

THE MEDIEVAL ENGLISH
BOROUGH

STUDIES ON ITS ORIGINS AND
CONSTITUTIONAL HISTORY

BY

JAMES TAIT, D.LITT., LITT.D., F.B.A.

Honorary Professor of the University

MANCHESTER UNIVERSITY PRESS

© 1936 MANCHESTER UNIVERSITY PRESS
Published by the University of Manchester at
THE UNIVERSITY PRESS
316-324 Oxford Road, Manchester 13

PREFACE

As its sub-title indicates, this book makes no claim to be the long overdue history of the English borough in the Middle Ages. Just over a hundred years ago Mr. Serjeant Merewether and Mr. Stephens had *The History of the Boroughs and Municipal Corporations of the United Kingdom*, in three volumes, ready to celebrate the sweeping away of the medieval system by the Municipal Corporation Act of 1835. It was hardly to be expected, however, that this feat of bookmaking, good as it was for its time, would prove definitive. It may seem more surprising that the centenary of that great change finds the gap still unfilled. For half a century Merewether and Stephens' work, sharing, as it did, the current exaggeration of early "democracy" in England, stood in the way. Such revision as was attempted followed a false trail and it was not until, in the last decade or so of the century, the researches of Gross, Maitland, Mary Bateson and others threw a flood of new light upon early urban development in this country, that a fair prospect of a more adequate history of the English borough came in sight. Unfortunately, these hopes were indefinitely deferred by the early death of nearly all the leaders in these investigations. Quite recently an American scholar, Dr. Carl Stephenson, has boldly attempted the most difficult part of the task, but his conclusions, in important respects, are highly controversial.

When in 1921 an invitation to complete Ballard's unfinished *British Borough Charters* induced me to lay aside other plans of work and confine myself to municipal history, I had no intention of entering into thorny questions of origins. A remark of Gross in the introduction to his *Bibliography of British Municipal History* (1897) that "certain cardinal features of the medieval borough, such as the *firma burgi*, the judiciary and the governing body, still need illumination" suggested the studies, printed, chiefly in the *English Historical Review*, between 1925 and 1930, which, with some revision,

form chapters VII-XI of the present volume. Another, on the borough courts and assemblies, had been planned when my attention was diverted to the pre-Conquest period by the appearance in the *English Historical Review* in July, 1930, of a revolutionary article by Dr. Stephenson in which he sought to prove that, with inconsiderable exceptions, the Anglo-Saxon boroughs were still no more than administrative and military centres in 1066. A thorough re-study of all the evidence for that very difficult period took so long that, save for a chapter on its origins, the subject of borough jurisdiction has had regretfully to be left to younger investigators. Another and more deliberate omission is the history of formal incorporation on which, I am glad to say, my friend Dr. Martin Weinbaum has a book in the press.

The chapters dealing with the Anglo-Saxon borough were nearly complete when Dr. Stephenson's enlarged treatment of the subject in his book *Borough and Town* appeared, in 1933. His modifications of his views as originally stated are, however, practically confined to a large extension of his list of exceptions, his conception of the "ordinary" borough remaining unaltered, so that it was not necessary to recast completely what I had written. When required, references are given to a summary (chapter VI) of the exceptions Dr. Stephenson now allows.

In his article of 1930, the late Professor Pirenne's conception of town life in the Netherlands as the result of mercantile settlement under the shelter of fortified administrative centres was applied to England with such rigour as virtually to make the Norman Conquest the starting-point of its urban development. And though in his book Dr. Stephenson admits earlier mercantile settlements in the populous boroughs of the Danelaw and makes some wider but vaguer concessions, he still retains in his title and general exposition the sharp antithesis between borough and town. For this he claims, as forerunners, Maitland and Miss Bateson, but, apart from his "garrison theory," Maitland was much more cautious and Miss Bateson's estimate of French influence upon the post-Conquest borough is pressed too far. She did not, for instance, regard it as inconsistent with the view that the Anglo-Saxon borough had a distinctively urban court, a view which Dr. Stephenson strongly combats.

Even in the country of its first statement the antithesis tends to be less sharply drawn. M. Paul Rolland's study of

"the origins of the town of Tournai" (1931) shows that in suitable spots a trading population could develop gradually from an agricultural one.¹ At Tournai there was no large mercantile settlement from without (See *English Historical Review*, 1933, p. 688).

At first sight Dr. Stephenson's concession that even if there had been no Norman Conquest "London's charter might well have contained the same major articles, if it had been granted by a son of Harold, rather than by a son of William" might seem to yield more ground than has been indicated. But it is qualified by a statement that by 1066 Anglo-Saxon England was only just coming under the influence of the commercial revival on the Continent. It is difficult to reconcile this with the fact that London's foreign trade *c.* 1000 was as wide, if not as great, as it was under Henry I.

This limited recognition of an urban continuity across the Conquest does not extend to the agricultural aspect of the borough. A stronger contrast could hardly be imagined than that between the manorial system which Dr. Stephenson conceives to have prevailed in the cultivation of the fields of the Anglo-Saxon borough and that which is found in working after the Conquest, and no explanation of this unrecorded transformation is offered.

Dr. Stephenson deserves every credit for his pioneer effort of reconstruction, he has done good service in diverting attention from vain attempts to find precise definitions in a non-defining age to the safe ground of social and commercial development, while his treatment of the problem of early borough jurisdiction, though not wholly acceptable, rightly emphasizes the very general origin of burghal courts as units in the hundred system of the country at large. But his book contains too much that is disputable to constitute the first part of a definitive history of the English borough.

Dr. Stephenson's own criticisms of some of the views advanced in my reprinted articles, *e.g.* as to the influence of the Continental commune upon the communal movement in England at the end of the twelfth century, are discussed in appendices to the respective articles. This has involved some repetition, but the articles were already sufficiently controversial and the opportunity has been gained of adding a little fresh matter. The document of 1205 preserved by

¹ With its bishop's see Tournai may have been more favourable to such growth than the ordinary feudal *burg*.

Gervase of Canterbury (below, p. 253) has apparently never been considered in its bearing on the communal movement nor has its early reference to the new office of mayor been previously noted. The appendix on the barons of London and of the Cinque Ports will, it is hoped, do something to remove that uncertainty as to the precise origin and meaning of the title which is found in the older books.

With some hesitation, I have appended my British Academy lecture of 1921 on the study of early municipal history in England. It much needed revision and may serve as a general introduction to the post-Conquest studies and a supplement to their casual treatment of the seignorial borough.

I have to thank the editor and publishers of the *English Historical Review*, the Council of the British Academy, and the Tout Memorial Committee for kind permissions to reprint articles. My indebtedness to younger scholars who have kept me in touch with recent research in borough archives, closed to me by impaired eyesight and advancing years, will be found frequently acknowledged in footnotes.

JAMES TAIT.

THE UNIVERSITY,
MANCHESTER, *March 7th, 1936.*

CONTENTS

	PAGE
PREFACE	v
ADDENDA	xi
BIBLIOGRAPHY	xiii
THE ANGLO-SAXON PERIOD	
CHAP.	
I. THE ORIGINS OF THE BOROUGH	1-29
1. Introductory	1
2. Before the Danish Invasions	5
3. The New <i>Burhs</i> fortified in the Danish Wars	15
4. After Fortification	25
II. BOROUGH AND COURT	30-67
1. The pre-Domesday Evidence	30
2. The Domesday Evidence	43
Note on the "small Borough" of Seasalter in Kent	67
III. THE BOROUGH FIELDS AND PASTURES	68-77
IV. THE BURGESSES AND THEIR TENURE	78-112
1. Social Status of the Anglo-Saxon Burgesses	79
2. "The Customs of Burgesses"	86
3. Tenure by Custom and Burgage Tenure	96
4. Burgage Tenure in Northern France in the eleventh century	108
V. THE BOROUGH COMMUNITY BEFORE 1066	113-129
1. The Burgesses as Agricultural Community	114
2. The Burgesses as Trading Community	117
3. The Burgesses as Revenue-rendering and Administrative Community	123
VI. SUMMARY AND GENERAL CONCLUSION TO 1066	130-138

CHAP.	THE POST-CONQUEST PERIOD	PAGE
VII.	THE FIRMA BURGII AND THE COMMUNE, 1066-1191 . . .	139-193
	1. The Firma Burgi in 1066	140
	2. The Firma Burgi in 1086	148
	3. The Firma Burgi and the Commune, 1086-1154 . . .	154
	4. Revocable grants of Firma Burgi. Attempted Communes, 1154-91	162
	5. The First Fee Farms and the Commune of London, 1189-91	177
	App. I. Table of Borough Farms, etc.	183
	App. II. The Firma Burgi and the Election of Reeves	185
VIII.	LIBER BURGUS	194-220
	Additional Note on Dr. Stephenson's View	217
IX.	THE BOROUGH COMMUNITY FROM THE TWELFTH CENTURY	221-262
	1. The Borough Community and the Gild Merchant before the Age of Mayors and Fee Farms	222
	2. The Beginning of Municipal Incorporation	234
	App. I. Merchant Gild, Fee Farm, Commune	248
	App. II. The Barons of London and of the Cinque Ports	256
X.	THE ORIGIN OF TOWN COUNCILS	263-301
	App. Dr. Stephenson on the Origin of Town Councils	296
XI.	THE COMMON COUNCIL OF THE BOROUGH	302-338
	App. I. Some Single Common Councils of Early Date	330
	App. II. List of Old Councils and Common Councils before 1550	337
	App. III. A Criticism Considered	338
XII.	THE STUDY OF EARLY MUNICIPAL HISTORY IN ENGLAND	339-358
	INDEX	359

ADDENDA AND CORRIGENDA

Page 83, l. 20	“Opus in curia” might, however, include lifting and stacking hay (Vinogradoff, <i>Villainage</i> , p. 444).
,, 89, l. 16	Eight virgates. Cf. <i>ibid.</i> p. 381.
,, 97, l. 8	For fripeni read fripene.
,, 98	For the charter, probably of Abbot Robert de Sutton (1262-73), to the men of Peterborough “which offers release from seignorial exploitation (including merchet), but in the most restricted terms” see <i>V.C.H.</i> , <i>Northants</i> , ii. 425. A similar charter was granted to Oundle.
,, 118	For the importance of the English textiles industry in the tenth century and their export to France see <i>E.H.R.</i> xlii. (1927), 141.
,, 131, l. 13	For weigh read way.
,, 145, l. 17	Earl William's houses were perhaps private, not comital.
,, 149, n. 2	Although <i>D.B.</i> in the passage quoted says quite clearly that William gave to Robert de Stafford half of his own share of the revenues of the borough, Robert is reported under his own fief (f. 248b, 2) to be claiming 70s., which was half of the combined shares of king and earl, then both in William's hands.
,, 184	Though Dover rendered £54 in 1086, its true value was estimated to be £40.
,, 230, l. 6	The burgesses of Gloucester having had a bare grant of fee farm in 1194 (<i>B.B.C.</i> i. 224), it seems clear that the importance of such a full grant of liberties as John's is underestimated here and on p. 250. In his reign these grants perhaps carried with them, unexpressed, allowance of sworn association (see pp. 251-2).

- Page 235 (*cf.* 226) According to two charters in the cartulary of St. Frideswide's (i. 26, 33) the dispute between the canons and the citizens went back to the reign of Stephen, who confirmed a grant by the latter to the canons of their rent of 6*s.* 8*d.* from Medley "ad restaurandum luminare predicte ecclesie quod amiserant pro stallis que per eos perdiderant."
- „ 292, n. 1 I owe this fact to Miss Catherine Jamison.
- „ 304, l. 10 The Winchester court was called *burghmote* not *burwaremote*.
- „ 353 The "inferior limit of burgality" can hardly have been lower than at Peterborough (see the *addendum* to p. 98 above) before the thirteenth-century charter, itself grudging enough.
- „ 364 S.v. Gilds. For trade and craft *read* craft.
- „ „ S.v. Gloucester. Add reference to p. 102.

BIBLIOGRAPHY

The following abbreviations have been used in the footnotes to the text and in the bibliography:—

A.S.C.	= Anglo-Saxon Chronicle.
A.S.I.	= Chadwick, Anglo-Saxon Institutions.
B.B.C.	= British Borough Charters.
B.C.	= Bateson, Borough Customs.
B.M.	= British Museum.
C.C.R.	= Calendar of Close Rolls.
C.Ch.R.	= Calendar of Charter Rolls.
C.P.R.	= Calendar of Patent Rolls.
C.S.	= Birch, Cartularium Saxonicum.
D.B.	= Domesday Book.
D.B. and B.	= Maitland, Domesday Book and Beyond.
E.E.T.S.	= Early English Text Society.
E.H.R.	= English Historical Review.
P.R.	= Pipe Rolls.
P.R.O.	= Public Record Office.
R.L.C.	= Rotuli Litterarum Clausarum.
R.S.	= Rolls Series.
V.C.H.	= Victoria History of Counties.

Anglo-Norman Custumal. See Exeter.
 Anglo-Saxon Chronicle (*A.S.C.*). Ed. C. Plummer. 2 vols., 1892-99.
 Antiquity. Ed. O. G. S. Crawford and R. Austin. Vol. viii., 1934.
 Archaeologia Aeliana. Fourth ser., vol. i. Newcastle-upon-Tyne, 1925.
 Asser, bp. Life of King Alfred. Ed. W. H. Stevenson, 1904.

Ballard, A. The Domesday Boroughs, 1904.
 The Burgesses of Domesday. *E.H.R.*, 1906.
 The Walls of Malmesbury. *E.H.R.*, 1906.
 Castle-guard and Barons' houses. *E.H.R.*, 1910.
 The English Borough in the Twelfth Century, 1914.
 British Borough Charters. Vol. i. 1042-1216; vol. ii. (with J. Tait) 1216-1307, 1913-23.
 An Eleventh Century Inquisition of St. Augustine's, Canterbury. Brit. Acad., 1920.
 The Theory of the Scottish Borough. *Scott. Hist. Rev.*, 1916.

- Bateson, M. Records of Leicester. 3 vols., 1899-1905.
 Borough Customs (*B.C.*). Selden Soc. 2 vols., 1904-6.
 Review of Ballard's Domesday Boroughs. *E.H.R.*, 1905.
 The Burgesses of Domesday and the Malmesbury Walls. *E.H.R.*, 1906.
- Bede. *Historia Ecclesiastica*. Ed. C. Plummer. 2 vols., 1896.
- Benham, W. G. See Colchester.
- Bilson, J. Wyke-upon-Hull in 1293, 1928.
- Birch, W. de G. See *Cartularium Saxonicum (C.S.)*. Catalogue of Seals in the department of MSS. in the British Museum. 6 vols., 1887-1900.
- Bird, R. Civic Factions in London and their relation to political parties. [Unprinted London University thesis.]
- Black Book of the Admiralty. *Monumenta Juridica*, vol. ii. Ed. Travers Twiss. *R.S.*, 1873.
- Black Book of St. Augustine's. See St. Augustine's.
- Black Book of Warwick. Ed. T. Kemp, 1898.
- Black Book of Winchester. Ed. W. H. B. Bird, 1925.
- Blakeley, G. S. The City of Gloucester, 1924.
- Book of Fees, The, commonly called Testa de Nevill, reformed from the earliest MSS. P.R.O. 3 vols., 1920-31.
- Bridges, J. and Whalley, P. History and Antiquities of Northamptonshire, 1791.
- Bristol. See Red Book.
- British Borough Charters (*B.B.C.*). See Ballard.
- Brownbill, J., and Nuttall, J. R. Calendar of Charters and Records belonging to the Corporation of Lancaster, 1929.
- Bugge, A. Die nordeuropäischen Verkehrswege im frühen Mittelalter. Vierteljahrsschrift für Social- und Wirtschaftsgeschichte. Vol. iv., 1906.
- Cam, H. Francia and England, 1912.
 Manerium cum Hundredo. *E.H.R.*, 1932.
 The Origin of the Borough of Cambridge. *Proc. Camb. Antiq. Soc.* Vol. xxxv., 1935.
- Calendar of
 Charter Rolls. (*C.Ch.R.*). P.R.O.
 Close Rolls. (*C.C.R.*). P.R.O.
 Rolls of the County Court of Chester, etc. Ed. R. Stewart-Brown. Chetham Soc., 1925.
 Letter-Books of the City of London (A-L). Ed. R. R. Sharpe, 1899-1912.
 Miscellaneous Inquisitions. 2 vols. P.R.O.
 Patent Rolls (*C.P.R.*). P.R.O.
 Plea and Memoranda Rolls of the City of London. Ed. A. H. Thomas. Vol. i., 1323-64; vol. ii., 1364-81, 1926-29.
 See also Brownbill, J.
- Cambridge Historical Journal. Vol. iv., 1933.
- Canterbury, Gervase of. Works. Ed. W. Stubbs. *R.S.* 2 vols., 1879-80.
 See also Ballard, Cotton, Domesday Monachorum and St. Augustine's.

- Cartularium Saxonicum (C.S.)*. Ed. W. de G. Birch. 3 vols., 1885-93.
- Cartulary of
 The Abbey of St. Werburgh, Chester. Ed. J. Tait. Chetham Soc. 2 vols., 1920-23.
 Eynsham Abbey. Ed. H. E. Salter. Oxf. Hist. Soc. 2 vols., 1907-8.
 The Priory of St. Frideswide, Oxford. Ed. S. R. Wigram. 2 vols., 1895-96.
 Osney Abbey, Oxford. Ed. H. E. Salter. Oxf. Hist. Soc. 4 vols., 1928-34.
 The Priory of Worcester. Ed. R. R. Darlington. [In preparation.]
- Chadwick, H. M. Studies on Anglo-Saxon Institutions, 1905.
 Chester Archæological Society, Journal of, 1857, etc.
 Chronicon
 Monasterii de Bello. Anglia Christiana Soc., 1846.
 Abbatiae Rameseiensis. Ed. W. D. Macray. *R.S.*, 1886.
- Clemesha, H. W. History of Preston in Amounderness, 1912.
- Close Rolls (*C.R.*). For reign of Hen. III. from 1227. P.R.O.
- Colby, C. W. The Growth of Oligarchy in English Towns. *E.H.R.*, 1890.
- Colchester, Court Rolls of. Ed. W. G. Benham and I. H. Jeayes. Vol. i. (1310-53), 1921.
 Oath Book of. Ed. W. G. Benham, 1907.
 Red Paper Book of. Ed. W. G. Benham, 1902.
- Cooper, C. H. Annals of Cambridge. Vols. i.-ii., 1842-43.
- Coopland, G. W. The Abbey of St. Bertin, 900-1350. Oxf. Stud., ed. Vinogradoff, iv., 1914.
- Corbett, W. J. In Cambridge Medieval History. Vol. iii.
- Cotton, C. The Saxon Cathedral of Canterbury, 1929.
- Court Rolls. See Colchester.
- Coventry, Leet Book of. Ed. M. Dormer Harris. 4 vols., 1907-13.
- Curia Regis Rolls. P.R.O., 1923, etc.
- Custumals of Battle Abbey. Ed. S. R. Scargill-Bird. Camden Soc., 1887.
- Davis, H. W. C. England under the Normans and Angevins, 1905.
 Regesta Regum Anglo-Normannorum (1066-1100), 1913.
- Dilks, T. B. The Burgesses of Bridgwater in the 13th cent. Proc. Somerset Arch. Soc. Vol. lxiii., 1917.
 Bridgwater Borough Archives (1200-1377). Somerset Record Soc. Vol. 48, 1933.
- Domesday Book (*D.B.*). With Additamenta. 4 vols., 1783-1816.
- Domesday Book and Beyond (*D.B. and B.*). See Maitland.
- Domesday Monachorum. Somner, W. Antiquities of Canterbury. Pt. 1, app. 40, 1703. See Ballard, Inquisition.
- Douglas, D. C. Feudal Documents from the Abbey of St. Edmunds. Brit. Acad., 1932.
- Dover Charters. Ed. S. P. H. Statham, 1902.
- Drake, F. Eboracum, 1736.
- DuCange. Glossarium Mediae et Infimae Latinitatis. Niort, 1883-87.

- Durham, Simeon of. *Opera Omnia*. Ed. T. Arnold. *R.S.* 2 vols., 1882-85.
- East, R. *Extracts from the Municipal Records of Portsmouth*, 1891.
- Ellis, H. *General Introduction to Domesday Book*. Record Com. 2 vols., 1833.
- English Gilds. Ed. T. Smith. *E.E.T.S.*, 1870.
- English Historical Review (*E.H.R.*), 1886, etc.
- English Register of Osney Abbey. Ed. A. Clark. *E.E.T.S.*, 2 pts., 1907-13.
- Exeter, Anglo-Norman Customal of. Ed. Schopp, J. W. and Easterling, R. C., 1925. See also Wilkinson.
- Eyton, R. W. *Key to Domesday—Dorset Survey*, 1878.
Somerset Survey, 1880.
Court, Household and Itinerary of Henry II., 1878.
- Farrer, W. *Early Yorkshire Charters*. 3 vols., 1914-16.
Itinerary of Henry I. *E.H.R.* and reprint, 1919.
- Feudal Aids. P.R.O., 1899, etc.
- Foedera (O). Ed. T. Rymer and R. Sanderson. Orig. ed., 1704-35.
(Rec.). Ed. A. Clarke, etc. Record Com. 4 vols., 1816-69.
- Freeman, E. A. *History of the Norman Conquest of England*. 2nd ed., 1870-76.
- Furley, J. S. *City Government of Winchester*, 1923.
Ancient Usages of the City of Winchester, 1927.
- Gesta Regis Henrici secundi et Ricardi* [Benedictus Abbas]. Ed. W. Stubbs. *R.S.* 2 vols., 1867.
- Gesta Stephani*. In *Chronicles of the reigns of Stephen*, etc. Ed. R. Howlett. *R.S.* Vol. iii., 1886.
- Gilbert, J. T. *Historic and Municipal Documents of Ireland*. *R.S.*, 1870.
- Giraldus Cambrensis. *Opera*. *R.S.* 8 vols., 1861-91.
- Giry, A. *Histoire de la ville de Saint-Omer*, 1877.
Les Établissements de Rouen. 2 vols., 1883-85.
- Glanvill, de Legibus et Consuetudinibus Anglie. Ed. G. E. Woodbine, 1932.
- Gneist, R. *Geschichte der Communalverfassung*, 1863.
- Green, Mrs. J. R. *Town Life in the Fifteenth Century*. 2 vols., 1894.
- Gretton, R. H. *The Burford Records*, 1920.
- Gribble, J. B. *Memorials of Barnstaple*, 1830.
- Griffiths, R. G. *History of Clifton-on-Teme*, 1932.
- Gross, C. *Gild Merchant*. 2 vols., 1890.
- Harland, J. *Mamecestre*. Chetham Soc. 3 vols., 1861-62.
- Hegel, K. *Städte und Gilden der Germanischen Völker im Mittelalter*. 2 vols., 1891.
- Historical Manuscripts Commission, Reports of. Parl. papers, 1870, etc.

- Hudson, W. and Tingey, J. C. *Records of Norwich*. 2 vols., 1906-10.
- Hunt, W. *Bristol. Historic Towns*, 1887.
- Hutchins, J. *History and Antiquities of Dorset*. 3rd ed., 4 vols., 1861-70.
- Inquisition of St. Augustine's, Canterbury. See Ballard.
- Ipswich, Customal of. See *Black Book of the Admiralty*.
- Jacob, G. *Law Dictionary*, 1782.
- Jacob, E. F. *Baronial Reform and Rebellion*, 1258-67.
Oxford Studies, ed. Vinogradoff., 1925.
- Jolliffe, J. E. A. *The Hidation of Kent*. *E.H.R.*, 1929.
The Domesday of Sussex and the Rapes. *E.H.R.*, 1930.
- Jones, W. H. *Domesday for Wiltshire*, 1865.
- Keutgen, F. *Ursprung der deutsche Stadtverfassung*, 1895.
- Lapsley, G. L. *Buzones*. *E.H.R.*, 1932.
- Law Merchant, The. Ed. C. Gross and H. Hall. 3 vols., 1908-32.
- Lees, B. A. *Records of the Templars in England*. *Brit. Acad.*, 1935.
- Legras, H. *Le Bourgage de Caen*, 1911.
- Lewis, E. A. *Mediaeval Boroughs of Snowdonia*, 1912.
- Liber Albus. See *Munimenta Gildhallae*.
- Liber de Antiquis Legibus Londoniarum. *Chronicon maiorum et vicecomitum*. Ed. T. Stapleton. Camden Soc., 1846.
- Liber Customarum. See *Munimenta Gildhallae*.
- Liber Eliensis. [Ed. D. J. Stewart] *Anglia Christiana Soc.*, 1848.
- Liber Winton. See *Domesday Book*. Vol. iv.
- Liebermann, F. *Die Gesetze der Angelsachsen*. 3 vols., 1903-16.
- Lincoln Cathedral, *Registrum Antiquissimum of*. Ed. C. W. Foster. *Linc. Rec. Soc.* Vols. i-iii., 1931-35.
- Lincolnshire Assize Rolls (1202-9). Ed. D. M. Stenton. *Linc. Rec. Soc.*, 1926.
- Domesday*. Ed. C. W. Foster and T. Longley. *Linc. Rec. Soc.*, 1924.
- Lobel, M. D. *The Borough of Bury St. Edmunds*, 1935.
- Luchaire, A. *Manuel des institutions Françaises*, 1892.
- Lynn Regis. See *Red Register*.
- Madox, T. *Firma Burgi*, 1726.
History of the Exchequer. 2 vols., 1769.
- Maitland, F. W. *The Origin of the Borough*. *E.H.R.*, 1896.
Domesday Book and Beyond, 1897.
Township and Borough, 1898.
See also Pollock and Maitland.
- Malmesbury, W. of. *De Gestis Regum Anglorum*. Ed. W. Stubbs. *R.S.* 2 vols., 1887-89.
- Markham, C. A. and Cox, J. C. *Records of the Borough of Northampton*. 2 vols., 1898.
- Mayo, C. H. *Municipal Records of Dorchester*, 1908.

which Gross mainly relied. The actual charter (1299) might indeed seem incompatible with his view. It opens with the *liber burgus* clause to which is attached the grant of the liberties pertaining "ad liberum burgum" usually reserved for the *Volumus* clause, with a proviso (*ita tamen quod*) that the borough should be kept by a warden appointed by the king, *i.e.* not by an elective mayor. Eight liberties and customs are then separately granted: the right of devise, return of writs, freedom from external pleading, an elective coroner, a royal prison and gallows (for judgement of infangenethief and utfangenethief), freedom from tolls throughout the king's dominions, lot and scot in tallages by all enjoying the liberties, and two markets and a fair. The free borough and liberties clause and each of these grants are individually recited in the *Volumus* section.¹ On the face of it, there seems to be a distinction made between the liberties pertaining to a free borough and those which are specified. Fortunately, there has been preserved and printed by Madox² the petition from the men of Kingston on which the charter was granted, and this contains the substance of its clauses in practically the same order. The inclusion of the proviso about the warden, and the petition and charter of the men of Ravenserod, identical except in the market and fair clause, seem to show that the petition was not uninfluenced from above,³ but it may well be that the anxiety of the applicants to have their most important privileges set out in full accounts for their separate position in the charter. At any rate, we have a definite statement in the report of an *ad quod damnum* inquiry before the royal council (which has preserved the petition), that these were free borough privileges. The petitioners, it is stated, asked to be allowed to use and enjoy "quibusdam Libertatibus ad Liberum Burgum in Regno vestro pertinentibus." For any liberties and customs not specified but authorized by the general clause of their charter the new burgesses perhaps used Scarborough as their model, since they asked for exemption from toll as enjoyed by the burgesses of that town.

¹ Madox, *Firma Burgi* (1726), pp. 272-3.

² *History of the Exchequer*, i. 423.

³ The town had been governed by royal wardens since Edward I acquired it from the abbot of Meaux in 1293. The townsmen had held by rent from the abbey and under the king the vill is occasionally called a borough before 1299 (J. Bilson, *Wyke-upon-Hull in 1293* (Hull, 1928), pp. 61 ff., 71, 104). It will be noted that the warden proviso implies that an elective head was a normal liberty of a free borough.

Still further confirmation of Gross's interpretation of *liber burgus* comes from a charter of Edward which does not found a new borough, but enlarges an old one. In 1298 he annexed the lands of Pandon to the borough of Newcastle-on-Tyne and ordained that they should be one vill and one borough.¹ The charter goes on to grant that the burgesses of Newcastle should have in the lands and tenements of Pandon "liberum burgum sicut habent in predicta villa Novi Castri cum omnibus libertatibus et liberis consuetudinibus ad liberum burgum pertinentibus."² Here *liber burgus* must certainly carry more than the mere conversion of the Pandon lands and tenements into Newcastle burgages, for that is the subject of a special clause.³

Lastly, at Liverpool, where there was no question of new foundation or extension, we find the burgesses in 1292 identifying free borough with their lease of the farm of the town.⁴ Their case was weak, for they had no perpetual lease, but the claim confirms Gross's view.

This Liverpool identification of *liber burgus* with financial autonomy perhaps reveals a tendency of the term at the end of the thirteenth century to take on a narrower and more technical meaning. For the number of *liberi burgi* was certainly decreasing. This was the inevitable result of the extension of higher franchises to the more advanced boroughs and the differentiation produced by the reorganization of the police system culminating in the Statute of Winchester (1285) and by the introduction of a higher borough rate in national taxation. The smaller mesne boroughs whose privileges did not extend much beyond burgage tenure were losing burghal status and descending into the new category of *villae mercatoriae*. The process was somewhat slow, and was not complete until the fourteenth century was well advanced, but its causes lay far back. Among the boroughs which suffered this fate was Manchester. Recognized as a borough in royal inquisitions as late as 1322, and having a charter of 1301 closely following that of Salford (a *liber burgus*), it was judicially declared in 1359 not to be held by its lords as a borough but as a *villa mercatoria*,⁵ a

¹ *B.B.C.* ii. 41.

² *Ibid.* p. 6.

³ *Ibid.* p. 52.

⁴ See above, p. 196, n. 2. The Liverpool historians describe the lease as a fee farm, but a fee farm was a lease in perpetuity and the Liverpool grants were only for terms of years.

⁵ Harland, *Mamecestre*, iii. 449. Yet in the sense of "merchants-town" the term could be applied even to Norwich (Hudson, *Rec.* i. 63); cf. *Law Merchant* (Selden Soc.), ii. 104; Madox, *Firma Burgi*, 250, i, and *B.B.C.* II. lii. ff.

octovrgate regis (consuetudinariae), 17 n 5, 89, early meeting-place of court, 63 n 2, early loss of fields, 72-3, war service, 128, comital (?) houses, 145, farm, 154, fee farm, 191, liberties, 197-8, gild merchant, 226-7, 231, grant of land to Osney Abbey, 226-7, seal, 235, 239, burgesses and St Frideswide's, 235, early councils, 276-7, mayor, 291 n 4 See Mints

P

Page, Dr W, on London, 24 (1206) 269 n 1
 Pandon See Newcastle-on-Tyne
Panificis consuetudo See Baker's custom
 Parishes, borough, 55-6, 271
 Parliament, use of *communitas*, commune and "commons" in, 247, parliamentary boroughs, 357-8
 Peace, king's (*grith*), 40 n 3, 62 n 1, 119 n 3
 borough, 119
 justices of the, 335
 Pembroke, relief, 99, gild merchant, 349
 Penny, silver, replaces sceatt, 11
 Penrhyn [Cornwall], *liber burgus*, 206
 Peterborough, Abbey of, 94, 98, 102
 Petersfield [Hants], 229 n 5
 Petit-Dutaillis, C, 26 n 1, on commune of London, 347, on the urban meaning of *communitas*, 243 n 2, on Commons in Parliament, 247 n 2
 Pevensey, 56, lowey, 45 n 1, 56, in Cinque Ports confederation, 56 n 5, farm, 154
 Pillory, 208
 Pilton [Somerset], 18 n 7
 Pirenne, H, on town origins, 5, 21, on A-S merchants in Low Countries, 118 n 1, on *port*, 21 n 3
 Plymouth, common council, 329
 Pontefract [Yorks], free burgage, 215-16
Poorte, in Low Countries, 3, 5, 21, 131, 135
 Porchester [Hants], 17, 18 n 4, 7
Port, alternative name for A-S borough, 5, 10, 13, 18, 21 n 3, 22, 24-5, 27-9, 30, 341
gerefa, 5, 14, 27
 See also Borough and Trade

Portmansheth, 229
 Portmen, 270-1
 Portmoot, Portmanimot, 39, 225-6, 231, 233-4 287 n 3, 354 See Borough, Courts
 Portsmouth, 18 n 7, jurats, 289 n 2, 294 n 2
Potentiores, 243, 271, 284, 286, 291, 303 4, 319-20, 330-2
 Primogeniture, 111 n 3
 Prison, 204, 208
 Prisoners, custom of feeding, 97, of arresting and guarding, 134 n 3
 Probate, borough, 355 See Devise
 Provostry (*prepositura*), office of royal reeve (bailiff), 186, 225, 230, 234, seal, 239, 271.
Prudhommes, probi homines, (1) the body of burgesses, 244, 257, 286 n 3
 (2) official body of a borough, 244, 257, 266-70, 278-9, 286 n 3, 292, 307

R

Ramsey, Abbey of, 94
 Ravenserod [Yorks], 204
 Reading [Berks], 52, farm, 150, 154, mediatized, 155
 Recorder, borough, 331
 Reeves See Earl, King, *Port* and Provostry
 Reid, Miss R R, 26 n 1.
 Relief, 98-9
Renta, 104 and n 4
 Rhuddlan [co Flint], liberties, 203, 210, Robert of, 88-9, 93
 Richard I and the boroughs, 177-9, 182, 252
 Rochester, land grants to see, 7-9, *castellum*, 7, bp Eardwulf of, 7, hundred, 45 n 1, farm, 150, 152
 Romney, reliefs for ship-service, 125, barons, 260-1
 Marsh, *juratores, jurati* of, 289 n 1
 Rouen, Emma, viscountess of, 170, commune of, alleged copying of at London, 266-70, 292, 295, 296 n 2, 297
 Round, J H, 26 n 1, 73-4, on *tertius denarius*, 141 n 3, on commune of London, 181-2, 266-70, 340, 347, on supposed Picard origin of the Cinque Ports organization, 293-4
 Rye [Sussex], barons, 260

S

Sagus[m], cloak (?), 10 n 4
 St Albans, surrenders charter and seal, 237
 St George, hundred of [Dorset], 52-3, 56
 Saint-Omer [France, Pas de Calais], 110, 247 n 2
 Sake and Soke, 125-6, 128
 Sale of burgages, 101, 355
 Salford [Lancs], heriot, 99
 Salisbury, episcopal man and bor, 57
 New, seal, 236-7
 Saltash [Cornwall], 105 n 6
 Sandwich, hundred, 45 n 1, 49 n 2, reliefs for ship-service, 125-6, mediatized, 140, farm, 152, barons, 260, seal, 260, incorporation, 261 n 7
 Sarre [Kent] 10
Scabini (schoffen), 61 n 3, 266, 269, 295 See *Skivini*
 Scandinavia, early trade with, 118, mercantile settlements in Danelaw, 131 2
 Scarborough [Yorks], farm, 172, liberties, 204, 211, non-burgesses, 215 n 1
 Scaftesege [Bucks], 18 n 4
 Seals, municipal, 230, 235-7, 250-1, 257 8 260-1
 in France, 299 n 3
 Seasalter [Kent], 'little borough' of, 67, 141
 Sea-service See Cinque Ports and Maldon
Seniores, senatores, 301 See Borough
 Senlis, Simon de, lord of Northampton, 155 6
 Shaftesbury [Dorset], east gate of 15 n 5, 18, 51, 55, 356
 Sherborne [Dorset], burgages at, 207
 Sheriff, the Anglo-Norman, 149-51 225. See *Firma burgi*.
 the A-S, 147-8 See *Firma burgi*
 exclusion of, 217, 345-7, borough, 44, 331, 352
 Shrewsbury, 44, hundred, 45, liberty, 48 n 3, heriot, 81, merchet, 82, French borough, 105, mediatized, 149, 155, lease of farm, 174-5, 178, fee farm, 187, councils, 324
 Skivini, ? aldermen, 252, 266, 292, 297
 Skynburgh [co Cumb], *liber burgus*, 201, 209

Sochage, tenure by, in boroughs, 82, 107 and n 2 134, 218, 343
 Socager, heriot of, 80
 Soke of king and earl, 146
 Sokemen in boroughs, 78, 80 87
 Sokes, 23, 43, 97
 Southampton [Hants], 28, 57, land-gable, 90, 100, 109 n 2, farm, 170, 178, fee farm, 185 n 11, gild merchant and non gildsmen, 230-1, 249 n 2, alderman and mayor, 232 3, council, 279
 Southwark, 58
 Sovereign, of Irish borough See Kilkenny
 Speaker, common (*praelocutor*), 324
 Stafford, 24, comital houses, 145, third penny, 149 n 2, farm, 153-4, *liber burgus*, 197, 199, 217 n 1
 Stamford, lawmen, 43, 80, wards, 60 n 3, arable, 71 n 1, sokemen, 78, 80, abbot of Peterborough's ward, 94, baker's custom, 94, mediatized, 162 n 1
 Stenton, Prof, on meaning of *burgensis* in A-S times, 78, 95, on sokemen of Stamford, 78, 87
 Stephenson, Dr Carl, conception of the A-S borough, 4-5, 27, 130 8, 248, on borough and hundred courts, 33, 61, on *burhgemot*, 38, on the agricultural character of the ordinary A-S borough, 68-77, on effect of Norman settlements 103-8, 131-2, on the meaning of *burgensis* in A-S times, 78-9, 86, 95-6, on "villein and "serf" burgesses, 83-5, on origins of Cambridge, 131-2, on Scandinavian trading settlements in Danelaw, 131-2, on borough aids, 166 n 3, on *firma burgi* and election of reeves, 185-93, on *liber burgus*, 217-20, on municipal development in twelfth century, 248, on the origin of mayors and town councils, 296-301
 Sterkeley hundred [Wilts], 53
 Steyning [Sussex] borough and hundred, 56, 83
 Stockport [co Chester], *liber burgus*, 201
 Sudbury [Suffolk], transferred to Thingoe Hd for danegeld, 59
 Sunderland [co. Durham], 349 50

