

THE MEDIEVAL ENGLISH
BOROUGH

STUDIES ON ITS ORIGINS AND
CONSTITUTIONAL HISTORY

BY

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MANCHESTER UNIVERSITY PRESS

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

PREFACE

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

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

Printed in Great Britain by Lowe & Brydone (Printers) Ltd.,
London

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

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

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

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

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

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

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

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

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

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

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

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

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

JAMES TAIT.

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

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ADDENDA AND CORRIGENDA

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

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

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

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

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THE ANGLO-SAXON PERIOD

I

THE ORIGINS OF THE BOROUGH

I. INTRODUCTORY

THE revival of urban life in England when the Teutonic invaders had settled down and accepted Christianity was not an isolated development. Everywhere in Western Europe successive waves of barbarian invasion had washed out Roman municipal organization, a nascent recovery was temporarily checked by the ravages of the Northmen in the ninth century, but with their repulse or settlement proceeded steadily, though at varying rates as local conditions favoured or impeded it. The rise of towns in England cannot therefore be safely studied without some knowledge of the parallel movement on the Continent.

The strong similarities which are observable in urban organization on both sides of the Channel and North Sea may be due, at first at all events, rather to the working of like causes than to direct influence. In nomenclature, for example, the fact that towns were necessarily almost always fortified seems sufficiently to account for the general application to them of the Germanic *burh*, *burg*, *bourg*,¹ without supposing borrowing. Certain features of their organization as it gradually developed, within or beyond the period with which we are immediately concerned, were in the nature of the case alike in all countries. Markets, fairs, a body of *probi homines* acting as administrators and, in the more advanced communities, as judges were urban requisites everywhere. In the case of these more highly organized communities there

¹ In the Gothic Gospels of the fourth century *baurgs* is used to translate the Greek *πόλις*, "city," as contrasted with *κώμη*, "village," which is translated *haimis*—O.E. *ham* (Mark, i. 33, vi. 56; Luke, x. 10). The early application of the cognate *burg*, *burh* to the walled town in England is seen in Canterbury (*Cantwaraburh*).

are always two main problems to be solved. When and in what circumstances did the town become a separate judicial area? At what date and by what means did it secure the right of self-government? The materials for answers to these questions, especially the first, are unfortunately imperfect in all countries and a massive literature has gathered round them, especially in Germany. The view that municipal life had survived from Roman times has long been discredited, but the hot controversy whether the town was in the beginning essentially a mere natural extension of a rural community or a fortress (or an appendage of one) or the locality of a market, has not yet been settled to everybody's satisfaction, though the last suggestion has now few, if any, continental supporters.

If the early growth of the English borough has much in common with that of the continental town, it has also some marked peculiarities, due to the insular position of the country and the course of its history. The chief of these is the limited hold which feudalism obtained here as compared with Germany and still more with France. Even in Germany the Ottonian dynasty (10th century) delegated public justice in the great episcopal cities to their bishops, not without risk of confusion between the unfree inhabitants of episcopal domain and the citizens outside its bounds.¹ In thoroughly feudalized France cities had to wrest liberties from episcopal lords. In England, on the other hand, the crown retained its direct authority over all but a few small boroughs in the south-east down to the Norman Conquest and though some larger towns were mediatized by the new rulers of the land, the process never went to dangerous lengths. This direct relation to the king was doubtless in part accountable for the slower development of towns in England than abroad and for the complete absence during the Anglo-Saxon period of such urban charters as were being granted, sparingly enough, by feudal lords in France in the eleventh century and even occasionally in the tenth. Athelstan's alleged charter to Malmesbury² is of course the most obvious of post-Conquest forgeries and there is not even a medieval copy of that to Barnstaple.³

¹ F. Keutgen, *Ursprung der deutschen Stadtverfassung* (1895), pp. 14 ff.

² C.S., no. 720, vol. ii., p. 428.

³ In an inquisition taken shortly before 1344 it was found that "there was nothing certain about the charter of king Athelstan whereby the burgesses pretend that certain liberties were granted to them" (C.P.R.

The absence of military and political feudalism in Anglo-Saxon England explains a further marked difference between the early English borough and a large class of continental towns. In the Low Countries the *burg* was the feudal castle round which or a fortified ecclesiastical settlement the towns (*poorte*) mostly grew up, while in France similar settlements below the feudalized walled *cités* of Roman origin came to be distinguished from them as *bourgs* when in their turn they were surrounded with walls. This distinction between old and new was unknown in pre-Conquest England¹ where urban life began within the walls² of old Roman towns and the new *burhs* founded by Alfred and his family, when not mere forts, were normally existing settlements, now for the first time surrounded by a wall or stockaded rampart.

The scientific investigation of the origins of the English borough began much later than corresponding studies abroad and was strongly influenced by them. It was not until 1896 that Maitland, much impressed by Keutgen's theory of the vital part played by the defensive *burg* in the rise of towns in Germany, gave a forecast in the *English Historical Review*³ of the "garrison theory" of the origin of English towns which he expounded at length in the next year in *Domesday Book and Beyond*. Briefly, his theory was that the burgesses and houses recorded in Domesday Book as paying rent to manors outside the borough in the eleventh century were relics of a duty of the shire thegns of the ninth and tenth to keep men in the boroughs for their defence, who became the nucleus of the borough community.

Though slightly guarded by his admission that "no one theory will tell the story of any and every particular town"⁴ and that "we must not exclude the hypothesis that some

1343-45, p. 290). Yet in 1930 the corporation publicly celebrated the millenary of the granting of the charter to "the oldest borough in the kingdom." Malmesbury wisely made no protest.

¹ Except perhaps in a minor degree at Worcester. See below, p. 20.

² At Canterbury these had been extended northwards before the coming of St. Augustine (Bede, bk. i. c. 33; C. Cotton, *The Saxon Cathedral at Canterbury* (1929), p. 4); but the Burgate, the "Borough Gate," was in the old Roman wall. Dr. Mortimer Wheeler has recently advanced the theory that Saxon London originated in the western half of the area within the Roman wall because that, always thinly populated, had probably been found deserted, while the nucleus of *Londinium*, east of the Walbrook was still occupied through the fifth and sixth centuries by a Romano-British population, "if only as a sub-Roman slum" (*Antiquity*, viii. (1934), pp. 290 ff., cf. *ib.*, 437 ff.). This suggestion is still under discussion and in any case the first Saxon settlement would not have been one of traders.

³ xi. (1896), pp. 13 ff.

⁴ *D.B. and B.*, p. 173

places were fortified and converted into *burgs* because they were already the focuses of such commerce as there was,"¹ Maitland's theory found practically no supporter but the late Adolphus Ballard, whose exaggerated development of it and illogical attempts to link it up with the Norman castle-guard did not tend to secure its acceptance. With the death of most of the protagonists the controversy subsided without producing an alternative theory, fully worked out.

It was not until 1930 that the problem was attacked again, by an American scholar, Dr. Carl Stephenson, in an important article,² in which the whole evidence is reviewed and a conclusion reached which has features both of agreement and disagreement with Maitland's view. Dr. Stephenson rejects the "garrison theory," but goes much further in emphasizing the military character of the early boroughs. For him the normal borough remained primarily a fortress and administrative centre until the Norman Conquest. He claims to have established from the old English laws and from Domesday that, except for a few sea-ports of the south-east,³ the Anglo-Saxon borough had no really urban character. Its market, like its mint, was official, its court only a unit of the general system of hundred courts. Its population was a microcosm of the countryside, containing all its social ranks from thegn down to slave. There was no land tenure peculiar to boroughs, no burgage tenure as we know it after the Conquest. *Burgenses* (*burgware*, *burhwaru*) meant no more than inhabitants of a walled centre. There was little trade and that local. For their subsistence the burgesses mainly depended on the borough fields, which the majority of them cultivated for the benefit of a wealthy land-owning minority. Free communal life did not yet exist. It was first called forth by the settlement of French traders in the old boroughs and in new ones created by Norman barons. Uniform burgage tenure was introduced and a rapid succession of other privileges was embodied in charters from the reign of Henry I. The origin of our municipal towns is thus found not in legal criteria, such as the possession of a separate court, but in the

¹ *D.B. and B.*, p. 192; *cf.* p. 195.

² *E.H.R.* xlv. 177 ff. Since my article was written, Professor Stephenson has restated his thesis more fully and with some notable modifications in his book: *Borough and Town: a Study of Urban Origins in England* (Medieval Academy of America, 1933).

³ In his later work the large populations of York, Lincoln, and Norwich are recognized as evidence of Scandinavian trade. See below, p. 131.

development of a mercantile community, whose chief instrument was the merchant gild. It was essentially a social, not a legal, change.

This change, Dr. Stephenson goes on, falls into its place in the general growth of town life in Western Europe created by the revival of trade in the eleventh century. In England, as on the Continent, the *burgus* was a small lifeless unit until the age of mercantile settlement. This is of course the view for which, as regards the origin of continental towns, Professor Pirenne has secured wide acceptance. The great cities of the Netherlands are traced by him to the settlements of traders in *poorts* under the shelter of *burgs* fortified, like the English *burhs*, for defence against the Northmen. While reserving judgement on Dr. Stephenson's conception of the Anglo-Saxon borough until we have reconsidered the evidence, it may be well to note here that the parallel which he suggests is by no means exact. The boroughs founded by Alfred and his family—not to speak of the old Roman towns early re-occupied, were themselves called *ports*¹ from the first in virtue of their markets. The king's reeve in the borough was *portreeve* not *boroughreeve*. While the few dozen *ministeriales*, with the household serfs, of the *burg* in the Low Countries were consumers only, it was, we shall see, the definite policy of Edward and Athelstan to restrict trading as far as possible to the borough-ports. The Northmen here, but not in the Netherlands, settled down as active traders. It is only as royal and revenue-yielding creations that these early markets can be called "official,"² and the crown continued to retain control of the creation of markets after the Norman Conquest. Again, English boroughs were usually much larger than the *burgs* of the Netherlands.³

2. BEFORE THE DANISH INVASIONS

It seems clear that urban life in its most general sense, the aggregation of exceptional numbers at certain points, began in this country with the re-occupation of the old Roman walled towns which for a while had stood wholly or practically

¹ Professor Pirenne himself notes this early parallel. Below, p. 21, n. 3.

² There is no evidence, Professor Pirenne says, of official markets in the *burgs* of the Low Countries. Stephenson, *Borough and Town*, p. 213 n.

³ With the 25 acres of the *vieux-bourg* of Ghent, *cf.* the 80 acres of Oxford, Wallingford, and Wareham, boroughs of middle size.

deserted.¹ The more important became capitals of kingdoms and, in some cases, bishops' sees. In none, however, did the bishop acquire the feudal authority which passed into the hands of the French bishops in the old Roman episcopal cities of Gaul or enjoy even the delegated public authority of the German bishops in the Roman towns along the Rhine and Danube. Such administrative and ecclesiastical centres would naturally attract settlers to supply their wants, many of whom would be attached to the royal domain and the episcopal and monastic estates. There would be a market.² These centres were already, in one sense, "boroughs" for *burh*,³ the general name for a fortification, was specially applied to walled towns, but we shall not expect to detect in them all the features of the later Anglo-Saxon borough. There is evidence, for instance, that a court was held in them, but it seems to have been the king's court for a wider district than the *civitas*. With rare exceptions, such communal organization as they yet possessed would be mainly of an agricultural type. Most, if not all, of them had arable fields and their appurtenant meadow, pasture and wood, which suggests that the original settlers had formed agricultural communities which differed from others only by living within walls. The germ of a more thoroughly urban communalism lay in their market, though royal policy afterwards, though reluctantly, decided that markets and fairs were not to be exclusive marks of a borough.

That London at least was the centre of much more than local trade as early as the seventh century we know from Bede's description of the metropolis of the East Saxons as "multorum emporium populorum terra marique uenientium."⁴ A law of Hlothere and Eadric reveals Kentishmen as frequent purchasers in London.⁵ Signs of increasing trade elsewhere in the eighth and ninth centuries will come before us later. It is significant that when at the latter date the place of minting is given on the coins, eight out of the ten mints on

¹ As regards London, this is disputed by Dr. Wheeler (see above, p. 3, n. 2). Haverfield pointed out that the correct Roman names of Canterbury and Rochester, Doruernis and Dorubreuis, were known to Bede, apparently by tradition only. He ascribed this to the first English settlement in Kent having been by agreement (*E.H.R.* x. (1895), 710-11), but it may also perhaps indicate an early re-occupation of these *civitates*.

² The *uenalis locus* at Canterbury is mentioned in a charter of 786 (*C.S.* no. 248, i. 344).

³ Latin, *urbs* in Bede, etc., *ara* usually in charters.

⁴ *Hist. Eccl.*, ed. Plummer, i. 85.

⁵ Liebermann, *Ges.* i. 11 (c. 16), a. 685-6.

record were in old Roman *civitates*.¹ This is far from exhausting the Roman sites which developed into boroughs. Of the seventy-one unmediatized boroughs which appear in Domesday, some eighteen are of this type and Carlisle and Newcastle raise the number to twenty.

Apart from Bede's testimony to the trade of London, we are not altogether left to conjecture and inference from later evidence in estimating the stage reached by the future boroughs in this early period. Royal grants of land in Canterbury and Rochester, to Christ Church and St. Augustine's Abbey in the one and the see in the other, and similar gifts to thegns, have fortunately been preserved and throw a little welcome light upon the two Kentish cities. The charters attributed to Ethelbert are forgeries and the earliest genuine grant is that of Egbert, king of Kent, to Bishop Eardulf of Rochester in 765.² This is a gift of land within the walled area (*castellum*)³ described as "unum viculum cum duobus jugeribus adjacentem plateae quae est terminus a meridie hujus terrae." This and some later grants of *jugera* with houses in Rochester and Canterbury have been claimed as revealing the existence within their walls of large estates ranging up to six ploughlands and so "indicating the survival in the *civitas* of only a scanty population living by agriculture."⁴ The argument is, however, vitiated by two errors into which Professor Stephenson has fallen. He identifies *jugerum*, "acre" with *jugum*, the fourth part of a ploughland,⁵ and fails to notice that the acres were in most cases wholly or largely outside the walls. The only certain evidence of acres within them is confined to the two acres of the Rochester grant quoted above and ten in Canterbury.⁶ Even these of course are large tenements for a town, but in the ancient borough, we must not expect the small and uniform lots of those of later creation.⁷ That there was some agricultural land even within the walls

¹ *E.H.R.* xi. (1896), 759. It has even been questioned whether the evidence for Alfred's mint at Oxford is trustworthy (J. Parker, *Early History of Oxford*, pp. 366 ff.). The most recent opinion, that of Sir Charles Oman, rejects this scepticism.

² *C.S.* 196, i. 278.

³ Cf. W. H. Stevenson, *Asser*, p. 331.

⁴ *E.H.R.* xlv. (1930), 204-5.

⁵ The 30 *jugera* on the north side of Canterbury granted (a. 823) in *C.S.* 373, i. 511 are "ðritiges *aecra*" in the contemporary English endorsement.

⁶ *Ibid.* 426, i. 597.

⁷ An acre for the burgage seems to have been a maximum allowance in the new boroughs of the thirteenth century (*B.B.C.* ii. 47, 51, 62).

we need not deny. There were closes within the walls of Lincoln as late as 1086.¹

The Latin terms applied to city messuages in these Kentish charters do not indeed on their face suggest a tenement specifically urban and on the contrary have a rural sound. *Villa* and *vicus*, if not *villulum* and *viculum*, were common Latin versions of the Anglo-Saxon *tun* and *wic* in the sense of "dwelling-place," "homestead" and by extension "village" or, more widely, any populated place, as our word "town" witnesses. While in the country at large, however, the wider meaning tended to become predominant, the original narrower sense persisted in the Kentish cities. Charters of 786² and 824³ preserve the English names of two messuages in Canterbury, Currington and Eastur Waldington. The contemporary English endorsement of the sale of a plot of land there in 868 describes it as "ðisne tuun."⁴ But a more specialized term was coming in. As early as 811 we find a Mercian king transferring to Archbishop Wulfred "duas possessiunculas et tertiam dimidiam, id est in nostra lingua ðridda half haga"—i.e., 2½ haws—in Canterbury with their appurtenant meadows on the east bank of the Stour,⁵ and twelve years later another king of Mercia added a small adjoining plot measuring 60 feet by 30, together with 30 acres on the north side of the city, 25 in the arable (*in arido campo*) and 5 of meadow.⁶ A Rochester charter of 855 granted "unam villam quod nos Saxonice *an haga* dicimus in meridie castelli Hrobi" with the appurtenances of land, etc., which of old belonged to it.⁷ *Haga*, afterwards softened to *haw*, was, like *tun*, a general term for an enclosed area, a dwelling-place, but it never obtained such a wide extension of application and came to be almost exclusively applied to urban tenements. Even when the word dropped out of ordinary use, it long survived in the "hawgable" rents of some old boroughs.⁸

The descriptions of the appurtenances of the Canterbury and Rochester haws, one or two of which have been quoted, show clearly that these *civitates* were in the eighth and ninth

¹ *D.B.* i. 336a, 2. They were called crofts.

² *C.S.* 248, i. 344. ³ *Ibid.* 382, i. 526.

⁴ *Ibid.* 519, ii. 134. It measured 6 rods by 3, a moderate area. Such plots could also be called "wics." See *ibid.* 373, i. 512. Hence the Latin *vicus* and *viculum*.

⁵ *Ibid.* 335, i. 467.

⁶ *Ibid.* 373, i. 511.

⁷ *Ibid.* 486, ii. 86.

⁸ *E.g.* Cambridge. See Maitland, *Township and Borough*, p. 48 and *passim*; W. M. Palmer, *Cambridge Borough Documents*, i (1931), lviii f., 57 ff.

centuries no mere aggregations of small agricultural estates within their Roman walls, but exhibit all those agricultural features of the English borough with the later aspect of which Maitland has made us familiar, the messuage within the walls, or suburb, and the appendant arable, meadow, pasture, wood and marsh further out. Especially noteworthy is the mention of the *urbanorum prata*¹ and *burhwarawald*,² "the boroughmen's wood," of Canterbury.

The eighth-century charter which supplies the latter name has a further interest in the combination of the grant of a large agricultural estate at Ickham with that of "the *vicus* called Currington," on the north side of the market-place in Canterbury. This looks very like an early instance of those town houses attached to rural manors, so numerous in Domesday Book, which Maitland wished to trace to military arrangements of tenth century date.³

In regulating the use of unenclosed fields and pastures and woods and marshes enjoyed in common, the *burgware* had constant necessity to act as a community, but the charters give hints of wider common action. Land in Canterbury was sold between 839 and 855 with the witness of the *portweorona*⁴ who were present, and a few years later a sale was witnessed among others by *innan burgware*, headed by an Athelstan who was probably the reeve of the city.⁵ The existence of other *burgware*, living without the walls is implied.⁶

The application of the term *port* to Canterbury in the first of these documents is of vital importance as showing that the city in the ninth century did not subsist on agriculture alone, but was a place of trade. That this was already the well-established meaning of *port* is clear from a contemporary London charter (857) by which Ælhun, bishop of Worcester,

¹ *C.S.* 449, ii. 30 (a. 845). Perhaps the *burgwara meda* of *C.S.* 497, ii. 102 (a. 859) in which a half *tun* participated. It is not clear to what *burh* the *burware felda* in the bounds of Challock (*C.S.* 378, i. 519) belonged.

² *C.S.* 248, i. 344 (a. 786). A Canterbury grant of 839 included two cartloads of wood in summer, by ancient custom, "in commune silfa quod nos Saxonice *in gemennisse* dicimus" (*ibid.* 426, i. 597). For the Middle English *menesse* in this transferred sense see *Place Names of Sussex*, ed. Mawer and Stenton, ii. 560.

³ Possibly another case is that of the half *tun* mentioned in note 1 above, which is said to have formerly belonged to a "Wilburgewell." For the tenement in Canterbury granted to the nuns of Lyminge in 811 "ad refugium necessitatis" see below, p. 15.

⁴ *I.e.* "Portmen," *C.S.* i. 599.

⁵ *C.S.* 515, ii. 128.

⁶ They appear together in 958 as witnesses of *C.S.* 1010, iii. 213: "iii geferscipas innan et utan burhwara."

acquired the haw of Ceolmund the reeve (*praefectus*) at a yearly rent of 12*d.* in addition to the purchase price. With the haw, it is stated, went the liberty of having "modium et pondus et mensura, sicut in porto mos est."¹ The privilege was one of exemption from royal dues, as is more clearly brought out in the grant more than thirty years later to Ælhun's successor of the *curtis* called by the Londoners "At Hwaetmundes Stane," to which was attached "urnam et trutinam ad mensurandum in emendo sive vendendo ad usum suum ad necessitatem propriam," free from all toll to the king. This, however, became payable if any of the bishop's men traded outside the house, either in the public street or on the quay (*in ripa emptorali*).²

There is much earlier evidence of royal tolls at London and elsewhere. Exemptions were granted by Ethelbald of Mercia c. 732-745 for ships belonging to the abbess of Minster in Thanet and to the bishops of Rochester and Worcester, both in the port (*in portu*, "harbour") or hythe of London and at Fordwich and Sarre on the Stour below Canterbury.³ Already in the eighth century there was some foreign trade. In 789 Charles the Great in a quarrel with King Offa closed all the Frankish ports to English merchants and, when the embargo was removed on both sides, stipulated that merchants and smugglers should not enter in the guise of pilgrims. Merchants of both nations were to have royal protection as before and direct appeal to emperor or king as the case might be. Charles wrote to Offa that his subjects complained of the length (*prolixitas*) of the cloaks (*sagi*) sent from England, and asked him to see that they were made as of old.⁴ There is no hint that any of these *negiatores* were slave-traders.

¹ C.S. 492, ii. 95. *Portus* in this sense seems always declined as a noun of the first declension.

² *Ibid.* 561, ii. 200. In later London the tron (*trutina*) or great beam was for weighing coarse goods by the hundredweight (Riley, *Memorials of London*, p. 26 n.).

³ *Ibid.* 149, i. 216; 152, i. 220; 171, i. 246; 188, i. 267; 189, i. 268. For salt toll at Droitwich (*emptorium salis*) c. 716 see *ibid.* 138, i. 203, and in the ninth century *ibid.* 552, ii. 174 and 579, ii. 222.

⁴ This and other evidence is collected by Miss H. Cam in *Francia and England* (1912), pp. 15 f. "Cloak" is her translation of *sagus*, but these *sagi* may possibly be the "drappes ad camisas ultramarinas quae vulgo *bermiscrist* (see Du Cange, s.v.) vocitantur" purchased by the monks of St. Bertin (Giry, *Hist. de Saint-Omer*, p. 276). About 975 Irish traders brought *saga* with other merchandise to Cambridge (*Lib. Eliensis*, p. 148). Ethelwerd's story that the Danes who first landed on the south coast were taken for traders, from whom the king's official went to collect toll, may be true.

An important result of this commercial intercourse with Francia was the substitution of the silver penny for the sceatt in England and the adoption there of the gold coin known as the *mancus*. It is first mentioned in an undoubtedly genuine charter of 799.¹

The evidence which is available for a view of the condition of urban centres in England before the age of fortification against the Danes is not, to say the least, abundant and it is almost confined to the south-east, but, so far as it goes, it does not reveal a purely agricultural economy. It is a striking illustration of the little light that can be expected from the early land charters that those of Rochester and Canterbury only once mention a trader as such. A royal grant of land in Canterbury to a thegn in 839, already referred to, conveyed also, in close conjunction with two weirs on the Stour, "unum merkatozem quem lingua nostra *mangere* nominamus."² It would certainly be rash to infer that this "monger" was personally unfree³ and in any case unreasonable to draw from one instance any general conclusions as to the status of the class to which he belonged. At the best, they were clearly very humble folk, compared with the churchmen and royal servants to whom the kings were "booking" considerable portions of their domain within and without the old walls. It is possible that some of them held small tenements by folkright derived from the original agricultural settlers, but it seems likely that for the most part they were tenants or grantees of the great churches⁴ and thegns, and in the latter case it is very improbable that the tenements were conveyed by charter.⁵ There is evidence that in some quarters at any rate houses in Canterbury closely adjoined one another on the street frontages. An endorsement on a charter of 868 recording the sale for 120*d.* of a small *tuun*, measuring six rods by three and bounded on all four sides by the land of different owners, mentions that by customary law (*folcaes*

¹ C.S. 293, i. 409.

² C.S. 426, i. 598.

³ In the twelfth and thirteenth centuries burgesses and other undoubted freemen were sometimes transferred with the land they rented. See, for example, *Reg. Antiquissimum Cath. Linc.*, ii. no. 324.

⁴ In the exemption from toll of a London house of the bishop of Worcester (C.S. 561; see above, p. 10) the case of the bishop's men trading outside the privileged tenement is provided for. If they do, they must pay the king's toll.

⁵ But the *burhware*, who in the tenth century had "book acres" in the fields, may have included merchants (C.S., no. 637, ii. 314).

folcryht) two feet had to be left between houses to allow eavesdrip.¹

That any members of the thegnly class engaged in trade at this early period seems unlikely. Its junior members, the *cnihls*, had indeed a gild in Canterbury in the middle of the ninth century² and it is tempting to see in them forerunners of the *cnihls* of the chammengild there which made an exchange of houses with Christ Church about the beginning of the twelfth century.³ But it is a serious obstacle to this identification that the earlier gild witnessed a charter which reveals its existence separately from the inner *burgware*.⁴ This may possibly be a case of illogical classification, but it is safer not to take refuge in anomalies.

It will have been observed in the foregoing analysis of the Rochester and Canterbury charters that the "tenurial heterogeneity" of towns which Maitland imaginatively deduced from a supposed obligation imposed on the shire thegns of the tenth century to garrison the *burhs* and repair their walls, was already a feature in the eighth and ninth centuries in those towns for which we have detailed evidence. Tenements in *burhs* or *ports* were being granted to churches and thegns with or without definite association with estates outside, as a matter of privilege, conferring honour and profit and in no case with any military obligation beyond that which lay on land everywhere to construct and repair *burhs* (*burhbot*) and bridges and do military service.⁵

The *burhbot* did not apply to all *burhs*. This word, as we have seen, was a general term for fortified enclosure. It covered the deserted hill "camps" of earlier races as well as the re-occupied Roman *civitates* and the fortified dwellings of the English higher classes as well as those of their kings, but it was only for the old walled town and the royal house⁶ that the *burhbot* was available.

In view of the municipal future of *burh*, it may seem surprising that our local nomenclature preserves it much oftener—

¹ C.S. 519, ii. 134. This must have been in the main an urban law.

² C.S. 515, ii. 128.

³ C. Gross, *Gild Merchant*, ii. 37. See below, p. 120.

⁴ Above, p. 9.

⁵ Commonly, but inaccurately known as the *Trinoda Necessitas*. Cf. W. H. Stevenson's article in *E.H.R.* xxix (1914), 689 ff., especially p. 698.

⁶ In a Mercian charter of 836 it appears in another association than that of the *Trinoda Necessitas*. Hanbury monastery is freed "a pastu regis et principum et ab omni constructione regalis ville et a difficultate illa quam nos Saxonice *fæstingmenn* dicimus (C.S. 416, i. 581).

in the suffix -bury or borough—in village names than in those of towns, either of Roman or later origin. In the former *ceaster*, borrowed from Latin *castra*, was usually preferred to the native *burh* in either form as suffix, the only exceptions being Canterbury and Salisbury,¹ while the latter often grew out of villages with names of a different type.

For the same reason as that last mentioned, *port*, though it came to be a synonym for town, in its trading aspect, and, unlike *burh*, was exclusively urban, has left few traces in local names. Much better represented in them, because it was in older and less exclusive use, is *wic*, *wich*. A loan-word from Latin *vicus*, its original sense was "dwelling-place," "abode," from which, like *tun*, it developed the meaning "village." By a further, but early, development it was used in a sense similar to that of *port*. London was known as Lundenwic already in the last quarter of the seventh century;² its chief officer was the *wic-gerefa*. The salt workings in Cheshire and Worcestershire were *wiches*.

In this early period then the urban community had three aspects: it formed an agricultural group, its house area was usually fortified and it was to some extent engaged in trade. Of these aspects the most primitive was the agricultural, though in *burhs* of Roman origin the walls were older than the first English settlements. It is not unreasonable to suppose that such settlements, though afterwards overlaid by administrative and ecclesiastical elements, contributed a germ of communalism which later expanded under the influence of commerce. Without subscribing to von Below's theory of the origin of the town (*Stadt*) in the self-governing village (*Landgemeinde*), we may note that Maitland, though maintaining that in the absence of some further ingredient the courtless village could never have developed into the borough, admits even in *Domesday Book and Beyond*, and more fully in *Township and Borough*, that the medieval borough belonged to the genus *tun*, as indeed the name "town" and the equivalent use even in official language of *villa* and *burgus* (or *civitas*) sufficiently attest. The equivalence, it is true, was really very imperfect, ignoring a vital distinction, and its significance chiefly retrospective. In the very early period with which we have been dealing, however, the distinction

¹ Lundenburh proved a transient form. See below, p. 23.

² *Laws of Hlothaere and Eadric* (685–686), c. 16, in Liebermann, *Ges.* i. 11. Cf. C.S. 335, i. 466; *A.S.C. s.a.* 604, ed. Plummer, i. 23.

between urban and rural units was as yet material, not legal. There was nothing paradoxical in the description of Canterbury as "regalis villa Dorovernie civitatis."¹ Nothing in the organization of the urban vill distinguished it from the *villa regalis* which still remained purely rural. Each was governed by a royal reeve (*gerefa*), though the *wic-gerefa* of London or the *port-gerefa* of other considerable places was doubtless a more important personage than the *tun-gerefa* of the ordinary royal vill. He may have found it necessary from time to time to consult with the more important *burgware* on questions of markets and tolls, if not of administration, and in these consultations we may, if we like, see faint foreshadowings of still far distant municipal self-government. A regular assembly with a share in the town government only became possible when urban courts were created, and for these the time had not yet arrived. It may be taken as certain, indeed, that a court of justice met in these urban centres, but it was not purely urban. There is strong reason to believe that the country in this period was divided for judicial purposes into districts each of which had a *villa regalis* as its centre² and if this was so, the court meeting in London or Canterbury would not have differed essentially from that of any other such district. The name Borowara Lathe³ suggests that this was the district judicially dependent on Canterbury and the London folkmote of the twelfth century was perhaps a relic of a court which had once exercised jurisdiction over Middlesex at least.

The practical differences between the urban and the rural *villa regalis*, especially the intensive trade of the former, would doubtless of themselves in the long run have compelled division of the urban centre from its district as a distinct judicial area, but the process was much hastened by the Danish invasions and settlement which gave an urgent importance to fortified centres and played no small part in bringing about a readjustment of the areas for local justice and administration.⁴

¹ C.S. 852 (416 B), II. app. xv, a charter of Egbert of Wessex, dated 836.

² See below, p. 36.

³ The Borwart Lest of Domesday. Cf. *E.H.R.* xlv (1929), 613

⁴ See below, pp. 28-9.

3. THE NEW BURHS FORTIFIED IN THE DANISH WARS

In the foregoing pages the first period in the urban life of England has been taken to extend roughly to the accession of Alfred. The Danish raids, it is true, had been in progress for three-quarters of a century, the "heathen" were now firmly established in the North and Midlands and the fate of Wessex hung in the balance. Until Alfred's reign, however, there is no sign of any general scheme of defensive fortifications or of reorganization. The value of existing fortified centres was indeed recognized. As early as 804 the abbot and convent of Lyminge received a grant of land in Canterbury "ad necessitatis refugium."¹ In several charters the military services of the old "trinoda necessitas" are noted to be directed "in paganos," and in one of these the duty of destroying their fortifications is added to that of building defensive *burhs*.² Yet even Roman walls did not always give a secure refuge in this necessity. Canterbury and, according to the oldest MS. of the Chronicle, London were stormed in 851.³ The defences of the lesser *villae regales* would in most cases oppose a much weaker resistance to the fierce assaults of the Danes. It is at first sight surprising to find Alfred's contemporary biographer merely referring to these as buildings of stone which he sometimes removed to positions more becoming the royal power⁴ and distinguishing them from the cities and *burhs* (*civitates et urbes*) which he has previously mentioned as repaired by him or constructed in places where there had been none before. But Asser is reviewing the work of Alfred's reign, and a leading feature of the period which opens with it was an increasing restriction of the term *burh* to the more strongly fortified centres.

It is unlucky that the bishop did not think it necessary to specify more than one of Alfred's fortifications, the two *arcas* which protected the bridge into Athelney,⁵ for had he done so, there might have been no dispute as to the date of the difficult but very important document, which in the absence of any heading is now known as The Burghal Hidage.⁶ Maitland

¹ C.S. 317, i. 444.

² *Ibid.* 332, i. 462 (a. 811); 335, i. 467 (a. 811); 370, i. 509 (a. 822). The last has "arcis munitione vel destructione in eodem gente."

³ *A S C.*, ed. Plummer, *s.a.*

⁴ Asser, ed. W. H. Stevenson, c. 91, p. 77.

⁵ Asser, c. 92, p. 80. However, he mentions casually the east gate of Shaftesbury (*ibid.* c. 98, p. 85).

⁶ Maitland, *D.B. and B.*, pp. 502 ff.

was inclined to think that it was drawn up under Edward the Elder, and Professor Chadwick argues from internal evidence for a date between 911 and 919.¹ Sir Charles Oman, however, in 1910,² and more recently the late W. J. Corbett,³ have claimed it as in the main an Alfredian document. Imperfect at the beginning and perhaps at the end, it contains (1) a list of thirty-one *burhs*, the hidages assigned to which are added up, and (2) an appendix, apparently later, comprising only Essex, Worcester and Warwick. The chief argument for the later date is the inclusion in the former of the Mercian Oxford and Buckingham, though it is otherwise a purely southern list. Professor Chadwick suggests that this limited inclusion was only possible shortly after the death of the Mercian ealdorman Ethelred, Alfred's son-in-law, about 911, when Edward took into his own hands London and Oxford with their districts and the intervening Buckingham was probably, he thinks, included. On the other hand, Sir Charles Oman argues that when Ethelred, according to the Chronicle, had received London in 886 from Alfred it was as his personal representative and not as ealdorman of Mercia,⁴ so that he probably obtained Oxford and Buckingham at the same time and on the same terms and their grouping with Wessex is not therefore inconsistent with an Alfredian date. But Sir Charles has already, in another connexion,⁵ accepted without demur, except at its date, a pretty obvious slip of 880 for 887, a charter which, if genuine, shows Ethelred disposing of land in the Oxford district as "dux et patricius gentis Merciorum."⁶ The question of his status would be further cleared up if Birch's identification of Hrisbyri, the scene of a Mercian witenagemot in which Ethelred made a grant three years earlier,⁷ with Prince's Risborough in Buckinghamshire could be sustained. But the name, it is said, "cannot be reconciled with the other certain forms for Risborough."⁸ A further objection, that English rule in

¹ *Anglo-Saxon Institutions*, p. 207.

² *England before the Norman Conquest*, pp. 468 ff.

³ *Cambridge Medieval History*, iii. 357.

⁴ This is inferred from its resumption (with Oxford) after Ethelred's death, though Ethelred retained the ealdormanry for some years longer.

⁵ *Op. cit.*, p. 464 n.

⁶ *C.S.* 547, ii. 166.

⁷ *Ibid.* 552, ii. 174.

⁸ Mawer and Stenton, *Place-Names of Buckinghamshire*, p. 171 n. Risbury (*D.B.* Riseberie) might be suggested as an alternative, but *Hrisbyri* is not a possible ninth-century form even for that and as *C.S.* 552 is only known from Smith's edition of Bede, the name may be a late copyist's corruption of a correct form of Risborough. Cf. the *Riseberie* of a charter *c.* 1155 quoted *op. cit.*, p. 170.

central Buckinghamshire in 884 is very unlikely, would lose force if Liebermann was right in his argument,¹ on independent grounds, that the peace between Alfred and Guthrum which fixes the frontier so as to leave London and all west of the Lea English did not, as now generally held, follow a recapture of London in 886, but may have been concluded as early as 880, the siege and recovery of London at the later date, if there was such an event, being the result of a temporary success of the East Anglian Danes who in 884 "broke the peace."²

So far Professor Chadwick has certainly the best of the argument, and he might have strengthened his case by pointing out that Edward and not Alfred is recorded in the Chronicle³ to have made two *burhs* at Buckingham. Professor Stenton has further called my attention to charter evidence that Porchester, which is included in the main list, belonged to the see of Winchester in Alfred's time and was not exchanged with the crown for (Bishop's) Waltham until 904.⁴ On the other hand, with the exception of Oxford and Buckingham, the main part of the Burghal Hidage seems to have constituted a complete scheme of defence for Wessex and its dependencies and for them only.

Moreover, Oxford at least, in the hands of Alfred's son-in-law, might be considered as a bridgehead of Wessex.⁵ Save Buckingham, the list contains none of the *burhs* founded by Ethelred and his wife or her brother in their offensive against the Danes. Even their *burh* at Worcester, built in Alfred's life-time, appears only in the obviously later appendix. That *burhs*, old and new, played an important part in Alfred's last campaigns against the Danes we know from Asser and the Chronicle. Unfortunately, the annalist only mentions four by name and those all with Roman walls,⁶ but by good

¹ *Ges.* iii. 84.

² *A.S.C.*, ed. Plummer, i. 80.

³ *Ibid.* p. 100. Sir Charles Oman unconvincingly assumes that Buckingham here is an error for Bedford (*op. cit.*, p. 500 n.). His appeal to the Burghal Hidage of course begs the question.

⁴ *C.S.* 613, ii. 274.

⁵ The assignment in the list of a joint hidage to Oxford and Wallingford, an undoubted West-Saxon borough, may be significant in the light of the curious fact that in each the royal demesne was an area of eight virgates (*D.B.* i. 56a, 2, 154a, 1; see below, p. 89) and of the interrelations of the two boroughs and their counties revealed in Domesday Book. For Alfred's Oxford mint, see p. 7 n.

⁶ Exeter, London, Chester and Chichester. Of these only Exeter and Chichester are in the Burghal Hidage, though Sir Charles Oman implies (*op. cit.*, p. 469) that there were a good many more and includes Twyneham first mentioned in the Chronicle under Edward and Wimborne, which is not in the list and is described as a *ham* not a *burh* in 901.

chance Asser not only describes his early fortifications at Athelney, but quite casually reveals the fact that Shaftesbury, to which in the Hidage 700 hides are assigned, was surrounded by a wall with gates.¹ It is significant, too, that the fortresses of the Hidage stand thickest in central Somerset, the starting-point of Alfred's recovery of his kingdom, round his bridge-head "work" at Lyng, the "arx munitissima" of Asser,² which completed the isolation of Athelney.

The scheme as a whole is skilfully devised to stay Danish attacks at all vulnerable points inland or on the coast.³ It is surely too elaborate to have been devised during the early difficulties of Edward's reign before he took the offensive against the Danes. Any measures of defence that he resorted to must have been mainly based upon the work of his father as we see it revealed by his biographer and chronicler. It is conceivable that the original of the corrupt MS. of the Burghal Hidage, which is all we have, was copied in the reign of Edward from an earlier document, and any anachronisms, if there be such,⁴ may have come in then.

About a third of the thirty-one⁵ *burhs* in the main list were small military centres of temporary importance and never developed into towns. Only twenty-two were accounted boroughs in the later sense, and not all these became corporate towns.⁶ Some twelve are mentioned as *ports* before the Norman Conquest, and nineteen are known to have had mints, twenty are described in Domesday Book either as *burgi* or as having *burgenses*.

The nine or ten *burhs* which never became *ports*, mint-places or boroughs may have owed their fate to the greater suitability of neighbouring places for trade and administration,⁷ but this only shows that walls alone did not make a

¹ Ed. Stevenson, c. 98, p. 85.

² *Ibid.* c. 92, p. 80.

³ Its purely military object seems attested by the absence of the Dorset Dorchester. The *burhs* were on the northern frontier and the sea coast of the shire.

⁴ Buckingham, in its strong natural position and with perhaps early slighter fortification, may have been reckoned a *burh* before Edward's time. Porchester, though belonging to the see of Winchester, may, like episcopal Worcester, have been fortified in the public interest under Alfred.

⁵ Of the two hitherto unidentified, Scaftesege has been located by Professor Stenton as an island in the Thames, near Marlow.

⁶ Watchet, Cricklade and Lydford never attained this status.

⁷ Burpham was apparently outshadowed by Arundel, Eashing by Godalming (of which it became a tithing), Porchester by Portsmouth, Tisbury by Hindon, Bredy by Bridport, Halwell by Totnes, and Pilton by Barnstaple.

borough in the municipal sense, though, where conveniently situated, they normally provided the natural shell for the growth of town life in stormy times.

The conditions under Alfred were not favourable to urban growth. It is hardly likely that even the comparatively quiet period after the settlement of Guthrum-Athelstan in East Anglia (880) saw much revival of trade. When the Danes were not raiding England they were ravaging Francia, and commerce with that natural market was cut off. The organization of the *burhs* for national defence must have depressed the trading element where it existed and proportionately increased the predominance of the thegnly class who no doubt bore the brunt of the defence.¹ On the other hand, too much has perhaps been made of the absence of any reference to trade in Alfred's Laws except in c. 34 which required chapmen to give security in folkmoot for the good conduct of those whom they proposed to take up country with them.² Traders who moved about with a train of attendants cannot fairly be dismissed as mere "wandering pedlars." We have seen Charles the Great insisting on similar security from English merchants in his country.³ Nor must it be forgotten that Alfred of set purpose added as little as was possible to the enactments of his predecessors, not knowing, he says, what additions of his would be approved by his successors.

Although a study of the map shows that the sites of the *burhs* of the Burghal Hidage were chosen for military reasons and most of their names are not recorded before the ninth century, some of these unrecorded names imply earlier settlements and there is strong probability that important fords like Oxford, Wallingford and Cricklade or the rarer bridge, as at Axbridge, had already attracted population. Such passages and the confluences of streams were the natural *nuclei* of early trade as well as obvious points to defend. That a market was the central point of the *burhs* constructed by Alfred and his Mercian son-in-law we know from the only record of such a fortification, either now or later, that affords a glimpse within

¹ But the *burgware* of London and Chichester who sallied forth against the Danes in 894-5 are clearly distinguishable from the king's thegns "at home in the forts" who gathered from all the *burhs* of the west to meet the Danes on the middle Severn. The "men who were to keep the *burhs*" have previously been mentioned as an exception from Alfred's division of the *fyrd* into two halves, one at home, and the other in the field. The thegns were for the present permanently "at home" in the *burhs*, but their residence would presumably end with the return of peace.

² Liebermann, *Ges.* i. 68-9.

³ Above, p. 10.

the ramparts.¹ At some date between 885 and 900 Ethelred and Ethelfled, at the instance of Werfrith, bishop of Worcester, ordered the construction of a *burh* there for the protection of "all the folk."² On the completion of the fortifications, Ethelred and his wife, with the approval of Alfred and of the Mercian *witan*, for the support of the church and in return for religious services on their behalf in life and after death, bestowed upon St. Peter and the bishop one-half of the revenue accruing to them as lords from the market or from the streets within and without the *burh*. This public revenue is more fully defined later in the charter as comprising *landfeoh*, perhaps the rent from demesne land later known as *landgafol* (*landgabulum*), and a tax for the repair of the wall (*burhwealles sceating*) together with the issues of justice from theft, fighting, market offences (*wohceapung*) and all others for which compensation (*bot*) was possible, so far as these breaches of law occurred in market or street. Outside these limits the bishop was to enjoy all the land and dues which the grantors' predecessors had given to the see. It would appear from this and later evidence that the bishop was the chief landowner in the area enclosed by the wall and had "sake and soke," that is the right to take the profits of justice arising out of offences upon his land.

The other half of the revenues which were divided was reserved to the grantors. The market profits did not include the most valuable tolls, for it is expressly stated that the shilling on the waggonload and the penny on the horseload were to go to the king, as they had always done at Saltwich, *i.e.*, Droitwich. This evidence of a revenue derived by the West Saxon kings from tolls on trade in English Mercia is noteworthy.

It seems fairly clear from the arrangements described in this unique charter that the old unfortified Worcester had been a mere appendage of the cathedral church, whose rights flowed from grants by Mercian or Hwiccian kings and that the market-place and the streets which led to it with the jurisdiction over them, the profits of which were to be shared with the church, were new, like the tolls reserved to the king, and constituted the return exacted by the present "lords of Mercia" for the costly work of fortification. A few years later, in 904, the church added a life-lease of a great tenement

¹ C.S. 579, ii. 221 f.

² "Eallum thæm folc(e) to gebeorge."

(*haga*) in the north-western corner of the *burh*, along with land at Barbourne outside it on the north.¹

The Worcester *burh* was exceptional in not being founded on land that was wholly or in large part royal domain. The bargain effected with Bishop Werfrith and his chapter can have been rare indeed, if not unique. It is important also to observe that the duty of repairing the walls was acquitted by a money payment not by personal service. The grouping of this payment with revenues otherwise entirely derived from the *burh* suggests that it fell upon the inhabitants only. It is perhaps possible that the reference is only to the urban portion of a wider tax levied upon the 1200 hides which are assigned to Worcester in the appendix to the Burghal Hidage. This seems less likely, however, and if the tax was purely internal, we must suppose that the military connexion between the hides and the *burh* was confined to personal service when required.

A parallel to the English *burhs* was found by Keutgen and Maitland² in the purely artificial *burgs* which Henry the Fowler a little later was raising in newly conquered lands on the north-eastern frontier of Germany and peopling from without, but the likeness is somewhat superficial. England was a long settled land. The very small *burh*, designed or adapted for military defence only and without urban possibilities may have approximated to the German type, but usually the place selected for walling had already a certain population and such elaborate arrangements as Henry was driven to make for the manning and support of the *burg* from the country round were not needed. The Worcester case might suggest a more plausible parallel with the *castra* of the Low Countries, fortified feudal and ecclesiastical centres at the foot of which trading settlements (*poorts*) grew up and were ultimately walled.³ But the absence of feudalism in England at this date makes the parallel misleading. The cathedral precincts were probably but slightly fortified and the charter of Ethelred and Ethelfled hardly suggests that the dependent population outside before the walling was chiefly occupied in trade.

¹ C.S. 608, ii. 266. The northern side of the haw was 28 rods long, the southern 19 and the eastern 24; no figure is given for the western, parallel with the river.

² E.H.R. xi. (1896) 13 ff.; D.B. and B., p. 189.

³ Pirenne, *Histoire de Belgique*, i. 2, § 1. He remarks on the equivalence of *poort* with the English *port*.

What light does this invaluable charter throw upon the vexed question of the origin of the medieval borough? Here it was the wall which made possible the trading centre, the *port*, not the trading centre which was given a protecting wall. All or nearly all of the features on which the discussion has turned appear here in full or in germ, walls, market, separate profits of justice if not a separate court, divisions of revenue between king and earl, probably an earlier agricultural community. It is not the deliberate foundation and fortification of a trading town that the charter reveals. The walls were built as a refuge for the population of a wide region, liable to sudden Danish attacks, a market was an indispensable provision for the needs of temporary and permanent inhabitants alike. Had it not been for the military necessities of the time, episcopal Worcester might have had to wait long for urban growth, for the making of markets as of walls was a prerogative of the state. Yet the market, though at the outset an incidental result of the fortification, was a vital germ of the future borough, the fortification merely the occasion which called it into existence. Circumstances decided that most towns should grow up behind walls, but exceptions can be found. Droitwich, the "Wicum emporium salis" of an early eighth-century character,¹ never appears as a *burh*, but it was accounted a borough in 1086 and its burgesses received a charter from King John.

The jurisdiction over market and streets at Worcester involved a local court, but it seems unlikely that this would be a purely Worcester court at this date. Elsewhere the court may usually have been that of a district centring in a royal residence, *burh* in one of its older senses, for the new *burhs* were, it would seem, nearly always fortified royal *tuns*. Worcester was not, but it would be rash to claim for it the distinction of having the first purely burghal court.

It does not seem possible to accept the opinion of the editors of the *Place-names of Worcestershire*² that the area walled at Worcester was the comparatively small district of Sudbury at the south-eastern corner of the city. A refuge for the population of a wide area must have enclosed a much greater space and not only is this confirmed by the size of the holding in one corner of it which the bishop leased to Ethelred and his wife in 904,³ but the mention of the north

¹ C.S. 138, i. 203 (a. 716-7).

² P. 22.

³ Above, p. 20.

wall and the Severn in its bounds shows that their *burh* lay in the same position north of the cathedral church as the later borough and may have been co-extensive with it.

Fortification did not usually, if ever, lead to a change in the earlier name of the place. New *burhs* with names ending in -bury or -borough generally owed them to some more primitive defences. London is a partial exception. Until now it had, as we have seen, been very commonly called Lundenwic, but this seems to have been quite superseded in the last centuries of the Anglo-Saxon period by Lundenburh. This, however, proved no more permanent. The uncompounded form Lundene, London, derived from the Roman *Londinium*, continued in use alongside it and ultimately prevailed. It is more than likely that Lundene in virtue of its walls had sometimes been called Lundenburh in the preceding age. Bede's "urbs Lundoniae" points to that. The increased use of the compound name may perhaps be explained by the fact that *burh* was now in everybody's mouth rather than by any repairs of the walls that Alfred may have carried out when, in 880 or shortly after,¹ he recovered the town from the Danes and entrusted its custody to his son-in-law. Some years later, in 889, Alfred and Ethelred made that gift of a tenement at Hwaetmundes Stane in the city to Bishop Werfrith of Worcester which has been mentioned above² on account of the privilege conferred with it of buying and selling within the messuage for its necessities and taking the resultant tolls, which in the streets and quay would go to the king. This is interesting as showing that the London tolls were not granted to Ethelred with the custody of the city, but, as at Worcester, were retained by the crown. It was to Alfred too, if we may trust a somewhat dubious document, as part of the restoration of London after the Danish occupation, that the sees of Worcester and Canterbury owed their adjoining sokes of an acre each by Ethelredshithe, the later Queenhithe, with quays (*navium staciones*) of equal width outside the wall.³ It seems likely that the much larger soke of Queenhithe, east of the Worcester soke, represents an earlier grant to Ethelred.⁴

London, like Worcester, must of course have been the seat of a court, but in this case we are pretty safe in identifying it with an actual later court, the *folksmote* and conjecturing

¹ See above, pp. 16-17.

² P. 10.

³ C.S. 577, ii. 220.

⁴ W. Page, *London; its Origin and Early Development* (1923), p. 130.

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

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

² *History of the Exchequer*, i. 423.

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

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

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

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

¹ *B.B.C.* ii. 41.

² *Ibid.* p. 6.

³ *Ibid.* p. 52.

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

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

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