

## COLCHESTER IN THE TWELFTH AND THIRTEENTH CENTURIES.

BY GEORGE RICKWORD.

THE munificence of the High Steward of the Borough of Colchester, Earl Cowper, K.G., in presenting to the Roxburgh Club a printed transcript of the Chartulary of St. John's Abbey, has opened to those interested in the county of Essex a mine of information which has been but little worked since Morant had the original in his hands when preparing his famous History. His Lordship's gift of a copy to the Colchester Public Library has enabled the writer to put together a few notes on a somewhat obscure part of our local history. The descent of the original volume is shown from John Lucas, the purchaser of the Abbey lands, down to his lineal descendant, the present Earl Cowper. It has therefore been technically in proper custody ever since the Dissolution, and since few of the original documents which it records are in existence, it has been accepted as secondary evidence as to their contents in the Courts of Law.

The scholarly introduction of Mr. Stuart A. Moore occupies the first thirty-eight pages. His description of the volume is as follows:—

"The MS. of the Chartulary is a handsome folio of 339 leaves, written in a double column, in a handwriting of the time of King Henry III. The scribe, John de Hadlegh, appears to have found the muniments of the Monastery stored in five 'armaria,' probably chests or cupboards. Before commencing his transcript, he seems to have arranged his documents as follows:—in the first 'armarium' he put the founder's charter, Royal charters and writs, Papal Bulls, and the charters of archbishops and bishops, sorted into eleven parcels or 'particula'—the transcripts of these form the first book of the Chartulary; into the second 'armarium' he put the general charters and grants of other persons, in thirteen parcels—the transcripts of these documents form the second book; the third book is composed of transcripts of similar documents, which were arranged in thirteen parcels, and there were added in later times two more parcels which have been copied into the Chartulary by other hands. He appears to have left space for a fourth book of similar documents which might accrue in later years and to have put the agreements with other

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churches and copies of leases into a fifth book. He also left many pages blank to give space for the entry of later accruing deeds, and many of these have been filled up by later hands."

After a brief dissertation on the use which may be made of these documents, in which he admits that the Colchester Chartulary is not rich in materials illustrating general history, nor the inner life of the Abbey, the learned editor proceeds to give a short account of the 'pious founder,' taken from Dugdale's *Monasticon*.

This adds scarcely anything to the interesting paper on Eudo Dapifer by Miss Fry, published in the *Transactions* of the Essex Archaeological Society, N.S., Vol. I. Then follows Morant's list of the thirty-seven Abbots of Colchester, which neither corrects one or two obvious errors nor adds to the meagre information then available. Next we have a graphic account of the last days of the Monastery and of the trial of Abbot Beche or Marshall, illustrated by a unique reproduction of a contemporary drawing of the Abbot's execution, hitherto unknown.

This account is much fuller than that recently published by Father Gasquet, in his *Last Abbot of Glastonbury*, but—except for correcting his curious confusion of Sir John St. Clere, a well-known Essex knight, with "a clerk called John Seyn"—it does not materially differ from it until we come to the startling fact, entirely ignored by the learned Benedictine, that the Abbot himself was judicially examined. In reply to the interrogatories administered he deposed that, in his belief, "the bishop of Rome had his jurisdiction 'jure humano' and afterwards usurped much more authority than ever was given to him by any law. Wherefore now I affirm that our most godly prince, elected by the free consent of his whole realm, hath good authority to be, and is, supreme head of the same, and this I have said as I am well remembered." We need not be hard on a man who must have felt he was pleading for his life, especially since, in the confusion then prevailing in men's minds as to the supreme authority in matters of religion, he probably voiced the opinion of the great bulk of the people, Catholics in their creed, but prepared to weigh, in the balance of expediency, the rival claims to jurisdiction of Pope and King. Had the matter closed here, Romanist, Anglican, and Protestant, might alike have honoured the memory of the Abbot as that of a good and simple hearted man sacrificed to the exigencies of a tyrannical policy; but his reply to the interrogatory as to his reason for opposing the surrender of his house somewhat dims his fame. "I would have given it up, rather than to have the King's displeasure, but I thought somewhat to stand out, for that I would my pension should be more." Fear of death must indeed

have led the Abbot to belie his higher nature if he thought this excuse either plausible or likely to secure his acquittal; let us rather hope that, repenting his momentary weakness, he died triumphant in the faith in which he lived.

The introduction ends with short accounts of Lord Audley and John Lucas. The connection of the former with the Borough is not mentioned, and his birth is placed at East (*sic*) Donyland or Berechurch, instead of—according to local tradition, accepted by Morant and by Lord Campbell in his *Lives of the Chancellors*—at Earls Colne.

The earliest documents in the Chartulary are mainly concerned with grants to the founder of the Abbey and throw much light upon him and his powerful position in the kingdom. As, however, it would be beyond the scope of this paper to attempt an account of one who was undoubtedly the most influential of all who may be said to have belonged to Colchester, or to give the early history of his great foundation, the stately Abbey in which his bones rested till sacrilege and robbery made havoc in the house of God, we are reluctantly compelled to pass them by in order to deal with those which more immediately concern the town itself. Foremost among these ancient documents is one addressed by William Rufus to Maurice, Bishop of London, (1086—1108) and to all the King's Barons of Essex, and *the Burgesses of Colchester*. This is of interest as showing that the three or four hundred householders, whether native born Saxons, or the Norman artificers, soldiers and settlers, whom the building of the great castle had attracted here to settle down amicably beside them, were of sufficient influence to find mention in a royal grant. We shall probably not be wronging the Red King if we put at the beginning of his reign, when the hostility of the great Norman houses threw him upon the support of his Commons, this unwonted graciousness to our forefathers.

The document granting Eudo, "dapifero meo, civitatem de Colecestria, et turrim et castellum, et omnes ejusdem civitatis firmitates cum omnibus quae ad ilium pertinent, sicut pater meus, et frater, et ego eam melius habuimus unquam," shows the position of the town as a Royal Borough. This deed, which puts Eudo in the position of overlord of the town, is dated from Westminster at Christmastide, 1101, and confirms Eudo 'benigne ad amorem' in all that he possessed under Rufus 'ut omnia bene et quiete et honorifice teneat.'

Accepting the opinion of that most careful antiquary and historian, Mr. Horace J. Round, whose authority on all local matters is decisive, that our castle is a foundation of the great Conqueror himself between 1080 and 1085, the question arises whether that King or his sons ever visited Colchester.

On this point, so far as we know, no evidence is available. The Conqueror was at Norwich in 1085, and it seems unlikely that a fortress of so great size and strength, whether held for the King or granted outright to a powerful Baron, should remain unvisited when he was often within easy distance of it. Beauclerk was also at Norwich early in his reign and again in 1121, when he may well have thought fit to pay a visit to the new Keeper of the Castle, whom Eudo's death in the preceding February had caused him to appoint.

In a judicial decision of Henry's in a suit between the Abbey of Westminster and that of Colchester, the King claims for himself the position of Eudo's heir, and while willing to allow his manors to descend to his daughter Margaret's husband, William de Mandeville, he resumed possession of the royal castle and lands at Colchester, which he shortly afterwards granted to Hamo de St. Clare, and his brother William.

The former, who was keeper or constable of the Castle and lord of the Borough, and who speaks of Eudo as 'dominus meus,' witnesses a charter in 1107 and disappears from our ken about forty years later.

William would seem to have been a bachelor, but Hamo had married Margaret de Caisneto, daughter of Robert and sister of William, who was Sheriff of Suffolk and Norfolk. A document of Henry's is addressed to Hamo de St. Clare and the King's ministers of Colchester. This may point to some local rulers, whether elected or appointed we cannot say, since the letters patent granted by the King to the town are lost. They probably assessed and collected the fee farm and other feudal dues. Another document couples Hamo 'et burgensibus Colecestrie,' while another gives to the Abbey a privilege which afterwards descended to the town, a four days fair on the feast of St. John Baptist.

Hamo de St. Clare was one of the barons who rallied round King Stephen at Oxford in 1136, shortly after his accession. Mr. Round also mentions an Osbert de St. Clare in his *Geoffrey de Mandeville*.

Both Hamo and William de St. Clare were benefactors to the Abbey. William gave them his Manor of Greenstead 'as formerly held by my lord Eudo Dapifer' for his soul's health and that of his brothers buried there. This gift he offered upon the high altar of St. John in the presence of Archbishop Theobald 1138—62) and Robert, Bishop of London (1148—52). He explains that he did this because Eudo's own gift of the land had been kept back from the Abbey by his servants, notwithstanding the royal confirmation of the bequest. If the dates are applicable, the process of restitution appears decidedly tardy.

In the deed by which Hamo de St. Clare confirms the donation of Greenstead we first find a number of purely local witnesses, and, following those of the gentry and clergy, we have Walter Haning and Benedict 'prepositi Colecestrie.' It is, perhaps, not easy to get at the exact Saxon equivalent of this Latin term. Norwich was, by Henry I. granted a charter, under a 'praepositus,' translated 'provost' in the *Encyclopaedia Britannica*.

'Comes' was the term used for the Mayor of London, 'vicecomes' occurs in its plural form in many documents confined to the shire, and thus includes, besides the high sheriff, the hundred reeves, the burh reeves and portreeves, but in any case we cannot be far wrong if we accept the name used forty years later in King Richard's Charter and regard it as representing the 'ballivos' or bailiffs, the Norman officers who looked after the King's interests in his Manors and Boroughs, and whose election it was a point of municipal ambition to get into the hands of the townsmen. John, 'vicecomes de Colchester' also occurs at this time, and throughout the reign of Henry II. and even in the reigns of John and Henry III. after the granting of the charter ; while it is possible that three or four individuals also specified as 'de Colchester,' were similar office bearers, since as residents the local appellation would have been comparatively meaningless. Is it likely that the King's Reeve existed under this title side by side with the locally elected bailiffs ?

That the local authorities, however elected, had considerable powers throughout the liberties is evident from an angry remonstrance of Archbishop Theobald, through the Archdeacon, to the Bailiffs and Burgesses who had compelled the Abbot and Convent and their servants to contribute to the fee farm of the town in defiance of the immunities they claimed.

These two documents point to the existence of an organized municipality at least as early as the reign of Stephen, possibly suppressed by Henry II. at the commencement of his reign but revived and confirmed fifty years later by the celebrated Charter of his son Cœur de Lion. The quarrel with the Abbey may indicate either the assertion of traditional rights older than the establishment of the Convent, or the new born zeal of recently created officials—more probably the former.

No mention appears of the third Abbot, William de Scurri (1126—30), but Abbot Hugh de Haya (1130—47)—probably a scion of the family which gave its name to part of the parish of Leyre or Layer—occurs often. One document has the signatures of his chief officers, the Prior, the Chamberlain, the Cellarer and the Sacrist following those of Maurice de Haya and Reinold the Baker.

The accession of King Stephen was destined to render our borough unpleasantly prominent in the annals of that unhappy reign.

The King's high reputation for courage and knightly courtesy combined with the piety and liberality of his Queen, niece and namesake of the good Queen Matilda, won him hearty support from the Saxon race, and especially from the citizens of London, Winchester and, we may assume, Colchester.

We find the King on his accession confirming the rights of the Abbey from Oxford with Alberic de Vere, Hugh Bigod, and Roger of Salisbury, the Chancellor, assenting. As yet he had met with little or no opposition. Soon afterwards we find him dating documents from Colchester itself. The Queen had, in her own right, lands at East Donyland and Coggeshall, and at the latter place in 1140, according to Ralph de Coggeshall, she founded one of the earliest of the English Cistercian Abbeys, both she and Stephen having warmly espoused the Reformed Order, which, under the rules framed by its saintly founder, did such splendid work in the twelfth and thirteenth centuries, not only in restoring that element of puritanism which is always essential to the soundness of national life, but in developing and transforming the wild and desolate parts of our country till the wilderness and the solitary place were indeed glad.

Two years later the royal pair were again in the neighbourhood at the consecration of the Abbey Church of Coggeshall in 1142. Hamo de St. Clare apparently adhered to Stephen and retained possession of the castle, which Matilda the Empress nominally bestowed upon Alberic de Vere, but I cannot find that either Hamo or William witnessed any of the documents executed here by Stephen, though they were living during the greater part of his reign. However, Hubert de St. Clare, Hamo's son, who succeeded his father as Constable of the Castle, appears several times with Henry, Earl of Essex, and Richard de Lucy. A document of 1152, witnessed by him, contains no mention of his father or uncle, who were probably dead before that date.

In 1148 Queen Matilda gave the Abbot and Convent East Donyland in exchange for Lillechurch, which she bestowed on the Abbey she founded at Faversham. In 1151 while staying at Hedingham Castle, she died, to Stephen's great grief. Of the King's own donations to the Abbey we have only one of 20s. per annum charged on the fee farm of the town, the disafforesting of the Tendring Hundred, where he must have often hunted, in memory of the death of his heir, Eustace of Boulogne, and the gift of the hermitage of Bedemannesberg at Writtle in the last year of his reign. Possibly the awful state into which the country

fell during this reign 'when God and His Saints slept' did not extend to Colchester. Weak as the King was surely some semblance of order and good government was kept up where he was, but it is not without significance that few names of importance are attached to his later grants. Among them is, however, that of William Martel, his friend and dapifer, whose name is still preserved in Martell's Hall, Ardleigh, and who in 1155 founded Snape Priory as a daughter house to the Abbey.

One document is issued from Ipswich, possibly when Stephen took the castle there in 1153, and others, of about the same date, were issued from Colchester. Though the town was a frequent residence of the King, so far as we know, it has no cause to revere his memory.

With the accession of Henry II. in 1154 the long anarchy closed. One of his earliest acts was his confirmation of the immunities and possessions of the Abbey. In May, 1157, Colchester witnessed scenes never paralleled in her history. From May 23rd to 28th Henry with his Court and the whole machinery of Government stayed in the town. Whether accompanied by Queen Eleanor or not he doubtless occupied his own royal residence, for the Abbey would have its guest chambers filled with the great ecclesiastics, their chaplains, cross bearers and serving men, while the royal retinue would have to put up with the poor thatched and timbered cottages of the burghers, and the host of men-at-arms, minstrels, jugglers, light o'loves and beggars, probably camped out in the fields round the walls, a fate, which, in those days, would afford far less contrast with the lot of their superiors than it would in our own.

On the Feast of the Ascension of our Lord, one Hugh, a Monk of Westminster, (the immediate predecessor of the Abbot Samson of Carlyle's *Past and Present*) was solemnly consecrated Abbot of St. Edmundsbury by Theobald, the aged Primate of All England, whose patriotic efforts had availed much towards healing the sores created during the terrible reign of Stephen. To augment the magnificence of the function, he was assisted by the Northern Primate, and the Bishops of London, Durham, Lincoln, Chichester, Ely and Norwich, besides our own Abbot, Gilbert of Wickham (1147—65) and probably those of St. Osyth and Coggeshall.

Not only was the bulk of the Anglican episcopate gathered here, but with them were all the statesmen of the day, Thomas a Becket, the new Chancellor, Warin Fitz Gerold, the Chamberlain and favourite, Richard de Luci, afterwards the great Justiciar, and nobles like Hugh Bigod, Earl of Norfolk, Robert, Earl of Leicester and Henry of Essex, Constable of England. Besides the retinues

of all these powerful folk there were the crowd of suitors who followed the Court from place to place, presenting petitions, seeking justice and redress of injuries, or paying their dues, and the clerks learned in the law who then, as now, throve on the misfortunes of others. Among them bustled Henry, careless of conventionalities, with his bowed legs, his ruddy face, clothed in the 'court' mantel, which gave him his soubriquet, fidgetting at the hurried Mass in the great Chapel of the Castle, or in the little Church of St. Helen just outside its west postern, eager to hunt (though, being a close time, perhaps there was nothing but the polecat to find), boisterously disputing and playing with his friend the Chancellor in the rough, unpaved streets, sternly reminding the bailiffs that the days of weakness and laxity were gone, anon discussing with the Abbot in his parlour the latest MS. added to the library, instinct at every turn with life and vigour, the greatest ruler of his age, lord of England and of two thirds of France—the mightiest, and ultimately the most wretched, of the mighty Plantagenets.

Contrast with him that other figure, the spare form and ascetic face of the richly apparelled young clerk whom the King delighted to honour, keen in his master's service, ambitious and proud with the ostentation of one who has risen, but a man of the people, already perchance forecasting the inevitable clashing between the King's stern justice and the church's milder pity, waiting only the opportunity to develope into the demagogue and the saint. Amid the thousands of the 'choir invisible' who have trodden our streets, with the uncertain exceptions of Helena, Osyth and Cedd, no canonized saint has lived among us, but St. Thomas of Canterbury. His extraordinary popularity as the champion of the liberties of the people, as well as of the rights of holy church against servile bishops, feudal tyranny and royal despotism, was shown by the veneration instantly and everywhere accorded him after his tragic death. It is small wonder then that the Burgesses who had seen him, founded in the suburbs a chapel in his honour, which with its ministers, was endowed with lands at Bromley, and that altars of the Blessed Thomas were erected in the Abbey Church and the Priory, whilst, later on, a chantry under his invocation was set up in the church of S. Maria ad Muros.

As a reward, probably for his entertainment, Henry granted the Monks before he left, a two days fair on the feast of the Invention of Holy Cross, to be held near the church of St. Helen, which, though non-parochial, seems to have had both clergy house and burial ground.

Hubert de St. Clare no doubt accompanied his lord to Bury, where Henry wore his crown at Whitsuntide, and thence to the Council at



Northampton. He was confirmed in his position as Constable of Colchester and, in the following year, he occurs in the Pipe Roll as paying dues for a manor in Devonshire. In the same year, Richard de Luci, Sheriff of Essex, renders account of the farm of Essex, but John de Colchester accounts directly for the 'auxilium burgi' (£"12..13..8) in two tallies. This tax Bishop Stubbs identifies with the ancient Danegeld. Richard de Luci, however, accounts, both in the second and fourth years, for the fee farm of the Borough, £9 being left owing in the former, and accounted for in the latter, year. The town is not mentioned in the third year, but in the fourth £23 is owing which shows the royal visit was perhaps a doubtful blessing. In these later years, one Maurice was Sheriff, but in what capacity de Luci accounted is uncertain—was the town separated from the castle overlordship?

In 1165, Walter Waleis (the Welshman or Briton) was elected Abbot, and in the same year Hubert de St. Clare was killed in a skirmish at Bridgnorth, in the act of saving Henry's life. He was succeeded as Constable of the Castle by William de Lanvallei, a knight, whose seat, held from the powerful de Veres, was at Great Bromley Hall, and who had married Gunnore, daughter of Hamo de St. Clare. Morant calls her indifferently daughter of Hamo or Hubert, but as William de Lanvallei's benefactions to the Abbey from his Stanway and Lexden estates mention only Hamo and William as needing the prayers of the Fraternity, it seems likely that Hubert was buried elsewhere and was not her father. William de Lanvallei was one of the assenting Barons to the famous Constitutions of Clarendon in 1164 and acted as Justiciary in 1174. He left a son, also named William, who was a great benefactor to the Abbey, married Hawise, daughter of Hugh de Bocland, Justice Itinerant and Sheriff, and died in 1210, leaving a son, William de Lanvallei, tertius.

No documents of Henry's reign throw any light upon the town's history, but benefactions flowed thick and fast upon the Abbey from great Barons like Henry of Essex, who had soon to hide the shame his cowardice had caused in a monk's cowl, and Geoffrey de Mandeville, Eudo's great grandson, also Earl of Essex, from the de Caisnetos, Sackvilles of West Bergholt, Martells, la Hayes, Bretons, and Batailles of East Donyland, whose names now survive only in their former estates. In 1182 Osbert, Prior of Snape, was elected Abbot, and several instances of his piety and benevolence occur in the Chartulary.

About this time, whether by the Abbot's influence or that of its overlord, the town recovered the privilege of assessing and collecting

its own fee farm, paying it, indeed, through the Sheriff, but freed from personal experience of his exactions which often resulted in the burgesses paying, not only their own share, but that of their less accessible country neighbours.

With the accession of Richard in the autumn of 1189 further progress was made. Partly by the advocacy of their powerful patrons, but more probably by the influence of their own hardly earned gold, the Borough purchased from the King, who was then doing a brisk business in this line, its first Royal Charter. Three days earlier Abbot Osbert obtained a confirmation of all his rights, liberties, immunities and possessions attested by the Primate and several Bishops, Abbots and Barons at Canterbury, the only local witness being Ralph of Colchester. As the Court pressed on its journey from Becket's shrine towards Dover, Ralph and his companion Burgesses hurried after them and on the very eve of the King's embarkation for the Crusade, which kept him away from his country the greater part of his reign, they obtained the coveted Charter, witnessed by the Chancellor, William de Longchamp, and several prelates and barons. This memorable date in our annals was the Feast of St. Nicholas, Bishop and Confessor, Dec. 6th, 1189, and whether to commemorate it or from other causes, we find from this date the church of St. Nicholas and a plentiful supply of candidates for holy baptism bearing that name. The Charter itself throws little light on the town—it grants privileges and immunities but defines nothing, the probability being that the Burgesses were left to adapt their ancient customs to their new privileges as they thought best.

In Saxon days each township had framed its own bye-laws in its own Moot, utterly independent of its neighbours, and it was probably the same when clusters of 'tuns' first became sufficiently united to form a 'burh.' It is possible then, following out the theory adopted by that great historian Bishop Stubbs, to trace in our four ancient wards the original townships of Colchester, each under its elected head, (the four 'ward men' were elected even in the present century) with its own parish priest and, later on, all united under the King's reeve or Port-reeve. Port, here, according to the Bishop of Oxford, is the latin Porta (not Partus a harbour) the place where the markets were held, and, though used for the city generally, refers to it especially in its character as a mart (the Port-reeve of Leicester certainly had little connection with the sea). If the four wards existed, as the Bailiffs and a Sheriff certainly did, before the Charter may we not place the churches of the original townships under St. Mary St. Peter, Holy Trinity, and Greenstead ?

Lexden, which still comes within a stone's throw of St. Mary's Church, may well be an off-shoot from it. Myland was in St. Peter's parish in the thirteenth century, and probably also St. Runwald (which is mentioned in 1281) and St. Martin, which were late foundations. Holy Trinity is the mother church of West Donyland and possibly the Abbey being carved out of this parish established St. Giles, which is mentioned as early as 1165, and St. Leonard which occurs in 1216—Greenstead and the Castle demesne were connected by common ownership, while Mr. Horace Round has adduced evidence to show that St. Botolph's was parochial not long after the Conquest. From this last were probably formed St. Nicholas circ. 1200, All Saints, which at this time included St. James, a little later and the latter last of all. St. Mary Magdalene was not parochial. If this view is correct each ward held a portion of the land within the walls, in Saxon days the least valued part, thus preventing any township from using the walls to oust its rivals from power. It may be noted, however, that the wards and parishes do not appear to have had identical boundaries under the unreformed Corporation, nor have they now under the recent Act. Haved ward is mentioned in John's reign, and no doubt the points of the compass which served to denote the bridges and gates served, as now, for the wards. Mention also occurs of a local rate called 'ward penny' about which there was probably the usual grumbling.

Mrs. J. R. Green in her brilliant account of the origin of municipal life asserts that our Charter and privileges were modelled on those of Norwich, but she dates the latter 1194, while, according to Dr. Gross in his exhaustive account of the Merchant Gilds of England, both were modelled on London. It is a pity that our local records do not go far enough back to enable us to know how the town received its envoys when they returned with empty purses but with the coveted parchment; fortunately Ipswich, which got its Charter in 1199, has a contemporary account which may serve instead.

Within a month of the grant of the Charter the whole body of Ipswich freemen assembled at the Church of St. Mary le Tower and there elected two Bailiffs and four Coroners (?Justices), the former being also included in the latter. As Mr. Strutt, the careful transcriber and commentator on our early charters, considers the word 'justiarios' denotes the Coroner's office, we may assume a similar course to have been followed here, though we do not get a glimpse of that official by name till the reign of Edward I. The same day it was ordained 'by the common consent of the town' that hereafter there shall be, in the said Borough, *twelve capital Portmen, as in other free Boroughs*. These were chosen ten days later by the whole town

acting through four electors from each *parish* and again the Bailiffs and Coroners are included in the twelve. This indirect method of election resembles that practised at Colchester within a century. Then follows a dramatic incident, "as soon as the aforesaid twelve Capital Portmen were sworn, in form aforesaid, they caused the whole of the aforesaid townsfolks to stretch out their hands towards the book (of the Holy Gospels) and with one voice solemnly to swear that from henceforth they would be obedient, intending, consulting, and aiding to the said Bailiffs, Coroners, and all and every aforesaid Capital Portman, with their persons and chattels, to preserve and maintain the aforesaid town of Ipswich and the new Charter aforesaid and the honour and all the liberties and customs of the said town in all places against all persons whomsoever, saving nevertheless to the Lord the King and his royal prerogative all things according to their power in manner as justly and reasonably as they ought to do."

May we not in fancy re-call our four hundred burgesses in their coarse tunics and sheepskin cloaks gathering together as the wintry sun struggled through the early morning clouds on some short January day in the year of grace 1190, on the very spot where for centuries their forefathers had assembled in their Motes and where their descendants to this very day meet in Council, and mixing with them the representatives of the new order, the men-at-arms, the retainers and the artificers of their Norman governors, with a stray black-cloaked Benedictine or two and the '*homines domini Abbatis*'—all the elements which were fast mingling to make the great English people—with one voice vowing on the holy gospels to live and die for the honour and good fame of their native town and their chosen rulers. Perhaps human nature was much the same in the twelfth as in the nineteenth century, but somehow newspaper reports of Ratepayers' Associations and Freeman's Meetings seem to leave a different flavour after their perusal from this picture of those whom they would stigmatize as servile, barbarous, and superstitious.

Ten days later the Portmen assembled to make their first municipal bye-laws, entrusted the precious Charter to two of the Coroners for safe custody, chose four Burgesses to collect the customs (a proof of the antiquity and importance of the office of rate collector), and two Bedells, one of whom was to keep the Goal, of him alone satisfactory securities were demanded. Some weeks later the Bailiffs presented with pride to the assembled Portmen and Commonalty the Common Seal of the town 'which hath been newly made' (is it not figured in Cromwell ?) and it was thereupon entrusted to three of the 'most loyal and wealthy' who were sworn to use it properly. They then proceeded to elect an Alderman of the Gild Merchant and

four associates to assist him in governing it, but as no trace of this institution has been found at Colchester, this point does not concern us here. Yet one Goodwin the Alderman lived at Fordham in this reign, but possibly this was an inherited surname like that of Ralph Genteilman. Finally a meadow was allotted for the support of the horses of the Portmen, 'for the labour which they shall bestow on behalf of the said community.' Colchester with its much larger area must have taxed the private resources of its rulers even more, so we are not surprised to find mention here of a 'Portmannes field,' two acres of which were, in King John's reign, settled on the Abbey.

Two features, indeed, are absent from this record which we may fairly assume to have had place in it—the Mass at which a community, ignorant of the advantages to be derived from the right of private judgment, offered their united thanks for God's mercies and lifted their hearts to Him amid the incense clouds before the altar of St. Peter's Church, and the banquet which no self-respecting Colcestrian would have omitted to attend when, amid the pealing of the church bells, priest and people, knight and squire, soldier and artificer, feasted together on Pyfleet natives, salted viands, chines and black bread, washed down with ale, as innocent of hops as our own, and wines as generous as the soil of Essex once produced.

We have thus noted briefly the stages of Colchester's municipal growth, checking each step by Dr. Stubbs' invaluable *Constitutional History*. First, we see the amalgamation of the townships and the growth in wealth and in the sense of social unity which led, even before the Conquest (when we stood among the first ten towns of England), to the fixing of the 'firma burgi' or fee farm rent payable to the crown. Then came the attempt to take the assessment and collection of this out of the hands of the Sheriff, to whom, after the Conquest, it was committed. Having regained this power, which was exercised by the community gathered in its Moot under the Reeve assisted by the 'good men' or 'probi homines' of the townships, the transition of these to magisterial functions and the complete exclusion of the Sheriff were not difficult to gain. "Immunities and exemptions, rather than substantial influence,"—were sought for, even the Charters were received with misgivings—they were purchased with solid gold and had, as a matter of fact, to be redeemed in the form of confirmation from each successive king.

Mrs. J. R. Green while depicting forcibly the difficulties besetting the towns in their early struggles, points out that those like Colchester on royal demesne fared better than those under baronial or ecclesiastical overlords.

Yet, in a measure, Colchester seems to have partaken of all three cases, it was 'his Grace's own town' even down to the eighth Harry's days, but it was granted away to more than one royal favourite, and, if not owned by its Mitred Abbot, at any rate, it must have been dominated by his great establishment, not only physically, but morally and commercially also. Yet neither Baron nor Prelate, despite the litigious disposition of the English of the middle ages, would seem to have interposed any serious obstacles as the pushing municipality wrested one privilege after another from their Kings.

In the reign of John, of infamous memory, we first come across the names of those whom we may safely assume to have been Burgesses of Colchester, and, if the analogy of Ipswich might be trusted, we could include many of the knights and squires whose names occur as having taken up their freedom, but it is better to restrict ourselves to those whom, from other evidence, we know to be inhabitants and whose names, usually occurring in a certain order, probably indicate the Capital Portmen of the Borough.

The earliest and most prominent of these is Simon, son of Marcian, who can be traced from before 1196 to 1237. His father, unless he were Marcian the clerk, of Stephen's time, was not a native, but two of his brothers, Richard and Alexander, were. His earliest signature occurs in the days of Abbot Osbert, who died in 1196, while he also attests a deed of William de Lanvallei secundus who died in 1210, but the deed may have been earlier. In this, he described himself as Simon the Steward (Dapifer), son of Marcian. Later on, in a mention of the Curia or Court of the Abbot, his name follows that of Abbot Adam (1196—1235) as adjudicating on the question at issue, so that, although never described as Bailiff, yet as a high officer either of the Baron's or of the Abbot's he appears to have been the leading layman of the town, his signature nearly always occupying the first place in the purely local deeds, while his consideration in the county is shown by his attesting the grants of such families as de Vere, la Haye, le Breton and other local gentry. In 1206 he witnessed an agreement between the Abbot and Prior Henry of St. Botolph respecting woods and meadows at Birch and Layer, and a grant, of about the same date, gives us our first mention of the Church of St. Nicholas, the patronage of which he transferred to the Abbey. Possibly he was the founder of the church built just outside the Castle walls with its tiny parish carved out of St. Botolph's, to whose Prior Simon allotted as compensation, twelve pence per annum. He had also property in London, which as early as Abbot Osbert's day he gave to the Abbey, and the deeds relating to it bear the names of Mayors, Aldermen, and Sheriffs of that ancient city still united to us

by fraternal bonds. He also owned property at Copford. In 1217 he signs an agreement before Richard de Seynges and Simon de Insula, Justiciaries, holding their assize at Colchester. His signature is followed by that of John the Sheriff. In 1227, Hasculf being Prior, we find him regulating the affairs of the parish of St. Leonards, probably carved by the Abbot, its patron, out of the huge parish of St. Giles, in which the old Hithe (our Old Heath) still is, a designation probably eight centuries old since we find 'venella que se extendit versus veterem Hetham' circ. 1164, and Hethstratum in 1227. Simon's death occurred soon after that of Abbot Adam in 1237, since we find him only once in connection with Radulf Bateman, Bailiff, in the days of Abbot William, his successor. King John's visits to Colchester were almost as numerous as Stephen's, if shorter. On December 19th, 1203, having just landed at Portsmouth, he hastened here and then back to Windsor for Christmas. On October 15th, 1205, he was here again, possibly pretending to raise the army, which he dared not lead, for the recovery of Normandy. Twice during the continuance of the fearful Interdict, when the offices of religion ceased throughout the length and breadth of England, did the tyrant come to stay here, namely, on June 12th, 1209, and from the 28th to the 30th of September, 1212, when he probably reviewed the troops he had gathered at Ipswich. In 1214, the Barons were consulting at Bury, when, on November 5th, John suddenly pushed from Writtle to Colchester, stayed two nights at the Castle and on the 7th returned to Rayleigh. On the 20th, William de Lanvallei, tertius, whose family for half a century had had charge of the royal castle, was ordered to surrender it to Stephen Haringoot, a Flemish mercenary, who held it till the following August. De Lanvallei joined the Barons and, in the following June, was one of the twenty-five executors appointed to supervise the carrying out of that great confirmation of our liberties known as Magna Charta. Unfortunately, in 1217, he died, leaving a young daughter, Hawise, who passed into the guardianship of the great Hubert de Burgh, who married her to his son John. Her father was twice married, first to Matilda Peche, whose relatives were donors to the Abbey, and secondly to Hawise, daughter of Alan Basset, of a powerful family newly risen from the 'noblesse de robe.' With the exception of a grant of North Mill to the Abbey, John de Burgh and his wife do not appear in our local records, though they, rather than the Lanvallei's, who died out in 1217, probably founded the Crouched Friars' House circ. 1245.

In November 1215, a force of 7000 Frenchmen landed in Suffolk to aid the Barons against the perjured King, and soon afterwards took Colchester, its Constable probably offering no resistance. In

the following March, John himself besieged the town and on the 25th entered the Castle in triumph, proceeding thence to Heddingham. He was now, according to the Bishop of Oxford, at the flood tide of his fortunes, but death overtook him in October and altered the whole aspect of the struggle.

Between the ruthless tyrant and the foreign invader, Colchester must have fared badly, but, though the lilies of France waved for a time on the Castle towers, the departure of Louis, followed by the treaty of Lambeth, secured the final abandonment of the French claims. Colchester Castle was now committed, as a strictly Royal Castle, to the custody of the Bishops of London, an arrangement which lasted several years—possibly Simon fil Marcian was their deputy. Notwithstanding the great improvement in the state of the country under Hubert de Burgh, in the early part of the reign of Henry III., the social and religious anarchy of John's rule left indelible traces. In his introduction to the *Monumenta Franciscana*, Dr. Brewer depicts the fearful condition of the poorer parts of the towns at this time, and the laxity both of the parish priests and the monks. The persistent efforts of Rome to prevent clerical marriages had, indeed, almost entirely succeeded, but as a result the benefices of England were rapidly becoming hereditary in the hands of an *unmarried* clergy. The frequency of the affix 'fil Presbyteri' in the Chartulary shows that whatever Canon Law might say, public opinion, by no means, regarded celibacy as essential.

A priest's son is among our earliest Bailiffs, and Rose, the daughter of Helye, chaplain of Myland, in the parish of St. Peter, boldly proclaims her parentage in her gifts to the Abbey. But a spiritual revival was at hand in the coming of the Friars so graphically portrayed by Dr. Jessopp. Their late arrival in Colchester was rather due to the greater misery in the larger towns than to any moral superiority here. From its situation, the town must have been comparatively healthy and overcrowding unlikely, while the multiplication of parishes, which in this reign was stopped by law, had not proceeded to the excessive degree it attained in Norwich and elsewhere. If the town did not produce saints, at any rate it produced those who exemplified the motto 'Laborare est orare,' for Matthew Paris records the name of Hubert of Colchester as the artist who fabricated the magnificent shrine to which the relics of St. Thomas of Canterbury were translated in 1220, and waxes enthusiastic over the carving and painting of Walter of Colchester, Sacrist of St. Albans, whose noble decoration of the stately minster was the wonder and admiration of his contemporaries. During the next quarter of a century, gifts and benefactions from inhabitants of



the Borough occur with increasing frequency and enable us to recover the names of various Bailiffs and chief artificers and traders two generations earlier than the well known census of Edward the first's time.

Although Simon fil Marcian gave the advowson of St. Nicholas to the Abbey, some years later we find Nicolas the chaplain, son of Thomas de Broca, granting them all his rights therein, possibly as rector. This is witnessed by Nicolas the Steward (dispensator), Baldwin and Ralph Bateman, Bailiffs, five other Burgesses, two clerks of the Abbot and others : its probable date is 1236. A document of this date, in the days of Prior Hasculf who attests it, is witnessed by Gilbert (rural) dean of Colchester, (a title not uncommon in the Chartulary) four Knights, Nicolas dispensator, Michael Mercator (? the general shopkeeper) and Nicolas son of Thomas, Bailiffs, and eight others. It mentions the park of Lexden, that bordering the river probably, and a house in Hedstrate. In 1240 John de Blumville left rents in Colchester and Greenstead, he mentions, *inter alia*, Alice de Clingho, Gunnore de Stokeswellstrate, and Gunnore de Stanhille. His gift is attested by three knights, two squires, Nicolas son of Thomas, and Ralph son of Peter, Bailiffs, five burgesses, two of the Abbot's clerks, and others.

In 1242 Simon, son of Norman of Miland, gave various fields in that suburb, and the first signatories are Guy Basset and Ralph son of Peter, Bailiffs. The former, whose signature often occurs, is once designated Guy the Marshal, so he was probably one of the officers of the Castle, and a connection of Hawise de Burgh, whose mother was one of the powerful Basset family. Already the Bailiffs of the Boroughs ranked, by virtue of their office, with esquires, but, in this case, by right of birth also. In 1244, the Abbot confirms to Eudo, chaplain of Colchester, and Sara his mother, a messuage in Estrate, witnessed by Ralph, son of Peter, and Nicolas de Estrate, elsewhere designated Bailiffs, and five others. This Ralph appears also to have been senior Bailiff with Guy Basset, Geoffrey the steward, and Nicolas son of Geoffrey.

When Matthew, son and heir of Richard Haning—a surname already a century old in the town—left three acres next to Alwinesmere, his gift was attested by Master Richard of Peldon, Guy the Marshal, Robert Ragod, Simon Skirmisur, and Robert son of Master Saher, deputies for Ralph son of Peter, and Geoffrey dispensator, Bailiffs, by four burgesses and by Simon and Reginald, servants of the Bailiffs. Simon Le Skirmisur was Bailiff in 1255, and may represent the Castle influence, he being one who trained the young knights and squires in the arts of the tournament. Were

the worthy Bailiffs at Court negotiating the Charter of 1253 in which Henry III. enlarged their privileges by granting them the return of all writs issued within the liberties? The earliest notice of borough officials is an interesting feature of this document.

When Ralph Sumer left three shillings rent-charge on two curtilages of the tenure of Richard, son of Marcian—one without Kingessarde, under the wall, between those of Richard of Leicester and Adam Putot, the other 'sub gardino de Balkerne' next to what is Roger Dreiberd's—the names of Peter Makerel and Nicolas the Constable, Bailiffs, are followed by seven others. The mediaeval significance of the former's name, the Pander, is not suggestive of a high standard of morality. In Matilda Poppe's deed of gift, after the Bailiffs, we have Otho de Colchester and Simon the Janitor, in these days an office ranking high in public estimation.

In Mr. Harrod's exhaustive *Repertory of the Records* he states that our archives contain nothing earlier than Edward II., but he was able to recover the names of four earlier Bailiffs:—1255, Ralph, son of the Priest, and Simon Leskirmisur. 1272, Nicolas the Physician, and Roger the Goldsmith. The third of these also occurs in the Chartulary as Bailiff with Walter Manser.

We have thus disinterred at least twelve other Bailiffs, of whom several have their years of office distinctly recorded, while the following, who head lists of witnesses, were probably Portmen and Bailiffs, though not so specified:—Ralph Sumer, Saher Haning, William Hawkseye, Henry Welshman, Robert Ragod, John Strut, Walter Bear (Ursus), Warin the Vintner, Peter Peper, Peter Janitor, William Modus, Richard de Langenhoe, Richard de Maneston, William son of Gilbert, Ralph son of Thomas and others. The Bailiffs of 1290, Ralph Sarare, and Alexander Tony, and 1314, Warin fil William and John the dyer (teinturier) are also additions to Mr. Harrod's list.

Roughly analysing the names of the witnesses to the purely local deeds, we find the largest class consists of those whose surnames are derived from their callings (about 100), the smallest, those with patronymics (about 50), while those associated with localities come between. The smallest class held relatively the highest rank, the last class, whose names mainly denote places of origin, in some cases includes those which are territorial and indicate the position of lords of manors.

In addition to those surnames already given and to obvious nick-names such as Niger, Rufus, Gros, Parvus, Swift, Pauper, Petit pas, Pecur, le Crepel, Holymoder and Halvedevil, we have the following, many of which offer difficulties of explanation.

|           |           |           |             |             |
|-----------|-----------|-----------|-------------|-------------|
| Anneis    | Chppmge   | Gogul     | Prentys     | Stukel      |
| Badinge   | Coife     | Kokehay   | Pritel      | Stimbel     |
| Baudechin | Cunting   | Kinnich   | Pulhare     | Taleandwell |
| Belet     | Dikeley   | Lidman    | Ruddoc      | Torthebuch  |
| Blauber   | Dribel    | Noreys    | Safoelswarp | Theдам      |
| Boidon    | Dunning   | Percesoil | Selford     | Tux         |
| Cant      | Figul     | Potekin   | Smokeshod   | Wawayn      |
| Anneis    | Clippinge | Gogul     | Prentys     | Stukel      |
| Badinge   | Coife     | Kokehay   | Pritel      | Stimbel     |
| Baudechin | Cunting   | Kinnich   | Pulhare     | Taleandwell |
| Belet     | Dikeley   | Lidman    | Ruddoc      | Torthebuch  |
| Blauber   | Dribel    | Noreys    | Safoelswarp | Theдам      |
| Boidon    | Dunning   | Percesoil | Selford     | Tux         |
| Cant      | Figul     | Potekin   | Smokeshod   | Wawayn      |

Kingemannesone, Canon Bardsley thinks, represents the son of one who played the king's part in some mystery or miracle play.

The favourite christian names are Ralph, William, Geoffrey, or Nicolas, Saxon names being scarce, but this is probably due as much to fashion as to race.

Of names of occupation, naturally the 'clerks' (10) come first, practically including all the professions of to-day, with Presbyters (6) (Sacerdos and Parson are equally rare throughout the Chartulary). Cooks number 7, Smiths 6, Stewards (dispensatores) and Marshals 5, Millers, Bakers, Porters, and Janitors 3, Dapifers, Chamberlains, Foresters, Goldsmiths, Tailors, Weavers, and Tanners 2, while, of the following, only one representative signed, though others doubtless existed :—Sacrist, Cellarer, Pincerna (a Gild officer according to Dr. Gross), Carter, Thresher (of cloth), Dyer, Chaloner (maker of chalons, coverlets), Furrier, Tasseler, (?linen spinner), Tunner (of wine), Vintner, Brewer, Lorriner, Shoemaker, Shopkeeper, Carpenter, Glasswright, Frarur (?Friar), and a Messier, a Fucher, and a Niker, whose occupations are a mystery. From this list one can form an idea of the influence exercised in the town by those on whom these few artificers and traders must have depended for custom.

There is little in this roll of burgesses to indicate that the clothing industry had yet assumed any large proportions in the neighbourhood, but it evidently existed, and the fact that the *Black Book of the Admiralty* gives the duty payable at Ipswich by 'Cloth of Colchester' in the early years of Edward the First's reign, (when the census shows no larger number of artizans than we have here noted) leads us to infer that its origin may be placed at a somewhat early date. That Colchester traders were as enterprising as their neighbours we may note from the fact that one of the few from the Eastern counties who purchased the freedom of the city of Dublin about the close of the twelfth century was John de Colchester.

Excluding surnames derived from the Borough and its suburbs, we find the following from the neighbourhood:—Peldon, Langenhoe, Donyland, Layer, Bentley, Clacton, Brightlingsea, Canewdon, Ongar, Elsenham, Gosfield, and Ramsey, while further afield we

get burgesses from St. Neots, Hereford, Sawbridgeworth, Berkway, Leicester, Lichfield, and Aylsham.

The following streets are mentioned :—

Hedstrate, Hethstrate, Nordstrate, Estrate, Bereslane, Lodderslane, Newemanneslane, Magdalen lane, and others unnamed such as "venella que se extendit de ecclesia S. Trinitatis versus Hedstratum" (Culver Street). High Street is not mentioned, but we have North and East Bridges, Counterford bregge (?Crockleford bridge). North and East Gates, and South Scherd.

Six mills are mentioned:—Lexden, one at the Hythe—a source of litigation between Abbot and Prior ultimately pulled down and a new one erected elsewhere (? East Mill) —Northmelne, Middelmelne, and Stokesmelne, the latter being probably the same as the former.

The river, Taseler's brok, Kynggesforde, Crokelforthe, Swartepol, Scherdam, and various marshes and meres are recorded, and the following field names :—

|                           |                         |                       |
|---------------------------|-------------------------|-----------------------|
| Alamiland (? Myland Hall) | Heyesfeld               | Popelermedwe          |
| Braiswick                 | Holfeld                 | Ruste grave           |
| Brambilond                | Homfeld                 | Sondislond (? Sunday) |
| Catesfeld                 | Hedho and Estho (woods) | S. Jonesfeld          |
| Caldel                    | Kichenaker              | Swetynggesfeld        |
| Chalfpitel                | Linland                 | Senclersmed           |
| Cloddestegle              | Landstaneswei           | Schonkesaker          |
| Edivefeld                 | Levegoryslond           | Scyrto                |
| Eliveangel                | Munkdown                | Schawes               |
| Eldneptune                | Neuenhey                | Scamna                |
| Elmsholt                  | Nickersmedwe            | Tanyesmedwe           |
| Freideislond(? Friday)    | Oldgatyslond vel        | Winescroft            |
| Goldsmidesfeld            | Seyntmarilond           | Woodlegh              |
| Goldenattehell            | (Balkerne)              | Waltershale           |
| Grimesho                  | Otgyveslade             |                       |

The frequent references to the Jews in these deeds show their intimate connection with all commercial matters at this period, but there is no allusion to the local Jewry in Stockwell Street. Many donors insert "non licet in manu Judeorum ponere," "et quod cartam suam nunquam in manus Judeorum mandicabit," phrases which speak alike of the prevalent habit of mortgaging property to the aliens and of the popular disapproval.

The phrases "non dimittere alieni Judeo vel domui religiosi," "preterquam viris religiosis vel Judeis," are uncomplimentary couplings of opposing creeds, like the indemnifications against all

comers "Christianos vel Judeos, homines vel feminas." Is it a likely suggestion that S. Martin's Church was founded at the close of the 13th century when the expulsion of the Jews would have left their Jewry unoccupied and ready for the influx of a greater number of parishioners than S. Runwald's could possibly accommodate ?

It is strange that few personal touches enliven these dry records of the past, but the poverty or want of proper pride on the part of Walter, the son of Edwin, is handed down to all ages in that "quia idem Walterus sigillum non habet, clavem suum loco sigilli impresit." Was it a prescience of latter day femininity which induced John, son of Ralph, to guard his donation "contra omnes homines, masculos quam feminas," or merely a desire to be specially emphatic, having suffered from a shrewish wife? Not many special bequests troubled the memories of the monks, a few benefactors ask for the special remembrance of obits, and two clerics allot their gifts specifically to wax candles to burn for ever before the altar of the Blessed Virgin, but most of the faithful are content to trust the Brethren to apply their freewill offerings to the 'general purposes of devotion and charity for which their House was founded, and which there is no reason to suppose they neglected.

The foregoing gleanings may be of interest to those who take a pride in the ancient and loyal Borough of Colchester, and should such find in them any errors due to an imperfect acquaintance with monkish Latin and mediaeval records, it is hoped they will at least treat them with the indulgence due to an honest attempt to realize the conditions of existence in an age so remote in all points from our own.