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The Royal Charters of the City of Lincoln

Lincoln was one of the wealthiest English cities from the twelfth to the fourteenth century, although it subsequently declined. This 1911 volume edited by Walter de Gray Birch contains transcripts and translations of the royal charters issued to the city of Lincoln between the twelfth and seventeenth centuries. The introduction discusses the physical condition, content, and importance of the charters, and the necessity for their preservation and publication as the foundations of modern civic democracy. The charters cover a wide range of topics, including protecting the guilds from outside competition, permitting the election of civic officers, allowing building work, and the holding of regular markets. The city authorities were diligent in getting charters and privileges confirmed by successive monarchs, which preserved the content of early, now lost, documents. Although the translations do contain some errors and misunderstandings of the original, this is a valuable collection of documents on city administration.

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The Royal Charters of the City of Lincoln

Henry II to William III

WALTER DE GRAY BIRCH



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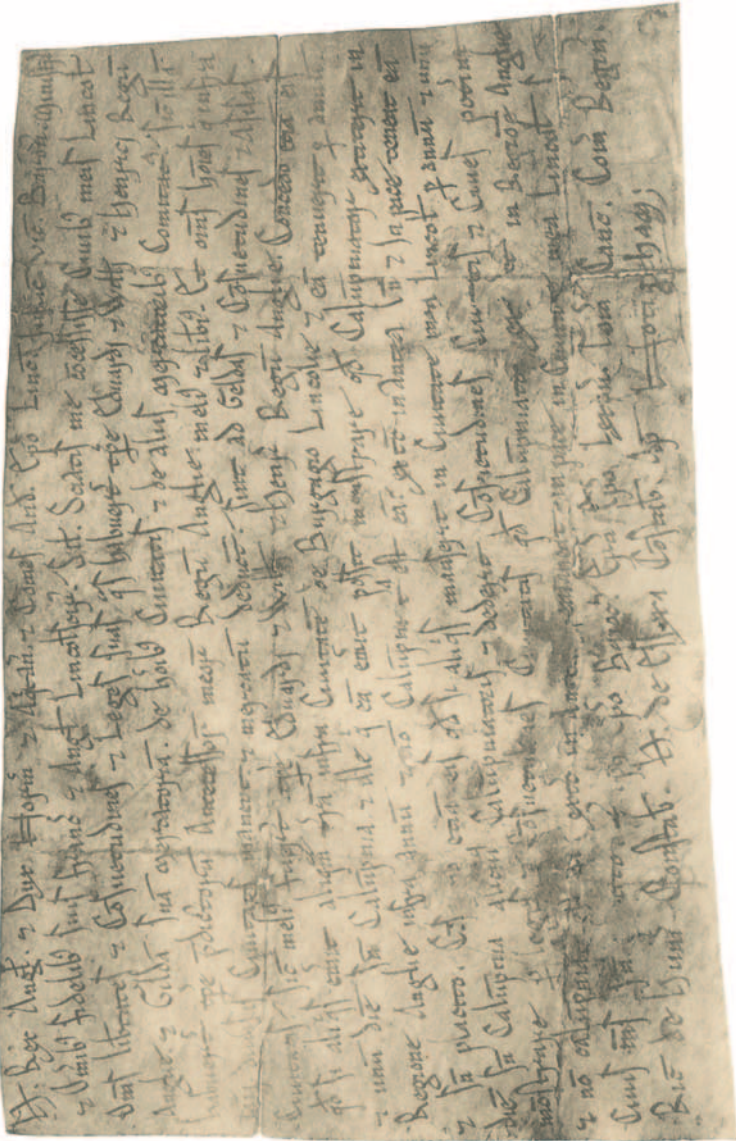
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Plate I



Charter of King Henry II
(See page 1)

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The Royal Charters
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HENRY II TO WILLIAM III.

Transcribed and Translated
with an Introduction
by
WALTER DE GRAY BIRCH, LL.D., F.S.A.

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INTRODUCTION

THE origin of the City of Lincoln, like that of most other cities, is lost in the obscurity of the ages. The site of the City is in every way very remarkable. Perched, as it were, on a lofty projecting promontory of land, at the extreme edge of the high ground which divides the Northern part of the County from the Southern part; looking due South over the valley-bed of the wide prehistoric river which reaches nearly from the very foot of the Greestone stairs to the ridge opposite, and is now just indicated by the narrow, sluggish stream of the River Witham; within reasonable distance of Peterborough, Boston, Grantham, Newark, Gainsborough, Barton, and many other mercantile and rural towns; and commanding the main North Road from London over the Wolds to Hull and the Humber, it could not be but that the site of Lincoln recommended itself to the early inhabitants of this country. Nor are visible signs wanting, to show those who can read them aright the various successive stages of human occupation, many of which have been chronicled in some of the latest works on Lincoln History.

Not to mention earlier or prehistoric vestiges, and the shadowy legends of Lind-coit, the British site of Lincoln, nor the late Precentor Venables' derivation of Lyn-dun, "the pool under the stronghold on the hill," there are the Roman remains of public buildings, walls and gateways, over which a wise forethought of the authorities who control the destinies of the City has placed a protective hand to shield them for ever from the destructive march of time. There are to be seen, by all who pass along the Bailgate, a series of circular spots marked out by granite setts, which to the casual observer appear to be devoid of meaning. But if we search below the surface of the ground, or descend into the basement of one of the houses, we shall find the Roman foundations and Roman bases of columns which nearly two thousand years ago adorned the Government Buildings of the Roman Rulers. The lapse of these twenty centuries of time has gradually raised the superjacent ground, which now assumes a level by some writers put at from nine to twelve feet above the Roman pavement.

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In the same way, the rules and regulations which governed the concourse of inhabitants at that remote period, lie buried under the successive series of documents framed from time to time by way of improvement of, or substitution for, the simpler laws under which the first people who dwelt within the City boundaries fashioned their morals and manners. The consideration of these local laws, as defined by the almost unbroken series of Charters granted to the citizens by successive Sovereigns of England, here claims our attention. These Royal Records are numerous, and although by misfortune the original texts of many have been lost by unaccountable causes, yet many, and not the least important, still remain in possession of the Corporation, and many can be recovered, because of the judicious system followed in the Middle Ages of causing copies of all royal documents to be enrolled or otherwise preserved among the Records of the Realm.

The painstaking and learned authors Merewether and Stephens, to whose history¹ of boroughs and municipal corporations I am much indebted, and from which I have made several references in this Introduction, discuss many important points in the development of the City of Lincoln. This work should find a place in the Library and Council Chamber of every British Corporation.

In the roll of five Parliamentary Boroughs of Lincolnshire—Lincoln—Grantham—Stamford—Great Grimsby—and Boston—at the time of the Domesday Survey two—Lincoln and Stamford—alone are mentioned as Boroughs. Lincoln is described as a City, and in the time of King Edward Confessor there were nine hundred and seventy inhabited mansions or dwelling-houses, but that number is computed in English to be one hundred for one hundred and twenty. There were also in this same city twelve “lage men” having “sac” and “soc.” Fourteen persons—who seem to have been Saxons—are stated to have “toll” and “them,” and now (*i.e.*, at the time of the Survey) there are as many men having “soc” and “sac,” all of whom are mentioned by name. Many persons are described as having mansions in the City—one has his hall (probably a stone built house) quit of all customs—another has his hall—and one has a mansion without the hall whereof

¹ The History of the Boroughs and Municipal Corporations of the United Kingdom from the Earliest to the Present Time with an examination of Records, Charters, and other Documents, illustrative of their Constitution and Power, By Henry Alworth Merewether, Serjeant at Law, Solicitor-General to the Queen, and Archibald John Stephens, M.A., F.R.S., Barrister at Law. 3 vols. London. 1835.

² These are a class of persons recognised in the *Laws of Edward Confessor* and in the *Senatus Consultum de Monticulis Walliae*, equivalent in all likelihood to the borough jury and enjoying privileges and exemptions.

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he has land-gable. The manse of another is quit of all custom. A priest has a manse with "soc" and "sac." Gilbert de Gand, a powerful Norman leader, had the same and a manse quit of all custom. Earl Hugh and Roger de Busli have each a manse with "soc" and "sac." The Countess Judita has one manse without "soc" and "sac." Remigius, Bishop of Lincoln, has a little manse with "soc," "sac," "toll" and "them." And upon this and other manses nothing is paid except the geld of the King, which they give with the burgesses. Of three superior manses there is one quit of all things, but two are in geld with the burgesses. Of the manses here which were inhabited in the time of King Edward Confessor there are now two hundred waste—English number twelve hundred and forty—(some error of the original scribe here for two hundred and forty)—and in the same numeration seven hundred and sixty are now—in the time of the Survey)—inhabited. Misfortunes, poverty, and burning by fire account for seventy-four and the castle for one hundred and sixty-six of the above mentioned two hundred waste manses. It must be noticed that in the Domesday account of this City the burgesses are expressly mentioned as paying the geld.

Before proceeding to deal with these Charters one by one, let us pause to consider what is meant by a Charter, what value a Charter possesses, and why we should do our utmost to preserve, publish, study, understand, and appreciate them. A Charter is a public document running in the name of the King, and attested by the King's most intimate and influential advisers, whose assent and approbation is indicated by their names and dignities being introduced into the body of the instrument. It is usually directed to the Archbishops, Bishops, Sheriffs, Justices, Barons, Ministers, and the whole body of the King's subjects, and it confers specified and specially-mentioned privileges, gifts, concessions, or other valuable benefits, powers, property, or liberties upon the person or body corporate in whose favour it is granted. The privileges which it sets forth in detail are to be enjoyed during the pleasure of the Sovereign in accordance with the expressed terms of its words, and these privileges are valid in Courts of Law, and cannot be annulled, diminished, or disturbed by any authority except that of the King himself, or by voluntary renunciation on the part of the recipient.

In the enjoyment of these wide-reaching powers the towns and cities of England have grown great, powerful, progressive, beneficent, and secure; and hence it behoves us all that the actual documents which confer these privileges, and the very words in which these

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privileges are contained, should be preserved from harm or loss by those who have taken upon themselves the responsibility of governing their fellow townsmen in accordance with the authority which they originally derived from these very instruments. It is true that their authority is now derived from the Municipal Corporation Acts.

Actuated by these laudable motives, your Corporation, in the spring of 1904, looked into the condition of their ancient records, with a view to ascertaining what yet remained of them, and it was found necessary to have them examined and freed from dust and mildew, and the incipient ravages of their decay arrested. The duty of putting them in order, after the manner followed by the Manuscript Department of the British Museum, was recognised: for it became abundantly evident that it was not a moment too soon to begin if these archives were to be preserved from the dangers which threatened them. Now, every document is securely placed away in boxes resembling those used by that Museum for the proper storage and preservation of the National Collection; and with reasonable care, your Charters and historical deeds, in which the whole mediæval life of the City of Lincoln is contained, will be in as good condition hundreds of years to come as they now are, to delight those who love to study municipal life and progress by the lights thrown upon them by the very documents and records themselves. The Catalogues of the Books of Records, the Rolls, the Deeds, and the packets of Title-deeds and Miscellanea, have been completed; and, subject to necessary regulations, it is competent to every one to inspect them for any useful purpose.

The Pipe-Rolls of the year 1157, 3 Henry II, contain, among other items of local interest, notice of the "aid" of the CITY of Lincoln, and record that the *tellarii*, or weavers of Lincoln, pay for their guilds, a fact which indicates considerable civic order.

I.

King Henry II gave no fewer than six Charters to Lincoln. The first is no longer extant as an original document, but the text is contained in an *Inspeximus* or Confirmation Charter of King Henry III, by which the latter King ratifies the Charter of his grandfather, Henry II. Herein the second Henry, who styles himself King of the English, Duke of the Normans and Aquitanians, and Count of the Angevins, commands his Sheriffs and Ministers of Lincolnshire to cause "foreign" merchants, *i.e.* merchants who are not inhabitants of the city, but from outside places (*foris*), to come to Lincoln and exercise their callings as they used to do in the time of

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his grandfather King Henry I, to the end that the Provosts of Lincoln may not lose the King's royal customs. This Charter throws a great light upon the history of the city. It indicates that the city's trade had been better in the time of King Henry I (1100–1135) than it was in the time of King Henry II (1154–1189), who feared that the receipts of Crown dues would languish, unless the outside merchants were induced to come and trade in the town. The Charter was attested by Richard de Lucy, and promulgated at Wodestock. It is inspected by later Sovereigns at pages 14, 19, 24, 40, and 45.

The Rev. W. D. Macray who reported in 1895 on the Lincoln Charters to the Historical Manuscripts Commission found among your archives a transcript from the Records in the Tower, of the recital in an *Inspeximus* Charter of the second regnal year of King Richard II (1378–9), of the grant by King Henry II to Robert [de Querceto, 1147–1166], Bishop of Lincoln, and his successors, for their buildings and houses, of all the land with the ditch from the wall of Lincoln-Bail on the eastern side, round the Church of St Michael as far as St Andrew's cemetery, and from that cemetery as far as the city wall towards the east, free from langavel and picage and all other things; "and the bishop may freely pierce the wall of my bailey to make a gateway for facilitating his entry and exit to and from the church, and so arrange his buildings that they may be extended to each wall." Witnesses:—Roger, Archbp. of York, Thomas the Chancellor, Rich. de Luci, Warin son of Gerold, Chamberlain, William son of Hamo, Robert de Dunstanville, Joceus de Balliol. It was given at Lincoln, but no date of day or year is mentioned. The date of this document is between the years 1154 and 1158. This we are told is an office copy, made by Geo. Holmes, and attested by W. Harvey, 24th February, 1704. The text is on Charter Roll, 2 Richard II, No. 5, but the actual original is not now known to exist, nor can the transcript be found among the Lincoln archives¹.

II.

The first document of this series which is preserved in the Muniment Room of the city is a Charter of King Henry II. Its existence there was not always known. The parchment labels of the seal remain, with a very small fragment of the wax on one of its labels, together with a silver rim or frame in which the seal was at some time placed, probably about the seventeenth century when the deed was affixed, for preservation, to its present parchment back. The Charter

¹ Macray's Report, p. 14, from Ross, *Civitas Lincolnia*, pp. 12–20.

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is addressed to the Bishop of Lincoln and other official notables, and declares that the King has granted to the citizens all their liberties, customs, and laws, which they had in the time of Edward the Confessor, William the Conqueror, and Henry I, and their merchant-guild of the men of the city and other merchants of the county: and all those who dwell in the four wards (*divisæ*) of the city are to ply their trade without hindrance; with provision that peaceable tenure for a year and a day without adverse claim is to be a bar to any pleadings against the purchaser, and to entitle the holder to the privileges of citizenship.

This Charter was promulgated at Nottingham, and it is recorded that King Henry II was in that town in the year 1157, about which date this Charter may have been granted. An early copy is preserved in the enrolments of the Chancery, entitled the "Cartæ Antiquæ," F. 16: an example of the usefulness of copying records; for had this original sealed Charter been lost, the actual tenor of its text could have been recovered if any suit depended on its express terms—(as no doubt was often the case)—by reference to the Chancery Records, which were always accepted as evidence in Courts of Law. It is given at page 1.

King Henry II granted several other Royal Charters to Lincoln, but they are no longer extant, except in the form of Inspeximus, or examination and approval by later kings.

III.

One of these, inspected later at pages 18 and 40, deals with the tolls to be taken from the merchants of Norway bringing their wares to the port of Grimsby or other parts of the County of Lincoln, which tolls were payable to the Provosts of Lincoln under the then very severe penalty of ten pounds. It was attested by William fitz John at Worcester.

IV.

Another, inspected at pages 20 and 41, deals with the taxation of the inhabitants of the four wards of the city. It was given at Nottingham.

V.

Another, inspected at pages 19 and 41, required the actual presence of the merchant who dyed or retailed his cloths in Lincoln, and confirmed the customs.

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VI.

Another, inspected at page 39, relates to the fee-farm of the city, and its method of collection. It was given at Stamford.

VII.

King Richard I granted a Charter to the citizens of Lincoln, couched in the usual terms of address to the Archbishops, Bishops, Abbots, Earls, Barons, Justices, Sheriffs, Ministers, Bailiffs, and all his faithful lieges, both French and English. The author of *Civitas Lincolnia* somewhat enlarges on and somewhat misunderstands the terms of this Charter, and is inclined to magnify some of its clauses and to overlook others.

By it the King grants that none of the citizens shall be impleaded outside the city in respect of any plea, unless it be in pleas of outer tenures, except the royal moneyers and ministers. The citizens were to have quittance for the tax levied on the district, when a manslaughter or murder had been committed within the city or portsoke; Judicial "Duel" was abolished, a means up to that time used by law to settle certain disputes; Pleas of the Crown were put on an easier footing for the citizens; and no one could claim a billet on any citizen against his will, even if the Marshal had in this wise apportioned him a lodging. This last clause seems to relate to those who were going about from place to place collecting the royal dues. By it, also, all citizens were to be exempt from toll and lastage, a ship's loading-tax, throughout the realm of England and the seaports; no one to be fined except in accordance with the scale current in London; Miskening, or fine for misinterpretation of the article of any indictment or not meeting it in accordance with established rule and precedent, was abolished; one weekly Borough-ward meeting was instituted, which seems to be the equivalent of a modern weekly sitting of the Common Council; pleas of various kinds were to be heard within the city; and if anyone throughout the realm had taken toll or custom from the citizens of Lincoln, the Provost of the city was to take a repayment thereof. Also, for the benefit of the city, the citizens were to be free from brid-toll, the annual gift to the King's wardrobe, scotale or enforced monopoly under certain circumstances in the ale trade, and several other valuable privileges were hereby conferred on the citizens. An important and far-reaching clause concluded the gifts bestowed by this King on the citizens, whereby they were to enjoy all the customs above enumerated, and all other the liberties and free customs which the citizens of London had or have when at their best, according to

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the liberties of London and the laws of the City of London¹. In return for these truly valuable concessions, whereby the City of Lincoln was put on an equal footing with that of London in respect of royal taxation, an annual contribution of ninescore pounds of Lincoln money was to be paid by the city into the King's Exchequer at the two terms of the year then in vogue, viz. Easter and Michaelmas, by the hands of the city provost, who was to be a fit and able person in law elected yearly by the will of the citizens.

This Charter is attested by the Archbishop of Canterbury, and other prominent advisers of the King, and was promulgated by William, Bishop of Ely, the King's Chancellor, at Winchester, on the 23rd April, in the fifth regnal year of the King, which corresponds with the year 1194. Its text is only found in the inspections of later date at pages 20 and 42, and there is a copy transcribed somewhat carelessly, and in one or two passages obscurely, in the White Book of your Records (page 150), in the handwriting of a town clerk of the fifteenth century, which has been printed here at page 3.

Merewether and Stephens, discussing the terms of this Charter, point out that Richard I granted the usual privilege that they should not plead without the walls; quittance of murder within the city; and the portsoke, a term explained as meaning the liberty of the *porte*, or town, which usually extended without the walls; freedom from forced lodgings taken by the King's Officers, from toll, and from amercements for money, except according to the law of the citizens of London; that there should be no miskaning; and that the burgh-mote should be held only once in a week. This latter privilege affords a strong inference that all the inhabitants were compellable to attend there, otherwise such a limitation would not have been introduced for their benefit.

The burgesses were to have their lands, tenures, pledges, debts, etc., according to the custom of the city. Taking toll from the men of Lincoln was to be prevented by interposition of the reeve who is mentioned twice in this Charter. All their liberties and free customs which they or the citizens of London have had, were confirmed to them and their heirs to hold hereditarily, rendering a rent by the reeve to which office they were to elect whom they pleased.

VIII.

Merewether and Stephens have put on record that King John granted two Charters to the City of Lincoln,

¹ See W. de G. Birch, *The Historical Charters...of the City of London*, 4^o, 1887.

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The first (Rot. Cart. 1 Joh. memb. 30) resembles the first Charter granted to the citizens of London, which carries back the franchises of Lincoln to the period of Henry II, the date of the grant to London.

This grant to Lincoln gives, in substance, "an exclusive jurisdiction," one privilege being that of not pleading without the city, nor being obliged to wage battle after the legal practice of those ages but to try the matter according to the laws and liberties of the City of London. The last may be compared with that of the London Charter, but it is not included in this work.

IX.

Six years afterwards, on the same day of the year, as King Richard I's Charter, 23rd April, 1200, we meet with a Charter of King John, which is still preserved among the Lincoln muniments. Some considerable time ago, the custodian endeavoured, unwisely, to counteract the damaged condition of this Charter by fastening to its back a portion of the record of a plea heard at Westminster in the time of Queen Elizabeth, while the fragments of the Great Seal were fastened in a silver frame within folds of paper sewn together.

This is the second Charter of King John. Many places in the text of this document are now no longer able to be deciphered, but the Charter Roll of King John, preserved in H.M. Record Office in London (part 2, membrane 3) contains a good copy, from which the missing words in the text can be made good. The vellum, or parchment on which the Charter is written, has suffered from the action of the adhesive material, gum or paste, which has been used in fastening the parchment to it. By the terms of this Charter, the concessions of King Henry II's Charter are recapitulated: the prohibition from taking toll or custom from the citizens of Lincoln anywhere in England is modified by a saving clause in favour of all the liberties of the City of London; and two of the more law-worthy and more discreet citizens are to be selected by the Common Council of the city and sent up to the Lord Chief Justice at Westminster; these two are to well and truly keep the Provostry of the City of Lincoln, and not to be removed, so long as they conduct themselves properly in their office, except by the Common Council of their city. This was an improvement on the earlier method of appointing one Provost of the Crown. The Common Council was also empowered by this Charter to elect four of the more law-worthy and more discreet citizens to maintain the Pleas of the Crown, and other pleas which appertain to the King or his Crown, in the said city; and to see that the Provosts justly and lawfully dispensed

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justice alike both to the poor and the rich. The witnesses to the deed include the Bishop of London and the celebrated statesman William Briwere. It was promulgated at Awelton, in co. Southampton, now called Alton, in the first year of the King's reign, which corresponds with the year of Our Lord 1200.

The author of the work entitled *Civitas Lincolnia* states, that to this Charter the King put his signature, but this is very improbable. The King no doubt ordered the Keeper of the Great Seal to append an impression in wax of the seal which he had in his keeping by virtue of his office, and the fragments of this are still extant. They can be carefully put together, and then, with due care, need never again be lost or diminished.

The authors already referred to point out that this second¹ Charter of King John¹ is a confirmation of the former granted earlier in the same year, with this addition, that the city might "by the Common Council" elect two of the most lawful and discreet citizens who should keep the reeveship of the city and should not be amoved so long as they conducted themselves well in their bailiwick, unless "by the Common Council" of the city. And that the citizens might, "by the Common Council" elect four of the more lawful and discreet to keep the Pleas of the Crown. These privileges were exceedingly important and they laid the foundation of the future prosperity of the city and the liberty of the inhabitants, for this clause practically confers on the citizens of Lincoln the power of electing two persons—"lawful men"—who were to fill the office of reeve, bailiff, provost, or mayor, and was the same as that granted to London in the Charter authorizing the citizens to choose their mayor. But these are directed to be chosen by the "Common Council," a term frequently applied to support and justify the acts of select bodies in corporations. Merewether and Stephens point out that at this period there was neither in Lincoln, nor in any other place in the country, a municipal corporation, and the term must be taken to mean the deliberation and consent of any body of men, just as the King performed acts by the Common Council of the archbishops, prelates and barons, *teste* the Magna Carta, and other *diplomata* of the realm.

The four "lawful men" here appointed to administer the Pleas of the Crown were, no doubt, a reduced number of the twelve "lage men" of Lincoln mentioned in the Domesday Survey, of whom some notice has already been made.

¹ Rot. Cart. 1 Joh. memb. 3, part 2.

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King Henry III, whose reign of upwards of fifty-six years was one of the longest in the annals of our country, appears to have granted four¹ Charters to the citizens of Lincoln in 1227, 1255, 1262, and 1272, according to the book mentioned above; but Mr Macray draws attention to an earlier Charter of this King, dated the 21st of November, in the eleventh year of the King's reign, which would fall in the year of Our Lord 1226. It is extant in the form of a fifteenth-century transcript, contained in the earliest Book of Records called "White Book" (folio 150). This Charter will be found on examination to be a grant of privileges to the burgesses of Cambridge and to contain nothing relating to Lincoln. Its entry in the Lincoln book is owing to the fact that copies of Royal Charters were sent about to various repositories for the purpose of publication.

X.

The same book, on the same page records King Henry III's Charter of exemplification of King Richard I's Charter already dealt with. No closer date than 11 Henry III is given to this which would accordingly fall on a day between 28 Oct. 1226 and 27 Oct. 1227, both days inclusive.

XI.

A Charter of King Henry III is preserved among your muniments, but neglect in the past has rendered it in some parts indistinct from the dampness which has attacked it. This was not in late years known to be in existence, but it is mentioned in a list of Charters in Vol. IV. of Reports of the Municipal Corporation Commission (p. 2345). The substance of parchment or vellum on which all documents of this nature are written is peculiarly subject to damage by moisture, which washes out of the skin the arsenical or saline preparations with which it has been imbued during the process of manufacture, and thus causes the unprotected material to perish. Here, again, the missing parts of the text can be supplied from the *Inspeximus* Charters of King Edward I in 1301, at page 22; and by Edward III in 1330, page 43, wherein its tenor is recited at full length, and its conditions, clauses, and concessions ratified. Its text follows in all important particulars that of the preceding Charter of King Richard I, but in many instances there are small variations from the actual phraseology used in that early Charter. A new provision is that of the erection or confirmation of a Merchant-Guild, or Society, to be constituted of the men of

¹ Lyon, Town Clerk, says three, and gives particulars in his List of the Charters.

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the city and other merchants of the county, just as there was in the time of King Henry II, the King's grandfather. It also brings the merchant dwellers in the four wards into, and under ken of, the guilds, customs, and assizes of the city, as in Henry II's days; and, in accordance with the regulations contained in the Charters of Kings Henry II, Richard I, and John, the enfranchisement of the *nativus* or *nief* (the *adscriptus* who could not lawfully change his abiding-place without permission of his overlord), who has remained free in the city for a year and a day, is confirmed.

There is a long array of names of the Bishops, Earls, and other notables attesting this document, which goes a long way to prove that the King was attended with many staunch adherents in his Council. It was published by Ralph, Bishop of Chichester, the Lord High Chancellor, at Westminster, on the 20th April, in the eleventh year of the King's reign, or 1227, and a contemporary copy has been entered in the Charter Roll of 11 Henry III (part 1, membrane 8), which may be compared with the original text here exhibited. It has still appended to it the silken strings for the seal, and has been mounted on parchment.

The author of the *Civitas Lincolnia* here again, curiously enough, states that the King's signature was affixed to the Charter, which would seem to show that he could not have carefully examined the Charter which he was describing.

XII.

The author of the book mentioned speaks of a Charter of King Henry III, dated 1st March, in the thirty-ninth year of the reign, that is, 1255, which conferred on the citizens freedom from arrest in certain cases, in every part of the realm. This extended to the case of one who was surety for a debtor, provided the parties belonged to the corporation as freemen, and were able to prove that they had not been indifferent or negligent in the discharge of their debts. This Charter is not now known to be in existence, and no knowledge of its whereabouts can be ascertained; but it is difficult to think that one who took great pains to write much about Lincoln should have been in error in thus describing it.

XIII.

The next Charter which claims our attention in this series of the city's privileges is that of King Henry III, dated on the 7th March, in the forty-sixth year of his reign, corresponding to the year 1262. Here the Great Seal, in white wax, is very much broken and in a very

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brittle state. It was, at some time about the end of the fifteenth century or in the sixteenth, enclosed in a silver frame, like that of the Charter of Henry II, and fastened up in several folds of paper, and the Charter mounted on another parchment. The document has been eaten away in places and has been injured by damp, which affected it before precautions for preservation were taken. It was not known to be in existence, according to Macray, until he found it among the other Records of the City.

In this Charter King Henry III, of which the text is given at page 14, inspected later at pages 24 and 45, declares that he has inspected the Woodstock Charter of his grandfather, King Henry II. The King confirms and repeats the concessions therein set out, and declares that the regulations relating to "foreign" merchants which were instituted during the reign of Kings Henry I, Henry II, his uncle Richard I, his father John, and his own, up to the time of his "first passage over the sea into Brittany" are to remain in force, under penalty of forfeiture of ten pounds: a large sum of money in those remote days, when a sheep could be purchased for a few pence. The author of *Civitas Lincolnia* speaks of a Charter of 30th March, 1262, granted by this King, but the date is apparently an error for that of this, which is the 7th March, because the same author omits notice of this, which he would hardly have failed to see. The text has been enrolled among the Patent Rolls of 46 Henry III, on membrane 14.

This had been, according to Macray¹, mounted on a parchment copy of a petition written in Norman-French by the citizens of "Nicole" (the Norman manner of writing and pronouncing the city's name) to the King (probably Edward IV) in Parliament, praying for relief from the fee-farm annual rent to the Crown of one hundred and eighty pounds, which had become insupportable. Many of the inhabitants of the city, it declares, have departed with all their goods; people will not trade there on account of the excessive charges; the highways as well as the lanes are empty and desolate for want of tenants; and the city is consequently on the verge of destruction. Of the aforesaid rent, eighty pounds had been granted by the King's royal progenitors to the cathedral church of Our Lady of Nicole, in three portions, viz. seventeen pounds for the work of the chapter, forty shillings in augmentation of the stipend of the [chaplain] chanting for the King and his forefathers, and sixty pounds to the chaplains of the chantry for the soul of Sir Bartholomew Burgherssh; and the Lady

¹ Hist. MSS. Comm. 14th Rept. Appx. part VIII. 1895, p. 5.

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de Roos, that is to say, Beatrice, who was the wife of Sir Thomas de Roos, late lord of Hamelak, is seised for her life of the remaining part of the said rent, viz. one hundred pounds as her dower, it having been granted to the Lord de Roos and their heirs in exchange for the Castle of Werk. The citizens pray, therefore, for confirmation of all their privileges, and for relief in some way or other from this burden. There is a discrepancy in the figures, which only amount to one hundred and seventy-nine pounds instead of one hundred and eighty pounds. But it is not unusual to find errors of this character in statements of accounts. It will be seen, later on, what became of this one hundred and eighty pounds yearly due from the city to the Crown. This petition is no longer to be found among the Archives of the Corporation of Lincoln.

XIV.

The last Charter granted by King Henry III to the citizens of Lincoln is dated 12th February, in the fifty-sixth regnal year of the King, or A.D. 1272. This is on vellum, and fortunately has survived the vicissitudes of mediæval ages, and is now preserved among your city muniments. It has been mounted on parchment, and the broken Great Seal fastened up in a case of folds of paper, probably about the beginning of the sixteenth century. The existence of this original also was unknown, until Mr Macray rescued it from oblivion about ten years ago. The text is given at page 16, and it was inspected by later sovereigns at pages 25 and 46.

In this the King ordains that all the pleas of the city, and none other, from henceforth be heard and held in the plea-hall of the said city, called the Guildhall, and nowhere else against the will of the citizens, "except pleas of outer tenures and our moneyers and ministers." It is attested by the Archbishop of York and many other members of the King's Council, and was published at Westminster on the day above mentioned. The author of *Civitas Lincolnia* considers this Charter to be missing.

Before this time the Provost of the city disappears from mention in the annals, and the Mayor first occurs in the year 1210; and a *Custos* or Warden of City appears, about 1290, to have exercised functions somewhat like those the Mayor had used. But this did not last long, and the restoration of the office of Mayor took place in the year 1300.

The citizens of Lincoln, according to Merewether and Stephens, complaining of foreign merchants trading in neighbouring places to

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the heart of the city, the Sheriff in 1274 is directed¹ to remedy this for the future as being a thing within his jurisdiction. That the privilege of exemption from suits of shires and hundreds was considered a valuable acquisition may be gathered from the memoranda of the Exchequer of 1293, where it is directed that ministers of the Exchequer should be exempt from suits of shires and hundreds so long as they applied themselves to the King's business. And in the succeeding year, the keepers and ministers of the market of Lincoln were declared exempt from talliages and watchings with other citizens.

Among the Records described by Macray as being in existence a few years ago, but now missing, occurs a document entitled "Provisions" for the government of the city, "on a vellum membrane," with the Great Seal mentioned in Ross's *Civitas Lincolnia* (pp. 12, 13) Many useful regulations relating to the Municipal Government of Lincoln were therein contained. There were to be a Mayor, and twelve "discreet" men to be magistrates, a "Ponderator," or Weigher, for weighing the staple commodities, four other "discreet" men to have custody of the profits arising from the city tolls, two constables for each parish; and other clauses—in all, a code of twenty-two articles of city government, written on vellum in a fine large hand. It is very unfortunate that this valuable document, which was evidently for a time the governing Charter of the city, and contained rules drawn up by the city authorities, and not by the King, is no longer to be found among the Lincoln Records. No. 6, which refers to the wool dues of Lyndeseye, Kesteven and the Clay (or Holland?), is an entirely different document.

XV.

On the 25th February, in his twenty-ninth regnal year, which is correspondent to 1301, King Edward I sanctioned at Lincoln a Charter of Inspeximus or ratification, reciting and confirming all the preceding Charters to your city. Of these there are two copies, one in perfect condition, the other much mutilated and injured by damp. The text is given here at page 18, and it was inspected by King Edward III in 1330, at page 39. The latter was contained in a small black box. The Great Seals of both are enclosed in folds of paper, which consist partly of fragments of the sixteenth century Records of the City Court. It was published at Lincoln. Ross, in his *Civitas Lincolnia*, says "it received the Royal signature (!) at the Bishop's Palace at Nettleham, where the King was then hospitating"; but it was contrary to the custom of the period for the King to give any

¹ Mem. Scacc. Hil. T. 2 Edw. I, ff. 2, 3.

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signature to a Charter of this nature. Indeed, it is very doubtful if the King could write his own name. The earliest royal autograph known is that of King Richard II in 1397, in the British Museum Cottonian MS. Vespasian F. III. fol. 3, exhibited in a show case: "Le Roy RS."; and the earliest royal writing is in the same MS. fol. 4, similarly exhibited: "H. R. nous prions penser de la mer," written by King Henry IV about the year 1406, with evident hesitation and difficulty.

The Charters which are hereby inspected and ratified are four of King Henry II, viz.:—

(1) That relating to the Norrenses, or *Norwegians* (not the *Northern Merchants*, as explained by the author of *Civitas Lincolnia*), coming to Grimsby. (No. III in this series.)

It is much to be deplored that this interesting Charter, recording the traffic in merchandise between Norway and England, is no longer extant, but we must congratulate ourselves that the text is not lost, thanks to the system of introducing it fully into the body of the confirmatory Charter.

(2) The second Charter given at Woodstock is that relating to the foreign merchants who are to come to Lincoln and there carry out their business, so that the Provosts do not lose the King's customs. It is inspected at page 19.

(3) The third Charter by Henry II, thus ratified by Edward I, declares that no merchant who is a foreigner and outsider may be resident in Lincoln for the purpose of dyeing his cloths, or selling them by tale, except those only who are members of the Guild and subject to the customs of the town, and who pay their royal geld or taxes as they were accustomed hitherto to do. This Charter has already been referred to under the reign of Henry II. There is no date of day or year, and no place of publication recorded in the exemplification. (No. V in this series.)

(4) The fourth Charter of Henry II, which has also been already mentioned, enjoins that all those who live by trade and practice the profession of merchants within the four divisions or wards of the city, are to pay, in common with the King's citizens of Lincoln, the royal geld or taxes, and be subject to the city assizes, as they were used so to do and be in the time of King Henry I, and as they ought in justice to do in whose ever land they might dwell. (No. IV of this series.)

This Charter was promulgated at Nottingham, but no date either of day or year has been mentioned in the exemplification which preserves the text of its concessions.

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King Edward continues his Charter by inspecting that of Richard I 23 April 1194, already mentioned; and three of Henry III dated respectively 20 April 1227, 7 March 1262, and 12 February 1272; of all of which notice has already been made in their chronological places.

To the confirmation of these eight Charters of his predecessors the following clauses are added by the King:—That non-user of any of the privileges hitherto granted is not to prevent their use and enjoyment henceforth:—That the citizens are to be free of murage or tax for keeping up the walls, pavage or paving¹ (not *panage*, as Macray has it), pontage or bridge maintenance, wharfage, stallage, and terrage, or dues on crops. Of all these taxes, that relating to the maintenance of bridges is the most interesting. It was of very remote antiquity, and occurs in royal grants¹ of six hundred years previously, forming one of the three imperial taxes from which no one was then exempt, because they were of vital importance to the integrity of the kingdom and immunity from hostile invasion. These three, from their universal incidence, were called the *trinoda necessitas*—the maintenance of the *army*, the upkeep of the *bridges*, and the secure condition of the *castles and strongholds*; three vitally necessary things which may never be neglected, let who will be called on to defray the expenses connected with their efficiency. A long array of names, including the Archbishop of Canterbury, bishops, nobles and dignitaries, attest this important State document.

XVI.

The author of the book to which reference has been made several times already, notices a Charter of King Edward II which received the King's so-called signature (!) on 15th June, 1316, in return for a payment by the citizens of the sum of two hundred pounds. It is no longer in existence as an original document. Among the privileges it contained, as may be read in the *Inspeximus* by King Edward III, 1327, included in *Inspeximus* of 1330, at page 38 and the transcript among the Patent Rolls, after inspecting and reciting several Charters of which some account has been made, all former grants were confirmed; non-user not to be a bar to possession of privileges; taxes on wool and other commodities were ratified to the citizens; vacant lands conferred on the mayor, bailiffs, and other authorities, save the rights of the Cathedral Church, and of the free tenants; and the streets were not to be unduly narrowed by exercise of the grants. Macray

¹ See W. de Gray Birch, *Cartularium Saxonicum*, 3 vols. 4°, passim.

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mentions¹ a Charter, dated 6th December, 1318, published at York, which is a confirmation of a licence by King Edward I to the Dean and Chapter, to enclose the precinct of the Cathedral Church with walls and gates, and to crenellate—that is, to make battlements—on account of the nocturnal inroads of thieves and other evil-doers, causing frequent manslaughter, etc.; with the addition of licence to raise the walls twelve feet higher, and to make as many turrets as they please. This is known as an office copy from the Public Records, made by George Holmes and attested by W. Harvey, 24th February, 1704, and was seen and calendared by Macray in his Report of 1895, p. 8, but is no longer to be found among your records. It is not, strictly speaking, a city Charter, but throws a curious light on the manners and customs of the denizens of the city in the early years of the fourteenth century.

Macray describes another office copy from the Public Records, made by the said Geo. Holmes and attested by W. Harvey, on the 24th February, 1704, of a writ *ad quod dampnum* from King Edward III, at Leicester, 5th December, 1327, directed to Walter de Friskenev and Robert de Malberthorp, upon an application from the Dean and Chapter, for “a grant of the wall of the bailey and a part of the city wall, which are ruinous, that they may repair and crenellate them, and use them for part of the enclose of the precinct.” This document evidently relates to the same subject as that dealt with by the preceding Charter, and is equally interesting and instructive, but it is not a city Charter.

XVII.

Mention may be appropriately made here of a document which, although not, strictly speaking, a Royal Charter, is closely connected with the King. It is a vellum document, dated² 1st May, 1326, consisting of Provisions by Edward II in Norman-French, for the staple of wool, leather, and skins in England, Ireland, and Wales. Part of the lower margin of the parchment has been cut, and the Great Seal, which is fastened up in folds of paper, is much broken. The text printed at page 28 with an English translation declares that the King firmly enjoins the authorities of his City of Nicole that the ensuing

¹ Report, l. c., p. 8.

² The date has been mistaken in some cases for 1 May, 19 Edw. I, *i.e.* 1291, but this king was at Alnwick in Northumberland on that day. Edward II was at Kenilworth, from which place this Charter is dated, on 1 May, 19 Edw. II, 1326. See A. Hartshorne's *Itineraries* in *Collectanea Archaeologica* of the British Archaeological Association, and H. Gough, *Itinerary of Edward I*, 1900, Vol. II, p. 81.

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ordinances made by him and his Council for the common profit and relief of the people of all his realm are to be publicly proclaimed and kept. The places assigned for the staple in England are Newcastle-upon-Tyne, York, Lincoln, Norwich, London, Winchester, Exeter, and Bristol; in Ireland, Dublin, Drogheda, and Cork; in Wales, Shrewsbury, Carmarthen, and Cardiff; in Cornwall, Lostwithiel and Trewrewe [Truro]; and for Devonshire, Aysperton [Ashburton]. Then follow eleven sections of trade regulations for alien merchants, and for those of England, Ireland, and Wales; amongst which are provisions that the merchants and people of Gascony and the duchy of Guienne, who are under the obedience of the King or his son, are not to be regarded as aliens but as denizens; that after Christmas next no person shall use any cloth bought after that date which was not made in England, Ireland, or Wales, under pain of forfeiture, and such punishment as the King and his Council may ordain, except the King and Queen, earls, barons, knights, their wives and children, archbishops, bishops, and other persons of holy Church, and such persons as can spend forty pounds yearly of rents. Cloths may be made of any length desired. The King promises to grant valuable franchises to fullers, tailors or cutters, dyers, and others who worked in cloths at the time of granting these royal provisions, and permits the wool merchants to have a Mayor for the abovesaid staple. No one is to molest strangers in coming or going; otherwise, the town which they had visited is to be answerable for damages and for the capture of the malefactors.

These provisions were promulgated at Kenilworth on the day above mentioned, in the nineteenth year of the King's reign. This document appears to have escaped the notice of some of those who have written on the Lincoln archives.

XVIII.

To this period belongs a Norman-French document entitled "Constituciones Civitatis Lincolnie," without expressed date, printed at page 34 with an English translation. This is referred to by Macray as probably of the time of Edward II, and described as Regulations made by the City of Lincoln for the wool trade; very clearly written on a parchment to which the Seal of the City was once attached, but of which seal only long green silk cords with tassels now remain as the tokens. The regulations are very precise and minute; they are to be read publicly twice yearly, on the day of Holy Innocents and that of St Augustine, so that no one may pretend ignorance thereof.