

## CHAPTER VIII.

*Soldiers—Military Sports—The Earl of Derby left in Pawn in France—Rectors—  
John de Winwick—Litigation of De Winwick—Chaddesden, Rector pro tem.—  
Dawn of the Reformation—Trade and Prosperity of the Borough—Latin and  
English of New Charter.*

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**M**OST men who have distinguished themselves have had to fight the battle of life, often against dreadful odds, and so, too, countries that have been raised to the highest eminence of civilisation and peaceful prosperity have had to wade through blood to their national luxuries. It has been so with Britain. At this period of our history the English sword, either at home or abroad, and sometimes both, was generally unsheathed and in active use, and, consequently, there was little commercial advancement, for war and commerce are not a simultaneously progressive pair. A youth at the critical period of life when character begins to form, when he seems to be passing from boyhood to manhood, is amazed at the daily discovery of his own physical strength which he delights to display. Before this period any taste displayed in his dress, or address, has not been his own, but the result of parental training or example; but then he assumes to have a taste of his own, and devotes as much time to the adornment of his muscular limbs as the coquette does to her bewitching face. His physical ability is the pride of his soul, and his mind is specially fixed on athletic sports, for the young man justly rejoices in his strength. At a similar stage of national existence had our country now arrived. Englishmen had just discovered their national strength, were proud of their prowess, and lost no opportunity of displaying their valour. The advancement of civilisation and mental culture were represented only by the advanced few, and the nation, as a whole, thought of valour, honour, and pageantry. These were to be reaped on the battle-field alone, and the humblest soldier might, if opportunity presented itself, distinguish himself as much as his general, for whole armies were not then guided like units or machines, as in the present day. In a military career alone could distinction be attained, and, as men have some ambition, so all men looked to war for glory. The national feeling ran in a military groove, not for the love of war

but of glory, the illusionary fruit of war. The games of the children in every borough and hamlet were of a competitive and bellicose nature. Every playground was a battle-field, where each brave battle was again and again lost and won. Men in the prime of life rejoiced in war. Old men who had seen active service and had tales to tell were heroes and warriors whom youth delighted to honour.

Every man was a soldier. Fighting, moreover, was better paid for than labour, because there was a greater demand for fighting material, and the spoils of war were the perquisites of the soldiers. The Earl of Derby himself got eight shillings a day; every knight two shillings a day; every esquire a shilling; every bowman on horseback sixpence, and every ordinary bowman on foot fourpence. But the excitements of war were greater than these penurious payments, for then the fortunes of battle depended on the prowess of individual men, and there is no greater glory for half-civilised men than in displaying their valour and personal courage in feats of strength and war. Enemies were attacked in the field, towns besieged and counties invaded, so frequently and persistently, that a large portion of most Englishmen's lives was spent in military service.

The quiet intervals at sieges were filled up by barbarous sports, when the knights "played" for the chiefs at the game of Death. A liking for sports always has been, and will be an English characteristic. On one occasion, during a siege, Lord Derby begged the "Flower of Chivalry" (Sir William Douglas, the Knight of Liddesdale,) to run three courses, or have three jousts, with him, when the latter was wounded by a splinter from his own lance, and was unable to carry on the interesting contest. On another occasion such an entertainment lasted for three days, with twenty on either side, when three of the knights who catered for this amusement were killed—two of them being Lancashire men—and several others severely wounded (1341).

Kings, in olden times, were terrestrial gods, and subjects their willing slaves or guardian angels. The king of England had raised money by every legal and illegal method his advisers could devise, pawned his crowns in France, and yet he was in debt to the extent of a quarter of a million sterling. What a moral downfall and humiliation it is for even a poor labourer to have to resort to the pawnshop with his household goods for means to obtain a scanty subsistence. In by the back-door he stealthily slinks, whilst oppressed by the conscious feeling that he is no worthy member of society. A man who is neither able nor willing to pay his just debts resorts to the most humiliating schemes of evasion. It is then he makes himself familiar with the lanes and byeways of the town, for the very appearance of an honest tradesman raises feelings of self-condemnation within him. The English king was hunted by his creditors, who kept a strict watch on him, and would not let him

out of their sight without great security. The more deeply he was involved the more reckless he became. Every courtier was impoverished by his borrowing. The Earl of Derby was his most faithful follower, and consequently was the greatest sufferer. The Earl, however, was accustomed to this sort of degradation, for he had once before been left in France as security for his sovereign's debts. Never, however, was the king so deeply involved as now, being literally a prisoner in France, with his creditors for gaolers. It so happened that his presence in England had become an absolute necessity, but to pay his debts was an impossibility, and so in 1340 he ignobly absconded from his French creditors with his Queen, and left the Earl of Derby in pawn for his obligations.—(Lives of the Derbys).

The castle of a baron was a fortification and the nucleus of a town. The Earl of Derby was one of the most powerful, and, consequently, one of the most popular of the local barons. Within the walls of his castle many houses were built for the accommodation of his numerous retainers. At this period, too, the neighbouring town, Ormskirk, though not so old as Wigan, had yet a larger population. These were the sources whence the Earl easily mustered his forces when the exigencies of the time demanded.

In 1345, the year before Crecy, a proclamation was issued by the Sheriff of Lancashire, at the King's command, saying that the Earl of Derby was again to set out for France, and that those who wished to join him should at once do so. Many from Wigan and the neighbourhood joined him, as well as those who were legally bound to follow him. He arrived in France with 300 knights, 600 men-at-arms, and 2,000 bowmen, and soon attacked and took Bergerac, against great odds. The Lancashire forces always distinguished themselves, and were largely represented throughout the whole of the hundred years' war.

Men of great influence and importance in their own opinion, and often even in the opinion of their contemporaries, are frequently forgotten in the annals of local history, in which they have been prominent individuals. Many men in Wigan, whose wealth or rank has apparently made them indispensable inhabitants of the borough, have been altogether unknown to a second generation, and almost forgotten by their own. No sooner has the body been buried and the wealth transferred than affection divorces itself from the very memory. Would-be M.P.'s have expended fortunes in purchasing the good-will of the voters; townsmen have spent their lives in the service of the town, striving to advance or adorn it; rectors have preached to the ungodly, wrestled with unbelievers, condoled with the bereaved, and consoled the dying; municipal bodies have improved the borough, advanced its interests, and added to the comforts of the inhabitants; energetic and speculative tradesmen have provided a means of subsistence for numerous families; philanthropists have relieved the

temporary necessities of the poor, and doctors ameliorated the sufferings of the diseased, and yet the very names of many of these benefactors are forgotten, or their names and deeds are merely recorded on scraps of parchment and duly buried in the borough-bin of antiquities. For a whole century the names of the rectors are unknown. Not a mayor's name is recorded until the end of the sixteenth century. Of many rectors the names alone are known. In the few documents preserved so little is recorded that many of them might have been men who merely existed in Wigan, and yet they must have had considerable power, and each must have done something worthy of record either by way of example or warning. Robert de Langeton, the Rector, presented John de Craneno to the Parish Church in 1344, who, having been rector for about six years, was succeeded by John de Winwick, on the presentation of the king (Ed. III.) Of Craneno I have been able to find nothing of importance, but of his successor not a little is known.

In the long reign of Edward III. three dreadful pestilences visited England, and especially in the first (1349) Wigan suffered dreadfully. The inhabitants, in common with other towns, seemed to care nothing for cleanliness. Offal and dirt not only lay in heaps before every door, but the houses themselves displayed the bad taste and filthy habits of the residents. The offal from the shambles was carelessly thrown to dogs in the road or carried through the streets and pitched into the Douglas. Filthiness everywhere seemed to invite the germs of the dreadful epidemic, then raging over Europe, to linger in the town. The harvest of the previous year had been destroyed by dreadful torrents of rain, and the poor, already famine-stricken, were unable to battle against the seeds even of ordinary disease. When the European plague did come, like an insatiable monster, it mowed down whole families of rich and poor, and people became so destitute of human feeling, sympathy, and virtuous bravery, and so alarmed at the dreadful ravages of grim death, that they would neither venture near nor help the plague-stricken, even when they were those who had formerly been their nearest and dearest friends. Parents fled from the houses in which their stricken children lay, friends hurried to the country, and hid in the neighbouring woods from friends who writhed in the short but dreadful agonies of death. Almost every household suffered, and it seemed to many that the time had come when all men must die, and thus many, believing their lifetime to be short, determined to make it a recklessly happy one, and so, without any appearance or pretension of morality, they lived like insatiable wild beasts that neither knew nor feared a hereafter. The dead lay rotting in the streets and in houses, while drunken men prowled about, plundering, cursing, and doing all manner of evil.

When mischief comes, and damage is done, people are more anxious to find a

scapegoat than to discover the cause and apply the stringent remedy. That scapegoat is almost invariably the wrong person. Unprincipled people in power have neither difficulty nor scruple in laying the blame of wrong on the shoulders of subordinates. So it was in superstitious times when calamities visited individuals or nations. When the black death ravaged England people believed it to be the direct visitation of Providence for people's extravagance in dress, and especially for the wearing of long-toed shoes. Enthusiasts managed to persuade the legislators that the divine vengeance was because of the cloth of gold, furs of sables, velvet, ermine, and shoes with long pikes, and an Act was passed accordingly regulating the apparel of peer and peasant. There was no thought of sanitary reform, nor attempt at personal, burghal, or national cleanliness. The people had been overpowered, doctors were helpless, the population succumbed as to an inevitable fate, while the religious part of them devoted themselves to superstitious prayers of faith without works, forgetful that God only helps those who help themselves.

The demands for labourers after the pestilence were so great that, feeling somewhat independent, workmen refused to work, except on their own terms, and, consequently, stringent laws were made to enforce them to do requisite work at parliamentary rates, which, if they still refused to do, they were ordered to be put into the stocks, and for the enforcement of this law stocks were ordered to be made in every town where they did not already exist. Wigan was already provided, and, being one of the populous towns of Lancashire where labourers were plentiful, no doubt the stocks were frequently occupied.

The Rectory of Wigan was always a rich living, and yet in olden times it was generally one only of the many benefices held by the rector. Many of the Wigan rectors were the greatest pluralists of their age. John de Mansel was the greatest of his time, and now John de Wynwick, and even his *locum tenens*, Henry de Chaddesdon, were notorious pluralists. De Wynwick was actively devoted to the king's service, and honours and wealth were literally heaped upon him. He was Chaplain to Edward III., Warden of the Chapel of Clitheroe Castle, Rector of Wigan, and Treasurer of Yorkminster (Raine's MS., *Fasti Eborac.*); and also held stalls at Lichfield, Salisbury, Wells, and Chichester, and was Prebendary of the Prebend of All Saints' in Hungate, in the Cathedral of Lincoln. On November 27th, 1342, he is mentioned as Deputy-constable of the Tower of London (*Foedera*, vol. II., p. 1215). Glorious, but barren victories had been gained in France, and favourites of the warlike king were allowed to follow him to the field, although they could not wield the sword. On June 20th, 1345, John de Wynwick was privileged to follow the king there. This was just one year before the celebrated victory of Crecy, at which he may have been present, for even one whole year was not considered

much by him to leave his many flocks and ecclesiastical livings without a shepherd and a master.

In March of the year following the national calamity (1349) De Wynwick was nominated by the king, as patron of Wigan, to be instituted as rector there by the Bishop of Lichfield; but the right of the Crown to the advowson was disputed, and Sir Robert de Langeton claimed to be the patron of the parish by right of his marriage with the heiress of the Banestres, Barons of Newton, who had undoubtedly been the patrons of Wigan. The case of the King *v.* de Langeton was a whole year before the Courts, and De Langeton failed to establish his claim; the verdict in favour of the Crown was recorded, and the bishop was again requested to institute the king's "beloved clerk, John de Wynwick," to the benefice; still the bishop refused, but he was finally instituted by letters patent, dated Windsor, 26th April, 24th Edward III. This was reversed in 1356, and Langeton's claim confirmed; but de Wynwick held the living all the same until his death on the 10th July, 1359. During the litigation he never sought to derive any benefit from the living, but held it in his power (until a settlement was arrived at) by appointing as his *locum tenens* Henry de Chaddesdon, Canon of Lichfield, a zealous, active, and devoted loyal subject, with livings all over the country.

The new rector was a more useful politician than zealous priest, and was more frequently engaged in the duties of ambassador for his country than those of the cure of souls. The service of the king came before the duties of his Church. The Scotch, at the instigation of the French, had made several futile efforts to throw off the English yoke, and to take vengeance for the past; but at Neville's Cross their king was taken prisoner in 1346, and kept in the Tower of London for eleven years. Negotiations were entered into to bring about peace between the two countries, and de Wynwick was one of the commissioners appointed to meet the Scots for that purpose at Newcastle-on-Tyne, and that two months before he was canonically instituted Rector of Wigan. He seems to have spent the remaining eight years of his life in Wigan. In July, 1352, the Dean and Chapter of York sent him to the king to announce the death of Archbishop Zouché, and to obtain his licence to enable them to elect the archbishop's successor, and in the last year of his life he is mentioned as Keeper of the King's Privy Seal (*Foedera*, vol. III., 452, and *Raine's MS.*, *Fasti Eborac.*) He founded and endowed a chantry out of his great wealth in the Church of Huyton, ordering that his soul should be prayed for once a year for ever.

The three hundred years' war was waging in France. There the bravest Englishmen were distinguishing themselves and winning renown for their country, every town of which was being drained of funds to keep the battle going. The first dawn of

the Reformation was visible and people were longing for civil, political, and religious freedom. Men had come to the conclusion that, as slaves of their fellows, they were not fulfilling their mission on earth. They were willing to make any bargain with their king for liberty, and they were equally ready to take advantage of the slightest embarrassment to purchase their freedom by assisting him with funds. They wanted greater liberties to buy and sell, and protection against outside competitions and disastrous monopolies. They had submitted to illegal taxes till they could bear no longer, and murmurs of ill-omened discontent were heard in every town. They were proud of their national victories, and yet unanimously raised a cry for some reward in return for their devoted shedding of blood.

The charter of 1349 (Edward III.) gave very much extended powers and liberties to the parson and people. In this new charter the rector is for the first time styled the "lord of the borough." In it special mention is made of the delinquencies of the parson and people, and of the forfeiture of the charter now confirmed to De Wynwick as a special mark of royal affection, and for his faithful and laborious obsequiousness. Royalty is willing to let bygones be bygones, and to forget and forgive all past offences; forgiveness being commemorated in these words:—

"We have granted for us and our heirs that, although the same John or his predecessors, parsons of the said Church and Lords of the Borough, or the aforesaid burgesses, or their antecessors or predecessors, hitherto have not used the liberties and quittances in the said Charter contained, or any of them, or the same Borough; and the liberties aforesaid, or any of them, may have been as it were forfeited, or also become of abuse or of non-claim of those liberties, or otherwise howsoever, may have been taken into the hands of us or any of our progenitors before the Justices last itinerant in the County of Lancaster or other Justices whomsoever of us or our progenitors in whatsoever time past; nevertheless, the same John and his successors, parsons of the said Church and Lords of the Borough aforesaid, may have that Borough, with all the liberties to a free Borough belonging, and also all and singular liberties and quittances in the said Charter contained and specified for themselves and their Burgesses of that Borough for ever, and for the future may fully enjoy and use them."

From that charter we learn that Wigan had become a very important market-town. These markets were not merely for the accommodation of country people in order that they might supply themselves with provisions. During them even merchants of the town had to shut their places of business and buy and sell in the booths of the market. All sales and purchases had to be effected within a limited time, else both buyers and sellers were subject to a fine, and sometimes to the confiscation of their commodities. Travelling merchants with caravans, after the Oriental fashion, went from market to market supplying the local merchants with the requisite merchandise and buying up the provincial produce for selling in other towns. Thus were goods brought wholesale to Wigan, purchased by the local dealers, and retailed to their customers. The travelling merchants, or foreigners, as they were called, seemed

to the inhabitant burgesses, who never dreamt of the true laws of political economy, to have by far the best of the bargain, for, although supplying them with what they wanted, they were grieved to find them carry the money out of the town, apparently to the loss both of themselves and their lord of the manor. The Merchant Guild took the matter into consideration, and imposed duties of protection which were afterwards levied by the rector. This Merchant Guild, which was really the original Corporation of the town, regulated mercantile transactions, and to them this power, already assumed by them, was legally granted by the charter. But there was a greater privilege in the charter than this. These Wigan burghers already discovered that, if they did not look after their business, their business would not look after them. Like honest, hard-working men, who were anxious to prosper, they grumbled at being called away, often at their busiest times, to consider or judge the conduct of a scoundrel, and much more did they grumble when cantankerous people by some petty complaint summoned them to court. It was a grievous, vexatious, and expensive thing when this happened in Wigan; but it was much more so when several days were thus wastefully spent in Lancaster, and that either to judge or be judged by strangers. This new charter freed the Wigan burgesses from such burdens and harassing cares. They were neither to be tried at Lancaster nor summoned there as jurors, and this, of course, necessitated more active legislation in Wigan. They were to judge, fine, condemn, and rule themselves, except where more than local law was offended. The merchants, weavers, fullers, dyers, horners, and tanners of the town, with the rector at their head, were to be their own rulers. Their previous loyalty and prosperity were acknowledged, and extended confidence and power given them. Power was given to settle their own quarrels; to arrange mercantile differences; to fix and impose fines on offenders, and to enforce the keeping of covenants and contracts. Of course, the rector was still lord of the town, but the burgesses had their charters defining accurately his powers and their liberties, which latter became more extensive in every charter, either for services done to the nation, or by purchase from the rector, who yet received Frankpledge from all his tenants and punished offenders in his own gaol, and detained those felons who had been committed by the burgesses to take their trial at the Lancaster assize. By this charter of 1349 a borough seal was ordained to be used in confirmation of acts done by the Corporation. It consisted of two pieces, the greater part of which was to remain in the custody of the mayor, or keeper of the borough, and the lesser piece in the safe keeping of a clerk appointed by the Crown.



## 24to. EDWARDI III.

“Edwardus Dei gratia Rex Angliæ et Franciæ et Dominus Hiberniæ Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus Præpositis Ministris et omnibus Ballivis et Fidelibus suis Salutem: Inspeximus Cartam Confirmationis Domini Edwardi nuper Regis Angliæ patris nostri in hæc Verba Edwardus Dei gratia Rex Angliæ Dominus Hiberniæ et Dux Aquitaniæ Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus Præpositis Ministris et omnibus Ballivis et Fidelibus suis Salutem: Inspeximus Cartam quam celebris memoriæ Dominus Henricus quondam Rex Angliæ Avus noster fecit Johanni Mansel dudum Parsonæ Ecclesiæ de Wygan in hæc Verba:—Henricus Dei gratia Rex Angliæ Dominus Hiberniæ Dux Normanniæ Aquitaniæ et Comes d’Andes Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus Præpositis Ministris et omnibus Ballivis et Fidelibus suis Salutem: Scitis nos concessisse et hæc Carta nostra confirmasse et nobis et Hæredibus nostris dilecto et fideli nostro Johanni Mansel Parsonæ Ecclesiæ de Wygan quod Villa sua de Wygayn Burgus sit imperpetuum et quod Burgenses ejusdem Burgi habeant Gildam Mercatoriam cum Hansa et aliis libertatibus et liberis consuetudinibus ad Gildam illam pertinentibus Et quod nullus qui non sit de Gilda illa Mercandisam aliquam in prædicto Burgo faciat nisi de voluntate eorundem Burgensium Concessimus etiam eisdem Burgensibus et eorum Hæredibus quod habeant Soke et Sak et Thol, et Theam, et Attachiammentum infra Burgum prædictum es Infangenthef et Utfangenthef, et quod quieti sint per totam Terram nostram et per omnes portus Marit de Thelonio Lestagio Passagio Pontagio et Stallagio Et quod nullam Secutionem Comitatum seu Wapentachiorum faciant de Tenuris suis quas tenent infra Burgum prædictum—Concessimus etiam eisdem Burgensibus et eorum Hæredibus quod quicumque Mercatores petierint Burgum prædictum cum Mercandis suis de quocunque loco fuerint sive extranei sive alii qui de pace nostra fuerint vel de Licentia nostra in terram nostram venerint salvo et secure ad prædictum Burgum veniant cum Mercandis suis et salvo ibidem morentur et salvo inde recedant faciendo inde rectas et debitas Consuetudines Prohibemus etiam ne quis prædictis Burgensibus injuriam vel dampnum seu molestiam faciat super forisfacturam nostram decem Librarum.—QUARE volumus et firmiter præcipimus pro nobis et Hæredibus nostris quod prædicta Villa de Wygayn liber Burgus sit imperpetuum et quod prædicti Burgenses habeant prædictam Gildam mercatoriam cum Hansa et cum aliis Libertatibus et liberis Consuetudinibus ad Gildam illam pertinentibus et quod habeant omnes alias libertates et liberas Consuetudines et Quietantias sicut prædictum est:—Hujus Testibus *Ricardo Comite Cornubiæ fratre nostro*, Rogero de Pygot Comite Norfolcensi, Petro de Saband, Willhelmo de Ferrariis, Radulpho Fit Nichol, Willhelmo de Cantilupo, Johanne de Plesset, Paulino Peyner, Roberto de Mustengroes, Bartholomæo Peche et aliis. Datum per Manum nostram apud Wodestok vicesimo sexto die Augusti Anno Regni nostri Septimo.—Nos autem Concessionem et Confirmationem prædictas et ratas habentes et gratas eas pro nobis et Hæredibus nostris quantum in nobis est dilecto Clerico nostro Johanni de Winewyk nunc Parsonæ Ecclesiæ prædictæ et Domino Burgi prædicti et Successoribus suis Parsonis ejusdem Ecclesiæ et Dominis Burgi illius pro se et Burgensibus suis ejusdem Burgi concedimus et confirmamus sicut Carta prædicta rationabiliter testatur—Præterea ob Affectionem specialem quam ad præfatum Johannem præteriti fidelis et laboriosi Obsequii per ipsum a longo tempore nobis impensaverimus et habemus volentes ei uberiorem Gratiam facere in hac Parte concessimus pro nobis et Hæredibus nostris quod licet idem Johannes vel Prædecessores sui Parsonæ dictæ Ecclesiæ et Domini Burgi illius aut præfati Burgenses seu eorum Antecessores vel Prædecessores Libertatibus et Quietantiis in dicta Carta contentis seu earum aliquas hactenus usi non fuerint seu idem Burgus et Libertates prædictæ vel earum aliquas coram Justiciariis ultimo itinerantibus in Comitatu Lancastriæ seu aliis Justiciariis nostris vel Progenitorum nostrorum quibuscumque quocunque tempore præterito in Manus

nostras aut alicujus Progenitorum nostrorum prehendantur tanquam forisfacti seu etiam propter Abusum vel Nonclamium Libertatum illarum aut alio quovis modo capti fuissent, idem tamen Johannes et Successores sui Parsonæ dictæ Ecclesiæ et Domini Burgi prædicti Burgum illum cum omnibus Libertatibus ad liberum Burgum spectantibus necnon omnes et singulas Libertates et Quietancias in dicta Carta contentas et specificatas pro se et eorum Burgensibus Burgi illius imperpetuum habeant easque de cætero plene gaudeant et utantur Et etiam imperpetuum habeant omnes alias Libertates et liberas Consuetudines quas idem Johannes aut Prædecessores sui pro se et Burgensibus suis prædictis retroactis temporibus in Burgo prædicto et alibi usi sunt rationabiliter et gavasi sine Occasione vel Impedimento nostri vel Hæredum nostrorum Justiciariorum Executorum Vicecomitum Ballivorum seu Ministrorum nostrorum aut aliorum quorumcunque concessimus etiam pro nobis et Hæredibus nostris et hac Carta nostra confirmavimus præfato Johanni quod ipse et Successores sui Parsonæ Ecclesiæ illius et Domini Burgi prædicti imperpetuum habeant Visum Franci Plegii de omnibus hominibus et Tenentibus suis in dicto Burgo et libertatibus ejusdem ac aliis ibidem residentibus cum omnibus ad hujusmodi Visum spectantibus sive pertinentibus et quod iidem homines tenentes et residentes quieti sint imperpetuum de Turnis Vicecomitum et quod ad eandem Turnam de cætero venire non teneantur nec ad hoc aliqua litera compellantur et quod idem Johannes et Successores sui prædicti habeant imperpetuum Cogniciones omnium placitorum per Ballivos suos ibidem tam, videlicet, de Terris Tenementis et Redditibus infra dictum Burgum et libertatem ejusdem existentibus quam de Transgressionibus Convencionibus Contractibus et Querelis infra eodem Burgum et Libertatem emergentibus sive factis ac etiam placitorum Assisarum de Tenuris infra dictum Burgum et Libertatem ejusdem quæ coram nobis et Hæredibus nostris ac Justiciariis nostris et Hæredum nostrorum ad Assisas in Comitatu Lancastriæ capiendum assignatis arrannari contingant Necnon Placitorum de Vetito Namio et aliorum Placitorum ibidem emergentium quorumcunque Et quod Justiciarii et alii quicumque coram quibus hujusmodi placita fuerint seu hujusmodi assisas arrannari contigerit, cum cogniciones eorundem placitorum et assisarum ex parte præfati Johannis vel successorum suorum prædictorum petitis fuerint hoc eis sine difficultate allocent et brevia originalia ac processus, si qui inde habiti fuerint, eis vel ballivis suis prædictis faciant liberari Et quod nullus burgensis dicti burgi prædicti vel alius residens in eodem placitetur vel implacitetur coram nobis vel hæredibus nostris aut aliquibus justiciariis vicecomitibus seu ministris nostris vel hæredum nostrorum extra burgum prædictum de terris et tenementis que sunt in burgo illo nec de transgressionibus conventionibus contractibus seu querelis in eodem burgo emergentibus seu de aliquibus ibidem ortum habentibus set omnia hujusmodi placita et querele que coram nobis vel hæredibus nostris aut justiciariis nostris de banco vel aliis justiciariis seu ministris nostris quibuscunque seu etiam in comitatu vel alibi summoneri contigit vel attachiari extra dictum burgum vel infra placitanda coram ballivis parsonæ dictæ ecclesiæ qui pro tempore fuerint et non aliis infra eundem burgum placitentur et summonentur Et quod idem ballivi fines et amerciamenta ibidem coram eisdem facta et adjudicata ad opus prædicti Johannis et successorum suorum prædictorum levare Necnon de omnibus coram eis recuperatis sive recognitis et de dampnis coram eis adjudicatis executiones facere possint infra prædictum burgum et libertatem ejusdem absque occasione vel impedimento cujuscunque et quod burgenses burgi illius de placitis infra prædictum burgum emergentibus seu etiam de aliquibus ibidem factis aut perpetratis non convincantur per forinsecos set solummodo per comburgenses nisi placita illa tangant nos vel hæredes nostros seu parsonam ecclesiæ prædictæ aut communitatem burgi prædicti:—Præterea, ad maliciam quorumcunque malefactorum infra dictum burgum seu libertatem ejusdem delinquentium melius et celerius coerendum, concessimus pro nobis et hæredibus nostris et hac carta nostra confirmavimus præfato Johanni et successoribus suis parsonis ecclesiæ prædictæ quod de omnibus excessibus oppressionibus extorsionibus conspirationibus confederationibus gravaminibus quibuscunque infra eodem burgum et libertatem perpetratis et emergentibus ipse et successores sui prædicti per seneschallos seu ballivos suos et alios per ipse ad hoc deputandos habeant potestatem inquirendi (quoties opus fuerit) et ad eadem tam ad sectam partis quam aliis ex

officio audiendum et terminandum et executiones in de faciendum secundum legem et consuetudinem Regni nostri Et per forinsecos de hujusmodi malefactis infra dictos burgum seu libertatem perpetratis deinceps contigerit aliquos in hujusmodi casibus impetiri seu indicari per presentationes indicamenta aut inquisitiones coram vicecomitibus justiciariis aut aliis ministris nostris vel heredum nostrorum quibuscunque statim postquam tales malefactores extra dictum burgum per ministros nostros vel heredum nostrorum hujusmodi capti fuerint absque difficultate aliquali deliverent hujusmodi presentationes indicamenta sive inquisitiones una cum malefactoribus sic captis ministris dicti Johannis et successoribus et successorum suorum quocumque dicti ministri nostri et heredum nostrorum per ballivos ejusdem Johannis et successorum suorum inde requisiti fuerint ad audiendas et terminandas in curia dicti Johannis et successorum suorum predictorum infra burgum predictum Ita quod vicecomites justiciarii aut alii ministri nostri vel heredum nostrorum de nulla re infra dictum burgum seu libertatem ejusdem emergente *preterquam* de felonis se intromittant sed quod dictus Johannes et successores sui personae ecclesiae predictae per ministros suos supradictos habeant cognitionem omnium et singulorum supra dictorum adeo plene sicut nos habere deberemus una cum exitibus forisfactis amerciamenti finibus et redemptionibus in hujusmodi casibus emergentibus imperpetuum *Volumus* insuper et *concedimus* pro nobis et heredibus nostris quod idem Johannes et successores sui personae ecclesiae predictae per ministros suos supradictos habeant potestatem inquirendi (quoties opus fuerit) de quibuscunque felonis infra burgum et libertatem predictas perpetratis et felones hujusmodi capiendi et arrestandi carcerique personae predictae ibidem mancipandi in eodem carcere moraturos usque ad primam deliveracionem gaole nostrae et heredum nostrorum Lancastriae ita quod tunc indictamenta super felones predictos sic facta una cum corporibus eorundem felonum mittantur coram justiciariis nostris et heredum nostrorum ad gaolam predictam deliverandum assignatis ut coram eis justitia inde fiat secundum legem et consuetudinem regni nostri et nihilominus ut praefati burgenses mercandis suis liberius et quietius intendere valeant concedimus pro nobis et heredibus nostris quod iidem burgenses et eorum haeredes et successores infra dictum burgum et libertatem ejusdem imperpetuum hanc habeant libertatem, videlicet, Quod ipsi vel eorum aliqui non ponantur in assisis juratis recognitionibus seu inquisitionibus aliquibus extra dictum burgum capiendis sive jurate et inquisitiones hujusmodi ad secutionem nostram vel heredum nostrorum sive aliorum aut alias ex officio fuerint capiendae—Et insuper cum ad dictum burgum tam mercatorum quam aliorum causa negociandi et alias frequens sit concursus *concessimus* pro nobis et heredibus nostris dicto Johanni quod ipse et successores sui personae ecclesiae predictae et domini burgi supradicti imperpetuum habeant in eodem burgo quoddam sigillum de duabus peciis prout moris est pro recognitionibus debitorum ibidem juxta formam statutorum pro mercatoribus editorum accipiendum et quod major pecia sigilli praedicti remaneat in custodia majoris vel custodis burgi praedicti qui pro tempore fuerit vel alicujus privati hominis de majoribus et discretioribus hominibus burgi illius ad hoc de assensu praefati Johannis vel successorum suorum praedictorum eligendi si major vel custos ibidem non fuerit *Et quod* minor pecia sigilli praedicti remaneat in custodia cujusdam clerici pro nos et haeredes nostros ibidem ad hoc secundum formam statutorum praedictorum deputandi *Et quod* isdem major sive custos aut alius qui custodiam majoris peciae sigilli praedicti habuerit et clericus de caetero recognitiones debitorum ibidem recipiant juxta formam statutorum *Et quod* \* . . . . . executioni rebus demandantibus † . . . . . de recognitionibus per alios majores sive custodes et clericos hujusmodi alibi infra regnum nostrum Angliae in hujusmodi casibus haecenus fieri consueverint—Hujus testibus venerabilibus Patribus J. Wygorn Episcopo Cancellario nostro, W. Wynton Episcopo Thesaurario nostro, Edwardo Principe Walliae Cornubiae et . . . . filio nostro charissimo, Henrico Lancastriae, Ricardo Arundel et Willhelmo Huntyndon Comitibus, Johanne de Gu . . . . Betherfai Senescallo Hospitii nostri et aliis—Data per manum nostram apud Westmonasterium quarto die Augusti anno regni nostri Angliae vicesimo quarto regni vero nostri Franciae undecimo."

\* (*Hic*) sex vel septem, et † (*Hic*) quinque vel sex, Verba ob Attritionem pergamense, legere non est.

## 24TH EDWARD III.

"Edward, by the grace of God, King of England and France and Lord of Ireland. To all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, chief ministers and bailiffs, and his faithful subjects greeting: We have inspected the charter of confirmation of the Lord Edward, late King of England, our grandfather, in these words: Edward by the grace of God, King of England, Lord of Ireland, and Duke of Aquitain. To all archbishops, bishops, abbots, priors, counts, barons, justices, sheriffs, chief ministers and bailiffs, and his faithful subjects greeting. We have inspected the charter which the Lord Henry, of renowned memory, formerly King of England, our grandfather, made to John Mansel, late parson of the church of Wigan, in these words: Henry by the grace of God, King of England, Lord of Ireland, Duke of Normandy, Aquitain, and Count of Angers. To all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, chief ministers and bailiffs, and faithful subjects greeting. Know ye that we have granted and by this our charter confirmed for us and our heirs to our beloved and faithful John Mansel, parson of the Church of Wigan, that his Vill of Wigan may be a borough for ever, and that the burgesses of the same borough may have a Guild Merchant, with a treasury and other liberties and free customs to that Guild belonging, and that no one who is not of that Guild may make any merchandise in the aforesaid borough, unless of the will of the same burgesses. We have also granted to the same burgesses and their heirs that they may have soke and sak and thol and theam and attachment within the said borough and infangenthef and utfangenthef, and that they may be free throughout our whole land and through all the ports of the sea from toll, custom, passage, pontage, and stallage, and that they may make no suit of the Counties or Wapentakes concerning their tenures which they hold within the borough aforesaid. We have also granted to the same burgesses and their heirs, that whatsoever traders shall come to the borough aforesaid with their merchandises, of whatsoever place they shall be, foreigners or others, who shall be of our peace or of our leave shall come into our land, may come safely and securely to the aforesaid borough with their merchandises and safely there may stay and safely from thence may return by doing there the right and due customs; we do also prohibit that no one may do injury or damage or molestation unto the aforesaid burgesses upon our forfeiture of £10. Wherefore we do will and firmly command for us and our heirs that the aforesaid Vill of Wigan be a borough for ever, and that the aforesaid burgesses may have the aforesaid Guild Merchant, with the Hanaper and with the other liberties and free customs to that Guild belonging, and that they may have all other liberties and free customs and quittances as is aforesaid. Witnesses hereto, Richard Earl of Cornwall, our brother, Roger le Pygot Earl of Norfolk, Peter de Saband, William de Ferrers, Ralph Fit Nichol, William de Cantilup, John de Plesset, Paul Peyner, Robert de Mustengros, Bartholemy Peche, and others. Given by our hand at Woodstock the 26th day of August, in the 30th year of our reign. And we holding the grants, confirmation, and prohibition aforesaid ratified and in good part do grant and confirm for us and our heirs as much as in us is unto our beloved clerk, Robert de Clyderhou, now the parson of the church aforesaid, and his successors, parsons of the same church, and the burgesses of the borough aforesaid, like as the charter aforesaid reasonably testifies; and as the aforesaid Robert and his predecessors, parsons of the church aforesaid, and the burgessors aforesaid and their ancestors, have hitherto reasonably used and enjoyed the liberties aforesaid, from the time of making the charter aforesaid. Witnesses, Gilbert de Clare Earl of Gloucester and Hereford, Humphrey de Bohun Earl of Hereford and Essex, Adamaro de Valentia Earl of Pembroke, Hugh le Despencer, Edmund de Malo Lacu, steward of our household, and others. Given by our hand at the New Monastery, the 7th day of June, in the 7th year of our reign; and we, holding the grants and confirmations aforesaid ratified and agreeable, do grant and confirm them for us and our heirs, as much as in us is, to our beloved clerk, John de Wynewyk, now the parson of the church aforesaid and lord of the borough aforesaid, and his successors, parsons of the same church and lords of the borough, for themselves and their burgesses of the same borough, like as the charter aforesaid reasonably testifies.

Moreover, because of the special affection which we bear and have for the aforesaid John, by reason of his faithful and laborious obsequiousness, by him for a long time bestowed upon us, we being willing to do him the more abundant grace in this behalf, have granted for us and our heirs that, although the same John or his predecessors, parsons of the said church and lords of the borough, or the aforesaid burgesses or their antecessors or predecessors, hitherto have not used the liberties and quittances in the said charter contained or any of them or the same borough and the liberties aforesaid or any of them may have been as it were forfeited, or also become of abuse, or of nonclaim of those liberties or otherwise howsoever, may have been taken into the hands of us or any of our progenitors before the justices last itinerant in the county of Lancaster or other justices whomsoever of us or our progenitors in whatsoever time past; nevertheless the same John and his successors, parsons of the said church and lords of the borough aforesaid, may have that borough with all the liberties to a free borough belonging, and also all and singular liberties and quittances in the said charter contained and specified for themselves and their burgesses of that borough for ever, and for the future may fully enjoy and use them. And also for ever may have all other liberties and free customs which the same John or his predecessors aforesaid for themselves and their burgesses aforesaid have reasonably used and enjoyed in times past in the borough and elsewhere, without the let or hindrance of us or our heirs, our justices, executors, sheriffs, bailiffs or ministers, or others whomsoever. We have also granted for us and our heirs and by this our charter have confirmed to the aforesaid John that he and his successors, parsons of that church and lords of the borough aforesaid, for ever may have a view of Frankpledge of all their men and tenants in the said borough and the liberty thereof and others there resident, with all things belonging or pertaining to a view of this kind. And that the same men, tenants and residents, may be acquitted for ever from the sheriff-turns, and that they may not be held to come to the same turns for the future, nor may thereto in any wise be compelled. And that the said John and his successors aforesaid may have for ever cognisance of all pleas by their bailiffs there (that is to say), as well concerning lands, tenements, and rents existing within the said borough and the liberty thereof, as concerning transgressions, covenants, contracts, and complaints within the said borough and liberty arising or made; and also of pleas of assizes concerning tenures within the said borough and the liberty thereof which shall happen to be arraigned before us and our heirs and the justices of us and our heirs assigned to hold the assizes in the county of Lancaster. And also of pleas de vetito namio and other pleas whatsoever there arising, and that our justices and others whomsoever, before whom pleas of this sort shall be or it shall happen that assizes of this sort shall be arraigned, when the cognisances of those pleas and assizes shall be required on behalf of the aforesaid John or his successors aforesaid may place this to them without difficulty, and may cause the original writs and processses, if any therein shall have been had, to be delivered to them or their bailiffs aforesaid. And that no burgess of the said borough or other resident in the same may be pleaded or impleaded before us or our heirs or any justices, sheriffs, or ministers of us or our heirs out of the borough aforesaid, concerning lands and tenements which are in that borough, nor concerning transgressions, covenants, contracts, or complaints arising in the same borough, or concerning any things having rise there. But all pleas and complaints of this sort which shall happen to be summoned or attached out of or within the said borough to be pleaded before us or our heirs or our justices of the bench or other our justices or ministers whatsoever, and whether also in the county or elsewhere, may be pleaded and summoned within the said borough before the bailiffs of the parson of the said church who shall be for the time and no others. And that the same bailiffs may be able within the borough aforesaid and the liberty thereof to levy the fines and amerciaments made and adjudged there before them to the aforesaid John and his successors aforesaid; and also to make recoveries of all things recovered or recognisable before them, and of the damages before them adjudged without the let, right, or hindrance of any one whomsoever. And that the burgesses of that borough be not convicted by foreigners, but only by their fellow burgesses concerning pleas arising

within the aforesaid borough, or also concerning any things there done or perpetrated, unless those please touch us or our heirs or the parson of the said church or the community of the borough aforesaid. Moreover, for the better and more speedy restraining the maliciousness of whatsoever malefactors offending within the said borough or the liberty thereof, we have granted for us and our heirs, and by this our charter have confirmed to the aforesaid John and his successors, parsons of the church aforesaid, that he and his successors aforesaid, by their stewards or bailiffs and others by them to this to be deputed, may have power of inquiring as often as need shall be concerning all excesses, oppressions, extortions, conspiracies, confederacies, and other transgressions and grievances whatsoever within the same borough and liberty perpetrated and arising, by virtue of their office, and to hear and determine the same as well at the suit of the party as otherwise, and therein to make executions according to the law and customs of our kingdom. And moreover, after that it shall happen that any foreigners, in cases of this sort, be impeached or indicted by presentments, indictments, or inquisitions before the sheriffs, justices, or other ministers whomsoever of us or our heirs whomsoever concerning malefactions of this sort within the said borough or liberty perpetrated, that they may without any sort of difficulty, immediately after such malefactors of this sort shall have been taken out of the said borough by the ministers of us or our heirs, deliver the presentments, indictments, and inquisitions of this sort, together with the malefactors so taken, to the ministers of the said John and his successors and of their successors, whensoever the ministers of us and our heirs shall be thereunto required by the bailiffs of the same John and his successors, to be heard and determined in the court of the said John and his successors aforesaid within the borough aforesaid: so that the sheriffs, justices, or other ministers of us or our heirs may introduce themselves concerning nothing arising within the said borough or liberty thereof besides than concerning felonies. But that the said John and his successors, parsons of the church aforesaid, may have the cognisance of all and singular the abovesaid so fully as we ought to have together with the issuings, forfeitures, amerciaments, fines, and redemptions in cases of this sort arising for ever. Moreover, we do will and grant for us and our heirs that the same John and his successors, parsons of the church aforesaid, by their ministers aforesaid may have the power of inquiring as often as need shall be concerning whatsoever felonies within the borough and liberty aforesaid perpetrated, and of taking and arresting and of confining, in the prison of the parson aforesaid there, felons of this sort in the same prison, to remain until the first delivery of the gaol of us and our heirs at Lancaster; so that then the indictment so made upon the felons aforesaid, together with the bodies of the same felons, may be sent forth before the justices of us and our heirs assigned to deliver the gaol aforesaid, and that before them justice may be done therein according to the law and custom of our kingdom. And nevertheless, that the aforesaid burgesses may be able more freely and quietly to proceed in their merchandises, we have granted for us and our heirs that the same burgesses and their heirs and successors resident within the said borough and liberty may for ever have this liberty (to wit) that they or any of them may not be put in any assizes, juries, recognitions, or inquisitions whatsoever to be taken out of the said borough, whether the juries and inquisitions of this sort shall be to be taken at the suit of us or our heirs or others or otherwise ex officio. And, moreover, whereas, there has been a frequent concourse at the said borough as well of merchants or others for the sake of trading and otherwise, we have granted for us and our heirs to the said John, that he and his successors, parsons of the church aforesaid and lords of the borough aforesaid, may for ever within the said borough have a certain seal by us to be ordained of two pieces as is of custom to be used for recognisances of debts there according to the form of the statutes published for merchants, and that the greater part of the seal aforesaid may remain in the custody of the Mayor or keeper of the borough aforesaid who shall be for the time, or other private man of the greater and more discreet men of the said borough to this to be elected of the assent of the aforesaid John and his successors aforesaid, if there shall not be a mayor or keeper there, and that the lesser piece of the said seal may remain in the custody of a certain clerk to be deputed by us there to this according to the form of

the statutes aforesaid, and that the said Mayor or keeper or other person who shall have the custody of the greater piece of the seal aforesaid and clerk may for the future receive recognisances of debts there according to the form of the same statutes, and that\* . . . . . to execution, circumstances so requiring† . . . . . as heretofore in the like cases respecting recognisances have been usually done by other Mayors or the like Keepers and Clerks elsewhere within our kingdom of England:— Witnesses hereof, the Venerable Fathers J. Wygorn, Bishop, our Chancellor; W. Wynton, Bishop, our Treasurer; Ed . . . Prince of Wales, Duke of Cornwall, and Earl of . . . our most dear son; Henry of Lancaster, Richard Arundel, and William Huntyndon, Earls; John de G . . . steward of our household, and others. Given by our hand at Westminster, the 4th day of August, in the 24th year of our reign of England, and in the 11th of our reign of France.

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\* (Here) 6 or 7, and † (Here) 5 or 6, words (the parchment is so worn) are illegible.