

How the Town was Governed—1

WHEN BERKHAMSTED WAS A BOROUGH

By 'BEORCHAM'

LOCAL GOVERNMENT in one form or another has existed for many centuries. Although Berkhamsted ceased to be a borough over 300 years ago, the Urban District Council, founded in 1898, makes use of the coat of arms that was granted when James I made Berkhamsted a 'free borough town' in 1618. And James I's charter was the last of several that were given to the town; the earliest charter, dated 1156, mentions laws and customs that existed in Saxon times.

The farther one goes back into history, the more difficult becomes the task of the local historian. Little is known of the town before the Norman Conquest, but it must have been a place of some importance in sparsely-populated West Hertfordshire. From Domesday Book (1086) it has been estimated that the population of the manor (corresponding

roughly to the two parishes of St. Mary and St. Peter, which were then one) was about 500, probably much the same as it was before the Conquest.

IN SAXON TIMES

The last Saxon lord of the manor was Edmar, a thane of Edward the Confessor, whose tenants farmed several hundred acres of arable land and meadow, made use of the manorial waste beyond the cultivated area, and had certain rights, privileges and duties. Freemen were responsible for the good conduct of each other, and their moots, perhaps better defined as courts than as meetings, were the origin of what, at a later date, became known as the View of Frankpledge, to deal with minor offences and nuisances. This was one of several courts that were held in Berkhamsted; the most

important was the Great Court, held at the Castle at Whitsuntide and Michaelmas.

The View of Frankpledge also was held at the Castle except in times of sickness, when the court met at an oak in the park or at a willow outside the park. On the following day a similar court was held in the Church House, appropriately also known as the Court House. Just one entry from the court roll: in 1436 Joan Heyward was fined 6d. for stealing a tub valued at 1½d., a mortar (2d.), greysepe (soap) (1½d.), a hen (2d.) and a pair of tongs (2d.).

TASTERS OF ALE

Another court of great antiquity, the Halimote or Court Leet, was held fortnightly at the Castle. It was concerned mainly with domestic affairs of the manor, such as transfers of land, fines payable to the lord on the death of a tenant, debts, breach of contract, and poaching.

The Portmote Court, dealt with pleas of debt, breaches of contract, punishments for selling beer, bread, meat and fish of insufficient quality or at too high a price. At the first court of the year, in October, various officers were elected, such as the constable, bailiff, tasters of ale and victuals, and the keeper of the well of St. James (later known as St. John's Well, after which the lane is named). One strange entry in the court roll, dated 1446-7, concerns a breach of contract in which John Whithed alleged that

BEORCHAM (Contd.)

Thomas Lecke, a doctor, had failed to fulfil his undertaking to mend Whithed's broken leg before a certain date. The case was later settled out of court.

HENRY II'S CHARTER

Berkhamsted's early charters were similar to those given to Wallingford, then the larger of the two towns. Now the smaller town, Wallingford has maintained its borough status.

The men and merchants of Berkhamsted and Wallingford, Henry II stated in his charter of 1156, were to enjoy their privileges as well as honourably, and better and more honourably, than in the days of Edward the Confessor, William, and Henry I; they were also to be free of all tolls and taxes wherever they went with their merchandise in England, Normandy, Aquitaine and Anjou. Anyone disquieting them was to forfeit £10.

This order did not prevent fish for Berkhamsted Castle being stopped for toll at Dunstable market. But when, in the Black Prince's time, the Bailiff of Aylesbury took toll of Berkhamsted merchants, suitable retaliation was made by distraining Aylesbury goods at Berkhamsted.

NO JURY SERVICE

Henry II's charter was confirmed by his grandson Henry III, and again by Edward IV, who, in 1477, additionally directed that no market was to be set up within eleven miles of Berkhamsted or Wallingford. If this privilege was ever effective, it was short-lived; a time came when Berkhamsted merchants complained that markets elsewhere were taking trade away from the town. A further order by Edward IV that the men and merchants were to be freed from jury service was cited successfully as late as 1840, but thirty years later many ancient privileges of this kind were abolished by Act of Parliament.

The charters were confirmed by Richard III in 1484 and by Elizabeth I in 1598. The last charter, dated 1618, is widely thought to have been granted by James I as a bribe or reward to the townspeople for not backing up the people of Northchurch in their efforts to stop the enclosure of Berkhamsted Common, known as the Coldharbour Enclosure.

BAILIFF AND BURGESSES

James I made Berkhamsted a free borough town, its government to be vested in a bailiff (mayor) and a common council of twelve chief burgesses, elected annually, with a recorder and clerk. The town was granted an additional market day, two new annual fairs, and authority to have its own prison.

Other rights granted by James I were the holding of a Court of Records, which replaced the Portmote Court, to hear all pleas, actions and suits or offences against the laws and liberties of the manor; a Court of the Market, to listen to petty offences occurring on market days; and a Court of Pied Poudre, to be held before the bailiff to settle petty offences occurring on fair days.

The last-named court, so-called from the Old French for dusty foot, was held to effect speedy justice while the dust was still falling from the feet of pedlars and others who were involved in disputes.

'Let none deride or evil do or speak against the Corporation, the Bailiff, or any of the Capital Burgesses.' So ran the first of the 'Orders and Constitutions' of the Borough. Penalties were imposed upon burgesses who did not attend meetings, left before meetings were over, refused to give opinions, or revealed 'any thing of the Corporation to the scandall, damage or injury thereof, or of any of the members or officers thereof.

£5 TO BE AN INHABITANT

No person was to let a house within the borough to a stranger or allow any person to stay in his house for more than a month without giving 'such security to save the parish harmes from all charges and troubles.' If any stranger wished to become an inhabitant, he was to 'compound for his freedom, and pay five pounds att the last before he sette up or useh any manner of trade there', or pay a fine of £5. Another order limited the number of alehouses to six.

Having been given authority to have a prison, the burgesses invited Thomas Piddleton, a carpenter, to build a 'jayle' 7½-ft. square with 'one roome over the same'. He was to finish in within a month, finding all materials except locks, for £6 10s. But the order could not be given because the bailiff-elect refused to take office, and a year elapsed before the Corporation took action; then they favoured a bigger jail at a cost of £12.

Unfortunately, there were several instances of townsmen refusing to accept office. James I's charter had given the town a higher civic status, but civic pride seems to have been at a low ebb. With its orders and constitutions the borough council gives the impression of having been an important assembly; in fact, it had fewer powers than the vestry, which before, during and after the Corporation, was the rating authority. The decline of the Corporation and the work of the Vestry will be discussed in a later article.

MORNING'S PROMISE

There's a magic in the morning when dew is freshly laid,
And every bush and hedgerow leaf is bound in silken braid.
There's a magic in the dawning when sun comes peeping through,
And lights a twinkling diamond shot with every rainbow hue.

There's a wonder in the breathing of air so sharp and clear,
Where sunbeam's yellow shafts reflect a golden course to steer.
There's a wonder in the wreathing of the early summer mist,
That twines itself round buds and boughs where dappled shadows kissed.

There's a promise in the laden trees, where birds in chorus sing
Their lovely song of freedom, as they hover on the wing;
There's a promise in the whispering breeze of all things bright and new
To raise our hearts in thanks to God, for joys remaining true.

ELIZABETH GOENEY

LITTLE THOUGHTS

Rainbow in the sky is showing,
Sunshine steers the clouds away,
So in life we're sure of knowing
Comfort comes another day.
Rainbow in the sky is brightest
When the storm has passed from view,

Trust in God, and heart be tightest,
His the Wisdom, ever true.

ELIZABETH GOENEY

CASTLE GARAGE

FORMERLY
CALLAGHANS

*continues to offer the same
high standard of service to which
you have been accustomed—
including a complete range of
Mobil products*

2d. a gallon off pump prices for cash sales

33 HIGH STREET, BERKHAMSTED

Telephone: Berkhamsted 5473

SAUNA BERK. 5856

MASSAGE SUN-RAY
TURKISH BATH
SLENDERTONE

by appointment

BERKHAMSTED SAUNA & BEAUTY CENTRE
280 HIGH ST., BERKHAMSTED. Telephone 5856

SAUNA at 12/6

	A.M.	P.M.	P.M.	P.M.
MONDAY			5.00—9.00	WOMEN
TUESDAY	10.00—4.00	WOMEN	"	MEN
WEDNESDAY	"	MEN	"	WOMEN
THURSDAY	"	WOMEN	"	MEN
FRIDAY	"	WOMEN	"	MEN
SATURDAY	"	"	"	MEN

Hairdressing BERK. 5856

Ladies' & Children's
hairdressing

Mon., Tues., Thurs.,
Fri., Sat. 9 a.m.—5.30 p.m.

Sauna only available for club bookings late evenings and on Sunday and Monday morning