

5356. The incidence of trial by combat is unknown in York, but trial by combat was by its nature a last resort and was rare from the early 13th century onwards. Even if the contestants were ready to fight, the fight could be cancelled if one fighter tried to influence the result. Such an occurrence was depicted on the memorial brass of Robert Wyvil, Bishop of Salisbury. The bishop set about recovering Sherborne Castle by trial by combat in 1337:

... the champions appointed by the two sides met, but did not fight, because it was discovered that the Bishop's, Robert (or Richard) Shawell, was wearing charms under his clothing, and a cash settlement eventually ensued. [On the brass] Shawell is depicted in the gateway, with the equipment laid down for such contexts, that it without metal armour, carrying a shield and a cowhorn-headed double pick.<sup>14</sup>

The depiction of the champion on the brass shows him without metal armour and carrying a pick. The lack of metal armour is consistent with the severity of injuries upon the men buried at St Andrew's but, if the use of the 'cowhorn-headed double pick' was universal in trial by combat then, because the York injuries were predominantly weapon injuries, an alternative explanation has to be found. Another problem with the trial by combat theory is the high mortality rate presumed. If a low mortality rate is envisaged there were a much larger number of trials by combat than has been supposed previously.

However, whilst there are problems with the trial by combat theory, the archaeological evidence and general historical framework do give it some credibility. Trial by combat fits the observable trends: it was predominantly young men who died; the wounds, and therefore the style of fighting, were different between Period 4 and Period 6 (one-to-one combat would presumably have fewer projectile injuries); there was one body per grave in Period 6 rather than double graves as in Period 4; and the dead were given prestigious burial locations (plausible if they were fighting for the reputation of the Gilbertines).

The history of trial by combat also fits the chronological pattern of the burials. 'Until the thirteenth century trial by combat was a common judicial procedure for the freeborn ... [but by the] later Middle Ages ... the duel was frequently aristocratic'.<sup>15</sup> This pattern fits the cemetery evidence well, as archaeologically the weapon-injury burials probably stopped in the mid-14th century. A logical conclusion follows that the usual location for trial by combat in York was near the priory. The alternative is that the Gilbertines buried the combat victims. At present the Gilbertine priory of St Andrew's Fishergate is the only Gilbertine cemetery excavated using modern excavation techniques. Comparison with other, future, excavations of Gilbertine cemeteries elsewhere may cast further light on the extraordinary nature of the weapon injuries at St Andrew's church.

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#### THE ORIGIN OF THE CHESTER ROWS: A MODEL

The preparation of a review of the recent publication of the Chester Rows Research Project<sup>1</sup> (p. 416) has led to the suggestion of a model for the creation of the Rows which

<sup>14</sup> J. Alexander and P. Binski (eds.), *Age of Chivalry: Art in Plantagenet England 1200–1400* (London, 1987), 231.

<sup>15</sup> R. Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal* (Oxford, 1986), 125–6.

<sup>1</sup> Andrew Brown, *The Rows of Chester*, 1999 (London).

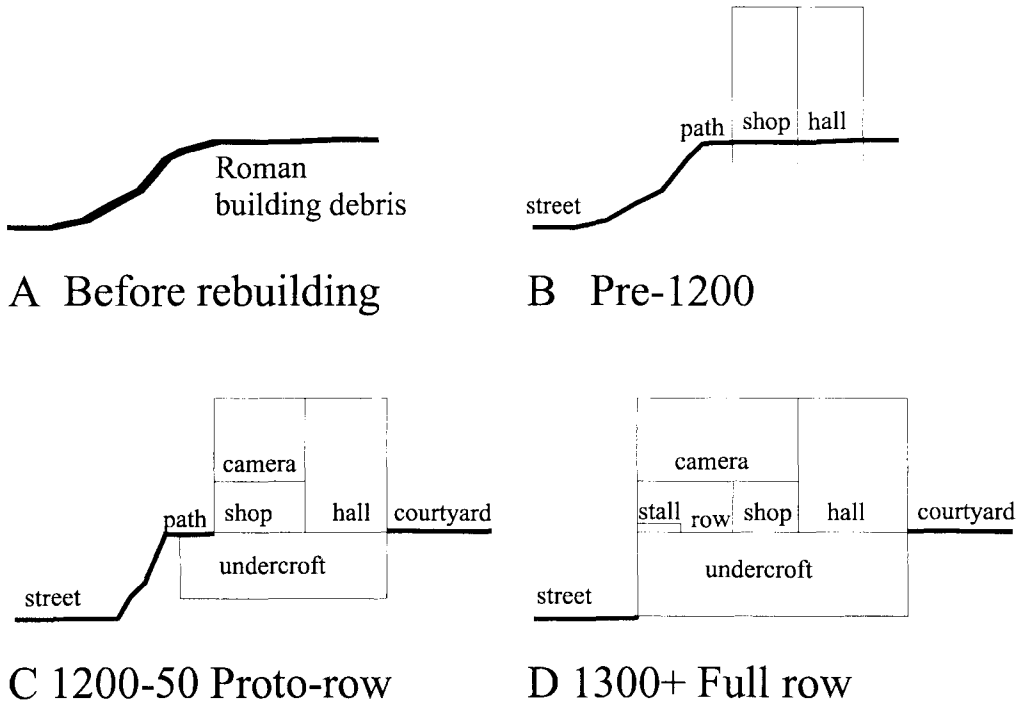


FIG. 10

Sectional drawings showing the proposed sequence of development of the rows.

overcomes the greatest single difficulty encountered previously. The Rows originally extended along all four of Chester's main streets outward from the centre of the city, with a total length of at least 1.6 km (1 mile). Their unique features are the continuous pedestrian walkways that run at first-floor level through the complete series of buildings between one side street and the next. These walkways are carried on 'undercrofts' (actually at street level, extending under the houses and out to the street). They are flanked by shops on the inner side and by boards for stalls on the street side; the upper floors of the houses oversail the rows with their front walls carried on pillars or arches over the undercrofts (Fig. 10, D). A further distinctive feature is that the courtyards at the rear of each building are at the level of the house floor, not of the street.

Numbers of theories have been proposed for the origin of this unique system, but all have encountered one critical difficulty. The row system cannot function for one house in isolation, but is only meaningful when it covers an entire section of the street; proposals that it was formed gradually have been rejected for this reason. Thus, one suggestion (by J. T. Smith) is that the system was created by city ordinance following the destruction caused by a widespread fire in 1278.<sup>2</sup> Earlier authors put forward encroachment into the street or the making of the row passages through existing houses.<sup>3</sup> However, no documentary evidence has been found to confirm the centralised planning and direction implied by each of these proposals.

<sup>2</sup> P. H. Lawson and J. T. Smith, 'The Rows of Chester: two interpretations', *J. Chester Archaeol. Soc.*, 45 (1958), 1-42. Lawson advocated the gradual formation of the rows, basing this principally on early documentary references.

<sup>3</sup> Reviewed in Brown, *op. cit.* in note 1, 3.

One particular feature has been pin-pointed to account for the occurrence of the row system uniquely in Chester — its earlier history as a major Roman city. Both excavation and field survey have shown that building debris piled up along the main streets in the early post-Roman period, so that the ground surface rises significantly away from the streets (which retain their Roman levels).<sup>4</sup> This topographical peculiarity accounts for the Chester undercrofts being at street level rather than underground, and for the rear courtyards being raised above street level. However, in itself this feature does not explain the systematic development of the rows. The final conclusion of the recent study is that they resulted from a ‘general undertaking by the citizens of Chester’, to improve the commercial potential of their property by providing two-level access for customers.<sup>5</sup> While this can certainly be validated from city ordinances etc. to explain the continued existence of the row system, it still requires the creation of the rows as a systematic objective, presumably at a single point in time.

The question that seems not to have been asked is: How might buildings have developed in the city in the post-Roman period? In the model suggested here, the answer to this question allows the creation of the rows almost as a matter of course, *without the need either for overall direction, or for every house to have been built in this form at the same time.*

The suggested sequence is illustrated in Figure 10. The starting point is the ruined city with building debris piled up beside the main streets (A). Early buildings along these streets (before 1200, say) would be expected to use posts set in the ground and not to have had cellars (B). To avoid very uneven sites or extensive excavation, they would surely have been set somewhat back from the streets, perched up on the Roman rubble level. We can also reasonably expect paths to run along the fronts of these houses, for the convenience of their owners and visitors, though wheeled traffic would use the main street.<sup>6</sup>

As these houses were improved, say in 1200–50, as well as being rebuilt, some would have cellars or undercrofts excavated below them. These might or might not extend towards the main street but if they did, they would naturally need to support and maintain the public path along the front of what would by then be a continuous row of houses (C). Finally, further improvement of the houses would lead to the extension of each house with its undercroft up to the main street, the enclosure of the path within the houses and eventually the addition of the stalls on its street side — the fully developed row system (D). One attraction of this model is that until the system becomes fully developed, a particular section of street can include simple houses without cellars, proto-row houses and fully developed row houses; all the functional components of the latter would be perfectly usable even though the row system was not yet complete.

Direct evidence to support or refute this model will be hard to find, because the development of the row will have destroyed the ground evidence. As far as can be discovered, every house in the rows had an undercroft. However, a few of the undercrofts do show evidence of enlargement towards the street, which can be seen as part of the final stage of the development postulated here.

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<sup>4</sup> Brown, *op. cit.* in note 1, 7. This is apparently unique to Chester, at least in England.

<sup>5</sup> *Ibid.*, 62.

<sup>6</sup> The suggestion of an unenclosed path preceding the rows was made by T. N. Brushfield, ‘The Rows of Chester’, *J. Chester Archaeol. Soc.*, 5 (1895), 207–38, but he proposed that these paths had been raised by the gradual accumulation of debris in front of the houses.