

The Liberties and Privileges of the Town of Derby. The 1378 Confirmation of King Richard II, and Other Royal Grants.

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Derby City Council



The Freemen of the City of Derby

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Introduction.

On 15 March 1378, an *inspeximus* of King Richard II was issued for the burgesses of the borough of Derby. This royal document still survives in the possession of the city of Derby, in the hands of the successors of those medieval burgesses who originally received the document.

The *inspeximus* did not grant new privileges to the burgesses of Derby, but was rather a confirmation by the new king of privileges granted by his predecessors, and contains verbatim the privileges granted by two earlier monarchs – King Henry III, and King Edward III. The burgesses had undoubtedly requested this new confirmation and would have paid for it.

Although the *inspeximus* and the liberties it contains have no real legal authority now, more recent government legislation having redefined Derby's governance and rights and obligations, until the nineteenth century the documents and its contents would have been of great importance and might well have been regularly consulted. The document is an important symbol of the town's long history as a major urban centre in the Midlands of England, a long history that saw the town elevated to a city in 1977. It is also an important chance survival for little of the early records of Derby survive today in Derby, most having been lost in the devastating Guild Hall fire of 21 October 1841.

The document might not have real force today, but many of the matters it touches would still be familiar to those who govern and trade in Derby. It sets out the boundary of the town, how the official who governed the town was selected by the burgesses, when the markets and fairs were to be held, and defined the relationship between the King and burgesses amongst many others.

This work is intended to provide background information for this document, setting out its significance and context. It also provides a full translation of the document.

A Long History as an Urban Centre.

The origins of Derby appear to lie in the Roman occupation of the site of Little Chester just north of the centre of Derby. The site might also have been the site that the Danes refortified in the ninth and tenth centuries when they controlled this part of the kingdom of Mercia. However, it was as a borough and its development under English rule that made it an important town, one of the five boroughs of the Danelaw. A borough was an urban centre, though not necessarily of great size, where manufacture and trade took place. It served as a centre for the surrounding countryside where agricultural produce could be brought and sold, and more specialist manufacture could be bought. Those who were full members of a borough, and carried on their trade there were known as burgesses, who were or became personally free in status, and as Maxwell Craven has noted, it is in this free status attached to the tenure of property in the town that we should look for the origin of the term 'freemen'. The property that they held were in plots which were called burgages, which were usually long narrow strips of land stretching away from the street fronts of the borough, evidence of which is still very evident in the town plan of Derby.

Derby was recaptured by Æthelflæd 'Lady of the Mercians' in 917, an act that marked the beginning of the process of the conquest of the Danelaw by the Anglo-Saxon rulers of Wessex who eventually became kings of all England.¹ Derby retained strong Scandinavian influences, but it became an important English town, the site of the town moving across the river where there had already been some Saxon settlement around the minster church of St Alkmund's, and becoming one of the important defensive burhs, and

ultimately the main town of Derbyshire, the new defensive and administrative unit of the shire, from which it took its name.²

By the time of the Norman Conquest in 1066 Derby was an important urban centre of some size. The entry for the town in Domesday Book of 1087 recorded that Derby was a borough, and in 1066 had 243 burgesses. It had twelve carrucates of lands attached to it, and there were two churches there which belonged to the King, staffed by seven and six clergy respectively. There were also fourteen mills. By 1086 the Domesday Survey recorded that there were only 100 burgesses, and 40 lesser burgesses, and 103 residences were unoccupied. There were only ten mills. Despite this apparent decline the town paid £30, £6 more than it had paid in 1066.³

The Domesday Survey also indicates, not unsurprisingly, that there was already some sort of administration in Derby, for the King and the Earl (probably the Saxon Earl Algar) shared the revenue collected from 'dues and tolls and fines and all customary dues'. Though it seems likely that there was some form of administration, and rules and rights, these are nowhere expressed. It is only after the Conquest, and mainly from the twelfth century onwards, that urban centres began to expand, and new ones were established, and the people of them began to obtain more formal recognition of the administration and privileges of those places from the King and other lords, and to extend the range and scope of those liberties and privileges. The Derby charters and *insepimus* are as a result of this need to have formal written recognition of rights and obligations, and for their extension.

Borough Charters.

The granting of liberties to towns can be traced right back to the eleventh century. The practice set out formally the liberties that towns possessed. It did not necessarily mark the foundation of the town, though many charters of liberties did just that, especially in the twelfth century. However, many, many

more represented the grant of liberties to towns that already had long histories, and the liberties might well have largely formalised existing rights. They are invaluable documents giving evidence of the growth and development of towns.

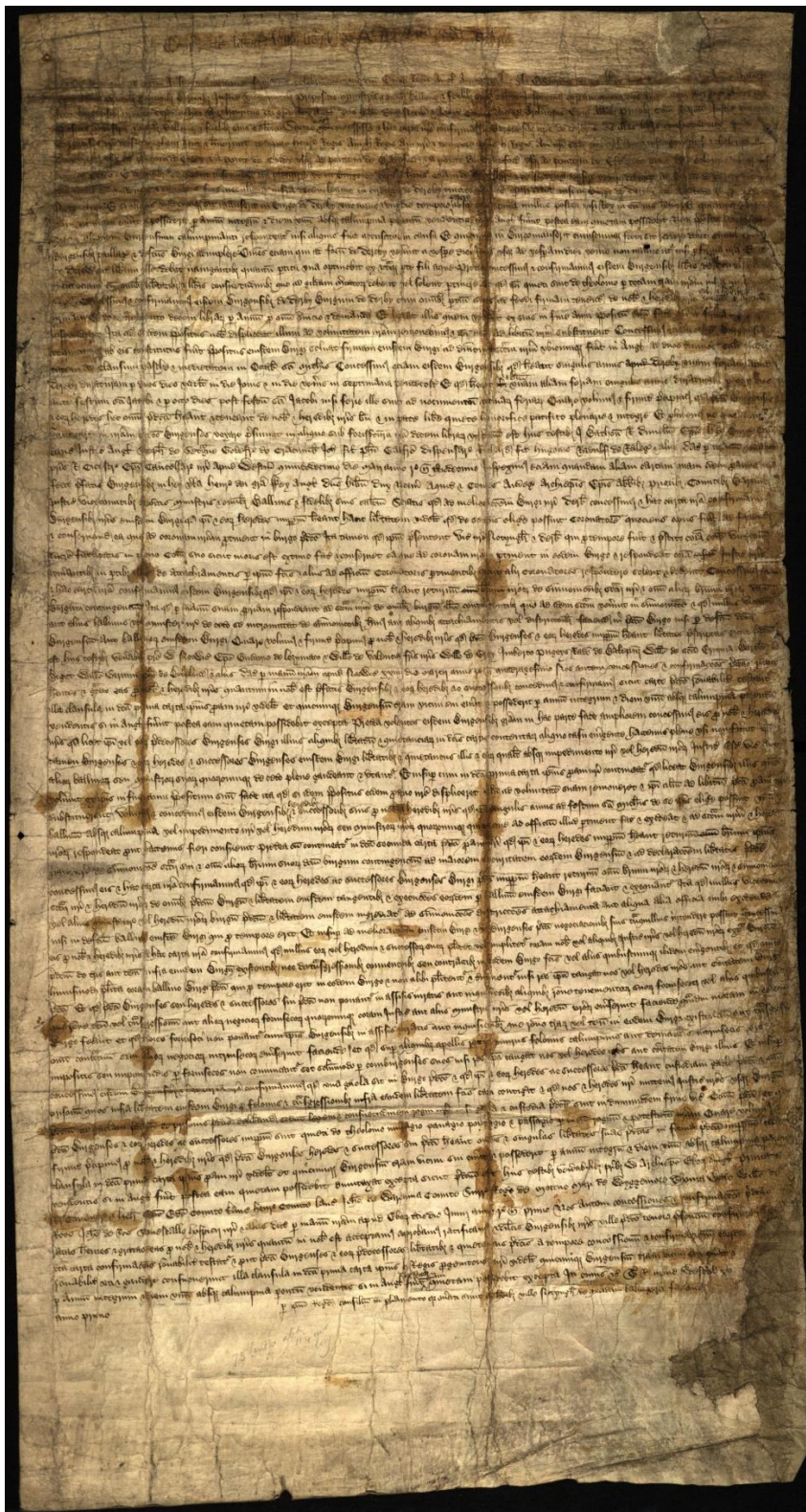
Adolphus Ballard, a scholar who wrote extensively on medieval towns, noted in his invaluable study of borough charters, that such charters usually consisted of five parts: the address, the conferment of privileges, the volumus clause, the penalty clause, and the dating clause.⁴ The first and last are the essential details, the address giving an often very standard general address usually to important lay and ecclesiastical lords, and to royal officers, whilst the latter gives details of where the charter was granted, and the date. Usually, the dating clause also included a list of witnesses to the granting, and often included a high number of high ranking churchmen and lay lords, as well as court officials and clerks. The volumus clause was a short clause that ordered the observance of the liberties granted in the charter, and the penalty clause prohibited anyone from the disturbance of the liberties, and imposed a penalty for any contravention. However, the meat of the document, and usually the most extensive part of the charter, was the conferment of privileges – the reason the charter was made in the first place.

Because many of the liberties granted to towns were things that would be of benefit to towns in general, it was not uncommon for towns to receive grants of liberties almost verbatim to those already granted to other towns. It was only as time went on that individual towns acquired additional liberties, and the range of liberties possessed by a town diverged from those held by others. As towns developed and grew, not only did they seek to acquire new liberties, but they also sought to have those that they already had confirmed by successive new monarchs, sometimes taking the opportunity to acquire additional liberties at the same time.

The town of Derby's charters exhibit many of these characteristics. The document that the city authorities now have, as has already been

mentioned, is an *inspeximus* of King Richard II (reigned 1377-99) issued in 1378, though it does not seem to be the original royal letters, but a near contemporary copy. This was essentially a document that examined and confirmed earlier documents. The document that it was confirming was another *inspeximus* of Edward III (reigned 1327-77), King Richard's grandfather, issued in 1327. Edward III's *inspeximus* in its turn confirmed two charters of King Henry III (reigned 1216-72), King Edward's great-grandfather, one dating to 1229, and the other to 1256. In addition to confirming these two charters, Edward III also granted further liberties. It is no accident that the documents of Edward III and Richard II were both granted in the first year of their respective reigns. It was common for individuals and institutions of various kinds to invest in a confirmation at the beginning of reigns. It was a useful revenue raising exercise for the crown from receipt of fees for the confirmation and strengthened the possession of the liberties by the recipients.

The Richard II *inspeximus*, therefore, contains three separate earlier charters of liberties stretching back to 1229, and gives us a wealth of detail about the actual liberties and the governance of the town.



The full extent of the Derby City Document. The document has become damaged and faded over time particularly along its righthand side. Unfortunately, at some time, probably in the later nineteenth century, gall has been applied to the document. At the time this would have made faded text visible and legible, but over time darkens and makes the text underneath almost illegible.

Image courtesy of Derby City Council.

The Derby Liberties.

The first charter of King Henry III set out the basic rights that belonged to the borough and defined a framework for the governance of the town.

This charter commenced by making it clear that the Derby charter was borrowing very heavily from the existing liberties of the town of Nottingham, liberties enjoyed by the burgesses of Nottingham since the time of King Henry I (reigned 1100-35), and from the time of King Henry II, and formally granted to them in 1157. This was a common procedure and avoided reinventing the wheel for each grant of liberties. The choice of the town of Nottingham is of great interest for it is a close neighbour of Derby and was one of the other five boroughs of the Danelaw, so that the towns were connected by both geography and a common heritage. The reference in the Derby charter to Nottingham enjoying the use of rights prior to their formal grant in 1157 is also of great interest for it indicates that the liberties granted it by the King might well have only been a formalisation of existing rights and customs. It also raises the question as to whether the grant of similar rights to Derby was merely the extension of those that had already been granted to Nottingham to Derby as similar centres of trade and production, or whether Derby was also operating similar rights traced back to the time of King Henry I, and only formalised by the charter.

The granted liberties start by setting out the all important boundaries of the jurisdiction of the borough, the area where the liberties being granted could be applied. These were located using the fixed points of four bridges. Within this the burgesses had the liberties of thol and team and infangenthef, ancient Anglo-Saxon terms for the right to collect tolls, rights to stolen property, and concerning the capture of thieves. The majority of the remainder of the charter sets out the rights of the burgesses, and those coming to the town to trade.

Perhaps most importantly the burgesses were granted the borough and its appurtenances at fee farm. This was important because it meant that the

body of burgesses held the town directly from the King, and were responsible themselves for paying an annual fixed rent, the fee farm, to the king for that right.

The town had an attraction for those of unfree status who wished to obtain their liberty from their lords for those of any status whatsoever coming to the town and remaining there for a year and a day without claim obtained their liberty without challenge. Other clauses concerned the purchase of property by burgesses, and the maintenance of a navigable course along the river Derwent. Trade was of course important so that the burgesses were granted the right to have a guild of merchants, a guild of all the traders within a borough with the authority to make regulations concerning trade. They were to be quit of the payment of tolls throughout England, removing an important barrier on Derby traders trading elsewhere in England. The market days were fixed as Thursday and Friday (probably already the customary days), and the town was to have two fairs, one for two days in Whitsun week, and the other for the eight days before and eight days after the feast of Saint James (25 July). The governance of the town was not neglected. The burgesses were to choose the reeve/provost from amongst themselves, who was to be responsible for paying the annual farm owed by the borough to the King at the royal Exchequer. It is likely that the reeve/provost had other responsibilities, but these are not spelled out. They would be expanded upon in the second charter of Henry III.

The second charter of Henry III was of a far more limited nature but did add significant liberties that gave Derby greater independence from royal officials. The first of these was that the burgesses could select from amongst themselves a coroner. The office of coroner was a far more versatile and powerful position in the medieval period than it is today. The office as now had an important role in holding inquests concerning dead bodies but was expected to fulfill a whole range of other administrative and inquisitorial roles within his jurisdiction, often in conjunction with the sheriff. Usually appointed for whole counties, though grants of the office to towns and other liberties

became common in the thirteenth century, the coroner had authority over a variety of judicial matters such as 'receiving abjurations of the realm made by felons in sanctuary, hearing appeals, confessions of felons and appeals of approvers, and attending and sometimes organising exactions and outlawries promulgated in the county court', and also had a more formal title of 'keeper of the pleas of the crown', indicating the coroner's role in judicial matters.⁵

The other grant in this second charter was that the burgesses and their heirs should have 'return of our writs of summons of our Exchequer, and all our other writs touching the said borough'. The towns provost was instead to answer at the Exchequer for all things touching the town. The sheriff of Nottinghamshire and Derbyshire, and the king's other bailiffs and ministers were forbidden to meddle in the affairs of the town in relation to these summonses, or from making attachments and distrainments in the town except if the burgesses or bailiffs of the town failed to act as they were bound to do.

These two privileges were important for it excluded the county coroner and the sheriff, and other lesser royal officials from most of the administrative roles that they had had in the town, and made the burgesses and the coroners and provosts/reeves appointed by them responsible for a much wider range of administrative and judicial matters in the town.

The *inspeximus* of Edward III granted in 1327 did more than confirm the two charters of Henry III, it also granted further, quite extensive privileges to the town. The second clause merely allowed the burgesses to revive privileges previously granted to them that had fallen out of use. The third and fourth clauses were potentially of more significance. In the first charter of Henry III the King had granted the burgesses the right to select the provost/reeve of the town, but the king retained the right to remove the individual if he was unsatisfactory to the King and replace him with another. Edward III now removed the right of himself and his heirs to remove that official, whom Edward III now termed as 'a bailiff'.⁶ In the fourth clause the King clarified a

matter from Henry III's second charter. It seems likely that the burgesses felt that there was some ambiguity in the grant of return of writs. Edward III now granted them the return of all writs touching the borough, and the execution of the same by the town's bailiff.

Of far greater significance for the burgesses of Derby Edward III extended their privileges in relation to the law. This essentially meant that burgesses could not be put on assizes, juries or inquisitions before the king's justices and ministers by reason of property they held outside of the borough, and they could not be tried for matters within the borough except by their fellow burgesses. This gave considerable protection to the burgesses so that they were not bound to fulfil the standard administrative roles of landowners outside of the town, and put people who were not burgesses at a potentially considerable disadvantage in legal suits within the town, unless the matter touched the king, his heirs, or the community of the borough.

Two further privileges were granted to the burgesses. Firstly, the Edward III granted them the right to have a gaol in the town, and to have custody of the prisoners taken within the town. They did not have the authority to undertake the judicial hearings however, the King specified that his own justices would come regularly to deliver the gaol, and the sheriff of Nottinghamshire and Derbyshire's financial interests were also protected. The second saw an extension of a privilege granted Henry III quitting them of the payment of tolls throughout the realm. They were to be quit of toll, murage, pavage, pontage and passage throughout the realm, perhaps a more clear definition of the earlier grant, and a significant matter for travelling traders from Derby.

The two charters of Henry III and the confirmation of Edward III established a clear structure of liberties and privileges for the town of Derby, setting out the officials that the town had, and many of the rules by which the town would be governed and administered. It touched on the rights to the purchase of property in the town, fixed dates for weekly markets and annual fairs, it

protected the burgesses to a certain extent from legal obligations outside of the borough, and it protected them from tolls as they traded outside of the borough. Most importantly it granted the community of burgesses the possession of the town in return for a fixed annual payment. It seems quite likely that the early charters may well have only provided written confirmation of rights and the governance and administration of Derby, for it is unthinkable that such a substantial urban centre did not already have some of these in place, but they are amongst the earliest written evidence that we have for Derby, and successive royal grants must have been designed to clarify ambiguities in earlier grants, but also to expand privileges for a growing and increasingly independent town.

Other Grants of Liberties to Derby.

The preceding discussion does not give us an entirely accurate picture of the formal granting of liberties to Derby for there are other important royal documents that touch on the liberties and privileges of the town. The earliest document that essentially concerned rights is an order made by King Henry II (reigned 1154-89) to the sheriffs of Nottinghamshire and Derbyshire to ensure that the men of Derby had possession of their property, especially in Darley, and their farm of Litchurch. The order dates to the period 1155-1166.⁷

Of far greater significance is the charter of liberties of King John, granted in 1204. For reasons that are unclear the first charter of Henry III made in 1229, that forms part of the *inspeximus* of Richard II is essentially identical to that of King John, King Henry's father, though it makes no mention of it. The closeness of the texts of the two charters clearly indicates that the clerks who drafted it had full knowledge of it and its contents for there are only minor differences between the two. King John's charter made no mention of the bridge of Bradeford' in the boundaries of the liberty, of what the sum to be paid by the burgesses for the farm at the Exchequer was, and no grant was made of the two fairs. This charter appears to be the earliest known charter of liberties for

Derby, but not only was it silently replicated by the text of his son's charter granted twenty-five years later, it was also not included in subsequent *inspeximus*. Perhaps, because Henry III's first charter did replicate its contents, with some minor additions, a confirmation of that charter was considered sufficient by the burgesses.

The burgesses of Derby continued to acquire further liberties. In addition to the more significant ones they had obtained from Henry III and Edward III, they also obtained more modest ones. In 1261, for a fine they made to King Henry III, the burgesses were granted the liberty that 'no Jew or Jewess by the king and his heirs or others shall henceforth remain or dwell in the said town'.⁸ The acquisition of this blatantly antisemitic liberty was by no means uncommon in a world where Jews were regarded as royal property in England and were the victims of the violent prejudices of the Christian peoples they lived amongst throughout Europe. This liberty was soon to become void because King Edward I, King Henry's son, expelled all Jews from England on 18 July 1290.

A more common kind of grant that the men of Derby received was that of pavage. Pavage was the right to levy tolls and use the revenue collected to repair and maintain the streets of the jurisdiction to which they had been granted. Pavage was one of a whole series of similar grants for the repair of infrastructure which included murage for town walls, and pontage for town bridges amongst others. The first of the grants to Derby was made on 27 October 1290 and was to endure for four years.⁹ The second was made on 20 July 1302 and was to extend for five years.¹⁰ A more exhaustive search of the records will probably reveal numerous further grants to the burgesses of Derby over the following centuries.

A Debt to the Past.

The city of Derby is a very different place to the medieval and later town, but it still owes a considerable debt to its predecessors. The site is the same site

where the Anglo-Saxon burh stood on the Derwent river, a site in part selected because of the presence of a navigable river. The core of the city still has some old buildings, particularly the churches, and in the historic centre the street plan and property plots still have the shape that they would have had in the medieval borough. But most importantly, whilst the liberties granted in the various medieval charters might not have much immediate relevance to modern Derby, they are an expression of the independence and ambition of a thriving medieval community, and certainly find echoes in modern Derby.

Timeline of Charters and Liberties.

- 1155-1166 Order of Henry II concerning property of the townsmen of Derby.
- 1204 Charter of King John.
- 1229 First charter of King Henry III.
- 1256 Second charter of King Henry III.
- 1261 Grant of King Henry III excluding Jews from living in Derby.
- 1290 Grant by King Edward I of pavage for the term of four years.
- 1301 Grant by King Edward I of pavage for the term of five years.
- 1327 *Inspeximus* and charter of King Edward III.
- 1378 *Inspeximus* of King Richard II

Documentary References to Other Charters of Liberties for Derby, and to Transcriptions and Translations of them.

Charter of King John, 14 September 1204, The National Archives, C 53/6, m.10. For a transcript, see *Rotuli Chartarum in Turri Londinensi Asservati*, ed. by Thomas Duffus Hardy, vol. I, Part I, 1199-1216, p. 138.

Charter of King Henry III, 15 May 1229, The National Archives, C 53/21, m.7. For a calendar, see *Calendar of the Charter Rolls, Henry III, 1226-1257*, (London, 1903) p. 96.

Charter of King Henry III, 24 March 1256, No contemporary copy of this charter survives, it not apparently being enrolled on the Charter or Patent Rolls.

Inspeximus of Edward III, 3 June 1327, The National Archives, C 53/114, m.13. For a calendar, see *Calendar of the Charter Rolls, Edward III, 1327-1341*, (London, 1912), p. 50.

Inspeximus of Richard II, 15 March 1378, City of Derby roll; The National Archives, C 66/300, m.24. The calendar of this is in the *Calendar of the Patent Rolls, 1377-81*, (London, 1895), pp. 147-8

The *Inspeximus* of King Richard II, 15 March 1378.

The following translation is taken from a transcript produced by I.H. Jeayes (d. 1939), the former Assistant Keeper of Manuscripts in the British Museum, and subsequently checked against the original. Jeayes believed that the roll remaining at Derby was not the original document, but an enrolled copy, he noting that the Derby document does not appear to have been sealed with the king's great seal as any authentic royal document of this type should have been. He further noted that an enrolment appeared on the Patent Rolls, but none appeared in the Charter Rolls where the earlier *inspeximus* of Edward III, and the first of the two charters of Henry III, and the charter of John can be found. He suggested that the document at Derby was a stray from the Charter Rolls series held at the Public Record Office. His observations concerning the sealing are correct. There is a substantial section of blank parchment below the document with a fold where the bottom would have been folded up in preparation for the affixing of the seal. However, if the document had been sealed, and the seal subsequently lost (a very common occurrence) there should have been the telltale signs of four holes punched through the folded parchment for a silk tag to be threaded through, and to which the great seal of Richard II had then been affixed. No such holes can be discerned. If there was the intention that the document was to be sealed, was it a provisional text, or a duplicate, or merely a copy made for some legal or administrative purpose which has been forgotten through the course of time? Since the majority of the records for Derby appear to have been destroyed in the Guild Hall fire of 1841, the survival of this single medieval record is curious. Jeayes speculation that this was a stray from the crown records held at The National Archives, is not impossible, but if that was the case, how it came to Derby is a mystery.

The original document survives as a long piece of parchment with a heading. Much of the text at the beginning of the text has been damaged by the application of gall, a substance used in the nineteenth and early twentieth centuries to render faded writing legible. It had the unfortunate effect of

darkening considerably over time, and potentially permanently obscuring the text it was meant to make more legible.

The punctuation, paragraphs and indenting are all editorial to make the structure of this lengthy *inspeximus* more easy to understand. The original document has no paragraphs or indenting but is a continuous text using punctuation and capitals in a manner we would not use today.

Confirmation of the Liberties of the Town of Derby of the First Year of the
Reign of King Richard the Second.

The King to all those to whom etc. *Inspeximus* of the charter of confirmation of Lord Edward, late King of England, our grandfather, of renowned memory, in these words:

Edward, by the grace of God, King of England, Lord of Ireland and Duke of Aquitaine, sends greetings to his archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts, ministers and all bailiffs and faithful subjects.

Inspeximus of the charter which Lord Henry, late King of England, our great-grandfather, made to our burgesses of Derby in these words:

Henry, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, Count of Anjou, sends greetings to his archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts, ministers and all bailiffs and faithful subjects. You should know that we have granted and confirmed by this our charter to our burgesses of Derby all those liberties and customs which our burgesses of Nottingham have and have had from the time of King Henry, grandfather of King Henry our grandfather, and from the time of the same King Henry our grandfather, namely thol and theam, infangenthef and toll from *Dunebrigg*' as far as the bridge of *Cordy*, and from the bridge of *Cordy* as far as the bridge of *Bradeford*, and from the bridge of *Bradeford* as far as the bridge of *Estwete*, just as they are accustomed to have everywhere within the aforesaid boundaries, and from all men crossing the Derwent as fully as in the borough of Derby; and also the men of Derbyshire and Nottinghamshire ought to come to the borough of Derby on Thursday and Friday¹¹ with their wagons and packhorses;¹² nor shall anyone work dyed cloth within ten leagues of the environs of Derby,

except in the borough of Derby, saving the liberty of the borough of Nottingham.

And if anyone whatsoever will have lived in the borough of Derby for a year and a day in time of peace without challenge, no-one afterwards shall have any right over him except the king; and any burgess whatsoever buying land from his neighbour and holding it for one whole year and a day without claim from the relatives of the vendor, if they were in England, he shall hold it quietly thereafter; nor shall any of the burgesses answer the provost/reeve of Derby, when he challenges them, unless another be the accuser in the cause. And whosoever lives in the borough, of whatsoever fee he be, ought to render tallages and make good the deficits of the borough together with the burgesses. Also all those who come to the market of Derby from the Thursday evening to Friday evening should not be distrained, except for our fee farm. And the course of the Derwent ought to be freely navigable by the extent of a perch on both sides of mid-river.¹³

Moreover, we have granted and confirmed to the same free burgesses of Derby a guild of merchants with all the liberties and free customs which ought or are accustomed to belong to a guild of merchants. And that they be quit of toll throughout all our land, within fairs and without. We have granted and confirmed to the same burgesses of Derby the borough of Derby with all its appurtenances at fee farm, to hold from us and our heirs, to them and their heirs in perpetuity by the ancient farm, and for an increment of ten pounds per annum for all services and demands.¹⁴ And it is to be lawful for them at the end of the year to appoint their provost/reeve from amongst themselves, who should answer for them for our farm, provided that if the same provost/reeve should be displeasing to us we shall remove him at our will, and they will replace him with another at our pleasure.

We have also granted to the same burgesses that whomever they appointed as provost/reeve of the same borough should pay the farm of the same borough at our royal Exchequer wherever it may be in England at the two terms, namely a moiety at the close of Easter, and a moiety at the octave of Saint Michael.¹⁵ We have also granted to the same burgesses that they should have each year one fair at Derby for the duration of two days, namely on Thursday and Friday in the week of Pentecost, and that they should have there one other fair each year for the duration of eight days before the feast of Saint James, and for eight days after the feast of Saint James, unless that fair be to the damage of neighbouring fairs.¹⁶

Wherefore we wish and firmly order that the aforesaid burgesses and the heirs of them should have and hold all the aforesaid from us and our heirs well and in peace, freely, quietly, honourably, peacefully, fully and wholly. And we prohibit anyone who presumes to trouble the aforesaid burgesses in anything contrary to this our charter, under the forfeiture of ten pounds as is aforesaid. These being witnesses: J[ocelin of Wells] of Bath, R[ichard Poore] of Durham, bishops, H[ubert] de Burgh, earl of Kent, justiciar of England, Stephen de Seagrave, Godfrey de Cracumb, John son of Philip Geoffrey, steward (*dispensator*), Richard son of Hugh, Radulf de Raleg', and others. Given by the hand of the venerable father R[alph Nevill], bishop of Chichester, our chancellor, at Westminster, the fifteenth day of May in the thirteenth year of our reign.¹⁷

Inspeximus also of a certain other charter which the same our great-grandfather made to the burgesses in these words:

Henry, by the grace of God, King of England, Lord of Ireland, Duke of Normandy, Aquitaine and earl of Anjou, sends greetings to his archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts and ministers, and bailiffs and faithful subjects. You should

know that for the improvement of our borough of Derby we have granted and confirmed by this our charter to our burgesses of the same borough that they and their heirs in perpetuity should have this liberty, namely that they should choose from amongst themselves a coroner as often as necessary, to do and observe what pertains to our crown in the aforesaid borough, provided that they present him to our sheriff of Nottingham and Derby who is then in office, and swear an oath of fealty before the same sheriff in his full county as is customary, thereafter doing and observing what pertains to our crown in the same borough, and answering before our justices in eyre in those parts for the attachments made by him and of other things pertaining to the office of coroner, just as other coroners are accustomed and ought to answer.

We have also granted and confirmed by this our charter to the same burgesses, that they and their heirs should have in perpetuity return of our writs of summonses of our Exchequer, and all our other writs touching the said borough, so that the provost/reeve should answer at our Exchequer by his own hand for all things touching that borough, which should come in summons at the same Exchequer, and that no sheriffs or others of our bailiffs and ministers should in future intermeddle in such summonses, or in making any attachments or distrains in the aforesaid borough, except for default of the said burgesses or the bailiffs of the same borough.

Wherefore we wish and firmly order for us and our heirs that the aforesaid burgesses and their heirs should have in perpetuity the liberties before written just as is aforesaid. These being witnesses: the venerable father W[alter Suffield], bishop of Norwich, Guy de Lezyniaco, and William de Valence, our brother, William de Grey, Imbert Pugeys, Ralph de Bakepuz', William de Sancta Ermina, Bartholomew le Bygot, William Gernun, Philip de Bokelond, and

others. Given by our hand at Norwich on 24 March, in the fortieth year of our reign.¹⁸

We also have granted and confirmed the aforesaid grants and confirmations for us and our heirs in as much as we are able to the aforesaid burgesses and their heirs and successors, just as the aforesaid charters reasonably attests, this clause in the said first charter of our great-grandfather, namely 'and any burgess whatsoever buying land from his neighbour and holding it for one whole year and a day without claim from the relatives of the seller, if they were in England, he shall hold it quietly thereafter' excepted.

Moreover, wishing to do further grace to the same burgesses, we have granted to them for us and our heirs that though they and their predecessors, burgesses of that borough have for any reason not used any of the liberties and immunities contained in the said charters, nevertheless they the burgesses, and their heirs and successors, burgesses of the same borough, from henceforth should fully enjoy and use those liberties and immunities, and each of them, without the impediment of us or our heirs, their justices, escheators, sheriffs or any other bailiffs or ministers whatsoever.

And, moreover, whereas in the first charter of our great-grandfather is contained that 'it is to be lawful for them at the end of the year to appoint their provost/reeve from amongst themselves', so that if the same provost/reeve should be displeasing to our great-grandfather he should remove him at his will, and replace him with another at his pleasure, we wish and grant to the same burgesses, their heirs and successors, for us and our heirs, that they each year at the feast of Saint Michael¹⁹ are able to choose from amongst themselves a bailiff without any challenge or impediment by us or our heirs, or of our ministers whatsoever, who should do and exercise what pertains to that office, and answer at our

exchequer and that of our heirs just as he was previously accustomed to do.

Moreover, it is contained in the second charter of our great-grandfather that they and their heirs should have in perpetuity return of our great-grandfather's writs of summons of his Exchequer, and all his other writs touching the said borough, we, for the greater security of the burgesses and for the clearer declaration of the liberties, have granted and confirmed to them by this our charter that they and their successors, burgesses of the borough should have in perpetuity return of all our writs, and those of our heirs, and of summonses of our exchequer, and of those of our heirs, of all things touching the borough and the liberties of the same, and the execution of the same by the bailiffs of the same borough; so that no sheriff or other minister of ours should enter the borough at the liberty of the same for the execution of summonses, distrainments, attachments or any other office there, unless it is in default of the then bailiffs of the same borough.

And moreover for the betterment of the same borough, and so that the burgesses are able to more peacefully attend to their business, we have granted and confirmed to them by this our charter, for us and our heirs, that none of them or their heirs and successors shall plead or be impleaded before us or any of our justices, or those of our heirs, outside of the borough, for lands or tenements within the same borough, nor for trespasses, agreements or contracts made in the same borough, or other things there arising; and that all manner of pleas should be impleaded and determined before the then bailiff of the borough, and not elsewhere, unless the matter touches us or our heirs, or the community of the borough. And that the burgesses or heirs and successors should not be put on assizes, juries or inquisitions, by reason of any of their foreign tenements, or upon any others whatsoever arising by reason of their tenements or trespasses or any foreign business whatsoever, before our justices or ministers, for as long as they reside in the borough, and that

foreign men should not be put with the burgesses in assizes, juries or inquisitions, which may arise by reason of the lands or tenements in the same borough, or by trespasses, contracts or other internal business. And that moreover they should not be convicted of any internal appeals, accusations, wrongs, felonies, claims or demands brought or to be brought by foreigners, but only by their fellow burgesses, unless the matter touches us or our heirs, or the community of the borough.

And moreover we have granted and confirmed to the same burgesses by this our charter that there be a gaol in the borough, and that they and their heirs and successors should have custody of the gaol and all prisoners whom it should happen are taken within the liberty of the same borough for felonies and trespasses committed within the same liberty; and we will send our justices to the borough to deliver the gaol of the prisoners²⁰ according to the law and custom of our realm, unless the gaol and custody be to the diminution of the farm of the sheriff of the county; and that the burgesses, and the heirs and successors of them, should be quit in perpetuity of toll, murage, pavage, pontage and passage throughout our realm and jurisdiction.

Wherefore we wish and firmly order for us and our heirs that the aforesaid burgesses, their aforesaid heirs and successors, should have all and singular their aforesaid liberties in the aforesaid form in perpetuity, that clause in the first charter of our great-grandfather, namely 'and any burgess whatsoever buying land from his neighbour and holding it for one whole year and a day without claim from the relatives of the seller, if they were in England, he shall hold it quietly thereafter' only excepted, just as is aforesaid. These being witnesses: the venerable father W[illiam Melton], archbishop of York, primate of England, R[oger Northburgh], bishop of Coventry and Lichfield, Edmund, earl of Kent, Henry, earl of Lancaster, John de Warenne, earl of Surrey, Roger de Mortimer of Wigmore, Thomas Wake, William de Roos, John de Ros, steward of our household, and

others. Given by our hand at York on the third of June in the first year of our reign.²¹

We also approve, confirm and ratify the aforesaid grants and confirmations for us and our heirs in as much as we are able to our beloved burgesses of the aforesaid town, the tenor of these presents we confirm just as the said charter of confirmation reasonably attests, and just as the aforesaid burgesses and their predecessors have hitherto been accustomed to reasonably use and enjoy the aforesaid liberties and acquittances from the time of the same grants and confirmations, that clause in the said first charter of King H[enry], our progenitor, namely 'and any burgess whatsoever buying land from his neighbour and holding it for one whole year and a day without claim from the relatives of the seller, if they were in England, he shall hold it quietly thereafter' excepted. In witness of this etc. Attested by the King at Westminster on the 15 [March] in the first year.

By the King himself and council in parliament because they are charged with the men of the town of Nottingham for making a certain balinger.²²

Notes.

¹ *The Anglo-Saxon Chronicle*, trans. By G.N. Garmonsway (London, 1953), p. 101.

² For a more detailed discussion of the origins of the town see Craven, M., *An Illustrated History of Derby* (Derby, 2007), pp. 9-22.

³ *Domesday Book: Derbyshire*, ed. by Philip Morgan (Chichester, 1978), 280b.

⁴ *British Borough Charters 1042-1216*, ed. by Adolphus Ballard (Cambridge, 1913), pp. xxi-xxii.

⁵ Hunnisett, R.F., *The Medieval Coroner* (Cambridge, 1961), p. 1.

⁶ In both of Henry III's charters, and up until this point in Edward III's confirmation, the official had always been termed as the Latin *prepositus*, which usually means provost or reeve. It seems clear that the official actually created by this had been a bailiff, and this was formerly recognised thereafter in Edward III's confirmation.

⁷ *The Letters and Charters of Henry II, King of England 1154-1189*, ed. by Nicholas Vincent (Oxford, 2020), No. 754.

⁸ *Calendar of the Patent Rolls. Henry III. 1258-1266* (London, 1910), p. 153.

⁹ *Calendar of the Patent Rolls. Edward I. 1281-1292* (London, 1993), p. 391.

¹⁰ *Calendar of the Patent Rolls. Edward I. 1301-1307* (London, 1998), p. 48.

¹¹ Possibly only meaning that other competing markets were prohibited on those days. See *British Borough Charters 1042-1216*, p. lxvii

¹² In *British Borough Charters 1042-1216*, p. 169, Ballard prefers to translate *cum quadrigis et summagiis suis* as 'sumpter horses'; The calendar of this charter in the *Calendar of the Charter Rolls, Henry III, 1226-1257*, (London, 1903) p. 96, prefers the translation 'sumpter beasts. The meaning is the same.

¹³ A measure of length that dates back to Saxon times. It was also called a rod or pole, and equated to 16.5 English feet. It continued to be used into the twentieth century being a constituent measurement of the acre.

¹⁴ *Calendar of the Charter Rolls, 1226-1257*, p. 96 records a sum of £60 for the sum here. This did not appear in the earlier charter of King John, or in the subsequent *inspeximus* of Edward III, or that of Richard II.

¹⁵ The Sunday after Easter, and 6 October.

¹⁶ Thursday and Friday in Whitsun Week, and eight days before and after 25 July.

¹⁷ 15 May 1229.

¹⁸ 24 March 1256. *British Borough Charters 1042-1216*, p. 172, note 1. Ballard could only give a summary of the section of this charter relating to the return of writs. His footnote recorded this charter as lost, so that he clearly was unaware of the copy on the Charter Rolls, or the copy in Derby. He noted that Derby paid the large sum of 70 marks for the 1256 charter, the sum being recorded in the Originalia Roll, 40 Hen. III, m.4. (TNA, E 371/20).

¹⁹ 29 September.

²⁰ The process whereby the justices come and hear and determine the causes of those held prisoner in the gaol.

²¹ 3 June 1327.

²² It was not uncommon for grants of privileges to communities to be dependent on things other than the formal outlay of money to the crown. In this case, since England was involved with a war with France in 1377,

a war that was not going well, funding the construction of a balinger, an oceangoing ship, was seen as a direct contribution to the war effort.