

NEW BUCKENHAM: TWO BOROUGH CHARTERS*by Paul Rutledge*

New Buckenham is a medieval planned town known for its virtually unaltered layout.¹ Less clear is the date of its foundation. Blomefield in the 1730s stated that its lords the d'Albinis (or Daubignys) 'very early got it to be a burgh' and Pevsner in the 1960s deduced that the layout was determined in the 13th century at the latest.² Buckenham castle was ready for habitation by about 1146-51 when the first Earl William d'Albini gave to the Augustinian canons the site of his older stronghold 2½ km to the north, which he ordered to be demolished.³ New Buckenham, laid out regularly at the castle gates, was in existence, as Beresford points out, by 1247/8.⁴ The mid 12th-century chapel, outside the castle defences and too large for mere domestic use, must have been intended from the first to serve a community greater than the castle household. By 1254 the town was well enough established to have outgrown it and to have acquired its own church of St Martin, clearly inserted into the original layout; its traditional founder is Robert de Tateshale, lord of Buckenham from 1243 to 1248.⁵

The texts of two borough charters have recently been discovered which throw more light on the town's origins. Both survive as copies of copies but there is no reason to doubt their authenticity. A summary of the later one was added as an afterthought to the first edition of Blomefield's *History of Norfolk*, but it seems to have been overlooked by subsequent writers.⁶ The dating of these two undated documents hangs on d'Albini genealogy.⁷ The first was issued by William d'Albini using the title of William, Earl of Sussex, and refers to privileges allowed the burgesses in his father's time. The second, also issued by a William, Earl of Sussex, confirms grants made to them by his father and grandfather. There were four d'Albini Earls William of Sussex. The first, the builder of the castle, succeeded his father in 1139 and died in 1176. The second, his son William, succeeded in 1176 and died in 1193. The third William succeeded his father in 1193 and died in 1221. His son, the last William, died in 1224. The last William, described at his death as 'adolescens',⁸ is unlikely to have granted borough privileges during his brief tenure so the second charter may reasonably be attributed to the third earl and the first charter to the second earl. The father referred to in the first and the grandfather in the second charter must be the first Earl William d'Albini who because the charters both mention his burgesses at Buckenham must have established the borough at some time between moving his castle to the south-eastern corner of his Buckenham territory about 1146-51 and his death in 1176. The first charter, in which the burgesses are granted the customs of Norwich, is in any case likely to date from before 1194 when the Norwich citizens received extensive privileges from Richard I;⁹ the d'Albinis would not have enfranchised their burgesses on this scale. It may date from before about 1186 when the second Earl William obtained the additional title of Earl of Arundel, which he does not use in this charter.¹⁰

The text of the first charter is preserved in the form of an exemplification or authenticated copy, issued on the 5th May 1600, of a Queen's Remembrancer's Roll of the 41st year of Elizabeth I (1598-9) containing returns made by a Commission appointed two years earlier to inquire into Crown lands in Norfolk.¹¹ These returns include what purports to be an undated *inspeximus* or confirmation, found among the town evidences of New Buckenham, of this charter to which King Richard (unstated which), naming the town as his own, added other clauses including a statement of the bounds of New Buckenham common and exemption of the burgesses from jury service and other obligations. This added matter is anachronistic for Richard I and it is not recorded in the published Chancery Calendars of Richard II and Richard III. In the late 16th century the New Buckenham townsmen were battling in the courts with the men of Carleton Rode over the matter of intercommoning and in 1582 they obtained a grant of freedom

from toll, assize service *etc.* as tenants of ancient demesne.¹² These added clauses were probably fabricated to substantiate such claims, but the core of the document, d'Albini's charter itself, both in its form and its witness list, discussed below, would have been beyond the capability of a 16th-century forger. The text and a translation follow; doubtful expansions are in *italic* but in this and the text of the second charter, because they are copies of copies, punctuation and capitalisation have been standardised.

Willelmus Comes Sussex' omnibus baronibus suis et amicis et hominibus et Francis et Anglicanis et clericis et laicis salutem. Sciatis me dedisse et concessisse et hac presenti carta mea confirmasse burgensibus meis de Bokenham omnes libertates et omnes liberas consuetudines tenendas de me et heredibus meis ita libere quiete et honorifice vt burgenses de Norwico tenent. Et cum hijs libertatibus do illis et concedo communem pasturam burgo meo de Bokenham extra parcos meos et clausa mea sicut habuerunt in tempore patris mei. Concedo etiam quod dent et vendant domos suas et terras suas quibuscumque voluerint vel heredibus vel parentibus vel extraneis sic quod non removeant domos extra burgum meum. Hijs testibus Godefrido fratre meo, Willelmo de Morle, Willelmo filio Radulfi, Ricardo de Mortuo mari, Gaufrido de Bosevile, Willelmo de Laundebye, Rogero dapifo,¹³ Stephano capellano, Nicholao de Stanhowe, Waltero clerico, Radulfo de Albeneo, Vincentio capelli,¹⁴ Ricardo clerico, Radulfo de Alltoft, Rogero Rustage, Alexandro coco, Hoberto coco, Radulfo filio Sired', Baldwino fabro, Simone de Kennynghale, Radulfo filio Willelmi de Bokenham, et hec sine causa.¹⁵

TRANSLATION: William, Earl of Sussex, to all his barons and his friends and men both French and English, both clerks and laymen, greeting. Know I have given, granted and by this my present charter confirmed to my burgesses of Buckenham all liberties and all free customs to be held of me and my heirs by them and their heirs as freely, quietly and honorifically as the burgesses of Norwich hold. And with these liberties I give them and grant the common pasture (belonging) to my borough of Buckenham beyond my parks and closes as they had in my father's time. I also grant that they may give and sell their houses and their lands to whoever they wish, either to their heirs, to kinsmen, or to strangers, provided they do not remove the houses outside my borough. These being witnesses Godfrey my brother, William de Morle, William son of Ralf, Richard de Mortimer, Geoffrey de Bosevile, William de Laundebye, Roger the steward, Stephen the chaplain, Nicholas de Stanhowe, Walter the clerk, Ralf d'Albini, Vincent the chaplain, Richard the clerk, Ralf de Alltoft, Roger Rustage, Alexander the cook, Hobert the cook, Ralf son of Sired, Baldwin the smith, Simon de Kennynghale, Ralf son of William de Bokenham, and this is freely given.

What is known of the witnesses to this charter confirms, though it does not narrow, the suggested date between 1176 and 1193. It also strengthens the charter's claim to authenticity since many of them have proven links with the d'Albinis. William de Merlai (or Morle), William son of Ralf, Richard the clerk and Richard de Mortimer are all witnesses to a charter of Earl William d'Albini (called Earl of Sussex) to Buckenham Priory, undated but in the time of John, Bishop of Norwich¹⁶ (the episcopates of John of Oxford and John de Grey spanned the years 1175-1214). De Mortimer became the d'Albinis' *dapifer* or steward; his son had succeeded to his lands by 1209.¹⁷ De Merlai's right is saved in a grant for the benefit of the souls of William *pincerna* (the founder of Wymondham Priory and father of the first Earl William), William, Earl of Arundel his son, and William d'Albini, Earl of Sussex, undated but after 1176.¹⁸ Geoffrey de Bosevile is named in a plea concerning Cuddington, Surrey, in 1203.¹⁹ Ralf d'Albini is witness to a Lewes Priory notification concerning a claim to Colveston church of about 1170; he was probably dead by 1197²⁰. Roger Rusteyn (or Rustage) gave a mill in Snettisham to Wymondham Priory apparently in 1176; he witnesses an undated d'Albini grant to Buckenham Priory as the Earl's steward.²¹ Alexander the cook is referred to as the donor of six pence rent in Buckenham in a confirmation of the possessions of the monks of Wymondham dated to 1181-3.²² The descendants of Simon de Kennynghale later held by knight service of Buckenham castle as did the de Stanhowes of the d'Albinis, and the de Bokenhams intermarried with the de Somertons, d'Albini tenants at East Somerton.²³

The text of the second New Buckenham charter, here attributed to William the third Earl between 1193 and 1221, survives in an 18th-century transcript among the Frere Manuscripts which formed part of the collection of Francis Blomefield and the other compilers of the great

History of Norfolk.²⁴ It is a copy of a confirmation dated on the first of October 1493 by Sir William Knyvett lord of Buckenham, describing himself as kinsman and one of the heirs of William d'Albini. Knyvett reissued the charter as his authority for confiscating a burgage plot that its owners the Canons of Old Buckenham had allowed to become derelict. The text and a translation follow.

Willelmus Comes Sussex' omnibus baronibus suis Francis et Anglicanis clericis et laicis salutem. Sciatis me concessisse et dedisse et hac presenti carta mea confirmasse burgensibus meis de Bukeinham omnes libertates et omnes liberas consuetudines et omnes illorum terras in burgo de Bukeinham tenendas de me et heredibus meis illis et heredibus suis ita libere quiete et honorifice ut tenuerunt tempore Comitis Willelmi patris mei et Willelmi Comitis avi mei reddendo inde mei et heredibus meis annuatim de uno quoque mesuagio integro unum obulum ad festum Sancti Michaelis archangeli et sic *secundum* plus plus et *secundum* minus minus pro omnibus servicijs. Et concedo illis communem pasturam meam de Bukeinham. Concedo eciam quod dent et vendant terras suas in burgo et domos suas quibuscumque voluerint vel heredibus suis vel parentibus suis vel extraneis sic quod domos suas de burgo non remoueat et sic quod mesuagia ibidem non remaneant vastata vel de domibus inhoneste vel indecenter sint vacuata. Concedo eciam predictis burgensibus meis quod loquele tractande vel placita quo in burgo de Bukeinham orta fuerint in eodem burgo inter ipsos burgenses et per ipsos burgenses tractentur et terminentur. Hijs testibus Godfrido de Albeneio fratre meo 'Reinero avunculo meo, Ricardo de Seing', Galfrido fratre suo et multis alijs.

TRANSLATION: William, Earl of Sussex, to all his barons, his friends and men, French and English, clerks and laymen, greeting. Know that I have granted and given and by this my present charter have confirmed to my burgesses of Buckenham all liberties and all free customs and all their lands in the borough of Buckenham to be held of me and my heirs by them and their heirs as freely and quietly as they held in the time of Earl William my father and William the Earl my grandfather, paying for them to me and my heirs yearly from each complete messuage one halfpenny at the feast of St Michael the Archangel and so more according to more and less according to less for all services. And I grant them my common pasture of Buckenham. I grant also to them that they may give or sell their lands in the borough and their houses to whoever they wish, either to their heirs or to kinsmen or to strangers, provided they do not remove their houses from the borough and provided the messuages are not left lying waste or dishonestly or improperly emptied of houses. I grant also to my aforesaid burgesses that actions to be tried and pleadings that shall be raised in the borough of Buckenham shall be tried and determined in the same borough among the burgesses themselves and by themselves in the same place. These being the witnesses Godfrey d'Albini my brother, Reiner my uncle, Richard de Seinges, Geoffrey his brother, and many others.

Lacking a long witness list, this charter says less about the d'Albini entourage. Reiner d'Albini witnessed a grant by his brother the second earl, confirmed by Richard I in 1189, of Quidenham to Reading Abbey.²⁵ Richard de Seinges (or Seething) was a royal justice and a benefactor to Old Buckenham Priory, active 1202-1229.²⁶

To sum up, the borough of New Buckenham was established by the first Earl William d'Albini between about 1150 and 1176. Between 1176 and 1193 his son the second Earl William, besides giving his burgesses the free customs of Norwich, confirmed their common pasture as in the first Earl's time beyond his parks and closes and allowed them to give and sell their property without restriction provided they did not remove the (no doubt timber-framed) buildings from the borough. The third Earl William between 1193 and 1221 confirmed the free customs granted by his father and grandfather, at the same time exacting from the burgesses the ground rent of one halfpenny for each whole messuage in lieu of all other services (the reference to whole messuages implies either that there were burgage plots of more than one status – whole and less than whole – or that the original plots were beginning to subdivide). In effect they were freed in return for this payment from the normal feudal burdens of the countryside. He also strengthened his father's ban on the removal of buildings, perhaps indicating the delicate economic state of the new town, and allowed the burgesses to determine actions and pleas arising within the borough, in other words to hold their own courts.

The borough may not have grown as the d'Albinis hoped – if indeed they saw it as much more than a craft and market centre for the castle household – but it achieved remarkable stability. The

jurisdictions permitted the burgesses under the second charter, known in 1364 as *portmancurt* and *knytcurt*, continued to be exercised under the titles of portman court and general court until 1879 (Old English *port* means town and *portman* townsman or burgess).²⁷ The rent charged on burgage plots at New Buckenham is referred to as *londgovel* in 1273 and as landgable, an archaic and exclusively urban rent, was still being collected in 1723.²⁸ The common pasture assured to the burgesses by both charters is grazed and managed as a stinted common today.

The d'Albinis emerge from these documents and other sources as perhaps the leading planners and builders among the 12th-century barons of Norfolk. Wymondham and Old Buckenham Priors were founded and endowed by them. They raised Buckenham and Rising castles with their massive earthworks and, so it is suggested, the lesser strongholds at Denton and, more tentatively, Quidenham and Wymondham.²⁹ The extent of their hunting grounds – Buckenham park measuring six leagues round and Rising chace encompassing four vills – indicates their power over the landscape.³⁰ At the gates of their castles they planned the towns of New Buckenham and Castle Rising.³¹ The chance survival of the wording of these two New Buckenham charters shows them gradually enlarging the modest privileges of this tiny borough unexpectedly giving it, as far as present knowledge goes, the County's second oldest borough charter after Norwich.³²

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1. M. W. Beresford and J. K. St Joseph, *Medieval England, An Aerial Survey* (1979), 226-8.
2. Francis Blomefield *et al.*, *History of Norfolk* (1805-10) I, 395; N. Pevsner, *The Buildings of England, North-West and South Norfolk* (1962), 269.
3. P. M. Remfrey, *Buckenham Castles 1066-1649* (SCS Publications, Malvern Link, Worcester, 1997), 6-7.
4. M. W. Beresford, *New Towns of the Middle Ages* (1967), 467.
5. W. Hudson, 'The "Norwich Taxation" of 1254 . . .', *Norfolk Archaeology* XVIII (1910), 123. The crowned letters TR prominently displayed on the south-west buttress of the late-medieval parish church tower may reflect (or may have originated) this tradition. For the attribution to de Tateshale see Blomefield I, 397.
6. Francis Blomefield, *History of Norfolk* I (1st edition, 1739), 372.
7. G. E. C. *et al.*, *Complete Peerage*, I (1910), 233-8, XII pt I (1953), 515; Remfrey, 3-6.
8. *Complete Peerage* I, 238.
9. W. Hudson and J. C. Tingey, *The Records of the City of Norwich* I (1910), 12-14.
10. Remfrey, 9.
11. The exemplification is among the New Buckenham parish papers.
12. Beresford and St Joseph, 227; Norfolk Record Office, PD 254/168-175 and MC 22/1.
13. *sic*; for *dapifero*.
14. *sic*; for *capellano*?
15. Literally 'And this is without motive'.
16. *Calendar of Charter Rolls 1300-1326* (1918), III, 368.
17. *Calendar of Charter Rolls 1300-1326* III, 368-9; B. Dodwell (ed.), *Feet of Fines in Norfolk . . . 1201-1215* (Pipe Roll Society, n. s. 32 for 1956), 91.
18. Wymondham Priory Cartulary fo. 54 i. I have used an indexed transcript by Marian Kett, NRO MC 619/11-15.
19. *Calendar of Curia Regis Rolls 1203-5* (1925), 5.
20. C. Harper-Bill (ed.), *English Episcopal Acta VI, Norwich 1070-1214* (1990), 94, no. 112a; *Feet of Fines . . . AD 1196 to AD 1197* (Pipe Roll Society 20, 1896), 99.
21. Wymondham Cartulary fo. 48 i; *Calendar of Charter Rolls 1300-1326* III, 369.
22. Harper-Bill, 251, no. 250.
23. Blomefield (1805-10) I, 373, X, 383, XI, 191.
24. NRO, Norfolk and Norwich Archaeological Society Collection, Frere MSS, Shropham Hundred, Buckenham Bundle.
25. Remfrey, 10 citing B. R. Kemp (ed.), *Reading Abbey I* (Camden 4th series, 1968), 369-70.

26. Blomefield (1805-10) V, 521, VIII, 446; *Calendar of Curia Regis Rolls 1227-30* (1959), 366.
27. *Calendar of Inquisitions Post Mortem*, X (1921), 95; NRO MC 22/6-7; E Ekwall, *Concise Oxford Dictionary of English Place-Names* (4th edn., 1960), 371.
28. *Calendar of Inquisitions Post Mortem* II (1906), 4; NRO DN/TER/35/1/3.
29. *Pers. comm.* Robert Liddiard.
30. *Calendar of Inquisitions Post Mortem* IV (1913), 259; Blomefield (1805-10) IX, 53. These references to park and chace are post-d'Albini, however.
31. B. Morley and D. Gurney, *Castle Rising Castle, Norfolk* (East Anglian Archaeology, Report No. 81, 1997), 1-3, suggest that the Rising town plan is in fact pre-Conquest, formalised by William d'Albini when he added his grand castle about 1140.
32. Norwich's first surviving charter is of c.1158 (Hudson and Tingey I, 11-12), King's Lynn's of 1204 (D. M. Owen, *The Making of King's Lynn, A Documentary Survey* (British Academy, Records of Social and Economic History, n. s. XI, 1984), 34), Great Yarmouth's of 1208 (H. Swinden, *History and Antiquities of Great Yarmouth* (Norwich 1772), 23-52), and Thetford's 1574, though here earlier charters must be lost (A. Crosby, *A History of Thetford* (Phillimore 1986), 30). Castle Rising claimed a charter of between 1233 and 1242 (Blomefield (1805-10) IX, 51).

COUNTING THE FLOCK: A NOTE ON RELIGIOUS PRACTICE IN THE LATE EIGHTEENTH-CENTURY DIOCESE OF NORWICH

by Clive D. Field

SUMMARY

Before the national religious census of 1851, evidence about the church-going habits of the British people is limited. However, one post-Restoration source available for six English dioceses are clergy returns to questionnaires issued in advance of episcopal visitation which, inter alia, probed absenteeism from public worship. Norwich was one of these dioceses. This article reviews the findings of the visitation returns of 1777 and 1801 to form a broad picture of the extent and characteristics of non-church-going in Norfolk and Suffolk during the late 18th century.

Although acts of uniformity obliging the entire population to attend some form of public worship on Sundays were almost continuously on the statute book between 1552 and 1846, relatively little is still known of the extent to which that obligation was fulfilled. Not until the 1830s did local enumerations of church attendance begin to occur, and only in 1851 was there a truly national census of church-going in connection with the civil census of that year.¹ In the absence of objective statistical evidence, increasing interest is being shown in the potential of clergy visitation returns in the Church of England as sources for religious practice. The process of episcopal visitation of parishes developed in the Middle Ages, and was codified through the Canons of 1604, but it was not until 1706 that the circulation of a questionnaire for completion by the clergy in advance of visitation emerged, and not until the 1760s that it became the norm.² The completed clergy visitation returns were not necessarily retained by the bishop and his diocesan staff, and there are several dioceses where they were either destroyed or lost. Nevertheless, according to a survey conducted by the present author in 1984, at least some clergy visitation returns are extant for fifteen of the twenty-three English dioceses in the