

## The Municipal Records of Bath.

---

BY AUSTIN J. KING, F.S.A.

---

THESE yellow strips of mouldy parchment represent the onward march of municipal freedom. Could we trace the history of each of these charters, could we appreciate the evils which it was meant to cure, and the struggles and manœuvring necessary to obtain it, and could we compare the results with the anticipations, there would be a story attached to each ; a romance attached to many.

But, unfortunately, we do not know the history of our documents in this sense. All we can do is to try to piece them in with such knowledge, often fragmentary enough, which we may have of the doings of the time of which they form a part.

And even for this you have not the time. Your days and hours are heavily mortgaged, and I can ask you only for minutes.

The documents before you are of four classes.

In the first place you have charters granted to Bath by Richard I, Henry III, the three Edwards, Richard II, the fourth, fifth and sixth Henries, Edward IV, Henry VII and VIII, Edward VI, and Elizabeth.

Then we have letters and writs and commissions sent to Bath by these sovereigns, generally claiming something.

In the third place there are a series of deeds, from the year 1218 downwards, deposited with the municipality for safe keeping.

And fourthly, the Account Rolls of the City Chamberlain throw a flood of light upon the bye paths of municipal life from the year 1567.

Bear with me if I say a few words upon the charter of Richard I. Richard Cœur de Lion had set his heart upon gaining los and dos in the great Crusade, and during the first four months of his reign he used England as a hunting ground for money. Crown lands, honours, offices, even justice itself, were sold. Berwick and Roxburgh were traded away to Scotland, and English towns began to recover, by barter, rights which had been taken by the strong hand of the Norman kings.

Everything was done in a breathless hurry.

Winchester succeeded in getting a charter, granting to the citizens—

1. The right of not being set to plead outside their city, and of avoiding single combat as a mode of settling differences.
2. Freedom from tolls and other exactions levied on citizens travelling.
3. The right of holding land.
4. The enjoyment of all liberties and free customs which they possessed in the time of any of the king's predecessors.
5. Free passage of merchants to and from the city.

The witnesses to this important charter included Reginald Fitz-Jocelyn, Bishop of Bath; William Marshal, afterwards Earl of Estrigol and hereditary Marshal, and his brother John.

Bishop Reginald was a great patron of his cathedral city. He rebuilt at least two of the city churches, and founded the hospital of St. John the Baptist, which still survives.

We may well imagine the good bishop asking the Marshals (William and John) whether some privileges might not be secured for Bath; and how they and the Bishop of Durham (one of the Justiciaries), and Geoffrey Fitz-Peter, who were appointed Commissioners for governing the kingdom during the Sovereign's absence, put their heads together. Time was

short. The king was at Dover; his ships were victualled, and his troops only waited the signal to embark.

There was not a moment to lose; no time for discussing details or considering phrases; no time even for a good long deed.

The king merely said, "Oh, yes; give them all I gave to Winchester;" and thus the charter was made to run—

"We have ordained that the Citizens of Bath who are of its Merchant Guild shall have in all things the same acquittance and freedom for all their merchant goods wherever they shall go by land or sea, for tolls, payments for bridges, and in markets, and all other customs, burdens and things, as fully and freely as have our Citizens of Winchester and their Merchant Guild, and we forbid anyone to disturb or molest them or their property in this wise under forfeit of £10."

The reference to the Merchant Guild in Bath has excited some learned controversy. We hear no more after this date of the Merchant Guild; and, although there was very probably a Guild of Merchants here, as in so many towns which flourished under the Saxon domination, there is no evidence that it was at any time the governing body.

It is not improbable that, as lawyers say, the draftsman was simply copying from a form, and that the Merchant Guild was a creation of his brain or an emanation from his inner consciousness. There was a Merchant Guild at Winchester: write down one for Bath.

Four days later Richard set sail, and this strip of parchment was brought back in triumph to Bath as the palladium of the liberty of the city.

There is rather a curious thing about this charter of Richard. The seal on it is rather difficult to decipher, but it is clear that the device was a single lion.

Richard came back from his Austrian captivity not only without money, but burdened with heavy debts.

Roger de Hornden quaintly tells what then transpired :—

“Then coming into Normandy he took it all that certain things had been done in his absence, and charging that the Chancellor was to blame, took away from him the seal and had a new seal made and spread it abroad through his dominions that nothing should be deemed valid which was under the old seal, and that this same old seal was lost when that naughty knave, Roger the Vice-Chancellor, fell into the sea off the Island of Cyprus. And the King ordered that all who held Charters should send them in to be sealed with the new seal.”

This simple attempt to exact fresh payments for charters was not successful as regards Bath, and the charter was not sent in to be re-sealed.

The new seal bears three lions (more properly leopards) *passant gardant*. This piece of attempted sharp practice on the part of the Crown was matched, however, by what looks like a bit of fraud by the citizens.

There was a doubt in early days as to the extent to which a king could, by charter, interfere with the prerogative of his successors, and it was customary for the old charters to be confirmed in each succeeding reign. The charter of confirmation was called an “*Inspeximus*.” It set out the original grant, verbatim, and then confirmed it.

Naturally, therefore, an *Inspeximus* charter would be accepted as tolerably sufficient evidence of the original charter recited. Now a charter of Edward II sets out and confirms what would appear to be a very important grant of Henry III, granting to the citizens of Bath (1) the right of electing coroners, (2) the surrender by the Crown of the right to seize the personal estate of deceased citizens, and (3) the right of citizens to execute writs directed to the city, to the exclusion of king’s officers.

We naturally search our muniment room for the original of this most important charter. We find one bearing all the out-

side marks of semblance. It bears the same date, was signed at the same place (Gloucester), and attested by the same witnesses.

But when the document is read it is found to be very unimportant, and relating merely to the arrest of citizens for debts for which they might be bondsmen.

The inference, I am afraid, is pretty plain that the citizens got an unimportant charter, and by fraud and covin obtained a pretended confirmation of a charter which had never existed. This idea is confirmed by the circumstance that, although a charter was granted by Edward I, that astute monarch was never asked to confirm the impeached charter of Henry III. But his son, Edward II, was persuaded in 1313 to confirm the charter of Henry.

I wish that the time at my disposal justified my saying more than a few words as to the city plate.

The charter of Elizabeth, which you see upon the table, conferred upon the Mayor a privilege not previously enjoyed, namely, "That the Sargeants at Mace shall everywhere within the said City of Bath and the suburbs, liberties and precincts of the same, bear and carry before the Mayor of the said City for the time being and his successors, maces of gold or silver engraven and garnished with the sign of the arms of this our realm of England."

The right to the Lord Mayor of London to have maces carried before him was granted in 28 Edward III.

Maces of some sort were no doubt acquired by the Bath citizens soon after the charter. But they were not apparently satisfactory, for within thirty years we read of £11 16s. paid by the City Chamberlain to the goldsmith towards the new maces.

During the Commonwealth the Royal arms were removed from the maces, and in 1666, soon after the Restoration, a sum of £16 12s. was paid for putting them on again.

These maces which you see on the table were not, however,

those of 1666, but were made in the year 1708, and are a reproduction on a larger scale of the earlier ones.

In that year the Town Council unanimously resolved to exchange the then maces for a better pair, and to pay £60 in cash. They are of silver gilt, and were made by Benjamin Pyne, a well-known goldsmith.

The city loving cup was presented in the time of Beau Nash (April 28th, 1739), by the Prince of Wales. It has the arms of the prince on one side, and of the city on the other.

The remaining piece of civic plate which deserves notice is called the Palmer cup. Mr. John Palmer was closely connected with Bath, and was Comptroller of the Post Office. He did much to improve the postal service, and the cup was presented to him by the Glasgow Chamber of Commerce.

His grand-daughter, Miss Palmer, presented it to the city.