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978-1-108-01043-6 - Charters of the Borough of Cambridge

Edited by Frederic William Maitland and Mary Bateson

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The city of Cambridge received its royal charter in 1201, having already been home to Britons, Romans and Anglo-Saxons for many centuries. Cambridge University was founded soon afterwards and celebrated its octocentenary in 2009. This series explores the history and influence of Cambridge as a centre of science, learning, and discovery, its contributions to national and global politics and culture, and its inevitable controversies and scandals.

Charters of the Borough of Cambridge

Professor F.W. Maitland was the foremost Victorian scholar on English legal history, and Mary Bateson a Cambridge medieval historian. This 1901 volume was edited for the Corporation of Cambridge and the Cambridge Antiquarian Society. It provides a transcript and translation of the royal charters issued to the borough of Cambridge between the twelfth and the seventeenth centuries. Maitland lays stress on the considerable independence the medieval borough had. It was largely self-governing, royal charters bestowing or confirming liberties rather than regulating the town governance or providing a constitution. However, there were some limitations, chiefly relating to justice, for which royal permission was needed. It was not until the late seventeenth century that royal authority began to tighten its control of borough affairs. The introduction explains the conventions of such charters, and how the reader should interpret the information contained therein. A valuable source of local history with wider significance.

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Charter of King John, 8 May, 1207.

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THE CHARTERS
OF THE
BOROUGH OF CAMBRIDGE

EDITED FOR
THE COUNCIL OF THE BOROUGH OF CAMBRIDGE
AND THE CAMBRIDGE ANTIQUARIAN SOCIETY

BY
FREDERIC WILLIAM MAITLAND, LL.D., D.C.L.
DOWNING PROFESSOR OF THE LAWS OF ENGLAND
AND
MARY BATESON
ASSOCIATE AND LECTURER OF NEWNHAM COLLEGE

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ILLUSTRATION

Charter of King John, 8 May, 1207, to face Title-page.

Note: The original measures 8½ ins. by 6⅞ ins.

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THE publication of the Ancient Charters of the Borough has been undertaken jointly by the Corporation of Cambridge and by the Cambridge Antiquarian Society.

We gratefully acknowledge our indebtedness to the late Mr F. C. WACE, M.A., sometime Mayor, Mr J. E. L. WHITEHEAD, M.A., Town Clerk, and Miss MARY BATESON for their valuable services, and to Dr MAITLAND for his admirable Introduction and general superintendence and revision of the whole work.

H. M. TAYLOR,

Mayor.

J. W. L. GLAISHER,

*President of the
Cambridge Antiquarian Society.*

CAMBRIDGE,

February 1901.

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AT a meeting of the Council of the Borough of Cambridge holden at the Guildhall this first day of January in the year of our Lord nineteen hundred and one it was resolved unanimously on the proposition of the Mayor seconded by Mr Alderman Deck "That this Council do hereby, in pursuance of the Honorary Freedom of Boroughs Act, 1885, confer upon FREDERIC WILLIAM MAITLAND, M.A., LL.D., D.C.L., Downing Professor of the Laws of England, the Honorary Freedom of the Borough of Cambridge, in recognition of the care and great ability which he has devoted to the investigation and the illustration of the early annals of this ancient Borough, and of his generosity in placing his erudition at the service of the Council by undertaking gratuitously the editing of the Charters of the Borough, and do hereby admit the said FREDERIC WILLIAM MAITLAND to be an Honorary Freeman of the Borough of Cambridge accordingly."

H. M. TAYLOR,

Mayor.

J. E. L. WHITEHEAD,

Town Clerk.

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INTRODUCTION

BY

F. W. MAITLAND.

THE good work of transcribing and translating the royal charters of the town of Cambridge was undertaken some years ago by the late Mr F. C. Wace, M.A., then Mayor of the Borough, and Mr J. E. L. Whitehead, M.A., the Town Clerk. After having been for a while in my hands, it has been brought to completion by Miss Bateson, Associate and Lecturer of Newnham College. Though more than one hand has laboured on this book, I hope that it will not be found unworthy of the Cambridge Antiquarian Society or of the Municipal Corporation which has generously sanctioned and forwarded the publication of these its ancient records.

Cambridge, when it compares itself with other towns, has no reason to be ashamed of its charters. All the kings and queens regnant of England from Henry I to Charles II are represented in the following pages, with the exception of Stephen, Richard I, Edward V, Richard III, and Henry VII, though Edward III and Mary Tudor will appear only in an appendix. The reader will be able to compare a curt writ of Henry I with the artificially contrived cadences that were fashionable in the chancery of Richard II and with the lengthy and wordy, pompous and yet very cautious clauses of the seventeenth century. And beneath all this he may see the growth of an English town.

But to see this he must look somewhat intently. It must be confessed that to a student of institutions the series of

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charters granted to a borough is apt to be a little disappointing, at least for a moment. He wishes to ask many questions that it will not answer. But, if that be so, it is because he has yet to learn that to answer those questions is not the proper function of the documents which the borough community obtains from the central power. He is interested in constitutions, and he sees in the Cambridge of 1833 (on the eve, that is, of the great Municipal Reformation) a constitution which, if decadent, is elaborate. He sees a mayor, four bailiffs, four councillors, twelve aldermen, four and twenty common councilmen, two treasurers, two coroners, a high steward, a recorder. He sees also a body, a small body, of burgesses. Moreover, he can discover how these various organs and officers of the borough are constituted, what are their duties and what their rights¹. Then, knowing that these matters had not been fixed by any general law, knowing that the reforming Act of 1835 was the first Act of its kind, he perhaps hopes that as regards each town separately he may see a constitution imposed upon it or manufactured for it by its charters. If that be so, disappointment awaits him. He has yet to learn how autonomous, how self-constituting and self-organizing the borough community had been.

During the Middle Ages the function of the royal charter was not that of 'erecting a corporation' or regulating a corporation which already existed, but that of bestowing 'liberties and franchises' upon a body which, within large limits, was free to give itself a constitution and to alter that constitution from time to time. There were things that it could not do unless it obtained a privilege from the king. It could not, for example, institute coroners, for that would

¹ Appendix to *First Report of the Commissioners appointed to inquire into the Municipal Corporations*, 1835, pt. iv. p. 2185. (I cite this work as *Mun. Corp. Rep.*)

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have disturbed the justiciary scheme of the shire of which the borough formed a part. It could not declare that its own officers should do that work of summoning, distraining and arresting which had theretofore been done, even within borough walls, by the sheriff. Nor could it take from the sheriff the power and duty of collecting those rents and tolls which were due to the king. It demanded from the king a certain amount of exemption and immunity. But, this having been acquired, it was very free to give itself a constitution, to develop a conciliar organ, one council or two councils, to define the modes in which burgherhood should be acquired, to adopt the ballot or the open vote, and generally to be as oligarchic or as democratic as it thought fit. And at least from the fourteenth century onwards a large use was made of this liberty. Elaborate constitutions were established and after a few years abolished, and some of our boroughs had revolutions enough to satisfy a South American republic.

It is not uncommonly supposed that this medieval autonomy came to an end in the age of the Tudors, or at all events in the age of the Stewarts; that charters were then granted to the boroughs which imposed rigid and oligarchic constitutions; and that such charters were the outcome of a definite policy on the part of the State. Only to a very small degree is this true of Cambridge. No charter proceeding from any Tudor did anything towards defining the constitution of the burghal community, and yet during the reign of Elizabeth that constitution was being frequently altered at important points by the activity of the burgesses in their Common Halls¹. The charter of James I (1605) did a very little and that of Charles I (1632) did a little more towards introducing rigidity by drawing a few constitutional

¹ Cooper, *Annals*, ii. 105, 107, 160, 163, 209, 226, 233, 241, 278, 310, 320, 341, 342, 383, 409, 461, 485, 597-8, 612.

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outlines, for an outline drawn by charter the burgesses could not destroy by by-law. But it is plain that these instruments were not thrust upon the town by the central power in the State. The charter of James I was obtained by the burgesses after a prolonged and bitter controversy with the University and at the cost of much money. No doubt, in 1685 we at length see royal interference which, however, could soon afterwards be pronounced unlawful and futile. To Charles II the Town had to surrender its power of electing its own officers. The famous suit against the City of London had placed all charters at the royal mercy, for hardly a borough in England could hope to satisfy the king's subservient judges that it had not misused and forfeited its liberties. Still even then, when the king had secured the main matter and had provided by his charter that for the future every borough officer should be 'amovable' by the King in Council, he was for the more part content with the constitution that Cambridge had been slowly developing. And, as we know, he failed. After the Revolution of 1688 the charter of 1685 was treated as void; the charter of 1632 was resumed; and, as will be evident to those who study its terms, it was very far from forcing upon Cambridge a constitution that was defined in detail. As a matter of fact, in 1786 a by-law made an important change in the manner in which the mayor was to be elected, and the validity of this change was upheld by the Court of King's Bench¹.

It may also be worthy of observation, for at this point mistakes can be made, that to the very last—that is, until 1835—the constitution of the corporate body at Cambridge was thoroughly democratic. It is true that this body had become very small. In a town with more than twenty thousand inhabitants it consisted of less than two hundred

¹ *Mun. Corp. Rep.* p. 2185; *Newling v. Francis*, 3 Term Reports, 189.

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men, and a considerable number of them lived elsewhere. But this, let us notice, was the result of the old community's autonomy. That community had been free, too free, to decide the terms upon which it would admit new members, and unfortunately in the eighteenth and perhaps in the seventeenth century that freedom had been misused for unworthy purposes. However, if we look at this little body, this body of burgesses, we see that it is thoroughly democratic. Despite the conciliar organs that it has evolved, despite the twelve aldermen and the four and twenty members of the common council, all the important affairs of the corporation are brought before a general assembly in which all the corporators, all the burgesses, have votes. Possibly it was because the burgensic body was so small that it preserved its democratic shape, but at any rate in Cambridge there never took place that transfer of power to a 'select body' of which we may read elsewhere. To the end the power of the corporation remained in a primary assembly of the burgesses¹.

These brief remarks have been written for the purpose of suggesting to the reader the point of view from which the following documents should be examined. All that he might like to know he will not find in them ; but then the mere fact that the charters are not dictating a constitution is highly important. He will doubtless know where to look for other documents. Cambridge has been very fortunate. Few indeed are the towns of England that can boast so good a book of local history as Cooper's *Annals*. Here we can offer no more than a few words about the royal charters, about the instruments which define the borough's relation to the king ; and we will take them in their chronological order.

I. *Undated Writ of Henry I.* Of the first of the documents that are here printed we have not the original. It is

¹ *Mun. Corp. Rep.* p. 2188.

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a writ of Henry I (1100—1135), addressed to Hervey, Bishop of Ely (1109—1131), and attested by an unnamed Chancellor, by Miles of Gloucester, and by Richard Basset, whose names seem to point rather to the latter than to the former half of Henry's reign. A comparatively modern copy of it is found in the Corporation's 'Cross Book.' Apparently the burgesses produced the original before the King's Bench in the days of Richard II (p. 80), and they obtained a confirmation of it in 1548 from Edward VI (p. 76). The fact that it was not included in earlier confirmations will not seem to throw doubt upon its genuineness if its import is considered, since such benefits as it bestows upon the burgesses were of a kind that must in all probability have soon become obsolete or were much more explicitly secured by more modern documents. The brief sentence in it which gave occasion for its production in the time of Richard II and again in the time of Edward VI merely expresses the king's will that men who do wrong in the borough shall 'there do right': that is, shall be tried in Cambridge and not elsewhere. Later documents defined in a far more accurate manner the privilege of being sued at home. Indeed it may be doubted whether Henry I, when he issued this document, supposed that he was conferring a boon upon the townsfolk. The main object of the writ which he sent to the bishop of Ely, who seemingly was acting as the local justiciar, and to the barons of Cambridgeshire, was to make 'his borough of Cambridge' the one 'port' and emporium of the shire. No boat is to be charged or discharged at any hithe in the county except at the hithe of the borough, and the town is to be the one place at which toll is to be taken: we might say in modern terms that the only custom-house is to be there. It has commonly been supposed that the king went so far as to forbid that any carts (*carete*) should be laden except in the borough; but this seems hardly a possible command. The

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important word appears to be, not *carete*, but *carece*, and this might well stand for barges¹. Indubitably if all traffic by water were thus banned to the hithes of the county town, that town would be a gainer. Still it was toll that the king wanted, and that toll would be paid to the king's officers for the king's use. It is only therefore by a stretch of words that we can give this remarkable writ a place among the borough's Charters of Liberties.

II. *Undated Writ of Henry II.* Our second document is a writ of Henry II (1154—1189) in which he declares that he has granted his town of Cambridge to the burgesses. Here again we have to rely upon a copy in the Cross Book and upon a confirmatory charter granted by Edward VI (p. 74); but we may also gather that the original of this writ was produced before the justices of Richard II (p. 80). Apparently it was then thought to be a writ not of Henry II but of Henry I, and the same opinion seems to have been prevalent in the time of Edward VI. In Richard II's day, so we are told, the burgesses exhibited an undated document which they ascribed to Henry I and which said just what is said by this writ of Henry II. A mistake about such a matter might easily be made in the fourteenth century when not every one remembered that Henry I was neither Duke of Aquitaine nor Count of Anjou. This error, however, seems to be the foundation of the belief, entertained by Mr Cooper, that a grant of the town was made to the burgesses by the first of the Henries though 'neither this grant, nor any copy or enrolment of it is now known to be extant².' Such a grant made at so early a day would have given Cambridge a highly exceptional eminence among her sister boroughs and we are

¹ See *carrica*, *carica*, in Henschel's Ducange. Also *carrack* in Skeat's Dictionary.

² Cooper, *Annals*, i. 22.

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inclined to suppose that the burgesses of Richard II's time pardonably confused the Henries and so misled Mr Cooper.

In the year which ended at Michaelmas 1185 the burgesses of Cambridge rendered an account at the Exchequer of three hundred marks of silver and one mark of gold 'that they might have their town at farm and that the sheriff might not meddle therewith'.¹ This would seem to be the occasion of the writ or charter that lies before us. Miss Bateson has ascertained by an inspection of the Pipe Rolls that in the next year, that which ended at Michaelmas 1186, the burgesses began to account for the farm of the borough. The writ is tested by Roger Fitz Reinfrid 'apud Keueilli,' a place which is not Kenilworth, but Quevilly near Rouen². The king was in Normandy from April 1185 to April 1186³.

The king grants the town to the burgesses who thenceforth are to answer at the Exchequer for the 'farm' or rent of the borough which has heretofore been paid by the sheriff. It would be impossible to state in a few words the precise legal effect of this transaction or to deal with all the questions that it raises. As the later history of our town amply shows, learned persons might hold different opinions as to the scope of the few rough words in which a king of the twelfth century spoke of one of his boroughs as a single thing which he could let to farm. Especially was there room for controversy over the question whether he had placed at the burgesses' disposal those bits of waste land which would sooner or later become valuable⁴. However, the main effect of the grant is that the bailiffs or other officers elected by the

¹ Madox, *Exchequer*, i. 399; Cooper, *Annals*, i. 28.

² We owe this identification to Mr Round, who kindly gave us his help at this point.

³ Eyton, *Itinerary of Henry II*, pp. 263-7.

⁴ I have spoken of this at some length in *Township and Borough*, Univ. Press, 1898.

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burgesses will collect those various royal dues which heretofore have been collected by the sheriff—the haw-gavel and land-gavel, that is, the small rents due to the king from houses in the town and arable strips in the fields, also the tolls of the market, the profits of the borough court and of the king's mill—and will thereout pay to the king that 'farm' or rent of the town which the sheriff has formerly paid as part of the 'farm' of his shire. There is a chance that the bailiffs may make a profit; but the main advantage that the townfolk gain is the exclusion of the sheriff and his subordinates.

It will be observed that this grant of the borough by Henry II is not a grant in perpetuity. It is a grant of the borough in 'farm' but not in 'fee farm.' Probably the king regards it as revocable, though the burgesses have been willing to give him a handsome sum for it.

III. *First Charter of John* (1201). To King John (1199—1215) Cambridge, like many other boroughs, owes her principal charters. The original of that which is dated on the 8th of January 1201 (p. 5) is not known to be extant, but a copy of it stands upon the Charter Roll at the Record Office. We may briefly set forth its contents.

The king grants to the burgesses of Cambridge a gild merchant and declares that all the burgesses of Cambridge of the gild merchant shall be quit of toll and similar dues (passage, lastage, pontage and stallage) in all his lands on both sides of the sea. It seems, however, to be extremely doubtful whether at Cambridge—and the same might be said of some other towns of equal rank—any gild merchant took definite shape and stood apart from the general body of burgesses. Apparently the freedom from toll which King John conceded was conceived to belong to every burgess of Cambridge merely because he was a burgess¹: in other words,

¹ Certainly this was so in later days: *Mun. Corp. Rep.* 2190.

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no trace seems as yet to have been found in later documents of any smaller body organized as a gild of merchants which was treated as having an exclusive right to that liberty which had been obtained from the king. It would appear, however, that the mayor and bailiffs, besides holding a court five times a year for suits concerning land, and besides holding a court every Tuesday for personal actions, were prepared to hold 'from day to day and from hour to hour their court of the gild merchant,' to decide disputes between merchant and merchant 'according to the exigence of the complaint.' This we are told in Richard II's day (p. 84). Thus we have a little evidence of a court which did summary justice between merchant and merchant and compelled the defendant to answer so soon as a charge was made against him ; but we do not know that the organization of this court differed in any respect from that of the ordinary borough court. Also we have from the Tudor time a little evidence of an attempt to constitute or reconstitute a gild merchant, of which, however, all burgesses were to be members¹. This occurs in 1547 exactly at a time when the burgesses were engaged in procuring a confirmation of their most ancient charters, and the suggestion seems allowable that their attention was directed by their legal advisers to the fact that the liberties granted by King John were granted to the burgesses of Cambridge 'of the gild merchant' and to none others². More of the gild merchant cannot here be said ; but John's time was the time when many of the boroughs were busy obtaining charters, when 'common forms' of charter were taking shape in the royal Chancery, and when a gild³ of merchants really was active and even dominant in some boroughs³.

¹ Gross, *Gild Merchant*, i. 10.

² Compare the resolution of 1547 in Cooper, *Annals*, ii. 2 with the two documents of 1548 printed below, pp. 74, 78.

³ This charter closely resembles one granted to Gloucester in the year 1200.

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We may too easily draw the inference that the organization of a town exactly follows the lines which seem to be drawn by its charter. As to the exemption from toll, this was a precious boon worthy of purchase by a good round sum, for the land was full of toll takers. Even until 1835 it was valued by Cambridge burgesses if they dealt in corn, and some of the inhabitants of Cambridge complained of the rules which debarred them from becoming members of the shrunken body which enjoyed this liberty.

Then we see jurisdictional privileges which once were highly prized. The burgesses are not to be impleaded outside the walls of the borough except in respect of 'exterior tenures': that is to say, lands which lie elsewhere. They may decline trial by battle, and instead may defend themselves in pleas of the crown according to the ancient custom of the borough, which probably required an oath sworn with oath-helpers. Their ameracements are to be no heavier than such as are sanctioned by the old law of the borough. Again, in suits touching land the ancient custom is to be observed. They are encouraged to make reprisals if the officers of other towns take toll from one who belongs to the gild merchant of Cambridge.

Then their fair in Rogation week—Reach fair—is secured to them. How they had become entitled to a fair held so far outside their town we are not told. They are to be freed from any *geares-gifu*, any year's gift or annual present which the sheriff may have been exacting: such exactions were common and were often called the sheriff's aid or sheriff's welcome. They need not attend those scot-ales which a sheriff is wont to hold: those feasts at which he sells his beer while no one else may sell any.

There follows a general concession of ancient liberties,

Rot. Cart. Joh. p. 56. See Ballard, English Boroughs in the Reign of John, *Eng. Hist. Rev.* xiv. 93.

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a declaration that any new customs established in time of war shall be quashed, a grant of royal protection to all traders who visit Cambridge, and a threat that those who trouble the burgesses will incur the penalty, the heavy penalty, of ten pounds.

On the whole this charter secured to Cambridge most of those 'franchises' which the chief boroughs of England enjoyed at the opening of the thirteenth century. Cambridge now starts upon its long career as a royally chartered town.

IV. *Second Charter of John* (1207). In 1207 a final settlement was made of the farm of the borough. The burgesses were to hold the town not only in farm but in fee-farm. They and their heirs were to hold it for ever at a rent of forty pounds of blanched money and twenty pounds of the current coin¹.

To this was added a short clause which said that the burgesses might make of themselves a reeve (*prepositum*) whom they would and when they would. Apparently the borough had up to this time had four bailiffs as its principal officers. It now, following what has become the general fashion, desires to have some one officer at its head. For a short while this officer may have been called the reeve or the alderman; but very soon, and perhaps even in John's reign, the title of mayor, which was rapidly spreading outwards from London, was adopted, and Hervey the son of Eustace the son of Duning appears as mayor of Cambridge².

V and VI. *First and Second Charters of Henry III* (1227). In 1227 when Henry III (1216—1272) had attained full age the burgesses obtained from him a confirmation of those liberties which his father had granted to

¹ As to the mode of reckoning money see Turner, *The Sheriff's Farm, Transactions of Royal Historical Society*, New Series, xii. 119: 'A sum of money reckoned by tale may be reduced to a sum of blanched money by making a deduction from it of one shilling in the pound.'

² Maitland, *Township and Borough*, p. 166.

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them. The two charters of 1227 are copies of John's two charters.

VII. *Third Charter of Henry III (1256).* In 1256 the burgesses went to the king for what may seem to us a strange concession. In the Middle Ages the town-community to which a trader belonged was often conceived to be under a certain liability for his debts. A man of Cambridge will perhaps be arrested in the borough of Huntingdon because some other man of Cambridge owes money to a man of Huntingdon. About the middle of the thirteenth century a good many boroughs were endeavouring to obtain exemption from this rule. It will be seen that King Henry III did not grant an absolute exemption to the townsfolk of Cambridge. The man of Cambridge and his goods are to be free from arrest for the debt owed by another unless that other is solvent and the Cambridge burgesses in their court have made default in justice: so if the Cambridge court has 'denied right' to a man of Huntingdon it will still be imprudent for any man of Cambridge to visit the neighbouring town. Not until 1275 was an end put to this system of intermunicipal reprisals¹, and long after that the old principle was still enforced against foreigners.

VIII. *Fourth Charter of Henry III (1256).* On the same occasion, but by another charter, some new and important privileges were acquired by the burgesses. First they were to have the highly valued 'return of writs.' Up to this time, though they had a court of their own in which the sheriff did not preside and though he no longer collected those revenues that had been granted in farm to the burgesses, he still had much to do in the borough. It was for him to execute all the processes of the king's own courts, the Chancery, Exchequer and Benches, and to do all the

¹ *Stat. West.* 1. c. 23.

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summoning, distraining and arresting that royal writs commanded. The townsfolk desired to get this work into their own hands so that it might be done by their elected officers. When they have the 'return of writs' the sheriff will still be the person who will be directed by the king's courts to make the requisite summonses, distraints, arrests and so forth; but he will be bound to hand on the writs to the town officers who will execute them. If those officers make default, then the sheriff may be told to disregard the franchise of the town (*quod non omittas propter aliquam libertatem*); still normally all this executive work will be done by the town's own officers. This is a privilege which many boroughs were seeking in the reign of Henry III. At a later time a few took a further step along the same road, and, being made 'counties of themselves,' had sheriffs of their own who were the direct recipients of the writs that flowed from Westminster.

Another right that was granted to the Cambridge burgesses in 1256 was that of entertaining in their court the action which was called in Latin *de vetito namii* and in French *vee de nam*. We know it as the action of replevin. It had been treated as an action which did not fall within the ordinary competence of the communal and seignorial courts, for the distrainer who refused to surrender the distrained goods when security was tendered to him for the prosecution of the claimant's suit was regarded as committing a serious offence against the king.

Thirdly, the townsfolk were to have the right of electing coroners. To be free from the interference of the officers of the shire was the object at which they had been aiming, and by the end of Henry III's reign their exemption was almost complete.

IX. *Charter of Edward I* (1280). From Edward I (1272—1307) they sought no more than a confirmation of

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previous charters. In his reign a confirming charter takes the form that is known as an *Inspeximus*. The king says 'We have inspected' such and such charters of our ancestors and we now confirm them: the contents of the documents that are to be confirmed are recited at full length.

X. *Charter of Edward II* (1313). From Edward II (1307—1327) we have a charter granted in 1313. He confirmed charters of his father and grandfather, and the confirmation was followed by a clause which had become usual and which declared that the burgesses were to enjoy the chartered liberties although of such liberties they had made no use in the past. This was a protection against the legal doctrine that franchises are forfeited as well by non-use as by misuse or abuse. A few new privileges were then conceded. The burgesses were to be free from pavage, murage and pickage throughout the king's dominions. Apparently therefore a Cambridge man who went into another town might not only refuse to pay toll and other dues of a similar kind, but could not be compelled to contribute to the paving of the streets or the maintenance of the wall of the town to which he had gone¹. The right of the burgess to plead and be impleaded only within the borough was declared and defined. The jury which convicts him is to consist of his fellow-townsmen unless either the king or the community of the borough is concerned in the cause. The burgesses may bequeath lands and tenements within the borough as though they were chattels. It is not improbable that long before this in Cambridge, as in other boroughs, the right to give lands by last will had been assumed and was already regarded as sanctioned by custom.

XI. *Letters Patent of Richard II* (1377). The long

¹ The old pavages and murages were not direct taxes like modern rates but partook of the nature of tolls. This was at least the common case.

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reign of Edward III (1327—1377) is unrepresented. We may suppose that by this time the men of Cambridge had acquired all the privileges that they needed from the king and were busily engaged at home in developing their institutions within those wide limits that were set by the law of the land and by the not illiberal immunities that their ancestors had purchased. On the other hand, from Richard II's time (1377—1399) come some highly important documents. However, the letters patent which were obtained in 1377 at the very beginning of the reign were a mere confirmation of Edward's II's charter. We say 'letters patent' for, though it is common to speak of all or nearly all the instruments which the kings grant to the towns as 'borough charters,' still there are formal differences between the solemn *carta* and the less solemn *litterae patentes*, and, as usually happens in such cases, the less solemn form gradually prevailed over the more solemn. The reader who is careful of such matters may contrast the long and sometimes very interesting lists of witnesses who attest the execution of a true *carta* with the curt *Teste meipso* which the English king thinks a sufficient authentication of his open letters.

XII. *First Charter of Richard II* (1382). We come to a document which records not an increase but a diminution of those liberties that the community had enjoyed. The story of the Peasants' Revolt in 1381 cannot be told here; but in consequence of the riots in Cambridge the borough was adjudged to have forfeited its franchises. The effect of such a forfeiture would be not only that the burgesses would lose the precious immunity from toll and other like privileges that had been granted to them, but also that some warden appointed by the king would take the place of their elected mayor and that their farming of the town would come to an end. However, after they had made humble submission, a less extreme punishment was imposed. Their rent was

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raised from 101 to 105 marks (in other words from £67. 6s. 8d. to £70), and at the same time a certain portion of their liberties was taken from them and bestowed upon the University. This portion consisted of the guardianship of the assizes of bread, wine and beer, the guardianship of the assay and supervision of weights and measures, the jurisdiction over regraters and forestallers, and the jurisdiction over sellers of unwholesome victuals. Jurisdiction was a source of revenue, and the result of this change would be that a considerable number of fines and amercements which otherwise would have been paid to the mayor and bailiffs of the borough would flow into the coffers of the University. On these unfavourable terms the liberties of the Town were restored to the body which we may by this time call the corporation of the borough: its rent or 'farm' was increased and its income was diminished, probably by at least £10, for this was the sum which the University was annually to pay for the jurisdictional rights that it was acquiring¹.

The task of reading a Latin charter of this age may perhaps be lightened if the reader knows that, following a fashion set by the papal chancery, the scribe of the charter is often aiming at the production of a certain rhythmical effect. He wishes to end as many clauses as possible with one or other of a few admired cadences. The nature of the favourite cadence may be illustrated by some of the instances that occur in the document which lies before us. Thus we have—*graviter impetiti*—*notorie redundabant*—*forisfacere non deberent*—*humillime submisissent*—*integre seisienda*. It is as though a man writing in English were to strain after such ends for his sentences as—'university jurisdiction'—'liberal education'—'all of his faithful lieges'—'to the contrary

¹ For the Peasants' Revolt see Cooper, *Annals*, i. 120; Maitland, *Township and Borough*, p. 192; Powell, *Rising in East Anglia*; Trevelyan, *England in the Age of Wycliffe*, c. vi.