

THE DEVELOPMENT OF A NORTHERN TOWN  
IN THE LATER MIDDLE AGES:  
THE CITY OF DURHAM, c. 1250-1540

VOLUME I

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# CONTENTS

## VOLUME I

	<u>Page</u>
List of figures	i
List of tables	ii
Abstract	iii
List of abbreviations	iv
Introduction	1
I. THE ORIGINS AND DEVELOPMENT OF DURHAM TO c. 1250	10
a) The origins of Durham	13
b) The growth and Development of Durham to c. 1250	18
II. THE URBAN LANDSCAPE OF DURHAM, 1250-1540	36
a) Suburban development: the Boroughs	40
b) River, Bridges and Mills	46
c) The Streets	55
d) Tenements, Messuages and Burgages	63
III. DURHAM'S MEDIEVAL BUILDINGS	71
a) Domestic Buildings	74
b) Public Buildings: Guild Halls, Borough Court Houses and Bakehouses	89
c) The Town Wall	96
IV. THREE DURHAM LANDLORDS: THE URBAN ESTATES OF THE BURSAR, THE HOSTILLAR AND THE ALMONER	105
a) The Bursar's Estate in Durham	109
b) The Hostillar's Estate in Durham	116
c) The Almoner's Estate in Durham	123
V. THE RISE, FALL AND UPKEEP OF URBAN RENTS IN DURHAM	130
a) The Fluctuations of Urban Rents	132
b) The Costs of Maintaining an Urban Estate	150

	<u>Page</u>
VI. THE TRADES AND OCCUPATIONS OF DURHAM INHABITANTS	162
VII. LAW AND ORDER IN LATE MEDIEVAL DURHAM	201
Conclusion	232
Bibliography	236

VOLUME II (a)

Introduction	1
Gazetteer	4

VOLUME II (b)

GAZETTEER	423
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LIST OF FIGURES

Following page

1.	Plan of Durham Castle from <u>V. C. H. Durham, III</u>	21
2.	Durham, <u>c.</u> 1250	26
3.	The Site of Durham	36
4.	John Speed's Plan of Durham, 1611	38
5.	Late Medieval Durham: Bridges and Mills	49
6.	Scaltok Mill, <u>c.</u> 1440-45	54
7.	The Streets of Durham, <u>c.</u> 1400	56
8.	Tenement Boundaries in New Elvet, 1439 - <u>c.</u> 1442	65
9.	The Walls and Gates of Durham, <u>c.</u> 1400	97

LIST OF TABLES

Following page

I.	The Growth of the Bursar's Estate in Durham, 1270-1539: Number of Rent Payments received by the Bursar	110
II.	The Growth of the Hostillar's Estate in Durham, c. 1300-1480: Income received from the Farms of Old and New Elvet	118
III.	The Growth of the Hostillar's Estate in Durham: Acquisitions of Land, 1383-1512	119
IV.	The Growth of the Almoner's Estate in Durham, 1290-1533: Number of Rent Payments received by the Almoner	124
V.	The Income of the Bursar from Durham Rents, 1270-1539	140
VI.	The Income of the Almoner from Durham Rents, 1290-1537	141
VII.	Rent Arrears and Decayed Rents in the Durham Estates of the Bursar, the Hostillar and the Almoner, 1325-1533	142
VIII.	Waste Rents in the Durham Estates of the Bursar, the Hostillar and the Almoner, 1352-1515	145
IX.	Trades and Crafts mentioned in Durham Deeds, pre-1300	164
X.	Trades and Crafts mentioned in Durham Deeds, 1300-1400	165
XI.	Trades and Crafts mentioned in Durham Deeds, 1400-1500	166

## ABSTRACT

The following work is a survey of Durham's urban community between c. 1250 and 1540, and it is based on the widest range of documentary evidence available. It begins with an examination of the evidence, archaeological as well as documentary, for the origins of the town, and it outlines the main building developments up to c. 1250, during what was a period of great expansion. The next two chapters describe the physical landscape of the town in the later Middle Ages, the site, the division into boroughs, the size of the urban area, its street plan and its buildings. They demonstrate that the physical appearance of Durham changed comparatively little between 1250 and 1540, mainly because of a lack of industrial development but also because of the constraints of the site and its limited communications network. In Chapter IV the estate management policies of three priory obedientiaries are analysed. The different methods of enlarging urban estates are also examined as well as the extra responsibilities and expenses this expansion brought. Here too the evidence for the decline of certain parts of the town during the later Middle Ages is assessed. The changes in value of the priory's urban rents is the central theme of Chapter V, which confirms the evidence from some other English towns that revenues from urban rents were falling in the early fifteenth century but that a partial recovery had been staged by the late fifteenth century. The costs of maintaining an urban estate are also discussed in this chapter; and it emerges that Durham priory never solved the problem of the gulf between potential and real income from its properties. The trades and industries of the late medieval town are described and analysed in Chapter VI, as is the role of craftsmen in town society. It emerges that Durham's industries were small-scale at all times during the period, and that there was a lack of industrial organisation which was itself epitomised in the relatively late organisation of the craft guilds. Finally, Chapter VI considers the problem of maintaining law and order in a town which was divided into a number of administrative areas, each with different overlords. It demonstrates the dominance of the church in the town's life, largely because of the bishop's and cathedral prior's close control over the courts and the appointment of town officials, a situation which was to remain unchanged until the sixteenth century.



LIST OF ABBREVIATIONS

For the abbreviations used in referring to the muniments of the Dean and Chapter of Durham, see below, pp. 236-37.

<u>Arch. Ael.</u>	<u>Archaeologia Aeliana.</u>
B. A. A.	British Archaeological Association
<u>C. Ch. R.</u>	<u>Calendar of Charter Rolls</u>
<u>C. P. R.</u>	<u>Calendar of Patent Rolls</u>
C. B. A.	Council for British Archaeology
<u>D. U. J.</u>	<u>Durham University Journal</u>
E. E. T. S.	Early English Text Society
<u>Ec. H. R.</u>	<u>Economic History Review</u>
<u>E. H. R.</u>	<u>English Historical Review</u>
<u>Feodarium Dunelm.</u>	<u>Feodarium Prioratus Dunelmensis,</u> ed. W. Greenwell (Surtees Soc. LVIII, 1871)
Hutchinson, <u>Durham</u>	W. Hutchinson, <u>The History and Antiquities of the County Palatine of Durham</u> (3 vols.; Newcastle, 1785-94)
<u>Med. Arch.</u>	<u>Medieval Archaeology</u>
P. R. O.	Public Record Office
<u>Reg. Pal. Dun.</u>	<u>Registrum Palatinum Dunelmense,</u> ed. T. D. Hardy (4 vols.; Rolls Series LXII, 1873-78)
<u>Scrip. Tres.</u>	<u>Historiae Dunelmensis Scriptorum Tres,</u> ed. J. Raine (Surtees Soc. IX, 1839)
Surtees, <u>Durham</u>	R. Surtees, <u>The History and Antiquities of the County Palatine of Durham</u> (4 vols.; London, 1816-40)
Symeon, <u>Hist. Eccles. Dun.</u>	<u>Historia Ecclesiae Dunhelmensis,</u> ed. T. Arnold in <u>Symeonis Monachi Opera Omnia I</u> (Rolls Series, 1882)
Symeon, <u>Hist. Regum</u>	<u>Historia Regum,</u> ed. T. Arnold in <u>Symeonis Monachi Opera Omnia II</u> (Rolls Series, 1885)

T. A. A. S. D. N.

Transactions of the Architectural and  
Archaeological Society of Durham and  
Northumberland

T. R. H. S.

Transactions of the Royal Historical  
Society

V. C. H.

Victoria County History

## INTRODUCTION

Is ðeos burch breome geond Breotenrice;  
steppa gestaðolad; stanas ymbutan  
wundrum gewaëxen. Weor ymbeornað  
ea yðum stronge, and ðerinne wunað  
feola fisca kyn on floda gemonge.  
And ðaer gewexen is wnda faestern micel;  
winnað in ðem wycum wylða deor monige  
in deope dalum, deora ungerum.  
Is in ðere byri eac, bearnum gecyðed,  
ðe arfesta eadig Cuðberch; <sup>1</sup>

Many writers have been moved to eloquence by the dramatic site of Durham. The Barnard Castle lawyer, William Hutchinson, writing in the late eighteenth century, remarked on its "elegant situation, and the grandeur of some of its public buildings. A few paces from the south road, this English Zion makes a noble appearance. In the centre, the castle and cathedral crown a very lofty eminence, girt by the two streets called the Baileys, enclosed with the remains of the ancient city walls and skirted with hanging gardens and plantations which descend to the river Were, in this point of view exhibiting the figure of a horse-shoe."<sup>2</sup> Other writers compared Durham with Jerusalem: "he that hath seene the situation of this Citty, hath seene the map of Sion, and may save a Journey to the Jerusalem".<sup>3</sup> Yet, somewhat surprisingly, Durham has received scant attention from modern historians, perhaps discouraged by remarks like that of Professor Hoskins who thought that "we can form almost no idea" of the economic importance of Durham at the end of the middle ages.<sup>4</sup>

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- 1 De Situ Dunelmi in Symeon, Hist. Eccles. Dun., pp. 221-22; H. S. Offler, 'The Date of Durham (Carmen de Situ Dunelmi)', Journal of English and Germanic Philology LXI (1962), pp. 591-94.
  - 2 Hutchinson, Durham II, p. 1.
  - 3 Robert Hegge, The Legend of St. Cuthbert, ed. G. Smith (Darlington, 1777), p. 22.
  - 4 W. G. Hoskins, Provincial England (London, 1963), pp. 70-71.

Also, it is undoubtedly true to say, as Professor Dobson has pointed out, that the glamour of the bishops and the cathedral church has often distracted attention from the study of the city.<sup>1</sup> This work attempts to remedy this omission, however incomplete or preliminary its findings, by surveying the documentary evidence for the urban community.

Despite some post-medieval neglect, Durham has been well served by a long sequence of historical writers from the twelfth century, among the most famous being the chroniclers Symeon and Reginald of Durham.<sup>2</sup> Much of the evidence for the origins and the early growth of the town depends upon their work. Symeon's central theme was the history of the monastery of Durham as seen through the eyes of the monks, but he and Reginald, in his lives of Saints Cuthbert and Godric, provide, as a backcloth to their histories, descriptive details of the town which surrounded the peninsula. Several centuries separate these twelfth-century chroniclers from those who next displayed interest in the origins and early history of Durham. The antiquarian school of history, although described by Charles Gross as being, at its worst, "a farrago of heterogeneous odds and ends thrown together at haphazard",<sup>3</sup> has two worthy and reputable representatives in William Hutchinson, whose History and Antiquities of the County Palatine of Durham was published between 1785 and 1794, and Robert Surtees, whose similarly-titled History was published between 1816 and 1840.<sup>4</sup> They both accumulated an impressive amount of material about the government, institutions and appearance of the town based on material from the bishop's archive and the cathedral priory's documents. Although this information is arranged quite systematically, it is presented in an uncritical fashion without much analysis; and no themes of more general historical importance emerge from their accounts. The Victoria County History volumes follow the same tradition; edited by William Page, its three volumes were completed between 1905 and 1928 and, like the earlier volumes of this

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1 R. B. Dobson, Durham Priory 1400-1450 (Cambridge, 1973), p. 35.

2 See below, p. 11-12.

3 C. Gross, Bibliography of British Municipal History (2nd. ed. Leicester, 1966), p. xxx.

4 Hutchinson, Durham (3 vols.; Newcastle-upon-Tyne, 1785-94); Surtees, Durham (4 vols.; London, 1816-40).

work, they are usually content to describe rather than analyse.<sup>1</sup> The section on City Jurisdictions, written by K. C. Bayley, does, however, mark one of the first serious attempts to understand the administrative divisions and the government of the town.<sup>2</sup>

Several modern historians have specialised in particular aspects of Durham's medieval history. Earliest in the field were writers like G. T. Lapsley, who had an interest in the legal position of the bishopric vis-à-vis the kingdom and the so-called "feudal" powers of the bishops within the north.<sup>3</sup> Durham city, the seat of their power, played, however, a minor role in this thesis. More recently, Lapsley's work has been criticised by Professors Barlow and Offler as well as Mrs. Scammell, who have amended the traditional view of the supremacy of the prince bishop by drawing attention to its limitations.<sup>4</sup> A second group of historians has concentrated on the careers of particular bishops of Durham. R. L. Storey's work on Bishop Langley, Dr. Fraser's biography of Antony Bek and Dr. Scammell's examination of Hugh Puiset's life<sup>5</sup> have added greatly to our knowledge of administrative developments in the area and the relationship between the bishop and the great religious corporation in the centre of Durham, the cathedral priory; but they were only peripherally concerned with the city itself. Thirdly, there are those historians whose interest has been in the priory, its organisation and its influence. Starting with James Raine, the Chapter librarian at Durham, who edited a number of primary sources for the history of the priory,<sup>6</sup> its most recent exponent has been Professor Dobson, writing on the early

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- 1 V.C.H. Durham (3 vols.; London, 1905-28).
  - 2 V.C.H. Durham III, pp. 53-64; see also M. H. Dodds, 'The Bishop's Boroughs', Arch. Ael., 3rd. ser., XII (1915), pp. 81-185.
  - 3 G. T. Lapsley, The County Palatine of Durham (New York, 1900).
  - 4 F. Barlow, Durham Jurisdictional Peculiars (Oxford, 1950); Durham Episcopal Charters, 1071-1152, ed. H. S. Offler (Surtees Soc. CLXXIX, 1968); J. Scammell, 'The Origin and Limitations of the Liberty of Durham', E.H.R. LXXXI (1966), pp. 449-73.
  - 5 R. L. Storey, Thomas Langley and the Bishopric of Durham, 1406-1437 (London, 1961); C. M. Fraser, A History of Antony Bek, Bishop of Durham, 1283-1311 (Oxford, 1957); G. V. Scammell, Hugh du Puiset, Bishop of Durham (Cambridge, 1956).
  - 6 See, for example, Scrip. Tres (Surtees Soc. IX, 1839); Depositions and other ecclesiastical proceedings (Surtees Soc. XXI, 1845); Durham household book (Surtees Soc. XVIII, 1844); see also Dobson, Durham Priory, pp. 7-8.

fifteenth-century priory, and in particular on the priorate of John Wessington.<sup>1</sup> Finally, a group of economic historians, most notably Miss Elizabeth Halcrow and Dr. Richard Lomas, have examined the economy of Durham and its region as a whole, and in particular the management of the bishops' and priors' estates.<sup>2</sup> The town has formed an interesting element of these studies, but it has been treated very much as one small and not very significant part of a primarily rural economy. None of these various writers on Durham, however, has done more than set his own interests in a geographical or historical context which may include the town itself. Their theme has not been urban history.

This current work attempts to redress the balance and to examine what was undoubtedly an unusual if not unique urban community, which supported a positively major administrative and religious centre. However, an attempt has been made to interpret Durham's history in more than purely local terms, to provide it with a more general historical application and usefulness. Dr. Keene has recently expressed a hope for more detailed studies comparable with his own work on Winchester because "they would not only broaden our understanding of the hierarchical network of towns which served medieval England, but also do much to assist us in identifying the nature of their regions and in separating those features which were purely regional in character from those which had a national or wider origin".<sup>3</sup> Durham may not provide the documentation or the archaeological potential for a survey as thorough as that of medieval Winchester, but nonetheless, it should certainly not be neglected. In the first place, few studies of any kind have been made of northern towns in the medieval period. Carlisle has been the subject of an archaeological report and some preliminary work has been done on the documentary

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1 Dobson, Durham Priory.

2 E. M. Halcrow, 'The Administration and Agrarian Policy of the Manors of Durham Cathedral Priory'. B.Litt., Oxford, 1949; E. M. Halcrow, 'The Decline of Demesne Farming on the Estates of Durham Cathedral Priory', Ec. H. R., 2nd. Ser., VII (1955), pp. 345-56; R. A. Lomas, 'Durham Cathedral Priory as Landowner and Landlord, 1290-1540'. Ph.D., Durham, 1973; R. A. Lomas, 'The Priory of Durham and its Demesnes in the 14th. and 15th. centuries', Ec. H. R. 2nd. Ser., XXXI (1978), pp. 339-53.

3 D. J. Keene, Survey of Medieval Winchester, I, part I (Oxford, 1985), p. 4.

evidence.<sup>1</sup> There is, as yet, no adequate account of medieval Newcastle, although archaeological excavations have demonstrated its potential and A. E. Butcher's work on rent movements in the late medieval period provides some interesting comparisons with Durham rents.<sup>2</sup> A preliminary survey of some of the documentary evidence for Darlington has had very limited results.<sup>3</sup> The historical geographer, Professor M. R. G. Conzen, has worked on Alnwick, but his approach was more topographical or visual than historically analytical.<sup>4</sup> York has, naturally enough, received the fullest treatment so far, with its valuable Victoria County History volume; and the work currently in progress relating the documentary record to recently discovered archaeological evidence should reveal some interesting new insights into the medieval city, perhaps along the same lines as the Winchester evidence.<sup>5</sup> A detailed study of Durham provides at least important additional evidence for urban activity in the medieval north and for the standards of town life in the region. Further, it is hoped that this work will help to indicate Durham's place in the hierarchy of towns in medieval England as regards its size, its population and the range of its occupations.

Moreover, the historian of medieval Durham has an undoubted advantage over urban historians working on many other English towns because of the almost indigestible richness of the documentary sources. Through the good offices of the Surtees Society in particular, the value of the Durham priory account rolls and rentals has been known for some time to historians, who have used them in a variety of ways to provide information of demographic, economic or

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- 1 B. C. Jones, 'The Topography of Medieval Carlisle', Cumberland and Westmorland Antiq. and Arch. Soc. LXXVI (1976), pp. 77-96; P. F. Gosling, 'Carlisle - an archaeological survey of the historic town', in Archaeology in the North: the Report of the Northern Archaeological Survey, ed. P. A. G. Clack and P. F. Gosling (H.M.S.O., 1976), pp. 165-85.
  - 2 B. Harbottle and P. Clack, 'Newcastle-upon-Tyne: Archaeology and Development' in Archaeology in the North, pp. 111-31; A. E. Butcher, 'Rent, Population and Economic Change in Late Medieval Newcastle', Northern History XIV (1978), pp. 67-77.
  - 3 See P. Clack on Darlington in The Medieval Town in Britain, ed. P. Riden (Cardiff, 1980).
  - 4 M. R. G. Conzen, Alnwick, Northumberland: a Study in Town Plan Analysis (Transacs. of Institute of British Geographers 27, 1960).
  - 5 V.C.H. Yorks., City of York (Oxford, 1961); see Mrs. Rees-Jones' forthcoming thesis on Vicar's Choral property in York.

administrative interest.<sup>1</sup> Less well known, because they have not been published, is the large collection of medieval property deeds held in the Prior's Kitchen in Durham.<sup>2</sup> In its size and value, this collection is comparable to that used by the Rev. H. E. Salter in Oxford or W. Urry in Canterbury, although it is more limited in scope than the Winchester and Norwich collections of deeds which benefit from not being derived simply from one or two property-owning institutions.<sup>3</sup> Durham's original deeds relate to property which was acquired by the priory in the town and in some cases they provide a history of tenure from the late thirteenth century to the early sixteenth century. The description of land and property contained in the deeds is quite detailed and in some cases it includes the exact dimensions of tenements. This evidence can be used to reconstruct an approximate street plan of the medieval city. The deeds also contain a wealth of information about rents, occupations and family structure, all of which can be related to the rentals and account rolls to provide a remarkably full picture of urban society.

The wealth of the source material does bring its own problems, principally perhaps how best to deal with this embarrassment of riches. A decision was taken at an early stage to begin by organising the material on a street-by-street basis, to group the deeds according to the tenement concerned and to attempt to trace the histories of individual tenements. In some cases, particularly in streets where the priory held most of the property, like Crossgate, South Street or New Elvet, it has been possible to plot the positions of some tenements with a reasonable degree of accuracy along the street line. However, in streets where there was multiple land-ownership, it has proved impossible to reconstruct the medieval tenement pattern with any certainty. The results of these endeavours form the Gazetteer which forms the second volume of this thesis.

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- 1 See, for example, Account Rolls of the Abbey of Durham, ed. J. T. Fowler (Surtees Soc. XCIX, C, CIII; 1898-1901); Feodarium Dunelm. (Surtees Soc. LVIII, 1871).
  - 2 Many were catalogued in the late 1450s and are contained in the Repertorium Magnum.
  - 3 H. E. Salter, Medieval Oxford (Oxford Hist. Soc., C, 1936); H. E. Salter, Survey of Oxford (2 vols., ed. W. A. Pantin and W. T. Mitchell, Oxford Hist. Soc., new ser., XIV (1960) and XX (1969)); W. Urry, Canterbury under the Angevin Kings (London, 1967); Keene, Survey of Medieval Winchester, p. 6; S. Kelly and others, Men of Property. An analysis of the Norwich enrolled deeds, 1285-1311 (Norwich, 1983).



Few of the surviving deeds date from before 1280, and hence the starting date for this work has been naturally governed by the material available. The whole approach to this topic has been thematic rather than strictly chronological or narrative; consequently, there has seemed to be no virtue in breaking the continuity of the survey midway through the medieval period. The natural terminus ad quem of the work was the dissolution of Durham priory and the dispersal of its estates, for, in a thesis which has as its central theme landholding, this was of far more significance than, for example, Scottish invasions, pestilence and inflation. Durham was affected by all of these factors, but they were not so catastrophic nor so revolutionary as the legal and social changes brought about by the dissolution.

Some themes which are surveyed in this thesis may be of more general interest to urban historians. The movement of rents and the attitude of landlords towards their urban property can be compared with, for example, the policy of the Percy family, not only in their northern estates but throughout the country, or the attempts of other religious houses, like Westminster abbey or Ely and Peterborough, to cope with hardship.<sup>1</sup> The obvious difficulties of landlords in maintaining rent incomes in the early fifteenth century is confirmed by the Durham evidence; but there seems to have been no dramatic urban crisis in Durham as there was, it has been suggested, in towns like Lincoln, Coventry or Stamford in the fifteenth and early sixteenth centuries. One reason for Durham's comparative prosperity in the early sixteenth century may have been that, like Norwich or York, it had a diversity of trades; however, it will emerge that none of these was particularly important by national standards or employed many inhabitants.<sup>2</sup> This in turn might help to account for the fact that Durham never expanded greatly in population or physical size after 1250. Indeed, it is suggested in Chapter I that Durham may have been at its most prosperous before 1250, however little early documentary evidence there is to prove this case.<sup>3</sup>

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1 See below, pp. 149-150.

2 See below, pp. 172-173.

3 See below, pp. 33-34.

Although Durham never grew beyond being a small market town, it had nonetheless a significance and a uniqueness unrelated to economic factors. It was dominated by the clergy in a way comparable perhaps to medieval Canterbury, or even the Vatican city today; and it is the relationship between its inhabitants and its ecclesiastical overlords, the bishop and the cathedral priory, which is of perhaps the greatest interest. Also notable is an apparent absence of the civil disturbances which marked, or marred, other medieval towns with church or lay overlords, like York, Beverley or Bury St. Edmunds.<sup>1</sup> Although the church was a dominant and perhaps even repressive force in the town, there are few signs of unrest among its citizens. Finally, there is an obvious lack of sophisticated administrative or governmental development in Durham, common to many mesne boroughs like Bury, or Abingdon, where local initiatives were stifled by an ever-present overlord who was determined to maintain his rights unchanged. All of these factors make a study of Durham more than simply a survey of yet another small medieval town.

Several major areas of interest have had to be omitted in what cannot claim to be an exhaustive study of the city. The main omission perhaps is that of the religious life of the town itself, the parishes, churches, chantries and religious fraternities which served the spiritual needs of the community of believers. A survey of this aspect of town life had to be abandoned, albeit reluctantly, because of considerations of space; but it is at least an area of study where other historians have made contributions through their work on the priory or the bishopric of Durham. Another omission is any very detailed consideration of the priory's conveyancing techniques. These were predictably complex, as the priory attempted to bypass the rigours of mortmain legislation; and they often involved the use of feoffees.<sup>2</sup> A final major gap in the study is not one that was chosen deliberately; it will be apparent in all that follows that the burden of this study rests upon the priory's archive. This is the natural result of the survival of documents which were kept most

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1 See below, p.201.

2 See below, p.151 ; S. Raban, Mortmain Legislation and the English Church, 1279-1500 (Cambridge, 1982).

efficiently by the monks of Durham priory and their successors and less successfully by the staff of the bishopric and their successors. At the outset of this research, it was hoped that it would be possible to compare the estate management policy of the prior with that of the bishop, but this has proved impossible. Even more seriously, few deeds or rental entries survive for what was the most prosperous and important part of the town, the central borough surrounding the market place controlled by the bishop. Consequently a rather unnatural but, one hopes, understandable emphasis has been placed in this thesis on the role of the priory in town life. With these deficiencies, the following account of Durham's urban community between c. 1250 and 1540 is offered as a survey of the social and economic context of a not unimportant English cathedral city at the height of its development.

## CHAPTER I

### THE ORIGINS AND DEVELOPMENT OF DURHAM TO c. 1250

Early local legend as well as successive generations of monks and their priors, such as John Wessington (1416-46), fostered the belief that the site of Durham was chosen by St. Cuthbert himself in the late tenth century. In 995, during the course of their wanderings to avoid the worst ravages of the Danish invaders, the community of St. Cuthbert chanced to be passing a wooded place called Dunholm or Dunhelm. According to later accounts of the journey and to the legend which grew around it, the bier of St. Cuthbert suddenly became immovable, a clear sign from heaven that Dunholm was to be St. Cuthbert's final resting place.<sup>1</sup> "Nec protunc nec post erecta erat ecclesia vel capella sive domus in toto loco vel aliquo parte eiusdem ubi nunc est civitas Dunelmensis cum suis suburbanis" believed the monks of Durham four centuries later.<sup>2</sup> But churlish though it may seem to throw doubts on St. Cuthbert's reputation as Durham's original city-father, there are strong indications that he was not the first to recognise the great potential of the site.

Chronicle evidence itself suggests that there may have been a community of farmers settled in the area before St. Cuthbert led his followers, spiritually at least, to the site.<sup>3</sup> Archaeological evidence has now also been discovered to show traces of human activity on the peninsula predating St. Cuthbert's arrival.<sup>4</sup> Moreover, some contemporary historical references suggest that the choice of site was governed more by the political considerations of the day than by religious concerns.<sup>5</sup> None of this evidence, which will be examined later, can be accepted without question; but it has thrown some doubt on the later medieval monks' claim that Durham was created by divine

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1 Symeon, Hist. Eccles. Dun., p. 79.

2 Loc. XI, no. 5.

3 See Symeon, Hist. Eccles. Dun., pp. 80-81.

4 See, in particular, M. O. H. Carver, 'Early Medieval Durham: the Archaeological Evidence', in Medieval Art and Architecture at Durham Cathedral (B. A. A. Conference Transacts. for 1977; London, 1980), p. 11.

5 V. C. H. Durham II, p. 133; Dobson, Durham Priory, p. 23; see below p. 16.

will. It does nothing, however, to belittle the impact St. Cuthbert's presence made at the Durham site, whether populated or not, before the end of the tenth century. The fact that an important, indeed the most prestigious, northern saint, was laid to rest at Durham, brought fame to the area and generated urban growth in itself; Durham later became one of the most important centres of pilgrimage in the country.<sup>1</sup> Furthermore, the small community of St. Cuthbert was to develop into a large and wealthy priory, the second greatest landholder in the area after the bishops of Durham. Durham's bishops were to become mighty secular princes, virtual rulers of their own lands in the north-east as well as spiritual leaders of the Durham bishopric. Durham grew to be the administrative centre of the bishopric, housing all its administrative departments and staffed by a small army of clerics. The town developed together with this clerical population; and service industries grew up to provision this great ecclesiastical centre. Durham was the principal market town for the region while the large St. Cuthbert fairs, held twice annually, attracted merchants from all over England. Such expansion was a direct consequence of the coming of St. Cuthbert to Durham; and it could be argued that Durham became a town of some size and significance only through the saint's intervention in its history.

The first part of this chapter deals with the origins of Durham and the reasons for human settlement on its site. The second section traces the growth of military and religious buildings on the peninsula as well as the urban community surrounding it, ending with a survey of Durham in c. 1200. Both archaeological and documentary sources have to be used in this inquiry, especially as the results of the Saddler Street and Elvet excavations provide what little information there is about the homes and occupations of Durham townsmen in the period.<sup>2</sup> The chronicle Historia Ecclesiae Dunhelmensis, usually attributed to Symeon, and its continuation, discloses the role played by the town at certain critical moments in the history of the north.<sup>3</sup> The

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1 See below, pp. 24-25.

2 M. O. H. Carver, 'Three Saxo-Norman Tenements in Durham City', Med. Arch. XXIII (1979), pp. 1-80; M. O. H. Carver, 'Excavations in New Elvet, Durham City, 1961-73', Arch. Ael., 5th. Series, II (1974), pp. 91-148.

3 Historia Ecclesiae Dunhelmensis, and Continuatio Prima, ed. T. Arnold in Symeonis Monachi Opera Omnia I (Rolls Series, 1882).

chroniclers' version of early eleventh-century history can, however, by no means be accepted uncritically, for a considerable interval had elapsed between the events recorded and the time of writing.<sup>1</sup> Furthermore, the author, whether Symeon or not, was writing from a partial viewpoint, as the "official" historian of the monks of the newly-founded Durham community. As such, he was concerned to show that the monks had "a past of unbroken glory" as well as enjoying a continuity of tradition and landed possessions.<sup>2</sup> The bias of the monks' version of Durham's history is particularly noticeable in the case of the events which followed William Cumin's intrusion into the see in the 1140s. Another contemporary account of the Cumin years is given by Laurence, who also dwells on the devastation of the town as part of his blackening of the character of Cumin.<sup>3</sup> Such accounts must be treated with caution, even if Laurence and another monk, Reginald, writing at the end of the twelfth century, provide vivid contemporary descriptions of the appearance of the town in an apparently expansionist phase.<sup>4</sup> Finally, although surviving twelfth-century charters only occasionally refer to parts of Durham or to public buildings and churches, they throw light upon the still limited privileges of the burgesses of the city.<sup>5</sup>

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1 Symeon was writing between 1104 and 1107: H. S. Offler, Medieval Historians of Durham (Inaugural Lecture as Professor of Medieval History; Univ. of Durham, 1958), p. 7.

2 The very title of the work demonstrates this: Libellus de exordio atque procursu istius, hoc est Dunelmensis Ecclesiae; A. Gransden, Historical Writing in England c. 550-c. 1307 (London, 1974), pp. 115, 118-19; Offler, Medieval Historians, pp. 7-8.

3 Dialogi Laurentii Dunelmensis (Surtees Soc. LXX, 1880), henceforth referred to as Laurence.

4 Reginaldi Monachi Dunelmensis Libellus de Admirandis Beati Cuthberti Virtutibus (Surtees Soc. I, 1835); Libellus de Vita et Miraculis S. Godrici, heremite de Finchale (Surtees Soc. XX, 1845) henceforth referred to as Reginald, St. Cuthbert, and Reginald, St. Godric.

5 See, for example, Durham Episcopal Charters.

a) The Origins of Durham

There is little evidence, written or archaeological, to date the foundation of Durham with any accuracy. There are no signs of pre-historic activity on or around the peninsula, although the similarity of its promontory site to that of Maiden Castle, a few miles to the south-east, invites comparisons. Excavations at Maiden Castle have led to the conclusion that it was probably a prehistoric defended manor or farm site.<sup>1</sup> Durham's promontory also may have been fortified with early earth works, but this speculation has not, so far, been confirmed by archaeological evidence. Nor has the Roman presence in the north left any tangible remains in Durham. The nearest archaeological evidence of Romano-British settlement in the area seems to be the farmstead with its own bath-house discovered at Old Durham, one mile to the south-east of the peninsula.<sup>2</sup> The earliest evidence for the existence of Durham itself is found in the Anglo-Saxon Chronicle under the entry for the year 762. "Then Pehtwine was consecrated bishop of Whithorn at Elvet on 17 July".<sup>3</sup> It has been suggested that Elvet, or AElfet Ee in the original, derives from the Old English "elfet-ea" meaning swan-stream or swan island, and that it is an early form of the place name Elvet, one of the Durham boroughs.<sup>4</sup> Slight as this identification may seem, it is given weight because the entry occurs only in two possibly northern-based versions of the Chronicle.<sup>5</sup>

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- 1 M. G. Jarrett, 'The Maiden Castle Excavations', T. A. A. S. D. N. XI (1958), pp. 124-27; M. O. H. Carver and P. F. Gosling, 'The Archaeology of Durham City', in Archaeology in the North: the Report of the Northern Archaeological Survey, ed. P. A. G. Clack and P. F. Gosling (H. M. S. O., 1976), pp. 133-45.
  - 2 I. A. Richmond and others, 'A Civilian Bath House of the Roman period at Old Durham', Arch. Ael., 4th Series, XXII (1944), pp. 1-21; XXIX (1951), pp. 203-12; XXXI (1953), pp. 116-26.
  - 3 The Anglo-Saxon Chronicle, revised transl., ed. D. Whitelock (London, 1961), p. 32.
  - 4 E. Ekwall, The Concise Oxford Dictionary of English Place-Names (Oxford, 1960). See also Leland: "there Were is divided ynto two armes, and after shortely meating makith an isle ...": Itinerary of John Leland, ed. L. Toulmin Smith (London, 1906-10), I, pp. 74-75.
  - 5 British Museum Cott. Tiber BIV and Bodleian Library Laud Misc. 636; see Anglo-Saxon Chronicle, ed. Whitelock, pp. xiv-xvii; The Anglo-Saxon Chronicle, transl. G. N. Garmonsway (London, 1953), pp. xxxvii-xli.

A wider variety of sources suggests that there was already a settlement of sorts and a cultivated area pre-dating the arrival of St. Cuthbert's community in the late tenth century. Most telling is the remark of the chronicler recording this event: "Comitans sanctissimi patris Cuthberti corpus universus populus in Dunhelmum, invenit, quoniam in medio planities erat non grandis, quam arando et seminando excolere consueverant".<sup>1</sup> The inference is that a local community, perhaps of farmers, had already cleared and cultivated a plain before the saint's body arrived in the area. Support for this theory has come from sample borings of soils to a depth of thirty feet taken from a site on the east side of the North Bailey.<sup>2</sup> The fourth layer of soil, a fine quartz sand cemented by black carbonaceous mud, was christened the "black bed" layer and T. Whitworth suggested that it was formed by a small, stagnant pond perched on the edge of the gorge of the River Wear, surrounded by an area of agricultural clearance. Radio-carbon dating of this wood gave him an estimated date of c. 900 to 950. Mammal bones and traces of wheat and grass pollen were also found in the "black bed", leading Whitworth to deduce that there had been clearance and the extensive development of grazing contemporary with the radio carbon-dated wood debris. In his summing up of the evidence, Whitworth suggested that his "black bed" layer showed there was a flourishing agricultural community, well-established on the peninsula a century, at least, before the arrival of St. Cuthbert's community. These conclusions, however, have been challenged recently by M. O. H. Carver, who thinks that the "black bed" may be an occupation layer artificially terraced into sand, and that the samples of pollen may not indicate agricultural cultivation nearby, but merely food waste, foliage or wood brought together by the occupants of the site.<sup>3</sup> He also disagrees with Whitworth's calibration of the date of his soil sample and gives a much wider possible dating of between 750 and 1220.

However, these criticisms do not necessarily demolish the argument for early settlement on Durham's peninsula. The results of

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1 Symeon, Hist. Eccles. Dun., pp. 80-81.

2 T. Whitworth, 'Deposits beneath the North Bailey', D.U.J. LXI (1968), pp. 18-31.

3 Carver, 'Early Medieval Durham', p. 15.



Carver's own excavation in 1974, on a site to the west of Saddler Street, provided exciting new evidence for early settlement in Durham.<sup>1</sup> The artifacts found on the site and radio carbon dating of the fabric of the first houses found there suggest that the earliest finds can be dated to the mid-tenth century. There was clear evidence for the shape and alignment of these houses, and for the method of construction, with post sockets and a revetment of hazel woven on to oak and alder posts, which compares with one of the building techniques used in Pavement and Coppergate, York, at a similar period.<sup>2</sup> Fires seem to have destroyed these early houses because there was charred debris covered with patches of sand. The earliest inhabitants of this site may have been leather workers, judging by the leather tools and the offcuts from shoemaking leather, although the discovery of over 1,000 pottery sherds suggests the development of a pottery industry as well.<sup>3</sup>

The weight of archaeological and documentary evidence supports the theory that St. Cuthbert's followers came to an inhabited area in the late tenth century. Why, then, did they, and the settlers who preceded them, choose this site for the establishment of a town? First and foremost, it was easy to defend; it had steep-sided craggy slopes descending to a swift-flowing river which surrounded it on three sides. The fourth side, a narrow neck of land on the north, could be quickly fortified by earthworks of some kind, as it had been at Maiden Castle. The monk Laurence, writing in the mid-twelfth century, commented "Nam latus omne loci nullo quassabile ferro, Nec patet unde suo possit ab hoste quati."<sup>4</sup> Promontory sites were used throughout the Anglo-Saxon period primarily as fortified burhs. The most obvious examples are those recorded in the Burghal Hidage,<sup>5</sup> promontory forts like Malmesbury, Burpham, Shaftesbury and

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- 1 Carver, 'Three Saxo-Norman Tenements!', pp. 1-80.
  - 2 R. A. Hall, 'The Topography of Anglo-Scandinavian York', in Viking Age York and the North, ed. R. A. Hall (C. B. A. Research Report 27, 1978), p. 36.
  - 3 Compare with the York evidence: A. MacGregor, 'Industry and Commerce in Anglo-Scandinavian York', in Viking Age York, pp. 53, 56.
  - 4 Laurence, p. 9.
  - 5 F. M. Stenton, Anglo-Saxon England (Oxford History of England, vol. II, 1947), pp. 261-62; H. R. Loyn, Anglo-Saxon England and the Norman Conquest (London, 1962), p. 132.

Bamburgh.<sup>1</sup> The advantage of such sites was that their strong natural fortifications meant that only a comparatively small amount of work was needed to make them almost impregnable.

The security offered by such a site to a religious community which had been wandering through the north for many years in an attempt to find a secure home must have been its greatest attraction.<sup>2</sup> Furthermore, the protector and patron of the community of St. Cuthbert, Uchtred, the heir to the Northumbrian earldom and the son-in-law of Bishop Aldhun, had perhaps already seized on the advantages of the site. The chronicler recounts "Igitur praefatus antistes totius populi auxilio et comitis Northanhymbrorum Uhtredi adiutorio totam extirpans silvam succidit, ipsumque locum in brevi habitabilem fecit. Denique a flumine Coqued usque Tesam universa populorum multitudo tam ad hoc opus quam ad construendam post modum ecclesiam prompto animo accessit".<sup>3</sup> This operation, reminiscent as it is of those levies raised by the earls of Northumbria to defend the north against Scottish invasions during the eleventh century, seems out of all proportion to the needs of a small religious community.<sup>4</sup> Uchtred's eagerness to help the community to settle on the peninsula may have had some religious fervour and conviction behind it; but, above all, he probably wanted to establish an impregnable stronghold to resist the incursions of the Danes or the Scots. As K. C. Bayley puts it, "Uchtred's activity and impressing of all the inhabitants suggests the foundation of Durham was due not to supernatural causes but to the military requirements of the Northumbrian earldom".<sup>5</sup> Or in M. O. H. Carver's words, "its origin could therefore be seen as much in the political strategy of the region as in the provision of a haven for its clergy".<sup>6</sup>

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1 M. Biddle and D. Hill, 'Late Saxon Planned Towns', Antiquaries Journal LI (1971), p. 70; J. M. Hassall and D. Hill, 'Pont de l'Arche: Frankish Influences on the West Saxon Burh?', Archaeological Journal CXXVII (1970), p. 188.

2 The community was probably aware of the defensive potential of the site because it had been settled at Chester-le-Street, some 6 miles from Durham, for over 100 years: see Symeon, Hist. Eccles. Dun., p. 70.

3 Symeon, Hist. Eccles. Dun., pp. 80-81.

4 See below, pp. 18-19.

5 V. C. H. Durham II, p. 133; Dobson, Durham Priory, p. 23.

6 Carver, 'Early Medieval Durham', p. 16.

However, a town could not grow from fortifications alone, as the failure of the Alfredian fort of Pilton illustrates.<sup>1</sup> "In the intervals between wars, a town could flourish only if there was a living to be made by craftsmen and traders", a flourishing local economy going further than "relations with the castle garrison".<sup>2</sup> Durham succeeded because it had more to offer its settlers than a good defensive site and a well fortified enclosure. A network of small agricultural communities surrounding Durham provided enough surplus to sell in the larger urban community and a market for goods produced there. A peninsula site did impose one major disadvantage for urban growth; it made communications with the neighbouring countryside rather difficult. The Durham market grew at the mid-point of the narrow neck of the peninsula; as such, it was easily accessible only from the north-eastern road into Durham. The river formed an effective barrier on all other sides and while it was fordable at some points, there was no bridge across the river until Bishop Flambard built the Old Bridge c. 1120.<sup>3</sup> Nor was the river navigable to Durham.<sup>4</sup> It cannot have been easy transporting any bulky or heavy goods to sell or to buy in Durham. This limited communications system around the peninsula probably indicates that the Durham market depended almost exclusively on local trade rather than on long-distance enterprise. Consequently, Durham never developed into a large or wealthy commercial centre such as its neighbours, York or Newcastle, sited as they were with good inland communications and easy access to the sea.

While there may have been a small market for goods from the countryside in the earliest years of Durham's history, undoubtedly the coming of St. Cuthbert's community would give it the necessary stimulus for growth by providing a much larger absorber of produce. A monastery, like a castle, drew traffic, whether it was made up of

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- 1 M. Biddle, 'Towns', in The Archaeology of Anglo-Saxon England, ed. D. M. Wilson (Cambridge, 1976), p. 137; S. Reynolds, An Introduction to the History of English Medieval Towns (Oxford, 1977), p. 32.
  - 2 M. W. Beresford, New Towns of the Middle Ages (London, 1967), p. 181; Loyn noted that only 8 of Alfred's burhs reached municipal status in the Middle Ages: Loyn, Anglo-Saxon England, p. 132.
  - 3 See below, p. 29.
  - 4 See below, p. 47.

pilgrims, litigants, tenants or house servants.<sup>1</sup> The Saxon town of Bury St. Edmunds had to be enlarged to cope with the increased flow of pilgrims. At St. Albans it was the tradition of the Benedictine abbey that Abbot Wulsig had established the market and provided building materials for settlers in the late tenth century. Pilgrim centres brought medieval tourists who also required service industries; and from the pilgrim trade and the needs of the church, fairs could also develop.<sup>2</sup> Once the body of St. Cuthbert was deposited on the promontory site, the commercial success of this urban community was genuinely assured.

b) The Growth and Development of Durham to c. 1250

The early development of Durham after the arrival of St. Cuthbert's community is most clearly seen in the building work on and around the peninsula. The fortification of Durham demonstrates the preoccupation of its founders with military events in the north, while the increasing number of religious buildings surrounding St. Cuthbert's great church shows the growing wealth and prestige of the religious community. However, the growth of the town should not merely be measured in physical terms but also in the diversification of its trades, its wealth and its status in relation to other medieval towns. This section attempts to survey all the evidence for urban growth before 1250 and to analyse the reasons for Durham's success as a new town in a northern England which was, as yet, barely urbanised.

The fortification of Durham deserves the greatest emphasis of all, to judge by the surviving documentary evidence for the eleventh century in particular. Much time and effort seems to have been spent in turning Durham into an impregnable fortress to withstand Scottish attacks. First, walls were built, probably across the neck of the peninsula, connecting it with the countryside, its only vulnerable point. The earliest documentary reference to the walls is in 1006 when the chronicler describes the result of an unsuccessful siege of

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1 Reynolds, English Medieval Towns, pp. 20, 41; Beresford, New Towns, pp. 130, 326; H. C. Darby, The Domesday Geography of Eastern England (Cambridge, 1971), pp. 197-99.

2 Reynolds, English Medieval Towns, p. 20.

Durham by the Scots. "Interfactorum vero capita, elegantiora crinibus, sicut tunc temporis mos erat, perplexis, fecit Dunelmum transportari, eaque a quatuor mulieribus perlota per circuitum murorum in stipitibus praefigi; mulieribus autem quae ea laverant mercedem dederant vaccas singulis singulas."<sup>1</sup> Excavations have not yet located these fortifications, but it is likely that they were the usual Anglo-Saxon defences of a ditch behind an earthen rampart, perhaps crowned with a timber palisade or fronted by a slight stone wall.<sup>2</sup> These walls were probably replaced with stone-built walls in the eleventh century, the circuit being increased by Bishop Flambard and others until it enclosed the whole peninsula.<sup>3</sup> Laurence's description of the walls in the mid-twelfth century shows the complex and sophisticated arrangement of internal and external defences by that date.<sup>4</sup> The external wall contained a south-west gate, an east gate with a steep path descending to the river, and a strong north gate too. Walls also ran down the south-east and south-west sides of the castle motte to connect with the circuit of the external walls; and there was an extra line of wall to the south of the motte protecting the castle from the rest of the placea. Another wall ran along the east side of the placea from the castle to the apse of the church, thus isolating the inner defences of the castle from the outer Bailey. According to the late twelfth-century chronicler, Reginald, these walls dominated the view for travellers who approached the peninsula. Wherever one wanted to travel in the city, he said, one had to pass through the walls.<sup>5</sup>

These walls alone were apparently enough to enable Durham to withstand a second Scottish attack of 1040;<sup>6</sup> but during the insurrection which accompanied the arrival of Robert Cumin in 1069, rebels did break through the defences. "Summo autem diluculo Northanhymbrenses congregati per omnes portas irrumpunt, totaque urbe

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1 The account of this siege is in the treatise De Obsessione Dunelmi which may have been written by Symeon in the early 12th. century: Symeon, De Obsessione Dunelmi, in Symeonis Monachi Opera Omnia I (Rolls Series, 1882), pp. 215-6; Offler, Medieval Historians, p. 10; Gransden, Historical Writing in England, p. 120.

2 H. L. Turner, Town Defences in England and Wales (London, 1971), p. 52.

3 Flambard strengthened the walls "A cancello ecclesiae ad arcem usque castelli producta murum construxit longitudine": Symeon, Hist. Eccles. Dun. Continuatio Prima, p. 140.

4 Laurence, pp. 9-10.

5 Reginald, St. Godric, p. 334.

6 Symeon, Hist. Eccles. Dun., pp. 90-91.

discursantes, socios comitis interficiunt."<sup>1</sup> The most likely explanation of this failure in Durham's fortifications is that the rebels had assistance from inside the fortified area, probably from townspeople employed there, because opposition to Cumin, the king's representative sent to quell trouble in the north, was general, according to the chronicler, and probably well-organised.<sup>2</sup> The weak points in the defences were the gates, and once breached, a massacre was inevitable: some 700 men were enclosed in the narrow peninsula area from which escape would be almost impossible. This episode may have led to the strengthening of the gates in the walls, in particular the North Gate which guarded the main approach road to the peninsula. By the time Laurence described it in the mid-twelfth century, it seems to have had its own barbican; the approach to the gate from the north was steep, and the land was at a different level on the inside of the gate, making it more difficult to attack. "Is locus a dextris praeruptus, et asper, et altus, Est et inaequalis, nec satis aptus equis".<sup>3</sup>

However, a much more important or significant military development resulting from the troubles of 1069 was the construction of a castle, begun in c. 1072 under the direction of Bishop Walcher and financed with revenues appropriated from Waltham abbey.<sup>4</sup> The site chosen was at the north end of the peninsula overlooking the North Gate and the neck of land which joined it to the countryside. The surviving evidence does not mention the demolition of any buildings in the town or within the circuit of the walls to make room for the castle,

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1 Symeon, Hist. Eccles. Dun., pp. 98-99.

2 For the background to this rebellion, which may not have been associated directly with Cumin himself, see B. Wilkinson, 'Northumbrian Separatism in 1065 and 1066', Bulletin of the John Rylands Library, XXIII (1939), pp. 504-26; D. Whitelock, 'The Dealings of the Kings of England with Northumbria in the 10th. and 11th. centuries', in The Anglo-Saxons, ed. P. Clemoes (London, 1959), pp. 70-88; Symeon, Hist. Eccles. Dun., pp. 98-99.

3 Laurence, p. 10.

4 Symeon, Hist. Eccles. Dun., pp. 113-14; Symeon, Hist. Regum, ed. T. Arnold in Symeonis Monachi Opera Omnia II (Rolls Series, 1882), pp. 199-200; Regesta Regum Anglo-Normannorum, 1066-1154, ed. C. Johnson and H. A. Crowe (Oxford, 1956, vol. II), p. 9.

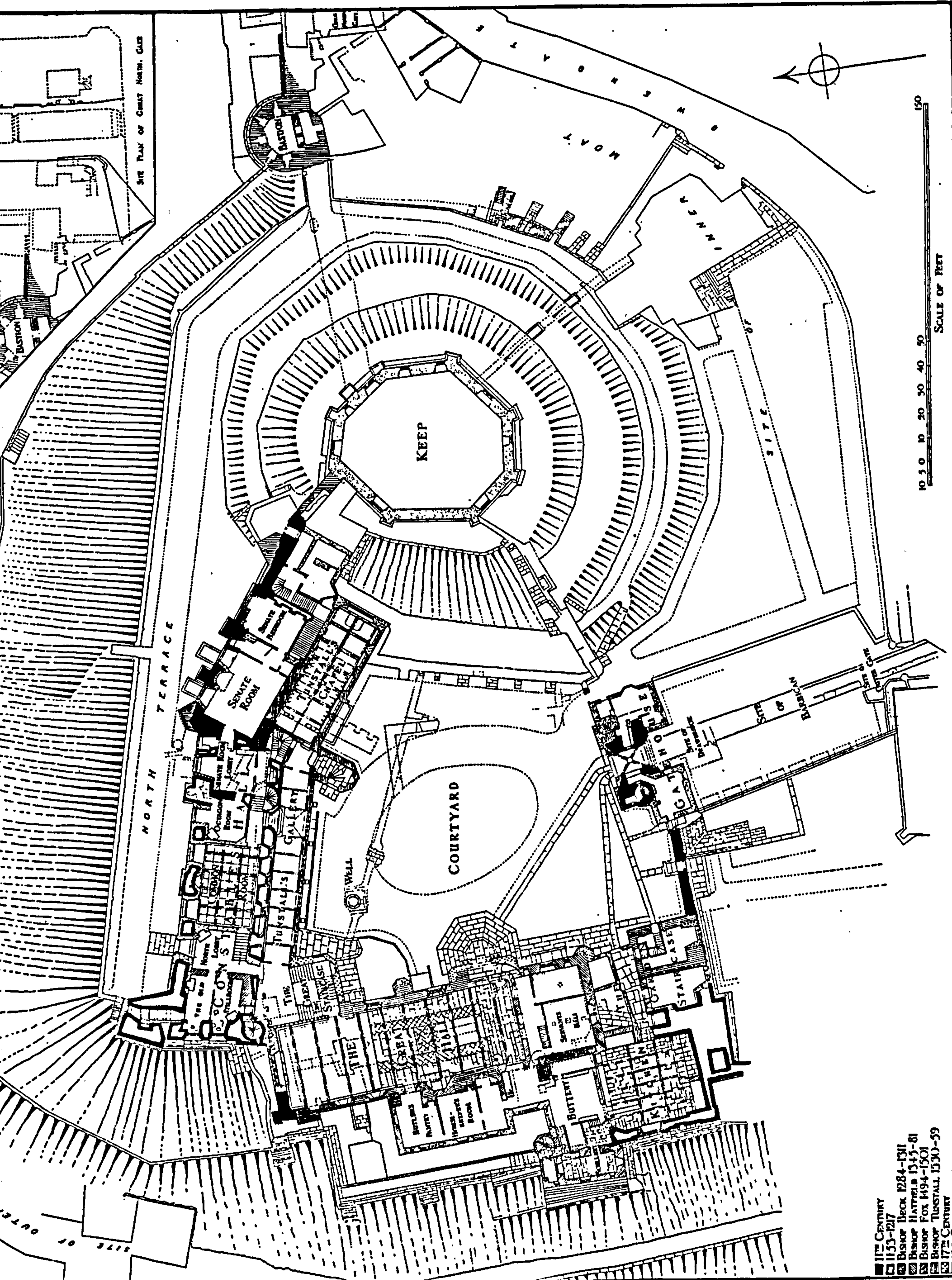
as happened in Lincoln or Norwich, for example.<sup>1</sup> It took about twenty-eight years to build Durham castle and it seems to have been a typical motte and bailey construction with the earthen mound erected at first, crowned probably with a rampart and later a wooden tower.<sup>2</sup> An excavation in 1951/52 below the Norman chapel in the castle showed that the motte was composed of layers of tipped material, with yellow sand at the bottom and then brown sand interlayered with brown earth and topped with turf.<sup>3</sup> This excavation suggests that the mound may have been partly natural, but built up with earth taken from the south ditch. Laurence's description of the castle in the mid-twelfth century reveals that the mound of earth was crowned by a round stone structure enclosing a drum of wood, rather like the timber towers at Abinger and South Mimms or the shell-keeps at Lewes and Farnham.<sup>4</sup> He mentions that the castle had its own gateway and a drawbridge over a ditch on the south side so that it could be completely isolated from the rest of the placea. The massive castle gates, according to Reginald, were guarded by a porter and the battlements had their watching guards.<sup>5</sup> Within its walls, in a triangular shape, stood the castle buildings, described by Laurence as two great palaces with porticoes, a chapel supported on six columns, and the well. W. T. Jones thought that portions of Laurence's palaces are incorporated in the existing ranges of the castle, and the position of the well was rediscovered in 1904. The foundations of earlier buildings have come to light from time to time in the courtyard, but no systematic investigation of the domestic buildings of the early medieval fortress has been undertaken.<sup>6</sup>

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- 1 In Lincoln, 166 houses were demolished for the building of a castle, and 98 were demolished in Norwich: Reynolds, English Medieval Towns, p. 43; C. Platt, The English Medieval Town (London 1976), p. 37; H. C. Darby, 'Domesday England', in A New Historical Geography of England, ed. H. C. Darby (Cambridge, 1973), pp. 71-72.
  - 2 C. E. Whiting, 'The Castle of Durham in the Middle Ages', Arch. Ael., 4th series, X (1933), pp. 124, 128; D. C. Douglas, William the Conqueror (London, 1966), p. 216.
  - 3 G. Simpson and V. Hartley, 'Excavation below Bishop Tunstall's Chapel, Durham Castle', Antiquaries Journal XXXIII (1953), pp. 56-64.
  - 4 Laurence, p. 11; R. A. Brown, English Castles (3rd. ed. London, 1976), pp. 32, 35-6, 59; P. Johnson, The National Trust Book of British Castles (London, 1978), pp. 48-52.
  - 5 Reginald, St. Cuthbert, pp. 211, 233.
  - 6 Laurence, pp. 11-12; V. C. H. Durham III, pp. 65, 69, 70.

**TEXT BOUND INTO**

**THE SPINE**





- 11th CENTURY
- ▨ 1153-1217
- ▩ Bishop Beck 1284-1311
- ▧ Bishop Hattrel 1345-81
- ▦ Bishop Fox 1494-1501
- ▤ Bishop Tunstall 1530-59
- ▣ 17th CENTURY AND MODERN

1. PLAN OF DURHAM CASTLE [V.C.H. Durham III, facing p. 64]

This survey of military building in the early history of the town shows clearly that the pioneering work was complete by the end of the eleventh century. The work of the twelfth century lay largely in improving, strengthening or repairing the existing defences.<sup>1</sup> During the twelfth and thirteenth centuries, efforts were made to turn a military stronghold into a comfortable residence for the bishop, just as at Windsor, for example, Henry II added halls and offices for the accommodation of his court in c. 1175, and in both Dover and Orford castles, the keeps were made into more sophisticated residences suitable for royal visitors.<sup>2</sup> A fire which destroyed part of the north wing of the castle during Bishop Puiset's episcopate, for example, enabled him to rebuild the accommodation within the castle, including probably the Norman Gallery.<sup>3</sup> Probably this trend towards domestic comfort can be attributed to the very success of Durham's fortifications. The castle and walls withstood another siege lasting four days in 1080,<sup>4</sup> and when William Cumin intruded into Durham between 1141 and 1148 he was able to hold the castle against the forces of the incoming bishop.<sup>5</sup> It was a tribute to the fortification as well as to Cumin's troops that only an alliance between the earl of Northumbria, the bishop and many local gentry unseated Cumin from Durham castle. Enemy forces always found it easier and safer to by-pass Durham castle, as the Scots did in 1136 and 1138, probably because it had a reputation for invulnerability. Consequently, the military significance of Durham's defences gradually diminished in the twelfth century as the castle became the centre of government for the bishopric and a bishop's palace.

The effect of the fortification of Durham on the town itself is more difficult to gauge from the sources. The fact that Durham was used as the base for military campaigns against the Scots in the eleventh

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- 1 As, for example, the construction of a tower in the walls between 1208 and 1217 or the transfer of catapults, mangonels and quarrells<sup>1</sup> from Norham castle to Durham in 1213: V. C. H. Durham III, p. 65; Boldon Buke (Surtees Soc. XXV, 1852), App., pp. xvii, xxi, xxii.
  - 2 P. Johnson, British Castles, p. 50; C. Platt, The Castle in Medieval England and Wales (London, 1982), pp. 36, 43.
  - 3 Reginald, St. Godric, p. 182; Scrip. Tres., p. 12; Whiting, 'The Castle of Durham', p. 123.
  - 4 Symeon, Hist. Eccles. Dun., pp. 116-18.
  - 5 Laurence, p. 3; Symeon, Hist. Eccles. Continuatio Prima, p. 152.

century brought a high level of risk to its inhabitants. An influx of soldiers, such as there was in 1069 or in 1141, might bring welcome extra trade to the town, but also destruction. William Cumin's soldiers seem to have conducted house-to-house searches and to have fired many of the buildings in the town.<sup>1</sup> Frequent Scottish raids probably led to great feelings of insecurity as well as danger to life and limb from armies and fire. However, to set against these gloomy possibilities was the protection given to those who lived in the shadow of walls strong enough to withstand many punitive raids by the Scots in the twelfth century. The extensive building operations on the fortifications provided employment for many townsmen and military activity gave an impetus to service industries. On balance, it seems that Durham's development into a military headquarters for the region was an encouragement to urban growth.

The impact made on the physical appearance of Durham by the growth of a religious community was, like the fortifications, naturally confined to the peninsula area. The building of a church to the glory of God and to accommodate their revered saint was of prime importance to the followers of St. Cuthbert; and a temporary church built of wattles or boughs was speedily replaced by the Alba Ecclesia and then by the Ecclesia Major which was dedicated in 998.<sup>2</sup> This church seems to have been the first and, for many years, the only stone building in Durham. However, it too, was felt to be inadequate for the needs of the growing community; and shortly after the reorganisation of the monks into a Benedictine community after 1083, work began on the great cathedral which was to dominate Durham's skyline.<sup>3</sup> The bishop and prior together laid its first stone in a ceremony witnessed by the monks to inaugurate work on a project which was to continue with additions throughout the following century.<sup>4</sup>

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1 Symeon, Hist. Eccles. Dun. Continuatio Prima, p. 159; Symeon, Hist. Eccles. Dun. Continuatio Altera, p. 164.

2 Symeon, Hist. Eccles. Dun., pp. 79, 81-82.

3 Symeon, Hist. Eccles. Dun., pp. 120-22, 128-29; V.C.H. Durham II, p. 7; H. H. E. Craster, 'The Patrimony of St. Cuthbert', E.H.R. LXIX (1954), pp. 177-99.

4 Symeon, Hist. Eccles. Dun. Continuatio Prima, p. 139; Symeon, Hist. Regum, p. 260; W. Greenwell, 'Durham Cathedral', T.A.A.S.D.N. II (1869-79), pp. 182-8.

Surrounding this church were the houses constructed for the religious under the direction of Uchtred, the protector of the community. According to the chronicler, he "eradicata itaque silva, et unicuique mansionibus sorte distributis, praesul antedictus", the houses in which the secular canons would live with their families.<sup>1</sup> It was probably in one of these, the largest, situated next to the west end of the church and called the bishop's house, that Robert Cumin was burnt alive in 1069. "Supererant adhuc non pauci, qui ostium domus, in qua comes erat, defendentes, oppugnantium prohibebant accessum. Illi ergo, igne injecto, domum cum his qui intus erant conati sunt incendere".<sup>2</sup> This accommodation was reorganised after the founding of the Benedictine monastery. After 1083, more building work would be necessary with the layout of a religious precinct to the south of the cathedral church and the provision of communal facilities such as the refectory, built between 1088 and 1093, and the chapter house, built during the episcopate of Bishop Geoffrey Rufus.<sup>3</sup>

These buildings were somewhat peripheral to the growth of Durham's urban area, but they had a direct effect on town life. The tomb of St. Cuthbert attracted visitors from a wide area, like the monks who travelled from New Minster and from Sherborne in the 1050s attracted by stories of the saint's miraculous powers.<sup>4</sup> Such pilgrims would need accommodation and feeding during their stay and this seems to have been provided by the inns or guest houses which were built around the peninsula. Among the many miracles recounted by the chronicle attributed to Symeon is one in which a hospitium is mentioned. A woman had attempted to enter St. Cuthbert's church but the minute she set foot in the cemetery she was repelled by a violent wind "et graviter infirmata vix ad hospitium valuit redire".<sup>5</sup> Reginald, too, at the end of the twelfth century, describes the accommodation offered for pilgrims, including the hospital of St. Giles at Kepier outside the town, as well as the sights to be seen in and around the cathedral and the attractions offered to pilgrims in Durham.<sup>6</sup> This

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1 Symeon, Hist. Eccles. Dun., p. 81.

2 Symeon, Hist. Eccles. Dun., pp. 98-9; Symeon, Hist. Regum, p. 187.

3 Symeon, Hist. Eccles. Dun., p. 128; V.C.H. Durham II, p. 11.

4 Dobson, Durham Priory, p. 25.

5 Symeon, Hist. Eccles. Dun., p. 95; V.C.H. Durham III, p. 8.

6 "Dunelmum tandem venientes, ad Hospitale quod extra urbis moenia situm est divertent": Reginald, St. Cuthbert, pp. 252; 271; Reginald, St. Godric, p. 462.

early form of tourist trade obviously brought great opportunities for Durham's shop keepers, particularly the victuallers.

However, religious building work was not limited to the peninsula. There are references to parish churches and other religious buildings in Durham in twelfth-century charters, although they had probably been in existence for many years previously. Bishop Flambard founded a hospital with a church dedicated to St. Giles in 1112.<sup>1</sup> It lay alongside the main road which led north from the peninsula and it seems to have become the focus for the later settlement called St. Giles' borough. It was in this church that Bishop William de St. Barbara took refuge during William Cumin's occupation of the see in the 1140s.<sup>2</sup> According to the monastic chroniclers' account of this incident, Cumin laid siege to the church, drove out the bishop and his supporters, and, apparently, in revenge, "Interea exeuntes Willelmi comites ignem hospitali apud Sancti Aegidii ecclesiam immiserunt, et villam ad eam pertinentem totam concremaverunt". The hospital was rebuilt by Bishop Puiset after 1153 perhaps, as Dr. Scammell suggests "from piety and some care for public health".<sup>3</sup> Its new site was near to the river, perhaps a result of a wish to avoid any trouble which might affect the urban area. The new hospital had its own chapel for its inmates, a dormitory, infirmary and hall and curia where confessions were held. It had thirteen brethren, six of whom were chaplains, each with their own appointed tasks, living the common life under a master and a prior appointed by the bishop. The borough of St. Giles was given to the hospital by the bishop as part of its endowment and the church of St. Giles was rebuilt as a parish church for the borough.<sup>4</sup>

Such dramatic events do not seem to have affected the other churches of Durham and there are only incidental references to them in charters or in chronicles. St. Nicholas in the market is first mentioned in a copy of a charter, judged to be genuine in form by Professor Offler, bearing the name of Bishop Geoffrey Rufus. The

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1 Durham Episcopal Charters, pp. 64-5.

2 Symeon, Hist. Eccles. Dun. Continuatio Prima, p. 159.

3 Memorials of St. Giles (Surtees Soc. XCV, 1896), pp. 197-206; Scammell, Hugh de Puiset, p. 107.

4 V. C. H. Durham II, pp. 11, 111; Gazetteer, St. Giles, Introduction.



bishop grants Alverdus, the clerk, "ecclesiam suam sancti Nicholai in Dunelm(o) ... et vetus Dunelm(um)".<sup>1</sup> This charter indicates that this church was in existence by the early twelfth century and that it was already associated with land in Old Durham as its glebe. In the late twelfth century, Reginald refers to a church of St. Mary, "quae infra urbis moenia sita est, transmigravit; quia ibi pueris litterarum prima elementa discentibus interesse delegit ... In brevi igitur tantisper perfecerat, quod in psalmis, hymnis, et orationibus nonnullis, quantum sibi sufficere credebat, firmis et certus exstiterat".<sup>2</sup> This church was one of those situated in the Bailey, close to the priory itself.

Writing at the end of the twelfth century, Reginald gives the impression of a town which had been converted by successive bishops into a centre of pilgrimage as well as the centre for a bishopric. The magnificence of its cathedral and the many attractions of the shrines within it drew visitors to the city and increased its trade. There were churches catering for a growing population and a hospital for the poor and needy as well as the pilgrims. Bishops such as Flambard and Puiset, in particular, made Durham their capital city and seat of government, a small-scale Westminster so that it was worthy of the importance they felt their office held.<sup>3</sup>

The growth of the town and its population probably accompanied the ecclesiastical and military building on the peninsula, but it passes almost unrecorded in the surviving documentary evidence for the eleventh century. The earliest reference to the town and its commercial life was during the Scottish siege of 1040, when the enemy was, it was said, repelled with great loss by the inhabitants themselves and the heads of the slain "in forum collata in stipitibus sunt suspensa".<sup>4</sup> It is likely, although unrecorded in the chronicle, that the market occupied roughly the position it holds today, on the narrow neck of land joining the peninsula to the surrounding countryside, beneath the protecting walls of Durham. Many markets of medieval towns like

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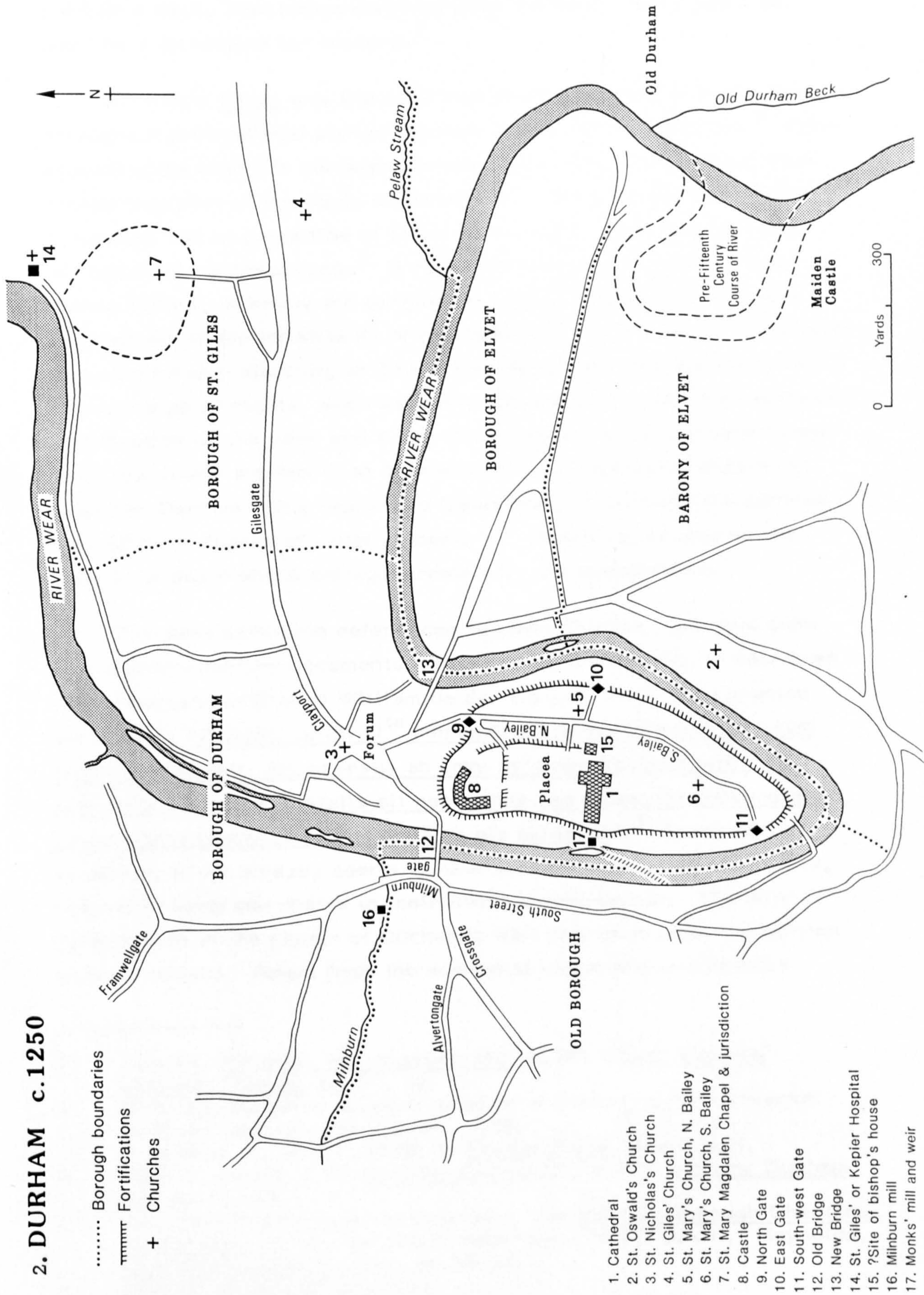
1 Reg. II, f. 184v; Durham Episcopal Charters, p. 126.

2 Reginald, St. Godric, pp. 59-60.

3 As Dr. Scammell says, Puiset "built that he might outstrip the reputations of his predecessors": Hugh de Puiset, p. 243.

4 Symeon, Hist. Eccles. Dun., pp. 90-91.

## 2. DURHAM c.1250



- ..... Borough boundaries
- ▬▬▬▬ Fortifications
- + Churches

1. Cathedral
2. St. Oswald's Church
3. St. Nicholas's Church
4. St. Giles' Church
5. St. Mary's Church, N. Bailey
6. St. Mary's Church, S. Bailey
7. St. Mary Magdalen Chapel & jurisdiction
8. Castle
9. North Gate
10. East Gate
11. South-west Gate
12. Old Bridge
13. New Bridge
14. St. Giles' or Kepier Hospital
15. ?Site of bishop's house
16. Milnburn mill
17. Monks' mill and weir

Alnwick or Ludlow developed "in the shadow of the castle" which, in Durham's case, also happened to be near the main castle gate, an additional attraction for traders.<sup>1</sup>

Durham's forum was the centre of economic activity in the town throughout the medieval period because it was the only market.<sup>2</sup> Consequently the bishop's borough surrounding it was probably the most prosperous part of the early medieval city. In 1130, the borough's burgesses had to pay a fine of 100s. to the king, which gives some indication of its resources.<sup>3</sup> It received a charter in c. 1179 from Bishop Puiset, whereby the burgesses were awarded all the rights and customs of the inhabitants of Newcastle.<sup>4</sup> None of these privileges was particularly startling or new. The Newcastle charter contained a limited range of rights, such as exemption from tolls and the residence qualification of one year and a day which freed a villein from a former lord; but it and the family of charters which it spawned, including those for Durham, Wearmouth and Gateshead, illustrated the achievement of some degree of urban "liberty".<sup>5</sup> There is, of course, no mention of any right to self-government by the townspeople.

The first surviving references to other Durham boroughs come from twelfth-century documents. In a charter purporting to date from the episcopate of Bishop William de St. Calais, the bishop granted the convent "AElvet, ut ibi xl<sup>ta</sup> mercatorum domos monachi ad usum propriam habeant, qui prorsus ab omni episcopi servitio sint liberi nisi forte maceries civitatis sit reparanda, ad quam non maius quam de tot civitatis mercatoribus opus ab eis exigatur".<sup>6</sup> From this evidence, Elvet already seems to have formed a separate community, with up to forty merchants in their own accommodation. The duty of contributing to the repair of Durham's wall may have been a condition of their tenure. Apart from the somewhat vague and problematic

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1 Conzen, Alnwick, Northumberland, p. 29; Platt, English Medieval Towns, pp. 27, 33.

2 Although the prior hoped to acquire a licence to hold a market in Elvet borough: see below, p. 28.

3 Pipe Roll, 31 Hen. I, 1130, in Boldon Buke, App., p. ii.

4 Reg. I, part 2, f. 3; V.C.H. Durham II, p. 11; V.C.H. Durham III, pp. 13, 54.

5 For "families" of similar charters, see British Borough Charters, 1042-1216, ed. A. Ballard (Cambridge, 1913), p. xlii; Reynolds, English Medieval Towns, pp. 98-99.

6 Durham Episcopal Charters, pp. 6-15.



reference to Elvet in the Anglo-Saxon Chronicle and the finding of Anglo-Saxon stones in the church tower there,<sup>1</sup> this is the earliest definite indication of a settlement to the east of the peninsula with its own commercial activity. Elvet was one of the parts of Durham to be fired by William Cumin's troops in the 1140s,<sup>2</sup> but Bishop Puiset may have helped to rebuild the borough before he restored burgum factum in Elvetehalge to the monks.<sup>3</sup> He transferred all his authority and privileges to the priory and gave it the undisputed lordship over the borough and the right to all profits from it.<sup>4</sup> Subsequently, Prior Bertram issued a charter to his townsmen in Elvet borough in which the area of the new borough was defined as extending "a via quae jacet juxta domum Abbatis de Novo Monasterio ex aquilonali parte versus Scaltoc".<sup>5</sup> This charter set the limits on the burgesses' urban freedom. They were to be exempt from all customs, exactions and aids; and they were also granted the most important liberty of the right to dispose of their land without consulting the overlord. In return they were to pay an annual rent to the priory and to grind corn at the abbey's mill. It seems that Elvet borough had recovered from the Cumin years because the prior anticipated the possibility, never realised, of holding his own market there. "Si vero nos, per gratiam et licenciam Domini nostri Episcopi, forum vel nundinas in eodem burgo poterimus adipisci, omnes rectitudines, quae ad forum et ad nundinas pertinent ad nos omnino spectabunt". It was a measure of the buoyancy of trade in this borough that the prior felt able to make such provision in his charter.

In contrast with the flourishing economies of the bishop's borough and Elvet borough there was the priory's Old Borough, which seems to have been less prosperous by the late thirteenth century. In a charter possibly dating from 1128, Bishop Flambard restored

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- 1 See above, p.13; R. J. Cramp, 'A Cross from St. Oswald's Church, Durham, and its stylistic relationships', D.U.J. LVII (1966), pp.119-24; R. J. Cramp, 'The Pre-Conquest Sculptural Tradition in Durham' in Medieval Art and Architecture at Durham Cathedral (B.A.A. Conference Transacs. for 1977), pp.1-9.
  - 2 Symeon, Hist. Eccles. Dun. Continuatio Prima, p.159.
  - 3 Support for this view comes from Scrip. Tres., where it is said that he "fecit pontem de Elvete, et Burgum similiter": p.12.
  - 4 3.1. Pont.4; Feodarium Dunelm., pp.198-99n; V.C.H. Durham III, p.13.
  - 5 Cart. II, f.251; Feodarium Dunelm., p.199; V.C.H. Durham III, p.61.

"terram ultra pontem Dunelmi" to the monks, the land and its community on the west of the peninsula.<sup>1</sup> According to Henry II's confirmation of this charter in 1129, the land was valued at 38s. p. a., perhaps in small rents owed to the priory.<sup>2</sup> This implies a community of little wealth in comparison with the burgesses of the bishop's borough. However, there may have been quite a numerous community in this part of Durham which the monks later called the "Old Borough", probably to differentiate it from the "New Borough" of Elvet which they held on the east side of the peninsula.<sup>3</sup> Certainly, the surviving rentals of the almoner suggest that there had been an agricultural estate at the head of South Street in the Old Borough, which was in decline by the late thirteenth century.<sup>4</sup> There are references to the sacrist's house or stable, the terrar's house built of stone, hay barns and dovecots, all reminiscent of the Elvethall manor buildings.

It was this borough, somewhat surprisingly, which received the first direct link with the bishop's borough in the form of a bridge connecting the east end of Crossgate with Silver Street. This work is attributed to Bishop Flambard in c. 1120 and the bridge was an expensive and probably an impressive construction of stone. "Diversas Wiri fluminis ripas continuavit structo de lapide magni operis ponte arcuato".<sup>5</sup> It may have been one of the earliest stone bridges in England; London's wooden bridge over the Thames at Southwark, for example, was not replaced by a stone bridge until 1176 and it was not finished until 1209.<sup>6</sup> Durham's bridge seems to have had a tower at its east end with a short barbican and drawbridge, making it an integral part of the castle's fortifications.<sup>7</sup> This bridge may have been built to encourage trade from the surrounding area to come to the Durham market, or possibly it was a response to the growing influx of traders and pilgrims to Durham. Increasing the number of traders and

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1 2.1. Pont. 1; Durham Episcopal Charters, p. 107.

2 2.1. Reg. 2; Feodarium Dunelm., p. 145n; Durham Episcopal Charters, p. 107.

3 As Prior Wessington realised later: Cart. IV, f. 90; Feodarium Dunelm., pp. 191-95.

4 See, for example, Alm. Rental, 1424; Gazetteer, South Street, Introduction.

5 Symeon, Hist. Eccles. Dun. Continuatio Prima, p. 140.

6 M. B. Honeybourne, 'The Pre-Norman Bridge of London', in Studies in London History, ed. A. E. J. Hollaender and W. Kellaway (London, 1969), p. 17.

7 W. T. Jones, 'The Walls and Towers of Durham', D. U. J. XXII-XXIII (1920-23), 6 parts; C. E. Whiting, 'The Castle of Durham', p. 126; V. C. H. Durham III, p. 54; Speed's plan of 1611 shows the tower at the eastern end of the bridge.

local people who came to the forum would increase the tolls the bishop could take on goods entering and leaving the market. Similar motives no doubt led Bishop Puiset to build a second stone bridge a generation or so later connecting Elvet borough with Souterpeth in the bishop's borough.<sup>1</sup> The construction of these bridges also seems to have led to the development of trade around the bridgeheads: shops and stalls were built around and on the bridges themselves while even the arches were later leased for storage space.<sup>2</sup>

These documentary references to Durham's boroughs, together with those concerning St. Giles, already mentioned,<sup>3</sup> imply that by 1200 at least Durham was a sizeable urban community, composed of several independent and as yet geographically separate boroughs. It is likely that during the course of the twelfth and thirteenth centuries, years of what seems to have been rapid growth, these separate units grew together as settlement spread along the roads which connected them and as the bridges bound them into one urban area. This gradual integration is marked by le Convent of 1229, which standardised weights and measures in all boroughs and ensured that offenders would be treated equally wherever the offence had been committed.<sup>4</sup> This settlement reflected the recognition that there was a need for a jurisdictional framework which was wider than the individual borough. It implies that trade between the boroughs was at a high level; infringements of inter-trading regulations led overlords to seek closer co-operation between the boroughs.

Another sign of a flourishing urban community by the early thirteenth century, is the number of buildings erected for communal use or for trading purposes. Durham had a mint by the mid-twelfth century, granted to Bishop Geoffrey Rufus by Stephen in return for political and military support.<sup>5</sup> It had several mills, such as the

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1 Scrip. Tres, p. 12.

2 Beresford, New Towns, pp. 112-19; see below, p. 50.

3 See above, p. 25.

4 Feodarium Dunelm., pp. 212-17; Scrip. Tres, p. 37; V.C.H. Durham III, p. 13; see below, pp. 46, 208.

5 It may have been the most northerly mint in the 12th. century: V.C.H. Durham II, p. 11; Reynolds, English Medieval Towns, p. 34. There may have been a temporary mint in Durham in the late 11th. century: see G. H. Lapsley in V.C.H. Durham I, p. 259; Boldon Buke, p. 1, n.

bishop's mill in his borough and the priory's Scaltok mill in Elvet, to which tenants owed their suit.<sup>1</sup> The priory had its own bakehouse in Elvet which was destroyed by Bishop Philip in the course of a quarrel with the monks in the mid-thirteenth century.<sup>2</sup> There are also signs of domestic industry in, for example, Sadlergate, where excavations revealed artifacts and rubbish associated with shoemaking or leather-working and probably a small pottery industry dating from the late tenth century.<sup>3</sup> No doubt trade in the town was much enhanced by the institution of the great St. Cuthbert fairs, which are first mentioned during Flambard's episcopate and may have started as a result of the translation of St. Cuthbert's body in 1104.<sup>4</sup> In all these ways, the town was showing evidence of commercial life and growth before 1200.

However, while much evidence, documentary as well as visual, survives concerning the military and ecclesiastical buildings of early medieval Durham, only archaeological excavations have thrown light upon the layout of domestic buildings. On the Saddler Street site, the earliest surviving wattle and daub houses were replaced with structures placed end-on to the street within regular tenement boundaries which persisted until 1974.<sup>5</sup> A vennel, paved with stone, was built next to these tenements, probably in the late twelfth or the early thirteenth centuries, and there was a rubbish pit next to it which showed signs of cleaning and maintenance. The Elvet excavations revealed the layout of new town houses end-on to the street dating from the early thirteenth century.<sup>6</sup> They probably followed the building of a river wall which prevented flooding. These houses contained privies as integral parts of the houses and their foundations, at least, were stone-based.<sup>7</sup>

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1 Boldon Buke, p. 1; Feodarium Dunelm., p. 199.

2 "furnos in Elvete subvertit": Scrip. Tres., pp. 17-27.

3 Carver, 'Three Saxo-Norman Tenements', p. 1; see above, p. 15.

4 V. C. H. Durham III, p. 10.

5 Carver, 'Three Saxo-Norman Tenements', pp. 1-71. Compare with York, where the tenement boundaries in Skeldergate remained more or less the same from the Anglo-Scandinavian period to the 18th. century: Hall, 'Topography of Anglo-Scandinavian York', in Viking Age York, p. 36.

6 Carver, 'Excavations in New Elvet', pp. 91-148.

7 See below, pp. 75, 84.

Apart from the risk of flooding which affected those properties lying nearest to the river, the Durham townsman's greatest enemy seems to have been fire in a community which lived mainly in wooden-built, thatched houses. The Saddler Street site shows evidence of the repeated firing of buildings, perhaps to be associated with some dramatic political events (such as the fires accompanying the overthrow of Robert Cumin in 1069), or simply a natural hazard of the pottery trade which developed in this area.<sup>1</sup> Serious fires swept through most parts of the town in the 1140s; William Cumin was said to have burnt St. Giles' and Elvet boroughs and the opposing forces fired the parts he spared.<sup>2</sup> When the bishop's borough was assessed for a fine of 100s. in 1130, only 40s. went to the royal treasury. The rest was remitted on account of the burning of the burgesses' houses.<sup>3</sup> A fire which may have started in Silver Street, below the north side of the castle, early in Puiset's episcopate, caused severe damage to the castle buildings as well as the street.<sup>4</sup> Despite this danger, there seems to have been no policy to restrict the thatching of roofs near important public buildings or to encourage building with stone as there was in other towns, notably London.<sup>5</sup>

There is one recorded incident of what amounts to the slum clearance of buildings in Durham during this period, although not, apparently, to make room for rebuilding or redevelopment. According to the chronicler, Bishop Flambard "Locum inter ecclesiam et castellum, quem multa occupaverant habitacula, in patentis campi redegit planitiem", because of the danger to the cathedral from fire damage and because of the health hazard.<sup>6</sup> These reasons may have been genuine; a fire which burnt the bishop's house next to the church

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1 See above, p.15 ; Carver, 'Three Saxo-Norman Tenements', pp. 1-71.

2 Symeon, Hist. Eccles. Dun. Continuatio Prima, pp. 152-53; V. C. H. Durham II, p. 138.

3 Pipe Roll, 31 Hen. I, 1130, in Boldon Buke, App., p. ii.

4 "Dunelmum saevae tempestatis incendium conflagravit, omniaque aedificia episcoporum castellarum depopulando concremavit, et civitatis moenia plus quam aliquo prius tempore omnia exurendo consumpsit": Reginald, St. Godric, p. 182; Reginald, St. Cuthbert, pp. 82-83.

5 See below, pp. 79-80.

6 "ne vel ex sordibus contaminatio, vel ex ignibus ecclesiam attingerent pericula": Symeon, Hist. Eccles. Dun. Continuatio Prima, p. 140.

in 1069 had set fire to the west tower.<sup>1</sup> However, Flambard may have had other motives. He may have wished to clear out a civilian community from an area which had become virtually a military sector; these houses were within the inner castle wall. Furthermore, in view of the increasing pilgrim trade, Flambard may have wished to improve the appearance of the approaches to the cathedral. It may have been no coincidence that one of the major ecclesiastical events of the century, the translation of St. Cuthbert's body to its new position behind the high altar of the cathedral, occurred during Flambard's episcopate.<sup>2</sup> However, the result was hardly very attractive; Reginald describes the area as being a sea of mud by the late twelfth century, a place where duels were fought or executions carried out.<sup>3</sup>

One theme which has recurred, somewhat plaintively, throughout this chapter is the lack of evidence, documentary or otherwise, for charting the growth of Durham accurately before the mid-thirteenth century. It is this deficiency, more than any other reason, which accounts for the terminal date of the chapter. It is only after about 1250 that records such as property deeds and rentals, for example, begin to survive in any quantity and make it possible to recreate, more completely and reliably, the growth of the town. It is paradoxical that what appears to be the most formative and expansionist era of Durham, the eleventh and twelfth centuries, is the most poorly documented, as in so many English towns. It is possible, however, to speculate on the size of Durham and its status in comparison with other medieval towns in the early thirteenth century. The overall layout of the town and its principal buildings were there before 1200; after this date there was probably some infilling of the street plan as the population of Durham grew and perhaps the suburbs spread still further into the countryside, but there were no major changes to the urban landscape. No estimates of Durham's population during the period can be made because of the absence of the area from Domesday Book and from later poll tax returns. The only method J. C. Russell

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1 Symeon, Hist. Eccles. Dun., pp. 98-99.

2 V.C.H. Durham II, p. 11; V.C.H. Durham III, p. 10.

3 "quia modo apud Dunelmum in placea certaminis morti procubuit, et flatu effuso spiritum emisit": Reginald, St. Godric, pp. 189, 191.

could find for assessing the population of the town of Durham was to estimate its importance as an ecclesiastical centre in comparison with other such towns. "Our estimate of what such a place should have in population" was 2,000.<sup>1</sup> It seems clear that by 1200 Durham had already been outstripped by its new neighbour, Newcastle. Newcastle grew rapidly, partly because it was a busy port with a thriving overseas as well as inland trade, but partly, perhaps, because it lacked the rather rigid control of ecclesiastical overlords.<sup>2</sup> It was allowed to develop more freely, and soon the creation of guilds showed a corporate spirit and independence which was always lacking in Durham. In terms of northern towns, however, Durham, although of modest size, probably ranked alongside Gateshead and Carlisle and ahead of Darlington or Stockton, while nationally it could perhaps be compared with Stamford or Nottingham, substantial market towns. But Durham did rank far ahead of its near neighbours, including Newcastle, in one aspect; it had an "honorific ascendancy", as Professor Dobson describes it, which resulted from its ecclesiastical importance, the shrine of St. Cuthbert, the seat of the bishop, the site of a large and wealthy monastery as well as its splendid walls and castle.<sup>3</sup> It is differentiated from the other boroughs described in the Boldon Book by being called "civitas".<sup>4</sup> It never became a royal or episcopal headquarters of the size of Canterbury, Winchester or York, but it had no rivals north of York; the repeated attempts by the Scottish king to annex Durham and its lands to his kingdom in the twelfth century seem to show the importance and prestige of the town in this period.

The chronicler Reginald provides the most vivid impression of Durham at the end of the twelfth century, taken from two viewpoints. The first is as an inmate of the Durham community, when he describes the ecclesiastical buildings, the muddy "placea" and the castle with

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1 J. C. Russell, British Medieval Population (Albuquerque, 1948), p.145. S. B. Holt, 'A Note concerning Russell's estimate of the population of Durham City in the 14th. century', Durham County Local History Society Bulletin 22 (1978), pp.43-44.

2 Beresford, New Towns, p.251; C. M. Fraser and K. Emsley, Tyneside (Newton Abbot,1973), pp.18-21.

3 Dobson, Durham Priory, p.36.

4 Boldon Buke, p.1.

its heavily guarded battlements.<sup>1</sup> He looks out from the monastic precinct and he sees the river below, with its dam, mills and water wheels.<sup>2</sup> He sees the white houses of what was later called South Street on the opposite bank of the river.<sup>3</sup> But in a second persona, Reginald seems to be visiting Durham like one of the pilgrims he describes offering candles in the cathedral. This pilgrim approaches Durham from the north along the main road (the via regia) and passes one of the sanctuary crosses one mile from the city.<sup>4</sup> He sees Kepier hospital and St. Giles' church on his way to the peninsula and the church of St. Nicholas, in the middle of the city.<sup>5</sup> He mentions the shops in the market with their fronts open to the street, the Saturday market day and the town crier.<sup>6</sup> He passes lodging houses where pilgrims stay, and proceeds up to the city walls around the peninsula.<sup>7</sup> And so the journey ends again on the peninsula with the pilgrim reaching his destination, the shrine of St. Cuthbert. These almost photographic impressions show that Puiet's Durham was already both a town to attract pilgrims and a thriving market for the area. However, it is to the later medieval fortunes of that town that this study must now turn.

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1 See, for example, Reginald, St. Godric, pp.189, 191; Reginald, St. Cuthbert, pp.211, 233.

2 "... subito oculis detersis vidit inferius congestas harenarum aggeres et molendinares rotarum cantos et radios se in ipso fluminis impetu circumvolentes." Reginald, St. Cuthbert, p. 252.

3 Reginald, St. Cuthbert, p.252.

4 Reginald, St. Godric, p.334.

5 Reginald, St. Godric, p.462; St. Cuthbert, p.252; St. Godric, p.59; St. Godric, p.388.

6 "Interio igitur utriusque consilio, pecunia illa, nullo hominum sciente, in foro Dunelmensi expensa est": Reginald, St. Cuthbert, p.266; St. Godric, p.345; St. Godric, p.388; St. Cuthbert, p.206.

7 Reginald, St. Cuthbert, p.271; St. Godric, p.334.



## CHAPTER II

### THE URBAN LANDSCAPE OF DURHAM 1250-1540

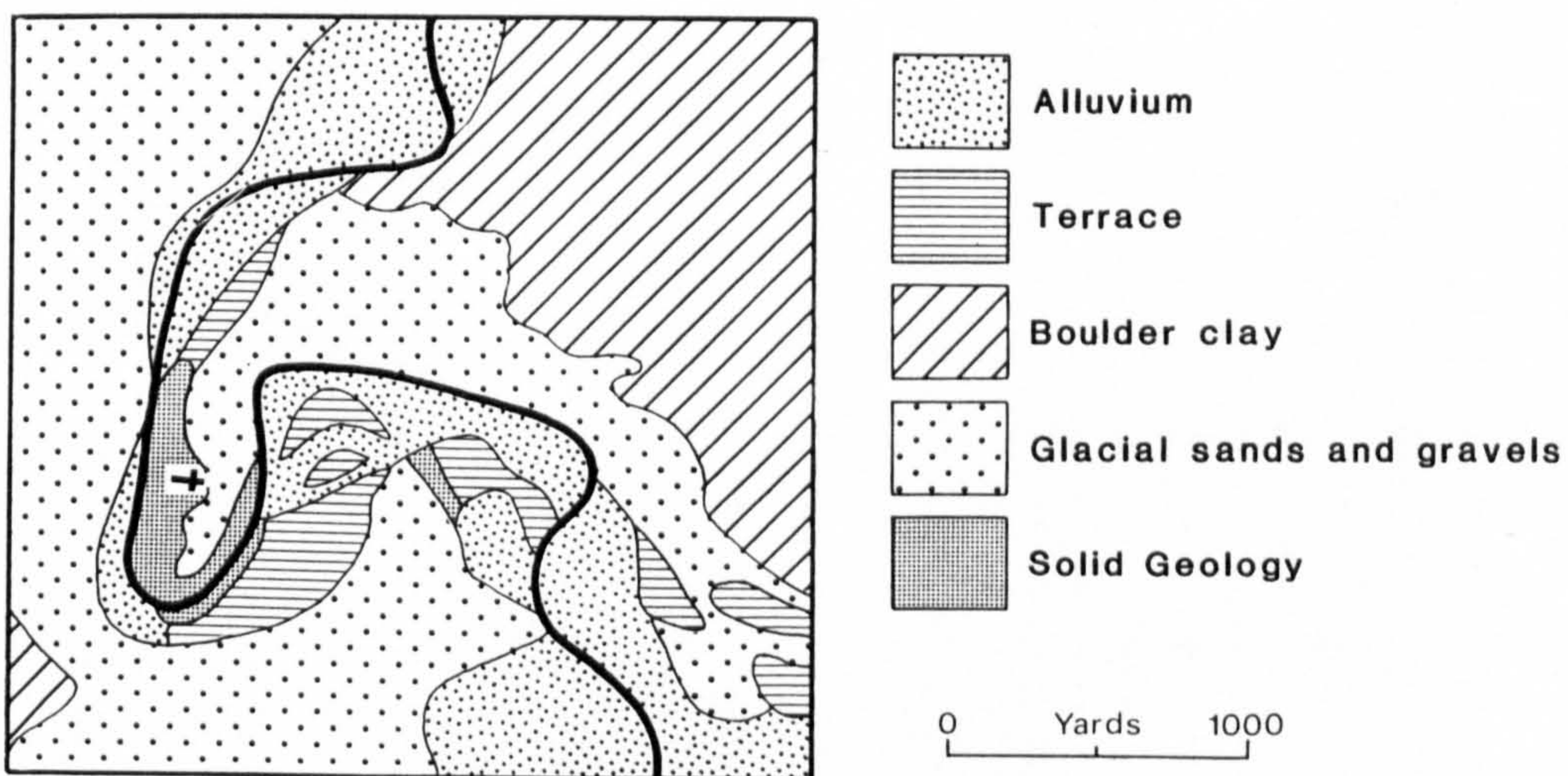
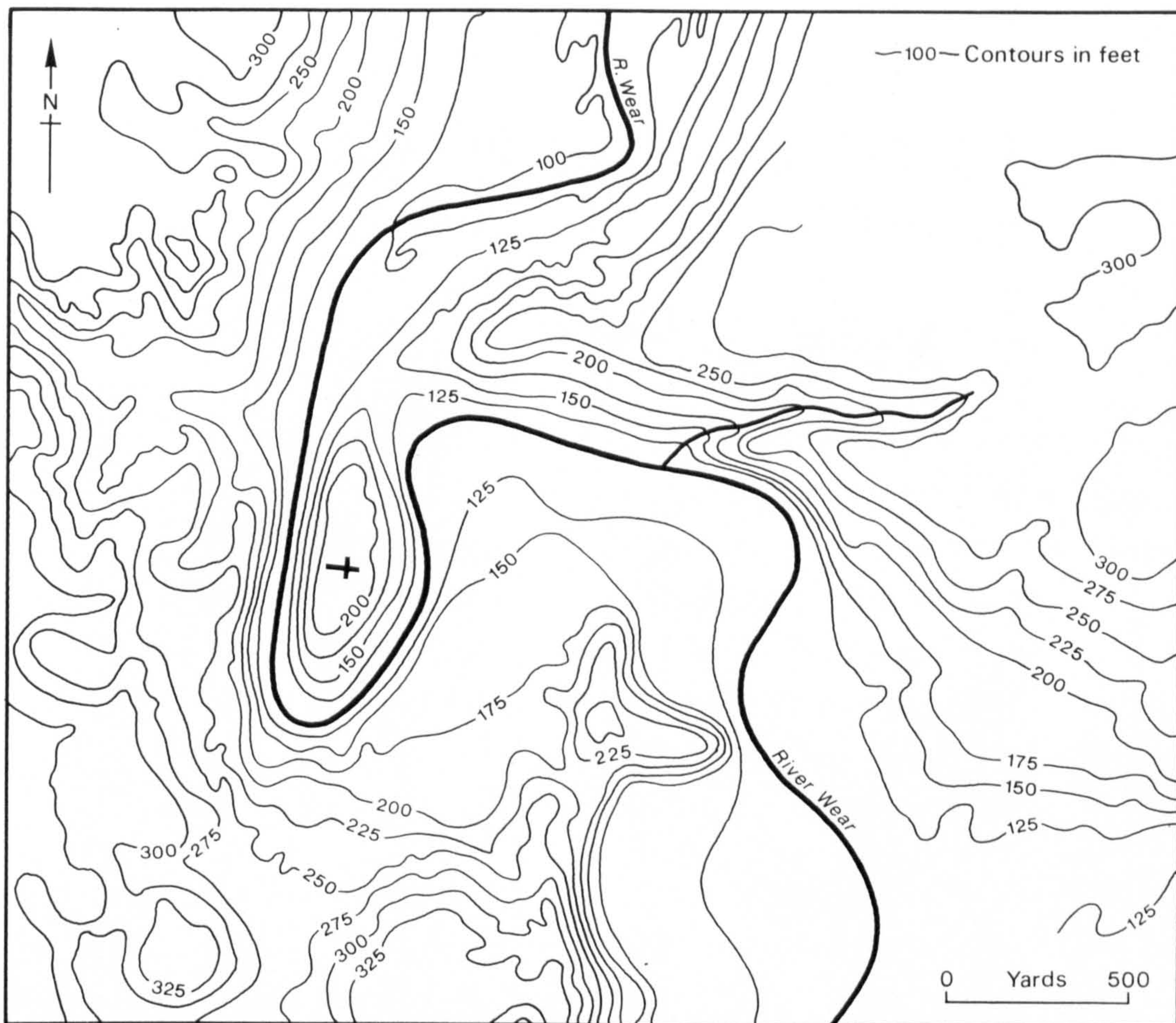
The city of Durham lies in a region which has as its natural boundaries the River Tyne and its valley to the north and the River Tees to the south. The landscape ranges from bleak moorland areas and the Pennine chain, rising to over 2400 feet, on the west to a coastal plain on the east which lies at sea level.<sup>1</sup> The town stands in a lowland area some fifteen miles from the coast. Durham's peninsula is enclosed on three sides by the River Wear, which rises in the Pennines and falls gradually towards the north-east where it meanders out towards the sea at Sunderland. Although the region was described by medieval chroniclers as impoverished border country, it was an area rich in mineral deposits like lead, which was mined in Weardale in the Middle Ages. Some of the most valuable coal mines in medieval England were those of the bishop of Durham at Gateshead and Whickham.<sup>2</sup> The gently rolling countryside to the south-east of Durham was farmed by the monks of Durham priory for its grain. In the north of the region, there was cattle farming with sheep grazing on the higher land to the west. Surplus agricultural produce was brought to the market towns of the area, like Durham, Darlington and Stockton, and produce was shipped in and out of the region from the ports of Gateshead and Hartlepool. In addition, there was a multitude of small agricultural settlements, particularly in the east lowland areas of the county, like Boldon, Pitlington, Easington and Billingham. Accordingly, Durham was surrounded by a relatively rich and varied hinterland.

The irregularities of the landscape are a characteristic feature of Durham today as they were in the medieval period. Local mythology has it that Durham is built on seven hills and in William Hutchinson's day hills were indeed very noticeable. "Approaching the city from

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1 P. Beaumont, 'Geomorphology', in Durham County and City with Teesside, ed. J. C. Dewdney (Durham, 1970), pp. 26-28.

2 C. M. Fraser, 'The Medieval Period', in Durham County and City with Teesside, pp. 207-08.



### 3. THE SITE OF DURHAM

the north, it has the most romantic and uncommon appearance. It seems to be scattered over a multitude of irregular hills, (for the ground by which it is approached is thrown up into round mounts), and we discover various parts of the town, the castle, and churches, through several vallies in one point of view, so that they appear like so many distinct places."<sup>1</sup> These "irregular hills" can be attributed to the geology of the region. Durham is situated in a region of thick glacial drift cover; and the so-called seven hills of Durham are rounded mounds of sand and gravel left after the retreat of glaciers from the region. The general geological profile of the town is, at the lowest level, soft shales, overlaid by a coal seam now known as the Low Main Seam, topped by Carboniferous sandstone, the bedrock on which the west walls of the cathedral are founded. The coal seam outcrops all round the banks of the river, as does the sandstone, giving readily available materials for medieval builders. The glacial drift of sand, gravel and boulder clay which was deposited above this geological profile provides fertile land all around the peninsula.<sup>2</sup>

The glaciation of the region also affected the flow of the rivers in the area. The original course of the River Wear seems to have run to the east of Durham beneath Maiden Castle, along what is now Team Valley, to enter the Tyne. A tributary river, the Browney, entered the Wear from Windy Hills, joining it near the Sands; it ran across what became the neck of the present peninsula to the north of the market place. These ancient river valleys were buried beneath glacial drift when the ice retreated, but the former course of the River Browney seems to have been visible in the medieval period at least. John Leland, in his Itinerary, recounts a popular tradition based on this old valley.<sup>3</sup> "Sum hold opinion, that of auncient tyme Were ran from the place wher now Elvet-bridge is, straitte down by St. Nicolas now standing on a hille, and that the (o)ther course, part for pollicy and part by digging of stones for building of the town and minstre, was made a valley, and so the watercourse was conveyid that way; .but I approve not ful this conjecture."

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1 Hutchinson, Durham, II, p. 2.

2 Ed. G. A. L. Johnson, 'The Durham Area', Geologists' Assoc. Guides, no. 15 (1973), pp. 1-6; M. Johnson, 'The Great North Gate of Durham Castle', T. A. A. S. D. N., New Series IV (1977), p. 114, n. 3; D. Pocock and R. Gazzard, Durham: Portrait of a Cathedral City (Durham, 1983), pp. 7-9.

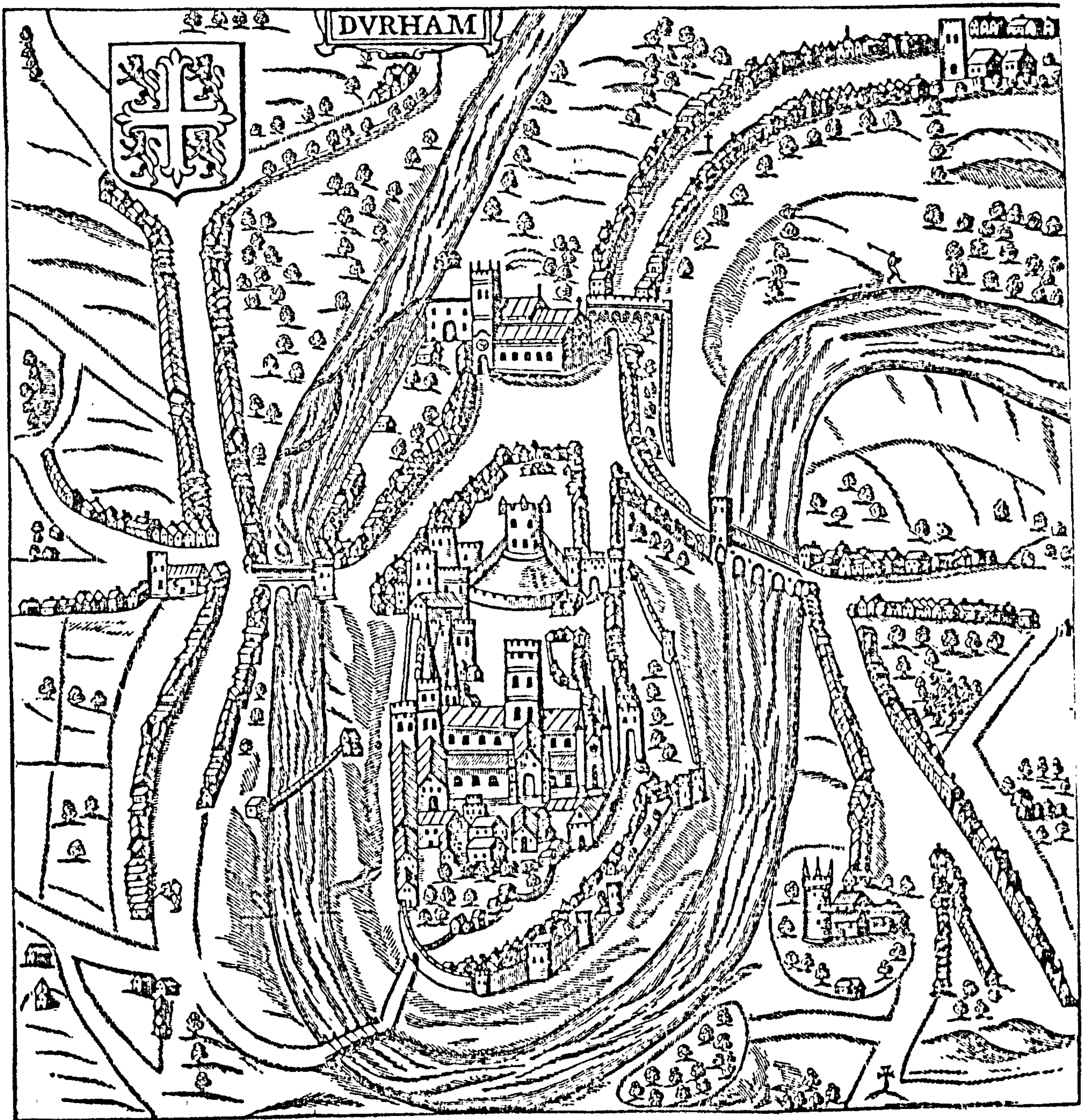
3 Leland's Itinerary, I, p. 73.

As the ice retreated from the Durham area, there was a re-adjustment of land and sea levels; both the River Wear and the River Browney had to re-excavate their valleys or cut out new ones as they headed towards the coast. The River Wear cut through the glacial drift around Durham in a series of incised meanders; when the river encountered the hard sandstone bedrock, a deep, steep-sided gorge developed around what became the Durham peninsula.<sup>1</sup> A naturally fortified neck of land, some 800 yards long, 250 yards from bank to bank at its narrowest point and containing about fifty-eight acres was left surrounded on three sides by a fast-flowing river.

Such an irregular landscape gave rise to a rather unorthodox town plan which has perhaps been most graphically described by Robert Hegge, writing in the seventeenth century. "I may liken the form of this bishopric to the letter A and Durham to a crab; supposing the city for a belly and the suburbs for the claws".<sup>2</sup> John Speed's plan of 1611 shows settlement spreading out along the road sides in all directions from the heart of the city. The peninsula area appears to be congested, with a concentration of housing in narrow streets. Elsewhere, the buildings straggle out towards the countryside, until eventually the tenements merge into the common fields and pastures surrounding the town. The purpose of this and the following chapter is to describe the components of this unusual urban landscape in more detail over the broad sweep of 300 years of growth. First, the major elements of the landscape, the boroughs, the river, the streets and the tenements will be described. More general themes of urban history will emerge from this detailed survey; the study of Durham's so-called "boroughs", for example, shows that they were probably not overflow areas but independent communities which gradually grew together. The close inter-relation of all the aspects of the town's plan, its street system, tenement pattern and the physical features of its site, are also revealed. Above all, Durham's peninsula site demonstrates the limitations which can be imposed on urban development by a restricted area for settlement and by difficult communications. For these reasons especially Durham never developed into a positively major industrial or trading centre.<sup>3</sup>

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1 A. Holmes, 'The Foundations of Durham Castle and the Geology of the Wear Gorge', D.U.J. XXV (1928), pp. 319-26.  
2 Robert Hegge, The Legend of St. Cuthbert (1626), ed. J. B. Taylor (Sunderland, 1816), p. 2; V.C.H. Durham III, p. 1.  
3 See below, pp. 46-47, 55.



4. JOHN SPEED'S PLAN OF DURHAM, 1611

The sources for this study of the landscape of medieval Durham are varied; the documentary material is drawn mainly from the cathedral priory rentals, account rolls, registers and deeds which can be used to trace the history of particular tenements as well as buildings like mills and bridges. There are no contemporary descriptions of the late medieval city by chroniclers and the great weakness, as far as documentary evidence goes, is that there are no municipal records. With the Durham boroughs firmly under the control of ecclesiastical overlords, there was little opportunity for townsmen to participate in the administration of their town. Archaeological evidence is limited to the findings of two major excavations, those in Saddler Street and in New Elvet, as little work has yet been possible elsewhere in the continuously occupied urban area.<sup>1</sup> There are no contemporary maps or plans of the whole town, but two sketch plans of tenement boundaries in New Elvet and in the market place survive.<sup>2</sup> The earliest known map of Durham is Matthew Pateson's map of 1595, which was engraved by Christof Schwytzer.<sup>3</sup> Its layout and the perspective drawing of buildings are very similar to John Speed's map of Durham, dating from 1611.<sup>4</sup> Speed's map and John Wood's plan of 1820,<sup>5</sup> with its detailed drawing of the shape and size of individual tenements, can be used as the basis for a reconstruction of the appearance of the medieval city. Although three centuries separate pre-Reformation Durham from Wood's town, it can be shown from written sources that changes in the town's plan during this period were comparatively insubstantial.

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- 1 Carver, 'Three Saxo-Norman Tenements', pp. 1-80; Carver, 'Excavations in New Elvet', pp. 91-148. An excavation at Queen's Court, North Bailey, in 1978 revealed more information about the castle wall and the North Gate: P. A. G. Clack, 'Rescue Excavations in County Durham, 1976-78', T.A.A.S.D.N. New Series V (1980), pp. 56-70.
  - 2 Misc. Ch. 5228/12; Loc. XXXVII, no. 113; Local Maps and Plans from Medieval England, ed. R. A. Skelton and P. D. A. Harvey, nos. 15 and 17 (Oxford, forthcoming).
  - 3 This map is now in the British Library. See Durham Topographical Prints up to 1800, ed. P. M. Benedikz (Durham, 1968), pp. 1, 86.
  - 4 Speed may have based his plan on Schwytzer's work: J. Speed, The Theatre of the Empire of Great Britaine ... 1611, Durham University Library, S. R. 4F. 10; Durham Topographical Prints, p. 2; Maps of Durham, 1576-1872, catalogued by R. M. Turner (Durham, 1954), p. 5; R. A. Skelton, 'Tudor Town Plans in John Speed's Theatre', Arch. Journal CVIII (1951), p. 113.
  - 5 J. Wood, Plan of the City of Durham, 1820, in Durham University Library; Maps of Durham, p. 29.

(a) Suburban Development: the Boroughs

One of the most distinctive features of medieval Durham was its division into five "boroughs" and one area of separate jurisdiction around the castle. It is difficult to define exactly what was meant by the use of the term "borough" in medieval Durham. The word occurs in some of the earliest references to the urban area where it is followed by the name of one distinct part of Durham. Thus, for example, one of the first documentary references to Elvet mentions burgum factum in Elvetehalge, restored by Bishop Puiset to the monks, and the same bishop granted the borough of St. Giles to Kepier hospital.<sup>1</sup> In other words, each different part of the urban area seems to have been called a "borough". What did the use of this term mean in Durham? Clearly, a Durham borough was not like the Alfredian fortified burhs such as Lydford, Malmesbury and Wallingford.<sup>2</sup> The only part of early medieval Durham to be fortified was the castle area on the peninsula and this was the one part of the town which was never called a borough. Durham's boroughs did have a precise geographical meaning, however. Each borough had a specific, delineated area which was understood and recognised by all its inhabitants. The two boroughs of Old and New Elvet lay to the east of the peninsula within a loop of the River Wear. We know from the evidence of later property deeds that tenements in the street called New Elvet and on the north side of Ratonrawe were in New Elvet borough, whereas tenements in Old Elvet street and in Kirkgate were in Old Elvet borough.<sup>3</sup> St. Giles' borough lay to the north-east of the peninsula, and the boundary between it and the bishop's borough, also called the borough of Durham, came at the point where Clayport became St. Giles' street, marked in the road by a cross.<sup>4</sup> The Old Borough was on the west of the peninsula and its boundary with the bishop's borough on its north side was a clear geographical feature, the Milneburn.<sup>5</sup> The boundaries to the five boroughs seem to have been established from the earliest days of the urban settlement; certainly, by the mid-thirteenth century, when the documentation becomes more prolific, there was a clear demarcation of tenements between the boroughs.

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1 3.1. Pont. 4; Feodarium Dunelm., p. 198; Memorials of St. Giles, pp. 195-96; see above, p. 57.

2 Loyn, Anglo-Saxon England, pp. 33-35; Reynolds, English Medieval Towns, pp. 31-32.

3 See Gazetteer, Old and New Elvet, Introductions.

4 Gazetteer, Clayport, Introduction.

5 Gazetteer, Milneburngate, Introduction.

Can the attempt to define the meaning of the term "borough" in medieval Durham be taken any further, to include more than a purely topographical significance? The documentary evidence indicates that the Durham boroughs had certain financial, legal and economic distinctions. Each borough had its own trading community offering a range of services and products to the local community.<sup>1</sup> In the bishop's borough, for example, there were trading quarters for butchers in Fleshewergate and for tanners in Framwelgate.<sup>2</sup> The rentals show that these boroughs were not ghettos for the poor or for the labouring classes, as seems to have been true of the Winchester suburbs.<sup>3</sup> Among the tenants in each street of each borough were representatives of local country gentry, wealthy traders and craftsmen, just as in Warwick and Canterbury, where it seems the attractions of larger tenements and nearby fields drew them to the suburbs.<sup>4</sup> Furthermore, tenants who held land in a specific borough had a loyalty to that borough and its court. They surrendered or took up their tenements in the court; they made fealty to their overlord and paid rents there and they looked to the individual borough courts to settle their disputes.<sup>5</sup> Durham's boroughs seem to have been self-contained communities, catering for the needs of a wide range of inhabitants. What is curious is that there was, apparently, so little appreciation of Durham as one single urban area, a town in its own right, through most of the medieval period. This emerges clearly in the deeds, where one of the parties is often described as an inhabitant of a particular Durham borough rather than a townsman of Durham itself.<sup>6</sup> However, one of the Durham boroughs was more important than the others, and this was the bishop's borough, the borough of

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- 1 For the importance of trade and a market in the development of a town, see V. Parker, The Making of King's Lynn (London, 1971), p. 22; J. C. Lancaster, 'Coventry', in The Atlas of Historic Towns, ed. M. D. Lobel, II (London, 1975), pp. 3-4.
  - 2 Gazetteer, Framwelgate, Introduction; Fleshewergate, Introduction; see below, pp. 174-75, 177-78.
  - 3 Winchester in the Early Middle Ages, ed. M. Biddle (Oxford, 1976), p. 260.
  - 4 See, for example, the Danby and Claxton holdings in Elvet borough: Gazetteer, New Elvet, nos. 8, 11, 12; V. C. H. Warwickshire VIII, p. 487; Platt, English Medieval Town, p. 38.
  - 5 See below, p. 206.
  - 6 In a charter of 1418, for example, William Hakthorp granted land in Fleshewergate to Robert Elge of "Elvet, next to Durham": Misc. Ch. 2327.



Durham. Not only did it lie at the heart of the urban area, but also it contained the one Durham market within its boundaries. This borough has some claim to pre-eminence and to be what contemporaries primarily thought of as "Durham".

Were Durham's other boroughs, then, merely suburbs by another name? At first sight, they seem analogous to the suburbs of towns like Winchester, Lincoln and Bristol, spreading out along the main approach roads to the town beyond the limits of the walled area.<sup>1</sup> It could, perhaps, be thought that these suburban areas developed to relieve overcrowding in the central area of Durham, occupied as it was by the public buildings of the peninsula and the market. However, such an interpretation of Durham's boroughs is an oversimplification, based on topographical rather than genuinely historical evidence. Durham's walls, for example, cannot be regarded as significant in differentiating an urban "core" from its suburbs. The castle wall enclosed the monastic precinct and houses for military retainers and ecclesiastical servants as well as the bishop's administrative buildings; but these did not form a self-supporting urban area. The outer town wall was only built as late as the early fourteenth century, long after the establishment of Durham's other boroughs,<sup>2</sup> and consequently its influence upon any "suburban" development was non-existent.

The archaeological and documentary evidence for the origins of Durham's boroughs, vague and inconclusive as it may be, also casts doubt on any conventional theory of suburban development at Durham. The growth of a suburb should, by definition, follow the establishment of an urban "core", yet there are strong arguments for maintaining that Old Elvet was settled before the occupation of the peninsula by St. Cuthbert's community and that the Old Borough antedated the development of the bishop's borough.<sup>3</sup> An alternative title, used in the deeds, for the bishop's borough was the "New Borough", suggesting a later development than either the Old Borough or Old Elvet borough.<sup>4</sup>

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1 D. J. Keene, 'Suburban Growth', in The Plans and Topography of Medieval Towns in England and Wales, ed. M. W. Barley (C. B. A. Research Report 14, 1976), p. 77; M. D. Lobel, 'Bristol', in Atlas of Historic Towns, II, p. 5.

2 See below, pp. 97-104.

3 See above, pp. 13, 27-29.

4 See, for example, Misc. Ch. 1872.

Although the bishop's borough was the geographical centre of the medieval urban area, it was not necessarily the first to be settled. The implication from the documentary evidence is that the Durham boroughs grew as independent communities at different times alongside the central core of the town. They did not in fact develop as a result of overcrowding in the central areas.

However, it is true to say that the boroughs of Durham share some features common to suburbs in other medieval towns. Their characteristic shape, like suburbs in Winchester and Canterbury,<sup>1</sup> was long, thin and linear because they eventually spread along the main routes into Durham. The Old Borough extended to the south along South Street, to the west along Crossgate and Alvertongate, and to the north along Milneburngate. The two Elvet boroughs took their names from the main south and south-east roads running out of Durham. St. Giles' borough followed the line of the main road to the north-east. Even the bishop's borough, which at first sight has a nuclear shape from its concentration around the market, was composed of settlement spreading out along the roads to the north-east (Clayport), to the south-east (Fleshewergate), and to the west (Silver Street). This borough had an extension on the west side of the river along the main road to the north (Framwelgate).

Another characteristic of suburban development is the large amount of space available for building and the greater width of roads, the result of a lower density of population. The outer Durham boroughs consisted, broadly speaking, of one main, wide street with a tenement pattern which gave more space to settlers. In contrast, the central borough contained a network of narrow streets leading into the market with some back lanes and vennels. Tenements were smaller and irregular, suggesting a greater concentration of population and a restricted space for settlement around the market.

Each borough, with the exception of New Elvet, also had its own church, like the suburbs of Winchester or Hereford. The inhabitants of the Old Borough fought long and hard for the independence of

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1 Winchester in the Early Middle Ages, pp. 260-63; Urry, Canterbury, p. 186.

their chapel from its mother church in Old Elvet and this was finally achieved by 1431.<sup>1</sup> The churches in Old Elvet, St. Giles and the Old Borough may have acted as the focus of settlement for the borough as the tenement patterns around these churches seem to have been smaller, more congested and always in occupation, suggesting a greater popularity than those in remoter parts of the borough.<sup>2</sup> The limits of settlement and perhaps of the borough itself seem to have been marked by crosses in the roads leading from the boroughs, just as in Winchester the bars marked the boundaries of settlement.<sup>3</sup>

Some of Durham's outer boroughs seem to have been in decline by the later medieval period, the most obvious sign of such decay being the increase in the number of waste tenements, the lack of tenants to take up holdings and the amalgamation of tenements into larger units. The Old Borough seems to have suffered most, with many waste tenements, particularly in South Street, before the fifteenth century: by 1500 several tenements had been converted into closes at the head of Crossgate and Alvertongate.<sup>4</sup> Framwelgate and St. Giles were also affected by this decline and it seems that the urban area was shrinking in these parts of Durham. In contrast, the central bishop's borough apparently was prosperous and heavily populated throughout its existence, while in New Elvet, a river wall was built in the fourteenth century and land reclaimed for the building of new houses.<sup>5</sup> The Elvet boroughs may indeed have gained in wealth from the decline of the Old Borough.<sup>6</sup>

What, then, were Durham's boroughs and what is the explanation for their growth? The most likely reason is that they were established as separate communities, each with their own focus of settlement, at a time before the building of Durham's two bridges enhanced the

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1 4. 16. Spec. 49; Surtees, Durham IV, p. 127; V. C. H. Durham III, p. 181.

2 As in Winchester: see Winchester in the Early Middle Ages, pp. 258, 264-65.

3 See for example, Gazetteer, Framwelgate, no. 10; Winchester in the Early Middle Ages, p. 264; Keene, 'Suburban Growth', p. 78.

4 Gazetteer, Alvertongate, nos. 1, 2, 16; Crossgate, nos. 31, 32, 33, 35.

5 Carver, 'Excavations in New Elvet', pp. 125-6 etc.

6 Host. rentals, 1523-34; Gazetteer, New Elvet, Introduction.

position of the central borough and its market. The attraction for settlers in each borough may have been the local church or it may have been the agricultural communities around Elvethall manor and possibly the former manor at the end of South Street.<sup>1</sup> The foundation of a hospital at Kepier in St. Giles' borough may have led to that borough's development, just as the siting of a religious house outside a town like Leicester might have encouraged suburban development.<sup>2</sup> Another reason for the growth of the boroughs was that land may have been cheaper on the outer edges of the town; some of the rents derived from property in the Old Borough and Old Elvet were tiny, although their actual value in economic terms may have been high.<sup>3</sup> Certainly, tenements seem to have been larger in the outer boroughs than in the bishop's borough and this was no doubt an attraction to counter-balance the prestige and undoubted advantages of a frontage along the streets leading into the market.

Another explanation for the growth of these boroughs and one which brings us to the crucial question of their status, was their promotion by their overlords. The priory had three boroughs in Durham, the bishop, one, and Kepier hospital the overlordship of the other. While there is no certain evidence to support this possibility, it is likely that the priory, in particular, would have made every effort to attract settlers or tenants to its boroughs because this would mean a higher income for the priory. Hence we see towards the end of the period the lowering of rents and the writing off of arrears in an attempt to fill tenancies and to prevent tenements becoming waste.<sup>4</sup> The charters of the bishop and the prior to the inhabitants of their boroughs grant certain liberties and customs as an inducement to settlers.<sup>5</sup> However, the bishop always had an advantage in this competition for tenants because he had the only market in his borough.<sup>6</sup>

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- 1 See above, p.29; Gazetteer, South Street, Introduction.
  - 2 Keene, 'Suburban Growth', p.81; Platt, English Medieval Town, p.37.
  - 3 See, for example, rents in South Street: Gazetteer, South Street, Introduction; Winchester in the Early Middle Ages, p.260.
  - 4 See, in particular, Sac. rental, 1500; see below, pp.143, 148-49.
  - 5 See above, pp.27-28.
  - 6 Compare with the 3 parts of King's Lynn and their dependence on the support of overlords: Parker, King's Lynn, p.22.

It is then clearly misleading and limiting to see Durham's boroughs as examples of traditional suburban growth. The surviving documentary evidence reveals no contemporary concept of "suburban" status among the tenants of the boroughs. Deeds from the thirteenth and fourteenth centuries show that the inhabitants still often identified themselves with a particular borough, not with a suburb or the idea of a town called Durham.<sup>1</sup> To the townsmen, the borough with its court, its church and its customs was their home; they paid their customary rents to the overlord of their borough. The use of the term "borough" rather than "suburb" implies a certain legal or constitutional status; but this status should not be overestimated. The boroughs were not independent of each other. Trading had to be done in the bishop's borough with its market; weights and measures and legal processes and conventions were the same in all the boroughs.<sup>2</sup> By the late thirteenth century the boroughs were no longer physically separate; they had grown together so that it was necessary to re-define the borough boundaries from time to time, especially when mortuary payments or services owed to a borough overlord were in dispute.<sup>3</sup> By the early sixteenth century, some documents refer to land being held, for example, in Crossgate, "in the suburbs of Durham".<sup>4</sup> At the end of the medieval period, it is likely that the idea of separate and independent boroughs was theoretical rather than practical; it was maintained by the overlords out of financial considerations and out of legal convention.

(b) River, Bridges and Mills

Perhaps the single most important influence on the development of Durham was the course and nature of the River Wear. The peculiarities of the town's restricted site and its growth in a linear pattern along the routes leading from the centre originated from the U-shaped course taken by the river around Durham's craggy peninsula.<sup>5</sup> The street plan of Durham, and its associated tenement pattern, are

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1 See, for example, land held "in the borough of Elvet next to Durham": P. R. O. Durham Chancery Enrolments, 3/46, m. 20d.. (1446).

2 See above, p. 30; below, p. 208.

3 See below, p. 53; see, for example, 4. 16. Spec. 56.

4 A lease of 1559: Loc. XXIX. no. 60.

5 See above, pp. 37-38. Compare with the influence of the water-courses on the development of King's Lynn: Parker, The Making of King's Lynn, p. 21.

governed by the river's gorge and the most convenient crossing places, upon which routes converge.<sup>1</sup> It is unlikely that the independent development of Durham's boroughs would have reached such an advanced stage had the river not provided a formidable physical gap and so separated the inhabitants of different parts of the town in a way no man-made barrier could have done. Furthermore, the fact that the Wear was not navigable as far as Durham held back the town's commercial development. Although it did sponsor some water-based industries, such as tanning and dyeing, and it supported a series of mills, Durham never developed any kind of river trading links or boat-building activities like its neighbour, Newcastle.<sup>2</sup> This section of the chapter explores the relationship between Durham's inhabitants and the river.

The most obvious effect of the river on the inhabitants of Durham was the damage it caused at times of flooding. The power of flood water was such that it swept away Framwelgate Bridge in c. 1400.<sup>3</sup> Excavation work on properties beneath (modern) New Elvet, on its west side, revealed that these dwellings had been subject to repeated flooding during the late medieval period, and the building of a river wall at the end of the fifteenth century was an attempt to control and contain the river's course.<sup>4</sup> A tempestas aquarum raised the level of the Wear's tributary, the Milneburn stream, and destroyed its mill in 1402; and houses on the east side of Framwelgate and Milneburngate may also have been affected.<sup>5</sup> Mills and their dams were particularly vulnerable to flood damage. In 1492, the mill pond of the Milneburn mill had to be rebuilt because of innundatio magni fluvii,<sup>6</sup> but the mill which suffered most was Scaltok in Elvet. In 1420, for example, the mill pond could not be repaired "causa superundacionis aque de Were . . . dirupti et confracti" and a change in the course of the river

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1 See below, pp.55-56.

2 Newcastle was one of the wealthiest ports in England by 1200: see B. Harbottle and P. A. G. Clack, 'Newcastle', in Archaeology in the North: the Report of the Northern Archaeological Survey, ed. P. A. G. Clack and P. F. Gosling (H.M.S.O., 1976), p.111.

3 V.C.H. Durham III, p.64.

4 Carver, 'Excavations in New Elvet', pp.124-26.

5 Alm. account, 1402/03, Allocaciones.

6 Alm. account, 1492/93, Repairs.

below Maiden Castle coupled with the difficulty of maintaining a steady flow of water to this mill seems to have resulted in its abandonment in the mid-fifteenth century at the head of a partially dried-up ox-bow lake.<sup>1</sup>

One of the River Wear's most important functions for the townsmen was as their chief source of water for all domestic purposes. Those inhabitants of the town who lived by the river side, in Old Elvet and Milneburngate for example, may have taken their drinking water straight from the river itself, but most inhabitants would use wells for their drinking supply. The river itself was possibly polluted by industrial use and domestic waste, but the wells, taking water from some thirty to forty feet in depth on the peninsula at least, would be relatively clean.<sup>2</sup> The priory and the castle had their own wells and so did many of the houses in the Bailey. There were communal wells in St. Giles' street (called Hexham well after the name of the family near whose land it was situated), South Street (St. Helen's well), Alvertongate and Framwelgate.<sup>3</sup> Durham had no elaborate system of watercourses, unlike Winchester, for example,<sup>4</sup> but one major improvement in the water supply to the bishop's borough must have been the construction of a water course and pipe from the spring which rose in Thomas Billingham's land in Sidegate (le Paunthed) to the market in 1450.<sup>5</sup> The monks had their own water supply brought from across the river to the precinct by aqueduct. It was, however, somewhat vulnerable to attack by an irate bishop, like Philip de Poitou, who diverted its water to the castle in the late twelfth century, or Bishop Bek, who broke the aqueduct in c. 1294.<sup>6</sup> The weather also affected the priory's water; in 1342 the bursar had to pay for the carrying of water from the Wear because of a pipa fracta, and in 1495 severe weather conditions blocked the aqueduct with ice.<sup>7</sup>

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1 Burs. accounts, 1420/21, Allocationes; 1457-70; Misc. Ch. 7100.

2 V.C.H. Durham III, p. 5.

3 6.4.Elem. 11; Alm. Rental, 1424; Gazetteer, Alvertongate, Introduction; nos. 12 and 13.

4 See Winchester in the Early Middle Ages, pp. 282-85.

5 P.R.O. Durham Chancery Enrolments, 3/44, m. 9; Gazetteer, Framwelgate, Introduction; Gazetteer, Forum, Introduction.

6 "... aquam, quam a longe in planitiem castelli fratres conduxerant, in castellum transverti fecit": Scrip. Tres., p. 22; V.C.H. Durham III, p. 15.

7 Burs. accounts, 1342, Structura Domorum; 1495/96, Repairs.

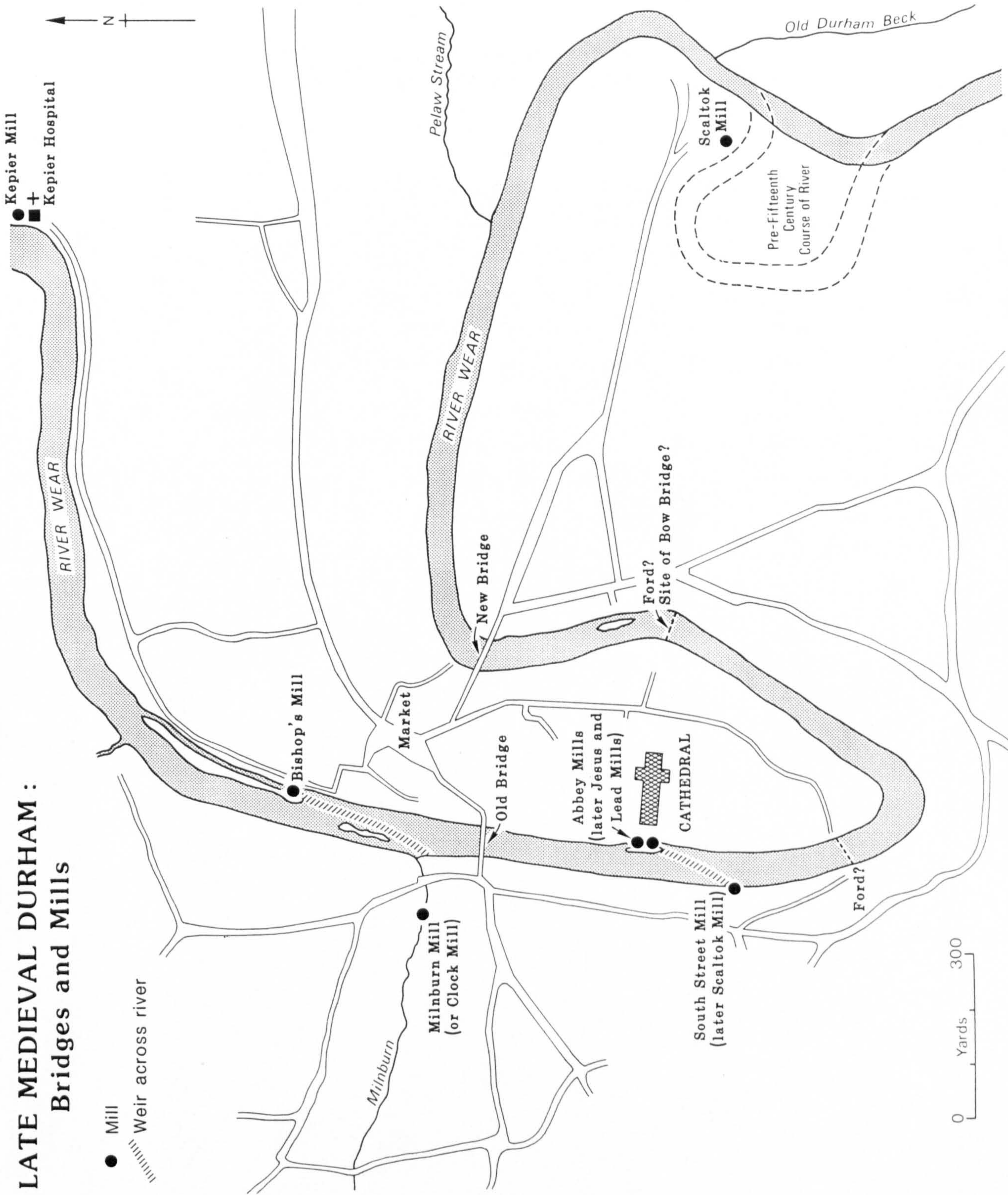
It is clear from the surviving local court records that most households used the river and Durham's streams for domestic duties, such as washing clothes on stones in the Milneburn stream, a practice which was not legally permitted by the late fifteenth century, at least.<sup>1</sup> However, there were other more unpleasant activities involving this water supply; there were no sophisticated sanitary arrangements either in the monastery or in the town. Many inhabitants of Crossgate were fined for having latrina in the Milneburn, or for throwing noxious effluent and rubbish into the stream. In 1510, it was ordered that no tenants were to throw "fetida nec cadavera. in Milburn nec lotant. aliquos pannos neque fut. aliquas latrinas neque adaquaticant aliquos equos" into the stream.<sup>2</sup> Clearly, attempts were made to keep the Milneburn, at least, clear of pollution, just as in London the local courts attempted to restrict noxious practices in the Walbrook stream running through the city.<sup>3</sup> However, the River Wear itself, like the Thames, seems to have been regarded as an open sewer for the town and little attempt was made to control what went into it. No regular drainage system is recorded in medieval Durham.

To ease communications within the town, Durham had two main bridges across the River Wear. The Old Bridge, erected by Bishop Flambard in c. 1120, linked the Old Borough and the street of Framwelgate with the bishop's borough.<sup>4</sup> It was swept away in a flood of c. 1400, but it was rebuilt by Bishop Langley with towers and gates at both ends and it was connected with the castle fortifications.<sup>5</sup> The New Bridge, or Elvet Bridge, was erected during Bishop Puiset's episcopate (1153-95) and it joined the bishop's borough with Elvet Borough.<sup>6</sup> These two bridges were the main crossing points of the river, although there were also several ferries in operation.<sup>7</sup> By

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- 1 "tenentes comorant. et abuttant. super Milneburn et habent. latrinas et le Wesshyngstonez quod ea amoveant": Crossgate Court Book, 13 Jan. 1500 [1501]. Similar prohibitions may have been in force before the late 15th. century, but there are no surviving Crossgate court records before c. 1480.
  - 2 Crossgate Court Book, 10 April 1510, f. 119r.
  - 3 London Assize of Nuisance, ed. H. M. Chew and W. Kellaway (London Rec. Soc. X, 1973), Introduction; Memorials of London Life, ed. H. T. Riley (London, 1868), pp. 23, 380, 478.
  - 4 See above, pp. 29-30.
  - 5 V.C.H. Durham III, p. 64; see Speed's plan of 1611 which shows the tower at the eastern end of the bridge.
  - 6 See above, p. 30.
  - 7 See V.C.H. Durham III, p. 64; Hutchinson, Durham, II, p. 283.



# 5. LATE MEDIEVAL DURHAM: Bridges and Mills



the mid-fifteenth century, some documents refer to a bridge called Bow Bridge, which seems to have crossed the Wear some 300 yards south of Elvet Bridge to connect Kingsgate with Water Lane in Old Elvet. This remains a mysterious structure, because none of the deeds refer directly to this bridge; it is mentioned in the c. 1450 catalogue of these deeds, the Repertorium Magnum, and also in a later hand on the dorse of some deeds, where tenements were said to lie opposite "Boubryge".<sup>1</sup>

M. W. Beresford and others have illustrated graphically the influence of bridges and river crossings on a town's street plan and also their attraction for trade and commerce.<sup>2</sup> Durham's roads were drawn to the crossing points of the river and it is clear from the rentals and deeds that the bridges themselves and their land arches were the subject of intense commercial pressures. There were shops and booths clustering around the west end of the Old Bridge by 1375, and there were stalls and shops at the east end of the New Bridge by 1347.<sup>3</sup> There were also shops on the New Bridge itself, yielding rent to the priory, and the land arches of the bridge were in demand as storage spaces. The chaplain of St. James' chapel at the east end of the bridge leased the area under two arches at the end of his chapel from the bishop in 1393; and in 1467 Bishop Booth leased archa subtus pontem of Elvet to Richard Raket.<sup>4</sup> The building of two bridges by Durham bishops was accordingly a good financial investment. The tolls which could be taken on the bridges would yield a steady income and the improvement of communications with the market could only increase trade in the bishop's borough.

However, the costs of maintenance and repair work on the Durham bridges was probably high. When a bridge was swept away, like the

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- 1 Repertorium Magnum, f. 113; note on dorse of 4. 16. Spec. 70, 4. 16. Spec. 71 and 4. 16. Spec. 74; also referred to as Pons Laurentii in Dobsons Drie Bobbes, ed. E. A. Horsman (Durham, 1955), pp. xiii, 77. Carver suggests this bridge may have been the site of a ford: Carver, 'Excavations in New Elvet', p. 93.
  - 2 Beresford, New Towns, pp. 115-16. For the importance of the bridge at Newark in the development of Stamford, see A. Rogers, 'Medieval Stamford', in The Making of Stamford, ed. A. Rogers (Leicester, 1965), p. 38.
  - 3 See Gazetteer, Milneburngate, no. 12; New Elvet, Introduction.
  - 4 Surtees, Durham, IV, p. 56; P. R. O. Durham Chancery Enrolments, 3/48, m. 7.

Old Bridge in c. 1400, or became so ruinous that major repair work and rebuilding was necessary, then the bishop seems to have tried to share the costs with others. During Richard Fox's episcopate (1494-1501) for example, the bishop issued indulgences to those contributing to the repair of the Old Bridge.<sup>1</sup> The tolls charged for crossing the bridges probably went towards such work. The cost of smaller repairs seems to have been shared by the users, including the priory, and contributions were made toward paving work on both bridges from all the priory officers.<sup>2</sup> Another source of money for bridge repair work was rents from certain properties in the town called "briglands", land donated by the pious specifically for maintaining the Durham bridges. Isolda de Aplingdene granted rents of 12d. each from her house super veterem pontem to maintain the Old Bridge, the New Bridge and Shincliffe Bridge (possibly late thirteenth century).<sup>3</sup> Some of the land granted to the chantries at either end of the New Bridge may have had an additional rent charge for bridge work. Perhaps the chaplains of these chantries, which were built above the land arches of the bridge itself, had to make some contribution to the work as well, but there is no surviving evidence of such payments.

The most important industrial use of the river was to power the eight water mills which, at one time or another, were sited along its banks.<sup>4</sup> Durham priory operated six of these mills, though not all at the same time. Scaltok mill in Elvet must have been one of the first public buildings to be erected in Durham: in Prior Bertram's charter to his burgesses of the "new borough" (dating from before 1198), one of the boundaries of this borough was described as the road leading to "Scaltoc".<sup>5</sup> The mill was in use until about 1462 when it was abandoned in favour of the South Street mill.<sup>6</sup> The priory mill in

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1 Hutchinson, Durham, II, p. 375. This same method was used throughout the country: see 'Public Works' in Medieval Law, Vol. II, ed. C. T. Flower, Seldon Soc. XL (1923), pp. xix-xxiii.

2 See below, p. 62.

3 Undated charter, 1.2. Sac. 37. In his will, Thomas Gernum left  $\frac{1}{2}$  acre of oats to the New Bridge in 1248: see Gazetteer, Clayport, Misc. Deeds (a) North side.

4 This number compares with medieval Winchester's 11 mills, 5 within the walls and 6 outside: Winchester in the Early Middle Ages, pp. 282-3.

5 Cart. II, f. 251; Misc. Ch. 6794(b). Its exact position is marked on a plan of c. 1440-45, Misc. Ch. 7100.

6 Its name was then transferred to the South Street mill. See Bursar's accounts, 1458/59, 1462/63, Receipts; M. Snape, 'Durham 1440 x circa 1445', Map no. 17 in Local Maps and Plans from Medieval England, ed. R. A. Skelton and P. D. A. Harvey (Oxford, forthcoming).

South Street is first mentioned in the bursar's account roll of 1426, although it may have been in existence long before this date. By 1517 there were two mills called "Scaltokemylnes", described in 1542 as two water mills under one roof.<sup>1</sup> The priory also held a mill called molendinum domus below the cathedral, at least from the time of Bishop Philip de Poitou who, in his argument with the monks "litague, qui ad molendinum dicebat, ne quid ad sustentacionem inferretur, lapidibus obstruxit".<sup>2</sup> A second mill was built next to it in c. 1416 and these mills became known as the Lead Mill and the Jesus Mill by the sixteenth century.<sup>3</sup> Finally, the priory held the Clock mill on the Milneburn, which was, in the time of Bishop Flambard, part of the endowment of Kepier hospital.<sup>4</sup> It was in the possession of the almoner by the late thirteenth century and it remained in use throughout the medieval period. The bishop's mill, referred to in Boldon Book (c. 1183), was below the Old Bridge, on the east side of the river behind the Clayport tenements;<sup>5</sup> and Kepier hospital had its own mill to the north of Durham, on the east bank of the river.<sup>6</sup> Two of these eight mills were fulling mills, if only for a short time; the South Street mill was acquired by the priory probably in the early fifteenth century as a fulling mill, although by 1462 it was called a water mill for grinding corn.<sup>7</sup> One of the two abbey mills below the cathedral was built as a fulling mill c. 1416 but it lay waste for much of the fifteenth century.<sup>8</sup> The other mills were corn mills, grinding local corn for domestic use.

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1. Burs. rental, 1517; Receivers' Book II, 1542. In a lease of 1551, these mills are described as "water corne mylnes" called "Scaltokmylnes": Loc. XXIX, no. 13.

2. Scrip. Tres., p. 22.

3. £15. 19d. was spent on the new construction of a new fulling mill next to the church: Burs. account, 1416/17, Repairs; Receivers' Book, II, 1542. These two mills were erroneously identified as the bishop's property by K. C. Bayley on the basis of the history of the church of Durham attributed to William de Chambre: Scrip. Tres, pp. 153-4; V.C.H. Durham III, p. 64.

4. Reg. III, f. ix-xi; P. R. O. Durham Chancery Enrolments, 3/43, m. 6.

5. Boldon Buke, p. 1.

6. Memorials of St. Giles, pp. 202-3; P. R. O. Durham Chancery Enrolments, 3/43, m. 7.

7. Burs. accounts, 1446/47; 1457/58; 1462/63, Receipts.

8. As, for example, in 1427, 1434 and 1437: Burs. accounts, Receipts. In a lease of 1551, both abbey mills are described as corn mills which may indicate that the fulling mill had been converted to a corn mill before the end of the medieval period: Loc. XXIX, no. 13.

Durham's mills fall into two categories: the mills which were kept in hand by the overlords for their own internal needs, like the priory's corn mill below the cathedral; and the mills which were farmed out by the overlords for a fixed annual sum and were used by their tenants for grinding their own corn, such as Scaltok mill in Elvet. This latter category was a consistent source of revenue for the overlord; Scaltok mill rendered £12 p. a. by 1419, a sum which seems to have become the fixed farm in the fifteenth century.<sup>1</sup> The annual farm of the South Street mill rose after its conversion from a fulling mill from £6 13s. 4d. in 1462 to £13 6s. 8d. in 1507.<sup>2</sup> But much of this revenue could be lost if, for example, the mill had to be repaired during the year and it was stopped for several months. In 1379, Nicholas Harpour and John Cok were allowed £6 13s. 5d. of their farm for a twenty-week stoppage at Scaltok, and in 1420 Roger Milner was allowed £10 6s. of his farm of £12.<sup>3</sup>

The income of the farmer was not secure because he relied on the suit of the mill that he could extract from tenants using it. If his mill was at a standstill, then he had no income. It was in his interest to see that all tenants who owed suit to his mill actually rendered it and so farmers had the responsibility for bringing offenders to court. In 1333, John de Castro Bernardi, the farmer of Scaltok, met two women in Crossgate carrying flour which had been milled at another mill. He took the flour from them and brought them to court where it was ruled that "all tenants of the Old Borough ought to mill their grain at Scaltok mill".<sup>4</sup> These farmers were not necessarily the same men as the millers; in 1360 the farmers of Scaltok were Thomas Harpour and Robert de Elyngeham, but a man called William Milner seems to have done the milling for them and to have kept the mill in repair.<sup>5</sup> On the other hand, John Potter, who held the Clock mill from 1492 to 1501 is described as "farmer and miller".<sup>6</sup> Edward Milner, alias Noteman, who leased the bishop's mill in 1513 was

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- 1 Burs. account 1419/20, Receipts. When the name "Scaltok" was transferred to the South Street mill, so was this old farm of £12. See, for example, Burs. account, 1473/74, Receipts.
  - 2 Burs. account, 1462/63, Receipts; Burs. rental, 1507.
  - 3 Burs. account, 1379/80, 1420/21, Allocationes.
  - 4 Loc. IV, no. 197.
  - 5 Loc. IV, no. 75; Burs. account, 1360/61, Repairs.
  - 6 Alm. account, 1492/93, Repairs; Alm. rental, 1501.

obviously the miller as well as the farmer; but John Gower "gentleman" who leased it in 1517 and William Richardson, mercer, who leased it in 1500, would have employed a professional miller to operate the mill.<sup>1</sup>

Mill buildings are some of the few extant medieval properties in modern Durham; both the South Street mill and the priory's fulling mill below the cathedral survive, albeit in a restored form. Documentary sources reveal that a small lane led down to the mill at the south end of South Street and, according to the rentals, the miller had a house and the land surrounding this mill.<sup>2</sup> There were buildings and land attached to the Clock mill on the west side of Milneburngate, and one of the priory mills below the cathedral was roofed in lead in 1446.<sup>3</sup> A simple drawing of the Elvet mill-building survives from the early fifteenth century. It had a thatched roof by 1428 and there was a house next to it, presumably for the use of the miller.<sup>4</sup>

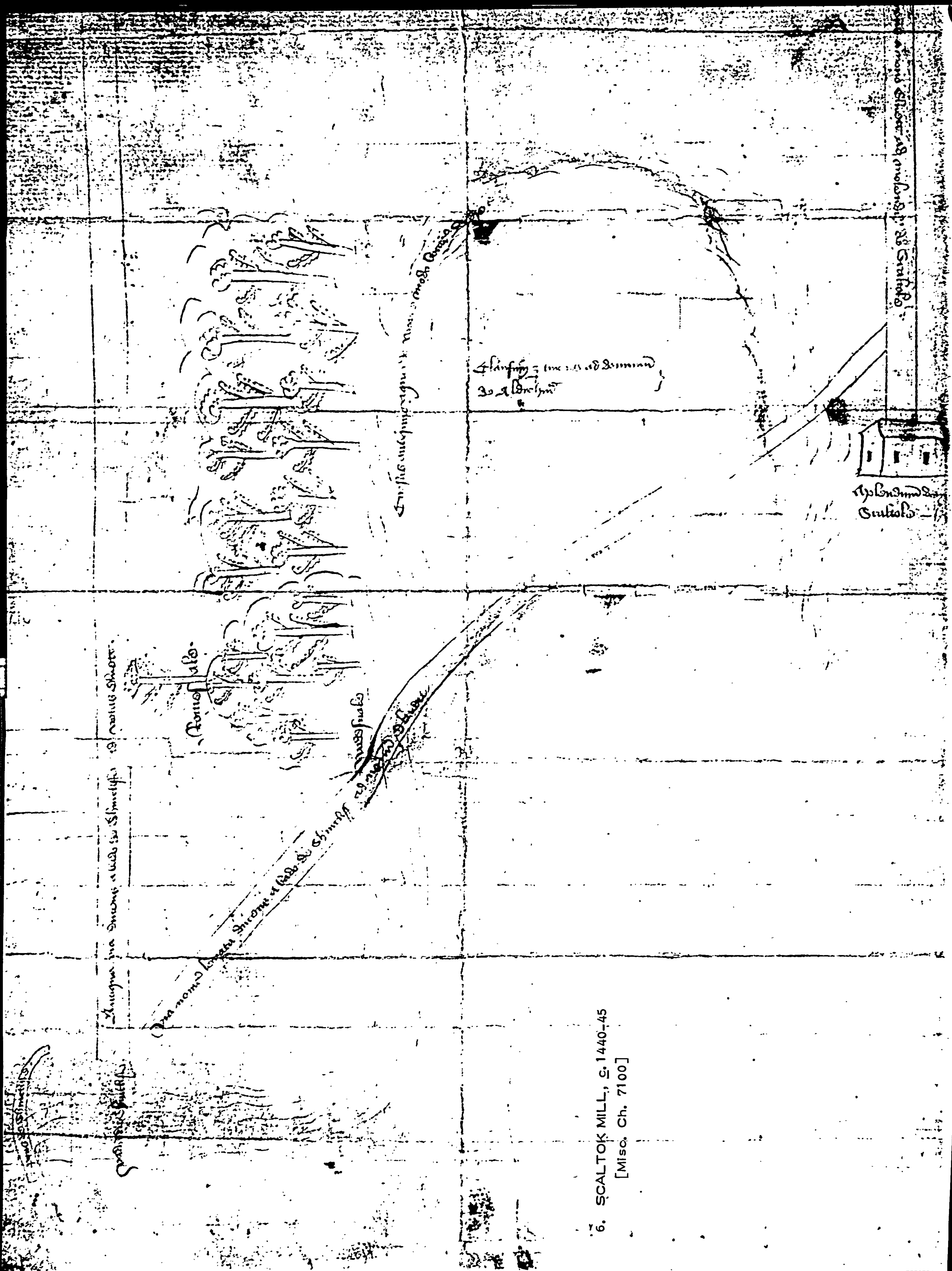
The responsibility for the upkeep of these mill buildings rested with their owners; in the case of the priory mills, the bursar accounted for repairs to the mills below the cathedral and also to the South Street mill, while the almoner repaired the Clock mill. These repairs could be very expensive for a priory officer, especially when a mill had to be completely rebuilt. In 1394, the Milneburn mill had to be reconstructed at a cost of £7 11s. 5d. but in 1402 it was destroyed "per tempestatum aquarum".<sup>5</sup> The two abbey mills below the cathedral were rebuilt in 1509 at a cost of £8 2d.<sup>6</sup> Each year, small amounts had to be spent on replacing mill wheels or other mechanical parts such as "trindells, milnyrens, 2 spindels and 2 ryndes" which were bought in 1342 to keep Scaltok mill operational.<sup>7</sup> Equally expensive were repairs to mill ponds and dams. The priory, or the bursar, seems to have taken the financial responsibility for the whole weir or dam which ran across the Wear from the two mills below the cathedral.

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- 1 P. R. O. Durham, Entry Book of Leases, 8/78, f. 5, f. 10; P. R. O. Durham, Book of Leases, 3/10, f. 47(23).
  - 2 Sac. rental, 1500; Rec. Book II, 1542.
  - 3 Burs. account, 1446/47; Gazetteer, Milneburngate, no. 7.
  - 4 Misc. Ch. 7100, following p. 53; Burs. accounts, 1428/29, 1432, Repairs.
  - 5 Alm. accounts, 1394/95, Repairs; 1402/03, Allowances.
  - 6 Burs. account, 1509/10, Repairs.
  - 7 Burs. account, 1342/43, Structura Domorum.

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6. SCALTOX MILL, c. 1440-45  
 [Misc. Ch. 7100]



to the South Street mill. Expenditure was particularly heavy in 1338, 1353 and 1374 when large timbers were carried to the mill pond.<sup>1</sup> The pond itself seems to have been formed of wood and stone, but each year small payments were made "in mulieribus querentibus et deferentibus mosse pro stagno molendini Dunolm. stoppando".<sup>2</sup>

Durham's river was therefore responsible for much of what little industrial activity Durham sustained in the medieval period. It drove the mill wheels to grind corn for domestic use and to full cloth probably for a small local market. It provided a stream of water necessary to a local tanning industry. Unfortunately, the shallows in the river and the weirs built to improve the flow of water to the mills prevented the development of any river traffic; and even inland trade was hampered by restricted communications between Durham's market and the country beyond the River Wear. For these reasons, perhaps more than any others, Durham was relegated to the status of a small town by the later medieval period, a status which probably would not even have changed greatly had any of the eighteenth-century schemes to make the Wear navigable succeeded.<sup>3</sup>

### (c) The Streets

The streets of a town give it a characteristic layout and provide a framework into which the tenements and their buildings are set.<sup>4</sup> The crab-like plan of medieval Durham was achieved as a result of the road system, which was, in turn, determined to a large extent by the physical features of Durham's site. The steep-sided, craggy peninsula was by-passed by the main north-south route on its western side; but the road to the north-east followed a ridge which is the continuation of the neck of the peninsula.<sup>5</sup> The River Wear further influenced the street plan by drawing roads towards the easiest crossing points. Once the street plan was established, man-made

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1 Expenditure was £7.10s. in 1338; £11.6s.11d. in 1353; and £40.11s.6d. in 1374: Burs. accounts, 1338/39, 1353/54, 1374/75, Repairs.

2 As in 1350, Burs. account, Structura Domorum.

3 E. Hughes, North Country Life in the Eighteenth Century (Oxford, 1969), pp. 13, 77, 293-8.

4 Conzen, Alnwick, Northumberland, pp. 4-5; Winchester in the Early Middle Ages, p. 278.

5 Roads around Alnwick could be identified with geological features: see Conzen, Alnwick, Northumberland, pp. 13-16.

features of the landscape such as the building of a castle, town walls and gates, made little impact. Durham's street plan was one of the most enduring features of the urban landscape.

Durham's medieval street plan has three main elements. First, there are three important streets which converge on the market; these are Clayport, from the north-east; Fleshewergate, from the south-east; and Silver Street from the south-west. Secondly, there are the outward extensions of these streets. Clayport runs north to become St. Giles' Street, and this leads to Sherburn and the villages to the north-east of Durham. Fleshewergate divides into Sadlergate, running due south up to the castle gate, and across Elvet Bridge into Elvet borough, and thence south-east towards Shincliffe. Silver Street drops down towards the Old Bridge and into the Old Borough where it divides into three streets.<sup>1</sup> All of these streets are called via regia, via alta or vicus in the deeds. Thirdly, there are two bridges which are a crucial element in the internal communications of Durham; they connect the boroughs to the east and west of the peninsula with the market. These three elements form the major part of the street plan, but there are also some subsidiary streets which connect different parts of each borough, such as Ratonrawe in Elvet Borough and Walkergate in the bishop's borough. Finally, there are a few narrow lanes or "vennels" (venella) between neighbouring tenements. These give access to the river, an orchard or a building lying behind the street line.

It is difficult to date the establishment of Durham's street plan or the individual streets with any certainty or accuracy.<sup>2</sup> It is possible that the streets were in existence from the earliest days of the town, particularly if, as argued earlier in this chapter, the boroughs developed as an independent network of communities around the peninsula.<sup>3</sup> The streets may have taken their names from these communities, in which case perhaps the evidence for the founding of

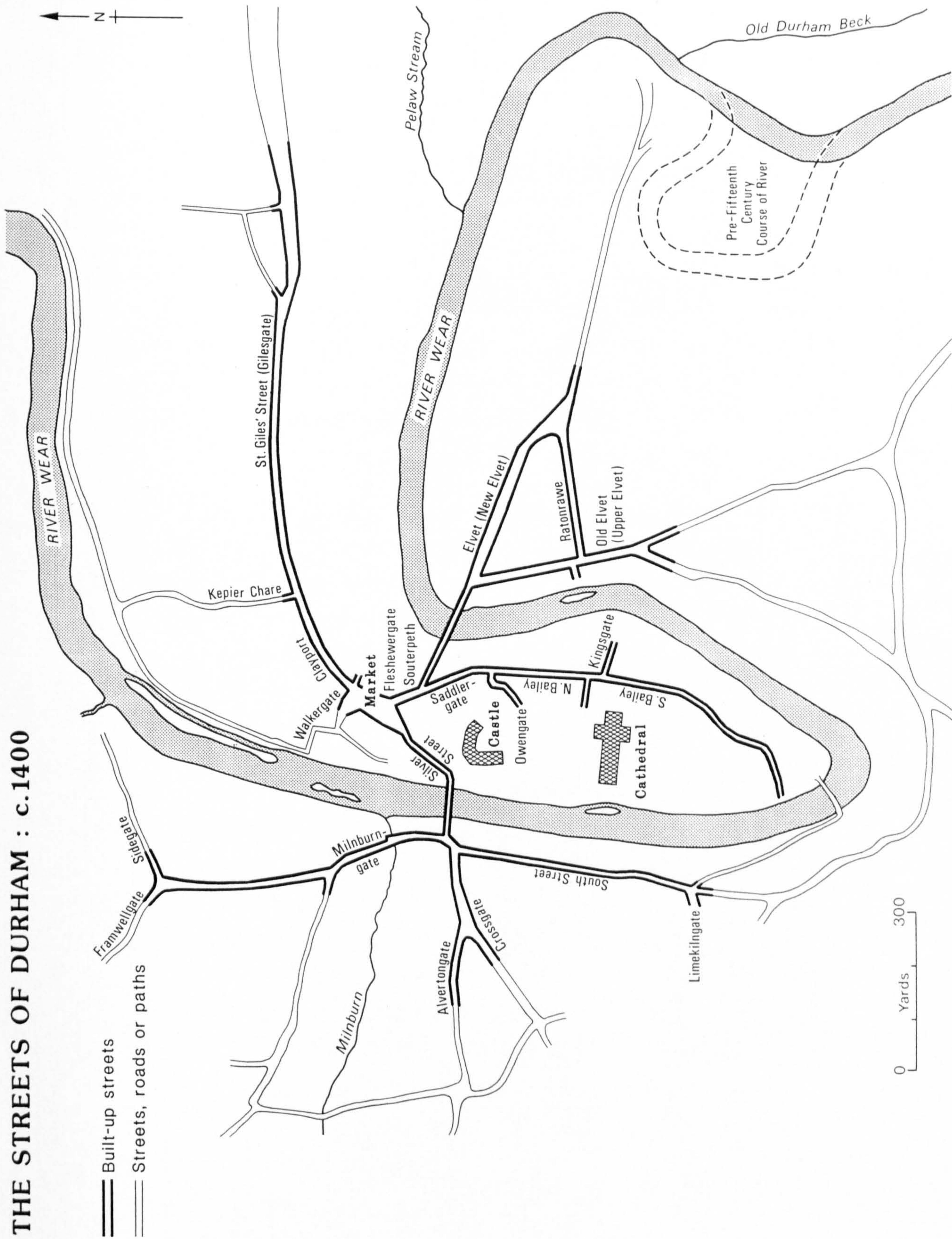
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1 South Street, running south to Stockton; Crossgate running west to Bearpark; and Milneburngate/Framwelgate running north to Chester-le-Street and Newcastle.

2 The earliest documentary references are to Durham boroughs rather than to the streets: see above, pp. 27-28, 40.

3 See above, pp. 44-45.

# 7. THE STREETS OF DURHAM : c.1400



== Built-up streets

== Streets, roads or paths

0 Yards 300

the boroughs can be used to date the streets. Bishop Puiset's charter, for example, in which he restored the borough of Elvetehalge to the monks, may be the earliest documentary reference to the street of Elvet borough as well as to the borough itself.<sup>1</sup> It seems that the name of one borough, at least, was taken from its principal street. Bishop Puiset granted Kepier hospital a borough in the street (vicus) of St. Giles in the early twelfth century.<sup>2</sup> It is likely that Durham's street plan and many street names were settled by the twelfth century. In comparison, Keene and Biddle estimate that the High Street in Winchester and its side streets were in existence by the tenth century and that all the principal streets of the medieval and modern plan were there by 1148.<sup>3</sup> The Canterbury rentals show that the modern street plan can be carried back into the twelfth century.<sup>4</sup> In contrast, Bristol's main street plan was fixed by the relatively late date of 1300.<sup>5</sup>

Durham's street names seem to have remained unchanged from the earliest documentary survivals through to the sixteenth century. This compares with Winchester, where there were only three changes in street names before the sixteenth century but contrasts with Canterbury where it seems to have been more usual to refer to a street by its destination rather than a name.<sup>6</sup> There are some minor variations of spelling in Durham; Crossgate was Crossepath in 1270, Crossegate in 1291 and Crosgate in 1294 while Milneburngate appears as Milnburngate (1309) and Milbornegaite (1542), but these names are easily recognisable as the same basic form.<sup>7</sup> More confusing were those streets which had several names in use at a given time. Fleshewergate (Vicus Carnificorum) was also known as the Bucheria as early as 1281 and occasionally as Cookrow in the fourteenth century, but these names all refer to the predominant trade in the street. Sadlergate or Vicus Sellarii was occasionally referred to as "the street of the North Gate" (vicus porte borealis Dunelm.) in early

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1 See above, pp. 27-28.

2 See above, p. 25.

3 Winchester in the Early Middle Ages, pp. 279-82.

4 Urry, Canterbury, p. 185.

5 Lobel, 'Bristol', p. 8.

6 Keene, Survey of Medieval Winchester, p. 55; Urry, Canterbury, p. 202.

7 Gazetteer, Crossgate, Introduction; Milneburngate, Introduction.

fourteenth-century deeds.<sup>1</sup> Here the clerks seem to have been torn between using an occupational street name or a locational name referring to the most striking monument in the street, the North Gate. Apart from these variant or alternative names, no changes were recorded in Durham street names in the medieval period.

Many of the street names of medieval Durham have a common ending in -gate (earlier, in -gath), such as Crossgate, Alvertongate, Framwelgate, or Fleshewergate, which is derived from the Old Norse geata meaning "street". Other elements of Durham's street names are derived from geographical features; most obviously, South Street is the main road to the south. Framwelgate and Milneburngate take their names from a well and a stream near the street.<sup>2</sup> Clayport may refer to the soil consistency near this street. Some names refer to buildings in the street, such as St. Giles, near the church of that name, and the Baileys, within the castle fortifications. Another group of names originate from trades or occupations carried out by the early inhabitants of the street. Fleshewergate was where the butchers lived; Sadlergate, the leather workers, Souterpeth, the shoemakers, and Walkergate, the cloth workers. Other street names fall into no category; Alvertongate may have meant the street leading to Alverton or it may have referred to the name of a family living in the street. The Elvet and Old Elvet names remain mysterious in origin, with no particularly convincing derivation.<sup>3</sup>

Durham's street plan, like its street names, was resistant to change,<sup>4</sup> as a glance at Speed's plan of 1611 shows. Most of the medieval streets are still in existence today, although the building of North Road in the mid-nineteenth century and the ring road of the 1960s with its new bridge (Leazes Bridge) has further complicated the street plan.<sup>5</sup> Rental and other evidence shows that Speed's plan reflects the medieval layout of Durham fairly closely. There may have been encroachments on the street-line in popular streets such as

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1 Gazetteer, Fleshewergate, Introduction; Sadlergate, Introduction.

2 Ekwall suggests that Framwelgate may mean "strong spring" street: see Concise Oxford Dictionary of English Place Names:

3 See above, p.13.

4 Like the street plans of Winchester, Canterbury and Bristol: see Winchester in the Early Middle Ages, p.277; Urry, Canterbury, p.185; Lobel, 'Bristol', p.1.

5 Pocock and Gazzard, Durham: Portrait of a Cathedral City, pp.18-22.

Fleshewergate and Sadlergate, where there were booths in front of the tenements;<sup>1</sup> however, no cases of illegal encroachments seem to have come to court. Whereas in Winchester or Norwich, castle-building led to the blocking or diverting of streets,<sup>2</sup> in Durham it had no effect on the streets because the main part of the peninsula seems to have been allocated to military requirements from an early stage.<sup>3</sup>

The small lanes, or vennels, were less stable, not surprisingly, as they were narrow pedestrian ways rather than well-used streets and many were in private hands. Some of these vennels could be moved relatively easily; the vennel which led from the south side of Crossgate to the cellarer's orchard behind the tenements was moved two tenements further up the street sometime during the fifteenth century.<sup>4</sup> The old vennel had become part of the renovated burgage of St. Cuthbert's guild and so a new vennel had to be created to the west of the old. It seems that this vennel was a "private" vennel; it was part of the property belonging to this guild, and as such it could be moved to suit the guild's requirements. In a court case of 1340, the inhabitants of St. Giles' street accused William Hexham of obstructing a right of way leading from the main street to a common well behind the tenements, across Hexham's land.<sup>5</sup> During the hearing it was found that the path had been made after the buildings on Hexham's tenement were destroyed in the Scottish raids of the early fourteenth century. When Hexham came to rebuild his tenement, he blocked the path. The court found in his favour and the path ceased.

The instability or impermanence of some of these "private" vennels is balanced by the stability of other vennels which seem to have been public property. These public vennels, such as the vennel leading from South Street to St. Helen's well, were kept open by court order, as the Crossgate court book shows. They had a tendency to be blocked with rubbish from the surrounding tenements and there were regular injunctions in the late fifteenth century and

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1 Gazetteer, Fleshewergate, Introduction; Sadlergate, Introduction.  
2 Winchester in the Early Middle Ages, p.303; Campbell, 'Norwich', p.8.  
3 See below, p.96.  
4 Gazetteer, Crossgate, nos. 22, 23.  
5 6.4.Elem.11; Gazetteer, St. Giles, no.9.

early sixteenth century against the inhabitants to keep the vennels clear.<sup>1</sup> Other lanes in the Baileys which may have been in private hands were to be open in wartime to give access to the castle walls. In 1450, the priory tried to block a lane from the North Bailey to the walls by closing the gate beneath the tower of St. Mary's church.<sup>2</sup> The bishop objected on the grounds that the gate had to be open to give access to the fortifications in wartime and also to the monastic cemetery.

Although the main purpose of the majority of Durham's streets was to provide good communications between the town and the countryside and between different parts of the town itself, in addition, each street contained a mixture of residential and commercial functions. Very few streets were primarily residential although there were some like South Street, Alvertongate, the Baileys and Ratonrawe in New Elvet which seem to have contained very few workshops, booths or even brewing equipment in gardens behind the buildings.<sup>3</sup> Most workshops and commercial premises were in the streets of the bishop's borough, clustered around the market. There were tanneries and goldsmiths in Sadlergate, butchers' stalls in Fleshewergate, and shops leased by mercers around the market. Many tenements in Framwelgate contained "barkhouses" and brewing equipment,<sup>4</sup> and there were kilns within tenements in Clayport and St. Giles. Apart from the market in the borough, there is no surviving evidence for any street markets in Durham, although a post-medieval horse fair held in St. Giles' street may have had medieval antecedents.<sup>5</sup>

The responsibility for repairing and maintaining Durham's main roads and streets seems to have fallen to the overlords of the boroughs. Thus the priory's obedientiaries, such as the hostillar and the bursar, organised the work on roads in priory boroughs and provided the finance.<sup>6</sup> However, it appears that the priory was also expected to contribute to paving in the bishop's borough, on the

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1 See, for example, Crossgate Court Book, 11 Jan. 1502 [1503].  
2 2.16. Spec. 37.  
3 Gazetteer, New Elvet, Introduction; South Street, Introduction.  
4 Gazetteer, Framwelgate, Introduction; no. 30.  
5 Surtees, Durham, IV, p.55 and note e.  
6 The officers most concerned with this work were the bursar, the almoner and the hostillar.

bridges and in the Bailey as well, presumably because access to the monastic precinct was by way of these streets. There is no surviving evidence to suggest that the bishop contributed to road repairs outside his own borough. More minor streets and public vennels were probably repaired by those inhabitants living near them. The vennel leading to St. Helen's well from South Street was supposed to be repaired by the inhabitants of South Street, although the frequent presentations before Crossgate court suggest that it was a duty often shirked.<sup>1</sup>

The money needed for road repairs was considerable, and the sources reveal a variety of fund-raising methods. First, there were the irregular and very occasional large grants of money, pavage, made by the bishop to his burgesses, for re-surfacing the streets in his own borough.<sup>2</sup> This money, like murage, was to be raised by collecting the tolls on specified goods coming to the market and devoting these tolls to roadworks.<sup>3</sup> Pavage was administered by two or three collectors, elected by the borough inhabitants. Presumably the amount raised fluctuated with the type of goods brought into the market and the quantities, which might be very small. The collectors might have to wait for many months before enough money was raised to start work, but usually the grant had a strict time limit imposed on it of perhaps three or five years.<sup>4</sup>

The priory officers had a different method of raising money for road repairs. Lacking sufficient funds in their own individual accounts to undertake any major work, they collected contributions from other obedientiaries to be allocated to specific building projects in a given year.<sup>5</sup> A man was appointed to be the overseer of the work ex precepto Priori; he hired his labourers, paid for the necessary materials and then presented his account to a priory officer for

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1 See above, pp.59-60.

2 Bishop Hatfield granted pavage and murage to his Durham burgesses in March 1379: P. R. O. Durham Chancery Enrolments, 3/31, m. 13. Bishop Langley granted the same in Jan. 1409: P. R. O. Durham Chancery Enrolments, 3/34, m. 2.

3 Compare with murage: see below, p.100.

4 Like murage, pavage was open to corruption on the part of the collectors: see P. R. O. Durham Chancery Enrolments, 3/32, m. 8.

5 Under the Dona or Contribuciones sections of the account rolls.



settlement. No detailed road repair accounts survive for the medieval period, but the entries in the priory account rolls, such as the hostillar's contribution of 23s. 4d. in 1421 to Master William Doncastre for the repair of the road in Elvet and the almoner's contribution of 2s. for the same year, show the system at work.<sup>1</sup> Doncastre, the vicar of St. Oswald's church, supervised much of this type of work between 1421 and 1430 and he was not only concerned with the roads in Elvet but also with Crossgate.<sup>2</sup> Other supervisors of the work and the money mentioned in the account rolls were Thomas Kay, a chaplain, in 1431 (for the Old Bridge), and John Fyscheburn, a chaplain, in 1422 (also for work on the bridge).<sup>3</sup> A less elaborate system of financial control and oversight seems to have been used for routine maintenance work on streets. Under the expense necessarie section of the account rolls, priory officers made small individual payments direct to workmen for road repairs. In 1347, for example, the hostillar paid 20d. for repairing the pavement next to the North Gate and in Souterpeth.<sup>4</sup> In 1383 the sacrist paid for the repair of the North Bailey (2s. 6d.) and the almoner paid John Pavitor for making a pavement before the doorway of his exchequer in 1456.<sup>5</sup>

On the evidence of materials bought for road repairs which are recorded in the account rolls, the main streets such as St. Giles, Old and New Elvet, Framwelgate, Crossgate and the bridges were paved with shaped stones, but paving probably did not continue beyond the edge of settlement. The secondary roads and vennels may have consisted of beaten earth. When a road near Scaltok mill was flooded, one of the complaints made against the priory was that earth had been taken from the road to shore up the mill dam.<sup>6</sup> Most of the money spent by the priory's obedientiaries on road repairs would not be used on these dirt tracks but would be devoted to the maintenance of the paved streets which carried most of the traffic to Durham's market or to the castle and the monastic precinct.

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1 Host. account, 1421/22, Dona; Alm. account, 1421/22, Dona. There is one surviving building account dating from 1545 in which the supervisor of building work in the Bailey is Thomas Hunter: see Misc. Ch. 2869.

2 See, for example, Alm. accounts, 1421/22; 1422/23; 1423/24; 1430/31, Dona.

3 Alm. account, 1431/32; Burs. account, 1422/23, Dona.

4 Host. account, 1347/48.

5 "cuidam facienti viam", 2s. 6d.: Sac. account, 1384/85, Expenses; Alm. account, 1456/57, Repairs.

6 Misc. Ch. 5828/9.

Certain roads in Durham needed constant rebuilding, as the account rolls emphasise, presumably as much because of the volume of traffic they carried as through any faults of construction. The roads in Elvet, for example, were repaired at some cost in 1412, 1418, 1419, 1421 and 1422.<sup>1</sup> Elvet Bridge was repaired in 1378, 1381, 1397 and 1418.<sup>2</sup> Framwelgate Bridge was repaired in 1401, 1402, 1414, 1419, 1422 and 1431.<sup>3</sup> The priory also spent many years' money in repairing the Bailey road, presumably to give easier access to the monastic precinct.<sup>4</sup> The sums of money concerned varied from a few pence to many shillings. The hostillar contributed large sums from 1383 to 1426 almost every year for work all over the town, rising to 52s. 8d. for paving the Bailey in 1413.<sup>5</sup> The almoner contributed regularly to road repairs between 1397 and 1432, but the sums were smaller than those given by the hostillar. The bursar contributed less than the almoner overall, with expenditure being highest between 1397 and 1423. The last years of the fourteenth century and the early years of the fifteenth century seem to have marked the peak of contributions and support by the priory to road repairs in Durham. The fact that considerable sums of money were diverted to roadworks by the priory and that elaborate arrangements were made for financing the work indicates the importance which the overlords of Durham attached to keeping them in good repair. The paving of the streets would improve both the access to Durham and the appearance of the town and it may have accompanied a period of commercial expansion.

(d) Tenements, Messuages and Burgages

The pattern of tenements along a street-line is self-evidently the most important influence on a town's plan because it gives shape to the whole urban landscape. Indeed the differences between town and country are themselves most sharply marked by tenement boundaries. At the edges of an urban area any regularity of habitable

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1 Alm. accounts, 1412/13, Expense Varie; 1418/19, 1419/20, 1421/22, 1422/23, Dona.

2 Alm. account, 1378/79, Dona; Burs. accounts, 1381/82, 1397/98, Expense Necessario; Host. account, 1418/19.

3 Alm. accounts, 1401/02, 1402/03, 1414/15, 1419/20; 1431/32, Dona; Burs. account, 1422/23, Dona.

4 As, for example, in 1347, when the pavement next to the North Gate was repaired: Host. account, 1347/48.

5 Host. account, 1413/14.

tenements and their boundaries breaks down as orchards, closes and even fields intrude on the street-lines. Furthermore, the tenement pattern serves as a guide to the growth or recession of an urban area. It is often possible, if usually difficult, to trace the expansion of a town through its tenement boundaries (which are, of course, notoriously conservative) and to see where the urban area is receding as tenements amalgamate or are converted into closes and orchards.

One of the greatest difficulties in surveying tenement patterns in medieval English towns is that an almost bewildering variety of terms is used in the surviving documents to describe plots of land. The three words most commonly used at Durham are tenementum, messuagium and burgagium. Tenementum, the term normally used throughout this section, seems to have meant no more than a distinct unit of land with precise boundaries, usually fronting or "abutting" a street. It might have contained buildings, but the use of the word in a document should not be taken to imply a built-up plot.<sup>1</sup> Where there were buildings, the deeds and rentals usually refer to tenementa edificata or tenementa de novo constructa, as in the case of the almoner's tenements at the end of Elvet bridge (1424).<sup>2</sup> The importance of this unit of land to the tenant was that it was the individual land-holding to which he had a legal title. The importance to his landlord was not the land or what was on it, but rather the rent owed by that tenement as well as certain additional services. The terms messuagium and burgagium seem to have been used interchangeably by the fifteenth century. In 1479, John Richardson resigned to Robert Patson any claim he had to "one tenement or burgage with its appurtenances" in Framwelgate.<sup>3</sup> The terms had apparently become legal jargon, used very loosely by the late medieval period. It is probable that what was understood by the term "tenement" changed over the years, and any strict legal meaning of a term seems to have been lost or blurred as the medieval period progressed.<sup>4</sup>

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1 See below, p.74.

2 Alm. rental, 1424.

3 1.18. Spec. 39.

4 Certain groups of documents, like final concords, always contain the same term to describe land holdings, whether there was a building on the land or not. Possibly even clerks may have had their favourite terms.

The term "burgage" was however used in many medieval towns such as Alnwick, for example, to describe certain plots of land which were held in burgage tenure.<sup>1</sup> It is clear that the concept of burgage tenure itself was well established in Durham; in 1500, William Waynman was said to be a burgess by virtue of his tenure of a certain burgage on the south side of Crossgate.<sup>2</sup> However, burgage tenure was not only attached to burgages in Durham; it was associated with land called tenements and messuages. It is clear from the almoner's rental of 1424 where several tenements are said to be held in liberum burgagium and the money rent (called a freehold rent) owed is recorded.<sup>3</sup> So what we seem to have in late medieval Durham is a flexible terminology which probably disguises a conventional legal relationship between landlord and tenant.

The general pattern of tenements along Durham's streets is difficult to assess with certainty from medieval sources because of the lack of contemporary plans for the whole town and the rarity of deeds which give exact dimensions of tenements. Apart from the mid-fifteenth century plan of a few tenements in New Elvet and the possibly mid-sixteenth century plan of a corner of the market place, which are hardly representative of the general pattern,<sup>4</sup> Wood's plan of 1820 is the earliest surviving guide to tenement shapes. It shows that most tenements were long, strip plots lying short side to the street frontage at a right angle to the street line in a typical "high street" or "herringbone" pattern which has been found in medieval towns such as Market Harborough and Alnwick.<sup>5</sup> The exceptions to this pattern occurred at street corners, where the tenements interlocked in complex patterns, or where the dictates of the site led to tenements lying long side to the street. The medieval documentary evidence suggests that Wood's plan reflects the medieval layout fairly closely; fourteenth-century deeds describe property in Crossgate, for example, as lying "in length from the roadway as far as the Milneburn" and

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1 In Alnwick, the term described holdings in the town, in contrast with tenementa, holdings in Bailiffgate occupied by castle retainers; see Conzen, Alnwick, Northumberland, p. 22.  
2 Sac. rental, 1500.  
3 See Alm. rental 1424, South Street, for example.  
4 Loc. XXXVII, no. 113; Misc. Ch. 5828/12, following p. 65.  
5 H. Carter, 'The Geographical Approach', in The Plans and Topography of Medieval Towns, ed. M. W. Barley (C. B. A. Research Report 14, 1976), pp. 15-16; Platt, The English Medieval Town, pp. 30, 51; see also Parker, King's Lynn, p. 33.

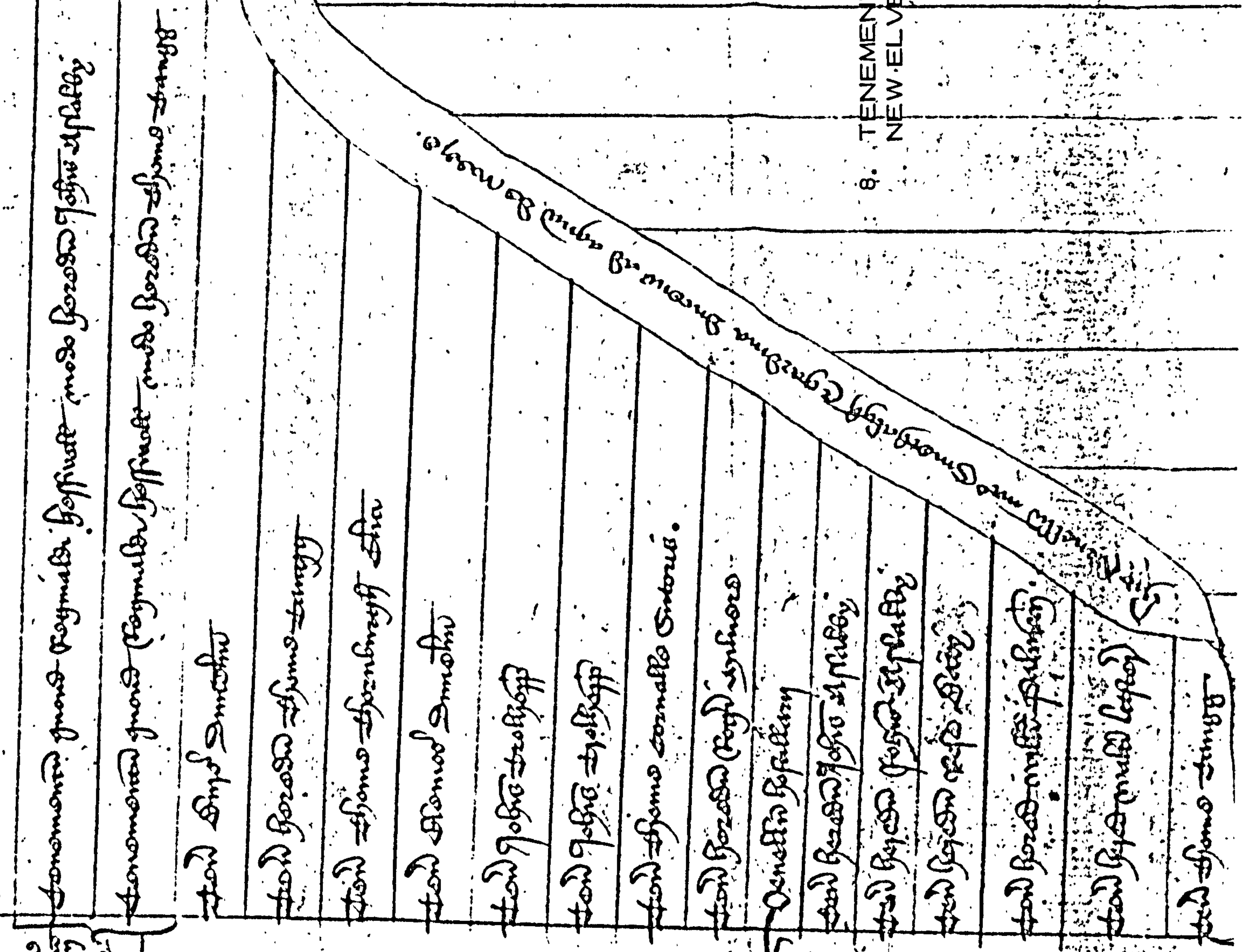
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8. TENEMENT BOUNDARIES IN NEW ELVET, 1439 - c.1442

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Roger Sesse's holding in Sadlergate was seven feet in breadth next to the road and seventeen feet long extending towards the castle motte (late thirteenth century).<sup>1</sup>

The conclusions to emerge from this somewhat ambiguous evidence are that the layout of Durham's tenements produced a mixture of long, narrow "herringbone" plots along the streets in the outer boroughs such as St. Giles, Old Elvet, Crossgate and Framwelgate, and small irregular plots near the commercial centre, particularly around the market and the bridgeheads. The reasons for this mixture can be deduced from geographical and economic factors. Beyond the peninsula, there was space in the outer boroughs for larger tenements which could spread out along the roadsides. As the edge of the urban area was reached, the plots became larger and less well-defined and they merged with the common fields of the boroughs. In the central borough and the Bailey, the urban area was severely restricted by the steep-sided gorge of the river and the occupation of most of the available land on the peninsula by the monastic precinct, the castle and fortifications. The Bailey tenements and those plots on the west side of Sadlergate and Fleshewergate were constricted by the line of the walls and the castle motte. Such physical constraints limited the depth of individual tenements and led to some peculiarities of shape.<sup>2</sup>

Furthermore, the average size of tenements in the central area of Durham seems to have been much smaller than those in the outer boroughs. Robert Cocus held land in the Bailey which was forty-eight feet in length but only eight feet wide (late thirteenth century).<sup>3</sup> Roger Sesse's holding in Sadlergate is perhaps an extreme example, but another holding in Fleshewergate measured twenty feet in length and only twelve feet in width and it was called, appropriately enough, "le Colhole".<sup>4</sup> Such small units of land probably reflect the intense competition for a market frontage in the commercial centre of Durham: booths were often built out into the street as an additional source of rent for the landlord and to provide extra trading

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1 Gazetteer, Crossgate, nos. 2, 10; Gazetteer, Sadlergate, Misc. deeds, (a) West side.  
2 See, for example, Thomas de Asgarby's tenement in Sadlergate which was 38 feet long; 5 feet wide on its east side and 2 feet wide on its west side: 2.11. Spec. 33.  
3 Misc. Ch. 2398.  
4 Gazetteer, Fleshewergate, Introduction; no. 13.

premises. There may have been a relationship between the value of a frontage and the width of a tenement in Durham, as M. R. G. Conzen found in Alnwick.<sup>1</sup> Around the market and at the bridgeheads, tenements were narrower to the street. In Crossgate and Clayport, where the tenement pattern was more regular, frontages seem to have been narrow in contrast with, for example, South Street: there some larger tenements were interspersed with orchards and closes.<sup>2</sup> Rental and account roll evidence shows that South Street was an economic backwater as early as the fourteenth century with many waste tenements, unpaid rents and the amalgamation of tenements into larger units.<sup>3</sup> Crossgate was more prosperous, with no shortage of tenants ready to take up holdings in the street, several trades operating there and the borough court house generating activity.<sup>4</sup> The tenement pattern may reflect the relative popularity as well as the prosperity of Durham streets.

There is a striking continuity of tenement boundaries in Durham, as in York, Winchester or Canterbury, where W. Urry was able to carry the modern ground plan back into the twelfth century.<sup>5</sup> The excavations in Saddler Street, beneath the castle, revealed that the late eleventh-century fenced tenements lying end-on to the street survived as the property boundaries until 1974.<sup>6</sup> Several reasons for this fossilisation of tenement boundaries can be suggested. The boundaries of a tenement are usually conditioned by the street framework and once a street line is set it rarely changes. The concentration of population in at least the centre of a town and the steady demand for sites means it is unlikely that tenements will change greatly. Lastly, it was not in the interests of the overlords that boundaries should shift constantly, so producing difficulties in levying rents. The rarity of boundary changes is emphasised by the existence of only two examples in the Durham sources. One concerned the tenements at the

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1 Conzen, Alnwick, Northumberland, p. 28.

2 Gazetteer, Crossgate, Clayport, South Street, Introductions; Sac. rental, 1500; Wood's plan, 1820.

3 Alm. rental, 1424; Sac. rental, 1500; see below, pp. 144-45.

4 Gazetteer, Crossgate, Introduction; no. 12.

5 Urry, Canterbury, p. 185. In Skeldergate, York, the tenement boundaries of the 18th. century can be carried back to the Anglo-Scandinavian period: R. A. Hall, 'The Topography of Anglo-Scandinavian York', p. 36.

6 Carver, 'Three Saxo-Norman Tenements', p. 9.



top of Sadlergate which were swept away when the North Gate was rebuilt and extended c. 1313; the original tenement boundaries were lost.<sup>1</sup> In the second example, from Crossgate, a vennel was moved further up the south side of the street during the fifteenth century as a result of the rebuilding of houses on two tenements held by the guild of St. Cuthbert.<sup>2</sup> Boundary changes such as these were so unusual that they merited special reference in the rentals and deeds.

However, within individual tenement boundaries, there was constant change as tenements were subdivided, amalgamated and cultivated.<sup>3</sup> Often a tenement was halved or quartered and four buildings erected on it, each owing a separate rent. Sometimes the back part of the tenement was portioned off, to be amalgamated later with the neighbouring tenement. The permutations were endless.<sup>4</sup> Richard Undermaistre's tenement on the south side of Crossgate was divided into two and each part owed the almoner a rent of 4½d. p. a. (1344).<sup>5</sup> In Elvet, a tenement was divided and each part called a "moiety" in the rentals; the division had been accurate and fair and presumably longitudinal for each part measured twenty-two feet in front (1396).<sup>6</sup> When the almoner rebuilt his tenement at the east end of Elvet bridge, he divided it into three separate units. A special enquiry was held in 1404 in which the boundaries of this tenement were enumerated with great care to forestall any possibility of a future claim against the priory by the tenants.<sup>7</sup> Amalgamations of tenements, though not of rents, usually took place on the outer edges of the town and in those streets which, like South Street, seem to have gone into decline in the later medieval period. It was carefully recorded in the sacrist's rental of 1500 that John Claxton held eight burgages amalgamated into a close at the top of Crossgate. The original tenement boundaries and the rents were not forgotten, because the sacrist's rental of 1500

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1 See below, p.97.

2 See above, p.59.

3 As in Winchester and Alnwick: see Winchester in the Early Middle Ages, pp. 343-45; Conzen, Alnwick, Northumberland, pp. 32-33.

4 See, for example, Crossgate, where a waste burgage and the Sacrist's garden were enclosed with a burgage of the guild of Corpus Christi "as a parcel of that burgage": Sac. rental, 1500.

5 Alm. rent roll, 1344/45.

6 Burs. rentals, 1396, 1397, Elvet.

7 1.6.Elem.5\*; Alm. rental, 1424; Fleshewergate and Souterpeth, Introduction; Souterpeth, no. 3.

recorded that four of the eight burgages owed rent of 4d. each, a fifth of 8d., the sixth of 5d. and the other two of 4½d. each.

In the medieval rentals some tenements in Durham were identified by their own names rather than by the name of a tenant. Such names can be divided into three categories. The first category contains names derived from a family which held the tenement for many years. In Alvertongate, for example, the almoner held four burgages which were amalgamated into a close by 1424, called Forsterhouse.<sup>1</sup> Among the names of previous tenants who had held this land was Gilbert Forester who had, presumably, given his name to these tenements. The burgage called Bedforthplace in Old Elvet may have been held by the Bedford family in the early medieval period, as Hagthorpplace on the "Placea" was held by members of the Hagthorp family in the mid-fourteenth century.<sup>2</sup> Some of these tenements seem to have been substantial holdings belonging to the burgess-class of prosperous townsmen or of local small landholders. A second category is taken from the occupation of those who once lived there. This category includes names like "le Barkhousyarde", a garden in Sadlergate, Copperplace, a tenement in North Bailey, le Byre and le Haverbarn, two waste tenements at the end of South Street, Mevhanthouse in South Street, and those tenements which took their names from some religious or municipal organisation which met there, like le Tolbothe, a burgage in Crossgate, or le Gildhall, a great hall of stone in the market, for example.<sup>3</sup> A third and the smallest category of names seems to have related to the shape, size or position of the tenement. Into this category comes "le Colhole", a strip of land in Fleshewergate, and le Cornerbothe, which was, as its name suggests, the tenement on the corner of the market place and Fleshewergate.<sup>4</sup>

The names of tenements, like their boundaries, seem to have been remarkably resilient; many appear in the first surviving rent roll of the almoner, dating from c. 1290 and they were still in use in

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1 Alm. rental, 1424.

2 P. R. O. Durham Chancery Enrolments, 3/62, m. 1d; Misc. Ch. 1707; Misc. Ch. 1703.

3 See 3. 2. Sac. 3; P. R. O. Durham Chancery Enrolments, 3/71, m. 12; Alm. rental, 1424; Sac. rental, 1500.

4 3. 18. Spec. 2; Gazetteer, Forum, Introduction.

the rentals of the fifteenth century. Of course, the rentals themselves were very conservative documents; the fact that a name was recorded there may not mean it was in current usage unless there is other corroborative evidence, for example, from deeds. There is only one surviving instance of a name of a tenement changing during the medieval period. Four tenements known as Lithfothall in the early medieval period became le Shyrefhous by the mid-fourteenth century.<sup>1</sup> This change may have come about because the tenement was acquired by the de la Pole family.

Although few medieval sources survive to give any accurate information about the shape and size of tenements, it is suggested that tenement boundaries in Durham are one of the most stable elements of the urban landscape. The street plan and the tenement pattern, in particular, remained remarkably resistant to change, a resistance which was, it can be argued, a result of the physical limitations of the site as well as the lack of industrial development of the town. One of the main conclusions to emerge from the study of Durham's urban landscape is that it changed very little in the period between c.1250 and 1540. Consequently, it is also possible to gain some impression of the medieval city from more modern sources, such as John Wood's plan of 1820, and even by observations of property boundaries in Durham today in those streets near the city centre where changes have been minimal.

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1 2.2. Elem. 16; Alm. rental, 1424.

### CHAPTER III

#### THE BUILDINGS OF DURHAM

While it must be acknowledged that it is the buildings on the peninsula which give Durham its distinctive appearance today, as in the medieval period, the concern of this chapter is with the town which lay beyond the castle and cathedral walls. The greatest feats of medieval architecture and engineering were devoted to improving Durham's defences against the Scot and to glorifying God through the stonework of the cathedral. However, the majority of Durham's inhabitants lived and worked in a less elevated sphere in the small and undistinguished market town that huddled below the castle walls. There were few houses or public buildings of any distinction in the town. Most were small, wooden and thatched. They were places of work as well as family homes, overcrowded and completely lacking in privacy, a prey to fire damage or flooding. It is these buildings which are surveyed in this chapter.

An overall view of the buildings within a town should also reveal those parts of the urban area which were most heavily populated as well as the streets which were most heavily used. Those streets which contained a regular line of housing throughout the medieval period, it can be argued, were those where street frontages were most valuable and where, on commercial grounds, it was most popular to live.<sup>1</sup> Crossgate, Clayport and New Elvet seem to have been built up continuously during the medieval period; and there was also a concentration of buildings, public as well as domestic, within the bishop's borough around the market. By contrast, evidence of decline or the contraction of a town can be found in streets where there were several ruinous buildings or gaps in the street line. In the parts of Durham which lay furthest from the market, in Framwel gate, South Street and St. Giles, for example, by the late fourteenth century buildings fell into decay and were not repaired and gaps appeared in

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<sup>1</sup> See above, pp. 66-67.

the built-up area by 1500.<sup>1</sup> This trend may have been the result of a conscious policy followed by the priory. There is some evidence to suggest that more money was directed towards repairs to houses in the central, profitable streets in the boroughs while property on the outskirts of the town was allowed to decline.<sup>2</sup> It was here that the countryside impinged most clearly on the urban area, as gradually these waste tenements returned to agricultural land.

Equally important, the appearance of a town's buildings indicates something of its status and wealth in comparison with other urban centres; a large number of stone-built houses with halls implies that prosperous families or traders lived there, whilst rows of small, uniform cottages suggest a community of artisans or labourers. The scale of domestic building in Durham, with its few stone-built houses and many more simple wooden houses, implies that the town's inhabitants were never very prosperous and that they rarely felt the need to construct fashionable and spacious dwellings. Although there were obviously improvements in building techniques, such as the introduction of timber-framed houses by the end of the fourteenth century, the fact that simple, woven, wattle and daub-filled houses were being constructed or renovated even at the end of the fifteenth century shows that the level of wealth in the town could not keep pace with progress in technology.<sup>3</sup> The number of public buildings, like guild halls and court houses, obviously reflects the degree of corporate life or of municipal independence just as graphically as a borough charter or the ordinances of a guild. The number of guild halls in Durham seems to have increased in the later Middle Ages with the founding of more religious guilds, but only one was of any architectural distinction, the hall of St. Nicholas' guild in the market.<sup>4</sup> Many seem to have fallen into disuse by the late fifteenth century. There were court houses in each borough but these are not a measure of the town's independence; rather they indicate the degree to which the town was under the control of its borough overlords. The building of a town wall in the fourteenth century provided one of the few opportunities

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1 See, for example, Sac. rental, 1500, South Street, Framwelgate; Gazetteer, South Street, Framwelgate, Introduction.

2 See, for example, below p.88.

3 See below, pp. 78-79.

4 See below, p.91.

for corporate action in Durham when the bishop delegated the responsibility for its construction to leading burgesses in his borough.

The chapter is divided into three sections, each dealing with a distinct category of buildings in Durham. The first section contains a description of domestic buildings; these were the houses, cottages, workshops or booths in which Durham's medieval inhabitants lived. Public buildings like court houses, guild halls and bakehouses, are described in the second section;<sup>1</sup> and the third section is concerned with the finances and building of the town wall in the early fourteenth century. Most of the documentary sources for this chapter are drawn from the priory archives. For domestic buildings, there are deeds and leases which, in several cases, specify the dimensions of a building or the individual rooms within a house. Many leases, particularly those of the sacrist, include conditions concerning the rebuilding of a house to certain specifications by the tenant or the tenant's responsibility to repair and maintain the property. The priory account rolls provide information about the organisation of the building trade as well as the materials used in construction work. The local court rolls of Crossgate borough court contain a mass of references to faulty gutters or sewers and to the outbuildings behind the houses.<sup>2</sup> The prior's court rolls give information about the contents of houses; these arise as the result of convictions for burglary or as inventories. Public buildings are mentioned in occasional deeds and in the rentals. The documentary evidence for the building of the town wall derives from the bishops' chancery enrolments or central government records where murage grants were enrolled and confirmed. No archaeological excavations have taken place on the line of this wall, and none of it remains today, although there are eye-witness accounts of the structure of Clayportgate at the end of the eighteenth century and in the early nineteenth century from William Hutchinson and Robert Surtees.<sup>3</sup> Finally, two excavations in the urban area, the Saddler Street and the Elvet sites, have provided much valuable evidence for

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- 1 Mills, which were also public buildings in this sense, are discussed above, pp.51-55.
  - 2 See especially the injunctions issued at each Capital Court: Crossgate Court Book, 1478-1524.
  - 3 Hutchinson, Durham, II, p. 279; Surtees, Durham, IV, p. 54.

the layout of domestic buildings in Durham as well as the materials used in their construction.<sup>1</sup>

(a) Domestic Buildings

The borough with the greatest number of domestic buildings in medieval Durham was undoubtedly that part of the bishop's borough around the market and the streets leading into it. Speed's plan of 1611 and contemporary documentary evidence shows a continuous line of housing along these streets and, as in Bristol, the buildings jostled for space around the market and tenements were subdivided so that more dwellings could be fitted into them.<sup>2</sup> Outside this congested area, there seems to have been more land available for buildings and the plan of these houses may have been more spacious. Unfortunately, no complete medieval domestic buildings stand in Durham today. Some partial survivors are to be seen, for example, in Silver Street, Owengate and in the restored Jewellery Centre in Milburngate, while several houses in or around the peninsula have medieval cellars.<sup>3</sup> However, the documentary evidence does provide detailed information about the materials, the construction and, in a few cases, the dimensions of these buildings.

The Durham documents contain a wide variety of terms to describe a building erected on a tenement. The word tenementum itself does not necessarily mean that there was a house built on the land unless the document refers to a tenementum edificatum.<sup>4</sup> The most commonly used word to describe any category of domestic building from the smallest workshop to the largest hall house is domus. Cottagium is used in the late fifteenth century, particularly in Elvet, to describe simple, small and uniform dwellings probably built to accommodate labourers.<sup>5</sup> Mansio is found rarely and seems to indicate a more substantial dwelling like that held by Robert Rodes in 1449, by the South Gate in the South Bailey.<sup>6</sup> Camera denotes a

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- 1 Carver, 'Three Saxo-Norman Tenements', pp. 1-80; Carver, 'Excavations in New Elvet', pp. 91-148.
  - 2 Gazetteer, Sadlergate, Fleshewergate, Introductions; Lobel, 'Bristol', p. 13.
  - 3 Pocock and Gazzard, Durham: Portrait of a Cathedral City, p. 53.
  - 4 See above, p. 64.
  - 5 See Alm. rental, 1424, Elvet.
  - 6 2.18. Spec. 20, 29; Gazetteer, Bailey, Introduction.

room within a built-up tenement, and solarium and celarium are terms which described rooms above or below the street frontage.<sup>1</sup> Shopa, celda or botha describe a shop or workshop or stall, usually at the street frontage. William Vaginator leased "cenda cum solario supra-essenter in Vico Carnific. et parvum celarium" beneath the solar in 1309.<sup>2</sup> Occasionally the type of shop was indicated by the use of terms such as tanneria as in Sadlergate.<sup>3</sup>

There seem to have been a few imposing stone-built houses in Durham at the end of the thirteenth century, as, for example, in the Baileys where several county families, owing military service to the bishop, had their town houses.<sup>4</sup> These houses probably had to accommodate their soldiers or retainers as well as the immediate family, and so they were large, and contained several rooms. The market area attracted the merchant class, if such a grand title can be attributed to a small group of men who were of little wealth compared with their Newcastle counterparts. Reginald Mercator held a "great hall of stone" in the market, built in the late thirteenth century.<sup>5</sup> But there were stone houses in other parts of Durham as well. Thomas Blagrise had a house in Alvertongate which contained "unum celarium lapideum et solarium cum gradibus lapideis" (1296).<sup>6</sup> Tenants removed stone from the ruined house of the terrar in South Street probably to repair their own houses in the early fourteenth century.<sup>7</sup> Excavations have produced evidence of stone houses in Milneburngate, which have been dated provisionally to the late twelfth century,<sup>8</sup> and in Elvet, where a series of houses built between the thirteenth century and the late fourteenth century had walls of ashlar or of coursed sandstone rubble bonded with clay.<sup>9</sup> In Elvet borough, the Danby household seems to have had a private chapel in

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- 1 For chambers, see Alm. rental, 1424, Bailey. One of the best examples of a house with a solar and cellar is that of Thomas Blagrise: see below; p.81.
  - 2 Misc. Ch. 2006; Gazetteer, Fleshewergate, no. 8.
  - 3 Loc. IV, no. 52.
  - 4 See, for example, Jordan de Claxton's house in the Bailey: 1. 1. Finch. 13\*; Gazetteer, North Bailey, no. 15.
  - 5 6. 1. Elem. 6; Alm. rental, 1424; Gazetteer, Forum, Introduction; no. 7.
  - 6 1. 2. Sac. 32; Gazetteer, Alvertongate, Introduction.
  - 7 Loc. IV, no. 1.
  - 8 Report in Durham Advertiser, July 1983.
  - 9 Carver, 'Excavations in New Elvet', p. 109.



its tenement by the early sixteenth century.<sup>1</sup> From this evidence, it appears that the houses of the richer Durham inhabitants were to be found in all the boroughs and they were scattered among the houses of the less-well-to-do and even of the poor. As in many medieval towns like Bristol and Winchester, the rich lived side by side with the poor in conditions which we might term slums today.<sup>2</sup> No one part of Durham seems to have been any more fashionable than another.

The sources for stone for house-building in Durham may have been the local quarries at the south end of South Street or in Elvet. Both the sacrist and the almoner had quarries in South Street; and there are references to a quarry of the "community" in the street which may have supplied building materials for families such as Blagrise.<sup>3</sup> Walling stone was brought from the almoner's quarry in Elvet by his Shincliffe tenants for use in house-building in the North Bailey in 1456. The sacrist's quarry provided stone to repair a tenement in Souterpeth in 1480 and for building in Clayport in 1474.<sup>4</sup> The expense both of working and of carrying the stone to houses in Durham must have been considerable: no doubt this accounts for the rarity of stone houses in Durham, as in most other medieval towns, like Winchester or Bristol.<sup>5</sup>

In contrast, there is an abundance of documentary references to wooden houses in medieval Durham. Timber was, by far, the most common building material, presumably because it was cheaper to obtain and it was in plentiful local supply. The cathedral priory, for example, drew on its extensive holdings of forest-land near the town for wood and timber. Timber for a house called Lythfohouses in the North Bailey came from Bearpark, Coddisley and Elvetwood and spars came from Muggleswick in 1372.<sup>6</sup> Accordingly, when the commoner

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1 Host. rentals, 1523-34.

2 Lobel, 'Bristol', p.13; Winchester in the Early Middle Ages, p.347.

3 See Gazetteer, South Street, nos.25, 27; Alm. rental, 1424.

4 Alm. accounts, 1455/57; 1480/81, Repairs; Comm. account, 1474/75, Carriage.

5 Winchester in the Early Middle Ages, pp.346-47; Lobel, 'Bristol', pp.4-5. In contrast, 30 stone houses are mentioned in the Canterbury rentals: Urry, Canterbury, p.193. Salzman estimated that the carriage of stone over 12 miles cost as much as the stone itself: L. F. Salzman, Building in England (Oxford, 2nd. ed., 1967), p.119.

6 Alm. account, 1372/73, Repairs.

rebuilt a tenement in Clayport in 1474, he acquired wood from Hett wood.<sup>1</sup> The bursar paid Ralph Joulyn to buy "spers per ipsum lucret." at Muggleswick in 1368 for houses in Crossgate and Elvet.<sup>2</sup> This wood was transported to the building site, often by priory tenants, and then it was worked and shaped ready for construction. In 1404 the carpenters building tenements in Souterpeth acquired timber which was carried to the site by the tenants of Witton and Shincliffe.<sup>3</sup> When new houses were built in the South Bailey in 1348, the bursar paid the workmen 39s. for "carpentaria cum colpacione et sarracione meremii"; for "cooperacione et dawbyng" he paid 10s.<sup>4</sup>

There seem to have been two methods of building wooden houses in Durham throughout the Middle Ages. One was the full-scale timber-frame house, in which the large timbers were formed into the basic structure of the dwelling and then the walls were filled in with planks or plaster covering wattlework. This structure was quite complex and could incorporate two storeys with many subsidiary rooms. The second type of wooden house was of a much simpler and more primitive design with stakes set at close intervals and interweaving wattles or branches to form the walls, infilled with daub.<sup>5</sup> These houses were constructed cheaply for the poorer inhabitants, and they were small, often of one room only.

Much of the evidence for the construction of timber-framed houses survives in leases which specify the dimensions of a house to be constructed by the tenant within the term of his leasehold. In 1410, for example, the sacrist leased a tenement in Framwelgate to Robert de Merington, a barker, on condition that he built a new house in the tenement "duarum copularum de Syles" in length.<sup>6</sup> The house which Richard Smyth was to build in his Framwelgate tenement in 1392 was larger than this; it was to contain "tribus parisi de Syles de novo edificatis in fronte burgagii".<sup>7</sup> Few deeds give any exact specifications of the dimensions of houses in Durham; but M. R. G. Conzen

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1 Comm. account, 1474/75, Carriage.  
2 Burs. account, 1368/59, Repairs.  
3 Alm. account, 1404/05, Repairs.  
4 Burs. account, 1348/49, Structura Domorum.  
5 Salzman, Building in England, pp. 195, 187.  
6 30 April 1410, 2. 2. Sac. 3a.  
7 13 Feb. 1392, Misc. Ch. 6777.

estimated, on the basis of the Alnwick evidence, that the average "couple" or pairs of "Syles", probably the rafters of a house, was eighteen feet long.<sup>1</sup> He calculated that the standard frontage of a house of two structural bays was twenty-eight to thirty-two feet, with a depth of eighteen to twenty feet.

The base of these timber-framed houses was a rectangular shape of massive pieces of timber called ground sills, upon which the principal posts were morticed in at the corners. These posts in turn carried the horizontal wall plates which supported the roof timbers.<sup>2</sup> Usually the landlord of a tenement provided the largest pieces of timber for the house and the stonework for the foundations, while the tenant was held responsible for the carriage of building materials, the construction and repair of the house. In Merington's lease it was specified that the sacrist would provide "meremium congrui domui et quarera pro fundamento".<sup>3</sup> A firm foundation was essential and there are many references in the account rolls to work on the base of the houses. In 1468, for example, Robert Litster and John Clerk were working on "le riddyng fundi" of a tenement in Elvet which was newly built and in 1470 the foundations of a house in Gelygate were being excavated.<sup>4</sup> What happened when the foundations were not secure is revealed in a court case of 1502.<sup>5</sup> John Wodemous was accused of trespass by William Richardson when he "fregit domum et prostravit lez propoz et silez". Once the framework of this timber house was erected, the walls were filled in, probably with solid pieces of wood in the earliest houses. By the mid-fifteenth century, however, most houses had cheaper wooden planks between the framework or wattle and plasterwork, known as "bemfyllynge", probably the result of the increasing scarcity of timber.<sup>6</sup>

A much simpler and cheaper form of constructing wooden houses was shown in the Saddler Street excavations. The earliest structures

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1 Conzen, Alnwick, Northumberland, pp. 32-34.

2 Salzman, Building in England, p. 197.

3 2. 2. Sac. 3a.

4 Burs. accounts, 1468/69; 1470/71, Repairs.

5 Crossgate Court Book, 12 Jan. 1502.

6 In 1468, William Androwson worked on "le bemefelyng" of a tenement in South Bailey at a rate of 6½d. for two and a half days: Burs. account, 1468/69, Repairs; Salzman, Building in England, p. 192.

on that site, dating from the tenth and eleventh centuries, were of oak and alder posts with hazel woven between.<sup>1</sup> This seems to have been the earliest method of building timber houses in Durham, as it was in Southampton, Winchester and Anglo-Scandinavian York, but it continued throughout the later Middle Ages.<sup>2</sup> In 1423, for example, a tenement in New Elvet was repaired and money given by the infirmarer for "spritt, wattill et dalbyng", "spritt" presumably being an upright stake between which the wattles were woven.<sup>3</sup> Although the sophisticated timber-frame house would be more comfortable as well as more fashionable accommodation, the cost of its construction was probably beyond the means of many Durham townsmen.

Roofing materials for houses in Durham were of two types, straw or thatch, and stone called "slatestone". The account rolls show that straw or thatch was most commonly used presumably because it was cheaper to transport and it was more readily available. A tenement in Old Elvet was roofed with "lyng" in 1450, while the bursar bought tectura straminea called "rede" for houses in St. Giles in 1415.<sup>4</sup> Brushwood was bought in 1357 by the bursar "pro domibus cooperiend." and in 1362 for a house in the Bailey.<sup>5</sup> Ralph Dove was paid 15s. 6d. for roofing three houses "cum stramine" in the South Bailey in 1377 and William Androwson was paid 3s. 6d. for the straw roofing on a tenement in Elvet in 1462.<sup>6</sup> Small payments were made to women for carrying straw, lyng and thatch to building sites in Durham on many occasions.<sup>7</sup> The popularity of this roofing material continued unabated to the sixteenth century in spite of the undoubted fire risk. Other medieval towns, like Canterbury and London, had begun to legislate against the use of thatch by the early

1 Carver, 'Three Saxo-Norman Tenements', p. 9.

2 Platt, The English Medieval Town, p. 57; Winchester in the Early Middle Ages, pp. 345-46; Hall, 'The Topography of Anglo-Scandinavian York', p. 36.

3 Infirm. account, 1423/24; Expenses.

4 Alm. account, 1450; Burs. account, 1415/16, Repairs.

5 Burs. accounts, 1357/58; 1362/63, Repairs.

6 Burs. accounts, 1377/78; 1462/63, Repairs.

7 As in 1388, when the bursar paid 16s. 6d. to women carrying "straw called ling" and "watling" for houses in St. Giles: Burs. account, 1388/89, Repairs.

thirteenth century but there is no evidence of any such regulation in medieval Durham.<sup>1</sup>

Slatestone, being more expensive to work than thatch, was rarely used as a roofing material in Durham. In 1447, the almoner's tenement at the end of Elvet Bridge had a stone roof, as did Halfetyn in the North Bailey and the tenement next to the North Gate.<sup>2</sup> The almoner's principal tenement in St. Mary Magdalen street had a new stone roof in 1455 and when the bursar repaired two tenements in New Elvet in 1423, he provided "lapides tegulati".<sup>3</sup> Four plaustrati of Slatestones were carried to the house of Richard Arnald in the North Bailey in 1420, and John Peirson, slater, made three roods of stone roofing on the tenement next to Clayportgate in 1432.<sup>4</sup> Roofing stone was worked in Welpdalequarrell, South Street, by John Sclatter in 1329; and in 1469 William Waynman and John Robynson carried two fothers of tegrularum from Harom quarry to John Milner's tenement in the North Bailey.<sup>5</sup>

Stone chimneys and gables were built on houses; one gabulum luteum was built on the almoner's tenement in Old Elvet in 1449 and John Hedley worked for fifteen days on le gavillez of a new tenement in St. Giles' street for 5s. in 1462.<sup>6</sup> The commoner erected three houses within one tenement in Clayport in 1474 and he had three chimneys made.<sup>7</sup> Thomas Bicheburn repaired and made one caminum in the Bailey for 5s. in 1407 and William Androwson repaired one caminum luteum in a tenement in Framwelgate for 14d. in 1469.<sup>8</sup>

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1 Urry, Canterbury, p.194; H. M. Colvin, 'Domestic Architecture and Town Planning', in Medieval England, Vol. I, ed. A. L. Poole (Oxford, 1958), p. 69, n.1 and 2; M. Wood, The English Medieval House (London, 1965), p. 292.

2 Alm. account, 1447/48, Tectura lapidea.

3 Alm. account, 1455/56; Burs. account, 1423/24, Repairs.

4 Burs. accounts, 1420/21; 1432/33, Repairs.

5 Burs. accounts, 1329/30, Structura; 1469/70, Repairs. An oak shingle was found during the Saddler Street excavations, which suggested that it may have been the earliest roofing material in Durham: see Carver, 'Three Saxo-Norman Tenements', p. 16. The only evidence for lead as a roofing material was on the abbey's mill below the cathedral: see above, p. 52.

6 Alm. account, 1449/50, Laborar.; Burs. account, 1462/63, Repairs.

7 Comm. account, 1474/75, Laborar.

8 Burs. accounts, 1407/08; 1469/70, Repairs;

Lead was used for making gutters between houses. In 1464 William Plomer made a gutter plumbei in the tenement next to Clayportgate for 12d. while Thomas Plummer mended "lez Goters" in this tenement in 1432 for 4s. 10d.<sup>1</sup> Blocked gutters were a source of contention between neighbours in medieval Durham. In 1503, Thomas Ferrour of Bicheburn was ordered to mend "unum le gutter" in the tenement of Edward Forster which distruxit a burgage pertaining to the cellarer, or pay a fine of 40d. to Crossgate court.<sup>2</sup> The bursar paid 3s. 4d. to have a gutter unblocked next to Thomas Thornburgh's tenement in 1432.<sup>3</sup> Meanwhile, it was the "evesdroppes" of William Lomley's house in St. Giles' street which had to be repaired because they made rain fall on William Shurveton's tenement and damage it (1338).<sup>4</sup>

No contemporary plans of any domestic buildings in Durham survive and only in occasional deeds and leases are there any details of the rooms contained within a house. One of the few detailed descriptions of a property in Durham comes from the Blagrise house in Alvertongate (1296).<sup>5</sup> It was a two-storey dwelling with a cellar, presumably a vaulted store room, on the ground floor, and a solar, the living quarters, above. Access to the solar was by external stone steps. Several larger Durham houses contained halls; Reginald Mercator's late thirteenth-century stone house in the market had a great hall, as did the house of Peter de Vallibus, knight, in South Street (probably of a similar date) and John Hakthorp's tenement in Souterpeth which was called "Herthall" (1387).<sup>6</sup> Jordan de Claxton's "great house" in the Bailey contained a "great hall with a chamber", probably stone built (1284).<sup>7</sup> There was a "domum pultar." called "insethus" and a great chamber extending versus scutilagium, one cloaca, one solar and a cellar. This was surely one of the largest houses in Durham.

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1 Burs. accounts, 1464/65; 1432/33, Repairs.  
2 Crossgate Court Book, 26 April 1503.  
3 Burs. account, 1432, Repairs.  
4 4.14. Spec. 36; Gazetteer, St. Giles, Whetelaw family deeds.  
5 1.2. Sac. 32; Gazetteer, Alvertongate, no. 15.  
6 6.1. Elem. 6; Alm. rental, 1424; 5.5. Elem. 2; Misc. Ch. 2218.  
7 1.1. Finch. 13\*.

More typical than large hall-houses in Durham was the smaller building which had a solar as living quarters above a shop or store room on street level. The documents show that many tenants lived over or behind their shops, workshops or storerooms, as they did in Oxford or Winchester, for example.<sup>1</sup> In 1334, John de Botelesfeld held a burgage with a cellar and solar at the west end of Elvet Bridge.<sup>2</sup> In the late thirteenth century, Roger Neuton granted Reginald Mercator a tenement in the market and the rent from two cellars beneath the solar of this tenement.<sup>3</sup> In one case, a solar was built above or over the Milneburn stream in 1333 ("fuit solarium supra aquam").<sup>4</sup> The so-called cellars were not necessarily below street level, but in some cases, as for example beneath the arches of the bridges, they were cellars in the modern sense. In 1490, Sir Nicholas Rawlyng, the priest of St. James' chantry in St. Nicholas' church, came to an agreement with William Stokdale over the rent from cellars at the west end of Framwelgate bridge "new wastid and ruinous".<sup>5</sup> On the other hand, the cellar beneath Thomas Blagrise's solar in 1296 was on street level because steps went up to the solar from the street.<sup>6</sup>

In Durham, as in other medieval towns like King's Lynn and Oxford, it appears that one building was often subdivided along the street frontage into a number of shops which were each leased separately from the living quarters above and behind.<sup>7</sup> Gilbert de Clyfton granted Peter Dryng a tenement with four shops on the corner of Milneburngate and the Old Bridge.<sup>8</sup> In 1351 Henry Alnemouth granted William Gildeford, barber, a stall in Sadlergate next to another stall with a solar above his shop.<sup>9</sup> A shop in the market next to the Cornerbooth with a house built over was leased to Thomas Burton, a merchant, in 1438.<sup>10</sup> Similarly, those parts of the building

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1 W. A. Pantin, 'Medieval English Town House Plans', Med. Arch. VI-VII (1962-3), pp. 205-6; Keene, Survey of Medieval Winchester, p. 157; Wood, English Medieval House, p. 81.

2 3. 2. Sac. 39.

3 6. 1. Elem. 8.

4 Alm. rent rolls, 1333/34.

5 3. 18. Spec. 31.

6 See above, p. 81.

7 Pantin, 'Medieval English Town House Plans', p. 205.

8 1375, Misc. Ch. 2334.

9 6. 1. Elem. 5.

10 Misc. Ch. 1700.

called a cenda or senda, stalls, which also lay along the street frontage, were leased separately from the living quarters behind them. Some of these stalls may have been temporary lean-to structures, as they were in other medieval towns, such as Winchester, where they were associated particularly with butchers,<sup>1</sup> but many seem to have been an integral part of the building. In the late thirteenth century, Reginald Sesse held a celda in Sadlergate, which was seven feet broad and seventeen feet long, with the interior of a house. This stall was built next to the house and possibly in front of it, and there was a solar above it.<sup>2</sup> Booths may also have been temporary structures erected at the front of houses or separately as they were on Framwelgate bridge.<sup>3</sup>

Several tenements contained workshops or outbuildings which indicate the trade of its occupier. In 1336, John Tunnock was accused of breaking into two tanneries (tannaria) in Sadlergate and South Street and taking hides.<sup>4</sup> John Yowdale leased two burgages in Framwelgate in 1467 containing sixteen plumba, including three in the brewhouse (pandoxatria), one in the malt kiln (thorali) and ten in domus tannatoris.<sup>5</sup> Alice Cronkley had an ustrina and a brewlede in her tenement in Framwelgate, which was repaired by the bursar in 1466, and William Couper held a tenement called a "barkehouse" in 1427.<sup>6</sup> Many domestic buildings contained equipment for brewing, such as that of Walter de Esche in Crossgate "cum plumbo, cuba, taptraw et rahente" (1310),<sup>7</sup> but these may have been placed in the gardens behind the houses. Also to the rear of the houses were the "bakdwellyngs" or "bakhouses" referred to in the Crossgate Court Book. Tenants were instructed to remove these shacks altogether or to prevent vagabonds living in them, as in 1509 when an injunction was issued to all tenants that they remove "le Bakdwellys in domibus" or pay a fine of 12d.<sup>8</sup> This evidence suggests that there was serious

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1 Winchester in the Early Middle Ages, pp. 338-39.

2 Undated charter, 6.1.Elem.1°°.

3 Ralph, son of Alice de Wyntonia, held 3 bothys on the Old Bridge; undated charter, Loc. XXXVII, no. 74.

4 Loc. IV, no. 52.

5 1467, 1.18. Spec. 25.

6 Burs. account roll, 1466/67, Repairs; Burs. rental, 1427.

7 1310, Misc. Ch. 2533.

8 Crossgate Court Book, 10 Jan. 1509, f. 108v.



overcrowding in certain boroughs in Durham and that the surplus, a floating population of vagrants and the poor, was accommodated in temporary and probably primitive shacks well behind the street frontage.

The surviving documents divulge little about the furnishings or the decoration of these domestic buildings. Some properties, such as a chamber in Crossgate, contained a stone fireplace and chimney (1421), but others had merely a hearth and probably the smoke would escape through a hole in the roof or through the windows.<sup>1</sup> Excavations have shown that the floors of the earliest structures in Saddler Street were of rammed sand and later of trodden clay, whereas houses built in Elvet in the thirteenth and fourteenth centuries had flagged floors.<sup>2</sup> The dimensions of two windows in the west wall of a house in Elvet were found by excavation; and there are also references in the bursar's accounts to nails and "band crokes" for windows and doors.<sup>3</sup> The basic one- or two-room structure of these houses was partitioned into different areas by means of "intercloswalls" or "entercloswalls". In 1458, William Johnson, a carpenter, made del entercloswallez in two tenements for 3s. and John Lyle and William Androwson were paid for le dalbyng of the "entreclosewallez".<sup>4</sup> The implication of these references is that the partition walls were made of a timber frame infilled with plaster work. Other walls within the houses may have been lined with thin planks of wood. Timber called waynscot was used for doors and screens and panelling of this kind, and in 1372, the almoner bought in sixty waynscot for use in his houses in unspecified places.<sup>5</sup> However, there are few references to waynscot in the documents which may suggest that it was rarely used in the average Durham home. It may have been used only to grace the houses of the richer inhabitants.

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- 1 In 1421, Richard Hogeson made luteos cum l camino luteo in Crossgate while Richard Walker made le harthe in his tenement in Old Elvet in 1447: Alm. accounts, 1421/22, Repairs; 1447/48, Laborar. The Saddler Street excavation revealed an open hearth in the earliest house on the site: Carver, 'Three Saxo-Norman Tenements', p. 9.
  - 2 Carver, 'Three Saxo-Norman Tenements', pp. 68, 70, 74-5; Carver, 'Excavations in New Elvet', pp. 109, 111.
  - 3 See Carver, 'Excavations in New Elvet', pp. 101-02; Burs. account, 1348/49, Structura.
  - 4 Burs. account, 1458/59, Repairs.
  - 5 Alm. account, 1372/73, Repairs.

Somewhat melancholy evidence of the standard of furnishings and the wealth of some Durham inhabitants was revealed in cases of theft heard before the prior's court in Durham. William Stanhop's house in Elvet seems to have been comfortable and quite richly furnished; he accused John Home of stealing a hanging (tapetum) and a linen sheet (lintheamen) from it.<sup>1</sup> Julia del Comunhous was accused of breaking into a chest in John Ferur's house in the Bailey and stealing twenty marks of silver, thirty florins, one firmaiculum deaurum and other goods to the value of £40.<sup>2</sup> However, many inhabitants seem to have had little in the way of household goods. An inventory of goods belonging to a house in Crossgate revealed only one Brassepot (worth 10d.), three Dublerris (2s.), six desches (18d.), and thirteen Saussers (18d.).<sup>3</sup> Furniture and possessions in the average small wooden house in Durham were probably rudimentary and few in number.

The maintenance, repair and rebuilding of houses in Durham occupied a large proportion of the town's craftsmen and labourers, and as such the building trade was of some importance in Durham's economy. Such workmen were organised in groups according to their trade. The first group contained the men who worked with stone. Few skilled masons seem to have been involved in the building and repair of domestic houses; rather, there were layers and setters and wallers employed for such small building operations. These were men such as Richard Farne, who made stone walls and daubed gable ends and the chimneys in a tenement in North Bailey (1472), John and William. Kay, who made walls in the bursar's houses in Elvet in 1368 and 1376, or John Belle (latanius) who repaired a house in Framwelgate in 1416.<sup>4</sup> The next important group of workmen were the carpenters, men like Ellis Harpour and John de Martindale, employed by the bursar to work on his houses in Elvet and also on the abbey mill and Scaltok mill in 1376.<sup>5</sup> Richard Thekyston, carpenter, worked on the bursar's houses in Framwelgate and Elvet in 1416.<sup>6</sup> William Johnson, carpenter, made a loft in the tenement next to St. Giles' cemetery and built entercloswallez in the bursar's

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1 16 June, 1338, Loc. IV, no. 2.

2 24 March 1327, Loc. IV, no. 15.

3 Crossgate Court Book, 18 Nov. 1516, interleaf f. 169r.

4 Alm. account, 1472/73; Burs. Accounts, 1368/69, 1376/77, 1416/17, Repairs.

5 Burs. account, 1376/77, Repairs.

6 Burs. account, 1416/17, Repairs.

tenements in 1458.<sup>1</sup> Next, there were workmen involved in roofing the houses, the cooperatores or the thekers. Donald Scot, theker, roofed the Meysondieu in the Bailey and houses in South Street with brush-wood in 1357 and 1358.<sup>2</sup> John Peirson, sclater, roofed the tenement next to Clayportgate and tenements in St. Giles' street with stone in 1432.<sup>3</sup> Other workmen involved in domestic building were the plumbers who made gutters for the houses, such as William Plomer in Clayport (1464) and in Silver street (1471), plasterers like Richard Hogeson (lutarius) who made a caminum luteo in Crossgate (1421), smiths such as John Scot of Elvet who made ironwork (ferramenti) for repairing the bursar's houses (1339) and locksmiths like John Loksmyth who made three locks with keys for a tenement in St. Giles' street in 1466.<sup>4</sup> The priory seems to have employed a band of men drawn from the different groups to work on priory buildings throughout the year, as the same names occur in successive years working on houses in every part of Durham. These skilled men, in turn, employed labourers and men known as famuli, probably those in apprenticeship, to help with their work.

Several different methods of organising this building work are revealed in the account rolls. In some cases, the bursar, or the priory officer involved, seems to have recruited and paid men directly and to have bought in materials for the work himself. In 1458, for example, the bursar paid Henry Wrake 6s. 4d. for thatching a house in St. Giles' street, and he paid the hostillar 6s. 8d. for 100 thraves of straw for that house.<sup>5</sup> It was more common, however, for the bursar to leave the workman to acquire the materials himself. When John Barker's house in Framwelgate was repaired (1416), stipends were paid to John Belle, latanius, Richard Thekyston, carpenter, and Thomas Curwen and Gilbert Huest, labourers, who seem to have been responsible for the organisation of the work.<sup>6</sup> The bursar paid Richard Colier and two "famuli in mercede" when they repaired the walls of a house in Elvet in 1419, and the construction of a new tenement in the bishop's borough "preter mercedem

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1 Burs. account, 1458/59, Repairs.  
2 Burs. accounts, 1357/58, 1358/59, Structura Domorum.  
3 Burs. account, 1432/33, Repairs.  
4 Burs. accounts, 1464/65, 1471/72; Alm. account, 1421/22;  
5 Burs. accounts, 1339/40, 1466/67; Repairs.  
5 Burs. account, 1458/59, Repairs.  
6 Burs. account, 1416/17, Repairs.

Willielmi Kempe et Willelmi Sawyer in parcell. " cost the bursar £4 18s. 2d. in 1425.<sup>1</sup> It is clear that in such cases the skilled workmen recruited any additional labour needed and bought their own materials in return for a lump sum. When Robert Bryan built the walls of three tenements in St. Giles' street in 1454, he was paid an extra 6d. for acquiring le dalebyng stowres and wandez for the tenement.<sup>2</sup> A third method seems to have been to leave the repair work to the tenant of the house, paying him for the materials he used rather than for labour. Richard Walker made one gutter and le harthe in his own tenement in Old Elvet in 1447.<sup>3</sup> However, much repair work probably never entered the account rolls at all, because, as we have already seen, one of the conditions attached to many priory leases was that the tenant was responsible for the cost and materials for repairs to his own property.<sup>4</sup>

Wages were paid by the priory officers direct to the workmen involved either by agreement beforehand or on an hourly or daily basis. Agreements on wages seem to have been either in the form of stipends (paid to John Belle and Richard Thekyston in 1416) or by agreement "in grosso" (as with Robert Litster and John Clerk for the foundations of a tenement in Elvet in 1468).<sup>5</sup> When Robert Bryan worked on the walls and roof of tenements in New Elvet, Silver street and St. Giles in 1449, he was paid on a daily basis, himself 5d. per day and his famulus, 4d. per day.<sup>6</sup> Robert Androwson was paid 4d. per day for thatching a tenement in South Bailey and his servant, 3d. per day, in 1454. That year, Robert Bryan was also paid 4d. per day for walling and roofing work.<sup>7</sup>

All the evidence indicates a fairly high annual level of building work within the priory's Durham estate with probably continuous employment for those workmen recruited by the priory officers. This organisation of the building trade cut across borough boundaries; workmen operated in any borough on houses which were the priory's

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1 Burs. accounts, 1419/20, 1425/26, Repairs.  
2 Burs. account, 1454/55, Repairs.  
3 Alm. account, 1447/48, Laborarii.  
4 See above, pp. 77-78.  
5 Burs. accounts, 1416/17; 1468/69, Repairs.  
6 Burs. account, 1449/50, Repairs.  
7 Burs. account, 1454/55, Repairs.

responsibility. In some years expenditure on the Durham property was fairly low as regular maintenance work was done. In other years, there had to be major outgoings on the reconstruction of buildings, as in 1348, when the bursar rebuilt houses in the South Bailey (£6 10s. 9½d.) and booths on Elvet Bridge; in 1423 and 1424 when houses in Elvet were rebuilt (£4 2d. and £4 10s. 6½d.), and in 1443 when two tenements in St. Giles were rebuilt (£6 4s.).<sup>1</sup> In spite of these efforts to keep priory property maintained, it is clear that by 1500 many houses on the outskirts of the Old Borough and some in Old Elvet had fallen into disrepair;<sup>2</sup> it was difficult to find tenants to take up properties and many rents of the sacrist, for example, were not paid. The priory obviously found that it could not afford to maintain all its houses, and it may have concentrated its resources on those houses near the centre of the town, especially around the market, which were most valuable and which could command the highest rents.

The study of domestic buildings in Durham demonstrates the extent of the medieval town and those parts of it, like Elvet and the bishop's borough, which were most heavily populated. In these areas of the town, tenements were subdivided to allow more dwellings, and booths were built out into the street. Finally, this survey has revealed at least a little about the material standards of life in medieval Durham. Durham was not a large, wealthy or fashionable town in which to live. Stone buildings were rare, and perhaps even timber-frame houses were less common than the simply designed stake and wattle cottages. Few houses seem to have had more than two rooms, and interior furnishings were probably limited. With a few exceptions, most Durham homes were small and single-storied; they were, like most town houses in late medieval England, places of work as well as family homes.

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1 Burs. accounts, 1348/49; 1423/24; 1424/25; 1443/44, Repairs.  
2 Sac. rental, 1500; see below, pp. 147-48.

(b) Public Buildings: Guild Halls, Borough Court  
Houses and Bakehouses

A number of buildings within Durham had more than purely residential or commercial significance. Used by a large proportion of Durham's inhabitants on a daily or weekly basis, it is these buildings which have some claim to be called "public" buildings since they were not built for the exclusive use of one family or landlord. Broadly speaking, there were three categories of public buildings in Durham. First, there were halls or houses which seem to have been erected and paid for by a guild and used for business or social activities. Secondly, there were court houses, built by the overlords of each borough for use as judicial as well as administrative centres of the area. Thirdly, there were buildings erected by the overlords as part of the requirements of urban tenure, such as the mills and the bakehouses where tenants were obliged to grind corn and bake bread. Each category of public buildings will be surveyed in more detail below, except for the mills which have already been discussed.<sup>1</sup>

In many medieval towns, like Alnwick or Canterbury, public buildings were erected in main thoroughfares or around the market, at the centre of town life and commercial activity.<sup>2</sup> It is however noticeable in Durham that public buildings were to be found in every part of the town. There were guild halls or houses, for example, in Framwelgate, Elvet, Clayport, the Bailey and the market. This dispersal of public buildings seems to have been a direct result of Durham's separation into distinct boroughs, each with its own administration requiring a court house and each with its own community needing communal facilities at borough rather than at town level. However, it is clear that the majority of guild buildings lay in the bishop's borough at the centre of the urban area. The guild of St. Nicholas had a hall in the market, and there was another guild house nearby in Walkergate, one in Clayport and another in the Bailey (Mawdeleyngildhouse). No doubt the explanation was less that most members of the guild lived in the bishop's borough, but rather the

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1 See above, pp. 51-55.

2 Conzen, Alnwick, Northumberland, p. 36; Urry, Canterbury, pp. 129-30.

prestige attached to having a hall in the part of the town where a street frontage was most valuable and where most of the merchant class of Durham and the craftsmen seem to have lived.

There are references to six separate guild properties in Durham in the medieval period. These were "le Gildhall" in the market belonging to the guild of St. Nicholas; "le Gildhous" in Walkergate, which may have belonged to the guild of Corpus Christi; the house of St. Cuthbert's guild in Clayport; "le Gildehous" in Framwelgate which may have been used by the guild of St. Margaret; the "Mawdeleyngyldehouse" in the North Bailey; and the house of the Holy Trinity guild in New Elvet. The origins of these guild properties like the guilds themselves, are obscure, but some were in existence by the late thirteenth century at least and are mentioned in the earliest surviving deeds. The history of the guild hall in the market is more fully documented than most. It originally belonged to a merchant, Reginald, who in a charter of c. 1271 had granted it to the almoner's chantry in St. Nicholas' church.<sup>1</sup> The hall was then leased to the brothers of the guild of St. Nicholas for their guild hall at a rent of 20s. p. a. Here, a domestic building, perhaps one of the most imposing in Durham, had been converted into a public building before the end of the thirteenth century. The guild house in Clayport was mentioned in an early if undated charter in which representatives of the guild of St. Cuthbert, Richard de Sireburne, William de Witewell, William presbiter, Richard diaconus, William de Redinges and Robert, son of Hervicus, with the consent of the whole fraternity of the guild of St. Cuthbert, granted John, son of Hugh Tiwe, the house of the guild.<sup>2</sup> Subsequently, John Tywe, called a burgess of Durham, granted St. Cuthbert and the fabric fund of the cathedral a rent from the house called the "House of the Guild" in Clayport.<sup>3</sup> The guild house, or houses, in Framwelgate predates the founding of St. James' chantry chapel on Elvet Bridge in the late thirteenth century. Thomas, son of Lewyn, granted the rent from the houses of le Gilde towards the endowment of St. James' chantry on the new bridge.<sup>4</sup>

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1 6.1. Elem. 6<sup>o</sup>; Alm. rental, 1424; Gazetteer, Forum, Introduction.

2 4.2. Sac. 1; Gazetteer, Clayport, Misc. deeds (b).

3 4.2. Sac. 2.

4 Undated charter, 2.11. Spec. 52; Gazetteer, Framwelgate, Misc. deeds (c).

Other guild houses or halls may have been of later foundation. The presumed hall of the Corpus Christi guild in Walkergate is not mentioned before the sixteenth century. In a copy of a deed of 1526, John Mathowe granted Thomas Blakden, goldsmith, three gardens and a tenement next to le Gildhous in Walkergate lying between the city wall and the road.<sup>1</sup> This relatively late documentary reference may be the result of the scarcity of surviving deeds for the bishop's borough, or it may indicate that the guild house here was constructed towards the end of the medieval period. This guild was reorganised in 1437, and perhaps the property was only acquired for the use of the guild after this date.<sup>2</sup> In 1397, John Hagthorp granted a chamber within his capital tenement at the head of Souterpeth (Herthall) to a number of men, on condition that they assign it and an entry to the chamber alongside the tenement to the chaplain of the Corpus Christi guild. This chamber may have been no more than the private accommodation for the guild's chaplain; or it may have been a meeting place for the guild before it acquired land in Walkergate.<sup>3</sup> The guild of the Holy Trinity in St. Oswald's church had to wait until 1472 before they found a site for their guild house. In that year, the prior leased to John Tonge, alderman, burgages on the west side of New Elvet so that the guild could build its own house on the land.<sup>4</sup>

Of all these guild properties, only one, that belonging to the guild of St. Nicholas in the market, was called a hall. It may have been the one public building in late medieval Durham of any great size and was probably the only one to be built of stone. It is described as magnum hospicium or aula lapidis in deeds and rentals.<sup>5</sup> The other buildings were called guild houses and they may have been converted from domestic properties for use by the guild organisations. Some were occupied by tenants who paid rent to the guild and they may have acted as caretakers. In 1316, the burgage in Framwelgate called "le Gildehous" was held by Alice de Hornby and Christine, daughter and heiress of Marjory Haunte.<sup>6</sup> John Tywe held St.

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1 P. R. O. Durham Chancery Enrolments, 3/74, m. 4d.  
2 See P. R. O. Durham Chancery Enrolments, 3/36, m. 11.  
3 See Gazetteer, Fleshewergate, Introduction; no. 15.  
4 4.17. Spec. 35; see Gazetteer, New Elvet, no. 43.  
5 See, for example, Alm. rental, 1424.  
6 Misc. Ch. 1934; Gazetteer, Framwelgate, Misc. deeds (c).



Cuthbert's guild house in Clayport in the late thirteenth century, but seems to have sub-let it to Benedict Carpenter.<sup>1</sup>

It is clear from the later history of some guild houses that they ceased to be used by guild members or for guild functions by the later medieval period. Even the imposing hall in the market seems to have been converted into an inn, perhaps when the guild had fallen on hard times. After its dissolution, when the value of the guild's possessions was only 23s., a tenement called "le Crowne" in the market place, which once belonged to the guild of St. Nicholas, was granted to John Wright and Thomas Holmes of London (1553).<sup>2</sup> The decline of the "Mawdeleyngyldehou" was even more marked. It seems to have been ruinous by the early fifteenth century because a charter of 1427 referred to this guild house "once constructed on a piece of land now incorporated into John Dyghton's tenement" and set back from the street frontage.<sup>3</sup> In 1448, Richard Raket held a piece of land in the North Bailey on which was once built that house called "Mawedelyngildhou".<sup>4</sup> However, the original significance of the building in the lives of the townsmen was marked by the retention of the name of the guild house for a tenement where domestic houses were later constructed.

There were five court houses in medieval Durham, that is in each borough of the town except the Bailey area, which was, in any case, under the direct jurisdiction of the constable of the castle. The court house for the bishop's tenants was "le Tollebooth" in the south-east corner of the market place. A deed of 1434, referring to the Cornerbooth, the tenement on the south-west corner of the market, described it as lying "juxta le Tollebooth".<sup>5</sup> There was a Tolbooth on the north side of Crossgate opposite St. Margaret's chapel for the sacrist's tenants in the Old Borough.<sup>6</sup> The hostillar's tenants in Old Elvet owed service and appeared before his court in the manor of Elvethall while the Elvet borough court seems to have been held

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1 Gazetteer, Clayport, Misc. deeds (b).

2 C. P. R. 1547-53, p. 244.

3 Misc. Ch. 1844; Gazetteer, North Bailey, no. 34.

4 Misc. Ch. 1837, 1839, 1823.

5 1434, Misc. Ch. 2040; Gazetteer, Forum, no. 1. The Tolbooth is not marked on Speed's plan of 1611.

6 Sac. rental, 1500; Gazetteer, Crossgate, no. 12.

within the guild house of the Holy Trinity guild on the west side of New Elvet.<sup>1</sup> Kepier hospital's "Curthous" for the tenants of St. Giles' borough was situated in the street of St. Giles (mentioned in 1374).<sup>2</sup>

These court houses were probably of very early origin in the town since they were places for the collection of fines, tolls and rents from tenants as well as the headquarters for an overlord's control over his tenants and his borough. However, there are no surviving early documentary references to Tolbooths in Durham. The property called "le Tolbooth" in Crossgate only came into priory hands c. 1442; before then it was held by various tenants and it was never referred to as being a court house.<sup>3</sup> Previously, the court may have been held elsewhere, perhaps in the terrar's house at the south end of South Street.<sup>4</sup> Elvet borough court house was built in 1472, after the prior leased three waste burgages to members of the Holy Trinity guild on condition that the hostillar and his servants could have access to the house for his borough court whenever necessary.<sup>5</sup> Previously, this court may have met in the same location as the Old Elvet court, in the hall of Elvethall manor. Kepier's court may have met within the hospital itself in the early medieval period, but after the hospital was rebuilt by the riverside, away from the houses of St. Giles' street, it is likely that the court house would have remained in the street itself.<sup>6</sup>

The name given to these borough court houses may be significant. They were called "tolbooths", whereas in thirteenth-century Lincoln, the borough court was the "burwarmot", in London and Northampton it was the "husting" and in Bury St. Edmunds, the "portman moot".<sup>7</sup>

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1 4. 17. Spec. 35; Gazetteer, New Elvet, no. 43; V. C. H. Durham III, p. 62.

2 Memorials of St. Giles, pp. 162-63; D. M. Meade, 'The Medieval Parish of St. Giles', T. A. A. S. D. N., New Series, II (1970), p. 65.

3 See, for example, 1. 2. Sac. 8; Sac. account, 1442/43; Gazetteer, Crossgate, no. 12.

4 This house was ruinous by 1339. The terrar and the steward held a court in South Street in 1312: see Loc. IV, no. 229; Alm. rental, 1424.

5 4. 17. Spec. 35; Gazetteer, New Elvet, no. 43.

6 See above, p. 25.

7 J. W. F. Hill, Medieval Lincoln (Cambridge, 1948), pp. 186-7, 191; Urry, Canterbury, pp. 88-9; M. D. Lobel, Bury St. Edmunds (Oxford, 1935), p. 15.

The word "tolbooth" suggests that the structure of the building was at first rather temporary; a booth in normal terms would indicate a one-roomed shop or a lean-to structure in front of a house used for trading.<sup>1</sup> It was probably only in the later medieval period that the structure became more permanent. Little is known from the medieval sources about the appearance of these court houses. Priory obedi-entiaries do not seem to have had the financial responsibility for their repair or maintenance and consequently there is no mention of their construction in the account rolls. In the case of the Elvet borough court, it is likely that the costs of building repairs were borne entirely by the guild of the Holy Trinity in St. Oswald's church, which leased the tenement from the priory.<sup>2</sup> Surtees says that the Tolbooth in the market was made of wood and it was replaced by a stone building with a large cupola built by Bishop Tunstall.<sup>3</sup> What is clear is that the court house or toll house was a room on the first floor, because both Bishop Hatfield's and Bishop Langley's surveys refer to stalls beneath it. John Custson held nine stalls "sub le Tolleboth" and John Bowman held a stall (selda) beneath it in c. 1380.<sup>4</sup> By c. 1420-23 these shops were held by Thomas Goldsmith and Agnes Cupper.<sup>5</sup> It was probably a structure of some importance in the market area.

The priory had two bakehouses, in Elvet borough and in the Old Borough. The Elvet bakehouse was used by the prior's tenants living in his new borough of Elvet from the mid-thirteenth century at least; when the priory was in dispute with Bishop Philip, the bishop furnos in Elvete subvertit, presumably to reduce the priory's income.<sup>6</sup> A second priory bakehouse, for tenants living in the Old Borough, was built near the Old Bridge, on the south side of the street leading up towards Crossgate. It was granted to the almoner by William, son of Richard, son of Wydon of the Old Borough, in an early, undated charter.<sup>7</sup> The bakehouse for St. Giles' street seems to have been

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1 See, for example, the Cornerbooth: Gazetteer, Forum, Introduction; Fleshewergate, Introduction.

2 4.17. Spec. 35.

3 Surtees, Durham, IV, pp. 46-47.

4 Bishop Hatfield's Survey (Surtees Soc. XXXII, 1856), p. 162.

5 Bishop Langley's Valor in V. C. H. Durham III, pp. 23-24; P. R. O. Durham Ministers' Accounts, C. C. 220196.

6 Scrip. Tres, p. 22.

7 6.1. Elem. 3\*, 4\*; Gazetteer, Milneburngate, no. 15.

situated on the north-west side of the street, because deeds relating to St. Mary Magdalen street mention burgages there lying retro pistrinam of St. Giles' street.<sup>1</sup> No surviving documentary evidence reveals the position of the bishop's bakehouse, but it was in operation by the late twelfth century because the Boldon Book recounts that it rendered ten marks in c. 1183.<sup>2</sup>

The priory account rolls also contain much information about the construction of bakehouses. Like mills, they were part of the endowment of individual obedientiaries who were held responsible, financially, for their repair and maintenance. The Elvet bakehouse was part of the bursar's estate, and the Old Borough bakehouse was in the almoner's endowment. The Elvet bakehouse had stone walls and a slate roof, presumably to lessen the fire risk to the surrounding tenements.<sup>3</sup> Major rebuilding took place from time to time, as in 1347, when a small oven was constructed at a cost of 36s. 2d.; in 1469, when masons made new foundations for it; and in 1499 when it was rebuilt.<sup>4</sup> The almoner's bakehouse was leased with a solar, cellar and garden, presumably for the accommodation of the baker.<sup>5</sup> The foundations and the volta of the bakehouse were of stone which was brought from the Aumenerbarn in South Street in 1469 and special stone called Thilstone was brought from the sacrist's quarry in 1478.<sup>6</sup> The internal walls of the bakehouse, the gables and the chimney may have all been of wood; Thomas Bowet was employed for four days in "llez pergynging et dalbura" of these in 1494 and there is no reference to a stone roof on this bakehouse.<sup>7</sup>

The public buildings of Durham obviously had a wider importance to the town's inhabitants than their own domestic buildings. They were used regularly by greater numbers of people, particularly the bakehouses, to which all tenants owed suit. It follows that public

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1 In 1330, for example, the land of Agnes Hextildesham in St. Mary Magdalen street lay behind the pistrinam of St. Giles' street: 6.4. Elem. 3; Gazetteer, St. Giles, no. 9.

2 Boldon Buke, p. 1.

3 John Peirson roofed the bakehouse with slatestone in 1432: Burs. account, 1432/33, Repairs. The stone walls were repaired in 1453: Burs. account, 1453/54.

4 Burs. accounts, 1347/48; 1469/70; 1499/1500, Repairs.

5 Gazetteer, Milneburngate, no. 15.

6 Alm. accounts, 1469/70, 1478/79, Repairs. :

7 Alm. account, 1494/95, Repairs.

buildings would be more substantial; the guild hall in the market was a great stone hall, and the Tolbooth there was probably also built of stone as were the other court houses. These public buildings had to be kept in good repair for regular use; consequently, they would be expensive to maintain. The bursar paid out almost annually large sums of money for the Elvet bakehouse, but his incentive was that he would lose revenue from the bakery if it stopped. Some guild houses, such as that in the North Bailey, fell into disuse or decay, perhaps because they were too expensive to maintain if the membership of the guild fell. However, no matter what the state of these public buildings was, they continued to be mentioned in the deeds, account rolls and rentals because they were or had been landmarks in the streets of Durham. They were remembered even if the building was no longer there.

(c) The Town Wall

Durham's fortifications seem to have had comparatively little influence on the town's plan in the later Middle Ages. With the central peninsula area being reserved for military and ecclesiastical use from the earliest days of the settlement, the town developed independently outside the castle walls, on the neck of the peninsula, and on the opposite banks of the River Wear.<sup>1</sup> Indeed, it was only with the construction of a town wall after 1315 that the urban area was significantly affected by military requirements, and then only to a limited degree. The following pages review the relationship between the town and its defences. It is not concerned with military building on the peninsula itself, like the improvements to the castle under bishops like Antony Bek, who built a great hall in c. 1284,<sup>2</sup> or Richard Fox, who made improvements to the domestic arrangements in this hall and the kitchens<sup>3</sup> as part of the transformation of Durham castle from a military fortress into the administrative headquarters of the bishopric and an impressive residence capable of accommodating important guests. No attempt will be made here to survey the improvements to the castle walls and gates by successive bishops, because

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1 See above, pp. 17, 26-27.

2 V. C. H. Durham III, p. 65.

3 Scrip. Tres., p. 150.

they had no direct bearing on the growth of the town. Only the re-modelling of the North Gate affected tenements at the head of Sadlergate and in the North Bailey. In May 1313, William de Denum and Adam de Boghes were ordered to "enquire diligently" into the value of the messuages of John de Pollowe and William, rector of the church of St. Mary in the North Bailey, and any others near the North Gate "quae amoveri debent pro muro Barbegan portae faciundo".<sup>1</sup> For the first and only recorded time, property had to be demolished for improvements to be made to the castle fortifications.

Undoubtedly the most interesting and significant military development of the later medieval period was the construction of a town wall around Durham market. No portion of this wall survives today and no excavation work has been carried out on its site; but Speed's plan of 1611 shows that the walls ran roughly in a rectangle from a point to the east of Fleshewergate, behind the east side of the market as far as the point where Clayport left the north-east corner of the market. There was a gateway across Clayport, then the wall ran west behind St. Nicholas' church along the backs of tenements in Walkergate. It turned south to follow the river bank and to connect with the tower at the east end of the Old Bridge. The central part of the bishop's borough was thus enclosed by the wall, and most important, the market and the streets leading into it were thus secured from attack. Somewhat surprisingly, there is no indication in the surviving evidence that any houses or buildings had to be demolished to accommodate this new wall, although it was an area which was densely populated.

The first reference to the building of a town wall is a murage grant of 13 May 1315 in which Bishop Kellaw, with the king's assent, assigned tolls taken "de bonis venalibus" coming into Durham "pro Civitate muro claudenda".<sup>2</sup> This grant probably indicates that the town wall was started in or shortly after 1315, since it would take time for sufficient money to be collected to start the work. As such, Durham's wall is a late development in comparison with, for example, the grants of timber to Colchester, Winchester and York in 1215 for

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1 Reg. Pal. Dun. I, p. 338.

2 Reg. Pal. Dun. II, p. 1071.



the construction of town walls.<sup>1</sup> The most obvious reason for a grant of murage at this time was the threat of a Scottish invasion. The preamble to Durham's grant states it was "per Scottorum inimicorum et rebellium depraedationes et incendia quamplurima in partibus illis perpetrantium" and this grant is one of a group given to towns such as Berwick, Hartlepool, Lancaster and Richmond, all referring to the Scots. The connection between the start of work on town walls and national military needs has been noted by Hilary Turner; the latter argues that, left to their own devices, townsmen did not have the incentive, the money or the administrative ability to start the building of a wall, attractive though it might be to traders.<sup>2</sup> But an emergency such as the burning of Durham's suburbs by Robert Bruce in 1312-13 and the near capture of the prior by the Scots in his country retreat of Bearpark in 1315<sup>3</sup> alerted the townsmen to the danger, and gave some incentive to the start of wall-building.

However, Durham had suffered repeated attacks from the Scots in earlier centuries without beginning to build a town wall. There was another crucial factor which gave the townsmen the incentive to start work: money. Bishop Kellaw provided this with his grant of tolls on goods coming into the market, and subsequently other bishops issued grants of murage so that the work could be continued. Bishop Bury made a grant of murage in January 1337, the first of three during his episcopate.<sup>4</sup> Bishop Hatfield granted the town murage in 1379<sup>5</sup> and Bishop Langley's grant of murage was made in January 1407.<sup>6</sup> Bury's grants were made against a background of military unrest; in 1342 and 1343 the bishop was appointing commissioners of array in the Stockton and Chester wards "pro certo intelleximus quod Scoti inimici nostri regnum Angl. ac dominium et potestatem nostram in proximo ingredi hostiliter et invadere proponit . . ." and the decisive battle of Neville's Cross took place in 1346 showing that

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1 Turner, Town Defences, p. 24.. Durham's grant was not as late as Alnwick's. Its first licence to fortify was received in the early 15th. century: see Conzen, Alnwick, Northumberland, p. 40.

2 Turner, Town Defences, pp. 23-24; Platt, The English Medieval Town, pp. 42-4.

3 Scrip. Tres, pp. 94, 96.

4 C. P. R. 1334-38, p. 387.

5 P. R. O. Durham Chancery Enrolments, 3/31, m. 13.

6 P. R. O. Durham Chancery Enrolments, 3/34, m. 2.



military necessity had spurred this murage grant.<sup>1</sup> Later grants do not seem to have been inspired by the town's fear of attack, but probably by the need to complete the circuit and to maintain the wall in good repair.

These murage grants to Durham are interesting on several counts. In the first place, they were addressed to the townsmen themselves. Bishop Bury granted murage to the bailiffs and probi homines of Durham, or rather to three burgesses who had been "chosen by the commonalty for the purpose" of collecting the money.<sup>2</sup> Robert Shakelok, Thomas Swemy and John de Herdewyk, probi homines with some status in the borough, had been elected by a common council or meeting to take the murage tolls and administer the money on behalf of the bishop's borough.<sup>3</sup> They would hire the workmen, buy the materials and supervise the work and it would be an onerous and probably difficult task. The bishop was giving the leading burgesses of his borough an almost unique opportunity to act independently and to organise a communal activity, the building of the town wall, on their own authority.

One of the main problems raised by this method of levying and administering money was that it relied on the honesty of the representatives of the community who were responsible for its collection. There were no real checks on its operation; once the bishop had granted the burgesses permission to levy these tolls, he left the matter to their discretion. It is no wonder that funds were diverted from their wall-building purpose, as Turner found, into private pockets.<sup>4</sup> In January 1387, Bishop Fordham appointed certain important men of the bishopric and the town such as Ralph de Eure, Thomas de Claxton and John Lewyn, to inquire into the murage tolls that were being levied and to find out what tolls had been levied under previous murage grants.<sup>5</sup> The reason for this enquiry was that the bishop had been informed that the burgesses had collected tolls on

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1 P. R. O. Durham Chancery Enrolments, 3/29, m. 13.

2 C. P. R. 1334-38, p. 387.

3 Their names appear frequently in witness lists to borough charters.

4 As in Scarborough, for example: C. P. R. 1266-72, p. 254; Turner, Town Defences, pp. 34-35.

5 P. R. O. Durham Chancery Enrolments, 3/32, m. 8.

the pretext of a murage grant which was now out of date and had then retained the money for their own use. Such a misappropriation of funds would probably deter bishops from making murage grants to townsmen they could not trust; it is significant that no surviving murage grants date from Bishop Fordham's episcopate. Moreover, the withholding of murage money by its collectors would probably lead to the gradual decay of the wall.

A second interesting feature of murage grants was the method used to assess and raise money for wall-building. Kellaw's grant of 1315 simply said tolls were to be taken de bonis venalibus coming into Durham, without any details of the goods to be taxed.<sup>1</sup> However, in Hatfield's grant of 1379 these goods are listed for the first time.<sup>2</sup> They range from measures of wine (2d.) to sacks of wool (each paying 4d.), to pigs (1d. for five sold) and a hundredweight of wax (2d.). The list was even longer in Langley's grant of 1407 but the amounts were, in several cases, reduced by half.<sup>3</sup> The tolls charged on each item were so small that it would have taken a large volume of trade entering Durham market before enough money could be collected to pay for wall-building. Furthermore, the method seems very complicated and cumbersome. The lists of tolls is long, involving a variety of ways of measuring different goods, and it must have been very difficult to administer and tax efficiently. The range of goods appearing in such lists is not necessarily a very reliable indicator of the types of goods for sale in a market such as Durham. Dr. Fraser has shown that many murage grants had a standardised table of tolls which might not apply to the town in question.<sup>4</sup> Consequently, the number of goods that could be taxed for murage money in Durham may have been more limited than the grants imply.

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1 Reg. Pal. Dun. II, p. 1071.

2 P. R. O. Durham Chancery Enrolments, 3/31, m. 13.

3 For example, the toll on wine was reduced to 1d., on sacks of wool to 2d. and on a hundredweight of wax to 1d.: P. R. O. Durham Chancery Enrolments, 3/34, m. 2.

4 C. M. Fraser, 'The Pattern of Trade in the North-East of England, 1265-1350', Northern History, IV (1969), pp. 45-46.

All of these Durham murage grants, apart from Kellaw's, had a specific time limit attached to them. Bury's murage grants were probably all limited to five years, which, according to Turner, was the average length for this period.<sup>1</sup> Time limits were set so that the bishop would not lose tolls on goods in Durham market to his townsmen for an indefinite period and probably so that the measure of the independence given to the burgesses for wall-building would not set a precedent for greater privileges or lead to a sense of permanency. Bury revoked his last grant of murage in 1345 and although no explanation survives in the documentary evidence, perhaps one could speculate that the bishop considered murage tolls had continued for too long or that the townsmen had extended them beyond their authorised period and the bishop was resuming control over Durham's market income.<sup>2</sup>

Hatfield's murage grant in 1379 was for a ten-year period, twice the length of Bury's grants.<sup>3</sup> Here again, Turner has suggested that this was the average length of such grants in the late fourteenth century; if so, it may indicate that a longer period was necessary to raise amounts equal to those of the early fourteenth century.<sup>4</sup> The period of the last murage grant in 1407 was, however, reduced to as little as three years, which seems to imply that less money was then needed for the work on Durham's town wall.<sup>5</sup> Any simple relationship between the length of grants, the amount of money raised and the state of the wall is impossible to prove. Hatfield's grant was for a longer period and perhaps it raised most money overall, but Langley's short grant covered a longer list of goods, although many were to be taxed at reduced rates, and tolls were to be taken not only on goods entering Durham but also on those leaving Durham. Moreover, the last two murage grants were coupled with pavage grants.<sup>6</sup> Whatever money was raised from tolls would have to be divided between the wall and the costs of paving the centre of Durham. Consequently, even if sums raised were larger in the late fourteenth century than the early fourteenth century, it is unlikely that as much money was devoted to

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1 Turner, Town Defences, p. 33.

2 P. R. O. Durham Chancery Enrolments, 3/29, m. 18d.

3 P. R. O. Durham Chancery Enrolments, 3/31, m. 13.

4 Turner, Town Defences, p. 33.

5 P. R. O. Durham Chancery Enrolments, 3/34, m. 2.

6 See above, p. 61.

wall-building. Such changes in the methods of collecting murage may have made a considerable difference in the amounts raised.

After 1407 no murage grants are recorded, and it is a matter for speculation as to how the town wall was maintained. This lack of evidence in Durham compares with the general decline in the number of royal murage grants which Turner noted after the mid-fourteenth century.<sup>1</sup> Like many other English towns, Durham may have had to raise its murage money from a wider variety of sources. The bishop seems to have taken no further part in the financing of Durham's wall and it is likely that the responsibility would fall on the inhabitants of the bishop's borough. Certain borough rents may have been diverted to finance the work in the same way as "briglands" supported Durham's bridges.<sup>2</sup> Paving, as we have seen earlier, had been financed by contributions from priory officers, but there is no evidence in the priory account rolls that they contributed to the repair of the town wall.<sup>3</sup> Those tenants who held land which abutted the wall may also have been responsible for the upkeep of their stretch of wall.

There is no documentary or archaeological evidence for the method of construction of Durham's town wall, of its size, the depth of its foundations or the materials used. It appears from the murage grants that serious work on erecting the wall began c. 1315 and continued in the first half of the fourteenth century, accompanied by frequent financial assistance from the bishops. Clayportgate, the one gate in the town wall, was constructed probably during the first phase of wall-building, after Bishop Kellaw's grant of murage. One of the earliest references to the gate occurs in a charter of 1332 in which Roger, son of Luciana de Dunelm., leased to John de Nassington the rent from a tenement in Clayport lying next to novam portam.<sup>4</sup> This reference suggests that the gateway was of fairly recent construction. By 1379, however, the circuit of this wall was probably complete because Hatfield's grant was made "in auxilium reperacionis et emendacionis clausure ville", not for actual building work.<sup>5</sup> The

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1 Turner, Town Defences, pp. 40, 43.

2 See above, p. 51.

3 See above, pp. 61-63.

4 Misc. Ch. 2221. See also Gazetteer, Forum, no. 19.

5 P.R.O. Durham Chancery Enrolments, 3/31, m. 13.

last two murage grants were made to provide money for maintenance, not for extensions to the walls. In the absence of any information after 1407 about financial assistance towards wall-building, it is tempting to think that the town wall entered a period of slow decay and neglect, the fate which befell so many under-financed town walls in England. But the wall was still a prominent feature of the landscape in the early sixteenth century. In a deed of 1526, John Mathowe of Durham granted Thomas Blakden, goldsmith, a tenement and three gardens in Walkergate, lying between the city wall and the road.<sup>1</sup> The gardens were said to lie adjacent to murum comunem Civitatis. Clayportgate was still standing when Hutchinson described the appearance of the city of Durham in the 1780s, but it was obviously ruinous by this time.<sup>2</sup> Hutchinson recorded that the gate adjoined St. Nicholas' church, but that it was in poor condition, like the Water Gate (or South Gate). It had "no machicolation" and it consisted of a single pair of gates "built with irregular stones and much mortar". There was a foot passage on its east side, probably resembling the postern by the side of the North Gate. Surtees described it as a "single arch of common stone and rubble" which was demolished along with the adjoining shops and houses in 1791.<sup>3</sup>

These late eye-witness accounts of Clayportgate suggest that by then at least the town wall was rather a rough and ready structure, poorly constructed of cheap materials. The money raised from murage grants may never have been sufficient to finance the building of a solid defensive barrier. It is unlikely that the wall would have withstood any military attack in the way that the castle enclosure had defeated the efforts of Scots and insurgents in earlier times.<sup>4</sup> However, perhaps defence was not the wall's most significant role in medieval Durham. Its construction was a community affair. It was built, maintained and organised by the townsmen; and as such it was one of the few opportunities for power and independence delegated by the bishop to the town. Whether it was ever a wholly successful defensive barrier is debatable, but it was a focus of communal action and no

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1 P.R.O. Durham Chancery Enrolments, 3/74, m. 4d; Gazetteer, Walkergate, Misc. deeds.  
2 Hutchinson, Durham, II, p. 279.  
3 Surtees, Durham, IV, p. 54.  
4 See above, pp. 18-20.

doubt (as in all the fortified towns of medieval England) a prestigious symbol of urban status for the townsmen of Durham themselves.

CHAPTER IV

THREE DURHAM LANDLORDS:

The Urban Estates of the Bursar, the Hostillar  
and the Almoner, 1250-1540

Durham Cathedral Priory had a dominant interest both as landlord and landowner in the town which surrounded the peninsula; by 1500 it held many freeholds of properties in every street and drew a multitude of rents from its tenants. No less than three of Durham's five boroughs were under the direct overlordship of its obedientiaries. The priory held a sizeable urban estate in Old and New Elvet, managed by the hostillar who collected the rent income for the benefit of his own office. The large number of priory properties in the Old Borough was managed by the sacrist after 1423;<sup>1</sup> and, in addition, the priory held many other tenements in the Bailey, Clayport and St. Giles. The management as well as the revenues of this urban estate were subdivided among the priory's obedientiaries: in all, eight obedientiaries held some property in Durham from which they derived a somewhat fluctuating income.<sup>2</sup> However, the fact that a monastic obedientiary was the overlord of a borough did not necessarily mean that all the tenements in that borough were held from the priory directly; indeed, it comes as a surprise to see how many tenements in priory boroughs remained in private hands throughout the medieval period, owing only a small, fixed, freehold rent to the priory. In the hostillar's borough of New Elvet, for example, sixty rents out of a total of 106 were still freehold rents in 1523.<sup>3</sup>

This chapter attempts to trace the growth of three priory estates in Durham between c. 1250 and 1540, those of the bursar, the hostillar and the almoner. The use of the word "growth" in this context will be taken to have three different shades of meaning. Firstly, there is the purely physical growth of the estates, in terms of the actual

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1 Sac. account, 1423/4, Receipts.

2 See below, pp. 109-10, 130-31.

3 Host. rental, 1523; see below, pp. 133-34.

number of tenements held by these officers in the Durham boroughs and the proportion of land in each borough which was in priory hands. Secondly, there is the legal growth of the priory's interests in Durham city, achieved whenever the priory managed to acquire the freehold of a property in a borough. Thirdly, the priory's Durham estates grew in financial terms as a result of their physical and legal expansion. As more tenements were acquired by obedientiaries and as more freeholds were converted into leaseholds, so the potential income for the priory from their estates grew. Such financial growth has, of course, to be set against the fluctuating income from these holdings and the outgoings of the estate managers before any accurate assessment of the priory's financial stake in Durham city can be ascertained. These variable factors will be examined in the following chapter.

These three types of growth in the priory's Durham estates did not necessarily coincide. This chapter and the next will show that physical expansion did not always lead to an increased income from the estates; the acquisition of new freeholds often brought with it additional responsibilities and outgoings in the form of small rent charges. Physical expansion of the estates was not always a sign of prosperity. Somewhat paradoxically, it could also be a measure of desperation as the priory attempted to boost stagnant rent revenues and a largely fixed income with a "spending spree" on the land market.<sup>1</sup> However, the possibilities were not always conditioned by gloom and economic depression. The acquisition of properties, or of the legal interest in them, if handled judiciously, could result in greatly improved receipts for individual obedientiaries. It is interesting, as well as instructive, to compare the estate management policies of these three obedientiaries, if that is not too grand a term for what may have been simply a piecemeal response to market conditions. The aim of the three officers was identical: to increase or, at the very least, to preserve their receipts from urban property when so much of the remainder of the total income was fixed. Broadly speaking,

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<sup>1</sup> Cf. the apparent wealth of Durham Priory in terms of its annual gross income, and the sense of "financial desperation" expressed by the monks in the early 15th. century: Dobson, Durham Priory, pp. 250-51.



their approach to the problem was similar: to expand their estates in physical and legal terms so that they would yield more money. However, their methods of achieving this were dissimilar, and varied from time to time depending on the economic background and probably also on the personalities and abilities of individual obedientiaries.<sup>1</sup>

The estates of these three priory obedientiaries are examined here in some detail because of the shortcomings of the surviving evidence for other urban estates in Durham, in particular, those of the bishop, the master of Kepier hospital and private landholders. Apart from two surveys of the bishop's freeholders,<sup>2</sup> no complete rentals or surveys of the bishop's borough survive: it is consequently impossible to assess the size, the growth and the value of the bishop's properties in what seems to have been the most populous part of Durham near the market place.<sup>3</sup> This imbalance of the evidence, with the virtual absence of information about the geographical centre of the town, may lead to undue weight being given to the growth of the priory's estate in Durham. Moreover, it is difficult to gauge the size of the priory's estate in comparison with either the bishop's holdings in his own borough or those of Kepier hospital in its borough of St. Giles. However, the impression given by the surviving rentals is that by 1500 the priory held the majority of tenements in Old and New Elvet and the greater part of the land in the Old Borough. It also had a small estate in St. Giles' borough, in the bishop's borough and in the Baileys.

The conclusions drawn in this chapter are therefore based on the widest range of evidence which happens to have survived. The two most important sources for the management of the obedientiaries' urban property are their rentals and account rolls, both of which present difficult problems of interpretation. The rentals list the

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1 Although, of course, individual office-holders had little room for manoeuvre because most revenues were fixed: Dobson, Durham Priory, p. 254.

2 The first survey dates from 1382: Bishop Hatfield's Survey, p. 162. The second dates from Langley's episcopate, 1420-23: P. R. O. Palatinate of Durham, C. C. 220195 printed in V. C. H. Durham III, pp. 23-24.

3 In contrast with Winchester, where the 12th. century Liber Winton and the 1417 Tarrage survey provide a comprehensive survey of the town's tenements: see Winchester in the Early Middle Ages, pp. 241-43.

rents owed to one obedientiary in each street in Durham, giving the name of the tenant and often a brief description of the property and the rent. Apart from the obvious difficulty in locating some of these properties in a given street,<sup>1</sup> there is the additional danger of taking the rentals at face value. They were a record of rents owed, in the past, to the priory, at their original levels; they were retrospective documents, not necessarily reflecting the current realities of rent income, rent reductions, allowances, waste rents or rent arrears. Consequently, some caution is necessary when attempting to calculate the growth of an urban estate on the evidence of rentals alone. In contrast, the account rolls give an up-to-date record of acquisitions of land in Durham as well as the rent income actually received from the land and the costs of maintaining the estate. The rentals and account rolls, with a few surviving charters in which land is granted to the priory by individuals, can be used to trace the growth of the estates of three obedientiaries.

Although the financial management of the priory's estate in Durham was obviously of paramount importance to the monks, and will be discussed in detail later,<sup>2</sup> the study of the composition and the development of the urban estate has a wider significance in the history of the town. It reveals that certain parts of Durham, such as New Elvet and the bishop's borough, for example, grew in wealth and prosperity during the medieval period while others, such as St. Giles and parts of the Old Borough, became economically depressed. The fortunes of the different parts of the estate had an effect on the built-up area, especially as waste tenements were increasingly left to become ruinous and uninhabitable. These tenements were then amalgamated into orchards or closes, and so the urban area shrank, for example, in the Old Borough, as a direct result of the priory's estate management policy.<sup>3</sup> This chapter also demonstrates the attempts made by the priory to preserve and even to enlarge its estate against a background of falling profits from land in the early

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1 This problem is explained in greater detail in the Introduction to the Gazetteer, Vol. II, p. 2-3.

2 See below, pp. 130-61.

3 See Sac. rental, 1500; below, pp. 146-48.

fifteenth century and through co-operation between obedientiaries, to weld its scattered holdings in the Durham boroughs into a more cohesive estate.

(a) The Bursar's Estate in Durham

The origins of the priory's Durham estate are to be found in one of the forged charters attributed to Bishop William de St. Calais in which land in and around Durham was divided between the bishop and the convent.<sup>1</sup> This charter laid the foundations for the priory's claim to the Elvet area of Durham; in it, the bishop granted the priory "AElvet, ut ibi xl<sup>ta</sup> mercatorum domos monachi ad usum propriam habeant". Although the alleged date of this charter has been proved to be false, and it appears to have been drawn up by the priory in the early twelfth century in an attempt to construct an unbroken title to this land from the foundation of the monastic community, Professor Offler believes that it makes no overly unreasonable claims. The priory's share of Durham lands probably also included the area which was to become the Old Borough. Bishop Flambard, towards the end of his life, restored to the priory all the land he had taken from it earlier in his episcopate. In a charter dating from c. 1128, he listed these lands and among them was "terram ultra pontem Dunelmi", an area which was valued at 38s. p. a. according to Henry I's confirmation of this charter.<sup>2</sup> This charter implies that the priory had been granted land to the west of the peninsula before Flambard's episcopate. These two early charters mark the extent of the priory's holdings in Durham in the early Middle Ages.

This estate seems to have been divided among the priory's obedientiaries as it was, for example, in Canterbury before 1170 and in most other major Benedictine communities.<sup>3</sup> The obedientiaries of Peterborough abbey, for example, were endowed separately and the revenues of the convent's lands at Westminster were divided between at least six important obediences.<sup>4</sup> The office of the Durham

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1 Durham Episcopal Charters, ed. Offler, pp. 6-15; see above, p. 27.

2 2. 1. Pont. 1; Durham Episcopal Charters, p. 107.

3 See Urry, Canterbury, p. 31.

4 E. King, Peterborough Abbey, 1086-1310: a Study in the Land Market (Cambridge, 1973), p. 88; B. Harvey, Westminster Abbey and its Estates in the Middle Ages (Oxford, 1977), p. 57.

bursar does not seem to have come into existence until the mid-thirteenth century; chapter ordinances of 1235 and 1252 mention a sacrist, hostillar, almoner, terrar and chamberlain, but the first documentary reference to a bursar occurs in 1265.<sup>1</sup> The allocation of a landed estate to the bursar probably accompanied the creation of this new obedience. The bursar seems to have received the largest share of the priory's total estate outside the urban area, as befitted the office requiring the greatest resources, but he had a relatively small interest in the town itself.<sup>2</sup> His first surviving rental (1270) shows that the bulk of his income was derived from the farms of the Old Borough, Elvet borough and Scaltok mill in Elvet.<sup>3</sup> He drew few rent payments from individual properties within the priory boroughs. From this evidence, it seems that the bursar had been given the lordship of two priory boroughs, and that he had acquired odd tenements elsewhere in Durham, either by gift or by purchase, which were added to his estate in a piecemeal fashion. Upon this basis, the bursar accumulated a number of holdings in the town.

The bursar's late medieval urban estate was composed of a mixture of types of holdings, not all urban in character. The majority of rent payments came from tenements, burgages or messuages, some of which included buildings. A second group of holdings were houses and shops, often more valuable than many tenements; a house in Clayport rendered 14s. p.a. in 1270, for example.<sup>4</sup> Thirdly, there were pieces of land in the fields around the boroughs. The bursar had land near Coddlesley in the Old Borough and on Bearpark moor which he leased out to tenants for agricultural cultivation.<sup>5</sup> By the early sixteenth century, the character of the estate seems to have changed. Several of the

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1 The origins of the bursar's office should be set in the context of similar developments in Benedictine houses during the late 13th. century and the move towards centralised accounting: see R. H. Snape, English Monastic Finances in the Later Middle Ages (Cambridge, 1926), pp. 37-8; Dobson, Durham Priory, pp. 257-8. For variations in organisation, see R. A. L. Smith, 'The Regimen Scaccarii in the English monasteries', T.R.H.S., 4th series, XXIV (1942), pp. 92-4.

2 Lomas, 'Durham Cathedral Priory as Landowner and Landlord', p. 8.

3 Loc. IV, no. 226.

4 Burs. rental, 1270.

5 See, for example, Burs. rental, 1508; Gazetteer, Crossgate and Alvertongate, Introductions.

Table 1: THE GROWTH OF THE BURSAR'S ESTATE IN DURHAM, 1270-1539

Numbers of Rent Payments received by the Bursar

Source: Bursar's rentals, Bursar's account rolls, 1445/46, 1473/74

	1270	1335	1347	1382	1427	1445	1473	1495	1508	1517	1539
Bailey		5	10	15	16	16	12	15	17	16	16
Elvet	1(a)	12	15	16	14			15	16	14	11
Elvet Bakehouse (a)	1	1	1	1	1	1	1	1	1	1	1
Borough of Durham	1	5	5	3	4	4	4	10	10	10	11
South Street				2	2						
Crossgate	2	3	5	14	2	7	7	6	9	10(c)	10
Old Borough (a)	1	1	1	1	1(b)	1(b)					
St. Giles				21	24	?24	?25	20	18	22	22
Scaltok Mill (a)	1	1	1	1		1	1	1	1	1	1
Totals of Rent Payments	7	28	38	74	64	54	50	68	72	74	72

Key: (a) A farm, not an individual rent.

(b) The pension received by the bursar instead of the farm of the Old Borough.

(c) This total is taken from the bursar's account 1519/20.

There are no entries for the Old Borough in 1517 rental.

bursar's tenements or burgages were described as lying waste and many were transformed into agricultural land or orchards. In St. Giles' borough, the bursar drew rent from twenty-two tenements in 1539; only eleven of these tenements seem to have included any buildings and several had been converted into closes.<sup>1</sup> The 1539 description of Peter Barnard's tenement is typical; two waste burgages lying in a close had been turned into a garden and two other burgages with three "rodds or ryggs" within the close had become an orchard. Overall, the estate was less "urban" by the early sixteenth century than it had been in the fourteenth century.

This estate did not grow steadily throughout the period, nor was expansion confined to any one borough at a given time. Despite the many gaps in the documents, the general pattern of growth can be traced by combining the evidence of the rentals, where entries of tenements newly acquired appear from time to time, with entries in the account rolls of the expenditure on new tenements. The accompanying table charts the expansion of the bursar's Durham estate in terms of the number of rent payments he received.<sup>2</sup>

In general terms, there was growth in the estate before 1340, particularly in the Elvet boroughs. Although he lost the farm of Elvet to the hostillar before 1335, the bursar acquired twelve new rent payments in that borough which gave him an income of 47s. 3d. in 1335.<sup>3</sup> In that year, he drew rents from almost as many properties in Elvet as he did in every other part of Durham (twelve in Elvet; thirteen elsewhere). However, properties acquired in other boroughs apart from Elvet were more valuable, and they increased his income by 30s. between 1270 and 1335. The bursar also acquired property in the early fourteenth century in the Old Borough, in Crossgate and Milneburngate, for example, and several pieces of land around the borough, in places like Bearpark moor.<sup>4</sup> These early acquisitions concentrated on the priory's own boroughs probably because it was easier for the priory to acquire land there. As the overlord, they

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1 Burs. rental, 1539.

2 Table I

3 Burs. rental, 1335/36.

4 See Gazetteer, Crossgate, no. 10. The bursar held 13 acres in Bearpark moor by 1335: Burs. rental, 1335/36.

could watch closely over properties within their own boroughs and they would know which tenants were eager to sell or where tenements were falling vacant for lack of heirs.<sup>1</sup> Also, the buying of tenements within the priory's own boroughs would not involve the bursar in large rent charges to other landlords or, theoretically, in the buying of licences to alienate land on its own fee.<sup>2</sup> It was a sensible way to expand an urban estate.

However, even before 1340, the bursar was acquiring tenements in other parts of Durham and he seems to have been intent upon building up a sizeable estate in all the Durham boroughs. The reason for this policy of expansion, which became more rapid between 1340 and 1382, was that any growth in the bursar's income from his urban property depended upon him acquiring freeholds rather than relying on the steady income from the farm of a borough or from small fixed rents. The traditional landmale rents could not be increased, and neither could the freehold rents, but if a tenement could be purchased by the priory outright, then it could be leased at a more favourable rent. As early as 1270, the bursar held a house in Clayport.<sup>3</sup> Between 1340 and 1382 he acquired five properties in the Bailey, probably for social as well as economic reasons. Land there was certainly valuable and a good investment; the income from one or two Bailey properties was higher than the income from many tenements in Elvet. Moreover the bursar may have been attracted by the availability of land in the Bailey because it was on the edge of the priory precinct; he could use it to house servants of the priory, and then the priory could choose its own neighbours. Also there may have been more status attached to land-holding within the castle walls.<sup>4</sup>

More significant in terms of the future of the estate was the acquisition of twenty-one properties in St. Giles' borough from the master of Kepier hospital by 1382. The borough of St. Giles was

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1 As in Winchester: see Keene, Survey of Medieval Winchester, pp. 198, 203-4.

2 The monks of Westminster abbey purchased nearly all new properties within their own fee: Harvey, Westminster Abbey, pp. 165-66.

3 Burs. rental, 1270.

4 St. Mary's abbey in York bought houses in the town because it had status as a centre of secular and ecclesiastical administration: V.C.H. Yorkshire, City of York (Oxford, 1961), p. 49.

not part of the early division of land between the bishop and the priory and presumably it had remained in the bishop's hand until Puiset's refounding of Kepier hospital after 1153.<sup>1</sup> Among the land which the bishop added to Kepier's original endowment was "a borough in our street of St. Giles". The master of Kepier became the overlord of the borough and he took the customary rents and services from all the tenants living in the street. However, by 1379 some tenements in this borough were being repaired at the bursar's expense<sup>2</sup> and, for the first time, some twenty-one entries for land in St. Giles appear in the bursar's rental of 1382. There appears to be no reference to the acquisition of these tenements in the account rolls, although in 1388 there is a record of a payment of £6 13s. 4d. made to Walter Taillour for the reversion of his land in St. Giles.<sup>3</sup> Moreover, the surviving charters for the street show that the priory had acquired a small estate there from the Whetelaw family, along with other miscellaneous tenements in the later fourteenth century.<sup>4</sup> It seems to have been part of the process whereby the priory sought to increase its holdings in the city gradually when the opportunity arose and when the bursar's total income seems to have exceeded his outgoings considerably. The size of the St. Giles' acquisitions is emphasised by the payments which the bursar had to make for the freeholds and the services owed by these tenements to Kepier hospital. In 1395, he paid 30s., rising to 38s. 3d. in 1407 and to 53s. 11½d. by 1503.<sup>5</sup> These new holdings added greatly to the physical size of the bursar's urban estate, but they were never, apparently, a very viable concern. Rents were relatively small to begin with, many were in arrears or unpaid over many years and repairs were frequent and expensive.

A period of such rapid and costly expansion was, inevitably, followed by many years of what may be termed consolidation and of little growth. However, by the late fifteenth century, the bursar was ready to enter the market for land again, if on a smaller scale than

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1 V. C. H. Durham II, pp. 11, 111; Memorials of St. Giles, pp. 195-96.

2 Burs. account, 1379/80, Minute Expenses.

3 Burs. account, 1388/89.

4 The details of these transactions do not survive perhaps because negotiations were with the master of Kepier hospital as overlord of the borough and little documentary evidence of Kepier's estate survives. See Gazetteer, St. Giles, Introduction; Whetelaw family deeds.

5 Burs. accounts, 1395/96, 1407/08, 1503/04, Redditus resoluti.



before. The acquisitions of the fourteenth century give the impression that the bursar was buying any land which came on the market, regardless of its long-term suitability or of its location. His acquisitions of the late fifteenth and early sixteenth centuries show a more discriminating eye to the property market; he bought a few valuable freeholds mainly in the bishop's borough which guaranteed a high rent income, although the purchase price was higher. The four tenements in Sadlergate acquired from Richard More in c. 1480 rendered 26s. 8d. in 1481. One tenement in Fleshewergate acquired from William Fenwyk in c. 1519 also rendered 26s. 8d. p. a.<sup>1</sup> However, it may have become more and more difficult for the bursar to acquire tenements in boroughs where other obedientiaries had strong interests. He had lost the overlordship of the Old Borough to the sacrist in the early fifteenth century; and later in that century both the sacrist and the hostillar were spending money on accumulating tenements in their own boroughs.<sup>2</sup> The bursar seems to have transferred some land in Elvet to the hostillar in 1455 when a payment of 6s. 8d. was made by the hostillar to the bursar for William Britby's house.<sup>3</sup> It was probably contrary to the priory's policy at the end of the medieval period to allow one obedientiary to acquire more tenements within the estate of another. Hence the bursar's interest in the bishop's borough and the concentration of his financial resources within the central area of Durham.

By the early sixteenth century, the bursar's estate had spread to every Durham borough, but in terms of the actual number of holdings in any one borough, it was not perhaps especially impressive. In 1517, the bursar drew seventy-two rent payments from properties throughout Durham; but the hostillar drew 106 rent payments from New Elvet borough alone.<sup>4</sup> On the other hand, it was quite a valuable estate; the tenements acquired in the bishop's borough returned high rents and seldom seem to have been out of tenure. The two tenements in the market, for example, bought c. 1519, gave the bursar annual rents of 13s. 4d. and 26s. 8d.<sup>5</sup>

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1 Burs. accounts, 1481/82, 1519/20, Receipts.

2 Sunt ibid. [Aldburgh] alii terras et tenementos ... que Thomas Rome nuper Sacrista habuit in excambium de bursar. pro 53s. 4d.: Burs. rental, 1427; see below, pp. 117, 121-22.

3 Host. account, 1455/56.

4 Burs. rental, 1517; see below, pp. 120-21.

5 Burs. account, 1519/20, Receipts; Burs. rental, 1538.

However, the history of the bursar's estate between 1250 and 1540 was not one of unabated expansion or unchecked growth, as is clear from the stagnation of the early fifteenth century.<sup>1</sup> Various explanations for this can be offered. Firstly, the bursar's successes in the fourteenth century may have rebounded on his later fortunes; his estate was pruned to help those obedientiaries with smaller, less profitable estates, such as the sacrist and the commoner. Similarly, the rapid expansion of the bursar's estate in the late fourteenth century was followed by the transfer of rents in Elvet to the feretrar, the loss of rents in Clayport to the commoner and the transfer of the farm of the Old Borough and two tenements in Crossgate to the sacrist.<sup>2</sup> There may have been a connection between this shedding of properties and the financial crisis in the bursar's estate which culminated in the division of his duties between three obedientiaries from 1438 to 1445.<sup>3</sup> It may have been thought that a smaller urban estate was more manageable for the hard-pressed bursar. Secondly, the bursar's recently-acquired property in St. Giles was to be a drain on his resources for the rest of the period: here there was a growing list of arrears and waste tenements and many tenements were kept in hand for long periods for lack of tenants.<sup>4</sup> Thirdly, as his estate expanded, so the burden of payments to other overlords or individuals grew: increases in rent income apparently never matched the growth of expenditure on his tenements. Consequently, for most of the fifteenth century the bursar had to fight to maintain his estate intact and to keep losses down to a minimum. Clearly he met with some success in his efforts, because by the end of the century the estate was expanding again albeit more slowly; but at the edges of the town, in Elvet and St. Giles, there were still several waste tenements in 1540 and many amalgamations of burgages into closes and orchards.<sup>5</sup> The implication of the available evidence is that the bursar's tenements in the central areas of the town were easier to let for higher rents than those on the outskirts of the urban area. The consequence was that, by a process of amalgamations, transfers

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1 See below, pp. 141, 149.

2 See Burs. rentals, 1396, 1427.

3 Dobson, Durham Priory, pp. 285-87.

4 See below, pp. 143-44; Gazetteer, St. Giles, Introduction.

5 Burs. rental, 1539.

to other obedientiaries and natural wastage, the bursar's estate seems to have become less dispersed in the later medieval period.

Finally, can it be argued that the bursar's Durham estate at the end of the medieval period was more viable economically and better managed than in 1300? It is a question that cannot properly be answered until the changing pattern of rents has been analysed, but, in simple terms, the number of properties held by the bursar and thus the overall size of his estate had more than doubled by 1540. It had spread to all the Durham boroughs, it included a greater variety of holdings, agricultural and domestic and it contained many valuable properties. A somewhat crude measure of its growth can be made by comparing the totals of the 1340 rental with that of 1539. In 1340, the bursar drew twenty-nine rents from property in Durham in addition to the farm of the Old Borough, and the total theoretical value of his Durham estate was £8 6s. In 1539 he drew seventy-one rents from Durham properties, including the farm of Scaltok mill and of Elvet bakehouse, and the total theoretical value of the estate was over £40. It is clear from these income figures that there had been a great expansion in the bursar's estate. However, there was the increasing burden of rent losses, waste tenements and considerable outgoings in various forms which had led to a slight shrinking of the estate in the fifteenth century. The estate may have been larger in 1540 than in 1340, but the profit margin was apparently narrower.

(b) The Hostillar's Estate in Durham

The basis of the hostillar's estate in Durham was the two boroughs of Elvet lying to the east of the peninsula, which seem to have been in the monks' possession from the earliest days of the convent.<sup>1</sup> The priory lost Elvet, temporarily, during the episcopate of Puiset, but the bishop later restored "Elvetehalge" to the monks in a charter which confirmed the priory's right to the overlordship of Elvet borough and to take all profits from it.<sup>2</sup> Subsequently, Prior Bertram issued a charter to the inhabitants "de novo burgo nostro",

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1 Host. rentals, 1523-34; Offler, Durham Episcopal Charters, pp. 6-15; see above, pp.

2 "nos reddissise . . . Priori et monachis in ecclesia Dunelm. . . . omnia quae de rebus suis, sive in ecclesiis sive in terris sive in redditibus, postquam adepti sumus Episcopatum Dunelm., ceperamus et in usus nostros converteramus . . . burgum factum in Elvetehalge": 3.1. Pont. 4; see above, p. 28.

here clearly referring to the new borough of Elvet, otherwise Elvet borough, which established the limits of the burgesses' rights and privileges.<sup>1</sup> Among other things, they had to pay an annual rent to the priory and grind corn at the abbey's mill. There is no surviving documentary evidence, however, to indicate when the Elvet boroughs came into the hostillar's endowment; the hostillar's first surviving account roll dates from 1302/03 and it merely shows that the income from his Durham estate came from the farms of both the borough and the barony of Elvet. This evidence suggests that the hostillar had been allocated the whole of the priory's possessions to the east of the peninsula by 1302 at least and that he was the overlord of both Elvet boroughs. But, confusingly, the earliest surviving bursar's rentals record payments of a farm from Elvet to the bursar.<sup>2</sup> Perhaps in the earliest division of the Durham estate between the obedientiaries, the hostillar had received Elvet, but it had been surrendered when the office of bursar was created in the mid-thirteenth century. If such a surrender took place, it seems to have been relatively short-lived; from 1302 to 1540 the hostillar was overlord of both Elvet boroughs. He also held the manor of Elvethall with its buildings within the urban area of Old Elvet and its demesne lands surrounding the borough. The hostillar kept the manor in hand although portions of its lands were leased from time to time. Dr. Lomas has demonstrated the hostillar's success in managing his demesne lands throughout the period.<sup>3</sup> The later history of the hostillar's estate shows that he amassed the freeholds of more tenements within his two Elvet boroughs. Unlike the bursar and the almoner, he held no properties in any other part of Durham.

Although the estate covered a relatively small part of Durham it was, like the bursar's estate, composed of a great variety of landholdings. There is little information in the fourteenth century account rolls about the nature of these properties, although the list of arrears in the 1326 account shows that there were some houses among all the

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1 Cart. II, f. 251; Feodarium Dunelm., p. 199; see above, p. 28.

2 See above, p. 110.

3 Lomas, 'Durham Cathedral Priory as Landowner', pp. 191-96; R. A. Lomas, 'A Northern Farm at the End of the Middle Ages: Elvethall Manor, Durham, 1443/44 - 1513/14', Northern History XVIII (1982), pp. 26-53.

tenements owing rent to the hostillar. The late fourteenth-century acquisitions included open plots of land in Smythalgh (1377), a meadow which was part of Simon Alman's estate (1389), a dovecot within a tenement and a kiln (thorale, 1398), as well as tenements in both boroughs.<sup>1</sup> In the fifteenth century, the hostillar bought land somewhat loosely described as "tenements" which may have been open land, although the tenement he bought in 1415 opposite St. Oswald's church was said to be "newly built".<sup>2</sup> It is only in the series of surviving rentals dating from 1523 to 1534 that the range of land-holdings within the boroughs is revealed. In New Elvet, ninety-four units of land were described as "burgages", of which nine were lying waste and some had been absorbed into orchards or even barns.<sup>3</sup> There were eighteen orchards, some gardens, closes and other pieces of open land within the line of the street. Some of these burgages contained structures such as shops (opella), barns and other buildings. The houses of the wealthy were extensive; Christopher Danby's heirs held two waste burgages, a principal burgage with a curtilage and a garden before the gate (harbarium) along with a chapel attached to the principal burgage. In Old Elvet there were ninety-seven burgages, orchards, crofts, gardens and parts of meadows as well as the mansio of the vicar of St. Oswald's and a small camera above "le Almoshowse". By the early sixteenth century it seems that Old Elvet borough was more agricultural in character than New Elvet; but in both boroughs buildings were interspersed with orchards, open land and barns, and agricultural land and buildings intruded on the urban area. Although several burgages in New Elvet were described as lying waste and some had been converted into orchards and closes, this did not necessarily mean a loss of income. Richard Borth's waste burgage in New Elvet, for example, returned the same rent to the hostillar although it had been converted into an orchard. However, the urban area may have been contracting slightly in this part of the estate, if not the rent income.

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1 Host. accounts, 1377/78, Expense Necessarie; pro prato which Simon Alman once held: 1389/90, Varia Recepta; a columbarium in Elvet: 1398/99, Varia Recepta; pro thorale: 1383, Receipts. de novo edificat:: Host. account, 1415/16, Redditus Assise.

2 The chaplain of the guild of the Crucifix held 1 burgage nunc in orrio: Host. rental, 1523.

Table II: THE GROWTH OF THE HOSTILLAR'S  
ESTATE IN DURHAM, c. 1300-1480

Income received from the Farms of  
Old and New Elvet

Source: Hostillar's Account Rolls

	Old Elvet £ s. d.	New Elvet £ s. d.	Total £ s. d.
130[2]-03 (a)	5. 6. 8	5. 0. 0	10. 6. 8
1333-35	10. 2. 10½	4. 0. 0 (b)	14. 2. 10½
1354-55	13. 4. 7	4. 0. 0	17. 4. 7
1364-65	12. 14. 5½	5. 6. 8 (b)	18. 1. 1½
1377-78	15. 0. 0	3. 6. 2½	18. 6. 2½
1384-85	10. 9. 2½	4. 9. 7½	14. 18. 10
1405-06	10. 15. 4½	4. 19. 8	15. 15. 0½
1416-17	11. 14. 4½		
1424-25	11. 10. 5½		
1440-41	13. 18. 0		
1455-56	13. 18. 0	4. 18. 6½	18. 16. 6½
1479-80	13. 18. 0		

Key: (a) Possibly one term only.  
(b) This total includes profits of the  
borough court.

The surviving evidence, incomplete as it is, accordingly suggests that the growth of the hostillar's estate was neither spasmodic nor rapid, as in the bursar's estate, but that it continued at a steady pace throughout the medieval period. The tables below show the expansion of the hostillar's estate in Durham in a more detailed form.<sup>1</sup> As the earliest surviving rental dates from 1523, the precise extent of the hostillar's estate in the early medieval period is unclear. The only evidence for the growth of the estate in financial terms in the fourteenth century comes from the total farms of both boroughs given in the account rolls,<sup>2</sup> a fluctuating income which is not a very reliable guide to the expansion of the estate. The farm of a borough did not reflect individual rent movements: nor did an increase in the farm necessarily mean an increase in the number of tenements in the estate. Moreover, the farms were fixed from time to time at levels which may not have been a true reflection of rent income. The farm of Old Elvet, for example, was fixed at £13 18s. from 1440 for the rest of the fifteenth century.<sup>3</sup> The only conclusions to be drawn from these figures are that the hostillar's estate in Old Elvet was probably larger and more profitable than that in New Elvet in the fourteenth century at least and that New Elvet was not of great financial importance to the hostillar. It is only when the account rolls begin to register individual acquisitions of land and new rent payments in the late fourteenth century that there are sure signs of expansion in the estate. The earliest evidence of such growth appears in the 1377 account roll where the purchase of land from William Heswell and Simon Alman, mainly in New Elvet, is recorded.<sup>4</sup> Land was acquired near Smythalgh, a large meadow behind the tenements along the north-east side of New Elvet, and the estate of William Alman, purchased in the 1390s, also included several tenements in this borough.<sup>5</sup> From this point onwards, the account rolls record regular purchases of tenements in both boroughs which added considerably to the hostillar's income because they were freeholds which could be converted to profitable leaseholds. These acquisitions of the late

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1 See tables II and III.

2 See table II.

3 Host. account, 1440/41, Redditus Assise.

4 Host. account, 1377/78, Expense Necessarie, Allowances.

5 Host. account, 1377/78, Expense Necessarie; 1392/93, Redditus Assise.

Table III: THE GROWTH OF THE HOSTILLAR'S ESTATE IN DURHAM  
Acquisitions of Land, 1383-1512 (Source: Hostillar's Account Rolls)

	Description of Land	Income
1377	William Heswell's land, Smythalgh	?
1383 (a)	Thomas de Bricby's Kiln	3s. 4d.
1389	Simon Alman's meadow	6s. 8d. (13s. 4d.: 1390)
1391	Feretrar's tenement	13s. 4d.
1392	William Alman's estate. Old Elvet	45s. 9½d. (b) (£4. 2s. 10d.: 1417)
1394	Simon Alman's tenement etc.	£4. 18s. (£5: 1417)
1394	William Alman's 2 burgages. New Elvet	£2. 1s. 3d. (£2. 2s. 8d.: 1447)
1398	Tenement leased to chaplain of St. Andrew's chapel. New Elvet	10s.
1398	William Masham's dovecot	2s.
1407	Almoner's tenement	?
1415	Tenement near St. Oswald's church, Old Elvet	13s. 4d.
1435	Tenements in Old and New Elvet	27s. 6½d.
1440	Master of Infirmary's tenement. New Elvet	6s. 8d.
1440	Master of Infirmary's tenements. Old and New Elvet	25s. 8d. (24s. 4d.: 1447)
1443	Feretrar's tenements. Old and New Elvet	102s. 4d.
1470	Thomas Aspour's 7 burgages	?
1471	William Aspour's 4 tenements. Old and New Elvet	19s. 4d.
1474	Richard Lumley's tenement in Old Elvet	?
1487	Marion Tomson's 2 tenements. New Elvet	24s. 4d.
1488	John Berhalgh's 5 tenements. Old Elvet	29s. 0d.
1488	William Hyfeld's 2 tenements. Old Elvet	3s. 0d.
1505	Thomas Wright's tenement. New Elvet	13s. 4d.
1512	Thomas Popley's burgage (Feretrar).	18s. 8d.

Key: (a) One term only  
(b) Income was low at first because William Alman's widow held the principal tenement.



fourteenth century were nearly all from individual landowners who held small estates within the two Elvet boroughs and most of the land was bought from the Alman family.<sup>1</sup> The hostillar came to a special arrangement with William Alman's widow after he had bought her husband's estate in 1392. He allowed her to remain in the "principal tenement" for her life without paying any rent.<sup>2</sup>

In the mid-fifteenth century, the hostillar's acquisitions policy seems to have changed. Instead of buying from private landowners, he acquired tenements and small estates from fellow obedientiaries by straightforward exchange in return for an annual pension. He acquired one tenement from the almoner in 1407, nine from the master of the Infirmary in the 1440s and almost the whole estate of the feretrar in Elvet in 1443.<sup>3</sup> In this way, he was able to negotiate the purchases of large groups of holdings in each borough simply and to expand his legal interest in tenements more rapidly. By the late fifteenth century, the rate of growth of the estate had decreased, with acquisitions of smaller groups of tenements or individual holdings mainly from private landholders. Seven burgages were acquired from Thomas Aspour in 1470 and five tenements from John Berhalgh in 1488 in both boroughs; small purchases included Thomas Wright's one tenement in 1505 and Marion Tomson's two tenements in 1487, both in Elvet borough.<sup>4</sup> His purchase of Richard Lumley's tenement in 1474 cost £6 13s. 4d., more than the stated purchase price of the seven Aspour tenements (£4 6s. 8d.) and it is self-evident that some acquisitions were much more valuable than others.<sup>5</sup> In this last period of purchases, only one tenement, that of Thomas Popley, was bought from another obedientiary, the feretrar, in 1512; perhaps most obedientiaries had shed their Elvet estates before 1500.<sup>6</sup> At the beginning of the sixteenth

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1 Host. accounts, 1392/93, Redditus Assise; 1394/95, Redditus Assise.

2 The hostillar only received 45s. 9½d. from William Alman's land in 1392 et non plus que principal. tenement was held for life by Matilda Alman: Host. account, 1392/93, Redditus Assise.

3 Host. accounts, 1407/08, Stipends; 1440/41, Redditus Assise; 1441/42, Redditus Assise; 1443/44, Redditus Assise.

4 Host. accounts 1470/71, Expenses; 1488/89, Redditus Assise; 1505/06, Redditus Assise; 1487/88, Redditus Assise.

5 Host. account, 1474/75, Expenses; Host. account, 1470/71, Expenses.

6 Host. account, 1512/13, Redditus Assise.

century, the hostillar held a larger estate, in terms of the number of rent payments received, in New Elvet than in Old Elvet, although his rent income from Old Elvet was greater. He could expect to receive a potential income of £15 4s. 2½d. from a total of 106 rents in New Elvet; his potential income from Old Elvet was £19 5s. 2d. from ninety-nine rents. On the eve of the Reformation, the hostillar held an estate which had not expanded greatly in geographical size because he made no gains in other Durham boroughs, but his legal interest in the estate and his outright ownership of tenements had greatly increased. Between 1391 and 1513 he had bought at least nineteen freeholds which he was able to lease at higher rents.

Some reasons for this pattern of steady expansion in the hostillar's estate can be suggested. Its growth during the period implies that the hostillar maintained a high income efficiently throughout these years so that he could afford to buy available land at any time.<sup>1</sup> This contrasts with the bursar, whose finances were depressed during the mid-fifteenth century and whose estate shrank during these years. The hostillar had a regular income from his urban estate in the farms of two Elvet boroughs for most of the period, and money from Elvethall manor, which was kept in hand, accrued to the hostillar. According to Dr. Lomas, in only seven of its 123-year's history did the manor fail to make a profit in spite of a variety of economic difficulties,<sup>2</sup> and some of the surplus profits each year may have been set aside for purchasing land. In the early fourteenth century, when income was higher from Old Elvet, the hostillar may have concentrated on acquiring tenements in Old Elvet around his manor to provide accommodation for his own servants and farm workers. But by the late fourteenth century, when he bought tenements in both boroughs, he was expanding his estate and his income in the whole area under his lordship. Like the bursar, any growth in rent income depended upon his acquiring freeholds rather than relying on the steady income from the farm of a borough or from small fixed rents. A new phase of growth in the early fifteenth century may have been stimulated by a wish to exclude other obedientiaries from these boroughs and thus to reduce

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<sup>1</sup> See below, p.122; tables II and III.

<sup>2</sup> Lomas, 'Durham Cathedral Priory as Landowner', pp.191-96; Lomas, 'A Northern Farm at the End of the Middle Ages', pp. 26-53.

the number of competing priory interests. It is a sign of the wealth of the hostillar that he was able to recompense these obedientiaries with large annual pensions, a long-term drain on the estate.<sup>1</sup> Even more remarkable was the hostillar's ability to make expensive acquisitions of land at the end of the fifteenth century and the beginning of the sixteenth century at a time when the other obedientiaries were making only modest gains, if any at all.

There was no particular time in the history of the hostillar's Durham estate when it seemed to be in decline or to be shrinking to any significant degree. The fluctuations in income during the mid-fourteenth century were not very dramatic and do not seem to have affected the hostillar's purchasing power for long. Acquisitions of land took place throughout the period and the hostillar's income from his estate remained at a fairly high level. He did not transfer any property to other obedientiaries as the bursar did in the late fourteenth century, thereby losing rent income; rather he benefitted from such transfers. These exchanges of land with priory officers gave the hostillar a compact estate burdened with few rent charges to others and which was easier to manage and maintain than that of the bursar or the almoner. The Elvet area itself seems to have been generally more prosperous throughout the medieval period than, say, South Street for the almoner, or St. Giles for the bursar. There were only nine waste burgages and two "wastes" among the hostillar's considerable holdings in New and Old Elvet in 1523 in contrast with the ten burgages in St. Giles' borough held by the bursar which were either lying waste or being amalgamated into closes by 1539.<sup>2</sup> Consequently, the hostillar may not have had to face the growing problem of rent arrears and waste tenements which affected the rent income of other obedientiaries. Nor did the urban area in this part of Durham shrink to the same extent as it had done in St. Giles or in South Street. Only a small proportion of the total number of tenements held by the hostillar was lying waste by the early sixteenth century, and many of these were converted to agricultural use by the building of barns, for example.

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1 See, for example, the "stipend" of 53s. 4d. paid to the feretrar for Simon Alman's estate: Host. account, 1394/95.

2 Host. rental, 1523; Burs. rental, 1539.

The sparse survival of documentary evidence, particularly of rentals, makes any estimates of the growth of the hostillar's estate and of the size of his rent income impossible to gauge accurately. However, it is clear from the record of his acquisitions in the account rolls that the hostillar was able to buy land at any period whenever it was available and that his estate was expanding from the late fourteenth century at least. In comparison with the other two obedientiaries surveyed here, the hostillar's estate in Durham was very much larger than the bursar's and the almoner's in terms of the number of tenements held and rents derived from them; by the later medieval period it was producing a potential income of £34 9s. 4½d.<sup>1</sup> The hostillar held the majority of land in both Elvet boroughs directly by the sixteenth century and his was the dominant interest in this part of the town.

(c) The Almoner's Estate in Durham

The origins of the almoner's estate in Durham cannot be traced back to the division of land between Bishop William de St. Calais and the prior, although it has been suggested that he controlled fragments of this endowment second-hand.<sup>2</sup> Unlike both the bursar and the hostillar, the almoner seems to have acquired an estate largely on the basis of a few purchases and many donations of land and rents from the faithful. In an undated, possibly late-thirteenth century charter, for example, Simon, son of Simon Nigri, granted the almoner a croft in South Street to sustain "pauperum et infirmorum in elemosinaria."<sup>3</sup> Such gifts may have been inspired not only by elemosynary initiatives but also by more worldly motives. The almoner ran both the Infirmary at the abbey gate in the Bailey and the hospital of St. Mary Magdalen behind St. Giles' street, which was supported by its own manor.<sup>4</sup> Gifts may have been made as a way of reserving a place in these establishments for the donor's old-age.<sup>5</sup> In addition, to such bequests, the almoner bought land from private landholders and property was transferred to him by various priors, so that his estate accumulated

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1 Host. rental, 1523.

2 Lomas, 'Durham Cathedral Priory as Landowner', p. 209.

3 6.5. Elem. 11.

4 See Alm. rental, 1424; Gazetteer, Bailey and St. Giles, Introductions.

5 Compare with Westminster abbey: see Harvey, Westminster Abbey, p. 36.

in a somewhat piecemeal fashion. Consequently, although he held an estate of considerable value by the late thirteenth century, it was scattered through all the Durham boroughs except St. Giles and the almoner never had a dominant interest in any one borough. The rent roll of c. 1290 forms the earliest surviving list of his properties in Durham and it shows that his rent income came from tenements in Framwelgate, Clayport, the market place, Souterpeth, the Bailey, and all the streets of the Old Borough and the Elvet boroughs. He was never overlord of any one borough, although the documents suggest that he was the lord of South Street in the thirteenth century. He seems to have run a court in the street for his tenants, and to have drawn a certain number of landmale rents from tenements in the street.<sup>1</sup> However, subsequent rentals and account rolls do not show him in receipt of a regular farm from South Street or that he had any jurisdiction over tenants in the street in the later Middle Ages. Probably the mill on the Milneburn and a bakehouse in Crossgate formed part of his estate from an early stage.

According to the early fourteenth-century rent rolls, the almoner's estate in Durham was composed of a mixture of tenements and houses; by the end of the medieval period, the more detailed rentals reveal the same three categories of holdings as in the bursar's estate.<sup>2</sup> First, there were tenements, burgages and messuages, some of which contained buildings, in all the different parts of the almoner's estate. Several of these tenements were allocated to maintain the chantry chaplain at St. Mary's altar in St. Nicholas' church and the almoner derived no direct financial benefit from them.<sup>3</sup> Second, there were buildings on the estate, such as the valuable houses of the Bassett family in the Bailey purchased in the late fourteenth century, the hospice of the archdeacon of Durham in the North Bailey and a tenement in le Chare cum solario et shoppa.<sup>4</sup> These buildings all gave the almoner a high rent income. Walter de Hadington's capital message in New Elvet "cum domibus, edificiis, virgulis et omnia de

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1 Alm. rental, 1424; see above, p. 93.  
2 Alm. rentals, 1424, 1501, 1533-37.  
3 Alm. rental, 1424.  
4 Alm. rental, 1424.

Table IV: THE GROWTH OF THE ALMONER'S  
ESTATE IN DURHAM, 1290-1533

Number of Rent Payments received by the Almoner

Sources: Almoner's Rent Rolls, 1290-1344

Almoner's Rentals, 1424, 1501, 1533

	1290	1313	1325	1333	1344	1424	1501	1533
South Street	17	26	24	26	22	23	23	22
Alvertongate	3	3	3	3	3	2	2	2
Crossgate	12	12	17	17	18	14	14	13
Framwelgate	3	12	16	16	16	16	14	13
Clayport		8	9	9	9	1	1	1
Market		6	7	7	10			
Souterpeth		3	1	3	5	4	4	4
Bailey		12	12	13	13	41	32	32
Ratonrawe		9	10	11	7	8	8	8
New Elvet		7	5	5	2	6	5	5
Old Elvet		13	6	14	16	17	18	18
St. Mary Magdalen						4	10	3+
Chantry in St. Nicholas' Church						18		
Total	35	111	110	124	121	154	131	113+

petra<sup>1</sup> rendered 10s. p. a. and le Gildhall in the market place rendered 20s. p. a.<sup>1</sup> A third category was the agricultural or open land which the almoner held on the outskirts of the boroughs. Many of these fields or pieces of land were purchased before 1344 to provide an income to maintain St. Mary Magdalen hospital: these lay around the hospital and on the edge of St. Giles' borough.<sup>2</sup> The almoner held more open land in the Old Borough, including the Westorchard behind the street line of Crossgate. There is evidence in the rentals, however, that the almoner's urban estate had already shrunk by the early fifteenth century, particularly in South Street, Crossgate and Alvertongate.<sup>3</sup> There were many waste tenements, and on the edges of the town these had been amalgamated into orchards, closes and perhaps even into the fields surrounding the borough. These waste tenements represented considerable financial losses to the almoner, as will be seen later; and his estate, which had such a great potential value, was not very profitable to him in the later medieval period.<sup>4</sup>

The growth of the almoner's estate after c. 1290 is charted in the accompanying table.<sup>5</sup> Although the almoner's estate expanded in the later medieval period, even by the early fourteenth century its size far exceeded that of the bursar's estate at any time and the almoner held many more freeholds than the hostillar was able to acquire before 1400.<sup>6</sup> By 1313, the almoner had a rent roll amounting to some 111 rents in Durham, although he was not able to exploit all of these properties directly. Some tenements only owed him small freehold rents, while remaining in private tenure, and in other cases, he was entitled to the rent from a tenement, not to the ownership of the land itself.<sup>7</sup> The major part of his urban estate in 1300 lay in the South Street and Crossgate area of the Old Borough, and he seems to have first concentrated on expanding his estate in these areas. In

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- 1 The rent from le Gildhall was diverted to maintain the almoner's chantry in St. Nicholas' church: Alm. rental, 1424.
  - 2 They amounted to some 24½ acres in 1424, excluding the large close called le Maudeleyn leys which lay near Sherburn hospital: Alm. rental, 1424.
  - 3 Alm. rental, 1424.
  - 4 See below, p. 147.
  - 5 Table IV.
  - 6 This early growth compares with the sacrist's estate in Peterborough, the bulk of which was acquired between c. 1190 and c. 1220: King, Peterborough Abbey, p. 90.
  - 7 Alm. rent roll, 1313/14.

the late fourteenth century he bought several properties in the Bailey, such as Shirrefgarth in 1373;<sup>1</sup> perhaps he wished to increase his holdings near his Infirmary at the abbey gates to prepare the way for rebuilding or to provide extra accommodation for recipients of his alms-giving. By 1424 the almoner drew forty-one separate rents from properties in the North and South Baileys.<sup>2</sup> He also acquired land in Old Elvet at this time. In 1376, for example, the almoner paid Hugh de Chilton £20 pro impetracione of his tenement in Durham and in 1380 he paid John de Killynghall 66s. 8d. for two tenements in Durham.<sup>3</sup> His fourteenth-century acquisitions brought in high rents: they were situated in parts of the town where they would be in demand and there would be no shortage of tenants to occupy them.

For most of the fifteenth century, there was, according to the account rolls, little growth in the almoner's estate, although there were some additional acquisitions of land in the early fifteenth century, for example, in Souterpeth.<sup>4</sup> A comparison between the 1424 and 1501 rentals shows this lack of growth clearly: in 1424, 153 rents produced a potential income of £32 5s. 10d.; in 1501, 127 rents gave an income of £30 4s. 7d.<sup>5</sup> This period of stagnation compares with the depression in the bursar's estate for the mid-fifteenth century and the causes may have been similar. Firstly, the almoner's estate was heavily burdened with small rent payments to others because the almoner was not overlord of any Durham borough.<sup>6</sup> Any further expansion, while it might increase his rent income, also added to his outgoings. Secondly, the lists of rent arrears and waste rents had been growing during the fourteenth century and the almoner probably did not have the surplus money to undertake purchases of land. The almoner's outgoings on his estate probably exceeded his income during the fifteenth century. Thirdly, it may have become more difficult for him to purchase tenements in other priory boroughs. The hostillar, as we have seen, was concerned to consolidate his estate

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1 He paid the bishop 16s. pro feodo carti del Shirrefgarth: Alm. account, 1373/74. The almoner started to rebuild the Infirmary in c. 1372: Alm. accounts, 1372/73, 1373/74, Repairs.

2 Alm. rental, 1424.

3 Alm. accounts, 1376/77, 1380/81, Expenses.

4 Alm. account, 1428/29, Redditus Assise.

5 See Table IV.

6 See below, pp. 153.



in one particular part of Durham and the sacrist was doing the same in the Old Borough. This policy may have limited other obedientiaries from buying land in these Durham boroughs. When the almoner began to purchase tenements once more in the late fifteenth century, he turned to the bishop's borough for the expansion of his estate.<sup>1</sup> Furthermore, it was becoming increasingly difficult to attract endowments from the laity in the later Middle Ages. The almoner's estate had been built on such gifts; now it had to rely on its own financial resources to acquire tenements. The lack of growth in the almoner's estate in the late fifteenth century probably reflects the fact that he found it difficult to maintain rent income and to manage such a large and diffuse estate efficiently.

The early sixteenth century saw the almoner re-entering the property market. In 1516, he acquired "Lundysplace" in the South Bailey in return for an annual pension payable to the feretrar.<sup>2</sup> In 1522, the almoner acquired a burgage in St. Giles and in 1518 he was making a regular payment of 4s. p. a. to Cuthbert Jackson for the reversion of a tenement in Souterpeth.<sup>3</sup> It accordingly seems that the almoner was in a better financial position in the early sixteenth century and that he then was able to expand his estate in Durham once again.

The three obedientiaries of Durham Priory discussed in this chapter had each been endowed separately with substantial lands and rents in the city. Under the apparently rarely exercised authority of the prior and chapter, they seem to have had fairly complete control over the organisation of their estates: to them belonged the individual responsibility for acquiring land and consolidating their own areas, as for example, was also true of the obedientiaries of Peterborough abbey.<sup>4</sup> Consequently, their primary aim was to recover a satisfactory income from their estates in order to meet the expenses of their offices. The most obvious method used by all three obedientiaries was to expand their estates, to acquire new tenements by purchase,

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1 As, for example, when he bought Thomas Warwyke's tenement in Souterpeth: Alm. account, 1518/19, Redditus Resolutus.

2 Alm. account, 1516/17, Resolved Rents.

3 Alm. accounts, 1522/23, Receipts; 1518/19, Resolved rents.

4 See C. N. L. Brook's Introduction to The Book of William Morton, Almoner of Peterborough Monastery (Northants. Rec. Soc. XVI, 1954), p. XIX.

exchange or in return for some spiritual favours. Failing this, attempts were made to convert the freehold interests in their estates into leaseholds so that more economic rents could be charged on properties. The hostillar seems to have been particularly successful in this respect. He was able to acquire the freeholds of properties at any period by a judicious management of his resources, and his compact estate in the two Elvet boroughs yielded a high rent income. The other two obedientiaries expanded their estates in the fourteenth century when conditions seem to have been favourable, and in so doing acquired more widespread urban estates within boroughs over which they had no legal or financial control. There is some evidence to suggest that these estates, and consequently the rent payments, were growing again in the late fifteenth and the early sixteenth centuries.

However, there are signs of economic difficulties in the urban estates of the bursar and the almoner in the first half of the fifteenth century, marked by a falling rent income and rising numbers of waste tenements as well as the inability of these obedientiaries to expand their estates by further purchases. This period of economic depression or, at best, stagnation, which will be discussed in more detail in the next chapter, was not, apparently, shared by the hostillar, whose urban estate was based on a part of the town which seems to have been prosperous throughout the Middle Ages. The ability of the bursar and the almoner to purchase valuable properties yielding high rents at the centre of the town in the late fifteenth and early sixteenth centuries, appears to mark the end of this difficult period.

This survey of the urban estates of three priory obedientiaries demonstrates how, for a large proportion of the later medieval period, they acted independently and often in opposition to each other's interests, acquiring tenements in boroughs controlled by fellow obedientiaries and accumulating somewhat fragmented estates. However, by the fifteenth century there are some signs of a more coherent policy, with several obedientiaries transferring or exchanging land in an attempt to reduce the number of competing priory interests in a borough. The hostillar received most of the benefits of this policy and his Elvet estates remained the most compact unit within Durham Priory's urban holdings. How far this policy is representative of the other Durham overlords is impossible to discover; but the fact that on the eve of

the dissolution there still remained pockets of private landholding as well as tenements held by the bishop and Kepier hospital within the priory's own Durham boroughs suggests that the process of rationalising the competing estates was far from complete.

CHAPTER V  
THE RISE, FALL AND UPKEEP OF URBAN  
RENTS IN DURHAM, 1250-1540

It has been said that "all men, except a few exceptionally favoured owners, paid rent to somebody for their property" in the medieval period.<sup>1</sup> Durham's townsmen were no exception to this general rule. The only discernible difference was one of degree; fortunate and rare was the townsman who paid one rent alone for his property. Most tenants owed a multiplicity of small rents to a variety of landlords. This confusing system was, primarily, the result of the division of the town into separate boroughs, with different overlords to whom allegiance as well as money and services were owed. Moreover, it was a confusion compounded by the endowment of Durham Priory's obedientiaries with their own small estates. Each obedientiary was responsible for the upkeep of his own estate and for producing a sizeable income which would be devoted to the maintenance of his office.<sup>2</sup> As there was, apparently, little oversight of the expansion of these independent estates, Durham's obedientiaries tended to compete for properties in each other's boroughs and consequently a whole network of small rents accumulated between officers. Private landlords also contributed their own complications to tenurial arrangements by building up small estates within priory boroughs and then sub-letting property, thus creating additional rent charges. The whole town was a veritable minefield of competing interests, with each landlord, no matter how small his holding, determined to extract the full financial obligations from his urban tenants.

In the first part of this chapter, the fluctuations in income from the Durham rents of the bursar, the hostillar and the almoner from c. 1300 to 1540 will be surveyed. These fluctuations took place against a background of, it has been assumed, fairly stable prices until c. 1500

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1 F. Barlow in Winchester in the Early Middle Ages, p. 8.

2 See above, pp. 127-28.

and a sharp rise in wages in the mid and late fourteenth century following outbreaks of pestilencia.<sup>1</sup> In general, it appears from this survey that the priory was able to increase its rent income from Durham properties in the late fourteenth century and again, though on a much smaller scale, towards the end of the fifteenth century. However, the early fifteenth century was a time of mounting lists of arrears and waste tenements which marked a financial loss in the urban estate. The second part of this chapter deals with the cost of maintaining an urban estate. Property had to be kept in good repair or it would fail to attract a tenant; thus each obedientiary spent a considerable annual sum on building work in Durham. The acquisition of new tenements brought in additional rent income, but it also led to more long-term expenses for the priory in the form of "resolved" rents, rent charges, pensions to former landowners and legal costs. Consequently, while it may at first appear that these obedientiaries reaped a good and reliable reward from their urban estates, their annual expenditure on property and mounting losses shows them to be facing growing difficulties. The short-term solution, which may have been the regular practice by the late fifteenth century, was to write off debts and arrears. No long-term solution to the problems of running a diverse urban estate was found.

The main documentary sources for this chapter are the priory rentals and account rolls. The rentals and the section of "assized" rents in the account rolls are, as we have already seen, somewhat remote from reality in recording rents at their original value with no account of losses through arrears or allowances.<sup>2</sup> Occasionally, notes were added in the rentals giving the actual amount paid by a tenant during the year, the arrears that had accumulated and the method of payment, whether in money or in kind.<sup>3</sup> Most of the information about types of rents and the methods and times of payment derives from this source. Both sides of the account rolls also contain valuable information about the income and outgoings of Durham properties. The Receipts section can be used to chart the growth of income from

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1 Keene, Survey of Medieval Winchester, pp. 183-84, 208.

2 See above, p. 108.

3 See, for example, Host. rentals, 1523-34.

acquisitions of land. The Expenditure section details legal costs and the purchase price of tenements, the small charges incumbent on properties and any pensions which were paid. The full and detailed Structura Domorum section lists the money spent on maintaining property in the estate. Finally, the account rolls often contain lists of tenants in arrears, and of rents or tenements which lie waste or empty. The gaps in the series of account rolls for these three obedientiaries do give rise to some difficulties in charting any accurate tables of fluctuating income. The hostillar's account rolls, for example, survive only patchily before 1400 and there is no extant hostillar's rental before 1500 to fill in these gaps. The conclusions of this chapter are, in consequence, put forward somewhat tentatively. The general impression left after an examination of the evidence is that the priory obedientiaries had to run to stand still in order to maintain the income from their estates. As they expanded their urban holdings, so the rent losses and outgoings increased and more properties had to be bought to cover the deficit. It was only those obedientiaries who managed to increase the extent of their Durham estates who could maintain their value. The first half of the fifteenth century seems to have been a period of particular difficulty, but by the early sixteenth century, the worst of the "crisis" noted in so many English towns seems to have been over.<sup>1</sup>

(a) The Fluctuations of Urban Rents

There were three main categories of rent charged upon the Durham estates of the priory. The first and largest category, in numerical if not in monetary terms, was the landmale rent, undoubtedly of early origin, which is also found in the great majority of English towns such as Canterbury or Winchester and in Bury St. Edmunds, where it was known as hawgable or hadgovel.<sup>2</sup> The origins and early history of this ancient rent deserve greater investigation in the case of most English medieval towns but at Durham it seems to have been a ground rent rather than a rent attached to buildings; its size did not correspond to

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1 D. M. Palliser, 'A Crisis in English Towns? The case of York, 1450-1640', Northern History XIV (1978), pp. 108-25; P. Clark and P. Slack, English Towns in Transition, 1500-1700 (London, 1976), pp. 12-13.

2 Similar rents in Winchester and Lincoln were called landgable rents: see Winchester in the Early Middle Ages, pp. 7-8; Hill, Medieval Lincoln, pp. 56-59; Lobel, Bury St. Edmunds, p. 7.

the size of the tenement and it may have been more of a tax than a rent in origin. It was a standardised small sum of money, varying between 1d. and 14d., and it was fixed.<sup>1</sup> If a tenement was sub-divided, the landmale rent was divided as well. If tenements were amalgamated, however, the landmale rent remained at its full original value.<sup>2</sup>

Landmale was owed to the overlord of the borough, like the bishop for tenements in Sadlergate or Clayport, and the hostillar for tenements in Old and New Elvet. Even if another obedientiary held land in one of the hostillar's boroughs, he had to pay the landmale rent, no matter how small it was, to the hostillar.<sup>3</sup> As at Winchester, landmale was recorded carefully, not necessarily for its monetary significance but rather as an "indication or acknowledgement of dependency" on the overlord of the borough.<sup>4</sup> At Durham it does not seem to have referred to a form of tenure as, for example, in Canterbury;<sup>5</sup> the rent gabulum in the early Middle Ages applied to land held in gavelkind while other rents in the town were given the more general name of redditus. In Framwelgate, Durham, in addition to landmale, a rent called meadowmale was owed by tenants holding land on the north-east side of the street.<sup>6</sup> The name of this rent may have been derived from the bishop's meadow over which these tenants probably had additional pasturage or grazing rights. Like landmale, meadowmale was a small, fixed sum of 7d. or 14d. owed to the overlord, the bishop, for a unit of land.

The second main category of rents in Durham was freehold rents, which arose as a natural incident of freehold tenure. These were slightly larger than landmale rents<sup>7</sup> and they were usually owed to the lord of the borough, unless the freehold rent had been reserved to another previous holder of the land. The origin of freeholds in the Durham boroughs is obscure, but there were many in existence before 1290, as the almoner's rent roll of c. 1290 shows. A certain number may have been created deliberately by the overlords of the boroughs to reward servants and some may have arisen as a result of exchanges

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1 In Winchester, it amounted to 5d. or 6d. p. a. and in Lincoln and Bury St. Edmunds it was only 1d. per messuage.

2 See, for example, the 8 burgages of the Claxton family in Alvertongate which lay in one large close but each part owed a separate landmale rent: Sac. rental, 1500.

3 See below, p. 153.

4 Winchester in the Early Middle Ages, p. 8.

5 Urry, Canterbury, p. 36.

6 Gazetteer, Framwelgate, Introduction; nos. 20 and 31.

7 The freehold rents owed to the Almoner in South Street varied in size between 5s. and 4d. p. a.: Alm. rental, 1424.

of land; many were held by the lesser "gentry" or small county families, and they often remained in the tenure of these families throughout the period. In Framwelgate, for example, some nineteen tenements, at least, were still in private hands in 1500.<sup>1</sup> Great efforts were made by the obedientiaries who were overlords to buy out freehold interests, primarily to increase rent income. Also, as the rental evidence shows, freeholders were much the most independent class of tenants and they were reluctant to pay any rent at all to the overlords. Many freehold rents were not paid for fifty or sixty years and these arrears were never recouped, although attempts were made to bring freeholders to court to recover the money.<sup>2</sup> Occasionally, tenements were recovered "per breve . . . cessavit per biennium" if the freehold rent and services had not been paid to the overlord for many years. Lightfoothouse in the Bailey, once held by William de la Pole, was recovered in this way in 1372.<sup>3</sup> It was in the interests of the overlords of each borough not to allow the creation of any new freeholds and to try to acquire the freeholders' interest in the land whenever the opportunity arose.

Rents derived from leaseholds were the third main category of rents owed by tenants, either to an overlord who held the freehold of a property or to a freeholder who sub-let his tenement. Such rents can be distinguished easily by their size alone in the priory rentals. Few leases for properties in Durham itself survive, especially from the later fifteenth and early sixteenth centuries, and even before this there are not sufficient survivors to form the basis for any very detailed comments on the priory's leasing policy. In general terms, however, it seems that as soon as the priory managed to acquire the freehold of a tenement within a Durham borough, it leased out the land to tenants at a higher rent. The earliest surviving evidence of such priory leases comes from the mid-fourteenth century, at a time when Dr. Lomas has shown that tenure by service elsewhere in the priory estates was being converted to tenure by money rent for the customary tenants.<sup>4</sup> However, it must certainly have preceded, and to have in

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1 Gazetteer, Framwelgate, Introduction.

2 Bursar's inventories, 1446, 1464.

3 Gazetteer, North Bailey, no. 41.

4 Lomas, 'Durham Cathedral Priory as Landowner', p. 32. Formal, fixed-term leases were rare in Winchester before the mid-14th. century: Keene, Survey of Medieval Winchester, p. 191.



some measure anticipated, what has been viewed as a major late-medieval administrative development in Durham as elsewhere, the leasing of nearly all Durham Priory's manorial demesnes.<sup>1</sup> Just as the earliest leases of demesne lands were for relatively short terms, so the leases of Durham tenements, in the late fourteenth century like those of Canterbury and Westminster priories, were short, usually between three and five years.<sup>2</sup> During the fifteenth century terms were gradually lengthened, perhaps because it was then more difficult to find tenants and to keep land in tenure.

In much of England it has been found that the value of leasehold rents of demesne lands tended to fall during the fifteenth century as conditions favoured tenants. Landlords considered it more profitable to reduce rents and thereby help to prevent land becoming waste.<sup>3</sup> Lack of documentary evidence prevents any firm conclusions on this issue being drawn from the Durham urban evidence, although the sacrist's rental of 1500 clearly demonstrates the lowering of many rents. In Crossgate, the burgage leased by Alice Hyne had its rent reduced from 20s. p. a. to 13s. 4d. The tenement at the end of Framwelgate which had once rendered 24s., produced only 22s. in 1500 but it is not clear when these reductions actually occurred.<sup>4</sup> It does seem, however, that some other local factors apart from the general economic climate prevailing in the country may be relevant in Durham. Lower rents and longer, often life, terms were awarded to those who had been the vendors of a tenement to the priory. Thus, in 1500, Alice, widow of John Blenkarne, leased a tenement for life in Milneburngate at a rent of 2s. p. a. probably because her husband had granted it to the priory. After her death, the sacrist was able to lease the tenement for a rent of 16s. p. a.<sup>5</sup> Leasehold rents were also lowered for a number of years when a tenant undertook his own

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1 R. A. L. Smith, Canterbury Cathedral Priory: A Study in Monastic Administration (Cambridge, 1943), p. 192; Dobson, Durham Priory, p. 272.

2 See Smith, Canterbury Cathedral Priory, pp. 192-200; Harvey, Westminster Abbey, p. 151.

3 See, for example, M. M. Postan's discussion of the problem in Cambridge Economic History, Vol. 1 (1966), p. 589.

4 Sac. rental, 1500.

5 Sac. rental, 1500; Rec. Book II, 1542.

repairs.<sup>1</sup> It is possible that the level of leasehold rents was also influenced by the location of a tenement. Where the property was in a popular street such as Fleshewergate, parts of Crossgate or in the market area, terms tended to be short throughout the whole period and rents high because there was no difficulty in finding tenants.<sup>2</sup>

Possibly leasehold rents were reduced most often in those parts of town where there were many waste tenements and where the urban area was receding. The sacrist's rental of 1500 does demonstrate, however, that many leasehold properties in all the Durham boroughs, in populous streets as well as streets with waste tenements, were returning lower rents and this may have been part of the general trend towards reduced profits from leaseholds at the end of the fifteenth century. Nonetheless, despite any reductions in leasehold incomes, they gave the largest and most flexible rent income to the landowners from their urban property.

However, the rent income, as recorded in the account rolls, is often misleading precisely because few rents were paid in money. Probably most of the small landmale and freehold rents were rendered in cash to the relevant obedientiary, if they were paid at all, but the larger freeholds and many leaseholds were paid in kind or in services, in part at least. It is not clear when this system of payment in kind began, but it was fully operational by the fifteenth century and it probably had a long earlier history. Evidence for these non-monetary payments survives in some late rentals, such as the bursars' rentals of 1495, 1508 and 1538, and in the hostillar's rental of 1525, where the entry for each tenant is followed by a scribbled note of how and when and where the payments were made. The payments in kind seem to bear more relation to the needs of an individual obedientiary and to the capabilities of the tenant than to the location of a tenement, its value or the size of rent owed. For example, tenants in the Bailey paid mostly in cloth for the priory and tenants around the market place paid in spices. There was a great variety of ways of paying rent within any one street. One of the most important forms of non-monetary

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1 In Winchester, when returns for real property were less favourable in the 15th. century, tenements were let on condition that the tenant was responsible for repairs: Keene, Survey of Medieval Winchester, p.192. See below, p.148.

2 See, for example, Gazetteer, Fleshewergate, no.8.

payment was agricultural service, which is not to be confused with the agricultural services owed by customary tenants of the priory. For a customary tenant, it was a necessary part of his form of tenure which could not be avoided.<sup>1</sup> For the urban tenants of the priory, however, part of their money rent could be commuted into agricultural work such as mowing or raling, haymaking, weeding, ploughing and enclosing land. This form of non-monetary rent was common in Old and New Elvet, where priory tenants helped with autumn work on Elvethall manor and in its extensive fields.<sup>2</sup> The hostillar's rental of 1525 shows that tenants in Old Elvet were allowed a total of 97s. 11d. (or forty-four rents) for autumn work and 32s. 8d. (or twenty-three rents) for hay-making, which was a substantial proportion of the total potential income of £19 5s. 2d. from the borough (ninety-nine rents). In New Elvet, the allowances of rent for agricultural work amounted to less;<sup>3</sup> perhaps the tenants living beside the manor of Elvethall were more likely to be called upon for work in the fields. In contrast, the tenants of Kepier hospital who held burgages in St. Giles' borough, seem to have had no choice but to perform agricultural services. A common condition of tenure in this borough was the performance of autumn work (precarie) on Kepier's demesne lands.<sup>4</sup>

Another common form of commuting rent in the priory boroughs was by undertaking building work for the priory or providing building materials. Some of the bursar's tenants in St. Giles and the Old Borough did carpentry work or tiling, while allowances of rent were made to tenants who repaired their own houses. John Wodmose was allowed 6d. of his 4s. rent for work on a house in St. Giles while John Eland was allowed 5s. 6d. of his 11s. rent in tegulacione in St. Giles.<sup>5</sup> Some of these tenants seem to have formed part of the

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- 1 Customary tenants on the Durham estates owed no money rent but held ad servicium by labour service only: Lomas, 'Durham Cathedral Priory as Landowner', p. 13.
  - 2 Host. rental, 1523. In Canterbury, the reverse policy operated. Tenants owing agricultural services at harvest-time paid a money commutation called evework: Urry, Canterbury, pp. 131-43.
  - 3 40s. 5d. from a total of £15 4s. 2½d. in rent payments.
  - 4 Gazetteer, St. Giles, Introduction; 4. 14. Spec. 28; 1. 10. Pont. 6.
  - 5 Burs. rentals, 1495, 1508.

regular work-force of the priory, employed on an annual basis, and they may have offered their services for part of the year freely as a way of paying rent. Other tenants serviced the priory in one way or another; some provided cloth or tanned hides for the priory or spices and other food as part of their rent. The regular band of priory servants, many of whom lived in the Bailey, were allowed their rents as part or all of their annual stipend. For example, Thomas Bowman was employed by the priory as custodian of the prior's orchard in 1508, at a salary of 5s. p.a. His rent in the Bailey was 5s. p.a. and this was paid from his salary.<sup>1</sup>

The notes on the methods of payment in these late rentals demonstrate that a high proportion of rents owed to the priory was paid in non-monetary ways. In St. Giles' borough, the total potential income the bursar could hope for in 1508 was £5 9s.; out of this total, at least 26s. 4d. was paid in kind and in work while 12s. was allowed in stipends. Only about half of the income from this borough was paid in money. In the Bailey, the total potential income the bursar could expect was 72s. 8d. in 1508. Out of this total, 9s. 11d. was paid in kind, 3s. was paid in soulsilver, and 35s. 8d. was allowed in stipends. Money payments to the bursar amounted to no more than 25s. for the year.<sup>2</sup> Many individual tenants managed to pay off almost all the rent owed in services; a tenant in Sadlergate who owed the bursar a rent of 8s. in 1508 paid during a half-year 2s. 8d. in cloth and only 16d. in money. John Wardon owed the hostillar 13s. p.a. for his burgage in Old Elvet. He paid 6s. 2½d. of it in autumn work, 10d. in serculatione granorum, 7½d. in ralling work and 2d. in lucratione feni (1523).<sup>3</sup> As a result of these methods of payment, the priory probably had a low cash income in any one year from its urban estates. It is likely that the obedientiaries were left short of ready cash with which to purchase new properties or to pay the obligations they owed to others.

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1 Burs. rental, 1508.

2 Burs. rental, 1508. Lomas calculated that 2/5 of the bursar's total rents in Durham and elsewhere were received in kind, not in cash: Lomas, 'Durham Cathedral Priory as Landowner', p. 100ff.

3 Host. rental, 1523.

On the other hand, the priory may have relied heavily on these non-monetary payments. Their Durham city tenants formed a great pool of potential local labour, which could be used, for example, at harvest, and these tenants also kept the priory supplied with necessary items such as cloth, food and coal. From the tenants' point of view, it was probably easier to 'work off' their rents in this way than to raise the necessary money. It was a system of payment geared to the annual needs of the priory. However, it was an essentially primitive form of estate management founded on the exchange of goods rather than money and it was based upon little more than a subsistence economy.<sup>1</sup> There is no sign that it was superseded by monetary payments in the early sixteenth century; in the bursar's rental of 1538, almost half of the total rent income in the Bailey was by non-monetary means.<sup>2</sup> The importance of the non-monetary payment cannot therefore be ignored in any calculation of the rent income of the priory.

The surviving deeds and the rentals also reveal that the priory's tenants paid their rents, whether in money or in kind, at almost any time during the accounting year. The majority of payments were made on the principal feast days of the church's year, for example the Nativity of St. John the Baptist or Trinity Sunday, as specified in the leases and other deeds. Equally popular as term-days in Durham were the two feasts of St. Cuthbert which fell, very conveniently, at six-monthly intervals and so were ideal collecting days for rents. However, whatever the days specified for payments in their leases, the rentals demonstrate that in practice the priory's tenants in Durham, as elsewhere in the priory's estates, paid in small portions on many days during the year, probably when they collected the money or when they had suitable renders in kind.<sup>3</sup> Moreover, arrears of rent were gathered between the official days of payment, and the rentals were, accordingly, brought up-to-date in an ad hoc fashion as payments were made.

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1 Urry found many Canterbury Priory rents were still paid in kind in the later medieval period: Urry, Canterbury, pp. 142-3. But Lomas found that the tenants on Tyneside had a cash economy long before Durham: Lomas, 'Durham Cathedral Priory as Landowner', p. 100ff.

2 40s. 8d. from a total of 94s.

3 Lomas, 'Durham Cathedral Priory as Landowner', p. 100. Urry counted that gablum was due on 17 different days within the year:

Rents were paid in central and convenient meeting places for the tenants, although (unlike Canterbury, for example, where there was a central receiving office) there was no single place of collection.<sup>1</sup> The hostillar's tenants in Old and New Elvet usually met in the manor buildings of Elvethall, in the new hall built for the hostillar's court, or in the hostillar's exchequer.<sup>2</sup> The sacrist's tenants in the Old Borough probably paid their rents in the Tollbooth in Crossgate or in the sacrist's exchequer within the priory. Most of the priory tenants in the bishop's borough or in St. Giles' borough seem to have climbed up to the cathedral to render their dues to the obedientiary whose tenement they held.<sup>3</sup> Freeholders, when they paid rent to their priory overlords, seem to have done so in the prior's court. The responsibility for rent collection lay with the individual obedientiaries in whose estate the tenements lay rather than with any central treasurer; this method made the whole business of rent payments very complicated for the tenant because any two neighbouring tenants in a street in Durham would probably owe rent to different overlords who collected it in different parts of the town. Also, any one tenant may have had to pay a number of different rents for his property in different places if, for example, landmale had to be paid to one obedientiary, a rent to another obedientiary and perhaps a third rent to a private landholder. William Martindale, who held a tenement in the Bailey, paid 10s. at Kepler hospital and 20s. at the prior's exchequer.<sup>4</sup> But the priory rentals reveal how closely supervised the business of rent collection in these small scattered estates was; arrangements were sometimes made, for example, for the bailiff of a borough or a representative of the obedientiary to go around collecting rent arrears within the boroughs. Rents would be collected at the home of a sick tenant, or by a representative if a tenant was away from home. John Cott paid per decani mei when he was absent apud London, for example.<sup>5</sup> Court action was occasionally taken against those tenants who refused to pay rents; the owner could distrain the moveables in a house to

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1 Urry, Canterbury, p. 38.

2 Henry Cromy, a tenant in Old Elvet, paid in cloth in Elvethall. William Waynman, a freeholder in New Elvet, paid in the hostillar's court: Host. rental, 1523.

3 Tenants in the Bailey and Clayport paid their rents owed to the bursar in the prior's exchequer: Burs. rental, 1382.

4 Burs. rental, 1382.

5 Burs. rental, 1539.

Table V: THE INCOME OF THE BURSAR FROM DURHAM RENTS 1270-1539

Sources: Bursars' Rentals; Bursars' Account Rolls

	1270	(b) 1335	(b) 1347	1382	1396	1427	1446	1464	1495	1508	1517	1539
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s.
Bailey		10.10	1.13.0	4.3.6	5.5.6	3.19.0	3.2.4	4.1.4	5.2.8	3.12.8	3.15.4	4.19.
Elvet	(a) 1.16.10	2.7.3	2.4.3	6.1.0	5.19.3	7.4.0	(d) 5.1.8	(d) 4.16.8	5.17.0	7.13.6	5.13.4	4.18.
Elvet Bakehouse		6.8	13.4	?	1.10.0	1.4.0			1.6.8	1.11.8	1.6.8	1.6.
Borough of Durham	14.0	9.0	9.0	1.0.8	2.0.0	2.5.4	1.11.4	2.7.4	4.16.2	5.3.4	5.16.0	7.1.
South Street				13.8	13.8	12.8						
Crossgate		19.5	1.11.5	(b) 5.15.3	4.16.9	1.8.8	2.8.0	7.19.4	1.12.10	1.13.2	2.17.0	2.11.
Old Borough	(a) 4.13.4	3.0.0	3.6.8	3.6.8	2.13.4	2.13.4						
St. Giles			15.12.6	15.12.6	20.0.6	9.13.2	12.2.8	11.3.10	6.3.4	5.1.4	4.19.4	5.16.1
Scaltok Mill	29.6.8	19.6.8	13.6.8	11.0.0	12.0.0		(e) 6.0.0	(f) 10.0.0	10.0.0	13.6.8	13.6.8	13.6.
Total Income	36.10.10	26.19.10	19.17.8	49.3.3	54.19.0	29.0.2	30.6.0	30.8.6	34.18.8	38.2.4	37.14.4	39.19.

- Notes:
- (a) Farm of borough, not individual rent.
  - (b) Approximate rent income.
  - (c) Pension received from Sacrist in exchange for farm of borough.
  - (d) Includes Elvet bakehouse.
  - (e) Repairs needed.
  - (f) Mill lay waste.
  - (g) Old Borough missing from Rental. Rent income supplied from 1519 Account Roll.

the value of the arrears or recover the tenement, but often the expense of the case may have outweighed the value of the property.<sup>1</sup> However, the long lists of arrears during the later medieval period show how difficult it was to collect all the rents owed to the priory despite this close supervision of the estate.

The income which the three obedientiaries, the bursar, the hostillar and the almoner, derived from urban rents is charted on the accompanying tables.<sup>2</sup> The farms of the boroughs and such public buildings as bakeries and mills are included where appropriate. In general, it is clear that there were periods of rapid growth in each estate, such as the second half of the fourteenth century in the bursar's estate and the late fourteenth century and early fifteenth century in the hostillar's estate; periods of slow growth, as in the bursar's and probably the hostillar's estates during the late fifteenth and early sixteenth centuries; and periods of stagnation or depression, as in the bursar's estate between 1400 and 1460 and in the almoner's estate in the mid-fourteenth century and again in the early fifteenth century. The fact that these periods of depression or growth did not coincide in all three estates suggests that there may have been some purely internal or local reasons for fluctuations in income quite apart from any general economic trends.

Some reasons for these fluctuations in income can in fact be suggested. A growth in income was, most obviously, the direct result of the physical expansion of an estate. When an obedientiary was able to buy tenements outright, or to acquire the freehold of a tenement at least, his income grew especially rapidly. The bursar acquired many tenements in St. Giles between 1350 and 1382 and his income, theoretically at least, increased by over £15.<sup>3</sup> His purchase of Robert Clergenett's tenement in the market place in 1515 increased his potential rent income by 16s. annually.<sup>4</sup> The hostillar's

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Burs. rental, 1539.

1 See, for example, Crossgate Court Book, 5 April 1503, case of William Richardson v. Joan Lilburn; see below, p.229. Unpaid assize rents in Winchester were usually not recovered: see Keene, Survey of Medieval Winchester, p.187.

2 See tables nos. V, II, III, VI.

3 Burs. rental, 1382.

4 Burs. account, 1515/16, Receipts.



Table VI: THE INCOME OF THE ALMONER FROM DURHAM RENTS, 1290-1537

Sources: Almoners' Rentals; Almoners' Account Rolls

	1290	1313	1325	1333	1344	1424	1501	1533-37
South Street	£ s. d. 3.18.10	£ s. d. 8. 9. 2	£ s. d. 7. 4. 8	£ s. d. 7. 9. 6	£ s. d. 6.18. 0	£ s. d. 3. 9.10	£ s. d. 3. 1. 2	£ s. d. 2. 1. 2
Alvertongate	4. 0	4. 0	4. 0	4. 0	4. 0	3. 6	3. 6	3. 6
Crossgate	15. 0	15. 0	2. 0. 2	2. 0. 2	2. 3. 4	11. 7	2.13. 3	2.18. 0
Framwelgate	2. 2. 6	2.11.10½	2.19. 6	2.19. 6	2.19. 6	3. 7. 4	3.11.11	4. 8. 8½
Clayport		2. 5.10	2. 7. 4	2. 7. 4	2. 7. 4	8. 0	8. 0	8. 0
Market Place		3. 6. 6	3. 6. 6	3. 6. 6	3. 6. 6			
Souterpeth		1. 6. 8	8. 0	17. 0	1. 2. 0	1.16. 0	1. 9. 0	1.10. 0
Bailey		2.18.10	3. 5. 6	2.11.10	2.18. 9	10.10. 2	8. 4.10	9.19. 4
Ratonrawe		4.10	6.10	8. 5	5. 6	5. 1	5. 1	4. 7
Elvet		1.16. 4	1.15. 0	1.13. 6	1. 0. 0	1. 5. 0	1. 4. 0	1. 3. 8
Old Elvet		4. 2. 0	10. 8	1.13. 8	2. 9. 4	3. 5. 4	3.12. 2	3. 9. 2
St. Mary Magdalen						2. 3. 6	10.13. 8	16. 2
Total Income	7. 0. 4	28. 1. 0½	24. 8. 2	25.11. 5	25.14. 3	27. 5. 4	35. 6. 7	27. 2. 3½

acquisitions of the late fourteenth century, such as the estate of William Alman, purchased in 1392, added considerably to his income.<sup>1</sup> In 1394, new tenements gave him a potential income of £9 5s. 11d.; in 1424 it was £11. 3s. 11d. The almoner acquired land in the Bailey from the Bassett family in c. 1393 and he drew rents totalling 18s. 6d. from this land in 1424.<sup>2</sup> A comparison between the tables charting the growth of these estates in Chapter 4 and the tables showing the growth in rent income shows the close correlation between the two.<sup>3</sup>

An obedientiary could also increase his income from an urban estate by rebuilding or repairing tenements. Thomas de Normanton built on the placea of Richard de Hilton in the Bailey and the rent the bursar drew from it grew from 8d. to 14s. p. a. between 1340 and 1342.<sup>4</sup> Refurbished properties were attractive to tenants and the bursar could lease them at a higher rent. Between 1404 and 1424 the almoner rebuilt a tenement at the end of Elvet bridge and divided it into four parts, each leased at an economic rent. Before this work, the tenement rendered 14s. to the almoner's chantry in St. Nicholas' church which increased to 36s. after rebuilding.<sup>5</sup> The subdivision of tenements also gave additional income to all the obedientiaries thereby increasing the number of leasehold rents without the expense of acquiring new property.

However, this account of the income derived from urban rents fails to take account of the considerable losses suffered by the priory at all times. The rentals and account rolls record potential income, the maximum which an obedientiary could hope to raise from his estate provided all his tenants paid their full rents and all his tenements were in tenure. This ideal state was never achieved, because tenants fell into arrears, tenements became waste and land was kept in hand. The gulf between the potential and the real income was often great, especially in the early fifteenth century; the almoner's income from "assized rents" in Durham was £72 in the 1423 account roll but the

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1 This estate consisted of seven tenements at least in both Elvet boroughs which rendered 87s. 11d. in 1394/95: Host. account, 1394/95, Redditus Assise.

2 Alm. rental, 1424.

3 See tables I-IV.

4 Burs. rentals, 1340, 1342.

5 Alm. rental, 1424.

**TEXT BOUND INTO**

**THE SPINE**

Table VII: RENT ARREARS AND DECAYED RENTS IN THE DURHAM ESTATES  
OF THE BURSAR, THE HOSTILLAR AND THE ALMONER, 1325-1533

Sources: Account Rolls; Rentals

	1348	1359	1395	1404	1412	1429	1446	1464
BURSAR								
Number of rents lost	5	23	6			18		
Value of rents lost	18s. 5d.	£4. 0s. 2½d.	£1. 7s. 0d.	£2. 4s. 9d.	£4. 10s. 4d.	£6. 7s. 8d.	12s. 0d.	£2. 12s. 4d.

	1325	1396	1398	1412	1424	1440	1509
HOSTILLAR							
Number of rents lost	21		24	9	14	4	32
Value of rents lost	£1. 2s. 6½d.	12s. 8d.	£3. 2s. 5d.	£1. 10s. 8d.	£1. 17s. 2d.	4s. 8d.	£4. 3s. 7d.

	1353	1391	1408	1428	1432	1448	1501	1515	1533
ALMONER									
Number of rents lost	47	48	76	39	25	24	70	32	41 (a)
Value of rents lost	£5. 7s. 5d.	£5. 0s. 4d.	£13. 18s. 6½d.	£2. 18s. 11½d.	£5. 16s. 2½d.	£3. 1s. 8d.	£6. 19s. 10d.	£4. 1s. 10d.	£5. 18s. 9c (a)

Note: (a) Total of decayed rents only, not arrears.

1424 rental gave the more realistic total rent income of £32. 5s. 10d.<sup>1</sup> An attempt must now be made to explain this discrepancy in the light of the problems faced by three obedientiaries in maintaining rent income.

The greatest problem for the priory was to extract the full rent owed by each tenant. Many tenants fell into arrears of rent, sometimes over very long periods, the worst offenders being the freeholders. The bursar's inventory of 1446 often states that tamen dicte libere firme non fuerunt solute per annos xl et plus; and the same freeholders' names occur in the almoner's arrears' lists year after year. As these were men who could probably afford to pay without any difficulty (such as members of the Claxton or Billynham families who held several tenements in Durham as well as estates in the country), these arrears presumably grew because there was no effective sanction against them. An obedientiary might take a freeholder to court for the non-payment of a debt, but usually the freeholder failed to attend; in any case, the costs of bringing such an action far outweighed the size of the rents. Eventually, most obedientiaries, like the bursar, seem to have accepted the inevitable and they wrote off these old debts, sometimes for a nominal sum or perhaps in return for a promise to pay at a later date.<sup>2</sup>

The general pattern of rent arrears in the estates of these three obedientiaries can be seen in the accompanying table.<sup>3</sup> Various conclusions arise from a study of arrears during the whole period. Firstly, long lists of arrears occur very early in the documented history of the three estates. Already, by 1339, the almoner's account roll draws attention to the low income from Durham because "multa tenementa iacent vasta et magna pars firme est aretro ut patet in rotulo reddituali";<sup>4</sup> the hostillar's first list of arrears dates from 1325 and although the bursar's first list occurs in 1348, it records arrears of rent over the previous three years at least.<sup>5</sup> Secondly, the lists lengthen initially

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1 Alm. account, 1423/24, Redditus Assise; Alm. rental, 1424.

2 In 1406, for example, the sacrist wrote off the arrears of rent for a tenement in Fleshewergate held by John Cokyn. These arrears had accumulated over 21 years. The condition was that Cokyn imposterum fideliter solvet; Sac. account, 1406/07, Allocationes; Gazetteer, Fleshewergate, no. 2.

3 Table no. VII.

4 Alm. account, 1339/40, Redditus Assise.

5 Burs. arrears, 1348.

as the estates grow in size, as in the bursar's estate with the acquisition of land in St. Giles before 1382. Purchases of land did not necessarily mean increased rent income; very often new land brought a history of rent arrears.<sup>1</sup> Thirdly, the lists of arrears were at their longest in two estates in the early fifteenth century, at a time when, as we have seen, the bursar and the almoner were unable to buy new land.<sup>2</sup> In the bursar's estate, for example, the potential rent income for 1404 was £15. 15s. of which £5. 15s. 7d. was lost in unpaid rents. In 1408 arrears of rents alone totalled £13. 13s. 6d. for the almoner. Fourthly, it was a problem which none of the obedientiaries managed to solve. Although the lists were never again as long as in the early fifteenth century, there were many tenants in arrears at the end of the medieval period, including nearly all the almoner's freeholders.<sup>3</sup> Moreover, the shortening of the arrears' lists may be attributable to new accounting procedures, such as the writing off of long-term arrears on the change of obedientiary, rather than any recovery of debts.<sup>4</sup>

It is also clear from the arrears' lists that certain parts of each obedientiary's urban estate were more prone to the problem than others. The worst affected area in the bursar's estate was in St. Giles where many tenants seem to have been in arrears constantly, while South Street was a particular problem for the almoner. In 1353, some thirteen rents in this street were in arrears;<sup>5</sup> many of these seem to have been written off by the almoner and they were recorded perhaps as a matter of historical record rather than practical revenue. In other streets which contained a high proportion of rent arrears, the common factors seem to have been the number of freeholders holding tenements there and the location of that street. In South Street, there were seven freehold rents owed to the almoner, and of these six were

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1 The bursar bought William Lumley's estate in St. Giles in c. 1425 but many of these rents were in arrears by 1430: Burs. account, 1425/26; Burs. rental, 1432, f. 40r.

2 This pattern compares with Newcastle: Butcher, 'Rent, Population and Economic Change in Late Medieval Newcastle', pp. 70-72.

3 Alm. account, 1533/34, Arrears.

4 Arrears also accumulated gradually in Newcastle until the backlog was written off in 1470 and 1484/5, which was an acknowledgment that they could never be recovered: Butcher, 'Rent, Population etc. in Newcastle', p. 70.

5 Alm. arrears, 1353.

in arrears in 1353 and continued to be in arrears for most of the medieval period.<sup>1</sup> Wherever there was a concentration of freeholds, there was a concentration of rent arrears, but this was exacerbated when a street was located near the edge of the urban area and far from the market. In streets like St. Giles, South Street, and parts of Alvertongate and Crossgate, rent income was low and arrears were common. Although the priory held many freeholds in the bishop's borough, arrears do not seem to have accumulated to the same extent, and tenements in the centre of town seem to have rendered high rents throughout the medieval period.<sup>2</sup>

A final point of interest concerning arrears is that by the late fourteenth century another category had arisen, called decayed rents, which perhaps marks a development in estate management. Comparing the names which occur in lists of decayed rents with those in arrears' lists, it would seem that long and persistent arrears, such as freehold rents, became decayed rents after many years. Similarly, the rents of Oseney abbey in Oxford which had been in arrears from the late thirteenth century were allowed to "decay" in the early fourteenth century.<sup>3</sup> Decayed rents were those which an obedientiary recognised as being impossible to recover and which, in effect, he wrote off, although he retained a record for reference in his account.<sup>4</sup> In the bursar's estate, separate rolls listing decayed rents accompany the account rolls from 1395; in the hostillar's accounts they first appear in 1396. These contain the same names year after year and they cover all parts of Durham, but in the bursar's accounts, they were longer for South Street and St. Giles. They may have been fixed at a nominal sum after a few years; the bursar's decayed rents in Elvet and Clayport are the same in 1404 and 1406, and the total of decayed rents in the hostillar's accounts was the same in 1396 as in 1397. The fact that such lists were kept is a mark of defeat for the obedientiaries in their attempts to maintain rent income from Durham.

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1 Alm. account, 1353/54, Arrears; Alm. rental, 1424.

2 As in Oxford: see V. C. H. Oxford IV, p. 26.

3 In York, some 20% of the rents assigned to the upkeep of Ouse bridge were "decayed" by 1445: V. C. H. Oxford IV, p. 39; V. C. H. Yorkshire, City of York, p. 85.

4 The almoner called them non-levabilia at first: Alm. account, 1392, dorse.

Table VIII: WASTE RENTS IN THE DURHAM ESTATES OF THE BURSAR,  
THE HOSTILLAR AND THE ALMONER, 1352-1515

Sources: Account Rolls; Rentals

BURSAR	1395	1396	1397	1400	1404	1406	1412	1418	1434	1445	1464
Number of waste rents	3	8	7	15	10	8				32	
Value of waste rents	17s. 6d.	45s. 6d.	28s. 2d.	61s. 2d.	70s. 10d.	42s. 10d.	39s. 0d.	15s. 10d.	45s. 0d.	£7. 6s. 8d.	£4. 9s. 10d.

HOSTILLAR	1396	1397	1398	1400	1401	1405	1413	1417	1422	1437	1440	1448	1509
Number of waste rents	8	9	9	10	8	8	7	10	14	7	30	20	14
Value of waste rents	38s. 0d.	55s. 11d.	41s. 0½d.	73s. 8d.	39s. 8d.	43s. 4d.	24s. 10d.	34s. 0d.	72s. 4d.	18s. 5d.	189s. 11d.	99s. 10d.	56s. 3d.

ALMONER	1352	1353	1391	1411	1412	1428	1448	1515
Number of waste rents	1	6	6	11	13	20	26	32
Value of waste rents	1s. 9d.	13s. 5d.	9s. 10d.	74s. 2d.	34s. 9d.	79s. 0d.	84s. 2d.	65s. 10½d.



Waste rents or tenements were a second major source of lost rent income for the priory. A waste tenement was interpreted by the bursar as arising propter defectum reparationis or propter defectum tenentium. while the hostillar's rental of 1523 describes a waste tenement as one which returned no rent, or had no tenant, or was held in hand.<sup>1</sup> Such tenements could, presumably, cease to be classed as waste if a suitable tenant was found or if sufficient repair work was done to the tenement so that it could be leased again. Hence this form of rent loss may have been less entrenched than the losses through rent arrears and may have held out the hope of future recovery to an obedientiary. The accompanying table shows the general pattern of waste rents in the estates of three obedientiaries.<sup>2</sup>

Some of the characteristic features of rent arrears recur in the case of waste tenements and waste rents. The latter presented a problem that existed from the beginning of the documented period, as the almoner's account rolls of 1339 and 1340 reveal; in that year multa tenementa iacunt vasta.<sup>3</sup> However, waste rents seem to have become of monetary significance only in the late fourteenth century, because the earliest separate waste and decay roll in the bursar's estate dates from 1395 and in the hostillar's estate from 1396. The keeping of such lists may, of course, simply mark a change in estate management policy; mounting rent losses may have been subdivided into new categories according to the likelihood of recovery. These lists of waste rents, like rent arrears, were at their longest between 1400 and 1460. By 1404, waste rents amounted to a third of the bursar's total rent income from Elvet; and the hostillar's waste rents were at their highest in 1400, 1422 and between 1440 and 1448. The long lists of waste rents at this period contributed to the decline in rent income in the early fifteenth century. The obedientiaries were never able to solve fully the problem of rent losses from waste tenements. The sacrist, in particular, tried to extract some revenue from waste tenements by amalgamating two or three into closes or

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1 See Burs. inventory, 1445; Host. rental, 1523.

2 See table no. VIII.

3 Alm. account, 1339/40, Redditus Assise.

orchards and leasing them at a reduced rent.<sup>1</sup> The bursar was able to rebuild some of his waste tenements in the late fifteenth century, particularly in the bishop's borough and thus to lease them at higher rents.<sup>2</sup> Rent reductions on waste tenements at the edges of the boroughs were tried by both the bursar and the almoner as a way of attracting tenants, but all of these methods were comparatively unsuccessful. Although there was a general improvement in the condition of the estate, with shorter lists of waste rents in the late fifteenth century, the bursar's rental of 1538 shows that many tenements still lay waste or out of tenure. Ten of the almoner's fifteen tenements in South Street were waste in 1501. Only the hostillar's estate shows any real progress, with decreasing lists of wastes in 1509, 1510 and 1528; but even this improvement may be attributed to changes in accounting practices or the writing off of some rents.

Waste tenements and waste rents were, like rent arrears, features of certain specific parts of the priory estates rather than spread generally through all the boroughs. In the almoner's estate, waste tenements predominated in South Street throughout the medieval period and no attempt seems to have been made by him to rebuild there. Similarly, many tenements in St. Giles remained waste or were amalgamated into larger units of open land by the bursar. Yet waste tenements in other parts of Durham, like the Bailey, Silver Street, Clayport or Souterpeth, were repaired and rebuilt by the almoner and the bursar, often at great cost. It seems that some parts of the priory's estates in Durham had a greater priority than others; any money that was available for repair work was spent on the central area where property was more valuable and higher rents could be charged. Consequently, this pattern of waste rents during the medieval period has wider implications for the history of the city as a whole. Tenements situated in streets on the edge of the urban area were more likely to become waste and once this happened, they were rarely rebuilt or reoccupied. Rather these tenements were amalgamated into larger units and turned over to agricultural use. In Oxford, there was a similar gradual contraction of the built-up area and some physical

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1 Sac. rental, 1500.

2 Compare the Inventories of 1446 and 1464 to see how much repair work had been done to reduce the number of waste tenements.

decay during the later Middle Ages as the number of waste tenements increased.<sup>1</sup> The growth of these lists of waste rents in early fifteenth-century Durham marks the gradual erosion of the urban fringe of the boroughs.

The priory also suffered a loss of rent income in a variety of ways which were less widespread than arrears and wastes. Several tenements were kept in hand, sometimes for many years if it was impossible to find a tenant, or for a few months while essential repair work was carried out. The bursar had some tenements in hand in Elvet in 1396, as did the hostillar in the early fifteenth century, but the loss of rent income was very small in comparison with wastes and arrears and no one part of an estate was particularly prone to this loss. Rent losses occurred when one obedientiary, like the bursar, transferred tenements to another obedientiary. Between 1421 and 1426, the bursar exchanged his income from the farm of the Old Borough and the rent of two tenements in Crossgate for a regular pension of 53s. 4d. from the sacrist, which represented a loss of income.<sup>2</sup> In 1446, he transferred four tenements in Old Elvet to the cellarer with no financial compensation,<sup>3</sup> and other transfers were made which gave the bursar no benefit. Such losses affected the estates of individual obedientiaries and in no way mark any general decline in rent income from Durham. Finally, there was a certain loss of revenue each year from rent reductions and allowances of rents made to tenants who were busy with their own repair work, who were unable to pay the full rent for a specified reason, or who had given tenements to the priory. The hostillar reduced rents in Old Elvet by 28s. in 1351 because repair work had been done by the tenants. The almoner made allowances of rents to Roger Diker (5s.), William Plausworth (2s. 6d.) and Ralph Sissor (10d.) because of repair work on their houses in 1378.<sup>4</sup> These allowances were relatively rare occurrences and lasted for only a short time, perhaps only for one term, and the effect on total rent income was small. Rent reductions were a greater loss to the obedientiaries; many tenements

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1 V. C. H. Oxford IV, p. 26.

2 See Burs. rental, 1427.

3 Burs. account, 1446/47, Receipts.

4 Host. account, 1351/52, Repairs; see above, pp. 135-36; Alm. account, 1378/79, Repairs; Alm. account, 1398/99, Allocaciones.

all over the town, but particularly those in the outer boroughs, had reduced rents, probably in an attempt to attract tenants.<sup>1</sup>

The general impression which remains after the potential income and rent losses from the three priory estates in Durham have been surveyed is that although the number of tenements and rents increased at certain periods, even during good years urban property was not greatly profitable because of mounting losses in the form of rent arrears and waste tenements. In particular, the evidence of falling income and increasing wastes between 1400 and 1460 suggests a time of economic difficulty. The bursar's income from properties in Durham fell from £54. 19s. in 1396 to £29 2d. in 1427 and to £30 6s. by 1446.<sup>2</sup> The worst losses occurred in Crossgate, St. Giles and the Bailey. At the same time, arrears of rents rose from 27s. in 1395 to 127s. 8d. in 1429 and the number of waste tenements in his estate was high. The difficulties of using account roll and rental evidence to supply accurate totals of losses are obvious. The occasional writing-off of arrears distorts the picture, as does any variation in the method of accounting, such as the inventing of new categories of losses, like non-leviable rents. However, it does seem fairly clear that the priory's urban estate was going through a period of falling income and increasing difficulties during this period. How does this depression of the early fifteenth century compare with other medieval towns? In the north, there are many examples of falling rent income and property values during the early fifteenth century in particular, as in Newcastle, where the accumulating totals of arrears and allowances indicated falling property values in the fifteenth century.<sup>3</sup> In York, the value of the property of the Vicars' Choral in Goodramgate began to fall c. 1415 and it was reduced by 40% in 1460.<sup>4</sup> Rents and farms on the Percy estates in the early fifteenth century in Northumberland fell by between a third and a half and there was a comparative decline in the bishop of Durham's

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1 See Sac. rental, 1500, Crossgate, South Street. In York, the bursar of Fountains abbey was making substantial allowances of rent in the 1450s on his York property. Oseney abbey reduced many of its rents in Oxford between c. 1435 and 1449: V. C. H. Yorkshire, City of York, p. 85; V. C. H. Oxford IV, p. 42.

2 See table no. V.

3 Butcher, 'Rent, Population, in Newcastle', pp. 67-77.

4 J. N. Bartlett, 'The Expansion and Decline of York in the Later Middle Ages', Ec. H. R. XII (1959/60), pp. 17-33; V. C. H. Yorkshire, City of York, p. 49.

estates.<sup>1</sup> Moreover, this decline in rent income from urban and country estates was not confined to the north. In Canterbury, there seems to have been a decline in rent income during the early fifteenth century but by 1473 there was some recovery.<sup>2</sup> Both Oseney abbey and St. James' hospital reduced their rents on many properties in Oxford in the early fifteenth century, and the reorganisation of the manorial economy of Ramsey abbey at the same time was accompanied by "the deepest and most prolonged depression in manorial revenues in any period of its history".<sup>3</sup> The rental value of Westminster abbey's estates fell in the fifteenth century and income sagged.<sup>4</sup> Set against this background, the fluctuations of rent income in Durham priory's urban estates are not untypical of general trends in revenue in the rest of the country, and, perhaps even lend support to a theory of a general "crisis" in some English towns in the early fifteenth century.

(b) The Costs of Maintaining an Urban Estate

The income from an urban estate and the opportunities for expansion were affected by a variety of outgoings which all overlords had to make as part of the management of their estates. Firstly, there was the initial purchase price of land to be raised which was, in many cases, high in relation to the rent income which could be expected from the land. Secondly, there were the rents which newly-purchased land owed to others, the redditi resoluti; these might amount to very little each year, but they had to be paid, whether or not the tenement was leased out or lying waste. Thirdly, there was the cost of building and repair work which was essential to keep land in tenure. Each category of expenditure in the priory's Durham estates will be examined in more detail before any assessment of its success in managing an urban estate is made.

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1 J. M. W. Bean, The Estates of the Percy Family, 1416-1537 (Oxford, 1958), p. 35; Lomas, 'Durham Cathedral Priory as Landowner', Conclusion.

2 Smith, Canterbury Cathedral Priory, p. 13.

3 V.C.H. Oxford IV, p. 42; J. A. Raftis, The Estates of Ramsey Abbey (Toronto, 1957), p. 292.

4 Harvey, Westminster Abbey, p. 64.

The priory purchased tenements throughout its history, but little is known about the costs involved or the methods of payment until the account rolls begin to recount the purchase prices under the Expenses Necessarii section of the account. Of course, the fact that the account roll states that a property has been bought might disguise what was, in effect, a device for borrowing money, not a straight-forward purchase.<sup>1</sup> Furthermore, the price mentioned in the account was not always the true purchase price of the land. It could include additional items such as the payment to "brokers" or feoffees who acted for the priory in the conveyance. It could be followed by the expenses of litigation over many years which would increase the purchase price considerably; and it excluded the hidden expenses such as pensions to former owners. Consequently, no great reliance can be put upon these purchase prices as reflections of the accurate value of newly-acquired land. However, with these reservations and in the absence of other sources for the priory's policy of purchasing land, the following comments can be offered.

Two main methods of payment for land purchases emerge from the documents. Some obedientiaries made one outright payment for land, as the bursar did when he bought a tenement in Elvet from John Killinghall in 1376.<sup>2</sup> He paid 106s. 8d. pro iure suo quod habuit, per obligacionem through the prior and it entered his estate. But where the purchase price was high and the obedientiary could not raise the whole sum in one accounting year, he spread his payments over several years. The almoner purchased several tenements in various Durham streets from Hugh de Chilton in 1376.<sup>3</sup> The full cost agreed between the priory and Chilton was £20, but the almoner came to an agreement with him to pay £13 6s. 8d. that year, 10s. 7d. the following year and subsequently the remainder of the purchase price. The common factor behind all purchases of land was the expense and the need to raise a large sum of money in perhaps one accounting year. The almoner's purchase of Hugh de Chilton's land for £20 in 1376 was one of the most expensive recorded in the accounts, but the bursar paid £16 to John de Castrobernardi pro iure quod habuit in domibus in

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1 Harvey, Westminster Abbey, p. 169.

2 Burs. account, 1376/77, Expense Necessarie.

3 Alm. account, 1376/77, Expenses.

Elvet in 1376.<sup>1</sup> Both of these payments were for small estates in private hands, rather than an individual tenement; however, purchase of single tenements also might be expensive. John de Killinghall's tenement in Elvet cost 106s. 8d. in 1376 while Richard Lumley's tenement in Old Elvet cost £6. 13s. 4d. in 1474.<sup>2</sup> With such high purchase prices, it took many years for an obedientiary to recoup his initial outlay in rent income from his new properties. Killinghall's tenement brought in an income of 20s. p.a.; provided that it was in good repair and tenants found to pay this high rent, then the bursar could hope to recover his expenditure on it in five years.

There were a number of subsidiary charges arising from the purchase of property which had to be paid by a priory obedientiary.<sup>3</sup> First among these were the payments for legal work involved in conveyancing, such as the purchase of title deeds and the drawing up of new ones, and for the licence from the bishop (if necessary) for an alienation of land. When the hostillar bought William Alman's land in the two Elvet boroughs, he paid an additional sum of 16s. 8d. to the bishop for the alienation of the land and for the "farm".<sup>4</sup> Furthermore, payments sometimes had to be made to relatives or kinsmen of the grantor to purchase any right they had to a tenement. William Alman's widow was paid £13. 6s. 8d. for quit-claiming her right to his Elvet estate, and she was allowed to occupy his "principal tenement" for her life after the hostillar had bought the estate.<sup>5</sup> The acknowledged right of a relative to remain in a tenement without paying rent was a hidden loss of income for the priory which might continue for many years.

Unfortunately, purchases of land often involved an obedientiary in a secondary form of expenditure on the estate, the subsidiary rents which the land owed to others, variously called redditi resoluti, pensiones, expenses necessarii or stipends in the account rolls.

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1 Burs. account, 1376/77, Expense Necessarie.

2 Burs. account, 1376/77, Expense Necessarie; Host. account, 1474/75, Expenses.

3 These also appear in the Expenses Necessarie section of the account rolls.

4 Host. account, 1392/93, Expenses.

5 Consequently, the assized rent of 45s. 9½d. from this land was lower than might have been expected: Host. account, 1392/93, Expenses. William Alman's widow died c. 1396 when the rent income from this land specifically included the principal tenement for the first time: Host. account, 1396/97, Redditus Assise.

Several "resolved rents" were quite large and they amounted to a regular loss of income from the Durham estates. Whatever type of subsidiary rent was owed, it rarely lapsed from its creation to the end of the medieval period, and unlike leasehold rents, it never fluctuated. The first and perhaps the most common type of resolved rent was the landmale rent, which was acquired whenever an obedientiary extended his estate into a non-priory borough or into a borough held by another obedientiary. It was the smallest subsidiary rent which obedientiaries had to pay and as such it was the least onerous, but it was permanent. According to the rentals and account rolls, the bursar paid only one regular landmale rent before 1400, for the tenement next to Clayportgate (7d. p.a.),<sup>1</sup> and only five by 1538, four of which were owed to the bishop for land in his borough and one to the sacrist for land in Bellasis.<sup>2</sup> They amounted to a mere 4s. 7d. p.a. which was a tiny fraction of the bursar's total expenditure on his Durham estates. The almoner paid eighteen regular landmale rents to other obedientiaries in the Old Borough and in Elvet by 1450, amounting to 10s. 11d. in 1533.<sup>3</sup> It may seem strange that these small landmale payments owed by one obedientiary to another were not waived; but this was probably the result of each obedientiary having his own exchequer for rent payments, rather than a central fund. Every small rent owed had to be accounted for. The landmale rent was also a sign of the tenorial dominance of one obedientiary over another, territorially at least, a factor which helps to explain the preservation of this rent.<sup>4</sup>

The rent charge was the second "resolved rent" created or inherited when an obedientiary purchased a tenement. A rent charge was created when, for example, the almoner bought a valuable holding from the Bassett family in the Bailey in 1393 and he paid them an annual rent of 3s. or 3s. 4d.<sup>5</sup> It might have been created as part of the purchase price of the tenement negotiated with the grantors. A rent charge could be inherited by an obedientiary, as, for example, when the bursar bought the tenement next to Clayportgate in the 1380s. He owed the Byllingham family, probably the original owners of the land,

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1 First paid in 1390: Burs. account, 1390/91, Expense Necessarie.

2 Burs. rental, 1538.

3 Alm. rental, 1424, Resolved rents; Alm. account, 1448/49, Resolved rents; Alm. rental, 1533.

4 See above, pp. 132-33.

5 Alm. account, 1393/94, Payment of Farms.



a rent of 13s. 4d. p. a.<sup>1</sup> Some rent charges could be very small, like the 12d. p. a. which the almoner paid the chaplain of St. Mary's chantry in 1428;<sup>2</sup> others, like the 15s. p. a. which the hostillar paid the abbot of Blanchland in 1455, were more onerous.<sup>3</sup> Of the three obedientiaries discussed here, the hostillar had the greatest number of rent charges on his tenements. In 1512, he owed eight regular rent charges to others, mainly to religious groups like chantries and none to private families. By 1542, these payments amounted to 30s. 11d. Although these rent charges were fixed sums, they could, unlike landmale, be bought out by an obedientiary making a lump sum payment to the family involved. The bursar paid the Byllingham family £10 13s. 4d. in 1416 for the property next to Clayportgate, and so the rent charge ceased.<sup>4</sup>

The third and largest category of subsidiary payments were the pensiones which usually arose when an obedientiary came to an agreement to exchange land with another obedientiary in return for a fixed annual payment. This was somewhat similar to the method of purchasing tenements already noted, where the cost was spread over several years,<sup>5</sup> but these pensions also took account of the various rent charges incumbent on the tenements. The bursar paid the master of Kepier an annual pension (it was 38s. 3d. in 1407) in exchange for land in St. Giles, and this money also included the freehold rents owed to Kepier from the tenements and a money commutation for services owed such as suit of court.<sup>6</sup> It increased as other tenements in this borough were added to the bursar's estate. When the bursar transferred the farm of the Old Borough and two tenements to the sacrist in the 1420s, he exchanged them for an annual pension of 53s. 4d.<sup>7</sup> The almoner made annual payments of 40s. p. a. to the feretrar for a tenement in the South Bailey after 1516.<sup>8</sup> These pensions and others like them arose as a direct result of an obedientiary extending his estate, and they were the most onerous of the subsidiary payments. They continued indefinitely whether or not the land was leased and regardless of any

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1 Burs. account, 1386/87, Expense Necessarie.

2 Alm. account, 1428/29, Payment of Farms.

3 Host. account, 1455/56, Pensions and Stipends.

4 Burs. account, 1416/17, Expense Necessarie.

5 See above, pp. 151-52.

6 See, for example, Burs. account, 1400/01, Expense Necessarie.

7 Burs. rental, 1427.

8 Alm. account, 1516/17, Redditus Resoluti.

fluctuations in the rent. Furthermore, this arrangement meant that another obedientiary retained some legal interest in the land.

The fourth and final category of subsidiary payments which an obedientiary might have to make for land he had acquired contains a miscellaneous selection of money commutations for special services or privileges. These include the small payments made by the bursar to the bishop in lieu of suit of court for his tenements in the bishop's borough. In 1425, for example, the bursar paid the bishop 18d. for suit of court at the Tolbooth.<sup>1</sup> It was probably more convenient for him to make a payment than to appear in person before these local courts. Similarly, he made a monetary rather than an agricultural contribution to operibus in autumpno on Kepier's land, for his land in St. Giles' borough in 1399.<sup>2</sup> Lastly, the bursar made a small contribution to the bishop's coroner for an exitum de uno orto in Sadlergate ad motam domini Episcopi, a right of way from the back of his tenement.<sup>3</sup> All of these miscellaneous payments were small and they seem to have been fixed by convention.

The maintenance of an urban estate involved a considerable amount of building and repair work, the third main category of priory expenditure on its Durham property. The high levels of money spent on building work during the medieval period indicates its importance in the estate management policy of the priory. An examination of the repairs section of the account rolls reveals the costs of administering an urban estate and the obedientiaries' priorities within the estate, as well as giving an overall impression of building work throughout the period. The brief entries concerning repairs to property in the early fourteenth century suggest that repair work on property in Durham was fairly limited and that expenditure on it was low in the priory estate,<sup>4</sup> but by the mid-fourteenth century, the repairs section of the accounts of the three obedientiaries had grown with the expansion of the estates. Repairs continued at a high level throughout the fifteenth century (except in the hostillar's estate where little money was spent on repairs until the late fifteenth century), but there was a lessening of

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1 Burs. account, 1425/26, Redditus Resoluti.

2 Burs. account, 1399/1400, Expense Necessarie.

3 Burs. rental, 1538, Redditus Resoluti.

4 In the Bursar's accounts before 1350, most of the repair work mentioned was to buildings within the abbey precinct or to the priory mills. The Almoner spent more money on domestic property in Elvet before 1350.

recorded building activity in the early sixteenth century. The pattern of building work is much the same in all three estates, which implies that the repairing policy followed by the three obedientiaries was much the same. A comparison between the periods of intense building work and the periods of expansion in the estates suggests that the building work was directly correlated to the acquisition of new tenements. During periods when money was spent on acquiring land, few tenements were rebuilt extensively. When the bursar's estate expanded rapidly in the late fourteenth century, repair work was limited; and during the 1390s, when the hostillar purchased several small estates, his repair bill was small.<sup>1</sup> After new land was acquired, however, there was a surge in building activity (as in the bursar's estate in the fifteenth century), perhaps to bring the new tenements up to the standard of the rest of the estate.<sup>2</sup>

The pattern of building work in these three estates was not connected simply with the acquisition of land. Other factors had a bearing on the work, and one of the most important was the number of "public" buildings to be repaired in any estate. These were buildings such as the bursar's mill in Elvet, the almoner's mill on the Milneburn and the bursar's bakehouse in Elvet. Major repair work had to be undertaken on the mills and their dams as well as on the bakehouse buildings almost every year because it was vital to the priory's income to keep them in working order. There were churches to maintain, such as St. Oswald's, the responsibility of the hostillar, and St. Mary Magdalen, the responsibility of the almoner. Other public buildings like the hostillar's Elvethall manor buildings and the almoner's Infirmary in the Bailey had to be repaired. In those years when expenditure was high on a public building in an obedientiary's estate, there was not enough money available to undertake major rebuilding of houses. In 1347, for example, £7 15s. 2d. was spent on reconstructing the Meysondieu in the Bailey and at least £4. 12s. for rebuilding the Infirmary within the precinct. Small sums were spent on Scaltok mill and a bakehouse in Elvet, and the bursar had no surplus

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1 See, for example, Host. accounts, 1393/94, 1394/95, 1395/96, 1396/97, 1397/98, Repairs.

2 See, for example, Burs. accounts 1423/24, when £4 2d. was spent on rebuilding 2 tenements in New Elvet; 1425/26, when a tenement in the borough of Durham was rebuilt at a cost of £4 18s. 2d.

to spend on domestic property repairs in his estate that year.<sup>1</sup>

Although houses in most parts of Durham were repaired regularly, each obediary seems to have had his own priorities within his estate. This is clearest in the almoner's estate, which was the most widely scattered; he concentrated on certain streets at certain distinct periods. In the mid-fourteenth century he repaired tenements in Elvet, in the late fourteenth century, tenements in the Bailey and Souterpeth (where his estate had grown), but by the early fifteenth century, he spent more money on the street near his chapel and the hospital of St. Mary Magdalen.<sup>2</sup> There is some significance in the fact that he did not repair tenements in that part of his estate where the rentals record most waste tenements, in South Street and Crossgate. Clearly, the almoner had abandoned all hope of re-letting land in this part of his estate, as the categorising of rent arrears in this street as "non-leviable" shows.<sup>3</sup> He put his available money into restoring buildings in those parts of the town where he considered tenements could be let and rents gathered. After the bursar bought several tenements in St. Giles in the 1380s, he spent much money repairing and rebuilding in this street, perhaps to bring tenements up to a suitable standard for letting.<sup>4</sup> But this part of his estate was never profitable; arrears were always high, tenements lay waste and there was a shortage of tenants. Consequently, the bursar gave St. Giles a low priority in his expenditure on building for the rest of the period.

Types of repair work in the priory's urban estate took two main forms. Firstly, there was the complete reconstruction of a tenement, involving presumably the demolition of the existing structure and the rebuilding of a new house or houses on the site. When Richard More's four tenements in Sadlergate were acquired by the bursar at the end of the fifteenth century, they were rebuilt, as was the almoner's tenement at the end of Elvet bridge in Souterpeth in the early fifteenth century at a cost of at least £3 14s. 7d. in 1404.<sup>5</sup> These reconstructions were expensive, and seem to have been undertaken only

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1. Burs. account, 1347/48, Structura.

2. See, for example, Alm. accounts, 1421/22, 1428/29, Repairs.

3. See above, pp. 144-45.

4. Burs. accounts, 1388/89, 1389/90, 1390/91, Repairs.

5. Burs. accounts, 1476/77, 1478/79, 1479/80, 1480/81, Repairs; Alm. account, 1404/05, Repairs.

when there was enough surplus in the account for a limited period. Secondly, there was repair and maintenance work, the pointing or roofing of a house, renewing guttering or doors, the small-scale building work which continued throughout the period as on the tenements acquired by the hostillar in exchanges with the feretrar and the master of the Infirmary.<sup>1</sup> Of the two types of building work, the first is more significant in terms of the management of the urban estate. The rebuilding of tenements would only take place when enough money was available to cover the high cost of such work, when parts of the estate were in dire need of improvements or when the obedientiaries considered it a good investment of time and money.

The account rolls provide three reasons for the expenditure on building work. Firstly, and most obviously, obedientiaries wished to improve tenements to attract tenants on to their estates. It was easier to find tenants to take up a lease if the buildings on the land were in good repair, and it was easier to increase rents if the tenements were well maintained. In 1446, for example, two tenements in Framwelgate were lying waste propter defectum reparationis and there was a loss of 18s. rent income. In 1464, one had been repaired and rendered 16s. p.a.<sup>2</sup> Secondly, tenements, when they were rebuilt, were often subdivided by the obedientiary; and where there had been only one rent owed by the tenement, the reconstructed tenement might owe three or four. The almoner rebuilt his tenement in Souterpeth and divided it into four separate holdings.<sup>3</sup> It was a way of increasing revenue. Thirdly, a tenement might have to be rebuilt after some disaster, like a fire. In 1355, the hostillar spent over 109s. rebuilding four houses in Old Elvet which had been burnt down at the time of a fire in St. Oswald's church.<sup>4</sup>

The money spent on repair work in the Durham estates varied widely from year to year; there were years when little was spent on domestic buildings, although expenditure on public buildings might be

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1 See, for example, the repairs carried out on Simon Alman's tenements in Elvet between 1389 and 1392. The rent income from this estate was assigned to the Feretrar in 1394. Host. accounts, 1389/90, 1392/93.

2 Burs. inventories, 1446, 1464.

3 Alm. account, 1404/05, Repairs; Alm. rental, 1424.

4 Host. account, 1355/56, Repairs.

high, and years when much money was spent on rebuilding houses. It might be assumed that the years of high expenditure would coincide with years of high rent income from the estate, when there was plenty of money in hand, as in the late fourteenth century or the later fifteenth century. But this was not the case. The bursar's repair bill, for example, rose dramatically between 1400 and 1450 at a time when, as we have already seen, there was little growth in the estate but rather mounting lists of wasted and decayed rents and a diminishing rent income.<sup>1</sup> In the early fifteenth century when the bursar could not afford to buy new tenements and when he was actually transferring properties to other obedientiaries, he seems to have put money into the repair of his remaining Durham properties, perhaps to ensure that he would keep them in tenure.<sup>2</sup> It seems that the bursar spent more money on repairs at times when his rent income was low - no doubt in an attempt to improve what he already possessed and to lessen the number of rents lost from waste tenements in his estate.

Finally, it ought to be said that the use of the account rolls and rentals alone to trace the fluctuating expenditure on repair work gives a rather one-sided impression of the priory's estate management policy. For it was not only the landlord who spent time and money on repairing properties; the tenant had an interest and a responsibility in maintaining his tenement. The few remaining leases from this period show that the priory made it a condition of tenure that the tenant was to be responsible for his own small building repairs. The priory was to be responsible for providing only the large timbers when a house was reconstructed. In the sacrist's lease of a tenement in Framwelgate to Robert de Merington in 1410, Merington, as a condition of the lease, had to rebuild a house to a certain specified size. The sacrist was to provide the large timbers for building and stone for the foundations. The tenant was responsible for the carriage of the building materials, the construction of the house and its repair and maintenance.<sup>3</sup> This evidence, slight as it is, suggests that when the market value of land was high and there was no shortage of tenants willing to take up leases,

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1 See, for example, Burs. accounts, 1416/17, 1419/20, 1423/24, 1443/44, Repairs.

2 Burs. Inventories, 1446, 1464.

3 2.2. Sac. 3a.

the priory could pass on much of the burden and cost of repairs to its tenants. In times of greater difficulty in the estates, when rents were falling into arrears, tenements were waste or in hand, and there was a shortage of tenants, then the priory had to take over the repair work to make a holding more attractive to would-be tenants. Perhaps it could be argued that the lengthening lists of repair work during the fifteenth century in all three obedientiaries' account rolls, are not only the natural corollary of the growth of an estate, but also the indicators of increasing difficulty in finding sufficient tenants to take up all the land.

This chapter has attempted to analyse both sides of the priory's account rolls, the income received from tenants and the expenditure of the landlord on properties, to assess the value and significance of its Durham estates. The results of this analysis suggest that the ownership of an urban estate brought certain financial gains to the priory from time to time, particularly in the late fourteenth century and again in the late fifteenth century. During these periods, revenue from urban rents seems to have been relatively high; there was sufficient money in the account for the priory to acquire new properties and to extend its legal interest in tenements. Properties in the central bishop's borough, in particular, seem to have been coveted, because there was no problem in finding tenants to occupy them and higher rents could be extracted from these desirable commercial premises. However, the possession of an urban estate created certain problems and financial liabilities which, even at times of high rent income, could not be avoided. Some tenants were always reluctant or unable to pay their way; certain properties were situated in less popular or prosperous streets and were more difficult to lease. Buildings needed a minimum amount of repair work and other properties were burdened with rent charges to others. These financial obligations and difficulties could be more than counterbalanced with the profits from the estate in good years, but when, for various reasons, there was economic depression in the estate as a whole, as there was in the early fifteenth century, for example, the priory probably subsidised

its urban estate fairly heavily and had to resign itself to making a loss.<sup>1</sup>

It is difficult to see how these problems could have been overcome by the priory, given the complications of tenure in the different Durham boroughs, current accounting procedures and the allocation of properties between several obediences. The priory did try various remedies, some purely cosmetic, like writing off arrears or "decayed" rents after a number of years, some more drastic, like directing much of the money for repair work into certain streets near the centre of the town rather than the outskirts. . . However, despite the expense of maintenance and the undoubted difficulty in extracting rent payments from tenants, the priory obviously never considered ridding itself of its urban estate. It needed to retain a financial and legal stake in the town which surrounded it. It wanted properties with which it could, perhaps, reward its lay servants and relatives of its inmates. It had an interest in maintaining a tenorial relationship with the Durham inhabitants, a relationship in which it exercised legal and financial dominance through its borough courts. The individual obedientaries may have relied on their rent incomes to maintain their offices. Furthermore, they may have depended on the commutation of money rents for renders in kind, agricultural services or food, for example, to keep the priory's own internal economy working. For a variety of reasons, it seems that the priory had a vested interest in retaining and maintaining its Durham estate. Perhaps even more significant than any economic or practical explanation was the desire common to any religious corporation, to preserve its holdings, urban or otherwise, intact, for the future. As M. D. Lobel has commented, using the Benedictine monastery of Bury St. Edmunds as an example, the administration of urban property was regarded as a trust, and the monks always looked to their successors in office.<sup>2</sup> It is this philosophy which helps to explain why, against all the odds, and with the insoluble problems of mounting wastes and arrears in the early fifteenth century, the large outgoings on property and the difficulty in finding tenants, Durham priory and its obedientaries went on investing time and money in what could often be an unprofitable venture, the administration of an urban estate.

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1 See R. B. Dobson, 'Cathedral Chapters and Cathedral Cities: York, Durham and Carlisle in the 15th. century', Northern History XIX (1983), pp. 35-36.

2 Lobel, Bury St. Edmunds, p. 31.



CHAPTER VI  
THE TRADES AND OCCUPATIONS  
OF DURHAM INHABITANTS

The economic success of a medieval town naturally depended, to a great extent, on the variety of industries and trades it offered to the countryside around it and the market it provided for the exchange of goods. A prosperous town acted like a magnet upon its immediate area, drawing a supply of labour and produce from the country and giving, in return, goods which were unobtainable in village communities and services which were dependent on the town's craftsmen. To anticipate the conclusions of the following survey, late medieval Durham emerges as a comparatively small market town with a limited range of trades. These trades or occupations were geared to the servicing of the urban community as a whole and the two great ecclesiastical organisations on the peninsula in particular, as well as to the needs of the agricultural communities nearby. Durham was still small enough to retain many characteristics of an agricultural community well into the sixteenth century; large numbers of open spaces, orchards and closes were to be found in the outer boroughs;<sup>1</sup> and many inhabitants were employed as agricultural labourers, working, for example, on the priory's manor of Elvethall.<sup>2</sup> Durham was closely bound to its immediate hinterland and to a purely local market.

This chapter is based on a very wide variety of sources, including deeds, chancery enrolments and court rolls, surname and street name evidence as well as archaeological reports. Nevertheless, it has to be admitted that none of these sources provides a comprehensive picture of trade or of craftsmen in Durham. The witness lists of deeds are perhaps the most fruitful and accessible source; and the conclusions of the following chapter rest heavily on them. The few surviving craft ordinances, such as the weavers' ordinances of 1450, contain lists of craftsmen;<sup>3</sup> but there are no complete surviving

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1 See above, p. 66.

2 Lomas, 'A Northern farm at the End of the Middle Ages', pp. 26-53.

3 P. R. O. Durham Chancery Enrolments, 3/44, m. 10, 11.

surveys of occupations in the town, as there are, for example, for three of Stamford's parishes, as derived from the 1379 poll tax returns.<sup>1</sup> Durham has no extant local lay poll tax returns. The priory rentals do not give the trades of many tenants. Consequently, no fully accurate assessment of the number of trades in medieval Durham nor the numbers of people involved in particular crafts is possible at any one time. The poor survival rate of documents relating to the bishop's borough is particularly to be regretted because this area was the commercial centre of Durham. Surname evidence can be used to amplify the documentary evidence for the existence of many Durham occupations. However, it has to be treated with caution; occupational surnames no doubt first emerged as an accurate description of a man's trade, but by about the mid-fourteenth century such designations often became family names, which were inherited by later generations who had no connection with the trade.<sup>2</sup> It can be assumed, for example, that John le Barber who held land in Fleshewergate and Crossgate in 1318 was by trade a barber, but John Barbour who witnessed a charter in 1422 was a tailor.<sup>3</sup> Another problem with this type of evidence is that contemporaries with the same occupational surname might be involved in completely different trades. John Bacon, who held land in Elvet borough in 1374, was, predictably, a butcher, but John Bacon who held land in Framwelgate in 1354 was a potter.<sup>4</sup> It is only when documentary evidence supports the apparent implications of surnames that any positively reliable information about the variety of trades in a medieval city can be amassed.

The purpose of this chapter is to describe Durham's several trades as a means of assessing its role as a market town in the region and its economic growth relative to other medieval towns. An attempt

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1 A. Rogers, 'Medieval Stamford', in The Making of Stamford, p. 47.

2 In Winchester, for example, many occupational surnames seem to have become hereditary by the end of the 14th. century: see A. R. Rumble, 'The Personal Name Material' in Survey of Medieval Winchester, Vol. ii, App. I (Oxford, 1985), p. 1409. In contrast, it has been suggested that many people with occupational surnames in late 14th. century Oxford actually practised the trade: see R. A. McKinley, The Surnames of Oxfordshire (London, 1977), pp. 29-30; R. A. McKinley, Norfolk and Suffolk Surnames in the Middle Ages (London, 1974), pp. 52-54; S. Kelly and others, Men of Property, p. 13.

3 1. 2. Sac. 35; Misc. Ch. 2209; 3. 15. Spec. 42. :

4 4. 2. Sac. 3c; 2. 2. Sac. 3b.

will also be made to identify specialised trade quarters within the city and to account for the development of a given trade in a particular area. Some estimate of the numbers of inhabitants involved in each trade will be made and any evidence for the wealth or status of particular craftsmen will be considered. Finally, the organisation of trade in the town, its craft guilds and their place in town life, will be discussed. An important omission in this survey of Durham's occupations is the clergy and their retainers (veredarii) and servants. In particular, the large and influential group of clerks who worked for the priors and bishops of Durham, owned considerable numbers of tenements in the town and played an important part in town life in the later Middle Ages is not included here. For the purposes of this chapter, however, this group can at least be considered, like the majority of Durham's inhabitants, as a consumer of goods produced by the craftsmen and traders.

A rapid and somewhat cursory survey of all the available evidence, however imprecise, reveals the existence of at least fifty-four differently named trades in Durham by c. 1300. If this figure can be considered at all accurate, it suggests that Durham had a very restricted number of occupations when compared with the 305 occupations collected from twelfth- and thirteenth-century deeds in Coventry and the over 125 crafts found in Norwich in the 1390s.<sup>1</sup> Most of Durham's trades fall into the three broad categories common to the majority of English medieval towns: leatherworkers, textile workers and members of the victualling trades, who between them provided most of the necessities of life for the town dweller. Within these categories, there were several especially important and distinctive groups of craftsmen, such as the saddlers, tanners and skinnners within the leatherworkers, and the butchers, millers and cooks among the victuallers. However, there also survive occasional exemplars of more specialised branches of these trades, like Richard Felter of the bishop's borough; Roger Parmentarius of Framwelgate; Ralph Vinetarius of Elvet borough; and James Apotecarius of Clayport. All of these men are mentioned in undated deeds, possibly of the late

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1 V.C.H. Warwicks., VIII, pp.152-53; J. Campbell, 'Norwich', in Atlas of Historic Towns, Vol.II, ed. M. D. Lobel (London, 1975), p.14. See table IX.

Table IX: TRADES AND CRAFTS MENTIONED IN  
DURHAM DEEDS, pre-1300

Victualling

baker  
brewer  
butcher  
cook  
fisherman  
gardener  
miller  
poulterer  
spicer  
vintner

Leather & Fur

barker  
cordwainer  
currier  
felter  
furrier  
pelterer  
saddler  
scabbard maker  
sutor  
tanner

Merchants & Mercers

Metalworkers

arrow/razor smith  
cutler  
farrier  
goldsmith  
sivewright  
smith  
turnwright

Textiles

dyer  
fuller  
hosier  
tailor  
weaver  
woolpuller

Building

carpenter  
charcoal burner  
dauber  
glazier  
mason  
painter  
plumber  
quarrier  
roofer  
waller

Miscellaneous

apothecary  
barber  
carter  
cooper  
forester  
palmer  
parchment maker  
parker  
porter  
shepherd

thirteenth century.<sup>1</sup> The luxury trades were well represented in Durham by the goldsmiths and spicers, but references to other specialists, like William Vaginator, Richard, son of David Wolpuller, Roger Harousmyth and Alexander Parchementator, although found in deeds of c. 1300, seem to be unrecorded by c. 1400.<sup>2</sup>

In general, it does indeed seem that there was a smaller variety of occupations in late medieval Durham than in the late thirteenth century. By 1400, a very approximate total of thirty-eight different recorded occupations reveals fewer specialists and traders in luxury items; and this total was to be reduced even further, to nineteen, by 1500.<sup>3</sup> The few documentary sources available for the early sixteenth century show only twenty broad categories of occupations, a list which could, no doubt, be amplified from sources other than the deeds, rentals and account rolls, which have been used here. One reason for this apparent reduction in numbers may be that the scabbard maker and the woolpuller had been subsumed into the larger general categories of smiths or textile workers. It is also quite possible that the term "faber", for example, in the late fifteenth century, included many specialists such as wheelwrights, locksmiths and arrowsmiths. A variety of trades may have been concealed beneath the umbrella of one term, as a dispute between two groups of weavers in 1463 clearly reveals.<sup>4</sup> Here it emerged that the weavers produced a great variety of cloths of different texture, weave and quality for many purposes. The "wolne-websters" wove woollen cloth, linen "called Playn l.yn", Caresay, sackcloth and cilicia. The "chalonwebsters" made coverlet, tapestry work, say, worsted, motleys, "tweled work" and diaper. Similarly, in Winchester in the fourteenth century, the tailors made and mended a variety of garments, including gowns, tunics, doublets, hose, hoods and gloves. In late medieval York, the tailors' craft organisation might include those specialising in making specific items (the hosiers or the cappers, for example) while others acted as drapers.<sup>5</sup> Further-

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1 Loc. XXXVII, no. 20; 1.18. Spec. 13; Misc. Ch. 2230; Misc. Ch. 1853.

2 Misc. Ch. 2006 (1309); Misc. Ch. 2372 (1294); 3.18. Spec. 6 (1320); 2.3. Elem. 17 (undated).

3 See tables X and XI.

4 P. R. O. Durham Chancery Enrolments, 3/50, m. 10.

5 Keene, Survey of Medieval Winchester, p. 318; H. Swanson, 'Crafts and Craftsmen in Late Medieval York' (unpub. D. Phil. thesis, York, 1980), p. 72. In London in the 14th. century, the linen armourers may have made bedding and tents and the glovers also made purses: see E. M. Veale, 'Craftsmen and the Economy of London in the 14th. century' in Studies in London History, p. 144.

Table X: TRADES AND CRAFTS MENTIONED IN  
DURHAM DEEDS, 1300-1400

Victualling

baker  
butcher  
cook  
miller  
poulterer  
salter

Leather & Fur

barker  
currier  
glover  
pelterer  
saddler  
scabbard maker  
skinner  
sutor  
tanner

Merchants & Mercers

Metalworkers

cutler  
girdler  
goldsmith  
moneyer  
smith  
wheelwright

Textiles

draper  
lister  
tailor  
weaver  
?whitetailor

Building

carpenter  
mason  
painter  
sawyer  
slater  
tiler

Miscellaneous

barber  
chapman  
cooper  
forester  
porter

more, men actually performing the same trades might be given different occupational names, like the tanners and the barkers or the sutors and the cordwainers. In Winchester, the cordwainers, the corvesers and the cobblers all did the same work by the late fourteenth century: they all made shoes.<sup>1</sup> Such duplication of terms would further reduce the overall number of occupations in medieval Durham as it did in Coventry. Although the Coventry deeds of the fourteenth and fifteenth centuries record some 739 different trades, on closer examination it can be seen that between a quarter and a third were simply subdivisions of the cloth and wool crafts.<sup>2</sup> Perhaps such duplication applied to Durham also, on a much smaller scale, and tends to conceal the comparatively small number of trades in the late medieval city.

The victualling trades, especially the butchers, are particularly well represented in the Durham documents, as they were in King's Lynn and in Winchester, where they provided more than 20% of the recorded occupations before 1520.<sup>3</sup> The butchers are called variously carnifici, macrerarii and flesshewers in the Durham documents, the last title giving a vivid impression of their main activity. The large number of references to butchers in charters from 1280 to 1527 shows that there were always several butchers holding land in each Durham borough, like Ellis Carnificus in Milneburnegate (? late thirteenth century) and the Tudhow family in Clayport (in the fourteenth century).<sup>4</sup> Surname evidence alone suggests there were at least seventeen different butchers in Durham in the early fourteenth century. This figure compares favourably with the average number of eleven butchers in Winchester between 1300 and 1500.<sup>5</sup> By contrast, in twelfth-century Canterbury butchers' names rarely occur in charters or rentals, although there were two streets called flesh-shambles in the town.<sup>6</sup>

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1 Keene, Survey of Medieval Winchester, p. 289. In London, the quilters and the stuffers did exactly the same job in the 14th. century: see Veale, 'Craftsmen and the Economy of London', p. 139.

2 V. C. H. Warwicks. VIII, pp. 152-53.

3 Parker, The Making of King's Lynn, p. 16; Keene, Survey of Medieval Winchester, p. 251. In Norwich, c. 1300, victuallers formed more than 14% of the known trade population: see Kelly, Men of Property, p. 25.

4 1.5. Elem. 5; Gazetteer, Clayport, no. 40.

5 Keene, Survey of Medieval Winchester, pp. 255-56. Contrast York, where 49 butchers were presented in 1304 for breaking the food regulations: see Swanson, 'Crafts and Craftsmen', pp. 144-45.

6 Urry, Canterbury, pp. 111-12.

Table XI: TRADES AND CRAFTS MENTIONED IN  
DURHAM DEEDS, 1400-1500

Victualling

butcher

Leather

barker

currier

glover

saddler

shoemaker

skinner

tanner

Merchant

Metalworkers

smith

Textiles

lister

walker

weaver

Building

carpenter

mason

plumber

Miscellaneous

barber

chapman

hardwareman



This may mean that the Canterbury butchers lacked the landed wealth or status of their Durham counterparts. There were several cooks (coci or coks) and bakers (pistori) in Durham, like Bertram, son of Gilbert Cocus, who held land in Fleshewergate (? late thirteenth century), or Nigel Pistor of St. Giles (1316); but some of these, like Waldenus de Pistrino of the abbey who held land in Old Elvet in the late thirteenth century, were employed by the priors<sup>1</sup> or the bishop's<sup>1</sup> households.<sup>1</sup> Private baking was strictly controlled by the priory, which had its own communal bakehouses in New Elvet and Crossgate; and most of the names of bakers appearing in the documents were probably those of the men who operated the priory bakehouses.<sup>2</sup>

Brewing was done in many households, often as a part-time activity to supplement the family's income, and it seems to have been one of the few trades which involved women.<sup>3</sup> Few brewers' names appear in deeds, but the Marshalsea court roll for New Elvet gives what may be a complete list of those brewing in that borough in 1395.<sup>4</sup> Some thirty-four brewers appeared before the prior's representative to display their measures and this list of communes brasiatores included the names of five women: they were Christine de Pittingdon, Agnes Vessy, Mabel Porter, Alice de Boynton and Margaret de Barneby.<sup>5</sup> Many of the brewers who appeared in court had another trade as well, as was also the case in Winchester and in York in the later medieval period.<sup>6</sup> Roger White, for example, was a walker; and the Marshalsea court list also included seven bakers, two weavers, a butcher and a spicer. Probably much of the ale they produced was sold to the monks or to the bishop's household at Canterbury.<sup>7</sup> Only

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1 2.3.Elem.19; 2.11.Spec.50; 4.14.Spec.20.

2 See above, pp.94-95.

3 As in Winchester, where 23% of those presented for breaking the assize of ale were female: see Keene, Survey of Medieval Winchester, p.265. In York in 1304, there were 20 women out of a total of 70 brewers presented for breaking the assize of ale: see Swanson, 'Crafts and Craftsmen', p.160.

4 Loc.IV.no.140.

5 The list of brewers appearing in the Marshalsea court of the Old Borough follows. It contains the names of 16 brewers, of whom 6 are women.

6 In York, many brewers were also bakers: see Swanson, 'Crafts and Craftsmen', p.160.

7 Urry, Canterbury, p.111.

one vintner appears in the Durham deeds (Ralph Vinetarius, who held land in New Elvet probably at the end of the thirteenth century),<sup>1</sup> although the demand for wine within the monastic precinct, at least, was great, as the account rolls show. It seems that the monks may have by-passed local suppliers of wine in the Durham market and instead bought direct from the wine importers at ports such as Newcastle and Hartlepool.<sup>2</sup>

Many different types of leatherworkers are mentioned in the Durham documents, although it is not possible to compare the size of this group with the victuallers or any other group of craftsmen as it is in Winchester, for example, where they were the third most numerous group of identifiable tradesmen.<sup>3</sup> During the late thirteenth and early fourteenth centuries, a large community of saddlers (sellarii or sadelers) seems to have lived in Sadlergate and perhaps gave its name to the street. At least eight names of saddlers survive from this period.<sup>4</sup> There were considerable numbers of barkers and tanners in Durham at all times and references to skimmers (pelliparii) like Roger de Ask and Richard de Bolum who held a burgage in Crossgate in 1316.<sup>5</sup> Footwear also formed a major part of the leatherworking trades in Durham, as the Saddler Street excavations demonstrated. Scraps of leather from shoemaking and worn soles and uppers from boots were found among the artifacts in a house dating from the late tenth or early eleventh century.<sup>6</sup> The names of sutors and cordwainers occur in deeds for most of the Durham boroughs, although not, as the street

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1 Misc. Ch. 2230.

2 See, for example, Burs. accounts, 1298/99; 1310/11. Fraser, 'The Pattern of Trade in the North East of England', pp. 45, 53, 65. The bulk of wine sales in York was handled by merchants, not vintners, by the later medieval period: see Swanson, 'Crafts and Craftsmen', p. 163. Many Winchester merchants bought supplies of wine at Southampton and brought them to Winchester for re-sale: see Keene, Survey of Medieval Winchester, p. 272.

3 Keene, Survey of Medieval Winchester, p. 285. In Norwich c. 1300 leather workers were the largest industrial group, forming 18% of the known trade population: see Kelly, Men of Property, p. 22.

4 These were: Absalon Sellarius (also known as Absalon de Dunelm.); Nicholas Sellarius, burgess; Nicholas de Newark, saddler; Adam de Newerk, saddler; Ralph Sellarius (also known as Ralph de Flasceby); Robert Sellarius, burgess (also known as Robert de Lychefeld); John de Hilton, saddler; and Wydon Sellarius. See Gazetteer, Sadlergate, nos. 6 and 7, for example.

5 1.16. Spec. 15.

6 Carver, 'Three Saxo-Norman Tenements in Durham City', pp. 1-80.

name might imply, in Souterpeth. The numbers of sutors or cordwainers in Durham can be assessed more accurately in the mid-fifteenth century. When the sutors' craft regulations were drawn up in 1463, some eighteen sutors, presumably the total membership of the craft at that time, witnessed their ordinances.<sup>1</sup> This number compares favourably with Canterbury's four cordwainers and one sutor in the twelfth century; leatherworking in Canterbury seems to have occupied a much smaller section of the population.<sup>2</sup> By contrast, shoemakers were among the most numerous of the craftsmen in Winchester throughout the Middle Ages. There may have been fifteen at work in 1367 and probably the same number in the sixteenth century.<sup>3</sup> The York craft of the cordwainers was the largest craft, excluding the groups of textile workers, with fifty-nine members listed in the 1387 ordinances.<sup>4</sup>

Some Durham townsmen worked in all the different stages of the textile industry, although it was not a dominant occupation there as it was, for instance, in Norwich, Stamford or York, during the later Middle Ages.<sup>5</sup> The first process in the production of cloth is represented by two woolpullers, Richard, son of David Wolpuller, who lived in Crossgate in 1294, and Thomas Wullepuller, who witnessed a charter in 1260.<sup>6</sup> A small weaving industry also seems to have developed in Durham by the fifteenth century, when twenty-three weavers appeared to witness their craft regulations in 1450.<sup>7</sup> They included William of Nesse of Framwelgate and John Frank of Clayport, who were chosen as wardens for the year. Probably the other twenty-one, whose places of work were not specified, were drawn from all the Durham boroughs, and this list may constitute the total number of weavers working in Durham at this time. There seem to have been fewer fullers in Durham than weavers, although there is no surviving complete list of fullers

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1. P. R. O. Durham Chancery Enrolments, 3/50, m. 6.
  2. Urry, Canterbury, p. 123.
  3. Keene, Survey of Medieval Winchester, pp. 289-90.
  4. York Memorandum Book I, ed. M. Sellers (Surtees Soc. CXX, 1912), p. 73.
  5. In Norwich, the worsted industry provided 25 to 30% of those admitted to the freedom of the city in the early 16th. century: see Campbell, 'Norwich', p. 16. The largest group of traders in Stamford in 1379 were clothworkers: see Rogers, 'Medieval Stamford', p. 48. There were 7 craft guilds in York concerned with textiles and 5 of these contained 325 masters: see York Memo. Book I, XXVI.
  6. Misc. Ch. 2372; 4. 18. Spec. 17.
  7. P. R. O. Durham Chancery Enrolments, 3/44, m. 10-11.

for any one year. Many of those mentioned in the documents may have worked for the priory at the fulling mill below the cathedral or, briefly, at the fulling mill at the end of South Street.<sup>1</sup> As representatives of the finishing trades, there were several tailors and glovers living in medieval Durham, (talliatores or cissores) like John Karlele, glover, living in Sidegate in the bishop's borough in 1386,<sup>2</sup> but they were an insignificant presence in the town when compared, for example, with the fourteenth-century York guild of tailors which had 128 members.<sup>3</sup>

There were apparently fewer metal workers in Durham than might be expected in a small market town where agricultural as well as domestic implements would need repairing or making. Most of these were described simply as fabri and occur in deeds from 1313 to 1482, although surname evidence suggests that smiths were living in Durham long before this time. For example, in a deed dated 1313, John Scot of Horslawe granted Robert de Belford, faber, a tenement in Old Elvet which he had bought from Ralph Faber of Brancepeth.<sup>4</sup> One man, Roger Rasursmith (or Rasurschmyth), seems to have practised a more specialised trade, and his alternative name of Harousmyth suggests a distinctive level of craftsmanship (1320).<sup>5</sup> Perhaps there was a relatively high level of specialisation among the metal workers in Durham in the late thirteenth and early fourteenth centuries, just as there was in York. The ordinances of thirteen separate mysteries of metal workers survive in York, including such specialised tradesmen as buckler makers, pinner and founders, with a total membership of only seventy-nine.<sup>6</sup> Also connected with Durham's small-scale metal trade were the cutlers, like Robert le Cuteler (1353), a scabbard maker, William Vaginator (1309) and some farriers like Ellis Mariscallus (1242).<sup>7</sup>

The craftsmen employed in the building trade have already been surveyed in a previous chapter, where there is a more detailed analysis of their method of organisation.<sup>8</sup> The majority of masons

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1 See above, pp.51-55.

2 2.2.Sac.4d.

3 York Memo. Book I, pp.95-96.

4 4.17.Spec.51.

5 3.18.Spec.6; 3.18.Spec.4; Gazetteer, Fleshewergate, no.11.

6 This number averages out at 11 members per guild, although in c.1398 the founders had only 5 members: see York Memo. Book I, pp.xxxiv-v, xlii, 93; Swanson, 'Crafts and Craftsmen', p.179.

7 4.16.Spec.167; Misc. Ch. 2006; 4.3.Elem.8.

8 See above, pp.85-88.

(cementarii), the elite of this group, as they were in York, were employed on major buildings in the town such as churches and the cathedral priory: some may have been itinerant workers, skilled men brought in by the bishop or the prior for important building works.<sup>1</sup> However, several masons seem to have lived in Durham for part of their working lives at least, and some of them, like John de Ulkyliston, held land and their own quarries in the Old Borough.<sup>2</sup> On the evidence of occupational surnames alone, there were twelve masons in Durham during the fourteenth century. There are more references in the account rolls to layers, setters and wallers, occupations somewhat lower in the hierarchy of building craftsman; these were men like Richard Farne or John and William Kay who patched up houses or made their internal walls.<sup>3</sup> Many carpenters lived in all parts of Durham, like John de Alverton in Clayport (1353) and Thomas de Meryngton in South Street (1403).<sup>4</sup> As in medieval Winchester, the carpenters may have been the most numerous of the building workers in the town because of the number of timber houses which were in constant need of repair.<sup>5</sup> Several of these men may have held permanent posts as part of the labour force of the priory or the bishop, employed to maintain their city properties, as did the roofers (cooperatores or thekers), and the plumbers and pictores mentioned in the account rolls.<sup>6</sup>

Luxury items would be brought into Durham by the many men described as mercatores or mercers, terms which seem to cover every category of general trader from the wealthy land-holding merchants such as Reginald, in the late thirteenth century, to men like Thomas Burton, mercer, who rented the Cornerbooth from the priory to sell his wares in 1438.<sup>7</sup> This "merchant class" was much smaller in size

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1 H. Swanson, Building Craftsmen in Late Medieval York (Borthwick Paper no. 63, York, 1983), pp. 7-8; Keene, Survey of Medieval Winchester, p. 283. However, in Norwich, c. 1300, most masons seem to have been permanent members of the community: see Kelly, Men of Property, p. 29.

2 1314, 4.15. Spec. 24; see Gazetteer, South Street, Introduction.

3 Alm. account, 1472/73; Burs. account, 1368/69.

4 Misc. Ch. 1880; 1.3. Sac. 5(7).

5 Keene, Survey of Medieval Winchester, p. 283.

6 See above, pp. 85-86; Burs. accounts, 1464/65; 1471/72.

7 5.2. Elem. 2; Misc. Ch. 1700. In 16th. century York, the terms 'mercener', 'merchant', 'grocer' and 'chapman' overlapped considerably: see D. M. Palliser, Tudor York (Oxford, 1979), p. 161.

than in most medieval towns, probably because there was little scope for large-scale buying and selling in the relatively poor hinterland, and because the major Durham consumers, like the priory, relied on Newcastle merchants for many luxury items.<sup>1</sup> There were also smaller dealers or pedlars like the chapmen or the one hardwareman, John Lile, who lived in Framwelgate in 1474.<sup>2</sup> However, some luxury items were made locally, as the large community of goldsmiths (aurifabri) in the early fourteenth century indicates.<sup>3</sup> There were also sellers of spices in Durham: one man called Apotecarius (1295) who was also known as James le Espic, presumably dealt in spices as well as in medieval potions.<sup>4</sup> Finally, there was a large, miscellaneous class of tradesmen in Durham including carters, barbers, a furrier, a hatter and a parchment maker. In 1468, the bishop of Durham gave a charter to "all them that occupy the Barber's Craft, Waxmakers and Surgeons in the said city", setting out the regulations governing their trade.<sup>5</sup> Twenty-eight men of these amalgamated trades witnessed the charter, including Robert "Barber of the Abbey", which suggests that there was plenty of work available for these service industries in the town.

Although the evidence for the numbers of men involved in any particular craft is sparse, it is reasonable to assume that the size of most professions was small relative to other medieval towns. The composition of the jury which examined the quarrel between the "Wolnewebsters" and the "Chalonwebsters" in 1468 may at least partly reflect the comparative sizes of different trades in Durham.<sup>6</sup> On that occasion, there were two glovers, two carpenters (one from St. Giles), one smith, four tanners (including one from the Old Borough and one from Elvet), one mercer, one baxter, and a man whose trade was not given. Clothworkers were excluded, presumably because they were not considered to be impartial. On this admittedly slender evidence, leatherworkers were predominant in Durham, as they were in York, temp. Edward I. (although by the sixteenth century, the clothing

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1 Fraser, 'Pattern of Trade', pp. 45, 65.

2 1.18. Spec. 26.

3 See Gazetteer, Sadlergate, Introduction.

4 Misc. Ch. 1879: see Gazetteer, Fleshewergate, nos. 11, 12, 13.

5 Transcribed by C. E. Whiting from the original charter in the care of the Warden: see C. E. Whiting, 'Durham Trade Guilds', T.A.A.S.D.N. IX, Part III (1943), pp. 408-10.

6 P.R.O. Durham Chancery Enrolments, 3/50, m. 10.

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6 P.R.O. Durham Chancery Enrolments, 3/50, m. 10.

trades were the largest occupational group in York).<sup>1</sup> Building workers came a poor second in Durham and metal workers were found in very small numbers. However, this document does not take into account the presence of many victuallers in the town which the deeds, for example, reveal. It may be that the victualling trades occupied a prominent place in the town, as they did in Winchester, because of the peculiar circumstances of Durham, with its large ecclesiastical presence and its undoubted attractions as a pilgrimage centre.<sup>2</sup>

Despite the small size of the Durham crafts, there was accordingly a considerable variety of occupations in the town, especially in the thirteenth and fourteenth centuries. Such variety is common to other smaller provincial towns like Winchester in the twelfth century, with its over forty different trades, or Bury St. Edmunds, which had seventy-five bakers, ale-brewers, tailors, washerwomen, shoemakers, robe-makers, cooks, porters and abbey retainers in 1086.<sup>3</sup> It is unlikely that any of these individual trades loomed large enough or employed enough workers to be classed as a major industry in Durham; like Canterbury in the early Middle Ages, "the evidence available does not suggest that there was any one outstanding characteristic trade or industry".<sup>4</sup> Durham's trades seem to have been primarily service industries, designed to satisfy a local rather than a wider market. This was one reason why Durham remained a small market town throughout the medieval period. However, it was consequently not so subject to fluctuations of demand for any one product, in the way that the fortunes of the wool or cloth trades seem to have produced a recession in towns like Leicester, Coventry or Northampton in the late fifteenth and early sixteenth centuries.<sup>5</sup> A slump in any one trade had presumably no disastrous effect on Durham's diversified service industries as a whole.

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1 Palliser, Tudor York, p.155; 30% of freemen whose occupations were given temp. Edward I were leatherworkers: see V.C.H. Yorkshire, City of York, p.43.

2 About half the tradesmen in Winchester may have been involved in feeding and clothing the population: see Keene, Survey of Medieval Winchester, p.251.

3 Darby, Domesday Geography of Eastern England, p.198; Winchester in the Early Middle Ages, p.430.

4 Urry, Canterbury, p.109.

5 V.C.H. Northants. III, pp.26-31; Crisis and Order in English Towns, 1500-1700, ed. P. Clark and P. Slack, pp.8, 11-12; C. Phythian-Adams, Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages (Cambridge, 1979), pp.40-50.



The evidence for the location of this wide variety of small service industries and trades suggests two apparently contradictory tendencies in English provincial towns. The first is the growth of specialist quarters where one trade was heavily concentrated in a particular street or area, as in Salisbury in the fourteenth century.<sup>1</sup> The second is for some trades to be dispersed, with one or two representatives of each scattered through the town, as was the case in the Durham boroughs, and late medieval Stamford.<sup>2</sup> Dr. Keene also noticed that "individual trades rarely predominate to the exclusion of all the others in any one area" in late medieval Winchester, but that most trades had a characteristic pattern of distribution.<sup>3</sup> Similarly, in Norwich in the early fourteenth century, there seems to have been no marked zoning of occupations, but different parts of the town may have had particular characteristic trades.<sup>4</sup> The most obvious evidence for the existence of trading quarters in Durham comes from the five occupational street names found in the city. These were Sadlergate, Fleshewergate, Silver Street, Souterpeth and Walkergate, all situated within the bishop's borough. It is striking that there are no occupational street names recorded in the other Durham boroughs. The earliest record of these names appears in deeds of the late thirteenth century, but they may have been in use long before.<sup>5</sup> The evidence suggests that, at an early date, there were already distinct trading quarters in the bishop's borough and in the streets leading into the market (for the butchers, goldsmiths and others), just as in Winchester by the late tenth century there were also streets dominated by tanners, shield makers and butchers.<sup>6</sup> Naturally, streetname evidence has to be treated with caution; it may indicate merely that a trade was located there at one particular time in the town's history. Unless it is supported by other corroborative evidence from a variety of different sources, an occupational street name in itself is not a reliable guide to the trades in a given street. However, in the case of the location of the Durham butchers, the street name evidence is supported by documentary evidence to show that land in Fleshewergate

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1 M. D. Lobel, 'Salisbury' in Atlas of Historic Towns, Vol. I, ed. M. D. Lobel (London, 1969), p. 5.

2 Rogers, 'Medieval Stamford', p. 48.

3 Keene, Survey of Medieval Winchester, p. 335.

4 Kelly, Men of Property, p. 32.

5 See above, pp. 56-57.

6 Keene, Survey of Medieval Winchester, p. 335.

passed from one butcher to another and that butchers leased shops and stalls here.<sup>1</sup> One butcher in particular, William, son of Walter de Essh, accumulated a large collection of tenements in this street in the early fourteenth century which eventually passed into the prior's holding. The names of several butchers who lived in the street occur continuously from the late thirteenth century to the end of the medieval period, which presumably implies that this craft remained in the same area. Like York in the medieval period, Durham's butchers seem to have congregated in one place from an early date.<sup>2</sup> Naturally, the fact that a group of tenements in a street was held by a butcher like William does not necessarily mean that there was a butcher's shop or slaughterhouse in each tenement. Some properties were bought by butchers as investments and leased out to tenants with other occupations. William, himself, held land in other Durham boroughs, in the Old Borough near Crossgate for example, which was no doubt a tribute to his own personal wealth rather than evidence for the location of his trade.<sup>3</sup> He sub-let some of his land to tenants, probably following quite different crafts. However, it does seem that Essh's principal dwelling was actually within Fleshewergate; and presumably this was where he operated as a butcher.

The saddlers and other leatherworkers seem to have had their own trading quarter in the street known as Sadlergate, the street adjacent to that of the butchers and hence next to the source of their hides. A group of late thirteenth and early fourteenth-century charters demonstrates that land in the street passed from one saddler to another through several generations and that saddlers tended to live next to each other.<sup>4</sup> Absalon of Durham, saddler, had acquired his land in Sadlergate from a furrier called Nicholas de Roxysborough.<sup>5</sup> Absalon's daughter, Matilda, sold the burgage to Nicholas de Newerk, saddler, who in turn granted it to his nephew, William de Blythe, saddler; William de Blythe sold the land to Ralph de Flasceby, saddler, in 1302.<sup>6</sup> There was thus a proven continuity of trade in this tenement. Archaeological excavations on the west side of Sadlergate support this

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1 See Gazetteer, Fleshewergate, Introduction.

2 Swanson, 'Crafts and Craftsmen', p.144.

3 Gazetteer, land in Farthyngcroft and Slateracre.

4 See Gazetteer, Sadlergate, Introduction.

5 Undated charter, Misc. Ch. 1706.

6 4.2. Sac.14 (undated); 1.16. Spec.28 (1302); 1.16. Spec.28.

location for leatherworking in the early Middle Ages. They reveal that shoemaking, at least, if not saddlery, continued without a break from possibly the late tenth century to the thirteenth.<sup>1</sup> However, evidence for this trade continuing in one street after the fourteenth century is very sparse; it may have moved to another part of the town, although there are few references to saddlers living in the other boroughs. It is more likely that it was dispersed through all the boroughs. In 1424, William Harpour, saddler, lived in Souterpeth, a street adjoining Sadlergate, and Hugh de Stafforth, saddler, leased le Cornerbooth in the market in 1403.<sup>2</sup> Saddlers may have ceased to be landowners after the fourteenth century and may have become leaseholders, hence their rare appearances in the deeds.

The street name "Silver Street" seems to be a good example of a misleading occupational street name. There is no surviving documentary evidence of silver or goldsmiths living in this area at any time. Perhaps the name of this street indicates merely that gold or silver articles were sold there in the early Middle Ages, as Ekwall surmised about Silver Street in London.<sup>3</sup> According to the deeds, by the late thirteenth century at least, most goldsmiths seem to have lived among the saddlers, in Sadlergate near the main gateway to the castle and the monastic precinct.<sup>4</sup> Alan Aurifaber had his principal house near the top of the street on its east side in 1340 although, like the wealthier butchers, he also held land in the Old Borough which he seems to have leased out to tenants.<sup>5</sup> William de Hedley, goldsmith, bought a burgage from William de Beautrove in Sadlergate in 1370.<sup>6</sup> There are few references to goldsmiths in Sadlergate in the fifteenth century, but by 1505 Robert Lytholl, goldsmith, held a tenement in the market place, and in 1526 Thomas Blakden, goldsmith, lived in

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1 Carver, 'Three Saxo-Norman Tenements', pp. 1-80.

2 Alm. rental, 1424; Misc. Ch. 2012.

3 See E. Ekwall, Streetnames of the City of London (Oxford, 1965), pp. 76-77; K. Cameron, English Place-Names (Batsford, 1961), p. 199.

4 See Gazetteer, Sadlergate, Introduction. This position compares with Goldsmiths' Row in Bury St. Edmunds which lay to the west of the abbey and catered for the abbey's officers: see R. S. Gottfried, Bury St. Edmunds and the Urban Crisis: 1290-1539 (Princeton, 1982), p. 84.

5 Misc. Ch. 2001; Gazetteer, Crossgate, no. 2, land in Chiltonpool.

6 1. 2. Spec. 34.

Walkergate.<sup>1</sup> Perhaps the fourteenth-century colony of goldsmiths in Sadlergate had gradually moved from the hill towards the market place, where their luxury goods would be more accessible on market days. Such a migration may mark a shift in their activities from supplying mainly an ecclesiastical market on the peninsula (hence the location in Sadlergate) to a secular market. It may also indicate the increasing security of the town and a growing feeling of confidence among craftsmen as they moved from the safety of the castle gate down to the market, which had its own walls by the early fourteenth century.<sup>2</sup>

The only other craft which may have occupied a distinct quarter of the town was that of tanning or barking. There is no appropriate surviving occupational street name for this craft, but deeds and leases of the late fourteenth and fifteenth centuries show that most of these craftsmen lived on the east side of Framwelgate and the north side of Crossgate, with one of two representatives of the trade in Old and New Elvet and in St. Giles. Like the saddlers and the goldsmiths, certain tenements were held successively by members of the same trade, although not necessarily by members of the same family. Alice, widow of Richard Brake, tanner, granted Robert Hogeson of Durham, tanner, a burgage on the east side of Framwelgate in 1486.<sup>3</sup> One of the reasons for the continuity of trade in certain tenements may have been that equipment installed in a tenement, such as lead cisterns and other vessels, may have passed with the land.<sup>4</sup> Consequently, the tenement would be more attractive to members of the same craft. The reasons for the concentration of tanning in Framwelgate and Crossgate are clear; tanners needed a constant supply of running water, and the tenements they occupied in Durham extended from Framwelgate down to the River Wear or from the north side of Crossgate to the Milneburn stream.<sup>5</sup> Similarly, in Norwich, more than half the tanners involved in property transactions in the late thirteenth and early fourteenth centuries dealt in property with river frontages, and the deeds

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1 Loc. XXXVII, nos. 32, 34, 35, 36; P. R. O. Durham Chancery Enrolments, 3/74, m. 4d.

2 See above, pp. 97-98.

3 2.2. Sac. 17.

4 The tenement in Framwelgate held by John Yowdale, barker, contained 16 lead cisterns (plumba) in various outbuildings, including the tannery (1467: 1.18. Spec. 12, 25); Gazetteer, Framwelgate, no. 30.

5 See Gazetteer, Framwelgate, Crossgate, Introductions.

stipulate the "right to water course".<sup>1</sup> Also, it was a noxious trade which, for the health and well-being of the town's inhabitants as well as the preference of its overlords, was better located on the fringe of the urban area. In some towns, like Coventry, regulations were passed banishing these trades to certain areas;<sup>2</sup> in Durham the lack of any one overall authority or of any measure of self-government by townspeople probably prevented any formal arrangements for the zoning of unpleasant activities, but it is likely that the overlords could exert an informal development control through their borough courts and their leasing policy. Indeed, it is possible that the tanning industry was relocated by the mid-fourteenth century. In 1336, there was at least one tannery in Sadlergate, from which John Tunnak stole, it was alleged, three hides.<sup>3</sup> The tanners may have worked originally alongside the saddlers in a street which held a long association with leatherworking; and perhaps only after the population grew in this area was the trade re-located on the outskirts of the town. Sadlergate had a limited water supply, particularly for any tanners who may have lived on the west side of the street. This difficulty probably influenced their removal to Framwelgate.

The other trades and occupations in Durham seem to have been widely dispersed throughout the medieval period. This is particularly noticeable in the case of the clothworkers, who, as in Angevin Canterbury, had no one identifiable locality.<sup>4</sup> Weavers are found in Clayport and Alvertongate, with tailors in Sadlergate, the market area, St. Giles, Old and New Elvet; and there is also evidence that there were tenting frames in St. Giles' borough.<sup>5</sup> The few metalworkers

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1 Kelly, Men of Property, p. 23. Tanners also lived near water in Winchester, York and Coventry: see Keene, Survey of Medieval Winchester, p. 287; V.C.H. City of York, p. 89; V.C.H. Warwicks., VIII, pp. 152-53.

2 In Coventry, the leet ordered that leather was not to be carried within the walls in 1457: V.C.H. Warwicks, VIII, pp. 152-53. In Winchester, tanning took place downstream from the clothworkers, so that the water supply and the air would not be polluted: see Keene, Survey of Medieval Winchester, p. 287.

3 Loc. IV, no. 52.

4 Urry, Canterbury, p. 122. By contrast, the majority of clothworkers in Norwich c. 1300 lived in the central area and the dyers, in particular, were concentrated in one sub-leet: see Kelly, Men of Property, p. 24.

5 See, for example, Burs. rental, 1427; Gazetteer, St. Giles, Introduction.

in medieval Durham were also scattered around the boroughs, although most lived in Clayport and Old Elvet; this contrasts with York, where forty-eight per cent of those recorded lived in one of four parishes, as the evidence of wills demonstrates.<sup>1</sup> Most building workers were also widely dispersed, but the masons were more localised and seem to have lived near the quarries which they worked. John de Ulkyliston, for example, held a croft and a quarry in South Street in 1314, and other masons held land in Elvet.<sup>2</sup> Most Durham merchants or mercers seem to have lived near the market place or in Fleshewergate, some occupying their own homes and others, like William Clerk, leasing shops from the priory.<sup>3</sup> However, there were several merchants living on the north side of Clayport in the late thirteenth century, like Hugh de Querington, burgess and merchant, who leased from the priory two messuages which Reginald Mercator had granted the almoner to maintain his chantry; and there were also merchants living in Sadlergate in the fourteenth century.<sup>4</sup> A few merchants lived, or at least held property, in the outer Durham boroughs, like John Sotheron in Sidegate in 1382, Adam de Stanhop, mercer, who granted his burgage in New Elvet to Robert othe Howe, mercer, in 1339, and .. merchants in South Street and Crossgate.<sup>5</sup> Furthermore, there were representatives of those crafts which occupied specific trading quarters scattered throughout the town. The Tudhow family of butchers lived in Clayport in the fourteenth century, and in the late thirteenth and early fourteenth centuries, butchers held land in Framwelgate, South Street, Alvertongate, Crossgate and New Elvet.<sup>6</sup> This can be explained in the light of the peculiar administrative divisions within the town. It is likely that each borough had at least one butcher who catered for the needs of the local community. Probably the dispersal of certain trades and occupations throughout the city can be related to the demand from consumers. Dr. Swanson noticed that in York in the later Middle Ages, it was craftsmen or tradesmen like bakers, tailors, smiths and building workers, those subject to heavy urban demand for their products, who

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1 Swanson, 'Crafts and Craftsmen', p. 459.

2 4.15. Spec. 24; see Gazetteer, South Street, Old Elvet, Introductions.

3 He leased a stall from the commoner in 1433: Misc. Ch. 2426.

4 Undated charter; 5.2. Elem. 2; Gazetteer, Sadlergate, no. 13, for example.

5 2.2. Sac. 2; 3.3. Elem. 6.

6 See, for the Tudhow family, Gazetteer, Clayport, no. 40.

were dispersed most widely in the town.<sup>1</sup> The same seems to have been the case in Durham.

Certain other conclusions can be drawn from the location of occupations in Durham. Most obviously, the physical characteristics of an area influenced the type of trade which developed there. A good water supply determined that Framwelgate and Crossgate should become the centre of tanning rather than, for example, Old Elvet. The open spaces on the edge of St. Giles' borough were ideal for long tenting frames. Man-made influences presumably accounted for the siting of other trades. The security of a castle gate and a wall attracted the goldsmiths first to Sadlergate and possibly later to the market. Concern for public health and for the cleanliness of the water supply probably led to the tanners living by the river in Framwelgate, downstream from the majority of town dwellers and the fulling mills. The site of the one Durham market place drew a wide variety of trades and most of the merchants to the bishop's borough. The majority of potential customers would be found in this area; and most Durham traders seem to have attempted to purchase or to lease shops and stalls if not in the market place itself, then in the streets leading into it.<sup>2</sup> The bridgeheads, as we have seen, were also good sites for shopkeepers and traders, because traffic built up at these crossing points.<sup>3</sup> It was similarly no coincidence that the victualling trades, like the butchers, lay on the main route to the castle and the priory, near the principal castle gate, a road frequented by monastic servants, administrators and pilgrims alike. The concentration of many trades and traders in the bishop's borough further suggests that the conditions for trade created by the bishops were more favourable than those in the priory's or Kieper hospital's boroughs.<sup>4</sup> The charter of the bishop's borough granted certain liberties and freedoms from toll to its

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1 Swanson, 'Crafts and Craftsmen', p. 454.

2 Compare Norwich, where there were 48 stalls for butchers, 28 for poulterers and 44 for fishmongers in the market place: see Campbell, 'Norwich', p. 14. In York, the wealthier merchants and craftsmen lived at prestige sites like Stonegate, the Minster gates and the River Ouse crossing: Swanson 'Crafts and Craftsmen', p. 454.

3 See above, p. 50.

4 Like Coventry, where the earl's part was more prosperous than the monks' part: see Lancaster, 'Coventry' in Atlas of Historic Towns, Vol. II, p. 5.

burgesses which made it attractive to traders.<sup>1</sup> The inhabitants of the priory's Old Borough seem to have lacked a charter altogether, and accordingly to have been deprived of the economic advantage a charter would have provided; while the limited freedom given by the prior's charter to his Elvet burgesses does not seem to have been enough to counteract the attractions of the bishop's borough and its market.<sup>2</sup> Whatever centralising influence the bishop's borough exerted on traders and craftsmen however, the division of Durham into separate borough communities meant that there would always be representatives of the different occupations in each part of Durham, a generalisation to which the producers of luxury goods are the most notable exceptions.

Despite the comparatively small scale of commercial and industrial activity at medieval Durham, the profits of trade were obviously considerable for at least some of the skilled men or successful traders. The clearest demonstration of this was the latter's ability to purchase small estates within Durham itself, probably for investment. The amassing of tenements was a course of action available only to the most prosperous craftsmen or traders, foremost among which were the Durham butchers. Thomas, son of Lewyn, for example, held considerable amounts of land in Fleshewergate, Sadlergate and Framwelgate in the late thirteenth century; and William, son of Walter de Essh, had numerous tenements on either side of Fleshewergate, some of which he bought from other butchers like Gilbert Pyle in the 1320s.<sup>3</sup> The luxury trades also offered opportunities for wealth. James Apotecarius and Geoffrey de Catden, spicer, both held several tenements in the streets surrounding the market place in the late thirteenth and early fourteenth centuries.<sup>4</sup> John, son of Alan Aurifaber, had land in the Old Borough as well as in Sadlergate in the mid-fourteenth century.<sup>5</sup> Merchants, or mercers, as could be anticipated, invested heavily in land, particularly in the bishop's borough. Reginald Mercator owned several tenements in Clayport and in other parts of the bishop's borough, and he drew rent

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1 See above, p. 27; Reg. I, part 2, f. 3.

2 Cart. II, f. 251; see above, p. 28.

3 See Gazetteer, Fleshewergate and Sadlergate, Introductions.

4 See Gazetteer, Fleshewergate, Introduction.

5 See Gazetteer, Sadlergate, no. 19; Crossgate, no. 2.



from other properties in the late thirteenth century.<sup>1</sup> One of the most obvious signs of his wealth was his stone hall or house in the market; there were few of these in Durham and certainly this seems to be one of the oldest stone-built houses in the town.<sup>2</sup>

Most categories of workmen within the building trades were less notable for amassing land, but Richard More, a carpenter who worked for the priory in the late fifteenth century, held several tenements in Clayport and Sadlergate which eventually passed to the priory.<sup>3</sup> Masons seem to have been well rewarded for their highly skilled work, and those who worked for the bishop, like John Lewyn, the principal mason for Durham cathedral in the late fourteenth century and for several northern castles, were rewarded for their service with land as well as office.<sup>4</sup> Peter Dryng, a mason employed by the prior contemporaneously with Lewyn, was granted twenty acres of exchequer land near Bearpark for his work in 1386/87: Lewyn was granted four acres in Framwelgate (1369/70) and the custody of the lands of Thomas Coxside until his son came of age (1371).<sup>5</sup> In addition to these grants, both men held other land in Durham: Peter Dryng, for example, held four tenements in Crossgate at the west end of Framwelgate bridge, including some shops in 1375. These passed, by way of his daughter, Agnes Markby, to William Whelpdale, a large private landowner, and so to the sacrist's endowment by 1500.<sup>6</sup>

A second obvious demonstration of the wealth of craftsmen was their ability to endow a chantry or chapel with the proceeds of estates amassed during their lives.<sup>7</sup> The butcher, Thomas, son of Lewyn, founded a chantry chapel at the west end of Elvet bridge at the end of the thirteenth century and endowed it with land and rents from his

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1 See the foundation charter of his chantry, 6.1.Elem.6\* (undated).

2 It became the guildhall of St. Nicholas' guild: Alm. rental, 1424; see above, pp. 75, 90.

3 See Gazetteer, Clayport, no. 42; Sadlergate, Misc. deeds, (b).

4 J. Harvey, English Mediaeval Architects: a biographical dictionary (London, 1954), pp. 166-69; Salzman, Building in England, pp. 413-14.

5 P.R.O. Durham Chancery Enrolments, 3/32, m. 8d; 3/31, m. 2, 3; for the work of Peter Dryng, see Harvey, English Mediaeval Architects, pp. 88-9.

6 See Gazetteer, Milneburngate, no. 12.

7 In York, 7 craftsmen founded chantries in the 14th. and 15th. centuries: see Swanson, 'Crafts and Craftsmen', pp. 432-33.

property amounting to over 50s. p.a.<sup>1</sup> Much of Reginald Mercator's property was granted to the almoner before 1300 on the understanding that he would establish a chantry to St. Mary within St. Nicholas' church in the market place.<sup>2</sup> Such men intended that the profits of their trade would provide spiritual benefits after their death and remain as permanent reminders to the Durham townsmen of their success in business.

Most of the surviving Durham examples suggest that property accumulated by craftsmen and traders did not usually survive for more than two generations, at most, in their families. The case of the butchers Gilbert Pyle and William, son of Walter de Esch, is perhaps typical. Pyle had a son, Roger, who inherited some of his father's land, in the late thirteenth century, and three daughters, Emma, Christine and Alice, each of whom had shares in his estate.<sup>3</sup> William de Esch was able to buy the share of the daughters in 1295, and possibly of the son as well (his name does not appear again). William de Esch's whole estate passed, on his death, to his heiress, his daughter Margaret Drayton, and in time, it was granted to the priory. The reason for this relatively rapid turnover of land may have been a shortage of male relatives to continue the trade or to inherit the land. This seems to have been the case in York and in London in the later Middle Ages.<sup>4</sup> The Whelpdale inheritance, made, probably, from trade and well-chosen marriages in the early fifteenth century, passed to three daughters, Sibil, Margaret and Isabella. Sibil married William Stokdall of Sherburn, near Malton, York and probably moved away from Durham.<sup>5</sup> The priory bought her share of the inheritance in 1490 and that of her sister Isabella for at least £36.<sup>6</sup> This extensive estate in the Old Borough and Sadlergate then became part of the sacrist's endowment. Some estates became part of the endowment of chantries, administered by chantry chaplains; other tenements passed.

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1 Foundation charter of St. James' chapel, c.1312, 2.11.Spec.49.  
2 Foundation charter of St. Mary's chantry, undated, 6.1.Elem.6'.  
3 See Gazetteer, Fleshewergate, no.4.  
4 The percentage of newcomers among the York freemen remained high because of the failure of heirs among the burgesses: see V.C.H. City of York, p.41. The London merchant class barely replaced itself: see S. L. Thrupp, The Merchant Class of Medieval London (Chicago, 1948), pp.41-52.  
5 3.18.Spec.33; 3.18.Spec.31.  
6 3.18.Spec.41.

to men in the same craft but outside the original family. John Halywell, barker, granted his two burgages in Framwelgate to William Nicolson, barker, in 1443; Nicolson in turn granted them to Richard Baxter and John Yowdale, barkers, in 1444.<sup>1</sup> Alice, the widow of Richard Brake, tanner, granted her burgage in Framwelgate to another tanner, Robert Hogeson, in 1486, presumably because she had no male heir to take over the business.<sup>2</sup> The Tudhow family of butchers, holding land in Clayport, may be an exception to this pattern; they managed to maintain their hold on a tenement in Clayport throughout the fourteenth century because there were sons to inherit both the land and the butchery business.<sup>3</sup> John de Tudhow, butcher, held a burgage in Clayport from 1311 and he granted it to his son, William, in 1336. William's son, John, a butcher, held the tenement in turn, and granted it to Thomas de Tudhow, possibly another relative, in 1359. However, the limitations of the surviving evidence make these conclusions about family landholding tentative; after all, most of the documents which remain were preserved simply because they related to land which was acquired by the priory during the Middle Ages. Tenements which remained in private hands, perhaps held by the same family for many generations, are largely undocumented.

As in many other small market towns, like Stratford, there may have been considerable immigration of skilled workers into Durham to maintain local industries.<sup>4</sup> The deeds do give occasional references to the places of origin of craftsmen, like Thomas de Wardon, a cutler who lived in Clayport in 1388, and who came from York, or Thomas de Aula, a merchant from St. Giles' borough, who originated from Whitby in Cleveland, where he retained family connections (1338).<sup>5</sup> In other cases, the surname of a tenant suggests the area of his origin, although this is not a reliable guide to a man's home village after about the mid-fourteenth century, when many surnames may have become hereditary:

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1 1.18. Spec. 3; 1.18. Spec. 4; Gazetteer, Framwelgate, no. 30.

2 2.2. Sac. 17; Gazetteer, Framwelgate, no. 27.

3 See Gazetteer, Clayport, no. 40.

4 A survey of 1251 showed that 90% of Stratford burgesses were drawn from a 16-mile radius of the town: see E. M. Carus-Wilson, 'The first half-century of the borough of Stratford-upon-Avon', Ec. H. R., 2nd Ser., 18 (1965), p. 54. The majority of incoming freemen to York were drawn from the Vale of York and the Hull area: see V.C.H. City of York, pp. 40, 108.

5 4.2. Sac. 17; 3.14. Spec. 58; 1.15. Spec. 29.

the duplication of several place-names in medieval England brings a certain element of doubt to any conclusions on this subject.<sup>1</sup> However, bearing these difficulties in mind, it appears that the majority of Durham traders with locational surnames came from Durham or nearby villages such as Tudhoe, Chilton, and Esh.<sup>2</sup> Another group of surnames, as well as deed evidence, shows that other traders came from more distant places to work in Durham: interestingly, this group seems to include the merchants and mercers. Many of these men originated from towns outside the bishopric of Durham, like Newcastle, Hexham, York or Whitby; and perhaps some retained their trading links with their home towns.<sup>3</sup> However, perhaps the most exotic collection of locational surnames was held by the leatherworkers in Durham in the late thirteenth century. Among the saddlers was a group from the Lincolnshire area, like Adam and Nicholas de Newerk and William de Blythe.<sup>4</sup> There was also a skinner from this area, William de Lincoln.<sup>5</sup> Robert de Lichfeld came from further afield; and a Scot, Nicholas de Rokysburg, a furrier, seems to have been acceptable as a Durham trader although later craft regulations prohibiting Scottish workmen in the town were certainly strict.<sup>6</sup> Such evidence suggests that while one craftsman's family might die out in Durham, replacements from several areas of the country were always available.<sup>7</sup>

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- 1 McKinley, Surnames of Oxfordshire, pp. 67, 90; P. McClure, 'Patterns of Migration in the Late Middle Ages: the evidence of English Place-name Surnames', Ec. H. R. 2nd Ser., XXXII (1979), p. 168.
  - 2 See, for example, John de Tudhow, butcher (1311, 5.2. Elem. 23); Robert de Fery, merchant (1339, Misc. Ch. 1889); William de Chilton, tanner (undated, D/Sa/D366). This impression is reinforced by Prof. Dobson's conclusion that 2/3 of the locative surnames of the Durham monks in the early 15th. century related to villages in the centre and east of Durham county: see Dobson, Durham Priory, p. 57. See also McClure's comments on local immigration to Leicester and Nottingham: McClure, 'Patterns of Migration', p. 177.
  - 3 See, for example, William de Gysburgh, mercer (1359, 5.2. Elem. 23); Richard de Novo Castryg mercer (undated, 1.18. Spec. 13); John de Hexham, merchant (1366, 3.2. Sac. 32).
  - 4 1.16. Spec. 28.
  - 5 2.17. Spec. 3.
  - 6 See below, pp. 192-93; Gazetteer, Sadlergate, Introduction.
  - 7 As was the case with most towns in the north: see G. W. S. Barrow, 'Northern English Society in the Early Middle Ages', Northern History IV (1969), p. 24.

Several Durham craftsmen held office in their boroughs, giving them limited rights and duties as well as a certain social status. The type of office held reveals both the wealth of individual traders, because office-holding might be financially burdensome and was strenuously avoided in some towns,<sup>1</sup> and also the standing of a man among his neighbours. The position of farmer of a borough, which was probably not, strictly speaking, an "official" position, was perhaps the most financially hazardous, because the farmer had the responsibility of raising the annual sum required by the overlord from borough landholders, from tolls or other sources. Any deficit had to be met by the farmers personally. William Couper, baker, and William Snayth of Durham, mercer, were appointed farmers of the bishop's borough in 1435, but by 1441 they were facing legal action because the annual farm of £62 13s. 4d. was in arrears by £41 3s. 4d.<sup>2</sup> The wealthier inhabitants of the borough may have found it more politic to volunteer for this position rather than face possible coercion, even though it carried the threat of financial ruin.

Some craftsmen achieved the office of bailiff of their boroughs; these were officials who were responsible for finding juries and bringing offenders to the local court. The qualification for this office seems to have been that a man should be considered "upright and substantial" by his peers. Several well-documented craftsmen occur in the position of bailiff of a borough, men like Thomas, son of Lewyn, who was bailiff of the bishop's borough in the late thirteenth century.<sup>3</sup> The luxury trades had representatives as bailiffs, like James Apotecarius and Geoffrey de Catden in 1295 and the goldsmith John, son of Alan Aurifaber, in the Old Borough in 1351.<sup>4</sup> Property holding seems to have been an important qualification for those considered eligible for the position of borough bailiff. Certainly, most of the craftsmen who were appointed bailiffs held more than one tenement in Durham and seem to have been the wealthier members of their own

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1 As in York in the late 15th. and early 16th. centuries, or in Leicester, where heavy fines were imposed on those who avoided office holding; see R. B. Dobson, 'Urban Decline in Late Medieval England', *T.R.H.S.*, 5th. Ser. XXVII (1977), pp.13-16. Records of the Borough of Leicester, ed. M. Bateson, Vol.1, 1103-1327 (London, 1899), p.328.

2 P.R.O. Durham Chancery Enrolments 3/36, m.15; 3/37, m.13; 3/46, m.6.

3 See, for example, 5.3.Elem.3c.

4 D/Sa/D365; 4.2.Elem.17.\*.

crafts. Judging by the frequency with which the same men were appointed as bailiffs, there were few "upright and substantial" men in Durham who qualified for this office.<sup>1</sup> However, it is impossible to make any firm deductions about the relative status and wealth of individual craftsmen, let alone their craft organisations, because no records of a freemen admissions policy (if it ever existed) have survived for Durham.

There were, in fact, comparatively few opportunities, apart from some limited office-holding, for Durham craftsmen to share in the town's government. No merchant oligarchy emerged in Durham at all comparable to those of Beverley or York, partly because of the lack of great fortunes and partly because the crafts apparently enjoyed little organisation independent of the borough overlords.<sup>2</sup> There were some opportunities for traders to amass landed wealth in the town, to assume limited responsibilities and to achieve a certain status; but in accordance with the scale of industry in Durham, such opportunities were comparatively small. One mark of greater status, apart from office-holding in a borough, seems to have been the title "burgess", which was given to a select few inhabitants of each borough. Some traders or craftsmen were habitually referred to as "burgesses". Several butchers such as William Gray, Gilbert Pyle and Thomas, son of Lewyn, for example, had the title "burgess" in the late thirteenth and early fourteenth centuries.<sup>3</sup> Other tradesmen who were designated "burgesses" of the boroughs were Reginald Mercator, the saddlers Robert de Lichfeld and Absalon de Dunelm, and the sutor Alan de Neuton. Richard More, the carpenter who held land in Clayport and Sadlergate, was a burgess of St. Giles' borough and two tanners who witnessed the agreement between the "Wolnewebsters and the Chalonwebsters" in 1468 were described as burgesses (John Mosdale and Thomas Bidylstone).<sup>4</sup>

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1 James Apotecarius, or le Spicer, was bailiff of the bishop's borough in 1295, 1304 and 1306 (D/Sa/D 365; Misc. Ch. 1875; Misc. Ch. 1881). John Aurifaber was bailiff of the Old Borough in 1350, 1351 and 1353 (4.15. Spec. 27; 4.2. Elem. 17<sup>o</sup>; 4.18. Spec. 34).

2 See below, pp. 193-94. In York it was the merchants, not the craftsmen, who had real power in the town's government: see Swanson, 'Crafts and Craftsmen', pp. 333, 342.

3 See Gazetteer, Sadlergate and Fleshewergate deeds.

4 P.R.O. Durham Chancery Enrolments, 3/50, m. 10.

Whether this title conferred anything more than honorific status is doubtful; in the Crossgate court records it is stated that the holding of certain tenements or burgages in that borough meant that a man became a burghess of the borough with all the privileges and duties attached to burghage tenure.<sup>1</sup> The duties included the annual payment of rent and probably regular attendances at the borough court. The fact that the names of those craftsmen who were called burghesses headed or came near the top of witness lists to charters indicates, however, that they had some rank or importance in the borough community if not necessarily much power in the running of the town.

It also seems possible that Durham craftsmen made a more individual contribution to town life in the late thirteenth and early fourteenth centuries than later. The number of craftsmen who appear as bailiffs, farmers of the boroughs or on special commissions gradually becomes more infrequent after 1350; and by the fifteenth century they seem to have been largely replaced by an expanding class of officials, clerks and notaries of the bishop and members of the local gentry: the latter sometimes held a town house in the Bailey or elsewhere in Durham.<sup>2</sup> In the late thirteenth century, for example, it was a merchant whose land endowed a chantry in St. Nicholas' church and a butcher who endowed St. James' chapel; but in the early fifteenth century it was a family of clerks, the de Elvet brothers, who endowed a chantry in St. Oswald's church with their land.<sup>3</sup> It is noticeable that no craftsmen are recorded among those who refounded the most prestigious guild in later medieval Durham, the Corpus Christi guild, in 1437.<sup>4</sup> Any influence which the craftsmen of Durham might have gained in town government had then apparently been displaced by that of the clerical families.

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1 See Sac. rental, 1500; Gazetteer, Crossgate, Introduction, no. 35.

2 See Gazetteer, Bailey, Introduction.

3 See above, pp. 182-83. The chantry of St. John the Baptist in St. Oswald's church was founded in 1404 (4. 16. Spec. 34).

4 P. R. O. Durham Chancery Enrolments, 3/36, m. 11. In York, the class of lawyers, clerks and professional men also became more numerous in the freemen's register during the 15th. century: V. C. H. City of York, pp. 46-47.

Not only was the influence of individual craftsmen in Durham's government severely limited, but the power of the craft organisations or guilds themselves, was also carefully circumscribed. One of the main difficulties in assessing the role of these associations is that there is so little surviving evidence; and most of that derives from the "official" records, the ordinances, which had to conform to the policy of the town's overlords.<sup>1</sup> There are few traces of any craft organisations before the fifteenth century. The earliest surviving set of guild ordinances is that of the weavers, which was confirmed by the bishop of Durham and enrolled on 1 August 1450.<sup>2</sup> The phrasing of these regulations suggests that they were not the earliest prescribed for this craft. They were made to maintain the Corpus Christi procession and play "leftir the old custume" and all weavers had "assented" "for thame and all thaies of the same craft that shall come efter". However, as in Coventry, there is no clear indication as to when this weavers' guild, or any others, were first founded.<sup>3</sup> The weavers' ordinances may have been used as a model for the other crafts because of the similarities between regulations. The sutors' ordinances, enrolled in the bishop's chancery in 1463, provide the next piece of evidence for Durham craft organisations,<sup>4</sup> followed by a charter of 1468 from the bishop to the barbers' surgeons and waxmakers.<sup>5</sup> There is then a long gap in the evidence until the early sixteenth century; the ordinances of the company of butchers and fleshers date from 1520 and of the goldsmiths, plumbers and their coalition from 1532.<sup>6</sup> This last amalgamation implies that each constituent member craft had had an independent

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1 As in York in the later middle ages: see Swanson, 'Crafts and Craftsmen', pp. 310-15.

2 P.R.O. Durham Chancery Enrolments, 3/44, m.10-11.

3 V.C.H. Warwicks. VIII, p.157.

4 P.R.O. Durham Chancery Enrolments, 3/50, m.6d.

5 The original charter of the bishop to the barbers, etc., was held by the warden of the company when it was transcribed by Whiting: Whiting, 'Durham Trade Gilds', p. 408.

6 The butchers' ordinances survive in a transcript which is part of the Mickleton and Spearman MS in Durham University Library, vol. 49. They are transcribed by F. J. W. Harding in T.A.A.S.D.N. XI (1958-65), pp. 98-100. The original was stated to have been signed on 14 June, 1403, but no corroborative evidence for this dating survives. The ordinary of the goldsmiths etc., was confirmed by Bishop Tunstall and it is printed by Whiting in 'Durham Trade Gilds', p. 397.



organisation of its own before 1532. Other trades, like the skimmers, glovers, carpenters and fullers are known to have had rule books, but none of these are now in existence. Surtees saw the skimmers' books, beginning in 1600, one of which incorporated a rule dating back to 1507, and Whiting quotes a somewhat unlikely tradition that the skimmers were incorporated in 1327; but there is no original evidence to substantiate this claim.<sup>1</sup> It is especially regrettable that none of these ordinances or charters survive in their original form, but rather as enrolments, confirmations or later transcripts. This lack of originals adds to the dating problems. Apart from ordinances and charters from Durham bishops, the only other remaining evidence for craft guilds in Durham is contained in the Crossgate Court Book of the late fifteenth and early sixteenth centuries. Here, trading offences and unacceptable standards of workmanship within a craft were prosecuted by the local borough court, so providing an interesting indication of how far the crafts' rules were being enforced.<sup>2</sup> From this somewhat limited evidence, it is possible to discover something of the organisation of Durham's crafts and to compare them with their counterparts in other medieval towns.

The first common element in all the surviving ordinances is the election of officials who would regulate the conduct of trade within the craft. Thus weavers were to gather together annually to choose two of "the most conyng and discreit men" to be wardens and "serchours" for that year and all members of the trade were to obey these wardens for the good of the craft or pay a fine of 4d. The butchers were "to fulfill mainetaine support and doe every thing . . . that shall be devised or advised by the sayd wardens". This form of election was also used by the sutors, the butchers, the barbers and goldsmiths; the latter added that every member of the craft "after being lawfully warned" should attend every meeting unless he had a reasonable excuse or was on a journey out of the bishopric. Any defaults in workmanship had to be remedied by the order of the warden and the searchers. These two elected officers were responsible for maintaining the honest working practices of their craft and for protecting their members against unfair competition, as well as for ensuring that a high quality of workmanship was maintained.

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1 Surtees, Durham, IV, p.21; Whiting, 'Durham Trade Guilds', p.172.

2 See below, pp.194-95.

Secondly, there occur rules governing entry to the trade and the system of apprenticeship. Most important of all was the regulation that no man was to set up in business within a craft until he had obtained the consent of the wardens and was duly sworn and had paid a fine of 6s. 8d. to the light of the craft and 6s. 8d. to the bishop (weavers' ordinances). Furthermore, every would-be weaver had to take an oath before the bishop's officers "to be true, to use and occupy his craft truly to the profit of the common people, to use no deceit in his craft and to fulfill the ordinances".<sup>1</sup> The penalties for not taking this oath were severe: a fine of 20s. to the bishop, 20s. to the craft, or imprisonment. The rules for the taking of apprentices and their period of service were strict. No less than seven years' apprenticeship was considered sufficient for the goldsmiths. When a man ended his apprenticeship in the barbers' craft, he had to pay a fine of 20d. to the bishop and 3s. 4d. with one pound of wax to the craft. The fine was greater for those not apprenticed in Durham (6s. 8d. to the bishop and to the craft in the barbers' ordinances, for example).<sup>2</sup> No member of the goldsmiths' craft in Durham was to "Tyess procure exhort nor hier the prentice nor Servant pertenyng or belonging to any other Brother" without licence from his last master. However, there seems to have been no rule limiting the number of apprentices each craftsman could take as was the case in some guild regulations in other towns.

Also ubiquitous were the regulations concerning the conduct of trade and measures to protect craftsmen against unfair competition from within the town or from outsiders. No barber was to shave a man away from the barber's house for less than 12d. and none within his house for less than 8d. No shaving was allowed on Sundays except at harvest time. Butchers were not allowed to slaughter animals on Thursday afternoon or on Sunday before one o'clock.<sup>3</sup> According to the weavers'

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1 No sutor was allowed to set up in his craft in Durham unless the wardens judged "his cunning be able to wyrk for profit of the common people". Compare the York fullers' ordinances where no one was allowed to set up as a master unless he had appeared before the mayor with the searchers of the guild to testify that he was of good character and abilities: York Memo. Book I, pp. 70-72.

2 The fine was 10s. in the goldsmiths' craft.

3 These regulations are similar to those of the York Ironmongers who were prohibited from working on Sundays, but the founders were allowed "smetyng de lour metall" by night. The York glovers were not allowed to make a noise to attract customers before the first stroke of the bell for matins in the parish churches: see York Memo. Book I, pp. xxxvii, 93, 49.

ordinances, no "brother" was to seek another man's customers; or, as the barbers' ordinances put it, "if any Brother of the said Barbers craft have a Customer that passes from him and comes to another brother, that he shall lovingly enquire that Man and say 'Art ye agreed with him that ye come free for the time that ye were shaven with him?' And if he find that he be not agreed with him, he shall say 'Hold me excused, I will not take you to that ye be agreed and then ye shall be welcome'." Consequently, it would be difficult for a Durham inhabitant to change his barber, no matter how badly he was shaved.

Finally, there were instructions about the procession on Corpus Christi day, when each member had to attend and to perform a play. The importance of this particular ordinance was emphasised by its position in each guild's regulations. It was the second rule in the weavers' and sutors' ordinances. Furthermore, in the preamble to these regulations, it was stated that they were made "in the worship of God and the sustentacion of the procession and play on Corpus Christi day in Durham". This day's events will be described in more detail later in the chapter, but each guild ordinance concerning the Corpus Christi day celebrations contained three elements: firstly, all members of the guild were to assemble "in best array", although reasonable excuses for absence were allowed. Secondly, there was to be a procession of guild members to the cathedral; and thirdly, there was to be the performance of a play which belonged to that particular craft.

These sets of regulations are patently very similar to those of craft guilds in other medieval towns. The two main elements found everywhere were the internal arrangements to regulate and control the quality of goods and the craftsmen; and the safeguards against unfair competition from outside the town or from those trying to avoid the craft organisation. But more than in most English towns, the Durham regulations directly express a strong anti-Scottish prejudice in the specific instruction to refuse to take Scottish apprentices and the heavy penalties for disobeying this injunction.<sup>1</sup> The weavers' and

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<sup>1</sup> There was clearly some feeling against "foreigns" in 15th. century York. The rules of the tapiters (1419) include the injunction that no master was to take an apprentice unless he was English born and a free man. Foreigns had to pay 53s. 4d. to the council for setting up in York: see York Memo. Book I, p. xxxii.

sutors' ordinances state baldly that no Scotsmen are to be taken on as apprentices. The fines for disobeying this regulation were large: 6s. 8d. to the bishop and 6s. 8d. to the craft for the weavers, and a massive 40s. for the sutors. The reasons for anti-Scottish feeling at Durham are all too clear; on several occasions, Scottish armies had been responsible for destroying the homes of Durham inhabitants.<sup>1</sup> But by the fifteenth century, any fears of military dominance must have passed and economic protectionism may have taken its place as an explanation for discrimination against the Scots. The Crossgate Court Book at the end of the fifteenth century shows that various wandering traders, including Scots, had taken up residence in the "bakdwellyngs" of houses in the Old Borough and probably many of them were seeking work.<sup>2</sup> The craft regulations suggest that unemployment in Durham may have been a problem; and that Durham's own natives were to be taken on rather than "foreigns" who might be cheaper to hire.

Another difference between Durham's craft regulations and those of many medieval towns were that they reflect the involvement of the bishop and his officials in the oversight of trade. In other towns, like Winchester and York, it was the city authorities who controlled the powers of crafts and ensured that their regulations conformed to a standard acceptable to the ruling body.<sup>3</sup> In Durham it was the bishop who, indirectly, controlled guild membership and upheld the standards of manufacture in the town by delegation to the wardens and searchers of individual guilds. Most of the fines imposed on careless or disobedient members had to be paid to the bishop as well as to the craft.<sup>4</sup> An oath had to be taken in the presence of the bishop's officer before a man became a member of a craft; and disobedient members were reported, presumably by the warden, to the bishop's temporal Chancellor (weavers' ordinances). "If one refuses to pay forfeits or duties, or will not swear obedience to the rules and ordinances before the steward of the borough court, complaint shall be made to the bishop's chancellor, who shall compel the offender by imprisonment, if necessary, to do what he ought"

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1 See above, pp. 22-23.

2 See, for example, 1508, f. 100; 1509, f. 108v, where all those having le Bakdwellys in domibus are ordered to remove them, and all Scots to be removed on the same day.

3 See Swanson, 'Crafts and Craftsmen', pp. 310-16; V. C. H. City of York, p. 91; Keene, Survey of Medieval Winchester, p. 333.

4 Whereas in York, the penalties were divided between the city and the guild: see Swanson, 'Crafts and Craftsmen', p. 318.

(goldsmiths' ordinances). This episcopal control no doubt helps to explain why the craft guilds never wielded great political power in Durham; their role was limited to the regulation of their trade and there was little opportunity for them to assume a position of leadership in town government. Although their wardens had the power to control and regulate trade, ultimately each member of the trade was responsible to the bishop for his behaviour and his allegiance was to the bishop over and above his craft officials.

These regulations or ordinances applied equally to all members of each craft in whatever borough they lived, whether it was the bishop's, the prior's, or that of Kepier hospital. Among the witnesses to the ordinances were traders living in all Durham's streets as well as those working in the prior's or bishop's households.<sup>1</sup> The regulations were enforced across borough boundaries as well, as le Convent of c. 1229 had emphasised. Prices and measures were to be the same in all the boroughs so that no trader could make a profit at the expense of his fellow in a different borough.<sup>2</sup> Equally, no trader could escape the consequences of fraud or bad measures by fleeing to another borough. The court records show that the bailiffs of the prior's and the bishop's courts had an arrangement to exchange offenders so that they would be brought before their local court and fined for their crimes.<sup>3</sup> The prices of grain, ale and other foodstuffs were fixed regularly in Crossgate court, and traders were required to appear before special Marshalsea sessions in Elvet and the Old Borough to display their measures.<sup>4</sup> There is evidence of diligence on the part of the "searchers" of crafts; in 1509, Thomas Pavy was accused of selling wax candles without permission by the proctors of the Waxmakercraft.<sup>5</sup> Richard Davyson was found guilty of practising his craft in Durham without coming to an agreement (non concordat) with the proctors of the "Tallyourcraft".<sup>6</sup> Various glovers also were accused of buying up and forestalling sheepskins in the market.<sup>7</sup> The internal regulation of a craft guild obviously

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1 See, for example, those witnessing the weavers' ordinances: P. R. O. Durham Chancery Enrolments, 3/44, m. 10-11.

2 Feodarium Dunelm., pp. 212-17; see above, p. 30.

3 See below, p. 208.

4 Loc. IV, no. 140; see below, pp. 205, 224.

5 Crossgate Court Book, f. 109v.

6 Crossgate Court Book, f. 112v (1509).

7 They were Robert Toller, Laurence Toller, Thomas Fairaller, Richard Boynt, and John Priour, glovers (1509): Crossgate Court Book, f. 114v.

operated to the benefit of consumers in many cases, by controlling the standard and quality of goods and preventing abuses. It is, however, significant that the craft guilds relied on the machinery of the local courts to enforce their own regulations, and not on their own administration.<sup>1</sup> These courts, run by the overlords of the boroughs, largely replaced the crafts' own regulation of its members.

There is only one late medieval reference to any discord between Durham craft guilds, and that occurred in 1468 with the controversy between the Wolnewebsters and the Chalonwebsters, subdivisions of the weavers' craft.<sup>2</sup> There seems to have been a dispute about the division of labour within the craft and the products which each group of weavers could manufacture. The case was heard before a jury composed of representatives of various trades in Durham in the bishop's court, presided over by his seneschal and bailiff. Once again, the case demonstrates the control exercised by the town's overlord over the crafts.<sup>3</sup> It also illustrates the rigid demarcation which was necessary to preserve enough work for all members of a craft. The division of work was based, according to the enrolled record of the agreement, upon precedents (the Wolnewebsters had "time out of mind" usi fuerunt et solebant pannum laneum" etc.). The penalty for infringing this division in future was to be 100s., which perhaps illustrates the strength of the temptation there was for the weavers to take each other's work. This demarcation was paralleled in several towns. In York, textile manufacturing was divided between two main crafts: the weavers, who manufactured broadcloth, and the tapiters (who included chaloners and coverlet weavers), who manufactured worsted. In Norwich, there was a distinction made between the bed or coverlet weavers and the worsted weavers.<sup>4</sup> There were quarrels between the groups of York weavers in the late fifteenth and early sixteenth centuries because they were competing for linen weaving and probably because there was a crisis in the woollen industry.<sup>5</sup> Profits to be made from it were small

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1 Just as in York the ordinances of the guilds derived their force from their enactment by the city authorities: see V.C.H. City of York, p. 91.

2 P.R.O. Durham Chancery Enrolments, 3/50, m. 10.

3 Compare with the disagreement in York in 1427 between the tanners and the cordwainers which was settled by the mayor and the council: York Memo. Book I, p. llll.

4 Swanson, 'Crafts and Craftsmen', pp. 33-35.

5 Swanson, 'Crafts and Craftsmen', pp. 52-54.

enough, and so the different groups of weavers fought for as much trade as possible. Perhaps the quarrel in Durham marks a similar period of difficulty in the industry with a consequent struggle for survival by individual craftsmen.

One of the most important contributions made by the craft guilds was less to the economic than to the ceremonial life of Durham, for upon them fell the responsibility for the Corpus Christi day procession and plays. The arrangements for the ceremony seem to have been made by the religious guild of Corpus Christi in the town and not by the bishop. This guild was refounded in 1437 by Bishop Langley and the only surviving evidence for its existence is the enrolled charter setting out its purpose and financial resources, together with a reference in a deed concerning Fleshewergate to a room set aside for the chaplain of the guild.<sup>1</sup> No contemporary account of Corpus Christi day survives, but we are fortunate in having the reminiscences of a quondam Durham monk to provide a detailed narrative of the day's events.<sup>2</sup> Writing in the late sixteenth century, he describes the procession as it was before the dissolution of the priory. "Baley of town did stand in the towle bowth and call occupations that was inhabites in town every occupation to bring forth banner with all lights appertinant to Banner and to go to abbey church door every banner to stand in a row from abbey church door to Wyndshole yett on west side all Banners and on east all torches pertinent to banners." The Corpus Christi shrine from St. Nicholas' church was carried in the procession up to the cathedral with the guilds and their banners following. A service was then held, the craftsmen walked around the shrine of St. Cuthbert, and later accompanied the Corpus Christi shrine back to St. Nicholas' church. Clearly this day was most important in town ceremonial as well as religious meaning, and it marked a direct and visible link between the craft organisation, town government in the person of the bailiff of the borough, and the church; it was the "communal ceremonialisation" which Mr. Phythian-Adams speaks of in relation to Coventry.<sup>3</sup> It

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1 Bishop Langley gave a licence to several townsmen de novo incipere inire facere fundare et ordinare this guild: P. R. O. Durham Chancery Enrolments, 3/36, m. 11. See Gazetteer, Fleshewergate, no. 15, Herthall.

2 Rites of Durham, ed. Canon J. T. Fowler (Surtees Soc. CVII, II, 1903), p. 107.

3 C. V. Phythian-Adams, 'Ceremony and the Citizen: the communal year at Coventry 1450-1550', in Crisis and Order in English Towns 1500-1700, ed. P. Clark and P. Slack (London, 1972), p. 75.

showed in the most visible way the structure of town life, the different levels of authority and their order of precedence. For the individual crafts, the procession and the following plays gave them an opportunity to establish their status within the town's hierarchy, to add dignity and honour to their daily work, and to display themselves to their best advantage before the assembled townspeople.<sup>1</sup>

The writer of the account of Corpus Christi day does not describe what would be the most colourful and entertaining part of the festival. Once the shrine had been returned to St. Nicholas' church, it seems that each craft had to perform a play, probably on the lines of the York cycle, although on a much smaller scale for fewer crafts. The barbers, for example, had to "go together in Procession and to play the play that of the old Custom belongs to their Craft". No record of the content of the Durham plays survives, but each craft obviously took the same episode of the cycle every year. The barbers' ordinance concerning Corpus Christi day demonstrated this, as did that of the weavers who had to play "the play which of old tyme belonged to their craft" and the goldsmiths' ordinances emphasised the long history of these plays "after the old and laudable custom". The cost of performing the plays was borne by the individual craft guilds: the weavers were to play the play "at their own expense" and the goldsmiths' play was to be "at their owne Costes and Charges after the Ordynance of the Wardens and Serchers". The costs of such plays could be considerable, as the evidence from York and Coventry shows, but there is no sign that the Durham guilds appealed for financial help from the Corpus Christi guild or from the bishop, or that, as in Coventry, the crafts were allowed to join together to reduce expenses.<sup>2</sup> Corpus Christi day seems to have been the one occasion in the year when the Durham craftsmen and their organisations came into their own and were able to contribute visibly to town life. After the civic procession was over and the religious services completed, then the day was assigned to the craftsmen.

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- 1 See. M. E. James, 'Ritual, Drama and the Social Body in the Late Medieval English Town', Past and Present 98 (1983), pp. 3-29; the Coventry citizens thought that ceremonial processions contributed to 'the welth and worship of the hole body': see Phythian-Adams, 'Ceremony and the Citizen', p. 58.
  - 2 Phythian-Adams, Desolation of a City, pp. 44-45, 263-64; Coventry Leet Book, ed. M. D. Harris (E. E. T. S. 134, 135, 138, 146, 1907-13), pp. 172, 185, 559.



It remains finally to attempt an assessment of Durham's role as a market town and to set it in the wider context of national trade and industry. The small size of Durham's trades and the limited numbers of craftsmen in the town have been a major theme of this chapter. Durham harboured no one industry of any national importance in the Middle Ages as Lincoln had for green and scarlet cloth, or Norwich for its worsted.<sup>1</sup> Durham's first genuinely distinctive industry has been claimed to be the production of mustard as late as the 1720s.<sup>2</sup> Nor did Durham enjoy direct overseas trade, like Newcastle-upon-Tyne, Boston or Norwich and the other east coast ports; and because its river was not navigable and its communications with the surrounding countryside limited, it did not develop a widespread inland trade like that of York. As Robert Surtees was to remark in the early nineteenth century, "the Trade of Durham has never been much extended beyond the establishment of many substantial shops for the supply of the City and neighbourhood with the usual articles".<sup>3</sup>

Durham was, however, a local market of real significance in its immediately surrounding area. Produce was brought from the neighbouring small agricultural communities to be sold in the weekly market in exchange for goods and food produced by the town.<sup>4</sup> The list of tolls to be charged on goods entering the market shows the range of products as well as produce passing through Durham.<sup>5</sup> In addition to grain, livestock, the skins and carcasses of various animals and wool, wine, bread, sea fish, salmon, herring, potash and spices were all mentioned in the tolls of 1379. Dr. Fraser has pointed to the difficulties of regarding murage tolls as an accurate list of the range of commodities in a market, but it can be used as a rudimentary guide to the trade in Durham market.<sup>6</sup> If any credence can be given to Bracton's dictum that a "reasonable" day's journey to a market averaged twenty miles, then Durham was well positioned.<sup>7</sup> The nearest market towns to

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- 1 Hill, Medieval Lincoln, p. 325; Campbell, Norwich, pp. 15-16.
  - 2 Pocock and Gazzard, Durham: Portrait of a Cathedral City, p. 16.
  - 3 Surtees, Durham, IV, part II, p. 25.
  - 4 See, for example, Burs. accounts, 1302, 1331.
  - 5 See, for example, P.R.O. Durham Chancery Enrolments, 3/31, m. 13.
  - 6 Fraser, 'Pattern of Trade in the North East', pp. 45-46; see above, p. 100.
  - 7 See discussion of markets in, for example, Platt, The English Medieval Town, p. 75.

Durham were Newcastle, Darlington, Hartlepool and Barnard Castle, each approximately within a twenty-mile radius of Durham. Each of these towns served their hinterland which was filled with small agricultural communities such as Shincliffe, Pitlington and Brancepeth near Durham. The appetite of Durham citizens for food supplies and labour from its region was probably great, and this alone would help to stimulate agriculture in the area. As Pocock summarised it, "Durham's manufactures were those of a small county town serving itself and a restricted hinterland."<sup>1</sup> However, this hinterland in no way compared with the rich and wealthy grazing lands of East Anglia which surrounded Norwich; and the needs of the small Durham communities were poor and limited.<sup>2</sup> Hence the range of trades which developed in Durham was fairly basic.

However, Durham did not exist to serve its hinterland alone. Like Winchester, it had at its centre the administrative offices of the bishopric, a large cathedral priory and, from time to time, a considerable military garrison. The town provided for the needs of these separate communities, all generating some wealth within the town and providing labour opportunities for many. The priory account rolls demonstrate the range of goods purchased in the market and the heavy financial reliance of the monks on some Durham merchants. In 1341, for example, the priory "borrowed" £79 10s. 1½d. from Robert de Coxside, a merchant of Durham; and in 1344 a varied series of spices was purchased from him.<sup>3</sup> Many of the priory's basic foodstuffs were bought in Durham, as well as wine, barley for malt, wax and some cloth. It is likely that the bishop's administrators and staff also bought essential goods in Durham, although documentary evidence does not survive to prove it. No wonder that so many butchers had stalls near the market and that the victualling trade was so important in Durham. Further, local traders and inn keepers would profit from the visits of countless pilgrims to St. Cuthbert's shrine, just as, indeed, they do today. Durham had a considerable internal market which had to cater for a wide variety of consumers.

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1 Pocock and Gazzard, Durham: Portrait of a Cathedral City, p. 17.  
2 Campbell suggests that the high degree of specialisation among the crafts of Norwich reflects the wealth of its hinterland: see Campbell, 'Norwich', p. 14.  
3 Burs. accounts, 1341/42, 1344/45; Fraser, 'Pattern of Trade in the North East', p. 50.

R. S. Gottfried has argued recently for the uniqueness of Bury St. Edmunds among late medieval provincial towns.<sup>1</sup> Although it contained a certain amount of industry and commerce, because of the abbey it was also able to support a range of specialised crafts which ordinary towns could not. It appears from this survey of Durham's crafts and industries that this cathedral and palatinate city bears close comparison with Bury, as it does with other ecclesiastical centres like Canterbury and Winchester. While it may have lacked a major manufacturing industry, Durham was able to support, for example, a substantial community of goldsmiths serving not only the local wealthy inhabitants, like the county families holding tenements in the town, but also the religious community with its demand for ecclesiastical ornaments. Although it was never more than a small market town at any time during the medieval period, because it was the ecclesiastical and administrative centre for the whole region, it was elevated in status, if not in economic wealth or size, in a way not achieved by towns such as Bury. It had a certain "economic as well as honorific ascendancy between Tees and Tyne"<sup>2</sup> and although the problems of the evidence are considerable, it repays study as an example of a town whose reputation probably outran its economic importance.

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1 Gottfried, Bury St. Edmunds, p. 115 etc.

2 Dobson, Durham Priory, p. 36.

CHAPTER VII  
LAW AND ORDER

Although Durham was a town dominated by the religious, like its more secular counterparts it was equally in need of firm government and even-handed justice to restrain the excesses of its citizens and to arbitrate in its disputes. Late medieval Durham never experienced civil unrest as severe as the rioting at, for example, Coventry or Beverley;<sup>1</sup> nor did the legal battles between the town and its ecclesiastical overlords ever reach the proportions they did in Bury St. Edmunds, Norwich or York.<sup>2</sup> Nonetheless, the whole framework of town life was shaped by regulations or restraints on townsmen and outsiders; and at some stage in their lives, it is probable that nearly every inhabitant had to appear before one of the many courts operating in medieval Durham. The administration of the law touched almost every aspect of a townsman's life, public or private, and it was enforced rigorously and persistently by the town's overlords.

Medieval urban society was permeated with this concern to uphold law and order for three main reasons.<sup>3</sup> First, and most obviously, there was a need to maintain peace between individuals or groups wherever there was a concentration of people living and working together. A town depended for its life on its work-force, its industries and its trade; internal troubles could lead to the collapse of industries, the discouragement of outside traders and a reluctant work-force. A framework of rules, upheld by mutual consent as well as by legal sanctions, could both bolster the economic life of a town and preserve good relations between neighbours. Second, there was a need to maintain a certain standard of life in a town for the well-being of all its inhabitants. Thus many ordinances contain a strong element of

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1 Reynolds, English Medieval Towns, p. 183; V. C. H. Warwick. VIII, p. 210; The Peasants' Revolt of 1381, ed. R. B. Dobson (London, 1970), pp. 13-14.

2 Lobel, The Borough of Bury St. Edmunds; Campbell, 'Norwich', p. 12; Peasants' Revolt, ed. Dobson, pp. 267-69, 280; R. B. Dobson, 'Admissions to the Freedom of the City of York in the Later Middle Ages', Ec. H. R. XXVI (1973), p. 13.

3 See A. Harding, The Law Courts of Medieval England (London, 1973), p. 13.

public health and hygiene designed to safeguard the quality of life in the town. Furthermore, the local courts enforced protective regulations to defend the population from rogues or from bad workmanship, to prevent the sale of sub-standard goods in the market and to control competition from outsiders. Third, the local courts were an effective mechanism through which an overlord could control and dominate his tenants. Many regulations which were enforced in the Durham courts were less concerned with keeping the peace between tenants than with establishing a certain relationship between a tenant and his lord. The rules concerning the milling of grain and the baking of bread show this aspect of the legal system most obviously. Such restrictions were perhaps the most rigorously enforced of all sections of urban legislation; in consequence, most notably in cases concerning grazing rights on common land, they were the source of the greatest resentment between the priory and its tenants.<sup>1</sup>

In this chapter, the great variety of Durham courts will be described and the types of cases coming before them will be surveyed. A study of this kind reveals much about town life which would otherwise remain obscure, such as the mundane existence of the lower levels of society, the poor and the criminals. It will also be possible to indicate how urban society was organised at the street level and how all-embracing was the power of the ecclesiastical overlords of Durham. There is no discussion here, however, of those pleas which were referred to the bishop's ecclesiastical courts or to the higher courts at York, nor of disputes arising over the payment of mortuaries or breaches of ecclesiastical discipline by townsmen.<sup>2</sup> With a few exceptions, such as cases involving criminous clerks,<sup>3</sup> the machinery of the ecclesiastical courts and the operation of the canon law existed entirely separately from the administration of secular law and order in Durham, the main concern of the following pages.

Court rolls are naturally the most valuable documentary source for this chapter; and at least a few of these survive from each of the Durham courts except the Tolbooth court in the market. These rolls

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1 See below, pp. 221, 223.

2 See, for example, 4.15. Spec. 56; Depositions and other ecclesiastical proceedings from the courts of Durham, ed. J. Raine (Surtees Soc. XXI, 1845).

3 See the case of John Horne, 1338 (Loc. IV, no. 2).

begin with a heading providing the name and location of the court, the name of the man presiding there and the date; a brief account of the day's business follows, giving an outline of each case when it appears for the first time and subsequently a brief note of the names of the parties and the action taken. Many rolls are in such a fragmentary and fragile condition as to be only barely legible. Most of the surviving court rolls are to be found in the priory's archive, the greatest number, some fifty-four, relating to the prior's free court.<sup>1</sup> They cover the period from 1305 to 1442, although the majority date from the late fourteenth century. Of all the borough courts controlled by the priory, Elvethall has the highest number of surviving rolls, nineteen, dating from 1356 to 1402:<sup>2</sup> as with the prior's court rolls, most relate to the late fourteenth century. Only five rolls from the Old Borough court survive,<sup>3</sup> but all the proceedings there between 1498 and 1524 were copied into the Crossgate Court Book, which is an invaluable source book for legal matters in late medieval Durham. Elvet borough court is the least well documented priory court, as only two fragmentary rolls dating from 1329 and 1381 survive to provide a small sample of the business of this court.<sup>4</sup> Some stray survivors of other special court sessions also remain, like two rolls recording sessions of gaol delivery by the prior's court (for 1317 and 1346) and the Marshalsea rolls for 1311 and 1395.<sup>5</sup> Few of the surviving rolls contain a full year's sittings of any one court, and some short rolls contain entries for only two or three meetings.<sup>6</sup> Others, particularly for Elvethall, are longer and include most of the sessions during a particular year.<sup>7</sup> One roll is composed of twelve membranes stitched together, not necessarily in chronological order, and relates to the Old Borough court and to the proceedings of other special courts.<sup>8</sup>

The records of the other Durham courts are limited to a few stray survivors. One volume of court proceedings in St. Giles'

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1 Loc. IV, nos. 1, 2, 4, 5, 7, 10, 15, 20, 23, 25, 31, 33, 36, 37, 40, 46, 48, 50, 52, 53, 56, 66, 67, 68, 70, 71, 72, 75, 77, 78, 79, 81, 82, 83, 84, 87, 144, 145, 152, 154, 161, 188, 193, 194, 197, 198, 202, 203, 204, 205, 207, 209, 212, 234.  
2 Loc. IV, nos. 96, 99, 101, 102, 103, 104, 109, 116, 118, 119, 124, 128, 129, 131, 132, 134, 235, 236; Misc. Ch. 6796.  
3 Loc. IV, nos. 95, 120, 127, 201, 229.  
4 Loc. IV, nos. 123, 130.  
5 Loc. IV, nos. 60, 157, 140, 229, m. 12.  
6 See, for example, Loc. IV, no. 5.  
7 See, for example, Loc. IV, nos. 96, 99.  
8 Loc. IV, no. 229.

borough remains, containing entries dating from 1494 to 1532, a period almost identical to and comparable with the Crossgate Court Book.<sup>1</sup> It begins with the proud statement "This is my own boyk" and on the fly leaf, "pertinet Roberto Harvy". An indication of the scope of work carried out by the bishop's justices of assize sitting in Durham is given in the surviving judgement rolls and in the sessions of oyer and terminer and gaol delivery.<sup>2</sup> The long series of chancery enrolments beginning with Bishop Bury's episcopate also includes some evidence of litigation among the routine administrative matters.<sup>3</sup> Finally, the records of the bishop's halmote court, dating from 1348, contain references to tenorial matters in Durham under the entries for Chester. These survive in book form in the Public Record Office.<sup>4</sup>

The cathedral priory's account rolls are another source of information about court proceedings in Durham. They regularly record the income from courts in the form of fines and amercements under the Varia Recepta or Perquisitiones Libere Curiae sections of the accounts; legal expenses, like the salaries paid to court officials, occur in the Expense Necessarie section. There are references to the sacrist's court in Alvertongate from 1361 and to his court in the Old Borough from 1424 to 1535. The first surviving references to Elvet borough court occurs in the hostillar's account for 1333. Finally, documents concerning cases of the greatest importance to the priory, like grazing rights, are found scattered through Miscellaneous Charters and Locelli or copied into priory registers for future reference.<sup>5</sup>

One of the most striking features of the administration of justice in medieval Durham is the proliferation of courts in a town with a relatively small population.<sup>6</sup> There were at least seven courts to which

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1 P. R. O., S. C. 2, portfo. 171; Special Collection, no. 6.

2 The surviving judgement rolls date from 1345 to 1531, but most are early 16th. century: P. R. O. Durham 13, nos. 1, 221, 223, 228. See also, for example, P. R. O. Durham Pleas and Presentments, 19, no. 1/1.

3 P. R. O. Durham Chancery Enrolments, 3/29-3/80.

4 P. R. O. Durham Halmote Court Books, 3, nos. 12-23, 135.

5 See, for example, Reg. I, f. 82; Reg. III, f. 77-78 concerning common pasture disputes.

6 Compare Bury St. Edmunds: see Lobel, Bury St. Edmunds, p. 95.

tenants might bring cases and which they might be required to attend; and in addition, there were special courts meeting at irregular intervals for specific purposes. All these courts can be divided, broadly speaking, into those of very local significance and limited competence, and those of more general application with wider powers. Into the first category fall the borough courts of Elvethall, Elvet borough, the Old Borough (or Crossgate), St. Giles and the Tolbooth in the market.<sup>1</sup> The free tenants of each borough owed suit to these local courts, which dealt with a limited range of petty offences and regulated borough life, rather as the wardmotes in London dealt with policing and public health in the wards.<sup>2</sup> The second category of courts included the prior's court, Curia prioris, and the bishop's courts, presided over by his justices of assize who were appointed to deal with specific cases<sup>3</sup> as well as routine cases of gaol delivery or civil matters. These courts of general application had powers to deal with the more serious offences in the town, affecting tenants in any borough, such as the alleged misapplication of rents assigned to the maintenance of Durham bridges.<sup>4</sup> Additional courts could also be convened to meet the needs of special occasions or particular types of crime. The Marshalsea courts, for example, operating, it seems, in each borough, met at irregular intervals, primarily to check the weights and measures of traders in Durham and to make sure that brewers paid the customary dues to the borough overlord.<sup>5</sup> Lastly, the manorial jurisdiction exercised by the bishop through his halmote court for the Chester ward affected his tenants in Durham, many of whom owed suit to this court and had to appear there to take up or to surrender their holdings.

Although there was a certain amount of duplication in the work of the Durham courts, it does appear that specific types of cases were clearly confined to a certain level of court. For example, more serious crimes such as theft, the receiving of stolen goods and murder were tried at a higher level, in the prior's court or before the bishop's

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- 1 The appearance of the court buildings and their location are described above, pp. 92-94.
  - 2 See London Assize of Nuisance, pp. xxvi-xxx; G. A. Williams, Medieval London: from Commune to Capital (London, 1963), p. 80.
  - 3 See, for example, 1345: P. R. O. Durham Chancery Enrolments, 3/29, m. 15d.
  - 4 1371/72: P. R. O. Durham Chancery Enrolments, 3/31, m. 3d.
  - 5 See, for example, the Marshalsea court held in Elvet borough on 13 October, 1395: Loc. IV, no. 140.



justices of assize, who could impose a harsher penalty on the offender.<sup>1</sup> Cases concerning some important incidents of tenure, such as suit of mill or suit of bakery, were dealt with in the prior's court.<sup>2</sup> At the lower level, nearly all the presentments and injunctions concerning public health, food and borough by-laws came before the borough courts, as did most of the minor agricultural offences such as animals wandering in priory fields.<sup>3</sup> Consequently, there seems to have been a division of judicial business which could keep both levels of courts fully occupied on a regular basis.

The large number of local courts was a natural concomitant of a town divided into several administrative units.<sup>4</sup> Each borough had a court to which its inhabitants owed suit and to which they had to apply for redress of grievances. A tenant living in Old Elvet could not be presented for an infringement of a borough by-law in Crossgate court. He had to appear in the court serving the area where he lived. However, for cases with a wider significance which affected priory tenants living in any Durham borough, like the disputes over suit of mill, an "umbrella" organisation, Curia prioris, was required to bring them to justice.<sup>5</sup>

The priory required these many courts to maintain its legal relationship with its tenants in the Durham boroughs. These tenants came to court to take up their holdings; thereby they acquired a legal title to land while at the same time they acknowledged the prior's entitlement to certain services. Moreover, all the freeholders in these boroughs were required to attend certain court sessions each year to recognise that the prior was their overlord. The court provided a mechanism by which the priory could demonstrate its legal dominance over those holding land in a borough.

There was, however, very little money to be made by borough overlords out of holding a court. The profits from fines extracted for infringements of regulations, amercements of those not present in court, including defaulting suitors as well as defaulting parties to a

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1 See, for example, Loc. IV, nos. 1, 15, 20.

2 Loc. IV, nos. 10, 53, 197, 204.

3 See below, p. 222.

4 See above, p. 40.

5 See, for example, Loc. IV, no. 197; Loc. IV, no. 204.

case, landmale payments and the fines made to the court by freeholders or those taking up tenements in a borough were small.<sup>1</sup> The sacrist, for example, never received more than 11s. p.a. from his court in Alvertongate between 1361 and 1423, and this income from the court was at its lowest in 1378 and 1408 at 6d. After 1423, profits increased as more tenants owed suit and the area of competence of the court increased;<sup>2</sup> in 1424, for example, the sacrist's income for the Old Borough court was 54s.3d., a sum composed of 23s. in landmale, 9s.8d. in fines, 14s.10d. in amercements and 6s.9d. in alesilver, a customary toll or fine paid by brewers in the borough. This total was never rivalled in the later fifteenth century; it had fallen to 11s. by 1486 and to 6s.10d. by 1535.

Moreover, this small income had to be offset against the considerable cost of operating a court. The salaries of the court's officers, principally the bailiff, were perhaps the largest regular items of expenditure. In 1413 the sacrist paid William Bolton 6s.8d. for holding the borough court and collecting fines in the borough; the income of the court that year was only 3s., so the Alvertongate court was running at a loss. By 1423, however, Bolton's salary remained at 6s.8d. but the sacrist's income from his court had increased to 42s. Clerks and other legal representatives had to be paid from time to time for work done on specific cases. In 1376, the sacrist paid 8s.8d. for a plea moved against John de Lethom and John de Baumburgh concerning a tenement in Alvertongate. In 1378 the sacrist acquired a writ for a suit at the Tolbooth court costing 13d. and a writ against John de Wermouth for 4s.4d. In 1424 he paid William Bolton, his bailiff, an additional 3s.4d. for the scribe's account and 3s. for parchment and paper. Clearly, the annual costs of running the local courts were often greater than the income they brought an overlord; as Lobel wrote of the sacrist's court in Bury St. Edmunds, "there was more prestige than profit" in the running of a local court.<sup>3</sup>

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1 The sacrist's profits from his court in 1409 were made up of 4 defaulting suitors, 1 farm for a tenement and 1 fine: Sac. account, 1409/10.

2 Alvertongate continued to be accounted for separately in the early 15th. century, but by 1442 its income was reduced to a standard amount of 18d.: Sac. account, 1442/43.

3 Lobel, Bury St. Edmunds, p.40. Even the bishop's assize courts were not very profitable. Storey showed that in 1420/21 less than 8s. was received from 26 offenders and 15s.7d. in 1422-3: Storey, Thomas Langley, p.64.

The relationship between the bishop's courts and the court of the second most important landholder in Durham, the prior, had been established in le Convent, an agreement made between the bishop and the prior in c. 1229, concerning largely judicial and administrative matters.<sup>1</sup> It gave the prior the right to hold his own court with jurisdiction over tenants of his own fee. "Prior . . . habebit libere curiam suam, cum Soc et Sac et Tol et Them et Infangenetheof et cum omnibus pertinentibus ad eam" and "brevi de recto." Relying on le Convent, a special procedure could be invoked in cases where a tenant of the prior was brought before the bishop's court because accused by the bishop's bailiff. The prior, through a representative like his steward or bailiff, could appear before the bishop's court and "have his court". In 1336, John Tunnak was accused of stealing hides in Sadlergate and in South Street and he appeared before the bishop's court.<sup>2</sup> "Super hoc venit Ballivus Prioris et petit Curiam Prioris de eo et habet." Tunnak was subsequently arraigned by the prior's steward and he appeared in the prior's court.<sup>3</sup> This procedure relied on a passage of le Convent in which it was agreed by the bishop and the prior that "si quis autem de terra vel de feudo Prioris attachiatus fuerit per ballivos Episcopi pro aliqua re pertinente ad curiam Prioris, Prior vel ballivus suus curiam suam exiget." There were, however, severe limitations over the competence of the prior's court. Pleas of the crown and serious criminal matters were restricted to the bishop's courts and "omnia amerciamenta et proficua de placitis coronae proveniencia, et de assisis et omnibus aliis placitis . . . de terra vel de feudo Prioris, dimidiabuntur . . . inter Episcopum et Priorem."<sup>4</sup> Since the bishop alone had the power to pardon convicted felons, for example, there were occasions when the prior had to request the bishop to pardon one of his own tenants, like William de Preston of Elvet, a carpenter, who had been found guilty of the killing of William Joliff in 1381.<sup>5</sup> As a result of this agreement, the bishop reserved for his own courts the most important and profitable business and

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1 Feodarium Dunelm., pp. 213-17.

2 Loc. IV, no. 52.

3 See also the case of Richard de Hett, 1305: Loc. IV, no. 161.

4 Cart. IV, f. 29r, formerly 4.1. Spec. 43. The hostillar, for example, received 9s. 3d. from the farmers of the bishop's borough pro dimidiata amerciamentorum provenientorum from the court for his men who had appeared there: Host. account, 1347/48, Receipts. See also Reg. III, f. 178.

5 P. R. O. Durham Chancery Enrolments, 3/31, m. 10.

ensured that the prior's court was never able to assume an equal power or status in Durham.

The lack of surviving documentation concerning the bishop's courts tends to diminish or obscure what was a very complicated and sophisticated legal administration. Perhaps the clearest statement of the bishop's secular legal position was that made by Bishop Langley in 1433, but based on the claims of Bishop Bek made in 1293. Langley argued that, among other privileges, he had his own chancery and court where all pleas and assizes were taken as well as his own justices, sheriffs, coroners and escheators.<sup>1</sup> In other words, he was claiming the right to administer justice in his bishopric without reference to the machinery of royal government. How far this independence existed in practical terms is, of course, a moot point. Lapsley maintained that the bishop of Durham acted autonomously to keep the peace in his bishopric and illustrated this claim with examples of his power such as the pardoning of convicted felons, the issuing of licences of amortisation, and the sequestration of land.<sup>2</sup> However, Lapsley was forced to admit that the king infringed as much as possible on the bishop's powers; the king could, for example, intervene where there was a default of justice and any tenant of the bishop could appeal to the royal courts over the head of the bishop's courts. The king also took over the running of the courts during vacancies of the bishopric.<sup>3</sup> The bishop was, like the abbot of Bury, "a great feudatory with apparently almost unlimited powers, and yet bound hand and foot if he should fail to administer the king's justice well."<sup>4</sup> The laws of England, as passed by Parliament, were observed in the bishopric and the royal writ did run there,<sup>5</sup> and as Mrs. Scammell has commented, successive bishops of Durham struggled "not for the exclusion of the royal writ but for the monopoly of its execution".<sup>6</sup> All the privileges they gained were by delegation from the king. Hence the surviving evidence shows the bishop upholding the usual legal practices of the rest of the kingdom,

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1 Storey, Thomas Langley, p. 57.

2 Lapsley, The County Palatine of Durham, Chapter 2.

3 See, for example, C. P. R., 1324-30, p. 475.

4 Lobel, Bury St. Edmunds, p. 117.

5 As, for example, when the Quo Warranto proceedings of 1311 were extended to the bishopric: Ch. R., 1307-13, p. 345.

6 Scammell, 'The Origins and Limitations of the Liberty of Durham', pp. 449-73.

but through his own legal administration, which was, in turn, based on the model of the royal courts.

The overall responsibility for the running of a court, whether local or general, lay with the overlord of the borough. He it was who directed the business of each session, and took the profits of the court, and it was in his name that the court sat. In 1398 the local court of Old Elvet was called "the court of the prior and the hostillar of the Barony of Elvet held at Elvethall" and in 1480 St. Giles' court was called "the court of John Lund, master of Kepier hospital".<sup>1</sup> However, it is unlikely that the bishop or the prior presided over their courts in Durham regularly for the obvious reason that their many other duties and frequent travels would prevent them from taking such an active part in the administration of justice in one small town. For the weekly business of these courts, the prior seems to have delegated the presidency to an obediary. On 5 March 1336, for example, the prior's court met chiefly to inquire into the lands held by Margaret Walle in Durham. The inquiry was held "in plena curia prioris . . . coram Waltero de Skaresbrek, terrar."<sup>2</sup> On other occasions, the prior was represented in court by his chief lay official, his steward or senescallus. In 1346, at a special session of gaol delivery, Roger de Esshe, knight, the prior's seneschal, conducted the proceedings, and Thomas Surteys, seneschal of the prior, examined the case against John, son of William Salter, accused of burglary in 1355.<sup>3</sup> Whenever cases concerning the prior's tenants came before the bishop's court, the sheriff presided. When John Tunnak was indicted for theft in Sadlergate in 1336, he appeared coram Vicecomitato et coronatore and John Alman of Elvet indictatus est coram Willelmo de Mordon, Vicecomitato Dunelmensis for theft in 1346.<sup>4</sup> In 1468, however, the court of the borough of Durham was presided over by Richard Raket, seneschal, who settled a quarrel between two factions of the weavers' trade.<sup>5</sup> The bishop's halmote court was held by his steward: Thomas Gray, senescallus, presided in 1348.<sup>6</sup> According to his terms of appointment, the bishop's

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1 Loc. IV, no. 101; P. R. O., S. C. 2, portfo. 171, Special Collection no. 6.

2 Loc. IV, no. 52.

3 Loc. IV, nos. 60, 154.

4 Loc. IV, nos. 52, 60, 154.

5 P. R. O. Durham Chancery Enrolments, 3/50, m. 10.

6 P. R. O. Durham Halmote Court Books, 3, no. 12.

steward was also responsible for preserving all court and halmote rolls as well as the rentals and muniments relating to these courts.<sup>1</sup>

The courts were staffed by an important group of townsmen, some clerical, such as the experienced advisers or full-time legal experts, and the laity, allegedly selected to give their unbiased opinions on the matters before the court. By far the most important court official was the bailiff, a man who may have been appointed by the overlord of the borough, as in Bury St. Edmunds, from a fairly limited range of wealthier property-holding tenants; however, no records of any selection or election procedure survive at Durham.<sup>2</sup> The names of many of these bailiffs are known from the witness lists of charters, where they usually appear near the head of the list, indicating a certain status in the borough. In a survey of all the charters relating to property in Fleshewergate and Sadlergate, for example, out of fifty-eight charters dating from the 1280s to the early fifteenth century, the names of bailiffs headed witness lists in thirty-seven cases; seventeen names were in second place; seven were in third place; five were in fourth place and none were lower placed. The same names tended to recur frequently in the lists, suggesting that there was a fairly limited number of men available for this duty. Using the same evidence as before, William de Heburne was bailiff four times (1302, 1312, 1315, 1322) and Thomas de Coxside, Robert Olyver and Ralph de Warshopp were bailiffs three times. In some years, two bailiffs were appointed, probably to share out the onerous and sometimes unpopular duties, as in 1295 when Gilbert de Querington and James Apotecarius were bailiffs of the borough of Durham.

Most of the bailiff's duties in court were essentially passive, being the implementation of instructions from the president of the court. One of his main tasks was to assemble people to hear or answer charges before the court. In the plea of debt brought by the prior against Richard Thornton, butcher, before the prior's court in 1442, the bailiff was instructed to summon "eu[m] per bonos suos quod sit hic ad proximam curiam."<sup>3</sup> Thornton did not appear and the bailiff was

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1 P. R. O. Durham Chancery Enrolments, 3/46, m. 7.

2 Lobel, Bury St. Edmunds, p. 62.

3 Loc. IV, no. 46.

instructed to attach him to be at the next court. The bailiff was also responsible for finding pledges on behalf of the parties to a dispute. When, in 1442, the farmer of Scaltok mill accused several men of withholding grain from his mill, the bailiff was instructed "quod ponat per vadium et salvos plegios" for the men's appearance.<sup>1</sup> If weights or measures of traders had to be checked, it was the bailiff who saw to it that all brewers, for example, were present in court. "Present. ballivo hic quod venire fac. hic ad proximam omnes braciatores, pistores, regratores" "de excessibus per ipsos factis." (1398).<sup>2</sup>

Another important duty of the bailiff was to find and empanel sufficient men to form juries to investigate cases.<sup>3</sup> In 1398 the Elvethall court instructed the bailiff "quod venire fac. 12 contra prox. hic ad recognoscere super sacramentum si Johannes Skalyng, webster, sit culpabile de diversis transgressionibus".<sup>4</sup> The court of the Old Borough called on the bailiff to provide "bonam Inquisitionem ad proximam Curiam ad inquisitionem." in 1392.<sup>5</sup> When he failed to find enough men to serve on a jury, or to empanel them properly, the whole case could be held up for several sessions. A case between the prior and John Sadbery, John Cage and others to be heard in the prior's court "ponetur in respectu hic usque ad proximam pro defectu Juratorum" (1353).<sup>6</sup> The case between the prior and John de Belasys and others concerning a stolen horse was postponed repeatedly between 31 March and 28 July 1355 because of a lack of jurors or because the bailiff did not return the list.<sup>7</sup> The frequency of such delays like the attempts by bailiffs to falsify jury returns, indicates the difficulties met in trying to raise sufficient men to adjudicate in local disputes.<sup>8</sup>

The bailiff was responsible for collecting fines and distraining the goods of those found guilty by the court or those who were in contempt of court. In 1382, for example, he was asked by Elvethall court to distrain the goods of William Sawyer in a case of debt. "Ballivus

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1 Loc. IV, no. 46.

2 Elvethall court, Loc. IV, no. 96.

3 In the bishop's assize courts, it was the sheriff's responsibility to produce a jury: P. R. O. Durham Judgement Rolls, 13, no. 221.

4 Loc. IV, no. 96.

5 Loc. IV, no. 120.

6 Loc. IV, no. 67.

7 Loc. IV, no. 68.

8 In the Crossgate court, the bailiff was instructed that "non falcificet aliquem Juratorem" or be fined 10s. (1529, f. 7v).

testatur quod nihil habet preter unam ollam eneam."<sup>1</sup> The seizure of goods by the bailiff occasionally resulted in a court action against him, however. Thomas Copper brought a case against Adam de Bille, the prior's bailiff, in which he was accused of taking two pelves de stanno, unam ollam eneam et unam catheram ferream from Copper's house.<sup>2</sup>

Bille admitted this, but defended himself by arguing that he was acting for the prior in distraining Copper's goods for the non-payment of dues owed by all brewers to the priory. In a similar case, the seizure of chattels by the bailiff had a more violent outcome.<sup>3</sup> Robert de Whitton, junior, the prior's bailiff, brought a case to the prior's court in 1378 in which he accused Hugh Cronan of assaulting him when he went to take a brass pot from Cronan's house. Cronan was later found to be not guilty.

This survey of the duties of a court bailiff demonstrates not only some of the practical difficulties of the office but also the likelihood of his unpopularity with his neighbours. He was, after all, a kind of neighbourhood spy as well as a law enforcement officer representing the overlord's interests. Consequently attacks on bailiffs seem to have been one of the hazards of the office and there are several examples of violent confrontations in the court rolls. Thomas Tuffan and William Pundar "fecerint rescussum ballivo prioris in Elveth" in 1316 and the prior's forester alleged that John del North "reprobavit et maledixit ballivum in fac. offic. Voc. eum fals. pro execucione officii de Curia" (1402).<sup>4</sup> William de Ryton, the prior's bailiff, and his servant Thomas le Hostelerman were attacked by John Baxster while they collected their farms in Old Elvet in 1356.<sup>5</sup> It was obviously somewhat dangerous to be employed as bailiff by the overlord; although it brought some financial remuneration, it was a duty many tried to avoid. In 1401, for example, all cases had to be held over from the prior's court because the bailiff non venit ad respondendum de officio suo.<sup>6</sup>

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1 Loc. IV, no. 104.

2 Date unknown: Loc. IV, no. 145.

3 Loc. IV, no. 71.

4 Loc. IV, no. 37; Loc. IV, no. 99.

5 Loc. IV, no. 109.

6 Loc. IV, no. 129 (Elvethall court).



The other officers of the Durham courts were not so exposed to calumny because they took a less active part in the administration of justice. The coroner is mentioned occasionally in the surviving rolls with reference to the recognising and swearing in of juries in the prior's court. A plea between the prior and Laurence Porter before the prior's court in 1356 was not heard because the coroner did not recognise the list of jurors.<sup>1</sup> In 1337, "Coronator Prioris venire fac. ad proximam curiam 24 de probioribus et legalioribus de feodo domini Prioris" to examine the case against William de Barowe.<sup>2</sup> It seems in these cases that the prior's court had its own coroner distinct from the bishop's coroners, who worked in the four large wards of the bishopric. He may have sat regularly with the bailiff in the prior's court, (though not in the local courts) hearing all types of cases.<sup>3</sup> There would also be various clerks present in court to make a record of its proceedings and to advise the court on precedents. They are not mentioned by name in the rolls, although charges for scribes appear in the obedientiaries' account rolls.<sup>4</sup> The clerks who represented the parties concerned are occasionally mentioned by name. The prior was always represented in court by an attorney, men like John del Hay in 1354, John de Elvet (1356) or William de Dalton (1356) "qui sequitur pro priore";<sup>5</sup> and some farmers of priory mills who wished to prosecute tenants for mill offences used attornies.<sup>6</sup>

Indispensable to the workings of justice in medieval Durham was the jury, a group of borough inhabitants variously known as the "free men", "good men" or "probiores" of the borough.<sup>7</sup> The jury, inquest or "bona Inquisitio de visneto de Elvett" as it was variously called in different boroughs,<sup>8</sup> was usually composed of twelve men,

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1 Loc. IV, no. 40.

2 Loc. IV, no. 203.

3 See R. F. Hunnisett, The Medieval Coroner (Cambridge, 1961), p. 5. In Bury, the bailiff was also the coroner: Lobel, Bury St. Edmunds, p. 62.

4 See, for example, Sac. account, 1424/25.

5 Loc. IV, nos. 31, 40.

6 John Horsle was attorney for Roger Milner, farmer of Skaltok mill, in 1442: Loc. IV, no. 46. Some private individuals also used attornies. In 1391, John Becley represented Thomas Bell in a plea of debt against Hugh Cronan: Loc. IV, no. 95.

7 See, for example, Loc. IV, no. 46 where they are described as "free" men.

8 Loc. IV, nos. 2, 46.

although occasionally the bailiff was requested to summon twenty-four. It was common practice for more jurymen than were needed to be summoned to appear before the court and then to be examined or recognised before the court. The list of jurymen attached in 1309 before the prior's court included sixteen names, of whom twelve had the word "jurator" alongside to signify their selection.<sup>1</sup> Those chosen may have had some residential qualification or held property in the borough, and they do not seem to have been able to excuse themselves from duty.<sup>2</sup> There are no surviving examples in the documents of any corruption of juries,<sup>3</sup> although occasionally a jury was changed in the course of a case. During a common pasture dispute of 1360, it emerged that certain jurymen also claimed pasture rights by virtue of their land holdings. The jury was then changed to include forinseci from Darlington.<sup>4</sup> Juries were used for a wide variety of purposes, from inspecting property to listing the holdings of wealthy freeholders in a borough, and deciding the innocence or guilt of any accused person before the court. In St. Giles' court, they had even more power; it was the jury, acting through its foreman, which presented cases before the court and issued injunctions and instructions. In 1480, for example, the jury presented two men for an offence in Magdalenclose and set the prices for grain on market day.<sup>5</sup> The phrase used in 1517 indicated the partnership between the president of the court and the jury: "conç. tam per Curiam quam veredictum juratorum".<sup>6</sup> Here the jury foreman seems to have taken over many of the duties assigned to the bailiff or to the seneschal of the other local courts.<sup>7</sup>

It is clear from this survey of the personnel attached to the courts that a large section of the population would be involved in the administration of law and order in Durham, even if in a part-time capacity. However, the men holding offices in the courts seem to have been drawn

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1 Loc. IV, no. 56.

2 To be excused jury service seems to have required a specific grant like that given by the bishop to John Lewyn, mason, in 1370: P. R. O. Durham Chancery Enrolments, 3/31, m. 2.

3 Compare with Southampton, where there were complaints of corruption: C. Platt, Medieval Southampton (London, 1973), p. 176.

4 2.6. Spec. 44; 3.3. Pont. 5.

5 See, for example, P. R. O., S. C. 2, portfo. 171, Special Collection no. 6, f. 5, 9.

6 P. R. O., S. C. 2, portfo. 171, Special Collection no. 6, f. 12.

7 Occasionally, the jury in Crossgate court presented cases: see Crossgate Court Book, Oct. 1498.

from a fairly restricted circle which would inevitably lead to power being in the hands of the few, the "power of great acquaintance" complained against in fifteenth-century Southampton.<sup>1</sup> This power was greatly limited by the fact that all the officers, as in Bury St. Edmunds, seem to have been selected by the overlords of the boroughs.<sup>2</sup> Since the bailiffs chose the juries, justice was heavily weighted in favour of the lord of the borough and open to a certain degree of manipulation. In other medieval towns, such as Hull, the inhabitants gradually came to have a greater share in the appointment of court officials as well as the operation of the courts.<sup>3</sup> In Durham, as in Bury and other church-dominated towns such as Tavistock, Abingdon and St. Albans, the overlords retained this power in their own hands.<sup>4</sup>

The types of cases which were brought before Durham's courts and the nature of the business there can also be used to illustrate certain themes of social history which do not emerge from other documentary sources. Perhaps one of the most interesting of these is the comparative absence of unrest or civil disobedience in a town which was so dominated by its overlords. The level of violence in Durham's society, as reflected in the criminal cases before the local courts, seems to have been fairly low, although the most violent crimes would be heard by the bishop's justices and few records of their meetings survive. Full-scale urban unrest seems to have been unknown in Durham. In 1396, some fifteen men, all tenants of the prior, took an oath that non fuerint aliquam affrayam; these men were probably involved in a brawl in Durham and the injunction issued by the Old Borough court following this case shows the extent of the trouble.<sup>5</sup> All tenants were instructed not to draw their knives against anyone on penalty of a fine of 40d. However, this incident, about which there is no further information in the court rolls, seems to have been isolated and small-scale. Surprisingly for a town so dominated by the clergy and by a religious corporation as powerful as the priory, there is little evidence of any animosity between the townsmen and their overlords. . . Whereas in

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1 Platt, Medieval Southampton, p. 176; Hunnisett, Medieval Coroner, p. 196.

2 Lobel, Bury St. Edmunds, p. 33.

3 V. C. H. Yorks., East Riding I, pp. 37-39.

4 Lobel, Bury St. Edmunds, p. 60; Platt, The English Medieval Town, p. 139.

5 Loc. IV, no. 229, m. 11.

York, the wealthy and powerful St. Mary's abbey at times attracted urban riots and pitched battles around its walls, Durham priory seems to have lived peaceably with its neighbours.<sup>1</sup> One incident suggests that the most serious unrest was between the lesser landholders of the bishopric and the priory. In 1419, the terrar and another monk were attacked with hauberks, crossbows, arrows, swords and other "warlike arms" as they crossed the Old Bridge by some men who had lain in wait for them at its west end.<sup>2</sup> It transpired that these men were servants of Thomas Billynham of Sidegate manor, a gentleman who held much property in Durham, some of it from the priory. His grievance was founded on a dispute with the priory over homage owed for land in Billingham and, in the course of the quarrel, Billynham laid siege to the priory for two months, other attacks on the prior's servants taking place at the North Gate. This episode demonstrates the difficulties faced by the cathedral priory in extracting feudal dues and services from local landowners. Members of Billynham's class had little to fear from defying the priory because they did not in any way depend on it for a living, for their own ambitions or for their estates.

There is also some evidence that violent attacks on individuals may have been more common in a crowded town where many lacked food, shelter and money. In 1338, John Nouthird accused John Potter and his wife of attacking him in Durham so that pannos suos dilaceraverunt, which may have hurt his pride more than his body.<sup>3</sup> William Mayson's case was more serious, however. He was attacked at night by John Clogh cum 1 gestro . . . in ventre sub late et sinistro felonice percussit et dedit ei plagam mortalem de qua Willelmi instanter obiit (1472).<sup>4</sup> Worse was the attack on Robert Batmanson in Sadlergate in 1473 by Richard Whyte, James Trotter, Robert Merley, William Hakforth and William Dalton, modo guerrino.<sup>5</sup> Batmanson was killed, but the jury had some difficulty in deciding who had struck the fatal blow. Was it Whyte, who "cum quodam baculo vocato a karlilaxe . . . in pectore . . . percussit", or was it Trotter "cum baculo vocat Bill . . . super posterlam

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1 Dobson, Durham Priory, p. 35; V.C.H. Yorks., City of York, pp. 38-40.

2 Loc. XXI, no. 11; Cart. IV, f. 142-3; Dobson, Durham Priory, pp. 194-5.

3 Loc. IV, no. 2.

4 P.R.O. Durham Pleas and Presentments, 19, no. 1/1.

5 P.R.O. Durham Pleas and Presentments, 19, no. 1/1.

partem capitis ... percussit"? Could it have been Merley who, with an axe, hit Batmanson in dorso or Hakforth who with "baculo vocato a Walsshbill" hit him "super anteriorem partem capitis"? Certainly, there was no doubt about the murderous intentions of this group.

There are two poignant examples of death by misadventure in the surviving documents. In the first, the bishop ordered an enquiry to be made into the case of John othe Castle, a cook, whose wife was knocked down by horsemen as she walked along the Bailey in 1345.<sup>1</sup> "Ipsam ad terram impetuose equorum prostraverunt ... quod Agnes ... abortium fecit." A second tragic case concerned Walter Lewyn, who accidentally killed a small boy, John, son of Margaret Moke, when he was out practising at the shooting butts in Framwelgate in 1398.<sup>2</sup> Here the bishop was able to exercise mercy and to pardon Lewyn for this tragic accident.

Theft was a much more common problem in Durham than violence, as the frequent cases of small robberies, such as John de Byfield's alleged theft of a horse in South Street or John de Hovedon's taking of money and a knife from a man in the Old Borough in 1338 illustrates.<sup>3</sup> Occasionally, some more serious cases occur, where the articles taken amounted to a considerable sum. Julia del Comunhous was accused of breaking into a chest in John Ferur's house in the Bailey in 1327 and taking twenty marks of silver, thirty florins, one firmaculum deaureum and other items.<sup>4</sup> Matilda de Veteri Dunelmi was accused of stealing a cross from St. Giles' church (1331) and John Tunnak of stealing hides from tanneries in Sadlergate and South Street (1336).<sup>5</sup> These cases illustrate the wealth of some Durham inhabitants in comparison with the majority of their fellow citizens and also provide evidence of the internal furnishings of their houses. William de Stanhop's house in Elvet contained one tapetum and one lintheamen, for example (1338).<sup>6</sup> Other cases of theft show how desperate some Durham people were for food or for the means of making food and how near the subsistence level

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1 P. R. O. Durham Chancery Enrolments, 3/29, m. 16d.

2 P. R. O. Durham Chancery Enrolments, 3/33, m. 20 (1398): "sagittavit ad metas iuxta Framwelgate in quodam fossato iuxta metas erant duos pueri sedentes" and "percussit per infortunium Johannem in capite."

3 Loc. IV, no. 2.

4 Loc. IV, no. 15.

5 Loc. IV, no. 20; Loc. IV, no. 52,

6 Loc. IV, no. 2.

many of them lived. In 1324 Laurence Fullor of Elvet was accused of stealing corn in autumn from the field of the Old Borough and William Mores of taking two ears of wheat from the priory.<sup>1</sup> Both men were found not guilty.

The Durham courts were used very regularly by all levels of society for the recovery of debts, particularly those arising from rent arrears from property held in the borough. The Crossgate court, in particular, dealt with many such cases, not necessarily on behalf of the priory, but for private landlords who seem to have had no other means of recovering the money. In 1356, John de Hert was accused by John Lewyn of not paying the rent owed from a property in the Old Borough and amounting to 5s. 6d.<sup>2</sup> The prior used his court to recover his own rent arrears. In 1442, he recovered 8s. owed by Richard Thornton for his tenement in Elvet and the court awarded him damages of 12d.<sup>3</sup> The local courts also dealt with cases of debt when goods were sold to a client in good faith but the purchase money had never been handed over. In the Old Borough court in 1394, Richard Fyssher of South Street tried to recover a debt of 18d. owed by John Chestre for one pannier de haddoks.<sup>4</sup> John Dyconson accused John Tomson, "tynkler", of not paying 11½d. owed to him for bread and ale in 1506.<sup>5</sup> Executors of wills formed another important group of plaintiffs claiming money from those who had owed sums to the deceased. Richard Arnburgh and his wife, executors of the will of James Tebson, summoned William Bell, shoemaker, before Crossgate court on a plea of debt of 3s. 4d. which Bell had owed Tebson (1504).<sup>6</sup> The debts claimed in court ranged from the small, a few pence, to the very large, and they indicate something of the cash-flow problems which traders must have encountered in Durham as well as the general standard of life and the incomes of the inhabitants.

Many obligations of tenure in Durham emerge clearly from the court rolls. Freeholders such as John de Belassys in Elvet borough

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1 Loc. IV, no. 79.

2 Loc. IV, no. 40.

3 Loc. IV, no. 46.

4 1394, Loc. IV, no. 229, m. 2.

5 Crossgate Court Book, f. 86r.

6 Crossgate Court Book, 28 Feb. 1504.

fecit fidelitatem personally in the presence of the hostillar (1381) but in Old Elvet John de Kendale paid a fine of 6d. for his suit.<sup>1</sup> However in 1398, when Gilbert de Hoton, John de Boynton and Gilbert de Elvet, who owed suit to the court, did not appear, they were each amerced. If a freeholder holding land from the borough overlord died, the local court held an inquest into the services owed by the tenant, as in 1332 when the prior's court found that Margaret de Hoveden had died seised of six burgages in Crossgate and Alvertongate owing rent and fealty to the priory.<sup>2</sup> It was ordered by the court that they be seisit. . . . in manum domini ad respondendum de exitibus. Tenements were surrendered in court; Hugh Knyth de Fery surrendered one messuage and twenty acres held ad voluntatem Prioris viz. quod continetur in le Landbuk (1322), and Kathleen Robynson also surrendered one burgage in St. Giles' street ad opus Robert Symson in 1518.<sup>3</sup> Symson took up the tenancy for a term of ninety-nine years at a rent of 6d. p. a. and he paid an entry fine of 6d. to the court. One of the most important functions of the borough court seems to have been to act as a registry of deeds of title for tenants; and hence many charters were enrolled and confirmed in court, as they were in the London court of Husting and in the ward courts of Winchester and Canterbury.<sup>4</sup> Tenants could be asked to bring charters and other evidence of title to court in cases of disputed succession. In 1317, William de Chilton was ordered ad proximam Curiam ad ostendendum cartam feoffamenti to his land in Crossgate.<sup>5</sup> The bishop's chancery court had wider powers of assigning wardships or dower as well as recovering land either by escheat or from felons.<sup>6</sup> It was to this court that the prior or his representative came to seek a licence to alienate land which had been granted to the priory.<sup>7</sup> Just as the record of local courts could provide a tenant with evidence of his title to land, so freeholders enrolled their charters of title to tenements in Durham in the bishop's chancery as a safeguard for their future interests.<sup>8</sup> By the later medieval period,

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1 Loc. IV, nos. 123, 96.

2 Loc. IV, no. 48.

3 Loc. IV, no. 5; P. R. O., S. C. 2, portfo. 171, Special Collection, no. 6, f. 19.

4 Urry, Canterbury, p. 89; Keene, Survey of Medieval Winchester I, part I, pp. 11-19.

5 Loc. IV, no. 36.

6 See, for example, P. R. O. Durham Chancery Enrolments, 3/29, m. 14d.

7 See, for example, P. R. O. Durham Chancery Enrolments, 3/32, m. 10.

8 See, for example, P. R. O. Durham Chancery Enrolments, 3/29, m. 3; 3/30, m. 9d.

tenants were beginning to use the entirely fictitious legal action of common recovery to improve their titles to property. Robert Claregenet "recovered" a tenement in the market place in this way; but when the prior tried to use this device to "recover" four tenements from William Highfeld, the bishop's justices of assize suspected collusion to avoid the penalties of mortmain.<sup>1</sup> The land was taken into the bishop's hand and a jury called by the sheriff to investigate the case.

Suit of mill was one of the most important services which a tenant owed to the borough overlord. It was not just a matter of acknowledging the symbolic legal supremacy of the lord over the tenant; it was the main source of income to the farmers of the mill.<sup>2</sup> Consequently it was in a farmer's best interest to bring cases of the withholding of suit to the local borough court, not only to recover damages from a tenant who had ground his flour elsewhere but also to have the court re-state the important principle upon which his livelihood depended. It is significant that almost all cases in the prior's court rolls concerning milling are annotated with later marginal notes like "Nota quod tenentes de Veteri Burgi tenentur molere ad molendinum de Skaltou" (1339).<sup>3</sup> In 1339, John de Castro Bernardi and William de Chilton were distrained to appear before the court ad respondendum domino Priori de secta subtracta et multura asportata de molendino.<sup>4</sup> In 1333, it was John de Castro Bernardi, as farmer of Scaltok mill, who brought a case against Gilbert de Duxfeld, who had withheld suit from the mill.<sup>5</sup> John had taken flour milled at another mill from Duxfeld's house in Crossgate because omnes tenentes Prioris de Veteri Burgi molere deberit ad Scaltok. The strong local feeling against the enforcement of suit of mill is borne out by Duxfeld attacking Castro Bernardi and taking the farm from him. These milling cases and those concerning the duty of tenants to bake bread at the priory's ovens occupied many sessions of the prior's court.<sup>6</sup> They were a recurrent theme, so demonstrating both the priory's difficulty in maintaining a monopoly of milling and baking and the townspeople's determination to act independently.

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1 P. R. O. Durham Judgement Rolls, 13, nos. 1, 228; Gazetteer, Forum, no. 3.

2 See above, pp. 53-54.

3 Loc. IV, no. 53.

4 Loc. IV, no. 1.

5 Loc. IV, no. 197.

6 See, for example, 1351, the case of John Kytson: Loc. IV, no. 83.



The agricultural offences which were brought before the Elvet courts also show how closely the town was intertwined with its immediate countryside and how many townsmen kept animals or relied on agricultural service to supplement their incomes. Most of these offences were for fairly minor infringements of those by-laws made to preserve pasture land and woods, and they closely resemble village regulations found all over the country.<sup>1</sup> They show how difficult it was to keep tenants and their animals under control in a town where the open fields intruded on street lines. The areas affected were the priory demesne lands, especially meadows and grazing areas like Smythalgh in Elvet borough, into which animals strayed and ate off the grass, or woodland such as that near Maiden Castle and Houghall, where tenants went for firewood and brushwood. In 1398, the bailiff of Elvethall court presented Mabel Porter for having four pigs in Smythalgh and William de Thornburgh for having five pigs there.<sup>2</sup> Thomas de Tyndale had one horse in the wood and Robert Plummer had allowed twelve geese to stray into Smythalgh where they had trampled down and consumed the lord's pasture land. All pleaded guilty and they were amerced. In 1398, William Wryght was accused of cutting down oaks in Elvetwood without licence and of opening up the lord's beehive in Elvetwood and stealing honey and wax from it.<sup>3</sup> An injunction was laid on all St. Giles' tenants not to carry away trees from Kepier's land or to take whins from the moor.<sup>4</sup> Rather worse was the destruction of animals by dogs: In 1356, John Potter was accused because he fugavit et mordidit . . . 22 ludentes . . . cum canibus suis in the Old Borough, ita quod fugacionem illam et morsus canum bidentes perierunt.<sup>5</sup> Such cases also provide incidental information about the nature of the countryside around Durham and of current agricultural practices. The prior's attempts at spreading manure, for example, seem to have been hampered by Laurence Porter in Elvet in 1356: "ubi Prior per servientes suos fimum apud Elvet iacens super solum ipsius Priori per carectas suas cariari voluisset . . . Laurentii servientem impedivit quominus fimum cariare potuerunt."<sup>6</sup> In 1398, the

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1 See W. O. Ault, Open-field farming in Medieval England: A Study of Village By-Laws (London, 1972), p.19; Raftis, The Estates of Ramsey Abbey, p.126, where the greatest number of infringements was for livestock wandering in the fields.

2 Loc. IV, no.96.

3 "perforavit et aperivit . . . quarcum in Elvetwode et apium ac mel et ceram in eadem invent. cepit et asportavit": Loc. IV, no.101.

4 P. R. O., S. C. 2, portfo.171, Special Collection no.6, f.5.

5 Loc. IV, no.40.

6 Loc. IV, no.40.

bailliff of Elvethall court was ordered to attach Alan de Hayden and all those qui occupavit solum domini in le Lonyng cum composito suo.<sup>1</sup>

Another common source of dissension between tenants and the overlord from the fourteenth century onwards was over their right to common pasture, a theme which occurs many times in late medieval urban history in towns such as Coventry, Southampton and Norwich.<sup>2</sup> These cases were too important to be heard at the local level; it was hardly likely that the tenants would receive a sympathetic hearing in the prior's court. Consequently, such cases came before the bishop's justices of assize and the judgements are preserved not only in original documents but in enrolments in the priory registers. The case of Alice othe Slade is typical of many.<sup>3</sup> In 1334, she arraigned the prior by assize of novel disseisen concerning her alleged right to forty acres of moor and pasture as a free tenant of the Old Borough. The bishop instructed his sheriff to assemble twelve men of the "view" to inspect the land and after many postponements, the case was decided in her favour in 1336. The court adjourned to the moor ("Beaureparemore") and in the sight of the justices, Alice's right to common pasture was restored by the prior. This right was subsequently claimed by another twenty-four tenants, and the priory built up a large dossier of notes and evidence in an attempt to rebut these claims. While the tenants of the Old Borough fought their claim to pasture rights through the courts, the freeholders of Elvet borough used more unorthodox, but equally successful, methods. They and their animals made repeated small incursions on to the priory demesne lands. The result was a formal agreement made in 1442 between the priory and the free tenants such as Robert Danby and Thomas Claxton, members of the local gentry.<sup>4</sup> After lengthy negotiations it was agreed that in future tenants would not be amerced or their animals impounded if they entered priory land but "amicably they will be driven away", and they were to be allowed common pasture in Elvet moor and certain specified closes.

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1 Loc. IV, no. 101.

2 Platt, Medieval Southampton, pp. 205, 218; V.C.H. Warwick, VIII, p. 210; Campbell, 'Norwich', p. 13; Phythian-Adams, Desolation of a City, pp. 254-57.

3 2.6. Spec. 58; Reg. III, f. 77-78.

4 4.16. Spec. 26.

Attempts were made through the local courts and in special Marshalsea sessions to control the price and quality of food for the benefit of Durham consumers. In 1398, the bailiff of Elvethall court was instructed to bring all brewers and regraters to court de excessibus per ipsos factis.<sup>1</sup> In 1402, the bailiff presented Stephen Piper for selling cervisia per ciphas et discos et alia vasa et non per mensuras probatas and for selling a gallon more dearly than the assize allowed.<sup>2</sup> It was ordered by the Elvet borough court in 1381 ex communi assensu quod qualibet braciatrix ostenderit signum et vend. lagenam potellam et quartam et quod non vendiderit servisiam infra domum cum disca nisi cum lagena potella aut quarta sub pena 40d.<sup>3</sup> However, when William Barker was accused of selling ale at the wrong price contra assisam he defended himself by saying that John de Elvet, the hostillar's seneschal, sold his ale at the same price (1382).<sup>4</sup> Bakers were urged to sell bread bene fermentata salsa et debita et congruum ad humanum usum and to ensure that it was of the right weight.<sup>5</sup> As in the Norwich leet records, there were far fewer cases of bad bread presented before the Durham courts than breaches of the assize of ale.<sup>6</sup> The frequency of presentations of tenants accused of selling ale at the wrong price, of using incorrect measures and so on implies that the local court was largely ineffective in controlling the food and drink trade. One reason for this may have been the difficulties of detection when a court had so few officials to inspect the work places of the tenants; another may have been the small fines imposed for infringements which would not deter offenders.<sup>7</sup>

Borough hygiene was, naturally enough, a major concern of the local courts as they sought to prevent or to control outbreaks of disease in areas of high population and to enforce a certain minimum standard of living on townsmen. Regular injunctions were issued at court sessions, and these seem to have had the force of local by-laws.

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1 Loc. IV, no. 96.

2 Loc. IV, no. 99.

3 Loc. IV, no. 123.

4 Loc. IV, no. 104.

5 Loc. IV, no. 131.

6 See Leet Jurisdiction in the City of Norwich, ed. W. Hudson (Selden Soc. V, 1892), p. xxxiv.

7 See below, pp. 226-30.

They fall into two main categories, the first determining a tenant's responsibilities to his immediate surroundings, the streets, vennels and water supply, for example. The second category concerned a tenant's relationship with his neighbours. One of the most common injunctions in the first category was that tenants should enclose their frontes ante et retro, presumably to stop their animals wandering around,<sup>1</sup> that they should not build out into the street, or cause any stoppage of water channels or vennels with rubbish. Elvethall court, in 1401, instructed John Fabyan that reperavit defectum de aqua obstructa ante hostium of Robert de Berall's house; and in Crossgate court, the tenants were ordered to mend the vennel called "Litster chare" leading to the common oven in the borough (1529).<sup>2</sup> Certain streams were to be kept clear of industry or domestic waste for washing purposes. William Walker was instructed, in 1500, that he should have removed unum porcum mortuum et fetidum extra Milneburn viz. iac. ad finem orti sui.<sup>3</sup> All tenants who held land abutting the Milneburn stream had to remove latrinas et le wesshyngstonez from the stream in 1501.<sup>4</sup> Wells were not to be polluted, nor was St. Margaret's cemetery to be used by the borough inhabitants for grazing their pigs or horses.<sup>5</sup> All of these regulations were designed to improve the quality of street life in the town.

The second category of injunctions contained instructions about who could or, more importantly, who could not be accommodated by townspeople in their houses. Scots were not allowed to settle, nor were vagrants, suspect characters and ungovernable women. In October, 1498, John Watson's wife was accused of entertaining Scots and women of a bad reputation at night and she was fined 12d.<sup>6</sup> In 1332, Geoffrey Marescallus of Elvet was accused of receiving and giving hospitality to Thomas Hardymarchand, in the full knowledge that

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1 See, for example, St. Giles' court: P. R. O. , S. C. 2, portfo. 171, Special Collection no. 6, f. 5.  
2 Loc. IV, no. 131; Crossgate Court Book, 1529, f. 7v.  
3 Crossgate Court Book, 7 Oct. 1500.  
4 Crossgate Court Book, 13 Jan. 1501.  
5 "Pena ponit. est quod si quis maculet communem fontem quod solvat dominum 2d." Elvethall court, 1401: Loc. IV, no. 131; Crossgate Court Book, Oct. 1498.  
6 Crossgate Court Book, Oct. 1498.

he was a convicted thief.<sup>1</sup> The frequency of injunctions against, for example, vagabonds, may reflect what became a common theme in late medieval borough regulations, as in London (1475), Coventry from the 1490s and York from the early sixteenth century.<sup>2</sup> No-one was to sublet their "bakdwellyngs", presumably in an attempt to reduce overcrowding or squatting.<sup>3</sup> The ever-present fear of disease led to an injunction in St. Giles' court in 1518 that no tenants were to receive any persons living in Crossgate or Elvet qui sunt infect. cum pestilencia and in Crossgate in 1498 no-one was to receive visitors from Bishop Auckland quid pestilencia est regnans.<sup>4</sup> On a more trivial level those tenants whose wives were liable to be scolds were enjoined to guard them well, although there is an absence of any injunctions on unruly men.<sup>5</sup> In ways such as these, the borough courts tried to intervene in the private lives of townsmen, relying, presumably, on the willingness of people to relate reliable information or unreliable gossip about their neighbours to the bailiff.

The rate of success of Durham's local courts in conquering crime, controlling the quality and prices of goods for sale in the town and combatting disease and anti-social practices is, however, a matter for debate. Many cases brought before the courts were dropped for one reason or another, or postponed indefinitely.<sup>6</sup> Alleged criminals were found not guilty by juries composed of their neighbours. The regularity of small amercements paid by brewers for breaking the assize of ale suggests that they were treated rather like an annual licence to offend.<sup>7</sup> The restatement of injunctions against illegal brewing or the withholding of suit of mill time after time implies that the courts were having a very limited effect. Why was this? The most obvious reason would seem to be the lack of effective sanctions. The punishments open to the lower courts were restricted to money fines or amercements and the

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1 Loc. IV, no. 20.

2 See, for example, V.C.H. Warwick. VIII, p.211; Reynolds, English Medieval Towns, p.178.

3 "Null ... habeat aliquas personas manent. In tenur, viz. In domibus posterioribus." Crossgate Court Book, 1508, f.100v.

4 P.R.O., S.C.2, portfo. 171, Special Collection no.6, f.1; Crossgate Court Book, ?April 1498, where the penalty was 20s.

5 See, for example, Crossgate Court Book, 8 Oct. 1505; Loc. IV, nos. 104, 109.

6 See, for example, the case of debt concerning John Goldsmith: Loc. IV, no. 1, or William de Chilton's case concerning his claim to a ten.: Loc. IV, no. 36.

7 As in Norwich: see Leet Jurisdiction in Norwich, pp. lxxiii-iv.

confiscation or distraint of goods. The wide range of agricultural offences, from depasturing meadows to breaking down hedges, merited small fines such as 6d. for cutting and carrying away trees or wood for firewood in Kepier's demesne lands (1528).<sup>1</sup> The fines for offences concerning wandering animals in Smythalgh which were mostly admitted by the accused, ranged from only 1d. to 4d. and seem to have borne no relation to the numbers or to the size of the animals involved. Five pigs wandering in the demesne lands cost William de Thornburgh the same fine as Thomas de Tyndale paid for one horse in the wood or Robert Plummer for twelve geese in Smythalgh in 1398.<sup>2</sup> Perhaps this range of fines was related to the degree of damage done or to the wealth of the accused and his ability to pay but it was hardly an effective deterrent.<sup>3</sup> The breaking of regulations concerning brewing or baking also incurred only a small fine, like 6d. in an Elvethall court (1398), although the actual injunction or by-law carried a penalty of 40d. ("quicumque deliquerit contra penam et proclamacionem et inde convictus fuerit quod solvat dominum 40d.").<sup>4</sup> The stern tone of the Injunctions was obviously not being supported by the sentencing policy of the court.

Most of the offences concerning public health and hygiene carried similar small fines, but occasionally the local courts issued injunctions threatening a much larger penalty for offenders. This seems to have been designed to stop a certain specific abuse which had become common in the town or to prevent it from becoming a severe problem. The taking of another man's servants was treated severely in St. Giles' court in 1528 (6s. 8d.) and the penalties for accommodating anyone who might have been exposed to pestilencia were high (6s. 8d. in St. Giles' borough and in the Old Borough, 20s.: 1498).<sup>5</sup> The relative scarcity of such cases in the court rolls suggests it was a successful solution. Certain offences always carried a large penalty, especially where an attempt was made to prevent violence in the boroughs. Those who accommodated women of ill-repute or convicted criminals were

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1 P. R. O., S. C. 2, portfo. 171, Special Collection no. 6, f. 5.

2 Loc. IV, no. 96. Compare Norwich, where there seems to have been no relationship between the offences and the amount of the amercements: Leet Jurisdiction in Norwich, p. xxxviii.

3 See J. A. Raftis, Tenure and Mobility, Studies in the Social History of the Medieval English Village (Toronto, 1964), p. 113.

4 Loc. IV, nos. 96, 131.

5 P. R. O., S. C. 2, portfo. 171, Special Collection no. 6, f. 1, 5; Crossgate Court Book, ?April 1498.

fined heavily (6s. 8d. in St. Giles;  $\frac{1}{2}$  mark in the Old Borough).<sup>1</sup> The carrying of knives in the Old Borough carried a penalty of 40d. In 1396.<sup>2</sup> The blocking of streets with dung or other rubbish was treated severely (40d. in Elvet borough; 40d. in Elvethall) yet the polluting of a well in Old Elvet, which might seem to be a far more serious offence, would cost the inhabitants only 2d. for each infringement (1401), and it seems to have been a totally inadequate sanction.<sup>3</sup>

Small fines and amercements were also a characteristic of pleas concerning civil actions such as trespass or debt. In one case where William de Horsly admitted that he owed Alan de Tesdall 11 $\frac{1}{2}$ d., the court assessed damages at 4d. and also amerced Horsley (1391).<sup>4</sup> If a man failed to prosecute his plea, for whatever reason, he was amerced for a false claim, presumably to discourage frivolous litigation.<sup>5</sup> When the judgement of the court went against the accused, the plaintiff seems to have recovered the full amount of the debt, plus damages assessed by the court, and an amercement. The damages claimed by the plaintiff were usually considerably reduced by the court. In 1357, John Potter was accused of killing twenty-two sheep assessed at 30s. in value.<sup>6</sup> Damages of 40s. were claimed by the plaintiff. The jury found Potter guilty, but the damages were reassessed at 12d. and Potter was amerced. Even if there was an out-of-court settlement, the accused was amerced so that the court's time was not entirely wasted. Robert Kirk came to court for a licence to make an agreement with William Atkynson, and he was amerced for 4d. (1499).<sup>7</sup> There was an air of unreality about many such cases. Cases of debt were brought to court usually because the accused could not afford to pay the plaintiff. It was unlikely that fining him, charging damages and then amercing him would be of much benefit to the plaintiff.

When an offender refused to pay his fine, or, as in many debt cases, where he could not afford to pay, the next course of action by the court was to instruct the bailiff to distrain his goods to the value of

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1 P.R.O., S.C. 2, portfo. 171, Special Collection no. 6, f. 5 (1528); Loc. IV, no. 229, m. 6 (1391).

2 Loc. IV, no. 229, m. 11.

3 Loc. IV, nos. 123, 131.

4 Elvethall court, Loc. IV, no. 95.

5 Crossgate Court Book, Jan. 1499.

6 Loc. IV, no. 40. See also (1391) Loc. IV, no. 95.

7 Crossgate Court Book, 18 Sept. 1499. See also (1391) Loc. IV, no. 95.

the fine or the damages awarded by the court. The objects distrained give some indication of the standard of wealth among the inhabitants. The wealthier townsmen were usually dispossessed of their horses, commonly valued at 6s.8d., or failing a decent horse, of any other animals they possessed. In 1501, the priory brought a case of debt against William Spark.<sup>1</sup> He was attached to appear in court by the distraint of a black horse with a saddle and a full sack of coal. The poorest inhabitants were distrained of their household goods, such as dishes, pitchers and bowls which amounted to a very small sum. In a few cases, the bailiff had to report that the man's goods did not meet the amount required for the distraint, and probably many of the poorest townsmen slipped through the judicial system altogether by having no chattels of any value.<sup>2</sup> Some of the poorer citizens may have been excused or pardoned payment altogether, as they were in Norwich.<sup>3</sup> However, the wealthier inhabitants seem to have had scant regard for the court's decisions, even those made by a court of wider competence like the prior's court. Adam Mayson was accused of withholding suit of mill from Scaltok in 1339 and he failed to appear before the prior's court to answer the charge.<sup>4</sup> His chattels, to the value of 2s., were attached by the bailiff to ensure his appearance; but as he ignored this, the court then called on the bailiff to attach a tunic, worth 12d. How successful this course of action was cannot be assessed because no further proceedings survive.

The main conclusion to be drawn from most of this evidence is that the penalties which the lower courts could impose failed to act as a deterrent to those who broke borough regulations. Many tenants seem to have ignored the court altogether despite the possibility of their goods being distrained. It seems that there was little that the court or its main officer, the bailiff, could do either to compel attendance or to extract fines from offenders. On the other hand, the fact that these courts were truly local and covered an area of only two or three streets each meant that everyone's business would be

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1 Crossgate Court Book, 3 March 1501.

2 See, for example, Loc. IV, no. 104.

3 Leet Jurisdiction in Norwich, p. xxxviii, where it is argued that amercements were rarely obtained.

4 Loc. IV, no. 53.



known to the bailiff of the court and this may have discouraged potential offenders. The organisation of the local court was rather like a neighbourhood watch or "vigilante" group, staffed by local men sitting in judgement and reporting on their neighbours. William Hudson's verdict on the power of the Norwich leet courts is apt for Durham. "Although admirably adapted for the detection of crime or of breaches of the City custom, it is impossible not to be struck with its inefficiency in the way of repression and penalty."<sup>1</sup>

Justice as administered in Durham was, on the evidence of the surviving documents, very similar to that operating in many other English medieval towns and many other courts. The law as it emanated from the king was observed in the bishopric of Durham, alongside local regulations and by-laws like those of other urban communities and villages. These laws reflected the needs of the society they served for peaceful co-existence, for the fostering of trade and for a reasonable standard of life in a place where there was a concentration of people. Durham's court procedures and sentences or penalties were unremarkable, and as elsewhere, they and the laws they maintained were essentially conservative. The earliest surviving court rolls from the early fourteenth century show a system already well developed which was to continue to the end of the medieval period with no major innovations.

Yet the machinery of law and order in Durham appears, on the surface, at least, to be unique because of the multitude of small courts which dealt with such a diversity of offences. It is perhaps the case that Durham had a greater variety of local courts for its inhabitants than any other medieval town outside London. However, the number of courts does not reflect any refinement of its judicial administration or any improvement over the neighbouring towns in the area. It merely mirrors the administrative division of the town into several boroughs each with its own miniature government. Any individuality which Durham's courts possessed was a result of the dominance of its ecclesiastical overlords. There is a strong link between government and legal jurisdiction in urban life; the growth of a town was marked usually by a growth in its administration and such

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1 Leet Jurisdiction in Norwich, pp. lxxiii-iv.

2 V.C.H. Yorks., East Riding I, p.28; Platt, English Medieval Towns, pp.136-38; Reynolds, English Medieval Towns, p.118.

medieval period by its ecclesiastical overlords who controlled the administration of law and order as they did, for example, in Bury St. Edmunds.<sup>1</sup> Unlike royal boroughs such as Hull, Durham's inhabitants could not elect their own bailiffs or other officials or control their own courts. One of the marks of a town's growing independence is its inhabitants' ability to take over the running of their own courts. This was never possible in Durham and throughout the medieval period law and order was upheld primarily by the bishops and the monastic community of St. Cuthbert.

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1 Bury remained in a state of "arrested development" because of opposition from the convent to any self-government by the townsmen: see Lobel, Bury St. Edmunds, p. 60.

### CONCLUSION

This survey of Durham between c. 1250 and 1540 arose out of a wish to redress the balance of previous work, to draw some attention away from the ecclesiastical rulers of the town and its region towards the city that was at the heart of their temporal power. The preceding chapters set out to describe the appearance of the medieval city and then to analyse some themes which seemed to be of significance not only to Durham but also to other English medieval towns. No attempt will be made here to summarise the main conclusions of each chapter, but rather to draw some broad generalisations from the study as a whole. Durham was a town whose boundaries seem to have been set before 1250; after this date there may have been some infilling of the tenement pattern within the streets, but the maximum extent of the urban area, the street plan and, most importantly, the borough divisions were already established. The later medieval period saw no dramatic changes in the urban landscape or in the administration of the city. Government remained firmly in the hands of the ecclesiastical overlords who maintained, with apparently very little opposition from the townspeople themselves, their rights and privileges intact to the sixteenth century. Trades and industries were small-scale and produced goods primarily for the local market; consequently, the town probably did not exercise a powerful magnetic effect on the labouring poor from the surrounding region. The diversity of trades does mean, however, that Durham seems to have escaped the worst consequences of economic decline in the fifteenth and early sixteenth centuries. The population probably maintained a fairly stable level throughout the period, despite outbreaks of pestilencia and the warfare of the late thirteenth and early fourteenth centuries. Perhaps the most important conclusion to be drawn from this study is that Durham's significance as an urban centre lay not so much in any economic development, or the lack of it, but rather in its political role as the centre of government for the bishop, with the castle as the visible sign of his power in the region. Furthermore, it was an

important religious centre containing a great Benedictine monastery and a major shrine. The town was created to serve its religious community and it continued to depend wholly on the clergy for its prosperity during the later Middle Ages. The church gave it a raison d'être yet, paradoxically, it deprived the town of any real independence. Durham remained a small market town, lacking the diverse interests, the good communications and the ambitious and more politically voluble merchant class of towns like Newcastle and York.

For a town whose fortunes were so intertwined with those of the church, the dissolution of Durham priory undoubtedly shook its security to the core. Durham was one of the last monasteries to be affected by the wave of reform that swept through England in the late 1530s. It was in December 1540 that the prior signed the deed of surrender to the Crown;<sup>1</sup> and by May 1541 a new foundation was established in Durham with a dean and eleven prebendaries, thus changing the social hierarchy of the town. The basis of landholding in the city, the administrative divisions, the maintenance of law and order, were all affected. The communal life of the parishes was broken, the chantries were stripped of their plate after 1546 and the religious processions were ended by the suppression of the Corpus Christi guild in c. 1547.<sup>2</sup> The Elizabethan writer of the Rites of Durham lamented the passing of the old order, the colourful ceremonies and the strong sense of community which came from the participation of townsmen in religious events.<sup>3</sup> The lights that burnt before the high altar "in token that the house was alwayes watchinge to god" were quenched and the bells sounding in "the deep night that all was well" were silenced in the great abbey church. Yet was the impact on the town as catastrophic as one might expect? Were the changes revolutionary, in any sense, to the average townsman? Many changes seem to have been largely cosmetic; the titles of the former priory obedientiaries changed to those of prebends but they were the same men. Some twenty-six out of the original fifty-four monks remained at Durham.<sup>4</sup>

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1 Transcribed in Hutchinson, Durham II, p. 132.

2 Injunctions and other Ecclesiastical Proceedings of Richard Barnes, Bishop of Durham, 1575-87, ed. J. Raine (Surtees Soc. XXII, 1850), App. III, pp. xiv-xlvii; V.C.H. Durham II, p. 33; V.C.H. Durham III, pp. 28, 29.

3 Rites of Durham, ed. J. T. Fowler (Surtees Soc. CVII, II, 1902).

4 D. Knowles, Bare Ruined Choirs (Cambridge, 1976), p. 278.

The landed endowment of the priory was transferred to the new foundation. Those tenants who had formerly held their properties from the prior and paid rents to priory obedientiaries now had the dean and chapter as their landlords. The legal and financial relationship between the town and the new chapter was in many ways largely unchanged. Only very gradually were the townspeople able to share in the government of the city, and the bishop continued to retain his control over office-holding into the seventeenth century.<sup>1</sup> Consequently, the town did not offer a very attractive prospect for future expansion or independence to would-be settlers as compared with, for example, Newcastle-upon-Tyne; no new or large-scale industries developed until the late eighteenth and nineteenth centuries and even then the urban area expanded very slowly. It is plain to see, from Forster's plan of Durham of 1754, that at that date the medieval city still survived in all its essentials. The town remained within its medieval boundaries until the industrial revival of the mid-nineteenth century.

The author naturally concludes this thesis with the hope that it will provide a framework for future research on the medieval city. The large body of evidence used here, and in particular the property deeds, offers many possibilities; the sampling of surnames, for example, could provide some information about family structure and migration patterns. More reliable evidence about the size and composition of Durham's medieval population might follow from a more systematic study of the deeds and rentals. Moreover, one useful step in such work would seem to be the computerising of the material, so allowing for the sorting and analysing of the evidence in a greater variety of ways. However, the method of dealing with such a formidable array of documents which has been employed in this thesis will, it is hoped, still be of use to those working on specific areas of the town. Plainly, it should be of particular value to any future archaeological work on the city. At Winchester, Dr. Derek Keene's work was promoted by the archaeologists; and the results of his documentary

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1 The bishop was appointing bailiffs well into the 17th. century: see V.C.H. Durham III, p.58.

research served to confirm and to expand the findings of their own discoveries.<sup>1</sup> It is to be hoped that, given a greater allocation of resources and better opportunities, similar work can proceed in Durham, and that the street guide to medieval Durham appended to this thesis will be a useful research tool in the future.

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(ii) Miscellaneous Charters (Misc. Ch.)

(iii) Locelli (Loc.)

Of especial value to this study are:

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and the prior's court.

Locellus XXXVII: miscellaneous property deeds  
relating to Durham.

(iv) Account rolls of Durham obedientiaries, including

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Bursar (Burs.)  
Commoner (Comm.)  
Feretral (Fer.)  
Hostillar (Host.)  
Master of the Infirmary (Infirmary.)  
Sacrist (Sac.)

(v) Special Collections:

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FRAMWELGATE: EAST SIDE DESCENDING FROM  
CORNER OF SIDEGATE TOWARDS THE SOUTH  
END OF THE STREET

20. Priory (Sacrist)

1500 Robert Androsen holds 1 ten. lying between ten. of Sacrist on s. side and ten. of Robert Lewyn on n. side. He owes rent of 8s. p. a. to Sacrist, but this rent used to be 10s. p. a. He also owes rent of landmale to bishop of  $1\frac{1}{2}$ d. p. a. and of medowmale of 1d. Sac. Rental

1542 Richard Stevenson, senior, holds 1 burg. and owes rent of 8s. p. a. to Sacrist. Rec. Book II

21. Priory (Sacrist)

1500 Richard Glover holds 1 ten. lying between ten. of chantry of St. Mary in St. Nicholas' church on s. side and ten. of Sacrist on n. side. He owes rent of 8s. p. a. to Sacrist but this rent used to be 10s. p. a. He also owes bishop  $1\frac{1}{2}$ d. for landmale and 7d. for medowmale p. a.

Sac. Rental

1542 Richard Bradshaw holds 1 burg. and owes rent of 8s. p. a. to Sacrist. Rec. Book II

22. Chantry of St. Mary, St. Nicholas' Church

23. LEWYN

24. Priory (Sacrist)

1500 Robert Ferrour now holds 1 ten. lying between ten. of John Rakett on s. side and ten. of Robert Lewyn on n. side. He owes rent of 14s. p. a. to Sacrist, but this rent used to be 15s. p. a. He also owes  $1\frac{1}{2}$ d. p. a. to bishop for landmale and 7d. p. a. to bishop for medowmale. Sac. Rental

1542 Thomas Rawlinge holds 1 burg. and he owes rent of 13s. 4d. p. a. to Sacrist. Rec. Book II

25. RAKETT

26. LEWYN

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