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Extracts from the Cottonian MS. Claudius, D.II Part 1

Edited by Henry Thomas Riley

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Munimenta Gildhallae Londoniensis

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Munimenta Gildhallae Londoniensis

VOLUME 2: LIBER CUSTUMARUM
WITH EXTRACTS FROM
THE COTTONIAN MS. CLAUDIUS, D.II
PART 1

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RERUM BRITANNICARUM MEDII ÆVI
SCRIPTORES,

OR

CHRONICLES AND MEMORIALS OF GREAT BRITAIN
AND IRELAND

DURING

THE MIDDLE AGES.

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THE CHRONICLES AND MEMORIALS
OF
GREAT BRITAIN AND IRELAND
DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER THE
DIRECTION OF THE MASTER OF THE ROLLS.

ON the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the Reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an *Editio Princeps*; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

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The works to be published in octavo, separately, as they were finished; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

They expressed their approbation of the proposal that each chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

Rolls House,
December 1857.

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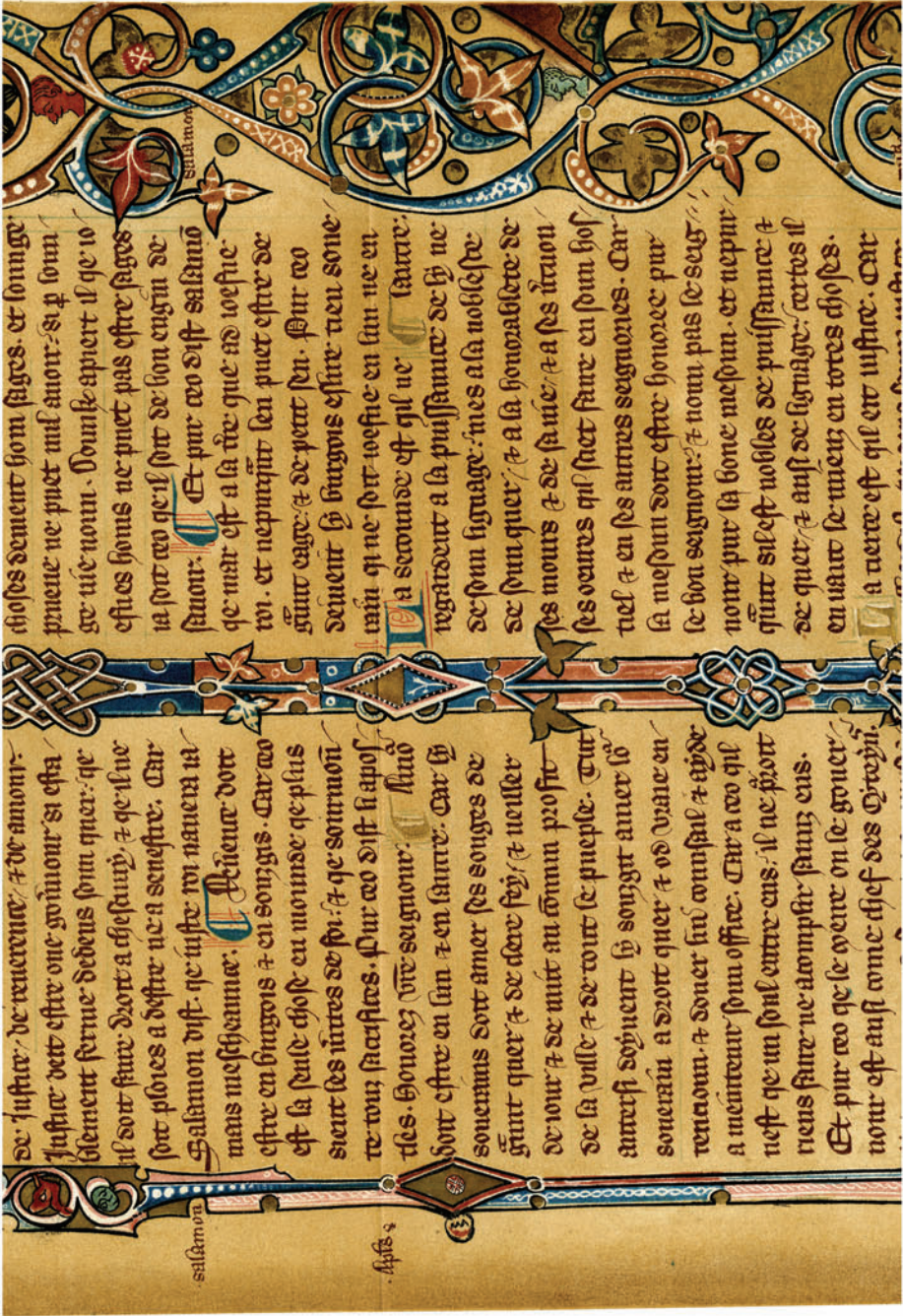
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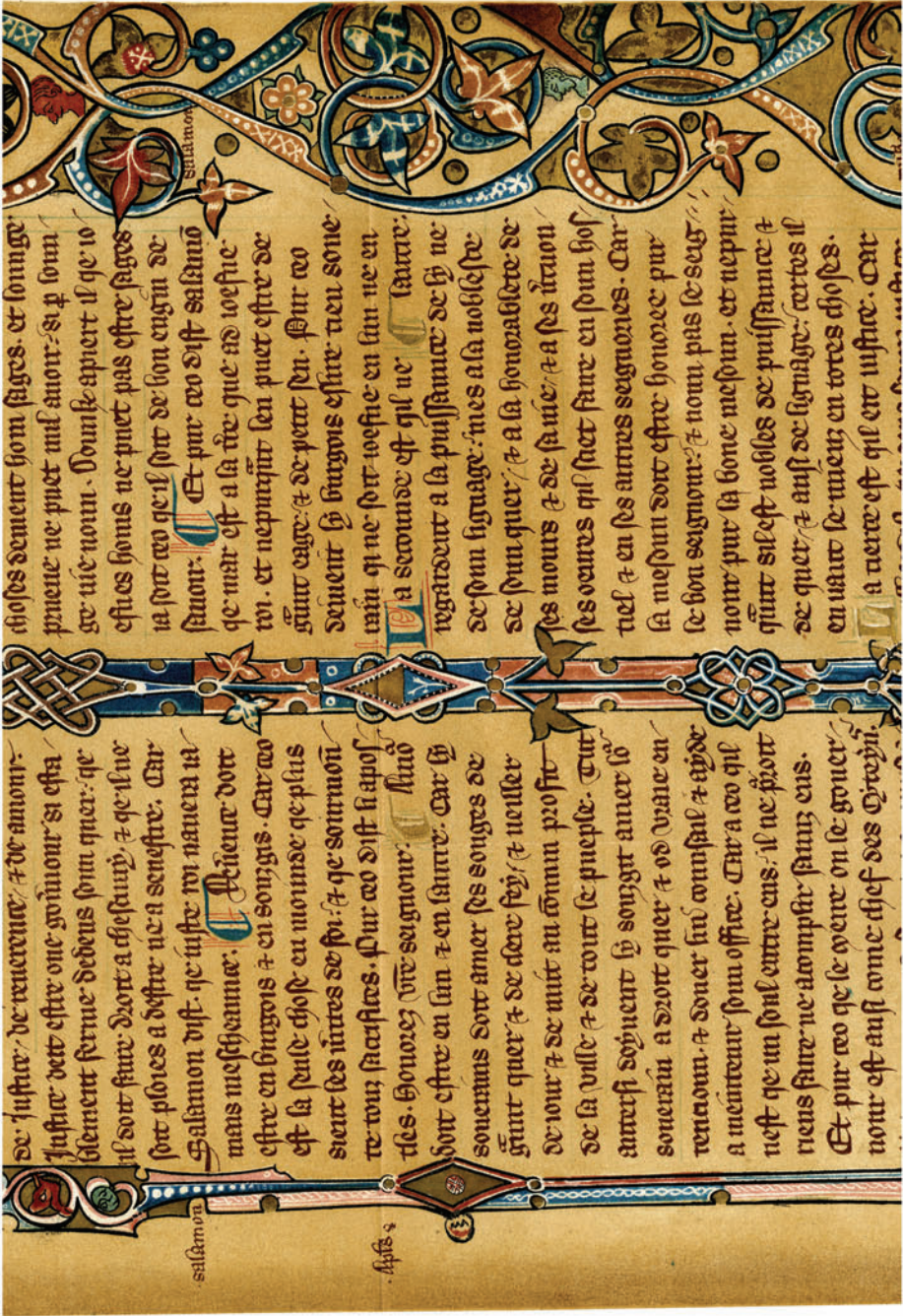
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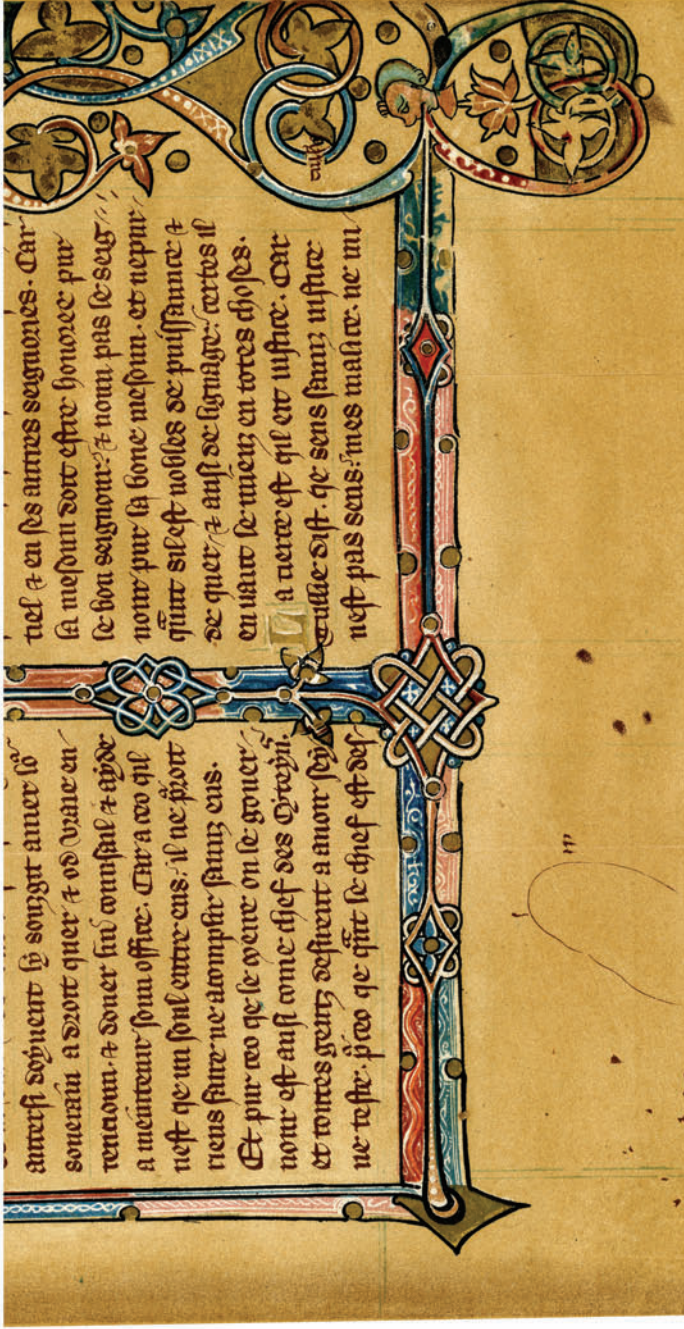


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MS. LIBER CUSTUMARUM, in the RECORD ROOM at GUILDFORD, LONDON.

Hand of the close of the 13th, or early part of the 14th Century.

Eng & Sem. Junt^o re the Queen.

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MUNIMENTA GILDHALLÆ LONDONIENSIS;

LIBER ALBUS, LIBER CUSTUMARUM,

ET

LIBER HORN.

EDITED

BY

HENRY THOMAS RILEY, M.A.,

CLARE HALL, CAMBRIDGE;

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

VOL. II., PART I.,

CONTAINING

LIBER CUSTUMARUM,

WITH EXTRACTS FROM

THE COTTONIAN MS. CLAUDIUS, D. II.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HER MAJESTY'S
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LONDON:

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1860.

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LIBER CUSTUMARUM,

COMPILED IN

THE EARLY PART OF THE FOURTEENTH CENTURY;

WITH EXTRACTS FROM

THE COTTONIAN MS. CLAUDIUS, D. II.

EDITED

BY

HENRY THOMAS RILEY, M.A.,

CLARE HALL, CAMBRIDGE;

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

PART I.

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LONDON:
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INTRODUCTION.

THE present pages contain extracts from the *Liber Custumarum*—"The Book of Customs,"—preserved in the Record-Room at Guildhall, and from its kindred Volume, the Cottonian MS. *Claudius* D. II. (ff. 1-135 and ff. 266-277); such portions thereof, respectively, being omitted, as the Editor has been able to find already printed in the following Government publications,—the *Statutes of the Realm* (1810), the new edition of Rymer's *Fœdera* (1816-1825), and Thorpe's *Ancient Laws and Institutes of England* (1840); some account of such omitted portions being annexed in pp. 491-503 and pp.¹ 505-516.

The early history of the two manuscript volumes above mentioned is replete with obscurity, though by no means destitute of interest; and as the fact of their being undoubtedly of kindred origin has been lost sight of for probably two centuries and more, the Editor must of necessity bespeak the reader's patience while giving his reasons for asserting such to be the fact, in somewhat of lengthened detail.

On Monday after the Feast of St. Luke (18th October), in the second year of King Edward III. (A.D. 1328), died Andrew ²Horn, ³Fishmonger, of Chamberlain.

¹ See also p. 654, Note 3.

² He is mentioned in *Letter-Book E.* (preserved at Guildhall), folios 96, 98, 112, and 147; mostly in reference to his accounts as Chamberlain. His accounts, at the date of his decease, as given in by his executors, are entered in folio 172 of the same book.

³ That he continued to be such to the time of his death there can be little doubt; as, by his will, he remits to his two apprentices the whole residue of the term of their apprenticeship. He is described as a Fishmonger, of Bridge Street, in folio 206a. of *Liber Horn*.

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His Will. Bridge Street, and Chamberlain of the City of London, an office which he had held probably about eight years. On Wednesday, the Feast of St. Matthew (21st September), in the following year, a transcript of his will, bearing date Sunday, the Feast of St. Dionysius (9th October) 1328, was duly entered in the Husting-Rolls at Guildhall, by his brother William, Rector of Rotherhithe, and his other Executors. The following passage, translated from the original Latin, is an extract from it, the remainder being irrelevant to the present purpose :—

Horn's Be-quests to the City. "Also, I leave unto the Chamber of the Guildhall of London, one great [1] book of the History [*de Gestis*] of the English, in which are contained many things of utility; also, one other [2] book on the ancient ¹ . . . of England; with a [3] book called 'Bretoun,' and with a [4] book called ² 'Mirror of Justices;' also, another [5] book, composed by Henry of Huntyngdone; as also, [6] another book on the Statutes of England, with many liberties and other matters touching the City. And my will is, that they shall remain there for ever, in the custody of the Chamberlain for the time being; and that whosoever shall be Chamberlain hereafter, shall be answerable unto the City aforesaid by indenture for the same."

Devolution of those Bequests. Of these manuscripts, Britton, the ³ Mirror, and the History of Henry of Huntingdon, are no longer in the possession of the Corporation; while the second and the sixth on the list are ⁴ probably both included in the volume still preserved at Guildhall, under the appellation of "*Liber Horn*."

¹ The word is omitted; in all probability, it is "*legibus*," "laws."

² "*Speculum Justic[iariorum]*."

³ Apparently in the City's possession at the time when the Note was penned, that is given in p.

61 of the printed copy of *Liber Albus*.

⁴ It evidently consisting of two separate works, bound up together. The first work ends at fol. 205, the second commencing at fol. 206.

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The first-named volume, it will be remarked, is intended to be distinguished, to all appearance, from its fellows, as being "*magnum librum*"—"a great book." From the description given of its contents, there seems ground for believing it to be identical with the City book mentioned as "*Recordatorium*," or "[*Liber*] "¹*Regum Antiquorum*" in a Note, (in the handwriting probably of the fifteenth century) inserted in ² folio 18 a. of *Liber Albus*; and which, though forming no part of *Liber Custumarum* at the time when Carpenter framed the Calendar contained in B. IV. of *Liber Albus*, or at the (perhaps earlier) period when the Table of Contents was written, that is found at the ³ end of the present *Liber Custumarum*, is now bound up partly in the Volume known at Guildhall as the "*Liber Custumarum*," and partly in the Cottonian Manuscript Volume *Claudius* D. II., preserved at the British Museum.

Another component part of the two last-named Volumes, the present *Liber Custumarum* and *Claudius* D. II., is the original *Liber Custumarum*, as calendared by Carpenter (*temp.* Henry V.) and as represented by the Table of Contents—of the date probably of Henry IV.—above-mentioned. How a compilation, which in those days appeared as forming a complete volume, and in the possession of the Corporation, has come to be severed into two parts, and to be found in two different repositories, will be a subject for future enquiry.

In the present *Liber Custumarum* there is, in addition, a large amount of matter to be found which, though not existing among its Contents at the time of the compilation of *Liber Albus*, can hardly have been imported into it, from the peculiar nature of the

¹ Or else "*Legum*," the writing being very indistinct.

² P. 61 of the printed copy.

³ See pp. 488–490 of the present Volume.

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subjects, from the folios of the before-named *Recordatorium*, or *Liber Regum Antiquorum*.

Probable date of compilation of the original *Liber Custumarum*.

From the fact that the latest date of any document in the original *Liber Custumarum* (consisting of folios 103-167, 187-263 of the present Guildhall Volume, and the folios in *Claudius* D. II. named in the ¹ Note annexed) is A.D. 1324, the date of the "*Letters Patent*" of Edward II., given in pp. 275-278 of the present Volume,—the remaining portions, folios 264-284 (pp. 433-487 of this Volume), being evidently additions to the original at considerably later dates,—we are justified in coming to the conclusion that the compilation was formed in the latter years of the reign of Edward II.; and further, as already noticed, that the Volume continued in its original form, (with the exception of the before-mentioned entries on its blank leaves, ff. 264-284,) down to the reign of Henry V., the time of the compilation of *Liber Albus*. By the aid of the Calendar contained in Book IV. of this last-named work, and of the Table of Contents at the end of the Guildhall *Liber Custumarum* (pp. 489, 490 of this Volume), it has been ascertained, that, at some period subsequent to that reign, the original Volume was taken to pieces, but under what circumstances, it is probably impossible to discover; 102 leaves being added to the present Guildhall portion of the original Volume, probably from Horn's *Recordatorium*, or *Liber Regum*, and other sources, as already mentioned; while, on the other hand, about 110 of its original leaves have been subtracted, and are now to be found in the Cottonian Manuscript before-mentioned, combined, with a few exceptions, with the remainder of what may be pre-

That Volume still in its original form, in the reign of Henry V.

Taken to pieces at some time since then.

Part of it in the present Guildhall Volume, with other matter.

Part in the Cottonian Volume, with other matter.

¹ Folios 1-24; 30-110; 116-122; which, on examination, will be found to correspond with great exactness in matter and pagination with the lost articles of the original *Liber Custumarum*, folios 72-179; as given in the old Table of Contents at the end of the present Guildhall Volume, printed in pp. 489, 490, of the present Volume.

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sumed to have been Horn's *Recordatorium*, or *Liber Regum*; and in the same sequence that is given in the still existing ¹Table of Contents of the original Volume, and, for the most part, in pp. 545, 546 of the printed copy of *Liber Albus*. The only missing portions of the compilation as it existed at the time when the Table of Contents was prepared, to be found neither in the Guildhall Volume nor in the Cottonian Manuscript, are the "*Expositiones Vocabulorum*," "*Modus tenendi Parliamentum*," "*Chronicon de * * **," "*Nomina Infratantum cum Willelmo Conquestore*," "*De presentatis in Itinere infra Civitatem*," and "*Processus de Coronatione Domini Regis*," which are all mentioned in the ²Table of Contents as belonging to the original work.

Missing portions of the original *Liber Custumarum*, as it appeared when its Table of Contents was formed.

It has been already stated that, by way of counterpoise, apparently, to the large amount of matter that has been subtracted from the latter part of the original *Liber Custumarum*, an almost equal number of leaves has been added, at the beginning; partly, it is believed, from Horn's *Recordatorium*, and partly from other sources. What the aggregate title of these other sources may have been, if indeed they ever formed part of any larger compilation, it is impossible to say. The reader, however, after a careful perusal of the account of the Iter of the 14th of Edward II., as given in the printed *Placita de Quo Warranto*, pp. 445-474, in combination with the narrative of its incidents contained in pp. 285-432 of the present Volume, can hardly do otherwise than conclude that much of this ³additional material is composed of documents purposely transcribed

Matter added in the present Guildhall Volume, by way of counterpoise to what has been subtracted from it.

Probable origin of some of this additional matter.

¹ Pp. 489, 490 of this Volume.

² See p. 490 of this Volume.

³ The same being the case also with folios 16-39 of *Liber Albus*; which consist almost entirely of precedents from previous Iters, transcribed in the reign of Edward II.;

and which, though a century prior in date, Carpenter has inserted in his own compilation. See *Liber Albus*, pp. 51-123; and pp. xxi., xxii., of the Introduction to that Volume.

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from other records with a view to the business about to be transacted in the Iter; and this, in all probability, under the superintendence of Andrew Horn, the City Chamberlain, himself, whom we find on that occasion, as will be remarked in a future page, apparently acting, in that capacity probably, as leading counsel for the City before the Justiciars.

Explanation
of the divi-
sions in the
“Summary
of Con-
tents,” pp.
cxvii.-cxliv.

With the view of, to some extent, affording the reader an opportunity of forming his own opinion on these points, the Editor, in preparing the “Summary of Contents” of the Guildhall Volume, given at the close of these introductory pages, has introduced a break in every ¹ instance where there seemed any fair probability, from a variation in the style of the writing (modern Gothic), or of the illuminations, from blank leaves intervening, or from the fact of a leaf being left partly unwritten upon, that the preceding folio may have originally formed part of a different work to that to which the following leaves originally belonged. To explain, however, in somewhat of detail:—

As to the
first 102 fo-
lios of the
Guildhall
Volume.

Folios 1–5, ² partly transcribed in pp. 1–15 of this Volume, and described in p. cxvii. of the Summary, differ to some extent both in the writing and the character of the illuminations from the contents of folios 6–8, pp. 16–24, and pp. cxvii., cxviii., of the Summary. Again, folios 13–22, ³ partly transcribed in pp. 25–33, are distinguished in page cxviii. of the Summary from the preceding and following matter, as apparently, from the breaks in the pages and the intervening blank folios, belonging to different works; though it seems not unlikely, from the similarity of the subject-matter in folios 25–33, ⁴ partly transcribed in pp. 33–48, that

¹ See p. cxvii., for example.

² And partly consisting of the abridgment from Henry of Huntingdon, mentioned in p. 491 of Appendix I.

³ For the portions of the contents

of these folios already printed in Government publications, see Appendix I. p. 491.

⁴ For the portions of the contents of these folios already printed, see Appendix I. p. 492.

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they originally formed part of the same work, the *Liber Regum Antiquorum* possibly. P. 49 to p. 61 in the present Volume is occupied by a Table of the Contents from p. 61 to p. 168, embracing ¹folios 33–88 of the Guildhall Volume; the matter after p. 136 (folio 77), as denoted by the break in p. cxxiv. of the Summary, being in a different hand, and perhaps of somewhat later date. For similar reasons, pp. 169–193, corresponding with ²folios 90–97, will be found detached in the Summary (p. cxxvii.) from the two or three folios that immediately succeed them. At this point, we reach folio 103 of the present Guildhall Volume, identical with folio 1 of the original *Liber Custumarum*, as it existed at the time of the compilation of *Liber Albus*.

To recapitulate:—Some of these 102 folios, it is suggested, have been extracted, not improbably, from Horn's bequest to the City, the *Recordatorium*, or *Liber Regum*; and others, like the inserted leaves of *Liber Albus* (ff. 16–39), from the remains of one or more of the early City compilations, the ancient name or names of which are lost; some, at least, of them bearing internal evidence of having been transcribed with a view to preparation on part of the Civic authorities for such emergencies as might arise at the Iter of A.D. 1321.

We have now reached folio 103 of the present *Liber Custumarum*, the commencing folio of the original work. From this point to folio 263 we have the contents,—with the exception of a few interpolated leaves, as will shortly be noticed,—of a considerable portion of the original Volume; followed, down to folio 284, by such additions as had been made to it (as seen from the Calendar contained in B. IV. of *Liber Albus* and the Table of Contents written upon folio 284b. of the present Guildhall Volume) between the reigns of Edward II. and Henry V.

Recapitulation, as to the probable origin of the first 102 folios of the Guildhall Volume.

Folios 103–263 of the Guildhall Volume part of the original Volume.

Folios 264–284, additions made to the original Volume between the reigns of Edward II. and Henry V.

¹ For the portions of the contents of these folios already printed, see Appendix I. pp. 492–494.

² For the portion of the contents of these folios already printed, see Appendix I. p. 494.

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and Henry V. The ¹interpolated leaves above alluded to, are folios 174–186, pp. 216–246 of this Volume, and noticed in pp. cxxix.—cxxx. of the Summary.

Portions of this Volume occupied by matter forming part of the original Volume *temp.* Henry V.

Consequently, the space from p. 197 to p. 487 of the present Volume, ²pp. 216–246 excepted, is occupied with matter which existed as a component part of the original Volume in the reign of Henry V.; while a still larger proportion of its contents has already appeared in the Government publications indicated in Appendix I. pp. 494–503.

Total results to be gathered from these enquiries.

The following, then, is the total result of these enquiries:—From the ³original *Liber Custumarum*, as it appeared *temp.* Henry V., a portion has, some centuries since, been subtracted, and now forms part of the Cottonian MS. *Claudius* D. II.; a larger portion of its contents, still existing in the Guildhall Volume, has already appeared in various Government publications (see Appendix I. pp. 494–503); and the residue of it that appears in the Guildhall Volume is given in pp. 197–216, pp. 246–278, and pp. 280–487 of this Volume: while, on the other hand, pages 1–197 and 216–246 are occupied by matter that has been substituted in the Guildhall Volume, from various sources, for the subtracted portions of the original work; the

¹ Bearing reference to the *Festival of the Pui, the City Benefices*, and the *Succession of Mayors and Sheriffs* between the Iter of the 4th Edward I. and that of the 14th Edward II. These perhaps formed portions originally of independent volumes, though the writing is very similar; the last article forming part of what is apprehended to have been Andrew Horn's collections for the Iter of 14th Edward II.

² As also a comparatively recent interpolation in folio 200 b., pp. 278–280.

³ Folios 103–167 of the Guildhall

Volume, corresponding with folios 1–65 of the original Volume, and folios 1–110, 116–122, of *Claudius* D. II., corresponding with folios 81–179, 72–78 of the original Volume, (allowing for some errors and interpolations) bear every appearance of being copied either from the first portion of the present *Liber Horn*, or from the same sources. This will be the more evident to the reader, on inspection of pp. 543–545 of the printed copy of *Liber Albus*. Not improbably, the City copy was prepared under Horn's inspection, from his own manual, or volume for private use.