



SUBVERSIVE ACTS: THE EARLY CHARTERS OF THE BOROUGH OF BEVERLEY

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Abstract:	Three charters for the men of Beverley, in Yorkshire, appear at first sight to be products of the first half of the twelfth century, and so among the oldest surviving borough charters. As such, they have been repeatedly printed or referenced in books which consider the origins of English civic institutions. Careful analysis of their script and text, however, reveals that they were forged during the last quarter of the twelfth century. This paper establishes the circumstances behind the forgeries, and shows how the men of Beverley developed their borough privileges in the face of opposition from their feudal overlords, the archbishops of York.

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SUBVERSIVE ACTS: THE EARLY CHARTERS OF THE BOROUGH OF BEVERLEY

On a winter's day in January or February 1182, representatives of the burgesses of Beverley waited anxiously at Arundel castle in Sussex for an opportunity to present their entreaties to King Henry II. The king had been close to the south coast since shortly after Christmas and intended soon to depart for Normandy, but the burgesses' business could not wait for the king's return to England and a more convenient opportunity to petition him. They had carried with them from Yorkshire three important documents: an act of Thurstan, archbishop of York 1114–1140; a confirmation of Thurstan's act by Henry I, king of England 1100–1135; and an act of Thurstan's successor William fitz Herbert, archbishop of York 1141–1147 and again 1153–1154. Eventually the burgesses got their opportunity. They showed their documents, there was some negotiation, and a fee was agreed to conclude the business. A royal scribe set to work producing two copies of a new charter for the borough: when he had finished the king's great seal was affixed to both documents. The charter confirmed to the burgesses of Beverley 'all the liberties and free customs that Thurstan and William, formerly archbishops of York, gave and granted to them and confirmed by their charters, and which King Henry my grandfather granted to them and confirmed by his charter'. The burgesses were to hold all the liberties and free customs granted by the archbishops 'well and in peace, freely and quietly, fully, wholly, in tolls and in *hansas* (the fees associated with a merchant gild), in free entrance and exit, within the town and without the town, in the market, in wood and field, in marsh and turbary, in ways and paths, and in all places just as the charters of the foresaid Archbishops Thurstan and William witness'. The dual originals of Henry II's charter survive today in the archive of Beverley Corporation, still in Beverley, and now in the care of East

Riding Archives.¹ Although one original has entirely lost its great seal and the other retains only a defaced fragment, we need have no doubt as to their authenticity. They are in the hand of a known royal scribe, active 1177–82, and the wording used and liberties granted are entirely in keeping with other royal charters of the period.² As will be seen, we can have no such confidence in the case of the three documents shown to the king, which were almost certainly forgeries. Because these early charters are prominent in the historiography of borough privileges in the twelfth century, this is important for our understanding of the development not just of Beverley, but of English boroughs as a whole.

The town of Beverley lay in the fee of the archbishop of York, so in the first instance it was for the archbishop to grant the burgesses their liberties and customs. For the king to act over his head would have been an infringement of the archbishop's authority. It is significant that there is no mention in Henry II's charter of Roger of Pont L'Evêque, the most recent archbishop of York, who held the see from 1154 until 1181. Had Roger confirmed the townsmen's liberties, his act would undoubtedly have been produced by the burgesses and noted in Henry II's charter. We may reasonably infer, from the absence of any record of a charter of Archbishop Roger, and from the date of the burgesses' application to Henry II so soon after Roger's death on 26 November 1181, that they were taking advantage of the episcopal vacancy to gain rights that Roger had been unwilling to concede.

¹ See Appendix, no. 1. It is unclear why two originals were obtained. Perhaps one copy was intended to be shown outside Beverley when needed, while the other was kept safely in the town. It may be significant that one version refers to the men of Beverley, the other to the burgesses. The two words seem to have been used interchangeably at Beverley. Thurstan's act refers to both men and burgesses, Henry I's act to men, Archbishop William's to burgesses, Richard I's to burgesses. King John's first act refers to burgesses, his second to men.

² For a description of the scribe's work, which survives in royal charters for twelve separate English and Norman beneficiaries, see T. A. M. Bishop, *Scriptores Regis* (Oxford, 1961), plate xxxv.

The following year the borough took the highly unusual step of applying to the papal curia for confirmation of their liberties.³ Their representatives travelled to Segni, some forty miles south-east of Rome, and obtained Pope Lucius III's confirmation on 20 August 1183. That act, addressed to the 'Beverley men', confirmed 'the liberties and free customs which Thurstan and William . . . formerly archbishops of York . . . granted, as is contained in their original documents enacted about that matter, and . . . allowed by our son Henry, king of the English'. There was no mention of Henry I or his charter.⁴ Why did the burgesses feel it necessary to acquire a papal confirmation? They were surely expecting trouble from the next archbishop, and they reasoned that a papal privilege would help them to defend their rights against him.

The see of York remained vacant, with its revenues at the king's disposal, until the new King Richard I nominated his half-brother Geoffrey in July 1189, only a week or so after the death of their father Henry II. Geoffrey immediately sent his clerks to secure the

³ The only other papal confirmation listed by Ballard is Alexander III's confirmation of the liberties and customs of the burgesses of Durham, given on 16 March, c. 1175 × 1179, which survives as an original at Durham (A. Ballard, *British Borough Charters 1042–1216* (Cambridge, 1913), p. xxviii; W. Holtzmann, *Papsturkunden in England* (3 vols, Berlin and Göttingen, 1930–52), II, p. 367, no. 175). In contrast with the situation at Beverley, this was done with the full approval of the then bishop of Durham, Hugh du Puiset, probably during his visit to Rome for the third Lateran Council in 1179. Bishop Hugh's own charter for the burgesses of Durham, datable c. 1175 × 1179, which the pope was in effect confirming, also survives as an original (M. G. Snape, *English Episcopal Acta*, 24, *Durham 1153–1195*, pp. 20–21, no. 23).

⁴ W. Farrer and C. T. Clay (eds), *Early Yorkshire Charters*, 12 vols in 13 (I–III, Edinburgh, 1914–16; index to I–III, IV–XII, YASRS, Extra Series, 1935–65), I, pp. 104–5 (no. 111), printed from an exemplification of 12 Richard II; W. Holtzmann (ed.), *Papsturkunden in England*, 3 vols (Berlin and Göttingen, 1930–52), I, pp. 489–90 (no. 215). The year is not given in the bull. Holtzmann deduced it from the movements of the curia apparent in P. Jaffé, W. Wattenbach, S. Loewenfeld, F. Kaltenbrunner and P. Ewald, *Regesta Pontificum Romanorum*, 2nd edn, 2 vols (Leipzig, 1885–8), II, p. 456.

episcopal estates and to eject the king's representatives, but some members of the York chapter appealed against his election. The king used this as a pretext to resume the temporalities. Geoffrey agreed to pay a large fine and he appears to have regained the estates towards the end of 1190. He was consecrated archbishop in August 1191 and enthroned at York Minster in November.⁵ It is unlikely that Geoffrey found much time to consider the entreaties of the Beverley burgesses during this period, but it seems that he too was unwilling to give a confirmation of their rights. Once again, they turned instead to the king. Richard I had left England on crusade in December 1189, but he sealed charters regularly as he made his way southwards through France until he took ship at Marseilles in August 1190. From then on far fewer charters were given and none at all (excepting a few acts concerned with the conduct of the crusade) after the king's marriage in Cyprus in May 1191.⁶ The king arrived in the Holy Land in June, and remained there until October 1192, when he left Acre intending to return to England. His homeward progress was interrupted in December, when he was captured near Vienna by the duke of Austria. Only after a treaty had been drawn up in July 1193, which agreed to his release in exchange for a ransom of £100,000, did Richard again seal charters. The Beverley burgesses were quick to take their chance. They travelled to Worms, on the River Rhine, where the king was detained. There, on 30 September 1193, King Richard renewed Henry II's confirmation, no doubt in return for a substantial payment.⁷ Richard's renewal follows Henry II's charter almost verbatim, except that Richard's act mentions the burgesses' gild merchant, which Henry's does not. Some time during the

⁵ M. Lovatt (ed.), *English Episcopal Acta*, 27, *York 1189–1212* (Oxford, 2004), pp. xxxvii–xl, 113.

⁶ For a chronological table of Richard's charters, see L. Landon, *Itinerary of Richard I*, Pipe Roll Society, NS 13 (1935), passim.

⁷ The original is in the archive of Beverley, East Riding Archives, BC/i/6; J. C. Davies (ed.), *The Cartae Antiquae Rolls 11–20*, Pipe Rolls Society, NS 33 (1960 for 1957), pp. 131–2 (no. 519); Landon, *Itinerary of Richard I*, p. 80 (no. 386).

subsequent twelve months the men of Beverley undertook to pay 15 marks for the enrolment of their royal charters at the Exchequer (*ut cartas quas habent de domino rege inrotulentur ad scaccarium*).⁸

If we are correct in assuming that this enrolment is the one now found in the *Cartae Antiquae* rolls, written in a hand of the late 12th or early 13th century, the burgesses' 15 marks secured the enrolment of four charters. First was a charter of Henry I; the above-mentioned confirmations of Henry II and Richard I followed; then an act of Archbishop Thurstan.⁹ The text of Henry I's charter survives only through this enrolment; the borough purchased a certified copy of it in 1722.¹⁰ On 5 June 1194 at St Peter's in Rome, the burgesses obtained a new papal privilege from Pope Celestine III, confirming 'the reasonable and ancient customs of your vill hitherto observed, and also the liberties granted to you by the kings and rulers of England, and afterwards confirmed by the archbishops of York and by our predecessor Pope Lucius III'.¹¹

⁸ D. M. Stenton (ed.), *The Great Roll of the Pipe for the sixth year of the reign of King Richard the First, Michaelmas 1194*, Pipe Roll Society, NS 5 (1928) [abbreviated as *PR 6 Richard I*], p. 162; noted at L. Landon (ed.), *Cartae Antiquae Rolls 1–10*, Pipe Roll Society, NS 17 (1939), p. xv.

⁹ Davies, *Cartae Antiquae Rolls 11–20*, pp. 120, 130–32 (nos. 517–20). N. Vincent, 'Why 1199? Bureaucracy and enrolment under John and his contemporaries', in A. Jobson (ed.), *English Government in the Thirteenth Century* (Woodbridge, 2004), pp. 17–48, at p. 38, n. 105, cites the payment and enrolled charters as the 'earliest clear proof' of the existence of the *Cartae Antiquae* rolls. It might be argued, however, that the 1194 enrolment has been lost, and that the copies surviving in the *Cartae Antiquae* rolls were made as part of the process of obtaining the charters of King John in 1200. The two other charters entered on the same membrane and in the same hand, one for Flaxley abbey datable 1155 × 1177 (H2/1028), the other for Buildwas abbey dated 22 October 1189 (Davies, *Cartae Antiquae Rolls 11–20*, pp. 120, 133–5, nos. 521–2), do not resolve the issue.

¹⁰ East Riding Archives [abbreviated as ERA], Archive of Beverley Corporation, BC/i/4.

¹¹ Jaffé, *Regesta Pontificum Romanorum*, II, p. 605 (no. 17116); [A. F. Leach], *Report on the Manuscripts of the Corporation of Beverley*, Historical Manuscripts Commission (London, 1900), pp. 13–14; printed P. Kehr (ed.),

After John became king in April 1199, the burgesses again sought to protect and extend their rights. At Westminster on 20 April 1200 King John sealed a renewal of King Richard's charter, in identical terms.¹² A week later, at Porchester, the king granted that the men of Beverley should be 'free and quit of toll, bridge-tax, passage-fee, peisage, lastage, stallage, and from wreck, flotsam-right, ferry-due, cargo-lifting-toll, and from all other customs whatsoever that belong to us throughout our land saving the liberties of the city of London' ('quod sint liberi et quieti de teloneo et pontagio, passagio, pesagio, lastigio, stallagio et de wreck, et de lagan(o), de ewagio et de leue(gio) et de omnibus aliis huiusmodi consuetudinibus que ad nos pertinent per totam terram nostram saluis libertatibus ciuitatis Lond'). There was no reference to previous grants of these privileges.¹³ The men of Beverley paid the substantial sum of 500 marks for their 'new charter of liberties and quittances' and for 'confirmation of their charters'.¹⁴ The burgesses may have been taking advantage of the difficult relationship between the archbishop and the king, which resulted in the forfeiture of the episcopal estates on more than one occasion and culminated in Geoffrey's exile from the realm from 1207 onwards.¹⁵

Aeltere Papsturkunden in den päpstlichen Registern von Innocenz III bis Paul III, in *Nachrichten von der Königl. Gesellschaft der Wissenschaften zu Göttingen*, Philologisch-Historische Klasse, 4 (1902), p. 555 (no. 32).

¹² ERA, BC/i/8; T. D. Hardy (ed.), *Rotuli chartarum in turri Londinensi asservati*, I/1 (London, 1837), p. 53b.

¹³ ERA, BC/i/7, dated at Porchester, 18 April 1200, an error in the engrossment for 28 April, correct in the enrolled copy, Hardy, *Rotuli chartarum*, p. 53b. The king was at Westminster 18–20 April, at Fulham on 21 April, passing through Guildford and Bishop's Waltham, arriving at Porchester on 24 April, from where he sailed to Normandy soon after 28 April.

¹⁴ *PR 2 John*, p. 111.

¹⁵ Lovatt, *English Episcopal Acta*, 27, pp. lii–lvii.

The first explicit evidence of conflict between the burgesses and the archbishop comes from about this time. The source is the chronicler Roger of Howden (d. 1201/2), who, like his father, was parson of Howden, some twenty miles from Beverley. He describes how Archbishop Geoffrey excommunicated his enemies after he had been disseised of his temporalities by King John in about October 1200, noting that the archbishop 'also excommunicated the burgesses of Beverley, and suspended the same vill from celebration of the divine office and from ringing its church bells, because the foresaid burgesses had broken his park and they had disturbed and diminished other goods of his, which he and Archbishop Roger, his predecessor, had previously peaceably held'.¹⁶ It was presumably the aftermath of this affair that was recorded in the records of the king's court for Hilary term 1201. The men of Beverley had complained to Geoffrey fitz Peter (then sheriff of York) that Archbishop Geoffrey had disseised them of their pasture, toll, turbary, sandpits, and the profits of Beverley. They had acquired a writ of novel disseisin against him. The burgesses' charters, which they had from the 'predecessors of the lord king and from Archbishops Thurstan and William', were read out in court, and on hearing them the archbishop undertook before the judges to return to the burgesses all liberties and all rights according to their charters, and everything he had disseised them of.¹⁷ The value of Beverley's charters was thereby amply demonstrated.

The Corporation continued to renew its charters under every subsequent king until the sixteenth century, when Queen Elizabeth I granted new charters which left the old ones obsolete. This remarkable series remains almost complete in the archives of Beverley

¹⁶ W. Stubbs (ed.), *Chronica magistri Rogeri de Houedene*, 4 vols, Rolls Series 51 (1868–71), IV, pp. 139–40.

¹⁷ *Curia Regis Rolls* (London, 1922–), I, p. 385.

Corporation.¹⁸ Archiepiscopal confirmations, though, were not so easily obtained. There is no record of any act of Archbishop Geoffrey, nor of any act of Archbishop Walter de Gray, Geoffrey's successor. Nevertheless it seems that Archbishop Gray accepted the rights of the borough, for when in June 1239 he gave a plot of land 'in free burgage' to his burgesses of what would later become Kingston-upon-Hull (*burgensibus nostris in burgo super Humbre*), he gave it with the same liberty as 'our burgesses of Beverley are known to have of us and our predecessors, so far as our power permits'.¹⁹ In 1268 the king, at the urging of Archbishop Walter Giffard, granted the burgesses of Beverley 'quittance from all customs and prises on their goods, except the due and ancient prises'.²⁰ The archiepiscopal acceptance of the borough's rights did not prevent occasional disputes, for example in 1280–81, when the king's intervention was necessary to resolve an escalating confrontation over pasture in Beverley.²¹

¹⁸ A cartulary of the town's muniments was compiled in the late fourteenth century and another in the second quarter of the fifteenth century. The earlier cartulary, now BL MS Add. 25703, compiled in the last quarter of the fourteenth century, not included in G. R. C. Davis, *Medieval Cartularies of Great Britain: A Short Catalogue* (1958), revised by C. Breay, J. Harrison and D. M. Smith as *Medieval Cartularies of Great Britain and Ireland* (2010), comprises just thirteen leaves in a vellum wrapper. The other cartulary remains in the Corporation archives (ERA, BC/ii/2; Davis, *Medieval Cartularies*, no. 1348). The charters were a source of pride to the Corporation as is apparent from the lavishly made modern cartulary, commissioned in 1810 and drawn up by William Illingworth, deputy keeper of records in the Tower of London (ERA, BC/i/88).

¹⁹ [J. Raine (ed.)], *The Register, or Rolls, of Walter Gray, Lord Archbishop of York, with Appendices of Illustrative Documents*, Surtees Society, 56 (1872), p. 251.

²⁰ [J. G. Black and R. F. Isaacson (eds)], *Calendar of the Patent Rolls preserved in the Public Record Office: Henry III A.D. 1263–1272* (London, 1913) [abbreviated as *CalPat 1263–1272*], p. 223.

²¹ A. F. Leach (ed.), *Memorials of Beverley Minster: The Chapter Act Book of the Collegiate Church of St John of Beverley AD 1286–1347*, 2 vols, Surtees Society, 98, 108 (1898–1903), II, p. 143–7.

We have seen how the burgesses took advantage of the death of Archbishop Roger to gain improvements in their situation that the archbishop himself did not want to concede. Before a new archbishop could be appointed they had travelled to the south coast to procure a charter from Henry II. The burgesses endeavoured to protect themselves against the next archbishop by obtaining a papal privilege from Lucius III. When it became apparent that Archbishop Geoffrey would be no more cooperative than Archbishop Roger they went to great lengths to secure confirmations of their rights from the new king Richard I and the new pope Celestine III. The burgesses were also among the pioneers of the new practice of enrolment at the Exchequer: they hoped thereby to acquire greater force and security for their charters. Each of these steps incurred substantial expense, but all were viewed as essential for the protection of the town's liberties. The court case of 1201 proved the value of their investment.

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So the men of Beverley gained their charter of liberties from Henry II at a time when there was no archbishop to oppose them. This was sharp practice, perhaps, but not in itself illegal. It is only when we attempt to establish the details of the three documents that were shown to Henry II to gain his confirmation that we come to suspect a deeper level of mendacity. As will be shown, there can be little doubt that all three were false. Forgery was certainly a criminal act. The late-twelfth-century treatise on the workings of the law known as 'Glanvill' reports that a person convicted of forging a royal charter should be condemned as for the crime of lèse-majesté (*de crimine maiestatis*), i.e. treason. In the case of forgery of a private charter 'the convicted person is to be more leniently dealt with . . . where punishment of the

guilty involves only loss of limbs to an extent dependent on the royal will and clemency'.²²

What, then, can be deduced about the documents shown to Henry II in 1182? The archive of Beverley Corporation contains an original charter in the name of Archbishop Thurstan and another original in the name of Archbishop William. A charter of Henry I is known only from its enrolment at the Exchequer in the late twelfth or early thirteenth century. At first sight, these three documents correspond to those mentioned in Henry II's charter of 1182.

The original act in the name of Archbishop Thurstan has an apparent date of 1121 × 1128.²³ It claims that King Henry I both licensed the act and confirmed its result: 'the lord our king has granted us the power to do this with his good will and has by his charter confirmed our statutes and our laws according to the form of the laws of the burgesses of York'. It granted to the men of Beverley 'all the liberties by the same laws which the men of York have in their city' and permitted the burgesses of Beverley to have their *hanshus* 'gild hall', where they might administer their own statutes, by the same law of liberty as the men of York had in their *hanshus*. The burgesses were also granted the toll of the borough at an annual farm of 18 marks; three feast days were excepted, coinciding with fairs at Beverley, on which days the toll was to belong to the archbishop and his canons (of Beverley minster), though the men of the borough would not themselves have to pay. The burgesses were also granted 'free entry and exit, within vill and without . . . except in meadows and standing corn'. Finally, the act notes that the men of Beverley 'are as free and quit of all toll through all the shire of York just as the men of York are': this was not in the archbishop's power to grant, so the scribe correctly used the indicative *sunt* rather than the subjunctive *sint*.²⁴ Early

²² G. D. G. Hall (ed.), *The Treatise on the Laws and Customs of England commonly called Glanvill* (Oxford, 1993), pp. 176–7.

²³ See Appendix, no. 2.

²⁴ Mistranscribed by Farrer, *Early Yorkshire Charters*, I, p. 91.

episcopal acts are notoriously difficult to assess for authenticity. They vary widely in form: the standard structures and wording apparent in royal acts are absent. In this case, however, detailed palaeographical analysis reveals that Thurstan's act was produced at least half a century after its apparent date. This difficulty has been overlooked by previous editors, and was first noticed by Dr Teresa Webber, whose examination of the script revealed 'the crossed Tironian *nota*, the horizontal marks of abbreviation and treatment of ascenders, all show this to be a product of the later twelfth century'.²⁵ There are also problems with the wording of the act. It is written entirely in the first person singular, except for the clause noting the king's licence and approval, which is in the first person plural, suggesting that it was inserted into an earlier text.²⁶ It uses the formula 'have given, granted . . . and by this my charter have confirmed' which points to a date in the second half of the century rather than the first.²⁷ It seems that the act had been fabricated by Michaelmas 1194, when the men of Beverley

²⁵ M. Brett, P. M. Hoskin, D. M. Smith (eds), *Facsimiles of English Episcopal Acta, 1085–1305* (Oxford, 2012), plate c.

²⁶ The use of the first person plural in episcopal acts appears to be imitative of the practice of the papal curia. Judging by the examples in Brett, *Facsimiles*, the plural became dominant in episcopal acts during the second quarter of the twelfth century. By the last quarter of the century the singular had almost entirely disappeared from episcopal acts. Use of the plural did not become normal practice in the royal chancery until the start of the reign of Richard I.

²⁷ See the note below for the use of the phrase in royal acts. The episcopacy appears to have imitated royal practice. The earliest example of similar phrasing in Brett, *Facsimiles*, comes in an act of Hugh du Puiset, bishop of Durham, datable 1163 × 1174 ('presenti carta confirmamus', plate xxia). Bishop Hugh's act for the borough of Durham, datable c. 1175 × 1179, uses 'concessisse et presenti carta confirmasse' (Snape, *English Episcopal Acta*, 24, *Durham 1153–1195*, pp. 20–21, no. 23).

accounted for the enrolment of their charters at the Exchequer, but the form of the Tironian *et* makes it unlikely that this was the document shown to Henry II in 1182.²⁸

The charter in the name of Henry I grants to the men of Beverley a free borough ‘following the free laws and customs of the burgesses of York and its gild of merchants with their pleas and toll’, with free customs, ‘just as Archbishop Thurstan gave them and confirmed by his charter’. The king also granted that the men of Beverley were to be quit of toll throughout Yorkshire ‘just as those of York’, but there is no mention of the farm paid for the tolls of Beverley.²⁹ Though the original has disappeared, it seems that Henry I’s charter is also a forgery, condemned in particular by its use of the phrase ‘et hac mea carta confirmasse’ (‘and by this my charter have confirmed’), not used in authentic royal acts before the reign of Henry II.³⁰ In addition, the two witnesses are incompatible: Robert count of Meulan was dead before Geoffrey became chancellor.³¹

²⁸ Dr Webber writes in personal correspondence: ‘I would think it unlikely that the Thurstan act was shown to Henry II in 1182. The crossed Tironian nota for *et* is very rare before the 1190s, and I am pretty sure that I have not seen it in anything (discounting forgeries) as early as 1182’.

²⁹ See Appendix, no. 3.

³⁰ Reference to confirmation by ‘the present charter’ or ‘my charter’ is unknown in authentic chancery productions for Henry I. The idea appears to have been introduced to chancery practice by a scribe working towards the end of Stephen’s reign. Four originals in his hand, datable to the years 1148–54, for four different beneficiaries, use the phrase *presenti carta* ‘by the present charter’ (*Regesta*, III, nos. 103, 449, 519, 938; Bishop, *Scriptores Regis*, plate xxii (b), scribe xxii). Charters of Henry II use the formula routinely.

³¹ The great charter scholar William Farrer (1861–1924) noticed the discrepancy in the witness clause, but postulated an error in copying which derived ‘R. count of Meulan’ from ‘R. son of the count of Meulan’. Our database of texts of Anglo-Norman royal acts, in conjunction with Bishop’s work on royal scribes and a searchable text of Nicholas Vincent’s forthcoming edition of the charters of Henry II, allows us to trace the development of royal acts in ways that Farrer could scarcely have imagined.

The act of Archbishop William survives as an original in the Corporation's archives, and was not enrolled in 1193–4. It grants the burgesses 'free burgage, according to the form of free burgage of York . . . which Archbishop Thurstan . . . granted', and 'their gild merchant and pleas by the same liberty and the same custom' as those of the burgesses of York. It makes the same grant of toll in Beverley as in Archbishop Thurstan's act, at the same farm, with the same specified exemptions on particular days, adding detail about what was to happen if the date of the fairs were to clash with a market day. William's act does not, however, note freedom from toll throughout Yorkshire. It seems that this document too is a forgery. The script, which is entirely different from that of the forgery in Thurstan's name, appears to belong to a later date than the apparent date, though not so obviously as that of Thurstan's act.³² The act bears the seal of William's predecessor Thurstan. This remarkable feature has in the past been taken to indicate a date soon after William's consecration, but there is no other evidence to support the hypothesis that a bishop might use his predecessor's seal until his own seal had been cut. It is more likely to be the result of forgery. The charter is mainly written in the first person singular, but Archbishop Thurstan is twice referred to as 'our predecessor'. It includes the phrase '*presentis carte testimonio confirmasse*' ('have confirmed by witness of the present charter'), not used in royal acts at the apparent date, and also anachronistic in episcopal acts.

Thus two of the three surviving texts are forgeries, and the third is almost certainly also false. We know from the script of Thurstan's act that it is unlikely to have been the document presented to Henry II. It is probable that the act of Henry I was similarly drawn up

³² Dr Webber writes that William's act is 'hard to date any more closely than to the second half of the twelfth century. Given the consistency in the scribe's use of the horizontal-bar form of common mark of abbreviation, I would doubt it can be as early as the 1140s. It could be as early as the 1150s or as late as the final quarter of the century but the closest comparisons I know date from between the later 1150s to the 1170s—but this could be an attempt to archaïse, so perhaps it would be safest to stick with the broader dating.'

after 1182, for it grants freedom from toll throughout Yorkshire, also noticed in Thurstan's act, but not in Henry II's confirmation, nor that of Richard I.³³ What then was shown to Henry II? We cannot know for sure whether those acts were authentic, but it seems unlikely that they were. If the burgesses had possessed authentic charters, why would they have waited for Roger's death to press their case? Surely they would have sought renewal of Henry I's charter by Henry II soon after his accession. It is likely that the combined force of the three charters would have overcome any reluctance on the part of the archbishop. If the burgesses had possessed an authentic charter of Henry I to use as a model, we might expect them to have copied its witnesses and so avoided the difficulties in the witness-list of their forgery. Why did the burgesses not forge an act of Archbishop Roger to supplement the false acts of Archbishops Thurstan and William? Perhaps they felt the risk was too great. Forgery of a document dated half a century earlier was much less dangerous than forgery of a recent act, and the burgesses may have worried that someone at court would have known of Roger's disinclination to grant the liberties they desired. Thus it is probable that whatever was presented to Henry II was confected after Roger's death specifically to obtain the king's confirmation. The acts in the names of Henry I and Thurstan presented in 1182 may have been little different from the surviving forgeries, but it is unlikely that they mentioned freedom from toll. The detailed clauses on the farm of the Beverley toll in the archiepiscopal forgeries, entirely ignored in the king's confirmation, may have been taken from authentic acts, but may equally have been confected to support the burgesses' case during a dispute. There is little to be gained from further speculation about these lost acts and whether the men of Beverley ever had any authentic twelfth-century archiepiscopal acts.

³³ The act of Archbishop William seen by Henry II, however, may have been the surviving original, which does not mention toll in Yorkshire. It may be significant that the enrolment in the *Cartae Antiquae* rolls omits the charter of Archbishop William.

A desire to have the same rights as York is obvious in each of the false acts. Unlike the men of Beverley, the men of York were not under the control of the archbishop, except for those who lived within the archbishop's liberty, so the cases were different. The gild merchant in York was in existence by 1129–30, when Thomas of York, son of Ulviet, proffered one hunting-dog so that he might be alderman of the gild merchant in York.³⁴ The earliest royal charter for York survives as an undoubtedly authentic original in York archives. Given by Henry II in 1154 × 1158, early in the reign, it confirms to 'my citizens of York all their liberties and laws and customs and especially their gild merchant and their hansas in England and Normandy, and their lastage through the whole coast of the sea quit as they had them in the time of King Henry my grandfather'.³⁵ The liberties of the men of York had been confirmed by the king: we postulate that the men of Beverley were envious of them, and resorted to forgery during the archiepiscopal vacancy to gain the same advantages.

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The men of Beverley may well have enjoyed certain liberties under the archbishop's jurisdiction during the time of Henry I, held by custom rather than by charter, as was common at that time. During the reign of Henry II, while other boroughs were obtaining royal charters which secured their independence and liberties, Beverley was held back by Archbishop Roger's intransigence on the matter. On his death in November 1181 the men of Beverley took their chance. In the most plausible reconstruction of events, it seems that they fabricated three charters to reinforce their case. These were enough to persuade Henry II to give the borough what was almost certainly its first genuine royal charter in 1182. Their

³⁴ *PR 31 Henry I*, p. 34.

³⁵ Farrer, *Early Yorkshire Charters*, I, pp. 171–2 (no. 203); no. 2924 in N. C. Vincent's forthcoming edition.

success did not satisfy the Beverley men for long. They wanted more, in particular freedom from paying toll in Yorkshire. To that end, we suggest, they produced the forgery in the name of Henry I granting that liberty, together with Thurstan's act noting the same liberty. The absence of freedom from toll from Henry II's and Richard I's charters may not have stopped the burgesses from claiming it. They perhaps used the false documents in the names of Thurstan and Henry I in conjunction with the authentic acts of Henry II and Richard I, which apparently confirmed them.³⁶ Only in the reign of John did the burgesses gain a legitimate charter freeing them from toll. That charter cost the burgesses a substantial sum, but it gave them many liberties throughout England.

The Beverley charters have been repeatedly referenced as among the earliest surviving borough charters, and their evidence has been considered important for our understanding of the development of borough privileges during the first half of the twelfth

³⁶ A story in the Battle Abbey chronicle indicates that Henry II suspected the Battle monks of perpetrating this fraud. It tells how in c. 1175 the king himself invented the 'inspeximus' ('we have inspected') charter. Henry II gave the abbey a charter which first confirmed a series of liberties, and then confirmed that the king had inspected a charter of William I granting the same liberties. According to the chronicler, this was an advance on previous practice, which was to confirm a charter without stating what it contained. The new system meant that the new charter would serve independently without the evidence of the old. The king himself explained that under the old system 'the later charter would confer little without the presence of the earlier. But now, since in the later one no mention has been made of the original prototypes, this charter alone would be enough, even if all the other charters of Battle had been lost' (E. Searle (ed.), *The Chronicle of Battle Abbey* (Oxford, 1980), pp. 310–13). Another effect, not mentioned by the chronicler, was to prevent the monks from 'improving' the charter of William I, for it would no longer agree with Henry II's confirmation. If the king was suspicious of the Battle documents presented to him he was right to be so. Hardly any of the surviving acts in the name of William I for the abbey can be regarded as authentic. For the development of the inspeximus form, see N. Vincent, 'The charters of King Henry II: The introduction of the royal inspeximus revisited', in M. Gervers (ed.), *Dating Undated Medieval Charters* (Woodbridge, 2000), pp. 97–120.

century. Ballard cites them as the earliest examples of creation of a borough by grant of customs of another borough and of grant of toll, and notices them again among the earliest grants of gild merchant and freedom from paying toll. They are central to James Tait's and Susan Reynold's analyses of *liberum burgagium*, free burgage.³⁷ Thurstan's act was selected for inclusion in *English Historical Documents*, II, 1042–1189, as 'one of the earliest town charters extant . . . interesting also as evidence for the privileges Henry I conferred on York'. This reexamination suggests that the men of Beverley were opportunistic fraudsters during the reign of Henry II, endeavouring to catch up with their competitors, rather than pioneers in the time of Henry I. They took their first major step towards becoming a self-regulating borough at the risk of being caught out in forgery, so providing an important insight into how borough status had become highly desirable by the second half of Henry II's reign. A wider review of twelfth-century borough charters may well throw up similar cases and require further revisions to our understanding of the development of boroughs. The Beverley men were not unusual in resorting to forgery to advance their cause. False charters were commonly produced to protect real but undocumented rights or to clarify points of detail left unspecified in authentic documents. What is exceptional about the Beverley forgeries is how, by detailed analysis of their scripts and texts and by careful consideration of the circumstances of the time, it is possible to reconstruct the real events behind the obscuring fog of forgery.

³⁷ Ballard, *British Borough Charters*, pp. 23–4, 176, 191, 202–203; J. Tait, *The Medieval English Borough* (Manchester, 1936), pp. 214–16; S. Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977), pp. 98–100.

APPENDIX

1. HENRY II'S CHARTER — AUTHENTIC

ORIGINALS: Beverley, East Riding Archives, BC/i/5a [A1], 5b [A2], both written by Bishop's scribe xlii (T. A. M. Bishop, *Scriptores Regis* (Oxford, 1961), no. 39).

EXCHEQUER COPY: PRO Cartae Antiquae Roll R, C52/17, mem. 4, no. 16 [B], perhaps enrolled in 1193–4.

OTHER COPIES: See N. Vincent's forthcoming edition.

PRINTED (SELECT LIST): Farrer, *Early Yorkshire Charters*, I, pp. 103–4 (no. 110); Davies, *Cartae Antiquae Rolls 11–20*, p. 130 (no. 518); N. Vincent (ed.), *The Letters and Charters of Henry II King of England 1154–1189* (forthcoming), no. 222.

H(enricus) dei gratia rex Angl(orum) et dux Norm(annorum) et Aquit(anorum) et comes Andeg(aurum) archiepiscopis, episcopis, abbatibus, archid(iaconis), decanis, preposit(is), com(itibus), baron(ibus), iustic(iis), uicec(omitibus) et omnibus ministris et fidelibus suis salutem. Sciatis me concessisse et presenti carta mea confirmasse burgensibus^a de Beuerlac' omnes libertates et liberas consuetudines quas Turstinus et Willelmus quondam Eborac' archiepiscopi eis dederunt et concesserunt et cartis suis confirmauerunt et quas rex H(enricus) auus meus eis concessit et carta sua confirmauit. Quare uolo et firmiter precipio quod predicti burgenses^b de Beuerlaco omnes ipsas libertates et liberas consuetudines quas eis dederunt et confirmauerunt predicti Eborac' archiepiscopi habeant et teneant bene et in pace, libere et quiete, plenarie, integre^c, in tholen(eo) et in hanshiis, in liberis introitibus et exitibus, in uilla et extra uillam, in foro, in bosco et plano, in mareisio et in turbaria, in uiis et semitis et in omnibus aliis locis sicut carte predictorum archiepiscoporum Turstini et Willelmi scilicet

testantur. T(estibus) Ric(ardo) Wint', G(alfrido) El', Ioh(anne) Norwic' episcopis, Gaufrido filio meo et cancell(ario), Iohanne filio meo, magistro Waltero de Const', Godefr(ido) de Luci, Rann(ulfo) de Glanuill', Regin(aldo) de Curten', Rogero Bigot, Hug(one) de Creissi, Hug(one) de Morewich', Alano de Furnell', Roberto de Witefeld', Mich(aele) Belet, Willelmo Ruff' dap(ifero) apud Arund'.

^a burgensibus A1 B] hominibus A2

^b burgenses A1 B] homines A2

^c A2 *inserts* et honorifice

Henry by God's grace king of the English and duke of the Normans and Aquitanians and count of the Angevins to the archbishops, bishops, abbots, archdeacons, deans, provosts, earls, barons, justices, sheriffs and all his officials and sworn men greeting. Know that I have granted and by my present charter have confirmed to the burgesses of Beverley all liberties and free customs which Thurstan and William sometime archbishops of York gave and granted them and confirmed by their charters, and which King Henry my grandfather granted them and confirmed by his charter. Wherefore I will and firmly command that the foresaid burgesses of Beverley shall have and hold all those liberties and free customs which the foresaid archbishops of York gave them well and in peace, freely and quietly, wholly, in toll and in hansas, in free entries and exits, in vill and out, in market, in wood and field, in marsh and turbary, in ways and paths and in all other places just as the charters of the foresaid archbishops, namely Thurstan and William, testify. Witness Richard of Winchester, Geoffrey of Ely, John of Norwich, bishops, my son Geoffrey the chancellor, my son John, master Walter of Coutances, Godfrey de Lucy, Ranulf de Glanvill, Reginald de Courtenay, Roger Bigot, Hugh de Cressy, Hugh de Morwick, Alan de Furneaux, Robert de Whitfield, Michael Belet, William Ruffus the steward. At Arundel.

DATE: Ralph de Diceto records that the king's son Geoffrey, bishop-elect of Lincoln, resigned the see at Marlborough on 6 January 1181 and was made chancellor. The king sailed for Normandy from Portsmouth on 3 March 1181 (W. Stubbs (ed.), *Radulphi de Diceto decani Lundeniensis opera historica*, 2 vols, Rolls Series, 68 (1876), II, p. 10).

2. ARCHBISHOP THURSTAN'S CHARTER — A FORGERY

ORIGINAL: Beverley, East Riding Archives, BC/i/1 (slightly damaged and lacking seal) [A].

EXCHEQUER COPY: PRO Cartae Antiquae Roll R, C52/17, mem. 4, no. 18, perhaps enrolled in 1193–4 [B].

OTHER COPIES: See Burton's edition.

FACSIMILE: Brett, *Facsimiles of English Episcopal Acta*, plate c, as a forgery.

PRINTED (SELECT LIST): *CalPat 1422–1429*, pp. 99–101; Farrer, *Early Yorkshire Charters*, I, pp. 90–92 (no. 95); H. W. C. Davis, R. J. Whitwell, C. Johnson, H. A. Cronne & R. H. C. Davis (eds.), *Regesta regum Anglo-Normannorum, 1066–1154* [abbreviated as *Regesta*], 4 vols (1913–69), II, pp. 173–4 (no. 1332) (English abstract); D. C. Douglas and G. W. Greenaway (eds), *English Historical Documents*, II, 1042–1189 (London, 1953), pp. 962–3 (no. 282) (in English), repr. 2nd edn (London, 1981), pp. 1030–31 (no. 282); J. Burton, *English Episcopal Acta*, 5, *York 1070–1154* (Oxford, 1988), pp. 29–31 (no. 31).

T(urstinus) dei gratia Eboracensis archiepiscopus cunctis Cristi fidelibus tam presentibus quam futuris salutem et dei benedictionem et suam. Notum sit uobis me dedisse et concessisse et consilio capituli Eboracensis et Beuerlacensis et consilio meorum baronum

mea carta confirmasse hominibus de Beuerlaco omnes libertates eisdem legibus quibus illi de Eboraco habent in sua ciuitate. Preterea non lateat uos quod dominus H(enricus) rex noster nobis concessit potestatem faciendi [[hoc de b]]ona uoluntate sua et sua carta confirmauit statuta nostra et leges nostras iuxta formam legum burgensium [[de Eboraco]] salua dignitate et [[honore]] dei et sancti Iohannis et nostri et canonicorum, ut ita scilicet honorem elemosinarum predecessorum suorum exaltaret et promoueret. Cum omnibus his liberis consuetudinibus uolo ut burgenses mei de Beuerlaco habeant suam hanshus quam eis do et concedo ut ibi sua statuta pertractent ad honorem dei et sancti Iohannis et canonicorum et ad totius uillatus emendationem eadem libertatis lege sicut illi de Eboraco habent in sua hanshus. Concedo etiam eis teloneum in perpetuum pro [[x et viii]] marchis annuatim [[preterquam]] in tribus festis in quibus teloneum ad nos et ad canonicos spectat, in festo scilicet sancti Iohannis confessoris in Maio, et in festo translationis sancti Iohannis, et in natiuitate sancti Iohannis Baptiste. In his uero tribus festis omnes burgenses de Beuerlaco ab omni teloneo liberos et quietos dimisi. Huius autem carte testimonio eisdem burgensibus liberos introitus et exitus concessi, in uilla et extra uillam, in plano et bosco, et maresio, in uiis et in semitis, et ceteris conuenientiis excepto in pratis et bladis, sicut [[unquam]] melius liberius et largius aliquis possit concedere et confirmare. Et sciatis quod sunt liberi et quieti ab omni teloneo per totam schiram Eboraci sicut illi de Eboraco. Et uolo ut quicumque hoc [[disfecerit]] anatema sit sicut ipsius ecclesie sancti Iohannis asserit consuetudo, et sicut statutum est in ecclesia sancti Iohannis. Hii sunt testes, Galfridus Murdoc, Nigellus Fossard, [[Alanus]] de Perci, Walterus Espec, Eustachius filius Iohannis, Thomas prepositus, Turst(inus) archidiaconus, Herbertus can(onicus), Willelmus filius Tole, Willelmus ^cde Baius, coram tota familia archiepiscopi clericis et laicis in Eboraco.

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T(hurstan) by the grace of God archbishop of York to all faithful of Christ, both present and future, greeting with God's blessing and his. Be it known to you that I have given and granted and by the counsel of the chapter of York and of Beverley and by the counsel of my barons have confirmed by my charter to the men of Beverley all the liberties by the same laws which the men of York have in their city. Besides, let it not be hidden from you that the lord Henry our king has granted to us the power to do this with his good will and has by his charter confirmed our statutes and our laws according to the form of the laws of the burgesses of York, saving the dignity and honour of God and St John and of us and our canons, so that he might increase and promote the honour of his predecessors' alms. Together with all these free customs I will that my burgesses of Beverley shall have their gild hall, which I give and grant to them so that they may there administer their own statutes to the honour of God and St John and the canons and to the improvement of the whole vill by the same law of liberty as those of York have in their gild hall. I grant to them also the toll for ever in return for eighteen marks annually, with the exception of the three feasts on which the toll belongs to us and to the canons, namely St John the Confessor in May, the translation of St John, and the Nativity of St John the Baptist. On these three feasts I have allowed all the burgesses to be free and quit of all toll. By the witness of this charter I have granted to the same burgesses free coming and going, within vill and without, in field and wood and marsh, in ways and paths and other easements, except in meadows and crops, just as ever anyone can well or freely or generously grant and confirm. And know that they are free and quit of all toll through all the shire of York just as the men of York are. And I will that anyone who will undo this shall be anathema just as the custom of the same church of St John asserts and just as is decided in the church of St John. These are the witnesses, Geoffrey Murdac, Nigel Fossard, Alan de Percy, Walter Espec, Eustace fitz John, Thomas the provost, Thurstan the archdeacon, Herbert the

canon, William fitz Tole, William of Bayeux, before the whole household of the archbishop, clergy and laymen, in York.

APPARENT DATE: Burton dates this act to 1120 \times c. 1128, i.e. after Thurstan's return to England in 1120 and before the latest date for the disseisin of Nigel Fossard.

3. HENRY I'S CHARTER — A FORGERY

EXCHEQUER COPY: PRO Cartae Antiquae Roll R, C52/17, mem. 4, no. 15 ('Carte hominum de Beuerlaco'), enrolled probably in 1193–4 [B].

EXEMPLIFICATION: Beverley, East Riding Archives, BC/i/4, certified copy by George Holmes (1662–1749), deputy to Richard Topham, keeper of the records in the Tower of London, dated 16 June 1722 ['Ex Carta Antiqua R, no. 15', both draft copy and certified copy, from B].

PRINTED (SELECT LIST): Farrer, *Early Yorkshire Charters*, I, p. 92 (no. 96); *Regesta*, II, p. 134 (no. 1137) (English abstract); Davies, *Cartae Antiquae Rolls 11–20*, p. 130 (no. 517); Douglas and Greenaway, *English Historical Documents*, II, 1042–1189 (London, 1953), p. 963 (no. 283) (in English), repr. 2nd edn (London, 1981), pp. 1031–2 (no. 283).

H(enricus) rex Angl(orum) archiepiscopis episcopis iustic(iis) uic(ecomitibus) et omnibus fidelibus suis salutem. Sciatis me concessisse et dedisse et hac mea carta confirmasse hominibus de Beuerlac(o) liberum burgagium secundum liberas leges et consuetudines burgensium de Eboraco et suum gilde (sic) mercatorum cum placidis suis et teloneo et cum omnibus liberis consuetudinibus et libertatibus suis et in omnibus rebus sicut Turstinus archiepiscopus ea eis dedit et carta sua confirmavit infra uillam de Beuerl(aco) et extra tam in

bosco quam in plano aut in mariscis et aliis. Et uolo quod sint quieti de teloneo per totam schiram Ebor(aci) sicut illi de Ebor(aco). Testibus G(aufrido) cancellar(io), R(oberto) com(ite) de Medlent. Apud Wudestok(am).

Henry king of the English to archbishops, bishops, justices, sheriffs and all his sworn men greeting. Know that I have granted and given and by this my charter confirmed to the men of Beverley the free borough following the free laws and customs of the burgesses of York and its gild of merchants with their pleas and toll and with all their free customs and liberties and in all things as Archbishop Thurstan gave them to them and by his charter confirmed, within the vill of Beverley and without, in wood and in field and in marsh and other places. And I will that they shall be quit of toll throughout the whole shire of York just as are the burgesses of York. Witness Geoffrey the chancellor, Robert count of Meulan. At Woodstock.

APPARENT DATE: The witnesses are incompatible. Robert, count of Meulan, died in 1118, but Geoffrey only became chancellor in 1123.

4. ARCHBISHOP WILLIAM'S CHARTER — A FORGERY

ORIGINAL: Beverley, East Riding Archives, BC/i/3 [A].

SEAL: red wax, on parchment tag, identified by Farrer as the seal of Archbishop Thurstan.

OTHER MSS (SELECT LIST): PRO Patent Roll 1 Henry VI pt 4, C66/410, mem. 29, inspeximus dated 10 May 1423.

PRINTED (SELECT LIST): *CalPat 1422–1429*, pp. 100–101; Farrer, *Early Yorkshire Charters*, I, pp. 100–101 (no. 105); Burton, *English Episcopal Acta*, 5, pp. 68–70 (no. 86).

FACSIMILE: Burton, *English Episcopal Acta*, 5, plate iii.

W. dei gratia Eborac' archiepiscopus clero et populo et omnibus fidelibus tam [[futur]]is quam presentibus hanc cartam bene et firmiter manutinentibus salutem et benedictionem in perpetuum. Notum sit uobis omnibus me concessisse et dedisse et presentis carte testimonio confirmasse liberale burgagium uille Beuerlaci et burgensibus ibidem commorantibus iuxta formam liberalis burgagii Eboraci ea libertatis lege qua Turt' archiepiscopus uenerande memorie predecessor noster eis concessit et dedit saluis consuetudinibus sancti Iohannis et saluo nostro iure cum redditibus. Deinde de libertatis lege concessi et dedi eisdem burgensibus ut habeant gilde marchande eorum et placita eadem libertate et eadem consuetudine inter [[illos]] sicut illi de Eboraco inter eos et uolo ut statuta illius domus sint ad profectum tocius uillatus et ad honorem dei et sancti Iohannis et canonicorum et tocius plebis eiusdem uille. Preterea concessi eis theloneum in perpetuum pro [[x et]] viii marcis singulis annis, excepto in tribus festis quod quidem theloneum tunc ad nos et canonicos spectat hoc est in festo sancti Iohannis confessoris in maio, uid[[elicit]] ab hora tertia uigilia [sic] ipsius [[festi]] usque in uesperum ipsius festi, et si dies fori contigerit in ipsa uigilia uel in sequenti die post festum in cimiterio erit [[forum]]. Similiter fiet in festo translationis sancti Iohannis, in magno autem festo [[uidelicet]] in natiuitate sancti Iohannis baptiste, a die sancti Botulfi usque in tercium diem a festo iuxta consuetudinem sancti Iohannis fiat. Et si dies fori in aliquo trium dierum ante festum [[uel in]] die post festum euenerit, in cimiterio erit. In his uero tribus festis hoc modo determinatis, ipsos burgenses ab omni theloneo liberos etiam et quietos dimisi. Preterea huius etiam carte testimonio eisdem burgensibus confirmaui liberos introitus et exitus, scilicet in bosco in plano in maresio et in ceteris conuen[[ienciis]] sicut antiquiores ipsius uille iurauerunt et probauerunt de suis conuenienciis excepto in pratis et bladis, sicut umquam melius liberius et largius predictus Turt predecessor noster uenerabilis

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eisdem burgensibus concessit et dedit. His testibus, Willelmo comite Alb', Roberto de Stuteuil', Euerardo de Ros, Herberto filio Herberti, Gileberto de Neuil', Ricardo de Verli, Willelmo dapifero, Turstino preposito, Hyuone abbate de Wartria, Simone canonico, Radulfo canonico, magistro Alfrido sacrista, Willelmo de Falais, Stephano de Foro, Alano filio Edrici, Waltero de Lincoln', Iohanne Nig', Reginaldo thelon', Henrico filio Hydde, Reinero, Athelem.

William by God's grace archbishop to the clergy and people and all sworn men as well future as present who keep this charter well and resolutely, greeting and eternal blessing. Let it be known to you all that I have granted and given and confirmed by the witness of this charter free burgage, according to the form of free burgage of York, to the town of Beverley and to the burgesses dwelling there, which our predecessor Archbishop Thurstan of venerable memory granted and gave to them, saving the customs of St John, and saving our right, with revenues. Therefore concerning the law of liberty I grant and give to the same burgesses that they shall have their gild merchant and pleas by the same liberty and the same custom between them as those of York between them. And I will that the ordinances of that house shall be to the improvement of the whole vill and to the honour of God and St John and the canons and all the people of the same town. Moreover I have granted to them the toll for ever in return for eighteen marks each year, except at three feasts, on which toll then belongs to us and to the canons; that is on the feast of St John the Confessor in May, namely from the third hour of the eve of the same feast until vespers of the same feast, and if the day of the market falls on the same eve, or on the following day, the market shall be held after the feast in the churchyard. Similarly it shall be done on the feast of the translation of St John, and in the other great feast, namely on the feast of the nativity of St John the Baptist, from St Botulf's day until the third day from the feast according to the custom of St John it will be done. And

if the day of the market shall fall in any three days before the feast or on the day of the feast it shall be in the churchyard. Moreover in these three feasts determined in this way, I set the same burgesses free and quit from all toll. Furthermore I confirm to the same burgesses by the witness of this charter free entry and exit, namely in wood, in field, in marsh, and in other appurtenances just as the elders of the same vill swore and proved concerning their appurtenances, except in meadows and crops, just as ever well, freely and bountifully the foresaid Thurstan our venerable predecessor granted and gave to the same burgesses. These witnesses, William earl of Aumale, Robert de Stuteville, Everard de Ros, Herbert fitz Herbert, Gilbert de Neville, Richard de Verly, William the steward, Thurstan the reeve, Ivo abbot of Warter, Simon the canon, Ralph the canon, master Alfred the sacrist, William de Falaise, Stephano de Foro, Alan fitz Edric, Walter of Lincoln, John Niger, Reginald the toller, Henry fitz Hydde, Reiner, Athelem.

APPARENT DATE: Burton dates the act to September 1143 × March 1147, i.e. after William's consecration in September 1143, and before the death of Provost Thurstan in 1152, so before William was deposed in March 1147.