

mundeslea.¹⁵ Another charter of Ini (contained only in MS. C.), spurious in its present form, but not without value, confirms the grant of the lands near Bradfield, together with eighty hides in Æaromundeslee.¹⁶ There is yet another charter (found in both manuscripts), obviously spurious as it stands, but apparently composed of fragments of genuine charities clumsily put together, and attributed in MS. C. to Ceadwalla and in MS. B. to Ini. It grants to Hean the lands east of the Thames and a hundred hides in Bradfield (evidently the forty-five of the first charter and the fifty-five in Ashdown), and also 173 hides *near Abbendune*.¹⁷ We should have expected to read here also of Earmundslea, but it looks as if the compiler has added together the 80 hides of Ini's charter and the 83 hides of Hean's Testament, and by an error the 163 has become 173.¹⁸ In any case it appears that a very large tract of land about Abingdon was given to the Abbey, including the land of Cilla's original inheritance and including also that known as Earmundslea.

15. *Abingdon Chron.* I 13. 16. *Ibid.* I. 12.

17. *Ibid.* I. 10; compare II. 495-497, and *Eng. Hist. Rev.* XX. 694.

18. *Eng. Hist. Rev.* XX. 696.

(*To be continued.*)

The Early History of Maidenhead Bridge.—An Historical Parallel.

By E. H. Young.

THOSE who have lately been investigating the rights and wrongs of Maidenhead Bridge and the Maidenhead Corporation, are no doubt well acquainted with the following fragment of their early history. But it may not be so well known to others who take an interest in the authentic history of the town.

In the year 1678 there were printed, under the *imprimatur* of (amongst others) the notorious Scroggs, the reports of Sir Edward Palmer, His Majesty's Attorney-General. The type is black-letter, and the language is the barbarous jargon of the 17th century lawyers'

French. Amongst the cases reported there appears that of which the following is a summary :—

“ 17 Jac B.R. Quo Warranto vers Corporation de Maydenhead, in Barkshire, pur claymer de certaine Franchises et Liberties, un Market chescun lundie, Pickage, Stallage, Toll, &c. Rot. 106 in Corone Office.”

The King is calling upon the Corporation of Maidenhead to show by what right it holds a market every Monday, and collects certain dues at the market, *i.e.*, Toll, Pickage, and Stallage. Pickage, we learn further on in the same report, is “un sum d’argent pur digging de terre in un faire ore market pur fair un stall, et stallage est un sum d’argent pur faire un stall deins un market ou pur remover un stall.”

The Corporation must show by what right they hold the market and collect the dues or they will have to cease to do so. These in the 17th century are valuable rights which belong, *prima facie*, to the King, and he who exercises them without legal title to do so is robbing the King. The Corporation accordingly plead (here I translate the law-French) : “That there is a bridge adjoining to this town which is chargeable to the said Corporation, and that this was prepared by a fraternity time out of mind, which was dissolved ; and that the King (*i.e.*, James I.) in the second year of his reign, in consideration that the Corporation would repair the bridge, by his letters patent granted to them every Monday a market, with Pickadge, Stalladge, Toll, &c., pertaining to the said market, but so that no damage should ensue to the neighbouring merchants ; and that the grant was with all accustomed liberties and privileges pertaining to the same as they aforetime had and now have.”

To this plea the Attorney-General demurred, objecting that it disclosed no legal right to hold the market, &c.

The Corporation further pleaded that Henry VI. had incorporated a Corporation there by name of “The Bridge-guardian Brothers and Sisters” (*Fratres et Sorores Gardiani Pontenarii*) ; and had conceded to them and their successors similar privileges of market, toll, &c. To this plea also Mr. Attorney demurred. It discloses a most remarkable fact : that a Corporation of this nature and this date should include women is unique in the history of Corporations (Grant on Corporations, p. 6).

There follows a learned argument on the validity of the King’s grant as stated in the Corporation’s plea. Crook argues for the King (1) that the plea is bad, for lack of shewing that the defendants were

a Corporation capable of such grant ; but this is a narrow technicality, and "il ne insist mult sur ceo" ; (2) that the grant was bad because toll is not at common law incident or appurtenant to a market, as stated in the grant ; (3) that the grant was bad because it did not specify the rate of toll to be charged.

The second and third parts seem technical enough to us now ; but they were just such questions as were most keenly debated then. Six pages of argument follow. Popham and Chief Justice Montague interrupt. (This was the Montague that was afterwards first Earl of Manchester, and passed judgment in his time on Raleigh and Bacon). Newbury argues for the Corporation. Davenport replies for the Crown. Newbury answers him ; and then the Court holds that toll is not incident to a market, but they are different things. This means that the Court decides that the King is right, and that his grant to the Corporation was a bad grant and void ; and that in consequence the Corporation are not entitled to hold their market or collect their dues. But the reporter adds that Newbury said afterwards about this case that three judges were of opinion that the toll was well granted, notwithstanding that the quantity of money to be paid for toll for each article was not expressed ; but that Chief Justice Montague was of the other opinion.

Finally, we hear from the reporter that "also he (Newbury) said that no judgment was given for the King in this case, but that the Corporation will enjoy the privileges, notwithstanding this action."

The proceedings then were ineffective. What does this mean ? Perhaps the case may be explained as follows. In the reign of James I. the King was not yet at war with the Corporations. No organised attack, by means of the procedure of Quo Warranto, was then being made upon their charters, as in the reign of Charles II. Probably these proceedings were not originally instituted by the Crown. Some private inhabitant of Maidenhead may have felt himself aggrieved by the tolls, and, discovering a flaw in the grant under which they were collected, may have set proceedings on foot for private ends or from public spirit. That private inhabitants will do these things we know from another and a more recent instance. Then, when the Corporation had lost their case, some compromise may have been arrived at. Concessions may have been made, and the Corporations permitted to exercise their privileges. A similarly reasonable spirit does not always prevail.

In 1678 when Palmer's reports were published, the King, armed with the powerful weapon of Quo Warranto, was attacking Corporations

right and left, saying to them, like a royal highwayman, "Your money or your life!" No doubt his Attorney, in compiling his reports, sought out as many instances as he could find of an earlier and more legitimate employment of his royal master's favourite legal implement. By so doing he has left us an interesting side-light on the history of Maidenhead.

Proceedings of Societies..

BERKS ARCHÆOLOGICAL SOCIETY.—An important meeting of this Society was held on January 31st, when Mr. W. Page, F.S.A., the General Editor of the Victoria Histories of the Counties of England, visited Reading and gave a lecture on the Volumes relating to Berkshire. After the lecture, the Mayor and Mayoress of Reading held a reception in the Council Chamber and hospitably entertained the members of the Society and the Committee of the Victoria History of Berks to tea. Lord Saye and Sele presided in the absence of Mr. Keyser, and there was a large attendance.

Mr. W. Page outlined the general scheme of the Victoria Histories. There would be, he said, 171 volumes in all, and three extra to the history of London. Twenty-eight had already been published. Four volumes completed the history in the case of most Counties, but in regard to the larger Counties there were five to nine volumes. It took thirty years to complete some of the earlier County histories, but they hoped that ten years or less would see the completion of their series. With regard to former County histories, the compilers did not have the facilities of which they could now avail themselves. A weak point in regard to former County histories was that they were written by one man, and so all the subjects touched upon were not characterised by equal merit. But with regard to the present series they had experts on each subject. It was the late Queen Victoria who gave their Histories the title, and who accepted the dedication of them. The great difficulties they had to overcome were time and space. There had been criticism, and deservedly so, but the critics had not been too severe. It was said that local workers had been ignored. They were only too glad to receive local help. But in a work like that uniformity was essential, and that was impossible unless the work was entrusted to those who were trained in the history, by the history, for the history.

The Rev. P. H. Ditchfield, Editor of the Berkshire volume, spoke of the progress of that work. He said they would have been struck by the magnitude of the scheme devised for the production of that important series of histories. He did not think such a work had ever been done before, or would ever be accomplished again. Hitherto County histories were the result of individual work. But now for the first time there was a thorough system of co-operation; they had ransacked the documents at the Record Office and other collections of annals, and the process had cost a vast amount of time, energy and money. Store houses had been made to yield up their treasures which would be disclosed in the County histories. He was sure Mr. Page was the right man in the right