

The Burgesses of Bridgwater in the Thirteenth Century

by T. Bruce Dilks, B. A., F. R. Hist. S.

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WHEN the thirteenth century dawned on the men of Bridgwater, they had been the free burgesses of a free borough for the space of six months. What their exact condition was when they acquired 'this coveted status we do not know, for on that point twelfth century script gives us no inkling. There are four or five documents by means of which we can trace the changes in the lordship of the manor and the fortunes of the advowson of the parish church, and in the preceding century there is of course the record of the Domesday Survey. But of the men of the vill, from the day when we first read of them as villeins and bordars and cottars and serfs, we learn nothing till the closing months of the twelfth century.

What had the generations between been doing during those hundred odd years? Did these men still form a purely agricultural community, ploughing their half-acre strips, bringing their corn to be ground at the lord's mill, driving their cattle to the common pasture? Or, on the other hand, was the manor in some sense already enfranchised? Were the villein services undergoing gradual commutation? Was there by this time a market? In a word, did King John's charter create a new fact, or did it merely confirm conditions which had been growing and consolidating into customs through the century.

Writers of burghal history are prone to "push the happy season back." They have an itch for ancientry. They are caught by the allurements of "the Roman dance," as Madox happily dubbed it. Nor have the historians of Bridgwater altogether escaped the toils of this enticement. We have been told that at "the date of the great Norman Survey, there was already an important place here, settled by Saxons, and called by them Bruge, attracting traffic to itself and probably dependent upon it to some extent."¹ We have been told that "it seems to have been a Saxon fortress from early times,"² "that the Romans were not slow to recognise the importance of the site and that they called the place Uxela or Uzela,"³ and that "on the banks of the stream, furthest from Devonshire, a cluster of wattled huts"⁴ stood in the days of Joseph of Arimathea!

No authorities are advanced for these statements. But from the documents we know that there was a Saxon tun called Brugie, which lay in the domain of Merlesuain, the sheriff.⁵ It had possibly received its name from a bridge thrown across the Parrett in the previous century by the shire thanes in discharge of their liability of brycg-bot.⁶ We learn that it passed at the Conquest into the hands of the Fleming, Walter de Douai, to whom was assigned the fief of Merlesuain. The manor was gelded at five hides. Its value was increasing. There was a mill

worth five shillings.⁷ Soon after Walter's death we hear of a church.⁸ His son, Robert of Bampton, rebelled against Stephen,⁹ and on his death the manor came into the hands of a daughter Juliana, who married William Paganel, or Paynel.¹⁰ William's son, Fulk, formally presented the advowson of the church to the abbey of Marmoutier,¹¹ though his grandfather had already given it to Bath Priory.¹² Fulk, in any case, made over the manor for half a knight's fee to the powerful William Briwer,¹³ and his son confirmed this surrender.¹⁴ These are the facts afforded by the documents. So much we know of Bridgwater history before the last year of the twelfth century.

During the strong and peaceful reigns of the first two Henries there may of course have been a certain degree of development, and when the wealthy pre-eminence of Bridgwater among the boroughs of Somerset at the close of Edward II's reign is considered, it must be confessed that there is a temptation to suppose some sort of industrial advance in the twelfth century. But of such we have no proof, and the facts known, as will presently appear, are such as to allow the possibility of a rapid development during the thirteenth century without supposing that the men of the vill were more than a strictly agricultural community at the time when our investigation begins.

In the last year of the century and the first of his reign, King John was at York, when on the 28th of March he confirmed William Briwer in the possession of certain manors among them that of Bridgwater "with all its appurtenances, with the advowsons of the churches and with military services which he received from Fulk Paynel."¹⁵ Three months later, on the 26th of June, the king was at Tours, and his "beloved and faithful William Briwer" had been with him up to the day previous. Here, in the presence of the earl of Pembroke, the earl of Chester, the earl of Salisbury and others, he signed the charter which founded the liberties of the borough of Bridgwater.¹⁶

Who profited most by the contract? Was it the king, or the baron, or the men of the vill? If the king did not actually receive his payment "blanch or by tale," he at least found an easy way of rewarding the friend who was to stand by him to the very end of his unsatisfactory reign. To the men of the vill the charter, which to them meant chartered freedom, would certainly come as a great good, even though they were called on to make some return for it. They were for ever rid of the load of villein services. They were now free to go whithersoever they would without let or hindrance. All manner of privileges, from which they had been hitherto rigorously excluded, became possible, if not now, at least in the

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future. The king's contract was certainly a boon to the unfree tenants of the manor.

But the baron to whom the charter had been sold or given, what had he to gain by the transaction? Are we to look on him as a kind-hearted benefactor towards his quondam bondsmen, or had he an axe of his own to grind? If he has sacrificed their services on his demesne and foregone the receipt of merchet on the marriage of their daughters and on other occasions,¹⁷ conditions odious to men who would fain be free, he has gained advantages which will richly compensate him in the future. He will attract many more tenants to the place than would ever have settled there, had it remained a community merely of farmers. He will increase its value over and over, inasmuch as land which is built on and pays burgage rent is more remunerative than agricultural land which brings in fourpence an acre.¹⁸ The tolls of market and fair, river and bridge, will furnish a revenue not to be despised. Above all, and the true sequence of events would seem to have escaped the historians, he had already obtained leave to build a castle here. If we judge the date correctly, he had received a royal charter only three weeks earlier¹⁹ licensing him to build three castles in England, "one of them in Somerset, to wit, at Bridgwater." Here in all probability we find the real origin of the borough. It would be of immense advantage to the lord of the fief to have at the castle gate a market whence to provide for the castle folk, a river-port to which might be brought such necessaries as the neighbourhood itself could not furnish, and a source ready to hand from which he might derive a supply of armed men should need arise.²⁰ Nor was the borough a mere parasitic growth emerging in the neighbourhood of a stronghold; it was the result of a scheme planned deliberately with foresight and wisdom.²¹

We need not then be surprised to find that after the all important *liber burgus* grant, which is the marrow of the matter, the remaining clauses are devoted to mercantile privileges. There is to be a free market and a midsummer fair, and, while on the one hand the right of imposing tolls is given, on the other, exemption from such is granted to burgesses travelling to other markets of the land, always excepting the favoured city of London. This latter, be it noted, is a privilege which only the royal hand could have bestowed.

The list of tolls which the lawyers have inserted is longer than usually appears in these early borough charters. There the ever present *theloneum*, and the frequent *pontagium*, *passagium* and *lestagium*. But beside these there is the more rarely occurring *paagium*²² which it seems difficult to difference from *passagium*.

"Sciatis nos dedisse et concessisse quod Brugewalter liberum burgum"

What was comprehended in these words? They formed a phrase new in the language of charters. In this year 1200 a.d. Dunwich was the first borough to which they were directly plied; Bridgwater was the second.

But though this was an innovation in the language of charters, the term already ran in common speech or at least in that of lawyers. The clerk who drew up the Ipswich charter earlier in the same year, evidently expected to be understood when he wrote of "our free boroughs of England."²³ In the Bridgwater charter, too, we read of "liberties and free customs pertaining to a free borough" as something which would be quite intelligible to those who were interested. *Liber burgus* was therefore a term which was already well known, but which now for the first time appears to be writing itself into English law.

We notice further that in the charters of the nine boroughs²⁴ which received this grant during King John's reign, the grant never stands alone. It is invariably followed by a recital of more or less detailed franchises. If we were to draw up a composite charter framed from those of these nine free boroughs, we should have a *liber burgus* endowed with a very formidable list of privileges. Liberty of sale, of devise, of marriage would be there. We should find among others the King's peace, franchise by residence, scot and lot, sake and soke, inhibition of external pleas, freedom from shire courts, gild merchant, and, certainly not least *firma burgi*.

Did the grant of *liber burgus* carry any of these privileges with it, and, if so, which?

If we look forward a hundred and fifty years, we find the mayor and burgesses of Macclesfield summoned to show by what right they claimed their gild merchant and certain other liberties. Their plea was that the vill of Macclesfield was *liber burgus*, and they claimed on that account that it should have all the liberties and customs *quas liber burgus de jure habere debet*.²⁵ These men evidently looked upon the "free borough" as a comprehensive idea.

On the other hand, within ten years of this plea of the burgesses of Macclesfield, we find the burgesses of Wells, which is one of our nine free boroughs, first obtaining a charter and then suffering the loss of it, because they had not taken the precaution of insuring it with a preliminary *inquisitio ad quod damnum*.²⁶ This abortive charter contained franchises such the inhibition of external pleas, freedom from toll, the return of all writs, permission to fortify, and yet no plea of *liber burgus* appears to have been advanced in justification of these privileges.

Here then we have certain data. Can we

deduce any definition of a free borough from them? Was *liber burgus* one privilege among more or less co-equal privileges? Or was a comprehensive franchise which embraced all the rest?

Dr. Gross inclined to the latter conclusion, defining the free borough "as a variable generic conception, which comprised a vague aggregation of franchises."²⁷ He suggested that "privileges thus comprehended in the notion of free borough" were "often granted side by side with the latter." In other words *liber burgus* was a franchise which is comprehensive and yet at the same time co-ordinate.

Professor Tait limits the idea of *liber burgus* to "the substitution of free burgage tenure for the villein services and merchet of the rural manor."²⁸ The late Mr. Ballard suggests that "the term was introduced by the lawyers of John's reign to shorten the verbiage of charters."²⁹

In criticism of these latter views let us appeal to the Dunwich charters. In 1200 Dunwich is declared to be *liber burgus – quod burgum de Dunewichge sit liberum burgum nostrum* – and her charter was renewed fifteen years later. If the clerk has introduced the words in order to shorten the verbiage, and the words mean only freedom from villein services and from merchet, we should not expect him to introduce the very liberties which Professor Tait believes to be the only essential elements of the "free borough." Yet we find in the latter charter the grant of "free burgage to our upright men and burgesses of Dunwich and their heirs,"³⁰ and in the earlier we find permission given "that they may freely marry their sons and daughters where they will in our land."³¹

The case of Macclesfield seems to uphold Dr. Gross' theory, that of Wells seems in some measure to counter it, while it must not be forgotten that both belong to a much later period than that under our immediate consideration.

We seem to be driven to the conclusion at which Mr. Ballard arrived when he wrote, "I have been unable to find any difference between a borough and a free borough"³² though his theory that the lawyers were aiming at condensation in using the term *liber burgus* seems untenable. Condensation is not characteristic of lawyers.

Might a solution possibly lie in this direction?

The meaning of the borough had gradually changed from its early tenth century service as fortress. Little by little it had become charged with franchises which behind its walls survived the wave of feudalism. Liberties, varying in character, – tenurial, jurisdictional, mercantile, –

and steadily increasing in number century by century, came at length to be recognised as more or less inherent characteristics of the borough. Yet the idea was elastic, and it was essential repeatedly to secure by charter the franchises already publicly granted or silently assumed, if the menace of an unsought enquiry *quo warranto* was to be averted.³³ The idea was fluid, and no one probably could have defined its elements with exactitude.

But the quintessence of burghership was freedom.³⁴ It was a sharp contrast that existed between the status of villenage with its binding attachment to the soil, and that of the burgess who, though the franchises which he enjoyed varied in number, yet was always free to move whithersoever he would. Is it any wonder that the epithet *liber* became part the name of an institution the very fibre of which was freedom, and that at length the lawyers emphasized the burghal condition by declaring that this borough shall be a free borough? "When the king promises that the burgesses of Bridgwater shall be "free burgesses," is he not laying stress on the condition they most value? He is not differentiating them from unfree burgesses, an unthinkable juxtaposition of ideas. When he declares that this borough shall be a "free borough," is he not giving legal expression to what was in everyone's mind? So long as we caution ourselves against any trace of dogmatism, it is at least a plausible hypothesis."³⁵

The lord of the fief had now therefore obtained his licence to build a castle close to the bridge over the Parrett and had established a borough at the same important point. Tradition, in the mouth of Leland, tells us that the stone bridge which he saw and which survived to the closing years of the eighteenth century, was "begon of William Bruer, the first lord of that towne."³⁶ If this was indeed so, this "right auncient stronge and high bridge of stone of 3 arches" was one of the most auncient" in the kingdom. It would be cotemporary with Peter Colechurch's great bridge,³⁷ and would be of earlier date than that of Bristol.³⁸ But Leland may have been mistaken, the building of the bridge which he saw is on better evidence associated with the name of Trivett.³⁹ And yet we should like to think of it as "begon of William Bruer."

At different times we find William in the King's Court, confirming himself in the possession of lands in the vill, now a half virgate, now a virgate, and again a matter of eighteen acres.⁴⁰

On one occasion⁴¹ the subject of a concord is that advowson of the parish church which the widow and son of Walter de Douai had given to the Priory of Bath. It was now once more secured to the lord of the manor by William's

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action in the *Curia Regis*, "saving one hundred shillings granted to the prior and monks of the church of Bath by the said William annually, paid half at Easter and half at Michaelmas. And be it known that the cleric to whom William and his heirs shall grant that church shall do fealty to the monks or their successors and pay the aforesaid one hundred shillings. This concord was made in the presence of Savaric, bishop of Bath, and with his consent."⁴²

It is probable that William's castle-building brought an influx of artificers, and among them foreign masons,⁴³ to the new borough. How long the stronghold was in building we do not know. Chateau Gaillard, one of the strongest feudal castles, was raised in a year, and we may presume that the Bridgwater fortress was, if not completed, at least sufficiently advanced to receive the royal master when, in July, 1204,⁴⁴ John twice visited the borough. In the autumn of the next year⁴⁵ the king was at Bridgwater for two days, and twice more he visited the castle in the course of those numerous progresses which he made through his dominions. In September, 1208,⁴⁶ six months after the land had been laid under Innocent's interdict, John was at Bridgwater, possibly on his way to hunt in North Petherton forest, for he was at Taunton several days afterwards, and two years later he paid his visit to the castle.⁴⁷ We know that at least on this last occasion William Briwer was at home to entertain his royal guest.⁴⁸

In this same year we find the earliest record of names of Brigwater householders,⁴⁹ John de Fordgar and William Saracen, the latter sounding curiously like an echo of the crusades.⁵⁰

In January, 1215, six months after the interdict had been drawn, a charter was granted by the king "to the Hospital of St. John the Baptist of Bridgwater and to the brethren there serving God."⁵¹ This refuge for the sick poor a public benefaction, gratitude for which was due from men of the borough to William Briwer. He had endowed it with the tithes and the recovered advowson of the parish church of St. Mary's in 1214, and in the previous year it was already possessed of five acres of land in the vill.⁵² It was a religious foundation presumably of real service, not only to Glastonbury pilgrims passing through the town, but also to townsfolk themselves, for the master and brethren, with help of two or three women of good conversation and repute, were pledged to care for thirteen sick persons. The position of the building "partely withoute the est gate"⁵³ was probably chosen to enable the brethren to harbour the belated traveller.

In this charter of 1215 the king confirmed the brethren in possession of "a hundred acres of land in the vill of Bridgwater, which they held

by the gift of William Briwer, and of the church of Bridgwater with its appurtenances, save only one hundred shillings payable annually to the monks of Bath." Then follows a clause which, owing to a mistranslation, has given rise to misconception and has been used as proof that the regular clergy might enjoy the rights of burgher-ship. It runs thus:— "*Confirmamus etiam eisdem hospitalis fratribus quod ipsi qui voluerint burgagia capere de terra ejusdem hospitalis, habeant eandem libertatem tam infra burgum de Brug'Walteri quam extra burgum quam burgenses de Bruy habent per cartam ejusdem Willelmi.*"⁵⁴ This passage has been interpreted in the sense "that in Bridgwater the brethren of the Hospital of St. John were to be capable of taking up burgages in the town and to have the same liberties within and without the town as burgesses."⁵⁵ Now, though the brethren conformed to the rule of St. Augustine and were thus nearer the laity than most regular clergy, the suggestion that they should wish individually to take up burgages on land of which they were themselves the corporate landlords is on the face of it untenable. It seems needless to argue the point. Mr. Ballard has given the correct translation, to wit, "that they who wish to take burgages on the land of the same hospital"⁵⁶ shall have the same liberties as the Bridgwater burgesses. Curiously enough, however, Mr. Ballard omitted from his Latin text the very word *ipsi* which probably led to the mis-translation. But whether *ipsi* is present or absent, his is the correct rendering. It was the lay tenants of the brethren, and not the brethren themselves who were to share the privileges of William Briwer's burgesses. The men of the canons of Grimsby had been granted a similar franchise.⁵⁷ It is not here then, whatever other evidence is available, that support must be sought for the opinion that clergy in the thirteenth century could be burgesses.

In other respects there has been misunderstanding with regard to property in Bridgwater associated with the Church and the clergy.

When we find William, vicar of Bridgwater, in possession of a burgage in North Street⁵⁸ and of two *seldae* in High Street,⁵⁹ are we on that account to regard him as a burgesse? Or is he not with far more probability the chief or capital lord of these properties which he subsequently bequeathed for a religious purpose? And may we not assume that in each case it was the actual occupier who enjoyed the burghal privileges and "performed the burghal duties associated with the tenure? William, the vicar, was an early example of the accumulator of burgages, but it is the religious guilds, to one of which he devised these burgages, that are most conspicuous in this thirteenth century in joining

house to house and laying field to field. It seems necessary to lay stress on the fact that, where burgages fall into their hands, these gilds are chief lords and not tenants of these lands, or stalls, or houses.

If the date has been read correctly, the earliest recorded of these gifts is a burgage, her right in which Juliana Manger quitclaimed " for the support of the Mass of the Blessed Virgin. This was in 1218.⁶⁰ In the course of the subsequent reign we find the burgesses letting a burgage to Faramus the Dyer, which had been left " to the service of the Blessed Virgin Mary.⁶¹ Jordan Parmentar left a yearly rent of two shillings from a house, to wit, " 12d. for the Mass, 12d. for the lights before the cross.⁶² The burgesses leased to William le Large two *seldae* in the High Street, which had been bequeathed " to St. Mary's Mass,⁶³ and they granted a half burgage " between the half burgage of J.M. held of St. Mary and the burgage which belonged to N. F. which half burgage A. L. gave, one moiety to St. Mary's Mass in the parish church, the other half to the Great Cross of the church, at the yearly rent of 12d."⁶⁴ And again a stall is granted by the burgesses "at a yearly rent to the Proctors of St. Mary's Mass in the parish church of 10d. and to the chief lord of the town of 12d"⁶⁵

While St. John's Hospital was not forgotten by the faithful, we seem to see in the records of these gifts and legacies associated with the parish church, tokens of two religious services, or possibly gilds, that of the Mass of the Blessed Virgin, and that of the Holy Cross.⁶⁶ The burgesses would be the lessors of these properties, acting, not as has been said in their capacity of lay rectors,⁶⁷ – the brethren of the Hospital were the rectors, – but in their capacity of gildsmen. The seal used on more than one of these deeds representing the Virgin and Child, and bearing the legend, SIGILL : BEATE : MARIE,⁶⁸ would probably be that of the Seneschals of this religious gild, the Proctors of St. Mary's Mass. We find such stewards very plainly indicated in the Gild Merchant ordinance, belonging probably to the early part of the reign of Edward I. "If any one is elected to the office of the seneschal of St. Mary's, or of the Holy Cross in the church of the said burgh, he shall render account for the moneys arising there from to the said seneschals⁶⁹ when-ever summoned so to do. Any person refusing any one of those offices, if elected thereto, is to be bound to the commonalty in the sum of 6s. 8d."⁷⁰

The religious gilds seem to have embraced all the burgesses, and to have been subordinate in their organisation to the comprehensive gild merchant, that important institution which we thus find quietly assumed by the burgesses as one of the privileges involved in the grant of

liber burgus. We find no record of any separate grant.

The great William Briwer died in 1226, the year which saw the close of the life of Francis of Assisi. He was succeeded in his barony by a son bearing the same names, and though William Briwer the younger did not long survive his father, his name is for ever associated in Bridgwater history with that of St. Francis. For when, six years after 'the landing in England, the grey brothers reached Bridgwater,⁷¹ – can Richard of Devon⁷² have been the leader of this progress westward? – it was William Briwer, Leland tells us, who built them a house wherein to lay their heads. Royal timber was felled for the building of the friary,⁷³ which, if the early practice of the Order was followed, remained the property of the benefactor, and was merely lent to the Brothers. We may well believe that this new element in the society of the borough was a boon and a consolation to the poor and the sick, but not yet do we find that recognition of the Friars in gift after gift, which the religious donations of later years show us. To-day their memory is preserved in the name of the street called Friarn.

Burgage divisibility is well illustrated by means of a deed belonging to the earlier half of the century. Dionisia de Ferndone is about to marry Richard de Godyne-lande, and the young people, instead of setting up for themselves, are to share the house and estate of the bride's father.⁷⁴ They are to occupy the whole of the sollar, one half of the thalamus, and one half of the curtilage, the parents probably keeping for themselves the hall. In addition the bridegroom is to receive half of William de Ferndone's farm, "which he holds of Sir Hugh de Gahurste," two oxen eight; marks in value, two cows ten shillings in value, and two gowns, the value of one gown being fourteen shillings, as well as one half the utensils. If the prices here given have been correctly transcribed, they seem to show that a burgess of Bridgwater in 1245 might be as wealthy as the richest burgesses of Colchester half a century later.⁷⁵

We are told that "the said Richard is to render 6 pence to the lord of the fee for all demands," a fact of interest to us, for it is the first revelation of the amount of the burgage rent. Sixpence is of course half the full burgage fee⁷⁶ which Richard and his father-in-law would now share, and we thus learn that in Bridgwater the shilling burgage rent was proportioned to the fractions into which the burgage was divided. In this the custom of the older boroughs was being followed rather than that of those created by charter, in which as a rule the burgage fee was not divided, but was paid by the holder of the capital messuage or original tenement.⁷⁷ Half-burgages are common in

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Bridgwater deeds, and we find a quarter⁷⁸ and even a sixth⁷⁹ in later centuries, fractions surpassed, however, by a sixteenth in London, and a forty-eighth in Liverpool!⁸⁰ We may assume that the custom of most chartered boroughs was followed here also, and that the holder of a burgage- fraction enjoyed burghal rights equally with the holder of a complete burgage.⁸¹

Was the farm, half of which Richard received, included in the burgage? Apparently not, for the sentence respecting the burgage fee is inserted below the grant of the tenement and above that of the farm. We cannot gather from this any proof that agricultural land was included with the tenement, but, if we follow Dr. Hemmeon, "it is probable that messuages would have their connected arable strips!"⁸²

As we have said, we have in this deed the earliest record of the amount of the burgage fee. There is no doubt whatever that Bridgwater was a shilling borough. Early in Edward I's reign, a stall was let "by the burgesses...at a yearly rent of tenpence to the Proctors of St. Mary's Mass, and to the chief lord of the town of' 12d."⁸³ And another stall carried with it a similar burden, "12d. yearly payable-to the chief lord of the town."⁸⁴ In 1635, in a suit instituted by the mayor, aldermen and burgesses, the Court of Chancery decreed "that the mayor, aldermen, and burgesses, and their successors should receive thenceforth for ever, of the occupier or possessor for the time being, of the tenements in question, the sum of eleven shillings and sixpence yearly at Michaelmas, being at the rate of one shilling for every burgage of land contained in the said tenements, viz. :—for a tenement situate in the north part of Eastover, containing one burgage and half, the sum of one shilling and sixpence; and for a tenement called Trump's Inn, situate without the East Gate, containing ten burgages, the sum of ten shillings."⁸⁵ Bridgwater is a shilling borough to-day, for three tenements still pay a shilling burgage rent, amounting among them, in accordance with their multiples and fractions, to 5s. 3d.⁸⁶

Nothing in the thirteenth century documents hitherto published suggests that the burgesses had yet acquired that most cherished liberty of the free borough – the *firma burgi*.

Of the gild merchant we have a most interesting record in a parchment indenture in Latin, without date, but belonging probably to the early part of the reign of Edward I.⁸⁷ It is an ordinance made by "all the burgesses and commonalty of the burgh of Brugewater," addressed "unto all the faithful in Christ.... for the promotion of love and charity, and the repression of strife and rancour." It seems quite possible that the burgesses, assembled in

church-yard or church-aisle,⁸⁸ were committing to parchment customs which had already obtained for years past. There is nothing here to suggest that we are at the inception of the gild.

It is ordained that officers of the gild are to be elected annually, – "that they will choose yearly two seneschals of their gild and one bailiff to attend on them." In many places the chief officer of the gild bore the title of alderman, and was associated with two or four stewards, skevins or wardens.⁸⁹ In Bridgwater, as in some other towns, there was no alderman, and the two chief officials were the seneschals or stewards (*senescalli*) who are here appointed. Their bailiff, it may be noted, was quite distinct from the bailiffs of the commonalty.⁹⁰

The seneschals were armed with punitive power to deal with offenders against these ordinances, the first of which is directed against slander and libel. "If any one among them shall maliciously impute to another a charge of theft, forgery, neifty, murder, adultery or excommunication, and be convicted thereof before the seneschals aforesaid, he shall be amerced and bound to the commonalty in the sum of 12d. and make satisfaction to the other at the award of his peers."

Such a court for cases of defamation appears at first sight a curious institution and is certainly worth closer examination. Why is trespass of slander specially singled out to be dealt with before the seneschals, to be punished in cases of conviction with a fine to the commonalty and damages to the Hall. Was there no other court to which an action for libel could be carried?

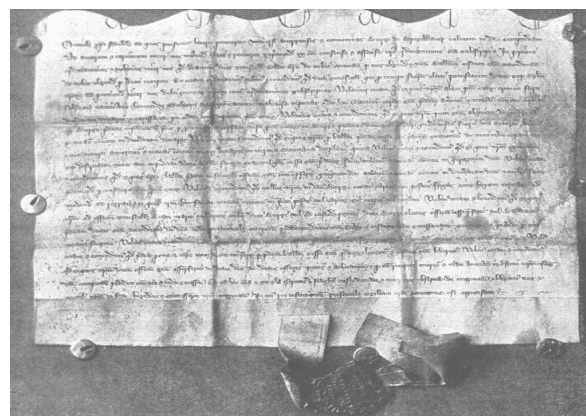


Fig 1 Ordinance of the Commonalty, appointing Gild officials, Bridgwater. XIII Century, Commonalty seal

In the first place, we must remind ourselves that the medieval Church claimed to try and to punish certain classes of trespass, and among these she had been allowed to deal with defamation. Until the end of the middle ages the King's Court took no cognizance of "the case for words."⁹¹ In the second place, such actions

were not left entirely to the clergy. In the local lay courts actions for defamation were common, and it is evident that the slandered made good use of the opportunity to plead in their own borough moots. It would seem therefore that the borough court in Bridgwater gave no action for slander, and that we are justified in supposing that not otherwise would this court have been set up in the gild merchant.

In passing we may note the contempt in which the freemen of the middle ages held the man who was born a serf. Neifty (*nativitas*) is classed with theft, forgery, murder, adultery, as though to be born an unfree man was a disgrace as deep as the crimes among which it here appears.

The ordinance further declares that "no one shall implead another without the burgh, under pain of amercement," and herein we find another of the franchises associated with the *liber burgus* ⁹² The context suggests that the privilege was to be enjoyed only in cases of slander. Whether it was already existent in the borough moot, and was by this ordinance merely extended to the gild merchant we do not know. It is possible. In the same way contempt of court and opposition to execution or distress are provided for, and the fine in the latter case is to be forty pence, "besides making due amends by award of their peers."

One clause in this ordinance is directed against the practice of regrating, that economic menace of the medieval burgess. So anxious was he to prevent undue forestalling in the early morning with the consequent forced rise in prices, that gilds merchant in various towns made it the subject of bye-laws. ⁹³

"No one in the burgh," runs the regulation, "is to buy flesh or fried (*sic*) fish before the third hour for the purpose of regrating under pain of becoming bound to the commonalty in the price of the flesh or fish so bought or sold."

We have already referred to the accountability of "the seneschals of St. Mary or of the Holy Cross" to the seneschals of the gild merchant. The warden of the bridge was yet another official who was equally responsible to them. Bridges were a common care of medieval gilds, ⁹⁵ and it is altogether natural to find the warden of the bridge made accountable to the gild seneschals. In this burden we see not only a forecast of the duties of a modern town council, but an actual example of medieval zeal in caring for the maintenance of bridges as a religious responsibility. Shall we be wrong, indeed, in saying that this ordinance might have emanated from a religious gild almost as suitably as from a gild merchant? The pious preamble, the care for the slandered and the punishment of his defamator, the regulation of the religious gilds and the care of the bridge, all seem to reflect a

religious side of the burghal community.

The remaining clauses order the bailiff to levy all penalties and amercements, and provide for an annual statement of accounts from the seneschals at the beginning of each year.

Thus early the gild merchant gives token of eventually merging into the municipal authority. The very seal, indeed, with which this parchment was sealed, embodies in a way the history of the gild. When the document was first translated and published in 1872, this seal was described as "the castle seal, or seal of the lord of the fee." ⁹⁶ This is not correct. All the evidence points to its being that of the gild merchant. The chief element in the design is a castellated structure, probably a conventional representation of a town gate, ⁹⁷ while the seal of the two reeves or provosts of the borough shows "a one-masted galley, with two men standing on it, back to back." ⁹⁸ When the borough received a mayor in the fifteenth century in place of the reeves, it was not their seal that he adopted, but that of the seneschals, and to this day it has remained the seal of the mayor and, corporation.

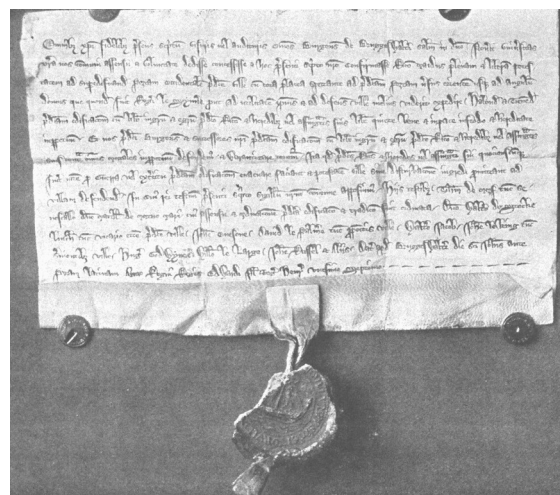


Fig 2 Grant to Maidus to build over the West Gate Bridgwater. An. Reg. 27 Edward I. [1298/9] Provosts' seal

Before the close of the century a grammar school was established in the borough. The Hospital had been originally endowed with "the living of St. Mary's, as we have seen, and with that of Isle Brewers. Later in the century the brethren acquired by gift that of Wembdon, adjoining Bridgwater, and those of Lanteglos and Morwenstow in Cornwall. Something must be shown for these endowments, and in 1298 the Master entered into a bond with Bishop William de Marchia to maintain thirteen poor scholars living within walls, *habiles ad informandum in grammatica* who should be excused from full ritual that they may keep (*exerceant*) schools daily in the town; the rector of the schools in the town to send seven of his mendicant scholars for daily pittances from the kitchen. ⁹⁹

On the death of William Briwer the younger

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in 16 Henry III, [1231/2], the castle, manor and borough of Bridgwater came into the possession of his eldest sister Graecia, who had married William de Braose. Her son, William, had come to an untimely end in 1281, being hanged—not altogether undeservedly it would appear – by Llewellyn at Builth,¹⁰⁰ and it was his daughter, wife of Roger Mortimer, who became Lady of the castle and of a third of the manor in her own right.¹⁰¹ This is the Lady Matilda de Mortimer, whom, a widow since 1282, we find in possession of the lordship of the castle in the last decade of the thirteenth century. By her marriage she became an ancestress of the House of York. The borough passed to her sister Eve.¹⁰²

There is a deed extant,¹⁰³ sealed with Matilda's seal, in which she grants in the full power of her widowhood to William de la Large, burgess of Bruggewater, a burgage "situate between our castle and the tenement of William Fayrchild," at a yearly rent of three shillings. And there is a second deed¹⁰⁴ in which her name appears and which contains information of interest to us, for we learn from it that measures were prepared for the defence of the town against possible attack. Prominent among the signatories are the vicar and the two provosts or reeves. The burgesses of Bruggewater, presumably in borough moot, grant to Richard Maidus that he may build over the West Gate, with all the vacant place belonging to it, towards the east, "unto the corner of the house which formerly belonged to Roger le Mortymere," in such way as shall be most for his advantage, and for the effectual defence of the town. The said Richard, and his heirs or assigns, "so often as shall be needed for war or for the army," shall cause the said building to be evacuated, and permit the forces of the vill to enter for its defence, without molestation. The list of signatories is headed by Thomas de Mers, the seneschal of the Lady Matilda,⁴⁴ "by whose assent and ordinance the aforesaid building and livery were ordained." To this deed the seal of the provosts is attached.

It would appear from this that the gild merchant was not concerned in the military side of burghal life. We draw away from it in the direction of the castle, and we find the seneschal of the lady co-operating with the provosts for the defence of the town gates. Are we to infer that the forces of the vill were summonable, not by the sheriff, but by the constable of the castle? The answer would seem to be neither yes nor no. If a general levy was raised, the armed men of the borough would answer to the sheriff's call,¹⁰⁵ but if it was necessary to defend the town against an invader, the vill would look most naturally to the castle for leadership.

The town appears never to have been walled.¹⁰⁶ The backs of the houses by the town

ditch served the purpose. The four gates faced north, south, east and west. The ditch on the east side of the river would seem to have had its origin in this century in a licence granted on the 10th May, 1286, to the brethren of St. John's to cut 'a channel from the river and back to improve the sanitation of their Hospital.'¹⁰⁷ In the siege of 1645 this ditch on the east side was the first obstacle which the Parliamentary forces had to surmount¹⁰⁸

Bridgwater was summoned in 1295 to send two burgesses to the parliament of that year, and John de la Weye and Walter Jacob attended that most representative assembly. Payment of members did not encourage the poorer boroughs to desire a continuance of the honour of representation, and the number of boroughs sending burgesses to parliament fell rapidly away. But Bridgwater never seems to have relinquished her claim,¹⁰⁹ and in the fifteenth century we find in the bailiff's accounts "xls. paid to John Cole for Parliament this year" – "paid to John Mancell and W. Warde being burgesses to Parliament for the town aforesaid xls." – "vid. paid for wine bought and given to John Palmer coming to the town after Parliament, in presence of the seneschal and other merchants then present" – "the same again for John Palmer, when he comes to the town before Parliament."¹¹⁰

If we may extend our survey a few years beyond the end of the century, we find evidence that the parliamentary representatives were not necessarily chosen from among the richest burgesses. The Exchequer Lay Subsidies of 1327¹¹¹ show us forty-two burgesses assessed at from 2s. up to two marks. One of the members for 1326 was assessed at 3s., but his colleague was a shilling man, – there were thirteen of these – and the humblest burgher in the list, assessed at only tenpence, represented the borough in the parliament of 1328.

There are no signs yet of that ample wine trade¹¹² with Spain and Bordeaux or of that in Woad,¹¹³ which added so much to the importance of the borough in the fifteenth century, but we find tokens of the beginning of the great cloth trade which contributed to its prosperity and helped it to rank high among the boroughs of medieval England. The surnames Dyer, Weaver, and Tucker¹¹⁴ suggest the presence of dyeing and fulling and weaving in the thirteenth and early fourteenth centuries, while in 1310¹¹⁵ and 1317¹¹⁶ we find strong indications in the wills of two burgesses that one of the at least was a rich cloth owner.

While the cloth trade was developing, Bridgwater was beginning to take her place among the ports of the country. As early as 1277, we find her sailors in pay for the conveyance of provisions for the royal troops¹¹⁷. In 1295 and

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1297, the borough was called on to furnish her quota of ships of 40 tons and upwards.¹¹⁸ In 1301 and 1302 she alone among the ports of Somerset was required to supply a ship in the royal service. In the former year the order was neglected, and the dereliction of duty brought down two of the king's clerks with power to punish the offenders.¹¹⁹

Thus at the close of the thirteenth century we find Bridgwater no longer an agricultural manor of small importance, but a flourishing town and port with full burghal government. Born in the year before the century began, the borough in a hundred years has grown well towards her full stature. In what has been here set forth we think there is evidence to show that, rapid as was the growth, it needed not to have been prepared by a development for which we look in vain in the preceding century. The castle is the *raison d'être* of the borough. Under the fostering care of the founder, the strong William Briwer, the burgesses, increasing rapidly in number by reason of the castle-building and castle-maintenance, laid the foundations of their future trade and commerce. The impulse thus given moved her to greater effort, until in 1327 Bridgwater stood first in wealth among the boroughs of Somerset.¹²⁰ This position was maintained through the fourteenth and fifteenth centuries, and when the records of these three hundred years have been fully described and published, we believe that, though during that period the borough scarcely touched the national history of the times, its story will be useful in showing the lessons in self-government and progressive industry which were being conned by the burgesses,—lessons learned so thoroughly that of such burghal elements throughout the land was born—the national genius as we know it to-day.

Postscript.—Since the foregoing notes on XIII Century Bridgwater passed into the editorial hands, I have had the rare privilege of closely examining the original texts of the Gild Ordinance (Plate IX) and the Richard Maidus grant (Plate X), as well as impressions of the contemporary seals (Plate XI). The beauty of workmanship displayed in the seals is most striking. It is not easy to reproduce the freedom and grace of the figures of the two sailors hauling at the galley ropes in the design on the Provosts' Seal (Plate XI), hitherto baldly described as "two men standing on it, back to back."



Fig 3 Seal of the Provosts of Bridgwater, XV century document

The lettering of the legend on the Commonalty's Seal (Fig 4) is bold and elegant, and the tracery of the spandrils of the bridge arches is very delicate work. The emblems of royalty which appear later in the seal of the mayoralty are absent in this, and I suggest that we shall find that they do not appear until Edward IV became, by inheritance, lord of the borough. The masonry of the building—is it a conventional representation of a town-gate?—is more massive than in the later seal. My conclusion that this is not the seal of the castellan is fully borne out by the legend.



Fig 4 Seal of the Commonalty of Bridgwater, XIV century document

The gild ordinance emanates from the commonalty itself—"ex communitatis consensu et assensu nostrœ"—and it is sealed with their seal (Fig 1). We have decided, say they, inter nos, to have two seneschals of our gild to be chosen *de nobis per nos*,—an early forecast of a modern watchword. At the foot I am now able to publish the full text of this most interesting manuscript. My thanks are due to the present custodians of the borough muniments for their courteous permission to inspect these documents and to secure photographs, reproductions of which illustrate this study

Editorial note

The Borough Council used a version of this seal in the centuries following the middle ages until its abolition in 1974. The present

Bridgwater Town Council re-adopted it on the council's formation in 2003. (Fig 5)



Fig 5 The present Bridgwater Town Council Seal

Text of the Gild Ordinance (Fig 1)

Omnibus Christi fidelibus ad quos presentes littere pervenerint universi burgenses et communitas burgi de Brugewater salutem in Domino sempiternam.

Ad amorem et caritatem inter nos nutriendos et lites et rancores reprimendos ex communi consensu et assensu nostro ordinavimus omnia subscripta.

In primis ordinavimus et volumus inter nos quod habeamus duos senescallos gilde nostre de nobis annuatim per nos eligendos et unum ballivum eisdem senescallis attendentem de nobis eligendum per idem tempus.

Et etiam ordinavimus volumus et concedimus quod dicti senescalli qui pro tempore fuerint electi potestatem habeant super singulos nostrorum ad puniendos inter nos delinquentes nostrorum contra ordinationes subscriptas.

Volumus etiam quod si quis nostrum alicui parium suorum crimen furti, falsitatis, nativitatis, . homicidii, adulterii, aut excommunicationis maliciose imponat et de hoc convincetur coram senescallis predictis amercietur et teneatur communitati nostre in duodecim denariis et satisfaciatur parti secundum considerationem parium suorum.

Volumus etiam et concedimus quod si quis nostrum parem suum aliquem de quacunque causa extra burgum predictum implicet nisi prius per partem ei adversam visu parium suorum in burgo predicto denegetur ei fieri quod justum fuerit via amoris amercietur et teneatur communitati in duodecim denariis.

Volumus etiam et concedimus quod si quis nostrum per ballivum predictum jussu senescalorum sumonietur de veniendo coram eis et non venerit amercietur et teneatur communitati in sex denariis et iterata contumacia duplicetur pena.

Volumus etiam et concedimus quod si quis

nostrum executionem seu districtionem vetat aut impediat dicto ballivo facere quas vel quam jussu senescallorum predictorum fecerit amercietur et teneatur communitati in quadraginta denariis.

Volumus etiam et concedimus quod si quis nostrum ballivum predictum in faciendo officium suum contempserit quoquomodo amercietur et teneatur communitati in duodecim denariis et nichilominus faciet ei emendationem per considerationem parium suorum.

Volumus et concedimus quod nullus nostrum in dicto Burgo emat carnes nec pisces frixas ante noram tertiarum ad vendendum ad regratum et si quis nostrum hoc faciat teneatur communitati in pretio piscis vel carnis sic empite vel vendite.

Volumus etiam et concedimus quod si quis nostrum ad officium senescalli Beate Marie vel Crucis ecclesie dicti Burgi vel ad custodiam pontis dicti Burgi electus officium assumpserit vel Ballivam predictam dictis senescallis attendentem de denariis inde pervenientibus computum reddat dictis senescallis Gilde et eisdem inde satisfaciatur quotiens et quando per eos muniti fuerint.

Volumus etiam et concedimus quod si quis nostrum ad quodcunque officium predictum electus fore recusaverit teneatur communitati in sex solidis et octo denariis.

Volumus etiam et concedimus quod predictae pene et mine incurse seu incasure per predictum ballivum jussu senescallorum predictorum leventur et eisdem senescallis liberentur.

Volumus etiam et concedimus quod si quis nostrum dictum officium senescalli assumpserit de dictis denariis de dictis officiis penis et amerciametis per eum receptis oneretur et inde annuatim in crastina circumcisionis Domini computum reddat communitati et inde satisfaciatur.

Et ad hec omnia et singula firmiter et fideliter custodienda et inter nos observanda imperpetuum obligavimus nos et quemque nostrum in fide heredes et successores nostros imperpetuum.

In cujus rei testimonium presentibus sigillum nostrum commune est appensum.

Grant of the Burgesses to Richard Maidus to build over the west gate of the town. (Fig 2)

Omnibus Christi fidelibus presens scriptum visuris vel audituris omnes Burgenses de Bruggewalteri salutem in Domino.

Noverit universitas vestra nos communi assensu et voluntate dedisse concessisse et hoc presenti scripto nostro confirmasse Ricardo Maidus plenam et liberam potestatem ad superedificandam portam occidentalem predictae

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ville cum tota platea spectante ad predictam portam versus orientem usque ad angulum domus que quondam fuit Rogeri le Scynner prout ad utilitatem ipsius et ad defensum ville melius viderit expedire. Habendam et tenendam predictam edificationem cum libero ingressu et egressu predicto Ricardo et heredibus vel assingatis suis libere quiete bene et in pace in feodo et hereditate imperpetuum.

Et nos predicti Burgenses et successores nostri predicam edificationem cum libero ingressu et egressu predicto Ricardo et heredibus vel assingatis suis contra omnes mortales imperpetuum defendemus et warrentizare tenemur

Ita quod predictus Ricardus et heredes vel assingati sui quotienscumque fuerit necesse pro Guerra vel exercitu predictam edificationem evacuare faciant et potestatem ville sine disturbance ingredi permittant ad villam defendendam.

In cujus rei testimonium presenti scripto sigillum nostrum commune apposuimus. Hiis testibus, Thoma de Merf tunc senescallo domine Matillidis de Mortuo Mari cujus assensu et ordinatione predicta edificatio et traditio fuit ordinata, Domino Waltero de Stockelinch tunc vicario predictæ ville, Johanne Evesone, David le Palmer tunc prepositis ville, Waltero Jacob, Johanne le King tunc servientibus ville, Hug' Godwyne, Willo le Large, Johanne Bussel, et aliis.

Datum apud Bruggewalteri die Sancti Johannis ante portam Latinam Anno Regni Regis Edwardi filii Regis Henrici vicesimo septimo. [6th May, 1299.]



WORKS READ OR CONSULTED.

Exchequer Domesday Book, Somerset. Facsimile edit.
Rotuli Chartarum
Rotuli Litterarum Patentium.
Calendarium Rotulorum Chartarum et Inquisitionum ad quod damnum.
Bath Priory Chartularies. *S.R.S.*, vol. vii.
Feet of Fines. *S.R.S.* vols .vi, vii, xvii, xxii.
Nomina Villarum, 9 Edward II. *S.R.S.*, vol. iii.
Exchequer Lay Subsidies, 1327. *S.R.S.*, vol. iii.
Register of Bishop John de Drokenesford. *S.R.S.*, vol. i.
Registrum Radulphi de Salopia. *S.R.S.*, vols. ix, x.
Somerset Wills. *S.R.S.*, vols. xvi, xix.
Chantries. *S.R.S.*, vol. ii.
I, p. 99. H. T. Riley.
Hist. MSS. Com. Report 3rd, pp. 310-320. H. T. Riley.



Parker: *Ancient History of Bridgwater*, 1877. Pamphlet ; contains one medieval document only—XV Century.

Jarman: *A History of Bridgwater*, 1889. "Somewhat better than the average local history."—Gross
Powell: *The Ancient Borough of Bridgwater*, 1907.
Dr. Powell deals chiefly with the ecclesiastical side of the medieval history of the borough. Burghal development is far from fully considered.
Black, W. H. : "On the Bridgwater Muniments", *Journal of the Brit. Arch. Assoc.*, vol. xn (1856), p. 372.
Odgers, J. E. : "A short account of some MS. Accounts of the Commonalty of Bridgwater", *Proc. Som. Arch. Soc.*, 1877, vol. xxiii.
Weaver, F. W. : "Bridgwater in the olden time", *Downside Review*, 1896.
Reports on and particulars of the Properties and Revenues of the Bridgwater Corporation, 1898.



Ballard : *British Borough Charters.*
Ballard : *English Borough in the Twelfth Century.*
Barnard : *Companion to English History ; Middle Ages.*
Bateson, M. : *Borough Customs.*
Bennett: *History of Tewkesbury.*
Bloom : *English Seals.*
Clemesha : *History of Preston in Amounderness.*
Collinson: *History of Somerset*, vol. iii.
Cromwell : *History of Colchester.*
Cunningham : *Growth of English Industry and Commerce*, vol. I.
Cunningham: *Alien Immigrants to England.*
Cutts : *History of Colchester.*
Cutts : *Scenes and Characters of the Middle Ages.*
Green, A. S. : *Town Life in the Fifteenth Century.*
Gribble : *History of Barnstaple.*
Gross: *Gild Merchant.*
Gross: *Bibliography of Municipal History.*
Harris, M. D. : *Life in an old English Town.*
Hemmeon : *Burgage Tenure in England.*
Jacobs: *Jews of Angevin England*
Jessop : *Coming of the Friars.*
Jusserand : *English Wayfaring Life in the Fourteenth Century.*
Leach : *The Schools of Medieval England.*
Leland : *Itinerary*—ed. Toulmin Smith.
Maitland : *Domesday Book and Beyond.*
Maitland : *Township and Borough.*
Horgate : *England under the Angevin Kings.*
Norgate : *John Lackland.*
Petit-Dutaillis : *Studies supplementary to Stubbs' Constitutional History.*
Pollock and Maitland : *History of English Law.*
Round : *Feudal England.*
Round : *Geoffrey de Mandeville.*
Seebohm : *English Village Community.*

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Seligman: *Medieval Gilds of England*.

Stubbs: *Constitutional History*.

Stubbs : *Select Charters*.

Tait: *Medieval Manchester*.

Victoria County History of Somerset. .



END-NOTES

1. Greswell, in Powell : *Ancient Borough of Bridgwater*, 1.
2. Whistler, in *The Antiquary*, XXXVII, 202.
3. Jarman: *History of Bridgwater*, 5.
4. *Ibid.*, 3.
5. Domesday Book, Somerset, facsimile.
Round, J. H., on Domesday Book in
Vict. Co. Hist., Somerset.
6. Responsibility for this theory must lie on myself alone. It is not unfounded, however, as there was an important link at this point between the burhs of Bath and Axbridge in the north and Watchet in the west, and Lyng and Langport towards the south. [See *Burghal Hidage*.]
7. Domesday Book.
8. Bath Priory Chartularies,
Som..Rec. Soc., VII, 38, 39.
9. Round: *Feudal England*, 483, 486.
10. Collinson : *History of Somerset*, III, 78
11. Rob. Glover : *Som. Heraldic Miscel*, lib. 5, f.40a, [Powell, 106],
12. Bath Priory Chart., *S.R.S.*, VII, 97.
13. *Rotuli Chartarum*, p. 42.
14. Dugdale, *Mon, Ang.*, Add., II, 912
[Powell, 106].
15. *Rotuli Chartarum*, p. 42.
16. *Rotuli Chartarum*, p. 73..
17. Pollock and Maitland : *History of English Law*, I, 640
18. Ballard : *English Borough in the Twelfth Century*, pp18, 1
19. *Rotuli Chartarum*. 70. The year is not given, but the context and the place of origin lead me to conclude that it was granted in John's reign. 6th June 1200
20. Ballard: *Eng. Bor. in the XII Century*, 24, 25.
21. Cf. the foundation of the borough of Ayr by Wm. the Lion. Ballard : *Eng Bor. in the XII Century*, 23.
22. Paagium does not appear in the charters of London, Beverley, Winchester, Nottingham, Oxford, Colchester, Winchester (2), Lincoln, Nottingham(2), Northampton, Dunwich and Helston. See Stubbs' *Select Charters*.
23. 1200 a.d., 25th May. Gross: *Gild Merchant*, II, 115. Since writing this I have noticed that M. Petit-Dutaillis quotes the same passage in a note on p. 69 of his *Studies Supplementary*. "Liber burgus" he says, "often has a much more general sense " than that expressed in Professor Tait's definition.
24. Dunwich, Bridgwater, Helston, Wells, Lynn, Chesterfield, Stafford, Yarmouth, Totnes, Ballard: *British Borough Charters*, 3.
25. Gross: *Gild, Merchant*, ii, 171
26. Ballard: *Eng. Bor. in the XII Century*, 78, 79,
27. Gross: *Gild Merchant*, I, 5.
28. Tait: *Medieval Manchester*, 62.
29. Ballard : *Eng. Bor. in the XII Century*, 76.
30. Ballard: *Brit. Bor. Ch.*, 45.
31. Ballard: *Brit. Bor. Ch.*, 77.
32. Ballard : *Eng. Bor. in the XII Century*, 76. Prof. Tait would appear to have reached the same conclusion (*Medieval Manchester*, p. 62).
33. As at Preston for instance. Clemesha: *Hist. of Preston in Amounderness*, 19.
34. "Free service, that is to say, every of them holding one burgage should have and hold it by the service of 12d. by the year to the said Earls to be rendered." Edw. iii's charter to Tewkesbury. (Bennett: *Tewkesbury*, 323).
35. M. Petit-Dutaillia thinks it is necessary to get rid of the word borough "which uselessly complicates and confuses the problem to be solved." *Studies Supplementary*, p. 68).
36. Leland : *Itinerary*, fo. 58; ed. Bateson.
37. Jusserand : *Eng. Wayfaring Life*, p. 49.
38. Bristol stone bridge was erected in 1247 (Old MS. quoted by Dr. Barrett).
39. *Hist. MSS, Com.*, III, 311: In or before 1395 Sir John Trevet left 300 marks to be expended on the completion of the new bridge. Mr. Riley, though without giving authority, adds "The original great bridge at B. was built either partly or principally, by Sir Thos. Trivet, in the reign of Edward I."
40. Feet of Fines, VI, 11, 21, 22, 39.
41. 4 John Anno Reg.
42. Feet of Fines, *S.R.S.*, VI, 19.
43. Cunningham : *Growth of English Industry and Commerce*, I, 188.
44. 6 John Anno R., July 4.
45. 7 John Anno R., Sep. 1 and 2.
46. John Anno R., Sep. 19.
47. John Anno R., Sep. 22.
48. *Rotuli Litterarum Patentium*, vol. I, Itinerary of K. John.
49. Pedes Finium, *S.R.S.*, VI, 25, 26.,
50. Or is it a character name from a miracle play which has clung to the actor, as I have recently seen suggested of such names ?
51. *Rotuli Chartarum*, 204.
52. *Cartae Antiquae*, 15 John, no. 11 16 John, no. 23 [Vict Co. Hist]
53. Leland : *Itinerary*, fo. 58

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54. *Rotuli Chartarum*, 204.
55. A. S. Green : *Town Life in the XV Century*, 175, 176 note
56. Ballard: *Brit. Bor. Ch.*, 107.
57. *Ibid.*, lii and 125
- 58, *Hist. MSS. Com.*, III, 312.
59. *Powell.*, 126.
60. *Ibid.*, 126
61. *Hist. MSS. Com.*, III, 312
62. *Powell.*, 125.
63. *Ibid.*, 126
64. *Powell*, 119.
60. *Ibid.*, 119
66. "Among the gild returns of 1388-1389 was one from the Gild of the Blessed Mary, whose members swore to maintain the liberties of Chesterfield and to go forth to do the business of the town; and another from the Gild of the Holy Cross of the Merchants of Chesterfield." *Eng. Gilds*, 165-169 [Gross, II, 47]. There are some points of resemblance between the two Briwer boroughs of Bridgwater and Chesterfield. Further research might repay the explorer. .
67. *Hist. MSS. Com.*, III, 312.
68. *Ibid.*, 312.
69. i.e. of the Gild Merchant.
70. *Hist. MSS. Com.*, III, 316.
71. A. D. 1230 (*Powell*, 78)
72. Jessop : *Coming of the Friars*, 38
73. *Cal. Close Rolls* (*Powell*, 83)
74. *Hist. MSS. Com.*, III, 311.
75. Cutts: *Colchester*, p. 111.
76. Dr. Hemmeon gives the Bridgwater Burgage rent as 6d., 1s. He seems to have got his 6d. from this grant (p. 67), and says "the place is supposed to have been and probably was a shilling borough" (p. 71). It certainly was.
77. Hemmeon : *Burgage Tenure in England*, 75, 78.
78. 6 Hen. VI, *Hist. MSS. Com.*, III, 310.
79. 19 Edw. III, *Ibid.*, 312.
80. Hemmeon : *Burgage Tenure in England*, 108.
81. At Tewkesbury for example. "If any one hold half a burgage in chief of our lord the earl, he shall enjoy the same privilege as if he held a whole one." [Bennett: *Tewkesbury*, 321].
82. Hemmeon : *Burgage Tenure in England*, 77. "Two or three (acres) were about the average." :[Tait: *Med. Man.*, 64].'
83. See above.
84. *Powell*, 120.
85. *Property and Revenues of the Bridgwater Corporation*, 1898, p. 7.
86. Information supplied me by the courtesy of the Borough Treasurer.
87. *Hist. MSS. Com.*, III, 316.
88. The earliest reference to a Gild that I have found is in 7 Hen. V, "burgum de Briggewater cum guyhalda ejusd' ville." *Cal. Rot. Chart, et inq. ad quod damnum*, 375. "Received of Wm. Smith for having the freedom in le yle, viis." Odgers : *MS. Accounts of the Commonalty of Bridgwater*, *Proc. Som. Arch. Soc.*, XXIII. :
89. Gross: *Gild Merchant*, I, 26.
90. In a document of 1392-3 two bailiffs of the gild and one bailiff of the commonalty appear. *Hist. MSS. Com.*, III, 315.
91. *Pollock and Maitland*, II, 536 et seq.
92. Ballard: *B. B. C.*, 115.
93. See e.g. *R. Hist. Soc. Trans.*, VIII, 95 et seq.
94. A wholesome fried-fishmonger may not be an impossibility, but might not frixas be better interpreted?
95. Jusserand : *Eng. Wayfaring Life*, 42
96. *Hist. MSS. Comm*, III, 316
97. Cf. the seals of Gloucester Gild Merchant, Tewksbury, Warwick, Coventry, etc
98. Cf. the seals of ports such as Hythe, Lydd, Rye, Winchelsea, etc. Bloom: *English Seals*, 225.
99. Register of Bp. John de Drokenford, *S.R.S.*, I, 268.
100. Tout: *Pol. Hist, of Eng.*, III, 38.
101. Collinson : *Hist, of Somerset*, III.
102. Thus Collinson. But the *Nomina Villarum*, *S.R.S.*, III, shows; the lordship divided between Wus. de la Souche and Margar. de Mortuo Mark. Eve's daughter Millicent married Eudo Lord Zouche. Margaret de Mortimer is of the same generation. She was patroness of the Hospital. Reg. of Bp. John de Drokenford, *S. R. S. I*, 151
103. *Hist. MSS. Com.*, III, 312.
104. *Ibid.*, 311.
103. *Hist. MSS. Com.*, III, 312.
104. *Ibid.*, 311.
105. Cf. Coventry. M. D. Harris : *Life in an Old Eng. Town.*, 50
106. Leland : I., fo 57. In a conveyance of 30 Edw, I [*Hist. MSS. Com.*, III, 315] mention is made of a wall on the foss. Perhaps this was where no wall abutted the ditch
- 107 *Cal. Pat. Rolls*, 1281-92, p. 244 ; *Vict. Co. Hist. Som*, II, 154 et seq
- 108 Gardiner : *Hist of the Great Civil War*
- 109 Jarman : *Hist. of Bridgwater*. Appendix
- 110 Odgers : *MS. Accounts of the Commonality of Bridgwater*
- 111 *S. R. S.* III, 278-9
- 112 Odgers : *MS. Accounts of the. Commonalty of Bridgwater*
- 113 *Somerset Wills*, *S. R. S. XVI*, XIX
- 114 *Hist. MSS. Com.*, III,

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115 *Hist. MSS. Com.*, III, 312.

116 *Ibid*, 315

117 *Vict. Co. Hist. Somerset*, II, 247

118 *Ibid*.

119 *Ibid*.

120 Exchequer Lay subsidies, S. R. S., III:

Bridgwater, £10 11s. 5d., Wells £10 6s. 0d., Bath £8 4s.

7d., Taunton £7 3s. 0d.

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