

Introduction to the Records of the City of Chester

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IT is to be regretted that only at very infrequent intervals has anything been written about the records which the City of Chester possesses. The number of people who can be said to have studied the City's records closely within the last hundred years number less than a dozen, but all honour is due to these few who were prepared to penetrate the dust in which they were kept and gave to the world much of its present knowledge of the civic history of Chester. Amongst them mention must be made of Rupert Morris, Thomas Hughes, and Frank Simpson. The only misfortune is that more was not printed.

Chester probably has one of the finest collections of borough records in the country and its various classes of documents are remarkably complete. It has charters dating from the 12th century, while its court rolls begin at the end of the 13th century. It is not alone among boroughs in having records as old as this, but in comparison with many counties they are certainly older. To understand the reason for this one must realise that the county with its comparatively vast area often had changing centres for holding the Sessions of the Peace, the main source for its records, in order to suit the convenience of people living in various parts of the county. Therefore, one can hardly be surprised if the Clerk of the Peace, who was responsible for keeping these records, mislaid some in the course of centuries. The borough, on the other hand, occupied only a small compact area and so could have a permanent central meeting place where its records could be kept. In the case of Chester this was the Treasury Chamber, a room in the Pentice, a building constructed on to the south side of St. Peter's Church and used for many civic purposes. It may, however, be difficult for some to appreciate why Chester's records have been so little consulted in the past when so much has survived, but when there was no-one whose specific task it was to care for them, it was inevitable that the minimum amount of attention should be given to these documents and that research students should not be welcomed.

This state of affairs is reflected in the past history of the records. Until 1500 it was largely the charters, court rolls and a few Assembly orders that were preserved, but it would seem that about that time, a more conscientious effort was made to keep all documents which were produced in the process of administering the City and from the 16th century they began to be kept in

increasing numbers. By 1600, their accumulation must have already become something of a problem. Even in 1576, Henry Hardware, mayor in that year, had a book of parchment bought in which he caused to be entered all the records of note which he thought magistrates should know about, as he said that the originals were little looked at and that it took time and trouble to search for them. The first list of the City's records, however, was not made until 1654 when Randle Holme (Harl M.S.S. 2056) undertook this task. He was most thorough in his work and put dates on many documents which today are often used as a clue when the original has become very faded. For his work, which took a year, he was paid £20, but even this amount was not obtained without his petitioning the Assembly for recognition of his trouble and threatening to "disist from further medlinge and surrender up my trust." In 1700 the records were again found to be in a state of chaos, for it was reported in that year that "the Treasury Chamber over the Pentice of this Citty is extreamly out of repair for want of backs to several presses and boxes therein." and that "many of the ancient records of this Citty have been eaten or consumed with rats or otherwise perished." It was consequently ordered that the presses should "with all convenient speed . . . be well and substantially repaired." In the process of this work, Holme's arrangement must have in all probability been upset, but it was not until 1762 that Thomas Brock, the then Town Clerk, was given 20 guineas for "his care and trouble in looking after and fixing the same (the records) in a regular manner." The list he made then survives in a Property Book of 1763 and one gains the impression that the list was compiled in a very casual manner and that Brock's chief interest was leases. Possibly the confusion in which the records have remained within recent years commenced at this period and matters were not improved when a further list was made in 1806, it is believed by the Lancaster Herald, at a time when the records were moved from the Pentice to the Exchange. As everything was done in haste it was inevitable that errors should have crept in which are only now being rectified.

In the last hundred years the City's records have been the victims of more than one incident. Several were taken to London in the 1840's for the purposes of lawsuits and some nearly lost, including the 17th century Assembly Book. They were only rescued by the Town Clerk, John Walker, in 1866 so that the list of the records made in 1853 by G. Tibbits notes their absence. This list was made within ten years of the fire which destroyed the Exchange, but unfortunately the only damage the records suffered then was from water, though that was bad enough. As a result all the documents were moved to the City Gaol, then on the site of the present Queen's School. There they remained until the Gaol was closed down in 1874 before they were returned to the new Town Hall and listed by J. C. Jeaffreson of the Historical

Manuscripts Commission in 1878. This list is the only one of the City's records that has ever been printed and though it has now been found to be not strictly accurate, it does give a comprehensive idea of the whole collection. An end to the misfortunes of the records had, however, not yet been reached. Another fire occurred in 1897 which necessitated a further arrangement and the list produced in 1906 by Mr. Fergusson Irvine as a result, is the latest one that has been made. Mr. Irvine was the first to recognise the considerable amount of misnaming that had arisen and been perpetuated owing to the speed with which the 19th century lists were made. He urged then that something should be done, but owing to the 1914-18 War no action was taken until the late Mr. C. T. Lamacraft began the enormous task of repairing the records in 1935. This chapter of incidents could probably find its parallel in other boroughs, but Chester is fortunate that so much has survived these perils. The great need at the present time is to get order out of chaos and to carry on with the repair work so that the whole collection may be made easily accessible for all to consult as soon as possible.

Perhaps it was to be expected that some of Chester's records should have become better known than others. Chief in this category are the charters, about which more has been printed than any other of the City's documents. They consist largely of grants to the Corporation, but there is also a miscellany of other deeds relating to the City's privileges. The earliest is a writ of Henry II of about 1176 protecting the trading rights of Chester in Dublin, which were later twice confirmed by King John. The first to grant civic privileges, however, were given by the Norman earls of Chester in the early 13th century, as the earldom did not come directly under the Crown till 1237 on the death of the last Norman earl. Within two years of this resumption of the earldom, a Mayor is first heard of acting as witness to various deeds, though he is not mentioned in any charter until that of 1300, when Edward I granted the City considerable privileges. Further additions and confirmations of the City's rights continued to be sought and obtained throughout the 14th and 15th centuries, but it was only in 1506 that Chester gained its charter of incorporation from Henry VII. This charter laid down the full details of the City's constitution and mentioned for the first time, in several instances, privileges which had been enjoyed by custom for over two centuries already. So much did this charter merely write down custom, that where any variances occurred the Assembly considered itself at liberty to follow custom rather than the letter of the charter and it was not until the 18th century that this decision caused any trouble. The later charters were almost word for word confirmations of that of 1506, while the spate which came under Charles II and James II were typical of those granted by these monarchs to many other boroughs throughout the country and,

as elsewhere, were the cause of much dissension.* Charters have always been valued by boroughs and consequently always well cared for, since on them were based all their rights and liberties. Through them could be obtained freedom from outside control, the right to levy their own taxes, to manage their own affairs and to elect their own officers. These privileges the Crown was not unwilling to grant as they were a means of gaining support and money. The case, however, was different if a local noble was the overlord of a borough, as he, being more on the spot, wished to exercise more control. Indeed, the considerable expansion of Chester's civic privileges came after Henry III took back the earldom into his own hands.

On these grants made in the charters hinge all the other main groups of records which have come down to us. Those relating to trade in the City are amongst the earliest. As I have mentioned above, the City's first royal grants were connected with this subject. Chester in the Middle Ages was one of the most important west coast ports, possibly second only to Bristol. Though it never achieved the greatness of some of the east coast ports which were nearer the European continent, nevertheless even the "Liber Luciani" written in the 12th century refers to ships coming to the City from the Baltic, Gascony, Spain, as well as from Ireland and the Welsh coast. Within the City itself, trade was early regulated by the grant of a Guild Merchant made by Earl Randle III about 1200, which controlled wages and the conditions of trading. This Guild, which had a common fund, was probably the negotiating body for the early charters and one of the first it is likely that it obtained, was the restriction of trade in the City to freemen except at the time of fairs. The mere fact that fairs were held in the City is a sign of its expanding trade and growth. By 1340 it was one of the towns under the Statute of Merchants where debts incurred by merchants of various towns could be enrolled to safeguard themselves and others. Later in the same century, the City was also given admiralty rights over the Dee estuary from Chester to Hoylake and so was enabled to regulate the shipping and collect customs from ships entering the port. The Wars of the Roses and the problem of silt in the River Dee affected trade in Chester rather seriously in the 15th century, but the Customs Entry Books do not give the impression that it was an idle port. In the following century, however, much money was spent on building a new quay at Neston. It was never a great success and during the course of the 17th century, there were several other schemes put forward for the better navigation of the river but nothing was done until 1732, when a new channel known as the New Cut was constructed diverting the main stream from the Wirral to the Flintshire shore. By then Liverpool had already become a dangerous rival to Chester and though

*For further details about charters see the author's "Guide to the Charters, Plate and Insignia of the City of Chester."

ships continued to reach the City until the '80's of the last century, it was found that more money could be made from the land reclaimed in the estuary than from the shipping. The only people who in fact benefited from the treacherous state of the river were the smugglers, whom the 18th century files of Mayors' Papers show as landing wines, spirits, tea, coffee, Irish soap and so on, on the Wirral shore.

Another large section of the City's records are those accruing from the enforcement of order. There were at one time, in the 16th century, as many as five courts of law active in the City. The oldest is the Portmote Court which may have developed from the borough court of Norman times, the laws of which were mentioned in detail in the Domesday Survey of 1086, but from then there is a gap in our knowledge of over a century and only in the early 13th century are deeds again found mentioning the Portmote Court. During the course of this century, references to it become more frequent until in 1295 — not earlier as some authorities say — is found the first court roll. This court dealt with cases of debt and trespass and in particular with cases concerning real property and land. In the early days at least it was presided over by the Mayor and Sheriffs but as this court only met once a fortnight and every suit was protracted over several sittings, many cases were very prolonged.

The other early court is the Pentice Court, which took its name from the building where it was held. This court was, until comparatively recently, considered to be the oldest of the City's borough courts, but there is no evidence to support this. The only clue is a very fragmentary roll endorsed, probably by Randle Holme in 1654—10E.1. (1282). I have queried this date as the writing more closely resembles that of Edward II's reign and the dating on the Edward II rolls is very irregular and could easily be misunderstood. I would therefore give as the earliest surviving roll of this court that of 1297. The Pentice Court was probably formed during the course of the 13th century to relieve the Portmote of its numerous cases. Hence there was no rivalry between the two even though they dealt with the same type of case. As the Pentice Court, presided over by the Sheriffs, met three times a week and so could give speedy justice it was much liked, though cases concerning land were generally heard in the Portmote as there was less likelihood of error there. Those who have read Morris will note that he says the Portmote also dealt with cases "*de pace ferenda*" (keeping the peace). This information he probably got from the Mayors' Books but they were Crownmote, not Portmote, cases. The City had in 1300 been allowed by Edward I to appoint their own Coroners to try all crown pleas which had up till then been heard at the Castle before royal justices, but no Crownmote Court rolls survive till 1316. The only earlier references to these pleas are found in the occasional marginal reference "*Corona*" on the Portmote Court rolls. As the Portmote

and Crownmote are spoken of together in Henry VII's charter of 1506, it is probable that the sittings of these two courts were held together and hence the records were frequently combined. In this charter also, two new courts were formed, the Passage Court and the Court of Quarter Sessions. The Passage Court was for trial of cases of debt and has records surviving from 1540. It was held once every six weeks and was preceded by a feast known as the Passage Breakfast, which was the cause of much trouble later, as it was alleged that so much time was spent on the feast that the court never met. The Court of Sessions of the Peace, on the other hand, came in time to oust all the other courts in importance. It did not exist as early in Chester as in other boroughs in the country owing to Chester's position as a borough in a palatinate county, and therefore not entirely under the same government as the rest of the country until Tudor times. As the Justices of the Peace were all aldermen who had been mayors and included the then mayor, it was also necessary to have a man with knowledge of the law appointed as Recorder. Provision for this was therefore made in the 1506 charter, and according to it, the Recorder was to be chosen from amongst the Aldermen of whom he was one. Until after the Restoration his choice was left entirely to the City. At first this court dealt chiefly with minor cases and seems to have been largely concerned with presentments of non-freemen for selling ale and beer in the City, but later on cases of assault, public nuisances and irregular morals came within its purview. As various Acts of Parliament increased the duties of the Justices of the Peace, so the cases before this court became more and more numerous. The administration of the Poor Law, cases of bastardy, the administering of the oaths of allegiance and supremacy and the registration of the rules of societies formed for social and economic purposes are but some of the matters with which they dealt. Thus the files of this court which survive from 1531 throw considerable light on life in the City, far more so than any other court records.

With regard to the general administration of the City, it is again to Henry VII's "Great Charter" of 1506 that one has to turn for a detailed list of the City's officers and how they were to be elected. The Mayor, who first appears as a civic official in Chester in the 13th century, seems in his early days to have held office for a considerable period, for in the first sixty years there were only four mayors. Even in the 14th and early 15th centuries it was not unusual for a Mayor to hold office for from three to four years and it was only later that it appears to have become the onerous duty which no man wished to hold for longer than one year at a time. From the 13th century at least, Chester has also had two Sheriffs appointed by the Assembly. Their duties in general resembled those of the sheriff of the county and Chester probably had its own, owing to its position as the capital of the County Palatine. This distinction it shared with other county

towns though today there are only fourteen boroughs in the country which still have their own sheriff. Both the Mayor and the Sheriff were assisted by a number of minor officials but there were other officers of importance such as the leavelookers, an office taken over from the Guild Merchant, the murengers, who superintended the repair of the walls and streets, and the treasurers, all of whom including the auditors, were chosen from among members of the Assembly. This Assembly, as the Council was then called, was composed of 24 aldermen and 40 common councilmen or councillors. It met generally on a Friday in the Common Hall of Pleas, which in the 17th century formed part of the present Music Hall Cinema, though on rare occasions meetings were held in the Pentice. It is difficult to generalise on how often the Assembly was held, as the intervals varied from a week to from two to three months. There was always a meeting on the first Friday after St. Dennis Day (October 9th), when the Mayoral election took place, but it was left to the discretion of the Mayor as to when others should be summoned. The Assembly Books, which begin in 1540 and continue down to the present day, throw considerable light not only on the civic administration of the town but also reflect the outlook of the Assembly. It reports not only the elections to vacant places in the Council and the appointment of various officials, the leasing of City property and the collection of money owing to the City, but also the more important decisions that had to be made relating to every aspect of City life, protecting the trade of the town, levying rates for the repair of the streets or walls and even laying down regulations for the prevention of the spread of plague. In the 17th century the Assembly was at the height of its power, but even then there was a tendency for membership to remain in the hands of a few families, a tendency which became more marked in the 18th century, when the Assembly became negligent of many of its duties and largely concerned itself with renewals of leases, admissions to freedom of the City, nominations to charitable trusts, and appointment of officials. Thus the growing needs of the town were left to be remedied by Acts of Parliament which authorised the establishment of committees, of which by the early 19th century there were two or three in being in Chester to deal with such problems as police, lighting, paving, and the River Dee, but it was not until 1835 with the Municipal Corporations Act that the Council was formed with its many Committees as we know it today.

It has only been possible here to touch on some of the City's records. From the beginning of the 19th century is found an enormous increase in the number of records as the number of social functions imposed on the Corporation increased, particularly in the fields of education and health. Much research work needs still to be done, however, before the information they contain is fully revealed.