

THE GOVERNMENT OF MEDIEVAL LONDON.



Reconstruction of the Guildhall of London 1440 A. D.

By Terry Ball

The Origins of Medieval Local Government

The city had always, even from Roman times, a great deal of control over its own governance. This control, had then been confirmed by the Charter of King Edward the Confessor in the early eleventh century, and then by William I, in his Charter of 1067,¹ after having conquered the nation in 1066.

The structure of Local Government, as far as it is known, is set out in medieval documents such as the "*Liber de Antiquis Legibus*," dated to the beginning of the 14th century and the "*Liber Albus*" which is said to date from the 15th century although it contains references as far back as the 12th century. There are also some references to the structure of local government in the *Calendar of Letter-Books*, preserved among the archives of the Corporation of the City of London, in the Guildhall Library.

The main sources of information for the origins of local government are the *Liber de Antiquis Legibus*, the *Liber Albus*, John Stow's *A Survey of London* and Various Royal proclamations and Acts of Parliament, together with the Calendar of Letter Books kept by the City.

There has been dispute regarding the origins of Medieval Government in London. Some, such as Gomme in his Book, "*The Governance of London*," maintain that the Romans left a legacy of corporate government behind when they left Britannia in the fifth century A.D., which survived the Anglo-Saxon Conquest, the Danish conquest into the Plantagenet era.² This is of course disputed by other historians.

The *Liber Albus*, which is said to have been compiled by the first Mayor of London, Henry fitz Ailwyn in 1189, the first year of the reign of Richard I. There were a number of Editions of the *Liber Albus*, however the one referred to here is the Edition which dates from 1419 compiled by John Carpenter during the Mayoralty of Richard Whittington, translated by H. T. Riley in 1861. The date 1189 is significant, as this is the date known in law as, "*The time when the memory of man runneth not to the contrary*" or "*Time immemorial*," It is also considered the "*time before legal history*" and "*beyond legal memory*." This date was fixed by the Statute of Westminster in 1275 as the first year of the reign of Richard I. It may be that when the *Liber Albus* was compiled in 1419 this date was chosen for the beginning of the Assize, as a convenient date in the past, bearing in mind that many of the random collection of records which were being codified, probably originated from material long before that time.

The *Liber Albus* contains a very full description of the Civil structure and officers of the city in the fifteenth century and begins with a very perceptive comment:-

*"Forasmuch as the fallibility of human memory and the shortness of life do not allow us to gain an accurate knowledge of everything that deserves remembrance, even though the same may have been committed to writing, - more especially, if it has been so committed without order or arrangement,- "*³

It would appear that records had been kept, but due to the shortness of life amongst the local bureaucrats, these records had not been kept in an orderly manner and could not be easily accessed

¹ Robertson, A. J. *The Laws of the Kings of England Part Two*. pages 230-1.

² Gomme, L. *The Governance of London*. page 35.

³ Riley, *Liber Albus*. page 3. Fol. I. A.

to allow for consistent decisions to be made. There is no indication in the *Liber Albus* as to the age of these documents, but it could well be that they date to before the Conquest, and some could be records of decisions made by city magistrates dating back to Saxon Times. None of the original records from which this was compiled now exist. The London Metropolitan Archives do have copies of the Medieval Latin versions of the *Liber Albus*, written by Carpenter, as well as the *Liber de Antiquis Legibus*, which the writer has examined.

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The Structure of Medieval Local Government

The first book of the *Liber Albus*, sets out to describe the principle officers of the city's government, and their duties. These are:- The Mayor, Chamberlain, Sheriffs, and Aldermen, together with the Recorder and Common Clerk to the Council. These men were known as Barons of the City, and the prestige of being in office was great, as was the personal financial cost.

In order to facilitate the administration of the city, the area within the walls was divided originally, into twenty four Wards, ⁴ each of which elected its own representative or Alderman from amongst its freemen or citizens. These Wards probably reflected the original Roman *vicus*, or *pagus*, ⁵ although the exact Roman divisions are not now known. This division into wards is mentioned by William FitzStephen in his description of London in the twelfth century.⁶ The Ward divisions did not necessarily match the parish boundaries. Later, new Wards were added when the city expanded outside the original walls, and areas such as Farringdon Ward Without the walls, in 1393, and Southwark in the name of Bridge Ward without, in 1550, were added, making twenty six Wards in all. ⁷

The Mayor, Sheriffs, Aldermen and selected more discreet men⁸ of the City, also formed a body known as the Common Council, which could have originated from the original Saxon Folkmoot or City Witan. It was this Council that had the duty to elect the Mayor and Sheriffs, and jointly with them govern the city. Once elected the Mayor and Sheriffs had to be approved by the Monarch or his appointed representatives at Westminster, traditionally on the Feast of Simon and Jude (28th October). ⁹ Originally the Council met at St Pauls Cross in St Paul's churchyard, and later in the Guildhall.

At the lowest level of the administration the Ward Alderman had the responsibility via the Wardmote or meeting of the resident Ward freemen, to arrange the appointment of the Ward Constable,

⁴ Barron. *London in the Later Middle Ages*. page 121.

⁵ Blair. *Roman Britain and Early England*. page 96.

⁶ FitzStephen. *Description of the Most Noble City of London*. page. 28.

⁷ Stow, J. *A Survey of London*. page. 144.

⁸ Anon. *Liber de Antiquis Legibus*. A.D. 1200.

⁹ Cheney. *Handbook of Dates*. page 61.

Bedel, Scavenger, Raker and other Ward officers.

The freemen of the City as the name implies, were men (Women were not eligible to be freewomen, although they could in some instances own property and run businesses) who owned property within the walls or who had a substantial income, generally £40 per annum or above. Men could also become eligible to be elected as freemen, once they had successfully completed their apprenticeship and started their own craft business. With such importance placed on the status of freemen, it was sometimes found necessary for citizens to have certificates of proof of their status usually issued by the Mayor's office when travelling.¹⁰ There were always a large number of people within the City who were not eligible to become freemen due either to lack of income or whose status was nearer to slavery. Women were not allowed the franchise although there were a number of women who owned and ran businesses, often inherited on the death of their husbands. It was not unknown for women to complete apprenticeships in trades such as that of seamstress or catering, and go on to run businesses. The trade of brewing and inn-keeping was one which was normally carried out by women. In spite of their prowess in these areas women were not allowed to become freewomen of the City or to take a part in the City government.

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How Did Local Government Develop?

The beginnings of London Local Government could be seen in ancient Rome and the Roman government of Londinium. Both administrations divided the city into *Vicæ* or Wards with ward representatives forming a common council led by a justicar or later mayor. This system had been arrived at by ancient custom and usage, and from at least Saxon times, was known as the "*liberties*" of the City of London. These "*liberties*" were jealously guarded by the citizens, particularly from encroachment by the monarch. However the Norman monarchs, after the invasion of 1066, sought to control these "*liberties*" by incorporating them into the centralised state legal system by means of Royal Charters, thereby removing them from the category of ancient rights, achieved by custom and usage. This converted them into rights granted and controlled by the state. This was a change that the citizens were unable to stop.

The power of the monarch was always looming over the city, and the Crown often sought to interfere with its governance. This interference took the form of "*Taking the city into his own hands*," which meant that the Mayor and Sheriffs were removed from office at the King's command, and replaced with the King's own appointed Warden. This happened on at least eight occasions during the reign of Henry III and on one occasion lasted for four years. At other times the monarch would issue proclamations enforcing aspects of the existing law or making new law.

The Mayor, Sheriffs and Common Council had the duty to maintain and control the various Assizes such as the Assize of Bread, Wine, Ale, Nuisance and Building. They also had the duty to maintain the integrity of the weighing beams used to accurately measure the goods brought into or taken

¹⁰ Barron, *London in the Later Middle Ages*. page 77.

out of the City, either by the port of London or by road. In addition to these duties the Mayor, Sheriffs and Aldermen had the duty to maintain and enforce the standards of weights, measures, costs and quality, set by the City, and to ensure that these were regularly checked against the samples kept in the Guildhall. To this end the Magistrates appointed tasters and other officers to make regular checks and to take action against any infringements. In some instances these inspectors were appointed, with the agreement of the Mayor by the appropriate Guild.

With regard to the Assize of Buildings, the Mayor appointed four craftsmen, two masons and two carpenters, known as Viewers, whose duty it was to visit site of dispute which had been called to the magistrates attention, and to advise the magistrate on the technical aspects of the dispute in the form of a signed certificate. This certificate would then be used in the settling by the magistrate of the dispute. Master craftsmen were used for this duty as they were knowledgeable in the technical aspects of construction and had been trained in the art of measurement, which was very important in these matters.¹¹

It would appear that the Assizes of bread, wine and ale were not as detailed as the Assize of building, there being no written description of the standards to be maintained. In each case the standards of weight and measure being used by the tradesmen could be checked against the standards kept by the magistrates, but the quality would probably have been checked by inspectors appointed by the guilds involved.

These Assizes were local courts sometimes known as Hustings¹² at which citizens were able to seek redress against vendors who chose to try and sell short measure or inferior goods. The Hustings were also used to register, land holdings, loans, adoption of orphans, the registration of apprenticeships, and apprentices on completing their term wishing to be entered as Freemen of the City.¹³ In the case of Nuisance, citizens could also seek to obtain redress, against those neighbours who sought to infringe their rights as property owners, with regard to boundary disputes, party wall rights, and rights of light and access in these Assize Courts. The Hustings Courts were a rich source of income for the City as every transaction carried out in the Court was subject to a fee payable by the citizen requiring its services.

In addition the City was constrained by the imposition of the regular Crown *Eyre* or *Ita* Court sessions of the Royal Justices sitting in the Tower of London. These sittings were to hear Pleas of the Crown, or infringements of Crown law, and to pass judgement, on behalf of the Monarch, as opposed to the municipal or local law dealt with by the Mayor and local magistrates. These *Eyre* Sessions were in all probability the beginning of the establishment of the major Crown courts in London.

The Crown's involvement in the governance of London was to remain a continuing nuisance as

¹¹ Leongard. *London Viewers and their Certificates*. page xi.

¹² Barron. *London in the Later Middle Ages*. page 128.

¹³ Barron. *London in the Later Middle Ages*. page 179

far as the City's governors were concerned. The City was taken into the Kings hands on numerous occasions, particularly during the reign of Henry III. These were caused on some occasions by malpractice on the part of the Mayor, Sheriffs or Citizens, and were used by the King as an excuse to exhort money from the City, for returning the City into the hands of the Mayor and Common Council.

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How Effective Was it?

The actual power wielded by the City's government is debatable. It must be borne in mind that there was no cadre of law enforcement officers, employed directly by the City, who had the necessary knowledge and training in the various disciplines and who were accepted by the citizens without question. Much of the disciplining and enforcement was carried out by the trades guilds and inspectors appointed in many instances by the guilds and approved by the magistrates. It must also be remembered that prosecutions had to be carried out by the aggrieved private citizen. The establishment of professional institutions, such as that of solicitors and barristers, had barely begun to be formed, and a citizen who wished to put a case before the hustings, had to do so on his own initiative without the formal legal advice which is available today. Another hurdle to be overcome by the litigant was that the law was written in Latin and court proceedings were recorded in Norman French. It wasn't until the Act of Edward III, in 1362 that English was required to be used in the English Courts. The Act itself was written in Norman French.¹⁴

During the medieval period the monarchs had recourse to issuing Proclamations insisting that the local regulations, particularly those regarding construction, food and other manufactured items, should be adhered to. It was plain from many of these proclamations that the chief culprits infringing the regulations, were the very people whose duty it was to enforce them. Elizabeth I's Proclamation of June 1602 points to this in the fourth paragraph, as well as in the final paragraph of James I's Proclamation of October 1607. This lack of enforcement of the regulations, particularly for building, was important as it was necessary for the reduction of loss of life, and damage, from fires and plague. The failure in enforcement is reflected in the number of outbreaks of fire and plague occurring, even up to the seventeenth century and the Great Fires of 1211 and 1666, not to mention the plagues of 1348 and 1665.¹⁵ Proof enough of the ineffectual enforcement of the regulations.

From the reign of Edward III, Commissioners for Sewers were appointed to try to bring some order and control into the chronic state of the City's sewers, and later on Charles I, appointed Commissioners for Buildings to enforce the existing law on building control. None of these measures overcame the problems inherent in the system. The lack of a properly appointed cadre of dedicated, literate, and properly paid enforcement officers, able to understand the regulations and their importance, and motivated to enforce them, made failure inevitable. It was not to be until the nineteenth century, that

¹⁴ Statute of the 36th year of the reign of Edward III, 1362 A.D.

¹⁵ See Appendices A, and B.

these conditions were able to be fulfilled that some control could be exercised and local government at last became reasonably effective.

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Conclusion

The government of medieval London developed out of a mixture of the half forgotten traces of Roman commercial law which still applied to international commerce, as described by Laurence Gomme, Saxon tribal law adapted by the citizens of London to fit the new circumstances of urban living, outside the traditional tribal constraints, all influenced by the imposition of the centralising feudal system introduced by the Norman invaders, as well as the international character of the citizens. The tug-of war caused by these disparate influences resulted in tensions between the wealthy and highly independent City governors, the centralising power of the monarchy, and the occasional outbreak of people power rebelling against both the City governors and the Crown.¹⁶ Add to this brew the anarchistic tendencies of the over mighty Barons and you have a volatile situation.

The government of London was, by medieval standards a reasonably effective but by modern standards a very inefficient compromise between the power of the financial interests of the City, the Political and financial interests of the Crown and the political interests of the Barons. Sometimes the City sided with the Crown and at other times it sided with the Barons. Without the City the monarch was not able to fund his wars, and without the monarch the City was unable to maintain it's political power. The tension created by this dichotomy, was to be the source of much of the civil strife over the ensuing centuries.

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¹⁶ Barron. *London in the Later Middle Ages*. page 31