Walter Dragun's Town?
Lord and Burghal Community in Thirteenth-Century Stamford

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On Sunday 27 March 1272 Thomas Savage was arrested as he went with his colleagues to buy cloth at Stamford fair. The bailiffs of the town, on less than satisfactory grounds, accused him of harbouring thieves and, in no mood for argument, promptly imprisoned him in the castle. Meanwhile, investigations proceeded apace. The seneschal of the earl of Warenne, the lord of Stamford, gathered together a band of officials and townspeople and broke into Thomas' house in St Martin's, Stamford, to the south of the River Welland. The processes of law quickly took their course. Chests were forced and valuable silver and mazer goblets were carried off as booty. On top of all, and apparently the final insult, a sheep worth three shillings was killed. Appropriately enough, the seneschal's name was Walter Dragun, and the incident, one among many, is an eloquent proof of the iniquities of administration in seigneurial boroughs. Or so the jury of Stamford men sitting in 1275 would have us believe.

The story comes from the Hundred Rolls, a series of inquisitions which were designed to identify infringements of royal prerogatives and locate official abuses in the aftermath of the Barons' War of the mid thirteenth century. Two juries of 'greater' and 'lesser' citizens were enpanelled in Stamford, and the picture that emerges from their answers to the forty-six articles or questions is full and vivid. It is, however, a biased account. The war, a constitutional struggle between the crown and certain sectors of the baronage and community of the realm, had given expression to long standing grievances within the town, and two distinct parties had emerged. The abbot of Peterborough who held an extensive liberty south of the river, had declared for the barons' party and was their treasurer in 1261. The lords of Stamford - the Lord Edward until c.1265, followed by his close friend and ally John de Warenne - by contrast, led the royal party. Much of this bi-partisanship is apparent in the Hundred Rolls, and the injustices that they record cannot therefore be taken at their face value. Nevertheless, they are the main source of evidence for the administration of Stamford in the thirteenth century. In this article the account is examined in the light of the history of the town in the Middle Ages, and it is argued that, despite the existence of a large seigneurial demesne, the customs of the borough and its sense of corporate identity survived the alienation of the town to provide lords in the mid twelfth century substantially to direct its administration throughout much of the thirteenth.

It is clear from the description of the borough in Domesday Book that Stamford was a settlement with extensive liberties. It was what Ballard called a 'county borough', that is a shire-type town - it had lost its dependent territory in the late tenth or early eleventh century - and was administratively, economically, and socially distinct from the surrounding countryside. Its court evidently had an elevated status. The assessment of the town was twelve and a half hundreds - the Lincolnshire term for local government - the fundamental unit of local government at the level of the community - and its division into six wards with functions similar to the hundred, suggest that it was equivalent to the court of a wapentake. Indeed, from time to time it may have served as a 'sub-shire' court, if, as has been suggested, the royal dues of South Lincolnshire were rendered there. Moreover, the town's social structure was entirely urban in character. Despite tenurial heterogeneity - at least seven tenants-in-chief, in addition to the king, held land in the town - burgage tenure was almost certainly the common datum of title. The same basic landgable or quit rent was paid, sometimes to the king, sometimes to a private lord, and services were attached to land as opposed to the person. Overall the town was lord as sovereign rather than landlord, and the townspeople were free to conduct their business without the constraints imposed by the servile tenures of the countryside. However, there was one part of the town over which the king came to have a more proprietary interest. In 1066 Edmond the Confessor's queen, had held as parcel of the royal estate and liberty of Rutland, an extensive manor centred on the church of St Peter to the west of the borough proper. In 1068 William the Conqueror built a castle next to this church and, for the sake of administrative and military expediency, incorporated the whole estate into the borough and appended it to the county of Lincoln. Its tenurial character, however, remained unaltered. As a manor of the regis, crown land, it was no different from any other royal manor in Lincolnshire and was thus subject to a more immediate control by the king or his agents compared with the nebulous lordship he enjoyed over the borough. The construction of the castle within its bounds can in no way have weakened his control. What was called the king's borough of Stamford in Domesday Book, then, consisted of a borough with characteristics which different Little from any other county borough, and a manor whose demesne character was reinforced by the construction of the castle.

Little is known about the relationship between these two elements in the late eleventh and early twelfth centuries. But in 1156 Henry the Second granted Richard Humet, the constable of Normandy, and for some two hundred years, with the exception of seventeen years in the mid thirteenth century, it was alienated from the crown. Almost immediately the terms used to describe Stamford took on a feudal aspect: 'borough' gave way to 'township', 'burgess' to 'lord's goodman'. Superficially, it would seem that free borough had developed into seigneurial town. But Stamford's liberties were apparently extensive, In 1275 John de Warenne was said to enjoy the franchise of return and estreat of writs and view of frankpledge, that is, his seneschal acted as sheriff within the town and assumed almost all the functions of the king's officers of the shire. The earliest reference to these liberties occurs in 1218 when the sheriff of Lincoln complained that he could not execute a writ concerning a widow's lands since the messages in question were in the town of Stamford 'wherein he does not set his hand'. The bailiffs of Stamford, the responsible parties, were therefore in default. However, the practice was clearly of long standing: as early as 1202 the burgesses of Stamford were free from assizes within the county and presented their own jury to the justices in the town itself. Indeed, it appears that no burgess of the town made suit to the county court, that is was forced to go to Lincoln to act as a juror, throughout the Middle Ages. Its administrative apparatus, therefore, mirrored that of the shire. The lord of the town had a prison, first recorded in 1227, where his baillif's custody was made by the justices until 1281. The town also had a coroner who looked after the pleas of the crown, crimes and felonies which were subject to the king's justice alone,
in Stamford.

All of these liberties have the appearance of a personal franchise, the special rights of a lord specifically granted. However, it is clear from their application that they were derived from the status of the town as a borough. Thus, in 1202 it was the community which claimed and fined for its exemption from assizes. In 1218, somewhat anomalously, though no less significant for that, there were twelve burgess coroners in Stamford who kept all the king's pleas and executed attachments - the securing of sureties for appearance in court - a function which was normally performed by the sheriff. Moreover, from 1240 to 1257 it was the burgesses who held the town and enjoyed its liberties. But, above all, they were not confined to the fee of the lord of Stamford. When Richard Humet was granted the borough in 1156, the fee of the abbey of Peterborough, *inter alia*, was expressly excluded. Nevertheless, in the fourteenth century the lord's bailiffs executed royal writs or orders within the abbots' fee, and, as the story of Thomas Savage illustrates, they were responsible for the maintenance of law and order. This fact was not in dispute. It was the justice with which the particular distrain, the seizure of property to enforce a legal obligation, was made that was at issue. The lord's liberties were clearly public, that is, royal, in origin and embraced not only the lord's fee, but the whole community of the town.

The institution through which these liberties were exercised was the lord's court which was, as is clear from the Hundred Rolls, one and the same as the court of Stamford. These were held at least twelve times in the town, but their jurisdiction was private and limited to the assizes of bread and ale, the licensing and regulation of baking and brewing, within each fee. However, all townspeople were probably obliged to attend the borough court - indeed, the abbots of Peterborough owed two suits per annum until he granted return and estreat of writs and view of frankpledge in 1269. Its functions, moreover, were not confined to the enforcement of debt. It was in every sense a borough court. Thus, for example, the law merchant, the regulations which governed the purchase and sale of goods, was exercised there until the pleas were removed to the Tolbooth after the grant of self-government in 1313. It was a royal court, a court of record, although most of its profits accrued to the lord rather than the king. In this respect it was no different from the court of any borough. It was true that its president, the lord's seneschal, was not elected by the townspeople, but amercements, fines in the modern sense, were generally made by the burgesses themselves and, in certain circumstances, belonged to the community. Custom was a powerful ally in the preservation of liberties, and the burgesses were jealous of their rights. Even the bailiffs of the town, although probably appointed by the lord or his seneschal, were local men, often of some standing, and therefore shared a common purpose with the burgesses.

The liberties that the lord of Stamford enjoyed, then, and the administrative machinery that went with them, were substantially those of a borough. This, however, was not the full extent of his jurisdiction. In addition he also had the right of a three-weekly court to which his men, as well as others, could sue, from which the men of other fees and 'burgesses of the king' claimed exemption. Throughout the period a distinction between castle, or manor, and town of Stamford is persistent: Richard Humet in 1156 was granted all the appurtenances of the castle and of the borough; in 1254 tenants of the castle, implicitly contrasted with burgesses, are noted; in 1275 and 1289 townspeople claimed to be royal burgesses rather than tenants of the lord of Stamford. The distinction was maintained long after the town was formally granted a charter of self-government by John de Warenne in 1313, and it seems clear that the two types of court reflect this dichotomy. That of the borough was paralleled by a second court which was apparently a more seigneurial institution. As such, it is almost certainly related to the lord's demesne, that is private estate, which had been incorporated into the town between 1066 and 1086. Since the two types of court were probably held together, confusion of roles was simple, and abuses could easily follow. Despite the bias of the evidence, it is likely that from 1265 to 1275 John de Warenne's seneschal and bailiffs imposed their will on the townspeople, with a not always successful result. The town, like the rest of the place, was subject to seigneury and custom, by the simple expedient of extending his manorial jurisdiction to the whole of the borough. But this is probably an atypical episode in the history of the town. There is a considerable body of evidence to suggest that the burgesses had a well-developed communal identity and actively participated in the administration and government of Stamford.

Despite the lack of evidence for a comprehensive charter of liberties and any notice of a gild merchant, a formal association of townsmen for the regulation of business and other affairs, the burgesses must have been organised as a community at an early period. The large assessment of Stamford, its distinction from other boroughs, and the presence of a fixed sum paid in lieu of sundry dues, renders, and services, must all imply communal action in the eleventh century. Indeed, as at York, Chester, and Cambridge, there were twelve lawmen who may have constituted a borough council. By 1201 the borough had acquired the 'borough customs' - freedom from assizes within the county etc. - and foreign merchants were able to join the community to benefit from the privileges that it enjoyed. Throughout the thirteenth century the burgesses as a body were involved in administrative affairs which were of vital concern to them, and writs were often directed to them as a community in these matters. It was apparently by their initiative that murages, the levy of additional tolls to finance the construction of a town wall, were granted to the town by the king in 1265 and 1267, and the whole business of collecting the tax and building the defences was seemingly executed without reference to the lord of Stamford or his officers. Thus, of the seven wardeners of the murage between 1261 and 1275, one only, Richard de Cottesmore, is subsequently recorded as acting as a seigneurial bailiff. The burgesses also assumed responsibility for other financial matters such as the Jews' Chest, the official repository of records of debts owed to the Jewish money lenders, and the collection of royal taxes. Many of the principal agents in these affairs were of the highest rank in the town, merchants of considerable wealth and standing. Walter le Fleming, for example, who was warden in 1261, was a juror for the *supertores* in 1275 and had his own court with the assizes of bread and ale. As in the early thirteenth century, the community was probably dominated by an organised patriciate. Moreover, it almost certainly had a common fund, for some types of amercement belonged to the community as a whole. There is no notice of a communal organisation until 1462, but these activities imply that the burgesses already had some kind of gild merchant in the first half of the thirteenth century.

This organised community of burgesses was probably always closely associated with the process of government in the town. There is little evidence from the twelfth century to elucidate its role, but in the thirteenth it was evidently active. As has already been seen, there were twelve coroners in 1218 who kept the king's pleas and made attachments within the town. This suggests that the burgesses had some
formal executive function at this time. From 1240 to 1254, when Stamford was in the hands of the king, a group of burgesses, led by William de Tickencote, assumed control of the borough. Although they occasionally defaulted, and the sheriff of Lincoln was ordered to take over the administration, for much of the period they rendered the farm directly to the Exchequer. From time to time they were even wardens of the fair and market which, as lucrative assets, the king usually farmed separately. When the town was granted to the Lord Edward in 1254, the payments to the Exchequer of course stopped, with the exception of arrears, but the burgesses probably continued to govern their own affairs and rendered their account at Edward's own exchequer in Bristol. In 1256, at least, a formal arrangement was introduced, for it would seem that the burgesses were granted something akin to a commune. The details are vague, for the only authority for a charter is a now lost seventeenth-century abstract. But there is clearly some substance in the tradition that in 1256 the king addressed a writ to the mayor and bailiffs of Stamford, while in 1257 the community was granted the liberties of Oxford in so far as they concerned debt. Quite how long these liberties were preserved is not clear. From time to time between 1261 and 1265 the Barons put keepers, administrators directly responsible to the Exchequer for all issues, into the town, but this does not necessarily imply that the charter was suppressed. However, the burgesses seem to have lost the initiative after the reserve of a lord was granted the burgesses self-government in 1276. Indeed, royal writs were subsequently addressed to the mayor and bailiffs on two occasions. The lord, however, maintained a direct interest in the town for in 1288 his bailiffs still administered the fair. Full self-government was finally granted in 1313 by the second John de Warenne when the burgesses were given the right to buy and sell as if they had their own church and to elect an alderman to govern them.

The continuity of administration between 1240 and c.1265 is suggestive. Although there were several changes in the formal status of the town as it passed to successive lords, the burgesses managed the borough on their behalf throughout. In return they rendered its issues as a farm. In actual if not in legal terms this may represent the realities ofburghal administration throughout much of the twelfth and thirteenth centuries. The feudal terminology of the sources, of course, implies that the town was entirely seigniorial, the private property of the seigneur. In fact, it was merely mediatised, that is, the lord was granted to the dues of the town without extensive rights of independent administration. By custom and right the burgesses were involved in the process of government. It was hardly within the interests of the lord to dispense with their aid nor was he competent to administer without their cooperation. Both lord and burgesses shared a common interest in promoting the prosperity of the town. It seems likely, then, that, as in the middle years of the thirteenth century, the burgesses were free to conduct their own affairs under the general supervision of the lord's seneschal, providing they paid their freedom each year.

The castle, then, was not a fortress from which the lord of the town imposed his ineluctable will upon an unwilling town. Nevertheless, it was a manor house, the lord's residence, and in his absence the seneschal's headquarters. He acted both as the lord's representative and the constable of the castle. Its facilities, however, were of vital importance to the administration of the town. The court of Stamford met there, probably in the Great Hall (Fig. 1), and the prison may have been located within its walls. From 1265 to 1275 all distrains and confiscated goods

were kept there for safe keeping. It is less clear whether it ever functioned as the office, as it were, of the town's administration. In 1262, when the town was probably still farmed by the burgesses, the staff numbered only four, that is, the constable, his two men, and a porter, and they seem to have been entirely concerned with the running of the castle itself. An analysis of the Hundred Rolls suggests that the official staff of the town administration numbered at least eight or nine. In 1273, for example, there was Philip de Stambaune, the seneschal, Hugh Bunting and Peter London, bailiffs, four under-bailiffs, a clerk, and a coroner. Many of their duties may have been executed from a common hall somewhere in the town.

Whatever Walter Draggan's motive in arresting Thomas Savage in 1272, his action was not only an affront to the dignity of a prominent member of the burghal community, but also an attack on the ancient liberties of Stamford. Despite internal tensions in the town, this fact did not go unremarked, and by 1275 both the judicature of the greater and lesser men of the town felt it was in their interest to report the matter to the royal justices. It is not recorded whether Walter was subsequently brought to book for his misdemeanours, although it may be significant that he was no longer seneschal in 1275. However, in the long run successive charters of liberties formally recognised that Stamford was not the private reserve of a lord or his seneschal, but the borough of a free community.

NOTES
1. I would like to thank the chairman and committee of the South Lincolnshire Archaeological Unit, now incorporated into the Trust for Lincolnshire Archaeology, under whose auspices I first undertook research on the medieval history of Stamford. My greatest debt, however, is to Christine Mahany whose excavation of Stamford Castle was the stimulus for the present work.
4. ibid., bk viii, p. 43.


12. Rotuli Hundredorum i, p. 351.


18. Lincolnshire Assize Rolls 1202-1209, nos. 538, 33.


20. See below.


24. Rotuli Hundredorum i, p. 351; Pratica de Quo Warranto, p. 595.


27. Rotuli Hundredorum i, pp. 354, 357.


30. In the reign of Edward I or II the community of Stamford claimed in a petition to Parliament that William Humet, the son of Richard, had taken their charter to France when he forfeited his lands in 1204, but the details of the liberties that are cited are anachronistic (Rotuli Parliamentorum i, Record Commission (London, 1783), p. 462b).


32. The Earliest Lincolnshire Assize Rolls, AD 1202-1209, no. 5.


34. Rotuli Hundredorum i, pp. 353-4, 357.


38. Rotuli Hundredorum i, p. 356.

39. Rogers, Medieval Stamford i, p. 46.


42. Rogers, Medieval Stamford i, p. 42.

43. Peck, Antiquarian Annals, bk viii, p. 35.


46. Peck, Antiquarian Annals, bk ix, p. 3. The liberties are identical with those granted in 1313, and it is therefore possible that there was only one such grant.

47. Calendar of Plea Rolls Jews iii, p. 104; Calendar of Close Rolls 1302-1307, p. 215.

48. Peck, Antiquarian Annals, bk ix, p. 16.


51. Calendar of Liberated Rolls 1266-1267, p. 106.

52. Rotuli Hundredorum i, pp. 351-7.