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Lorraine Attreed

Urban Identity in Medieval English Towns

EDITORS' INTRODUCTION After receiving basic chartered liberties during the twelfth and thirteenth centuries, English towns continued to augment both their privileges and the physical spaces in which they exercised them. Urban officers thereby sought to define civic identity as distinct from the rural, noble, and ecclesiastical powers that surrounded them. Four case studies from Exeter, Shrewsbury, Norwich, and York allow in-depth explorations to be made of the ways in which towns defined physical and juridical space through law suits. The process of mustering legal evidence, choosing a local or royal venue, finding helpful patrons, and participating in arbitration contributed to the mature development of urban institutions and their self-conceptions. The disputes and their pursuit before the law show clearly how urban space impacted territorial, legal, and ethnic identity in late medieval society.

Scholars of the late medieval European town are well aware that urban space was cross-cut by contradictory, even mutually exclusive, images and realities. Although commercial opportunity, personal freedoms, and legal self-determination clearly defined the urban experience—and made it unique—such liberties could also be accompanied and undermined by inequality, repression, illness, and violence. Such negative attributes all too vividly confirm popular prejudices about the medieval world in general and the conditions of town life in particular. Moreover, this is not the only set of contradictions inherent in the story of medieval urban space. Another becomes visible through an examination of the shaping of the urban self-image, namely, the ways in which urban liberties were created in the course of struggles to claim, delineate, and defend physical space itself.¹

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1 Influential early works include Alice S. Green, *Town Life in the Fifteenth Century* (London 1894) 2v.; Frederic W. Maitland, *Township and Borough* (Cambridge, 1898); Mary Bateson

Every town possessed, and developed within, concrete, geographical space, whether it was physically demarcated by walls and gates or only judicially defined by charters and grants. But those spaces could also be shared and challenged by other corporate bodies, especially that of the Church. The resultant clash of claims engendered conditions under which the identities of both bodies underwent change and definition. Town governments, however, may have felt the pressure most keenly. Even after the thirteenth century, they continued to acquire and learn how to manage the privileges of self-government that were granted and monitored by the royal government. To many local leaders, their legal rights, exercised within the abstract juridical space that defined the unique state of the town, required real geographical space for their fullest and most secure expression. The pursuit of that physical space forced urban officials to clarify their needs, motives, and ideals in ways conducive to self-definition.

To study this process, this article presents a small selection of English royal towns, recipients of their most important chartered privileges from the monarch and responsible to the king's government for peacekeeping and other activities. Although they possessed the legal rights that conventionally defined urbanity in this age, royal towns were honeycombed with private liberties, including those of ecclesiastical bodies. Friction between urban officers and representatives of the Church had a long history by the later Middle Ages, and resolution often waited for the legal and religious changes consequent upon the Reformation. Within that friction, however, lay opportunities not just to claim geographical territory, but also to map the total urban experience, to explore distinctions from, and connections to, the rural surroundings, and to determine relationships with rival corporations within towns. In other words, space that towns created, claimed, and

(ed.), *Borough Customs* (London, 1904, 1906), 2v.; Henri Pirenne, *Les Villes et les institutions urbaines* (Paris, 1939), 2v.; Max Weber (ed. and trans. Don Martindale and Gertrude Neuwirth), *The City* (New York, 1958). For popular negative concepts of the Middle Ages, see Fred C. Robinson, "Medieval, the Middle Ages," *Speculum*, LIX (1984), 745-756. Full analysis is provided by Paul Freedman and Gabrielle M. Spiegel, "Medievalisms Old and New: The Rediscovery of Alterity in North American Medieval Studies," *American Historical Review*, CIII (1998), 677-704; Peter Monaghan, "Medievalists, Romantics No Longer, Take Stock of Their Changing Field," *Chronicle of Higher Education*, 30 (October 30, 1998), A15-17.

defined involved them in a complex process resulting in a maturing and clarifying of what it meant to be urban.²

By the later Middle Ages, many English provincial towns had been accumulating liberties and privileges from the royal government for more than three centuries. Domination by a bishop or abbot was the exception, not the rule, in English medieval urban history. Thus, basic liberties of trade and self-government had already been acquired by the fifteenth century, when this study begins, though this was by no means a static period. Boroughs were still struggling with the privileges that they had achieved, and their officials continued to work for the enlargement and strengthening of towns' physical size and constitutional status. They did not yet know the limits of their boroughs' growth, and their explorations brought them up against a variety of external bodies able to subdue or terminate urban development if they felt sufficiently threatened. Challenging the Church, in particular, introduced difficult issues concerning the sanctity of the institution, not easily resolved in a court of law and by no means abolished as quickly as acts of the Reformation were able to sweep away chantries and religious houses.

EXETER The southwestern city of Exeter provides the most accessible example of this fraught process. Not only are many of its archival sources in print; they were also created by individuals whose actions and motivations were recorded with a clarity that medieval historians rarely encounter. Like Norwich, York, and other cities, Exeter contained fees, or liberties, other than that of the civic officials; rival jurisdictions often thwarted the officers' execution of their legal and financial duties. The most notable of these liberties were two controlled by the cathedral: an extramural liberty of the dean and chapter, and the bishop's fee of St. Ste-

2 An introductory discussion of the conflicts can be found in Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs* (New York, 2001), 243–282. Although such conflicts find mention in Robert Tittler, *The Reformation and the Towns in England: Politics and Political Culture, c. 1540–1640* (Oxford, 1998), his focus is on the later period. Mine seeks the long-term roots of the disputes and the creative ways in which townspeople sought solutions that impacted on both public and private experiences. The Church's spatial and architectural expressions of a unique "clerical culture" have been most recently discussed for an earlier period by Maureen C. Miller, "Religion Makes A Difference: Clerical and Lay Cultures in the Courts of Northern Italy, 1000–1300," *American Historical Review*, CV (2000), 1095–1105. I am preparing a separate study of jurisdictional conflicts to supplement the preliminary findings in this article.

phen. The former was composed of a compact holding northeast of the city walls, where the mayor and his officers claimed right of entry to arrest the unruly, assess tallages, and collect city customs on baking, brewing, and commerce. From the mid-thirteenth century, the dean and chapter resisted these civic claims, but agreements, covenants, and, finally, an act of Parliament in 1436 allowed for a peaceful compromise and division of duties between Church and town authorities. Although the dispute spanned two centuries, the concise nature of the holding and its geographical position outside city walls strengthened Church claims over the area and permitted a resolution that both parties could respect.³

By at least the early fourteenth century, the bishop's fee of St. Stephen presented the city with greater challenges, causing friction between the two parties. The liberty had little physical integrity, being composed of the cathedral church and its churchyard lying in the eastern quadrant of the city, as well as individual tenements held by the bishop but widely scattered within city walls. The dispersed nature of the liberty struck city authorities as deeply threatening to their supremacy within the delimited urban space; in such a liberty, no matter how compact or dispersed the area, civic officials had no rights. Miscreants from the city's liberty could escape into the episcopal liberty, sometimes simply by crossing a street. Urban officials were helpless to enforce their laws and, as they complained to the Crown, had difficulty in maintaining the king's peace. A totally separate judicial system prevailed there, not necessarily cooperative with that of the city. Moreover, merchants and craftsmen of the episcopal liberty did not have to take up expensive city franchises in order to practice their trades. Nor were their wares subject to urban quality controls. In an attempt to attract royal interest in their plight, mayors and aldermen argued that a city's financial loss was a loss for the Crown as well.⁴

3 Nos. 503, 2890, 2892, 4720, Dean and Chapter Archives (hereinafter cited as DCA); Book 55, Freeman's Book, ff. 71v–74v Devon Record Office (hereinafter cited as DRO.); Early Chancery Proceedings, C.1/12/243 Public Record Office, London (hereinafter cited as PRO.); *Calendar of the Patent Rolls, 1429–36* (London, 1907), 358–359.

4 A fuller analysis of Exeter's case can be found in Attreed, "Arbitration and the Growth of Urban Liberties in Late Medieval England," *Journal of British Studies*, XXXI (1992), 205–235. For background details and primary sources, see also Muriel E. Curtis, *Some Disputes between the City and the Cathedral Authorities of Exeter* (Manchester, 1932), 17–23; Stuart A. Moore (ed.), *Letters and Papers of John Shillingford, Mayor of Exeter 1447–50* (London, 1871). Both the city and the cathedral parties turned to Domesday Book and a mid-thirteenth-century

After a scuffle in 1445, involving the mayor's sergeant and a cathedral servant, the problems of contested jurisdiction centered on St. Stephen's fee. The disagreement about who hit whom, and in which jurisdiction the blows had been exchanged, persuaded Bishop Edmund Lacy to ask the Crown for a charter enumerating his legal rights within his liberty and the exact nature and number of judicial courts that he could provide for his tenants without interference from the city's legal venues. Without checking to see whether a new grant conflicted with those given the city during previous centuries, the king issued a charter allowing the bishop and his successors to hear a wide variety of legal pleas and the courts in which to hear them. A royal directive that followed in 1446 physically excluded civic authorities from the cathedral church and its yard, and exempted episcopal tenants from contributing to royal taxation. Civic officials read this situation as an encroachment upon their physical space and upon their own chartered privileges of self-government. Even as they began to collect evidence and levy a special tax to pay for potential litigation, Bishop Lacy initiated legal proceedings in the central courts at Westminster, where Mayor John Shillingford and his brethren were ordered to appear in June 1447.⁵

Lacy sought equity jurisdiction and the direct intervention of the royal council in his plea. By the fifteenth century, this was a popular choice for lay and ecclesiastical litigants alike; equity provided solutions unobtainable in common law courts, where the mass of traditional, precedential, and customary rulings held sway. Equity allowed for the submission and consideration of a broader range of evidence; offered flexible means to settlement, often with the means of arbitration arranged by the chancellor; and resolved

customary to bolster their positions. The ambiguous nature of the former's entries for Exeter could have encouraged friction since the eleventh century. Although the city is well represented in print, documents of the cathedral party remain unpublished in Exeter's Dean and Chapter Archives, with the exception of G. R. Dunstan, *The Register of Edmund Lacy, Bishop of Exeter, 1420-1455, Registrum Commune* (Torquay, 1963-1972), 5v. Exeter also experienced rivalry with the prior of St. Nicholas, whose estate formed a manorial unit the jurisdiction of which competed with the city's law enforcement. Space constraints prevent full discussion herein, but for the impact of the Reformation on the problem, see Joyce A. Youngs, "The City of Exeter and the Property of the Dissolved Monasteries," *Transactions of the Devonshire Association*, LXXXIV (1952), 127-129, 138.

⁵ *Calendar of the Charter Rolls Volume 6, 1427-1516* (London, 1927), 60; *Calendar of the Patent Rolls, 1441-46* (London, 1908), 451-452; Receivers' Roll 24-25 Henry VI, DRO; No. 3679, DCA; Moore, *Letters and Papers*, 2, 133-135.

cases with greater speed than common law courts. Yet the slower process and narrower purview of the common law was what Exeter's officers preferred at this stage, given the weakness of their position. Lacy's representatives used the months before the trial to gather evidence and to seek advice from Westminster courts; the mayor himself admitted that the cathedral party was building a strong case. His officials may also have wished to avoid appearing before Chancellor John Stafford—Archbishop of Canterbury and former dignitary of Exeter cathedral—a man that both parties could expect would be partial to Lacy's side.⁶

Mayor Shillingford's letters from London to his brethren officers in Exeter are often cited for the light that they shed on patronage patterns and the manipulation of the legal system. In uncharacteristically voluble and candid documents, Shillingford tracked the movement of the case from conciliar equity jurisdiction to arbitration by the chancellor and two justices. He recorded the means by which he discovered the identities of individuals influential in the arbitration, buttonholed them in the law courts, and courted them with timely presents of fish and fruit shipped fresh from the West Country. The letters offer evidence of medieval society's concept of networking, further support the truism that all politics are local politics, and put a human face on chartered liberties and legal procedures. Insinuated into the chancellor's confidence, the mayor recorded his thoughts on legal procedure: his fears that a common-law decision would prove excessively harsh and expensive, would sour relationships within the city, and satisfy one party at the expense of the other. "God hit forbede, then sholde ye never love, and that were pyty," Stafford

6 Margaret Avery, "The History of the Equitable Jurisdiction of Chancery before 1460," *Bulletin of the Institute of Historical Research*, XLII (1969), 129–144; Alan Harding, *The Law Courts of Medieval England* (London, 1973), 76–77, 84; Moore, *Letters and Papers*, 58. The city cited Magna Carta, and a statute of Edward III that confirmed a number of Magna Carta's clauses, and reaffirmed a subject's right to justice at the common law before being required to answer before the king or his council: John Strachey (ed.), *Rotuli Parliamentorum* (London, 1767–77), II, 295. See Christine Carpenter, "Law, Justice and Landowners in Late Medieval England," *Law and History Review*, I (1983), 229, 235, for the use of Magna Carta by those adverse to equitable resorts. For a definition of common law, and the difference between enacted laws, such as statutes, and unenacted customs, see Bryce Lyon, *A Constitutional and Legal History of Medieval England* (New York, 1980; 2d ed.), 432. Given the relationship between common-law litigation and arbitration, this case may be an example of the use (or threat) of the former to achieve settlement at the latter. The varied nature of the evidence put forward by both sides certainly dictated the most flexible adjudication possible.

exclaimed at one point, the idea being that love—the principle of self-regulation representing common sense, compromise, and bonds of affection—was compatible with both the strict application of the law and the urge to maintain the placid public relations especially valued in urban spaces.⁷

In the end, common-law resolution was avoided, and arbitration took place in Exeter, within the contested spaces. Two local nobles with long, but not always pacific, histories of intervention in urban and diocesan politics presided. Although the settlement of December 1448 strongly favored the bishop and acquiesced to almost all of his demands, the rights of civic officials were not totally ignored. The bishop and his successors were permitted to keep St. Stephen's fee, described as including the cathedral church and yard but not precisely measured. Henceforth, urban and episcopal officers had to confine their arrests and judicial procedures to their respective jurisdictional spaces. Although Lacy could exercise most of the powers of jurisdiction that he claimed, his cathedral tenants had to take an active part in urban social affairs, such as keeping watch in the city and paying the king's taxes. Interestingly, civic authorities and their successors were permitted to bear their maces, symbols of their royally granted constitutional powers, within the bishop's fee without interference. This concession says much about the power of symbolism and public ceremony in urban life, especially regarding a hotly contested physical space. It suggests that the city's theoretical rights within the fee were ultimately undeniable.⁸

7 Michael Clanchy, "Law and Love in the Middle Ages," in John Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), 47–48, 50, 52, 61–62. For further details of Shillingford's relations with Stafford and his methods of patronage, see Attreed, "Arbitration and the Growth of Urban Liberties," 218–222.

8 Moore, *Letters and Papers*, 136–141. The local nobles who arbitrated the case were Sir William Bonville and Thomas Courtenay, Earl of Devonshire. Bonville was a patron of various parish churches, and the entire Courtenay family—including the earls of Devon—held manors from the bishop and intervened with the king on behalf of the poor priests of the cathedral. For Bonville, see Dunstan, *Register of Edmund Lacy*, II, 71, 166, 248, 313. During the 1450s, Bonville could also be found acting with Bishop Lacy to swear in the sheriff of Devonshire, and acting with his ally Sir Philip Courtenay of Powderham to keep the peace in the area: Dunstan, *Register*, III, 54–55, 137, 160–161. For the Courtenay earl, see No. 3498, DCA; Dunstan, *Register*, I, 281–82, 292; II, 24, 107–108, 169–170, 193–194, 291–292, 354–355. Unfortunately, since the precise location of the arbitration is not mentioned, it is not possible to apply the methods of analysis used by Charles Burroughs, "Spaces of Arbitration and the Organization of Space in Late Medieval Italian Cities," in Barbara A. Hanawalt and Michal Kobialka (eds.), *Medieval Practices of Space* (Minneapolis, 2000), 64–100.

The arbitrators tried as hard as they could to acknowledge the cathedral party's rights without ignoring the civic officials' duties toward the citizens and their king. Their decision reflects a comprehension of the long and complex history of the dispute, and of the need to offer advice in the spirit of equity and balance. So sensitive a resolution was unlikely to be achieved at other legal venues. But it was not perfect; its lack of precision permitted further disagreement. As Exeter's prosperity burgeoned in the early years of the sixteenth century, civic officials kept trying to extend their judicial and financial rights into the cathedral liberty, eager for the physical size of the city to match its enlarged economic profile. They petitioned Parliament fruitlessly into the 1520s to expand their privileges, achieving a partial victory in 1535 when the mayor, recorder, and aldermen became justices of the peace for the city with superior judicial rights over any immunities held by the cathedral.⁹

In 1537, when the city of Exeter achieved incorporation and became a county in its own right, urban authorities were intent on determining the spatial boundaries of this new legal entity. Since arbitration and compromise had proven inexact, the citizens petitioned the king for an act of Parliament to draw the city boundaries more precisely. Enacted in Edward VI's reign, the grant gave the city both of the cathedral fees but promised the church that it would not be deprived of any privileges. Emboldened by this royal act, city authorities continued for more than a century to enforce urban laws and financial exactions within the liberties, and cathedral servants continued to resist them. Although the courts and legal privileges that the bishop claimed became increasingly anachronistic, the loss of power and income suffered by Exeter cathedral during the Reformation and the inflationary sixteenth century made ecclesiastics maintain even meaningless rights with increased ferocity well into the nineteenth century.¹⁰

9 Exeter's fiscal records attest to population growth and commercial prosperity commencing after 1350 and continuing into the sixteenth century. A regional entrepôt for southwestern cloth, Exeter also prospered from wine imports, fishing, and the tin trade. See Maryanne Kowaleski, *Local Markets and Regional Trade in Medieval Exeter* (Cambridge, 1995), 89–95, 325–333. For the concessions of 1535, see City charters, no. 32, DRO. The acquisition of monastic lands required expanded financial and constitutional rights, resulting in two grants of incorporation in 1537 and 1550. See Tittler, *Reformation and the Towns in England*, 79.

10 No. 2899 (1538 petition to Henry VIII), DCA; 2 and 3 Edward VI, No. 49, "An act for the enlarging of the liberties of the city of Exeter," Record Office, House of Lords, London.

Exeter's dispute with its bishop presented civic authorities with numerous opportunities to explore both their own independence, anchored in the city's chartered liberties, and their relationship with the Crown, the source of those privileges. The case illuminates how medieval people sought justice, and how they happened upon the right combination of legal procedure, *ad hoc* arbitration, and informal networking that provided the most effective solutions. But even more striking are the complex meanings attached to a town's physical space and to the issue of who controlled it.

SHREWSBURY In Shrewsbury, where an ecclesiastical liberty contiguous to an urban space also created problems for town officials, the conflict centered on an area just outside abbey gates on the east side of the town, which included a suburban hamlet and a bridge over the River Severn linking civic and abbey lands. Although friction between the two institutions had existed for several centuries, during the early years of the sixteenth century a new urgency in the town officers' identification of particular spaces with economic and judicial privileges brought the case to the royal council charged with deliberating difficult pleas. The records of the council meeting in Star Chamber contain each party's claims and depositions of witnesses, thus providing valuable details of urban society in the conflicted spaces of the Welsh frontier.¹¹

Royal intervention during 1495 inspired town officers to exaggerate some of their spatial claims. Early in the year, a visit by Henry VII encouraged the bailiffs to defend their rights to bear the civic maces, symbols of their royally granted privileges, into the disputed spaces. In addition to giving verbal support to their ac-

The act defined the city and suburbs of Exeter as part of the county of Exeter. Its officers were permitted to serve writs and initiate judicial processes, except for those which were prejudicial to the rights of the bishop and his successors. The act was passed in 1548, during the stage of the Edwardian reformation that saw the first act of uniformity and the first prayer book of the Church of England. Exeter's loss of diocesan income, from £1500 *per annum* to £500, is examined in Wallace T. MacCaffrey, *Exeter 1540–1640* (Cambridge, Mass., 1958), 185–187, 200–201. See Curtis, *Some Disputes*, 43–54, for a review of the dispute between 1535 and 1826. Stanford E. Lehmborg, *The Reformation of Cathedrals: Cathedrals in English Society, 1485–1603* (Princeton, 1988), discusses the strained cathedral finances of the sixteenth century, 164–181.

11 Isaac S. Leadam (ed.), *Select Cases before the King's Council in the Star Chamber* (London, 1903), cxxxvii–cxli, 178–208. During the early 1490s, the case had been aired in the equity court of Chancery and in the Court of Requests. See C. G. Bayne and William H. Dunham, Jr. (eds.), *Select Cases in the Council of Henry VII* (London, 1956), clxi.

tions, Henry also granted a charter enumerating Shrewsbury's fiscal and judicial rights in a number of specified liberties and suburbs. Although the disputed areas were not explicitly named, the grant emboldened the officers to exercise legal jurisdiction on the bridge and in front of the abbey's gate, to collect tolls on goods entering those areas, and to prevent tenants from inhabiting an area supposedly reserved for the erection of defenses in case of Welsh attack.¹²

These actions inaugurated a long period of litigation between town and abbey. Economic depression alone could have prompted the upsurge: The 1495 charter, Star Chamber records, and subsequent Parliamentary statutes all assert the town's poverty and decay. There is evidence that the abbey knew financial hardship as well. Nevertheless, not only were jurisdictional matters clearly at issue, but ethnic conflict also appears to have been a factor. Despite their economic troubles, the disputants invested the additional expense and effort needed to bring a case to Star Chamber at exactly the same time as Henry VII began suspending 200-year-old statutes that discriminated against the Welsh in the lordships and boroughs along the frontier. From 1504, Henry allowed the Welsh to acquire lands and holdings throughout Wales and in English towns on the border, to hold office there, and to abandon any lingering bondsman status.¹³

In 1509, Welsh castle towns, such as Conwy and Caernarvon, objected to this change, and Shrewsbury officials may have feared the economic and judicial consequences resulting from the added competition of a previously circumscribed population. Stepping up their claims to the disputed spaces would have assured them greater control within a town threatened by the extension of privileges to a former enemy. Their most explicit argument, however, complained only that restrictions on the geographical extent of their governance threatened their ability to hold the town as the king's lieutenants, to the Crown's ultimate economic, judicial, and military loss. This was a standard, even stereotypical, argument employed by town officers about their duties. But the ethnic and frontier components of this case make the issues of space,

12 Hugh Owen and John Brickdale Blakeway, *A History of Shrewsbury* (London, 1825), I, 264–265, 268–271, 277; II, 129. Tittler, *Reformation and the Towns in England*, 273–275, discusses the history and evolution of the civic mace and its symbolism.

13 Stanley B. Chrimes, *Henry VII* (Berkeley, 1972), 245–256.

privilege, and royal responsibility more complex than in other towns. Significantly, civic authorities' arguments found no sympathy in Star Chamber, which upheld the abbey's rights in a decision of 1511. Although the bailiffs resisted the decree, assaulted abbey servants within the disputed spaces, and even sabotaged the bridge, they gained no official recognition of their claims. Only the Dissolution brought relief and resolution: After taking the entire site of Shrewsbury Abbey into his own hands, Henry VIII granted to the bailiffs and burgesses full jurisdiction from the bridge to the abbey gate and into the disputed suburb, the townsmen giving in return only their pledge to keep the bridge in repair.¹⁴

NORWICH Norwich's problems with property claims moved further into the realm of relations with rural neighbors and suburban spaces, but they have most recently been studied within the context of medieval violence. Modern historians now doubt that violence was as bloody or as prevalent as medieval records described, arguing that the exaggeration was necessary in order to receive legal attention or to legitimate a social position. Bloodshed aside, local records and Crown reports clearly state that medieval subjects, particularly those of towns, were extremely troubled by even the potential of riot and unrest. Norwich citizens, in particular, were wary of this threat to their economic livelihood and to their chartered liberties, which the king suspended and assumed again when he could no longer trust civic officials to keep his peace. Influenced by challenges to the local election process and exacerbated by urban factionalism, Norwich's property disputes challenged civic officials to try a variety of legal means not just to establish ownership of physical spaces but to calm relations with citizens and their rural neighbors.¹⁵

14 Leadam, *Star Chamber*, 200–202 (town complaints about the abbey, 1510), 202–208 (abbey complaints about bailiffs' assaults, 1510); Owen and Blakeway, *History of Shrewsbury*, I, 271–272 (1511 settlement), 278–282 (bailiffs' expenses at Westminster), 337–338 (charter of 1542); II, 129 (financial problems), 135–138 (sale of abbey lands); James Gairdner and R. H. Brodie (eds.), *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (London, 1900), XVII, 166 (grant of 1542).

15 For an example of revisionist history about violence, see Philippa C. Maddern, *Violence and Social Order: East Anglia 1422–1442* (Oxford, 1992). For criticism of Maddern's approach, see Ben R. McRee, "Peacemaking and Its Limits in Late Medieval Norwich," *English Historical Review*, CIX (1994), 831–866, esp. 854 n. 1.

As in Exeter and York, the city's problems also began in the thirteenth century, when citizens disputed the prior of Norwich's right to pastures in suburbs south of the city. Almost half a century later, city and priory fought again, both claiming access to jurisdictional areas (fees) surrounding the cathedral in the northeast quadrant of the city. The argument became violent, forcing Henry III to visit and eventually to seize city liberties in punishment. At the start of the fourteenth century, Edward I decreed that the cathedral fee properties were separate from the city, suffering only the attendance of royal, not urban, officers. His definition of private spaces within, or contiguous to, public spaces initiated more than two centuries of further dispute.¹⁶

Matters were made worse by the charter of incorporation granted in 1404. When the city of Norwich was separated from the county of Norfolk, the citizens assumed that the grant carried with it an extended area of suburban jurisdiction. The ambiguous language of the charter encouraged their belief. Without specifying the areas concerned in any way, Henry IV's charter granted the city all its land within its liberty, with its suburbs and hamlets, and assured Norwich that the change of city title would not prejudice the residents or compromise the liberties granted to them by his progenitors. For the next century and more, these words persuaded Norwich citizens to claim as many suburbs as they wished, certain that they had been granted them, if not by Henry then by his predecessors. Only in 1524 did the citizens and the prior reach an agreement. The city released all claim to certain suburbs and received in return eighty acres of land.¹⁷

Norwich's fifteenth-century disputes began indirectly, when the prioress of Carrow charged the prior of Norwich with taking

16 William Hudson and John C. Tingey (eds.), *The Records of the City of Norwich* (London, 1906, 1910), I, lxxx; 17-a, ff.62v, 63v, Norfolk and Norwich Record Office, Norwich (hereinafter cited as NNRO); Norman Tanner, "The Cathedral and the City," in Ian Atherton et al. (eds.), *Norwich Cathedral: Church, City and Diocese, 1096–1996* (London, 1996), 262. Areas known as Tombland and Ratonrowe were in front of the cathedral precinct, and Holmstrete was on its northern edge. The priory also claimed the liberty of Normanslond in the Ultra Aquam ward. See *Violence and Social Order*, Map 6.1, 178.

17 The 1404 charter states, "[W]e have granted . . . that the said city and all the land within the said City and the Liberty thereof with its suburbs and hamlets and their precinct and the land in the circuit of our said City of Norwich (the castle and the shirehouse excepted) shall be separated from the said County of Norfolk": Hudson and Tingey (eds.), *Records*, I, lxxxi, 31–36. In fairness to Henry, he was more concerned to separate the city from royal and shrieval jurisdiction than from the priory. For the composition, see Hudson and Tingey, *Records*, I, 43; II, cxxxviii.

cattle from her lands that lay along the River Wensum outside the southeast corner of the city. Her plea was heard at Westminster in 1416, and her argument that Carrow belonged to the city of Norwich was upheld in two consecutive terms. Civic coroners laid claim to that space, and others, by hearing cases in them, forcing residents' debt cases into city courts, and also by claiming fishing rights in one area by fishing there and distributing their catch to the citizens. These de facto rights were not, however, upheld in court the next year, when a jury validated the prior's claims to the suburbs.¹⁸

For almost two decades, citizens worked quietly but ineffectually to restore the suburbs to city control. They extended payments to royal officials at both the shire and Westminster levels for "showing favor" and for quashing writs brought by the prior. City counselors combed royal records for pertinent precedents, while Norwich officials took their case to the prior himself. Any attempts at formal arbitration have left no trace in the records. Late in 1429, the mayor and the prior sealed an indenture condemning the city's encroachments and confirming many of the prior's territorial rights. The document not only disappointed many townspeople; it also stood at the heart of a constitutional debate over election practices and officeholding fraught with social conflict and factionalism among the urban elite. An older group of powerful citizens was ready to admit many of the prior's claims; a younger group, at the peak of their political careers, fought such claims as a threat to the integrity of civic space, jurisdiction, and identity.¹⁹

The election of a new prior and the empowerment of the younger group of citizens in urban offices quickened the pace of

18 *Ibid.*, I, 319–24; 9-b, 1 & 2; 17-b, ff.34v–41r, NNRO. The jury's decision ignored the issue that initiated the 1417 inquisition, namely, the preservation of the king's rights within the areas as exercised by his county escheator; it also refused any possibility of dispute settlement. Maddern, *Violence and Social Order*, 181, calls this inquisition "a weapon used by the priory to fend off the claims of the city."

19 Treasurers' Rolls: 7-c (6–7, 7–8, 8–9 Henry V); 7-d (1–2, 2–3, 3–4, 4–5, 8–9 Henry VI), NNRO; 18-a, Chamberlains' Account Book I, f. 145v (1423/24), NNRO; Hudson and Tingey (eds.), *Records*, I, lxxxii; Maddern, *Violence and Social Order*, 183, 200–201. Justice William Paston of Common Pleas actively participated in Norwich's legal affairs and received city rewards "for mutilating a writ [issued by] the lord king against the citizens of the town." Although the clerks' term for Paston's action, *imbesillando* (misspelled as *imbellisando*), implies the physical mutilation or defacement of the royal writ, the clerk probably meant that Paston intervened with, or quashed, the writ. I am grateful for the advice of Charles Donahue of Harvard Law School on this matter.

proceedings after 1437. The prior pursued his rights through the courts and commissions of common law, his case strengthened by the existence of the 1429 indenture. Wisely, however, the case went to arbitration—William de la Pole, earl of Suffolk presiding—for “the more norisshyng and keypyng of good loue and peas” between all parties. Suffolk sided with the older members of Norwich’s government and bound the city in costly obligations to the prior while confirming some of his claims. Citizens postponed signing the award for six months until January 1443, when those citizens opposed to the award stole the common seal so that the indenture could not be ratified. Unrest and riots ensued, culminating in the destruction of the prior’s stocks, symbols of the punitive means by which the cathedral party usurped the jurisdictional rights of the city. Distressed by the violence, the Crown seized Norwich liberties for four years and imposed heavy corporate and individual fines. An inquisition held later in 1443 confirmed the earlier findings that the suburbs and areas in question had never belonged to the city. Nevertheless, friction between Norwich and the priory lasted for decades. The frequent attempts at arbitration defused the tension but lacked definitive solutions. City coroners continued to examine dead bodies in distant suburbs, while the prior complained about daily attacks on his person and threatened the mayor with further legal action.²⁰

In the autumn of 1492, Henry VII ordered civic officials to appear before him and his council. The king expressed regret that the city and the prior had not been able to make peace, “but the same grigge and variaunces ben dayly renewed and therby great enconveniencez ben lykly to ensue.” The hearing at last resulted in gains for the city, but the victory was hollow. The justices informed the royal council that the territories under dispute lay within the liberties of the city and county of Norwich. However, the council urged Norwich to accept the prior’s offer to purchase jurisdiction for himself in the contested areas. The Crown was try-

20 For the prior’s early proceedings, see KB.9/240, mm. 35–37, PRO; A statute of 28 Edward III allowed neighboring counties to investigate unrest in boroughs. The justices heard tales of Norwich officials’ illegal activities in priory suburbs, typically described as warlike invasions and demands to hold inquests on the dead. Municipal sheriffs were also criticized for violently arresting suburban residents for matters (usually of debt) that did not concern the city. See 9-c (quotation); 9-d (indentures 1450); 9-e; 17-a, ff.124–25; 21-f, 9–58, Kirkpatrick Notes, *sub* 1490 (coroners’ inquiry in suburb of Lakenham), NNRO; Hudson and Tingey (eds.), *Records*, I, lxxxii, 328, 350–356.

ing to forge the goodwill that arbitration had been unable to achieve. But Norwich refused to consider the suggestion, and matters were not settled even in the equity court of the council in Star Chamber.²¹

Henry consequently directed city officers to submit to the mediation of one of his councilors and his attorney general. Norwich's legal counsel met with the two men, but no settlement was achieved during the rest of Henry's reign. Problems worsened in 1506 when an assault on a city sheriff by priory monks resulted in bitter riots between citizens and cathedral staff. Not until Cardinal Wolsey's personal intervention in 1524 did Norwich know for certain the physical extent of its legal jurisdiction. As in the cases of Exeter and Shrewsbury, the Reformation brought more than religious change to Norwich. Even Philip and Mary had to recognize the dissolution of religious houses' suburban properties into secular hands, allowing them to confirm Norwich's right to all the surrounding lands that it had fought for in the previous century.²²

Norwich's case was complicated by the number of incorporated bodies in the dispute, and by the divisions that fractured both urban society in general and the arguments that city officials put forward. The space in question, which was integral to citizens' sense of identity, lay both inside and outside the city walls. So strong were some citizens' notions of what spaces the city should include, and how wide its officers' powers should be within them, that for decades they refused all attempts to alter them, even to the detriment of civic harmony.

YORK The city of York's predicament revolves around distinctions between urban and rural space. Like Exeter, York was honeycombed with private fees within its walls. The liberty of St. Peter, controlled by, and surrounding, York Minster, came into existence by 1086. The liberties belonging to St. Mary's Abbey and St. Leonard's Hospital, all consisting of lands both within and without city walls, followed on its heels. The tenants of these ex-

21 See 16-c, Assembly Minute Book I, ff.38, 39, 45v; 17-a, ff.104-24, NNRO; Bayne and Dunham, *Select Cases in the Council of Henry VII*, clxi.

22 See 9-e; 21-f, 9-58, Kirkpatrick Notes, sub 1493; 13a no. 2 (in 1511, the city claimed the ability to muster troops from the disputed wards and suburbs), NNRO; Hudson and Tingey (eds.), *Records*, I, cx-cxii, 43; II, cxxxviii; Francis Blomefield, *A Topographical History of the County of Norfolk* (London, 1805-1810; 2d ed.), III, 195-196.

empt fees were excluded from city jurisdiction; they did not have to appear in city courts, help to raise troops, contribute to murage, or repair defenses in their wards. Civic officials' distress over these exemptions, particularly during fifteenth-century economic contraction, was compounded by York's need to find more open fields for its livestock. The pastures that its citizens eyed frequently belonged to a private liberty, which could either restrict the city's access altogether or exact payment from York officials for their use.²³

The city's legal ground was shaky. The fact that the Minster had been secure in the king's unambiguous recognition of the liberty's legal and geographical rights since the 1270s did not stop citizens from making claims, occupying desired territory, and citing custom as their justification. Matters worsened when social rifts emerged. The city council's strategy of raising money by extinguishing some of its pasture rights in exchange for payment from clerical landholders created unrest, and at least the threat of violence, among the poorer freemen, whose livelihood depended upon the additional revenue contributed by their livestock.²⁴

York's disputes with neighboring religious bodies were complicated by a number of factors. Its citizens were proud of living in a metropolitan city graced by the largest house of Christian worship in the diocese, and they remained resistant to the Reformation well into Elizabeth's reign. St. Mary's Abbey, just outside city walls, also possessed considerable prestige, although its rivalry with the borough over jurisdiction in the suburbs and fishing rights in the river often resulted in violence and ill will. St. Mary's

23 Edward Miller, "Medieval York," in P. M. Tillot (ed.), *The Victoria History of the Counties of England: A History of Yorkshire, the City of York* (London, 1961), 38, 76–77, 498–499; David Palliser, *Tudor York* (New York, 1979), 29. Southwest of the city, Knavesmire provided some pasture, but St. Mary's Abbey laid claim to much of the area. The abbey also regulated civic access to the township of Clifton, northwest of York, and to Fulford to the southeast. In Heworth township to the northeast, York eventually gained the right from the archbishop to six months of pasturage.

24 For the Minster's legal claims, see Francis Drake, *Eboracum* (London, 1736), 553, 556; Barrie Dobson, "The Later Middle Ages 1215–1500," in G. E. Aylmer and Reginald Cant (eds.), *A History of York Minster* (Oxford, 1977), 102–103. Clerical payments are discussed in K. J. Allison, "Common Lands and Strays," in Tillot (ed.), *Victoria History*, 500; Angelo Raine (ed.), *York Civic Records Volume 3* (Leeds, 1942), 151 (complaint by the citizens in Feb. 1533 that common lands were being leased far below their true value, to the damage of city finances as well as the loss of their common privileges). Heather Swanson, *Medieval Artisans: An Urban Class in Late Medieval England* (New York, 1989), 123, 137, analyzes citizens' needs for grazing areas.

abbot served on important judicial commissions, including the Council of the North, and his active role in civic arbitrations made urban officials fearful of the retaliation that he could show the city.²⁵

York Minster also served as an important venue for civic ceremonies, and its archbishops played important roles in royal government, often acting as chancellor of England. All of the civic officers and many of the citizens had cordial social relations with the residentiary canons, the dean, and other Minster dignitaries, that these disputes could put at risk. But cathedral servants and many religious were not above attacking, slandering, and even murdering citizens when under duress. A colorful case occurred in 1490 when a canon's servant verbally abused the city sheriffs from the safety of the Minster's liberty. The frustrated sheriffs managed to wound the man by poking their axes through the fence. Even in the most violent cases, however, church dignitaries worked hard to restore peaceful relations with York and instill respect for the law.²⁶

The most violent conflicts concerned citizens' claims to "winter common rights" within fields lying northeast of the city that belonged to the Minster's vicars choral. The vicars, often local in origin, performed services on behalf of absent canons and lived in economically impoverished circumstances within the Minster liberty, often with concubines and children. The citizens were determined to exercise their ancient right to place livestock on the Vicars' Lees field from October through March, and the vicars were equally determined to preserve the integrity of their land and the tenants on it. The city turned to mediation to settle the dispute. To its chagrin, the king appointed as arbitrator the

25 Palliser, *Tudor York*, 242, 244, 248–250; Claire Cross, "From the Reformation to the Restoration," in Aylmer and Cant, *History of York Minster*, 198–203, 209. For the history of St. Mary's Abbey, see David Knowles, *The Monastic Order in England* (Cambridge, 1940), 170–171, 231–236.

26 For civic relations with the Minster, see Barrie Dobson, "The Later Middle Ages," in *History of York Minster*, 45, 108; *idem*, "Cathedral Chapters and Cathedral Cities: York, Durham, and Carlisle in the Fifteenth Century," *Northern History*, XIX (1983), 39; *idem*, "The Residentiary Canons of York in the Fifteenth Century," *Journal of Ecclesiastical History*, XXX (1979), 164–165; Frederick Harrison, *Life in a Medieval College: The Story of the Vicars-Choral of York Minster* (London, 1952), 32, 60, 68–72. For examples of cooperation between city and Church, resulting in civic punishment of ecclesiastical tenants and servants, see Attreed (ed.), *York House Books 1461–1490* (Gloucester, 1991), 279–280, 307; Raine (ed.), *York Civic Records Volume 2* (Leeds, 1941), 77; *idem* (ed.), *York Civic Records Volume 3*, 35, 62–63.

abbot of St. Mary's, with whom York had a centuries-long history of disputes over suburban jurisdiction.²⁷

Matters came to a head in November 1494 when the citizens forced entry through hedges that the vicars immediately rebuilt. Worse, eyewitnesses saw two vicars and their servants striking citizens' sheep, two of which died. The city's discovery that the abbot and the Minster's dean told the vicars to beat the animals soured its relations with the cathedral. Civic officers boycotted Minster services and dinners with canons. Called before Henry VII, they endured a scolding about the threat that they presented to the peace and prosperity of the king's city. Henry recognized their unwillingness to endure rulers other than those freely elected in York, but he argued, "I may not see the citie go in utter ruyne and dekaye in defaute of you that shuld rewle, for rather of necessite I most and woll put in other rewlers that woll rewle and govern the citie accordyng to my lawez." Renewed arbitration by the abbot and the Council of the North's Earl of Surrey suggested that the city receive a yearly payment in lieu of common rights. Evidence suggests that the city accepted the fee, although recalcitrant citizens continued to claim common rights every October. One mayoral candidate, George Kirk, was said to have lost support because "he lost the Vicars Lees" when he last held the office.²⁸

Distrust of the abbot of St. Mary's also exacerbated quarrels over the suburb of Bootham, directly outside the western gate of the city. Established as a free borough in 1275, Bootham returned to limited city control in 1350 after York successfully argued that its loss reduced revenues necessary for payments to the Crown. Violent disputes erupted in 1500, lasting more than three years. In June 1500, the city sent a bill of petition to Henry VII and letters of complaint to the duke of York, royal councilor Sir Reginald Bray, and others, asking them to be "tender lords" to York in the disagreement between the city and the abbey. William Sever, abbot of St. Mary's and bishop of Carlisle, had erected enclosures

27 A letter from the vicars to Henry VIII early in his reign stated that the dispute started in 1485 and continued every October thereafter, but York House Books entries indicate problems as early as 1482. See Attreed, *York House Books*, 264; Harrison, *Life in a Medieval College*, 320. For the arbitration, see Raine (ed.), *York Civic Records Volume 2*, 105–108. For the problems with St. Mary's, see below.

28 Raine (ed.), *York Civic Records Volume 2*, 111–117 (quotation on 115); B7, ff.133r–134r, 138, York City Archives; Harrison, *Life in a Medieval College*, 321; Raine (ed.), *York Civic Records Volume 3*, 36 (November 5, 1511; Kirk had been mayor in 1495).

and a round tower in the suburb, offending civic officials and city tenants. The opposing parties agreed to arbitration by two sergeants-at-law, who would be replaced by a chief justice if they could not agree. No decision had been reached by the end of the year, although peace was temporarily assured by prohibiting the bishop from making any more enclosures in disputed space. The parties turned to arbitration again early in 1501, prompted by the commons' threat that they would not hold the mayoral election unless justice was done. Although the election was held as usual, civic officers soon put the case directly to the king. The royal council's decision in the abbot's favor rankled the civic officials. They refused the abbot's offer of further arbitration, and turned to the council of the king's son, the eleven-year-old Henry, Duke of York. That the case remained unsettled, despite the intervention of Star Chamber, was probably more pleasing to the officers than the outright favor shown the abbot.²⁹

A dispute between the city and the Minster's dean and chapter involved issues of even broader import. Citizens staked a claim to the winter common in fields held by Henry Carnebull, a canon of the Minster, as part of the supporting revenues that composed his prebend. In 1486, he decided to hold the land, called Tanghall, in severalty (by individual right), recognizing no one else's joint interest or rights. But because Carnebull, who served as assistant to Archbishop of York Rotherham and frequented London and the king's court, had prestige and influence, civic officials—especially York's legal advisor—urged the citizens not to press their rights until the case was examined and Carnebull soothed. Though they restrained themselves for a time, they eventually took possession violently and prompted an extended attempt at arbitration, once more with the unwanted participation of the abbot of St. Mary's. The city refused to extinguish its rights of pasture, but because the prebend changed hands frequently, the issue did not go away. In 1489, civic officials finally agreed to waive common rights in exchange for a fee; the prebendary at that time was Henry VII's secretary, who had promised his good graces to the city. However,

29 Miller, "Medieval York," 39, 68; Joyce W. Percy (ed.), *York Memorandum Book, Volume III* (Gateshead, 1973), 185; R. Barrie Dobson (ed.), *York City Chamberlains' Account Rolls 1396–1500* (Gateshead, 1980), 51; Raine (ed.), *York Civic Records Volume 2*, 155–158, 163, 165–166, 169–170, 173, 180–181, 191–193; *idem* (ed.), *York Civic Records Volume 3*, 1–7; Palliser, *Tudor York*, 45; Bayne and Dunham, *Selected Cases in the Council of Henry VII*, clxii.

this agreement was not to set a precedent; citizens' livestock later returned to Tanghall. When the prebend subsequently fell to Cardinal Wolsey's chaplain, however, the pressure on the civic officials intensified. Citizens continued to clamor for pasture rights, until financial problems and trade losses inevitably softened their antagonism toward Wolsey, then Archbishop of York. Nevertheless, the city retained some right to Tanghall through the sixteenth century, acquiring it outright for a housing development in the twentieth century.³⁰

Unlike in other towns, the Reformation provided few opportunities for York to extend its jurisdiction. Henry VIII priced church holdings beyond the means of an impoverished city council. Rich country gentry bought most of the lands and buildings, and wealthy laity leased most of the Minster prebends. York gained slightly more land mid-century when chantries and guilds were dissolved, but the city could not make extensive purchases until finances rebounded late in Elizabeth's reign. Part of St. Mary's Abbey eventually became the residence of the Lord President of the Council in the North, the area around the abbey becoming part of the North Riding until the 1884 York (City) Extension Act. Jurisdictional conflicts continued well into the seventeenth century, focused on the Minster's liberty and civic officials' exclusion from it. The city's purchase of the liberty of St. Peter—including control of its courts—in 1660 settled some of these issues. The officers may have found this new legal responsibility a mixed blessing when the episcopal palace and grounds saw the establishment of a theater, alehouses, and several coffeehouses during the eighteenth century. Yet the acquisition, sought for more than 500 centuries, aligned their notion of peace in the city with the spaces that they defined as urban.³¹

Four different towns, four different disputes with clergy over property rights. Shrewsbury's case adds the unusual factor of eth-

30 Attreed, *York House Books*, 513, 515–519, 522, 524–526, 623, 655; Raine (ed.), *York Civic Records Volume 3*, 96–102; *idem* (ed.), *York Civic Records Volume 6* (Wakefield, 1946), 3–6, 100; Allison, “Common Lands and Strays,” 501.

31 Arthur G. Dickens, “Tudor York,” in *Victoria History of the Counties of England: A History of Yorkshire, The City of York*, 117–118; Palliser, *Tudor York*, 237–239; *idem*, *The Reformation in York, 1534–1553* (York, 1971), 17–25; George Benson, *Later Medieval York: The City and County of the City of York from 1100 to 1603* (York, 1919), 116–117, 123; Raine (ed.),

nic conflict to the more general late medieval picture of economic distress and jurisdictional strife. York's example, above all, precludes the easy conclusion that these towns pursued legal and geographical expansion to magnify only constitutional distinctions between themselves and their rural and ecclesiastical neighbors. York shows how anachronistic those distinctions can be, imposed by modern interpreters failing to see the porous nature of town walls. Livestock provided many urban residents with the flexibility required to eke out a living in economically troubled times. The need for pasture expanded the contacts and identities of the citizens beyond the urban spaces of their personal residence.

These cases serve as a means by which to explore the formation of urban identity in the face of royal initiative and control. They illustrate the ways in which keeping the king's peace, by assuring internal harmony, forged unique identities for medieval towns. They illuminate the means by which urban subjects pursued justice, availing themselves of royal venues of common law and equity, but always seeking to maintain a delicate balance between outright royal help and independent thinking. They also suggest the ways in which physical space impacted the creation of the unique territorial, legal, economic, and even ethnic entity that signified urban living to medieval society. Contention over geographical rights and the spaces of legal control clearly reified the complex social relations characteristic of urban existence. As town governments accumulated both legal privileges and the experience of exercising them throughout the centuries, officers and citizens alike challenged the notion that residents physically occupying urban space could elude borough jurisdiction. The interpenetration of geographical space and legal dominion characterized borough concepts of self-definition and relations with external bodies.

This article tracks only the most preliminary steps in a comparative analysis that would expand on the themes merely suggested herein. The full arc of these cases' development deserves more attention to determine why most of them arose in the thirteenth century and how the full legal and social context of the Reformation provided or thwarted resolution. Future work is

York Civic Records Volume 3, 139; Benson, *York from the Reformation to the Year 1925* (York, 1925), 107–113; Cross, "From the Reformation to the Restoration," in *A History of York Minster*, 211–215.

needed to explore the positions of the rival liberties themselves, as well as the men and women who resided in one space but owed loyalty to another.

The cases in this study illustrate how claims to, and definitions of, urban space required civic officials to think and act in more than just their local spaces. They gained experience mustering evidence, weighing the advantages of equity over common law, guiding suits through Westminster courts, identifying and rewarding helpful patrons, and maximizing city gains from arbitration. Although they always had to balance local needs and concerns with their responsibilities to the king and the royal government, these cases brought new challenges. The disputes over physical and juridical space forced town officials to define the nature of their lives, their legal powers, and their relations to others.

Nothing assured a town the unfettered exercise of its will; other interested parties, such as the clergy, cherished their autonomy as well. The inquiry and analysis caused by the various conflicts was vital to the maturity of these cities. They grew into their liberties and privileges as they grew into their newly acquired physical spaces.