

**THE ROYAL CHARTERS AND GRANTS
TO THE CITY OF LINCOLN, A LECTURE
DELIVERED BEFORE THE MAYOR AND
CORPORATION OF LINCOLN, ON
WEDNESDAY, 7TH NOVEMBER, 1906**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649265503

The royal charters and grants to the city of Lincoln, a lecture delivered before the mayor and corporation of Lincoln, on Wednesday, 7th November, 1906 by Walter de Gray Birch

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

WALTER DE GRAY BIRCH

**THE ROYAL CHARTERS AND GRANTS
TO THE CITY OF LINCOLN, A LECTURE
DELIVERED BEFORE THE MAYOR AND
CORPORATION OF LINCOLN, ON
WEDNESDAY, 7TH NOVEMBER, 1906**

THE
ROYAL CHARTERS AND GRANTS
TO
THE CITY OF LINCOLN.

A Lecture
DELIVERED BEFORE
THE MAYOR AND CORPORATION
OF LINCOLN,

BY
W. DE GRAY BIRCH, LL.D., F.S.A.,

ON
WEDNESDAY, 7TH NOVEMBER, 1906.



LONDON:
PRINTED AT THE BEDFORD PRESS, 20 AND 21, BEDFORDBURY, W.C.

1906.

ROYAL CHARTERS AND GRANTS

TO

THE CITY OF LINCOLN.

THE origin of the City of Lincoln, like that of most other cities, is lost in the obscurity of the ages. The site of the City is in every way very remarkable. Perched, as it were, on a lofty projecting promontory of land, at the extreme edge of the high ground which divides the Northern part of the County from the Southern part; looking due South over the valley-bed of the wide prehistoric river which reaches nearly from the very foot of the Grecian stairs to the ridge opposite, and is now just indicated by the narrow, sluggish stream of the little River Witham; within reasonable distance of Peterborough, Boston, Grantham, Newark, Gainsborough, Barton, and many other mercantile and rural towns; and commanding the main North Road from London over the Wolds to Hull and the Humber, it could not be but that the site of Lincoln recommended itself to the early inhabitants of this country. Nor are visible signs wanting, to show those who can read them aright, the various successive stages of human occupation, many of which have been chronicled in the latest work on Lincoln by Mr. E. M. Symson.

Not to mention earlier or prehistoric vestiges, and the shadowy legends of Lind-coit, the British site of Lincoln, nor the late Precentor Venables' derivation of Lyn-dun, "the pool under the stronghold on the hill," there are the Roman remains of public buildings, walls and gateways, over which a wise forethought of the authorities who control the destinies of the City have placed a protective hand to shield them for ever from the destructive march of time. We all have seen, when we pass along

the Bailgate, a series of circular spots marked out by granite setts, which to the casual observer appear to be devoid of meaning. But if we search below the surface of the ground, or descend into the basement of one of the houses, we shall find the Roman foundations and Roman bases of columns which nearly two thousand years ago adorned the Government Buildings of the Roman Rulers. The lapse of these twenty centuries of time has gradually raised the superjacent ground, which now assumes a level which the author of "Forgotten Lincoln" puts at from nine to twelve feet above the Roman pavement. In the same way, the rules and regulations which governed the concourse of inhabitants at that remote period, lie buried under the successive series of documents which were framed from time to time by way of improvement of, or substitution for, the simpler laws under which the first people who dwelt within the City boundaries fashioned their morals and manners. The consideration of these local laws, as defined by the unbroken series of Charters granted to the citizens by successive Sovereigns of England, is to claim our attention to-night. These Royal records are numerous, and although by misfortune the original texts of many have been lost from some unaccountable cause, yet many, and not the least important, still remain in possession of the Corporation, and many can be recovered, because of the judicious system followed in the Middle Ages of causing copies of all Royal documents to be enrolled or otherwise preserved among the Records of the Realm.

Before proceeding to deal with these Charters one by one, let us pause to consider what is meant by a Charter, what value a Charter possesses, and why we should do our utmost to preserve, publish, study, understand, and appreciate them. A Charter is a public document running in the name of the King, and attested by the King's most intimate and influential advisers, whose assent and approbation is indicated by their names and dignities being introduced into the body of the instrument. It is directed to the Sheriffs, Justices, Barons, Ministers, and the whole body of the King's subjects, and it confers specified and specially-mentioned privileges,

gifts, concessions, or other valuable benefits, powers, property, or liberties upon the person or body corporate in whose favour it is granted. The privileges which it sets forth in detail are to be enjoyed during the pleasure of the Sovereign in accordance with the expressed terms of its words, and these privileges are enforceable in Courts of Law, and cannot be annulled, diminished, or disturbed by any authority except that of the King himself, or by voluntary renunciation on the part of the recipient. In the enjoyment of these wide-reaching powers the towns and cities of England have grown great, powerful, progressive, beneficent, and secure; and hence it behoves us all that the actual documents which confer these privileges, and the very words in which these privileges are contained, should be preserved from harm or loss by those who have taken upon themselves the responsibility of governing their fellow townsmen in accordance with the authority which they derive from these very instruments. Actuated by these laudable motives, your Corporation, in the spring of 1904, looked into the condition of their ancient records, with a view to ascertaining what yet remained of them, and it was found necessary to have them examined and freed from dust and mildew, and the incipient ravages of their decay arrested. It was my pleasing task to undertake the duty of putting them in order, after the manner followed by the Manuscript Department of the British Museum, where I worked for nearly forty years: for it soon became abundantly evident that it was not a moment too soon to begin if these archives were to be preserved from the dangers which threatened them. Now, I am happy to say, every document is securely placed away in boxes resembling those used by that Museum for the proper storage and preservation of the National Collection; and I am able to state that, with reasonable care, your Charters and historical deeds, in which the whole mediæval life of the City of Lincoln is contained, will be in as good condition hundreds of years to come as they now are, to delight those who love to study municipal life and progress by the lights thrown upon them by the very documents and records themselves. The Catalogues of

the Books of Records, the Rolls, the Deeds, and the packets of Title-deeds, have been completed ; and, subject to useful and necessary regulations, I believe it is competent to every one to inspect them for any useful purpose.

The first Royal Charter of which I have been able to find any notice is that of King Henry II. The original is no longer extant, but the text is contained in an *Inspeximus* or Confirmation Charter of Henry III, which latter King sets out at full length, and ratifies, the Charter of his grandfather, Henry II. Herein the Second Henry, who styles himself King of England, Duke of Aquitaine, and Count of Anjou, commands his Sheriffs and Ministers of Lincolnshire to cause "foreign" merchants, *i.e.*, merchants who are not inhabitants of the city, but from outside places (*foris*), to come to Lincoln and exercise their callings as they used to do in the time of his grandfather King Henry I, to the end that the Provosts of Lincoln may not lose the King's Royal customs. This Charter throws a great light upon the history of the town. It indicates that the city's trade had been better in the time of King Henry I (1100-1135) than it was in the time of King Henry II (1154-1189), who feared that the receipts of Crown dues would languish, unless the outside merchants were induced to come and trade in the town. The Charter was promulgated at Westminster, but the Rev. W. D. Macray, who reported in 1895 on the Lincoln Charters to the Historical Manuscripts Commissioners, finds that the transcript on the Patent Roll mentions Wodestock as the place of its issue.

There was then found among your archives a Transcript from the Records in the Tower, of the recital in an *Inspeximus* Charter of the second regnal year of King Richard II, of the grant by King Henry II to Robert, Bishop of Lincoln, and his successors, for their buildings and houses, of all the land with the ditch from the wall of Lincoln-Bail on the eastern side, round the church of St. Michael as far as St. Andrew's Cemetery, and from that cemetery as far the city wall towards the east, free from langavel and picage and all other things ; " and the

bishop may freely pierce the wall of my bailey to make a gateway for facilitating his entry and exit to and from the church, and so arrange his buildings that they may be extended to each wall." Witnesses :—Roger, Archbp. of York, Thomas the Chancellor, Rich. de Luci, Warin son of Gerold, Chamberlain, William son of Hamo Robert de Dunstanville, Jocus de Balliol. It was given at Lincoln, but no date of day or year is mentioned. The date of this document is between the years 1154 and 1158.

This is an office copy, made by Geo. Holmes, and attested by W. Harvey, 24th February, 1704. The text is on Charter Roll, 2 Richard II, No. 5, but the actual original is not now known to exist, nor can the transcript be found among the Lincoln archives.

The first document of this invaluable series which is preserved in the Muniment Room of the City is a Charter of King Henry II. Its existence there was not always known. The parchment labels of the seal remain, with a very small fragment of the wax on one of its labels, together with a silver rim or frame in which the seal was at some time placed, probably when the deed was affixed, for preservation, to its present parchment back. The Charter is addressed to the Bishop of Lincoln and other notables, and declares that the King has granted to the citizens all their liberties, customs, and laws, which they had in the time of Edward the Confessor, William the Conqueror, and Henry I, and their merchant-guild of the men of the city and other merchants of the County; and all those who dwell in the four wards (*divisæ*) of the city are to ply their trade without hindrance; with provision that peaceable tenure for a year and a day without adverse claim is to be a bar to any pleadings against the purchaser, and to entitle the holder to the privileges of citizenship.

This Charter was promulgated at Nottingham, and it is recorded that King Henry II was in that town in the year 1157, about which date this Charter may have been granted. An early copy is preserved in the enrolments of the Chancery, entitled the "Cartæ

Antiquæ," F. 16 : an example of the usefulness of copying records ; for had this original sealed Charter been lost, the actual tenor of its text could have been recovered if any suit depended on its express terms—(as no doubt was often the case)—by reference to the Chancery Records, which were always accepted as evidence in Courts of Law.

It has been stated that King Henry II granted no less than other five Royal Charters to Lincoln, but they are no longer extant, except in the form of *Inspeximus*, or examination and approval by later kings.

One of these deals with the tolls to be taken from the merchants of Norway bringing their wares to Grimsby or other parts of the County of Lincoln, which tolls were payable to the Provosts of Lincoln under the then very severe penalty of ten pounds.

Another Charter gave additional security to the Provosts, in the matter of customs and revenue to be collected from "foreign" merchants trading in the city.

A third dealt with the taxation of the inhabitants of the four wards of the city.

A fourth required the actual presence of the merchant who dyed or retailed his cloths in Lincoln, and confirmed the customs.

The last of this series related to the fee-farm of the city, and its method of collection.

Another Charter of King Henry II will be mentioned among the Charters of King Edward III presently.

King Richard I granted a Charter to the citizens of Lincoln, couched in the usual terms of address to the Archbishops, Bishops, Abbots, Earls, Barons, Justices, Sheriffs, Ministers, Bailiffs, and all his faithful lieges, both French and English. The author of *Civitas Lincolnia* somewhat enlarges on and somewhat misunderstands the terms of this Charter, and is inclined to magnify some of its clauses and to overlook others.

By it the King grants that none of the citizens shall be impleaded outside the city in respect of any plea, unless it be in pleas of outer tenures, except the Royal moneyers and ministers. The citizens were to have quittance for the tax levied on the district, when a