THE TOWN CHARTERS AND OTHER BOROUGH RECORDS OF COLCHESTER.[1]

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Though originally intending to restrict myself to the Town Charters of Colchester, I propose, at the instance of the President, to deal, not merely with the Charters, but also with the other ancient deeds and writings of the town: its famous Red Paper Book, its equally remarkable Red Parchment Book, its thousands of Court Rolls, extending over nearly five hundred years and crowded with curious entries, its series of Sessions Rolls, dealing with three centuries, its voluminous Sessions Books and other Court Books, the Liber Ordinacionum relating chiefly to the Fishery and to local industries, the Chamberlains' Accounts, the Assembly Books wherein is concentrated the wisdom or otherwise of twenty generations of Aldermen and Councillors, and many hundreds of other miscellaneous books, papers, deeds, decrees and memoranda which make up one of the finest collections of municipal records in the country. It is a great opportunity. One might wander for forty years in this delightful and by no means unfruitful wilderness without exhausting its riches.

Before referring to the charters, it is well to observe that Colchester was from a very early period a royal demesne, or manor, farmed for the King by a steward. The borough, in fact, still pays its fee farm rent of £39 19*s.* 9*d.* every year. The earliest charter now possessed by the town is the *Inspeximus* Charter of Edward III. of 1364. This sets forth in full the three previous charters, and we thus find that the first charter of all was granted by Richard I. in 1189. It gave the town the fullest possible measure of Home Rule—in fact, a good deal more freedom of self-government than it now possesses. It also conferred upon the burgesses the right to hunt the fox, the hare and the polecat, a curious privilege

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which, as far as I know, is not to be found, at any rate in these words, in the charter of any other borough. But more important are certain allusions which, taken in conjunction with a passage in the Red Paper Book, indicate that the burgesses had enjoyed very considerable liberties long before this charter of Richard I. was granted. The charter, for instance, grants the town its markets and customs to "remain in such state as they were confirmed by the oath of the burgesses" in the reign of Henry II. Perhaps there is nothing very exceptional in that. But with regard to the town fishery, a fishery which extends to the sea and many miles beyond the borough boundaries, the charter grants it to the burgesses to possess "as they had it in the time of the King our father, and in the time of Henry his grandfather" (*i.e.*, Henry I.).

Now, in the Red Paper Book is contained a Norman-French proclamation, made by the Bailiffs in 1256, that is, only sixty-seven years after this charter, which proclamation begins :

> "Whereas many of the noble kings of England, from time out of mind, have, by their special charters, granted and confirmed to the burgesses of Colchester and to their heirs and successors, to have and to hold the Borough of Colchester, in fee ferm, freely with all the liberties, privileges, and customs contained in the said charters."

This passage, taken in connection with the wording of Richard the First's charter, seems to indicate that long before that grant, in fact from time immemorial, the burgesses of Colchester, as apart from their lord or steward, or whoever administered them, had certain exceptional privileges and communal rights. How far this may indicate the earlier existence of any *communitas* or commonalty in Colchester, in the days when it was administered or ruled by a fermor or grantee of the crown, or by a custos portus or portreeve, I leave to others who are learned in these difficult matters to express an opinion. But before passing on it may be as well to add that it is quite clear from the records of the town that Colchester, though it possessed certain small craft-guilds, never at any time had a merchants' guild or guild merchant.

A few of the earlier charters are illuminated, but the illumination of that of Henry V. (1413) is the most ornate. It has a richly decorated border and initial letter,

with coloured portraits of St. Helena and her son Constantine the Great, but most interesting of all, it has a coloured representation of the borough arms, the earliest known representation of the arms of the town. It differs from the present version of the arms as registered by the Heralds' College in the sixteenth century. In the earlier representation on the charter the three crowns encircle three nails, fixed into the cross raguly, or cross composed of two ragged staves; and this cross instead of being argent or white as now in use, is green or proper in the charter. It is perhaps to be wished that we could set aside the authority of Heralds' College and go back to the earlier form with the nails introduced, for there can be no doubt that the arms were intended to tell the story of St. Helena, the patron saint of Colchester and reputed native of the town. Her great achievements, as chronicled in medieval legend, were the finding of the True Cross, the finding of the Holy Nails, and the discovery of the remains of the three Holy Kings or Magi in Asia, to which very great importance was attached owing to the subsequent enshrinement of the three Kings or their reputed remains in Cologne Cathedral. Having regard to the antiquity of the strange and mysterious story of the Three Kings of Colchester and their mystic gifts—beauty, sweetness of breath, and royal wealth and position—which seem to be not unconnected with the three gifts of the Magi, and having regard also to the fact of the arms of Cologne being three gold crowns on a red ground specially in honour of the relics of the three kings, it does not seem improbable that the three crowns, which appropriately glorify the three holy nails, were intended to denote the three Holy Kings, and with the nails and with the cross raguly denoting the True Cross were meant to keep in memory the legendary story of St. Helena and her achievement. Thus the original arms of Colchester, with the three nails and the three crowns, are an interesting and I think beautiful example of symbolic medieval heraldry; it is to be regretted that they were ever supplanted by arms in which this symbolism was unintelligently destroyed.

It is recorded that this charter of 1413 cost the town £16, a considerable sum at that time. I do not know

whether charters were so much plain and so much extra coloured, but the previous charter of Henry IV. with its initial letter only in outline and a blank space never filled up, yet evidently left for illumination, cost only £10. The charter of Henry VII. where the principal initial is omitted altogether, as well as a number of other initials, which were no doubt to have been illuminated if someone would have paid for it, cost only £5.

Of the Books of Records of Colchester the oldest and most important are the Red Paper Book and the Red Parchment Book, both commenced about 1350 and kept simultaneously for several centuries for entries of special moment to the town. The contents are mostly in Latin, a few entries being in Norman-French and some in English. Here is a specimen from the Red Paper Book, part of a Latin entry telling at great length how the Bailiffs of 1374 had restored and beautified the Moot Hall, and further how

"being mindful of the commands of our Lord, where he enjoined us to visit those in prison, and being likewise mindful of injuries to the commonalty in the past through felons escaping from the town gaol and taking sanctuary in the churches; and seeing also the captivity and unbearable sufferings of the wretched prisoners in the foul opening or pit of the gaol of the town aforesaid, they [the Bailiffs] ordained, inasmuch as God had touched their hearts and their bodies, that for the relief of the said prisoners there should be at the entry of the said hall, two wooden posts, with iron spikes and topped with lead. To these they caused supports to be attached with strong iron chains, so that there, placed without the said gaol, the prisoners might stand, sit, lie, and rest, and beg their necessaries from those who pass by."

A fairly vivid picture this of bygone times and manners, and of municipal efficiency combined with economy. Other entries in this book record the burning of a Colchester weaver outside Colkyngs Castle in 1429, for heresy; a Trial by Battle which took place in 1375; and hundreds of other matters and incidents, many of them curious and illustrative of history and manners and customs.

The Red Parchment Book, being of parchment throughout, is less decayed than its companion volume of paper. It remains in its ancient wooden boards, possibly its original binding, contains some good specimens of early writing, and many curious entries including the story of King Coel of Colchester, his

daughter St. Helena, her husband Constantius and her son Constantine. This story was entered about the year 1370, or perhaps earlier. It is a curiosity, but scarcely of any value as an historical record. The Red Parchment Book was later on known as the Oath Book, from the fact that it became a Repository for the oaths which were administered to various corporate officers. The swearing in of all officials, and in fact of anybody and everybody, on the smallest excuse, was quite a fine art here in ancient times. We do not swear so much in Colchester now-a-days—at least not in the artistic way our forefathers did. They even made the porters of the riverside swear before they were allowed to be porters. It is not thought necessary at the present time to provide any compulsory oaths for our riverside porters, but our Mayor, and our Town Clerk, and a few other officials, swear the same antique oaths which their predecessors used about seven hundred years ago, though in several cases those oaths are now incomprehensible and in other instances are quite inappropriate. There are over one hundred different oaths in this volume, some of them of great length and strength.

As for the other books and records, I must let them speak for themselves for the most part. Thousands of parchment rolls, representing the court records of nearly four centuries, are carefully preserved and packed away in the Colchester muniment room. The rolls are full of local interest, and sometimes have entries throwing light on ancient manners and customs. They ought all to be printed in full from beginning to end and indexed thoroughly, and I hope they will be. This applies, too, to the Sessions Rolls, which are similar though they did not begin until the reign of Elizabeth. It applies also to the Court Books and Sessions Books, except that these perhaps might be summarised. The Chamberlains' Accounts are also of considerable interest. The Chamberlains were the borough treasurers. Their accounts show a tendency to expend public money on banquetting. By way of conclusion I will give an example, not previously published, taken from one of the Assembly Books of Queen Elizabeth's time. The incident was in 1577. In that year the Bailiffs, Justices,

and Aldermen determined to deal with the local brewers, but not with a view to restricting drink. A meeting was held on December, 1576, and it was decided that the brewers should only be allowed to charge 8*s.* a barrel of 36 gallons for the best beer and 4*s.* 4*d.* (*or three halfpence a gallon*) for the common beer; also "that such quantitye of the said common bere be brewed that the inhabitants do not want thereof," and the beer "to be of that goodnes as the said Bailiffs shall lyke of." A few months later they decided to further reduce the price, viz. to 6*s.* a barrel for "double beer" and 4*s.* a barrel for "three halfpenny beer." Severe fines were also ordained in case the beer should be deficient in quality or insufficient in quantity to supply the needs of the thirsty burgesses. The Bailiffs had the brewers summoned before them, and on October 31st, 1577, the new regulations were read out "publicly and in a loud voice," so says the record. The brewers begged leave to confer, and were allowed a short time for that purpose. On returning before the Bailiffs, Recorder, and Aldermen the brewers replied that they were "unwilling to fulfil the ordinance aforesaid or to deliver beer at the prices specified." Upon which, so says the Latin record, "the said Bailiffs, Recorder, and Aldermen pleasantly and good humouredly (*leviter et affabiliter*) persuaded and exhorted the same brewers, in le Motehall aforesaid for the space of one hour."

But the brewers still "contumaciously and obstinately refused." Whereupon the said Bailiffs, Recorder, and Aldermen ordered the said brewers to enter into recognisances of £40 a piece to answer for their contempt, but the said brewers "contumaciously replied that they were not willing to be bound in the manner of recognisance." Upon which "by command of the Bailiffs, with the assent of the Aldermen aforesaid," the said brewers were committed forthwith to prison, "until such time as they were willing to sell and deliver their hopped drinks to the burgesses and inhabitants at the prices aforesaid."

On the very next day, November 1st, the Bailiffs raided the premises of the imprisoned brewers and made an inventory of their goods and stock-in-trade, preparatory to seizing them by way of distraint.

Then on November 2nd the "Twenty Four good free and legal men of the town" were summoned with all haste to a special session at the Moot Hall, "to enquire into the said divers contempts of the said Brewers." But by this time the Brewers had had enough. They were brought from prison into the court, but before the twenty-four good and legal men of the jury had been sworn, the said brewers offered to comply with the ordinance, and "humbly submitted themselves to the grace and mercy of the Bailiffs and Justices for their divers contempts."

So the good, free and legal men were discharged and the Bailiffs and Justices, we are told, "out of their grace pardoned and remitted to the same brewers their contempts aforesaid, and their imprisonment," subject, however, to their paying the fees and costs which had been incurred.

The rulers of Colchester were very masterful in those days: whether they were dealing with the terrible mitred abbot of St. John or with the milder prior of St. Botolph, or with recalcitrant brewers, or bakers, or chandlers (these latter had a specially evil time now and then), or with daring persons who presumed to set up school or teach grammar in Colchester in deliberate competition with the official Grammar School Master appointed by the Council. In all these and in many more instances the Bailiffs, Aldermen and Justices continued ever to be masters in their own town, and to trample down opposition or interference with what they called "the liberties of the borough."

Finally, may I add that the modern Council of Colchester, though unable to do things quite in the same way as of old, is also very jealous of the ancient rights and history of its town, very zealous in the preservation of its records, and very desirous, I believe, that, as far as money and the wholesome fear of the ratepayers will allow, these records shall gradually be transcribed and printed, fully and faithfully, which after all is the best way of preserving them effectually for future generations.