and hereditary. Thus, to find a wait with the surname Waite reflects the fact that sons often followed fathers in the same occupation. Without other evidence, we cannot be certain in any given case; but it is possible, perhaps likely, that Richard Waite was the son of a minstrel and, if so, learned his skill from his father. Note also that one of the other minstrels has the surname of "trumpeter".

"Trinity Gild" "Corpus Christi Gild"

These socio-religious gilds were the two most powerful and important in Coventry, their memberships drawn from the urban elite.

"livery"

As clothing and/or insignia whose characteristics were specified by the provider, a livery was in essence a uniform.

"trumpeter"

The trumpeter was, according to an ordinance of 1439, to be the leader of the minstrel group.

"escutcheons"

Symbols derived from coats of arms displayed on shields. In this context they had been reduced more to what we would consider badges (possibly shield-shaped) of office.

"wardens"

City officials responsible for part of the financial administration, notably the collection of rent revenues.



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Keywords: medieval Beverley minstrels officials salary gratuities livery fees Leicester Dover York

Subject: Minstrels as civil servants

Original source: Humberside Records Office, Beverley Corporation archives; Governors Minute Book, ff. 20, 92

Transcription in: Arthur Leach, *Report on the Manuscripts of the Corporation of Beverley*, Historical Manuscripts Commission, 1900, 120-21, 137.

Original language: Latin

Location: Beverley

Date: 15th century

TRANSLATION

[1.] Waits

William Johnson, Simon Herforth, and John Wardelow were appointed in the presence of the community to the office of waits of Beverley on 13 May in the year indicated above [1438], until 25 April next, receiving 36s.8d by way of salary from community money. Each of the waits is to receive a shield from the community, and they have taken oath to serve the community in their office until 25 April. And there were delivered to John Wardelow and William Johnson, waits, two community shields of silver, by pledge of John Colton yeoman (present) and Nicholas Brompton (absent). Later Simon Herforth left town, for which reason the waits took a boy in Simon's place, and they were allocated 6s.8d for the boy's work until 25 April. And thereby the waits received, for themselves and their boy, this year only 33s.3d.

[2.] Waits retained



On 14 January 1453, John Hesilhede, Robert de Celario, and Martin Gymer were newly appointed to the office of waits of the town of Beverley during the pleasure of the 12 **keepers**, or governors, in office that year, and their successors the 12 governors of the town who shall be in the future. Taking 40s. by way of salary, at the wish of the 12 governors of the town who shall be.

And the waits gave honest guarantees, each man on his own behalf, to the town governors in office that year that they would not resign, nor would any individual of them resign, from their service, nor would they or any one of them accept appointment from any lord of the realm of England, without the explicit permission of the governors then in office or their successors in future. And by way of gratuity they are to have 10s. of silver towards their uniforms, by agreement of the venerable men gathered in the Guildhall.

DISCUSSION

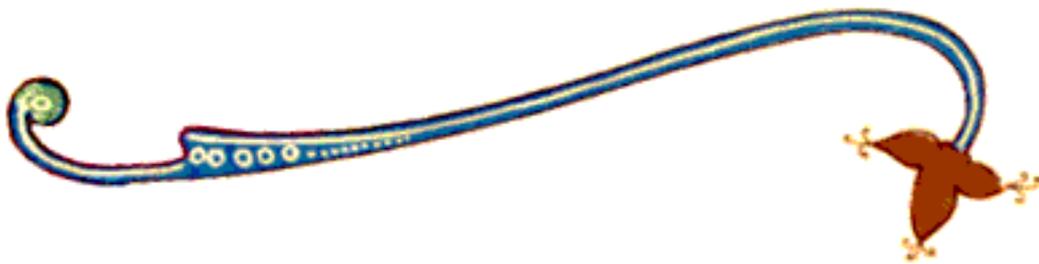
The term used in the original for waits is *spiculatores*, for which a more literal translation would be "watchmen"; this reflects the wide-ranging role of waits – they were not just entertainers, but also heralds, and nightwatchmen. In the 1460s the terms *histriones* (applied to performers, including minstrels) and *ministrallis* was also used for them.

We hear of the town employing a wait as early as 1366/67, when Ralph Wayt was paid 10s. as six months' salary. By the beginning of the fifteenth century there were two waits, sharing 40s. annual salary, and the number was later increased to three. However, the waits were not always employed for a full year, but sometimes only over the winter season when there were some important festivals requiring minstrelsy. The cost of their costumes was also subsidized, on occasion at least, and during the reign of Henry VI they were issued with miniature shields and collars, as badges of office. One of their tasks was to proclaim the Corpus Christi plays.

The fifteenth century saw a greater use of minstrels or waits than before, as ceremony became an increasingly important part of the political life of a town. In the fourteenth century we mostly find *ad hoc* engagements, often

minstrels in the service of aristocrats but apparently touring the region. For example, in 1318/19 the mayor of Leicester paid 4d. to one Wade and his unnamed associate, minstrels, in 1338/39 of 3d. given to minstrels to pipe before the muster of armed citizens, and in 1375/76 of £1 as payments to messengers and minstrels on various occasions during the year. And the Dover borough accounts of 1365-67 include payments of 20d. to John Scot, harper, 24d. to three trumpeters performing on Christmas day (one in the service of a local knight), 2s.4d to minstrels performing on Corpus Christi and the day of Ascension, and 12d. to another trumpeter named Boffett.

We also hear in that account of 6s.8d was paid for a cloth decorated with the arms of the Cinque Ports to hang from the trumpet of Alan Trompour, and 13s. for clothing for Trompour and piper John Rustler. These payments suggest that some towns were beginning to designate "official" minstrels, although doubtless such men earned more of their living by private performances. York corporation had a trio – the "city waits" – on retainer from the time of Henry VI onwards; they were provided with uniforms each Christmas and paid fees for engagements, notably at Easter, Corpus Christi, the Nativity of St. John Baptist (24 June), Christmas, and the Translation of St. William (a former archbishop of York). In 1454 we even find that one of them has been granted a life pension, presumably for long service.



NOTES

"keepers"

The keepers, or governors as they were coming to be known during the 15th century, were the town council, and the sole source of governmental authority – Beverley not having a chief executive officer at the head of its urban administration.



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INTRODUCTORY ESSAY

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Keywords: medieval economy towns cities taxation tolls customs administration officers commerce revenues charters privileges exemption smuggling police

A cost of doing business

The levying of taxes on commercial activities – sometimes on the goods imported into or exported from towns, sometimes on transactions themselves (or the privilege of being assigned a place at which to conduct transactions) – was commonly one of the sources of income used by an urban community to help pay the fee farm upon which urban trading privileges and powers of self-government were dependent. Likewise, it became in the Late Middle Ages an important source of revenue for the king, capitalizing on the growth England's involvement in international trade. Such impositions were not liked by merchants or lesser traders, for they were just another cut into profits; since the interests in favour of such taxes were stronger than those in favour of free trade, efforts both legal and illegal were made to escape payment.

Local tolls

It is not clear how ancient were impositions of tolls. But that exemptions from tolls were among the earliest liberties which townsmen sought to acquire from their overlords indicates that at least some kinds of tolls predated urban self-government; and there are a number of tolls with Anglo-Saxon names. The revenue from tolls was one reason why lords were motivated to

foster the development of settlements, through the introduction of official markets and fairs, or even to found new towns.

It became a standard feature of borough charters for the recipient to be granted exemption from urban tolls elsewhere. If the king were the lord of the borough, he could make this exemption applicable to all the other towns of which he was lord throughout the kingdom. A town with a lesser lord could win exemption from only the smaller number of towns with the same lord, unless that lord could acquire an extension from his own lord, the king. Particularly in the thirteenth century, this led to disputes between boroughs, as the right to collect tolls on one side and the right of exemption on the other came into conflict. Urban authorities must have had some means of keeping track of which towns were exempt, which not. We know of lists of such towns compiled by Southampton and Exeter, for instance, while some towns made and filed reference copies of the exemption grants to others.

As well, they needed some means of identifying whether a given trader was an enfranchised member of an exempt town. One of the reasons urban authorities compiled lists of freemen, or members of the merchant guild, was because those individuals were exempt from tolls. Exemption from toll provided a significant advantage to enfranchised members of the community, the lower overhead allowing them to sell more competitively; it was an incentive for residents to purchase the franchise, thereby providing revenue for urban administration. Not surprising then that town authorities made efforts to acquire and defend exemption privileges. Since lists of freemen were not available to the towns that traders visited, a claim by an individual trader to be exempt may have rested upon a solemn personal oath, or on corroboration from fellow traders from his home town or from residents of the visited town who knew the trader. In the absence of clear evidence, towns were inclined to exact toll and let the aggrieved trader try to claim it back in the courts. Towards the close of the Middle Ages we find examples of letters testimonial issued by borough authorities to identify specific merchants as being citizens, although these may have been only in exceptional cases of

individuals who had experienced difficulties in the past.

With exemption from tolls being a common royal grant to boroughs, it seems likely that those paying the tolls were largely residents of non-urban settlements, town-dwellers who had not taken out citizenship, and foreigners. Even in those cases, tolls were not applicable to necessities bought for personal or household use (or, by extension, bought by a servant for his lord's use), but only to goods that the owner was intending to sell, although sometimes it was necessary to purchase membership in the franchise or the gild in order to be assured of this.

Lists of the tolls payable on different kinds of goods have survived in a number of towns' records, and a few of these are reproduced here. There are fewer records of specific collections (i.e. listing payments by specific individuals over a set period); perhaps such detailed itemized records were not commonly kept, although such that exist give no internal evidence of being exceptional, and there must have been some method of issuing some kind of receipt, tally, or other proof-of-payment to those who had paid, particularly in cases where individuals apparently could pay a one-time toll to cover multiple shipments over a period of time. There does not seem to have been any kind of national standard defining how much toll should be paid on particular types of goods; yet, although this was presumably left up to local authorities to decide, the amounts levied seem to be broadly similar from town to town – possibly there was some form of consultation between towns on the matter.

These local tolls might be collected at the main points providing entrance to and exit from a town – and were an incentive to reinforce such points of entry/egress with barred gates. However, tolls could also be paid directly to borough officials within the town, such as at municipal buildings called "tollbooths", or in the marketplace and at harbourside (tollbooths were often set up in such locations); in these cases, a buyer was going to have to prove to the wardens of the exits from town that toll had been duly paid on any goods they were

carrying out – or prove that the goods had been purchased for personal use, rather than resale.

Beyond the standard local import/export tolls, which could apply to merchandize regardless of whether it was to be sold in the location where toll was demanded or was just passing through, special additional tolls often existed or arose later; for example:

- anchorage or quayage, imposed on ships for the right (in essence) to load or unload goods;
- cranage, for a service in assisting with loading and unloading;
- pesage or tronage for the (requisite) service of weighing merchandize;
- pontage, pavage and murage, surtaxes for the particular purpose of building or maintaining the town bridges, roads, or defences – all parts of the physical infrastructure that made commercial activities easier or more secure.

Some of the above could be imposed only by specific permission of the lord of the borough, for a set period, typically just a few years, but equally typically renewable. The burden of these tolls fell largely on the shoulders of outsiders; so, again, towns tried to obtain exemptions for their citizens. Certain other exactions, such as stallage (the right to present wares for sale on a market stall), were in their origin a kind of toll, but came to be treated more along the lines of what we would today consider as licence payments, since they were not necessarily based on the volume or value of the goods for sale and they might be purchased to cover an extended period. Towns appointed minor officers to take responsibility for collection of tolls. As time wore on, some experimented with farming out the revenue sources – i.e. leasing the revenues to an individual for a set period, in return for a lump-sum payment negotiated in advance (e.g. at Ipswich); it was expected that this would provide a reliable income while reducing administrative costs, although farmers were not always able to meet their commitments.



Tolls were collected at convenient points of entry or exit of towns, such as gates and bridges.

(click on the images for more information)

National customs

As the system of royal administration became more complex, more assertive, and more truly national in scope, a second system of customs collection was created. Ancient customs such as lastage and scavage, which had often come into the hands of local lords, were supplemented by royal prises – notably on wine, which took the form of an in-kind exaction of wine for the king's use. In the early thirteenth century, King John introduced a monetary duty on imports and exports and appointed a corp of officials to collect the new tax, but this experiment lasted only a few years. Experimentation was resumed in the latter part of the century and led to (1275) a duty on wool, woolfells and hides which lasted through the rest of the Middle Ages. Additional customs followed and, by mid-fourteenth century had more or less consolidated into a set comprising:

- the 1275 custom;
- an additional subsidy on wool, woolfells and hides;
- the "petty custom", which amalgamated a custom

introduced in 1303 on goods other than wool, woolfells, hides, and wine, and a custom on cloth (sometimes called pannage) introduced in 1347 which had different rates for English merchants than for foreign merchants;

- and a subsidy on tunnage and poundage.

The purpose of customs was, in some cases, to protect domestic industry and commerce by imposing a surcharge on commerce conducted by foreigners, but in others simply to raise revenue for the king. The customs system, together with other legislation, helped English merchants win control of English commerce away from foreigners – with the exception of the favoured Hanseatic merchants – but this did not endear the customs to those English merchants who had to pay them, nor to foreign merchants.

Although 1275 marked the beginnings of a permanent national system of customs administration, with a certain number of ports designated as collection centres, customs collection was initially in the hands of existing royal officials, or farmed out to private individuals or consortia. In the fourteenth century, however, the designated ports became involved in choosing, or nominating, local collectors along with other officials responsible for related duties, such as searchers (one of whose duties was to prevent the import of counterfeit coinage or unlicensed export of gold and silver), and troners and weighers (whose work was necessary to the estimation of the volume of goods imported/exported and therefore the amount of customs due). Nonetheless, these officers remained answerable to, and paid by, the king. Mid-century there was further experimentation with farming out the customs to private consortia, because the king needed money for the French war.

Smuggling

Although the term "smuggling" was not in use in the Middle Ages, attempts to evade tolls and customs were rife. Sufficiently so that the central government appointed officers

known as searchers, charged with combatting smuggling, and others known as controllers, to keep a duplicate copy of customs records as a check on the honesty of the collectors. While foreign merchants appear to have felt it wiser to purchase exemptions from customs, English merchants who knew the lie of the land better tried a number of strategies for avoiding payment. There was a long shoreline, and very few royal officers to patrol it.

One strategy might be to try to land goods elsewhere than at ports where customs were collected, or similarly to sneak goods into, or through, a town without passing a checkpoint. Another was to suborn collectors – easier for merchants who were themselves in such office; but for those who were not, the officer was often one of their colleagues, a fellow entrepreneur who might be receptive to an under-the-table arrangement. There appears to have been a good deal of corruption in the customs service, in terms for example of embezzlement, bribery, or complicity in smuggling, although we are perhaps somewhat biased because surviving documentation tends to focus on the dishonest, rather than the honest, officials.

A further strategy was for resident merchants to pretend that the goods of outsiders were their own, and therefore not subject to tolls. The numerous by-laws against this offence (see examples at Ipswich, Maldon, Norwich, and Yarmouth) are themselves an indicator of how prevalent was this form of evasion.

Further reading

BAKER, Robert. "The English Customs Service, 1307-1341: A Study of Medieval Administration," *Journal of the American Philosophical Society*, new series, vol.51, pt.6 (1961), 3-76.

GRAS, Norman Scott Brien. *The Early English Customs System*, Cambridge: Harvard University Press, 1918.



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Keywords: medieval Andover charters tolls customs exemption Southampton records

Subject: Grant of exemption from tolls

Original source: Southampton City Archives, Black Book, f.11

Transcription in: A.B. Wallis Chapman, ed. *The Black Book of Southampton, vol. I c.A.D. 1388-1414*, Southampton Record Society, vol.13 (1912), 93.

Original language: Latin

Location: Andover

Date: 1194

TRANSLATION

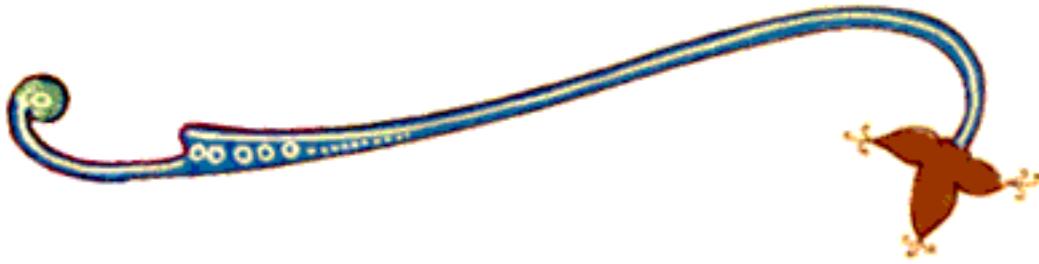
Richard, by the grace of God King of England, Duke of Normandy [and] Aquitaine, Count of Anjou, to his justices, sheriffs, and all bailiffs and officers throughout the whole of England, greetings. Let all know that we have granted to our men of Andover that they may have a merchant gild in Andover. And that they may be exempt from toll, **passage**, and customs throughout all of our land, just as those burgesses of Winchester who belong to their merchant gild are exempt. Furthermore, that no-one should harass them for customs, upon [penalty of] forfeiting £10. Just as our father King Henry granted to them and confirmed by **his charter**. Witnesses: Henry archbishop of Canterbury, William Marshal, Geoffrey fitz Peter, William de Sainte Mère Eglise, Hugh Bard, **William Brewer**. Given by the hand of William bishop of Ely, our Chancellor, at Portsmouth on 29 April 1194.



DISCUSSION

One of the interesting features of this document is that it survives only as a copy registered in Southampton's volume of memoranda, as a record that Andover men were not to be subject to tolls. The date when the grant was copied into the Black Book was about mid-fifteenth century, and Dr. Chapman hypothesised that this might be because the Andover authorities were attempting to reassert their rights at that time, following economic decline contributed to by a serious fire in 1435 that destroyed most of the town; the losses perhaps included key records, for the townspeople made a point of obtaining a royal restatement and confirmation of all their liberties in 1446. However, it may also be, more simply, that the exemption was copied at that time from some other document in the Southampton archives. A fourteenth century list of towns exempt from toll, compiled by the Southampton authorities, indicates that Andover men had already been claiming exemption, and that the authorities had to investigate whether this was warranted; a copy of the grant would have been the likely outcome of such investigations.

It has been suggested Andover's name may derive from a term referring to a royal hunting-lodge. Whether a correct interpretation or not, certainly Anglo-Saxon kings are known to have made short stopovers there on several occasions, and there was later a royal fish-stew there. Around this lodging a royal vill had developed by the close of the tenth century. Richard's grant, purportedly reflecting an earlier one of Henry II, shows that the manor was acquiring some urban characteristics. Not until 1201 did the residents take over the **farm** of the royal revenues from the manor. This was made a permanent arrangement in 1205, with a grant of fee farm, along with a fair. The merchant gild remained throughout the Middle Ages at the centre of local affairs. The townspeople were divided into those who had full membership rights, and those with a lesser set of privileges. The bailiffs, who presided over the borough court, which probably developed (as an institution otherwise separate from the gild) out of the court of the **hundred** of the same name, were elected at a gild meeting; and the town council of 24 "forwardmen" were drawn from the full members of the gild. In the fifteenth century gild and government merged to the point where the gild was eventually lost sight of. As a modest market town in the interior of the wool-producing region of Hampshire, although with the advantage of being on a major route between London and the West Country, Andover looked primarily to Southampton as the shipping point for its produce; so it was important for it to ensure its exemption from toll was respected there.



NOTES

"passage"

A fee for transporting goods through or past a town (as opposed to bringing them into the town for sale there).

"his charter"

On the Pipe Roll for 1175-76 the burgesses of Andover paid 10 marks for the right to have a gild. This suggests that their exemption from tolls had also been granted by or about that date.



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Keywords: medieval Bury St. Edmunds market tolls trade disputes London charter exemption abbey jurisdiction retribution

Subject: Dispute over the payment of tolls by Londoners at Bury St. Edmunds

Original source: British Library, Harleian Ms.1005, f.142

Transcription in: Thomas Arnold, ed., *Memorials of St. Edmund's Abbey*, vol.1 ("Cronica, by Jocelin de Brakelonde"), Rolls Series, no.96 (1890), 278-79.

Original language: Latin

Location: Bury St. Edmunds

Date: 1180s

TRANSLATION

The merchants of London wanted to be exempt from toll at the **market** of St. Edmund's; however, many of them paid it reluctantly, being given no option. In consequence, there was great uproar and outcry among the citizens of London in their **husting**. Having discussed the matter among themselves, they informed Abbot Samson that they ought to be exempt throughout England, on the authority of the charter they had received from King Henry II. To which the abbot replied that he was quite prepared, if necessary, to bring in the king to warrant that he had never drawn up a charter for them that was to the prejudice of our church nor to the detriment of the franchises of St. Edmund's, to which the saintly Edward [the Confessor] had, prior to the conquest of England, granted and confirmed **toll and theam** and all regalian rights. And [he said] that King Henry had given the Londoners exemption from toll throughout the lands over which he had dominion – where he was able to give this; he could not give it in the town of St. Edmund, since it was not his [to give].



When this was reported to the Londoners, they communally decided to decree that none of them should frequent the market of St. Edmund's. For two years they stayed away, to the consequent great loss of our market and significant reduction to the offerings made to the sacristy. Finally, through the mediation of the Bishop of London and many others, an agreement was reached between them and us to the effect that they should come to the market and some of them should pay toll, but it would straight away be returned to them, so that through this pretence the franchises of both parties would be upheld.

But after a time, once the abbot had reached an agreement with his knights and had almost settled down in peace, see what again happened: "The Philistines are upon you, Samson!" For the Londoners, in unison, threatened to raze to the ground the stone houses that the abbot had built that year, or else to take a hundred times as much from the men of St. Edmund's by way of **withernam**, unless the abbot promptly redressed the wrong done them by the reeves of the town of St. Edmund, who had taken 15d. from the carts of the citizens of London when they passed through our town carrying herring from Yarmouth. The citizens of London declared that they had been exempt from paying toll in all markets throughout England, wherever and whenever, since the time of Rome's foundation. And that the city of London had been **founded at the same time** and ought to have this franchise throughout England on the grounds that it was a privileged city that had once been a **metropolis**, and on the grounds of its antiquity.

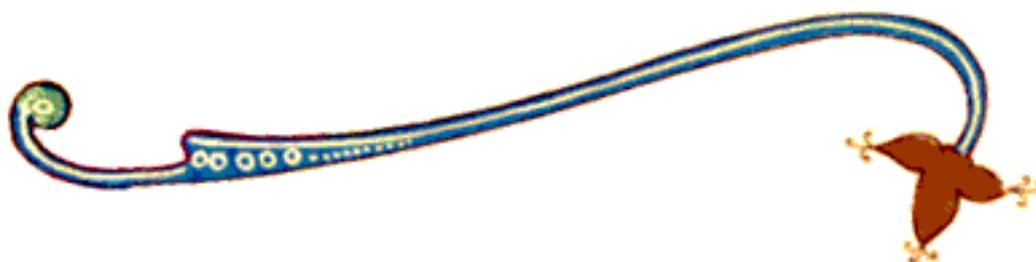
The abbot, however, asked that the dispute be put on hold for long enough for the king to return to England, so that he could consult him on the matter. After receiving advice from legal experts, he restored the 15d. to the claimants [\[on the understanding that\]](#) this not prejudice the question of which party was in the right.

DISCUSSION

This is an early example of the type of dispute that arose frequently in the following century, as the chartered rights of exemption from toll of one party came in conflict with the chartered rights of another party to collect toll. The abbot's claim was based on an unusually **extensive jurisdiction** given the abbey by Edward the Confessor, which did in some regards place the abbey's lands – the size of a small county – outside the mainstream of the realm within which the king could grant exemption from tolls. However, such grants were terse and took no account of exceptions, paving the way for disputes and hostilities.

The first source of dispute seems to have been tolls payable on goods being brought for sale in Bury St. Edmund's market. The face-saving compromise was acceptable to both sides. It suited the Londoners in that they did not have to cut into their profits by paying toll, while for the abbot it avoided establishing a precedent of exemption that might encourage other towns to claim the same. However, the powerful and assertive Londoners were bound not to let matters lie there, when it concerned privileges impacting on their profit margins.

The second source of aggravation came about when the Londoners simply wished to transport their goods through the town en route to London; the town lay on the most direct road from Yarmouth to London, so it would have been difficult to by-pass. From the perspective of the reeves the goods were being imported into the town and tolls were therefore payable; or rather, it was a toll on the passage of the carts, not on the goods they carried. It is not clear whether the 15d. was the total amount exacted from the London convoy, or whether it was per merchant; since **London's own toll** was a halfpenny per cart of herring, the former is probable, unless the St. Edmunds' tolls were truly extortionate.



NOTES

"market"

nundinas might here be translated as fair, Henry I having granted (ca.1124/29) the abbey a 7-day fair surrounding St. James' day (25 July). However, in other contexts in Jocelin's Chronicle, the term seems to be used for the weekly market and here it is used in regard to a right dating back (it is claimed) to before the Conquest; Henry II's charter of ca.1123/35 had confirmed the abbey's right to a market and the tolls collectable there, as fully as in practice under previous kings and in the time of abbot Baldwin (1065 to ca.1100).

"toll and theam"

See the notes to the **Nottingham charter** of ca.1157.

"founded at the same time"

The legend of London's antiquity, with comparison to Rome, is also mentioned in FitzStephen's **description of London**.

"metropolis"

The same legend, that London had once been the seat of an archbishopric, before this was transferred to Canterbury, is also mentioned in FitzStephen's **description of London**.



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Keywords: medieval Nottingham trade disputes Derby tolls commerce livestock mediation smuggling fines exemption

Subject: Agreement between Nottingham and Derby regarding payment of tolls

Original source: 17th century transcript (believed to be from the Red Book), Greaves papers, Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 54-56.

Original language: Latin

Location: Nottingham, Derby

Date: 1279

TRANSLATION

Know, all who see or hear this document made in the form of a **chirograph**, that certain disagreements having arisen between the burgesses of Nottingham on the one part, and the burgesses of Derby on the other, concerning certain exactions made by the parties relating to tolls as well as to sales of living livestock or domesticated animals, and other things indicated below, thanks to the mediation of many friends by the express consent of each community, these disputes have now been settled, at **Sandiacre** as of 26 July 1279, to the following effect: viz., the burgesses of both Nottingham and Derby have granted, on behalf of themselves and their heirs and successors in the liberties of those boroughs, that henceforth any of their burgesses who buys any animal whatsoever, whether domesticated or livestock, within the liberties of the other borough should bring the sellers of those animals before the bailiffs of the liberty – before exiting the liberty with the said animals – for purpose of paying their toll thereon, if he so wishes. If it should happen that any seller refuses to pay his toll thereon, by claiming



some kind of liberty, the buyers are allowed to cancel their purchase of the animals, if they wish; or, if they prefer and they see it as expedient to them, to go ahead [with the transaction] by paying the toll on behalf of the seller. After which, when with their animals they go past the street wardens who are called "Gategeters", or past other [officers] of the liberty of the borough where the purchase was made, who will require evidence from them of toll [having been paid] on the said animals, they can be cleared for passage by giving their oath that they have appeared before the bailiffs in the manner described. If the buyers are thereupon prevented by any representative of the borough from freely passing through, or are arrested, and can clearly prove this to have been the case, then whoever obstructed them shall – under the supervision of trustworthy men of both towns – compensate them for damages suffered as a result of the obstruction or arrest. Yet if it happens that any of these burgesses, of either of the towns, or his servant, dares to escape by himself or with his own livestock out of the liberty, taking with him the aforesaid animals (other than his own), in order to avoid paying toll, and this can be clearly proven, then the offender shall pay a fine of two shillings to the bailiffs for his offence; furthermore, the animals will be held under arrest until the bailiffs have been fully paid the fine and the toll. If any servant convicted of such an offence is found not to have the means to pay the two shillings, then his master shall answer to the bailiffs for as much of the two shillings as the servant's [due] wages cover and shall not have the servant in his service while any of the two shillings remains unpaid, nor shall any other burgess take him into his service until the bailiffs are fully satisfied for the offence; and if thereafter he [i.e. the master], or any other burgess of either town, will have him in his service

[The remainder of the transcript is missing.]

DISCUSSION

This case provides an example of the complications that could arise in the context of the conflicting rights of boroughs to exact tolls on commercial transactions, while at the same time claiming (by right of charter grants) exemption for their burgesses from such tolls. Here the concept of toll is more of a levy or tax on a sale, as opposed to an import/export custom, and who paid the toll was something negotiable within the bargain made between seller and buyer. If the seller agreed to pay part of all of the toll, then tried to evade this by claiming exemption through burgess status (perhaps during negotiations hiding that fact from the prospective purchaser), borough authorities – determined to obtain their toll one way or the other – might then demand it of the buyer, who would be rightfully aggrieved. Under the above agreement, the seller was offered the options of backing out of the sale (even after the bargain was agreed), or of deciding it was in his best interests to absorb the additional cost of the toll. A third, but illegal, option was for the buyer to try to get out of town without having to shoulder the additional, unexpected expense of the toll; whether a dramatic flight is envisaged, or escape via fraud – such as a false oath, or disguising newly-purchased beasts among those already owned – is less clear from the document.

Derby was not in a position to claim a general exemption for its citizens from tolls. Its first extant royal charter of liberties was granted by John in 1204. Nottingham on the other hand had been granted by Henry II (ca.1160) the right to collect tolls not only in the borough itself but along an extensive stretch of the River Trent, from Thrumpton to the south-west as far as Newark-on-Trent to the north-east, and other waterways between Rempstone (south) and Retford (27 miles to the north-north-east). It obtained an exemption from toll from Prince John, throughout his earldom, ca.1189, extended throughout the kingdom in 1200, after he became king. Nottingham's right to collect toll having preceded its neighbour Derby's exemption from toll, this would have been a decisive factor had there been a legal battle.



NOTES

"chirograph"

an agreement between two parties in which the text was written twice, once above the other, and the document then cut into the two halves, in a somewhat irregular way that would identify – when the upper and lower halves were fitted back together – each half as an authentic part of the original (to prevent forgery).

"Sandiacre"

Sandiacre lies about halfway between Derby and Nottingham.



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Keywords: medieval London trade disputes Winchester tolls customs exemption distraing

Subject: Agreement between London and Winchester regarding payment of tolls

Original source: British Library, Add. MS.6036, ff.6-7 (with a slightly variant copy on f.11)

Transcription in: W.H.B. Bird, ed. *The Black Book of Winchester*, (Winchester: Warren & Son, 1925), 11, 23.

Original language: Latin

Location: London, Winchester

Date: 1304

TRANSLATION

On 23 March 1304 there was a meeting between **John Blund**, then mayor of London, William de Leyre, **John de Wengrave**, Thomas Romayn, Walter de Fynchyngfelde, Richard de Gloucestre, Nicholas de Farundoun, John de Dunstaple, Nicholas Pycot, Thomas Sely, Hugh Pourte, aldermen, and John de Burreforthe sheriff, and other citizens on their own behalf and that of the community of the city of London, and Roger de Enkepenne, then mayor of the city of Winchester, and his fellow citizen John de Kyrkeby on behalf of themselves and the community of their city, to negotiate a settlement of disputes that have arisen between them concerning various customs taken at London from Winchester citizens by London bailiffs. In regard to which disagreement, it was agreed the following proposals would take force henceforth. That is, that all citizens of Winchester who belong to its merchant gild shall be exempt in the city of London from **pontage, murage and pavage**, and all other customs whatsoever levied on their merchandize, except for **tronage** of wool given in the past, viz. 6d. for the first sack and 5d. for each subsequent sack, and except for the



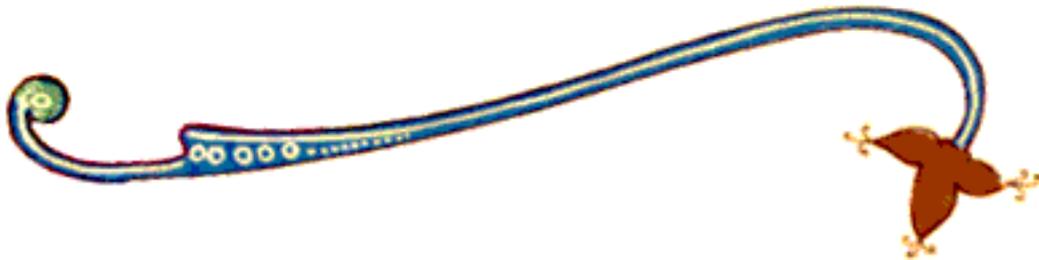
custom on leather hides and woolpells, and similarly the customs taken on the **queen's river**, from which they cannot be exempted, regardless of on what grounds they make their claim. And that all the citizens of London shall be exempt from all customs at Winchester, including pontage, pavage, murage and all other customs and tolls whatsoever. So that this agreement may be remembered forever, it has been enrolled in the **papers** of the London Guildhall in the presence of the mayor, aldermen, and citizens, by the hand of William de Hiclynge clerk of the chamber, who wrote this.

DISCUSSION

This copy of a London record (the translation above being a reconciliation of the two versions) was entered into Winchester's book of memoranda in the context of a later document, likewise originally a London record, concerning renewed complaints in 1408 made by the Winchester authorities before the London authorities of **distrains** made on Winchester citizens to obtain payment of tolls on goods they had bought at London and were carting out. The complaint was of course that this exaction was contrary to the agreement of 1304. In 1407 Winchester had procured a royal writ addressed to the mayor and sheriffs of London stating that Winchester has possessed liberties granted by kings since Henry I, including that "they be exempt from toll, lastage, **pesage**, passage, **cheminage**, murage, pavage, quayage, **picage**, and all other kinds of tolls and customs in perpetuity" [Black Book, p.13], and ordering the London authorities not to harass Winchester men on this matter without first presenting their case to the king. In October 1408 a further writ from the king, issued in response to arguments presented to him by lawyers engaged by Winchester, repeated the tenor of the city liberties and ordered the London sheriffs to appear before him to explain why they had not respected Winchester's exemptions.

The London authorities responded to this situation in November 1408 by ordering that any distrains taken by the sheriff or his officers from Winchester gildsmen should be restored, and no such further action taken in the future unless specifically ordered by the mayor. They reserved the right to make future distrains related to toll-taking in cases where Winchester citizens could not demonstrate that they were exempt; the expectation

appears to have been that a citizen present proof of being a member of the merchant gild.



NOTES

"John Blund"

His mayoralty ran from 1301 to 1307.

"John de Wengrave"

Recorder of London from 1304 to 1319.

"pontage, murage and pavage"

Special tolls levied for funding the building or maintenance of bridges, walls and roads, respectively.

"tronage"

A fee/toll for the weighing of bulk merchandize.

"queen's river"

This refers to **Queenhithe**, a part of the quayside along the Thames that was within the queen's soke (independent jurisdiction); the citizens were not in a position to grant exemption from tolls taken there.

"papers"

Specifically, in Letter Book C.

"pesage"

In the original *pondagium*, the weighing of goods. However, the writ of October 1408 gives *pontagium*.

"cheminage"

A toll for obtaining right of way for land travel (whereas passage applied more to water transport).

"picage"

Right to erect a stall from which to sell one's goods; it assumed that ground needed to be broken with a pick to set the stall firmly in place.



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Keywords: medieval Leicester exemption tolls charter franchises testimonials

Subject: Letters testimonial to support a citizen's exemption from toll

Original source: Leicestershire Record Office, Leicester archives

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899), vol.2, 230-31.

Original language: French

Location: Leicester

Date: 1420

TRANSLATION

To all those to whose attention comes these letters of ours, Thomas Waldgrave mayor of the town of Leicester and the whole community of the town [send] greetings. From time immemorial all the tenants of the **honour** of Leicester, notably the burgesses of the town of Leicester, have been exempt from all kinds of tolls, **passage, pavage, lastage, stallage, pesage, tronage, carriage, picage, terrage**, and all other types of tolls whatsoever, throughout all England, as is more clearly stated in the charters and other grants made by kings who have been and confirmed by our present king (whom God preserve). Therefore we request all those to whom these letters are presented not to allow their bearer, John de Lyn **barker**, a burgess of the town of Leicester, when he comes and goes with his merchandize, to be harassed or caused difficulties regarding the above matter, nor to be **attached or distrained**, to the detriment of our present king (whom God preserve) in regard to his franchise of his **duchy of Lancaster**; nor any of the burgesses of the town of Leicester, in contravention of their above **liberties and franchises**. Rather, out of respect for our lord king and



by reason of his franchise, please allow John de Lyn, and any other burgess of the town of Leicester, to pass through quit and without taking any toll contrary to the franchises and liberties mentioned above. So that no cause be given to the king nor to ourselves to sue our franchise against anyone in such matters. And because exemptions on grounds of the franchise are claimed by many who have no share in it, we have issued these our letters patent to John de Lyn, as one of the burgesses of the town. Sealed with the common seal of the town, together with the seal of the mayoralty there. Issued at Leicester, 3 February 1420.

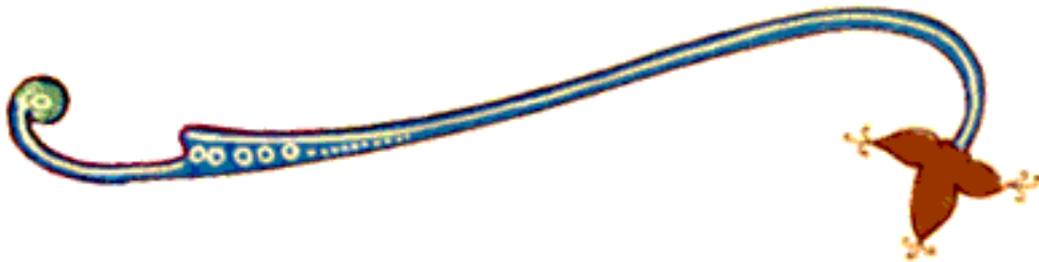
DISCUSSION

There are copies in the borough archives of several letters of the same tenor issued during the 1420s. Such were evidently a means of identifying which townsmen were qualified, by citizenship or membership in a merchant guild, for the charter-granted exemption from tolls. However, it is not clear whether it was common to supply such letters to a town's merchants, or whether occasioned by special circumstances, such as in the case of John de Lyn, when fraudulent claims to exemption jeopardized the respect for rights of those who could legitimately claim it.

As a **mediatized borough** – one not directly under the king's lordship – Leicester's exemption from toll must have been limited for much of the later Middle Ages to the territories that were part of the honour of Leicester. Around the middle of the twelfth century the first so-styled earl of Leicester granted to his burgesses exemption from all customs that might be levied at points in the great forest encompassing the town, and forbade his foresters and other officers to stop the burgesses and their packhorses for such a reason (although a later confirmation suggests this may have been applicable only to timber obtained from the forest – on which see, *Origin of some customs at Leicester*). This was perhaps a confirmation of a privilege granted by the earl's father when lord of Leicester. Some years earlier, the king himself had granted the earl's men exemption from tolls solely at Oxford. But when King John in 1199 – pursuing a grant of privileges to the earl that included the right to collect toll, pontage, passage, pedage, stallage, tallage and various other revenues – granted the burgesses unhindered travel

through the kingdom for purposes of trade, he added the reservation that they should pay legitimate tolls wherever they were due. Although in 1361 the burgesses gained control over tolls collected within Leicester, they still seem to have had no share in the kingdom-wide toll exemptions that the earl himself had received from the king.

When the town came directly under the king's lordship, under the Lancastrians, prospects must have seemed brighter. But it was not until 1416 that Henry V accorded the townsmen freedom from "toll, pontage, picage, murage, pavage, stallage, passage, lastage and carriage", even though his charter claimed they had been exempt from such since time immemorial. This charter helps explain the issuing of letters testimonial in the following decade, as both those qualified and unqualified sought to take advantage of the turn of events.



NOTES

"honour"

I.e. the estates of the earldom.

"passage, carriage"

Fees related to the transportation of goods through or past a customs collection point.

"pavage"

A toll imposed to raise money to support maintenance of the roads.

"lastage"

A toll on the volume of a cargo.

"stallage, picage, terrage"

Fees associated with the assignment of a location from which to sell goods.

"tronage, pesage"

Fees for weighing merchandize. Pesage was a fee paid by the purchaser of goods, the aim apparently being to verify the true weight of the goods being acquired. The purpose of tronage was to ascertain the weight so that the appropriate import/export customs could be assessed, and so the equipment was typically kept at the quayside (see the possible representation on the Elizabethan **plan of Yarmouth**). These operations were normally undertaken using official weights and the tron, or large beam (to distinguish it from the small beam used for goods measured in avoirdupois).

"barker"

A worker of, and dealer in, leather.

"duchy of Lancaster"

After de Montfort's rebellion, the earldom of Leicester was handed over to Henry III's second son and by that route came under the earldom (later the duchy) of Lancaster, and thereby directly to the king once Henry IV took the throne.



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Keywords: medieval Northampton tolls maladministration lawsuits eyre livestock fairs fee farm murage transportation routes

Subject: Complaints about tolls taken by the Northampton authorities

Original source: Public Record Office, Eyre roll JI/1/635 mm.14, 58

Transcription in: Christopher Markham, ed. *The Records of the Borough of Northampton*, (Northampton, 1898), vol.1, 61-63.

Original language: Latin (translation by Markham; I have introduced more punctuation)

Location: Northampton

Date: 1329

TRANSLATION

Pleas of the Crown holden at Northampton before **Geoffrey le Scrop**, Lambert de Packingham, John de Cambridge, Thomas de Luthe, and Thomas de Radeclive, the Justices itinerant of our Lord the King there, on the Monday next after the Feast of All Saints in the 3rd year of the reign of King Edward the Third after the Conquest. [Monday **5th Nov 1330**]



The **Jury** present that John Hohecote, Henry de Helidon, Adam de Cotesbroke, Henry Roger, and Pentecost le Deystere, the Bailiffs of the Town of Northampton, take by extortion from all persons coming to the Town of Northampton to sell straw, trusses of straw to cover the **Kingsbroth** against Fair times, as well within fair times as without. And that the said John, Henry, Adam, Henry, and Pentecost take unjust Tolls at all times of the year from all persons buying or selling cattle; whereas nothing used to be taken out of fair time, and then from dealers only and not from those who bought cattle for stock.

And they took from Thomas de Skalford, who sold one ox, a penny; likewise from the purchaser thereof they took toll. To the great oppression of the people.

Therefore let the Sheriff be commanded that he do cause them to come etc. Afterwards came the aforesaid John de Hohecote and Adam de Cotesbroke and could not deny the aforesaid trespasses presented against them, and made fine with the Lord the King for all trespasses against them presented, each of them at half a mark etc. as appeareth amongst the presentments of the township of Northampton etc. Afterwards came the aforesaid Henry, Henry, and Pentecost and made fine for all trespasses etc. as appeareth amongst the presentments of Northampton.

[....]

Concerning **new customs** etc. The **Jury** present that Henry Roger and other Bailiffs of the Town of Northampton have newly levied a certain new custom in the Town of Slipton, which is fifteen miles distant from the aforesaid Town of Northampton. Namely of taking from every cart laden with wool, wax, and other merchandizes or goods whatsoever there passing, one penny; and from every horse load, one farthing. To great oppression of the people etc. They know not by what warrant etc. Afterwards came the aforesaid Bailiffs and many others of the Commonalty of the said Town and they say that the custom whereof mention is made in the presentment is a toll pertaining to the Farm of the King's Town of Northampton, and that the Lord the King Henry, great grandfather of the Lord the now King, during the time whilst the Town of Northampton was in his hands, was seised of such like toll to be there taken and likewise the said Bailiffs from the time when they took the aforesaid Town at farm. And they say that they receive the aforesaid Tolls at Slipton, which pertain to the aforesaid Farm, from carts and laden horses which ought to pass with their merchandizes through the Town of Northampton, for which they ought to take Toll in the Town of Northampton, and not otherwise; and they pray that these things may be enquired of by the County. And one **William de Tichmerch** saith for the King's people that the aforesaid Bailiffs receive there, by their servants thereunto deputed, the aforesaid new custom from all carts and laden horses, as well of the neighbours there passing towards Leicester or

Rothwell, or elsewhere to the north parts, and likewise to those passing there towards the south with their corn and other things whatsoever, as of those passing there with merchandizes. And this he offers to prove etc. Therefore let a Jury thereupon come. And the Jury say upon their oath that the aforesaid Henry, Roger, and other the Bailiffs of the town of Northampton have during their times, by their servants taken the aforesaid customs from the carts and laden horses as well of the neighbours as of strangers there passing with their goods and merchandizes at the will of the said servants. Therefore the said Henry is in mercy. And it is commanded to the said Bailiffs that they do in no wise take the aforesaid customs from the neighbours or others there passing, but only from those who avoid the aforesaid Town of Northampton to evade the custom or toll of right due, by reason of the liberty of the aforesaid town, on peril that shall ensue thereon.

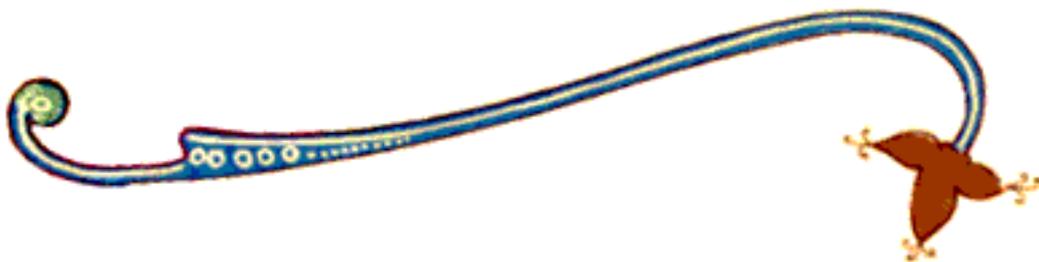
DISCUSSION

These cases suggest that the Northampton authorities were overstepping the mark in the application of their right to collect tolls. The complaint in the first case is that tolls associated originally with the fair had been extended into the rest of the year, and were being taken from both parties to a transaction, a form of double-dipping. A third complaint made at the eyre (not transcribed by Markham) was that during a stay of the king's young sons at Northampton castle, in 1306-07, the town bailiffs had made special prises (requisitions) to supply the princes' household but, after their departure, had continued with those prises. The eyre justices ordered that the prises stop, and that the taking of trusses be restricted to fair time.

In the latter case, the reference made to Henry III as the source of the right to collect the tolls in question may point to the grants of **murage** and pavage made by the king at different occasions. Although these were of short-term duration, perhaps they had encouraged the authorities in an indefinite but unwarranted continuation. Possibly the first case may stem from such a problem, since the 1252 grant included the right to levy a halfpenny per horseload of straw and the same amount on the sale of horses and cattle.

Slipton was a small village northeast of Northampton. It would seem rather far afield for the Northampton authorities to be levying toll, although those at Nottingham, for example, had **toll collection jurisdiction** well beyond the town proper. The defence offered by the town bailiffs, and the finding of the court, indicates that the Northampton initiative at Slipton was a pre-emptive toll collection on goods that, if following the main road, ought to travel through Northampton, but whose owners might try to circumvent toll collection by deviating from the main route. Slipton lay near the road from Northampton to Peterborough. However, it also lay near the route from Cambridge to Leicester, which would not have passed through Northampton and it seems that overzealous collectors were not discriminating in the targets for toll collection. The complaint also distinguishes between the passage of long-distance mercantile goods and the produce being taken to market by local growers, noting that the toll-collectors failed or neglected to make the distinction themselves.

Although in the first case the finding was that unwarranted tolls had been levied, in the latter the toll itself was not questioned, only the indiscriminating application of it to local commerce not impinging on Northampton – an application probably reflecting an unwarranted extension of an older practice.



NOTES

"5th Nov 1330"

Sic. It should be 6 November 1329.

"Jury"

This was the jury representing Spelhoe hundred.

"Kingsbroth"

This should be *Kyngesbothe*, as per the notes on this record made by Sutherland (*The Eyre of Northamptonshire, 3-4 Edward III*, Selden Society, vol.97, 1983, 244); this may have been the booth where tolls were collected. According to contemporary law reporters' accounts of the eyre, the straw being imported into Northampton was for the purpose of providing a covering for the streets.

"new customs"

The possibly unwarranted introduction of new levies was **one of the articles** normally enquired into by the eyre.

"Jury"

This was the jury representing Huxloe hundred.

"William de Tichmerch"

Titchmarsh was just three miles east of Slipton, and so it may well be that William was one of the aggrieved parties from whom toll had been taken, or perhaps the local reeve.

"Rothwell"

A village a few miles west of Slipton.



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translation | discussion | notes

Keywords: medieval Torksey tolls jurisdiction exemption commerce ships customs administration regulations transportation routes

Subject: Usages governing the collection of tolls at Torksey

Original source: British Library, Rot.Cott. ii, 14

Transcription in: N.S.B. Gras, *The Early English Customs System*, Cambridge (Mass.): Harvard University Press, 1918, 155-158.

Original language: Latin

Location: Torksey

Date: 1228

TRANSLATION

Concerning tolls

They say that *thourhtoll* and *overthuertoll* belong to the lord of Torksey between the **following places**: from Hameldod, a place between Cleston and Neuton, as far as Surtherswath, which is between Kindardeferi and Boterwik; and in the **following places**: Hameldod, Neuton, Lagtherterton, Torksey on the east side of Holdhagh, Graunge, Marton, Lee, More, Stoketh, Kinardferi, Surtherswath, Scotermore, and between all these places. But now their **[collection]** is obstructed by the abbot of Wurgo St. Peter at Surswath and Scotermore, at Stoke by the men of Nottingham, and at Kinardferi by the Mowbrays. He ought to receive the following tolls:

London:

They say that no-one from the liberties of London, Lincoln, Nottingham, York, Beverley, nor Torksey is obliged to pay toll to the lord of Torksey. Toll shall be paid on all other goods, chattels, **[or]** merchandize under the following conditions: viz. that if anyone is



prepared to take oath that the cargo is not merchandize or that he intends to keep the goods he has purchased for a year and a day, he is not obliged to pay toll either by land or by water. And it is common knowledge that if tolls are paid on the cargo, the ship transporting the merchandize does not need to pay anything. But if the goods in the ship are exempt from paying toll, the ship ought to pay something for its passage or for the service provided to the ship (unless it is from any of the liberties already mentioned), in the following way:

| | |
|---------------------|-----|
| A ship with oars | 4d. |
| A ship without oars | 2d. |
| A small boat | 1d. |

And if the goods in the ship ought to pay toll, they should pay according to the following schedule:

| | |
|-----------------------------|-----------|
| A last of herring shall pay | 4d. |
| 100 large ling | 4d. |
| 100 cod | 2d. |
| 100 small ling | 1d. |
| 100 dried fish | 2d. |
| 100 cod | 2d. |
| Each salmon | halfpenny |
| Every quarter of grain | halfpenny |
| A fother of lead | 4d. |
| A horseload of iron | 2d. |
| A sack of wool | 4d. |
| A tun of wine | 4d. |
| A tun of ashes | 4d. |
| A frail of woad | 4d. |
| A bale of alum | 1d. |
| A pack of " mailed " | 2d. |

Firewood, straw, hay, clay, stones, coal, materials for roofing houses, turves and all similar materials are not subject to toll.

| | |
|------------------|-----|
| A millstone post | 4d. |
| A millstone axle | 2d. |

| | |
|--|-----------|
| A millstone | 4d. |
| A grindstone with a centre-hole bored through it | 4d. |
| And one without a centre-hole | 2d. |
| A clove of teasels | halfpenny |
| Timber weights for the millstone post | 4d. |
| 100 large boards | 4d. |
| 100 small boards | 2d. |

If any ship is from any [aforementioned] liberty and someone who is not of that liberty has that use of the ship for the year for any payment or the fourth penny, then he who has the use of the ship should pay toll on it in the form already mentioned. If anyone from a liberty owns goods jointly with someone else who is not of a liberty, then toll ought to be paid on all the goods. And it is common knowledge that no goods or merchandize should be unloaded from a ship onto dry land until customs are assessed in the presence of the bailiff, regardless of whether it ought to pay toll or not, and until the bailiff has examined them. Similarly, no goods brought by land are to be transferred to water or loaded into a ship until customs are assessed in the presence of the bailiff. If anyone brings any ship to Torksey and unloads goods and the goods are of the liberty, the ship must pay its toll. If the ship takes on new freight to be taken out [of Torksey], again it must pay toll if the goods are of the liberty.

They say that no merchandize nor any goods coming north by water from Newark are to be put ashore before they reach Torksey. Also, that no goods nor merchandize coming south from Gainsborough are to be put ashore before they reach Torksey. If they [i.e. the ships' masters] do so, the bailiff of Torksey has power in the matter to seize the goods and merchandize that were in the ship, as if an attempt had been made to evade paying toll, and to keep them until they make amends to the bailiff and the lord for that transgression. Goods such as lead and timber are not to be put ashore except in certain [predetermined?] places. Lead is to be laid out in a row, and timber placed in a heap, without [causing] any other blockage. If they are unwilling to do this, the bailiff should undertake it and recover his costs from the goods.

Toll taken by land:

They say that the manner of levying toll [on goods coming] by land is thus: those who cross over the water [at?] Neuton [or] Laghtterton from the east side of Holdehagh, Marton, Lee, [or] More should pay their toll there; but those who pass between Newark and Gainsborough, or in the reverse direction, through the middle of Torksey should pay their toll there, or churchtoll; and also those who cross the Trent at Torksey should pay their toll there. [Toll is to be paid] as indicated below:

| | |
|--|-----------|
| A wagon loaded with goods and merchandize of any kind crossing within the liberty or passing through the liberty | 4d. |
| A cart similarly loaded | 2d. |
| A pack-horse | 1d. |
| A small pack | halfpenny |
| A cartload of salt | halfpenny |
| A man carrying a bundle with a "brestbrede" | halfpenny |
| And without " brestbred " or ox or cow | halfpenny |
| 8 sheep | 1d. |
| A horse led by hand | 1d. |
| If it has been borrowed | nothing |
| Every colt in a stud | halfpenny |
| A pig [at least] two years old | halfpenny |
| And within 4 | halfpenny |

DISCUSSION

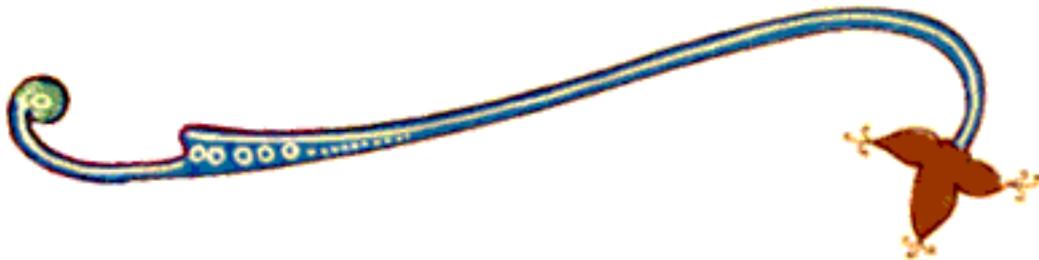
Torksey, Lincolnshire, is situated at the River Trent's junction with the **Fosdyke**, a Roman cut connecting the Witham (which ran through Lincoln) with the Trent, which itself came northwards from the future site of Nottingham and continued flowing north into the Humber. Regardless of the Roman reasons for creating England's first canal, the Fosdyke was a boon to inland transportation and trade. A settlement was established there in consequence and was important enough to be used in 873 as the base for a Danish army – doubtless because of its location on waterways that facilitated forays by invading forces. By the tenth century it had become one of England's major pottery-making centres, with **Torksey ware** being sold across the country. It was considered a borough, if a small one, by the time of Domesday. It appears to have had a close relationship with Lincoln, ten miles southeast of Torksey – being described on one occasion as a "suburb" of Lincoln; the Fosdyke allowed Lincoln's trade an alternative route to that via the Witham entering the North Sea at the site of Lincoln's competitor, Boston.

The canal, however, was not maintained well and periodically became so badly silted as to be unusable; in 1121 the Bishop of Lincoln had it scoured to restore its navigability. By the beginning of the fourteenth century the canal appears was becoming impassable again (although perhaps only during the dry period of each year, when its water-level fell), for goods sometimes had to be carted by road between Torksey and Lincoln; the scouring process was repeated in 1335. The Trent, however, was and remained an important inland transportation route between the Midlands and the North of England.

The adverse effects of the Conquest and its aftermath was another contributor to Torksey's fluctuations in fortune: the burgess population dropped by over 50%. Torksey was unable to maintain its early importance into the late Middle Ages.

This document takes the form of an inquisition into what tolls might rightly be taken along a stretch of the Trent by the lord of Torksey, and how the taking of tolls was to be administered. One of the principal features of interest is that the document explicitly deals with some issues that most lists of tolls take for granted, such as the circumstances governing exemptions. The document reflects not only a network of toll-stations along inland waterways, but also the growing number of urban exemptions from such

tolls (Nottingham, for example, had its exemption investigated and confirmed by Torksey authorities in 1342), as well as personal exemptions on goods that were not for commercial use (i.e. re-sale) but for personal or household use. At the same time, there was the attempt to restrict loading and unloading of cargos to certain locations where, and situations under which, toll collection could be effectively administered.



NOTES

"thourhtoll and overthuertoll"

My working hypothesis is that these two terms may mean "the water toll" (i.e. on goods transported by river) and "the over the water toll" (goods transported across a bridge over the river – a bridge being the most efficient site for toll collection).

"following places"

The settlements mentioned in the document are scattered along the course of the Trent – all on the east side, as far as I can determine. Apart from Newark-on-Trent (Neuwerke), which lies halfway between Nottingham and Newton-on-Trent, the most southerly appears to be North Clifton (assuming it to be Cleston), a couple of miles above which is Newton-on-Trent (Neuton), with Laugherton (Lagtherterton) lying between Newton and Torksey itself. Marton is less than 5 miles north of Torksey, then comes Lea some 8 miles further. Just north of Lea is Gainsborough, today the largest of the places within the scope of the toll-collecting jurisdiction. At the northern boundary of Gainsborough is Morton (More?) with Stockwith (Stoketh) divided by the Trent into East and West a few miles further north. Continuing along the Trent we reach Owston Ferry, a candidate for Kinardeferi; nearby Susworth (Surtherswath?) does lie between Owston Ferry and West Butterwick (Boterwik). Butterwick and Scotterthorpe (Scotermore?) are towards the northern end of the Trent, where it begins to widen before entering the Humber.

"fother"

A measure of weight; it has been estimated as equivalent to 2100 lbs. avoirdupois, but medieval weights often varied according to time and place.

"frail"

A large wicker basket, commonly used for transporting fruit and woad.

"mailed"

Perhaps refers to chain-link mail, although this is highly speculative.

"clove of teasels"

A clove was a volume in weight. Teasels were used in the cloth-finishing process.

"brestbred"

Perhaps some kind of apparatus strapped around the chest to assist with the carrying of a pack, or possibly something similar to the breast-board used to attach oxen to ploughs?

"borrowed"

My translation "borrowed" assumes the original Latin *mutatus* is flawed. *Mutuatus*, borrowed (i.e. the trader is not wealthy enough to own a horse), is more plausible than the vague "altered" or "changed", unless it somehow implies castrated.



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Keywords: medieval London customs exports imports commerce scavage spices food wool leather fur cloth haberdashery produce livestock fish hardware transportation bailiff fees

Subject: Customs charged on imports to and exports from London

Original source: Corporation of London Records Office, *Liber Albus*, ff. 194-195

Transcription in: Henry Thomas Riley, ed. *Liber Albus*. Rolls Series, no.12, vol.1 (1859), 229-36.

Original language: French

Location: London

Date: late 1260s

TRANSLATION

Here are noted the customs which have traditionally been imposed on things coming to, or being taken out of, London for sale; as was presented to the Barons of the Exchequer by the citizens, at the command of our lord king, while the city was in the hands of the king after the disturbance made in the kingdom in the time of Sir Simon de Montfort, earl of Leicester.



Customs of the city

Scavage

This is the inquisition made in the city of London, by its citizens, concerning the levies and customs that the king has the right to take from merchants and merchandize entering and leaving the city; that is, from those who are subject to customs.

- Forty pence is due as **scavage** for a load of grain that weighs three **hundredweight**.

- Sixpence for a **load** of pepper weighing three and a half hundredweight.
- Eightpence for a load of **alum** weighing four hundredweight.
- Sixpence is due as scavage for a cargo of sugar, **cumin**, **almonds**, **brasil**, quicksilver, ginger, **zedoary**, "**lake**", **liquorice**, small spices (such as cloves, mace, **cubebs**, nuts, nutmeg), **vermilion**, glass, figs, raisins, **sumach**, sulphur, ivory, **cinnamon**, gingerbread, rice, turpentine, cotton, whalebone, **frankincense**, "**pioine**", **anise**, dates, chestnuts, **orpiment**, olive oil, and other kinds of [goods measured by] avoirdupois; of which a cargo should weigh four hundredweight. If there is less than one [full] load, then [the amount of custom is] according to the quantity of the item, down to a quarter [of a load]; that is, threepence for a half load, and a penny halfpenny for a quarter load. The king has the same customs from fine wares associated with spicery, as well as for small seeds, [the amount] according to the weight, and for confectures of spicery.

Levies on Spanish wool and haberdashery

For **packs** of Spanish wool, "**wadmal**", **mercery**, canvas, marten skins, cony skins, furs, linen, fustian, felt, **lorimery**, fells, **haberdashery**, squirrel fur, **parmentery**, **shalloons**, **Rennes** cloths, silk cloths, and on other items that are usually in packs, sixpence; for half of a pack, threepence, and for a quarter of a pack, a penny halfpenny.

One penny [is payable on] a **dozen** of **cordwain**, one penny the dozen of "**godelmynges**", one halfpenny the dozen of **basan**, one halfpenny the pound of silk, one farthing the pound of **saffron**. Let it be known that this custom is levied only on goods which come from abroad. **No customs** are due from wax, **verdigris**, copper, tin, or **grey-work**, if they do not pass beyond Thames Street towards the north; if they do pass, they shall pay sixpence for a pack, threepence for half a pack, or a penny halfpenny for a quarter of a pack.

Customs on victuals

The customs applicable to the small trades in the market of London:

- Three-farthings is payable for every quantity of poultry brought by packhorse, freemen excepted.
- Every man who brings cheese or poultry, if it is worth fourpence halfpenny, shall pay a halfpenny, freemen excepted.
- If a man on foot brings 100 eggs or more, he shall give five eggs, freemen excepted.
- A man or woman who brings any kind of poultry by packhorse, and unloads it, shall pay three-farthings as **stallage**. If a man transports it on his back and then sets it on the ground, he shall pay a halfpenny, no matter what his **franchise**.
- A halfpenny per day is payable for every bread-basket. A bread-basket brought by a baker to the west of the **Walbrook** is due a penny halfpenny if coming to market on Sunday, but only a halfpenny on other days.
- Every **foreign** butcher who sells meat in the market shall pay a penny for stallage on Sunday.
- A halfpenny is payable from every cart bringing grain into the city for sale; if it enters by **Holborn or the Fleet**, one penny is to be paid, freemen excepted.
- Every man who brings grain by packhorse, no matter whether a quarter or a half [**quarter**], and unloads it shall pay a farthing, no matter what his franchise. If he is a freeman and sells it from his horse, he shall pay nothing.
- A halfpenny is payable from every cart from **Bromley or Stepney** which comes to the city with bread. A halfpenny or one loaf is payable from a cart bringing bread into the city from some other town, no matter what the franchise [**of the owner**].
- A halfpenny is payable from a cart bringing earthen pots, no matter what the franchise.
- A farthing is payable from a cart bringing coal for sale, at whatever place the coal is sold, no matter what the franchise.
- A halfpenny is payable from a cart bringing alder wood for sale.
- A halfpenny is payable from a cart bringing timber, with or without the bark, except for squared oak timber (which pays nothing).
- A cart bringing boards for sale, if it brings twenty-five or more, shall give one board; if fewer than that, it gives nothing.

- A cart bringing oak **laths** shall give one lath. If it brings beech laths it shall give a halfpenny and one lath.
- Twopence is payable from a cart bringing nuts or cheese; twopence halfpenny if it enters by the Fleet or by Holborn.
- Twopence is payable from a cart bringing fish or poultry to **West Cheap**.
- Twopence is payable from a hired cart coming to the city with wool, hides or other merchandize. Twopence halfpenny if it enters by Holborn, the Fleet, or **Aldersgate**.
- For every dead Jew [to be] **buried** in London, threepence halfpenny.
- A halfpenny from every cart bringing bark; if it enters by Holborn or the Fleet, nothing.
- A halfpenny and one bunch of leeks is payable from every cart bringing leeks during Lent.
- Sevenpence halfpenny is payable from a cart carrying woad out of the city, if it carries four quarters or more; if less, it shall pay one penny per quarter.
- A halfpenny is payable from a cart bringing cod, herring or other types of fish.
- A farthing is payable by any man or woman whom brings bread [worth] fourpence halfpenny from **St. Albans** to sell.

Smithfield customs

These are the customs [payable] at **Smithfield**:

- One penny for every full-grown cow or bull sold, freemen excepted.
- One penny for every dozen sheep; if there are fewer (or just a single one), a halfpenny.
- If foreign traders bring bulls, cows, sheep or pigs between Martinmas [11 November] and Christmas, they must give the bailiff the third-best beast, or must reach [some other] agreement with the bailiff before entering the county of **Middlesex**.
- If a bailiff takes from the [Smith]field as **scavage** a bull or cow priced at 13s.4d or more, he must reimburse the trader 3s.4d for the hide.
- If a foreign trader brings lean pigs for sale between **Hokeday**

and Michaelmas [29 September], he must give the bailiff the third-best pig, unless he pays a fine of sixpence or twelve pence to the bailiff.

Customs of the bridge

These are the customs of **the bridge**.

- A ship bringing cod, without any other fish, shall give two cod, freemen excepted.
- A ship coming with cod or rays shall give one cod and one ray, freemen excepted.
- A ship coming with herring (fresh or salted) shall give 100 herring, freemen excepted.
- A ship with **bulwarks** which anchors in the Thames must pay twopence for **strandage**, freemen excepted.
- A ship bringing sea-bass, conger [eels], mullet, turbot, shad, [or] eels, pays no custom other than twopence for strandage of the ship.
- A ship with **bales** which anchors in the Thames must pay one penny, freemen excepted.
- A ship bringing mackerel shall give 26 mackerel, freemen excepted. The same [proportion of] custom is to taken by the bailiff from a ship bringing **ling** or haddock.
- A boat bringing five **panniers** of whelks shall give one pannier and one halfpenny, freemen excepted. The same custom is to be taken by the bailiff from a ship bringing ling; it is not to pay more for bringing a larger volume.
- If a boat belonging to a foreigner brings ling, mackerel, or haddock, but the fish belong to a freeman of the city, no custom is payable except for a halfpenny for strandage of the boat. If the fish belong to a foreigner, the bailiff may take 26 of the fish and the halfpenny for the boat. If half of the fish belong to a foreigner, he only need pay half of the custom.
- A boat rowed using **tholes** that comes to **Oystergate** shall pay one halfpenny, freemen excepted.
- A boat rowed [with oars] within **rowlocks** that comes to Oystergate shall pay one penny; if a half-share in the boat belongs to a freeman of the city and the other half to a

foreigner, the latter is to pay half of the custom – that is, a halfpenny.

- If an outsider buys cod in the city and exports it for resale, he is to give twopence per hundred, one penny for fifty, and a halfpenny for twenty-five, freemen excepted.
- If an outsider buys white herring or red herring in the city, he is to give one halfpenny per thousand of the white, and a farthing per thousand of the other.
- Merchants who bring fish (cod and rays excepted) into the city by land, by packhorse, are to give one fish per **dorser** and a halfpenny per horse.
- Outsider merchants who buy fish in the city and export it for resale are to give a farthing per horseload.
- If a cart brings a foreigner's salmon into the city, the bailiff may take the second-best salmon as custom, and twopence for the cart. If the salmon belongs to a freeman of the city, the bailiff shall not take any of the fish, only twopence for the cart.
- A cart bringing white or red herring into the city is to give five herring and twopence for the cart, freemen excepted.
- A cart bringing mackerel is to give five mackerel and twopence for the cart, freemen excepted.
- The bailiff may take the same from ling brought by cart.
- A cart bringing cod is to give one cod and twopence for the cart, freemen excepted.
- A cart bringing eels is to pay twopence, but nothing for the fish.
- A halfpenny is payable for a horse bringing apples, pears or other kinds of fruit.
- A halfpenny is payable for a cart bringing other kinds of fruit.

Fees of the bailiff of the bridge

The bailiff may not take anything from a man **[carrying goods]**. From every boat bringing sprats, if it is not of the franchise of London, the bailiff may have a basketful and one farthing for the boat. From a ship bringing dabs, twenty-six dabs per hundred are due; if it brings fewer **[than a hundred]** nothing is due, and if greater no more is due than for a hundred. One penny is payable on a porpoise; if it is cut up for selling by retail, the bailiff shall have the entrails, the tail, and the three fins. From a ship bringing conger the bailiff may take the best and the

second-best for his fee, based on the highest price set on their sale; if it is from the Cinque Ports [however], nothing is given. Two salmon are due from a Scottish ship bringing salmon; if it brings salmon and cod, one salmon and one cod are due; if salmon and haddock, one salmon and thirteen haddock; and twopence for the ship. The first ship arriving from Yarmouth with white herring, from which full custom is due, shall give 200 herring; any other ship which arrives afterwards shall give 100 herring, freemen excepted.

Billingsgate customs

- Twopence is due from every large ship that comes to shore, for strandage. From a small ship with oarlocks that comes to shore, a penny. From a boat that comes to shore, a halfpenny.
- For two quarters of grain, measured by the king's quarter, a farthing.
- For one **coombe** of grain coming by water, one penny.
- For every quarter of woad exported from the city by water, a halfpenny.
- For two quarters of sea-coal, measured by the king's quarter, a farthing.
- For every **tun** of ale exported overseas by outsider merchants, 4d.
- For every thousand herring imported or exported by outsiders, a farthing, freemen excepted.
- If an outsider exports cod from of the city, he is to give twopence per hundred.
- If an outsider merchant exports overseas butter, tallow, or lard, he is to give threepence halfpenny for the first wey and a halfpenny for every additional wey.
- For every wey of cheese exported by an outsider, fourpence.
- For every **last** of leather exported by an outsider, twelve pence.
- For a **dicker** of leather exported, twopence.
- For **nonpareil** leather exported, a halfpenny.
- For every **truss** of leather tied with cords, fourpence.
- For every truss of any kind of merchandize, large or small, tied with cords, fourpence.
- For every truss of cloth, large or small, exported abroad by an outsider, fourpence.

- For "**harpoys**" and "**fysseponde**", a penny farthing.
- For a portion of sulphur, a penny farthing.
- For every tun of wine imported or exported, on which duty is payable, twopence.
- For every tun of honey on which duty is payable, twelve pence.
- From every ship bringing nuts, fourpence.
- For a single **store** in a ship, fourpence.
- **[For]** a cargo of nuts, fourpence.
- For every cartload of lead exported by an outsider, fourpence.
- For every hundredweight of iron imported or exported abroad by an outsider, a farthing.
- For every two quarters of onions imported by an outsider, a farthing.
- For every hundred bunches of garlic, a halfpenny.
- For every last of clay and potter's earth imported and exported by an outsider, threepence.
- For every **last** of barrelled herring **[exported]** by an outsider, threepence.
- For every hundred of the boards called wainscot, a halfpenny.
- For every hundred of the boards called "**Ryghholt**", one penny.
- For one ton of flax imported or exported by an outsider, fourpence; if less than a ton, twopence. For flax that comes in bundles, one penny per dozen.
- For every wey of feathers **[imported]** by an outsider, twopence.
- For horses and other animals exported by an outsider, fourpence a head.
- For a barrel of **litmus** **[imported]** by an outsider, a farthing.
- For a hundred stockfish coming from Prussia, a farthing.
- For pottery brought in – that is, **tureens, pipkins, patens**, earthen pots – or other small wares (other than mentioned above) imported or exported abroad, the bailiff is to take nothing.

It is ordered that no boatman transporting passengers from Billingsgate to Gravesend, or vice versa, is to charge more than twopence per passenger.

DISCUSSION

In the conflict between Henry III and his barons, London's ruling class were satisfied to remain loyal to the king. Popular discontent however surfaced in the form of an uprising in 1263, which led to de Montfort being welcomed into the city and Londoners furnishing part of his army for the victory at Lewes. Following de Montfort's defeat and death in 1265, London's government was seized into the king's hand for several years. It was in this context that the above record was made of the tolls that could be imposed on various merchandize entering the city.

By the latter half of the thirteenth century, London's population may have been approaching as many as 80,000 residents. This provided an important market. The wealthier citizens, along with the residents of the several monasteries and episcopal households in the suburbs, and the members of the royal court, provided a clientele for luxury goods. London was itself an industrial centre for the production of such goods.

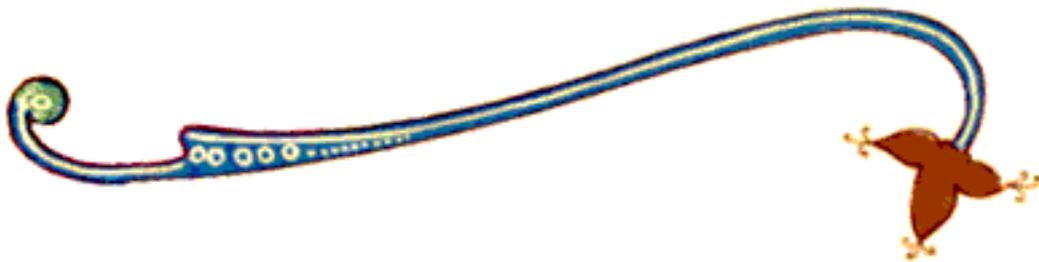
Scavage was a type of import duty collectable from those not citizens (in this case, of London). Half went to the revenues of the sheriffs, while the other half belonged to the citizens who **hosted** the merchants who brought the goods from which scavage was payable. A further passage, of f.193 of *Liber Albus* also deals with scavage, but the customs specified there were double those reported to the king; the same being true of the customs on cloths and furs. This is probably because the inquisition of the 1260s ignored the half payable to the hosts.

On some of these items (e.g. wool, cheese, leather, ale), tronage or pesage were also payable, these being fees for weighing merchandize.

The items on which customs were payable give a good sense of merchandize being traded in the city, and of the diet of medieval townspeople. There are represented both luxury goods brought from overseas, and basic foodstuffs and other necessaries – the small trades being those dealing in small quantities (retail) of necessaries – produced in the region around London and brought into the city for sale primarily at Cheapside, although some of the commodities evidently might be sold wherever the seller thought a convenient spot, or wherever buyers might be found. It was assumed that the unloading of goods from a packhorse represented an intention to sell them. Less apparent to the modern eye from

the lists is that some of the items listed may have been intended as drugs or medicaments for distribution by apothecaries (a term applied to spicers) or grocers. Spices such as cloves, mace, nutmegs, ginger, cinnamon, almonds, could be used to stimulate the appetite of the sickly. Besides their principal use by the dyeing industry, alum and copperas were applied to wounds (metal sulphates were believed to be antiseptics). Honey was also used to balm wounds – it contains an antibacterial enzyme – and even ink could be used on wounds.

Additional passages following after those above dealt with customs levied at **Queenhithe** (the earliest harbour/market of the post-Roman city, towards the western end of the walled precinct, in which part the Saxons first settled), the wool market at Woolchurchhaw, and the grain and produce market at Gracechurch, for goods similar to those already noted.



NOTES

General note

The text of the original did not have the various tolls itemized; I have formatted it thus for easier comprehension.

"scavage"

According to Riley, the meaning of scavage derives from the inspection of goods by customs officers; thus it would not so much be a toll as a fee.

"hundredweight"

A medieval hundredweight – 100 lb. (now 112 lb.) – was equivalent to about 45 kg.

"load"

The word here translated "load" was *kark*, whence our "cargo" and (less commonly used now) "charge"; while those terms are today used in a general sense, they had a more specific use in medieval times – possibly 3 or 4 cwt., as the *Liber Albus* says at one point – for a kark was given precise definition in the Assize of Weights

and Measures.

"alum"

Used in dyeing cloth; it was the most common, easiest to use, and one of the most effective of several metallic salts that could be used to fix the colour a cloth was dyed. Its main source was trade with Italy.

"cumin"

A common spice grown and used in medieval Europe; while it might have been grown in England, supplies were more likely to have come from the Mediterranean.

"almonds"

A very popular element in medieval cookery. Although Palestine was the probable original source for importing them into Europe, the trees came to be cultivated in many European countries.

"brasil"

A wood originating in the East Indies, or an extract therefrom, used for dyeing and in red ink.

"zedoary"

A bitter, aromatic spice originating in the East Indies, with stimulant properties.

"lake"

May perhaps refer to lilac, used by apothecaries. Riley notes that "lak" was used for a fine linen; however, that meaning would seem out of place in this list.

"liquorice"

A sweet root, or the extract therefrom, used by apothecaries; supplies were probably brought from the Mediterranean.

"cubebs"

A plant grown in the East Indies, and probably reached Europe through the Middle East; its fruit was bitter and aromatic, and was used as a pepper.

"vermilion"

Made from cinnabar, which came from the Red Sea; it was purchased through Italian merchants; it was used for dyeing cloth, and for colouring sealing wax.

"sumach"

The leaves, and to some extent the bark, were a source of tannin, for treating leather, while the berries yield a black dye. There are also medicinal uses, but whether these were known during the Middle Ages, I cannot say. Species of the plant were widely distributed throughout Europe, but the likely source at this period was southern Europe.

"cinnamon"

Originated in Asia, but reached Europe through trade with the Middle East.

"frankincense"

A gum from the Middle East, used in incense because of its sweet odour.

"pioine"

The meaning of "pioine" is uncertain; Riley offered various possibilities: prunes; a sweet liquid; seed of the peony; hemp. My inclination is slightly towards peony seeds, which may have been used by apothecaries, or even perhaps as a spice.

"anise"

Used for flavouring both foods and drinks. Native to the eastern Mediterranean, it was also cultivated in Central Europe in the Middle Ages.

"orpiment"

Orpiment (auripigment) was a mineral – an arsenic – used as a yellow dye.

"packs"

The term here translated packs (in regard to cloths, furs etc.) is in the original *feez*. Riley assumed this was a plural form referring to the tolls, and translated the term as "fixed charge". However, I suspect – in part based also on use of the term in the Norwich list of tolls – that it derives from the Latin *fessa*, which was a type of measure known to have been applied to furs, and is a singular. Not knowing precisely what the measure was, I have chosen the relatively neutral term "pack" as translation.

"wadmal"

A thick, coarse kind of woollen cloth, made particularly in Iceland and other northern countries.

"mercery"

Although a mercer originally traded in a variety of goods, the term came to refer to specialization in high-quality cloths (e.g. silk).

"lorimery"

Leather worked to make harnesses and bridles. Riley thought the reference to a single, specific item, which he hypothesised to be cloth for covering saddles.

"haberdashery"

Small wares made of cloth; Riley, however, thought the reference to a single specific item, suggesting *hapertas* or *hauberget*, a coarse, thick cloth (such as that used for monks' habits).

"parmentery"

Clothing made out of leather

"shalloons"

Originally produced in Châlons, they were loosely woven, lightweight woollen cloths, often used for lining clothes.

"Rennes"

The original *Reynes* might also be translated at Rheims, but the city of Rennes, Brittany, had a reputation for fine linen in the Middle Ages.

"dozen"

In relation to some goods (e.g. cloth), "dozen" represented a volume rather than a quantity.

"cordwain" "godelmynges"

Cordwain was a soft, fine-grained leather originally produced in Cordoba, originally using goat-skin, and tawed with alum; it was particularly used in shoemaking.

"Godelmynges" appear to have been the same, except using the skins of young animals; Riley suggested this term derived from Godalming, Surrey.

"basan"

Leather made from sheep-skin and tanned using the bark of an oak or larch. It was inferior to cordwain, although unscrupulous cordwainers might sometimes try to pass off basan for cordwain; there was a separate branch of leatherworkers using basan.

"saffron"

Used to produce a yellow dye; it was both grown domestically and imported.

"No customs"

The items from which no customs were due are referred to elsewhere as merchandize brought by German merchants, and presumably relates to **exemptions from customs** the Hanse towns had acquired from the king .

Evidently they were only exempt from custom if sold on the quayside.

"verdigris"

The meaning of the term in the original, *argoil*, is uncertain. Riley believed it meant cream of tartar (used in dyeing), but noted that others had interpreted it as potters clay (Fr. *argile*). Archil (Lat. *arguella*), a violet dye obtained from a lichen, is a further possibility. However, given the contextualization of the term at London in association with copper and at **Ipswich** in association with copperas, I favour the translation of verdigris (Lat. *argelzarus*), a green or blue compound involving copper that is today used as a paint pigment and was used in the cloth-dyeing process in the Middle Ages.

"grey-work"

A type of fur.

"stallage"

Stallage was a fee for the right to set up a stall from which to sell goods. Traders in small quantities of goods might not bother with a stall, or might carry the goods around the streets, like pedlars. Therefore it was considered that unloading of poultry from the horse's back, to display them on the ground, was tantamount to

selling from a fixed place and ought to be subject to the equivalent of stallage.

"Walbrook" "West Cheap"

The Walbrook was a stream running between the Thames and the northern stretch of wall, dividing the city into eastern and western halves, each half having its own market – the former one (East Cheap) serving particularly goods brought by the Thames, the latter (West Cheap) more for land-transported goods. The reference here seems to indicate the the toll was applicable only to West Cheap.

"foreign"

In this context, foreign means someone not a freeman of the city.

"Holborn or the Fleet"

The names refer to streets that crossed the River Fleet (ran into the Thames just west of the walled precinct); Fleet street entered the city at Ludgate, and Holborn at Newgate. These were the two western entrances into the city.

"Bromley or Stepney"

Stepney is on the Thames, just east of the city, of which it was considered a suburb. There is a Bromley a few miles south of London, although Riley thought the reference was to an Essex location. Why these two places were treated differently from others, I do not know.

"laths"

A thin plank used for walls and ceilings in house construction.

"Aldersgate"

The original is *Allgate*. Aldersgate being on the same side of the city as the Fleet and Holborn, Riley preferred this interpretation to Aldgate (which was on the east side of the city).

"buried"

The only official Jewish cemetery in England was in London (although other cities with large Jewish communities did develop cemeteries locally); this toll was likely not on the burial itself, but on carts bringing corpses into the city.

"St. Albans"

St. Albans is well to the north of London. It is interesting that a commodity as common and as perishable as bread might be brought from so far away.

"Smithfield"

(West) **Smithfield** was the extensive site of the livestock markets, in the northwest suburb.

"Middlesex"

A county eliminated in the late 20th century, it was under the jurisdiction of the London authorities.

"scavage"

A fee/toll paid for the official inspection of goods brought into the city for sale.

"Hokeday"

A moveable feast: the second Tuesday following Easter.

"the bridge"

This is of course London Bridge, the only medieval bridge linking the city with the southern shore of the Thames (there having been a ford and perhaps a bridge in the vicinity of London since before the Romans arrived, it crossing the river near the site of the present Vauxhall bridge, west of the site of the medieval city). The Thames bank on either side of the bridge held a concentration of wharfs and was effectively the city's port at that time. The bridge was a logical place to collect customs and may have been one location where fish were sold, although not the city's principal fishmarket.

"bulwarks"

Scaltres is the original term translated by Riley as bulwarks, which were the protective siding which extended above the upper deck of a ship; here the possession of bulwarks is apparently being used as a criterion for differentiating a larger from a smaller ship.

"strandage"

A fee for use of the beach (strand), in this case for anchorage (or stranding).

"bales"

Rings attached to a ship for tying ropes that supported other elements of the vessel.

"ling"

Riley suspected that ling (*merling*) might refer to whiting; Tingey followed this in his translation of the **Norwich list of tolls**. However, the term could have referred to various types of sea-fish.

"panniers"

Large baskets intended for carrying a volume of materials.

"tholes" "rowlocks"

Tholes were wooden pegs set in pairs into the gunwale on each side of a boat, to support oars. Oarlocks, or rowlocks, implied a larger boat.

"Oystergate"

One of the wharfs on the Thames.

"dorser"

A type of basket, of which one was slung over each side of a packhorse.

"Billingsgate"

Perhaps the second oldest of the London harbours, in use by late tenth century. At the time the tolls were recorded in the 1260s, it was not, however, London's fishmarket; it acquired a royal charter recognising market rights in 1327, but was a general market for water-borne goods, and was not exclusively a fishmarket until the post-medieval period.

"coombe"

Half a quarter.

"tun"

A cask holding the equivalent of 2 pipes (or 252 gallons).

"last"

A last was a weight or measure that varied according to the type of material. The term was applied to any pack of goods used to transport merchandise, on which the toll called lastage was levied. In the case of leather, it comprised two hundred hides. Regarding fish, it would probably have comprised several barrels worth; in the case of herring, possibly 12 barrels.

"dicker"

A measure of ten hides.

"nonpareil"

In this context may have meant pieces of leather of different (irregular) sizes.

"truss"

A bale, possibly containing roughly 50 hides.

"harpoys" "fyssheponde"

Harpoys, according to Riley, was a mixture of tallow, wax and tar, used to waterproof the exterior of ships; he was less certain about *fyssheponde* but suspected it to mean a container in which a catch was stored aboard fishing-vessels (i.e. fish-pound).

"store"

The item containing reference to a "store" (*garner*), since it does not specify what of, may relate to the preceding and succeeding clauses concerning nuts – unless perhaps the term connotes "storage" rather than "cargo". The term also appears in the **lpswich list of customs**, applied to nuts and other victuals.

"Ryghholt"

Wood from Riga.

"litmus"

Used as a dyeing agent; it was made from lichens found principally along the Mediterranean coast.

"tureens, pipkins, patens"

A tureen was a large, deep vessel (for broth), whereas pipkins were small earthen pots. Patens were flat dishes.



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Keywords: medieval London fishmongers guilds regulations commerce bailiff customs fish shellfish imports transportation ships bailiff fees

Subject: Customs and regulations related to fish imports into London

Original source: Corporation of London Records Office, *Liber Albus*, ff. 220-221

Transcription in: Henry Thomas Riley, ed. *Liber Albus*. Rolls Series, no.12, vol.1 (1859), 373-77.

Original language: Latin

Location: London

Date: late 13th century

TRANSLATION

The Hallmoot and statutes of the fishmongers

The men of the **hallmoot** say that they ought to hold two **lawmoots** a year; that is, one around St. Martin's feastday [11 November] and the other around Lent. All fishermen who belong to the hallmoot ought to be present. Whoever defaults in appearance shall incur an **amercement** of 21d. Henceforth that hallmoot should prohibit that any **fishmonger** buy fresh fish before mass has been celebrated at the Chapel on the Bridge or at St. Martin's church. They also say that **fishermen** should sell fresh fish [only] after mass, and salt fish [after] **prime**.

None of the fishmongers should **act against free trade** in fish beyond the prescribed boundaries. These are the boundaries: the Chapel on the Bridge; Baynard's Castle; Jordan's quay; except for fish set out [publicly] for sale, the same at Barking, Northfleet, Dartford, or any other market.



No-one may buy fish from a ship that is afloat until it has moored.

No-one should declare any fish unless they are his own goods, concerning fish [acquired] **for profit or loss**.

Men of the said trade are to give their bailiff 26s.8d a year [as salary]; that is, 13s.4d around Christmas, and the remainder around Easter; that is, [in?] farthings, halfpennies and pennies, such as the [toll] collectors are able to collect. The reason for the 26s.8d is because if a member of the hallmoot is impleaded in the [city] **husting**, the bailiff's duty is to have the plea transferred from there to the husting in the Bridge Street hallmoot, [and his duties also include] **distraing** their [i. e. fishmongers'] debtors.

The monks of St. Albans are to give the bailiff **13s.4d** a year; but the bailiff should go or send for it.

A "**spindelers**" boat that brings fresh cod or rays shall give from each boat, for every 26 cod and 26 rays, one cod and one ray. If it only carries one type of fish, it shall give two fishes. If it carries **ling** and some other fish, it shall give half [of the due] of one type and the other half of the other type. If the whole [cargo] is ling, it shall give 26 ling, and a halfpenny for the boat [as wharfage].

A Flemish "hoc" ship gives the same customs for fish, and 2d. for the ship if it drops [anchor] in the Bridge Street soke.

A "mang" boat gives the same customs for fish. One that brings sprats shall give one **tandle** of sprats, except those of the city of London, which do not pay customs. And for the ship, a farthing.

A ship that brings mackerel shall give 26 mackerel – that is, those from which full customs are due.

[From] a ship that brings fish in **dorsers** the sergeant may take from each dorser one fish, excepting: cod, rays, conger, dory, turbot, sea-bass, and surmullet.

In the same way, for dorsers brought by land and on horseback, a

halfpenny, which is due by tradition.

A boat that brings at least a hundred dabs is to give 26; even if it has more, it need not give more.

A whelk-boat of at least 5 tandles shall give one heaped tandle. If it has more than five tandles, it shall give two heaped tandles, and 1d. for the boat.

One penny is payable on a porpoise; if it is cut up, the bailiff may have the entrails, with the tail and fins in town.

Of conger brought by water, the bailiff shall have as his fee one of the best and another of the second-best, according to what is determined by their sale. If [a boat] is rowed using **tholes**, it shall pay a halfpenny; if rowed using **rowlocks**, a penny. If it is from the Cinque Ports, it pays no money.

An oyster-boat rowed using tholes shall pay a halfpenny; if using rowlocks, a penny.

A Scottish ship that brings salmon, [shall give] 2 salmon; if salmon and cod, one salmon and one cod; if salmon and haddock, one salmon and thirteen haddock; if all are haddock, 26 haddock; if all are herring, 100 herring, except on salted herring; and the ship shall pay 2d.

The first herring-laden ship arriving from Yarmouth which ought to pay full custom shall give 200 herring. Other ships that arrive afterwards and which ought to pay full custom shall give 100 herring. From a cart bringing salmon the bailiff may take the second-best, and 2d. for the cart. If it brings mackerel, it shall give 5 mackerel; if it brings ling, it shall give 5 ling; if it brings herring, it shall give 5 herring; and 2d. for the cart. If it brings eels, nothing [is due]; but 2d. for the cart. From a cart which comes to the marketplace, the fishmongers' bailiff shall have a fish, but no money, except in Bridge Street and in the fishmarket in the west.

A ship with **bulwarks** which anchors owes 2d. A ship with **bales** which anchors owes 1d.; if it does not anchor, it need give nothing.

Anyone bringing fish by land after mealtime is allowed to warehouse his fish, and the following day to display it in the king's marketplace.

Whoever informs on any member of the hallmoot who shall have gone outside the boundaries to buy fish, he may have half of the confiscated fish and the bailiff the other half.

No **stockfishmonger** nor apprentice ought to board a ship for purposes of buying fish; nor should any porter, unless summoned.

No outsider should buy [fish by retail] from an outsider.

No outsider should board any whelk-boat unless summoned; rather, the boatman, or the man who owns the whelk-boat, should have them weighed [i.e. before the whelks are sold].

No-one should retail fish on the quayside.

No-one should carry about cooked **whelks** with the purpose of selling them [in the streets]; whoever does so shall be amerced and his whelks confiscated.

DISCUSSION

The fishmongers' gild, first heard of in the thirteenth century but likely existing by the twelfth, was particularly powerful in London and had its own court (hallmoot) for dealing with cases involving its members – a degree of independence from the city courts (despite the fact that the city sheriffs presided) which, together with abusive or fraudulent business practices, caused a good deal of resentment in the community and was one reason behind reform movements such as that of John de Northampton. Fish being such a staple of the diet of the average medieval town-dweller – because it was plentiful and fast-days of the church often restricted consumption of meat – the accessibility of fish at cheap prices was a matter of public concern.

A set of very similar ordinances, in French, was copied into *Liber Albus* immediately after those above; they were said to have been enacted ca.1280. There are a number of points of comparison in the document here translated with the list of tolls from mid-thirteenth century, notably the sections concerning tolls levied at London Bridge. Several of the remaining provisions of this document are concerned, in essence, with the **forestalling** of fish before it had reached the city, or before ships coming to city quays had docked.

Fish brought to the city in carts or on packhorses may well have simply been landed at points higher up the Thames (e.g. Barking, Dartford), to sell what could be sold there, and bring the rest on to London. The wholesale marketing of fish brought by water was expected to be undertaken during the morning; that brought by land could be sold in the afternoon, or put in storage until the next day. A separate set of ordinances required that cargoes of fish arriving at night not be brought ashore until dawn of the following day. The same ordinances emphasised that all fish landed should be exposed to public view, except for that belonging to the masters of the fishmongers' guild, who could (under the surveillance of the sergeant) carry it off to their warehouses, to be brought to the next market and sold.



NOTES

"lawmoots"

A lawmoot (in some places referred to as a lawday) was a general court session at which all owing suit to the court were expected to attend, and one of the principal purposes was the presentment of offences against the community.

"fishmonger" "fishermen"

The document appears to make a deliberate distinction between *piscatores* and *piscenarii*; so my working assumption is that the former refers to fishermen, the latter to fishmongers, although the terms were sometimes used interchangeably.

"prime"

The hour of prime was about 6 a.m.; the restriction on selling salt fish before that hour was elsewhere specified as applying only to fish owned by non-freemen. The mass referred to would have been matins, celebrated just before dawn.

"act against free trade"

This meant **forestalling** outside the boundaries specified.

"for profit or loss"

I.e. fish intended to be resold, with the hope of making a profit but risk of making a loss. The thrust of this clause is to make it clear that pretending the goods of others to be one's own was prohibited in cases where toll would normally be payable (i.e. on fish acquired for resale, rather than personal consumption).

"duties"

To the list of duties of the bailiff of the fishmongers' gild, the copy of this document in the *Liber Custumarum* adds "or to do whatever justice dictates."

"13s.4d"

The special fee paid the bailiff by the abbey of St. Albans was for the privilege of buying fish directly from fishermen, so long as it was only for feeding the monks.

"spindelers"

"Spindeler" (*spinlere* in another copy of this document): query, connection with spinnaker?

"ling"

Riley suspected that ling (*merling*) might refer to whiting, known to zoologists as *Merlangius merlangus*; Tingey followed this in his translation of the **Norwich list of tolls**. However, during the Middle Ages the term could have referred to various types of sea-fish.

"tandle"

A measure, quantity now unknown, specifically applied to fish and shellfish; it appears that 5 tandles – which were probably some form of basket – was a typical capacity of a whelk-boat.

"dorsers"

Baskets designed to be carried on the back (of humans or horses). It seems they held about a bushel.

"tholes" "rowlocks"

Tholes were wooden pegs set in pairs into the gunwale on each side of a boat, to support oars. Oarlocks, or rowlocks, implied a larger boat.

"bulwarks" "bales"

Bulwarks were the protective siding which extended above the upper deck of a

ship, bales were rings attached to a ship for tying ropes that supported other elements of the vessel. These features are used here as criteria for differentiating a larger from a smaller ship.

"stockfishmonger"

A dealer in stockfish, which were fish (such as cod) cured by drying them in the cold air, until hard, and then beating them with clubs or "stocks".

"whelks"

Other ordinances specified that whelks could be bought directly from the fishermen.



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Keywords: medieval Ipswich customs imports exports transportation cloth stoneware spices hardware fur skins leather fish food timber livestock dye market regulations tolls exemption

Subject: Customs charged on imports to and exports from Ipswich

Original source: British Library, Add. Ms. 25012, ff. 42-46

Transcription in: Travers Twiss, ed. *The Black Book of the Admiralty, vol.II: "Le Domesday de Gipewyz"*. Rolls Series, no.55, vol.1 (1873), 184-206.

Original language: French

Location: Ipswich

Date: late 13th century

TRANSLATION

These are the customs belonging to [\[payment of\]](#) the king's **farm** of the town of Ipswich, to be levied there on various merchandize coming into the town **franchise** for sale, and on diverse items, namely those on which custom ought to be paid, in the way described below, that is:



Customs of the quay

- For every **tun** or pipe of wine, vinegar, cider, sour wine, and all other types of liquor brought into the town franchise for sale, 2d. is to be taken for king's custom.
- For every tun or pipe of honey, oil, ointment, or similar type of merchandize, 2d. If it is sold by the gallon, then 4d. is to be taken for every 100 gallons; and for a smaller amount, less, depending on the quantity.
- For every barrel of pitch or tar, 1d.
- For every tun of ale carried or taken out of the town towards the

sea or sea-coast for sale, 4d.; that is, if the tun is bought by container. If the tun is bought by measure, then 4d. is payable for every 100 gallons.

- For every tun of woad, 2d.
- For every barrel of **ashes**, 2d.
- For every tun or pipe of **verdigris**, [or] **copperas**, or any other similar type of merchandize, 3d.; if these are to be sold by the hundredweight, then 4d. is to be levied per hundredweight.
- For every ton or pipe of **teazel**, 2d.; for every "**rundelete**" or "**bastoun**" of the same merchandize, a halfpenny.
- For every truss or pack of cloth arriving at the quay tied with cords 4d. is to be levied. For every bundle that is not tied up, 2d. If the truss, pack or bundle is untied and part of it is sold in town, then custom is to be levied for those pieces according the specifications for the cloth market.
- For every truss or pack of canvas tied with cords, 4d. For every bundle not tied up, 2d. For canvas sold by the hundredweight, 4d. per hundredweight.
- For cloths from Coggeshall, **Maldon**, **Colchester**, Sudbury, and other cloths bought in the countryside and brought into the town by merchants, to export abroad via the quay – regardless of whether the cloths are in a truss, pack or bundle, or whether tied up or not, or whether in a tun or not – the king's custom is to be paid by the piece on such cloths bought outside for export. That is, for every piece of double-work, which people call "two men's sheet", 1d.; and for every piece of lesser work, which people call "one man's sheet", a halfpenny. But if these types of cloths, previously mentioned, are bought within the town of Ipswich, the correct custom is determined according to the market where the cloths are purchased; and if those cloths are put into a tun for transporting abroad via the quay, 2d. per tun must be paid for them towards the king's custom. Furthermore, for a truss or pack tied with cords, 4d.; and for a bundle not tied up, 2d.
- For every **last** of wool belonging to a single merchant, 8d.; for half a last, 4d. If there is less than that, then 4d. for every sack or packet.
- For every last of **millstones**, 8d; for half a last, 4d. If there is less than half a last, then 1d. to be levied for each millstone.

- For every last of smaller millstones, 4d.; for half a last, 2d. If there is less than half a last, then a halfpenny to be levied for every couple.
- For every stone called a "**Slipston**", a halfpenny; such stones are not assessed by the last.
- For every hundred **freestones** and black stones called "**ragston**", 4d.
- For every piece of carved marble – such as coffins, lids, crosses, fonts, and other stones of this type – a halfpenny; that is, from the seller if he is subject to custom, and as much from the buyer if he is a merchant.
- For every hundred mortars, 4d. If there are fewer, then 1d. per dozen is to be levied.
- For every heap of plaster, a halfpenny.
- For every type of merchandize which arrives in bales, 4d. per bale is to be levied. If this is merchandize to be sold and weighed by the hundredweight – such as **brasil**, **alum**, almonds, rice, and other such kinds of merchandize – then 4d. is to be levied per hundredweight.
- For every **frail** of figs, raisins, and all other items put into frails, a halfpenny per frail is to be levied.
- For every hundredweight of grain, 6s.8d.
- For every dozen **cordwain** (not in bales), 4d.
- For every **thousand[weight]** of Spanish iron, 4d. if it is sold by the thousand[weight]. For every **quintal** sold by itself, 1d.
- For every hundredweight of wrought iron, 4d.
- For every hundredweight of Normandy iron, 4d.
- For every quantity of old iron, 2d.
- For every **load** of lead, 8d.; for every pig, 1d.
- For every hundredweight of tin, brass, and copper, 4d.
- For every barrel of **steel**, 2d. For every sheaf of steel sold by itself, a farthing from the buyer. For every bundle of steel sold by itself, a halfpenny.
- Regarding **osmond**, the custom is to be levied in the same way as for lead.
- For every piece of **ore** of brass, latten or copper, a farthing is to be levied.
- Also, for every thousand white furs, 2s.; for half a thousand,

12d. If there are fewer than half a thousand, then 4d. is to be levied for every **bundle**.

- For every thousand **squirrels' furs and wheels** [?], 12d.; for half a thousand, 6d. If there are fewer than half a thousand, then 2d. is to be levied for every bundle.
- For every hundred woollfells or skins being exported, whether in **sarpliers** or not, 4d.
- For every hundred skins of lambs, badgers, rabbits, foxes, cats, and other similar skins being exported, whether in a bale or not, 4d. If these types of skins are sold by the hundred, at the quayside, or elsewhere in town, then 4d. is to be levied per hundred.
- For every last of cow-hides and horse-hides, 8d.; for half a **last**, 4d. If there is less than half a last, then 4d. is to be levied for every **dicker**; and if less than a dicker, a halfpenny is to be levied for every hide.
- Also, for every **last** of red herring sold together by the last, 4d. from the seller. If there is less than a last, then a halfpenny is to be levied for every thousand.
- For every last of fresh or salt herring, 4d. from the seller (except those that caught the fish themselves).
- For every hundred of any kind of hard fish, 2d.
- For every salmon, a halfpenny.
- For every quintal of whale[**meat**], 4d.
- Also, for every hundred[**weight?**] of wax sold by weight, 4d. If they are in a frail tied with cords, 4d. is to be taken per frail.
- For every wey of cheese, butter, and lard sold by itself, 4d. If the butter is stored in bark, a halfpenny is to be levied per piece.
- For every wey of the same merchandize being exported, whether in a tun or not, 4d.
- Also, for every hundred swords, bucklers, targets, and coats of mail, 4d. If there are fewer than that, quantity will determine the amount to be levied from the seller and also from the buyer, if he is a merchant.
- No custom is to be levied on **archil, tiles** [?], or **weld**.
- For every hundred boards of Ireland or Esthonia, which are

called eavings or wainscot, or from any other similar kind of board, 4d.

- For every hundred of the smaller boards that are called barrel staves or shingles, 1d.
- For every hundred oars, troughs, bowls and other such merchandize carved from timber, 4d.
- For every dozen hats, 1d.
- From every ship with **bulwarks**, "bauns", and **bales**, 2d. [as [harbourage?](#)].
- From every boat with **rowlocks**, 1d.
- From every boat with **tholes**, a halfpenny.
- For each float of nets that are dried on dry ground, 4d. [as [strandage?](#)].
- For every whole [[carcass of](#)] ham being taken towards the sea-coast, a halfpenny. For the meat by itself, a farthing.
- For every horse being exported, 4d.
- For every bale of woad, 4d. For every quarter of woad, measured by the common measure of the town, a halfpenny (from the seller, that is).
- For every store of grain, onions, garlic, nuts, and other similar types of merchandize, whether in [[ware?](#)]houses or in ships, 4d. If the merchants pay for their stores in the houses or the ships, and then the goods are transported by boat to the ship, nothing is to be levied on the boat. But if the ship is loaded outside the boundaries of the town, and the merchants pay nothing for the storage in the ship, then a halfpenny is to be levied for every boat transporting the said goods to the ship.
- For every bunch or quantity of garlic or **cockles**[?], a halfpenny.
- For every thousand, or bunch of, onions sold by such parcels, a farthing, both from the buyer (if he is a merchant) and from the seller.
- For coarse salt sold by hundredweight, 4d. per hundredweight. If sold in lesser parcels, the levy (that is, from the seller) is to be determined by the quantity.
- For every wey of white salt sold by itself, 1d.
- For every barrel of sturgeon, 2d.
- 2d. is due from every iron-shod cart loaded with wine, millstones, packs, or other merchandize [[coming to](#)] the quay or certain other places where customs relating to the quay should

be levied.

- From every unshod cart, 1d.
- For a horseload, a halfpenny.
- For a load carried by a man, a farthing.
- For a barrow-load, a farthing.
- From every iron-shod cart loaded with sea-coal, 1d.
- From every unshod cart loaded with the same merchandize, a halfpenny.
- Nothing is due for a horseload of coal or fuller's earth.

Customs of the cloth market

- For every coloured cloth from overseas, 4d.
- For every **striped cloth**, 2d.
- For coloured cloth from Beverley or Lincoln, and other similar cloths, the same custom is to be levied as from cloths from overseas.
- For cloths from Coggeshall, Colchester, Maldon, Sudbury, and other such English cloths of double-work, which people call "two men's sheet", 1d. is to be levied of each cloth sold by itself, that is **[only]** from those who ought to pay custom.
- For every piece of long cloth which people call "one man's sheet", a halfpenny. For every piece cut of the same which is longer than an **ell** and which is sold for 6d. or more, the same is to be taken as for the whole piece. If the piece is of one ell or less and is sold for 1½d., a farthing is to be levied on that piece.
- For every piece of linen cloth, whole or cut, which is sold for 2½d. or more, a farthing is to be levied.
- The same for canvas.
- For every bundle of cloth of double-work, which people call "two men's sheet", transported by horse, unloaded, and displayed for sale, 2d.
- For every bundle of cloth which people call "one man's sheet", transported by horse, unloaded, and displayed for sale, 1d.
- For every bundle of cloth of double-work or lesser work, transported on the back of a man, half as much as for a horseload.
- From every cart coming into town loaded with similar kinds of cloth, which is unloaded and put on sale, 4d. is to be levied.

- For linen cloth or canvas loaded on a cart, a horse, or a man's back, the levy is to be half of the custom previously mentioned as being due from linen.
- For every surcoat or **tabard**, mantle, cape, or other kind of tailored cloth, sold by itself, a farthing.
- For every other merchandize sold, in this market or in a place associated with this market, for 2½d. or more, a farthing is to be levied for the king's custom.

Customs on hemp

- For hemp, of which the custom belongs to the cloth market, 1d. is to be levied for every cartload, a halfpenny for every horseload, a farthing for every load carried by a man. Of an amount sold for 2½d., a farthing is to be levied.

Customs of the fish market

- For every cart bringing fish or herring into the market for sale, 2d; for a horseload, a halfpenny; for a man's load, a farthing; for a barrow-load, a farthing.
- For every porpoise, 1d.
- For every salmon, a farthing.
- For every barrel of sturgeon or whale[meat], the same custom as is levied at the quay.

Customs of the wool market

- For every cartload of wool, woolfells, cow-hides or horse-hides, 2d.; for a horseload, a halfpenny; for a man's load, a farthing. For that which is sold for 2½d., a farthing is to be levied.

Customs of the cheese market

Concerning cheese, levy is to be made on cartloads, horseloads, man's loads, barrowloads, and other small parcels, in the same way as for the wool market. Custom is to be levied on these and other things pertaining to this market according to quantity, as with other markets. Let it be known that the custom on flax seed

and hemp belongs to the cheese market, along with the custom on earthenware pots. In this market, [amount omitted] is levied on every cartload of pots, a farthing on a man's load, and a farthing on a barrowload.

Customs of the timber market

- For every cartload of tubs, troughs, bowls, cups, ladders, and other such merchandize that is called woodwork, 2d. is to be levied. For a horseload of the same merchandize, and of baskets, vats[?], spades, and similar things of this type, a halfpenny. For a man's load, a farthing.
- For every cartload of timber, boards, **laths**, and rods, a halfpenny.
- For every cartload of hurdles and splints, a farthing. For every cartload sold, a farthing from the seller.
- From every stall from which people sell cords [of firewood], 3d. a year. Let it be known that this stallage belongs to the timber market.
- For every pair of cartwheels, 1d.; that is, a halfpenny from the seller and a halfpenny from the buyer.

Customs on broom

For each cartload of broom, 1 bunch, which **belongs to the bailiffs**.

Customs of the bread market

- From all of those bakers subject to customs who come frequently to the market to sell their bread, three farthings is due for three days in the week – that is, Wednesday, Friday, and Saturday. If they bring their bread to market on Monday, Tuesday and Thursday, but stay away on the Wednesday, Friday, or Saturday, they are nonetheless to pay the full custom. If they come only one day a week, then only a farthing is to be taken from them; for two days, a halfpenny; and for three days, three farthings.
- **For every market stall** held by a burgess, 6d. is payable

annually, by even portions at Michaelmas and Easter, for occupying common land. From every outsider for his stall, 3d. annually at the same terms, and no more, and that is for their weekly customs.

- Bakers subject to customs who sell bread from their own houses are to be charged customs as applicable, or should make an [advance] agreement for a specific [sum] annually.

Customs of the **meat market**

- For every carcass of beef, cow, bullock, or heifer purchased in the town, a halfpenny is to be levied. If the beast is purchased outside the town, then three farthings are to be levied on the carcass.
- For every **scalded** [carcass of] pork or carcass of mutton or veal, a farthing; that is, if the beast is purchased outside the town. If it is purchased in the town and no custom has been paid on the initial sale, then a halfpenny is to be levied on the scalding or carcass; but if the custom was paid, only a farthing is to be taken of the sale.

Customs of the livestock market

- For every horse sold, 1d. from the seller and 1d. from the buyer.
- For every bull, cow, bullock, or heifer of more than a year in age, a halfpenny from the seller and a halfpenny from the buyer.
- For every pig, sheep, or calf (sucklings excluded), a farthing from the seller and a farthing from the buyer.

These customs belong to the meat market.

Let it be known that customs of **the quay** are to be levied from all merchandize that comes to the town by water and is sold inland, [whether] put in storage or not, as far as the lane extending from the watercourse of Botflood, along the side of the road leading south as far as Colhill, and from there on both sides of the street as far as the principal residence once belonging to John Bolle, in front of St. Stephen's cemetery; from there via the lane which extends from the cemetery to Brook Street, and from the end of that lane southwards on

both sides of the street as far as the lane that leads beyond the town ditch towards Abbotscroft. Customs are to be levied in those places, along the lanes and roads mentioned as far down as the quay. On all other merchandize, coming out of the countryside to be sold in town, customs are to be levied according to the above-mentioned markets in the town. That is: grain at the grain market; livestock at the meat market; wool, fells, and hides at the wool market, with other things pertaining to that same market. And so on, regarding all other markets in the town, according to the merchandize – each according to the appropriate market in which that merchandize ought to be sold in the town, and as it has so been in the town from ancient times.

And let it be known that all kinds of saleable merchandize which come by land or by water to the town of Ipswich, or to a place belonging to the town, before **Michaelmas** or on that day before noon, regardless of whether the merchandize is to be taken out of town again or not, are subject to customs applied to the year past. Customs levied on that coming after the hour of noon on Michaelmas belong to the year following. The same applies to all things pertaining to the office of the chief bailiffs of the town at their changeover.

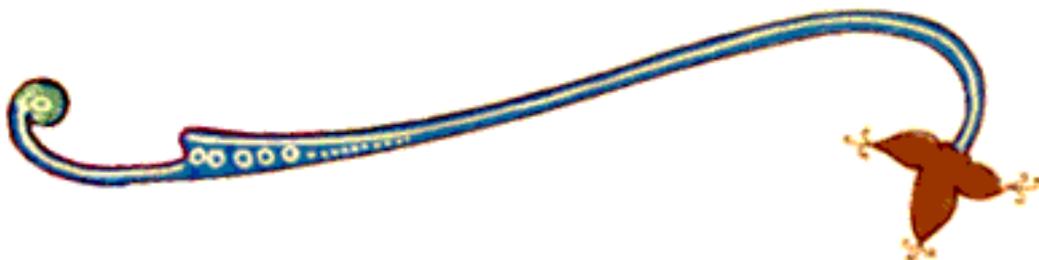
Regarding all types of merchandize arriving in town by water to be sold, the **masters** of the ships are to take oath as to the quantity and parcels of the goods, and on that basis are the correct customs to be levied. If, because the merchants are disbelieved, examination has to be made and it is found otherwise [\[than the quantity declared\]](#), the undeclared merchandize should be confiscated.

DISCUSSION

The Ipswich tolls provide a roughly contemporary comparison with **those of London**. There are sufficient similarities between the two lists that a detailed analytical comparison might suggest the influence of one on the other, or some common source on both, each then undergoing local adaptation and development.

Here as in the London lists, it is clearly noted that tolls were leviable on merchandize being imported or exported for resale, as opposed to goods for personal or household consumption. However, the latter were not automatically exempt. For example, in 1256 several individuals with estates in the locality purchased foreign burgess status in order to obtain freedom from toll on produce grown on their lands or goods bought for their own use; this status did not subject them to being **at scot and lot** as full citizenship would have. At about the same time the priors of **Holy Trinity** and **St. Peter** both purchased something similar that did subject them to scot and lot, yet was not considered the same as full citizenship. In 1274 it was made clear by a local ordinance that foreign burgess status was not heritable, and that it entailed only the toll exemptions indicated above; only those at scot and lot had exemption on all goods.

It can be seen that carts and packhorses were the principal means for overland transportation of merchandize. **Wheelbarrows** were not as common as carts or packhorses, but were nonetheless one alternative presumably for relatively short-distance travel; the London customs do not mention that option. Similarly, goods carried on one's own back likely applied mostly to small-scale producers in the neighbouring countryside, or to itinerant hawkers.



NOTES

General note

The text of the original did not have the various tolls itemized; I have formatted it thus for easier comprehension.

"tun"

A cask holding the equivalent of 2 pipes (or 252 gallons).

"ashes"

Used in fulling cloth.

"verdigris"

The meaning of the term in the original, *argoil*, is uncertain. Riley believed it meant cream of tartar, but noted that others have interpreted it as potters clay (Fr. *argile*). Archil (Lat. *arguella*), a violet dye obtained from a lichen, is a further possibility. However, given the contextualization of the term at **London** in association with copper and at Ipswich in association with copperas, I favour the translation of verdigris (Lat. *argelzarus*), a green or blue compound involving copper that is today used as a paint pigment and was used in the cloth-dyeing process in the Middle Ages.

"copperas"

Coperose may have been used to refer to any vitriol (a sulphate, such as of copper, iron or zinc), or specifically to the green iron sulphate known today as copperas, which was used in dyeing as a mordant, and possibly in ink-making.

"teazel"

A plant whose seed case is covered in sharp points, like a thistle; this made it a useful tool for raising the nap on woollen cloth.

"rundelete" "bastoun"

A rondelet was a small cask, and a bastoun probably something similar.

"last"

A weight or measure that varied according to the type of material. E.g. in the case of leather, it comprised two hundred hides, and in the case of herring probably 12 barrels.

"millstones"

The term here translated millstone (Lat. *mola*), *meolys* in the original, may alternatively be a type of bag (Lat. *mala*) used for packing merchandize, particularly cloth, or it may even mean honey (Lat. *mel*). The contexts in which *meolys* is placed make either the stone or the bag the more credible options.

"Slipston" "freestones" "ragston"

Slipston may have been a silkstone. Free stone and rags tone were basic quarried stone; the rags tone being of inferior quality, the upper layer of stone beneath which lay the free stone, although here they are assigned the same value for customs purposes.

"brasil"

A wood originating in the East Indies, or an extract therefrom, used for dyeing and in red ink.

"alum"

Used in dyeing cloth, it was the most common, easiest to use, and one of the most effective of several metallic salts that could be applied to fix the colour a cloth was dyed.

"frail"

A large basket made of wicker or rushes, commonly used for transporting fruit and woad.

"cordwain"

A soft, fine-grained leather originally produced in Cordoba.

"thousand" "quintal"

A thousandweight must have been half a ton. A *quintal* was a measure equivalent to 100 lb., which makes it difficult to explain why that term was used here instead of the usual hundredweight.

"load"

The term here translated as "load" was *karre*, possibly in its origins referring to a cartload (Lat. *carcata*); in the London list, *kark* was the term used. According to Riley, the load comprised 30 pigs (bars). The total weight would have been approximately 2100 lb.

"osmond"

An iron-bearing ore which came from Sweden.

"ore"

The use of "ore" (*oure* in the original) seems inappropriate here, since it refers to a natural mineral bearing metallic or other substances, whereas brass and latten were both man-made alloys (latten, imported from Germany, being similar to brass in its makeup and used for monumental brasses). "Ore" is perhaps being used to distinguish the alloy in its raw form.

"bundle"

In the context of furs, the word here translated as bundle is *tymber* in the original; this was a measure comprising 40 furs. White furs were from small animals such as squirrels or ermines.

"squirrels' furs and wheels"

The term here translated as squirrels' furs (*popel stredlinges*) had a more precise meaning in the Middle Ages, referring to fur from the backs of squirrels during a certain season (probably April to September). What *rotes* meant in this context is unclear; wheels would appear to be the literal translation – and the 15th century translator of this document used that term (although he may have been as much in the dark as I); perhaps it was a metaphor for the entire squirrel skin, which when spread flat might have seemed like a spoked wheel.

"sarpliers"

A sarplier was special packaging for wool; the amount was equivalent to half a sack.

"dicker"

A measure of ten hides.

"archil, tiles or weld"

I am uncertain about the translation of *De lege vidz corkel ne de teyle a treefes ne de welde*. Weld was a yellow dye from a plant found in Germany and France; this suggests that *corkel* should be rendered archil (or orchil), which was a violet dye – see the **Winchester list of tolls** for such a translation of *kork*. In this context, "tiles" seems an unlikely translation of *teyle a treefes*. *Lege* might perhaps refer to a measure (*legena*, used for gallon or sometimes for dry measures).

"bulwarks" "bales" "rowlocks" "tholes"

For the significance of these terms in assessing the capacities of watercraft, see the notes to the London **list of customs** on fish.

"cockles"

The term here speculatively translated cockles is *cokayle* in the original, although the context makes cockles unlikely. On the other hand, it seems equally unlikely that a halfpenny toll would be due on each bunch of garlic, when in London this amount was levied on a hundred bunches.

"striped cloth"

Long striped cloths (cloths of "rays") were imported from the Low Countries at this time, although later made domestically.

"ell"

An ell was a measure of length about 45 inches.

"tabard"

Like a surcoat, a short tunic worn atop other clothing.

"laths"

Thin planks used as infill between the main timbers of walls, ceilings, and roofs in house construction.

"belongs to the bailiffs"

The customs on broom was a revenue assigned to **remunerate the city bailiffs**.

"For every market stall"

The 15th-century English translation reversed the fees, so that burgesses owed 3d. a year, and non-burgesses 6d. a year. This would seem more plausible, unless the original intent of this slightly confused passage was that non-burgesses pay a 3d. annual licence fee, then weekly customs on top of that. The latter hypothesis is supported by the earlier reference to the "bakers subject to customs", which would have meant non-burgesses.

"meat market"

The meat market customs indicate that the normal procedure was to bring live animals to market and slaughter them upon demand. A toll would normally be paid on the live animals, when imported into town, and an additional toll on the sale of the carcass.

"scalded"

The application of *escaudinge* to a pork carcass was to remove bristles from the outer skin of swine.

"the quay"

The topographical description of the boundaries of the marketing area attached to the quay essentially defined the south-eastern quadrant of the town; stalls could have been set up anywhere along the sides of the streets in this quadrant.

"Michaelmas"

September 29th marked the close of the official year – that is, when a new set of bailiffs replaced that which had been in office for the past year – and therefore the close of the fiscal year.

"masters"

It appears that the "masters of the ships" were not shipmasters in the sense of captains, but the merchants who owned or leased space in the vessels.



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Keywords: medieval Norwich customs imports transportation fish food fur hardware skins market fees

Subject: Tolls on imports to Norwich

Original source: Norfolk Record Office, Norwich Book of Customs, f.6

Transcription in: J. C. Tingey, *The Records of the City of Norwich, Norwich: Jarrold and Sons, 1910, vol.2 pp.199-205.*

Original language: French

Location: Norwich

Date: first half of the 14th century (with later additions)

TRANSLATION

The customs of the city of Norwich

The customs on all merchandize coming to the city by land or by water.



- For a thousand herring, whether travelling by land or by water, 1d.
- For any amount [of herring] surpassing the price of 4½d, a halfpenny.
- For a **last** of herring, 10d.
- For a hundred cod, 2d.
- For a cartload, 2d.
- For a hundred mackerel, [brought] by land or by water, a halfpenny.
- For a hundred **ling**, a halfpenny.
- For a wey of tallow, 4d.
- For [a wey of] lard, 4d.
- For 16 helpings of lard, 1d.
- For 5 coils of thread for **packs**, a halfpenny.
- For 10 coils, 1d.

- For tanned leather, a farthing. If it is cut for a man's pack, a halfpenny.
- For a truss [of leather?] on a man's back, a halfpenny.
- For a pack on the saddle of a horse, 1d.
- For a cartload of horseshoes, 2d.
- For each cart that ought to pay custom upon entering [the city], 2d., if it does not give grain.
- For a truss that is not tied up, 2d.
- For a bound truss, 4d.
- For a sack of wool, 4d.
- For a **dozen** of **cordwain**, 4d.
- For a **load** of **alum**, 4d.
- For a sack of alum, 4d.
- For a hundredweight of alum, 4d.
- For a hundredweight of pepper, 4d.
- For a hundredweight of **cumin**, 4d.
- For a hundredweight of wax, 4d.
- For a hundredweight of **brasil**, 4d.
- For a stone of wax, a halfpenny.
- For "**buckes tynes**" tied up for going to Yarmouth, a halfpenny each.
- For a millstone, 1d.
- For a pair of handmill stones, a halfpenny.
- For a stone for a forge, a halfpenny. If it has a hole made, 1d.
- For a cartload of baskets, 1 basket.
- From a **smack**, 8d.
- From a **hulk**, 4d. If it is carrying corn, 4 **bezants**.
- From a ship carrying salt, 9 bezants.
- From a **buss**, 4d.
- From a fishing vessel, 2d.
- From a boat, 1d.
- From a **cog**, 1d.
- For a sack of applies, nuts or flour, a halfpenny each.
- From each cart bringing salt, on its first arrival after Michaelmas, 1 bezant. And then, each time it arrives during the year, 2d.
- From a ship which arrives with a cargo of nuts, peas or beans (and also with grain, if it does not give grain [as toll]), 4d.
- For a load of garlic, 1d.

- For a **pack of garlic**, a halfpenny.
- For a **dicker** of hides, a halfpenny.
- For a dicker of fells, a halfpenny.
- For a **backpack** of mercery, shoes, or felt, a halfpenny.
- For a backpack of "**sux**", copper, or worked iron, a halfpenny.
- For a **sheaf** of steel, a halfpenny.
- For a last of bacon, 4d.
- For a bear, 42d.
- For an ape, 40d.
- For a cable, 8d.
- For a **hawser**, 4d.
- For a "sped"-rope, 2d.
- For a "ned"-rope, 1d.
- For a barrel of steel, 4d.
- For a bloom of iron, 4d.
- For a **hauberk**, 4d.
- For a **haubergeon**, 2d.;
- For a load of lead, 4d.
- For a "**fotmal**" [of lead], a halfpenny.
- For each "chef" of **parmentery**, a halfpenny.
- For a hundred rabbit skins, 4d.
- For a beaver pelt, 4d.
- For a sable skin, 1d.
- For a **bundle** of sable skins, 40d.
- For a **bundle** of woolfells, 1d.
- For a hundred fells, 4d.
- For a thousand "**arnement**", a halfpenny.
- For a backpack of cords of **bast**, a halfpenny.
- For a cartload of cords of bast, 2d.
- For a thousand large **badges** [?], 1d.
- For a thousand small badges [?], a halfpenny.
- For a hundred "seyses" of cords, or badges hanging [on cords?], 4d.
- For a cartload of **floats**, 2d.
- For 5 barrels of woad, 1d.
- For a quarter of woad, 1d.
- For a tun of cod oil or herring [oil], when exported, 8d.
- For a cartload of oysters, 2d.

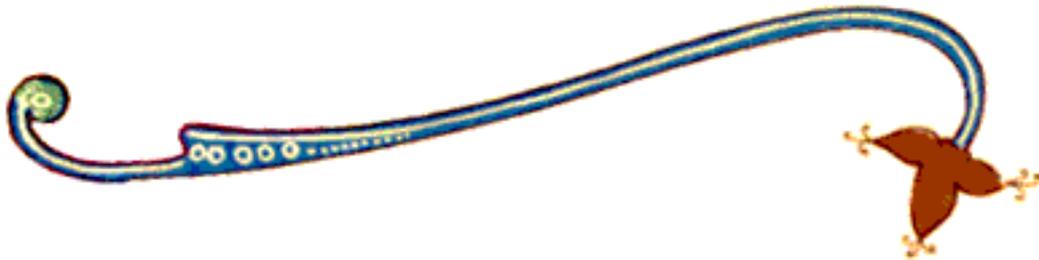
- For a packhorse [of oysters], a halfpenny.
- For a hundredweight of yarn for **ray**, a halfpenny.
- For a bundle of marten skins, 4d.
- For a bundle of weasel skins, 2d.
- For a thousand **grey-work**, 1d.
- For a bundle of cat skins, 1d.
- For a hundredweight of copper, 2d.
- For a hundredweight of tin, 4d.
- For a tun of wine imported, 8d. And at its export, 8d.
- For a tun of honey, 8d.
- For a tun of **hazel-wood**, 2d.
- For a **brace** of "bucke tynes", 1d.
- For a horseload of glass, 1d.
- For a cartload, 2d.
- For 10 "**parnez**", 1d.
- For the brewing of ale, 4d.

Belonging to the farm formerly of the bailiffs of Norwich.

- From the craft [guilds] of Norwich at Christmas for benegable, 30s.
- From the bakers at the **four terms**, £4 in equal portions.
- From the linen drapery, 40s.
- From the farmer of tronage, 30s.
- From [the farm of ?] the fish-market, 20s.
- From [the farm of ?] chickens, eggs, cheese, and peas, 43s.
- From [the farm of ?] the market for white leather, 12d.
- From [the farm of ?] the market for bulls, cows and horses, 4s.
- The fullers are obliged to pay 45s. on 25 March and 8 September.
- From the skinnners, 4s.
- From the **farm of the water**, 40s.
- Two **tallages** are payable on herring, one on fresh and the other on salt herring, each on 21 December.
- Two tallages are payable on wool, from outsiders, one before Pentecost, the other after.

DISCUSSION

At least some of the entries on the dorse of this document appear to have been later additions: not tolls *per se* but sources of revenue for the city. This is apparent for the items under the sub-heading regarding the bailiffs' farm – use of the term formerly suggests the additions may have been made after sheriffs took over responsibility for collection of revenues related to the **fee farm**. It also appears true for the preceding item, which must be a licence fee for brewing, just as the communal payment from the bakers was for a licence to bake.



NOTES

"last"

A last was a weight or measure that varied according to the type of material. In the case of herring, it comprised possibly 12 barrels.

"ling"

Tingey followed Riley in translating *merlyng* as whiting; but the term could be applied to various kinds of sea-fish.

"packs"

Translation of *fez* as "pack" is a hypothesis, based on possible Latin sources: *fesella* (used for certain types of containers) or *fessa*.

"dozen"

In relation to some goods (e.g. cloth), "dozen" represented a volume rather than a quantity.

"cordwain"

A soft, fine-grained leather originally produced in Cordoba, originally using goat-

skin.

"load"

The word here translated "load" was *carke*, whence our "cargo" and (less commonly used now) "charge"; while those terms are today used in a general sense, they had a more specific use in medieval times – possibly 3 or 4 cwt. according to London's *Liber Albus*.

"alum"

Used in dyeing cloth; it was the most common, easiest to use, and one of the most effective of several metallic salts that could be used to fix the colour a cloth was dyed. Its main source was trade with Italy.

"cumin"

A common spice grown and used in medieval Europe; while it might have been grown in England, supplies were more likely to have come from the Mediterranean.

"brasil"

A wood originating in the East Indies, or an extract therefrom, used for dyeing and in red ink.

"buckes tynes"

This term occurs twice in the list, without the meaning being apparent from context. Buckets and tubs would be a long-shot translation. Since the first reference is to them being bound (in a bundle?), and the second measures them by the brace (? *brage* assuming the Latin *brachium*), which refers to timber, it appears that the tines – a term used today for the prongs of a fork – could have been some kind of stake. The term tines has, however, also been applied to the pointed part of an antler, which would explain "buck".

"smack" "hulk" "buss" "cog"

A smack was a small, single-masted boat, typically used for fishing or coastal transport. A buss was a broad-beamed, two-masted, 50-70 ton vessel, also used for fishing (particularly herring). A **hulk** was a larger vessel and the type of ship most commonly used for cargo transport in the Middle Ages. A **cog** was another, smaller (single-masted) type of cargo vessel; it had been the most common type until superseded by the hulk. The cog was a northern design (derived from the Norse knarr), whereas the nef (a term used in this list, but translated simply as "ship", since it became a generic term for ships) was a Mediterranean design for a trading vessel. Blending design elements from these two types produced the carrack, which was the predominant trading ship by the close of the Middle Ages.

"bezants"

Coins usually of gold, but sometimes silver, and varying in value from 10s. to 20s.; tolls involving such large amounts must surely have been annual licences (as the case of the salt-laden cart suggests). This was an international coinage used in commerce.

"pack of garlic"

A tentative translation of *le feez de aux*. Regarding *feez*, see the **note above**. In the absence of a better alternative, and since garlic is not mentioned elsewhere in the list, it is here assumed that *aux* corresponds to the modern *ails*.

"dicker"

A measure of ten hides.

"backpack"

Le feez d'un homme is here translated as backpack on the assumption that the *feez* (see above) would have been transported on a man's back.

"sux"

Tingey rendered *sux* as "sugar", but that does not appear likely in the context; nor does "juice" (Lat. *suxus*).

"sheaf"

A sheaf of steel comprised 30 pieces.

"hawser"

A heavy rope or cable used to for towing, mooring, or anchoring a ship.

"hauberk" "haubergeon"

A hauberk was a mail shirt that also extended to cover the legs; this was the principal element of armour before plate was introduced. A haubergeon was a shorter version.

"fotmal"

A measure of lead, one-thirteenth of a fother (perhaps the amount here referred to as a load). Today, 70 lbs., but perhaps up to twice as much in the medieval period, depending on the weight of a **fother**.

"parmentery"

Parmentery was clothing made out of leather; Tingey identifies a chef, or cheef, as 14 ells.

"bundle"

In regard to the sable furs, the word here translated as bundle is *tymbre* in the original; this was a measure comprising 40 furs. In regard to the sheep skins, the original of bundle is *bynd*, which comprised 32 skins.

"arnement"

Some kind of colouring used in ink.

"bast"

A tough fibre obtained from plants such as flax or hemp and used to make rope.

"badges"

The term here translated "badges" is in the original *eymes*. Tingey translated this as "weights", but I tentatively associate the term with the Latin *esmallum*, on the guess that these may have been pilgrims' badges.

"floats"

It is hypothesised here that *flotes* may refer to floats for nets. Without explanation, Tingey translates the term as "skeins of wool", but suggests float-wood as an alternative.

"ray"

A striped cloth.

"grey-work"

A type of fur.

"hazel-wood"

Coudres may possibly refer to hazel-nuts rather than the wood itself.

"brace"

A hypothetical translation of *braqe*.

"parnez"

Tingey translates *parnez* as pieces of woodwork, but on what authority I do not know.

"four terms"

Michaelmas, Hilary, Easter and Trinity.

"farm of the water"

Probably a lease of collection of tolls on ships passing along the river.



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Keywords: medieval Winchester tolls customs carts hardware dye guilds dyers tanners shoemakers fees

Subject: Tolls collected at the Winchester gates

Original source: Winchester College archives, custumal of Winchester

Transcription in: J. S. Furley, *City Government of Winchester from the Records of the XIV & XV Centuries*, Oxford: Clarendon Press, 1923, pp.173-74.

Original language: French

Location: Winchester

Date: ca. 1270s

TRANSLATION

It is at the gates of Winchester, where the town bailiffs levy customs from those outside of the **franchise** from whom it is due, that each cart carrying grain for sale owes a halfpenny as custom each time that it comes; and a farthing for a horseload.



Each cart carrying iron or steel, 2d.; and 1d. for a horseload.

Each cart carrying new seats for carts, harnesses, reins or traces owes 2d. as custom; and 1d. for a horseload.

Each cart loaded with millstones, 4d.; and each cart carrying grindstones, 2d.

Each cart carrying tin or lead for sale, 4d.; and 2d. for a horseload.

Each cart carrying **archil** for dyeing wool, 2d.; and 1d. for a horseload.

1d. custom is due for sickles and scythes coming by cart, and a halfpenny for a horseload.

Each cart carrying tanned hides for sale owes 2d.; and 1d. for a horseload.

For **madder** coming by cart for sale, 2d.; and 1d. for a horseload.

Each cart carrying **woad** for sale, 4d.; and 1d. [sic] for a horseload.

Each country-dweller who brings into the city **ashes** which are applied with woad owes 6d. a year to the king's custom, and 1d. to the clerk for enrolling his name, unless he comes only once a year.

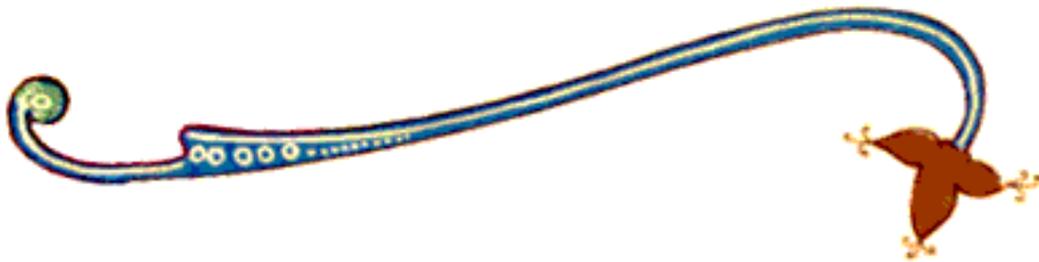
It is customary for the dyer's gild of the city to elect by common agreement two reputable and reliable men to be sworn to assess [the value of] the woad brought by outsider merchants for sale in the town, and reliably perform the assessment for [purposes of] selling and buying.

Each tanner who has a **stall** in the high street of Winchester owes 2s. per year for [the part of] the road that he occupies, and 1d. to the clerk by way of **tangible**. Each woman selling suet or lard by retail owes 1d. on the eve of Easter [Monday?], by way of **smergable**.

Each shoemaker who makes shoes from new cowhide owes the town 2d. by way of **scogable**. These usages apply to those who are of the franchise as well as to others.

DISCUSSION

The final entries in this section of the custumal are not strictly part of the list of tolls, but have an indirect relationship. Three are rather cases of trading licences, although in the first case the licence fees are stated as being put towards the revenue from customs. The fourth relates to a method of determining the value of imported merchandize, although probably rather for the purpose of a market price than the amount of toll (which was determined by quantity, not quality).



NOTES

"archil"

A purple or violet dye; *korc* in the original.

"madder"

A red dye.

"woad"

A blue dye.

"ashes"

Ashes (for which we would today use the term potash) were used to clean cloth prior to dyeing.

"stall"

The term here translated as "stall" is in the original *bord*, suggesting the very basic nature of such a stall; it may even connote boards attached below street-level windows of houses in the street.

"tangable" "smergable"

Tangable was a customary fee due from tanners, while smergable was a similar

fee due from sellers of fatty or greasy products such as lard, tallow, suet, butter, cheese, etc. (use of the term *venderesse* indicating that this was a trade typically practised by women).

"scogable"

Presumably a license fee related to shoemaking.



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Keywords: medieval Northampton murage tolls imports livestock skins cloth fish leather timber hardware

Subject: Grant of murage to Northampton, itemizing the tolls to be collected

Original source: Public Record Office, Patent Roll, 29 Edward I, m.6

Transcription in: Christopher Markham, ed. *The Records of the Borough of Northampton*, (Northampton, 1898), vol.1, 58-59.

Original language: Latin

Location: Northampton

Date: 1301

TRANSLATION

The king to the mayor, bailiffs and good men of his town of Northampton, greetings. Know that we have granted to you, to help with enclosing the town for the security and protection of the town and neighbouring parts, that for five years from the date of issue of this document you may collect in the town the customs indicated below, viz:



- For every horse-load of grain for sale, whether barley or whatever kind, a farthing.
- For every horse, mare, bull, and cow for sale, a halfpenny.
- For every hide of horse, mare, bull and cow, [whether] raw, salted or tanned, a farthing.
- For five hogs for sale, a halfpenny.
- For ten small [hogs?] for sale, a halfpenny.
- For ten sheep, goats, or pigs for sale, a penny.
- For ten fleeces for sale, a penny.
- For every hundred woolfells from sheep or goats for sale, a penny.
- For every hundred skins of lambs, kids, hares, rabbits, foxes,

- cats, and squirrels for sale, a halfpenny.
- For every hundred of **grey-work** for sale, sixpence.
 - For every quarter of salt for sale, a farthing.
 - For every horse-load of cloth for sale, a halfpenny.
 - For every whole cloth for sale worth 40s., a halfpenny.
 - For every bale of cloth for sale, brought by cart, 3d.
 - For every hundred **worsted** cloths for sale, twopence.
 - For every worsted cloth called a coverlet for sale, worth 40s., a penny.
 - For every hundred linen cloths for sale, a halfpenny.
 - For every hundred linen cloths from **Aylsham** for sale, a penny.
 - For every hood [*? chef*] of stiffened silk for sale, a penny.
 - For every other [*piece of*] silk for sale, a halfpenny.
 - For every hundred salted mullet or dried fish for sale, twopence.
 - For every cart-load of saltwater fish for sale, a penny.
 - For every horse-load of saltwater fish for sale, a halfpenny.
 - For every salmon for sale, a farthing.
 - For every dozen lampreys for sale, a penny.
 - For every cask of sturgeon for sale, a halfpenny.
 - For every thousand herring for sale, a farthing.
 - For every horseload of **ashes** for sale, a halfpenny.
 - For every horseload of honey for sale, a penny.
 - For every sack of wool for sale, twopence.
 - For every cart-load of tan for sale, weekly, a penny.
 - For a hundredweight of any goods sold by weight, a penny.
 - For every wey of tallow or fat for sale, a penny.
 - For every quarter of woad for sale, twopence.
 - For two thousand garlic or onions for sale, a halfpenny.
 - For every bale of **cordwain** for sale, threepence.
 - For every hundred boards for sale, a halfpenny.
 - For every millstone for sale, a halfpenny.
 - For every hundred faggots for sale, a farthing.
 - For every cart-load of brushwood or timber for sale, **weekly**, a halfpenny.
 - For every hundredweight of tin, brass or copper for sale, twopence.
 - For every bale of any merchandize for sale worth over 10s., a halfpenny.
 - For every cask of wine for sale, three halfpence.

- For all merchandize for sale not mentioned here that is worth 5s. or more, a farthing.

We therefore command that you may take the aforesaid customs up to the end of five years, but when that term is ended the customs shall entirely cease and be abolished. In which thing etc. lasting for the said five years, witness the king at Donypas, the 4th October.

DISCUSSION

Murage was much in vogue during the late thirteenth and fourteenth centuries as a way for towns to finance the heavy expenses of expanding and maintaining their fortifications. Northampton's central position, geographically, in England also often made it one focus of twelfth- and thirteenth-century power-struggles between national factions. In 1216 much of the town had been burned to the ground. In 1224 a grant in the name of Henry III (then in his minority) was made allowing Northampton to finance wall-building by collecting for three years special tolls on goods being brought to the weekly market; specification focused on livestock, with a generic clause to cover other merchandize. This murage grant was reissued in 1252 for a two-year term; its list was more detailed than that of 1224, but not as extensive as in the 1301 grant, and the only items of note covered in 1252 that one might be surprised to find missing in 1301 were salted meat and flax. Permission to collect special tolls for purposes of paving the town was given in 1282.

The 1301 murage seems to have been directly targeted at extending the walls to incorporate suburbs, notably a church and some open land associated with the town fair, one of the more important ones in England. Since most, if not all, of the items listed here would already have been subject to local tolls, for purpose of the revenues needed for the fee farm, it must be assumed that the levies listed took the form of a surtax. That practically every item includes the words "for sale" is a reminder that these tolls were on goods being brought for retail or wholesale in the town market, and were not imposed on goods being brought for personal or household use.



NOTES

General note

The text of the original did not have the various tolls itemized; I have formatted it thus for easier comprehension.

"grey-work"

A kind of pelt from some small animal.

"worsted"

A type of cloth distinct from the high class woollen cloths. It could be made from lower grade wool, which made East Anglia suitable for its production. Because worsted did not need fulling, production focused particularly in Norfolk, whose rivers were not suitable for fulling.

"Aylsham"

A Norfolk village involved in clothmaking from at least the eleventh century, and by 1300 had an established reputation for its linen.

"ashes"

Ashes (for which we would today use the term potash) were used to clean cloth prior to dyeing.

"cordwain"

A leather treated by a preparation that originated in Cordoba, Spain.

"weekly"

It is not clear why the qualifier "weekly" was added to some items; possibly payment of the toll gave licence to import as much as was desired over the course of a week.



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Keywords: medieval Oxford murage tolls livestock food skins cloth hardware fish

Subject: Tolls to be collected at Oxford for purposes of murage

Original source: not identified

Transcription in: J. E. Thorold Rogers, ed. *Oxford City Documents, Financial and Judicial, 1268-1665*. Oxford Historical Society, vol.18 (1891), 304-06.

Original language: Latin

Location: Oxford

Date: mid-14th century

TRANSLATION

Customs of murage of Oxford

- For any quantity of grain, a farthing.
- For each cartload of grain, a halfpenny.
- For each horse, mare, bull or cow, a halfpenny.
- For each hide of horse, mare, bull or cow, whether salted, tanned or untanned, a farthing.
- For each iron-shod cart [loaded with] fresh or salted meat, 1½d.
- For five bacons, a halfpenny.
- For each fresh or salted salmon, a farthing.
- For each lamprey brought to market before Easter, a farthing.
- For 10 sheep, goats or pigs, 1d.
- For 10 woolfells, a halfpenny.
- For each hundred fleeces or skins of sheep, goats, stags, hinds, bucks or does, a halfpenny.
- For each hundred skins of lambs, kids, hares, rabbits, foxes, cats, or squirrels, a halfpenny.
- For each broad-cloth, a halfpenny.



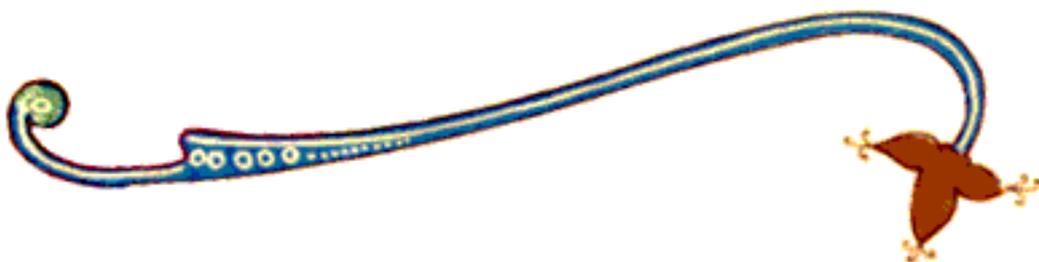
- For each hundred linen cloths such as cloths of Ireland, Galway and **Worstead**, 1d.
- For each silk cloth with gold saints[?], drapery and brocade, a halfpenny.
- For each silk cloth without gilding but reinforced by "Chifs de Sendel", a farthing.
- From any ship loaded with things for market, 3d.
- For each tun of wine or ashes, 1½d.
- For each horseload of ashes, 1½d.
- For each cartload of honey, 1d.
- For each sack of wool for sale, 2d.
- For a truss of cloth brought, by cart, for sale, 2d.
- For each horseload of cloth for sale, or other diverse small items for sale, a halfpenny.
- For each cartload of iron, 1d.
- For each horseload of iron, a halfpenny.
- For each cartload of lead, 1d.
- For each cartload of tan for sale, a farthing weekly.
- For goods sold by weight, that is for a hundredweight, 1d.
- For a wey of tallow or grease, 1d.
- For each quarter of woad for sale, 2d.
- For each hundredweight of alum, copperas, "**Drigaylis**", [or] verdigris, a halfpenny.
- For two thousand onions, a farthing.
- For 8 sheaves of garlic, a farthing.
- For every thousand herring, a farthing.
- For each cartload of sea-fish, 1d.
- For each horseload of sea-fish, 1d.
- For every hundred boards, a halfpenny.
- For each millstone, a halfpenny.
- For every thousand faggots.
- For ten thousand turbot, a farthing.
- From each ship loaded with turbot, 1d.
- For each quarter of salt, a farthing.
- For each wey of cheese or butter, a halfpenny.
- For each cartload of combustibles or coal for sale, a halfpenny weekly.
- For every thousand nails, a farthing.
- For every hundred horseshoes or **cart-hurdles**, a farthing.

- For each quarter of tan, a farthing.
- For each truss of any kind of merchandize for sale that is worth more than 5 shillings, a farthing.
- For every hundredweight of tin, bronze, or copper for sale, 2½d.
- For every hundred steel bars, a halfpenny.
- For every cartload of "**Aberden**", 1d.
- For every hundredweight of stockfish, a farthing.
- For ten stones of hemp, a farthing.
- For ten gallons of oil, a halfpenny.
- For every other thing, not otherwise specified, brought for sale that is worth more than two shillings, a farthing.

DISCUSSION

According to Rogers, this document dated from the reign of Edward III. Oxford, however, had a stone wall built in the early thirteenth century; so, if Rogers' dating is correct, this murage would presumably have been for repairs and maintenance.

In comparison to the lists of merchandize making its way to or through London and Ipswich, the list above reflects the fact that most of Oxford's imports and exports travelled by land-routes.



NOTES

"Worstead"

Worstead was a Norfolk village, and one of the main areas of settlement of Flemish immigrants, which helped it develop into a clothmaking centre. The cloth that took its name from the village was, however, a lower-grade cloth.

"Drigaylis"

Alum, copperas, and verdigris were used in the dyeing process, and therefore *Drigaylis* is likely to have been either a dye or a mordant. A hypothetical translation, assuming the transcription is accurate, might be "dried gale" – the dried bark of the gale shrub having been used as a yellow dye, as well as a tan.

"cart-hurdles"

Attachments to the sides of a cart, to increase its loading capacity.

"Aberden"

Perhaps the name for a kind of fish?



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Keywords: medieval Sandwich customs fees revenues imports market tolls wine food hardware produce cloth wool leather

Subject: Customs levied at Sandwich on imports

Original source: Public Record Office, E122/124/14

Transcription in: N.S.B. Gras, *The Early English Customs System*, Cambridge (Mass.): Harvard University Press, 1918, 167-172.

Original language: Latin

Location: Sandwich

Date: 1304

TRANSLATION

Custom receipts from Sandwich from Michaelmas 1304 to 9 December



| | |
|--|--------------|
| Wednesday, 30 September. From anchorage, 4d. From William Burser for half a sack of wool, 1d. | total: 5d. |
| Saturday following. From market tolls, 1½d. | total: 1½d. |
| Tuesday following. From John de Wytsand for 3 tuns of wine, 12d. From John de Castro for 6 quintals of quicksilver, 2s.; for 2 bales of basan , 8d.; for 4 sacks of yarn, 8d. From William Pilli for 24 millstones, 4s. From Peter de Tartan for 1 pack of canvas, 4d. | total: 8s.8d |
| Thursday, 8 October. From anchorage, 4d. From Henry de Darewell for 6 tuns of woad, 2s. | total: 2s.4d |

Friday following. From Bartholomew de Lenne for 27 tuns of wine, 9s. From anchorage, 4d. total: 9s.4d

Saturday following. From market tolls, 1¼d. From James de Wytsand for 8 tuns of wine, 2s.8d, for 2 weys of butter, 2d. total: 2s.11¼d

Sunday following. From passage, 6d. From John de Stinkerey and John Frere his associate for 4 packs, 16d. From Ralph Kethel for 100 **thousandweight** of iron, 3s.4d, for a hundredweight of almonds, 2d. From Christian Ram for 8 weys of cheese, 8d, for 9 dozen stockings, 9d. total: 6s.9d

Tuesday following. From John de Brue for 72 pipes of wine, 12s. From Hugh Do of Dartmouth for 5 tuns of wine, 20d. From anchorage, 2d. total: 13s.10d

Friday following. From Peter Platyn of "**Wytsand**" for 6 horseloads of garlic, 6d. From anchorage, 6d. total: 12d.

Saturday following. From market tolls, 1½d. From anchorage, 4d. From John de Wytsand for 8 horseloads of wheat, 2d. total: 7½d.

Sunday, 18 October. From Peter de Perure for 6 tuns of wine, 2s. total: 2s.

Tuesday following. From anchorage, 4d. From Hugh Do of Dartmouth for 20 skeins of yarn, 5d. total: 9d.

Wednesday following. For 47 horseloads of barley, 11¾d.; for 22 stones of canvas, 5¼d.; for 1 awning cloth ¼d. total: 17¾d.

Friday following. From William Peris of Bayonne for 6 **frails** of figs, 6d.; for 7 tuns of mead and 1 tun of grease, 2s.8d; for 1½ quintals of wax, 6d.; for 6 sacks of anise, 12d.; for 1 bale of onions, 2d. From John de Pic for 41 frails of figs, 3s.5d. From William de Buk for 4 sacks of wool, 8d.; for 1 bale of cloth, 4d. From John Leffyn for 13 tuns of wine, 4s.4d. From Martin de Bersele for 6 sacks of onions, 12d.; for 300 pelts, 1½d.

total: 14s.8½d

Saturday following. From market tolls, 1½d. From master John de Wytsand for 5 tuns of wine, 20d. From anchorage, 2d.

total: 23½d.

Tuesday, 27 October. From anchorage, 2d. From Peter de Moukerk for 2½ quintals of wax, 10d. From Stephen de Wendele for 4 sacks of almonds and rice, 8d.

total: 20d.

Wednesday, 28 October. From John de Martre for 8 bales of tawed leather and 1 bale of basan, 3s. For 1 sack of cotton, 2d.; for 1 bale of saffron, 4d. From Martin de Horth for 50 pipes of wine, 8s.4d. From Pelegrin de la Gardage for 24 sail-cloths, 12d.; for 7 bales of tawed leather, 2s.4d; for 14 sacks of almonds, 2s.4d. From Domyng John for 15 pipes of wine, 2s.6d. From John de Bygogne for 1 quintal of wax, 4d.

total: 20s.4d

Thursday following. From Peter Geraud of Paris for 18 bales of tawed leather, 6s.; for 12 **dickers** of leather, 2s.; for 2 quintals of grain, 8d. From John Froydecosine for 1 bale of cloth, 4d.; for 2 sacks of wool, 4d. From Thomas de Bonoy for 2 bales of canvas, 8d.; for 11 cloths, 11d. From John de Furnys and John his associate for 39 thousandweight of iron, 13s.; for 8 sacks of yarn, 16d.; for 7 quintals of quicksilver, 2s.4d; for 2 quintals of grain, 8d.; for 3 quintals of wax,

12d. From Thomas Gauge for 37 tuns of woad,
12s.4d. From John Stironn for 8 bales of
almonds, 16d. From Adam Selde for 12 **ferlings**
of salt, 3d.

total: 43s.2d

Friday following. From Geoffrey Palmere for 9
skeins of yarn, 2¼d. From Denis Bell of Ypres
for 9 tuns of wine, 3s.; for 4 sacks of wool, 8d.,
for 2 bales of tawed leather, 8d; for 1 bale of
woad, 4d. From John Froydecosine for 2 sacks
of wool, 4d.; for 8 horseloads of grain, 1¾d.; for
3 bales of canvas, 12d.; for 1 bale of cloth, 4d.

total: 6s.8d

Saturday following. From market tolls, 1¼d.
From John Leffyn for 19 tuns of wine, 6s.4d

total: 6s.5¼d

Monday, 3 November. From anchorage, 6d.
From John Grippe for 4 tuns of wine, 16d. From
Henry Forneval for 6 tuns of woad, 2s. From
James de Wytsand for 8 tuns of wine, 2s.8d; for
2 weys of butter, 2d. From Hugh Do for 5 tuns
of wine, 20d. From anchorage, 2d.

total: 8s.6d

Tuesday following. From Bernard Busard for 13
bales of cloth, 4s.4d. From John Placel for 24
thousandweight of onions, 12d. From William
Byket for 4 sacks of wool, 8d.; for 1 bale of
cloth, 4d. From Thomas Kock for 15 weys of
cheese, 15d. From William Dawe for 7 weys of
cheese, 7d. From John le Whyte for 26
horseloads of grain, 6½d. From Simon de
Pampilon for 12 bales of tawed leather, 4s.

total: 12s.8½d

Wednesday following. From master John de Wytsand for 5 tuns of wine, 20d. From John de Borgoyne for 1 quintal of wax, 4d. From Michael May for 7 sacks of almonds, 3s.8d. From Berard de Ros for 21 sacks of almonds, 3s.8d. From Peter de la Race for 16 sacks of cumin and rice, 2s.8d. From Gonsalvo de Radik for 4 sacks of rice, 8d.; for 2 quintals of quicksilver, 8d. From Laurence de Bonhurt for 4 sacks of almonds, 8d. From Ansado de Corensent for 9 tuns of mead, 6s.; for 39 frails of figs, 3s.3d; for 3 sacks of almonds, 6d. From Arnalton de Francia for 9 bales of tawed leather, 3s.; for 4 tuns of mead, 16d.; for 14 sacks of **alum**, 2s.4d.; for 4 dickers of leather, 8d. From Raymond Maynard for 12 bales of tawed leather, 4s.

total: 32s.8d

Thursday following, that is, 6 November. From Martin de Berro for 4 sacks of yarn, 8d.; for 2 bales of pelts, 8d.; for 1 sack of wool, 2d., for 7 bales of basan, 2s.4d

total: 3s.10d

Saturday following. From Roger de Fonte for 100 sacks of alum, 16s.8d.; for two pipes of grain, 4d.; for 4 tuns of mead, 16d.; for 44 sacks of rice, 7s.4d; for 19 sacks of cotton, 3s.2d; for 29 dickers of leather, 4s.10d. From market tolls, 2½d.

total: 23s.10½d

Monday, 9 November. From Menald de Privoret for 24 thousandweight of iron, 8s. From Peregrine de Francia for 45 thousandweight of iron, 15s.; for 9 bales of tawed leather, 3s.; for 16 sacks of yarn, 2s.8d

total: 28s.8d

Tuesday following. From Richard de Tinnemoutha for 64 ferlings of salt, 16d.; for 1½ thousandweight of iron, 6d.

total: 22d.

Thursday, 12 November. From Isaac Lambert for 16 skeins of yarn, 4d. From Martin Johan for 1½ lasts of herring, 6d. From Peter Geraud for 5 thousandweight of iron, 20d. From anchorage, 2d. From Peter Geraud of Beausolers for 21 sacks of Spanish wool, 3s.6d; for 3 bales of tawed leather, 12d.; for 4 sacks of yarn, 8d.; for 4 cloths, 4d. From John Peris of Lisbon for 4200 pelts, 17d. total: 9s.7d

Saturday following. From market tolls, 1½d. From Rigo Salno for 1500 pelts, 6d. total: 7½d.

Monday, 16 November. From John Bron and Peter his associate, for 300 bacons, 25s. From Geoffrey Beauborgeys for 10 lasts of herring, 3s.4d. From anchorage, 2d. total: 28s.6d

Friday, 20 November. From Domingo de Monte for 6 frails of figs, 6d. From Moneto Lupard for 20 thousandweight of iron, 6s.8d; for 51 sacks of liquorice, 8s.6d; for 42 frails of figs, 3s.6d. total: 19s.2d

Saturday following. From market tolls, 2d. total: 2d.

Tuesday following. From Bernard de Horth for various customs, 20s. total: 20s.

Friday following. From anchorage, 2s. total: 2s.

Saturday, 28 November. From market tolls, 1½d. total: 1½d.

Monday, 30 November. From Matthew de Bark for 2 lasts of herring, 8d. From John Foget for 21 casks of figs, 18d. total: 5s.8d

Tuesday following. From John de Camys for 2 casks of figs, 4d. From Peter Anys for 3 tuns of mead, 12d.; for 12 cloths, 12d. From anchorage, 2d. total: 2s.6d

Friday following. From Bealcog de Donkerk for 10 horseloads of grain, 2½d.; for 1 bale of corn, 4d; for 3 weys of cheese, 3d. From John Pierr for 6 casks of figs, 12d. total: 22½d.

Saturday following. From market tolls, 2½d. From anchorage, 12d. total: 14½d.

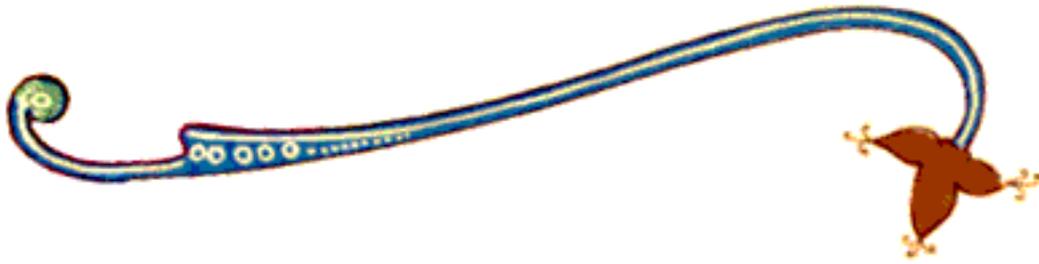
Monday following. From Dany Coc for 28 horseloads of grains, 7d. From Peter Johan of Exue for 17 horseloads of grain, 4¼d. From anchorage, 2d. For 3 weys of cheese, 3d. From Robert de Brug for 3 sacks and 1 bale of wool, 7d. From a certain Fleming for various customs, 20d. total: 3s.2d

The customs from ten weeks in 1304.

DISCUSSION

Sandwich was one of the Cinque Ports, and was one of the busier ports serving international trade, although nowhere near the scale of London, of course. Unlike the trade of the north-eastern ports, that of the southern coast ports involved more merchants from France and Italy; the Italians in particular made heavy use of Sandwich in the fourteenth century for shipping wool.

This document appears to be a record of local tolls imposed, both on goods and on ships (for anchorage, or for passing through the port), as well as on merchandize brought by road – if the references to horseloads imply the actual mode of transportation, rather than just quantities – and tolls imposed on outsiders for retailing in the weekly market. It is not specified whether the goods were being exported or imported; probably some of both – it was of no difference for purpose of the tolls – although most of the items look like imports.



NOTES

"quintals"

A quintal was a measure equivalent to 100 lb.

"basan"

Leather made from sheep-skin; inferior to cordwain.

"thousandweight"

Presumably half a ton.

"Wytsand"

Whitstable?

"frails"

A frail was a large wicker basket, commonly used for transporting fruit and woad.

"dickers"

A dicker (possibly from the Latin *decuria*) was a measure of ten hides.

"ferling"

A term perhaps derived from the French *ferler*, to tie or wrap something up; does not seem to fit the context well, but better than the alternative hypothesis of an association with "furlong".

"alum"

Used in dyeing cloth.



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Keywords: medieval Bristol commerce regulations imports market maintenance tolls cloth hardware food wine foreigners

Subject: Special toll paid by outsiders on imports to Bristol

Original source: Corporation of Bristol Archives, Great Red Book, ff.96-97

Transcription in: Elspeth Veale ed., *The Great Red Book of Bristol*, Bristol Record Society, vol.4 (1933), part III, 58-60.

Original language: Middle English

Location: Bristol

Date: 1459

TRANSLATION

First, that all persons who are not burgesses and freemen of the town of Bristol and who bring there wool, woollen cloth, iron, wood, wine, salt, **madder**, grain, oil, wax or any other merchandize of **avoirdupois** should take it to a place specifically designated (by the chamberlain then in office, upon the recommendation of the mayor and common council) as the sole location for the advertisement and sale of all such goods. They are to display and sell the same there alone, and not in any other private location. For which place of sale a location has now been assigned by decision of the mayor, sheriff and common council: a place in the **Back** of Bristol called **Spicers Hall**, in which there once lived a notable and respectable merchant of the town called Robert Sturmy, whom has recently been taken into the bosom of God.

Also, that all kinds of woollen cloth and other merchandize that are to be measured and weighed within the town shall be measured and weighed [\[during the transaction\]](#) between buyer and seller (if neither is a burgess) by certain persons assigned and appointed by the



chamberlains, upon recommendation from the mayor and common council.

The provision by the chamberlains then in office of a place for the sale of merchandize has been, and is, for the convenience and benefit of those who bring such merchandize here and sell it. The upkeep and maintenance of that place for such a use would not be possible without considerable expenses and expenditures on repairs and improvements.

Therefore, it has been the custom since ancient times that every outsider who is not a freeman of the town and who brings there any merchandize for advertisement and sale should pay, for the convenience and benefit in so doing, a monetary duty dictated by the type, quantity and variety of the merchandize they have brought, and according to the length of time they keep the goods in town for showing and selling it. That is:

- For every whole woollen cloth put up for sale or being [stored] there for eight days or less, 1d.
- For every 4 coloured narrow cloths put up for sale or being [stored] there for eight days or less, 1d.
- For every **frieze** cloth put up for sale or being [stored] there for eight days or less, ½d.
- For every piece of **kersey** put up for sale or being [stored] there for eight days or less, ½d.
- For every pack of Barnstaple cloth, Kendals, small friezes, Kidwelly cloth, and all other narrow cloths, where the pack contains 20 **dozen**, put up for sale or being [stored] there for eight days or less, 2d.
- For every sack of wool put up for sale or being [stored] there for eight days or less, 4d.
- For every ton of iron put up for sale in the weigh-house associated with the same place [i.e. **Spicers Hall**] or being [stored] there for eight days or less, 4d.
- For every tun of wine, oil, honey or other merchandize in casks put up for sale or being [stored] there for eight days or less, 4d.
- For every butt of **Malmsey**, Tyre, Romney or other sweet wine put up for sale or being [stored] there for eight days or less, 4d.

- For every hundredweight of wax put up for sale or being [stored] there for eight days or less, 1d. If that wax remains on sale there for a longer period than eight days, then ½d is to be paid to the chamberlains for every week that it remains.
- For every pipe of grain put up for sale or being [stored] there for eight days or less, 20d. No additional payment is due the chamberlains even if the grain remains there for longer.
- For every bale of madder or **alum** put up for sale or being [stored] there for eight days or less, 1d. No additional payment is due the chamberlains even though the madder or alum remain there for longer.
- For every load of beaver [skins] put up for sale or being [stored] there for eight days or less, 2d; no additional payment is due the chamberlains even though the beaver [skins] remain there for longer.
- For every hundredweight of bowstaves put up for sale or being [stored] there for eight days or less, 2d. No additional payment is due the chamberlains even though the bowstaves remain there for longer.
- For every tun of fruit put up for sale or being [stored] there for eight days or less, 4d. No additional payment is due the chamberlains even though the fruit remains there for longer.
- For every hundredweight of canvas put up for sale or being [stored] there for eight days or less, 1d.
- For every piece of "**crestcloth**" put up for sale or being [stored] there for eight days or less, ½d. No additional payment is due the chamberlains even though the cloth remains there for longer.

Should any of these goods – other than wax, grain, madder, alum, liquorice, beans, bowstaves, fruit, canvas, and crestcloth – remain in the hall for a longer period than is indicated above, then the duty payable on it will be increased according to the length of time and the type of merchandize remaining there.

DISCUSSION

This list of tolls is part of a set of local ordinances (the core of which are also given above) dated 1459. The preamble claims them to be a reaffirmation of by-laws in effect since "time beyond memory", but whose enforcement has been neglected by the busy bailiffs, with a result of loss in revenue from "tolles Custumes and other dueties and exaxcions due". The tolls apply to outsider merchants who are not freemen (it having been possible for non-burgesses to purchase the **franchise**, in order to obtain commercial privileges). The closing section of the ordinances prohibited burgesses and other residents of the town from allowing the merchandize of outsiders to be stored, displayed, or put up for sale in their houses or hostelries, upon penalty of a 40s. fine.

Since the stated purpose of the tolls was cover the costs of upkeep of Spicers Hall, they were presumably extraordinary imposts. They evidently apply both to goods imported from abroad and those brought into Bristol from other locations in England.

In the first half of the fifteenth century Bristol was one of the principal centres for the import/export trade. Wine from Gascony, still politically tied to England, was the leading item among its imports, and cloth among its exports (again particularly to Gascony) – the prosperity of the town had long been based primarily upon the manufacture and export of cloth. Grain was also prominent among its exports. To a lesser extent goods were imported from Spain and Portugal, such as wax, fruit, iron, dyes, and spices. However, after a peak in the 1440s Bristol's trade figures were dropping during the '50s, largely due to the loss of Gascony to France, and fell to a low in the '60s, forcing Bristol merchants to give more attention to the Iberian markets. The special tolls imposed in 1459, over and above any import/export duties, could not have helped encouraged merchants to use Bristol as their gateway to England. Although Bristol's trade revived later in the century, in the longer term much of its cloth export business shifted to London.



NOTES

General note

The text of the original did not have the various tolls itemized; I have formatted it thus for easier comprehension.

"madder"

A red dye.

"avoirdupois"

I.e. goods sold by weight.

"Back"

The Back was a secondary quayside facility on the Avon (as opposed to the main quayside on the Frome) – see [map](#).

"Spicers Hall"

It must have been acquired by the town in 1459, after its owner Robert Sturmy, a spicer and former mayor, was killed when his three ships were, returning from a successful trading mission to the Levant, raided and captured by a Genoese fleet.

"frieze"

A coarse woollen cloth, with nap on one side.

"kersey"

A type of cloth produced (originally) at the Suffolk village of that name; it was a cheaper kind of cloth.

"dozen"

The term "dozen", when applied to cloth, does not represent (as it appears) a quantity, but a length: a dozen was a cloth of approximately 12 ells (about 13-14 yards).

"Malmsey"

A madeira brought from Portugal.

"alum"

Used in dyeing cloth; it was the most common, easiest to use, and one of the most effective of several metallic salts that could be applied to fix the colour a cloth was dyed.

"crestcloth"

Elsewhere referred to as "crossecloth".



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Keywords: medieval York tolls murage smuggling fraud merchants dyers regulations oath disfranchisement

Subject: Steps to combat evasion of tolls

Original source: York city archives, Memorandum Book A/y, ff.209-300

Transcription in: Maud Sellers, ed. *York Memorandum Book, part II (1388-1493)*. Surtees Society, vol.125 (1914), 204-06.

Original language: Middle English

Location: York

Date: 1460

TRANSLATION

Thomas Beverlay, John Thrisk, William Stokton, Thomas Barton, Thomas Neleson, Richard Lematon, Nicholas Holgate, John Marton, William Barlay, John Ince, of **the 12**; Christopher Both, John Marshall, sheriffs; William Abirford, William Stanes, Thomas Scauceby, Richard Thornton, Thomas Curtays, John Gyllyote, John Voure, John Glasyn, William Wright, William Cleveland, John Coupeland, of **the 24**, were assembled in the **council chamber** of the city of York, the 22nd May, 1460, to consider the great deterioration of the city, which increases daily due to the evasion of toll and murage payable to the mayor and community of this city. Not only by deceit on the part of merchants who are citizens of this city, by importing and exporting various goods and merchandize belonging to other men under guise of being their own goods and merchandize, and on the part of other citizens of the city in appropriating and declaring various kinds of grain to have been purchased by them in other parts of this kingdom of England, at their own risk. But also by dyers of the city importing to and exporting from this city wool, cloth and yarn belonging to various country-dwellers, without paying toll and murage; and also by making deceitful agreements with outsiders [\[for the latter\]](#) to transport various



goods and merchandize to a certain place near the **franchise** of this city, and then the citizens to take responsibility for them from there into the city, with the intent of evading payment of toll and murage of the city, contrary to the **grants and confirmations** of the king and his ancestors and also contrary to the ordinances and customs of this city. Therefore, for the correction of this situation, it is ordained and established in the way and form that follows, by the advice and full agreement of the whole community of the city:

First, that if any merchant who is a freeman of this city exports to be sold in other parts of this kingdom, or imports from any part of this kingdom, by water or by land, iron, oil, tar, wine, wax, soap, woad, madder, alum, tin, lead, or any merchandize of whatever kind at all, **[he]** shall take oath upon a book that they are his own personal goods and merchandize, being imported or exported at his own risk. So that, if they happen through any cause to be destroyed or lost, by land or by water, the loss falls solely upon himself and not on any other person. And **[he shall swear]** that they have not been bought or sold with the intent of evading or defrauding, by any kind of deceit, the officers of this city of toll or murage or anything payable to the city.

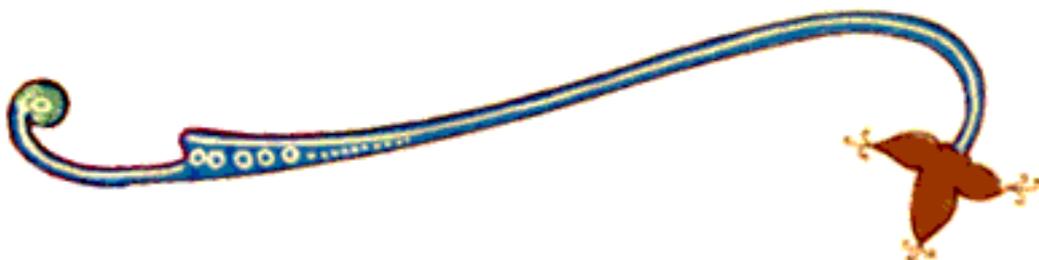
Also, if any freeman of this city buys any kind of grain in the countryside with the agreement that it shall be brought into this city at his cost and risk, that both the seller (if he comes to the city) and the buyer shall take oath upon a book that the bargain and contract was honestly made, without intent to **[commit]** fraud and deceit in the way already mentioned.

Also, should it happen at any time in the future that any freeman of this city buy or sell any kind of goods or merchandize on the condition of delivering them at a place close to the boundaries of the franchise of this city, with the intent – through the agreement made between him and the other party – to defraud or deceive the officers of this city of toll or murage, or **[should he]** make any false oath regarding any goods or merchandize to be bought or sold, and this is proven against him, he shall pay twice the **[normal]** amount of toll and murage on those goods and merchandize, and furthermore be **disfranchised**, and not readmitted to the franchise without the agreement of the entire council of the chamber, or the majority of the same.

Also, that all dyers who are citizens of this city and who import any kind of wool, cloth or yarn to be dyed within this city, henceforth pay toll and murage – according to the form and intent of the grants and confirmations of the same, granted by our sovereign lord the king and his ancestors, and also according to the customs and ordinances of this city – when it is brought in, in the same way that outsider owners would do if they imported it themselves, but nothing when they export it. Given that if any person or persons bring or send any wool, cloth, or yarn to this city to be dyed for their own personal clothing, or that of their household servants, as indicated by an oath to be taken by the owner or the bringer (whether the dyer or someone else), no toll or murage is payable.

DISCUSSION

In the absence of effective detective methods, the principal medieval remedy for evasion of import and export tolls (of which murage was simply one specialized form) – as for the deterrence or discovery of other crimes – relied on the efficacy of holy oaths to persuade people, fearful it was hoped of eternal damnation, to honest behaviour. There are ample examples that some people were prepared to swear false oaths – although others respected their power – and a recognition of this led to the backup penalty of monetary fine. It is interesting that dyers were particularly singled out for attention as evaders of toll; several of the types of merchandize mentioned by name – besides the wool, cloth and yarn – were items associated with their industry.



NOTES

"the 12" "the 24"

The 12 were the upper council of aldermen; the 24 were the lower (common) council.

"council chamber"

The council chamber was on the Ouse Bridge.

"grants and confirmations"

This refers to the royal charters granting rights and powers to the city, for which confirmation was sought from each new king ascending to the throne.



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INTRODUCTORY ESSAY

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Keywords: medieval urban government constitution laws charters liberties customs customals

Laws and liberties: the urban constitution

It is not clear whether, before the twelfth century, towns had any officially recognized powers relating to communal self-government, or any special privileges that definitively distinguished the personal status of their inhabitants from those of non-urban areas, with the possible exceptions of holding property in exchange for money rents rather than personal services, and (less certainly) in exemptions from paying tolls on merchandise. However, there was certainly some differentiation of town and countryside within the national administrative system.

The folk moot must have provided a mechanism for the discussion of local concerns in a way that allowed for expression of aspirations and ambitions. Merchant guilds, where they existed, likely provided another and perhaps more important focus for such discussions, and even for the momentum behind the acquisition of royal charters, since they may already have been instrumental in the local regulation of commercial affairs, and since their members were those townspeople with the most to gain; this would help explain why such guilds were among the earlier privileges to be confirmed by charter. Later, attention turned more to building up the jurisdiction of the town court, where it was under the presidency of officers elected by the community, and/or to establishing mayors and councils as administrative authorities with no direct accountability to higher powers.

Certain aspects of urban administration, society and economic affairs were influenced by local customs, which varied from place to place. But the character, origin and antiquity of such customs is difficult to judge in the absence of written records; royal charters make reference to their existence, but without (in most cases) specifically indicating what they were. Only so much can be gleaned on this subject from the Domesday Book, which gives our best single view of towns prior to the appearance of royal bureaucratic records series in the twelfth century.

That century too is hardly rich in written records relevant to urban history. There are a few documents in the form of royal charter grants to a handful of towns – not all of them accepted unquestioningly by historians as authentic – and the Exchequer Pipe Rolls (recording information about the farm and other payments made from the towns). But, other than some private charters related to real estate transactions, no documents directly from the towns themselves until the very end of the century. It does not appear, and we should not be too surprised at the fact, that any effort was made to record local customs until local self-government – and perhaps more than local government, local bureaucracy – started to take shape as the thirteenth century progressed. By which time we cannot be certain to what extent the formulated customs reflect earlier practice.

The consequence of this paucity of documentation is that, while we are able to reconstruct with some confidence the broad framework of the development of the urban constitution in its early period, we have little direct evidence of the thinking behind that course of development. The account of the setting up of administrative mechanisms at Ipswich in 1200 – itself prompted by the grant of a royal charter – is a rare and thereby important window onto urban affairs even though, since known only from a later copy, not entirely free of suspicion. Consequently, historians must rely heavily on hypothesis to piece together the fragmentary evidence.

Charters

One of the fundamental sources of evidence about the borough constitution are royal charters granting liberties (the term franchises being more commonly used today): privileges related principally to aspects of self-government, i.e. independence from other administrative systems or jurisdictions, and special rights that gave consideration to the particular character and needs of an urban community. The grants were made usually in return for a lump-sum payment and agreement by the representatives of the local community to make a yearly payment – the fee farm – to compensate the king for revenues he would be giving up by turning over administration powers to the borough, e.g. market tolls. Paralleling the charters of liberties granted by the king were similar grants made by lesser lords – known as "mesne lords" because they stood as intermediaries in lordship between the king and his subjects – to boroughs they controlled. Typically these lords, or the burgesses themselves, would seek confirmation from the king of such grants.



The earliest charters of liberties were granted by Henry I (upper left) and Henry II (upper right), cautiously allowing towns some responsibility for their own affairs. Richard I (lower left) and John (lower right), in need of money, were more liberal in selling towns the privileges they sought. Late 15th century statuary from the choir screen in York Minster.

Photos © S. Alsford



Early students of English urban history relied heavily on these charters as indicators of the scope of self-government and as causes of urban growth. Today, historians place much less emphasis on such documents, no longer considering them the principal instruments defining urban status, although this is perhaps partly a reaction against the over-emphasis given by earlier generations. While the formal concessions of privileges by the king, or other lord of the borough, were valuable tools in the process of urban development, they were not indispensable, and in some ways were more markers of a stage in that development, consolidating powers which had sometimes been informally exercised (or usurped) prior to their official recognition in the charters. One example is the privilege known as "return of writs", whereby the county sheriff could not personally carry out royal directives that applied to towns, but had to pass the written commands along to the town officials, who then had to make a written return confirming that they had fulfilled the instructions. Some historians made much of this supposed advance in freedom, and it is true that there were a flurry of such grants in the mid-1250s, although that owes something to Henry III's need, in view of the growing baronial opposition, to curry favour with his towns. However, it is now known that this procedure was in practice prior to the charter grants. In that light the grants appear more to formalize an existing situation, or even to control its applicability via definition. The *Quo Warranto* enquiries begun in the late thirteenth century to investigate the franchises claimed by local landlords and authorities gave

additional motivation to towns to have their claims recognized via royal charters; apart from the instance mentioned above, the charters of Henry III and Edward I in fact did not extend much beyond acknowledging the powers and privileges granted by their predecessors.

The initiative for charters, whether they confirmed existing rights or granted new ones, came largely from the towns themselves; the gains made by some towns, notably London, appear to have stimulated copycat efforts by others. While much of what they permitted was in the interest of the development of local government within the broader framework of a national system of government answerable to the monarchy, England's kings were anxious to avoid stimulating the level of autonomy found in some places in continental Europe. Charter terms, if not their wording, were most probably – particularly in the later period – drafted by town representatives, or at least reflected what the townsmen asked for in written petitions (few of which have survived); although we should envisage charters as a product of negotiation between local and central governments, so that the end-result served the interests of both. But because the final text of the charters was drawn up by clerks of the central government, which had an interest both in controlling the extent of urban independence and in ensuring some consistency in the powers accorded to the different boroughs, and because of a strong tendency to use charters granted to the earlier recipients as models for those granted to later recipients, historians have to beware of taking the precise wording at face value.

Nonetheless, the earliest royal charters to towns are important sources of evidence simply because of the paucity of documentation produced by, or surviving from, the towns themselves, especially prior to the fourteenth century. Many of the later charters were little more than reiterations of the earlier, sometimes with a few additions, largely because towns felt it advisable to purchase inspections and confirmations of their privileges from each new king coming to the throne. Only in this way could towns perpetuate their rights before

formal incorporation – and even after incorporation made renewal unnecessary, attachment to tradition prompted towns to continue to seek royal confirmations. Royal charters were, in essence, the legal warrant or mandate by the country's highest authority for the existence of borough government and for the scope of its authority (prior to the regularization of borough powers through the Municipal Corporations Act of 1835). These charters were usually issued under the great seal. However, grants of minor privileges or mere confirmations of charters came increasingly to be issued as letters patent.

The charters are perhaps most useful for giving us an overview of the stages in evolution of the borough constitution, and of the growing ambitions of the borough community to assert control of its internal affairs and eliminate the interference of "foreign" authorities, such as shire officials or other officers of the royal administration. As a generalization, we can say that the early charters, of twelfth and thirteenth centuries, acted to differentiate town and countryside in terms of distinctive rights (particularly tenurial rights), to establish the basic mechanisms for administration (e.g. court, officers, merchant gild), to begin the process of making those mechanisms semi-independent of external authorities, and to foster the centralization of commerce in towns through advantageous privileges. Later charters of the fourteenth and fifteenth centuries, if not dealing with local issues, added only a few significant developments, by:

- strengthening the privileged trading status;
- recognizing the corporate character of urban government;
- improving borough finances, in part through circumvention of the statute of mortmain and general strengthening of the borough's ability to hold property corporately; and
- expanding the scope of independent judicial jurisdiction (and the hierarchy of urban officialdom needed to take on new responsibilities)

At the same time they integrated towns more into the emerging

system of national administration, while widening the growing gulf between rulers and ruled by giving support to constitutional forms which undermined democratic principles. It is important we not confuse "self-government" with "autonomy"; while factions in one or two towns at points in the twelfth and thirteenth centuries may have harboured notions of setting themselves up as communes on the continental model, the mainstream of constitutional development was in the direction of urban authorities taking on administrative responsibilities that freed them from outside interference by certain officials, but made them more directly accountable to the king.



Charter of Richard I to Northampton (1189)

Customs

In the broader sense, "customs" refers to a set of both traditional privileges and traditional obligations, the latter largely in the form of monetary payments, although services are also evidenced. The administration of the privileges in most cases was associated with tolls, judicial fines, rents, or licence fees which found their way into royal coffers. "Customs" is found in documents sometimes referring to the dues, and sometimes to the privileges which were for generations preserved in communal memory, until the acquisition of local self-government provided the impetus and the administrative mechanisms to write them down. By that

time it has become difficult to be sure which of the customs are ancient, which recent; which hark back to Anglo-Saxon times, and which may have been imported by the Normans.

It is also difficult to know to what extent the customs were of purely local derivation. Certainly the numerous customals that have survived to us display some individuality, eclecticism, and idiosyncrasy. Yet there are enough similarities from town to town to suggest at least indirect influence, through an exchange of knowledge – perhaps no more than the result of the travelling merchant as agent of communication – and in some cases deliberate imitation, although direct copying from one town's customal to another's is rarely apparent. In some cases, customs appear to hark back to Anglo-Saxon or Danish law and this may explain some of the commonality between urban usages.

If charters of liberties provided a framework for the borough constitution, it was for the customals compiled by the burgesses themselves – supplemented by later by-laws (usually referred to as ordinances) – to act as the evolving codex that served as a reference tool for administrators, particularly those presiding over the town courts. Customals incorporate a range of material:

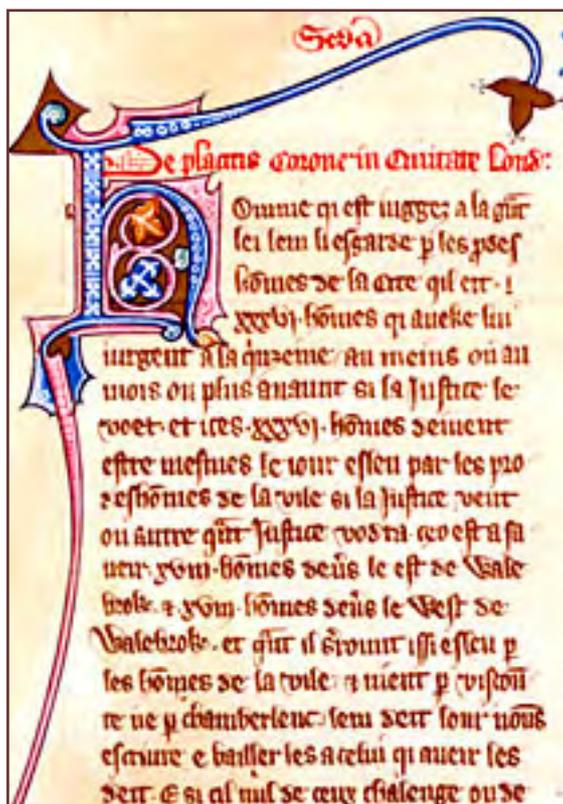
- local usages which, if not ancient, had an origin only hazily remembered, if at all;
- aspects of common law given a local spin;
- elaborations on or interpretations of chartered franchises;
- ordinances formulated by borough governments, closer to the time of the compilation of the customal, to address specific problems.

Sometimes the production of an important set of ordinances provided the impetus for a new edition of a customal to be drawn up. Most customals that have come down to us are editions of earlier compilations, and may even have been selective in what they chose to set down. That which was straightforward, well established, and common knowledge

may not have been considered in need of registering.

Examples of entire customals such – from Norwich, Ipswich and Maldon – are given elsewhere on this site. Some of the early royal charters referred to, and endorsed, existing customary laws without feeling the need to spell out what was already common knowledge to the grantees. Although knowledge might become blurred or subject to changing perspective over time. Ipswich provides us both with an instance of the setting down on parchment of local laws, perhaps from the beginning of urban self-government, and with the creation of a new edition (after the original was lost) out of fear that laws held only in memory were subject to distortion.

Eventually the local customs that governed so many aspects of urban life were superseded as the monarchy sought to establish a national framework of law and legal administration. But for the period when medieval towns were at their apex, perhaps no other single type of document provides us with so fascinating a view of urban life.



Part of a page from the London Liber Albus (Book 1, pt.2, chapter 47), early 14th century, French, stating one of the city customs concerning legal procedures. For a less ornate example, see Exeter's customal.

Further reading

BALLARD, Adolphus, ed. *British Borough Charters, 1042-1216*. Cambridge, 1913.

BALLARD, Adolphus and James TAIT, eds. *British Borough Charters, 1216-1307*. Cambridge, 1923.

BATESON, Mary. *Borough Customs*. Selden Society, vols.18 (1904), 21 (1906).

WEINBAUM, Martin, ed. *British Borough Charters, 1307-1660*. Cambridge, 1943.

See also works in the [further reading](#) section of the *Introduction to the history of medieval boroughs*, especially Tait, Platt and Reynolds.



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Keywords: medieval London charter rights self-government judicial administration fee farm tolls

Subject: Charter granted by Henry I to London

Original source: Corporation of London Records Office, Liber Horn, f.362v

Transcription in: C. Brooke, G. Keir and S. Reynolds, "Henry I's charter for the City of London," *Journal of the Society of Archivists*, vol.4 (1973), 575-76.

Original language: Latin

Location: London

Date: ca. 1131

TRANSLATION

Henry, by the grace of God King of England and duke of Normandy, to the archbishop of Canterbury, bishops, abbots, earls, barons, justices, sheriffs and all his loyal subjects, French or English, throughout England, greetings. Know that I have granted to my citizens of London for themselves and their heirs that they may hold the shrievalty of London and Middlesex of me and my heirs for a farm of £300 by tale. The citizens may appoint as sheriff whomever they want from among themselves and as judge whomever they want from among themselves to take charge pleas of the crown and supervise their conduct; no-one else shall be judge over the men of London. The citizens shall not plead outside the walls of the city in any plea. They are exempted from **scot and lot**, **Danegeld**, and **murdrum**, and none of them need undertake [\[trial by battle\]](#). If any citizen is accused in a plea of the crown, the Londoner may defend himself by an oath to be adjudicated in the city. Within the walls of the city no-one need be billeted, not [\[members\]](#) of my household nor anyone else, [\[nor\]](#) is any billet to be taken by force. All London men and their goods are to be exempt from and free of **toll**, passage, **lastage**, and all other customs, throughout all England and



the seaports. The churches, barons, and citizens may have and hold, properly and peacefully, their **sokes** with all customs, on condition that visitors given hospitality in the sokes pay no customs, except to him whose soke it is or to the officer whom he has appointed there. A Londoner may not be penalized by an **amercement** greater than his **were**, that is, 100s; I refer to pleas which [have a penalty that] is pecuniary. Furthermore, **miskening** is not to be [applicable] in **the husting or the folkmoot**, nor in any other pleas within the city. A husting may be held once a week, that is, on Monday. I will ensure my citizens have [justice regarding] their lands, pledges and debts, inside the city and outside. Concerning lands for which they bring a complaint before me, I shall uphold their rights according to the law of the city. If anyone exacts toll or customs from citizens of London, the citizens may in the city recover, from [members of] the borough or town where the toll or customs were taken, the same amount given by a Londoner for toll, and applicable damages. All debtors who owe debts to citizens must repay them, or in [the court of] London offer defence that they are not indebted. If they are unwilling to repay the debt or to come and defend themselves, then the citizens to whom the debts are owed may **make distraint** within the city, from [any member of] the borough or town or county in which the debtor resides. The citizens may have their hunting rights in the fullest and best form they were had by their ancestors, that is, in the **Chilterns, Middlesex and Surrey**. Witnesses: bishop of Winchester, Robert fitz Richer, Hugh Bigot, Alfred de Totnes, William de Albini, Hubert the queen's chamberlain, William de Montfichet, Hangulf de Tanei, John Belet, and Robert fitz Siward. [Given] at Westminster.

DISCUSSION

London's **farm** (i.e. the estimated total of the various revenues due the king) was £300 at the time of **Domesday**, but by 1130 had risen to just over £525, a sum whose collection may have required extortionate measures to achieve, particularly in the context of a serious fire in the city which had just occurred and must have reduced the citizens' financial means. The collectors of the revenues that went towards the farm failed substantially to meet the required sum in 1130. These revenues were collected by sheriffs over whose appointment the citizens had no control, until that same year when evidence suggests the Londoners had persuaded the king to turn over responsibility for the farm, with concomitant election of the sheriff, to them temporarily.

Such were the circumstances believed to have produced, within the next year or so (a recent theory on the date favours 1133), the charter attributed to Henry I; this restored the farm to its traditional amount, confirmed the grant the farm (of the small county containing London) to the citizens, and gave them the right to elect the collectors as well as a measure of judicial independence in the form of electing a justiciar, a local office which had proliferated during the reign of William Rufus. Henry, who had seized the throne over the claims of an older brother (and has even been suspected of assassinating of his predecessor) and by 1130 was looking for support for the unprecedented succession of a daughter to the throne, was desirous of approval from any quarter. This, together perhaps with a wish to avoid the spectre of the revolutionary commune which had recently plagued Flanders, may have been sufficient motivation for Henry to satisfy some of the ambitions of his kingdom's most important town.

Overall, historians accept that the customs identified in the charter are quite credible for the date represented by the grant. Yet the generous terms of the charter – from a king not renowned for giving something for nothing, and not duplicated for any other town – regarding the substantial reduction of the farm (seemingly in perpetuity), grant of the shrievalty, and the apparently extensive jurisdiction of the justiciar, have given rise to concerns that the charter might be a forgery, or have undergone later interpolations, or even actually be a grant by Stephen later changed to attribute it to the more authoritative Henry I. Careful study of the document has raised the level of doubt by identifying a number of small issues that look suspicious; none of them insuperable, however.

No original of the charter has survived for us. The text is known through a

large number of copies none of which appears to have avoided corruption. The earliest version – in a rambling collection of twelfth-century laws, national and local, that was compiled during the conflict between King John and his barons, and useful to the latter party in forcing the king to make concessions – is one of the more corrupt. There is evidence that by this time, or shortly afterwards, the charter had already gone missing. This loss need not itself be a major cause of suspicion, given the informality of archival practices in a time when there was no structured urban bureaucracy, given the disruptions of the Anarchy (from which the capital did not emerge unscathed), and given the fact that not a few charters of Henry II refer back to grants of liberties made by Henry I for which no original documentation has survived.

In defence of the authenticity of the charter, the reasons why Henry might have been prepared to conciliate London are indicated above. It may also be noted that many towns had their farms reduced in the decades following Domesday (although London's was not the only one to increase), so a reduction of London's – in the face of possibly strong arguments as to its unreasonably high level – is not incredible. Despite Henry's attempt to garner support for his chosen successor, it was to Stephen that London quickly gave its support in the contest for the throne. Yet neither Stephen nor Matilda appear to have paid any attention to the terms of Henry's charter; both gave the shrievalty of Middlesex to Geoffrey de Mandeville, in an attempt to win his support. In the same year (1141) London resorted to an attempt to create a commune that asserted its rights; this might have created a situation in which Stephen could have issued a charter later attributed to Henry.

Henry II's charter to London of ca.1155, whose authenticity is not questioned, was basically a confirmation of the Henry I charter. A comparison of the two strongly suggests the latter, whether genuine or forgery, was written first. Henry II, however, was not inclined to generosity, and may have had a grudge against London for its actions against his mother. While accepting the authenticity of his grandfather's grants, he reigned back on their terms, omitting control of the farm (which, when evidence reappears, shows the farm at a £500+ level) and grant of the elected officers. Among lesser differences is the substitution of exemption from brudtoll, childwite, ieresgive and scot-ale (see **Northampton's charter**), in place of Danegeld and scot and lot – a credible update, Danegeld (12d per hide per year) having become irrelevant as a tribute to occupying forces.

On the whole, historians are prepared to give Henry I's charter the benefit of

the doubt; the most contentious issue is the level of the farm, which may represent revisionism. It was left for Henry II's sons – the one in need of money for crusading, the other pressured by a new outbreak of the assertive commune in London and baronial opposition throughout the realm – to satisfy the full ambitions reflected in a document which almost certainly was drafted in the second quarter of the twelfth century.



NOTES

"scot and lot" "Danegeld"

Scot and lot (the "and lot" not appearing in all versions) was a kind of taxation; the term sometimes seems to be used generically in medieval documents, but here it may refer to a particular levy since it is distinguished from Danegeld. The latter was originally raised for tribute to keep the Danes from invading southern England but, after the Danish threat disappeared, the king found other excuses to continue periodic levies of this tax on real estate.

"murdrum"

A **murder-fine**, a penalty imposed on the entire community when a murder could not be solved; the *Leges Henrici Primi* prescribed a fine of 46 marks if the guilty party was not captured within a week. See **Medieval Sourcebook**.

"trial by battle"

Trial by combat was a **judicial duel**, in which accused and accuser fought with weapons until one was killed or surrendered. If the defeated party was the accused, he stood convicted of the crime; if the accuser, the accused was judged innocent. Exemptions from this mode of trial were common features of early royal charters to towns; the exemption may have applied particularly to cases under the jurisdiction of royal courts, with local custom perhaps already excluding battle as an option (e.g. the **Ipswich custumal**, although we cannot be certain of the antiquity of its prohibition). London's is the first known exemption and perhaps set the example for other towns to follow.

"toll" "lastage"

Toll and lastage were levies on merchandize, the latter being on ship cargoes, perhaps derived from a quantity called a "last".

"sokes"

Collections of jurisdictions, independent in some regards from the main jurisdiction within which they lay. They relate to the "tenurial heterogeneity" of boroughs, whose roots lie partly in the manorial system; different tenants held under different landlords. The tenancies might, or might not, be concentrated in particular areas. Chertsey Abbey, the Cnihtengild, and the queen, for example were among holders of sokes within London at this period.

"were"

Under Anglo-Saxon law, the *were*, or wergild, was the financial compensation due to the kin of a slain man from his slayer. The amount varied according to the social status of the deceased. The wergild of a London citizen was greater than that of the Anglo-Saxon ceorl (free man), but less than that of a thegn. The object of this clause in the charter was to prevent townsmen being fined to ruination.

"miskenning"

Miskenning was making a mistake in the correct formula necessary for stating a plea in court, or in the facts given when stating a plea; such a mistake might forfeit the case for the pleader, lead to the case being transferred to a higher court, or at least result in a fine. It is probably the payment of the fine that the king is waiving here. The *Leges Henrici Primi* specifically identify London as a place where miskenning was rank, perhaps because of the large influx of French settlers, who would have had special difficulty with Anglo-Saxon legal formulae.

"Chilterns, Middlesex and Surrey"

FitzStephen's *Description of London* gives a slightly **different list** of the territories in which Londoners had hunting rights.



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Keywords: medieval Oxford charter liberties customs merchant guild models self-government

Subject: Charter granted by Henry II to Oxford

Original source: *Inspeximus of Elizabeth I*

Transcription in: William Stubbs, ed. *Select Charters and Other Illustrations of English Constitutional History*, 9th ed. Oxford: Clarendon Press, 1913, 198-99.

Original language: Latin

Location: Oxford

Date: ca. 1154-57

TRANSLATION

Henry, by the grace of God King of England, Duke of Normandy and Aquitaine, etc. Know that I have granted and confirmed to my citizens of Oxford their liberties, customs, laws and immunities which they had in the time of my grandfather, King Henry. Namely, a merchant gild with all liberties and customs, in lands, woods, pastures and other appurtenances; with the condition that anyone not belonging to their gild may not trade in any merchandize in the city or its suburb, unless he was accustomed to in the time of my grandfather, King Henry. Furthermore, I have granted and confirmed that they may be quit of tolls, passage and all customs throughout England and Normandy, [whether] by land, by river, by seashore, "by land and by **strand**". And they may have all other customs, liberties, and laws which the community and citizens of London have. And that at **my feast** they may serve me with staff of my butlery, and may act jointly with them concerning merchandizing inside London, and outside, and in all places. And if they have any doubts or differences of opinion concerning any judgement that they have to render, they may send messengers to London on the matter and whatever the Londoners



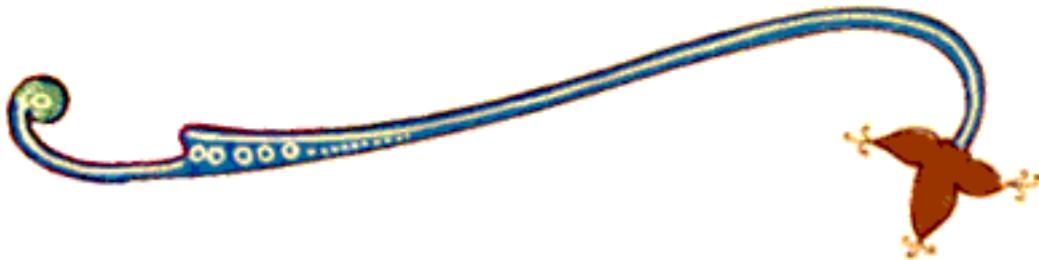
judge to be correct they may take as established. If any charge is brought against them outside the city they need not answer it there; no matter what plea is made against them, they may prove their case according to the laws and customs of London, and not otherwise, for they and the citizens of London are of one and the same custom, law and liberty. It is therefore my wish etc. that they have and hold the aforesaid liberties, laws and customs, and their tenures, properly and peacefully etc., with **sac and soc, tol and theam, infangenetheof**, and with all other liberties, customs and immunities as best they ever had them in the time of my grandfather, King Henry, and just as my citizens of London have them. Witnesses: Thomas the chancellor, Reginald earl of Cornwall, H. earl of Norfolk etc.

DISCUSSION

This charter predates by over forty years the community acquiring the town in **fee farm**. As one of the earlier grants to boroughs it, like Richard I's **charter to Northampton** in 1189 (and yet unlike Henry's **charter to Nottingham**, further afield), prescribed London as the model on which to draft new laws, or even to alter existing local customs. Oxford in turn served as a model for other towns, such as **Lynn**. In fact, even as early as ca.1088/1107 Oxford was acting as a model, for Burford's lord granted the little Oxfordshire town a gild with the same privileges as the merchant gild of Oxford.

Further confirmation that Oxford's merchant gild existed prior to Henry's charter comes from a deed of ca.1147 in which "the community of the city and the gild of merchants" made a grant to Oseney abbey; the deed also refers to the **portmanmoot** (where the decision to make the grant was taken), although this has no mention in Henry II's charter, and to the alderman – presumably the merchant gild alderman – who appears to be a leader of the community; the alderman identified happened to be a powerful local landowner and keeper of Oxford's castle, rather than a merchant, although this choice of leadership may have been prompted by the civil war. **Reeves** of Oxford are likewise heard of in the first half of the 12th century (although this does not mean they were chosen by the community). It is

evident then that we cannot rely solely on royal charters to fully portray the state of local organization or government, nor should we expect to. Nor should too much emphasis be placed on the acquisition of the fee farm as a defining step in local self-government. In 1191, eight years before the fee farm was acquired, another grant by the the community and merchant gild had affixed to it a seal inscribed "the common seal of all the citizens of the city of Oxford" (something evidently not possessed in 1147); among the initial witnesses were two aldermen and two reeves.



NOTES

"strand"

The reference is to beaching or anchoring off the beach (strand), for which a toll was payable; see **Customs charged on imports to and exports from London**.

"my feast"

The king's "feast" refers to the state dinner preceding the day of coronation; since the king could not grant this privilege for himself, only for his successors, it may be that other state dinners are also intended. The clause that follows appears to be grammatically connected with the coronation clause; its meaning is not evident, however, unless the citizens not only served at the feast but helped provision it as well – although such a role is not evidenced anywhere. Possibly it was originally a separate clause from which one or more words were accidentally omitted during the process of making later copies. Evidence of the Oxford community's role, shared with the citizens of London, of taking over the duties of the butler at the coronation feast is given in a document of 1461, which narrates how the mayor, accompanied by six other townsmen, claimed from the High Steward to right to so serve at the coronation of Edward IV, with the result that "the butler delivered an apron to each of the burgesses and instructed them well in performing the duties, and told them to give him or any of his staff commands and they would be obeyed; and so they were." [my modernization, from H.E. Salter, ed. *Munimenta Civitatis Oxonie*, (1920), 223]. Curiously, however, a detailed account (in London's *Liber Custumarum*) of the ceremonials surrounding the coronation of Richard II, which records numerous claims – most by nobles – to perform some role during the ceremony, includes a grant to London to aid the Chief Butler in serving at the feast,

but makes no mention of any similar claim by Oxford. The men of the Cinque Ports also had a role, by holding a canopy over the king during the coronation.

"sac and soc" "tol and theam" "infangenetheof"

Sac and soc were different kinds of jurisdiction, incorporating the right to hold courts to try cases and to take the revenues resulting from the same. For tol and team and infangthef, see the notes to Henry II's **charter to Nottingham**.



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Keywords: medieval Nottingham charter rights customs tolls taxation landholding

Subject: Charter granted by Henry II to Nottingham

Original source: Copy in Nottinghamshire Archives

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1882), vol.1, 2-4.

Original language: Latin

Location: Nottingham

Date: ca. 1157

TRANSLATION

Henry, King of England, Duke of Normandy and Aquitaine, Count of Anjou, to his archbishops, bishops, earls, barons, justices, sheriffs, officers and all loyal subjects throughout England, French and English, greetings. Know that I have granted, and by this charter confirm, to the burgesses of Nottingham all those free customs which they had in the time of my grandfather, King Henry. Which is to say: **tol and them;** **infangenetheof**; and the collection of tolls – as fully as in the borough of Nottingham – from Thrumpton as far as Newark, including on all [\[goods\]](#) crossing the Trent, and on the other side of the watercourse beyond Rempston as far as the water of Retford in the north. Moreover, the **men of Nottinghamshire and Derbyshire** ought to come to the borough of Nottingham each Friday and Saturday, with their wagons and packhorses; nor should anyone manufacture dyed cloth within a radius of 10 leagues of Nottingham, except in the borough of Nottingham. If anyone, from whatever place he originates, lives in the borough of Nottingham for a year and a day during a time of peace, without [\[anyone laying\]](#) claim [\[to him\]](#), no-one shall have any lordship over him afterwards except the king. If any burgess buys land in his neighbourhood and has possession of it for an entire year and a



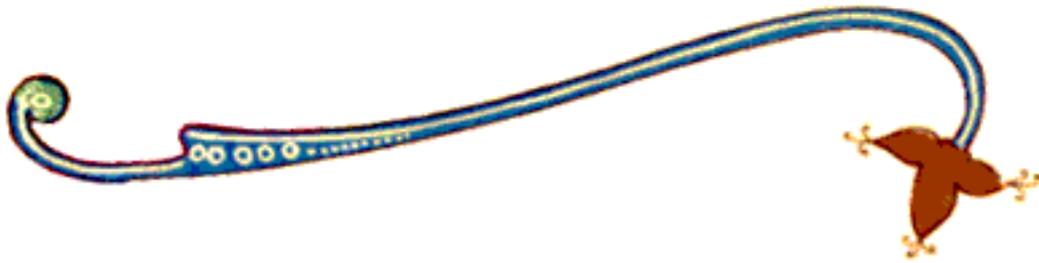
day, without claim [to it] by **the kin of the vendor** (if they are in England), his ownership of it may not afterwards be challenged. Nor shall any burgess be answerable to a charge made by the reeve of the borough of Nottingham, unless there is a plaintiff in the case. Whoever resides in the borough, no matter what fee he is in, ought to contribute with the burgesses to **tallages** and to making up **borough defaults**. Also, all those who come to Nottingham marketplace between Friday evening and Saturday evening shall not be **subject to distraint**, unless for [payment towards] the king's farm. And the right of passage along the Trent should be free to navigation to the width of **one perch** on either side of midstream. It is my will and firm command that the burgesses shall have and hold the aforesaid customs properly, peacefully, freely, quietly, honorably, fully, and wholly, as they had them in the time of King Henry my grandfather. Witnesses: Richard de Humes constable, William de Braosio, William de Caisneto, William de Lanvallei, Ralph sheriff of Nottingham. [Given] at York.

DISCUSSION

Henry II was cautious in the amount of liberty he granted to English boroughs, wishing to avoid anything similar to the "revolutionary" communes that had caused political strife on mainland Europe. He did little more than continue a policy begun by Henry I. He was prepared to confirm privileges which some towns claimed to have received from his grandfather, or to grant the same types of privileges to other towns, on condition of an annual payment (farm), but ensured that this was a strictly revocable arrangement. It was not in Henry II's nature to surrender his powers to others. Nonetheless, his reign did see a large number of charters to towns, furthering their ambitions at least a little. When, at the very end of his reign, Henry gave Nottingham into the lordship of his son, John, the latter confirmed the terms of his father's charter, and added new privileges: right to a merchant guild, exemption from toll, fee farm and the associated right to elect a reeve.

A comparison of this document to the contemporary **grant to Oxford** is

useful in indicating how certain liberties were common features of charters, while others were specific to local needs.



NOTES

"tol and theam"

I have encountered considerable variance in the interpretation of "tol and theam", a combination typically found together (like **sac and soc**). L.J. Downer, in his edition of the *Leges Henrici Primi* defined tol as "the right to receive a tax on the sale of goods within the privileged person's property" and theam as "taking of the profits where a person charged with wrongfully possessing goods was able to vouch to warranty". Bishop Stubbs, in a similar vein, had defined theam as the right to compel the person in whose possession stolen or lost property was found to identify the person from whom he received it, and this definition was followed by Ballard in his study of borough charters, and has passed its way down into ORB's **Guide to Medieval Terms**. Christopher Brooke described tol and theam as the right to levy tolls on the sale of cattle and the right of a court to try cases of cattle-theft, in which he was probably following Harmer's study of Anglo-Saxon writs (1952), defining tol as the right of an estate-owner to take a toll from sales of cattle or other goods that happened on his estate; and theam as the right to profits (i.e. a fine) from a case in which someone accused of unlawful possession of cattle or other goods could vouch his warrantor (i.e. pass answerability along to the person from whom he acquired the goods). It is unknown if tol was used in the Anglo-Saxon period to refer to the imposition of a tax on the passage of goods through one's property. Stubbs did not differentiate between *tol* and *thelonium*, although their separate inclusion in the same list in the Nottingham charter suggests they were not, at that time, perceived as the same thing. The pairing of tol and theam is probably because the witnessed payment of toll on a sale provided some assurance of the honesty of the transaction. That the perception of meanings could change, however, is shown by a late 14th century entry in Colchester's *Red Parchment Book* indicating that some jurists of that time thought theam was the right of a lord to own the children of his villeins, except that if any villein had lived in a town for a year and a day and had been received into the community (i.e. entered the franchise or the gild), he became free. The same source defined tol as an exemption for a lord and his villeins from paying tolls on goods they bought or sold in all markets. London's *Liber Memorandum* has a set of shorter definitions that support those of the *Red Parchment Book*.

"infangenetheof"

Infangthef was the right of a court to try thieves caught within the region of its jurisdiction, notably those caught red-handed (and, since the punishment was hanging, in effect the right to a gallows). Outfangthef, on the other hand, was the right to pursue thieves beyond the region of jurisdiction, and was a liberty accorded to few boroughs.

"men of Nottinghamshire and Derbyshire"

The purpose of the clause referring to these men was to designate the borough as an authorized marketplace for those counties, seeming to imply that no other markets were to operate within that region on the specified days – just as the clause that followed protected the borough's control of cloth manufacture by prohibiting rival industry within a 30-mile radius.

"the kin of the vendor"

The pre-emptive rights of kin to property, under certain circumstances, are exemplified in chapters of the **Norwich** and **Fordwich** customals.

"borough defaults"

The phrase here translated as referring to borough defaults is a little vague in the Latin, but most likely refers to communal answerability for the entire amount of a tax or other levy, regardless of defaults of individual members in contributing their share.

"subject to distraint"

The distraint from which temporary protection was accorded, to those coming to the Saturday market, may have related to private grievances in cases of **withernam**; but the reference to the farm indicates that it also related to public misdeeds, such as avoidance of tolls, which deprived the borough of revenue needed to pay the farm.

"one perch"

Approximately 17 feet.



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Keywords: medieval Northampton charter rights judicial administration tolls customs self-government

Subject: Charter granted by Richard I to Northampton

Original source: Copy in borough archives

Transcription in: Christopher Markham, ed. *The Records of the Borough of Northampton*, (Northampton, 1898), vol.1, 25-26.

Original language: Latin

Location: Northampton

Date: 1189

TRANSLATION

Richard, by the grace of God King of England, Duke of Normandy [and] Aquitaine, Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, sheriffs, and all officers and loyal subjects, French and English, greetings. Know that we have granted to our burgesses of Northampton that none of them – except our officers and money-minters – need answer any plea [introduced in any court] outside the walls of the borough of Northampton, except pleas concerning lands held outside [the town]. We have granted to them freedom from **murdrum** within the borough and in the **portsoken**, that none of them need undertake [trial by] **battle**, that in pleas within the jurisdiction of the Crown they may defend themselves according to the custom of the city of London, and that within the walls of the town no-one may **take lodging by force** or through command of the Marshal. We have also granted this: that all burgesses of Northampton are exempt from **toll and lastage** throughout England and the sea-ports. And that none of them receive **judgement of** [paying] **an amercement** except as determined by the law which our citizens of London have. **Miskening** is not to be [applicable] in any plea [tried] in



the borough. And that a **husting** may be held once a week; and that they have a legal right to their lands and tenures and to their pledges and debts, regardless of who is answerable to them [for the same]. With regard to those lands and tenures that are within the borough, justice shall be done to them according to the [legal] **customs** of the borough; and for all debts incurred or pledges made at Northampton, the pleas shall be held in Northampton. If anyone anywhere in England takes toll or **custom** from Northampton men and afterwards fails to rectify this, the reeve of Northampton may take **retribution** for the same at Northampton. Furthermore, to improve things in the borough, we have granted that they are exempt from **brudtol, childwite, heresgive and scot-ale**; the reeve of Northampton, nor any other bailiff, may not make any scotale. These aforementioned customs we have granted them along with all other liberties and free customs which our citizens of London had or have, when they had them best or most freely according to the liberties of London and laws of the borough of Northampton. It is our will and firm command that they and their heirs have and hold all these aforesaid things hereditarily of us and our heirs, in return for £120 **by tale** from the town of Northampton and all its appurtenances [i.e. the portsoken], paid at our Exchequer at Michaelmas term by the hands of the reeve of Northampton. The burgesses of Northampton may appoint as reeve for the year whomever they want from among themselves, so long as he is suitable to us and them. Witnesses: Hugh bishop of Durham, John bishop of Norwich, Hubert bishop of Salisbury, Earl Alber', William earl of Arundel, Richard earl of Clare, Hamelin earl of Warenne, Walter fitz Rodbert. Given at [Bury] St. Edmunds on 18 November 1189, by the hands of our Chancellor, William bishop Elect of Ely.

DISCUSSION

Hamtun was a settlement of some consequence in Mercia, the Danelaw, and then as one of Edward the Elder's burhs; after the unification of England it was capital of a shire. Its fortunes rose even higher after the Conquest, in part due to its strategic midway position between England's capital, Winchester, and the effective capital of the north, York; a castle and a parallel community of Norman settlers were established there. The king himself was often at Northampton, and had residences in the vicinity; he shared lordship of the borough with the earl of Northampton. Four years before the grant of Richard's charter, with its earl recently dead, Northampton's burgesses had successfully negotiated with Henry II (whom ten years earlier they had supported when his son rebelled) to take away from royal officials control of collecting their farm; almost every year thereafter to about the end of the century two men, almost certainly reeves, are found accounting at the Exchequer for the farm, on behalf of the burgesses, although whether elected or appointed by the king we cannot say. Richard I's charter made this a permanent state of affairs, acknowledging the burgesses right to choose at least one, if not both, of the reeves.

In contrast to Henry II's reticence to grant too much self-government to boroughs, his sons – in need of money or support, for one reason or another – were more open to persuasion (whereas Henry III, more assertive of monarchic power, reverted to the policy of confirmation only). That this charter of 1189 was the first royal grant of liberties to Northampton is evident from the fact that subsequent inspections and confirmations of the borough liberties by later kings, repeating the terms of their predecessors' grants, always begin with the charter of Richard I, which itself makes no reference to any grant of liberties by his predecessors, although his charter is very similar to that granted by Henry II to London ca.1155.

Northampton's first custumal was compiled at about the same time as the charter grant, raising the possibility that the town may have responded to the grant with a process of setting up mechanisms of government similar to that which fortuitously has left a detailed **record for Ipswich**.

This was a fairly standard set of royal concessions for the initial period of introduction of urban self-government. For example, Colchester's royal charter of the same year had a number of the same clauses, while an even more similar charter was granted to Norwich in 1194. The burgesses obtained what was essentially a confirmation of the same terms by Richard's successor, John, the most notable alteration being that the right to elect a

reeve was qualified so that the townsmen would agree ("by common counsel") on two of the more law-abiding and sensible of their number, to be presented to the Chief Justice as reeves, and not to be removed from office (within the term for which elected) while they conducted themselves properly, except by a communal decision; evidence from the Pipe Rolls suggests that the reference to two reeves was not an amendment but a clarification of what had for some years been the actual situation in Northampton. Four coroners were also to be elected, to keep an eye on the good government of the reeves. Those same additions were part of the **royal charter to Ipswich** in the same year. The Pipe Rolls indicate that Northampton was paying a farm to the Exchequer, through reeves (possibly elected), for several years before the grant of this charter – in fact the burgesses were farming the borough from the sheriff at the time of Domesday; the main changes that Richard's charter made was, it is believed, to make the farm a perpetual right of the borough and to give royal blessing to community election of reeves.



NOTES

"murdrum"

A **murder-fine**, a penalty imposed on the entire community when a murder could not be solved; the *Leges Henrici Primi* prescribed a fine of 46 marks if the guilty party was not captured within a week. See **Medieval Sourcebook**.

"portsoken"

The portsoken – the soke (or area of jurisdiction) of the **port** – comprised the lands outside the walls whose residents were answerable in Nottingham's court.

"trial by battle"

Trial by combat was a **judicial duel**, in which accused and accuser fought with weapons until one was killed or surrendered. If the defeated party was the accused, he stood convicted of the crime; if the accuser, the accused was judged innocent. Exemptions from this mode of trial were common features of early royal

charters to towns; the exemption may have applied particularly to cases under the jurisdiction of royal courts, with local custom perhaps already excluding battle as an option (e.g. the **lpswich custumal**, although we cannot be certain of the antiquity of its prohibition).

"take lodging by force"

This refers to billeting; the king's marshals were officers who had to arrange lodgings for the royal court, when it travelled around the country. The aim with this clause may have been to ensure that burgesses could refuse to provide billets, unless they were compensated financially to their satisfaction.

"toll and lastage"

These were levies on merchandize, the latter being on ship cargoes, perhaps derived from a quantity called a "last".

"judgement of paying an amercement"

The reference to this judicial penalty relates to the limitation of the fine to an amount within the means of the convicted party to pay.

"miskening"

Miskening was making a mistake in the correct formula necessary for stating a plea in court, or in the facts given when stating a plea; such a mistake might forfeit the case for the pleader, or at least result in a fine. It is probably the payment of the fine that the king is waiving here.

"husting"

Use of the term **husting** likely shows the influence of a London model.

Conventional translations of this clause imply that the holding of the husting was to be limited to no more than once a week, and James Tait accepted this interpretation in his important study of borough constitutional development.

However, in my opinion the intent of this clause was to sanction a weekly court (on a par with the London husting), as opposed to having borough judicial administration rely on the hundred court, which convened monthly. The placement after the husting clause of the clause relating to lands and debts may be deliberate – hence I have grammatically connected them in my translation – since the intent was to confirm the burgesses' right to sue anyone, lord or commoner, for property (real or moveable) being illegally withheld from them, and this was in most cases (as the charter goes on to detail) a jurisdiction of the borough court. What I have here translated as "pledges" (*vadia*) most probably refers to contractual agreements made between burgesses.

"customs"

Consuetudines is being used in the document in two senses: the customary payments imposed on merchandize brought into the town for sale (i.e. tolls), and the customary laws developed or applied at the local level of government.

"retribution"

The financial "retribution" that the Northampton authorities could exact from anyone associated with those (mainly referring to other jurisdictions) who

demanded the payment of tolls from Northampton men – who had earlier in the charter been exempted from such exactions – is expressed in the charter by the term *namium* (distrain), referring to the process of **withernam** (actually a counter-distrain). Before this could be done, however, the authorities representing the injured townsman had to advise their counterparts of the offending town of their privilege of freedom of toll, in the hope of obtaining compensation. The borough copy of the charter of 1189 was used – as an endorsement by the London authorities in 1361 indicates – to prove to other towns Northampton burgesses' exemption from toll.

"brudtol, childwite, heresgive and scot-ale"

Although Markham defined brudtol as a toll for crossing a bridge (later known as pontage), I prefer an alternative explanation: a fee payable to the lord of a bond-woman when a freeman married her, which better fits this context (dealing with freedom from feudal dues). Childwite was compensation due a lord for impregnating his bond-woman without his permission. Heresgive (or yeresgive in John's confirmation charter) is less certain. According to Markham it was "a compulsory new year's gift to the sovereign"; Bishop Stubbs defined it as a payment made by burgesses to a royal official (although probably only on the basis of seeing the term in borough charters, without actually knowing what it meant), while Ballard interpreted it simply as a new year's gift without attempting to identify a recipient. Another possibility is that it may have been a compulsory gift to one's lord when his first son was born. Scot-ale is a term whose meaning is obscure – or, rather, it appears to have been applied in diverse ways. In its most fundamental sense it appears to be some kind of a tax (as in **scot and lot**) on the selling or brewing of ale. However, it was also – as in the case here – a fund-raising device used by a lord or by his officers and taking the form of a traditional drinking party in which the "guests" invited – attendance being compulsory – had to make contributions, perhaps as an inflated price for their ale, with the proceeds being used by officials for their own purposes. Although there is evidence from London that urban authorities might licence scot-ales for approved purposes, the populace considered such forms of exaction extortionate and it was probably popular protest that led to their abolition.

"by tale"

A method of calculating a financial amount, as opposed to the method called "blank".



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Keywords: medieval Coventry charter rights judicial administration burgage tenure mesne boroughs

Subject: Charter of the Earl of Chester to Coventry

Original source: Copy in borough archives

Transcription in: Peter Coss, ed. *The Early Records of Medieval Coventry*. British Academy, Records of Social and Economic History, new series, vol.11 (1986), 22.

Original language: Latin

Location: Coventry

Date: ca.1199-1204

TRANSLATION

Ralph earl of Chester to all his barons, constables, bailiffs, officers, liege-men and friends, French and English, both present and future, greetings. Know that I have granted and given, and by this charter confirm, to my burgesses of Coventry all things written down in this charter. That is, that the burgesses and their heirs may hold [their property] properly, honorably, peacefully, and in free **burgage** of me and my heirs, as well, as securely, and as freely as they held in the time of my father or any of my ancestors. I grant them all free and good laws which the burgesses of **Lincoln** have, at their best and most free. I prohibit and forbid my constables from bringing them [i.e. burgesses] into the castle to plead a case, but they [i.e. the burgesses] may freely have their **portmoot** in which to deal justly with all pleas concerning me and them. Furthermore, they may elect on my behalf, [to serve] under me and over them as **judge**, anyone from among themselves who is familiar with [their] laws and customs, who can govern them reasonably and by my advice without any excuses, and faithfully assure my rights. If it happens that anyone incurs an **amercement** [payable] to me, the fine assessed by my bailiff and the faithful burgesses of the court should



be reasonable. I order that any merchants attracted to the town to trade be treated peacefully and no-one shall do them injury or implead them unjustly. But if any outsider merchant does anything improper in the town he shall be brought before the judge in the portmoot. **Witnesses:** Roger constable of Chester, Robert de Mohaut steward, Ralph de Meisnilwarin, Peter Rouaat, Simon Thuschet, Thomas Despenser, Joel de Lovin, William Marshal, Joel Berenger, Philip de Horreby, Roger de Camville, Roger de Busserville, Willam Picot, William de Hardredes Hill, Warin de Vernun and many others at Coventry.

DISCUSSION

Before the Conquest the site of Coventry was part of the estates held by the famous Countess Godiva, and an abbey was founded there ca.1043. It is possible a modest market settlement arose at the monastery gates in the years following; but, if so, it was apparently not significant enough for Domesday to pay it any attention. Yet by the end of the century the Bishop of Chester had moved his see to Coventry, acquired the abbey from the king and become the titular abbot, with effective leadership of the monastic community being by the prior. At some point, possibly the late eleventh century, the estates of Godiva came into the hands of the earl of Chester, and around the earl's castle a second trading settlement grew up, fostered by the earl's grant of burgage tenure. The abbey later claimed that it was a soke independent from the earl's estates (a response to Earl Ranulph II's attempts to assert his authority over both parts of Coventry), although whether this had real foundation or was based solely on charters now known to be forgeries is uncertain. The division between the "Earl's part" and the "Prior's part" of Coventry, together with Ranulph II's transfer of his principal base of operations to Coventry as a central location from which to consolidate his sphere of influence in the midlands, provide the background to the charter grants above.

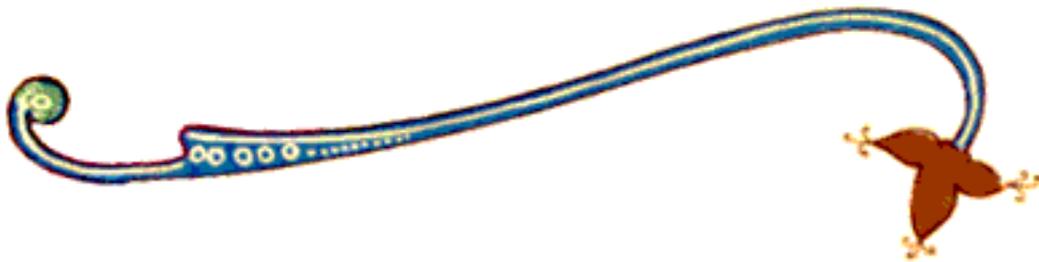
Presumably the charter of Ranulph III, grandson of Ranulph II, was granted to the half of the town which lay within his lordship, although there is nothing in it that states so, and it may have been directed at the entire burgess community, part of the policy of ignoring the prior's claims. More important, the charter is essentially – although unacknowledgedly – a

renewal of that granted by Ranulph II ca.1140/50, itself known only from the confirmation sought by the burgesses from Henry II in 1182, while Ranulph III was in his minority and the town was under a royal custodian. There are, however, some minor but not insignificant differences.

Ranulph II's charter referred back to a grant of burgage tenure in the time of his own father. It established a town court (portmanmoot) and allowed the burgesses to adopt the local laws of Lincoln. And it aimed at developing the town's economy by offering protection to visiting merchants (as in the above document) and, to any who would establish a residence in the town, a two-year exemption from paying any kind of dues from the time they began to build. That the latter clause was omitted in Ranulph III's charter suggests that the incentive had done its work and was no longer needed. Another difference is that Ranulph II's charter set a 12d. ceiling on amercements assessable in the portmoot, as well as the provision for a reduction in amercement should 12 neighbours testify to the convicted party's inability to pay. The abandonment of these specifications – in favour of the more general statement that amercements should not be unreasonable – in Ranulph III's charter suggests, **Peter Coss** has argued, that they may have been unwarranted additions (interpolations) to Ranulph II's actual terms, made by the burgesses in 1182, then suppressed once Ranulph III had emerged from his minority. Professor Coss suspects that the clause granting an elected justiciar was also an interpolation by the burgesses, on the grounds that there was virtually no precedent for such an urban officer in the time of Ranulph II – in fact, the only precedent was a London charter whose equivalent clause has itself been suspected as a forgery. However, there were such officers for the earldom, so it may simply have been a case of expressing a concept with a term familiar to the earl (see **notes** below), while the part of this clause emphasising the officer's responsibility to the earl is not something the burgesses needed, or would have been expected, to fabricate. Whether or not that clause was an interpolation, Ranulph III let it stand; although his revision of the clause concerning limitation on amercements did emphasize the role of the bailiff, we cannot be certain that this was not simply another way of referring to the justiciar (no officer of that name appearing in court witness lists of the thirteenth century).

Ranulph II's charter was one of the earliest granted by mesne lords to their towns, and shows a borough at the initial stage of moving towards self-government, focused around the court – there being no sign of a merchant guild such as that whose existence was recognized in Henry III's charter of 1267 to the prior's half of the town and which later had a strong role in Coventry. The possible fabrications added for an unwitting Henry II's approval – it perhaps being significant that neither original nor copy of the

text of Ranulph II's charter has survived – reflect burgess ambitions to improve their situation at a time when their lord was not in a position to object. Ranulph III's renewal demonstrates both some alteration in the situation since mid-twelfth century and also reassertion of lordly authority. The only change he made in favour of the burgesses was to word more strongly the clause disabling the constable of the castle from trying cases involving burgesses. Thus, in all, the charter and its history offer revealing documentation of the incipience of an urban constitution in the twelfth century.



NOTES

"Lincoln"

The selection of Lincoln as a blanket model for the laws allowed to Coventry burgesses was due to the fact that the Earl Ranulph II was also lord of Lincoln. When assigning a model, no specification of the model's laws or liberties was explicitly given; borough authorities are sometimes seen consulting their counterparts in the model town to obtain further information or clarification on a point of law or administration.

"judge"

The reference to a judge under that name (*justicia*) is unusual, but is doubtless a generic term intended for a communally elected officer to preside in the borough court; elsewhere such an officer might be called a "bailiff", but here the officer had to be distinguished from the bailiff appointed by the earl.

"witnesses"

Besides those witnesses specifically so identified, several were officers of the earl – such as Philip de Orreby and Ralph de Mainwaring – while others were local landholders with Coventry interests (e.g. William de Hartshill, William de Picot, Roger de Camville, Roger de Busherville).



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Keywords: medieval Leicester charter powers farm revenues judicial administration mesne boroughs seigneurial rights

Subject: Grant of farm by a mesne lord

Original source: Leicestershire Record Office, Leicester archives

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1901), vol.2, 149-52.

Original language: French

Location: Leicester

Date: 1375

TRANSLATION

This **indenture** made between the noble lord John, king of Castile and Leon, and Duke of Lancaster, on the one hand, and the mayor, burgesses and community of the town of Leicester, on the other hand, evidences that the Duke has granted and **farmed** to the mayor, burgesses and commonalty, the **bailiwick** of the town and its suburbs. Including all types of **executions** to be made within the same by the bailiffs deputed by them, both of writs of the king and of any other executions whatsoever within the town and suburbs. Together with all kinds of revenues from **portmoots, courts of the fair and the market** of the town and suburbs, and any other courts whatsoever within the town and suburbs, to be held by them or their deputies. **[Together]** with all kinds or rents, leases, and **[other such]** revenues within the town and suburbs. **[Together]** with the possessions of fugitives and felons, **waif and stray, [and any]** fines and **amercements** imposed before them or their deputies in the town. Excluding rents and leases of ovens, mills, and watercourses, and the rents leviabie by the porter of the castle, as were accustomed to be levied in the past. And reserving to the duke and his heirs: the **escheats** of free tenements; his court held in



Leicester castle every three weeks; summonses, attachments, **distresses**, and all other kinds of executions ordered by that same court and to be made or levied by the porter of the castle throughout the town and suburbs. In addition, the duke has granted to the mayor, burgesses and community and their successors the custody of all kinds of prisoners arrested in the town and suburbs, whether for felonies or for trespasses, to be guarded according to the law, just as in the past was the responsibility of the duke's bailiffs.

The mayor, burgesses, community and their successors are to have and to hold all these powers and revenues indicated above, other than those excluded above, and only for the term of ten years – this term beginning on 29 September following the date of this document. For such, they are to pay annually to the duke and his heirs, through his **receiver** at Leicester who is then in office, £80 in cash in equal portions at the feasts of the Purification of Our Lady, Whitsuntide, and Michaelmas. On condition that at any time that the farm of £80 may be in arrears, wholly or in part, at any of those due dates, it is permissible for the duke and his heirs and their officers to **distrain** the mayor, burgesses and community, and each of them **[individually]**, and to **drive** or carry off and to keep the distress taken, until they have been satisfied for the arrears of the farm. Should it happen that the farm be in arrears for a month following the due dates indicated, the mayor, burgesses and community by this document agree and commit themselves and their successors to pay the duke and his heirs one hundred shillings above the farm stated above, for every payment period which is thus in arrears, throughout the term of the ten years.

The duke grants to the mayor, burgesses and community that they may have large timbers from the duke's woods, in order to build new shops that may be rented out for the profit of the mayor, burgesses and community during the aforementioned term of ten years, and after that period **[the profit]** of the duke and his heirs. He also grants that they may have large timbers from the same woods for improvements and repairs to the shops and **shambles** which are at present rented out in the marketplace of the town. And that the two bailiffs who are elected in the town by the mayor, burgesses and community, shall have clothing of his livery at the times when he makes a general handout of **livery**.

In witness to which, the duke has set his seal to the one part of this indenture, and the mayor, burgesses and community have set their **common seal** to the other part of the indenture. Given at Leicester on 20 August 1375.

DISCUSSION

The emphasis in this grant is not on the delegation of authority or jurisdiction so much as the leasing of revenues in return for an annual lump sum payment. The collection of these revenues entailed jurisdiction. Revenues and jurisdiction were two sides of the same coin. A community sought jurisdiction in order to have more direct control over matters that affected its self-interests, well-being, and prosperity. As towns grew, their industry and commerce flourished, and immigrants were attracted, jurisdiction offered the prospect of increased revenues. If the community could acquire the jurisdiction-revenues for a fixed annual payment, it could capitalize on the growing profit margin, channeling some of those profits into community improvements and strengthened self-government.

After the death of Simon de Montfort, earl of Leicester, at Evesham (1265), the king gave the lordship of Leicester to one of his sons, and it thereby became part of the earldom of Lancaster. As they had in the thirteenth century (see *Origins of some customs at Leicester*), the burgesses of the fourteenth century town continued to chip away at their obligations to their seigneur, negotiating on matters such as pasture rights, customary payments, revenues due the lord from the fair (stallage, fair court fines), and various market tolls. These negotiations met with mixed success.

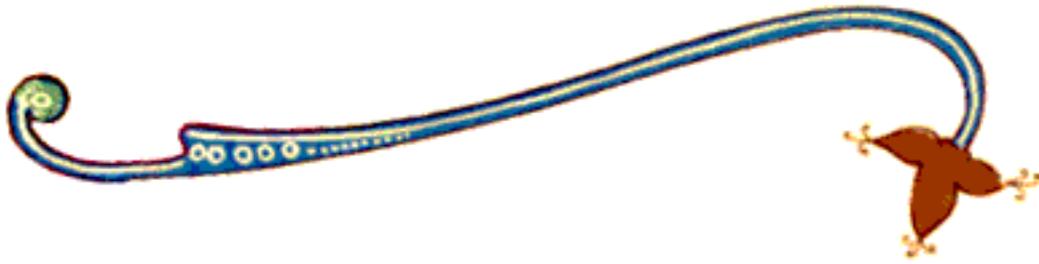
New negotiations with John of Gaunt were on a more ambitious scale, with the burgesses seeking to farm a group of revenues and jurisdictions from the duke. This was hardly ambitious on the scale of general urban development, however, as most towns of comparable size and importance had already obtained that degree of self-government through **fee farm** grants, typically including the right to elect administrative officers. Because of the restricted nature of his lordship over Leicester, however, John of Gaunt was unable (even had he been willing) to give his burgesses of Leicester a grant of perpetual fee farm. Instead the burgesses acquired, during a ten-year lease,

direct control over the borough courts and market, and the revenues issuing from them. This included the right to elect the town **bailiffs** who were responsible for administration of the same, although the duke made it clear that the bailiffs remained essentially answerable to him, by clothing them in his household uniform.

Whether this arrangement was actually to the fiscal advantage of the town is open to question. At this period the **mayoral** government, to cover its operating expenses, was relying on a small but growing number of rents, a very modest profit from fines for infringements of borough ordinances or the assize of bread, and (primarily) on fees for membership in the merchant guild, supplemented by the occasional local tax imposed when need required, which was often. The mayor was the accountant; but, apparently as a result of the 1375 grant, **chamberlains** took over this responsibility – whether they were new officers, or the guild's financial officers in an expanded role is more difficult to say – and the mayor focused on accounting for the revenues that had to address the annual farm.

The only such account for the farm to have survived to us is that of 1377/78. Already it refers to substantial arrears due from the very first term under the lease; perhaps the burgesses had not yet been able to take advantage of prospective new revenues from building new shops, for in 1378/79 the mayor and portmanmoot ordered the bailiffs to do their best in finding tenants for the shops. The account also shows that the burgesses had already broken the terms of the lease, with regard to escheats: they had taken revenues from properties that ought to have escheated, and now owed over £10 to the duke, who had presumably learned what was going on and insisted on his rights – but there were perhaps mitigating circumstances (lack of new rents?), as the duke subsequently forgave them the full amount. Nonetheless, at the end of this account they continued to owe the duke the original arrears, although were able to pay the full £80 for 1377/78. In the years that followed, there seem to have been further adjustments in the borough's accounting system, but precisely what is hidden by a disappearance of financial records from this period.

It does not appear that the burgesses obtained a renewal of the farm in 1385. We know only that in 1404 they obtained from his son, as Henry IV, a 20-year lease on slightly more restrictive terms and for £90 a year. In 1423 Henry V's widow renewed the lease for ten more years, at the original £80. Other surviving evidence suggests that in the 1390s and 1440s there was no lease in effect.



NOTES

"indenture"

A written agreement, named for the fact that two copies were made on the same membrane of parchment, then were cut apart in a zig-zag fashion, to create the effect of indentations. This made it difficult for either party to alter the terms of the agreement via forgery – the authenticity of one part of the agreement could be checked by matching its indents against those of the other part.

"bailiwick"

A scope of authority.

"executions"

The carrying out of legal and administrative instructions.

"courts of the fair and the market"

This would refer to **piepowder** proceedings.

"waif and stray"

Beasts that were caught roaming loose.

"escheats"

Properties which fell vacant due to the failure of heirs or the loss of rights of the tenant due to conviction (or outlawry) for a crime, and consequently reverted to the lord of the land.

"receiver"

The Receiver of the honour of Leicester.

"drive"

The original is *chacer*, which would seem to apply to distraint of animals.

"livery"

Articles of clothing and/or decorative items worn to indicate affiliation with some party or source of authority, similar to a uniform. Associated with "bastard

feudalism", and with the factionalism that plagued England in the fifteenth century.



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Keywords: medieval Bristol petition jurisdiction judicial administration county powers mayor election self-government legislation taxation

Subject: Petition requesting county status be granted by charter

Original source: Bristol Record Office, Little Red Book, ff.53-55

Transcription in: Francis Bickley, ed. *The Little Red Book of Bristol*. Bristol, 1900, vol.1, 115-26.

Original language: French

Location: Bristol

Date: ca. 1373

TRANSLATION

To our lord king and his council, the mayor, bailiffs, and community of the town of Bristol present that the town is situated partly in the county of Gloucestershire and partly in the county of Somerset, thirty miles in distance via mucky and rutted roads from the towns of Gloucester and Ilchester where the **assizes**, county courts, sessions, **nisi prius**, and other inquests in those two counties are held, presided over by justices, sheriffs and **escheators**. To which assizes, sessions, county courts and inquests the burgesses of the town are obliged to make troublesome journeys on a daily basis, keeping them from their commercial activities and reducing them to poverty. May it therefore please our noble lord to grant: that the town with its suburbs, as the boundaries and limits are [at present] defined, be permanently separated and excluded in all regards from those two counties; that they have the power to have and elect annually from among themselves a sheriff and escheator; and that this sheriff and this escheator be explicitly given the same powers, jurisdiction, and independence in regard to their office that other sheriffs and



escheators have in other counties.

Also, just as our lord king has confirmed in their charters that no burgess of the town need plead or be impleaded outside the walls of the town, as a county may it please our lord king to specify these general terms, that is: that, in regard either to their tenures within the town and suburbs or to any act committed or to be committed within the town and suburbs, no burgess of the town and suburbs implead or be impleaded before any judge outside the town, nor in regard to any matter of contracts, agreements, debts, trespasses, or other acts. Nor that they may be convicted by outsiders, but only by their fellow burgesses within the town. And that the burgesses, their heirs and successors who are burgesses of the same town, may have cognizance of all types of pleas, both those concerning lands, **tenements**, rents and tenures within the town and suburbs, and those concerning contracts, agreements, debts, trespasses, other pleas and suits, and anything else done or occurring in whatever manner within the town and suburbs and concerning whatever persons. And to have the power to punish – by **amercement**, fine or imprisonment – wrongdoers, those who disturb the peace, labourers, workmen, and craftsmen infringing the statutes; to have and to hold before the mayor and bailiffs within the town, forever, and to have executed the judgements made before them in whatever of the abovesaid pleas or cases. So that no justice of the king or his heirs appointed to preside at assizes, juries, certifications, or attainders in the said two counties, of **either bench**, or any other justices appointed to **oyer and terminer**, or to keeping the peace, or for holding any other inquest whatsoever, [nor] sheriffs or escheators of the said counties, nor any other minister whatsoever of the king or his heirs, have any cognizance within, or meddle or interfere with, the town or suburbs – not regarding tenures within that town and suburbs, nor regarding contracts, agreements, trespasses, pleas, suits or any other thing whatsoever committed or to be committed, occurring or to occur, regardless of the standing or social position of the parties, claimants or tenants, plaintiffs or defendants – unless the matter directly concerns the king or his heirs. But that henceforth the Chancery of the king and his heirs shall write, by writs of right patent, to the mayor and bailiffs of the town [ordering] that they give proper justice to the parties claimant or plaintiff concerning lands, tenements, rents and tenures within the town and

suburbs. And that anyone, claimant or plaintiff, in all sorts of actions for laying claim to lands, tenements, rents or any other kinds of tenures within the town or suburbs may bring a plea by the said writ of right patent, by laying a specific complaint according to the form and nature of any royal writ, as well as [have] an assize of **novel disseisin, mort d'ancestor**, certifications and attainders, as well as other kinds of writ concerning pleas of lands or tenements to be actioned at their choice. And that all kinds of other pleas of contracts, agreements, debts, trespasses or other personal actions be brought before the mayor, bailiffs, or sheriffs by bills and complaints. So that all kinds of pleas, both real or personal, be held and brought to conclusion before the mayor, bailiffs, and sheriff in the way indicated above, and not otherwise.

And that the mayor of the town then in office may have the power to record the **recognizance** of deeds and all other kinds of writings relating to lands, tenements, rents and tenures within the town and suburbs, including those **consented to by married women** who are explicitly examined on the matter in full court session of the Gildhall of the town, as well as by anyone else. And to register in the rolls of the Gildhall such deeds and writings openly recognized as described above, so that from that time forward those deeds and writings are considered to be on record against [any challenge from] any persons whatsoever, forever.

And that the mayor may have the power to take probates of wills relating to bequests of lands and tenements in the town and suburbs, to make public proclamation of such wills and bequests in full court session of the Gildhall, and to register them in the rolls of the Gildhall. So that, after such registration and proclamation of the bequests are a matter of [public] record, the mayor may then have the power to put the bequests into execution.

And that the mayor, bailiffs, and sheriff then in office may be allowed to render account by qualified attornies, appointed by letters patent under the seal of the community of the town, before the barons of the king's Exchequer regarding all kinds of accounts and debts involving the mayor, bailiffs, and sheriff or the community of the town. And that those attornies for rendering account, by virtue of those letters, be

accepted there by the barons.

Also, provision is made in their charters confirmed by the king that the burgesses of the town and their successors, upon the election of their **mayor** in the town (except in time of war), shall present the mayor so elected to the constable of the castle of the town, who shall **accept him**. May it please the king to grant that, in cases where the constable then in office is absent at the time of the mayoral election or, despite being present, refuses to receive the mayor elected, then the newly elected mayor may **take his oath before his predecessor** in the mayoralty of the previous year, in the Gildhall in front of the community of the town; so that by that oath he may be excused **[from acceptance by the constable]** for the year.

Also that neither the burgesses nor their successors may be provoked, molested, or in any way troubled before the steward or clerk of the market of the household of the king or his heirs in relation to infringements of the **assize** or testing of wines, bread, ale, or other foodstuffs in the town or suburbs, or in regard to defective yardsticks, balances, weights or measures of any kind, or for any other kind of trespass or fault committed or to be committed within the town and suburbs beyond the pale, before the arrival of the steward marshall in these parts. But that the mayor and bailiffs of the town may by themselves have cognizance, testing, correction and punishment in all such instances of defaults.

Also that they may have the custody of the town prison and have **infangthef and outfangthef**, and pass judgements in such cases, and that all prisoners arrested within the town and held in the prison there, for whatever felonies committed within the town and suburbs, may be **delivered** within the same town, before the mayor, bailiffs, and coroners of the town, and nowhere else. And if anyone is caught in possession of stolen goods within the boundaries of the town and a charge is readily brought against such felons, that such prisoners may then be quickly delivered before the mayor, bailiffs, and coroners, as has been the practice in times past, and that they may put into effect the judgements passed on them.

Also that there be no **officers or officials** **[empowered]** within the town

except those ordained by the mayor and bailiffs – the which officers and officials are to serve the mayor and bailiffs at their need, well and loyally performing the duties of their office. And that the mayor and bailiffs may have the power to remove such officers and officials when necessary and put other suitable men in their place, without obstruction from the king or his heirs.

Also, if there should be any problem with or defect in any of the customs held and enjoyed from time immemorial in the town and suburbs, or [one] newly arising therefrom, for which no solution has yet been legislated, that the mayor, bailiffs and their successors, with the approval with the most prominent townsmen, may have the power to legislate and put in place a suitable remedy in such cases, consonant with reason and good faith, and beneficial both to the community of the town and to others visiting the town. And that, to meet the needs and requirements of the town, the mayor, bailiffs and most prominent members of the community of the town, and their successors who are burgesses of that town, may by their common consent assess **tallages** among themselves – on their goods within the town and suburbs, as well as on their rents, on crafts, merchandize, or in any other way, as seems best to them – and raise those [taxes] without any hindrance from the king or his heirs, or their justices or any of their officials. And that the money raised from such tallages be kept in the safekeeping of two reputable townsmen elected by common agreement for that purpose; and that [the money] in their custody be expended for the necessities and requirements of the town when need arises. Those men shall account [for revenues and expenditures] before the mayor, bailiffs, and others elected for that purpose by the community.

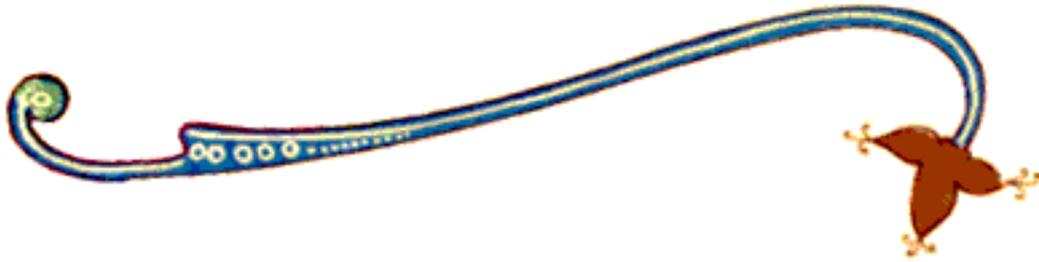
DISCUSSION

This document illustrates how the initiative for charters of liberties came from the burgesses who, by the fourteenth century, were virtually drafting the terms (doubtless with legal advice, as the language of the petition reflects) they wanted to see in a charter. This petition, itself of unknown date, resulted in the royal charter of 8 August 1373; although the petition was in French, the charter was in the more formal Latin of legal records.

Prior to the royal charter granted in response to this petition, Bristol was a town divided, geographically and administratively, by the River Avon. The parishes to the west and north of the river lay in Gloucestershire, while those south of the river were in Somerset. The charter of 1373 gave Bristol and its suburbs jurisdiction independent from those county authorities, making it a county in its own right.

The acquisition of county status was one of the few significant enhancements in status or jurisdiction that towns acquired after the early fourteenth century, by which time the general limits of their powers of self-government had obtained shape. County status was often associated with, or a prelude to, **incorporation**. London, always precocious, had long had the equivalent of county status. Bristol was the first of England's other major towns to achieve this. **York**, Newcastle-upon-Tyne, **Norwich** and Lincoln took the same route during the decades that followed. County status was another step along the road to excluding external authorities from involvement in borough internal affairs.

Most of what was being sought by the Bristol authorities was the right to exercise certain jurisdictions internally, without the participation or intervention of external officials. Less evident as a motivation for the charter was the need to obtain royal approval for elements of the local constitution, in the context of discord between rulers and ruled; the powers of taxation, legislative reform, and (perhaps) appointment of sergeants, likely stemmed from this.



NOTES

"nisi prius"

A legal term, representing the first two words of a certain type of royal writ initiating a court proceeding; the words thus became associated with a particular kind of royal judicial commission which the writ authorized to operate locally, instead of cases being referred to the central courts at Westminster. Today the term is used to refer to almost any court of original jurisdiction (as opposed to an appeal court).

"escheators"

Officials responsible for investigating cases of escheat.

"either bench"

I.e. King's Bench or Common Bench.

"oyer and terminer"

A royal judicial commission given power to "hear and determine" cases locally.

"mort d'ancestor"

The **assize of mort d'ancestor** (established 1176) provided legal relief for an heir whose claim to a real estate inheritance faced a challenge; the assize aimed at determining whether the ancestor was in possession of the disputed property at the time of his death – if so, the heir's claim was validated until the challenger could take other legal measures to uphold his own rights.

"consented to by married women"

Regarding the wife's consent, see for example the **Ipswich custumal**.

"accept him"

Take his oath of allegiance to the king and confirm him in office.

"take his oath before his predecessor"

In course of time, this became the practice, of which an **illustration** survives from a century later.

"infangthef and outfangthef"

Infangthef was the right of a court to try thieves caught within the region of its

jurisdiction, notably those caught red-handed (and, since the punishment was hanging, in effect the right to a gallows). Outfangthef, on the other hand, was the right to pursue thieves beyond the region of jurisdiction, and was a liberty accorded to few boroughs.

"delivered"

Turned over to judicial hearings.

"officers and officials"

The reference here is primarily to the town sergeants, in contrast to similar officers of external authorities.



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Keywords: medieval Nottingham charter incorporation county election sheriff escheator jurisdiction accountability revenues alderman justices peace livery

Subject: Grant by Henry VI of charter of incorporation (extracts)

Original source: Public Record Office, Patent Roll, 27 Henry VI

Transcription in: W.H. Stevenson, ed. *Records of the Borough of Nottingham*, (London and Nottingham, 1883), vol.2, 186-208.

Original language: Latin

Location: Nottingham

Date: 1449

TRANSLATION

[The document begins with a recital of the previous charter of liberties, 1414, and a confirmation of all privileges and powers already possessed by the borough.]



Furthermore ... we have granted and by this document have confirmed, on behalf of ourselves, our heirs and successors, to the present burgesses of the town of Nottingham (which is and has long been in a certain sense corporate) and to the heirs and successors of those burgesses, [who shall be] burgesses of the same town, in perpetuity, that the town may now and forever be corporate [in the behalf] of the **mayor** and burgesses. The mayor and burgesses and their successors, mayors and burgesses of the town thus incorporated, shall be a community forever corporate, in fact and in name, under the name of the Mayor and Burgesses of the town of Nottingham. They may have a perpetual succession. The mayor and burgesses of the town, and their successors, may have the ability and capability in law under that name to prosecute and defend any pleas, suits, complaints, and claims, as well as any kind of real, personal, or mixed actions, moved

or to be moved by them or against them in any kind of court of ourself, our heirs or successors, or of any other at all, as well as before us, our heirs or successors, wherever we shall be, in our Chancery or before any justices or judges, spiritual or temporal. They may plead and be impleaded, answer and be answered to in the same. The mayor and burgesses of the town, and their successors, under that name may acquire and hold in for themselves and their successors, lands, tenements, possessions, and hereditaments, in perpetuity.

In addition ... we have granted, on behalf of ourselves and our heirs and successors, to the present burgesses of the town and their successors, [who shall be] burgesses of the same town, in perpetuity, that the town of Nottingham and its precincts as far as they extend and are enforced, which up to now have existed and were contained within Nottinghamshire, shall as of 15 September next become separate, distinct, and divided from that county, and in all regards be completely independent forever, both on land and on water, with the exception of our castle in Nottingham and our messuage called the King's Hall containing our gaol for Nottinghamshire and Derbyshire. The town of Nottingham and its precincts **as far as they extend** and are enforced (with the exceptions already made) shall be known as and treated as the County of the town of Nottingham.

The present burgesses of the town and their successors, [who shall be] burgesses of the same town, in perpetuity, may also have two sheriffs in the town and its precincts, elected from among their number, instead of the two bailiffs of the town, as well as the shrievalty of the town and its precincts [etc.]. These sheriffs are to be elected and made in the following way: viz., the mayor and burgesses of the town may on 15 September next elect from among themselves two burgesses of the town as sheriffs of that town and its precincts [etc.], in place of two bailiffs of the town. These sheriffs are to hold and occupy the office of the shrievalty of the town and its precincts [etc.] until Michaelmas next and during that day, until on that same day two other burgesses of the town are elected by the mayor and burgesses of the town as sheriffs of the town and its precincts [etc.] for the year to follow. From that time forward, the sheriffs of the town and its precincts [etc.] are to be elected and made every Michaelmas in perpetuity in the following way; viz., each year the mayor and burgesses who are of the town of Nottingham at that time shall elect from among themselves, in place

of the two bailiffs of the town, two suitable persons as sheriffs of the town and its precincts [etc.], using the same procedure that they were accustomed to use in the past for [electing] the bailiffs. The burgesses elected in that way as sheriffs of the town and its precincts [etc.], immediately after having been elected, are to take oath before the town's mayor of that time to exercise properly and lawfully the office of sheriff of the county; they shall not go outside the town to take their oath. The names of which sheriffs are each year to be sent, under the seal of the mayoralty of the town of Nottingham, to the Chancery of ourself, our heirs and successors, within twelve days following the election.

Each burgess of the town of Nottingham hereafter elected as mayor, by right of the same and as soon as he shall be elected as mayor of the town, as well as the present mayor, shall from this time forward be the **escheator** of ourself, our heirs and successors, within the town and its precincts during the entire term in which the burgess remains in the mayoralty of the town. At no time in the future shall there in any way be, or be made, any other escheator or sheriff in the town of Nottingham and its precincts [etc.] except as are made (as already mentioned) from the burgesses of the town. The escheator and sheriffs of the town, and their successors in perpetuity, shall hold within the town and its precincts [etc.] the same power, jurisdiction, authority, privileges, and whatever else pertains to the offices of escheator and sheriff, that other escheators and sheriffs of ourself, our heirs and successors, have or shall have or ought to have anywhere else within our kingdom of England. Each and every **writ, precept and mandate** of the sort which before this time ought to have been, or was accustomed to be, in any way served or executed by the sheriffs of Nottinghamshire or by the bailiffs of the town, within that town or its precincts, is in the future – from 15 September onwards – to be directed, delivered, and handed over to the sheriffs of the town of Nottingham. From now on, in perpetuity, those who are at any point sheriffs of the town and its precincts are to hold their county [court] of the County of the town of Nottingham and its precincts [etc.] each Monday from month to month, in the same manner and form in which other of our sheriffs hold their county [courts] elsewhere within our kingdom, or as other sheriffs of ourself, our heirs and successors, shall hold or ought to hold their county [courts] elsewhere in our kingdom.

The present burgesses of the town and their successors in perpetuity may at their pleasure have a court there for all contracts, covenants, trespasses (whether committed against the peace or otherwise), and other things, causes, and matters whatsoever and however arising or coming about within the town and its precincts [etc.], to be held from day to day in the town Guildhall before the mayor of the town, or his deputy, and the sheriffs of the town then in office. From 15 September the mayor of the town then in office, or his deputy, and the sheriffs of the town then in office have the power and authority to hear and determine in that court all kinds of pleas, suits, causes, complaints, and claims, as well as any kind of real, personal, or mixed actions, moved or to be moved within the town and its liberty and precincts [etc.], whether in the presence of ourself, our heirs and successors, or in the absence of ourself, our heirs and successors; together with all revenues of that court which are in any way forthcoming or produced, from now into the future, to be paid to the use of the sheriffs of the town then in office, without any interference or hindrance whatever from ourself, our heirs or successors, our or their justices, Steward or Marshall of the Household, escheators, sheriffs, or other of our or their bailiffs or officers. The same Steward or Marshall shall, from now into the future, in no way intervene in the jurisdiction over pleas of contracts, covenants, trespasses, things, causes, or matters which arise or come about within the town or its liberty and precincts [etc.], nor may any them interfere in any other way.

The escheator and sheriffs of the town of Nottingham then in office may each year make their individual proffers and account before the Treasurer and Barons of the Exchequer of ourself, our heirs and successors, by attornies of the escheator and sheriffs of the town individually deputed or to be deputed for that purpose by letters patent under the seals of office of the same escheator and sheriffs of the town, regarding everything for which they are accountable relating to the offices of escheator and sheriffs of the town. Those attornies are to be allowed by the Treasurer and Barons to make the proffer and render account in the place of the escheator and sheriffs, according to the force and effect of these our letters, without the escheator or sheriffs of the town of Nottingham, or their successors, or any of them, being obliged or forced to come out of the town in person to account for anything within the responsibility of his office or the

office of any of them ... Everyone who becomes escheator of the town of Nottingham, every year forever, shall immediately after his appointment take an oath in the town, and not elsewhere, before the coroners, or one of them, then being in office, to well and faithfully perform his duties. It is not to be required of the escheator of the town of Nottingham, or his successors, to come and give his oath at any place outside the town before anyone else; on condition that each year, within twelve days of the election of the mayor of the town, the name of the escheator is certified, under the seal of the mayoralty of the town of Nottingham, at the Exchequer

We have also granted ... to the present burgesses of the town of Nottingham and their successors in perpetuity the belongings of all persons condemned, convicted or in any other way attainted of any felony, murder, or other offence ... and of any other persons outlawed for any reason ... as well as **goods disavowed** by felons and **deodands** discovered and found within the town of Nottingham and its precincts [etc.]. The present burgesses of the town and their successors may also have in perpetuity all **amerancements**, redemptions, dues forfeited or to be forfeited, and all fines for trespasses and any other kinds of delinquencies, negligences, misprisions, and contempts; as well as fines for **licences to concord** ... and all revenues, fines, and amerancements from any kinds of **pledges and manucaptors** of any person living in the town of Nottingham

In addition, we have granted ... to the present burgesses of the town of Nottingham and their successors in perpetuity that the same burgesses, and their heirs and successors, may from time to time elect from among their number seven aldermen, of which aldermen one shall always be elected to the mayoralty of the town and shall be mayor of the town. These aldermen thus elected shall be and remain in the office of alderman of the town for life ... unless they, or any of them, by his special request made to the rest of the burgesses of the town who then are, or for some notable cause, is removed from his, or their, aldermanship by the mayor and the burgesses of the town at that time. [In the case] that an alderman is removed, or dies, or otherwise withdraws from his office of alderman, the mayor and burgesses of the town at that time, and their heirs and successors in perpetuity, have full power and authority under the terms of this document to

elect another from their number as alderman of the town in place of the alderman who dies, or withdraws, or is removed The aldermen of the town then in office shall be justices of ourself, our heirs and successors, for keeping the peace within the town, its liberty and precincts [etc.], in perpetuity. Those seven aldermen, or six, five, four, or three of them – of whom it is our wish that the mayor of the town then in office be one – have full power and authority to inquire into, hear and determine felonies, murders, trespasses and misprisions of all kinds, as well as all kinds of other causes, complaints, contempts, and wrongdoings, and whatever other things pertain or may or ought to pertain in the future to any Justices of the Peace within our kingdom of England, to hear, inquire into, and determine, or in any way correct, within the town and its liberty and precincts [etc.] any matter that arises or comes about, and to correct and punish the same, as fully and completely as have or shall in the future have the **Keepers of the Peace**, the justices assigned (and to be assigned) to hear and determine felonies, trespasses and other wrongdoings, and the **justices of servants, labourers and other craftsmen** in Nottinghamshire or elsewhere within our kingdom of England, outside the town and its liberty.

... furthermore they may have in perpetuity all types of fines, forfeits, and amercements made or to be made, forfeited or to be forfeited, before any of the aldermen, mayor of the town, or the Keepers of the Peace ... to be levied and received by their own officers, for the assistance and support of the heavy costs borne daily by the town or occurring and arising in the town. The present burgesses of the town of Nottingham and their heirs and successors may also have in perpetuity all victuals forfeited within the town and its precincts according to the law of England; that is, bread, wine and ale, and any other victuals, other than those that are merchandize.

[The next clause explicitly excludes certain royal officers from exercising any judicial jurisdiction within the town].

... the aldermen of that town who are in office have the right to use gowns, headware and cloaks of a single style and livery, together with furs and linings suitable for those cloaks, in the same way and manner that they are used by the mayor and aldermen of our city of London,

notwithstanding the Statute of Liveries of Clothing and Headware or any other statute or ordinance issued before this time.

[The final clauses reaffirm the obligation of the town's escheator and sheriffs to account in the Exchequer for all borough revenues due the king, and that the town shall continue to enjoy any past chartered privileges and powers not specifically mentioned in the present document.]

... Witnessed by the king at Winchester, 28 June [1449].

DISCUSSION

Charters of the period of borough incorporation – with a few exceptions, the fifteenth century – are much in contrast with the early (twelfth century) royal grants of liberties to towns, which were more concise and less weighed down by tediously repetitive legalese.

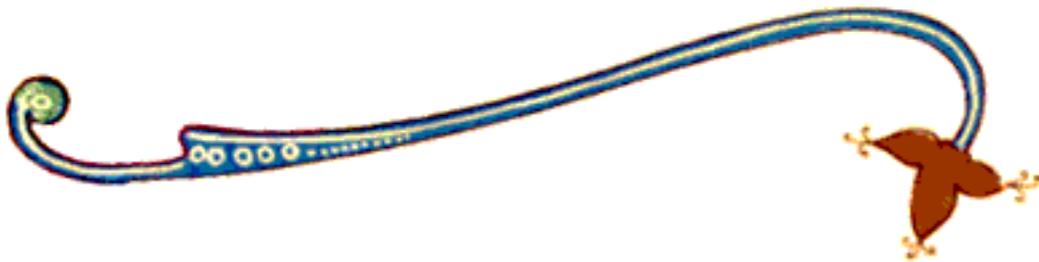
Incorporation provided the climax of urban efforts for governmental independence, not from the king or his authority, but from the authority of other of his officers not directly affiliated with the town – most notably the county sheriff. Consequently, the grant of incorporation often went hand-in-hand with the grant of county status for the borough and its suburban region; or at least one followed closely upon the other. This was the climax to the long effort towards independence from county authorities which had begun with Nottingham's acquisition of the fee farm in the late twelfth century.

Nottingham's charter of incorporation was fairly typical of those granted to other towns in the decades before and after it, and a logical continuation of the direction taken by royal charters to the borough in the fourteenth century. Henry IV's charter of 1399 had very much paved the way for the formal charter of incorporation, by granting cognisance of all pleas, rights to all fines and amercements from the borough courts, the power of justices of the peace and of labourers to the city executives, and prohibiting county justices from interfering in borough legal jurisdiction (except in cases of felony).

Furthermore, although royal recognition of the corporate character of a

borough is traditionally characterized according to **five key rights**, these were probably of lesser significance to boroughs at the time of incorporation (since the boroughs had largely been exercising such rights for some time), than were the expanded powers given to the officers at the apex of borough government.

Consequently, the 1449 charter's original contributions to the development of Nottingham's constitution - and the same generalization may be made of other borough charters of incorporation of this period - were more in the realm of royal approval of the movement towards "closed corporations". In the case of Nottingham's charter this is represented principally by life tenancy of the powerful office of alderman; the aldermen were the more senior members of the town council. The charter is less typical in its specification of what was to be done in the event of dismissal or resignation of an alderman, but this concern may have been elevated at Nottingham due to its relatively small number of aldermen.



NOTES

"mayor"

Nottingham had a mayor and two bailiffs at the head of its government since 1284; previously the French and English halves of the borough had each had their own bailiff.

"as far as they extend"

The phrase "as far as they extend and are enforced (with the exceptions already made)" is repeated several times in this section of the charter; even though the formulaic character of this document is an important feature in its own right, I have removed the repetitions to make for easier reading.

"escheator"

The escheator was a royal officer whose duty was to uphold the king's ultimate title in lands over which lordship otherwise became vacant, through the failure of heirs

or the loss of rights of the tenant due to conviction (or outlawry) for a crime.

"writ, precept and mandate"

These were written instruments by which the king communicated his wishes, instructions or commands, via his officers – who either acted upon them, or delivered them to others to act upon. They are all often referred to by the generic term "writ".

"goods disavowed"

This refers to any items of which an accused person was found in possession, but (to avoid being accused of their theft) disowned – even though they might actually have been his legitimate belongings.

"deodands"

In a legal context, these were the instruments of someone's death, which were forfeit to the crown when the death was ruled by misadventure (e.g. a horse that threw its rider).

"licences to concord"

A licence to concord concerned a real estate transaction effected through a fictitious suit; by pre-arrangement, one or both of the parties contributed to paying the "fine" due the king for a settlement of the suit.

"Keepers of the Peace"

These royal commissioners were originally local magnates assigned temporarily in each county to preserving order, apprehending criminals, and bringing them before the royal justices; in 1368, however, their power was extended to acting as judges in cases of felony and lesser crimes.

"justices of servants, labourers and other craftsmen"

The office of Justice of Labourers was established in 1351, because the Black Death, by carrying off much of the labour force, was enabling the remainder to demand higher wages. The Statute of Labourers aimed at enforcing maximum wages. It was renewed a few years after the Peasants' Revolt, and provisions were also made for examination of craft guilds, which it was feared provided a vehicle for organizing social subversion; in 1437 all guilds were required to register with Justices of the Peace or local authorities.



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Keywords: medieval York charter expenditures account lawyers

Subject: Incidental costs involved in obtaining a charter

Original source: York City Archives, Memorandum Book E20A, ff.93-94

Transcription in: Joyce Percy, ed. *York Memorandum Book*. Surtees Society, vol.186 (1973), 130-31.

Original language: Latin (English translation is Percy's; I have made minor amendments)

Location: York

Date: ca. 1441/42

TRANSLATION

Firstly, in various expenses incurred this year by **Thomas Ridley and William Girlyngton**, Aldermen of this city, at the king's parliament held in London, in the writing, conception and making of various bills and supplications presented to the king for confirmation and augmentation of the charter of the city's liberties.

30s.0d

In the expenses of **John Shirwod** on two journeys to London for obtaining the said charter, in going, staying there and returning, for 29 days in May and June this year.

[no sum stated]

As a gratuity to **Peter Erden** for his advice, favour and work in the said matter.

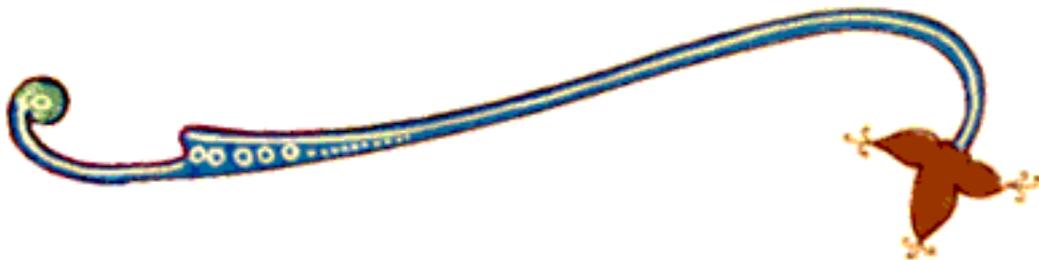
13s.4d



| | |
|---|-----------|
| As a gratuity to Nicholas Girlyngton , lawyer, for the above reason | 6s.8d |
| As a gratuity to James Hopwod , lawyer, for the same reason. | 3s.4d |
| In the expenses of Peter Erden in sailing from London to Chelsea to converse with the Cardinal of York about the matter. | 1s.4d |
| In wine, cherries and other things bought and given to the said lawyers for their advice. | 2s.0d |
| For a gift to the doorkeeper at the king's Chancery for allowing Peter Erden to enter. | 4d. |
| Item, paid for engrossing the charter anew. | 35s.4d |
| Item, paid for the enrolment of the charter in the king's rolls. | 20s.0d |
| In one silk cord bought for the charter. | 1s.8d |
| Item, paid to the king for the fine of the grant and confirmation of the charter together with certain additions and clauses newly granted and confirmed this year. | £13.6s.8d |
| Item, the fee paid for sealing the new charter. | £8.9s.0d |
| Item, paid to the scribe's clerk for his assiduous and speedy work in examining the charter. | 2s.0d |
| For a wooden box for keeping the charter in. | 4d. |

DISCUSSION

This list of expenditures was perhaps copied from a chamberlains roll not now extant, or (since the roll of February 1442 to February 1443 has survived but does not contain this information) from a separately compiled account specific to this business – probably one presented by Ridley and Girlyngton. Percy concluded, probably correctly, that the business was to obtain the royal charter of confirmation of April 1442. While the largest expenditure was the payment to the king, it was necessary to grease the bureaucratic wheels; the advice of lawyers accustomed to dealing with the central bureaucracy, and the fees or gifts to bureaucrats were all part of this. First the ear of the king had to be obtained. Once the terms of the charter were negotiated, the document to be taken to York had to be drawn up (in this case, basically the copying of earlier charters, with some additions), the king's seal had to be applied to the document validate it, and a copy had to be made on the charter rolls that remained at Westminster as a reference tool and a check against future fraud or forgery.



NOTES

"Thomas Ridley and William Girlyngton"

Both recent mayors, these men were the representatives of York at parliament; it made sense that they would be mandated to negotiate for a new charter while in London – in fact, they may have been selected for parliament *because* it was desired to send leading townsmen to obtain the charter.

"John Shirwod"

It was common at this period to employ the town clerk on this type of business since it required someone trustworthy and capable, with legal ability. John Shirwood is usually stated (without authority) as having been appointed to that post in February 1442, but I suspect he may have held it since 1437. He remained in the post almost continuously until 1470.

"Peter Erden"

Peter Erden, or Arden, was one of the lawyers retained annually by the city.

"Nicholas Girlyngton"

Girlyngton was one of the city lawyers from the mid-1450s into the 1460s. Likely a relative of William Girlyngton, at the time of the above document he may conceivably have been apprenticing in the law in London.

"James Hopwod"

Hopwood was perhaps a London-based lawyer.

"Cardinal of York"

York's archbishop, John Kempe, had been appointed a cardinal in 1439.



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Keywords: medieval Northampton charters franchises cognizance pleas eyre lawsuits jurisdiction infangthef quo warranto coroner election records crime punishment

Subject: The fragility of chartered liberties

Original source: Public Record Office, Eyre rolls JI/1/633 m.186, JI/1/635 m.78

Transcription in: Donald W. Sutherland, ed. *The Eyre of Northamptonshire, 3-4 Edward III, A.D. 1329-1330, vol.1, Selden Society, vol.97 (1981), 56-60.*

Original language: Latin

Location: Northampton

Date: 1329

TRANSLATION

Juliana widow of Henry de Lungeville claims from Richard de la Porte one-third of a **tenement**, three shops, and six shillings and eightpence in rents, with appurtenances, in Northampton as dower right.



Richard comes. Upon which the mayor and and bailiffs of the town of Northampton appear by their attorney Richard Blount and **state** that those tenements which [\[are claimed by Juliana\]](#) are in the town of Northampton and that King Henry the great-grandfather of the present king granted by **charter** to the burgess of Northampton that none of them (other than moneyers and royal officers) need plead outside the walls of the borough of Northampton in any plea except those concerning tenements outside [\[the borough\]](#). And that the same King Henry granted and confirmed to his burgesses of Northampton by another **charter** that they might have **infangthef**, and none of them might be impleaded outside the walls of the borough of Northampton except in regard to external tenements, nor for any trespass committed within the borough unless the matter concerns the rights or person of

the king; and that they could exercise the franchise of infangthef and certain other liberties specified in the latter charter whenever they wished, even if at other times they did not exercise them. This King Henry also granted to them that they and their heirs might have all the liberties previously granted them by the charters of himself and his predecessors, kings of England, insofar as that they had been reasonably exercised up to this time. Which two charters of King Henry, King Edward the grandfather of the present king by his **charter** (which they produce) granted and by reciting it confirmed. In addition he granted for himself and his heirs to his burgesses that they, their heirs and successors could elect every year at Michaelmas from among their own number a mayor and two bailiffs, presenting at the king's Exchequer within the week following that feastday the one whom they have thus elected as mayor, so that he may there take an oath to carry out faithfully those duties that belong to the office of mayor of the town; which mayor and bailiffs should hold and administer all pleas related to the liberty of the town, just as the town bailiffs were accustomed to do in times past. On these grounds, by virtue of the charters of King Henry and their confirmation by King Edward, they seek cognizance of this plea before themselves within the walls of the town.

Richard de Aldeburgh, who sues for the king, says that this plea ought not to be transferred to their court within the town. Because, he says, they claim cognizance of this plea before themselves by the charters of King Henry and the confirmation of King Edward. Granted that in the first charter of King Henry it specifies that none of them need plead outside the walls of the borough in any plea except those concerning tenements outside etc., and similarly in the second charter of the same king it specifies that none of them might be impleaded outside the walls of the borough except in regard to external tenements, nor for any trespass committed in the borough unless the matter concerns the rights or person of the king; and granted that in the charter of confirmation of King Edward it specifies that the mayor and bailiffs may hold and administer all pleas related to the liberty of the town, just as the town bailiffs were accustomed to do in times past. Yet nowhere in those charters or the confirmation do we find it granted that they have **cognizance of this kind of plea** [i.e. dower] before themselves within the walls of the town. He further says that in

the last eyre here both common pleas and pleas of the crown were dealt with by the justices in eyre and also, since that time, pleas of assizes have been dealt with before the justices appointed for that, and not before the mayor and bailiffs. Therefore he requests judgement be given for the king.

The date of 27 November is assigned for the parties and for the mayor, bailiffs and community to return here.

On which day the parties and the mayor and bailiffs come in person. On behalf of themselves and the community they **disavow the claim** made by their attorney for having cognizance of the plea before the mayor and bailiffs; they request that the justices come to the town's Guildhall and there take cognizance of pleas of this kind and do justice to the parties. But because it is determined by the justices from inspection of the roll of attorneys admitted here in the eyre that the mayor, bailiffs and community of the town appointed Richard Blount to claim, prosecute and defend their franchises on their behalf, they cannot now change the claim made by their attorney. And since it is not found from inspection of the aforesaid charters and confirmation that they have been granted cognizance of pleas of this kind, whilst similar inspection of the rolls of the [\[previous\]](#) justices in eyre shows that the same sort of plea was dealt with by those justices in eyre – and not before the mayor and bailiffs – it is decided that the case in question shall remain here and that the franchise of cognizance of pleas of this kind is to be seized into the king's hand.

[\[.... \]](#)

The sheriff was ordered to summon all who had been coroners in this county since the last eyre up to the present, if they were still living – or, if they had died, their heirs or executors, or the tenants of their lands and tenements – in order to hand over their rolls and provide answers to those matters related to the office of coroner. With regard to those who had been coroners of the town of Northampton, the sheriff reported back that he had **passed along the writ** [\[of summons\]](#) to the bailiffs of the liberty of the town of Northampton, who responded that Isabelle the wife of John de Hemyngton and the heir of William de Stormesworth, who was recently coroner, and John son of Henry son of Robert Sauce, the heir of Robert the other coroner, have

nothing in the way of inherited [possessions] by which they can be summoned [i.e. obliged to come], nor are any others the tenants of their lands. Consequently the sheriff is ordered to have the mayor, community and town bailiffs appear, in order to answer etc.

Subsequently, the mayor, community and bailiffs came. Being asked how coroners are selected in the town of Northampton, they say that among other franchises which King Henry great-grandfather of the present king granted to them, and which King Edward grandfather of the present king confirmed, by the charter and confirmation which they produce in evidence, it was granted to them that they might elect from among their own number four coroners to perform within the town those duties belonging to the coroner's office. They go on to say that in that way they have been accustomed to elect coroners in the town since the time of the grant and confirmation.

Richard de Aldeburgh, who sues for the king, says that since the mayor, bailiffs and community acknowledge that they elect the coroners in the way indicated, and since the court has determined from the response made by those bailiffs to the sheriff that the heirs of William de Stormesworth and Robert Sauce have nothing by way of inheritance from William or Robert the coroners elected by the mayor and community, nor are there other executors or tenants of their lands and tenements who can or ought to answer for those coroners, it is thereby evident enough that those coroners were **insufficiently qualified**. He requests on behalf of the king that the mayor and community be held responsible for them and, through their [i.e. the coroners'] default, be answerable to the king both for the coroners' rolls and for other circumstances relevant to the performance of the coroner's office.

The mayor, community, and bailiffs say that although one coroner might suffice for the town, because many of the townsmen are merchants and frequently travel abroad to distant lands to conduct their commercial affairs, it has therefore been their custom to elect four coroners, so that those coroners who have stayed at home can take responsibility for all the duties of the coroner in the absence of the others and make record of the same in their rolls. When the absent coroners return home, they have copied onto their rolls, from the rolls

of the coroners who remained at home, all the pleas of the crown that arose during their absence, so that everything that is entered in the rolls of one coroner appears in all their rolls. They say that during the term of office of William de Stormesworth and Robert Sauce there were two other coroners, Robert de Bedeford and John le Waydour, whose rolls have been turned over to this court by the hands of the mayor and bailiffs, along with the other coroners' rolls from the time of the last eyre up to the present. They say, **at their peril**, that in those [rolls] are contained everything touching [the rights and jurisdiction of] the crown that occurred within the town since the last eyre; so complete are they that nothing is missing from them which is required for the sessions of the pleas of the crown to proceed.

Richard de Aldeburgh makes the further request for the king that the rolls be inspected and examined. As a result of this inspection and examination, it is found that on 30 April 1311 Walter de Longestaunton of Cambridgeshire, arrested on suspicion of theft of some wax, appeared in full session of the court of the town of Northampton and confessed to having broken into the church of Goldington next Bedford by night and having stolen from it candles and wax worth 2s. He was consequently hanged.

Also, on 14 June 1294 Simon son of Bella le Mire of Manby and William fitz Simon of Manby were arrested in the town of Northampton at the suit of Thomas de Hulton, for the death of John Chapeleyn servant of Master William of Manby in Lindsey; they appeared in full session in Northampton on the same day and admitted to having killed John on Master William's manor at Manby in Lindsey on 2 June of that year and of plundering [from the corpse] forty shillings, six silver brooches, a coat of **burel**, and a tunic of perse. He was consequently hanged.

Also, on 13 September of the same year Reginald fitz Robert of Wyewell in Herefordshire, arrested at the suit of John le Caretere of Kislingbury (his pledges: Peter de Eston and Robert de Maneby of Kislingbury) in possession of a blue cloth overcoat, a russet tunic, a hood, and a pair of russet shoes, appeared in full session in Northampton and admitted to having broken into the house of John le Caretere in **Kislingbury** and stolen from it a blue overcoat and the

other items mentioned on 2 September of that year. He was consequently hanged.

Also, on 8 November of the same year Henry fitz Nigel of Little Doddington in Northamptonshire, arrested in possession of a ploughshare and two **coulters**, appeared in full session and, asked how he came into possession of the ploughshare and coulter, said that he had stolen them from Northamptonshire fields between the town of Northampton and Abington. He was consequently hanged.

Also, on 18 April 1295 Ralph Sale of Hardwick, arrested at the suit of William Scarlet bailiff of Warwick, appeared in full session and admitted that he was a thief and had broken out of Warwick gaol and escaped prior to 30 November 1294. He was consequently hanged.

Richard de Aldeburgh, for the king, requests judgement on the grounds that they who were elected by the community [i.e. the mayor and bailiffs], in derogation of the privileges of the king and his crown, took upon themselves by their own presumption, under colour of the franchise of infangthef granted them by the present king's predecessors, jurisdiction over the life and limb of so many loyal subjects of the king. He requests that their franchise of infangthef, along with all their other franchises, be forfeited by seizure into the king's hand.

The mayor, bailiffs and community – questioned on this matter as to why they presumed to pass judgement on the aforesaid Walter, Simon son of Bella, William fitz Simon, Reginald, Henry, and Ralph in their court within the town of Northampton and condemn them to be hanged, thereby usurping from king and crown royal power in such matters – cannot deny what has been stated, nor that they had passed judgement on Walter and the others without any warrant and against the law and custom of the kingdom, as is more fully described in the rolls of the coroners whom they elected and which they by their own hands and at their own peril turned over to the court (as already mentioned). Yet, they say, despite the fact that they or some of them have wrongly and negligently applied the franchise of infangthef, that does not make it right to deprive them of the other franchises granted them by charter, whose application they have not infringed, and they request that they might keep their other franchises.

Upon which the community, mayor and bailiffs are asked who presides over pleas of the crown in their court of the town of Northampton. They say it is mayor, coroners, and bailiffs.

Because the mayor, community, and bailiffs, under colour of the franchise of infangthef, have condemned to be executed within the town so many loyal subjects of the king, for felonies committed outside their jurisdiction, in derogation of the king's crown and his royal privileges, it is decided that the franchise of infangthef along with the offices of mayor, bailiffs, and coroners of the town are to be taken into the king's hand. But it is impossible for the town and its other franchises to be administered, for the common good of the people gathering there, without capable administrators, unless officers are appointed to serve in the offices in that town. Therefore after consideration by the court, it is ordered that a keeper of the town of Northampton now be appointed. And the king commanded the justices there to admit Robert de Arderne as keeper of the town And John Waydour and William de Tekne were assigned to the office of coroner, and Pentecost de Morton and John Caudroun as bailiffs. All of whom having taken oath before the justices to execute their duties faithfully, the offices were committed to them.

DISCUSSION

What the king could give, the king could take away. Many towns experienced periods during which their chartered liberties were suspended – sometimes for serious offences, sometimes for provocations that appear slight. (For an example, see "**Hanging without due process**".)

Eyres had a mandate to investigate local government and its exercise of powers delegated by the king. The aggressive (one is almost tempted to say bloody-minded) efforts of the king's justices and lawyers of the Northamptonshire eyre to carry out their mandate presented a peril to local government in Northampton. The king's officials seem to have been bound and determined to seize local government powers into the king's hand.

At this period the eyre was on its last legs as a mechanism for maintaining law and order. The last eyre in Northamptonshire had taken place in 1285. Edward I had suspended the use of eyres in 1294, partly (or ostensibly) because of their unpopularity, but also because he was turning his attentions to war with France and Scotland, which would absorb him for the next decade. That period saw a serious decline in rule by law; one contributor being Edward's preparedness to pardon felons in return for military service, a policy continued by Edward II. The latter's reign added domestic strife that further increased lawlessness. Other judicial mechanisms – commissions of trailbaston and appointments of special keepers of the peace – had little effect. Edward II tried to revive the eyre, but **his motives were suspect**. After his overthrow, parliament (1328) complained of widespread crime, subversion of the law, and oppressive and extortionate actions of officials.

Those acting in the name of Edward III decided to give the eyre another try. The commissions to visit Northamptonshire and a few other counties were considered an experiment which, if successful, would be a prelude to a nationwide itineration. The justices were given broad powers of investigation allowing them to conduct a thorough review of local administration, and thereby (it was hoped) re-establish public order and good government. The eyre session held in Northampton lasted from November 1329 to June 1330. The idea of a nationwide effort was subsequently abandoned, however. Eyres were still unpopular, not least with local authorities, whose administrations were disrupted. Local communities did not like them either: commerce suffered disruption as some market activities were suspended; justices, lawyers, the various juries of localities, and the representatives of each locality, all had to be boarded without remuneration to the hosts; and communities were subject to multiple fines as well as having to hire lawyers and attempt to win the favour of court officials through "gifts". In 1334 Kent paid 1000 marks (£666.13s.4d) to escape having an eyre. The attempt to hold an eyre in London in 1341 led to riots and the eyre had to be suspended after two weeks.

The official account of the attention given by the 1329 eyre to the borough of Northampton clearly indicates why local authorities must have dreaded such an event. As usual, the official record itself is somewhat dry. But by this time in the history of the eyre, the development of the legal profession had resulted in law reporters attending eyres, to take notes on the conduct of cases and precedents that might serve to instruct law students. The revival of the eyre, in a location reasonably accessible to their Westminster base,

attracted several reporters to Northampton, and almost two dozen versions of their reports of the eyre have survived. They give us a closer look at the legal arguments behind the official record of proceedings, although each report varies somewhat from the others in summarizing and interpreting the arguments.

The borough authorities' interventional challenge over cognizance of dower claims provided the first opportunity for the eyre to put Northampton's franchises under scrutiny. It was in retrospect foolish of the town authorities to try to have the dower case transferred, particularly given that eyres usually dealt with common pleas involving disputes over real estate. However, the town was used to making this kind of claim in other royal courts and having it allowed. Or perhaps, since Henry III's charter allowed Northampton to model its liberties on those of London, the Northampton authorities were hoping to exclude the eyre from common pleas entirely, as was the case in London.

If so, it was a futile hope. The eyre officials were determined to resist any efforts to obstruct their authority and mandate. In particular the justices had in mind their Quo Warranto mandate, requiring them (they maintained) not merely to accept at face value a claim of jurisdiction, but to investigate the validity of that claim and whether the jurisdiction had been exceeded or misapplied. This rendered ineffective the borough's attempt to support its claim of jurisdiction over dower by presenting precedents where the king's justices of King's Bench and Common Pleas had allowed the borough's cognizance. From the perspective of the eyre officials, the issue in hand was not merely the dower case itself but the town's claim of jurisdiction in such cases. The crown officials backed the town lawyers into a corner, forcing the town authorities to modify their position. The latter recognized that the justices were determined to try the case so, instead of insisting on their own jurisdiction, they tried simply to protect the charter franchise allowing such cases to be tried only within the town (which would have restored jurisdiction to the borough officials after the departure of the justices). But it was too late for backtracking. The court was on its way to removing the borough's judicial jurisdiction.

There followed hard on a challenge over the coroners' records – an issue which had been a source of argument during the preliminaries to the eyre, when the justices had repeatedly warned the borough authorities to produce the coroners' rolls. They had already, at that stage, threatened that fraudulent withholding of records could result in permanent confiscation of the borough franchises, whereas admitting to loss of records due to negligence would result only in temporary forfeiture. Producing the records of past

officers posed problems for Northampton's authorities, as it did in other towns. Archival practices at this period were undeveloped in most towns; the perception of corporate records, in this period prior to formal incorporation (despite the justices' opinion that the community was corporately answerable for the records of its officers), was applied mainly to the most important documents – such as royal charters – and the rolls compiled during the term of office of specific officials might or might not find their way into a communal archive.

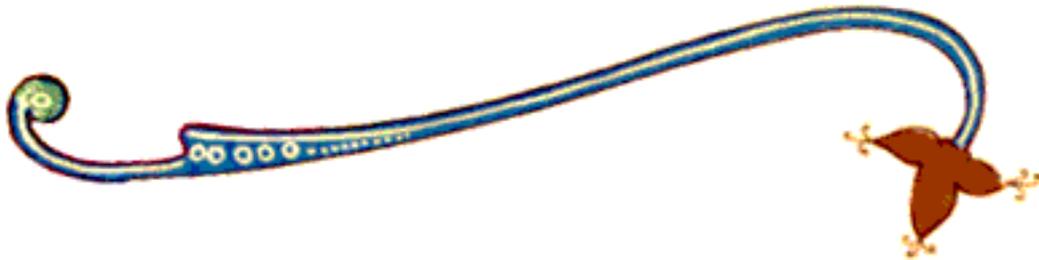
There was nothing unreasonable in the justices' expectation that all the rolls of every one of Northampton's coroners should be presented for review. This was, after all, part of the rationale for compiling those records. If the claim of the borough was true that all cases investigated by the coroners were copied onto each coroner's roll, then its defence that the eyre did not need a full set of rolls was valid. But the court could not know this to be the case without examining all the rolls.

In the end, however, it was the matter of jurisdiction in cases of *infangthef* that provided the means for bringing the town under the thumb of the eyre. Examination of the coroners' rolls turned up several cases in which town authorities had abused *infangthef* by hanging felons whose crimes had been committed outside their area of authority. The borough's attempt to limit forfeiture to the abused franchise was defeated – indeed, one cannot help suspect that the wholesale seizure of local government powers was a goal from the beginning. By seizing the borough offices into the king's hand as well – not just because of *infangthef* but also because of the earlier dispute over claim of cognizance of pleas of land before the town court (both matters reaching judgement point, it appears, on 27 November) – the justices created the pretext for turning local government over to a royal custodian. **Chief Justice Scrope** then dismissed the mayor. He had the bailiffs turn in their rods of office, but then reappointed them under the custodianship. As for the coroners, he informed them only two would be needed, and dismissed the surplus pair. Four days a mandate was obtained from the king appointing Sir Robert de Arderne, who had recently served as a justice of pleas of the Forest, to the position of keeper. This strategy must have ensured the eyre could proceed without any further obstructionism from the town.

Some at least of the legal reporters saw in this a precedent, establishing that any exercise of a franchise that exceeds its scope, so that people suffered as if from an oppression, must result not only in the forfeiture of the franchise but the attachment of the officers administering the franchise, and furthermore the confiscation of all of the franchises within the jurisdiction

of such officers, until they could make fine with the king for restoration.

Not until August 1330, a few weeks after the eyre had finished its work, did the king allow the townsmen to regain the liberties of local government, by paying a fine of £20.



NOTES

"state"

Blount himself was not permitted to present legal arguments before the justices; other, recognized "pleaders" acted in that capacity on the town's behalf.

"charter"

The charter of Henry III referred to is that of 1227 which, with regard to external pleading, simply reiterates the **charter of 1189**. The second charter referred to is that of 1257, while that of Edward I was granted in 1299; the latter, being the latest and therefore fullest grant of privileges, powers and exemptions, also served as the workhorse, in terms of it being presented before justices when need be. The borough authorities seem to have gone well beyond what was necessary for claiming jurisdiction over the case of dower at hand, perhaps because in an earlier case of dower they had made the same claim of cognizance, by referring only to the charter clause referring to no pleading outside the town, and had run into problems with the court as a result. However, judging from one reporter's account, the borough authorities may have initially made their claim in this case exclusively on the basis of the same clause, but after this became the subject of legal arguments there was examination of other clauses in the charters. Just possibly there was something sinister behind that more extensive citation from the charters; it may have been an initiative of the court itself – for it was the claim of the franchise of *infangthef*, not related to the *Lungeville vs. Porte* case, that subsequently proved the lever by which the court could disempower local government; the law reporters seem to have perceived a connection between the two attacks on Northampton's liberties.

"infangthef"

The right of a court to try thieves caught within the region of its jurisdiction, notably

those caught red-handed (and, since the punishment was hanging, in effect the right to a gallows).

"Richard de Aldeburgh"

The king's sergeant in the eyre, with special responsibility for prosecuting pleas of Quo Warranto and other civil pleas in which the king's interests were involved.

"cognizance of this kind of plea"

According to the reporters, Aldeburgh's initial line of attack was that Edward I had granted the mayor and bailiffs cognizance over pleas related to the franchises of the borough, but that dower was not a plea related to a franchise but a plea related to real estate; therefore, he argued, the borough's past cognizance of such cases was a usurpation of royal prerogative and that jurisdiction should be seized into the king's hand. This would appear a fragile argument – perhaps not to the legalistic minds of that time! – since dower cases were clearly pleas related to real estate (Bracton had certainly classified it thus), and besides royal charters clearly indicated that real estate pleas be tried within the town. Argument therefore turned to an attack on the undetailed terminology of early royal charters (later ones becoming more legalistic in tone), in particular the question of whether the jurisdictional rights claimed by the borough had been held from time immemorial or from the time of a specific grant. The crown lawyers, with agreement from the chief justice, argued that Edward I's grant that mayor and bailiffs have the same jurisdiction held by the previous bailiffs implied a "time immemorial" basis for the jurisdiction, since it did not specify the point when ballival jurisdiction commenced; but that the town's lawyers were making their claim for cognizance on the basis of a specific grant (Henry III's charters) – i.e. time within mind. The change in form of government between the time of Henry III and Edward I, from a mayoral to ballival executive, presented further openings for attack.

"disavow the claim"

According to the law reports, this was not the immediate strategy. Aldeburgh opened with the argument that although Henry III's charter permitted pleas of land be held within the town, it did not specify that they be held by the mayor and bailiffs (Aldeburgh was evidently sticking to his differentiation between pleas of land and pleas of franchises). At this point the mayor, speaking through one of the pleaders representing the town, stated that it had been in claiming the cognizance of pleas of land within the town, it had been the intent of borough authorities that such pleas be heard by the king's justices; if the town attorney had given the impression that the pleas were to be heard by mayor and bailiffs, then he had misrepresented the town's intent. Chief Justice Scrope's retort was that the borough authorities could not make the second claim because it was contrary to the first, which was now a matter of record; but by making the second they had admitted that the first claim was untenable. This left the borough without a leg to stand on.

"passed along the writ"

It was one of the franchises of the borough that they had "return of writs", i.e. the sheriff could not intrude on the jurisdiction of the town authorities but had to forward to them any commands placed upon him by royal writ, with the authorities then taking responsibility for fulfillment and reporting to the sheriff accordingly.

"insufficiently qualified"

It was coming to be expected, explicitly (and was possibly implicit at an earlier period), that persons chosen to the higher urban offices be men of sufficient substance that their possessions would provide compensation for any fines they incurred as a result of malfeasance; lesser officers were instead expected to find guarantors who themselves might have to provide compensation.

"at their peril"

I.e. they are prepared to stand to judgement on this matter.

"burel"

A coarse woollen cloth, typically worn by servants or peasants, while perse was a cloth of dark greyish-blue colour.

"Kislingbury"

The village is in Northamptonshire, a little southwest of Northampton.

"coulters"

A coultter is the smaller blade that cuts the ground ahead of the ploughshare.

"Chief Justice Scrope"

Geoffrey Scrope had a distinguished career in the royal judicial service. He was the king's chief legal representative (i.e. prosecutor) in the **London eyre of 1321** and, as a perceived agent of the Despencers, Londoners sought his blood during the October 1326 rebellion against Edward II. Under the Despenser government he was promoted to Justice of the Common Bench (1323) and then to Chief Justice of the King's Bench (1324-38). Despite his associations with the Despencers and Edward II, he was able to retain office under the regency of Isabella and Mortimer, and again after Edward III seized the reins of power; he was simply an able and loyal servant of the crown. Possibly he may have been one of the planners of the revival of the eyre in 1329, although this is debated.



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Keywords: medieval Newcastle-upon-Tyne customs law distraint debt commerce liberties freemen privileges assizes burgage tenure customals

Subject: Customs of Newcastle-upon-Tyne

Original source: Public Record Office, Chancery Miscellanea

Transcription in: Charles Johnson, "The oldest version of the customs of Newcastle Upon Tyne," *Archaeologia Aeliana*, 4th series, vol.1 (1925), 170.

Original language: Latin

Location: Newcastle-upon-Tyne

Date: *tempore* Henry II

TRANSLATION

These are the laws and customs which the burgesses of Newcastle upon Tyne **had in the time of Henry**, king of England, and ought to have. Burgesses may **distrain upon outsiders** in the marketplace or outside it, in their houses or outside them, and within the borough and outside it, without the permission of the reeve, unless the county court is in session in the borough or **[the outsiders]** are **[serving]** in the army or castle-guard. A burgess may not make distraint on another burgess without permission from the reeve. If a burgess makes in the borough **a loan of anything of his to outsiders**, the debtor shall return it to him if he acknowledges **[the debt]**; if he denies **[the debt]** he should answer to justice in the borough. Pleas which are initiated in the borough should be tried and brought to conclusion there, except those which belong to the crown. If any burgess is accused in a suit, he shall not plead outside the borough unless the court fails **[to do justice]**. Nor, except in matters involving the crown, should he defend without day and term **[being assigned]** unless first he falls into **error in his pleading**. If a ship comes to harbour at Tynemouth, then wishes to depart, the



burgesses may [first] **buy whatever they wish** [of its cargo]. If a plea arises between a burgess and a [travelling] merchant, it is to be brought to conclusion before the third ebb-tide. Merchandize of whatever kind brought by sea ought to be put ashore, except for salt, while herring should be **sold in the ship**. If anyone holds land in **burgage** for a year and a day, lawfully and without claim [against it], he is [thereafter] not answerable to any claimant, except one who has been out of the kingdom or who was a child not old enough to bring legal action. If a burgess has a son [living] with him, **the son shall share** in the liberty of his father. If a **villein comes to reside** in the borough and lives there for a year and a day as if a burgess, he may stay in the borough forever, unless he or his lord had previously announced that he would reside only for a set term. If anyone accuses a burgess of anything, he cannot [prosecute by] combat with the burgess, but the burgess may defend himself by **his law**, unless [the accusation] is of treason whereby he is obliged to defend himself by battle. Nor can a burgess do combat against an outsider, unless he first **quits the burgage**. No merchant, unless a burgess, can inside [or outside] the town buy wool, leather, or other merchandize from anyone except burgesses. If a burgess commits a wrong, he shall give **6 ounces** [of silver] to the reeve. There is no **merchet, heriot, blodwit, nor stengesdint** in the borough. Any burgess may have his own **oven and hand-mill** if he wishes, saving the rights of the king's oven. If a woman commits a **wrong concerning bread or ale**, no one should interfere except the reeve. If she commits the wrong twice, let her penalty be chastisement. If she commits wrong a third time, she is to be brought to **justice**. No-one except a burgess may buy cloth for the purpose of dyeing, nor make or **cut** [cloth]. A burgess may **give or sell his land**, unless [his right to] it is challenged, and go freely and peacefully wherever he wishes.

DISCUSSION

As its name indicates, Newcastle began as a settlement servicing the Norman castle build to guard a crossing of the Tyne. Within a century it had its own distinctive society and economy, as revealed in the list of customs above. Three different versions of the customal are known. That which Johnson believed the oldest is very similar to the customs of a group of Scottish boroughs – Newcastle at times (including the second quarter of the 12th century) having been under Scottish rule. The other versions were copied into the Percy Chartulary (pub. Selden Society, v.117, p.333) and a charter granted ca. 1180s to the borough of Wearmouth (Co. Durham), by its lord the bishop of Durham. The early charters of English kings granted to Newcastle, by John and Henry III, confirmed existing customs of the town from the time of Henry II. It is presumably the above customs that were meant, although the reference in the opening sentence to King Henry is more likely to Henry I.

The Newcastle-upon-Tyne customal provides an early specification of the laws referred to only generally in charters. Few documents so well illustrate the interrelationship between charters of liberties and customals. So much does this document resemble a charter's recitation of privileges granted, as opposed to an itemized or capitularized customal, that Ballard adopted it as such in his **comparative study** of the earliest group of charters of liberties. The existence of this early customal, which survives in several versions, has led to Newcastle's development as a borough being described as "precocious" (Edward Miller, "Rulers of Thirteenth Century Towns: The Cases of York and Newcastle upon Tyne," *Thirteenth Century England I: Proceedings of the Newcastle Upon Tyne Conference 1985*, Woodbridge: Boydell Press, 1986, 129). Although *tempore* Henry II the Newcastle customs did serve as a model for those granted to lesser towns in the north-east (Gateshead, Hartlepool, and Wearmouth), the seeming precocity may be an illusion consequent to the scarcity of written evidence of early borough customs. It is worth comparing these customs with those of the burgesses of **Bury St. Edmunds**, from a similar period.



NOTES

"had in the time of Henry"

The Percy version states that the laws were *granted* by Henry I to the burgesses, but this may be a scribal assumption.

"distrain upon outsiders"

The principle regarding **distrain** was that burgesses had to capitalize on almost any opportunity to compel outsiders – who were not usually accessible – to answer to legal actions brought against them. Whereas, the burgess' person and property were always on hand, and therefore distraint against them should go through due process. The Percy version identifies the outsiders more explicitly as country-dwellers, and clarifies that they may not be distrained if they have come to the borough to attend the county court. The Wearmouth allows as exemption from distraint only that the outsiders have come to town on business of the bishop, but this is evidently an adaptation of the original to Wearmouth circumstances (it being clear from other evidence that the laws had been edited with that in mind).

"a loan of anything of his to outsiders"

To the clause concerning loans to outsiders, the Wearmouth version adds the proviso that "burgesses not use this privilege to vex villeins unjustly" – reflecting what was later a growing tendency to use litigation as a pressure tactic – but again this may be a Wearmouth adaptation.

"error in his pleading"

This refers to **miskinning**.

"buy whatever they wish"

It was not uncommon for towns to claim a pre-emptive right over cargoes of ships which moored, however temporarily, within their boundaries. The Percy version incorporates a scribal error in adding "not" to "wishes to depart" and it is this version which found its way into Ballard's compilation. The Wearmouth version substitutes Wearmouth for Tynemouth.

"travelling"

This qualifier before merchant is made explicit in the other versions.

"sold in the ship"

The Wearmouth version gave the option for herring to be brought ashore to be sold in town.

"the son shall share"

Concerning the son's right to share in the burgess privileges of his father, the Percy and Wearmouth versions more explicitly state that this is while the son still lives under the same roof: "while in his house, at his table".

"villein comes to reside"

The alternate versions are rephrased to clarify the contrast between an (escaped?) villein who remains a year and a day without challenge by any lord, and a villein whose lord has given him licence to reside in town temporarily (e.g. in order to trade on behalf of his lord).

"quits the burgage"

This seems to imply that a man had first to give up his burgess status before he was allowed to choose judicial combat as a defence. The other versions extend the exceptions to include any serious felony (i.e. presumably punishable by death), while the Wearmouth version specifies the preferred defence of a burgess as compurgation by 36 supporters.

"or outside"

The version of the laws found in the Scottish boroughs includes "outside the town" among the prohibited locations, and the PRO version appears from the wording to have accidentally omitted this. The Percy version specifies the locations as "neither in the marketplace nor in the countryside"; presumably the immediate countryside within the jurisdictional boundaries of the borough were intended, since it is hard to see how a borough could control the actions of a merchant outside its jurisdiction.

"6 ounces of silver"

According to Johnson, this was worth 10s. Judging from the equivalent, more explicit clause used by the Scottish boroughs, it relates to a ceiling on the amount the borough court could fine a burgess.

"merchet, heriot, blodwit, nor stengesdint"

Merchet was a fee for a lord's permission for his villein's daughter to marry, and heriot a death duty payable to the lord of a deceased villein. Towns were anxious to be free of dues or services associated with agricultural communities. Blodwit was a fine for an assault drawing blood. Stengesdint was a fine for striking with a stick (i.e. causing injury without drawing blood).

"oven and hand-mill"

The point about personal ovens and hand-mills was that there were typically communal facilities for baking and, especially, milling that burgesses were expected to use (since the revenues therefrom went towards paying the borough farm). The Percy version omits the proviso about the king's rights, while the Wearmouth version substitutes the rights of the bishop.

"wrong concerning bread or ale"

This related to breaking the **assizes of bread and ale**, first set down in writing in the time of Henry II. The Newcastle customs indicate that a first offence met with a warning, a second offence with a stern, public warning, but on the third the offender would be brought before the court for punishment. Women were much involved in selling the products of their baking and brewing; the Percy and Wearmouth versions, however, do not specify a sex of the offenders, and they seem to leave it to the discretion of the reeve as to whether a small fine was required for the first and second offence.

"justice"

A later version adds that the punishment due the offender will be decided by communal decision of the burgesses.

"cut"

Probably meaning cut a cloth into smaller pieces in order to retail it.

"give or sell his land"

The Wearmouth version is more explicit in stating that the right to dispose of real estate was a freedom from requiring any licence from a lord or from obtaining the advance agreement of one's heirs. In contrast to the latter freedom, at Nottingham heirs were permitted to redeem property sold by a relative, even against the purchaser's will, so long as they promised in the gildhall to pay the purchaser, within a year and a day, the price he had given for the property; compensation for improvements to or deterioration of the property since its sale might also be negotiated.



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Keywords: medieval Bury St. Edmunds abbey customs defences nightwatch gates burgage tenure debt planned towns topography mesne boroughs shrine pilgrimage

Subject: Recognition by an abbot of the customs of his burgesses

Original source: British Library, Harleian Ms.639, f.5 (17th century copy from *Liber Niger*, Cambridge University Library, Mm.iv.19, f.117)

Transcription in: J.H. Round, "The First Charter to St. Edmund's Bury, Suffolk," *American Historical Review*, vol.2 (1897), 689-90.

Original language: Latin

Location: Bury St. Edmunds

Date: ca. 1130s

TRANSLATION

Anselm, by the grace of God Abbot of St. Edmund's, to all his barons and men, French and English, and all their successors, greetings. This is to notify you that the following are the customs which the burgesses of St. Edmund's have proven before me in my court that they held in the time of King Edward, in the time of King William and his sons William and Henry, and in the time of my predecessors – that is, **Abbot Baldwin** and other abbots – and which I have granted and confirmed to them with the permission of the entire convent of St. Edmund's.

Accordingly, their custom is to provide annually 8 men for the 4 night-watches to guard the town, and on the feast of St. Edmund [20 November] 16 men for the 4 **gates** – that is two men during the day and the same number overnight – and similarly during the 12 days of Christmas. They are also to provide 4 gatekeepers annually for the 4 gates. The fifth gate, however, (that is, the east gate) is under direct control of the abbot. But if construction is to take place on the gates,



the sacrist is to provide the materials and the burgesses are to work them.

When the ditch surrounding the town needs to be repaired, if the abbey's **knights** and free **sokemen** work on it, then the burgesses will work on it just like the knights or sokemen; for that task is not more the **responsibility** of the burgesses than the knights.

Whoever holds tenements in the town of St. Edmund as **burgage land** is to pay the reeve each year for each tenement a halfpenny at [each of] the two terms: Whitsun and Martinmas.

Furthermore, they are not obliged to go outside the town of St. Edmund, not to the **hundred court** or the county court, nor to any plea that is brought before a court, other than to their **portmanmoot**.

If any burgess holds land in the town of St. Edmund by inheritance, or if he has bought it or acquired it legally in the town or in the marketplace, and he has possession of it for a year and a day without challenge, and is able to prove that by the testimony of burgesses, afterwards he need not answer to anyone who makes a claim against the property.

But if need forces him to it, he may sell that land to whomever he wishes within the fief of St. Edmund's without requiring any **permission from the reeve**, his [own] wife, his sons, or the rest of his relatives, so long as he has no **son or close relative** who wishes and is able to pay him the same price as anyone else for it.

If someone lends his money to anyone, whether inside or outside town, and is not able to get it back on the due date, and this [loan] has been **acknowledged** in the town, he may apply **distrain** in order to have it. But if he has a **pledge** for [repayment of] the same and holds on to it for an entire year and a day, and the debtor denies the debt or is unwilling to repay, and this is proven, he may in the presence of reliable witnesses sell the pledge for whatever he can, and from that amount take the money due him. But if it is more [than he is owed], he shall hand over [the balance] to the debtor. If on the other hand he is unable to obtain all his money from the sale, he may again apply

distrain for the shortfall.

If someone acquires land in the town that is customarily held by burgage, regardless of who he may be, he is to make the customary payments due by tradition from that land.

These are the witnesses: Prior Talbot, Sired, Ednoth, Ording, Gorelm, Hervey the sacrist, Adam the steward, Wulward the clerk, Gilbert son of Fulcer, William son of Ailbold, Ralph de Lodnes, Gilbert de Lodnes, Richard de Lodnes, Roger de Gersing, Ralph de Bukeham, Hugh de Kersing, Robert de Haltsted, Ailbric de Capeles, Ailmer de Hwatefelde, Leomer de Berningeham, Berard his nephew, Brian, Oswald, William son of Peter, Romald Leo, Ralph the constable, Osbern the butler, Geoffrey de Meleford, John de Valle, Robert Malet.

DISCUSSION

Ca.630 a monastery was founded by the East Anglian king Sigeberht at a small settlement called Bedricsworth, which developed into a royal vill; Sigeberht himself retired into the monastery. The fate of that monastery in the face of the Danish invasion is uncertain, but about half a century after the torture and murder of **King Edmund**, killed (870) by Danish captors who had defeated his forces, the king's body was moved to the Bedricsworth and a church founded to house the shrine. He was already considered a martyr and a saint, and the presence of his shrine added something to the existing importance of Bedricsworth in East Anglia. In 945 another King Edmund granted the chapel containing the shrine control over the town and its suburbs, so that revenues from the same could support the shrine, and in the years that followed the foundation is seen acquiring substantial landholdings by donation or bequest. The presence of a mint in the town by the late tenth century is further evidence of how it was prospering. It also served as the administrative centre for West Suffolk, comprising eight and a half **hundreds** (the town being one and a half of those), whose populations convened at a folk moot on a hill called Thinghoe, just north of the town.

The Anglo-Saxon town was probably gathered around a north-south route (Northgate/Southgate) which ran past Thinghoe, and focused on a

crossroads at the junction with Eastgate, the section of which at the junction was later known as Le Mustowe Strete, suggesting the location there of the meeting-place of the town moot, possibly in a cemetery of the church housing St. Edmund's tomb. This area was offered some protection on three sides by the rivers Linnet and Lark. The unprotected western side much later was protected by a wall, linking Northgate and Westgate, probably preceded by a ditch-rampart fortification; Southgate, as the likely focus of the pre-abbey settlement, may also have had such fortifications supplementing the protection from the water-barriers.

Around 1020 the shrine, serviced by a community of secular clerics, was superseded by a new monastic foundation of Benedictines, transferred from Ely and St. Benet's of Holme, possibly an initiative of Cnut to gain legitimacy in the eyes of his newly-conquered subjects. The new abbey took over control of the town and suburbs, an area which came to be known as the banleuca. In 1044 Edward the Confessor gave the abbot even wider authority, over eight and a half hundreds and over the manor of Mildenhall; this area became known as the liberty of St. Edmund's. It had previously been under the lordship of his mother, Emma, disgraced the previous year for treason, and now Edward had to find a new lord without upsetting the balance of power in East Anglia; he settled for the abbey (whose abbot he expected to be able to nominate), even though this meant placing extensive jurisdiction and its revenues outside direct royal control. He later (1065) transferred jurisdiction of the royal mint to the abbey; while another grant of the Confessor, of date unknown, gave the abbey permission to tax its men when the king taxed his. The name Bedricsworth was now giving way to "St. Edmund's borough". The needs of the abbey generated increasing employment for the town's labourers, craftsmen and administrators (Domesday mentioning 13 reeves living in the town who were responsible for managing abbey lands), and business for its traders.

That St. Edmund was virtually a national saint ensured that the king continued to favour the abbey and ensure its interests were protected. The wealth and power accumulated by the abbey, in part through further gifts of land, as well as from visitation by pilgrims to St. Edmund's shrine, in turn spurred the economic development of the town, which was a market centre for the region needs and a source of goods and services to the abbey. Just before the Conquest, the newly-appointed Abbot Baldwin initiated a major programme to rebuild the abbey and also planned an expansion of the town, 342 new houses being built over the next two decades; as a Frenchman he was able to weather the political changes at the Conquest, and import fellow countrymen as new settlers. These projects were continued by his predecessors into the next century. It may have been at this time that the

abbey precinct expanded across Southgate to disconnect it from Northgate; the purpose of the new sector of the town may have been in part to relocate those residents displaced by the abbey expansion, but it was doubtless also to attract new settlers.

This building programme provided rents and service obligations to the abbey. The Norman grid of a planned town is evident in the street pattern of central Bury St. Edmunds. The new town was equipped with its own marketplace, likewise a source of income to the abbey through ground rents and tolls; this marketplace was, in the thirteenth century, acquiring pre-eminence over the marketplace of the older part of town, on the south side of the abbey. The section of town south of the abbey likely represents the focus of habitation for the pre-Conquest residents.

The town may have had borough status before the Conquest, although the **Domesday** entry does not specify that nor does it refer to the inhabitants as burgesses. A grant of William Rufus spoke of the abbot's rights *infra burgum et extra* indicating the intra-mural area had some distinction in status. A charter of Henry I (ca.1102) confirmed to the abbey and the burgesses all liberties they had possessed in the first half of the eleventh century. Whether this, or some initiative originating from the abbey, was the causative factor that made the town free, as Jocelin de Brakelond **referred to it** in his chronicle, is hard to say; but evidently the townspeople within the walls had rid themselves of some manorial services, via commutation, before the period of which Jocelin writes, and were differentiated from the suburban residents in such regards. The prosperity coming from local commerce and industry, contrasted with the fact of the abbey's extensive control over economic and administrative affairs, stimulated the townspeople's inclinations to free themselves from what they viewed as the oppressive elements of the abbey's lordship, draining money out of the community while obstructing entrepreneurial ambitions.

The charter of Abbot Anselm – essentially just a recognition of borough customs, rather than the concession of new privileges or powers – was probably that for which the townsmen are recorded by Jocelin de Brakelond as purchasing from Abbot Sampson a confirmation in the 1190s. It is worth comparing these customs with **those of the Newcastle burgesses**, from a similar period.



NOTES

I have reformatted the document into separate clauses to make for easier reading.

"Anselm"

Anselm was abbot 1121-48, except for a brief period when he was elected as Bishop of London in the late 1130s, but returned to the abbacy after the election was overturned by the Pope.

"Abbot Baldwin"

Baldwin became abbot in 1065; it is quite plausible that, as part of his programme for expanding the town, he would have been concerned with defining the special privileges of the burgesses.

"gates"

By the late 13th century we have clear evidence of the town being divided into five wards, each being an area in the vicinity of and associated with one of the five entrances (gate not necessarily implying, at the period of Anselm's charter, an elaborate stone structure, although clearly there was some kind of physical barrier). Northgate and Southgate lay on the original main thoroughfare and may have had wards from an early period; Southgate was densely settled and the several watercourses there encouraged the presence of industry (e.g. fulling). Eastgate was a small ward under the direct administration of the abbot (or rather, the abbey sacrist), its gate the closest (adjacent) to the abbey precinct and perhaps for this reason controlled directly by the abbey – although the fact that it lay on the **Yarmouth-London route** may have been another incentive. Westgate ward was relatively sparsely populated, despite incorporating part of the planned town developed soon after the Conquest; the importance of the west gate was perhaps more that through it lay the road to London. Northgate ward was likewise relatively sparsely settled. Risbygate ward – the name suggesting this entrance was not of early importance – may not have been in existence prior to the foundation of the new town and its marketplace; not surprisingly, however, the ward became densely populated, and Risbygate served to link the town with what became a populous suburb.

"knights"

Those who held property in the liberty of St. Edmund's by knight's tenure, it being customary for such tenants to contribute to the maintenance of local fortifications.

"sokemen"

Those who held land by socage tenure, a jurisdictional bond between lord and man based on services provided in return for land, as opposed to personal homage (*commendatio*). In this period the sokemen class was particularly in evidence in East Anglia.

"responsibility"

The gist of this clause, a little confusing at first glance, is that the burgesses were only prepared to undertake maintenance of the defensive ditch if the other abbey tenants contributed too.

"permission from the reeve"

The reason for this seems to have been to ensure that any feudal services associated with the property were clearly conveyed to the new tenant.

"son or close relative"

This right of pre-emption by kin was not uncommon (e.g. see the **Nottingham charter**), but normally applied to land of patrimonial inheritance.

"acknowledged"

Most likely refers to a formal recognizance of the debt, at time of it being contracted, before the authorities.



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Keywords: medieval Bury St. Edmunds customs franchises abbey jurisdiction reeve farm charter market trial combat dues revenues punishment

Subject: Factors influencing the gradual acquisition of freedoms

Original source: British Library, Harleian Ms.1005, ff.141-143, 147, 149-151

Transcription in: Thomas Arnold, ed., *Memorials of St. Edmund's Abbey*, vol.1 ("Cronica, by Jocelin de Brakelonde"), Rolls Series, no.96 (1890), 276-81, 293-95, 299-305.

Original language: Latin

Location: Bury St. Edmunds

Date: 1180s-1190s

TRANSLATION

After the death of **Abbot Hugh**, the **keepers of the abbacy** wanted to remove the reeves of the town of St. Edmund from office and use their authority to appoint new ones, claiming that this was the right of the king, in whose hand the abbacy was. We, however, sent messengers to Sir Ralph de Glanville, then justiciar, complaining about this. He replied that he was well aware that £40 was payable each year from the town to our sacrist, namely for [\[providing\]](#) lighting for the church; and, he said, Abbot Hugh at his own initiative and privately, without the agreement of the convent, had given the ballivalty to whomever he wished, whenever he wished, while upholding the £40 due the altar. Consequently it was not to be wondered at if the king's bailiffs demanded the same right for the king....

Upon his return, our messenger reported to us what he had heard and seen; we, somewhat reluctantly but with little option, reached a common decision – despite the opposition of our sub-sacrist Samson –



that we would do our best to have the old reeves of the town removed by joint agreement of the convent and the keepers of the abbacy. But when Samson was made abbot he, not forgetful of the injury done to the convent, on the day following Easter Sunday after his election had convened in our chapter-house knights, clerics, and a crowd of burgesses. And, in front of them all, he stated that the town belonged to the convent and to the altar, namely for providing lighting for the church, and that he wished to restore the ancient custom that the reeveship of the town and other things belonging to the convent should be dealt with in the convent's presence and with its consent.

Within the following hour two burgesses, Godfrey and Nicholas, were named as reeves; after some debate over from whose hand they should receive the horn, which was called the "**moothorn**", they received it in the end from the hands of the prior, who (after the abbot) is in charge of all conventual affairs. Those two reeves remained in the ballivalty for several years without interruption, until they were accused of negligence in their duty of administering the king's justice. Following their removal, Hugh the sacrist – at the proposal of the abbot himself, so that the convent's concerns over this issue be eased – took the town into his own hand and appointed new officers to answer to him for the reeveship. But in process of time (I don't know how), the appointment of new reeves later took place elsewhere than in the chapter-house, and without [\[consulting\]](#) the convent.

[...]

In the tenth year of Abbot Samson's abbacy [\[1191/92\]](#), by communal decision of our chapter, we complained to the abbot in his court, saying that the payments and **revenues from all the goods of towns** and boroughs of England were growing and increasing to the profit of their **possessors** and the benefit of their lords – with the exception of this town, which customarily pays £40 and this has never been re-evaluated. The burgesses of the town were at fault here, for they held in the marketplace many significant **encroachments**, in terms of shops, booths and stalls, without the consent of the convent and solely by grant of the town reeves, who were the annual **farmers** and in essence the servants of the sacrist, removable [\[from office\]](#) at his pleasure.

However, when the burgesses were summoned they answered that they were **in the king's assize**, nor did they wish to respond, to the prejudice of their charters and the town franchises, concerning tenements that they and their forefathers had held honestly and peacefully for a **year and a day** without challenge. They stated that it was a long-standing custom that the reeves might, without consulting the convent, grant plots of land in the marketplace for shops and booths in return for a rent to be paid annually to the reeves. This we denied, expressing the wish that the abbot dispossess them of those tenements which they held without warrant. But the abbot told us in private (coming to our council as if he were one of us) that he wanted to uphold our rights insofar as he could, but that he had to act in accordance with judicial process and could not without a court decision dispossess free men of lands or rents they had held, whether justly or unjustly, for several years. If he did so, he said, an **assize** of the realm would lead to him being liable to **amercement** by the king.

The burgesses, after discussing the matter among themselves, in the interests of peace offered the convent a **payment of 100s.** in return for keeping the tenements they had long possessed. We did not wish to agree to this, preferring to postpone the dispute in the hope that, perhaps, in the time of a future abbot we might either recover all our rights or change the location of the market. And so the issue went unresolved for several years.

After the abbot had returned from Germany, the burgesses offered him £40, petitioning for his confirmation of the town franchises under the same terms in which his predecessors, Anselm, Ording, and Hugh, had confirmed them. Abbot Samson graciously gave his approval to this request. Although we moaned and groaned about this, a charter was drawn up for them just as had been promised; since it would have shamed him and caused confusion if he had failed to fulfill his promise, we did not wish to argue with him or make him angry. Once they had the charter from Abbot Sampson and the convent, the burgesses had increased confidence that they would never during Samson's abbacy lose their tenements or their franchises; consequently they were never thereafter inclined to renew their previous offer to give the payment of 100s. mentioned above. But the abbot, finally paying heed to the situation, gathered together the

burgesses [before him] on the matter and told them that, unless they made peace with the convent, he would prohibit them from erecting booths in the marketplace of St. Edmund's. They answered that they were willing to give each year a silken cope or some other adornment worth 100s., as they had previously promised, but only on condition that they be freed forever from the **tithing penny** which the sacrist rigorously exacted from them. But the abbot and the sacrist rejected this, and therefore the dispute was once again left unresolved. Indeed, up to the present we are still deprived of that 100s., just as the old saying goes: "He that will not when he may, when he will he shall have nay."

[...]

On the day after Christmas there took place in the cemetery **gatherings, arguments and brawls** between the abbot's servants and the burgesses of the town: words led to blows, punches to wounds and bloodshed. When the abbot heard of this he, after calling before him in private certain persons who had gathered at the spectacle but had held themselves apart, ordered written down the names of the offenders, all of whom he had summoned to appear before him on 30 December in the chapel of St. Denis to answer the charge. Meanwhile he did not invite any burgesses to his table, as was previously his custom during the first five days of Christmas.

On the appointed day, having heard the testimony under oath of sixteen law-abiding men, the abbot pronounced: "It is evident that these wrongdoers have broken the canon *latae sententiae*. But since both sides are composed of laymen and they therefore do not understand how much of an outrage it is to have committed such sacrilege, I will excommunicate these by name and publicly, to make others that much more afraid [of committing the same]; and, so that justice is seen to be fully done, I will begin with my own domestics and servants." This was carried out, once we had put on our stoles and lit candles. They all went out of the church and, after being advised [what to do], they stripped and, completely naked except for their breeches, prostrated themselves in front of the church door. When the abbot's assessors, both monks and clerics, came to him and tearfully informed him that more than a hundred men were lying naked in that

way, tears came to the abbot's eyes too. Although his countenance and his words reflected the rigour of the law, and he concealed the pity he felt, he wanted to be persuaded by his counsellors to absolve the penitents, knowing that mercy is more commendable than punishment and that the Church embraces all who are penitent. After they had all been severely scourged and absolved, they all swore to abide by the judgement of the Church for the sacrilege committed. So on the following day a penance was assigned them according to canon law, and the abbot exhorted them to return to unity and concord, threatening terrible things to all those who instigated discord by word or by deed. He had a public proclamation made forbidding gatherings or spectacles in the cemetery. And so, peace among everyone having been restored, in the days that followed the burgesses feasted with their lord the abbot with great rejoicing.

[...]

Many people were surprised at changes made to customs, at the orders or with the permission of Abbot Samson. From the time when the town of St. Edmund was given the name and liberty of a borough, the tenant of each house had been accustomed to pay the cellarer a penny at the beginning of August towards the [cost of] reaping the grainfields – this customary payment was called "**repselver**". Before the town was given its liberty, all of them used to participate in the reaping, as if serfs; only the houses of knights, chaplains, and **servants of the court** were exempt from these obligations.

Over the course of time, the cellarer **spared certain of the wealthier men** of the town, exacting nothing from them. The other burgesses, seeing this, began to say publicly that no-one who owned his own house ought to pay that penny, **only those who rented houses** belonging to others. Subsequently they all acted together to petition for this liberty, approaching the abbot on the matter and offering him an annual payment in lieu of that exaction. The abbot gave thought to how the cellarer had to go through the town in an undignified manner to collect the "repselver", and how he had to cause **securities to be taken** from the houses of the poor – sometimes three-legged stools, sometimes doors, sometimes other items in everyday use – and how old women would come out brandishing their **distaffs** to threaten and

curse the cellarer and his men. Then he announced his decision that every year, at the **portmanmoot** session just before the beginning of August, the reeve should hand over to the cellarer twenty shillings [raised] by the burgesses, who designated a **revenue source** for paying it.

It was thus arranged, and confirmed by our charter. They were also given an exemption from a certain custom called "**sorpeni**", in return for 4 shillings to be paid at the same time of year. For the cellarer was accustomed to receive a penny per year for every cow belonging to a townsman that was led out and put to pasture, except for cows belonging to chaplains or servants of the court, **which he was accustomed to impound, involving a great deal of bother.**

When the abbot reported this in **chapter** the convent was at first indignant and disgruntled; the sub-prior, Benedict, gave a response in chapter on the matter on behalf of everyone, saying: "**Abbot Ordning**, he who lies right there, would not have done such a thing for five hundred marks of silver." This made the abbot angry and he postponed discussion of the matter for the time being.

Also, a serious dispute took place between Roger the cellarer and Hugh the sacrist concerning things related to their spheres of jurisdiction, in that the sacrist refused to make available the **town gaol** to the cellarer for locking up thieves arrested on lands under the cellarer's jurisdiction. This often caused difficulties for the cellarer who, when thieves escaped, would be blamed for a failure of justice.

It happened that a certain free tenant of the cellarer, known as Ketel, who lived outside the [town] gate was accused of theft, defeated in [trial by] combat, and hung. The convent was distressed by the reproaches of the burgesses, who said that if that man had resided within the borough the matter would not have come to a combat, but he would have acquitted himself by the oaths of his neighbours, as is the franchise belonging to those who live in the borough. Once the abbot and the more sensible members of the convent recognized this and considered that that all men, whether [living] inside or outside the borough, are our men, and that the same franchises should be enjoyed by everyone within the banleuca, except for the villeins of Hardwick

and their like, after deliberation they took steps to make it so.

The abbot therefore, wishing to lay the disputes to rest through a clear specification of the scope of responsibility of the sacrist and cellarer, seemingly supporting the position of the sacrist, ordered that the servants of the town reeve and the servants of the cellarer should jointly go into the lands under the cellarer's jurisdiction to arrest thieves and other wrong-doers, and that the reeve should have half of the money due from the imprisonment and custody, and for his labour. Also that the cellarer's court should convene in the portmanmoot, and any judgements should be given there by **common counsel**. It was further decreed that the cellarer's men should come to the **tollhouse** just like everyone else, there to **renew their pledges**, be registered on the reeve's roll, and pay the reeve the penny known as "**borthselver**" – of which the cellarer might receive half, although **at present** he receives nothing from any of this. This was all done so that everyone could enjoy equal privileges. But the burgesses continue to declare that those living in the suburbs should not be exempt from paying market tolls unless they are members of the merchant gild. And **nowadays** the reeve appropriates to himself the pleas and fines related to the cellarer's areas of jurisdiction, to which the abbot turns a blind eye.

The ancient customs of the cellarer, as we have seen, were **as follows**:

- The cellarer had a property with barns nearby Scurun's Well, where he was accustomed to hold formal sessions of his court dealing with theft and all other pleas and lawsuits. There too he would put his men in **[frank]pledge**, have this registered, and renew **[the procedure]** every year, whereby he received income such as that the reeve received via the portmanmoot. That property, together with the adjoining garden (now held by the infirmarer), was the manor-house of Bedric, who was in ancient times lord of the town – which is why it was called Bedricsworth – and his demesne fields are now part of the cellarer's demesne. However, that which is now called "**averland**" was the land of his villeins.
- The lands that he and his men held totalled nine hundred acres, which are still fields belonging to the town; the service due

from which, when the town was made free, was divided into two parts, so that the sacrist or the reeve receive a rent (that is, twopence per acre), while the cellarer have plough-service and other services (that is, the ploughing of **one rood per acre without food** – a custom still in force today).

- The cellarer was to have the folds where all men of the town are obliged to keep their sheep (a custom still in force), except for the steward who has his own fold.
- He was to have "averpenny" (that is, 2d. per thirty acres), a custom altered before the death of Abbot Hugh, when Gilbert de Alveden was cellarer.
- It used to be that the men of the town, at the orders of the cellarer, had to go to Lakenheath and perform transportation service by bringing back eels from Southrey; but often, returning empty-handed, they went to that bother without any benefit to the cellarer. Consequently an agreement was made between them that henceforth the men might remain at home, [in return for which] they would pay annually one penny per thirty acres. However, nowadays those lands have been divided up into so many plots that it is difficult to know from whom the payment is due – I have seen the cellarer collect as much as 27d. one year, but now he is barely able to get 10½d.
- The cellarer used to have control over the roads outside town, so that no-one was allowed to dig them up for chalk or clay without a licence from him.
- He was accustomed to call upon the fullers of the town to lend him cloths for transporting his salt. If they failed, he could prohibit them from making use of the river and might confiscate any sheets that were found there. These customs are still in force today.
- Anyone buying grain or other goods from the cellarer used not to have to pay toll at the town gate when he departed, which enabled the cellarer to sell his goods at a higher price, and this is still the practice.
- The cellarer customarily levies a toll on flax at the time when it is wheeled out [of the fields]; that is, one bundle per **load**.
- The cellarer used, as he ought, to be the sole person to have a free bull in the town fields; now several persons have them.
- When someone transferred **burgage land** to the convent as

alms, and it was assigned to the cellarer or some other official, that land would be exempted thereafter from **hawgable** – particularly if [assigned] to the cellarer, because of the importance of his office (since he is the **second-in-command** in the monastery) or for respect due the convent, since the situation of those who provide us with food should be given support. But the abbot's position is that this custom is unfair, since by it the sacrist loses the rents due him.

- The cellarer used to **warrant the servants** of the court that they were exempt from **scot** and **tallage**; but this is no longer the case, since the burgesses claim that the servants, while they may be exempted insofar as they are servants, are not so when they have burgage tenements in the town and they or their wives buy or sell openly in the market.
- The cellarer used to be free to collect all the manure from every street, for his own use, except that in front of the houses of those who hold averland – they alone being permitted to collect and keep the dung. This custom was undermined little by little in the time of Abbot Hugh until Denis and Roger de Hehingeham were cellarers; they, intent on restoring the ancient custom, seized burgesses' carts that were loaded with dung and made them unload. But because many burgesses protested this and prevailed [in the dispute], everyone collects the dung near his own property and poor people sell theirs whenever and to whom they wish.
- The cellarer customarily has a certain privilege in the marketplace of the town: that he or his buyers should – if the abbot is not in residence – have [the right of] first purchase of all foodstuffs for the use of the convent. The buyers of the abbot or those of the cellarer, whichever arrive first in the market (whether the former before the latter, or vice versa), may buy first; but if they are both present at the same time, priority is given to the abbot's buyers. Similarly, at times when herring is for sale, the abbot's buyers may always buy a hundred herring for a halfpenny cheaper than others pay; likewise for the cellarer and his buyers. Or if a load of fish or other foodstuffs should arrive first at the court, or come into the market, and if the goods have not been unloaded from the horse or the cart, the cellarer or his buyers may buy the entire load and carry it away

without paying toll on it.

.... when a certain person had a look at my text and read of so many good acts, he called me a flatterer of the abbot ... saying that I had suppressed or passed over certain facts When I asked him what kind of things, he replied: "Are you not aware that the abbot gives to whomever he pleases **escheats** of land that are part of the demesne of the convent, and [the marriage of] girls and widows who are heiresses to lands, whether in the town of St. Edmund or outside it? Are you not aware that abbot diverts to his own court suits and pleas initiated by the king's writ concerning claims to lands which belong to the convent's fief, especially those suits from which income derives [for the court], while those from which there is no income he leaves for the cellarer or sacristan or other officials?"

To which I replied ... that every lord of a fief from which homage is due ought rightfully to have its escheats when they occur within a fief from which he had received homage. For the same reason, [he has the rights to] a general **aid** from the burgesses, to the wardship of boys, and to the giving in marriage of widows and girls, in those fiefs from which he has received homage.... However, in the town of St. Edmund the custom exists – because of it being a borough – that the closest relative might have wardship of a boy along with his inheritance, until [he reaches] the **age of majority**.

DISCUSSION

Charters granting franchises are apt to make us see the growth of urban self-administration as an episodic affair, proceeding from plateau to plateau. But it may be that in the absence of other, less formal records, we lack a picture of a more *ad hoc*, gradualistic emergence of urban independence from external authority. Townsmen were likely lobbying or agitating for, or even usurping, powers in advance of their formal grant.

We are fortunate that, in the case of Bury St. Edmunds, there is a window into this period, in the form of a **chronicle** written by one of the monks,

Jocelin de Brakelond, of the events relating to the abbey in the closing decades of the twelfth century and opening years of the next, a time of change for the abbey during the abbacy of Samson, a capable administrator under whose tutelage Jocelin had been a novice and under whom as abbot he served in several capacities. The chronicle (particularly the passages extracted above), with the surprising amount of attention it gives to everyday matters, throws light in several passages on the way the town was governed, the character of a burgh society under seigneurial control, and the tools and tactics employed by the townsmen at this early period in the process of the struggle for administrative autonomy – tactics which included recognition of mutual interest, peaceful negotiation, passive resistance, and outright violence. It suggests how townsmen acquired privileges piecemeal; such advantages might be consolidated later by embodiment in a charter.

The abbey was established in the eleventh century, taking over custodianship of the shrine to national martyr, St. Edmund, a former king. It was given by Edward the Confessor extensive authority over what was equivalent to a shire, with the town once known as Bedricsworth as the administrative and commercial centre (for further information, see "**Recognition by an abbot of the customs of his burgesses**"). The townsmen thus came under the lordship of the abbey. The Church generally proved a more conservative lord to boroughs than did the king, whose interests were better served – up to a point – by encouraging the development of local autonomy.

The Abbot of St. Edmund's was a very powerful figure and obliged to protect the rights, privileges and revenues of his house. However, it was less the abbot who was the town's master than the convent, and particularly the sacrist and cellarer of the conventual community. At the risk of oversimplifying, the sacrist had jurisdiction over the intramural population, while the cellarer's jurisdiction was in the suburbs, agricultural in character. The sacrist was responsible for levying the town rents and other local taxes, and the town **reeves** were appointed by and answerable to him. Since the reeves presided over the portmanmoot and the **leet court**, supervised the marketplaces and assizes, and collected tolls, this prevented the burgesses from asserting themselves through an elected executive and the town courts. They relied, perhaps more heavily than most other towns, on a merchant guild as an expression of self-regulation and as the voice of that segment of the community with the greatest interest in freeing the town from abbey jurisdiction; the guild became a focus of opposition to the abbey. The cellarer's authority, although focused more on the suburbs, was likewise a source of annoyance to the townspeople: his preoccupation with agricultural activities allowed him to claim precedence when buying in the market, and

to provide exemption from borough tolls for those buying abbey produce (giving him a competitive advantage over town merchants, or allowing him to raise his prices above those of the townsmen). As well he supervised the fulfillment of labour services, or collection of payments in lieu of services. The cellarer also had a court, for administering justice over the suburban tenants of the abbey.

It is evident that, by the late twelfth century, Bury's burgesses already had some of the freedoms or institutions that were associated with the development of distinctive and autonomous urban communities:

- it had customs distinguishing it from mainstream society: e.g. trial by inquest had replaced trial by combat, wardship was in the hands of kin rather than a feudal lord;
- some manorial services of an agricultural nature had been superseded by a monetary payment;
- some customary payments of town to lord had been aggregated under an annual **farm** of £40, although this was in the hands of the reeves, rather than the burgesses;
- the burgesses (as opposed to the townsmen – applied to residents of the banleuca) were defining themselves as those who held property by burgage tenure *and* were at scot and lot (contributing to communal taxations and participating in market activities); whether membership of the merchant gild was a pre-requisite for burgess status is less clear, although extra-mural residents could acquire certain burgess rights (exemption from tolls) by joining the gild;
- there was some agency of communal organization or representation – almost certainly the merchant gild – that could speak on the burgesses' behalf, defend the burgesses special rights (as opposed to those living in the suburbs), and that had a treasury from which it purchased the property whose rents would pay the annual farm in lieu of repselver.

On the other hand, they had no control over the courts – key institutions of local government – or the election of the presidents of the court (the bailiffs), and they continued to be subjected to certain manorial services.

The dispute over the rents from market stalls indicates how the burgesses were trying to assert independence from the abbey, or rather to buy off the convent's claim to direct influence over the level of those rents. In this matter the abbot opposed the burgesses' ambitions, although he may have later made a private arrangement with the burgesses accepting the money (see below). However, Abbot Samson, aiming to put both the administration

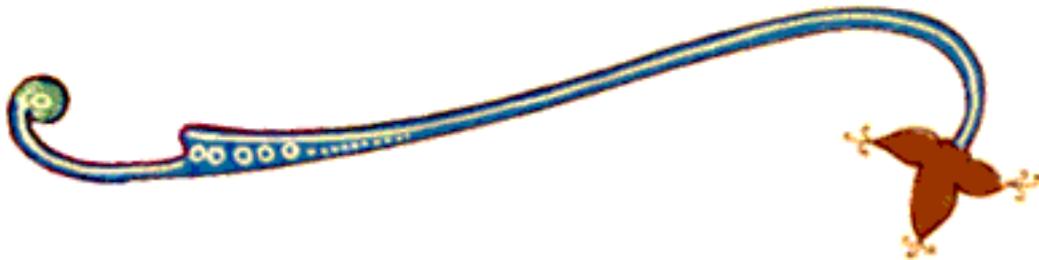
and the finances of the monastery back on a firmer footing, was amenable to meeting at least some of the burgesses demands to convert customary dues into an annual payment, similar in principle if on a smaller scale than the fee farm that other boroughs, subject to the king, were negotiating for at the same period. The precedents he set likely encouraged the burgesses to hope that, after acquiring more economic independence, they could move on to win administrative independence.

Despite the freedoms granted by Abbot Samson, the abbey on the whole fought hard to prevent the borough from acquiring any substantive independence from its lordship. The monks were themselves somewhat at odds with Samson in the concessions he made to the burgesses. Even Jocelin, who knew Samson well and had some respect and admiration for him, became increasingly critical of him during the course of compiling the chronicle. Jocelin held several administrative posts through which he doubtless felt the effects of the rather autocratic Samson's decisions; those posts are believed to include that of cellarer ca.1198-1200, which would explain why Jocelin takes pains to list those of the cellarer's jurisdictions and revenue sources that had been undermined. After Samson's death, the monks appear to have reasserted themselves and presented the new abbot (appointed 1215) with their equivalent of the "Magna Carta" (see Antonia Gransden, "A Democratic Movement in the Abbey of Bury St. Edmunds in the late twelfth and early thirteenth centuries," *Journal of Ecclesiastical History*, vol.26 (1975), 25-39). Several clauses of this relate to changes in borough-abbey relations effected by Samson:

- The town reeve was to be appointed by the sacrist and convent, without the abbot's consent being required, with the prior and sacrist responsible for handing over the moothorn and keys of office to the new incumbents.
- Girls and widows who held property in the borough by a type of tenure which enabled escheats were to be given in marriage by the convent, without the abbot being involved.
- An annual payment of 100s. handed over to the abbot privately by the borough reeve be restored to the convent.
- The cellarer was to be allowed, without impediment from the sacrist or reeves, to use the town prison to hold thieves caught on his fief.

The abbey's unwillingness to loosen its leash on the burgesses – and, to be fair, we should remember that the abbey's prosperity depended on it scrupulously protecting its jurisdictional rights – became increasingly frustrating for the burgesses. They, as the town became a centre of the cloth industry and trade, were less dependent on the abbey as a source of

business, but still lacked the administrative autonomy that might help them take full advantage of commerce. Taking advantage of the weakening of national powers during the civil war, the young men of Bury organized themselves into a gild (1264) with the goal of removing the town from the abbey's control. Although abortive, it set the scene for further efforts of open rebellion during the late thirteenth and early fourteenth centuries, as a frustrated urban populace formed a commune to strive – unsuccessfully – to throw off the yoke of ecclesiastical overlordship.



NOTES

"Abbot Hugh"

Abbot 1157-1180, predecessor to Sampson (who became abbot in 1182).

"keepers of the abbacy"

Note that it was not the abbey *per se* that had come into the king's hand as a result of the interregnum following the abbot's death; it was the office of abbot and the privileges and jurisdictions associated with that office.

"moothorn"

The moothorn served both as a symbol of office and also as a practical device for summoning burgesses to attend the moot.

"revenues from all the goods of towns"

This passage (*exitus omnium bonarum villarum*) could also be translated as "revenues from all good [i.e. prospering?] towns", but I am here assuming that what we have is an oblique reference to tolls and/or taxes, while *redditus* (here translated as "income") may refer to specifically to rents or more generally to the customary dues the burgesses paid the abbey.

"possessors"

I.e. since the lords of the towns are mentioned separately, possessors may refer to the farmers of borough revenues – it being common at this time for royal or seigneurial officers, or private entrepreneurs, to **farm** those revenues.

"encroachments"

I.e. they had set up new market stalls (some of which may have acquired a measure of permanence) without the annual payment to the abbey being adjusted to take account of the rents or stallage due. It appears from what follows that the reeves, as the farmers of the borough, would have been the beneficiaries of the new rents.

"in the king's assize"

I.e. under the jurisdiction of the king, probably on the grounds of Henry I's charter (albeit that, technically, this was not addressed to the burgesses *per se*, but to the abbey and its burgesses). It was a common ploy for boroughs trying to break free of seigneurial jurisdiction to appeal to the king; but in the case of disputes at Bury St. Edmund's the king almost invariably supported the rights of the abbey.

"year and a day"

It was commonly the custom in boroughs that a year and a day's unchallenged tenure of a borough property gave secure title. See the **Fordwich customs** for instances of the significance of a year and a day.

"payment of 100s."

It is not clear whether this was to be an annual increment to the farm or a one-time payment in return for recognition of the right of the burgesses to hold the encroachments. The latter is more likely, since the former would surely have won the approval of the convent. Later events may suggest that the burgesses had been thinking of an annual increment; but the terms under which they renewed negotiations, upping the ante, could also be used to argue against this.

"tithing penny"

Payable at the **view of frankpledge**.

"gatherings, brawls and arguments"

Butler argued, from the use of *spectaculum* (usually applied to a performance) to characterize the events, that the assembly in the cemetery was to witness wrestling matches, and perhaps other sports. It is plausible that what began as a friendly competition could, given the antagonistic relations between borough and abbey, have deteriorated into real hostilities.

"latae sententiae"

The offence was one of sacrilege; that is, the abbot was less concerned with the violence itself than with the fact it took place on the consecrated ground of a cemetery.

"repselver"

Silver (money) for reaping, dues reflecting the commutation of personal service for that task

"servants of the court"

Lay servants of the abbey (*curia* here probably meaning religious house), possibly referring to the serfs who worked the abbey fields.

"spared certain of the wealthier men"

Whether this was done because the cellarer wished to maintain good relations with the merchants who supplied the abbey, or whether some of the more powerful townsmen were refusing to pay, was probably beyond the scope of Jocelin's knowledge, for he stated that he would only put down on parchment that which he personally saw or heard.

"only those who rented houses"

The evidence is too slim to draw a firm conclusion, but one might infer from this that membership in the enfranchised community was already premised on owning a house in the town.

"securities to be taken"

I.e. pledges for payment of the repselver at a later date.

"distaff"

A stick used in spinning wool into thread, a role usually performed by women, particularly poorer women or spinsters.

"revenue source"

In the record of the charter itself, of which a copy has survived, it is specified that the the burgesses would pay the 20s. from rents collected from buildings they erected on land they bought (from a tanner) in the marketplace; these rents were assigned in perpetuity to the ballivalty, whose incumbents would be responsible for their collection.

"sorpeni"

Scorpenny, a fee for pasturage (Latin *pascherium*), was also paid for through the same rents that covered the repselver.

"which he was accustomed to impound, involving a great deal of bother"

It is unclear from the original whether these phrases apply just to the cows of the chaplains and servants, or to all the cows. It seems likely that impounding would apply to cows found on pastureland without having the right to be there; but *inparcare* might also be interpreted as putting the townsmen's cows out to graze in a secure (enclosed) pasture. The bother involved – possibly implying labour and/or difficulty – could refer to distinguishing the ineligible cows from those eligible; or, perhaps more likely, to the whole activity of pasturing the cows as well as collecting the dues, thereby offering a rationale for the abbot's decision.

"chapter"

The gathering of the monks to address convent business.

"Abbot Ording"

Ording, who was buried in the chapter house, had died fifty years earlier, so it may

be doubted if Benedict's outburst was for anything more than effect.

"town gaol"

The gaol was facing the marketplace, backing onto the town wall (although in the period of Jocelin's chronicle, it is more likely the defences were in the form of rampart and ditch than stone walls). It was under the jurisdiction of the sacrist, who appointed the gaoler. As running the gaol was a source of revenues (through fees charged the prisoners), the sacrist was presumably reluctant to share them with the cellarer.

"common counsel"

This presumably meant that the presiding officers of the cellarer's court and of the portmanmoot would sit together in judgement.

"tollhouse"

The tollhouse was another building situated facing the Great Market in the new town. There the reeves collected rents and other dues from the abbey tenants, along with market tolls.

"renew their pledges"

H. E. Butler, whose edition and translation of the Chronicle was published in 1949, believed this referred to the requirement of each man to find guarantors for his being in tithing and thereby subject to **view of frankpledge**. This seems to be supported by information from the passage that follows, about the cellarer's sources of revenue, but the vague phrase might just possibly refer to finding guarantors for payment of rent due the abbey, or even to a form of franchise entrance.

"borthselver"

H.T. Riley associated *borthselver* with stallage (i.e. a payment for setting up a board in the market).

"at present" "nowadays"

Jocelin is evidently speaking here of the way the balance of power had shifted in the rivalry between sacrist and cellarer between the time of the abbot's settlement and the time at which he was writing the chronicle – sometime after 1202, the date of the latest events dealt with in the chronicle.

"as follows"

Presentation of the cellarer's rights and dues as a bulleted list is my own arrangement, to make it easier to read what is otherwise a long chapter written by Jocelin.

"averland"

Land held in return for provision of *avaragium*, a transportation service by livestock. Averpenny was the payment representing commutation of the service.

"one rood per acre without food"

I.e. that each tenant be obliged to do that much ploughing, without the cellarer having the obligation to provide meals. Although these services applied to suburban lands and tenants, many of the burgesses residing within the fortified circuit also held lands in the suburbs.

"load"

The Latin, *cerna*, refers to a measure specific to flax; since the flax was being carted off, we can guess that the measure would be equivalent to a cartload.

"second-in-command"

Literally "second father" (*secundus pater*), after the Abbot. This claim seems an unwarranted opinion of Jocelin; the prior was the abbot's deputy and the sacrist might have disputed with the cellarer as to who was next in precedence.

"warrant the servants"

I.e. if the abbey servants were harassed or prosecuted for failing to contribute to local taxes, the cellarer would back up their claim of exemption. At this period, the townspeople did not contribute to royal taxes, but the king had granted the abbey the right to tax its tenants when the king taxed his.

"escheats"

Lands whose tenants died without heirs or were convicted of felony were returned into the hands of the the tenant's lord.

"age of majority"

usque ad annos discretionis, the years in which he can make sound decisions for himself.



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Keywords: medieval Leicester customs trial combat dues maladministration tolls rents mesne boroughs earl charter merchant guild mayor council

Subject: Origins of some customs at Leicester

Original source: Leicestershire Record Office, Leicester archives

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899), vol.1, 40-44.

Original language: Latin

Location: Leicester

Date: 1253

TRANSLATION

Inquisition made by the **jurors** named below, that is, William of St. Laud, Willard de Lincoln, William Baudewin, Alexander Debonere, James Motun, William Gamel, William Hod, Peter Palmar, Nicholas le Burgeis, Robert Drueri, William Loueman, William Balle, Henry fitz Richard, Ralph Fode, William le Chapmon, and Thomas Geraun, concerning the payments called gavelpence and pontage, by what right and for what reason they were first given and taken.



Who say under oath that, in the time of Robert de Medland, **earl of Leicester**, it happened that two kinsmen – that is, Nicholas son of Hakon and Geoffrey son of Nicholas of Leicester – made **wager of battle** for a certain piece of land, concerning which they were in a legal dispute. They fought from just after dawn until noon and beyond. As they were engaging in combat together in this way, one of them drove back the other as far as a certain small ditch and, as **[the other]** stood at the edge of the ditch and risked falling into it, his kinsman said to him: "Careful you don't fall into the ditch that is behind you". And there was at once such a great outcry and uproar

from those sitting and standing around that their noise was heard by the earl as far away as the castle; he then made enquiry why there was such a clamour, and was told that two kinsmen were engaged in judicial combat over a piece of land and that one had driven the other back as far as a certain small ditch, and as the one stood at the edge of the ditch and risked falling into it, the other warned him.

The burgesses then, moved indeed by pity, made an agreement with the earl that they would pay him threepence a year from each house whose gable faced onto the **high street**, on condition that he grant them that from that time forward all pleas concerning them be tried and judged by the **24 jurats** who had been established in Leicester since ancient times. This was granted them by the earl, and this was how the payment called gavelpence first came to be levied. That Earl Robert was succeeded, after his death, by his son and heir Robert who, for the benefit of the soul of his father completely remitted the payment called gavelpence, and by his charter quitclaimed it in perpetuity. That particular charter, along with many other documents and charters, was given into the custody of a certain burgess and clerk called Lambert, against whom evildoers arose by night, because he was thought to be wealthy, and they burned down his houses and also his feet **[sic]** together with the aforesaid charter and many other writings.

At a later time there was a certain clerk called **Simon Maudut** in the town of Leicester who, for a period after the death of that Robert earl of Leicester who had made the charter of quitclaim, was **farming** the office of **provost** of Leicester and he extortionately collected, through his own willfulness and personal force, the payments called gavelpence, **distraining** all those who resisted paying, saying that they should show him the quitclaim that warranted their resistance – for he knew perfectly well that this quitclaim was burnt. And it is for this reason that they are paid to this very day.

This inquisition was held in the presence of Roger de Ekden, then bailiff, Peter fitz Roger, then mayor of Leicester, Ralph Oliver, Richard de Campeden, and many others, on 17 March 1253.

Inquisition made by the same jurors before the same Roger,

Peter and others concerning pontage at Leicester:

Who say under oath that, in the time of the same Earl Robert, the forest around Leicester was so large, heavy, and dense, that it was barely possible to travel along the paths through that forest, because of the large number of dead trees fallen down and boughs blown down by wind. By the decision and consent of the earl and his council, it was then permitted to those who wished to go looking for dead wood that they might have six cartloads for a penny, a horseload a week for a halfpenny, and a man's load a week for a farthing. These payments were initially collected at the exit to the woods, but later between the outskirts of the town and the woods, and eventually the money was collected at the town bridges of Leicester; there at first there was a certain warden called Penkrich, at whose request the earl subsequently granted him a plot of land next to the bridge, to build upon, so that it would be more convenient for him to collect those tolls there. For a long time thereafter this Penkrich collected the payments, not only those customarily levied on dead wood but also on green wood and wood for sale, and afterwards this [practice] came to be treated as a custom.

So that the truth of this finding is more apparent and evident, it can clearly be seen from the fact that no outsiders bringing wood or timber – whoever they might be, or from whatever regions they come, whether from the forest of Arden, or Cannock Chase, or Needwood forest – pay nor ever were accustomed to pay any pontage, excepting those [coming] from Leicester's forest.

DISCUSSION

In historians' perhaps ultimately futile consideration of whether "burgess" had a precise, technical application in the eleventh century, one criterion suggested as a defining feature has been the obligation of some town-dwellers to pay (normally to the king) certain customary dues that had, or had acquired, a distinctively urban character. These included tolls on goods brought to the town for sale and fixed rents for town properties. The former might be collected at various points of entry into the town or its market, including bridges, where such levies had names such as bridge-silver or pontage (a term usually applied to tolls levied to finance bridge maintenance). The latter were typically referred to as landgable or **hawgable**. "Gable" derives from an Anglo-Saxon term for a gift or tribute, and the gavelpence which was the subject of the Leicester inquest was essentially a version of hawgable; although it is possible to infer from the jurors' story that the original meaning of "gable" had been forgotten and was thought to be associated with the gable of the house from which hawgable rent was due.

Leicester has a long history, as a Roman base and one of the key boroughs of the Danelaw. It was held mainly by the king at the time of Domesday Book but, whereas most long-established boroughs were kept within the king's hand, Henry I turned over his lordship to Robert de Beaumont, Count of Meulan – probably the Robert de Medland mentioned in this document – who founded a dynasty of the Earls of Leicester, although it is not clear whether he had that title himself. This "mesne lordship" (i.e. intermediating between the community and the ultimate lordship of the king) put Leicester at a disadvantage compared to similarly sized and well-situated towns under the direct lordship of the king. The king saw both economic and political advantages in granting a certain measure of self-government to towns, whereas mesne lords had less to gain and tended to be more conservative with regard to surrendering revenues and authority in return for a **fee-farm**; Leicester was unable to obtain such a lease of local jurisdiction until 1375 (see "**Grant of farm by a mesne lord**").

We must view these two judicial inquiries in the larger context of Leicester's efforts to break free from the dominion of the earl.

The purported remission of gavelpence assumes that the interests of the community were being represented by particular individuals; and handing over to Lambert the quitclaim, apparently with other town documents,

equally suggests some mechanism for communal decision-making and representation. There was a mechanism in place, in the form of the merchant gild; Robert de Beaumont formally recognized this gild early in the twelfth century, in a charter stating that it gild had existed since the time of William I, although we should not trust too much in such statements. It could simply have been that Lambert (as a resident perceived as wealthy) had a relatively sturdy and secure house, but a more likely reason for assigning important evidences to Lambert's safekeeping would have been that he was an officer of the merchant gild. Although the earliest surviving gild roll does not date earlier than 1196, the character of that record suggests it was neither exceptional nor the earliest in a series. The gild likely had kept records for a much longer period and would have had some approach to archiving them.

Robert II confirmed his father's recognition of the merchant gild in a charter whose principal aim was to grant the burgesses freedom from having to pay suit to any manorial or other court outside the town; instead the earl acknowledged the burgesses' right to have their cases heard in the community churchyard, probably referring to the location of the **portmanmoot** (reminding us of a **similar situation at Ipswich**); the church was not named but was possibly St. Nicholas, an early foundation of unusual size which has led to the suggestion it may have been built for a Mercian bishop, and opposite whose churchyard a moot hall was built in the latter half of the thirteenth century. The merchant gild, although its principal duty was to protect and support the mercantile interests within the community, remained for some time – rather longer than in most other large towns – an important institution for furthering the aspirations of the community as a whole, not least because the portmanmoot could not be an effective tool in that regard, since the earl's provost presided over it and the revenues it generated went to the earl. The gild had its own periodic meetings at which minor transgressions and some infringements of local custom could be judged.

Unable to obtain control over the election of the provosts (bailiffs) of the town, Leicester resorted, around 1250, to giving the gild alderman a second hat to wear: that of mayor, an office more representative of the community as a whole. The mayor came to co-preside over the portmanmoot, and it is probably in that setting that the inquisitions recorded here were held. Although there is no extant record that the earl officially sanctioned any right to elect a mayor, he acquiesced on condition that the burgesses presented newly-elected mayors to him for confirmation. But there is indication in 1257-58 of some difficulty surrounding the mayoralty, since particular efforts were made to consult the earl on the mayoral elections.

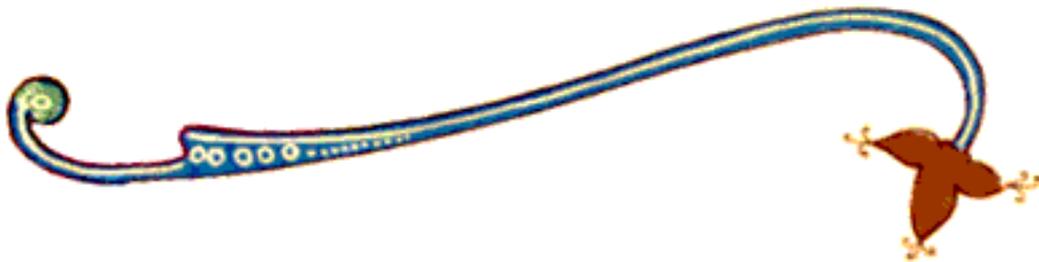
Possibly the mayoralty, or the limits of its powers, had become a bone of contention, as was the case at **Lynn** around the same period. Creation of a mayor was likely part of a broader initiative to commute traditional obligations to the earl into an annual farm. In the year before the inquisitions, a tax had been levied on the community to pay for anticipated costs when the king's justices itinerant came to the town, which may imply that the town was pursuing legal avenues in that forum. And during 1253-54 the merchant gild was displaying particular vigour in disciplining offenders against community interests.

To the modern eye the two inquisitions appear a ploy to establish a legal record registering the burgesses' interpretation of events, which they might then use to their advantage in negotiations with the earl; or perhaps one should rather say the interpretation of a selected group of burgesses among whom numbered several leading citizens possibly associated with the party interested in winning greater independence from feudal lordship. There are clearly elements of historical fact in the events recounted by the inquisition jury. It seems probable, however, that the story of the judicial combat itself was a local legend (although perhaps preserving a memory of some actual occurrence) which later became associated as an explanation for the custom of hawgable; the two elements may even have been tied together, through collusion of the jurors, specifically for the inquest, in order to suggest that the burgesses had agreed – we may infer, under a certain compulsion – to paying hawgable to the earl in return for the right to the medieval equivalent of trial by jury rather than the hated judicial combat. Whether the explanation of pontage by reference to a special toll on dead wood is likewise some kind of confusion cannot be said, but again it reflects a common burgess belief that, over time, legitimate levies might expand into unwarranted exactions. We should remember, however, that while we today might find the connections between, for example, the duel, the crowd's uproar (possibly a riot), and the agreement with the earl, tenuous – even though each individual event may have hold the memory of an actual occurrence – evidently to medieval people the connected sequence was plausible enough. What we may have here is not so much fabrication of events but temporal compression to suggest or emphasize their association.

Despite the possible intrusion of legend into these accounts, they nonetheless reflect some key features of the effort towards urban self-determination. Certainly both hawgable and exemption from combat were both features that historians have considered characteristics of borough status. But the introduction of the story of a specific duel was a device aimed at suggesting to the court that extenuating circumstances had forced them to concede a financial obligation they would not otherwise have

incurred. The burgesses' belief that the earl's officers – provost and bridge-keeper – were exceeding their duties to the point of extortion is also a common feature in urban struggles for independence; the stories presented to explain the levies to which the burgesses objected are less important to us than the fact that the burgesses wished to rid themselves of those obligations to their overlord.

Following the findings of the inquisitions, the community authorities levied a special tax on residents to raise money to buy from the earl (ca.1254) a perpetual remittance of pontage, alias "briggessilvir", and gavelpence. The inquisitions may have been held to establish a rationale for such an initiative, or a legal record suggesting that earl's right to gavelpence and pontage was questionable, thus creating a stronger case for the burgesses prior to their entry into negotiations with the earl. The money raised would have been used to pay a lump sum to persuade the earl to issue his charter of remittance, and/or to help buy local properties whose annual rents were handed over to the earl as compensation for his loss of the traditional revenues.



NOTES

"jurors"

Of the jurors: William de St. Lo was one of the earliest holders of the mayoralty, having previously served as alderman of the merchant gild (1230s) and even earlier as one of the gild councillors (ca.1225); Willard de Lincoln entered the merchant gild in the 1220s, was one of its councillors ca.1225, and was one of the provosts in 1239 and again ca.1250; William Baldwin (d. ca.1258) had likewise sat on the gild council ca.1225; Alexander le Debonair, a member of the merchant gild since 1243, acted as mayor's deputy in 1257 and held the mayoralty himself from 1270-75; Ralph Fode became a member of the merchant gild in 1240; William Balle appears to have entered the merchant gild in 1242; James Motun bought a length of cloth from the gild in 1251, and was evidently a gildsman, as too was Nicholas Burgeys who later appears as a member of the town/gild council. It appears almost as though the jurors were listed in the order of their social status.

"earl of Leicester"

Robert de Beaumont acquired interests in Leicester at the beginning of the twelfth century, when one of its lords mortgaged his property to Beaumont to finance participation in a crusade and then died in that venture. He increased his interests through favouritism from Henry I, of whom he was one of the leading counsellors, and by marrying his daughter to the son of another shareholder in the lordship. His son Robert the Hunchback was the first lord of Leicester known for certain to have held the title of earl (1118-1168); since he did not inherit the lordship of Meulan, it is less likely he was the Robert who was lord at the time of the trial by combat. Robert II became Henry I's Justiciar and, as such, regent during the king's absences abroad.

"wager of battle"

Wager of battle refers to trial by battle, a form of judicial determination which burgesses normally preferred to avoid.

"high street"

The principal road through Leicester, leading between the north and south entrances through the wall (and earlier through the **burh** fortifications; a cross street ran between east and west entrances, but the high street looks like the earliest nucleus of habitation.

"24 jurats"

The existence of a town council of 24 jurats, their core task to administer local laws by judging cases in the town court, is clearly evidenced in the 1270s, and – as the example of **Ipswich** suggests – such a body may well have been around for decades. It was probably the same group as the merchant gild council of 24, mentioned as early as 1225. But it would be stretching the evidence too far to connect either of these 24 with a possible group of pre-Conquest "lawmen" such as are known to have existed in several other towns that, like Leicester, came under Danish control or influence.

"Simon Maudut"

A William son of Simon Maudit joined the merchant gild of Leicester in 1209.



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Location: Fordwich

Date: late 13th century?

TRANSLATION

These are the customs which the mayor and community of Fordwich have enjoyed since ancient times and continue to enjoy.



First, they claim that within that **liberty** no **hundred** court [session] shall be held between **the Nativity of the Blessed Mary [8 September]** and **the Monday following the festival of St. Andrew the Apostle [30 November]**. On which day they shall present before the steward of the Abbot of St. Augustine, Canterbury, or his deputy all the customs written below together with other franchises embodied in its charter. That day shall be for a **view of frankpledge**, but no pleas of land are to be heard on that day.

No hundred court is held after summons has been issued to the barons, regarding **service to the king**, nor while some of their liberty should happen to be [absent] in that service. Nor shall they hold any hundred court is they are summoned to the king's parliament or to the

Shepway court. No hundred court shall be held except once every three weeks, and then with reasonable advance warning [to parties], viz. 3 days, but 15 days advance summons for those who are party to a plea of land. And no hundred court shall be held on any day other than a Monday.

They claim that no hundred court shall be held, nor shall judgement be pronounced in any plea other than in the hundred court, without the mayor and 12 **jurats** of the town being present. That no freeman of the liberty is to be **amerced** at any hundred court held in that town because of his absence, so long as the mayor and 12 jurats shall be involved in rendering judgement, except in the case of the hundred held, as mentioned, on the Monday following the festival of St. Andrew the Apostle – on which day anyone defaulting [in appearance] may be amerced up to 6d. And that if anyone of the liberty shall be put on any inquisition [jury] and defaults [in appearance], so that he is subject to amercement, that amercement is to be assessed by his peers and levied in the same way.

They claim that in all crown pleas arising within the liberty in which an outsider has brought a suit against any freeman regarding lands or **tenements** that are within the liberty, that freeman shall be allowed a certain number of delays, viz. 3 summonses, 3 **essoins**, and 3 defaults [in appearance]. And in pleas of debt, trespass, contracts and other civil pleas between freeman and freeman they may have as many delays as in the pleas of land. But if an outsider has brought a suit against any freeman in a plea of debt, trespass, contract or any other civil plea, the freeman shall defend from **day to day, and hour to hour**.

They claim that if a man wishes to alienate lands or tenements within the liberty in which his wife has rights, then the wife is to appear in person before the mayor and jurats of the town and **be examined** in their presence (as is the practice in the king's court). And then, immediately after her declaration, according to the way and custom of the town, her wishes in that regard are to be enrolled and may serve in perpetuity as a record of the legal decision between the parties.

They claim that every man and woman of the liberty may bequeath all lands and tenements they have **acquired** within the liberty and that

they may make their testaments concerning those bequests in the presence of the mayor, **bailiff**, and jurats – if they are able to be there. If they cannot find the time, then before at least 3 jurats of the town who can if necessary duly prove the last will of the deceased at another time – within a year and a day after the death of the deceased – before the mayor, bailiff, and community. If he or they to whom the lands or tenements are thus bequeathed is or are unwilling to prove the testament before the mayor, bailiff, and community within a year and a day, the property shall remain forever with whomever has the right to them by way of heredity, as if they had not been bequeathed. If there are those who are suddenly overtaken by illness, so that they are unable to draw up testaments regarding such acquisitions, then they may declare their wishes orally before the mayor or at least 2 jurats and they shall receive approval and be fulfilled as if they were legacies made in a testament.

Moreover, if there are those of the liberty who die intestate, their goods and possessions are to come into the hands of the mayor and jurats, for disposal on behalf of the deceased as they consider it most expedient for the benefit of the souls of the deceased, without the intervention in such matters on any grounds by any **ordinary** of the Church.

They claim that if any man or woman wishes to sell his or her lands and tenements in the liberty, according to the custom of the town he or she should first offer them to the **closest blood relative**. If he or she should sell them to anyone else of the liberty or an outsider, before thus offering them to the nearest kin, and that blood relative, in the presence of the mayor and jurats, shows his money to the seller in an amount equal to what the latter is able to get from the other, the seller shall discount the blood relative 12d. in the pound. If that close kin is known to be in distant parts at the time of the sale and purchase of those lands and tenements, whenever he returns home (if within a year and a day) he may come before the mayor and jurats and claim the same terms of sale according to the custom of the liberty. If that is the case, because of his absence for so long a time, he shall have a respite of 40 days in paying the price in the original terms of sale made between the other parties. If he who had obtained possession refuses to accept the relative's claim, then the latter shall immediately

enter into the lands or tenements by view of the mayor and jurats; on condition, however, that he satisfy the purchaser for the whole price that he previously paid for the lands and tenements, within that period or at the end of the 40 days at the latest.

They claim that, regarding lands and tenements within the liberty that are put up for sale, freemen of the town should, if they wish, have the first chance to acquire them, before outsiders.

They claim that no-one may despoil, of the revenues issuing therefrom, the lands or tenements within the liberty belonging to children of the town. All minors who are underage shall be nurtured, after the death of their ancestors, by the mayor of the town and not by any others who contest for the right. According to the custom of the town, sufficient surety is to be provided for answering to the mayor, when they [i.e. the heirs] reach their majority, for their possessions and other things that rightfully belong to them, and for providing for their material needs as is necessary and required in similar cases.

They claim that if a thief who has committed a felony outside the liberty is prosecuted for that felony within the liberty, those who wish to prosecute him for the felony may lay an accusation before the mayor, bailiff, and jurats and thus proceed against the felon to the point of judgement until he is acquitted or convicted according to the custom of the town. After his conviction, the felon shall forfeit his possessions (if he has any) to the king, who is lord of the town.

They claim that if a thief is arrested for any felony committed outside the liberty and those who are escorting the shackled thief bring him into the liberty without permission from the mayor, bailiff, and jurats of the town, then the bailiff, together with mayor and jurats, is to take the thief into custody and hold him in the **king's prison** within the liberty, until those who thus brought the thief have paid a fine of 10s. for "**le vorueng**", of which half [goes] to the abbot and the other half to the community of the town. After they have paid the fine, the bailiff, together with the mayor and jurats, is to escort the thief to the boundary of the liberty and there hand him over to those who previously had custody of him. Similarly, if someone has brought a shackled felon to the boundary of the liberty, wishes to enter the liberty, and requests permission from the mayor, bailiff, and jurats,

then the mayor, bailiff, and jurats may lead the felon, unshackled, through the interior of the liberty to the [far] boundary of the liberty and there without delay hand him back to those men who previously had custody.

They claim that if any informer who is an outsider accuses any man from the liberty of any felony – regardless of whether the felony was committed inside or outside the liberty – the informer is to enter the liberty with all the **equipment** allowed to an informer. When he enters the town he is to be led to the river called the Stour and is to stand therein, at a point where the water comes up to his navel, with his equipment in the manner of an informer, ready to uphold his accusation [by combat]. And the freeman who has been accused, dressed in a garment called a "**scorrie**" and with an **instrument** called an "ore" 3 yards long, is to come along the river in a **two-bench boat** until he is facing the informer. That boat is to be tied up to the quay with a rope and he shall **fight with the informer** until the contest between them is decided.

They claim that if any misfortune should happen within the liberty so that someone is feloniously killed or falls from a house or a tree, or such a thing suddenly occurs by any other similar kind of misfortune, the king's coroner shall not because of that enter the liberty but, instead of the coroner, the mayor, bailiff, and jurats shall have **view of the felony** or misfortune; and the forfeited possessions [of the felon] and **deodands**, if there are any, are forfeit to the king.

They claim that if any freeman or outsider is arrested or indicted for a felony outside or inside the liberty and flees to a church within the liberty, the mayor and community may not by any means take him into custody so long as he stays inside that church. Should he succeed in escaping from the church within a period of 40 days, [neither] the mayor nor the community are liable to pay any compensation for that escape. If at the end of the 40 days, or earlier, he wishes to abjure the liberty, the mayor, bailiff, and jurats are to escort the felon to the boundary of the town liberty and there hear his abjuration according to the custom of the liberty.

They claim that if any man or woman of the liberty buys stolen goods,

either inside or outside the liberty, and someone lays a claim to the item as his own property, but the purchaser can legitimately **prove with the third hand** that the item was bought in good faith and without complicity, then he who has laid claim to the item may have it back, if he wishes, by satisfying the purchaser for the same amount he had previously paid for the item; otherwise the buyer may keep the item as his own. If in such a case the man or woman is found on a second occasion to have bought any item thus and has been prosecuted as aforesaid, he or she is to **prove with the sixth hand** that the item was bought in good faith under all the aforesaid circumstances, and thus shall enjoy his franchise. If on a third occasion he is challenged on such a purchase, then he is to **prove with the 12th hand** that the item was bought in good faith; and if he is able to prove it thus, then let it be just as it is said above. Otherwise, if he is not able to prove it by that method, then judgement shall be given according to the law of the land.

They claim that the king shall not have suit in any case within the liberty.

They claim that if any **waif or stray** should come into the liberty, he who takes custody of it is to have an announcement made of the fact in the church within the liberty on three **[successive]** Sundays, in case someone wishes to lay claim to it. If after the announcement is made no-one wishes to put in a claim, then it is to remain in his custody for a year and a day; and after that year and a day one more announcement is to be made in the church, as indicated. If someone then lays claim to it and proves it with the third hand in front of the mayor and jurats, he who had custody of it for that period is to be fully reimbursed for all expenses he incurred during the entire period, after which he is to hand it over to the claimant without delay. But if no-one wishes to lay claim after the announcement is made, then it is to be sold and the expenses he has incurred up to then are to be repaid, and of whatever remains beyond the expenses **one half shall go to the king** and the other half to the community of the town.

They claim that ten days after they have elected the mayor of the town, the mayor, bailiff, and those jurats who are available are to examine all measures of length and weight within the town and, if

they find some measures that are defective in length or weight, those [who own the measures] that are defective are to be amerced according to the custom of the town, of which half goes to the king and the other half to the community of the town.

They claim that any **ale-wife** who wishes to brew within the liberty should be amerced no more than 2d. for an entire year, which amercement is to be paid to the king.

They claim [that there is] no "**kerbrech**" within the liberty.

They claim that if some ale-wife brews unwholesome ale within the liberty or [sells it] at a price lower than it ought to be and is brought before the mayor, bailiff, and jurats on this charge, the ale-wife is to be amerced up to 11d., of which half goes to the king and the other half to the community of the town. And if she should be found guilty of this on a second occasion, she is to be amerced up to 22d., of which half to the king and the other half to the community. And if she should be found guilty a third time she is to renounce her role as an ale-wife for a year and a day and even then may not return to it without permission from the mayor, bailiff, and jurats.

They claim that all the following are freemen of the town, viz.: those who marry any freeman or freewoman of the town; whoever is born within the liberty; and also, they who purchase the liberty.

They claim that if someone should wish to share in their liberty, he may reside for a year and a day and, if the mayor and community are satisfied that he is honest and well-behaved and if he wishes to remain longer among them in the liberty, he may pay 11d. to have the liberty, of which half goes to the king and the other half to the community of the town.

They claim that no **bailiff from outside** may make **attachments** within the liberty, other than the bailiff of the town or, in his default, an officer of the warden of the Cinque Ports.

They claim all the above free customs along with others which they cannot at the moment bring to mind, which we and our predecessors have from time immemorial up to the present day used and enjoyed,

together with other franchises more fully set out in our charters, so that we on behalf of ourselves and our heirs in future times without any kind of challenge in regard to the same may uphold them and henceforth forever be capable of governing [\[ourselves\]](#).

Concerning the rights of the abbot there regarding anyone arriving with a cargo of fish who seeks permission to dock at the port of Fordwich: since the abbot is lord of both the town and the port, it is his custom and right to make the first purchase if he wishes.

They claim that the mayor and jurats should be at the service of, and look after, merchants and everyone else coming to the town, to the best of their ability. So that if the lord's bailiff might wish to take from them or from their merchandize excessive tolls or perhaps seeks to oppress them in some other way, the mayor and jurats shall go to the bailiff and ask him that he not commit this kind of extortion to the detriment of the king's town. If after being requested he is unwilling to desist, and those merchants or others coming afterwards want justice against the bailiff in the king's court or before the warden of the Cinque Ports, the community ought to provide them with assistance and advice and, when the time comes, bear witness to the injury the bailiff has caused them. Even if the merchants coming after cannot or do not want to do so, the mayor and jurats ought to take counsel together and have written down all unjust exactions of this type and all wrongs that they see him [\[commit\]](#). And if that bailiff is determined to commit other abuses against the liberty and the community, those of his wrongs which they can verify they are to confront him with and take an adversarial stance against the misbehaving outsider. Better, however, for the mayor and bailiff to get on well together because each, through friendly relations and reciprocal communication, could then undertake his duties in a better, more informed, and easier fashion. To accomplish that purpose, so that it is clearly understood what the bailiff ought rightfully to perform, his official duties are as follows: he ought to collect, in person or by a deputy assigned by him, the tolls due to the Abbot of St. Augustine, Canterbury, as specified in his list of tolls, since the king has granted him his royal prerogative within the liberty insofar as he holds the town of the king, and not otherwise. It is well-known that he ought not to collect tolls from certain persons, viz.: from any of the freemen of the **Cinque Ports or**

their members; from those men of the liberty of the city of Canterbury who are at **scot and lot** within the city; from men of London who are at scot and lot within the walls of their city; from men of the Archbishop of Canterbury who **reside** on the archbishop's lands; from men of the hundred of Middleton who reside in the hundred; from men of the Abbot of Battle; from men of the Abbot of St. Albans. Any other merchants whatsoever, no matter **when or how often** they come into the liberty, ought to be subject to paying tolls there depending on the quantity of their merchandize, as set out in the bailiff's list of tolls. If any bailiff or anyone else infringes this against the franchise, our warden of the Cinque Ports will whenever necessary be on the lookout for injuries committed against the community and the liberty, under penalty of £10 to his profit.

They claim that whenever and as often as the town of Fordwich is without a bailiff of the Abbot of the monastery of St. Augustine, Canterbury (who has rule over the town under the king), he may send one of his own men – whomever he wishes to select to occupy the ballivalty – with letters patent under the communal seal of the monastery and other letters from the abbot himself requiring the acquiescence of the mayor and community. Which letters having been read out before the mayor and community, the bailiff ought at the direction of the mayor to take his oath [of office] before the mayor, jurats, and the whole community, in the following fashion:

I, J.[ohn] or W.[illiam], intend to be true and faithful to our lord king of England and his heirs, and to my lord the Abbot and Convent of St. Augustine, Canterbury and their successors, and faithfully to exercise the office of bailiff and uphold the dignity of my office, saving however all articles of the franchise of the town, guarding against any diminution thereof. So help me the holy saints, etc.

And then he is to receive the white rod [of office] from the abbot's steward, if he is present, and if not, from the mayor. It is said that the community may appoint a bailiff from among themselves and that they are to obey him in all matters that fall under his office and ballivalty. Otherwise the ballivalty is not to be occupied until what is stated above has been fully performed. The bailiff has the power to

receive all complaints that arise within the town in all matters of law, whether involving freemen or outsiders; and, depending on the nature of the lawsuit, may make attachments or summonses, grant bail, or do whatever else is appropriate to the cases.

If however the plaintiff or the defendant should be an outsider, or if both parties are outsiders, the plea ought to be held according to its type before the mayor, bailiff, and jurats of the town, from day to day and hour to hour, because all outsiders ought to have justice in the town within three days in all pleas, except for pleas of land and pleas of the crown.

It is also permitted to both plaintiff or defendant to appoint an attorney [with power] to win or lose before the mayor and bailiff, or before the mayor without the bailiff, in all pleas except for pleas of land – for attornies in such cases should not be recognized [by the court] except in full hundred session. However, those who are outsiders ought to receive justice and answer to the law whether before the attorney of the mayor and bailiff or in their presence. The same ought to hold true when a freeman is involved in a suit with outsider, regardless of whether that outsider is the plaintiff or defendant, because a freeman going up against another freeman does not have to plead in the absence of the mayor or bailiff, and for this particular reason it is desirable to have a bailiff who resides within the liberty. The bailiff or his deputy, when they receive such a complaint, is obliged to inform the mayor or his deputy, so that he may be present on a day specified to preside over the plea, together his jurats who ought to come, as mentioned.

It is the duty of the bailiff or his sergeant in these types of pleas to make reasonable **distrain** on the defendant to oblige him to answer. So that if the lawsuit should be one involving a large debt then a large distrain may be taken; if on the other hand it is a lesser matter then the amount of the distrain taken is to be proportionate to the offence committed – [for example?] if a mariner should bring an action against his [ship]master for unjust **detinue** of 20s. then the master may be distrained by his ship's sail, or by its cable or anchors, so long as other sufficient distrains can be found in the same ship. The bailiff should receive 4d. for taking this kind of distrain, **on water or on land**, and

amercements from those who are convicted, which are to be paid to the abbot. On the other hand, it is the custom for him not to take anything for distrains made on land, other than the amercements from those convicted, since the abbot ought to look after the interests of the plaintiff in regard to those amercements.

DISCUSSION

After the establishment of a Saxon kingdom in Kent, the old Roman town of Canterbury was made its capital, and it subsequently became the base for a re-Christianization effort; but in both cases its role during the early and middle Saxon periods was largely administrative, rather than as a centre of commerce. The Kentish kings founded a group of ports/market centres to facilitate the cross-Channel trade with France in luxury items, and the building of Canterbury cathedral and St. Augustine's Abbey likewise required the import of high-quality building materials, from France and the Isle of Wight. Fordwich was the most prominent of these deliberately founded centres, serving as Canterbury's outpost. Another was Sandwich, also located on the same estuary, but at the coast.

To the northeast of Canterbury, beyond the abbey and the ancient church of St. Martin, was a wide stretch of gravel that terminated at the highest navigable point on a broad estuarine channel, predecessor to the River Stour. It was at that point, where there was also a ford across the channel, that a **wik** was founded – probably by the king – on the southern side of the channel and a quay built, as a point for landing goods and probably for selling them. On the far side of the channel, a royal residence probably offered fortified protection in case of need. Commercial activity at this *Fordewicum* is evidenced from the seventh century, although the first mention of the place by name was in 675. In the next century we hear of the king exempting monasteries from the shipping tolls that were collected, on his behalf, at Fordwich.

Fordwich appears to have been under the jurisdiction of Canterbury: the king and (later) the earl shared jurisdiction, while the cathedral itself had some jurisdiction there – its own quay, with adjacent property, later the subject of disputes with the abbey. The abbey also had landed interests in Fordwich and expanded these, acquiring from Edward the Confessor in

1055 all his lands and associated jurisdiction in the town. A new abbot granted this away to the sheriff soon after the Conquest. But control soon returned to the hands of the abbey, as the Conqueror's half-brother Odo, Bishop of Bayeux, granted away the authority that had come to him from the pre-Conquest earl, and as the sheriff restored to the abbey his part of the lordship, perhaps as late as 1111. The situation seems a little confused, but in Domesday Fordwich is referred to as a "small borough" in which most burgage plots (73) were held of the abbey. It remained under the abbey's lordship until the Dissolution. Despite its modest size, it was one of only a handful of boroughs and important enough to have **hundred** status.

However, the narrowing and silting of the Stour contributed to its decline. In fact, it lost in 1880 its borough status, which was only restored in relatively recent times, and its present-day claim to fame is still as England's smallest borough.

The *Domesday Monachorum*, a survey contemporary with the king's **Domesday**, but dealing only with the possessions of the Church in Kent, confirms the king's Domesday in showing that the archbishop held 7 burgage plots in Fordwich which had withdrawn their service, but goes on to indicate that this service was naval in character. This has led historians to wonder whether Fordwich was already, at that time, an affiliate of the Cinque Ports (whose special jurisdictional privileges were held through naval service to the king), through association with Sandwich, a full member of the league. We know that Fordwich was a "corporate member" through Sandwich in the thirteenth century. Yet, in the charter Fordwich was granted by Henry II (1184), the privileges obtained were typical of normal boroughs, and had none of the special features associated with the Cinque Ports; furthermore, the charter included the grant of a Merchant Guild, an institution not found in any of the Cinque Ports. It has been argued (K.M.E. Murray, *The Constitutional History of the Cinque Ports*, 1935) that Fordwich perhaps had been a member of Sandwich ca.1066, but the default of ship service from the archbishop's tenants led to the abbot banning his own tenants from providing the service; as a result of which Fordwich's membership lapsed, to be renewed in the thirteenth century when Fordwich was in contest with the abbey and needed the support that the king's Warden of the Cinque Ports was prepared to give to member towns against their overlords. Whether or not that was the case, Fordwich did become an associate member of the Cinque Ports under its more thriving neighbour Sandwich, became in some regards subordinate to Sandwich, and reshaped its constitution somewhat to be more consistent with that of Sandwich.

Not much survives of the medieval records of Fordwich. Perhaps the most important document is the custumal, which has survived in several variants.

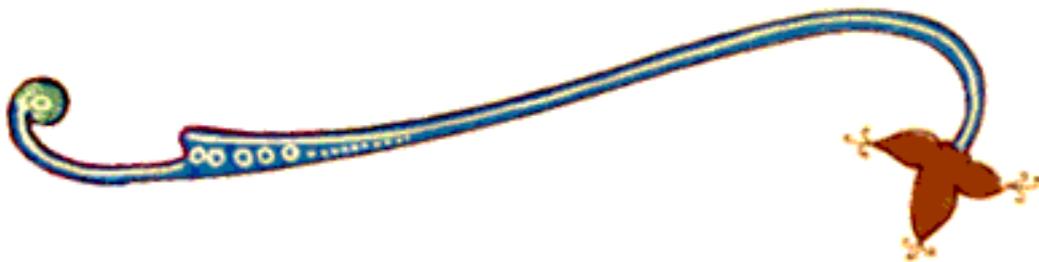
With so many rival authorities claiming jurisdictions in the town – the abbey, Canterbury, Sandwich – a record of the town's rights and local laws was an important document. The version above is probably a selection from the full custumal, representing chapters of particular interest or concern to the Abbot of St. Augustines; the use of the third person plural at the beginning of each chapter suggests a scribal modification of the original, although the scribe seems on one occasion (one of the later chapters, laying general claim to franchises) to have lapsed into quoting from the source of the copy, using the first person plural. On the other hand, perhaps there is a connection between this document and the annual declaration of town customs before the abbot's steward in the hundred court.

The register, known as the *Black Book*, into which the abbot had the chapters copied dates from the late 13th century, a period in which the town was involved in disputes with the abbey over issues related to local jurisdiction and administration. Some of the capitula have an adjacent marginal annotation "to be noted", while others have more detailed annotations indicating jurisdictions the subject of dispute between town and abbot. It is evident from the chapter regarding abuses by the abbot's bailiff that the collection of local tolls was a sore point, and the chapter emphasises (the townsmen's perspective) that the abbot has this right only by grant of the king, possibly a veiled threat. It may be noted that the record of this document in the *Black Book* is followed by a statement of the abbot's rights within the town.

At least one of the three other known versions also appears to have been drafted for the benefit of the abbey, and dates from the early fifteenth century. The other two copies date from the late fourteenth century and the second half of the fifteenth. The former may also have been a version produced for the abbey, or some other external authority. The latter is the fullest copy, but strongly shows evidence of having modelled or remodelled customs after those of Sandwich.

The custumal reflects some of the local idiosyncracies in applying customary law. The seemingly bizarre chapter concerning trial by combat between an "approver" and the one he accuses, for example. A similar idiosyncrasy, mentioned in another version of the custumal, was that condemned felons were to be taken from the abbot's court to the Thiefswell where, their hands bound with a rope going underneath their legs so that their knees were in a bending position, they were thrown (by the accuser) into the well to drown. Or again, any man elected mayor or jurat who persisted in refusing to accept office was to be punished by having his house pulled down, a custom found in at least one other Cinque Port (Dover). The

affiliation with the Cinque Ports likely explains some of the peculiarities in terms of exemption from the general judicial system of the realm (e.g. abjurations being related to the liberty rather than the realm, deodands going to the town rather than the king, the exclusion the coroner in investigating suspicious deaths or of ecclesiastical ordinaries in matters of testaments). This affiliation did not lessen Fordwich's subordination to its lord, the abbot of St. Augustine's, but was a stick that could be waved at the abbey in some circumstances.



NOTES

"the Nativity of the Blessed Mary and the Monday following the festival of St. Andrew the Apostle"

The period of late September to the end of November was when the herring fishery and **Yarmouth fair** (over which the Cinque Ports claimed jurisdiction).

"service to the king"

This refers to the naval service provided by the barons (i.e. burgesses) of the Cinque Ports to the king.

"Shepway court"

Shepway was the general court of the Cinque Ports, at which representatives of all member towns had to present suit annually and at which parliamentary-style business of the league as a whole was conducted. Presided over by the Lord Warden of the Cinque Ports, the king's representative, the court exerted the authority of the king over the members of the league, moderating an otherwise relatively high degree of independence of the league from royal jurisdiction. The league's own court, in which it expressed self-government, was the Brodhull.

"day to day, and hour to hour"

This provision reflects the spirit of mercantile law in **piepowder** courts, in which speedy trial was assured to satisfy an outsider who could not remain in town for the duration of a long trial.

"be examined"

On this, see also the **Ipswich custumal**.

"acquired"

This refers to real estate acquired by gift or purchase, as opposed to inherited.

"bailiff"

The bailiff was the abbot's representative in town government and president of the hundred court (which helps explain the limitations placed on that institution by the custumal).

"ordinary"

An ecclesiastical official with authority in administrative matters.

"closest blood relative"

For a comparison, see the chapter dealing with pre-emption in the **Norwich custumal**.

"king's prison"

At the end of the 19th century, Alice Green pointed out that the "king's prison" was in fact "a filthy hole of nine feet square which still exists." (*Town Life in the Fifteenth Century*, vol.1, p.412.)

"le vorueng"

This old Anglo-Saxon word (more usually *forfeng*) is found elsewhere in the context of a reward for the rescue of stolen goods; but here is evidently used, in similar fashion, as a payment for the redemption of forfeited property.

"equipment"

The weaponry required for a combat to determine whether his accusation is to be considered true.

"scorrie"

Other versions have *skorpe* or *skorye*; Bateson associated this with an Old English word for "clothing", but evidently something more specific is intended here.

"instrument"

Given the context and the size of the "instrument" one can only suspect an oar is meant; whether this was intended to serve as a weapon is uncertain.

"two-bench boat"

What is transcribed by the editors as *postis* and has been interpreted as meaning "a boat with two posts" is in other versions of the custumal *thoftis*, whose meaning Bateson identifies as rower's bench; the version of the custumal she used, however, states 3 benches.

"fight with the informer"

Alice Green believed this passage implied that the freeman would fight from the boat with the oar. This is by no means clear; yet the whole passage tends to give the impression of some attempt to weight the combat in favour of the member of the community. Fighting while standing waist-deep in water could not have been easy, particularly if the informer were weighted down with equipment; and fighting from a rowboat or with an oar may not have been as challenging as might be thought, for a community whose members were, in many cases, experienced on the water. Whether having the combat take place in the water was a way of putting the informer at a disadvantage, or whether there was some jurisdictional symbolism, I cannot say.

"view of the felony"

I.e. view of the corpse (that term being substituted in the 14th century version).

"deodands"

In a legal context, these were the instruments of someone's death, which were forfeit to the crown when the death was ruled by misadventure (e.g. a horse that threw its rider).

"prove with the third/sixth/12th hand"

I.e. with that number of supporters of an oath of innocence (e.g. see the practice in **London**), or **compurgation**. By contrast with a purchaser of stolen goods, an accused thief had to find 36 compurgators to prove his innocence, according to the 15th century custom of Fordwich.

"waif or stray"

This refers to straying beasts.

"one half shall go to the king"

An annotation above the word "king" indicates that the abbot believed that this half of the amercement should go to him.

"ale-wife"

A female brewster. The "amercement" was in effect no more than a licence fee.

"kerbrech"

I have not yet determined the meaning of "kerbrech", unless it is perhaps a variant of burgbrice, a fine for breach of the peace within a borough.

"bailiff from outside"

The bailiff of the town was in fact the bailiff of an external lord (the abbot) and therefore considered an outsider, rather than a member of the community.

"Cinque Ports or their members"

Each of the principal ports had affiliates who obtained membership in the league through them.

"reside"

A colloquialism is used to convey this concept: *qui sunt iacentes et levantes et eorum olla cocta*). Literally, "those who go to bed and get up and have their pots and cots" (or possibly who "malt their ale").

"when or how often"

The point of this phrase was to indicate that toll-collection was not suspended at any times of the year (e.g. during fairs), nor was the toll a kind of licence payable only once a year.

"detinue"

An action in which the plaintiff complains that the defendant is in possession of the plaintiff's property and will not return it; possession by the defendant would have come about lawfully (as opposed to by theft), but the plaintiff claims the right to immediate repossession, although technically it was possible for the plaintiff never actually to have had possession. Detinue was usually applied to one or more specific identifiable items of property; however, cases are found where it seems to apply to a debt, in the sense for example of wages due, perhaps because a plea of detinue (unlike debt) allowed for claim of damages over and above the money owed.

"on water or on land"

This seems to be contradicted by what follows. Possibly the inclusion of "on land" in the first instance was a scribal error; the 15th century version of the custumal omits it. The reason for the 4d. fee was apparently (to judge from a similar specification in the Sandwich custumal) to pay for a boat and labour to convey the distrained items to shore.



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Keywords: medieval Dublin charter boundaries perambulation liberties customs Bristol judicial administration landholding commerce burgage tenure debt officers slander nightwatch prices wages fire

Subject: A colonial constitution

Original source: 1) Original charter 2) Chain Book, Dublin City Archives

Transcription in: J.T. Gilbert, ed. *Historic and Municipal Documents of Ireland, A. D. 1172-1320, from the archives of the city of Dublin, etc.* Rolls Series, no.53 (1870), 51-55, 232-39.

Original language: Latin

Location: Dublin

Date: 1) 1192; 2) and 3) 14th century

TRANSLATION

[1. Earl John's charter to Dublin]

John, lord of Ireland, count of Mortain, to all his men and those friendly towards him, French, English, Irish, and Welsh, present and future, greetings.

Know that I have given and granted, and by this my charter have confirmed, to my citizens of Dublin – both those residing inside and outside the walls, as far as the town limits – that they may have [jurisdiction within] those boundaries that were **perambulated** by **reputable citizens** under oath by order of my father, King Henry. That is: on the east side of Dublin, the southern part of the pasture-land that stretches as far as the gate of St. Kevin's church, and from there by the road as far as **Kilmerecagan**, and then along the land boundary from Donnybrook to the [River] Dodder, and from the Dodder as far as the sea (that is, to Clarade next the sea), and from Clarade as far as **Renniuelan**.



And on the west side of Dublin from the church of St. Patrick through the valley as far as **Karnanclonegunethe**, and from there as far as the boundary of the land of Kilmainham, and beyond the watercourse of Kilmainham near the River Liffey, as far as the ford at Kilmehanoc, and beyond the watercourse of the River Liffey towards the north through Ennocneganhoc, and then as far as the barns of Holy Trinity, and from those barns as far as the **gallows**. And thus along the boundary between Clonliffe and Crinan as far as the **[River]** Tolka. And from there as far as the church of St. Mary of **Oxmantown**.

And that they are to have all the liberties and free customs written below.

Those liberties that I have granted them are the following:

[clause 1] That no citizen of Dublin need plead outside the town walls concerning any plea other than those relating to external tenements which do not fall under the jurisdiction of the **hundred [court]** of the town.

[clause 2] That they may be exempt from **murdrum** within the town boundaries.

[clause 3] That no citizen need undertake **[trial by] battle** on any accusation which someone makes against him in the city **[court]**; instead he may clear himself through the oath of 40 law-abiding men of the city.

[clause 4] That no-one may, against the will of the citizens, take a billet within the walls by requisition or by assignment of the marshal.

[clause 5] That they are to be **exempt from toll, lastage, passage, pontage**, and all other customs throughout the territory over which I have authority.

[clause 6] That no-one be sentenced to a monetary **amercement** except according to the law **[administered]** by the hundred; that is, a fine of 40s., of which he who is amerced **shall be excused** of half, and shall pay the other half of the amercement. With the exceptions of three

[causes for] amercements: for [infringement of the assizes of] bread or ale, or for [failing to perform] nightwatch; which amercements are of 2s.6d, of which half may be pardoned, and the other half handed over as the amercement.

[clause 7] That the hundred [court] may be held as often as once a week.

[clause 8] That no-one may fail in a plea through **miskening**.

[clause 9] That they may have rights to their lands and land-holdings, to **things they pledge**, and to debts [owed them] throughout all territory under my authority, whoever shall owe them.

[clause 10] That they may **distrain** their debtors by seizing goods [they have] in Dublin.

[clause 11] That, in regard to lands and land-holdings they have within the town, justice is to be done to them according to the custom of the city.

[clause 12] That in regard to debts entered into in the city and things given as security there, [related] pleas are to be held in the city, [and conducted] according to city custom.

[clause 13] That if anyone anywhere within the territory under my authority takes toll from men of the city, unless it is given back after demand having been made for its return, the reeve of the city may seize **related goods** and distraint for the restoration.

[clause 14] That no outsider merchant may buy grain, hides, or wool within the city from outsiders, but only from citizens.

[clause 15] That no outsider may **retail wine**, except from a ship. But I reserve the right that, from every ship which happens to come there with wine, my bailiff (as my lieutenant) may choose two tuns of wine – whichever he wishes – for my use, for 40s.: that is, one [from the cargo] ahead of the mast for 20s., the second from behind the mast for 20s. And he is to take nothing further from the ship, unless the

merchant is agreeable.

[clause 16] That no outsider is to **retail** cloth in the city.

[clause 17] That no outsider merchant is to remain in town with his merchandize, for purposes of selling it, for more than 40 days.

[clause 18] Also, that no citizen of Dublin anywhere within my territory or jurisdiction is to have his goods seized or be distrained for any debt of which he is not the debtor or the guarantor.

[clause 19] That they, or their sons, daughters or widows, may marry without [requiring] permission from their lords.

[clause 20] Also, that none of those who are lords of their outside lands may on that basis have wardship or bestowal [in marriage] of their sons, daughters or widows, but only custody of the properties that are in their lordship, until they [i.e. the children] come of age.

[clause 21] That no **acknowledgement of lordship** may be made in the city.

[clause 22] That they may have all their **legitimate** guilds, just as the burgesses of Bristol are accustomed to have, or had in the best of times.

[clause 23] That no citizen is to be compelled against his will to stand bail for anyone, even if he is living on the latter's land.

[clause 24] I have also granted to them that they may dispose at will of all real estate held, both inside and outside the walls, as far as the [town] boundaries, according to **common agreement of the city**: dwellings, **gardens**, structures **upon the river**, and elsewhere, wherever they may be in the town; holding them in free **burgage** – that is, for the landgable rent that they pay inside the walls.

[clause 25] I have also granted that any of them may make improvements, such as within their means, in terms of constructing buildings wherever they may wish upon the river, so long as this is

not to the damage of the citizens or the town.

[clause 26] Also that they may have and hold all vacant plots and land that are contained within the boundaries mentioned, to build on as they wish.

[clause 27] I have also granted them that neither Templar nor Hospitaller may have more than one single man or dwelling within those boundaries that is exempt from the **communal dues** of the city.

All these things I have granted, reserving that all those who have, outside the walls up to the boundary limits, lands and tenures [held] by my charter may not dispose of them in the same way that others are disposed of, but (like other citizens) are to be subject to all **city customs**.

Wherefore it is my firm wish and command that my citizens of Dublin and their heirs who succeed them may have and hold all liberties and free customs written above, from myself and my heirs, as well and as fully as they ever possessed them, when at their peak, securely, peaceful and honorably, without any obstruction or interference that anyone might cause against them.

Witnesses: Stephen Ridell my chancellor, Walter de Dunestamuill, William de Kahaignes my steward, Theobald Walter the butler, Hamon de Valoniis, Ingelram de Pratellis, David Wallens, Richard de Ruuers, Fulk de Cantelleu, William fitz Ricard, Gilbert de Angulo, Roger Tyrell, Master Benedict, Master Peter Canute. [Given] at London, 15 May 1192.

The citizens of Dublin claim to have the liberties written below

First, they claim to have all liberties and free customs that the burgesses of Bristol have, as is indicated in a certain charter of Henry, king of England, father of king John, which was confirmed by a charter of his son John.

Also that they are exempt from toll, passage, and pontage throughout the king's lands, as well as of all customs. And that they may have all their liberties and exemptions, fully and honorably, just like [other] free and loyal men of the king.

And that they may have the city of Dublin, with its **provostry** and all other things pertaining to it.

Also [as clause 1 of the 1192 charter].

Also [as clause 2 of the 1192 charter].

Also [as clause 3 of the 1192 charter].

And [as clause 4 of the 1192 charter].

And [as clause 6 of the 1192 charter].

Also, that the hundred [court] be held once a fortnight.

Also [as clause 8 of the 1192 charter].

Also [as clause 9 of the 1192 charter].

And [as clause 10 of the 1192 charter].

And [as clause 12 of the 1192 charter].

Also [as clause 13 of the 1192 charter].

And [as clause 14 of the 1192 charter].

Also that no outsider retail wine from a ship, except for what is due regarding requisitioning of wine for the king.

And [as clause 16 of the 1192 charter].

Also [as clause 17 of the 1192 charter].

Also [as clause 18 of the 1192 charter].

And [as clause 19 of the 1192 charter].

Also [as clause 20 of the 1192 charter].

Also [as clause 21 of the 1192 charter].

Also [as clause 22 of the 1192 charter].

Also [as clause 23 of the 1192 charter].

And [as clause 24 of the 1192 charter].

Also [as clause 25 of the 1192 charter].

And [as clause 26 of the 1192 charter].

And [as clause 27 of the 1192 charter].

And that they may have an annual **fair**, as the king's charter acknowledges.

And that they may elect a **mayor** from among themselves, as [the king's charter] etc.

By communal decision on 24 September 1305 it was established that if anyone whose is qualified to be mayor absents himself without good reason on **Michaelmas**, he must give £10 towards repairs to the guildhall.

If anyone who might be elected as bailiff absents himself without good reason, he must give forty shillings.

And similarly if anyone who could be elected rent-collector absents himself, he must give twenty shillings.

And if the mayor is unwilling to levy these [fines], they are to be deducted from his salary.

It is further ordained that henceforth there are to be three nightwatchmen in the city, of whom one is to be in charge of [the sector] from Gormund's Gate to the great bridge, and thereby along the entire riverside as far as the small tower opposite the St. Olave's church, and [along] Cook Street as far as the gate mentioned.

The [sector of the] second nightwatchman begins at the New Gate, and from there along the high street, as far as the new tollhouse, and [then] as far as St. Patrick's Gate, including Rupelle Street and three lanes – viz. St. Audoenus lane, Gilmeholmok lane, and another lane leading to the house of Thomas le Marechal.

The third nightwatchman has charge from the new tollhouse, along the high street as far as Dame's Gate, and to the gate of the residence of master John de Kerdif, throughout the fishmarket, as far as St. Olave's tower, including two adjacent lanes, of which one stretches from the church of St. John in Boue Street as far as the gate in Tavern Street.

And each nightwatchman is to have three **deputies** accompanying him every night, and that nightwatchman shall be the fourth member of the party that day; if he refuses he shall be amerced sixpence.

Also, it is ordained that widows who are capable shall participate in the nightwatch, just as others of the neighbourhood, without any objections.

Also, it is ordained that they shall be as watchful for fires in shops as in houses.

Also that mayors and bailiffs do not have to participate in the nightwatch during times of crisis, [such as] when there is war.

Also, that every nightwatchman report all offences to the bailiffs, if they discover any.

Regulations ordained by the common council of

the city of Dublin

It is established by the **common council** that if anyone speaks disparagingly of, or in any [other] way offends against, the mayor in any location outside the guildhall or tollhouse, he must give him 40s., and he is to be amerced by the bailiffs according to the seriousness of the offence, that is up to the amount of 20s.

If anyone speaks disparagingly of, or in any way offends against, the mayor while he is **on the bench**, he must give him **£10**.

If anyone speaks disparagingly of, or in any way offends against, a bailiff, he must give him 10s., and he is to be amerced by the bailiffs as above.

If a jurat speaks disparagingly of, or in any way offends against, his [fellow] jurat, he must give him 5s.

Also if one neighbour [does the same] against another, he must give him 2s.

It is established that the mayor may hold a council meeting once a week, on the Friday, or any other day if need requires it.

No butcher may buy or sell meat without first having come before the bailiffs and presented good and secure **pledges** that he will **make amends** and be answerable for his actions.

No baker is to bake bread without stamping it with his own seal; if he contravenes this, the bread is to be confiscated and he to be amerced.

A good quality goose is to sell for 2d.

Two good quality rabbits for three-halfpence; two of middling quality for 1d.

Three chickens for a penny.

A good quality hen for 1d.

Two good quality plovers for 1d.; three of middling quality for 1d.

Two good quality woodcocks for 1d.; three of middling quality for 1d.

Fish are not to be taken out of fish-ponds, but only from the sea or the river.

The same applies to butchers, upon pain of forfeiting them to the city.

If someone is lawfully **summonsed** and fails to appear, unless he is able to present a reasonable excuse, he is to be amerced 20d. If the mayor is reluctant to levy that money, he is to be compelled to pay it himself, and it is to be put towards [maintenance of] the city wall. For no reason is it to be pardoned.

If anyone brings a suit and proves before the bailiffs his right to a debt owed him, the one from whom the debt is sought shall not have a [right of] summons.

No-one is to share in the liberties of the city unless he pays towards **aids and tallages**, according to his means, just like other citizens residing in the city.

Meat is to be sold from stalls; if a butchers sells it elsewhere, the meat is to be confiscated and he amerced.

No **sheep's pell** is to be sold or worked in the city; if worked, then he who worked it shall be subject to amercement, and the fur worked treated as fake.

The same is to be done with regard to **fraudulent cloth** and inaccurate weights.

Let a record be made of the day when a ship arrives at the quay in the port carrying outsiders; they are to sell their merchandize within 40 days of the date recorded. From that point they may stay in the city, if they wish, for 40 days and no more, without permission from the mayor and bailiffs.

No ship is to have any cargo of merchandize unloaded until it has been assessed for customs purposes.

No-one is to retail salt from a ship.

No-one is to buy from foreigners – not at Dalkey nor elsewhere – wine, iron, salt, nor any other merchandize so as to **forestall the city**. If someone does so, he is to be amerced 20s. on the first occasion. If he does so a second time, he is to be amerced 40s. If a third time, he is to surrender the **freedom** of the city for a year and a day. With the exception of a ship which intends to unload elsewhere than in the port of Dublin.

No ale-wife is to use straw in her brewing; if she is found brewing with straw, she shall give 20s. as the amercement.

No **regrater** or regratress is to buy fish except after the **third [hour]**, nor to forestall the city of fish, meat or any other foodstuff. He or she who does so is to be imprisoned for 40 days, or to give up that livelihood for a year and a day.

No baker is to buy grain outside the gates of the city, nor elsewhere, but only in the city marketplace; if he does so, he is to be amerced up to 20s.

No regrater is to buy hides except in the king's marketplace; whoever does so is to be imprisoned for 40 days. In regard to hides, it is to be understood that every hide has a value of threepence.

Lepers are not to come inside the city walls.

Everyone is to clean the street in front of his home; should he fail to do so, he is to be amerced twelve pence.

Fish are to be sold from the fish-stalls and not elsewhere from **benches**.

Fires are not to be lit in any **shop** unless it is **[at least]** ten feet wide.

If the sergeants whose duties include **the killing of [stray] pigs** are unwilling to do so, they are to be imprisoned for forty days.

No outhouse in the city may have a drainage channel that is open, upon fine of twenty shillings.

Should it happen that a house catches fire inside, and the fire or its flames are not seen **[to spread]** outside before the fire dies out, he **[i.e. the householder]** is to be amerced 20s.

And if the flames are seen **[to spread]** outside, he is to be amerced 40s.

And if the neighbourhood is **set on fire by anyone**, he is to be seized bodily and cast into the middle of the fire.

[No] woad-dealer, nor any outsider, may buy the hides off freshly butchered carcasses, nor may any butcher sell such fresh hides to outsiders.

No merchant of Chester may sell salt from a ship, but must unload it and have it **put in storage** before selling it.

There is no need to say anything here about the weighing of bread, but let such matters be handled as they were in times past.

Concerning the weaving of a cloth of a single colour, of 32 **ells** in length, 16d. **[is the fee]** for all work done.

For each ell of **burel** woven, three-farthings for all work done.

For fulling a cloth of 32 ells in length, 3s.

If the cloth is longer than 32 ells, the charge is by the ell.

It is established that each workman engaged in fulling shall have 2d. a day **[as wages]**.

For dyeing a cloth of 32 ells, 3d. per ell.

For carding a stone of wool, 1d.

For transporting a **tun** of wine from the river as far as any house outside the walls, 3d.

And to within the walls, as far as the church of Holy Trinity, or an equivalent distance, 4d.

And as far as the high street, or elsewhere **[passing]** through the city, or an equivalent or greater distance (that is, within the walls), 6d.

For loading a tun in a ship, 4d.

For loading a tun onto a cart, 3d.

To porters, for each wey of salt carried as far as the city marketplace, 3d. For a wey of iron carried as far as that marketplace, 3½d.

If any rascal says something slanderous about any man or woman of good reputation, he is to be imprisoned for 40 days.

If a woman is discovered making ale of substandard quality, on the first occasion she is to be amerced 15d. On the second occasion, 2s.6d. At the third offence she is to give up that livelihood for a year and a day.

No currier is to cure leather beneath **solars**; if one does so, he is to be put in prison.

No-one is to receive fish in his house from any stranger, for purposes of selling it; if such is discovered, he is to forfeit all the fish.

DISCUSSION

Dublin's name, like that of King's Lynn, has its derivation from a Celtic term for a pool (*linn*) of water which formed, in part due to tidal erosion, where the River Poddle joined the River Liffey, in turn emptying into the bay which was, in those times, closer to the centre of Dublin than it is today. By the eighth century there were Gaelic settlements on either side of the Poddle, one apparently with the name of Dublin. The "dark pool" after which it was named offered a safe haven with good proximity to the sea for the ships of the Vikings, who had begun to raid the Irish coast from the late eighth century, and access to the rich hinterland via the rivers. Some established a fortified base there in 841, from which to conduct raids elsewhere along the Irish or Scottish coast. Although Dublin was conquered by an Irish alliance, the Norse reasserted themselves and ca.917 established a new settlement beside their earlier base, to become the centre of a Viking kingdom stretching along the coast. Relying in part on the growth of local industries, it developed trading relations with other Norse bases along Ireland's east coast, with England (Northumbria and York, itself the seat of a Viking kingdom), and with western English ports, notably Bristol. It has been argued that Dublin, lying on the south bank of the Liffey, can be considered as a town from the point of this resettlement.

From the late eleventh century, Dublin became subordinated to Irish kings, but the political situation in Ireland was one of fragmented authority. With the Pope's approval, Henry II intervened in Irish affairs in 1170 by allowing one of the warring Irish kings to recruit Anglo-Norman allies, and then in the following year, and eager to escape the furour following the murder of Becket, by leading additional troops himself in an invasion. The Irish gradually submitted to Henry and the lieutenants he left behind to continue the conquest. While granting Irish lands to his Norman barons, Henry reserved Dublin and other towns under his jurisdiction.

In 1171 or 1172 Henry granted the city itself to "his men of Bristol", although as indicated by a roll of names of (apparently) members of the merchant gild, dating to the late twelfth or early thirteenth century, Dublin attracted colonists from many towns in England – particularly the more westerly – and southern Wales. The Norse and Irish residents of Dublin were obliged to relocate to a site outside the walls, on the north bank of the Liffey, thus excluding them from a role in development of urban institutions; meanwhile the intra-mural property was divided up into burgage plots for the new settlers. Subsequently the area between the wall

(itself dating to ca.1100) and the riverside was reclaimed for settlement and in order to establish a quayside that would accommodate the English ships, which had a deeper draught than Norse vessels, and in the latter stages of rebuilding the walls – a necessity in the often tense political situation – they were extended to protect this riverfront suburb, probably in the early fourteenth century.

The grant of Dublin to Bristol men included the right to all liberties and customs to which they had been entitled in Bristol, thus providing a model for constitutional development. In 1183 Bristol came under the lordship of Henry's son John, by right of marriage. Henry sent John to Ireland as his governor in 1185; although John's failure in the role led to his recall, he retained the lordship. He therefore retained a strong interest in Irish affairs, not least in the Dubliners who were his men. The charter of 1192 identified explicitly the various jurisdictions and privileges that the citizens might exercise through local government, although to what extent these were grants or just recognitions is more difficult to say. This was a relatively full set of privileges, as appropriate for the centre of the English colonization effort, in which Dublin held a position similar to that of London in England. Modelled on a charter John had granted to Bristol ca.1188 (with additions), it can be seen as part of a broader policy of extending English institutions and practices to Ireland. As can be seen from the later compilation of city liberties, the charters of Henry II and John formed the basis of the city constitution.

Those basic privileges were supplemented, in the later listings of liberties and ordinances (probably compiled in the early fourteenth century, as part of a book of memoranda), by responses to much the same concerns that can be seen in English towns:

- providing for the security of the community at night;
- discouraging negligent or irresponsible behaviours that could lead to unsanitary conditions or the outbreak of fires;
- assuring that necessaries, notably victuals, were sold only in open market and were of good quality and reasonable price;
- creating conditions that gave advantages to local traders over visiting merchants;
- ensuring that all citizens were prepared to perform communal duties;
- encouraging special respect for local authority.



NOTES

"perambulated"

Perambulations were periodic formal tours – on foot or horseback – of urban boundaries by officials, intended to assert and remind. The sporadic records of such events do not make it clear whether these were conducted regularly as a matter of form, or perhaps were prompted by some challenge or uncertainty. Probably the motive varied from place to place, but by the close of the Middle Ages a perambulation – now having become an elaborate ceremony – seems to have been taking place about every three years. The route of the perambulation in 1488 was as follows. The procession left the inner city via Dame's Gate, the city's eastern gate, and travelled along the Steine (a long piece of land marked by a tall stone, said to have been erected by the Vikings) passing the priory of All Saints (and the Thingmount, although this is not mentioned) en route. Then along the bank of the Liffey as far as Ringsend, and continuing along the southern strand as far as it went. They then backtracked to Merrion and headed west to Our Lady's Well, then proceeded to Simmonscourt, where they traversed the green and crossed a ford at Donnybrook. From there they went to St. Kevin's Gate, and then headed north as far as the road by St. Sepulchre's, heading past that and St. Patrick's. The route is then more difficult to identify, as it refers to lands or houses of individuals, rather than landmarks. At length they made their way through the Combe (the valley mentioned in 1192) and then via Cow Lane to Dolphin's Barn. From there past Kilmainham to Glasnevin, passing the gallows of St. Mary's abbey, and to the Tolka. Crossing which, they headed south towards the sea, then followed the Liffey back to the abbey grounds (where the abbot unsuccessfully challenged the accuracy of that part of the route).

"reputable citizens"

The original, *per sacramentum proborum virorum de civitate* may indicate that certain citizens performed the perambulation under an oath to do the job honestly, or possibly that the boundaries were attested to by a kind of jury.

"Kilmerecaregan"

Samuel Fitzpatrick identified this as "Kilmakergan (between Ranelagh and Leeson Park)".

"Renniuelan"

Ringsend, a point of land projecting out into the bay and used for the herring fishery.

"Karnanclonegunethe"

The district now known as Dolphin's Barn, named after a 13th century family Dolfyn, according to Francis Ball.

"gallows"

Assuming *furcas* to refer to this, rather than a crossroads or fork in the road, the description of the boundary seems to have moved from west to east, for the city gallows were located east of the settlement, just beyond the hill where the Norse held their communal gatherings (Thingmount); but these were perhaps a different gallows, as the 1488 itinerary suggests.

"Oxmantown"

This is a corruption of the medieval name *Houstmanebi* (Ostmanby); it refers to the location at which the Norse (Easterlings – men from the East) were resettled.

"murdrum"

A **murder-fine**, a penalty imposed on the entire community when a murder could not be solved; the *Leges Henrici Primi* prescribed a fine of 46 marks if the guilty party was not captured within a week. See **Medieval Sourcebook**.

"trial by battle"

Trial by combat was a **judicial duel**, in which accused and accuser fought with weapons until one was killed or surrendered. If the defeated party was the accused, he stood convicted of the crime; if the accuser, the accused was judged innocent. Exemptions from this mode of trial were common features of early royal charters to towns; the exemption may have applied particularly to cases under the jurisdiction of royal courts, with local custom perhaps already excluding battle as an option (e.g. the **ipswich custumal**, although we cannot be certain of the antiquity of its prohibition).

"exempt from toll"

Exemption was the core element of a second charter that Henry II had granted to the colonists, although he had been able to extend it throughout England, Wales, Ireland and Normandy.

"lastage, passage, pontage"

Special tolls on mercantile cargoes.

"shall be excused"

The courts had discretionary powers to reduce an amercement or even waive it (notably in cases of poverty), and it was commonly done, except where the convicted party proved hostile to the court's authority, in cases of repeat offences, or for certain offences against the community considered heinous.

"miskening"

This was making a mistake in the correct formula necessary for stating a plea in court, or in the facts given when stating a plea; such a mistake might forfeit the case for the pleader, lead to the case being transferred to a higher court, or at least

result in a fine.

"things they pledge"

Items they surrender temporarily as guarantees for fulfilling legal obligations.

"related goods"

I.e. those of the individual who took the toll or, failing that, other members of the community where toll was taken.

"retail wine"

The original *habeat tabernam de vino* refers not to holding a tavern in the later sense of a building, but of setting out wine for sale in some specific place.

"retail"

vendat ... ad decisionem, literally to sell cloths which had been cut into smaller pieces.

"acknowledgement of lordship"

I.e. that no citizen could become the vassal of a lord in such a way as to lose his free status.

"legitimate"

I infer from the original *racionabiles* that this clause recognized existing guilds (such as the merchant guild), and possibly permitted the formation of future guilds by communal agreement, without giving any support to unauthorized attempts by interest groups to form guilds.

"common agreement of the city"

This probably refers to any customs or bylaws made by the city to govern real estate transactions.

"gardens"

Not in the modern ornamental or recreational sense, but in the sense of land where plants or trees were grown to furnish domestic or commercial needs.

"upon the river"

I am uncertain whether *super ripam* may refer to structures such as quays (over the water) or warehouses (beside the river), and so have opted for an ambiguous translation; the reference to the risk of damage makes me favour quays, however, as these might be potential obstructions to river traffic. It should be kept in mind that this clause, as with many others in the charter, was derived almost verbatim from the 1188 charter to Bristol, and so we should not look for special local significance to Dublin.

"communal dues" "city customs"

The use of *consuetudinibus* in these contexts probably refers to the customary payments due from each member of, or household in, the community. This clause limited the number of non-contributory residents or tenements.

"provostry"

This refers to the right to an (elected) executive officer to govern the city, granted by John in 1215 as a concomitant of the grant of **fee farm**.

"fair"

This was granted in the 1215 charter and was to last for two weeks in May.

"mayor"

In 1229 the citizens were able to obtain this right (or recognition of a fact) by forgiving a debt of £312 owed them for supporting a military campaign of the king's justiciar; the wealthier citizens who had loaned this money were to recoup to via a tax on the Dublin community. Such a concession might not have been obtained without so strong a financial incentive, for just a few years later Bristol was refused the right to elect a mayor (even though it appears to have been doing so, without official countenance, for over a decade).

"Michaelmas"

29 September was a common date set for election, or assumption of office, of urban executives.

"deputies"

Vigilantes; whether paid assistants or unpaid citizens doing communal duty is not evident.

"common council"

A council of 24 jurats was in existence; a "common council" in the more technical sense of a lower chamber is not known to have existed until later in the fourteenth century.

"on the bench"

I.e. sitting in the guildhall (or tollhouse?) in the performance of his duties.

"£10"

An ordinance the following year halved this penalty, but added a 10s. penalty for those trying to avoid election as **jurat**.

"make amends"

I.e. in the event of him being convicted of any occupational abuse.

"summonsed"

I.e. the defendant shall not be able to delay the case by claiming he received no official summons to court.

"sheep's pell"

furura de multone may refer to a particular low-quality type of wool-pell, such as that of a wether, or perhaps the use of the pell to line clothing.

"fraudulent cloth"

The reference is either to the quality of the cloth (or its finishing) or to non-standard sizes of the pieces.

"forestall the city"

I.e. pre-empt the right of fellow citizens to purchase a share of the cargo, by arranging to buy it before it reached the city port.

"third hour"

The third hour after dawn was likely when the market opened for trading.

"benches"

The Latin *super scamellum* might be translated "from [other] stalls", although there is clearly some differentiation being made with the *stallagiis piscium*, leading me to think that scamellum is being used to refer to smaller, more portable furniture on which fish might be displayed for sale.

"shop"

The term *selda* refers to a structure more elaborate than a stall, in that it was more enclosed, but not necessarily part of a permanent edifice.

"the killing of pigs"

Public proclamation was made quarterly that no-one should allow pigs to roam loose. A pig found loose meant a fine for its owner on the first two occasions; if found loose a third time, the pig could be killed.

"set afire by anyone"

In the context of the previous two clauses, this clause may refer less to arson than to the spread of fire from the offender's own house (the charge being negligence causing damage). The person responsible for the fire could, if apprehended at the scene, be cast into it by the city sergeant; if the culprit fled but was subsequently captured and proved responsible for the fire, it was a hanging offence. This reflects the seriousness of fire in a society without effective means of fire suppression. A marginal note indicates that at some later date the offender was permitted to commute the harsh punishment by paying a fine of 100s.

"woad-dealer"

If this is the correct translation of *waydarius* here, it is probably because woad was imported mostly by merchants of Normandy, Picardy, and the Hanse; the alternative translation of "widower" would be implausible in this context.

"put in storage"

hospitetur may refer to a practice of **hosting** by local merchants.

"ells"

An ell was a measure of length about 45 inches.

"burel"

A coarse woollen cloth.

"tun"

A large cask of about 252 gallons capacity.

"solars"

The upper (living) quarters of a house, often jettied.



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translation | discussion | notes

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TRANSLATION

Whoever wishes to make a good choice of a **sovereign** governor, having **station and jurisdiction**, should pay attention to the points that follow.



1. The three foundations on which the government of towns should be based.

All lordships, all stations, are delegated by the sovereign Father [i.e. the Pope]. Within the holy establishment of the things of this age, he wishes that the government of cities should be supported on three pillars: that is, justice, reverence, and love. A governor should have justice so firmly set within his heart that he does right to everyone, and does not show favour to one side or the other. For **Solomon says** that a just king will never bring misfortune. Reverence is the part of burgesses and subjects, for it above all other things of the world is most compatible with the merits of faith, and overcomes all hardships. It is for this reason that **the Apostles say** "Honour your Lord." Love

ought to exist in one party and the other. For the sovereign ought to love his subjects wholeheartedly and with a clear faith, and look after the common profit of the city and all its people by day and by night. On the other side, the subjects should love their sovereign loyally and honestly, and give him advice and support to maintain him in office. For, in that he is only one man among their number, he could not do or accomplish anything without them. Because the mayor or the governor is, as it were, the **head** of the citizens, and everyone wants to have a sound head – for, when the head is ailing all the members become afflicted in consequence – and because above all they should make sure that they have such a governor as will lead them in the right direction, according to right, reason, and justice, they should not select him by lot or by luck, but through the foresight of wise and informed counsel. In which selection, they should pay attention to 12 things.

2. Twelve things to consider when making an election.

The first is, as Aristotle says, that men acquire wisdom through long experience of many things, and no-one can acquire such experience except through a long life. Thus it appears that young men cannot be wise, even though they have the means to gain knowledge. For this reason **Solomon says** that it is bad for a country to have a young king. Nonetheless, a man may be of great age yet little sense; for which reason the burgesses should choose a sovereign who is young in neither one nor the other.

The second is, that they give consideration not to his or his family's power, but to the nobility of his heart and to the honourableness of his behaviour and his life, and to his ability to perform virtuous acts in his household and in his other positions of authority. For the house should gain renown for a good master, not the master for a good house. If his nobility comes not only from his family connections but also from his strength [of character] and his heart, his worth is that much more complete.

The third is, that he be just. For Tully says that intelligence without justice is not intelligence, but malevolence, and that nothing can be worthwhile without justice.

The fourth thing is, that he have sufficient ability and subtlety of understanding to determine the whole truth in things, to easily understand and know what is the right thing to do, and to perceive the reason behind things. For to be deceived through lack of knowledge can lead to disaster.

The fifth is, that he have strength and resolve from greatness of heart, rather than from malevolence or vainglory; and that he not readily believe anything anyone tells him. There was once a city of which no-one could be the ruler unless he were the best. As long as this custom lasted, nothing but good happened to the community – for he who does not think more of himself than he is worth ought to be honoured for what he is worth. For a person should not be considered a reputable man because of his status, but because of what he does. The wise man prefers to be [\[judged\]](#) a lord by his acts than by his looks.

The sixth is, that he not be driven by avarice or by other desires. For these are two things which lead to a sovereign's downfall. It is very dishonourable, for one who does not allow himself to give way to fear, to be overcome by greed; or, for one who does not allow himself to be defeated by great challenges, to be conquered by his desires. Rather, a man must diligently guard against being too covetous of position; for very often it turns out that such men are not the most suitable.

The seventh is, that he be a good speaker. For it is required of a governor that he speak better than anyone else, since all the world believes to *be* wise he who speaks wisely. But above all it is necessary that he guard against saying too much, for garulity leads to indiscretion. Just as a single [\[out-of-tune\]](#) string can make an entire **lute** sound discordant, so one unfortunate word can be the undoing of a rational argument.

The eighth is, that he not spend extravagantly, nor deplete or waste his resources. For all who do so have to resort to robbery or plunder. Nonetheless, he should not shun that vice [\[of spending\]](#) to such a degree that he becomes too much the reverse or too parsimonious – for this is the thing that places the worst stain on the reputation of a ruler.

The ninth is, that he not be too quick-tempered, and that he not let his anger or foul moods last too long. For when anger governs a ruler it is like a thunderbolt which allows no time for truth to be told or a just judgement made.

The tenth is, that he be rich and magnanimous. For if he is well-endowed with other virtues, it is likely that he will not have been corrupted by money. Nonetheless, I have more praise for the good poor man than for an evil rich one.

The eleventh is, that he not hold any other office. For it cannot be believed that one man might be capable of [exercising] two, nor of more than the government of a populace.

The twelfth is the most important of all: that he keep faith with God and the people. For without faith and without loyalty, upright [government] is never maintained.

3. Concerning discords and hostilities that arise in cities through the negligence of rulers.

These [above] virtues, and others, are what good citizens ought to take into account before electing their mayor – that is, he should possess many virtues and few vices. Yet most people do not pay attention to his manners nor his virtues, but confine themselves to the wealth and power he commands, and are often misled as a result. The reason that fighting and hatred have so greatly increased, here and in other cities and towns, is because of division within the community and different preferences of the burgesses, who are [split] into two parties.

Whichever [party] loses, even though it is to the benefit of the other, it is inevitable that ill-will results. On the other hand, if the governor is not very wise, he may incur the resentment and bad opinion of those who elected him, to the point that those from whom he hoped for support prove to be his undoing.

4. The procedure by which a new mayor ought to be chosen, when an election must be held.

When the time comes to elect a new governor for the coming year, the sovereign should call together the council of **reputable men** of the

town who are most familiar with its constitution. The choice should be made on their advice, according to the ordinance already established. If, however, the citizens wish to have as governor for the coming year the same man who was so during the past year, I recommend that he not undertake the government if he can honorably avoid it. For a second term in office is unlikely to win widespread support.

5. The manner in which a mayor ought to conduct himself and act towards those over whom he rules, on his last day in power when he must resign his office.

When the last day of his term of office arrives, he should call together the good men of the community and, to win the citizens' love and goodwill, say a few gracious and agreeable words to them: remind them of the benefits they have acquired during his term; thank them for the support and respect they have shown to him and his [officers?]; dedicate himself and all his efforts throughout his life to the honour of the community; and request the chamberlain, and other worthies [i.e. of local government], that all [legal] disputes and pleas introduced before him during his term be brought to a conclusion through just judgements. And, the better to win over the hearts of the people, he should say that if anyone, contrary to his [burgess'] oath, has committed an offence against him through ignorance, negligence, or any other reason, he forgives him – unless it be a murderer, robber, or other wrongdoer convicted by the town for offending against the well-being of the community. On no account should he forget to say that if he has done anything beneficial to the community, he is well satisfied; and that concerning any offence he may have committed, unreasonably or contrary to town laws, he is very sorry about it and is ready to make amends as best he can, to the greatest and the least, at any time. Then, he should pray God to give them such a governor who is wiser and can lead them better than he was able to during his term; and then commend them, great and small, to God and offer them his thanks and good wishes.

6. The manner in which every good mayor should conduct himself among his subjects, during the term of his mayoralty.

Keep in mind, you who govern the city, the holy oath you made when

you took the office of your rule. Keep in mind the law and its injunctions, and do not forget God and the saints; rather, go often to church and pray to God for yourself and your subjects. For the prophet **David says** that unless the Lord watches over the city, they labour in vain who guard it. [Therefore?] Honour the pastors of Holy Church; for God himself said: "He who receiveth you, receiveth me."

Be religious and manifest your faith, for there is no better thing in an earthly prince than to have righteous and true belief; **it is written**, "When a just king sits on the throne, no evil can assail him." For this [reason], protect the Church, the house of God. Protect widows and orphans, for it is written, "Be defenders of widows and orphans"; that is, you should defend their rights against wicked acts of the powerful, [but] not to the extent that the powerful lose their rights because of the tears of the weak. For you have under your protection the great, the small, and the middling. Therefore **it is incumbent**:

- that you take office with a pure heart and good intentions;
- that your hands to be clean [of any offence] towards anyone, before God and before the law;
- that you defend community property, and give to each what belongs to him;
- that you ensure to the best of your ability that there be neither hostilities nor disputes among your subjects;
- and, if there is, that you show no favouritism to one side over the other, not for money, nor for women, nor for anything else;
- that you listen diligently to pleas and complaints;
- that you bring petty quarrels to a swift resolution, without [aggravating] strife;
- that you carry out all [duties] written in the books and ordinances of the town;
- that you maintain community works and structures, and have repaired the bridges, roads, ditches and other things.

Do not allow wrongdoers to escape without punishment; in particular you should be uncompromising in passing sentence – according to the law and the usages of the town – on murderers, traitors, those who rape maidens, and who commit other such crimes. Control your officers in such a way that they do no wrong to anyone. Keep around

you such counsellors as are good and wise, men of principle, and loyal to yourself. Behave so as to seem terrible to the bad, and agreeable to the good. Furthermore, take care that you remain well-endowed with virtues and free of vices.

You should beware of **[committing]** those things **[i.e. vices]** which you command others to guard against; according to the **words of the Apostle**: "Henceforth I will chasten my body and bring it into subjection, so that it be not damned for chastening others." Cato says that it is an awful thing for a master to have an accusation turned back against himself; yet, to tell the truth, whoever so turns it deserves praise. For to speak fair yet behave badly only serves to condemn oneself by one's own words. From now on you should guard against drunkenness, pride, anger, deceitfulness, avarice, covetousness, and lewdness. For each of these is a mortal sin in God's eyes, and can easily result in a governor falling from power.

In particular you should beware of talking too much. For he who says little, but says it well, is considered a wise man; talkativeness always reveals flaws. You should also beware of laughing too much; for **it is written** that laughter comes from the mouth of a fool. Despite this, you may laugh and amuse yourself well enough upon occasion, but not in such a way as a child or a woman, nor laughter as seems feigned or contemptuous. He who is good at other things will be that much more held in awe if he presents a serious countenance, particularly when he is sitting in judgement. Also, you should not sing your own praises, even though good folk praise you; and do not be annoyed if bad folk fail to praise you. Beware of charlatans who flatter you to your face. Rely on your own opinion of yourself, rather than that of others. And be as sorry to be praised by bad folk as you would be by your own bad deeds.

Also, guard against justice being bought for money, for the law forbids it. Also, ensure that you **keep yourself detached** from your subjects, or you will arouse resentment or suspicion. Also, beware of desiring offerings from any whom you govern; for a man who receives a gift or a service has sold his freedom, and acquires from it an obligation just like a debt.

7. The differences that experts have found between governors.

According to what wise masters say, there tend to be great differences among governors, with some preferring to be feared than loved, and others wishing more to be loved than feared. Those who are feared wish to be known for great rigourness; because they want to appear stern and severe, they inflict on their subjects harsh punishments and suffering – for by so doing they imagine that men will fear them the more. The masters prove this by the arguments of Seneca, who says: that withholding punishment corrupts cities; that [tolerating] an abundance of wrongdoers encourages habits of wrongdoing; that he who is made to suffer harshly loses the resolve of his malevolence; that mild behaviour from a ruler dispels a malefactor's feelings of shame; that [a man] more fears a punishment imposed by his ruler than [one imposed] by his friend; that the more openly that suffering is inflicted, the more others profit from the example; and that everyone dreads the severe, the tough-minded, and punishment.

Against this [line of argument], others say that it is more effective to be loved than feared, since love cannot exist without fear, but fear may well exist without love. Tully says that there is no surer way in the world to protect one's situation than being loved, nothing more dreadful than to be feared. For anyone hates him whom he fears, and he whom everyone hates is apt to come to ruin; no riches can withstand the hatred of many. **Cruelty** is an enemy of [human] nature. It is inevitable that someone will fear him or those by whom he wishes to be feared; power that relies on fear never lasts long. Each punishment should be inflicted without injustice, not for [the benefit of] the ruler, but for the good of the community; nor should it be more than warranted by the offence. Nor ought anyone to be condemned for the crimes of others. No government should be irrational or negligent.

Tully says, "Beware that you do nothing for which you cannot show the reason." Seneca says that he does wrong who caters to his reputation rather than to his conscience; and that cruelty is nothing more than hard-heartedness and [satisfaction in] heavy punishments. For which reason I say that he who is immoderate is cruel. Plato says that a wise man does not pass sentence because an offence was committed, but so that it not be committed again thereafter.

8. The difference between a king and a tyrant.

What difference is there between a king and a tyrant? They are equal in fortune and power. But the tyrant commits bloody deeds for his own gratification, whereas the king does it out of necessity. The one is loved, the other feared – the latter considered comparable to a bad father who every day openly beats and is severe with his child. The surest safeguard in the world is the love of the citizens, something that gives rise to the most wonderful thing in this worldly life: that everyone wishes you to live [forever]. Those words are the key to understanding this debate. For clemency, which is the opposite of cruelty, is the curbing of the heart in regard to the pain it can inflict. Tully says that the best characteristics in a ruler are clemency and pity, if they are associated with justice; without which, the city cannot be governed.

Seneca says, "When it is my time to sit in judgement in the city, I discover so many vices among the populace that, to cure the evils, it is necessary that some be remedied through reprimand, others by exile and banishment, others by pain, others by poverty [i.e. heavy fines], and others by harsh punishment. Although I have to go ahead and condemn them, I will not proceed through anger or cruelty; rather, I proceed through the course of law, according to the guidance of wise men – a way of judgement not motivated by contempt or by anger against evil-doers."

It is not appropriate for a governor either to be wholly cruel or always showing clemency. For it is as cruel to pardon everyone as it is to pardon no-one. But it is an act of **high clemency** to confound offenders by pardoning them. Therefore I say that no-one should pardon a misdeed; for the judge condemns himself by absolving an wrong-doer. At the same time, he should not be too cruel; for no punishment should be greater than the crime [warrants], or should be inflicted on the innocent. For if [such] a penalty is [inflicted] corporally, then it is homicide; and if monetary, restitution ought to be made.

DISCUSSION

This extract from London's *Liber Custumarum* (Book of Customs), a reference-book style compilation, was not an English product but taken from *Li Livres dou Trésor*, an encyclopedic and widely-circulated work written (ca.1265) in French by a Florentine moralist and conservative populist, **Brunetto Latini** (d. 1294), who was later mentor to Dante. Latini trained as a notary and served the Republic of Florence, during a turbulent time in its political history, as secretary (i.e. head of its chancellery) as well as advisor, ambassador and once on the chief executive body of the city. He therefore had a strong sense both of urban administration and of civic community – which he considered the fundamental expression of politics – as opposed to an aristocratic form of government, in which he saw no inherent political virtues. His *Trésor*, however, was written during a period of exile, before he became a leading member of the Florentine administration, and was coloured by his own experience of partisan strife in Italian cities.

The *Trésor* was translated into other languages. It was targeted at an audience of townspeople – both rulers and ruled. Latini had doubtless seen executive office taken by men whom he, as one schooled in administration, considered wanting in governmental experience. Although wide-ranging, the *Trésor's* preoccupation was with the political and ethical problems faced by urban government, and for the most part it dealt with the subject from a very practical, if conservative, standpoint. He accepted the natural stratifications of society, and saw it as the role of the ruler to achieve a balance between the interests of the different groups. He emphasised particularly adherence to the rule of law as a counter to decision-making of a more arbitrary nature based on personal partialities, partisanship, or emotional inclinations, which he considered the trademark of a tyrant. As an educated man and a professional administrator himself, he favoured the selection of rulers from a **meliocracy of the wisest and most capable**, and believed that the uneducated masses were susceptible to deceit by eminent men who were more show than substance.

Not surprising, then, that this primer came to the attention of the London authorities, although how is less easy to explain; perhaps one of the orders of friars, who were known for their intellectual pursuits, was the importing agency. Nor surprising that it interested the authorities, or at least one member, enough to copy into a volume apparently known as the *Liber Legum Antiquorum Regum* (Book of Laws of Ancient Kings), which was in

post-medieval times dismantled and parts bound up with parts of a similarly dismantled *Liber Custumarum*. Both volumes, like the *Trésor*, bear witness to attention being paid to the craft and the professionalization of government, and their compilation may have been associated with the administrative reforms of the 1320s. Perhaps an initiative, it has been argued, of chamberlain Andrew Horn and town clerk Hugh de Waltham. Horn is suspected to have been not only a compiler of the *Liber Custumarum*, but a set of **guidelines** to prepare the city to face a dreaded eyre, a chronicle of London, and an idiosyncratic **legal treatise**; at his death in 1328 he bequeathed the city archives some of those works, along with other historical and legal works. Waltham spent the last 45 years of his life in the city bureaucracy and oversaw a number of reforms in administrative record-keeping; he married into the aldermannic class and acquired substantial property in the city.

These may have been the men who felt that Latini's treatise captured their own perspective on what made for good urban government; the political perspective of Latini is not incompatible with that expressed in the *Mirror of Justices* of which Horn may have been the author. The version in the *Liber Custumarum* is imperfect, in that it has been edited somewhat, parts rearranged slightly, and other parts omitted, according to what was considered applicable to the local situation; but it is the version London's rulers had for their guidance. The London transcriber, seeing it as a useful manual or code of conduct for the election of London's mayors and for their moral behaviour during their term of office, also substituted in the earlier chapters *Meyre* for the original terms (notably *podestà*) used to denote persons of authority, and made other minor changes to remove the geographic and historical context of the original.

Although Latini was writing from his experience of the Italian communal regimes of mid-13th century – an environment which gave rise to a number of treatises on civic government – evidently the concepts he conveyed were harmonious with political philosophy, such as it was, in English towns. A number are also expressed within the customs and ordinances of London and other towns, such as for example the obligation of a ruler to protect widows and orphans; we should beware, however, of inferring from *that* evidence any direct influence – both sources simply indicate political ideology of the period. At the same time, we should remember that, even though only an extract was copied into official London records, the administration or one of its members had presumably owned a complete copy of the *Trésor*, with all the other political advice it dispensed, perhaps since years before the compilation of the *Liber Legum Antiquorum Regum*.

A separate indication of the concern of Londoners for the characteristics of their rulers – perhaps even an echo of Latini's recommendations – is seen in the discussion in city records of the nature of aldermannic office and the requirements for its candidates:

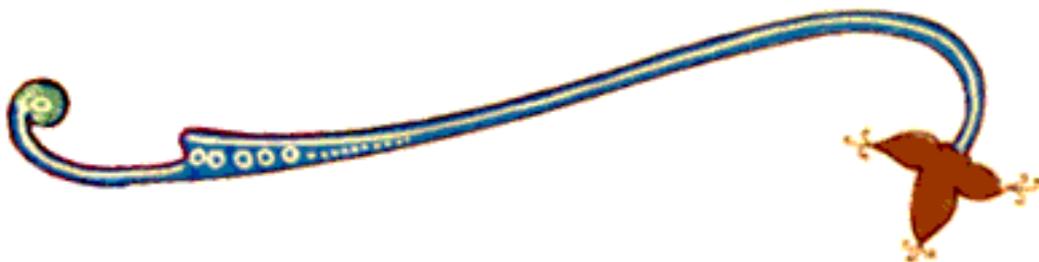
"For no-one is to be accepted as an alderman unless he has no physical deformities, is sensible and judicious in his thinking, is well-to-do, morally sound, trustworthy, and free – there being no suggestion whatsoever of a low-born or servile background. This to avoid any disgrace or scandal that, should he be susceptible to reproach because of his ancestry, might reflect shame on the other aldermen and the whole city."

Liber Albus [ed. Riley, 1859, p.33, my translation]

And the author of the late thirteenth century London chronicle in *Liber de Antiquis Legibus* also **expresses political attitudes** – attributing them to some of his fellow Londoners – compatible with Latini's philosophy.

Towards the close of the Middle Ages we see a further reflection of the virtues of good government. The facade of the south porch of the Guildhall was adorned with statues representing Law, Learning, Justice, Discipline, Temperance and Fortitude.

Given that a number of towns consulted the London authorities and archives on constitutional matters – such as Lynn and Norwich in the context of constitutional disputes of the early 15th century – it is not impossible that Latini's advice came to their attention. We may perhaps see a reflection of this in the mayoral speeches, similar to that proposed by Latini, recorded in Lynn's assembly records of the 1420s and in the account of **mayoral elections** in Ricart's *Kalendar*.



NOTES

"sovereign"

Soverain here has not the restrictive sense in which we use it today, to refer to a king or queen, but means "supreme ruler" in the sense of a town's or city's chief executive officer (as opposed to other, non-supreme, rulers – such as members of the urban council).

"station and jurisdiction"

Dignete is the actual term used in the original, which I have translated in this document as "station" or "position"; the term refers to the dignity, or social respect, associated with high office. The term which I have rendered as "jurisdiction" in the title, and also elsewhere (in its verb form) as "delegated", is in the original "baillie", whence a bailiff.

"Solomon says"

Riley was uncertain to what the first attribution to Solomon refers. It might perhaps be 1 Kings 1:52 "And Solomon said, If he will shew himself a worthy man, there shall not an hair of him fall to the earth: but if wickedness shall be found in him, he shall die." The second attribution to Solomon is, Riley believes, from Ecclesiastes 10:16 "Woe to thee, O land, when thy king is a child, and thy princes eat in the morning!"

"the Apostles say"

Riley believed the attribution to the Apostle to be an allusion to 1 Peter 2:17 "Honour all men. Love the brotherhood. Fear God. Honour the king."

"head"

The head-body metaphor was a common one in medieval political theory.

"lute"

The term in the original for which I have substituted "lute" (as something more readily intelligible to the modern reader) is "cytole" – an instrument, similar in shape to a lute, except for having a flat back (which may make it one of the ancestors of the guitar).

"reputable men"

Beyond what I have proposed as the characteristics connoted by **prodeshommes**, the term as used here is further qualified by reference to them being the townsmen the most knowledgeable about the city's laws (a characteristic to be expected of councillors); this phrase is very similar to one used a few years later in the **preface** to the redrafted Ipswich customal. See also my definition of the related term **discretiores**.

"David says"

Latini's paraphrase of David is from the opening of Psalm 127: "Except the Lord

build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain."

"it is written"

Riley believes the quotation about a just king to be an allusion to Proverbs 20:8 "A king that sitteth in the throne of judgment scattereth away all evil with his eyes."

"it is incumbent"

The various responsibilities of a ruler are not in the original presented as an itemized list; I have rendered them so here to improve readability.

"words of the Apostle"

Riley identifies the allusion as to 1 Corinthians 9:27 "But I keep under my body, and bring it into subjection: lest that by any means, when I have preached to others, I myself should be a castaway."

"it is written"

Riley identified Ecclesiastes 7:6 "For as the crackling of thorns under a pot, so is the laughter of the fool: this also is vanity."

"keep yourself detached"

The point here seems to be that, were the ruler to be seen to be too companionable with some of those he rules, it might lead to suspicion of favouritism and to faction (Edward II provides an example of this in action).

"Cruelty"

Cruelte here means cruelty not (in most instances) in the most common modern sense of causing pain and suffering for delight or through indifference, so much as the merciless infliction of corporal punishment. It is in this sense that a ruler might be *fier* – a term here translated, severally, as rigorous, stern or harsh – or motivated by *orgueil*, pride in the sense of a belief in one's moral superiority, which causes one to be contemptuous of law-breakers.

"high clemency"

This sentence seems to be at odds with the rest of the paragraph. Riley thought the text defective here. But perhaps Latini was being sarcastic (unlikely), or meant that true clemency comes from avoiding the mistake of granting pardons. Latini partly had in mind, in this paragraph, the influence of eminent men in obtaining pardon for their crimes; hence his earlier admonition to the ruler not to maintain close personal friendships during his term of office, which might encourage him to bend the law to help out friends.

"legal treatise"

The authorship of *Mirror of Justices* is uncertain; Horn's name is certainly connected with it, but whether as author or as possessor of a copy is not clear. Although the work acquired some attention in the post-medieval period, only the single medieval copy is known, increasing the probability the work is of Horn's authorship. It is a strange perspective on English common law, full of contradictions, with much being presented as the reverse of the actual situation –

truly a mirror image. Its editor, Maitland, was mystified as to whether it might have been intended as some kind of satire written by a too-clever young man in possession of that dangerous commodity, a little learning; or whether a diatribe against the administration of royal officials, couched for safety's sake in a romanticized treatise of what the author thought the law ought to be. If indeed written by Horn at an early stage of his life, before he had acquired the wisdom suggested by his later compilations, it was perhaps a revival of that youthful mixture of mischievousness and idealism which led him, as he approached a state when he would be beyond the reach of worldly authorities, to pass along *Mirror of Justices* to the civic authorities, to make of it what they would.



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Keywords: medieval Leicester assembly participation disobedience disrespect authority assault offences punishment social control

Subject: Offences against authority

Original source: Leicestershire Record Office, Leicester archives, Merchant gild plea roll

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1901), vol.2, 82, 103-04.

Original language: Latin

Location: Leicester

Date: 1350s

TRANSLATION

On 2 March 1352 at the **morningspeech** held in the Leicester gildhall, Robert de Coventria, mercer of Leicester, was accused before William le Goldsmyth then mayor of Leicester, Thomas de le Grove bailiff, John Hayward receiver, [\[and 21 others named, probably all jurats\]](#), of having been summoned to the gildhall by order of the mayor and jurats, by William Aldyth the sergeant of the mayor, **jurats** and community, and having contemptuously refused to obey the summons. Therefore they ruled that he should be deprived of his gild [\[membership\]](#). At this, Robert **pledged** a hundred shillings for his offence, which was respited contingent upon [\[future good\]](#) behaviour, except for 6s.8d, for the payment of which he has as guarantors John de Tirlyngton and Nicholas Hendeman.

[\[...\]](#)

[\[October 1355:\]](#) Richard Norman, one of the jurats, was accused of a trespass against the mayor, in the form of inappropriate comments. For which offence he pledged to the mayor a pipe of wine, [\[payment](#)



of] which is respited.

[...]

[November 1355:] Robert de Wylughby was accused before John de Petlyng then mayor of Leicester, Geoffrey de Kent, William le Goldsmyth, William de Dunstable, Robert Porter, John Coc, Thomas de Beby, John de Louseby, William de Sitheston, and Roger de le Waynhous, jurats, and others that he uttered inappropriate comments against his gild. He could not deny this, and therefore pledged a hundred shillings, [payment of] which is respited contingent upon him never again offending against mayor and community.

[...]

On 18 March [1356], John Sabyn goldsmith was accused in the gildhall before John de Petlyng mayor and the jurats and others of the community that he and his son James unjustly assaulted the town crier because, under the orders of the mayor, he **arrested their pigs** which were causing a great nuisance by wandering in the street. John Sabyn appeared and denied it as regards himself, but could not deny it as regards James having committed the offence. For whom John Sabyn pledged 20s., [which is] respited contingent upon him never again offending against the mayor or jurats.

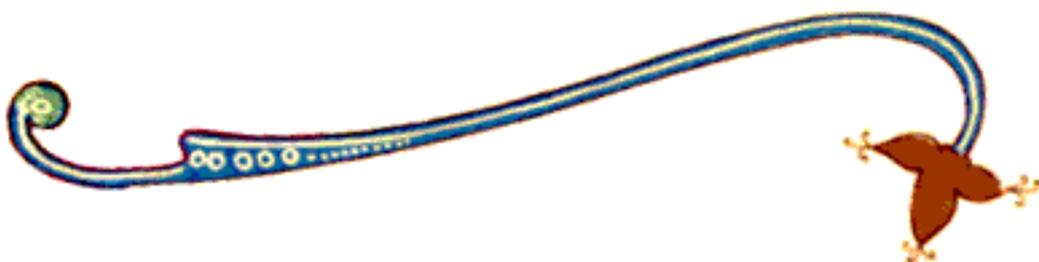
[...]

[May 1356:] **John le Cu** of Leicester was accused before John de Petlyng then mayor of Leicester, [named] jurats, and many other members of the community, that he sold wine contrary to an ordinance of the mayor and jurats, [publicly] proclaimed. In regard to which, John de Petlyng mayor came to John Coc's tavern with his colleagues and other members of the community and beseeched him to sell at 10d. a gallon, in the proper way according to the ordinance. But he [i.e. Coc] refused to be brought to heel by him, instead raising **the hue** many times on the mayor, without just cause, in the hearing of all who had come with him. And such was the finding a jury of reputable and law-abiding men. He could not deny it, but admitted it and offered a pledge in amends. In regard to which the jurats passed

sentence that if he ever again was convicted by his peers of offending against any mayor of the town, he should pay a tun of win, lose his gild [membership], and be expelled from the office of jurat; which tun of wine is respited based on security given by John Coc.

DISCUSSION

These several instances, all from the same court roll, all reflect the stern disapproval of resistance to authority, whether it be through disobedience, assault, or insult. It was naturally important to clamp down hard on any opposition or resistance to local officers, in order to maintain public respect for authority; the executive officers were delegates of the king, or some other lord, and lesser officers similarly shared in the not-quite sacrosanctity that was due to the source of the delegated authority. As the Late Middle Ages wore on, there was a growing consciousness in urban society of the dignity of office and that any actions or words against officer-bearers were unacceptable. We therefore see more cases being recorded. Such offences were punishable by in fines or, in cases of unrepentant offenders, disfranchisement, imprisonment, or even exile from the town; e.g. see by-laws on this subject in the **Ipswich custumal** and **Maldon custumal**. Most offenders admitted their sin and, by submitting to authority, had their punishments remitted or deferred, contingent upon future good behaviour.



NOTES

"morningspeech"

The name given to assemblies of the gildsmen, which by this period had become essentially business meetings of local government.

"jurats"

The town council.

"arrested their pigs"

Earlier in the mayoral year, an ordinance had been passed prohibiting any pigs from wandering on the high streets, and allowing them to be loose in the lanes only if they were ringed; upon penalty of paying 1d. per foot of the beast. It need hardly be said that this was by no means the earliest Leicester ordinance against loose pigs.

"John le Cu"

John Cook's error was not an obstacle to him becoming mayor himself in 1360.



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Keywords: medieval King's Lynn social control disrespect authority slander leet court assault offences fines

Subject: Offences against order and authority

Original source: Norfolk Records Office, Kings Lynn archives, KL/C10/1, ff.142, 173

Transcription in: Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.2 (1922), pp.73, 177.

Original language: Latin

Location: King's Lynn

Date: mid-14th century

TRANSLATION

[1. 1355]

William Heyward senior came here into the gildhall that day [18 December] and admitted that he had committed an offence against the mayor and community and the leet **affeerors**, in that he imputed that the leet affeerors and others of the town of Lynn had falsely and maliciously assessed fines in the leet that were unreasonable beyond measure. Upon which he offered to the mayor and community compensation of £10. Of which, at the instance of Sir John de Ufford, £9 were remitted to him and 20s. were paid. And he found **pledges** for his [future] good behaviour, viz. **Reginald de Sisterne** and Thomas de Bukworth, under penalty of paying £10 to the community if William offended against the mayor and community or their officers on a future occasion.

[2. 1363]

William Heyward senior came here into the gildhall on 13 January 1363 and admitted that he had committed an offence against the



community, in that after an argument had arisen between William and a certain servant of **John de Bokenham, Thomas Drewe** the town mayor of Lynn, intervened to calm down the dispute, setting a date for them to effect a reconciliation, to which the parties agreed. And mayor Thomas, by authority of his office, ordered those parties that neither of them do any harm or injury towards the other before that date, to which they likewise agreed. [But] before that date William came with force [and armed] etc. and insulted John's servant and aimed to beat him. For that offence, he offered the community £20. And because, on another occasion of an offence against the community – that is, in during the **term of William de Swanton** – he had pledged to the community £10 should he offend again, the community consequently now took 40s. from William and he became indebted to the community in the sum of £7, payable to the community without any [prospect of] it being reduced or pardoned. The whole community was in agreement that if he ever offended against the community again, nothing of the fine would be remitted. [His] pledges: Reginald de Sisterne and Roger de Byntre.

DISCUSSION

Criticism of even lesser officials could be little tolerated in a political environment where authorities depended much on consensual submission to rule, rather than coercion, and social control involved promoting a belief in the communal good and loyalty to the community. Cases such as this show that submission to the authority of local officers could not be taken for granted, and that firm action was needed to reinforce authority by public submission of penitent offenders or stern punishment of the recalcitrant. A balance between severity and clemency was what **Latini** recommended as the surest way to establish authority while keeping the goodwill of the people.

Spreading gossip in the streets or taverns could shape neighbourhood opinion and give a focus to underlying dissatisfaction among the ruled or bring about disharmony with the community. To ensure no disruption to the normally peaceful status quo, it was advisable to deal with criticism

severely. Extreme cases in which an offender showed no contrition nor preparedness to submit to disciplining could be punished by **disfranchisement**, or even imprisonment where physical assault was involved. Anticipating this risk, most offenders chose to show themselves repentant by admitting their fault and voluntarily offering a fine, typically a monetary payment or a volume of wine. As submission was what the authorities most wanted, a contrite offender would usually be required to pay only a portion of what he offered, with the right to collect the remainder held over the offender's head as security for future good behaviour.

A man with as low a temper threshold as Heyward appears to have been was fortunate to have had the patronage of Reginald de Systeme, an elderly burgess who had on a number of occasions served on the town council between the 1340s to 60s. This may have influenced the authorities towards leniency.



NOTES

"affeerors"

These were a jury appointed to assess fines on those convicted by the leet court of an offence against the community.

"term of William de Swanton"

Swanton was mayor in 1355/56.



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Keywords: medieval Lincoln constitution government officers election mayor council bailiff chamberlain police preservation peace taxation scot and lot reforms maladministration socio-religious guilds

Subject: Provisions for election of city officers

Original source: City document not extant, but known from a compilation made by town clerk Samuel Lyon in 1785

Transcription in: Francis Hill, *Medieval Lincoln*, Cambridge: University Press, 1948, 402-03.

Original language: Latin (translation by Lyon)

Location: Lincoln

Date: ca.1301

TRANSLATION

These are provisions made together with the underwritten articles by the **mayor** and whole commonalty of the city of Lincoln for keeping the peace of our Lord the King and for the perpetual observance of the liberties and improvements hereunder mentioned (that is to say)



That the commonalty shall by their common council elect a mayor from year to year of their own election; and that no mayor shall be elected unless he shall before be **assessed to the public taxes**, with other citizens of the said city; and that the mayor shall remain in his mayoralty so long as it pleases him and the commonalty; And that the same mayor shall be discharged of all taxes due and **talliaiges** and of all other customs belonging to the city so long as he shall be mayor (saving the precept of our Lord the King in all things); And also that it shall be lawful for such mayor to take his **hansels** within the city and without, except of the citizens of Lincoln and their sons, and all those who pay **scot and lot** in the said city and ought not to be anselled within the county of Lincoln;

And further it is provided that the commonalty with the advice of the mayor shall choose twelve fit and **discreet** men to be judges of the said city, but that those **twelve men** shall be assessed to the public taxes and dues, and to all royal customs with other citizens of the said city;

And it is further provided that the said citizens shall have bailiffs every year **of their own election**, and that those bailiffs shall faithfully discharge the **fee farm** rent of our Lord the King at the end of the year; And if they don't do so the mayor and commonalty shall distrain such bailiffs by their lands and chattels until the fee farm rent of our Lord the King be fully paid; And that if any damage happens to the city thro' default of paying the fee farm rent of our Lord the King such damage shall be made good to the city out of the **chattels of the said bailiffs**; And those bailiffs ought to have **two clerks and four sergeants** who shall be presented before the mayor and commonalty at the feast of St. Michael;

And that there shall be no weigher of goods unless he is elected by the common council and that the persons so elected shall take their corporal oath upon the Holy Evangelists faithfully and firmly to fulfil all these things and to keep and observe the customs of the city;

And if it shall happen that the mayor or any bailiff shall be called into question unjustly for supporting the rights of the city the commonalty shall defend them within the city and without to the utmost of their power; And also shall faithfully restrain the mayor and bailiffs within their own liberties of the said city;

And it is further provided that **four men** worthy of trust shall be elected from amongst the citizens by a free election at the feast of St. Michael to keep an account of outgoing talliages and arrears belonging to the city; and that they have one chest and four keys; And that they shall render up their account to the city at the end of the year;

Also it is provided for the keeping of the peace of our Lord the King that they who ought shall appoint two men out of each parish of the city worthy of trust to search their own parishes once a month; And

that no person shall lodge a stranger more than one night unless he shall bring him forth to public view on the morrow if it shall be necessary; And if any person in any parish shall be suspected and he cannot find pledges he shall be sent out of town until he can find pledges; And if the said two men will not search their respective parishes as aforesaid, they shall remain in the mercy of the city, and the names of the aforesaid men shall be set down in writing, to be in the keeping of the mayor, and at the feast of St. Michael there shall be other two such men appointed to succeed to the office; And if a disturbance of the city and a tumult and clamour happens, and the mayor and bailiffs attend, all the commonalty ought to prosecute them to the keeping of the peace of our Lord the King, and of the city;

And it is further provided that those who choose to defend themselves by the liberty of the city shall be assessed, together with the commonalty, to all taxes dues and royal customs belonging to the city; And if any person of the city shall oppose the mayor and commonalty concerning any matter of a public nature by them enacted, he shall be in the mercy of the city; And it shall be lawful for the mayor and citizens to distrain him for his amercement until he shall make them satisfaction according to the greatness of his offence; And if reasonable summons's have been issued by command of the mayor and commonalty, he who withdraws himself, and does not appear, shall be amerced to the amount of 2s., unless he can suggest some reasonable cause by way of excuse.

DISCUSSION

This set of extracts from the "Provisions", a document of uncertain date but whose handwriting was described by its transcriber as late thirteenth century, is fairly typical of the constitutional documents being drawn up by many towns in the late thirteenth and early fourteenth centuries. It seems the document was being referred to, by mid-fourteenth century, as the "Constitutions". Such documents restated existing arrangements for urban government, perhaps with some elaborations, and added new provisions aimed in part at ensuring greater accountability of the rulers.

Often these documents were the outcome of complaints of misgovernment, and in that sense might be considered reforms. Soon after coming to the throne, Edward I initiated an investigation of unprecedented scope throughout England into various abuses (stimulated in part by the breakdown of law and order during the civil war of the latter part of Henry III's reign), including local maladministration and the extent of local jurisdiction. The enquiries held in the **hundreds** in 1274 and 1279, which were subsequently followed up during the rest of his reign and those of his son and grandson by **Quo Warranto** proceedings and inclusion of such matters in the **general eyres**, brought out into the open many grievances, whether warranted or not. Henry III's efforts to extract greater revenues from his towns, followed by the national struggle for power, with its consequent reforms and counter-reforms, as well as the internal political divisions it engendered within the ranks of urban society, all helped place stress on the relationship of rulers and ruled.

Lincoln was no exception. The support it gave to the Montfortian party led to a huge fine and (when this was not paid in full) a royal enquiry in 1267, which provided an opportunity for public complaints to emerge, including that:

- **Postponements** of the weekly court sessions had, by delaying judicial cases, impacted the court fines that went towards the city fee farm (thereby jeopardizing city liberties, if the fee farm could not be paid).
- Certain of the city rulers had, without consulting the community, assigned an annual payment to the **earl of Richmond** of £10, out of tronage collected from Lincoln merchants attending the Boston fair.
- Rents of certain market stalls, which should have been put towards the fee farm, had been diverted to other uses.
- Taxes had been levied, but there had been no accounting for the proceeds.
- Certain who had been residents for over a year had been obliged to purchase **freeman status** despite being at scot and lot.
- That many citizens had refused to contribute to the fine imposed by the king.

On the last point, a separate legal dispute reveals further grievances. Thomas de Beaufou, the mayor of 1266/67, complained that he had paid £110 towards the fine on behalf of the citizens, but had not been reimbursed. His successor and others, the defendants, counter-charged that Thomas had collected city revenues that did not find their way into the

common purse. The disputing parties agreed to call it quits.

In the national investigations of 1274/75, three separate juries of Lincoln townsmen – representing the "magnates", those of secondary rank, and the lesser people of the city – made presentments to the inquests. Complaints of oppressive government emerged, such as mayoral high-handedness in making important decisions without consulting the community, preferential treatment accorded some citizens in the assessment of local taxes, embezzlement of tallage and **murage**, while the middle jury also complained of the **burdens of office-holding**. The matter of the earl of Richmond was raised again, with the implication that those who decided to pay him did so because it was in their interest as merchants. Similarly, a different ex-mayor was accused of having given to a Beverley burgess freedom from toll as part of the dowry of his daughter, whom the burgess married. The underlying complaint here seems to have been a dispute with Beverley as to whether its men should be liable to tolls when they came to trade at Lincoln (tolls being the most important source of revenue for paying the fee farm); the **mayor's action** may disguise a closer definition of citizenship rights by the city government, if we consider that it was often the case in towns that a man could acquire citizenship through marriage to the daughter of a citizen. The earlier complaint of requiring even those at scot and lot to purchase citizenship seems indicative of some evolution in the rules governing the right to the franchise. All three juries also complained of damage to local trade through the acts of outsiders, and it may be noted that, following the stipulations regarding the government of the city, the Provisions went on to specify limitations on the commercial activities of external merchants within Lincoln.

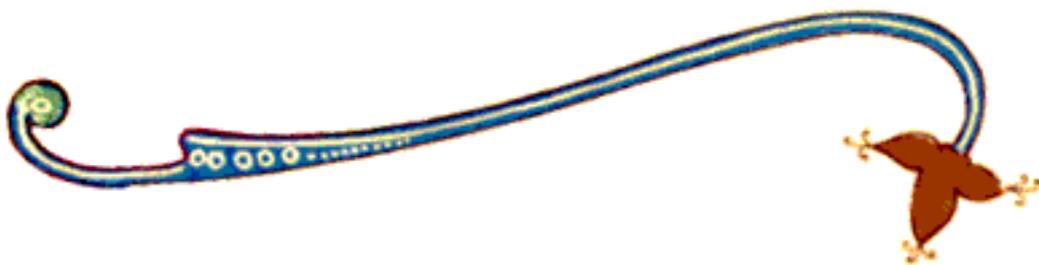
Again, in 1290, we hear complaints of government made by the poor men of Lincoln against the rich men. Among other unspecified grievances, for whose investigation and settlement of discords the king appointed commissioners, the complaints were that the rich men had recently leased the city tronage (i.e. weighing of goods) without obtaining the agreement of the poor first; that 200 marks were paid to the king, out of the pockets of the poor, through distraint by the rich, as a fine for concealment of goods of condemned Jews, even though it was the rich who had been convicted of this crime and ought to have paid themselves; and that the rich had taken upon themselves the authority, apparently without consultation, of unduly assessing and collected tallages from the poor. The complaints of maladministration were taken seriously enough for the city to be taken into the king's hand; this meant that local government and associated charter-based privileges (e.g. the fee farm) were suspended and the city was placed

under a warden appointed by the king. This situation lasted throughout the 1290s and must have been what compelled the parties to the constitutional settlement in the document above. Self-government was restored in 1301, and the king issued letters patent confirming the earlier chartered liberties of the city.

That the distrust between ruled and rulers was not so easily removed, is suggested in 1350 when the gild of St. Michael on the Hill, dedicated to Corpus Christi, was founded in Lincoln. What is described, in a report to the king in 1389, in terms otherwise typical enough of a socio-religious gild, contains atypical stipulations aimed at preventing the gild from being taken over by the more powerful and influential townsmen:

Whoever seeks to be received into the gild, being of the same rank as the bretheren and sisteren who founded it, namely, of the rank of common and middling folks, shall be charged to be faithful to the gild, and shall bear his share of its burdens. And whereas this gild was founded by folks of common and middling rank, it is ordained that no one of the rank of mayor or bailiff shall become a member of the gild, unless he is found to be of humble, good, and honest conversation, and is admitted by the choice and common assent of the bretheren and sisteren of the gild. And one shall meddle in any matter, unless specially summoned; nor shall such a one take on himself any office in the gild. He shall, on his admission, be sworn before the bretheren and sisteren, to maintain and to keep the ordinance of the gild. And no one shall have any claim to office in this gild on account of the honour and dignity of his personal rank.

[Toulmin Smith, ed. *English Gilds*. Early English Text Society, old series, vol.40 (1870), 178-79.]



NOTES

"mayor"

The earliest reference to a mayor at Lincoln is in 1206, and the creation of the office likely followed soon after the king's charter of 1200, granting some measure of self-government, notably through two elected bailiffs and four coroners, whose role (as at **Ipswich**) was to deal with legal jurisdiction in cases where rights or revenues of the Crown were implicated, and to ensure the bailiffs administered justice with an even hand. Prior to the mayor, the officer closest to being a communal representative, with no special accountability to the king (such as the bailiffs had), was the alderman of the merchant gild; the incumbent at the time the charter was obtained is, probably significantly, seen as the first holder of the mayoralty: Adam fitz Reginald. This transfer of leadership, not from one group to another but from an old to a new office, is also suggested by the fact that we no longer hear of the alderman after 1217. The two offices were, however, quite separate, not two faces of the same coin. The excitement and newfound confidence of the citizens, along with the probability that Adam was instrumental in negotiating for the city's new privileges, led to him retaining the mayoralty for at least a decade (a similar situation can be seen at London), and most of his successors throughout the century held the office for multi-year periods. That there may have been no custom of annual election for at least part of the century is also suggested by the action of the citizens in 1210, paying a fee to obtain royal approval for the mayoralty and the right to have Adam as their mayor for as long as he was acceptable to the king. Adam only lost office when he incurred the wrath of the king for supporting the rebellious barons. Following the promulgation of the Provisions, however, it was uncommon for a man to serve more than one consecutive annual term as mayor.

"assessed to the public taxes"

I.e. the mayor had to be a citizen (one who shared the common burden of contributing to city taxation).

"hansels"

Lyon is reported by Hill as explaining this term as "a customary present made to the mayor out of a commodity brought by strangers into the city for sale." However, what it seems to be is a fee for the right to trade in the city without paying local tolls, along the same lines as the hanse referred to at **Ipswich** in 1200. Just as at Ipswich this came to be, as the century progressed, primarily a payment made by outsiders or immigrants, so at Lincoln it was like a licence fee due from those who did not otherwise gain trading rights by being freemen of the city. Those of the county who "ought not to be anelled" were probably those who came to buy only for household needs, and/or burgesses of other towns with the royally-granted right of freedom from toll; or possibly the men of **Torksey** which, as a settlement very close to Lincoln, contributed to royal taxes imposed on the city. While not clear, the Lincoln reference may indicate that the mayor not only collected these payments but applied them to his own use – that is, they were either a perk of the job or, more likely, a revenue used to cover the mayoral salary. If the latter is true, it is easy to see how mayors might be tempted to bolster the revenue source by

demanding townsmen pay the hanse; although such an action may have been a move towards closer definition of which residents were and were not entitled to citizenship status.

"scot and lot"

As early as the mid-12th century we see membership in the Lincoln trading community (as organized in a merchant guild) being defined by contribution towards royal taxation, and the phrase **scot and lot** is in essence the same concept. The cases of Ipswich and Leicester suggest that such guilds made also have had a one-time and probably modest entry fee. As a generalization, it was at a later period that freeman's status in towns was acquired, if not by patrimony, through payment of a fee sufficiently large to be restrictive.

"twelve men"

Other evidence from the thirteenth century suggests the existence of a city council of twenty-four townsmen, although it is not certain how formal a part of the constitution this was. Such a body is also seen in the fourteenth century. The reference to twelve "judges" here is puzzling. Since the original text is lost, we cannot know whether the Latin referred to the group (of the same number) of *judices* or "lawmen" who had some judicial authority in eleventh-century Lincoln. Or whether it was a group within the 24, later to be identified with the aldermen, as Hill suspected. In the context of the constitutional settlement, it would not be extraordinary to find the 24 split, with one half drawn from the ruling elite and the other half chosen by the community; although this is speculative, in the absence of information about how the council was chosen, it does seem to have been the case by 1392. Lists of membership of the 24 in the early fourteenth century (when the number of members actually varied between 18 and 30) suggest that men who had held the mayoralty found a permanent place in the council thereafter.

"of their own election"

The 1200 charter specified that the bailiffs hold office during good conduct, with provision for the citizens to replace them through communal decision; judging from those of the names we know of the bailiffs at this period, it looks as though the citizens interpreted the charter from the beginning as permitting annual election. The explicit reference to annual election in the above document may be nothing more than a *pro forma* reiteration, or it may suggest some undermining of the communal election process.

"chattels of the said bailiffs"

This kind of personal liability for matters sometimes beyond the control of the officials was the kind of thing serving as a disincentive for office-holding by any but the wealthier townsmen; by the late fourteenth century it was contributing to reluctance even on the part of such qualified men to take up the burden.

"two clerks and four sergeants"

These offices existed from at least 1202. In fact, the city government was sufficiently elaborate at that time that it is not hard to imagine Lincoln having gone through much the same process **recorded at Ipswich** for setting up local government, with the mayor a slightly later addition to the structure.

"four men"

Later called the chamberlains.

"postponements"

This possibly referred to the effect of **essoins** in delaying the resolution of pleas.

"earl of Richmond"

This complaint was put forward again in 1275. The queen's uncle, the earl of Richmond, had been involved in a dispute with Lincoln in 1265, complaining of tolls paid by men of Boston, which was under his lordship, when they brought wares to the city. As lord of Boston, he could control access of Lincoln cargoes to the North Sea via the River Witham and Lincoln merchant's participation in the important Boston fair; he was thus in a position to extort the £10 as his cut of the tronage. Those who made this concession defended themselves against the community complaint that it was that or lose access to the fair.

"burdens of office-holding"

The jurors stated that the bailiffs were impoverished by the problems involved in raising the fee farm of £180; during the suspension of liberties in the 1290s, when the bailiffs accounted not for a set sum but for whatever moneys were actually received, revenues did not meet the amount set as the fee farm.

"mayor's action"

However, possibly he had not followed due process. A clause of the provisions not given above specified that "no foreigner shall have the freedom of the city unless he shall receive it in the presence of the mayor and commonalty."



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translation | discussion | notes

Keywords: medieval York constitution electoral procedures mayor alderman powers oath council chamberlain coroner bailiff sheriff duties re-election bridge maintenance salary

Subject: Electoral procedures and dates

Original source: York City Archives, Memorandum Book A/γ, ff.6, 345-47

Transcription in: Item 1. Maud Sellers, ed. *York Memorandum Book, part II (1388-1493)*. Surtees Society, vol.125 (1914), 255-60; item 2. Maud Sellers, ed. *York Memorandum Book, part I (1376-1419)*. Surtees Society, vol.120 (1911), 16-17.

Original language: French

Location: York

Date: late 14th century

TRANSLATION

[1. Election of city officials]

[The mayoral election]

The mayor, aldermen and **bailiffs**, and all other officers or officials of the city are elected according to the following manner and method. That is, on **3 February**, when the mayor is to be elected, the commons of the city are to assemble in the Guildhall according to custom, and the mayor who was in office for the past year shall nominate two or three of the aldermen, and the commons shall elect one of these aldermen to be their mayor in the coming year. The which alderman thus elected as their mayor, if he is then in the city, is to be administered his oath [of office] **individually**, in front of the commons in the Guildhall, according to the form that follows below. [...] If he is not then in the city, he is to take his oath as indicated above, before the community in the Guildhall, the day immediately following his return to the city. The mayor is to have the government



of the city, subject only to the king, for the year to follow, and as city custom dictates the mayor is to receive £50 for the year, to cover the costs and expenses of himself and his officers.

Next all the aldermen and the 24 of the common council who are present will make their oath in the manner indicated below. Then the common clerk will read out the oath of the commons, as written below, in the manner and form that follows; that being done, all of the commons are to raise their hands [in indication] that they will fulfill the oath. The mayor for the time to come, according to the custom of the city, in order to preserve peace and tranquillity within the city, has the discretionary power to arrest and imprison disturbers of the peace and other offenders for rebellious behaviour, misdeeds, **rumourmongering**, and other offences, without facing any legal action or impeachment for the same afterwards; should he be impeached or accused in court of any such action, he is to be defended **at the cost of the community**.

The mayor's oath

Hear this, good people, that I will be faithful and loyal to our lord king, and will preserve and protect the city for the king and his heirs. And the freedoms, rights, laws, usages, and customs of the same I will in all regards maintain and promote, will see right done equally to rich and to poor, and will not fail in this for any reason, so help me God and the saints.

The oath of the thirty-six members of the council

You swear that you will ready to respond to the mayor's command, as often as you are summoned and commanded, to give him advice, assistance, support and to back him up in all matters, out of love for the mayor and the city and for its benefit.

The oath of the commons made to the mayor

The members of the community of the city are to raise their hands and swear to the mayor to support him in the performance of his own oath as above, in all respects, to the best of their ability.

Chamberlains

Also, on the same day, after the mayor has been elected in the manner indicated above, all the aldermen and the twenty-four who are then present in the Guildhall shall go from the Guildhall to the **council chamber**. There they shall elect three **reputable men**, chosen from the most worthy and most **judicious** in the city, to be chamberlains for the year following. Who, once elected as chamberlains, are to take their oaths before the mayor in the council chamber in the form that follows.

The oath of the three chamberlains

You swear that you will be ready [to perform] all things that you are able, that you will faithfully levy and receive all dues, arrears of **tallages**, and other debts owing to the community. And [you will] provide acquittances to those from whom you receive [debts], and act for the profit and advantage of the community, and the money that you receive you will well and truly expend and put to use towards the needs of the city. And you will faithfully render account of receipts, to the best of your ability and knowledge, when it is required and demanded of you, so help you God and all the saints.

In addition the mayor, aldermen and twenty-four of the common council there elect two wardens for the **Ouse Bridge** and two others for the **Fosse Bridge**. Which bridgemasters are to be sworn [into office] before the mayor and chamberlains in the chamber, in the manner that follows. The wardens are to have charge and administration of those bridges and the tenements belonging to the bridges, under the supervision of the mayor and his chamberlains then in office.

[The oath of the bridgemasters follows. The duties specified were to administer the chapel on the Ouse Bridge and its personnel, the rents relating to properties on or assigned to the bridge, and expenditures on the chapel, and to render an account of receipts and expenditures before the community in the Guildhall on 3 February, with mayor, aldermen and councillors as the auditors. No mention is made of the Foss Bridge, but doubtless its bridgemasters were administered the same oath *mutatis mutandis*.]

The chamber

On the Monday following 3 February the common clerk and all the mayor's sergeants for the year following are to be elected in the Guildhall by the mayor, aldermen, and by the mentioned above. Should it be the case that any of them dies within that year, or is dismissed for any reasonable cause or as just desserts, then the mayor then in office shall appoint another officer in place of he who has offended or died, to hold [the office] until 3 February. All these officers are to be sworn before the commons on the same Monday, in the manner that follows.

[The oath of the sergeants follows. Its essence was that they would obey all commands of the mayor, issuing summonses and making **attachments** when required, without any fraud or deceit.]

Aldermen

Aldermen are to be elected by the mayor and the aldermen then in office, within forty days following a death or discharge for any reasonable cause, as jointly agreed by mayor and aldermen, so that the number of aldermen be made up within that forty days. The aldermen thus elected are to take the same oath in the same manner as the thirty-six councillors as indicated above. The aldermen have **the power** under the customs of the city to commit troublemakers and other offenders to the custody of the sheriffs of the city, to be held until they have been suitably punished.

Also, after anyone has been elected alderman and is sworn, and the office has been occupied, it is ordained and instituted that forever after, according to the custom of the city, he is not to be impanelled or nominated to serve on any inquest [jury] within the city nor [any external jury in cases] concerning the liberties of the city.

Also, the mayor, aldermen and twenty-four of the common council of the city have been accustomed to elect three reputable men of the city to occupy and perform the office of coroners. That is to say, one of the three **operating** between the Ouse and the Foss, another on the far side of the Ouse, and another on the far side of the Foss. The three persons are to be well qualified individuals, capable and of good

reputation. After they have been elected to the office of coroners, they are to be sworn before the mayor, council and community to perform their duties faithfully and fully in the county in the manner that follows.

Sheriffs or bailiffs

It is the custom within the city that on 21 September there will be elected within the city Guildhall three good, loyal, reputable men, to occupy and perform the office of bailiffs – all those who have previously filled and performed that office being excepted and excluded –; and, having duly accepted the responsibilities of that office, the bailiffs thus elected are to be presented to the community. If they are suitable to the commons, they are to be accepted by the community. The bailiffs are to take oath before the mayor, in the courthouse or in some other location within the city, as the mayor pleases. On an annual basis, the bailiffs pay to the king's Exchquer, and are accountable for, the **farm** of the city, and for the bailiwick of **Ainsty** (according to city custom); for which purpose the bailiffs must have all the revenues and assets belonging to the office since ancient times. The bailiffs may freely elect all their officers, servants and [sub-] bailiffs, both those within the city and those within the bailiwick of Ainsty, along with the gaolers of the gaols associated with their office, at their will and pleasure so long as there is no infringement of ordinances made in regard to those servants by the city council, as law prescribes. The bailiffs are to come into their office, through indentures made between them and their predecessors, on 29 September, at the first strike of Vespers sounded at the church of St. Michael near the Ouse bridge. To carry out and accomplish these matters in the manner indicated, each of the pair is to find and present two suitable men as their **pledges**.

Then, on 18 May 1396, King Richard authorized and granted power to the citizens, their heirs and successors to elect two reputable men of the city as sheriffs in place of the three bailiffs. Which sheriffs are to be elected on 21 September each year; and after their election each is to find two pledges, and is to be sworn in the same manner as the bailiffs used to be. The names of these sheriffs, once elected, is to be presented each year at the king's Chancery, under the common seal of

the city.

[2. Frequency of re-election of mayors, and date of election of chamberlains]

Memorandum that on 9 February 1372, before John de Gysburne, then mayor of the city of York, and the entire community assembled in their Guildhall that day, it was agreed, ordained and approved that, regardless of what was previously ordained regarding the election of the mayor of the city both in ancient times and at present, from this day forth during a period of eight years no citizen of the city, no matter what his status or position, may be elected mayor of the city nor bear the responsibility or duties of the mayoralty for more than one year, until the said eight years have run their course and eight [other] citizens of the community have shouldered the office and maintained it. And that no mayor take as his salary more than £20 for undertaking the office of mayor. And whenever the mayor at the time surrenders his office **to the community** [...]

Concerning the election of chamberlains at the Purification

Memorandum that on 3 February 1375, by consent of the entire community in their Guildhall, assembled there that day for the election of their mayor, it was agreed, ordained, and instituted that all the chamberlains who are customarily elected on 21 September, when the bailiffs are elected, are henceforth to be elected on 3 February, the same day that the city mayor is elected and sworn. This so that mayors and chamberlains may take up their official duties together, and carry out what they must do (in regard to receipts, expenses, and payments of the city) and close out their terms together, the one with the other, notwithstanding any ordinance made in ancient times.

DISCUSSION

The civic register now known as Memorandum Book ^{A/Y} was begun in 1377 by the town clerk for purposes of ready reference. Copies of many existing records were made in the volume; perhaps some previously unwritten customs were included. The original source of information about elections clearly dates after 1375 but before 1396, but the version in the register was amended to bring it up to date with the constitutional changes of the 1390s. It may well have been those changes that prompted the copying, and updating, of the electoral information into what is considered the custumal section of the register, at some point in the second half of the 1390s.

Prior to 1396, and since about 1213, the government of York was in the hands of a mayor and three bailiffs, the latter focusing on aspects of administration from which flowed revenues destined for the Exchequer via the fee farm. By 1289 chamberlains had been introduced into city officialdom; in the late fourteenth century they were three in number, although in earlier and later periods four appears to have been the norm. All these were elected officials. In typically shadowy fashion, a town council evolved and by the 1370s had sophisticated to the point where we perceive a three-tiered system: at the top the 12 aldermen who had all borne the office of mayor or bailiff and thus represented an elite of experience within the upper council; associated with them, a group of 24 men of similar socio-economic status, but with less governmental experience; and finally a still-hazy lower council of 48, less frequently assembled, intended to ensure the community at large was represented at meetings where decisions would require community approval.

The method of mayoral election at York was the reverse of that at London, where it was the commons who nominated candidates and the mayor and aldermen who made the final selection from the nominees. But the effect was probably pretty much the same in either case, with the ruling elite exercising a significant degree of control over the choice of mayors. The extent of popular participation in elections at York is likely to have undergone the same gradual restriction that is evidenced in other of England's chief cities. We cannot imagine that the entire community attended elections on every occasion, although when the populace was aroused the attendance could exceed the capacity of even as large a guildhall as London's, as the **Northampton affair** showed. The York Guildhall had less capacity, although of course the community was smaller;

but there is no reason to believe that elections were generally attended by a large proportion of those enfranchised. It came to be seen as appropriate for community participation in elections to be managed through a representation principle, although the effort to find a viable principle of representation itself proved difficult.

It is not clear how the 24 councillors were chosen. Based on a description of the shrieval election in 1418, the sheriffs were elected by "those to whom the election of new city sheriffs belongs" [*Memo. Book*, II, 74] apparently the common council, since the mayor and community were said to remain in the main hall of the Guildhall, while the electors withdrew to an inner chamber. On that occasion the sheriffs chosen were a mercer who was one of the 24 and a potter who was not. About a week later, an ordinance was passed specifying that the 24 were to be chosen only from those who had previously served as sheriffs; only in the absence of sufficient candidates so qualified could an alternate choice be made.

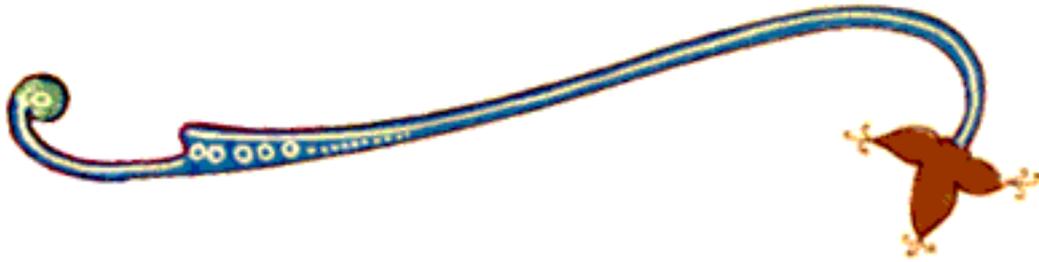
Nor is it clear who elected the bailiffs, although evidently it was not the commons. Probably the bailiffs to be were chosen by those about to leave office, as was the case in 1357. The sheriffs, on the other hand, were in the fifteenth century elected by mayor and council, with the community again having the opportunity to confirm the choice.

The provision for an 8-year interval between a man holding mayoralties was the outcome of **political conflict** in the city, with Gisburne as the reformer who, ironically, had just been re-elected to his second consecutive term in the mayoralty. Several mayors had held the office repeatedly earlier in the century. So tenuous was the hold of the reformers on government that Gisburne had to break his own rule by accepting election to the mayoralty again in 1379, and then again in 1380. Nor did his successors show respect for this principle, or for its extension in 1392 that no man be re-elected until other aldermen who had not yet served had done their tour of duty; it was not until the second decade of the fifteenth century that a trend begins for the mayoralty to be spread among a larger group, with few men serving more than once and (with one exception) no consecutive re-elections throughout the remainder of the century.

In the period of intense political rivalries of the 1370s and early '80s, it is tempting to conclude that the intent of the restriction was to prevent any individual becoming entrenched in local government through an extended hold on the mayoralty. However, rotation of the office through a larger number of individuals also spread the burden – the financial burden was the excuse given for the **abolition of mayoral re-election** at London earlier in

the century, although this too was at a time of political conflict. In 1426 it was enacted at London that no-one could be re-elected to the mayoralty until seven years had elapsed following the end of his term. Northampton, with a tradition of modelling itself after London, passed a similar ordinance in 1437 with terminology hinting at easing the burdensome duty; a further ordinance in 1448 noted the "grievous expenses and costs" incurred by the mayors, exceeding their salaries, and provided additional relief via perpetual exemption from licence fees for domestic brewing and from participation in watch and ward duties. The early decades of the fifteenth century had seen a number of cases of re-election to a second term and the mayor in 1437, John Sprigy, had himself been one of the 'victims'; during the remainder of the century, the seven-year hiatus was respected. The 1430s also saw it decreed in London that no-one should be expected to have to serve a third term; as at York, throughout the rest of the century holding the mayoralty more than once was far less common than in the earlier period. In 1426 at Salisbury an ordinance specified that whoever served as mayor should not be called upon to serve again until a five-year interval had elapsed, and the impression given is that this was to protect those subject to election; in 1451 it was ruled that a mayor could not be nominated for re-election for the succeeding term.

The mayoral salary (perhaps more properly considered a fee, since it was originally a one-time payment at the conclusion of the term of office, although later appears to have been paid in instalments) was not perceived as adequately offsetting the personal costs incurred by holding the mayoralty. It had been at £20 since at least 1364. But mayors often received "rewards", intended to compensate them for out-of-pocket expenses, which tended to increase as there were more demands on administration, particularly in the area of hospitality and gift-giving to court favour, and as the mayors needed assistants at least some of whose costs they were expected to cover; such rewards could be quite large. There was growing concern over the salaries and expenses of borough officers, particularly the mayor, as these were normally the largest item of expenditure in the budget; likely this concern, or even resentment on the part of the poorer citizens, translated into political discontent and charges of official corruption or fiscal mismanagement.



NOTES

"bailiffs"

Sheriffs were substituted for bailiffs when York was given county status in 1396, which therefore marks the upper limit in date for the early part of the text.

"3 February"

This date for the beginning and end of the fiscal and administrative year was unusual. In most towns August or September (especially Michaelmas) were the norm, partly because this matched the Exchequer year and was therefore useful in terms of accounting for the **fee farm**; by the 15th century, typically, elections were often taking place in August, but the officers-elect did not take up office until Michaelmas. At York and Coventry, however, Candlemas (the Purification of the Virgin Mary) was the focal point; 3 February, St. Blaise's day, was the day following Candlemas. Initially the chamberlains and bailiffs were elected in September, but it would have been more convenient for the mayoral and camerarian years to coincide, and this adjustment was made by the above ordinance of 1375. In 1490 the election was moved into January, but assumption of office remained at St. Blaise's day.

"individually"

The original term is *apartement*, which I take to intend a contrast with other oaths being administered collectively.

"rumourmongering"

This I assume to be the gist of *paroles*, although it might also refer to slander.

"at the cost of the community"

See a **similar provision** for the governors of Beverley in 1345, and it appears to have been the case in some, if not many, other towns.

"council chamber"

This was located down the street, atop the Ouse Bridge.

"the power"

The magisterial power of arrest seems to be the major distinction between aldermen and other councillors.

"operating"

The term in the original, *demourant*, might refer to residence, but I suspect the intent here was to define boundaries of jurisdiction. However, it may have been that the concern was rather to have a coroner reasonably close at hand to where a crime was committed, so that he might be called to the crime scene while the trail was yet hot.

"Ainsty"

City jurisdiction extended over a sizable area, anciently known as a **wapentake**, to the west and south of the city, known as The Ainsty. In the early 13th century the citizens were claiming that such jurisdiction had been accorded them when King John granted them by charter the city and all its appurtenances. After a challenge, the royal government eventually allowed this, and the city held it at farm thereafter; however, when York became a county, the Ainsty was not initially a part of that territory.

"to the community"

Damage to the following section of the manuscript made it hard to transcribe, but it appears that the departing mayor was expected to make a commitment of loyalty to his successor.



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Keywords: medieval King's Lynn indirect election mayor office-holding qualifications exemption re-election pilgrimage electoral procedures ruling class monopolization

Subject: Mayor-elect requests to be excused from holding office

Original source: Norfolk Records Office, Kings Lynn archives, KL/C10/1, f.173

Transcription in: Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.2 (1922), p.175-76.

Original language: Latin

Location: King's Lynn

Date: 1354

TRANSLATION

Election of the mayor of the town of Lynn on Monday, 29 September 1354 by **John Wythe, John de Brunham, Hamon de Cokesford, Geoffrey Hautboys, William de Swantone, John de Thiersforde, Thomas de Botkesham, Thomas Cooke, Laurence de Reppes, Thomas Baret, Reginald de Sisterne, and Nicholas de Swerdestone**, under oath. Which men so sworn elected: **William de Biteringe** as mayor; **Simon de Guntone, William de Elingham, Henry Elys, and John de Bokenham** as chamberlains; **Richard Frere** as clerk; Stephen Cooke as bailiff; **Geoffrey Drewe, John de Cokesforde, William de Bruntone, Robert Braunche, Thomas Drewe, Thomas Rythwis, John de Couteshale, Anselm Braunche, Robert de Cokesford, John de Sustede, John de Fyncham, and Clement de Aldeburgh** as councillors. But William made the point, in front of the community, that he was weary from having held the mayoralty for the last two years; he added that, if God kept him alive, in good health, and worry-free, he planned to proceed with a **pilgrimage to St. James** in the



coming year. He requested that the community excuse him for this year from the burden of the mayoralty, which it wished him to assume. Subsequently, that is on the Wednesday following, the community having assembled for this matter, it was agreed and decided that another reputable man might be elected to the office for the coming year, allowing that whichever burgess should be elected to the mayoralty for this year, he should have £20 from the community as his salary. The sworn men indicated above elected John de Couteshale as mayor. Who has been administered the oath related to the performance of his duties.

DISCUSSION

We can see from this instance that, at this period in Lynn at least, men did not run for office in the way that we would understand it. While some might desire and seek positions of power, others might be nominated and elected contrary to their preference, to offices perceived as an obligation to the community but potentially burdensome. Although it was not uncommon in Lynn during the fourteenth century for a man to be re-elected to the mayoralty for a second consecutive term, a third term was unheard of and Bitering had cause to seek to be released, whether or not his pilgrimage excuse was true or not. It was more likely he felt he had borne the burden of public duty long enough, or perhaps he was even concerned about arousing political jealousies among his peers. He did not shirk future duty, however, serving in the mayoralty twice more before his death.

Bitering may not have been alone in his wish not to be subjected to re-election. A week before the 1358 elections, ordinances were passed exempting any man from being re-elected to the mayoralty within two years after a term of office – it would be twenty years before a single infringement began a slippage, and at an unknown date (possibly 1395) it was cancelled. On the other hand, the same ordinances imposed a fine of £20 upon anyone refusing election to the mayoralty. A fine of 40d. was imposed for any councillor who failed to come, when summoned, to offer advice and assistance to the mayor; the reason for this was because of defaults in attendance, themselves a reflection of the burdensomeness of office-holding.

The 1350s were a **period of experimentation** that stretched into the reign of Richard II; the electors would sometimes choose the full complement of 24 councillors (or jurats) and sometimes would choose only 12, to whom either the electoral committee would be joined, or the 12 would co-opt 12 more, to form the 24 jurats for that year. The combining of councillors and electors was almost certainly, but not explicitly as in some years, the case in 1354. The variations within these themes require more detailed study before we can fully understand the staffing and character of the town council. How the electors were themselves chosen in this period is not addressed in the terse records of proceedings at electoral assemblies. But just two years earlier a settlement between the bishop of Norwich, lord of the town, and the townsmen over the question of the right of the latter to elect a mayor, stated that the mayor would be elected by the burgesses; whether or not the electors were chosen by the assembly, it seems likely that the electoral committee originated as an efficient device to represent the burgesses at large, rather than any attempt to limit popular participation in elections. Townspeople were less concerned with the character than with the quality of government.

As can be seen from the biographies, most of the electors and jurats were drawn from the same group of middling or prosperous townsmen, a group repeatedly in those roles in this period. Political office was restricted to those who had entered the franchise or the merchant gild – that is, those who had taken an oath of loyalty to the community. Within that select group only some had the strong sense of community responsibility, the positive inclination (as opposed to acquiescence) to exercise authority, the level of wealth and support (e.g. servants and apprentices) that would allow them to take time away from their businesses, and the monetary reserves that would allow them to bear the financial risks attached to certain offices. There must have been a relatively small pool of candidates – men who in addition had demonstrated their ability and/or reliability through past service in lesser roles such as **capital pledge**, tax assessor and collector, and particularly **chamberlain** – from which jurats could be chosen. The pool was large enough to allow for some variation in the list of jurats from year to year; but those willing to serve repeatedly and particularly those whose accumulated experience (notably ex-mayors) was invaluable to the borough were usually re-elected as a matter of form. For mid-fourteenth century Lynn, it is risky to resort to the argument of conscious monopolization of office to explain the repetition in the lists from year to year. And yet the effective monopolization may, during the course of the second half of the century, have become a habit and in time perceived as a right, paving the way for **constitutional change** and consequent **political conflict** at the beginning of

the fifteenth century.



NOTES

"John Wythe"

Jurat for most of the period from 1357/58 to 1375/76, but often because the 12 electors were associated, as councillors, with the 12 men they elected; i.e. a junior jurat.

"Geoffrey de Hautboys"

A vintner and ship-owner, he was jurat in 1350/51 and 1353/54, but his career was cut short by his death in 1355 during a visit to Southampton.

"Thomas Baret"

Chamberlain in 1349/50, he was an elector on several occasions in the '50s and '60s, but never a jurat. He had purchased membership in the merchant gild in 1334, but was a trader of modest means.

"Clement de Aldeburgh"

Jurat in 1346/47, 1350/51, and 1354/55, he also served as bailiff in 1348/49.

"pilgrimage to St. James"

The sepulchre of the apostle St. James in Compostella, Spain, although its authenticity is today doubted, was one of the principal **pilgrimage destinations** in the Middle Ages.



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Keywords: medieval Reading office-holding politics participation citizenship duties election mayor disrespect slander fines disfranchisement merchant guild exemption re-election political conflict abbey seigneurial rights

Subject: Issues of concern relating to duties of political participation

Original source: Berkshire Record Office, Reading borough archives, Corporation Diary 1431-1602, pp.55, 64, 82, 97, 101, 118, 132, 157-58

Transcription in: J.M. Guilding, ed. *Reading Records: Diary of the Corporation*, (London, 1892), vol.1, pp.26, 32, 41-42, 51, 54-55, 68, 83, 97-98.

Original language: Latin and Middle English

Location: Reading

Date: 15th century

TRANSLATION

[1. Avoidance of office]

Ordinance [7 October 1446]: By agreement of the mayor and the whole community, if any burgess who is **nominated** (with the assent of the mayor and the burgesses) for election as mayor leaves, or evades, or absents himself because of that, or otherwise makes representations to any person or persons to be excused from holding office, and this is duly proven, then he is to forfeit 40s. [payable] to the Hall and be disfranchised.

[2. Prohibition of outside influence in elections]

[8 August 1449] The mayor and the whole community enact that none of them is to obtain from any lord or any other outsider a letter [of support] for having any office that belongs to the election of the whole community, under penalty of 100s.



[3. Disciplinary action against critics of borough government]

To be noted [24 November 1453]: William More went into the public marketplace of the town and, in the hearing of outsiders, made threats and tirades against the ordinances and statutes of the Gild Hall of the town. For which reason William Hunt, John Sawyer, Thomas Clerke hosier, John West, and John Chamberleyn, burgesses, who had been mayors of the Hall, decided that because of his defiant attitude William should pay to the Hall within a month the penalty of 40s. sterling in good and legal coin. But because he acts contritely, he is forgiven 40d.

To be noted: On 25 January 1454, John Calman, a brother of the Gild, and John Lynd, a fuller who is not a member, came and publicly acknowledged a slander they spoke about William Rede, mayor of the Gild, said wrongly and untruthfully, and they submitted themselves and acknowledged that what they said was untrue, and swore upon a book to the opposite of their slander and asked forgiveness from the mayor against whom the slander was uttered. For William Rede had brought testimonial letters from the monastery at Evesham, where he was born, sealed with the convent's seal and the seals of the most important men of the town, to the effect that he was **free-born** and of good character.

[4. Avoidance of office]

To be noted: Memorandum that the writ which John West purchased to excuse and discharge him from his election as mayor on 25 September 1461 was disallowed by Thomas Clerke draper, then mayor, and all the burgesses of the gild, insofar as it was purchased contrary to the custom, rules, and usage of that gild.

[5. Failure to attend community meetings]

Ordinance: On 30 September [1463] a decision was made by **William Lynacre**, then mayor, and former mayors Thomas Beke, John Sawyer, William Rede, William Pernecote, John West, and John Chamberlayne, with the agreement and consent of all the burgesses then present, that whatever burgess defaults [in appearance] at any of the **morrowspeeches** it pleases the mayor to call during his term, and

[likewise] all of his successors, without having special permission from the mayor then in office, is to be **amerced** 6d.; to be levied by the **cofferers** then in office. Should it be that any of such burgesses enter the hall while the mayor is in session, then the burgess may have his 6d. reduced to 4d. And that this will be adhered to they bind themselves by the oath that they have made to the gild.

[6. Spreading the burden of office]

[1474] It is agreed by the mayor and the burgesses of the hall of the Gild of Reading that no man who has been mayor there shall be re-elected within 4 years after the year in which he was mayor.

[7. Avoidance of office]

Ordinance: On 18 October 1486, John Langham, mayor of the borough of Reading, and the burgesses of the same agreed and decided that if any burgess residing in the town stays away or absents himself on the day when the mayor is elected, unless he has been given special permission from the mayor then in office, he is to forfeit 10s. to the Hall. It is also agreed and decided that if any of the burgesses nominated and chosen by election avoids, stays away, or is absent at the time he would customarily be presented before the Abbot, lord of Reading, in the customary place, he is to forfeit, lose and pay to the Hall £6.13s.4d, to be fully paid without him being forgiven, released or pardoned from it in any way.

[8. Penalties on those disloyal to the community]

On 10 December 1498, during the mayoralty of **Richard Cleche**, this **enactment and statute** was made by the consent and agreement of all the **comburgesses** of the Gild of the borough of Reading. That if there is any burgess who belongs to the Gild who acts contrary in any regard to what he ought according to his oath [as burgess], and this is duly proven, then he is to be publicly disgraced and expelled from the Gild, driven or flung out – if necessary turned head-over-heels, and a **portrait of him** made and his name written over it.

Also, that if any burgess decides to accept any office – such as

constable or warden or any other office – unless this is by the election and choice of the mayor and his comburgesses, anyone so doing at any time is to be expelled from the Gild, in the manner indicated above.

On the same date mayor Richard Cleche dismissed Robert Benett and John Tornour from the office of constable, they having been elected and chosen by the Abbot and not by the mayor, nor by his predecessors, nor yet any of the comburgesses of the gild.

DISCUSSION

Although prohibitions or penalties, related to townsmen who sought to avoid their civic duties by bearing office, were not uncommon, at Reading there may have been particular reasons why some burgesses were reluctant to take on the challenge in the fifteenth century. The borough had been engaged, and would be into the next century, in a periodic **battle with its lord**, the abbot of Reading, over control of local government.

Reading had been a settlement of some importance since the ninth century, and was recognized as a royal borough in Domesday. But Henry I in 1125 granted the borough, as an endowment, to the abbey he had founded a few years earlier; its abbot thereafter had control over commercial affairs in the town, appointment of the borough executive, licencing of retail activities, and administration of justice, among other powers. The townsmen relied on their **merchant gild** as a mechanism for organization and self-determination, and the abbot tried to suppress this source of opposition. Their struggle with the abbot to wrest away from him control of such matters was protracted and often violent; in 1253, for example, they were accused of ambushing the abbot's bailiffs and obstructing them from performing their duties, while in the following year it was the abbot's servants who were in hot water for killing obstructive townsmen. The contest erupted periodically at points over the next two centuries.

Around the opening of the fourteenth century, the burgesses had **created a mayoralty**, the first known officeholder dating to 1302 and, as seems not to have been uncommon when this new office was introduced into towns,

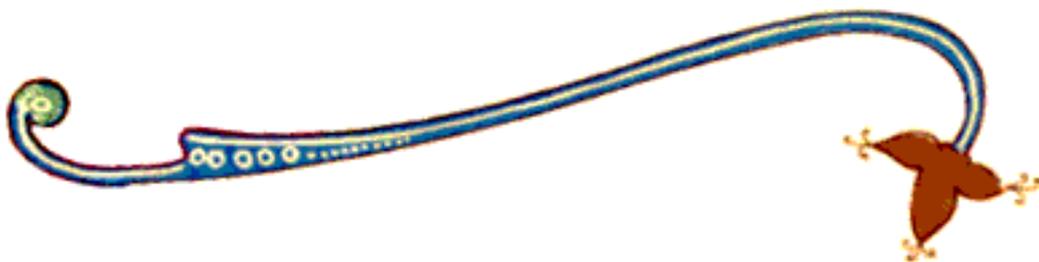
apparently holding office for several years. The mayor was essentially the warden, or master, of the Merchant Gild wearing another hat, and the first known mayor was said to have been elected by community assent. This may, or may not, indicate that the abbot's right of annual appointment of the head of the gild, established by a settlement between gild and abbot in 1254, was in abeyance. The abbey's hold over the town may have been waning at this time, for it had financial problems, and in 1302 the burgesses were also resisting the abbot's right (again confirmed in 1254) to impose taxations on the town. In that scenario, the mayoralty could have been created as a direct challenge, as appears to have been the case in some other towns where the burgesses were battling for independence from an overlord. The abbot does not seem to have ever formally recognised the mayoralty *per se*, preferring the term "warden" for the gild officer and in the fifteenth century heaping scorn on the mayoralty.

In 1351, during one of the periodic legal battles, the community sought freedom from the abbot's overlordship by claiming to have long been a royal borough, and to have been electing a mayor as head of its Merchant Gild since before 1125 (a claim we have no reason to take seriously – the earliest reference we have to the gildhall is ca. 1204-15, although it was no novelty at that date). Control over election of the town constables was another of the key issues at that time. That issue came to the fore again in 1417, with some success for the burgesses, who then proceeded to assert themselves by building a new gildhall. A more combative abbot, **Thomas Henley**, came into office in 1430, and was able to hold the townsmen in check.

After that abbot's death in 1446, the battle was renewed and continued into the sixteenth century. It was important for those leading the opposition to the abbot to protect their interests and to keep their fellow burgesses loyal to the cause, motivating or disciplining them. Some burgesses at least must have preferred to steer clear of trouble, while possibly among the unenfranchised residents there was some support for the lord of the town against a government over which they had no influence, as was the case at Lynn. We cannot know precisely whether the causes for criticizing the mayor and his government in 1453-54 were political or personal, but they could not be glossed over. The battle with the abbot and perhaps with factions internal to the borough called for stout-hearted men to accept the burden of office. The number of townsmen qualified for office was small; Henrietta Haynes has reckoned that there were fewer than 50 members of the gild around this period ["Reading Borough to 1638", *Victoria History of the County of Berkshire*, vol.3, 1923]. This difficulty may have been compounded by reluctance among some of the members to take on

repeatedly the role of mayor, in those challenging times. The 1474 specification limiting re-election was subsequently annulled – both the enactment and the annulment may reflect difficulty in finding men willing to serve. A small number of names were dominating the nominations year after year.

We do not have a satisfactorily clear picture of **the contest**, but fortunes on either side seem to have waxed and waned. In the 1490s the abbot refused to appoint any town nominee to the mayoralty. At the election just before Michaelmas 1492, three nominees were put forward, but no-one was confirmed in the mayoralty by the abbot, and the same impasse seems to have continued for the following three or four years. In 1497, the election being delayed until late October, from the three nominees it was the burgesses who were said to choose, by "free election", their leader for the next year; this officer was now referred to as master of the gild, the mayoralty under that title having been abandoned, perhaps as a concession to the abbot if the title "mayor" were seen as an irritant, or perhaps because past changes in title of the gild leader had created legal openings for the abbot's counsel in challenging gild efforts to assert independence. The same occurred the following year, when the burgesses were said to have unanimously agreed that they would obey the master in all things, just as they had previously obeyed the mayor. But after peace was restored between abbot and gild in 1499, the title mayor quickly crept back in. By 1511 the quarrel had exhausted itself, and the abbot had once more been conceded the final election from the three nominees, as well as exercising traditional jurisdiction in the borough. The burgesses had to wait for the Dissolution before they could obtain self-government.



NOTES

"nominated"

At the mayoral election held two weeks earlier, three persons received nominations. Whether the ordinance was prompted by one or more of them trying to avoid election is unknown. Three nominees was standard for the mayoral elections at this period; the Abbot of Reading, as lord of the town, picked one of them at Michaelmas. A century earlier the practice had been for the abbot to nominate the mayor.

"free-born"

Evidently part of the slander had been to call the mayor a bondsman, a common insult in towns.

"morrow speeches"

A name applied to assemblies of gild members, held in the morning.

"cofferers"

I.e. the financial officers (more usually known as treasurers or chamberlains).

"enactment and statute"

It appears to have been enacted in haste and/or anger, and was later annulled.

"portrait of him"

The transcription here is a little uncertain. However, it appears that the intent was to put up a "wanted poster", identifying the offender, as a further way of shaming him.

"created a mayoralty"

Although Henry III's charter of 1253 was directed to the mayor and burgesses of the merchant gild, it is risky to rely on the royal bureaucracy as an accurate source of information about the details of local government.



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Keywords: medieval Shrewsbury constitution electoral procedures reforms office-holding qualifications bailiff coroner town clerk sergeant salary oath duties re-election restrictions financial administration revenues tolls accountability auditors distraint participation government solidarity offences seal archives treasury council obstructionism political conflict

Subject: Electoral reform

Original source: Schedule attached to a parliamentary petition

Transcription in: *Rotuli Parliamentorum; ut et Petitiones et Placita in Parlamento*, Record Commission, vol.4, pp.476-480.

Original language: Middle English

Location: Shrewsbury

Date: 1433

TRANSLATION

First, it is agreed to by the bailiffs and community of the town of Shrewsbury regarding the annual election of bailiffs and other town officials, from this time forth in perpetuity, that the two bailiffs of the town then in office shall, upon the day for electing the said officials – that is, the Friday following **St. Giles' day** in September – in front of the community take a public oath upon a [holy] book, administered by the town clerk then in office, that they shall openly in the town's guildhall, honestly and without any favouritism, choose 25 persons from the most honest and impartial commoners, **burgesses**, residents, permanent householders, and **contributors to all kinds of levies** within the town, using the form and procedure that follows. Without being influenced by gift, promises, bribe, friendship, favouritism, envy, enmity, or relationship regarding any person, nor for any other cause, by fraud, malice, collusion, or prior agreement by the bailiffs or any one of them, or by anyone else done in their names, they are not to fail to choose the said 25 persons from the best qualified and impartial commoners, in the fashion mentioned above, from those who are



present in the guildhall at the time of the election (so long as there are sufficient qualified persons present to permit the election to be made); excepting those who have occupied the office of bailiff and those who were chosen to make the election the previous year. The bailiffs are not to choose the said 25 persons from some document already drawn up. The which 25 persons so chosen shall make the election under oath, sworn in the same manner as the bailiffs' was and administered by the town clerk. Then the town clerk is to question each under oath whether they, or any of them, have been suborned to choose any particular person for any office that falls under the election. If this examination discovers any person or persons to have been suborned, then he or they are to be removed and another qualified and impartial burgess of the town, in the said manner sworn and determined not to have been suborned, is to be put in his place. Then the 25 persons are to proceed, as already mentioned, with the election of two bailiffs for the coming year, [chosen] from the most honest, impartial, and qualified burgesses of the town, who are most competent to rule and govern the town properly and honestly according to the laws, customs and usages of the town. Each of the bailiffs who shall be so chosen is **to possess** £10 in lands or rents either in fee simple or for the term of his life, or his own possessions to the value of £100. Each of the bailiffs is to be a resident burgess, permanently domiciled, a householder, and contributors to to all kinds of levies within the town. If the 25 persons choose one or more bailiffs who do not meet the above qualifications, then each of them is to forfeit 20s. to the town community. If they cannot agree on who to elect, then the choice will be decided by the majority of the 25. If that majority chooses one or more bailiffs who do not meet the above qualifications, then each of that majority is to forfeit the said sum of 20s., to be levied by the bailiffs at that time in office, to the use of the community. Nor are the 25 persons to choose any official from their own number, but from other qualified and capable burgesses, as described previously. They are not to choose anyone for the office of bailiff who has been bailiff within the three previous years, upon penalty of forfeiting the said sum of 20s., levied as already indicated. And henceforth they are to choose no-one to the office of the 6 men after that person has already held the office of bailiff of the town, upon penalty of 20s. each, levied as already indicated.

The said 25 persons, under oath as already mentioned, are to choose 6

men who are called **cessors**, each of whom shall have [an income of] 26s.8d annually (beyond **reprises**) from lands or rents in fee simple or for the term of his life, or his own possessions to the value of £10, and is to be a *bona fide* burgess and resident of the town. [Which **cessors are**] to hold and occupy, from this time forward, the office responsible for receiving all kinds of communal revenues which come, or ought to come, annually to the communal Exchequer of the town, and faithfully and honestly administer those moneys for the profit of the community.

The said 25 persons shall choose, by their oath sworn in the manner already mentioned, two coroners for the town, [who are to be] qualified burgesses resident in the town, to occupy the office of coroner within the town and its **franchise**. The coroners are to oversee the community projects of the town during their term of office, to ensure they are properly carried out from time to time, in a reasonable and honest fashion, for the benefit of the community. Anyone who has been coroner for a year is not to be elected again to that office for the three years immediately following. Nor is anyone who has been one of the 6 men for a year to be elected again to that office for the three years immediately following. No-one who has served in the offices of coroner of 6 men within the town is to occupy the office of sergeant henceforth, upon penalty of 40s. upon each one [of the 25?], to be levied from each and every one by the bailiffs then in office, for the profit of the community.

It is agreed to that no-one is to speak with the 25 persons – neither past or future bailiffs, nor anyone else – once they have taken their oath and been examined in the manner already mentioned, and have been tasked with making the election; nor is to go with them into whatever place where the election shall be made. With the exception of the common clerk of the town then in office (or who shall be in future); and he is to take oath upon a book that he will not suborn, or have suborned, any of them to choose anyone particular for an office. So is he to behave until they or a majority of them have agreed [on their choices] in the way already indicated. They are not, nor is any one of them, to go out of the place to where the town clerk takes them for making the election, until the election has been made; upon penalty of 40s. from each of them, to be levied by the bailiffs then in office, for

community use.

It is agreed to that the town bailiffs who are newly elected each year shall take oath upon a book in the presence of the community of the town, before they take up their office: that they shall be faithful and loyal to the king and his heirs; that they will honestly and properly maintain his peace within the town, and administer and govern the **assizes** of all kinds of foodstuffs within the town and its franchise; that they will do justice to poor as well as to rich; and that they will perform all the duties of the office honestly, to the utmost of their wisdom and ability, according to the laws, customs and usages of the town.

It is agreed to that the said 6 men, once elected in the manner already mentioned, shall publicly take oath upon a book, before the community: that every day assigned by the bailiffs and the 6 men for receiving community revenues they shall go to the communal Exchequer and there receive all such revenues as are brought there by various persons, and honestly and properly keep those moneys secure; also that they shall honestly and properly oversee all expenses and costs made by the bailiffs for the benefit and esteem of the town; and also to assist and advise the bailiffs for the benefit of the community.

The coroners who are elected annually are to take a public oath in the manner already mentioned: that they shall honestly and properly fulfill the duties of coroner within the town and franchise; oversee the communal projects of the town; and honestly and properly write down, or have written down, the details of those projects – where and when they were carried out, associated expenses and costs – and on a weekly basis deliver them to the bailiffs and 6 men in the town Exchequer. If any person disobeys and does the contrary, and will not comply with the aforesaid ordinance, he is to forfeit 40s., to be levied by the bailiffs then in office, to the use of the community. If the bailiffs are negligent and fail to levy that penalty, as aforesaid, each is to forfeit 66s.8d., [of which one-third is to go] to the use of the community, one-third to the king, and one-third to whoever sues the bailiffs on behalf of the king.

Those who have been, or shall in future be, bailiffs are each to have and take for their year's term of office a fee of 100s. and a gown worth

20s. (and no more). The steward of the town then in office is to have and take annually 40s. for his fee and a gown of the same style as the bailiffs', worth 20s. Each of the 6 men in office now or in the future is to have and take for his annual fee a gown worth 13s.4d for their labour. The common clerk of the town in office now or in the future is to have and take annually for his fee 40s. and a gown worth 13s.4d. of the same style as those of the 6 men. Also, the coroners in office now or in the future are to have and take from the community revenues, for their labour in overseeing the town projects, 12d. per week throughout the year, to be divided evenly between them. The bailiffs in office now or in the future are to be reimbursed for all reasonable expenses and costs incurred by them for the benefit and esteem of the town, at the time they render account; on condition that it has been confirmed by the 6 men (or at least 3 of them) that the expenses and costs have truly been incurred for the purposes indicated, otherwise their claims are not to be allowed.

It is agreed to that the bailiffs who will take office may appoint two town sergeants, from individuals for whom they are prepared to be answerable. A third town sergeant is to be chosen annually by the 25 persons, on election day; he is to be a *bona fide* burgess, qualified, resident, and contributor to all kinds of levies within the town. The sergeant is to be warden of the town gate called the **Castle Gate**. The third sergeant is also to be responsible for collection of the town rents, honestly delivering the same to the 6 men in the Exchequer on (at the latest) the day when the bailiffs and 6 men go over the accounts, and rendering a true account of the same. He is to receive annually for that labour 20s. from the community revenues, from the hands of the 6 men, and answer for everything that pertains to his duties. On the condition that this sergeant is to find suitable guarantors regarding levying the money assigned by the bailiffs for him to collect, and regarding turning it over to the 6 men in the communal Exchequer and rendering an honest account before the bailiffs and 6 men in the Exchequer, when they require him to do so; and regarding him being responsive and obedient to the bailiffs and their orders, as he ought to be. If that sergeant is unable to find guarantors for that purpose, in order to protect the bailiffs from being answerable, then the bailiffs may choose and appoint any sergeant for whom they will be answerable, at their own risk. Those sergeants are to render a proper

and honest account of all **issues and estreats** of the court, after the end of every third court session. Also of fines from brewsters who, when they sell ale, break the assize customarily enforced in the town since ancient times; [they are to account] at the end of every quarter, or within that period if it is so ordered or required by the bailiffs and 6 men then in office. Also of all other revenues that are part of their duty to collect and ought to be put towards the common profit, [they are to account] at the end of each year, before the day when the bailiffs and 6 men go over the accounts.

Before they can take up office, the sergeants are to take oath upon a book before the bailiffs and 6 men then in office, in the community Exchequer, that each and every one of them: shall be faithful and loyal to the bailiffs, commoners, and franchises of the town; treat both poor and rich fairly; collect all moneys that the bailiffs assign them as their duty to levy, in the form of estreats or other revenues, for the profit of the community; render honest account of the same to the bailiffs and 6 men when they so require it; and be attendant on and obedient to the bailiffs, as they ought to be in their office. Each of them is to have and take annually, from community revenues, 26s.8d and a gown priced 10s. The sergeants are to be removed from office at the end of each year, along with the other officers. None of the sergeants is to occupy that office within the town [on terms] contrary to these ordinances, upon penalty of 133s.4d to be levied from each of them by the bailiffs then in office, to community use.

It is agreed to by the bailiffs and community that those who have been, or shall in future be, bailiffs and 6 men of the town shall henceforth choose and appoint tollreeves, from the most honest and most capable persons they can find, to collect the tolls and customs that ought to be taken at the town gate for community profit. Before they can occupy the office of tollreeve, they are to take oath upon a book, in the community Exchequer before the bailiffs and 6 men: to be faithful to the bailiffs and commoners of the town; and to bring to the community Exchequer of the town, whenever required by the bailiffs and 6 men, all revenues that they are supposed to collect for community profit. Once sworn, the tollreeves may receive and keep safe all the customs money sometimes called "sergeants' fees" that ought rightly to be collected at the gates, putting this money aside separately and then producing it and handing it over in the Exchequer,

in the manner already mentioned, without fraud, conspiracy, or deceit [to withhold any], to be received and recorded annually in its own right. If any omission or deceit on the part of the tollreeves, or any one of them, is discovered and proven true before the bailiffs and 6 men, they are to be removed from office by the bailiffs and 6 men whenever so found in fault, and others put in their places. Furthermore, when legally convicted of the same, each is to forfeit 40s. and is to be imprisoned, without prospect of bail or **mainprise**, until that amount is raised and paid to the 6 men for community profit. If the bailiffs who were in office, or shall be in the future, do not impose the penalty specified in this article, then each of them is to forfeit 100s.; of which two-thirds go to the king, and one-third to the community.

It is agreed to be the bailiffs and community that no bailiff of the town shall henceforth receive or have in keeping any rents, customs, fines, nor other incomes or revenues that belong to the community. Rather these are to be taken to the community Exchequer and there paid and delivered to the 6 men, who may have the safekeeping of the same. Those who have been, or shall in future be, bailiffs may not reduce or waive any duties payable to the community without consulting and obtaining the agreement of the 6 men, or at least 3 of them, upon penalty of paying double the amount they have waived.

It is agreed to by the bailiffs and community that the bailiffs and 6 men shall render to auditors chosen annually by the community, under oath administered by the auditors, an accurate and honest account of all rents, revenues, and other profits already mentioned. The bailiffs are to carry out, or have carried out, their responsibility to the best of their knowledge – without any fraud, conspiracy or deceit – in bringing, or having brought, into the hands of the 6 men all rents, revenues, fines, and other profits that go, or ought to go, to the profit of the community during the year that they occupy the office of bailiff. Those 6 men are to have safekeeping of those community goods that remain at the close of every accounting, until the election day, when they should bring it before the commons in the guildhall and there be informed by the commons who shall [thereafter] have the keeping of the same, for community profit. If any future bailiff of the town obstructs or disturbs the 6 men in their safekeeping of the community goods, he is to forfeit £10; of which two-thirds go to the king, and one-third to the community. The auditors who are chosen by

the community, according to a long-established process, to audit the accounts of the bailiffs and 6 men concerning community goods received by the 6 men, are henceforth after their election to take oath upon a book, administered by the common clerk, before the community to accept or reject them [i.e. the accounts] according to the form of the accounts, at their honest discretion. The bailiffs then in office are to have three peals of the community bell rung, to summon the commons together to choose the auditors. Henceforth the auditors are not to be chosen based on some petition drawn up, to the deceit of the community. Similarly, burgesses who are chosen to go to Parliament are henceforth to be chosen by the commons, in the same way and manner that the auditors are.

It is agreed to by the bailiffs and community that no bailiff during his term of office may buy or sell by retail any kind of foodstuffs, [nor] by means of collusion or underhandedness, contrary to parliamentary statutes and ordinances dealing with such cases. If he acts, personally or by others, contrary to those statutes and ordinances he is to forfeit – over and above the penalty specified in the statutes and ordinances – £20; of which two-thirds go to the king, and one-third to the community.

It is agreed to by the bailiffs and community that all **distresses** that remain in safekeeping among the community goods, not having been recovered by **replevin**, on the day when the bailiffs and 6 men, past or future, have to render their account are to be shown to the auditors during the accounting and they are to make a record of what distresses remain; with a view to them being handed over by the bailiffs and 6 men to their successors chosen for the year following, by **indenture**, on the Monday following election day, without further delay, for the profit of the community. No bailiff is to act contrary to the ordinance contained in this article, upon penalty of forfeiting 40s., two-thirds to the king and one-third to the community.

It is agreed to by the bailiffs and community that whenever the town bailiffs, past or future, make a public proclamation (as has long been the custom) that all burgesses of the town should come to the town guildhall, or send their sergeants to instruct individuals to come to the bailiffs for purposes of the good rule, government, and welfare of the

town, if anyone stays away and refuses to respond to such proclamations or instructions, without a reasonable and good cause for being excused, he shall forfeit and lose to the community 12d., to be levied from his goods and possessions by the bailiffs, without any remission, for the profit of the community. If the bailiffs are negligent in thus levying the penalty, they are to forfeit 2s.; of which two-thirds to the king and one-third to the community.

It is agreed to by the bailiffs and community that if any burgess or resident of the town is **attached** by any of the sergeants, in relation to any personal action within the town, that they are not to take him to gaol nor demand any fee from him if he can find within the town or franchise sufficient guarantors for his coming to answer to the king or to the other party, depending on the requirements of the case, at whatever time is assigned him by the bailiffs in office now or in the future. If any sergeant does the contrary to this ordinance, he shall forfeit 20s. to the community, to be levied by the bailiffs then in office. And every time that any of the sergeants acts contrary to this ordinance he is to forfeit 20s., to be levied from him as already indicated. If then bailiffs then in office fail to levy the penalty found to be warranted, they are to forfeit 100s.; of which two-thirds to the king and one-third to the community.

It is agreed to by the bailiffs and community that, if any burgess of the town or franchise is being vexatiously sued or in any other way harassed so as to be in danger of losing his goods in relation to communal business of the town, and proper examination finds this indeed to be the case so that the bailiffs and community know it to be true, then the community goods may be used to defend him or them, or preserve them from any [\[personal\]](#) losses. If the bailiff or bailiffs are negligent in this and will not use their power and such of the community goods as seems reasonable to reimburse, by the hands of the 6 men, him or them thus vexed for reasonable expenses and costs in defending himself or themselves (assuming there to be sufficient goods in the communal treasury of the town), then the bailiff or bailiffs are to forfeit the penalty that follows in this ordinance: that is, each of the bailiffs, if they or either of them is found at fault, is to forfeit 40s.; of which two-thirds to the king and one-third to the community.

It is agreed to by the bailiffs and community, that if any person or persons creates any disturbance in infringement of the king's peace within the town, and this is duly proved by verdict of 12 qualified and impartial persons of the town, and [he is] duly convicted of the same according to the custom of the town, before the bailiffs then in office in the guildhall, then he or they are each to forfeit 3s.4d, to be levied by the bailiffs for the use of the community, without any remission. If any person or persons commit an assault, striking any man in infringement of the king's peace within the town, and this is duly proved as already indicated, he is to forfeit 3s.4d, to be levied in the manner indicated. If any person or persons draw blood when assaulting someone, in infringement of the king's peace within the town, and this is duly proved as already indicated, he or they are each to forfeit 6s.8d, to be levied in the manner indicated. If the bailiffs then in office do not impose those penalties, so that such a penalty shall in the future happen to be lost, then they are to forfeit double the amount of the penalty; of which two-thirds to the king and one-third to the community.

It is agreed to by the bailiffs and community that the common seal of the town be kept in the common coffer, as has been the case in the past; and that 4 respectable men of the town, chosen by the commons, shall have the 4 keys to the locks in their safekeeping. Neither the bailiffs, those now in office or those to be, nor anyone else is to remove the seal from the coffer for purposes of sealing any grant made to any person by the bailiffs and community, without the consent of 24 respectable men, burgesses of the town; they are to oversee the removal of the seal, sealings, and the restoration of the seal into the coffer. All documents belonging to the community of the town that exist now or shall exist in future are to be put into the coffer, and safeguarded and administered in the manner indicated. If anyone acts contrary to the ordinance contained in this article, he is to forfeit £20; of which two-thirds to the king and one-third to the community. Also, the account rolls of the bailiffs and 6 men then in office are from year to year to be deposited as [official] record, indented between the bailiffs and 6 men, as one party, and the auditors chosen annually to audit the accounts of the bailiffs and 6 men, as the other party. And all **burgess rolls**, community compositions, and court rolls are to be placed and kept in that coffer.

It is agreed to by the bailiffs and community, for the good rule and government of the town in the future, that the bailiffs and community and their successors shall choose 12 respectable men [who are] burgesses, residents, and the most qualified and **judicious** men of the town, to be permanent assistants to the bailiffs then in office, giving them good advice beneficial to the community whenever they are summoned to come to the bailiffs in the guildhall. They are to remain as such for life, unless they have to be discharged from the office due to some reason deserving it by judgement of the bailiffs and community. If any of them dies or is discharged, then another qualified and deserving burgess of the town is to be chosen in his place by the bailiffs and commons; he is to take oath upon a book to be faithful to the bailiffs and community and to his franchise. If any of them absent themselves without good cause, when summoned by the bailiffs, or either of them or by any of their sergeants, and refuses to come to the bailiffs for the purpose mentioned, then he is to forfeit 3s.4d to the community of the town, to be levied from his goods and possessions by the bailiffs then in office, without any remission. If the bailiffs then in office are negligent in levying the penalty, they are to forfeit 6s.8d; of which two-thirds to the king and one-third to the community.

It is agreed to by the bailiffs and community that if any burgess or resident of the town interferes with or opposes any of the above ordinances, through collusion, conspiracy or any other method, or directly or indirectly stirs up any opposition to or interference with any of these ordinances in the future, or obstructs or prevents the bailiffs then in office from levying the penalties prescribed above as forfeits, then he is to be deprived of all offices **and of his freedom** within the town, for life; nor is he to be made free, nor listened to, nor have a voice in any common assembly regarding any matter that concerns the community. If in the future any man who is chosen to the office of bailiff refuses that office after being duly elected to it, in the manner already indicated, he is to forfeit £26.13s.4d, to be levied from his lands, goods and possessions by the bailiffs then in office, for the profit of the community. If the bailiffs then in office do not carry out the stipulations made in this article, failing to levy the penalty mentioned so that the penalty is lost (unless they are obstructed from doing it), then each of them is to forfeit £40; of which two-thirds to

the king and one-third to the community.

If any person or persons who are subjected to forfeiting various penalties to the town community, as indicated in the above articles, lack the means to pay such penalties, then the town bailiffs then in office are to arrest them – if they can be found within the town or franchise – and commit them to prison, to be kept securely there until they have made an agreement [for payment] of the penalties to the community.

If the town bailiffs, or either of them, or any other person who is (due to the above ordinances) subjected to a penalty payable to the king, is for that reason indicted before the king or his council or any of his justices, he or they are to be tried as to whether guilty or not of [the offence giving rise to] the penalty by 12 qualified and impartial burgesses of the town and franchise, and not by anyone else.

It is agreed to by the bailiffs and community that henceforth on every day when the bailiffs, 6 men, coroners, and other town officers are elected, all the above articles and ordinances shall be read out loud before the commons, by the common clerk of the town then in office, before any action is taken regarding the elections. This is so that all the commons shall hear and know the good rules for government of the town contained in the ordinances, and can shun and avoid the offences clearly identified in the articles and ordinances.

DISCUSSION

The late fourteenth and first half of the fifteenth centuries were a period of constitutional upheaval in many towns, as urban societies tried to come to terms with changes – rooted partly in changes in the economy and the national legal system – that had stimulated social differentiation, so that a "ruling class" had become more evident within society. These changes had undermined the sense of communal welfare and created concern that the interests of the rulers, or of specific groups or even individuals within the ruling class, were different from the best interests of the community as a

whole and might lead to administrative abuses. Such concerns were not new, for they are apparent in the late thirteenth and early fourteenth centuries, but they seem to have had a new vigour towards the end of the Middle Ages, as the ruled sensed their last vestiges of authority slipping from their grasp and tried to reassert some control.

So it was at Shrewsbury, where the 1380s were marked by internal constitutional conflict. An agreement in 1389 dictated that bailiffs, coroners and cessors be elected by a jury of 25 – a device that, from one perspective, allowed the community through representation to have a say in the choice of its officers, and from the other perspective prevented unruly elections in which the community at large might participate in the voting. The bailiffs were to choose their own sergeants.

These were basically the terms of the 1433 ordinances, evidently one of the "community compositions" referred to within the text, except for:

- the community choosing a third sergeant with specific responsibilities for collecting certain communal revenues
- specifications aimed at avoid the choices made by the 25 being unduly influenced by others
- specifications of those eligible and those ineligible for offices

It was also not uncommon for one constitutional composition, often imposed by a particular party in power, to be modified or even overturned later. In some cases this can be seen as the result of other interests taking control of local government, although in others it may simply have been further tinkering to resolve difficulties. One key feature of the 1433 constitution, however, was the effort to have it receive the authority of parliament, thereby making it difficult to overturn simply by local decision.

This constitutional composition is fairly typical of those of other towns in its broad areas of concern: methods of electing officers, candidates' qualifications, financial accountability, proper performance of duties, and checks on the potential for misgovernment. The unusually detailed provisions for electoral procedures, handling of borough revenues and particular circumstances related to those matters, may be suspected of addressing specific problems encountered in past elections since 1389.

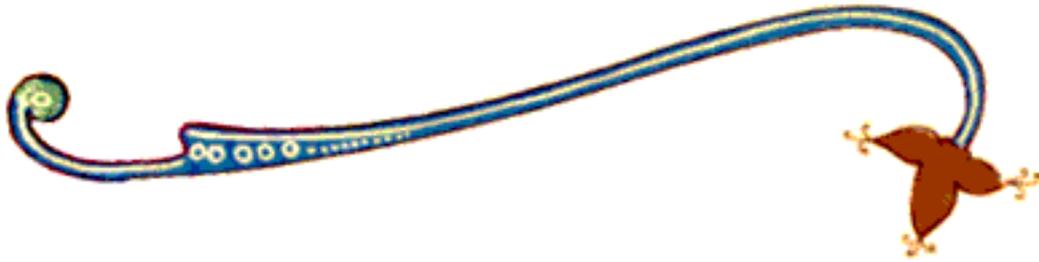
The 1433 constitution was likely a compromise between competing political viewpoints. The document takes care to emphasize the community as the source of authority and the owner of revenues, archives, etc. On the other hand we see the tell-tale signs creeping in of an institutionalized separation

of ruling class and ruled, in the town councillors who are appointed for life, in contrast to the emphasis on annual elections for other officers.

In 1444 Shrewsbury again petitioned parliament to give its approval to a set of constitutional ordinances, in many regards the same as those of 1433 (which were claimed in 1444 as having brought peace and harmony to the town), but with some key differences. For instance, the 25 electors were now to be chosen not by the bailiffs, but by two members of the lower council of 24, those two members were themselves to be selected by the bailiffs. Thus the electoral process was becoming more complex, in an attempt to ensure elections could not be rigged.

The 1444 constitutions overall represent an elaboration of their predecessors, doubtless attempting to plug holes in the 1433 set, as well as to add elements missing in 1433, but also evidence continuation of the undermining of democratic principles. The life-council of 12 had now dignified themselves through the title "aldermen" and vacancies in their ranks were to be filled by their own choice. The "24 commoners" a group mentioned only peripherally in the 1433 document (unless we assume that the "commons" frequently referred to were already the community as represented by the lower council) has come more to the fore, as a second council elected by the community – a further reflection of the growing socio-political divide within the community. However, that the members of this council also had been elected for life, and would fill vacancies in its ranks by their own choice, effectively put this body outside democratic control, despite the fact that it was expected to speak for the community (whose other members could no longer speak directly during assembly debates).

These restrictions on what was previously a more 'democratic' form of government were probably made palatable to the community by including among the ordinances controls over the administration of borough finances – for example, in 1443 we also hear of a new financial officer, the chamberlain, although the 6 men continue to have a role – and regulations regarding officers' fees; both matters addressing popular concerns over believed corruption in government. A closer comparison between the two documents would throw further light on the directions in which local government was heading.



NOTES

"St. Giles day"

The first of September.

"contributor to all kinds of levies"

I.e. at **scot and lot**.

"to possess"

The financial requirement was for an income of £10 to be received from the property or rents – either owned by the candidate or held as a life interest (e.g. as a widower holding property of his late wife), or a larger amount in moveables which would qualify those merchants whose wealth was invested in stock rather than land.

"cessors"

They were responsible for the collection and expenditure of community money, and were thus like officers called in most towns treasurers or chamberlains. *Cessor* was applied to tax-collectors, while *essor* was used for officers of the Exchequer (the financial office of government). "Assessors" would be a modern term that is associated.

"reprises"

This refers to the deductions from income, such as rents resolute due on real estate.

"Castle Gate"

The northern entrance to the town, immediately beside the castle.

"issues and estreats"

Largely, the fines and amercements imposed by the court, which it typically fell to sergeants to collect.

"replevin"

This was what a defendant in a legal action, whose possessions had been distrained to pressure him to answer to justice, had to do to get back the impounded articles: he had to appear before the authorities and provide guarantees that he would come to court to defend.

"indenture"

An agreement written out in a sufficient number of copies that each party to the agreement had a copy. They were called indentures because typically the copies were written on a single membrane of parchment, which was then cut between the copies in a wavy or zig-zag line, so that the future fitting together of the pieces (if necessary because of legal challenge) would prove the pieces were genuine parts of the original.

"burgess rolls"

Records of men who purchased burgess status, which accorded them the privileges associated with the chartered liberties of the borough. The rolls record the names of entrants, the fees they paid to purchase entrance, and the names of their offspring (since only offspring born after entrance were entitled to inherit burgess status without payment of a fee).

"and of his freedom"

Being deprived of freedom does not here mean imprisonment, but loss of the special privileges of a freeman, i.e. disfranchisement.



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Keywords: medieval Bristol customs mayor election electoral procedures oath duties ceremony speeches clothing feasts officers sheriff sergeant priests craft guilds regulations judicial administration

Subject: Procedures for electing and initiating a new administration

Original source: Bristol Record Office, MS. 04720 (Mayor's register)

Transcription in: Lucy Toulmin Smith, ed. *The Maire of Bristowe Is Kalendar*, Camden Society, new series, vol.5 (1872), 69-79.

Original language: Middle English

Location: Bristol

Date: ca. 1479

TRANSLATION

It is the case that there have always been mayors in this respectable town, since the Conquest and earlier. After Bristol castle was founded and built by the noble earl of Gloucester, Robert Consul the bastard son of King Henry Beauclerk, the youngest son of William the Conqueror, each year on Michaelmas day [\[September 29\]](#) the mayors of that time used to go there and at the gate of Bristol castle receive their office and take their oath [\[of office\]](#) before the constable of the castle. This custom continued until the blessed prince King Edward III came [\[to the throne\]](#); he, among other franchises that he kindly granted, through his charters exempted and exonerated the mayors from receiving their office from the constable at the castle gate; instead providing in the same that from that time forward each mayor would on Michaelmas day receive office and take oath before his predecessor in the Bristol Guildhall, in the presence of all of the community who were there. For which reason it has ever since been the custom that the four sergeants who attend the mayor shall, on St. Giles' day, the first day of September, forewarn all the respectable men of the council of Bristol



to come to their council chamber in the Guildhall on September 15, for the election of their mayor and other officers for the year to follow, each of them upon penalty of £10 [for default] (as was ordained in the time of Stephen le Spycer, who was mayor in 1344). Once they – the mayor, the sheriff, and all their colleagues – are seated in the council chamber, the mayor first exhorts each and every one of them, with a Paternoster and an Ave, to pray for the Holy Ghost to influence the election. After which, the mayor is first to declare his vote for some respectable member of the company, and the sheriff follows suit, and so all those present are canvassed, each man giving his vote as he wishes; all being recorded by the town clerk, on the basis of which he reports and identifies the one who has most votes. Which person who has been duly elected mayor gets up from where he is sitting and takes a seat on the right side of the outgoing mayor. And after any further discussions at that time, certain of the company shall provide an honour escort for him when he returns to his home.

All this being done, the person elected mayor shall have opportunity, until Michaelmas day following (on whatever day it may fall that year) to make provision for his household and the respectable decoration of his house, in as pleasing a fashion as he can. The mayor-elect, accompanied by the sheriff and his colleagues of the council, who go to his house to escort him to the Guildhall, shall then proceed to the hall in as solemn and dignified a manner as he can arrange, to his own credit and for the honour and praise of the entire town. Which is to say that if he has previously served as mayor, he is to come in his robe of office – that is, his fur-lined scarlet cloak, with his black velour hood or black velvet cap, and all those who have served as mayor in the same costume and livery, with cloaks. If he has not previously been mayor, then he is to come in his scarlet gown, without a cloak, and all others who *have* been mayor **in the same attire**, but their servants may carry their cloaks after them. After the common bell has stopped ringing, the outgoing mayor, standing with solemnity on the high dais of the Guildhall, makes his farewell to his colleagues and all the commoners who are present, in the following fashion:

Honourable gentlemen, my friends, you will recall that on this day, twelve months ago, I, although unworthy, was sworn into the office of mayor of this proud city for the

year now past. If, sirs, I have wilfully or through negligence treated any man or woman unjustly or unscrupulously, I beg them to approach me, and I am prepared to put to rights any wrong I have done them, either by compensation if I possess the means, or else by asking their forgiveness with the utmost sincerity, trusting in God that they shall [thereafter] have no further cause for complaint.

Furthermore, gentlemen and friends, I cannot thank you as much as you deserve for your kindness, in that you have at all times respected and obeyed the laws of our liege lord the king and my orders given in his name. For which, since I myself am not in a position to assure it to you, I pray that almighty God will reward you with as much happiness, prosperity and peace as common folk and true Christians ever had.

Furthermore, gentlemen and friends, here is a respectable man, A.B., chosen to be our mayor for the year coming, who – through God's grace and his own great wisdom – will improve and correct all matters that I, with my limited abilities, have not been able to address or bring to a conclusion. Honourable gentlemen and friends, may the Holy Trinity bless you all and long keep you prosperous, peaceful and contented, and be with you always. Amen.

After this is done, still standing on the high dais of the Guildhall, in front of all the commons, the outgoing mayor is to hold a **book** before the mayor-elect, and the town clerk is to stand up with his book and read out the mayor's oath and the duties of office, in the following manner:

Now hear this, A.B. my predecessor as mayor, and all the good people of Bristol, that I, R.S., shall be true and faithful to King Edward the Fourth, king of England, our supreme liege lord, and to his heirs and successors, and to the best of my ability I shall protect and preserve this his town of Bristol for him and his heirs and successors. I shall preserve and uphold the peace of this town to the

best of my ability. I shall reprimand and discipline those who behave badly or commit wrongs, as law and reason require, to the best of my ability. I shall to the best of my ability uphold in the town all those **franchises** and free **customs** which are good, while all bad customs and errors I shall put aside and abolish. I shall to the best of my ability preserve, maintain and protect the rights of widows and orphans of this town. I shall well and truly serve the king in the office of **escheator** of the **county of Bristol**. I shall work with all my skill and ability to the profit of the king in all things that are my duties require, and I shall faithfully uphold his rights in whatever belongs to the Crown. I shall not consent to the transgression, nor be involved in the concealment, of the king's rights or franchises. Wherever I know of the rights of the Crown being concealed or withheld – whether regarding lands, rents, franchises, or suits – I shall do my utmost to counteract and correct this; and, if I should be unable, I shall inform the king or those members of his council who I know will convey the information to the king. I shall treat the people under my jurisdiction honestly and justly, and give justice to every man – as much to the poor as to the rich – in all duties I must perform. Not for gift, love, friendship, promises, nor hate, shall I do wrong to any man, nor infringe any man's rights. I shall **accept nothing** as a result of which the king might suffer a loss, or his rights be infringed. I shall hold my inquests in public places, not in private, and then by indenture, as required by the Statute of Escheators. **[see note]** I shall be painstaking and diligent in suppressing, stopping and eliminating any kind of heresy or erroneous beliefs, commonly called lollardries, within my jurisdiction from time to time, to the best of my ability. And I shall assist the **Ordinaries and Commissaries** of Holy Church, supporting and siding with them at all times, in all just causes, whenever requested to by those Ordinaries or Commissaries. I shall also help, support and side with the Prior and his brethren, the priests of the house of the **Kalendars** of Bristol, in all actions I, as its

patron, can lawfully and honestly undertake, regarding the verification and protection of the rents, lands and tenements belonging to that house, saving the rights of every man. I shall also uphold, preserve and maintain all commendable ordinances that have been made and enforced in the past by previous mayors, aldermen, sheriffs, and the common council of the town, if not [since] revoked or repealed; [see note] as well as all that shall be made in the future, until the time that they may be revoked or repealed by the mayor, aldermen, sheriffs, and common council of the town then in office, to the best of my ability and well and truly. I shall give justice to every man, as much to the poor as to the rich. And all other things that are part of the duties of the mayor and of the escheator I will perform faithfully. So help me God at the holy doom.

And then he kisses the book.

Following this, the outgoing mayor delivers to the new mayor the king's sword, his [ceremonial] hat, and the casket containing the seal of the office, the seal of the **statute of the staple**, the seal of the **statute merchant**, as well as other authentic seals. Then the two mayors exchange places, after which they proceed from the hall. The whole company is to escort the new mayor to his house, with trumpeters and **clareners**, in as respectable, serious, and joyous a fashion as can be accomplished; and there they are to leave the new mayor, and then escort home the outgoing mayor.

It has been the custom on that Michaelmas day for the greater part of the council to dine with both mayors; that is, a large number of them with the new mayor, and others with the old mayor – in particular, all officials are to dine with the old mayor. After dinner, the whole council is to assemble at the **High Cross**, from where the new and old mayors, with the whole company, walk in a dignified fashion to St. Michael's church to make an offering. Thereafter they return to the new mayor's house, where they take cakebread and wine. And then, each man bids farewell to the mayor and returns home to evensong.

It has also been the custom that on the day after Michaelmas the new mayor, the sheriff and certain of their colleagues go to the **Counter** and summon before them the bailiffs, town clerk, steward, and all the sergeants of Bristol, together with the gatekeepers of the town. From the Counter they proceed to the Guildhall, where they take their oaths [of office] in the terms contained in the **Red Book** made a long time ago by the decision of the community of Bristol and to be preserved forever. Immediately after which, one of the bailiffs is to go, by the mayor's command, to preside over the market court.

It has also been the custom that on the **third day** after Michaelmas, after oaths have been administered to all other officers, the mayor shall summon before him the most venerable of his colleagues on the council, so that they may accompany him to the Guildhall, where are to be read out publicly the sheriff's commission, the *dedimus potestatem*, and the writ of attendance. Following which the sheriff is to take his oath, in the terms given in a schedule sent from the king, enclosed within the *dedimus potestatem* (if it has arrived by then).

Similarly, on the same occasion, the commission of the mayor of the staple is to be read out, together with the *dedimus potestatem*, and the mayor is to take his oath upon the same, in the terms given in a schedule enclosed within the *dedimus potestatem* (if it has arrived by then). And the same for the two constables [of the staple].

It has also been the custom for the mayor, on the same day, to summon before him all his sergeants and have them bring their **sureties**. Who are to be obligated with them towards the mayor, each in a bond of £10 or £13.6.8d [guaranteeing] their [i.e. the sergeants'] good behaviour and faithful **execution of their duties** during the year, both in the staple court and elsewhere, in regard to conscientiousness in levying and honesty in handing over, to the mayor or to such persons to whom recoveries belong as their right, all kinds of fines, revenues, **amercements**, penalties, and executions [of judgements] made and recovered at any time in the mayor's court.

Similarly, at the same time, they summon before them [sic] the sheriff's sergeants, who are to put up a bond in the same way to the bailiffs, for the year to come.

It has also been the custom, on the fourth day following Michaelmas, that the new mayor has summoned to come before him at the Counter all the chantry priests with whom **agreements** are registered in the Red Book – that is, the priests [of the chantries] of Everard le Frenshe, Richard Spicer, John Spicer, John Stoke, Walter Frampton, Edmond Blanket, Thomas Halleweye, John Burton, William Canynges, John Shipward, and Thomas Rowley – so that they can take oath to observe faithfully the terms of the agreements. Their oaths are to be taken in the following way; that is, each of them is to lay his left hand upon the book, and his right hand upon his breast, and to swear the oath by the holy gospel and by words used in holy services.

It has also been the custom, on that fourth day after Michaelmas and in the days following, for the mayor to have summoned to appear before him all the **masters** of the bakers, brewers, butchers and other crafts of the town. Thereafter they go and assemble [the craftsmen] at their halls or other customary [meeting] places, for purposes of electing their masters for the coming year. Then to bring those masters and present them before the mayor, where they are to take their oaths in the mayor's presence, in the **terms indicated in the Red Book**.

Following which, the mayor is to command each of his sergeants – and ensure they comply – to bring before him from each ward of Bristol as many honest and suitable persons as each ward demands and rightfully requires (according to the discretion of the mayor) to be sworn as constables for the year coming.

It has also been the custom in the town that the following Saturday, after the **market court** session has concluded, the mayor will have proclaimed within the town all the articles of communal regulations concerning victuallers and other [market?] matters ordained in times past by the decision of the community of Bristol. After which, the mayor is to proceed to the holding of his court [to hear] all kinds of actions brought before the mayor and sheriff in person, or before the bailiffs then in office. And then to designate and announce the days for **assizes and real actions** concerning real estate, in a form that includes that all plaintiffs and defendants, claimants and tenants, who have any litigation before the mayor and sheriff of Bristol, or the mayor and bailiffs of Bristol, regarding any assize or other real actions should appear on the date assigned them at the Bristol Guildhall.

It has also been the custom that within a month after Michaelmas day, the mayor, sheriff and bailiffs of Bristol shall hold a **lawday** in the Guildhall, summoning thereto (by the town clerk of the town) first the entire council of Bristol, **without any amerancements**, and next summoning all freeholders and common suitors, upon penalty of amerancement, and finally to summon the constables of every ward. And then proceeding to the inquests. Once the town clerk has made a record of the lawday, within 7 or 8 days after that the mayor, sheriff and bailiffs are to hold the **affeering** day, and on that basis the town clerk is to compile his **estreats** for the bailiffs, keeping a register of the same to remain in the mayor's keeping, as has been the practice and custom since ancient times.

DISCUSSION

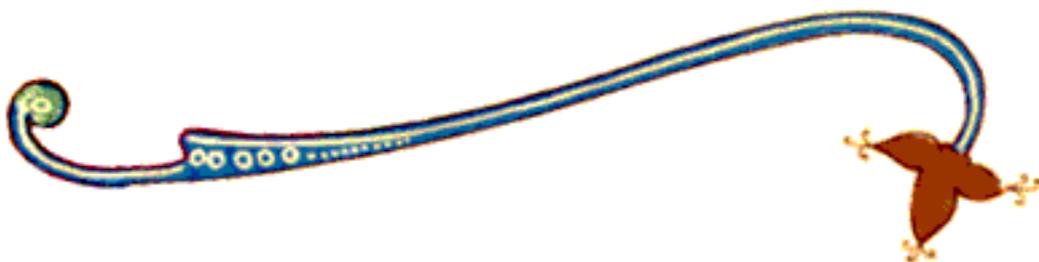
This account was produced by newly-appointed town clerk Robert Ricart, at the request of the mayor then in office, as part of a larger reference work intended to provide guidance to Bristol officials in performing their duties. William Spencer, the mayor in question, had been elected to his third and final (non-consecutive) term in office in 1479 when he commissioned the work from Ricart. This is therefore accepted as the year when the book of "various chronicles, customs, laws, liberties and other memoranda and things necessary [to have recorded]", to be known as *the Maire of Bristowe is Register, or ellis the Maire is Kalender* was planned out and commenced. The compilation doubtless was made over a period of time, and later clerks made a few post-medieval additions.

The manual for mayoral administration provides a relatively intimate look at the annual renewal of local government, its formalized procedures, and its institutions. This level of detail was not something generally committed to writing until towards the close of the Middle Ages, and cannot be taken as evidence for the early period of local self-government. Ricart goes on, after the account of electoral procedures and the initial activities to re-empower other agencies of local administration, to identify other duties of the mayor. Those included **ceremonial events** and attending the obits of benefactors of

the town, holding the assizes of bread and ale, regulating of the price of firewood during the winter season, supervising commerce in coal, auditing the accounts of William Canynges' chantries in St. Mary, Redcliffe, and presiding over weekday court sessions.

The audacious declaration that Bristol had been governed by mayors since pre-Conquest times is not atypical of urban legend, but even the chronicle and list of officers that Ricart compiled cannot extend the names of mayors before 1217 (and the list becomes increasingly unreliable the further back in time it extends), and there is independent evidence suggesting that Bristol first began to elect mayors ca.1216, even though the king refused for some decades to give official countenance to a mayor answerable to the community rather than to him. However, we must allow for the perception that the mayor was simply the successor of the reeve who had indeed taken a leading role in local government since Anglo-Saxon times. Historians do, on the other hand, concur that the great stone keep was probably built by Robert earl of Gloucester, although possibly to strengthen an earlier fortification.

An illustration of the swearing-in of the mayor-elect was made for inclusion in the mayor's register. I have **elsewhere** shown and interpreted this (on the hypothesis that it represents events of 1479). It is interesting to compare the outgoing mayor's valedictory speech with the recommendations on this subject by Latini, in **section 5 of his treatise** on the proper qualities and behaviour of rulers; although there are similarities, we cannot conclude with certainty that there was either a direct or indirect influence. There are other points of agreement between the two documents (e.g. upholding the rights of widows and orphans), but again this could reflect a common medieval attitude, rather than direct influence of Latini on English political thought.



NOTES

"in the same attire"

The aim here was for the mayor-elect not to be outdressed by his fellows, as well as to indicate unity.

"book"

This would probably have been the Bible, although in some towns an unidentified book was kept for the specific purpose of oaths, while in others a register of the town liberties and ordinances may have been used.

"escheator"

An official responsible for investigating cases of escheat (lands forfeitable to the king for various reasons).

"county of Bristol"

Bristol obtained **county status** in 1373.

"accept nothing"

The inference here is probably to bribery, although the medieval line on this was slightly different to the modern one.

"see note"

The following passage, from "I shall be painstaking" to "the rights of every man" has been placed within parentheses by the editor, without explanation. This type of clause is quite unusual in oaths of urban officers, and possibly represents some kind of interpolation, although the reference to **lollardries** indicates the passage cannot be earlier than late 14th century, and the way in which the term is used suggests more an early to mid-15th century date. In the post-medieval period, there was a good deal of tinkering with the mayoral oath, and the medieval version is also likely to have undergone changes over time – the final clauses of the oath seem to evidence such.

"Ordinaries and Commissaries"

An ordinary was an ecclesiastical official whose office entailed ongoing administrative or judicial functions, while a commissary was someone delegated with such duties for a temporary period in order to address a specific circumstance (i.e. a commissioner). Both investigated cases of heresy.

"Kalendars"

In part because of the name Ricart proposed for this book (see above), there has been speculation as to the nature of the Kalendars gild. Ricart is suspected to have himself been a lay brother of the gild, or otherwise employed by the church (All Saints) with which the gild was associated. The early history of this socio-religious gild is shrouded in legend; it may have had a role in educating converted Jews in Christian beliefs. A set of regulations for the gild, of which we have only a 15th-

century copy, were said to have been approved by an early 13th-century Bishop of Worcester; these are remarkable more for their date (if genuine) than for demonstrating roles and activities other than were typically associated with socio-religious guilds. Its early existence, the fact it was primarily for priests but also open to lay townspeople, and its acquisition of property in Bristol may all help explain why local government seems to have taken it under its wing, and why the *Little Red Book* of Bristol incorporates copies of a number of records relating to the guild. In the 1460s it built a library – presumably to house a collection of documents that had been growing over time – which was open to public consultation. A post-medieval account of the guild stated that it served an archival function, holding the town records and those of other guilds across England, but this appears unfounded and perhaps a colourful misinterpretation of an inquisition of 1318 into the loss of the guild's own records. The application of Kalendars to the guild and to the mayor's register may simply be coincidence; the guild name may have derived from meetings held on the kalends of each month.

"see note"

The passage from "as well as" to "well and truly" has been placed within parentheses by the editor, without explanation, but possibly indicative of some interpolation. The sentence that follows repeats a promise already made.

"statute of the staple" "statute merchant"

The mayor was *ex officio* the executive officer of the staple organization (certain towns being designated as staples, viz. the requisite points through which certain goods had to be exported or imported, beginning in 1353), and again responsible *ex officio* for administration of the statute merchant, which provided an official venue before which recognizance could be made of mercantile debts.

"clareners"

The term derives from a wind instrument that was considered a kind of trumpet but perhaps was more similar to a shawm.

"Counter"

The place where the mayor and bureaucratic officers carried on the day-to-day business of the town.

"Red Book"

An extensive series of 14th century oaths of office are recorded in the *Little Red Book* ff.17-21; the editor of the published transcript, Francis Bickley, believed it to have been begun ca.1344. These oaths reflect the breadth of municipal bureaucracy and municipal responsibilities in a large town of this period; oaths are recorded for the mayor, bailiffs, stewards (financial officers), recorder (legal advisor), town clerk, clerk of the Tundere (the original borough court, its name a corruption of "**hundred**"), mayor's sergeants, king's sergeants (serving the bailiffs presiding in the Tundere), constables of the peace, coroner, sergeant of marine (supervising the quayside), testament provers (probably *ad hoc* rather than a formal office), gatekeepers, craft wardens, assayers of weights and measures, woad brokers (supervisors of commerce in this item), woad porters, toll collector, gaoler, wine porter, and common surveyor (supervisor of public works). For comparison with the version given by Ricart, the mayor's oath is as follows: "Now

hear this, sir Constable and good people, that I A. de B. will be faithful and loyal to our lord king Edward and his heirs. To the best of my ability I shall faithfully protect and preserve this his town of Bristol for him and his heirs and for my lady Queen Philippa, to which lady this town has been granted for her lifetime. I shall preserve and firmly uphold the peace of this town to the best of my ability. I shall reprimand and discipline those who behave foolishly or commit wrongs, according to law and reason, to the best of my ability. I shall uphold and protect in the town the franchises and free customs that are good. Bad customs and errors I shall put aside and abolish, to the best of my ability. I shall to the best of my ability preserve, maintain and protect the rights of widows and orphans of this town. I shall to the best of my ability do right even-handedly to all folk, rich or poor, citizens or outsiders, without acting contrarily due to love, malevolence, or any other cause. And that I shall not grant the franchise, nor permit it to be granted, to any outsider without a fee of £10 being paid to the community, so help me God and his saints." (The last clause being an evident interpolation, which was later crossed out).

"third day"

Possibly inclusive.

"dedimus potestatem"

A royal writ delegating authority to the sheriff.

"execution of their duties"

This somewhat convoluted sentence (not atypical for documents in medieval legalese or bureaucratese) refers to the role of sergeants in enforcing court judgements via the collection of fines or restoration of goods or moneys awarded to a party; as this type of officer seems to have been particularly susceptible to bribery, it was common to require guarantors of good performance.

"agreements"

Several of the specific agreements are found in the *Little Red Book*, ff.77-90. Local governments were often given responsibility by testators for overseeing the maintenance of chantries, often in return for material rewards or benefits. Those agreements mentioned here that are in the *Little Red Book* date to the second half of the fourteenth century, while another on ff.157-59 is dated 1453; two agreements from the first half of the fourteenth century are not mentioned and the chantries were presumably no longer being maintained by Ricart's time.

"masters"

I.e. the guild wardens, responsible for supervising the craft regulations and reporting irregularities to urban authorities.

"terms indicated in the Red Book"

Oaths of wardens of the weavers, girdlers, tanners, and shoemakers are found in the *Little Red Book* among the oaths of urban officials (see note above), and may have sufficed as models for the oaths of other craft wardens, *mutatis mutandis*.

"market court"

Our knowledge of the evolution of medieval Bristol courts is murky, but it is possible that the market court was a special session of the hundred court dealing with mercantile suits (perhaps **piepowder**) and may even have convened in or near the marketplace, where the Tolsey court was based.

"assizes and real actions"

Disputes involving real estate; **assizes** being a particular form of legal proceeding, involving a jury, to address certain types of disputes over property.

"lawday"

On a few occasions each year a general court session was held at which were bound to appear all who owed suit, i.e. anyone holding property within the town – unless it were of an independent franchise within the town boundaries, such as (in Bristol's case) the franchises of the Knights Hospitaller (known as the Temple Fee) and of St. Augustine's Abbey; as opposed to more regular court sessions where only parties involved in litigation were obliged to turn up. In some places, these general assemblies provided a convenient occasion for matters such as **view of frankpledge**, presentment of offences against the community (constables often taking responsibility for ward presentments), and the assizes of bread, ale.

"without any amercements"

This would appear to mean that the councillors (in that role) were not subject to amercement for failure to appear, unlike individuals who owed suit to the court (i.e. were obliged to bring any related complaints before this court, or similarly were answerable to any complaints or actions regarding, or responsible for any dues from, such property).

"affeering" "estreats"

The assessment of fines on the offences, usually undertaken by a jury of affeerors; the town clerk would then add the assessments to the court record, as well as compile a list of offenders and their fines (estreats) that the bailiffs' (king's) sergeants would use for collection and accounting purposes.



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Keywords: medieval Leicester mayor election disturbances electoral procedures voting rights restrictions order assemblies council ruling class solidarity slander political conflict

Subject: Rules for orderly procedure at elections

Original source: Leicestershire Record Office, Leicester archives, Hall Book, p.226

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1901), vol.2, 286.

Original language: Middle English

Location: Leicester

Date: 1467

TRANSLATION

The mayor and his **colleagues** have been informed, in writing and by other means, that our sovereign lord the king and certain of his nobles have learned of various inappropriate behaviours, particularly among the community of this town, that took place in times past at their Common Halls. They have been so displeased by the same that, unless a remedy is found, it is likely to result in the permanent loss and undoing of the principal liberties and franchises of this town, which God forbid! Not only that, but such rumours and talk are spreading throughout the country that, as they grow, are likely to reflect dishonourably on and to the discredit of the body of this town and every member of the same.

To remedy and correct that situation, this act and ordinance was conceived and proposed through the counsel, deliberation, and judgement of mayor Richard Gillot and all his colleagues then [\[in office\]](#) in the town of Leicester, with the general and freely given assent, consent, and agreement of all the commons of the town assembled together.



At a communal assembly held at Leicester on 16 October 1467, during the mayoralty of Richard Gillot, by the assent and agreement of the mayor and his colleagues and all the commons who were present there, it is ordained, agreed, established and enacted in the following form that, if any person or persons enter and remain within the gildhall while any communal assembly is being held, or shall be held, including the day of electing the mayor along with all other communal assemblies, unless they are **enfranchised** (that is, have entered the **Chapman's Gild**), then he or they, every one of them, is forthwith to be committed to prison at the mayor's command. To remain there for 40 days, at the mayor's pleasure, paying 40d. to the chamberlains then in office towards town revenues before he can be released from prison, without remission or pardon of any part [\[of this sentence\]](#).

It is also ordained, agreed and enacted that if any person or persons, no matter what his status or authority, calls out the name of one of the mayor's colleagues for the office of mayor, prior to the mayor commanding the [\[town\]](#) crier to cry a "Hear ye!" and to read out the **ordinance made previously**, and declaring the right to hold an election, and discharging his duties in this regard according to the ancient custom long-time used, he shall pay a similar penalty and fine as indicated above.

If any person, no matter what his status, acts contrary [\[to proper procedures\]](#) at any communal assembly, at every instance he shall be fined 6s.8d [\[payable\]](#) to the chamber and levied by the chamberlain then in office, and shall also be imprisoned for 40 days at the mayor's pleasure.

Should it happen that any mayor, at any communal assembly held during the term of his mayoralty is believed and known for certain to be negligent in carrying out these ordinances according to the terms specified above, then every time that this comes about the mayor is to forfeit 20s. to the chamber, which is to be deducted by the chamberlains from the mayor's salary, and duly accounted for at the time they present their accounts of the town revenues.

DISCUSSION

By this period in Leicester's history, the Merchant Guild on which the burgesses had originally relied as an agency for furthering their ambitions, expressing group will, and exercising internal discipline, along with the borough **portmanmoot**, had long since given way to instruments of mayoral administration, notably to the Common Hall as the local legislative organism. This community meeting was dominated by the mayor and his "Brethren of the Bench" (a reference to their judicial functions), meaning the 24 **jurats** or **comburgesses**; it is significant that the titles "brethren", as applied originally to gildsmen, and "burgesses" were now obtaining a special meaning associated with those townsmen of status and power, to whom decision-making was becoming increasingly restricted. After 1464, when Edward IV granted the town the right to choose local justices of the peace, their sessions in their turn began to draw business away from the mayor's court, although this did not disempower the mayor as he was an ex officio member of that Bench; since the J.P.s were to be elected from the "more discreet" of the 24, it simply created a new elite within the existing elite in local government. They also took over functions formerly exercised by the populace through **frankpledge** juries.

In October 1466, the town authorities ordered that henceforth only residents who were enfranchised (i.e. those who had, by purchase or birthright, membership in the Merchant Guild) could come into the gildhall, or mayor's hall, during a Common Hall session, upon penalty of imprisonment. The remaining portmanmoot characteristic of the Common Hall, allowing any member of the community to attend when the most important items of business were addressed, was thus purged. A year later the ordinance given above insisted and expanded upon this restriction, suggesting that the original may have met with resistance or non-compliance; the ordinance opens with an attempt at a justification, bearing a veiled threat of royal intervention and loss of the borough liberties, perhaps indicating that opponents included enfranchised townsmen more likely to suffer from such an outcome.

Further implication of political disharmony is seen in 1477, when mayor John Reynolde had an ordinance issued requiring "that none of the Brethren should in relation to any matter or issue in any way, privately or publicly, criticize, censure, or slander any of their fellows, by word or by action, but

that all of them, whether inside or outside [the common hall] speak well of each other" [Bateson, 298], upon penalty of a fine or, if refusing to submit to discipline, expulsion from the council. If there were a dispute between any of the brethren, they were to submit it to the binding arbitration of the mayor and the masters of **Corpus Christi gild**. The brethren were also instructed to do their utmost to speak only favourably of the mayor, and to act against anyone speaking ill of him. Furthermore they were ordered not to disclose to anyone the matters discussed privately by the council, particularly as regarded elections of mayor or parliamentary burgesses. It was in this year that the mayor transferred to the brethren the co-optation of new members to fill vacancies in their number, and the earliest Book of the Mayoralty, recording business meetings of mayor and council, was also begun this year – a further indication of changes afoot.

Again in 1484 we hear of troublemakers in Leicester – this time a wide range, including rumour-mongers, vagabonds, brawlers, rioters, and whores – in the context of measures to impose greater order, by dividing the town into twelve wards (a change from the four quarters previously existing) and having twelve of the Brethren given the status of ward aldermen to deal with such offenders. While this initiative can be seen in the context of a disturbed nation, it has its own significance given the general direction being taken at Leicester. The aldermen were given summary powers over anyone breaking the peace and could bring offenders before the mayor without the need to resort to the older, inefficient method of presentment in the leet court; they were also each assigned a constable to enforce their orders. A set of ordinances in 1488 continues the theme with prohibitions against any townsman prosecuting another in any court but the mayor's, and in penalties set for brawling in a variety of circumstances.

In 1489 a further step was taken towards keeping order at meetings of the borough authorities, and towards quashing community participation in assemblies, resulting in the substitution of a lower council in place of public attendance. The Common Hall, as a vehicle for community consultation, completed the transition to what we know today as a town council. At the beginning of that year an act of Parliament had been prompted by alleged disputes in corporate boroughs – Northampton and Leicester being mentioned specifically, and both towns put a copy of the act into their local archives – blamed on the participation of:

"such a multitude of residents who are of little means or self-control and lacking in gravity, judgement, wisdom or reason, who often outnumber in assemblies others who are known to be judicious, serious and well-behaved, [and who] have by

sheer numbers and through faction, interjections, and headstrong behaviour carried out in the assemblies caused serious problems, disunity, and discord among themselves." [C. Markham, *The Records of the Borough of Northampton*, 1898, vol.1, 101-02]

The act required the creation of a body of 48 of the wiser, more judicious and well-behaved townsmen to participate in elections in lieu of the community at large.

An order from Henry VII in July, perhaps obtained by the corporation to strengthen its hand in implementing the change, stated that:

"We have been informed that at every election of the mayor there, or of burgesses for parliament, or at the assessment of any legitimate taxations, the commonalty of our town, both poor and rich, have assembled at your Common Hall. And that certain persons who are of little means or intelligence and who contribute nothing – or very little – towards the costs incurred in such activities, have involved themselves through their interjections and headstrong behaviour, to the subversion not only of the good government of our town but potentially to frequent breaches of the peace and other nuisances, increasing the misery and causing the downfall and decline of our town, and greatly discouraging you the governors there. To reform the same, with the intent that good government and stable order may be ensured there henceforward, we wish and directly instruct and command you, the mayor, **bailiff**, and 24 comburgesses of our town, both presently in office and to come in the future, that at all communal congregations and assemblies held there in the future, whether for the election of the mayor, of the justices of the peace, and of the burgesses for parliament, or for the assessment of any legitimate taxations or other purpose, you together choose and summon to join you our bailiff of the town and only 48 of the wisest and most reliable commoners who are residents there, according to your discretion, and no more. And **[all of]** you are then to deal with and resolve all matters that arise among you, according to what your reason and conscience tell you is most just and expedient."

[Bateson, 324-25]

It must have been at this time that the town clerk revised the ordinance of

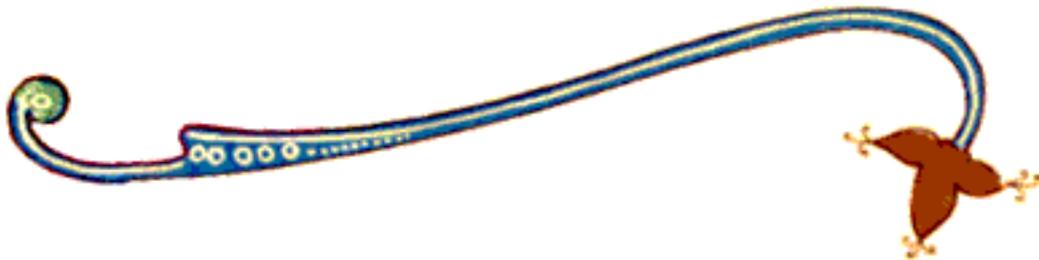
1467, replacing "unless they are enfranchised (that is, have entered the Chapman's Gild)" with "except those who are members of the 48". The view that townsmen of lesser status were unfit to participate, in even the slightest way, in local decision-making is explicit here, but implicit in the ordinance of 1467. Furthermore, the 48 were not even to be chosen by the community they were intended to represent, and they probably had little real power, compared to the 24.

As was the case in several if not many towns, when the role of the community at large in local government began to be formally hemmed in or excluded entirely, Leicester experienced an outbreak of popular opposition. We need not see this as an expression of pure democratic sentiment, given that the townspeople had for over a century and longer been quite content to leave most of the power and decision-making in the hands of a relative few of the leading citizens. But the undermining of the principle of community authority, removing the element of choice to participate or not, must have been disquieting to some, who were prepared to excite the populace on the issue. That disquiet could have been occasioned by the concern that a closed corporation might the more easily be dominated by a particular interest group – the group in power at the time; we cannot discount the possibility of faction within the ruling group, as was a factor in the political conflict at London, Lynn and elsewhere.

One of the chamberlains of the 1488/89 year, William Burdet, was a ringleader and was evidently agitating for a renewed communal role in the mayoral election; although disciplinary measures had been taken against him, they had not been effective – he was still seen as a threat a few days prior to the election, when the members of the 24 were obliged to take an oath that they would not accept the mayoralty (or any other office) should the community tried to hold a rogue election, upon penalty of dismissal from the council. The anticipation of trouble was well-founded, for on 21 September 1489 the town council elected a mayor, and the community elected another, **Thomas Toutheby**, who evidently accepted the election despite the oath taken. This impasse was resolved in a fashion similar to that at Lynn in 1414 and 1415: the king's intervention was solicited, and he appointed someone other than the two rival nominees. Since his choice was to continue the mayor of the previous year in office, Thomas Davy, it was tantamount to a victory for the closed corporation.

That it was not until 21 September 1490 that the corporation moved to expel Toutheby from the council – Davy's final official act before vacating the mayoralty, in which reference was made to Reynolde's ordinances of 1477 – suggests either that a false spirit of reconciliation had been maintained in

the interim, or that Toutheby's faction had continued its opposition. At the same time, financial penalties were imposed on anyone who in the future refused to accept election (by the council) as mayor or chamberlain. We know of no further resistance to the closing of the corporation, eliminating the right of participation (however little practised) of the community in local decision-making.



NOTES

"colleagues"

The original has *brethren*, meaning his peers in government, the councillors.

"Chapman's Gild"

The merchant gild, which was in Leicester the community of freemen.

"ordinance made previously"

Possibly this means the ordinance of October 1466, but more likely the restatement of that ordinance made in the document above.

"Corpus Christi gild"

The gild had a close connection with the borough government; at this period it is likely that most members of the corporation were also brethren of the gild; by the close of the century the Common Hall was being held in the the gild's hall.

"bailiff"

Although in 1375 the burgesses had **obtained the right** from the borough's seigneurial lord to elect each year a pair of bailiffs, this had not been obtained in perpetuity. In the mid-1430s, the lord (now the king) had resumed this right and was appointing a single bailiff for multi-year terms.

"Thomas Toutheby"

He had already held the mayoralty once; perhaps significantly, in the year following Reynolde's term. The prominence this gave him resulted in him being one of the local J.P.s for a few years and among the first aldermen appointed in 1484.



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Keywords: medieval Northampton politics conspiracy factionalism office-holding pluralism coroner assault intimidation trial eyre fines

Subject: Pluralism as an excuse for political conflict

Original source: Law reports (versions in the British Library, Lincoln's Inn library, various university libraries, and elsewhere)

Transcription in: Donald W. Sutherland, ed. *The Eyre of Northamptonshire, 3-4 Edward III, A.D. 1329-1330*, vol.1, Selden Society, vol.97 (1981), 194-95.

Original language: French

Location: Northampton

Date: 1329

TRANSLATION

Three Northampton men were indicted on the grounds that, because of a sworn alliance made among themselves, they had entered the house of a man who was a coroner of the town, had beaten him, trampled on him, and dragged him by the hair out of the house, and made him come the following day to the Gildhall where they removed him from his office of coroner and made him take an oath that he would never again hold office in the town unless it was by the king's command. They were asked how they wanted to clear themselves. They asked permission to take counsel, which was granted to them by grace [\[of the court\]](#).

Having discussed among themselves, they returned and pleaded "not guilty" as to the sworn alliance, and "not guilty" as to the battery. Regarding removal of the man from office, they said that the sheriff received a writ from the king [\[ordering\]](#) a new coroner to be made, and they said that the sheriff delivered the writ to the town bailiff.

Pursuant to this writ, because of his malfeasance, since he was suspected of various misdeeds and since he was the incumbent of several offices, so that it would not be possible for him to give proper



attention to that office [of coroner], they thus removed him, without committing any other wrong. As for the oath that he took, he did so of his own free will.

It was ordered that an inquest [jury] be assembled on the following day. On that day:

SCROPE. At the opening of the eyre we promised to be gracious in matters falling within our discretion, saving our duty as justices. We are still willing to be so. Therefore, consider whether you wish to pay a fine – it would be better to pay a fine [voluntarily] than to risk a conviction by the 12 [jurors] or to have the twelve **perjure themselves**.

They [i.e. the accused] were nervous, but they persisted in their not guilty plea regarding the alliance and the battery; and, as to the removal from office, they wished to submit themselves to the king's grace and begged the justices to be gracious to them. The justices asked each of them separately what he was prepared to pay [as a fine]. One of them offered 6s.8d.

SCROPE. For offences such as this, or less bad, **Sir Hervey** imposed fines of £40, £26.13s.4d, and £66.13s.4d on people who owned lands worth no more than £10 [a year].

Scrope demanded he pay £40. The accused offered 40s.

SCROPE. You shall not pay less than £6.13s.4d.

Another paid a fine of 30s., and the third 13s.4d. because they were poor.

DISCUSSION

Such was the account of this case made by law reporters, attending the court to record practice and precedents that could be of guidance to law students and practitioners of the law. The official enrolment in the eyre rolls throws some additional light. It identifies as the victim Walter de Pateshull, the mayor of Northampton at the time of the incident, and the conspirators as a larger party than the three men indicated by the reporters: Simon de Laushull, also a former mayor (1326-28), William Elys, John de Staunford junior, Adam de Naylesworth, Richard de Stratford, Robert de Stormesworth, Robert Mangeben, Thomas de Leycestre junior, Walter de

Multon cordwainer, William son of Richard de Stratford (who had fled), and John de Naylesworth chaplain.

Despite the accused's defence that Pateshull was unfit to be coroner and a pluralist, what we more likely have here is political opponents, with the party out of power afraid that the party in power was obtaining too much power through pluralism. The lawlessness and national political strife of Edward II's reign encouraged, and even fostered, force and violence as tools of political conflict in towns. It will be noted that the conspirators were not in a position to oust Pateshull from power entirely – despite the charges of official misconduct, which were not pursued here or on other occasion in the eyre – but resorted to obtaining a writ from the king to have someone elected coroner in place of Pateshull. The patent rolls indicate that the king issued such a writ on 26 August 1323, on the grounds that Pateshull could not attend to the duties of coroner because he was clerk to the bailiffs of Northampton. The fact that the conspirators were able to intimidate Pateshull, by death threats, to renounce the coroner's office in an open court session in the town hall, also reflects the political (rather than personal) character of the conflict. Since Pateshull's oath not to exercise office in the town was unless the king commanded or the community agreed to his appointment, there may be some underlying grievance about the manner of Pateshull's appointment to the coroner's office – perhaps even to the mayoralty – for Northampton **claimed to elect its coroners**.

The negotiations as to fines were preceded by the threat of imprisonment. The ringleader, Simon de Laushull, was the one who paid £6.13s.4d. His accomplices paid smaller fines, ranging from 40s. to 6s.8d, except that Walter de Multon (despite already being in prison on the charge of having broken into a shop and stolen two dozen pairs of shoes – for which he was acquitted), was not fined because he was poor; it was often easier to let the poor off, rather than commit them to prison indefinitely for a fine they could not pay. Richard de Stratford also was not fined, he having shrewdly purchased on 12 March 1327 a royal pardon for all crimes committed before that date; a not uncommon strategy during this period. It had been just a few days before the date of that pardon that the king appointed a commission of oyer and terminer to investigate a complaint by William Trussel that 20 men – including Pateshull and other prominent Northampton men (including other ex-mayors) – had ransacked his property at Flore (a village a few miles west of Northampton). Pateshull himself is found taking out political insurance, in the form of a royal protection for one year, in August 1331.



NOTES

"perjure themselves"

I.e. if the jury, through favouritism to their fellow townsmen, declared the accused innocent. Scrope may have feared such an acquittal likely, given that Laushull must have been a man of local influence, and so thought it better to persuade the accused to pay fines voluntarily.

"Sir Hervey"

Hervey de Stanton was another of the king's justices.



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Keywords: medieval Oxford government jurisdiction university police hue-and-cry borough powers petition students disturbances riot disputes judicial administration

Subject: Competitive jurisdictions

Original source: Documents now known only through Twyne's transcription of 1624 (Bodleian Library)

Transcription in: H.E. Salter, ed. *Munimenta Civitatis Oxonie*, Devizes, 1920, 87-88, 91, 126-27.

Original language: French or Latin

Location: Oxford

Date: 14th century

TRANSLATION

[1. Petition complaining of obstruction of the hue and cry, ca.1330s or 1340s]



To our lord the king, his burgesses of Oxford attest that when, as often happens in the town, hue and cry is raised because of acts committed against the peace, and the people of the community, in accordance with the law and custom of the realm, come to arrest the offenders and felons so as to preserve the peace, the Chancellor of Oxford on the pretext of his office causes those people who have come to protect the peace to become caught up in and aggrieved by coercions and censures of Holy Church, and some of them through [legal] process made before himself are banished from the town. [This acts] to the great impediment of the common people and the support of lawless elements. For which they ask a remedy.

[2. Petition for the authority to attach troublemakers, ca.1330s]

To our lord the king, his loyal subjects the mayor and community of the town of Oxford request aid. Because many homicides, assaults and

other disturbances contrary to the peace are made from one day to the next in the town of Oxford by the students living there, would it please the king in his goodness for purpose of preserving the peace to grant by charter to the mayor and community that they have the power, when such things are done contrary to the peace, to have their officers **attach** the culprits to answer to the law before his justices and officers (as is done in other cities, boroughs and towns), notwithstanding any contradictory privilege granted to the University.

[3. The riot on St. Scholastica's day, 1355]

These are the injuries down to the mayor, bailiffs and community of the town of Oxford by the students of the university of that town.

First, on 10 February [1355], after dinner, Walter Spryngeheuse, Roger de Chesterfeld and other students came to the tavern called Swindlestock, where they took a quart of wine and threw it in the face of the tavernkeeper, John Croydon; and then they beat John with the quart [pot], without any cause. Upon which the town bailiffs came and requested them to make amends and reparation in a proper fashion. But they refused to make amends or reparation for their offence; instead they poured out of the tavern and soon after appeared at the **Carfax** with bows and arrows and other weapons, ready to cause trouble. The bailiffs seized the bows and arrows, but the students made a great hub-bub and were very argumentative. Consequently the mayor, bailiffs and sergeants went to the Chancellor of the University and asked him to have the troublemakers arrested and to help do his part to preserve the peace. He did nothing of what was asked him. After the mayor, bailiffs and sergeants left the Chancellor, there came two hundred or more students, armed as if for war, and they confronted and assaulted the mayor, bailiffs and sergeants, wounding some of them so badly that it is doubtful they will survive; and then they killed a child of about 14 years of age and threatened to set the city on fire. The next morning, while the mayor, bailiffs and all the good folk of the town had gone to Woodstock to complain to the king of these injuries, those students came with a force equal to a king's and with a plan in mind, seized the gatekeepers of the town, closed the gates, fought with shields and weapons, set fires in various parts of the town, broke into and robbed various houses of laymen, and

wounded or killed several people. Because of which disturbance, involving fire and fighting, the people of the community rose up in support and defence of the town.

DISCUSSION

By the time of the Norman conquest, Oxford was already promising to become one of England's leading towns, the sheep-grazing lands in the area making it a natural centre for the wool trade and the cloth industry; its prosperity was furthered by the presence of consumer groups in the form of two monasteries and a sizable Jewish community. The town's natural course of development, in terms of acquiring control of its own internal affairs along the lines of other towns, was however checked by the emergence of a university by the close of the twelfth century. Formal colleges were endowed in the next century, a chancellor appointed to head the loose confederation, and the students and teachers – mostly lodging with townsmen or in houses rented within the town – became a sizable minority within the urban population. Thereafter it was the disharmonious town-gown relations that dominated the central course of Oxford's history.

The exercise of jurisdiction in Oxford was an awkward matter because the town proper and the university were competitors of about equal strength; what the university lacked in size it made up for by having the protection and support of the king, who periodically gave more **powers to the university**, often at the expense of the town. It was like two separate communities within the same town, each vying for dominance. The main areas under dispute were control over trade and commerce (which impacted the scholars as consumers) and jurisdiction over legal matters; the power to assess rents on houses rented by the scholars was another touchy issue.

The Chancellor had his own court, whose jurisdictional scope was resented by the town authorities. The Chancellor's privileges included the right to banish from the town those he considered undesirables, and to excommunicate those who defied his authority. His court had jurisdiction over certain cases in which a member of the university was one of the parties, thus depriving the town court of income from fines. After town-gown disputes at the end of the thirteenth century, a settlement extended this to all trespasses in which scholars were involved. One consequence of this

jurisdiction was that townsmen were sometimes tempted to involve (fraudulently) scholars in their legal disputes in order to have the case tried by the Chancellor's court.

The thirteenth and early fourteenth centuries were in fact punctuated by conflicts between town and university, not infrequently erupting into violence, followed by settlements that invariably strengthened the university. Salter noted that difficulty in dating the first of the three documents above stemmed from the fact that this type of complaint was frequently being made by the town authorities, and particularly during a period of town-gown conflict towards the mid-point of the century. The second is also difficult to date; Salter suggested that 1335, a year of town-gown disturbances, might be a candidate.

If the town authorities had many complaints about interference with or obstruction of their powers or rights, the university authorities made at least as many complaints on their side. On one occasion when tempers reached boiling point, the St. Scholastica's Day riot, or massacre as it is sometimes exaggeratedly called, occurred. The document translated here of course represents the town authorities' perspective, aiming at placing blame for what happened on provocations by the students. The "resistance" of the townspeople, prompted by raising hue and cry, was organized by several leading townsmen; they recruited help from residents of the surrounding countryside, whose forces broke through the west gate, closed by the students. Over the next three days there were repeated assaults on and plundering of various university buildings; several students were killed.

The king and the Bishop of Lincoln both intervened, the latter placing the town under interdict until 1356, and the former demanding both town and university surrender their charters of liberties. The king continued to favour the university. A new charter granted to the town in July excluded from the restoration of liberties some key privileges: **market assizes**, investigations of **forestalling** or of sale of bad meat or fish, punishment of carrying arms in town, control over street-cleaning, and taxation of scholars' servants. The transfer of these powers to the university were a severe blow to local government. In addition, the king deposed the mayor, who was thrown into prison, and the bailiffs, required the townspeople to restore all possessions plundered from the university, and imposed damages of £250. In a final settlement in 1357, the mayor, bailiffs and aldermen were subjected to the further humiliation of having to attend a service in the university's church every St. Scholastica day and make an offering of 1d. each on that occasion, as a gesture of submission.

The 1355 riot exhausted the town's efforts to dominate the university and relations actually improved thereafter – or at least were more subdued; resentment continuing to find outlets in disputes, but rarely reaching the point of violence.



NOTES

"Carfax"

The centre of the town, where crossed the roads linking the four main gates into the walled city; it was also the focus of Oxford's market, and the Swindlestock tavern stood nearby.



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Keywords: medieval Cirencester charters liberties self-government political conflict lawsuits abbey jurisdiction seigneurial rights borough hospitals corruption sexual relationships property values encroachment homicide merchant guild tolls exemption judicial administration

Subject: **Suppression of alleged borough liberties and self-government**

Original source: Thirlstane House (Cheltenham), Cirencester Cartulary, Ms. Register A, ff.11, 36-39, 188-190

Transcription in: C.D. Ross, ed. *The Cartulary of Cirencester Abbey, Gloucestershire*, vol.1, London: Oxford University Press, 1964, 9-11, 102-08, 611-15.

Original language: French and Latin

Location: Cirencester

Date: 14th and 15th centuries

TRANSLATION

Bill delivered to King Edward III by the hands of the men of the **town** of Cirencester, alleging that in many respects dom. William Hereward, Abbot of Cirencester, and his predecessors as abbot of that place, have usurped [\[the rights of\]](#) the king and his predecessors as kings of England, as appears in the bill written below. [\[1342\]](#)



Let it be remembered that in 1133, when King Henry I who was king of England founded an order of canons in Cirencester, he also founded a **hospital of St. John** in the town for the infirm poor to pray for him and for his successors as kings of England. To help sustain them he endowed them with one-third of all his tithes from his demesne in Cirencester and all the tithes of underwood from his forest of Oakley, which at that time was wooded and full of deer. He assigned to the

poor [residents] a warden-chaplain to celebrate a mass in the hospital before them each day, for his soul and those of his heirs, in perpetuity; and to support that individual he assigned him the allowance equivalent to that a canon would receive in all regards – in bread, ale, and cooked food – which allowance was to be provided by the abbey. Concerning which tithes, chantry and allowance those infirm poor and the chaplain who celebrated their mass were in possession, to support the chantry and prayers for the souls of the kings mentioned above, since the foundation of their house. But in the tenth year of the reign of King Richard, when he had given the canons his manor of Cirencester with the **Seven Hundreds**, because of the extensive powers that they acquired through this grant, they having complained to the king about the chantry in the hospital for a long time, they then sold [appointments to] the chantry – sometimes to priests for £40 and sometimes to laymen for £60, contrary to the intentions of the royal founders of the hospital. Whereby the king and his ancestors and the infirm poor there were deprived of their daily mass in the hospital; and also the **frank-almoign** [granted by] the king was sold and the divine services extinguished for lack of support. Furthermore, the abbot then in office established in the hospital a sisterhood of women under an order associated with that of the abbey canons, and they engaged in sex in the hospital with the sisters who lived therein, as a result of which the charitable character of the hospital was badly blemished.

Furthermore, a **house of St. Lawrence** was founded there in the town of Cirencester for people suffering from leprosy, being endowed with lands for its support and with a warden assigned to assist them. The abbot then in office, having dismissed the warden and evicted him from the house, established in the house a **brothel**, the women taking their children with them into the house. And thus that charitable foundation was lost, and [the purpose of] the house confounded, and it was continued in sin. Concerning which, may it please the king and his council to order a remedy.

Also, whereas King Richard gave to the abbot and convent of Cirencester the manor of Cirencester with Minety, which is part of that manor, and with the 7 hundreds, the hamlet of Cirencester was not a part of that manor, for it is a **borough** in its own right, as can be

found from the records of the Exchequer. Which town and borough the abbot has annexed to the manor and has treated all the ancient demesne as if it were part of the manor, contrary to the charter which is the proof [of status] and by which the king was accustomed in times past to receive from the abbot £100 annually as the **farm** of the town of Cirencester. Of which farm of £100 the king now has nothing, but has for a long time lost the rent, to the detriment of himself and his crown.

Also, the abbot has unwarrantedly appropriated to himself the parish church of the town of Cirencester, to the detriment of the king and his crown.

Also, the abbot illegally and unwarrantedly holds pleas of the crown, encroaching on royal jurisdiction, to the disinheritation of the king and his crown.

Also, King Henry had granted by his charter to the **burgesses** of Cirencester that they hold their land freely, with the same **franchises** as the burgesses of Winchester; which charter has been lost due to a deceitful warden who had the charter in his safekeeping. Of which charter the burgesses have only a transcript, and they beg you, most honourable lord king of England, that by your grace you will grant them another charter of such freedoms.

Also, the abbot has granted an annual pension of £40 to the sister of the archbishop of Canterbury, **to protect him** and the evil initiatives he was undertaking contrary to reason and to the rights of the king and his crown.

May it please the king and his council to recall and enquire into how one master Nicholas de Stratton, who pursued the above matters before the king, was killed by the abbot of Cirencester and his council of that time for bringing the suit; so that no man dares sue [him] for fear of death.

Also, when the abbot of Cirencester leased from King Richard his manor along with the 7 hundreds, he had only three **carucates** of land in demesne and £10 in **rents of assize**. Thereafter, because of the

extensive power he acquired through that grant, he purchased all the tenancies of the people of the king's manor that there were in that demesne. So that he built up: 26 carucates of land in Cirencester, worth £200 annually along with court profits; acquisitions within the town and the 7 hundreds that are worth £100 annually along with pleas of the crown; meadow and pastureland worth £40 annually; the vill of Minety which is part of the manor and worth £60 annually, along with the forest at Minety and the pleas of the crown there – which King Richard had reserved for himself, his heirs and his crown in Cirencester, in Minety, and in the 7 hundreds.

You can see, sire, that the manor of Cirencester, the vill of Minety, and the 7 hundreds all taken together are worth £500 a year.

Inquisition taken upon writ in the king's Chancery, before Robert Parvynke the king's Chancellor, on 8 April 1342.

Robert Barbast and his fellows, under oath, say that the manor of Cirencester together with the vill of Minety, which is part of that manor, with the seven hundreds is one major part of it and pays £30 annually to the Exchequer, as evidenced by the charter of King Richard who, in the ninth year of his reign, gave the manor with its appurtenances of Minety and the seven hundreds, to the order of canons of Cirencester as a charitable endowment in perpetuity.

Moreover, they say to you that the borough of Cirencester is another major part of it and throughout that whole time was in no way an appurtenance to the manor of Cirencester, and was accustomed to pay a farm of £100 to the Exchequer. Of which borough and farm King Henry I was in possession throughout his reign and at his death, and after him King Henry II was in possession throughout his reign and at his death, and after him King Richard was in possession throughout his reign and at his death, and after him King John was in possession of the borough and the farm of £100 in the first year of his reign, just as his predecessors received it. Of which £100 our present king has had nothing, because Abbot Hugh of Cirencester in the tenth year of King John's reign usurped to himself the borough without warrant from the king or any of his heirs, thus disinheriting the king and his crown.

Also, they say that one plot of pasture called Crondles, which is of 60 acres and worth 60s. a year, belongs to the borough. Which piece of land used to be common to the borough, occupied by their beasts, in support of the farm of the borough. Which piece of land Henry Clerebaud, Abbot of Cirencester, encroached on in the eighth year of the reign of King Edward the grandfather of our present king, and had the land enclosed with a wall to the detriment of the king, the borough, and those who had common thereon. And they tell you that Abbot Hugh of Cirencester made an **encroachment** against King John in the fourth year of his reign, by building houses in the middle of the marketplace of the borough, which are worth 10s. annually; and Abbot Adam of Cirencester made an encroachment against King Edward the father of our present king by building in the same place on the highway ten houses, which are worth 20s. annually.

And they tell you that Abbot Roger of Cirencester made an encroachment against King Henry the son of King John by taking over 20 **burgages** in the borough which belonged to William Noel, Henry Primat, Nicholas Babbe, Richard Boilond, John Mey and other burgesses, in the fortieth year of King Henry and thereafter; they are worth 100s. a year. Henry Hamptonet, Abbot of Cirencester, made an encroachment against King Edward the grandfather of our present king in the 30th year of his reign and thereafter by taking over the burgages of Adam de Lewes, William Bisle, William Anbecil, John de Baudynton, William atte Elme, Robert de Cruddewelle and others of the borough; which are worth £25 annually.

They also tell you that Abbot Adam of Cirencester made an encroachment against King Edward the father of our present king in the second year of his reign, by an **abatement** on the **provost's** court of the borough, to which the burgesses **owed suit**; and he used coercion to make the burgesses pay suit to his manor court, to the detriment of the king and the borough.

Also they say that the abbots of Cirencester have encroached against them on the church of St. John Baptist of Cirencester, along with the chapels of Baunton and Wiggold, without any grant from the king who is the true patron; and they tell you that King John had possession of the patronage of that church with the chapels and

formerly presented the church and chapels to a Norman, his clerk, master Gauthier de Poundeveske.

As for pleas of the crown, they say to you that Abbot Hugh made an encroachment against King John in the fourth year of his reign, by presuming to have a fair in the borough on the day of the Translation of St. Thomas [7 July], without permission from any king; which is worth 40s. annually.

Also in that same period, Abbot Hugh and his successors held markets in the borough on two days of each week – Monday and Friday – throughout the year; which markets are worth 100s. annually. And it is their custom to have custody of a prison for residents of the borough and outsiders.

Concerning the forest of Minety they made no **assart**, but they killed off all the deer in the Oakley forest in the tenth year of the reign of King John. Abbot Hugh of Cirencester cleared a hundred acres of Oakley forest by installing Adam Wynesnok and Reinald atte Wode; which is worth 16s.8d annually, at 2d. an acre.

Also, they tell you that King Henry I founded a hospital dedicated to St. John in Cirencester and gave the hospital one-third of the tithes from his demesne in Cirencster and each week of the year three cartloads of underwood taken from his forest of Oakley; and he assigned a chaplain-warden of the hospital to celebrate mass each day in the oratory of the hospital in the presence of the infirm poor, for the souls of the king and his heirs, and he gave the chaplain an allowance from Cirencester abbey in the form of provision of bread, ale and cooked food, in the quantity that a canon receives daily. The present abbot, and others before him, deprived the hospital of those tithes, following the second year of King Henry, son of King John, and for a long time appointed laymen as wardens of the hospital, taking [money] from these wardens for having the wardenship for the term of their lives – for example, £20 from Henry le Chauntur and £13.6.8d from other laymen – contrary to the intent behind the foundation of the house, and in this way they abated the king's chantry for a long time, although in the recent past a widow of Cirencester by the name of Alice de Weston gave £60 to the present abbot of Cirencester to have a chantry in the hospital to celebrate for her, as is demonstrated by a

charter which they can present in evidence.

As regards a house of St. Laurence, recently founded in Cirencester for lepers, they say to you that this was founded by one Edith, lady of Wiggold, who held of the king the land on which the hospital was founded. She died without heirs. The lepers were accustomed to be supported in part from the alms of the townspeople, and partly from lands and rents that good people gave to the house by charter; the which [charters] were taken possession of and carried off by Abbot Adam and his council. Friar John de Baudynton who was appointed master of the house by Adam, Bishop of Worcester, in the ninth year of the present king's reign was evicted from the house by the abbot and his council and a sisterhood established in the house. Their lands are worth 40s. a year, with one acre of meadow which lies next to Clerkesmead; on which meadow the abbot encroached, enclosing it in the 10th year of our present king's reign.

Also, they say to you that master Nicholas de Stratton who recently brought a suit for the king against the abbot of Cirencester on the above matters was beaten up in the town of Cirencester by William Clerbaud, John Medford and John Cruddewelle, the abbot's people, and subsequently for the same reason was killed in Wiltshire by them and others who abetted them.

Also, they say to you that John de Denemewe, Richard Gascoigne and Robert de Cornewaille, prisoners of the king were removed from the prison of **Somerton** by king's writ and taken to Cirencester gaol. From there, chained and tied together, they led out of Cirencester prison and in the highway, without having received judgement, were beheaded by Sir Robert de Astone, the abbot's steward, Philip Batel and Roger le Hattere.

Our lord King Henry I gave to the burgesses of Cirencester a charter of liberties in the following words:

*Henry, by the grace of God King of England, **Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou**, to his archbishops, bishops, abbots, priors, barons, justices, foresters, sheriffs, reeves, ministers, all*

bailiffs, and his loyal subjects, greetings. Know that we have granted to our burgesses of Cirencester that they be exempt from toll, murage, pontage, pavage, lastage, and all other customary payments throughout all our land in England, Normandy, Wales and Ireland, wherever they and their goods travel to. Wherefore we wish and order that they have all liberties, exemptions, and free customs as fully and honorably as our free and loyal subjects have so far had, free and undisturbed, such as our burgesses of Winchester or others of our kingdom. Wherefore we wish that they be exempt from toll, murage, pontage, lastage, pavage, and all other customary payments, as mentioned above, and we forbid anyone from interfering with that contrary to this our charter, upon penalty of forfeiting £10.

And they say to you, Sire, that John Boylond, a former burgess of Cirencester, had the safekeeping of this charter, and in the 20th year of the reign of King Edward, grandfather of our present king, Henry Clerbaud, Abbot of Cirencester, took the charter from him after giving John Boylond a large gift; and then he had it burned.

We beg you, most honoured lord, for the sake of charity, if it please you, to look into the encroachments thus made by the abbot to suppress the liberties of your burgesses and your borough; and [consider] the distressing action your burgesses have brought against the abbot concerning the awful enclosures and improper encroachments that he and his canons have committed against you in regard to your borough and farm, as mentioned above, to the detriment and disinheritance of your crown. And that it please you, by your grace, to grant and give us a charter of our liberties, as indicated above, in the same tenor of our original charter, which King Henry I gave us.

Note concerning the merchant gild. Which was revoked before Sir William Hankford, Chief Justice of England, in [...]

Henry, by the grace of God King of England and France and Lord of Ireland, to his archbishops, bishops, abbots, priors, dukes, earls,

barons, justices, sheriffs, provosts, ministers, all bailiffs, and his loyal subjects, greetings. Know that we, giving careful consideration to what we owe our well-beloved subjects, the men of the town of Cirencester, for the sincere devotion they have shown in many ways towards ourself after we took up the reins of government, wish on those grounds to reward our subjects with our gracious favour. By our special grace we have therefore granted to those men, for ourself and our heirs, insofar as is within our power, the liberties and privileges written below.

Viz. that they, their heirs and successors may in perpetuity have within that town a merchant gild, with each and every liberty, privilege, and custom belonging to a merchant gild. The same men, their heirs and successors, may in perpetuity assemble each year on 7 January in a certain place within the town to be defined by them, to nominate and appoint by mutual consent and assent a master and such other governors, officers and ministers of the gild, whatever and however many seems to them best for government of the gild. Also, they and their heirs and successors in the gild are to be in perpetuity free and quit of:

- all suits to [courts of] shires, hundreds and **wapentakes**;
- **murdrum and larceny**;
- aids of sheriffs, foresters, of any other of our bailiffs, and all other things pertaining to them, including the guarding and building of castles;
- **toll**, pontage, passage, pavage, lastage, quayage, stallage, murage, fossage, picage, carriage, pesage, and cheminage, on all their goods, items, and merchandize throughout our kingdom of England and other places over which we have power, whether [travelling] by land or sea, wherever such liberties can be applied.

In addition, we grant to the same men that the master or governor of the gild and one clerk deputed by them may have full power and authority to take within the gild whatever **recognizances of debt** are made before them according to the tenor of the **Statute of Acton Burnell**. The master, or governor, and the clerk may in perpetuity provide certification, under the seal assigned for that purpose, to our

and our heirs' Chancery of the names of those making the recognizances following the year the payment is made, as per the recognizances made before them.

In addition, the gild's master, or governor, then in office, whether in the presence of ourself or our heirs or in our absence, may conduct within the gild the testing and assize of bread, wine and ale and any other victuals, as well as measuring and weighing, and all other things pertaining or relating to the office of clerk of the market of the household of ourself and our heirs. He may correct and punish offenders or defaulters in those parts (whether in the presence of ourself or our heirs or in our absence). He may in perpetuity levy, collect, have and hold the ameracements and revenues stemming from the same, towards the costs of governing the gild well and to help defray the expenses of those then being gildsmen and their heirs and successors, saving the just rights of anyone.

Wherefore it is our wish and binding command, on behalf of ourself and our heirs, that the gildsmen and their heirs and successors in perpetuity have, in the manner expressed above, all the above liberties and exemptions and may full implement and enjoy each and every one in the way indicated, without interference or hindrance from ourself, our heirs, our justices, escheators, sheriffs, or any other of our bailiffs or ministers whatever. Witnesses: the venerable father Thomas, Archbishop of Canterbury, primate of all England, Richard, Archbishop of York, primate of England, Robert, Bishop of London, Henry, Bishop of Lincoln, our chancellor, Guy, Bishop of St. David's, our treasurer, Sir William Heron, steward of our household, Thomas Langeley, keeper of our privy seal, and others. Given by our hand at Westminster on 14 July 1403.

Recital of various charters dealing with the manor of Cirencester and its appurtenances [1418]

We have reviewed the written documents and the proceedings of the case which came before us in our Chancery as a result of our writ of *Scire facias* between the abbot of Cirencester and the men of the town of Cirencester, for the purpose of those men showing what reasons they had or could state as to why the charter made out to them – to the

extent that it be detrimental or prejudicial to the liberties, privileges, immunities, franchises, customs or other rights granted or suitable to be granted in whatever way to the abbot – should not be revoked and cancelled. Which case was sent before us for examination shortly after we had summoned it before us in our Chancery through these words:

[Given at] Gloucester. Memorandum that the venerable father Henry, bishop of Winchester, chancellor of the king, by his own hands delivered here in the court, in this term, a certain writ of *Scire facias*, endorsed by the sheriff of Gloucestershire to whom addressed, as follows: Henry, by the grace of God King of England and France and Lord of Ireland, to the sheriff of Gloucestershire, greetings. Richard I, sometime king of England, our ancestor, by his charter gave, granted and confirmed to God, the church of St. Mary of Cirencester, and the canons regular serving God there, in perpetual almoign freely given, for the soul of his father's grandfather Henry I who founded that place, for the soul of King Richard's own father, and for the salvation of King Richard, the queen mother Eleanor, his brothers, and all the deceased faithful, (among other things) his entire manor of Cirencester with all appurtenances and with the vill of Minety, which is part of that manor, and with the Seven Hundreds belonging with all their appurtenances to the manor and its farm, to be held of King Richard and his successors in perpetuity for thirty pounds a year in place of all services, to be paid each year at the Exchequer. Accordingly, it was his wish and his binding command that the canons might, in return for the aforementioned thirty pounds annually, entirely have and hold forever the entire manor of Cirencester, with the vill of Minety that is part of it, and with all its appurtenances, freely, undisturbed, peacefully, and properly. Along with all liberties and free customs which the manor had in the time of King Richard's predecessors, including **sac and soc, tol and theam, infangthef and outfangthef, hamsoken, grithbrich, bloodwite, murdrum, forestalling**, "flemenstrit", [trial by] ordeal, [power of] arrest in all locations (both red-handed and after-the-fact), and with all [court] cases which have been or may be; and that they be free and quit of all **scot** or geld, and of all **aids** to the king, sheriffs and all their officers, and of **hidage, danegeld**, horngeld, **summage, scutage**, military service, [accountability to] shires and hundreds, pleas and suits, and other things mentioned in the charter. And that the chattels of thieves

and **amercements** which may come about through forfeitures for murders or anything else may belong to the canons, along with the judicial jurisdiction that the manor has customarily had. Lord Edward, formerly king of England, our great-grandfather, having approved these gifts, grants, confirmations, liberties, wishes and orders, acquittances and quitclaims, on behalf of himself and his heirs, insofar as he had the power within the limits of the law, accepted, approved, and by his charter granted and confirmed them, among other things. Furthermore, recently the abbot and convent of that place, under the name of the abbot and convent of Cirencester, gave to understand to our great-grandfather among other things that King Richard, formerly king of England, by his charter had given and granted the then abbot and convent of that place the manor of Circencester with its appurtenances, along with the Seven Hundreds and everything else pertaining to the same, in pure and perpetual almoign. And Lord John, sometime king of England, our ancestor, afterward confirmed the gift and grant made by King Richard through his charter. On the authority of which gifts, grants and confirmations by the former kings Richard and John, the abbot and convent and their predecessors always – from the time the charters were drawn up and confirmed, up to the making of the charter of our great-grandfather – had possession of the vills of Cirencester and Minety, which make up the manor of Cirencester, along with **view of frankpledge**, return of writs, infangthef, and the custody of prisons within the vills and hundreds mentioned, just as belongs to them in the Seven Hundreds (of which the vills of Cirencester and Minety were as if one hundred). Also, the abbot and convent and their predecessors levied a **tallage** on their tenants in the vills of Cirencester and Minety, just as if tenants of ancient demesne, when our great-grandfather or his ancestors tallaged his demesne and boroughs. They hold two markets each week, on Monday and Friday, in the town of Cirencester and from the time mentioned above have been accustomed to take and receive within the vill, throughout the week, reasonable tolls for all kinds of merchandize sold there.

[The document then reiterates the same rights, in the context of their confirmation by Edward III, Richard II and Henry IV.]

Furthermore, Lord John, sometime king of England, our ancestor granted and confirmed by his charter, which was confirmed by our father, to the then abbot and convent of Cirencester that they and their

successors might have in perpetuity a fair each year at Cirencester, lasting from 24 to 31 October, with all liberties pertaining to such a fair. Afterwards, our ancestor Henry III, formerly king of England, granted and confirmed by his charter, likewise confirmed by our father, to the then abbot and convent of Cirencester that they and their heirs might have in perpetuity another fair at their manor of Cirencester, lasting eight days – that is, from 6 to 13 July – with all liberties and free customs pertaining to such a fair. As is more fully set out in the charters, letters and confirmations already mentioned.

And now John, the present abbot of that place, has petitioned us that, whereas the manor is part of the ancient demesne of our kingdom of England, the present abbot and all his predecessors as abbots from the time that the charter of Richard I was drawn up, as a jurisdiction of his church of St. Mary of Cirencester and of his lordship of the manor, vills and hundreds, have had:

- view of frankpledge in those vills;
- return of writs and execution of those writs;
- custody of prisons within those vills and hundreds;
- a hundred [court] and a court held every three weeks in the vill of Cirencester in a certain house situated in the middle of the vill called the **Tolseld**;
- a court for view of frankpledge in that vill held twice a year;
- the suits of all of his tenants within those vills, the hundred, and the court every three weeks;
- as well as from each and every of his tenants and other residents within the vills who are customarily obliged by English law, upon advance notice, to perform suit at the view of frankpledge at the biannual court for the view of frankpledge, before his steward, provosts, or bailiffs presiding;
- pleas of **prevention of distraint**, **defaults** of debtors, agreements and other contracts, and personal disputes of whatever kind arising within the vills and hundreds;
- the testing and **assize** of bread, wine and ale, along with other victuals of whatever kind;
- weighing and measuring within the vills;
- correction and punishment of offences and defaults of the inhabitants in those parts;

- the fines, amercements and all revenues stemming from the same, to his own use;
- tallages, villeinage, labour, customs, and the services of each and every of his tenants within those vills who hold by villein tenure;

according to the custom of the manor from the time aforesaid, among other things such as belong to a manor since time immemorial.

Similarly, the present abbot and all his predecessors who were abbots of that place have had and possessed: the markets and fairs mentioned above within the vill of Cirencester; reason toll within the vill throughout the week from whatever merchandize and are things are sold in the town, according to the tenor and effect of the aforementioned charters made to that end; with **picage, stallage**, and a court of **piepowder [held]** from hour to hour within the vill of Cirencester, as often as is necessary or whenever convenient, before the steward, provost, or bailiffs of the present abbot and his predecessors at any given time; with all other liberties, amercements, revenues and profits belonging to or associated with the market and fair, since the time that these charters were drawn up, among other liberties, privileges, franchises, immunities, and other customs contained in those charters. And all liberties, privileges, franchises, immunities, customs, correction, and punishments that they shall have fully used and enjoyed; and fines, amercements, revenues, tallages, villeinage, labour, services, and other profits, that they shall have had and received, peacefully and undisturbed, by virtue of the charters and confirmations mentioned.

Until lately, the present abbot, as regards the liberties, privileges, franchises, immunities, customs, correction, and punishments, fines and amercements, revenues, tallages, villeinage, labour, services and other profits, and other of his rights within the vills and hundreds, such as have existed up until now, has in many regards been worried, wearied, vexed, and impeded by the men of the vill of Cirencester on the grounds of a certain charter of our father, by which he granted to those men for himself and his heirs, insofar as he had the power, by the name of the "well-beloved subjects, his men of Cirencester", that they, their heirs and successors might have in perpetuity within the vill of Cirencester a merchant gild, with each and every liberty,

privilege and custom belonging to a merchant gild [recites the substance of the grant of 1403]. Particularly because the men of the vill of Cirencester holding land there by villeinage from the present abbot, together with others living in the vill who are obligated to perform suit at the view of frankpledge as mentioned above, have united themselves in the gild and – on the grounds of the charter that our father issued to them – claim to be exempt from paying suit as tenants to the hundred court and the court held every three weeks by the abbot, and those same tenants and other residents [likewise concerning] their suit at the abbot's view of frankpledge held in the vill of Cirencester. They have denied having to perform suit, and so deny to the present day. In a certain court of piepowder there, before the master or governor of the pretended gild, held from hour to hour and day to day, whenever it suits them, they have entertained pleas concerning disputes, personal contracts, and other matters arising within the vill. The amercements and other revenues stemming from such pleas they have, contrary to the will of the present abbot, levied and received to the use and advantage of those men of the vill of Cirencester who have united in that gild. They have taken upon themselves the testing and assize of bread, wine, ale and all other victuals, as well as measuring and weighing within the vill of Cirencester, in regard to whatever persons are admitted into the gild, and the correction and punishment of offences or defaults that occur in those parts; and the amercements and other revenues stemming from the same they have levied and received to the use of their people, and so receive to the present day. Those men of Cirencester admitted into the gild [refuse to render?] the labour and services due from those who are tenants of villein lands and tenements held of the present abbot, or reasonable tolls from merchandize sold in the vill of Cirencester by men of the gild, or reasonable payments for picage and stallage on the ground of the present abbot in the vill [... the remainder is missing]

DISCUSSION

Corinium was established by the Romans on the road from Exeter into the Midlands; it was a fortified administrative centre for a tribal area and also served as a market centre for grain and wool produced by the Roman villas in the Cotswolds. Prosperous and successful, by the fourth century it was the second largest town in Roman Britain. After the Romans departed, it continued to serve as the capital for a British principedom, and was later a prize contested between Wessex and Mercia and a base for the invading Danes, the centre of a region subsequently known as the Seven Hundreds of Cirencester. In the eleventh century it was a royal vill, where the king occasionally stayed, and a market was established there. With that kind of heritage, it might have been expected to develop into a borough. But this ambition was to be thwarted.

Like Reading, Cirencester began its transition from royal to monastic overlordship as a result of Henry I's foundation of an abbey. There had in fact been an order of secular canons established there prior to the Conquest, but early in the twelfth century they were superseded by Augustinians, and in 1117 the king began to build a new monastery for them. Progress allowed for the first abbot to be consecrated in 1131, and two years later the king turned over to them the properties the secular canons had once held, which included (among lands in several counties of southwestern and central England) two carucates of land in Cirencester, a one-third share of the tolls from the Sunday market, two-thirds of the tithes from his royal demesne in Cirencester, and the entire tithe of the parish. To this, the king added, from his own demesne, a third carucate and Oakley wood, but kept the rest of his manor in his own hands. The charter effecting this made a passing reference to burgesses living there, although at that period the term was used loosely; the Pipe Rolls also used this terminology when royal taxes were collected there, and there were other indications that the community was on its way to being recognized as a borough.

The character of the community, and the extent of the abbey's jurisdiction over it, had become a sore point during the latter half of the century. The residents complained to the king, who ordered the abbot not to harass the king's men of Cirencester in regard to free tenements they held of him, nor to try to exact customs or services from them beyond those to which the residents were obligated prior to the charter of 1133. However, the abbey had taken the manor of Cirencester from the Henry II at fee farm, and in 1190 this was solidified when the abbey paid Richard I a lump sum of £100

for a perpetual grant whereby it was bound to pay a farm of £30 a year for the town and manor of Cirencester. The townsmen again raised the alarm, but the king now took the abbey's side and fined them for bringing a false charge. Further investigations of their complaints during John's reign likewise failed to reverse the tide, and the abbot solidified his jurisdiction by obtaining a grant excluding the sheriff from intervening in most local affairs and (1222) permission to build a gaol. In 1215 the abbey had been granted a fair each October, and in 1253 a second fair in the summer was granted. At this period the abbot appears to have controlled all sources of revenues and was tapping into the profits of local commerce; the townsmen doubtless felt frustrated, when they saw around them other communities of like size obtaining measures of self-government that allowed the channelling of commercial profits back into the community.

Although the abbot appears to have allowed the king's justices to be advised, in 1221, that Cirencester was a borough, it subsequently became the policy of the abbey to deny that Cirencester was anything but a rural manor entirely subject to the abbot's overlordship. Matters came to a head at the opening of the fourteenth century – again as at Reading, a period when the abbey had been weakened financially by years of maladministration. In 1301 the "poor men" of Cirencester obtained a royal commission to investigate their complaints that abbot Henry de Hamptonet and his officers had been extorting money from them through unjust distraint, had broken into the houses of some and assaulted and imprisoned the tenants or carried off their possessions, and had impounded or driven off some of their livestock. Part of the rationale behind the abbey intrusions had been, it appears, that the townspeople were trying to evade manorial obligations to have their grain ground at the lord's mills, and were using private handmills; the abbey officers had therefore sought to confiscate or destroy that equipment. The commissioners, however, concluded in 1305 that Cirencester belonged to the abbot and he was justified in exercising his lordship; the townsmen were forced to pay a large fine. In 1308, the abbot took a further step, quashing the townsmen's attempts to route legal actions through their own court, and obliging them to attend his own court. The next battle was fought over the abbot's right to tallage the Cirencester residents. In 1312 the townsmen engaged a lawyer, Nicholas de Stratton, to sue the abbot on their behalf on this issue; their representative was subsequently murdered, if we are to believe the townsmen, by the abbot's supporters, the abbot's rights of tallage were eventually upheld in court and reinforced by a new charter obtained from Edward II (1321) confirming the abbey's jurisdiction.

The heavy costs of these losses appear to have quietened the townsmen for a

while, but growing prosperity from the wool-trade enabled them to recover. The above list of grievances of 1342 is the next sign of renewed contest. The list begin with what must have seemed a shrewd move to the complainants, by casting aspersions on the abbot's actions that had, it was alleged, adversely affected the health of the souls of the kings of England, by depriving them of the prayers of the poor residents of the hospital of St. John. The aim must have been to immediately demonstrate to Edward III that not only the townsmen's but also his own interests were at stake in this matter. At the same time, the townsmen were casting doubt on the moral character, and thereby the credibility, of the abbot and his monks. The charges of moral depravity were not pursued when the townsmen were summoned to Chancery to put their case; either they could not be proven, or they had done their job in capturing the king's attention. The townsmen instead relied on charges that past abbots had usurped revenues which should be going to the crown. Another political strategem appears to have been to draw the king's attention to Abbot Hereward's association with the family of the archbishop of Canterbury. The archbishop, John de Stratford, was brother to Robert de Stratford, the king's Chancellor, who was currently in the bad books of the king, being blamed troubled royal finances. Again, by creating a tie to issues directly of interest to the king, it was hoped to obtain a hearing from him.

The abbot was ordered to respond in the king's court to these charges. At that hearing, in April 1342, the townsmen summoned argued under oath that there existed within Cirencester a borough, which was not the same (as the abbot argued) as the vill of Cirencester that was a part of the royal manor over which the abbot now had lordship. They reiterated charges of encroachments on royal rights, although their account incorporated inaccuracies. The abbot produced past royal documents to support his claims but, despite demands from the king's counsel, refused to produce the 1133 charter making reference to burgesses. Meanwhile, the townsmen were claiming to have received from Henry I a charter which, in its tenor, was the kind of document granted to a borough. The text as cited has errors which indicate it was either an attempt to deceive the king or that, if the townsmen had ever received any such grant (and that more likely a king later than Henry I), the original text had been corrupted or was being misrepresented. Most likely it was a forgery, perhaps inspired by a grant of Henry II to Gloucester.

What chance the townsmen's arguments had of swaying the king we shall never know. Abbot Hereward decided it was politic to tip the balance, by a payment of £300 to the king; this persuaded the latter to suspend the legal proceedings, obtain the verdict of a local jury which supported the abbot's

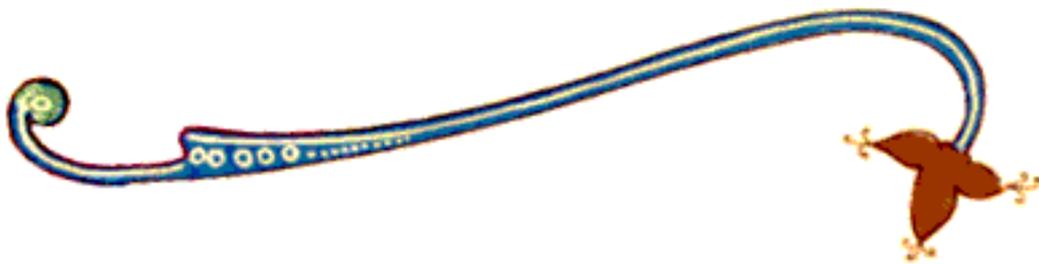
contention, and then confirm the abbey's jurisdiction in more explicit terms, accompanied by a promise that the abbot never need in the future be brought to court on claims that there was a borough in Cirencester. Historians have continued to debate whether Cirencester was in fact a borough or not [for the pro argument, see H.P.R. Finberg, "The Genesis of the Gloucestershire Towns", pp.52-88 in *Gloucestershire Studies*, Leicester: University Press, 1957; Ross, in his edition of the cartulary, argues for the con side].

Disappointed in their hope for support from above, and with the victorious abbot rebuilding the finances of the abbey, the townsmen turned inwards. They formed the gild of Holy Trinity, ostensibly for socio-religious purposes, but probably as a means to regenerate some solidarity within the community for their political ambitions. We hear of the abbey experiencing difficulties, following the Black Death and the labour shortage it caused, in exacting services from its tenants; and in 1385 some townspeople attacked the abbey. But the townsmen's moment did not come again until the opening of Henry IV's reign. They were instrumental in crushing the rebellion of the earls of Kent and Salisbury, and so won Henry's gratitude. Emboldened, the townsmen began to refuse to submit to the abbot's jurisdiction and raised a fund to fuel a new legal battle. Henry repaid his debt first by entertaining renewed complaints against the abbey, in which it was argued that the town of Cirencester had not been part of the manor until in 1208 the abbot forced the townsmen to perform villein service. Although the king felt unable to act against the abbey on the grounds of old claims, he did, in 1403, authorize the townsmen to establish a merchant gild (or perhaps more likely gave recognition to jurisdictional authority already being appropriated by the townsmen acting communally through the Trinity Gild); this despite an inquisition that declared such a gild would be contrary to the abbot's jurisdiction. The effect must have been to authorize a large degree of self-government; the grant not only gave some control over commerce, it also implied **judicial independence** and provided the basis for the townsmen to refuse to attend the abbot's court.

The victory was short-lived. The abbot obtained a new confirmation of abbey liberties and territories in 1409, and the following year of the fairs. Although an attempt to further restore his authority in 1413 resulted in a riot and his officers receiving a beating, he was able to capitalize on the accession of Henry V, obtaining a new confirmation of his jurisdiction, and successfully suing 104 townsmen for having withdrawn their services over a period of 13 years; he was awarded £6,000 in damages, but agreed the following year that the king could pardon this. In 1418 he obtained from Henry V a reversal of the grant of 1403, and the abolition of the merchant

gild; the final document given above represents the revocation and affirmation of the abbey's control of the powers previously accorded the gild. Subsequent efforts to break free of the abbot's lordship came to nothing; Cirencester was not to gain self-government until the nineteenth century.

Ross states that in a "very limited sense Cirencester may perhaps be regarded as a borough: but few boroughs can have left so faint a mark on English municipal development." [*op.cit.*, xl.]. However, it seems not at all improbable that Cirencester would have developed much as other middle-ranking boroughs did during the Middle Ages, had it not been for its inability to break free of the abbey's overlordship. As a royal manor on ancient demesne, its inhabitants had likely enjoyed at one time certain privileges that are an indicator of evolving borough status. But the intermediation of the abbey, interested in the inhabitants as tenants and men owing them services, established an obstacle. Some towns were able to overcome such obstacles, sometimes resorting to near-revolution, others were able to make sufficient headway to establish borough status during the course of the Middle Ages. Cirencester was not so fortunate.



NOTES

General note

Where the text is itemized in bulleted lists, this is my own rendering of the original, for the purpose of improving legibility.

"town"

The term in the original is "ville" in the French, villa in the Latin; this is important (bearing in mind that the dispute revolved around whether Cirencester was a borough) since that term did not necessarily imply borough status, but could also be used for "vill". The distinction between "town" and "borough" in this case is particularly significant. Such terms were used imprecisely during the High Middle Ages, apparently meaning one thing on one occasion, something else on another.

In my translations here, as regards the status of Cirencester, I render the term as "town" in documents representing the viewpoint of the residents, but as "vill" in the document representing the abbey perspective.

"hospital of St. John"

The townsmen's statement is the only evidence we have concerning its foundation, but it is not unlikely that Henry I may have been the founder. Whether a chantry was founded at the same time is less clear; in 1319 the bishop of Worcester had granted the master and poor residents permission to have a priest to say mass, on the grounds that many were too old or frail to go to the parish church. At that point the abbot also gave permission, stating that his predecessors had built the hospital and that he therefore had full power over appointments to the mastership. Despite the townsmen's claims, in 1348 the king confirmed abbey control of the hospital.

"Seven Hundreds"

A group of **hundreds** surrounding Cirencester; essentially, the southern Cotswolds.

"frank-almoign"

The grant of an allowance, by way of alms, from the abbey to the hospital chaplain.

"house of St. Lawrence"

The founder identified by the townsmen was Edith Bisset, and the encroaching abbot was names, somewhat ironically given the general context, Adam Brokenborough. In 1348 the king confirmed that the hospital was under abbey jurisdiction.

"brothel"

The original has *un sororite des femmes bordel ores et tenent lors enfauns ovesqes eaux*. Behind the complainants' deliberately black interpretation may lie the establishment of an almshouse for unmarried mothers.

"borough"

A *ville burgh'* as the original has it.

"to protect him"

The original has *pour maintenir lui*, but the implication seems to be that the pension was some kind of bribe to curry favour with the archbishop and his family, so that a blind eye would be turned to the abbot's (alleged) illegal activities.

"carucates"

A measure for land area, also known as a hide, roughly equivalent to 120 acres; like many medieval measures, the amount in practice probably varied from place to place, time to time. For detailed discussion see Maitland, *Domesday Book and Beyond*.

"encroachment"

More commonly known in the Middle Ages as a purpresture, this was an act of

trespass on the rights, jurisdiction or property of another, by taking possession unlawfully. Blocking public access to communal land, by means of erecting a structure, or creating an enclosure or other obstacle, was a type of nuisance encroachment commonly the subject of complaint in towns. Encroachment on the rights of the king was a more serious matter.

"owed suit"

The obligation of a tenant to be answerable in the court of the lord of the property, on any legal matter related to the tenure, and to seek justice for any such matters in that same court.

"assart"

The clearing of woodlands, in order to turn it into farmland or pasture; this required a licence from the lord of the property. Henry I's charter of 1133 had reserved assarts to himself.

"Somerton"

Possibly Summertown at Oxford.

"lord of Ireland"

John was in fact the first king so styled.

"Duke of Normandy and Aquitaine, and Count of Anjou"

Henry I did not use this set of titles, unlike Henry II (compare to the opening of his **charter to Nottingham**). Nor did Henry I use the royal "we" (compare to his **charter to London**).

"wapentakes"

An ancient administrative unit associated with the Danelaw, essentially equivalent to an Anglo-Saxon hundred.

"murdrum and larceny"

These refer to fines imposed on the community for unsolved crimes, **murdrum** referring to homicides.

"toll" etc.

These various items dealt with special tolls that could be levied on the transportation of merchandize (e.g. when crossing a bridge, or travelling along a road), to the landing of merchandize (e.g. quayage, or lastage -- a toll per last of cargo), to setting up the merchandize for sale (stallage, picage), or to collections intended to defray community costs on facilities helping foster trade (such as paving streets, or building protective walls or ditches). Further information on the individual items may be found in the notes to documents in the **Tolls and customs** section.

"recognizances of debt"

Acknowledgements of debts contracted, usually for a business purpose.

"sac and soc, tol and theam, infangthef and outfangthef"

These were kinds of jurisdiction and associated revenues. For discussion see notes to the **Oxford charter** and **Nottingham charter**.

"grithbrich"

Breaking of the peace.

"bloodwite"

Compensation for an assault in which blood is drawn, paid to the administrator of justice as opposed to that due the victim or victim's kin.

"hidage"

A land tax on the basic agricultural unit, the hide.

"danegeld"

A land tax, originating in payments of tribute to the Danish invader, but continued by the Norman kings.

"summage"

Provision of the service of transport by pack-animals.

"scutage"

A cash payment in lieu of military service (i.e. commutation).

"Tolseld"

A seat of local administration, the name deriving from the "shop" where tolls were collected. Local government at Norwich and Yarmouth was based in the Tolbooth and Tolhouse, respectively, while at Lynn those elements of administration in the hands of its lord were run from the Tolbooth.

"defaults"

Probably referring to the failure of residents to perform communal obligations or act responsibly towards the community.

"picage, stallage"

Fees associated with the assignment of a location from which to sell goods.

"judicial independence"

Based on the charter of Henry IV, the townsmen claimed before the king's justices in 1418 that the gild's court had "cognizance of all kinds of pleas involving merchants in matters relating to commerce, such as debts, trespasses, contractual agreements, and accounts, as well as any other thing pertaining or relating to merchants and merchandize; those of course relating to servants or apprentices quitting or leaving the service of their masters [[before the end of the contracted term](#)]; and also frauds and collusions committed, along with any other deceptions or offences done against the king's peace; together with all personal and other actions, except those in which the Crown has an interest, such as treason, felony,

trespasses made by force and arms, murders, rapes of women, conspiracy, and others of that sort." [Charles Gross, ed., *Select Cases Concerning the Law Merchant, A.D. 1239-1633*, vol.II, Selden Society, vol.46 (1929), xcix; my translation.]



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Subject: Government by council versus government by executive

Original source: Humberside Records Office, Beverley Corporation archives, Paper Register, ff.16, 18, 31

Transcription in: 1. Arthur Leach, *Report on the Manuscripts of the Corporation of Beverley*, Historical Manuscripts Commission, 1900, 27-29; 2. Arthur Leach, ed. *Beverley Town Documents*, Selden Society, vol.14 (1900), 1-4, 6-8.

Original language: Latin

Location: Beverley

Date: mid-14th century

TRANSLATION

[1. Indenture related to the election of 12 keepers, 1345]

This indenture is testimony to the fact that the community of the town of Beverley has elected 12 men of the town – that is, William de Kelsterne, Richard de Luda, Thomas Harald, Robert de Humbleton, John de Walton spicer, John Clerk, William de Dalton, Thomas Coppandale, John de Warton, Robert de Walton tanner, John de Cotyngham, Walter Barker – who have taken oath to administer the town from 25 April 1345 to the same date in the following year.

Those same 12 men, or [at least] **seven of them**, are invested with special powers to:

- receive each and all revenues belonging to the community,



collect community rents, and appraise and lease **wasteland**, houses, meadows, pastures, and all other things related to the community, throughout that whole period, for the benefit of the community;

- give **presents and gratuities**, and pay expenses and salaries, whenever it seems to them to the advantage of the community;
- on behalf of the community, audit, approve and sign off on accounts of all receipts and revenues and other things concerning the community [collected] prior to the time of making this document;
- take care of all details concerning other matters which seem to them advantageous and profitable for the community.

Each of the 12, or seven of them, now elected shall be allowed, without any argument, by the 12 elected in the following year, whatever costs they declare under oath to have been expended by, or imposed on, them. Furthermore, should any lawsuit be brought against the 12 or their clerk or sergeant, or any of them individually be brought before the courts in relation to official duties or any other business undertaken on behalf of the community, all their [legal] costs will be reimbursed by the community.

Should it chance to happen that in the town there are any **impositions to be levied**, the 12 men are to have all the burgesses of the town forewarned to be at the common hall on a specified day, so that those levies be made with their agreement and consent, and then **per pound**.

If the burgesses of the town **disdain** to come or, by **pre-arrangement**, refuse to agree [to a levy], then it is permissible for the twelve to impose and raise the levy per pound under oath as best they can.

And let it be known that the 12 men now elected, or seven of them, during the month before the time indicated above [i.e. the end of their term of office] are to have all burgesses of the town forewarned that they should elect, with the agreement of those 12 men, another 12 men qualified to administer the town in the year following.

If any of the 12 then elected disdains or rejects that office, he is to pay 40s. immediately to the community without any argument or remission.

If any of the 12 now elected disdains to come to the common hall to deal with community business, when forewarned by the common sergeant, as often as he so absents himself without a good excuse he is to pay 12d. to the community. And any other of our burgesses of the town who is thus forewarned yet disdains to come is to pay, on each occasion, 6d. to the community in the same fashion.

Should it happen that in [regard to] any **distrain** [made by] the 12 men, or seven of them, or our common sergeant, any member of the community – whether one of those 12 men or some other burgess – is found to **resist or be uncooperative**, or effects a rescue, he is to pay 6s.8d to the community immediately, without remission.

Similarly, it is permitted for the 12, or seven of them, to distrain on a daily basis any thus found to be resistant or uncooperative, by all their goods and possessions wherever they may be found, making the distrain and carrying or driving away and detaining the distrained items, until full satisfaction is made to the community of all arrears, debts, demands, and revenues that belong to the community.

If the 12, or seven of them, cannot by such means make any member of the community answer to justice in such matters, they shall have all the burgesses of the town forewarned [to come] on a specified day to the common hall to assist the 12 or seven to bring to justice he who is rebellious and defiant; moreover, further remedy may be decided and acted upon against such rebels and defiers, whenever and as often as necessary for the benefit of the community.

If the burgesses of the town disdain or are reluctant to involve themselves in such matters, then it is permitted for the 12 to resign from their office, and be exonerated from all obligations, actions or demands that the community might place upon them, as regards further administration of the town.

[These provisions are followed by two ordinances, unrelated except insofar as it fell to the 12 to enforce them. One prohibits dung from being placed on

any thoroughfare along which carts travelled, and the second restricts the sale of cloth to **the Dings**.]

2. The 'Magna Carta' of the community

To all faithful Christians who see this charter, greetings in God from Richard de Louthe, John Tirwhit the son of **Adam Tirwhit**, Adam Coppandale the son of **William Coppandale** senior, Peter Lombard, William de Lokyngton, Peter de Staynton, John Spicer, Thomas Gerwais, Alexander Cras, Robert de Befort, Thomas de Scroveton, and John de Wragby, elected by the common consent and assent of the community of the town of Beverley to administer that town and the town customs and statutes for the present year, that is, from 25 April 1359 to the same date in the year following.

Know that we, in our gildhall at Beverley, anciently called the Hanshouse, in the presence of the entire community of the town, have reviewed and **have made public declaration** of certain statutes and customs approved and used from time immemorial, the tenor of which is as follows:

That each year on 25 April the 12 elected to administer the town for the past year, in the presence of the whole community (having been given advance notice of the event), shall name 18 of the more reputable and qualified members of the community **[present]** in the gildhall, excluding those who have been keepers of the town during the three years preceding the nomination. From which eighteen the community shall elect 12 to administer the town in the coming year.

Which 12, once elected and sworn **[into office]**, or seven of them when the entire group is unable to be present, are to have full power: to collect the **farms**, rents, and the ancient dues of the town; to uphold and enforce the ancient customs and statutes; to discipline and punish, according to their discretion, those who rebel or offend against **[the same]**; when necessary, to formulate and put into effect new ordinances and statutes with the consent of the community; and to collect, in the boxes used in the past for this, the loans and assessments such as were anciently in the town, viz.:

[There follows a list of local tolls on various types of merchandize, levied at the point of sale, and on vehicles bringing cargoes by land or water, along with licence fees for retailing or industrial activities, and also a household tax on burgesses based on rent values. These were evidently major sources of revenue supporting local government.]

Those statutes and ordinances, made by the above-mentioned elected 12, we acknowledge, approve and ratify, on behalf of ourselves, our heirs and successors, to endure in perpetuity. So that, if anyone who is or shall be a member of our community puts into effect or attempts anything contrary to those statutes, he is to give the community £10, to be raised by the twelve then in office through distraint, and also he is to lose all his **franchise** as a burgess within the town.

If anyone elected by the community, through the above method of nomination, to the keepership of the town refuses to accept office, then he is to be obliged **to pay the community 40s.**, to be raised through distraint by the community itself or by the keepers of the community then in office.

If any of the 12 elected does not come to the common hall on community business, when forewarned by the common sergeant of the town, as often as he so absents himself without a good excuse he is to pay 12d. to the community. And any other burgess of the town who is forewarned yet does not come is to pay, on each occasion, 6d. to the community raised by distraint in the same fashion.

If it seems advisable to those 12 elected to impose levies in the town, the 12 men are to have all burgesses of the town forewarned to be at the common hall on a specified day, so that those levies be made with the agreement of the entire community (if they all come), and that per pound. If they do not come or refuse to agree to a levy, then it is permissible for the twelve to impose the levy per pound **under oath** and raise it as best they can.

Also, those 12 thus elected and sworn in, or seven of them, shall have special power to:

- receive each and all revenues belonging to the community, collect community rents, and appraise and lease wasteland,

houses, meadows, pastures, and all other things related to the community, throughout that whole period, for the benefit of the community;

- give presents and gratuities, and pay expenses and salaries, whenever it seems to them to the advantage of the community;
- on behalf of the community, audit, approve and sign off on all items and expenditures, and other things concerning the community, prior to the time of making this document;
- take care of all details concerning other matters which seem to them advantageous and profitable for the community.

Each of the 12, or seven of them, now elected shall be allowed, without any argument, by the 12 elected in the following year, whatever costs they declare under oath to have been expended or paid out by them.

Furthermore, should any lawsuit be brought against the 12, or any of them, or their clerk or sergeant, or any of them [sic] be brought before the courts in relation to official duties or anything undertaken on behalf of the community, all their [legal] costs will be reimbursed by the community.

Should it happen that in [regard to] any distraint [made by] the 12 men, or seven of them, or the sergeant of the community, any member of the community – whether one of those 12 men or some other burgess – is found to resist, or effects a **rescue**, he is to pay 6s.8d to the community immediately, without remission. Similarly, it is permitted for the 12, or seven of them, to distraint on **a daily basis** any thus found to be resistant, by all their goods and possessions wherever they may be found, making the distraint and carrying or driving away and detaining the distrained items, until full satisfaction is made to the community for all offences [committed against it, and] of all arrears, **demands**, and revenues that belong to the community.

If the 12, or seven of them, cannot by such means make any member of the community answer to justice in such matters, they shall have all the burgesses of the town forewarned [to come] to the common hall – that is, on a specified day – to assist the 12 or seven to bring to justice he who is rebellious and defiant; moreover, further remedy may be

decided and imposed against such rebels and defiers, whenever and as often as necessary for the benefit of the community.

[There follows the ordinance prohibiting dung from being placed in the streets.]

And these ordinances or statutes shall hold good.

In testimony of which, we have appended to this document our common seal of the community. And, to better ensure its validity, we have arranged for the seal of the venerable canons of the chapter of St. John of Beverley to be appended to the document.

3. Charter for the election of 12 keepers of the town of Beverley

Richard, by the grace of God etc., to each and every of the **reputable men** and the burgesses of the town of Beverley, greetings.

Because of the absence of good government, excesses are often committed among the inhabitants and commons of cities and towns, evils arise, scope is given to scandal and risk of various kinds, and the peaceful way of life is unintentionally put at jeopardy. As is known with some notoriety, all such excesses, evils, and perils have been the case in the town of Beverley, more in recent days than is usual, due principally to the breakdown of good government. For that town has traditionally, by an ancient and accepted custom which has been in effect there uninterrupted for fifty years, been peacefully governed and ruled by 12 reputable men of that town, elected annually on 25 April at the town gildhall by the common agreement of the burgesses of the town. But that custom among you has been abruptly changed. In place of those 12 reputable men, you have newly instituted and appointed an alderman and two **chamberlains** to rule and govern the town during the present year. And this arrangement – which has not been seen in the town for fifty years or more, except on one or two rare occasions, and was then abolished by the common agreement of the then burgesses of the town, for its better government – you intend to maintain and continue, even though an administration involving the 12 men is much more effective for good government of the town.

Which arrangement, if continued, we have been persuaded, will clearly result in the utter downfall of that town and the disinheritance of its burgesses.

We, out of the special devotion we have to Christ's glorious confessor St. John, whose body was transferred to the minster of that town, wishing nothing more than to restore a tranquil and peaceable way of life to the town and out of our grace to provide for the better administration of the town and for rectification of defects in administration there,

Direct and command you, and every one of you, as strictly as we can and on the faith and allegiance you owe us, that on 25 April next at your gildhall with one accord you assemble peacefully, as is the custom. And that – after **all the matters** have been read out in your presence and understood, and have been given due and serious consideration, you setting aside your arguments and disagreements on any of these issues – you put in place and duly institute in the town such a form of rule, administration and government that the town and our people there may be better and more tranquilly ruled and governed, our peace there kept, and amity among you can be more assuredly preserved, both in the present and in future years. To this end, conduct yourselves towards one another in a respectful and amicable fashion, as was the case in earlier times in the town when things were better and well-ordered. And, to ensure peace and tranquillity among you, suppress any rebels and opponents, as well as the authors, instigators or fomenters of quarrels or dissension and their supporters, if such there are, by whatever ways and means are at hand, to restrain them from their malicious activities.

In no respect fail in this, if you have regard for us and our honour, and wish to avoid our severe displeasure and the perpetual forfeiture of all your liberties.

Witnessed by myself at Westminster, 18 March 1382.

DISCUSSION

Advisory councils seem to have been a standard feature of borough government, probably long before their existence was formally acknowledged within the written constitution. What was valued about them was that the choice of members lay solely with the townsmen and the councillors were therefore (in theory) answerable only to the townsmen. Normally councils existed, according to recorded stipulations, to support the executive officers, particularly in giving counsel. Whether this role disguises a more powerful mechanism of urban administration – that is, the power not merely of advising, but of deciding – is difficult to say; only in the fifteenth century do records become detailed enough to portray voting on issues, and even then we have explicit evidence for a very few towns.

The development of conciliar bodies owes something to roles played by juries in legal administration, something to a natural tendency for certain townsmen most interested in influencing the direction of local affairs to coalesce into a formal group, and something to the need for community opinion to be consulted by the borough executive before important decisions were taken. It may be that the executive officers were no more than the first among equals; certainly their office tended to rotate largely among the group who furnished councillors, insofar as our evidence – very sketchy at best for the thirteenth century, and weak until mid-fourteenth century – allows us to say. Or it may be that the executives took the real initiative after consulting councillors. The dynamic doubtless varied from town to town and period to period.

Beverley evidence argues for the importance of a council, by presenting the unusual case of an executive-less council. It is in part because of this that the role of the council is spelled out in more detail than is the case in most other towns. But this may also owe something to a power-struggle between two forces in the town, one preferring the council as its administrative tool, and the other an aldermannic administration.

The origins of Beverley – a town more important in the Middle Ages than it is today, with the eleventh largest urban population in 1377 (insofar as we can rely on the Poll Tax figures) – can be associated with the foundation of a monastery there by the early eighth century. Bishop John of York retired there and died there in 721. Archaeology has revealed modest settlement in the vicinity at some point in that century. By the early tenth century John's tomb had a reputation for miracle-working and attracted the attention of

King Athelstan, who endowed a secular college there; this had grown into an important minster, with St. John of Beverley's bones translated to a new shrine, by the time of Edward the Confessor, who acknowledged the archbishop of York as sole lord of the town. Both the presence of the monastic community and pilgrimage to the shrine of St. John did much for local trade and the development of an urban community, and the cult of the saint continued to draw royal benevolence and royal concern when there was any disturbance of the peace there, amplified by the fact that sanctuary status had been accorded not only to the minster but the whole town and its environs. This status attracted fugitives to the town, most of them guilty or suspected of homicide, and so introduced a dangerous element; one of the leaders of the unrest in Beverley in 1381, Henry Newark, was a sanctuary man.

The archbishop had extensive judicial jurisdiction within Beverley, even over pleas of the Crown; one consequence being that Beverley's affairs feature relatively little in the core national records. He also had a good deal of control over local commerce, notably in the collection of tolls; rents were likewise a source of revenue that belonged to him. Most tolls were farmed out to the townsmen in the twelfth century, and rents in the mid-fifteenth century. Despite this, for most of the later Middle Ages much local administration was in the hands of his officers, notably a steward and a bailiff. These positions were held in the thirteenth century by clerics and later increasingly by laymen; in the case of the steward mainly by local gentry, while the ballivalty was sometimes held by townsmen, but the office was clearly answerable to the archbishop and could not represent the interests of the borough community. The archbishop's bailiff was the executive office that, in non-mediatised towns, would have been the head of urban government elected by the townspeople. The minster chapter likewise had its officials in the town, notably a provost, steward, and bailiff, with authority over the estate particularly assigned to the minster. There were inevitably points of conflict between the town and the archbishop or chapter over matters of jurisdiction, mainly territorial.

In the early twelfth century Archbishop Thurstan had granted the town the same liberties as the citizens of York (except insofar as they might conflict with the rights of the minster), including a merchant gild; Henry I promptly confirmed this grant and added freedom from toll throughout Yorkshire for the townsmen. Ca.1130 a further **charter from Thurstan** restated and expanded on his first, granting the townsmen the farm of local tolls, acknowledging rights of toll-free access into and out of the town, and confirming the gild under the name of *Hanshus*, where the burgesses might "formulate statutes ... for the improvement of the town" [*Beverley Town*

Documents, 132] just as the York men did in their Hanshouse. We must assume that this town gild provided the mechanism for local administration, including the collection of tolls.

If we can believe the above injunction issued by Richard II, which was evidently based on information supplied by the faction supporting conciliar rule in Beverley, it was in the early fourteenth century that an important change in government took place; a group of 12 men, a few decades later known as **keepers** (and later still as governors), came to challenge the role of the gild and its alderman as the vehicle speaking for community interests. We do not know how, or from what, this group emerged. It was probably an evolutionary rather than revolutionary transition, with some division of responsibilities, but by the 1330s the council appears to have been staking a claim as the foremost institution of local government, not without resistance.

The first two documents translated above reflect stages in the development of this conciliar government. Leach stated that the constitutional provisions of 1345 were repeated verbatim in those of 1359, and in the same order, but in fact there are a number of often significant differences; which is why I have seen fit to present both here. The 1345 constitutional provisions were likely only a formal statement, or restatement, in writing of what may have been in effect for years or even decades. Stating the powers of the 12, as in the early section of the 1359 document, either was or became a standard procedure at elections: in effect commissioning the newly-elected officials. Possibly the 1345 indenture represents such a commission, although it has more the character of a set of constitutional provisions agreed upon by official and electorate. Within the borough customal is a template, said to date from the 1370s, for the keepers' commission from the community, using some of the same terminology as in the earlier indenture. From this it appears that it had been the practice for some time for a formal written commission to be drawn up upon the election of each new set of keepers. I am not aware of other instances of such a formal arrangement, reliance normally being placed on the swearing-in ceremony to invest elected officers with power and to place restrictions on them.

The royal injunction of 1382, in its passing reference to a couple of instances over the previous half-century in which aldermannic government had been instituted instead of the council, is doubtless downplaying the extent of the opposition. We know of one occasion, in 1356, where a riot by several hundred townsmen aimed at disrupting an election of the keepers; the complaint made to the king about this suggests that the conciliar form of government was itself the reason for opposition, and that this opposition,

described as a sworn conspiracy, involved a substantial portion of the populace. There may have been a definite division within the community in this regard; or perhaps reversion to the older form of community representation occurred when popular dissatisfaction surfaced about conciliar actions or, more likely, exactions – it may be noted that the constitutional provisions did not allow the burgesses to veto local taxes, only to have input on how they were assessed. Political conflict could be read into the 1345 document in the section on local taxation, where certain terminology indicates an anticipated difficulty in getting all the townspeople to respect the authority of the council, and in the document's general preoccupation with dealing with burgesses resisting that authority. Those same charged terms are absent from the 1359 version of that clause (although it is risky drawing conclusions solely from changes in terminology), and the emphasis shifts somewhat from dealing with uncooperative burgesses to ensuring the keepers perform their duties – the absence of the resignation clause being notable. This may suggest that the keepers were now more secure in their position, despite the riot of 1356, although the elaboration of electoral procedures could point to settlements of contentious issues.

Events later in the century indicate that the battle was far from over, as the third document illustrates. The great revolt of 1381 was a phenomenon primarily rural and particularly, but not exclusively, associated with southern and eastern England. But across the country twenty or so urban communities, or groups within those communities, took advantage of the situation to try to further their own interests, by expressing dissatisfaction with local constitutional arrangements, gaining ground against political opponents, or settling scores. We cannot explain the urban upheavals purely as a response to the peasants' uprising, however, for some began earlier. But they were the product of the disturbed conditions, the rumours, the same general dissatisfaction with the status quo and particularly with government at all levels, and which the poll-tax of 1377 had done something to help bring to boiling point. While the 1382 charter makes no reference to the larger events that had just occurred across the country, those mighty disturbances must have been fresh in the mind of the king and his officials when the 1382 charter was drafted.

In several cases the aim of rebellious urban communities was to wrest power away from ecclesiastical overlords. Resentment against the ecclesiastical officials *was* an element in the Beverley disturbances, but combined with the old internal political divisions; members of the lesser crafts sought to displace the leading burgesses who dominated the council, some of whom were also holding offices associated with ecclesiastical

overlordship. It would have been natural for the malcontents to turn to an official, presumably still existing (as the gild continued to exist) if much reduced in power, who had a heritage of championing the communal cause. The man chosen to hold the post, **Richard de Middleton**, had already served as a keeper in 1377/78; it may be significant or coincidence that, with the three-year hiatus prescribed, he would have been eligible for re-election as a keeper in 1381. Possibly we may see here underlying popular discontent brought to a head by a division in the ranks of the urban elite, or some personal ambition, making available a leader – just as seen in the political struggles at London and Lynn; a further parallel with those towns being in the reliance on executive office to oppose an elite in power. The reformers did not abandon the conciliar principle, however, instead providing for a group of 24 to advise the aldermen; whether a new council, or an expanded version of the 12 is unknown. This reform, or populist, party represented a large portion of the community, with the lesser craftsmen and retailers prominent, while their opponents were characterized as the "great and better endowed burgesses".

For at least ten months prior to the issue of the king's charter, the two opposing factions had "waged unrelenting legal as well as violent battle with one another" [R.B. Dobson, "The Risings in York, Beverley and Scarborough, 1380-1381", *The English Rising of 1381*, ed. R.H. Hilton and T. H. Aston, Cambridge, 1984, 124]. Judging from the accusations brought by the reformers, the alleged oppressive and extortionate government of the keepers had been arousing resentment since at least 1363, through unwarranted tolls on retail and craft activities, excessive levies, embezzlement, and perversions of justice. The transfer of power to an aldermannic government seems to have been effected on election day (25 April) of 1381; in the absence of information on those events, we can only imagine that it was not done quietly. Middleton was supported by Henry de Newark and Thomas White, his chamberlains, and a clerk Richard de Boston, at whom Professor Dobson points the finger as the possible lead mover of the faction; possibly Boston acted as the administration's recorder (legal advisor and head of the clerical department), a position known to have been established on this occasion.

The displaced keepers attempted a counter-coup: on 30 April, Adam Coppandale led a group on a raid of the Guildhall, from which they removed charters, other town records, and communal treasures; they were likely after the borough seal, but this they failed to secure. Thomas de Beverley was another leader of this group, who, like Coppandale, came from a wealthy and influential family long-established in the town, and he was steward of both the archbishop and the chapter; the archbishop and

chapter were at odds at this time, and these facts may help explain why the reformers sought the archbishop's support in their struggle. Coppandale and Beverley had been collectors of the unpopular poll-tax in the town. Middleton and his followers retaliated against the raid by evicting some of their opponents from their homes unless they agreed to put up bonds guaranteeing they would abide by a judgement on the political differences, to be made by the archbishop. By the beginning of the summer they appear to have consolidated their control of the town, but unable to prevent further violent outbursts. Coppandale and other of his associates removed to London, partly for safety's sake (although it was alleged that some of the reformers pursued them there, armed, to issue more threats), and partly to be able to put their case before parliament.

In April and May 1382 Coppandale and his colleagues acquired royal pardons for any actions committed before 14 December 1381, and this assisted them to obtain acquittal for the charges laid against them. The situation continued to be disturbed in Beverley; in April the archbishop's bailiff had been ordered to arrest Newark, White and Boston, but reported back that he could not, as this would have put him at risk of his life. In June the archbishop and the sheriff of Norfolk, with an armed retinue, came to the town and took pledges from both factions to assure they would keep the peace. In October the townsmen were able to obtain a general pardon for the disturbances, upon guaranteeing they would pay the huge fine of £733.6s.8d. A few members of either faction were excluded from the pardon, including Richard de Boston. This may have sealed his fate, as he was subsequently murdered, seemingly an act of reprisal.

The introduction or elevation of chamberlains in borough officialdom is often connected with political and/or financial **reforms**, and the fact that it is seen fit to mention those officers explicitly here (despite that they had not an executive authority comparable to alderman or council) is indicative of financial grievances behind the reforms underway at Beverley. Those grievances are indicated in charges laid at the door of John Erghom, a Coppandale supporter who pursued against Middleton and his followers a campaign of intimidation while the power-struggle was underway and of reprisals after some semblance of peace had been restored in mid-1382, not stopping short at murder. Erghom was indicted before the king's justices in 1385 for a long list of crimes, including the exactions, intimidation, and assaults mentioned above; he too sidestepped the issue thanks to a pardon he had wisely purchased in November 1382.

Once the division became increasingly violent, it had not been difficult to obtain the king's intervention. Although his injunction of March 1382

expresses a preference for conciliar government and disapproval of aldermannic rule, this likely only mirrors the opinions of the conciliar party which was making the complaint. Richard did not go so far as to order explicitly a restoration of conciliar rule – it seems to be the heading assigned by a later clerk, entering the document into the fifteenth-century register, that is principally responsible for leading historians to this erroneous conclusion; he simply required the townsmen to agree among themselves on whatever settlement would restore peace and order. What actually happened is unknown, due to lack of records. But an aldermannic government was re-elected in April 1382, and one of the few surviving financial accounts from the town, for 1386, reveals that alderman and chamberlains were in power both that and **the previous year**; the earliest evidence for the keepers being back in control is from 1391. Yet some compromise may have been reached, for the men holding aldermannic and camerarian office in 1386 were among the original opponents of the reformers in 1381; the old elite had, with or without the acquiescence of the community, regained its hold on power. This paved the way for a quiet reversion to conciliar rule.



NOTES

"seven of them"

l.e. a quorum.

"presents and gratuities"

These were considered politic to win or keep the favour of persons of power, or their representatives, and are a common feature of medieval financial accounts.

"impositions to be levied"

This phrase (*misae ponantur*) refers to internal taxations, rather than those imposed by an external source, based on the revised wording in 1359.

"per pound"

It is not clear whether this refers to an assessment based on the estimated monetary value of real estate and/or moveables, or on the weight of commercial goods in stock.

"disdain, pre-arrangement"

The terms in the original are *contempserint* (an act of deliberation, so "disdains" rather than "neglects") and *collusionem*, both suggesting that the council could not rely on the loyalty or obedience of the entire citizenry.

"resist or be uncooperative"

This I take to be the gist of *rebellis seu remissus*.

"the Dings"

A hall in the centre of the marketplace, originally the urban base for archiepiscopal administration, but from 1282 rented by the town, after the archbishop had relocated.

"Adam Tirwhit"

He had been a keeper in 1344/45.

"William Coppandale"

He had been a keeper in 1347/48. Adam Coppandale featured prominently in complaints made by the reformers against the conciliar elite in 1381, and was one of the chamberlains of 1385.

"have made public declaration"

A slightly presumptuous interpretation of *recitasse*, but what likely took place was a public reading, either to obtain communal reconfirmation or to indicate that the statutes were still in effect.

"to pay the community 40s."

The early fifteenth century custom in the Great Guild Book indicates that in 1370 a perceived loophole in this legislation was filled, by specifying that those who were fined for refusing office could not then claim exemption from office for the next two years (on the grounds that a man could not be re-elected more than once every three years), but were eligible for election in the following year.

"under oath"

Tax-assessors were typically sworn to give honest assessments, without prejudice or favouritism towards any individual; it seems here that the assessment was one of the duties assigned to the 12 itself (rather than a separate body of assessors as would more usually be the case) although perhaps this was only in the circumstance of a lack of cooperation from other townsmen.

"rescue"

I.e. illegally removes, through stealth or force, the distrained items from impoundment.

"a daily basis"

I.e. progressively, with additional impoundments being made until the offending party submits to justice. Often the impoundments were in the form of livestock (household goods being more difficult to get at, if the offender chose to bar doors and windows), which is why there is reference to driving away the distrains.

"demands"

This probably refers to fines or other payments that are the outcome of judicial convictions.

"all the matters"

The vague term *premissis* probably refers to available documentation, and might include this injunction of the king, but also and more importantly the town's constitutional ordinances.

"keepers"

The 12 keepers, or governors as they came to be known during the 15th century, were the town council, similar to Ipswich's capital portmen and Maldon's wardemen but, from the early 14th century, the sole source of governmental authority – Beverley not having, with the exception of brief experimental intervals, a chief executive officer at the head of its urban administration (except insofar as the merchant gild's alderman represented burgess interests in 12th and 13th centuries).

"Richard de Middleton"

Thus Horrox and Dobson, although Leach states that Thomas Middleton was the alderman, and Richard a bailiff in 1381.

"the previous year"

This fact, combined with a royal writ of late May 1381 showing the king as already concerned about a division within the Beverley community, indicates that renewal of the constitutional struggle was not directly influenced by the Peasant's Revolt, which had not quite begun. The reason for the complaint to the king was not the election of an alderman and chamberlains, but the response of the conciliar faction in removing the town treasury and archives from the gildhall a few days after the election. The deterioration of hostilities into murders may have owed something to the national disruption, however.



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INTRODUCTORY ESSAY

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Law and lawlessness

The preservation of order and the protection of individuals and their property from illegal acts are a fundamental part of the mandate of government, and therefore the mechanisms for policing society and administration of justice are important to the success of any government.

While we must remember that official records, since many relate to legal proceedings of some kind or other, paint an unbalanced picture of medieval English society, it is not too unfair as a generalization to say that the Middle Ages were a violent time. This in the sense that there was little respect for the abstract concept of rule by law (i.e. law-abiding behaviour), and its psychological restraints; many people resorted cold-bloodedly to physical force to achieve their self-interested ends, or were quick to express anger through violence. The great majority of offences complained of to the courts were assaults and petty larcenies. Excessive drinking and competitive recreations could also play a factor in the propensity for brawling or worse.

Late medieval England was in fact notorious throughout Europe for its high crime rate. Adherence to the law seems to have fluctuated, contingent upon a number of factors, but most particularly the ability or vigour of the king in upholding the

law and punish offenders. Increased lawlessness is a characteristic of royal minorities or periods when English society was disrupted by civil war or corruption at the highest levels. On the other hand, even when the king was a strong character, his absence abroad fighting wars also tended to give scope to lawlessness at home.

Another factor was that the example for those in lower ranks of society was set by those in the upper echelons. We see clear examples of this during the reign of Edward II, and again in the fifteenth century – perhaps the most lawless period for later medieval England – when feuding lords maintained their supporters in illegal activities and were willing to pervert the course of justice to protect them from legal retribution.

The counterbalance to lawlessness was less respect for the law *per se*, than a desire for social order. The relatively complex character of urban society, with its disparities and with people constantly interacting in complex ways, made the administration of law a key problem for urban government; not for nothing were courts frequently the central institution of that government.

Development of the legal system

During the course of the High and Late Middle Ages, there was steady growth in the rules, procedures and instruments of the legal and judicial systems. Besides the central courts administered by royal officials, the king's travelling justices, the county courts, and the various seigneurial jurisdictions, there were a variety of levels of local judicial administration affecting medieval towns. At the risk of oversimplifying, at the root of the judicial system were the courts of the county (or shire) and the hundreds (subdivisions of the shire). Other jurisdictions might be considered special, requiring specific authorization – this included the king's central courts – so that particular types of cases might be heard elsewhere, or individual cases be withdrawn to a different court.

In Anglo-Saxon society, much of what was "law" was essentially custom, and the administration of law was undertaken by the populace through the folkmoot, sometimes through guidance from small bodies of "doomsmen" about whom we know little. Solving a crime could, however, be difficult and frequently came down to the good or bad opinion that the community had of the accused, or to the judgement of God – through the swearing of solemn oaths or the ordeals of fire or water.

Crime detection was equally problematic. In a non-bureaucratized society, personal relationships were the basis for behavioural control. There was much reliance on self-policing within communities through the mechanism of the "borh", in which a group of (typically) twelve men acted as mutual sureties or pledges for each other's behaviour; they might bring a delinquent member to justice, but also support a member wrongly accused or faced with paying compensation for a crime. The effectiveness of this association lay firstly in its voluntary nature (so that one person did not have to stand borh for another, if the latter was known to be of bad character) and secondly in the fact that the members of each group – perhaps originally kin, but certainly later involving friends and neighbours – had close social bonds and interacted regularly in everyday life; these factors were psychological deterrents to deviant behaviour.

After the Conquest, the new rulers of England made efforts to introduce new methods of judicial administration, without entirely abandoning what they had inherited from their predecessors. Courts of special jurisdiction – such as those of boroughs – continued to administer customary law. Custom was elaborated through new precedents which contributed to the development of common law – that is, the customs (processes and remedies) of the king's court that were gradually spread across the country as a national standard – and set the scene for cases to come increasingly under royal jurisdiction. Sessions of royal justices in the shire courts administered the common law. Henry I introduced itineration

to assert his fiscal rights, sending judicial delegates to visit the counties to ensure that the crown was compensated for any breaches of royal rights and privileges. The royal justices' principal task was to uphold common law, while at the same time allowing for local custom, insofar as it did not conflict with common law.

It was in part the prospect of income from judicial fines that encouraged Henry II towards regularizing a system of judicial circuits through the localities to preside over cases involving infringements of the king's peace – the list of crimes considered to fall under this banner expanding over time – as well as to undertake other duties such as investigating local officials' performance of their duties. (On procedures for conducting an eyre, see [Bracton](#)). The system of circuits, or *iters* or *eyres* as they were known, reached their peak of activity and fullest scope, in terms of number of offences investigated, under Henry III. Not until Edward I's time, however, was there a serious attempt to actually create new legislation through royal statutes. By that time the eyres had become bogged down with the volume of business with which they had to deal; it had already, by 1258, become the unwritten convention that no county be visited more than once every seven years. By the end of the century, the eyre had ceased to be an important part of the judicial system, and attempts to revive it in the first half of the fourteenth century proved abortive.

Popular judgement remained in effect at the lowest level of judicial administration, which was leet jurisdiction. A leet was a geographical area – sometimes a subdivision of a hundred – that may originally have served as a unit for organizing military conscription, but also came to refer to an area of jurisdiction. In places this came to be fused with a crime detection mechanism imitative of the borh, but lacking its voluntary nature: the [tithing](#), collectively responsible for identifying any illegal acts of any of its members, was a compulsory grouping in which the membership was dictated from above. This was the system that the Normans called frankpledge, and it was this that leet courts administered.

Some aspects of customary law were enforced through this system, which was adapted to incorporate administration of the Assizes of Bread, Beer and Wine and, to a lesser extent, the Assize of Arms.

This kind of jurisdiction was usually exercised once a year, sometimes more, and usually at dates consistent within each borough from year to year. It is slightly misleading to talk about leet courts in that there tended not to be a specific court for administration of frankpledge. It was more commonly handled as special sessions of an existing court, sometimes sufficiently distinguished from normal court business to warrant their own records (as at Norwich or Lynn), but sometimes not (as at Colchester). Some relatively well-documented urban examples are from:

- Norwich, which had a relatively highly-developed system, and was subject to the only detailed case-study of leet administration, by William Hudson;
- Lynn, where leet jurisdiction, based on the constabularies, was one bone of contention between burgesses and the Bishop of Norwich;
- Colchester, where thrice-yearly sessions known as lawhundreds included, but were not restricted to, frankpledge matters with the exception of concerns over tithing.

Similar jurisdiction, over minor criminal cases, was exercised in London via the wardmotes presided over by the aldermen. At Coventry the leet appears to have been a fundamental unit of local administration but, when seen in the fifteenth century, had so much merged with other administrative elements that the original frankpledge system is not much in evidence. Similarly, at Nottingham the remnant of leet jurisdiction had, by the late fourteenth century, evolved into an institution called the Great Tourn.

Although frankpledge juries might occasionally make accusations of homicide, such cases were initially reported to and investigated by the coroner. In cases other than accidental

death, if he, or the capital pledges, could identify a culprit then an arrest would be made if possible, and the accused tried by king's judges. Similarly, cases of theft might be reported by tithingmen but would be referred to the town court for closer investigation before any judgement was passed; here too the coroners might play a judicial role, for they were not (as today) restricted to investigating suspicious deaths, but were more generally keepers of pleas of the crown. It was more the minor cases of trespass, encroachments, property disputes, assault, petty theft, and debt that the borough courts handled – precisely the minor matters the royal courts preferred to avoid, if they could.

The fourteenth century saw further expansion in the scope and predominance of common law, and the continued evolution of a more complex hierarchy of courts, with the royal courts at Westminster at their apex. Quo Warranto proceedings of the late thirteenth century had already made customary law administered in boroughs more dependent on the authority of the king. The plague of mid-fourteenth century added impetus to the development of a royally-controlled judicial system; the challenge of keeping social order after the disruption, and particularly of enforcing the Statute of Labourers, which addressed the problems resulting from the death of a third of the labour force, resulted in justices of the peace – already the subject of experiment in the early fourteenth century – becoming a fixed part of the judicial landscape. Towards the end of the century and in the fifteenth, J.P. powers were given to urban executives, thus bringing the boroughs even more into the mainstream of the administration of justice.

Despite popular distaste for the legal system, because of its expense, protracted process, and vulnerability to manipulation, the fourteenth century saw an increase in litigiousness, as avenues opened up for people to complain about any perceived wrong, and as the royal courts opened themselves up to appeals of even minor cases from lower courts. The customary jurisdiction of the boroughs was thus undermined.

Crime detection

There being no police force in medieval England, detection was either a matter of individuals bringing complaints, juries denouncing crimes some time after the fact, or hue-and-cry being raised to alert neighbourhoods to an offence in progress or freshly committed. Raising the hue was an obligation of the parish in which a crime was discovered; failure to raise the neighbourhood in pursuit of a criminal exposed it to the liability of a fine. The concept of communal responsibility also found expression in that neighbours of victims of a crime might be expected to appear in court, as either potential suspects or likely witnesses, and in the responsibility of a frankpledge or of a whole ward to report crimes. All male adults were required to take oaths periodically not to commit crimes themselves, nor to harbour, sustain or aid criminals, but to report any criminal – or person giving aid to a criminal – of whom they were aware; as well, they were required to be cautious about acting as hosts of strangers. Parishes were often used as units of communal responsibility for crime reporting; their leading members might be expected to keep an eye on suspicious characters residing within the parish, and parishes were the logical units for taking responsibility for guarding felons who sought to evade justice by taking sanctuary in churches. However, as the later Middle Ages wore on, the concept of collective responsibility for the actions of the members of the group was undermined by changes the structure of social relations.

Henry II, combatting lawlessness engendered by the anarchy which had preceded him, did not create but regularized some policing measures through the Assizes of Clarendon and Northampton. He and his successors increasingly asserted jurisdiction over offences previously tried by shire, hundred or seigneurial courts, this jurisdiction being expressed through the royal courts and their "branches" as the eyres of the itinerant royal justices effectively were, through assizes and special judicial commissions held across the country, and through local courts (including those of many towns) presided

over by urban executives who were at least partly answerable to the king. Henry also placed a reliance on juries to make presentments of crimes, and other juries to give verdicts as to guilt or innocence. Another aspect of his extended influence over the administration of justice was that complaints of offences could be made directly to his court, to obtain writs instructing local officers or courts to ensure the complainant received justice. Royal writs, which had many purposes, were another tool for asserting central authority over courts in the regions, by issuing commands or authorizations.

Royal grants of chartered liberties to towns, while in one sense they created franchises that gave certain exemptions from outside jurisdiction, in another they were simply transferring responsibilities from external royal officers to officials chosen by the burgesses. Sheriffs, for example, were increasingly barred from direct interference in urban judicial administration; instead they could only ensure royal writs were passed along to urban officials. Thus, from the perspective of the Crown, these grants became part of the larger effort to create a national system of administration and law enforcement that linked the centre with the localities. Coroners, for example, were important officers in a number of boroughs; their core duty was to investigate sudden deaths, but they also enquired into felonies, a category encompassing theft, rape, and homicide. Their inquests were often able to throw light upon circumstances surrounding a crime.

Contrary to the picture painted by late twentieth century authors of historical fiction, there were no officials who had responsibility for crime investigation at all comparable with modern detectives. Coroners were expected to examine corpses and to interview witnesses to homicides, and thereby to try to identify perpetrators of and accessories to the crimes. But this was through the mechanism of an inquest convened, frequently, at the scene of the crime, not through any extended investigative process involving the systematic accumulation of evidence (despite the occasional requirement to use blood traces, footprints etc. to identify the scene of a crime, if the body had been removed); speed was of the essence if an arrest

was to be hoped for. Failing an arrest, the coroner's aim was to identify everyone implicated, or potentially implicated, and attach them to appear before the justices for further examination. Even towards the close of the Middle Ages, when borough bureaucracies were expanding, officials with police-type duties were well outnumbered by the lawless elements – whether troublemakers or professional criminals – in towns.

Even though many seigneurial franchises remained to limit the power of the Crown, both the common law (interpreted and elaborated by the king's justices) and the concept of the king's peace were gradually extended to bring a number of offences within their scope. By the time of Bracton (mid-13th century) the theory was being propounded that the king alone was the source of all legal jurisdiction. Royal keepers, and later justices, of the peace became a mechanism for investigating alleged infringements. Breaking the peace was a charge frequently brought by juries to the attention of borough courts; and, by the fifteenth century, urban executives were being closely integrated into the administration of the peace.

Those guilty of homicide – whether intentional or accidental – and theft often pre-empted crime detection by fleeing; even the innocent sometimes fled, in panic or fear of being convicted unjustly. Courts often ruled on accused parties in their absence, with outlawry the normal consequence of a conviction. Some fled to the sanctuary of churches, after which there were three possible outcomes: acquittal; escape and flight; or abjuring the realm (confession followed by banishment).

The judicial process

The process of legal trials was a complex one with numerous variations, and altered during the High/Late Middle Ages, so that any summary is susceptible to those errors to which

generalization is prone. In many regards the medieval process was not dissimilar from the legal process today. The modern distinction between criminal and civil cases existed implicitly in medieval England, although it was the Norman and Angevin kings who initiated developments which led to serious crimes – notably homicide and other felonies – coming under the purview of courts which were essentially under royal jurisdiction. The jurisdiction of town courts was principally over minor offences and civil actions, the latter covering primarily actions involving real estate (e.g. questions of rightful possession) or trespasses against individuals (e.g. debt, breaches of contract). The treatment of such cases might vary from town to town depending on different local customs.

Cases were generally begun by an accusation made by an individual, normally the alleged victim, or by a jury – a group so named because they took an oath to tell the truth. In default of a prosecuting party, the authorities might sometimes insist on a crime being heard in the courts, if it appeared that the king's peace had been broken. Parties to a case generally had to find guarantors: complainants to assure the court that a charge would be followed up, and defendants to assure the court they would appear to answer a charge. Should either party neglect to appear, their guarantors were liable to be fined.

Those accused of serious crimes, such as homicide or felony, might be ordered by the court to be arrested to face trial. However, prison facilities in most towns being very limited, the more common practice – particularly in civil cases – was to summon the accused to the next court session to answer a charge. If the accused failed to appear on that date, guarantors faced the court's wrath and/or the goods of the accused were ordered to be distrained to pressure the accused into appearing. Distrainment was often not a very effective measure to persuade offenders to submit themselves to justice. If repeated distrainment failed to have effect, arrest (if possible) might be ordered or, in civil cases, the distrained goods might be delivered to the accuser seeking compensation for an alleged injury; outlawry was restricted to courts higher than those of urban status. On

the other hand, once the accused appeared to make an initial response to the charge, and to present guarantors who would offer the court assurance that the accused would defend, the case was considered to have begun; the process might then be subject to a series of delays through essoins from either party.

There were a number of ways in which proof of guilt or innocence might be determined, after any effort had been made by a party to obtain summary judgement on grounds of some legal technicality.

- One was by concrete evidence, such as documents having the force of law; e.g. witnessed or sealed recognizances or acquittances of debt, tally sticks (whose notches also provided evidence of an amount due, admissible evidence in a largely non-literate society), indentured contracts, or official records. If these could be produced, and were not themselves subject to challenge as forgery, they would take precedence over any other kinds of proof.
- A second way was the examination of witnesses, although this does not seem to have been a common procedure in most types of cases.
- A related method was trial by inquest or jury of other kind, some of whose members might have direct knowledge of matters pertinent to the case, or indirect knowledge (hearsay), or simply some knowledge of the characters or reputations of the parties to the case. Such bodies may have been selected from individuals expected to have, or to be able to enquire about, some of the facts in the case – because, for example, residents of the vicinity of the crime, or because active in society.
- A less satisfactory (from the modern perspective) method of proof was compurgation, in which the accused "waged/made/did his law" by swearing to his innocence, and usually (but not universally) having others swear a supporting oath; the plaintiff might also, in some cases, have to make a similar oath to the guilt of the accused. This method increasingly came to be

restricted to civil cases, because the possibility of false oaths threatened to undermine the punishment of crimes of violence. Use of juries gradually came to be preferred to compurgation.

- Another method used in medieval England – determining guilt or innocence through armed combat of plaintiff and defendant – was one of those legal traditions from which the non-militaristic townsmen obtained exemptions as soon as they could. London's *Liber Albus* explicitly recognizes the inherent unfairness in this method of trial. Trial by ordeal was, by the end of the twelfth century, only applicable in towns if the defendant opted for that method, and it disappeared entirely from the judicial process in the early thirteenth century.

Special provisions were made for speedy justice in cases where visiting merchants were a party, or where occupants complained of being recently dispossessed of their dwellings. The Law Merchant originated (outside England) with regulations of guilds and at fairs, where men met for only brief periods and on-the-spot justice was a necessity. Another special situation involving merchants, and again particularly merchants temporarily visited other places to trade, concerned withernam, a retribution procedure echoing the ancient principle that all members of a community – in origin, a community defined by kinship – were potentially answerable for the wrongdoings of one of their members. (On this principle, see the charters of London, Nottingham and Northampton).

Punishment

Civil or criminal cases were, on the whole, considered by the Anglo-Saxons to be personal matters, and the basic punishment was financial compensation to victims, or their kin. The Normans introduced the bringing of accusations by "appeal" of the victim, but this remained essentially personal.

Breaking the king's peace was a concept that expanded, making it possible for the crown to act as plaintiff in the absence of any other.

Bracton provides an interesting passage on the kinds of punishments under the following broad categories:

- execution or mutilation;
- banishment;
- bodily restraint;
- physical abuse;
- removal of authority or privileges;
- fine.

No less interesting is that he proceeds to identify the mitigating factors that might lead judges to show clemency or reduce sentences, such as intent (e.g. the difference between murder and accidental homicide), motive, relative status of the offender and the injured party, age, time (e.g. theft by day vs. theft by night), and degree of violence involved.

Imprisonment, the most common punishment for criminals today, was in the Middle Ages less a punitive tool than a means of detaining accused persons until their cases could be heard – particularly if the accused could not find bail (normally two or more persons who would guarantee the accused's appearance at trial) or the crime was too serious to grant bail, e.g. red-handed theft, homicide – or holding convicted persons until they paid their fines, or at least found guarantors for their doing so. In the latter context imprisonment had a coercive rather than a deterrent purpose.

Gaojing convicted offenders became more common towards the close of the Middle Ages, as new legislation addressing new forms of crime began to prescribe imprisonment as a punishment. And as bail became a less reliable assurance of an accused party appearing for trial, as the frankpledge system declined and social relations became less rigid. Still the intent was not to persuade wrongdoers to mend their ways, but instead simply to remove them from society.

Many inmates were debtors, incarcerated until they or outside supporters raised enough money to repay the creditors, along with the sometimes exorbitant fees gaolers charged prisoners for supplies or services. Imprisonment of felons, on the other hand, was usually unnecessary, since they were executed – not only murderers, but thieves, if what they had stolen was worth more than a shilling. Minor thefts (i.e. under a shilling) might warrant a brief stay in prison, but such cases were often dismissed. Those who killed while insane might be held in the king's prison during the king's pleasure, while those guilty of homicide by reason of self-defence were also held in prison, until they had been able to petition for and obtain a royal pardon.

A growing frequency of sentences of imprisonment – although it never became the principal form of medieval punishment – necessitated an increase in prison space; or perhaps it was the growing number of gaols that encouraged greater application of incarceration. Most towns of any size probably had at least one gaol since the twelfth century. In the later Middle Ages some had more than one; these were usually small prisons, often in the town hall or in some tower that was part of the urban defences. Where the number or size of spaces allowed it, there might be some effort at segregating prisoners in terms of the gravity of their crimes, their social status, or their sex. This may suggest some concern about harm or corruption to lesser offenders if they were mixed in with hardened criminals.



York, although its subject is imprisonment of Jacobite rebels, gives some idea of how spaces within a city gate could be used as gaols.

Photo © S.Alsford

Royal prisons were generally more secure than town prisons, judging from the number of escapes from the latter, which were often adaptations of other structures or modest constructions that may not have been difficult to break out of. Escapees tended to be professional criminals seeking to make themselves scarce, or those liable to execution. For lesser offenders, it was better to bide your time until you could pay your fine or buy a royal pardon. Life in gaol was not so intolerable for those able to pay the gaoler for comforts or services. Those who had neither money nor generous friends or relatives, on the other hand, were left to their own devices and many doubtless succumbed to starvation or disease. An escape to sanctuary from Norwich gaol ca.1286 required one accused thief to carry another on his back, since the latter's foot had rotted away, due to long imprisonment. The number of deaths in prison may have been one of the best deterrents to lawbreaking.

Financial compensation to victims or fines payable to (or confiscation of property by) the authorities, and execution were more common punishments in a society where there was no very effective prison system. Indeed, both national and local authorities liking for the judicial system as a source of income may have been a disincentive to develop a prison

system. Fines were either set at the discretion of the judges, or assessed by a special jury; in either case, the social status of the offender – that is, the ability to pay – was usually taken into account. For minor crimes, the poor were often forgiven their fines, although whether this was a matter of mercy or simple recognition that there was no prospect of payment is not easy to judge. For the wealthy, purchase of royal pardons for serious crimes was an option. There was a saying in the late Middle Ages that poor men were hanged by the neck, rich men by the purse. Some viewed pardons pre-emptively; that is, they purchased them in anticipation of being tried at some point for past, or even future, crimes. The very frequent granting of pardons in the late fourteenth and fifteenth centuries was a cause of repeated public complaint.

Other than execution, corporal punishment after the Norman period and before the Tudors was relatively uncommon, while that involving terror or mutilation was rare (although lawless elements seem to have used mutilation for intimidation purposes). It was in fact more common in the towns, relying on customs that were somewhat conservative, than in rural areas, where it was perhaps not in the best interests of lords to remove the hand, eye or other useful part of their labourers. Similarly, whereas hanging was the normal method of execution throughout the country, in towns there are instances of other methods: examples include burning alive, throwing into a well or over a cliff or into the harbour at high tide, and a crude form of the guillotine. Hanging itself was a matter of strangulation, not neck-breaking. For some of those fortunate enough to survive sometimes hours of being thus hung, revival after being taken down might lead to a royal pardon on the assumption that a miracle had occurred. For those guilty of the most heinous crimes (e.g. traitors), drawing and evisceration were associated with a brief hanging, and then the body was cut up, tarred, and its parts displayed atop town gates as a warning to others.

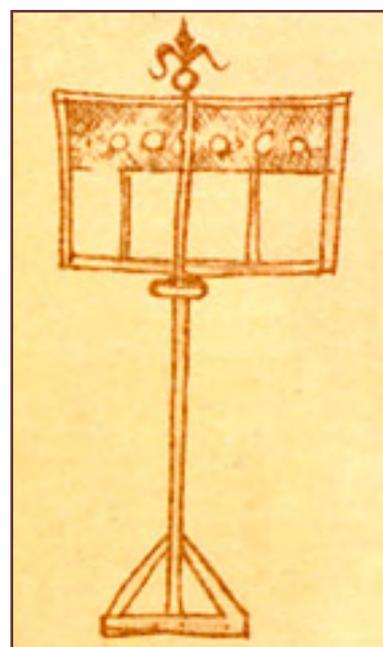
Quite a few minor offences against the community were, however, often punished by local courts through some form of public humiliation or exposure, often combined with physical

pain or discomfort. Most common was the pillory, or its equivalent for women (notably whores and brothel-keepers) the thewe, and the hurdle, while the cucking stool was used to hold scolds in a state of embarrassment in a public place; stocks were not so common in the Middle Ages, nor was ducking. A branding, a public flogging, or amputation of part of the body were likewise uncommon, but not unknown, punishments in towns. Imprisonment for specific short periods as a deterrent, or longer periods until a rebellious offending party submitted to authority and made amends, might also be used as a means to punish lesser offences. For less serious offences, or first-time offenders, it might be considered sufficient to do damage only to the offender's reputation, and set a public example; someone selling bad food or drink, for instance, might be required to eat or drink samples in public, and/or the bad drink might be poured over his or her head. Or, in a London case of 1364, a perjurer was imprisoned for a few days, then brought out into a public session of the husting, where forced to stand on a stool, bareheaded, and his crime publicly proclaimed.

Several forms of punishment involved exile from society, either from the immediate community or from the realm. Abjuration was a possibility in cases of homicides or thieves, but only if the accused were able to win sanctuary first. Offences against the community, where not crimes subject to common law, might be punished by deprivation of the franchise (in cases of freemen) or of the right to practice a craft or trade, or the medieval equivalent of "being sent to Coventry" (i.e. social excommunication). Outlawry was another form of being made an outcast, but less a punishment than a deferral of execution until a criminal convicted *in absentia* fell into the hands of the authorities. Children under 12, too young to be in frankpledge (which put them "within the law"), could not be outlawed. Women likewise were considered not to be directly under the law; instead of being outlawed, however, they could be "waived", a form of social abandonment which denied them the protection of the law. In non-capital cases, if defendants had no means with which to pay a fine, the authorities might prefer to banish them from the

town – imprisonment being an alternative that would have incurred costs to the community.

Justice being uncertain in a society where detective and judicial systems relied more on guesswork than evidence, those who could sought to lessen their punishments by claiming "benefit of clergy": the right, by being in holy orders – and there were many who were in lesser orders – to be tried, judged and (if convicted) punished by ecclesiastical courts, since punishments there were lighter. This was one of the Church privileges that Becket gave his life to defend against Henry II's judicial reforms.



(top left): **Gallows, illustrating why in Latin the term furcae (forks) was used.** From Thomas Wright, *The Homes of Other Days*, London: 1871.

(top right): **London's pillory, in the time of Edward I.** From H.T. Riley, ed. *Liber Albus*, vol.3, London, 1862.

(below): **Baker strapped into a hurdle and dragged through the city streets, with his defective loaf tied around his neck, in the time of Edward I.** From H.T. Riley, ed. *Liber Albus*, vol.3, London, 1862.



The legal profession

The emergence of the legal profession in medieval England is a subject on which historians do not yet have a complete picture. It is most commonly studied in the context of the royal courts centralized at Westminster, because they were long-established, complex and sophisticated, and well-documented. Or studies have focused on the highest levels of the profession (justices and sergeants-at-law). Relatively little attention has been paid to lawyers operating in localities such as boroughs.

In the Anglo-Saxon and Norman periods, reliance was placed on juries to know local custom and be able to pronounce judgements on wrongdoers. In some places we see signs of a group known as "doomsmen" who appear to have been almost professional judges/jurymen; there are hints that the role was hereditary. More typically, sheriffs were court judges, but did little more than preside over court proceedings. Under Henry II, however, judges began to have the authority to give verdicts, and a nucleus of legal experts began to form, serving as the royal justices itinerant, holding eyres (the term meaning "journey") in different parts of the country.

In boroughs the courts were presided over by the chief officers, who could be expected to have some knowledge of local laws, since those were the foundation of their

administration. Such little evidence as we have for the early period of borough courts suggests that some men represented themselves, or sought support from fellow townsmen who were not trained lawyers but (through experience in local administration or even by having been involved as a party in litigation) had acquired some knowledge of the workings of the legal system, or from clerks who had at least some experience of a notarial type. In Norman England it was expected that parties would speak for themselves, and restrictions were placed on the use of substitutes to plead on their behalf; those substitutes might often be relatives, friends, or servants. As new laws were made by the new regime, litigation increased in volume and in technical complexity, the national courts emerged at Westminster and had to set new precedents under the new laws, and the administration of law required a more complex and more regular system of judicial administration across the country, an environment was created that fostered the development of professional lawyers.

In the thirteenth century there was no formal education for becoming a lawyer (a function later performed by the Inns of Court). Apprenticeship, or simply observation of and gradual involvement in legal processes, could lead a man into the practice of law, full-time or part-time. London, as the focus of the king's courts, was the logical place to pursue the informal education, if one could afford it. If not, experience of the local courts could lead to a career in law. The ritual involved in making an accusation or a defence could demand a certain amount of expertise, and the work of royal justices (compiled by Bracton) and of law reporters in producing texts that would be of use to students of the law reflects the awareness of the need for a profession. In the twelfth and early thirteenth century, it was impossible to find enough professional judges to staff the eyres, and they had to be supplemented by others. But in the second half of the century that we begin to see professional attorneys active not only in the central courts and the eyres, but also in local courts.

Professionalization was given impetus by the increasingly complex nature of litigation – not least the various devices for

securing and protecting property rights (e.g. enfeoffments to use) – as well as by changes in court practice that allowed, in some types of case, parties to appear by attorney rather than in person. The use of lawyers to speak for one in court became the rule, rather than the exception. The possibility of avoiding the courts by submitting disputes to arbitration did not necessarily lessen the demand for professional lawyers; any settlements were best drafted by legal experts. Merchants required legal assistance as credit arrangements became more complex. And boroughs retained professional lawyers and/or expected their town clerks to be adept in legal matters, having the need to deal more and more with the king's courts.

However, we should not overemphasize the development of the legal profession. The other side of the coin was that a shortage of trained administrators of the law meant that the king had to rely overmuch on the aristocracy for local administration of the courts. Yet this was the class whose members were most prone to take the law into their own hands, or to manipulate legal institutions to gain their own ends. In the final resort, the sometimes strenuous efforts by England's medieval kings and their advisors to build an effective legal system was not enough: it could not keep pace with social and economic changes, nor could it win sufficient respect and support from the power-holding groups in society.



Two 15th/16th century lawyers
who, during their careers, served urban governments
(click on the images for enlarged versions and more information)

Further reading

For broader information on the development of English law and the judicial system in the Middle Ages, see Robert Palmer's [English Legal History Materials](#). For printed sources of information try the items below or, for a broader selection, see the "Law and Justice" section of ORB's [Late Medieval England: Suggested Reading List](#).

BELLAMY, John. *Crime and Public Order in England in the Late Middle Ages*, London: Routledge and Kegan Paul, 1972.

GROSS, Charles. "Modes of Trial in the Mediaeval Boroughs of England," *Harvard Law Review*, vol.15 (1902), 691-706.

MUSSON, Anthony and W.M. ORMROD. *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century*. New York: St. Martin's Press, 1999.



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translation | discussion | notes

Keywords: medieval London judicial administration police alderman wards moot court jurisdiction frankpledge jury trial offences misdemeanour

Subject: The role of the wardmoot in policing

Original source: Corporation of London Records Office, *Liber Albus*, ff. 9-10

Transcription in: Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 36-38.

Original language: Latin

Location: London

Date: late 14th century

TRANSLATION

What a wardmoot is, etc.

It is called a wardmoot on the grounds that it is an assembly by summons of the whole populace of one ward, there being present its headman, the **alderman** or his lieutenant, for the purpose of correcting faults, or removing nuisances, and for furthering the benefit of that ward. What we call a "wardmoot" the Romans called a "**plebiscite**"; it was anciently called a "**folk moot**" among the Saxons. The aldermen have been accustomed to hold their wardmoots at least once, or twice, or many times a year, by virtue of a warrant sent to them by the mayor then in office. Through which it has been the practice to enquire into the degree of peace and tranquillity within each ward, and for the alderman to correct faults presented.

The customary process for holding a wardmoot in London is as follows. After receiving the warrant, the alderman is to order his **beadle** to summon all male householders and **rent-payers** in his ward to appear before him at a certain date and time – that is, the day following such a summons – at a certain location within the ward, so



that a wardmoot may be held. The names of whom, once they have been summoned, the beadle shall have written down on a certain roll; that is, the freemen of the city living in the ward listed together, and the rent-payers who are not freemen listed together. When they have gathered together at the hour assigned, the alderman with the more prominent men of the ward having seated themselves in their places, the alderman's clerk is to order the beadle to call for quiet, on the alderman's behalf. That being done, the clerk should read out publicly the warrant, and then he should read out to the beadle the names written in the roll, with the beadle calling them out again in a loud voice, so that anyone not responding to his name (because of failure to be present) is to be noted down and **amerced** at least 4d. Then the beadle is to present to the alderman a panel, put together by the ward constables, of reputable men of the ward by whom the **inquest** ought to be made; which selection the alderman has the power to alter, if he thinks it expedient. Once that is done, all the articles concerning the wardmoot, which have been recorded on folio 30 of Part Two of Book Three of this volume, are to be read out to the jurors. And then the alderman is to assign the jurors a specific date on which to make their presentments [of offences]. On which [day] the jurors are to present their findings in the form of an indenture, of which one part is to remain with the alderman and the other part with the ward [jury?]. The alderman ought to report what is on his part to the mayor at his next **General Court**, so that, by seeing and picking out those things that fall to the mayor and city to punish, the indenture can be handed back to him for the other matters to be dealt with.

At the wardmoot the alderman and the reputable men of the ward, as well as the jurors, ought to elect **constables, scavagers, ale-conners**, a beadle, and other officers – who, at the General Court already mentioned, shall take their respective oaths of office, as recorded on folio 26 of Part Two of Book Three of this volume. It has also been the custom for the alderman to have the beadle draw up a **special inventory** of hostellers, brewers, bakers, cooks, victuallers, and **hucksters** residing in the ward. Bakers may also obtain their **marks** there, of which markings there are examples among the aldermannic records; in relation to which transaction, each baker is to pay the alderman 4d., unless it happens that he has – before the alderman, within the ward (and not elsewhere) – previously paid for an

exemplification of his mark. It has also been the custom for the aldermen to **seal** the measures and weights [used] within their wards, and condemn those that are not sealed; taking for the sealing [a fee] for their own use, such as the **Chamber** of the city now takes. For indeed their measures **made of bronze** must in each ward accord with the royal standards of the city. And at the wardmoot those who are not freemen of the city and who have not been previously sworn to it should be placed in **frankpledge**, notwithstanding that they may have been received into it elsewhere, in some other ward. They shall swear the **oath**, etc., which is required for admittance into frankpledge [as in] folio 26 of Part Two of Book Three of this volume. Each person so received shall give a penny to the clerk for his admission. If anyone to whom this applies stays away from the wardmoot, that person is to pay 4d. to the alderman, unless the person is a knight, esquire, woman, apprentice in the law, or cleric, or someone who does not reside in the city.

The alderman ought personally to preside over and pass sentence on all faults and nuisances in the ward, as presented by the jurors; except perhaps any problematic matters that arise or those falling under the jurisdiction of the Chamber – with such matters the mayor and the **chamberlain**, in conjunction with the sheriffs and other officers, will concern themselves. If the alderman finds the officers under him to be remiss or negligent, he is to warn them to mend their ways; if they are unwilling to do so, he may within reason reprimand or punish them, or refer the matter to the mayor, who should rectify the problem appropriately.

DISCUSSION

In a city with as large a population as London, a mass assembly of the residents – in folkmoot – must have been an unwieldy tool; by the time London's local government was producing its own records, the role of the folkmoot had been relegated to a limited number of meetings more for informational purposes than communal decision-making. Most towns of any size were subdivided into wards, to make matters of policing (and to a lesser extent judicial administration) more manageable. From the earliest time that we can see this system in operation in London, it had 24 wards – a 25th being added in 1394, when a particularly large ward was divided in two. The actual number of wards has a symbolical significance, if we may judge from the suspicious frequency with which the numbers 12 and 24 figured in urban administration. However, the wards themselves, which vary considerably in size, may reflect foci of settlement in Anglo-Saxon London, at an early period before the consolidation into a single administration – a situation similar, perhaps, to that of **Norwich**, evolving from a complex of neighbouring settlements into a single borough; the precise ward boundaries may not have been fixed until around the eleventh century.

Each ward was essentially a **hundred**, and the wardmoots were the equivalents of the hundred courts elsewhere in the country; just as a hundred court was a subordinate to its shire court, the wardmoot might be considered to have a similar relationship to the folkmoot, except that the latter had been depowered and largely superseded in London by the more efficient mechanism of the husting court. Ancient law specified that a hundred would have an alderman as its head man. Under the Anglo-Saxon kings the title was applied to a nobleman responsible for administering a shire. However, after that official's replacement, under the Danish monarchy, by the earl (with actual administrative duties being taken up in due course by the king's shire-reeve), the title of alderman fell into disuse. It reappeared locally either in a devalued form, or in a generalized form simply meaning "senior man". This re-emergence may in fact have begun in London, at a time when the Anglo-Saxon ealdorman had not been forgotten, to give prestige to the leaders of the local settlements; one of the London wards, Aldermanbury, means "the **burh** of the alderman". London writers, with their penchant for drawing parallels between London and ancient Rome, compared the aldermen to Roman senators, although noting that the aldermen were advanced more in wisdom than in age; they also, because of the judicial role of aldermen, assumed a link between them and the lawmen (or **doomsmen**) of pre-Conquest England. There are no grounds for

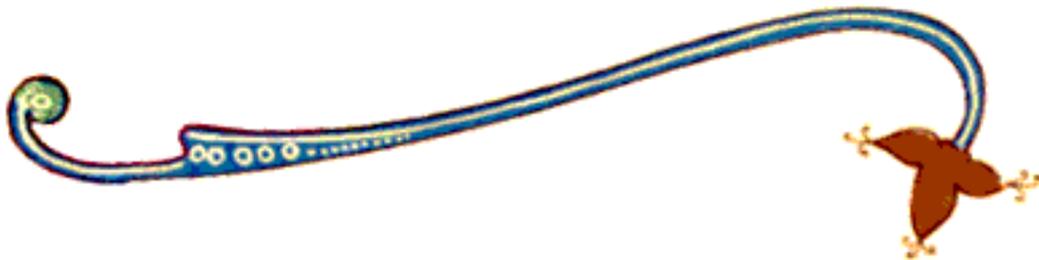
thinking that the office of alderman in any way derived from either senators or lawmen, but the comparisons are not unhelpful.

The offences investigated by the alderman through his wardmoot (referred to in the text as being elsewhere recorded in *Liber Albus*) were as follows:

- if there had been, since the last moot, disturbances of the peace or riots;
- if there were any undesirables residing in the ward: lepers, outlaws, criminals, persons of ill-repute, or those not in frankpledge in that ward;
- if any women residing in the ward were prostitutes, or of known immoral behaviour, or persistent scolds;
- if there were any fire hazards, such ovens, hearths or furnaces that were defective (apparently defined as placement near combustible materials), or use of illegal fuels – only wood and charcoal being permitted;
- (on a related theme) if any house were roofed with flammable materials such as reeds or straw, as opposed to the approved tiles, lead or stone;
- if there had been breaches of the assize of ale;
- if keepers of taverns or hostelries were hosting gamblers or other troublemakers after curfew;
- if there were any hucksters in the ward;
- if anyone threw out dung into the streets, or put it in front of the houses of others;
- if the keeping of pigs or cattle on urban property was causing a nuisance for neighbours;
- if any usurious transactions had been conducted since the last moot (the scope of usury extending beyond simple money-lending to some kinds of brokerage in commercial transactions);
- if there had been any encroachments in the streets, in the city ditches, on the city walls, on the Thames, or on communal land;
- if bakers were all baking only the type of bread for which they were qualified;
- if anyone had been wandering about in a suspicious manner after curfew;
- if any city officer had abused his powers through extortionate or violent behaviour, or was encouraging parties to sue each other (in order to profit from the fees associated with legal actions);
- if any employer was paying illegally high wages to workers in the construction trades;
- if any tavern's ale-stake (which was the sign of business) was longer

or projected out further than the law allowed.

Contrast with the **articles investigated by the eyre**, and offences against the community at Leicester (in preparation).



NOTES

"plebiscite"

Strictly speaking, decrees issued by the *Concilium Plebis* (assembly of the common people), a democratic legislative body organized into tribal divisions; but here the term is used for the assembly itself. It was part of the legends surrounding London that its heritage stretched back to Roman civilization and beyond.

"folk moot"

In fact the general **folk moot** of Londoners, which at an earlier date met at need in St. Paul's churchyard and was still summoned together by the tolling of the bell of St. Paul's, now met only three times a year for specific items of business: the swearing-in of the city sheriffs at the Guildhall, at Michaelmas; the arrangements for winter watch and ward, at Christmas; and to go over matters related to fire prevention and suppression, on 24 June in anticipation of the dry, hot season. Legislative/judicial business once in the sphere of the folk moot had long since been transferred to the more manageable institution of the husting.

"beadle"

The beadle performed for the alderman the same types of police duties that sergeants performed for mayor and sheriffs – but with emphasis more on detection than enforcement.

"rent-payers"

The Latin *servientes mercenarios* in this context would make most sense as "those owing service by way of rent-paying". However, the alternate *famulorum mercenariorum* in the next sentence suggests the term could mean "trading agents" (i.e. external lords' representatives, residing in London in order to undertake buying and selling on behalf of their masters).

"inquest"

Inquest is here used in the general sense of judicial enquiry, rather than the more specific sense of coroner's inquest to which the term tends today to be applied.

"General Court"

This would have been one of the principal sessions of the mayor's court.

"scavagers"

Minor officials responsible for the city fabric: supervising that pavements were in good repair, that streets were kept clean, and that chimneys or furnaces were not fire hazards. "Scavage" could also apply to the inspection of merchandize brought into London by outsiders.

"ale-conners"

Minor officials who supervised brewing and fast food trades in regard to their sale of ale, to ensure the quality and fair price of the product.

"special inventory"

These types of occupations were those most likely to be involved in breaches of the assizes, and a inventory of those engaged in the occupations would have been a handy check-list.

"hucksters"

Petty retailers (usually women – the noun is the feminine form) – street vendors; the offence perhaps being less their activity but whether they were carrying it out without licence.

"marks"

The stamps used to identify the bread of a particular baker, to make it easier to identify the culprit if a loaf were found to be of inferior quality or excessive price (it may be noted that, when accused, bakers often defended by claiming that the defective loaf was not of their making).

"seal"

To ensure their compliance with official standards, weights and measures had to be examined, tested and – if they matched the standards – an official seal was applied to them to show their use was authorized. The fee the alderman charged for this went into his own pocket – a form of compensation (in lieu of salary) for his service to the city.

"Chamber"

The Chamber was essentially the bureaucratic core of city government, presided over by the mayor; many if not all bureaucratic officers received user fees to supplement their official salaries.

"made of bronze"

The original *de aere facta* may perhaps mean "of fixed proportions".

"oath"

The oath of those received into frankpledge required: allegiance to the king; keeping of the peace; preparedness to assist borough officials in arresting wrongdoers; preparedness to participate in city watches; adhering to the regulations the wardmoot was obliged to uphold; and resisting or reporting any conspiracy uncovered.



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Keywords: medieval Northampton leet court jury oath tithing frankpledge offences assizes crime detection

Subject: Tithingman's oath of office

Original source: Liber Custumarum, ff.119b-120

Transcription in: Christopher Markham, ed. *The Records of the Borough of Northampton*, (Northampton, 1898), vol.1, 393-94.

Original language: Middle English

Location: Northampton

Date: mid-15th century

TRANSLATION

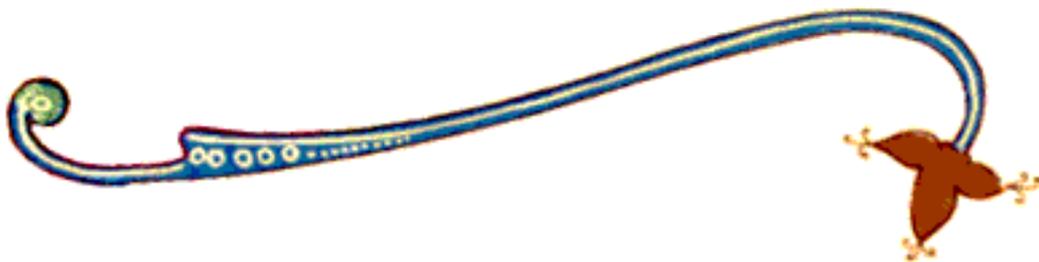
You shall well and truly make enquiry and present all manner of brawls [and] bloodshed [with] daggers, swords, **bills**, knives, and all kinds of weapons. And staves used against the peace. And of **attachments rescued** from bailiffs or their officers. And of all harbourers [of suspected criminals, prostitutes etc.]. [Of offences] against the assizes [of bread, ale and wine]. And of all housebreaking. And those who eavesdrop under men's windows. And of all **common** scolds and common night-wanderers and of all common **Sunday diners**, all who breakfast at the time of divine services and sermons. And everyone who buys foodstuffs – such as eggs, butter and cheese and other other victuals – before they reach the market designated for [their sale], and that you shall present all persons so doing. Also you shall make enquiry and presentments at the time of the **leets**. And at all times you shall make honest enquiry and honest presentment of these articles, and everything else that pertains to the office [of tithingman], and will not allow friendship, bribe, or obligation to any person [to cause you] to do other than your best in disclosing [offences] etc. **And their ale** is to comprise 12 gallons of clear ale according to the mayor's proclamation, and that they make presentment of all ale-houses and drinking-houses that are



not licenced according to the act of the king's parliament made on that subject, and are to present all who behave poorly by playing at dice, cards, bowls and other illegal games. [You are to make presentment] of all obstructions and dunghills in the streets which cause nuisance. And that you go to see that all brewers brew good, wholesome ale suitable to be drunk by men and that their [brewing-]tubs are in good condition, and that they use only sealed measures to sell [ale].

DISCUSSION

The tithingman, as the leader of a unit of those sworn to **frankpledge** within a community, took the lead in enquiring among the members of his unit (or more broadly), into things that needed to be reported to the authorities.



NOTES

"bills"

A pike with a hook-shaped blade.

"attachments rescued"

The rescue of attachments refers to goods **distrained** by city officers to oblige someone to answer to justice, but subsequently and illegally recovered by the owners by subterfuge, theft or force.

"common"

Common in this context means habitual.

"Sunday diners"

The offence of Sunday diners and breakfasters was that they should have been attending church instead of feasting. The section "all who breakfast ... all persons so doing" is an interpolation in a later hand, but the concern with forestalling is typical of the later Middle Ages as a whole.

"And their ale"

The section from "And their ale ..." to the close of the oath is a later interpolation. This section seems to begin mid-sentence.



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translation | discussion | notes

Keywords: medieval London frankpledge police alderman crime detection social control

Subject: Requirement to be in frankpledge

Original source: Corporation of London Records Office, Misc. Roll AA, m.2

Transcription in: Helena Chew and Martin Weinbaum, eds. *The London Eyre of 1244*, London Record Society, vol.6 (1970), 24.

Original language: Latin

Location: London

Date: 1231

TRANSLATION

Let it also be known that the mayor and citizens say that no-one may be like a citizen in the city, staying there and having [the benefits of] its laws, for more than three nights without finding two guarantors, and thus being in **frankpledge**. Should he lodge in the city for one night longer in that way [i.e. without guarantors], and then commit a felony or some other breach of the king's peace, and not answer to justice, the alderman in whose **ward** he was ought to be **amerced** for accepting him in the ward when not in frankpledge.



DISCUSSION

Here frankpledge is not associated with a tithing system, *per se*, but applies essentially the same concept in requiring those outside the tithing system to find guarantors of behaviour. Those guarantors would be subject to a fine if the person for whom they vouched failed to appear in court to answer an accusation, so care was taken in legal records to note the names of guarantors. It was the responsibility of the alderman to know of anyone staying in his ward who was not in frankpledge, and the responsibility of ward residents to **report such individuals** to the alderman; if judicial satisfaction could not be obtained from a defaulting defendant without guarantors, the alderman and the whole ward could be fined. The period of three nights was to distinguish persons staying in London from those passing through; certain groups exempt from finding guarantors were identified in an ordinance made as a result of the 1244 eyre: merchants from outside the city; travellers; household servants of magnates, come to buy provisions or conduct business for their masters; and persons involved in cases before the king's court.



NOTES

"ward"

Referring to the system of **aldermannic wards** into which the city was divided for administrative purposes (although it is possible the wards may reflect earlier nuclei of Anglo-Saxon settlement).



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translation | discussion | notes

Keywords: medieval King's Lynn crime detection police wards jury trial theft harbouring

Subject: Reporting crimes to the authorities

Original source: Norfolk Record Office, King's Lynn archives, KL/C15/1, KL/C15/2

Transcription in: Dorothy M. Owen, ed. *The Making of King's Lynn: A Documentary Survey*, British Academy Records of Social and Economic History, new series, vol.9 (1984), 419-20.

Original language: Latin

Location: King's Lynn

Date: early 14th century

TRANSLATION

[1. Jury presentments from three constabularies]

Inquisition held on 5 June 1309 before William Schilling, Peter de Folsham and Elias de Warham, constables of Lynn, by jurors William de Qwinberwe, John de Rellesham, John de Esex carpenter, Richard de Englelond, Adam de Geyton, William de Bauseye, Alexander de Honewrth, John de Wigemer, Peter Mercator, John de Brumholme, Richard de Dersyngham, Peter de Fornesete. Who say under oath that a certain Helen de Swanton is a thief and a robber and harbours thieves who come to stay with her during the night, notably a particular thief by the name of Adam son of Thomas le Blower of Wiggenhall who has been proven to be a thief and robber. They also say that on the day immediately before this inquisition William Giffage and five associates, assigned to the nightwatch for preserving the king's peace, encountered in the middle of the night a certain person of Wiggenhall by the name of [blank]; he refusing to surrender peacefully, they pursued him to the entrance of the church and wounded him there, for which the constables **commit**



them to trial. They also say that Kamma the wife of Michael Culling harbours thieves and whores. They also say that Matilda de Banham is a thief and a robber and harbours thieves and whores. They also say that Matilda Clauda is a thief and a robber and harbours thieves and whores. They also say that a certain woman named Grace is a thief and a robber and harbours thieves and whores. On the basis of whose [testimony] under oath concerning the aforesaid wrongdoers and harbourers, the constables submit this [document] to you under their seals of office.

[2. Jury presentments from a single constabulary]

Inquisition held on **13 July 1314** before Nicholas Bretun, constable, by jurors Simon Rust, Warren de Ryppis, William de Pykenham, John Sefowel, William de Newton, William atte Both, John de Walepol, Richard Ingeland, Nicholas Estrich, Richard de Dersyngham, Godfrey Schilling, Thomas de Ryburwg, John de Somersham. Who say under oath that Hugh Wakewo of Ely is a night prowler, the culprit in many robberies, and was present on the night of 3 July at the death of Gerard de Wyldishouse, who was killed that night outside the gate of Richard de Swerdiston. Richard de Swerdiston, Robert Donsete and John de Yskisham were on hand that night and took from Harold Swart and his associates, against their will, 14s. of silver, a tunic [worth] 6s., a **pole-axe**?, and a **double-headed axe**?. They also say that John son of Geoffrey de Mereseye, on 4 July, carried off by theft 7 yards of **say** and a crossbow from a certain ship belonging to men of **Estland**. They also say that John son of Martin de Bek is a thief and is guilty of multiple robberies and murders. They also say that John Aleman of Terrington is a thief and was present at the death of the man mentioned above who was killed and at many other robberies. They also say that John Wylingg mariner is a thief who committed a robbery in the ship called the *Margaret*. They also say that Stephen [blank] from the ship *Walter of Aldemouth* is a culprit in the death of the man mentioned above who was killed. They also say that William Broun was in a ship called *Rosewold* and carried off by theft a portion of the silver, cloth, and other goods belonging to that ship. They also say that Clement Drewe and Roger Katour were guilty of the aforementioned death and robberies. They also say that Thomas Brekerop committed a theft, carrying off a **luff** worth 6s.8d from the

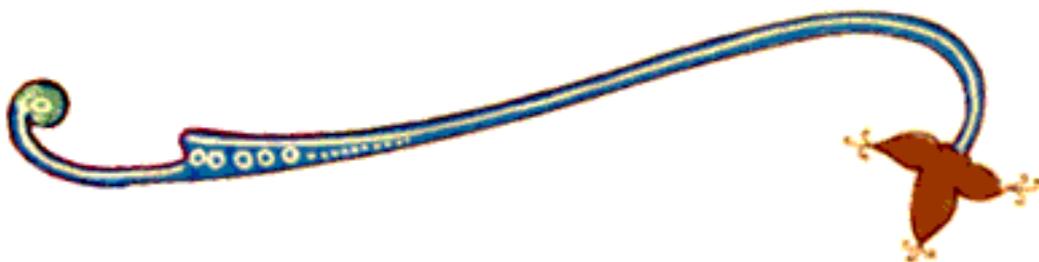
ship of Reyner Blok of Lubeck.

DISCUSSION

Medieval Lynn was divided into constabularies, as the basis for community policing, as well as taxation; the importance of the **constables** is reflected in the fact that leading burgesses filled the office. However, in contrast to the situation in London with the aldermen, Lynn's constables did not do double duty in terms of having both judicial and political roles.

The purpose of the constabulary inquisitions was not to try crimes, but simply to gather information about them, for forwarding to competent judicial authorities. Whether that higher authority was the bishop's steward, president of the leet court, or the king's itinerant justices is harder to say, since at this period judicial jurisdiction was a subject of **dispute** between burgesses and bishop. Surviving records suggest, however, that the leet concerned itself only with minor offences and nuisances, not with even the reporting of felonies. The inquisition records have the appearance of schedules that were attached at some point to some larger judicial record. The 1314 document has 3 seals appended. Lynn also had coroners, but their investigations (being into freshly-committed crimes) were more detailed.

It will be noted that an international port like Lynn faced policing problems in regard to ships from other ports either being targets for crime or bringing to town committers of crimes.



NOTES

"commit them to trial"

I.e. the nightwatch were given notice that their action would have to be put before a higher authority.

"13 July 1314"

The date given by Mrs. Owen is 5 July 1309. However, my own notes from viewing this document indicate the date as 1314. As *The Making of King's Lynn* includes an unfortunate number of incorrect dates, I have decided to trust my own notes in this case. I have likewise corrected a few of the personal names in the documents, based on my own reading of the original.

"pole-axe" "double-headed axe"

My translations here are tentative, based partly on the context and the hypothesis that Swerdiston et al. may have been trying to apprehend the murderers/robbers. What is here transcribed as *policiam* might be a pole-axe (*pollexam*), or less likely a thimble (*pollicium*) or, even less plausibly, a thumb (*pollicem*). What is transcribed as "duble heyke" I have translated on association with *hachia* (axe, sometimes *hakka*).

"say"

A fine cloth, somewhat like serge.

"Estland"

A generalized term referring to northern Germany and the Baltic; visiting merchants or sailors from that area were usually from towns of the Hanseatic League.

"luff"

A boom used by a tacking sail.



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translation | discussion | notes

Keywords: medieval Norwich leet court tithing jury crime detection market offences misdemeanour

Subject: Presentments in the Norwich leet court

Original source: Norfolk Record Office, Norwich leet roll, 16 Edward I

Transcription in: William Hudson, ed. *Leet Jurisdiction in the City of Norwich*, Selden Society, V (1892), 4-6.

Original language: Latin

Location: Norwich

Date: 1288

TRANSLATION

Leet of **Conesford**, 8 February 1288

Berstreet [sub-leet]



Geoffrey de Howe harboured William de Stirston, who was not in tithing. William Calf in mercy for showing great contempt to the bailiffs by refusing to take oath [as a capital pledge]; afterwards he swore [his oath]. William de Denne has harboured Robert de Howe, son of Alexander de Brakendenne, for two years. He is consequently in mercy because he [Robert?] was out of tithing. Robert de Mendham (sworn), William Godynow (sworn), Henry Pope (sworn), Geoffrey de Howe (discharged), Edmund de Stafford (sworn), Geoffrey fitz Baldwin (sworn), John de Ashill (sworn), Henry de Hoyland (sworn), Simon le Prude (sworn), Simon fitz Ranulph (sworn), Eudo de Tybenham (sworn), William Calf (sworn), Thomas le Neve (sworn), who present on their oath that John the servant of Robert Cann drew blood from Ralph de Aslakton baker. They say that Beatrice la Qwyte and her associate Acilia habitually steal fleece from sheep and removed the fleece from the sheep of John Molle chaplain, and they stole a surcoat priced at 40d. from the house of Henry Gylur; they carried off the fleeces and surcoat to the house of Geoffrey Munne,

who knew about the felony and harboured them. They say also that Richard Cokard is a thief and habitually steals geese and hens, and has been a thief for seven years. Also they present **Robert Scot and the husband of Emma le Hauteyn** for the same. They also present that Beatrice daughter of Robert Beumund raised the hue and it was pursued as far as the **Tolbooth**. They present also that Henry de Caumbys is a thief, and they consider him suspicious, and that he acts contrary to the peace, and that he is well-dressed and no-one knows by what means [he can afford good clothes], and he is always wandering around at night. They also present that the Prioress of **Carrow** and **Robert Gerveys** of Bracondale use the greenery in the **city ditches as pasturage** and have pigs and sheep there in the keeping of swineherds and shepherds. They also present that Thomas le Schowthere, residing by Trowse bridge, buys grain before it reaches the market, with the result that etc. [i.e. the bailiffs lose the toll payable from the importer of the grain]. Roger de Clakeston for the same. Robert Gerveys of Bracondale for the same. Geoffrey Ringolf for the same. They present that **all brewers** sell contrary to the assize. They also say that Adam de Barsham drew blood from Matilda le Ledbettere. Adam also drew blood from William son of Richard de Gontorth. John Gylur drew blood from Geoffrey Munne. They say that all **fishermen and poulterers** have bought **before the hour** etc. [i.e. when the market opened for trading]. They also present that Vincent and Adam de Saham dug up the highway at the Old Swinemarket. Nicholas de Reymerston made an **encroachment** eighteen feet long and three inches wide. They also say that John de Ely linendraper sells beer for a penny. They also say that Thomas Gerveys skinner and Walter Hee have **fuller's blocks** for conducting fraudulent work on old clothes. They also present that Walter Hee has an **unsealed measure** so that those measures make a gallon [sic]. They also say that Roger Burgeys broke down the door of Simon le Prude. They also say that John Qwytt, John Hert senior of Trowse, Walter Hunne, Stephen le Carecter, John Croke, Walter Bely, and John Strike sell unwholesome meat. John Pekok baker drew blood from Ralph the servant of Richard de Aylesham at the bakery of Peter de Wyleby. They also say that the anchorite of All Saints has blocked up the **Cockey** so that no-one can cross over it there. They also say that Roger de Lakenham has sold Jewish meat known as **trephah**. They also say that Humphrey de

Alderford drew blood from Alexander Cully with a cudgel and Alexander raised the hue. They also say that Ralph de Mangrene blocked the highway for 6 feet of its width opposite his stall, so that carts cannot get past there. Roger Beumund has an extremely unpleasant dunghill. William de Kesewyk for the same. Martin le Rede, lodging with Richard de Aylesham, is out of tithing. John Keye [is] out of tithing. Roger son of Richard de Aylesham [is] out of tithing. Henry de Bekles chaplain raised the hue on William de Lakenham in the parish of St. Martin. Marion, wife of Roger de Corston, raised the hue on Reginald de Lakenham in the same parish. Gundredale Puddingwyf raised the hue on William le Linnite. Richard de Hemenhale raped Hawisia Balle. Hamo the smith of Trowse bought grain, with the result that the bailiffs etc. The wife of Thomas le Cordewaner raised the hue on Reginald de Lakenham. They say that the poulterers and fishermen (as above). They present also that the wife of Andrew Skeppere, who lodges in the house of William de Buretoft, is a thief and stole from the house of William de Lakenham butcher a surcoat priced at 12d. And she is habitually doing this kind of thing. They present also that Robert Scot habitually climbs over walls at night and breaks through walls [of houses?] and carries out other felonies.

[...]

[Other types of offences presented in this roll, ibid, 1-19, include:]

- Nicholas le Jay wounded a certain clerk, an outsider, and cut off two of the clerk's fingers, and the hue was raised there and Nicholas was captured and imprisoned on a charge by Hugh de Bromholm, constable of the leet, and Ernald [de Castro, who wounded Hugh during the pursuit] and others escaped.
- All the alewives sell two gallons for a penny and two gallons for a penny-halfpenny.
- The lodgers in the renter of master Godfrey de Norton have a window that is a nuisance [i.e. probably an impediment] to passers-by and pedestrians on the highway.
- The servant of Robert de Daleby found a cow and led it away, but they don't know to where.
- Master Roger de Gernemutha brought a plea of debt against

Richard de Melton in the **Court Christian**, contrary to the king's prohibition.

- Master Alan de Freton caused an obstruction in the river with dung and ashes, contrary to the king's prohibition.
- John Howard of Surlingham has goods belonging to him at the house of Margaret Sumeres in the parish of St. Peter Southgate and trades in the city, yet is not in tithing nor in the franchise of Norwich.
- Ralph Perconal found and keeps a plank cast up by the river and has not turned it over to the bailiffs.
- Roger de Lakenham drew blood from Richard Warinhale and the wife of Richard Warinhale raised the hue, [but] they did not bring the matter to court but reached a **private settlement** among themselves.
- Men of Sprowston who sell sausages and puddings knowingly buy poor quality pigs and sell in Norwich market the said sausages and puddings which are unfit for human consumption.
- Roger de Nedham smith habitually raises the hue on his servants, night and day, and has done this constantly since the last leet.
- Walter Jolyf has made a watercourse where none ever existed before, across [the property of] William Bele and to the nuisance of William, his neighbour.
- Geoffrey de Lenn sold a poorly-tanned hide to Richard de Knapton junior, and habitually does that kind of thing.
- The daughter of John de Sculthorpe by night stole a bucket and rope from the house of Hugh de Castro and [planned to?] deposit them in the Jewry. Ralph Brid and Lucas de Brunne encountered her en route to the Jewry and took the rope and bucket out of her hands and kept them until Hugh de Castro gave [them] five pence; and they said they found them pawned in the Jewry.
- Emma de Ashwell bought 6 coombs of corn from the servant of the parson of Pulham and, because she did not receive a heaped measure she withholds a halfpenny from him Emma de Ashwell and the wife of Martin Whiteside regularly refuse [to buy] razed measures of corn and malt.
- The **tanners have a gild** among themselves, so that if any member wrongs another the complaint is to be made to the

alderman, with the result that the bailiffs etc. [i.e. are deprived of their authority and of revenues from court fines].

- All cooks and pastry-cooks re-heat pasties and meat on the second and third days.
- Isabella who lodges next to the Cockey in a renter of Geoffrey Costinoble harbours a certain woman whom they believe a thief and they suspect her [i.e. Isabella] for harbouring [thieves].
- Thomas, formerly the servant of William de Intwodde, habitually receives stolen goods at Yarmouth and brings them to Norwich to sell; sometimes he says that these goods are feathers.
- John Janne bought eight drowned sheep from Alan de Catton and sold them as if good meat.
- Roger le Caly, Gerard le Especer and his sons John and William hold a **market** at the gate of Holy Trinity to the damage of the community marketplace.
- The servant of Mabel, wife of Henry le Scriven, climbed up a gutter [i.e. drainpipe] of Geoffrey de Wyleby and removed and carried of lead placed there priced at 1d.
- Robert le Fuler spends much yet has nothing from which [to spend] and he wanders about at night; a bad opinion is held of him because it must have been he who stole John de Ingham's goods from his tavern in Cookrowe.... Robert le Fuler is acquainted with thieves and cutpurses and he receives rewards from them to prevent them being arrested.

DISCUSSION

These extracts from the record of the leet session held at Lent give a sense of the range of offences and misdemeanours committed by townspeople or outsiders or strangers. The injured party might be an individual or the community in general. Sometimes the report was not of a specific crime, but simply of **suspicious behaviour** (e.g. Henry de Campesse). Some offences were serious enough to require referring to a higher court, such as the eyre – the accused were ordered arrested. Most were punishable by moderate fines, ranging – to judge from a roll of amercements from 1288/89

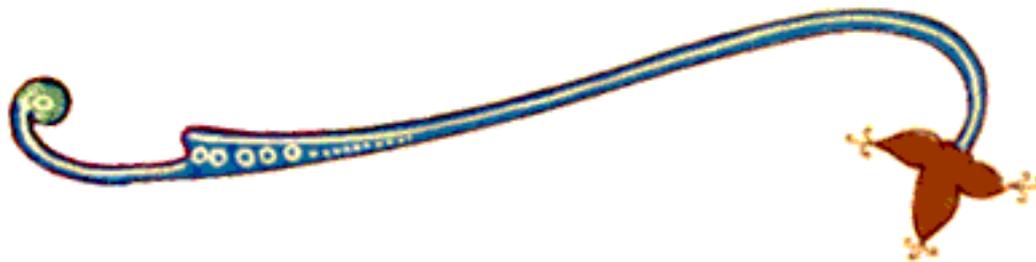
– from 12d. to 6s.8d.

The lightest fines were for being out of tithing – a very common offence – raising **hue and cry**, or for jurors who failed to present offences; while the heaviest were for serious market offences such as being engaged in trade without being a freeman or **forestalling**. But there were not fixed fines for different offences; circumstances surrounding the particular offence, the number of offences, and the capability of the offender to pay were taken into consideration; thus for example one man not in tithing was fined 2s. because he had married while in that condition, while the bailiffs cancelled some fines because of the poverty of the offenders. The repeated blanket accusations against brewers, cooks, fishermen, etc., show however that the fines were not sufficient deterrent and were perhaps perceived simply as the price of doing (illicit) business.

The record of the presentment of offences in each sub-leet, by a 12-man jury selected from the principal tithingmen (or "capital pledges") of each sub-leet, usually began with a list of those selected to take the juror's oath, followed by a list of the offences they reported. The offences identified prior to the listing of jurors seems in part associated with the process of selection: one juror was disqualified because himself an offender (which put him in a conflict of interest), while another initially refused to serve on the jury – informing on friends or neighbours doubtless not being popular, while jurors were themselves subject to fines if an offence came to notice that they did not report – but changed his mind when threatened with **amercement**. On the other hand, part of these initial presentments may have had to do with administration of the tithing system itself, since two of the three are concerned with men not affiliated with tithings. The few other examples of this that occur in the roll support this hypothesis up to a point.

It appears that the presentments of the juries were accepted at face value, unless clear evidence to the contrary appeared. The capital pledges had presumably consulted with members of their tithing before bringing forward accusations at the view of frankpledge, and there is slight evidence that the jury as a whole needed to support accusations by any of its members. There is no evidence of witnesses being sought. While accused parties may have had the opportunity to defend themselves, it was not a given that they would be present at the session at all; the word of an individual against that of a group of twelve townsmen would not have counted for much. On the other hand, there are several cases where fines were cancelled because the bailiffs concluded that the accusation was without substance, and in one case a capital pledge was fined for false accusation against a woman concerning a crime committed within his sub-leet, after the bailiffs (apparently) cross-

checked with the accused's tithing denied her involvement.



NOTES

"Robert Scot and the husband of Emma le Hauteyn"

The pair were more specifically charged by the jury for Southern Conesford sub-leet: that they robbed the servant of Robert le Parchiminer of fourpence farthing, just south of Norwich in Bracondale.

"Robert Gerveys"

The Southern Conesford jury also accused Robert Gerveys (likely a tenant of Carrow Priory) of forestalling corn, probably in Bracondale which was just on the other side of the defensive perimeter.

"all brewers"

The blanket charge against brewers indicates both how commonly the **assize of ale** was ignored, and how taken for granted it was in the community that the terms of the assize *would* be infringed.

"fishermen and poulterers"

The crime of the fishermen and poulterers, as indicated more clearly by the same charge brought by another sub-leet's jury, was that they bought up meat and fish coming to the market in order to control the supply and raise prices. The seriousness of this offence, in terms of its aggravation to the community, is reflected in the fact that several juries separately presented it.

"encroachment"

An encroachment, or purpresture, was an act of trespassing onto private or public property, as part of (for example) constructing or extending a building or its appurtenance, digging a drain, etc.

"fuller's blocks"

These, Hudson explains, were likely troughs in which old clothing – possibly stolen clothing, the law suspected – was beaten to raise the cloth (a treatment similar to fulling); which, when combined with other alterations, might make them appear

new.

"trephah"

Meat unacceptable for consumption according to Jewish dietary laws. Jewish butchers sold any such meat to Christian butchers, but prejudice grew against it among Christians and it evidently became an offence to sell such meat to Christians.

"Court Christian"

The Court Christian could claim jurisdiction in matters with obvious religious overtones, such as marriage or testaments, but this would not normally extend to pleas of debt.

"private settlement"

Thus forestalling the course of justice and depriving the court of revenue in fines.

"tanners have a gild"

The complaint about a tanners' gild was based on a clause in the royal charter of liberties granted in 1256, that "No gild may henceforth be held in the city to the detriment of the city."

"market"

The concern about the private market, which was evidently on **Tombland** (Holy Trinity being the cathedral) relates to the ongoing **disputes between the city and the priory** as to jurisdiction on Tombland, where the Prior claimed the right to hold a market.



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Keywords: medieval Oxford crime detection jury investigations felony housebreaking theft rape harbouring frankpledge assault disturbances peace

Subject: Investigations of various crimes

Original source: Document now known only through Twyne's transcription of 1624 (Bodleian Library)

Transcription in: J.E. Thorold Rogers, ed. *Oxford City Documents, Financial and Judicial, 1268-1665*, Oxford Historical Society, vol.18 (1891), 176-77, 180-81.

Original language: Latin

Location: Oxford

Date: 1305, 1428

TRANSLATION

[1. A break-in]

An inquisition taken, according to the requirements of the Statute of Winchester, before John Wyth king's coroner of the town of Oxford, Richard de Waleden bailiff of the same, Andrew de Pirye, Thomas de Henxeye and Ralph de Stoke, constables of that town, on 25 August 1305, by the oath of Geoffrey de Henxeye, Thomas de Morton, Gilbert de Ros, William de Sancta Frideswyda, Rogert le Lacemaker, Geoffrey Langeford, John de Lenne, Henry de Abindon tailor, Thomas de Wesenham, Nicholas Brutes, William Wynderhout, John Fikeys, William le Fletcher, Thomas de Boys, John Scot, Richard le Cha, Thomas de Walton, Adam de Padenhall, William le Barber, Nicholas de Radinge, John le Beste, Walter de Sancto Aldato, and Roger le Sherman, jurors to enquire into which evildoers and disturbers of the peace kicked down the door of Edith de Denyses in St. Aldate parish in the dark of night on 24 August 1305, entered Edith's house that same night, broke open a certain chest that they found there, removed and carried off goods found in that chest



(viz. 2 tablecloths, 2 towels, and 9s. in cash), and similarly broke into another strongbox, according to Edith.

All the jurors state under oath that on that date around the hour of vespers Edith told her neighbours that a certain clerk, whose name she did not reveal, had physically threatened her so that she dared not sleep in her own home that night. Consequently she took all her linens, woollens, and all her other possessions and carried them out of there; later she went to the house of Seuy the goldsmith and stayed there overnight. They also state that, after she had left her house, 8 **clerks coming from their sport** in Cowmede approached her house. One of them went up to her door and beat on it with his hand. When that failed to open it, he drew back a little, took a run at it, and struck the door with his foot, so that it opened. They say however, under oath, that they have no idea of the names of any of that party. Furthermore, they say that if any damage was done, or if any chest or strongbox were broken open, or any goods or possessions were removed from the house, they have no idea who was guilty of it unless it was his **[i.e. the door-breaker's] followers**. Asked who those followers were, they say under oath that they do not know any of their names, nor do they know of any other guilty party unless she herself.

In testimony of which, the jurors have put their seals to this **[record of the]** inquisition.

[2. Crimes reported by frankpledge jury]

An inquisition taken at Oxford before Thomas Coventre mayor of the town, Thomas Dagvile and John Michell bailiffs of the town, Thomas Gibbys, William Offord and John Shawe aldermen of the town, for the view of frankpledge held there 27 April 1428 by the oath of John Barton, Robert Walford, Thomas Gare, John Boseworth, Thomas Sprigge, Stephen Gosselin, John Leper, Geoffrey Morice, Henry Sadel, William Person, Roger Olney, and Philip Caspi. They say under oath that on 29 September 1427 William Squyer **manciple** of Oxford in Oxfordshire feloniously raped Joan the wife of Henry Cappelani at Oxford and feloniously robbed Henry of 3 silver spoons worth 6s. and other goods to the value of £13.6s.8d. They say that on 29 December 1427 student John Crosse of Mollington in Oxfordshire lay in wait at Oxford for the purpose of robbing the public and, in that

regard, waylaid Thomas Dagvile, feloniously robbing him of a scarlet hood worth 10s. They say that William Whitechurch, Thomas Spratt, Hugh Thomas and Geoffrey Taylur regularly prowl by night and waylay pedestrians. They say that on 22 March 1428 at Oxford James Jope of Oxford in Oxfordshire, a student, and parson of Mixbury, kitted out as if for war, along with many other clerks, assaulted **Richard Barthelot** one of the king's officers of Oxford when he was performing his official duties, and feloniously robbed Richard of a black hood worth 6s. They say that John Lodewyth is a common harbourer of thieves. They say that John Hynbert is a common **regrator** of leather. They say that on 2 August 1426 at Oxford William Collyng clerk of Oxford in Oxfordshire and John Hugat student of Oxford in Oxfordshire broke into the king's prison of the town of Oxford, entered it, and feloniously took out Thomas Thorsby, who was there for various felonies. Also that Hugh Basseling is a common thief. That say that John Olde is a common harbourer of thieves. Also that on 6 October last at Oxford Robert Beverly student of Oxford in Oxfordshire feloniously raped [\[the remainder is lost\]](#).

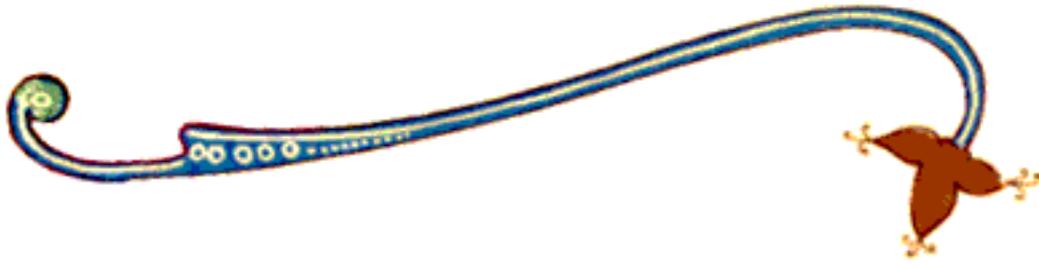
DISCUSSION

Felonies and other breaches of the peace were the general responsibility of the town authorities to investigate, although trial and punishment (if culpable parties could be identified and apprehended) was a matter for the king's justices until powers of justices of the peace were granted to urban officials. As with coroners' inquests, the purpose of the jury was to provide any evidence its members might know, or that they might believe from the testimony of other witnesses, if such there were.

In the first case, an *ad hoc* inquisition was held to investigate a break-in while memory of the event was still fresh. In the second, one of the periodic "**views of frankpledge**" put on record a series of crimes that had occurred since the last view.

On an unrelated note, observe the differences in the style of jurors last names between the two periods, reflecting the transition from differentiators

to fixed surnames.



NOTES

"clerks coming from their sport"

The clerks who had been at play in the meadow were doubtless university students.

"followers"

Much hinges here upon the translation of *sectatores suos* whom the jury suggests may have been responsible for the theft. Rogers seems to have thought this referred to "companions" of Edith, perhaps meaning her servants or tenants. However, if she had servants or tenants she would surely have felt less nervous about sleeping in her home that night, and their names could surely have been provided by Edith. Therefore I rather think the jury was referring to the group of clerks who accompanied the one who broke down the door; whether he was the same who had earlier threatened Edith, we cannot know.

"manciple"

An officer of a university college whose duties were similar to those of a steward, e. g. ensuring the household was provisioned.

"Richard Barthelot"

Barthelot was probably a town sergeant



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Keywords: medieval London reforms law order police crime detection felony alderman peace hue-and-cry curfew nightwatch taverns inns sanctuary surety criminals punishment prostitution

Subject: Ordinances for policing the city

Original source: Corporation of London Records Office, *Liber Albus*, ff. 199, 201-203

Transcription in: Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 264, 275-76, 280-85.

Original language: French

Location: London

Date: 1280s

TRANSLATION

Concerning those who resist authority

No-one is to behave in a defiant fashion, in word or deed, towards the sergeants or bailiffs of the city. Nor is anyone to interfere with their execution of judgements, **attachments**, **distresses**, or other tasks that are ordered or fall to the bailiffs to perform, upon penalty of imprisonment. If however someone believes that he has been wronged by the bailiff, let him bring a complaint about it to his superiors and obtain restitution from those who are authorized to put matters right.

[...]

Concerning night wanderers

It is also prohibited for anyone to have the audacity to be found roving or wandering around the city streets after curfew has been sounded at St. Martin le Grand and St. Lawrence, or at Barking church, [\[armed\]](#)



with sword or **buckler** or any other weapon with which mischief may be done (whereby there may be suspicion of evil intent), or in any other way. Unless he is a great lord or some other trustworthy man of good reputation, or someone from their household for whom they will vouch, who goes before them with a guiding light. If someone is found abroad contrary to the tenor of the aforesaid, without a good reason for coming into town at a late hour, he is to be taken by the keepers of the peace and put in the **Tun**, which is assigned for such offenders. The day after let him be **[formally]** arrested and brought before the city mayor and aldermen. And if they find that offenders have infringed **[curfew]** and are in the habit of doing so, let them be punished.

Concerning the closing of tavern and brewhouse doors at the specified time

Because such persons wandering around at night typically frequent taverns and congregate there more than at other places, seeking shelter there and biding their time in wait for an opportunity to do mischief, it is prohibited for anyone to keep a tavern selling wine or ale open after the hour of curfew. Rather, they are to keep their taverns closed after that hour; nor are they to have anyone sitting or lying around there. No-one is to receive into his own house, by night or day, someone **[coming]** from a public tavern, other than persons for whom he is prepared to be answerable regarding the king's peace.

If it is found that any taverner does otherwise, on the first occasion he is to provide a **surety** in the form of his tavern's **hanap**, or some other suitable item found there, and is to be **amerced** 40d. If he is found to offend a second time, he is to be amerced 6s.8d, and on a third occasion 10s. At the fourth instance the fine payable is to be doubled, that is, 20s. And on the fifth occasion, he is to renounce his occupation in the city forever. If any taverner receives any troublemaker, knowing of his offences, he is to be committed to the same prison as all receivers of felons. Provision has been made for every alderman to make diligent enquiry through his **wardmoot** concerning wrongdoers coming into and living in his ward; if any such are discovered through the presentment and indictment of the good people of the ward, let them be attached by their bodies as soon

as possible – and that by the alderman, if the sheriffs or their bailiffs are not available. If they *are* present, however, they are to do it under direction of the alderman. And [the offenders] are to be brought before the mayor and aldermen and be interrogated regarding that of which they have been accused or what has been presented against them. Those who cannot clear themselves are to be punished by imprisonment, or by some other punishment (at the discretion [of the mayor and aldermen]) as demanded by the offence.

Every alderman is to hold his wardmoot, and [address] all **the points which have been addressed** in times past, four times a year.

[....]

Concerning the peace and those who flee to churches

It is ordained for the safekeeping of the city that from now on there shall be a warden appointed by the king, instead of a mayor, and the sheriffs and aldermen [shall be appointed] by the Barons of the Exchequer. They are to take an oath of obedience to the king, to keep watch and ward and maintain the peace in the manner in which they shall be instructed: that is, to preserve the peace by night and by day and to arrange for the watches and the **guards** to take action, according to the points written below. The sheriffs, aldermen and the entire populace are to be obedient to the warden.

In order to preserve the peace in the city, the king wishes and commands that if any felony is committed within the city, or any breach of his peace, that anyone nearby when such an offence or felony occurs, or who hears, sees or knows of a felony or breach of his peace, shall do whatever is within his power to arrest or **attach** such felons or offenders. If he has not the means to do so straight away, he is to raise **hue-and-cry** on the wrongdoers. Upon which, the king wishes and commands, all those who are nearby and hear the cry shall come to [where] the cry [is being made] in order to capture and arrest such felons and wrongdoers. Once they are taken, let them be handed over to the king's bailiffs. Whoever does not respond to the raising of a hue-and-cry is to be heavily amerced.

If it happens that any felon escapes to a church before he can be taken, the people of the ward in which stands the church where the felon has put himself are to keep watch upon the felon, until it has been arranged for him to leave the kingdom. If the people of the ward are not sufficient [for this], let them be helped by the people of the nearest neighbouring wards, as decided and advised by the warden of the city – allowing that no-one be unreasonably burdened with such watch.

Concerning offenders

The king wishes it understood by all that no liberty or ancient custom is valid that might cause this ordinance not to be observed. Those who are convicted of offences such as battery or [assault] drawing blood, where death or maiming are not the outcome, may be punished by a fine and, particularly, imprisonment, at the discretion of those who judge the offence – so that the severity of the punishment makes others afraid to offend. They should always have regard to the seriousness of the offence, the extent of the guilt, and whether they are habitual offenders or not.

Everyone is to take care not to raise hue-and-cry on any brawl in the city, by day or by night, without good reason. If any does [without cause] and is convicted of the same, let him be punished according to the offence.

If any wrongdoer escapes from a church, those who were supposed to be keeping watch on him will forfeit 100s. to the king for [failing to prevent] the escape; this applies to escapes from city churches. For escapes from **Newgate**, let things be as they were in the past.

Concerning criminals who lie low

Some people make for the city from overseas, and some from those same lands seek shelter and refuge there after being exiled from their own country or removing themselves because of grave offences or as other punishment. Suchlike make themselves brokers, hostellers, and lodging-house keepers in the city, serving denizens and foreigners, as if they were honest, law-abiding men and freemen of the city. Yet some of these seem to have nothing better to do than spend their time

going up and down the streets – more by night than by day – are well attired and fitted out, and dine on expensive delicacies. They follow no trade, do not engage in commerce, nor do they own lands or tenements, to provide themselves with a livelihood. [They have] no friends who seek them out, and they are constantly changing their place of residence. Persons such as this are the source of many of the troubles in the city. Hence this provision, that no-one from a foreign land (or any other person) may run a lodging-house or a hostelry within the city unless: he is admitted as a freeman of the city and it is verified by the warden, mayor and aldermen that he is an honest and law-abiding man, or he has favourable testimonials from the place from which he comes; that he left there and came here under proper circumstances; that he can find reliable sureties, amenable to judgements executable by the city bailiffs, regarding being answerable to the king's peace, and to the citizens for avoiding doing any harm to the city.

If it should happen that someone from a foreign land, on the basis of the sureties he has found or of the franchise granted him by the city, is to become a hosteler or lodging-house keeper in the city, he is to make arrangements to reside in the heart of the city, as previously indicated. Let them cease and desist from any contrary practice within 40 days of the date that these articles are read out and made public in the city. And if anyone is found in contravention of what is indicated above after those 40 days, he is to lose the franchise in perpetuity and, furthermore, be punished by imprisonment according to the gravity of the offence.

Concerning thieves and whores

Thieves and other rash or mischievous persons are received and hosted more frequently and more commonly in the houses of women of ill repute in the city than elsewhere, whereby crimes and murders [committed] by persons so received often occur, to the great harm and scandal of the people of the city. The king therefore wishes and commands that henceforth no **prostitute** live within the walls of the city. If any is found hereafter living and receiving guests within the city, she is to be imprisoned for 40 days. The warden is to have enquiry made throughout the city, using whatever methods he

considers to be most effective, into where such women are received and who they are. Once they have been found, let them be assigned a certain **district**. None of them may henceforth wear **miniver** [or **cendal**] on her dress or her hood; if any does so, she is to forfeit the miniver or cendal to whichever sergeant finds and captures such a woman dressed thus.

Concerning watch and ward in the city

To safeguard and maintain his peace the king wishes that, whenever it is necessary, a nightwatch be set within the city in the appropriate manner. That is, in each ward there are to be chosen a certain number of persons, according to the size of the ward, and depending on the size of the crowds being then in town. Such persons are to be strong, and able to defend themselves properly, being well armed. They are to be nominated by the people of the ward to its alderman, before whom they shall take oath to well and truly perform watch and ward and, without descending to favouritism because of bribe or affinity, to arrest and attach those who go about and are active at night, contrary to the peace and to the tenor of the proclamation; and faithfully to bring them before the warden or the mayor. By whom such persons are to be punished, according to their offence. All **innkeepers** and householders in the ward, with the exception of the king's officers, are to contribute towards the support of those persons [of the watch]. If anyone of those sworn persons who make up the watch is convicted of failing to perform that duty properly, or of showing leniency (due to corruption, affinity, forbearance, or any other reason) to someone who ought to have been arrested or attached for an offence, he is to be punished by imprisonment, at the discretion of the warden and aldermen, according to the gravity of the offence. What weapons they are to be provided with for keeping guard is the decision of the city warden; they are to be purchased at the cost of the residents of the wards.

DISCUSSION

The table of contents to this part of the *Liber Albus* has a preamble indicating that some of the regulations were made by Edward I, after he seized the city liberties in 1285. Some of the specifications were much the same as those in the Statute of Winchester, enacted about the same time. Some of the London regulations were said to remain in force after the liberties were later restored to the citizens.

The 1260s had been a period of political strife in the city, reflecting the discord within the nation as a whole. But 1272 brought to the throne a man intent on restoring order and discipline to the realm, and asserting royal authority over the nation. King Edward, rightly or wrongly, perceived London as a hotbed of disorder, where criminals were escaping justice because of a failure to hold assizes and inquests properly.

The eyre of 1276 does indeed suggest either a change in attitude or laxness among London authorities, who informed the justices that it was not obligatory for hue-and-cry to be raised when a homicide had occurred; although men in the vicinity of the crime should try to arrest the culprit, even that was optional. The justices had not liked that assertion. Records of thirteenth century eyres likewise identify a number of sanctuary-takers, or prisoners, who managed to escape the sometimes less-than-watchful eye of authority.

At the beginning of the 1280s, a new mayor Henry le Waleys, with the king's approval, instituted a series of reforms aimed at strengthening police and judicial systems. This did not sit well with the aldermen, who replaced Waleys with a more traditionalist mayor. Edward responded by appointing a commission to investigate the state of order in London. When the traditionalists protested, the king seized the city liberties and appointed a warden in 1285. The royal officers in charge of London reworked Waleys' reforms and published a set of new ordinances, with police regulations looming large, although changes to the commercial environment were more revolutionary in attacking citizens' monopolistic privileges. The aim was to bring London's legal and administrative procedures more in line with the national system.

Those regulations from and including "Concerning the peace and those who flee to churches" were the ones attributed to Edward I's people, while those preceding were likely from the earlier reforms of Waleys.

Over the course of the next decade, the resistance of citizens to the new situation gradually stiffened. But it took the near-revolt of 1297, led by the Earls of Norfolk and Hereford, to bring national dissatisfaction to a head, before Edward could be persuaded to restore London's self-government (1299). Despite that, many of the changes wrought under the royal administration were lasting.



NOTES

"buckler"

A small, round shield intended for practice or lightly-armed combat; came to be carried by troublemakers.

"Tun"

The Tun was one of the city prisons, its name from its round (cask-like) shape; built in 1283 at Cornhill, it was intended particularly for vagrants and persons committing offences against morality.

"hanap"

Riley argues persuasively that this was a large drinking cup with handles, adding that the modern "hamper" derives from a container used originally to transport such cups.

"guards"

The term here translated "guard" is *geyte* which seems to be associated with waits, later used to refer to musicians; the connection perhaps being horns that guards may have carried to sound the hours.

"Newgate"

The largest of the city prisons.

"prostitute"

The original is *femme coursable*, "woman providing a service".

"district"

The original is *marche*, which may refer to limitations of movement or to a 'marketplace' – an area in which they may conduct business.

"miniver"

The white or spotted fur from a small animal, used to line garments. "Or cendal" is omitted here but appears in the copy in the *Liber Custumarum*; cendal was a type of fine linen or inferior silk, again typically used for lining.

"innkeepers"

Innkeepers seem to have received special mention because they were perceived (at least by the king) as the hosts of transients who were likely to cause trouble, or themselves as of dubious behaviour – one of the ordinances identifies some innkeepers as foreign criminals who had fled their own country and settled in London.



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Keywords: medieval London law order police curfew peace nightwatch inns assault arrest

Subject: Ordinances for preserving law and order

Original source: Corporation of London Records Office, *Liber Albus*, ff. 223-224

Transcription in: Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 387-90.

Original language: French

Location: London

Date: ca. 1364

TRANSLATION

Concerning keeping the peace

For the purpose of protecting and preserving the king's peace in the city of London and its suburbs, the king and his council have, with the assent of the mayor, aldermen and community of the city of London, made ordinances as follows. That no-one be so bold as to wander about the city or suburbs after the hour of curfew has been rung at the church of **St. Mary-le-Bow**, unless he is a man of known and good reputation, or his servant, [going about] for a good cause, and then with a light. The which curfew is to be rung at the church when day turns into night. If anyone is found wandering contrary to this ordinance, he is to be captured and sent to **Newgate** prison, remaining there until he has paid a fine to the city for his defiance and can find reliable guarantors for his [future] good behaviour.

No-one is to go about armed

Also, that no-one, regardless of status, is to go about armed in the city or its suburbs, nor bear arms by day or night, except for: the **squires**



of the great lords of the land, who carry the swords of their masters when accompanying them; the sergeants-at-arms of the king, queen, prince, and the other children of the king; the city officials and persons who, at their command, go about in their company to assist them in preserving and upholding the peace. Upon penalty as mentioned [i.e. imprisonment?] and the confiscation of their weapons and armour.

Concerning innkeepers

Also, that every keeper of an inn or a lodging-house is to have his guests warned to leave their weapons in the houses where they are lodging. If they fail to do so, and someone is found bearing arms contrary to the proclamation, due to lack of warning from his host, that host is to be punished by imprisonment and a fine to be determined by the mayor and aldermen.

Concerning the power to arrest felons and wrongdoers

Also, that every man of good standing and reputation within the city, whether alderman or commoner, has the authority in the absence of [city] officials to arrest felons and wrongdoers and to take them to the houses of the sheriffs, so that those wrongdoers can receive the punishment due them.

No-one is to draw sword or knife

Also, in order to keep the peace better and to help discourage people from breaking the peace, it is ordained that no-one is to draw a sword, or knife, or other weapon, [upon penalty of] paying 6s.8d or being imprisoned at Newgate for 15 days – so long as he does not use it. But if he draws blood from someone, he is to pay 20s. to the city or be imprisoned for 40 days.

If he strikes someone with his fist without drawing blood, he is to pay 3s. to the city or be imprisoned for 8 days. If he draws blood with his fist, he is to pay 3s.4d to the city or be imprisoned for 12 days. Such offenders are to find reliable guarantors for their good behaviour before they can be released. Notwithstanding these [punishments],

those against whom the offences were committed may recover [damages] through the legal process. Offences involving the shedding of blood, in breach of the king's peace, are to be tried from day to day before the sheriffs, without any **essoins** or other delays.

[....]

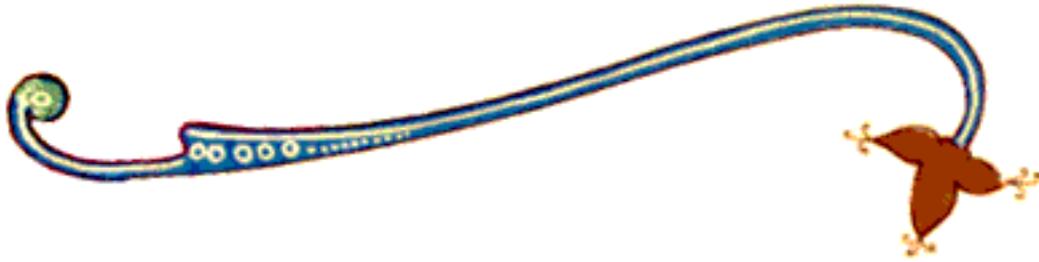
Concerning proper watches for [preserving] the peace

Also, that each alderman arrange within his ward for proper and suitable nightwatches, so that the peace can be better preserved. So that if some evil occurs through default of the nightwatch, the alderman and the whole community of that ward remedy the situation, at their peril [should they fail]. Each alderman is to have the names of all those who are inhabitants, or who lodge with residents, in his ward, as well as of those who are put in private places to work with the others.

DISCUSSION

The reference to the Prince of Wales dates these ordinances to the third quarter of the fourteenth century; Riley confidently indicates a date of 1364.

Eighty years after Edward I had tried to impose on London controls to combat lawlessness (see "**Ordinances for policing the city**"), much the same concerns were still being addressed, as the above ordinances illustrate. The role of the nightwatch remained an important one, for much of the crime and violence occurred after dark, and was thanks to men of no fixed abode – inns and lodging-houses perceived as usual as dens for criminals. **Hue-and-cry** has disappeared (although it remained on the law books elsewhere in England up to the 19th century), but the citizen's arrest remains an important adjunct to formal policing and the community continues to have a role in suppressing disorder. The wards were at least as important, and probably more so, as the focus for police activities; the ward aldermen by now had staffs that included beadles and sergeants, whose duties included police activities.



NOTES

"St. Mary-le-Bow"

The "great bells of Bow" were fairly centrally located in medieval London. Different churches were used to sound the curfew at different periods.

"Newgate"

The largest of the city prisons.

"squires"

The term here rendered as "squires" is *vadletes*, which might be better translated as valets or grooms, were not those terms today restricted to menservants with fairly specialized duties.



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translation | discussion | notes

Keywords: medieval Oxford petition homicide sanctuary rights abjuration justice

Subject: Petition to the king against sanctuary rights of a homicide

Original source: Archives of the borough of Bridgwater

Transcription in: H.E. Salter, ed. *Snappe's Formulary and Other Records*, Oxford Historical Society, vol.80 (1923), 252-53.

Original language: Middle English

Location: Oxford

Date: 1491

TRANSLATION

Your poor and grieving petitioner Margery Ludlow, widow of Thomas Ludlow, one of the sergeants of the town of Oxford, makes a complaint to Your Highness that late in the day on 23 December, one John Wells in his own house at that time (now in your prison of **Bocardo**, convicted of felony) killed one Robert Phylipson and straight away fled into the church. He thereafter found **mainprise** and was set at large, before the felony was reported to your coroners there. After it was reported and investigated, your bailiffs and **fee-farmers** there, together with your sergeants including the aforesaid Thomas Ludlow, in execution of the law entered the house of John Wells on 7 January last. John Wells, feloniously and in violent infringement of your laws, killed your sergeant Thomas Ludlow and inflicted an almost fatal wound on **David Dier**, one of your bailiffs and fee-farmers there, among other assaults and woundings. Whereupon John Wells again fled into the church, where contrary to the law he refused to make any acceptable confession to the coroners for purposes of abjuration. This being made known by the coroners to your constables there, they seized John Wells and brought him out of the church to your prison of Bocardo.



Some now are making strenuous efforts to have John Wells put back into the church, which will result in numerous difficulties and troublesome expenses both to your grieving petitioner and to many others, unless Your Grace is informed of the way things stand. Therefore your poor petitioner, in all humility, beseeches Your Highness to show his grace through due execution of your laws and punishment of such murders, by ordering that royal letters be sent to Oxford – both to those who have spiritual jurisdiction and to those with secular jurisdiction – for the quashing of those efforts, for the reverence of almighty God, to whom your petitioners shall always pray for your royal majesty to live long and prosper.

DISCUSSION

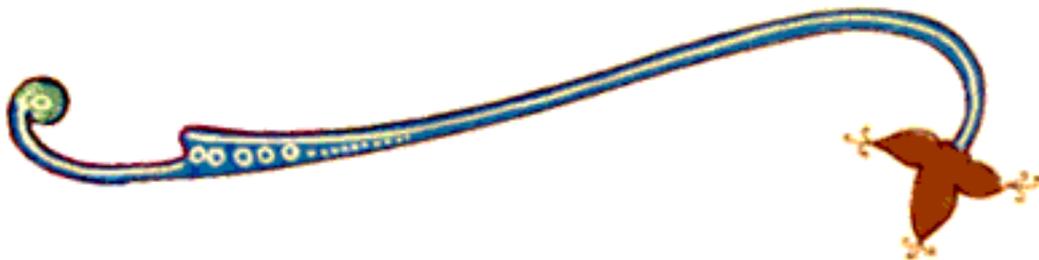
The idea that those wrongly accused of a crime could appeal to divine justice by seeking sanctuary at sacred places existed in some pre-Christian societies, particularly those with underdeveloped juridical systems. Christianity added the concepts that all law derived from God (who was therefore the ultimate source of justice and mercy) and that sinners could be redeemed through repentance. From the fourth century, bishops were accorded some rights to intervene in civil trials and to request pardons or sentence reductions for criminals. At the Council of Orange (432) a territorial dimension was added, by the decision that the sanctity of churches demanded that anyone taking refuge there could not be delivered up to the authorities. From the beginning secular authorities tried to place restrictions on the right of sanctuary, and occasionally violated it.

In Anglo-Saxon England the purpose of sanctuary was to allow criminals a limited amount of time to negotiate monetary compensation in lieu of corporal punishment. Habitual criminals, or those already convicted of a crime, were not intended to benefit. The Danish and the Norman kings continued their Anglo-Saxon predecessors' respect of sanctuary. It was not until the twelfth century, however, that sanctuary became bound up with a new procedure: abjuration of the realm, whereby criminals were allowed to confess their sins and go into exile, in return for their lives being spared. This procedure, perhaps influenced by outlawry (itself a form of exile from society), was a compromise solution to the stalemate in which the secular

authorities needed to punish criminals, but the Church had the obligation to defend the sanctity of its territory.

By the late Middle Ages, sanctuary had become a thorn in the side of the developing legal system. The period of sanctuary was, in theory, limited to forty days, after which the refugee was supposed either to surrender to the authorities or abjure. However, after the forty days had elapsed, authorities were at a loss to know what to do, except to keep a guard on the church in which sanctuary had been taken. The parish whose members had to undertake this guard duty found it burdensome, not least because they were subject to fine in the event of escapes, which were not uncommon. For habitual criminals escape may have been preferred to abjuring, in itself a punitive procedure risking murder en route to exile and little future prospects in the place of exile. Furthermore, the prospect of sanctuary was believed to be encouraging crime in urban areas, where churches were numerous: debtors used it as a means of evading creditors, thieves used sanctuaries as bases for nightly raids, convicted criminals who escaped from prison often headed for churches. Occasionally frustrated authorities entered churches to drag criminals out to punishment, some incidents turning so violent that church-state relations were strained as a result. Where criminals survived their forced removal, the Church insisted on them being returned to sanctuary.

Margery Ludlow, along with Robert Phylipson's sister who also sent a similar petition to the king, had cause to expect support from the king – although we do not know the outcome of this case. Henry VII was unsympathetic to sanctuary rights; his son restricted sanctuary to a limited number of places and substituted a form of imprisonment for abjuration.



NOTES

"Bocardo"

The principal town gaol at Oxford.

"David Dier"

Bailiff in 1490-91.



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translation | discussion | notes

Keywords: medieval Leicester crime trial theft homicide coroner investigations

Subject: Crimes investigated by the coroner

Original source: Leicestershire Record Office, Leicester archives, coroner's rolls

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899-1901), vol.1, 376, vol 2, 2.

Original language: Latin

Location: Leicester

Date: 1320s

TRANSLATION

[Trial and punishment of a thief]

John the son of Thomas of Rothwell near Pontefract was caught red-handed in Leicester, in the house of Henry Dowel of Leicester, on the accusation of John Dun, with a **Coggeshall** cloak and a red fur-lined hood. He was taken to the **portmanmoot** court held on 18 August 1320 and there brought to trial on the accusation of theft made by John [Dun]. He stated that he was in possession of the cloak and hood by the agency of Henry's maid and that he did not steal them. On that [defence] he submitted himself to an inquest, which said under oath that he was guilty of the theft. Consequently he was hanged. The cloak and cap were delivered to John for laying the charge. He [i.e. the thief] had no possessions.

[Investigation of a homicide]

At evening was falling on 27 June 1327, there arose an argument between William Hauberk of Scalford and William the son of John le Blake of Leicester, in John le Blake's house. They took the quarrel between them out into the street, where they insulted each other in the



vilest terms, with the result that William le Blake stabbed William Hauberk with a knife on the left breast, piercing his heart; he died of the wound immediately. John le Sponere was the first to find the corpse and he straight away raised the **hue** as far as the four town gates of Leicester. The townspeople assembling, together with the **frankpledge**, the coroner and bailiff of Leicester were summoned. Before whom was held an inquest, which says that it suspects no-one of the death except from William le Blake, who had fled immediately after committing the deed. He had no possessions nor was he in **tithing**, because he was a clerk.

DISCUSSION

These represent two of numerous records of crimes consigned to parchment by the coroner. The coroner was an officer who conducted investigations into "pleas of the crown", notably thefts and homicides, but potentially any crime from which a fine or amercement might be due the king – even in cases of accidental death there would likely be some object, instrument or animal associated with the cause that was forfeit to the crown. The coroner had to make a record of what he discovered; this might involve, as at Ipswich, keeping duplicate records of cases tried in the borough court. He did not try the crimes, strictly speaking (although in Ipswich, and conceivably elsewhere, may have assisted borough executives in reaching judicial decisions) but determined to which authorities they should be referred. In most cases these were royal justices, usually in eyre; the infrequent visits of the eyre to any locality meant that the coroner's records could play a valuable role in identifying crimes and suspects.

The record of these cases, as of most, are brief and to the point: a crime was reported, an inquest gave a verdict, the criminal was punished if in hand, there is a report on whether the criminal had property that would be forfeit to the crown.



NOTES

"Coggeshall"

An Essex village with a reputation for its cloth-making industry.



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translation | discussion | notes

Keywords: medieval Oxford coroner jury investigations homicide prostitution university students misadventure

Subject: Homicides investigated by the coroner

Original source: Coroner's roll, Bodleian Library, and documents now known only through Twyne's transcription of 1624 (Bodleian Library)

Transcription in: J.E. Thorold Rogers, ed. *Oxford City Documents, Financial and Judicial, 1268-1665*, Oxford Historical Society, vol.18 (1891), 151-52, 154-55, 165-66.

Original language: Latin

Location: Oxford

Date: Late 13th and early 14th centuries

TRANSLATION

[Revenge killing]

It happened that on the evening of Thursday, 7 March 1297 a certain William de Neushom a groom of Sir John de Ketegreins died in a certain guesthouse where Sir John had lodged the previous Tuesday, in the parish of St. Martin, Oxford. The following morning, on 8 March, he was examined by the coroner and was found to have a wound on the front of his head, 4 **inches** wide, 6 inches long, and one inch deep. An inquest was held the same day by the oath of: Nicholas de Overton, Thomas de Boleworth, Roger de Wallingford, Walter de Wycombe, John le Longe salt-dealer, William de Oseney, and John de Abindon, jurors from St. Martin's parish; Walter de Witneye, Robert de Bampton, John Bishop butcher, William le Orfevere, Philip le Gaunter, John de Hakeburn, Robert Smart, jurors from All Saints' parish; William de Brehull, John de Tywe, John Payn, Robert Kepeharm, Hugh le Bastiller, and Thomas le Marshall, jurors of St. Aldate's parish; John de Ardern, Richard le Espicer, John de Weston, Geoffrey le Mercer, Richard de Otyndon, and Alexander de Bloxham, jurors of St. Peter's in the Bailey parish.



And all the jurors say under oath that on Tuesday, 5 March 1297 William de Neushom and others of the household of Sir John de Ketegreins came in a hurry to the butchers market after curfew and saw John Beneyt junior standing between two stalls and urinating. William de Neushom drew his sword and with its point slashed John Beneyt across the front of his head. John at once raised hue and cry, went into the house of John Beneyt senior, and looked for his sword. Then he, together with John Beneyt senior and John de Walteford followed them to the guesthouse to which Sir John de Ketegreins, William de Neushom, and his colleagues had retreated from them. In the fight that ensued between them John Beneyt junior, answering force with force, struck William on the head and gave him that wound of which he died on the date mentioned, although he received all the last rites. The jurors say that no-one else is guilty of the death except for John Beneyt junior because, they point out, John Beneyt senior and John de Walteford came only in response to the hue and cry that had been raised, for purposes of protecting the king's peace. John Beneyt junior was arrested and was held in gaol until he could be delivered to trial.

[Killing of a prostitute]

It happened on Sunday, 26 April 1299 that Margery de Hereford died in a certain house in St. Aldate's parish, Oxford. The same day an examination was made by John de Oseneye coroner and she was found to have a wound beside her left breast, one inch wide and 5 inches deep. On the same day an inquest was held before the coroner, by the oath of: Thomas le Marescall, John Bishop, Thomas le Parmenter, John de Twye, Thomas le Turnur, Hugh le Pastiler, and Geoffrey de Langeford, jurors of St. Aldate's parish; William Chaunterel, William le Halte shoemaker, Thomas de Weseham, Gilbert de Dos, John Sewy, and John le Tayllor, jurors of St. Frideswide parish; William le Fletcher, Ralph le Wall, Geoffrey le Sutor, Walter le Cha, William le Plomer, and Thomas de Sutton, jurors of St. Michael Southgate parish; John de Goseford, William de Barton, John de Barton, Richard le Baker, Roger de Haleghton, and Nicholas de Forsthull, jurors of St. Thomas the Martyr parish. All the jurors say under oath that the previous Friday a certain clerk, whose name they do not know, around the hour of curfew led Margery to the **king's hall** and there had sex with her; and because she asked him for

her fee, he drew a knife and wounded her by her left breast, so that she died, but she had all the last rites. The clerk immediately escaped from there, so that he could not be arrested nor could his identity be determined.

[A midsummer's eve revel disturbed]

It happened that on 21 August 1306, around midday, Gilbert de Foxlee clerk died in his lodgings in the parish of St. Peter's in the East, Oxford. The following day he was examined by Thomas Lisewys the king's coroner of the town of Oxford and found to have a wound in his left shin, below the knee, 4 inches in diameter and one and a half inches deep. An inquest was thereupon held before the coroner, by the oath of etc. [names not transcribed]. They say under oath that on the evening of the festival of the Nativity of St. John Baptist [23 June] previous, the tailors of Oxford and other townsmen who were with them, spent the whole night in their shops, singing and entertaining themselves with harps, viols and various other instruments, as is their practice and the custom there and elsewhere regarding the celebration of that festival. After midnight, when they did not expect anyone to be wandering in the streets, they and the others who were with them left the shops and took their choir out into the high street heading for the drapery. As they were enjoying themselves, they suddenly came upon Gilbert de Foxlee with his sword drawn and naked in his hand. He immediately started to argue with them, demanding to join their choir. Since they had among their number some persons of note, they approached him and asked him to go away and not cause anyone any trouble. Gilbert was not prepared to agree to this, but broke away from them and then dogged their footsteps, hurling insults at a certain William de Cleydon and threatening to cut off his hand with his sword unless William promptly surrendered to him his place in the choir. At this, Henry de Beumont **crusader** [?], Thomas de Bloxham, William de Leye servant, John de Leye, and William de Cleydon rushed Gilbert; Henry gave him a wound on the right arm with his sword, Thomas stabbed him in the back with a dagger, while William de Cleydon felled him with a blow to the head. Immediately after, William de Leye, with a hatchet called a "**sparsh**", gave Gilbert the wound on his left leg, by the knee, **from which he died** on 21 August – he having lived for 8

weeks and 2½ days and having received all the last rites.

DISCUSSION

To give a sense of the range of causes of death investigated by the coroner, the following is a synopsis of the other crimes reported in coroners' rolls (*Oxford City Documents*, 150-74), although probably representing only items selected by the transcribers. Two things may be noted. First, that students appear to have been involved in most of these incidents. Although this selection of extracts may reflect a bias of Twyne or Rogers, the **eyre of 1285** paints a similar picture, and it is evident that the behaviour of some of the university students was a serious aggravation to the borough authorities. Second, that many of the homicides occurred after curfew. We can see from these inquests that evidence must have been sought by the coroners, as quickly as possible after examination of the scene of the crime, from bystanders or others, and that it was left to the jury to weigh the evidence and declare, under oath, what they considered to be the facts.

- 4 February 1297, John Metescharp died after having on 2 February been shot by an arrow when he responded to a hue and cry raised against three clerks (probably students) who were going through the streets around curfew, armed with swords and bows, and assaulting any pedestrians they encountered. The culprits escaped.
- 20 January 1298, Thomas Yve found Robert de la Marche tawyer dead outside a house near the north gate and immediately raised hue. Around twilight the previous evening he had ventured outside the north gate, where he encountered four Irish clerks (probably students). For reasons not explained, one stabbed Robert with a knife under his left arm; the attacker fled, but the others of the group were later arrested.
- 17 June 1298, William de Heyworth died of a hatchet wound to the skull, a wound received on 27 May from an assault by Reginald le Messer, a poor resident of the Hospital of St. John; Reginald had meanwhile fled.
- 23 April 1300, Roger the son of Emma de Hereford having been

found dead the previous day, the inquest found that Emma had, along with many other poor people, been present at a distribution of food at the house of the Archdeacon of Buckinghamshire on the 21st. The throng of the crowd knocked her down and she was trampled underfoot. She miscarried a stillborn son the following day. No blame was assigned.

- 2 August 1300, William de Bangor, an Irish clerk was found dead near a dam of the Abbey of Osney by Richard de Hayle, who raised hue. William had no marks on him and the jury concluded he had drowned while trying to bathe in the river Thames. Death by misadventure.
- 17 August 1300, Gervase Maddak, a Welsh youth, having been found dead in St. Edward's Hall, the jury found that he had finally succumbed to a wound received back in February, when he had been struck on the head by a cudgel wielded by Robert le Porter of Winchenden while visiting an inn. The culprit had fled – where no-one knew – leaving behind his cudgel.
- 16 December 1300, John de Rypon was found dead at curfew time by Thomas Yvo, who raised hue. An inquest the following day found that John had become involved in a war of words with Richard de Malteby, who with his cudgel struck John on the head, killing him. Richard had escaped.
- 22 December 1300, an inquest on the body of Henry de Bokingeam, a clerk found dead the same day with one wound in his skull, attributed to a hatchet, and a second below his left eye, attributed to a knife, concluded that Henry had been set upon by thieves unknown while on his way into town.
- 5 January 1301, Robert de Honniton clerk died after lingering since 31 December when he had climbed up the bell-tower of St. Michael's church with some notion of helping ring the bells, but fell out of an opening and, landing on his right side, received so much damage that by the time he died his right side was badly swollen and blackened.
- 26 June 1301, the bodies of two men – Simon le Fevre and Alan son of William le Strange, were found in a field in the suburbs of Oxford, by Alice de Coventre, who raised hue. Both had deep head wounds. The jury's findings were that the pair had been leaving Oxford at twilight, to return to Wolgaricote (a village where at least one of

them lived), and were crossing the field when attacked by thieves; who those thieves were or what had become of them, the jury had no idea.

- 7 December 1301, Hugh Russel, a Welsh clerk, succumbed in his lodgings to a lung-piercing wound he had received four days previously, as a result of an argument in which he had become embroiled with Master Elias de Monte Gomorry. After wounding Hugh with a knife, Elias had fled.
- 7 December 1301, the body of John de Neushom, a clerk and a schoolmaster, was pulled from the river Cherwell, his wife Isabella having been the first finder. The inquest found that after lunch on a previous day he had gone off in search of switches to use when punishing his pupils. Having climbed up a willow tree near a millpond, to cut off suitable branches, he fell in the water and drowned.
- 9 December 1301, John de Hampslape, a clerk from Northamptonshire, was found dead in Cat Street with a knife wound to the heart, Willliam le Schovelere the finder having raised hue. The jury determined that on the previous day around the hour of curfew John had come out of the room where he lodged, on the north side of "the great school", in order to urinate, when he heard an argument underway between two fellow clerks who lodged in a room on the south side of the school. Upon investigating, John saw one of the clerks, Nicholas de la Marche, draw a knife with the intent of attacking the other clerk, Thomas de Horncastel. John thrust himself between the two to try to prevent violence, only to receive the blow intended for Thomas. Because this happened at night, no hue was raised at that time, and Nicholas was able to effect an escape.
- 12 August 1302, John the son of John Godfrey of Benseye was found dead in the river Thames, the first finder having raised hue. The jury found that on the previous day he and others had spent the day mowing a meadow in sunny weather and, because it was a hot day, had drunk quite a bit and become inebriated. In that state he had decided to cross the Thames in a ramshackle boat, in order to return to his lodgings on the other bank. As he tried to step into the boat, he fell overboard and drowned.
- 14 June 1303, John de Osgodeby clerk was found dead in the street with multiple wounds to his head, probably from a sword. The jury's

verdict was that on the previous day, around curfew time, John crossed paths with Nicholas de Vylers an Irish clerk, Thomas de Weldon clerk, and Thomas' servant John le Northern. They set upon the victim with their swords and, killing him, fled.

- 29 May 1307, the body of John the son of Sir Miles Stapleton was found in his lodgings; the finder raising hue, the coroner came quickly to view the body and discovered two wounds, a deep wound 3 inches wide in the back next to the spine and a second on the right shoulder. An inquest was immediately summoned and the jurors' conclusion from the investigation was that on the previous day, around the hour of vespers, John (a clerk) was walking along the street adjacent to the city wall on the east side of Oxford when he encountered Robert de Knotton scribe, John Saxendale, Nicholas de Kirkham, and John de Eboraco, all three clerks, friar William de Fimmore, and Richard le Citoler. The group set upon John and he received the knife-wound on his shoulder from Knotton and the sword-wound in the back from Saxendale. John used his remaining strength to break free of them and ran into the high street near the East Gate, where he collapsed. Later some friends of his, coming back into town from the suburban fields where they had been engaged in some sport, found John still alive and carried him back to his lodgings, where he died soon after. Following this verdict, Knotton and Saxendale were arrested and imprisoned, but their accomplices – whom the jurors considered willing accessories to the homicide – were not to be found.
- 4 May 1314, Henry de Insula clerk was found dead in Grope Lane, the finder raising hue. The inquest held the same day found that, around midday on that date, two factions of clerks [i.e. students] had a "rumble" in St. John's Street and Grope Lane – one faction representing those from the northern part of town, and the other those from southern and western parts. Both groups were armed with swords, bucklers, bows and arrows and other weapons and were clearly looking for a fight. During the fight Robert de Bridlyngton and four other students positioned themselves in the upper room of a hall facing onto St. John's Street, from where they could shoot arrows through the window into Grope Lane. One of Bridlyngton's arrows struck Henry in the back and killed him. The jurors blamed the whole group for inciting Bridlyngton. Although not specified, it appears that the group had escaped arrest.
- 4 May 1314, David de Kirkby was another victim of the above clash,

his body also being found in Grope Lane. He had been attacked by several adversaries, receiving a blow to the head from a falchion (a short sword whose blade curves towards its point) wielded by John de Benton, a leg wound from the sword of William de la Hyde, and a dagger wound under his left arm from William de Astele; it was believed that the last of those wounds had proved the fatal one. Again the attackers seem to have evaded the hands of the law.

- 8 May 1314, Matthew de Kentheleyke of Wales died in Brendhall (a building associated with one of the colleges), and the coroners held an inquest the same day. It reached the conclusion that, late in the day on 2 May, Matthew had encountered John de Fulney in the street near Brendhall and, an argument ensuing, John had drawn his knife and stabbed Matthew, killing him.
- 20 July 1319, Lucas de Morton was found dead in his house. The inquest jurors determined that on the evening before Lucas had left his house to use the privy in Cat Street when there arrived a group of clerks from the northern part of town, including Elyas Hubberthorp, and clerks from the southern part, with a view to a gang fight. Elyas, believing Lucas to be a member of the opposing gang, struck him on the head with a sword. He was evidently carried back to his own house and given the last rites there.
- 20 October 1321, William the son of John de Harwendon took sanctuary in the church of St. Mary's for fear of being arrested. He confessed to the coroners of horsetheft and then took oath before them that he would leave England; they assigned him Southampton as the port of departure. William's possessions, forfeited, were given to the Prior of St. Frideswide's, as he had jurisdiction during the time of the fair.
- 26 December 1321, John Potum's corpse was found in one of the Oxford halls, the finder raising hue, and an inquest being held soon after the arrival of the coroners. It was discovered that Master John de Seton had a grudge against Potum, because of some previous argument they had, and on the previous night had stabbed Potum with a knife.
- 15 February 1322, John de Bellocampo was found dead in one of the Merton college halls, the finder raising hue. The inquest blamed a fellow student, William de Stodhelm, who the previous night, after an argument between them, pulled a knife and stabbed John to the heart,

then disappeared.

- 5 April 1322, William de Aslebury was found dead in one of the university halls. The inquest jury found that, eight days earlier, in the morning, William while still in bed took his knife and stabbed himself in the stomach. No reason for the suicide was given.
- 30 June **1325**, an inquest was held on the body of Gilbert de Crofton clerk. It found that on 25 June at the hour of vespers and great fight took place between students of the northern part of town and those of the western part, just inside the North Gate of the town. In that conflict, Stephen de Caperugge stabbed Gilbert in the back with a knife. The seriously wounded Gilbert staggered off to Smithgate, where Roger le Norden finished him off with an arrow to the head. The killers apparently escaped.



NOTES

"inches"

The coroner was required to determine and record the size of a wound, on which part of the body, and by what kind of weapon it was inflicted. Such things could help determine first, whether the death was accidental, a suicide or a homicide, and second (if a homicide), how serious a charge should be brought, and whether a defendant could be released on bail or not.

"king's hall"

This may refer to one of the university colleges; the clerk was probably a student.

"crusader"

"Crusader" is in the transcription *cruisor*, but perhaps this was a transcription error and should be *cissor* or even *cervisiarius*?

"sparsh"

Possibly a *spartha*, a type of battle-axe

"from which he died"

Possibly it was gangrene that eventually killed Gilbert.

"1325"

Rogers has the year as 1322, but the date (Sunday the day after SS. Peter and Paul) indicates 1325 the nearest year when the day after that festival fell on a Sunday.



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Keywords: medieval London trial combat freemen rights franchises compurgation

Subject: Trial by combat between townsmen

Original source: Corporation of London Records Office, Liber Albus, f.35

Transcription in: Henry Thomas Riley, ed. *Liber Albus*. Rolls Series, no.12, vol.1 (1859), 109.

Original language: French

Location: London

Date: 1242/43

TRANSLATION

Adam Roem accused John Buquente of felony and robbery and proposed to prove the charge as a member of the **franchise** of London. John denied everything and waived his freeman's rights, offering to defend himself by his body. Adam said that he would not lose his franchise for John – for no freeman had to do combat if he did not wish. It was then decided [by the court] that John must **do his law**, himself being the eighteenth [oath-taker]; for, since both belonged to the franchise, no battle had to be undertaken unless they both wished it, regardless of what the law [of the land] prescribed. For through that [method] the strong man could bring down the weak, the young man the old; for the elderly and the feeble would not be able to make proof by battle against the strong and the young.

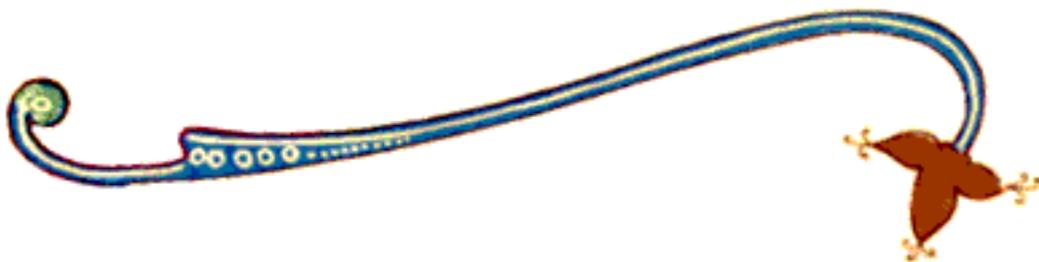


DISCUSSION

This was a case reviewed by the **London eyre** of 1244.

Roem's intent was to prove his accusation according to the methods prescribed by the city constitution, regarding a freeman's rights to **wage his law**. The **charter of Henry I** exempted the citizens of London from having to undergo trial by combat. Adam's refusal was likely motivated by fear that he could not triumph through such a method. The court prescribed compurgation by eighteen hands (the accused's being the eighteenth) as the appropriate method for determining the charge. The passage concludes with part of the rationale for townsmen wishing to avoid trial by combat: a pragmatic view, compared to the notion that God would give strength to the party in the right. Compurgation may not have been the best approach to justice, but it was fairer than combat, particularly for townsmen who were relatively untrained in martial arts.

For another instance of trial by battle, see **a case at Leicester** which purportedly moved the burgesses to seek from the lord of the borough an exemption from that method of judicial determination.



NOTES

"do his law"

Defending oneself by having eighteen persons swear to one's innocence (without direct reference to any evidence in the case) was the requirement of the "**Middle Law**", a method of trying crimes falling under the category of "mayhem". The defendant had to swear to his or her innocence three separate times, each other followed by a supporting oath from six of the compurgators



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Keywords: medieval Leicester charter reforms legal procedure customs debt trespass surety lawyers distraint punishment

Subject: Reforms of judicial procedures

Original source: Leicestershire Record Office, Leicester archives, charter

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899), vol.1, 151-53, 156-61, 163-64.

Original language: French

Location: Leicester

Date: 1277

TRANSLATION

[Making distress]

Firstly, it often happens that when a man has brought a plea of debt or trespass against another it takes six months to a year before he can get the accused to answer [in court], partly because the bailiffs' distress is ineffectual, [partly] because they [i.e. the accused] hide away their possessions in rooms or elsewhere so that no-one can **distrain** them, and [partly] because they avoid being **amerced** for their defaults [in appearing in court]. To correct this, it is decided that when one man brings a complaint of debt or of goods wrongfully taken or withheld against a resident of the town, if the accused is absent he is to be summoned in the presence of two **neighbours** to appear at the next court session to give answer. If he fails to come to that session, a **simple distress** is to be made until he **attaches** himself by guarantors to be at the next session. If he refuses to find guarantors, or finds the guarantors but still does not come, let it be ordered to distraint him to appear at the third session by the **great distress**, by whatever of his can be found, inside or outside his house. Even if he hides away or shuts up his possessions in a room or elsewhere, the bailiff may – in



the presence of the neighbours – enter everywhere in order to distraint him until he answers to justice. And if he had found guarantors for his appearance, they are to be amerced for failing to have him there on the day appointed, unless they can show good reason why they did not. The same procedure regarding distresses is to apply in cases of trespass, except that guarantors are to be found from the very beginning. After the accused has made his defaults and then is forced to come by the great distress effected against him, he is to be amerced, unless he can excuse his defaults by saying that he was out of town, or did not know about the suit, or was prevented for some other reason, and is willing to take oath to that.

[...]

[Having law]

On the day that the parties first meet in court, the defendant may if he wishes declare "**Have law**" and, by that, obtain an adjournment as was previously the custom. However, a declaration of "Have law" in a case means that a delay cannot be granted more than once. When he has declared "Have law", he must find pledges or put his **stall** up as surety, if he has a stall, that he will come to the next court session, as was previously the custom. If he still does not come, he may be distrainted by the great distress, as mentioned above, until he comes. And when he comes he is to be amerced if he cannot excuse his defaults.

[...]

[Failure to defend]

It was the custom in times past, when the parties had to plead and the plaintiff had stated his accusation, that if as soon as the words had come out of the plaintiff's mouth the defendant did not say "**thwart nay**" he was considered not to have offered a defence, which was called "**swarless**". He was then not allowed to speak [\[in his defence\]](#), nor ask for advice, nor have any man who knew legal procedure speak for him; so that many lost [\[their cases\]](#) through ignorance of legal procedure. For this reason it is now decided that, when the parties

appear for purpose of pleading, the plaintiff should without challenge or interruption clearly state his accusation personally, if he knows how, or (if not) by someone who is assigned for that, so that the suit is not terminated or jeopardized by forgetting to specify the time [when the offence occurred] or by any other circumstance. But if the defendant asks for specification of time or any other detail necessary to ensure his better response to the accusation, let the specification be made at that time without challenge. Then, once the plaintiff has made the accusation, the defendant may have a reasonable amount of time to reply, so that he is not caught off guard. If he wishes to consult with counsel, he may have permission to do so and return to say what he thinks may best serve him – all without challenge or interruption – by himself or, if he lacks the knowledge, by someone else assigned to that. If he thinks that his initial response was insufficient, he may take another position if he is prepared to hold to it and receive judgement thereon. If it happens that when the plaintiff has stated his case the defendant cannot deny the accusation made against him, or refuses to answer even after being reprimanded by the bailiff (unless he can state a good reason why he should not respond), he may be considered as not offering a defence and as swarless, as was the custom in the past.

[Naming compurgators where an accusation is refuted]

It was previously the custom that the defendant could not make any answer to the plaintiff's accusation except to admit everything or to say "thwart nay" to everything. If he responded with denial, he had to **perform his law** with himself as the sixth hand. Then his adversary, or someone on his behalf, would choose persons to undertake [the oath] with him who were neither favourable nor hostile to the other party. If he [i.e. the defendant] could not do his law with those persons named, then he would be convicted of the charge, whether it was true or false. Because of this it is now decided that, in a plea of debt, if the defendant denies it and the plaintiff has proof of the debt in the form of a **tally** or live witnesses, he is to be given the chance to prove his case. So that, if he has only a tally or witnesses, let him take oath first, followed by the witnesses he presents; the witnesses are to be examined about what they heard and saw, if they were present when the debt was incurred or the tally made. According to what they verify, let him recover his debt or lose [his case]. It is to be ensured that the witnesses are law-abiding persons, not suspicious customers

nor paid to give false evidence. If he calls witnesses who, for reasons of favouritism or malice, fail to tell the truth, they are to be distrained by the bailiff to come and tell the truth, and are to be examined as already mentioned. Alternatively if the parties agree to put their case before an inquest of neighbours who know the truth of the matter, let an inquest be held. If the plaintiff has only his own word [to support his accusation], the defendant is to be at his law by as many good and law-abiding persons as the court decides, but not [suspicious] customers or those paid to make false oaths. And if he performs his law on the day assigned him, he is to be acquitted. If he fails, he is to be convicted of the accusation. Pleas of trespass proceed in the same fashion: if the defendant says "thwart nay", he is to be at his law and perform it in the same way. No-one is henceforth to be distrained to do his law by the persons named, as was the custom previously. If the defendant in a plea of trespass wishes to submit his case to an inquest, let the inquest be made by suitable persons, excluding his enemies. If on the day assigned for the inquest the defendant fails to appear, he is to be distrained to appear at the next court session. If he fails to appear at that session, let the inquest be taken in his absence, and judgement given and executed.

[Pleading through attornies]

Because it has not been the custom for attornies to be taken except in court, and in the presence of the parties, and then only by the plaintiff, so that as a result many people have lost their cases, it is decided that either party may, if desired, appoint an attorney, regardless of whether his adversary is present or absent. The attorney is to be received [by the court] in the place of the party, to act as he would himself act, except only in doing law. That is, in those cases which can be pleaded by attorney. This [appointment is to be made] before two **jurats** who can bear witness to [the authority of] the attorney, if necessary.

[No-one to be distrained unless a pledge, mainpernor or debtor]

Because it has previously been the custom to distrain a neighbour to produce his neighbour, it is now decided that no-one is to be distrained on someone else's behalf unless he was his pledge or **mainpernor**, or there is some other reason why he should be distrained for him. It is also ordered that the mayor and all the jurats

who are in town, unless they have a reason for being prevented, be at all court sessions to give justice and pass judgement. If a man is amerced, [the amount of] the amercement should be assessed the same day or the following, and that by the jurats and according to his wealth and his offence – not arbitrarily by the bailiff. No jurat or bailiff who is responsible for doing justice or passing judgement is to assist with pleading or act as an advocate, unless it is on his own behalf or for one of his **relatives** – in which circumstance, he is not to participate in passing judgement.

DISCUSSION

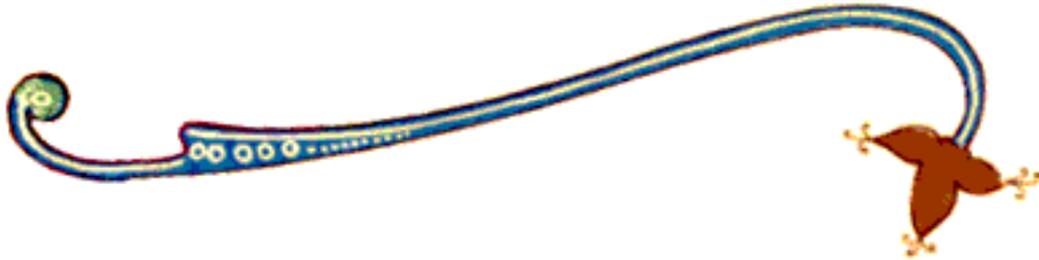
These reforms, along with others not included here, were part of a charter issued by Leicester's lord, Earl Edmund Crouchback, although whether the initiative came from the Earl – or perhaps even his brother, Edward I, himself a great **legal reformer** (see *polic_lond3.doc*) – or from the townspeople cannot be said. But many of the reforms are reminiscent of those found in other towns during this period, the result of popular complaints about misgovernment.

Some of the reforms were actually reversions to an earlier state of affairs, changes in legal procedures having made it easier for defendants to delay answering to justice. For example, in one of the ordinances not included above, the older custom of *forfal* (a Danish term meaning a delay) was substituted for **essoins**; the reason is not clear, but probably the *forfal* either reduced the period of delay or could be used less repetitively than *essoins*. Another of the ordinances not included above denied plaintiffs the right to make three defaults in appearance before proceeding with prosecuting their cases; instead, the failure of a plaintiff to prosecute at the court session assigned to the case would result in it being dismissed.

On the other hand, some customs were abolished. One, prohibiting a man from introducing a complaint in court while he himself was the subject of such a complaint, had resulted in the abuse that if an offender could get to the authorities before his victim and lay an accusation against the victim, this would delay the victim being able to bring an accusation.

Note the indications that townsmen might avail themselves of legal advisors to help them through the technical business of pleading a case. In fact, the reforms expand the right to either party in a case.

Titles of the *capitulae* come from a fourteenth century copy of the reforms.



NOTES

"neighbours"

Neighbours were called upon to act as witnesses to the actions of the officers, to ensure they were properly carried out.

"simple distress" "great distress"

Legal terminology. The former was seizure of any single item that could easily be laid hands on, without breaking into the accused's property; the latter involved seizure of any and all possessions, even if this necessitated forced entrance.

"Have law"

Defending by claiming the right to "Have law" meant proposing to defend oneself by waging one's law.

"stall"

The meaning of "stall" here is not certain. Mary Bateson thought that it referred to the instalment of a debt due. However, a court record of 1274, prohibiting any defendant in a plea of debt from pretending to give up his stall, suggests to me that the market stalls of townsmen could serve as security, with the threat of its confiscation used to force a townsman into court; to avoid this pressure, some might pretend to turn over their stalls to others (taking possession back after the pressure had disappeared).

"thwart nay" "swarless"

"Thwart nay" was a Scandinavian term (reflecting that Leicester was once part of the Danelaw) meaning that the defendant "completely denied" the charge.

"Swarless" shows a similar origin and means that the defendant had made no answer to the charge.

"perform his law"

The method of defence by compurgation is here similar to the Third Law of London, where lesser offences could be defended by a seven-handed oath.

"tally"

A material record of the incurrence of a debt, typically in the form of a notched stick.

"jurats"

The 24 jurats were in effect a town council, assisting the mayor in the portmanmoot (town court).

"relatives"

The term here translated "relatives" is in the original *aliez* (translated as "allies" by Bateson) and may perhaps extend to friends or business associates too. That phrase is an interpolation, although Miss Bateson does not indicate if contemporary with the original.



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Keywords: medieval London legal procedure trial compurgation women oath

Subject: Custom concerning defence through wager of law

Original source: Corporation of London Records Office, Liber Albus, ff. 188-189

Transcription in: Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 203-04.

Original language: French

Location: London

Date: 13th century

TRANSLATION

Concerning the wager of law

Once the parties have settled on [trial by] inquest, those parties cannot be called to answer until the inquest has been summoned. An inquest can be summoned either at the suit of the defendant or at the suit of the plaintiff. In pleas of debt, the defendant may **wage his law** – that he owes nothing to the plaintiff – as city custom prescribes; that is, if he is **enfranchised** within the city, or a resident of the city, [he may do his law] with the **seventh hand**, himself being one. These defendants may do their law in court as soon as such law has been waged, if they have the persons ready. Otherwise they shall be assigned a day for doing their law at the next court session following.

If the defendant is an outsider, a stranger, and not a resident of the city, he may straight away wage and do his law with the **third hand**, himself being one, that he owes nothing to the plaintiff, and thereby be acquitted. If he does not have two men ready to take the oath with him, then, at the request of the plaintiff, the defendant must go in the



custody of a sergeant of the court to the 6 churches nearest to the Guildhall and, in those same churches, swear that the oath he made in the Guildhall was a true one. Following which, the defendant shall be brought back to the Guildhall and be judged acquitted (and the plaintiff will be **amerced**).

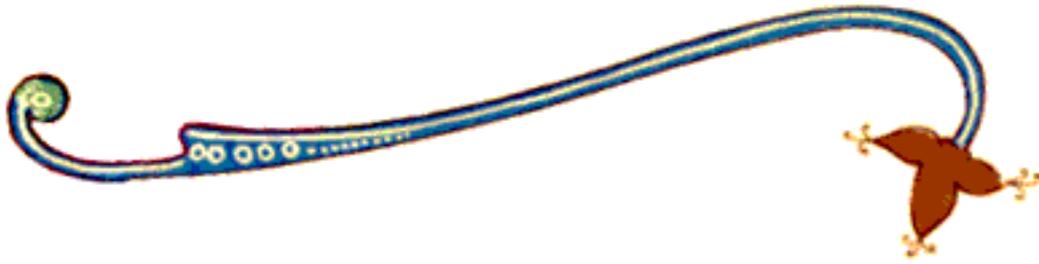
The same method is to be used in other personal actions where wager of law is acceptable. Where women are **impleaded** in such cases and wage their law, they may do their law with men or with women, whatever they wish.

If a man who is enfranchised within the city is impleaded for carrying off goods, under the charge of trespass, or for battery in which blood is not shed nor any injury evident, or for any other trespass alleged to be a breach of the peace, that freeman who is impleaded may wage and do his law with the seventh hand to prove he is not guilty, as city custom prescribes (as indicated above).

DISCUSSION

This passage well shows that the swearing of holy oaths could be taken very seriously in the Late Middle Ages. Although doubtless some people were sufficiently irreligious to perjure themselves, it was assumed that the fear of divine punishment – whether in this life or the hereafter – for taking a holy oath in vain would discourage true Christians from perjury. Thus, even if a defendant swore to his innocence in court, he (or she – the power of oaths being a matter of belief, without discrimination to sex) might be reluctant to damn himself further by repeating lies under oath in a place of God. The same concept applied to compurgation: it was recognized that a guilty party might, from desperation, commit perjury, but far less likely that a set of oath-helpers would all take the same risk. Hence the reason that, the more serious the crime, the larger the number of compurgators necessary; this was not a majority decision scenario – if a single one of the compurgators drew back from swearing the supporting oath, it was tantamount to a conviction. A successful defence led to the assumption that a wrongful charge had been laid by the plaintiff, who was consequently "in mercy" (i.e.

fined by the court for wasting its time); see the **Leicester example**.



NOTES

"wage his law"

Wager of law here, in essence, means setting in motion (or selecting) a defence by **compurgation**.

"seventh hand"

The seventh hand refers to the number of compurgators necessary in a case such as this, of minor seriousness (as under the "**Third Law**"). The defendant would first swear that he did not owe any debt to the plaintiff; then his oath-helpers would swear that the defendant's oath was credible; unlike in cases of criminal action, the defendant could choose his own compurgators.

"third hand"

The reference to a three-handed oath in the case of outsiders (since many pleas of debt were bound to arise between Londoners and visiting merchants) has been challenged as a clerical error, stemming from the "Third Law" which prescribed a seven-handed oath for minor criminal cases. However, despite the fact that local judicial procedure would tend to place more trust in the credibility of a resident than that of a stranger, the reason for the reduced number of compurgators was clearly that a visitor could not be expected to find as many supporters in a place foreign to him.

"impleaded"

To be impleaded was to have a suit brought against one in court.



translation | discussion | notes

Keywords: medieval Leicester lawsuits legal procedure compurgation

Subject: Examples of defence through wager of law

Original source: Leicestershire Record Office, Leicester archives, Merchant gild roll

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899), vol.1, 66-67.

Original language: Latin

Location: Leicester

Date: 1253

TRANSLATION

Memorandum that on 10 December 1253 Henry Houhil brings a complaint against John Dodeman, that he unjustly, and despite [being of] the fellowship of the **gild**, withholds from him a black **russet** of 7 **ells**, with the result that he has unwillingly suffered embarrassment and damages to the value of 6s.8d. **Pledges** for Henry to prosecute: Peter Blund and Nicholas Burgess. John emphatically denies the accusation and **wages his law**; John's pledges: William Morker, William Baudewine. He has been assigned February 10 as the date on which to do his law.

That [doing of] law is delayed until the following Thursday; if in the meanwhile they come to terms, gild justice will be unnecessary.

John made his law with his own hand and with William Morker and William de Benewik; [consequently] Henry is **in mercy**.

[...]

[1258] William Sturdy brings a complaint against John Folebarbe, that



to his damage and his embarrassment, and despite the gild [law], he refused him a lot [in a sale] of fish, whereby the community suffered damage. Regarding the contempt [of gild law], [he seeks] a cask of ale; and, because he unwillingly suffered damage and embarrassment, 5s.

John denied the whole thing, word for word, and waged his law; concerning which John left and, returning, sat between Nicholas fitz Humfrey and Geoffrey de Nottingham who might help him in doing his law. And John, not wishing to do his law, pledged a cask of ale; pledges: [2 named]. He **pledged to William his craft**; pledges [2 named].

DISCUSSION

These records of legal disputes tried before the gild authorities, who had some jurisdiction over the behaviour of their members, are each a series of entries recording the progress of the cases. That the defendants resorted to only a three-handed oath (i.e. the defendant swore to his innocence and his pledges then swore that he was telling the truth) reflects that the crimes were not serious. It may seem unfair that, Dodeman having successfully made his defence, the plaintiff was automatically condemned. However, the case of Sturdy vs. Folebarbe suggests that even a three-handed oath was not necessarily easy to achieve if, as may have been the situation here, either the defendant or his proposed compurgators (between whom he sat) was reluctant to take a false oath. For further background on this process, see the **London custom**.



NOTES

"gild"

The gild referred to is the merchant gild; detention of goods was in itself an offence, but that the offence was against one gildsman by another compounded the matter.

"russet"

A type of cloth.

"ells"

An ell was a measure that might vary but usually a little over a yard in length; the Latin *ulna* it is often translated as "yard".

"pledged to William his craft"

Folebarbe's pledging of his craft to the plaintiff is plausibly explained by Mary Bateson as a guarantee to give up his craft for a year and a day if he failed to make good on compensation.



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translation | discussion | notes

Keywords: medieval London lawsuits legal procedure assault women abortion homicide compurgation jury trial

Subject: Cases illustrating defence by wager of law

Original source: Corporation of London Records Office, Misc. Roll AA, mm.2, 4

Transcription in: Helena Chew and Martin Weinbaum, eds. *The London Eyre of 1244*, London Record Society, vol.6 (1970), 25, 62-63.

Original language: Latin

Location: London

Date: 1231, 1242

TRANSLATION

[Charge of beating causing abortion]

Isabella, the wife of Serlo, accuses William Bertone of having beaten and ill-treated her in her house on 26 April 1242, as a result of which she gave birth prematurely to a [still-born] son. That he did this malevolently and in breach of the king's peace she offers to prove by whatever [process] the court considers appropriate. William comes and declares himself innocent, denying that he committed the assault, a felony, or anything against the king's peace; she has accused him out of malice and hatred. On which [defence] he puts himself on the verdict of the mayor and citizens of London. The **chamberlain and sheriffs are asked** if they saw the still-born child. The sheriffs say they did not. The chamberlain says that he saw the child with its skull shattered, its left arm broken in two places, and the whole body blackened by that beating. Because the chamberlain, who has a record, has given that testimony, it does not seem to the justices that [the accused] can clear himself by the verdict of mayor and citizens; particularly in cases of homicide, where someone prosecutes or where there exists a strong suspicion [of guilt], no-one should be allowed to put himself on their verdict. Thereafter William came and put himself



on the **Great Law**, and the justice took **pledges** from him. He may therefore wage his law and defend himself with thirty-six hands, of which eighteen are to be chosen from one side of **the Walbrook** and eighteen from the other side. They are to be selected the following day in the **folk moot** at St. Paul's, in the presence of mayor and aldermen but the absence of chamberlain and sheriffs. He is to come with his law [i.e. oath-helpers] eight days after the selection, by permission of the justices at the request of the **barons**. Otherwise he would have had to come on the day after [the selection], since this was found to have been the procedure in the last eyre, in the case of John Herlizun.

Pledges of [performing] the law: William de Haliwelle, Augustine de Haddestoke, Robert Herlicun, John Shouke, James Beaupyne, Roger le Demur, Ralph de Balesham, Richard le Rous diller, Stephen le Paumer, Simon le Teinturer, Godefrey le Frutur, Richard de la Mare. On the following day **36 were chosen** at the folk moot in the manner specified; that is: from the east side of the Walbrook, Richard le Brayere, Abel de Colecestre, John de Ramesey, William Cocus, William de Oystresgate, Benedict de Waltham, William Scot, Warin Vinetarius, Richard Rad, Alexander de Waleworthe, Roger fitz William, Thomas Pertriche, Walter de Coggeshale, Geoffrey Canele, William de Lenne, John Souke, Robert Scot tailor, and Geoffrey Wysdom; from the west side, Ralph de Ely, Augustine de Hadestoke, James Beaupine, John de Kay, William de Cudingtone, Geoffrey de Stratford the falconer. He [i.e. William] was to come with his law eight days after that selection; the woman [i.e. Isabella] was committed to the sheriffs, who were to have her [in court] on that day. On which day William came with his law and waged it before the justices in the following way. First William took the following oath: that he had never beaten Isabella so as to hasten the death of the child to which she gave birth prematurely. Next six [oath-helpers] took the following oath: that to the best of their knowledge the oath he had taken was true. After those six had sworn, William again swore, repeating the oath he had taken before; and afterwards another six took oath. And William took the oath thus six times, and so he did his law. It was therefore judged that William be acquitted forever, and Isabella be committed to gaol.

[Charge of homicide of a woman]

On 16 June 1231 a certain Edward de Bray weaver assaulted and ill-treated Alice, the daughter of Richard de Wiltone, in the fields near Stepney, breaking her arm in two places. Consequently Alice, while still alive, brought a charge against him but died from the beating while prosecuting her case. After her death, her sister pursued the prosecution; she too died while the case was going on. Edward was **attached** because of the accusation, and now the crown takes the initiative in pursuing the charge against him and asks him by what means he wishes to defend himself against the charge of homicide. He says that he wishes to defend himself according to the law and custom of the city of London, and is handed over to the sheriffs until it shall be decided how he ought to **clear himself**. Afterwards the mayor and citizens come and say that since the only plaintiff in this case is the king, Edward ought to wage his law and defend himself with seven hands, not thirty-six. Should he fail in his law, he should face the same sentence as if he had failed in his law with 36 hands. But if he performs his law **[successfully]**, he should be acquitted. Furthermore they say that whenever anyone wages law with 36 or seven hands, the mayor and citizens should (without the chamberlain and sheriffs being present), on the basis of their oath and loyalty to the king, choose from the better and more reputable men of the city the compurgators who ought to perform the law. **[This being done]** in the presence of the one who must clear himself by the law – so that he may reject anyone he can, by just cause, show to be hostile to himself or **essoinal**. And **[they say that]** by rights a day ought to be set for him **[to wage law]** 15 days after the day appointed by decision of the justices for the selection of the compurgators, unless the justices may wish to set a later date. **(But the contrary can be found further on)**. On which day, if he does not come, he is to be considered convicted. During that period, he is to be **freed on bail** of 12 guarantors, so long as each is of sufficient means to answer to the king for 100s., if on the day following the end of the period they cannot produce him **[in court]**. Let it also be noted that after anyone has been accused of, and attached for, homicide he cannot exact a recognizance until he has been acquitted of the charge against him. If he is not able to find guarantors in the interim, he is to be committed to prison.

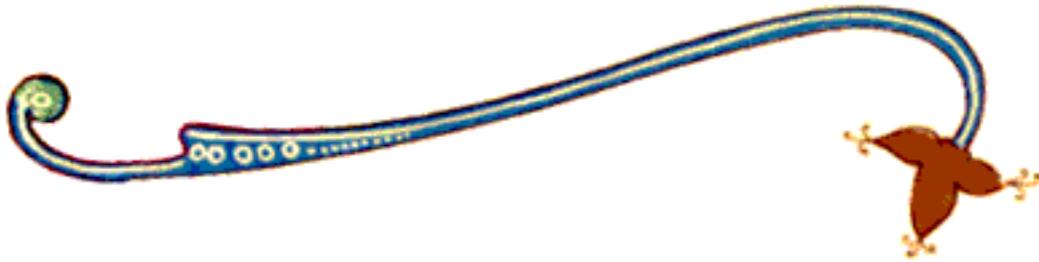
DISCUSSION

Compurgators acted like a jury in some regards. The accused could not personally pick the jury by choosing its members; compurgators were not allowed to include relatives – by blood or marriage – to the party for whom they were asked to vouch. On the other hand, the accused had to be informed of the names of the compurgators chosen and could veto over the choice of anyone he could successfully argue was inimical to him, as well as point out anyone who might escape "jury duty" by having a legitimate excuse for absence, thus jeopardizing his waging of law. We find similar grounds for veto in some other towns, along with other grounds for objection, such as that a compurgator was a proven perjurer, or had been convicted of some other offence involving deceit (e.g. adultery), or was a fugitive from another country because of a crime he had committed there, or was a minor or a madman.

Compurgators were selected, in theory, from law-abiding citizens who would be able to give an honest opinion – or at least a 'best guess' – as to innocence or guilt, based on what they might know or have heard of the case or, at very least, what they might know of the accused's character or reputation. The process surely favoured the accused, however, in that compurgators would have been likely to go against the accused only if they had evidence or strong suspicion of guilt, or at least felt that the accused was generally a bad lot. The mention in the second case of an accused not being able to transact **recognizances** while the case was in process is curious; it is not clear whether there is any suggestion that recognizances might have been used to bribe, blackmail or intimidate compurgators – we see a **similar concern at Leicester** a little later, and about the same time we have a complaint of jury-tampering at **Oxford**. Certainly concern shown in London and elsewhere with avoiding biased compurgators is suggestive: no smoke without fire.

Two other accusations of beatings causing miscarriage were heard in this eyre. In both cases the conclusion of the court was that the deaths of the infants were not caused by the beatings. This appears to have been Bertone's defence. The chamberlain's eye-witness evidence counted for nothing in the decision of guilt or innocence, serving only to convince the court that there was a case to answer, and reflects an imperfection in the judicial system. In the 1276 eyre there were two such cases and again, both defendants were

acquitted, even though in one the defendant's legal manoeuvrings themselves create a suspicion of guilt. Since beating a pregnant woman so that an abortion resulted was considered (at least if the foetus was in an advanced condition) homicide and therefore a capital offence, juries may have been reluctant to convict. A more detailed study would be required to throw light on whether the jury system was inherently biased against female plaintiffs (on this see "**Accusation of rape**").



NOTES

"chamberlain and sheriffs are asked"

They were questioned because the justices considered that those were the officers responsible for holding post mortem inquests. In a separate case heard during this eyre, it was reported to the justices that only the sheriffs and not the chamberlain held inquests. The justices reformed this, requiring that the chamberlain make a record of all reports of deaths and related **attachments**, and then hold an inquest, with or without the sheriffs, but at the least ordering the sheriffs to make attachments; the sheriffs were forbidden from holding inquests alone, apparently because of past irregularities regarding attachments. In the case brought by Isabella, however, the chamberlain but not the sheriffs had evidently conducted the inquest.

"Great Law"

The Great Law was so called because of the large number of **compurgators** (36 men) required, commensurate with the seriousness of the crime. Lesser numbers were sufficient for lesser crimes, or (as the second case indicates) where there was no personal plaintiff; in the special circumstances of the second case it was considered sufficient for the defendant to have six compurgators who would support his oath of innocence. The Great Law appears not to have survived far into the 14th century – although the right of a citizen to be tried in this way was claimed at the **eyre of 1321**, the defendant preferred to opt for trial by jury.

"the Walbrook"

A stream that divided London into eastern and western halves.

"folk moot"

A gathering of the community in St. Paul's churchyard. **Formal meetings** were held three times a year, but none of these was in April, so evidently *ad hoc* meetings could also be called.

"barons"

London citizens were referred to as **barons**.

"36 were chosen"

No explanation was given for why the full complement of 36 was not chosen, or at least not listed, but it appears that any lack had been made up by the time of the oath-taking. That three of the compurgators were also guarantors of William's appearance to undertaken his defence does not necessarily mean they were biased towards William; it may mean nothing more than that they were his neighbours and, as such, more likely to know his character and be able to give a reliable opinion as to the likelihood of whether he committed the crime or not.

"clear himself"

In the original *purgare*: to undergo compurgation.

"But the contrary can be found further on"

A note of the clerk of the court, perhaps referring to procedural decisions made in the case of Isabella wife of Serlo vs. William Bertone.

"freed on bail"

More literally, committed (to appearing in court) by bail.



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Keywords: medieval Norwich legal procedure felony customs compurgation jury trial charters models informers

Subject: London custom for waging law adapted to Norwich

Original source: Norfolk Records Office, Roll of Crown Pleas, 34 Henry III

Transcription in: William Hudson and John Cottingham Tingey, eds. *The Records of the City of Norwich*, vol.1 (Norwich: Jarrold, 1906), 201-02.

Original language: Latin

Location: Norwich

Date: 1250

TRANSLATION

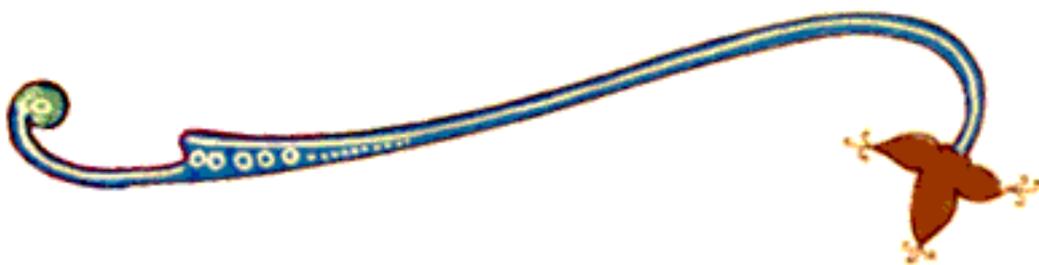
William Ribald, a thief and **informer**, accuses William Noche of Norwich of being a receiver of stolen goods, associating with thieves, and having in his own home in the town of Norwich killed a man in his [i.e. Ribald's] presence; with his agreement, advice and help, William Ribald took the corpse out of the city to Thorp wood [to bury it]. That he did this feloniously and with evil intent as his accomplice he offers to prove **by his body**. William Noche comes and denies [receiving] stolen goods or associating etc., and that he was ever his accomplice in carrying out any homicide or theft or any other felony, or the entirety etc. He offers to defend himself against such [charges] according to the custom of the city of London, which ought to be valid in this city according to the **charter of liberties** they use. [He states that?] The city of **London's custom** concerning a man brought to trial for homicide is that they should select **12 jurors** from one side of the Walbrook and 12 from the other side, and then the one accused of homicide goes before the justices etc. and swears his oath that the man of whose death he is accused was never by him, or by his procurement, brought



closer to death or further from life. If those 36 [jurors] chosen and voluntarily sworn bear witness to the soundness of his oath, he is acquitted of the death. If that method of proof fails, in that one of the 36 jurors is unwilling to join him in his oath, then judgement may be passed on him etc. The same method is applicable in this city. And William Noche came and made his oath, and 18 jurors from one side of Norwich's river and 18 jurors from the other side supported his oath. William completed his own oath through the support of the 36 jurors. Therefore it is decided that he be acquitted of the death of Jocelin. Afterwards, asked how he wished to clear himself of theft, associating [with thieves], and receiving stolen goods, he said that he submitted himself to 12 jurors of the city, for better or worse. The jurors say that he is not guilty of any wrongdoing. Therefore he is acquitted.

DISCUSSION

This case presents an example of how the development of rights and privileges in London provided a model for other towns to emulate. The royal charter of 1194 had granted Norwich citizens "that none of them need undertake combat and that as regards pleas of the crown they may clear themselves according to the custom of the city of London", along with other privileges based on those already obtained by London.



NOTES

"informer"

Criminals who turned "approver", by pointing the finger at other criminals, could hope to win a pardon if their accusation were upheld; if not, informing might at least delay their own execution.

"by his body"

i.e. **trial by combat**.

"charter of liberties"

In 1250 the most current charter held by the city was that of Henry III (1229), which was largely a confirmation of his predecessors' grants, including that of Richard I (1194).

"London's custom"

Known as the **Great Law**

"12 jurors"

A scribal error for 18.



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Keywords: medieval London judicial administration legal procedure eyre customs franchises ceremony officers record keeping scribes compurgation oath bribery crime detection

Subject: Procedure for conducting an eyre

Original source: Corporation of London Records Office, *Liber Custumarum*, ff.222-225

Transcription in: Helen Cam, ed. *The Eyre of London, 14 Edward II, A.D. 1321*, vol.1, Selden Society, Year Books of Edward II, vol.26, (1968), 5-10.

Original language: Latin

Location: London

Date: ca.1320

TRANSLATION

How the citizens of London shall act toward the king and his council when pleas are held in the Tower of London

[...]

First, when the **barons** and citizens have been given official notice that presentments are again to be made concerning attachments and misadventures affecting the royal prerogative, the great and more judicious men of the city ought to and are accustomed to meet in a specified and appropriate location to bring a peaceful resolution to the hostilities, grudges, and disagreements that had previously arisen in the city.

If by chance it should happen that anyone causes trouble in the city and bothers the citizenry, that person should be viewed by all citizens as a public enemy and an outsider, and he and his heirs should be



denied and deprived of the privileges of citizenship forever. Because **it cannot be allowed that because of such a person** the king should seize the city and its **franchises** into his own hand, to the damage and detriment of the entire city.

Arrangements are to be made for the sheriffs and chamberlain, together with their clerks, to meet at a predetermined place and time (which should be between 29 September and 1 November) before the city council, to go over their rolls for the previous year and check that they agree. This should be undertaken every year within that period, in order that a new roll setting down in writing the attachments and misadventures of each year be drawn up by a capable and competent scribe, who is to be required by an oath to carry out this task faithfully and not to reveal the information to others. Thereby the roll will be added to from year to year; and afterwards it is to be put for safekeeping with the city charters.

Once the king has sent his instructions summoning [\[an eyre to enquire\]](#) into Crown attachments, that writ should be enrolled. If by chance it should happen that the date prescribed in the king's writ for summoning [\[the eyre\]](#) is within a period of less than forty days, then men of judgement and eminence are to be sent to persuade the king and his council to assign them another day in writing. For, according to their ancient franchises and customs, they ought not to be summoned regarding such attachments without at least forty days notice.

Once they have received explicit orders (saving the franchises of the city) for presenting and pleading those attachments and misadventures, each of the aldermen should draw up a separate roll for his own ward, which ought to contain the pledges and attachments pertaining to the Crown [\[pleas\]](#). They should advise and warn their neighbours to assemble at **Barking church** on the day assigned and, when directed by the city council, proceed from there to the Tower of London, so that they can make answer, judiciously and with forethought, to those questions put to them by the king and his justices. They should have the names of those who have died written out, distinctly and clearly, so that they can be properly **essoined** at the gate of the Tower of London, before the constable [\[of the castle\]](#) and

the city chamberlain or their deputies, three days in advance of the date for trying the pleas of the Crown. The same instruction is to be followed regarding those out of the country, so that they can be essoined in the same way.

On the day before that on which the pleas of the Crown are expected to be heard, the custom of the city is as follows. That on that day, first thing in the morning, all the laymen of the city should as usual gather at Barking church and, from there, as a body enter the Tower of London, smartly and presentably dressed. No stall, shop, cellar, or plot of land where goods are sold or made may be open during the sessions of the pleas of the Crown at the Tower.

On the same day, six or more of the more eminent, respectable and judicious barons of the city, **[chosen] by the common council of the city**, are to be sent from Barking church to enter the Tower to greet and welcome the king, his council and his justices on behalf of the city. They are to request them that, if the king pleases, they may appear safely before them in the Tower, saving to the mayor and the other citizens all their franchises and customs – for the king and all his predecessors who were kings of England, and their justices, have always preserved the citizens' franchises and customs safe and intact for them.

Those aforementioned men shall make it known to the king, his council and his justices, that they should in the king's name forbid that anyone presume to guard the entrances or passageways other than citizens whom the citizenry appoint to that task. Nor should any marshal or crier appear among the citizenry, unless one of their number and answerable to them. For, according to the liberty of the city, it is not their custom or obligation to have any doorkeeper, usher, marshal or crier other than those whom they wish, **[chosen]** from among themselves. All entrances and passageways should be open to the barons and all citizens, for the duration of holding the pleas of the Crown, so that they can come in and go out freely. So it ought to be and has been in the past.

Next, three judicious and **sound** men should be selected, of whom one should present to the king, his council and his justices, in

[chronological] order, those accidents and misadventures falling within purview of the king that have occurred in the city, from the time when the old pleas were last tried, up to the present. The two other men are to stand next to the presenter, one on his left and the other on his right; so that if by chance he happens to become fatigued by making the presentments, one of the others can take over the task. Or if he should make a mistake in presenting any case, the two standing nearby can without speaking alert him to the fact. No-one else, other than the two bystanders already mentioned, is to presume to disturb or correct the presenter in any way. There is to be no uproar, murmuring, quarrelling, or talking back and forth among the people while the presentments are being made. Everyone is to behave peacefully and avoid contentiousness, if they wish to uphold the honour and liberty of the city, and ensure the presenter can be heard and understood by everyone without difficulty.

Let it be known and kept in mind that the city should respond in the following way to all objections made against the barons and all the citizens. They should make no answer unadvisedly, no matter how well they may have been tutored and informed. Instead, after discussing the matter and obtaining communal advice, they should reply as they have been counselled, saving the franchises of the city. For preparing such responses, 24 or more are to be chosen from the common council, who are to have constant access to the common council of the city, so that [the interests of] the citizens are protected and safeguarded. No outsider may go among them, so that he can hear the consultations of the city, while they are engaging in their group discussions.

After the king's justices have shown and delivered to the mayor and barons of the city the articles [concerning pleas] of the Crown, the mayor and barons are immediately to request an adjournment to allow them to take counsel and prepare, so that they can reply to those articles properly on the day assigned them by the justices, and to give them an opportunity during that period to write out and enrol the articles and their prudent responses.

From the group of 24 men (or more) mentioned above, 4 or more are to be designated by common counsel of the city to be associates of the mayor in responding to the articles and to the **principal challenges**

made. The mayor's clerk, together with the common clerk of the city and the sheriffs' clerks, are to sit in front of them to note down memoranda of all challenges made, to avoid them being forgotten through failure to take notes. One of them is to be the chief notetaker, whose notes shall serve as a guide to the others in writing both the king's challenges and the responses of the community.

The following provisions should be made in the cases of sheriffs and aldermen. The sheriffs should have their sergeants present, and every alderman the beadles of his ward, in smart and presentable clothing and footwear, ready and willing to carry out such orders of the mayor and barons of the city as may be given to each one of them; they are to march along in their smartest tunics and surcoats, caps and cloaks removed, carrying straight white **rods** in their hands. Of these, four or more (depending on needs) are to be assigned as keepers of the entrances and passageways, two as criers, and the remainder as marshals to carry out orders given them. If any of them happens to be old, feeble, infirm, or of poor eyesight, a substitute should be provided in the form of someone else from the community of that same ward who is capable of what is required. And let it be ensured of such men that they are presentable and tastefully dressed, with a fresh shave and haircut.

Note that, according to the ancient franchises and customs of the city of London, there are **three forms of purgation** in pleas of the Crown whereby those appealed, accused and put on trial can clear themselves. The first is for cases of homicide or murder; this form of purgation is called the Great Law. The second form of purgation applies to cases of **mayhem** and is called the Middle Law. The third form of purgation can be used in cases of assault, battery, extortion, wounding, bodily harm, bloodshed, and other similar injuries inflicted during the Christmas season, or during Easter week or Whitsuntide, and is called the Third Law.

For anyone for whom it is appropriate to clear himself by the Great Law, the procedure for **that law** is as follows. He who is appealed, accused, and put on trial should personally take six oaths; that is, in each oath he shall swear that he is guiltless and innocent of felony and breach of the king's peace and of the entire offence laid against him,

so help him God and the holy gospels. Afterwards six men shall swear that, to the best of their knowledge and belief, he has sworn a true and sound oath, so help them God and these holy things. And this process is to be continued until the full number of 36 men have sworn, with the accused swearing as indicated above and after him a group of six men, until the entire number indicated above has been completed.

The selection of those thirty-six men ought to be, and is according to the ancient custom of the city of London, done in the following manner. That, with the accused being absent, eighteen men are to be chosen from the east side of **the Walbrook** and eighteen men from the west side of the Walbrook; they are not to be relatives by birth or blood or members of his family, nor linked to him by marriage or in any other way whatever, but only trustworthy **freemen** of the city. The names of these are to be read out to the accused. After hearing them he identify to the mayor and barons of the city any of which cause him concern. If he can show a reasonable cause for objecting to them, the names of such men shall be crossed off the list and others chosen in their place to make up the full number, and their names shall be read out to him. Once he is satisfied with the list of names and has committed to their purgation of the accusation against him, then, when the city decides, he may appear before the king's justices to wage his law on a date and at a place assigned. According to the ancient custom of the city, such a person shall have an adjournment of up to a full 40 days [\[to prepare\]](#) for making his law. The names of the thirty six men are to be delivered to the king's justices.

The procedure for performing the Middle Law is as follows. He who is appealed and brought to trial for mayhem should personally take three oaths. In each oath he shall swear that he is guiltless and innocent of that felony and breach of the king's peace and of the entire offence laid against him, so help him God and these holy things. After him, six men shall swear that, to the best of their knowledge and belief, he has sworn a true and lawful oath, so help them God and these holy things. And this process is to be continued until the full number of eighteen men have sworn, with the accused swearing first as indicated above and after him a group of six men, until the entire number indicated above has been completed.

For the selection of the eighteen men, the same procedure is to be

followed for everything as indicated above for the Great Law.

The procedure in performing the Third Law is as follows. He who is accused of assault, battery, extortion, wounding, bodily harm, bloodshed or similar types of injuries, inflicted during the abovementioned festival seasons, should personally take a single oath that he is guiltless and innocent of the offence laid against him and of breach of the king's peace during festival season, so help him God and these holy things. After him, six men shall swear that, to the best of their knowledge and belief, he has sworn a true and lawful oath, so help them God and these holy things. Let it be known that these six men are to be chosen from the neighbourhood where the accused lives. However, they are not to be relatives by birth or blood or members of his family, nor linked to him by marriage or in any other way whatever, but only trustworthy men of that neighbourhood and freemen of the city. Whose names are to be read out to the accused, etc., as above indicated regarding the Great Law.

By consent of the community of the city, the **two aldermen** nearest the Tower are under orders to go into the Tower three days before the sessions of the Crown, for purposes of inspecting the benches in the great hall to see that they are in good shape. If they happen to be broken, they are to have them properly repaired at the expense of the city. Similarly, they are to have a **strong bench** made for the middle of the hall, with **three seats**, to be placed in the middle of the hall facing the great seat of the king. The mayor and the barons of the city may sit upon this when responding to the king and his justices on matters relating to [\[pleas of\]](#) the Crown.

Since it is impossible for the barons and entire citizenry of London to proceed with pleas of the Crown elsewhere than before the king and his justices, the barons and citizenry are obliged to secure their favour and good will – that is, by lavish bestowal of generous gifts on them and their clerks, just as previous barons and citizens of London (who have so manfully and strenuously administered and protected the city of London and its franchises and customs at other times) have been accustomed to do. It is not dishonourable or shameful to follow in the footsteps of our ancestors, who were experts in their time; therefore it is advisable for us to do as they did, to avoid the citizens being

disquieted and vexed by [legal] challenges, instead of being left in peaceful possession of their franchises.

If the mayor and barons of the city are asked who are the presenters [of offences] and the finders of those killed, murdered or otherwise having suffered misadventure, it has been decided in common that the answer should be as follows. No matter what the usage of the realm is outside the city, the ancient custom and franchises of the city prescribe that there are in London no presenters or finders of such things. For in a city with such a large population, it is impossible to conceal occurrences of that sort – even before the bailiffs can be informed, news of them spreads throughout the entire city. Consequently, there are no such [presenters or finders] in the city, nor have there been in the past, but only reports from the general populace of the city.

DISCUSSION

This document cannot quite be considered to typify the same matter in other towns, not merely because London was always in a class of its own, but because the eyres were held only in counties and London was (at this period) the only city that was also a county. Professor Cam plausibly argued that this set of instructions was likely drawn up, based on examination of records of previous eyres, by the hypothesised compiler of the *Liber Custumarum*, Andrew Horn, in late 1320, after the king had decreed that an eyre would be held in London.

An eyre was always a nerve-wracking event for its host community. Since eyres undertook a broad investigation of general governance and public behaviour for the previous several years at least, and since errors were inevitably found and fines levied, the eyre was probably perceived as just another way of extorting money for the king. As was noted in *Liber Custumarum*, once the Londoners heard the news about an eyre – several weeks notice being required – they not only examined their copies of records of previous eyres, but also took legal counsel, prepared what they would present at the eyre, and where possible settled legal disputes out of court.

In this case, London had particular cause to worry. The eyre had become so cumbersome by the late thirteenth century as to make itself obsolescent. London had hosted no eyre during Edward I's reign. Edward II, however, attempted a limited revival, with an eyre in Kent (1313) and that in London. The decade or so leading up to the London eyre had seen reforming and reactionary administrations alternate in London. Baronial opponents to Edward II had stimulated demands for reform of the city government and the city had, in general, seemed sympathetic to Edward's enemies, led by Henry of Lancaster. The king had been obliged to confirm in 1319 a set of new administrative regulations produced by the reformers.

The eyre of 1321 has been interpreted as his tool for revenge. Justices in eyre were supposed to make allowance for local custom when administering common law. Instead, over an exhausting five-month session during 1321 they systematically challenged London's customs and franchises, demanding the citizens provide documentary proof for each, and rejecting those that they felt went against royal prerogative. One by one the franchises were suspended, pending further examination by the king's council. It has also been suggested that Despenser, a rising power, was flexing his muscles or, at the least, encouraging Edward to subjugate London to their authority.

Londoners offered some resistance through their leaders, among them Andrew Horn, and eventually had their own revenge when in 1326 they followed Lancaster into the camp of Isabella and Mortimer and assisted with Edward's overthrow, even taking the lead in agitating for his deposition; the **justices of the 1321 eyre** were searched for (in vain) by the angry mobs. In return London was allowed to submit to the 1327 Parliament a long list of petitions, which made frequent reference to the depredations of the eyre. A new charter of liberties, responding to the requests in the petitions, was granted restoring London's liberties and even adding new ones – such as criminal jurisdiction for London's court (not previously held except presumably during the period when London had a justiciar), thanks to the mayor being made an *ex officio* justice of gaol delivery.

There were no more eyres in London. Although Edward III threatened London with them once or twice, it was with a view to being bribed to drop the idea.



NOTES

"barons"

Barons was a name applied to Londoners almost uniquely (the Cinque Portsmen were also so described), as an alternate to citizens. **FitzStephen** equated the two terms. Here however barons and citizens seems mutually exclusive categories, and likely refer to the aldermen (and other men of that group of wealthy and propertied residents) and the commons.

"it cannot be allowed that because of such a person"

Ironically, this is just what happened as a result of this eyre: the king confiscated London's franchises upon the eyre giving credence to complaints that a murderer had evaded punishment by, after the fact, bribing the mayor to make him a freeman, so that he be tried according to London custom. Professor Cam suspected this a pretext on the part of the Edward II to justify the seizure. However, kings as a whole were quick to seize city liberties, as a means of asserting their authority and forcing citizens to pay a large fine to repossess their privileges.

"Barking church"

All Hallows, Barking, the closest city church to the Tower.

"by the common council of the city"

It is not easy to say whether phrases such as *per commune consilium civitatis* in the text should be translated as referring to a common council (i.e. a formal element of city government) or to communal counsel (i.e. a process of taking advice with the community, or its representatives). The evidence for a formal common council as a permanent part of London's constitution at this period is not unambiguous – in fact the document above is one of the principal sources used to argue for the existence of such a council. Professor Cam appears to have been uncertain, using both translations in different contexts without any evident logic. I am no more certain and also use both possible translations, not always in the same way as Professor Cam. One reference *coram consilio civium* suggests that there was a specific body of men with conciliar status. However, this does not mean that other uses of *consilium* in the text refer to such a body, rather than a process of consultation. The Londoners probably did not distinguish, or concern themselves about a distinction, between the process and the institution, for the latter was simply a mechanism for the former.

"sound"

The term here translated "sound" is *moderati* and perhaps implies self-controlled and unexcitable (in the face of provocative questioning by the justices and lawyers).

"principal challenges"

The "principal challenges" (*obiecta*) made stemmed from the court's investigation of the crimes presented, and concerned matters such as why city officials failed to take certain actions, why witnesses or other parties implicated in a case were not present in court, etc. Some other matters, such as points of law or technicalities of London custom, might be responded to by the city recorder or its lawyers.

"rods"

A symbol of office.

"three forms of purgation"

These forms of **purgation** were, ironically, already out of favour with the citizenry, who usually preferred the opt for trial by jury.

"mayhem"

A class of offence in which there occurred a serious and permanent injury to someone (i.e. maiming).

"the Walbrook"

A stream that divided London into eastern and western halves.

"two aldermen"

The aldermen who performed this duty in 1321 were in charge of Tower Ward and Langbourn Ward. Tower Ward was immediately east of the Tower; Langbourn, to the north-east of Tower Ward, was in fact not as close as Aldgate or even, it could be argued, Billingsgate.

"strong bench"

It was elsewhere specified that the cost of building the central bench (and perhaps of repairing existing Tower benches) was to be covered by the two aldermen, presumably from ward revenues.

"three seats"

What has been translated here as "three seats" (*triplici sedilio*) might instead mean a bench three times as big as a standard one.



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Keywords: medieval London legal procedure jurisdiction eyre indictments pleas crime offences judicial administration

Subject: Articles for investigation by the eyre

Original source: Corporation of London Records Office, Misc. Roll AA, m.1

Transcription in: Helena Chew and Martin Weinbaum, eds. *The London Eyre of 1244*, London Record Society, vol.6 (1970), 5-9.

Original language: Latin

Location: London

Date: 1244

TRANSLATION

First, the judges asked the mayor, chamberlain, sheriffs and other of the more important men of the town how they ought to begin their pleas. They say [\[in reply\]](#) that first the articles to which they must respond, regarding pleas of the crown, should be handed over. They were then asked to whom the articles ought to be handed over, and whether or not those to whom they should be delivered ought to take an oath to tell the truth about the articles. They say [\[in reply\]](#) that the articles should be delivered to the mayor, without him having to take any oath in that regard, and that he, in counsel with the senior law-abiding, prudent men of the city, will respond to the articles that are pertinent to the city. Similarly, the sheriffs [\[will respond\]](#) to the articles related to their terms of office. They will tell the truth about the articles and anything else required of them, because of the loyalty they owe the king and the [\[oath of\]](#) fealty they have made to him. So that of course if the mayor, who answers for the city, answers well, all members of the community are quit as regards those matters. But if he should answer badly and be convicted or fail in any matter concerning the city community, the whole community for which he answers shall fail. The mayor and all the men of the city say that this was the custom



before **the war**, as well as in the time of King John, King Richard, and King Henry their father. And so the articles were delivered to the mayor in the following form:

Concerning **ancient pleas** of the crown which were before the king's justices at other times, but were not concluded.

Concerning recent pleas of the crown which arose later, in peacetime.

Concerning those who are in the **king's mercy** but have not [yet] been **amerced**.

Concerning debts owed to King John, father of the king, during and before the war: what the debts are and who owes them, whether the debtors have died, and who are their heirs or the holders of their goods.

Concerning those who have maliciously destroyed or burned down houses within the **liberty** of the city, in breach of the [king's] peace, etc.: who they are, whose houses those were, and whether they [i.e. aggressors and victims] have made peace without the king's licence.

Concerning young men and girls who are or ought to be in the king's wardship: whether they are married [already], or are [still] marriageable; and, if they are married, to whom and by whose agency, and how much their lands are worth.

Concerning the king's **sergeanties**: what they are, who holds them and through whom, and what kind of sergeanties they are and how much they are worth.

Concerning churches that are or ought to be **in the king's gift**: which churches they are, who holds them, and through whom.

Concerning the king's **escheats**, both of tenements of Jews and of Christians: who holds them, through whom, why what service, and how much they are worth.

Concerning **purprestures** made upon the king within the liberty or

elsewhere, wherever they are, on land or on water.

Concerning the **measures** that have been fixed by regulation and sworn to throughout the kingdom: whether they are upheld according to the provisions, and whether during peacetime the keepers of the measures took **payments** from anyone so that he might buy or sell with them. This is to be understood to apply to all measures, both of length and of weight. And whether the **assize** of the width of cloths has been kept according to the provisions for it.

Concerning wine sold contrary to the assize.

Concerning treasure trove.

Concerning **sheriffs and other bailiffs** who have presided over pleas of the crown, and what pleas.

Concerning Christian usurers who have died, who they were and what moveables they had.

Concerning the moveables seized from merchants under the dominion of the king of France, who has them.

Concerning the moveables of Jews who have been killed, and who has their pledges, charters and **[recognizances of]** debts.

Concerning counterfeitors and clippers of coins.

Concerning the king's mint and exchange; that is, who may have made coins or exchanges without **[licence from]** the king or his bailiffs.

Concerning wrongdoers and burglars and those who have harboured them in peacetime.

Concerning fugitives – whether any returned from flight without **[the king's]** warrant – and outlaws and who has their moveables.

Concerning bribes taken for letting pass grain and other goods, to avoid them being commandeered by bailiffs for provisioning castles,

at a lower price than they are worth; the same regarding **prises**.

Concerning new customs levied in the city, whether on [merchandise coming by] land or water: who levied them and where.

Concerning defaults; that is, those who have been summoned to be before the king's justices and fail to come.

Concerning the **delivery of gaols** in peacetime without warrant from the king or the justices.

Concerning those imprisoned arbitrarily by bailiffs without reasonable cause, or those set free without warrant.

Concerning thieves who escape [from prison].

Concerning Christian usurers who are living, who they are, what moveables they have, and how much they are worth.

Concerning damages and prises taken from outsiders: by whom this was done, when, where, in whose jurisdiction, and what things.

DISCUSSION

The king's travelling justices came to any given locality infrequently. In the case of London, there had not been an eyre held there since 1226, and before that in 1221. The next session after that of 1244 (which lasted about two months, although some business was deferred until the beginning of 1246) was not until 1251, and there was another large gap until the next one, in 1276. These gaps meant that there was likely to be a large backlog of cases to hear, and litigants, witnesses, guarantors, or city officers had often died in the interim, or accused persons had found opportunity to escape without trace.

London was exempt from the general eyres, which dealt with both crown and civil pleas; only the former were entertained by the sessions held in the

Tower, since the city claimed jurisdiction over most civil pleas for its own courts. The mayor and leading citizens – probably largely the aldermen – acted as the presenting jury. Note the principle of representation expressed in the preamble to the articles: the presenters, particularly the mayor, acted on behalf of the community; if crimes came to light that had not been presented, the community itself was accountable.

When an eyre was convened the delivery of the list of articles to the mayor was necessarily a first step (after the reading out of the writ authorizing the justices to hold the eyre), since it guided the presenting jury. Criminal proceedings of homicide, assault and felony received attention first, and formed the bulk of the cases (for some examples from this eyre, see "**Cases perceived as precedents or illustrating points of law**"). Death by misadventure was a common presentment, while there are several instances of abjurations of the realm by murderers or thieves. There were a number of escheats to deal with, while the list of those who had contravened the assizes of wine or cloth were so numerous as not to be recorded individually (they would have been identified on the list of estreats – i.e. fines to be levied); in the case of the vintners it was simply stated that all were guilty. A number of purprestures were addressed, including erection of buildings on London Bridge and the extension of wharves into the Thames. But the justices were not satisfied and conducted a perambulation necessitating a second session in January 1246 just to deal with well over a hundred infringements that had come to light.

The scope of the list of articles enquired into by the justices in eyre grew over time, as the king defined more and more offences as within the jurisdiction of his courts. The list of 1244 was customized to the particular circumstances of London, omitting some of the articles applied during the shire circuits, and adding some articles believed particularly pertinent to the period since the last eyre: the malicious destruction of houses (reflecting disturbances in the city), and Christian usurers. Overall, however, the list of articles used in this eyre is very similar to, although less extensive than, that presented in **Bracton's compilation** of about the same period; Bracton himself notes that the articles could vary from eyre to eyre.

Despite the possibility that the list was tailored to London, the mayor nonetheless indicated "nothing to report" with regard to a number of the articles:

- those awaiting amercement (the mayor declared that he needed to see the records of the last eyre before he could say, but the justices were

- refusing access to that court roll)
- destruction of houses
- king's wards (the justices, however, knowing of a case, condemned the mayor and citizens to judgement)
- treasure trove
- sheriffs and bailiffs holding pleas (the justices, however, considered that the assize of weights and measures was a case in hand, and condemned the mayor and citizens etc.)
- moveables of dead Jews
- harbourers of wrongdoers
- counterfeiters and clippers
- mints and exchanges
- bribes related to the administration of weights and measures
- bribes for protecting goods from requisitioning
- new customs
- imprisonments without cause (the initial answer subsequently being amended to admit the case of one sheriff which came to light during the eyre)
- escaped thieves
- Christian usurers, living or dead (although it was intimated that Italians merchants in the city might be practitioners)
- damages and prises taken from outsiders

After working through most of the list, the city authorities then presented a number of new city ordinances – possibly those necessitated by judicial decisions from the previous eyre – for the justices' review, along with changes or elaborations related to tolls collected or the application of standard measures.

There was a single case of a fugitive having returned to the city, but a most damaging one. He had obtained a licence for returning, but the justices ruled that this had been obtained during Henry III's minority, and should have been renewed after the king had come of age. As this had not been done, the city was judged guilty of harbouring a criminal, and had to throw itself on the king's mercy and surrender its liberties, returned when the city agreed to pay the king £1,000. This kind of thing, together with fines laid on numerous city officials, past and present, for various failures in their duty (despite a wall of silence on articles related to abuses of office), must have made the proclamation of an eyre a matter for dread.



NOTES

"the war"

The struggle between John and his barons. The effects of this on administration of law and order are suggested at several points in the document.

"ancient pleas"

These were the types of criminal cases over which the king claimed jurisdiction and which had been brought before the previous eyre but not brought to the point of a judgement, or perhaps had been dealt with by justices of gaol delivery in the interim. Crimes occurring earlier than the previous eyre would not be entertained – perpetrators would not be tried, but that eyre's presenting jury could be fined for failing to present the crimes.

"king's mercy"

Being in the "king's mercy" meant that one had been convicted of a crime and was liable to be amerced. Determining the appropriate amercement was a matter for local men appointed as assessors for the eyre.

"sergeanties"

Grants of land in return for some kind of duty or service (or its financial equivalent), other than that related to military tenure.

"in the king's gift"

A church within the king's gift was one to which the king had the **advowson**, i.e. the right to appoint or remove the officiating priest (or assign that right to another); this patronage might be a source of revenue for the king, or a way of rewarding supporters.

"escheats"

An escheat was the right of a landlord to take back directly into his own hands property of tenants who had died without heirs or had been convicted of a capital crime, notwithstanding the possible existence of some intermediary landlord. This right was a large part of the reasoning behind the king insisting on licences for grants of property to the Church, since such grants would prevent any future possibility of an escheat. The king was considered the lord of all Jews and their property.

"purprestures"

Encroachments (a form of trespass): typically, the extension of one's own property onto property owned by the king, e.g. building onto one's house a front porch, which trespasses onto the king's highway. Those guilty were either fined or required to remove the encroachment – usually both.

"measures"

A town's executive officers were usually responsible for keeping the standard public measures and, sometimes through subordinates, applying them to check the accuracy of private measures used by tradespeople.

"payments"

It is not absolutely clear what is referred to by the "payments". The Latin (*mercedem*) means a small reward. In this context it probably means a bribe to ignore the use of inaccurate measures, and is used later in the document in the sense of bribe. But it is possible that the term may also incorporate fees (possibly extortionate) paid for the information needed for accurate private measures to be obtained.

"prises"

Goods taken by the king as a form of customs.

"delivery of gaols"

Gaol deliveries were sessions by king's justices intended to handle backlogs of cases involving prisoners, during the gaps between the eyres.



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Keywords: medieval Oxford eyre pleas coroner jury trial indictments crime felony homicide theft assault misadventure treason trespass offences assizes escheats informers arrest punishment quo warranto franchises fee farm university charters judicial administration Jews property disputes contracts dower rights

Subject: Proceedings of the eyre at Oxford

Original source: Transcription by Brian Twyne, 17th century, of a document once among the Public Records

Transcription in: J.E. Thorold Rogers, ed. *Oxford City Documents, Financial and Judicial, 1268-1665*, Oxford Historical Society, vol.18 (1891), 194-236.

Original language: Latin

Location: Oxford

Date: 1285

TRANSLATION

Pleas of the crown | Churches in the king's gift
Encroachments | Assizes of wine and bread | Escheats
Treasure trove | Illegal fishing | Fugitives
Defaults in appearing before the justices | Quo warranto
Pleas from the Oxford suburbs | Civil pleas



Pleas of the Crown of the borough of Oxford, before Salomon de Roff, Richard de Boyland, Robert Fulcon, Roger Loveday, and Geoffrey de Pycheford, itinerant justices at Oxford on 14 January 1285.

These were the coroners since the last eyre in this borough: Geoffrey de Hengestesey and Geoffrey le Mercer (who have died), John Filekyngge, John Culverd, Walter Feteplace and Peter de Middleton (who are now in office).

The borough within the walls of Oxford came by 12 jurors, the mayor, bailiffs and entire community of the borough witnessing that no

Englishry is presented in this borough.

[Pleas of the crown, i.e. homicides and other felonies]

Agnes de Drayton came by night to the house of Geoffrey de Hengestesey and stole from the same a bench-cover and a pair of summer shoes, worth 12d. Discovering this, Henry de Hengestesey the house's custodian pursued Agnes and, while she was fleeing, struck her on the shoulder with a sword and secured her through **[raising]** the **hue**. She died in prison from that wound, 4 days later. So Henry was arrested and imprisoned. Subsequently, John de Coleshull and Henry's son Henry, who are dead, and coroners Geoffrey de Hengestesey and Geoffrey le Mercer, who are dead, became **guarantors** for his appearance before the next coming of the justices without king's writ. And Henry is now in prison. Henry now comes and is asked how he wishes to clear himself; he replies that **he is a clerk** and ought not to respond **[to the charge]**. Upon which there comes Master Hugh de Lincoln, with letters patent identifying him as representative of the Bishop of Lincoln, and claims him as a clerk. The jurors say under oath that Agnes entered the house by night and stole the benchcover and shoes, as was stated, and that Henry struck her as stated, so that she died. On that basis, he was handed over to the Bishop.

Philip de Hybernia stabbed Peter de Virby with a knife in the back, to his heart, so that he died 4 days later. Philip at once put himself in the church of St. Aldate, Oxford, confessed what he had done, and abjured the realm in front of the coroner. He had no possessions, but resided in the Southwest Ward, therefore **it is to be amerced**. And because this took place in daylight and the parish of St. Aldate failed to capture him, it is to be amerced.

John Comyn was found dead under the town walls of Oxford, outside the South Gate. It is not known who killed him. Richard de Eynho, the first finder **[of the corpse]**, failed to appear, but is not a suspect and he was **attached** by Robert Ballivum and John Warrepayn, therefore they are to be amerced. The parish of St. Michael, adjacent to the South Gate of St. Frideswide, failed to come to the inquest, therefore it is to be amerced.

Philip de Waleys clerk of Carmarthen killed William Charles clerk in the **North Osney** suburb of Oxford and at once fled; he is believed guilty. The **first finder** has died. The hue was raised, but the suburb of North Osney **failed to pursue**, therefore it is in mercy.

Subsequently it was testified by the twelve **[jurors]** that Philip had later returned to town, been captured, and had died in prison.

Robert de Norffolcia was arrested in town for domestic burglaries, robberies, and other thefts, and was imprisoned. He confessed to Geoffrey le Mercer and Thomas le Spicer coroners, now dead, that he had committed many robberies, and he became an informer, accusing a certain Hugh de Cherleton and others. That Hugh was arrested on the accusation by Robert and imprisoned in the town gaol, dying there. The jurors are asked on what legal basis Robert became an informer, and by what right they hold informers in the town after they have become informers. They reply that they keep informers in the king's prison at Oxford and have always so kept them. So that if any informer lays an accusation before the coroners against anyone outside the town liberty, those coroners advise the **[county]** sheriff that an informer in the town's custody has made an accusation warranting an arrest, and the sheriff goes to make the arrest outside the borough, in Oxfordshire, so that the informer and those he accuses can be held in the town prison until the **delivery of the gaol**. They say that the citizens of London are accustomed to do this and it is **for that reason** they claim to have the privilege. The jurors are asked what became of Robert; they say they do not know. They are therefore to be subject to judgement, since they have no answer about the informer nor about his accusation, and they claim to keep an informer in custody until a conviction has been obtained, together with everyone arrested because of his accusations, when they have no power to hold any informer in custody beyond two or three days after he has become an informer, nor to have arrested through an informer's accusation anyone outside the liberty without special warrant from the king, when the informer ought at once to be sent to **Newgate** or another king's gaol.

Afterwards they paid a fine, as appears in the summary.

A certain Richard, squire to Master Thomas de Luda, was killed on the **great bridge** of Oxford by Hugh de Hybernia and Master John de

Thorney. The first finder has died. Hugh and Master John at once fled and are believed guilty; they are therefore to be outlawed. Nothing is known of their possessions, because they were clerks from Ireland. Because this took place in daylight and the townspeople of Oxford failed to capture them, it is to be amerced. The townspeople did not pursue, even though it took place during the day; therefore they are to be amerced.

Henry son of Henry de Eynesham fell from a boat into the waters of the Thames and was drowned. The first finder has died and was not a suspect. Judgement of misadventure; the value of the boat is 12d., for which the sheriff is to answer.

Robert de Lundon was arrested on suspicion of theft and imprisoned in Oxford castle; he died in prison. Since coroner Geoffrey de Hengestesey failed to hold an inquest on Robert's death, he is subject to judgement.

2s. is due from John, the sheriff, as deodand for a certain boat and a certain cord, which were the cause of the drowning of John son of Robert de Laueneye.

James de Hybernia clerk killed William de Burford outside **Smith Gate**, and was arrested and imprisoned in the Oxford town prison, where he died. The first finder has died. No-one else is suspected [\[in the homicide\]](#). The parish of St. Peter in the East failed to come to the inquisition; therefore it is to be amerced.

Margery daughter of Richard Helpsman was found dead in the highway of **Stockwell Street**, Oxford. The first finder has died. It is not known who killed her. John le Sclatter and Roger le Blunt, attached by John de Furno and William de Takles Inn, failed to come, but are not suspects.

Adam son of Henry de Bellomonte was drowned in a certain pit in the courtyard of Richard fitz Nicholas in St. Martin's parish. The first finder comes and is not a suspect, nor is anyone else. Judgement of misadventure. Because coroner Geoffrey de Hengestesey did not attach Richard fitz Nicholas, in whose courtyard this took place, he is subject to judgement.

William de Croumersh died as a result of being crushed by a beam in St. Thomas parish. The first finder comes and is not a suspect, nor is anyone else. Judgement of misadventure. The value of the beam is 16d., for which the sheriff is to answer. John de Pusie was present [at the accident] and does not now appear, but is not a suspect; he was attached by Gilbert Feyregh and William Cithford, therefore they are to be amerced.

John de Radbourn, pursued by parties unknown, put himself in St. Aldate's church and confessed that he had committed many thefts and had stolen a particular item of silver. He abjured the realm before the coroner. His possessions [are worth] 4s., for which the sheriff answers. He was in South Ward, therefore it is to be amerced. The twelve jurors falsified the appraisal of his possessions, therefore they are to be amerced.

Walter de Buke was found dead in the river Cherwell. The first finder comes and is not a suspect. The jurors testify that a certain Matilda de Cudelington was arrested for the death and hung before the justices of gaol [delivery]. Her possessions [are worth] 15s., for which the sheriff is to answer. The parish of Holy Cross in **Holywell** failed to come to the inquisition; therefore it is to be amerced.

A certain David de Hybernia was found dead in the hall of the Prior of St. Frideswide in **Little Jewry**. It is confirmed by the twelve that a certain Robert fled and is considered guilty, therefore he is to be **outlawed**. He had no possessions, nor was he in any ward, because a clerk. The first finder has died and Robert Diffeld, one of the neighbours failed to appear; he is suspected and was attached by Nicholas de Berehull, therefore the latter is to be amerced. The parishes of St. Edward and St. John failed to come to the inquisition, therefore they are to be amerced.

Nicholas Penyfader was found dead at Osney. The first finder has died. The twelve testify that Henry de Arderne killed Nicholas; he now having disappeared and being considered guilty is to be outlawed. He had no possessions nor was he in any ward, because an outsider. The parishes of St. Thomas and St. Ebbe failed to come to

the inquisition, therefore they are to be amerced.

A certain Thomas de Godestowe put himself in the church of St. Mary, Oxford, confessed that he had killed a man at Harpsford Bridge, and abjured the realm before the coroner. He had no possessions nor was he in any ward, because an outsider. The parish of St. Mary failed to capture him when the event took place in daylight, therefore it is to be amerced.

Beatrice daughter of Walter Hervey and Amy daughter of Thomas de Gareford were found burned in the cellar of the house of James le Espicer. The first finder came and is not a suspect, nor is anyone else summoned to answer for it.

Simon Prene the son of the brother of Roger Sprenehese accused Richard de Valentinia in the county court of battery and maiming and of breach of the king's peace, done in front of his nephew Roger de Sprenehese. Simon now comes and withdraws his accusation; he is therefore committed to prison and his pledges for prosecution are to be amerced.

[There appears to be some text missing from the transcription at this point, and the transcription itself is faulty in places, perhaps through damage to the original source].

William le Hore, Ralph le Wal, and Richard and Valentine [clerks] came and to what extent they are acquitted of the accusation and to what extent the king's suit they say as above. And, so it can be determined whether they should be handed over to the Bishop, the truth of the matter is to be related by **the country**. And 12 jurors from this borough together with 12 jurors from the suburb outside the North Gate state under oath that Richard and Valentine had a certain sister who was lodged in the house of Alice Gamage outside the North Gate, being unwell there; Richard and Valentine went there to visit and comfort her, bringing with them one of their fellow clerks, whose name they [i.e. the jurors] do not know, to dine with them there; this was on 29 May 1284. After dinner, at dusk, Richard wished to escort their associate back to his lodgings within the town; that being done, and he intending to go to his own lodgings together with his groom, his associate handed him a sword with which to defend himself if

necessary, it being night-time. When he came to the North Gate, he ran into Alexander de Sarr with his sword drawn, who told him that certain men were plotting to kill Richard. For that reason, Richard took the sword that his groom had been carrying; and, when he attempted to return to his sister's house which he had earlier left, there came certain men with swords and other weapons and assaulted Richard. One of them struck Richard on the left arm, seriously wounding him; thus injured, Richard, striking back in his own defence, struck the aforesaid [sic] David on the left shoulder with his sword, giving him a deep wound. Upon receiving the injury, David immediately fled, and went into the house where Richard's sister was lodged. When Richard had escaped from the hands of the others, he returned with difficulty to that house and there found the David whom he had earlier wounded, lying on Richard's bed. Richard was amazed at this and asked him who had wounded him; he replied that he did not know. Richard replied to him "I believe that it was you who wounded me, and I wounded you in my ignorance", and thus they made a reconciliation between them. And the jurors say that what Richard did, he did in self-defence and had no knowledge of whom he thus wounded.

David fitz Griffin lays a complaint against Richard de Tangele, Valentine his brother, and John de la Rede, on the grounds that when, on 29 May 1284, David was behaving peaceably outside the North Gate of Oxford, going towards his lodgings at the hour of vespers, he encountered a certain chaplain carrying the **body of the Lord** to certain sick persons. As he genuflected to pray before the body of the Lord, Richard and Valentine assaulted him; Richard struck him with a sword on his left shoulder, giving him a wound six inches long, so that David was in despair of his life. Afterwards, Valentine and John with their swords beat him almost to death, to his serious damage and contrary to the king's peace. Whereby he has experienced suffering and damage to the value of £133.6s.8d., and for that reason he has brought this action etc.

Robert de Sunnyngwell was arrested for the death of Richard de Waleys and imprisoned in Oxford castle, in the custody of Thomas de Sancto Vigore, then sheriff. He escaped from Thomas' custody; Thomas is therefore subject to judgement for the escape. Robert immediately put himself into St. George's church, confessed his deed,

and abjured the realm before he coroner. He had not chattels, nor was he in any ward.

John de Candene was arrested for the death of the parson of Easton and imprisoned in Oxford castle, in the custody of William de Insula, a former sheriff who is now dead. He escaped from prison and that custody; therefore William's son and heir Roger de Insula is subject to judgement. John immediately put himself in the church of St. Peter in the East, Oxford, confessed to killing the parson, and abjured the realm before the coroner. He had no possessions, nor was he in any ward, because an outsider. Afterwards Roger comes and says that the escape happened in the time of his father William, and seeks judgement if he ought to be responsible for that; and because this happened in the time of his father, he is subject to judgement.

William the servant of Master Hugh de Colebrugge was riding Master Hugh's horse in the borough of Oxford when he fell off, killing himself. No-one is under suspicion for it. Judgement of misadventure. The value of the horse is 40s. The twelve confirm that Hugh died. Master Thomas de Bek, then Chancellor, refused to allow the king's coroner or the bailiffs to lay hands on the **deodand**; therefore Master Thomas is to be amerced and is to be answerable for the deodand.

A certain William de Dene, an informer imprisoned in Oxford castle, accused John de Coventre of theft. Which John died in prison in the time when Gilbert de Kyrkeby was sheriff. Gilbert subsequently set free the informer William. They do not know on what grounds or by what right. Therefore he is subject to judgement.

Robert the miller, servant of William de Montibus, was torn apart by a horse-powered mill wheel, dying immediately. The first finder has died, and was not a suspect. Judgement of misadventure. The value of the wheel and the horses is 8s.; the parishes of St. Ebbe, St. Budoc, St. Peter le Bailey, and St. Martin made a false appraisal of the deodand and therefore are to be amerced.

A certain Alexander Comyn clerk drowned in the river Cherwell. The first finder comes and is not a suspect, nor is anyone else. Judgement of misadventure. It is confirmed from the coroner's roll that a certain unknown clerk took the corpse of the drowned man and carried it to

the church of Holy Cross in Holywell. So that when John Filekyngge the coroner came to the spot to view the body and hold an inquest on it, Walter de Chawsey, the bailiff of **Bogo de Clare** would not permit the coroner to view the body nor hold an inquest. Walter is now present and is unable to deny it, therefore he is put in custody.

William de Hachetot was found dead in Little Jewry. The first finder has died. It is determined from the coroner's roll that a Meyroc de Bruges, an Oxford Jew, and his wife Beloasset were accused of the homicide and the jurors believed them guilty, with the result that Meyroc and Beloasset were exiled and Meyroc outlawed. And Wayner is to enquire about their possessions, among Christians and Jews.

Thomas son of Walter Snelman killed Nicholas son of William Johan in **Binsey** and at once took to flight; he is believed guilty and is consequently to be outlawed. He had no possessions, but was in the **tithing** of Binsey, therefore it is to be amerced. The first finder has died. William Brumstere, Thomas de Benham and Wymond le Lyndraper, who were attached, failed to appear. William was attached by Walter de Kyngeston and Richard le Loder, Thomas by William de Lacy and Henry Gobyum, and Wymond by John de Wittel and John de Weston; they are to be amerced.

Thomas le Poer of Ireland put himself in the church of the Friars Preacher, confessed that he had broken out of Oxford castle gaol, and abjured the realm before the coroner. He had no possessions nor was he in any ward. It is confirmed that Thomas escaped from that prison in the time when Gilbert de Kyrkeby was sheriff, therefore he is subject to judgement for Gilbert's escape.

John the servant of Master **Thomas Marescalli** and John the servant of Ivo le Merceer got into a fight in the town of Oxford, in which Thomas' servant John struck Ivo's servant John on the head with a cudgel, of which he died 15 days later. Thomas' servant John immediately fled; he is believed guilty and consequently is to be outlawed. His possessions **[are worth]** 18d.; the sheriff is answerable for them. He was of the household of Master Thomas, who is therefore to be amerced.

A certain John and William, keepers of the king's horses, and William de Boreali killed Eustace de Fynestokes opposite [the church of] St. Mary and immediately fled, but were captured while in flight. William de Boreali was wounded in the process and died as a result, eight days later, in prison. Similarly, William the horsemaster later died in prison. An accusation was later laid against John by an informer at Newgate, and he was conducted there; what became of him, they do not know.

Richard Belereyne, together with others unknown, killed Gilbert de Forsthull in St. Ebbe's parish. He fled and is believed guilty, therefore he is to be outlawed. He had no possessions, but was of the North East Ward, which is therefore to be amerced. John Filekyng coroner failed to answer for any attachment, therefore he is subject to judgement.

William de Melyngton put himself in the church of Holy Cross in the suburbs of Oxford. He had no possessions. The suburb of Holywell failed to capture him, even though it happened in daylight, and is therefore to be amerced.

Nicholas le Forc clerk drowned in the river Thames. Afterwards Andrew le Forc, John Bere, and Geoffrey Fresel came and carried Nicholas to the church of St. Michael at North Gate, and there they had him buried without the coroner viewing [the body]. Therefore they are to be amerced. No-one is suspected. Judgement of misadventure.

The jurors present that William le Mixebury was captured with 13d. in newly **clipped coin**. He was imprisoned in the gaol of the borough of Oxford, but escaped from the borough's custody. Therefore the town is subject to judgement for that escape. William at once put himself into the church of St. Michael at North Gate, confessed himself a thief and a coin clipper, and abjured the realm before the coroner. His possessions [are worth] 12s.4d., for which the sheriff is answerable.

John de Derby put himself in the church of St. Michael at North Gate, and confessed himself a thief who had committed multiple thefts. After he had stayed there for 8 days, by connivance of Hugh the present parson of the church, he escaped from the church. The

borough of Oxford is subject to judgement for that escape. John immediately fled; he is believed guilty, and is therefore to be outlawed. He had no possessions nor was he in any ward. The sheriff is ordered to arrest Hugh; he afterwards testified that Hugh could not be found, therefore he is subject to judgement.

Richard de Clarwich [clerk] killed Adam de Herchenfeild at night in Oxford high street and was afterwards captured, convicted before the justices of gaol delivery, and handed over to the Bishop. His possessions [are worth] 2s.6d., for which the sheriff is answerable. The first finder comes and is not a suspect, and the parish that first etc.

Henry de Jakesle was found dead in the high street of Oxford. It is not known who killed him. The first finder comes and is not a suspect. It is determined from the coroner's roll that a certain Robert Ponterel was at another time arrested for this homicide. The jurors testify that Robert was acquitted by a jury, before William le Poner and his associates who were justices assigned to deliver the gaol at Oxford; this was confirmed from William's roll. The jurors believe William Springold guilty of the homicide; he, having made himself scarce, is to be outlawed. He has no possessions nor is in any ward.

Maurice Aungevyn accused John de la Heth, Richard fitz Ralph, William de Hulme, Hugh fitz Nicholas, Roger Cobbe, John fitz Amicia, Geoffrey Spende, John fitz Juliana, Henry Payn, William fitz Lucia, John Godefrey, Henry le Bonder, and William fitz Godfrey in the county court of robbery, assault, and breach of the king's peace. Maurice failed to appear, therefore he is to be arrested and his pledges for prosecution (viz. Bartholomew de la Wyke and Robert Caleman of Berkshire) are to be amerced. All [the accused] come except John fitz Amicia and John fitz Juliana. Asked how they wish to clear themselves, they state that they are in no way guilty and request that an enquiry be made. And 12 jurors say under oath that they are not guilty of robbery and assault, but have reached a settlement [with Maurice?]. The two Johns who did not come are to be arrested; John fitz Amicia had been attached by Robert Neweman and William de Eylwyne, and John fitz Juliana by Richard Giffard and Richard Roche, who are therefore to be amerced.

Robert le Eyr, king's serjeant, showed to the king's justices that

Master Nicholas de Wautham, contrary to his oath of loyalty and to the fealty and allegiance that he owed to the king, seditiously and **deceitfully conspired** with Guy de Montfort and his brother Emery, and with **Llywelyn the former Prince of Wales**, enemy of the king. He went to the king's court and remained there in order to insinuate himself as a confidant and intimate of the court and poke around into the king's secrets. What he was able to discover of the counsels and secrets of the king, he frequently passed along in letters to the king's enemies, and thereby nourished treason and sedition; he was an adherent of that faction, a member of their conspiracy, and became their advisor, [acting] against his loyalty and his king. He [i.e. Robert] requested that justice be done for that, as for any rebel and traitor to the king. Master Nicholas, formally summoned on the first, second and third days, did not come to answer to justice in the king's court, but disappeared; he is believed guilty, and therefore is to be outlawed. It was subsequently testified that Master Nicholas had no lay possessions, being parson of Banbury church, which is worth £66.13s.4d. a year. Therefore order is sent to the Bishop of Lincoln to put that church into safe and secure keeping for the time being, so that neither Master Nicholas nor anyone on his behalf can access the revenues therefrom etc.

[Churches in the king's gift]

Concerning churches, they say that the church of St. Peter in the East, together with the chapels of Holy Cross and Wolvercot, is in the king's donation and Bogo de Clare holds it as a gift from the father of the present king; it is worth £40 a year. Similarly, the church of St. Mary in Oxford is in the king's donation and is worth £20 a year; Master Robert de Flecham holds it. The church of St. Budoc is in the king's donation; the Friars Penitential claim that King Henry, father of the present king, gave and granted them the church – they produce charters of King Henry that evidence this.

[Encroachments]

Concerning encroachments, they say that the Friars Preacher of Oxford are blocking a watercourse next to their land outside the South Gate, with the stone piling of a bridge they have built, so that the water overflows and is causing problems for the king's mill. As well it

has flooded the king's demesne meadow so that, at mowing and haying time, the king's hay is ruined, causing him serious losses.

Similarly, Robert Cokes, when formerly Prior of St. Frideswide, in order to privatize St. Frideswide's courtyard, pulled down the battlements of the king's wall – on which men were accustomed to stand or pass along for purposes of defending the borough in time of war – where it ran through the middle of St. Frideswide's courtyard. He made the wall perpendicularly flat, so that no-one can go along the wall to defend the borough (should that prove necessary), to the damage of the king and the borough.

Similarly, 16 years ago a certain Henry, Master of **St. John's Hospital** outside the East Gate, appropriated to his own use an island in the river Cherwell which contains **one perch** of land. It is worth 6d. a year. This piece of land used to belong to the borough of Oxford; the present master has occupancy of it to the damage of the king etc.

Similarly, Walter de Merton blocked off half an acre's extent of a lane in the borough, along which men were accustomed to pass to reach the borough wall for defending it in time of war. He appropriated that parcel of land for **Merton College** in Oxford, to the serious damage of the king. Upon this there comes Master Peter de Abyndon, warden of the college, and states that the Abbot of Reading gave Walter de Merton that land in order to build a house in the town of Oxford; it extends southwards from next to [\[the property of\]](#) the church of St. John within the town walls of Oxford; King Henry, father of the present king, confirmed the abbot's gift to Walter. He produced a charter of that king providing evidence that Walter was permitted to enclose the aforesaid plot of land as far as the walls of Oxford, so that he could create a postern gate through the wall, to serve an east-west passage; through which, access in and out could be had when necessary in time of war, **for the defence of the town**. And those who had **tenements** within or adjacent to the plot also had a right-of-way to their properties. The jurors, asked if the postern there is as specified in the charter, say that it is; therefore the charge against the master is dismissed.

Twenty years ago, the Abbess of **Godstow** appropriated to her abbey

40 acres of pasture from the king's demesne, in the suburbs of Oxford, to the damage of the king. They are worth 20s. a year.

The abbot of **Rewley** has put up an outhouse over the river Thames, 12 feet long and 6 feet wide, which impedes boats bringing food and other necessaries to the borough of Oxford, to the damage of the borough.

The preceptor of **Cowley** has built a weir upon the river Thames. This has caused the waters of the Thames to flood the king's meadow, and it seriously and frequently makes it difficult for men to cross the Thames to Oxford, to the damage of the region etc. They say that the preceptor increased the height of the weir too much, so that the Thames cannot stay within its customary course when the water level is at its peak, to the great damage of the king and the countryside.

Upon this Master Peter de Abyndon comes etc., as above. Afterwards comes the master of the Hospital of St. John, who asks that he be allowed to rent the land mentioned so that it might be applied to the work of the king; this is granted to him, in return for 6d. a year to the king. As to the encroachment by the late prior, the sheriff was ordered to have repairs made to the wall, at the cost of the prior etc.

As to the preceptor's weir, the sheriff is ordered to alter the weir back to its original condition, tearing down any parts that are causing a nuisance etc.; and the preceptor is to be amerced.

As to the encroachment made by the Abbot of Rewley, the sheriff is ordered to have torn down anything that proves to be a nuisance etc. at the cost of the abbot; and the abbot is to be amerced.

The Abbess appears by her attorney, who states that King Henry, father of the present king, granted the pasture to her; she produces a charter of King Henry which evidences that. Consequently nothing [\[against her\]](#) at present.

[\[Assizes of wine and bread\]](#)

Concerning wines, they say that Nicholas de Kyngeston sold 300 tuns of wine in breach of the assize; Henry Oweyn, 120 tuns; Richard

Culverd, 8 tuns; William le Espicer, 315 tuns; John Culverd, 40 tuns; Stephen de Kyngeston, 20 tuns; Henry Gama[ge], 9 tuns; Richard de la Mestre, 6 tuns; Henry le Especer, 3 tuns of wine in breach of the assize. Therefore they are to be amerced.

Concerning bread, they say that Andrew de Durham, Thomas de Sowy, John de Langport, John Aurifaber, Andrew de Pirye, William le Espicer, Ralph le Plomer, and Thomas de Durham have sold bread in breach of the assize. Therefore they are to be amerced. The twelve jurors hid information about those bakers, and are therefore to be amerced

[Escheats]

Concerning **escheats**, they say that Henry Oweyn holds a tenement that was an escheat to the king, in consequence of the death of the Jew Bonemey, who was hanged; he pays 2s.8d annually for it to the king's Exchequer. Henry now comes and says that he rented the tenement from the Exchequer for 2s.8d; that this is entered in the sheriff's account at the Exchequer is evidenced by extracts from the Exchequer accounts.

Thomas de Sowy holds a tenement worth 30s. a year which was an escheat to the king, in consequence of the death of the Jew Aaron de la Rye. Thomas now comes and says that the present king granted him the tenement to hold of the king and his heirs; he produces the king's charter giving and granting to Thomas de Sowy clerk a **messuage** and two cottages with appurtenances in Oxford, for Thomas and his heirs to have and hold of the king and his heirs, performing for the same all services due and accustomed.

Master Henry Wade, the queen consort's cook, holds a tenement worth £3.6s.8d a year which was an escheat to the king in consequence of the death of the Jew Olehym son of Basse, who was hanged.

Adam Clerk holds tenement by gift of the king which was the latter's escheat in consequence of the death of the Jew Vynes le Lime, who was hanged; it is worth 13s.4d a year. Adam comes and says that he holds the escheat and lease from the king through [arrangement with]

the king's Treasury and Barons of the Exchequer, from which he rents it for 13s.4d a year. The sheriff testifies that he is responsible to answer for the rent as part of the **green wax** of the Exchequer, producing the record which evidences that.

[Treasure trove]

A certain Henry de Jernemuta was arrested and imprisoned in the town gaol of Oxford. He had hidden £11 of silver by burying it. When he was arrested he confessed to William le Espicer, then mayor, and Peter de Middleton the coroner that he had hidden the £11 behind the grange of Bogo de Clare; the money was discovered there. This led to William le Espicer being asked to answer for that money. He produced a letter from the king in these words: *"Edward by the grace of God etc., gives greetings to his justices of the next eyre in the county of Oxford. Because it has been testified before us by our well-beloved servant Matthew de Ethymbar, our butler, that William le Espicer, during the period when he was last mayor of that town, by Matthew's order delivered to Robert de Lamhurst merchant £11 which a certain Henry de Jernemuta, then arrested and held in the town, had acknowledged to William that he had furtively stolen, we have pardoned William of any related legal action brought against him on our behalf by occasion of the aforesaid. Therefore we order you not to trouble or worry William in any way in your eyre because of this matter, but consider him to be acquitted thereof. Witnessed by myself at Bath, 3 January 1285."*

[Illegal fishing]

Concerning those who fish etc. The following have fished using **kiddles and "starkells"**, and are therefore to be amerced: Robert le Wal, Richard de Swyneshull, Walter Cha, Gervase the fisherman, William le Rene, Robert Vincent, Lambert the fisherman, William Vincent, John le Spencer, Thomas de Pylers, Roger Rokes, William de la Wyke, Alan the fisherman, his son William, Ralph Rolf, Walter de Beaumunde, Her[vey] le Bot, Adam le Bot, Hugh le Rokes, Thurstan de Merston, Geoffrey Bot, John Molendinarius of Stockgrave, William de Wyca, Richard Short, Nicholas Baron, Richard Doitby of Water Eaton, Richard Ops of the same, John Bankes of the same, Robert Chaunter of the same, Walter Cha of the same, Peter Overheye

of Islip, Peter Segrym of the same, Richard Bere of the same, the Abbot of Osney, the Abbot of Rewley, the Preceptor of Cowley, and Henry Peyn of Binsey.

[Fugitives]

Concerning those who have been indicted: Nicholas de Haveringes has fled in relation to the death of Simon le Somonour; John de Maundevill tinker and his wife Agnes have fled in relation to several robberies; Richard de Durham tailor, John de Cestre **manciple**, and Thomas Sely of Thornham have fled in relation to the death of Master Nicholas de Langtost; Isaac de Canne and his wife Gongo, Jews, in relation to coin-clipping; Seyr de Caxton in relation to the death of William de Norffolk; Philip Hamond in relation to burglaries of houses; and Thomas Godale has fled in relation to the death of Richard de la Wyke. All are believed guilty and are to be outlawed. The possessions of Thomas Godale [are worth] 10s., for which the sheriff is to answer. Walter de Halywell, bailiff of Bogo de Clare, took those possessions without warrant; therefore he is to be amerced. Concerning the possessions of the Jews, an enquiry is to be made by Jews etc. Nicholas and the others had no possessions, nor were they in any ward, because outsiders or vagabonds.

[Defaults in appearing before the justices]

Concerning defaulters, they say that Master Henry Wade the queen's cook, John de Cane, Thomas de Durham, Philip le Waleys, Henry de Lond, Ralph de Muncy, Richard Swet of Brackley, and Elias son of Elias de Hertford did not come on the first day [due to appear]; therefore they are to be amerced.

[Quo warranto]

The jurors present that the Abbess of Godstow erected a watermill in the suburb of Oxford on the king's demesne, by what right they do not know.

The jurors present that the borough of Oxford was part of the ancient Crown demesne. Its lord, **King Henry the elder**, gave the borough with its suburbs to the burgesses of Oxford at **fee farm**, for the

amount of £63.5d annually. Of which they have paid £40 a year to the king's Exchequer, and £23.5d to the brothers of **St. Bartholomew** outside the East Gate of Oxford; they say that nothing is in arrears etc.

Concerning their **franchises**, they say that the burgesses of Oxford claim to have **return of writs and their estreats**, and they hold pleas of **withernam**, and have a **gallows, pillory and tumbrel**, and administer the **assizes** of bread and ale.

The Prior of St. Frideswide has in Oxford an **annual fair** lasting 8 days from the **feast of St. Frideswide**; they do not know by what right. The prior appears by his attorney, who says that he and his predecessors were accustomed to hold such a fair from time immemorial. Notwithstanding which, he says, King John granted him by charter an annual fair in Oxford; he produces the king's charter, in which it says that the king granted the prior and his successors a fair in Oxford, without specifying on which date or for how long a duration. Yet he claims to hold the fair for an entire week – therefore he is to be subject to judgement.

Similarly, they say that the burgesses hold the borough of the king at fee farm, for £63.5d; of which they pay £40 annually into the king's Exchequer and £23.5d annually to the lepers of St. Bartholomew outside Oxford, levied by the hands of the burgesses etc., as per these words: "Because it is known to us, from an examination of the rolls of our Exchequer, that the leper hospital of St. Bartholomew outside Oxford ought by grant of our predecessors to receive and in the past has been accustomed to receive each year from the farm of our town of Oxford £19.15s.5d to support it, and 65s. in cloth by way of alms by our decree, we have granted to the lepers that they may have and receive annually from the farm the said £19.15s.5d for their support and 65s. in cloth, in the same way that they have been accustomed to have and receive it. In testimony to which, we have had drawn up these our letters patent. Witnessed etc., 51st year" [of our reign, i.e. 1267].

The jurors present that ten years ago Richard Everarde and Walter de Chawsey, bailiffs of Bogo de Clare, erected a new gallows in his manor of Holy Cross within the king's liberties of the suburbs of

Oxford. By what right, they do not know. And a certain Thomas de Bensinton was caught in possession of a horse, taken to Bogo's court, and by judgement of the court was hanged from those gallows. Alice le Welsh was also hung from those gallows. The sheriff is therefore ordered to have Bogo and his bailiffs appear. Bogo comes and states that he holds his church by gift of King Henry, father of the present king, and that he discovered the church to possess these franchises; and that all his predecessors as parsons of that church had possession of the same from time immemorial. He requests an inquiry into this. The jurors, together with knights chosen for the purpose, say under oath that Bogo and all previous parsons of the church fully enjoyed such franchises. Therefore [\[the court decides that\]](#) they are to have their franchises, saving the rights of the king.

The chancellor of the university of Oxford produces a charter of King Henry, father of the present king, which says the following:

*"Henry, by the grace of God King of England, Lord of Ireland and Duke of Aquitaine, to all his bailiffs and loyal subjects into whose hands these letters come, greetings. We have inspected letters patent formerly drawn up at Woodstock in the presence of the proctors of scholars of the university of Oxford and the burgesses of that town regarding franchises granted to the scholars in the following words. On 29 May 1248, in the presence at Woodstock of the proctors of scholars of the university and the burgesses of Oxford, the king grants to the scholars the following franchises: viz. that if the scholars suffer any injury, an inquisition is to be held by the neighbouring villages and by the burgesses. If the burgesses kill any of the Oxford scholars, or in any way assault them, or cause any kind of serious injury to them, the community of the town is to be punished and amerced for it; and the bailiffs (in their own right and not as part of the community) are to be punished and amerced for it, if they have been negligent, or have been **duplicitous** in executing their duties against those who have caused injury to the scholars. The Jews of Oxford may not take [\[as interest on a loan\]](#) more than 2d. per week per pound from the scholars, and a similar proportion for lesser sums, according to the amount; failing which the Jews are to be punished according to the law of the realm. And that whenever and as often as the mayor and bailiffs of Oxford take their **oath of office** in their communal place, the community of the town shall inform the chancellor, so that he or*

other persons chosen for that purpose may be present if they wish. Which oath shall include the following specification regarding the scholars, viz., that the mayor and bailiffs shall preserve the franchises and customs of the university; failing which, their oath is invalid and must be taken again, according to the form specified. If neither the chancellor nor his proctors wish to be present, the oath-taking is to proceed notwithstanding. As ordained by Dom. **William de Eboraco**, two aldermen are to be chosen and deputed, from those who shall be made for the time coming, to administer justice when the **provosts** are absent, under the same penalty as applies to the provosts, if they are found to behave negligently or with bad intent. Every burgess of Oxford is to be answerable for his household. So that if any member of his household kills or seriously injures any clerk or his [\[household members\]](#), that burgess is to report the wrongdoer, so that justice can be done to him; failing which let him be punished according to the law of the realm. Whenever an **inspection of bread and ale** is due to be undertaken by the burgesses, the chancellor and proctors of the university are to be informed the day before, so that they or (if they wish) others deputed by them may be present during the inspection; otherwise the inspection is invalid. If the chancellor and proctors of the university do not wish to be present, in person or by deputy, at the inspection, it is to proceed notwithstanding. In testimony to all of which things Sir Ralph fitz Nicholas, the king's steward, at the instructions of the king, has affixed his seal to this document; from the king by letters ordering the sheriff, and the mayor and bailiffs of Oxford, to uphold and make to be upheld these franchises, without violation; the which the king also had enrolled in the 33rd year of his reign [\[1248\]](#). We, however, approving the aforesaid grant of franchises made by us in the above terms to the scholars, by these our present letters patent grant and reaffirm to the scholars the document, to which we affix our seal. Witnessed by myself at Woodstock, 2 June 1268."

On the second day, the chancellor and scholars of the university produce another charter under the name of King Henry, which says the following:

"Henry, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to all those into whose hands these letters come, greetings. Know that for the peace

and tranquillity, as well as the utility, of the university of scholars of Oxford, we have provided for and granted that four aldermen are to be made in Oxford and eight of the more judicious and law-abiding burgesses of the town are to be associated with the aldermen. All of whom are to swear fealty to us and are to assist and advise the mayor and our bailiffs of Oxford in keeping our peace, administering the assizes in the town, investigating criminals, disturbers of our peace, those who roam at night, harbourers of thieves and wrongdoers, and are to take a corporal oath that they will undertake all such things. In each parish of the town of Oxford two men are to be elected from among the more law-abiding parishioners and are to take oath that every fortnight they will make enquiries diligently as to whether any suspicious persons are staying in the parish; if anyone has received another in his home for **three nights**, he is to take responsibility for him. Furthermore, no regrater may buy foodstuffs in the town of Oxford, nor outside if it is being brought to town. Nor is anyone to buy or re-sell before noon; and if he does, he is to be amerced and the item purchased is to be confiscated. If a layman causes serious or major injury to a clerk, he is to be arrested immediately; if the injury is great, he is to be imprisoned in Oxford castle and held there until the clerk is compensated – and this by **arbitration of the chancellor and university of Oxford, if the clerk is incapacitated**. If the injury is light or minor, he may be imprisoned in the town. If a clerk causes serious or major injury to a layman, he is to be imprisoned in the castle until the chancellor of the university **lays claim to him**; if the injury is light or minor, he may be imprisoned in the town until he can be bailed by the chancellor. Oxford bakers and brewers are not to be punished for their first offence **[against the assize]**, but for the second are to have their bread **[or ale]** confiscated, and for the third offence are to be punished by the pillory. Each baker is to have a stamp for marking his bread, so that it can be known whose bread it is. Everyone of the town of Oxford who brews for retail purposes is to put out a sign, or face confiscation of the ale. Wines are to be sold in Oxford at the same price to clerks as to laymen, once the container has been **broached**. Inspections of bread are to be made twice a year; that is, within the fortnight following Michaelmas **[29 September]**, and just before the feast of St. Mary in March **[25 March]**. The assize of ale is to be made during the same periods, based on the price of grain and malt. Whenever an inspection of bread and ale is to be made, the

*chancellor of the university may be present, or someone else deputed on his behalf, if when asked they wish to attend; if they are not present nor have been invited, the inspection is to be invalid. In testimony of which we have had these our letters patent drawn up for the university. Witnessed by myself at Woodstock, 18 June 1255. That which was formerly expressed above, referring to the **four aldermen and eight more judicious and law-abiding burgesses** of the town associated with the aldermen, swearing fealty to us in person and assisting and advising the mayor and bailiffs, in the way that it is expressed, we wish to be observed, except that the oath may be taken before someone whom we have assigned to substitute for us. In testimony of which we have had these our letters patent drawn up. Witnessed by myself at Westminster, 6 February 1262."*

In addition, the chancellor and clerks produced another document, which says the following:

"Edward by the grace of God King of England, Lord of Ireland, Duke of Aquitaine and Count of Anjou, to the sheriff and to the mayor and his bailiffs of Oxford, greetings. Wishing the privileges granted by letters patent of our predecessor kings of England to our well-beloved chancellor and scholars of the university of Oxford to be observed without violation in each and every of their articles, insofar as they are applied within reason, we order you to uphold those privileges of the chancellor and scholars without any diminution, and by all means at your disposal to have them upheld in the form aforesaid, without any diminution. In testimony of which, we have had drawn up these our letters patent, to be in force during our pleasure. Witnessed by myself at Westminster, 4 November 1275."

They also produced another charter from the same king, which says the following:

"Edward by the grace of God etc. to our well-beloved in Christ Master Roger de Rodwell, chancellor of the university of Oxford, greetings. There coming before us at York the proctors of the university of the town and certain others representing the mayor and burgesses of that town, to set out fully and make known to ourself and our council the reasons for disagreements and disputes that have arisen between you and the mayor and burgesses, we have decreed that: Robert de Welles and his fellow burgesses of the town should be absolved without delay from the sentence of excommunication placed

*over them; implementation of punishment imposed on them for their deeds should be deferred until our next parliament; items offered for sale by **regraters and forestallers**, in breach of the franchises of the university, and confiscated by the common sergeants of the university and/or the town, to whom it has previously fallen to take care of forfeitures of this kind, continue to be brought by both parties to our Hospital of St. John and to the East Gate, and distributed among the poor and the infirm there, so that they not be of benefit to either party. In other matters relevant in any way to the disagreements and disputes between you and them, matters are to remain as status quo. Until, after taking advice, we have reached another decision for a settlement between you, you are to behave in such a manner towards the mayor, burgesses and other officers of the town, in those things affecting maintenance of our peace there, that they shall have no cause for complaint. And we have written the same to them, clearly and explicitly. Witnessed by myself at York, 10 January 1284."*

The chancellor and university of Oxford lay a complaint in this regard that the mayor of Oxford, the bailiffs and the burgesses wilfully take for each salmon sold a quarter of it, to the serious damage of the whole university and the region. The accused come and are asked by what right they make that **prise**. They reply that the mayor and bailiffs have always taken such prises, and present nothing else in support. Seeing that prises of this sort are injurious and damaging to the university and the whole region, they are prohibited from taking in any way that kind of prise henceforth.

The Oxford **suburb outside the North Gate** comes by twelve **[jurors]**

They report that these were the coroners since the last eyre: G. de Preston and Nicholas Erneborgh, who have died, Henry fitz Milo, William de Brompton, Robert de Brackele, and Elyas le Quilter, who are now in office.

Hugh de Bolre and William de Lundon were arrested on suspicion of theft outside the North Gate and taken to Headington where they were imprisoned. A crowd of Oxford clerks came there armed and in force and broke Hugh free; it was not possible to find out their names.

William remained in prison, in the custody of Elias de Beckleburg, then bailiff of Bullingdon (now dead), who permitted William to leave. Hugh de Bolre and William have [now] disappeared, and are believed guilty. Therefore they are to be outlawed; their possessions [are worth] £11.6.8d, due Hugh from work for **Hugh de Plesetis**, for which Hugh is to answer. The sheriffs is ordered to have that money levied from Hugh.

John fitz Botte and Robert de Brackele fought with one another outside the North Gate, with the outcome that John stabbed Robert in the belly with a knife, leaving the knife fixed in Robert's flesh. Robert at once removed the knife and stabbed John in the belly, so that both straightaway died together. The first finder comes and is not a suspect; and the parish that first etc.

John Aleyn of Norton was on a previous occasion indicted here before justices of the eyre for the death of his father; he was arrested and taken to the town of Chipping Norton, to be escorted to the Oxford prison. But when he was passing by the church of **St. Mary Magdalene** he escaped from his captors' hands; therefore the town of Chipping Norton is subject to judgement. John confessed that he had killed his father, and abjured the realm before the coroner. He had no possessions, nor was he in tithing.

Simon de Wanetynge was condemned by the justices of gaol delivery to be hanged. While being taken to the gallows, clerks of the university of Oxford – their names not known – by force [rescued him and] put him in **St. Giles** church. He confessed to the coroner of having committed multiple thefts. Nothing is known of his possessions.

William Wodecok killed John de Cogesham in the suburb of Oxford and fled immediately; he is believed guilty. Therefore he is to be outlawed; he had no possessions. Hue was raised but the suburb failed to pursue him, even though this took place in daylight, therefore it is to be amerced. Alan le Taylor the first finder came and **has been hanged**, as appears in the roll of gaol delivery. His possessions [are worth] 4s.8d, for which the sheriff is to answer.

William son of Jordan de Ginton and his brother John were imprisoned in the castle gaol, in the custody of Nicholas de Oyfrewast. They escaped from his custody, put themselves in St. Mary Magdalene church, and abjured the realm before the coroner. They had no possessions. Because the aforesaid Nicholas, the sheriff, died before being condemned for the escape, sentencing for the escape is pending. Later, the king's Council in parliament decided that, in the circumstances, the sentence for the escape should fall upon Nicholas' executors; therefore they are to be answerable for the escape.

A certain Henry de Makworth together with other wrongdoers unknown, that is with Thomas de Sancto David, David Furlong, William Ousyn, Roger le Fletcher, William de Blithe, and Henry de Staumford, came to the house of Ivo de Hackebourn and burgled it. They carried off goods and possessions found there, and at once fled. They are believed guilty, therefore they are to be outlawed. Possessions of Henry de Staumford [are worth] 16s., for which the sheriff is to answer; Henry and the others had no possessions, because they are clerks.

Thomas de Staunford clerk killed Isabelle de Maydenwell, was immediately arrested, convicted before the justices of gaol delivery, and handed over to the bishop. He had no possessions. The first finder comes and is not a suspect.

Walter de Calueton, John de Nesse, Hugh de Nesse, Richard Corbet, Thomas de Betton, Henry de Hodenet, John de Estlegh, Hugh de Canz, and Walter de Botillier encountering Walter Cissor, an argument arose between them. Walter de Calueton killed Walter Cissor and immediately fled; he is believed guilty and therefore is to be outlawed. He had no possessions. John de Nesse and all the others were arrested and imprisoned in Oxford castle; they were acquitted by jury before the justices of gaol delivery.

Henry Somm of Stokes Island was condemned to be hung. While he was being led to the gallows, there came Robert de Tursway and other clerks unknown; they rescued Henry and took him to St. Giles church, from where he abjured the realm before the coroner. He had no possessions. The jurors consider Robert, who has made himself scarce, guilty; he is therefore to be outlawed. He had no possessions.

Roger de Verdun killed Thomas de Suplet in the house of William le Saucer and at once fled. He is believed guilty, therefore he is to be outlawed. He had no possessions. The first finder comes and is not a suspect. Henry fitz Milo, William de Brampton, Robert de Brackele and Elias le Quilter, the coroners, did not attach those who were present in the house, therefore they are to be amerced. Afterwards, it was testified that Roger did have possessions, that is, 6d worth, for which the sheriff is to answer.

Robert de Pennoby and John de Ardern put themselves in St. Giles church. Robert confessed to having committed multiple thefts and he abjured the realm before the coroner; he had no possessions. John came out of the church and surrendered to the king's peace; he was imprisoned in the Oxford gaol and before the justices of gaol delivery he was handed over by the sheriff to the bishop, as one convicted. His lay possessions [\[are worth\]](#) 2s., for which Thomas de Sancto Quintino formerly the vicar of St Giles is to answer – and because he took those possessions without permission, he is to be amerced.

William de Prene was killed opposite St. Mary Magdalene church by a certain Isaac son of Isaac de Polet, Jew. The first finder comes and is not a suspect. Isaac was captured and put in the king's prison at Leeds [\[castle\]](#) in Kent. Afterwards he comes and is in the sheriff's prison in Oxford.

The jurors present that a certain plot of land lying between the land of Simon le Bere and the land of Paul de Credynton is an escheat to the king, in consequence of the death of the Jew James de Lundon. It is worth 2s. a year. Another vacant plot of land lying between the land of Robert de Barton on either side, and worth 12d. a year, is an escheat to the king in consequence of the death of Richard de Cunford, by judgement of the court called Shortford. Similarly, another vacant plot that is an escheat to the king is in Stockwell Street, in St. Mary Magdalene parish, and is worth 12d. a year.

Concerning encroachments, they say that Gilbert le Marescal erected a **farrier's post** in the highway in St. Giles parish. Peter the smith similarly has a post next to the cemetery of St. Mary Magdalene in the highway. No rents are being paid on these to the king. They also say

that a certain stream used to run through the middle of Richard de Haleston's cellar, but Richard has blocked the channel through which the water took its course, to the nuisance of all the neighbours living around there. Richard has died and Nicholas his son now has control of the channel. The sheriff is ordered to have it unblocked at Nicholas' cost, and whatever is a nuisance etc.. As for the posts etc., the sheriff is ordered to have Gilbert and Peter appear. Subsequently, Gilbert and Peter came and requested permission to rent the posts for 12d. a year, with which [i.e. collection] Henry de Dymmok bailiff is to be charged.

The jurors present that a certain cookshop has been built in the highway, next to St. Mary Magdalene cemetery, which is not a nuisance to anyone. William the cook is the present tenant of the cookshop, rented from the king for 6d. a year, for which the sheriff answers at the king's Exchequer.

The jurors present that Henry fitz Milo took money to **remove** jurors from juries and assizes; he is therefore to be amerced.

Concerning withdrawals, the jurors say that the chancellor of the university holds a house in Horsemonger Street which used to provide the king with 12½d. in rent, regarding which he was accustomed to **make suit** at [the court of] the king's **hundred** outside the North Gate of Oxford [held] every three weeks, until he withdrew the rent and the suit, to the damage of the king in 16d. a year etc. Similarly, John Eu held etc. (refer here to what is in the next section). The sheriff is ordered to have the chancellor appear. Subsequently Master William Pickerel chancellor of Oxford came with the proctors of the university. He says that he found that the house and rent belonged to the university; the jurors testify the same. Therefore the king may have his writ against them, if he wishes. And William de Gyselham is told that he sues etc. that he makes suit against them etc.

Similarly, John de Eu holds a tenement outside the North Gate from which the king is accustomed to receive 23d. a year, until the last six months when the Master of Balliol College withdrew payment of the rent. He comes and cannot deny that the king received the rent until the Master withheld it. Therefore the 23d. annual rent is to be restored to the king, and the Master is to be amerced. The sheriff is ordered to have the chancellor appear. Subsequently Master William Pickerel

came etc. as is referred to above.

The jurors present that this hundred is the king's hundred and is worth £30 a year. Of which William Byset receives £10 a year. He being present says that the hundred was at one time within the jurisdiction of one of his ancestors, John Byset, who died seised of it. After his death, all the lands, tenements, rents and possessions were divided proportionately among his heirs. So that the £10 assigned him from this hundred belonged to his mother, who was one of the heirs of John Byset, and whose heir he is. He asks for an enquiry to confirm this; and the twelve jurors testify to the same.

John de Prene, brother of William de Prene, accuses Isaac son of Isaac de Polet of killing his brother William. **The court is informed** that on 29 May 1284 at vespers William was on the highway outside the North Gate, opposite the cemetery of St. Mary Magdalene, 12 feet from the wall on the east side of the cemetery, behaving peaceably, when Isaac came with felonious and premeditated intent and assaulted him. He struck him with a sword made of Cologne iron and steel, one yard long and 4 inches wide; he stabbed him under his right breast, three inches from the breast, and made a wound 4 inches wide that went as deep as the heart, of which William immediately died, in John's presence. This he did to him wickedly and feloniously, with intent to cause harm, and this John is prepared to **prove by his body** or in any way the court chooses. John also accuses Rebecca, wife of Isaac, of sending her husband Isaac to commit the felony on the stated day, year and hour, and of abetting in the felony; and this he is prepared to prove against her, as a man against a woman etc. Rebecca came but made no answer to the accusation.

Simon de Prene accuses the same Isaac of the death of his son William. He states that when William was behaving peaceably, at the said time and in the said place, Isaac feloniously and premeditatedly assaulted William, struck him with a sword, gave him a wound below his right breast, of which he died in the presence of Simon, his father. That he did this wickedly and feloniously, with intent to cause harm, he is prepared to prove as Christian against Jew or in any way the court chooses. He also accuses Rebecca of inciting, encouraging, and assisting, as above etc. Isaac and Rebecca came but made no answer,

nor said anything about [the accusation], except as above etc. John and Simon request judgement be given on those whom they have accused of homicide, appropriate to the charge and to a felony committed in breach of the king's peace. And they [i.e. the accused] make no answer, nor say anything, except that they do not wish to respond nor to submit themselves to a jury. Since they do not offer any kind of explicit defence, they [i.e. the plaintiffs?] request judgement be given on them as if they were undefended. Because Geoffrey de Pycheford, one of the justices, was not present, they were returned to gaol until 18 February. On which day he [Isaac] comes and, asked if he has anything further he wishes to say, he says that he is not guilty, and asks that an enquiry be made by Christians and Jews of London. John and Symon request judgement be given on him on the grounds he had already left the court as undefended; if he is now to be allowed to have recourse to entering a plea etc. or to submitting himself to a jury. Because Roger Loveday, one of the justices, is alone on the bench, since Richard de Boyland and Geoffrey de Pycheford had previously withdrawn, therefore Isaac is returned to gaol until other arrangements can be made for him.

John de Blekkel, an informer who has been hanged, accused Roger de Barton clerk of keeping company with thieves. So that, through his accusation, he [i.e. Roger] was arrested, [tried] before the justices for gaol delivery etc., and hanged. His possessions [are worth] 103s., which Master Roger de Rodwell former chancellor of the university of Oxford has received.

Concerning those indicted, they say that Adam de Irreis and Simon his son have disappeared in regard to burglary and harbouring thieves, and Walter Peny in regard to robberies and burglary of houses. All are believed guilty, therefore they are to be outlawed; they have no possessions.

Philip Campion was arrested for stealing grain and other thefts. He comes and denies committing theft; for better or worse, he submits himself to a jury. The jurors say under oath that he is not guilty of any crime. Therefore he is acquitted.

These are at present in the office of coroner in the suburbs of Oxford: Nicholas de Gersyndon and William de Ernesby. The borough of

Oxford: Nicholas de Kyngeston mayor, sworn; John Culverd, Thomas Sowey, chief bailiffs, sworn. **Jurors:** Nicholas le Orfevre, Ralph le Plomer, Henry de Gamage, John de Eu, Martin le Samplarer, John de Arderne, Hugh le Parmenter, Philip de Eu. Electors: Henry Oweyn, William de Wotesdon, Andrew de Pirye, John With. The borough outside the North Gate of Oxford: Henry de Dymmok. Jurors: William de Ernesby, Nicholas Rodeplante, John de Dodeford, John Brun, William le Long, Richard de Wolgaricote, William de Stokes, Adam le Wylde, Paul de Credinton, Nicholas de Gersyndon, Hugh de Mersh, Robert de Baron.

[Civil] pleas involving juries and assizes of the town of Oxford

John son of John de Lundon, who brought a writ concerning an annual rent of 18d. against Thomas Billyng, has not prosecuted. Therefore he and his pledges for prosecution (that is, Walter Persone and John Aynho) are to be amerced.

Adam le Mazoun of Oxford and his wife Isabella claim from Henry son of John le Gamage a tenement with appurtenances in the suburbs of Oxford, as the right and inheritance of Isabella. Into which Henry obtained entry only through Henry le Gamage, who thereby unjustly and without any judicial decision dispossessed Helena, the widow of William Scharppe and mother of Isabella, whose heir she is, after the first etc. Henry comes and says that Adam and Isabella can claim no rights in that tenement because, he says, Isabella wife of Adam, when a widow, freely **quitclaimed** to Henry and his heirs all her rights and claim that she had or could have in that tenement. He produces the quitclaim that evidences this and requests judgement be given etc. Adam and Isabella fully acknowledge that Isabella had, at an earlier time, made that document, but they say that the document ought not hinder them from bringing their action. For, they say, at the time when Isabella made the document she was in Oxford's prison, and made the document under forceful coercion. That this was the case, they ask to be enquired into by a jury. Henry states that Isabella made the quitclaim to him of her own free will, while she was single, by herself, uncoerced, and not in any kind of prison. Therefore it is decided that the case against Henry be dismissed, and Adam and

Isabella are to be amerced.

Hugh Karry claims from Thomas Lusewys and his wife Alice a tenement with appurtenances in Oxford, into which Alice obtained entry only through Matilda Cary, Hugh's kinswoman, whose heir he is, who leased it while Matilda was underage etc. Thomas and Alice came and fully acknowledged that Alice obtained entry into the tenement through Matilda Cary, but they say that at the time Matilda leased the tenement to Alice she was of the age of majority according to the usage and customs of Oxford. That this was the case, they submit themselves to a jury; Hugh does likewise, therefore a jury is to be convened. The jurors say under oath that Matilda, at the time she leased the tenement to Alice, was of full age according to Oxford custom, she being 15 years old. Therefore it is decided that the case against Thomas and Alice be dismissed, and Hugh is to be amerced (he was pardoned by the justices).

Richard de la Hide acknowledged that he owes Henry le Mareschall of Guildford £8, which he must repay at Michaelmas this year. He agreed that, unless he does so, the sheriff may recover it from lands and possessions. Afterwards he found pledges – that is, Simon fitz Guydo, William de Wodecote, and Nicholas de Brudicote – who are present and acknowledge themselves to be principally answerable for the debt. They acknowledge that, if Richard does not pay Henry the money within the prescribed period, that the sheriff may recover it from their lands and possessions etc.

Thomas de Orliens and his wife Alice give 6s.8d for licence to reach a settlement with Henry Oweyn concerning an action over real estate; they have an eyre.

Geoffrey le Carpenter claims from Stephen de Perham a tenement with appurtenances in Oxford as his right etc., into which Stephen obtained access only through Master Peter de Abyndon, who leased it to him and thereby unjustly etc. dispossessed Geoffrey after the first etc. Stephen comes and cannot deny the fact that Master Peter dispossessed Geoffrey. Therefore it is decided that Geoffrey may recover possession, and Stephen is to be amerced.

William de Wodestok, who brought a writ of prohibition of

attachments against Master Richard de Sancta Frideswyda, official of the Archdeacon of Lincoln, has not prosecuted. Therefore he and his pledges for prosecution (that is, Richard de Cantuaria and Thomas Feteplace) are to be amerced.

Walter Feteplace was attached to answer a plea brought by Richard de Cantuaria and his wife Amy, regarding why he assaulted Amy at Oxford, beated and ill-treat her, took and carried off goods and possessions worth £36.13s.4d that he found there, belonging to Richard and Amy, and inflicted other enormities upon them, to the damage of Richard and Amy and in breach of the peace etc. In regard to which the complaint is laid that when they were staying in the town of Oxford, in a certain house in which they had there goods and possessions worth £36.13s.4d, Walter came to the house on 23 August 1276 and, finding Amy there, assaulted and beat her, and took and carried off the goods of Richard and Amy found in the house; that is: wines worth £16.10s., vinegar worth £2.13s.4d, hay worth £7.6s.8d, wood worth 100s., an iron-banded barrel worth 6s., felt cloth, a coverlet and other goods and utensils worth £4.13s.4d. And he inflicted other enormities upon them. As a result of which, they say, they have suffered losses and damages in the amount of £66.13s.4d., and for that reason they have brought this action etc. Walter comes and denies the force and injury at any time etc. He states that Richard and Amice were renting the house from him for £6 a year, and that one year's rent was in arrears to him. For that reason, Richard and Amy cleared out and removed their goods and possessions from that house, to prevent them being **distraigned** upon for the arrears. He says that when he learned about this, he came to the house and distraigned on Richard and Amy by one tun of wine, for the arrears, and that he committed no other offence against them, nor inflicted any enormity upon them. He submits his case to a jury; Richard and Amy do likewise. Therefore a jury is to be convened. The jurors chosen by agreement of the parties say under oath that the facts are that Richard and Amy were renting a house in Oxford from Walter for £6 a year, and that Richard and Amy were in arrears for the annual rent. As a result of which, Walter came to the house on the date mentioned, found Amy there, and demanded that she give him immediately the £6 which were owing for the rent of the house, otherwise he would evict Richard and Amy with all the goods and possessions in the house. Because Walter did not receive immediate satisfaction for the £6, he

straightaway took Amy by the shoulders – and her children likewise – and threw them out of the house, and he beat Amy and violently mistreated her; and he took and carried off goods and possessions of Richard and Amy to the value of £10. Asked if Richard and Amy owed Walter £6 from [the rent of] the house, they say no, only £1. Therefore it is decided that Richard and Amy may recover the £10 from Walter, together with damages which are assessed by the justices at £10.

Andrew de Harecourt, Richard de Elfynton, and John de Heldelesley each individually acknowledged that he owes to Queen Eleanor, the king's mother, 100s. which he is to repay within a fortnight of Michaelmas this year. He agreed that, unless he does so, the sheriff may recover it from lands and possessions etc.

Claremunda the widow of Henry Whirll claims from Thomas Feteplace one-third of a tenement with appurtenances in North Osney next to Oxford, as dower right in regard to her late husband Henry etc. Thomas comes and says that Claremunda ought not to have any dower right therein, because Henry the late husband of Claremunda never had possession of the tenement as his property in a way that would allow her dower right. That this is the case, he submits himself to a jury; and Claremunda likewise. Therefore a jury is to be convened. On the fourth day afterwards, Claremunda appeared in court to prosecute against Thomas, but he did not come. Therefore the sheriff is ordered to take the third part [of the tenement] into the king's hand and to summon Thomas to be here tomorrow to hear their judgement etc.

Alice widow of Richard de Ebsofend claims from Walter de Witney one-half of **a cellar and a solar** with appurtenances in Oxford, as is her right etc. through a gift from Walter le Goldsmyth, who gave possession thereof to her and her first husband, William atte Montes, and to which Walter [de Witney] obtained entry only through Richard, Alice's late husband, leasing it to him – which she could not forbid while he was alive. Walter comes and denies her right therein etc., saying that Alice can claim no right in the tenement as a result of Walter le Goldsmyth's gift, because it was her husband who thereby acquired rights therein. Consequently, he says, Alice never had any [rights] in it, except through her husband William who had the rights in that tenement. That this is the case, he submits himself to a jury; and

Alice likewise. Therefore a jury is to be convened. The jurors chosen by agreement of the parties say under oath that the tenement was the right and acquisition of William, her late first husband, in the absence of Alice having been given [explicit] joint possession with him therein. Therefore it is decided that the case against Walter be dismissed; Alice is to receive nothing through her writ, but is to be amerced for making a false claim.

Roger son of Stephen Bodyn claims from Mary, widow of Geoffrey le Orfevre, via a writ of right, 4 tenements with appurtenances in the suburbs of Oxford, as his right.

Adam Gray of Banbury gives 6s.8d for licence to reach a settlement with Henry de Dene and his wife Alice, concerning an action over real estate; they have an eyre.

Ralph Bodyn claims from John le Luminour and his wife Alice a tenement with appurtenances in the suburbs of Oxford as his right etc., in which John and Alice obtained entry only through Alan Tele, who leased it to them, thereby unjustly etc. dispossessing Robert Bodyn, Ralph's father, whose heir he is, after etc. John and Alice come and fully acknowledge having obtained entry in the tenement through Alan Tele, but they say that Alan did not dispossess Ralph's father Robert thereof, because Alan had entry into the same by renting it from Robert, not by dispossessing him. That this is the case, they submit themselves to a jury, and Ralph likewise. Therefore a jury is to be convened. Afterwards Ralph requests, and obtains, licence to withdraw his writ.

Adam Londyne was summoned to respond to the plea of Matilda, widow of Philip de Leycestre, that he pay her £9.6s.8d, which he owes her as arrears of rent of 26s.8d annually. In that regard she complains that although Adam is obligated, via a written commitment, to Matilda for an annual rent – paying 6s.8d each at Michaelmas [29 September], the Nativity of St. John Baptist [24 June], and Christmas [25 December], **and so on** from year to year at the same dates throughout Matilda's lifetime – Adam has withheld the annual rent for the last seven years and continues to withhold it, so that she has suffered losses and damages in the amount of £13.6s.8d; and for that reason she has brought this action etc. Adam comes and they reach a

settlement; Matilda give 13s.4d for licence to settle the plea against Adam. It is settled in this way: Adam acknowledges that he owes Matilda the annual rent and will henceforth pay it to her at the agreed dates; on that understanding, Matilda releases him from the arrears and damages.

John de Morshe was summoned to respond to the plea of John de Insula that he pay him £3.15s.6d, which he owes him but unjustly withholds. In that regard he complains that on 10 September 1284 he handed over to a certain Walter de la Morshe his possessions, to the value of the stated debt, and John de Morshe became a pledge for Walter to repay him the debt, through John de la Morshe, at Michaelmas following. But John de Morshe has always withheld repayment and continues to do so, as a result of which he says he has suffered losses and damages in the amount of 100s.; and for that reason he has brought this action. John de Morsh comes and denies force and injury etc. and denies completely that he ever became the pledge of Walter regarding that debt; this he is prepared to defend against him and his suit, by whatever means the court decides.

Therefore it is decided that he shall **wage his law** in regard to the £8, and may come with his law tomorrow; pledges for doing his law: William de Grandone and Adam de Kingesham. Afterwards, John [de Morshe] performed his law, and the case against him was dismissed. John de Insula is to receive nothing through his writ, but is to be amerced for making a false claim in his plea. Also to be amerced: Henry de Tynesham and Walter Feteplace [pledges for prosecution].

John son of Nicholas Hedrich who, it is said, is of the age of majority claims from Peter de Lokyng a tenement with appurtenances in Oxford as his right etc., which John leased to him while he was underage. Peter comes and denies his right, when etc. and he says that when John leased him the tenement John was of the age of majority according to the custom of the town of Oxford, and not underage. That this is the case, he submits himself to a jury; and John likewise. Therefore let a jury be convened. The jurors say under oath that John was 15 years old when he leased the tenement to Peter, the age of majority according to custom of the town of Oxford, and not underage. Therefore it is decided that the case against Peter be dismissed, and John [is to receive] nothing through his writ, but is to be amerced for making a false claim.

The king sent order to his itinerant justices by his writ in the following words: "*Edward by the grace of God etc. to his justices next travelling through the county of Oxfordshire, greetings. Because our well-beloved in Christ the Abbot and Convent of Abingdon claim, by reason of charters of our predecessors formerly kings of England, to have certain franchises for themselves and their men of Culham, which franchises in every judicial eyre previously held in the county, so they claim, have been applied and enjoyed, we order you to allow the abbot and his men to have, apply and enjoy their franchises before you, to the same extent that they were reasonably applied and enjoyed in previous eyres in the county. Witnessed etc.*"

Roger son of John Owyn of Boxore claims from Henry Gamage and his wife Beatrice a tenement and a mill with appurtenances in Oxford as his right etc., into which Henry and Beatrice obtained entry only through Walter le Monner, to whom Emma de Boxore, Roger's grandmother, whose heir he is, leased it to Walter for the term of his life, with reversion [thereafter] to Roger. Henry and Beatrice come and say that they are not the tenants of the entire tenement sought from them, because John Culverd and his wife Christine are tenants of part of the property, and were tenants on the day when the writ was issued (that is, 3 January of this year). That this is the case, they submit themselves to a jury; and Roger likewise. Therefore a jury is to be convened. The jurors chosen by agreement of the parties say under oath that Henry and Beatrice are not tenants of the entire tenement that Roger is seeking against them, nor were they tenants on the day the writ was issued. Therefore it is decided that the case against Henry and Beatrice be dismissed, and Roger is to receive nothing through his writ, but is to be amerced for making a false claim.

Walter Feteplace was summoned to respond to the plea of Richard de Chalgrave that he be held to a contract made between Hugh de Chalgrave, father of Richard, whose heir he is, and Walter regarding a tenement with appurtenances in Oxford. Regarding which he complains that Walter leased to Hugh the father of Richard, whose heir he is, the tenement with appurtenances on 29 September 1278, to be held by himself and his heirs for the full 10 years following. Hugh was in possession thereof for barely a month when Walter evicted Hugh from the tenement, as a result of which he says he has suffered

losses and damages in the amount of 100s.; and for that reason he has brought this action. He produces a document under Walter's name which evidences the lease. Walter comes and fully acknowledges as his the document and what it contains, but says that he never evicted Hugh from the tenement, nor ever acted contrary to the contract. That this is the case, he submits himself to a jury; and Richard likewise. Therefore a jury is to be convened. The jurors chosen by agreement of the parties say under oath that Walter did not evict Hugh from the tenement and that Richard is now the tenant under the contract, and that he [i.e. Walter] never acted against that contract. Therefore it is decided that the case against Walter be dismissed, and Richard is to receive nothing through his writ, but is to be amerced for making a false claim (pardoned by the justices because he is underage).

Elias le Quilter was summoned to respond to the plea of Master Ralph de Hadham that he be held to a contract made between them concerning a tenement with appurtenances in Oxford. Regarding which, he complains that Elias, on 11 August 1284, leased to Master Ralph a messuage with appurtenances in Oxford for Elias' lifetime, paying for it whatever was required by taxations of the town of Oxford. Ralph was in possession of the same for one month under the contract when Elias evicted him and denied making the contract; as a result of which he says he has suffered losses and damages in the amount of £10; and for that reason he has brought this action. Elias comes and fully acknowledges the contract, allowing Ralph to have the house during the lifetime of Master Elias, in return for paying each year whatever was required by taxations of the town of Oxford. Upon this comes forward a certain Philip, son and heir of a certain Oliver who had rights in the house. He states that his father Oliver died in possession of the tenement, as part of his lordship and property; after whose death he himself entered into the tenement, as his right and inheritance, and always remained in possession of it, and still is. Philip requests that no contract be made between Elias and Master Ralph that will disinherit him. Master Ralph states that Elias le Quilter, on the day he leased him the tenement, was himself in possession of that tenement, as a freeholding, and requests that an inquiry be made into this by a jury. The jurors say under oath that Oliver, Philip's father, died in possession of the tenement and, they say, in his last will he left the tenement to Margery the wife of Elias for Margery's lifetime. They say that after Elias and Margery took

possession of the tenement through the legacy, Elias made a contract with Master Ralph concerning the tenement. Therefore it is decided that Elias may be held to the contract (as specified above) with Ralph, and the sheriff is ordered to ensure Ralph is given possession.

John son of Nicholas Hedrich claims from Richard le Barbur and his wife Mary a shop with appurtenances in Oxford, into which Richard and Maria obtained entry only through Robert de Flecham, parson of St. Mary's Oxford, to whom Peter de Kyllin[gworth?] leased it, thereby unjustly and without any judicial decision dispossessing John thereafter etc. Richard and Mary come and call on Robert de Flecham to **warrant** [their right]. He comes upon summons and [says that] he warranted to him [Richard? John?] and rented the shop to John. Therefore it is decided that John may recover possession from Richard and Mary, who may have compensation from the property of Robert, and Robert is to be amerced.

Master Ralph le Taillour of Oxford was summoned to respond to [the plea of] Richard de Cantuaria that he pay him 100s. that he owes him and unjustly withholds. Regarding which, he complains that on 1 August 1272 in Oxford he handed over to him in coin and other goods, and in food and drink, items worth the said amount, by a certain **tally** which he made him [and] which he produces as evidence of the matter; Master Ralph was due to pay him the money on 1 November following, [but] Master Ralph always withholds the money and refuses to repay, to Richard's damage in the amount of 100s.; and for that reason he has brought this action. Ralph comes and fully acknowledges the debt and that he made the tally. Therefore it is decided that Richard may recover the debt of 100s. from Ralph along with damages which are assessed at 40s., and Ralph is to be amerced etc. Damages, 40s.

Alice widow of William atte Montes claims from Walter de Witney and John atte Montes one-third of a tenement with appurtenances in Oxford, as dower etc. Walter and John come and they say that Alice, after the death of William her late husband, was in possession of that messuage under name of **free bench** and was thereby in possession for over 40 days. They say that the custom of the town of Oxford is such that when any wife after the death of her husband shall continue

in possession of any tenement, under name of free bench, for 40 days or more and afterwards remarries, that she shall forever after be excluded from seeking the said tenement by an action of dower, and [on these grounds] they request a judgement. Alice says that she never had any [possession] of the tenement under name of free bench, except by way of **nurturing** Robert, the son and heir of her late husband William. That this is the case, she submits herself to a jury; and John and Walter likewise. Therefore a jury is to be convened. (And **Simon Balle and John de Hastings** pledges did not come, therefore they are to be amerced). The jurors say under oath that the custom of the town is such that when any wife has possession for 40 days of any tenement previously her husband's, under name of free bench, and afterwards remarries, that under no circumstances may she have dower right in that tenement. They say that Alice had possession of the tenement for 40 days after the death of her husband, by claiming her free bench therein. Therefore it is decided that the case against Walter and John be dismissed, and Alice is to be amerced.

Alice widow of Robert Bodyn claims from John le Luminour et his wife Alice one-third of a tenement with appurtenances in the suburbs of Oxford, and from the Prior of St. Frideswide in Oxford one-third of a tenement with appurtenances in that town, as dower etc. John and the Prior come and the Prior, by licence [of the court], concedes her dower right, therefore she may have possession thereof etc. As for John and Alice and the third part claimed from them, they say that she ought not have dower therein because, they say, Alice's late husband Robert, from the day on which she married him never had possession of that tenement as part of his property so that she could have dower therein. That this is the case, they submit themselves to a jury; and Alice likewise. Therefore a jury is to be convened. The jurors say under oath that the tenement belonged to Alan Tele, who sold it to Robert the late husband of Alice and put him in possession of it. Robert had possession of it for 6 years and, pulling down its walls, carried off and sold the building stones and timbers; after the 6 years had ended, Robert returned th tenement to Alan as his right, and Alan afterwards sold it to John and Alice. And because the jury finds that Robert the late husband of Alice was in possession of the tenement as part of his property on the day when he married her, it is decided that Alice may recover her possession thereof; and John le Luminour and

his wife Alice are to be amerced.

Adam Londyn was summoned to reply to the plea of Matilda widow of Philip de Leycestre that he give her £22 which he owes her and goods to the value of £16.10s. which he unjustly withholds from her. Regarding which, she says that on 29 September 1274 Adam received £6 from the Friars Preacher of Oxford, in Matilda's name; at the same time Adam was obligated to her in the sum of £14.13s.8d for the hire of a house which Matilda has rented Adam for the term of her life. Similarly, he had from her other possessions which belonged to Matilda as a legacy from her late husband Philip, to the value of £22, and to the present day he detains those and russet and other cloths to the value of £16.10s., which he should have paid her the Michaelmas following. Adam withholds the debt up to the present and refuses to repay her, so that she has suffered losses and damages in the amount of £40; and for that reason she has brought this action. Adam comes. Afterwards they reach a settlement, and Matilda gives 13s.4d for licence to settle on security [given] by Adam. It is settled in this way: Matilda forgives Adam all the aforesaid debts and goods, in return for which Adam acknowledges and concedes to Matilda 13s.4d annually, received from the lands and tenements he now holds in the town of Oxford, [payable] at the 4 terms of the year in equal portions. And he concedes that, as often as this rent shall be in arrears, that the sheriff then in office may recover the rent from his tenements.

John son of John de Lundon claims from Alice daughter of Nicholas de Kyngeston a tenement with appurtenances in Oxford, into which Alice obtained entry only through Nicholas de Coleshull, to whom John leased it for a period which has expired. Alice comes and states that she did not obtain entry into the tenement from Nicholas but, on the contrary, from John. That this is the case, she submits herself to a jury; and John likewise. Therefore a jury is to be convened. The jurors chosen by agreement of the parties say under oath that Alice obtained entry into the tenement from John, not from Nicholas. Therefore it is decided that the case against Alice be dismissed and John is to receive nothing through his writ, but is to be amerced for making a false claim (pardoned by the justices).

The end.

DISCUSSION

The eyres were, in a sense and by this date, as much an enquiry into legal administration as into crimes. Part of the role of coroners was to act as the local officers servicing the eyre, in terms of investigating crimes when they happened, recording what they discovered, and apprehending suspects (where possible) for presentation before the king's justices when they next came to the locality.

The other side of that coin is that eyres were to ensure the king received the revenues due him both from crimes (notably confiscation of the possessions of convicts and outlaws) and from the fines assessed on those who had failed in their duty or who were considered to have wasted the court's time with false accusations. It will be noted that most of the "punishments" meted out by the eyre justices bore no direct relation to the crimes reported (many of which were not just past history but distant history). They instead were fines on communities or individuals who were judged to have neglected to do their legal duty. For example, wards or tithings were amerced in the cases of criminals who had evaded arrest; the amercement was because the ward or tithing had primary responsibility for submitting any errant members to justice.

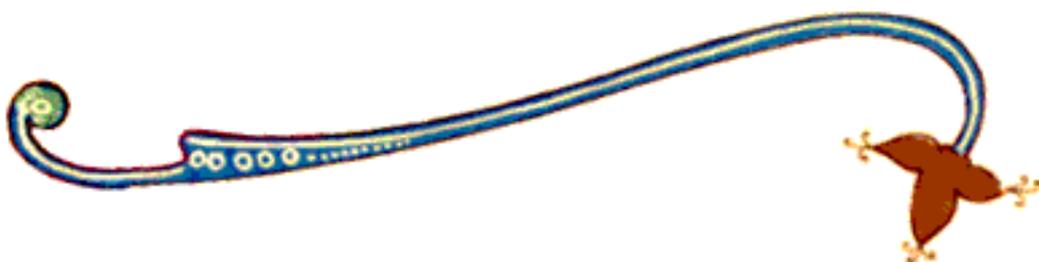
To portray the eyres purely as a mechanism for safeguarding the king's fiscal rights is too cynical an assessment, even though this may have been their chief purpose at their beginning. By the late thirteenth century, and as they declined in the early fourteenth, the eyres did not make so high a profit to warrant any suggestion that the revenues were the principal motive for their use. They came to play a role in the effort to impose a more standardized system of justice across the kingdom. From *ad hoc* royal commissions intervening in local judicial administration when problems arose, they developed into a more regular and systematized part of the machinery of royal government, a century before the 1285 eyre whose proceedings at Oxford were recorded. This despite the fact that there were not enough travelling justices to visit each locality more than once every few years – the early intent having been every seven years, although the actual interval was often greater. The eyres also had a part in the broader effort of the king to assert the authority of his centralized government, particularly given the struggle for power between king and barons. The

eyres dealt primarily with crown pleas – criminal cases – although they could also entertain civil law suits. Over a hundred cases in these categories were brought before the itinerant justices at their Oxford sessions in early 1285 – sessions which evidently lasted a few weeks and would probably have been held in Oxford castle.

Following the civil wars and other regional disruptions during Henry III's reign, which provided opportunities for abuses of local government or usurpations of powers by local lords, Edward I instituted in 1274 a nationwide enquiry. This was followed up by empowering the justices in eyre to adjudicate all complaints received along those lines. Quo Warranto proceedings, which were bundled up with the business of the Oxford eyre, specifically concerned investigations of jurisdictional privileges claimed by some party, and insisted on the party demonstrating the authority by which they claimed to possess those privileges. This was not a new procedure, but one employed more extensively and aggressively by Edward I than by his father. In many cases it was necessary for those challenged to produce a document whereby some king had granted the privilege; although for ancient privileges, the claim to have exercised them from time immemorial was often allowed. Edward's aim was not so much to suppress unwarranted privileges (those discovered were often granted to the claimant in return for an appropriate payment) as to ensure that all privileges were documented and it was made clear that all jurisdictional authority came via by delegation from the king.

Civil cases involving disputes over real estate were typically initiated by the plaintiff having obtained from the king a writ (e.g. of right, of intrusion, of novel disseisin, of dower). Personal actions were more likely to be initiated by the plaintiff appearing before local authorities and laying a complaint.

The years from 1264 to 1278 had been particularly troubled times at Oxford, with hostilities between various parties. The findings of the eyre reflect that.



NOTES

"Englishry"

This was something that originated soon after the Conquest. To help protect the hated Normans from the vengeance of the subjugated Anglo-Saxons, a special fine was imposed for the murder of any Norman if a community could not produce the slayer. The courts automatically assumed a homicide victim was Norman; so, to avoid the fine, a community had to show that the victim was English. As this proof could sometimes be difficult, boroughs sought to obtain charter exemptions from proof of **Englishry**.

"he is a clerk"

Henry de Hengestese's claim of benefit of clergy would allow his case to be tried before a more lenient ecclesiastical court.

"it is to be amerced"

The Southwest Ward was **amerced** for Philip's crime because of **communal responsibility** for discouraging illegal behaviour of its members.

"North Osney"

A suburb to the north-west of the town.

"first finder"

The first finders of corpses were expected to appear to present evidence, not least in order to clear themselves of any suspicion of guilt or complicity.

"failed to pursue"

Pursuit by those in the vicinity of a crime was an obligation once hue-and-cry was raised. Discovery of a what appeared to be an accidental death still required raising the hue, although pursuit was not required.

"delivery of the gaol"

Gaol delivery was a type of court session held periodically by the king's justices or commissioners, necessitated in part because of the infrequency of eyres.

"for that reason"

Oxford's constitution was modelled after that of London, by grant of the king (1155). Interestingly, the townsmen did not think of imitating London in disclaiming an obligation to effect hue-and-cry.

"Newgate"

The principal London gaol.

"great bridge"

The "great bridge", Grandpont, was in fact a long causeway over the Thames on

the south side of Oxford, which had probably existed since Anglo-Saxon times although rebuilt after the Norman Conquest; the bridge proper that was part of the Grandpont causeway was South Bridge.

"Smith Gate"

Smith Gate was in the northern stretch of the city wall, but to the east of North Gate, one of the principal entrances.

"Stockwell Street"

Stockwell Street ran through Walton (just northwest of the walled circuit) towards the castle on the west side of town.

"Holywell"

The suburb immediately north-east of the town; as early as 1086 it was a manor distinct from the town itself. Oxford authorities had tried to claim, in 1279, that Holywell was within its jurisdiction, and appears to have been taking the same position in the 1285 eyre. It met little success, but continued the efforts into the next century.

"Little Jewry"

The Jewish quarter, which included Little Jewry, was located around St. Aldate's Street, within a comfortable proximity to the refuge of the castle.

"outlawed"

Outlawry was not an immediate sentence, but preceded by exaction (expressed in the Latin, but in my translation taken for granted as part of outlawry): summoning of the criminal to answer to justice. After a certain number of exactions failed to produce results, outlawry could be pronounced.

"the country"

This means the people, in the form of its representatives, the jury.

"body of the Lord"

Consecrated wafers, for purpose of communion.

"deodand"

The value of items that were considered the causes of deaths was important since those items (or their value) were forfeit to the king as "deodands".

"Bogo de Clare"

Lord of the manor of Holywell, within the liberties of Oxford, which inevitably would have brought him into dispute with the borough authorities over jurisdiction. This lordship included rectorship of some suburban churches.

"Binsey"

A hamlet within the liberties of Oxford, lying on the northwestern boundary of those liberties.

"Thomas Marescalli"

He was considered responsible for his servant John's behaviour, just as a tithing was responsible for its own members.

"clipped coin"

Coin clipping was a capital crime. It involved cutting small pieces off minted coins, in order to melt down the metal and forge new coin.

"deceitfully conspired"

Cases of treason were serious enough that it was not mandatory for there to be a specific accuser; general suspicion was sufficient to warrant a trial to occasion a trial.

"Llywelyn the former Prince of Wales"

Llywelyn ap Gruffydd, Prince of North Wales, had been a longtime opponent of Edward I, resisting the latter's efforts to conquer Wales; he allied himself by marriage with the de Montfort family, themselves old enemies of Edward, but was killed during a rebellion in 1282.

"Concerning churches"

I.e. (the **article** specified) those whose advowson belonged to the king to bestow on a favourite or supplicant.

"St. John's Hospital"

First heard of in 1180, it appears originally to have been a hostel for travellers. In 1231, it was converted into a place for tending the sick (excluding the incurable, such as lepers), and the king turned over to it part of the Jewish cemetery for a new building, whose construction he probably financed. The king later (1245) granted the hospital exemption from the local **hundred courts** and **frankpledge**.

"one perch"

About 30 square yards.

"Merton College"

Merton was the first college founded at Oxford (despite earlier, but unrealized, plans for Balliol and University Colleges), and is still governed by a warden. **Walter de Merton** was Henry III's chancellor at the time he drafted statutes for the college in 1264, apparently thinking first of a Surrey location, but in the years that followed acquired property to house it at Oxford. He later became Bishop of Rochester.

"for the defence of the town"

A rare use of *municipium* here as the term for a town; perhaps the context of the town as defensive fortification explain it. The term *burgus* also seems to be used, on occasion, in that context, as if hearking back to the original concept behind the burh.

"Godstow"

The abbey of Godstow, founded in the 1130s, stood just outside the northwestern limits of the boundary of Oxford's liberty. However, the abbess of Godstow had a manor in Walton, closer to the town. In 1276 it was reported (in the Hundred Rolls) that the abbess had encroached, by enclosure, on 60 acres of the king's demesne and common pasture of the town. In 1281 the king ordered her arrested and produced before parliament apparently to answer the encroachment charge. The complaint before the eyre appears to have been some remnant of that.

"Rewley"

Rewley was a Cistercian abbey founded in 1281 by the Earl of Cornwall. It was located on a part of North Osney that was surrounded by branches of the Thames. The derivation of the name is from the Latin *loco Regali*.

"Cowley"

In Cowley, to the east of the town, stood a Templars house; preceptor was the name of the governor of a Templars' (or Hospitallers') community.

"escheats"

An escheat was the right of a landlord to take back directly into his own hands property of tenants who had died without heirs or had been convicted of a capital crime, notwithstanding the possible existence of some intermediary landlord. The king was considered the lord of all Jews and their property.

"green wax"

The "green wax" was a particular type of payment, whose record was sealed with green wax. The king had special officers responsible for travelling to localities to pick up those incomes.

"kiddles and starkells"

Kiddles were a kind of moveable weir, employing either a net or a wicker or wooden basket type structure. Starkles were also some kind of trap for fish. Both devices were illegal, and the articles of the eyres specified investigation of the use of those two types of trap.

"manciple"

An officer of a university college whose duties were similar to those of a steward, e. g. ensuring the household was provisioned.

"King Henry the elder"

In fact Oxford obtained its fee farm in 1199; here it was either dubiously claiming greater antiquity for that, back to Henry I (see next note) or **Henry II**, or it was referring to a confirmation of Henry III.

"St. Bartholomew"

St. Bartholomew's was a hospital on the edge of **Cowley**, near Cowley Marsh, founded by Henry I to support 12 lepers and a chaplain. Henry I had assigned to each of these 13 persons the sum of 1d. per day for food and 5s. per year for clothing, to be taken from the Oxford farm. It was situated within the manor of

Headington, and its advowson belonged to the lord of that manor.

"return of writs and their estreats"

Return of writs was a privilege indicative of a level of self-government. It further excluded from jurisdiction within the town the county sheriff (already displaced by the burgesses having taken responsibility for the borough farm off his hands), who would otherwise have power to execute the commands in royal writs; instead, return of writs gave the town authorities power to deal with the writs and, if necessary, report back to the king thereon, as well as to collect any related revenues (estreats) and account directly for them.

"gallows, pillory and tumbrel"

This was a fairly common grouping of terms, reflecting administration over a range of offences. Having a gallows implied jurisdiction over criminals caught red-handed in a felony, which allowed the town authorities to hang them without waiting for the next local session of royal justices. The tumbrel was a small cart, capable of being tipped on its axle, used for parading offenders, to punish them by shaming them publicly.

"annual fair"

The significance of the fair, as far as these proceedings were concerned, was that during fair time the borough court was suspended and administration of justice was through the prior's court.

"feast of St. Frideswide"

Frideswide lived in the early 8th century, although little historically certain is known of her, and became Oxford's patron saint and – according to legend – the **rationale for Oxford's foundation**. It does seem plausible that the later legend of the saint reflects historical events in her founding a monastic community of some sort, outside whose gates a community developed (servicing the religious community) that was the kernel of Oxford. The church, where she was buried, was converted to an Augustinian priory in 1122. A fair held on the eve and feast of St. Benedict and the following five days (10-16 July) was transferred to the priory at that time, and the sheriff compensated for loss of revenue from the transferral, but in 1228 the date was changed to the eve and feast of St. Frideswide and the five days following (18-24 October). In 1279 the prior had claimed the right, because of the fair, of receiving tolls taken in the town during the fair, and of holding a court and assizes of bread and ale in that period. The borough authorities challenged these jurisdictional claims in the late 13th and early 14th century.

"duplicitous"

I.e. through bias, have obstructed bringing the culprits to justice, failed to convict them, or have been lenient in punishing them.

"oath of office"

I am making the assumption here that a promise to uphold the university's privileges was part of the broader oath of office taken by newly-elected officers, as opposed to a special oath taken exclusively with regard to that duty. The latter is, however, a possibility, based on other possible translation of the text.

"William de Eboraco"

Bishop of Salisbury in 1248.

"inspection of bread and ale"

Inspecting bread and ale, to ensure correct quality and quantity, was the first step in administering the assizes.

"three nights"

After a three-night stay, the host became responsible for the behaviour of any of his guests, as if the latter were a member of his household.

"arbitration ... incapacitated"

I am uncertain of the correct translation of this passage; referring to the clerk as "proteruus" (brash, impudent), as per the transcription, seems to make no sense in the context, so I am hypothesizing a connection with *proterere*.

"lays claim to him"

What is referred to here is that cases in which students were defendants were to be tried in the chancellor's court, not that of the borough.

"broached"

I.e. once the cask, barrel, pipe, etc. has been pierced with the intent of selling the wine by retail, as opposed to wholesale (in which case, price would depend on the mercantile negotiation).

"four aldermen and eight more judicious and law-abiding burgesses"

The four aldermen – one per ward – and 8 burgesses comprised a town council of 12 townsmen; we need not assume this charter marked the institution of such a council, although it may have confirmed an institution that had not long existed (formally, at least), and is generally thought to have fixed the number of aldermen at 4.

"prise"

In effect, a toll.

"suburb outside the North Gate"

The suburb outside the North Gate was part of what has been called, variously, Bullingdon Hundred, Headington Hundred, and Northgate Hundred, due to its confused origins; the hundred was associated with Headington manor which had territories on several sides of the town, and Bullingdon had earlier been one of two hundreds attached to the manor, until a redivision of territory which gave birth to Northgate. It did not become administratively part of Oxford, except in a few special areas of jurisdiction, until 1592. This hundred had its own coroners, the lord of the manor his own court and prison.

"Hugh de Plesetis"

Hugh de Plesentis was lord of Headington manor ca. 1279.

"St. Mary Magdalene" "St. Giles"

Parish churches within Northgate Hundred.

"has been hanged"

Why Alan le Taylor was hanged is not clear, unless the jury felt he was an accessory to the crime.

"farrier's post"

Although the Latin *trabes marescall* is a little vague, I am hypothesising that what is referred to is some kind of structure (possibly no more than an upright post) to which horses were tied while Gilbert shod them. However, the structure might have been some kind of a shoeing stall.

"remove"

The transcription reads *admonendis*, which would suggest the coroner's crime to be (fore)warning residents, so they might avoid jury duty. However, one of the articles that eyres were occasionally ordered to investigate concerned officers taking bribes to find reasons to remove individuals from juries. I therefore suspect the reading should have been *amovendis*.

"make suit"

All property-holders owed suit of court to the hundred (or equivalent jurisdiction) where the property was located; this entailed an obligation to bring any pleas related to the property before that court, and to attend the major gatherings held a few times a year.

"The court is informed"

The evidence by which "the court is informed" (*doctum est*) has more the ring of a report based on the coroner's findings, rather than a statement by the plaintiff.

"prove by his body"

To prove by one's body refers back to a time when accusations were more commonly settled through trial by combat; the defendant could accept combat or put himself "on the country" (i.e. trial by jury). John could not make the same offer of combat in the case of the wife.

"Jurors"

The jury for the borough of Oxford must have included the electors too – those four probably co-opting the other eight. Membership included some of the most prominent citizens (reflecting the importance of the eyre): Nicholas le Orfevre, Ralph le Plomer, John de Eu, Philip de Eu, and Henry Oweyn had all served as town bailiffs during the previous two decades (Oweyn also as mayor), while Henry Gamage would serve in that post in 1286, and Andrew de Pyrie, William de Wotesdon (or Wodeston) and John With a few years later.

"quitclaimed"

To quitclaim was to turn over all legal rights in, or claim to, a property to another. When someone acquired a piece of real estate, it was advisable to extinguish any

possible legal rights of, or future court challenges from, close relatives of the former owner, by having legal records made of quitclaims (both in the form of a witnessed document stating the transaction and, if possible, in an enrolment of that document in borough records).

"a cellar and a solar"

I.e. a modest building with a lower level used for storage and/or business and an upper level for living quarters.

"and so on"

The fourth date for the rent instalment due Matilda is missing; it would probably have been the feast of the Annunciation of the Blessed Virgin Mary (25 March).

"warrant"

"Vouching to warrant" was the right of a defendant in an action involving real estate. It meant calling on the person who had transferred his or her right in a property to the defendant (whether permanently or temporarily, as through a lease) to confirm the legality of that transaction.

"tally"

A tally was a simple record of a financial transaction, typically a notched wooden stick, taking the place of a written record in a lay society that was largely non-literate.

"free bench"

The right of a widow to remain in possession of the house in which she and her late husband lived during the rest of her lifetime. See the **Ipswich custumal**.

"nurturing"

I.e. guardianship; see the **Ipswich custumal**.

"Simon Balle and John de Hastings"

They are here described as "rectati" – those who stand (a party) to right; though whether this means pledges for the plaintiff or defendants, I am not sure. Whether their default occurred at the original presentation of arguments or when the jury was convened is also not clear; probably the latter.



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Keywords: medieval Norwich eyre indictments crime detection felony housebreaking theft hue-and-cry coroner abduction intimidation arson

Subject: Cases presented before the Norfolk eyre

Original source: Norfolk Records Office, Coroners' Roll, mm.2-3

Transcription in: William Hudson and John Cottingham Tingey, eds. *The Records of the City of Norwich*, vol.1 (Norwich: Jarrold, 1906), 204-07.

Original language: Latin

Location: Norwich

Date: 1260s

TRANSLATION

Katherine the wife of Stephen Justice brings an accusation against Ralph fitz Robert, Andrew le Gaoler, William Virly glover, William Gredi, Walter de Derham, John the servant of Nicholas de Ingham, Nicholas formerly the servant of Nicholas de Lopham, and Nicholas le Gayver. She says that when she was in the peace of God and the king, in the house of her husband Stephen Justice in **Fybrigate**, in St. Clements parish, in the town of Norwich, on the night of 22 November 1263, there came Ralph, Andrew, William, William, Walter, John, Nicholas, and Nicholas feloniously, with premeditated intent [to make] a felonious assault in infringement of the king's peace. They smashed her **oak gates** and broke the metal hooks and hinges with poleaxes, wedge-shaped axes, swords, knives, and maces and threw them into the courtyard. Entering feloniously, like felons, they broke down the pine doors into the hall, broke the hinges and iron-work of the doors, broke the chains and bars and the oak shutters of the windows, again just like felons, and after that feloniously entered the chamber of the hall by its southern doorway and robbed that chamber. That is, [they



stole] two swords worth 3s.6d, a dagger with an ivory handle worth 12d., an iron breastplate worth 10d., an iron club worth 4d., a cuirass of iron-plated cowhide worth 6s.8d, and a **gambeson**. Afterwards they left that chamber and feloniously went into the hall, where the corpse of her husband Stephen lay on a bier; they burned it, together with a Rheims blanket worth four shillings that covered the bier and likewise a linen sheet worth 18d. This felony, robbery and burglary Ralph **[etc.]** and Nicholas carried out on that night of that year, carrying off by robbery, as felons, what was mentioned above. Katherine immediately raised **hue and cry** from street to street, from parish to parish, and from house to house, until she came into the presence of the bailiffs and coroners, and from that time she pursued the matter against the accused so that it would be tried in the king's court. They also stole a woven linen cloth worth 5s. and a **perse** hood **[lined]** with squirrel fur worth 10d. The bailiffs are ordered to arrest the accused. The bailiffs are to answer for it. Pledges for the prosecution: John de Heylesdone and William de Catton.

[...]

Memorandum that Henry Turnecurt and Stephen de Balsham were killed in Norwich, in the parish of **St. George in front of the gate of Holy Trinity** on 1 May 1264. The coroners and bailiffs came to the location and held an inquisition. The inquisition having been concluded and a written record having been made, there later came master Marcus de Brunhale clerk and Ralph Knict with many others threatening to cut the coroners into little pieces unless they handed over the written record. Thereafter they seized Roger the coroner and led him by force (**[armed]** with swords and axes) back to his own house, until Roger took the document from his chest, then they immediately took him and that document to the church of **St. Peter Mancroft** where Ralph removed the document from Roger's hands by force, bore it off, and before his companions – all acting crazily – cut it into little pieces. Roger, filled with fear and trepidation was barely able to escape from their clutches. And they say that they could not hold an inquiry into the matter because of the imminent war.

[...]

The parishes of St. Peter Parmentergate, St. Vedast, St. Martin Bailly, and St. Michael Conesford are sworn and say under oath that William le **Alblaster** from the castle threatened John le Lindraper with burning, and John de Rendlesham and Thomas le **Despenser** of the castle [did] likewise along with Henry Punel, Simon le Longe, and William Bonehay. And that on the night of 10 June 1264 William le Alblaster set fire to a gate between [the properties of] John le Lindraper and John de Belaya, so that the house of John de Belaya burned down. And that the same William went out from the house of Robert Faber locksmith and returned there after committing the felony. They say that those indicted removed the clappers from the bells of the church of St. Peter Parmentergate and cut the ropes of the bells of the churches of St. Vedast and St. Cuthbert, so that no-one would come to put out the fire. They say that William le Neve, who frequents the house of Matilda la **Wymlere** in the parish of St. Julian, was present at the event. An order was issued to arrest the wrongdoers.

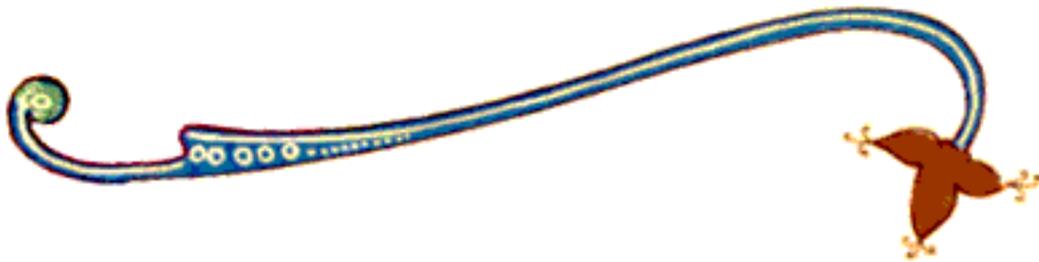
DISCUSSION

These cases were recorded on a roll presumably compiled by the city coroners, from 1263-67, for purposes of presenting crimes at the eyre held in Norfolk in 1268.

The influence of the national disruption – de Montfort's return from exile in 1263 having led to a renewal of armed hostilities with the king's party the following year – may perhaps be perceived in these cases. It complicated and exacerbated local hostilities resulting from competitive jurisdictions within the city controlled by the **cathedral-priory** and the **castle** – hostilities that would, a few years later, come to an even more violent climax.

The group who broke into the Justice house did so to plunder it of weapons and armour as well, it appears, as to revenge themselves on an enemy. Even from the complainant's perspective, the incidental theft of other items was only an afterthought. That Stephen Justice was evidently a wealthy burgess is suggested both by the style of his house, which had its own courtyard and

multi-room dwelling, and sturdy doors and windows (although not sturdy enough), as well as by the amount of military equipment he owned. The abduction of the coroner was a matter of intimidation to discourage him from attempting to exercise jurisdiction in areas claimed by the priory, while the case involving a fire set (with precautions to prevent the neighbourhood being aroused to fight the blaze) was likewise a matter of intimidation on the part of the castle garrison and residents of the castle fee. In 1266 the target of the latter, John le Lindraper became involved in an argument with Thomas the constable of the castle – probably the same as Thomas le Despenser; Thomas' brother, who happened to be the sheriff of Norfolk, tried to assist his brother by tripping John, but instead fell over and broke his leg, later dying of the injury.



NOTES

"oak gates"

As Hudson points out, first they had to break through the gates into the courtyard of the property, then into the house itself.

"gambeson"

Translated by Hudson as "doublet", a gambeson was a quilted jacket padded so as to offer protection in itself or in conjunction with other armour worn on top.

"perse"

A dark-blue cloth.

"St. George in front of the gate of Holy Trinity"

St. George Tombland, situated outside the **cathedral** dedicated to Holy Trinity.

"Alblaster"

A crossbowman.

"Despenser"

The steward of the castle.

"Wymplere"

This surname reflects a female occupation: a maker of wimples, a garment to cover the upper torso, from chin to breast.



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Keywords: medieval London rape trial investigations children hue-and-cry legal procedure eyre gender bias

Subject: Accusation of rape

Original source: Public Record Office: 1) Coram Rege roll, KB27/240, m.104d.; 2) Eyre roll, JI/1/547A, m.66d

Transcription in: Helen Cam, ed. *The Eyre of London, 14 Edward II, A.D. 1321*, vol.1, Selden Society, Year Books of Edward II, vol.26, (1968), 90-92.

Original language: Latin and French

Location: London

Date: 1321

TRANSLATION

[1. Initial complaint of rape made before the King's Bench]

London. The sheriffs had been ordered to **attach** Raymond de Lymoges, so as to have him before the king on this day, that is on 13 April [1320], to answer a charge of rape and breach of the king's peace brought by Joan daughter of Eustace le **Seler** of London. The sheriffs had responded with the names of **pledges** for prosecution: Eustace le Seler and John le Boys; and also [confirmation] that they would attach Raymond so as to have him on hand before the king on that date. And now Joan comes, and likewise Raymond. Joan accuses Raymond of rape and breach of the present king's peace. She states that at curfew on the night of 9 March 1320 in Walbrook ward in the parish of St. Mary Woolchurch in London, just outside Eustace's house, by force and against her will, Raymond took Joan by her left hand and led her off to his room in St. Martin Vintry parish. There he threw her to the ground and had sex with her against her will, feloniously as a king's felon, and completely deprived her of her virginity contrary to the



peace of the king, his crown and his dignity etc. Having committed this felony, he fled and Joan pursued him, **raising hue-and-cry** from ward to ward, as far as the nearest 4 wards, and beyond into the king's court, so that Raymond might be arrested on Joan's charge. If Raymond chooses to deny this felony, Joan is ready to prove it against him in whatever way [\[the court decides\]](#).

Raymond comes and **says that he is a cleric** and that he cannot answer to this without his **Ordinaries**. To determine in what manner he should be turned over to the Ordinary, an enquiry is to be held into the truth [\[of Raymond's claim\]](#) by a jury. A jury is therefore to come before the king on 2 June etc.

Afterwards, on that date, Raymond comes, led by the marshal. And Joan likewise, and also the jury. Notwithstanding that he had previously said that he was a cleric, Raymond now declares that he is in no way guilty of it [\[i.e. the rape\]](#) and submits himself, win or lose, to this jury. When the jurors return with their verdict, Joan is formally summoned but fails to come to prosecute her charge. Therefore her pledges for prosecution are to be **amerced**, and she herself to be arrested. However, she is pardoned because underage. Raymond is acquitted of the charge brought by Joan. As for **the Crown's case**, being asked how he wishes clear himself of the felony, he denies any felony or rape or anything against the king's peace; and he submits his complete innocence of the charges to a jury, win or lose. Therefore a jury is to come before the king on 25 June.

On which day, Raymond comes, led by the marshal. And likewise the jurors, who say under oath that Raymond is not guilty of the rape and felony. Therefore he is acquitted. Furthermore, questioned as to what damages Raymond has incurred because of this matter, they say that his damages are to the value of forty pounds. Asked whether Joan has the means to pay those damages, they say no. Asked also who had aided and abetted in bringing the accusation and in drawing up the charge, they say that Eustace le Seler of London, John le Botoner le Clop', John Lungchaump, Thomas Shereman of Walbrook, and John de Goiz locksmith had abetted the charge. The sheriffs are therefore ordered to **distrain** them by all their lands etc., and that the what issues from that etc., and that their persons should be brought before

the king on 6 October, to answer both to the king and to Raymond.

[2. Review of the case by the eyre]

Joan, daughter of Eustace le Seler came before the coroners of London on 7 February 1321 and accused Raymond de Lymoges of rape and breach of the king's peace, in these words: Joan the daughter of Eustace le Seler accuses Raymond de Lymoges of raping her body, feloniously and against the peace, on 9 March 1320 in Walbrook in the parish of St. Mary Woolchurch in London, two feet from Eustace's house. Raymond came there after the hour of curfew, feloniously as a felon; he seized the body of Joan, 11 years old, and carried her off, taking her into his own house – that is, to the house rented by Ellis Pers in the parish of St. Martin Vintry in London, into his room, which was a solar in the upper storey. There he kept Joan throughout the night and deflowered her, feloniously as a felon, against her will and in breach of the peace; so cruelly and horrendously did he handle her physically that her life was despaired of, and still is, and there remains little hope of her recovery. Therefore Joan begs the help of the king, so that she may have legal retribution and justice for this felony committed in defiance of the king and his crown and against the peace.

She found guarantors that she will prosecute her case, viz. Henry le Sadelere porter and William atte Wode saddlemaker. Consequently the sheriffs were ordered by the coroners to **attach** Raymond to appear before the justices here [i.e. at the eyre]. And Joan comes, and likewise Raymond, attached by the sheriffs. And Joan accuses Raymond of raping her of her virginity in the location mentioned on 19 March 1320, in contempt of the king's peace, his crown and his dignity. And this she offers to prove in whatever way etc.

Raymond entirely denies the rape and felony, etc. He says that Joan, in the accusation she made before the coroners, asserted that she had been raped on the night of 9 March. But now, in the accusation she lays before the justices, she asserts that she was raped on the 19th, and does not prosecute the accusation that she previously made before the coroners, which was in effect the original. He requests that inconsistency be taken into account, not least because she could not twice be deprived of one and the same virginity, etc. Joan is unable to

deny this.

Therefore the charge brought against Raymond by Joan herself is dismissed. Joan is to be imprisoned for false accusation; however, she is pardoned because underage.

As for the Crown's case, Raymond, asked how he wishes to clear himself of rape and felony, states that he had elsewhere been acquitted of that rape and felony, before Henry le Scrop and his fellow justices of the King's Bench, by a local jury to whose verdict he had submitted himself, win or lose. He presents a record of his acquittal, under the seal of that Henry, together with the king's writ addressed to Henry [ordering him] to send that record to the justices here; he also presents the king's writ to the justices here, [ordering them] to admit the document [into evidence] and furthermore to do justice etc. The document having been inspected, it was verified that Raymond had been acquitted of rape and felony at the king's suit. Therefore he is acquitted.

DISCUSSION

Apart from illustrating how a young girl might become a pawn in the affairs of men, this case – which later became part of a compilation of examples used to help law students learn about legal manoeuvring – gives an indication of the drawbacks of medieval legal records.

The legal system required careful adherence to formulae, both in the procedure of a complaint and in the narrative of the accusation and defence. **Bracton** outlined the procedure to be followed by a virgin who had been raped; the record of the case above reflects that procedure and the emphasis on loss of virginity. Rape of a married woman or widow was considered less serious, but rape of a virgin – at least from the time of the second Statute of Westminster (1285) – was a felony and punishable by mutilation or death.

The information provided for the legal record is shaped at least as much by what the law required as by the real details of events. This included drawing

the crime to the immediate attention of neighbours who could witness wounds and torn clothing, then to the attention of the authorities, and – after Raymond has won his first acquittal, before the King's Bench – subsequently to the coroners, who would ensure the trial came before the eyre. Joan must have had to repeat the facts of her charge on several occasions, very carefully to ensure the formulae were respected; in this she would surely have received coaching from family and neighbours, who also may well have taken a leading role in the hue-and-cry following Joan's ordeal, since Joan would surely have fled home first.

We can also see that the formal record of the case is only a summary of the evidence presented during court proceedings. For the legal report which happens to have survived for this eyre provides fuller information. It describes, for instance, the location of the alleged rape in greater detail, while the description of the assault itself is even more detailed:

*In the middle of the room ... [Raymond] took the same Joan ... between his two arms and, without her consent and against her will, lay her down on the floor, her belly facing up and her back against the ground, and with his right hand pulled Joan's clothing – she being dressed in a coat of blue **say** and a dress of a light cloth – up as far as her navel... Using both hands he pushed apart Joan's legs and thighs and, with his right hand took his penis of length etc. and of size etc. and put it into Joan's cunt, breaking through her "watershed" and laying her open, making her bleed, and depriving her of her virginity.*

And yet this level of detail is open to question, for we may doubt whether a probably terrified young girl would have been able to focus on the details of what was being done to her. Again, we may be seeing instead an emphasis for legal purposes on the force and injury.

Due in part to the brevity of the legal records, it is difficult for us to reach our own conclusions as to the true guilt or innocence of accused parties. The case against Raymond of Limoges who, as his surname suggests and as evidence from another source indicates, was a merchant of Bordeaux and presumably only in London on a business trip, appears to be strong. His attempt to delay matters – perhaps a panic reaction, prompted by the prospect of being hung – by claiming benefit of clergy cannot endear us to him. His defence strategy rested more on the discrepancies in Joan's case – the inexplicable inconsistency in the dates of the alleged rape, and the question of whether he could be tried twice for the same offence (such being an issue debated by the eyre lawyers) – than on grounds to believe his

innocence.

Joan's complaint, whether on 9th or 19th March, was taken seriously enough to warrant Raymond's arrest on 23 March and his imprisonment until 25 June, when he was acquitted. After acquittal, Raymond pursued legal damages of £100 against Joan's father and the others, claiming a conspiracy to frame him had been formed in February 1320. This case dragged on from October 1320 to at least June 1321; its conclusion is not known. Meanwhile, Eustace's daughter's complaint of rape had been renewed before the coroner, despite the 40-day limitation for such a complaint under London custom (also a subject debated by the lawyers), in order to have the case referred to the eyre.

It is possible that Raymond used the delay won from his claim of clergy to influence the jurors to support him – although such influence (e.g. bribery) could not have been easy from within prison unless he had others to help him – or to have Joan or her father intimidated into dropping their prosecution. That Raymond was able to obtain a royal writ obliging the eyre court to admit into evidence the copy of his earlier acquittal suggests he had money and/or influence.

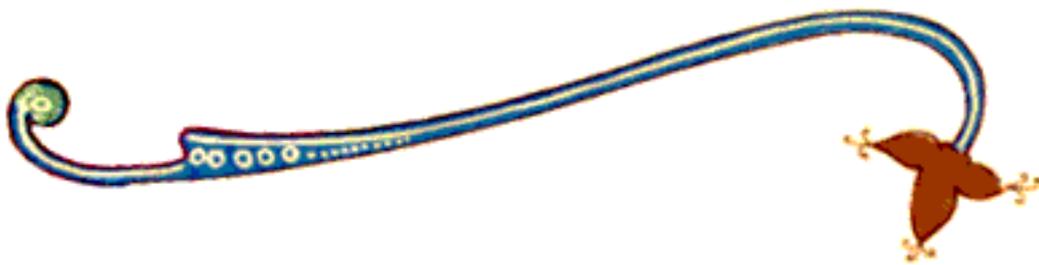
A further factor in Raymond's acquittal was the fact that a legal system dominated by men may have been reluctant to condemn their fellows to mutilation or hanging for a crime they did not consider warranted such severity. Professor Hanawalt (*Of Good and Ill Repute: Gender in Social Control in Medieval England*, Oxford: University Press, 1998), who has analyzed the Seler vs. Lymoges case from this perspective, points out that rape charges were far less common than homicides, few of the rape charges that were brought obtained a conviction, and convictions leading to capital punishment are virtually non-existent. Unless the accused admitted guilt by fleeing, leading to outlawry, the best a complainant might hope for would be to damage the reputation of her attacker.

On the other hand, without clearer evidence, we cannot dismiss the possibility that Eustace and his friends had fabricated the story of the rape in order to have Raymond imprisoned, perhaps in relation to business dealings; Professor Cam suggests it may have been to prevent Raymond claiming a debt owed him. That Raymond avoided in his defence addressing the substance of the accusation does not help us in determining whether there *was* any substance.

Raymond's countersuit implies a connection with Eustace prior to the date of the alleged rape, and conceivably Eustace may have been looking to

obtain the financial compensation due from a convicted rapist, to counterbalance a debt he owed. Nor is it beyond the realm of possibility that Eustace was pimping his own daughter – something Raymond could not have used as a defence, given the age of the girl. It was not unknown for women to be used as tools to bring charges before the courts; in fact, the royal justices at Wigan in 1323 were assigned, as one of their articles of investigation, to enquire about any cases of persons making use of underage children to accuse others of felony and obtain their incarceration.

We will probably never know if poor Joan suffered a terrible rape, only to see her attacker go free through legal technicalities and, possibly, corruption or bias of a jury; or whether Eustace was heartlessly using his own daughter to bring pressure on a creditor. As Professor Cam (*Eyre of London*, cxxiv) concluded: "Either way it was a dirty business."



NOTES

"Seler"

A saddlemaker.

"raising hue-and-cry"

After raising **hue-and-cry**, the law report tells us, Joan sought out the ward beades, who took her to the sheriff; the complaint was next referred to the coroner (who had the authority to refer complaints to a court) before being brought before the king. This – the correct legal procedure from the point of view of the king's court – would have seem a remarkably clear-headed response from a young girl who had just undergone a traumatic experience. However, Joan's hue-and-cry may perhaps have taken place later than we might infer from the text; her **rationale for hue-and-cry** was likely to establish public witness to the physical signs of the harm done her (i.e. bloodstains, torn clothing).

"says that he is a cleric"

Claiming "benefit of clergy", if the claim could be supported, was a way for the

defendant to transfer a case to a church court, which could be expected to impose a less harsh sentence. Many members of society were in lesser orders. In Raymond's case it was only a delaying tactic.

"Ordinaries"

An Ordinary was a cleric having a jurisdiction associated with an ecclesiastical office that involved judicial, legislative or governmental authority.

"the Crown's case"

Since rape was a felony, the defendant had to answer not only Joan's appeal, but an indictment from the Crown.

"say"

A type of woollen cloth similar to serge.



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Keywords: medieval London eyre trial homicide children misadventure arson spousal abuse

Subject: Cases perceived as precedents or illustrating points of law

Original source: Corporation of London Records Office, *Liber Albus*, ff. 31-33

Transcription in: Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 94-95, 97-98, 100-101.

Original language: Latin

Location: London

Date: early 13th century

TRANSLATION

That an underage boy not be subject to judgement



On 30 August in the same year [1231] etc. it happened that a certain man by the name of Osbert was found in St. Andrew street with a serious head wound [caused] by a cudgel; he died as a result of the wound the following day. John le Syre of **Kingston** and his son John [sic ?William] were arrested as suspects in the death and put in prison. Afterwards they were released for 40 days by order of Richard Renger, then a Justice of the Bench, without any other warrant, and the sheriffs were **amerced**.

John has died; William appears. Richard de Wyndunberi, his wife Wymarca, and Richard's sons Hamo and Thomas – in whose house a cudgel had been found – likewise come; they deny [complicity in] the felony and any infringement of the king's peace, and put themselves on the verdict of the **mayor and citizens** of London. Which is allowed them, since there are only slight grounds for the suspicion.

Because Hamo and Thomas, **attached** for the homicide, were then infants and thus underage, they are therefore not subject to judgement but are acquitted of it; but the others are kept in custody.

Afterwards the mayor and citizens stated, under their oath of loyalty by which they were bound to the king, that neither the aforementioned **[parties]** nor anyone else was guilty of the death. Because, they say, a certain horse belonging to Sir William de Stuteville collapsed in the street and fractured his **[i.e. Osbert's]** head, so that he died.

Consequently it is decided that everyone be acquitted of the death. Judgement of **[death by]** misadventure. And because the sheriffs and chamberlain did not mount an adequate investigation, they are to be amerced.

Concerning irresponsible behaviour

In the same year **[1235/36]**, it happened that in Walbrook street a certain youth, Robert the son of Payne, fell off the horse that he was riding when Robert de Donestaple gave the horse a scare; as a result, he died within the month. Robert comes and he is not considered guilty of the death. But because he scared **[the horse]** through stupidity and thoughtlessness, it is decided that he be put in gaol for his irresponsibility. Judgement of **[death by]** misadventure. And because the sheriffs and chamberlain did not hold an **inquisition on the horse**, which was the cause of the youth's death, they are to be amerced.

Abjuration of the realm

In the same year **[1239/40]** at "**la Garre**" in Kent: it happened that a certain Roger le Sauser and a certain maid, named Inga, left the house of Isolde de Tateshale in London and went to la Garre, taking with them fire in a pot for the purpose of burning down the house of Joce de la Garre. Which house there they did burn down, and Roger killed Joce with an arrow, and fled to the church of Upchurch. There he admitted his deed and abjured the realm. Asked why and for what reason he did it, he said that Isabella **[sic]** put him up to it, to protect Inga and burn down the house.

The following day Inga returned to London, to Isolde's house. She

was immediately arrested there and imprisoned, and thereafter convicted of the deed and burned.

Concerning someone who remained at large after mortally wounding his wife, and who was not attached.

A certain man, John de Londoneston, struck his wife Agnes with a sword on Easter Sunday [1241], so that she died of the wound the following Friday. Upon her death, John fled and is believed to be guilty. Judgement that he is to be exacted and **outlawed** according to due form etc. His possessions [are worth] 4s.8d; for which the sheriffs are to answer. Since it was proved that John, for five days after striking her, remained resident in his house among his neighbours and did not take to flight until after her death; and since John Clerk **dubber** and Thomas de Marisco of Barking, members of John's family who were with him when he committed the deed and afterwards, up to the time he fled, neither raised **hue-and-cry** upon him nor reported anything of the matter to the chamberlain or the sheriffs (which the justices consider puts them under suspicion), they have been committed to prison, and meanwhile [i.e. pending trial] the matter will be discussed with the king.

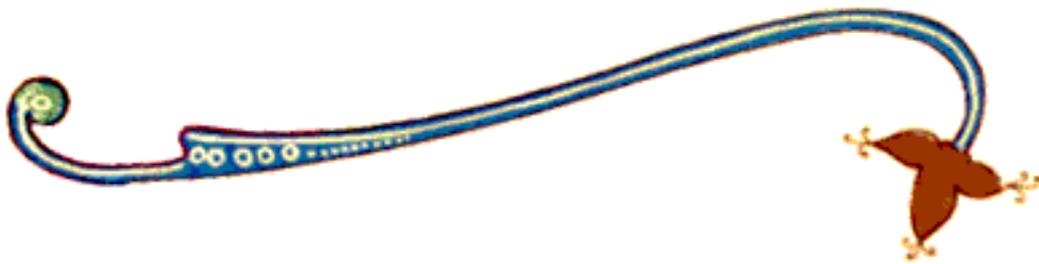
DISCUSSION

The above are synopses of cases dealt with by the **eyre of 1244** and considered, by some later London official, of significance in terms of either establishing a precedent or illustrating some point of law or city custom. Over seventy such extracts from the eyre records were made, arranged chronologically under the year in which the offence was committed (ranging between 1228 and the year the eyre was held), with the titles assigned by the compiler to each extract indicating the particular point of law of interest to him. A consequence of the record being a synopsis rather than a full verbatim copy is that some of the facts have evidently been left out.

Gaps are apparent in the first case, where players are introduced abruptly.

The reason for the sheriffs being amerced is not explained (it being irrelevant to the compiler's interests), although it was perhaps for having made an arrest without proper investigation or a formal charge against the suspects. There is also the abrupt switch from 1231 to 1244, although this was a characteristic of the original eyre records too. One of the interesting points of this case is that it suggests that an investigation of a felony might involve searches of properties in the vicinity of the crime.

Another of the synopses deals with a case of **trial by combat**.



NOTES

"Kingston"

Probably Kingston upon Thames.

"mayor and citizens"

The Londoners claimed the right for presentments of crimes to be made by the mayor and council, without the need to put together juries specially for the eyre, and this passage suggests the same for the rendering of verdicts. They also maintained that their oath of loyalty to the king was sufficient to guarantee the truth of what they said, without any special oath administered by the court.

"inquisition on the horse"

There should have been an official identification of the horse as the instrument of the death, since that would have resulted in the forfeiture of the horse to the king.

"la Garre"

Possibly Harry Green, on the banks of the Medway, just a couple of miles from Upchurch.

"outlawed"

Sentence of outlawry was pronounced in the folkmoot (as an official and very public gathering).

"dubber"

An artisan who beat leather (or cloth) as part of the industrial process.



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Created: *August 18, 2001*. Last update: *November 23, 2002*

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translation | discussion | notes

Keywords: medieval Chester legal procedure lawsuits trial property disputes dower rights essoin moot court doomsmen

Subject: The arduous legal process

Original source: Chester City Archives, Portmote roll 2, mm.1-2

Transcription in: A. Hopkins, ed. *Selected Rolls of the Chester City Courts, Late Thirteenth and Early Fourteenth Centuries*, Chetham Society, 3rd series, vol.11 (1950), 1-4.

Original language: Latin

Location: Chester

Date: 1295

TRANSLATION

Pleas **[heard on]** 11 April 1295

A date is assigned to Thomas de Mamcestria and his wife Codusa, plaintiffs, Ralph de Derisbur, his wife Margery, and Alexander son of Alexander Hurel **[defendants]**, concerning a plea of dower, on 2 May at the request of the parties.

Richard son of Michael le Tevene of Chester was summoned to answer Thomas de Mamcestria and his wife Codusa, concerning a plea that he let them have Codusa's **fair dower rights** in regard to the freehold that belonged to Richard son of John Ground, her former husband in Chester. In relation to which Thomas and Codusa charge that Richard **[le Tevene]** withholds from them a one-third share in a tenement with appurtenances in Chester, so that they receive nothing from it, the which Richard **[Ground]** endowed Codusa with at the church door when he **married** her. If Richard **[le Tevene]** wishes to deny this, Thomas and Codusa are prepared to prosecute. Richard comes and denies the force etc. when etc. He requests a **view of the**



property against [the plaintiffs], and this is granted. A date was assigned to the parties, on 2 May, to undertake in the suit what justice requires to be undertaken.

On which day Thomas and Codusa appeared against Richard. And Richard comes and says that Richard Ground had no rights in the tenement in question other than for a **term of years**; in regard to which he produces a document in the name of John Ground, father of that Richard, which evidences the fact, and requests that this be enquired into. Thomas and Codusa reply that Richard Ground had sufficient right and estate in that tenement for Codusa to be capable of, and due, dower, and request that this be enquired into.

Pleas of the portmoot on 2 May 1295

Thomas de Mamcestria and his wife Codusa appeared by their attorney against Ralph de Derisbur and his wife Margery in a plea of dower. They seek from Ralph and Margery a one-third share in fifteen shillings of annual rent due from a half a shop and a stall, which they withhold from them. Ralph de Derisbur requests a view of the property and this is granted. The parties are assigned 16 May to undertake in the suit what justice requires to be undertaken.

Alexander de Hurel [appears] against Thomas and Codusa in a plea of dower by [his attorney] Aunger de Osberneby, who gives assurance under oath that he will **have him to warrant** here on 30 May to respond [to the charge].

Richard son of John le Tevene [appears] against the same by [his attorney] Richard son of Thomas de Kelsale, who gives assurance under oath etc.

Pleas of the portmoot on 16 May 1295

Ralph de Derisbur and his wife Margery [appear] against Thomas de Mamcestria and his wife Codusa in a plea of dower by [their attornies] Roger le Murager and William Juvenis, who give assurance under oath that they will have him to warrant here on 30 May.

A day is assigned to Thomas de Mamcestria and his wife Codusa and to Alexander son of Alexander Hurel in the plea of dower, on 30 May, at the request of the parties, without **essoin**.

Pleas of the portmoot on 30 May 1295

Thomas de Mamcestria and his wife Codusa appeared by their attorney against Ralph de Derisbur and his wife Margery in a plea of dower. Ralph and Margery came and warranted their **essoin**. As per the custom of the city of Chester, it was not possible to proceed further with the action on that day, but a date was assigned to the parties on 4 July to undertake in the suit what justice requires to be undertaken.

On which day Thomas and Codusa appeared by their attorney. And Ralph came but Margery did not come, and the attorney of Thomas and Codusa requested judgement because Margery had defaulted. The allegation was made on the part of Thomas and Codusa that Ralph was Margery's attorney, received by **Alexander Hurel**. Ralph says that he was not her attorney. A day was assigned to the parties on 8 August, so that the court could in the interim determine from that Alexander whether Margery had appointed Ralph her attorney in the plea or not.

Alexander son of Alexander Hurel was summoned to answer to Thomas and Codusa in a plea of dower, that he them have the fair dower rights of Codusa. In relation to which Thomas and Codusa charge that Alexander withholds from them a one-third share in eleven shillings of annual rent due from a certain freehold lying between the land of Hugh de Brychull and the land of William de le Flint in Forthegate Street in Chester. And thereby the injustice, since Codusa has fair dower rights in regard to that freehold, which belonged to Richard Ground, her late husband in the city. With which Richard endowed her at the church door when he married her; of which she has nothing, so they say. If Alexander wishes to deny this, Thomas and Codusa are prepared to prosecute. A day is assigned on 11 July, at the request of the parties.

On which day Thomas and Codusa appeared against Alexander by

their attornies; he himself was essoined in the plea by Aunger de Osberneby, who gave assurance under oath that he will have him to warrant here on 15 August.

On which day Thomas and Codusa came and appeared against Alexander by their attornies. He challenged the form of the writ, viz. in the place where it is written "in that town" instead of "in that city", and on that basis seeks a judgement. Judgement is deferred to 29 August.

On which day no court session was held, but the parties were adjourned to 5 September.

On which day the parties come and seek a judgement. Judgement is deferred to 26 September.

On which day Alexander comes and seeks a judgement. Henry le Fletcher and Adam de Dunham, attornies of Thomas and Codusa, essoined them. A day was assigned to Alexander on 10 October; which date is to be conveyed to Thomas and Codusa by their essoiners.

On which day Thomas and Codusa appeared against Alexander. He himself did not come, but was essoined by William Juvenis, who gave assurance under oath that he will have him to warrant here on 24 October. And Thomas and Codusa are assigned that day.

On which day the parties came together and, at their request, the plea was adjourned until 31 October.

On which day Alexander comes and appears against Thomas and Codusa. They themselves did not come, but Henry le Fouler, attorney of Thomas and Codusa, had them essoined by Hugh Payn, who gave assurance under oath that he will have him to warrant here on 21 November. And Alexander is assigned that day.

On which day the parties came together and seek a judgement and a record [\[thereof\]](#). Judgement is deferred until 19 December.

On which day Thomas and Codusa come by their attornies and seek a

judgement and a record. Alexander likewise comes and seeks judgement. Judgement is deferred to 16 January [1296] because the **doomsmen** have not yet reached a determination.

On which day Thomas and Codusa come by their attornies and seek a judgement and a record. Alexander did not come but had himself essoined by Aunger, who gave assurance under oath that he will have him to warrant here on 30 January.

On which day Thomas and Codusa come by their attornies and seek a judgement and a record; and Alexander likewise. Judgement is deferred to 13 February.

On which day Thomas and Codusa came and appeared against Alexander by their attornies. Alexander did not come but had himself essoined by Aunger, who gave assurance under oath that he will have him to warrant here on 27 February. Thomas and Codusa are assigned that day.

On which day Thomas and Codusa appeared by their attornies against Alexander and seek judgement. Alexander likewise seeks judgement. Judgement is deferred until 12 March.

On which day the parties came together. And the doomsmen say that a portmoot should not be held on that day, because it was St. Gregory's day, so the parties were adjourned to 2 April.

On which day Alexander comes and appears against Thomas and Codusa. Their names having been sufficiently called out, they did not come nor did they send anyone to esoin them. Alexander seeks judgement based on their default. It is decided that **the charge against Alexander be dismissed**. Thomas and Codusa are to be **amerced** for failing to pursue the prosecution.

DISCUSSION

By the close of the thirteenth century two courts were operating in Chester, a town of some importance as the capital of a Palatine jurisdiction. One was the court of the city sheriffs, named the Pentice after the two-storey building in whose upper floor (or penthouse) the court was housed, and focused on petty criminal proceedings. The more ancient was the **Portmoot** and, presided over by mayor and bailiffs, sometimes with the sheriffs present too, dealt with civil actions including those involving disputes over real estate, and with offences against the community, except for the breaches of the **assizes** of ale and bread dealt with in the Pentice; as the original court of the community it could also, if it chose, deal with minor crimes more commonly handled by the Pentice.

The case above illustrates the slow procedure often involved in a legal action – in fact, several related actions in which a widow seeks dower rights in various properties she claims to have belonged to her late husband, although only one is followed through over a period of a year. Just reading the terse but repetitive entries communicates a very little of the frustration that parties to a case must have experienced. It was the nature of the portmoot to be cumbersome, since its sessions were held only on Mondays (whereas the Pentice could be convened at need) and pleas involving freeholds were dealt with only on a fortnightly basis. The records given above are fairly typical of the bulk of the entries one finds on borough court rolls of this period.

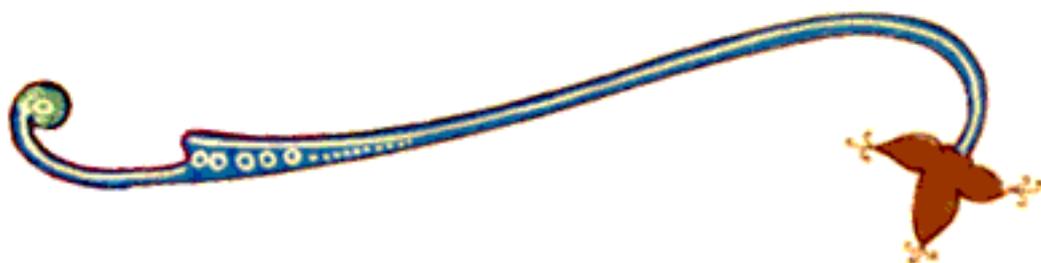
A writ, obtained from the Chancery of the Palatine earldom, was required to initiate a dower action. That had evidently been introduced into court prior to the series of records we see here. Codusa was pursuing the several actions together because she could then fulfill the legal requirement of claiming that she had not been assigned any of her dower rights; having possession of some of the dower properties could have jeopardized her claim to others.

After charges were laid, the accused were given a chance to introduce exceptions that might invalidate the charges, such as that the late husband had not truly owned the property in which dower right was being claimed. They also had the opportunity to request the properties in question be viewed by the jury, and then to produce someone who would warrant their own right in the property. Another defence tactic, tried by Alexander Hurel, was to try to overthrow the charge against him on a legal technicality, in

terms of inaccurate wording of the writ of right. If nothing else these tactics had the effect of delaying the proceedings – sending an attorney to vouch a warrantor was treated as an **essoin**, while the challenge to the writ required time for consideration on the part of the court – the difficulty of the doomsmen in deciding if this technicality should be allowed appears to have been responsible for repeated adjournments. Essoins were the most common reason for an adjournment, and were doubtless used as a mechanism to delay proceedings, although often may reflect a genuine inability of a party to come to court that day; but even the warranting of an essoin at the next session was considered sufficient business for one day. On one occasion the plaintiffs tried to turn the delays to their advantage, by asking for summary judgement when Ralph de Derisbur appeared without his wife, but then brought further delay on themselves by changing tack and claiming Ralph could represent his wife.

The case ended abruptly when Thomas and Codusa defaulted in appearance at one session, and the charge against Alexander Hurel junior was dismissed. After persevering so long, Thomas and Codusa had perhaps despaired of ever getting a judgement; but more likely they settled out of court with him, or had even been intimidated into dropping their prosecution.

Procedure in cases of dower was in fact swifter than procedure in other actions involving real estate, where an even larger number of essoins was permitted, except for cases of **novel disseisin**.



NOTES

"fair dower rights"

It was fairly standard throughout England that this comprised one-third of the property a man held in his own right when he married, and with which he was therefore capable on endowing his wife.

"married"

The text repeats *dotavit*, but this must be either a scribal or a transcription error for *desponsavit*. **Bracton** indicates that it is the husband who gives his spouse dower rights at the church door on their marriage day (in fact, just prior to the marriage ceremony). Pleading a dower case required the formulaic statements made in this case.

"view of the property"

I.e. that a jury view the property in dispute, to clarify what the property is. Views were normally granted, if the defendant phrased his request properly (asking that the entire property be viewed, not just the third that was subject to the action).

"term of years"

This was one defence that could be made against dower claim: that the property in dispute could not be subject to dower because the late husband did not have clear ownership of it.

"have him to warrant"

To confirm the legitimacy of the essoin made on the party's behalf.

"Alexander Hurel"

As one of the city sheriffs at this time he appears to have been capable of giving official recognition to a party's attorney.

"doomsmen"

The doomsmen, or lawmen, were a body or class of men serving, apparently hereditarily in at least some cases, as judges of a sort in town (or county or other local) courts in some parts of medieval England. A group of 12 *iudices* obligated to attend Chester's hundred court is mentioned in Domesday, and may be the same institution as the *iudicatores* of the 13th century Chester portmoot. A similar group of judges is seen at Middlewich (also in Cheshire). This institution has been particularly associated with boroughs of the Danelaw, but may simply be a Scandinavian expression of something more fundamental: a class of "lawworthy" and "discreet" members of the community who were relied on to know local law and be able to advise the court on, if not all at least the trickier, legal issues or technicalities. They did not perform the same function as the jury; although that institution may have reduced the importance of the judges in legal administration, judges are still active on occasion in Chester and Middlewich into the 15th century. Historians have debated whether these doomsmen were somehow predecessors to the jurors who formed incipient town councils (e.g. note the **court**

role of the Fordwich jurors); the evidence is simply not sufficient for us to know with certainty, but it seems unlikely there is a direct link.

"the charge against Alexander be dismissed"

Alexander inde sine die, that is, he didn't need to appear again in his defence.



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Keywords: medieval York sheriff court jury trial lawsuits assault slander theft abduction legal procedure

Subject: Counter-suits for trespass

Original source: York City Archives, Memorandum Book *A/y*, ff.186-187

Transcription in: Maud Sellers, ed. *York Memorandum Book, part II (1388-1493)*, Surtees Society, vol.125 (1914), 60-62.

Original language: Latin

Location: York

Date: 1416

TRANSLATION

Session of the king's court of the city of York, held there 4 July 1416 before Thomas Bracebrig and Robert Burton, sheriffs of the city. John Bell of Thirsk brings a complaint against John Cooke, Zealander, in a plea of trespass. **Pledge** for the prosecution: John Asper spicer; the defendant is **attached** by pledges Thomas de Aton and John Louth. In which regard the plaintiff, in person, says that on 14 June 1416 in **Bootham**, in the parish of St. Olave within the liberty of the city of York, the defendant came with armed force – that is, swords and other weapons, etc. – and **assaulted** the plaintiff there and called him false and treacherous, whereby his good reputation and credibility were greatly diminished and he suffers that loss up to the present; and he took six pounds in coin that he found on the plaintiff, and unjustly carried it off in breach of the king's peace. So that, the plaintiff says, he suffered losses and damages to the value of £20; and for that reason he has brought this action etc. The defendant, by his attorney John Alman, came and denied the force etc., everything which etc., when etc., and the damages of £20 etc., and he says that the defendant is in no way guilty of the charges laid against him by the plaintiff etc., and that this is the case he submits to a jury etc. The plaintiff says that the



defendant is guilty exactly as he earlier declared him to be; and that this is the case he likewise submits to a jury etc. Therefore a jury is to be brought into the dispute between them etc. Thereafter the [legal] process continued from day to day, according to the custom of the city, because of default of jurors, until 12 August of that year, when the 12 jurors – selected, **inspected** and sworn according to custom etc. – state under oath that the defendant is in no way guilty of the charges laid against him by the plaintiff etc. Therefore it is the judgement of the court that the plaintiff take nothing by his plea but is to be **amerced** for his unfounded accusation. The case against the defendant is dismissed.

Session of the king's court of the city of York, held there 4 July 1416 before Thomas Bracebrig and Robert Burton, sheriffs of the city. John Cooke, Zealander, brings a complaint against John Bell of Thirsk in a plea of trespass. Pledge for the prosecution: Thomas de Aton; the defendant is attached by pledges Andrew Ferur and John Asper spicer. In which regard the plaintiff, by his attorney John Alman, says that here within the liberty of York on 15 June 1416 the defendant unjustly came with armed force – that is, daggers and other weapons – and assaulted the plaintiff and called him false and treacherous, whereby his good reputation and credibility were greatly diminished, and made such serious threats to assault and beat the plaintiff that he was in fear of his life; and that he took, removed and carried off goods and possessions of the plaintiff that he found there: a horse with saddle and bridle, worth 50s.; a sword, a dagger, a wallet, a pair of "**lynclathes**", and 1 kerchief, together worth 10s.; a leather purse, worth 12d.; together with 12s.6d. in coin. And, unjustly and in breach of the king's peace, he imprisoned the plaintiff and, from the 15th to the 21st, held him imprisoned, so that the plaintiff was in fear of his life and was unable to go about his business or perform his necessities or go anywhere. So that, the plaintiff says, he suffered losses and damages to the value of £20; and for that reason he has brought this action etc. The defendant, by his attorney Robert Orwell, came and denied the force etc., everything which etc., when etc., and the damages of £20 etc., and he says that the defendant is in no way guilty of what he has been accused etc., and that this is the case he submits to a jury etc. The plaintiff says that the defendant is guilty exactly as he earlier declared him to be; and that this is the case he likewise

submits to a jury etc. Therefore a jury is to be brought into the dispute between them etc. Thereafter the [legal] process continued from day to day, according to the custom of the city, because of default of jurors, until 11 July of that year, when the 12 jurors – selected, inspected and sworn according to custom etc. – state under oath that the defendant is guilty of the trespass just as was stated against him previously, except in the manner of the armed assault, and they assess damages for the plaintiff in regard to the trespass at £5. Therefore it is the judgement of the court that the plaintiff recover his damages, assessed by the inquest at £5, and the defendant is to be amerced. At which point the plaintiff requests execution against the defendant's pledges for his damages etc.; and the court grants this.

DISCUSSION

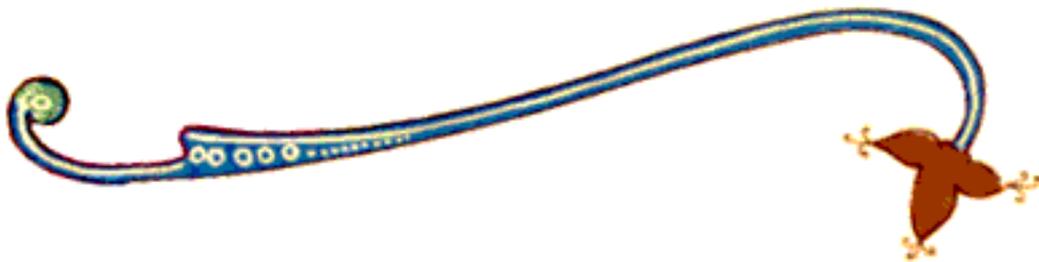
These records of suit and counter-suit brought before the sheriffs' court of York, by two non-residents – one a Yorkshire man, the other from Bruges – found their way into one of the city's books of memoranda because copies of the records were demanded the following year by the Duke of Bedford in relation to a case brought before his court by John Bell. The latter was suing John Lough (probably the John Louth who stood as pledge for John Cooke) and Robert Jarom (a prominent York man whose surname may indicate a possible Flemish background), on some matter related to the failed suit against Cooke; the defendants had made reference to York records of the earlier plea.

From the letters exchanged between the Duke and the city authorities, we learn that on 29 June 1416, several days following the confrontation between Bell and Cooke that resulted in the former holding the latter prisoner, Bell's son William presented to the mayor and aldermen a paper petition (subsequently attached to the sheriffs' court record). This demanded that Cooke be arrested and imprisoned as a felon, pending the next session of justices of gaol delivery, on the charge of having stolen over £6 of the king's tax money from John Bell's house in Thirsk (along with other of John's possessions); Cooke, said the petition, had already been indicted for the crime. Since the crime had not been committed in York, the case could not be heard before the city court.

The city authorities responded to this rather peremptory request with a public proclamation that if Bell or anyone else had any charge to bring against Cooke they should do so the following Saturday in the city court. The sheriffs then arrested Cooke pending that court session, on which day the mayor and sheriffs received information from sources they considered credible that Cooke had not, contrary to the petition, been anywhere indicted on that or any other charge. The petition was not in the name of any authority and it may have been that William Bell, a clerk, had written it himself. The sheriffs therefore set Cooke free. This perhaps explains why Bell felt obliged to concoct the story of Cooke having robbed him at Bootham, a desperate attempt to bring Cooke to justice (assuming that Bell's charge was in fact warranted).

This ploy having failed, it appears that Bell sought revenge, from the court of the Constable of England, against those who had helped Cooke.

Because the York case involved outsiders, the trial proceeded on a daily basis, to ensure expeditious justice. Much of what is presented in the complaint and defence is legal formulae.



NOTES

"Bootham"

A suburb of York.

"assaulted"

The Latin *insultus* could refer to either a physical or a verbal assault. In both cases, it appears that the confrontations (if one accepts that there were two separate incidents) were more in the nature of intimidation and coercion than direct physical violence.

"inspected"

The parties had the opportunity to review the jurors list, in case they wished to veto the participation of any juror they felt might be prejudiced against them, or whom the court found otherwise unsuitable.

"lynclathes"

Possibly an article of linen clothing or napkins?



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Keywords: medieval York crime detection theft confession servants

Subject: Domestic induced to become accomplice to theft

Original source: York City Archives, House Book, volume 1, f.25

Transcription in: Lorraine Attreed, ed. *The York House Books (1461-1490)*, Stroud: Alan Sutton, 1991, 238-39.

Original language: Middle English

Location: York

Date: 1481

TRANSLATION

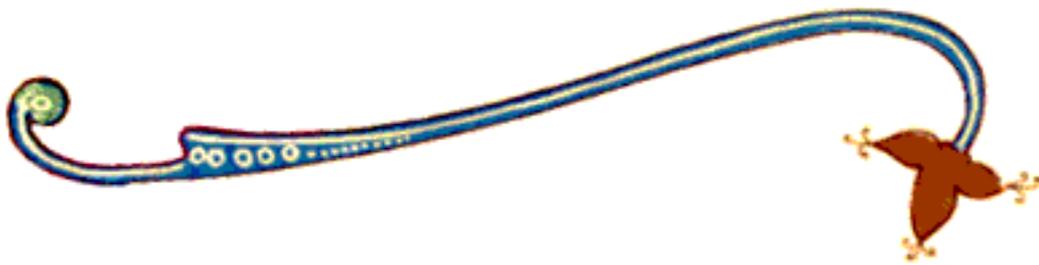
On which day [3 May 1481] Margaret Lassels, lately servant to John Calbek, came in person and, after being questioned concerning the theft of John Calbek's goods, confessed that John Richerdson labourer, recently of **Welburn**, came to her on several occasions at her master's house and spoke to her of the love they once had for each other, and promised to marry her, and so won her confidence. There being a coffer standing in the parlour, he asked her what it contained and she said there were certain jewels; he answering, said that if she would agree to him having possession of the coffer, he would take it out of there and soon after would obtain a horse and within a short time take her somewhere where no-one knew him or her. Having so suborned her, the said Richerdson came to the city on Sunday, April 1 and on that Sunday night around midnight the said Richerdson received, by her hand, the coffer, and he broke through the wall and took it away, carrying it beyond **Layertorpe**, where he broke it open and then departed. He returned three days after and spoke with Margaret at a **currier's** house in Hungate, promising her that on 15 April he would bring a horse to take her away. But he did not come until the evening of 21 April,



when he spoke with her at the currier's house, and on 21 April went to the Minster and took his writings, and then departed, telling her he intended to go to Ripon to visit his father and mother. And she has not seen him since then.

DISCUSSION

The examination of Margaret Lassels was conducted by the mayor and city council. It seems that Margaret, deciding she had been deceived by the promises of Richardson – who perhaps been employed in work on the cathedral – had been overcome by guilt or despair of her seducer's return and confessed her part in the crime. Whether she won any sympathy from the city authorities is not recorded. Her turning informant does not appear to have resulted in Richardson's capture, if he is the same as the John Richardson labourer of Thorp-on-Tees (Yorkshire) whose arrest was ordered in York in 1483 at the complaint of a cleric.



NOTES

"Welburn"

About 12 miles north-east of York.

"Layertorpe"

A suburb on the east side of York.

"currier"

A tanner.



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Keywords: medieval Leicester legal procedure debt distraint trade disputes reprisal

Subject: Withernam

Original source: Leicestershire Record Office, Leicester archives, merchant gild roll

Transcription in: Mary Bateson, ed. *Records of the Borough of Leicester*, (London, 1899), vol.1, 114.

Original language: Latin

Location: Leicester

Date: 1273

TRANSLATION

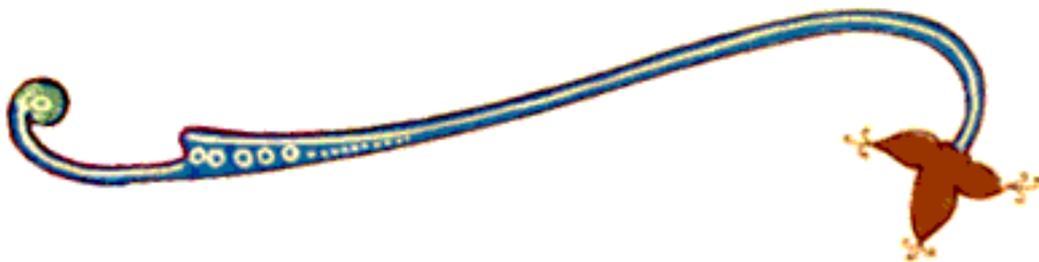
Let it be known that if anyone of the community or liberty of Leicester goes to Chester or Shrewsbury, or any other market town, to undertake trading and he is **distrainted** relating to a debt of any of his neighbours, as opposed to a debt of his own, he may return home and report the matter to the earl's bailiffs. The bailiffs shall give the debtor one warning, and a second; and, if he is unwilling to **arrange for the release** of his neighbour's goods distrainted on his account, the bailiffs are allowed to secure his house with locks – no matter who he is – and prevent him from entering until he has delivered his neighbours [from losses incurred] and made satisfaction for his debt. This was granted on 29 November 1273, [conditional] upon judgement by Sir Ralph de Hengham and Walter de Hopeton, justices of King Edward, in the hall of the Earl of Leicester at the castle.



DISCUSSION

This case illustrates the common-sense rationale behind **withernam**: a visiting merchant could incur debts and, after he left town, it would be difficult to force him to repay. One resort was to seize the goods of another visiting merchant from the same town, as compensation for the debt; this obliged the innocent merchant to seek retribution from his guilty fellow townsmen, after returning home. The intent was presumably partly to put the onus on a community to bring its own members to justice, and partly to discourage deliberate defaulting on debts by ensuring that flight was no escape from liability. Although a community might show some favouritism towards its own members against the accusations of outsiders, it also recognized that the crimes of individual members might adversely reflect on the reputations of all its members.

The desire to have this decision reviewed by the king's justices was a wise one, for the procedure of withernam was out of favour with the king, and was about to be limited by the Statute of Westminster (1275).



NOTES

"arrange for the release"

The way for the debtor to arrange the restoration of the distrained goods to his innocent neighbour would have been to submit to justice himself, or provide **pledges** for doing so.



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Keywords: medieval York sheriff court judicial administration reforms legal procedure justice lawyers jury trial surety bureaucracy sergeant scribes fees record keeping distraint

Subject: Reforms of judicial administration

Original source: York City Archives, Memorandum Book A/y, ff.53-54

Transcription in: Maud Sellers, ed. *York Memorandum Book, part I (1376-1419)*, Surtees Society, vol.120 (1911), 137-39.

Original language: French

Location: York

Date: ca.1400

TRANSLATION

First, that all those who, being plaintiffs or defendants in a case before the sheriffs of the city of York, do not have the means to hire lawyers or who have only petty pleas to prosecute or defend be allowed to speak on their own behalf, the plaintiffs stating the nature of their complaints and the defendants making a response according to the truth as they perceive it, without being given a hard time because lacking in legal advice.



[Jurors of] all inquests that are to be held before the sheriffs, at the instigation of a party, are to be impanelled and summoned to appear at the next court session following the parties having joined issue, without them taking or being given anything for that [participation]. They are to be **distrainted** heavily, without any forbearance on the part of the court, until they come. And on all occasions they are to be the best [choices] and those closest [in knowledge of the matters under dispute], through whom the truth can best be ascertained, so that the parties do not face delays or obstructions due to the ineffectiveness of the court.

In future, sessions of the sheriffs' court are to be held as specified by the statute, under the supervision of **men knowledgable in the law**, in due manner and by due process, without partisans, conspirators, abettors, or false accusers. Those indicted in accordance with the law at the sheriffs' court sessions are to be released on bail upon payment of a reasonable fine, as was anciently the case, and may be **delivered by their peers** without a ransome during the term of office of those sheriffs, according to the law; with the exceptions of those indicted for homicide. Those who can legally be **mainprised** should be permitted to be mainprised without fine, according to the law.

Inquests held outside of the **[regular]** court sessions are to be conducted in the same way as they are during court sessions; that is, by twelve **[jurors]** from the four parishes nearest the place where the offence or felony was discovered. Anyone who is impanelled and summoned during the court sessions, but fails to come, is to be **amerced** 4d., and the constable of the parish likewise 4d. for his not coming; of which ameracements half is to be had by the mayor and chamberlains, for the benefit of the community, and the other half by the sheriffs.

The executions of judgements given before the sheriffs are to be carried out as promptly as is humanly possible, within reason, without any **[fee]** being taken from anyone for the same.

Henceforth **[only]** persons of good reputation and sound judgement are to be impanelled on assizes before the justices; and those who have been put on one panel are not to be impanelled again, so that every qualified man take his turn in bearing the burden of responsibility and no-one is constantly impanelled. Neither the sheriffs nor their officers are to demand anything for performing their duty in assembling a jury **[to decide]** between the parties, other than the fees already established as due their officers.

The sheriff's clerk may take the following as legitimate fees of his office, and nothing else. First, for **[recording]** an entry of the name of the attorney, 1d.; if he enters an attorney for **[both]** a man and his wife, 1d. If plaintiff or defendant comes **[by attorney]** before the court to make an **essoin**, the clerk shall take 1d. for the entry and warrant of the essoin on the first day; for every subsequent essoin the clerk shall

have 1d. For every essoin after **law is waged**, 1d. For every essoin (whether of plaintiff or defendant) after the first day, 1d. For entering any formal plea, 2d. For [making a copy of] each record extracted from the rolls (regardless of whether it is short or long), 6d. For each entry of a king's protection, 2s. For a recognizance made, or to be made, to the sheriffs, the clerk may take 2d. For an entry of **sureties of the peace** identified to the bailiffs, 2d. from anyone requesting such surety.

The clerk is to enter into his court roll the entire substance of all cases argued before the sheriffs, always according to due process, as is required to ensure proper judgement be made, without taking anything for that.

The clerk is to draw up a list, as a memorandum for the use of the sheriffs, of all original **writs** and all returns made to the same, including mention of how they are served and answered.

The sheriffs' sergeants shall take the following as legitimate fees of their office, and nothing more. That is, for a summons or an **attachment**, 1d. For a **distress**, 2d. For summoning a jury [to decide] between parties, 2d. For distraining on those jurors to oblige them to come [to court], 2d. For executing [a judgement] in a plea of debt or trespass involving a sum of less than 20s., 2d.; for a sum of 20s. and more, 4d. If the sergeant is found to fail in his duty, the plaintiff is to bring it to the attention of the sheriff, who will remedy the situation; if he does not do so, the plaintiff is to complain to the mayor, who will assign him one of his sergeants to undertake due execution. When judgement has been given and the defendant is unwilling to provide the sergeant with **a distress sufficient** for the sum recoverable, the sergeant is to seal up the entrance into the dwelling of the convicted party to force him to satisfy the other party for the cost of 13d. for making a complaint, as mentioned above. The sheriffs' clerk and sergeants are to perform their duties properly in all regards, consonant with law and right, taking as their fees what is indicated above, without supporting the quarrel of one party or the other and without oppressing the people, upon penalty of being removed from office and other punishments appropriate for the same.

The sheriffs' sergeants are to be replaced each year after Michaelmas; and, in the event that they fail in their duties during their term, they are to be removed from office.

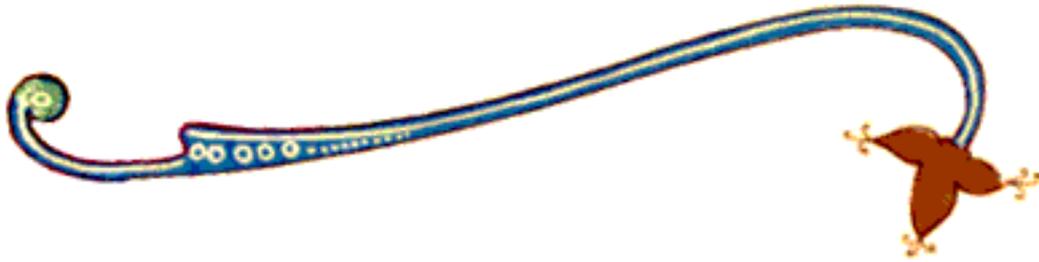
No man who is summoned for debt or trespass should be imprisoned, if he can find sufficient pledges for answering and standing to the common law.

DISCUSSION

These reforms relate to the sheriffs' court in York. The date of the ordinances is not known, but they cannot be earlier than about 1400 since the sheriffs came into being when York was given county status in 1396, but the sheriffs' court had evidently been in existence for some years prior to the ordinances. On the other hand, since these reforms seem to be influenced by regulations applicable to the sheriffs' court of London, we may suspect that the York authorities, in the early years of existence of their sheriffs' court, were looking to London for guidance on how best to operate that court.

By this period the legal profession was sufficiently firmly established, and the law sufficiently complex, that it was normal for lawyers to conduct cases for plaintiffs and defendants. This of course put the poorer townspeople at a disadvantage. These reforms reflect the financial obstacles to obtaining justice.

A "user pays" environment existed whereby bureaucratic officials earned part of their income from fees for performing various duties for citizens. This was however subject to abuse, through the charging of extortionate fees.



NOTES

"men knowledgable in the law"

Likely a reference to the recorder, an office established in York around the time (or shortly before) the grant of county status; the recorder was a professional legal expert retained to give advice to the city on legal and constitutional matters.

"delivered by their peers"

I.e. released upon fellow townsmen standing surety for their appearance at trial, as opposed to a sum of money being put down as bail.

"sureties of the peace"

Guarantors of the peaceable behaviour of one party towards another; the latter, as the one requiring this protection, being liable for payment for an official record being made of the fact and the guarantors' names.

"writs"

Some types of lawsuits could be, or had to be, initiated by a writ (usually from the king), and an official answer had to be given to the writ to confirm that it had been acted upon, or explain why not.

"a distress sufficient"

I.e. some personal possession assessed at the value of the judgement awarded against the defendant, surrendered by way of pledge for the defendant's payment of the damages.



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Keywords: medieval London plea false arrest imprisonment prison conditions miscarriage justice harbouring sheriff

Subject: Complaint of unjust arrest and imprisonment

Original source: Corporation of London Records Office, Misc. Roll AA, m.6

Transcription in: Helena Chew and Martin Weinbaum, eds. *The London Eyre of 1244*, London Record Society, vol.6 (1970), 98.

Original language: Latin

Location: London

Date: 1244

TRANSLATION

Richard de Totenasse lays a complaint that on the night of Friday, 8 January [1244], when he was in his house in London, behaving peaceably, there came to his house from the house of Hugh Blund the sheriff: Hugh's brother William Goldsmith, Hugh's sergeant Jordan, Hugh's beadle John Shep, Hugh's clerks Ralph and John, John the clerk son of a capmaker, Adam the servant of Thomas de Stanes, Adam's brother Peter, Philip de Enefeud, Simon Vintner of Milk Street, and John de Haneford. They used force to break down the door of his house and to seize and tie up his boy-servant. After which they came to the door of his room, broke it down, dragged him out by the feet onto the staircase leading to the **solar**, and **beat him** severely about the body and on the soles of his feet, giving him a wound in the head. After that they used his belt to tie his hands behind his back and [led him] ignominiously through the streets by night to **Newgate**, Hugh being present and ordering it. There they first stripped him of his possessions and then put him in the deepest part of the prison, [dressed] only in his undershirt, forcing him to sit bare-bottomed upon the **broom-swept** ground, loading him down with irons and putting



him in the stocks. In this fashion they held him in gaol for three days and three nights, in breach of the king's peace. He was not allowed to obtain bail, nor to have any food brought in or any friends visit him, until the king's justices for gaol delivery set him free, on the grounds that **he was a clerk** of the archdeacon of London. Following his release, he gave the gaoler 4d., and gave Hugh 6d. for three days keep of Richard's horse, which he [i.e. Hugh] had caused to be taken from his house that night. Hugh comes but the others do not. Hugh denies the force and injury and that anything contravened the king's peace. He says that Richard's wife Beatrice is a harbourer of thieves, and he had been given to understand that thieves were lodging there that night. When he sent his deputies to arrest those thieves, they arrived at the house and could not obtain free entry, so they broke down the door; they found in the house a great fire, Richard, his wife and his boy-servant being present in the house. Because Richard refused to act peaceably or to find a guarantor [for good behaviour], but drew his sword and cut off two fingers of one of the deputies, **etc.**

DISCUSSION

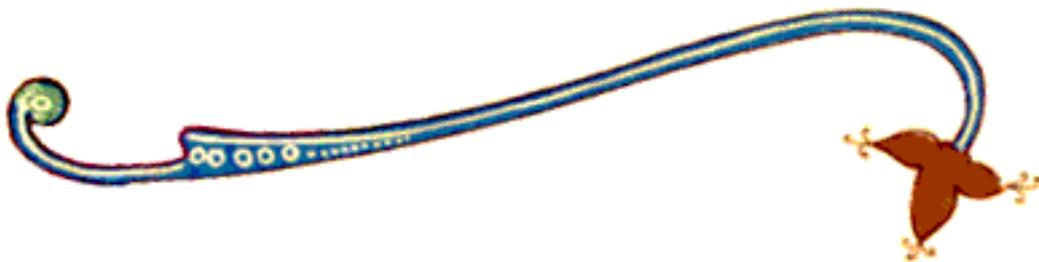
The outcome of this case is not recorded in the roll, so we do not know whether Richard de Totnes did, by resisting authority, provoke his harsh treatment, or whether the manhandling, beating and close confinement was reasonably typical in arrests. The defence against Richard's charge is not so much that he has exaggerated the violence of the arrest, but rather that the action taken was official (hence it is Hugh, as sheriff, who answers) and not unjust. Complaints about imprisonment are not uncommon in eyre records, it being part of the eyre's purpose to check into abuses of authority, but this case seems to have been an extreme. In its broad strokes, however, it paints a useful picture of police procedure.

It appears that Hugh put together a posse comprising his own shrievalty staff together with a few other citizens. That to effect the arrest he required such a large group and put it in charge of his brother (we may hypothesize from William being named first in the list), rather than his sergeant, may suggest that Hugh was anticipating problems. Hugh judiciously stayed out

of harm's way until Richard and his household were subdued. Whether Hugh's defence that thieves were believed to be in the house was accurate or not cannot be judged, since the domestic confusion and Richard's resistance to arrest seem to have deflected the original purpose of the raid.

It may be noted that John Shep was apparently promoted to sheriff's sergeant later in the year, but was forced to flee the city, and was outlawed, after having arrested a man on suspicion of homicide, then flinging him so violently into the Newgate dungeon that he broke his neck.

Note also that prisoners often relied on family and friends, or even **passers-by**, to supply them with foods and other comforts while in prison. Richard's payment to the gaoler was likely for food and perhaps other comforts.



NOTES

"solar"

An upper chamber of a house, usually the parlour and/or bedroom of the tenant. The staircase may have been inside or outside the house; possibly the landing at the top of the staircase is where the beating took place.

"beat him"

The beating described was probably by kicking.

"Newgate"

As one of the sturdy gates on the western side of the fortifications around London, Newgate was a logical location for a city gaol of modest capacity.

"broom-swept"

Why Richard included in his deposition the point that the prison floor had been swept clean is uncertain, unless it was to emphasize the coldness of the floor, cleared of sawdust or other scrapings that might perhaps have offered some small protection.

"he was a clerk"

Richard claimed "benefit of clergy" to escape prison: that he was in holy orders and any charges against him should be tried in an ecclesiastical court.

"etc."

I.e. he was arrested.



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Keywords: medieval London punishment prisons officers imprisonment prison conditions fees sheriff maladministration

Subject: Prison conditions

Original source: Corporation of London Records Office, *Liber Albus*, ff. 257-258

Transcription in: Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 522-24.

Original language: French

Location: London

Date: *tempore* Henry VI

TRANSLATION

From now on the Counters are not to be **put to farm** by any sheriff, or anyone else on their behalf, to porters of the Counters or to any other officer of the sheriff. The sheriffs must bear the cost of the rent, candles, and other costs such as the porters of the Counters have born in times past, due to their having the farm.

Prisoners who stay in the Counters for one night need not pay any fees to the porters or sheriffs pertaining to their stay in the Counter, except for a penny the first night for a bed. If it is their preference to be held in the Counter rather than be sent to Newgate or Ludgate – whether for debt, trespass, or any other cause (with the exception of felony or treason) – then the sheriffs are allowed to leave such prisoners in the Counter, for their comfort, **[in return]** for a payment to the sheriffs of 4d., 6d., 8d., or 12d. per person, per week (and no more), to be used to cover the rent of the building. This **[amount]** is to be assessed by the clerks of the Counter, taking into consideration **[the reason for]** their arrest and also their **status**.



If a prisoner makes such an arrangement with the sheriff or his clerks to be held in the Counter, as is mentioned above, the prisoner may be permitted to have his own bed [brought] there, if he owns one. If he does not, then it is permissible for the porter to provide him with a bed, taking a penny a night for it, as is done in all lodging houses.

Neither the porter nor any other officer of the Counter may sell prisoners bread, ale, coal, firewood, nor any other foodstuffs whatever, except by [honest] measure and at a reasonable price, upon penalty of imprisonment and imposition of a fine at the discretion of the mayor and aldermen.

Newgate and Ludgate

Because there has been much complaint in the past about many wrongs and extortions committed by the gaolers at Newgate and Ludgate, and their officers and servants, causing serious impoverishment to the king's poor subjects, it is ordained and agreed to by the mayor, aldermen and community of the city that henceforth no prisoner committed to Newgate or Ludgate (for whatever cause) should pay any money for lighting within those gaols, nor for any bed therein. But all prisoners committed to the same shall pay to their gaolers, upon release, 4d. (and no more) as the fee, in all cases except for treason or felony. Providing always that no prisoner, sent to the gaolers by order of the mayor, aldermen or sheriffs, to be punished and disciplined, has to pay anything to those gaolers, nor to their officers or servants, for lighting, bed, or fee. If any of those gaolers, officers or servants, takes [money] from any prisoner contrary to this ordinance, and is convicted of so doing, he is to be deprived of his office without [hope of] restitution; and furthermore is to pay ten times the amount that he extorted: half to the Chamber for the use of the community, and the other half to him by whose complaint he has been convicted.

But it is permissible for the gaolers to take reasonable **surety** from prisoners in their custody, in the sum of **100 shillings** or more, for removing their irons – as has been the practice in other of the king's gaols previously.

DISCUSSION

There were different types of prison in the city, with different levels of discomfort and security, and some specialization in the types of criminals they hosted. Newgate, the largest of the city prisons, was an adaptation of a city gate and adjoining buildings. As an already strongly-built structure, it received the more serious offenders, including informers and those they accused, the dregs of society; it was a correspondingly harsh environment. Some parts of Newgate were evidently quite unpleasant, but there was doubtless no inclination to make comfortable those destined for hanging – indeed many did not survive the prison conditions long enough to meet that fate.

The Fleet prison was originally intended for offenders from London and Middlesex, but was later also used for outsiders sentenced by royal courts. It was designed as a prison, and surrounded by a moat. It became home to a large number of debtors, since the Exchequer and the Court of Common Pleas (both entertaining cases of debt) made use of it. Ludgate, founded in 1380, was on the other hand for freemen of London; it too came to be designated as a prison for debtors or the better class of citizens and, after a brief abolition, was re-established as such during the mayoralty of Richard Whittington in 1419. The two Counters were minor gaols at changing locations (in the fifteenth century in Cheapside and the Poultry), under supervision of the sheriffs and therefore used for any type of offender who came into the sheriffs' court – although this was primarily debtors or other minor offenders who could expect to be fined and released back into society. In earlier days the sheriffs had had to use their own houses to hold such offenders. The Tun on Cornhill was a temporary lock-up for those breaking curfew or offending against morals – typically, in both cases, whores, pimps, and johns; nearby was the city pillory.

It was fairly common for officials to look upon their posts as opportunities for private profit, by charging all sorts of fees for services. Those who could afford to pay these bribes could expect a more comfortable stay in gaol.



NOTES

"status"

That is, their economic means; fines and fees were often graduated according to the wealth or poverty of the offender.

"100 shillings"

This was not a fee, but an amount put up to guarantee that the offender, once freed of chains, would not escape.



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Keywords: medieval London trial punishment fraud rebellion imprisonment pillory ceremony offences

Subject: Punishment of the pillory

Original source: Corporation of London Records Office, Letter Book G, f.138

Transcription in: Henry Thomas Riley, ed. *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green & Co., 1868, 315-16.

Original language: French (English translation by Riley)

Location: London

Date: 1364

TRANSLATION

Be it remembered, that John de Hakford came before the Mayor, John Not, and the Aldermen of London, in the Guildhall of the said city, on the Monday next after the Feast of St. Peter's Chains [1 August] in the 38th year, to shew to the said Mayor and Aldermen that one Richard Hay, fuller, came to him in the week last past upon Cornhulle, and asked him if he was one of those who were at **Haveryng atte Boure**, when the people of the City were there with our Lord the King. And he answered – "Yes," and then the said Richard asked if he was a tailor, and knew of the design that was entertained. And to this John answered that he was a tailor, but as to any design, he knew nothing about it; whereupon, the same Richard said to him that there were ten thousand men in the said city, all of one alliance and of one agreement, that, at a certain time, such as should seem to them the best, they would all be ready and prepared with their arms, – those who have arms, and those who have none of their own, with such arms as they may get, – to slay all the best people, and the great folks and officers of the said city : and that as he had not been warned before, he now gave him warning to be ready and prepared, whensoever the cry should be raised. On which charge,



the said Richard was committed to the Prison of **Neugate**, there to remain until, etc.

[... In November Richard denied the charge and an inquisition jury was summoned ...]

Who said upon their oath, that the said Richard was in no way guilty of any of the things to them submitted thereupon. And because that the King himself commanded with his own lips that, if the said information should be found to be false, the same John Hakford should be punished, as an example to other such liars, the said John was remanded by the Mayor and Aldermen to the Prison of Neugate, there to remain until they should be better advised as to their judgment.

Then afterwards, on Saturday the morrow of St. Nicholas [6 December], in the 38th year etc., the Mayor and Aldermen, with the assent and good advice of the Commonalty, gave orders as to the punishment that the said John de Hakford should have for the falsehood aforesaid, – in form as follows. The said John shall remain in prison for one whole year and a day, that is to say, from Monday the Feast of St. Martin [11 November], in the 38th year aforesaid, the day on which he was convicted of the falsehood, until the same day in the year next to come. And the said John within such year shall four times have the punishment of the pillory, that is to say, one day in each quarter of the year, beginning, for the first day of the pillory, on the Saturday aforesaid, and in this manner. – The said John shall come out of Newgate without hood or girdle, barefoot and unshod, with a **whetstone** hung by a chain from his neck, and lying on his breast, it being marked with the words, – "A false liar"; and there shall be a pair of trumpets trumpeting before him on his way to the pillory; and there the cause of his punishment shall be solemnly proclaimed. And the said John shall remain on the pillory for three hours of the day, and from thence shall be taken back to Neugate in the same manner, there to remain until his punishment shall be completed, in manner aforesaid.

DISCUSSION

The pillory was a common punishment for offences against the community, particularly those involving some kind of deceit or fraud; the aim was to expose and humiliate the deceiver publicly. The usual penalty was one or more sessions of an hour each in the pillory, although a session might last as long as three hours for particularly reprehensible offences. The humiliation was not just a matter of exposure to public ridicule or insult, but also through some symbolic act to indicate the nature of the crime, as well as its public proclamation. For example, in 1365 a seller of putrid pigeon-meat had the pigeons burnt beneath the pillory in which he was secured, while in 1376 a cheat had his chequerboard burned beneath the pillory. More common was to hang around the offender's neck, or from the pillory itself, an item associated with the offence. Or, in a case in 1364, a seller of bad wine was forced to drink a draught of the same wine he had tried to foist on the public, and then the remainder was poured over his head. Some mitigation of the punishment was possible in special cases; in 1380, John Bernard was punished for selling sacks of charcoal of short measure, but, due to his advanced age, he was left in the pillory only for as long as it took to burn his sacks under him. Occasionally the humiliation itself was considered sufficiently strong punishment; in 1382 a man who had pretended to be a physician was punished just by being led through the city, accompanied by trumpets and pipes, seated on a horse without a saddle, with a parchment (bearing a false spell) and a whetstone hung from his neck, and a urinal hung before him and another behind him – after such exposure he was unlikely to be given any further business by the citizens.

A case of sentencing a forger to the pillory can be found in **Why Thomas Corbett stood in the Pillory.**

Slander and malicious rumour-mongering were looked on with considerable displeasure by city authorities, particularly in cases such as this when the spectre of social strife was raised. The fact that Hakford was also a beadle of Cornhill ward may have compounded the gravity of the charge. Compare with the sentence of a single three-hour session in the pillory imposed the same year on baker John atte Wode for trying to increase the price at which he could sell his own grain, by buying up grain from other sellers. Or with that in 1371 on Nicholas Mollere for spreading rumours (suggesting a loss of Londoner's franchises) aimed at stirring up social unrest; he was to stand in the pillory for one hour with a whetstone hung from his neck. Again, in 1382, John de Stratton was convicted of forging a letter for purposes of

fraud and, for this deception, was condemned to be escorted by pipers and trumpeters from Newgate, through Cheapside, to Cornhill, to the pillory, where he would spend an hour, and suffer the same punishment the following day, after which he was to remain in prison until he had repaid the sum he had obtained through his fraud; there is no mention of the whetstone in this sentence.

Perhaps the notion of a popular uprising was not entirely a fiction conjured up by Hakford in an attempt to discredit Hay. Hakford evidently had friends with some influence, for in April 1365 the king ordered him released, upon finding guarantors, and putting up a bond of £100, for future good behaviour. One of his guarantors was John Northampton, possibly the draper of that name who later rose to a position of influence – ultimately mayor – and in the 1370s and '80s led a popular and somewhat radical reform movement that aimed to curtail the power of the aldermannic class.



NOTES

"Haveryng atte Boure"

A location in Essex where the king had a residence.

"whetstone"

A symbol for liars.



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Keywords: medieval Norwich legal procedure felony jury trial theft maladministration capital punishment sanctuary

Subject: Hanging without due process

Original source: Public Record Office, Assize Roll, JI/1/571, m.89

Transcription in: William Hudson and John Cottingham Tingey, eds. *The Records of the City of Norwich*, vol.1 (Norwich: Jarrold, 1906), 220-21.

Original language: Latin

Location: Norwich

Date: 1285

TRANSLATION

The jurors present that on 12 February 1285, during the time of Roger de Wileby, Adam le Clerk, James Nade, and William de Burwode, bailiffs of the king, Walter Eghe was arrested upon an indictment at the city's **leet court** for stealing cloth from the house of Richard de la Hoe and for other thefts. Subsequently, on the 14th, he was brought before the bailiffs and the whole community of the entire city in the **Tolbooth** and, without any suit being brought [\[against him\]](#) by anyone, pressured [\[to say\]](#) by what method he wished to clear himself of the charge of theft; for better or worse he submitted himself to a jury. The bailiffs, together with the community, had an inquisition made [\[to ascertain\]](#) whether or not he were guilty; the inquisition determined that Walter was guilty, as a result of which he was sentenced to be hung, and they hung him. After he was taken down from the gallows and carried to the church of St. George for burial, he was found still to be alive.

The jurors were asked by whom Walter was taken down from those gallows. They say that it was by William the son of Thomas Stanhard;



he came and acknowledged it to be true. Therefore he is committed to gaol. The possessions of Walter [are worth] £2.13s.4d., for which the sheriff is to answer.

It was testified that Walter stayed in the church for **fifteen days** – kept under guard there by the **parishes** of St. Peter Hungate, St. Mary the Less, SS. Simon and Jude, and St. George in front of the gate of Holy Trinity – after which period he escaped from the custody of the parishes. Therefore the four parishes are **subject to judgement** for the escape. After his escape, Walter put himself into the **church of Holy Trinity**, Norwich, and remained there until the king pardoned him the charge of breaking his peace; he now comes and presents in evidence the king's charter [of pardon] which states "Edward, by the grace of God, etc." [...]

The bailiffs together with the community were asked by what authority they sentenced Walter to hang and hung him, without a suit from anyone or without having caught him in the act. They say that at Easter after the events took place the king came into these parts and was given to understand how Walter was hung. As a result of which he sent John de Lovetot to the city to enquire into the matter; and he, because of their deed, took the liberties of the city into the king's hand, and they remained in the king's hand until his next parliament. At which parliament he afterwards restored to them their city by his charter.

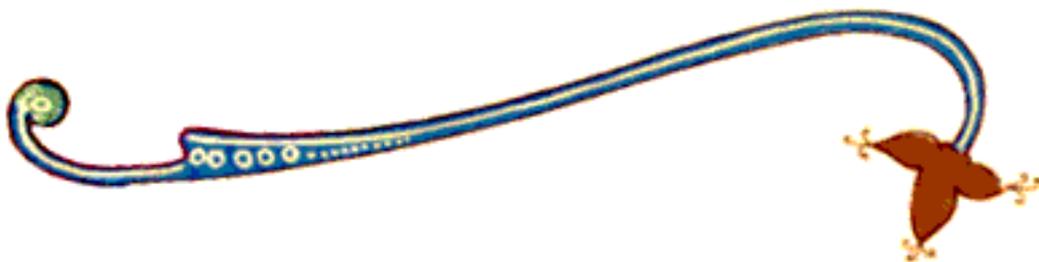
DISCUSSION

This mis-step by the Norwich authorities took place during a period when Edward I was attempting to assert greater control over the administration of justice. In 1278 he had added *Quo Warranto* proceedings to the scope of responsibilities of the justices in eyre; the challenge against the city was, in essence, of that type.

At this time, the law required that a felony trial had to be initiated either by a legal action being brought by one individual against another, or by a royal

writ. The leet court might identify the occurrence of felonies, but without investigation turning up a plaintiff, a suspected felon ought not to be tried; the exceptions being for felons caught red-handed or confessing their crimes. The language of the record may indicate that Walter initially refused to respond to the charge, on those grounds, but the court forced him to do so. Why Richard de la Hoe did not bring a charge is something we cannot know for certain. One suspects that Walter may have been a notorious thief, leading the city authorities to act against him in the absence of an accuser, and there is some suggestion that the bailiffs may have based their actions on a breach of the king's peace (although this should have been held for trial by royal justices). The king's pardon to Walter may not have addressed the issue of his guilt or innocence directly, but may have been occasioned by the seeming divine intervention that allowed Walter to survive the hanging.

The king's action against the city authorities was a typical response of suspending the city privileges of self-government. The court record justifies this, as opposed to punishment of the bailiffs, by emphasising the community's role in supporting the proceedings against Eghe. The citizens purchased their own **pardon** and obtained a restitution dated 27 May 1285; the cost to them was an additional 40s. payment added to the annual **fee farm**. The restitution stated that the seizure of the liberties had been due to the city authorities sitting in judgement on crimes committed outside of their area of jurisdiction. It may therefore be that what we see in the case of Walter Eghe is another manifestation of the long-standing **disputes** between the city and independent areas of jurisdiction within the city bounds; it may be noted that the document of restitution made reference (without any apparent necessity) to an earlier seizure of liberties, in 1272, as consequence of the same disputes.



NOTES

"Tolbooth"

Tolbooth was the name of the building housing the city government at this time; it can hardly have been large enough to hold the entire community, a term used rather to express that the court session was public or – in this context – perhaps to ensure the city as a whole, not just its officers, was held accountable for the maladministration of justice.

"fifteen days"

I.e. he took advantage of the situation to claim sanctuary.

"parishes"

These parishes represent the one in which the sanctuary was claimed (St. George Tombland) – which suggests that the gallows were on **Tombland** – and the three closest parishes.

"subject to judgement"

The parishes were subsequently fined 100s.

"church of Holy Trinity"

The cathedral, just across Tombland from St. George's.

"pardon"

A section of text omitted by Hudson, but supplied in an earlier translation by Harrod (*Norfolk Archaeology*, vol.7, 1879), indicates that the pardon (as opposed to the restitution) was obtained on 24 March.



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Keywords: medieval York homicide arbitration pardons ceremony

Subject: Citizen begs forgiveness for a homicide

Original source: York City Archives, Memorandum Book A/y, f.162

Transcription in: Maud Sellers, ed. *York Memorandum Book, part II (1388-1493)*, Surtees Society, vol.125 (1914), 30-31.

Original language: Latin

Location: York

Date: 1391

TRANSLATION

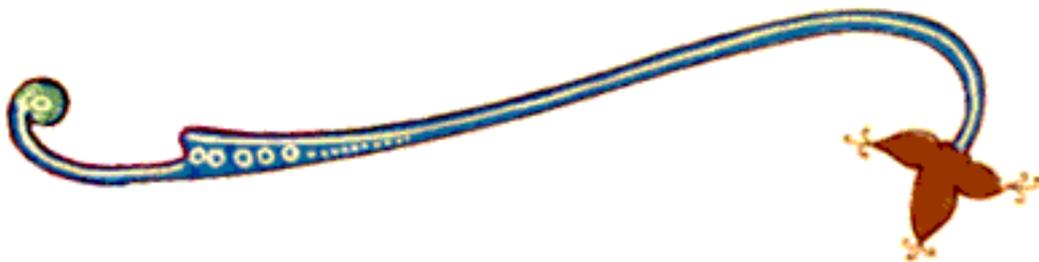
Memorandum that on the last day of February (that is, the 27th) 1391, there were gathered in the mayor's chamber on the Ouse Bridge in York, Robert Savage, then mayor, John de Hoveden and John de Doncastre, then bailiffs, John de Ripon, Robert del Gare, Robert Warde, John de Bolton, William de Rumlay, Hugh Straunge, and many other **reputable men**, into whose presence came in person Ralph del See, son of Richard del See of York. Following – indeed being led by – him came a certain Robert de Ellerbek mercer, barefooted and head uncovered, into the chamber before the mayor, bailiffs and other reputable men. He sinking down to the ground on bended knee before Ralph del See, humbly and tearfully implored Ralph in these words: "I beg you, Ralph, for the love of our Lord Jesus Christ, who redeemed humanity on the cross with his precious blood, to pardon and forgive me for the death of your father Richard del See." Upon which words, the mayor, bailiffs and other reputable men added their voices to that of Robert de Ellerbek, asking Ralph to pardon him for the death of Richard, his father, for the love of God. Ralph, his anger against Robert dispelled, responded: "In reverence of God, at the request of these respectable men, and for the good of Richard's soul, I forgive and release you



forever for the death of my father Richard del See."

DISCUSSION

Nothing is known of the circumstances surrounding this case, nor is it clear whether Ralph's forgiveness released Robert from the risk of prosecution, although it may at least have paved the way to purchasing a royal pardon. As a mercer, Robert may well have been of the same society as the influential men who ran the city government, and perhaps was related to the Thomas de Ellerbek who was one of the attornies retained by the city; since he did not enter the franchise at York until 1395, he was probably in the early part of his career. Richard del See was perhaps of the same class, possessing multiple properties in York which Ralph had already (in January) sold to a London merchant; Ralph being referred to as "esquire" during those dealings.



NOTES

"reputable men"

In the original, *probi homines*, probably referring to other members of the city council.



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Keywords: medieval London reforms legal profession lawyers crafts sergeant legal procedure offences professional misconduct court essoins

Subject: The legal profession

Original source: Corporation of London Records Office, *Liber Custumarum*, ff.205-06

Transcription in: Henry Thomas Riley, ed. *Liber Custumarum*, Rolls Series, no.12, vol.2 (1860), 280-282.

Original language: French

Location: London

Date: 1279/80

TRANSLATION

In the time of Gregory [de Rokesle], mayor of London, in the eighth year of the reign of King Edward, [this ordinance was made] because often there have been some men who took the role of countors who did not have know-how about that craft and did not bother to learn it. Through the ignorance of which men, as the **reputable men** of the city fully recognized, defendants and plaintiffs have lost their pleas and their suits in the **husting** or the **sheriff's hall**, and some have been disinherited through the amateurish conduct [of these countors]. Anyone might put himself forward as a countor, at will, sometimes without knowing how to speak the correct language [of the courts], to the great disrepute of those courts which indulged this, and [also as?] pleaders, attornies and **essoiners**, and sometimes assessors in the sheriff's court – each [thus becoming] the judge of others, privately or openly; with the result that they have undermined justice [being done].

[Consequently] the mayor and his aldermen and other reputable men of the city, at the request of the sergeants and countors who are



knowledgable in their craft and who felt greatly aggrieved by this [situation], have established that henceforth [the courts] shall not give an ear to those who do not have a reasonable knowledge of their craft, nor understand how to manage satisfactorily the [legal] business and suits of reputable men. And that such persons shall henceforth be admitted [to practice in the courts only] by the mayor and the aforesaid reputable men, except that each reputable man may nonetheless have such counsel as he wishes, whether citizen or outsider, to look after his business. However, this ordinance and decision is to hold good regarding our sergeants, attornies, and essoiners who are full-time residents and are in regular attendance on our courts. It is also their [i. e. the mayor's and aldermen's] wish that everyone restrict himself to his own role; that is, that a countor not act as attorney or essoiner, nor an essoiner [be a] countor or attorney.

The duties of a countor are thus: acting as a pleader and presenting cases, and making arguments at the bar, without any knavery, without casting blame or using foul language, and without slandering any man, throughout the duration of the court session. Neither sergeants nor attornies should advance [towards the judge] further than the bar or beyond the seat assigned to them. Nor is anyone to act as assessor, or sit close to the bailiff, for delivering pleas or judgements, unless the **chief bailiff** presiding in the court calls him forward – in which case he is to take an oath not to favour either party [to the suit].

Neither countor nor any other person is to object to or dispute the [court] records or the judgements. If it appears to them that there has been an error, the law and custom of the city allows them to make a complaint or representation **to the mayor**, who will rectify the error (if there is one). No countor is to take a case in order to be partner in the plea, nor to accept a fee from both parties to a suit; rather, he is to carry out his craft in a proper and ethical fashion. No countor, nor anyone else, is to dispute the judgements of the husting, nor attempt procurement [of outside support or authority?] to overturn the decisions and sentences of the community. The countors are to swear an oath that they shall not do this.

Whoever comes near the judge without being invited, or objects to the records and the judgements, or slanders another, if [done] in the sheriff's court, is to be suspended for 8 days so that he cannot present

cases for anyone, or to be amerced 6s.8d by the sheriff. If [done] in the husting, he is to be suspended for 3 or more sessions, depending on [the gravity of] the offence. Anyone who is convicted of taking [a fee] from both parties is to be suspended for 3 years; where, after taking it, he abandons his client and allies himself with the other party, or takes it and defaults [in representing] his client, he is to reimburse double [the amount] and may not argue against that client in the plea. Anyone convicted of seeking to procure [support] to overturn the sentences and judgements of the community is to be perpetually disbarred, and forever considered a perjurer. A countor convicted of taking a case for a share in the [compensation] demanded is to be perpetually disbarred. The same penalty applies to attornies, if they are convicted of contravening this ordinance. If attornies, due to default or negligence, lose the cases of those they represent, the king's statute requires that they be imprisoned. No one who is an attorney shall act as essoiner, nor any essoiner is to be an attorney, under the penalty already mentioned.

DISCUSSION

It will be noted that this document refers to the practice of law as a craft (*mestier*) rather than a profession, placing it on a par with other trades and crafts in contrast to the predominant twentieth century view of lawyers as members of a profession, with a superior social standing to those who using manual skills. Even this recognition of the craft of attornies – probably not intended to imply any organized gild – was a step in the direction of professionalization, however. Yet, while this document indicates awareness that the practice of law required special training, this does not in itself imply professionalism in the fullest sense that we use the term today. In essence, the document's concerns could be reduced to the concern – seen repeatedly in borough ordinances regulating craft guilds – that unskilled practitioners would bring disrepute to the craft as a whole, and offered unfair competition to the skilled, established practitioners.

London's courts, because of their number and the early development of a fairly elaborate bureaucracy, attracted specialized lawyers from a relatively early date, but (as the document suggests) without blocking the activity of

men whom we might describe today as "para-legals". Doubtless influenced by the nearby royal courts, London increasingly passed ordinances defining the practice of law in its courts, and specifying who was qualified to practice it.

The overall image from the reform document translated here is that the courts had become something of a circus, with unqualified men hanging around the courthouses to sell their services to parties in lawsuits, then acting outside of established court procedures, trying to exert undue influence over judges by having private words with them in court, and raising objections to recorded evidence or to judgements that went against their clients. Some were also capitalizing on the tendency to use litigation as a pressure tactic in business dealings or even as a means of speculation – introducing a volume of pleas in the anticipation that the income from victories or out-of-court settlements would exceed the costs of losses – by partnering with such plaintiffs (perhaps even inciting men to introduce such frivolous suits). Another abuse revealed by the document seems to have been a countor acting for both sides in the same plea, or accepting a bribe from the opposing party to sabotage his client's case, or even taking one party's case (and fee) and, having familiarized himself with the arguments for that party, switching sides to give the other party an advantage and himself a second fee; these of course being serious perversions of justice, and punished accordingly.

This could not have done much to enhance the reputation of lawyers, who were already the subject of distrust. In certain cases, notably that governed by the law merchant, lawyers were not normally allowed to take part, it being felt that the facts should speak for themselves and not be subject to the convoluted arguments of lawyers. And there were several largely unsuccessful attempts to prohibit the election of lawyers as parliamentary representatives.

A countor was a certain category of those whom are today called barristers or lawyers, i.e. they pleaded court cases on behalf of clients pursuing or defending a legal suit. The name, which was the one most commonly used in the thirteenth century for representatives of litigants, originates from the fact that they counted (argued) counts, i.e. accounts – although whether in the sense of a narration of the events (as the Latin equivalent, *narrator* suggests), or the sense of a demand that one person account to another for some alleged injury (there being some indication of a link of the term to the Latin *computarium*), is not clear.

Several categories of men engaging in legal practice, at some level, are seen

in the document: sergeants, attornies, countors, pleaders, essoiners, and assessors. Whether or to what extent these categories may have overlapped is uncertain, although the document itself envisages distinctions. Certainly at a later date sergeants represented the highest level (the pool from which professional justices were chosen), years of service as an attorney prepared one to be a sergeant, and countors appear to have been a level lower than attornies; pleaders were perhaps men of even lesser experience (Riley suspected they were at the apprenticeship level). Esoiners provided a specialized service (see notes below). Assessors were apparently individuals present in the court whom the presiding officer might invite to advise him on an appropriate sentence – hence perhaps the notion that sentences were passed by the community. It would still be a few years before London had its first known public prosecutor, the Common Sergeant, and its first expert legal advisor, the Recorder.



NOTES

"reputable men"

A term often used to refer to a city council, and perhaps so intended in some uses here; but in others appears to apply more broadly to law-abiding citizens in general. This is an illustration of how we must beware of seeking too much, or consistent, precision in medieval use of terms.

"husting"

The **husting** was the principal city court in London, with jurisdiction in both civil and criminal matters, and the oldest court to receive official endorsement from a royal charter. The earliest reference to it is in the second half of the 10th century, and its purpose was probably to deal with day-to-day administration of local customs and other business touching community interests (something the outdoor popular assembly, the folkmoot, was not well-designed to do, meeting only a few times a year). It was the **aldermen**, the oldest body of purely local authorities, who served as what we would today consider a jury, along with other "reputable" or law-worthy men of the city; although at a later date the mayor and before that probably one of the sheriffs (or perhaps the mysterious "justiciar", or judge, referred to in **Henry I's**

charter) presided. The jurisdiction of the husting was gradually eaten away as new institutions, such as the mayor's court, emerged.

"sheriff's hall"

This hall (*hostiel* – whence today's *hôtel de ville*) doubtless refers to the location where the sheriffs dispensed justice; they had jurisdiction over certain city gaols, also known as the Counters, for the punishment of minor offences.

"essoiners"

Persons who presented to the court the **excuses** of parties to pleas for being unable to attend a particular session and, if necessary, provided supporting proof for the legitimacy, or arguments for the acceptance, of the essoin. While likely originally a task performed as a favour by friends or family members, it became quasi-professionalized: some townsmen appear to have pursued essoining as an income-earning sideline, or as part of a wider clerical/notarial/legal occupation.

"chief bailiff"

Seems to be used here as a generic term for whatever officer is presiding in the court.

"to the mayor"

The mayor's court became the court of appeal from other city courts, since responsibility ultimately lay with the mayor to see that justice was done. It was through this that the mayor's court came to draw power away from the husting and sheriff's court. If a party felt that justice had not been obtained from the mayor, appeal could be made to a higher authority (such as, for example, to a lord who might intervene informally, or to one of the king's courts), but this would normally be considered an act of gross disloyalty to the community.



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Keywords: medieval Shrewsbury Stafford Newcastle-under-Lyme eyre lawyers professional misconduct fraud lawsuits property disputes education

Subject: Unethical behaviour from lawyers

Original source: Documents in the Public Record Office

Transcription in: William Craddock Bolland, ed. *Select Bills in Eyre, A.D. 1292-1333*, Selden Society, vol.30, (1914), 3-4, 52-53.

Original language: French

Location: Shrewsbury and Stafford

Date: 1292-93

TRANSLATION

[Complaint to the Shropshire Eyre of 1292]

Avice Kylot of Shrewsbury complains to the king's justices about Adam de la Roue of Shrewsbury. Adam made a contract with Avice to manage her [legal] business faithfully and purchase writs from the king for her against Robert de Grymmesby, his wife Alice, Thomas the son of Alice, and Alice Hagereng, regarding a half-share in a shop in Shrewsbury, and [against] others regarding a tenement and a one-third share in a tenement and its appurtenances in Shrewsbury, and he has received 5s. of her money for honestly and faithfully pursuing [these legal actions] in the county court in Shrewsbury and also before you. Instead, through a sham prosecution and collusion with her opponents, he has **caused her writs to be abated**, and he has faithlessly switched from counselling Avice to counselling her opponents, to Avice's damage in the amount of £20; for which she begs redress, in God's name.

[Endorsed:] She failed to prosecute. Adam de la Roue cannot be found and has nothing by which he can be attached.



[Complaint to the Staffordshire Eyre of 1293]

Your Honour, this is a complaint and a grievance brought before you by Lovekin Semon of Stafford against John Organ of Newcastle-under-Lyme. Lovekin covered the costs of John going to London for three and a half years, to the amount of over 100s., on condition that he give assistance to Lovekin if he needed to go to court. It happened that Lovekin sued one Henry Meyler of Shrewsbury regarding a tenement with appurtenances in the town of Shrewsbury. In relation to that tenement, John Organ purchased a writ in Lovekin's name, and brought the writ before the court, and pursued the legal action at Lovekin's cost, and was his attorney for a good three and a half years. When the action was so far advanced that the tenement was on the verge of being lost or won, Lovekin's pleader John Organ went to Henry Meyler, the tenant of the property, and took £6.13s.4d from him to thwart Lovekin's claim. He forged for Henry Meyler 4 pairs of charters under the names of ancestors of Lovekin, which ancestors had been dead for sixty years or more before that time. For the last ten years he [i.e. Lovekin] has been unable to recover that property, but throughout that time has been beggared; nor did he ever receive back a penny, or even a halfpenny, of that 100s., except for his [i.e. John's?] horse in lieu of 20s. although it was not worth more than 6s.8d. Nor did he ever receive anything of the £6.13s.4d. To his damage in the amount of £20 and more. And Lovekin begs Your Honour for redress, in God's name and for the good of the king's soul.

[Endorsed:] He failed to prosecute.

DISCUSSION

Duplicity on the part of lawyers – taking money from both parties in a case, in order to betray the interests of one to the benefit of the other – was sufficiently common that it was occasionally among the list of articles that justices in eyre were specifically authorized to enquire about. Forgery of property deeds was also a common charge levied at lawyers.

We should not assume, of course, that all or a majority of lawyers were like to behave in this fashion. Avice Kylot and Lovekin Semon made bad choices in who to trust. Avice's lawyer sabotaged his own case in order to have judgement go against his client, and for the writ she had bought to come to initiate the action come to nothing. The fact that Adam de la Roue had no possessions that could be found in Shrewsbury that could be used as a lever to force him to answer to justice itself suggests that he was a shady character, and may be the explanation of why Avice, seemingly a widow of limited resources, was unable to pursue her action against him.

Lovekin had been prepared to loan the money necessary to support John Organ in London while he studied law there; the reference to John as a "pleader" uses a term applied to those permitted to argue cases in the king's courts and Lovekin's purpose behind his subsidization of a legal education was not simply to acquire an attorney, but a barrister with experience in the highest courts in the land. Whether the three and a half years in which John served faithfully as Lovekin's attorney were the same as the period of training in London is difficult to say. But John was evidently no youth when he decided on a legal career, for another bill presented to the justices in eyre was from John himself, complaining that one Master Richard de Thyknes had failed to completely fulfill an assignment given him by John's father Adam fitz Juliana on January 1, 1271 (at Newcastle-under-Lyme), to deliver to John, then in Orleans, some money and a gold ring. Even if we suppose that John had then been an apprentice or factor for his father, pursuing some commercial business abroad, his interest in the law could not have come until he had entered his twenties.

Then, as today, there was wealth to be made from a legal practice. The entrepreneurial outlook of medieval townsmen made the pursuit of law one of many avenues to making money, whether honestly or not.



NOTES

"caused her writs to be abated"

To abate a writ was to judge it to be ineffective or void.



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INTRODUCTORY ESSAY

[The prospects of old age](#) | [The medieval poor house](#) | [Retirement homes](#) | [Further reading](#)

Keywords: medieval society retirement old age family support pension charity hospitals poverty almshouse friaries maintenance contracts guilds

The prospects of old age

There was no systematized or institutionalized retirement in medieval lay society. Yet there was recognition that, for those who lived long enough and had or could find the means to provide themselves with the basic resources (food, clothing, shelter) for survival, retirement was a possibility. Old age, when coupled with infirmity or disability (e.g. blindness), was seen as a valid excuse for ridding oneself of responsibilities. There are numerous cases of townsmen withdrawing from positions in local or royal service on such grounds, even though some may have been excuses behind which lie other reasons. On the other hand there was no social expectation that men would retire at a certain age; London seems an exception in ruling, in the fifteenth century, that no-one over 70 need undertake jury service if he did not wish. But 70 was very old; the harsher living conditions of the Middle Ages brought many to the condition of physical decline, that we associate with old age, in their 50s. Probably only about 15% of the adult population lived to a modern retirement age.

Retirement was necessarily a personal decision and it was largely up to individuals to take the initiative in providing for their retirement years. It is assumed that many retirees would have been supported by their families, through informal (i.e. unrecorded) arrangements, or supported themselves from wealth accumulated during their working lives. We sometimes find provisions in wills for the support of widows, while

dower rights were partly intended for that purpose, although also to ensure the maintenance of underage children. Those townsmen who could not call on familial support and lacked the means to support themselves, except through earning a living, worked until they dropped. At the other end of the socio-economic scale, some of those wealthy townsmen who had invested in country estates (as quite a few did) may have retired there in their final years.

For townspeople there were no company pensions, for there were few "companies" – most of those involved in commerce or industry being self-employed, at least in the later stages of their careers. The Church was the closest to a perpetual corporation that looked after its own. In the case of government, we do find cases of bureaucrats upon retirement being rewarded for long or faithful service with annual allowances (e.g. a [Coventry minstrel](#)), and fewer of negotiating a pension in advance of accepting an appointment, this was neither regulated nor systematized. Such cases are rarer in local government, where the majority of participants were elected for brief periods rather than being career administrators, and more common at the national level, perhaps helping explain why positions in royal government were sought after.



The family was necessarily the first line of support for those in their years of decline.

From a window in the quire of Canterbury Cathedral.

Photo: © S. Alsford

The medieval poor house

A few of the aged who became too ill or infirm to work received support from a charitable institution, such as hospital or gild (in the case of members in decline). Socio-religious guilds were much more active here than craft guilds, since charity was one of the purposes of their foundation. The majority made provisions for support of members who were in decline, occasionally even non-members. Hospitals had a variety of purposes and some were specialized, but their most prominent role was to look after the poor, old, and sick who lacked the means to take care of themselves. Since the elderly were particularly prone to both infirmity and poverty, it seems likely that many hospital residents were older members of society, although only a handful of hospitals explicitly focused their efforts on the aged, such as one founded at Nottingham in 1392 intended for impoverished, aging widows. The aged who

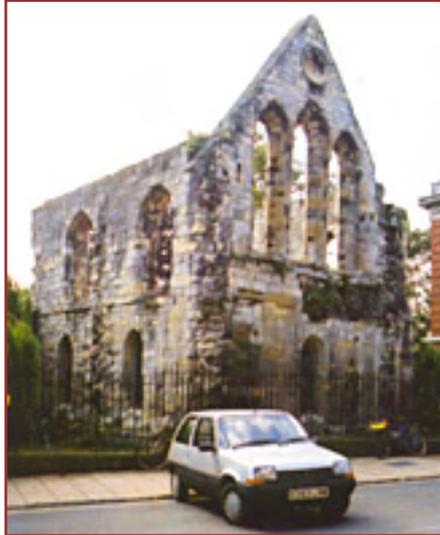
lacked family support were particularly susceptible to falling into poverty.

The late thirteenth century saw a second wave of hospital foundation; this was a time when town governments were expanding their spheres of activity and when increasing socio-economic differentiation within urban communities may have stimulated a sense of responsibility among the urban elite to provide for those less fortunate, and their own souls at the same time. Many of these and later hospitals were founded by leading townsmen, individually or in groups (sometimes socio-religious guilds), and typically imposed a semi-religious rule upon the inmates while also supporting one or more secular clergy who, sometimes together with the inmates, had the duty of praying for the souls of the hospital benefactors. The Hospital of St. Mary at Yarmouth is one example; it provided a refuge for impoverished adults of at least 30 years of age who had no family to support them, and it may well be that aged persons represented a large proportion of the inmates.

A trend in the fifteenth century was to endow the almshouse type of hospital, to accommodate the poor or aged. The London foundation of Richard Whittington is one of the best-known examples. As did the urban hospitals founded in earlier periods, these attracted donations from citizens, often in the form of small bequests. A few of these foundations specified a minimum age of inmates, indicating their focus on the elderly.

Despite the Church teaching the importance of charity for the good of the giver's soul, and despite some provision by the wealthy during life and particularly at death for charitable donations, including to hospitals, only a small percentage of the aged poor could have benefitted from that resource. Residents were not necessarily penniless, for some were accepted only on payment of a sizeable entry fee or an annual amount for bed-and-board. In some cases preferential treatment was given to freemen or householders in the locality, to the detriment of the unenfranchised poor. So, to some extent, hospital foundation represents the urban upper class providing for its own. There was no real effort to address

poverty on the broader scale, as a social undesirable, for poverty was part of Christian tradition, and was largely accepted as within the natural order of things; only as the economy worsened towards the close of the Middle Ages was there a growing resentment of those paupers (such as beggars and vagrants) on the peripheries of society.



At hospitals such as St. Leonard's, York, of which only ruins remain (top left), and St. Giles, Norwich, (below) which remains largely intact and impressive, elderly inmates could be assured the necessities of life in their final years; hospitals and other religious houses also assisted poor non-residents with daily gifts of food and drink (top right). The missions of St. Giles' and St. Leonard's continue today with modern institutions.

(click on the images for enlarged versions and/or more information)



Retirement homes

For those of means, however, there were several other options open for arranging for support in the latter part of one's life.

It was not a common occurrence for medieval merchants or craftsmen to put aside their occupation and become monks or friars in mid-life, although their sons or daughters might be attracted by the religious life, and large families often had at least one member who had chosen to pursue a career in the church. However, the standard of living in religious houses generally being in some respects higher than that of secular society, some of the wealthier townspeople negotiated arrangements whereby they would spend their declining years in relative peace and comfort in a "retirement home" environment of a friary or some other religious institution, including hospitals – the result of which was that paying guests consumed resources originally intended for the poor. Such maintenance contracts, specifying the terms of the accommodations, meal provision and other aspects of the retirement – the medieval equivalent of a modern pension – are known as a *corrodies*. The patrons of monasteries, particularly the king, arranged for *corrodies* to reward their old servants, again consuming the resources of such institutions; this came to be perceived as an abuse. Many who did not retire to friaries chose to be buried there – an indication of the high regard in which these institutions were usually held.

Maintenance agreements could be made with younger members of the family, neighbours, or friends, or respectable members of the community, or religious houses (e.g. hospitals). In many cases, the business-like character of these agreements likely disguises an element of trust or goodwill, or sometimes a landlord-tenant bond, which lay behind the relationship of the parties to the agreement; on the other hand, the formality of the agreements may reflect concern on the part of the elderly that they risked being treated poorly if reduced to dependency on others. In some cases, however, the retiree and the maintainer had no evident relationship, and the arrangement seems purely a matter of business. This may have been a necessity for the elderly who had no children or other

close relatives on whom they might rely. It is believed that in the decades after the Black Death had taken its toll in the mid-fourteenth century, this situation may have become more common, because of high mortality among the young and the division of families as a reduced workforce encouraged migration to where better career opportunities lay.

These agreements were essentially contracts in which the retirees turned over their real estate, or in the case of widows their dower rights, and perhaps (sometimes explicitly) most of the moveables therein, to the maintainer conditional upon the latter providing accommodation, food, clothing and other necessities on a regular basis for the remainder of the life of the retirees or, less commonly, for a specified period. For example, a contract at Coventry in 1332 involved Henry le Spicer and his wife Mary agreeing to give Henry's father, Richard:

- a suitable place for his bed in Henry's own house, along with suitable bed-clothes;
- food and drink served at Henry's own table, of sufficient quantity for Richard's needs and of the same quality as that consumed by Henry and his wife;
- a robe of decent quality cloth every 30 November, with suitable fur for an overcoat;
- a winter coat with cap and fur lining every other Michaelmas;
- a summer tunic every alternate 3 May;
- 6 pairs of shoes and hose each year;
- 50s. cash each year, out of a rent from a Smithford Street property.

It is likely these Richard had granted his properties to Henry in return for this maintenance.

Such agreements can be considered a sort of pension, and the pensioners might often stay on in the homes they had turned over to the maintainer, or go to live in the maintainer's home, or be supplied with a new residence. The more property retirees had to bargain with, the better the conditions they

might hope to negotiate. In the case of widows or other propertied women who found themselves in financial difficulty in the later years of life, the arrangement might take the form of management of the property until the woman's finances were on a sounder footing. For the party taking on maintenance obligations, the advantage was access to a source of revenue; this was useful to younger generations of the family, to religious institutions that relied on donations, and to the entrepreneur.

For once, we tend to have better information about maintenance agreements in rural rather than urban communities, since villagers' property was held of manorial lords and any transfers had to be reported in the manorial court. Otherwise much of our knowledge of urban agreements comes from the records of religious institutions, or from court cases involving contractual disputes.

Maintenance agreements did not always work out as planned, sometimes because the maintainer reneged on the agreement, or sometimes because the retiree became dissatisfied with the constricted terms interfering with lifestyle. In poorer households an aged parent might expect no more than a bed in the corner and a share in family meals. Wealthier townspeople, however, had in mind private quarters, access to cooking and storage facilities, an adequate diet, regular allowances of new clothing, provisions for a servant, and freedom to entertain or be entertained elsewhere. For those who could afford it, retirement – if coupled with fair health – might be quite comfortable. However, it seems likely that retirement was most commonly prompted by failing health.



A York gildhall incorporated hospital facilities.

(click on the image for more information)

Further reading

There is as yet relatively little written on retirement provisions or strategies in a medieval urban context.

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<http://www.luc.edu/publications/medieval/emsv12.html>



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Keywords: socio-religious guilds medieval London Beverley Kingston-upon-Hull Chesterfield Coventry Cambridge King's Lynn fraternities old age pensions charity disabled poverty infirmity

Subject: Charitable provision for the aged

Original source: Public Record Office, Chancery Miscellanea, Gild Certificates

Transcription in: Toulmin Smith, ed. *English Gilds* Early English Text Society, old series, vol.40 (1870), 5-6, 150, 157, 166, 231, 234, 267.

Original language: Latin (translated by Smith), Middle English, French

Location: London, Beverley, Kingston-upon-Hull, Chesterfield, Coventry, Cambridge

Date: ca. 1388

TRANSLATION

[1. Gild of (St. James) Garlickhithe, London]

If any of the fraternity is the victim of misfortune, so that he has nothing and, through old age or infirmity, is unable to support himself, if he has been a member of the fraternity for [at least] seven years and fulfilled all his obligations towards the gild, [then] every week thereafter he shall receive 14d. from the **communal box**, for life (unless he recover from his misfortune).



[2. Gild of St. Katherine, Aldersgate, London]

Also, if any of the fraternity should fall into poverty, or be overcome by old age, so that he cannot support himself – or through any other bad luck, due to **fire or water**, thieves, illness, or any other occurrence (so long as it is not his **own fault**, due to his own bad character), then he shall receive 14d. a week.

[3. Gild of St. Mary, Beverley]

The alderman and stewards of the gild shall visit those bretheren and sisteren who are poor, ailing, or weak, and who have not enough of their own to live upon; and they shall give to these as they think right out of the gild stock, as has been agreed; namely, to each one so being poor, ailing, or weak, eightpence, sixpence, or at least fourpence, every week, to help their needs. And if any of those poor bretheren dies, or any other of the gild who is not well off, he shall be buried at the cost of the gild, and have all becoming services.

[4. Gild of the Blessed Virgin Mary, Kingston-upon-Hull]

If it happen that any of the gild becomes infirm, bowed, blind, dumb, deaf, maimed, or sick, whether with some lasting or only temporary sickness, and whether in old age or in youth, or be so borne down by any other mishap that he has not the means of living then, for kindness' sake, and for the souls' sake of the founders, it is ordained that each shall have, out of the goods of the gild, at the hands of the wardens, sevenpence every week; and every one so being infirm, bowed, blind, dumb, deaf, maimed, or sick, shall have that sevenpence every week as long as he lives.

[5. Gild of the Blessed Mary, Chesterfield]

If any brother, through age, or loss of limb, or leprosy, comes to so great want that he cannot support himself, the bretheren who are able shall, in turn, supply him with needful food, or shall find for him a **house of religion** where he may stay during life.

[6. Merchant gild, Coventry]

And if any man or woman of the fraternity becomes so enfeebled through illness or old age that he cannot work or engage in commerce, he shall be supported, at the cost of the gild, in a manner **fitting to his status**.

[7. Holy Trinity gild, Coventry]

If any brother or sister of the gild becomes so feeble, through old age or through any worldly mishap, that he has not, and cannot earn, the means of living, he shall have such help, at the cost of the gild, that he

shall not need to beg his bread.

[8. Holy Trinity gild, Cambridge]

If any brother, or brother's wife, comes to want through mishap, without any self-guilt, he shall have, at the cost of the Gild, sevenpence every week of his life while the need lasts, and a gown and hood every year; and he shall be **freed from all Gild payments**.

[9. Gild of St. Clement, Cambridge (1431)]

Also, it is ordained by agreement of everyone that if any brother or sister of this association, reaching old age or falling into great poverty, lacks the wherewithal to maintain or support himself, he shall receive 4d. weekly from the goods of the gild, as long as those goods are worth 40s. or more. Should it happen that there are more than one such poor men, then it is ordained by agreement of everyone that the 4d. weekly is to be divided among them all.

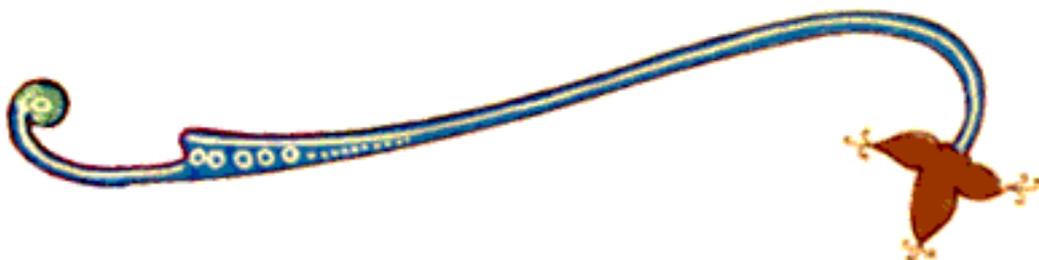
DISCUSSION

A large number of the socio-religious gilds made charitable provision for persons – usually members – who became ill or impoverished. Only a small number specifically identify old age as a cause of these misfortunes, but the elderly were one of the groups in society most likely to succumb to illness and/or poverty. Part of the purpose of such gilds was charitable works, and this was the justification for the king granting them licences in mortmain to acquire property. However, their aim of their alms programme was probably also to create a closer bond among the membership, and between members and the gild, by promoting the idea that members could rely on support if they fell upon hard times, as well as to ensure that no member was reduced to the indignities of begging, which would have reflected badly on the gild.

The provision made for supporting elderly members unable to support themselves financially varied according to the means of the gild and, in some cases, according to the social status of the recipient; longstanding members or former gild officers might have been the beneficiaries of the

higher amounts. As the extracts showed, aid given might be a case of supplying food, or money, and sometimes clothing, or at the least of helping the unfortunate individual find shelter in a hospital. Pecuniary aid was modest, but then a gild with limited resources might find itself supporting at any given time an unknown number of recipients; estimations of the cost of living suggest that the amounts given would have provided for bare subsistence only, and in some cases less.

The wealthy mercantile **gild of Holy Trinity** at Lynn has left us a broken series of account rolls between 1373 and 1484 that show its annual payments in alms to impoverished gildsmen, widows, elderly members, and local anchorites or hermits. At its peak of activity in 1442 there were 52 such recipients. Most received the annual equivalent to only a few pennies a week. Among the highest paid were Nicholas Dunton and Robert Narburgh, who would have been around 60 years old when they are first found receiving alms from the gild (1438); why they were given a relatively high amount – about a shilling a week – is unclear, although Dunton had played some role as custodian of one of the town quays and perhaps both men were long-standing employees of the gild. At the same period, a lesser amount was being paid to Alice the widow of Robert Burgeys, a prominent townsman who had in 1424 obtained a discharge from the local office of constable on the grounds of old age; he died a few months later. **St. George's gild** at Norwich likewise supported multiple alms recipients, mostly men (whereas Holy Trinity gild at Lynn supported as many women as men), at the amount of 8d. a week, raised via obligatory contributions from members of a farthing a week. Recipients included Thomas Digard who had since 1420 played the role of the dragon during the annual gild procession; by 1445 he was unable to support himself and was given financial aid by the gild for the final few years of his life. At the other end of the social scale, judging by its name, was the Poor Men's Gild, which was able to provide only 3d. a week to members in trouble; its very existence suggests that most socio-religious gilds were for the support of the urban middle and upper classes.



NOTES

"communal box"

I.e. the gild's treasury.

"fire or water"

Referring most probably to the loss of worldly possessions through a house fire, and the loss of mercantile possessions through a ship sinking.

"own fault"

E.g. through gambling, debauchery, litigiousness.

"house of religion"

A common way of referring to a hospital.

"fitting to his status"

Toulmin Smith chose "as befits his need" as the translation of *solonc ce que soun estat demaunde*, but I believe the "needs" were more social than physical.

"freed from all Gild payments"

A few gilds required recipients to use a portion of their alms to pay the annual gild membership fee.



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Keywords: medieval Cirencester abbey pensions maintenance contracts property transactions food accommodations servants

Subject: Grant of a corrody by Cirencester abbey

Original source: Cirencester Cartulary, MS. Register B, f.62

Transcription in: Mary Devine, ed. *The Cartulary of Cirencester Abbey, Gloucestershire*, vol.3, London: Oxford University Press, 1977, 811.

Original language: Latin

Location: Cirencester

Date: 1310

TRANSLATION

Memorandum that in full **hallmoot** of Cirencester, held on 24 October 1310, an agreement was made between Adam, the lord abbot of Cirencester, and the convent of the abbey on one side and John son and heir of the late Thomas de Baudynton on the other. Which is, that in front of the hallmoot John, on behalf of himself and his heirs in perpetuity, turned over to the abbot all the tenements, lands, and rents in the town of Cirencester, its fields, and the fields of **Chesterton** that he acquired by inheritance from his late father Thomas de Baudynton; for the abbot and convent to have and to hold forever. For their part, the abbot and convent in compensation for this surrender have granted to John, for as long as he shall live, the following. That is, a place with a bed and other conveniences in a certain chamber built into the abbey's great gateway. Each day a white **conventual** loaf and a brown conventual loaf, with broth and two dishes of whatever happens [\[to be cooked\]](#) that day for the free servants [\[of the abbey\]](#); and each Saturday 4 gallons of conventual ale and four gallons of the ale called chaplain's ale, received from the abbey brewhouse. For clothing and



shoes and other things he needs to purchase, 20s. received from our treasury each year on 29 September, for as long as he lives.

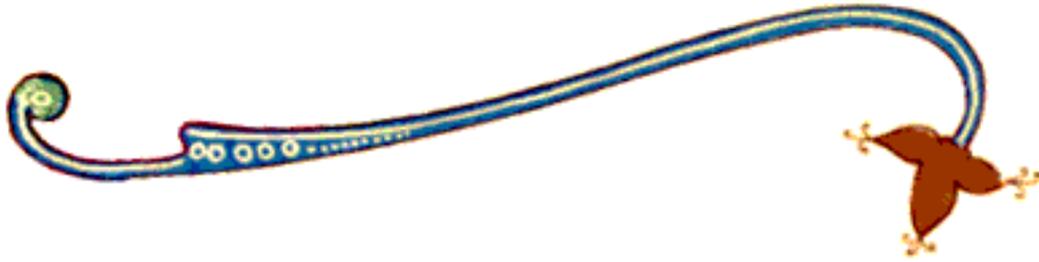
Furthermore they have granted his boy-servant each day a loaf called white bread, with broth and garnishes such as for grooms of free servants. If it should happen that John is unwilling or unable to **warranty** those tenements, rents, and lands to the abbot and convent, all those above items granted to him shall altogether be withdrawn. In witness of which matter the parties have each in turn appended their seals to the indenture.

DISCUSSION

Cirencester was a Roman settlement. At the time the abbey was founded (1133) Cirencester seems to have had borough status – the foundation charter mentions burgesses there, and such mentions appear repeatedly in the Pipe Rolls during the latter half of the twelfth century, although these types of evidence are not by themselves unambiguous demonstrations that Cirencester should be considered on a par with places that were clearly urban. The Cotswold town was making a living from the wool trade. However, the abbey and town were at odds for jurisdiction and Richard I gave the abbot lordship over the town. Henceforth the townsmen were forced into a struggle to defend the independence on which their prosperity partly relied. Matters reached a climax in the king's court in 1342, when the townsmen accused the abbot of, most notably, trying to suppress the rights and institutions (the town court) that made Cirencester a borough. The abbot's counterargument was that Cirencester was only a vill, a manor belonging to the abbey, not a borough. The abbey's influence – not least pecuniary – won out; in 1343 the king granted a charter confirming the its authority, and dismissed the townsmen's complaints.

Notwithstanding the tensions between abbey and townspeople, the abbey could be a generous patron, particularly to its loyal servants. There is some implication in the document that Baudynton may have been such. At least he was treated to retirement rights comparable to a lay, non-villein servant of the abbey. Turning over one's patrimony to another party was a serious matter, implying that John de Baudynton had no surviving heirs, who would normally have inherited the patrimonial real estate; his household seems to

have comprised only a male servant. Most if not all of the property seems to have been accumulated by John's grandfather William, in the third quarter of the thirteenth century.



NOTES

"hallmoot"

The **meeting place** of the community, or its representatives, to administrate communal business.

"Chesterton"

A hamlet just south of Cirencester.

"conventual"

The transcript has *cornerium*, but I can make no sense of this adjectivally and am going to assume (given the context) it may have been an incorrect transcription or inaccurate expansion of an abbreviation. A conventual loaf was one of a particular size and quality intended as the daily allowance of a monk.

"warranty"

I.e. if the abbey's rights to any of the properties received a legal challenge, so that it was obliged to call the previous owner, from whom title was obtained, to guarantee that he had had legal possession and was able to convey such.



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Keywords: medieval Salisbury university schools pensions hospitals maintenance contracts accommodations mass endowments

Subject: Grant of a corrody by De Vaux College to a Salisbury couple

Original source: British Library, Add.Ms. 28,870, Cartulary of the College of St. Nicholas de Vaux, f.157b

Transcription in: Christopher Wordsworth, ed., *The Fifteenth Century Cartulary of St. Nicholas' Hospital, Salisbury, with Other Records*, Wiltshire Record Society, vol.3 (1902), 287-88.

Original language: Latin

Location: Salisbury

Date: 1317

TRANSLATION

Gilbert Lovelle, master of the De Vaux school, Salisbury, and the scholars themselves give greetings to all etc. Know that we, by unanimous agreement, voluntarily and out of our goodwill, have granted and by this present charter confirm to Roger Moton and his wife Christine sustenance in our house for the term of their lives, while they reside in our house, in sickness and in health, on the same terms as any scholar of the house receives there.



Roger may sit at the second table [in the refectory] beside **Roger Fouk**, on his right, while Roger is alive. After the death of Roger Fouk, he may take over for the rest of his life the place at the table where Roger [Fouk] was accustomed to sit. Christine may have a place at whatever table she would most like. A chamber is to be built, half at Roger's expense, on the east side of the hay-barn next to the water, with **a privy and a fireplace**. When it suits him, Roger shall build at his own

expense a stable for a horse. From this day forth, Roger and Christine may have access in and out, inside the close as well as outside, as freely as any scholar of our house. After Roger's death, Christine may have each year, for as long as she lives, 13s.4d on 25 March.

We, the master and scholars of the house, grant for ourselves etc. that after Roger and Christine die an anniversary mass will be celebrated for them by the scholars, each year in perpetuity, and that on the day of the anniversary of [the deaths of] Roger and Christine every scholar who attends [the mass] shall receive 2d.

Given at Salisbury on 14 April **1317**, these being witnesses: Geoffrey de Weremunster, then bailiff of Salisbury, Reginald Tuddeworth, then mayor of Salisbury, William Berewik, then coroner of Salisbury, John Baudry and Walter Saucer, then reeves of Salisbury, Robert Cnowelle, Henry de Melkesham, William de Keynes, William de Calewey, William de Morden clerk, and others.

DISCUSSION

The "House of the Valley of Scholars of Blessed Nicholas", as it was originally called, has been considered by some as the first university college in England, founded two years before **Merton**, the earliest Oxford college. Like the early Oxford colleges, that at Salisbury was until late in the Middle Ages, called a "house" rather than a "college". After a violent argument between the entourage papal legate and Oxford students in 1238, there was an emigration of students and teachers from Oxford, mainly to Northampton and Salisbury. New Salisbury as we call it now – in reference to its eclipsing an older borough now called Old Sarum (although the former was actually a development of a manorial settlement probably as old as the latter) – had by then acquired a reputation as a **centre of learning**, and by the 1270s several faculties had been established there. After lectures resumed at Oxford, some of the migrants returned, but others may have remained at Salisbury, and their numbers may have swelled again when there was a renewed exodus from Oxford during the town-gown troubles of the 1260s and '70s.

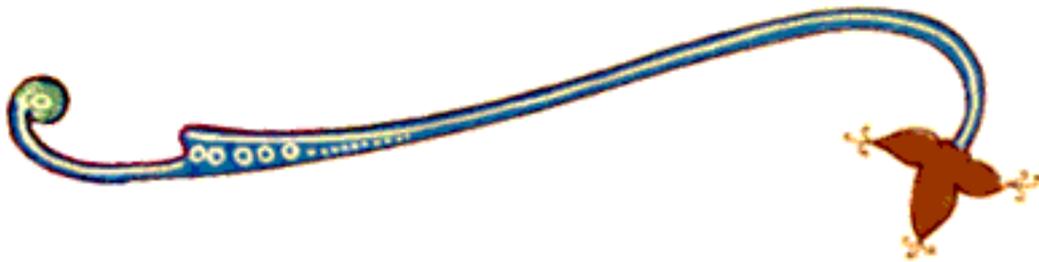
It was perhaps with a view to accommodating such scholars that in 1262 **Giles de Bridport**, Bishop of Salisbury, founded a hospital dedicated to Jesus, the Blessed Virgin Mary, and St. Nicholas. He may have been inspired by the University of Paris, with which his brother was associated and where he himself may have studied. The name he chose for his foundation echoes the order of Augustinians called "de Valle Scholarium", which had built a college in Paris in the 1230s. The site of the Salisbury foundation was a meadow just south of the cathedral precinct, on the northern bank of the River Avon, and across the road from **St. Nicholas's Hospital**, a slightly older episcopal foundation, with which there was some association, although not a close one – the two institutions were separately administered. Yet several early colleges at Paris had emerged as offshoots of hospitals originally for the sick and aged, which expanded to offering board and financial support to students.

The aim of the foundation was to maintain a warden, or master, two chaplains, and twenty poor but respectable scholars, who would be taught theology and the liberal arts. The Bishop made the Dean and Chapter of Salisbury the college's patrons, and required that all masters be chosen from the cathedral chapter. A secondary goal was to establish a chantry college, whereby the chaplains and students would pray for the souls of the founder and benefactors. The master was assisted in his duties by a steward, or proctor, an officer elected from the scholars for a year or two at a time; during the fourteenth century he played an increasing part in college administration.

The main role of the de Vaux college then was to support and teach students. The Motons were clearly a different category of resident, being provided with private accommodations and various amenities and privileges. This corrody is unusual in its degree of detail about the terms. It was rare for the college to make this type of arrangement; more common were arrangements for spiritual benefits, such as endowments in return for obits, or that by which Salisbury citizen Gervase Apothecarius and his wife Emma agreed to up the rent they paid the college for a tenement in Minster Street, in return for two candles being kept burning perpetually for their souls. The Moton arrangement was not, however, the earliest corrody granted by the college. In 1304 John de Wotton had endowed it with a piece of land in return for a corrody giving him the same support, for the rest of his life, as a fellow of the college.

A subsequent entry in the cartulary, drawn up ca.1447, is a copy of a record of a grant made in the borough court, a little later in the same year, by

Roger and Christine to Gilbert Lovel, representing payment for the corrody granted by the college. This payment was in the form of an endowment to the college of the Moton's property in Minster Street and Winchester Street, including one tenement (possibly a shop) near the west gate of the college, along with 43s. in rents from other properties. Lovel, in his role as a canon of the cathedral chapter, became the feoffee of these properties, on behalf of the college, until a licence for alienation in mortmain could be obtained (1325), allowing him to transfer the property to himself, as warden, and the scholars. The income from these properties would provide the funding for the college to support the living expenses of the Motons; after their deaths, the college would be able to reallocate the income to its own uses, other than the money required for the celebration of the anniversary masses.



NOTES

"Roger Fouk"

One of the more prominent scholars, who had served as acting master in 1296.

"a privy and a fireplace"

It may seem odd to specify that the chamber in which the Motons would live would be equipped with privy and fireplace/chimney – features taken for granted in the western world in the latter half of the 20th century – but they were not standard features in the early 14th century. Fireplaces, for example, were only beginning to be introduced in domestic architecture, largely due to the necessary protective structure surrounding the flue being either expensive (stone) or an innovation (brick).

"1317"

As the date of the document, based on regnal year, does not specify whether Edward II or Edward III is intended, there is some uncertainty as to whether the date is 1317 or 1337. The former appears more likely, given the identity of the master of the college, yet some of the names of witnesses suggest the later date (without clearly ruling out the earlier).



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Keywords: medieval King's Lynn friaries Augustinians maintenance contracts employment old age infirmity food pensions

Subject: Terms of employment and pension

Original source: Norfolk Record Office, King's Lynn archives

Transcription in: Dawson Turner, "Copies and translations of two deeds in the possession of the Corporation of Lynn," *Norfolk Archaeology*, vol.2 (1849), 194-95.

Original language: Latin

Location: King's Lynn

Date: 1379

TRANSLATION

This indenture, made on 26 February 1379 between the Prior and Convent of the **Augustinian Friars** of Lynn, on the one side, and Geoffrey de Gadgrave, their servant, on the other side, witnesses that Geoffrey shall reside with the present prior and convent and their successors for the term of his life, and he will serve them well and faithfully, to the best of his ability, in duties related to the bakery and mill, applying his skill and his efforts to perform whatever is required by those duties, but with all necessary materials being provided at the cost of the convent.

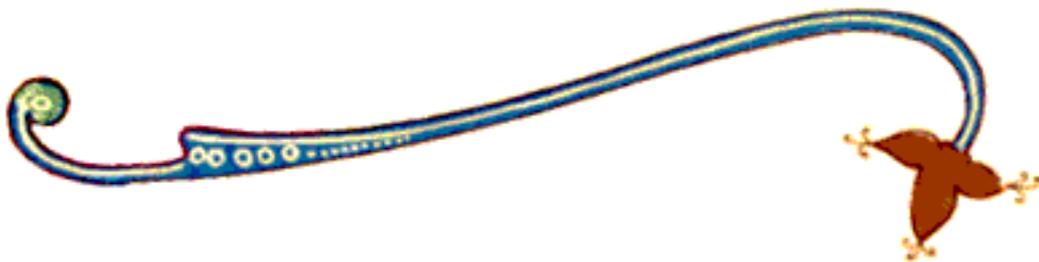
Geoffrey is to receive annually from the prior and convent as wages for his labour, for as long as he shall be able to perform satisfactorily his specified duties, 30s. in cash paid promptly in equal portions at the usual four terms of the year. If it should happen that Geoffrey is afflicted by infirmity or old age, so that he is incapable of continuing work in those duties, he shall not receive the annual wages, but shall still receive board from the convent table as previously, being served the same food allowance as the friars. Furthermore, if ever Geoffrey is so seriously incapacitated with infirmity or old age that he is unable to bring himself to the convent table, then every week he is to receive in



his chamber, which the convent is bound to provide for him, 8 **conventual loaves** and 7 pots of ale, and whatever allowance [of other foodstuffs?] is at that time issued to every friar of the convent. On condition, however, that those victuals are had by Geoffrey for his personal use; he shall not be permitted to sell any of them. Both the prior and convent on the one side, and Geoffrey on the other, agree faithfully to carry out faithfully this agreement. In testimony of which, Geoffrey's seal is appended to that part of the indenture to be in the possession of the prior and convent. Dated on the day and year aforesaid, in our chapter house in Lynn.

DISCUSSION

It seems to have been not uncommon for religious houses to make retirement provisions as part of employment agreements with its lay servants.



NOTES

"Augustinian Friars"

The **friary** was located in the northern part of the town, on the edge of the populated area surrounding a marketplace.

"conventual loaves"

A conventual loaf was one of a particular size, intended as the daily allowance of a friar (or monk).



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Keywords: medieval King's Lynn maintenance contracts food clothing accommodations rent widows

Subject: Private contract for maintenance in retirement

Original source: Norfolk Record Office, King's Lynn archives, KL/C10/1, f.105

Transcription in: Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.1 (1919), p.222-23.

Original language: Latin

Location: King's Lynn

Date: 1359

TRANSLATION

This indenture, made at Lynn on 7 January 1359 between Thomas Reynald skinner of Lynn and Alice widow of **William de Glosbrigge** formerly a burgess of Lynn, witnesses that even though Thomas and William de Pountfreit skinner, burgess of Lynn, recently through a certain document made a life grant to Alice of an annual rent of 104s., due from a tenement owned by them in **Briggate street**, Lynn – as is detailed in that same document – Alice, however, wishes and (by this indenture) grants for herself and her assigns that the previous document, which is and shall remain in the custody of the mayor and **alderman** of Lynn in the town's common chest, shall not be put into effect or enforced while the conditions set out in this indenture are being fulfilled, but after the death of Alice shall be surrendered to Thomas or his executors or assigns.

[Those conditions being that] Thomas and [after his death] his executors provide Alice, for the rest of her life, at the appropriate times with food and drink in sufficient quantity and of the same quality that Thomas provides for himself and his wife. And that Thomas or his executors give Alice each year at Easter a fur-lined hooded coat, a

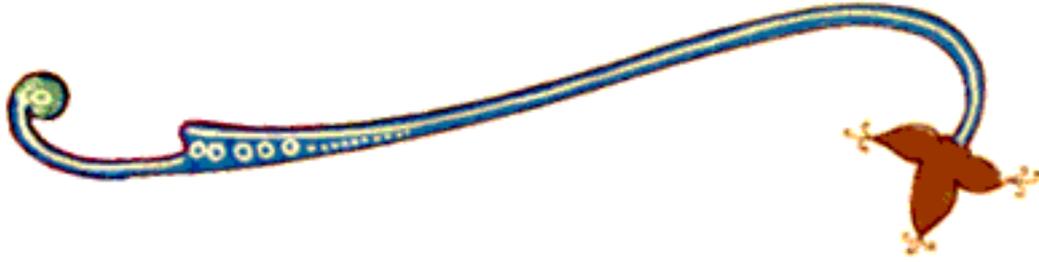


new single-coloured tunic of woollen cloth, a new robe of blanket cloth, two new linen smocks, a new pair of gloves suitable to Alice, and three pairs of shoes. And that he or they ensure Alice always is supplied with a complete bed suitable to her status with four linen sheets, and with candles and heating materials as often and in as much quantity as she needs. Also that Thomas or his executors provide Alice for life with a chamber suitable to her status, with free passage in and out for herself and others whom she may wish to bring there, together with the service of one of Thomas' maids whenever Alice has need, be it day or night. And he or they shall pay to Alice, at whatever time she demands it, £2.13s.4d.

Thomas wishes and grants for himself, his heirs, executors and assigns, that if it should happen that he or his executors default in fulfilling any of these arrangements with Alice then the aforesaid document concerning the annual rent shall have force, be put into effect in all regards, and may be delivered to Alice. In witness to which agreement the parties have affixed their seals to the indenture.

DISCUSSION

William de Glosbrigge was not in the first rank of citizens, but apparently of some status, judging from the retirement expectations of his wife. In a deed of May 1335, he too is identified as a skinner. I conjecture that Reynald and Pountfreit may have been his executors, friends/feoffees, or even sons-in-law, and that the arrangement negotiated by Alice was to exchange a rent inherited from her husband (as dower right) for the lodging, food, clothing and other necessities specified in the indenture. This would save her the bother of having to collect the rent – with all the risk of taking legal proceedings in the case of rent in arrears – while Reynald's incentive was to supply Alice with her annual needs for under the 104s., in order to make a profit. The document acknowledging the rent as due Alice served as a bond to guarantee fulfillment of the terms of the maintenance arrangements. It appears that Alice was to lodge with Reynald for the rest of her life.



NOTES

"William de Glosbrigge"

The earliest reference I have found to him was in 1333, when he was among a list of townsmen participating in an array of arms (he presented for view a bow and two dozen arrows).

"alderman"

The head of the merchant gild, which played an important enough role at Lynn that the alderman was considered second-in-command to the mayor.



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Keywords: medieval Shrewbury eyre lawsuits maintenance contracts breach poverty sergeant

Subject: Disputes over maintenance contracts

Original source: Documents in the Public Record Office, including the eyre roll, m.35.

Transcription in: William Craddock Bolland, ed. *Select Bills in Eyre, A.D. 1292-1333*, Selden Society, vol.30, (1914), 6, 22-23.

Original language: French and Latin

Location: Shrewsbury

Date: 1292

TRANSLATION

[1. Petition to the Shropshire Eyre of 1292, with court record of defendant's response]



To the king's justices,
Thomas le Peleter of Shrewbury lays a complaint against Robert de Rossehall sergeant of the town of Shrewsbury, regarding an agreement made between Thomas and Robert on 3 October 1288 whereby Robert would provide Thomas with **sustenance** and all necessaries – such as food, drink, footwear, clothing, linen, and wool [len cloth] – in return for a house in Shrewsbury that Thomas gave him. Robert fulfilled his side of the contract only during the first two years and has done nothing since, but has broken the contract with him and refuses to provide him with sustenance, as a result of which Thomas has become a beggar, to his great damage in the amount of a hundred shillings, for which he prays for redress, in God's name.

Robert comes and fully acknowledges that he is bound to provide Thomas with the necessaries stated. He is ready to provide him with those necessaries and says firmly that it was in fact never his fault that he [i.e. Thomas] could not have the necessaries. Thomas admits this.

Therefore Thomas is told that he should **reside** with Robert if he wants to receive the necessities.

[2. Complaint to the Shropshire Eyre of 1292]

Dear sir, I appeal to the mercy of you who represent the king in doing justice to both rich and poor. I, John Feyrewyn lay a complaint before God and before you, Your Honour, that Richard le Carpenter, clerk of the bailiff of Shrewsbury, withholds from me £4 that I paid him under a written agreement to the effect that Richard was obligated to provide me, John, with sustenance in return for the money received from me. But he has not acted towards me as specified in the contract; as soon as he had the money, he ignored my needs, **restricted my movements**, and fed me scraps of bread as though I were a pauper begging bread in God's name, so that I almost starved to death. Because of this, dear sir, I appeal in God's name for your mercy in ensuring my money is returned to me before you leave this town. Otherwise I shall never get my money back – for you should know that the rich people stick together to ensure that the poor people can get no justice in this town. As soon as I have my money, my lord, I shall go to the Holy Land, where I shall pray for the king of England and, particularly, for you Sir John de Berrewyke. You should know that I have not a penny nor a halfpenny for **[hiring]** a lawyer. And so, dear sir, have pity on me so that I may get my money back.

[Endorsed:] He admitted **[the charge]** and they have permission to settle **[their disagreement]**.

DISCUSSION

It is notable that both these cases involve borough officials as the providers of maintenance. Whether this is coincidence, or whether such men were expected to be conscientious in meeting their obligations, cannot be said.



NOTES

"sustenance"

In this context, it may be interpreted as board and lodging.

"reside"

The Latin is *adhereat*, meaning to stick to, be a supporter of, or (by extension) be a member of the household of.

"restricted my movements"

This would seem to be the gist of *me fit sere par le trunc*.



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INTRODUCTORY ESSAY

[Media vita in morte sumus](#) | [Last will and testament](#) | [Funerals](#) | [Further reading](#)

Keywords: medieval society attitudes religion death ritual wills testaments probate court jurisdiction funerals cemeteries memorial services chantries Purgatory

Media vita in morte sumus

Death and the fate of the soul were matters that must have weighed more heavily on the thoughts of medieval townspeople than those of today. In a society with a propensity for violence, in which executions were usually public events and corpses were openly displayed or body parts of criminals hung on city walls, where the rate of infant mortality was very high, poverty at a level now associated with Third World countries, sanitation and medical care crude and often ineffective, and which was visited periodically by famine and pestilence, death was almost a part of everyday life and perhaps many people were hardened against it – even though the loss of a loved one could occasion extreme grief to the point of insanity.

Homicides and death by misadventure we hear about primarily through coroners' records. These give us a good sense of the spectrum of mortal dangers existing in medieval society. Both these and other court records point to deaths of criminals, whether in the foul conditions of gaols or through capital punishment, applied more liberally than today. For deaths from natural causes we rely more on archaeological investigation of medieval burials; a number of excavations of cemeteries have taken place in the late twentieth century, but not so much in urban contexts, as burials there have been much disturbed by changes in the Late Middle Ages and afterwards, such as redigging for new burials, extensions to churches, or encroachments on the churchyard by new building (e.g. almshouses, housing for priests).

Death was to be feared not merely for its own sake, but because it

was believed to propel the soul on to a possibly worse fate. Concern about divine judgement provided a daily influence over moral behaviour. The messages that death and judgement were the fate of all and that sinners faced consignment to the torments of Hell were driven home by the Church: through sermons, in architectural and funerary sculpture or inscriptions, and in the wall-paintings and stained glass windows that decorated many medieval churches, giving them a rather more dramatic and less sombre appearance than they tend to have today. These messages were further reinforced by the design of personal devotional items, as well as by secular drama (e.g. the Dance of Death), literature (e.g. Chaucer's *Pardoner's Tale*), and art – Bosch and Bruegel providing some of the better-known examples of artists depicting the nightmarish imagery that reflect, if in an extreme fashion, popular dread of the Apocalypse and Hell. Death came to be personified and depicted as a skeleton summoning or leading people to the next world.

The need to constantly warn of the afterlife punishments of sinners shows that fear of Hell was effective only to an extent. For it was also believed that a life of sin could be redeemed on the death-bed by true repentance and by recompense through charitable and pious works. The medieval philosophy of balance in all things frowned on economic inequalities, which were perceived as a form of injustice, and at one extreme the accumulation of riches was seen as inherently wicked. Such inequality was a fact of life, but it was felt that some redistribution of wealth at death could help redress the balance. Bequests to the mendicant orders, to the poor or downtrodden, and to the community (whether parochial or urban) were therefore a common feature of the testaments of wealthier townspeople, even though they accounted for only a small portion of the total wealth bequeathed. In return, the recipients – especially the "blessed poor" – were expected to intercede through prayer for the soul of the testator.

Sudden death was particularly to be feared since it left no time for repentance or charity, unless a last will and testament had been drawn up in advance. Setting off on an overseas journey provided the catalyst for some merchants to draw up such a document; however, it was more common for people to have wills drafted within a year or less of their death and, given the lack of medical

relief for illness or physical decline, it may have been easier for medieval townspeople to sense when their time was approaching.

The traumatic effect of the Black Death – which, given the state of medical science, could only be understood by the masses as a divine punishment – stimulated depictions of death and judgement in art and encouraged greater ceremonial in funerals, during a period when ceremony was taking a larger place in society as a whole. Repeated, if lesser, visitations of plague after the initial disastrous bout emphasised the imminence of death and the need to be prepared. The act of dying itself came to be perceived by some as an "art" requiring a measure of ritual and even spectacle: with the gathering of family, friends and even neighbours around the death-bed, the expression of last will if none had been written down, farewells exchanged, the priest's visit to hear the death-bed contrition and administer the last rites. By the close of the Middle Ages tracts were being written to instruct people in this art. The importance of such ritual was another reason for dreading a sudden death that would rob one of the opportunity of a death-bed ceremony.



The association made between sin, punishment and death was intended to inspire (through horror) men and women to live a moral life in conformity with laws of Church and state. The strong belief in the inevitability of judgement and the efficacy of prayers to persuade God to mercy, is suggested by surviving evidence - although we cannot be sure whether the attitude was pervasive across the different social strata.

(click on the images for enlarged versions and more information)



Last will and testament

The ability to dispose, at death, of one's property and possessions as one wished was a privilege, a freedom from the power of one's lord to dictate the disposal; it became one of the principal distinguishing features of burgage tenure. In theory a testator did not own his property outright but held it – in essence as a loan – from his lord. Unless freedom of devise was to be offered by a lord among other privileges intended to attract tenants into towns founded or fostered by them, it was advisable to persuade the lord to allow a testament by bequeathing some portion or some valuable item to the lord. This incentive to respect the instructions set out in a will or testament continued later in the Middle Ages through bequests to urban authorities and to executors.

In the past the testament was, strictly speaking, the device by which personal property (moveables) was bequeathed and the will the instrument for devising real property – principally real estate acquired during the testator's lifetime, for the property he had inherited was expected to be devised to his own heirs. However, *testamentum* was the term usually applied to both types of document, although we occasionally hear of an *ultima voluntas*, and sometimes these terms appear to be used synonymously. A testator sometimes drew up separate documents as testament and last will, and often only one of these documents has survived; but in most cases realty and personalty were bequeathed within the same document. (The term "devise" likewise came to apply strictly speaking to realty and "bequest" to personalty, but again the distinction is little used.)

Since the real estate devised by townspeople was primarily situated within the town of residence, it was advisable to register wills in borough court records, and we know of a number of cases where local government required registration and probate before it, at least as regards those clauses concerning lands within the borough. Having a will proved before and enrolled by the borough authorities publicized the intent of the testator and established an evidentiary foundation, even a warrant, for the "livery of seisin" (the formal transfer of ownership of a property). Possibly the occasionally lengthy delays between probate in ecclesiastical and borough courts may have been due to a lack of need for the latter, until a situation arose involving a transaction or challenge affecting some of the property bequeathed.

Wills can give some sense of what real estate an individual owned. Some was probably ignored by wills because it passed automatically to the immediate heirs – although it may be that some testators specified the division anyway – while the widow also had claim upon a portion specified by local custom or common law, although the testament would often deal with this, because of the need to specify what would happen to it after the widow's death. Husbands similarly had a lifetime claim on property brought by wives to the marriage. It may be that testators with direct male heirs are slightly under-represented in the record, because they felt less pressure to make wills and were more prone to dying intestate.

Most borough courts had jurisdiction in transactions regarding burgage tenements and this included disputes arising from devise of such property, perhaps most notably those relating to claims of the spouse; they were prepared to make ordinances regulating such matters. It was natural that they would encourage the entering of relevant documents into the official record, as a source of future knowledge in the event of disputes arising; or demand this course of action, failing which they reserved the right to override the terms of the will. The enrollment may, at first, have been secondary to the public reading of the documents and the authorization of executors to proceed with administration. While we do find examples of burgesses drawing up separate wills and testaments, commonly a document dealt with both real and personal property, and the terms were often used indistinctively in medieval documents; today lawyers use them interchangeably.

The Church encouraged the use of the testament for a final act of contrition, to ensure salvation of the soul, through charitable and pious bequests. Anyone dying unexpectedly would miss confession and the last rites and their souls would rely that much more on gifts for pious works. The Church therefore frowned upon wilful intestacy. Nuncupative wills, often dictated by a testator *in extremis*, were also looked upon with suspicion, since subject to misinterpretation or fraud, unless well witnessed. But even written wills could be the subject of fraud and forgery. It was also possible for a written will, often drawn up well in advance of death, to be augmented by a written codicil or by oral directions to executors shortly before death; Richard Whittington's is a case in point where his executors were at pains to justify some of their disposal of the testator's wealth on the grounds of death-bed instructions. One of the reasons why probate was necessary, besides ensuring that the written document was genuinely that embodying the testator's wishes, was to confirm with the executors that they were prepared to carry out those wishes. Where the executors were faced with an onerous task, or there was some concern of dispute between them or a risk of negligence or embezzlement, the testator had the option of appointing a supervisor to ensure action was taken and decisions were reached.

With its view of testaments, the Church not surprisingly contested the jurisdiction of borough authorities in matters of probate, and probate of testaments (in the strict definition) was really within the ecclesiastical sphere. This had not been the case in the eleventh and twelfth centuries, where the Church had shown interest in testaments only as regards pious legacies; but in the thirteenth century it extended its jurisdiction over testaments, notably challenges to their validity, and the performance of executors. Where a testator held property in two or more jurisdictions, it was generally necessary to obtain probate from an ecclesiastical court. In cases where wills and testaments were enrolled in borough records, sometimes the clerk extracted only those sections dealing with borough property; but it was often less intellectual effort just to transcribe the whole document. We even find them enrolling documents dealing only with moveables; similarly, ecclesiastical courts are sometimes found proving wills dealing only with real estate within a single secular jurisdiction. In most towns there was

collaboration with ecclesiastical authorities in the area of probate; and probate in ecclesiastical court typically preceded probate in borough court. In the Cinque Ports, however, borough probate acquired an unusual degree of independence; at Fordwich, for example, the validity of even a nuncupative testament was unquestioned if the mayor and jurats were the witnesses, and even in cases of intestacy officials of the Church were specifically prohibited from intervening.

Wills and testaments provide us with the best single source of information about the extent of landholding (unless there was an *inquisition post mortem*, which was rare in the case of townsmen), and the household items and personal possessions of townspeople; they are also an important source of information about family relationships. However, it is largely the wealthier urban residents, particularly landowners, who are represented in this kind of record. The majority of wills, or the extracts copied into official records, are relatively short; typically, the estate simply went to the heir with a life interest in a share for the widow, and there was not the need in most cases for lengthy provisions. The wills presented in this, or other, sections of *Florilegium Urbanum* are not to be considered "typical"; they have been chosen because they present a more detailed or more intimate look at a testator's arrangements, possessions, and attitudes – insofar as we can take these as normal, given that the testator's mind was on death.

Historians continue to debate to what extent we can trust wills as evidence of the religious attitudes of the testators. To what extent did convention play a part in dictating the arrangements testators made for their funeral ceremonies and related pious and charitable investments post-mortem? To what extent do they reflect testators' behaviour during life? These questions are not easy to answer. However, despite the formulaic elements in wills, there is sufficient variety of approach and expression – especially in those that are highly detailed – that we may imagine seeing the personality of the testator emerging.



An emaciated and dying Richard Whittington conveys to his executors his last wishes.

(click on the image for a full version and more information)

Funerals

In principle, people could choose for themselves where they were buried, although before the twelfth century lay burials within churches were prohibited (and excavations suggest this restriction was respected). Although wills often specified the location, there was no legal requirement for this – all that was needed was the testimony of a credible witness to the deceased's wishes in this regard; wills were sometimes used to specify funerary arrangements in more detail, but this seems the exception rather than the rule. In cases where no preference for place of burial or funeral arrangements was expressed before death, kin and executors doubtless had a say, and in certain cases they could even override impractical requests by the deceased. In practice, choice of place of burial was often dictated by factors such as residence, place of death, location of family members' graves (particularly those of spouses), or whether the deceased had provided for the establishment of a chantry or other yearly commemorative services at a particular altar in a church.

It was most common for townspeople to be buried in the cemetery or even within the church of their parish, and the parish priests

encouraged this, since it was a source of income for them: not formally, but the practice of gifts, in money or goods, to the church – a kind of mortuary payment – in recompense for the officiating of priests became general. Many of the more important urban churches seem to have originated with often large graveyards attached or surrounding; some of these grounds may have been absorbed into marketplaces, if such arose beside the church, or were taken up by buildings such as almshouses. Lesser churches may often have come into being without the provision of any graveyard, particularly if they originally had the status only of a chapel. Alternate choices to the parish cemetery could be made and friaries or even cathedrals were popular with wealthier townspeople, although even then financial compensation was often made to the parish church. Despite that, there was rivalry and sometimes animosity between the parties responsible for potential burial places; in particular, parish clergy resisted burial rights being accorded to detached chapels lacking parochial status. Jewish cemeteries were generally located just outside the town walls and were not associated with any synagogue.



Medieval townspeople were mostly buried in the cemetery attached to their parish church, or occasionally inside the church itself. A handful of greater wealth and status might aspire to a more prestigious burial place in abbey or cathedral.

[\(click on the images for enlarged versions and more information\)](#)

Coffins were the preserve of the wealthier members of society. Rank-and-file townspeople were buried without coffins; women sometimes in a shroud and men in a hair shirt. Even poor people were entitled to burial in their parish church. The parish priest could only turn down some select categories of deceased, such as the unbaptized, suicides, heretics, excommunicates, and notorious and unrepentant sinners. Even this may have been more honoured

in the breach than in the observance, since the idea of burials outside consecrated ground was repugnant to the Church; there are indications that some churches had separate churchyards for such undesirables, perhaps with burials carried out unsanctioned or in private. Because of demands on space within a church and even in the churchyard, older burials were periodically disturbed and the bones transferred to charnel houses established on church property. Nonetheless, in recent decades cemeteries – particularly those abandoned, forgotten and therefore undisturbed (such as at friary sites) – have proven fruitful for archaeologists, giving a sense of population characteristics such as life expectancy, gender mix, health problems and diet. Even so, relatively few have been systematically excavated as yet.

Death, where not sudden, might be considered the prelude to funerary ceremonies, in the sense that a range of preparations was desirable. This might include the dictation of a will, although the timing of will-drafting seems more influenced by the onset of old age or declining health more than by imminent death. Possibly even existing wills were reviewed and confirmed on the death-bed, for they represented a kind of rite of passage, with the testator indicating the intent to divest himself or herself of material possessions. A priest would be summoned to hear confession and, by asking a series of prescribed questions, ensure the dying person was repentant and free of animosity towards anyone; this was another form of divestment: this time, of worldly concerns. Extreme unction and the sacrament would be administered when death was considered close. Throughout this period the death-bed might be surrounded by family members, friends, executors, servants, doctors, and clerics – dying could be quite a public matter.

Under normal circumstances, funerals usually commenced one to three days after death. A longer interlude might be requested by a testator, although there were concerns over having decaying bodies lying around. In the interim the corpse would lie in the place of death, and be put in its shroud. Funerals were to an extent a communal affair; the community after all had lost one of its members. The community was alerted to a death and a funeral by the tolling of the church bell and by public announcements made by bedemen (or bellmen), often minor civic officials, who also exhorted townspeople to pray for the soul of the deceased; specific

testamentary provision was sometimes made for the associated costs. Those who belonged to socio-religious guilds could anticipate their fellow members to attend their funeral in numbers, and these guilds often had as one of their core functions the arrangement of funerals of members.

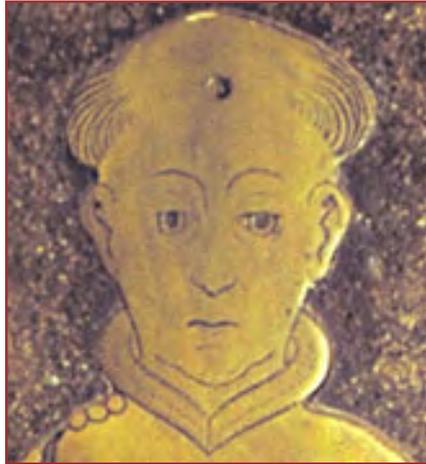


Funerals were elaborate ceremonials that some men planned in detail and were prepared to spend lavishly on, as they approached death, although others took a more frugal approach. (click on the images for enlarged versions and more information)

The first stage (if one discounts the preparation of the dying person by confession and prayers around the death-bed) was to convey the body to the church altar, where funeral rites would be celebrated. This procession could entail some ceremony – again particularly if a guild was involved – with the carrying of lights, ringing of a handbell, and chanting of psalms. Burial was preceded by a sequence of religious rites covering parts of two days: Placbo, Dirige, and Requiem Mass. The Placbo was simply a slight variant of the Vespers (Evensong) service, while the Dirige a variant of Matins; a vigil might connect the two events. Candles were lit around the coffin and kept alight throughout the services, if not overnight. Later in the morning the Mass, followed by a Commendation, completed the services, and led into the burial proper. By the fifteenth century these services were often being sung (performed "by note"), rather than said, and sometimes testators specifically requested this. The actual burial was of lesser importance in the funerary sequence.

Those who were wealthier could afford showier funerals, although this was not always the personal inclination, and some explicitly discouraged it. The deceased could enlarge the body of mourners by making testamentary provision for additional priests and for

paupers to attend the services, in return for payment and sometimes they were provided with mourner's gowns as well. Post-burial meals and/or charitable doles were also a commonplace of funerals, and very occasionally – in the case of the wealthiest and proudest townsmen – lavish; the intent was to maximize the reach of the charity through small handouts, so that many individuals would offer a prayer for the deceased.



Many of those who could afford it liked to leave some memorial to themselves. This was not simply a case of ego or pride; remembrance was the key to continued prayers for the soul of the deceased. These memorials could take a variety of forms.

(click on the images for enlarged versions and more information)

The funeral did not conclude things, for there remained things that could be done to assist the deceased in deliverance from Purgatory to Heaven, as well as to show that the deceased was not forgotten. The funeral's sequence of services was mirrored at commemorative ceremonies typically held, for those who could afford them, a week and/or a month after the funeral and each year on the anniversary of the funeral. During the initial month after death or burial, considered to be a crucial period for the soul, daily services might occasionally be funded, with a view to an intense period of intercession.

Longer-term arrangements were also made for services and charity, to remind priests and community on at least an annual basis of the needs of the deceased's soul. Aside from commissioning anniversaries, which repeated the funeral rites and sometimes the alms-giving, long-term arrangements involved founding institutions such as chantries or almshouses.

Testamentary provision for anniversary obits (a term derived from the Latin for "departure" or "passing on") might be thought of as

akin to an insurance policy, but to protect the soul rather than the body. Even those whose religiosity during life was lower than the standard expected could not afford to ignore the risks of Purgatory, fear of which intensified as the Late Middle Ages progressed. On the contrary, they could afford to indulge the possibilities for lightening the burden on their souls. Every prayer, every mass said for the dead was considered to lighten the suffering of the soul in Purgatory.

While testators' provisions for lavish funeral ceremonies and periodic commemorations were selfish, they nonetheless provided an important source of relief for the poorer members of the urban community, in the form of gifts of money, food or drink. Others might also benefit similarly: the clergy, friars, and borough officials who were asked to attend were also rewarded with a meal and/or payment – often the payment could be generous; this perhaps became a minor but not insignificant source of supplementary income. Chantry provided long-term employment for some priests, just as some of the wealthier founders had employed priests to serve in their private chapels; in the larger cities there may have been a sizable group of priests employed by townsmen living and dead. Thus, while death deprived towns of citizens who contributed to economic, social and administrative well-being, the other side of the coin was a redistribution of wealth, including an injection of funds into the physical and social fabric.



The best assurance of remembrance and prayers was to found a chantry, although this could be an expensive proposition; perpetual chantries required a long-term source of funding, usually in the form of assigned revenues from rental properties. Medieval parish churches often had several altars (besides the high altar) dedicated to particular saints; there the chantry services were held. The chapel shown above is, however, Jesus Chapel in Norwich cathedral; the altar is Norman.

Further reading

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Keywords: medieval London death misadventure accidents assault homicide mental illness wrestling infant mortality fire drowning abortion spousal abuse coroner investigations

Subject: Mortal perils in the capital

Original source: Corporation of London Records Office, Letter Book B and coroner's rolls

Transcription in: Henry Thomas Riley, ed. *Memorials of London Life in the XIIIth, XIVth, and XVth Centuries*, London: Longmans, Green & Co., 1868, 19-20; Reginald Sharpe, ed. *Calendar of Coroners Rolls of the City of London, A.D. 1300-1378*, London: Richard Clay, 1913, *passim*.

Original language: Latin (translation by Riley and Sharpe, with minor modernizations by myself)

Location: London

Date: 13th century (Riley) and 14th century (Sharpe)

TRANSLATION

[1 September 1278]

[The jurors] say that the before-named Godfrey [de Belstede], on 24 August, was coming from Cheshunt towards London, mounted on a **hackney**, hired of a certain man of that village, as they believe, but as to whose name and person they are ignorant, and having one Richard le Lacir in his company, they met certain carters coming from London, with three carts, but as to the names and persons of whom they are altogether ignorant. Whereupon, one of the carters aforesaid began most shamefully to abuse the said Godfrey, for riding the said hackney so fast, and a dispute arising between Godfrey and the said Richard, on the one side, and the said carters on the other, one of the carters seizing with his hands a certain iron fork, struck Godfrey upon the crown of his head with such force, as to inflict a wound two inches in length, and penetrating almost to the brain. The other carters also badly beat him all over the body with



sticks, and maltreated both him and the said Richard le Lacir; so much so, that the latter hardly escaped with his life. Godfrey before-named survived from 24 August to 1 September, languishing from the wound and beating aforesaid; and on that day, at about the third hour, he died.

[Sunday, 17 December 1300]

The jurors say that when, on the preceding Wednesday, the said Richard [le Brewere] was going up a step of a solar in the house of William Cros, carrying a bag of malt, being overcome with drink, he by accident stumbled from the said step and fell, rupturing his bowels and diaphragm, and so lived until the following Friday, when he died about the hour of curfew.

[Sunday, 30 July 1301]

The jurors say that when, on the preceding Saturday, the said Roger [le Brewere] about the ninth hour left the kitchen of the said Adam de Ely [fishmonger] complaining of a disorder called *Tisik*, he asked Agnes, his wife, whom he found in the Hall, to summon a chaplain to come to him immediately; that the said Agnes ran to a church [but] before his arrival, the said Roger fell dead in the Hall of the said disorder.

[28 May 1301]

The jurors say that when on 6 May, the said Peter [de Huntyngdon] and a certain Andrew Prille came to the house of Walter Vigerous and there continued drinking until after the hour of Vespers, they by mutual consent agreed to wrestle; that, afterwards, the said Andrew left the said Peter, saying that he would no more wrestle as his clothes were torn, and that thereupon the said Peter took off his own vest and handed it to Andrew for him to wrestle in it; that they then wrestled with all their strength and gripped each other in such a way that Peter's right leg was broken, and so he lingered until 1 June, when he died as night was coming on, from the fracture and **bad attention**.

[18 June 1301]

The jurors say that when, on 11 June, the said Robert [le Brasour] had come into Wood Street after the hour of Vespers, and had met a certain Robert de Amias, they quarrelled together, both being inebriated, and the said Robert de Amias beat the said Robert le Brasour with an oak stick; that the latter then went towards the church of St. Bartholomew the Little, and there lay down on a trunk and

passed the night; that at sunrise on the morrow he went to the house of Henry Poteman, his master, who reprimanded him for leaving his house without permission, paid him his wages, and ordered him to leave the house; that he thereupon went to the house of John Butcher and there lingered until 8 June, when he died after the hour of Prime; they say, however, that he was not nearer death nor farther from life by reason of the beating, but that he died from the illness he contracted by passing the night in the street, and not from any felony.

[Friday, 21 July 1301]

The jurors say that when, on the preceding Tuesday, the said Richard [son of John le Mazon], who was 8 years of age, was walking, immediately after dinner, across London Bridge to school, he hung by his hands in play from a certain beam on the side of the bridge, so that, his hands giving way, he fell into the water and was drowned.

[1 September 1301]

The jurors say that on 4 May 1301 there came a certain Hugh Picard riding a white horse belonging to Master William de London, a clerk, in Philips Lane, after the hour of Vespers, when the said Petronilla [daughter of William de Wyntonia, aged three years] was playing in the street, and the horse being strong, quickly carried the said Hugh against his will over the said Petronilla so that it struck her on her right side with its right fore-foot; that the said Petronilla lingered until the following day, when she died, at the hour of Vespers, from the blow aforesaid.

[9 September 1301]

The jurors say that when, on 29 August, the said Richard le Brewere entered his brewhouse to take boiling water out of a leaden vessel with a certain ladle and put it into a certain vat, both his feet having given way he fell backwards and the water poured over his neck and body and scalded him; that he lingered until 7 September, when he died at midnight.

[Monday, 30 November 1321]

The jurors say that the aforesaid Isabella [wife of Robert de Pampesworth] for the two last years and more had suffered from a disease called "frensy", and that on the preceding Sunday, at the hour of Prime, she was alone in her chamber whilst Cristiana de Iseldone,

servant to John de Pampesworth, son of the said Isabella, went to the kitchen to get her some food, and she hanged herself by a cord from a small beam in the said solar, when nobody was present, whilst suffering from the aforesaid disease; that the said Cristiana when she entered the room and saw her hanging **raised the cry**, so that a certain William Scot ran thither and cut the cord with his knife, and the said Isabella fell to the ground alive, and so lingered for the space of a quarter of an hour of the same day and then died from weakness of the same disease and the hanging aforesaid.

[7 January 1322]

The jurors say that when on 3 January 1322 a certain John de Eddeworth, brother of the late Osbert le Pledour, was riding in company with certain men unknown who were taking Walter de Selby, an enemy and rebel to the lord the King, towards the Tower of London, he met the aforesaid John de Tygre, to whom he said that by reason of the death of the aforesaid Osbert his brother, whom the said John de Tygre had killed, he would have something to say to him when opportunity occurred; that the two men moved to anger separated, and thence forward each lay in wait to kill the other. At length on 4 January, before midnight, the said John de Eddeworth, with two other men, his companions, whose names are unknown [met] the said John de Tygre at the head of Sopers Lane, in the Ward of Cheap, and immediately the said John and John with their swords drawn, and the two persons unknown, one with his knife, called "Irish knife", and the other with a wooden staff called "balkstaff", fought together, so that the said John de Eddeworth and his two companions drove the said John de Tygre from place to place, and at the head of Wood Street, opposite the tenement of John de Shordych in the Ward of Cripplegate, the said John de Tygre fell over a heap of dung, and forthwith the said John de Eddeworth and his companions mortally wounded him as he lay, viz.: the said John de Eddeworth with his sword inflicted five mortal wounds, three being on the back of the head, and one on the left side, each of them two inches long and penetrating the skull, and one under his left ear, and inch and a half deep and two inches long, whilst one of the unknown men with his staff mortally beat him on his sides, back, arms and neck; that when certain watchmen for keeping the peace in the said Ward heard of this, they immediately ran thither and found the said John de Tygre thus wounded and beaten, and certain of his friends carried him to the said

solar [in the tenement of John's wife Alice, in the parish of St. Clement Candlewick Street] where he lay dead and there he had his ecclesiastical rights, and lingered until 6 January when he died after the ninth hour from the said wounds and blow.

[Wednesday, 28 April 1322]

The jurors say that when on the preceding Tuesday a little before midnight, the said Robert [de Kent cordwainer] and Matilda his wife, and William and John their sons lay asleep in the said solar [held by the said Robert of Adam Braz], a lighted candle fixed on the wall by the said Matilda fell by accident on the bed of the said Robert and Matilda, and set the whole house on fire; that the said Robert and William were immediately caught in the flames and were burnt, and the said Matilda and John with difficulty escaped with their lives.

[?29 April 1322]

William, son of John de Brich', who had been **attached** for burglary of the house, and carrying off the goods, of Geoffrey le Rook of Little Burstead [Essex] died of starvation in the prison of Newgate on 29 April 1322, and of no felony.

[Friday, 21 May 1322]

The jurors say that when on the preceding Thursday, before the hour of Vespers, the said Johanna [daughter of Bernard de Irlaunde, a child one month old] was lying in her cradle alone, the shop door being open there entered a certain sow which mortally bit the right side of the head of the said Johanna. At length there came Margaret, wife of the said Bernard and mother of the said Johanna, and raised the cry and snatched up the said Johanna and kept her alive until midnight of the said Friday when she died of the said bite and of no other felony.

[Saturday, 26 June 1322]

The jurors say that [when] on the preceding Friday the said Robert [son of Ralph de Leyre de la Hay of co. Essex] went to the wharf called the Fishwharf and entered the river to bathe, no one being present, he was by accident drowned and so remained in the water until the following Saturday, when, about noon, a certain John Curteys, a boat-man, found him drowned and raised the cry, so that the country came; that at the request of friends of the said Robert, his corpse was taken out of the water and placed in the said shop [rented by Oliver Brounyng in

[Queenhithe ward\]](#) for better inspection, and for fuller enquiry as to his death to be made. They suspect no one of the death but only the mischance aforesaid. The corpse viewed on which no wound or bruise appeared.

[\[7 July 1322\]](#)

The jurors say that when at daybreak of that day a great multitude of poor people were assembled at the gate of the Friars Preacher **seeking alms**, Robert Fynel, Simon, Robert and William his sons and 22 other male persons, names unknown, Matilda, daughter of Robert le Carpenter, Beatrix Cole, Johanna le Peyntures, Alice la Norice and 22 other women, names unknown, whilst entering the gate were fatally crushed owing to the numbers, and immediately died thereof and of no other felony.

[\[Wednesday, 27 March 1325\]](#)

The jurors say that when on the preceding Sunday at the hour of Compline the said Walter de Benygtone [\[tailor\]](#), with seventeen companions, unknown, had come to the brewhouse of Gilbert de Mordone, stockfishmonger, in the Ward of Bridge with stones in their hoods, swords, knives and other weapons and were sitting and drinking four gallons of beer, lying in wait to seize and carry off Emma, daughter of the late Robert Pourte then under the charge of the said Gilbert; that perceiving this, Mabel, the wife of Gilbert de Mordone, and Geoffrey, the brewer of the said Gilbert, prayed the said Walter and his associates to depart thence, but they replied that they would stay there, as the house was public; whereupon the said Mabel seeing their folly returned to her chamber taking the said Emma with her; that the said Walter and his associates being on that account moved with anger assaulted the said Geoffrey and Robert de Mordone and other inmates of the house and struck the said Robert on the head with stones, so that he raised the cry and fled into the High Street, and the said Walter with a knife in one hand and a **misericord** in the other followed him to kill him. Thereupon, Benedict de Warde and other neighbours came up to pacify them, when the said Walter assaulted the said Benedict with the aforesaid weapons, and refused to surrender to the King's peace, and the said Benedict seizing a balstaff from a stranger, therewith struck the said Walter on the top of his head so that he fell to the ground at the entrance of the lane of Gilbert de Mordone in the parish [\[of St. Michael\]](#) aforesaid, and was thence carried by

Walter de Arderne and Christina his wife into the land of St. Michael aforesaid, where they laid him on the pavement near the fountain where he lay the whole of the following night, and on the morrow he was carried half dead by them into the house of Geoffrey de Warde, where he immediately died.

[15 November 1325]

The jurors ... say that a certain John de Wynestone, Thomas de Walpol, Martin de Aumbresbury, William de Grenstede, Thomas le Waryner, John le Joignour, William Shonk, Simon Lightfot, Richard de Aumbresbury, James de Shordiche, John Galle and John Baudechon, goldsmiths, on Sunday, 10 November, shortly after the hour of curfew, were walking in the High Street of Cheap, lying in wait for the men of the mystery of Saddlers in order to beat them, on account of a quarrel that had arisen between men of the mystery of Goldsmiths and that of Saddlers; that meeting the aforesaid John atte Vyse [saddler] opposite the **stone cross in Cheap** the said John de Wynestone, Thomas de Walpol and Martin de Aumbresbury assaulted him, the said John de Wynestone striking him with a sword on the left side of the head, inflicting a mortal wound seven inches long and three inches deep, and the said Thomas Walpol striking him with an axe and nearly severing his leg, whilst the aforesaid Martin belaboured him with a staff when lying on the pavement ... the said John atte Vyse thus beaten and wounded lay there groaning until carried by his friends to the house [he held in the parish of St. Vedast], where he had his **ecclesiastical rights** and where he lingered until the followign Thursday, when he died about cock-crow of his wounds.

[Wednesday, 15 January 1326]

The jurors ... say on oath that when on the preceding Tuesday, about midnight the said John Toly rose naked from his bed and stood at a window of the solar 30 ft. high to relieve himself towards the High Street, he accidentally fell headlong to the pavement crushing his neck and other members, and thereupon died about cock-crow.

[3 August 1326]

The jurors ... say that on 30 June 1326, Agnes Houdydoudy met the aforesaid Lucy [wife of Richard de Barstaple], who was *enceinte*, in the High Street near the Tower, and a quarrel arising, the said Agnes knocked the said Lucy and struck her on the belly with fist and knees,

and fled leaving her half dead in the street. The said Agnes was immediately caught and taken to Newgate, whilst the said Lucy was carried by friends to the rented house aforesaid where she had her ecclesiastical rights and within three weeks gave birth to an abortive child, and died on 1 August of the blows, at the third hour.

[2 February 1337]

The jurors ... say that the above Emma [a pauper and mendicant], who had long suffered from falling sickness came about the ninth hour to the bank of Tower ditch carrying a large earthen vessel full of water, and owing to her sickness fell head foremost into the ditch, nobody being near, and immediately died.

[Friday, 21 February 1337]

The jurors ... say that on the preceding Thursday, about the hour of Vespers, two carters (unknown) taking two empty carts out of the City were urging their horses apace, when the wheels of one of the carts collapsed opposite the rent of the Hospital [of St. Mary, Bishopsgate], so that the following cart fell on the said Agnes [de Cicestre] who immediately died; that the carter thereupon left his cart and three horses and took flight in fear, although he was not suspected of malicious intent.

[Monday, 20 December 1339]

The jurors ... say that on the preceding Sunday after the hour of curfew, a quarrel arose between Robert de Portesmouthe and Alice his wife in a solar in the rent of Richard le Rous, when the said Robert struck his wife with a staff called a "wombedstaff" on the neck as she stood by the stair in the said solar, so that with the blow she fell down the stair and broke her neck; that the said Robert took flight the next day, but whither, etc., the jurors know not. And because the information was given to the Coroner, that Robert son of the aforesaid Robert de Portesmouthe had been arrested on suspicion of causing the death of the said Alice his step-mother and had been taken to Newgate, precept was issued to the Sheriffs to summon other jurors of the ward of Queenhithe for the following Tuesday in order that further enquiry might be made. Accordingly on that day there came [13 named jurors] who said on oath that on the aforesaid day the said Robert, the son, struck the said Alice with his hand, whilst the father struck her with a "wombedstaff" on the neck from which blow the

said Alice died, and that the death of the said Alice was not hastened by the blow from the hand of the said son.

[Saturday, 14 January 1340]

The jurors ... say that on the preceding Thursday about sunrise when the above John [Briny] tried to put a halter on a grey horse in the stable of Roger de Forsham the horse kicked him in the face so that he died on the following Saturday.

[Saturday, 4 February 1340]

The jurors ... say that on the preceding Friday, after the hour of curfew, the aforesaid Alice [wife of Henry de Warewyk skinner], who for the last half-year had been *non compos mentis*, opened the door of the house of the said Henry and Alice in the parish of St. Benedict Fink, in the ward of Broad Street, and ran by herself in a wild state to the port of Dowgate and threw herself into the Thames and was drowned.

[Monday, 28 August 1340]

The jurors ... say that on the aforesaid Monday the said John Bone was going down the well [on the property he rented in the parish of St. Andrew East Cheap] by means of a long pole to recover a bucket which was there, when he fell and, there being but little water in the well, he immediately died. Precept to the Sheriff to cause the well to be stopt up.

[29 September 1367]

The jurors ... say that on 21 September, at dusk, the aforesaid John Farnaham [of North Ockendon, clerk] entered a boat belonging to John Sevar of Portsoken in the parish of Aveley, Essex, which boat lay in the Thames near Botulph's Wharf in the parish of St. Botulph in the ward of Billingsgate, desiring to voyage in her to the vill of North Ockendon; that whilst he and his fellow travellers lay asleep waiting for the tide, a great storm of wind and rain arose and overturned the boat near the bridge in the ward and parish aforesaid; so that the said John fell into the water and was drowned; that his corpse was carried hither and thither until 29 September when it was found cast in the water in the fleet at Lymhostes.

DISCUSSION

When a death from other than natural causes occurred, the finder of the dead or dying person had to raise the alarm, the neighbours had to be alerted, and the matter had to be reported promptly to the city authorities. The **coroner** with jurisdiction in the area where the death occurred would quickly summon a group of men living in the neighbourhood – in the case of London, where the sheriffs worked with the coroner, from the ward in question as well as from adjacent wards – to serve as jury for an inquest. Their investigation, held at the site where the death occurred and calling on the neighbours to give evidence, was to determine how the death – usually described as "other than a rightful death" – occurred and who, if anyone, or what was responsible, so that the courts could take the appropriate action. This kind of investigation seems to have applied as much to the poorest members of society as to others; it did not usually apply if an individual succumbed to a recognized illness.

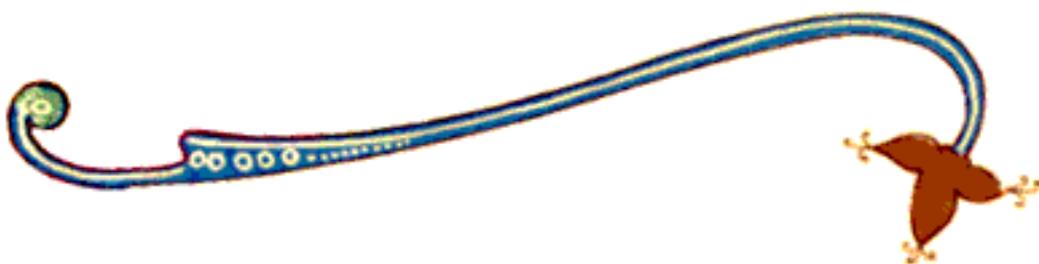
Many of the deaths investigated were homicides resulting from quarrels or brawls, often the result of drunkenness, hot-headedness, or hot temper. One case illustrates that "road rage" is not a modern phenomenon. But not a few involved malice aforethought, as in cases of vendetta or revenge, or at least a proclivity to be looking for trouble – those involved were going around armed with daggers, staffs, or axes. Occasionally the perpetrator or victim had simply been trying to prevent a crime from being committed, against him or her self or against another. A couple of deaths resulted from the simmering hostilities between some of the craft guilds, which occasionally erupted into violence; another instance (besides that given above) was the outcome of a brawl in 1340 between skimmers and fishmongers. Law students were also the instigators of a couple of brawls, although this was a pale reflection of the troubles caused by students at Oxford. Deaths as the result of domestic quarrels are also found, but are not numerous; one of the most horrific cases was that of a house burning down, the occupants having escaped, but the husband, who blamed his wife for the fire, pushed her back into the burning house.

A large number, on the other hand, fall into the death by misadventure category. Falls from ladders or from upper story windows occur several times, and several deaths were as a result of falls down wells – the unlucky individual might drown, break his neck, or suffocate in a dry well. Drowning in the Thames or in the city ditches was a fairly common cause of

death, although for a variety of reasons, such as falling in by accident, losing one's footing while bathing, committing suicide, or in one case being prevented (it appears) by the weight of stolen loot secreted on the thief's person from avoiding the consequences of a rising tide during an effort to escape capture. Children make an appearance in the coroner's rolls in the context mainly of domestic accidents, or accidental deaths that occurred while wandering or at play in the streets; the case of Johanna de Irlaunde reveals one of the reasons why towns repeatedly passed by-laws against allowing pigs to wander the streets. The supposed high rate of infant mortality is not reflected in coroner's rolls, however, suggesting that most infant deaths were seen as 'natural', and even the unnatural deaths provoked no comment on parental culpability in terms of failing to supervise the children.

Several deaths of prisoners in city gaols were recorded with little comment. The cause of death was not usually given, but when described as a "rightful death" may sometimes refer to execution and sometimes to what was perceived as a natural death. In a few cases it is explicitly recorded that prisoners starved to death. Prisoners received nothing to eat unless fed by family or friends, or as the result of charitable gifts, and therefore it was easy for many to starve. Or perhaps that way out seemed preferable to some of those destined for hanging.

Occasionally other deaths were also described as "rightful", meaning that the jury could not identify – either from evidence of events surrounding the death, or from examination of the corpse – any reason to believe foul play had occurred. Therefore it was concluded that a natural death had occurred. Such was the case, for example, with a baby that died a day after its birth, with a child of 12 for whom no clear cause of death could be identified, but also with adults considered to have died prematurely or without forewarning of any ill health.



NOTES

"hackney"

A riding horse.

"bad attention"

The leg of the corpse was described as gangrenous.

"seeking alms"

Sharpe identifies the event that occasioned this tragedy as being a dole of alms by the executor of Henry Fingrie.

"misericord"

A narrow-bladed dagger intended to deliver the death blow to an incapacitated opponent.

"stone cross in Cheap"

This was the original location of London's Eleanor Cross, later removed to Charing.

"ecclesiastical rights"

I.e. the right to have the last rites administered.

"29 September"

Or 6 October; there is a discrepancy in the original or the transcript which would have the body found a week after the inquest, clearly not correct.

"North Ockendon"

Close to Aveley.

"coroner"

Technically, the duties of coroner were exercised by the King's Chamberlain who, in the earliest coroner's records from London, acted with the city sheriffs in holding an inquest. As the Chamberlain was, in practice, occupied with other duties, a deputy was often appointed in London.



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Keywords: medieval King's Lynn York investigations coroner death misadventure drowning accidents fire homicide crime detection

Subject: Death by misadventure

Original source: Item 1. Arundel Castle archives, MD 232; item 2. Norfolk Record Office, King's Lynn archives, KL/C14/1; item 3. York City Archives, Memorandum Book A/γ, f.17.

Transcription in: 1. and 2. Dorothy M. Owen, ed. *The Making of King's Lynn: A Documentary Survey*, British Academy Records of Social and Economic History, new series, vol.9 (1984), 423-26, 429-30; 3. Maud Sellers, ed. *York Memorandum Book, part I (1376-1419)*. Surtees Society, vol.120 (1911), 44-45.

Original language: Latin

Location: King's Lynn, York

Date: late 13th and 14th centuries

TRANSLATION

[1. Lynn: coroner's roll 1291-1300]

Inquest held on the death of William del Wre and Walter Kyng of **Saltfleetby**, on 18 June 1294 at Lynn, by Simon de Waynflet, Ralph Swyft, John ad Aquam, Richard Cocum, his brother Ralph, **Geoffrey Drewe**, **Alan de Swerdeston**, William de Cranewiz, John de Acra, John de Barewe, John son of Simon de Beverle, and Alexander le Gardener of Ditton, jurors, who say under oath that the mayor and bailiffs of Lynn had received special orders from the king to arrest all ships and boats arriving at Lynn, together with the men and goods being in the same, in order that they not transport any goods overseas. On 12 June a certain John Stalle of Yarmouth approached a ship called the *Stoute* and he said to the master of that ship and his fellows that thieves and plunderers were about to come with a writ to deprive them of their ship and its cargo and to kill them.



On the following day, William and Walter, together with the sergeants of the **Tolbooth** of Lynn and other men, by an order sent them by the mayor and bailiffs, came in a boat to arrest the ship. When they saw the men in the boat coming, those who were in the ship thought them to be the plunderers and thieves and, when William and Walter wished to board the ship from the boat, they took it [...] by one of the ship's ropes and at once the tidal current drew away the boat from the ship; and when it was hanging by the ship's rope, unnerved by the armed men in the ship, they [i.e. William and Walter] fell into the sea between the boat and the ship and had the misfortune to drown.

[...]

Inquest held before the coroners of Lynn on 22 May 1296 into the death of Roger fitz Claricia miller [...] the jurors say that around the middle of the day on 19 May, Roger arose from his midday nap and went down to the water next to the lesser water-wheel of the mill in Lynn called "**Swargermelne**", to wash his hands, when he tripped over himself and fell onto the beam called "**briggetre**". Of which [injury] he languished from that hour until vespers on the following Monday.

[2. Lynn: coroner's roll 1302-04]

Inquest held [...] 29 January 1303 [...] concerning the death of John de Beverlee [...] The jurors say under oath that on the night of 28 January John was coming from the house of Peter le Schereman in **Brigate** and he crossed over a bridge called "Godlombesbrigge". Having had his fill of drink, he had the misfortune to fall off the bridge and was drowned in the water.

[...]

Inquest held on 25 July 1302 concerning the dath of Margaret, daughter of Richard de Thornhegg [...] The jurors say that on the previous night, before midnight, Alice de Tyrington, servant of Beatrice le Hukestere put up a candle on a partition wall in Beatrice's house; but that, Alice being drunk, while she was taking care of other matters the candle fell down into the straw and set on fire the house and Margaret. Alice and Beatrice, fleeing for their lives and barely

escaping with them, forgot about Margaret (who was then 12 years old) and left her behind in the burning house. They say that no-one is guilty of the death. Afterwards, Richard de Thornhegg found her and raised the hue.

[...]

Inquest held on 17 December 1302 concerning the death of Giles de Flandres [...] The jurors say that on the night of 15 December before curfew Giles was sitting in a Ely boat from which he was selling ale in the port of Lynn when he said to his companion that his **haketon** was better and gave surer protection than any made in England. He said that he would prove it and, drawing his own knife he stabbed himself in the chest with the knife, giving himself a wound half an inch deep, from which he immediately died.

[...]

[York]

Memorandum that on 13 February 1382 it came about in the city of York that a certain John de Braytoft of Scroby, a servant of Robert de Comberworth, was riding on a horse of his master out of York Castle towards the watercourse between the chapel and the watermill beside the castle, in order to water the horse there. By a terrible accident, John was drowned in the water there between the mill and the chapel. In consequence of which, Simon de Clapham, Simon de Waghen, and Henry de Bolton bailiffs and William de Newby coroner and many other reputable men of the city came to claim the liberty and to take possession thereof.

After which, the body of the drowned man being found, it was viewed according to custom and an inquest held by William de Newby, city coroner, by the oath of Thomas de Lokyngton, William Lorymer, Walter Fox, Roger Wright, John Strynger, Robert de Wistowe, John de Elveley, William del Ker, Robert Pawe, William Fletcher, John Pouchemaker, and John Stiel, jurors. Who state under oath that the said John rode on the horse into the water at the aforementioned location; the value of the horse **[was assessed at]** 10s. In a deep part of the river the horse stumbled, colliding with stones hidden beneath the

surface; to John's misfortune the force of the collision threw him from the horse into the water, where he was at once submerged, and separated from the horse. The horse has gone outside the boundary of the city, but into whose hands it has fallen they have no idea whatsoever, and say so under oath.

DISCUSSION

When a death occurred, the initial task was to determine where it had happened, in order to ascertain within which jurisdiction the investigation fell. In this case, the city authorities promptly claimed the affair as within their jurisdiction (the proximity to the castle fee could have cast doubt on the matter). The purpose of the inquest, which appears to have been held promptly, was to determine who, or what, was responsible for a sudden death. Part of the reason was that the instrument causing death might be forfeited to the Crown (or in some cases, given as compensation to family of the deceased); hence the concern with assessing the value of the horse and with stating under oath that the horse had escaped and could not be found.

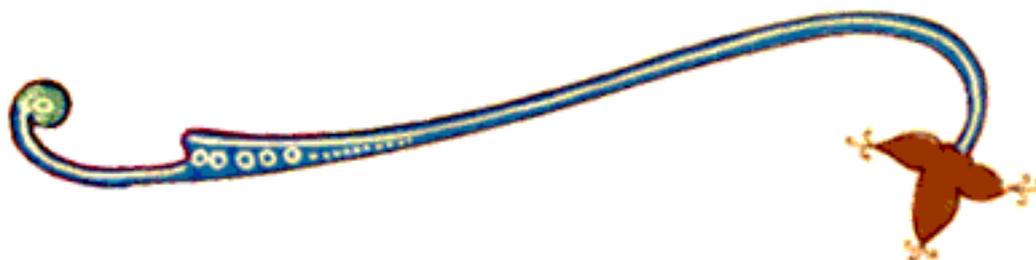
Drowning was a not infrequent cause of death in the Middle Ages. It is not clear whether the ability to swim was very common, although swimming could be a recreation for those with the ability. An off-balance fall into water, getting out of one's depth while bathing, or a drunken tumble into water were the most common scenarios. Watercourses were used for industry, as sources of domestic supply, for cleaning oneself or watering one's animals, and for travel, and a place like Lynn, as an important commercial port, experienced a relatively large number of drownings. By contrast, deaths as a result of house-fires were not as common as one might expect, given the vulnerability of medieval structures to fire.

Records of coroners' inquests, despite their somewhat formulaic and in most cases succinct style, paint us a picture of the various hazards in medieval society. In particular the too frequent resort to violence. The Lynn coroners' records from which the above cases were taken also tell of deaths resulting from slight provocations, such as telling some argumentative Norwegian sailors to keep the noise down, or a dispute arising from a ball game on the river-bank, or an argument in a brothel. Drink was sometimes involved – as

one suspects it may have been in the above case of Giles de Flandres, explicable only as the folly of an inebriated man.

Unless inquest juries were prone to concocting stories or intentionally protecting the guilty, possibilities we cannot – or cannot always – rule out, they seem to have been a fairly effective tool for gathering information within a short time-frame. On rare occasions when multiple inquests were held on a death, we sometimes get conflicting information from the different juries, but more often they are corroborative or complementary. It seems that few secrets could be kept in a community where people were more inclined to mix – in the streets, in the marketplace, in church, and in guildhalls – than to shut themselves away in their homes. In the relatively small communities of medieval English towns, with houses often close together or contiguous, one tended to know what one's neighbours were up to.

On the other hand, it has been suggested [Carrie Smith, "Medieval Coroners' Rolls: Legal Fiction or Historical Fact?", pp.93-115 in *Courts, Counties and the Capital*, ed. D. Dunn, New York: St. Martin's Press, 1996] that sympathetic neighbours might on occasion be unwilling to condemn some of their own (e.g. for a killing in self-defence), and that some crimes may have gone completely unreported for similar or other reasons, some of which apply more to rural than urban situations. Also that a few of the deaths categorized by juries as misadventure might, because of inadequate knowledge of the circumstances – perhaps particularly for deaths that happened in the middle of the night or in the privacy of the home – actually have been homicides. Without additional sources of evidence, we can never know for certain.



NOTES

"Saltfleetby"

In Lincolnshire.

"Swargermelne"

Probably the mill on **Millfleet** known at times as Swaggess Mill.

"briggetre"

Presumably some part of the mill-wheel, perhaps the central beam supporting it.

"haketon"

A tunic that was padded for protection.



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Keywords: medieval Bury St. Edmunds abbey death testaments intestacy probate investigations offences money-lending funerals Jews

Subject: A nuncupative will overruled

Original source: British Library, Harleian Ms.1005, f.147

Transcription in: Thomas Arnold, ed., *Memorials of St. Edmund's Abbey*, vol.1 ("Cronica, by Jocelin de Brakelonde"), Rolls Series, no.96 (1890), 293.

Original language: Latin

Location: Bury St. Edmunds

Date: 1180s

TRANSLATION

Hamo Blund, one of the wealthier men of this town, being on his deathbed, was very reluctant to make any kind of testament. Finally he did make a [nuncupative] testament dealing with the sum of three **marks**, in the hearing only of his brother, his wife, and a chaplain. So that, after the man's death, when the abbot was **investigating** the matter, he called those three before him and sternly chastised them because the brother (who was the heir) and the wife had not permitted anyone else access to the sick man, desiring to take possession of everything. The abbot issued a public statement: "I was **his bishop** and had the care of his soul. So that the ignorance of his priest and confessor does not turn into harm from me [failing to act], since I was absent and could not advise the sick man while he was still alive, it is important that I take action even though it is late in the day. I order that all debts owed him and all his moveable possessions, which are said to be worth two hundred marks, are to be put down in writing. One share is to be given to the heir, another to the wife, and a third to his poor relations and other poor people. As for the horse that **drew** the bier of the dead man and was



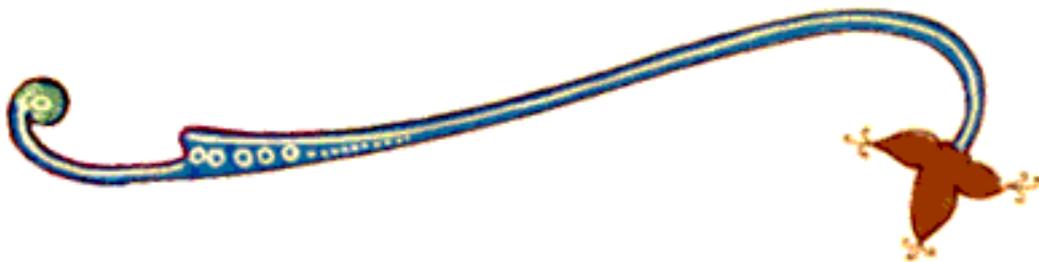
offered to St. Edmund, I order it to be released and returned, for our church should not be polluted by the gift of someone who died intestate and who is reputed to have regularly loaned his money **usuriously**. By the face of God, if such a thing happens again in my time to anyone, he won't be buried in a cemetery!" At these words, the others slunk away shamefacedly.

DISCUSSION

The abbot had a number of reasons to feel outraged by the circumstances surrounding Hamo's testament. Nuncupative wills or testaments tended to be looked upon with suspicion since a dying man could be influenced by those at his bedside, or his expressed wishes disregarded and others ascribed to him. That was suspected here – or perhaps the abbot suspected collusion between a procrastinating testator and his nearest and dearest with a view to maximizing their inheritance while minimizing the share expected to be dedicated to charitable and pious uses. The complaint that Hamo's bequests amounted only to a fraction of his believed worth may possibly refer to the amount he assigned (or was claimed to have assigned) to the poor and the church, since the remainder would automatically go to his heir, with the widow being allowed a life share. The abbot blamed the chaplain for failing to ensure that Hamo was better advised in regard to his charitable obligations.

It was probably less on the grounds of the nature of the testament than those of its inadequate coverage of the testator's possessions that prompted Abbot Samson to treat Hamo's as an intestate death and to assume administration of the dead man's estate. In cases of intestacy the lord had claim to the estate, although perhaps more as trustee than owner. The abbot certainly took that view, reallocating the estate evenly among the heir, the widow, and poor relations and other poor folk – this last was the charitable share and reflects that charity begins at home. He even opted to forego the traditional but obligatory gift – frequently a horse or other animal – to the church (a payment for funeral services), although that was because of the suspicion that Hamo's wealth had been acquired through immoral means and the belief that someone who died wilfully intestate had in effect committed spiritual suicide.

The immoral means are specified in the accusation that Hamo's money was tainted because he had engaged in money-lending, a practice frowned on by the Church as unChristian. The Third Lateran Council (1179) ordered that any usurer who failed to repent – which appears to apply to Hamo – should not be given Christian burial. This may help explain the abbot's closing remark; churches or clergyman failing to obey the injunction themselves faced excommunication. Abbot Samson deported the Jewish community from Bury St. Edmunds to other towns, on the excuse that everything within the town should belong to the abbey (whereas the Jews belonged to the king), although whether this took place before or after Hamo's death cannot be said. In fact, the **expulsion** was more likely part of Samson's efforts to reform abbey finances, by getting rid of some of its creditors; an effort undermined by the king's justices, who ordered Jews should be allowed into town if suing for their debts in the abbot's court.



NOTES

"marks"

A mark was worth 13s.4d. In most cases where the term appears in documents presented in Florilegium Urbanum I have converted to old style pounds, shillings and pence.

"investigating"

This could be translated to say that an inquest was being held, although there was hardly a need for one since the death itself was not suspicious.

"his bishop"

The abbots strongly resisted any encroachments on their authority or jurisdiction by bishops and archbishops, turning to Rome in support of their independence.

"drew"

Literally "was led before", but it seems likely that the horse would have been used to pull the litter bearing the coffin.

"usuriously"

Today we think of usury as the loan of money in order to make an extortionate profit from the interest. For most of the Middle Ages, however, the Church saw the taking of any amount of interest on a loan as usurious. It was considered a mortal sin leading to damnation, unless the sinner repented; it is not clear from the account whether Hamo made a death-bed repentance to the chaplain/confessor, but the abbot was clearly unsatisfied with the way in which Hamo made his end. By the end of the Middle Ages the Church had come to terms with money-lending, and no longer condemned it.

"expulsion"

Professor Butler suggested the expulsion might have been to protect the Jewish community from further attacks after 57 were massacred – one of numerous such attacks throughout England – in 1190; their transfer to other towns is then explained as putting them within access to castles that could offer protection. However, Jocelin does not even mention this massacre (which he would surely have done had it shocked him), and the expulsion seems more an expression of Christian distaste for Jews than a desire for their well-being. This distaste was perhaps particularly felt by the convent. In fact, the first matter Jocelin addresses in his chronicle is the sad state of abbey finances due partly to indebtedness to Jews.



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Keywords: medieval London Bristol York King's Lynn customs franchises probate testaments procedures women's rights property transactions heirs record keeping testimonials bequests court jurisdiction archives Winchester

Subject: Borough probate of wills and testaments

Original source: Item 1. Bristol Record Office, Mayor's register; item 2. Corporation of London Records Office, Liber Albus, ff.37-38; item 3. Bristol Record Office, Little Red Book, f.100; item 4. York City Archives, Memorandum Book ^A/_γ, f.5; item 5. King's Lynn borough records, Red Register, f.73; item 6. York City Archives, House Book volume 2/4, ff.140-141.

Transcription in: 1. Lucy Toulmin Smith, ed. *The Maire of Bristowe Is Kalendar*, Camden Society, new series, vol.5 (1872), 97-98; 2. Henry Thomas Riley, ed. *Liber Albus*, Rolls Series, no.12, vol.1 (1859), 122-23; 3. Francis Bickley, ed. *The Little Red Book of Bristol*, Bristol, 1900, vol.1, 32-33; 4. Maud Sellers, ed. *York Memorandum Book, part I (1376-1419)*, Surtees Society, vol.120 (1911), 13; 5. Holcombe Ingleby, ed., *The Red Register of King's Lynn*, vol.1 (1919), 137; 6. Lorraine Attreed, ed. *The York House Books (1461-1490)*, Stroud: Alan Sutton, 1991, 338.

Original language: 1, 4. French; 2, 3, 5. Latin; 6. Middle English

Location: London, Bristol, York, King's Lynn

Date: 14th and 15th centuries

TRANSLATION

1. Concerning testaments

Let it be known that the entire city of London is held of the lord king in free burgage, without any **mesne lord**. And, according to the usage of the city and its suburbs, all the lands and **tenements**, rents and services within that city and suburbs, whether as direct possession or as **reversion**, are devisable by man or woman to whomever they wish and in whatever fashion they wish. They can



also devise that new rents be taken from their tenements, as seems best to them, by their testaments and their last will. Those who are freemen of that city can devise their tenements in mortmain, as appears from the charter the king gave them. Also, those who hold tenements jointly with others can devise whatever belongs to them, without making any division. But underage children cannot devise, nor can a married woman devise her tenements, whether with permission of her husband nor in any other way, while she is still married. A husband cannot devise his tenements to his wife in any [\[more permanent\]](#) form than for the woman's lifetime, nor can the wife make any greater claim without risking losing everything. A husband cannot devise tenements [\[he holds\]](#) by right of his wife, nor tenements that the husband and his wife have jointly purchased; but if the husband and wife hold tenements jointly for themselves and the husband's heirs, the husband may at least devise their reversion.

All testaments by which any tenements are devised can be enrolled in the **husting** court of record, at the request of anyone who may receive benefit from those testaments. Testaments that should be enrolled are brought or sent before the mayor and aldermen in full husting; there the testament is read out aloud by the sergeant, and then **proved** by two well-known and **reputable men**, who are individually examined under oath concerning the circumstances surrounding the testament, the **state of mind** of the testator, and about his seal. If the evidences are found satisfactory, commensurate with law, and in agreement with each other, then the testament will be enrolled in the husting record, and a fee will be paid for the enrollment. No nuncupative testament, nor any other testament, can be entered into record unless the testator's seal is appended to the testament. On the other hand, testaments that are found satisfactory and legal are considered in force, regardless of whether enrolled or part of the record. Testaments within the city must, by city custom, be judged in force and executable (with regard to the wishes of the testators) based on the extent to which the terminology of such testaments is defective or not, according to the common law.

2. Verdict of the aldermen concerning the testament of Osbert de Suffolchia

On 15 May 1303 by the unanimous assent and consent of John le Blount, mayor of London, Elias Russel, Adam de Rokesle, Richard de Gloucestria, William de Betonia, Thomas Romayn, John de Wengrave, John de Vinetria, Richer de Refham, Ralph de Honylane, Nicolas Picot, John de Armenters, John de Dunstaple, Nicholas de Farndone, Henry de Gloucestria, Walter de Finchingfeld, and Hugh Pourte, aldermen, it was agreed, and each one queried individually as to his opinion stated, that the blood heirs of Osbert de Suffolchia are excluded from any hereditary claim to a tenement that belonged to Osbert in Cordwainer Street, in the parishes of St. Mary-le-Bow and St. Mary Aldermary, [devised] by Osbert's testament, proved and enrolled in the London husting on 8 May 1284. Except for Walter de Finchingfeld and Henry de Gloucestria, who were not entirely in agreement; but they said that everything of the testament that was enrolled was the testator's will, and proper and valid, etc.

Afterwards, on 19 February 1305 it was agreed and by unanimous consent decided, by John le Blount mayor of London, John de Wengrave, William de Leyre, Walter de Finchingfeld, Richer de Refham, John de Dunstaple, Hugh Pourte, Adam de Fulham, Adam de Rokesle, John de Vinetria, Salomon le Cotiller, aldermen, and Roger de Paris, sheriff, that Ralph Godchep, John de Wrytele, Stephen de Uptone, and William le Barber spicer, parishioners of St. Mary-le-Bow, sworn on the Holy Evangelis, are to sell those houses for as much money as they can, under the supervision, and with the approval and consent of John, the mayor. And that with the money received from the same, divine services are to be held for the souls of Osbert and his wife Anne and those of all the faithful deceased, as specified by the terms of the testament; the remainder of the money, beyond [the costs of] that chantry, are to be well and truly applied towards [the upkeep of] the fabric of London Bridge.

3. Concerning the probate of testaments. [1344]

It is agreed and enacted that all testaments of burgesses of the town [of Bristol] in which lands, tenements or rents are bequeathed, are to be proved in full hundred court before the mayor and two reputable men sitting with him. This [is to be done] by two witnesses examined before them in the following way, viz.: concerning the date; whether they heard with their own ears that this was the last will of the testator;

whether the testator was of sound mind; and whether he set his seal [on the testament]. Such testaments that are proved in the above manner are henceforth to be copied in full onto paper, and the paper is to be [kept] in the treasury where the common seal is placed, under the mayor's seal. So that those whom the testament concerns may **subsequently have recovery** on the basis of such a record, should they need or wish to have it through judicial process, and they may **call it to warranty** should the original testament be lost or in any way carried off maliciously, to prevent them from having recovery of their property. If a testament is proved in the manner described, it is to be entered into the paper record. Such testaments are henceforth to be endorsed with the date and place of probate, by the hand of the common clerk who **may take 40d.** for making the endorsement; and they are to be sealed with the mayoral seal, etc. All other testaments, not proved in the correct manner described above, are to be considered void and forever worthless and invalid. **If witnesses default**, this default is to be written on the document by the clerk, so that they not be accepted [by the court] at any future time through false witnesses.

4. Concerning the enrolment of citizens' testaments

The same day [10 February 1371] it was enacted and established that from this day forward all testaments of citizens of York in which lands and tenements within the **franchise** are devised are to be presented by their executors to the mayor and chamberlains then in office in the city, and entered and enrolled by their common clerk in the community register, to remain there in perpetuity to provide greater assurance and reliable evidence to all those who possess those lands or shall possess them in times to come.

5. [Probate procedure at Lynn]

This testament was proved before us, **Hugh de Betele** mayor of Lynn, **John de Swerdestone**, **Henry de Betele**, **Robert Braunch**, and Peter de Walton, specially elected and deputed for the examination of testaments by the entire community in Lynn's gild hall, on the basis of the customs of the borough of Lynn used in times past, by Richard Wyff and Henry de Swafham clerk. Who were, on 12 February 1343,

administered an oath and examined concerning the making and proving of this testament as regards the aforesaid tenement, and who were concordant [in the statements given]. Solemn proclamation having first been made **before the entire community** of the town of Lynn for three days previously, as is customary, that if anyone believed that execution of the testament ought not to take place with regard to that tenement, they should speak out against the bequest of the tenement by the testament; and at those times and place no-one opposed or said anything against [the testament]. Consequently, we, Hugh de Betele the mayor, have judged it appropriate [to proceed with] the probate and execution of the testament as regards the tenement devised therein, and on the above date appended our seal of the office of mayoralty to the testament, in the presence of [those of] the community then in the gild hall.

6. [Testimonial concerning a nuncupative will, York, 11 October 1484]

To all true Christian people to whom etc., Thomas Wrangwish mayor etc. confirm etc. that our trusty and well-beloved fellow citizen Robert Leche, recently parish clerk of the same city, and William Inglesaynt sherman of the same came in person to the city's council chamber before us, the mayor and aldermen, on the same day this was drawn up. Then and there they publicly took an oath on the Holy Evangelist that each and both of them were present at the time that one Thomas Worcetre lister, formerly of this city, lay on his death-bed in his own residence in North Street inside the city, being sound in mind. At that time was also present dom. John Chalonere, parish priest of St. John Evangelist at **one end of Ouse Bridge** in the city. [This was] in 1452, the precise date not being recalled. The which dom. John there and then asked and enquired of Thomas Worcetre to whom he intended to pass on and bequeath the **messuage** with appurtenances in which he then resided. To which Thomas answered, saying for all to hear that "I will and bequeath the same, my messuage with appurtenances, to my wife Ellen, to hold after my death for the term of her natural life. And after her death, I will and bequeath that messuage with appurtenances to my daughter Katherine and to her legitimate heirs; if she dies without legitimate heirs then I will and bequeath the messuage with appurtenances to the church of St. John forever, to pray for my soul and the souls of all Christians." In testimony and witness, etc., the

11th day of October.

Also, Alison Tayt came into the council chamber on Ouse Bridge before Thomas Wrangwish, mayor of the city of York, and the aldermen of that city on 11 October, and then and there offered to take oath upon a book that she had been a servant of Thomas Worcetre and was present in person when dom. John Chalonere asked and enquired to whom he would pass on and bequeath the messuage with appurtenances in which he resided and in which he then lay upon his death-bed. To which he responded, saying for all to hear, as written down in the above testimonial more precisely, that he gave and bequeathed that messuage with appurtenances to his wife Ellen for her lifetime and after her death it was to remain to his daughter Katherine, she and her legitimate heirs to have and hold; and if it chanced that Katherine died without legitimate heirs, then he willed and bequeathed the messuage to the church of St. John at the end of Ouse Bridge forever, to pray for his soul and those of all Christians.

DISCUSSION

The presence in many borough archives of copies of wills, whether individual documents or entries within records of wider scope, suggests that it was probably common for borough authorities to have an interest in such documents. For those documents called into play some of the fundamental liberties of burgesses, notably the right to hold and dispose of real estate relatively freely, when unencumbered by predispositions of patrimony, and the dower rights of women. It was to the benefit of those borough authorities whose courts had been granted jurisdiction over disputes concerning burgage tenure to keep on hand copies of documents evidencing ownership of those properties.

It was also advantageous for townspeople both to have their property transfers enacted in a public setting such as a court and/or to have transactional documents read out in public and copies then deposited in borough archives. If a legal dispute arose in the borough court over an inheritance, the will copy could be retrieved as evidence from records reasonably close at hand, as opposed to the time and cost involved in

obtaining an authorized copy from ecclesiastical sources. Yet although probate and enrolment generated a crude kind of land registry, we should not forget that the primary reason for probate was to authenticate the document and allow its execution to proceed; it was not the purpose of probate to pass judgement on whether the property devised rightfully belonged to the testator.

While borough authorities acknowledged the primacy of the Church in the area of will probate, at least as regarded personalty and devise to pious uses, they naturally became involved in this arena. Copies of deeds are found among some of the earliest surviving borough court records, and wills or notices of wills were quick to join them. Because so much has not survived, it is difficult and dangerous to generalize, and what does survive portrays a range of practices. In some towns deeds and wills were transcribed into court records among other notations of legal cases. London's husting rolls provide the best example of this – deeds having been enrolled from 1252; many hundreds of citizens' wills have survived for us in that record. At Colchester entering the wills into the court rolls with all sorts of other records remained the practice throughout the late Middle Ages, making it necessary by the late fourteenth century for successive town clerks to compile a finding tool for what might be found in each annual roll, and on what folio. At Winchester too we hear of wills being recorded together with deeds on a "certain roll" archived in the community chest. At Ipswich, by contrast, a separate record series was spun off from the main court rolls and dedicated to recording matters related to property transfers, and wills were transferred there (from the main court roll) from 1307, although the recording of property transactions is evidenced just a few years after it began in London.

In some towns we find wills copied into volumes of memoranda; Lynn's Red Register, York's Memorandum Book B, Bristol's Great Red Book, and Southampton's Black Book are examples. In these cases it is not clear whether the volumes were serving as official registers of wills, or whether the inclusions are selective and for purposes that are more bureaucratic. In some of these cases wills may have been recorded only where the corporation was itself implicated – such as when bequests were made to the community, or borough government was asked to involve itself in supervising fulfillment of bequests. Some wills were recorded many years after the testator's death, and there does not seem to have been a specific cut-off date; presumably so long as credible witnesses to the making of the will were alive, probate was possible.

The initial focus of borough government interest in wills was insofar as they

dealt with burgage tenements. It was unnecessary to transcribe the entire document, and often we find an edited down version, or just selected extracts, or even only an abstract or a notice of the document. In other cases, the entire document appears to have been transcribed. This may have owed something to the inclinations of different clerks, but it also appears that full transcription increasingly became the trend, and was not intended to represent any competition with ecclesiastical courts. A copy of one citizen's will entered into a Winchester volume of memoranda closed with two notices of probate:

This testament has been proved before us, the Deacon of Winchester, and pronounced legitimate by us, and we have committed the administration of all the goods dealt with by the testament to the above-named executors in due legal form. In testimony of which our seal of office has been appended to this document. Given at Winchester on **17 January** in the above year [1349].

This testament was proved with regard to the **lay fee** in the session of the Winchester city court held on 16 March 1362, and it was enrolled etc. In the time of Nicholas de Hanyton, mayor.

[W.H.B. Bird, ed. *The Black Book of Winchester*, Winchester, 1925, 117.]

As borough courts becoming increasingly drawn into acting as a secondary venue for probate, copying of wills in entirety may have seemed the advisable course. The proving of a testament in a borough court applied to the entire document, not just those clauses related to urban realty. The role of borough courts as a secondary venue – it being expected that probate before Church officials would take place first – is evidenced in local by-laws and customs. Chapters 18-24 of the **Norwich custumal** concern themselves with this subject; **chapter 18** required probate of any will bequeathing real estate within the borough, and enrolment of those parts of the document dealing with the properties. The initial section of **Ipswich's custumal** dealt with various matters relating to pleas of land, including several chapters related to wills. In particular, **chapter 16** prescribed a form of probate similar to that described above at London and Bristol. Even a small town such as **Maldon** seems to have required a form of probate before its court. Lynn's husting court also had **probate powers**, but was in the hands of episcopal administration, although the bishop conceded the mayor the right to compile a copy of all business involving tenements in the

borough, including wills; the Red Register may have been the outcome of this, or perhaps it was simply part of the ongoing effort of the mayoral administration to usurp episcopal jurisdiction.

The first document translated above is one element of what appears to be a copy, obtained by Bristol authorities at unknown date, of a series of provisions relating to London's constitution. Some of that series are taken from London's *Liber Albus* or *Liber Custumarum*, but the clauses dealing with testaments are not found in either of those works. According to town clerk Richard Ricart, who compiled these documents into a reference book – although whether from sources in London or already held in the Bristol archives is unknown – the source was a volume used by Henry Darcy (mayor 1337-39).

London was looked to by many boroughs as a source of advice and inspiration in dealing with constitutional and legal matters. In 1325, for example, the Oxford authorities had asked their London counterparts how the latter would deal with a situation in which someone challenged a bequest of property by claiming part of the property as his by right, while another part was subject to a **novel disseisin** process, and a third part of the bequest was unchallenged. The reply from London, echoing a provision quoted below, was that a will was proved through the examination of two sworn witnesses and if a challenge against the will was forthcoming, probate could be granted but the challenge would be registered along with the will. The challenger then had the right to bring at some future time a legal action to prove his/her claim, if possible. A dispute over a testament, dealt with in the London eyre of 1276, shows that the city authorities in husting were prepared to annul a will if its bequests unjustifiably circumvented the rights of the heirs. Likewise they were prepared to deny probate if the testator's seal or the evidence of the provers were suspect.

Liber Albus is not silent on the subject of probate of testaments, but it addresses the peripheries more than the core. The legal value of enrolled copies of wills is illustrated:

In cases where reversions or rents are devised by a testament enrolled in the husting record, those reversions or rents are passed on [i.e. in effect] from the time of the testator's death. So that those to whom such rents have been devised may **distrain** for the rent and **make avowry**. And those with reversion may sue a **writ of waste** at will without attornment by the tenants, and can, if necessary, base their case on the

enrolments should they not have the testaments themselves in hand.

The same custom is applicable to deeds, indentures and other documents enrolled in the husting record. Such enrolments have always been the practice, so long as the testaments are openly read out and proved in full husting, as is mentioned above.

[H.T. Riley, ed. *Liber Albus*, vol.1 (1859), 180.]

The final phrase of the last sentence, referring back to some earlier passage, may point to the original source of the Bristol transcription, for the copy made in the *Liber Albus* omitted any earlier section dealing with testaments.

One of the major concerns was with ensuring that the testament was an accurate representation of the testator's final wishes, and not a document to which he/she did not consent or, worse, a forgery. Thus the requirement, dating back to at least an ordinance of 1302, that:

henceforth no testament is to be granted probated unless the testator's seal is attached or appended. Similarly, not unless both witnesses can expressly testify it is the testator's seal and are well familiar with that seal.

[*Liber Albus*, vol.1, 403.]

While another clause dealt with the question of disputes surrounding testaments brought for probate:

That, regarding the probate of testaments, if anyone makes any challenge to a testament when it is undergoing probate, the testament is to be granted probate (at least, so long as the witnesses can testify to the last will of the testator) except in regard to that part of the testament challenged by the challenger.

[*Liber Albus*, vol.1, 407.]

As the second document translated above indicates, the will of the testator was paramount in cases of property he or she had a right to devise, notwithstanding any challenges by heirs. Osbert's testament had made provision for a chantry in St. Mary-le-Bow, although for the benefit of himself and his first wife Joan; his second wife Anne (or Agnes) was then still alive, and was bequeathed Osbert's properties in the two parishes for life, or until she remarried. After that, the properties were to be sold to finance chantries in St. Mary-le-Bow and two other churches. The aldermen

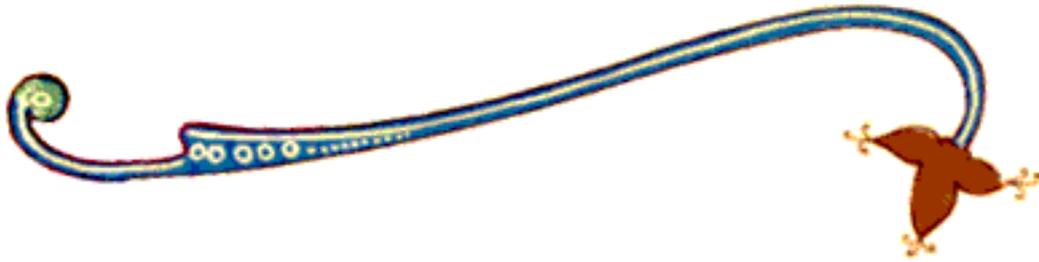
of almost a generation later interpreted his wishes slightly differently, while upholding Osbert's broad intent, to the exclusion of heirs who, one assumes, had tried to lay claim to the property following Anne's death.

The third document was part of a set of customs and ordinances compiled by Bristol's recorder (legal expert) in 1344, while the fourth was similarly one of a group of reforms legislated at York in 1371. The fifth is simply a statement describing probate procedure made following the transcription into Lynn's Red Register in 1343 of that part of William de Walton's will concerning a particular tenement. Three days was the norm for giving others a chance to state claims to property devised, although this period could be extended in exceptional cases, such as the probate in 1345 of the testament of Nicholas Page of Norwich, who had acquired Lynn property through marriage; two witnesses – also Norwich men – were produced by the executors, and were separately interrogated as to Nicholas' state of mind when his testament was drawn up, and to the appending of his seal to the document. In fact, Nicholas stated in his document that because his seal was not widely known, he had also arranged for the seal of the deacon of Norwich to be appended as well. Another description of the probate procedure, concerning the will of Thomas de Rigges in 1330, closes with the note that:

Since no-one came to object to the testament that had been thus legitimately proclaimed and satisfactorily proven by trustworthy men, the judgement is for it to be enrolled and seisin delivered to the executors in due legal form.

[Ingleby, *op.cit.*, 1, 56.]

Finally, the investigation into the nuncupative will of Thomas Worcetre, although not a probate proceeding, illustrates the type of examination that borough authorities may have instituted in some cases, whether as part of probate or not. At the same time it shows the kind of problem that could arise when a will was not enrolled in the borough records. The investigation was part of the city council's attempt to mediate a dispute over ownership of Worcetre's former residence, between Worcetre's daughter, Katherine Basingburne, and sherman Henry Faucet (in the person of his widow and executrix). In September 1484 the king, whom Katherine had petitioned for justice, ordered the mayor to settle the dispute. The investigation was still going on in March 1485, when it seemed to have made little progress.



NOTES

"reversion"

A situation in which property is given or devised for a limited term (e.g. life), or under specific conditions, and following the end of the term or termination of the conditions, the property reverts to the heirs of the grantor or testator; a reversion was a commodity that could be sold or otherwise alienated. By contrast a remainder is an interest in property, to become active following the end of the term or termination of conditions, that is assigned to someone other than an heir; because of that it needed to be specified in a legal document, whereas a reversion did not need to be specified, as it was automatic in law (however, in practice testators often specified the reversion).

"proved"

I.e. the authenticity vouched for.

"state of mind"

I am here assuming that *de lestate le testatoure* refers to the testator's state of mind when the testament was drawn up, rather than social standing or property. Similarly, the court's questions about the testator's seal were doubtless to confirm that the witnesses were familiar with the seal and could verify that the seal on the testament was genuine.

"subsequently have recovery"

I.e. before the law, should their rights, determined by the testament, be challenged or usurped.

"call it to warranty"

Call on it as evidence of their rights.

"may take 40d."

I.e. this was the fee to be paid the town clerk by those bringing the testament for probate.

"If witnesses default"

It is not clear whether this refers to a lack of witnesses to support probate, or a failure of witnesses to answer the court's questions satisfactorily.

"before the entire community"

I.e. in a public setting. An account of the probate of the will of Thomas de Rigges states that the proclamation was made by the common sergent in the gildhall on three days when the assembly was in session.

"one end of Ouse Bridge"

At the corner of Micklegate and North Street.

"17 January"

This was just three days after the will was drawn up, and we may guess that probate took place hastily in the context of the Black Death, which began in the west of England. The haste and the survivors' preoccupation with the plague may explain why probate in the city court did not follow close on. However, in places like London and Ipswich the Black Death created a peak in activity in borough probate.

"lay fee"

I.e. the real estate bequeathed to lay persons (as opposed to pious uses).

"make avowry"

If the party on whom the distraint was made sued for restitution, the defendant could acknowledge the distraint but prevent summary judgement against him by declaring (avowing) that he had the right to do so.

"writ of waste"

A complaint that the tenant is neglecting or damaging a property so that its value will be significantly diminished once the complainant comes into possession.



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Keywords: medieval London property disputes investigations testaments bequests heirs adultery fraud felony intimidation forgery arrest arbitration

Subject: Dispute over bequests

Original source: Corporation of London Records Office, Plea and Memoranda Roll A90, mm.1-2

Transcription in: Philip Jones, ed. *Calendar of Plea and Memoranda Rolls of the City of London, A.D. 1458-1482*, Cambridge: University Press, 1961, 57-64.

Original language: Middle English

Location: London

Date: 1471

TRANSLATION

Let it be remembered that on 10 July 1471, Davy Herell gentleman and his wife Elizabeth delivered a written complaint, as per the custom of the city, to John Stokton, then mayor, and the aldermen of the city of London, in the **Inner Chamber of the city Guildhall**, against John Lambard mercer of London and John Basyngthwayte grocer of London. [Of which] the terms of the complaint, the answer thereto, the response [of the complainants] along with all other things pertaining to the same are written below.

To their most honourable lord and masters, the mayor and aldermen of the city of London, Davy Herell gentleman and his wife Elizabeth, daughter and heir of Alexander Marchall, son and heir of **Robert Marchall** citizen and grocer of London, declare to your good selves that the said Robert in his testament willed that his wife Elizabeth should have, for her lifetime, 4 **messuages** located in the parish of St. Antholin and 2 gardens lying in the parish of



St. Giles Cripplegate, London. And that, after her death, the lands should remain to his son Alexander and to his direct heirs. Robert Marchall subsequently died. After his death his wife Elizabeth occupied those lands and tenements during her life and subsequently died. After her death, the said Alexander occupied the same lands without disturbance during his lifetime, and then died. After his death John Lambard mercer of London and John Basyngthwayte grocer of London laid claim to all the lands and tenements for their own use, contrary to Robert's will, in which it is stated that Robert Marchall wished John Lambard and John Basyngthwayte, as his feoffees, to carry out his wishes as expressed in his testament. [They] will not allow us, your supplicants, to collect any revenues from those lands and tenements. Instead they receive the revenues therefrom for their own benefit, contrary to the will of Robert Marchall. Therefore, may it please your lordships to give sympathetic consideration to these matters, to order John Lambard and John Basyngthwayte to appear before you to be questioned about them, and to give such direction and judgement thereon as is required by justice and good conscience. Doing so for the love of God and in the name of charity.

This is the answer of John Lambard and John Basyngthwayte to the written complaint of Davy Herell and his wife Elizabeth. The said John and John say that Robert Marchall, in his testament, willed that his wife Elizabeth have the 4 messuages and 2 gardens specified in the complaint, for her lifetime, and after her death the messuages and gardens were to remain to the said Alexander and his direct legitimate heirs, conditional upon certain specifications laid out in the testament. The wording of which is as follows:

"and in particular as regards the bearing and behaviour of my son Alexander. That is to say, if he behaves well and virtuously he is to have it, as is written above; but if his behaviour is not good or virtuous, but he gives himself over to unruliness and vice, the feoffees are to give his share to my other children, dividing it according to their

discretion."

as appears in the testament, which they are ready to put forward in evidence. Robert had as his offspring the said Alexander, now dead, Amy the wife of John Lambard, and Elizabeth the wife of William Langefeld, still living.

The two Johns say that the behaviour of Alexander after the death of his father was neither good nor virtuous, but given over to unruliness and vice. Furthermore, they say that at an earlier date, during the lifetime of Alexander, on the basis of the testament they sued a **writ of sub pena** in the king's Chancery, at great cost and expense to themselves, against one Thomas Wenslowe. Who had schemed with a willing Alexander, after the death of Robert Marchall, to arrange for one William Olyver – who pretended to be a feoffee-to-use of Robert Marchall – to turn over to Thomas Wenslowe the ownership of certain lands and tenements which Robert, by his testament, had assigned to Alexander under the condition indicated above. [The purpose of their suit was] to compel him to turn over ownership of those lands and tenements to the two Johns. Once the allegations and evidence of both parties had been heard, after great deliberation the Court of Chancery pronounced judgement compelling Thomas to turn over ownership of the lands and tenements to the two Johns.

Whereas Davy and Elizabeth say that after the death of his mother Alexander occupied the lands throughout his lifetime, the two Johns say that he never occupied them, other than illegally. And then he never took possession until recently, during the **time of troubles** – that is, a little before last Michaelmas – and occupied them until the following Easter; during which time they dared not try to regain possession, out of fear. John Lambard says that Alexander used threats to scare him off and publicly accused him of being a traitor to Henry VI, lately called king of England, so that throughout that period he hardly dared go out in public.

These statements they are ready to prove in whatever way seems appropriate to your lordships. Moreover, whatever direction and decision that your lordships give as regards the testament they are ready to respect and carry out.

This is the response of Davy Herell and his wife Elizabeth to the answer given by John Lambard and John Basyngthwayte. Davy and Elizabeth protest that the statements made in the answer is not a tenable answer to the complaint laid by them. Notwithstanding, so that the truth of the matter be known, in response Davy and Elizabeth say that Robert Marchall caused the condition, specified in the answer, to be incorporated in his testament with the intent of encouraging his son Alexander to shun and avoid vice and unruliness, but not so that he would be utterly disinherited, nor to remove his source of livelihood. Davy and his wife Elizabeth also say that, after the death of his father Robert, Alexander was of good and virtuous character and did not give himself over to unruliness and vice in the way that John Lambard and John Basyngthwayte allege in their answer. What is more, Davy and his wife Elizabeth say, after the death of Robert Marchall his wife Elizabeth occupied all the lands in question and died around 24 August 1470. Within the space of 3 days following her death Alexander took possession of all those lands and tenements, and retained possession without disturbance throughout his life, dying in possession of them about the last day of April last past. While he was alive neither John Lambard nor John Basyngthwayte made any accusation of vice or unruly behaviour on Alexander's part, nor that Alexander used threats to scare him off or called him a traitor. Nor that Alexander occupied the lands and tenements illegally, in the way that John Lambard has alleged in his answer.

John Lambard and John Basyngthwayte have also alleged in their answer that, as a result of a *sub pena* brought by them in the king's Chancery, they compelled one Thomas Wenslowe to turn over to them ownership of the lands and tenements. To which Davy and his wife Elizabeth respond that those lands were lands in the country [side], and not part of these lands [i.e. claimed by the plaintiff?]; and that their complaint was made in Chancery, via that *sub pena*, to compel Thomas Wenslowe to turn over to them ownership of the lands and tenements in the country with the intent that they carry out the last will of Robert Marchall, not for their own use and benefit, as evidenced in the records of the Court of Chancery.

All of which statements Davy and his wife Elizabeth are ready to prove in whatever way seems appropriate to your lordships, beseeching you to give whatever direction and judgement in this

matter as you think right and in good conscience.

[Response of Lambard and Basyngthwayte:] Let it be remembered that Alexander Marchall, after the death of his father, displayed such unruliness and vices, among others, as are described below – which John Lambard and John Basyngthwayte are sorry to have to relate, but they are forced to it.

First, at the **month's mind** for his father, Alexander stole and carried off a gilded silver salt cellar, worth ?6 or more. Since the death of his father, the character of Alexander's life can be seen in that he has **lived adulterously with various women** – with one of which women he was arrested and brought before the **Counter** in **Passion Week**, as evidenced in its records. Also, since his father's death, Alexander has robbed various men of their goods; that is, among others, the vicarage of Ashwell of a boar and Robert Trigge of Ashwell in Hertfordshire of 4 loads of timber, for which he was indicted, as evidenced in the king's records. Also he committed various other felonies in Yorkshire, which can be proved if necessary. Also, after his father's death, Alexander stole and carried off from this father's place in the country the inventory of his father's goods, against the will of his executors. Also, John Lambard and John Basyngthwayte delivered to Alexander, immediately and forthwith following his father's death, everything his father had bequeathed him; notwithstanding which, Alexander, because of his malicious character, had Danyel and Trevilian threaten and harass the two Johns, to the point where they were prepared to give Alexander £300 to have him leave them in peace. Also, Alexander forged a document in the form of a testament in his father's name, of which there was a great deal that was never part of his father's will, as can be clearly proved. Also, John Lambard and John Basyngthwayte sued Thomas Wenslowe in Chancery by writ *sub pena* for certain lands and tenements which had belonged to the testator, but of which Thomas Wenslowe had obtained possession unscrupulously, through a conspiracy with Alexander after the death of his father, contrary to the last will of his father, at great cost and expense to themselves. John Lambard has since undertaken extensive repairs to those lands and tenements.

If these examples are not considered sufficient, the two Johns can

prove various other misbehaviours and unruly actions of Alexander after his father's death, which they are very loath to reveal.

This is the response of Davy Herell and his wife Elizabeth, daughter and heir of Alexander Marchall, to the slanderous accusations alleged by John Lambard and John Basyngthwayte regarding the character of Alexander Marchall.

As to the first accusation, Davy and Elizabeth say that Alexander never stole nor carried off in any larcenous fashion a salt cellar, as alleged in the accusation; if he had any salt cellar it was as part of the goods bequeathed him by his father Robert Marchall. As to the second accusation, Davy and Elizabeth say that Alexander did not live adulterously, as alleged in that accusation etc. As to the third accusation, Davy and Elizabeth say that Alexander was never a thief nor did he rob anyone; regarding the boar of the vicarage of Ashwell and the 4 loads of timber of Robert Trigge, Alexander claimed a quit-rent from the vicarage, for the arrears of which Alexander took the boar and 4 loads of timber by way of a **distress**, and not by way of theft as is slanderously and maliciously alleged by John Lambard and John Basyngthwayte. Nor was Alexander ever indicted for felony for taking the boar and 4 loads of timber, as alleged in the accusation etc. As to the fourth accusation, Davy and Elizabeth say that Alexander never stole the inventory of his father's goods; nor did he ever take it in any other fashion, except with the intent to ensure that neither John Lambard nor John Basyngthwayte deceive him concerning his share of the goods of his father etc. As to the fifth accusation, Davy and Elizabeth say that Alexander never had Danyel and Trevilian harass John Lambard and John Basyngthwayte; if they were harassed by Danyell and Trevilian, it was for a reason stemming from some matter of the two Johns, and not that relating to Alexander etc. As to the sixth accusation, Davy and Elizabeth say that Alexander never forged any testament of his father in the manner alleged by the two Johns etc. As to the seventh accusation, Davy and Elizabeth say that Thomas Wenslowe never had possession in the lands as a result of a conspiracy involving Alexander, as alleged in the accusation. In proof of which, John Lambard and John Basyngthwayte alleged in their suit of *sub pena* in Chancery that the possession Thomas Wenslowe had of those lands was against Alexander's will, as is evidenced by Chancery records. As for the costs they expended on that suit, they have

recouped it and much more from the revenues and profits from the lands and tenements in question.

Thereafter, on 13 September 1471, John Lambard, in order to prove the bad and misguided behaviour of Alexander Marchall, after the death of his father, brought before the mayor and aldermen John Horne gentleman, Roger Richard butler, and Simon Blower beadle of Candlewick Street ward of the city.

With regard to the first accusation, claiming that at the month's mind of Robert Marchall Alexander stole a salt cellar from a cupboard in Roger Richard's keeping, then and there before the mayor and aldermen Roger was administered an oath upon a book to tell the truth in response to whatever enquiries were put to him on this matter. Then it was asked of Roger whether he had certain knowledge that Alexander had stolen the salt cellar or not. To which he responded that he did not know it for certain, but it was his conscientious opinion that Alexander, and no-one else, had stolen the salt-cellar.

And John Horne said and affirmed, in that time and place, that after the death of his father Alexander Marchall was indicted for felony, for stealing a boar from the vicarage of Ashwell and also for stealing timber from Robert Trygge. He showed to the mayor and aldermen a copy, **unsealed**, of that indictment. John Horne was asked if he would swear upon a book that what he said was true. John Horne answered that what he said was true, but that he would not affirm it under oath.

Simon Blower was, then and there before the mayor and aldermen, administered an oath upon a book. He stated and affirmed that he, with others of Candlewick Street ward, in Passion Week last past, at about 11 o'clock at night found a woman in Alexander's chamber, sitting by his bedside, with no-one else present. Whereupon Simon took Alexander and the woman to the **Counter of the Poultry**, London, and there advised them of the orders of the ward alderman.

After due consideration, the mayor and aldermen asked John Lambard (John Basyngthwayte then being absent) and David Herell whether they would accept the decision of the mayor and aldermen, or the majority thereof, on this matter. And would each put up a bond to do

so to the city chamberlain, by a **recognizance** of £400. They agreed to put up bonds in that regard, and so were each bound to Robert Colwyche, chamberlain of the city, in £400, by two separate recognizances, with conditions, the tenor of which is given below. [The two recognizances are entered into the record, but have not been transcribed by the editor].

Thereafter, on 18 September 1471, John Stokton mayor, Humphrey Starkey recorder, Richard Lee, Mathew Philipp, John Yonge, William Tailour, George Irlond, Robert Basset, William Hampton, John Tate, William Edward, Bartholomew James, John Bromer, Thomas Stalbrok, Richard Gardyner, William Haryot, Robert Drope, John Crosby and John Warde aldermen of the city, took upon themselves the responsibility for arbitration of the matter:

Forasmuch as the witnesses put forward by John Lambard did not satisfactorily prove Alexander to have been misguided, unruly, and profligate following the death of his father. And also Robert Trygge came before the mayor and aldermen on 20 August last and stated and affirmed that Alexander Marchall claimed – as his father had done before him – to have a quit-rent from the property where the boar and timber were taken; and that Alexander removed the boar and timber by way of distress, and not for any other reason. And because John Basyngthwayte, who knew most of Robert Marchall's intent when he was drawing up his testament, stated under oath before the mayor and aldermen on 24 July and affirmed that, to the best of his understanding, the intent of Robert Marchall in what he expressed in his testament was never to prevent Alexander from having the 4 messuages and 2 gardens, but rather that Alexander should avoid unruliness and vice and be of a good and virtuous character. And because Alexander, for the period of nine months before his death was in possession of the messuages and gardens, during which time John Lambard allowed Alexander to occupy those messuages and gardens without disturbance or interruption.

It was therefore adjudged, deemed and awarded by the mayor and aldermen that John Lambard should not prevent but allow David Herell and his wife Elizabeth to collect and receive the revenues and profits from the messuages and gardens, to [the use] of that David and his wife Elizabeth and the legitimate direct heirs of Elizabeth. Since

John Basyngthwayte has been out of the city and not always ready to respond to the issues of the complaint, when he next returns to town John Basyngthwayte is to be ordered to appear before the mayor and aldermen, to be questioned on the above matters etc.

DISCUSSION

Whether the mayor's court reached the right verdict is of course more than we can say with confidence. It does look as though John Lambard was either being over-zealous in fulfilling his duties as executor, or, more likely, was using that authority to further his vested interest, as Robert Marchall's son-in-law, in the disputed property and had persuaded his fellow executor, John Basyngthwayte, to go along with him. Of Marchall's two other executors, Robert Heworth had died at some time in the 1460s, and William Freeman was probably also dead by the time of the dispute. Whether Basyngthwayte's own testimony, which helped bring judgement against him and Lambard, and his absences from town reflect discomfort with the proceedings, we will never know. At the same time, it seems plausible that Robert Marchall may have had valid concerns about his son, who was likely a teenager at the time of his father's death (which would explain why he was not among Robert's executors, but his daughter was an adult by 1470); some of the accusations against Alexander's character his daughter and son-in-law could not convincingly refute.

Nonetheless, we have the impression that Lambard's case was somewhat exaggerated and distorted in its claims, and he may have hoped his status in the city – he having served as sheriff in 1461 and as alderman 1460-70 – would carry some weight with the court. His failure to obtain a share of Alexander's inheritance probably did him little harm; he likely already had a share of the Marchall property through his wife's inheritance, for he was buried (1487) on his estate at Hinxworth, Hertfordshire, a neighbouring village to Ashwell.

Numerous cases of such disputes are known, and others are discussed **elsewhere**. One has the impression that they were common, but this is of course a bias caused by the type of records that survive to us from medieval England, largely judicial and administrative. Compared to the number of wills that were proved without evident subsequent dispute, legal battles

resulting from the execution of testaments were the exception rather than the rule.



NOTES

"Robert Marchall"

Sheriff in 1439; dead by 1447.

"writ of sub pena"

In Chancery procedure, a writ to compel an accused party to attend a judicial proceeding at a specific place and time and respond to the accusation of a plaintiff, under threat of punishment (i.e. as contempt of court) for non-compliance.

"time of troubles"

Reference to that period of the War of the Roses (September 1470 to April 1471) when Edward IV was temporarily supplanted by the restoration of his predecessor, Henry VI.

"month's mind"

A commemorative ceremony held a month after a funeral.

"lived adulterously with various women"

This would appear to imply consorting with prostitutes.

"Passion Week"

The week before Easter.

"unsealed"

I.e. without a seal that would confirm it as an authentic copy.

"Counter of the Poultry"

The gaol in the vicinity of the marketplace known as Poultry.



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Location: King's Lynn

Date: 1339

TRANSLATION

In the name of the Father, the Son, and the Holy Ghost, Amen. I, John Burghard, burgess of **Bishop's Lynn**, have set out my testament in the following manner. First, I commend my soul to Almighty God and the Blessed Virgin Mary, and my body to be buried in the church of St. Margaret, Lynn, before the altar of St. John the Baptist there. I bequeath one hundred shillings to the high altar of that church, for my forgotten **tithes**. Towards the fabric of that church, 20s. I leave £13.6s.8d towards the expenses of my funeral. For distribution to poor people on the day of my burial, £50. Towards the fabric of the chapel of St. James, Lynn, 20s. Towards the fabric of the chapel of St. Nicholas, Lynn, 10s. Towards the fabric of **Stoke church**, 10s. Towards the fabric of **Wretton church**, 40d. Towards the fabric of **West Dereham church**, 40d. Towards the fabric of **Southery church**, 40d. Towards the fabric of **Hilgay church**, 40d.

I bequeath to Richard, the husband of my sister Matilda, my best gown. To Matilda herself, £4. I bequeath 10s. to **Geoffrey Drewe**



senior. To his wife Alice, 10s. To Geoffrey Drewe junior, 10s. I bequeath 10s. to John the son of Thomas Burghard. I bequeath one hundred shillings to be distributed among my poor relations and widows of Stoke, at the discretion of my executors; and 40s. to be distributed in the same way among my poor relations and widows of **Burton**. I bequeath 100s. to be distributed by my executors among the sickly poor of Bishop's Lynn. I bequeath 20s. towards repairs to the **Setchey** causeway. I bequeath 6s.8d to Thomas de Derham, my one-time **associate**. To his brother John, 20s. I bequeath 20s. towards the repair of Stoke bridge and causeway. I bequeath 10s. to [maintaining] the light of Stoke church. I bequeath 10s. to the light before the altar of St. John Baptist in St. Margaret's church, Lynn. I bequeath 10s. to William Colle of Lynn. Towards the fabric of **Wereham** church, 40d. To the chaplain of the parish church of St. Margaret, Lynn, 40d.

I bequeath £66.13s.4d. for anniversaries for my soul, the souls of my father and mother, those to whom I am beholden, and all the faithful deceased to be celebrated in St. Margaret's church, Lynn, in its charnel chapel, and in other places in Lynn dedicated to God, during the two years following my death, at the arrangements of my executors. I wish my executors to have freedom in selecting the chaplains for those anniversaries in the places mentioned.

I bequeath 70s. for the distribution of shoes to poor people of the town of Lynn, at the discretion of my executors. I bequeath 40s. towards the repair of bridges in the town of Bishop's Lynn, at the discretion of my executors. I bequeath 10s. to Margaret, the wife of Thomas Burghard. To Margaret's daughter Sarah, 10s. To the sacrist of St. Margaret's church, 40d. Towards the repair of causeways between Lynn and **Wootton**, 100s., at the discretion of my executors. To Marion, the wife of Henry de Derham, 10s. I bequeath to my poor relations all my **funeral clothing** (that is, linens and woollens), to be divided among them at the decision of my executors, as they think best. I wish that 15 wax torches, each of the weight of 6 lb. of wax, burn around my body and that 16 paupers, newly clothed, each hold in hand a torch around my body while mass is celebrated for my soul. And that after my burial whatever remains of the torches be distributed in equal portions among St. Margaret's church, the chapels of St. James and St. Nicholas the charnel, and the Friars (Preacher, Minor, Carmelite, and

Augustinian) in Lynn, as well as the parish church of Stoke, to burn there at the elevation of the Host.

I bequeath to my daughter Alice, a nun at **Ickleton**, twenty shillings a year for life, to be received at Easter from [a rent from] a certain shop in **Brigate** lying between the **tenement** of Ralph le Wake on the north side and the tenement once of John Gigge on the south side, no matter into whose hands it comes. I bequeath to my wife Alice for her lifetime that entire tenement, with its buildings and appurtenances, that I recently acquired from Alan de Ripun; it is located in the town of Bishop's Lynn between the tenement of William de Blakene on the east side and the tenement of Alice, widow of William de Dockynge on the west side. It is my wish that after the death of my wife Alice this tenement, with its buildings and appurtenances, revert to my son Geoffrey and his direct, legitimate heirs.

I bequeath to my son Geoffrey and his direct, legitimate heirs that entire tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn, that I recently acquired from Sir John Sefoul; it lies in Brigate between the tenement of Ralph le Wake on the north side and the tenement once of John Gigge on the south side. Also that entire tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn in **Wingate**, between the tenement of John Bamme on the west side and the tenement of **Adam de Walsoken** on the east side. Also five shops, with their adjacent courtyard, in the town of Bishop's Lynn in **Pillory Lane**, which lie between the tenement once of Robert de Walsingham on the east side and the tenement of Roger de Buttelee on the west side. Also a tenement, with two shops and its buildings and appurtenances, in the town of Bishop's Lynn, lying in Brigate next to the tenement of Adam de Walsoken on its north side. Also a tenement, with its buildings and appurtenances, in the town of Bishop's Lynn in Brigate, that I acquired in the past from Joan Noon, lying between the tenement of Bartholomew le Coteler on the north side and the tenement once of Richard de Warewik on the south side. Also a tenement, with its buildings and appurtenances, that I **acquired from Thomas Broun**, located in the town of Bishop's Lynn on the corner opposite St. Margaret's church, Lynn, between the tenement of John de Tilneie butcher on the east side and the tenement of Lady Aveline de Tilneie

on the north side. On condition that Geoffrey gives each year for his lifetime five shillings towards the maintenance of the light of St. John the Baptist in St. Margaret's church, Lynn. And also that entire tenement, with its buildings and appurtenances, that I acquired from the executors of the testament of dom. Walter le Seksteyn chaplain, recently deceased, located in the town of Bishop's Lynn on the south side of the priory, between the tenement of Thomas Bamme on the east side and the tenement of dom John de Folsham chaplain on the west side. Also that entire tenement with three shops and its buildings and appurtenances, that I acquired from John de Ely, located in the town of Bishop's Lynn next to the tenement of Peter de Folsham. Also four shillings annual rent due each year from the tenement of Stephen Foot located in the town of Bishop's Lynn; which rent [I acquired] recently from Alice de Wyrham. Also thirty two shillings annual rent due each year from a tenement, with its buildings [and appurtenances], located in the town of Bishop's Lynn in Briggegate, which dom. John de Tid chaplain holds and which lies between the tenement of Robert de Bichamwelle on the south side and the tenement of Roger Prat on the north side. Also two shillings annual rent due each year from the tenement of Ralph de Brunham, located in Bishop's Lynn to the rear of Lynn Priory. Should it happen that my son Geoffrey die without direct, legitimate heirs, then I wish all the above tenements and rents to be equally divided, by my executors, among my surviving sons and daughter.

I bequeath to my son Nicholas and his direct, legitimate heirs a shop in Bishop's Lynn with solar built above it that was once Adam Baude's, lying in the **Gresmarket** between the tenement of Adam Walsoken on the west side and the tenement recently of Mariota on the east side. Also a tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn in the Gresmarket, between the tenement of **John de Couteshale** on the west side and the tenement once of Martin de Thorpe on the east side. Also a tenement, with its buildings and appurtenances, located next to the Guildhall of Bishop's Lynn, between the tenement of William Elys on the east side and the tenement of Hugh de Riggis on the west side. Also a tenement, with six shops and its buildings and appurtenances, located in the town of Bishop's Lynn in **Damgate**, between the tenement of John de Fordham senior on the east side and the public lane called

Heukewaldeslane on the west side. Also forty shillings annual rent due each year from the tenement of John de Coumbes, located in the town of Lynn between the public lane called Austynes Lane on the south side and the tenement that was Walter le Barker's on the north side. Also twenty shillings annual rent due each year from the tenement of Robert de Tilneie lying in the Gresmarket between the tenement once of John de Cranehous on the east side and the tenement of Simon de Snoringe on the west side. Also sixteen shillings annual rent due each year from the tenement of John Luminour, located in Bishop's Lynn in Damgate, between the tenement of William de Denevere on the east side and the tenement of Alice de Welle on the west side. Also six shillings and eightpence annual rent due each year from the tenement of Henry de Bauseye, located in the town of Bishop's Lynn in the street called **Ratton Row**. Also fourteen shillings annual rent due each year from the tenement of John de Trunche, lying in Damgate; which rent I recently acquired from John Bamme. Also thirteen shillings and fourpence annual rent due each year from the tenement of Eloise Burghard, located in Bishop's Lynn in Damgate, between the tenement of Eloise on the east side and the tenement of Simon de Lexham on the west side. Also four shillings annual rent due each year from the tenement of Katherine de Deneby, located in Bishop's Lynn in Damgate, between the tenement of Richard de Dockinge on the east side and the tenement of John de Derewent on the west side. Should it happen that my son Nicholas die without direct, legitimate heirs, then I wish that all the above tenements and rents bequeathed him be equally divided, by my executors, among my surviving sons and daughter Margaret.

I bequeath to my son Peter and his direct, legitimate heirs that entire tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn between the tenement of Alan Sandy on the east side and the tenement of William de Blakene on the west side, and extending in length from the said tenement of William de Blakene to the north as far as the public waterway called **Purfleet** to the south. Also a tenement, with its buildings and appurtenances and with a quay belonging to the same, located in the town of Bishop's Lynn between the tenement of Peter de Waltone on the east side and the tenement and the tenement once of John de Frengue on the west side, and extending in length from the said tenement of Peter de Waltone to the

north as far as the public waterway called Purfleet to the south; which tenement I recently acquired from Thomas de Lenna. On condition that my son Peter preserve and maintain a certain public privy built on the quay, adjacent to the tenement; the faithful performance of the same I place as a charge and obligation on the tenement, no matter into whose hands it may come. Also two shops with their buildings and appurtenances, located in Bishop's Lynn in Briggate between the tenement of Peter de Waltone on the north side and the tenement of John de Fordham senior on the south side; which shops I recently acquired from the executors of **John Lamberd**. Also a shop with its buildings and appurtenances located in the town of Bishop's Lynn in Briggate, between the tenement of Ralph Wake on the north side and the tenement once of Thomas de Hereforde on the south side; which shop I recently acquired from Thomas de Hereforde. Also that entire tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn in the street called **Jews Lane**, between the tenement of Robert de Tilneye on the east side and the tenement of **John de Coutishale** on the west side. Also a tenement with four shops, with its buildings and appurtenances, located in the town of Bishop's Lynn in **Stonegate**, between the tenement of William de Waltone on the east side and the public road on the west side. Also thirty-six shillings annual rent due each year from three shops, with their appurtenances, lying in Briggate between the tenement of John de Massingham on the north side and the tenement of Ralph le Hattere on the south side. Should it happen that my son Peter die without direct, legitimate heirs, then I wish that all the above tenements and rents bequeathed him be equally divided, by my executors, among my surviving sons and daughter Margaret.

I bequeath to my daughter Margaret and her direct, legitimate heirs, that entire tenement, with its buildings and appurtenances and with a quay belonging to it, located in the town of Bishop's Lynn between the tenement of William Colle on the east side and the tenement of Nicholas de Pulham on the west side; its south end abutting on the public waterway called Purfleet. Also a tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn in **Webesteresgate**, between the tenement of William le Webestere on the north side and the tenement once of John Teyntoure chaplain on the south side. Also a tenement, with its buildings and appurtenances,

that I recently acquired from Thomas de Hereforde, located in the town of Bishop's Lynn between the tenement once of Peter de Thorendene on the east side and the tenement of Alan Spirling on the west side. Also eight shops, with their buildings and appurtenances, located in Bishop's Lynn in Ratton Row; which shops I recently acquired from Robert Boleghere. Also a garden situated in Ratton Row; which garden I recently acquired from Geoffrey Hors. Also twelve shillings annual rent due each year from that entire tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn between the tenement of Nicholas de Pulham on the east side and the tenement of Alan Souch on the west side. Also four shillings annual rent due each year from the three shops of Alan Sandy, located in Bishop's Lynn between the tenement of John Mundesson on the east side and the tenement once of John Teyntour chaplain on the west side. Also thirty shillings annual rent due each year from the tenement of Peter Wake, which I acquired from Ralph Wake, located in Bishop's Lynn between the tenement of John Wake on the east side and the tenement of John de Dockinge on the west side. Also eight shillings annual rent received each year from a shop, with its buildings and appurtenances, which Thomas de Fransham holds in Briggate, located in the town of Bishop's Lynn between the shop once of John Gigge on the north side and the tenement once of John de Cranehous on the south side. Also two shillings annual rent due each year; that is, from the tenement of William Colle located in the town of Bishop's Lynn between the tenement of John de Tilneie, son of Sir Thomas de Tilneye, on the south side and the tenement of Stephen le Fourbour on the north side. Also twenty shillings annual rent due each year from that entire tenement, with its buildings and appurtenances, located in the town of Bishop's Lynn in Briggate, between the tenement of Thomas Costyn on the south side and the tenement of William Elys on the north side. Also twenty shillings annual rent due each year from the messuage and tenement, with its buildings and appurtenances, in which Thomas de Riburgh currently lives; it is located in Bishop's Lynn between my tenement on the north side and the tenement of Nicholas Norwich on the south side. Should it happen that my daughter Margaret die without direct, legitimate heirs, then I wish that all the above tenements and rents bequeathed her be equally divided, by my executors, among my surviving sons.

Should it happen that the aforesaid Geoffrey, Nicholas, and Peter, my

sons, and Margaret, my daughter, die without direct legitimate heirs, then I wish that all the tenements and rents, with their appurtenances, bequeathed above in this testament be sold by my executors and the executors of Geoffrey, Nicholas, Peter and Margaret. And the money received from the same be distributed in the town of Bishop's Lynn for [the benefit of] my soul, the soul of my wife Alice, the souls of Geoffrey, Nicholas, Peter and Margaret, and the souls of those to whom we are beholden and of all the faithful deceased, at the discretion of those executors.

I bequeath to my son Geoffrey 1 gilded silver cup and £10 in cash. I bequeath to my son Nicholas 1 gilded silver cup and £10 in cash. I bequeath to my son Peter 1 gilded silver cup and £10 in cash. I bequeath to my daughter Margaret 1 gilded silver cup and £40 in cash. It is my wish that custody of my son Peter and my daughter Margaret, while they are minors, along with all the goods, moveable and immoveable, bequeathed them and each of them, as already indicated in my testament, be committed to my wife Alice, until Peter and Margaret come of legal age or Margaret is married.

I bequeath 10s. to the fabric of Ickleton nunnery. I bequeath 20s. to Alice, daughter of William Burghard junior. I bequeath 20s. to my niece Emma. I bequeath 20s. to her son John. I bequeath 20s. to William the son of my sister Matilda. To his son Roger, 20s. I bequeath 40s. to John, son of William Burghard junior. To Matilda, the wife of Peter Wake, 20s. I bequeath 20s. to Edmund, son of William Burghard senior. I bequeath 10s. to **Simon de Lexham** clerk, for his work on drawing up my testament. I bequeath to my wife Alice my entire **bedroom**, with each and every cloth, vessel and utensil it contains, of whatever kind, with the exception of the 4 silver cups bequeathed above in this testament to Geoffrey, Nicholas, Peter and Margaret. After Alice's death, I wish that those vessels and utensils remain to my son Geoffrey. I wish that the bed in which I die, wherever God arranges that this should happen, be handed over to my sister Matilda.

The residue of all my goods, wherever found, after my debts are paid and this testament is fulfilled, I bequeath to be spent in the town of Bishop's Lynn on the celebration of masses, **bread, cloth, shoes**, and

other pious uses, at the discretion of my executors, as seems to them most productive and useful for the good of my soul. I make, designate and appoint as my executors of this my testament, or last will, my wife Alice as chief [executrix], my son and heir Geoffrey, **Simon de Byteryng**, **Simon de Snoringe**, and **Robert de Dockyng**, burgesses of Bishop's Lynn; may they faithfully distribute my possessions for my soul, in the sight of God. I bequeath to that Simon, Simon, and Robert, for their labour on the execution of my [testament], £6 to be divided equally among them. I bequeath 5s. to John the clerk, writer of this testament. Drawn up at Bishop's Lynn on 5 April 1339.

Codicil

Memorandum that the late John Burghard, after having made and concluded his testament, altered his will as written down in that testament. Whereas he had bequeathed in that testament £66.13s.4d. for anniversaries for the souls of himself, his father and mother, and all the faithful deceased to be celebrated in St. Margaret's church, Lynn, in its charnel chapel, and in other places in Lynn dedicated to God, during the two years following his death, at the arrangements of his executors, as is more fully set out in that testament. He [subsequently] wished that the £66.13s.4d. be put towards five suitable chaplains, to be chosen by the decision of his executors, celebrating in the charnel for the seven years following his death, with the remaining cost of those anniversaries provided by his executors from his goods. Another addition to that testament was his bequest of 2s.6d to each monk in Norwich priory at the time of his death. Also, to the Prior of Norwich, 6s.8d. To the cellarer there, 40d. To each canon of the houses of West Dereham and **Shouldham**, 4s. To each lay brother of those houses, 2s. To the Abbot of West Dereham, 5s. To the Prior of Shouldham, 6s.8d. To each nun of the same, 18d. To each lay sister of the same, 12d. He bequeathed 4s. to each of the four alms-collecting orders – the [Friars] Preacher, Minor, Carmelite, and Augustinian – that shall announce his death throughout England. To the three alms-collecting monasteries of Dereham, Shouldham and the cathedral church of Norwich, 5s. He bequeathed 40d. to the Prioress of Ickleton. To each nun there, 2s. He bequeathed 3s. to each canon in the religious houses of **West Acre and Pentney**. To each brother of the houses of **Fritcham, Massingham, Petirston and Beeston**, 3s. I

bequeath [sic] 26s.8d to the Friars Preacher of Lynn. to the Friars Minor of Lynn, 26s.8d. To the Carmelite Friary of Lynn, 26s.8d. To the Augustinian Friary of Lynn, 26s.8d. He bequeathed to his daughter Margaret £20 over and above what he bequeathed her in his testament. To Godfrey de Dampgate, 13s.4d. To Walter le Coteler, 10s. To Ralph de Egemere, 10s. To Reginald le Sopere, 6s.8d. To Marion, wife of Henry de Derham, 6s.8d. To Alice, daughter of the late William Burghard junior, £6.13s.4d. He arranged that Alice, wife of the deceased, might have from their **common goods** £200, his entire bedroom, and half of the grain, malt and other victuals in the house in which he lived at the time of his death, to support her and her household, along with everything bequeathed her in the testament, by way of her entire widow's portion (due her under the name of dower) of their common moveables.

I, the aforesaid Alice, declare myself to be content with the portion assigned me by the deceased, as indicated above; and before the venerable **lord's official** with jurisdiction at Lynn, have in consequence voluntarily given a corporal oath that I will not harrass or trouble the deceased's executors for **that portion**. As for the document setting forth the portion, as indicated above, of Alice, wife of the deceased, it is appended to the testament. In testimony to which, we the official of the jurisdiction of Lynn, at the request of the executors of the testament, have set our seal of office to the codicil.

DISCUSSION

John Burghard's lengthy will was proved before the bishop's official on 20 August 1339; the anniversary of his death was later celebrated every 15 August, which may represent the date of his death, or the closest saint's day to it. In the months following the document's drafting, when John likely sensed his end approaching, he had evidently given further thought to the needs of his soul – addressed by additional gifts to religious houses, whose grateful residents he doubtless expected would offer prayers for him, and additional investment in annual ceremonies commemorating his death – as well as to the issue of whether dower rights might interfere with his

testamentary provisions. The will was not proved, in regard to the real property bequeathed, in the borough court until August 1344, before mayor Adam de Walsoken, who like Burghard was probably a first-generation immigrant to Lynn who built a fortune there. The two men were colleagues in local government, and probably competitors in the wool trade. Those called on to prove the will were mercer John de Derham, the brother of Burghard's former business associate, and the testament's writer, John the clerk.

The will (which I have divided into paragraphs, to make for easier reading and highlight the organization) is an orderly document, carefully worded, which perhaps owes as much to the guidance of Simon de Lexham as to Burghard's own organizational abilities. Its main thrusts are to provide for the testator's soul and for his children. It is a litany of the extensive real estate built up by Burghard, presumably from the wealth he accumulated through his mercantile activities; he entered the franchise at Lynn (1305) as an immigrant, and there is no indication that any of his Lynn property came to him by inheritance.

A **biographical sketch** of Burghard has been given elsewhere, so here I will present only a few additional points or elaborations. Ironically, his property is far better documented than the activities that made them possible, of which we have only a few glimpses. His preparedness to purchase the franchise at Lynn is one small indication that he was not a penniless fortune-seeker upon arrival. He may already have had some modest landed interests in the region south of Lynn, providing him with wool and/or agricultural produce that he could retail or wholesale. Certainly by the close of his life he had wool-producing lands in Gayton, Boughton, North Runcton, Wormegay, and Terrington – all but the last in the region east and south of Lynn to which Burghard's will makes frequent reference and points to his family origins.

By 1312/13 his affairs were prospering sufficiently that he decided it was time to become a member of the merchant gild. Not long after he was called on to serve his community as a member of a committee on parliamentary affairs, another indication that his star was rising. Within ten years he would be counted as one of the leading wool merchants of the town. His fortune, like those of other contemporary successful merchants, was based partly on supplying the king, itself driven partly by the needs of the army. His acquisitions of rents and tenements, especially in the core of the town along its principal street Briggate and beside the Purfleet, a mercantile location, that are better evidenced than his commercial ventures *per se*. Those acquisitions not only reflect him capitalizing on the growing commerce of

the town, but also represent an important part of his business activities in their own right, providing a significant portion of his annual income. Despite two or perhaps three mayoralties, his service to his community appears only what duty required, and he gives no other indications of an interest in administration as a career route.

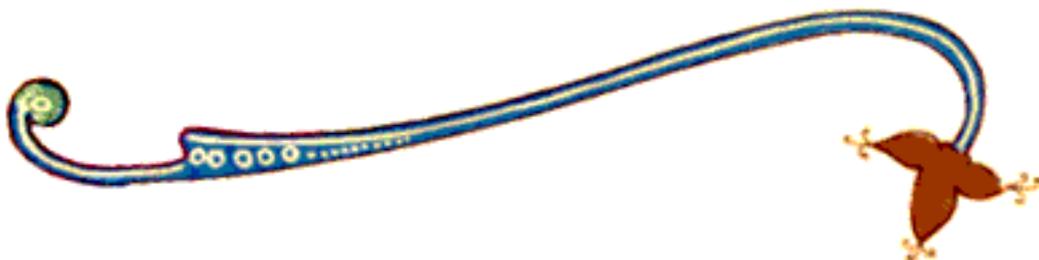
The family fortunes waned as quickly as they had waxed. His eldest son died at some point between 1347 and 1352, and most likely was a victim of the Black Death; perhaps the same fate befell his youngest son, Peter, who is not heard of outside the testament. The middle son, Nicholas, had entered the church at some time between his father's death and 1345. In time, all John's property seems to have come to his daughter Margaret. She was certainly of age by 1347, when she was involved in a property dispute with Peter de Walton, who perhaps had encroached upon one of Burghard's properties to which he was neighbour. She married Thomas de Kenynghale who as early as the mid-1350s is seen involved in mercantile ventures to northern Europe, the Low Countries, and Gascony, but who did not take out the franchise at Lynn until 1363. In the early 1370s he served as one of Lynn's jurats.

Margaret died in the latter part of that decade, but in her testament returned to the town the sources of wealth that her father had obtained from it. An entry in the borough records states that:

On 8 October 1378, in the second year of the reign of King Richard II, John de Brunham then being mayor, the entire community was called together and met in the guildhall. The mayor and community unanimously agreed and granted, for themselves and for their successors in perpetuity, that henceforth every year on the festival of the Assumption of the Glorious Virgin [15 August], they would arrange to be held in the choir of St. Margaret's church the anniversary of John Burghard, former burgess of Lynn, of his wife Alice, and of their daughter Margaret as well as all their other children. At which anniversary the mayor then in office should be present, if he is not prevented by a reasonable cause; if indeed he is unable to be present, he should assign some other reputable man in his place. In return for the holding of which anniversary in that way, Thomas de Kenynghale husband of the aforesaid Margaret, Geoffrey Tolbothe, **Thomas Drewe junior**, and Walter de Walsoken, executors of Margaret's testament, have granted and by their deed confirmed to John de Brunham and others named alongside him in the deed, to

the use of the community, certain messuages and rents located at various places in Lynn. The community however is to pay out from the same each year, to Thomas de Kenynghale for his lifetime, £12.13s.4d in annual rents at the four principal terms of the year usual in Lynn (or within at most a week of the same) in equal portions, without any further delay; and also to the executors £10 a year, at the same times and in the same portions, for six years beginning at Michaelmas next, [to support] the celebration of two anniversaries for the souls mentioned above during that six-year period, in the charnel in the churchyard. And so that this grant be firm and stable and observed for all time, the mayor and community have promised and of their own free will have put up an obligation for the same for themselves and their successors in perpetuity. (Seek the aforementioned donation deed of the executors of Margaret Burghard [...] and the messuages and rents in which John de Brunham and the other feoffees [...] among the muniments – deeds and other memoranda – of the community). [Red Register, pp.141-42]

Sure enough, the grant of **Burghard's estate** to the borough, injecting an important new source of revenues into the borough treasury and propelling the borough into property management responsibilities, is still found among borough archives today (KL C50/Be575). The borough continued to uphold its reciprocal obligations to commemorate Burghard's death and, more important, help his souls with prayers for some time, as indicated by an **ordinance** reinforcing the obligation in 1424, along with other mentions in fifteenth century borough records. From this perspective, John Burghard would doubtless have considered his real estate acquisitions and his testamentary provisions a sound investment in his spiritual future.



NOTES

"tithes"

A one-tenth share of income (profits from commerce, labour, or agriculture) expected to be paid to the Church by laymen to support its religious activities. This payment was promoted by the Church as a divine law, and gradually enforced by secular law, in contrast to an "offering" which was theoretically voluntary.

"Stoke"

Possibly Stoke-on-Trent, but see below for the possibility of Stoke Ferry.

"Wretton" "West Dereham" "Southery" "Hilgay" "Wereham"

These villages all lay in much the same vicinity, roughly 12 to 15 miles south of Lynn. Another village part of this conglomeration was Stoke Ferry, making that a very probable place of the family's origins.

"Burton"

If Burton-on-Trent this would support the hypothesis that Stoke = Stoke-on-Trent. There is a Boughton and a Barton Bendish in the vicinity of West Dereham/Wretton/Stoke Ferry (although Boughton is in a separate but contemporary document rendered as Bukton).

"Setchey causeway"

The road, raised to pass through marshy land, approaching Lynn from the south.

"associate"

The implication here seems to be business partner; most partnerships were per venture, but *socius* is suggestive of something more long-term. However, given the small size of the bequest, Thomas de Derham's rare appearance in the records, and the fact that his assessment in the 1332 subsidy was below average (and his brother John's only average), possibly Thomas was only a factor of Burghard.

"Wootton"

Just north of Lynn.

"funeral clothing"

This may refer to the shroud, or perhaps include cloth draped over coffin or hearse when the corpse was taken to church; dressing the dead in finery was not unknown, but usually applied only to the rich or high-ranking.

"Ickleton"

The original refers to "Hikelington" and "Ikelyngton". While Hickleton in South Yorkshire is not out of the question, a more likely candidate is the Ickleton that lies a few miles south of Cambridge. A Benedictine nunnery was founded there in the late 12th century.

"acquired from Thomas Broun"

Burghard began by acquiring from Broun, in 1326, a rent of 10s. issuing from the property, which was part of a neighbourhood where butchers congregated (later to become a shambles). The following year he acquired the property itself, but leased it back to Broun in 1328, for life; in 1347 Broun's widow quitclaimed any rights in it to Geoffrey Burghard.

"Stonegate"

The street heading north, as far as St. Margaret's, from the bridge connecting Bishop's Lynn and South Lynn.

"Simon de Lexham"

Presumably a legal advisor, since the scribe of the document is separately rewarded later.

"bedroom"

The modern sense is too restrictive a translation of "camera" (chamber), since its purpose was not solely as a bedroom but as private living quarters in a broader sense. The bequest of this "room" in a house otherwise bequeathed to the testator's eldest son was to ensure that the widow continue to enjoy for life the private quarters and its furnishings to which she was accustomed.

"bread, cloth, shoes"

Charitable handouts to poor people attending the masses is likely what is meant.

"Simon de Byteryng"

A merchant and ship-owner who traded mainly in victuals. Probably somewhat younger than Burghard. There is no other evidence of any association with Burghard, although we do not know to whom he served an apprenticeship (the same is true of the other executors). He was later named an executor of Adam de Walsoken.

"Simon de Snoring"

A merchant, although his commercial activities have left little mark on the records. His career was only beginning to take off as Burghard's wound down. Again, no evidence of any other association with Burghard.

"Robert de Dockyng"

A mercer, a contemporary of Byteryng and Snoring (who was one of his executors), but less so of Burghard. The choice of younger men as executors would clearly have been prudent, given the time sometimes required to fulfill a testament and supervise ongoing provisions.

"Shouldham"

A village about half-way between Lynn and Stoke Ferry.

"West Acre and Pentney"

These are situated close to each other, a few miles east-south-east of Lynn.

"Flitcham, Massingham, Petirston and Beeston"

Flitcham, Massingham and Beeston all lie on a diagonal (north-west to south-east) line to the east of Lynn; based on that connection, "Petirston" may refer to Weasenham St. Peter, which lies just off that line.

"common goods"

I.e. the goods they shared as husband and wife.

"lord's official"

I.e. the bishop of Norwich's official delegated authority over spiritual matters, such as probate of wills, at Lynn.

"that portion"

I.e. any dower claim beyond the share allocated by her husband.



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Keywords: medieval Reading law funerals behaviour memorial services administration solidarity

Subject: Attendance at funerals

Original source: Berkshire Record Office, Reading borough archives, Corporation Diary 1431-1602, p.124

Transcription in: J.M. Guilding, ed. *Reading Records: Diary of the Corporation*, (London, 1892), vol.1, p.74.

Original language: Latin

Location: Reading

Date: 1477

TRANSLATION

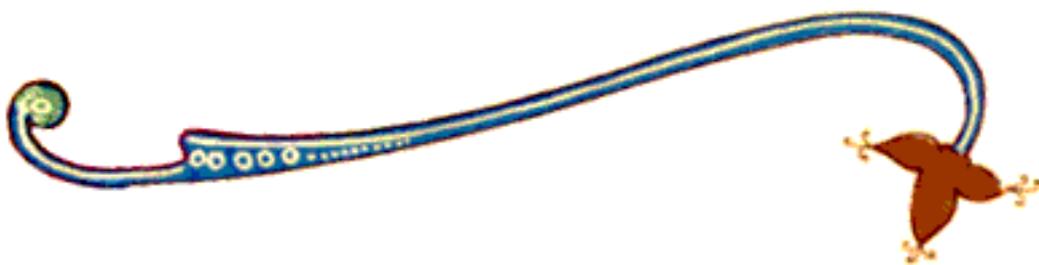
On 21 March 1477 it was ordained and agreed by the mayor and all the **comburgesses** of the whole borough that whenever and as often as any comburgess of the borough should happen to pass away or decease, then the mayor and all the comburgesses [should go] with the corpse from the house where the death occurred as far as the church where the burial is to take place and there make an offering; and that they act in the same manner at the **trental**. If it is a comburgess such as who has, in times past, been tasked with the burden of the mayoralty, then all the comburgesses shall act in the same manner both for the initial and for the **secondary funeral services**, under penalty of sixpence [fine] for whoever defaults or does the contrary, as often as that may happen.



DISCUSSION

The growing consciousness of urban government as a perpetual institution, increasingly recognized so before the law and through grants of **incorporation**, encouraged townsmen to ensure the maintenance of their anniversary services by assigning some of the responsibility to local government. This might be by way of assigning revenues allocated for chantry support to the management of that government, or by giving local officials a vested interest by paying them for attendance at and supervision of the anniversary. Local government was thereby drawn into the regulation of certain aspects of funerals and commemorative services; ordinances from **Lynn** and **Henley** provide examples of this.

In the case above, the Reading authorities were looking after their own, for we may reasonably suspect that "comburgesses" here is not being used in its literal sense of "fellow townsmen" but in its technical sense referring to those acting as a town council (possibly equivalent to members of the Guild of Reading). This was a question of mutual support of the sort that socio-religious guilds had long provided for their members. It was also a question of a public display of political solidarity, perhaps – although not necessarily – in the context of a **political battle** with the abbey and its supporters.



NOTES

"trental"

Also known as "month's mind", this was a service held thirty days after the funeral.

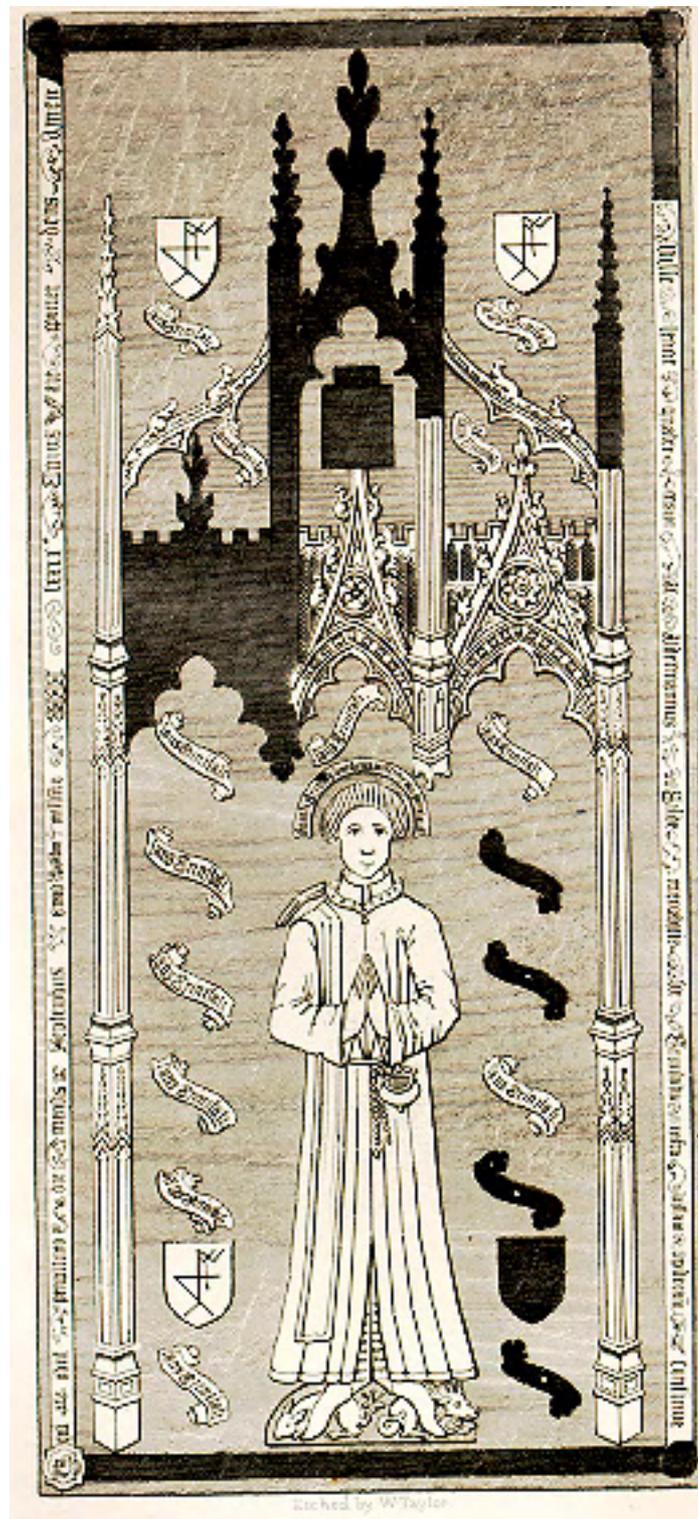
"secondary funeral services"

I.e. commemorative services held at intervals after the funeral.



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26. King's Lynn, St. Margaret's, north aisle of choir (Trinity Chapel), monumental brass of Walter Coney, 1476, four times mayor of Lynn. Motto *Laus Trinitati* (Praise to the Trinity) on scrolls and Coney's merchant's mark on shield (the commoner's substitute for heraldic charge). Coney was a prominent member of the Trinity Guild. Largely destroyed, known from rubbing. After William Taylor, *The Antiquities of King's Lynn* (London, 1844).



Medieval and Renaissance Political Thinkers and their Works

John Lewis June, 2002

Secondary Sources and Readers:

J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought*, (Cambridge: Cambridge University Press, 1988, repr. 1997).

J. Coleman, *A History of Political Thought from the Middle Ages to the Renaissance* (Oxford: Blackwells, 2000).

A. P. Monahan, *From Personal Duties Towards Personal Rights: Late Medieval and early Modern Political Thought, 1300-1600* (Montreal and Kingston: McGill-Queens University Press, 1994).

C. J. Nederman and K. Langdon Forhan (eds.), *Medieval Political Theory—A Reader: The Quest for the Body Politic 1100-1400* (London and New York: Routledge, 1993).

K. Pennington, *The Prince and the Law: Sovereignty and Rights in the Western Legal Tradition* (Berkeley, LA and Oxford: University of California, 1993).

Primary Thinkers:

Gratian, 12th century; *Decretum Gratiani* 1140.

Gratian taught Church Law at the University of Bologna around the middle of the 12th century. He compiled Church laws ('canons') from all available sources and called the collection *Concordia Discordantium Canonum* (the harmonizing of discordant canons). The collection became known as the *Decretum Gratiani*. The *Decretum* addresses the problem of an errant pope at D.40 c.6.

Later additions were made by St. Raymond of Pennafort and promulgated by Pope Gregory IX in 1234 as the *Liber Extravagantium* (so called because it was outside the Decretum). Other collections were issued by Boniface VIII in 1298 and John XXII in 1317. In 1500, canonist John Chapuis edited the previous collections and added to them subsequent papal decretals. These works together are what came to be called the *Corpus Iuris Canonici*, or Body of Canon Law.

Huguccio (Hugh of Pisa), ?-1210; *Summa Decretorum* (Commentary on Gratian) (1188-90)

He studied at Bologna, possibly under Gandolphus, and taught canon law, perhaps in the monastery of SS. Nabore e Felice. In 1190 he became Bishop of Ferrara. Teacher of Lothario de' Conti, afterwards Innocent III. His *Summa* observes that a Pope was not answerable to the Church, "unless found to be in heresy." This is an early example of conciliarism, the right of a council to rein in a deviant Pope.

Also wrote "Liber derivationum", on etymologies.

Bernard of Clairvaux, 1090-1153; *Letter to Pope Eugenius III*

Born of aristocratic family and well educated, he entered a strict monastery at Citeaux, with noble friends. In 1114 he was sent to found new house at Clairvaux. He wanted to extend monastic ideal to the entire church, including Popes and Kings. Accused Abelard of Heresy; rebuked emperor Lothair over his support of Anti-pope Antecletus, and spoke in favor of a second Crusade.

The *Letter to Pope Eugenius III* was written either 1146 to describe the Second Crusade, or c. 1150 to urge another expedition. Bernard advocates the "Two Swords" to justify the Pope's temporal as well as spiritual power. Bernard cited Luke 22.36-8, where, after his meal, Jesus urges the apostles to buy swords. In the Garden of Gethsemane Peter drew his sword, but Jesus told him to sheath it, thus the apostles had swords but could not shed blood with them.

John of Salisbury: c. 1120-1180. *Metalogicon*; *Policraticus* (both completed 1159)

Studied at Paris in the 1130's-40's with Peter Abelard, William of Thierry, William of Conches. 1148, in service to Theobald, Archbishop of Canterbury. 1154 Chancellor to King Henry II. In 1161, with the death of Theobald and appointment of Becket, John went into service to Becket, and followed Becket in exile. In 1176

John became Bishop of Chartres.

Metalogicon is a discussion of pedagogy and the state of learning. Man can attain the product of political association only in context with a refinement of intellectual and rational skills. John here is consistent with Cicero.

Policraticus: Of the Frivolity of Courtiers and the Footprints of Philosophers: the first complete work of medieval political philosophy? Stresses the need for the king's moral instruction and wise advisors. Uses a metaphor of body politic to human body: soul (priests), head (king), and body (counsels to peasants). King can be replaced and, if necessary, killed, if he transgresses his proper limits.

Ranulf of Glanville: c.1125-1190; *A Treatise on the Laws and Customs of the Kingdom of England Commonly called Glanville* (authorship disputed) (c. 1189)

Roman law was easily adopted by the Church, given their common historical roots, their hierarchical organizations and their stress on an imposed power. But feudal customs were less adaptable to Roman Law. This treatise, written in the court of Henry II, tries to reconcile Roman Law with feudal customs. Common law derived from customs is law, according to this treatise, but this is maintained through legislation and kingship that is Roman in conception.

Brunetto Latini, c. 1220-1294; *The Book of Treasure*

A Florentine, Latini was exiled to France 1260-66. *Livre du Tresor* steps through theoretical philosophy, ethics, and rhetoric and politics. A contractarian understanding of the obligations between rulers and ruled, and practical means to implement and enforce this. His politics rightly includes all the arts needed in the human community, yet he limits himself to matters concerning the king and his office. This is an early understanding that social matters should be differentiated from matters of government.

Thomas Aquinas, 1225-1274; *On Kingship; Summa Theologiae; Commentary on Aristotle's Politics*

Educated at the Abbey of Monte Cassino, then at the University of Naples, he continued his education at the Universities of Paris and Cologne. His works cannot be summarized here except to indicate that he is the foremost thinker to attempt to reconcile Aristotle with Church doctrine.

Giles (Aegidius) of Rome (Egidius Colonna), 1247-1316; *On Civil Government (de Regimine principum)*

Augustinian; studied in Paris under Aquinas, given a chair at Paris, tutored Philip the Fair, son of Philip III of France. *On Civil Government* was written at request of the King; it aims to deal with everything a King needs to rule well: education, courtly life, political theories. This shows a strong Aristotelian influence, as Aristotle's *Politics* first appeared in translation in the 1260's. For instance, the tyrant rules for his own good, and the king for the good of the community. He reflects a generally pro-monarchy, pro-papal stance, although he speaks of a "natural state" in which there was no property, only claims.

Ptolemy of Lucca, ?-1327; *De Regimine Principum*.

This was attached to manuscripts of Thomas Aquinas, his teacher. Ptolemy was Bishop of Torcello in 1318. He writes that Republicanism is best where the spirit of the people is strong and freedom is valued.

John of Paris, c. 1250-1306; *On the Regal and Papal Power* (1302-03)

One of the most prominent scholars in Paris at end of 13th century; wrote a defense of Aquinas against Franciscan critics in 1285. He wrote many other works, dealing with philosophy and theology. Why did he write on politics? After 1296, Philip IV the fair was in controversy with Boniface VIII over a king's right to tax church property. Like most French clerics, the Dominican John of Paris urged Philip to bring Boniface to trial.

On the Regal and Papal Power makes what may be an early statement of property rights. John argues that church officials may be concerned with material property, thus arguing against radical ascetics; on the other hand, the Pope is not an earthly ruler. Ultimately John claims that use and ownership cannot be divided, and that a peasant's use of his land means his ownership of it. This is true even if Kingly and Papal officials have jurisdiction over it. In terms of Papal authority over the Church, John maintains a distinction between the man and the office. This means that the pope is both the highest authority and answerable to the body of the Church.

Joannus Monarchus, ?-1313; *Glossa Aurea Supra Sexto Decretium Libro*

A prominent canonist; advisor to Philip the Fair, and made a Cardinal by Celestine V. He supported a definite position for the cardinals in relation to the Pope by using standard corporation theory: “The Pope relates to the college of Cardinals as any bishop in respect of his college [of canons].” Consequently, the Papal authority is limited in the sense that a wise Pope will consult with the Cardinals in order to make his pronouncements legally binding.

Guilielmus Durantis (William Durant), ?-1330; *Tractatus de Modo Generalis Concilii Celebrandi*

A French Bishop, he saw Papal authority as limited not by the cardinals but rather by the local churches. The Pope was a Bishop with a relationship to his cathedral chapter, and was constrained by Canonical legislation (unless approved by a Church council). He invoked as his theme the well-known *quod omnes tangit ab omnibus approbetur*—“what touches all must be approved by all.” His arguments were based solely on texts from the *Decretum*.

Marsilius of Padua, 1275-1342; *The Defender of the Peace* (1324)

His early training was in medicine at Padua under Peter d’Abano. He brought training in observational biology and dialectics to University of Paris, where he was rector in 1313. *The Defender of the Peace* (1324) was published anonymously; in 1326 authorship became known and Marsilius fled to Paris and the protection of the Bavarian Emperor Ludwig. Ludwig was in controversy with papacy over the Pope’s unwillingness to recognize his position as Emperor. Marsilius may have been involved in the King’s 1327 march over the Alps into Italy and his coronation by the Roman people. Marsilius became the Emperor’s “Spiritual Vicar” of Rome. Ludwig forced out of Rome in 1329; Marsilius remained at his court.

Structurally, there are 3 parts to the treatise. The first deals with kingly power; the second with powers of papacy and priesthood; the third is a summary. This is a strong differentiation between political and ecclesiastical powers. Papal attempts to regulate temporal affairs are seen as disruptive; the discourse is in favor of a conciliar rather than authoritarian form of church governance.

William of Pagula, c.1290-1332; *The Mirror of King Edward III*

William was a parish priest who also earned a doctorate in Canon Law (1320).

The Mirror of King Edward III is two texts, the first of 1311 and the second probably of 1312 is a revision. William argues against purveyance, the means by which the King taxed the peasantry outside of normal channels, either by outright confiscation or buying at fixed non-negotiable rates. The affects of this on the peasants were terrible, and William defends them by claiming that the most humble of the King’s subjects deserves his protections.

Other works include Also *The Eye of the Priesthood*, a canon law and theological guide for parish priests; and *The Summary of Summaries*, a more academic treatment of these issues.

William of Ockham, c. 1285-1349; *Whether a Ruler can Accept the Property of the Churches for his Own Needs, Namely in case of War, even against the Wishes of the Pope* (1338)

Born in Ockham, Surrey, early education probably Oxford; Subdeacon of St. Mary’s, Southwark (1306). 1310-1324 Oxford, called “Venerable Inceptor.” Indicted at Avignon in 1324 under influence of Chancellor of Oxford John Lutterell; 1324-28 under house arrest in Avignon. With other Franciscans (persecuted for “spiritualism”) he escaped to court of Ludwig of Bavaria. William spent rest of life defending the Franciscan ideal of apostolic poverty and the Imperial aims of Ludwig.

Whether a Ruler can Accept . . . is his first political work. In 1337 Edward III and Ludwig allied, albeit briefly. William defended Edward’s right to tax the peasantry and denied the Pope’s right to interfere. Therefore William attacked the Pope’s claim to a “plenitude of power,” dominion over the offices and property of the laity.

His further political works are based on *Whether a Ruler can Accept . . .* these include *Dialogue* (1339-41); *Short treatise on Tyrannical Government* (1341); the *Eight Questions on the Power of the Pope* (c. 1341), and *On Imperial and Pontifical Power* (1346-47).

John Wyclif, 1330-1383; *On Civil Lordship* (1374-5); *On the Duty of the King* (1378-9), treatises within his *Summary of Theology*

From Yorkshire, Oxford educated, supported by absentee clerical offices (a common practice). John's theological writings were controversial, but he was never condemned, maybe due to connections to Royal family, esp. John of Gaunt son of Edward III. Wyclif withdrew from Oxford in 1381 right before a purge of his followers.

Wyclif claims that civil lordship, over material goods, belongs properly to those who avoid sin. He distinguishes natural lordship, meaning factual possession of goods, from evangelical lordship, which provides a right to those goods through grace. He advocates minimal law, claiming that divine law in scripture is sufficient for government, and defends monarchy. He wants to place priests under royal direction without subordinating the Church to secular power.

Pierre d'Ailly, 1350?-1420?; *On the Sentences of Peter Lombard*.

French Conciliarist who represented French interests at the Councils of Pisa (1409) and Constance (1414-18). Developed his views at the time of the Great Schism, while a student in Paris in 1379. Chancellor of University of Paris 1389-95; Bishop, and then Cardinal in 1411 (under John XXII). Urged a *via cessionis* position to end the Schism (both Popes would resign, and the Cardinals would choose again. This contrasted with *via concilis*, in which a Council would select a Pope from the two existing Popes). He maintained that the authority of Bishops and Priests came from Christ, not the Pope, and that the Pope's authority was thereby limited and subject to Council review. He used corporation theory to argue from administration over relations between Pope and Council. Although there is a notion of "consent" in his thought, this must not be taken too far; consent meant passive acceptance not active approval. The people had no more right to withhold their consent than the ruler could default on his authority.

His *Sentences* served to advance Nominalism at the University of Paris.

Jean Gerson, 1363-1429.

Student of d'Ailly at Paris. A dominant conciliarist at Council of Constance (1414-18). He expressed his view in theological rather than legal / political terms. He rejected Ockham's view that the Church could exist in a single person; Gerson saw its priests and its hierarchy as essential to it (only the Holy Spirit could change that hierarchy). He wrote numerous tracts on the role of the Councils.

Franciscus Zabarella, 1360-1429; *Tractatus de Schismate* (1403-08).

He made the most scholarly and sustained efforts to solve the Schism as a conciliarist. He studied jurisprudence at Bologna (1378-83) chiefly under the famous Giovanni di Lignano, and at Florence, where he was graduated in 1385. He taught canon law at Florence (1385-90) and at Padua (1390-1410). Councilor of Venetian legate at the Council of Pisa in 1409; Bishop of Florence in 1410. He opted for a legal solution to the Schism, drawing on John of Paris and corporation theory.

"The statement that a Pope has a plenitude of power should not be understood to mean that he alone possesses it, but that he has it in virtue of being head of a corporation (*universitas*) such that this power resides fundamentally in the corporation, and in the pope as its first minister through whom the power is expressed" (*Commentaria 109va*).

Christine de Pizan, c. 1365-1430; *The Book of the Body Politic*

Born in Venice; daughter of doctor and astrologer. Father trained at University of Bologna, and appointed to court of Charles V of France. Wrote poetry, warfare, politics, chivalry, and works for women.

The Book of the Body Politic uses a metaphor from John of Salisbury's *Policraticus*. This is an organizing principle, but possibly also a warning to the prince that the people will revolt if he does not rule well. The organization follows the three estates in France: the Prince, the Nobles, and the Commons (including the clergy, merchants and students).

Bartolus of Sassoferrato, 1314-1357; *Treatise on City Government*

Bartolus is a legal realist of the Italian Renaissance; he argues that the original government of Rome developed from the people, and that actual conditions must set the terms for law. The law must reflect those conditions. In

fact there are now multiple polities in Italy, and they are not under a single rule. There is no single hierarchy of rule in the world. From this *de facto* position he develops *de iure* justifications for the independence of the Italian city-states. Custom and popular assent are necessary to considering the legitimacy of a regime.

Baldus de Ubaldus, 1326?-1400

Baldus taught and practiced law in Perugia, Pisa, Florence, Padua and Pavia. A student of Bartolus, he was a legal practitioner and not primarily a theorist. His legal opinions may have totaled some 7 million words, making him the most prolific jurist of his time. A legal realist, he stressed the need to apply law to real situations.

The real independence of the Italian city-states is not over-ridden by the theoretical claims of law. The *de iure* jurisdictions of Pope and Emperor must be distinguished from *de facto* conditions in various states. To resolve this, Baldus (like many legal scholars) distinguished absolute powers from ordinary powers (*potestas absoluta et potestas ordinaria*); the Emperor allows local conditions to continue by using only his ordinary powers. If the Emperor were here his approval would be needed; but, he is not here.

The Emperor holds power from via selection by the people. (1) the people are sovereign under God; (2) the people transfer power to the emperor; (3) Christ confirms this through “render unto Caesar; (4) the Pope crowns the Emperor to complete the process. (This sophisticated idea of a corporate juristic populus could be expanded into a theory of popular sovereignty.)

Coluccio Salutati, 1331-1406

Elder Statesman of the 15th century Florentine Humanists. Trained in Rhetoric at Bologna, under Pietro de Muglio. Praised Petrarch’s rediscovery of classical thinkers, and praised republican government. He equated liberty and independence with participatory self-government without foreign intervention. Citizens needed to participate in government and in military defense. He saw Florence as founded by the republican Sulla, not the tyrant Caesar.

His later *A Treatise on Tyrants* (c. 1400) supported a single ruler, and praised Caesar.

Leonardo Bruni (Aretino), 1369-1444; *History of Florence*

Follower of Salutati. Trained in rhetoric in Florence in the 1390’s. Secretary to the Papal Curia in 1406; returned to Florence as Chancellor in 1416. Praised the life of action, not contemplation; saw republican government as allowing men to rise to honor. (A return to the life of contemplation occurs *after* the collapse of Florence’s republican republic in the 1480’s; as Marsilio Ficino and Pico della Mirandola.)

He made the treasures of the Hellenic world accessible by translating into Latin Greek authors such as Aristotle, Plato, Plutarch, Demosthenes, and Aeschines.

Pier Paolo Vergerio

Follower of Salutati. Wrote a letter to the Chancellor of Venice in 1394 praising the city’s mixed constitution.

Poggio Braccidini, 1380-1459

Follower of Salutati.

Nicholas of Cusa (Cusanus), 1401-; *de Concordatia Catholica (On the Harmony of the Church) (1433).*

Prominent at the Council of Basle, 1432. Trained in Canon law at Padua. Argued philosophically from Neoplatonic premises in favor of a hierarchy in reality (of which the Church was a major part) and in rationality in natural law. Consent is therefore a sign and expression of reason in human affairs. He laid out legal guidelines for convening a Council and for the authority of the Pope. He saw the Church as a hierarchy with the General Council at its head and the Pope as an administrator.

Aeneas Silvius Piccolomini, 1405-68; *De Ortu et Autoritate Imperii Romani (1446), (Pope Pius II in 1458)*

Spoke of humans coming together out of a pre-political stage; from rational decision after living like beasts (*De Orto* 1.391).

Francisco Patrizi, 1413-1492; *De Institutione Reipublicae* (On the Institutions of the Republic) 1460's.

Part of the republican revival in Florence after the Peace of Lodi (1454) formalized the triumph of the princes over the republic.

Alamanno Rinucci *Dialogus de Libertate* (Dialogue on Liberty) 1470's.

Part of the republican revival in Florence after the Peace of Lodi (1454) formalized the triumph of the princes over the republic.

Donato Acciavoli Wrote Commentaries to Aristotle's *Nicomachean Ethics and Politics*

Part of the republican revival in Florence after the Peace of Lodi (1454) formalized the triumph of the princes over the republic.

Girolamo Savonarola, 1452-1498; *Treatise on the Regime and Government of the City of Florence*

Savonarola was a Dominican preacher who reformed the Dominican order and proposed turning Florence into a Christian Commonwealth. He condemned Pope Alexander VI, was excommunicated and tried for heresy, and was hung and burned.

Savonarola followed the ideas of Ptolemy, Bartolus and Baldus. After the 1494 French Invasion, coup and flight of the Medici from Florence he opposed the party of the Medici, who gathered power and advocated their return. Theoretically he taught that Monarchy is not proper for Florence; citizen councils with properly delegated powers are best. His theory is based on popular sovereignty. He is both a figure associated with protecting the Florentine Republic in the face of the growing power of princes, and a religious reformer.

Tomasso de Vio (Cardinal Cajetan), 1468-1534; *Commentary on the Summa Theologia of Thomas Aquinas and On the Authority of Pope and Council.*

An Italian Dominican, educated at taught at Rome. A major figure in the revival of Thomism in the late 15th and early 16th centuries. Under natural law, the people choose their rulers; the people are part of the causal process that begins with God. **Domingo de Soto** (1495-1560), his pupil, followed him in claiming that the people have a right to choose their leaders. The people, therefore, can depose a tyrant.

Alonso de Castrillo, *Treatise on the Republic* (1521).

A Spanish political writer, his *Treatise* examined how modern political societies come into being. He is Augustinian in that he sees society as arising from man's originally sinful condition, but is Aristotelian in that he sees a reference to natural law as necessary for society. "Society" is natural, but "political society" was a reasonable rather than a natural condition for mankind. Man must obey the monarch in order to avoid greater evils.

Juan Luis Vives, 1492-1540; *De Concordia et Discordia in Humano Genere* (On Harmony and Disharmony in Human Generation) (1529).

Great Spanish Humanist, following Erasmus. Agrees with Castrillo in that political societies were responses to sin. Original societies were natural, but not polities.

Francisco de Vitoria, 1483-1546;

From Burgos, Spain; a Dominican, studied at Paris; back to Spain in 1523. For Vitorio, natural law was the reason humans formed political societies; this differed from humanists, who focused on convention (agreement) and not nature. At root, all humanists stressed reason as the basis of political societies.

Lorenzo Valla, 1405-1507; *Elegantia litinae linguae libri sex* (The Elegance of the Latin Language in Six Books).

He stressed active reinterpretations of Classical texts and Christian scriptures using methods that rejected the scholastic "commentary" approach. He taught at Pavia (which he was forced to leave), Genoa, Milan, Rome and Naples.

His *Treatise of Lorenzo Valla on the Donation of Constantine* showed the donation to be a forgery. (This was claimed to be a Donation, by the Emperor Constantine, of the Vatican to the Pope. This was the historical basis for the Pope's claim to political rule of the Papal States. The so-called "Donation of Pepin," Charlemagne's father, re-established the claim and the emperor's role in defending the Pope.)

Ulrich von Hutten, 1488-1523

Printed Valla's *Donation* in an edition that influenced Luther.

Andrea Alciato, 1492-1550; *De verborum significatione* (On the Signification of Words) united philology with ancient law.

A practicing jurists who followed Valla. He was Professor at Avignon from 1518, and at Bourges from 1527; from 1534 to 1550 he taught at Pavia, Bologna, Ferrara and Pavia. He brought new methods of textual analysis into the northern areas. Rather than developing scholastic commentaries, this method stressed active engagement with the text, and clear understanding of historical setting and context.

Guillaume Bude/, 1467-1540; *Annotationes in Pandecta* 1508

A polemic on scholastic interpretations, used Valla's and Alciato's textual methods in the north.

Mario Salamonio, 1450?-1532; *Patrii Romani de Principatu Libri Septem* 1544

After the 1512-1514 crisis and the first return of the Medici, Salamonio considered that the wealth of the Florentines and their military weakness invited attack, a position repeated by Machiavelli and Guicciardini. Effective political institutions should be based on the whole body of citizens: "The imperium of the Roman people with no princeps or true overlord in Rome, but only a minister of the people."

Niccolo Machiavelli, 1469-1527; *The Prince; Discourses on Livy; The Art of War; Florentine History*

A seminal figure who cannot be summarized here. A major innovation is his explicit contrast between Christian virtues (e.g., humility, Agnegation, contempt for the mundane) versus Roman virtues (magnanimity, strength, boldness). The Prince needs the latter.

The Prince completed 1513; dedicated in 1515 to Lorenzo the Magnificent. Offers the ruler advice and non-Christian virtues.

Discourses on Livy: 1519. Concerned with regaining republican ideals

Francesco Guicciardini, 1483-1540; *History of Italy*

Loyal to the Medici, to whom he was cemented by marriage. Lawyer, diplomat, general. His *Storia d'Italia* covers the period from the death of Lorenzo de'Medici in 1492 to that of Pope Clement VII in 1534, including the sack of Rome in 1527, which he was unable to prevent.

Donato Giannotti *Libro della repubblica de Viniziani* (Book on the Republic of Venice) 1540.

After the turn to princely rule in Florence, Venice continued to hold onto republican government. Giannotti admired Venice.

He returned to Florence from Venice in 1527, during the second expulsion of the Medicis. Organized civilian militias to oppose the Medici return 1529-1530.

Gasparo Contarini, 1483-1542; *The Commonwealth and Government of Venice* 1543.

Praised the republican government of Venice after the final fall of the republic in Florence.

Desiderius Erasmus, 1466-1536; *The Complaint of Peace*

Dutch humanist. His position in relation to the Church is beyond description here. His *Complaint* rejected coercion to defend political society, including "Just War" theories going back to Augustine. This rejection of military power is an important difference between Italian and Northern Renaissance thinkers.

Thomas More, 1478-1535; *Utopia*

Belongs to the “Northern Renaissance,” if this is defined as being north of the Alps including the Iberian Peninsula. Life-long friend of Erasmus. 1503 Member of Parliament; 1529 Lord Chancellor. Beheaded for his opposition to Henry VIII’s marriage to Anne Boleyn, and for refusal to recognize Henry as head of the Anglican Church.

John Major, 1467-1500.

A Scot, educated at University of Paris; taught at Glasgow, Paris and St. Andrews. Renown scholastic theologian at Paris. Historian of Great Britain; teacher of Scottish Humanism. He thought it impossible that an errant Pope was not subject to judgment and even deposition by his subjects. Like a king, the Pope is *rex singulis major; universo minor* (king is superior to any individual in his kingdom, but is inferior to the citizenry as a whole).

Jacques Almain, c.1480-1515; *Tractatus de Auctoritate Ecclesiae et Conciliorum Generalium* (1512).

Student and colleague of Major at Paris, and at Navarre. A conciliarist, his *Treatise* was a response to the Dominican Cajetan’s support of Julius II’s repudiation of the Council of Pisa in 1511. (The French Louis XII and the Emperor Maximilian has called the Council to bring pressure against Julius due to the Pope’s claims on northern Italy.) Like Major, he upheld a theory of ecclesiastical polity. Like Major, he thought the Church a monarchy, but of a kind where the monarch is not superior to the citizenry as a whole, only to any one individual in it.

Martin Luther, 1483-1546.

Cannot be summarized here; one political point to be made. Luther is Pauline in that he maintained that the people have a duty to obey the prince. The people, he maintained early, have no right to revolt; his *Secular Authority: to What Extent it Should be Obeyed*(1523) sets out his basic doctrine of two parallel (not hierarchical) spheres of authority, each of which must be obeyed as that sphere demands. Disobedience is sinful. If a tyrant demands that subjects act in non-Christian ways, they must disobey, and then humbly accept the consequences. Active revolt is always wrong, since tyranny is always a providential response to sin. *Against the Robbing and Murdering Horde of Peasants* (1524) was a response to such the Peasant’s Revolt in Germany. He opposed radical protestants who wanted such revolts, probably on theological grounds. In 1523 his *Secular Authority* maintained that a prince could not oppose an attack by the Emperor, although he could oppose another prince.

His answer of 1530 to his princely protector, who feared an anti-Lutheran attack by the Emperor, was not a serious reversal of his position. He rejected any opposition to the Emperor if based on his Imperial oath of office, or natural law, or pending appeal to a church council. But, 7 months later, the Augsburg Diet rejected the Augsburg Confession of Melanchthon and demanded that Lutherans return to unity with Rome. Philip of Hesse, esp. his Chancellor Gregory Brueck, drew a position that maintained that each prince received his authority from God and had a duty to protect his subjects. In October 1530 Luther followed this by signing the Torgau Declaration, from a meeting of Protestant Theologians at Torgau Castle Oct. 25-28. They renounced any scriptural or theological opposition to that which seemed to have legal justification. By 1536 the Natural Law doctrine of Melanchthon was accepted by Luther, and in 1539 he accepted armed resistance based on the Emperor’s position as an agent of the Pope. (See A P Monahan 208 f. for this interpretation.)

Philip Melanchthon, 1497-1560. *The Augsburg Confession* (1530)

Collaborator with Luther. Taught in Wittenberg for 42 years. The *Confession* (*Confessio Augustana*) tried to show that Protestants had the right to remain in the Catholic Church.

John Calvin, 1509-1564. *Institution of the Christian religion*.

Cannot be summarized here. His theocracy in Geneva was a full-sale implementation of Protestant political ideas. By combining the idea that people should be loyal to legitimate rulers, and then basing legitimacy on his interpretation of the scriptures, he becomes fully as theocratic as any Catholic theocrat.

His doctrine of conscience is how a person grasps the general tenets of natural law.

George Buchanan, 1506-82; *De Iuri Regni apud Scotos (On the Powers of the Crown of Scotland) (1579).*

A Scottish student of Major in Paris. Adopted Scottish Reformed religion in 1560. Returned to Scotland in 1560. *De Iuri* is reasonably systematic, and justified the deposition of Mary Queen of Scots. Also wrote a *History of Scotland*.

He stated that the Pauline injunction to obey the ruler did not apply to tyrants; this may have disagreed with early Lutheran teachings (but agreed with Luther post-1530). Rulers are chosen by popular election, and rule for the common good.

John Ponet, 1514-1556; *Short Treatise of Politic Power (1556).*

His *Treatise* may be the first complete doctrine of resistance by a Protestant on other than purely religious grounds.

Juan de Marina, 1534-; *De Rege et Regis Institutione (1599).*

Spanish neo-Scholastic; Jesuit; taught in Paris and Rome. Infamous for a doctrine of tyrannicide, which followed from the assassination of Henry III by a radical French Dominican, Jacques Clement, in 1589. His works burned in Paris in 1610 by order of the Parlement. On tyrannicide see also *De Tyrannia* by Bartolus of Sassoferrato, and the *Tractatus de Tyranno* of Coluccio Salutati.

He also distinguished between contracts by which people bring a government into being, and those by which people agree to follow a particular leader.

Francesco Suarez, 1548-1617; *On Laws (1612); Defense of the Catholic Faith (1612).*

Spanish neo-Scholastic; Jesuit; Counter-reformation figure. Generally Thomistic in approach to law. Placed important emphasis on custom as unwritten law. Also, by basing property on the original reasoned contract to form a political society and the consent of the people he stressed the role of free will. The people's obligation to obey followed the legitimacy of the office, and tyranny absolved the people of that responsibility.

CORPUS THOMISTICUM

Sancti Thomae de Aquino
Summa Theologiae

prima pars secundae partis a quaestione XCVIII ad quaestionem CV



Textum Leoninum Romae 1892 editum
ac automato translatum a Roberto Busa SJ in taenias magneticas
denuo recognovit Enrique Alarcón atque instruxit



Quaestio 98
Prooemium

[37744] I^a-II^ae q. 98 pr.

Consequenter considerandum est de lege veteri. Et primo, de ipsa lege; secundo, de praeceptis eius. Circa primum quaeruntur sex. Primo, utrum lex vetus sit bona. Secundo, utrum sit a Deo. Tertio, utrum sit ab eo mediantibus Angelis. Quarto, utrum data sit omnibus. Quinto, utrum omnes obliget. Sexto, utrum congruo tempore fuerit data.

Articulus 1

[37745] I^a-IIae q. 98 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod lex vetus non fuerit bona. Dicitur enim Ezech. XX *dedi eis praecepta non bona, et iudicia in quibus non vivent*. Sed lex non dicitur bona nisi propter bonitatem praeceptorum quae continet. Ergo lex vetus non fuit bona.

[37746] I^a-IIae q. 98 a. 1 arg. 2

Praeterea, ad bonitatem legis pertinet ut communi saluti proficiat sicut Isidorus dicit. Sed lex vetus non fuit salutifera, sed magis mortifera et nociva. Dicit enim apostolus, Rom. VII, *sine lege peccatum mortuum erat. Ego autem vivebam sine lege aliquando, sed cum venisset mandatum, peccatum revixit, ego autem mortuus sum*; et Rom. V, *lex subintravit ut abundaret delictum*. Ergo lex vetus non fuit bona.

[37747] I^a-IIae q. 98 a. 1 arg. 3

Praeterea, ad bonitatem legis pertinet quod sit possibilis ad observandum et secundum naturam, et secundum humanam consuetudinem. Sed hoc non habuit lex vetus, dicit enim Petrus, Act. XV, *quid tentatis imponere iugum super cervicem discipulorum, quod neque nos, neque patres nostri, portare potuimus?* Ergo videtur quod lex vetus non fuerit bona.

[37748] I^a-IIae q. 98 a. 1 s. c.

Sed contra est quod apostolus dicit, Rom. VII, itaque *lex quidem sancta est, et mandatum sanctum et iustum et bonum*.

[37749] I^a-IIae q. 98 a. 1 co.

Respondeo dicendum quod absque omni dubio lex vetus bona fuit. Sicut enim doctrina ostenditur esse vera ex hoc quod consonat rationi rectae, ita etiam lex aliqua ostenditur esse bona ex eo quod consonat rationi. Lex autem vetus rationi consonabat. Quia concupiscentiam reprimebat, quae rationi adversatur; ut patet in illo mandato, non concupisces rem proximi tui, quod ponitur Exod. XX. Ipsa etiam omnia peccata prohibebat, quae sunt contra rationem. Unde manifestum est quod bona erat. Et haec est ratio apostoli, Rom. VII, *condelector, inquit, legi Dei secundum interiorem hominem*; et iterum, *consentio legi, quoniam bona est*. Sed notandum est quod bonum diversos gradus habet, ut Dionysius dicit, IV cap. de Div. Nom., est enim aliquod bonum perfectum, et aliquod bonum imperfectum. Perfecta quidem bonitas est, in his quae ad

finem ordinantur, quando aliquid est tale quod per se sufficiens est inducere ad finem, imperfectum autem bonum est quod operatur aliquid ad hoc quod perveniatur ad finem, non tamen sufficit ad hoc quod ad finem perducat. Sicut medicina perfecte bona est quae hominem sanat, imperfecta autem est quae hominem adiuvat, sed tamen sanare non potest. Est autem sciendum quod est alius finis legis humanae, et alius legis divinae. Legis enim humanae finis est temporalis tranquillitas civitatis, ad quem finem pervenit lex cohibendo exteriores actus, quantum ad illa mala quae possunt perturbare pacificum statum civitatis. Finis autem legis divinae est perducere hominem ad finem felicitatis aeternae; qui quidem finis impeditur per quodcumque peccatum, et non solum per actus exteriores, sed etiam per interiores. Et ideo illud quod sufficit ad perfectionem legis humanae, ut scilicet peccata prohibeat et poenam apponat, non sufficit ad perfectionem legis divinae, sed oportet quod hominem totaliter faciat idoneum ad participationem felicitatis aeternae. Quod quidem fieri non potest nisi per gratiam spiritus sancti, per quam diffunditur caritas in cordibus nostris, quae legem adimplet, gratia enim Dei vita aeterna, ut dicitur Rom. VI. Hanc autem gratiam lex vetus conferre non potuit, reservabatur enim hoc Christo, quia, ut dicitur Ioan. I, *lex per Moysen data est; gratia et veritas per Iesum Christum facta est*. Et inde est quod lex vetus bona quidem est, sed imperfecta; secundum illud Heb. VII, *nihil ad perfectum adduxit lex*.

[37750] I^a-IIae q. 98 a. 1 ad 1

Ad primum ergo dicendum quod dominus loquitur ibi de praeceptis caeremonialibus; quae quidem dicuntur non bona, quia gratiam non conferebant, per quam homines a peccato mundarentur, cum tamen per huiusmodi se peccatores ostenderent. Unde signanter dicitur, et iudicia in quibus non vivent, idest per quae vitam gratiae obtinere non possunt; et postea subditur, et pollui eos in muneribus suis, idest pollutos ostendi, *cum offerrent omne quod aperit vulvam, propter delicta sua*.

[37751] I^a-IIae q. 98 a. 1 ad 2

Ad secundum dicendum quod lex dicitur occidisse, non quidem effective, sed occasionaliter, ex sua imperfectione, inquantum scilicet gratiam non conferebat, per quam homines implere possent quod mandabat, vel vitare quod vetabat. Et sic occasio ista non erat data, sed sumpta ab hominibus. Unde et apostolus ibidem dicit, *occasione accepta peccatum*

per mandatum seduxit me, et per illud occidit. Et ex hac etiam ratione dicitur quod lex subintravit ut abundaret delictum, ut ly ut teneatur consecutive, non causaliter, inquantum scilicet homines, accipientes occasionem a lege, abundantius peccaverunt; tum quia gravius fuit peccatum post legis prohibitionem; tum etiam quia concupiscentia crevit, magis enim concupiscimus quod nobis prohibetur.

[37752] I^a-IIae q. 98 a. 1 ad 3

Ad tertium dicendum quod iugum legis servari non poterat sine gratia adiuvante, quam lex non dabat, dicitur enim Rom. IX, *non est volentis neque currentis*, scilicet velle et currere in praeceptis Dei, sed miserentis Dei. Unde et in Psalmo CXVIII dicitur, *viam mandatorum tuorum cucurri, cum dilatasti cor meum*, scilicet per donum gratiae et caritatis.

Articulus 2

[37753] I^a-IIae q. 98 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod lex vetus non fuerit a Deo. Dicitur enim Deut. XXXII, *Dei perfecta sunt opera*. Sed lex fuit imperfecta, ut supra dictum est. Ergo lex vetus non fuit a Deo.

[37754] I^a-IIae q. 98 a. 2 arg. 2

Praeterea, Eccle. III dicitur, *didici quod omnia opera quae fecit Deus, perseverent in aeternum*. Sed lex vetus non perseverat in aeternum, dicit enim apostolus, ad Heb. VII, *reprobatio fit quidem praecedentis mandati, propter infirmitatem eius et inutilitatem*. Ergo lex vetus non fuit a Deo.

[37755] I^a-IIae q. 98 a. 2 arg. 3

Praeterea, ad sapientem legislatorem pertinet non solum mala auferre, sed etiam occasiones malorum. Sed vetus lex fuit occasio peccati, ut supra dictum est. Ergo ad Deum, cui nullus est similis in legislatoribus, ut dicitur Iob XXXVI, non pertinebat legem talem dare.

[37756] I^a-IIae q. 98 a. 2 arg. 4

Praeterea, I ad Tim. II, dicitur quod *Deus vult omnes homines salvos fieri*. Sed lex vetus non sufficiebat ad salutem hominum, ut supra dictum est. Ergo ad Deum non pertinebat talem legem dare. Lex ergo vetus non est a Deo.

Sed contra est quod dominus dicit, Matth. XV, loquens Iudaeis, quibus erat lex vetus data, *irritum fecistis mandatum Dei propter traditiones vestras*. Et paulo ante praemittitur, *honora patrem tuum et matrem tuam*, quod manifeste in lege veteri continetur. Ergo lex vetus est a Deo.

Respondeo dicendum quod lex vetus a bono Deo data est, qui est pater domini nostri Iesu Christi. Lex enim vetus homines ordinabat ad Christum dupliciter. Uno quidem modo, testimonium Christo perhibendo, unde ipse dicit, Lucae ult., *oportet impleri omnia quae scripta sunt in lege et Psalmis et prophetis de me*; et Ioan. V, *si crederetis Moysi, crederetis forsitan et mihi, de me enim ille scripsit*. Alio modo, per modum cuiusdam dispositionis, dum, retrahens homines a cultu idololatriae, concludebat eos sub cultu unius Dei, a quo salvandum erat humanum genus per Christum, unde apostolus dicit, ad Gal. III, *priusquam veniret fides, sub lege custodiebamur conclusi in eam fidem quae revelanda erat*. Manifestum est autem quod eiusdem est disponere ad finem et ad finem perducere, et dico eiusdem per se vel per suos subiectos. Non enim Diabolus legem tulisset per quam homines adducerentur ad Christum, per quem erat eiiciendus; secundum illud Matth. XII, *si Satanas Satanam eiicit, divisum est regnum eius*. Et ideo ab eodem Deo a quo facta est salus hominum per gratiam Christi, lex vetus data est.

Ad primum ergo dicendum quod nihil prohibet aliquid non esse perfectum simpliciter, quod tamen est perfectum secundum tempus, sicut dicitur aliquis puer perfectus non simpliciter, sed secundum temporis conditionem. Ita etiam praecepta quae pueris dantur, sunt quidem perfecta secundum conditionem eorum quibus dantur, etsi non sint perfecta simpliciter. Et talia fuerunt praecepta legis. Unde apostolus dicit, ad Gal. III, *lex paedagogus noster fuit in Christo*.

Ad secundum dicendum quod opera Dei perseverant in aeternum, quae sic Deus fecit ut in aeternum perseverent, et haec sunt ea quae sunt perfecta. Lex autem vetus reprobatur tempore perfectionis gratiae, non

tanquam mala, sed tanquam infirma et inutilis pro isto tempore, quia, ut subditur, nihil ad perfectum adduxit lex. Unde ad Gal. III, dicit apostolus, *ubi venit fides, iam non sumus sub paedagogo.*

[37761] I^a-IIae q. 98 a. 2 ad 3

Ad tertium dicendum quod, sicut supra dictum est, Deus aliquando permittit aliquos cadere in peccatum, ut exinde humiliantur. Ita etiam voluit talem legem dare quam suis viribus homines implere non possent, ut sic dum homines de se praesumentes peccatores se invenirent, humiliati recurrerent ad auxilium gratiae.

[37762] I^a-IIae q. 98 a. 2 ad 4

Ad quartum dicendum quod, quamvis lex vetus non sufficeret ad salvandum hominem, tamen aderat aliud auxilium a Deo hominibus simul cum lege, per quod salvari poterant, scilicet fides mediatoris, per quam iustificati sunt antiqui patres, sicut etiam nos iustificamur. Et sic Deus non deficiebat hominibus quin daret eis salutis auxilia.

Articulus 3

[37763] I^a-IIae q. 98 a. 3 arg. 1

Ad tertium sic proceditur. Videtur quod lex vetus non fuerit data per Angelos, sed immediate a Deo. Angelus enim nuntius dicitur, et sic nomen Angeli ministerium importat, non dominium; secundum illud Psalmi CII, *benedicite domino, omnes Angeli eius, ministri eius.* Sed vetus lex a domino tradita esse perhibetur, dicitur enim Exod. XX, *locutusque est dominus sermones hos,* et postea subditur, *ego enim sum dominus Deus tuus.* Et idem modus loquendi frequenter repetitur in Exodo, et in libris consequentibus legis. Ergo lex est immediate data a Deo.

[37764] I^a-IIae q. 98 a. 3 arg. 2

Praeterea, sicut dicitur Ioan. I, lex per Moysen data est. Sed Moyses immediate accepit a Deo, dicitur enim Exod. XXXIII, *loquebatur dominus ad Moysen facie ad faciem, sicut loqui solet homo ad amicum suum.* Ergo lex vetus immediate data est a Deo.

[37765] I^a-IIae q. 98 a. 3 arg. 3

Praeterea, ad solum principem pertinet legem ferre, ut supra dictum est.

Sed solus Deus est princeps salutis animarum, *Angeli vero sunt administratorii spiritus*, ut dicitur ad Heb. I. Ergo lex vetus per Angelos dari non debuit, cum ordinaretur ad animarum salutem.

[37766] I^a-IIae q. 98 a. 3 s. c.

Sed contra est quod dicit apostolus, ad Gal. III, *lex data est per Angelos in manu mediatoris*. Et Act. VII, dicit Stephanus, *accepistis legem in dispositione Angelorum*.

[37767] I^a-IIae q. 98 a. 3 co.

Respondeo dicendum quod lex data est a Deo per Angelos. Et praeter generalem rationem, quam Dionysius assignat, in IV cap. Cael. Hier., quod *divina debent deferri ad homines mediantibus Angelis*, specialis ratio est quare legem veterem per Angelos dari oportuit. Dictum est enim quod lex vetus imperfecta erat, sed disponebat ad salutem perfectam generis humani, quae futura erat per Christum. Sic autem videtur in omnibus potestatibus et artibus ordinatis, quod ille qui est superior, principalem et perfectum actum operatur per seipsum; ea vero quae disponunt ad perfectionem ultimam, operatur per suos ministros; sicut navifactor compaginat navem per seipsum, sed praeparat materiam per artifices subministrantes. Et ideo conveniens fuit ut lex perfecta novi testamenti daretur immediate per ipsum Deum hominem factum; lex autem vetus per ministros Dei, scilicet per Angelos, daretur hominibus. Et per hunc modum apostolus, in principio ad Heb., probat eminentiam novae legis ad veterem, quia in novo testamento locutus est nobis Deus in filio suo, in veteri autem testamento est sermo factus per Angelos.

[37768] I^a-IIae q. 98 a. 3 ad 1

Ad primum ergo dicendum quod, sicut Gregorius dicit, in principio Moral., *Angelus qui Moysi apparuisse describitur, modo Angelus, modo dominus memoratur. Angelus videlicet, propter hoc quod exterius loquendo serviebat; dominus autem dicitur, quia interius praesidens loquendi efficaciam ministrabat*. Et inde est etiam quod quasi ex persona domini Angelus loquebatur.

[37769] I^a-IIae q. 98 a. 3 ad 2

Ad secundum dicendum quod, sicut Augustinus dicit, XII super Gen. ad Litt., in Exodo dicitur, *locutus est dominus Moysi facie ad faciem*; et paulo post subditur, *ostende mihi gloriam tuam. Sentiebat ergo quid*

videbat; et quod non videbat, desiderabat. Non ergo videbat ipsam Dei essentiam, et ita non immediate ab eo instruebatur. Quod ergo dicitur quod loquebatur ei facie ad faciem, secundum opinionem populi loquitur Scriptura, qui putabat Moysen ore ad os loqui cum Deo, cum per subiectam creaturam, idest per Angelum et nubem, ei loqueretur et appareret. Vel per visionem faciei intelligitur quaedam eminens contemplatio et familiaris, infra essentiae divinae visionem.

[37770] I^a-IIae q. 98 a. 3 ad 3

Ad tertium dicendum quod solius principis est sua auctoritate legem instituere, sed quandoque legem institutam per alios promulgat. Et ita Deus sua auctoritate instituit legem, sed per Angelos promulgavit.

Articulus 4

[37771] I^a-IIae q. 98 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod lex vetus non debuerit dari soli populo Iudaeorum. Lex enim vetus disponebat ad salutem quae futura erat per Christum, ut dictum est. Sed salus illa non erat futura solum in Iudaeis, sed in omnibus gentibus; secundum illud Isaiae XLIX, *parum est ut sis mihi servus ad suscitandas tribus Iacob et faeces Israel convertendas, dedi te in lucem gentium, ut sis salus mea usque ad extremum terrae.* Ergo lex vetus dari debuit omnibus gentibus, et non uni populo tantum.

[37772] I^a-IIae q. 98 a. 4 arg. 2

Praeterea, sicut dicitur Act. X, *non est personarum acceptor Deus, sed in omni gente qui timet Deum et facit iustitiam, acceptus est illi.* Non ergo magis uni populo quam aliis viam salutis debuit aperire.

[37773] I^a-IIae q. 98 a. 4 arg. 3

Praeterea, lex data est per Angelos, sicut iam dictum est. Sed ministeria Angelorum Deus non solum Iudaeis, sed omnibus gentibus semper exhibuit, dicitur enim Eccli. XVII, *in unamquamque gentem praeposuit rectorem.* Omnibus etiam gentibus temporalia bona largitur, quae minus sunt curae Deo quam spiritualia bona. Ergo etiam legem omnibus populis dare debuit.

[37774] I^a-IIae q. 98 a. 4 s. c.

Sed contra est quod dicitur Rom. III, *quid ergo amplius est Iudaeo? Multum quidem per omnem modum. Primum quidem, quia credita sunt illis eloquia Dei.* Et in Psalmo CXLVII dicitur, *non fecit taliter omni nationi, et iudicia sua non manifestavit eis.*

[37775] I^a-II^ae q. 98 a. 4 co.

Respondeo dicendum quod posset una ratio assignari quare potius populo Iudaeorum data sit lex quam aliis populis, quia, aliis ad idololatriam declinantibus, solus populus Iudaeorum in cultu unius Dei remansit; et ideo alii populi indigni erant legem recipere, ne sanctum canibus daretur. Sed ista ratio conveniens non videtur, quia populus ille etiam post legem latam, ad idololatriam declinavit, quod gravius fuit, ut patet Exod. XXXII; et Amos V, *numquid hostias et sacrificium obtulistis mihi in deserto quadraginta annis, domus Israel? Et portastis tabernaculum Moloch vestro, et imaginem idolorum vestrorum, sidus Dei vestri, quae fecistis vobis.* Expresse etiam dicitur Deut. IX, *scito quod non propter iustitias tuas dominus Deus tuus dedit tibi terram hanc in possessionem, cum durissimae cervici sis populus.* Sed ratio ibi praemittitur, *ut compleret verbum suum dominus, quod sub iuramento pollicitus est patribus tuis, Abraham, Isaac et Iacob.* Quae autem promissio eis sit facta, ostendit apostolus, ad Galat. III, dicens, *Abrahae dictae sunt promissiones, et semini eius. Non dicit, seminibus, quasi in multis, sed quasi in uno, et semini tuo, qui est Christus.* Deus igitur et legem et alia beneficia specialia illi populo exhibuit propter promissionem eorum patribus factam ut ex eis Christus nasceretur. Decebat enim ut ille populus ex quo Christus nasciturus erat, quadam speciali sanctificatione polleret; secundum illud quod dicitur Levit. XIX, *sancti eritis, quia ego sanctus sum.* Nec etiam fuit propter meritum ipsius Abrahae ut talis promissio ei fieret, ut scilicet Christus ex eius semine nasceretur, sed ex gratuita electione et vocatione. Unde dicitur Isaiae XLI, *quis suscitavit ab oriente iustum, vocavit eum ut sequeretur se?* Sic ergo patet quod ex sola gratuita electione patres promissionem acceperunt, et populus ex eis progenitus legem accepit; secundum illud Deut. IV, *audistis verba illius de medio ignis, quia dilexit patres, et elegit semen eorum post illos.* Si autem rursus quaeratur quare hunc populum elegit ut ex eo Christus nasceretur, et non alium, conveniet responsio Augustini, quam dicit super Ioan., *quare hunc trahat et illum non trahat, noli velle diiudicare,*

si non vis errare.

[37776] I^a-IIae q. 98 a. 4 ad 1

Ad primum ergo dicendum quod, quamvis salus futura per Christum, esset omnibus gentibus praeparata; tamen oportebat ex uno populo Christum nasci, qui propter hoc prae aliis praerogativas habuit; secundum illud Rom. IX, quorum, scilicet Iudaeorum, *est adoptio filiorum Dei, et testamentum et legislatio; quorum patres; ex quibus Christus est secundum carnem.*

[37777] I^a-IIae q. 98 a. 4 ad 2

Ad secundum dicendum quod acceptio personarum locum habet in his quae ex debito dantur, in his vero quae ex gratuita voluntate conferuntur, acceptio personarum locum non habet. Non enim est personarum acceptor qui ex liberalitate de suo dat uni et non alteri, sed si esset dispensator bonorum communium, et non distribueret aequaliter secundum merita personarum, esset personarum acceptor. Salutaria autem beneficia Deus humano generi confert ex sua gratia. Unde non est personarum acceptor si quibusdam prae aliis conferat. Unde Augustinus dicit, in libro de Praedest. Sanct., *omnes quos Deus docet, misericordia docet, quos autem non docet, iudicio non docet.* Hoc enim venit ex damnatione humani generis pro peccato primi parentis.

[37778] I^a-IIae q. 98 a. 4 ad 3

Ad tertium dicendum quod beneficia gratiae subtrahuntur homini propter culpam, sed beneficia naturalia non subtrahuntur. Inter quae sunt ministeria Angelorum, quae ipse naturarum ordo requirit, ut scilicet per media gubernentur infima; et etiam corporalia subsidia, quae non solum hominibus, sed etiam iumentis Deus administrat, secundum illud Psalmi XXXV, *homines et iumenta salvabis, domine.*

Articulus 5

[37779] I^a-IIae q. 98 a. 5 arg. 1

Ad quintum sic proceditur. Videtur quod omnes homines obligarentur ad observandam veterem legem. Quicumque enim subditur regi, oportet quod subdatur legi ipsius. Sed vetus lex est data a Deo, qui est rex omnis terrae, ut in Psalmo XLVI dicitur. Ergo omnes habitantes terram

tenebantur ad observantiam legis.

[37780] I^a-IIae q. 98 a. 5 arg. 2

Praeterea, Iudaei salvari non poterant nisi legem veterem observarent, dicitur enim Deut. XXVII, *maledictus qui non permanet in sermonibus legis huius, nec eos opere perficit*. Si igitur alii homines sine observantia legis veteris potuissent salvari, peior fuisset conditio Iudaeorum quam aliorum hominum.

[37781] I^a-IIae q. 98 a. 5 arg. 3

Praeterea, gentiles ad ritum Iudaicum et ad observantias legis admittebantur, dicitur enim Exod. XII, *si quis peregrinorum in vestram voluerit transire coloniam, et facere phase domini, circumcidetur prius omne masculinum eius, et tunc rite celebrabit, eritque simul sicut indigena terrae*. Frustra autem ad observantias legales fuissent extranei admissi ex ordinatione divina, si absque legalibus observantiis salvari potuissent. Ergo nullus salvari poterat nisi legem observaret.

[37782] I^a-IIae q. 98 a. 5 s. c.

Sed contra est quod Dionysius dicit, IX cap. Cael. Hier., quod multi gentilium per Angelos sunt reducti in Deum. Sed constat quod gentiles legem non observabant. Ergo absque observantia legis poterant aliqui salvari.

[37783] I^a-IIae q. 98 a. 5 co.

Respondeo dicendum quod lex vetus manifestabat praecepta legis naturae, et superaddebat quaedam propria praecepta. Quantum igitur ad illa quae lex vetus continebat de lege naturae, omnes tenebantur ad observantiam veteris legis, non quia erant de veteri lege, sed quia erant de lege naturae. Sed quantum ad illa quae lex vetus superaddebat, non tenebantur aliqui ad observantiam veteris legis nisi solus populus Iudaeorum. Cuius ratio est quia lex vetus, sicut dictum est, data est populo Iudaeorum ut quandam praerogativam sanctitatis obtineret, propter reverentiam Christi, qui ex illo populo nasciturus erat. Quaecumque autem statuuntur ad specialem aliquorum sanctificationem, non obligant nisi illos, sicut ad quaedam obligantur clerici, qui mancipantur divino ministerio, ad quae laici non obligantur; similiter et religiosi ad quaedam perfectionis opera obligantur ex sua professione, ad quae saeculares non obligantur. Et similiter ad quaedam specialia obligabatur populus ille, ad quae alii populi non obligabantur. Unde

dicitur Deut. XVIII, *perfectus eris, et absque macula, cum domino Deo tuo*. Et propter hoc etiam quadam professione utebantur; ut patet Deut. XXVI, *profiteor hodie coram domino Deo tuo* et cetera.

[37784] I^a-IIae q. 98 a. 5 ad 1

Ad primum ergo dicendum quod quicumque subduntur regi, obligantur ad legem eius observandam quam omnibus communiter proponit. Sed si instituat aliqua observanda a suis familiaribus ministris, ad haec ceteri non obligantur.

[37785] I^a-IIae q. 98 a. 5 ad 2

Ad secundum dicendum quod homo quanto Deo magis coniungitur, tanto efficitur melioris conditionis. Et ideo quanto populus Iudaeorum erat adstrictus magis ad divinum cultum, dignior aliis populis erat. Unde dicitur Deut. IV, *quae est alia gens sic inclyta, ut habeat caeremonias, iustaque iudicia, et universam legem?* Et similiter etiam quantum ad hoc sunt melioris conditionis clerici quam laici, et religiosi quam saeculares.

[37786] I^a-IIae q. 98 a. 5 ad 3

Ad tertium dicendum quod gentiles perfectius et securius salutem consequabantur sub observantiis legis quam sub sola lege naturali, et ideo ad eas admittebantur. Sicut etiam nunc laici transeunt ad clericatum, et saeculares ad religionem, quamvis absque hoc possint salvari.

Articulus 6

[37787] I^a-IIae q. 98 a. 6 arg. 1

Ad sextum sic proceditur. Videtur quod lex vetus non convenienter fuerit data tempore Moysi. Lex enim vetus disponebat ad salutem quae erat futura per Christum, sicut dictum est. Sed statim homo post peccatum indiguit huiusmodi salutis remedio. Ergo statim post peccatum lex vetus debuit dari.

[37788] I^a-IIae q. 98 a. 6 arg. 2

Praeterea, lex vetus data est propter sanctificationem eorum ex quibus Christus nasciturus erat. Sed Abrahae incoepit fieri promissio de semine, quod est Christus, ut habetur Gen. XII. Ergo statim tempore Abrahae debuit lex dari.

Praeterea, sicut Christus non est natus ex aliis descendantibus ex Noe nisi ex Abraham, cui facta est promissio; ita etiam non est natus ex aliis filiis Abrahae nisi ex David, cui est promissio renovata, secundum illud II Reg. XXIII, *dixit vir cui constitutum est de Christo Dei Iacob*. Ergo lex vetus debuit dari post David, sicut data est post Abraham.

Sed contra est quod apostolus dicit, ad Gal. III, quod *lex propter transgressionem posita est, donec veniret semen cui promiserat, ordinata per Angelos in manu mediatoris*, idest ordinabiliter data, ut Glossa dicit. Ergo congruum fuit ut lex vetus illo temporis ordine traderetur.

Respondeo dicendum quod convenientissime lex vetus data fuit tempore Moysi. Cuius ratio potest accipi ex duobus, secundum quod quaelibet lex duobus generibus hominum imponitur. Imponitur enim quibusdam duris et superbis, qui per legem compescuntur et domantur, imponitur etiam bonis, qui, per legem instructi, adiuvantur ad implendum quod intendunt. Conveniens igitur fuit tali tempore legem veterem dari, ad superbiam hominum convincendam. De duobus enim homo superbiebat, scilicet de scientia, et de potentia. De scientia quidem, quasi ratio naturalis ei posset sufficere ad salutem. Et ideo ut de hoc eius superbia convinceretur permissus est homo regimini suae rationis absque adminiculo legis scriptae, et experimento homo discere potuit quod patiebatur rationis defectum, per hoc quod homines usque ad idololatriam et turpissima vitia circa tempora Abrahae sunt prolapsi. Et ideo post haec tempora fuit necessarium legem scriptam dari in remedium humanae ignorantiae, quia per legem est cognitio peccati, ut dicitur Rom. III. Sed postquam homo est instructus per legem, convicta est eius superbia de infirmitate, dum implere non poterat quod cognoscebat. Et ideo, sicut apostolus concludit, ad Rom. VIII, *quod impossibile erat legi, in qua infirmabatur per carnem, misit Deus filium suum, ut iustificatio legis impleretur in nobis*. Ex parte vero bonorum, lex data est in auxilium. Quod quidem tunc maxime populo necessarium fuit, quando lex naturalis obscurari incipiebat propter exuberantiam

peccatorum. Oportebat autem huiusmodi auxilium quodam ordine dari, ut per imperfecta ad perfectionem manuducerentur. Et ideo inter legem naturae et legem gratiae, oportuit legem veterem dari.

[37792] I^a-IIae q. 98 a. 6 ad 1

Ad primum ergo dicendum quod statim post peccatum primi hominis non competebat legem veterem dari, tum quia nondum homo recognoscebat se ea indigere, de sua ratione confisus. Tum quia adhuc dictamen legis naturae nondum erat obtenebratum per consuetudinem peccandi.

[37793] I^a-IIae q. 98 a. 6 ad 2

Ad secundum dicendum quod lex non debet dari nisi populo, est enim praeceptum commune, ut dictum est. Et ideo tempore Abrahae data sunt quaedam familiaria praecepta, et quasi domestica, Dei ad homines. Sed postmodum, multiplicatis eius posteris intantum quod populus esset, et liberatis eis a servitute, lex convenienter potuit dari, nam servi non sunt pars populi vel civitatis, cui legem dari competit, ut philosophus dicit, in III Polit.

[37794] I^a-IIae q. 98 a. 6 ad 3

Ad tertium dicendum quod, quia legem oportebat alicui populo dari, non solum illi ex quibus Christus natus est, legem acceperunt; sed totus populus consignatus signaculo circumcisionis, quae fuit signum promissionis Abrahae factae et ab eo creditae, ut dicit apostolus, Rom. IV. Et ideo etiam ante David oportuit legem dari tali populo iam collecto.

Quaestio 99

Prooemium

[37795] I^a-IIae q. 99 pr.

Deinde considerandum est de praeceptis veteris legis. Et primo, de distinctione ipsorum; secundo, de singulis generibus distinctis. Circa primum quaeruntur sex. Primo, utrum legis veteris sint plura praecepta, vel unum tantum. Secundo, utrum lex vetus contineat aliqua praecepta moralia. Tertio, utrum praeter moralia contineat caeremonialia. Quarto, utrum contineat, praeter haec, iudicialia. Quinto, utrum praeter ista tria contineat aliqua alia. Sexto, de modo quo lex inducebat ad observantiam praedictorum.

Articulus 1

[37796] I^a-IIae q. 99 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod in lege veteri non contineatur nisi unum praeceptum. Lex enim est nihil aliud quam praeceptum, ut supra habitum est. Sed lex vetus est una. Ergo non continet nisi unum praeceptum.

[37797] I^a-IIae q. 99 a. 1 arg. 2

Praeterea, apostolus dicit, Rom. XIII, *si quod est aliud mandatum, in hoc verbo instauratur, diliges proximum tuum sicut teipsum*. Sed istud mandatum est unum. Ergo lex vetus non continet nisi unum mandatum.

[37798] I^a-IIae q. 99 a. 1 arg. 3

Praeterea, Matth. VII, dicitur, *omnia quaecumque vultis ut faciant vobis homines, et vos facite illis, haec est enim lex et prophetarum*. Sed tota lex vetus continetur in lege et prophetis. Ergo tota lex vetus non habet nisi unum praeceptum.

[37799] I^a-IIae q. 99 a. 1 s. c.

Sed contra est quod apostolus dicit, ad Ephes. II, *legem mandatorum decretis evacuans*. Et loquitur de lege veteri, ut patet per Glossam ibidem. Ergo lex vetus continet in se multa mandata.

[37800] I^a-IIae q. 99 a. 1 co.

Respondeo dicendum quod praeceptum legis, cum sit obligatorium, est de aliquo quod fieri debet. Quod autem aliquid debeat fieri, hoc provenit ex necessitate alicuius finis. Unde manifestum est quod de ratione praecepti est quod importet ordinem ad finem, inquantum scilicet illud praecipitur quod est necessarium vel expediens ad finem. Contingit autem ad unum finem multa esse necessaria vel expedientia. Et secundum hoc possunt de diversis rebus dari praecepta inquantum ordinantur ad unum finem. Unde dicendum est quod omnia praecepta legis veteris sunt unum secundum ordinem ad unum finem, sunt tamen multa secundum diversitatem eorum quae ordinantur ad finem illum.

[37801] I^a-IIae q. 99 a. 1 ad 1

Ad primum ergo dicendum quod lex vetus dicitur esse una secundum ordinem ad finem unum, et tamen continet diversa praecepta, secundum

distinctionem eorum quae ordinat ad finem. Sicut etiam ars aedificativa est una secundum unitatem finis, quia tendit ad aedificationem domus, tamen continet diversa praecepta, secundum diversos actus ad hoc ordinatos.

[37802] I^a-IIae q. 99 a. 1 ad 2

Ad secundum dicendum quod, sicut apostolus dicit, I ad Tim. I, *finis praecepti caritas est*, ad hoc enim omnis lex tendit, ut amicitiam constituat vel hominum ad invicem, vel hominis ad Deum. Et ideo tota lex impletur in hoc uno mandato, *diliges proximum tuum sicut teipsum*, sicut in quodam fine mandatorum omnium, in dilectione enim proximi includitur etiam Dei dilectio, quando proximus diligitur propter Deum. Unde apostolus hoc unum praeceptum posuit pro duobus quae sunt de dilectione Dei et proximi, de quibus dicit dominus, Matth. XXII, *in his duobus mandatis pendet omnis lex et prophetae*.

[37803] I^a-IIae q. 99 a. 1 ad 3

Ad tertium dicendum quod, sicut dicitur in IX Ethic., *amicabilia quae sunt ad alterum, venerunt ex amicabilibus quae sunt homini ad seipsum*, dum scilicet homo ita se habet ad alterum sicut ad se. Et ideo in hoc quod dicitur, *omnia quaecumque vultis ut faciant vobis homines, et vos facite illis*, explicatur quaedam regula dilectionis proximi, quae etiam implicite continetur in hoc quod dicitur, *diliges proximum tuum sicut teipsum*. Unde est quaedam explicatio istius mandati.

Articulus 2

[37804] I^a-IIae q. 99 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod lex vetus non contineat praecepta moralia. Lex enim vetus distinguitur a lege naturae, ut supra habitum est. Sed praecepta moralia pertinent ad legem naturae. Ergo non pertinent ad legem veterem.

[37805] I^a-IIae q. 99 a. 2 arg. 2

Praeterea, ibi subvenire debuit homini lex divina, ubi deficit ratio humana, sicut patet in his quae ad fidem pertinent, quae sunt supra rationem. Sed ad praecepta moralia ratio hominis sufficere videtur. Ergo praecepta moralia non sunt de lege veteri, quae est lex divina.

Praeterea, lex vetus dicitur littera occidens, ut patet II ad Cor. III. Sed praecepta moralia non occidunt, sed vivificant; secundum illud Psalmi CXVIII, *in aeternum non obliviscar iustificationes tuas, quia in ipsis vivificasti me*. Ergo praecepta moralia non pertinent ad veterem legem.

Sed contra est quod dicitur Eccli. XVII, *addidit illis disciplinam, et legem vitae haereditavit eos*. Disciplina autem pertinet ad mores, dicit enim Glossa ad Heb. XII, super illud, *omnis disciplina etc.*, *disciplina est eruditio morum per difficilia*. Ergo lex a Deo data, praecepta moralia continebat.

Respondeo dicendum quod lex vetus continebat praecepta quaedam moralia, ut patet Exod. XX, *non occides, non furtum facies*. Et hoc rationabiliter. Nam sicut intentio principalis legis humanae est ut faciat amicitiam hominum ad invicem; ita intentio legis divinae est ut constituat principaliter amicitiam hominis ad Deum. Cum autem similitudo sit ratio amoris, secundum illud Eccli. XIII, *omne animal diligit simile sibi*; impossibile est esse amicitiam hominis ad Deum, qui est optimus, nisi homines boni efficiantur, unde dicitur Levit. XIX, *sancti eritis, quoniam ego sanctus sum*. Bonitas autem hominis est virtus, quae facit bonum habentem. Et ideo oportuit praecepta legis veteris etiam de actibus virtutum dari. Et haec sunt moralia legis praecepta.

Ad primum ergo dicendum quod lex vetus distinguitur a lege naturae non tanquam ab ea omnino aliena, sed tanquam aliquid ei superaddens. Sicut enim gratia praesupponit naturam, ita oportet quod lex divina praesupponat legem naturalem.

Ad secundum dicendum quod legi divinae conveniens erat ut non solum provideret homini in his ad quae ratio non potest, sed etiam in his circa quae contingit rationem hominis impediri. Ratio autem hominis circa praecepta moralia, quantum ad ipsa communissima praecepta legis naturae, non poterat errare in universali, sed tamen, propter consuetudinem peccandi, obscurabatur in particularibus agendis. Circa

alia vero praecepta moralia, quae sunt quasi conclusiones deductae ex communibus principiis legis naturae, multorum ratio oberrabat, ita ut quaedam quae secundum se sunt mala, ratio multorum licita iudicaret. Unde oportuit contra utrumque defectum homini subveniri per auctoritatem legis divinae. Sicut etiam inter credenda nobis proponuntur non solum ea ad quae ratio attingere non potest, ut Deum esse trinum; sed etiam ea ad quae ratio recta pertingere potest, ut Deum esse unum; ad excludendum rationis humanae errorem, qui accidebat in multis.

[37811] I^a-IIae q. 99 a. 2 ad 3

Ad tertium dicendum quod, sicut Augustinus probat in libro de spiritu et littera, etiam littera legis quantum ad praecepta moralia, occidere dicitur occasionaliter, inquantum scilicet praecipit quod bonum est, non praebens auxilium gratiae ad implendum.

Articulus 3

[37812] I^a-IIae q. 99 a. 3 arg. 1

Ad tertium sic proceditur. Videtur quod lex vetus non contineat praecepta caeremonialia, praeter moralia. Omnis enim lex quae hominibus datur, est directiva humanorum actuum. Actus autem humani morales dicuntur, ut supra dictum est. Ergo videtur quod in lege veteri hominibus data, non debeant contineri nisi praecepta moralia.

[37813] I^a-IIae q. 99 a. 3 arg. 2

Praeterea, praecepta quae dicuntur caeremonialia, videntur ad divinum cultum pertinere. Sed divinus cultus est actus virtutis, scilicet religionis, quae, ut Tullius dicit in sua Rhetoric., *divinae naturae cultum caeremoniamque affert*. Cum igitur praecepta moralia sint de actibus virtutum, ut dictum est, videtur quod praecepta caeremonialia non sint distinguenda a moralibus.

[37814] I^a-IIae q. 99 a. 3 arg. 3

Praeterea, praecepta caeremonialia esse videntur quae figurative aliquid significant. Sed sicut Augustinus dicit, in II de Doctr. Christ., *verba inter homines obtinuerunt principatum significandi*. Ergo nulla necessitas fuit ut in lege continerentur praecepta caeremonialia de aliquibus actibus figurativis.

Sed contra est quod dicitur Deut. IV, *decem verba scripsit in duabus tabulis lapideis, mihiq̄ mandavit in illo tempore ut docerem vos caeremonias et iudicia quae facere deberetis*. Sed decem praecepta legis sunt moralia. Ergo praeter praecepta moralia sunt etiam alia praecepta caeremonialia.

Respondeo dicendum quod, sicut dictum est, lex divina principaliter instituitur ad ordinandum homines ad Deum; lex autem humana principaliter ad ordinandum homines ad invicem. Et ideo leges humanae non curaverunt aliquid instituere de cultu divino nisi in ordine ad bonum commune hominum, et propter hoc etiam multa confinxerunt circa res divinas, secundum quod videbatur eis expediens ad informandos mores hominum; sicut patet in ritu gentilium. Sed lex divina e converso homines ad invicem ordinavit secundum quod conveniebat ordini qui est in Deum, quem principaliter intendebat. Ordinatur autem homo in Deum non solum per interiores actus mentis, qui sunt credere, sperare et amare; sed etiam per quaedam exteriora opera, quibus homo divinam servitatem profitetur. Et ista opera dicuntur ad cultum Dei pertinere. Qui quidem cultus caeremonia vocatur, quasi munia, idest dona, Caereris, quae dicebatur dea frugum, ut quidam dicunt, eo quod primo ex frugibus oblationes Deo offerebantur. Sive, ut maximus Valerius refert, nomen caeremoniae introductum est ad significandum cultum divinum apud Latinos, a quodam oppido iuxta Romam, quod Caere vocabatur, eo quod, Roma capta a gallis, illuc sacra Romanorum ablata sunt, et reverentissime habita. Sic igitur illa praecepta quae in lege pertinent ad cultum Dei, specialiter caeremonialia dicuntur.

Ad primum ergo dicendum quod humani actus se extendunt etiam ad cultum divinum. Et ideo etiam de his continet praecepta lex vetus hominibus data.

Ad secundum dicendum quod, sicut supra dictum est, praecepta legis naturae communia sunt, et indigent determinatione. Determinantur autem et per legem humanam, et per legem divinam. Et sicut ipsae determinationes quae fiunt per legem humanam, non dicuntur esse de

lege naturae, sed de iure positivo; ita ipsae determinationes praeceptorum legis naturae quae fiunt per legem divinam, distinguuntur a praeceptis moralibus, quae pertinent ad legem naturae. Colere ergo Deum, cum sit actus virtutis, pertinet ad praeceptum morale, sed determinatio huius praecepti, ut scilicet colatur talibus hostiis et talibus muneribus, hoc pertinet ad praecepta caeremonialia. Et ideo praecepta caeremonialia distinguuntur a praeceptis moralibus.

[37819] I^a-IIae q. 99 a. 3 ad 3

Ad tertium dicendum quod, sicut Dionysius dicit, I cap. Cael. Hier., divina hominibus manifestari non possunt nisi sub aliquibus similitudinibus sensibilibus. Ipsae autem similitudines magis movent animum quando non solum verbo exprimuntur, sed etiam sensui offeruntur. Et ideo divina traduntur in Scripturis non solum per similitudines verbo expressas, sicut patet in metaphoricis locutionibus; sed etiam per similitudines rerum quae visui proponuntur, quod pertinet ad praecepta caeremonialia.

Articulus 4

[37820] I^a-IIae q. 99 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod praeter praecepta moralia et caeremonialia, non sint aliqua praecepta iudicialia in veteri lege. Dicit enim Augustinus, contra Faustum, quod in lege veteri sunt praecepta vitae agenda, et praecepta vitae significanda. Sed praecepta vitae agenda sunt moralia; praecepta autem vitae significanda sunt caeremonialia. Ergo praeter haec duo genera praeceptorum, non sunt ponenda in lege alia praecepta iudicialia.

[37821] I^a-IIae q. 99 a. 4 arg. 2

Praeterea, super illud Psalmi CXVIII, *a iudiciis tuis non declinavi*, dicit Glossa, *idest ab his quae constituisti regulam vivendi*. Sed regula vivendi pertinet ad praecepta moralia. Ergo praecepta iudicialia non sunt distinguenda a moralibus.

[37822] I^a-IIae q. 99 a. 4 arg. 3

Praeterea, iudicium videtur esse actus iustitiae; secundum illud Psalmi XCIII, *quoadusque iustitia convertatur in iudicium*. Sed actus iustitiae, sicut et actus ceterarum virtutum, pertinet ad praecepta moralia. Ergo

praecepta moralia includunt in se iudicialia, et sic non debent ab eis distinguui.

[37823] I^a-IIae q. 99 a. 4 s. c.

Sed contra est quod dicitur Deut. VI, *haec sunt praecepta et caeremoniae atque iudicia*. Praecepta autem antonomastice dicuntur moralia. Ergo praeter praecepta moralia et caeremonialia, sunt etiam iudicialia.

[37824] I^a-IIae q. 99 a. 4 co.

Respondeo dicendum quod, sicut dictum est, ad legem divinam pertinet ut ordinet homines ad invicem et ad Deum. Utrumque autem horum in communi quidem pertinet ad dictamen legis naturae, ad quod referuntur moralia praecepta, sed oportet quod determinetur utrumque per legem divinam vel humanam, quia principia naturaliter nota sunt communia tam in speculativis quam in activis. Sicut igitur determinatio communis praecepti de cultu divino fit per praecepta caeremonialia, sic et determinatio communis praecepti de iustitia observanda inter homines, determinatur per praecepta iudicialia. Et secundum hoc, oportet tria praecepta legis veteris ponere; scilicet moralia, quae sunt de dictamine legis naturae; caeremonialia, quae sunt determinationes cultus divini; et iudicialia, quae sunt determinationes iustitiae inter homines observandae. Unde cum apostolus, Rom. VII, dixisset quod lex est sancta, subiungit quod mandatum est iustum et sanctum et bonum, iustum quidem, quantum ad iudicialia; sanctum, quantum ad caeremonialia (nam sanctum dicitur quod est Deo dicatum); bonum, idest honestum, quantum ad moralia.

[37825] I^a-IIae q. 99 a. 4 ad 1

Ad primum ergo dicendum quod tam praecepta moralia, quam etiam iudicialia, pertinent ad directionem vitae humanae. Et ideo utraque continentur sub uno membro illorum quae ponit Augustinus, scilicet sub praeceptis vitae agenda.

[37826] I^a-IIae q. 99 a. 4 ad 2

Ad secundum dicendum quod iudicium significat executionem iustitiae, quae quidem est secundum applicationem rationis ad aliqua particularia determinate. Unde praecepta iudicialia communicant in aliquo cum moralibus, inquantum scilicet a ratione derivantur; et in aliquo cum

caeremonialibus, in quantum scilicet sunt quaedam determinationes communium praeceptorum. Et ideo quandoque sub iudiciis comprehenduntur praecepta iudicialia et moralia, sicut Deut. V, audi, Israel, caeremonias atque iudicia; quandoque vero iudicialia et caeremonialia, sicut Levit. XVIII, facietis iudicia mea, et praecepta mea servabitis, ubi praecepta ad moralia referuntur, iudicia vero ad iudicialia et caeremonialia.

[37827] I^a-IIae q. 99 a. 4 ad 3

Ad tertium dicendum quod actus iustitiae in generali pertinet ad praecepta moralia, sed determinatio eius in speciali pertinet ad praecepta iudicialia.

Articulus 5

[37828] I^a-IIae q. 99 a. 5 arg. 1

Ad quintum sic proceditur. Videtur quod aliqua alia praecepta contineantur in lege veteri praeter moralia, iudicialia et caeremonialia. Iudicialia enim praecepta pertinent ad actum iustitiae, quae est hominis ad hominem; caeremonialia vero pertinent ad actum religionis, qua Deus colitur. Sed praeter has sunt multae aliae virtutes, scilicet temperantia, fortitudo, liberalitas, et aliae plures, ut supra dictum est. Ergo praeter praedicta oportet plura alia in lege veteri contineri.

[37829] I^a-IIae q. 99 a. 5 arg. 2

Praeterea, Deut. XI dicitur, *ama dominum Deum tuum, et observa eius praecepta et caeremonias et iudicia atque mandata*. Sed praecepta pertinent ad moralia, ut dictum est. Ergo praeter moralia, iudicialia et caeremonialia, adhuc alia continentur in lege, quae dicuntur mandata.

[37830] I^a-IIae q. 99 a. 5 arg. 3

Praeterea, Deut. VI dicitur, *custodi praecepta domini Dei tui, ac testimonia et caeremonias quas tibi praecepi*. Ergo praeter omnia praedicta adhuc in lege testimonia continentur.

[37831] I^a-IIae q. 99 a. 5 arg. 4

Praeterea, in Psalmo CXVIII dicitur, *in aeternum non obliviscar iustificationes tuas*, Glossa, *idest legem*. Ergo praecepta legis veteris non solum sunt moralia, caeremonialia et iudicialia, sed etiam iustificationes.

Sed contra est quod dicitur Deut. VI, *haec sunt praecepta et caeremoniae atque iudicia quae mandavit dominus Deus vobis*. Et haec ponuntur in principio legis. Ergo omnia praecepta legis sub his comprehenduntur.

Respondeo dicendum quod in lege ponuntur aliqua tanquam praecepta; aliqua vero tanquam ad praeceptorum adimpletionem ordinata. Praecepta quidem sunt de his quae sunt agenda. Ad quorum impletionem ex duobus homo inducitur, scilicet ex auctoritate praecipientis; et ex utilitate impletionis, quae quidem est consecutio alicuius boni utilis, delectabilis vel honesti, aut fuga alicuius mali contrarii. Oportuit igitur in veteri lege proponi quaedam quae auctoritatem Dei praecipientis indicarent, sicut illud Deut. VI, *audi, Israel, dominus Deus tuus Deus unus est*; et illud Gen. I, *in principio creavit Deus caelum et terram*. Et huiusmodi dicuntur testimonia. Oportuit etiam quod in lege proponerentur quaedam praemia observantium legem, et poenae transgredientium, ut patet Deut. XXVIII, *si audieris vocem domini Dei tui, faciet te excelsiorem cunctis gentibus*, et cetera. Et huiusmodi dicuntur iustificationes, secundum quod Deus aliquos iuste punit vel praemiat. Ipsa autem agenda sub praecepto non cadunt nisi in quantum habent aliquam debiti rationem. Est autem duplex debitum, unum quidem secundum regulam rationis, aliud autem secundum regulam legis determinantis; sicut philosophus, in V Ethic., distinguit duplex iustum, scilicet morale et legale. Debitum autem morale est duplex, dictat enim ratio aliquid faciendum vel tanquam necessarium, sine quo non potest esse ordo virtutis; vel tanquam utile ad hoc quod ordo virtutis melius conservetur. Et secundum hoc, quaedam moralium praecise praecipiuntur vel prohibentur in lege, sicut, non occides, non furtum facies. Et haec proprie dicuntur praecepta. Quaedam vero praecipiuntur vel prohibentur, non quasi praecise debita, sed propter melius. Et ista possunt dici mandata, quia quandam inductionem habent et persuasionem. Sicut illud Exod. XXII, *si pignus acceperis vestimentum a proximo tuo, ante solis occasum reddas ei*; et aliqua similia. Unde Hieronymus dicit quod *in praeceptis est iustitia, in mandatis vero caritas*. Debitum autem ex determinatione legis, in rebus quidem humanis

pertinet ad iudicialia; in rebus autem divinis, ad caeremonialia. Quamvis etiam ea quae pertinent ad poenam vel praemia, dici possint testimonia, inquantum sunt protestationes quaedam divinae iustitiae. Omnia vero praecepta legis possunt dici iustificationes, inquantum sunt quaedam executiones legalis iustitiae. Possunt etiam aliter mandata a praeceptis distingui, ut praecepta dicantur quae Deus per seipsum iussit; mandata autem, quae per alios mandavit, ut ipsum nomen sonare videtur. Ex quibus omnibus apparet quod omnia legis praecepta continentur sub moralibus, caeremonialibus et iudicialibus, alia vero non habent rationem praeceptorum, sed ordinantur ad praeceptorum observationem, ut dictum est.

[37834] I^a-IIae q. 99 a. 5 ad 1

Ad primum ergo dicendum quod sola iustitia, inter alias virtutes, importat rationem debiti. Et ideo moralia intantum sunt lege determinabilia, inquantum pertinent ad iustitiam, cuius etiam quaedam pars est religio, ut Tullius dicit. Unde iustum legale non potest esse aliquod praeter caeremonialia et iudicialia praecepta.

[37835] I^a-IIae q. 99 a. 5 ad 2

Ad alia patet responsio per ea quae dicta sunt.

Articulus 6

[37836] I^a-IIae q. 99 a. 6 arg. 1

Ad sextum sic proceditur. Videtur quod lex vetus non debuerit inducere ad observantiam praeceptorum per temporales promissiones et comminationes. Intentio enim legis divinae est ut homines Deo subdat per timorem et amorem, unde dicitur Deut. X, *et nunc, Israel, quid dominus Deus tuus petit a te, nisi ut timeas dominum Deum tuum, et ambules in viis eius, et diligas eum?* Sed cupiditas rerum temporalium abducit a Deo, dicit enim Augustinus, in libro octoginta trium quaest., quod *venenum caritatis est cupiditas*. Ergo promissiones et comminationes temporales videntur contrariari intentioni legislatoris, quod facit legem reprobabilem, ut patet per philosophum, in II Polit.

[37837] I^a-IIae q. 99 a. 6 arg. 2

Praeterea, lex divina est excellentior quam lex humana. Videmus autem

in scientiis quod quanto aliqua est altior, tanto per altiora media procedit. Ergo cum lex humana procedat ad inducendum homines per temporales comminationes et promissiones, lex divina non debuit ex his procedere, sed per aliqua maiora.

[37838] I^a-IIae q. 99 a. 6 arg. 3

Praeterea, illud non potest esse praemium iustitiae vel poena culpae, quod aequaliter evenit et bonis et malis. Sed sicut dicitur Eccle. IX, *universa, temporalia, aequae eveniunt iusto et impio, bono et malo, mundo et immundo, immolanti victimas et sacrificia contemnenti*. Ergo temporalia bona vel mala non convenienter ponuntur ut poenae vel praemia mandatorum legis divinae.

[37839] I^a-IIae q. 99 a. 6 s. c.

Sed contra est quod dicitur Isaiae I, *si volueritis, et audieritis me, bona terrae comedetis. Quod si nolueritis, et me ad iracundiam provocaveritis, gladius devorabit vos*.

[37840] I^a-IIae q. 99 a. 6 co.

Respondeo dicendum quod, sicut in scientiis speculativis inducuntur homines ad assentiendum conclusionibus per media syllogistica, ita etiam in quibuslibet legibus homines inducuntur ad observantias praeceptorum per poenas et praemia. Videmus autem in scientiis speculativis quod media proponuntur auditori secundum eius conditionem, unde oportet ordinate in scientiis procedere, ut ex notioribus disciplina incipiat. Ita etiam oportet eum qui vult inducere hominem ad observantiam praeceptorum, ut ex illis eum movere incipiat quae sunt in eius affectu, sicut pueri provocantur ad aliquid faciendum aliquibus puerilibus munusculis. Dictum est autem supra quod lex vetus disponebat ad Christum sicut imperfectum ad perfectum, unde dabatur populo adhuc imperfecto in comparatione ad perfectionem quae erat futura per Christum, et ideo populus ille comparatur puero sub paedagogo existenti, ut patet Galat. III. Perfectio autem hominis est ut, contemptis temporalibus, spiritualibus inhaereat, ut patet per illud quod apostolus dicit, Philipp. III, *quae quidem retro sunt obliviscens, ad ea quae priora sunt me extendo. Quicumque ergo perfecti sumus, hoc sentiamus*. Imperfectorum autem est quod temporalia bona desiderent, in ordine tamen ad Deum. Perversorum autem est quod in temporalibus bonis finem constituent. Unde legi veteri conveniebat ut per temporalia,

quae erant in affectu hominum imperfectorum, manuduceret homines ad Deum.

[37841] I^a-IIae q. 99 a. 6 ad 1

Ad primum ergo dicendum quod cupiditas, qua homo constituit finem in temporalibus bonis, est caritatis venenum. Sed consecutio temporalium bonorum quae homo desiderat in ordine ad Deum, est quaedam via inducens imperfectos ad Dei amorem; secundum illud Psalmi XLVIII, *confitebitur tibi cum benefeceris illi*.

[37842] I^a-IIae q. 99 a. 6 ad 2

Ad secundum dicendum quod lex humana inducit homines ex temporalibus praemiis vel poenis per homines inducendis, lex vero divina ex praemiis vel poenis exhibendis per Deum. Et in hoc procedit per media altiora.

[37843] I^a-IIae q. 99 a. 6 ad 3

Ad tertium dicendum quod, sicut patet historias veteris testamenti revolventi, communis status populi semper sub lege in prosperitate fuit, quandiu legem observabant; et statim declinantes a praeceptis legis, in multas adversitates incidebant. Sed aliquae personae particulares etiam iustitiam legis observantes, in aliquas adversitates incidebant, vel quia iam erant spirituales effecti, ut per hoc magis ab affectu temporalium abstraherentur, et eorum virtus probata redderetur; aut quia, opera legis exterius implentes, cor totum habebant in temporalibus defixum et a Deo elongatum, secundum quod dicitur Isaiae XXIX, *populus hic labiis me honorat, cor autem eorum longe est a me*.

Quaestio 100

Prooemium

[37844] I^a-IIae q. 100 pr.

Deinde considerandum est de singulis generibus praeceptorum veteris legis. Et primo, de praeceptis moralibus; secundo, de caeremonialibus; tertio, de iudicialibus. Circa primum quaeruntur duodecim. Primo, utrum omnia praecepta moralia veteris legis sint de lege naturae. Secundo, utrum praecepta moralia veteris legis sint de actibus omnium virtutum. Tertio, utrum omnia praecepta moralia veteris legis reducantur ad decem praecepta Decalogi. Quarto, de distinctione praeceptorum Decalogi.

Quinto, de numero eorum. Sexto, de ordine. Septimo, de modo tradendi ipsa. Octavo, utrum sint dispensabilia. Nono, utrum modus observandi virtutem cadat sub praecepto. Decimo, utrum modus caritatis cadat sub praecepto. Undecimo, de distinctione aliorum praeceptorum moralium. Duodecimo, utrum praecepta moralia veteris legis iustificent.

Articulus 1

[37845] I^a-IIae q. 100 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod non omnia praecepta moralia pertineant ad legem naturae. Dicitur enim Eccli. XVII, *addidit illis disciplinam, et legem vitae haereditavit illos*. Sed disciplina dividitur contra legem naturae, eo quod lex naturalis non addiscitur, sed ex naturali instinctu habetur. Ergo non omnia praecepta moralia sunt de lege naturae.

[37846] I^a-IIae q. 100 a. 1 arg. 2

Praeterea, lex divina perfectior est quam lex humana. Sed lex humana superaddit aliqua ad bonos mores pertinentia his quae sunt de lege naturae, quod patet ex hoc quod lex naturae est eadem apud omnes, huiusmodi autem morum instituta sunt diversa apud diversos. Ergo multo fortius divina lex aliqua ad bonos mores pertinentia debuit addere supra legem naturae.

[37847] I^a-IIae q. 100 a. 1 arg. 3

Praeterea, sicut ratio naturalis inducit ad aliquos bonos mores, ita et fides, unde etiam dicitur ad Galat. V, quod fides per dilectionem operatur. Sed fides non continetur sub lege naturae, quia ea quae sunt fidei, sunt supra rationem naturalem. Ergo non omnia praecepta moralia legis divinae pertinent ad legem naturae.

[37848] I^a-IIae q. 100 a. 1 s. c.

Sed contra est quod dicit apostolus, Rom. II, quod *gentes, quae legem non habent, naturaliter ea quae legis sunt, faciunt*, quod oportet intelligi de his quae pertinent ad bonos mores. Ergo omnia moralia praecepta legis sunt de lege naturae.

[37849] I^a-IIae q. 100 a. 1 co.

Respondeo dicendum quod praecepta moralia, a caeremonialibus et

iudicialibus distincta, sunt de illis quae secundum se ad bonos mores pertinent. Cum autem humani mores dicantur in ordine ad rationem, quae est proprium principium humanorum actuum, illi mores dicuntur boni qui rationi congruunt, mali autem qui a ratione discordant. Sicut autem omne iudicium rationis speculativae procedit a naturali cognitione primorum principiorum, ita etiam omne iudicium rationis practicae procedit ex quibusdam principiis naturaliter cognitis, ut supra dictum est. Ex quibus diversimode procedi potest ad iudicandum de diversis. Quaedam enim sunt in humanis actibus adeo explicita quod statim, cum modica consideratione, possunt approbari vel reprobari per illa communia et prima principia. Quaedam vero sunt ad quorum iudicium requiritur multa consideratio diversarum circumstantiarum, quas considerare diligenter non est cuiuslibet, sed sapientum, sicut considerare particulares conclusiones scientiarum non pertinet ad omnes, sed ad solos philosophos. Quaedam vero sunt ad quae diiudicanda indiget homo adiuvari per instructionem divinam, sicut est circa credenda. Sic igitur patet quod, cum moralia praecepta sint de his quae pertinent ad bonos mores; haec autem sunt quae rationi congruunt; omne autem rationis humanae iudicium aliquo modo a naturali ratione derivatur, necesse est quod omnia praecepta moralia pertineant ad legem naturae, sed diversimode. Quaedam enim sunt quae statim per se ratio naturalis cuiuslibet hominis diiudicat esse facienda vel non facienda, sicut *honora patrem tuum et matrem tuam, et, non occides, non furtum facies*. Et huiusmodi sunt absolute de lege naturae. Quaedam vero sunt quae subtiliori consideratione rationis a sapientibus iudicantur esse observanda. Et ista sic sunt de lege naturae, ut tamen indigeant disciplina, qua minores a sapientioribus instruuntur, sicut illud, *coram cano capite consurge, et honora personam senis*, et alia huiusmodi. Quaedam vero sunt ad quae iudicanda ratio humana indiget instructione divina, per quam erudimur de divinis, sicut est illud, *non facies tibi sculptile neque omnem similitudinem; non assumes nomen Dei tui in vanum*.

[37850] I^a-IIae q. 100 a. 1 ad arg.

Et per hoc patet responsio ad obiecta.

Articulus 2

[37851] I^a-IIae q. 100 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod praecepta moralia legis non sint de omnibus actibus virtutum. Observatio enim praeceptorum veteris legis iustificatio nominatur, secundum illud Psalmi CXVIII, *iustificationes tuas custodiam*. Sed iustificatio est executio iustitiae. Ergo praecepta moralia non sunt nisi de actibus iustitiae.

[37852] I^a-IIae q. 100 a. 2 arg. 2

Praeterea, id quod cadit sub praecepto, habet rationem debiti. Sed ratio debiti non pertinet ad alias virtutes nisi ad solam iustitiam, cuius proprius actus est reddere unicuique debitum. Ergo praecepta legis moralia non sunt de actibus aliarum virtutum, sed solum de actibus iustitiae.

[37853] I^a-IIae q. 100 a. 2 arg. 3

Praeterea, omnis lex ponitur propter bonum commune, ut dicit Isidorus. Sed inter virtutes sola iustitia respicit bonum commune, ut philosophus dicit, in V Ethic. Ergo praecepta moralia sunt solum de actibus iustitiae.

[37854] I^a-IIae q. 100 a. 2 s. c.

Sed contra est quod Ambrosius dicit, quod *peccatum est transgressio legis divinae, et caelestium inobedientia mandatorum*. Sed peccata contrariantur omnibus actibus virtutum. Ergo lex divina habet ordinare de actibus omnium virtutum.

[37855] I^a-IIae q. 100 a. 2 co.

Respondeo dicendum quod, cum praecepta legis ordinentur ad bonum commune, sicut supra habitum est, necesse est quod praecepta legis diversificentur secundum diversos modos communitatum, unde et philosophus, in sua politica, docet quod alias leges oportet statuere in civitate quae regitur rege, et alias in ea quae regitur per populum, vel per aliquos potentes de civitate. Est autem alius modus communitatis ad quam ordinatur lex humana, et ad quam ordinatur lex divina. Lex enim humana ordinatur ad communitatem civilem, quae est hominum ad invicem. Homines autem ordinantur ad invicem per exteriores actus, quibus homines sibi invicem communicant. Huiusmodi autem communicatio pertinet ad rationem iustitiae, quae est proprie directiva communitatis humanae. Et ideo lex humana non proponit praecepta nisi de actibus iustitiae; et si praecipiat actus aliarum virtutum, hoc non est nisi in quantum assumunt rationem iustitiae; ut patet per philosophum, in

V Ethic. Sed communitas ad quam ordinat lex divina, est hominum ad Deum, vel in praesenti vel in futura vita. Et ideo lex divina praecepta proponit de omnibus illis per quae homines bene ordinantur ad communicationem cum Deo. Homo autem Deo coniungitur ratione, sive mente, in qua est Dei imago. Et ideo lex divina praecepta proponit de omnibus illis per quae ratio hominis est bene ordinata. Hoc autem contingit per actus omnium virtutum, nam virtutes intellectuales ordinant bene actus rationis in seipsis; virtutes autem morales ordinant bene actus rationis circa interiores passiones et exteriores operationes. Et ideo manifestum est quod lex divina convenienter proponit praecepta de actibus omnium virtutum, ita tamen quod quaedam, sine quibus ordo virtutis, qui est ordo rationis, observari non potest, cadunt sub obligatione praecepti; quaedam vero, quae pertinent ad bene esse virtutis perfectae, cadunt sub admonitione consilii.

[37856] I^a-IIae q. 100 a. 2 ad 1

Ad primum ergo dicendum quod adimpletio mandatorum legis etiam quae sunt de actibus aliarum virtutum, habet rationem iustificationis, inquantum iustum est ut homo obediat Deo. Vel etiam inquantum iustum est quod omnia quae sunt hominis, rationi subdantur.

[37857] I^a-IIae q. 100 a. 2 ad 2

Ad secundum dicendum quod iustitia proprie dicta attendit debitum unius hominis ad alium, sed in omnibus aliis virtutibus attenditur debitum inferiorum virium ad rationem. Et secundum rationem huius debiti, philosophus assignat, in V Ethic., quandam iustitiam metaphoricam.

[37858] I^a-IIae q. 100 a. 2 ad 3

Ad tertium patet responsio per ea quae dicta sunt de diversitate communitatis.

Articulus 3

[37859] I^a-IIae q. 100 a. 3 arg. 1

Ad tertium sic proceditur. Videtur quod non omnia praecepta moralia veteris legis reducantur ad decem praecepta Decalogi. Prima enim et principalia legis praecepta sunt, diliges dominum Deum tuum, et, diliges proximum tuum, ut habetur Matth. XXII. Sed ista duo non continentur in

praeceptis Decalogi. Ergo non omnia praecepta moralia continentur in praeceptis Decalogi.

[37860] I^a-IIae q. 100 a. 3 arg. 2

Praeterea, praecepta moralia non reducuntur ad praecepta caeremonialia, sed potius e converso. Sed inter praecepta Decalogi est unum caeremoniale, scilicet, *memento ut diem sabbati sanctifices*. Ergo praecepta moralia non reducuntur ad omnia praecepta Decalogi.

[37861] I^a-IIae q. 100 a. 3 arg. 3

Praeterea, praecepta moralia sunt de omnibus actibus virtutum. Sed inter praecepta Decalogi ponuntur sola praecepta pertinentia ad actus iustitiae; ut patet discurrenti per singula. Ergo praecepta Decalogi non continent omnia praecepta moralia.

[37862] I^a-IIae q. 100 a. 3 s. c.

Sed contra est quod, Matth. V, super illud, *beati estis cum maledixerint* etc., dicit Glossa quod *Moyses, decem praecepta proponens, postea per partes explicat*. Ergo omnia praecepta legis sunt quaedam partes praeceptorum Decalogi.

[37863] I^a-IIae q. 100 a. 3 co.

Respondeo dicendum quod praecepta Decalogi ab aliis praeceptis legis differunt in hoc, quod praecepta Decalogi per seipsum Deus dicitur populo proposuisse; alia vero praecepta proposuit populo per Moysen. Illa ergo praecepta ad Decalogum pertinent, quorum notitiam homo habet per seipsum a Deo. Huiusmodi vero sunt illa quae statim ex principiis communibus primis cognosci possunt modica consideratione, et iterum illa quae statim ex fide divinitus infusa innotescunt. Inter praecepta ergo Decalogi non computantur duo genera praeceptorum, illa scilicet quae sunt prima et communia, quorum non oportet aliam editionem esse nisi quod sunt scripta in ratione naturali quasi per se nota, sicut quod nulli debet homo malefacere, et alia huiusmodi; et iterum illa quae per diligentem inquisitionem sapientum inveniuntur rationi convenire, haec enim proveniunt a Deo ad populum mediante disciplina sapientum. Utraque tamen horum praeceptorum continentur in praeceptis Decalogi, sed diversimode. Nam illa quae sunt prima et communia, continentur in eis sicut principia in conclusionibus proximis, illa vero quae per sapientes cognoscuntur, continentur in eis, e converso,

sicut conclusiones in principiis.

[37864] I^a-IIae q. 100 a. 3 ad 1

Ad primum ergo dicendum quod illa duo praecepta sunt prima et communia praecepta legis naturae, quae sunt per se nota rationi humanae, vel per naturam vel per fidem. Et ideo omnia praecepta Decalogi ad illa duo referuntur sicut conclusiones ad principia communia.

[37865] I^a-IIae q. 100 a. 3 ad 2

Ad secundum dicendum quod praeceptum de observatione sabbati est secundum aliquid morale, inquantum scilicet per hoc praecipitur quod homo aliquo tempore vacet rebus divinis; secundum illud Psalmi XLV, *vacate, et videte quoniam ego sum Deus*. Et secundum hoc, inter praecepta Decalogi computatur. Non autem quantum ad taxationem temporis, quia secundum hoc est caeremoniale.

[37866] I^a-IIae q. 100 a. 3 ad 3

Ad tertium dicendum quod ratio debiti in aliis virtutibus est magis latens quam in iustitia. Et ideo praecepta de actibus aliarum virtutum non sunt ita nota populo sicut praecepta de actibus iustitiae. Et propter hoc actus iustitiae specialiter cadunt sub praeceptis Decalogi, quae sunt prima legis elementa.

Articulus 4

[37867] I^a-IIae q. 100 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod inconvenienter praecepta Decalogi distinguantur. Latria enim est alia virtus a fide. Sed praecepta dantur de actibus virtutum. Sed hoc quod dicitur in principio Decalogi, non habebis deos alienos coram me, pertinet ad fidem, quod autem subditur, non facies sculptile etc., pertinet ad latriam. Ergo sunt duo praecepta, et non unum, sicut Augustinus dicit.

[37868] I^a-IIae q. 100 a. 4 arg. 2

Praeterea, praecepta affirmativa in lege distinguuntur a negativis, sicut, honora patrem et matrem, et, non occides. Sed hoc quod dicitur, ego sum dominus Deus tuus, est affirmativum, quod autem subditur, non habebis deos alienos coram me, est negativum. Ergo sunt duo praecepta, et non continentur sub uno, ut Augustinus ponit.

Praeterea, apostolus, ad Rom. VII, dicit, *concupiscentiam nesciebam, nisi lex diceret, non concupisces*. Et sic videtur quod hoc praeceptum, non concupisces, sit unum praeceptum. Non ergo debet distinguui in duo.

Sed contra est auctoritas Augustini, in Glossa super Exod., ubi ponit tria praecepta pertinentia ad Deum, et septem ad proximum.

Respondeo dicendum quod praecepta Decalogi diversimode a diversis distinguuntur. Hesychius enim, Levit. XXVI, super illud, *decem mulieres in uno clibano coquunt panes*, dicit praeceptum de observatione sabbati non esse de decem praeceptis, quia non est observandum, secundum litteram, secundum omne tempus. Distinguit tamen quatuor praecepta pertinentia ad Deum, ut primum sit, ego sum dominus Deus tuus; secundum sit, non habebis deos alienos coram me (et sic etiam distinguit haec duo Hieronymus, Osee X, super illud, propter duas iniquitates tuas); tertium vero praeceptum esse dicit, non facies tibi sculptile; quartum vero, non assumes nomen Dei tui in vanum. Pertinentia vero ad proximum dicit esse sex, ut primum sit, honora patrem tuum et matrem tuam; secundum, non occides; tertium, non moechaberis; quartum, non furtum facies; quintum, non falsum testimonium dices; sextum, non concupisces. Sed primo hoc videtur inconueniens, quod praeceptum de observatione sabbati praeceptis Decalogi interponatur, si nullo modo ad Decalogum pertineat. Secundo quia, cum scriptum sit Matth. VI, nemo potest duobus dominis servire, eiusdem rationis esse videtur, et sub eodem praecepto cadere, ego sum dominus Deus tuus, et, non habebis deos alienos. Unde Origenes, distinguens etiam quatuor praecepta ordinantia ad Deum, ponit ista duo pro uno praecepto; secundum vero ponit, non facies sculptile; tertium, non assumes nomen Dei tui in vanum; quartum, memento ut diem sabbati sanctifices. Alia vero sex ponit sicut Hesychius. Sed quia facere sculptile vel similitudinem non est prohibitum nisi secundum hoc, ut non colantur pro diis (nam et in tabernaculo Deus praecepit fieri imaginem Seraphim, ut habetur Exod. XXV); convenientius Augustinus ponit sub uno praecepto, non habebis deos alienos, et, non facies sculptile. Similiter etiam concupiscentia uxoris alienae ad commixtionem, pertinet ad concupiscentiam carnis;

concupiscentiae autem aliarum rerum, quae desiderantur ad possidendum, pertinent ad concupiscentiam oculorum; unde etiam Augustinus ponit duo praecepta de non concupiscendo rem alienam, et uxorem alienam. Et sic ponit tria praecepta in ordine ad Deum, et septem in ordine ad proximum. Et hoc melius est.

[37872] I^a-IIae q. 100 a. 4 ad 1

Ad primum ergo dicendum quod latria non est nisi quaedam protestatio fidei, unde non sunt alia praecepta danda de latria, et alia de fide. Potius tamen sunt danda de latria quam de fide, quia praeceptum fidei praesupponitur ad praecepta Decalogi, sicut praeceptum dilectionis. Sicut enim prima praecepta communia legis naturae sunt per se nota habenti rationem naturalem, et promulgatione non indigent; ita etiam et hoc quod est credere in Deum, est primum et per se notum ei qui habet fidem, accedentem enim ad Deum oportet credere quia est, ut dicitur ad Heb. XI. Et ideo non indiget alia promulgatione nisi infusione fidei.

[37873] I^a-IIae q. 100 a. 4 ad 2

Ad secundum dicendum quod praecepta affirmativa distinguuntur a negativis, quando unum non comprehenditur in alio, sicut in honoratione parentum non includitur quod nullus homo occidatur, nec e converso. Sed quando affirmativum comprehenditur in negativo vel e converso, non dantur super hoc diversa praecepta, sicut non datur aliud praeceptum de hoc quod est, non furtum facies, et de hoc quod est conservare rem alienam, vel restituere eam. Et eadem ratione non sunt diversa praecepta de credendo in Deum, et de hoc quod non credatur in alienos deos.

[37874] I^a-IIae q. 100 a. 4 ad 3

Ad tertium dicendum quod omnis concupiscentia convenit in una communi ratione, et ideo apostolus singulariter de mandato concupiscendi loquitur. Quia tamen in speciali diversae sunt rationes concupiscendi, ideo Augustinus distinguit diversa praecepta de non concupiscendo, differunt enim specie concupiscentiae secundum diversitatem actionum vel concupiscibilium, ut philosophus dicit, in X Ethic.

[37875] I^a-IIae q. 100 a. 5 arg. 1

Ad quintum sic proceditur. Videtur quod inconvenienter praecepta Decalogi enumerentur. Peccatum enim, ut Ambrosius dicit, est *transgressio legis divinae, et caelestium inobedientia mandatorum*. Sed peccata distinguuntur per hoc quod homo peccat vel in Deum, vel in proximum, vel in seipsum. Cum igitur in praeceptis Decalogi non ponantur aliqua praecepta ordinantia hominem ad seipsum, sed solum ordinantia ipsum ad Deum et proximum; videtur quod insufficiens sit enumeratio praeceptorum Decalogi.

[37876] I^a-IIae q. 100 a. 5 arg. 2

Praeterea, sicut ad cultum Dei pertinebat observatio sabbati, ita etiam observatio aliarum solemnitatum, et immolatio sacrificiorum. Sed inter praecepta Decalogi est unum pertinens ad observantiam sabbati. Ergo etiam debent esse aliqua pertinentia ad alias solemnitates, et ad ritum sacrificiorum.

[37877] I^a-IIae q. 100 a. 5 arg. 3

Praeterea, sicut contra Deum peccare contingit periurando, ita etiam blasphemando, vel alias contra doctrinam divinam mentiendo. Sed ponitur unum praeceptum prohibens periurium, cum dicitur, *non assumes nomen Dei tui in vanum*. Ergo peccatum blasphemiae, et falsae doctrinae, debent aliquo praecepto Decalogi prohiberi.

[37878] I^a-IIae q. 100 a. 5 arg. 4

Praeterea, sicut homo naturalem dilectionem habet ad parentes, ita etiam ad filios. Mandatum etiam caritatis ad omnes proximos extenditur. Sed praecepta Decalogi ordinantur ad caritatem; secundum illud I Tim. I, *finis praecepti caritas est*. Ergo sicut ponitur quoddam praeceptum pertinens ad parentes, ita etiam debuerunt poni aliqua praecepta pertinentia ad filios et ad alios proximos.

[37879] I^a-IIae q. 100 a. 5 arg. 5

Praeterea, in quolibet genere peccati contingit peccare corde et opere. Sed in quibusdam generibus peccatorum, scilicet in furto et adulterio, seorsum prohibetur peccatum operis, cum dicitur, *non moechaberis, non furtum facies*; et seorsum peccatum cordis, cum dicitur, *non concupisces rem proximi tui, et, non concupisces uxorem proximi tui*. Ergo etiam

idem debuit poni in peccato homicidii et falsi testimonii.

[37880] I^a-IIae q. 100 a. 5 arg. 6

Praeterea, sicut contingit peccatum provenire ex inordinatione concupiscibilis, ita etiam ex inordinatione irascibilis. Sed quibusdam praeceptis prohibetur inordinata concupiscentia, cum dicitur, non concupisces. Ergo etiam aliqua praecepta in Decalogo debuerunt poni per quae prohiberetur inordinatio irascibilis. Non ergo videtur quod convenienter decem praecepta Decalogi enumerentur.

[37881] I^a-IIae q. 100 a. 5 s. c.

Sed contra est quod dicitur Deut. IV, *ostendit vobis pactum suum, quod praecepit ut faceretis; et decem verba quae scripsit in duabus tabulis lapideis.*

[37882] I^a-IIae q. 100 a. 5 co.

Respondeo dicendum quod, sicut supra dictum est, sicut praecepta legis humanae ordinant hominem ad communitatem humanam, ita praecepta legis divinae ordinant hominem ad quandam communitatem seu rempublicam hominum sub Deo. Ad hoc autem quod aliquis in aliqua communitate bene commoretur, duo requiruntur, quorum primum est ut bene se habeat ad eum qui praeesst communitati; aliud autem est ut homo bene se habeat ad alios communitatis consocios et comparticipes. Oportet igitur quod in lege divina primo ferantur quaedam praecepta ordinantia hominem ad Deum; et deinde alia praecepta ordinantia hominem ad alios proximos simul conviventes sub Deo. Principi autem communitatis tria debet homo, primo quidem, fidelitatem; secundo, reverentiam; tertio, famulatum. Fidelitas quidem ad dominum in hoc consistit, ut honorem principatus ad alium non deferat. Et quantum ad hoc accipitur primum praeceptum, cum dicitur, non habebis deos alienos. Reverentia autem ad dominum requiritur ut nihil iniuriosum in eum committatur. Et quantum ad hoc accipitur secundum praeceptum, quod est, non assumes nomen domini Dei tui in vanum. Famulatus autem debetur domino in recompensationem beneficiorum quae ab ipso percipiunt subditi. Et ad hoc pertinet tertium praeceptum, de sanctificatione sabbati in memoriam creationis rerum. Ad proximos autem aliquis bene se habet et specialiter, et generaliter. Specialiter quidem, quantum ad illos quorum est debitor, ut eis debitum reddat. Et

quantum ad hoc accipitur praeceptum de honoratione parentum. Generaliter autem, quantum ad omnes, ut nulli nocumentum inferatur, neque opere neque ore neque corde. Opere quidem infertur nocumentum proximo, quandoque quidem in personam propriam, quantum ad consistentiam scilicet personae. Et hoc prohibetur per hoc quod dicitur, non occides. Quandoque autem in personam coniunctam quantum ad propagationem prolis. Et hoc prohibetur cum dicitur, non moechaberis. Quandoque autem in rem possessam, quae ordinatur ad utrumque. Et quantum ad hoc dicitur, non furtum facies. Nocumentum autem oris prohibetur cum dicitur, *non loqueris contra proximum tuum falsum testimonium*. Nocumentum autem cordis prohibetur cum dicitur, non concupisces. Et secundum hanc etiam differentiam possent distingui tria praecepta ordinantia in Deum. Quorum primum pertinet ad opus, unde ibi dicitur, non facies sculptile. Secundum ad os, unde dicitur, non assumes nomen Dei tui in vanum. Tertium pertinet ad cor, quia in sanctificatione sabbati, secundum quod est morale praeceptum, praecipitur quies cordis in Deum. Vel, secundum Augustinum, per primum praeceptum reveremur unitatem primi principii; per secundum, veritatem divinam; per tertium, eius bonitatem, qua sanctificamur, et in qua quiescimus sicut in fine.

[37883] I^a-II^ae q. 100 a. 5 ad 1

Ad primum ergo potest responderi dupliciter. Primo quidem, quia praecepta Decalogi referuntur ad praecepta dilectionis. Fuit autem dandum praeceptum homini de dilectione Dei et proximi, quia quantum ad hoc lex naturalis obscurata erat propter peccatum, non autem quantum ad dilectionem sui ipsius, quia quantum ad hoc lex naturalis vigeat. Vel quia etiam dilectio sui ipsius includitur in dilectione Dei et proximi, in hoc enim homo vere se diligit, quod se ordinat in Deum. Et ideo etiam in praeceptis Decalogi ponuntur solum praecepta pertinentia ad proximum et ad Deum. Aliter potest dici quod praecepta Decalogi sunt illa quae immediate populus recepit a Deo, unde dicitur Deut. X, *scripsit in tabulis, iuxta id quod prius scripserat, verba decem, quae locutus est ad vos dominus*. Unde oportet praecepta Decalogi talia esse quae statim in mente populi cadere possunt. Praeceptum autem habet rationem debiti. Quod autem homo ex necessitate debeat aliquid Deo vel proximo, hoc de facili cadit in conceptione hominis, et praecipue fidelis. Sed quod

aliquid ex necessitate sit debitum homini de his quae pertinent ad seipsum et non ad alium, hoc non ita in promptu apparet, videtur enim primo aspectu quod quilibet sit liber in his quae ad ipsum pertinent. Et ideo praecepta quibus prohibentur inordinationes hominis ad seipsum, perveniunt ad populum mediante instructione sapientum. Unde non pertinent ad Decalogum.

[37884] I^a-IIae q. 100 a. 5 ad 2

Ad secundum dicendum quod omnes solemnitates legis veteris sunt institutae in commemorationem alicuius divini beneficii vel praeteriti commemorati, vel futuri praefigurati. Et similiter propter hoc omnia sacrificia offerebantur. Inter omnia autem beneficia Dei commemoranda, primum et praecipuum erat beneficium creationis, quod commemoratur in sanctificatione sabbati, unde Exod. XX pro ratione huius praecepti ponitur, *sex enim diebus fecit Deus caelum et terram* et cetera. Inter omnia autem futura beneficia, quae erant praefiguranda, praecipuum et finale erat quies mentis in Deo, vel in praesenti per gratiam, vel in futuro per gloriam, quae etiam figurabatur per observantiam sabbati; unde dicitur Isaiae LVIII, *si averteris a sabbato pedem tuum, facere voluntatem tuam in die sancto meo, et vocaveris sabbatum delicatum, et sanctum domini gloriosum*. Haec enim beneficia primo et principaliter sunt in mente hominum, maxime fidelium. Aliae vero solemnitates celebrantur propter aliqua particularia beneficia temporaliter transeuntia, sicut celebratio phase propter beneficium praeteritae liberationis ex Aegypto, et propter futuram passionem Christi, quae temporaliter transivit, inducens nos in quietem sabbati spiritualis. Et ideo, praetermissis omnibus aliis solemnitatibus et sacrificiis, de solo sabbato fiebat mentio inter praecepta Decalogi.

[37885] I^a-IIae q. 100 a. 5 ad 3

Ad tertium dicendum quod, sicut apostolus dicit, ad Heb. VI, *homines per maiorem sui iurant, et omnis controversiae eorum finis ad confirmationem est iuramentum*. Et ideo, quia iuramentum est omnibus commune, propter hoc prohibitio inordinationis circa iuramentum, specialiter praecepto Decalogi prohibetur. Peccatum vero falsae doctrinae non pertinet nisi ad paucos, unde non oportebat ut de hoc fieret mentio inter praecepta Decalogi. Quamvis etiam, quantum ad aliquem intellectum, in hoc quod dicitur, non assumes nomen Dei tui in vanum,

prohibeatur falsitas doctrinae, una enim Glossa exponit, non dices Christum esse creaturam.

[37886] I^a-IIae q. 100 a. 5 ad 4

Ad quartum dicendum quod statim ratio naturalis homini dictat quod nulli iniuriam faciat, et ideo praecepta prohibentia nocumentum, extendunt se ad omnes. Sed ratio naturalis non statim dictat quod aliquid sit pro alio faciendum, nisi cui homo aliquid debet. Debitum autem filii ad patrem adeo est manifestum quod nulla tergiversatione potest negari, eo quod pater est principium generationis et esse, et insuper educationis et doctrinae. Et ideo non ponitur sub praecepto Decalogi ut aliquod beneficium vel obsequium alicui impendatur nisi parentibus. Parentes autem non videntur esse debitores filiis propter aliqua beneficia suscepta, sed potius e converso. Filius etiam est aliquid patris; et patres amant filios ut aliquid ipsorum, sicut dicit philosophus, in VIII Ethic. Unde eisdem rationibus non ponuntur aliqua praecepta Decalogi pertinentia ad amorem filiorum, sicut neque etiam aliqua ordinantia hominem ad seipsum.

[37887] I^a-IIae q. 100 a. 5 ad 5

Ad quintum dicendum quod delectatio adulterii, et utilitas divitiarum, sunt propter seipsa appetibilia, inquantum habent rationem boni delectabilis vel utilis. Et propter hoc oportuit in eis prohiberi non solum opus, sed etiam concupiscentiam. Sed homicidium et falsitas sunt secundum seipsa horribilia, quia proximus et veritas naturaliter amantur, et non desiderantur nisi propter aliud. Et ideo non oportuit circa peccatum homicidii et falsi testimonii prohibere peccatum cordis, sed solum operis.

[37888] I^a-IIae q. 100 a. 5 ad 6

Ad sextum dicendum quod, sicut supra dictum est, omnes passiones irascibilis derivantur a passionibus concupiscibilis. Et ideo in praeceptis Decalogi, quae sunt quasi prima elementa legis, non erat mentio facienda de passionibus irascibilis, sed solum de passionibus concupiscibilis.

Articulus 6

Ad sextum sic proceditur. Videtur quod inconvenienter ordinentur decem praecepta Decalogi. Dilectio enim proximi videtur esse praevia ad dilectionem Dei, quia proximus est nobis magis notus quam Deus; secundum illud I Ioan. IV, *qui fratrem suum, quem videt, non diligit, Deum, quem non videt, quomodo potest diligere?* Sed tria prima praecepta pertinent ad dilectionem Dei, septem vero alia ad dilectionem proximi. Ergo inconvenienter praecepta Decalogi ordinantur.

Praeterea, per praecepta affirmativa imperantur actus virtutum, per praecepta vero negativa prohibentur actus vitiorum. Sed secundum Boetium, in commento praedicamentorum, prius sunt extirpanda vitia quam inserantur virtutes. Ergo inter praecepta pertinentia ad proximum, primo ponenda fuerunt praecepta negativa quam affirmativa.

Praeterea, praecepta legis dantur de actibus hominum. Sed prior est actus cordis quam oris vel exterioris operis. Ergo inconvenienti ordine praecepta de non concupiscendo, quae pertinent ad cor, ultimo ponuntur.

Sed contra est quod apostolus dicit, Rom. XIII, *quae a Deo sunt, ordinata sunt*. Sed praecepta Decalogi sunt immediate data a Deo, ut dictum est. Ergo convenientem ordinem habent.

Respondeo dicendum quod, sicut dictum est, praecepta Decalogi dantur de his quae statim in promptu mens hominis suscipit. Manifestum est autem quod tanto aliquid magis a ratione suscipitur, quanto contrarium est gravius et magis rationi repugnans. Manifestum est autem quod, cum rationis ordo a fine incipiat, maxime est contra rationem ut homo inordinate se habeat circa finem. Finis autem humanae vitae et societatis est Deus. Et ideo primo oportuit per praecepta Decalogi hominem ordinare ad Deum, cum eius contrarium sit gravissimum. Sicut etiam in exercitu, qui ordinatur ad ducem sicut ad finem, primum est quod miles subdatur duci, et huius contrarium est gravissimum; secundum vero est ut aliis coordinetur. Inter ipsa autem per quae ordinamur in Deum, primum occurrit quod homo fideliter ei subdatur, nullam participationem

cum inimicis habens. Secundum autem est quod ei reverentiam exhibeat. Tertium autem est quod etiam famulatum impendat. Maiusque peccatum est in exercitu si miles, infideliter agens, cum hoste pactum habeat, quam si aliquam irreverentiam faciat duci, et hoc est etiam gravius quam si in aliquo obsequio ducis deficiens inveniatur. In praeceptis autem ordinantibus ad proximum, manifestum est quod magis repugnat rationi, et gravius peccatum est, si homo non servet ordinem debitum ad personas quibus magis est debitor. Et ideo inter praecepta ordinantia ad proximum, primo ponitur praeceptum pertinens ad parentes. Inter alia vero praecepta etiam apparet ordo secundum ordinem gravitatis peccatorum. Gravius est enim, et magis rationi repugnans, peccare opere quam ore, et ore quam corde. Et inter peccata operis, gravius est homicidium, per quod tollitur vita hominis iam existentis, quam adulterium, per quod impeditur certitudo prolis nasciturae; et adulterium gravius quam furtum, quod pertinet ad bona exteriora.

[37894] I^a-IIae q. 100 a. 6 ad 1

Ad primum ergo dicendum quod, quamvis secundum viam sensus proximus sit magis notus quam Deus, tamen dilectio Dei est ratio dilectionis proximi, ut infra patebit. Et ideo praecepta ordinantia ad Deum, fuerunt praeordinanda.

[37895] I^a-IIae q. 100 a. 6 ad 2

Ad secundum dicendum quod, sicut Deus est universale principium essendi omnibus, ita etiam pater est principium quoddam essendi filio. Et ideo convenienter post praecepta pertinentia ad Deum, ponitur praeceptum pertinens ad parentes. Ratio autem procedit quando affirmativa et negativa pertinent ad idem genus operis. Quamvis etiam et in hoc non habeat omnimodam efficaciam. Etsi enim in executione operis, prius extirpanda sint vitia quam inserendae virtutes, secundum illud Psalmi XXXIII, *declina a malo, et fac bonum*, et Isaiae I, *quiescite agere perverse, discite benefacere*; tamen in cognitione prior est virtus quam peccatum, quia per rectum cognoscitur obliquum, ut dicitur in I de anima. Per legem autem cognitio peccati, ut Rom. III dicitur. Et secundum hoc, praeceptum affirmativum debuisset primo poni. Sed non est ista ratio ordinis, sed quae supra posita est. Quia in praeceptis pertinentibus ad Deum, quae sunt primae tabulae, ultimo ponitur

praeceptum affirmativum, quia eius transgressio minorem reatum inducit.

[37896] I^a-IIae q. 100 a. 6 ad 3

Ad tertium dicendum quod peccatum cordis etsi sit prius in executione, tamen eius prohibitio posterius cadit in ratione.

Articulus 7

[37897] I^a-IIae q. 100 a. 7 arg. 1

Ad septimum sic proceditur. Videtur quod praecepta Decalogi inconvenienter tradantur. Praecepta enim affirmativa ordinant ad actus virtutum, praecepta autem negativa abstrahunt ab actibus vitiorum. Sed circa quamlibet materiam opponuntur sibi virtutes et vitia. Ergo in qualibet materia de qua ordinat praeceptum Decalogi, debuit poni praeceptum affirmativum et negativum. Inconvenienter igitur ponuntur quaedam affirmativa et quaedam negativa.

[37898] I^a-IIae q. 100 a. 7 arg. 2

Praeterea, Isidorus dicit quod omnis lex ratione constat. Sed omnia praecepta Decalogi pertinent ad legem divinam. Ergo in omnibus debuit ratio assignari, et non solum in primo et tertio praecepto.

[37899] I^a-IIae q. 100 a. 7 arg. 3

Praeterea, per observantiam praeceptorum meretur aliquis praemia a Deo. Sed divinae promissiones sunt de praemiis praeceptorum. Ergo promissio debuit poni in omnibus praeceptis, et non solum in primo et quarto.

[37900] I^a-IIae q. 100 a. 7 arg. 4

Praeterea, lex vetus dicitur lex timoris, in quantum per comminationes poenarum inducebat ad observationes praeceptorum. Sed omnia praecepta Decalogi pertinent ad legem veterem. Ergo in omnibus debuit poni comminatio poenae, et non solum in primo et secundo.

[37901] I^a-IIae q. 100 a. 7 arg. 5

Praeterea, omnia praecepta Dei sunt in memoria retinenda, dicitur enim Prov. III, *describe ea in tabulis cordis tui*. Inconvenienter ergo in solo tertio praecepto fit mentio de memoria. Et ita videntur praecepta Decalogi inconvenienter tradita esse.

[37902] I^a-IIae q. 100 a. 7 s. c.

Sed contra est quod dicitur Sap. XI, quod *Deus omnia fecit in numero, pondere et mensura*. Multo magis ergo in praeceptis suae legis congruum modum tradendi servavit.

[37903] I^a-IIae q. 100 a. 7 co.

Respondeo dicendum quod in praeceptis divinae legis maxima sapientia continetur, unde dicitur Deut. IV, *haec est vestra sapientia et intellectus coram populis*. Sapientis autem est omnia debito modo et ordine disponere. Et ideo manifestum esse debet quod praecepta legis convenienti modo sunt tradita.

[37904] I^a-IIae q. 100 a. 7 ad 1

Ad primum ergo dicendum quod semper ad affirmationem sequitur negatio oppositi, non autem semper ad negationem unius oppositi sequitur affirmatio alterius. Sequitur enim, si est album, non est nigrum, non tamen sequitur, si non est nigrum, ergo est album, quia ad plura sese extendit negatio quam affirmatio. Et inde est etiam quod non esse faciendum iniuriam, quod pertinet ad praecepta negativa, ad plures personas se extendit, secundum primum dictamen rationis, quam esse debitum ut alicui obsequium vel beneficium impendatur. Inest autem primo dictamen rationis quod homo debitor est beneficii vel obsequii exhibendi illis a quibus beneficia accepit, si nondum recompensavit. Duo autem sunt quorum beneficiis sufficienter nullus recompensare potest, scilicet Deus et pater, ut dicitur in VIII Ethic. Et ideo sola duo praecepta affirmativa ponuntur, unum de honoratione parentum; aliud de celebratione sabbati in commemorationem divini beneficii.

[37905] I^a-IIae q. 100 a. 7 ad 2

Ad secundum dicendum quod illa praecepta quae sunt pure moralia, habent manifestam rationem, unde non oportuit quod in eis aliqua ratio adderetur. Sed quibusdam praeceptis additur caeremoniale, vel determinativum praecepti moralis communis, sicut in primo praecepto, non facies sculptile; et in tertio praecepto determinatur dies sabbati. Et ideo utrobique oportuit rationem assignari.

[37906] I^a-IIae q. 100 a. 7 ad 3

Ad tertium dicendum quod homines ut plurimum actus suos ad aliquam utilitatem ordinant. Et ideo in illis praeceptis necesse fuit promissionem

praemii apponere, ex quibus videbatur nulla utilitas sequi, vel aliqua utilitas impediri. Quia vero parentes sunt iam in recedendo, ab eis non expectatur utilitas. Et ideo praecepto de honore parentum additur promissio. Similiter etiam praecepto de prohibitione idololatriae, quia per hoc videbatur impediri apparens utilitas quam homines credunt se posse consequi per pactum cum Daemonibus initum.

[37907] I^a-IIae q. 100 a. 7 ad 4

Ad quartum dicendum quod poenae praecipue necessariae sunt contra illos qui sunt proni ad malum, ut dicitur in X Ethic. Et ideo illis solis praeceptis legis additur comminatio poenarum, in quibus erat pronitas ad malum. Erant autem homines proni ad idololatriam, propter generalem consuetudinem gentium. Et similiter sunt etiam homines proni ad periurium, propter frequentiam iuramenti. Et ideo primis duobus praeceptis adiungitur comminatio.

[37908] I^a-IIae q. 100 a. 7 ad 5

Ad quintum dicendum quod praeceptum de sabbato ponitur ut commemorativum beneficii praeteriti. Et ideo specialiter in eo fit mentio de memoria. Vel quia praeceptum de sabbato habet determinationem adiunctam quae non est de lege naturae; et ideo hoc praeceptum speciali admonitione indiguit.

Articulus 8

[37909] I^a-IIae q. 100 a. 8 arg. 1

Ad octavum sic proceditur. Videtur quod praecepta Decalogi sint dispensabilia. Praecepta enim Decalogi sunt de iure naturali. Sed iustum naturale in aliquibus deficit, et mutabile est, sicut et natura humana, ut philosophus dicit, in V Ethic. Defectus autem legis in aliquibus particularibus casibus est ratio dispensandi, ut supra dictum est. Ergo in praeceptis Decalogi potest fieri dispensatio.

[37910] I^a-IIae q. 100 a. 8 arg. 2

Praeterea, sicut se habet homo ad legem humanam, ita se habet Deus ad legem datam divinitus. Sed homo potest dispensare in praeceptis legis quae homo statuit. Ergo, cum praecepta Decalogi sint instituta a Deo, videtur quod Deus in eis possit dispensare. Sed praelati vice Dei

funguntur in terris, dicit enim apostolus, II ad Cor. II, *nam et ego, si quid donavi, propter vos donavi in persona Christi*. Ergo etiam praelati possunt in praeceptis Decalogi dispensare.

[37911] I^a-IIae q. 100 a. 8 arg. 3

Praeterea, inter praecepta Decalogi continetur prohibitio homicidii. Sed in isto praecepto videtur dispensari per homines, puta cum, secundum praeceptum legis humanae, homines licite occiduntur, puta malefactores vel hostes. Ergo praecepta Decalogi sunt dispensabilia.

[37912] I^a-IIae q. 100 a. 8 arg. 4

Praeterea, observatio sabbati continetur inter praecepta Decalogi. Sed in hoc praecepto fuit dispensatum, dicitur enim I Machab. II, *et cogitaverunt in die illa dicentes, omnis homo quicumque venerit ad nos in bello die sabbatorum, pugnemus adversus eum*. Ergo praecepta Decalogi sunt dispensabilia.

[37913] I^a-IIae q. 100 a. 8 s. c.

Sed contra est quod dicitur Isaiae XXIV, quidam reprehenduntur de hoc quod mutaverunt ius, dissipaverunt foedus sempiternum, quod maxime videtur intelligendum de praeceptis Decalogi. Ergo praecepta Decalogi mutari per dispensationem non possunt.

[37914] I^a-IIae q. 100 a. 8 co.

Respondeo dicendum quod, sicut supra dictum est, tunc in praeceptis debet fieri dispensatio, quando occurrit aliquis particularis casus in quo, si verbum legis observetur, contrariatur intentioni legislatoris. Intentio autem legislatoris cuiuslibet ordinatur primo quidem et principaliter ad bonum commune; secundo autem, ad ordinem iustitiae et virtutis, secundum quem bonum commune conservatur, et ad ipsum pervenitur. Si qua ergo praecepta dentur quae contineant ipsam conservationem boni communis, vel ipsum ordinem iustitiae et virtutis; huiusmodi praecepta continent intentionem legislatoris, et ideo indispensabilia sunt. Puta si poneretur hoc praeceptum in aliqua communitate, quod nullus destrueret rempublicam, neque proderet civitatem hostibus, sive quod nullus faceret aliquid iniuste vel male; huiusmodi praecepta essent indispensabilia. Sed si aliqua alia praecepta traderentur ordinata ad ista praecepta, quibus determinantur aliqui speciales modi, in talibus praeceptis dispensatio posset fieri; inquantum per omissionem huiusmodi praeceptorum in aliquibus casibus, non fieret praeiudicium primis

praeceptis, quae continent intentionem legislatoris. Puta si, ad conservationem reipublicae, statueretur in aliqua civitate quod de singulis vicis aliqui vigilarent ad custodiam civitatis obsessae; posset cum aliquibus dispensari propter aliquam maiorem utilitatem. Praecepta autem Decalogi continent ipsam intentionem legislatoris, scilicet Dei. Nam praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est; praecepta autem secundae tabulae continent ipsum ordinem iustitiae inter homines observandae, ut scilicet nulli fiat indebitum, et cuilibet reddatur debitum; secundum hanc enim rationem sunt intelligenda praecepta Decalogi. Et ideo praecepta Decalogi sunt omnino indispensabilia.

[37915] I^a-IIae q. 100 a. 8 ad 1

Ad primum ergo dicendum quod philosophus non loquitur de iusto naturali quod continet ipsum ordinem iustitiae, hoc enim nunquam deficit, iustitiam esse servandam. Sed loquitur quantum ad determinatos modos observationis iustitiae, qui in aliquibus fallunt.

[37916] I^a-IIae q. 100 a. 8 ad 2

Ad secundum dicendum quod, sicut apostolus dicit, II ad Tim. II, *Deus fidelis permanet, negare seipsum non potest*. Negaret autem seipsum, si ipsum ordinem suae iustitiae auferret, cum ipse sit ipsa iustitia. Et ideo in hoc Deus dispensare non potest, ut homini liceat non ordinate se habere ad Deum, vel non subdi ordini iustitiae eius, etiam in his secundum quae homines ad invicem ordinantur.

[37917] I^a-IIae q. 100 a. 8 ad 3

Ad tertium dicendum quod occisio hominis prohibetur in Decalogo secundum quod habet rationem indebiti, sic enim praeceptum continet ipsam rationem iustitiae. Lex autem humana hoc concedere non potest, quod licite homo indebite occidatur. Sed malefactores occidi, vel hostes reipublicae, hoc non est indebitum. Unde hoc non contrariatur praecepto Decalogi, nec talis occisio est homicidium, quod praecepto Decalogi prohibetur, ut Augustinus dicit, in I de Lib. Arb. Et similiter si alicui auferatur quod suum erat, si debitum est quod ipsum amittat, hoc non est furtum vel rapina, quae praecepto Decalogi prohibentur. Et ideo quando filii Israel praecepto Dei tulerunt Aegyptiorum spolia, non fuit furtum, quia hoc eis debebatur ex sententia Dei. Similiter etiam

Abraham, cum consensit occidere filium, non consensit in homicidium, quia debitum erat eum occidi per mandatum Dei, qui est dominus vitae et mortis. Ipse enim est qui poenam mortis infligit omnibus hominibus, iustis et iniustis, pro peccato primi parentis, cuius sententiae si homo sit executor auctoritate divina, non erit homicida, sicut nec Deus. Et similiter etiam Osee, accedens ad uxorem fornicariam, vel ad mulierem adulteram, non est moechatus nec fornicatus, quia accessit ad eam quae sua erat secundum mandatum divinum, qui est auctor institutionis matrimonii. Sic igitur praecepta ipsa Decalogi, quantum ad rationem iustitiae quam continent, immutabilia sunt. Sed quantum ad aliquam determinationem per applicationem ad singulares actus, ut scilicet hoc vel illud sit homicidium, furtum vel adulterium, aut non, hoc quidem est mutabile, quandoque sola auctoritate divina, in his scilicet quae a solo Deo sunt instituta, sicut in matrimonio, et in aliis huiusmodi; quandoque etiam auctoritate humana, sicut in his quae sunt commissa hominum iurisdictioni. Quantum enim ad hoc, homines gerunt vicem Dei, non autem quantum ad omnia.

[37918] I^a-IIae q. 100 a. 8 ad 4

Ad quartum dicendum quod illa excogitatio magis fuit interpretatio praecepti quam dispensatio. Non enim intelligitur violare sabbatum qui facit opus quod est necessarium ad salutem humanam; sicut dominus probat, Matth. XII.

Articulus 9

[37919] I^a-IIae q. 100 a. 9 arg. 1

Ad nonum sic proceditur. Videtur quod modus virtutis cadat sub praecepto legis. Est enim modus virtutis ut aliquis iuste operetur iusta, et fortiter fortia, et similiter de aliis virtutibus. Sed Deut. XVI praecipitur, *iuste quod iustum est exequeris*. Ergo modus virtutis cadit sub praecepto.

[37920] I^a-IIae q. 100 a. 9 arg. 2

Praeterea, illud maxime cadit sub praecepto quod est de intentione legislatoris. Sed intentio legislatoris ad hoc principaliter fertur ut homines faciat virtuosos, sicut dicitur in II Ethic. Virtuosi autem est virtuose agere. Ergo modus virtutis cadit sub praecepto.

Praeterea, modus virtutis proprie esse videtur ut aliquis voluntarie et delectabiliter operetur. Sed hoc cadit sub praecepto legis divinae, dicitur enim in Psalmo XCIX, *servite domino in laetitia*; et II ad Cor. IX, *non ex tristitia aut ex necessitate, hilarem enim datorem diligit Deus*; ubi Glossa dicit, *quidquid boni facis, cum hilaritate fac, et tunc bene facis, si autem cum tristitia facis, fit de te, non tu facis*. Ergo modus virtutis cadit sub praecepto legis.

Sed contra, nullus potest operari eo modo quo operatur virtuosus, nisi habeat habitum virtutis; ut patet per philosophum, in II et V Ethic. Quicumque autem transgreditur praeceptum legis, meretur poenam. Sequeretur ergo quod ille qui non habet habitum virtutis, quidquid faceret, mereretur poenam. Hoc autem est contra intentionem legis, quae intendit hominem, assuefaciendo ad bona opera, inducere ad virtutem. Non ergo modus virtutis cadit sub praecepto.

Respondeo dicendum quod, sicut supra dictum est, praeceptum legis habet vim coactivam. Illud ergo directe cadit sub praecepto legis, ad quod lex cogit. Coactio autem legis est per metum poenae, ut dicitur X Ethic., nam illud proprie cadit sub praecepto legis, pro quo poena legis infligitur. Ad instituendam autem poenam aliter se habet lex divina, et lex humana. Non enim poena legis infligitur nisi pro illis de quibus legislator habet iudicare, quia ex iudicio lex punit. Homo autem, qui est legis lator humanae, non habet iudicare nisi de exterioribus actibus, quia *homines vident ea quae parent*, ut dicitur I Reg. XVI. Sed solius Dei, qui est lator legis divinae est iudicare de interioribus motibus voluntatum; secundum illud Psalmi VII, *scrutans corda et renes Deus*. Secundum hoc igitur dicendum est quod modus virtutis quantum ad aliquid respicitur a lege humana et divina; quantum ad aliquid autem, a lege divina sed non a lege humana; quantum ad aliquid vero, nec a lege humana nec a lege divina. Modus autem virtutis in tribus consistit, secundum philosophum, in II Ethic. Quorum primum est, si aliquis operetur sciens. Hoc autem diiudicatur et a lege divina et a lege humana. Quod enim aliquis facit ignorans, per accidens facit. Unde secundum ignorantiam aliqua diiudicantur ad poenam vel ad veniam, tam secundum legem humanam

quam secundum legem divinam. Secundum autem est ut aliquis operetur volens, vel eligens et propter hoc eligens; in quo importatur duplex motus interior, scilicet voluntatis et intentionis, de quibus supra dictum est. Et ista duo non diiudicat lex humana, sed solum lex divina. Lex enim humana non punit eum qui vult occidere et non occidit, punit autem eum lex divina, secundum illud Matth. V, *qui irascitur fratri suo, reus erit iudicio*. Tertium autem est ut firme et immobiliter habeat et operetur. Et ista firmitas proprie pertinet ad habitum, ut scilicet aliquis ex habitu radicato operetur. Et quantum ad hoc, modus virtutis non cadit sub praecepto neque legis divinae neque legis humanae, neque enim ab homine neque a Deo punitur tanquam praecepti transgressor, qui debitum honorem impendit parentibus, quamvis non habeat habitum pietatis.

[37924] I^a-IIae q. 100 a. 9 ad 1

Ad primum ergo dicendum quod modus faciendi actum iustitiae qui cadit sub praecepto, est ut fiat aliquid secundum ordinem iuris, non autem quod fiat ex habitu iustitiae.

[37925] I^a-IIae q. 100 a. 9 ad 2

Ad secundum dicendum quod intentio legislatoris est de duobus. De uno quidem, ad quod intendit per praecepta legis inducere, et hoc est virtus. Aliud autem est de quo intendit praeceptum ferre, et hoc est id quod ducit vel disponit ad virtutem, scilicet actus virtutis. Non enim idem est finis praecepti et id de quo praeceptum datur, sicut neque in aliis rebus idem est finis et quod est ad finem.

[37926] I^a-IIae q. 100 a. 9 ad 3

Ad tertium dicendum quod operari sine tristitia opus virtutis, cadit sub praecepto legis divinae, quia quicumque cum tristitia operatur, non volens operatur. Sed delectabiliter operari, sive cum laetitia vel hilaritate, quodammodo cadit sub praecepto, scilicet secundum quod sequitur delectatio ex dilectione Dei et proximi, quae cadit sub praecepto, cum amor sit causa delectationis, et quodammodo non, secundum quod delectatio consequitur habitum; delectatio enim operis est signum habitus generati, ut dicitur in II Ethic. Potest enim aliquis actus esse delectabilis vel propter finem, vel propter convenientiam habitus.

Articulus 10

[37927] I^a-IIae q. 100 a. 10 arg. 1

Ad decimum sic proceditur. Videtur quod modus caritatis cadat sub praecepto divinae legis. Dicitur enim Matth. XIX, *si vis ad vitam ingredi, serva mandata*, ex quo videtur quod observatio mandatorum sufficiat ad introducendum in vitam. Sed opera bona non sufficiunt ad introducendum in vitam, nisi ex caritate fiant, dicitur enim I ad Cor. XIII, *si distribuero in cibos pauperum omnes facultates meas, et si tradidero corpus meum ita ut ardeam, caritatem autem non habuero, nihil mihi prodest*. Ergo modus caritatis est in praecepto.

[37928] I^a-IIae q. 100 a. 10 arg. 2

Praeterea, ad modum caritatis proprie pertinet ut omnia fiant propter Deum. Sed istud cadit sub praecepto, dicit enim apostolus, I ad Cor. X, *omnia in gloriam Dei facite*. Ergo modus caritatis cadit sub praecepto.

[37929] I^a-IIae q. 100 a. 10 arg. 3

Praeterea, si modus caritatis non cadit sub praecepto, ergo aliquis potest implere praecepta legis non habens caritatem. Sed quod potest fieri sine caritate, potest fieri sine gratia, quae semper adiuncta est caritati. Ergo aliquis potest implere praecepta legis sine gratia. Hoc autem est Pelagiani erroris; ut patet per Augustinum, in libro de haeresibus. Ergo modus caritatis est in praecepto.

[37930] I^a-IIae q. 100 a. 10 s. c.

Sed contra est quia quicumque non servat praeceptum, peccat mortaliter. Si igitur modus caritatis cadat sub praecepto, sequitur quod quicumque operatur aliquid et non ex caritate, peccet mortaliter. Sed quicumque non habet caritatem, operatur non ex caritate. Ergo sequitur quod quicumque non habet caritatem, peccet mortaliter in omni opere quod facit, quantumcumque sit de genere bonorum. Quod est inconveniens.

[37931] I^a-IIae q. 100 a. 10 co.

Respondeo dicendum quod circa hoc fuerunt contrariae opiniones. Quidam enim dixerunt absolute modum caritatis esse sub praecepto. Nec est impossibile observare hoc praeceptum caritatem non habenti, quia potest se disponere ad hoc quod caritas ei infundatur a Deo. Nec

quandocumque aliquis non habens caritatem facit aliquid de genere bonorum, peccat mortaliter, quia hoc est praeceptum affirmativum, ut ex caritate operetur, et non obligat ad semper, sed pro tempore illo quo aliquis habet caritatem. Alii vero dixerunt quod omnino modus caritatis non cadit sub praecepto. Utrique autem quantum ad aliquid, verum dixerunt. Actus enim caritatis dupliciter considerari potest. Uno modo, secundum quod est quidam actus per se. Et hoc modo cadit sub praecepto legis quod de hoc specialiter datur, scilicet, *diliges dominum Deum tuum, et, diliges proximum tuum*. Et quantum ad hoc, primi verum dixerunt. Non enim est impossibile hoc praeceptum observare, quod est de actu caritatis, quia homo potest se disponere ad caritatem habendam, et quando habuerit eam, potest ea uti. Alio modo potest considerari actus caritatis secundum quod est modus actuum aliarum virtutum, hoc est secundum quod actus aliarum virtutum ordinantur ad caritatem, quae est finis praecepti, ut dicitur I ad Tim. I, dictum est enim supra quod intentio finis est quidam modus formalis actus ordinati in finem. Et hoc modo verum est quod secundi dixerunt, quod modus caritatis non cadit sub praecepto, hoc est dictum, quod in hoc praecepto, honora patrem, non includitur quod honoretur pater ex caritate, sed solum quod honoretur pater. Unde qui honorat patrem, licet non habens caritatem, non efficitur transgressor huius praecepti, etsi sit transgressor praecepti quod est de actu caritatis, propter quam transgressionem meretur poenam.

[37932] I^a-IIae q. 100 a. 10 ad 1

Ad primum ergo dicendum quod dominus non dixit, si vis ad vitam ingredi, serva unum mandatum, sed, serva omnia mandata. Inter quae etiam continetur mandatum de dilectione Dei et proximi.

[37933] I^a-IIae q. 100 a. 10 ad 2

Ad secundum dicendum quod sub mandato caritatis continetur ut diligatur Deus ex toto corde, ad quod pertinet ut omnia referantur in Deum. Et ideo praeceptum caritatis implere homo non potest, nisi etiam omnia referantur in Deum. Sic ergo qui honorat parentes, tenetur ex caritate honorare, non ex vi huius praecepti quod est, honora parentes, sed ex vi huius praecepti, diliges dominum Deum tuum ex toto corde tuo. Et cum ista sint duo praecepta affirmativa non obligantia ad semper, possunt pro diversis temporibus obligare. Et ita potest contingere quod aliquis implens praeceptum de honoratione parentum, non tunc

transgrediatur praeceptum de omissione modi caritatis.

[37934] I^a-IIae q. 100 a. 10 ad 3

Ad tertium dicendum quod observare omnia praecepta legis homo non potest, nisi impleat praeceptum caritatis, quod non fit sine gratia. Et ideo impossibile est quod Pelagius dixit, hominem implere legem sine gratia.

Articulus 11

[37935] I^a-IIae q. 100 a. 11 arg. 1

Ad undecimum sic proceditur. Videtur quod inconvenienter distinguantur alia moralia praecepta legis praeter Decalogum. Quia ut dominus dicit, Matth. XXII, *in duobus praeceptis caritatis pendet omnis lex et prophetae*. Sed haec duo praecepta explicantur per decem praecepta Decalogi. Ergo non oportet alia praecepta moralia esse.

[37936] I^a-IIae q. 100 a. 11 arg. 2

Praeterea, praecepta moralia a iudicialibus et caeremonialibus distinguuntur, ut dictum est. Sed determinationes communium praeceptorum moralium pertinent ad iudicialia et caeremonialia praecepta, communia autem praecepta moralia sub Decalogo continentur, vel etiam Decalogo praesupponuntur, ut dictum est. Ergo inconvenienter traduntur alia praecepta moralia praeter Decalogum.

[37937] I^a-IIae q. 100 a. 11 arg. 3

Praeterea, praecepta moralia sunt de actibus omnium virtutum, ut supra dictum est. Sicut igitur in lege ponuntur praecepta moralia praeter Decalogum pertinentia ad iustitiam, liberalitatem et misericordiam, et castitatem; ita etiam deberent poni aliqua praecepta pertinentia ad alias virtutes, puta ad fortitudinem, sobrietatem, et alia huiusmodi. Quod tamen non invenitur. Non ergo convenienter distinguuntur in lege alia praecepta moralia quae sunt praeter Decalogum.

[37938] I^a-IIae q. 100 a. 11 s. c.

Sed contra est quod in Psalmo XVIII dicitur, *lex domini immaculata, convertens animas*. Sed per alia etiam moralia quae Decalogo superadduntur, homo conservatur absque macula peccati, et anima eius ad Deum convertitur. Ergo ad legem pertinebat etiam alia praecepta moralia tradere.

Respondeo dicendum quod, sicut ex dictis patet, praecepta iudicialia et caeremonialia ex sola institutione vim habent, quia antequam instituerentur, non videbatur differre utrum sic vel aliter fieret. Sed praecepta moralia ex ipso dictamine naturalis rationis efficaciam habent, etiam si nunquam in lege statuuntur. Horum autem triplex est gradus. Nam quaedam sunt certissima, et adeo manifesta quod editione non indigent; sicut mandata de dilectione Dei et proximi, et alia huiusmodi, ut supra dictum est, quae sunt quasi fines praeceptorum, unde in eis nullus potest errare secundum iudicium rationis. Quaedam vero sunt magis determinata, quorum rationem statim quilibet, etiam popularis, potest de facili videre; et tamen quia in paucioribus circa huiusmodi contingit iudicium humanum perverti, huiusmodi editione indigent, et haec sunt praecepta Decalogi. Quaedam vero sunt quorum ratio non est adeo cuilibet manifesta, sed solum sapientibus, et ista sunt praecepta moralia superaddita Decalogo, tradita a Deo populo per Moysen et Aaron. Sed quia ea quae sunt manifesta, sunt principia cognoscendi eorum quae non sunt manifesta; alia praecepta moralia superaddita Decalogo reducuntur ad praecepta Decalogi, per modum cuiusdam additionis ad ipsa. Nam in primo praecepto Decalogi prohibetur cultus alienorum deorum, cui superadduntur alia praecepta prohibitiva eorum quae ordinantur in cultum idolorum; sicut habetur Deut. XVIII, *non inveniatur in te qui lustret filium suum aut filiam, ducens per ignem, nec sit maleficus atque incantator, nec Pythones consulat neque divinos, et quaerat a mortuis veritatem*. Secundum autem praeceptum prohibet periurium. Superadditur autem ei prohibitio blasphemiae, Levit. XXIV; et prohibitio falsae doctrinae, Deut. XIII. Tertio vero praecepto superadduntur omnia caeremonialia. Quarto autem praecepto, de honore parentum, superadditur praeceptum de honoratione senum, secundum illud Levit. XIX, *coram cano capite consurge, et honora personam senis*; et universaliter omnia praecepta inducentia ad reverentiam exhibendam maioribus, vel ad beneficia exhibenda vel aequalibus vel minoribus. Quinto autem praecepto, quod est de prohibitione homicidii, additur prohibitio odii et cuiuslibet violationis contra proximum, sicut illud Levit. XIX, *non stabis contra sanguinem proximi tui*; et etiam prohibitio odii fratris, secundum illud, *ne oderis fratrem tuum in corde tuo*. Praecepto

autem sexto, quod est de prohibitione adulterii, superadditur praeceptum de prohibitione meretricii, secundum illud Deut. XXIII, *non erit meretrix de filiabus Israel, neque fornicator de filiis Israel*; et iterum prohibitio vitii contra naturam, secundum illud Levit. XVIII, *cum masculo non commisceberis, cum omni pecore non coibis*. Septimo autem praecepto, de prohibitione furti adiungitur praeceptum de prohibitione usurae, secundum illud Deut. XXIII, *non foenerabis fratri tuo ad usuram*; et prohibitio fraudis, secundum illud Deut. XXV, *non habebis in sacco diversa pondera*; et universaliter omnia quae ad prohibitionem calumniae et rapinae pertinent. Octavo vero praecepto, quod est de prohibitione falsi testimonii, additur prohibitio falsi iudicii, secundum illud Exod. XXIII, *nec in iudicio plurimorum acquiesces sententiae, ut a veritate devies*; et prohibitio mendacii, sicut ibi subditur, *mendacium fugies*; et prohibitio detractionis, secundum illud Levit. XIX, *non eris criminator et susurro in populis*. Aliis autem duobus praeceptis nulla alia adiunguntur, quia per ea universaliter omnis mala concupiscentia prohibetur.

[37940] I^a-IIae q. 100 a. 11 ad 1

Ad primum ergo dicendum quod ad dilectionem Dei et proximi ordinantur quidem praecepta Decalogi secundum manifestam rationem debiti, alia vero secundum rationem magis occultam.

[37941] I^a-IIae q. 100 a. 11 ad 2

Ad secundum dicendum quod praecepta caeremonialia et iudicialia sunt determinativa praeceptorum Decalogi ex vi institutionis, non autem ex vi naturalis instinctus, sicut praecepta moralia superaddita.

[37942] I^a-IIae q. 100 a. 11 ad 3

Ad tertium dicendum quod praecepta legis ordinantur ad bonum commune, ut supra dictum est. Et quia virtutes ordinantes ad alium directe pertinent ad bonum commune; et similiter virtus castitatis, inquantum actus generationis deservit bono communi speciei; ideo de istis virtutibus directe dantur praecepta et Decalogi et superaddita. De actu autem fortitudinis datur praeceptum proponendum per duces exhortantes in bello, quod pro bono communi suscipitur, ut patet Deut. XX, ubi mandatur sacerdoti, *nolite metuere, nolite cedere*. Similiter etiam actus gulae prohibendus committitur monitioni paternae, quia contrariatur bono domestico, unde dicitur Deut. XXI, ex persona

parentum, *monita nostra audire contemnit, comessationibus vacat et luxuriae atque conviviis.*

Articulus 12

[37943] I^a-IIae q. 100 a. 12 arg. 1

Ad duodecimum sic proceditur. Videtur quod praecepta moralia veteris legis iustificarent. Dicit enim apostolus, Rom. II, *non enim auditores legis iusti sunt apud Deum, sed factores legis iustificabuntur.* Sed factores legis dicuntur qui implent praecepta legis. Ergo praecepta legis adimpleta iustificabant.

[37944] I^a-IIae q. 100 a. 12 arg. 2

Praeterea, Levit. XVIII dicitur, *custodite leges meas atque iudicia, quae faciens homo vivet in eis.* Sed vita spiritualis hominis est per iustitiam. Ergo praecepta legis adimpleta iustificabant.

[37945] I^a-IIae q. 100 a. 12 arg. 3

Praeterea, lex divina efficacior est quam lex humana. Sed lex humana iustificat, est enim quaedam iustitia in hoc quod praecepta legis adimplentur. Ergo praecepta legis iustificabant.

[37946] I^a-IIae q. 100 a. 12 s. c.

Sed contra est quod apostolus dicit, II ad Cor. III, littera occidit. Quod secundum Augustinum, in libro de spiritu et littera, intelligitur etiam de praeceptis moralibus. Ergo praecepta moralia non iustificabant.

[37947] I^a-IIae q. 100 a. 12 co.

Respondeo dicendum quod, sicut sanum proprie et primo dicitur quod habet sanitatem, per posterius autem quod significat sanitatem, vel quod conservat sanitatem; ita iustificatio primo et proprie dicitur ipsa factio iustitiae; secundo vero, et quasi improprie, potest dici iustificatio significatio iustitiae, vel dispositio ad iustitiam. Quibus duobus modis manifestum est quod praecepta legis iustificabant, in quantum scilicet disponebant homines ad gratiam Christi iustificantem, quam etiam significabant; quia sicut dicit Augustinus, contra Faustum, *etiam vita illius populi prophetica erat, et Christi figurativa.* Sed si loquamur de iustificatione proprie dicta, sic considerandum est quod iustitia potest accipi prout est in habitu, vel prout est in actu, et secundum hoc,

iustificatio dupliciter dicitur. Uno quidem modo, secundum quod homo fit iustus adipiscens habitum iustitiae. Alio vero modo, secundum quod opera iustitiae operatur, ut secundum hoc iustificatio nihil aliud sit quam iustitiae executio. Iustitia autem, sicut et aliae virtutes potest accipi et acquisita et infusa, ut ex supradictis patet. Acquisita quidem causatur ex operibus, sed infusa causatur ab ipso Deo per eius gratiam. Et haec est vera iustitia, de qua nunc loquimur, secundum quam aliquis dicitur iustus apud Deum; secundum illud Rom. IV, *si Abraham ex operibus legis iustificatus est, habet gloriam, sed non apud Deum*. Haec igitur iustitia causari non poterat per praecepta moralia, quae sunt de actibus humanis. Et secundum hoc, praecepta moralia iustificare non poterant iustitiam causando. Si vero accipiatur iustificatio pro executione iustitiae, sic omnia praecepta legis iustificabant, aliter tamen et aliter. Nam praecepta caeremonialia continebant quidem iustitiam secundum se in generali, prout scilicet exhibebantur in cultum Dei, in speciali vero non continebant secundum se iustitiam, nisi ex sola determinatione legis divinae. Et ideo de huiusmodi praeceptis dicitur quod non iustificabant nisi ex devotione et obedientia facientium. Praecepta vero moralia et iudicialia continebant id quod erat secundum se iustum vel in generali, vel etiam in speciali. Sed moralia praecepta continebant id quod est secundum se iustum secundum iustitiam generalem quae est omnis virtus, ut dicitur in V Ethic. Praecepta vero iudicialia pertinebant ad iustitiam specialem, quae consistit circa contractus humanae vitae, qui sunt inter homines ad invicem.

[37948] I^a-IIae q. 100 a. 12 ad 1

Ad primum ergo dicendum quod apostolus accipit ibi iustificationem pro executione iustitiae.

[37949] I^a-IIae q. 100 a. 12 ad 2

Ad secundum dicendum quod homo faciens praecepta legis dicitur vivere in eis, quia non incurrebat poenam mortis, quam lex transgressoribus infligebat. In quo sensu inducit hoc apostolus, Gal. III.

[37950] I^a-IIae q. 100 a. 12 ad 3

Ad tertium dicendum quod praecepta legis humanae iustificat iustitia acquisita, de qua non quaeritur ad praesens, sed solum de iustitia quae est apud Deum.

Quaestio 101

Prooemium

[37951] I^a-IIae q. 101 pr.

Consequenter considerandum est de praeceptis caeremonialibus. Et primo, de ipsis secundum se; secundo, de causa eorum; tertio, de duratione ipsorum. Circa primum quaeruntur quatuor. Primo, quae sit ratio praeceptorum caeremonialium. Secundo, utrum sint figuralia. Tertio, utrum debuerint esse multa. Quarto, de distinctione ipsorum.

Articulus 1

[37952] I^a-IIae q. 101 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod ratio praeceptorum caeremonialium non in hoc consistat quod pertinent ad cultum Dei. In lege enim veteri dantur Iudaeis quaedam praecepta de abstinentia ciborum, ut patet Levit. XI; et etiam de abstinendo ab aliquibus vestimentis, sicut illud Levit. XIX, *vestem quae ex duobus texta est, non indueris*; et iterum quod praecipitur Num. XV, *ut faciant sibi fimbrias per angulos palliorum*. Sed huiusmodi non sunt praecepta moralia, quia non manent in nova lege. Nec etiam iudicialia, quia non pertinent ad iudicium faciendum inter homines. Ergo sunt caeremonialia. Sed in nullo pertinere videntur ad cultum Dei. Ergo non est ratio caeremonialium praeceptorum quod pertineant ad cultum Dei.

[37953] I^a-IIae q. 101 a. 1 arg. 2

Praeterea, dicunt quidam quod praecepta caeremonialia dicuntur illa quae pertinent ad solemnitates, quasi dicerentur a cereis, qui in solemnitatibus accenduntur. Sed multa alia sunt pertinentia ad cultum Dei praeter solemnitates. Ergo non videtur quod praecepta caeremonialia ea ratione dicantur, quia pertinent ad cultum Dei.

[37954] I^a-IIae q. 101 a. 1 arg. 3

Praeterea, secundum quosdam praecepta caeremonialia dicuntur quasi normae, idest regulae, salutis, nam *chaire* in Graeco idem est quod *salve*. Sed omnia praecepta legis sunt regulae salutis, et non solum illa quae pertinent ad Dei cultum. Ergo non solum illa praecepta dicuntur caeremonialia quae pertinent ad cultum Dei.

[37955] I^a-IIae q. 101 a. 1 arg. 4

Praeterea, Rabbi Moyses dicit quod praecepta caeremonialia dicuntur quorum ratio non est manifesta. Sed multa pertinentia ad cultum Dei habent rationem manifestam, sicut observatio sabbati, et celebratio phase et Scenopegiae, et multorum aliorum, quorum ratio assignatur in lege. Ergo caeremonialia non sunt quae pertinent ad cultum Dei.

[37956] I^a-IIae q. 101 a. 1 s. c.

Sed contra est quod dicitur Exod. XVIII, *esto populo in his quae ad Deum pertinent, ostendasque populo caeremonias et ritum colendi.*

[37957] I^a-IIae q. 101 a. 1 co.

Respondeo dicendum quod, sicut supra dictum est, caeremonialia praecepta determinant praecepta moralia in ordine ad Deum, sicut iudicialia determinant praecepta moralia in ordine ad proximum. Homo autem ordinatur ad Deum per debitum cultum. Et ideo caeremonialia proprie dicuntur quae ad cultum Dei pertinent. Ratio autem huius nominis posita est supra, ubi praecepta caeremonialia ab aliis sunt distincta.

[37958] I^a-IIae q. 101 a. 1 ad 1

Ad primum ergo dicendum quod ad cultum Dei pertinent non solum sacrificia et alia huiusmodi, quae immediate ad Deum ordinari videntur, sed etiam debita praeparatio colentium Deum ad cultum ipsius, sicut etiam in aliis quaecumque sunt praeparatoria ad finem, cadunt sub scientia quae est de fine. Huiusmodi autem praecepta quae dantur in lege de vestibus et cibis colentium Deum, et aliis huiusmodi, pertinent ad quandam praeparationem ipsorum ministrantium, ut sint idonei ad cultum Dei, sicut etiam specialibus observantiis aliqui utuntur qui sunt in ministerio regis. Unde etiam sub praeceptis caeremonialibus continentur.

[37959] I^a-IIae q. 101 a. 1 ad 2

Ad secundum dicendum quod illa expositio nominis non videtur esse multum conveniens, praesertim cum non multum inveniatur in lege quod in solemnitatibus cerei accenderentur, sed in ipso etiam candelabro lucernae cum oleo olivarum praeparabantur, ut patet Lev. XXIV. Nihilominus tamen potest dici quod in solemnitatibus omnia illa quae pertinebant ad cultum Dei, diligentius observabantur, et secundum hoc,

in observatione solemnitatum omnia caeremonialia includuntur.

[37960] I^a-IIae q. 101 a. 1 ad 3

Ad tertium dicendum quod nec illa expositio nominis videtur esse multum conveniens, nomen enim caeremoniae non est Graecum, sed Latinum. Potest tamen dici quod, cum salus hominis sit a Deo, praecipue illa praecepta videntur esse salutis regulae, quae hominem ordinant ad Deum. Et sic caeremonialia dicuntur quae ad cultum Dei pertinent.

[37961] I^a-IIae q. 101 a. 1 ad 4

Ad quartum dicendum quod illa ratio caeremonialium est quodammodo probabilis, non quod ex eo dicuntur caeremonialia quia eorum ratio non est manifesta; sed hoc est quoddam consequens. Quia enim praecepta ad cultum Dei pertinentia oportet esse figuralia, ut infra dicetur, inde est quod eorum ratio non est adeo manifesta.

Articulus 2

[37962] I^a-IIae q. 101 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod praecepta caeremonialia non sint figuralia. Pertinet enim ad officium cuiuslibet doctoris ut sic pronunciet ut de facili intelligi possit, sicut Augustinus dicit, in IV de Doctr. Christ. Et hoc maxime videtur esse necessarium in legis latione, quia praecepta legis populo proponuntur. Unde lex debet esse manifesta, ut Isidorus dicit. Si igitur praecepta caeremonialia data sunt in alicuius rei figuram, videtur inconvenienter tradidisse huiusmodi praecepta Moyses, non exponens quid figurarent.

[37963] I^a-IIae q. 101 a. 2 arg. 2

Praeterea, ea quae in cultum Dei aguntur, maxime debent honestatem habere. Sed facere aliqua facta ad alia repraesentanda, videtur esse theatricum, sive poeticum, in theatris enim repraesentabantur olim per aliqua quae ibi gerebantur, quaedam aliorum facta. Ergo videtur quod huiusmodi non debeant fieri ad cultum Dei. Sed caeremonialia ordinantur ad cultum Dei, ut dictum est. Ergo caeremonialia non debent esse figuralia.

[37964] I^a-IIae q. 101 a. 2 arg. 3

Praeterea, Augustinus dicit, in Enchirid., quod *Deus maxime colitur fide*,

spe et caritate. Sed praecepta quae dantur de fide, spe et caritate, non sunt figuralia. Ergo praecepta caeremonialia non debent esse figuralia.

[37965] I^a-IIae q. 101 a. 2 arg. 4

Praeterea, dominus dicit, Ioan. IV, *spiritus est Deus, et eos qui adorant eum, in spiritu et veritate adorare oportet*. Sed figura non est ipsa veritas, immo contra se invicem dividuntur. Ergo caeremonialia, quae pertinent ad cultum Dei, non debent esse figuralia.

[37966] I^a-IIae q. 101 a. 2 s. c.

Sed contra est quod apostolus dicit, ad Colos. II, *nemo vos iudicet in cibo aut in potu, aut in parte diei festi aut Neomeniae aut sabbatorum, quae sunt umbra futurorum*.

[37967] I^a-IIae q. 101 a. 2 co.

Respondeo dicendum quod, sicut iam dictum est, praecepta caeremonialia dicuntur quae ordinantur ad cultum Dei. Est autem duplex cultus Dei, interior, et exterior. Cum enim homo sit compositus ex anima et corpore, utrumque debet applicari ad colendum Deum, ut scilicet anima colat interiori cultu, et corpus exteriori, unde dicitur in Psalmo LXXXIII, *cor meum et caro mea exultaverunt in Deum vivum*. Et sicut corpus ordinatur in Deum per animam, ita cultus exterior ordinatur ad interiorem cultum. Consistit autem interior cultus in hoc quod anima coniungatur Deo per intellectum et affectum. Et ideo secundum quod diversimode intellectus et affectus colentis Deum Deo recte coniungitur, secundum hoc diversimode exteriores actus hominis ad cultum Dei applicantur. In statu enim futurae beatitudinis, intellectus humanus ipsam divinam veritatem in seipsa intuebitur. Et ideo exterior cultus non consistet in aliqua figura, sed solum in laude Dei, quae procedit ex interiori cognitione et affectione; secundum illud Isaiae li, *gaudium et laetitia invenietur in ea, gratiarum actio et vox laudis*. In statu autem praesentis vitae, non possumus divinam veritatem in seipsa intueri, sed oportet quod radius divinae veritatis nobis illucescat sub aliquibus sensibilibus figuris, sicut Dionysius dicit, I cap. Cael. Hier., diversimode tamen, secundum diversum statum cognitionis humanae. In veteri enim lege neque ipsa divina veritas in seipsa manifesta erat, neque etiam adhuc propalata erat via ad hoc perveniendi, sicut apostolus dicit, ad Heb. IX. Et ideo oportebat exteriorem cultum veteris legis non solum

esse figurativum futurae veritatis manifestandae in patria; sed etiam esse figurativum Christi, qui est via ducens ad illam patriae veritatem. Sed in statu novae legis, haec via iam est revelata. Unde hanc praefigurari non oportet sicut futuram, sed commemorari oportet per modum praeteriti vel praesentis, sed solum oportet praefigurari futuram veritatem gloriae nondum revelatam. Et hoc est quod apostolus dicit, ad Heb. X, *umbram habet lex futurorum bonorum, non ipsam imaginem rerum*, umbra enim minus est quam imago; tanquam imago pertineat ad novam legem, umbra vero ad veterem.

[37968] I^a-IIae q. 101 a. 2 ad 1

Ad primum ergo dicendum quod divina non sunt revelanda hominibus nisi secundum eorum capacitatem, alioquin daretur eis praecipitii materia, dum contemnerent quae capere non possent. Et ideo utilius fuit ut sub quodam figurarum velamine divina mysteria rudi populo traderentur, ut sic saltem ea implicite cognoscerent, dum illis figuris deservirent ad honorem Dei.

[37969] I^a-IIae q. 101 a. 2 ad 2

Ad secundum dicendum quod, sicut poetica non capiuntur a ratione humana propter defectum veritatis qui est in eis, ita etiam ratio humana perfecte capere non potest divina propter excedentem ipsorum veritatem. Et ideo utrobique opus est repraesentatione per sensibiles figuras.

[37970] I^a-IIae q. 101 a. 2 ad 3

Ad tertium dicendum quod Augustinus ibi loquitur de cultu interiore; ad quem tamen ordinari oportet exteriorem cultum, ut dictum est.

[37971] I^a-IIae q. 101 a. 2 ad 4

Et similiter dicendum est ad quartum, quia per Christum homines plenius ad spiritualem Dei cultum sunt introducti.

Articulus 3

[37972] I^a-IIae q. 101 a. 3 arg. 1

Ad tertium sic proceditur. Videtur quod non debuerint esse multa caeremonialia praecepta. Ea enim quae sunt ad finem, debent esse fini proportionata. Sed caeremonialia praecepta, sicut dictum est, ordinantur

ad cultum Dei et in figuram Christi. Est autem *unus Deus, a quo omnia; et unus dominus Iesus Christus, per quem omnia*, ut dicitur I ad Cor. VIII. Ergo caeremonialia non debuerunt multiplicari.

[37973] I^a-IIae q. 101 a. 3 arg. 2

Praeterea, multitudo caeremonialium praeceptorum transgressionis erat occasio; secundum illud quod dicit Petrus, Act. XV, *quid tentatis Deum, imponere iugum super cervicem discipulorum, quod neque nos, neque patres nostri, portare potuimus?* Sed transgressio divinorum praeceptorum contrariatur humanae salutis. Cum igitur lex omnis debeat salutis congruere hominum, ut Isidorus dicit, videtur quod non debuerint multa praecepta caeremonialia dari.

[37974] I^a-IIae q. 101 a. 3 arg. 3

Praeterea, praecepta caeremonialia pertinebant ad cultum Dei exteriorum et corporalem, ut dictum est. Sed huiusmodi cultum corporalem lex debebat diminuere, quia ordinabat ad Christum, qui docuit homines Deum colere in spiritu et veritate, ut habetur Ioan. IV. Non ergo debuerunt multa praecepta caeremonialia dari.

[37975] I^a-IIae q. 101 a. 3 s. c.

Sed contra est quod dicitur Osee VIII, *scribam eis multiplices leges intus;* et Iob XI, ut *ostenderet tibi secreta sapientiae, quod multiplex sit lex eius.*

[37976] I^a-IIae q. 101 a. 3 co.

Respondeo dicendum quod, sicut supra dictum est, omnis lex alicui populo datur. In populo autem duo genera hominum continentur, quidam proni ad malum, qui sunt per praecepta legis coercendi, ut supra dictum est; quidam habentes inclinationem ad bonum, vel ex natura vel ex consuetudine, vel magis ex gratia; et tales sunt per legis praeceptum instruendi et in melius promovendi. Quantum igitur ad utrumque genus hominum, expediebat praecepta caeremonialia in veteri lege multiplicari. Erant enim in illo populo aliqui ad idololatriam proni, et ideo necesse erat ut ab idololatriae cultu per praecepta caeremonialia revocarentur ad cultum Dei. Et quia multipliciter homines idololatriae deserviebant, oportebat e contrario multa institui ad singula reprimenda, et iterum multa talibus imponi, ut, quasi oneratis ex his quae ad cultum Dei impenderent, non vacaret idololatriae deservire. Ex parte vero eorum qui

erant prompti ad bonum, etiam necessaria fuit multiplicatio caeremonialium praeceptorum. Tum quia per hoc diversimode mens eorum referebatur in Deum, et magis assidue. Tum etiam quia mysterium Christi, quod per huiusmodi caeremonialia figurabatur, multiplices utilitates attulit mundo, et multa circa ipsum consideranda erant, quae oportuit per diversa caeremonialia figurari.

[37977] I^a-IIae q. 101 a. 3 ad 1

Ad primum ergo dicendum quod, quando id quod ordinatur ad finem, est sufficiens ad ducendum in finem, tunc sufficit unum ad unum finem, sicut una medicina, si sit efficax, sufficit quandoque ad sanitatem inducendam, et tunc non oportet multiplicari medicinam. Sed propter debilitatem et imperfectionem eius quod est ad finem, oportet eam multiplicari, sicut multa remedia adhibentur infirmo, quando unum non sufficit ad sanandum. Caeremoniae autem veteris legis invalidae et imperfectae erant et ad repraesentandum Christi mysterium, quod est superexcellens; et ad subiugandum mentes hominum Deo. Unde apostolus dicit, ad Heb. VII, *reprobatio fit praecedentis mandati, propter infirmitatem et inutilitatem, nihil enim ad perfectum adduxit lex*. Et ideo oportuit huiusmodi caeremonias multiplicari.

[37978] I^a-IIae q. 101 a. 3 ad 2

Ad secundum dicendum quod sapientis legislatoris est minores transgressiones permittere, ut maiores caveantur. Et ideo, ut caveretur transgressio idololatriae, et superbiae quae in Iudaeorum cordibus nasceretur si omnia praecepta legis implerent, non propter hoc praetermisit Deus multa caeremonialia praecepta tradere, quia de facili sumebant ex hoc transgrediendi occasionem.

[37979] I^a-IIae q. 101 a. 3 ad 3

Ad tertium dicendum quod vetus lex in multis diminuit corporalem cultum. Propter quod statuit quod non in omni loco sacrificia offerrentur, neque a quibuslibet. Et multa huiusmodi statuit ad diminutionem exterioris cultus; sicut etiam Rabbi Moyses Aegyptius dicit. Oportebat tamen non ita attenuare corporalem cultum Dei, ut homines ad cultum Daemonum declinarent.

Articulus 4

[37980] I^a-IIae q. 101 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod caeremoniae veteris legis inconvenienter dividantur in sacrificia, sacra, sacramenta et observantias. Caeremoniae enim veteris legis figurabant Christum. Sed hoc solum fiebat per sacrificia, per quae figurabatur sacrificium quo Christus se obtulit oblationem et hostiam Deo, ut dicitur ad Ephes. V. Ergo sola sacrificia erant caeremonialia.

[37981] I^a-IIae q. 101 a. 4 arg. 2

Praeterea, vetus lex ordinabatur ad novam. Sed in nova lege ipsum sacrificium est sacramentum altaris. Ergo in veteri lege non debuerunt distinguere sacramenta contra sacrificia.

[37982] I^a-IIae q. 101 a. 4 arg. 3

Praeterea, sacrum dicitur quod est Deo dicatum, secundum quem modum tabernaculum et vasa eius sacrificari dicebantur. Sed omnia caeremonialia erant ordinata ad cultum Dei, ut dictum est. Ergo caeremonialia omnia sacra erant. Non ergo una pars caeremonialium debet sacra nominari.

[37983] I^a-IIae q. 101 a. 4 arg. 4

Praeterea, observantiae ab observando dicuntur. Sed omnia praecepta legis observari debebant, dicitur enim Deut. VIII, *observa et cave ne quando obliviscaris domini Dei tui, et negligas mandata eius atque iudicia et caeremonias*. Non ergo observantiae debent poni una pars caeremonialium.

[37984] I^a-IIae q. 101 a. 4 arg. 5

Praeterea, solemnitates inter caeremonialia computantur, cum sint in umbram futuri, ut patet ad Colos. II. Similiter etiam oblationes et munera; ut patet per apostolum, ad Heb. IX. Quae tamen sub nullo horum contineri videntur. Ergo inconveniens est praedicta distinctio caeremonialium.

[37985] I^a-IIae q. 101 a. 4 s. c.

Sed contra est quod in veteri lege singula praedicta caeremoniae vocantur. Sacrificia enim dicuntur caeremoniae Num. XV, *offerat vitulum et sacrificia eius ac libamenta, ut caeremoniae eius postulant*. De sacramento etiam ordinis dicitur Levit. VII, *haec est unctio Aaron et*

filiorum eius in caeremoniis. De sacris etiam dicitur Exod. XXXVIII, haec sunt instrumenta tabernaculi testimonii in caeremoniis Levitarum. De observantiis etiam dicitur III Reg. IX, si aversi fueritis, non sequentes me, nec observantes caeremonias quas proposui vobis.

[37986] I^a-IIae q. 101 a. 4 co.

Respondeo dicendum quod, sicut supra dictum est, caeremonialia praecepta ordinantur ad cultum Dei. In quo quidem cultu considerari possunt et ipse cultus, et colentes, et instrumenta colendi. Ipse autem cultus specialiter consistit in sacrificiis, quae in Dei reverentiam offeruntur. Instrumenta autem colendi pertinent ad sacra, sicut est tabernaculum, et vasa, et alia huiusmodi. Ex parte autem colentium duo possunt considerari. Scilicet et eorum institutio ad cultum divinum, quod fit per quandam consecrationem vel populi, vel ministrorum, et ad hoc pertinent sacramenta. Et iterum eorum singularis conversatio, per quam distinguuntur ab his qui Deum non colunt, et ad hoc pertinent observantiae, puta in cibis et vestimentis et aliis huiusmodi.

[37987] I^a-IIae q. 101 a. 4 ad 1

Ad primum ergo dicendum quod sacrificia oportebat offerri et in aliquibus locis, et per aliquos homines, et totum hoc ad cultum Dei pertinet. Unde sicut per sacrificia significatur Christus immolatus, ita etiam per sacramenta et sacra illorum figurabantur sacramenta et sacra novae legis; et per eorum observantias figurabatur conversatio populi novae legis. Quae omnia ad Christum pertinent.

[37988] I^a-IIae q. 101 a. 4 ad 2

Ad secundum dicendum quod sacrificium novae legis, idest Eucharistia, continet ipsum Christum, qui est sanctificationis auctor, sanctificavit enim per suum sanguinem populum, ut dicitur ad Heb. ult. Et ideo hoc sacrificium etiam est sacramentum. Sed sacrificia veteris legis non continebant Christum, sed ipsum figurabant, et ideo non dicuntur sacramenta. Sed ad hoc designandum seorsum erant quaedam sacramenta in veteri lege, quae erant figurae futurae consecrationis. Quamvis etiam quibusdam consecrationibus quaedam sacrificia adiungerentur.

[37989] I^a-IIae q. 101 a. 4 ad 3

Ad tertium dicendum quod etiam sacrificia et sacramenta erant sacra.

Sed quaedam erant quae erant sacra, utpote ad cultum Dei dicata, nec tamen erant sacrificia nec sacramenta, et ideo retinebant sibi commune nomen sacrorum.

[37990] I^a-IIae q. 101 a. 4 ad 4

Ad quartum dicendum quod ea quae pertinebant ad conversationem populi colentis Deum, retinebant sibi commune nomen observantiarum, inquantum a praemissis deficiebant. Non enim dicebantur sacra, quia non habebant immediatum respectum ad cultum Dei, sicut tabernaculum et vasa eius. Sed per quandam consequentiam erant caeremonialia, inquantum pertinebant ad quandam idoneitatem populi colentis Deum.

[37991] I^a-IIae q. 101 a. 4 ad 5

Ad quintum dicendum quod, sicut sacrificia offerebantur in determinato loco ita etiam offerebantur in determinatis temporibus, unde etiam solemnitates inter sacra computari videntur. Oblationes autem et munera computantur cum sacrificiis, quia Deo offerebantur, unde apostolus dicit, ad Heb. V, *omnis pontifex ex hominibus assumptus, pro hominibus constituitur in his quae sunt ad Deum, ut offerat dona et sacrificia.*

Quaestio 102

Prooemium

[37992] I^a-IIae q. 102 pr.

Deinde considerandum est de causis caeremonialium praeceptorum. Et circa hoc quaeruntur sex. Primo, utrum praecepta caeremonialia habeant causam. Secundo, utrum habeant causam litteralem, vel solum figuralem. Tertio, de causis sacrificiorum. Quarto, de causis sacramentorum. Quinto, de causis sacrorum. Sexto, de causis observantiarum.

Articulus 1

[37993] I^a-IIae q. 102 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod caeremonialia praecepta non habeant causam. Quia super illud Ephes. II, legem mandatorum decretis evacuans, dicit Glossa, *idest, evacuans legem veterem quantum ad carnales observantias, decretis, idest praeceptis evangelicis, quae ex*

ratione sunt. Sed si observantiae veteris legis ex ratione erant, frustra evacuarentur per rationabilia decreta novae legis. Non ergo caeremoniales observantiae veteris legis habebant aliquam rationem.

[37994] I^a-IIae q. 102 a. 1 arg. 2

Praeterea, vetus lex successit legi naturae. Sed in lege naturae fuit aliquod praeceptum quod nullam rationem habebat nisi ut hominis obedientia probaretur; sicut Augustinus dicit, VIII super Gen. ad Litt., de prohibitione ligni vitae. Ergo etiam in veteri lege aliqua praecepta danda erant in quibus hominis obedientia probaretur, quae de se nullam rationem haberent.

[37995] I^a-IIae q. 102 a. 1 arg. 3

Praeterea, opera hominis dicuntur moralia secundum quod sunt a ratione. Si igitur caeremonialium praeceptorum sit aliqua ratio, non different a moralibus praeceptis. Videtur ergo quod caeremonialia praecepta non habeant aliquam causam, ratio enim praecepti ex aliqua causa sumitur.

[37996] I^a-IIae q. 102 a. 1 s. c.

Sed contra est quod dicitur in Psalmo XVIII, *praeceptum domini lucidum, illuminans oculos.* Sed caeremonialia sunt praecepta Dei. Ergo sunt lucida. Quod non esset nisi haberent rationabilem causam. Ergo praecepta caeremonialia habent rationabilem causam.

[37997] I^a-IIae q. 102 a. 1 co.

Respondeo dicendum quod, cum sapientis sit ordinare, secundum philosophum, in I Metaphys., ea quae ex divina sapientia procedunt, oportet esse ordinata, ut apostolus dicit, ad Rom. XIII. Ad hoc autem quod aliqua sint ordinata, duo requiruntur. Primo quidem, quod aliqua ordinentur ad debitum finem, qui est principium totius ordinis in rebus agendis, ea enim quae casu eveniunt praeter intentionem finis, vel quae non serio fiunt sed ludo, dicimus esse inordinata. Secundo oportet quod id quod est ad finem, sit proportionatum fini. Et ex hoc sequitur quod ratio eorum quae sunt ad finem, sumitur ex fine, sicut ratio dispositionis serrae sumitur ex sectione, quae est finis eius, ut dicitur in II Physic. Manifestum est autem quod praecepta caeremonialia, sicut et omnia alia praecepta legis, sunt ex divina sapientia instituta, unde dicitur Deut. IV, *haec est sapientia vestra et intellectus coram populis.* Unde necesse est

dicere quod praecepta caeremonialia sint ordinata ad aliquem finem, ex quo eorum rationabiles causae assignari possunt.

[37998] I^a-IIae q. 102 a. 1 ad 1

Ad primum ergo dicendum quod observantiae veteris legis possunt dici sine ratione quantum ad hoc, quod ipsa facta in sui natura rationem non habebant, puta quod vestis non conficeretur ex lana et lino. Poterant tamen habere rationem ex ordine ad aliud, in quantum scilicet vel aliquid per hoc figurabatur, vel aliquid excludebatur. Sed decreta novae legis, quae praecipue consistunt in fide et dilectione Dei, ex ipsa natura actus rationabilia sunt.

[37999] I^a-IIae q. 102 a. 1 ad 2

Ad secundum dicendum quod prohibitio ligni scientiae boni et mali non fuit propter hoc quod illud lignum esset naturaliter malum, sed tamen ipsa prohibitio habuit aliquam rationem ex ordine ad aliud, in quantum scilicet per hoc aliquid figurabatur. Et sic etiam caeremonialia praecepta veteris legis habent rationem in ordine ad aliud.

[38000] I^a-IIae q. 102 a. 1 ad 3

Ad tertium dicendum quod praecepta moralia secundum suam naturam habent rationabiles causas, sicut, non occides, non furtum facies. Sed praecepta caeremonialia habent rationabiles causas ex ordine ad aliud, ut dictum est.

Articulus 2

[38001] I^a-IIae q. 102 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod praecepta caeremonialia non habeant causam litteralem, sed figuralem tantum. Inter praecepta enim caeremonialia praecipua erant circumcisio, et immolatio agni paschalis. Sed utrumque istorum non habebat nisi causam figuralem, quia utrumque istorum datum est in signum. Dicitur enim Gen. XVII, *circumcidetis carnem praeputii vestri, ut sit in signum foederis inter me et vos*. Et de celebratione phase dicitur Exod. XIII, *erit quasi signum in manu tua, et quasi monumentum ante oculos tuos*. Ergo multo magis alia caeremonialia non habent nisi causam figuralem.

[38002] I^a-IIae q. 102 a. 2 arg. 2

Praeterea, effectus proportionatur suae causae. Sed omnia caeremonialia sunt figuralia, ut supra dictum est. Ergo non habent nisi causam figuralem.

[38003] I^a-IIae q. 102 a. 2 arg. 3

Praeterea, illud quod de se est indifferens utrum sic vel non sic fiat, non videtur habere aliquam litteralem causam. Sed quaedam sunt in praeceptis caeremonialibus quae non videntur differre utrum sic vel sic fiant, sicut est de numero animalium offerendorum, et aliis huiusmodi particularibus circumstantiis. Ergo praecepta veteris legis non habent rationem litteralem.

[38004] I^a-IIae q. 102 a. 2 s. c.

Sed contra, sicut praecepta caeremonialia figurabant Christum, ita etiam historiae veteris testamenti, dicitur enim I ad Cor. X, quod omnia in figuram contingebant illis. Sed in historiis veteris testamenti, praeter intellectum mysticum seu figuralem, est etiam intellectus litteralis. Ergo etiam praecepta caeremonialia, praeter causas figurales, habebant etiam causas litterales.

[38005] I^a-IIae q. 102 a. 2 co.

Respondeo dicendum quod, sicut supra dictum est, ratio eorum quae sunt ad finem, oportet quod a fine sumatur. Finis autem praeceptorum caeremonialium est duplex, ordinabatur enim ad cultum Dei pro tempore illo, et ad figurandum Christum; sicut etiam verba prophetarum sic respiciebant praesens tempus, quod etiam in figuram futuri dicebantur, ut Hieronymus dicit, super Osee. Sic igitur rationes praeceptorum caeremonialium veteris legis dupliciter accipi possunt. Uno modo, ex ratione cultus divini qui erat pro tempore illo observandus. Et rationes istae sunt litterales, sive pertineant ad vitandum idololatriae cultum; sive ad memoranda aliqua Dei beneficia; sive ad insinuandam excellentiam divinam; vel etiam ad designandam dispositionem mentis quae tunc requirebatur in colentibus Deum. Alio modo possunt eorum rationes assignari secundum quod ordinantur ad figurandum Christum. Et sic habent rationes figurales et mysticas, sive accipiantur ex ipso Christo et Ecclesia, quod pertinet ad allegoriam; sive ad mores populi Christiani, quod pertinet ad moralitatem; sive ad statum futurae gloriae, prout in eam introducimur per Christum, quod pertinet ad anagogiam.

Ad primum ergo dicendum quod, sicut intellectus metaphoricæ locutionis in Scripturis est litteralis, quia verba ad hoc proferuntur ut hoc significant; ita etiam significationes caeremoniarum legis quæ sunt commemorativæ beneficiorum Dei propter quæ instituta sunt, vel aliorum huiusmodi quæ ad illum statum pertinebant, non transcendunt ordinem litteralium causarum. Unde quod assignetur causa celebrationis phase quia est signum liberationis ex Aegypto, et quod circumcisio est signum pacti quod Deus habuit cum Abraham, pertinet ad causam litteralem.

Ad secundum dicendum quod ratio illa procederet, si caeremonialia praecepta essent data solum ad figurandum futurum, non autem ad praesentialiter Deum colendum.

Ad tertium dicendum quod, sicut in legibus humanis dictum est quod in universali habent rationem, non autem quantum ad particulares conditiones, sed haec sunt ex arbitrio instituentium; ita etiam multae particulares determinationes in caeremoniis veteris legis non habent aliquam causam litteralem, sed solam figuralem; in communi vero habent etiam causam litteralem.

Articulus 3

Ad tertium sic proceditur. Videtur quod non possit conveniens ratio assignari caeremoniarum quæ ad sacrificia pertinent. Ea enim quæ in sacrificium offerebantur, sunt illa quæ sunt necessaria ad sustentandam humanam vitam, sicut animalia quaedam, et panes quidam. Sed tali sustentamento Deus non indiget; secundum illud Psalmi XLIX, *numquid manducabo carnes taurorum, aut sanguinem hircorum potabo?* Ergo inconvenienter huiusmodi sacrificia Deo offerebantur.

Praeterea, in sacrificium divinum non offerebantur nisi de tribus generibus animalium quadrupedum, scilicet de genere bovum, ovium et caprarum; et de avibus, communiter quidem turtur et columba;

specialiter autem in emundatione leprosi fiebat sacrificium de passeribus. Multa autem alia animalia sunt eis nobiliora. Cum igitur omne quod est optimum Deo sit exhibendum, videtur quod non solum de istis rebus fuerint Deo sacrificia offerenda.

[38011] I^a-IIae q. 102 a. 3 arg. 3

Praeterea, sicut homo a Deo habet dominium volatilium et bestiarum, ita etiam piscium. Inconvenienter igitur pisces a divino sacrificio excludebantur.

[38012] I^a-IIae q. 102 a. 3 arg. 4

Praeterea, indifferenter offerri mandantur turtures et columbae. Sicut igitur mandantur offerri pulli columbarum, ita etiam pulli turturum.

[38013] I^a-IIae q. 102 a. 3 arg. 5

Praeterea, Deus est auctor vitae non solum hominum, sed etiam animalium; ut patet per id quod dicitur Gen. I. Mors autem opponitur vitae. Non ergo debuerunt Deo offerri animalia occisa, sed magis animalia viventia. Praecipue quia etiam apostolus monet, Rom. XII, *ut exhibeamus nostra corpora hostiam viventem, sanctam, Deo placentem.*

[38014] I^a-IIae q. 102 a. 3 arg. 6

Praeterea, si animalia Deo in sacrificium non offerebantur nisi occisa, nulla videtur esse differentia qualiter occidantur. Inconvenienter igitur determinatur modus immolationis, praecipue in avibus, ut patet Levit. I.

[38015] I^a-IIae q. 102 a. 3 arg. 7

Praeterea, omnis defectus animalis via est ad corruptionem et mortem. Si igitur animalia occisa Deo offerebantur, inconueniens fuit prohibere oblationem animalis imperfecti, puta claudi aut caeci, aut aliter maculosi.

[38016] I^a-IIae q. 102 a. 3 arg. 8

Praeterea, illi qui offerunt hostias Deo, debent de his participare; secundum illud apostoli, I Cor. X, *nonne qui edunt hostias, participes sunt altaris?* Inconvenienter igitur quaedam partes hostiarum offerentibus subtrahebantur, scilicet sanguis et adeps, et pectusculum et armus dexter.

[38017] I^a-IIae q. 102 a. 3 arg. 9

Praeterea, sicut holocausta offerebantur in honorem Dei, ita etiam

hostiae pacificae et hostiae pro peccato. Sed nullum animal feminini sexus offerebatur Deo in holocaustum, fiebant tamen holocausta tam de quadrupedibus quam de avibus. Ergo inconvenienter in hostiis pacificis et pro peccato offerebantur animalia feminini sexus; et tamen in hostiis pacificis non offerebantur aves.

[38018] I^a-IIae q. 102 a. 3 arg. 10

Praeterea, omnes hostiae pacificae unius generis esse videntur. Non ergo debuit poni ista differentia, quod quorundam pacificorum carnes non possent vesci in crastino, quorundam autem possent, ut mandatur Levit. VII.

[38019] I^a-IIae q. 102 a. 3 arg. 11

Praeterea, omnia peccata in hoc conveniunt quod a Deo avertunt. Ergo pro omnibus peccatis, in Dei reconciliationem, unum genus sacrificii debuit offerri.

[38020] I^a-IIae q. 102 a. 3 arg. 12

Praeterea, omnia animalia quae offerebantur in sacrificium, uno modo offerebantur, scilicet occisa. Non videtur ergo conveniens quod de terrae nascentibus diversimode fiebat oblatio, nunc enim offerebantur spicae, nunc simila, nunc panis, quandoque quidem coctus in clibano, quandoque in sartagine, quandoque in craticula.

[38021] I^a-IIae q. 102 a. 3 arg. 13

Praeterea, omnia quae in usum nostrum veniunt, a Deo recognoscere debemus. Inconvenienter ergo praeter animalia, solum haec Deo offerebantur, panis, vinum, oleum, thus et sal.

[38022] I^a-IIae q. 102 a. 3 arg. 14

Praeterea, sacrificia corporalia exprimunt interius sacrificium cordis, quo homo spiritum suum offert Deo. Sed in interiori sacrificio plus est de dulcedine, quam repraesentat mel, quam de mordacitate, quam repraesentat sal, dicitur enim Eccli. XXIV, *spiritus meus super mel dulcis*. Ergo inconvenienter prohibebatur in sacrificio apponi mel et fermentum, quod etiam facit panem sapidum; et praecipiebatur ibi apponi sal, quod est mordicativum, et thus, quod habet saporem amarum. Videtur ergo quod ea quae pertinent ad caeremonias sacrificiorum, non habeant rationabilem causam.

Sed contra est quod dicitur Levit. I, *oblata omnia adolebit sacerdos super altare in holocaustum et odorem suavissimum domino*. Sed sicut dicitur Sap. VII, *neminem diligit Deus nisi qui cum sapientia inhabitat*, ex quo potest accipi quod quidquid est Deo acceptum, est cum sapientia. Ergo illae caeremoniae sacrificiorum cum sapientia erant, velut habentes rationabiles causas.

Respondeo dicendum quod, sicut supra dictum est, caeremoniae veteris legis duplicem causam habebant, unam scilicet litteralem, secundum quod ordinabantur ad cultum Dei; aliam vero figuralem, sive mysticam, secundum quod ordinabantur ad figurandum Christum. Et ex utraque parte potest convenienter assignari causa caeremoniarum quae ad sacrificia pertinebant. Secundum enim quod sacrificia ordinabantur ad cultum Dei, causa sacrificiorum dupliciter accipipotest. Uno modo, secundum quod per sacrificia repraesentabatur ordinatio mentis in Deum, ad quam excitabatur sacrificium offerens. Ad rectam autem ordinationem mentis in Deum pertinet quod omnia quae homo habet, recognoscat a Deo tanquam a primo principio, et ordinet in Deum tanquam in ultimum finem. Et hoc repraesentabatur in oblationibus et sacrificiis, secundum quod homo ex rebus suis, quasi in recognitionem quod haberet ea a Deo, in honorem Dei ea offerebat; secundum quod dixit David, I Paral. XXIX, *tua sunt omnia; et quae de manu tua accepimus, dedimus tibi*. Et ideo in oblatione sacrificiorum protestabatur homo quod Deus esset primum principium creationis rerum et ultimus finis, ad quem essent omnia referenda. Et quia pertinet ad rectam ordinationem mentis in Deum ut mens humana non recognoscat alium primum auctorem rerum nisi solum Deum, neque in aliquo alio finem suum constituat; propter hoc prohibebatur in lege offerre sacrificium alicui alteri nisi Deo, secundum illud Exod. XXII, *qui immolat diis, occidetur, praeter domino soli*. Et ideo de causa caeremoniarum circa sacrificia potest assignari ratio alio modo, ex hoc quod per huiusmodi homines retrahebantur a sacrificiis idolorum. Unde etiam praecepta de sacrificiis non fuerunt data populo Iudaeorum nisi postquam declinavit ad idololatriam, adorando vitulum conflatilem, quasi huiusmodi sacrificia sint instituta ut populus ad sacrificandum promptus, huiusmodi sacrificia

magis Deo quam idolis offerret. Unde dicitur Ierem. VII, *non sum locutus cum patribus vestris, et non praecepi eis, in die qua eduxi eos de terra Aegypti, de verbo holocaustatum et victimarum*. Inter omnia autem dona quae Deus humano generi iam per peccatum lapso dedit, praecipuum est quod dedit filium suum, unde dicitur Ioan. III, *sic Deus dilexit mundum ut filium suum unigenitum daret, ut omnis qui credit in ipsum non pereat, sed habeat vitam aeternam*. Et ideo potissimum sacrificium est quo ipse Christus seipsum obtulit Deo in odorem suavitatis, ut dicitur ad Ephes. V. Et propter hoc omnia alia sacrificia offerebantur in veteri lege ut hoc unum singulare et praecipuum sacrificium figuraretur, tanquam perfectum per imperfecta. Unde apostolus dicit, ad Heb. X, quod *sacerdos veteris legis easdem saepe offerebat hostias, quae nunquam possunt auferre peccata, Christus autem pro peccatis obtulit unam in sempiternum*. Et quia ex figurato sumitur ratio figurae, ideo rationes sacrificiorum figurantium veteris legis sunt sumendae ex vero sacrificio Christi.

[38025] I^a-IIae q. 102 a. 3 ad 1

Ad primum ergo dicendum quod Deus non volebat huiusmodi sacrificia sibi offerri propter ipsas res quae offerebantur, quasi eis indigeret, unde dicitur Isaiae I, *holocausta arietum, et adipem pinguium, et sanguinem vitulorum et hircorum et agnorum, nolui*. Sed volebat ea sibi offerri, ut supra dictum est, tum ad excludendam idololatriam; tum ad significandum debitum ordinem mentis humanae in Deum; tum etiam ad figurandum mysterium redemptionis humanae factae per Christum.

[38026] I^a-IIae q. 102 a. 3 ad 2

Ad secundum dicendum quod quantum ad omnia praedicta, conveniens ratio fuit quare ista animalia offerebantur Deo in sacrificium, et non alia. Primo quidem, ad excludendum idololatriam. Quia omnia alia animalia offerebant idololatrae diis suis, vel eis ad maleficia utebantur, ista autem animalia apud Aegyptios, cum quibus conversati erant, abominabilia erant ad occidendum, unde ea non offerebant in sacrificium diis suis; unde dicitur Exod. VIII, *abominationes Aegyptiorum immolabimus domino Deo nostro*. Oves enim colebant; hircos venerabantur, quia in eorum figura Daemones apparebant; bobus autem utebantur ad agriculturam, quam inter res sacras habebant. Secundo, hoc conveniens erat ad praedictam ordinationem mentis in Deum. Et hoc dupliciter.

Primo quidem, quia huiusmodi animalia maxime sunt per quae sustentatur humana vita, et cum hoc mundissima sunt, et mundissimum habent nutrimentum. Alia vero animalia vel sunt silvestria, et non sunt communiter hominum usui deputata, vel, si sunt domestica, immundum habent nutrimentum, ut porcus et gallina; solum autem id quod est purum, Deo est attribuendum. Huiusmodi autem aves specialiter offerebantur, quia habentur in copia in terra promissionis. Secundo, quia per immolationem huiusmodi animalium puritas mentis designatur. Quia, ut dicitur in Glossa Levit. I, *vitulum offerimus, cum carnis superbiam vincimus; agnum, cum irracionales motus corrigimus; haedum, cum lasciviam superamus; turturem, dum castitatem servamus; panes azymos, cum in azymis sinceritatis epulamur*. In columba vero manifestum est quod significatur caritas et simplicitas mentis. Tertio vero, conveniens fuit haec animalia offerri in figuram Christi. Quia, ut in eadem Glossa dicitur, *Christus in vitulo offertur, propter virtutem crucis; in agno, propter innocentiam; in ariete, propter principatum; in hirco, propter similitudinem carnis peccati. In turture et columba duarum naturarum coniunctio monstrabatur, vel in turture castitas, in columba caritas significatur. In similagine aspersione credentium per aquam Baptismi figurabatur*.

[38027] I^a-IIae q. 102 a. 3 ad 3

Ad tertium dicendum quod pisces, quia in aquis vivunt, magis sunt alieni ab homine quam alia animalia, quae vivunt in aere, sicut et homo. Et iterum pisces, ex aqua extracti, statim moriuntur, unde non poterant in templo offerri, sicut alia animalia.

[38028] I^a-IIae q. 102 a. 3 ad 4

Ad quartum dicendum quod in turturibus meliores sunt maiores quam pulli; in columbis autem e converso. Et ideo, ut Rabbi Moyses dicit, mandantur offerri turtures et pulli columbarum, quia omne quod est optimum, Deo est attribuendum.

[38029] I^a-IIae q. 102 a. 3 ad 5

Ad quintum dicendum quod animalia in sacrificium oblata occidebantur, quia veniunt in usum hominis occisa, secundum quod a Deo dantur homini ad esum. Et ideo etiam igni cremabantur, quia per ignem decocta fiunt apta humano usui. Similiter etiam per occisionem animalium

significatur destructio peccatorum. Et quod homines erant digni occisione pro peccatis suis, ac si illa animalia loco eorum occiderentur, ad significandum expiationem peccatorum. Per occisionem etiam huiusmodi animalium significabatur occisio Christi.

[38030] I^a-IIae q. 102 a. 3 ad 6

Ad sextum dicendum quod specialis modus occidendi animalia immolata determinabatur in lege ad excludendum alios modos, quibus idololatrae animalia idolis immolabant. Vel etiam, ut Rabbi Moyses dicit, *lex elegit genus occisionis quo animalia minus affligebantur occisa*. Per quod excludebatur etiam immisericordia offerentium, et deterioratio animalium occisorum.

[38031] I^a-IIae q. 102 a. 3 ad 7

Ad septimum dicendum quod, quia animalia maculosa solent haberi contemptui etiam apud homines, ideo prohibitum est ne Deo in sacrificium offerrentur, propter quod etiam prohibitum erat *ne mercedem prostibuli, aut pretium canis, in domum Dei offerrent*. Et eadem etiam ratione non offerebant animalia ante septimum diem, quia talia animalia erant quasi abortiva, nondum plene consistentia, propter teneritudinem.

[38032] I^a-IIae q. 102 a. 3 ad 8

Ad octavum dicendum quod triplex erat sacrificiorum genus. Quoddam erat quod totum comburebatur, et hoc dicebatur holocaustum, quasi totum incensum. Huiusmodi enim sacrificium offerebatur Deo specialiter ad reverentiam maiestatis ipsius, et amorem bonitatis eius, et conveniebat perfectionis statui in impletione consiliorum. Et ideo totum comburebatur, ut sicut totum animal, resolutum in vaporem, sursum ascendebat, ita etiam significaretur totum hominem, et omnia quae ipsius sunt, Dei dominio esse subiecta, et ei esse offerenda. Aliud autem erat sacrificium pro peccato, quod offerebatur Deo ex necessitate remissionis peccati, et conveniebat statui poenitentium in satisfactione peccatorum. Quod dividebatur in duas partes, nam una pars eius comburebatur, alia vero cedebat in usum sacerdotum; ad significandum quod expiatio peccatorum fit a Deo per ministerium sacerdotum. Nisi quando offerebatur sacrificium pro peccato totius populi, vel specialiter pro peccato sacerdotis, tunc enim totum comburebatur. Non enim debebant in usum sacerdotum venire ea quae pro peccato eorum

offerebantur, ut nihil peccati in eis remaneret. Et quia hoc non esset satisfactio pro peccato, si enim cederet in usum eorum pro quorum peccatis offerebatur, idem esse videretur ac si non offerrent. Tertium vero sacrificium vocabatur hostia pacifica, quae offerebatur Deo vel pro gratiarum actione, vel pro salute et prosperitate offerentium, ex debito beneficii vel accepti vel accipiendi, et convenit statui proficientium in impletione mandatorum. Et ista dividebantur in tres partes, nam una pars incendebatur ad honorem Dei, alia pars cedebat in usum sacerdotum, tertia vero pars in usum offerentium; ad significandum quod salus hominis procedit a Deo, dirigentibus ministris Dei, et cooperantibus ipsis hominibus qui salvantur. Hoc autem generaliter observabatur, quod sanguis et adeps non veniebant neque in usum sacerdotum, neque in usum offerentium, sed sanguis effundebatur ad crepidinem altaris, in honorem Dei; adeps vero adurebatur in igne. Cuius ratio una quidem fuit ad excludendam idololatriam. Idololatrae enim bibebant de sanguine victimarum, et comedebant adipem; secundum illud Deut. XXXII, *de quorum victimis comedebant adipem, et bibebant vinum libaminum*. Secunda ratio est ad informationem humanae vitae. Prohibebatur enim eis usus sanguinis, ad hoc quod horrerent humani sanguinis effusionem, unde dicitur Gen. IX, *carnem cum sanguine non comedetis, sanguinem enim animarum vestrarum requiram*. Esus vero adipum prohibebatur eis ad vitandam lasciviam, unde dicitur Ezech. XXXIV, *quod crassum erat, occidebatis*. Tertia ratio est propter reverentiam divinam. Quia sanguis est maxime necessarius ad vitam, ratione cuius dicitur anima esse in sanguine, adeps autem abundantiam nutrimenti demonstrat. Et ideo ut ostenderetur quod a Deo nobis est et vita et omnis bonorum sufficientia, ad honorem Dei effundebatur sanguis, et adurebatur adeps. Quarta ratio est quia per hoc figurabatur effusio sanguinis Christi, et pinguedo caritatis eius, per quam se obtulit Deo pro nobis. De hostiis autem pacificis in usum sacerdotis cedebat pectusculum et armus dexter, ad excludendum quandam divinationis speciem quae vocatur spatulamantia, quia scilicet in spatulis animalium immolatorum divinabant, et similiter in osse pectoris. Et ideo ista offerentibus subtrahebantur. Per hoc etiam significabatur quod sacerdoti erat necessaria sapientia cordis ad instruendum populum, quod significabatur per pectus, quod est tegumentum cordis; et etiam fortitudo ad sustentandum defectus, quae significatur per armum dextrum.

Ad nonum dicendum quod, quia holocaustum erat perfectissimum inter sacrificia, ideo non offerebatur in holocaustum nisi masculus, nam femina est animal imperfectum. Oblatio autem turturum et columbarum erat propter paupertatem offerentium, qui maiora animalia offerre non poterant. Et quia hostiae pacificae gratis offerebantur, et nullus eas offerre cogebatur nisi spontaneus; ideo huiusmodi aves non offerebantur inter hostias pacificas, sed inter holocausta et hostias pro peccato, quas quandoque oportebat offerre. Aves etiam huiusmodi, propter altitudinem volatus, congruunt perfectioni holocaustorum, et etiam hostiis pro peccato, quia habent gemitum pro cantu.

Ad decimum dicendum quod inter omnia sacrificia holocaustum erat praecipuum, quia totum comburebatur in honorem Dei, et nihil ex eo comedebatur. Secundum vero locum in sanctitate tenebat hostia pro peccato, quae comedebatur solum in atrio a sacerdotibus, et in ipsa die sacrificii. Tertium vero gradum tenebant hostiae pacificae pro gratiarum actione, quae comedebantur ipso die, sed ubique in Ierusalem. Quartum vero locum tenebant hostiae pacificae ex voto, quarum carnes poterant etiam in crastino comedi. Et est ratio huius ordinis quia maxime obligatur homo Deo propter eius maiestatem, secundo, propter offensam commissam; tertio, propter beneficia iam suscepta; quarto, propter beneficia sperata.

Ad undecimum dicendum quod peccata aggravantur ex statu peccantis, ut supra dictum est. Et ideo alia hostia mandatur offerri pro peccato sacerdotis et principis, vel alterius privatae personae. Est autem attendendum, ut Rabbi Moyses dicit, quod *quanto gravius erat peccatum, tanto vilior species animalis offerebatur pro eo. Unde capra, quod est vilissimum animal, offerebatur pro idololatria, quod est gravissimum peccatum; pro ignorantia vero sacerdotis offerebatur vitulus; pro negligentia autem principis, hircus.*

Ad duodecimum dicendum quod lex in sacrificiis providere voluit paupertati offerentium, ut qui non posset habere animal quadrupes,

saltem offerret avem; quam qui habere non posset, saltem offerret panem; et si hunc habere non posset, saltem offerret farinam vel spicas. Causa vero figuralis est quia panis significat Christum, qui est panis vivus, ut dicitur Ioan. VI. Qui quidem erat sicut in spica, pro statu legis naturae, in fide patrum; erat autem sicut simila in doctrina legis prophetarum; erat autem sicut panis formatus post humanitatem assumptam; coctus igne, idest formatus spiritu sancto in clibano uteri virginalis; qui etiam fuit coctus in sartagine, per labores quos in mundo sustinebat; in cruce vero quasi in craticula adustus.

[38037] I^a-IIae q. 102 a. 3 ad 13

Ad decimumtertium dicendum quod ea quae in usum hominis veniunt de terrae nascentibus, vel sunt in cibum, et de eis offerebatur panis. Vel sunt in potum, et de his offerebatur vinum. Vel sunt in condimentum, et de his offerebatur oleum et sal. Vel sunt in medicamentum, et de his offerebatur thus, quod est aromaticum et consolidativum. Per panem autem figuratur caro Christi; per vinum autem sanguis eius, per quem redempti sumus; oleum figurat gratiam Christi; sal scientiam; thus orationem.

[38038] I^a-IIae q. 102 a. 3 ad 14

Ad decimumquartum dicendum quod mel non offerebatur in sacrificiis Dei, tum quia consueverat offerri in sacrificiis idolorum. Tum etiam ad excludendam omnem carnalem dulcedinem et voluptatem ab his qui Deo sacrificare intendunt. Fermentum vero non offerebatur, ad excludendam corruptionem. Et forte etiam in sacrificiis idolorum solitum erat offerri. Sal autem offerebatur, quia impedit corruptionem putredinis, sacrificia autem Dei debent esse incorrupta. Et etiam quia in sale significatur discretio sapientiae; vel etiam mortificatio carnis. Thus autem offerebatur ad designandam devotionem mentis, quae est necessaria offerentibus; et etiam ad designandum odorem bonae famae, nam thus et pingue est, et odoriferum. Et quia sacrificium zelotypiae non procedebat ex devotione, sed magis ex suspicione, ideo in eo non offerebatur thus.

Articulus 4

[38039] I^a-IIae q. 102 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod caeremoniarum veteris legis quae ad sacra pertinent sufficiens ratio assignari non possit. Dicit enim Paulus, Act. XVII, *Deus, qui fecit mundum et omnia quae in eo sunt, hic, caeli et terrae cum sit dominus, non in manufactis templis habitat.* Inconvenienter igitur ad cultum Dei tabernaculum, vel templum, in lege veteri est institutum.

[38040] I^a-IIae q. 102 a. 4 arg. 2

Praeterea, status veteris legis non fuit immutatus nisi per Christum. Sed tabernaculum designabat statum veteris legis. Non ergo debuit mutari per aedificationem alicuius templi.

[38041] I^a-IIae q. 102 a. 4 arg. 3

Praeterea, divina lex praecipue etiam debet homines inducere ad divinum cultum. Sed ad augmentum divini cultus pertinet quod fiant multa altaria et multa templa, sicut patet in nova lege. Ergo videtur quod etiam in veteri lege non debuit esse solum unum templum aut unum tabernaculum sed multa.

[38042] I^a-IIae q. 102 a. 4 arg. 4

Praeterea, tabernaculum, seu templum, ad cultum Dei ordinabatur. Sed in Deo praecipue oportet venerari unitatem et simplicitatem. Non videtur igitur fuisse conveniens ut tabernaculum, seu templum, per quaedam vela distingueretur.

[38043] I^a-IIae q. 102 a. 4 arg. 5

Praeterea, virtus primi moventis, qui est Deus, primo apparet in parte orientis, a qua parte incipit primus motus. Sed tabernaculum fuit institutum ad Dei adorationem. Ergo debebat esse dispositum magis versus orientem quam versus occidentem.

[38044] I^a-IIae q. 102 a. 4 arg. 6

Praeterea, Exod. XX, dominus praecepit ut *non facerent sculptile, neque aliquam similitudinem.* Inconvenienter igitur in tabernaculo, vel in templo, fuerunt sculptae imagines Cherubim. Similiter etiam et arca, et propitiatorium, et candelabrum, et mensa, et duplex altare, sine rationabili causa ibi fuisse videntur.

[38045] I^a-IIae q. 102 a. 4 arg. 7

Praeterea, dominus praecepit, Exod. XX, altare de terra facietis mihi. Et

iterum, non ascendes ad altare meum per gradus. Inconvenienter igitur mandatur postmodum altare fieri de lignis auro vel aere contextis; et tantae altitudinis ut ad illud nisi per gradus ascendi non posset. Dicitur enim Exod. XXVII, *facies et altare de lignis setim, quod habebit quinque cubitos in longitudine, et totidem in latitudine, et tres cubitos in altitudine; et operies illud aere*. Et Exod. XXX dicitur, *facies altare ad adolendum thymiamata, de lignis setim, vestiesque illud auro purissimo*.

[38046] I^a-IIae q. 102 a. 4 arg. 8

Praeterea, in operibus Dei nihil debet esse superfluum, quia nec in operibus naturae aliquid superfluum invenitur. Sed uni tabernaculo, vel domui, sufficit unum operimentum. Inconvenienter igitur tabernaculo fuerunt apposita multa tegumenta, scilicet cortinae, saga cilicina, pelles arietum rubricatae, et pelles hyacintinae.

[38047] I^a-IIae q. 102 a. 4 arg. 9

Praeterea, consecratio exterior interiorem sanctitatem significat, cuius subiectum est anima. Inconvenienter igitur tabernaculum et eius vasa consecrabantur, cum essent quaedam corpora inanimata.

[38048] I^a-IIae q. 102 a. 4 arg. 10

Praeterea, in Psalmo XXXIII dicitur, *benedicam dominum in omni tempore, semper laus eius in ore meo*. Sed solemnitates instituuntur ad laudandum Deum. Non ergo fuit conveniens ut aliqui certi dies statuerentur ad solemnitates peragendas. Sic igitur videtur quod caeremoniae sacrorum convenientes causas non haberent.

[38049] I^a-IIae q. 102 a. 4 s. c.

Sed contra est quod apostolus dicit, ad Heb. VIII, quod *illi qui offerunt secundum legem munera, exemplari et umbrae deserviunt caelestium, sicut responsum est Moysi, cum consummaret tabernaculum, vide, inquit, omnia facito secundum exemplar quod tibi in monte monstratum est*. Sed valde rationabile est quod imaginem caelestium repraesentat. Ergo caeremoniae sacrorum rationabilem causam habebant.

[38050] I^a-IIae q. 102 a. 4 co.

Respondeo dicendum quod totus exterior cultus Dei ad hoc praecipue ordinatur ut homines Deum in reverentia habeant. Habet autem hoc humanus affectus, ut ea quae communia sunt, et non distincta ab aliis,

minus revereat; ea vero quae habent aliquam excellentiae discretionem ab aliis, magis admiretur et revereat. Et inde etiam hominum consuetudo inolevit ut reges et principes, quos oportet in reverentia haberi a subditis, et pretiosioribus vestibus ornentur, et etiam ampliores et pulchriores habitationes possideant. Et propter hoc oportuit ut aliqua specialia tempora, et speciale habitaculum, et specialia vasa, et speciales ministri ad cultum Dei ordinarentur, ut per hoc animi hominum ad maiorem Dei reverentiam adducerentur. Similiter etiam status veteris legis, sicut dictum est, institutus erat ad figurandum mysterium Christi. Oportet autem esse aliquid determinatum id per quod aliud figurari debet, ut scilicet eius aliquam similitudinem repraesentet. Et ideo etiam oportuit aliqua specialia observari in his quae pertinent ad cultum Dei.

[38051] I^a-IIae q. 102 a. 4 ad 1

Ad primum ergo dicendum quod cultus Dei duo respicit, scilicet Deum, qui colitur; et homines colentes. Ipse igitur Deus, qui colitur, nullo corporali loco clauditur, unde propter ipsum non oportuit tabernaculum fieri, aut templum. Sed homines ipsum colentes corporales sunt, et propter eos oportuit speciale tabernaculum, vel templum, institui ad cultum Dei, propter duo. Primo quidem, ut ad huiusmodi locum convenientes cum hac cogitatione quod deputaretur ad colendum Deum, cum maiori reverentia accederent. Secundo, ut per dispositionem talis templi, vel tabernaculi, significarentur aliqua pertinentia ad excellentiam divinitatis vel humanitatis Christi. Et hoc est quod Salomon dicit, III Reg. VIII, *si caelum et caeli caelorum te capere non possunt, quanto magis domus haec, quam aedificavi tibi? Et postea subdit, sint oculi tui aperti super domum hanc, de qua dixisti, erit nomen meum ibi; ut exaudias deprecationem servi tui et populi tui Israel.* Ex quo patet quod domus sanctuarii non est instituta ad hoc quod Deum capiat, quasi localiter inhabitantem; sed ad hoc quod nomen Dei habitet ibi, idest ut notitia Dei ibi manifestetur per aliqua quae ibi fiebant vel dicebantur; et quod, propter reverentiam loci, orationes fierent ibi magis exaudibiles ex devotione orantium.

[38052] I^a-IIae q. 102 a. 4 ad 2

Ad secundum dicendum quod status veteris legis non fuit immutatus ante Christum quantum ad impletionem legis, quae facta est solum per Christum, est tamen immutatus quantum ad conditionem populi qui erat

sub lege. Nam primo populus fuit in deserto, non habens certam mansionem; postmodum autem habuerunt varia bella cum finitimis gentibus; ultimo autem, tempore David et Salomonis, populus ille habuit quietissimum statum. Et tunc primo aedificatum fuit templum, in loco quem designaverat Abraham, ex divina demonstratione, ad immolandum. Dicitur enim Gen. XXII, quod dominus mandavit Abrahae ut offerret filium suum *in holocaustum super unum montium quem monstravero tibi*. Et postea dicit quod appellavit nomen illius loci, *dominus videt*, quasi secundum Dei praevisionem esset locus ille electus ad cultum divinum. Propter quod dicitur Deut. XII, *ad locum quem elegerit dominus Deus vester, venietis, et offeretis holocausta et victimas vestras*. Locus autem ille designari non debuit per aedificationem templi ante tempus praedictum, propter tres rationes, quas Rabbi Moyses assignat. Prima est ne gentes appropriarent sibi locum illum. Secunda est ne gentes ipsum destruerent. Tertia vero ratio est ne quaelibet tribus vellet habere locum illum in sorte sua, et propter hoc orirentur lites et iurgia. Et ideo non fuit aedificatum templum donec haberent regem, per quem posset huiusmodi iurgium compesci. Antea vero ad cultum Dei erat ordinatum tabernaculum portatile per diversa loca, quasi nondum existente determinato loco divini cultus. Et haec est ratio litteralis diversitatis tabernaculi et templi. Ratio autem figuralis esse potest quia per haec duo significatur duplex status. Per tabernaculum enim, quod est mutabile, significatur status praesentis vitae mutabilis. Per templum vero, quod erat fixum et stans, significatur status futurae vitae, quae omnino invariabilis est. Et propter hoc in aedificatione templi dicitur quod non est auditus sonitus mallei vel securis, ad significandum quod omnis perturbationis tumultus longe erit a statu futuro. Vel per tabernaculum significatur status veteris legis, per templum autem a Salomone constructum, status novae legis. Unde ad constructionem tabernaculi soli Iudaei sunt operati, ad aedificationem vero templi cooperati sunt etiam gentiles, scilicet Tyrii et Sidonii.

[38053] I^a-II^ae q. 102 a. 4 ad 3

Ad tertium dicendum quod ratio unitatis templi, vel tabernaculi, potest esse et litteralis, et figuralis. Litteralis quidem est ratio ad exclusionem idololatriae. Quia gentiles diversis diis diversa templa constituebant, et ideo, ut firmaretur in animis hominum fides unitatis divinae, voluit Deus

ut in uno loco tantum sibi sacrificium offerretur. Et iterum ut per hoc ostenderet quod corporalis cultus non propter se erat ei acceptus. Et ideo compescebantur ne passim et ubique sacrificia offerrent. Sed cultus novae legis, in cuius sacrificio spiritualis gratia continetur, est secundum se Deo acceptus. Et ideo multiplicatio altarium et templorum acceptatur in nova lege. Quantum vero ad ea quae pertinebant ad spiritualem cultum Dei, qui consistit in doctrina legis et prophetarum, erant etiam in veteri lege diversa loca deputata in quibus conveniebant ad laudem Dei, quae dicebantur synagogae, sicut et nunc dicuntur Ecclesiae, in quibus populus Christianus ad laudem Dei congregatur. Et sic Ecclesia nostra succedit in locum et templi et synagogae, quia ipsum sacrificium Ecclesiae spirituale est; unde non distinguitur apud nos locus sacrificii a loco doctrinae. Ratio autem figuralis esse potest quia per hoc significatur unitas Ecclesiae, vel militantis vel triumphantis.

[38054] I^a-II^ae q. 102 a. 4 ad 4

Ad quartum dicendum quod, sicut in unitate templi, vel tabernaculi, repraesentabatur unitas Dei, vel unitas Ecclesiae; ita etiam in distinctione tabernaculi, vel templi, repraesentabatur distinctio eorum quae Deo sunt subiecta, ex quibus in Dei venerationem consurgimus. Distinguebatur autem tabernaculum in duas partes, in unam quae vocabatur sancta sanctorum, quae erat Occidentalis; et aliam quae vocabatur sancta, quae erat ad orientem. Et iterum ante tabernaculum erat atrium. Haec igitur distinctio duplicem habet rationem. Unam quidem, secundum quod tabernaculum ordinatur ad cultum Dei. Sic enim diversae partes mundi in distinctione tabernaculi figurantur. Nam pars illa quae sancta sanctorum dicitur, figurabat saeculum altius, quod est spiritualium substantiarum, pars vero illa quae dicitur sancta, exprimebat mundum corporalem. Et ideo sancta a sanctis sanctorum distinguebantur quodam velo, quod quatuor coloribus erat distinctum, per quos quatuor elementa designantur, scilicet bysso, per quod designatur terra, quia byssus, idest linum, de terra nascitur; purpura, per quam significatur aqua, fiebat enim purpureus color ex quibusdam conchis quae inveniuntur in mari; hyacintho, per quem significatur aer, quia habet aereum colorem; et cocco bis tincto, per quem designatur ignis. Et hoc ideo quia materia quatuor elementorum est impedimentum per quod velantur nobis incorporales substantiae. Et ideo in interius tabernaculum,

idest in sancta sanctorum, solus summus sacerdos, et semel in anno, introibat, ut designaretur quod haec est finalis perfectio hominis, ut ad illud saeculum introducat. In tabernaculum vero exterius, idest in sancta, introibant sacerdotes quotidie, non autem populus, qui solum ad atrium accedebat, quia ipsa corpora populus percipere potest; ad interiores autem eorum rationes soli sapientes per considerationem attingere possunt. Secundum vero rationem figuralem, per exterius tabernaculum, quod dicitur sancta, significatur status veteris legis, ut apostolus dicit, ad Heb. IX, quia ad illud tabernaculum *semper introibant sacerdotes sacrificiorum officia consummantes*. Per interius vero tabernaculum, quod dicitur sancta sanctorum, significatur vel caelestis gloria, vel etiam status spiritualis novae legis, qui est quaedam inchoatio futurae gloriae. In quem statum nos Christus introduxit, quod figurabatur per hoc quod summus sacerdos, semel in anno, solus in sancta sanctorum intrabat. Velum autem figurabat spiritualium occultationem sacrificiorum in veteribus sacrificiis. Quod velum quatuor coloribus erat ornatum, bysso quidem, ad designandam carnis puritatem; purpura autem, ad figurandum passiones quas sancti sustinuerunt pro Deo; cocco bis tincto, ad significandum caritatem geminam Dei et proximi; hyacintho autem significabatur caelestis meditatio. Ad statum autem veteris legis aliter se habebat populus, et aliter sacerdotes. Nam populus ipsa corporalia sacrificia considerabat, quae in atrio offerebantur. Sacerdotes vero rationem sacrificiorum considerabant, habentes fidem magis explicitam de mysteriis Christi. Et ideo intrabant in exterius tabernaculum. Quod etiam quodam velo distinguebatur ab atrio, quia quaedam erant velata populo circa mysterium Christi, quae sacerdotibus erant nota. Non tamen erant eis plene revelata, sicut postea in novo testamento, ut habetur Ephes. III.

[38055] I^a-II^ae q. 102 a. 4 ad 5

Ad quintum dicendum quod adoratio ad occidentem fuit introducta in lege ad excludendam idololatriam, nam omnes gentiles, in reverentiam solis, adorabant ad orientem; unde dicitur Ezech. VIII, quod *quidam habebant dorsa contra templum domini et facies ad orientem, et adorabant ad ortum solis*. Unde ad hoc excludendum, tabernaculum habebat sancta sanctorum ad occidentem, ut versus occidentem adorarent. Ratio etiam figuralis esse potest quia totus status prioris

tabernaculi ordinabatur ad figurandum mortem Christi, quae significatur per occasum; secundum illud Psalmi LXVII, *qui ascendit super occasum, dominus nomen illi.*

[38056] I^a-IIae q. 102 a. 4 ad 6

Ad sextum dicendum quod eorum quae in tabernaculo continebantur, ratio reddi potest et litteralis et figuralis. Litteralis quidem, per relationem ad cultum divinum. Et quia dictum est quod per tabernaculum interius, quod dicebatur sancta sanctorum, significabatur saeculum altius spiritualium substantiarum, ideo in illo tabernaculo tria continebantur. Scilicet arca testamenti, in qua erat urna aurea habens manna, et virga Aaron quae fronderat, et tabulae in quibus erant scripta decem praecepta legis. Haec autem arca sita erat inter duos Cherubim, qui se mutuis vultibus respiciebant. Et super arcam erat quaedam tabula, quae dicebatur propitiatorium, super alas Cherubim, quasi ab ipsis Cherubim portaretur, ac si imaginaretur quod illa tabula esset sedes Dei. Unde et propitiatorium dicebatur, quasi exinde populo propitiaretur, ad preces summi sacerdotis. Et ideo quasi portabatur a Cherubim, quasi Deo obsequentibus, arca vero testamenti erat quasi scabellum sedentis supra propitiatorium. Per haec autem tria designantur tria quae sunt in illo altiori saeculo. Scilicet Deus, qui super omnia est, et incomprehensibilis omni creaturae. Et propter hoc nulla similitudo eius ponebatur, ad repraesentandam eius invisibilitatem. Sed ponebatur quaedam figura sedis eius, quia scilicet creatura comprehensibilis est, quae est subiecta Deo, sicut sedes sedenti. Sunt etiam in illo altiori saeculo spirituales substantiae, quae Angeli dicuntur. Et hi significantur per duos Cherubim; mutuo se respicientes, ad designandam concordiam eorum ad invicem, secundum illud Iob XXV, qui facit concordiam in sublimibus. Et propter hoc etiam non fuit unus tantum Cherubim, ut designaretur multitudo caelestium spirituum, et excluderetur cultus eorum ab his quibus praeceptum erat ut solum unum Deum colerent. Sunt etiam in illo intelligibili saeculo rationes omnium eorum quae in hoc saeculo perficiuntur quodammodo clausae, sicut rationes effectuum clauduntur in suis causis, et rationes artificiatorum in artifice. Et hoc significabatur per arcam, in qua repraesentabantur, per tria ibi contenta, tria quae sunt potissima in rebus humanis, scilicet sapientia, quae repraesentabatur per tabulas testamenti; potestas regiminis, quae repraesentabatur per

virgam Aaron; vita, quae repraesentabatur per manna, quod fuit sustentamentum vitae. Vel per haec tria significabantur tria Dei attributa, scilicet sapientia, in tabulis; potentia, in virga; bonitas, in manna, tum propter dulcedinem, tum quia ex Dei misericordia est populo datum, et ideo in memoriam divinae misericordiae conservabatur. Et haec tria etiam figurata sunt in visione Isaiae. Vidit enim dominum sedentem super solium excelsum et elevatum; et Seraphim assistentes; et domum impleri a gloria Dei. Unde et Seraphim dicebant, plena est omnis terra gloria eius. Et sic similitudines Seraphim non ponebantur ad cultum, quod prohibebatur primo legis praecepto, sed in signum ministerii, ut dictum est. In exteriori vero tabernaculo, quod significat praesens saeculum, continebantur etiam tria, scilicet altare thymiamatis, quod erat directe contra arcam; mensa propositionis, super quam duodecim panes apponebantur, erat posita ex parte aquilonari; candelabrum vero ex parte Australi. Quae tria videntur respondere tribus quae erant in arca clausa, sed magis manifeste eadem repraesentabant, oportet enim rationes rerum ad manifestiorem demonstrationem perducere quam sint in mente divina et Angelorum, ad hoc quod homines sapientes eas cognoscere possint qui significantur per sacerdotes ingredientes tabernaculum. In candelabro igitur designabatur, sicut in signo sensibili, sapientia quae intelligibilibus verbis exprimebatur in tabulis. Per altare vero thymiamatis significabatur officium sacerdotum, quorum erat populum ad Deum reducere, et hoc etiam significabatur per virgam. Nam in illo altari incedebatur thymiana boni odoris, per quod significabatur sanctitas populi acceptabilis Deo, dicitur enim Apoc. VIII, quod per fumum aromatum significantur iustificationes sanctorum. Convenienter autem sacerdotalis dignitas in arca significabatur per virgam, in exteriori vero tabernaculo per altare thymiamatis, quia sacerdos mediator est inter Deum et populum, regens populum per potestatem divinam, quam virga significat; et fructum sui regiminis, scilicet sanctitatem populi, Deo offert, quasi in altari thymiamatis. Per mensam autem significatur nutrimentum vitae, sicut et per manna. Sed hoc est communius et grossius nutrimentum, illud autem suavius et subtilius. Convenienter autem candelabrum ponebatur ex parte Australi, mensa autem ex parte aquilonari, quia Australis pars est dextera pars mundi, aquilonaris autem sinistra, ut dicitur in II de caelo et mundo; sapientia autem pertinet ad dextram, sicut et cetera spiritualia bona; temporale autem nutrimentum

ad sinistram, secundum illud Prov. III, in sinistra illius divitiae et gloria. Potestas autem sacerdotalis media est inter temporalia et spiritualem sapientiam, quia per eam et spiritualis sapientia et temporalia dispensantur. Potest autem et horum alia ratio assignari magis litteralis. In arca enim continebantur tabulae legis, ad tollendam legis oblivionem, unde dicitur Exod. XXIV, *dabo tibi duas tabulas lapideas et legem ac mandata quae scripsi, ut doceas filios Israel*. Virga vero Aaron ponebatur ibi ad comprimendam dissensionem populi de sacerdotio Aaron, unde dicitur Num. XVII, *refer virgam Aaron in tabernaculum testimonii, ut servetur in signum rebellium filiorum Israel*. Manna autem conservabatur in arca, ad commemorandum beneficium quod dominus praestitit filiis Israel in deserto, unde dicitur Exod. XVI, *imple gomor ex eo, et custodiatur in futuras retro generationes, ut noverint panes de quibus alui vos in solitudine*. Candelabrum vero erat institutum ad honorificentiam tabernaculi, pertinet enim ad magnificentiam domus quod sit bene luminosa. Habebat autem candelabrum septem calamos, ut Iosephus dicit, ad significandum septem planetas, quibus totus mundus illuminatur. Et ideo ponebatur candelabrum ex parte Australi, quia ex illa parte est nobis planetarum cursus. Altare vero thymiamatis erat institutum ut iugiter in tabernaculo esset fumus boni odoris, tum propter venerationem tabernaculi; tum etiam in remedium fetoris quem oportebat accidere ex effusione sanguinis et occisione animalium. Ea enim quae sunt fetida, despiciuntur quasi vilia, quae vero sunt boni odoris, homines magis appetant. Mensa autem apponebatur ad significandum quod sacerdotes templo servientes, in templo victum habere debebant, unde duodecim panes superpositos mensae, in memoriam duodecim tribuum, solis sacerdotibus edere licitum erat, ut habetur Matth. XII. Mensa autem non ponebatur directe in medio ante propitiatorium, ad excludendum ritum idololatriae, nam gentiles in sacris lunae proponebant mensam coram idolo lunae; unde dicitur Ierem. VII, *mulieres conspergunt adipem ut faciant placentas reginae caeli*. In atrio vero extra tabernaculum continebatur altare holocaustorum, in quo offerebantur Deo sacrificia de his quae erant a populo possessa. Et ideo in atrio poterat esse populus, qui huiusmodi Deo offerebat per manus sacerdotum. Sed ad altare interiorius, in quo ipsa devotio et sanctitas populi Deo offerebatur, non poterant accedere nisi sacerdotes, quorum erat Deo offerre populum. Est autem hoc altare extra tabernaculum in

atrio constitutum, ad removendum cultum idololatriae, nam gentiles infra templa altaria constituebant ad immolandum idolis. Figuralis vero ratio omnium horum assignari potest ex relatione tabernaculi ad Christum, qui figurabatur. Est autem considerandum quod ad designandum imperfectionem legalium figurarum, diversae figurae fuerunt institutae in templo ad significandum Christum. Ipse enim significatur per propitiatorium, quia ipse est propitiatio pro peccatis nostris, ut dicitur I Ioan. II. Et convenienter hoc propitiatorium a Cherubim portatur, quia de eo scriptum est, adorent eum omnes Angeli Dei, ut habetur Heb. I. Ipse etiam significatur per arcam, quia sicut arca erat constructa de lignis setim, ita corpus Christi de membris purissimis constabat. Erat autem deaurata, quia Christus fuit plenus sapientia et caritate, quae per aurum significantur. Intra arcam autem erat urna aurea, idest sancta anima; habens manna, idest omnem plenitudinem divinitatis. Erat etiam in arca virga, idest potestas sacerdotalis, quia ipse est factus sacerdos in aeternum. Erant etiam ibi tabulae testamenti, ad designandum quod ipse Christus est legis dator. Ipse etiam Christus significatur per candelabrum, quia ipse dicit, ego sum lux mundi, per septem lucernas, septem dona spiritus sancti. Ipse est spiritualis cibus, secundum illud Ioan. VI, ego sum panis vivus, duodecim autem panes significant duodecim apostolos, vel doctrinam eorum. Sive per candelabrum et mensam potest significari doctrina et fides Ecclesiae, quae etiam illuminat et spiritualiter reficit. Ipse etiam Christus significatur per duplex altare holocaustorum et thymiamatis. Quia per ipsum oportet nos Deo offerre omnia virtutum opera, sive illa quibus carnem affligimus, quae offeruntur quasi in altari holocaustorum; sive illa quae, maiore mentis perfectione, per spiritualia perfectorum desideria, Deo offeruntur in Christo, quasi in altari thymiamatis, secundum illud ad Heb. ult., *per ipsum ergo offeramus hostiam laudis semper Deo.*

[38057] I³-IIae q. 102 a. 4 ad 7

Ad septimum dicendum quod dominus praecepit altare construi ad sacrificia et munera offerenda, in honorem Dei et sustentationem ministrorum qui tabernaculo deserviebant. De constructione autem altaris datur a domino duplex praeceptum. Unum quidem in principio legis, Exod. XX, ubi dominus mandavit quod facerent altare de terra, vel saltem de lapidibus non sectis; et iterum quod non facerent altare

excelsum, ad quod oporteret per gradus ascendere. Et hoc, ad detestandum idololatriae cultum, gentiles enim idolis construebant altaria ornata et sublimia, in quibus credebant aliquid sanctitatis et numinis esse. Propter quod etiam dominus mandavit, Deut. XVI, *non plantabis lucum, et omnem arborem, iuxta altare domini Dei tui*, idololatrae enim consueverunt sub arboribus sacrificare, propter amoenitatem et umbrositatem. Quorum etiam praeceptorum ratio figuralis fuit. Quia in Christo, qui est nostrum altare, debemus confiteri veram carnis naturam, quantum ad humanitatem, quod est altare de terra facere, et quantum ad divinitatem, debemus in eo confiteri patris aequalitatem, quod est non ascendere per gradus ad altare. Nec etiam iuxta Christum debemus admittere doctrinam gentilium, ad lasciviam provocantem. Sed factio tabernaculo ad honorem Dei, non erant timendae huiusmodi occasiones idololatriae. Et ideo dominus mandavit quod fieret altare holocaustorum de aere, quod esset omni populo conspicuum; et altare thymiamatis de auro, quod soli sacerdotes videbant. Nec erat tanta pretiositas aeris ut per hoc populus ad aliquam idololatriam provocaretur. Sed quia Exod. XX ponitur pro ratione huius praecepti, *non ascendes per gradus ad altare meum*, id quod subditur, ne reveletur turpitudine tua; considerandum est quod hoc etiam fuit institutum ad excludendam idololatriam, nam in sacris Priapi sua pudenda gentiles populo denudabant. Postmodum autem indictus est sacerdotibus feminalium usus ad tegimen pudendorum. Et ideo sine periculo institui potuit tanta altaris altitudo ut per aliquos gradus ligneos, non stantes sed portatiles, in hora sacrificii, sacerdotes ad altare ascenderent sacrificia offerentes.

[38058] I^a-IIae q. 102 a. 4 ad 8

Ad octavum dicendum quod corpus tabernaculi constabat ex quibusdam tabulis in longitudinem erectis, quae quidem interius tegebantur quibusdam cortinis ex quatuor coloribus variatis, scilicet de bysso retorta, et hyacintho, ac purpura, coccoque bis tincto. Sed huiusmodi cortinae tegebant solum latera tabernaculi, in tecto autem tabernaculi erat operimentum unum de pellibus hyacinthinis; et super hoc aliud de pellibus arietum rubricatis; et desuper tertium de quibusdam sagis cilicinis, quae non tantum operiebant tectum tabernaculi, sed etiam descendebant usque terram, et tegebant tabulas tabernaculi exterius. Horum autem operimentorum ratio litteralis in communi erat ornatus et

protectio tabernaculi, ut in reverentia haberetur. In speciali vero, secundum quosdam, per cortinas designabatur caelum sydereum, quod est diversis stellis variatum; per saga, aquae quae sunt supra firmamentum; per pelles rubricatas, caelum Empyreum, in quo sunt Angeli; per pelles hyacinthinas, caelum sanctae Trinitatis. Figuralis autem ratio horum est quia per tabulas ex quibus construebatur tabernaculum, significantur Christi fideles, ex quibus construitur Ecclesia. Tegebantur autem interius tabulae cortinis quadricoloribus, quia fideles interius ornantur quatuor virtutibus; *nam in bysso retorta*, ut Glossa dicit, *significatur caro castitate renitens; in hyacintho, mens superna cupiens; in purpura, caro passionibus subiacens; in cocco bis tincto, mens inter passiones Dei et proximi dilectione praeifulgens*. Per operimenta vero tecti designantur praelati et doctores, in quibus debet renitere caelestis conversatio, quod significatur per pelles hyacinthinas; promptitudo ad martyrium, quod significant pelles rubricatae; austeritas vitae et tolerantia adversorum, quae significantur per saga cilicina, quae erant exposita ventis et pluviis, ut Glossa dicit.

[38059] I^a-IIae q. 102 a. 4 ad 9

Ad nonum dicendum quod sanctificatio tabernaculi et vasorum eius habebat causam litteralem ut in maiori reverentia haberetur, quasi per huiusmodi consecrationem divino cultui deputatum. Figuralis autem ratio est quia per huiusmodi sanctificationem significatur spiritualis sanctificatio viventis tabernaculi, scilicet fidelium, ex quibus constituitur Ecclesia Christi.

[38060] I^a-IIae q. 102 a. 4 ad 10

Ad decimum dicendum quod in veteri lege erant septem solemnitates temporales, et una continua, ut potest colligi Num. XXVIII et XXIX. Erat enim quasi continuum festum, quia quotidie mane et vespere immolabatur agnus. Et per illud continuum festum iugis sacrificii repraesentabatur perpetuitas divinae beatitudinis. Festorum autem temporalium primum erat quod iterabatur qualibet septimana. Et haec erat solemnitas sabbati, quod celebrabatur in memoriam creationis rerum, ut supra dictum est. Alia autem solemnitas iterabatur quolibet mense, scilicet festum Neomeniae, quod celebrabatur ad commemorandum opus divinae gubernationis. Nam haec inferiora praecipue variantur secundum motum lunae, et ideo celebrabatur hoc

festum in novitate lunae. Non autem in eius plenitudine, ad evitandum idololatrarum cultum, qui in tali tempore lunae sacrificabant. Haec autem duo beneficia sunt communia toti humano generi, et ideo frequentius iterabantur. Alia vero quinque festa celebrabantur semel in anno, et recolebantur in eis beneficia specialiter illi populo exhibita. Celebrabatur enim festum phase primo mense, ad commemorandum beneficium liberationis ex Aegypto. Celebrabatur autem festum Pentecostes post quinquaginta dies, ad recolendum beneficium legis datae. Alia vero tria festa celebrabantur in mense septimo, qui quasi totus apud eos erat solemnis, sicut et septimus dies. In prima enim die mensis septimi erat festum tubarum, in memoriam liberationis Isaac, quando Abraham invenit arietem haerentem cornibus, quem repraesentabant per cornua quibus buccinabant. Erat autem festum tubarum quasi quaedam invitatio ut praepararent se ad sequens festum, quod celebrabatur decimo die. Et hoc erat festum expiationis, in memoriam illius beneficii quo Deus propitiatus est peccato populi de adoratione vituli, ad preces Moysi. Post hoc autem celebrabatur festum Scenopegiae, idest tabernaculorum, septem diebus, ad commemorandum beneficium divinae protectionis et deductionis per desertum, ubi in tabernaculis habitaverunt. Unde in hoc festo debebant habere fructum arboris pulcherrimae, idest citrum, et lignum densarum frondium, idest myrtum, quae sunt odorifera; et spatulas palmarum, et salices de torrente, quae diu retinent suum virorem; et haec inveniuntur in terra promissionis; ad significandum quod per aridam terram deserti eos duxerat Deus ad terram deliciosam. Octavo autem die celebrabatur aliud festum, scilicet coetus atque collectae, in quo colligebantur a populo ea quae erant necessaria ad expensas cultus divini. Et significabatur adunatio populi et pax praestita in terra promissionis. Figuralis autem ratio horum festorum est quia per iuge sacrificium agni figuratur perpetuitas Christi, qui est agnus Dei; secundum illud Heb. ult., *Jesus Christus heri et hodie, ipse et in saecula*. Per sabbatum autem significatur spiritualis requies nobis data per Christum, ut habetur ad Heb. IV. Per Neomeniam autem, quae est incoeptio novae lunae, significatur illuminatio primitivae Ecclesiae per Christum, eo praedicante et miracula faciente. Per festum autem Pentecostes significatur descensus spiritus sancti in apostolos. Per festum autem tubarum significatur praedicatio apostolorum. Per festum autem expiationis significatur emundatio a peccatis populi Christiani. Per

festum autem tabernaculorum, peregrinatio eorum in hoc mundo, in quo ambulant in virtutibus proficiendo. Per festum autem coetus atque collectae significatur congregatio fidelium in regno caelorum, et ideo istud festum dicebatur sanctissimum esse. Et haec tria festa erant continua ad invicem, quia oportet expiatis a vitiis proficere in virtute, quousque perveniant ad Dei visionem, ut dicitur in Psalmo LXXXIII.

Articulus 5

[38061] I^a-IIae q. 102 a. 5 arg. 1

Ad quintum sic proceditur. Videtur quod sacramentorum veteris legis conveniens causa esse non possit. Ea enim quae ad cultum divinum fiunt, non debent esse similia his quae idololatrae observabant, dicitur enim Deut. XII, *non facies similiter domino Deo tuo, omnes enim abominationes quas aversatur dominus, fecerunt diis suis*. Sed cultores idolorum in eorum cultu se incidebant usque ad effusionem sanguinis, dicitur enim III Reg. XVIII, quod *incidebant se, iuxta ritum suum, cultris et lanceolis, donec perfunderentur sanguine*. Propter quod dominus mandavit, Deut. XIV, *non vos incidetis, nec facietis calvitium super mortuo*. Inconvenienter igitur circumcisio erat instituta in lege.

[38062] I^a-IIae q. 102 a. 5 arg. 2

Praeterea, ea quae in cultum divinum fiunt, debent honestatem et gravitatem habere; secundum illud Psalmi XXXIV, *in populo gravi laudabo te*. Sed ad levitatem quandam pertinere videtur ut homines festinanter comedant. Inconvenienter igitur praeceptum est, Exod. XII, ut comederent festinanter agnum paschalem. Et alia etiam circa eius comestionem sunt instituta, quae videntur omnino irrationabilia esse.

[38063] I^a-IIae q. 102 a. 5 arg. 3

Praeterea, sacramenta veteris legis figurae fuerunt sacramentorum novae legis. Sed per agnum paschalem significatur sacramentum Eucharistiae; secundum illud I ad Cor. V, *Pascha nostrum immolatus est Christus*. Ergo etiam debuerunt esse aliqua sacramenta in lege quae praefigurarent alia sacramenta novae legis, sicut confirmationem et extremam unctionem et matrimonium, et alia sacramenta.

[38064] I^a-IIae q. 102 a. 5 arg. 4

Praeterea, purificatio non potest convenienter fieri nisi ab aliquibus immunditiis. Sed quantum ad Deum, nullum corporale reputatur immundum, quia omne corpus creatura Dei est; *et omnis creatura Dei bona, et nihil reiiciendum quod cum gratiarum actione percipitur*, ut dicitur I ad Tim. IV. Inconvenienter igitur purificabantur propter contactum hominis mortui, vel alicuius huiusmodi corporalis infectionis.

[38065] I^a-IIae q. 102 a. 5 arg. 5

Praeterea, Eccli. XXXIV dicitur, *ab immundo quid mundabitur?* Sed cinis vitulae rufae quae comburebatur, immundus erat, quia immundum reddebat, dicitur enim Num. XIX, quod sacerdos qui immolabat eam, commaculatus erat usque ad vesperum; similiter et ille qui eam comburebat; et etiam ille qui eius cineres colligebat. Ergo inconvenienter praeceptum ibi fuit ut per huiusmodi cinerem aspersum immundi purificarentur.

[38066] I^a-IIae q. 102 a. 5 arg. 6

Praeterea, peccata non sunt aliquid corporale, quod possit deferri de loco ad locum, neque etiam per aliquid immundum potest homo a peccato mundari. Inconvenienter igitur ad expiationem peccatorum populi, sacerdos super unum hircorum confitebatur peccata filiorum Israel, ut portaret ea in desertum, per alium autem, quo utebantur ad purificationes, simul cum vitulo comburentes extra castra, immundi reddebantur, ita quod oportebat eos lavare vestimenta et carnem aqua.

[38067] I^a-IIae q. 102 a. 5 arg. 7

Praeterea, illud quod iam est mundatum, non oportet iterum mundari. Inconvenienter igitur, mundata lepra hominis, vel etiam domus, alia purificatio adhibebatur; ut habetur Levit. XIV.

[38068] I^a-IIae q. 102 a. 5 arg. 8

Praeterea, spiritualis immunditia non potest per corporalem aquam, vel pilorum rasuram, emundari. Irrationabile igitur videtur quod dominus praecepit Exod. XXX, ut fieret labium aeneum cum basi sua ad lavandum manus et pedes sacerdotum qui ingressuri erant tabernaculum; et quod praecipitur Num. VIII, quod Levitae abstergerentur aqua lustrationis, et raderent omnes pilos carnis suae.

[38069] I^a-IIae q. 102 a. 5 arg. 9

Praeterea, quod maius est, non potest sanctificari per illud quod minus

est. Inconvenienter igitur per quandam unctionem corporalem, et corporalia sacrificia, et oblationes corporales, fiebat in lege consecratio maiorum et minorum sacerdotum, ut habetur Levit. VIII; et Levitarum, ut habetur Num. VIII.

[38070] I^a-IIae q. 102 a. 5 arg. 10

Praeterea, sicut dicitur I Reg. XVI, *homines vident ea quae parent, Deus autem intuetur cor*. Sed ea quae exterius parent in homine, est corporalis dispositio, et etiam indumenta. Inconvenienter igitur sacerdotibus maioribus et minoribus quaedam specialia vestimenta deputabantur, de quibus habetur Exod. XXVIII. Et sine ratione videtur quod prohiberetur aliquis a sacerdotio propter corporales defectus, secundum quod dicitur Levit. XXI, *homo de semine tuo per familias qui habuerit maculam, non offeret panes Deo suo, si caecus fuerit, vel claudus*, et cetera. Sic igitur videtur quod sacramenta veteris legis irrationabilia fuerint.

[38071] I^a-IIae q. 102 a. 5 s. c.

Sed contra est quod dicitur Levit. XX, *ego sum dominus, qui sanctifico vos*. Sed a Deo nihil sine ratione fit, dicitur enim in Psalmo CIII, *omnia in sapientia fecisti*. Ergo in sacramentis veteris legis, quae ordinabantur ad hominum sanctificationem, nihil erat sine rationabili causa.

[38072] I^a-IIae q. 102 a. 5 co.

Respondeo dicendum quod, sicut supra dictum est, sacramenta proprie dicuntur illa quae adhibebantur Dei cultoribus ad quandam consecrationem, per quam scilicet deputabantur quodammodo ad cultum Dei. Cultus autem Dei generali quidem modo pertinebat ad totum populum; sed speciali modo pertinebat ad sacerdotes et Levitas, qui erant ministri cultus divini. Et ideo in istis sacramentis veteris legis quaedam pertinebant communiter ad totum populum; quaedam autem specialiter ad ministros. Et circa utrosque tria erant necessaria. Quorum primum est institutio in statu colendi Deum. Et haec quidem institutio communiter quantum ad omnes, fiebat per circumcisionem, sine qua nullus admittebatur ad aliquid legalium, quantum vero ad sacerdotes, per sacerdotum consecrationem. Secundo requirebatur usus eorum quae pertinent ad divinum cultum. Et sic quantum ad populum, erat esus paschalis convivii, ad quem nullus incircumciscus admittebatur, ut patet

Exod. XII, et quantum ad sacerdotes, oblatio victimarum, et esus panum propositionis et aliorum quae erant sacerdotum usibus deputata. Tertio requirebatur remotio eorum per quae aliqui impediabantur a cultu divino, scilicet immunditiarum. Et sic quantum ad populum, erant institutae quaedam purificationes a quibusdam exterioribus immunditiis, et etiam expiationes a peccatis, quantum vero ad sacerdotes et Levitas, erat instituta ablutio manuum et pedum, et rasio pilorum. Et haec omnia habebant rationabiles causas et litterales, secundum quod ordinabantur ad cultum Dei pro tempore illo; et figurales, secundum quod ordinabantur ad figurandum Christum; ut patebit per singula.

[38073] I^a-IIae q. 102 a. 5 ad 1

Ad primum ergo dicendum quod litteralis ratio circumcisionis principalis quidem fuit ad protestationem fidei unius Dei. Et quia Abraham fuit primus qui se ab infidelibus separavit, exiens de domo sua et de cognatione sua, ideo ipse primus circumcisionem accepit. Et hanc causam assignat apostolus, ad Rom. IV, *signum accepit circumcisionis, signaculum iustitiae fidei quae est in praepotio*, quia scilicet in hoc legitur Abrahae fides reputata ad iustitiam, quod contra spem in spem credidit, scilicet contra spem naturae in spem gratiae, ut fieret pater multarum gentium, cum ipse esset senex, et uxor sua esset anus et sterilis. Et ut haec protestatio, et imitatio fidei Abrahae, firmaretur in cordibus Iudaeorum, acceperunt signum in carne sua, cuius oblivisci non possent, unde dicitur Gen. XVII, *erit pactum meum in carne vestra in foedus aeternum*. Ideo autem fiebat octava die, quia antea puer est valde tenellus, et posset ex hoc graviter laedi, et reputatur adhuc quasi quiddam non solidatum, unde etiam nec animalia offerebantur ante octavum diem. Ideo vero non magis tardabatur, ne propter dolorem aliqui signum circumcisionis refugerent, et ne parentes etiam, quorum amor increscit ad filios post frequentem conversationem et eorum augmentum, eos circumcisioni subtraherent. Secunda ratio esse potuit ad debilitationem concupiscentiae in membro illo. Tertia ratio, in sugillationem sacrorum Veneris et Priapi, in quibus illa pars corporis honorabatur. Dominus autem non prohibuit nisi incisionem quae in cultum idolorum fiebat, cui non erat similis praedicta circumcisio. Figuralis vero ratio circumcisionis erat quia figurabatur ablutio corruptionis fienda per Christum, quae perfecte complebitur in octava

aetate, quae est aetas resurgentium. Et quia omnis corruptio culpae et poenae provenit in nos per carnalem originem ex peccato primi parentis, ideo talis circumcisio fiebat in membro generationis. Unde apostolus dicit, ad Colos. II, *circumcisi estis in Christo circumcissione non manu facta in expoliatione corporis carnis, sed in circumcissione domini nostri Iesu Christi.*

[38074] I^a-II^ae q. 102 a. 5 ad 2

Ad secundum dicendum quod litteralis ratio paschalis convivii fuit in commemorationem beneficii quo Deus eduxit eos de Aegypto. Unde per huiusmodi convivii celebrationem profitebantur se ad illum populum pertinere quem Deus sibi assumpserat ex Aegypto. Quando enim sunt ex Aegypto liberati, praeceptum est eis ut sanguine agni linirent superliminaria domorum, quasi protestantes se recedere a ritibus Aegyptiorum, qui arietem colebant. Unde et liberati sunt per sanguinis agni aspersionem vel linitionem in postibus domorum, a periculo exterminii quod imminebat Aegyptiis. In illo autem exitu eorum de Aegypto duo fuerunt, scilicet festinantia ad egrediendum, impellebant enim eos Aegyptii ut exirent velociter, ut habetur Exod. XII; imminebatque periculum ei qui non festinaret exire cum multitudine, ne remanens occideretur ab Aegyptiis. Festinantia autem designabatur dupliciter. Uno quidem modo per ea quae comedebant. Praeceptum enim erat eis quod comederent panes azymos, in huius signum, quod non poterant fermentari, cogentibus exire Aegyptiis; et quod comederent assum igni, sic enim velocius praeparabatur; et quod os non comminuerent ex eo, quia in festinantia non vacat ossa frangere. Alio modo, quantum ad modum comedendi. Dicitur enim, *renes vestros accingetis, calceamenta habebitis in pedibus, tenentes baculos in manibus, et comedetis festinanter*, quod manifeste designat homines existentes in promptu itineris. Ad idem etiam pertinet quod eis praecipitur, *in una domo comedetis, neque feretis de carnibus eius foras*, quia scilicet, propter festinantiam, non vacabat invicem mittere exennia. Amaritudo autem quam passi fuerant in Aegypto, significabatur per lactucas agrestes. Figuralis autem ratio patet. Quia per immolationem agni paschalis significabatur immolatio Christi; secundum illud I ad Cor. V, *Pascha nostrum immolatus est Christus*. Sanguis vero agni liberans ab exterminatore, linitis superliminaribus domorum, significat fidem

passionis Christi in corde et ore fidelium, per quam liberamur a peccato et a morte; secundum illud I Petr. I, *redempti estis pretioso sanguine agni immaculati*. Comedebantur autem carnes illae, ad significandum esum corporis Christi in sacramento. Erant autem assae igni, ad significandum passionem, vel caritatem Christi. Comedebantur autem cum azymis panibus, ad significandam puram conversationem fidelium sumentium corpus Christi, secundum illud I ad Cor. V, *epulemur in azymis sinceritatis et veritatis*. Lactucae autem agrestes addebantur, in signum poenitentiae peccatorum, quae necessaria est sumentibus corpus Christi. Renes autem accingendi sunt cingulo castitatis. Calceamenta autem pedum sunt exempla mortuorum patrum. Baculi autem habendi in manibus, significant pastoralementiam custodiam. Praecipitur autem quod in una domo agnus paschalis comedatur, idest in Ecclesia Catholicorum, non in conventiculis haereticorum.

[38075] I^a-II^ae q. 102 a. 5 ad 3

Ad tertium dicendum quod quaedam sacramenta novae legis habuerunt in veteri lege sacramenta figuralia sibi correspondentia. Nam circumcisioni respondet Baptismus, qui est fidei sacramentum, unde dicitur ad Col. II, *circumcisi estis in circumcissione domini nostri Iesu Christi, consepulti ei in Baptismo*. Convivio vero agni paschalis respondet in nova lege sacramentum Eucharistiae. Omnibus autem purificationibus veteris legis respondet in nova lege sacramentum poenitentiae. Consecrationi autem pontificum et sacerdotum respondet sacramentum ordinis. Sacramento autem confirmationis, quod est sacramentum plenitudinis gratiae, non potest respondere in veteri lege aliquod sacramentum, quia nondum advenerat tempus plenitudinis, eo quod neminem ad perfectum adduxit lex. Similiter autem et sacramento extremae unctionis, quod est quaedam immediata praeparatio ad introitum gloriae, cuius aditus nondum patebat in veteri lege, pretio nondum soluto. Matrimonium autem fuit quidem in veteri lege prout erat in officium naturae; non autem prout est sacramentum coniunctionis Christi et Ecclesiae, quae nondum erat facta. Unde et in veteri lege dabatur libellus repudii, quod est contra sacramenti rationem.

[38076] I^a-II^ae q. 102 a. 5 ad 4

Ad quartum dicendum quod, sicut dictum est, purificationes veteris legis ordinabantur ad removendum impedimenta cultus divini. Qui quidem est

duplex, scilicet spiritualis, qui consistit in devotione mentis ad Deum; et corporalis, qui consistit in sacrificiis et oblationibus et aliis huiusmodi. A cultu autem spirituali impediuntur homines per peccata, quibus homines pollui dicebantur, sicut per idololatriam et homicidium, per adulteria et incestus. Et ab istis pollutionibus purificabantur homines per aliqua sacrificia vel communiter oblata pro tota multitudine, vel etiam pro peccatis singulorum. Non quod sacrificia illa carnalia haberent ex seipsis virtutem expiandi peccatum, sed quia significabant expiationem peccatorum futuram per Christum, cuius participes erant etiam antiqui, protestantes fidem redemptoris in figuris sacrificiorum. A cultu vero exteriori impediabantur homines per quasdam immunditias corporales, quae quidem primo considerabantur in hominibus; consequenter etiam in aliis animalibus, et in vestimentis et domibus et vasis. In hominibus quidem immunditia reputabatur partim quidem ex ipsis hominibus; partim autem ex contactu rerum immundarum. Ex ipsis autem hominibus immundum reputabatur omne illud quod corruptionem aliquam iam habebat, vel erat corruptioni expositum. Et ideo, quia mors est corruptio quaedam, cadaver hominis reputabatur immundum. Similiter etiam, quia lepra ex corruptione humorum contingit, qui etiam exterius erumpunt et alios inficiunt, leprosi etiam reputabantur immundi. Similiter etiam mulieres patientes sanguinis fluxum, sive per infirmitatem, sive etiam per naturam vel temporibus menstruis vel etiam tempore conceptionis. Et eadem ratione viri reputabantur immundi fluxum seminis patientes, vel per infirmitatem, vel per pollutionem nocturnam, vel etiam per coitum. Nam omnis humiditas praedictis modis ab homine egrediens, quandam immundam infectionem habet. Inerat etiam hominibus immunditia quaedam ex contactu quarumcumque rerum immundarum. Istarum autem immunditiarum ratio erat et litteralis, et figuralis. Litteralis quidem, propter reverentiam eorum quae ad divinum cultum pertinent. Tum quia homines pretiosas res contingere non solent cum fuerint immundi. Tum etiam ut ex raro accessu ad sacra, ea magis venerarentur. Cum enim omnes huiusmodi immunditias raro aliquis cavere possit, contingebat quod raro poterant homines accedere ad attingendum ea quae pertinebant ad divinum cultum, et sic quando accedebant, cum maiori reverentia et humilitate mentis accedebant. Erat autem in quibusdam horum ratio litteralis ut homines non reformidarent accedere ad divinum cultum, quasi refugientes consortium leprosum et

similium infirmorum, quorum morbus abominabilis erat et contagiosus. In quibusdam etiam ratio erat ad vitandum idololatriae cultum, quia gentiles in ritu suorum sacrificiorum utebantur quandoque humano sanguine et semine. Omnes autem huiusmodi immunditiae corporales purificabantur vel per solam aspersionem aquae, vel quae maiores erant, per aliquod sacrificium ad expiandum peccatum, ex quo tales infirmitates contingebant. Ratio autem figuralis harum immunditiarum fuit quia per huiusmodi exteriores immunditias figurabantur diversa peccata. Nam immunditia cadaveris cuiuscumque significat immunditiam peccati, quod est mors animae. Immunditia autem leprae significat immunditiam haereticae doctrinae, tum quia haeretica doctrina contagiosa est, sicut et lepra; tum etiam quia nulla falsa doctrina est quae vera falsis non admisceat, sicut etiam in superficie corporis leprosi apparet quaedam distinctio quarundam macularum ab alia carne integra. Per immunditiam vero mulieris sanguinifluae, designatur immunditia idololatriae, propter immolatum cruorem. Per immunditiam vero viri seminiflui, designatur immunditia vanae locutionis, eo quod semen est verbum Dei. Per immunditiam vero coitus, et mulieris parientis, designatur immunditia peccati originalis. Per immunditiam vero mulieris menstruatae, designatur immunditia mentis per voluptates emollitae. Universaliter vero per immunditiam contactus rei immundae designatur immunditia consensus in peccatum alterius; secundum illud II ad Cor. VI, *exite de medio eorum et separamini, et immundum ne tetigeritis*. Huiusmodi autem immunditia contactus derivabatur etiam ad res inanimatas, quidquid enim quocumque modo tangebatur immundus, immundum erat. In quo lex attenuavit superstitionem gentilium, qui non solum per contactum immundi dicebant immunditiam contrahi, sed etiam per colloquutionem aut per aspectum, ut Rabbi Moyses dicit de muliere menstruata. Per hoc autem mystice significabatur id quod dicitur Sap. XIV, *similiter odio sunt Deo impius et impietas eius*. Erat autem et immunditia quaedam ipsarum rerum inanimatarum secundum se, sicut erat immunditia leprae in domo et in vestimentis. Sicut enim morbus leprae accidit in hominibus ex humore corrupto putrefaciente carnem et corrumpente, ita etiam propter aliquam corruptionem et excessum humiditatis vel siccitatis, fit quandoque aliqua corrosio in lapidibus domus, vel etiam in vestimento. Et ideo hanc corruptionem vocabat lex lepram, ex qua domus vel vestis immunda iudicaretur. Tum quia omnis

corruptio ad immunditiam pertinebat, ut dictum est. Tum etiam quia contra huiusmodi corruptionem gentiles deos Penates colebant, et ideo lex praecepit huiusmodi domus, in quibus fuerit talis corruptio perseverans, destrui, et vestes comburi, ad tollendam idololatriae occasionem. Erat etiam et quaedam immunditia vasorum, de qua dicitur Num. XIX, *vas quod non habuerit cooperculum et ligaturam desuper, immundum erit*. Cuius immunditiae causa est quia in talia vasa de facili poterat aliquid immundum cadere, unde poterant immundari. Erat etiam hoc praeceptum ad declinandam idololatriam, credebant enim idololatrae quod, si mures aut lacertae, vel aliquid huiusmodi, quae immolabant idolis, cito caderent in vasa vel in aquas, quod essent diis gratiosa. Adhuc etiam aliquae mulierculae vasa dimittunt discooperta in obsequium nocturnorum numinum, quae ianas vocant. Harum autem immunditiarum ratio est figuralis quia per lepram domus significatur immunditia congregationis haereticorum. Per lepram vero in veste linea significatur perversitas morum ex amaritudine mentis. Per lepram vero vestis laneae significatur perversitas adulatorum. Per lepram in stamine significantur vitia animae, per lepram vero in subtegmine significantur peccata carnalia, sicut enim stamen est in subtegmine, ita anima in corpore. Per vas autem quod non habet operculum nec ligaturam, significatur homo qui non habet aliquod velamen taciturnitatis, et qui non constringitur aliqua censura disciplinae.

[38077] I^a-II^ae q. 102 a. 5 ad 5

Ad quintum dicendum quod, sicut dictum est, duplex erat immunditia in lege. Una quidem per aliquam corruptionem mentis vel corporis, et haec immunditia maior erat. Alia vero erat immunditia ex solo contactu rei immundae, et haec minor erat, et faciliori ritu expiabatur. Nam immunditia prima expiabatur sacrificio pro peccato, quia omnis corruptio ex peccato procedit et peccatum significat, sed secunda immunditia expiabatur per solam aspersionem aquae cuiusdam, de qua quidem aqua expiationis habetur Num. XIX. Mandatur enim ibi a domino quod accipiant vaccam rufam, in memoriam peccati quod commiserunt in adoratione vituli. Et dicitur vacca magis quam vitulus, quia sic dominus synagogam vocare consuevit; secundum illud Osee IV, sicut vacca lasciviens declinavit Israel. Et hoc forte ideo quia vaccas in morem Aegyptii, coluerunt; secundum illud Osee X, vaccas Bethaven coluerunt.

Et in detestationem peccati idololatriae, immolabatur extra castra. Et ubicumque sacrificium fiebat pro expiatione multitudinis peccatorum, cremabatur extra castra totum. Et ut significaretur per hoc sacrificium emundari populus ab universitate peccatorum, intingebat sacerdos digitum in sanguine eius, et aspergebat contra fores sanctuarii septem vicibus, quia septenarius universitatem significat. Et ipsa etiam aspersione sanguinis pertinebat ad detestationem idololatriae, in qua sanguis immolatus non effundebatur, sed congregabatur, et circa ipsum homines comedebant in honorem idolorum. Comburebatur autem in igne. Vel quia Deus Moysi in igne apparuit, et in igne data est lex. Vel quia per hoc significabatur quod idololatria totaliter erat extirpanda, et omne quod ad idololatriam pertinebat, sicut vacca cremabatur, tam pelle et carnibus, quam sanguine et fimo, flammae traditis. Adiungebatur etiam in combustionem lignum cedrinum, hyssopus, coccusque bis tinctus, ad significandum quod, sicut ligna cedrina non de facili putrescunt, et coccus bis tinctus non amittit colorem, et hyssopus retinet odorem etiam postquam fuerit desiccatus; ita etiam hoc sacrificium erat in conservationem ipsius populi, et honestatis et devotionis ipsius. Unde dicitur de cineribus vaccae, *ut sint multitudini filiorum Israel in custodiam*. Vel, secundum Iosephum, quatuor elementa significata sunt, igni enim apponebatur cedrus, significans terram, propter sui terrestritatem; hyssopus, significans aerem, propter odorem; coccus, significans aquam, eadem ratione qua et purpura, propter tincturas, quae ex aquis sumuntur, ut per hoc exprimeretur quod illud sacrificium offerebatur creatori quatuor elementorum. Et quia huiusmodi sacrificium offerebatur pro peccato idololatriae, in eius detestationem et comburens, et cineres colligens, et ille qui aspergit aquas in quibus cinis ponebatur, immundi reputabantur, ut per hoc ostenderetur quod quidquid quocumque modo ad idololatriam pertinet, quasi immundum est abiiciendum. Ab hac autem immunditia purificabantur per solam ablutionem vestimentorum, nec indigebant aqua aspergi propter huiusmodi immunditiam, quia sic esset processus in infinitum. Ille enim qui aspergebat aquam, immundus fiebat, et sic si ipse seipsum aspergeret, immundus remaneret; si autem alius eum aspergeret, ille immundus esset; et similiter ille qui illum aspergeret, et sic in infinitum. Figuralis autem ratio huius sacrificii est quia per vaccam rufam significatur Christus secundum infirmitatem assumptam, quam femininus

sexus designat. Sanguinem passionis eius designat vaccae color. Erat autem vacca rufa aetatis integrae, quia omnis operatio Christi est perfecta. In qua nulla erat macula, nec portavit iugum, quia non portavit iugum peccati. Praecipitur autem adduci ad Moysen, quia imputabant ei transgressionem Mosaicae legis in violatione sabbati. Praecipitur etiam tradi Eleazaro sacerdoti, quia Christus occidendus in manus sacerdotum traditus est. Immolatur autem extra castra, quia extra portam Christus passus est. Intingit autem sacerdos digitum in sanguine eius, quia per discretionem, quam digitus significat, mysterium passionis Christi est considerandum et imitandum. Aspergitur autem contra tabernaculum, per quod synagoga designatur, vel ad condemnationem Iudaeorum non credentium; vel ad purificationem credentium. Et hoc septem vicibus, vel propter septem dona spiritus sancti; vel propter septem dies, in quibus omne tempus intelligitur. Sunt autem omnia quae ad Christi incarnationem pertinent, igne cremanda, idest spiritualiter intelligenda, nam per pellem et carnem exterior Christi operatio significatur; per sanguinem, subtilis et interna virtus exteriora vivificans; per fimum, lassitudo, sitis, et omnia huiusmodi ad infirmitatem pertinentia. Adduntur autem tria, cedrus, quod significat altitudinem spei, vel contemplationis; hyssopus, quod significat humilitatem, vel fidem; coccus bis tinctus, quod significat geminam caritatem; per haec enim debemus Christo passo adhaerere. Iste autem cinis combustionis colligitur a viro mundo, quia reliquiae passionis pervenerunt ad gentiles, qui non fuerunt culpabiles in Christi morte. Apponuntur autem cineres in aqua ad expiandum, quia ex passione Christi Baptismus sortitur virtutem emundandi peccata. Sacerdos autem qui immolabat et comburebat vaccam, et ille qui comburebat, et qui colligebat cineres, immundus erat, et etiam qui aspergebat aquam, vel quia Iudaei facti sunt immundi ex occisione Christi, per quam nostra peccata expiantur; et hoc usque ad vesperum, idest usque ad finem mundi, quando reliquiae Israel convertentur. Vel quia illi qui tractant sancta intendentes ad emundationem aliorum, ipsi etiam aliquas immunditias contrahunt, ut Gregorius dicit, in pastoralis; et hoc usque ad vesperum, idest usque ad finem praesentis vitae.

[38078] I^a-II^ae q. 102 a. 5 ad 6

Ad sextum dicendum quod, sicut dictum est, immunditia quae ex

corruptione proveniebat vel mentis vel corporis, expiatur per sacrificia pro peccato. Offerebantur autem specialia sacrificia pro peccatis singulorum, sed quia aliqui negligentes erant circa expiationem huiusmodi peccatorum et immunditiarum; vel etiam propter ignorantiam ab expiatione huiusmodi desistebant; institutum fuit ut semel in anno, decima die septimi mensis, fieret sacrificium expiationis pro toto populo. Et quia, sicut apostolus dicit, ad Heb. VII, *lex constituit homines sacerdotes infirmitatem habentes*, oportebat quod sacerdos prius offerret pro seipso vitulum pro peccato, in commemorationem peccati quod Aaron fecerat in conflatione vituli aurei; et arietem in holocaustum, per quod significabatur quod sacerdotis praelatio, quam aries designat, qui est dux gregis, erat ordinanda ad honorem Dei. Deinde autem offerebat pro populo duos hircos. Quorum unus immolabatur, ad expiandum peccatum multitudinis. Hircus enim animal fetidum est, et de pilis eius fiunt vestimenta pungentia, ut per hoc significaretur fetor et immunditia et aculei peccatorum. Huius autem hirci immolati sanguis inferebatur, simul etiam cum sanguine vituli, in sancta sanctorum, et aspergebatur ex eo totum sanctuarium, ad significandum quod tabernaculum emundabatur ab immunditiis filiorum Israel. Corpus vero hirci et vituli quae immolata sunt pro peccato, oportebat comburi, ad ostendendum consumptionem peccatorum. Non autem in altari, quia ibi non comburebantur totaliter nisi holocausta. Unde mandatum erat ut comburerentur extra castra, in detestationem peccati, hoc enim fiebat quandocumque immolabatur sacrificium pro aliquo gravi peccato, vel pro multitudine peccatorum. Alter vero hircus mittebatur in desertum, non quidem ut offerretur Daemonibus, quos colebant gentiles in desertis, quia eis nihil licebat immolari; sed ad designandum effectum illius sacrificii immolati. Et ideo sacerdos imponebat manum super caput eius, confitens peccata filiorum Israel, ac si ille hircus deportaret ea in desertum, ubi a bestiis comederetur, quasi portans poenam pro peccatis populi. Dicebatur autem portare peccata populi, vel quia in eius emissionem significabatur remissio peccatorum populi, vel quia colligabatur super caput eius aliqua schedula ubi erant scripta peccata. Ratio autem figuralis horum erat quia Christus significatur et per vitulum, propter virtutem; et per arietem, quia ipse est dux fidelium; et per hircum, propter similitudinem carnis peccati. Et ipse Christus est immolatus pro peccatis et sacerdotum et populi, quia per eius passionem et maiores et

minores a peccato mundantur. Sanguis autem vituli et hirci infertur in sancta per pontificem, quia per sanguinem passionis Christi patet nobis introitus in regnum caelorum. Comburantur autem eorum corpora extra castra, quia extra portam Christus passus est, ut apostolus dicit, ad Heb. ult. Per hircum autem qui emittebatur, potest significari vel ipsa divinitas Christi, quae in solitudinem abiit, homine Christo patiente, non quidem locum mutans, sed virtutem cohibens, vel significatur concupiscentia mala, quam debemus a nobis abiicere, virtuosos autem motus domino immolare. De immunditia vero eorum qui huiusmodi sacrificia comburebant, eadem ratio est quae in sacrificio vitulae rufae dicta est.

[38079] I^a-II^ae q. 102 a. 5 ad 7

Ad septimum dicendum quod per ritum legis leprosus non emundabatur a macula leprae, sed emundatus ostendebatur. Et hoc significatur Lev. XIV, cum dicitur de sacerdote, *cum invenerit lepram esse emundatam, praecipiet ei qui purificatur*. Iam ergo lepra mundata erat, sed purificari dicebatur, in quantum iudicio sacerdotis restituebatur consortio hominum et cultui divino. Contingebat tamen quandoque ut divino miraculo per ritum legis corporalis mundaretur lepra, quando sacerdos decipiebatur in iudicio. Huiusmodi autem purificatio leprosi dupliciter fiebat, nam primo, iudicabatur esse mundus; secundo autem, restituebatur tanquam mundus consortio hominum et cultui divino, scilicet post septem dies. In prima autem purificatione offerebat pro se leprosus mundandus duos passeris vivos, et lignum cedrinum, et vermiculum, et hyssopum; hoc modo ut filo coccineo ligarentur passer et hyssopus simul cum ligno cedrino, ita scilicet quod lignum cedrinum esset quasi manubrium aspersorii. Hyssopus vero et passer erant id quod de aspersorio tingebatur in sanguine alterius passeris immolati in aquis vivis. Haec autem quatuor offerebat contra quatuor defectus leprae, nam contra putredinem, offerebatur cedrus, quae est arbor imputribilis; contra fetorem, hyssopus, quae est herba odorifera; contra insensibilitatem, passer vivus; contra turpitudinem coloris, vermiculus, qui habet vivum colorem. Passer vero vivus avolare dimittebatur in agrum, quia leprosus restituebatur pristinae libertati. In octavo vero die admittebatur ad cultum divinum, et restituebatur consortio hominum. Primo tamen rasis pilis totius corporis et vestimentis, eo quod lepra pilos corrodit, et vestimenta inquinat et fetida reddit. Et postmodum sacrificium

offerebatur pro delicto eius, quia lepra plerumque inducitur pro peccato. De sanguine autem sacrificii tangebatur extremum auriculae eius qui erat mundandus, et pollices manus dextrae et pedis, quia in istis partibus primum lepra dignoscitur et sentitur. Adhibebantur etiam huic ritui tres liquores, scilicet sanguis, contra sanguinis corruptionem; oleum, ad designandam sanationem morbi; aqua viva, ad emundandum spurcitiem. Figuralis autem ratio erat quia per duos passeris significantur divinitas et humanitas Christi. Quorum unus, scilicet humanitas, immolatur in vase fictili super aquas viventes, quia per passionem Christi aquae Baptismi consecrantur. Alius autem, scilicet impassibilis divinitas, vivus remanebat, quia divinitas mori non potest. Unde et avolabat, quia passione astringi non poterat. Hic autem passer vivus, simul cum ligno cedrino et cocco, vel vermiculo, et hyssopo, idest fide, spe et caritate, ut supra dictum est, mittitur in aquam ad aspergendum, quia in fide Dei et hominis baptizamur. Lavat autem homo, per aquam Baptismi vel lacrymarum, vestimenta sua, idest opera, et omnes pilos, idest cogitationes. Tingitur autem extremum auriculae dextrae eius qui mundatur, de sanguine et de oleo, ut eius auditum muniat contra corrumpentia verba, pollices autem manus dextrae et pedis tinguntur, ut sit eius actio sancta. Alia vero quae ad hanc purificationem pertinent, vel etiam aliarum immunditiarum, non habent aliquid speciale praeter alia sacrificia pro peccatis vel pro delictis.

[38080] I^a-II^ae q. 102 a. 5 ad 8

Ad octavum et nonum dicendum quod, sicut populus instituebatur ad cultum Dei per circumcisionem, ita ministri per aliquam specialem purificationem vel consecrationem, unde et separari ab aliis praecipuntur, quasi specialiter ad ministerium cultus divini prae aliis deputati. Et totum quod circa eos fiebat in eorum consecratione vel institutione ad hoc pertinebat ut ostenderetur eos habere quandam praerogativam puritatis et virtutis et dignitatis. Et ideo in institutione ministrorum tria fiebant, primo enim, purificabantur; secundo, ornabantur et consecrabantur; tertio, applicabantur ad usum ministerii. Purificabantur quidem communiter omnes per ablutionem aquae, et per quaedam sacrificia; specialiter autem Levitae radebant omnes pilos carnis suae; ut habetur Lev. VIII. Consecratio vero circa pontifices et sacerdotes hoc ordine fiebat. Primo enim, postquam abluti erant,

induebantur quibusdam vestimentis specialibus pertinentibus ad designandum dignitatem ipsorum. Specialiter autem pontifex oleo unctionis in capite ungebatur, ut designaretur quod ab ipso diffundebatur potestas consecrandi ad alios, sicut oleum a capite derivatur ad inferiora; ut habetur in Psalmo CXXXII, *sicut unguentum in capite, quod descendit in barbam, barbam Aaron*. Levitae vero non habebant aliam consecrationem, nisi quod offerebantur domino a filiis Israel per manus pontificis, qui orabat pro eis. Minorum vero sacerdotum solae manus consecrabantur, quae erant applicandae ad sacrificia. Et de sanguine animalis immolati tingebatur extremum auriculae dextrae ipsorum, et pollices pedis ac manus dextrae, ut scilicet essent obedientes legi Dei in oblatione sacrificiorum, quod significatur in intinctione auris dextrae; et quod essent solliciti et prompti in executione sacrificiorum, quod significatur in intinctione pedis et manus dextrae. Aspergebantur etiam ipsi, et vestimenta eorum, sanguine animalis immolati, in memoriam sanguinis agni per quem fuerunt liberati in Aegypto. Offerebantur autem in eorum consecratione huiusmodi sacrificia, vitulus pro peccato, in memoriam remissionis peccati Aaron circa conflationem vituli; aries in holocaustum, in memoriam oblationis Abrahae, cuius obedientiam pontifex imitari debebat; aries etiam consecrationis, qui erat quasi hostia pacifica, in memoriam liberationis de Aegypto per sanguinem agni; canistrum panum, in memoriam mannae praestiti populo. Pertinebat autem ad applicationem ministerii quod imponebantur super manus eorum adeps arietis, et torta panis unius, et armus dexter, ut ostenderetur quod accipiebant potestatem huiusmodi offerendi domino. Levitae vero applicabantur ad ministerium per hoc quod intromittebantur in tabernaculum foederis, quasi ad ministrandum circa vasa sanctuarii. Figuralis vero horum ratio erat quia illi qui sunt consecrandi ad spirituale ministerium Christi, debent primo purificari per aquam Baptismi et lacrymarum in fide passionis Christi, quod est expiativum et purgativum sacrificium. Et debent radere omnes pilos carnis, idest omnes pravas cogitationes. Debent etiam ornari virtutibus; et consecrari oleo spiritus sancti; et aspersione sanguinis Christi. Et sic debent esse intenti ad exequenda spiritualia ministeria.

[38081] I^a-II^ae q. 102 a. 5 ad 10

Ad decimum dicendum quod, sicut iam dictum est, intentio legis erat

inducere ad reverentiam divini cultus. Et hoc dupliciter, uno modo, excludendo a cultu divino omne id quod poterat esse contemptibile; alio modo, apponendo ad cultum divinum omne illud quod videbatur ad honorificentiam pertinere. Et si hoc quidem observabatur in tabernaculo et vasis eius, et animalibus immolandis, multo magis hoc observandum erat in ipsis ministris. Et ideo ad removendum contemptum ministrorum, praeceptum fuit ut non haberent maculam vel defectum corporalem, quia huiusmodi homines solent apud alios in contemptu haberi. Propter quod etiam institutum fuit ut non sparsim ex quolibet genere ad Dei ministerium applicarentur, sed ex certa prosapia secundum generis successionem, ut ex hoc clariores et nobiliores haberentur. Ad hoc autem quod in reverentia haberentur, adhibebatur eis specialis ornatus vestium, et specialis consecratio. Et haec est in communi causa ornatus vestium. In speciali autem sciendum est quod pontifex habebat octo ornamenta. Primo enim, habebat vestem lineam. Secundo, habebat tunicam hyacinthinam; in cuius extremitate versus pedes, ponebantur per circuitum tintinabula quaedam, et mala Punica facta ex hyacintho et purpura coccoque bis tincto. Tertio, habebat superhumerali, quod tegebat humeros et anteriorem partem usque ad cingulum; quod erat ex auro et hyacintho et purpura, coccoque bis tincto, et bysso retorta. Et super humeros habebat duos onychinos, in quibus erant sculpta nomina filiorum Israel. Quartum erat rationale, ex eadem materia factum; quod erat quadratum, et ponebatur in pectore, et coniungebatur superhumerali. Et in hoc rationali erant duodecim lapides pretiosi distincti per quatuor ordines, in quibus etiam sculpta erant nomina filiorum Israel, quasi ad designandum quod ferret onus totius populi, per hoc quod habebat nomina eorum in humeris; et quod iugiter debebat de eorum salute cogitare, per hoc quod portabat eos in pectore, quasi in corde habens. In quo etiam rationali mandavit dominus poni doctrinam et veritatem, quia quaedam pertinentia ad veritatem iustitiae et doctrinae, scribebantur in illo rationali. Iudaei tamen fabulantur quod in rationali erat lapis qui secundum diversos colores mutabatur, secundum diversa quae debebant accidere filiis Israel, et hoc vocant veritatem et doctrinam. Quintum erat balteus, idest cingulus quidam, factus ex praedictis quatuor coloribus. Sextum erat tiara, idest mitra quaedam, de bysso. Septimum autem erat lamina aurea, pendens in fronte eius, in qua erat nomen domini. Octavum autem erant femoralia linea, ut

operirent carnem turpitudinis suae, quando accederent ad sanctuarium vel ad altare. Ex istis autem octo ornamentis minores sacerdotes habebant quatuor, scilicet tunicam lineam, femoralia, balteum et tiaram. Horum autem ornamentorum quidam rationem litteralem assignant, dicentes quod in istis ornamentis designatur dispositio orbis terrarum, quasi pontifex protestaretur se esse ministrum creatoris mundi, unde etiam Sap. XVIII dicitur quod in veste Aaron erat descriptus orbis terrarum. Nam femoralia linea figurabant terram, ex qua linum nascitur. Baltei circumvolutio significabat Oceanum, qui circumcingit terram. Tunica hyacinthina suo colore significabat aerem, per cuius tintinabula significabantur tonitrua; per mala granata, coruscationes. Superhumerales vero significabat sua varietate caelum sidereum, duo onychini, duo hemisphaeria, vel solem et lunam. Duodecim gemmae in pectore, duodecim signa in zodiaco, quae dicebantur posita in rationali, quia in caelestibus sunt rationes terrenorum, secundum illud Iob XXXVIII, *numquid nosti ordinem caeli, et ponis rationem eius in terra?* Cidaris autem, vel tiara, significabat caelum Empyreum. Lamina aurea, Deum omnibus praesidentem. Figuralis vero ratio manifesta est. Nam maculae vel defectus corporales a quibus debebant sacerdotes esse immunes, significant diversa vitia et peccata quibus debent carere. Prohibetur enim esse caecus, idest, ne sit ignorans. Ne sit claudus, idest instabilis, et ad diversa se inclinans. Ne sit parvo, vel grandi, vel torto naso, idest ne per defectum discretionis, vel in plus vel in minus excedat, aut etiam aliqua prava exercent; per nasum enim discretio designatur, quia est discretivus odoris. Ne sit fracto pede vel manus, idest ne amittat virtutem bene operandi, vel procedendi in virtutem. Repudiatur etiam si habeat gibbum vel ante vel retro, per quem significatur superfluous amor terrenorum. Si est lippus, idest per carnalem affectum eius ingenium obscuratur, contingit enim lippitudo ex fluxu humoris. Repudiatur etiam si habeat albuginem in oculo, idest praesumptionem candoris iustitiae in sua cogitatione. Repudiatur etiam si habuerit iugem scabiem, idest petulantiam carnis. Et si habuerit impetiginem, quae sine dolore corpus occupat, et membrorum decorem foedat, per quam avaritia designatur. Et etiam si sit herniosus vel ponderosus, qui scilicet gestat pondus turpitudinis in corde, licet non exercent in opere. Per ornamenta vero designantur virtutes ministrorum Dei. Sunt autem quatuor quae sunt necessariae omnibus ministris, scilicet castitas, quae significatur per

femoralia; puritas vero vitae, quae significatur per lineam tunicam; moderatio discretionis quae significatur per cingulum; rectitudo intentionis, quae significatur per tiaram protegentem caput. Sed prae his pontifices debent quatuor habere. Primo quidem, iugem Dei memoriam in contemplatione, et hoc significat lamina aurea habens nomen Dei, in fronte. Secundo, quod supportent infirmitates populi, quod significat superhumeralia. Tertio, quod habeant populum in corde et in visceribus per sollicitudinem caritatis, quod significatur per rationale. Quarto, quod habeant conversationem caelestem per opera perfectionis, quod significatur per tunicam hyacinthinam. Unde et tunicae hyacinthinae adiunguntur in extremitate tintinabula aurea, per quae significatur doctrina divinorum, quae debet coniungi caelesti conversationi pontificis. Adiunguntur autem mala Punica, per quae significatur unitas fidei et concordia in bonis moribus, quia sic coniuncta debet esse eius doctrina, ut per eam fidei et pacis unitas non rumpatur.

Articulus 6

[38082] I^a-IIae q. 102 a. 6 arg. 1

Ad sextum sic proceditur. Videtur quod observantiarum caeremonialium nulla fuerit rationabilis causa. Quia ut apostolus dicit, I ad Tim. IV, *omnis creatura Dei est bona, et nihil reiiciendum quod cum gratiarum actione percipitur*. Inconvenienter igitur prohibiti sunt ab esu quorundam ciborum tanquam immundorum, ut patet Lev. XI.

[38083] I^a-IIae q. 102 a. 6 arg. 2

Praeterea, sicut animalia dantur in cibum hominis, ita et herbae, unde dicitur Gen. IX, *quasi olera virentia dedi vobis omnem carnem*. Sed in herbis lex non distinxit aliquas immundas, cum tamen aliquae illarum sint maxime nocivae, ut puta venenosae. Ergo videtur quod nec de animalibus aliqua debuerint prohiberi tanquam immunda.

[38084] I^a-IIae q. 102 a. 6 arg. 3

Praeterea, si materia est immunda ex qua aliquid generatur, pari ratione videtur quod id quod generatur ex ea, sit immundum. Sed ex sanguine generatur caro. Cum igitur non omnes carnes prohiberentur tanquam immundae, pari ratione nec sanguis debuit prohiberi quasi immundus; aut adeps, qui ex sanguine generatur.

[38085] I^a-IIae q. 102 a. 6 arg. 4

Praeterea, dominus dicit, Matth. X, eos non esse timendos qui occidunt corpus, quia post mortem non habent quid faciant, quod non esset verum, si in nocumentum homini cederet quid ex eo fieret. Multo igitur minus pertinet ad animal iam occisum qualiter eius carnes decoquantur. Irrationabile igitur videtur esse quod dicitur Exod. XXIII, *non coques haedum in lacte matris suae*.

[38086] I^a-IIae q. 102 a. 6 arg. 5

Praeterea, ea quae sunt primitiva in hominibus et animalibus, tanquam perfectiora, praecipiuntur domino offerri. Inconvenienter igitur praecipitur Lev. XIX, *quando ingressi fueritis terram, et plantaveritis in ea ligna pomifera, auferetis praepudia eorum, idest prima germina, et immunda erunt vobis, nec edetis ex eis*.

[38087] I^a-IIae q. 102 a. 6 arg. 6

Praeterea, vestimentum extra corpus hominis est. Non igitur debuerunt quaedam specialia vestimenta Iudaeis interdici, puta quod dicitur Lev. XIX, *vestem quae ex duobus texta est, non indueris*; et Deut. XXII, *non induetur mulier veste virili, et vir non induetur veste feminea*; et infra, *non indueris vestimento quod ex lana linoque contextum est*.

[38088] I^a-IIae q. 102 a. 6 arg. 7

Praeterea, memoria mandatorum Dei non pertinet ad corpus, sed ad cor. Inconvenienter igitur praecipitur Deut. VI, quod *ligarent praecepta Dei quasi signum in manu sua, et quod scriberentur in limine ostiorum; et quod per angulos palliorum facerent fimbrias, in quibus ponerent vittas hyacinthinas, in memoriam mandatorum Dei*, ut habetur Num. XV.

[38089] I^a-IIae q. 102 a. 6 arg. 8

Praeterea, apostolus dicit, I ad Cor. IX, quod non est cura Deo de bobus, et per consequens neque de aliis animalibus irrationalibus. Inconvenienter igitur praecipitur Deut. XXII, *si ambulaveris per viam, et inveneris nidum avis, non tenebis matrem cum filiis*; et Deut. XXV, *non alligabis os bovis triturantis*; et Lev. XIX, *iumenta tua non facies coire cum alterius generis animantibus*.

[38090] I^a-IIae q. 102 a. 6 arg. 9

Praeterea, inter plantas non fiebat discretio mundorum ab immundis.

Ergo multo minus circa culturam plantarum debuit aliqua discretio adhiberi. Ergo inconvenienter praecipitur Lev. XIX, *agrum non seres diverso semine*; et Deut. XXII, *non seres vineam tuam altero semine*; et, *non arabis in bove simul et asino*.

[38091] I^a-IIae q. 102 a. 6 arg. 10

Praeterea, ea quae sunt inanimata, maxime videmus hominum potestati esse subiecta. Inconvenienter igitur arcetur homo ab argento et auro ex quibus fabricata sunt idola, et ab aliis quae in idolorum domibus inveniuntur, praecepto legis quod habetur Deut. VII. Ridiculum etiam videtur esse praeceptum quod habetur Deut. XXIII, *ut egestionem humo operirent, fodientes in terra*.

[38092] I^a-IIae q. 102 a. 6 arg. 11

Praeterea, pietas maxime in sacerdotibus requiritur. Sed ad pietatem pertinere videtur quod aliquis funeribus amicorum intersit, unde etiam de hac Tobias laudatur, ut habetur Tob. I. Similiter etiam quandoque ad pietatem pertinet quod aliquis in uxorem accipiat meretricem, quia per hoc eam a peccato et infamia liberat. Ergo videtur quod haec inconvenienter prohibeantur sacerdotibus, Lev. XXI.

[38093] I^a-IIae q. 102 a. 6 s. c.

Sed contra est quod dicitur Deut. XVIII, *tu autem a domino Deo tuo aliter institutus es*, ex quo potest accipi quod huiusmodi observantiae sunt institutae a Deo ad quandam specialem illius populi praerogativam. Non ergo sunt irrationabiles, aut sine causa.

[38094] I^a-IIae q. 102 a. 6 co.

Respondeo dicendum quod populus Iudaeorum, ut supra dictum est, specialiter erat deputatus ad cultum divinum; et inter eos, specialiter sacerdotes. Et sicut aliae res quae applicantur ad cultum divinum, aliquam specialitatem debent habere, quod pertinet ad honorificentiam divini cultus; ita etiam et in conversatione illius populi, et praecipue sacerdotum, debuerunt esse aliqua specialia congruentia ad cultum divinum, vel spirituales vel corporales. Cultus autem legis figurabat mysterium Christi, unde omnia eorum gesta figurabant ea quae ad Christum pertinent; secundum illud I Cor. X, *omnia in figuram contingebant illis*. Et ideo rationes harum observantiarum dupliciter assignari possunt, uno modo, secundum congruentiam ad divinum

cultum; alio modo, secundum quod figurant aliquid circa Christianorum vitam.

[38095] I^a-IIae q. 102 a. 6 ad 1

Ad primum ergo dicendum quod, sicut supra dictum est, duplex pollutio, vel immunditia, observabatur in lege, una quidem culpa, per quam polluebatur anima; alia autem corruptionis cuiusdam, per quam quodammodo inquinatur corpus. Loquendo igitur de prima immunditia, nulla genera ciborum immunda sunt, vel hominem inquinare possunt, secundum suam naturam, unde dicitur Matth. XV, *non quod intrat in os, coinquinat hominem; sed quae procedunt de ore, haec coinquant hominem*; et exponitur hoc de peccatis. Possunt tamen aliqui cibi per accidens inquinare animam, in quantum scilicet contra obedientiam vel votum, vel nimia concupiscentia comeduntur; vel in quantum praebent fomentum luxuriae, propter quod aliqui a vino et carnibus abstinent. Secundum autem corporalem immunditiam, quae est corruptionis cuiusdam, aliquae animalium carnes immunditiam habent, vel quia ex rebus immundis nutriuntur, sicut porcus; aut immunde conversantur, sicut quaedam animalia sub terra habitantia, sicut talpae et mures et alia huiusmodi, unde etiam quendam fetorem contrahunt; vel quia eorum carnes, propter superfluum umiditatem vel siccitatem, corruptos humores in corporibus humanis generant. Et ideo prohibitae sunt eis carnes animalium habentium soleas, id est unguam unam non fissam, propter eorum terrestritatem. Et similiter sunt eis prohibitae carnes animalium habentium multas fissuras in pedibus, quia sunt nimis cholericae et adusta, sicut carnes leonis et huiusmodi. Et eadem ratione prohibitae sunt eis aves quaedam rapaces, quae sunt nimiae siccitatis; et quaedam aves aquaticae, propter excessum humiditatis. Similiter etiam quidam pisces non habentes pinnulas et squamas, ut anguillae et huiusmodi, propter excessum humiditatis. Sunt autem eis concessa ad esum animalia ruminantia et findentia unguam, quia habent humores bene digestos, et sunt medie complexionata, quia nec sunt nimis humida, quod significant unguae; neque sunt nimis terrestria, cum non habeant unguam continuam, sed fissam. In piscibus etiam concessi sunt eis pisces sicciore, quod significatur per hoc quod habent squamas et pinnulas, per hoc enim efficitur temperata complexio humida piscium. In avibus etiam sunt eis concessae magis temperatae, sicut gallinae,

perdices, et aliae huiusmodi. Alia ratio fuit in detestationem idololatriae. Nam gentiles, et praecipue Aegyptii, inter quos erant nutriti, huiusmodi animalia prohibita idolis immolabant, vel eis ad maleficia utebantur. Animalia vero quae Iudaeis sunt concessa ad esum non comedebant, sed ea tanquam deos colebant; vel propter aliam causam ab eis abstinebant, ut supra dictum est. Tertia ratio est ad tollendam nimiam diligentiam circa cibaria. Et ideo conceduntur illa animalia quae de facili et in promptu haberi possunt. Generaliter tamen prohibitus est eis esus sanguinis et adipis cuiuslibet animalis. Sanguinis quidem tum ad vitandam crudelitatem, ut detestarentur humanum sanguinem effundere, sicut supra dictum est. Tum etiam ad vitandum idololatriae ritum, quia eorum consuetudo erat ut circa sanguinem congregatum adunarentur ad comedendum in honorem idolorum, quibus reputabant sanguinem acceptissimum esse. Et ideo dominus mandavit quod sanguis effunderetur, et quod pulvere operiretur. Et propter hoc etiam prohibitum est eis comedere animalia suffocata vel strangulata, quia sanguis eorum non separaretur a carne. Vel quia in tali morte animalia multum affliguntur; et dominus voluit eos a crudelitate prohibere etiam circa animalia bruta, ut per hoc magis recederent a crudelitate hominis, habentes exercitium pietatis etiam circa bestias. Adipis etiam esus prohibitus est eis, tum quia idololatrae comedebant illum in honorem deorum suorum. Tum etiam quia cremabatur in honorem Dei. Tum etiam quia sanguis et adeps non generant bonum nutrimentum, quod pro causa inducit Rabbi Moyses. Causa autem prohibitionis esus nervorum exprimitur Gen. XXXII, ubi dicitur quod *non comedunt filii Israel nervum, eo quod tetigerit nervum femoris Iacob, et obstupuerit*. Figuralis autem ratio horum est quia per omnia huiusmodi animalia prohibita designantur aliqua peccata, in quorum figuram illa animalia prohibentur. Unde dicit Augustinus, in libro contra Faustum, *si de porco et agno requiratur, utrumque natura mundum est, quia omnis creatura Dei bona est, quadam vero significatione, agnus mundus, porcus immundus est. Tanquam, si stultum et sapientem diceres, utrumque hoc verbum natura vocis et litterarum et syllabarum ex quibus constat, mundum est, significatione autem unum est mundum, et aliud immundum*. Animal enim quod ruminat et ungulam findit, mundum est significatione. Quia fissio ungulae significat distinctionem duorum testamentorum; vel patris et filii; vel duarum naturarum in Christo; vel discretionem boni et mali.

Ruminatio autem significat meditationem Scripturarum, et sanum intellectum earum. Cuicumque autem horum alterum deest, spiritualiter immundus est. Similiter etiam in piscibus illi qui habent squamas et pinnulas, significatione mundi sunt. Quia per pinnulas significatur vita sublimis, vel contemplatio; per squamas autem significatur aspera vita; quorum utrumque necessarium est ad munditiam spiritualem. In avibus autem specialia quaedam genera prohibentur. In aquila enim, quae alte volat, prohibetur superbia. In gryphe autem, qui equis et hominibus infestus est, crudelitas potentum prohibetur. In haliaeeto autem, qui pascitur minutis avibus, significantur illi qui sunt pauperibus molesti. In milvo autem, qui maxime insidiis utitur, designantur fraudulentum. In vulture autem, qui sequitur exercitum expectans comedere cadavera mortuorum, significantur illi qui mortes et seditiones hominum affectant ut inde lucrentur. Per animalia corvini generis significantur illi qui sunt voluptatibus denigrati, vel qui sunt expertes bonae affectionis, quia corvus, semel emissus ab arca, non est reversus. Per struthionem, qui, cum sit avis, volare non potest, sed semper est circa terram, significantur Deo militantes et se negotiis saecularibus implicantes. Nycticorax, quae in nocte acuti est visus, in die autem non videt, significat eos qui in temporalibus sunt astuti, in spiritualibus hebetes. Larus autem, qui et volat in aere et natat in aqua, significat eos qui et circumcisionem et Baptismum venerantur, vel significat eos qui per contemplationem volare volunt, et tamen vivunt in aquis voluptatum. Accipiter vero, qui deservit hominibus ad praedam, significat eos qui ministrant potentibus ad depraedandum pauperes. Per bubonem, qui in nocte pastum quaerit, de die autem latet, significantur luxuriosi, qui occultari quaerunt in nocturnis operibus quae agunt. Mergulus autem, cuius natura est ut sub undis diutius immoretur, significat gulosos, qui aquis deliciarum se immergunt. Ibis vero avis est in Africa habens longum rostrum, quae serpentibus pascitur, et forte est idem quod ciconia, et significat invidos, qui de malis aliorum, quasi de serpentibus, reficiuntur. Cygnus autem est coloris candidi, et longo collo quod habet, ex profunditate terrae vel aquae cibum trahit, et potest significare homines qui per exteriorem iustitiae candorem lucra terrena quaerunt. Onocrotalus autem avis est in partibus orientis, longo rostro, quae in faucibus habet quosdam folliculos, in quibus primo cibum reponit, et post horam in ventrem mittit, et significat avaros, qui immoderata

sollicitudine vitae necessaria congregant. Porphyrio autem, praeter modum aliarum avium, habet unum pedem latum ad natandum, alium fissum ad ambulandum, quia et in aqua natat ut anates, et in terra ambulat ut perdices, solo morsu bibit, omnem cibum aqua tingens, et significat eos qui nihil ad alterius arbitrium facere volunt, sed solum quod fuerit tinctum aqua propriae voluntatis. Per Herodionem qui vulgariter falco dicitur, significantur illi quorum pedes sunt veloces ad effundendum sanguinem. Charadrius autem, quae est avis garrula, significat loquaces. Upupa autem, quae nidificat in stercorebus et fetenti pascitur fimo, et gemitum in cantu simulat, significat tristitiam saeculi, quae in hominibus immundis mortem operatur. Per vespertilionem autem, quae circa terram volitat, significantur illi qui, saeculari scientia praediti, sola terrena sapiunt. Circa volatilia autem et quadrupedia, illa sola conceduntur eis quae posteriora crura habent longiora, ut salire possint. Alia vero, quae terrae magis adhaerent, prohibentur, quia illi qui abutuntur doctrina quatuor Evangelistarum, ut per eam in altum non subleventur, immundi reputantur. In sanguine vero et adipe et nervo, intelligitur prohiberi crudelitas, et voluptas, et fortitudo ad peccandum.

[38096] I^a-IIae q. 102 a. 6 ad 2

Ad secundum dicendum quod esus plantarum et aliorum terrae nascentium adfuit apud homines etiam ante diluvium, sed esus carnum videtur esse post diluvium introductus; dicitur enim Gen. IX, *quasi olera virentia dedi vobis omnem carnem*. Et hoc ideo, quia esus terrae nascentium magis pertinet ad quandam simplicitatem vitae; esus autem carnum ad quasdam delicias et curiositatem vivendi. Sponte enim terra herbam germinat, vel cum modico studio huiusmodi terrae nascentia in magna copia procurantur, oportet autem cum magno studio animalia vel nutrire, vel etiam capere. Et ideo volens dominus populum suum reducere ad simpliciore victum, multa in genere animalium eis prohibuit, non autem in genere terrae nascentium. Vel etiam quia animalia immolabantur idolis, non autem terrae nascentia.

[38097] I^a-IIae q. 102 a. 6 ad 3

Ad tertium patet responsio ex dictis.

[38098] I^a-IIae q. 102 a. 6 ad 4

Ad quartum dicendum quod, etsi haedus occisus non sentiat qualiter

carnes eius coquantur, tamen in animo decoquentis ad quandam crudelitatem pertinere videtur si lac matris, quod datum est ei pro nutrimento, adhibeatur ad consumptionem carniū ipsius. Vel potest dici quod gentiles in solemnitatibus idolorum taliter carnes haedi coquebant, ad immolandum vel ad comedendum. Et ideo Exod. XXIII, postquam praedictum fuerat de solemnitatibus celebrandis in lege, subditur, *non coques haedum in lacte matris suae*. Figuralis autem ratio huius prohibitionis est quia praefigurabatur quod Christus, qui est haedus propter similitudinem carnis peccati, non erat a Iudaeis coquendus, idest occidendus, in lacte matris, idest tempore infantiae. Vel significatur quod haedus idest peccator, non est coquendus in lacte matris, idest non est blanditiis deliniendus.

[38099] I^a-IIae q. 102 a. 6 ad 5

Ad quintum dicendum quod gentiles fructus primitivos, quos fortunatos aestimabant, diis suis offerebant, vel etiam comburebant eos ad quaedam magica facienda. Et ideo praeceptum est eis ut fructus trium primorum annorum immundos reputarent. In tribus enim annis fere omnes arbores terrae illius fructum producunt, quae scilicet vel seminando, vel inserendo, vel plantando coluntur. Raro autem contingit quod ossa fructuum arboris, vel semina latentia, seminentur, haec enim tardius facerent fructum, sed lex respexit ad id quod frequentius fit. Poma autem quarti anni, tanquam primitiae mundorum fructuum, Deo offerebantur, a quinto autem anno, et deinceps, comedebantur. Figuralis autem ratio est quia per hoc praefiguratur quod post tres status legis, quorum unus est ab Abraham usque ad David, secundus usque ad transmigrationem Babylonis, tertius usque ad Christum, erat Christus Deo offerendus, qui est fructus legis. Vel quia primordia nostrorum operum debent esse nobis suspecta, propter imperfectionem.

[38100] I^a-IIae q. 102 a. 6 ad 6

Ad sextum dicendum quod sicut dicitur Eccli. XIX, *amictus corporis enuntiat de homine*. Et ideo voluit dominus ut populus eius distingueretur ab aliis populis non solum signo circumcisionis, quod erat in carne, sed etiam certa habitus distinctione. Et ideo prohibitum fuit eis ne induerentur vestimento ex lana et lino contexto, et ne mulier indueretur veste virili, aut e converso, propter duo. Primo quidem, ad vitandum idololatriae cultum. Huiusmodi enim variis vestibus ex diversis

confectis gentiles in cultu suorum deorum utebantur. Et etiam in cultu Martis mulieres utebantur armis virorum; in cultu autem Veneris e converso viri utebantur vestibus mulierum. Alia ratio est ad declinandam luxuriam. Nam per commixtiones varias in vestimentis omnis inordinata commixtio coitus excluditur. Quod autem mulier induatur veste virili, aut e converso, incentivum est concupiscentiae, et occasionem libidini praestat. Figuralis autem ratio est quia in vestimento contexto ex lana et lino interdicitur coniunctio simplicitatis innocentiae, quae figuratur per lanam, et subtilitatis malitiae, quae figuratur per linum. Prohibetur etiam quod mulier non usurpet sibi doctrinam, vel alia virorum officia; vel vir declinet ad mollities mulierum.

[38101] I^a-IIae q. 102 a. 6 ad 7

Ad septimum dicendum quod, sicut Hieronymus dicit, super Matth., *dominus iussit ut in quatuor angulis palliorum hyacinthinas fimbrias facerent, ad populum Israel dignoscendum ab aliis populis*. Unde per hoc se esse Iudaeos profitebantur, et ideo per aspectum huius signi inducebantur in memoriam suae legis. Quod autem dicitur, *ligabis ea in manu tua, et erunt semper ante oculos tuos, Pharisei male interpretabantur, scribentes in membranis Decalogum Moysi, et ligabant in fronte, quasi coronam, ut ante oculos moverentur*, cum tamen intentio domini mandantis fuerit ut ligarentur in manu, idest in operatione; et essent ante oculos, idest in meditatione. In hyacinthinis etiam vittis, quae palliis inserebantur, significatur caelestis intentio, quae omnibus operibus nostris debet adiungi. Potest tamen dici quod, quia populus ille carnalis erat et durae cervicis, oportuit etiam per huiusmodi sensibilia eos ad legis observantiam excitari.

[38102] I^a-IIae q. 102 a. 6 ad 8

Ad octavum dicendum quod affectus hominis est duplex, unus quidem secundum rationem; alius vero secundum passionem. Secundum igitur affectum rationis, non refert quid homo circa bruta animalia agat, quia omnia sunt subiecta eius potestati a Deo, secundum illud Psalmi VIII, *omnia subiecisti sub pedibus eius*. Et secundum hoc apostolus dicit quod non est cura Deo de bobus, quia Deus non requirit ab homine quid circa boves agat, vel circa alia animalia. Quantum vero ad affectum passionis, movetur affectus hominis etiam circa alia animalia, quia enim passio misericordiae consurgit ex afflictionibus aliorum, contingit autem etiam

bruta animalia poenas sentire, potest in homine consurgere misericordiae affectus etiam circa afflictiones animalium. Proximum autem est ut qui exercetur in affectu misericordiae circa animalia, magis ex hoc disponatur ad affectum misericordiae circa homines, unde dicitur Prov. XII, *novit iustus animas iumentorum suorum; viscera autem impiorum crudelia*. Et ideo ut dominus populum Iudaicum, ad crudelitatem pronum, ad misericordiam revocaret, voluit eos exerceri ad misericordiam etiam circa bruta animalia, prohibens quaedam circa animalia fieri quae ad crudelitatem quandam pertinere videntur. Et ideo prohibuit ne coqueretur haedus in lacte matris; et quod non alligaretur os bovi trituranti; et quod non occideretur mater cum filiis. Quamvis etiam dici possit quod haec prohibita sunt eis in detestationem idololatriae. Nam Aegyptii nefarium reputabant ut boves triturantes de frugibus comederent. Aliqui etiam malefici utebantur matre avis incubante et pullis eius simul captis, ad fecunditatem et fortunam circa nutritionem filiorum. Et etiam quia in auguriis reputabatur hoc esse fortunatum, quod inveniretur mater incubans filiis. Circa commixtionem vero animalium diversae speciei, ratio litteralis potuit esse triplex. Una quidem, ad detestationem idololatriae Aegyptiorum, qui diversis commixtionibus utebantur in servitium planetarum, qui secundum diversas coniunctiones habent diversos effectus, et super diversas species rerum. Alia ratio est ad excludendum concubitus contra naturam. Tertia ratio est ad tollendam universaliter occasionem concupiscentiae. Animalia enim diversarum specierum non commiscentur de facili ad invicem, nisi hoc per homines procuretur; et in aspectu coitus animalium excitatur homini concupiscentiae motus. Unde etiam in traditionibus Iudaeorum praeceptum invenitur, ut Rabbi Moyses dicit, ut homines avertant oculos ab animalibus coeuntibus. Figuralis autem horum ratio est quia bovi trituranti, idest praedicatori deferenti segetes doctrinae, non sunt necessaria victus subtrahenda; ut apostolus dicit, I ad Cor. IX. Matrem etiam non simul debemus tenere cum filiis, quia in quibusdam retinendi sunt spirituales sensus, quasi filii, et dimittenda est litteralis observantia, quasi mater; sicut in omnibus caeremoniis legis. Prohibetur etiam quod iumenta, idest populares homines, non faciamus coire, idest coniunctionem habere, cum alterius generis animantibus, idest cum gentilibus vel Iudaeis.

Ad nonum dicendum quod omnes illae commixtiones in agricultura sunt prohibitae, ad litteram, in detestationem idololatriae. Quia Aegyptii, in venerationem stellarum, diversas commixtiones faciebant et in seminibus et in animalibus et in vestibus, repraesentantes diversas coniunctiones stellarum. Vel omnes huiusmodi commixtiones variae prohibentur ad detestationem coitus contra naturam. Habent tamen figuralem rationem. Quia quod dicitur, non seres vineam tuam altero semine, est spiritualiter intelligendum, quod in Ecclesia, quae est spiritualis vinea, non est seminanda aliena doctrina. Et similiter ager, idest Ecclesia, non est seminandus diverso semine, idest Catholica doctrina et haeretica. Non est etiam simul arandum in bove et asino, quia fatuus sapienti in praedicatione non est sociandus, quia unus impedit alium.

Ad undecimum dicendum quod malefici et sacerdotes idolorum utebantur in suis ritibus ossibus vel carnibus hominum mortuorum. Et ideo, ad extirpandum idololatriae cultum, praecepit dominus ut sacerdotes minores, qui per tempora certa ministrabant in sanctuario, non inquinarentur in mortibus nisi valde propinquorum, scilicet patris et matris et huiusmodi coniunctarum personarum. Pontifex autem semper debebat esse paratus ad ministerium sanctuarii, et ideo totaliter prohibitus erat ei accessus ad mortuos, quantumcumque propinquos. Praeceptum etiam est eis ne ducerent uxorem meretricem ac repudiatam, sed virginem. Tum propter reverentiam sacerdotum, quorum dignitas quodammodo ex tali coniugio diminui videretur. Tum etiam propter filios, quibus esset ad ignominiam turpitudine matris, quod maxime tunc erat vitandum, quando sacerdotii dignitas secundum successionem generis conferebatur. Praeceptum etiam erat eis ut non raderent caput nec barbam, nec in carnibus suis facerent incisuram, ad removendum idololatriae ritum. Nam sacerdotes gentilium radebant caput et barbam, unde dicitur Baruch VI, *sacerdotes sedent habentes tunicas scissas, et capita et barbam rasam*. Et etiam in cultu idolorum incidebant se cultris et lanceolis, ut dicitur III regum XVIII. Unde contraria praecepta sunt sacerdotibus veteris legis. Spiritualis autem ratio horum est quia sacerdotes omnino debent esse immunes ab operibus mortuis, quae sunt opera peccati. Et etiam non debent radere caput, idest deponere sapientiam; neque deponere barbam, idest

sapientiae perfectionem; neque etiam scindere vestimenta aut incidere carnes, ut scilicet vitium schismatis non incurrant.

Quaestio 103

Prooemium

[38105] I^a-IIae q. 103 pr.

Deinde considerandum est de duratione caeremonialium praeceptorum. Et circa hoc quaeruntur quatuor. Primo, utrum praecepta caeremonialia fuerint ante legem. Secundo, utrum in lege aliquam virtutem habuerint iustificandi. Tertio, utrum cessaverint Christo veniente. Quarto, utrum sit peccatum mortale observare ea post Christum.

Articulus 1

[38106] I^a-IIae q. 103 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod caeremoniae legis fuerint ante legem. Sacrificia enim et holocausta pertinent ad caeremonias veteris legis, ut supra dictum est. Sed sacrificia et holocausta fuerunt ante legem. Dicitur enim Gen. IV, quod *Cain obtulit de fructibus terrae munera domino; Abel autem obtulit de primogenitis gregis sui, et de adipibus eorum*. Noe etiam obtulit holocausta domino, ut dicitur Gen. VIII; et Abraham similiter, ut dicitur Gen. XXII. Ergo caeremoniae veteris legis fuerunt ante legem.

[38107] I^a-IIae q. 103 a. 1 arg. 2

Praeterea, ad caeremonias sacrorum pertinet constructio altaris, et eius inunctio. Sed ista fuerunt ante legem. Legitur enim Gen. XIII, quod Abraham aedificavit altare domino; et de Iacob dicitur Gen. XXVIII, quod *tulit lapidem et erexit in titulum fundens oleum desuper*. Ergo caeremoniae legales fuerunt ante legem.

[38108] I^a-IIae q. 103 a. 1 arg. 3

Praeterea, inter sacramenta legalia primum videtur fuisse circumcisio. Sed circumcisio fuit ante legem, ut patet Gen. XVII. Similiter etiam sacerdotium fuit ante legem, dicitur enim Gen. XIV, quod Melchisedech erat sacerdos Dei summi. Ergo caeremoniae sacramentorum fuerunt ante legem.

Praeterea, discretio mundorum animalium ab immundis pertinet ad caeremonias observantiarum, ut supra dictum est. Sed talis discretio fuit ante legem, dicitur enim Gen. VII, *ex omnibus mundis animalibus tolle septena et septena; de animantibus vero immundis, duo et duo*. Ergo caeremoniae legales fuerunt ante legem.

Sed contra est quod dicitur Deut. VI, *haec sunt praecepta et caeremoniae quae mandavit dominus Deus vester ut docerem vos*. Non autem indignissent super his doceri, si prius praedictae caeremoniae fuissent. Ergo caeremoniae legis non fuerunt ante legem.

Respondeo dicendum quod, sicut ex dictis patet, caeremoniae legis ad duo ordinabantur, scilicet ad cultum Dei, et ad figurandum Christum. Quicumque autem colit Deum, oportet quod per aliqua determinata eum colat, quae ad exteriorem cultum pertinent. Determinatio autem divini cultus ad caeremonias pertinet; sicut etiam determinatio eorum per quae ordinamur ad proximum, pertinet ad praecepta iudicialia; ut supra dictum est. Et ideo sicut inter homines communiter erant aliqua iudicialia, non tamen ex auctoritate legis divinae instituta, sed ratione hominum ordinata; ita etiam erant quaedam caeremoniae, non quidem ex auctoritate alicuius legis determinatae, sed solum secundum voluntatem et devotionem hominum Deum colentium. Sed quia etiam ante legem fuerunt quidam viri praecipui prophetico spiritu pollentes, credendum est quod ex instinctu divino, quasi ex quadam privata lege, inducerentur ad aliquem certum modum colendi Deum, qui et conveniens esset interiori cultui, et etiam congrueret ad significandum Christi mysteria, quae figurabantur etiam per alia eorum gesta, secundum illud I ad Cor. X, *omnia in figuram contingebant illis*. Fuerunt igitur ante legem quaedam caeremoniae, non tamen caeremoniae legis, quia non erant per aliquam legislationem institutae.

Ad primum ergo dicendum quod huiusmodi oblationes et sacrificia et holocausta offerebant antiqui ante legem ex quadam devotione propriae voluntatis, secundum quod eis videbatur conveniens ut in rebus quas a

Deo acceperant, quas in reverentiam divinam offerrent, protestarentur se colere Deum, qui est omnium principium et finis.

[38113] I^a-IIae q. 103 a. 1 ad 2

Ad secundum dicendum quod etiam sacra quaedam instituerunt, quia videbatur eis conveniens ut in reverentiam divinam essent aliqua loca ab aliis discreta, divino cultui mancipata.

[38114] I^a-IIae q. 103 a. 1 ad 3

Ad tertium dicendum quod sacramentum circumcisionis praecepto divino fuit statutum ante legem. Unde non potest dici sacramentum legis quasi in lege institutum, sed solum quasi in lege observatum. Et hoc est quod dominus dicit, Ioan. VII, *circumcisio non ex Moyse est, sed ex patribus eius*. Sacerdotium etiam erat ante legem apud colentes Deum, secundum humanam determinationem, quia hanc dignitatem primogenitis attribuebant.

[38115] I^a-IIae q. 103 a. 1 ad 4

Ad quartum dicendum quod distinctio mundorum animalium et immundorum non fuit ante legem quantum ad esum, cum dictum sit Gen. IX, *omne quod movetur et vivit, erit vobis in cibum*, sed solum quantum ad sacrificiorum oblationem, quia de quibusdam determinatis animalibus sacrificia offerebant. Si tamen quantum ad esum erat aliqua discretio animalium, hoc non erat quia esus illorum reputaretur illicitus, cum nulla lege esset prohibitus, sed propter abominationem vel consuetudinem, sicut et nunc videmus quod aliqua cibaria sunt in aliquibus terris abominabilia, quae in aliis comeduntur.

Articulus 2

[38116] I^a-IIae q. 103 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod caeremoniae veteris legis habuerint virtutem iustificandi tempore legis. Expiatio enim a peccato, et consecratio hominis, ad iustificationem pertinent, sed Exod. XXIX, dicitur quod per aspersionem sanguinis et inunctionem olei consecrabantur sacerdotes et vestes eorum; et Levit. XVI, dicitur quod sacerdos per aspersionem sanguinis vituli *expiabat sanctuarium ab immunditiis filiorum Israel, et a praevaricationibus eorum atque peccatis*. Ergo

caeremoniae veteris legis habebant virtutem iustificandi.

[38117] I^a-IIae q. 103 a. 2 arg. 2

Praeterea, id per quod homo placet Deo, ad iustitiam pertinet; secundum illud Psalmi X, *iustus dominus, et iustitias dilexit*, sed per caeremonias aliqui Deo placebant, secundum illud Levit. X, *quomodo potui placere domino in caeremoniis mente lugubri?* Ergo caeremoniae veteris legis habebant virtutem iustificandi.

[38118] I^a-IIae q. 103 a. 2 arg. 3

Praeterea, ea quae sunt divini cultus magis pertinent ad animam quam ad corpus; secundum illud Psalmi XVIII, *lex domini immaculata, convertens animas*. Sed per caeremonias veteris legis mundabatur leprosus, ut dicitur Levit. XIV. Ergo multo magis caeremoniae veteris legis poterant mundare animam, iustificando.

[38119] I^a-IIae q. 103 a. 2 s. c.

Sed contra est quod apostolus dicit, Galat. II, *si data esset lex quae posset iustificare, Christus gratis mortuus esset*, idest sine causa. Sed hoc est inconveniens. Ergo caeremoniae veteris legis non iustificabant.

[38120] I^a-IIae q. 103 a. 2 co.

Respondeo dicendum quod, sicut supra dictum est, in veteri lege duplex immunditia observabatur. Una quidem spiritualis, quae est immunditia culpa. Alia vero corporalis, quae tollebat idoneitatem ad cultum divinum, sicut leprosus dicebatur immundus, vel ille qui tangebatur aliquod morticinum, et sic immunditia nihil aliud erat quam irregularitas quaedam. Ab hac igitur immunditia caeremoniae veteris legis habebant virtutem emundandi, quia huiusmodi caeremoniae erant quaedam remedia adhibita ex ordinatione legis ad tollendas praedictas immunditias ex statuto legis inductas. Et ideo apostolus dicit, ad Heb. IX, quod *sanguis hircorum et taurorum, et cinis vitulae aspersus, inquinatos sanctificat ad emundationem carnis*. Et sicut ista immunditia quae per huiusmodi caeremonias emundabatur, erat magis carnis quam mentis; ita etiam ipsae caeremoniae iustitiae carnis dicuntur ab ipso apostolo, parum supra, *iustitiis, inquit, carnis usque ad tempus correctionis impositis*. Ab immunditia vero mentis, quae est immunditia culpa, non habebant virtutem expiandi. Et hoc ideo quia expiatio a peccatis nunquam fieri potuit nisi per Christum, qui tollit peccata mundi, ut dicitur Ioan. I, et quia mysterium incarnationis et passionis Christi nondum erat

realiter peractum, illae veteris legis caeremoniae non poterant in se continere realiter virtutem profluentem a Christo incarnato et passo, sicut continent sacramenta novae legis. Et ideo non poterant a peccato mundare, sicut apostolus dicit, ad Heb. X, quod *impossibile est sanguine taurorum aut hircorum auferri peccata*. Et hoc est quod, Gal. IV, apostolus vocat ea egena et infirma elementa, infirma quidem, quia non possunt a peccato mundare; sed haec infirmitas provenit ex eo quod sunt egena, idest eo quod non continent in se gratiam. Poterat autem mens fidelium, tempore legis, per fidem coniungi Christo incarnato et passo, et ita ex fide Christi iustificabantur. Cuius fidei quaedam protestatio erat huiusmodi caeremoniarum observatio, inquantum erant figura Christi. Et ideo pro peccatis offerebantur sacrificia quaedam in veteri lege, non quia ipsa sacrificia a peccato emundarent, sed quia erant quaedam protestationes fidei, quae a peccato mundabat. Et hoc etiam ipsa lex innuit ex modo loquendi, dicitur enim Levit. IV et V, quod in oblatione hostiarum pro peccato orabit pro eo sacerdos, et dimittetur ei; quasi peccatum dimittatur non ex vi sacrificiorum, sed ex fide et devotione offerentium. Sciendum est tamen quod hoc ipsum quod veteris legis caeremoniae a corporalibus immunditiis expiabant, erat in figura expiationis a peccatis quae fit per Christum. Sic igitur patet quod caeremoniae in statu veteris legis non habebant virtutem iustificandi.

[38121] I^a-IIae q. 103 a. 2 ad 1

Ad primum ergo dicendum quod illa sanctificatio sacerdotum et filiorum eius, et vestium ipsorum, vel quorumcumque aliorum, per aspersionem sanguinis, nihil aliud erat quam deputatio ad divinum cultum, et remotio impedimentorum ad emundationem carnis, ut apostolus dicit; in praefigurationem illius sanctificationis qua Iesus per suum sanguinem sanctificavit populum. Expiatio etiam ad remotionem huiusmodi corporalium immunditiarum referenda est, non ad remotionem culpae. Unde etiam sanctuarium expiari dicitur, quod culpae subiectum esse non poterat.

[38122] I^a-IIae q. 103 a. 2 ad 2

Ad secundum dicendum quod sacerdotes placebant Deo in caeremoniis propter obedientiam et devotionem et fidem rei praefiguratae, non autem propter ipsas res secundum se consideratas.

Ad tertium dicendum quod caeremoniae illae quae erant institutae in emundatione leprosi, non ordinabantur ad tollendam immunditiam infirmitatis leprae. Quod patet ex hoc quod non adhibebantur huiusmodi caeremoniae nisi iam emundato, unde dicitur Levit. XIV, quod *sacerdos, egressus de castris, cum invenerit lepram esse mundatam, praecipiet ei qui purificatur ut offerat, etc.*; ex quo patet quod sacerdos constituebatur iudex leprae emundatae, non autem emundandae. Adhibebantur autem huiusmodi caeremoniae ad tollendam immunditiam irregularitatis. Dicunt tamen quod quandoque, si contingeret sacerdotem errare in iudicando, miraculose leprosus mundabatur a Deo virtute divina, non autem virtute sacrificiorum. Sicut etiam miraculose mulieris adulterae computrescebat femur, bibitis aquis in quibus sacerdos maledicta congesserat, ut habetur Num. V.

Articulus 3

Ad tertium sic proceditur. Videtur quod caeremoniae veteris legis non cessaverint in Christi adventu. Dicitur enim Baruch IV, *hic est liber mandatorum Dei, et lex quae est in aeternum*. Sed ad legem pertinebant legis caeremoniae. Ergo legis caeremoniae in aeternum duraturae erant.

Praeterea, oblatio leprosi mundati ad legis caeremonias pertinebat. Sed etiam in Evangelio praecipitur leproso emundato ut huiusmodi oblationes offerat. Ergo caeremoniae veteris legis non cessaverunt Christo veniente.

Praeterea, manente causa, manet effectus. Sed caeremoniae veteris legis habebant quasdam rationabiles causas, inquantum ordinabantur ad divinum cultum; etiam praeter hoc quod ordinabantur in figuram Christi. Ergo caeremoniae veteris legis cessare non debuerunt.

Praeterea, circumcisio erat instituta in signum fidei Abrahae; observatio autem sabbati ad recolendum beneficium creationis; et aliae solemnitates legis ad recolendum alia beneficia Dei; ut supra dictum est. Sed fides Abrahae est semper imitanda etiam a nobis; et beneficium

creationis, et alia Dei beneficia, semper sunt recolenda. Ergo ad minus circumcisio et solemnitates legis cessare non debuerunt.

[38128] I^a-IIae q. 103 a. 3 s. c.

Sed contra est quod apostolus dicit, ad Coloss. II, *nemo vos iudicet in cibo aut in potu, aut in parte diei festi aut Neomeniae aut sabbatorum, quae sunt umbra futurorum*. Et ad Heb. VIII dicitur quod, *dicendo novum testamentum, veteravit prius, quod autem antiquatur et senescit, prope interitum est*.

[38129] I^a-IIae q. 103 a. 3 co.

Respondeo dicendum quod omnia praecepta caeremonialia veteris legis ad cultum Dei sunt ordinata, ut supra dictum est. Exterior autem cultus proportionari debet interiori cultui, qui consistit in fide, spe et caritate. Unde secundum diversitatem interioris cultus, debuit diversificari cultus exterior. Potest autem triplex status distingui interioris cultus. Unus quidem secundum quem habetur fides et spes et de bonis caelestibus, et de his per quae in caelestia introducimur, de utrisque quidem sicut de quibusdam futuris. Et talis fuit status fidei et spei in veteri lege. Alius autem est status interioris cultus in quo habetur fides et spes de caelestibus bonis sicut de quibusdam futuris, sed de his per quae introducimur in caelestia, sicut de praesentibus vel praeteritis. Et iste est status novae legis. Tertius autem status est in quo utraque habentur ut praesentia, et nihil creditur ut absens, neque speratur ut futurum. Et iste est status beatorum. In illo ergo statu beatorum nihil erit figurale ad divinum cultum pertinens, sed solum gratiarum actio et vox laudis. Et ideo dicitur Apoc. XXI, de civitate beatorum, *templum non vidi in ea, dominus enim Deus omnipotens templum illius est, et agnus*. Pari igitur ratione, caeremoniae primi status, per quas figurabatur et secundus et tertius, veniente secundo statu, cessare debuerunt; et aliae caeremoniae induci, quae convenirent statui cultus divini pro tempore illo, in quo bona caelestia sunt futura, beneficia autem Dei per quae ad caelestia introducimur, sunt praesentia.

[38130] I^a-IIae q. 103 a. 3 ad 1

Ad primum ergo dicendum quod lex vetus dicitur esse in aeternum, secundum moralia quidem, simpliciter et absolute, secundum caeremonialia vero, quantum ad veritatem per ea figuratam.

Ad secundum dicendum quod mysterium redemptionis humani generis completum fuit in passione Christi, unde tunc dominus *dixit, consummatum est*, ut habetur Ioan. XIX. Et ideo tunc totaliter debuerunt cessare legalia, quasi iam veritate eorum consummata. In cuius signum, in passione Christi velum templi legitur esse scissum, Matth. XXVII. Et ideo ante passionem Christi, Christo praedicante et miracula faciente, currebant simul lex et Evangelium, quia iam mysterium Christi erat inchoatum, sed nondum consummatum. Et propter hoc mandavit dominus, ante passionem suam, leproso, ut legales caeremonias observaret.

Ad tertium dicendum quod rationes litterales caeremoniarum supra assignatae referuntur ad divinum cultum, qui quidem cultus erat in fide venturi. Et ideo, iam veniente eo qui venturus erat, et cultus ille cessat, et omnes rationes ad hunc cultum ordinatae.

Ad quartum dicendum quod fides Abrahae fuit commendata in hoc quod credidit divinae promissioni de futuro semine, in quo benedicerentur omnes gentes. Et ideo quandiu hoc erat futurum, oportebat protestari fidem Abrahae in circumcissione. Sed postquam iam hoc est perfectum, oportet idem alio signo declarari, scilicet Baptismo, qui in hoc circumcissione succedit; secundum illud apostoli, ad Coloss. II, *circumcisi estis circumcissione non manu facta in expoliatione corporis carnis, sed in circumcissione domini nostri Iesu Christi, consepulti ei in Baptismo*. Sabbatum autem, quod significabat primam creationem, mutatur in diem dominicum, in quo commemoratur nova creatura inchoata in resurrectione Christi. Et similiter aliis solemnitatibus veteris legis novae solemnitates succedunt, quia beneficia illi populo exhibita, significant beneficia nobis concessa per Christum. Unde festo phase succedit festum passionis Christi et resurrectionis. Festo Pentecostes, in quo fuit data lex vetus, succedit festum Pentecostes in quo fuit data lex spiritus vitae. Festo Neomeniae succedit festum beatae virginis, in qua primo apparuit illuminatio solis, idest Christi, per copiam gratiae. Festo tubarum succedunt festa apostolorum. Festo expiationis succedunt festa martyrum et confessorum. Festo tabernaculorum succedit festum

consecrationis Ecclesiae. Festo coetus atque collectae succedit festum Angelorum; vel etiam festum omnium sanctorum.

Articulus 4

[38134] I^a-IIae q. 103 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod post passionem Christi legalia possint sine peccato mortali observari. Non est enim credendum quod apostoli, post acceptum spiritum sanctum, mortaliter peccaverint, eius enim plenitudine sunt induti virtute ex alto, ut dicitur Lucae ult. Sed apostoli post adventum spiritus sancti legalia observaverunt, dicitur enim Act. XVI, quod Paulus circumcidit Timotheum; et Act. XXI, dicitur quod Paulus, secundum consilium Iacobi, *assumptis viris, purificatus cum eis intravit in templum, annuntians expletionem dierum purificationis, donec offerretur pro unoquoque eorum oblatio*. Ergo sine peccato mortali possunt post Christi passionem legalia observari.

[38135] I^a-IIae q. 103 a. 4 arg. 2

Praeterea, vitare consortia gentilium ad caeremonias legis pertinebat. Sed hoc observavit primus pastor Ecclesiae, dicitur enim ad Gal. II, quod, cum venissent quidam Antiochiam, *subtrahebat et segregabat se Petrus a gentilibus*. Ergo absque peccato post passionem Christi legis caeremoniae observari possunt.

[38136] I^a-IIae q. 103 a. 4 arg. 3

Praeterea, praecepta apostolorum non induxerunt homines ad peccatum. Sed ex decreto apostolorum statutum fuit quod gentiles quaedam de caeremoniis legis observarent, dicitur enim Act. XV, *visum est spiritui sancto et nobis nihil ultra imponere oneris vobis quam haec necessaria, ut abstineatis vos ab immolatis simulacrorum, et sanguine, et suffocato, et fornicatione*. Ergo absque peccato caeremoniae legales possunt post Christi passionem observari.

[38137] I^a-IIae q. 103 a. 4 s. c.

Sed contra est quod apostolus dicit, ad Gal. V, *si circumcidimini, Christus nihil vobis proderit*. Sed nihil excludit fructum Christi nisi peccatum mortale. Ergo circumcidi, et alias caeremonias observare, post passionem Christi est peccatum mortale.

Respondeo dicendum quod omnes caeremoniae sunt quaedam protestationes fidei, in qua consistit interior Dei cultus. Sic autem fidem interiorem potest homo protestari factis, sicut et verbis, et in utraque protestatione, si aliquid homo falsum protestatur, peccat mortaliter. Quamvis autem sit eadem fides quam habemus de Christo, et quam antiqui patres habuerunt; tamen quia ipsi praecesserunt Christum, nos autem sequimur, eadem fides diversis verbis significatur a nobis et ab eis. Nam ab eis dicebatur, ecce virgo concipiet et pariet filium, quae sunt verba futuri temporis, nos autem idem repraesentamus per verba praeteriti temporis, dicentes quod concepit et peperit. Et similiter caeremoniae veteris legis significabant Christum ut nasciturum et passurum, nostra autem sacramenta significant ipsum ut natum et passum. Sicut igitur peccaret mortaliter qui nunc, suam fidem protestando, diceret Christum nasciturum, quod antiqui pie et veraciter dicebant; ita etiam peccaret mortaliter, si quis nunc caeremonias observaret, quas antiqui pie et fideliter observabant. Et hoc est quod Augustinus dicit, contra Faustum, *iam non promittitur nasciturus, passurus, resurrecturus, quod illa sacramenta quodammodo personabant, sed annuntiat quod natus sit, passus sit, surrexerit; quod haec sacramenta quae a Christianis aguntur, iam personant.*

Ad primum ergo dicendum quod circa hoc diversimode sensisse videntur Hieronymus et Augustinus. Hieronymus enim distinxit duo tempora. Unum tempus ante passionem Christi, in quo legalia nec erant mortua, quasi non habentia vim obligatoriam, aut expiativam pro suo modo; nec etiam mortifera, quia non peccabant ea observantes. Statim autem post passionem Christi incoeperunt esse non solum mortua, idest non habentia virtutem et obligationem; sed etiam mortifera, ita scilicet quod peccabant mortaliter quicumque ea observabant. Unde dicebat quod apostoli nunquam legalia observaverunt post passionem secundum veritatem; sed solum quadam pia simulatione, ne scilicet scandalizarent Iudaeos et eorum conversionem impedirent. Quae quidem simulatio sic intelligenda est, non quidem ita quod illos actus secundum rei veritatem non facerent, sed quia non faciebant tanquam legis caeremonias observantes; sicut si quis pelliculam virilis membri abscinderet propter sanitatem, non causa legalis circumcisionis observandae. Sed quia

indecens videtur quod apostoli ea occultarent propter scandalum quae pertinent ad veritatem vitae et doctrinae, et quod simulatione uterentur in his quae pertinent ad salutem fidelium; ideo convenientius Augustinus distinxit tria tempora. Unum quidem ante Christi passionem, in quo legalia non erant neque mortifera neque mortua. Aliud autem post tempus Evangelii divulgati, in quo legalia sunt et mortua et mortifera. Tertium autem est tempus medium, scilicet a passione Christi usque ad divulgationem Evangelii, in quo legalia fuerunt quidem mortua, quia neque vim aliquam habebant, neque aliquis ea observare tenebatur; non tamen fuerunt mortifera, quia illi qui conversi erant ad Christum ex Iudaeis, poterant illa legalia licite observare, dummodo non sic ponerent spem in eis quod ea reputarent sibi necessaria ad salutem, quasi sine legalibus fides Christi iustificare non posset. His autem qui convertebantur ex gentilitate ad Christum, non inerat causa ut ea observarent. Et ideo Paulus circumcidit Timotheum, qui ex matre Iudaea genitus erat; Titum autem, qui ex gentilibus natus erat, circumcidere noluit. Ideo autem noluit spiritus sanctus ut statim inhiberetur his qui ex Iudaeis convertebantur observatio legalium, sicut inhibebatur his qui ex gentilibus convertebantur gentilitatis ritus, ut quaedam differentia inter hos ritus ostenderetur. Nam gentilitatis ritus repudiabatur tanquam omnino illicitus, et a Deo semper prohibitus, ritus autem legis cessabat tanquam impletus per Christi passionem, utpote a Deo in figuram Christi institutus.

[38140] I^a-II^ae q. 103 a. 4 ad 2

Ad secundum dicendum quod, secundum Hieronymum, Petrus simulatorie se a gentilibus subtrahebat, ut vitaret Iudaeorum scandalum, quorum erat apostolus. Unde in hoc nullo modo peccavit, sed Paulus eum similiter simulatorie reprehendit, ut vitaret scandalum gentilium, quorum erat apostolus. Sed Augustinus hoc improbat, quia Paulus in canonica Scriptura, scilicet Gal. II, in qua nefas est credere aliquid esse falsum, dicit quod Petrus reprehensibilis erat. Unde verum est quod Petrus peccavit, et Paulus vere eum, non simulatorie, reprehendit. Non autem peccavit Petrus in hoc quod ad tempus legalia observabat, quia hoc sibi licebat, tanquam ex Iudaeis converso. Sed peccabat in hoc quod circa legalium observantiam nimiam diligentiam adhibebat ne scandalizaret Iudaeos, ita quod ex hoc sequebatur gentilium scandalum.

Ad tertium dicendum quod quidam dixerunt quod illa prohibitio apostolorum non est intelligenda ad litteram, sed secundum spiritualem intellectum, ut scilicet in prohibitione sanguinis, intelligatur prohibitio homicidii; in prohibitione suffocati, intelligatur prohibitio violentiae et rapinae; in prohibitione immolatorum, intelligatur prohibitio idololatriae; fornicatio autem prohibetur tanquam per se malum. Et hanc opinionem accipiunt ex quibusdam Glossis, quae huiusmodi praecepta mystice exponunt. Sed quia homicidium et rapina etiam apud gentiles reputabantur illicita, non oportuisset super hoc speciale mandatum dari his qui erant ex gentilitate conversi ad Christum. Unde alii dicunt quod ad litteram illa comestibilia fuerunt prohibita, non propter observantiam legalium, sed propter gulam comprimendam. Unde dicit Hieronymus, super illud Ezech. XLIV, *omne morticinum etc., condemnat sacerdotes qui in turdis et ceteris huiusmodi, haec, cupiditate gulae, non custodiunt*. Sed quia sunt quaedam cibaria magis delicata et gulam provocantia, non videtur ratio quare fuerunt haec magis quam alia prohibita. Et ideo dicendum, secundum tertiam opinionem, quod ad litteram ista sunt prohibita, non ad observandum caeremonias legis, sed ad hoc quod posset coalescere unio gentilium et Iudaeorum insimul habitantium. Iudaeis enim, propter antiquam consuetudinem, sanguis et suffocatum erant abominabilia, comestio autem immolatorum simulacris, poterat in Iudaeis aggenerare circa gentiles suspicionem reditus ad idololatriam. Et ideo ista fuerunt prohibita pro tempore illo, in quo de novo oportebat convenire in unum gentiles et Iudaeos. Procedente autem tempore, cessante causa, cessat effectus; manifestata evangelicae doctrinae veritate, in qua dominus docet quod nihil quod per os intrat, coinquinat hominem, ut dicitur Matth. XV; *et quod nihil est reiiciendum quod cum gratiarum actione percipitur*, ut I ad Tim. IV dicitur. Fornicatio autem prohibetur specialiter, quia gentiles eam non reputabant esse peccatum.

Quaestio 104

Prooemium

Consequenter considerandum est de praeceptis iudicialibus. Et primo, considerandum est de ipsis in communi; secundo, de rationibus eorum.

Circa primum quaeruntur quatuor. Primo, quae sint iudicialia praecepta. Secundo, utrum sint figuralia. Tertio, de duratione eorum. Quarto, de distinctione eorum.

Articulus 1

[38143] I^a-IIae q. 104 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod ratio praeceptorum iudicialium non consistat in hoc quod sunt ordinantia ad proximum. Iudicialia enim praecepta a iudicio dicuntur. Sed multa sunt alia quibus homo ad proximum ordinatur, quae non pertinent ad ordinem iudiciorum. Non ergo praecepta iudicialia dicuntur quibus homo ordinatur ad proximum.

[38144] I^a-IIae q. 104 a. 1 arg. 2

Praeterea, praecepta iudicialia a moralibus distinguuntur, ut supra dictum est. Sed multa praecepta moralia sunt quibus homo ordinatur ad proximum, sicut patet in septem praeceptis secundae tabulae. Non ergo praecepta iudicialia dicuntur ex hoc quod ad proximum ordinant.

[38145] I^a-IIae q. 104 a. 1 arg. 3

Praeterea, sicut se habent praecepta caeremonialia ad Deum, ita se habent iudicialia praecepta ad proximum, ut supra dictum est. Sed inter praecepta caeremonialia sunt quaedam quae pertinent ad seipsum, sicut observantiae ciborum et vestimentorum, de quibus supra dictum est. Ergo praecepta iudicialia non ex hoc dicuntur quod ordinent hominem ad proximum.

[38146] I^a-IIae q. 104 a. 1 s. c.

Sed contra est quod dicitur Ezech. XVIII, inter cetera bona opera viri iusti, *si iudicium verum fecerit inter virum et virum*. Sed iudicialia praecepta a iudicio dicuntur. Ergo praecepta iudicialia videntur dici illa quae pertinent ad ordinationem hominum ad invicem.

[38147] I^a-IIae q. 104 a. 1 co.

Respondeo dicendum quod, sicut ex supradictis patet, praeceptorum cuiuscumque legis quaedam habent vim obligandi ex ipso dictamine rationis, quia naturalis ratio dictat hoc esse debitum fieri vel vitari. Et huiusmodi praecepta dicuntur moralia, eo quod a ratione dicuntur mores humani. Alia vero praecepta sunt quae non habent vim obligandi ex ipso

dictamine rationis, quia scilicet in se considerata non habent absolute rationem debiti vel indebiti; sed habent vim obligandi ex aliqua institutione divina vel humana. Et huiusmodi sunt determinationes quaedam moralium praeceptorum. Si igitur determinentur moralia praecepta per institutionem divinam in his per quae ordinatur homo ad Deum, talia dicentur praecepta caeremonialia. Si autem in his quae pertinent ad ordinationem hominum ad invicem, talia dicentur praecepta iudicialia. In duobus ergo consistit ratio iudicialium praeceptorum, scilicet ut pertineant ad ordinationem hominum ad invicem; et ut non habeant vim obligandi ex sola ratione, sed ex institutione.

[38148] I^a-IIae q. 104 a. 1 ad 1

Ad primum ergo dicendum quod iudicia exercentur officio aliquorum principum, qui habent potestatem iudicandi. Ad principem autem pertinet non solum ordinare de his quae veniunt in litigium, sed etiam de voluntariis contractibus qui inter homines fiunt, et de omnibus pertinentibus ad populi communitatem et regimen. Unde praecepta iudicialia non solum sunt illa quae pertinent ad lites iudiciorum; sed etiam quaecumque pertinent ad ordinationem hominum ad invicem, quae subest ordinationi principis tanquam supremi iudicis.

[38149] I^a-IIae q. 104 a. 1 ad 2

Ad secundum dicendum quod ratio illa procedit de illis praeceptis ordinantibus ad proximum, quae habent vim obligandi ex solo dictamine rationis.

[38150] I^a-IIae q. 104 a. 1 ad 3

Ad tertium dicendum quod etiam in his quae ordinant ad Deum, quaedam sunt moralia, quae ipsa ratio fide informata dictat, sicut Deum esse amandum et colendum. Quaedam vero sunt caeremonialia, quae non habent vim obligationis nisi ex institutione divina. Ad Deum autem pertinent non solum sacrificia oblata Deo, sed etiam quaecumque pertinent ad idoneitatem offerentium et Deum colentium. Homines enim ordinantur in Deum sicut in finem, et ideo ad cultum Dei pertinet, et per consequens ad caeremonialia praecepta, quod homo habeat quandam idoneitatem respectu cultus divini. Sed homo non ordinatur ad proximum sicut in finem, ut oporteat eum disponi in seipso in ordine ad proximum, haec enim est comparatio servorum ad dominos, *qui id quod sunt,*

dominorum sunt, secundum philosophum, in I Polit. Et ideo non sunt aliqua praecepta iudicialia ordinantia hominem in seipso, sed omnia talia sunt moralia, quia ratio, quae est principium moralium, se habet in homine respectu eorum quae ad ipsum pertinent, sicut princeps vel iudex in civitate. Sciendum tamen quod, quia ordo hominis ad proximum magis subiacet rationi quam ordo hominis ad Deum, plura praecepta moralia inveniuntur per quae ordinatur homo ad proximum, quam per quae ordinatur ad Deum. Et propter hoc etiam oportuit plura esse caeremonialia in lege quam iudicialia.

Articulus 2

[38151] I^a-IIae q. 104 a. 2 arg. 1

Ad secundum sic proceditur. Videtur quod praecepta iudicialia non figurent aliquid. Hoc enim videtur esse proprium caeremonialium praeceptorum, quod sint in figuram alicuius rei instituta. Si igitur etiam praecepta iudicialia aliquid figurent, non erit differentia inter iudicialia et caeremonialia praecepta.

[38152] I^a-IIae q. 104 a. 2 arg. 2

Praeterea, sicuti illi populo Iudaeorum data sunt quaedam iudicialia praecepta, ita etiam aliis populis gentilium. Sed iudicialia praecepta aliorum populorum non figurant aliquid, sed ordinant quid fieri debeat. Ergo videtur quod neque praecepta iudicialia veteris legis aliquid figurarent.

[38153] I^a-IIae q. 104 a. 2 arg. 3

Praeterea, ea quae ad cultum divinum pertinent, figuris quibusdam tradi oportuit, quia ea quae Dei sunt, supra nostram rationem sunt, ut supra dictum est. Sed ea quae sunt proximorum, non excedunt nostram rationem. Ergo per iudicialia, quae ad proximum nos ordinant, non oportuit aliquid figurari.

[38154] I^a-IIae q. 104 a. 2 s. c.

Sed contra est quod Exod. XXI iudicialia praecepta allegorice et moraliter exponuntur.

[38155] I^a-IIae q. 104 a. 2 co.

Respondeo dicendum quod dupliciter contingit aliquod praeceptum esse

figurale. Uno modo, primo et per se, quia scilicet principaliter est institutum ad aliquid figurandum. Et hoc modo praecepta caeremonialia sunt figuralia, ad hoc enim sunt instituta, ut aliquid figurent pertinens ad cultum Dei et ad mysterium Christi. Quaedam vero praecepta sunt figuralia non primo et per se, sed ex consequenti. Et hoc modo praecepta iudicialia veteris legis sunt figuralia. Non enim sunt instituta ad aliquid figurandum; sed ad ordinandum statum illius populi secundum iustitiam et aequitatem. Sed ex consequenti aliquid figurabant, inquantum scilicet totus status illius populi, qui per huiusmodi praecepta disponebatur, figuralis erat; secundum illud I ad Cor. X, *omnia in figuram contingebant illis*.

[38156] I^a-IIae q. 104 a. 2 ad 1

Ad primum ergo dicendum quod praecepta caeremonialia alio modo sunt figuralia quam iudicialia, ut dictum est.

[38157] I^a-IIae q. 104 a. 2 ad 2

Ad secundum dicendum quod populus Iudaeorum ad hoc electus erat a Deo, quod ex eo Christus nasceretur. Et ideo oportuit totum illius populi statum esse propheticum et figuralem, ut Augustinus dicit, contra Faustum. Et propter hoc etiam iudicialia illi populo tradita, magis sunt figuralia quam iudicialia aliis populis tradita. Sicut etiam bella et gesta illius populi exponuntur mystice; non autem bella vel gesta Assyriorum vel Romanorum, quamvis longe clariora secundum homines.

[38158] I^a-IIae q. 104 a. 2 ad 3

Ad tertium dicendum quod ordo ad proximum in populo illo, secundum se consideratus, pervius erat rationi. Sed secundum quod referebatur ad cultum Dei, superabat rationem. Et ex hac parte erat figuralis.

Articulus 3

[38159] I^a-IIae q. 104 a. 3 arg. 1

Ad tertium sic proceditur. Videtur quod praecepta iudicialia veteris legis perpetuam obligationem habeant. Praecepta enim iudicialia pertinent ad virtutem iustitiae, nam iudicium dicitur iustitiae executio. Iustitia autem est perpetua et immortalis, ut dicitur Sap. I. Ergo obligatio praeceptorum iudicialium est perpetua.

Praeterea, institutio divina est stabilior quam institutio humana. Sed praecepta iudicialia humanarum legum habent perpetuam obligationem. Ergo multo magis praecepta iudicialia legis divinae.

Praeterea, apostolus dicit, ad Heb. VII, quod *reprobatio fit praecedentis mandati propter infirmitatem ipsius et inutilitatem*. Quod quidem verum est de mandato caeremoniali quod *non poterat facere perfectum iuxta conscientiam servientem solummodo in cibis et in potibus et variis Baptismatibus et iustitiis carnis*, ut apostolus dicit, ad Heb. IX. Sed praecepta iudicialia utilia erant et efficacia ad id ad quod ordinabantur, scilicet ad iustitiam et aequitatem inter homines constituendam. Ergo praecepta iudicialia veteris legis non reprobantur, sed adhuc efficaciam habent.

Sed contra est quod apostolus dicit, ad Heb. VII, quod *translato sacerdotio, necesse est ut legis translatio fiat*. Sed sacerdotium est translatum ab Aaron ad Christum. Ergo etiam et tota lex est translata. Non ergo iudicialia praecepta adhuc obligationem habent.

Respondeo dicendum quod iudicialia praecepta non habuerunt perpetuam obligationem, sed sunt evacuata per adventum Christi, aliter tamen quam caeremonialia. Nam caeremonialia adeo sunt evacuata ut non solum sint mortua, sed etiam mortifera observantibus post Christum, maxime post Evangelium divulgatum. Praecepta autem iudicialia sunt quidem mortua, quia non habent vim obligandi, non tamen sunt mortifera. Quia si quis princeps ordinaret in regno suo illa iudicialia observari, non peccaret, nisi forte hoc modo observarentur, vel observari mandarentur, tanquam habentia vim obligandi ex veteris legis institutione. Talis enim intentio observandi esset mortifera. Et huius differentiae ratio potest accipi ex praemissis. Dictum est enim quod praecepta caeremonialia sunt figuralia primo et per se, tanquam instituta principaliter ad figurandum Christi mysteria ut futura. Et ideo ipsa observatio eorum praeiudicat fidei veritati, secundum quam confitemur illa mysteria iam esse completa. Praecepta autem iudicialia non sunt instituta ad figurandum, sed ad disponendum statum illius populi, qui

ordinabatur ad Christum. Et ideo, mutato statu illius populi, Christo iam veniente, iudicialia praecepta obligationem amiserunt, lex enim fuit paedagogus ducens ad Christum, ut dicitur ad Gal. III. Quia tamen huiusmodi iudicialia praecepta non ordinantur ad figurandum, sed ad aliquid fiendum, ipsa eorum observatio absolute non praeiudicat fidei veritati. Sed intentio observandi tanquam ex obligatione legis, praeiudicat veritati fidei, quia per hoc haberetur quod status prioris populi adhuc duraret, et quod Christus nondum venisset.

[38164] I^a-IIae q. 104 a. 3 ad 1

Ad primum ergo dicendum quod iustitia quidem perpetuo est observanda. Sed determinatio eorum quae sunt iusta secundum institutionem humanam vel divinam, oportet quod varietur secundum diversum hominum statum.

[38165] I^a-IIae q. 104 a. 3 ad 2

Ad secundum dicendum quod praecepta iudicialia ab hominibus instituta habent perpetuam obligationem, manente illo statu regiminis. Sed si civitas vel gens ad aliud regimen deveniat, oportet leges mutari. Non enim eadem leges conveniunt in democratia, quae est potestas populi, et in oligarchia, quae est potestas divitum; ut patet per philosophum, in sua politica. Et ideo etiam, mutato statu illius populi, oportuit praecepta iudicialia mutari.

[38166] I^a-IIae q. 104 a. 3 ad 3

Ad tertium dicendum quod illa praecepta iudicialia disponebant populum ad iustitiam et aequitatem secundum quod conveniebat illi statui. Sed post Christum, statum illius populi oportuit mutari, ut iam in Christo non esset discretio gentilis et Iudaei, sicut antea erat. Et propter hoc oportuit etiam praecepta iudicialia mutari.

Articulus 4

[38167] I^a-IIae q. 104 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod praecepta iudicialia non possint habere aliquam certam divisionem. Praecepta enim iudicialia ordinant homines ad invicem. Sed ea quae inter homines ordinari oportet, in usum eorum venientia, non cadunt sub certa distinctione, cum sint

infinita. Ergo praecepta iudicialia non possunt habere certam distinctionem.

[38168] I^a-IIae q. 104 a. 4 arg. 2

Praeterea, praecepta iudicialia sunt determinationes moralium. Sed moralia praecepta non videntur habere aliquam distinctionem, nisi secundum quod reducuntur ad praecepta Decalogi. Ergo praecepta iudicialia non habent aliquam certam distinctionem.

[38169] I^a-IIae q. 104 a. 4 arg. 3

Praeterea, praecepta caeremonialia quia certam distinctionem habent, eorum distinctio in lege innuitur, dum quaedam vocantur sacrificia, quaedam observantiae. Sed nulla distinctio innuitur in lege praeceptorum iudicialium. Ergo videtur quod non habeant certam distinctionem.

[38170] I^a-IIae q. 104 a. 4 s. c.

Sed contra, ubi est ordo, oportet quod sit distinctio. Sed ratio ordinis maxime pertinet ad praecepta iudicialia, per quae populus ille ordinabatur. Ergo maxime debent habere distinctionem certam.

[38171] I^a-IIae q. 104 a. 4 co.

Respondeo dicendum quod, cum lex sit quasi quaedam ars humanae vitae instituendae vel ordinandae, sicut in unaquaque arte est certa distinctio regularum artis, ita oportet in qualibet lege esse certam distinctionem praeceptorum, aliter enim ipsa confusio utilitatem legis auferret. Et ideo dicendum est quod praecepta iudicialia veteris legis, per quae homines ad invicem ordinabantur, distinctionem habent secundum distinctionem ordinationis humanae. Quadruplex autem ordo in aliquo populo inveniri potest, unus quidem, principum populi ad subditos; alius autem, subditorum ad invicem; tertius autem, eorum qui sunt de populo ad extraneos; quartus autem, ad domesticos, sicut patris ad filium, uxoris ad virum, et domini ad servum. Et secundum istos quatuor ordines distingui possunt praecepta iudicialia veteris legis. Dantur enim quaedam praecepta de institutione principum et officio eorum, et de reverentia eis exhibenda, et haec est una pars iudicialium praeceptorum. Dantur etiam quaedam praecepta pertinentia ad concives ad invicem, puta circa emptiones et venditiones, et iudicia et poenas. Et haec est secunda pars iudicialium praeceptorum. Dantur etiam quaedam praecepta pertinentia ad extraneos, puta de bellis contra hostes, et de

susceptione peregrinorum et advenarum. Et haec est tertia pars iudicialium praeceptorum. Dantur etiam in lege quaedam praecepta pertinentia ad domesticam conversationem, sicut de servis, et uxoribus, et filiis. Et haec est quarta pars iudicialium praeceptorum.

[38172] I^a-IIae q. 104 a. 4 ad 1

Ad primum ergo dicendum quod ea quae pertinent ad ordinationem hominum ad invicem, sunt quidem numero infinita; sed tamen reduci possunt ad aliqua certa, secundum differentiam ordinationis humanae, ut dictum est.

[38173] I^a-IIae q. 104 a. 4 ad 2

Ad secundum dicendum quod praecepta Decalogi sunt prima in genere moralium, ut supra dictum est, et ideo convenienter alia praecepta moralia secundum ea distinguuntur. Sed praecepta iudicialia et caeremonialia habent aliam rationem obligationis non quidem ex ratione naturali sed ex sola institutione. Et ideo distinctionis eorum est alia ratio.

[38174] I^a-IIae q. 104 a. 4 ad 3

Ad tertium dicendum quod ex ipsis rebus quae per praecepta iudicialia ordinantur in lege, innuit lex distinctionem iudicialium praeceptorum.

Quaestio 105

Prooemium

[38175] I^a-IIae q. 105 pr.

Deinde considerandum est de ratione iudicialium praeceptorum. Et circa hoc quaeruntur quatuor. Primo, de ratione praeceptorum iudicialium quae pertinent ad principes. Secundo, de his quae pertinent ad convictum hominum ad invicem. Tertio, de his quae pertinent ad extraneos. Quarto, de his quae pertinent ad domesticam conversationem.

Articulus 1

[38176] I^a-IIae q. 105 a. 1 arg. 1

Ad primum sic proceditur. Videtur quod inconvenienter lex vetus de principibus ordinaverit. Quia, ut philosophus dicit, in III Polit., *ordinatio populi praecipue dependet ex maximo principatu*. Sed in lege non invenitur qualiter debeat institui supremus princeps. Invenitur autem de

inferioribus principibus, primo quidem, Exod. XVIII, provide de omni plebe viros sapientes, etc.; et Num. XI, congrega mihi septuaginta viros de senioribus Israel; et Deut. I, date ex vobis viros sapientes et gnaros, et cetera. Ergo insufficienter lex vetus principes populi ordinavit.

[38177] I^a-IIae q. 105 a. 1 arg. 2

Praeterea, optimi est optima adducere, ut Plato dicit. Sed optima ordinatio civitatis vel populi cuiuscumque est ut gubernetur per regem, quia huiusmodi regimen maxime repraesentat divinum regimen, quo unus Deus mundum gubernat. A principio igitur lex debuit regem populo instituere; et non permittere hoc eorum arbitrio, sicut permittitur Deut. XVII, *cum dixeris, constituam super me regem, eum constitues*, et cetera.

[38178] I^a-IIae q. 105 a. 1 arg. 3

Praeterea, sicut dicitur Matth. XII, omne regnum in se divisum desolabitur, quod etiam experimento patuit in populo Iudaeorum, in quo divisio regni fuit destructionis causa. Sed lex praecipue debet intendere ea quae pertinent ad communem salutem populi. Ergo debuit in lege prohiberi divisio regni in duos reges. Nec etiam debuit hoc auctoritate divina introduci; sicut legitur introductum auctoritate domini per Ahiam Silonitem prophetam, III Reg. XI.

[38179] I^a-IIae q. 105 a. 1 arg. 4

Praeterea, sicut sacerdotes instituuntur ad utilitatem populi in his quae ad Deum pertinent, ut patet Heb. V; ita etiam principes instituuntur ad utilitatem populi in rebus humanis. Sed sacerdotibus et Levitis qui sunt in lege, deputantur aliqua ex quibus vivere debeant, sicut decimae et primitiae, et multa alia huiusmodi. Ergo similiter principibus populi debuerunt aliqua ordinari unde sustentarentur, et praecipue cum inhibita sit eis munerum acceptio, ut patet Exod. XXIII, *non accipietis munera, quae excaecant etiam prudentes, et subvertunt verba iustorum*.

[38180] I^a-IIae q. 105 a. 1 arg. 5

Praeterea, sicut regnum est optimum regimen, ita tyrannis est pessima corruptio regiminis. Sed dominus regi instituendo instituit ius tyrannicum, dicitur enim I Reg. VIII, *hoc erit ius regis qui imperaturus est vobis, filios vestros tollet*, et cetera. Ergo inconvenienter fuit provisum per legem circa principum ordinationem.

Sed contra est quod populus Israel de pulchritudine ordinationis commendatur, Num. XXIV, *quam pulchra tabernacula tua, Iacob; et tentoria tua, Israel*. Sed pulchritudo ordinationis populi dependet ex principibus bene institutis. Ergo per legem populus fuit circa principes bene institutus.

Respondeo dicendum quod circa bonam ordinationem principum in aliqua civitate vel gente, duo sunt attendenda. Quorum unum est ut omnes aliquam partem habeant in principatu, per hoc enim conservatur pax populi, et omnes talem ordinationem amant et custodiunt, ut dicitur in II Polit. Aliud est quod attenditur secundum speciem regiminis, vel ordinationis principatum. Cuius cum sint diversae species, ut philosophus tradit, in III Polit., praecipuae tamen sunt regnum, in quo unus principatur secundum virtutem; et aristocratia, idest potestas optimorum, in qua aliqui pauci principantur secundum virtutem. Unde optima ordinatio principum est in aliqua civitate vel regno, in qua unus praeficitur secundum virtutem qui omnibus praesit; et sub ipso sunt aliqui principantes secundum virtutem; et tamen talis principatus ad omnes pertinet, tum quia ex omnibus eligi possunt, tum quia etiam ab omnibus eliguntur. Talis enim est optima politia, bene commixta ex regno, inquantum unus praeest; et aristocratia, inquantum multi principantur secundum virtutem; et ex democratia, idest potestate populi, inquantum ex popularibus possunt eligi principes, et ad populum pertinet electio principum. Et hoc fuit institutum secundum legem divinam. Nam Moyses et eius successores gubernabant populum quasi singulariter omnibus principantes, quod est quaedam species regni. Eligebantur autem septuaginta duo seniores secundum virtutem, dicitur enim Deut. I, *tuli de vestris tribubus viros sapientes et nobiles, et constitui eos principes*, et hoc erat aristocraticum. Sed democraticum erat quod isti de omni populo eligebantur; dicitur enim Exod. XVIII, *provide de omni plebe viros sapientes, etc.*, et etiam quod populus eos eligebat; unde dicitur Deut. I, *date ex vobis viros sapientes, et cetera*. Unde patet quod optima fuit ordinatio principum quam lex instituit.

Ad primum ergo dicendum quod populus ille sub speciali cura Dei regebatur, unde dicitur Deut. VII, *te elegit dominus Deus tuus ut sis ei populus peculiaris*. Et ideo institutionem summi principis dominus sibi reservavit. Et hoc est quod Moyses petivit, Num. XXVII, *provideat dominus Deus spirituum omnis carnis, hominem qui sit super multitudinem hanc*. Et sic ex Dei ordinatione institutus est Iosue in principatu post Moysen, et de singulis iudicibus qui post Iosue fuerunt, legitur quod Deus suscitavit populo salvatorem, et quod spiritus domini fuit in eis, ut patet Iudic. III. Et ideo etiam electionem regis non commisit dominus populo, sed sibi reservavit; ut patet Deut. XVII, *eum constitues regem, quem dominus Deus tuus elegerit*.

[38184] I^a-II^ae q. 105 a. 1 ad 2

Ad secundum dicendum quod regnum est optimum regimen populi, si non corrumpatur. Sed propter magnam potestatem quae regi conceditur, de facili regnum degenerat in tyrannidem, nisi sit perfecta virtus eius cui talis potestas conceditur, quia non est nisi virtuosi bene ferre bonas fortunas, ut philosophus dicit, in IV Ethic. Perfecta autem virtus in paucis invenitur, et praecipue Iudaei crudeles erant et ad avaritiam prони, per quae vitia maxime homines in tyrannidem decidunt. Et ideo dominus a principio eis regem non instituit cum plena potestate, sed iudicem et gubernatorem in eorum custodiam. Sed postea regem ad petitionem populi, quasi indignatus, concessit, ut patet per hoc quod dixit ad Samuelem, I Reg. VIII, *non te abiecerunt, sed me, ne regnem super eos*. Instituit tamen a principio circa regem instituendum, primo quidem, modum eligendi. In quo duo determinavit, ut scilicet in eius electione expectarent iudicium domini; et ut non facerent regem alterius gentis, quia tales reges solent parum affici ad gentem cui praeficiuntur, et per consequens non curare de eis. Secundo, ordinavit circa reges institutos qualiter deberent se habere quantum ad seipsos, ut scilicet non multiplicarent currus et equos, neque uxores, neque etiam immensas divitias; quia ex cupiditate horum principes ad tyrannidem declinant, et iustitiam derelinquunt. Instituit etiam qualiter se deberent habere ad Deum, ut scilicet semper legerent et cogitarent de lege Dei, et semper essent in Dei timore et obedientia. Instituit etiam qualiter se haberent ad subditos suos, ut scilicet non superbe eos contemnerent, aut opprimerent, neque etiam a iustitia declinarent.

Ad tertium dicendum quod divisio regni, et multitudo regum, magis est populo illi data in poenam pro multis dissensionibus eorum, quas maxime contra regnum David iustum moverant, quam ad eorum profectum. Unde dicitur Osee XIII, *dabo tibi regem in furore meo*; et Osee VIII, *ipsi regnaverunt, et non ex me, principes extiterunt, et non cognovi*.

Ad quartum dicendum quod sacerdotes per successionem originis sacris deputabantur. Et hoc ideo ut in maiori reverentia haberentur, si non quilibet ex populo posset sacerdos fieri, quorum honor cedebat in reverentiam divini cultus. Et ideo oportuit ut eis specialia quaedam deputarentur, tam in decimis quam in primitiis, quam etiam in oblationibus et sacrificiis, ex quibus viverent. Sed principes, sicut dictum est, assumebantur ex toto populo, et ideo habebant certas possessiones proprias, ex quibus vivere poterant. Et praecipue cum dominus prohiberet etiam in rege ne superabundaret divitiis aut magnifico apparatu, tum quia non erat facile quin ex his in superbiam et tyrannidem erigeretur; tum etiam quia, si principes non erant multum divites, et erat laboriosus principatus et sollicitudine plenus, non multum affectabatur a popularibus, et sic tollebatur seditionis materia.

Ad quintum dicendum quod illud ius non dabatur regi ex institutione divina; sed magis praenuntiatur usurpatio regum, qui sibi ius iniquum constituunt in tyrannidem degenerantes, et subditos depraedantes. Et hoc patet per hoc quod in fine subdit, *vosque eritis ei servi*, quod proprie pertinet ad tyrannidem, quia tyranni suis subditis principantur ut servis. Unde hoc dicebat Samuel ad deterrendum eos ne regem peterent, sequitur enim, *noluit autem audire populus vocem Samuelis*. Potest tamen contingere quod etiam bonus rex, absque tyrannide, filios tollat, et constituat tribunos et centuriones, et multa accipiat a subditis, propter commune bonum procurandum.

Articulus 2

Ad secundum sic proceditur. Videtur quod inconvenienter fuerint tradita

praecepta iudicialia quantum ad popularium convictum. Non enim possunt homines pacifice vivere ad invicem, si unus accipiat ea quae sunt alterius. Sed hoc videtur esse inductum in lege, dicitur enim Deut. XXIII, *ingressus vineam proximi tui, comede uvas quantum tibi placuerit*. Ergo lex vetus non convenienter providebat hominum paci.

[38189] I^a-IIae q. 105 a. 2 arg. 2

Praeterea, ex hoc maxime multae civitates et regna destruuntur, quod possessiones ad mulieres perveniunt, ut philosophus dicit, in II Polit. Sed hoc fuit inductum in veteri lege, dicitur enim Num. XXVII, *homo cum mortuus fuerit absque filio, ad filiam eius transibit hereditas*. Ergo non convenienter providit lex saluti populi.

[38190] I^a-IIae q. 105 a. 2 arg. 3

Praeterea, societas hominum maxime per hoc conservatur, quod homines emendo et vendendo sibi invicem res suas commutant quibus indigent, ut dicitur in I Polit. Sed lex vetus abstulit virtutem venditionis, mandavit enim quod possessio vendita reverteretur ad venditorem in quinquagesimo anno iubilaei, ut patet Levit. XXV. Inconvenienter igitur lex populum illum circa hoc instituit.

[38191] I^a-IIae q. 105 a. 2 arg. 4

Praeterea, necessitatibus hominum maxime expedit ut homines sint prompti ad mutuuum concedendum. Quae quidem promptitudo tollitur per hoc quod creditores accepta non reddunt, unde dicitur Eccli. XXIX, *multi non causa nequitiae non faenerati sunt, sed fraudari gratis timuerunt*. Hoc autem induxit lex. Primo quidem, quia mandavit Deut. XV, *cui debetur aliquid ab amico vel proximo ac fratre suo, repetere non poterit, quia annus remissionis est domini*; et Exod. XXII dicitur quod si praesente domino animal mutuatum mortuum fuerit, reddere non tenetur. Secundo, quia aufertur ei securitas quae habetur per pignus, dicitur enim Deut. XXIV, *cum repetes a proximo tuo rem aliquam quam debet tibi, non ingredieris domum eius ut pignus auferas*; et iterum, *non pernoctabit apud te pignus, sed statim reddes ei*. Ergo insufficienter fuit ordinatum in lege de mutuis.

[38192] I^a-IIae q. 105 a. 2 arg. 5

Praeterea, ex defraudatione depositi maximum periculum imminet, et ideo est maxima cautela adhibenda, unde etiam dicitur II Mach. III, quod

sacerdotes invocabant de caelo eum qui de depositis legem posuit, ut his qui deposuerant ea, salva custodiret. Sed in praeceptis veteris legis parva cautela circa deposita adhibetur, dicitur enim Exod. XXII quod in amissione depositi statuitur iuramento eius apud quem fuit depositum. Ergo non fuit circa hoc legis ordinatio conveniens.

[38193] I^a-IIae q. 105 a. 2 arg. 6

Praeterea, sicut aliquis mercenarius locat operas suas, ita etiam aliqui locant domum, vel quaecumque alia huiusmodi. Sed non est necessarium ut statim pretium locatae domus conductor exhibeat. Ergo etiam nimis durum fuit quod praecipitur Levit. XIX, *non morabitur opus mercenarii tui apud te usque mane.*

[38194] I^a-IIae q. 105 a. 2 arg. 7

Praeterea, cum frequenter immineat iudiciorum necessitas, facilis debet esse accessus ad iudicem. Inconvenienter igitur statuitur lex, Deut. XVII, ut irent ad unum locum expetiturum iudicium de suis dubiis.

[38195] I^a-IIae q. 105 a. 2 arg. 8

Praeterea, possibile est non solum duos, sed etiam tres vel plures concordare ad mentiendum. Inconvenienter igitur dicitur Deut. XIX, *in ore duorum vel trium testium stabit omne verbum.*

[38196] I^a-IIae q. 105 a. 2 arg. 9

Praeterea, poena debet taxari secundum quantitatem culpae, unde dicitur etiam Deut. XXV, *pro mensura peccati erit et plagarum modus.* Sed quibusdam aequalibus culpis lex statuit inaequales poenas, dicitur enim Exod. XXII, quod restituet fur quinque boves pro uno bove, et quatuor oves pro una ove. Quaedam etiam non multum gravia peccata gravi poena puniuntur, sicut Num. XV, lapidatus est qui collegerat ligna in sabbato. Filius etiam protervus propter parva delicta, quia scilicet comessionibus vacabat et conviviis, mandatur lapidari, Deut. XXI. Igitur inconvenienter in lege sunt institutae poenae.

[38197] I^a-IIae q. 105 a. 2 arg. 10

Praeterea, sicut Augustinus dicit, XXI de Civ. Dei, *octo genera poenarum in legibus esse scribit Tullius, damnum, vincula, verbera, talionem, ignominiam, exilium, mortem, servitutem.* Ex quibus aliqua sunt in lege statuta. Damnum quidem, sicut cum fur condemnabatur ad quintuplum

vel quadruplum. Vincula vero, sicut Num. XV, mandatur de quodam quod in carcerem includatur. Verbera vero, sicut Deut. XXV, *si eum qui peccavit dignum viderint plagis, prosternent, et coram se facient verberari*. Ignominiam etiam inferebat illi qui nolebat accipere uxorem fratris sui defuncti, quae tollebat calceamentum illius, et spuebat in faciem illius. Mortem etiam inferebat, ut patet Levit. XX, *qui maledixerit patri suo aut matri, morte moriatur*. Poenam etiam talionis lex induxit, dicens Exod. XXI, *oculum pro oculo, dentem pro dente*. Inconueniens igitur videtur quod alias duas poenas, scilicet exilium et servitutem, lex vetus non infligit.

[38198] I^a-IIae q. 105 a. 2 arg. 11

Praeterea, poena non debetur nisi culpae. Sed bruta animalia non possunt habere culpam. Ergo inconvenienter eis infligitur poena, Exod. XXI, *bos lapidibus obruetur qui occiderit virum aut mulierem*. Et Levit. XX dicitur, *mulier quae succubuerit cuilibet iumento, simul interficiatur cum eo*. Sic igitur videtur quod inconvenienter ea quae pertinent ad convictum hominum ad invicem, fuerint in lege veteri ordinata.

[38199] I^a-IIae q. 105 a. 2 arg. 12

Praeterea, dominus mandavit Exod. XXI, quod homicidium morte hominis puniretur. Sed mors bruti animalis multo minus reputatur quam occisio hominis. Ergo non potest sufficienter recompensari poena homicidii per occisionem bruti animalis. Inconuenienter igitur mandatur Deut. XXI quod *quando inventum fuerit cadaver occisi hominis, et ignorabitur caedis reus, seniores propinquioris civitatis tollant vitulam de armento quae non traxit iugum nec terram scidit vomere, et ducent eam ad vallem asperam atque saxosam quae numquam arata est nec sementa recepit, et caedent in ea cervices vitulae*.

[38200] I^a-IIae q. 105 a. 2 s. c.

Sed contra est quod pro speciali beneficio commemoratur in Psalmo CXLVII, *non fecit taliter omni nationi, et iudicia sua non manifestavit eis*.

[38201] I^a-IIae q. 105 a. 2 co.

Respondeo dicendum quod, sicut Augustinus in II de Civ. Dei introducit a Tullio dictum, *populus est coetus multitudinis iuris consensu et utilitatis communione sociatus*. Unde ad rationem populi pertinet ut communicatio hominum ad invicem iustis praeceptis legis ordinetur. Est autem duplex

communicatio hominum ad invicem, una quidem quae fit auctoritate principum; alia autem fit propria voluntate privatarum personarum. Et quia voluntate uniuscuiusque disponi potest quod eius subditur potestati, ideo auctoritate principum, quibus subiecti sunt homines, oportet quod iudicia inter homines exerçantur, et poenae malefactoribus inferantur. Potestati vero privatarum personarum subduntur res possessae, et ideo propria voluntate in his possunt sibi invicem communicare, puta emendo, vendendo, donando, et aliis huiusmodi modis. Circa utramque autem communicationem lex sufficienter ordinavit. Statuit enim iudices, ut patet Deut. XVI, *iudices et magistros constitues in omnibus portis eius, ut iudicent populum iusto iudicio*. Instituit etiam iustum iudicii ordinem, ut dicitur Deut. I, *quod iustum est iudicate, sive civis ille sit sive peregrinus, nulla erit personarum distantia*. Sustulit etiam occasionem iniusti iudicii, acceptionem munerum iudicibus prohibendo; ut patet Exod. XXIII, et Deut. XVI. Instituit etiam numerum testium duorum vel trium; ut patet Deut. XVII, et XIX. Instituit etiam certas poenas pro diversis delictis, ut post dicitur. Sed circa res possessas optimum est, sicut dicit philosophus, in II Polit., quod possessiones sint distinctae, et usus sit partim communis, partim autem per voluntatem possessorum communicetur. Et haec tria fuerunt in lege statuta. Primo enim, ipsae possessiones divisae erant in singulos, dicitur enim Num. XXXIII, *ego dedi vobis terram in possessionem, quam sorte dividetis vobis*. Et quia per possessionum irregularitatem plures civitates destruuntur, ut philosophus dicit, in II Polit.; ideo circa possessiones regulandas triplex remedium lex adhibuit. Unum quidem, ut secundum numerum hominum aequaliter dividerentur, unde dicitur Num. XXXIII, *pluribus dabitis latiore, et paucioribus angustiore*. Aliud remedium est ut possessiones non in perpetuum alienentur, sed certo tempore ad suos possessores revertantur, ut non confundantur sortes possessionum. Tertium remedium est ad huiusmodi confusionem tollendam, ut proximi succedant morientibus, primo quidem gradu, filius; secundo autem, filia; tertio, fratres; quarto, patru; quinto, quicumque propinqui. Et ad distinctionem sortium conservandam, ulterius lex statuit ut mulieres quae sunt haeredes, nuberent suae tribus hominibus, ut habetur Num. XXXVI. Secundo vero, instituit lex ut quantum ad aliqua usus rerum esset communis. Et primo, quantum ad curam, praeceptum est enim Deut. XXII, *non videbis bovem et ovem fratris tui errantem, et*

*praeteribis, sed reduces fratri tuo; et similiter de aliis. Secundo, quantum ad fructum. Concedebatur enim communiter quantum ad omnes, ut ingressus in vineam amici posset licite comedere, dum tamen extra non auferret. Quantum ad pauperes vero specialiter, ut eis relinquerentur manipuli obliti, et fructus et racemi remanentes, ut habetur Lev. XIX, et Deut. XXIV. Et etiam communicabantur ea quae nascebantur in septimo anno; ut habetur Exod. XXIII, et Lev. XXV. Tertio vero, statuit lex communicationem factam per eos qui sunt domini rerum. Unam pure gratuitam, unde dicitur Deut. XIV, *anno tertio separabis aliam decimam, venientque Levites et peregrinus et pupillus et vidua, et comedent et saturabuntur.* Aliam vero cum recompensatione utilitatis, sicut per venditionem et emptionem, et locationem et conductionem, et per mutuum, et iterum per depositum, de quibus omnibus inveniuntur ordinationes certae in lege. Unde patet quod lex vetus sufficienter ordinavit convictum illius populi.*

[38202] I^a-IIae q. 105 a. 2 ad 1

Ad primum ergo dicendum quod, sicut apostolus dicit, Rom. XIII, *qui diligit proximum, legem implevit*, quia scilicet omnia praecepta legis, praecipue ordinata ad proximum, ad hunc finem ordinari videntur, ut homines se invicem diligant. Ex dilectione autem procedit quod homines sibi invicem bona sua communicent, quia ut dicitur I Ioan. III, *qui viderit fratrem suum necessitatem patientem, et cluserit viscera sua ab eo, quomodo caritas Dei manet in illo?* Et ideo intendebat lex homines assuefacere ut facile sibi invicem sua communicarent, sicut et apostolus, I ad Tim. VI, divitibus mandat facile tribuere et communicare. Non autem facile communicativus est qui non sustinet quod proximus aliquid modicum de suo accipiat, absque magno sui detrimento. Et ideo lex ordinavit ut liceret intrantem in vineam proximi, racemos ibi comedere, non autem extra deferre, ne ex hoc daretur occasio gravis damni inferendi, ex quo pax perturbaretur. Quae inter disciplinatos non perturbatur ex modicorum acceptione, sed magis amicitia confirmatur, et assuefiunt homines ad facile communicandum.

[38203] I^a-IIae q. 105 a. 2 ad 2

Ad secundum dicendum quod lex non statuit quod mulieres succederent in bonis paternis, nisi in defectu filiorum masculorum. Tunc autem necessarium erat ut successio mulieribus concederetur in consolationem

patris, cui grave fuisset si eius hereditas omnino ad extraneos transiret. Adhibuit tamen circa hoc lex cautelam debitam, praecipiens ut mulieres succedentes in haereditate paterna, nuberent suae tribus hominibus, ad hoc quod sortes tribuum non confunderentur, ut habetur Num. ult.

[38204] I^a-IIae q. 105 a. 2 ad 3

Ad tertium dicendum quod, sicut philosophus dicit, in II Polit., regulatio possessionum multum confert ad conservationem civitatis vel gentis. Unde, sicut ipse dicit, apud quasdam gentilium civitates statutum fuit *ut nullus possessionem vendere posset, nisi pro manifesto detrimento*. Si enim passim possessiones vendantur, potest contingere quod omnes possessiones ad paucos deveniant, et ita necesse erit civitatem vel regionem habitatoribus evacuari. Et ideo lex vetus, ad huiusmodi periculum amovendum, sic ordinavit quod et necessitatibus hominum subveniretur, concedens possessionum venditionem usque ad certum tempus; et tamen periculum removet, praecipiens ut certo tempore possessio vendita ad vendentem rediret. Et hoc instituit ut sortes non confunderentur, sed semper remaneret eadem distinctio determinata in tribubus. Quia vero domus urbanae non erant sorte distinctae, ideo concessit quod in perpetuum vendi possent, sicut et mobilia bona. Non enim erat statutus numerus domorum civitatis, sicut erat certa mensura possessionis, ad quam non addebatur, poterat autem aliquid addi ad numerum domorum civitatis. Domus vero quae non erant in urbe, sed in villa muros non habente, in perpetuum vendi non poterant, quia huiusmodi domus non construuntur nisi ad cultum et ad custodiam possessionum; et ideo lex congrue statuit idem ius circa utrumque.

[38205] I^a-IIae q. 105 a. 2 ad 4

Ad quartum dicendum quod, sicut dictum est, intentio legis erat assuefacere homines suis praeceptis ad hoc quod sibi invicem de facili in necessitatibus subvenirent, quia hoc maxime est amicitiae fomentum. Et hanc quidem facilitatem subveniendi non solum statuit in his quae gratis et absolute donantur, sed etiam in his quae mutuo conceduntur, quia huiusmodi subventio frequentior est, et pluribus necessaria. Huiusmodi autem subventionis facilitatem multipliciter instituit. Primo quidem, ut faciles se praeberent ad mutuuum exhibendum, nec ab hoc retraherentur anno remissionis appropinquante, ut habetur Deut. XV. Secundo, ne eum cui mutuuum concederent, gravarent vel usuris, vel etiam aliqua pignora

omnino vitae necessaria accipiendo, et si accepta fuerint, quod statim restituerentur. Dicitur enim Deut. XXIII, *non faeneraberis fratri tuo ad usuram*; et XXIV, *non accipies loco pignoris inferiorem et superiorem molam, quia animam suam apposuit tibi*; et Exod. XXII dicitur, *si pignus a proximo tuo acceperis vestimentum, ante solis occasum reddes ei*. Tertio, ut non importune exigerent. Unde dicitur Exod. XXII, *si pecuniam mutuam dederis populo meo pauperi qui habitat tecum, non urgebis eum quasi exactor*. Et propter hoc etiam mandatur Deut. XXIV, *cum repetes a proximo tuo rem aliquam quam debet tibi, non ingredieris in domum eius ut pignus auferas; sed stabis foris, et ille tibi proferet quod habuerit*, tum quia domus est tutissimum uniuscuiusque receptaculum, unde molestum homini est ut in domo sua invadatur; tum etiam quia non concedit creditori ut accipiat pignus quod voluerit, sed magis debitori ut det quo minus indiguerit. Quarto, instituit quod in septimo anno debita penitus remitterentur. Probabile enim erat ut illi qui commode reddere possent, ante septimum annum redderent, et gratis mutuantem non defraudarent. Si autem omnino impotentes essent, eadem ratione eis erat debitum remittendum ex dilectione, qua etiam erat eis de novo dandum propter indigentiam. Circa animalia vero mutuata haec lex statuit, ut propter negligentiam eius cui mutuata sunt, si in ipsius absentia moriantur vel debilitentur, reddere ea compellatur. Si vero eo praesente et diligenter custodiente, mortua fuerint vel debilitata, non cogebatur restituere, et maxime si erant mercede conducta, quia ita etiam potuissent mori et debilitari apud mutuantem; et ita, si conservationem animalis consequeretur, iam aliquod lucrum reportaret ex mutuo, et non esset gratuitum mutuum. Et maxime hoc observandum erat quando animalia erant mercede conducta, quia tunc habebat certum pretium pro usu animalium; unde nihil accrescere debebat per restitutionem animalium, nisi propter negligentiam custodientis. Si autem non essent mercede conducta, potuisset habere aliquam aequitatem ut saltem tantum restitueret quantum usus animalis mortui vel debilitati conduci potuisset.

[38206] I^a-II^{ae} q. 105 a. 2 ad 5

Ad quintum dicendum quod haec differentia est inter mutuum et depositum, quia mutuum traditur in utilitatem eius cui traditur; sed depositum traditur in utilitatem deponentis. Et ideo magis arctabatur

aliquis in aliquibus casibus ad restituendum mutuum, quam ad restituendum depositum. Depositum enim perdi poterat dupliciter. Uno modo, ex causa inevitabili, vel naturali, puta si esset mortuum vel debilitatum animal depositum; vel extrinseca, puta si esset captum ab hostibus, vel si esset comestum a bestia; in quo tamen casu tenebatur deferre ad dominum animalis id quod de animali occiso supererat. In aliis autem praedictis casibus nihil reddere tenebatur, sed solum, ad expurgandam suspicionem fraudis, tenebatur iuramentum praestare. Alio modo poterat perdi ex causa evitabili, puta per furtum. Et tunc, propter negligentiam custodis, reddere tenebatur. Sed, sicut dictum est, ille qui mutuo accipiebat animal, tenebatur reddere, etiam si debilitatum aut mortuum fuisset in eius absentia. De minori enim negligentia tenebatur quam depositarius, qui non tenebatur nisi de furto.

[38207] I^a-IIae q. 105 a. 2 ad 6

Ad sextum dicendum quod mercenarii qui locant operas suas, pauperes sunt, de laboribus suis victum quaerentes quotidianum, et ideo lex provide ordinavit ut statim eis merces solveretur, ne victus eis deficeret. Sed illi qui locant alias res, divites esse consueverunt, nec ita indigent locationis pretio ad suum victum quotidianum. Et ideo non est eadem ratio in utroque.

[38208] I^a-IIae q. 105 a. 2 ad 7

Ad septimum dicendum quod iudices ad hoc inter homines constituuntur, quod determinent quod ambiguum inter homines circa iustitiam esse potest. Dupliciter autem aliquid potest esse ambiguum. Uno modo, apud simplices. Et ad hoc dubium tollendum, mandatur Deut. XVI, ut *iudices et magistri constituerentur per singulas tribus, ut iudicarent populum iusto iudicio*. Alio modo contingit aliquid esse dubium etiam apud peritos. Et ideo ad hoc dubium tollendum, constituit lex ut omnes recurrerent ad locum principalem a Deo electum, in quo et summus sacerdos esset, qui determinaret dubia circa caeremonias divini cultus; et summus iudex populi, qui determinaret quae pertinent ad iudicia hominum, sicut etiam nunc per appellationem, vel per consultationem, causae ab inferioribus iudicibus ad superiores deferuntur. Unde dicitur Deut. XVII, *si difficile et ambiguum apud te iudicium perspexeris, et iudicium intra portas tuas videris verba variari; ascende ad locum quem elegerit dominus, veniesque ad sacerdotes levitici generis, et ad iudicem qui fuerit illo*

tempore. Huiusmodi autem ambigua iudicia non frequenter emergebant. Unde ex hoc populus non gravabatur.

[38209] I^a-IIae q. 105 a. 2 ad 8

Ad octavum dicendum quod in negotiis humanis non potest haberi probatio demonstrativa et infallibilis, sed sufficit aliqua coniecturalis probabilitas, secundum quam rhetor persuadet. Et ideo, licet sit possibile duos aut tres testes in mendacium convenire, non tamen est facile nec probabile quod conveniant; et ideo accipitur eorum testimonium tanquam verum; et praecipue si in suo testimonio non vacillent, vel alias suspecti non fuerint. Et ad hoc etiam quod non de facili a veritate testes declinent, instituit lex ut testes diligentissime examinarentur, et graviter punirentur qui invenirentur mendaces, ut habetur Deut. XIX. Fuit tamen aliqua ratio huiusmodi numeri determinandi, ad significandam infallibilem veritatem personarum divinarum, quae quandoque numerantur duae, quia spiritus sanctus est nexus duorum, quandoque exprimuntur tres; ut Augustinus dicit, super illud Ioan. VIII, *in lege vestra scriptum est quia duorum hominum testimonium verum est*.

[38210] I^a-IIae q. 105 a. 2 ad 9

Ad nonum dicendum quod non solum propter gravitatem culpae, sed etiam propter alias causas gravis poena infligitur. Primo quidem, propter quantitatem peccati, quia maiori peccato, ceteris paribus, gravior poena debetur. Secundo, propter peccati consuetudinem, quia a peccatis consuetis non faciliter homines abstrahuntur nisi per graves poenas. Tertio, propter multam concupiscentiam vel delectationem in peccato, ab his enim non de facili homines abstrahuntur nisi per graves poenas. Quarto, propter facilitatem committendi peccatum, et latendi in ipso, huiusmodi enim peccata, quando manifestantur, sunt magis punienda, ad terrorem aliorum. Circa ipsam etiam quantitatem peccati quadruplex gradus est attendendus, etiam circa unum et idem factum. Quorum primus est quando involuntarius peccatum committit. Tunc enim, si omnino est involuntarius, totaliter excusatur a poena, dicitur enim Deut. XXII, quod puella quae opprimitur in agro, *non est rea mortis, quia clamavit, et nullus affuit qui liberaret eam*. Si vero aliquo modo fuerit voluntarius, sed tamen ex infirmitate peccat, puta cum quis peccat ex passione, minuitur peccatum, et poena, secundum veritatem iudicii, diminui debet; nisi forte, propter communem utilitatem, poena

aggravetur, ad abstrahendum homines ab huiusmodi peccatis, sicut dictum est. Secundus gradus est quando quis per ignorantiam peccavit. Et tunc aliquo modo reus reputabatur, propter negligentiam addiscendi; sed tamen non puniebatur per iudices, sed expiabat peccatum suum per sacrificia. Unde dicitur Levit. IV, *anima quae peccaverit per ignorantiam*, et cetera. Sed hoc intelligendum est de ignorantia facti, non autem de ignorantia praecepti divini, quod omnes scire tenebantur. Tertius gradus est quando aliquis ex superbia peccabat, idest ex certa electione vel ex certa malitia. Et tunc puniebatur secundum quantitatem delicti. Quartus autem gradus est quando peccabat per proterviam et pertinaciam. Et tunc, quasi rebellis et destructor ordinationis legis, omnino occidendus erat. Secundum hoc, dicendum est quod in poena furti considerabatur secundum legem id quod frequenter accidere poterat. Et ideo pro furto aliarum rerum, quae de facili custodiri possunt a furibus, non reddebat fur nisi duplum. Oves autem non de facili possunt custodiri a furto, quia pascuntur in agris, et ideo frequentius contingebat quod oves furto subtraherentur. Unde lex maiorem poenam apposuit, ut scilicet quatuor oves pro una ove redderentur. Adhuc autem boves difficilius custodiuntur, quia habentur in agris, et non ita pascuntur gregatim sicut oves. Et ideo adhuc hic maiorem poenam apposuit, ut scilicet quinque boves pro uno bove redderentur. Et hoc dico, nisi forte idem animal inventum fuerit vivens apud eum, quia tunc solum duplum restituebat, sicut et in ceteris furtis; poterat enim haberi praesumptio quod cogitaret restituere, ex quo vivum servasset. Vel potest dici, secundum Glossam, quod *bos habet quinque utilitates, quia immolatur, arat, pascit carnibus, lactat, et corium etiam diversis usibus ministrat*, et ideo pro uno bove quinque boves reddebantur. Ovis autem habet quatuor utilitates, quia immolatur, pascit, lac dat, et lanam ministrat. Filius autem contumax, non quia comedebat et bibebat, occidebatur, sed propter contumaciam et rebellionem, quae semper morte puniebatur, ut dictum est. Ille vero qui colligebat ligna in sabbato, lapidatus fuit tanquam legis violator, quae sabbatum observari praecipiebat in commemorationem fidei novitatis mundi, sicut supra dictum est. Unde occisus fuit tanquam infidelis.

[38211] I^a-IIae q. 105 a. 2 ad 10

Ad decimum dicendum quod lex vetus poenam mortis inflixit in gravioribus criminibus, scilicet in his quae contra Deum peccantur, et in

homicidio, et in furto hominum, et in irreverentia ad parentes, et in adulterio, et in incestibus. In furto autem aliarum rerum adhibuit poenam damni. In percussuris autem et mutilationibus induxit poenam talionis; et similiter in peccato falsi testimonii. In aliis autem minoribus culpis induxit poenam flagellationis vel ignominiae. Poenam autem servitutis induxit in duobus casibus. In uno quidem, quando, septimo anno remissionis, ille qui erat servus, nolebat beneficio legis uti ut liber exiret. Unde pro poena ei infligebatur ut in perpetuum servus remaneret. Secundo, infligebatur furi, quando non habebat quod posset restituere, sicut habetur Exod. XXII. Poenam autem exilii universaliter lex non statuit. Quia in solo populo illo Deus colebatur, omnibus aliis populis per idololatriam corruptis, unde si quis a populo illo universaliter exclusus esset, daretur ei occasio idololatriae. Et ideo I Reg. XXVI dicitur quod David dixit ad Saul, *maledicti sunt qui eiecerunt me hodie, ut non habitem in hereditate domini, dicentes, vade, servi diis alienis*. Erat tamen aliquod particulare exilium. Dicitur enim Deut. XIX quod *qui percusserit proximum suum nesciens, et qui nullum contra ipsum habuisse odium comprobatur*, ad unam urbium refugii confugiebat, et ibi manebat usque ad mortem summi sacerdotis. Tunc enim licebat ei redire ad domum suam, quia in universali damno populi consueverunt particulares irae sedari, et ita proximi defuncti non sic proni erant ad eius occisionem.

[38212] I^a-IIae q. 105 a. 2 ad 11

Ad undecimum dicendum quod animalia bruta mandabantur occidi, non propter aliquam ipsorum culpam; sed in poenam dominorum, qui talia animalia non custodierant ab huiusmodi peccatis. Et ideo magis puniebatur dominus si bos cornupeta fuerat ab heri et nudius tertius, in quo casu poterat occurri periculo; quam si subito cornupeta efficeretur. Vel occidebantur animalia in detestationem peccati; et ne ex eorum aspectu aliquis horror hominibus incuteretur.

[38213] I^a-IIae q. 105 a. 2 ad 12

Ad duodecimum dicendum quod ratio litteralis illius mandati fuit, ut Rabbi Moyses dicit, quia frequenter interfector est de civitate propinquiore. Unde occisio vitulae fiebat ad explorandum homicidium occultum. Quod quidem fiebat per tria. Quorum unum est quod seniores civitatis iurabant nihil se praetermisisse in custodia viarum. Aliud est

quia ille cuius erat vitula damnificabatur in occisione animalis, et si prius manifestaretur homicidium, animal non occideretur. Tertium est quia locus in quo occidebatur vitula, remanebat incultus. Et ideo, ad evitandum utrumque damnum, homines civitatis de facili manifestarent homicidam, si scirent, et raro poterat esse quin aliqua verba vel iudicia super hoc facta essent. Vel hoc fiebat ad terrorem, in detestationem homicidii. Per occisionem enim vitulae, quae est animal utile et fortitudine plenum, praecipue antequam laboret sub iugo, significabatur quod quicumque homicidium fecisset, quamvis esset utilis et fortis, occidendus erat; et morte crudeli, quod cervicis concisio significabat; et quod tanquam vilis et abiectus a consortio hominum excludendus erat, quod significabatur per hoc quod vitula occisa in loco aspero et inculto relinquebatur, in putredinem convertenda. Mystice autem per vitulam de armento significatur caro Christi; quae non traxit iugum, quia non fecit peccatum; nec terram scidit vomere, idest seditionis maculam non admisit. Per hoc autem quod in valle inculta occidebatur, significabatur despecta mors Christi; per quam purgantur omnia peccata, et Diabolus esse homicidii auctor ostenditur.

Articulus 3

[38214] I^a-IIae q. 105 a. 3 arg. 1

Ad tertium sic proceditur. Videtur quod iudicialia praecepta non sint convenienter tradita quantum ad extraneos. Dicit enim Petrus, Act. X, *in veritate comperi quoniam non est acceptor personarum Deus; sed in omni gente qui timet Deum et operatur iustitiam, acceptus est illi*. Sed illi qui sunt Deo accepti, non sunt ab Ecclesia Dei excludendi.

Inconvenienter igitur mandatur Deut. XXIII, quod *Ammonites et Moabites, etiam post decimam generationem, non intrabunt Ecclesiam domini in aeternum*; e contrario autem ibidem praecipitur de quibusdam gentibus, *non abominaberis Idumaeum, quia frater tuus est; nec Aegyptium, quia advena fuisti in terra eius*.

[38215] I^a-IIae q. 105 a. 3 arg. 2

Praeterea, ea quae non sunt in potestate nostra, non merentur aliquam poenam. Sed quod homo sit eunuchus, vel ex scorto natus, non est in potestate eius. Ergo inconvenienter mandatur Deut. XXIII, quod *eunuchus, et ex scorto natus, non ingrediatur Ecclesiam domini*.

[38216] I^a-IIae q. 105 a. 3 arg. 3

Praeterea, lex vetus misericorditer mandavit ut advenae non affligantur, dicitur enim Exod. XXII, *advenam non contristabis, neque affliges eum, advenae enim et ipsi fuistis in terra Aegypti*; et XXIII, *peregrino molestus non eris, scitis enim advenarum animas, quia et ipsi peregrini fuistis in terra Aegypti*. Sed ad afflictionem alicuius pertinet quod usuris opprimatur. Inconvenienter igitur lex permisit, Deut. XXIII, ut alienis ad usuram pecuniam mutuarent.

[38217] I^a-IIae q. 105 a. 3 arg. 4

Praeterea, multo magis appropinquant nobis homines quam arbores. Sed his quae sunt nobis magis propinqua, magis debemus affectum et effectum dilectionis impendere; secundum illud Eccli. XIII, *omne animal diligit simile sibi, sic et omnis homo proximum sibi*. Inconvenienter igitur dominus, Deut. XX, mandavit quod de civitatibus hostium captis omnes interficerent, et tamen arbores fructiferas non succiderent.

[38218] I^a-IIae q. 105 a. 3 arg. 5

Praeterea, bonum commune secundum virtutem est bono privato praeferendum ab unoquoque. Sed in bello quod committitur contra hostes, quaeritur bonum commune. Inconvenienter igitur mandatur Deut. XX, quod, imminente proelio, aliqui domum remittantur, puta qui aedificavit domum novam, qui plantavit vineam, vel qui despondit uxorem.

[38219] I^a-IIae q. 105 a. 3 arg. 6

Praeterea, ex culpa non debet quis commodum reportare. Sed quod homo sit formidolosus et corde pavidus, culpabile est, contrariatur enim virtuti fortitudinis. Inconvenienter igitur a labore proelii excusabantur formidolosi et pavidum cor habentes.

[38220] I^a-IIae q. 105 a. 3 s. c.

Sed contra est quod sapientia divina dicit, Prov. VIII, *recti sunt omnes sermones mei, non est in eis pravum quid neque perversum*.

[38221] I^a-IIae q. 105 a. 3 co.

Respondeo dicendum quod cum extraneis potest esse hominum conversatio dupliciter, uno modo, pacifice; alio modo, hostiliter. Et quantum ad utrumque modum ordinandum, lex convenientia praecepta

continebat. Tripliciter enim offerebatur Iudaeis occasio ut cum extraneis pacifice communicarent. Primo quidem, quando extranei per terram eorum transitum faciebant quasi peregrini. Alio modo, quando in terram eorum adveniebant ad inhabitandum sicut advenae. Et quantum ad utrumque, lex misericordiae praecepta proposuit, nam Exod. XXII dicitur, *advenam non contristabis*; et XXIII dicitur, *peregrino molestus non eris*. Tertio vero, quando aliqui extranei totaliter in eorum consortium et ritum admitti volebant. Et in his quidam ordo attendebatur. Non enim statim recipiebantur quasi cives, sicut etiam apud quosdam gentilium statutum erat ut non reputarentur cives nisi qui ex avo, vel abavo, cives existerent, ut philosophus dicit, in III Polit. Et hoc ideo quia, si statim extranei advenientes reciperentur ad tractandum ea quae sunt populi, possent multa pericula contingere; dum extranei, non habentes adhuc amorem firmatum ad bonum publicum, aliqua contra populum attentarent. Et ideo lex statuit ut de quibusdam gentibus habentibus aliquam affinitatem ad Iudaeos, scilicet de Aegyptiis, apud quos nati fuerant et nutriti, et de Idumaeis, filiis Esau fratris Iacob, in tertia generatione reciperentur in consortium populi; quidam vero, quia hostiliter se ad eos habuerant, sicut Ammonitae et Moabitae, nunquam in consortium populi admitterentur; Amalecitrae autem, qui magis eis fuerant adversati, et cum eis nullum cognationis habebant consortium, quasi hostes perpetui haberentur; dicitur enim Exod. XVII, *bellum Dei erit contra Amalec a generatione in generationem*. Similiter etiam quantum ad hostilem communicationem cum extraneis, lex convenientia praecepta tradidit. Nam primo quidem, instituit ut bellum iuste iniretur, mandatur enim Deut. XX, quod quando accederent ad expugnandum civitatem, offerrent ei primum pacem. Secundo, instituit ut fortiter bellum susceptum exequerentur, habentes de Deo fiduciam. Et ad hoc melius observandum, instituit quod, imminente proelio, sacerdos eos confortaret, promittendo auxilium Dei. Tertio, mandavit ut impedimenta proelii removerentur, remittendo quosdam ad domum, qui possent impedimenta praestare. Quarto, instituit ut victoria moderate uterentur, parcendo mulieribus et parvulis, et etiam ligna fructifera regionis non incidendo.

[38222] I^a-IIae q. 105 a. 3 ad 1

Ad primum ergo dicendum quod homines nullius gentis exclusit lex a

cultu Dei et ab his quae pertinent ad animae salutem, dicitur enim Exod. XII, *si quis peregrinorum in vestram voluerit transire coloniam, et facere phase domini; circumcidetur prius omne masculinum eius, et tunc rite celebrabit, eritque simul sicut indigena terrae.* Sed in temporalibus, quantum ad ea quae pertinebant ad communitatem populi, non statim quilibet admittebatur, ratione supra dicta, sed quidam in tertia generatione, scilicet Aegyptii et Idumaei; alii vero perpetuo excludebantur, in detestationem culpae praeteritae, sicut Moabitae et Ammonitae et Amalecitae. Sicut enim punitur unus homo propter peccatum quod commisit, ut alii videntes timeant et peccare desistant; ita etiam propter aliquod peccatum gens vel civitas potest puniri, ut alii a simili peccato abstineant. Poterat tamen dispensative aliquis in collegium populi admitti propter aliquem virtutis actum, sicut Iudith XIV dicitur quod Achior, dux filiorum Ammon, *appositus est ad populum Israel, et omnis successio generis eius.* Et similiter Ruth Moabitis, quae mulier virtutis erat. Licet possit dici quod illa prohibitio extendebatur ad viros, non ad mulieres, quibus non competit simpliciter esse cives.

[38223] I^a-IIae q. 105 a. 3 ad 2

Ad secundum dicendum quod, sicut philosophus dicit, in III Polit., dupliciter aliquis dicitur esse civis, uno modo, simpliciter; et alio modo, secundum quid. Simpliciter quidem civis est qui potest agere ea quae sunt civium, puta dare consilium vel iudicium in populo. Secundum quid autem civis dici potest quicumque civitatem inhabitat, etiam viles personae et pueri et senes, qui non sunt idonei ad hoc quod habeant potestatem in his quae pertinent ad commune. Ideo ergo spurii, propter vilitatem originis, excludebantur ab Ecclesia, idest a collegio populi, usque ad decimam generationem. Et similiter eunuchi, quibus non poterat competere honor qui patribus debebatur, et praecipue in populo Iudaeorum, in quo Dei cultus conservabatur per carnis generationem, nam etiam apud gentiles, qui multos filios genuerant, aliquo insigni honore donabantur, sicut philosophus dicit, in II Polit. Tamen quantum ad ea quae ad gratiam Dei pertinent, eunuchi ab aliis non separabantur, sicut nec advenae, ut dictum est, dicitur enim Isaiae LVI, *non dicat filius advenae qui adhaeret domino, dicens, separatione dividet me dominus a populo suo. Et non dicat eunuchus, ecce ego lignum aridum.*

[38224] I^a-IIae q. 105 a. 3 ad 3

Ad tertium dicendum quod accipere usuras ab alienis non erat secundum intentionem legis, sed ex quadam permissione, propter pronitatem Iudaeorum ad avaritiam; et ut magis pacifice se haberent ad extraneos, a quibus lucrabantur.

[38225] I^a-IIae q. 105 a. 3 ad 4

Ad quartum dicendum quod circa civitates hostium quaedam distinctio adhibebatur. Quaedam enim erant remotae, non de numero illarum urbium quae eis erant repromissae, et in talibus urbibus expugnatis occidebantur masculi, qui pugnaverant contra populum Dei; mulieribus autem et infantibus parcebatur. Sed in civitatibus vicinis, quae erant eis repromissae omnes mandabantur interfici, propter iniquitates eorum priores, ad quas puniendas dominus populum Israel quasi divinae iustitiae executorem mittebat, dicitur enim Deut. IX, *quia illae egerunt impie, introeunte te deletae sunt*. Ligna autem fructifera mandabantur reservari propter utilitatem ipsius populi, cuius ditioni civitas et eius territorium erat subiiciendum.

[38226] I^a-IIae q. 105 a. 3 ad 5

Ad quintum dicendum quod novus aedificator domus, aut plantator vineae, vel desponsator uxoris, excludebatur a proelio propter duo. Primo quidem, quia ea quae homo de novo habet, vel statim paratus est ad habendum, magis solet amare, et per consequens eorum amissionem timere. Unde probabile erat quod ex tali amore magis mortem timerent, et sic minus fortes essent ad pugnandum. Secundo quia, sicut philosophus dicit, in II Physic., *infortunium videtur quando aliquis appropinquat ad aliquod bonum habendum, si postea impediatur ab illo*. Et ideo ne propinqui remanentes magis contristarentur de morte talium, qui bonis sibi paratis potiti non fuerunt; et etiam populus, considerans hoc, horreret; huiusmodi homines a mortis periculo sunt sequestrati per subtractionem a proelio.

[38227] I^a-IIae q. 105 a. 3 ad 6

Ad sextum dicendum quod timidi remittebantur ad domum, non ut ipsi ex hoc commodum consequerentur; sed ne populus ex eorum praesentia incommodum consequeretur, dum per eorum timorem et fugam etiam alii ad timendum et fugiendum provocarentur.

Articulus 4

[38228] I^a-IIae q. 105 a. 4 arg. 1

Ad quartum sic proceditur. Videtur quod inconvenienter lex vetus praecepta ediderit circa personas domesticas. Servus enim id quod est, domini est, ut philosophus dicit, in I Polit. Sed id quod est alicuius, perpetuo eius esse debet. Ergo inconvenienter lex mandavit Exod. XXI, quod servi septimo anno liberi abscederent.

[38229] I^a-IIae q. 105 a. 4 arg. 2

Praeterea, sicut animal aliquod, ut asinus aut bos, est possessio domini, ita etiam servus. Sed de animalibus praecipitur Deut. XXII, quod restituantur dominis suis, si errare inveniantur. Inconvenienter ergo mandatur Deut. XXIII, *non tradas servum domino suo, qui ad te confugerit.*

[38230] I^a-IIae q. 105 a. 4 arg. 3

Praeterea, lex divina debet magis ad misericordiam provocare quam etiam lex humana. Sed secundum leges humanas graviter puniuntur qui nimis aspere affligunt servos aut ancillas. Asperrima autem videtur esse afflictio ex qua sequitur mors. Inconvenienter igitur statuitur Exod. XXI, quod *qui percusserit servum suum vel ancillam virga, si uno die supervixerit, non subiacebit poenae, quia pecunia illius est.*

[38231] I^a-IIae q. 105 a. 4 arg. 4

Praeterea, alius est principatus domini ad servum, et patris ad filium, ut dicitur in I et III Polit. Sed hoc ad principatum domini ad servum pertinet, ut aliquis servum vel ancillam vendere possit. Inconvenienter igitur lex permisit quod aliquis venderet filiam suam in famulam vel ancillam.

[38232] I^a-IIae q. 105 a. 4 arg. 5

Praeterea, pater habet sui filii potestatem. Sed eius est punire excessus, qui habet potestatem super peccantem. Inconvenienter igitur mandatur Deut. XXI, quod pater ducat filium ad seniores civitatis puniendum.

[38233] I^a-IIae q. 105 a. 4 arg. 6

Praeterea, dominus prohibuit, Deut. VII, ut cum alienigenis non sociarent coniugia; et coniuncta etiam separarentur, ut patet I Esdrae X. Inconvenienter igitur Deut. XXI conceditur eis ut captivas alienigenarum

ducere possint uxores.

[38234] I^a-IIae q. 105 a. 4 arg. 7

Praeterea, dominus in uxoribus ducendis quosdam consanguinitatis et affinitatis gradus praecepit esse vitandos, ut patet Lev. XVIII.

Inconvenienter igitur mandatur Deut. XXV, quod si aliquis esset mortuus absque liberis, uxorem ipsius frater eius acciperet.

[38235] I^a-IIae q. 105 a. 4 arg. 8

Praeterea, inter virum et uxorem, sicut est maxima familiaritas, ita debet esse firmissima fides. Sed hoc non potest esse, si matrimonium dissolubile fuerit. Inconvenienter igitur dominus permisit, Deut. XXIV, quod aliquis posset uxorem dimittere, scripto libello repudii; et quod etiam ulterius eam recuperare non posset.

[38236] I^a-IIae q. 105 a. 4 arg. 9

Praeterea, sicut uxor potest frangere fidem marito, ita etiam servus domino, et filius patri. Sed ad investigandam iniuriam servi in dominum, vel filii in patrem, non est institutum in lege aliquod sacrificium.

Superflue igitur videtur institui sacrificium zelotypiae ad investigandum uxoris adulterium, Num. V. Sic igitur inconvenienter videntur esse tradita in lege praecepta iudicialia circa personas domesticas.

[38237] I^a-IIae q. 105 a. 4 s. c.

Sed contra est quod dicitur in Psalmo XVIII, *iudicia domini vera, iustificata in semetipsa*.

[38238] I^a-IIae q. 105 a. 4 co.

Respondeo dicendum quod communio domesticarum personarum ad invicem, ut philosophus dicit, in I Polit., est secundum quotidianos actus qui ordinantur ad necessitatem vitae. Vita autem hominis conservatur dupliciter. Uno modo, quantum ad individuum, prout scilicet homo idem numero vivit, et ad talem vitae conservationem opitulantur homini exteriora bona, ex quibus homo habet victum et vestitum et alia huiusmodi necessaria vitae; in quibus administrandis indiget homo servis. Alio modo conservatur vita hominis secundum speciem per generationem, ad quam indiget homo uxore, ut ex ea generet filium. Sic igitur in domestica communione sunt tres combinationes, scilicet domini ad servum, viri ad uxorem, patris ad filium. Et quantum ad omnia ista

lex vetus convenientia praecepta tradidit. Nam quantum ad servos, instituit ut modeste tractarentur et quantum ad labores, ne scilicet immoderatis laboribus affligerentur, unde Deut. V, dominus mandavit ut in die sabbati requiesceret servus et ancilla tua sicut et tu, et iterum quantum ad poenas infligendas, imposuit enim poenam mutilatoribus servorum ut dimitterent eos liberos, sicut habetur Exod. XXI. Et simile etiam statuit in ancilla quam in uxorem aliquis duxerit. Statuit etiam specialiter circa servos qui erant ex populo, ut septimo anno liberi egrederentur cum omnibus quae apportaverant, etiam vestimentis, ut habetur Exod. XXI. Mandatur etiam insuper Deut. XV, ut ei detur viaticum. Circa uxores vero, statuitur in lege quantum ad uxores ducendas. Ut scilicet ducant uxores suae tribus, sicut habetur Num. ult., et hoc ideo, ne sortes tribuum confundantur. Et quod aliquis in uxorem ducat uxorem fratris defuncti sine liberis, ut habetur Deut. XXV, et hoc ideo, ut ille qui non potuit habere successores secundum carnis originem, saltem habeat per quandam adoptionem, et sic non totaliter memoria defuncti deleretur. Prohibuit etiam quasdam personas ne in coniugium ducerentur, scilicet alienigenas, propter periculum seductionis; et propinquas, propter reverentiam naturalem quae eis debetur. Statuit etiam qualiter uxores iam ductae tractari deberent. Ut scilicet non leviter infamarentur, unde mandatur puniri ille qui falso crimen imponit uxori, ut habetur Deut. XXII. Et quod etiam propter uxoris odium filius detrimentum non pateretur, ut habetur Deut. XXI. Et etiam quod, propter odium uxorem non affligeret, sed potius, scripto libello, eam dimitteret, ut patet Deut. XXIV. Et ut etiam maior dilectio inter coniuges a principio contrahatur, praecipitur quod, cum aliquis nuper uxorem acceperit, nihil ei publicae necessitatis iniungatur, ut libere possit laetari cum uxore sua. Circa filios autem, instituit ut patres eis disciplinam adhiberent, instruendo eos in fide, unde habetur Exod. XII, *cum dixerint vobis filii vestri, quae est ista religio? Dicetis eis, victima transitus domini est*. Et quod etiam instruerent eos in moribus, unde dicitur Deut. XXI, quod patres dicere debent, *monita nostra audire contemnit, commensationibus vacat et luxuriae atque conviviis*.

[38239] I^a-IIae q. 105 a. 4 ad 1

Ad primum ergo dicendum quod, quia filii Israel erant a domino de servitute liberati, et per hoc divinae servituti addicti, noluit dominus ut in

perpetuum servi essent. Unde dicitur Lev. XXV, *si paupertate compulsus vendiderit se tibi frater tuus, non eum opprimes servitute famulorum, sed quasi mercenarius et colonus erit. Mei enim sunt servi, et ego eduxi eos de terra Aegypti, non veneant conditione servorum.* Et ideo, quia simpliciter servi non erant, sed secundum quid, finito tempore, dimittebantur liberi.

[38240] I^a-IIae q. 105 a. 4 ad 2

Ad secundum dicendum quod mandatum illud intelligitur de servo qui a domino quaeritur ad occidendum, vel ad aliquod peccati ministerium.

[38241] I^a-IIae q. 105 a. 4 ad 3

Ad tertium dicendum quod circa laesiones servis illatas, lex considerasse videtur utrum sit certa vel incerta. Si enim laesio certa esset, lex poenam adhibuit, pro mutilatione quidem, amissionem servi qui mandabatur libertati donandus; pro morte autem, homicidii poenam, cum servus in manu domini verberantis moreretur. Si vero laesio non esset certa, sed aliquam apparentiam haberet, lex nullam poenam infligebat in proprio servo, puta cum percussus servus non statim moriebatur, sed post aliquos dies. Incertum enim erat utrum ex percussione mortuus esset. Quia si percussisset liberum hominem, ita tamen quod statim non moreretur, sed super baculum suum ambularet, non erat homicidii reus qui percusserat, etiam si postea moreretur. Tenebatur tamen ad impensas solvendas quas percussus in medicos fecerat. Sed hoc in servo proprio locum non habebat, quia quidquid servus habebat, et etiam ipsa persona servi, erat quaedam possessio domini. Et ideo pro causa assignatur quare non subiaceat poenae pecuniariae, quia pecunia illius est.

[38242] I^a-IIae q. 105 a. 4 ad 4

Ad quartum dicendum quod, sicut dictum est, nullus Iudaeus poterat possidere Iudaeum quasi simpliciter servum; sed erat servus secundum quid, quasi mercenarius, usque ad tempus. Et per hunc modum permittebat lex quod, paupertate cogente, aliquis filium aut filiam venderet. Et hoc etiam verba ipsius legis ostendunt, dicit enim, *si quis vendiderit filiam suam in famulam, non egredietur sicut ancillae exire consueverunt.* Per hunc etiam modum non solum filium, sed etiam seipsum aliquis vendere poterat, magis quasi mercenarium quam quasi

servum; secundum illud Levit. XXV, *si paupertate compulsus vendiderit se tibi frater tuus, non eum opprimes servitute famulorum, sed quasi mercenarius et colonus erit.*

[38243] I^a-IIae q. 105 a. 4 ad 5

Ad quintum dicendum quod, sicut philosophus dicit, in X Ethic., principatus paternus habet solam admonendi potestatem; non autem habet vim coactivam, per quam rebelles et contumaces comprimi possunt. Et ideo in hoc casu lex mandabat ut filius contumax a principibus civitatis puniretur.

[38244] I^a-IIae q. 105 a. 4 ad 6

Ad sextum dicendum quod dominus alienigenas prohibuit in matrimonium duci propter periculum seductionis, ne inducerentur in idololatriam. Et specialiter hoc prohibuit de illis gentibus quae in vicino habitabant, de quibus erat magis probabile quod suos ritus retinerent. Si qua vero idololatriae cultum dimittere vellet, et ad legis cultum se transferre, poterat in matrimonium duci, sicut patet de Ruth, quam duxit Booz in uxorem. Unde ipsa dixerat socrui suae, *populus tuus populus meus, Deus tuus Deus meus*, ut habetur Ruth I. Et ideo captiva non aliter permittebatur in uxorem duci nisi prius rasa caesarie, et circumcisis unguibus, et deposita veste in qua capta est, et fleret patrem et matrem, per quae significatur idololatriae perpetua abiectio.

[38245] I^a-IIae q. 105 a. 4 ad 7

Ad septimum dicendum quod, sicut Chrysostomus dicit, super Matth., *quia immitigabile malum mors erat apud Iudaeos, qui omnia pro praesenti vita faciebant, statutum fuit ut defuncto filius nasceretur ex fratre, quod erat quaedam mortis mitigatio. Non autem alius quam frater vel propinquus iubebatur accipere uxorem defuncti, quia non ita crederetur (qui ex tali coniunctione erat nasciturus) esse filius eius qui obiit; et iterum extraneus non ita haberet necessitatem statuere domum eius qui obierat, sicut frater, cui etiam ex cognatione hoc facere iustum erat.* Ex quo patet quod frater in accipiendo uxorem fratris sui, persona fratris defuncti fungebatur.

[38246] I^a-IIae q. 105 a. 4 ad 8

Ad octavum dicendum quod lex permisit repudium uxoris, non quia simpliciter iustum esset, sed propter duritiam Iudaeorum; ut dominus

dicit, Matth. XIX. Sed de hoc oportet plenius tractari cum de matrimonio agetur.

[38247] I^a-II^ae q. 105 a. 4 ad 9

Ad nonum dicendum quod uxores fidem matrimonii frangunt per adulterium et de facili, propter delectationem; et latenter, *quia oculus adulteri observat caliginem*, ut dicitur Iob XXIV. Non autem est similis ratio de filio ad patrem, vel de servo ad dominum, quia talis infidelitas non procedit ex concupiscentia delectationis, sed magis ex malitia; nec potest ita latere sicut infidelitas mulieris adulterae.



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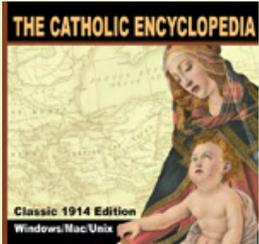
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John of Paris

(Called also Quidort and de Soardis).

Theologian and controversialist; born at Paris, date unknown; died at [Bordeaux](#), 22 September, 1306. Having obtained the degree of Master of Arts with distinction, he joined the Dominican Order, when about twenty years of age, at the convent of St. James in his native city. There he taught philosophy and theology, and obtained the degree of Master of Theology. He was endowed with great ability, was the most subtle dialectician of the age, possessed great literary and linguistic attainments, and was considered one of the best theologians of the university. Some ten of his works on theology, physics, and metaphysics, still exist in manuscript; two others, "De Antichristo" and "De modo existendi corporis Christi in sacramento altaris", appeared in print centuries after his death. A treatise, "Contra corruptorem Sancti Thomae", published in 1516 under the name of Aegidius Romanus, is commonly attributed to John of Paris; it was certainly not written by Aegidius. All these show vast erudition. In his work on the temporal and spiritual power, "De potestate regia et papali", written during the controversy between [Boniface VIII](#) and Philip the Fair, he favours the king, and advances some untenable propositions. He holds, for instance, that the pope, for grave crimes, e.g. heresy, may be deposed. The treatise on the Blessed Sacrament, in which he maintained that the Body of Christ is, or might be, present by assumption (I. e. by the body of Christ assuming the bread and wine), and that the doctrine of transubstantiation was not of faith, brought him into trouble. The faculty of the university reported the error to William of Baufet, Bishop of Paris, who forbade him under penalty of [excommunication](#) to defend such a doctrine, and deprived him of the offices of lecturing, preaching, and hearing confessions. John appealed to the [Holy See](#), but died soon after, and the case was dropped. In justice to him, it must be said that he advanced these propositions tentatively; for in the beginning of the treatise he writes that he believes in the Catholic doctrine of transubstantiation, and if it is shown that transubstantiation is of faith, or should it be defined, he will willingly retract.

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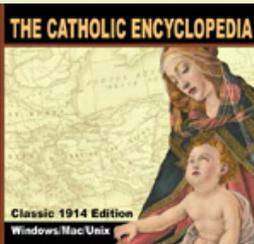
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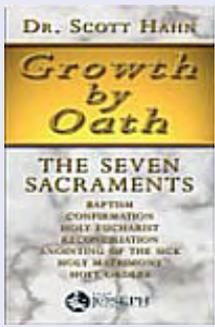
Marsilius of Padua

Physician and theologian, b. at Padua about 1270; d. about 1342. Contrary to the assertion of several authors, he was only a layman and neither a religious nor the legitimate Archbishop of Milan, though he was a canon of his native city. He served at first in the army of the emperor, and after wards, on the advice of Mussato, began the study of medicine at the University of Padua. To complete his medical studies he proceeded to Paris, and before 25 December, 1312, became rector of the university there, A little later he went to [Avignon](#) and obtained from John XXII letters appointing him to one of the canonries of the Church of Padua (Reg. Vat., a. I, p. 2, n. 1714). It was at this time that Louis of Bavaria was about to reopen against the pope the struggles of Philippe le Bel against [Boniface VIII](#). John XXII had just denounced Louis as a supporter of heretics, [excommunicated](#) him, and ordered him to cease within three months administering the affairs of the Empire. The emperor was looking for help, and Marsilius, who had now begun the study of theology, joined with Jean de Jandun, canon of Senlis, in offering him his assistance. Together they composed the "Defensor pads" at Paris, and, about 1326, setting out for Germany, presented their work to the emperor. They became his intimate friends, and on several occasions expounded their teaching to him. What were the doctrines of these two Parisian doctors, the very audacity of which at first startled Louis of Bavaria? They recalled the wildest theories of the legists of Philippe le Bel, and Cæsarian theologians like Guillaume Durand and the Dominican John of Paris. The teachings of these last mentioned had been proposed with hesitation, restrictions, and moderation of language which met with no favour before the rigorous logic of Marsilius of Padua. He completely abandoned the olden theocratic conception of society. [God](#), it is true, remained the ultimate source of all power, but it sprang immediately from the people, who had in addition the power to legislate. Law was the expression, not of the will of the prince, as John of Paris taught, but of the will of the people, who, by the voice of the majority, could enact, interpret, modify, suspend, and abrogate it at will. The elected head of the nation was possessed only of a secondary, instrumental, and executive authority. We thus arrive at the theory of the "Contrat Social". In the Church, according to the "Defensor Pacis", the faithful have these two great powers -- the elective and the legislative. They nominate the bishops and select those who are to be ordained. The legislative power is, in the Church, the right to decide the meaning of the old Scriptures; that is the work for a general council, in which the right of discussion and voting belongs to the faithful or their delegates. The ecclesiastical power, the priesthood, comes directly from [God](#) and consists essentially in the power to consecrate the [Body and Blood of Jesus Christ](#) and remit sins, or, rather, to declare them remitted. It is equal in all priests, each of whom can communicate it by ordination to a subject legitimately proposed by the

community. [Luther](#) would have recognized his theories in these heretical assertions, and the Gallicans of later times would willingly have subscribed to such revolutionary declarations. The two writers are just as audacious in their exposition of the respective roles of the Empire and the Church in [Christian](#) society and of the relations of the two powers.

According to the idea of the State propounded by Marsilius all ecclesiastical power proceeded from the community and from the emperor, its principal representative, there being no limit to the rights of the lay State (cf. Franck, "Journal des savants" March, 1883; Noël Valois, "Histoire littéraire de la France", XXXIII). As to the Church it has no visible head. St. Peter he goes on, received no more power or authority than the other Apostles, and it is uncertain that he ever came to Rome. The pope has only the power of convoking an ecumenical council which is superior to him. His decrees are not binding; he can impose on the people only what the general council has decided and interpreted. The community elects the parish priest and supervises and controls the clergy in the performance of their duties; in a word -- the community or the state is everything, the Church playing an entirely subsidiary part. It cannot legislate, adjudicate, possess goods, sell, or purchase without authorization; it is a perpetual minor. As is clear, we have here the civil constitution of the clergy. Marsilius, moreover shows himself a severe and often unjust censor of the abuses of the Roman curia. Regarding the relations between the emperor and the pope, it is maintained in the "Defensor Pacis", that the sovereign pontiff has no power over any man, except with the permission of the emperor; while the emperor has power over the pope and the general council. The pontiff can act only as the authorized agent of the Roman people; all the goods of the Church belong by right to Cæsar. This is clearly the crudest concept of the pagan empire, an heretical assault on the Church's constitution, and a shame less denial of the rights of the sovereign pontiff to the profit of Cæsar. [Dante](#), the Ghibelline theorist, is surpassed. Arnold of Brescia is equalled. William Occam could never have proposed anything more revolutionary.

The pope was stirred by these heretical doctrines. In the Bull of 3 April, 1327, John XXII reproached Louis of Bavaria with having welcomed *duos perditionis filios et maledictionis alumnos* (Denifle, "Chart", II, 301). On 9 April he suspended and [excommunicated](#) them ("Thesaurus novus anecdotorum", ii, 692). A commission, appointed by the pope at [Avignon](#), condemned on 23 October five of the propositions of Marsilius in the following terms: "1) These reprobates do not hesitate to affirm in what is related of Christ in the Gospel of St. Matthew, to wit that He paid tribute . . . that he did so, not through condescension and liberality, but of necessit -- an assertion that runs counter to the teaching of the Gospel and the words of our Saviour. If one were to believe these men, it would follow that all the property of the Church belongs to the emperor, and that he may take possession of it again as his own; 2) These sons of Belial are so audacious as to affirm that the Blessed Apostle St. Peter received no more authority than the other Apostles, that he was not appointed their chief and further that Christ gave no head to His Church, and appointed no one as His vicar here below -- all which is contrary to the Apostolic and evangelic truth; 3) These children of Belial do not fear to assert that the emperor has the right to appoint, to dethrone, and even to punish the pop -- which is undoubtedly repugnant to all right; 4) These frivolous and lying men say that all priests, be they popes archbishops, or simple priests are possessed of equal authority and equal jurisdiction, by the institution of Christ; that whatever one possesses beyond another is a concession of the Emperor, who can moreover revoke what he has granted,-which assertions are certainly contrary to sacred teaching and savour of heresy; 5) these blasphemers say that the universal Church may not inflict a coactive penalty on any person unless with the emperor's permission." All the pontifical propositions opposed to the declarations of Marsilius of Padua and Jean de Jandun are proved at length from the Scriptures, traditions, and history. These declarations are condemned as being contrary to the Holy Scriptures, dangerous to the Catholic faith, heretical, and erroneous and their authors Marsilius and Jean as being undoubtedly heretics and even heresiarchs



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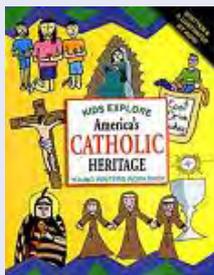
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(Denzinger, "Enchiridion", 423, ed. Bann wart, 495; Noel Valois, "Histoire littéraire de la France", XXXIII, 592).

As this condemnation was falling on the head of Marsilius, the culprit was coming to Italy in the emperor's train and he saw his revolutionary ideas being put into practice. Louis of Bavaria had himself crowned by Colonna syndic of the Roman people; he dethroned John XXII, replacing him by the Friar Minor, Peter of Corbara, whom he invested with temporal power. At the same time he bestowed the title of imperial vicar on Marsilius and permitted him to persecute the Roman clergy. The pope of [Avignon](#) protested twice against the sacrilegious conduct of both. The triumph of Marsilius was, however, of short duration. Abandoned by the emperor in October, 1336, he died towards the end of 1342. Among his principal works, the "Defensor Pacis", which we possess in twenty manuscripts, has been printed frequently and translated into various languages. The "Defensor Minor" a résumé of the preceding work compiled by Marsihus himself, has just been recovered in the Bodleian Library, Oxford (Canon. Miscell., 188). It throws light on certain points in the larger work; but has not yet been published. "De translatione Imperii Romani" has been printed four times in Germany and once in England. "De jurisdictione Imperatoris in causa matrimoniali" has been edited by Preher and by Goldast (Monarchia sancti Rom. Imperii, II, c. 1283). The influence of the "Defensor pacis" was disastrous, and Marsilius may well be reckoned one of the fathers of the Reformation.



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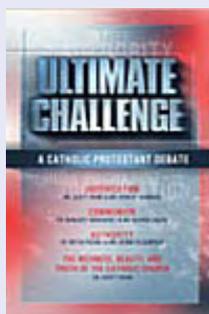
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Medieval Sourcebook: Bartolo of Sassoferrato Treatise on City Government, c. 1330

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Based on the text of Diego Quaglioni, "Per una edizione critica e un commento moderno del *Tractatus de Regimine civitatis*" di Bartolo da Sassoferrato," *Pensiero Politico* 9 (1976).

TREATISE ON CITY GOVERNMENT ACCORDING TO BARTOLUS OF SASSOFERRATO

1. The first sort of government there was in the city of Rome, after the expulsion of the kings, was "for the people," which Aristotle calls "political."

A democracy is the name of a government of those who are ruling for their own advantage, in opposition to the rich, or to any people.

2. The second kind of government in the city of Rome was by the senators, and this sort of government is good if it tends toward the common good, which Aristotle calls a government of the elders.

Oligarchy is called by Aristotle the reign of a few rich people who have no interest in the common good.

3. The third sort of government was government by one man. He is called a lord if he inclines to a good and common end, a tyrant if he is inclined to pursue bad or [merely] personal ends.

4. There are six types of government, three good, three bad.

5. The seventh kind of government now rules in the city of Rome, and is called a monstrous government. (Also number 28)

6. It pertains to the jurist to investigate which sort of government is better.

7. The three forms of good government.

8. Monarchy, that is, the governance of one king, is the best sort of government.
9. Three things are required of any ruler, namely perfect reason, right intention, and perfect stability.
10. Not every sort of one-man rule is called the rule of a king.
11. Whether it is good to be ruled by kings. (And no. 13)
12. What a king may demand from his subjects.
14. A consideration of what may happen when that which is being discussed tends naturally toward this.
15. A threefold division of populaces, because some cities are large, some larger still, some the largest of all.
16. A large city, in the first degree of magnitude, is better off with a government "for the people" than it is being ruled by a few people, or by only one.
17. The city of Siena was ruled by rich nobles for eighty years, and that government was expelled by the "populars" in the time of king Charles the Fourth.
18. Government "for the people" should be called a government of God rather than of men.

Charles the Fourth approved of the government "for the people."

19. [Both] magnates and the most wretched are excluded from a government "for the people."
20. A larger city, according to the scale of magnitude, is better ruled by a few good rich men, rather than by the populace, or by one person.

The city of Venice and the city of Florence are among the "larger" cities, and are ruled by a few of the wealthy.

21. A city accustomed to being ruled in a certain way should be governed in that way.
22. The largest cities or peoples are best ruled by a single king.
23. A government which results from election is more divine than one which results from succession.
24. It is dangerous to have a king of another nation.

All Christians are called brothers.

25. The Roman empire, after it was separated from the Italians, grew ever weaker.
26. Small populaces cannot be governed in themselves, unless they submit or adhere to another people.
27. A tyrant is the worst of all of the forms of government.
28. The rule of several bad men is not so evil as the rule of a single tyrant; and how this may be determined.
29. The rule of several bad men does not last long, and easily decays to the rule of a single tyrant.

Because this is the last part of the Tiber, and thus in the city of Rome, which is the head of the world, let us therefore examine some things concerning the ways of ruling a city. And this inquiry is twofold: in the first place an inquiry into ways of ruling as far as the laws are concerned, which may concern either the written or the unwritten law,^[1] and this is an inquiry I will not pursue, since this is treated in various ways in various [other] places. In the second place an inquiry into ways of ruling as far as concerns the persons of the rulers, and this deserves some sort of examination. In the first place let us see in how many ways a city may be ruled. In the second place, which ways are better, which worse. In the third place let us examine some of the doubts which arise about these matters in the course of daily events.

In the first place, in how many ways a city may be ruled, three forms of good government can be garnered from our laws, and three which are contrary to them. Aristotle discusses a number of these forms quite clearly in the third book of his *Politics* and there he supplies his own names for those forms;^[2] we will both make mention of those names and also insert names more fitting for the present time.

1 In the city of Rome, when the kings had been expelled, there were three forms of government.^[3] The first by the people:^[4] Aristotle called this sort of government *policratia* or "political," and we will call it a government "for the people," when the government is a good one, [that is] when the rulers chiefly consider the common good of all according to [each person's] state.

But if this multitude looks to its own good, and to oppose the rich, or any gens, this is a bad government and Aristotle describes it with the Greek word *democratia*: we call it a perverse populace. We have these two forms of government [in the laws]^[5], where, when honors and rewards are divided [in society] according to the appropriate degrees, we call it a good or worthy government; when these are divided unequally, such that some are burdened, others treated lightly, it is called a bad government, through which the republic is destroyed.

2 The second form of government in the city of Rome was by the senators, and thus by a few wealthy men who were good and prudent.^[6] And if these few incline to the common good their lordship [*principatus*] is good and is called by Aristotle a government of the elders; the more common name is the one I used earlier, namely a lordship or government of the good. And if these few men do not

incline to the common good, but are merely a few rich and powerful men oppressing others, eager for their own gain, then the government is a bad one, and is called by Aristotle oligarchy, which is the same as a lordship of the rich or a government of the bad: a name which is fairly common.[\[7\]](#)

3 The third form of government is that of one person,[\[8\]](#) and this according to Aristotle is called kingship. If this person is a universal lord, we call this form of government an empire [*imperium*]; if the rulership is particular, it is sometimes called kingship, sometimes a duchy, mark or county.[\[9\]](#) A duchy is what we commonly call the rule of a natural lord, if this lord works for a good and common purpose. If he works for a bad end, and for his own advantage, according to Aristotle he is called a tyrant, and is so called by the laws and customs.[\[10\]](#)

4 We have therefore six forms of government, three good, three bad, each one called by its own name; in truth, every bad kingship can be called in common parlance a tyranny, namely the tyranny of the people, the tyranny of certain people, and the tyranny of one person.

5 There is a seventh form of government, the worst, which now exists in the city of Rome; where there are many tyrants in different areas, so strong that none can overcome the others. There is also a common government over the whole city, so weak that it can do nothing against any of those tyrants, nor against any of their adherents except insofar as they are willing to suffer it. This sort of government Aristotle does not treat, and rightly so, for it is a monstrous thing. What is one to think, seeing a single body with a weak head, and many other heads stronger than that one, contesting among themselves? Certainly this thing would be a monster. Therefore it is called a monstrous government. It comes about through divine permission, to show how far is fallen every glory of the world. The city of Rome, the head of customs, the head of polities, has fallen into such monstrosity in its government that it can truly be said that it is no government at all, and has not even the form of a government.[\[11\]](#)

6 In the second place we must see which is a better form of government. This inquiry is a necessary one for jurists, since universal lords, when they consider the reformation of a city, either consult jurists or entrust the case to them; or, when the jurists are in session, an argument concerning city government may be brought before them. Therefore an inquiry as to which is the better form of government is necessary, a subject treated by Aristotle in the third book of the

7 *Politics*; but Aegidius Romanus, of the order of St. Augustine, who was a great philosopher and a master in theology, treats this more clearly in the book he wrote on the government of princes. I will therefore use his opinions and his arguments, in his own words, but I will not use the words of Aristotle, for they are unknown to the jurists to whom I address myself; but I will use his arguments and test them according to the laws, and afterwards I will relate my own opinion of the matter.

So: this Aegidius says that there are three good forms of government, as was mentioned above. The first is a form for ruling [by] the multitude, or "for the people," and it is good if it tends toward this end. The second form of government is better, namely the rule of a few.

8 The third form of government is best, namely monarchy, or the government of one king;[\[12\]](#) this

fact, namely that the rule of one person is the best lordship, he demonstrates by four reasons,^[13] from which he concludes these two things, the first being: the peace and union of the citizens should be the final intention of the ruler.^[14] But this peace and unity can be better brought about and observed if it is overseen by one, than if it is overseen by several: therefore it is better to be ruled by one person. This is proved in this way: in a government of several people there can be no peace except insofar as these several are of one will, which is clear since if they disagree, their action is impeded by their competition.^[15] But the government of several is good as regards its unity; therefore the good government of this unity is much better when it is brought about through one person. Secondly this is proved in this way, since through this the city and republic is made stronger, which is proved thusly: the more strength is united, the stronger it is in comparison to its being dispersed among many.^[16] If therefore the whole strength of the city were gathered into one person it would be more effective, and will better be able to be governed by that prince, on account of his greater strength.^[17] In the third place an art or artifice is better insofar as it imitates nature;^[18] but the whole city is a single person and a single artificial and imagined man.^[19] But in a natural man we see one head and many members; therefore if a city is ruled thus it is ruled better, because it imitates nature more closely. On this see [X.1.31.14] and this is determined in Gratian [ii, c. 7, q. 1.41], where bees, and many other creatures lacking reason, set up a king for themselves. In the fourth place Aegidius says that this is established through experience, since he says he sees that provinces which are not governed by one king are in poverty, and do not enjoy peace, but rather are beset by strife and wars. Those which are under a king do not know wars, rejoice in peace, flourish in abundance.^[20] From these things Aegidius concludes that the government of the people or multitude, which tends to a single end, is good, but that the government of a few is better, since it has a measure of unity. Monarchy though, of the rule of single king, is best, because a perfect unity is found therein.^[21]

But against the aforementioned arguments the same Aegidius proposes other arguments, which he draws from the sayings of Aristotle, and

9 attempts to respond to them.^[22] I will pass on these arguments, testing them by the laws. I will preface my examination of these arguments with the statement that three things are required in anyone who rules well. The first is a perfect discerning reason, so that he may know how to separate the just from the unjust, the licit from the illicit.^[23] Second, he must have right intention. Third, he must have a perfect stability. These things are proven by the definition of justice, since it is said that justice is a constant and perpetual will which renders to each one his due.^[24] from these three things there are three arguments against the aforementioned arguments. The first is this: the more people there are, the more things they see, and in them there is a more perceptive and discerning reason than in one person:^[25] therefore, in this respect, it is better to be ruled by many. The second is this: the ruler has right intention when he looks more to the public good than to his own.^[26] But if the multitude is in command, assuming that they look to their own good, they nonetheless withdraw from the common good no further, in so doing, than if one person were ruling and were acting for his personal good: therefore it is better to be ruled by many.^[27] Thirdly, the ruler must have a perfect stability so that he may on no account be corrupted: because, as the law says, the will must be constant, and perpetual. But the multitude is born and is corrupted with more difficulty than is a single person.^[28] Therefore it is better to be ruled by many people.^[29]

Responding to these arguments he says that a single king or prince should have with him many counselors and powerful men, and therefore he will see things as if he were many, nor will he easily be able to be corrupted, unless his entire council is corrupted. But if this king were

10 to follow his own head he would not be a king, but a tyrant. It would not be good for such a person to rule, so says Aegidius.[\[30\]](#) I do not put forward these arguments to be understood simply, and for that reason, speaking in the manner of jurists on behalf of the aforementioned arguments I say at the beginning that not every government of that one person is the government of a king. For sometimes there is one who rules, and that one is only a judge, such as the *praesides provinciarum* and the proconsuls.[\[31\]](#) There are also *podestà* and civic rectors.[\[32\]](#) It falls to these people to judge according to the law, and they hold a regal position, namely that which pertains to ministers, but regalian powers do not pertain to them, but rather to the cities which they rule, or to some other superior, or to the fisc.[\[33\]](#) through judges like these God ruled the Jewish people for a long time,[\[34\]](#) as we can see throughout the Jewish book. Whenever one person rules a city or a province, and makes laws as he wishes, all things pertain to him, and this is called the rule of a king.[\[35\]](#)

11 But let us see what is the *rightness [ius]* of this kingship, so that we may thus see whether it is good to be ruled by kings. Of this the Lord says, through the prophet Samuel, I Kings 8:[\[36\]](#) "This shall be the law of the king who will rule over you: he shall take your sons and appoint them to his chariots, and to be his horsemen and to run before his chariots, and he shall appoint for himself tribunes and centurions and tillers of his fields. He will take your daughters to be perfumers and cooks and bakers, and he shall take your finest fields and vineyards and olive-groves and give them to his servants. He will take the tenth of your crops and vines, to give to his eunuchs and his servants. He will take the best of your servants and maids and your asses and the best of your youth and put them to work for him. He shall take the tenth of your flocks and you shall be servants to him" etc.

Here are the words of God, according to which it seems worst of all to be ruled by kings, because they bring so much ill upon their subjects and (what is worse) reduces them to slavery, which is like death.[\[37\]](#)

But these words are explained by the holy doctors in the following way, namely that all of these things should not be understood to be permitted to the king, but only those things which are set out above, since the king does these things when he begins to become a tyrant, which happens easily.[\[38\]](#) And because this was going to happen to them, therefore Samuel made the following prediction, "This shall be the law of the king who will rule over you," as if to say: let this not be permitted to every king, but rather to the one who is going to rule over you, since he will usurp this right for himself. It was displeasing to God that a king should have been made at all, as the chapter [of Scripture] says. That this is true appears in what one reads in Deuteronomy 17 [16-20], where it is taught what a good and right king ought to do.

And the Lord said these things concerning the future king: "When he has been established he shall not multiply horses for himself, nor shall he lead his people into Egypt to swell the ranks of his horsemen, since the Lord has said to you that you shall not return that way again, he shall not have many wives to beguile his soul, nor great masses of gold and silver. After he sits upon his throne he

shall copy out for himself the Deuteronomy of this law in a book, taking his example from the priests of the Levite tribe, and he shall keep it with him and read from it all the days of his life, that he may learn to fear the Lord his God, to keep His words and ceremonies which are laid down in the laws, that his heart not be lifted up in pride against his brothers, that he turn aside neither to the right nor to the left. And he shall rule for a long time, as will his son, in Israel." These are the words of God which we should examine somehow. For he says "when he has been established." From this it is conceded that one must be made king by another, rather than assuming the kingship on one's own authority: in this case one would not be a king, but a tyrant, as we have said above. Then he says "he shall not multiply horses for himself:" "to multiply" is to have more than is sufficient for one's needs. "Nor shall he lead his people into Egypt" etc.: these words can be taken literally as they stand, namely that the king of the Jews ought never to go forth to occupy the land of Egypt. They can also be understood allegorically, as though He were saying: let the king not lead his people into slavery, which slavery is represented by Egypt, where that people was being held in captivity. With these words, therefore, He prohibits burdening the people with personal burdens, which are a sort of slavery. "He shall not have many wives:" above he forbade empty glory, here he forbids luxury to the king. for luxury separates the king's soul from true judgement, not only toward men, but toward God, as befell in the case of Solomon, who became an idolator as is read in 3 Kings 11.[\[39\]](#) "Nor great masses of gold and silver:" here He prohibits avarice. Inasmuch as through excessive ceremony a great deal of money is expended, and through this the people are burdened, so also through avarice a great deal is extorted from the people. After He has above prohibited certain things from being done, he then orders that certain things be done: "he shall write out for himself the Deuteronomy" of this law, this is interpreted by Isidore as a second law, and it is the image [*figura*] of the evangelic law.[\[40\]](#) The king must therefore be faithful and catholic.[\[41\]](#) "Taking his example from the priests of the Levite tribe:" in those priests holy mother Church is figured, from which every king must take the exemplar of the Christian law. "Nor let his heart be lifted up in pride:" here He goes back in order to prohibit something again, namely that pride of the heart which is the root of all evils. "Against his brothers:" it is plain, therefore, that those who are subjects are not the king's slaves, but his brothers, and thus what the preceding authority said concerned not the true king, but the tyrant. "That he turn aside neither to the right nor to the left," it is as if He said: let his judgement be right, neither out of love nor out of hatred, as if He had said: let him be just. The good king must therefore be faithful, Christian, just, neither overweening nor one who burdens his people, no lover of luxury, neither greedy nor proud.

The king must also do other things which are laid down by Gratian.[\[42\]](#)

12 But the things put forward there are adapted to the foregoing statements: although it is there established what the king should do and how he should be in himself, it is not there established what he may exact from his subjects. This is my answer: he may exact expenses which are appropriate for the royal majesty. But we have this written expressly [in the feudal laws], where it is said that all tributes, public rents [*vectigalia*] and public taxes [*census*], which are named there explicitly, pertain to the king; and that it also pertains to the king to impose taxes [*collectas*] out of necessity, as is written there, and it is also shown by the law of the Digests that kings have every power.[\[43\]](#)

13 Having seen what the rights of a king are, let us return to the question whether it is useful for a city or a people to be ruled by a king; insofar as that king is a good one according to the above

conditions, the best rule is the rule of a king, for the reasons discussed above. And this is how I understand the opinion of Aristotle and of Aegidius.

14 If we then consider the things which may come about, since a king sometimes turns into a tyrant, either he or his descendants, then I say we must consider what can happen when the situation being examined has a natural and likely tendency toward this end.[\[44\]](#)

15 Having said this I will make a three-fold division of cities or of populaces; for one may have a large city or a people [*gens*], in the first degree of magnitude, a city or people which is larger and hence in the second degree of magnitude, or a city or people of the largest sort, and hence in the third degree of magnitude.

16 If we talk about a large city or populace, in the first degree, then I will say that it not suitable to that populace to be ruled by a king. This is shown in the first place by a text, because, when the city of Rome was in the first degree of magnitude it expelled the kings, who had fallen into tyranny.[\[45\]](#) And it is also proved by reason, since it is in the nature of kings to be magnificent in making great expenditures:[\[46\]](#) but the royal revenues of a populace large only in the first degree are not going to be enough for royal expenses, and so the king will have to extort them from his subjects, and thus he will become a tyrant. The situation of such a king tends very likely toward tyranny, and hence this is not a good form of government, if you consider how the situation is likely to turn out. This is the reason, because it displeases God when a people seeks a king, as in I Kings.[\[47\]](#) Nor is it useful to such a populace to be ruled by a few people, as, for example, by the city's rich men. For if it happens that in these cities the rich are few in number, one of two things will happen: the populace may well be offended by the rule of these few now matter how well the populace is ruled, as occurred in the city of Siena. There was for about eighty years a certain group of rich men who governed the city wisely and well, but nevertheless, since the multitude of the populace was angry with them, they had to hold on by armed force. This group was thrown out upon the arrival of Charles IV, most illustrious emperor of the Romans, who was ruling at that time. The deed of this prince shows that this sort of government is not good in cities of this type.

Another inappropriate thing can follow from this, because those few people, as it naturally happens, could be divided among themselves, from which fact rumors, plots, fires and civil wars run round the cities, as we often see in the city of Pisa. It is therefore fitting for that populace which is in the first degree of magnitude to be ruled by the multitude, which is called a government "for the people."[\[48\]](#) That this is a good form of government is clear, because in that time the city of Rome grew greatly.[\[49\]](#) It also is clear from the aforementioned authority of the book of Kings: it seems more a government of God rather than of

17 men. And we have seen this in the city of Perugia, which in this way is ruled in peace and grows in unity and flourishes, and those who rule the city according to their offices are on guard against no one, but they themselves are guarded by the people, and it is often seen that something will be decided by the common counsel of the city's men that the wiser and more prudent may think to be a bad decision; but, as things turn out, the decision is seen to have been an excellent one.

18 This is so because it is a government more of God than of men: the aforementioned and most

illustrious emperor commended this form of government, when I was in his presence.[\[50\]](#)

This sort of government is so called when jurisdiction lies with the populace or with the multitude, not that the whole multitude should rule at once, but that the government should be committed to different people over time, according to the offices, and according to a cycle.[\[51\]](#) The

19 things I say concerning the multitude, I understand to mean "excluding the lowest people."[\[52\]](#) One can also exclude from this government any magnates so powerful as to oppress others,[\[53\]](#) and we see that this is done. But in the above-mentioned cities, if honors and rewards are distributed according to the appropriate ranks, the government is good and looks toward a superior reform.[\[54\]](#)

20 In the second place we need to inquire about a larger populace or a people in the second degree of magnitude. It does not suit them to be ruled by one king, for the previous reasons, nor does it suit them to be ruled by the multitude: it would in fact be extremely difficult and dangerous to get such a multitude together. But it does suit these people to be ruled by a few, that is, by the good and rich men of the city; this is shown expressly [in the laws][\[55\]](#), where, when the city of Rome had grown, senators were created and all power was given to them. the city of Venice is ruled this way, as is the city of Florence. These cities I rank among the "larger" cities. In these cities the previous worries do not apply. For although they are said to be ruled by "a few," I say that they are a few with respect to the multitude of [their own] citizens, but many with respect to other cities: hence they are many, since the multitude does not scorn to be ruled by them. Further, since they are many, they may not easily be divided among themselves, since many will remain in the middle and sustain the city. And the Gloss speaks of this way of ruling a city, when the city has grown into the

21 second degree of magnitude.[\[56\]](#) These things are true, unless something else appears concerning the old way of ruling the city. It is possible for a populace or a people to become so accustomed to a certain form of government that it becomes a sort of nature to them, and they do not know how to live otherwise: then the old form of government is to be preserved.[\[57\]](#)

22 In the third place we have to consider the largest populace or people, which is in the third degree of magnitude. This could come about in a city which is "one in itself": but if it were a city which ruled over many other cities and provinces, it would be better for that people to be ruled by one person. This is shown [in the laws],[\[58\]](#) where, when the Roman empire had grown greatly and taken over many provinces, rulership devolved upon one person, the *princeps*. All of the above arguments of the aforementioned brother Aegidius show this; this is the point at which counter arguments fail. In such a great multitude there will be of necessity many good men with whom it will befit the king to take counsel, people whom it will befit him to entrust with the duties of justice. We commonly see this in actual fact, because a people or populace is better ruled, the greater or more powerful the king who rules it. For this we have the authority of holy Scripture, as in Deuteronomy 17, where the Lord speaks thus: "When you have entered the land which the Lord God shall give you and possessed it, and have inherited within it, you shall say: 'I will set up for myself a king like those of the nations all around.' You will set up him whom the Lord your God chooses, out of the number of your brothers, nor shall you make a king from another people, who is not your brother." These are the words of the Lord. Concerning his words: "when you have entered and possessed and inherited" etc., one can see

that a small people is not going to have a king: but a large people, in an important position and ruling over many, [will have a king], as was said above. Concerning the words "your God shall elect," it is clear that all kings are chosen by God, either directly or indirectly, or by electors with the inspiration of God. For the heart of the electors is in the hand of God, and he turns it whither he wishes.[\[59\]](#)

23 And from this you should note that a government [which is created] by election is more divine than [one which comes about] by succession. For this reason succession is absolutely abhorred where ecclesiastical goods are concerned,[\[60\]](#) and therefore the election of a prince who is a universal lord comes about through election by the princes and prelates, and it does not occur through succession.[\[61\]](#)

Now this is an empire [*imperium*] which God has constituted from the beginning, and the law warns us concerning these things.[\[62\]](#) Particular kings, though, more often are set up by men.[\[63\]](#) In this case it is permitted that the government should be passed on through succession: this is the sense in which Aegidius' statements in his book on princely government should be taken.[\[64\]](#) He determined that it was better for this government to descend by succession, for it should be transmitted, like all other goods and rights; but it is otherwise in the case of universal [governance], for [such transmission] would be against the canons and divine authority. Now, from His words "out of the number of your brothers" note that it is dangerous to have a king of another nation. But, you will say, in that case, how was the empire of the Romans handed over [*translatum*] to the Germans, that is, the Teutons, by the Church?[\[65\]](#) My answer: all Christians are called our brothers, and so there was no contravention of the aforementioned authority. But it may not be transferred to a man of the Saracens, to a pagan or an infidel, and thereupon it follows that "you shall not make a king from another people," and on this account one needs to look closely at the person who is going to be crowned emperor. Or you could explain the words the way Augustine does,[\[66\]](#) as the Gloss says in the same place "you may not: that is, you should not"[\[67\]](#) about the king, since the rulership of another

25 people is not preserved so faithfully. And therefore the Roman empire, once it was separated from the Italians, grew ever weaker in our eyes: this could nevertheless not have about without the hidden judgement of God.

26 I will not speak of small populaces. These are either subject to another city,[\[68\]](#) or are tied to another city or a king by some treaty so that that revere some other majesty.[\[69\]](#) We see this in castles and cities which are under the protection of this city of Perugia. Much as a small and weak human body cannot govern itself without the air of a caretaker and guardian, thus these small peoples can in no way be ruled in themselves, unless they are subjected or bound to another.

So much for the three forms of good government.

27 I ask then, of the three bad forms of government, which is worse. In this matter all the philosophers says that a tyranny is the worst principate, and occupies the final degree of malice. And the same Aegidius in his book said, as has been said, that a government is called good insofar as it tends toward the common good. But under a tyranny the common good is looked to least: whence a tyranny is the worst principate. Whence if several are ruling, who are held to be wealthy and good, or

the multitude rules, even if these rulers incline to their own good, which is indeed not of God, and thus it is a rule "of the bad" or "of a perverse populace," nevertheless it would not diverge much from the intention of the common good; because, since they are many, they know something about the nature of the common good. But if the tyrant is a single person then he does recede from the common good. Furthermore, since virtue united for a good thing is better, virtue united for a bad thing is worse. [70] That a tyrant is the worst is so obvious as to require no demonstration. and what was said above, that the rule of several bad men is not so bad as the rule of a single tyrant, should be understood to be true when the many tend to one purpose, and can do nothing except together: it is a different matter if each exercises his own tyranny, so that one cares not about the other, as I said above concerning the monstrous regime which now exists in Rome. Similarly when in one body there is a single corrupt humor which predominates and is bad; but if all the humors are corrupted they oppose each other etc., as has already

29 been said. Woe then to that city which has many tyrants with no common ground. This warning should be made, that the rule of several bad men or of a perverse people does not last long, but easily turns into a one-man tyranny; we often see this actually happen. This is God's own will, as it is written: "He who makes a hypocrite to rule, for the sins of the people," Job 34, [71] and because Italy today is full up with tyrants.

FOOTNOTES

[1]I.1.2.3 (=D.1.1.6.1)

[2]Aristotle, *Politics*, III.7.1279a-1279b.

[3]Cf. Aquinas, *De reg. princ. ad regem Cyp.* 1.4.

[4]D.1.2.2.3-9.

[5]D.4.3.15.

[6]D.1.2.2.9.

[7]D.1.18.6.2.

[8]D.1.2.2.11.

[9]*Consuetudines Feudorum* II.55

[10]C.1.2.16, C.1.2.6. (Cf. *De Tyranno* 3.) D.42.4.7.4.

- [11] D.1.5.14, and Decretals of Gregory IX 1.31.14.
- [12] Aegidius Romanus, *De reg. princ.* 3.2.3.
- [13] Aegidius Romanus, *De reg. princ.* 3.2.3.
- [14] D.1.18.13 and Auth.3.4.2 (Novella 17).
- [15] D.27.10.7 and D.8.3.28. References also to Aristotle, *Posterior Analytics* 1.2.72a, and Bartolus' comments on C.1.2, as well as D.12.2.24.
- [16] Auth.6.13.1 = Novellae 85.
- [17] Aegidius Romanus, *De reg. princ.* 3.2.3.
- [18] D.1.7.15-16, and Bartolus' commentary on these passages.
- [19] D.5.1.76, D.46.1.22 and Bartolus' commentary on the latter.
- [20] Aegidius Romanus, *De reg. princ.* 3.2.3.
- [21] Aegidius Romanus, *De reg. princ.* 3.2.3.
- [22] Aristotle, *Politics* 3.10.1287b, 3.11.1281a-1281b, 3.15.1286a, 5.1.1302a, 5.9.1309a.
- [23] D.1.1.1.1.
- [24] D.1.1.10.
- [25] C.6.22.8.
- [26] C.6.51.1.14a.β
- [27] Aegidius Romanus, *De reg. princ.* 3.2.4.
- [28] C.4.20.9.
- [29] Aegidius Romanus, *De reg. princ.* 3.2.4.
- [30] Aegidius Romanus, *De reg. princ.* 3.2.4.

- [31] Offices of the Roman state. D.1.16, D.1.1.8, C.1.35.
- [32] C.7.44.3, C1.55, Auth.3.2 = Novella 15.
- [33] C.1.54.5, C.3.26, D.49.14.1.
- [34] [Ptolemy of Lucca], *De reg. princ. ad regem Cyp.* 4.1.
- [35] [Ptolemy of Lucca], *De reg. princ. ad regem Cyp.* 4.1.
- [36] 1 Samuel 8:11-17
- [37] D.50.17.209
- [38] Aquinas, *Summa theologiae* Ia, IIae, q. 105, art. 1.
- [39] I Kings 11:1-5.
- [40] Isidore, *Etymologies* 6.2.7.
- [41] C.1.4.19.6 and Bartolus' comment.
- [42] Decretum II c. 23 q. 5 c. 23 and c. 40.
- [43] Cons. Feud. 2.56 and D.1.2.2.1.
- [44] D.19.2.9.1, D.39.2.13.2 and Bartolus' commentary, D.45.1.83.5. and Bartolus' commentary.
- [45] D.1.2.2.16, D.1.2.2.14.
- [46] Auth.6.3. = Novella 92, and Aristotle, *Nicomachean Ethics* 4.2.1122b-1123a; 8.11.1161a.
- [47] I Sam. 8:18.
- [48] D.1.2.2.3-9.
- [49] D.1.2.2.10-11.
- [50] Bartolus was part of a Perugian delegation to the imperial tribunal of Charles IV in Pisa, May 1355.

[51]D.1.2.2.16 and Auth.3.2.1 = Novella 15.

[52]C.12.1.6.

[53]D.1.18.6.2.

[54]D.50.4.3.15.

[55]D.1.2.2.9.

[56]Accursius, gloss on Auth.coll. III.2.1.

[57]D.50.4.1.1 and D.50.4.3.15

[58]D.1.2.2.11.

[59]C.1.1.8.3.

[60]X.1.17.7.

[61]X.1.6.34, Sextus 2.14.

[62]Auth.1.1. = Novella 6.

[63]D.1.1.5.

[64]Aegidius Romanus, *De reg. princ.* 3.2.5.

[65]X.1.6.34.

[66]*Quaestiones in Heptateuchum, in Deut.* 17:14-15 q. 26.

[67]*Glossa interlinearis* in Deut 17:14.

[68]D.50.1.30.

[69]D.49.15.7 and Bartolus' commentary.

[70]Aquinas, *De reg. princ. ad regem Cyp.* 1.3.

[71]Job 34:30.

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Baldus de Ubaldis

| | |
|---|--|
| Biography | Works of Civil law |
| Works of Canon law | Consilia |
| Manuscripts of Consilia | Printed Editions of Consilia |

Baldus de Ubaldis died in Pavia while writing a *consilium* on April 28, 1400. At his death he had outlined only the sketchiest facts of the case, and the unfinished text is preserved in a Vatican manuscript. We learn that the men of the commune of Brugnano (perhaps the modern Brugherio) had been condemned to pay 160 florins when they negligently seized 'wrongdoers and exiles' (*malefactores et banniti*) of Baldus' lord, Giangaleazzo Visconti.⁽¹⁾ The commune imposed a tax to pay the fine. Some of the inhabitants (*familiars, inquilini, coloni et fictabiles*) claimed to be immune from the tax because their possessions had been held in fee, and, consequently, they had never been considered men of the commune.⁽²⁾ One may guess that the inhabitants or their lord asked Baldus for an opinion about the legality of the tax.



The case reflected the circumstances of Baldus' last ten years. After he moved to Pavia in 1390 and became the 'court jurist' of Giangaleazzo, Baldus occupied himself with many questions of feudal law. He finished a commentary on the *Libri feudorum* in 1393 and devoted much time and effort to Visconti's legal problems and those of his vassals.⁽³⁾ He was seventy-two when he began his last *consilium*, and he died scribbling or, more accurately, dictating, thus ending an extraordinarily productive life with his boots on.

Baldus of Perugia, who has been described as 'the most cultivated of the jurists, as the one most nurtured on philosophy',⁽⁴⁾ was born in Perugia on October 2, 1327, the son of Franciscus de Ubaldis, a medical doctor and master at the University of Perugia.⁽⁵⁾ Although modern historians refer to him as 'de Ubaldis', medieval jurists, and he himself, almost invariably called

him 'Baldus de Perusio'.⁽⁶⁾ In his will dated 26 October, 1399, he described himself as born a citizen of Perugia, from the quartiere of the Gate of St. Peter and the parish of St. Lucia.⁽⁷⁾ Since stories of his early brilliance were widely reported, he must have been a very precocious student. With brotherly pride, Angelus de Ubaldis reported *that* his brother held a *repetitio* on the law, *Centum Capuae* [Dig. 13.4.8(9)], when he was fifteen years old.⁽⁸⁾

Biographers from the sixteenth to the twentieth centuries have reported many contradictory facts about his early years, but we can now outline the beginnings of his career with more certainty. A very old tradition dated his birth to 1319 and his doctorate to 1344.⁽⁹⁾ The first date was not supported by good evidence, and another, reliable birth date of 1327 is found in Baldus' own papers and is now commonly accepted. The date of 1344 for his doctorate is unlikely, since he would have been only 17. Baldus was precocious but his having finished a doctorate at 17 seems improbable. Domenico Maffei has now shown that a clever forger inserted a few pseudo-autobiographical lines into the *Practica iudiciaria*, falsely attributing them to Baldus when he printed the book. Consequently, historians have believed and repeated the litany of the forger: Baldus received his doctorate in 1344, taught for a short time in Bologna, and bested Bartolus in a *disputatio*.⁽¹⁰⁾ These 'facts' about his early life cannot be given any credence.⁽¹¹⁾

Maffei's sifting of the facts permits us to construct a more probable history of Baldus' early years. In the *Proemium* to his commentary on the *Libri Feudorum*, he mentioned that he had been teaching for 46 years.⁽¹²⁾ Since he finished this work in 1393, his examination for the doctorate must have been held in ca. 1347, perhaps even later. Stories of his early precociousness could be true, as he would have been still a very young teacher of twenty. Since Baldus studied with Bartolus in Perugia for a 'long time' and since Bartolus arrived there in 1343, the date of 1347 fits well into what we know of his early education.⁽¹³⁾ He also mentioned that he sat at the feet of a number of other jurists in Perugia: Federicus Petrucci de Siena in canon law, Johannes Palliarenis (Pagliarenis), and Franciscus de Tigrinis in civil law.⁽¹⁴⁾ Federicus Petrucci left Perugia to become a Benedictine monk in 1343. As Franciscus de Tigrinis moved from Pisa to Perugia in 1345 and remained there until 1355, Baldus must have studied with him in the late 1340's.⁽¹⁵⁾ We have no information about when or where Johannes Palliarenis taught, but since Baldus referred to him as his 'first doctor', he probably heard his lectures in Perugia before 1345.⁽¹⁶⁾

After receiving his doctorate, Baldus began teaching at Perugia with his old teacher Bartolus and was soon joined by his brother Angelus in 1351.⁽¹⁷⁾ Late in life, Baldus wrote that he and Bartolus (1357) both participated in a legal case in which he opposed Bartolus' opinion on an issue. It is not clear from his comment whether the two jurists were on opposing sides or whether they simply disagreed about a particular legal point.⁽¹⁸⁾ Whatever the case, Baldus did not immerse himself solely in teaching but practiced law early in his career.

Teaching was in his blood, and he taught until the time of his death. He began at Perugia and

remained until 1357, moved to Pisa from 1357-1358, to Florence in 1359-1364, returned to Perugia in 1365-1376, received a call to Padua in 1376-1379, but again returned to Perugia in 1379-1390. The powerful ruler of Milan, Giangaleazzo Visconti offered him at a salary of 90 Florins per month to teach at his university. It was a princely offer that Baldus could not refuse. He sold his house to the distinguished teacher of medicine in Perugia, Antonius de Scarperia, for 390 Florins of gold⁽¹⁹⁾ and moved to Pavia in February, 1390. He was still teaching civil law there when he died.⁽²⁰⁾ Among his many students he counted Petrus Ancharanus, Franciscus Zabarella, Paulus de Castro, and Johannes de Imola.

He also educated a pope. Petrus Belforte heard his lectures in Perugia and later became Pope Gregory XI (1370-1378). Gregory negotiated the delicate politics of moving the papacy back to Rome from Avignon, but after his premature death the College of Cardinals split into Italian and French factions. Baldus must have felt an obligation to defend what he believed was the intention of his former student: the papacy should reside in Rome. In 1378 he wrote a *consilium* that was included in his Commentary on the sixth book of the *Codex*, *De schismate*, in which he justified the claims of the Roman claimant, Pope Urban VI.⁽²¹⁾ In 1380, Baldus and Johannes de Legnano were summoned to Rome to defend Urban's legal position.⁽²²⁾ Both jurists wrote *consilia* for the pope while in Rome. For Baldus' efforts, Urban granted him a castle near Gubbio, of which, it seems, he was never able to take possession.⁽²³⁾

Perugia honored him with many important public offices. After returning to his native city in 1364 he was sent on several legations to Rome. In 1370, he was elected one of the *Tre della guerra* when the city was on the brink of war with Pope Urban V and later served as a legate on a mission to negotiate with the pope. In 1379, Baldus was the city's representative to Charles III of Durazzo.⁽²⁴⁾ He was appointed ambassador for Perugia in 1381, 1382, 1384, 1385, and 1389.

He married and had at least two sons, possibly three, who became jurists: Johannes Zenobius and Franciscus.⁽²⁵⁾ We do know that during his stay in Florence, his wife, Landa di Vanni de' Conti di Collemedio, gave birth to male twins, but he did not reveal their names in his commentary.⁽²⁶⁾ The twins very likely grew up to become the two jurists, since Franciscus and Johannes Zanobius are the only two sons mentioned in his will.⁽²⁷⁾ Baldus does mention another 'most beloved' son named Giliolus (Ziliolus) in a rubric at the end of a *consilium* written in the mid-1390's, in which he endorsed his son's opinion.⁽²⁸⁾ This Giliolus must have written a *consilium*, not extant, on the same case. Since this text is the only known reference to this son in the sources, one might suspect that Baldus meant Zenobius and that Giliolus was a nickname for him. From the evidence of the texts at the end of the Barberini lat. 1409, Johannes Zenobius inherited the manuscripts. Johannes died shortly after Baldus in 1401, and his son, who wrote the obituary notices of his brother Amadeus and his mother, Lambertina, inherited them after Johannes' death.⁽²⁹⁾ Vallone conjectures that his name was either Carlo or Galeazzo.⁽³⁰⁾

Baldus had special connections to Florence and was made a citizen during his stay from 1359-1364,⁽³¹⁾ writing a number of *consilia* that dealt with Florentine litigants or problems.⁽³²⁾ At the

height of his career, the Florentines tried to persuade him to return. In 1385 Coluccio Salutati wrote in the name of the Republic of Florence to the Republic of Perugia and asked that Baldus be given permission to teach in Florence.⁽³³⁾ Perugia refused and declared that if Baldus left, his departure would destroy the *Studium*. The priors and the camerarii of the guilds forbade his departure without their permission.⁽³⁴⁾ He did not leave but must have had continuing interests in Florence. In his will, he bequeathed property in Tuscany. According to its provisions he also had holdings in Pavia, Milan, Genoa, and Perugia.⁽³⁵⁾ He did not die a poor man.

Over the course of his long life he wrote many different types of legal works, and it is difficult to generalize about their character. An important feature of his work, however, is his attention to practical problems. This tendency is illustrated by his preoccupation with the statutes of the *Codex* and *Libri feudorum* as the primary focus of his exegetical work and by the reams of *consilia* that he wrote over his lifetime. Although the *consilia* were substantial sources of income, his devotion to this work, even on the eve of his death, betrays a passion for the genre that transcends simple explanations.

A close examination of an important collection of Baldus' *consilia* in the Barberini fond of the Vatican Library, most of which were in his personal library, can do much to illuminate his working methodology.⁽³⁶⁾ Of these manuscripts Barberini lat. 1408, containing *consilia* of his last years, is a particularly important witness to Baldus' 'working style'. Many marginal additions, notations, and corrections that probably come, in part, from the hand of Baldus or his *amanuensis*,⁽³⁷⁾ provide information about the purpose of individual *consilia* and sometimes indicate that Baldus did his share of *pro bono* work for the Franciscans,⁽³⁸⁾ his parish priest,⁽³⁹⁾ and others.⁽⁴⁰⁾ Some notations indicate the amount that Baldus for paid for an opinion.⁽⁴¹⁾ Baldus called his two short *consilia* for the Franciscans 'allegationes,' which may indicate that he distinguished between his opinions that he wrote as 'advisory' and those that he presented to a court. Undoubtedly, more shades of purpose and meaning could be culled from the genre of the *consilia*, but we are just beginning to appreciate the many purposes for which the jurists wrote them.⁽⁴²⁾

Baldus wrote his commentaries on Roman law over a long period of time. There is some evidence in the printed editions that he wrote 'additiones' to works that he had already written.⁽⁴³⁾ Any future examination of Baldus' thought will require a careful exploration of the manuscripts upon which the printed editions were based.

2. Works of Civil law

Baldus taught Roman law at Perugia, Florence, and Pavia and wrote commentaries on all parts of the *Corpus iuris civilis*. He also wrote many *repetitiones* to various *leges* that were included in his commentaries or which circulated separately. Savigny noted that many of his commentaries are incomplete with large lacunae between parts. He concluded from this evidence that Baldus did not lecture comprehensively on Roman law but only on certain parts of it. Savigny considered this practice common to the teaching of law in the later Middle Ages, and the

manuscript evidence supports his assumption.⁽⁴⁴⁾ The printed edition of Baldus' *Opera omnia* includes commentaries on all parts of the *Corpus iuris civilis*,⁽⁴⁵⁾ but Gero Dolezalek's survey of Baldus' manuscripts of Roman law clearly demonstrates that his commentaries on the *Authentica* and some books of the *Digest* were not widely circulated, and in the case of the *Digestum novum*, there do not seem to be any manuscript witnesses. He seems not to have written a commentary on the Institutes.⁽⁴⁶⁾ This evidence casts doubt on the 'orderly' presentation of Baldus' works in early printed editions. Consequently, the manuscripts should be explored in order to understand the genesis and authenticity of these works that early modern editors have attributed to him. As Manlio Bellomo has observed, the editors of early modern legal texts have 'constructed' commentaries to fit their publishing needs, and Baldus' *lecturae* produced over a number of years were probably put together without undue respect for their original shape and form.⁽⁴⁷⁾

In contrast, Baldus' *Commentarium* on the various books of the *Codex* circulated widely, with many manuscripts still extant. The scope of his work was broad as well. The manuscripts demonstrate that he commented on each book of the *Codex* individually and extensively. The early printed editions adhered to the divisions of the manuscripts.⁽⁴⁸⁾ Although we cannot generalize much about his work since his commentaries on the *Codex* remain largely unexplored, it is striking that he immersed himself in the explication of ancient Roman statutory law at a time when the Italian city states were promulgating massive numbers of statutes, the interpretation of which Baldus undertook quite often in his *consilia*.⁽⁴⁹⁾ The challenge of understanding statutory law must have seemed very relevant and helpful at a time when he was frequently called upon to explain how a statute of a city state fit into the *Ius commune*.⁽⁵⁰⁾

Baldus also wrote an extraordinarily large number of tracts on various aspects of civil law, which have never been systematically listed or explored. These small works most often were extensive *repetitiones* on individual *leges* and were often printed at the appropriate place as part of his commentaries on the *Corpus iuris civilis*. In the manuscripts, however, they quite often circulated separately. The most important seem to have been a *Tractatus de syndicatu officialium* [Dig. 1.16.4.2],⁽⁵¹⁾ *Tractatus de constituto*,⁽⁵²⁾ *Tractatus de statutis*,⁽⁵³⁾ but there are many others.⁽⁵⁴⁾ A number of these tracts have been printed in the *Tractatus universi iuris*.⁽⁵⁵⁾ As mentioned earlier, Domenico Maffei has demonstrated that a work on procedure, the *Practica iudiciaria*, with its autobiographical interpolations, long attributed to Baldus, is not his.⁽⁵⁶⁾

3. Works of canon law

We do not know where or when Baldus taught canon law, but he wrote several purely canonistic works. His *consilia* also contain many cases of canonistic interest.⁽⁵⁷⁾ Like most legal scholars of his time, Baldus very likely did not think of himself as learned in one law or the other; rather, he considered himself a jurist of the *Ius commune*.

During the last ten years of his life, he completed a partial Commentary to the Decretals of Gregory IX that ends at X 3.2.8, but skips some early sections.⁽⁵⁸⁾ In book two his text presents particular problems. In the manuscripts and in the printed editions, there is a *lacuna* from X 2.1.12 to 2.4.1, *in medio*. His commentary to 2.4.1 begins in mid-stream, with a citation, 'Iudex, lege Consentaneum, ibi "Incontinenti",' <Cod. 7.43.8> as if a portion of his text had been lost. The printer of a fifteenth century edition wrote:⁽⁵⁹⁾

Hic deficit Lectura Baldi . . . unde autem hoc provenerit ignoratur. Sed vitio et culpa primi scriptoris tribuendum censemus, cum in lecturis antiquis illa dictio "Iudex" ita praecedentibus sit connexa, ut nil novi inducere videatur, quod non nisi scribentis errore factum fuisse iudicandum est.

There is another jump from X 2.13.11 to 2.14.4.⁽⁶⁰⁾ Baldus' *Lectura* was an important text in the late Middle Ages and was first printed in Milan in 1476-1478. The first edition was followed by a number of later printings.⁽⁶¹⁾

Thomas Izbicki discovered that Baldus also wrote commentaries on the Sext, Clementines, and *De regulis iuris*.⁽⁶²⁾ Since these works have not been edited, I give the incipits from Munich, Staatsbibl. Clm 24164, a carefully written Italian text:

1. *De regulis iuris*, fol. 1r-27r: 'Vicarius Iesu Christi qui totius ecclesie monarcha omnium Christianorum supremus et unicus patriarcha in monarchia vero imperii dudum est, quod non multum laboravit ad sui iuris dubia decidenda'.

2. *Liber Sextus*, fol. 48v-85r: Rubric: 'Incipit lectura domini Baldi super Sexto'. 'Gratia per papam facta et nondum scripta in solita litterarum forma vel scripta sed non bullata non expirat morte pape'.

3. *Clementinae*, fol. 35r-48r: Rubric: 'Baldus super Clementinis. De constitutionibus'. 'Constitutiones que occultantur non ligant etiam si conditor velit ligare'. In Vat. lat. 1398, the incipit reads: 'Nota quod constitutiones que occultantur non ligant etiam si conditor velit ligare'.

The commentaries on the Sext and Clementines are sketchy and not of great juristic interest. In addition, Baldus wrote additiones or apostillae to the *Speculum iuris* of Guilelmus Durantis,⁽⁶³⁾ to the *Novella in Sextum* and *Mercuriales* of Johannes Andreae,⁽⁶⁴⁾ and to the *consilia* of Oldradus de Ponte.⁽⁶⁵⁾ He also compiled an index to the apparatus of Pope Innocent IV, the *Margarita* or, as he may have named it, *Repertorium super Innocentium compilatum et additionatum*.⁽⁶⁶⁾ It is printed before or after Innocent's Commentary in most editions. He also compiled a *Repertorium iuris* that may be primarily canonistic if one may judge the contents from its incipit: 'Abbatis electio qualiter fiat? De iure civili fit per monachos'.⁽⁶⁷⁾

Baldus wrote other brief canonistic tracts, and more will probably come to light as detailed manuscript catalogues are produced. The recent catalogue of the College of Spain's manuscripts has uncovered several canonistic texts of which the most important seems to be an excerpt of dicta from the Apparatus of Innocent IV:⁽⁶⁸⁾

4. *Dicta Innocentii papae IV super decretalibus cum additionibus Baldi de Ubaldis*. Bologna, College of Spain, 83, fol. 397v-407v: 'Hec sunt dicta domini Innocentii pape super decretalibus per patrem et dominum meum dominum Baldum de Perusio. Nota quod licet administratoribus et ordinariis iudicibus ratione casuum emergentium leges egredi'.

4. Commentary on the *Libri feudorum*

If one may judge by its manuscript tradition and its printing history, Baldus' Commentary on the *Libri feudorum* was his most important single work.⁽⁶⁹⁾ He published it in 1393 while teaching at Pavia under the patronage of Giangaleazzo Visconti.⁽⁷⁰⁾ The rubrics of the manuscripts almost always name it a *Lectura super usibus feudorum*, which conforms to the name the *Libri feudorum* were most often given, *Liber usus feudorum*.⁽⁷¹⁾ In the last twenty years of his life, Baldus devoted much time and energy to feudal matters, especially in his *consilia*. Feudal law had become of great practical importance in the Duchy of Milan, but the aristocracy from other regions of Italy lived under regimes in which feudal law was flourishing as well.⁽⁷²⁾ There is some evidence that Baldus had been called upon to resolve problems of feudal law long before his stay in Pavia. Mattaeus de Afflittis reported on a *consilium* that Baldus wrote about a problem of feudal law during the reign of Queen Joanna I of Naples (1343-1382).⁽⁷³⁾

Giangaleazzo may have commissioned him to write his commentary, although there is no evidence that Baldus taught feudal law at the university.⁽⁷⁴⁾ In any event, the feudal regime in Milan and its prince, Giangaleazzo, provided Baldus with many occasions to 'consiliare'. Baldus wrote a number of *consilia* in the period after 1390 in which he discussed and analyzed the feudal rights and privileges of Giangaleazzo. As the manuscript copies of these texts show, he struggled with these matters and only gradually came to understand all the complicated issues involved.⁽⁷⁵⁾

Baldus' work was an enormous success. Cristina Danusso has listed 34 manuscripts in libraries stretching from Spain to Poland and from England to Italy.⁽⁷⁶⁾ Antonio and Raffaele da Volterra produced the first printed edition in Rome ca. 1474, and their edition was quickly followed by seven more before 1500 and fifteen between 1502 and 1585.⁽⁷⁷⁾ As Danusso has demonstrated, there are only minor differences between the manuscript and printed editions.⁽⁷⁸⁾

5. De pace constantiae

Sometime after 1393, Baldus finished his *Commentum* on the Treaty of Constance (25 June, 1183). In it he referred to his *Commentarius* on the *Libri feudorum* as having been completed.⁽⁷⁹⁾ The Treaty of Constance or *Acta pacis Constantiae* had been occasionally added to the *Libri feudorum* since the late twelfth century, but usually circulated separately.⁽⁸⁰⁾ Odofredus Denari had provided an important commentary on it in the thirteenth century.⁽⁸¹⁾ By the advent of printing, the *Acta pacis Constantiae* was commonly added to the end of the *Libri feudorum*, as it had been in some manuscripts much earlier.⁽⁸²⁾ By not including the *Acta pacis Constantiae* in his Commentary to the *Libri feudorum* and by writing a separate commentary on it, Baldus was respecting a long tradition.

The *Acta* was an important document for establishing the rights of his patron, Giangaleazzo Visconti, because it helped to define the relationship of the duke and the emperor. The emperor had granted the duke an imperial privilege confirming his ducal authority and appointing him imperial vicar in 1395.⁽⁸³⁾ Giangaleazzo claimed a ducal title for himself and argued that all cities and lordships formerly subject to the Visconti vicariate were now subject to him as their feudal lord.⁽⁸⁴⁾ Wenceslaus had granted Giangaleazzo all imperial rights and lordships in Lombardy. He declared that he made this grant with certain knowledge and from his fullness of power, notwithstanding any concessions, constitutions, immunities, liberties, and privileges that anyone might possess.⁽⁸⁵⁾ Visconti's privilege raised several legal problems that had parallels with the Treaty of Constance. It encroached upon the rights of imperial vassals in Lombardy and broke longstanding diplomatic ties between the emperor and local authorities. Some German princes claimed that the emperor did not have the authority to grant such a privilege because it injured the imperial patrimony. Baldus struggled with Giangaleazzo's legal position until the last days of his life. The issue of feudal rights, obligations, and privileges remained important for the next two centuries. Consequently, Baldus' Commentary became the standard interpretation of the *Acta* and was commonly printed as the Ordinary Gloss in the sixteenth century.⁽⁸⁶⁾

5. Consilia

Alexander Tartagnus reported that Baldus claimed to have earned 15,000 ducats just writing *consilia* dealing with testamentary substitutions.⁽⁸⁷⁾ If he were paid 100 ducats for each *consilium*, there is no doubt that he earned significant amounts of money from them. To 'consiliare', 'allegare', and 'dubitare' became a compulsive part of Baldus' professional life. There are ca. 2500 *consilia* in the printed editions, and at least several hundred more in the manuscripts. A simple calculation taken on the basis of the Barberini manuscripts reveals the extent of Baldus' devotion to the genre. Vallone estimates that the Barberini manuscripts, written between ca. 1380 and 1400, contain ca. 1600 *consilia*. Baldus had to write a *consilium* every four and one half days to finish just those in these manuscripts.

Manuscripts

For more than ten years, Vincenzo Colli has been compiling a *repertorium-incipitarium* of

Baldus' *consilia* in all known manuscripts. Consequently, any conclusions about the transmission of his *consilia* must be preliminary until Colli has finished his massive project. Only two manuscripts have been analyzed to date: Thomas Izbicki and Julius Kirschner have printed a complete list of *consilia* in Chicago, University of Chicago, Regenstein Library, 6. There the *consilia* follow more closely the arrangement of the Brescian-Venetian edition.⁽⁸⁸⁾ Colli has partially analyzed Lucca, Biblioteca Capitolare, 351 that was copied from drafts in the Ubaldi library at Perugia during the fifteenth century.⁽⁸⁹⁾ Both manuscripts contain a large number of *consilia* that have never been printed.

The richest collection of Baldus' *consilia* is found in the Fondo Barberini of the Vatican Library. Colli has demonstrated that these manuscripts must have been the ultimate source for the editors. Nonetheless, many questions remain about exactly how they arranged their material.

Colli has demonstrated the chronological sequence of the Barberini manuscripts. This information will be invaluable for following the development of his thought:⁽⁹⁰⁾

Barb. lat. 1405 [--] [a]

Barb. lat. 1403 [- August 1384] [c]

Barb. lat. 1399 [- January 1384] [d]

Barb. lat. 1402 [October 1384 -] [e]

Barb. lat. 1401 [1388 -] [f]

Barb. lat. 1412 [1389 -] [g]

Barb. lat. 1407 [1390 -] [h]

Barb. lat. 1410 [1391 -]

Barb. lat. 1404 [1393 -]

Barb. lat. 1408 [1396 -]

Barb. lat. 1406 [--]

Barb. lat. 1409 [- April 28, 1400]

Later these Barberini manuscripts were arranged by Baldus' son Francesco, and he labeled the volumes containing *consilia* written in Perugia with the first twelve letters of the alphabet, a-l.

Of these manuscripts the seven listed above are still extant. The remaining five Barberini manuscripts contain the *consilia* that he wrote after he arrived in Pavia.⁽⁹¹⁾ Baldus dictated the *consilia* in these manuscripts to an *amanuensis*, revised them with his help sometimes the manuscripts give evidence that he corrected texts himself. They are invaluable examples of a working jurist's personal papers and in some cases permit us to follow the evolution of Baldus' thought.⁽⁹²⁾ In addition, Baldus' *consilia* are scattered among a large number of manuscripts in various libraries.⁽⁹³⁾

Printed Editions

Like Bartolus, Baldus never arranged his *consilia* for 'publication', and that task was left to the editors and publishers of the first printed editions.⁽⁹⁴⁾ At the end of the fifteenth century, three different editions of his *consilia*, interspersed with those of other jurists, were printed almost simultaneously in Brescia, Venice and Milan. All three printings are quite rare, and, consequently, scholars have not given them the attention they deserve.⁽⁹⁵⁾ The extraordinary number of *consilia* presented fifteenth-century editors of Baldus with significant problems. Since he had never arranged his *consilia* for 'publication', and since his family probably still had copies made by his *amanuensis* with corrections and deletions by Baldus himself, the manuscripts in the Barberini fond were very likely the indirect source for the printed editions.

By the end of the fifteenth century, there was a demand for printed editions of Baldus' *consilia*. Boninus de Boninis Ragusius Dalmatini supervised the first edition printed in four volumes at Brescia between July, 1490 and February 1491.⁽⁹⁶⁾ He wrote in a prefatory letter, dated March, 1491:⁽⁹⁷⁾

Verum enimvero haud parvam huiusce muneris atque officii laudem gratiamque videor mihi summo iure posse vindicare, qui nunc, ut que antehac ad communem liberalium studiorum utilitatem contulerim, <c>ommittam quatuor hec preclara ingentiaque Baldi Perusini volumina multis, sed et multo meo cum sumptu atque labore, exemplis quam accuratissime quamque fieri potuit emendatissime impressa proposui.

His efforts may have been herculean, but they were not well received. Angelus Britannicus and his brother Jacobus decided within months that a new edition was needed. Angelus criticized the Brescian edition in his prefatory letter of the Venetian printing:⁽⁹⁸⁾

Arbitror te inscium non esse in hac nostra florentissima urbe Brixia Baldi Perusini iurisconsulti celeberrimi consilia hoc anno impressa fuisse in quibus sive correctoris incuria sive impressorum, quod credibilius est, negligentia qui ut scis non modo litteras et syllabas invertere sed et dictiones immutare . . . Nostre civitatis iurisconsulti . . . hortati sunt me ut opus rursus curarem.

At the end of his letter, Angelus listed four improvements that he made to the Brescian edition:

1. The addition of 178 *consilia* in a fifth volume;⁽⁹⁹⁾ 2. A table of incipits; 3. 'Additiones' or 'Rubrice'; 4. The correction of twenty thousand errors(!).⁽¹⁰⁰⁾ The Venetian edition was printed between February and June of 1491 and follows the arrangement of the Brescian edition.⁽¹⁰¹⁾ The printers in Brescia were quick to take advantage of Angelus's initiative. In December, 1491 they printed a fifth volume of *consilia* based on the Venetian printing.⁽¹⁰²⁾

Then in 1489-1493, according to the dates printed at the end of the first and last volumes, Leonardus Pachel issued an expanded edition of Baldus's *consilia* in Milan.⁽¹⁰³⁾ However, this edition could not have been printed in 1489 because the editor included many new *consilia* not included in the Brescian and Venetian collections, marking those with an asterisk in the list of incipits not heretofore printed. The asterisk is not absolutely accurate, but, by and large, the *consilia* not found in the Brescian-Venetian editions are so marked, while all others are not. Ludovicus Peregrinus, who wrote an introductory letter to Pachel's edition, mentioned that he had seen earlier editions,⁽¹⁰⁴⁾ and Pachel himself at the end of his edition called Boninus's edition the first.⁽¹⁰⁵⁾ Since there were no printings before 1490, the 1489 date is a mistake; Pachel's entire edition must date between 1492 and 1493. Pachel wrote in the rubric preceding the list of incipits at the beginning of his edition:

Nos vero ea habuimus Rome ex codicibus reverendissimi d.d. cardinalis Sabelli qui cum longo tempore legationis Perusine officio fungeretur ab ipsius Baldi nepotibus copiam sumpsit.

Pachel had received copies of the *consilia* from Nicolaus Antiquarius, a medical doctor, who had obtained them from Giovanni Battista Cardinal Savelli. Antiquarius was a native of Perugia. According to his prefatory letter in the Milan edition, the grandsons of Baldus had given their copies of Baldus's *consilia* to Savelli, who had them copied and arranged in four volumes (perhaps the model for the Brescian-Venetian editions). Because friends of Savelli had given them to printers who produced inferior editions, Antiquarius obtained Savelli's permission to negotiate a proper printing.⁽¹⁰⁶⁾

Itaque cum non solum meruisset a Perusinis obsequium verum etiam statuas et cetera benegestorum insignia inter alias curas Baldi quoque eterne memorie iurisconsulti libros, si quos ille occultius scripsisset ab Petro Juliotto atque Antonio pronepotibus eius . . . conquisivit. Neque magis letari unquam visus est, quam cum illius viri consilia in triginta sex amanuenses⁽¹⁰⁷⁾ -- ut ita dixerim -- libros congesta consequutus est, que statim in quattuor volumina exscribi curavit . . . Qua re petii pro clientele mee iure et pro patrie merito ab ipso Sabello ut integra volumina mihi per eum liceret impressoribus tradere.

If Savelli's manuscripts could be traced, they might shed much light on the genesis of the printed editions.⁽¹⁰⁸⁾

Savelli and other members of his family were important figures in the fifteenth-century Perugia. Pope Paul II sent Giovanni as Protonotarius apostolicus to Siena in 1466. He held this

position until 1468.⁽¹⁰⁹⁾ Upon his arrival in Perugia he undertook the task of repairing the aqueduct supplying water to the city and the fountain in the piazza.⁽¹¹⁰⁾ Paul also entrusted matters touching the governance of the university to him, granting him the right to determine professorial salaries in 1466 and the responsibility of reforming the *Studium* in 1467.⁽¹¹¹⁾ Although there is no evidence for Savelli's having attended law school, his interest in Baldus's *consilia* and in university affairs would lead one to believe that he did. Pope Sixtus IV elevated him to the cardinal-deaconate of SS. Vito and Modesto in 1480 and transferred him to S. Nicola in Carcere in 1483. At the time he became cardinal he was also given the office of papal legate to the province of Perugia. His relationship with people of Perugia remained particularly good. Upon his elevation to the cardinalate, the city granted Savelli and his family a number of honors.⁽¹¹²⁾ It is not surprising that the descendants of Baldus would have entrusted their manuscripts to him.

The Milanese printing differs considerably from its two predecessors. It is not possible to discern any order, thematic or chronological, in the arrangement of the *consilia* in the first two printings. Pachel completely rearranged the *consilia* for his new edition, but he too did not impose any discernable pattern. Most of the rearrangement may simply be reflect a desire to have 500 *consilia* in each part.⁽¹¹³⁾ The question remains open whether Pachel changed the order of the Brescian and Venetian editions to conform to the order he found in manuscripts that Antiquarius gave him. Pachel added a substantial number of new *consilia*. The Brescian-Venetian printing contained 2036 *consilia* (some, however, are not numbered), while the Milanese added ca. 464 (with the same *caveat*).⁽¹¹⁴⁾ Only one later sixteenth-century edition added anything to the Milanese collection;⁽¹¹⁵⁾ a seventeenth-century *Liber sextus* of his *consilia* increased the number of printed *consilia* modestly (see below).

The importance of the Brescian-Venetian editions lies in the evidence that they provide for illuminating the shaping of a massive collection of *consilia* by fifteenth-century printers. The transmission of Baldus's *consilia* had been concealed from us, because later printers decided that the Milanese edition was more complete than the Brescian-Venetian and after 1493 published only its order and form.⁽¹¹⁶⁾ Although the earlier editions were not entirely forgotten, all the sixteenth-century editions follow the Milanese model.⁽¹¹⁷⁾ It becomes the 'vulgate' edition of the *consilia*. However, it is clear that Baldus had nothing to do with the arrangement of his *consilia*. There is some evidence that the first two editions were used fairly widely in the sixteenth century. Thomas Diplovatatus had a copy of either the Brescian or the Venetian edition in his library and cited *consilia* from it in his lives of Baldus and Hostiensis.⁽¹¹⁸⁾ Colli has demonstrated that Felinus Sandeus did not possess the Milan edition when he worked on Baldus' *consilia* in a manuscript now in Lucca, Biblioteca Capitolare 351.⁽¹¹⁹⁾

Liber Sextus of Baldus' Consilia

Flavius Tortus published a 'sixth book' of Baldus' *consilia* in 1602 that was probably meant to supplement the five books of the vulgate edition.⁽¹²⁰⁾ The book is rather rare.⁽¹²¹⁾ Maffei had

noted that most of the *consilia* are not Baldus', and Vallone determined that only 26 of 129 can be attributed to him, although not all with certainty.⁽¹²²⁾ Vallone also compared Vat. Barb. lat. 1396 with the *Liber Sextus* and discovered that many of the *consilia* in the 1602 edition are also in this manuscript, although Tortus may not have used it for his printing. Between 1602 and the twentieth century, none of Baldus' *consilia* was printed. Modern scholars have edited a small number of them.⁽¹²³⁾

The *consilia* are Baldus' most important works, and scholars have yet to take full advantage of the richness of this source for the history of the *Ius commune*. Since we can date many of them, at least roughly, they can demonstrate how Baldus' thought evolved, and the problems that he faced interpreting the *Ius proprium* through the *Ius commune*. The *consilia* also provide an invaluable guide to the legal questions that most frequently bedeviled jurists in late fourteenth-century Italy. Our knowledge of Baldus' achievement will remain incomplete until we have thoroughly explored them.

1. On the legal status of 'banniti' see Peter Raymond Pazzaglini, *The Criminal Ban of the Sienese Commune, 1225-1310* (Quaderni di Studi senesi, 45; Milano 1979).
2. Vat. Barbarini lat. 1409, fol. 97r: 'Proponitur quod commune et homines uille de Brugnano fuerunt condempnati in clx. Flor. propter negligentiam commissam in capiendo malefactores et bannitos domini nostri in dicta uilla conuersantes, pro cuius quidem pecunie solutione commune et homines dicte uille imposuerunt sibi collectam distribuendam inter singulos habitatores dicte uille uoluntque cogere ad subeundum honus dicte collecte familiares (laboratores^{ac}) inquilinos, colonos et fictabiles <in> possessionibus de Brugnano olim domini Segeamorri habite titulo donationis ab illustri domino nostro duce et etiam ante a magnifico domino domino Bernabone quamquam familiares et coloni predicti numquam fuerint cum hominibus dicte uille extimati uel in extimo descripti, ymo dicta possessio est immunis et exempta. Modo queritur an coloni dicte possessionis ut supradicti teneantur de iure ad contribuendum dicte collecte?' See Patrick Lally, 'New Light on the Birth and Death of Baldus de Ubaldis', *The Two Laws: Studies in Medieval Legal History Dedicated to Stephan Kuttner*, edd. Laurent Mayali and Stephanie A.J. Tibbetts (Studies in Medieval and Early Modern Canon Law 1; Washington, D.C.: 1990) 209-220 and Giancarlo Vallone, 'La raccolta Barberini dei "Consilia" originali di Baldo', *Rivista di storia del diritto italiano* 62 (1989) 75-78.
3. Cristina Danusso, *Ricerche sulla "Lectura feudorum" di Baldo degli Ubaldi* (Università degli Studi di Milano, Pubblicazioni dell'Istituto di Storia del Diritto Italiano 16; Milano: 1991) 9.
4. Paolo Grossi, *L'ordine giuridico medievale* (Roma-Bari: 1995) 147; also N. Horn, 'Philosophie in der Jurisprudenz der Kommentatoren: Baldus philosophus', *Ius commune* 1 (1967) 104-149; Danusso, *Ricerche sulla "Lectura feudorum"*, 65-67, lists the non-juristic sources in his Commentary on the *Libri feudorum*.
5. On Baldus see Georges Chevrier, 'Baldi de Ubaldi', *Dictionnaire de droit canonique* 2 (1937) 39-52; Friedrich Karl von Savigny, *Geschichte des römischen Rechts im Mittelalter: Das 14. und 15. Jahrhundert* (5ed. Reprint Aalen: 1986) 6.208-48, who cite older literature. The most recent

studies are: N. Horn, *Aequitas in den Lehren des Baldus* (Forschungen zur neueren Privatrechtsgeschichte 11; Cologne-Graz: 1968); Domenico Maffei, 'Su alcuni nodi della biografia di Baldo degli Ubaldi', *Giuristi medievali e falsificazioni editoriali del primo Cinquecento* (*Ius commune*, Sonderhefte 10; Frankfurt a.M. 1979) 71-74; Gero Dolezalek, 'I commentari di Odofredo e Baldo alla Pace di Costanza (1183)', *Atti del Convegno internazionale tenuto a Milano e Piacenza, 27-30 aprile 1983* (Bologna 1985) 59-75; S. Fodale, 'Baldo degli Ubaldi difensore di Urbano VI e signore di Biscina', *Quaderni medievali* 17 (1984) 73-85; the study of his political thought by Joseph Canning, *The Political Thought of Baldus de Ubaldis* (Cambridge Studies in Medieval Life and Thought, 4th Series, vol. 6; Cambridge 1987); Vito Piergiovanni, 'La "peregrinatio bona" dei mercanti medievali: A proposito di un commento di Baldo degli Ubaldi a X. 1.3.4', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kan. Abt.* 74 (1988) 348-356; Idem, 'Un trattatello sui mercanti di Baldo degli Ubaldi', *Scritti di storia del diritto offerti dagli allievi a Domenico Maffei*, ed. Mario Ascheri (Padova 1991) 235-254; Vincenzo Colli, 'Il Cod. 351 della Biblioteca capitolare "Feliniana" di Lucca: Editori quattrocenteschi e *Libri consiliorum* di Baldo degli Ubaldi (1327-1400)', pp. 235-282 of the Maffei Festschrift just cited; Vallone, 'La raccolta Barberini'.

6. Oscar Scalvanti, 'Notizie e documenti sulla vita di Baldo, Angelo e Pietro degli Ubaldi', *L'opera di Baldo per cura dell'Università di Perugia nel V centenario dalla morte del grande giureconsulto* (Perugia 1901) 181-359 at 316, prints a compact between Baldus, and his son Franciscus in which he is named 'de Ubaldis'. On p. 328, Baldus' will names him 'de Ubaldis' twice.

7. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 328: 'civis perusinus porte sancti petri et parochie sante lucie genitus'.

8. Since several jurists repeat this fact but give ages ranging from 15 to 17 years, the manuscripts of Angelus' Commentary should be checked. Cf. Savigny, *Geschichte* 6.209.

9. On the basis of a clearly erroneous date of 1388 in Baldus' Commentary to the Cod. 5.7.1: 'quam dedi domino Baldo qui recepit insignia doctoratus anno domini 1388, mensis Jul. In vigilia sanctorum Petri et Pauli', Savigny, *Geschichte* 210, concluded that 1388 must have been 1344, since that Arabic 8 and 4 were easily confused in fifteenth-century manuscripts. His conjecture was accepted until the work of Maffei in note 11 below.

10. There is a note in Vat. Barb. lat. 1399, fol. 175v, which states that Baldus held a 'repetitio' at Bologna in which he differed with his master: 'Super ista questione uide omnino Baldum . . . in repetitione quam fecit Bononie de lege, Pater filium, ff. eodem titulo [Dig. 5.2.14] ubi hac subtiliter discutit reprobando Bartolum ibi tenentem contrariam opinionem Jacobi Butrigarii'. Cited by Vallone, 'La raccolta Barberini' 82. Having held a 'repetitio' in Bologna does not mean that Baldus ever taught there.

11. Domenico Maffei, *Giuristi medievali e falsificazioni editoriali del primo Cinquecento* (*Ius commune*, Sonderhefte, 10; Frankfurt am Main: 1979) 19-34, 71-74..

12. Danusso, *Ricerche* 11 n.5.

13. Savigny, *Geschichte* 6.208-209, quoting his Commentary on the *Libri feudorum* 2.26.21: 'et illam glossam multum notabat primus doctor meus Joan. Pogliarensis. Alius enim doctor meus, qui rerum singularium habuit memoriam, fuit dominus Franciscus Tigri. de Pisis. Sed ille, qui multum contulit meo ingenio fuit Bar. de Saxoferrato, quos (quem?) longo tempore audivi et discendi (discedi?) studio raro me ab eis (eo?) separavi'.

14. Savigny, *Geschichte* 6.209-214. Paolo Nardi, 'Contributo alla biographia di Federico Petrucci con notizie inedite su Cino da Pistoia e Tancredi da Corneto', *Scritti di storia del diritto offerti dagli allievi a Domenico Maffei*, ed. Mario Ascheri (Medioevo e umanesimo` 78; Padova 1991) 153-180.

15. Savigny, *Geschichte* 6.194-195. Savigny assumed that Baldus finished his legal training in 1344 and was forced to assume that he studied in Pisa for a time.

16. See note 7 above for the text. Several consilia of Johannes Palliarensis are found in the library of the College of Spain in Bologna, see *I codici del Collegio di Spagna di Bologna*, edd. Domenico Maffei, Ennio Cortese, Antonio García y García, Celestino Piana, and Guido Rossi (with others) (Milano 1992): manuscripts: 83.247b, 267; 126.48a-b, 56; 198.17. Johannes' consilia were printed among those of Federicus Petrucci and are linked in these three manuscripts with other jurists who taught in Perugia. Consequently, Baldus most likely studied with Johannes there.

17. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 280.

18. Savigny, *Geschichte* 6.218. *Partes consiliorum primae-quintae* (Milan 1493) M[ilan] 3.160. *Partes consiliorum primae-quintae* (Venice 1491) V[enice] 1.358. Vat. Barb. lat. 1410, fol. 155r: 'aut <emphiteosis> ecclesie, et dicebat Bartolus quod non poterat donari nec legari, set ad suam proprietatem reuertebatur, et hoc tenebat per legem, Vniuersas, C. de ne rei dominice uel templorum [Cod. 7.38.2]. Ego istam questionem in aduocationibus habui secum, et dicebam quod tale legatum valet'. Baldus wrote this *consilium* sometime after 1391.

19. *Epistolario di Colluccio Salutati*, ed. Francesco Novati (Vol. 3, *Fonti per la Storia d'Italia* 17; Rome 1896) 240 in note.

20. Because of a note in Vat. Barb. lat. 1412, fol. 65r, we know exactly when Baldus left for Pavia: 19 February, 1390; see Vallone, 'La raccolta Barberini' 82. In his will, dated six months before his death, he is described as 'incola civitatis papie in qua legendo iura civilia in felici studio papie', see Scalvanti, 'Notizie e documenti sulla vita di Baldo' 328.

21. Cod. 6.33. See Fodale, 'Baldo degli Ubaldi' 78-81. Baldus' second *consilium* of 1380 never seems to have had an independent textual tradition in legal texts but was printed in Odorico Raynaldi, *Annales ecclesiastici* (Cologne 1593) 17.14-15. Odorico connects Baldus' *consilium* with Johannes de Legnano's. The incipit is: 'Quod tumultuans populus Romanos'. Scalvanti,

`Notizie e documenti sulla vita di Baldo' 223-233 has doubts about whether the text Odorico printed was written in 1380. Scalvanti discusses the *consilium* printed at Cod. 6.33 and Johannes' contribution on pp. 233-236. He thinks that the *consilium* printed in the *Codex* was written in 1380.

22. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 320.

23. Savigny, *Geschichte* 6.233. Kenneth Pennington, *The Prince and the Law 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley-Los Angeles 1993) 219-220. Fodale, 'Baldo degli Ubaldi' 81-83, believes that Baldus took possession of the castle in 1386. These events merit further study. Fodale did not seem to know of Paulus de Castro's testimony that Baldus never obtained possession. Since Paulus was Baldus' student and heard his lectures, his evidence is important. For the document, dated September, 1380, that transfers the fief, see Scalvanti, 'Notizie e documenti sulla vita di Baldo' 321-322.

24. Ibid. 197-220. Canning, *Baldus de Ubaldis* 2-6. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 322-323.

25. *consilia* of Johannes Zenobius and of Franciscus are included in Baldus': M 3.369 (Franciscus) and M 3.370 (Johannes Zenobius). Significantly, these two *consilia* are placed in the material that the early modern editors included after the last complete *consilium* Baldus wrote before his death (M 3.364 [V --]). For the differences between the M[ilan] and V[enice] editions of Baldus' *consilia*, see below. For other *consilia* of the two sons and their hands in the Barberini manuscripts, see Vallone, 'La raccolta Barberini' 89-91.

26. Savigny, *Geschichte* 6.220, called 'Laudutia' in Baldus' printed commentary. Torquato Cuturi, 'Baldo degli Ubaldi in Firenze', *L'Opera di Baldo* (Perugia 1901) 389 n. 11 asserts that the twins were Franciscus and Zanobius, but without evidence. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 192.

27. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 316-317: 'Franciscus utriusque iuris doctor' and 'Joannes Zanobius legum doctor'. Johannes is called a 'miles' in his will (p. 333).

28. (M 1.310 [V 3.262]) Vat. lat. 1408, fol. 162r: 'Concludo igitur secundum disertas allegationes domini Gilioli filii mei amantissimi et acuti ingenii'. [et acuti ingenii *om.* V]

29. Lally, 'Baldus' 216-217 n. 21. The death notices of Joahannes Zenobius and Amadeus , as well as Zenobius's wife, Lambertina, are entered into Vat. Barberini 1409, fol. 97r.

30. Vallone, 'La raccolta Barberini' 78.

31. Cuturi, 'Baldo degli Ubaldi in Firenze' 365-393.

32. E.g. M 1.408. Thomas Salvectus of Pistoia wrote in the prologue to his commentary on the second book of the Florentine Statutes that he drew upon Baldus' *consilia* for his work. Venice,

Bibl. Marciana, lat. 206, Class.V.5 n.44 a.429 L.290 (Coll. 2654): 'Salvectus multas praetorum ac magistratum reipublicae florentinae sententias a semetipso in tabulariis civitatis inspectas affert, ut et consilia . . . Baldi de Perusio'. Cited by Egidio Gianazza and Giorgio D'Ilario, *Vita e opere di Giovanni da Legnano* (Legnano 1983) 73.

33. Ibid. 6.225. Cuturi, 'Baldo degli Ubaldi in Firenze' 376. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 237-240.

34. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 325: 'Cum asseratur quod egregius utriusque iuris doctor dominus Ubaldus m.i. Francisci est ad alios partes iturus ad salarium ad legendum in iure civili quod esset annihilare et destruere studium perusinum, et propterea ut studium augeatur et conservetur in civitate perusii domini priores et camerarii reformaverunt quod prefatus dominus Ubaldus sine espressa deliberatione et consensu dominorum priorum et camerariorm artium civitatis perusii, non possit vel debeat se absentare modo aliquo'.

35. Scalvanti, 'Notizie e documenti sulla vita di Baldo' 333.

36. The first to recognize the importance of these manuscripts seems to have been Andrea Padovani, 'Le "Additiones et apostillae super prima parte Infortiati" di Cino da Pistoia', *Studia et Documenta Historiae et Iuris* 45 (1979) 178-244 at 235 n. 156.

37. Vat. Barb. lat. 1403 also contains similar notations and additions. The additions were written in two distinct hands. Vallone, 'La raccolta Barberini' *passim*, has attempted to identify Baldus' hand and the hands of his amanuenses in the Barberini manuscripts. Jolande Rummer, 'A Fourteenth-Century Legal Opinion', *The Quarterly Journal of the Library of Congress* 25 (1968) 178-193, published photographs of Baldus' hand, probably written ca. 1370.

38. Vat. Barberini lat. 1408, fol. 109r: 'Allegationes pro Fratribus Minoribus gratis'. To *Consilium* 1.206 (Milan), fol. 110r: 'Allegationes Fratrum Minorum gratis date'. *consilium* 1.206 (Milan). In the manuscript, these texts are two independent pieces, treating two different problems, but were joined in the printed edition.

39. Vat. Barberini lat. 1408, fol. 116v: 'Pro sacerdote pareochie nostre gratis restititis': *Consilium* 1.225 (Milan).

40. E.g. Vat. Barberini lat. 1408, fol. 117r: 'Pro domino Xristoforo de Castiliono restititis gratis': *Consilium* M 1.226.

41. Vat. Barberini lat. 1408, fol. 116r: 'Pro Maffiolo de Sexingo tradidit domino Baldo fl. iiii.^{or} Ego autem sub fide sue promissoris nichil postea recepi': To *Consilium* M 1.224.

42. See Mario Ascheri, "'Consilium sapientis', perizia medica e 'res iudicata': Diritto dei 'dottori' e istituzioni comunali', *Proceedings of the Fifth International Congress of Medieval Canon Law, Salamanca*, edd. S. Kuttner and K. Pennington (Monumenta iuris canonici, Series C, 6; Città del Vaticano 1980) 533-579.

43. Canning, *Baldus de Ubaldis* 7-14, especially p. 9 n.41.

44. Savigny, *Geschichte* 6.239.

45. (Venice 1615-1616).

46. If Baldus wrote a complete commentary to the *Institutiones*, manuscripts have not survived. Domenico Maffei has shown that the printed editions of a commentary attributed to Baldus were not his but Bartolomeo da Novara († 1408) (editio princeps Cologne 1477 [Hain *2271 (N. B. printer's error in n.46, *22710)]). Although the commentary in Lyon, Bibliothèque municipale 385 (n.46) is Bartolomeo's, it is attributed to Baldus (Maffei, "Bartolomeo da Novara" p. 15 n.31). Uppsala C532 contains Baldus' commentary on Book four of the *Codex* (Maffei, "Bartolomeo da Novara" p. 15 n.31 in fine).

For a complete discussion of these points, See Domenico Maffei, "Bartolomeo de Novara († 1408) autore della 'Lectura institvtionvm' attribuita a Baldo delgi Ubaldi," *Rivista di storia del diritto italiano* 63 (1990) 5-22, reprinted in *Studi di storia delle università de delle letteratura giuridica* (Bibliotheca Eruditorum, 1; Goldbach: Keip Verlag, 1995) 207-224; Baldus' commentary to the books of the *Digestum vetus*: Madrid, B.N. 2137; Munich, Staatsbibl. lat. 3062, 6538, 6640; Rome, Bibl. Angel. 543, 552; Vat. lat. 10726, Vat. Ross. lat. 1163 [Venice 1475 (Hain *2301)]; to the *Infortiatum*: Lille, A.D. 41; Vienna, N.B. 5081, fol. 121r-225v; to the *Digestum novum*: no manuscripts [Venice 1495 (Hain 2305)]; to the *Authentica*: Torino, B.N. G. I.4, fol. 7-115.

47. Manlio Bellomo, *The Common Legal Past of Europe, 1000-1800*, tr. Lydia G. Cochrane (Studies in Medieval and Early Modern Canon Law 4; Washington, D.C. 1995) 217 (original edition, *L'Europa del diritto comune* [Roma 1994⁷], Spanish translation *La Europa del derecho común*, introduction by Emma Montanos Ferrín, translated by N. Poloni and S.A. de Prado Díez [I Libri di Erice 14; Roma 1996]). See also Bellomo, 'Sulle tracce d'uso dei "libri legales",' *Civiltà comunale: Libro, scrittura, documento: Atti del Convegno, Genova 8-11 novembre 1988* (Atti della Società ligure di Storia Patria n.s. 29.2; Genova 1988) 33-51.

48. E.g. *Lectura super primo, secundo, et tertio Codicis* (Venice 1474). Lucca, Bibl. Cap. 339 contains the first three books. Of the ca. forty manuscripts of the Baldus' Commentarium to the *Codex* that Dolezalek lists, none contains more than three books. The nine books of the *Codex* were printed sine loco et anno (Hain *2279); the individual books were printed frequently (Hain 2280-2300) before 1500.

49. See, for example, M 1.10, 1.78, 1.110, 1.168, 1.234, 1.413, to give just a small sample. He often began a *consilium* treating a statute of the *ius proprium* with the words 'Statuto cavetur' or 'Statuto civitatis - cavetur'. See the remarks of Enrico Besta, *Baldo e la storia letteraria del diritto* (Perugia 1900) 22.

50. For the general problem of interpreting statutes, see Mario Sbriccoli, *L'interpretazione dello statuto* (Milan 1969) and Wolfgang P. Müller, 'Signorolus de Homodeis and the Medieval

Interpretation of Statutory Law', *Rivista internazionale di diritto comune* 6 (1995) 217-229. See also the comments of Manlio Bellomo, *Società e istituzioni dal medioevo agli inizi dell'età moderna* (Libri di Erice 2; Roma 1994) 377-386.

51. Bologna, College of Spain, 82, fol. 321v-325r, Vat. lat. 2289, fol. 73ra-75va, Vat. lat. 2641, fol. 71va-74va, Vat. lat. 2656, fol. 75va-77ra.

52. Bologna, College of Spain, 231, fol. 352v-355r, Vat. lat. 2289, fol. 99ra-100rb, Vat. lat. 2656, fol. 97vb-100rb.

53. Dolezalek, *Verzeichnis*, lists ten manuscripts. Giustiniano degli Azzi, 'Il trattato "De statutis" e gli statuti di Perugia', *L'opera di Baldo* (Perugia 1901) 145-168.

54. For an analysis of tracts attributed to Baldus in rare volumes of the early sixteenth century see Gaetano Colli, 'Attribvntvr Bartolo et tamen non svnt Bartoli: Prolegomeni ad una bibliografia analitica dei trattati giuridici pubblicati nel XVI secolo', *Il Bibliotecario* (1996) 145-192.

55. Eleven tracts of Baldus were printed in the great sixteenth-century compilation of legal tractates, the *Tractatus universi iuris* (Venice 1583-1584), listed by G. Colli, *Per una bibliografia dei trattati giuridici pubblicati nel XVI secolo: Indici dei 'Tractatus Universi Iuris'* (Ius nostrum 20; Milano 1994) 211: *Apparatus substitutionum*, 8.1, fol. 201r-211v; *Regulae generales statutorum*, 2, fol. 155r-157v; *De aditione cum inventario*, 8.2, fol. 323r-v; *De carceribus*, 11.1, fol. 200v-201v; *De constituto*, 6.1, fol. 38r-39r; *De iure prothomiseos*, 17, fol. 18r-20r; *De pactis*, 6.1, fol. 2r-8r; *De sindicatu officialium*, 7, fol. 224v-226v; *De statutis*, 2, fol. 86ra-154v; *De tabellionibus*, 3, fol. 364v-366v; *De testibus*, 4, fol. 71r-73r. For interesting observations on the medieval meaning of the word 'tractatus,' see Constantin Fasolt, 'At the Crossroads of Law and Politics: William Durant the Younger's "Treatise" on Councils', *Bulletin of Medieval Canon Law* 18 (1988) 43-53.

56. Maffei, *Giuristi medievali e falsificazioni editoriali* 19-34.

57. See, for example, the dissertation of Jacques A. Pluss, *Baldus de Ubladis of Perugia on Dowry Law* (University of Chicago, 1983).

58. On the dating of this work, see Canning, *Baldus de Ubaldis* 9, n.39.

59. (Milan 1478) unfoliated.

60. At this point the transition from one section of the Decretals of Gregory IX is clear in the printed edition, but in Munich, Staatsbibl. Clm 3629, a manuscript of Baldus's Commentary to Books 2 and 3 of the Decretals, on fol. 58r-v, with unnumbered blank folia inserted between, and on fol. 59r-63r, there are two fragments of Baldus. Fol. 58r-v: 'ut erat in casu illius, quando extraneus erat institutus et gravatus . . . non habet locum dicta lex, Omnimodo'. Fol. 59r-63r: 'c. Petimus <C.11 q.1. c.19?> l. Si pretor, de inst. <Cod. 6.25.4 (Si pater)> . . . pro parte

testatum et pro parte intestatum'. Vincenzo Colli informs me that this fragment is his commentary on Roman law. Leipzig, Universitätsbibl. 1059 (to Book I) and 1047 (Book II) may contain a different version of his commentary.

61. Hain 2311-2315.

62. See Thomas M. Izbicki, 'Notes on Late Medieval Jurists: II. Baldus on the Sext', *Bulletin of Medieval Canon Law*, New Series 4 (1974) 53-54. Izbicki found these works in Vat. lat. 5925. The *Apostillae* to the Clementines are in Vat. lat. 1398 and are described in *A Catalogue of Canon and Roman Law Manuscripts in the Vatican Library*, compiled by Stephan Kuttner, with the aid of Reinhard Elze (Studi e Testi 322; Città del Vaticano 1986) 190. See the dissertation of Patrick J. Lally, *Baldus de Ubaldis on the Liber Sextus and De regulis iuris: Text and Commentary* (University of Chicago, 1992).

63. Johann F. von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts, II: Von Papst Gregor IX. Bis zum Concil von Trient* (Stuttgart: 1877) 276. Vat. lat. 317ra-381ra

64. Vat. lat. 2233, fol. 1vb-166vb (*Novella*) and fol. 167ra-256ra (*Mercuriales*).

65. Baldus' additiones to Oldradus' *consilia* have been found in Munich, Staatsbibl. Lat. 5463. Brendan McManus will discuss them in an article that will appear in the *Bulletin of Medieval Canon Law*.

66. The rubric of the text in Vat. lat. 2637, fol. 53ra-109rb. Also Vat. lat. 65ra-107vb, Vat. lat. 2678, fol. 131ra-<189>ra.

67. Vat. lat. 2637, fol. 13ra-50vb, Vat. lat. 2683, fol. 121ra-159vb.

68. *I codici del Collegio di Spagna di Bologna*, edd. Domenico Maffei, Ennio Cortese, Antonio Gracia y Garcia, Celestino Piana, and Guido Rossi (Orbis Academicus, Milan: 1992).

69. On the *Libri feudorum*, see Peter Weimar, 'Die Handschriften des Liber feudorum und seiner Glossen', *Rivista internazionale di diritto comune* 1 (1990) 31-98, with a complete list of manuscripts and apparatus. See also Idem, 'Die legistische Literatur der Glossatorenzeit', *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte, 1: Mittelalter*, ed. Helmut Coing (Munich 1973) 166-168 and G. Giordanengo, *Le droit féodal dans les pays de droit écrit: L'exemple de la Provence et du Dauphiné, XII^e-début XIV^e siècles* (Bibliothèque des Écoles Françaises d'Athènes et de Rome 266; Rome 1988) and *Féodalités et droits savants dans le Midi médiéval* (Collected Studies 373; Aldershot 1992).

70. The information discussed in the following paragraphs relies heavily on the recent monograph of Danusso, *Ricerche sulla 'Lectura feudorum'*, cited in note 2 above.

71. Weimar, 'Liber feudorum' 53-54.

72. For Milan see, Jane W. Black, '*Natura feudi haec est: Lawyers and Feudatories in the Duchy of Milan*', *English Historical Review* 109 (1994) 1150-1173 at 1150-1157; who cites most of the earlier literature, except for G. Chittolini, '*Infeudazioni e politica feudale nel Ducato visconteo-sforzesco*', *Quaderni storici* 19 (1972) 57-130. For the Kingdom of Naples, see Giancarlo Vallone, *Iurisdiction domini: Introduzione a Matteo d'Afflitto ed alla cultura giuridica meridionale tra Quattro e Cinquecento* (Collana di studi storici e giuridici ; 1; Lecce : Milella, 1985).
73. Vallone, '*La raccolta Barberini*' 81.
74. Danusso, *Ricerche sulla 'Lectura feudorum'*, 11-12.
75. Ibid. 14-17.
76. Ibid. 18-24.
77. Ibid. 24-28.
78. Ibid. 29-35.
79. The colophon of Vat. lat. 2295, which contains Baldus' *Lectura super usibus feudorum* (fol. 1ra-129rb) and his Commentary on the *Libri feudorum* (fol. 129rb-140rb), describes the work as a 'commentum'. On this terminology for Baldus' work, see Frank Soetermeer, '*Une catégorie de commentaires peu connue: Les `commenta' ou `lecturae' inédits des précurseurs d'Odofrède*', *Rivista internazionale di diritto comune* 2 (1991) 47-67.
80. Weimar, '*Liber feudorum*' 38-41.
81. Dolezalek, '*I commentari di Odofredo e Baldo alla Pace di Costanza*' (above n.4).
82. E.g. Vat. lat. 1435, fol. 227ra-228ra; both texts are appended to the text of the Authenticum.
83. For the background see, Bueno De Mesquita, *Giorgio Visconti Duke of Milan (1351-1402): A Study in the Political Career of an Italian Despot* (Cambridge 1941) 183. Hans Baron, *The Crisis of the Early Italian Renaissance* (Princeton 1955). Also Paolo Morigia, *Historia dell'antichità di Milano* (*Historiae urbium et regionum Italiae rariores*, 48; Venice 1592; repr. Bologna 1967) 134-42.
84. On the Visconti's vicariate see Theodor von Sickel, *Vicariat der Visconti* (*Sitzungsberichte der Phil.-Hist. Classe der K. Akademie der Wissenschaften Wien*, 30; Vienna 1895).
85. The text is conveniently printed in L. Muratori, *Rerum Italicarum scriptores* (Milan 1730) 788-94, as a part of the *Annales Mediolanenses*, col. 790: '*Et item de omnibus iuribus, infeudationibus, et subiectionibus quibuscumque et qualitercumque et quocumque iure et*

quacumque causa uel occasione pertinentibus vel spectantibus praedictis civitatibus, castris, villis, terris et locis, et omnibus et singulis praedictis et cuilibet vel alicui ipsarum et ipsorum . . . ex de nostra regiae Romanae potestatis plenitudine omnimodo, quo melius et absolute possumus . . . non obstantibus aliquibus in contrarium, et maxime quid in ipsis concessionibus, constitutionibus, immunitatibus, libertatibus, infeudationibus, privilegiis, beneficiis et literis'. Black, '*Natura feudi haec est*' 1156 n.2, cites the text from J.C. Luenig, *Codex Italiae diplomaticus* (Frankfurt am Main 1725) 1.421-431.

86. E.g. *Corpus iuris civilis* (Lyon 1575) Volume 5, col. 853-878.

87. Savigny, *Geschichte* 6.229.

88. T.M. Izbicki and J. Kirshner, 'Consilia of Baldus of Perugia in the Regenstein Library of the University of Chicago', *Bulletin of Medieval Canon Law*, New Series 15 (1985) 95-115. In general, see Kenneth Pennington, 'The Consilia of Baldus de Ubaldis', *Tijdschrift voor Rechtsgeschiedenis* 56 (1988) 85-92, reprinted with corrections in *Popes, Canonists and Texts, 1150-1550* (Collected Studies 412; Aldershot 1993).

89. Colli, 'Il Cod. 351' 262-275.

90. First noted by Vallone, 'La raccolta Barberini' 83-86 and further studied by Colli, 'Il Cod. 351' 260. Following the numbering of the *consilia* in the vulgate edition [M], Vallone, pp. 93-94, indicates which *consilia* are in which Barberini manuscript and describes each Barberini manuscript on pp. 106-130.

91. Colli, 'Il Cod. 351' 259-261.

92. Kenneth Pennington, 'The Authority of the Prince' 483-515 (Aldershot 1993), and my essay 'Allegationes, Solutiones, and Dubitationes: Baldus de Ubaldis' Revisions of his Consilia', *L'Arte della disputa e la scienza del diritto nei secoli XIII-XIV*, ed. Manlio Bellomo (München, to appear)

93. See Gero Dolezalek, *Verzeichnis der Handschriften zum römischen Recht bis 1600* (Frankfurt am Main 1972) volume 3.

94. Mario Ascheri, 'The Formation of the *Consilia* Collection of Bartolus of Saxoferrato and Some of His Autographs', *The Two Laws* (n.2 above) 188-201 at 192-197. Bartolus wrote far fewer *consilia* than Baldus.

95. In his supplement to Hain, J.A. Copinger no. 819 lists an edition of *Consilia quaedam* (Cologne 1477) of 20 folios; he noted a copy in the University Library at Halle.

96. Hermann Lange, *Die Consilien des Baldus de Ubaldis (1400)* (Abhandlungen der Akademie der Wissenschaften und der Literatur, Mainz, Geistes- und sozialwissenschaftlichen Klasse 12; Wiesbaden 1973) 18, thinks that Baldus was responsible for the division of his *consilia* into five

volumes.

97. *Partes consiliorum primae-quartae* (4 volumes; Brescia 1490-1491) (Hain *2330); Lange, *Consilien* 18, notes that 926 *consilia* were printed in the Brescia edition, taking this number from Ernst Stampe, *Das Zahlkraftrecht der Postglossatorenzeit* (Abhandlungen der preussischen Akademie, Phil. Hist. Klasse 165; Berlin 1928) 24, n. 1, who saw only the first two parts of the Brescian edition of 1490 at the University Library at Greifswald, hence 926 *consilia* (if he had added correctly, 924). The Brescian volumes number (which means, since some are not numbered and other numbers are skipped, that the numbered *consilia* can only roughly give us the number of *consilia* in the volumes) in part 1: 453, part 2: 470, part 3: 453, part 4: 503. Numbers revised according to those of Colli, 'Il Cod. 351', 256 n. 4.

I have seen copies of volumes 1 and 2 in Munich, Staatsbibliothek and a complete copy (including the later part 5: 172 *consilia*) in Vienna, Nationalbibliothek. The catalogue of *incunabula* in Italian libraries *Indice generale degli incunaboli delle biblioteche d'Italia* 5 (Rome 1972) lists copies in nine Italian libraries. There is also a copy in Grenoble, Bibl. mun., and, presumably, a copy of parts one and two may still be in Greifswald. Canning, *Baldus de Ubaldis* 12, cites a complete copy of this edition from the Library of Gonville and Gaius College in Cambridge. On the Brescian edition see P. Veneziani, *La tipografia a Brescia nel XV secolo* (Florence 1986) 77-78.

98. *Partes consiliorum primae-quintae* (5 vols; Venice 1491) Hain *2329. Hain lists only parts 1, 2, and 5. I have located the entire edition in Eichstätt, Universitätsbibliothek (Signature: D I 958-960; in 3 volumes). Further copies can be found in Lucca, Bibl. cap., Trevisio, Bibl. com., and Rome, Bibl. naz. Parts 1 and 2 are in Munich, Cambridge, Harvard Law Library, and the Library of Congress, Washington, D.C.; parts 3-5 are in Augsburg, Staatsbibl. and Modena, Bibl. Estense.

99. Volume five actually contains 171 numbered *consilia*; the index to volume 5 lists 179.

100. Stampe, *Zahlkraftrecht* 24-33, printed five *consilia* from the Frankfurt 1585 edition and collated them with the Brescian edition. As his notes demonstrate, there are, in fact, many mistakes in the Brescian edition. Cf. Canning, *Baldus de Ubaldis* 13.

101. Except for slight differences in the numbering of *consilia*; parts 1 and 2 are the same; part 3: 450, part 4: 502.

102. (Hain *2230); See Veneziani, *La tipografia* 100. According to the colophon, Boninus did not participate in the printing of the last volume: 'Consiliorum quinta pars nuperrime elucubrata ac diligentis castigatione emendata cum ipso originali collatione habita per D. presbyterum Baptistam de Farfengo. Brixie impressa die xvii. men. Dec. Mccclxxxxi'. I have located the fifth volume in three libraries: Vienna, Nationalbibliothek (Signature: Ink. 11.B.5), Mantua, Bibl. com. and Padua, Bibl. univ.

103. *Partes consiliorum primae-quintae* (5 vols. Milan 1493) Hain *2328. This edition seems to be

even more rare than the first two. There are complete copies in Munich (2 copies of part 1; a single copy of 2-5) and Vienna, Nationalbibliothek, signature Ink. 10.B.18, and incomplete copies in Namur, Sémin., Madrid, Bibl. nac.; parts 1 and 2 in Washington, D.C., The Library of Congress; parts 3-5 in Aberdeen, University Library; part one in Rome, Bibl. naz. and Cambrai, Bibl. mun.

104. Vincenzo Bini, *Memorie storiche della Perugina Università degli studi e dei suoi professori* (Perugia 1816) 129, records a printing in Padua 1486. There is no evidence of its existence.

105. He wrote: 'Consilia infrascripta numero xxii. non sunt stampata in prima impressione consiliorum Baldi facta Brixie per Boninum de Boninis, sed solummodo ista fuerunt addita in secunda impressione facta per Angelum et Jacobum de Britannicis'.

106. (Hain *2328), vol. 1, unfoliated (see note 85 for details on copies).

107. 'Amanuenses libros' must mean manuscript, not printed, books. Robert Feenstra has suggested to me in a letter that 'triginta sex' could have the same meaning as the French 'trente-six', that is a 'great many'. Savelli may have had access to a collection of Baldus's *consilia* written for specific cases and confirmed with his seal. These might not have been bound together. Contemporary examples of such *consilia* are found today in many Italian libraries: e. g. Florence, Bibl. naz. Magliabecchi 173.

108. Colli, 'Il Cod. 351', 276-278, discusses the letter and the manuscripts of Savelli. He is doubtful that four manuscripts containing all the *consilia* ever existed. Colli believes that Pierto Antonio Castiglione probably was the moving force for the new edition. Vallone, 'La raccolta Barberini' 80 n.21, misread what I wrote and thinks that I believe the Vatican manuscripts were the copies made for Savelli.

109. Giuseppe Ermini, *Storia della universita di Perugia I-II* (Firenze 1971) 201.

110. Reported by Pompeo Pellini, *Dell'istoria di Perugia* (Venice 1664; reprinted in *Historiae urbium et regionum italiae rariores* 15; Bologna 1968) 2.686.

111. Printed by Bini, *Memorie storiche* 608-609.

112. Pellini, *Historia* 2.785-86. See also Ferdinand Gregorovius, *Geschichte der Stadt Rom im Mittelalter vom V. bis zum XVI. Jahrhundert* (München 1978) 3.127, 129, 150.

113. Colli, 'Il Cod. 315', 262-275, discusses the relationship of the Lucca manuscript and the Milanese edition.

114. Colli, 'Il Cod. 351', 256, has counted the *consilia* as a part of his project to list the incipits; I take the numbers from him.

115. An edition printed in Lyon 1559, under the editorship of Matthaëus Antonianus published

a *consilium* at the end of book 4. He noted: 'Hoc responsum numquam antea editum a me vero ex sterquilino nostri Marchi desepultum'. The *consilium* begins: 'Ad evidentiam premittendum est cum queritur an ille qui intulit alicui aliquod vulnus'. For information about the *Liber Sextus* of Baldus' *consilia* see Popes, Canonists, and Texts XX p.10.

116. Until Il Cigno undertook the reprinting of Baldus' works, the most commonly available edition of Baldus's *consilia* was Venice, 1575-1576, reprinted by Bottega d'Erasmus (Torino 1970).

117. A. Campitelli and F. Liotta, 'Notizia del Ms. Vat. lat. 8069', *Annali di storia del diritto* 5-6 (1961-62) 387-406 at p. 391 n. 24 examined the editions of Venice 1526, Milan 1543, Lyon 1548, Venice 1575, Venice 1580, Frankfurt 1589, Venice 1608. I have also seen Trino 1516, Lyon 1540, Lyon 1559. I have not been able to find any trace of an edition printed in Pavia 1499 recorded by Bini and Mazzuchelli and mentioned by Campitelli and Liotta. This may be a volume of Angelus de Ubaldis' *consilia* published in Pavia 1499 (Hain *15866).

118. In his life of Baldus, *De claris iuris consultis*, ed. F Schulz, H. Kantorowicz, G. Rabotti (Studia Gratiana, 10; Bologna 1968) 302: 'Et vide de Baldo in consiliis Baldi in consilio 287 incipit "Comes Bellimontis" in 3. volumine in fine <= Brescia-Venice 3.289, Milan 1.337>'. Also in his life of Hostiensis, p. 143: Brescia-Venice 2.166 = Milan 4.500. Cf. Canning, *Baldus de Ubaldis* 13 and Colli, 'Il Cod. 351', 282 n. 47.

119. Colli, 'Il Cod. 351' 277-278.

120. *Volumen sextum consiliorum sive responsorum* (Venice 1602).

121. I have listed, with the help of Domenico Maffei and Filippo Liotta, four copies of the book in Pennington, 'Baldus de Ubaldis' Appendix II, p. 10 (Aldershot 1993).

122. Pennington, loc. cit. Vallone, 'La raccolta Barberini' 102.

123. Pennington, 'Baldus de Ubaldis' Appendix I, p. 9. Vallone, 'La raccolta Barberini' pp. 130-135, lists 84 unedited *consilia* from the Barberini manuscripts; when Colli has completed his *Incipitario* we will know exactly how many of his *consilia* have never been printed.