

# Archæologia Cantiana

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## THE COMING OF THE BARONS, 1403

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WILLIAM BOYS, in his *History of the Antiquities of Sandwich*, provides a transcript and translation of a document headed *Adventus Baronum*, which he places within his chapter on the Sandwich custumal.<sup>1</sup> Because of the association with the custumal which Boys assumed, the true significance of this document has been overlooked and few, if any, of the writers on Cinque Port affairs have been aware of its existence.

The original, or rather contemporary copy, is written on both sides of two leaves of parchment which have been inserted in the town's early copy of the custumal dating from the late fourteenth or early fifteenth century.<sup>2</sup> These leaves now form the first four pages of that volume, but whether this was how Boys found them or not is uncertain for the volume was repaired and rebound in this century. The document itself, although probably intended as a precedent, has no actual connection with the custumal and should therefore be examined independently on its own merits and not as part of the customs and privileges of Sandwich.

It is quite simply an account of the visit to Yarmouth in 1403 of the Cinque Ports bailiffs and of their administration of the herring fair in that year. Because of its value as a precedent it is probably curtailed and incomplete in that it fails to give any details of the courts held or cases tried, but that does not destroy its significance.

The right of 'den and strand' at Great Yarmouth is recognized as one of the earliest of Cinque Port privileges and as one which not only acted as a cohesive factor in their development, but one which probably gave rise to the practice of meeting *apud Brodhull* in the later Middle Ages.<sup>3</sup> Miss Murray described this development and in particular showed how, after the royal award or 'dite' of 1357,<sup>4</sup> the Ports found it necessary to meet together regularly to 'admit' the bailiffs to Yarmouth.

<sup>1</sup> Boys, *op. cit.*, 575-8.

<sup>2</sup> K.A.O.: Sa/LC 2.

<sup>3</sup> Murray, *Constitutional History of the Cinque Ports* (1935), ch. IX.

<sup>4</sup> K.A.O.: CP/Cl, contains a copy of the 'dite', see f. 49.

Thus arose the annual meetings of Brodhull or Brotherhood, held on the Tuesday after the feast of St. Margaret.<sup>5</sup> Since, however, it was equally important to hear the results of the visits to Yarmouth, and since disputes frequently arose between the representatives of the Ports and the Yarmouth authorities, it was agreed in 1437 that a second meeting of Brotherhood should be held on the Tuesday nine days after Easter, to receive the reports of the previous year's bailiffs.<sup>6</sup>

Just how these reports were made in the early days is uncertain, but at the Brotherhood held on 21st July, 1573, it was decreed that the bailiffs should bring to the court a written record of their proceedings each year on pain of £10 fine.<sup>7</sup> Probably the direct result of this decree is to be seen in the series of forty-two journals or 'bailiffs' relations' of the Yarmouth visits which are found amongst the archives of the Confederation and which date from 1582.<sup>8</sup> Although some other examples of this type of record are known to exist elsewhere, none antedates the 'relation' of 1582.<sup>9</sup>

The essential value of the document published by Boys as part of the Sandwich customal lies in the fact that although a copy, and probably incomplete, it is none the less a 'bailiffs' relation' nearly two hundred years earlier than the first official example and indeed that it antedates the decree for holding the second annual court of Brotherhood.

Nevertheless, since the portsmen were supremely precedent-conscious one would hardly expect that even so early an account of a Yarmouth visit would reveal much that is new; rather it establishes the antiquity of the pattern which emerges in the later documents. The bailiffs' reception at the Tolhouse in Yarmouth, the making of the proclamation, the view of the gaol and the administration of justice for the duration of the fair were features in an established pattern during the whole of the Yarmouth service.<sup>10</sup> In one respect, however, this document has a special value for it gives in full the terms of the proclamation which it was customary for the bailiffs together with the provost of Yarmouth to announce on the Sunday after their arrival.

As the service declined the Ports became more than ever conscious of the need for proper precedent and, from 1568, a form of proclamation and other Yarmouth documents were handed annually by the retiring

<sup>5</sup> The feast of St. Margaret was 20th July.

<sup>6</sup> White Book (K.A.O.: CP/B1), ff. 10, 12v. *Calendar*, 10, 14. Miss Murray refers to the 1357 'dite' as settling a second meeting of Brodhull during December for this purpose and the early pages of the White Book bear out this practice.

<sup>7</sup> Black Book (K.A.O.: CP/B2), f. 5v.

<sup>8</sup> K.A.O.: CP/Y2/1-42.

<sup>9</sup> Hastings holds some and that of 1655 is among the Sandwich archives (K.A.O.: Sa/ZB 4).

<sup>10</sup> While its origin is lost in obscurity the last official visit was in 1663, though Major Teichman-Derville paid a visit in the guise of bailiff in 1928 and kept a record in the same form as his predecessors in office (K.A.O.: CP/Z7).

bailiffs to the town clerk of Romney for safe custody.<sup>11</sup> Indeed about the same date a copy of the proclamation was made in the White Book<sup>12</sup> among a group of other documents valuable as precedents. By the end of the century, however, it was felt that a new copy of the actual document for use at Yarmouth was imperative and at the Brotherhood held on 21st July, 1601, a sum of 6s. was paid to Melchior Reignoldes, town clerk of Hastings, 'for writing the proclamation at Yarmouth in parchment'.<sup>13</sup> This beautifully engrossed document headed with the arms of the Ports in colour still exists,<sup>14</sup> so that one can compare the form of proclamation as it was in 1403 and in 1601.

The essential differences between the texts are few, but as might be expected the later form indicates a greater degree of sophistication and an emphasis on problems associated with Tudor England. Thus, the clauses regarding the uttering of unwholesome food and drink remain virtually the same except that all reference to prices is omitted in 1601 and the clause regarding the selling of red and white wine is missing. One might suggest that this omission is indicative of the changes in habit which may well have been related to the loss of the French wine-producing area of Gascony.

The clause regarding forstalling and regrating is reiterated in 1601, but in addition emphasis is laid on the control of the market and a new by-law precedes the old in these terms:

'that noe person or persons doe sell or cause to be sold any manner of Corne before a certayn hower (that is to say) before the Market Bell be Runge by ordinance of the said Baylifes uppon payne of Forfeiture of the Corne soe sold . . .'

This greater emphasis on regulation is also indicated in two other ways. Instead of merely requiring the lading and discharging of vessels at Great Yarmouth which must have created considerable complications, the later proclamation defines the limits more realistically by forbidding charging or discharging of vessels within seven miles of Yarmouth 'if winde and weather force not to the Contrary', and the confusion caused by the vast concourse of fishing-boats is indicated by a new regulation which completes Melchior Reignoldes' version:

'that noe person or persones being a fisherman shouldbe soe hardy as to lye still at the Key after hee or they have discharged out their herring or nettes and taken in agayne theire said nettes to the hinderance of other Fishermen Coming to the Free fayre which are or shalbee ready to come to the Key to discharge their herring and nettes, but

<sup>11</sup> White Book, f. 65. *Calendar*, 275.

<sup>12</sup> White Book, f. 70v. *Calendar*, 279.

<sup>13</sup> Black Book, f. 104v. *Calendar*, 369.

<sup>14</sup> K.A.O.: CP/Y1.

shall make roome and departe from thence upon payne of every of them offending in the premisses iijs. iiijd. for every offence and to be further ponished at the discretion of the said Baylifes.'

Finally, there is a significant change in the by-laws concerned with social rather than economic problems. While the later proclamation orders that none shall encroach upon 'the Strond or Denne . . . to the Aoyance of the barrons of the Five portes', it completely omits the earlier clause regarding prostitution. This makes it clear that in 1403 there was a definite attempt at a form of regulation including both residence in a specified area of the town and also the wearing of distinctive headgear by whores. In 1601, however, such regulation is no longer acceptable but, in its place, there is a typically Tudor order respecting rogues, vagabonds and sturdy beggars. This new clause reads:

'that all and every person or persons within the Towne doe apprehend or cause to be apprehended such Rogues, vacabonds and sturdy beggars as hee or they shall see or knowe to resorte to theire houses to begge gather or receive Almes and him, her or them to Carry or cause to be Carried to the next Counstable or Tythingman, And that all Counstables and Tythingmen doe Cause the said Rogues, vacabonds and sturdy beggars to be ponished and Conveyed according to the Statute in that Case made and provided . . .'

The document of 1403 is of importance for the following reasons:

- (i) it antedates the journals of the bailiffs to Yarmouth by nearly two hundred years and the records of the Brotherhood by twenty years;
- (ii) it gives the names of the bailiffs in 1403 and indicates briefly how they carried out their commission; and
- (iii) it provides a late-medieval form of the proclamation, a form which may well have been of considerable antiquity by that time.

Inevitably, however, it raises questions—why was this particular report preserved in this form or chosen as a precedent? If it was already the practice so early to produce a written report, why was it necessary to order such a procedure in 1573 and why has no such 'bailiffs' relation' survived for any date between 1403 and 1582? Does this document indicate a practice and the nature of the regulation of the free fair from a much earlier date? While these questions must remain unresolved through lack of contemporary documents, the fact that the main series of Cinque Port records only begins in 1432<sup>15</sup> enhances the value of any stray survival from an earlier period and places the *Adventus Baronum* in a similar relationship to Ports' history as the record of

<sup>15</sup> This is the earliest date of regular minutes in the White Book (K.A.O.: CP/B1).

Shepway, 1358,<sup>16</sup> and the agreement for composition, 1392<sup>16</sup> both preserved among the records of Dover, and a circular letter of 1395 existing among the records of Rye.<sup>17</sup> It is for this reason that republication has been considered justified.

The translation given below closely follows that of Boys, where variant readings of significance arise a footnote indicates the reason for the discrepancy.

#### THE COMING OF THE BARONS

In the first place, on the day of St. Michael in the fourth year of the reign of King Henry IV, there were received in the presence of the bailiffs and commonalty of Great Jernemuth, in 'le Tolhousse', viz.

Simon Lyngbergh bailiff for Hastings  
 Roger [? Gate]<sup>18</sup> bailiff for Winchelsea and 'la Rye'  
 John [? M]aryon<sup>19</sup> bailiff for Dover and Romney  
 Henry Loveryk bailiff for Sandwich and Hythe

The bailiffs of the said town of Great Jernmuth received the aforesaid bailiffs of the Cinque Ports<sup>20</sup> in 'le Tolhouse' by virtue of their commission and after they had been received they asked for a provost<sup>21</sup> for whom the commonalty might answer that he would be good and suitable for the control of the aforesaid Fair and thus it should be continued: and they elected William Oxeney as provost and they presented him as provost of the said town to the aforesaid bailiffs of the five ports, and the bailiffs of the Cinque Ports, standing up, respectfully took him, thus elected and presented, by the hands and made him to sit down with them, both out of respect for his status and office and for an acknowledgment of the same office by the rest.<sup>22</sup>

#### GAOL DELIVERY

Item the same day the said bailiffs of the five ports by [authority of]

<sup>16</sup> See Statham, *Dover Charters*, 60-87 and 170-5.

<sup>17</sup> Dell, *The Records of Rye Corporation*, 60.

<sup>18</sup> The document is defective and the capital could possibly be a B or C, but on palaeographical probabilities G seems the most likely. Boys gives 'Pateball' which is impossible. There is no evidence for a P in that form and he has confused the name with the abbreviation for bailiff, i.e. [G]ate+ball has become 'Pateball'.

<sup>19</sup> Although the first letter is missing traces of ink round the hole suggest that an M was originally there; Boys omits the first letter entirely.

<sup>20</sup> The usage 'quinque portuum' has been variously translated 'five ports' or 'Cinque Ports' to avoid undue repetition.

<sup>21</sup> After the opening the representative of Yarmouth is always referred to as *praepositus*—reeve, provost or, occasionally, mayor.

<sup>22</sup> The Latin reads *ob sui status ac officii reverenciam, et eiusdem persone pro ceteris noticiam*. Boys translates this: 'out of respect to his station and office, and because of their particular acquaintance with him'.

their award<sup>23</sup> ratified between them demanded to view the gaol and prisoners together with the keys of the same prison, in which prison there was one called John Malfesours [indicted for] felony. Which keys they handed over to the aforesaid bailiffs of the Cinque Ports for a view of the prison and, on the security of the aforesaid provost, the said bailiffs of the Cinque Ports delivered the keys together with the aforesaid John, imprisoned in the gaol, to one, John Petyt serjeant and keeper of the said prison.

Item on the Sunday immediately after the feast of St. Michael the Archangel, about the hour of one, the aforesaid bailiffs of the Cinque Ports and the provost riding on horseback, in the presence of John de Belton, Richard de Clay<sup>24</sup> and of other good men assembled before them, with the banner of our lord King furled, sounding the horn, and with all the others concerned with this office, in the street near 'le Tolhous', made proclamation in these words—

We command, on behalf of the King, and on behalf of the Bailiffs of the Cinque Ports and of the provost, who have full authority to keep and preserve the peace of our lord King, that no violent person shall raise up warlike riots nor any other act against the peace by which he may be able to hinder the fair on pain and heavy forfeitures to be adjudged by the aforesaid bailiffs of the five ports and the provost.

Item<sup>25</sup> that no one shall carry arms against the peace whereby he may be able to disturb the fair, on pain etc.

Item that each ship's master shall have his entire ship's company within the boat from sundown until sunrise so that he may be answerable for them, on pain etc.

Item that none shall load or discharge [his vessel] except at the town of Great Jernmuth, on pain etc.

Item that the bakers shall hold the assize of bread according to the form of the statute, etc. and that they shall sell four loaves of fine flour for 1d.,<sup>26</sup> two loaves for 1d., and one loaf for 1d. and that they and each one of them shall have his sign upon his loaves, on pain etc.

Item that no innkeeper shall sell, or cause to be sold, bad wine, on pain etc.

<sup>23</sup> The Latin word *dictum* is used which is usually translated 'dite' in Cinque Ports terminology.

<sup>24</sup> Boys reads 'Clay', but in view of the Norfolk association 'Clay' is a more likely reading.

<sup>25</sup> Boys uniformly translates 'Item' as 'also'.

<sup>26</sup> The text reads *vendant iij<sup>r</sup> panes boni bultelli*, which Boys leaves as 'good bultel'. *O.E.D.* refers to 'boultel' as a kind of cloth for sifting and hence a degree of fineness, but Wright, *Dialect Dictionary*, gives 'boultel bread' as a mixture of wheat and rye flour.

Item that no brewer or brewster<sup>27</sup> shall sell, or cause to be sold, a gallon of strong beer for more than 2d., or a gallon of small beer for [more than] a penny, on pain etc.

Item that the innkeepers shall sell and have measures [duly] assessed and sealed, on pain etc.

Item that no butcher shall sell, or cause to be sold, meat that is less than good and suitable, on pain etc.

Item that no innkeeper shall sell, or cause to be sold, a gallon of white wine at more than 6d., or a gallon of red wine at more than 6d., on pain etc.

Item that no cook shall sell, or cause to be sold, meat or fish which is not wholesome and in season, on pain etc.

Item that no one of whatsoever condition or status shall sell or display bushells, gallons, ells, weights or any other measures other than in accordance with the standard of our lord the King, on pain etc.

Item that no forestaller or regrater shall forestal or regrate victuals coming into the market, by which the price shall have been raised to the loss and injury of the populace,<sup>28</sup> on pain etc.

Item that no common woman shall dwell within the same town of Great Jernmuth except upon 'le Den' at the place assigned and that she shall wear a head dress of striped cloth<sup>29</sup> so that she may be identified from other women, on pain etc.

Item on the Monday after the feast of St. Michael the bailiffs of the Cinque Ports with the provost held the Court, in le Tolhous, for townsmen and strangers, about the hour of one.

On every Sunday the serjeant of the bailiffs of the five ports together with the provost's serjeant, on horseback and before the hour of nine proclaimed the [King's] peace and the fair in accordance with the above written articles.

Item the aforesaid bailiffs of the Cinque Ports and the provost held a hearing of pleas and a general determination of causes for the whole time of the fair until the Monday before the feast of St. Martin, so that the [authority of] the bailiffs of the Cinque Ports aforesaid would be continued for 40 days, the duration of the fair and they may interfere no more until the next fair as was agreed by the dite ratified

<sup>27</sup> The Latin distinguishes male and female brewers and according to *O.E.D.* the form brewster was used for a woman brewing.

<sup>28</sup> This is a difficult reading. The Latin appears to be *per quos ea caruis habeantur ad populi dampnum et gravamen . . .*, the obscure word being *caruis*. Latham: *Revised Medieval Latin Word List* refers to *ad caruis* as 'at the dearest' and to a verb *carioro* 'to enhance prices'. The translation given here essentially follows Boys.

<sup>29</sup> Boys reads *sed super le den ad locum assignatum* as 'except at the place appointed for them called the den', and *capicio stragulato* as a 'straw hat'. The meaning of *stragulato* given in Latham, *Medieval Latin Word List* seems more probable.

F. HULL

by the barons of the Cinque Ports and the corporation of the town of;  
Great Jernmuth and coinfirm'd by our most illustrious King aforesaid  
and they returned to their fellows and combarons.

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