

The city and citizens of Rochester: the city's earliest charters

In this paper I discuss three charters -- one which does not exist and two which do. The non-existent charter was (as I hope to show) a charter of Henric II, not very different from the charter (doc 1) obtained from the same king by the citizens of Canterbury. The two existing charters (docs 2--3) are charters of Henric III, dated 1227 and 1266 respectively. Both survive as duplicate originals in the archives of the city. Until the fifteenth century, the "liberty of the city of Rochester" consisted of the privileges granted by these charters.

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In September 1227, when a team of itinerant justices arrived in Kent, the citizens of Rochester discovered that they had a fight on their hands. In the citizens' opinion, the justices were required to hold a session in Rochester; the justices thought differently. They had decided in advance that Rochester was not a city. Canterbury was a city, with privileges to which the justices had to defer. Rochester, so they affected to think, was not. It was a hundred, like any other hundred: it had no special status. Like any hundred, it should send a jury of twelve men to appear before the justices, whenever and wherever they were told to by the sheriff.

In accordance with their instructions, the justices began work at Canterbury on 15 September 1227.* Their proceedings are recorded on one surviving roll, JUST 1/358,† the earliest roll of its kind for the county of Kent. Under the heading "Pleas of the crown", they follow a fixed routine. One by one, the hundred juries are brought before the justices, and the justices administer a long and detailed questionnaire, designed to elicit all the facts which the king ought to be aware of. Often the jurors had nothing to say in reply; but the question still had to be asked, and the jurors had to commit themselves to the statement that there was nothing that needed to be said.

* <http://durobrivis.net/kent/eyres/eyre-1227.pdf>.

† Images are available through <http://aalt.law.uh.edu/AALT4/JUST1/JUST1no358/>. The "pleas of the crown" begin at the top of m 16 (http://aalt.law.uh.edu/AALT4/JUST1/JUST1no358/aJUST1no358fronts/IMG_2964.htm) and continue on m 16 d (http://aalt.law.uh.edu/AALT4/JUST1/JUST1no358/bJUST1no358dorses/IMG_3027.htm). After that they continue on "front" and "dorse" alternately.

On this occasion the first jury to appear is the jury for Blackheathfield hundred; but the grilling has hardly begun before it is interrupted. The citizens of Rochester make a protest; the justices slap them down; and then they resume the grilling of Blackheathfield hundred.

The interruption is recorded by one sentence on the roll, in among the entries for this hundred. The "town of Rochester" is declared to be *in mi'a*, at the king's mercy, because "they" (the citizens who made this protest) "claimed for themselves a liberty they do not have" -- the liberty, that is, of having pleas held in their town. *Villa Roff' in mi'a quod uendicabant sibi libertatem de placitis tenendis in villa sua quam non habent* (m 16, IMG_2964).

Business then proceeds in an orderly fashion, hundred by hundred, till the grilling of Shamel hundred has been completed. At this point, it seems, the jury for the "hundred of Rochester" was summoned before the justices, and the citizens asked for a postponement. At the price of a promise of 5 marks, the justices agree to delay the hearing until 7 October ("one week beyond the day after Michaelmas"). They even allow the citizens, just this once, to be called by that name. *Ciues Roffenses dant v marcas domino regi pro habendo respectu de placitis suis usque a crastino sancti Michaelis in octo dies* (m 19, IMG_2970).

After this second, more seemly interruption, business proceeds again until every hundred in Kent -- except Rochester -- has been grilled to the justices' satisfaction. At this point the scribe goes through the roll and jots down a list of reminders -- questions which the justices will need to come back to later.* And at that point time runs out for the citizens of Rochester. Their twelve jurors "came before the justices at Canterbury" and underwent the usual interrogation. *Hundr' de Roff' per xii iuratores qui uenerunt coram iusticiariis apud Cantuar'* (m 27, IMG_2986). The scribe did not bother to say this about any other hundred, because normally it went without saying; but he insisted on saying it here.

* By the way, one of these reminders is "to speak with the lord king about gavelkind", *Loquendum cum domino rege de gavelikinde, scilicet de magnis assisis que fiunt de i roda* (m 27, IMG_2986). Evidently the justices found it absurd that a case about a quarter of an acre could only be settled by activating the machinery of the "grand assize".

Finally, the scribe went through the roll again, making a list of the profits which accrued to the king. (A copy of this list would be forwarded to the exchequer.) Two entries in this list refer to the citizens of Rochester. For their first interruption, for "the transgression of demanding a liberty" to which they were not entitled, the town of Rochester is subject to some penalty, the amount of which has yet to be decided. *De uillata de Rouecestr' pro transgressione libertatis exigende -- Loquend'* (m 31, IMG_2991). For the postponement they owe 5 marks. *De ciuibus Roff' pro habendo respectu de placitis suis -- v m'* (m 31 d, IMG_3053). As far as this roll is concerned, that is the end of the story.

The citizens, however, had not been idle meanwhile. Having made their protest in Canterbury, they carried their complaint to the

king. From Guildford on 22 September the king wrote to the itinerant justices, with the following instructions:

Pro hominibus de Roffa. -- Mandatum est M. de Pateshull' et sociis suis in comitatu Kancie itinerantibus quod lecta coram eis carta proborum hominum de Roff', si in eadem carta contineatur quod non debent de aliquo tenemento quod fuerit infra libertatem ville sue extra eandem villam implacitari* et eis per inquisitionem diligentem inde coram eis factam constiterit quod in itinere aliorum justiciariorum ea usi fuerint libertate ante guerram motam etc. tunc eandem libertatem eos in itinere suo ad presens habere permittant. Alioquin, ut quod fuerit justum in hac parte faciant, sue relinquit dominus rex discrecioni. Teste [rege apud Geldef', xxij. die Sept']. (*Close rolls 1224-7*, 201)

* The men of the town "are not to be impleaded outside their town concerning any tenement which is inside the liberty of the same town". In other words, there exists a category of cases which can only be tried at Rochester.

The citizens have told the king that they have a charter (just one), and that this charter contains a particular clause, the effect of which is that the itinerant justices are obliged to hold a session within the liberty of the city of Rochester. The king (who avoids using the words "city" and "citizens") has not seen this charter: he wants the justices to have it read out in their presence, so as to make sure that it does contain this clause. (He does not doubt that it is genuine.) That, I suppose, was not much more than a formality: the citizens would never have made this claim if they had not been able to back it up, and the king would take that much for granted.

The crucial point comes next. A privilege which has not been exercised is a privilege which has been lost; so the justices are to find out, "by diligent inquiry",* whether the citizens made use of this liberty on previous occasions. It is known that the justices who visited Kent in 1219 did hold a session at Rochester,† and the citizens would, no doubt, have been able to prove that much. But that was not enough for the king. He wants to know whether the citizens had used this liberty "before the war", i.e. before 1215. If the citizens can prove that, the justices are to allow them the same liberty now; if they cannot, the justices are to use their discretion and "do what is just in this regard". From the way in which the citizens were treated, it seems clear that they failed to prove their point. For my part, I am not aware of any evidence which might have been cited in their favour.

* There is no record of this inquiry on the roll. But it is not impossible that the record has been lost, some of the membranes being badly damaged.

† <http://durobrivis.net/kent/eyres/eyre-1219.pdf>.

Regardless of the outcome, I think we can be sure that the

citizens did have a charter in their possession, in Sep--Oct 1227, which said something along the lines reported by the citizens to the king and by the king to the itinerant justices. We can also be sure of something else -- that the charter in question is never heard of again, after Oct 1227.

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The earliest charter preserved in the archives of the city (doc 2) is a charter of Henric III dated at Westminster, 6 Nov 1227. There are two copies, both in good condition.* They are practically identical as far as the text is concerned; but one is written in a plain sort of script, the other in a fancier style. Both copies were sealed, the fancy copy in a fancier manner than the plain one. It is not clear how these copies are related; in the case of the charter of 1266, however, which also exists in duplicate (see below), the textual evidence goes to show that the plain copy is derived from the fancy copy, and I assume that the same applies here. However it came about, the result was that the citizens had a back-up copy, in case of any disaster.

* Strood, RCA_C1_01_01a (plain), RCA_C1_01_01b (fancy). My thanks to Alison Cable for images of both copies of this charter. The fancy copy is reproduced in Bartlett (1961:18) and Marsh (1974, pl 5). There is, as there ought to be, a copy of this charter on the charter roll for 1227--28, C 53/20, m 11 (*Calendar of charter rolls* 1:64). (A word of warning: some of the modern endorsements misidentify the plain copy as a charter of Henric I, the fancy copy as a charter of Henric II. So Harris (1719:253): "A Copy of the Charter said to be from King Henry the Ist, but it is really from King Henry the IIId.")

Simply from the date, it seems safe to infer that this charter was a by-product of the eyre of 1227. The king and the itinerant justices had talked things over and decided what was best to be done. The citizens of Rochester should surrender their old charter -- doubtfully valid as it was -- and the king should replace it with a new one. The citizens (if they had any choice) accepted this proposal. It involved them, no doubt, in some considerable expense; by way of compensation, however, the debts which they had incurred at the hands of the itinerant justices appear to have been forgiven. By the time that the proceeds from the eyre show up on the exchequer roll (E 372/72, rot 13 d),* the citizens were off the hook.

* http://aalt.law.uh.edu/AALT4/H3/E372no72/bE372no72dorses/IMG_1539.htm

Essentially the charter of 1227 is two charters in one: the king makes two grants, either of which could have been made by itself.

First, he grants the city to the citizens, in these terms:

Know that we have granted ... our city of Rochester to our citizens of Rochester ... to be held by them and their heirs from us and our successors at a fee-farm of 25 pounds to be

paid at our exchequer, half at Easter and the other half at Michaelmas.

In addition, the citizens are allowed to have a merchant gild; and they are, up to a point, allowed to prevent the sheriff from interfering with their affairs. The language used here is all standard chanceryspeak. As was pointed out by Tait (1923:lv), it looks as if the man who drafted this stretch of text may have borrowed the turns of phrase he needed from a charter which he could have found copied onto the charter roll for 1215--16 (Hardy 1837:212, from C 53/14).*

* This is a charter for the citizens of Hereford, dated 10 Jul 1215.

It was nothing new, in fact, for the citizens to be allowed to answer for the farm of the city; nor was the amount being changed. From the exchequer rolls we know that the citizens had been accounting for this sum since 1223. The arrangement was always a precarious one -- the king might revoke this privilege and sometimes did -- and it does not appear that the citizens were in a securer position, after 1227, than they had been before. At all events, this grant belongs in the story of the city farm, which I hope to work out in detail in a separate paper; and therefore I say no more about it here.

Second, the king "concedes and confirms" to the citizens a long list of privileges. This portion of the charter is immediately relevant, because it seems clear that the whole stretch of text was copied from the old charter -- the charter which the citizens had had to surrender. It is very nearly word-for-word the same as a charter of Henric II for the citizens of Canterbury.* So that readers can make the comparison for themselves, I have appended a transcript of the Canterbury charter (doc 1).† To save them time, I have marked the agreements in my transcript of the Rochester charter (doc 2), ignoring small differences in the spelling, ignoring also the fact that Henric III used the royal "we" and Henric II did not. By accident, a phrase referring to "the time of (the king's) grandfather king Henric" serves equally well for both charters. When Henric III spoke of "our grandfather" he was speaking of Henric II; when Henric II spoke of "my grandfather" he was speaking of Henric I.

* Which in turn is very nearly word-for-word the same as a charter of the same king for the citizens of London (Tait 1923:lv).

† My thanks to Cressida Williams for images of this charter.

To the extent that this Rochester charter agrees with that Canterbury charter, I think we can be sure that what we are reading is a charter of Henric II for the citizens of Rochester -- the same charter which the citizens adduced as evidence in Sep--Oct 1227. It did indeed grant them the privilege they claimed on the strength of that charter, that "none of them is to plead outside the walls of the said city concerning any plea", unless

the tenement in question is itself outside the city. As the citizens discovered, however, a dead king's words on a piece of parchment did not necessarily mean quite what they seemed to say.

Up to a point, this lost charter is easy to reconstruct, by interpolating between Henric II's charter for Canterbury and Henric III's charter for Rochester. It cannot be reconstructed in detail, however, because, at every crucial point, the evidence is intrinsically ambiguous. For instance, in Henric II's charter for Canterbury, the city's fortnightly court is called the burghmote; in Henric III's charter for Rochester the corresponding court is called the portmote.* Somewhere along the line, the wording was adjusted -- but whether the adjustment was first made in the charter of 1227, or whether it had already been made in the lost charter, we have no means of deciding. Further, we cannot suppose (not even for a moment) that the witnesses named in the lost charter were the same as those named in the Canterbury charter, and without the witnesses' names we have no means of dating it. We may guess that it dated from the beginning of the reign, as the Canterbury charter does;† we cannot be sure.

* These were the usual names. Canterbury's burghmote met on alternate Tuesdays (Somner 1640:126, Urry 1967:90), Rochester's portmote on alternate Mondays.

† The Canterbury charter cannot be later than Sep 1158, since one of the witnesses, Warin fiz Gerold, was certainly dead by then. Probably it dates from the interval Dec 1154--Jan 1156, when the new king was making an effort to ingratiate himself with his subjects. After that, he was overseas for more than a year.

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Because the charter of 1227 incorporated the text of the earlier charter -- including the clause about their not being impleaded outside the city -- the citizens were now in a position to demand that the itinerant justices should hold at least one of their sessions in Rochester. That certainly happened in 1232, when the justices spent several weeks at Rochester, only a week or two at Canterbury. It happened again in 1241, 1255 and 1263.* The citizens, in short, had made good their claim to this privilege. After 1227, it was no longer a matter of controversy.

* This list omits the eyres of 1236 and 1248, which are only very thinly documented. I assume that the justices would have visited Rochester on those occasions too, but have no proof that they did.

In 1266 the citizens of Rochester were given a new charter. It is dated at Westminster, 6 Feb. Some of the statements made about the previous charter are applicable to this charter too. There are two surviving originals,* one of which is fancier than the other, both of which were sealed. The plain copy is demonstrably a rather inaccurate replica of the fancy one.

* Strood, RCA_C1_01_02a (plain), RCA_C1_01_02b (fancy). My thanks again to Alison Cable for images of both copies of this charter. No doubt it was copied onto the charter roll for 1265--6, but that roll has nearly all been lost. (For the bits which survive see *Calendar of charter rolls* 2:59--60, 6:286--7.)

The text falls into two parts. The first part ("Whereas formerly we had granted ...") recapitulates the contents of the charter of 1227. Collation of this stretch of text is what goes to show that the fancy copy stands closer to the exemplar: there are no "singular readings" in this copy, but there are many in the plain copy. Apart from that, the only point to note is the king's statement that he had formerly granted the city to the citizens at a fee-farm of 20 pounds. In fact, he had never done that. He had granted it to them at fee-farm in 1227, but that was for 25 pounds. He had granted it to them for 20 pounds in 1250,* but that was "during pleasure" (*quamdiu nobis placuerit*). The king is giving a simplified version of the story; I hope to recount the complicated version elsewhere.

* http://aalt.law.uh.edu/aalt1/H3/E368no25/aE368no25fronts/IMG_4405.htm

The second part is new. In recognition of the citizens' faithful service, and in recompense for the losses which they had suffered "during the disturbances happening in the realm", the king reduces the farm by 8 pounds, from 20 pounds to 12 pounds, and grants some further privileges:

that they shall be quit of stallage and murage throughout the realm; that the citizens shall have 'formarket' within their city; that they shall have return of all the king's writs as well of summonses of the Exchequer as of others touching the liberty of the city, and that they shall answer at the Exchequer for all debts, summonses and demands touching the said liberty, so that no sheriff, bailiff or other minister of the king's shall enter the city to make any distrains or summonses or to do aught else therein that pertains to their office, save by the default of the said citizens or their bailiffs.

The last clause is the sting in the tail. If ever the citizens misbehave, the sheriff will be back.

Having swallowed up the contents of the earlier charter (which had swallowed up the contents of the charter of Henric II), this new charter became the sole warrant for the city's liberty. The privileges enumerated in this charter were -- those and those only -- the privileges to which the citizens of Rochester were entitled.*

* This charter was produced in evidence in 1293, when the itinerant justices asked to see some justification for the city's liberties (JUST 1/376, m 66d, pr Thorpe 1769:544). *Per cartam ipsius H(enrici) regis quam proferunt et que hoc testatur.*

Over time the text was copied and recopied into a series of "inspeximus" charters.* On each occasion, a few more lines were added at the beginning and a few more lines were added at the end. Thus by 1414 we find Henric V confirming a charter of his father, Henric IV, confirming a charter of his cousin, Richard II, confirming a charter of his grandfather, Edward III, confirming a charter of his great-grandfather, Henric III. After that -- specifically after the death of Henric V's widow Katherine in January 1437 (Flight 1997:29) -- the civic history of Rochester entered a new phase, and I do not intend to speak about that here.

* For the details see the diagram at the end of this paper. Some of these charters, being witnessed by the king alone (*Teste meipso*), count only as letters patent, not as charters in the formal sense. The letters of Henric IV and Henric V, nullified later, were overlooked by Bartlett (1961).

Documents

Doc 1 - Henric II for the citizens of Canterbury - 1154x8

H(enricus) rex Angl(orum), et dux Norm(annorum) et Aquitan(orum), et comes Andeg(aurum), archiepiscopis, episcopis, abbatibus, comitibus, baronibus, iusticiariis, uicecomitibus, ministris, et omnibus fidelibus suis Francis et Anglis totius Anglie: salutem. Sciatis me concessisse ciuibus meis Canthuar(ie), quod nullus eorum placitet extra muros ciuitatis Canthuar(ie) de ullo placito, preter placita de teneuris/1 exterioribus, exceptis monetariis et ministris meis. Concessi etiam eis quietanciam murdri infra urbem et in portsoca. Et quod nullus eorum faciat duellum. Et quod de placitis ad coronam pertinentibus se possint disratiocinare secundum antiquam consuetudinem ciuitatis. Et quod infra muros ciuitatis nemo capiat hospitium per uim, sed per liberationem marescalli. Hoc etiam eis concessi, quod omnes ciues Canthuar(ie) sint quieti de theloneo et lestagio per totam Angliam et per portus maris. Et de esscewinga ita sit res sicut fuit tempore regis H(enrici) aui mei. Et quod nullus de misericordia pecunie iudicetur: nisi sicut tempore regis H(enrici) aui mei iudicaretur. Et quod in ciuitate in nullo placito sit meskeninga. Et quod burhgimot semel tantum in xv. diebus teneatur. Et quod terras suas et teneuras et uadimonia et debita omnia iuste habeant quicumque eis debeat. Et de terris suis uel teneuris que sunt infra urbem: rectum eis teneatur secundum consuetudinem ciuitatis. Et de omnibus debitis suis que accomodata/2 fuerint apud Canthuar(iam), et de uadimoniis ibidem factis: placita apud Canthuar(iam) teneantur. Et si quis in tota Anglia theloneum uel consuetudinem ab hominibus Canth(uarie) ceperit, postquam ipse a recto defecerit: uicecomes Canthuar(ie) namum/3 inde apud Canthuar(iam) capiat. Concedo etiam eis quod ciues Canthuar(ie) habeant fugationes suas ubicumque eas habuerunt tempore regis H(enrici) aui mei. Insuper etiam ad emendationem ciuitatis eis concessi, quod omnes sint quieti de brudtol, et de childwita, et

de eresgieua, et de scotala, ita quod uicecomes meus Canthuar(ie) uel aliquis alius bailliuis scotalam non faciat. Has predictas consuetudines eis concedo, et omnes alias libertates et liberas consuetudines, quas habuerunt tempore regis H(enrici) aui mei, quando meliores uel liberiores habuerunt. Quare uolo et firmiter precipio, quod ipsi et heredes eorum haec/4 omnia habeant et teneant hereditarie de me et de meis heredibus. Testibus T(heobaldo) archiepiscopo Canth(uariensi), Ric(ardo) episcopo London(iensi), Hil(ario) episcopo Cicestr(ensi), T(homa) cancellario, H(ugone) de Douera, Walch(elino) Maminot, Rad(ulfo) Picot, War(ino) filio Ger(oldi) camerario. Apud Westmonasterium.

/1 teneuris so spelt three times /2 accomodata so spelt /3 namum so spelt (for namium) /4 haec so spelt (with tailed e for ae)

CCA-CC-A/A/1. Printed, not very accurately, by Sheppard (1883:166).

Doc 2 - Henric III for the citizens of Rochester - 6 November 1227

Henricus dei gratia rex Anglie, dominus Hybernie, dux Normannie et Aquitannie, comes Andegauie, archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, iusticiariis, uicecomitibus, prepositis, ministris, et omnibus bailliuis et fidelibus suis presentem cartam inspecturis salutem. Sciatis nos concessisse, et hac carta nostra confirmasse ciuibus nostris Roffensibus et heredibus eorum ciuitatem nostram Roffensem ad feodifirmam, pro uiginti et quinque libris sterlingorum reddendis ad scaccarium nostrum per annum, scilicet medietatem ad Pascha, et aliam medietatem ad festum sancti Michaelis, tenendam de nobis et heredibus nostris eis et heredibus suis in perpetuum, cum omnibus pertinentiis et libertatibus, et liberis consuetudinibus ad predictam ciuitatem pertinentibus. Et quod habeant gildam mercatoriam cum hansa et aliis libertatibus et consuetudinibus ad gildam illam pertinentibus. Ita quod nullus uicecomes Kancie in aliquo se intromittat super eos de aliquo placito, uel querela, uel occasione, saluis nobis et heredibus nostris in perpetuum placitis corone nostre que attachiari debent per eosdem ciues nostros usque ad aduentum iusticiariorum nostrorum. Concessimus et confirmauimus eisdem ciuibus quod nullus eorum placitet extra muros ciuitatis Roffensis de ullo placito, preter placita de tenuris exterioribus, exceptis monetariis, et ministris nostris. Concessimus et confirmauimus eisdem ciuibus quietantiam murdri infra ciuitatem predictam, et portsocne. Et quod nullus eorum faciat duellum. Et quod de placitis ad coronam pertinentibus se possint disrationare secundum antiquam consuetudinem ciuitatis predictae. Et quod nullus infra muros ciuitatis predictae capiat hospicium per uim, set per liberationem marescalli. Concessimus et confirmauimus eisdem ciuibus quod omnes ciues Roffenses sint quieti de theloneo, et lestagio, per totam Angliam, et per omnes portus maris. Et quod nullus de

misericordia pecunie iudicetur nisi sicut tempore Henrici regis
aui nostri iudicaretur. Et quod in eadem ciuitate Roffensi in
nullo placito sit meskenninge. Et quod portmot semel tantum in
quindecim diebus teneatur. Et quod terras suas et tenuras, et
uadimonia, et debita omnia iuste habeant quicumque eis debeat. Et
quod de terris suis uel tenuris que sunt infra ciuitatem
predictam: rectum eis teneatur secundum consuetudinem ciuitatis
predicte. Et quod de omnibus debitis suis que accomodata fuerint
apud Roffam, et de uadimoniis ibidem factis placita apud Roffam
teneantur. Et si quis in tota Anglia theloneum uel consuetudinem
ab hominibus Roffensibus ceperit postquam ipse a recto defecerit:
prepositi ciuitatis Roffensis namium inde apud Roffam capiant.
Insuper eciam ad emendationem predictae ciuitatis Roffensis
concessimus eisdem ciuibus et confirmauimus quod omnes sint quieti
de brithol, et de childwyte, et de ieresiue, et de scothale. Ita
quod bailliui eiusdem ciuitatis uel aliquis alius bailliuus
scothalam non faciat. Quare uolumus et firmiter precipimus quod
predicti ciues Roffenses habeant et teneant de nobis et heredibus
nostris eis et heredibus suis predictam ciuitatem Roffensem, cum
omnibus pertinentiis suis ad feodifirmam pro uiginti et quinque
libris sterlingorum per annum ad scaccarium nostrum reddendis ad
terminos predictos. Et quod habeant omn[es liberta]tes/1 et
quietantias predictas in perpetuu[m] bene, et in pace, libere,
quiet[e,] honorifice, plenarie [et in]tegre sicut predictum est.
Salua libertate ciuitatis nostre London'. Hiis testibus,
E(ustachio) London', I(ocelino) Bathon', W(altero) Karleol'
episcopis, H(uberto) de Burgo comite Kancie iusticiario Anglie,
Philippo de Albinaco, Willelmo filio Warini, Radulfo filio
Nicholai, Godefrido de Craucumb', et aliis. Dat' per manum
uenerabilis patris R(adulfi) Cicestr' episcopi cancellarii nostri
apud Westmonasterium sexto die Nouembris, anno regni nostri
duodecimo.

/1 damaged along a fold

RCA_C1_01_01b. Printed (as a charter of Henric II) by Harris
(1719:253), "from Mr Head's Collections; who had this Charter from
a Manuscript of Dr John Codd, Prebendary of Rochester".*

* Francis Head died in 1678, John Codd in 1672. Head's papers seem to have
passed to his father, Sir Richard Head, who did not die till 1689, and then
to Francis Barrell (1663--1724), who made them available to Harris. As might
be expected, the printed text is far from accurate.

"Grant to the citizens of Rochester, and their heirs, of the city
of Rochester at fee farm, to hold by paying 25l. yearly to the
Exchequer, with all appurtenances, liberties and free customs; and
that the said citizens shall have a guild merchant, with a hanse
and all liberties and customs thereto belonging; so that no
sheriff of Kent shall interuene on any plea, plaint or occasion,
saving the pleas of the crown, which are to be attached by the
citizens, until the coming of the king's justices; and no citizen
shall plead without the walls of the said city of any plea saving
pleas of land without the city, excepting the moneyers and the

king's ministers; and the citizens shall be quit of murder within the city and portsoken, and none of them shall do battle; and of the pleas of the crown they shall deraign themselves according to the ancient custom of the city; no one shall take lodging (hospitium) within the city forcibly, but by the livery of the marshal; all the citizens shall be quit of toll and lestage throughout all England and in all sea-ports; no citizen shall be adjudged of an amercement of money, save as in the time of King Henry, the king's grandfather; in no plea in the city shall there be miskening, and the port-moot shall be held only once in fifteen days; their lands, holdings, pledges (vadimonia) and debts they shall have justly, whoever the debtor be; and of their lands and holdings within the city right shall be done them according to the custom of the city; and of all their debts lent (accommodata) at Rochester and pledges there made, pleas shall be held at Rochester; moreover if any one in England shall take toll or custom of the men of Rochester, and shall fail to do them right, the reeves of the said city shall take reprisals (namium) thereof in Rochester; and the citizens shall be quit of brithol, chilwite, jeresewe and scotale, and the bailiffs of the city nor any other bailiffs shall make scotale there." (*Calendar of charter rolls* 1:64)

Doc 3 - Henric III for the citizens of Rochester - 6 Feb 1266

Henricus dei gracia rex Anglie, dominus Hybernie et dux Aquitannie, archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, iusticiariis, uicecomitibus, prepositis, ministris et omnibus balliuis et fidelibus suis salutem. Cum olim concessissemus ciuibus nostris Roff' et heredibus suis ciuitatem nostram Roffens' ad feodi firmam pro uiginti libris sterlingorum reddendis per annum ad scaccarium nostrum, uidelicet medietatem ad Pascha et aliam medietatem ad festum sancti Michaelis tenendam de nobis et heredibus nostris eis et heredibus suis imperpetuum cum omnibus pertinentiis et libertatibus et liberis consuetudinibus ad predictam ciuitatem pertinentibus. Et quod habeant gildam mercatoriam cum hansa et aliis libertatibus et consuetudinibus ad gildam illam pertinentibus. Ita quod nullus uicecomes Kancie in aliquo se intromittat super eos de aliquo placito uel querela seu occasione. Saluis nobis et heredibus nostris imperpetuum, placitis corone nostre que attachiari debent per eosdem ciues nostros usque in aduentum iusticiariorum nostrorum. Et quod nullus eorum placitet extra muros ciuitatis Roff', de ullo placito preter placita de tenuris exterioribus, exceptis monetariis et ministris nostris. Et quod habeant quietanciam murdri infra ciuitatem predictam et portsocne. Et quod nullus eorum faciat duellum. Et quod de placitis ad coronam pertinentibus se possunt disracionare secundum antiquam consuetudinem ciuitatis predictae. Et quod nullus infra muros ciuitatis predictae capiat hospicium per uim, set per libertatem/1 marescalli. Et quod quieti sint de theoloneo et lestageo per totam Angliam, et per omnes portus maris. Et quod nullus de misericordia pecunie iudicetur, nisi

sicut tempore Henrici regis aui nostri iudicaretur. Et quod in eadem ciuitate in nullo placito sit meskenning. Et quod portmot semel tantum in quindecim diebus teneatur. Et quod terras suas et tenuras et uadimonia et debita omnia iuste habeant quicumque eas debeat. Et quod de terris suis et tenuris que sunt infra ciuitatem predictam rectum eis teneatur secundum consuetudinem ciuitatis predictae. Et quod de omnibus debitis suis que accommodata fuerint apud Roff' et de uadimoniis ibidem factis placita apud Roff' teneantur. Et quod si quis in tota Anglia theoloneum uel consuetudinem ab hominibus Roff' ceperit postquam ipse a recto defecerit: prepositi ciuitatis Roff' namium inde apud Roff' capiant. Et etiam quod iidem ciues sint quieti de brithol et de childwyte et de iersine/2 et de scothale. Ita quod balliui eiusdem ciuitatis uel aliquis alius balliuus eorundem scotalam non faciat. Nos predictas concessionem et libertates ratas habentes et gratas et pro fideli seruicio quod iidem ciues nobis impenderunt et pro dampnis et iacturis que sustinuerunt in obsequio nostro tempore turbacionis habite in regno nostro remisimus eisdem ciuibus et heredibus suis pro nobis et heredibus nostris octo libras annuas de firma predicta. Ita quod reddant nobis per annum ad scaccarium nostrum pro firma predicta duodecim libras, uidelicet unam medietatem ad scaccarium nostrum Pasche et aliam medietatem ad scaccarium nostrum sancti Michaelis imperpetuum. Concedimus etiam et hac carta nostra confirmauimus pro nobis et heredibus nostris eisdem ciuibus et heredibus suis quod imperpetuum sint quieti, de stallagio et muragio per totum regnum nostrum, et etiam quod iidem ciues et eorum heredes habeant formarket infra ciuitatem predictam, et quod ipsi et heredes sui imperpetuum habeant returnum omnium breuium nostrorum tam de summonicione scaccarii quam de aliis libertatem ciuitatis predictae tangentibus, et quod respondeant ad scaccarium nostrum de omnibus debitis summonicionibus et demandis dictam libertatem tangentibus. Ita quod nullus uicecomes seu alius balliuus noster uel minister ingrediatur ciuitatem illam ad aliquas districciones, summoniciones aut alia facienda que ad eorum officium pertineant, nisi per defectum predictorum ciuium seu balliuorum suorum. Quare uolumus et firmiter precipimus pro nobis et heredibus nostris quod predicti ciues et heredes sui habeant et teneant imperpetuum omnes libertates et quietancias supradictas, sine occasione uel impedimento nostri et heredum nostrorum, iusticiariorum, uicecomitum et omnium balliuorum nostrorum. Et prohibemus super forisfacturam nostram ne quis eos super premissis uel aliquo premissorum impedire grauare uel molestare presumat. Hiis testibus uenerabili patre Waltero Bathon' et Wellens' episcopo, Gilberto de Clar' comite Glouc' et Hertford', Willelmo de Valenc' fratre nostro, Hugone le Bygod, Rogero de Leyburn', Willelmo de Aete, Willelmo Belet, Petro de Neuill', Galfrido de Percy, Gilberto fil' Hugonis, Bartholomeo le Bygod et aliis. Dat' per manum nostram apud Westmonasterium sexto die Febr' anno regni nostri quinquagesimo.

/1 libertatem so written (for liberationem)
(for iersiue)

/2 iersine so spelt

RCA_C1_01_02b. The second half of it (from *Nos* onwards) printed by Harris (1719:254), "from Mr Head's Collections".

"Whereas king Henry III by his charter granted to the citizens of Rochester and their heirs the city of Rochester at fee farm for 20l. to be rendered yearly at the Exchequer to be held from the said king and his heirs with all thereto belonging; and that they should have a gild merchant and hanse and all thereto pertaining; so that no sheriff of Kent shall in any wise intermeddle therein in any plea, plaint or action; saving to the king and his heirs the pleas of the crown which are to be attached by the citizens until the coming of the justices; and that no citizen shall plead without the walls of the city in any plea excepting the plea of foreign tenures, saving always the moneyers and ministers of the king; that the citizens shall have quittance of murder within the city and portsocne; that none of them shall do battle; and that of the pleas belonging to the crown they may deraign themselves according to the ancient custom of the said city; that no one within the walls of the city shall take lodging by force, but only by the livery/¹ of the marshall; that the citizens shall be quit of toll and lastage through all England and all the sea-ports; that no one shall be condemned to an amercement in money, save as in the time of King Henry II; and that in no plea in the city shall there be mickenning; that the portmot shall be held once only in fifteen days; that they shall have their lands, tenures, pledges and debts justly, whoever the debtor may be; that of their lands and tenures within the city right shall be done them according to the custom of the city; that of all the debts lent (accomodata) at Rochester and of pledges there made pleas shall be held there; and that if anyone in England shall take toll or custom from the men of Rochester, and refuse to do them right, the reeves of the city shall take reprisal (namium) therefore at Rochester; and that the citizens shall be quit of britholl, childwite, jersive, and scotale, so that the bailiffs of the city or any other bailiffs shall not make scotale there; ... afterwards the same king while confirming the foregoing, in consideration of the good service rendered by the said citizens during the disturbances in the realm, released to the said citizens 8l. of the said farm, so reducing the farm to 12l.; and further granted to them that they shall be quit of lastage/² and murage throughout the realm; that the citizens shall have 'formarket' within their city; that they shall have return of all the king's writs as well of summonses of the Exchequer as of others touching the liberty of the city; that they shall answer at the Exchequer for all debts, summonses and demands touching the said liberty, so that no sheriff, bailiff or other minister of the king's shall enter the city to make any distrains or summonses or to do aught else therein that pertains to their office, save by the default of the said citizens or their bailiffs ..." (*Calendar of charter rolls* 6:2--3)

¹ "livery" is the intended word, but the original wrongly has

"liberty", *libertatem* for *liberationem* /2 "lastage" should be "stallage"; I do not know exactly at what point this error crept into the text

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C.F. Feb 2014

Henric II
for Canterbury
CCA-CC-A/A/1

⋮

Henric II
for Rochester
(lost)

⋮

charter ——— Henric III ——— duplicate
roll /1 6 Nov 1227 RCA_C1_01_01a
 RCA_C1_01_01b

⋮

(charter Henric III ——— duplicate
roll 6 Feb 1266 RCA_C1_01_02a
lost) RCA_C1_01_02b

|

charter ——— Edward III
roll /2 18 Jan 1331
 (lost)

|

patent ——— Richard II
roll /3 6 Apr 1378
 RCA_C1_01_03

|

patent ——— Henric IV
roll /4 10 Apr 1410
 (lost)

|

patent ——— Henric V
roll /5 12 Feb 1414
 (lost)

- /1 *Calendar of charter rolls*, vol 1, p 64
- /2 *Calendar of charter rolls*, vol 4, pp 200-1
- /3 *Calendar of patent rolls 1377-81*, p 178
- /4 *Calendar of patent rolls 1408-13*, p 183
- /5 *Calendar of patent rolls 1413-16*, p 163