

An Oxford Charter of 1191 and the Beginnings of Municipal Freedom*

By R. H. C. DAVIS

THE charter shown on PLATES VI-VII is the earliest charter extant to have been given by the city of Oxford, and its seal is the earliest municipal seal in Great Britain. It was given to Oseney Abbey, in whose archives it presumably remained until the dissolution of the monasteries. After the dissolution nearly all the Oxford charters of Oseney Abbey went to Christ Church, but this one was obviously a collector's piece. By the 19th century it was in the possession of the Willes's of Newbold Comyn (Warwicks.). Whichever member of the family bought it would probably have bought also the charter of the Empress Matilda for Bordesley Abbey (now Brit. Mus., Add. Ch. 75724) which was certainly owned by William Willes in 1875, and like the Oxford charter, has a remarkable seal in a damask seal-bag. Both these charters were sold by Mr. E. J. Willes at an auction at Sotheby's on 10 July 1968, and the Oxford charter was bought by the city. It is now displayed in the plate-room at the Town Hall. Its text runs as follows:

Notum sit tam presentibus quam futuris quod Nos Cives Oxenefordie de Communi Civitatis et de Gilda Mercatoria, pro salute nostra ac nostrorum, et pro animabus parentum et antecessorum nostrorum, concedimus et presenti carta nostra confirmamus Ecclesie Sancte Marie de Oseneia et canonicis in ea Deo servientibus donationem quam antecessores nostri eis fecerunt de Insula de Middencia cum omnibus pertinentibus ejus. Ita ut singulis annis ad festum Sancti Michaelis reddant ipsi canonici dimidiam marcam argenti pro hac eadem tenatura ubi nos jusserimus, sicut testatur cirographum antecessorum nostrorum quod eis de donatione ejusdem insule fecerunt. Preterea quia nos cepimus in manu pro nobis et pro heredibus nostris warantandi predictam insulam eisdem canonicis ubique et versus omnes homines, ipsi pro hac

* The following abbreviations are used:

Ogle: Octavius Ogle, *Royal Letters Addressed to Oxford and now existing in the City Archives*, Oxford, 1892.
O.H.S.: Oxford Historical Society.

Oseney Cart.: *The Cartulary of Oseney Abbey*, ed. H. E. Salter, 6 vols. (O.H.S., 1929-36).

Oxford Charters: *Facsimiles of Early Charters in Oxford Muniment Rooms*, ed. H. E. Salter, Oxford, 1929.

Regesta: *Regesta Regum Anglo-Normannorum*, iii (1135-54), ed. H. A. Cronne and R. H. C. Davis, Oxford, 1968.

S.F. Cart.: *The Cartulary of the Monastery of St. Frideswide at Oxford*, ed. S. R. Wigram, 2 vols. (O.H.S., 1894-6).

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warantatione solvent nobis et heredibus nostris singulis annis ad Pascha aliam dimidiam marcam quam tradent cui nos jusserimus, et nos et heredes nostri fideliter warantabimus eis predictum tenementum per servitium predictae marce annue pro omnibus rebus et pro omnibus servitiis. Hanc nostram concessionem et confirmationem fecimus nos communi consilio Civitatis, et communalis sigillo nostro confirmavimus. Hii sunt autem qui hanc concessionem et confirmationem fecerunt: Nigellus tunc Decanus Oxenef(ordie); Joh(anne)s Kepeherm, et Henr(icus) filius Segrini, tunc alderma(n)ni; Laur(encius) Kepeh(er)m, et Thom(as) de Thademartona, tunc pretores; Petr(us) fil(ius) Gaufridi, Will(elmus) fil(ius) pretoris, Will(elmus) fil(ius) Rad(ulfi), Thom(as) fil(ius) Ailrici, Henric(us) fil(ius) Simeonis, Laur(encius) fil(ius) Hardingi, Rad(ulfus) Padi, Walt(erus) fil(ius) Viel, Will(elmus) fil(ius) Kniht, Segar mercator, Rog(erus) fil(ius) Sewi, Joh(anne)s fil(ius) Ailnod, Malger(us) vinitari(us), Adam Rufus, Barthol(omeus) Grosarchie, Rog(erus) fil(ius) Burewoldi, Gileb(ertus) fil(ius) Buroldi, Jocelino (*sic*) fil(io) Safari, Rad(ulfus) Coleman, Will(elmus) fil(ius) Rog(eri) fil(ii) Siwardi, et Hug(o) fr(ater) ejus, Alvredus Delmeleia, Owein et Rob(ertus) filius ejus, Beneit fil(ius) Ailnod, Rad(ulfus) filius Bur', Henr(icus) de Chaudre, et Lambertus frat(er) ejus, Will(elmus) Pilet, Walt(erus) Pille, Will(elmus) fil(ius) Amfridi fil(ii) pretoris, Rad(ulfus) Cordewanarius filius Simonis Cordewan(arii), Henr(icus) de Lisewis, Hug(o) aurifab(er), Ric(ardus) fr(ater) ejus, Petr(us) fil(ius) Joh(ann)is, Joh(anne)s aurifab(er), Nichol(aus) fil(ius) Sewi, Walt(erus) Halgod et Rad(ulfus) fr(ater) ejus, Rad(ulfus) Kepeh(er)m, et Beneit frat(er) ejus, Adam vinitari(us), Joh(anne)s fili(us) Henr(ici) cl(er)ici, Nichol(aus) fil(ius) Will(elm)i fil(ii) Rad(ulfi), Henr(icus) fil(ius) Gaufr(idi) fil(ii) Bodini, et Ric(ardus) fr(ater) ejus, Will(elmus) Husari(us) de Osen(eia), et Hug(o) fili(us) ejus, Henr(icus) cl(er)icus tunc clericus pretorum, Ric(ardus) fili(us) Hardingi, Rob(ertus) fil(ius) Wimar, B(e)n(e)dict(us) fil(ius) Paulini, Rob(ertus) fil(ius) Gaufr(idi) fil(ii) Bodini medarii, Thom(as) fil(ius) Eadwini, et Henr(icus) fr(ater) ejus, Rog(erus) fil(ius) Fulconis, et totum Commune Civitatis Oxoneford(ic).¹

Discussion of the charter starts best with the seal which the evidence of this charter establishes as the oldest municipal seal in Great Britain. It had a long life, being used as the common seal of the city until the 17th century; Twyne made a drawing of it from an impression on a lease of 1638,² and its destruction in 1662 is recorded in the Council Acts:

The seal which, for many years past has been used as the common seal of the City is now thought 'by reason of its absurd, ill and unhandsome cutting to be dishonourable to the Cittie and unfit to be used'. The Mayor, with the con-

¹ A shortened version, with only the first 6 of the 63 witnesses, from the Oseney Cartulary (B.M., Cotton MS., Vitellius E. xv) was printed in *Osen. Cart.*, iv, 88 (no. 63), and discussed by James Tait in *The Medieval English Borough*, Manchester, 1936, 235.

² Bodleian Lib., Twyne MS. 3, f. 127. An impression from a deed of 1384 in the archives of Magdalen College is illustrated as the frontispiece of *Oxford City Charters*, ed. H. E. Salter (O.H.S., 1926).

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sent of his brethren, has had a new seal cut 'with the Armes of the Citty together with the supporters and Crest thereunto belonging', which seal being shown to a full meeting of the council is approved by them. It is agreed that this new seal is henceforth to be used as the Common Seal of the City and the old seal broken as soon as the keykeepers meet to open the chest, and the new seal is to be committed to the custody of the Mayor and the keykeepers according to custom. Until the old seal is broken, which will be this afternoon or nine o'clock tomorrow morning (in the presence of the viewers now named and as many of the house as care to come) the new seal is committed to the care of the Mayor and Mr. Ald. Harris.³

There were five keykeepers with five keys. The reason why so many people were involved was that once the seal was affixed to a document it was legally binding on the whole city. Possession of a common seal was the most obvious way of demonstrating that the citizens had formed themselves into a corporate body, so that they could be regarded as 'the city' rather than a chance collection of citizens. Anyone who wished to abolish the liberties of a corporate body had to destroy its seal, as happened at Salisbury in 1304 and St. Albans in 1332.⁴

The seal depicts a complete walled city whose identity is established by the superimposition of an ox passant (from dexter to sinister, and not from sinister to dexter as in later times). Inside the city are three cylindrical towers with conical roofs which do not resemble any of the existing towers in Oxford. It is possible that the central (and tallest) one, which is adorned with large chevrons, may be intended as the original tower of St. Martin's at Carfax, since (according to a charter of 1172) it was in the cemetery of that church that the portmanmoot met.⁵ The legend, which is damaged on the present impression, is known from other impressions, and read: +SIGILL' COMMVNE OMNIVM CIVIV CIVITATIS OXENEFORDIE, 'the common seal of all the citizens of the city of Oxford'.

About the turn of the 12th and 13th centuries several towns acquired seals of this general type, with a representation of a town or part of a town, or, in the case of a port, a ship. The most prominent examples, with the earliest dates at which they occur, may be listed in two groups according as their legends refer to people (citizens, burghers or barons) or places (towns, cities or boroughs):

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| <i>York</i> | <i>Sigillum Civium Eborac. Fideles Regis (Aug. 1191-1206).</i> ⁶ |
| <i>Winchester</i> | <i>Sigillum Civium Wintoniensium.</i> |

³ *Oxford Council Acts (1626-66)*, ed. M. G. Hobson and H. E. Salter (O.H.S., 1932), 290.

⁴ Tait, *Medieval English Borough*, 236-7.

⁵ *Oseney Cart.*, II, 550 (no. 1097).

⁶ *Early Yorkshire Charters*, I, no. 298.

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| <i>Worcester</i> | Sigillum Commune Civium Wigornie. |
| <i>Gloucester</i> | Sigillum Burgensium de Gilda Mercatorum Gloucestrie (1200). |
| <i>Scarborough</i> | Sigillum commune burgensium de Scardeburg. |
| <i>London</i> | Sigillum baronum Londoniarum (1219). |
| <i>Ipswich</i> | Sigillum Communitatis Ville Gypewic (1200). ⁷ |
| <i>Exeter</i> | Sigillum Civitatis Exonie (1208). ⁸ |
| <i>Southampton</i> | Sigillum Ville Suthamtonie. |
| <i>Taunton</i> | Sigillum commune Burgi Tantonie. |

To some people it has seemed puzzling that the city should have a common seal before it received the grant of the fee-farm in 1199, because the grant of fee-farm is often spoken of as if it 'made' a borough. In fact most towns became corporate bodies by a very gradual process. What the grant of the fee-farm did was to establish the royal dues as a fixed annual sum, and authorize the townsmen to collect it through their own reeves without the intervention of the sheriff; in the formal language of King John's charter for Oxford in 1199 the King granted the town to the burgesses, to be held of the crown in chief and in perpetuity for an annual 'farm' of £63 os. 5d.⁹ It did not 'make' the town a corporate body, but recognized that it already was one, so that the King could hold it corporately responsible for its dues.

The importance of the charter which we are studying is that in its text, and in the background of its text, we can trace something of the slow process by which the citizens of Oxford became a corporate body. In the very first line they describe themselves as 'We the citizens of Oxford of the commune of the city and of the Guild Merchant'. What did these words mean? Some of them are straightforward. 'Citizen' (*civis*), for example, is used in chronicles, charters and Pipe Rolls as the exact equivalent of 'burgher' (*burgensis*); the two words are interchangeable and denote a townsman of the ruling class, as opposed to mere labourers who did not count as citizens. The term 'Guild Merchant' (or guild of merchants) is also unambiguous. According to Henry II's charter, no one who was not of the guild could engage in merchandise in the city or suburb except (presumably) during the midsummer fair of St. Benedict.¹⁰ It is easy to see that if the trade of the town was confined to guildsmen, no one who was not a guildsman could possibly be a leading

⁷ Charles Gross, *The Gild Merchant*, Oxford, 1890, 117.

⁸ The matrix of this seal has an inscription recording that it was presented by William Prudum who flourished, not (as was once thought) c. 1170, but in the first quarter of the 13th century. (See Ethel Lega-Weekes, 'Prudum, Prodom, etc. of Exeter, and the first city seal' in *Report and Transactions of the Devon Assoc.*, XLVIII (1915), 248-56.)

⁹ Ogle, 5-6.

¹⁰ Ogle, 4-5; Stubbs, *Select Charters* (9th ed., 1913), 198-9.

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townsman, i.e. 'citizen' or 'burgher'. For that reason historians have often been confused by the distinction, or lack of distinction, between Guild and Town; and in the case of the present charter it will be seen that the terms are virtually synonymous. But we must not forget that some members of the guild, who might also call themselves citizens, would not have been townsmen in our sense of the word. A few of them could be secular or ecclesiastical lords who lived outside the city but needed its trading facilities; in 1147, for example, the chief man or 'alderman' of the guild was an important baron called William Chesney who was, amongst other things, castellan of Oxford castle.

The term 'commune' is more difficult, since it was a word which aroused strong emotions. In its proper sense it denoted a conjuration, that is to say a group of people who had taken an oath to unite, and remain united, in a single corporation; and hence it could be viewed as the 'body politic' of a guild or town. Glanvill, for example, in explaining how a villein could make himself free, said that he could do it by residing for a year and a day in a privileged town, 'provided that he is received into their commune, that is to say their guild, as a citizen' (*ita quod in eorum communam, scilicet gildam, tanquam civis receptus fuerit*).¹¹ It was a fact, however, that on the continent the earliest communes had been established by rebellions of the townsmen. With Cambrai, Ghent or Milan in mind the word acquired a revolutionary flavour. Many people thought of communes as established 'against' their lords in order to abolish established authority. The classic exposition of this view in England came from the pen of a monk of Winchester when he wrote about the grant of a commune to London in 1191:

Now in the indulgence of this conjuration for the first time London knew that there was no King in the kingdom, for neither King Richard himself nor his predecessor and father [King] Henry would have let such a thing happen for a thousand thousand silver marks. How great indeed are the evils that derive from a conjuration can be seen from its very definition which is this: a commune is a tumult of the people, the terror of the kingdom, and the tepidity of the Church (*tumor plebis, timor regis, tepor sacerdotii*).¹²

In this sense it is probably true that there were no communes in England before the death of King Henry II. But if we accept the word in the unemotional context which Glanvill gives it, the case is different. In Stephen's reign there are clear references to a commune not only in London but also in Oxford.¹³

¹¹ Glanvill, ed. G. D. G. Hall (Nelson's Medieval Texts, London, 1965, 58.)

¹² *The Chronicle of Richard of Devizes*, ed. J. T. Appleby (Nelson's Medieval Texts), London, 1963, 49. The point of the word *tepor* was in its alliteration with *tumor* and *timor*, but the force of its meaning is clear in *Revelation*, iii, 16: 'So then because thou art lukewarm (*tepidus*), and neither cold nor hot, I will spue thee out of my mouth.'

¹³ R. H. C. Davis, *King Stephen*, London, 1967, 58-9.

In the Oseney Cartulary there is a copy (unfortunately incomplete) of a charter of 1147 which is the exact counterpart of the charter which we are now studying, since it records the original grant which the charter of 1191 confirms, and likewise describes the grantors as 'We the citizens of Oxford of the commune of the city and of the Guild Merchant'. It has been printed by Salter, but its importance in the present context is such that we must print it again

Cyrographum burgensium Oxon de Middeleye

Notum sit cunctis fidelibus Sancte Ecclesie tam presentibus quam futuris quod nos cives Oxenefordie de commun(i) civitatis et de gilda mercatorum, pro stabilitate totius regni et statu et incolumitate regis nostri et regine et filiorum suorum, necnon et pro nostra salute omniumque nostrorum et pro animabus patrum nostrorum et matrum et omnium antecessorum nostrorum, damus et concedimus in perpetuam elemosinam ecclesie Dei et Sancte Marie de Osen(eia) et canonicis ibidem deo servientibus insulam nostram que vocatur Middeleya, cum omnibus ad se pertinentibus, in terris et pratis et pasturis cum omnibus eisdem libertatibus et consuetudinibus quas ibi antecessores nostri habuerunt liberalibus concessionibus regum, et nos post ipsos; ita tamen ut singulis annis reddant ipsi canonici dimidiam marcam argenti pro hac eadem tenura, ubi nos jusserimus. Hanc donationem et concessionem fecimus communi consensu in portmanmot, et hanc eandem fecimus in capitulo de Osen(eia) coram canonicis ejusdem loci et in presentia Will(elm)i de Cheneto aldermanni nostri, et per eum, et postea cum ipso supra altare cum textu obtulimus. De hac donatione et concessione est testis Everard(us) abbas de Thama etc.¹⁴

The essential differences between this charter and that of 1191 are that it contains no mention of a common seal, and that at the last moment it introduces an element of doubt as to who made the gift. Why did the citizens declare that having made the grant with the consent of the portmanmoot 'we have made it again in the Chapter of Oseney before the canons of that place, and in the presence of William de Chesney our alderman, *and through him*; and *with him* we have offered it on the altar with the charter'? Why did they have to involve William de Chesney, and what did he do?

The short answer would seem to be that unlike the ordinary citizens he was a baron—he was in fact the commander of the royal garrison—and that unlike the commune he had a seal. He could produce a charter which the King's court would consider valid; and this is what the canons of Oseney wanted, and got. Its text reads as follows:

¹⁴ *Oseney Cart.*, iv, 86 (no. 62), from the cartulary at Christ Church, f. 32. The date is provided by the Oseney Annals (ed. H. R. Luard, in *Annales Monastici*, iv (R. S., 1869), 25: 'Eodem anno (1147) donata insula Middennia ecclesie nostrae a civibus Oxoniae.' This is consistent also with the witnesses of William Chesney's charter.

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Cunctis fidelibus Sancte Ecclesie tam presentibus quam futuris Willelmus de Cheneto salutem. Sciatis quod ego Willelmus de Cheneto qui sum aldremā de gilda mercatorum Oxenefordie, pro salute regis Stephani et regine et Eustachii filii sui et mea atque meorum et pro animabus patris mei et Rogeri fratris mei et omnium parentum meorum et antecessorum, do atque concedo in perpetuam elemosinam ecclesie Dei et Sancte Marie de Osencia et canonicis ibidem Deo servientibus insulam que Middelcia vocatur, quam cives Oxenefordie de communi civitatis et de gilda mercatorum michi in perpetuum feudum consesserunt; et hoc facio predictorum civium consensu et voluntate; reddendo singulis annis dimidiam marcā argenti, de qua eos omni anno acquietabo, in escambio decimationum molendinorum meorum que sunt juxta castellum Oxeneford. Hanc concessionem et dationem, prout concessum a civibus fuerat in portmanimot feci in capitulo de Osencia coram ejusdem loci canonicis super textum, et in presentia Everardi abbatis de Thama et Aluredi [abbatis] de Dorchestreia super altare cum pl[ur]es ex eis civibus mecum qui ad hoc ipsum [ab] aliis fu[er]unt missi. Quapropter volo atque precor ut bene [et in] pace et honorifice prefatam insulam p[re]fata ecclesia teneat sicut unquam ipsi cives aut eorum antecessores melius et honestius et liberius ten[uer]unt de liberalibus concessionibus regum. Testibus predictis [abbatibus] Everardo de Thama, et Aluredo de [Dorchesteria], et Roberto fratre meo archidiacono de Leicestria, [Hugone] de Cheneto, et Willelmo de Stratfort, et Azor [vicecomite], et Willelmo de Glington, et multis aliis.¹⁵

The legal device is that the citizens are said to have given Medley to William Chesney in perpetual fee, so that he in his turn could give it to Osney in free alms. In the course of the transaction William made a little profit for himself, for he acquitted the canons of the annual rent (6s. 8d.) which they owed the city for Medley, in exchange for their acquitting him of the tithes which he owed them from his mills by the castle. In strict fairness he should then have paid the 6s. 8d. a year to the city himself, but it is hard to believe that he did so.

In any case there was a much greater complication in the fact that the citizens had already given Medley to someone else. Some nine years before, in the course of a dispute with the Priory of St. Frideswide, they had secured from King Stephen a writ ordering the removal of some stalls belonging to the priory in the city. The priory had claimed compensation, since the revenues from the stalls maintained a light in its church; and as a result the citizens were forced to give it Medley in exchange. This was confirmed by a royal writ in 1138-9, but we may suspect that the citizens were already plotting to recover

¹⁵ *Osney Cart.*, iv, 87 (no. 62 A). In the present text I have shown the elements from which Salter reconstructed the text. The basis is the cartulary of c. 1200 (B.M., Cotton MS., Vitellius E., xv, f. 89) which was badly damaged in the Cottonian fire of 1731. Words in italics are supplied from the transcript made by Twyne in the 1640s (Bodleian Lib., Twyne MS. 22, p. 291), but this is incomplete and stops with the words 'super textum'. Words printed in square brackets are conjectural.

Medley, since it was not specifically named in the writ but described in a splendidly roundabout way as 'a meadow . . . , that is to say that island which borders on (*continet*) Fenneit and Cripsey'.¹⁶ It is hard to believe that when in 1147 they gave Medley to Oseney, they were not acting, in part at least, from spite of St. Frideswide's. Oseney was in favour because it was outside the city; St. Frideswide's was out of favour because it was inside the city and enjoyed rights which could well interfere with the citizens' aspirations.

Naturally St. Frideswide's was not prepared to accept the loss tamely. It took the matter to law, and we next hear of it in a remarkable letter written to Archbishop Theobald by Atsur (or Azor) who was both sheriff of the shire and a citizen of the city. He had previously attested William Chesney's grant of Medley, but now (1150-2) he had to dance to a different tune. Translated his letter runs as follows:

To Theobald by the grace of God archbishop of Canterbury, primate of all England, and legate of the Apostolic See, Atsur sheriff and citizen of Oxford with all the other citizens of that city, greetings as to their father and lord. We testify before God and yourself that at the command and adjuration of the King we have assembled the portmanmoot (*portmannimot coadunavimus*), and have recalled that the church of St. Frideswide was in possession of a certain island called Medley (*Middeleit*) when Prior Robert of the said church set out for Rome, but that when he came back he found that his church had been despoiled of it without judgment. And immediately on this same day we have returned to the King and testified to this fact in the presence of him and his barons. Farewell in Christ.¹⁷

The reason why the sheriff was reporting to the archbishop was presumably because the case had been taken up in the ecclesiastical as well as the royal court—the Oseney Annals tell us that in 1151 Abbot Wigod went to Rome, 'provoked by Robert prior of St. Frideswide's'¹⁸—but for us the main interest lies in the light which the letter throws on the organization of the city. This time there is no mention of commune, guild, or alderman. It is the sheriff who has assembled the citizens in the portmanmoot and who leads the delegation that bears its testimony to the king. It is true that he was also a citizen, but the stark fact was that Church and King had intervened to undo the injustice which the citizens had done. In a royal writ King Stephen confirmed

¹⁶ *Regesta*, III, no. 638, which also explains the dispute about the stalls. Cf. *Wood's History of the City of Oxford*, ed. A. Clark (O.H.S., 1889-1899), II, 500-01.

¹⁷ Text in *S.F. Cart.*, I, 33 (no. 30), which follows the MS. in writing Thomas for Theobald as the addressee, and has consequently misdated the letter. The archbishop's titles show not only that it must be Theobald but also that it must be in the period 1150-9 or 1160-1. Azor the sheriff, who is known from other sources also (e.g. *Cartulary of Eynsham Abbey*, ed. H. E. Salter (O.H.S., 1907-08) I, 104, 414, and II, 43-4) cannot have been sheriff later than 1152.

¹⁸ *Annales Monastici* (R.S.), IV, 27.

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Medley to St. Frideswide's, though allowing that the citizens rented it for 6s. 8d. a year.¹⁹ The city had failed in its attempt to assert itself.

Under Henry II the citizens could not hope to make much progress, for that king kept a very strict hand on all English towns, refusing even to recognize the grant of the fee-farm which his grandfather, Henry I, had granted to London. In 1155 he gave Oxford a charter, but the liberties which it granted were those which the city had enjoyed in the reign of Henry I, specifically the Guild Merchant, the right to serve the king with the Londoners at his coronation, and the right of appealing to the customs (or laws) of London.²⁰ These were not the sort of liberties which would have satisfied the citizens of a continental commune, but while Henry II was alive they were about as good as could be got.

After his death (6 July 1189) the situation changed dramatically. Richard I was in urgent need of money for his crusade, and within a few weeks had sold grants of perpetual fee-farm to five towns (Northampton, Bedford, Hereford, Worcester and Colchester). While he was on crusade London acquired, first (1190) the restoration of the fee-farm which Henry I had granted, and secondly, as a result of the civil war between the justiciar, William Longchamp, and Count John the king's brother, the grant of a commune.²¹ This was on 8 October 1191 and was one of the steps which marked the restoration of peace, but there can be little doubt that a commune had existed *de facto* for some months before.

It is in this context that we must see the Oxford charter of July 1191. It is the product of a revolutionary year. It is defiant from beginning to end, the opening 'We the citizens of the commune of the city and of the Guild Merchant' being matched by closing attestation of 'the whole commune of the city of Oxford'. More than half the text (almost 14 of its 25 lines) is taken up by the names of the citizens who formed the commune, and the document is authenticated with 'the common seal of all the citizens of the city of Oxford'. The message is clear, but what makes it even more interesting is that we can reconstruct with some plausibility the steps leading up to its issue.

The essential point to realize is that the dispute over Medley must have acquired a symbolic importance out of all proportion to the value of a place as a meadow. St. Frideswide's denied the validity of the city's grant to Oseney, and in so doing would have insisted that the 'commune' of citizens which had made the grant was legally a non-existent body. If the citizens wanted St.

¹⁹ *Regesta*, III, 639. The date given there is "1138-52, and probably c. 1138-9", but in view of Azor's letter it should now be amended to 1150-2.

²⁰ Ogle, 4-5; Stubbs, *Select Charters* (9th ed., 1913), 198-9.

²¹ For the correct chronology, see Tait, *The Medieval English Borough*, 181.

Frideswide's to recognize the commune, they had to persuade it that the commune's grant of Medley to Oseney was valid; and in that case St. Frideswide's would claim that since Medley had been given to it in exchange for the stalls of which it had been deprived in the city, those stalls should now be restored. The citizens were therefore caught on the horns of a dilemma, from which they were able to extract themselves only by means of a complicated and costly 'package deal'.

The first stage of the settlement was marked by a final concord in the King's court on 4 July 1191. This concerned the subject of Medley, which the citizens were allowed to hold from St. Frideswide's at an (increased) rent of 8s. a year. As if to emphasize that none of the larger questions had been settled by this final concord, St. Frideswide's demanded, and got, from the citizens a written undertaking about the rent in the form of a charter 'sealed with the seal of the alderman of the guild'.²² In other words there was no mention of a commune or a common seal of the city. That was reserved for the second stage of the settlement, for which the citizens had to pay more dearly.

In it St. Frideswide's and the citizens exchanged charters before a large body of witnesses. St. Frideswide's charter was simple since it merely confirmed the terms of the agreement about Medley as they had just been stated in the final concord.²³ The citizens' charter, on the other hand, was long and complicated.²⁴ It started by confirming the agreement about Medley, and then proceeded to make concessions which amounted to a general settlement with the priory. First they conceded that among the liberties of St. Frideswide's was the right of holding all pleas in the city during the fair of St. Benedict (10-16 July); the citizens undertook to hold no pleas in the city or suburb during this period. Secondly, they came to a complicated agreement about St. Frideswide's town properties, undertaking that no citizen should gain possession of any tenement of St. Frideswide's by purchase, mortgage or perpetual lease unless he had St. Frideswide's permission; that if St. Frideswide's wished to refuse this permission it could do so, provided that it itself took over the purchase, mortgage or perpetual lease at the price which had been offered; that property which did change hands by sale, etc. did not thereby lose its obligation to pay rent (*census*) to St. Frideswide's; and that amercements from pleas by the attachment of the city's reeves or bailiffs should (in the case of these properties) go to St. Frideswide's.

At first sight all this may seem very one-sided; the citizens make comprehensive concessions to St. Frideswide's, and in return get nothing but the right

²² *S.F. Cart.*, i, 38 (no. 35); *Oseney Cart.*, iv, 89 (no. 63 B).

²³ *Oseney Cart.*, iv, 90 (no. 63 C).

²⁴ *S.F. Cart.*, i, 36 (no. 34). Its 23 witnesses include all the 18 witnesses of St. Frideswide's charter.

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to continue holding Medley, though at an increased rent. There is, however, more to it than that, for the charter was issued by the citizens as a corporate body. It is true that they did not use the emotional word 'commune' but described themselves as the *universitas* (or commonalty) of the citizens of Oxford,²⁵ but at the end they state explicitly that in order to make the charter valid they have sealed it with their common seal.²⁶ If St. Frideswide wanted the privileges which the charter granted, it had to concede that that seal was valid, and that the commonalty, 'body politic', or commune which owned it was a lawful institution.

Having won this recognition, it is hardly surprising that the citizens made use of it to confirm their gift of Medley to Oseney, undertaking to warrant it to the abbey in any court 'and against all men', and making the charter a public declaration of their communal existence. Not only did they affix their common seal but they also recorded themselves all, individually and by name, as witnesses—there are sixty-three of them. This is one of the facts that makes the charter so fascinating. It is always baffling to read in chronicles or documents of consent being given by the 'whole kingdom', or 'all the men of the land' or a 'whole commune'. Commonsense may prevent us from thinking in astronomical terms, but nonetheless it is not easy to guess how small a number could have seemed complete and total to a medieval writer. Too often we talk of urban 'oligarchies' in order to evade the fact that we have no idea how many citizens attended a portmanmoot or formed a commune, but now we know that for Oxford in 1191 the answer was sixty-three. They are very far from being all the inhabitants of the town, but they are all the citizens and all the members of the Guild Merchant.

The list is worth looking at with care. It is headed by an ecclesiastic. There is nothing surprising about this, because it was customary to put ecclesiastics before laymen, but it must be pointed out that Nigel the (rural) dean was in a special position.²⁷ Like his father before him he was rector of St. Martin's Church at Carfax and played a large part in secular affairs, presumably deriving much of his importance from the facts that the guild hall was just opposite his church and that the portmanmoot met in his churchyard. Next follow the principal officers, two aldermen and two praetors. Alderman was the normal English word for the head man of a guild, but whereas in 1147 the alderman (as we have already seen) was a baron, now there are two aldermen, both of them townsmen. This had also been the case in 1182 when the

²⁵ 'Omnibus Sancte Matris Ecclesie filiis ad quos litere presentes pervenerint, universitas civium Oxoneford salutem.' *Universitas* has not yet acquired its specialized meaning of 'university'.

²⁶ 'Ut autem hec omnia premissa rata sint et firma, hoc presens scriptum sigillo nostro communi roborare curavimus.'

²⁷ *Oxford Charters*, 77n.

two aldermen, Lambert and Amfrid, issued a certificate to attest a transfer of seisin, though in that case they had felt it necessary to mention the assistance of the King's sheriff also.²⁸ Now in 1191 there is no mention of sheriff or baron; the two aldermen were capable of standing on their own feet. John Kepeharm indeed was a man of substance; when he died (1204) his widow gave the King 100 marks and 2 palfreys that she might marry whom she wished, almost as if she were the widow of a baron.²⁹

The title 'praetor' was a rare classicism for the officers who came next in seniority and were responsible for the administration of justice; in many charters of this date they are called by the more normal title of 'praepositi' or 'reeves' which eventually superseded the classical title entirely. Though it is impossible to compile a complete list of officers for this early period,³⁰ we know that there was a normal *cursum honorum* whereby men became praetors before they became aldermen; Henry fitz Segrim, for example, who was the second alderman in 1191, had been praetor in 1183 and 1189, and Laurence Kepeharm who was a praetor in 1191 was to become both an alderman and the first mayor of the city. There is plenty of evidence that the praetors or reeves held a court, but in the earliest mentions they seem to be associated with either a justice of assize (c. 1169-81),³¹ or the sheriff (c. 1182-4).³² The earliest mention of them acting as judges in the portmanmoot without the assistance of royal officers may be dated shortly before Michaelmas 1190.³³ When they began to act independently of the royal officers it would have been necessary for them to have a clerk, and in fact the 56th witness of our charter is 'Henry the clerk, then clerk of the praetors'. It is probably fair to describe him as the earliest recorded town clerk, and put him at the head of Mr. Graham Pollard's list.³⁴

It would have been nice to imagine that Henry the clerk wrote the charter in his own hand, but in fact that cannot have been the case. The handwriting is that of an Oseneby scribe who not only wrote charters for his abbey, but also compiled (c. 1196) the first part of the abbey's cartulary.³⁵ It would seem that for a charter as important as this it was essential to get the services of a scribe

²⁸ *Oxford Charters*, 89.

²⁹ H. E. Salter, *Medieval Oxford* (O.H.S., 1936), 38. The man whom his widow chose as her second husband was the tenth witness in the list, Henry fitz Simeon.

³⁰ The best list (by Salter) is in the preface to *Oseneby Cart.*, III. It shows that amongst the witnesses of this charter Henry fitz Simeon, Walter Pille, Owein, and Adam Rufus were all to become praetors.

³¹ *Oxford Charters*, 88.

³² *Oxford Charters*, 91.

³³ *Oxford Charters*, 90.

³⁴ *Oxoniensia*, xxxi (1966), 43-76.

³⁵ *Oxford Charter*, 93 is in his hand, and is there identified by Salter as the first hand of Cotton MS. Vitellius E. xv.

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who would produce, not the small and cramped type of charter which was usual for a townsman, but a charter which in size and spaciousness could be taken for that of a lord. Oseney was the friend of the city and the beneficiary of the charter, and it was only natural that one of its canons should help the city to produce a document which was worthy of its newly-acquired status. One glance at the charter is sufficient to show how well he succeeded.³⁶ It gives the 'citizens of the commune of the city and of the Guild Merchant' all the appearances of a corporate baron. To them it must have seemed something like a Declaration of Independence.

³⁶ For example, I first saw this charter by accident when (in 1966) it was deposited in the Warwickshire Record Office. It was lying on top of a boxful of deeds, and I picked it up thinking it might be a charter of King John.

Hortu sit ea p[re]sentib[us] q[uod]m fuit q[uod] hoc C[on]sul Orenesfordie de C[on]muni Civitatis & de Villa m[un]i-
 cipalis p[ro] salute n[ost]ra ac n[ost]ro[rum] & p[ro] a[n]t[er]it[er] parentu[rum] & antecessor[um] n[ost]ro[rum] concedim[us] & p[re]sent[er] Carta n[ost]ra c[on]fir-
 mam[us] Ecclesie scilicet marie de essenca & canonicis in ea deo s[er]vienti[bus] Donacione qua antecessores
 n[ost]ri eis fecerunt de Insula de aviddeneia cu[m] om[n]ib[us] pertinentiis ei[us] ita ut singulis annis ad festu[m] scilicet
 anchachis reddant ipsi canonici dimidia marcam argenti p[ro] hac eadem reuacua ubi nos iusserimus
 sicut testat[ur] Cirographu[m] antecessor[um] n[ost]ro[rum] q[uod] eis de donacione eisdem Insule fecerunt. Preterea
 q[uia] nos cepim[us] in manu p[ro] nob[is] & p[ro] heredib[us] n[ost]ris. warrantandi p[re]dictam Insulam eisdem Canon-
 icis ubiq[ue] & n[ost]ris om[n]es ho[m]ines ipsi p[ro] hac warrantacione solvent nob[is] & heredib[us] n[ost]ris singulis annis ad
 Pascha aliam dimidia marcam. qua[m] tradidit eis nos iusserim[us]. Nos & heredes n[ost]ri fidelit[er] waran-
 tabim[us] eis p[re]dictam reuacua[m] p[ro] s[er]vitiu[m] p[re]dictae marce annis p[ro] o[mn]ib[us] reb[us] & p[ro] o[mn]ib[us] s[er]vitiis. Hanc
 n[ost]ram concessione[m] & c[on]firmacione[m] fecim[us] nos c[on]muni sigillo Civitatis & c[on]muni sigillo n[ost]ro c[on]fir-
 mavit. H[ab]ent aut[em] qui hac c[on]cessione[m] & c[on]firmacione[m] fecerunt. Higellus & Decan[us] Orenes-
 forde. Ioh[ann]es kepeherm & Henr[icus] filii Seggym. & aldermanni. Laurence kepeherm & Thom[as] de Thademar-
 cona. & p[re]b[er]es. Pet[er]us filius p[re]b[er]is. Will[elmu]s filius p[re]b[er]is. Will[elmu]s filius Rad[ulphi]. Thom[as] filius Ailrici. Hen-
 ric[us] filius Simeonis. Laurence filius hardingi. Rad[ulphus] p[re]b[er]is. Willelm[us] filius Willelmi. Will[elmu]s filius k[un]t[er]. Seggar oren-
 esford. Rog[erus] filius Sewi. Ioh[ann]es filius Ailnod. Walger[us] vintari[us]. Adam rufus. Barthol[omaeus] Grolmarchie.
 Rog[erus] filius Burewoldi. Gileb[ertus] filius Bureoldi. Jocelino filius Safari. Rad[ulphus] Coleman. Will[elmu]s filius Rog[eri] filius Si-
 wardi. Hug[us] filius ei[us]. Aluredus delmelaa. Owain & Rob[ertus] filii ei[us]. Benet filius Ailnod. Rad[ulphus] filius Buri.
 Henr[icus] de Chaudre. & Lamb[ertus] frat[er] ei[us]. Will[elmu]s pileu. Wale pille. Will[elmu]s filius Anfridi filius p[re]b[er]is.
 Rad[ulphus] Cordewani filius Simons Cordewani. Henr[icus] de Lilewens. Hug[us] aurifab[er]. Ric[ardus] filius ei[us]. Pet[er]us
 filius Ioh[ann]is. Ioh[ann]es aurifab[er]. Higob[ertus] filius Cowi. Wale halgod. & Rad[ulphus] filius ei[us]. Rad[ulphus] kepeherm & Benet
 frat[er] ei[us]. Adam vintari[us]. Ioh[ann]es filius Henr[ici] filius elici. Higob[ertus] filius Will[elmi] filius Rad[ulphi]. Henr[icus] filius Gaud[er] filius
 Bodini. & Ric[ardus] filius ei[us]. Will[elmu]s hufari de Olen & Hug[us] filius ei[us]. Henr[icus] filius elici & elicus p[re]b[er]is. Ric[ardus] filius
 hardingi. Rob[ertus] filius wimarc. B[enedictus] filius paulini. Rob[ertus] filius Gaud[er] filius Bodini medarn. Thom[as]
 filius cadwim. & Henr[icus] filius ei[us]. Rog[erus] filius fulconis. Et totu[m] c[on]mune c[on]muni Civitatis Orenesfordie.



PLATE VII



ENLARGEMENT OF THE SEAL ON PLATE VI.