

**Article**

TN:651181



**OLIN LIBRARY**  
DA670.E7 A6 - -

3 2008

**Borrower: VYF**  
**ILL/ID#: 48227413**



AZU,\*COO,COO,DLH,IMF

**150.108.156.223**



**Shipping Address:**

Interlibrary Loan  
Walsh Library  
Fordham University  
441 East Fordham Rd.  
Bronx, NY 10458-5151  
Fax: 718-817-3581

**Patron: Liberman-Cuenca, Esther**  
**Maxcost: 30IFM**

**Journal Title:** Essex archaeology and history ; the transactions of the Essex Archaeological Society.

**Vol/Issue/Date/Pages:** ser.3, v.14 1983 94-101

**Article:** BRITNELL, Richard; The Oath Book of Colchester and the borou

**Imprint:** [Colchester] ; The Society, 1972-

**NEED A RESEND? PLEASE SEND THIS FORM AND FILL IN THE FOLLOWING:**

PAGES TO RESEND: \_\_\_\_\_

REASON: \_\_\_\_\_

**From:**

Interlibrary Services  
Olin Library  
Central Ave  
Cornell University Library  
Ithaca, NY 14853-5301

Phone: 607-255-5293 Fax: 607-255-9091

Ariel: 128.253.70.20

[olin-ils-lending@cornell.edu](mailto:olin-ils-lending@cornell.edu)

**NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW  
(TITLE 17 U.S. CODE)**

# The Oath Book of Colchester and the Borough Constitution, 1372–1404

by R. H. BRITNELL

The Oath Book of Colchester, preserved in the Colchester borough muniments,<sup>1</sup> was edited in translation by W. G. Benham and published at the *Essex County Standard* office in Colchester in 1907.<sup>2</sup> Since Benham made no attempt to determine the origin of this complex book, an account of it must begin at the beginning. It is in a binding probably of the later 17th century and it contains 224 parchment leaves measuring at their tallest and broadest 25 cm. by 37 cm. The leaves have no consistent early numeration, but reference to individual leaves is possible by means of the continuous modern pencilled numbers in their top right-hand corners: this was the numeration used by Benham for his edition. The relationship between these numbers and earlier numerations of the leaves is immediately instructive.

- fos. 1, 2: two leaves with some 15th-century material, but with no early numeration, touched into the volume.
- fos. 3–84: 82 leaves, two with no medieval numeration, the remainder being numbered A–N, j–xlvj, lij–lxxij. The two unnumbered leaves (fos. 3, 4) contain a table of contents which makes use of the medieval numeration.
- fos. 85–144: 60 leaves with no medieval numeration, but containing material of the 15th and 16th centuries.
- fos. 145, 146: two leaves containing a borough ordinance of 1447: fo. 146 is numbered lxiiiij in a 15th-century hand.
- fos. 147–77: 31 leaves numbered lxxv–<sup>xx</sup>iiiixviiij, c–cv, <sup>xx</sup>iiixix. This numeration is in the same hand as that of the leaves numbered j–lxxij.
- fos. 178, 179: two leaves with no medieval numeration, containing some 15th-century material.
- fos. 180–224: 43 leaves with two sequences of numeration from the late 17th or early 18th centuries, one numbering the leaves on both sides from [0], 1 to 54, [55] (fos. 182–209), the other numbering the leaves on both sides from 30 to 59 (fos. 210–24). These leaves contain no medieval material.

It seems that fos. 180–224, which contain material from the 17th century but nothing earlier, have been added to an earlier volume. This earlier volume, however, was itself a composite one in which the numbering of the leaves had been disturbed by an insertion of additional ones (fos. 85–146). The original Oath Book, known in 1404 as the Red Parchment Book,<sup>3</sup> contained only 113 of the leaves of the present volume (fos. 3–84, 147–77). The numeration of fo. 146 shows that it was taken, together with fo. 145, from another book. Probably fos. 1, 2, 178 and 179 are additional to the original volume since they contain no material earlier than the late 15th century and seem to have served as endpapers to the medieval section of the Oath Book. The present volume can accordingly be described as having in it the following components:

- A. fos. 3-84, 147-77, with a continuous numeration of the leaves from the late 14th century, though lacking the leaves numbered xlviij-lj, lxxiiij, lxxiiiij. This is the part to which the table of contents on fos. 3<sup>v</sup> and 4 relates, and it may be identified with the original Red Parchment Book.
- B. fos. 85-144, inserted into A to expand it during the 15th century.
- C. fos. 1, 2, 178 and 179 added as endpapers during the 15th century.
- D. fos. 145 and 146 bound into A to preserve the text of an ordinance from another volume.
- E. fos. 180-224, added to A, B, C and D in the later 17th century.

The main interest of the volume for the administration of medieval Colchester is in the sections designated A and B. Section A contains (i) the texts of various borough ordinances and other records relevant to the administration of the borough, (ii) an index to the borough court rolls from Michaelmas 1327 to Michaelmas 1430. This index lists admissions of new burgesses, wills proved in the borough courts and enrolments of grants of property in the borough. Section B continues the index from Michaelmas 1430 to Michaelmas 1564. Presumably section B was inserted into section A in 1430 or shortly after.

The miscellaneous collection of borough ordinances and other texts in section A occupies the front and back portions of that section, the index to the court rolls having been sandwiched in the middle. Almost everything in the collection can be dated by palaeographical evidence, since most of the texts are in the hand of one or other of the Colchester town clerks. The survival of Colchester's court rolls in some bulk from the 14th and 15th centuries permits a direct comparison between the dated hands of the rolls and the handwriting of the Oath Book, and from this comparison some of the circumstances of the book's origins can be discovered. In order that this procedure should be properly appreciated it will be necessary to consider briefly the place of the town clerk in the administration of the borough. The information relates to the period after 1372, but as it happens this is the relevant period for an interpretation of the origins of the Oath Book.

In 1372 Colchester adopted some New Constitutions whose text is preserved in the Oath Book itself.<sup>4</sup> From this time the town clerk was publicly elected and sworn in each year on the day of the Michaelmas Lawhundred.<sup>5</sup> In reality the election usually amounted to renewal of an existing appointment, since clerks were not lightly replaced. Some held office for many years, providing a necessary element of continuity in the day-to-day administration of the borough. The clerk was the most suitable officer of the borough to provide such continuity because of his familiarity with the borough archives. Even local government in the Later Middle Ages depended heavily on the written word—statutes and bye-laws, deeds and bonds, but above all the voluminous record of ongoing legal procedure without which the judicial machinery of borough communities could not work. The clerk was responsible not only for the recording of pleas in the hundred court, a task which in the later 14th century would have occupied several full days each week when the court was in session, but also for keeping track of fines and amercements imposed by the courts and writing lists of them—the estreats—to be delivered to the borough receivers from time to time. It was up to him to ensure that the sums entered in the court rolls matched the totals sent to the receivers as due for collection.<sup>6</sup> In addition to these duties to the community the clerk was expected to be willing to enrol copies of private deeds in the court rolls for the greater security of those whose interests they affected. Title deeds to urban property acknowledged in court by those who had granted them were copied amongst the business of the court where the acknowledgement had been made. Recognisances of debt were enrolled even more frequently. For these services to individuals the clerk received fees.<sup>7</sup>

The New Constitutions did not allow for any other clerical appointment in the administration of the borough. The two receivers, otherwise called chamberlains, needed to issue indentures or tallies to those who paid money into the community chest. They were also obliged to compose an annual account.<sup>8</sup> These duties would not have required the employment of a second clerk: the town clerk would have had to do anything the receivers could not undertake personally. This could not create much inconvenience since all borough officers worked together in the Moothall, though the

disappearance of all early documentation from the receivers of the borough makes it impossible to establish exactly how co-operation was achieved. The inference from the borough constitution that most clerical work was performed by a single clerk at any one time is in accordance with the evidence of the court rolls. They suggest that between 1372 and 1404 there were three successive town clerks who kept the rolls with little assistance: one, who will here be called Michael Aunger's predecessor, from Michaelmas 1372 or earlier until June 1380;<sup>9</sup> a second, Michael Aunger, from June 1380 until probably Michaelmas 1398;<sup>10</sup> a third, here called Michael Aunger's successor, from probably Michaelmas 1398 until May 1404.<sup>11</sup> It may be noted as an exception, however, that a clerk who had been in office for many years before the New Constitutions continued to give frequent assistance throughout the period until 1380, his hand becoming progressively shakier over the years.<sup>12</sup> This looks like a friendly arrangement between the clerk in office and his retired predecessor.

The earliest town clerk's hand to be found in the Oath Book is that of Michael Aunger, and this suggests a *terminus a quo* for the origins of the book. Besides numbering the pages he contributed a number of transcriptions—the proclamation in Colne Water of 1382,<sup>13</sup> the New Constitutions of 1372, with details of the subsequent elections,<sup>14</sup> the condemnation of corrupt writings of 1394–5,<sup>15</sup> the oaths of bailiffs, clerk, farmer of tolls, receivers, sergeants and new burgesses,<sup>16</sup> the Statute of Cambridge,<sup>17</sup> the rental of Colchester of 1387–8,<sup>18</sup> notes on allowances of the Liberty of Colchester in the king's courts, mostly from the years 1386–90,<sup>19</sup> articles of the Lawhundred,<sup>20</sup> a note on millers' toll,<sup>21</sup> and notes on the farm of the borough.<sup>22</sup> The most important of these texts is that of the New Constitutions of 1372, for which the Oath Book is the unique source. It provides a link between the Oath Book and Colchester's other extant medieval register, the Red Paper Book.<sup>23</sup> The latter contains a chronicle account of the borough between 1372 and 1378 which is defective at the beginning,<sup>24</sup> but which is known to have begun with an account of the New Constitutions and the method of election.<sup>25</sup> There can be no question that the missing beginning of this chronicle is supplied by fos. 22v–23v of the Oath Book in Aunger's hand: the wording of the last section of the Oath Book text matches perfectly that of the first section of the Red Paper Book account.<sup>26</sup> The Red Paper Book text is the earlier: it is in the hand of Michael Aunger's predecessor, who was clerk throughout the period of the events he relates.<sup>27</sup> A reference to King Richard in the course of the chronicle implies that it was written into the Red Paper Book after June 1377,<sup>28</sup> but presumably before Aunger became town clerk in June 1380. Aunger probably copied out the text of the Constitutions and details of the mode of election in order to preserve them in a more permanent form. It appears likely—and further evidence will strengthen this probability—that the original purpose of the Oath Book was as a register of useful texts.

Establishing a *terminus ad quem* for the origins of the Oath Book hinges on a constitutional conflict which took place in Aunger's time, and in which he must have been intimately concerned. The status of the text of the New Constitutions in the Oath Book became a matter of dispute within a generation of its having been written. The New Constitutions were much more explicit concerning the number of borough officers to be elected and the duties they were to fulfil than they were about the manner of the elections. It was envisaged that two bailiffs, two receivers and eight auditors should be elected by a committee of twenty-four burgesses who had never been bailiffs, but the day of election was not specified, and no details were stipulated concerning the election of the other officers of the borough—the clerk, the farmer of tolls and customs and the three sergeants.<sup>29</sup> The only written evidence of practice in the seventies is from the chronicle accounts in the Red Paper Book and Oath Book. The story here is that in 1372 and 1373 all the officers of the borough were elected by a single committee of twenty-four men who had never been bailiffs, but that there were two election days. The electors were sworn in on the Monday after the Nativity of the Virgin, and the bailiffs were elected the same day, but all other officers were elected on the Monday after Michaelmas: this was the day of the Michaelmas Lawhundred when the bailiffs formally assumed office.<sup>30</sup> The election of receivers and auditors as late as this is somewhat surprising since it conflicted with the provisions of the New Constitutions, which specify that the

old receivers were to hand over their cash balances to the new ones on the Monday after the Nativity of the Virgin.<sup>31</sup> The departure from specified practice was soon corrected. In 1374 and the following three years the chronicler records the election of the receivers at the first election day.<sup>32</sup> In 1381, at the latest, the election of the auditors was also on the earliest election day.<sup>33</sup> But the principle of having two election days had been firmly established, and was to be a permanent feature of the constitution.

The only elections to take place on the second election day during the eighties were those of the clerk, the farmer of tolls and the sergeants, about whose elections the New Constitutions were silent. The chronicler of 1372-8 was clear that, at least in the elections of 1372, 1373 and 1374, these officers had been elected by the same committee that had elected the bailiffs, receivers and auditors: there was, in other words, a single committee which operated on two occasions. This was an obvious procedure, so long as the receivers and auditors were elected on the second election day, since the New Constitutions clearly required the bailiffs, receivers and auditors to be all elected by the same committee of four and twenty. But when the major officials were all elected on the same day, there was no longer any written constitutional necessity for the same committee to act on the second day as had acted on the first. At some point, perhaps between 1387 and 1392,<sup>34</sup> a new procedure was instituted whereby a second electing committee was appointed on the second election day. It was chosen from men who happened to be present on the day—so avoiding the need to recall a committee of three weeks before—and it was not bound to be chosen from men who had never been bailiffs. This practice evidently provoked some opposition, since in 1394-5 the bailiffs were moved to condemn the writings of foolish clerks who had misrepresented the matter.<sup>35</sup> This condemnation of corrupt writings was probably directed against the chronicle of Aunger's predecessor, with all its references to a single committee of twenty-four. But Aunger himself was not innocent of complicity in his predecessor's folly, for he had transcribed into the Oath Book an account of the mode of election in 1372 which clearly implied that a single committee should elect all the officers of the borough.<sup>36</sup> It is surely improbable that Aunger should have copied this passage into the Oath Book after the condemnation of corrupt writings. This would imply that the text of the New Constitutions and the accompanying account of the mode of election were transcribed before 1394-5, and that the Oath Book was in existence by this date.

The index to the court rolls, the other component of section A of the Oath Book, presents rather different problems because the palaeographical evidence is more obscure. Aunger did not compile any part of the index: his hand appears only in a few minor corrections to the first section.<sup>37</sup> While this suggests that the index had at least been begun sometime before Aunger left office in 1398, it gives no firm date for the inception of the work. The problem of dating the index arises because the whole section between 1327 and 1393 is in hands which do not occur in the court rolls, and which cannot be dated by the palaeographical method which works with other parts of the volume. From Michaelmas 1327, when it begins, to Michaelmas 1393, the index is the work of only two clerks.<sup>38</sup> One—the one corrected by Aunger—wrote the index for the first ten years. The second wrote the index for the whole period from 1337 to 1393.<sup>39</sup> Even this understates the activity of the second clerk, since he manifestly went beyond 1393. The last section of his work was subsequently cut out: this is apparent from the remaining stubs of five leaves originally numbered *xlviij-lj*, which have traces of initial decorations identical to those of the foregoing leaves. For some reason these leaves were removed and copied up again by the clerk who followed. The size of the contribution of the second clerk indicates that the index must have been a project undertaken retrospectively in order to facilitate reference to the rolls of past years. The fact that the handwriting is unfamiliar from the court rolls suggests that the work was undertaken as a special commission, possibly at the expense of the community. It is not difficult to explain why such a task should be thought necessary in the late 14th century. Rapid increase in the business of the borough court had the effect of greatly expanding the bulk of the court rolls between 1372 and 1388-9, when measures were taken to check the expansion of clerical work involved.<sup>40</sup> The number of membranes in the court rolls was 17 in 1372-3 but 71 in 1387-8.<sup>41</sup> Even thereafter the court rolls

remained through the 1390s appreciably more unwieldy than they had been in the mid-14th century. It is no doubt as a consequence of Aunger's day-to-day difficulties in searching the rolls that the idea of an index was put into effect.

The index from 1393 to 1404,<sup>42</sup> including material which must have been copied from leaves cut out of the book, is in a hand which presents no difficulties. This clerk was responsible for keeping the court rolls between May and October 1404<sup>43</sup> before the appointment of Thomas Stampe as from Michaelmas 1404.<sup>44</sup> This suggests that perhaps the whole portion of the index from 1393 to 1404, and surely the last bit of it, was written in 1404. By that time, at least, the retrospective indexing of the rolls was completed. This is confirmed by the fact that the index for 1404-5 is in the hand of Stampe,<sup>45</sup> as well as by the evidence that from this time the index was kept up-to-date from year to year by the clerk in office. Any more precise dating of the origins of the Oath Book hinges on an estimate of the work it would involve. The labour required to index the court rolls from 1327 to 1404 at a leisurely pace could have occupied a few years but probably not more. If the index was begun before Aunger's retirement it cannot have been much before, since the rolls were still being indexed retrospectively for the years after 1393, to judge from the evidence of the stubs of folios xlviij-lj. So probably the index was already brought up-to-date by 1400 and then kept from year to year until 1404, when the temporary clerk rewrote the index for the previous eleven years. The likeliest date for the origins of the index is some time in the period between 1395 and 1398. This implies that the use of the Oath Book as an index to the court rolls represents an afterthought, and that the earliest use of the book was as a register of texts relevant to the constitution and administration of the borough.

Having come as far as seems possible in establishing when the Oath Book was begun, another question about the existence of this volume may be raised. What sort of status was enjoyed by the texts of constitutional and other records transcribed there, and for which the volume was originally designed? The Oath Book was an official record, in the sense that it was a book kept for convenience of reference in the Moothall. It was never a private or personal record, and contains nothing that might not have seemed of official importance to a town clerk at the time of writing. This does not mean, however, that the texts in the Oath Book had any particular authority, nor that there was any systematic policy concerning what was transcribed there and what was not. In one instance it can be decisively shown that a text in the Oath Book was of subordinate authority: new burgesses in the 15th century swore their oath according to the text in the Red Paper Book,<sup>46</sup> despite the less durable form of the book in which it was written. This might signify a demotion of the Oath Book as a borough register after the volume had been taken over for use as an index to the court rolls. But in fact it can be shown that from the beginning the status of the Oath Book was a relatively humble one. The New Constitutions of 1372 allowed for the annual election of sixteen of the wisest and wealthiest burgesses who, with the eight auditors, would make up a council of twenty-four. This council, with the bailiffs, was empowered to make constitutions for the general good to be binding in perpetuity.<sup>47</sup> This power was promptly exercised. In 1373, at the end of their term of office, and immediately before the election of their successors, the out-going bailiffs had their ordinances read out and made public, and they were expounded in English.<sup>48</sup> The bailiffs of 1373-74 issued a lengthy ordinance concerning the organisation of the cloth fairs of the borough, of which a paraphrase is incorporated into the chronicle of 1372-8.<sup>49</sup> At the end of their year in office, as in the practice of compiling ordinances was thus established in effect from 1372. But the Oath Book contains no ordinance written before 1438<sup>51</sup> other than that of the New Constitutions themselves, and these were not a conciliar ordinance, since it was by them that the council was first instituted. This implies that the Oath Book was never envisaged as the main repository of constitutional texts relating to the borough.

The other surviving Colchester volume, the Red Paper Book, contains more ordinances than the Oath Book, though none earlier than the 15th century. Even those recorded are hardly in an authoritative form. An ordinance of 1401-2 or 1404-5 has only its heading copied,<sup>52</sup> and that in the

hand of Thomas Rypere, who was clerk from 1407 to 1414.<sup>53</sup> Another ordinance, again in Rypere's hand, is transcribed only to the end of the preamble.<sup>54</sup> An ordinance apparently made in 1418 is transcribed in a much later 15th-century hand.<sup>55</sup> It is clearly impossible that this volume, any more than the Oath Book, was supposed to be a complete repository of official ordinances. Ultimately one is bound to conclude that Colchester's main register of the later Middle Ages is in fact lost, and that the surviving volumes were originally of subordinate textual authority for most of the ordinances they contain. The existence of other volumes is well attested. In the late 14th century there was a Black Paper Book as well as a Red Paper Book.<sup>56</sup> The existence of at least one other parchment register in the 15th century is proved by fos. 145 and 146 of the Oath Book, which come from another volume. This conclusion inevitably weakens the confidence with which any generalisation about the later medieval bye-laws of Colchester can be made.

The Oath Book, then, began its existence probably between 1380 and 1395 not as a major borough register but as a subordinate volume for the memoranda of Michael Aunger, the town clerk. Not being much used in this form, it was converted into an index to the court rolls, probably between 1395 and 1398. The index was sufficiently useful to be kept up for over a century and a half. Other miscellaneous texts and notes were added to blank pages in the volume when there seemed nowhere more apposite or when they related to texts already there. The index to the court rolls is accordingly the only part of the volume which can have any claim to be a systematic compilation, and the other texts here, as in the Red Paper Book, preserve only a fragmentary record of borough conciliar activity in later medieval Colchester.<sup>57</sup>

## NOTES

1. The Oath Book together with the Red Paper Book and the Colchester court rolls are in the custody of the Colchester Borough Council and are housed in the Castle Museum, Colchester, pending the establishment of a Colchester branch of the Essex Record Office.
2. *The Oath Book or Red Parchment Book of Colchester*, ed. W. G. Benham (Colchester, 1907), edited along the same lines as *The Red Paper Book of Colchester*, ed. idem (Colchester, 1902). These editions do not adequately represent the detail of the manuscripts and sometimes fail to convey their sense. In the present study references are given to the manuscripts, but page references to the printed editions are added in square brackets where appropriate. Abbreviations used are O[ath] B[ook], R[ed] P[aper] B[ook] and C[ourt] R[oll]. References to court rolls are given in the form CR 1/2, signifying the second membrane (using the medieval numeration of the membranes) of the first court roll.
3. A lease noted in the court roll of 1403-4 refers to fuller details to be found 'in rubio libro de pergamenno'. CR 33/27<sup>d</sup>. These details are in OB fo. 69<sup>v</sup>.
4. OB fos. 22<sup>v</sup>-23<sup>v</sup> [pp. 31-3]. These Constitutions are discussed in J. Tait, *The Medieval English Borough* (Manchester, 1936), pp. 333-5.
5. This appears from RPB fos. 5, 6<sup>v</sup>, 9<sup>v</sup> [pp. 4, 6, 11]. The Monday after Michaelmas, here stated to be the election day for clerks, was always the date for the Michaelmas Lawhundred (i.e. court leet) in Colchester. Colchester Borough Muniments, St. John's Abbey Register, fo. 305<sup>v</sup>; cf. CR 15/1<sup>r</sup>, CR 17/1<sup>r</sup>, CR 19/1<sup>r</sup>, CR 21/1<sup>r</sup>.
6. The town clerk's duties are specified in the oath he swore on assuming office. RPB fo. 5<sup>v</sup> [p. 5].
7. Clerk's fees amounted to about 25s. 2d. in 1384-5 and were probably about the same—certainly over 18s. 4d.—in 1387-8. CR 24, CR 26. Fees are listed in the margins of the rolls, but wear and tear on the margins makes it impossible to arrive at an exact total.
8. RPB fo. 6 [p. 5].
9. This hand prevails in CR 16-18, CR 19/1-24. It is identical with that of the chronicle account of Colchester between 1372 and 1378 in RPB fos. 5-10<sup>v</sup> and of various other texts in RPB.
10. Aunger's period as town clerk began in the middle of an office year. His hand in the court rolls takes over from CR 20/24<sup>r</sup>, and he simultaneously entered the burghage, his entry fine being condoned 'quia clericus ville'. *Ibid.* His appointment can have taken place only a matter of days before. Aunger's resignation can be tentatively dated to Michaelmas 1398. His hand occurs in the main heading of CR 30, the roll for the year

- 1398–9, and in a few other places in the same roll, which suggests that the new clerk whose hand predominates in this roll had only just taken up his duties and that Aunger was helping him to break into the routine. The identification of Aunger's hand is placed beyond question by his signature to a much-damaged account of the Peasants' Revolt: 'Istud prescriptum Michael Aunger clericus ville Colecestr' fecit et scripsit [cu]m in maximo dolore et timore tam pro se quam pro amicis suis.' RPB fo. 257<sup>v</sup> [p. 156].
11. The hand of Aunger's successor prevails in CR 30–2, CR 33/1–23. The same hand occurs in a transcript of the statutes of 17 Richard II (1394) on OB fos. 152<sup>v</sup>–153<sup>v</sup> [pp. 195–9] and in some additions made to the rental of Colchester. OB fos. 161, 164. It also occurs in RPB in a note about Munkedoune. RPB fo. 107<sup>v</sup>.
  12. This is the hand of CR 8–16 between 1349–50 and 1366–7. No rolls survive from the years between 1366–7 and 1372–3.
  13. OB fo. 21, 21<sup>v</sup> [pp. 28–9].
  14. OB fos. 22<sup>v</sup>–23<sup>v</sup> [pp. 31–4].
  15. OB fo. 24 [pp. 34–5].
  16. OB fo. 25, 25<sup>v</sup> [pp. 36–8].
  17. OB fos. 149<sup>v</sup>–152 [pp. 190–5].
  18. OB fos. 158–169<sup>v</sup> [pp. 203–14].
  19. OB fos. 171–5, 176<sup>v</sup>, 177, 177<sup>v</sup> [pp. 214–21, 223–4, 224–6].
  20. OB fos. 175<sup>v</sup>, 176 [pp. 221–3].
  21. OB fo. 176 [p. 223].
  22. OB fos. 175, 176, 176<sup>v</sup> [pp. 221, 223, 224].
  23. The title of this volume was fixed before 1400. Probably the earliest reference to it is in the Oath Book in a hand of c. 1395–1400, which mentions the Perambulation of Colchester 'in rubio papero'. OB fo. 50 [p. 68]. The dating of this hand is discussed below.
  24. RPB fos. 5–10<sup>v</sup> [pp. 4–13].
  25. The index to RPB describes the opening items as 'De nouis constitutionibus ville' and 'De modo electionis': this is in Michael Aunger's hand. RPB fo. 1.
  26. The RPB text is preserved from the words 'vt ad noticiam assidencium melius s[ciri] p[oterit] particulariter [monstrando]'. This passage occurs towards the end of the OB text. OB fo. 23 [p. 34].
  27. This clerk, whose name is unknown, was probably the author of the chronicle. Others have suggested that it is the work of William Reyne, one of the bailiffs in 1373–4, whose deeds are recorded with some enthusiasm. G. Martin, *The Story of Colchester* (Colchester, 1959), p. 38; S. Reynolds, *An Introduction to the History of Medieval Towns* (Oxford, 1977), p. 179. But it is noteworthy that though Reyne was again elected bailiff in 1375–6 and 1377–8 his deeds in those years are not recounted at all. It is also improbable that William Reyne, a shipper and merchant, should write such studied Latin.
  28. '[V]os fidem geretis domino Ricardo regi Anglie illustri et heredibus suis . . .'. RPB fo. 5<sup>v</sup> [p. 5].
  29. OB fo. 22<sup>v</sup> [p. 32].
  30. In the account of the election of 1372 in RPB the fact that there were two days of election is recognised by an insertion. RPB fo. 5 [p. 4]. There was no such hesitancy about the account of the elections of 1373, but in this passage the statement that the receivers were elected on the second election day is obliterated by an erasure. The erasure is probably not by the author of the chronicle, since there is no corresponding amendment to record when the receivers were supposed to have been elected.
  31. The receivers were to submit an account on the Monday before the Nativity of the Virgin and to hand over their cash surplus the following Monday. OB fos. 22<sup>v</sup>, 23 [p. 32].
  32. RPB fos. 9, 10<sup>v</sup> [pp. 11, 13].
  33. CR 21/1 (attached schedule).
  34. In CR 21/1<sup>d</sup>, CR 22/3<sup>r</sup>, CR 24/2<sup>d</sup>, CR 25/2<sup>r</sup> and CR 26/2<sup>r</sup> the election of the sergeants is recorded by the formula 'seruientes Colecestr' sunt electi per xxiii<sup>or</sup> de communitate prout moris est'. In CR 28/2<sup>r</sup> and subsequently the formula is simply 'seruientes ville electi sunt prout moris est'. The change in formula may correspond to a change in practice.
  35. 'Et quidam clerici [clericus. RPB] sine assensu aliorum vel alicuius insane et ex eorum mera voluntate scribentes [sic] easdem constitutiones fore tenendas et [omitted in RPB] per easdem inquisitiones elegendas seruientes [i.e. "have written that the same constitutions would apply in the case of inquests to elect sergeants"] post festum sancti Michaelis in die electionis seruientium et aliorum officiariorum.' OB fo. 24 [p. 34]; RPB fo. 12 [pp. 15–16].

36. 'Eligent eciam predicti viginti quatuor [i.e. "ex hiis qui nunquam officium balliuorum ville Colecestr' pre manibus gerebant"] vnum firmarium, vnum clericum communem et tres seruientes predicto anno futuro . . . Hanc firmam electionem [formam electionis, RPB] balliuorum, receptorum, auditorum, firmarii, clerici communis et seruientium ville volunt balliui et communitas inperpetuum de anno in annum firmiter obseruari . . .'. OB fo. 23<sup>v</sup> [p. 34]; RPB fo. 5 [p. 4]. The next section of the chronicle adds that the receivers, auditors, farmer, clerk and three sergeants were elected the Monday after Michaelmas. RPB fo. 5 [p. 4].
37. OB fos. 30 ('opus' inserted), 31 ('Radulphi' inserted and 'Johannis' cancelled; 'shopam' written over an erasure; 'de' inserted; 'fordham' written over an erasure), 32 ('Joh' inserted), 33 ('cont' inserted).
38. The first hand is from fo. 29<sup>v</sup> to fo. 34. The second is from fo. 34<sup>v</sup> to fo. 63<sup>v</sup>.
39. The second hand, though similar to that of Aunger's successor, most probably belongs to a different clerk. In particular (i) the clerk who indexed the Oath Book does not kink the upright of his h the way the clerk of CR 30-3 does; (ii) the clerk of the Oath Book has a rounder top to his a than the clerk of CR 30-3; (iii) the final flourish on the downtail of the h and y is more rounded in the Oath Book than in CR 30-3; (iv) the clerk of the Oath Book does not put a hairline through his B, whereas the clerk of CR 30-3 sometimes does; (v) the N of the clerk of the Oath Book is more rounded than that of the clerk of CR 30-3 and it usually has a cross-stroke.
40. These measures, the 'Corerctiones [sic] defectuum in curia [Colecestr']', are recorded in Aunger's hand. RPB fo. 12<sup>v</sup> [p. 16].
41. CR 16, CR 26.
42. OB fos. 64-69<sup>v</sup>.
43. CR 33/20<sup>r</sup>-30<sup>d</sup>; CR 34/1<sup>r</sup>-5<sup>r</sup>.
44. CR 34/1<sup>r</sup>.
45. OB fo. 70.
46. CR 32/1<sup>d</sup>, etc.
47. ' . . . qi mesmes nos baillifs, auditours et les xvj soient conseillers et ordeigners des totes besoignes qe tochent le burgh et eient poer de feare fermes constitucions toutz iours a tener pur comune profit de icеле.' OB fo. 23 [p. 33].
48. ' . . . lectis et publicatis eorum ordinacionibus et in materna lingua eidem communitati expositis . . .'. RPB fo. 6 [p. 5].
49. RPB fo. 8, 8<sup>v</sup> [p. 9].
50. ' . . . dictaque communitate adunata et nouellis ordinacionibus perlectis et dicte communitati expositis . . .'. RPB fo. 9 [p. 11].
51. OB fo. 24<sup>v</sup> [pp. 35-6]. This English ordinance is in the hand of John Horndon, town clerk from 1438-9 to 1448-9 and again in 1454-5, as appears from CR 58-60, 63, 64 and OB fos. 88<sup>v</sup>-94, 96, 96<sup>v</sup>.
52. RPB fo. 42 [p. 33]. The ordinance dates from one of the years when Thomas Godestone and John Seburgh were bailiffs. OB fos. 67<sup>v</sup>, 70 [pp. 86, 89].
53. Thomas Rypere was town clerk from 1407-8 probably until 1413-14, as appears from CR 37-9 and OB fos. 72<sup>v</sup>-74<sup>v</sup>. He compiled the Oath Book's table of contents. OB fos. 3<sup>v</sup>, 4 [pp. 5, 6], and the lettering sequence A-N of fos. 5-17 is in his hand. He also wrote the revision of the New Constitutions of 1372 described as 'De Novis Constitucionibus Ville Correctis et Emendatis'. OB fos. 26<sup>v</sup>-27<sup>v</sup> [pp. 39-41]: this text, though subsequently added to, was originally of no constitutional significance, and was designed to increase the clarity of exposition of the original version.
54. RPB fo. 43 [pp. 33-4].
55. RPB fos. 23<sup>v</sup>-24<sup>v</sup> [pp. 23-5]. This is probably the same set of 'Constituciones et Ordinaciones Artis Fullonum' which, according to the Oath Book, were enrolled on m. 35 of the lost court roll of 1417-18. OB fo. 77 [p. 98].
56. OB fo. 46 [p. 64].
57. The research for this note was supported by Durham University Research Fund. My thanks are also due to Dr. A. I. Doyle who kindly examined a number of microfilmed Colchester records and settled my mind on some arguments from palaeography.

*The Society acknowledges with thanks a donation from the author towards the publication of this paper.*