

Original Documents.

EARLY HISTORICAL DOCUMENT AMONG THE MUNIMENTS OF THE TOWN OF AXBRIDGE.

IN the autumn of 1861, by the courtesy of the Corporation of Axbridge and its officers, I had an opportunity of inspecting the records of this corporation. Among them I found the following detached roll or memorandum which relates to the town and its vicinity and to the well-known incident of the hunting of King Edmund on the Mendip hills, which is recorded by the biographers of St. Dunstan. The document was not new to me. In fact it was one of my objects of search ; for a translated copy of it had been long before published in "Rutter's Delineations of the North-Western Division of the County of Somerset" (London, 1829), and had thence found its way into other local guides. The supposed origin of English boroughs, and especially that of Axbridge, is incidentally noticed in it.

The character of the handwriting is, I apprehend, that of the beginning of the fifteenth century :—

Temporibus Adelstani, Edmundi, Edredi, Edgari et Sancti Edwardi, aliorumque Regum Anglie antiquorum gubernatio quidem regni hec fuit. Videlicet, quod per consilium Sanctorum Dunstani et Alphegi aliorumque regni spectabilium virorum ordinatum fuit ut fierent burgagia, id est maneria sive mansiones regie, nam 'Borough,' Anglice, latine sonat 'mansio' seu habitatio, unde et in presenti foveas vulpinas appellamus 'boroughes,' que constructa fuerunt diversis in locis in qualibet regni parte prout regie magestati tempus et loci situs commodius delectarent. Et eciam quod fierent Custodes in quolibet Burgo, qui tunc temporis vocabantur 'Wardemen,' idest 'Portereves' Constabularii ceterique officarii qui regio nomine ordinarent victualia : Videlicet frumentum vinum et ordeum oves et boves ceteraque pecora campi et volucres celi piscesque marinos pro tempore quo Rex in Burgo prefixo moram cum suis trahere decretaret. Namque per regium consilium assignatum erat cuilibet Burgo tempus certum spaciumque temporis quamdiu cum suis in hujusmodi (*sic*) demoraretur. Si vero contingeret illuc Regem non adesse tunc omnia preordinata in foro predicti Burgi venundari deberent et pecunia inde recepta in fiscum regium per officarios predictos inferri liceret. Preterea per dictum consilium forent villagia per circuitum dict' Burg' adjacentia in quibus essent villani et nativi qui terram incolerent animaliaque nutrent et cetera que ad opus supradictum necessaria forent ad victum officiariorum burgorum supradictorum. Vixit itaque Rex in illis diebus de propriis dominiis sive maneriis sicut ceteri domini modo faciunt et hoc omnino ne regnum inedia gravamen incurreret.

Interdum vero estivabant Reges circa forestam de Minndep venandi gratia in qua tunc temporis fuerunt cervi non pauci ceterarumque ferarum genera diversa. Nam, ut¹ legitur in vita Sancti Dunstani, Rex Edmundus qui Glastonie requiescit¹ accessit venaturus ad forestam supradictam, Burgo regio tunc apud Axebrigge existente. Idem vero Rex triduo perantea beatum Dunstanum a curia sua cum magna indignatione ac sine honore abjecerat quo facto Rex in silvam venaturus ivit. Silva autem ipsa montem magne altitudinis occupat qui mons in summitate sui interruptus ingens precipitium et horridum abissum spectantibus offert quod ab incolis *Cedderclyff* appellatur. Cum ergo fugitantem cervum Rex hac et illac insequeretur, cervus ad preruptum montis hiatum perveniens introrsum ruit ac in partes discussus interiit. Insectantes canes par ruina involuit. Equus autem quem (*sic*) Rex sedebat ruptis habenis effrenis effectus obstinato cursu regem post bestias portat et ultimam sortem Regi pre se patens baratrum intentat. Ille trepidat et angustiat. Occurrit interim animo ejus injuria Dunstano nuper illata. Ingemuit et se quam citissime illam multiplici emendatione correcturum, solomodo imminentem sibi mortem ejus meritis² ad horam Deus avertat, Deo celeri mentis sponse promittit. Cujus cordis preparationem auris Dei evestigio audiens illius misertus est. Equus namque illico substitit et Regem a periculo mortis liberatum valde magnificans (?) Domino grates ex intimo cordis persolvere fecit.

Inde ad hospicium, scilicet ad Burgum de Axebrigge, Rex reversus adunatis principibus suis rei que acciderat ordinem pandit et Dunstanum cum honore ac reverencia adduci precepit et eum postea fidelissimum amicum in omnibus habuit.

Et sic in Axebrigge fuerunt xxxij^o burgences quibus concessum fuit a supradictis regibus jus venandi atque piscandi in omnibus locis warennis exceptis. Videlicet a loco qui dicitur Cotellisasch³ usque ad petram que vocatur le Blakestone in mari occidentali. Et de predictis xxxij. burgencibus fuerunt xiiijem seniores principales qui tunc vocabantur Sokmanni idest 'Wardemen' sive 'Aldremanni', ex quibz omni anno ipsimet eligerent unum 'portereve,' qui modo per statutum regium⁴ 'Major' vocatur et unum ballivum et duos constabularios ceterosque officarios qui in gubernatione illius Burgi forent necessarios ut veniente regio Senescallo in festo videlicet Sancti Michaelis facerent coram eodem fidelitatem Regi et regno de hujusmodi gubernatione et de pace servanda. Et sic villa de Axebrigge cum manerio de Cedder fuit proprium dominium Regis.

Et nota quod hec duo Maneria, videlicet Somerton et Cedder, cum appendiciis suis reddebant firmam unius noctis tempore Sancti Edwardi Regis et Willielmi Conquestoris prout patet in libro qui dicitur 'Domysday,' folio secundo, ubi agitur de Comitatu Somersetensis sub titulo 'Terre Regis' in libro supradicto ubi continetur sic:—"Rex tenet Chedder. Rex Edwardus tenuit, nunquam gildavit nec scitur quod hide sunt ibi. Terra est

¹ Rutter translates the words "qui Glastonie requiescit," by "who sought retirement at Glastonbury," and substitutes *Edward* for *Edmund*. The passage refers to the place of interment of King Edmund at Glastonbury.

² Rutter fancies that the words "ejus meritis," refer to the death that "deservedly threatened" the king; whereas, they refer to the merits of the saint as

the immediate cause of Divine interposition.

³ Rutter identifies this Cottle's Ash with Cottle's Oak, near Frome.

⁴ Translated by Rutter "by royal charter." We shall hereafter see reason to doubt whether any royal *charter* of incorporation issued before the reign of Philip and Mary.

viginti carrucate.⁵ In dominio sunt tres carrucate et duo servi et unus colibertus et xvij villani et xx Bordarii cum vij carrucatis et vij gablatores red-dentes xvij solidos. In Alsebrige trigiuta et duo burgenses red' xx^{ti} solidos. ibi duo Molini red' xij solidos et vj denarios et iij piscarie red' x solidos et xv acre prati, pastura j leuče longitudine et tantumdem latitudine red' per annum xxj libras et ij denarios et obilum de xx mora⁶ silva ij le . . . longitudine et dimidium latitudine. de hoc Manerio tenet Giso Episcop[us] unum membrum Whetmore, quod ipse tenuit de Rege Edwardo. pro eo computat Willielmus Vicecomes in firma Regis, xij libras unoquoque anno. De ipso Manerio est ablata dimidia virgata terre que fuit de dominica firma Regis Edwardi. Robertus de Otburguile tenet et xv denarios valet. Hec duo Maneria Somerton et Cedder cum appendiciis suis reddebant firmam unius noctis tempore Regis Sancti Edwardi."

Et sic Willielmus Rex et omnes successores sui Reges habuerunt dictam villam de Axebrigge cum Manerio de Cedder in proprio dominio usque ad annum quintum Regis Johannis, quo anno idem Johannes Rex concessit dictum Manerium de Cedder cum villa de Axebrigge et hundredis de Wynterstoke et Cedder Hugoni Archidiacono Wellensi pro xx libris solvend' ad terminos Michaelis et Pasche, ut patet per quandam cartam inde confectam.

This document has been translated with tolerable correctness by the author of the "Delineations of the North-Western Division of Somerset," already referred to. I have noticed some inaccuracies, in notes subjoined to the text.

It should seem to have been the principal object of the author of the above detached roll or document, to describe the state of the town of Axbridge, and, incidentally, to propound an historical theory of the rise and establishment of Saxon boroughs in England, which are here ascribed to the policy of providing the king with various places of occasional residence in different parts of the realm, and with means of support out of his local revenues, or other contributions, while so resident. Such a theory could only be strictly applicable to a royal burg near to, or containing, some demesne lands of the crown. A Saxon "burgus" was not indeed necessarily a vill or town at all; but Axbridge has been for centuries both a "burgus," in the ordinary sense of the term, and a vill or township. It has been also called a "manor," in some early documents. It seems to have immemorially possessed something like a local government in connection with the immediate officers of the crown.

That several successive Saxon kings possessed not only forestal rights and demesnes at Cheddar but also a *palace*, is clearly shown by several

⁵ The syllable *car'* in the Domesday has been extended in this document into "carrucata," a liberty which can rarely be allowed to a translator of that Survey.

⁶ This is an error in the transcript from Domesday. The words *in ora*, should be substituted for *mora*. The Domesday runs thus "red. per annum £20 et 2d $\frac{1}{2}$ de 20 in ora," and then proceeds to specify the length and breadth

of the wood. Rutter seems to have supposed that the "mora" here meant the inclosed lauds on the moor which still exist by the name of *moor-hayes*, near Uxbridge. As to the precise import of the words *in ora*, used in connection with money, Sir H. Ellis's work on Domesday may be consulted for the current opinions.

charters, of which the tenor is still extant. These will be found in Kemble's *Diplomata*: one of Edmund, A.D. 941, speaks of "villain qui celebri æt Ceodre" [*dicitur?*] (vol. v. p. 270); one of Eadwig, A.D. 956, mentions the "palatio regis in Ceodre" (vol. ii. p. 322); another of Eadgar, A.D. 978, is dated thus—"acta est pascali sollempnitate sede regali æt Ceodre" (vol. iii. pp. 136, 137). The above are also found in Thorpe's *Diplomatarium*, etc. (pp. 234, 236, 487). Mr. Thorpe indeed thinks there was also a convent or abbey at Cheddar, but on grounds which hardly seem to me strong enough to warrant the conjecture.

That there was for many centuries an intimate relation between the manor of Cheddar and the town of Axbridge, and that the title to both was long identical, is certain. Both are mentioned under the title of "terra regis" in the Domesday Survey, and they are so described in it as to indicate that they both appertained to the single head of Cheddar in the Survey; nor is there any inconsistency in supposing that the vill was parcel of the royal demesne of Cheddar. This connection is still more apparent in the Exeter Domesday. The palatial residence may have been situate within the limits of the ancient burgus. The Survey shows that Wedmore was formerly also a member of the same manor, but had been dismembered in favour of the See of Bath.

Both the manor and town were alienated by the crown in the reign of John, and eventually the lordships were united in the above See, and continued to be so until they were reconveyed to the crown after the Reformation, and thence passed into private hands.

To what extent the rights, public and private, within the town were affected by these successive alienations, or by the operation of the several charters afterwards granted to the town, I am not in a condition to say; nor indeed do the inhabitants seem to have any clear ideas on that matter themselves, so far as I can learn.

The successive alienations immediately after the grant of King John in the fifth year of his reign are set forth in the several charters printed by Hearne in the History of Glaston by Adam de Domerham; in the printed charter rolls (p. 129); and in the printed hundred rolls (vol. i. p. 126, etc.).

Though Collinson and Rutter both refer to other supposed incorporations of an earlier date, the first charter known to me in relation to Axbridge entitled to that designation is that of 3 & 4 Phil. and Mary (part iii. of the roll of that year). The recital in this charter distinctly asserts that it had been a burgus time out of mind, with thirty-two burgesses, of whom fourteen of the elders were called "sokmanni, sive wardmen," or "aldremanni": that of these one was annually chosen to be "prepositus" or "prefectus," commonly called "Porte-reeve," as well as a bailiff, two constables, and other "officiarii," necessary for the government of the borough, subject to a rent or payment of 60s. 2½d. The charter then proceeds to incorporate the town, professedly for the first time, under the title of mayor and burgesses of the borough and vill of Axbridge.

This charter was confirmed by a long one of 41 Eliz., now considered to be the governing charter (part v. of the patent roll of that year), and again by another of 21 James I. (part viii. of the roll).

I think it improbable that there was any earlier incorporation. The recital of the first above mentioned is at variance with the supposition. The Axbridge document at the head of this paper refers, indeed, to the name of "mayor" as being used "per statutum regale" instead of port-

reeve, at the time of the writing of that document. But "statutum regale" is not usually descriptive of a charter among instruments of that date. The town was, in fact, what many of our ancient boroughs originally were, a borough by prescription with forms of government sanctioned by long usage, and perhaps obscurely indicated in the Domesday Survey by the "thirty-two burgenses" there specified. Collinson cites the Pipe roll of 14 Hen. II. as proof of government by a portreeve at that time. Payment is there recorded of "auxilia," or aids, by two persons there named, and by the "cæteri homines cum communi villæ;" but this entry is too general and loose to show the exact form of rule within the borough. The introductory part of the above charter of Phil. and Mary is, however, decisive, and confirms the general statement contained in the Axbridge document above transcribed.

The earlier grants found in the corporation muniments relate to the grants of Cheddar and Axbridge, *temp.* 5 John, and of franchises connected with them; among which are those of 11 Hen. III., 12 Hen. III., and 23 Hen. III., and 7 Edw. I., in the printed charter-rolls.

It is singular that the very learned Madox should have quoted Axbridge as an instance of an unincorporated vill impleaded by the general name of "homines burgi de Axebridge" in the Exchequer, *temp.* Charles I. (Firma Burgi, p. 84).

It is probable that the difficulty and risk attendant on boroughs which had to rely on a title by prescription, suggested the application to the crown for a formal charter of incorporation in the sixteenth century.

During the reign of Henry VI. and his immediate successors occur many decisions, reported in the Year-books, respecting the form and effect of incorporations; and about that time the law may be said to have been in the course and progress of adopting more definite ideas on the subject, not entirely matured until the times illustrated by the decisions reported by Lord C. J. Coke. I think that *formal* municipal incorporations will be found to be rare until the fifteenth century. Charters of franchises granted to persons, and to bodies of persons supposed and assumed to be already competent to accept them, are common enough.

It is observable that three other "ceders" or "cedras," besides that in the crown, are named in Domesday. These are mentioned by Collinson, and the devolution pointed out by him (vol. iii. p. 561 *et seq.*). From his statement I should infer that there are still such vestiges of mutual connection between these and the crown manor of "Cheddar Episcopi" as to prove that they were probably sub-manors detached by subinfeudation, alienation, or descent, from great royal manor. The grant by John shows that the manor also gave its name to a distinct hundred at that time, which has since become merged in that of Winterstoke.

The records cited in Domesday's History (vol. i. p. 194) show that there was an ancient forest on the Mendip hills; that the forest had been unduly extended by Hen. II. over many adjacent parishes and places, which were afterwards disafforested by a perambulation in the reign of Edw. I. The boundaries before and after perambulation are all specified in the record by that writer. Axbridge and its "moor-heighes" were, it seems, left within the forest limits.

Some of the biographers of Dunstan seem to have supposed that the forest in which the Mendip hunt occurred was so called from cedar trees in it, and they therefore lay the scene of it in the "Mons cedrorum."

Such are the observations which I have to offer on the Axbridge document, so far as regards its secular character. On the incident of the hunting on Mendip by Edmund, I am tempted to add a further comment.

The story has been lately referred to by an ingenious correspondent of the "Gentleman's Magazine," N.S., Nov., 1866, who has lately had an opportunity of comparing the narrative which he found current on the spot, with the earliest known biographical memoir of St. Dunstan found in the Cotton Library, Cleopatra B. 13, in the British Museum.

He speaks of it as a tradition still familiar "among a poor and ignorant peasantry, who know nothing about history, but have simply told their children what their fathers had before told them," and he refers to it as a story that must have been "handed down from generation to generation for nearly 1000 years" among those peasantry.

I presume that the writer refers to the case of pure "tradition," properly so called, and not to "history" or *written tradition*, which he pointedly distinguishes from *oral* tradition, as being perhaps the work of "biased and prejudiced" penmen.

I am inclined to suppose that the author was not aware how near he was, during his stay in that pleasant country, to an efficient documentary reminiscence of the old story still extant in the keeping of the mayor and burgesses of Axbridge, from which the peasantry might easily *refresh* their memories through the medium of their more intelligent neighbours, or of the common printed guide-books of that part of Somerset.

Without impeaching universally all oral reports or tradition I must avow that I can assign no value to them unless accompanied by other extrinsic circumstances which make it reasonable to believe them. If B. states a fact which he heard from his father A., it is a condition of credibility that A. should have been a witness of it, or, at least, have been in a position to make his own personal knowledge of it highly probable. Without this condition the statement of B. is no more than idle gossip—a mere rumour—"tam ficti pravique tenax, quam nuncia veri." Where the statement is to pass through a succession of persons, fathers and sons, the value becomes less at every stage, for it soon becomes impossible to verify the relative position of each successive declarant, or his means of knowledge. In short, anyone who has had ordinary experience of the various sources of error, misconception, and misstatement (apart from intentional falsehood) must see that every step in the devolution of a mere oral narrative makes the attainment of truth more difficult. In fact, it becomes *impossible* to say whether it be, or be not, a real case of tradition at all; that is, of oral devolution through successive generations from the first happening of the event or fact down to the last hearer or recipient of the tale. We do not, and cannot, know whether facts have not been varied, or tampered with, in the series; for there are prejudiced and loose *talkers* as well as prejudiced *writers*, and rather more of the former than of the latter class.

In cases where there exist no written records,—as in a newly-discovered island where nobody can write,—oral tradition is all we can have to trust to; and we may be sure that, in such a state of things, the traditions will be sufficiently absurd to deserve no reliance at all.

History stands on a very different footing. We have to exercise our judgment not on oral reports but on the written reports and statements of persons *prima facie* being what, on the face of their written relations, they purport to be, whether it be Tacitus, or Cæsar, or Orosius, or the contem-

porary biographers of Dunstan himself in *ci-devant* monastic libraries, who attest—I will not say a miracle or providential interposition in the case of Edmund (as to which I express no opinion)—but, at all events, his “hair-breadth escape in the imminent deadly breach” at Cheddar.

In the discrimination of such venerable records, which have been preserved with unquestioned authority for 1000 or 2000 years and upwards, there may no doubt be room for criticism or scepticism, but the fact of authorship is substantially unimpeached, and we assume, with confidence, that the writings are the genuine productions of those who had fair historical means of ascertaining the events recorded by them. With this we are content; and we do not seek to confirm their statements by ascertaining what rumours are current among the peasantry of Rome or North Somerset, or at the head-quarters of the Abbots of Glastonbury.

The invaluable collection of MS. historical materials for history by my friend, Mr. Hardy, shows that some thirty or more biographical memoirs, of various dates, beginning with one nearly contemporaneous, have commemorated the prominent events of the active life and labours of Dunstan. He left behind him a memory that has made a lasting impression on the history of the Anglo-Saxon race in this country, and the inevitable consequence was that he became decorated with posthumous tales and figments, as to some of which we may venture to be incredulous. We may be sure that the local clergy, regular and secular, of the Middle Ages (the sole purveyors of history in those days) would be well disposed to circulate a knowledge of so sensational a catastrophe as the perilous chase at Cheddar and the merits of so venerable a name as that of St. Dunstan. Yet knowledge so obtained from them by an unlearned laity would no more constitute oral tradition, than the knowledge that a schoolboy acquires from a village normal teacher of the story of King Canute, and his unsuccessful attempt to control the Atlantic tide on the shore of Southampton Water some 800 years ago.

Still more easily might such a modicum of local history be attained where there has existed, as in the present case, for about 450 years, among the public documents of a town close at hand, a plain narrative of so remarkable a local incident. The story must by this time have become as familiar on the Mendips, as the encounter of the same eminent personage with the intrusive demon, who visited him in his laboratory at Glastonbury; and this without resorting to the theory of an unbroken oral tradition extending from the actual occurrence of this affair of the red-hot forceps down to the present time. Local guides and handbooks in later times have brought home the knowledge of King Edmund's peril even to the troglodite dwellers in the caves of Cheddar and Wokey, who no doubt duly retail it, together with the pinks and potato-stones of that district, to all curious visitors of those beautiful mountains.

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