

*Proceedings*  
*of the*  
*Somersetshire Archæological and*  
*Natural History Society,*  
1876, *Part II.*

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P A P E R S , E T C .

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Ancient Bath Charters.

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*Mayor of Bath.*

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THE early history of this kingdom has been enveloped in such a complicated maze of tradition, fable, romance, and speculative thought, from the days of the Venerable Bede to Geoffrey of Monmouth, that our most eminent historians, writing at various periods since on its origin, development, and progress, were obliged to trust to the miscellaneous literature of chroniclers whose credited legends, miscalled "British History," although at the time implicitly believed, have by a more searching system of methodical investigation been completely disproved by the palæographers of this country; and as these numerous, interesting, but romancing documents are subjected to the careful analysis of modern research we are obliged, in the cause of truth, to throw aside as worthless many of the cherished stories and traditions of the past as uncorroborated or prejudiced statements, purporting to be true records of transactions and

motives at the time they were written, but which in the hands of our modern archivists are proved to contain such erroneous and untrustworthy accounts of past events that no confidence can be placed in them until they have been sifted and winnowed by the intelligent research of modern scholarship. Year by year some hallowed story or cherished fallacy, some acts or deeds that exercised a strange fascination on our youth, are ruthlessly uprooted and abandoned in our schools, to make way for the plain, and often by no means exalted facts which are brought to light by the facilities afforded to investigators to examine manuscripts and memorials hitherto buried in the dust of ages. How little we knew of English, Spanish, or Italian political and religious life and history until the priceless libraries of the Escorial, Salamanca, Venice, Florence, and other great historical cities of the middle ages were, by permission of their respective governments, examined and published by modern archivists. Have not Grote, Prescott, Motley, Macaulay, and Froude, Niebuhr, Ranke, and Ewald, the Guistiniani and the French Encyclopædists, completely changed our educational course of history, both ancient and modern? How many dark pages of national life have been unfolded to us through the hitherto secret and confidential communications between ambassadors and their respective courts! and, on the other hand, many a noble reputation has been cleared from unmerited obloquy thrown on it by the malice hatred and jealousy of contemporary rivals and writers. To secure to this country the advantage of a critical and exhaustive investigation of historical and other documents bearing on the social and political life of this country, which for centuries past have been deposited in the muniment chests of ancient boroughs, parishes, chapter houses, and private collections, Mr. Gladstone's Government obtained a warrant, under the Royal Sign Manual, the 2nd April, 1869, appointing commissioners to make inquiries as to the places in which documents illustrative of history or of general public interest, belonging to public bodies or private persons are deposited, and to consider

whether, with the consent of the owners, means may not be taken to render such documents available for public reference. In consequence of the painstaking and indefatigable exertions of experts in deciphering ancient deeds and charters in the abbreviated Latin and French of those times, acting as inspectors under the authority of this commission, a mass of evidence illustrative of the laws, customs and usages of our forefathers, has been brought to light and made easily accessible. This commission has made five reports to Parliament since the commencement of its labours, 460 collections of manuscripts have been examined, and the utmost willingness has been displayed on the part of the municipalities, chapters, noblemen and gentlemen, to assist the service and forward the objects of the commissioners. Last year 70 collections were examined, and 50 reports prepared. The greatest interest naturally centres in the historical manuscripts in cathedrals, in the libraries of the Oxford and Cambridge Universities, and in the chests of old Corporations, especially when they belong to newly-discovered memoranda. Several of these old deeds date back to the twelfth century. The journals of the House of Lords have been brought down to 1643. The Corporation of Rye possesses a deed dated 1390, and a list of its mayors has been restored to light from 1300 to 1380 in almost unbroken succession. In the Weymouth and Melcomb Regis documents the names of the mayors of the fourteenth century have been brought to light, and in a memoir, dated 1610, the *Mayflower* that carried the pilgrim fathers to the shores of Massachusetts is mentioned. The Corporation of Sandwich has a much mutilated certificate in Latin of the collectors of customs of 1367, a forest charter of Edward I, and a confirmation of Magna Charta, both dated 1300, by the same Sovereign, but without seal. The archives of the Chapter of Canterbury contain at least 5,000 original manuscripts, exclusive of the registers and charters, many of which have furnished materials for ancient chroniclers and Church historians. Very few private collections date back earlier than the 16th century.

The Trentham collection ranges from the 16th to the 18th century. The manuscripts in possession of Sir Alexander Malet are of great historical value, amongst them a volume of letters written in the 12th century from Pope Paschal to King Henry, Matilda, Queen of England, and Anselm, Archbishop of Canterbury; also a copy of the sentence of Pope Clement against the marriage of Henry VIII and Anne Boleyn, dated 1534. Amongst Mr. Majendie's collection is a Bede Roll, dated the end of the twelfth century, of the answers of 120 churches in various parts of the kingdom to the request of the Prioress of Bellingham to pray for the soul of her predecessor, Lucy, Countess of Oxford. The specimens of writing in the roll are very valuable for palæographic studies. Mr. Strickland's papers contain charters of the 12th century relating to estates held by his ancestors. In fact all the voluminous papers collected, indexed and published under the authority of this Historical Commission are full of information ranging from the highest regions of politics—from the dethronement, the accession, the execution of kings and nobles, down to the commonest occurrences of every-day life, and especially in the letters and correspondence in connexion with the Civil Wars of the Roses, of the Stuarts, and of the final overthrow of the Stuart dynasty by William of Orange. One of the inspectors under this commission, Mr. Henry Riley, has lately visited Bath for the purpose of obtaining access to our municipal documents, and a resolution was passed by the Town Council last month granting permission to Mr. Riley to examine at his leisure the records in the Guildhall. In May I had the pleasure of an interview with this gentleman, and at my request he translated several of the oldest manuscripts, dating from 1187 to 1336, most beautifully written in the Latin and French of that period. Several of the deeds and charters, with the seals of English Sovereigns and other notables attached to them by strings of cotton and silk, and which are kept in the municipal chest of this ancient city, were on Tuesday exposed for the first time to public view, and

are now on the table before you, arranged by the Town Clerk and his able assistant, Mr. Watts, for your inspection. Some of these parchments date from the days of King Richard the First down to the days of Elizabeth, who took a lively interest in her loyal city of *Aquæ Solis*. The documents especially relating to the antiquities of Bath, whether ecclesiastical, archæological, or political, have been removed from the Town Hall (if indeed they were ever placed there), and those interested in the earlier charters relating to public monuments, religious establishments, grants of land and tenements, must search for such deeds in the libraries of our universities and the record offices of York and Canterbury, &c. For instance, the earliest Bath grant known was the granting 100 villeins and their lands by King Osric, a Saxon king or chieftain of the *Hwiccas*, a tribe inhabiting Worcester and Gloucester, to the Abbess Britana, for the purpose of establishing a nunnery in Bath, bearing date A.D. 676, is at Corpus Christi College, Cambridge, the Latin almost unintelligible and part of the meaning obscure. In the appendix to Britton and Warner's Histories, copies of all the old charters and deeds relating to Bath which are not in the municipal library, will be found, as well as the names of the libraries where the originals are deposited. I brought to the notice of Mr. Freeman this grant of Osric's to the Abbess Britana in Warner's appendix No. 1, which he examined with much interest, and I have no doubt that some day the original document will be under the critical eye and intellect of our famous Somerset historian. He certainly did not appear to credit the existence of so old a piece of writing until I promised that I would show him the copy in Warner in corroboration of my statement, which I did, with the signatures of Osric and his friend Æthelred, king of Mercia, and witnessed amongst others by the celebrated Greek philosopher, Theodorus, Archbishop of Canterbury, who signs, "I, Theodorus, by grace of the King, Archbishop, witness and subscribe," &c., and in another document granting forty villeins and their lands in *Slipi* to the

Abess Berguid for her nunnery, he signs himself, "By the grace of God, Archbishop," &c. These and other grants of lands and tenements to the Abbey, monks, and guilds of Bath, dating from Osric's grant to the days of Richard I, are not in our keeping, but, as I said before, are to be found in the ecclesiastical libraries scattered over the kingdom. Of these charters one of William Rufus, dated A.D. 1090, granting the Abbey of Bath to John de Villula, of Tours, Bishop of Wells, is an object of considerable interest to antiquarians. In this State paper the King styles himself King of the English (*Rex Anglorum*). It is signed both with a cross and seal—the first being an Anglo-Saxon, the latter an Anglo-Norman attestation, and it is also witnessed and confirmed by some of the most renowned and highest ecclesiastics of the period. Another interesting deed consigning grants of lands to the Bath monks by the same John de Villula, Bishop of Wells, dated 1106, and which I believe is at Wells, is remarkable for the language of a Christian bishop, "Whoso shall infringe this my gift, may the curse of God and all His holy apostles and saints light upon him, and through my authority (although a sinner) let him be accursed for ever." I wonder from what part of the discourses of our Lord he borrowed this pious language; at all events he went in at that early period for the cumulative vote of censure. The deeds on this table have never been indexed, much less published, and until Mr. Riley reports upon them they will remain unknown to the public. The small piece of parchment I hold in my hand (No. 1) is a charter of Richard the Lion-hearted, under his seal, granting to the citizens of Bath free tolls—in this and other documents I read from Mr. Riley's translations. This date, 1189, is the first of legal memory, and the year in which a Mayor of London was first elected. "Richard, by the Grace of God, King of England, Duke of Normandy and Aquitaine, Count of Anjou, to the justiciars, sheriffs, barons, provosts, ministers, and all other his faithful subjects of the whole of England and of the ports of the sea,

Greeting. We do command that the citizens of Bath, who are of their merchant guild, shall have in all things the same acquittance and freedom as to all their markets, wheresoever they shall come by land or by water, of toll, of passage, of lestage, and of all other customs and demands and matters, as fully and freely as our citizens of Winton of their merchant guild have, and we do forbid that anyone disturb or molest them hereon, or their property on pain of forfeiting 10£. Witnesses—Hugh of Durham, Hugh of Chester, and Hubert of Sarum, bishops; William, Marshal; John his brother; Geoffrey Fitz Peter. Given at Dover by the hand of William, bishop-elect of Ely, our chancellor, on the 7th day of December, in the first year of our reign." No. 7 is a lease dated 1218, and is remarkable for mentioning the situation of the property. It speaks of a seld at the south of the stalls of Bath, no doubt Stall street, as it is elsewhere named the street of stalls. Perhaps some gentleman present would tell us what a seld is? "Know present and to come that I Henry Stanold have given and granted and quit claimed for me and my heirs for ever, to Robert Puther and his heirs, the right which I had in the seld to the south of the stalls of Bath, which belonged to Richard Stanold, my father, and Matillia, my mother. The aforesaid Robert Puther and his heirs shall therefore hold and have the seld aforesaid freely, quietly, wholly, and honourably, without any reclamation and claim of me or my heirs, or such person to whom he shall wish to assign the same; rendering for it each year to the lords of the fee, at the feast of S. Michael, 7 pence, and at Hock Day 5 pence for land-gable [land tax] for all service and demand. And for this my gift-grant and quit-claim the said Robert Puther has given me one mark of silver. And I, Henry Stanold, touching the holy evangelists, for me and my heirs have sworn that we will never seek art or design whereby the aforesaid Robert Puther or his heirs, or any person to whom he shall wish to assign the same, shall be eloigned [removed] from the seld aforesaid, and that the same may be held, ratified and

established. I have corroborated this present charter with the impression of my seal. This grant and quit claim was solemnly made in the full hundred court of Bath, at the feast of S. Nicholas, in the third year after the death of S. John. These being witnesses, Hebas, Dean of Bath, Richard the chaplain, Swein, Thomas his son, Gervaise, David le Petit, Henry Cavvel, Hugh de Aixtone, Swein de Westone, Walter de Westone, John the Porter, Geoffrey the Porter, Richard la Waite and many others. Dated 3 Henry III, A.D. 1218-19." This and all other deeds of that period are executed and attested by numerous witnesses at some place of public meeting, a County Court, a Court of Leet, or of a Hundred, for the purpose of notoriety, and we find *cum multis aliis* always subjoined to a list of witnesses; this precaution was necessary in the feudal days of violence to secure property amongst the lower classes, and the seal of the donor or vendor was generally attached—seals having been introduced by Edward the Confessor with other Norman customs. No. 8 is a continuation of the lease of (No. 7) the same property, by the wife of Henry Stanhold, which property appears to have been given up on payment of forty-eight shillings, provided the fee to the lords of the soil be continued. It is also noticeable that the name Sweyne constantly occurs as witnesses to deeds—in all probability men of Danish descent. No. 9 is the grant of a seld to the South of the Stalls of Bath, from Walter, son of Surlow, to Juliana, daughter of William Springult, 1230, which was the same property he brought from Robert Puther, and Robert Puther bought, in 1218, from Matilda Stanhold. This deed is curious, as it mentions amongst numerous witnesses, John the Porter, at that time Mayor of Bath, and therefore contains perhaps the earliest mention of a Mayor. The device on the seal has the appearance of an ancient gem. No. 16 is the sale of a certain seld, situated at the west end of the church, dated 1256. This sale seems in consequence of the vendor being arrested for debt. No. 2 is a grant of Henry III, dated 1247.



No. 19 is another sold, by David le Petit, in 1250. No. 17, in 1260, is a grant by Peter Chamberlain, of Sheftebure, to Richard Donekar, vicar of South-Stoke of a yearly rent of 12s., from a house opposite the church of St. Mary de Stalls. In No. 3, dated 1280, the Mayor of Bath, Henry the tailor, is mentioned. No. 10 is a Charter of Edward II. No. 508 is a deed, grant of Edward I, attested by William de Valence, uncle of Edward I, to the citizens of Bath. A charter of Edward II, in the year 1313, granted full and independent jurisdiction to the magistrates of the city, inside the walls. Reference is made there to a Charter of Henry III, which it is hoped Mr. Riley will find. As to the size of these papers, I must remark on "the great improvement" modern times have produced. These small pieces of parchment sufficed to secure probably several hundred acres of land. The charters are also written on one piece of paper, the writing is admirable and the durability of the ink astonishing. In conclusion I may mention that Mr. Riley will examine the documents at his leisure in London, as there are some among them probably of great historical value—Mr. Riley having said himself that the Corporation possessed some of the oldest documents he had seen. Those documents will very likely be published in the report of the Commissioners, and a copy sent to this city, which, if it should come during the period of my mayoralty, I shall have properly printed and placed in the library of the municipality. These documents have not been hitherto published, because they were carefully guarded by some of the legal advisers of the Council, who were perhaps afraid that some of the charters might prove that property now held by the Corporation did not belong to it. If ever there was such an argument, I may say that I am dead against it, and that even at this late period restitution should be made to the rightful heirs. Let truth prevail, and let right be done.