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**The Ancient Charter Privileges of the Bristol Freemen; whence
derived and how maintained**

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THE ANCIENT CHARTER PRIVILEGES OF THE
BRISTOL FREEMEN ; WHENCE DERIVED, AND HOW
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THE earliest charter extant in the Bristol Archives is dated A.D. 1164, 10th Henry II. In that, as well as in subsequent charters, reference is repeatedly made to "the liberties, acquittances, and free customs," antecedently enjoyed by the "Burgesses." One charter expressly mentions the fact, that these "Liberties, &c.," had been enjoyed from "time immemorial." Our object in this paper is to trace these privileges to their source, to explain, in some measure, their operation, and to notice the influence they exercised, not only upon the municipal growth of Bristol, but also upon the kingdom at large.

It will aid our enquiry if we glance at the condition of Britain during the early centuries of the Christian era.

The Angles in the 6th century found here 59 territorial cities,¹ inhabited by men skilled in artistic work in metals and gems, which, during the ensuing three centuries, gained for the country a high reputation all over Europe. These people had a coinage of their own, held personal property, owned land that was hedged about and divided into fields ; larger territorial divisions parcelled out the country into districts, which were permeated with lines of roads that linked together towns, some of which were carrying on not only a home trade, but also a considerable amount of commerce with foreign lands, and that by means of ships owned by their burgesses.

¹ Marcianus Lib. 1, p. 57. See Coote's Romans in Britain, p. 123.

Strong corroborative proof that Bristol was such a seaport town, carrying on an extensive foreign trade, is found in the fact, that a Mint was established, and money was coined here, from a very early date. The earliest known coinage is that of Ethelred II.; but Knut, Harold I., Hartha Knut, Edward the Confessor, Harold II., and, in all, eighteen monarchs coined money here. This is shown by their mint-marks. Now, inasmuch as Mints were established, not simply to coin money of the realm, but also to test and assay the value of foreign money brought in payment of exports, the inference is clear that at the end of the 10th century Bristol was an important commercial town. Polydore Virgil says it was sacked by the Danes in the 9th century.¹ Seyer informs us that it was taken by Credde *circa* A.D. 577;² he also asserts that it was walled round by Constantine the Great, *circa*, A.D. 384.³

There are disputed statements as to when, and by whom, the second wall was built, Saxon, Dane, and Norman being credited therewith; but no one questions the fact that antecedently to the 9th century, Bristol was surrounded by an embattled wall and foss.

The assumption that this commercial town was fortified by the Angles is illusory.⁴ These men, when they conquered the land were barbarians, who in their own country were no town dwellers, they hated to be pent up within walls, possessed no separate personal estate, lived under no centralised government, and, when not revelling in plunder, were steeped in squalor and poverty. They conquered the land in detail, meeting with no concentrated and united defence; and hence, though numerically a small minority, they soon became masters of the island. It is evident that the Angles could not confer upon Britain a civilisation of which they themselves had no knowledge; we must, therefore, look farther back than the Saxon period, for the men who first fortified Bristol.

¹ Taylor's article in *Bristol and its Environs*, p. 4.

² Seyer 230-1, and William Malmesbury *Hist.*, 1-6. ³ *Ibid*, p. 214.

⁴ Kemble's *Saxons in England*, Vol. II., 262 to 300.

Gloucester, Cirencester, and Bath were undoubtedly Roman cities of early date ; these contained the Temples, Altars of the Gods, the Circi, Amphitheatres, Baths, and the enervating luxuries of the Roman Coloni ; entirely dependent upon the produce of the land, as soon as the country was conquered by the barbarians, when agriculture failed and the roads became unsafe, their trade ceased, and these great cities of the west declined.

Bristol, walled only about a century before the withdrawal of the Roman Legions, had not become enervated by the luxury that had so weakened the older cities. Her outlying forts, on Clifton Down, Sea Mills, Portishead, Blaise Castle, and Almondsbury, &c., kept the sea open to her, and as long as this was the case trade could exist, and food be procured, despite the ravages that swept the country districts, and caused the decadence of more ancient and opulent cities. The form of ancient Bristol, and the street lines, are so like to those of Glevum, and Aquæ Solis, as to confirm the view that an imperial plough originally marked out her pomerium, the inner line of which can still be traced. The boundary marks of her townships also remain, and with the hedge-rows, are a legacy from "the Masters of the World."

Her freemen are the descendants of the Roman "Ingenui, Liberti, and Libertini." "Men born free of free parents, men made free, and children of the men who had been made free." Her stringent laws by which strangers were forbidden a residence within the "tun," are but copies of the laws of "Papius" and "Junius Pennus." Her Guilds are continuations of the Collegia, or Companies of Artificers, instituted by Numa, and revived, with additional companies, by Clodius. The claim of her burghers for immunity from toll, custom, and passage, was founded upon the law of Metellus, which ordained that no Roman citizen should be called upon to pay the "Portorium," a toll levied upon goods imported or exported. Her laws relating to the wardship of orphans have a similar source. The Roman cities profited by making coin for their emperors ; the Imperial coinage has come down to this day, the Roman "*Sicilicus*" is our shilling ; the denarius is our penny, and we still possess the Mint, although the

building is applied to other uses. The so-called Saxon fibulæ and brooches are but skilful elaborations of earlier Roman work. The Roman element prevails in the Civil, as well as in the Territorial, Law. The very words we use in our intercourse, in our commerce, arts, manufactures, our business transactions, and our amusements, have never for one single day, for the past fourteen centuries at least, ceased to be heard within our walls. In fact our burgh, as known from its earliest history, in all essential points is identical with the Roman "Civitas;" and our burgesses, like the "Civitates," still follow and obey the "lex municipalis."

It was this municipal law that distinguished the Burghers from the inhabitants of the landed territory round about them. Under it they elected their own officers, administered civil justice, maintained a police, had charge of their own prison, possessed town-lands, a court-house in which they met for municipal affairs, kept the keys of their gates, levied tolls on provisions and goods brought into their markets; left their property by will, a privilege unknown to the German races; and, lastly, possessed slaves, and practised the sale into slavery of persons of low condition who had been convicted of some minor crime. This pernicious practice, it is well known, clung to Bristol until the days of James II.

Kemble, in his great work, "The Saxons in England," quotes Nennius approvingly when he names Bristol, next to London, as "amongst the thirty-four cities which adorned Britain under his forefathers."¹ Kemble further imputes the growth and continuance of the burgh to industry and commercial activity; he says "Let the most careless observer only compare London and Bristol with Warwick, Stafford, and Winchester, royal residences, scenes of court gaieties, and of Witenagemots, &c., &c.; while the Ceorls and mangers of Brigstow and Lundenwic, were cheapening hides with the Esterlings, warehousing foreign wines, or bargaining with the adventurer from the East for incense."² Thus commerce, the child of opportunity, brought wealth; wealth power; and power led independence in its train."

¹ Vol. II., p. 269.

² Ibid., p. 303.

Gibbon says "The letters of Honorius (circa 447) were addressed to the 'CITIES' of Britain. Each of these cities formed a legal corporation with powers of Municipal government, select senate, people's assembly, &c. Again, the cities studiously preserved the laws and manners of Rome."

Who then, we ask, were the men, who, in Bristol, from the 6th to the 9th centuries [that period of chaotic disturbance and strife], conserved within the walls of the burgh these ancient privileges of Roman birth, and advanced their town in opulence and power by their commerce? Clearly not the Anglo-Saxon Thane; he abhorred towns, and detested commerce. Tacitus tells us, "They will not dwell in cities; nay, they will not even suffer continuous building, and house joined to house." Dwelling in a corner of his manor, with his farms, ceorls, and serfs around him, cultivating the land for him by Soeage or other recognised service, the Thane would not even pay gafol, or ground-rent, for his manor, to the king, whom indeed he looked upon as his fellow, the head freeman. Hence the king, whose land would naturally be soon distributed as reward for services in the field, was, as we shall see, driven to hold the towns where every freeman paid ground-rent to him. Neither were these town-dwellers the Ceorls, and assuredly they were not the serfs or the unfree.

The wergyld or life-price of a Thane was 1200 shillings, that of the Ceorl 200, and all landed territory was distributed between these two classes "be it churl or be it earl," says Knut, but between these in Wessex and Mereia was the six hynd-man, *i.e.*, a man whose life price was 600 shillings. This must be the burgher; he pays ground-rent, the Thane will not. He is above the Ceorl in birth and property privilege; his value is as 3 to 1; he can hold land to any extent, but although he chance to hold more land than a Thane this does not make him a Noble.¹

Following another Roman law, Athelstan did indeed decree that "he who made three foreign voyages in his own ship should become a Thane;" so that the burghess might soon become a Noble.

¹ Coote's Romans in Britain, p. 377.

He could sit and take part in the county courts which the Ceorl could not do. He serves as a horseman in the king's army, the Ceorl goes on foot. All this and much more that might be quoted serves to show that the Bristol burgess is the lineal descendant of the Roman "*possessores*," the municipal inhabitants, who, together with many other "*Coloni*," never left the island, but, gathering within the walls, were strong enough to hold their own as one of the fifty-nine territorial cities of Ptolemy. Too far distant to succumb to the inroads of the Picts and Scots; although they were occasionally sacked by Angle and Dane, they possessed a strong recuperative power, and were finally, in a measure, protected by the king as a good milch cow from whom he could draw supplies at need.

Kemble compares the government of the towns to the municipal institution before the passing of the Act of 1835, and further says "We find the burghers treating as power to power with the king. . . . The rights of such a corporation were, in truth, Royal. They had their own alliances and feuds, their own jurisdiction, courts of justice, and power of execution, their own markets and tolls, their own power of internal taxation, and their personal freedom, with all its dignity and privileges. To secure these great blessings they had their own towers, walls, and fortified houses, bell and banner, watch and ward, and their armed train bands."¹ To shew how strongly these remarks apply to ancient Bristol, we will quote from our history. From 1312 to 1316 Bristol was in open revolt against King Edward II., because of his attempt to violate their charters, and impose upon them an unjust cocket (a toll levied on fish ships for the king's use), and certain other tolls in the markets. Great riots began in the town, the bell rang out, the people rushed to the Guildhall, the king's servants were beaten, killed, or driven out of the town, the walls and forts were manned by the burghers, a new wall was built between the King's Castle and the town, which during the following year was successfully defended against an army of 20,000 men.² Indeed, it was not until 1316 and after four days battering

¹ Kemble, p. 312. ² Evans' Chronological History of Bristol, pp. 75-6.

with rams and other engines, so that the walls and houses were shaken, that the town yielded. The very leniency then shown to the burghers is a proof that they had only been defending their ancient rights. Their punishment was only a fine of 2,000 marks, and a short imprisonment of some of the chief men. We may add here that the last person executed under the municipal law was a Mrs. Burdock, in 1835.

It was the policy of William the Conqueror to interfere as little as possible with the great towns, hence Robert Fitzharding, a rich merchant, some say a lawyer, an advocate say others, was continued as "Præpositus" or chief magistrate of the burgh; "Patricius," a name savouring strongly of Rome, he is called by another of our annalists. From him sprang the noble house of Berkeley. Further proof of the maritime importance of the burgh is given in the fact that Harold fled here to take ship, in 1051,¹ when the pursuing Bishop "not could, or not would, overtake him," and that the same Harold, in 1063, fitted out a fleet here with which he was successful against the Welsh.² In Domesday Book we find that "Bristow, with the Barton, paid to the king 110 silver marks, and the Burgesses returned that Bishop Geoffrey had also 33 marks and one of gold."

The Norman assumption of the king's right to appoint the chief magistrate, instead of the people as heretofore, probably lasted until 1216. This was conceded when Henry III., on his accession, restored by Charter the ancient right, and held the first council of his reign in Bristol, conferring upon the Mayor the dignity of an Earl, by ordering the sword to be borne before him on public occasions.³ In a copy of a deed, A.D. 1200, I find,

¹ Evans, p. 28.

² Ibid, p. 29; also Turner's Anglo-Saxons, Vol. I., p. 458.

³ This Charter is lost; it was a copy of that granted by the same king to London. The Charter granting to Bristol the right to choose a coroner (Henry II., 1256) expressly states that Bristol is to enjoy the same privileges as London. John Carpenter in the "Liber Albus," A.D. 1419 says "The King's representative in the city has the honour due to an Earl, as well in the King's presence as elsewhere. Hence it is that the sword is borne before him, as before an Earl, and not behind him. In Bristol the sword

however, that the title of Mayor was in use before this, the name of Robert Fitz Nichol, mayor, witnessing therein the transfer of a bakehouse to the church of St. Nicholas.¹

The effects of the Norman Conquest were most severely felt by the Burgesses, upon whom the dues and customs were levied. Instead of the "*Præpositus*," the Bailiff (Fr. Bailler, to farm out) had jurisdiction. In process of time the over-lord, or King, found that he could obtain larger revenues from the Burgesses than from the Bailiffs, and so, we think, the burgesses regained, and had confirmed to them, their ancient rights, including liberty to elect their own chief magistrate, but the title was again changed to Mayor (Fr. Maieur). The history of Bristol abounds in instances of fierce struggles for the preservation of the right of self-government; these continued, as will be seen, to the days of Chas. II. and James II.

Having thus attempted to show whence the privileges of the Bristol Freemen were derived, and how at times they had to be maintained, let us briefly see in what they consisted, and wherein they differed from the rights of the nation at large. Goods in the 12th century were sold chiefly in open market or fair, and the vendor was liable to an arbitrary toll, imposed by the Lord of the Fee in which the market or fair was held, and so on in every Lordship in which the goods were offered for sale. Passage (landing dues) and Consuetudines² fees claimed by the king's servants, were heavy taxes upon commerce. In A.D. 1164, King Henry II. granted to the burgesses of Bristol that they should be

is, and always has been, borne before the Mayor, who is the King's Escheator. Barrett says "The Mayor, being the King's Lieutenant, giveth place to no man, but unto his majesty. The Duke of Norfolk, the Earls of Leicester, Warwick, and Pembroke, the Lords President of the Marches, the Justices of Assize, all have and do give place unto the Mayor. So also the Bishop's predecessors have ever done the like."—p. 83.

Six hundred and twenty-three years undisturbed use is at least equivalent to any Charter. And Bristol's Mayor still maintains the dignity, although he never claims the title of "My Lord."

¹ "Penes me."

² "Consuetudines," customary payments, or dues, regal or ecclesiastical, of various kinds, not quite analogous to our "Customs."

quit, of *toll, passage*, "*et omni consuetudine*," throughout my whole land of England, Normandy, and Wales, wherever they shall come, they and their goods; commanding that they shall have "all their liberties, acquittances, and free customs fully and honourably as my free and faithful men," and forbidding anyone to disturb them on this account, under a penalty of ten pounds. We presume this exemption was only from *King's tolls*, and not from tolls claimed under private rights, but even so it was an immense boon to commerce for Bristol.

Adrian IV., an English Pope, by a special bull, gave to Henry II. the kingdom of Ireland; and, in 1172, the king, by charter, granted to the men of Bristol the city of Dublin. In the following year he confirmed this charter, and the Burgesses of Dublin were discharged from passage, pontage, and other customs. Hence arose a still closer connection between Dublin and Bristol. A Mayor of Dublin, John Taylburgh *circa* 1200, ratified and witnessed the deed of sale of a house in Mercate (merchant) Street, Bristol, to Peter le Marte, of Bristol. In 1445 some Irishmen in Bristol, were disfranchised for breaking the municipal law common to both towns; they appealed in vain to the King Henry VI., and were only restored to the franchise by compurgation and fine.

When William, the second earl of Gloucester, consequently Chief Lord of Bristol, died, A.D. 1173, he, to the end that his great inheritance should not be divided among females, constituted Prince John, King Henry's youngest son, his heir, on condition that the Prince should marry one of the Earl's daughters, when they had attained a suitable age. He married Isabel, and was created by his father Earl of Gloucester at the age of 18 years. John,¹ on the 31st of March, 1185, was appointed Lord of Ireland. Having in that country squandered his money, insulted the Irish Chieftains, and lost a great part of his army, he returned to Bristol in disgrace.² In the 34th Henry II. (1188) he, as John, Earl of Moreton, granted a new charter to the Burgesses of Bristol,

¹ John was knighted by the king on that day. Itinerary of Hen. II., p. 262.

² He left Ireland in December of the same year, *ibid.*, 266.

dwelling within the walls and without as far as the boundaries of the town; confirming to them all their liberties and free customs which they had enjoyed in his time, and in that of his predecessors. This charter was witnessed by at least one of the Lords of Fee in Bristol, Maurice de Berkeley, as well as by his brother Robert. From this charter we learn that the Burgesses possessed lands outside their walls, within the boundaries of which their jurisdiction was exercised. When the late Lord Stowell examined this charter he pronounced it to be unique. It is true that when John became King he granted to other towns many of the same privileges, but years elapsed ere the Bristol pattern was thus followed. We give here a mere summary of this document.

That no Burgess should plead or be impleaded, out of the walls of the town, in any plea, except those relating to foreign tenure, not belonging to the Hundred of the town;¹—that the burgesses should be quit of murder² within the walls of the town, and should not wage duel³;—that no one should take lodgings within the walls, by assignment or by livery of the marshal, against the will of the burgesses⁴;—that they should be quit of toll, &c., lastage and pontage⁵;—that no one should be condemned in matter of money unless according to the law of the hundred⁶;—that the hundred court should be held only once in a week, and that no one

¹ The Tolzey Court exercises this privilege at the present time.

² If a man had been slain, and the murderer was unknown, the Lord imposed a fine upon the town; the innocent suffered whilst the guilty might possibly escape.

³ A mode of trial introduced by the Normans to supersede the ancient method of trial by jury. Heaven was supposed by it to give the victory to the innocent; practically it gave it to the man most skilled in the use of arms. This law, from which Bristol was now exempted, was only repealed in A.D. 1819, by Act of Parliament.

⁴ The old view of frank pledge by which the community to which a man belonged was answerable for his conduct was confirmed, and the king's marshal was prohibited from granting licenses by which men might live in the town in defiance of the ancient custom. No other jurisdiction than that of the people was henceforth to exist within the walls.

⁵ Lastage, payable on goods sold by the last, 4000 lb.; pontage, bridge toll.

⁶ Forty shillings was the limit.

should be hindered of his plea through a verbal mistake ;—that the lands, tenures, mortgages, and debts throughout the land, and the lands and tenures which were within the town, should be held, claimed, and enjoyed, according to the custom of the town ;—that pleas be held according to the custom of the town, with regard to debts and mortgages lent in Bristol¹ ;—that no stranger should buy of a stranger, nor sell wine, except from his own ship—nor cut cloth by retail, except at fair-time—nor remain in the town more than forty days² ;—that no burgess be distrained unless he be debtor or surety³ ;—that the burgesses might marry without license from the lord ;—that the lords should not have wardship of their sons or daughters by reason of lands out of the town ;—that the burgesses might grind their corn wherever they chose ;—that “*recognition*” (a re-opening of cases which had been decided in court) should be abolished ; hence the rich could not by repeated litigation oppress the poor ; and that the burgesses should not pay tyne, except for the use of the Lord Earl (24 gallons for his use each time he came to the Castle). They also were to have all their reasonable guilds as well or better than they had them in the time of Robert and his son William, Earls of Gloucester ; that all tenures within and without the walls, as far as the boundaries, should be held in *free burgage* : viz., by land-gable service, which they should pay within the walls.

The system of frank-pledge, or neighbour standing surety in all things for his neighbour, had resulted in power falling largely into the hands of the wealthy and influential, hence the Mariners Guild and the Merchants Guild, in Bristol, virtually ruled the borough. Now each craft was allowed to have its own Guild, and one result of this charter was this, that the control of trade passed gradually into the hands of the trade guilds, which in 1449 num-

¹ Debts contracted in Bristol recoverable in Bristol. If toll was taken wrongly from a Bristol man in another town, the Prepositor of Bristol was authorised to distrain upon any property, found in Bristol, belonging to any man of the town wherein the wrong was done.

² A residence, within the walls, of a year and a day, would make him a Freeman.

³ Previously any Bristol man was liable to arrest in any town wherein any other Bristol man owed money.

bered in Bristol 26,¹ each of which had a Hall of its own, besides other smaller guilds without Halls, and sundry religious guilds. These guilds had the right of choosing each its own master or warden, and through these the Præpositor or Mayor. This democratic element was the death blow to Feudal power in the borough. Under the Norman rule, if the Lord of a fee was taken prisoner in battle, he might compel his men to bail him or pay his ransom. Now it is enacted that no man shall be compelled to become bail for another, although he dwell upon his land. All land and tenements in the borough were now to be held in free burgage, viz. : by land-gable service, which was to be paid within the walls. The Burgesses were also permitted to build on the river bank, and on void and waste places, within or without the walls, in the township, so that they did not injure the defences.²

In 11th Henry III. the Burgesses of Bristol, upon payment of a fine, obtained a grant that the part of the town called Redcliffe should answer to the county of Somerset, from which it appears that Redcliffe, though within the boundaries of the borough, was no part of it. They also, in this year, paid a fine for having the town at fee-farm, and a further fine for the confirmation of the Charter of Henry II. In 1247, however, another fine was paid for a charter to incorporate the suburb of Redcliffe into the borough of Bristol, and that the Burgesses of Redcliffe should for ever answer with the Burgesses of Bristol before the King's Justices as the Burgesses of Bristol did. And in the 36th year of his reign Henry III. granted another charter, by which he confirmed to the Burgesses of Bristol, and their heirs, the privileges granted by the Charter of King John while Earl of Moreton, granting also the further privilege that the Burgesses might appoint a coroner from among themselves, and that they should not be molested on account of venison³ found within the walls of the town.⁴

¹ Evans, p. 104. ² Practically this led to the destruction of the first wall, *circa* 1247, and the completion of an outer embattled wall.

³ Kingswood ran down close to Lawford's Gate on the east, and Clifton Wood on the west of the town, both of them abounding in deer. Remembering the severe laws of the Norman and Angevin Kings, for an infringement of the Forest Law, this is a most extraordinary concession.

⁴ Rot. Cart., 36 Henry III., m. 5.

In 1300, the Burgesses obtained a further charter, granting to the Burgesses, and their successors, that they should be exempt from murage¹ and stallage²; that they might have pannage³ in Kingswood; and choose their Mayor, and present him to the Constable of the Castle of Bristol to be sworn.⁴

In the beginning of the reign of King Edward II., the Mayor and Burgesses appear to have got into trouble, for in 1311, proceedings were taken against the Mayor, Bailiffs, and the whole of the community, because the Mayor and Bailiffs had received and applied to their own use the custom of wool;⁵ and in the following year a mandamus was issued to them, commanding them to restore certain persons whom they had disfranchised.⁶ In 1315, a complaint was made against them for an act of contempt towards the Governor of the Castle, and the town would seem to have been seized into the king's hands and committed to the Sheriff of Gloucester. Six of the most discreet men of the town were selected by the commonalty from among themselves to answer the complaint at Westminster, but it was not until 1317 that, upon the payment of a fine, the king restored to the town the commoualty,⁷ and a writ was issued to the Sheriff of Gloucester to permit the commonalty to enjoy the return of writs, which restored the jurisdiction of the burgesses. This was followed, in 1322, by a charter confirming that of 28th Edward I., and re-granting the liberties. In 1328, the burgesses obtained a charter permitting them to work and sell tin.⁸ In 1331, the Mayor and Burgesses presented a petition to the king against Thomas and Maurice Berkeley for compelling the burgesses, by violence, to do suit at their *town*.⁹ This, probably, led to the charter of this year, which, after confirming those of

¹ Dues paid on beasts that were brought within the walls. ² Dues payable for stalls in the market. ³ The right to feed swine in the King's Wood.

⁴ As the Mayor of London was, at this time, sworn before the Constable of the Tower of London, so was the Mayor of Bristol to be sworn before the Constable of the Castle of Bristol. The Tower of London was without the city, and the Castle of Bristol, as we have seen, was likewise so circumstanced.

⁵ Mad., p. 784. ⁶ Dy. 332 a. ⁷ Rot. Pat., 10 Edw. II., Part I., m. 3.

⁸ Rot. Pat. 3, Edw. III., m. 28. ⁹ The town was the sheriff's court.

previous dates, and providing for the security of orphans from the dissipation of their goods by their guardians, states that by an inquisition taken by William Snareshall and Robert de Aslton, and returned into chancery, it had been found that the burgesses and their ancestors and predecessors, burgesses of the said town from time immemorial, had always had view of frank-pledge of the town and suburbs, and the burgesses being fearful that they might be molested or impeded for the same, not having any charter for it, the king granted to them and their successors, being burgesses of the said town, the said franchise of the view of frank-pledge, and expressly stating that non-usage of these liberties had not, and did not, involve their forfeiture.

A representation having been made to the King in 1347, that many evil-doers and disturbers of the peace wander about the streets of Bristol, day and night, doing all manner of mischief and committing great excesses, the King, being desirous that peace should be strictly kept and the disturbers punished, by his charter¹ of this year, granted to the Mayor, Bailiffs, and commonalty (*probi homines*) and their successors that they might have a prison in the said town, to imprison any evil doers and disturbers of the peace, as is usual in London ; and he gave them power to inflict punishment upon bakers who break the assize of bread, as is practised in like manner in regard to bakers in London.²

In 1373 the burgesses petitioned the King, stating that the town was situate partly in the county of Gloucester and partly in the county of Somerset, and although Bristol was 30 miles distant from Gloucester and Ilchester respectively, where the county courts, assizes, &c., were held, the Burgesses of Bristol were bound to be present at the holding of the county courts, taking of juries, &c., whereby they were prevented from attending to their shipping and merchandise ; whereupon the King, in consideration of a fine of 600

¹ The charter has a fine illustrated initial shewing, in one compartment, the watch driving disorderlies into the prison ; and in the other a baker bound upon a sledge, with his false balances hung over his head, driven through the streets.

² Rot. Pat. 21 Edw. III., Part. I., m. 32.

marks, granted to the Burgesses, their heirs and successors for ever that the town of Bristol, with its suburbs and precincts, should be in future separate, in all respects, from the counties of Gloucester and Somerset, both by land and water, and that it should be a county of itself, called "the County of Bristol;" that the mayor should be escheator, and that the commonalty, yearly, should elect, from among themselves, three persons, whose names should be forwarded to the King's Council who would make selection of one as Sheriff; that the sheriff should hold his county court monthly, like other sheriffs; that the mayor should hold his court, the profits thereof be to the use of the commonalty as had been accustomed; that no sheriff or officer of other counties should intromit within the town and county of Bristol; that the mayor should swear before his predecessor, and not before the constable of the castle, and the sheriff take his oath before the mayor; that the mayor and sheriff might hear and determine felonies; that the gaol should belong to the burgesses, as well as *infangthef* and *outfangthef*¹; that felony taken with the mainour² should be tried; that no burgess or other person, within the town of Bristol, should be impleaded out of the town; that the mayor and sheriff should have cognizance of all pleas and trespasses; that pleas in the Tolsey Court should be held before the steward, and no other justice should intromit; that the mayor should have power to take recognizances of deeds touching lands, &c., of any person, married women excepted; that the mayor and sheriffs might levy fines concerning lands and tenements, the estreats thereof to be delivered into the exchequer; and that the mayor and sheriffs should receive probate of wills and put them in execution; that all writs should be directed to the Sheriff, Escheator, and Coroner of Bristol, and that the burgesses and their heirs should not be burdened to send more than two men to Parliament, as had been the custom hitherto,

¹ *Infangthef* is a franchise granted to lords of manors to judge any thief taken *within* their fees. *Outfangthef* was a franchise whereby a lord was enabled to call any man dwelling in his manor, and taken for felony in another place *out* of his fee to judgment in his own court.

² To be taken with the mainour, or as it is usually written "manour," is where a thief having stolen anything is taken with the same about him, as it were in his hands.

which two men should answer for the same town, both as Knights for the County of Bristol and Burgesses for the town. And that if any difficulty should arise concerning the rules and customs of the town, the mayor and sheriff, and their successors, with the assent of the commonalty of the town, should elect, successively, from time to time, forty men of the better and more honest men to advise with the mayor and sheriff in all difficulties, and to assist them in levying rates and taxes ; and the charter concludes with the confirmation of all previous privileges. In 1396, King Richard II. confirmed all former grants, although not used, and directed that the steward, marshall, and clerk of the king's household should not sit in the town of Bristol.

King Edward IV. in the first year of his reign (1461) granted to the mayor and commonalty that they should be exempted from the admiralty jurisdiction, and that no one of the commonalty, nor any burgess for the time being, nor any one residing for the time being within the town, should be compelled to answer any plea before the admiral for anything done upon the seas ; and that the king and his heirs would grant commissions to the mayor and recorder for the trial of admiralty causes.¹

In 1461, King Edward IV., farmed all his royal rights in the burgh to the burgesses for sixty years for a specified sum. These included rights over the under lords, fines, forfeitures, &c., &c., due to him over the goods and chattels of outlaws, fugitives from justice, over waste and townlands, tenements, fairs, markets, assarts,² fisheries, wrecks, waife, straffe, royal fish, forfeitures, and profits of the itinerant forest court, trespassers in vert and venison in the town, except escheats of land and rents payable to the crown."

¹ William Canynge, the great ship owner, was mayor. "He paid, it is said, 3000 marks to the king for his peace, to be had in 2470 tons of shipping." No doubt he had some influence in procuring this charter.

During the plague in Bristol, in 1545, Nicholas Thorn, the mayor, held the Admiralty Court at Clevedon.

In 1791, Mr. John Noble, then mayor, asserted the right of the mayor as a Judge of Admiralty to a seat on the bench with the judges, and it was allowed.

² Forest clearings.

In 1499 Henry VII. granted amongst many other privileges the appointment of the senior Alderman to be Recorder; also a Chamberlain, that the mayor have probate of wills, that all fines shall go to the town without reference to the royal exchequer, that the bailiffs be thenceforth sheriffs of the town and county, and that the mayor shall for ever be the water bailiff.

Henry VIII., A.D. 1510, Edward VI., A.D. 1547, Queen Elizabeth, A.D. 1559, and James I., A.D. 1604, confirmed the previous charters to the mayor, burgesses, and commonalty.

In 1626 Charles granted a charter of confirmation, and in 1629-30 he, for the sum of £959, disposed of all his rights in the Castle, as part of our "demesne and parcel of the ancient possessions of the Kings of England," and he decreed that "at the request of our very well beloved Consort, the Lady Henrietta Maria, Queen," it shall be taken out of the County of Gloucester, and "shall for the future for ever be taken as part of the City of Bristol." The king further names the 5th July, 34th Henry VIII. as the day on which Bristol became a city.

A writ of "Quo warranto" was brought against the Old Charter by Charles II.'s attorney-general, Sir Robt. Sawyer, in which the Burgesses are charged with violating their charter by electing upwards of 43 persons as their common council. This was the plea. The real cause of the seizure was, no doubt, a political one. However, the Mayor, Burgesses, and Commonalty surrendered their charters to the King, on the 9th Nov., 1683, confessing that "they had been faulty in that particular." In 1684 Charles restored their privileges by a new charter, making them "a body corporate and politic in deed, fact, and name, by the name of the Mayor, Burgesses, and Commonalty of the City of Bristol."¹ He further granted "a common seal" (although Bristol had used one for 300 years). He fixed the number of the Council at 43, inclusive of the Mayor and Aldermen; and the 15th of September was named as the day of election of the Mayor; the

¹ With the exception of the word "city" this was not a new title. Henry VIII., on May 10, A.D. 1510, and his successors had always used it.

number of Aldermen was limited to 12 ; the method of their election was stated ; the fine for refusal to serve on the Council, if elected, was to be £500 ; the property qualification was fixed at £2000 ; a Town Clerk was to be nominated, and thenceforth was to be chosen when needful by the Common Council, &c., &c. It was also ordered that all corn brought by land should be pitched and sold at the Corn Market in Wine Street. That all corn brought by water should be sold in the Market on the Quay. That three cloth fairs should be held in the year, in King Street, and five horse fairs were granted, viz. : two in Temple Street, two on Redcliffe Hill, and one in Broad Street. That the court of "*Pie Poudre*" should be held in each fair ; non usage of these privileges was not to involve forfeiture. This charter was signed June 2nd, 36 Chas. II. There are some doubts as to its validity, inasmuch as King James II., before his abdication, by proclamation restored to the city its more ancient charter. Certain it is that between this restoral and the charter of Queen Anne, A.D. 1710, the Burgesses did not act upon Charles II.'s charter ; some of them refused to serve on the Council, and their fellow Burgesses did not attempt to enforce the fines. Queen Anne, however, in the charter which she granted on the 24th July, 1710, upon the petition of the Mayor, Burgesses, and Commonalty, treats that of 1684 as a valid document, pardons all who have offended against its provisions, and confirms all previous charters, except where contradicted by the one now granted by herself. The number of the Council was reduced to 42 persons, existing vacancies were, by it, filled up, three of their number were made justices of oyer and terminer and gaol delivery, and the royal approbation was no longer held to be necessary for the appointment of the Mayor and Aldermen. Sundry other minor alterations were added.

Before the passing of the Municipal Act in 1835, the Burgesses consisted of : 1.—Freeholders ; 2.—Freemen by birth ; 3.—Freemen by servitude ; 4.—Freemen by marriage with a Freeman's daughter ; 5.—Freemen by grant for special service ; 6.—Freemen by purchase. The fees payable on taking up the freedom were, for birth or marriage, 10s. 6d. ; by servitude, 9s. 6d. ; by purchase

the fees were indefinite, sometimes as much as £200 or £300 was paid. In the hotly-contested election, when Burke was returned, 2080 freemen were made during the 27 days it lasted, and freemen's daughters and widows were at a premium.

The growth of constitutional law has outrun many of the ancient privileges which we have here recorded ; but one of the uses of this and kindred Societies is to rescue from oblivion the customs of our fore-fathers, and to place upon record the liberties they valued so much as to peril property, person, yea, life itself, in their defence.

We think we have shewn that Bristol men, in different ages, whilst conserving their ancient privileges, not only built up their own municipal greatness, but also contributed largely thereby to the attainment of that greater because "*National Liberty*" in which, at the present day, Great Britain rejoices.