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SUBJECT GUIDE 13 : THE FREEMEN OF DURHAM CITY

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This guide deals with records held at Durham County Record Office relating to the Freemen of Durham City.

Commerce in the medieval City of Durham was controlled by the trade “companies” or “guilds”, who were also involved in local government. Later, the freemen (members) of the guilds largely constituted the body of freemen of the City, who exclusively could vote in elections for Durham City Council (1602-1835) and in parliamentary elections (1678-1832).

Records of the guilds are chiefly held at Durham University Library (Archives and Special Collections) as they were initially deposited, by the Clerk to the Freemen's Trustees and the Chairman of the Wardens of the Durham City Freemen, prior to the establishment of the County Record Office. These include membership rolls for most of the sixteen guilds.

Records of the freemen are chiefly held at Durham County Record Office, as part of the records of Durham City Council (catalogue reference “Du”). Some of these records are concerned with the management of assets, some with the organisation of the guilds, while others record membership (as proof against electoral fraud), giving dates at which individual guild members were admitted to the body of freemen.

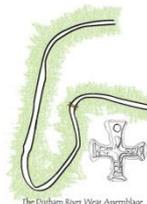
For further details of Electoral Registers and Land Tax records see *User Guide 6*.

Durham City's Freemen

Qualification for admission as a freeman of a trade company was generally achieved either by “patrimony” (birth) or by “servitude” (apprenticeship). Men aged 21 or over joined a guild either by being the son (originally the eldest son) of an existing member, or on completion of a 7 year (later 5 year) apprenticeship to a guild member working in the City. Freedom could also be bought in some cases, or granted as an honorary freedom: occasionally companies have also admitted “gentlemen freemen”, whose influence might be helpful to the guild.

As well as the right to vote in elections, freemen had:

- The right to put up a stall in the open market place on market day without payment.
- Rights of common on the moors bordering the north of the City and, latterly (1801-1940), a share of the income from property belonging to the freemen, i.e. Union Hall Farm on Brasside Common.
- Rights to use land by the river at the Sands and Framwellgate Waterside, including “herbage” (pasture) on The Sands and rents for use of the same.
- The right to hold meetings in the Guildhall.



Durham City Freemen History Group

A Brief History of the Freemen

[Drawn from Fordyce's *History of Durham* and the websites of Durham City Freemen, Durham University Library, Freemen of England and Wales, and Wikipedia]

1179/1180 Bishop Hugh of Le Puiset (Bishop Pudsey) granted the first charter to the City of Durham. The people of Durham are here described as burgesses and are freed from various duties and tolls due to the bishop (hence the name "free men"). The City is to be governed by a bailiff and, later, a "marshal of the markets" is appointed. (NB In the "County Palatine" of Durham, almost uniquely, the borough charter could be granted by the Prince Bishop rather than by the monarch.)

1300 The number of freemen was around 230.

In the 14th century formal trades associations developed, to regulate and control the trades in the City. The Guild of Skinners claims the earliest date of incorporation in 1327. By the late 15th century there were sixteen guilds in the City.

From at least the 15th century, and probably much earlier, the freemen of the guilds of Durham City would have been active in the election of the corporation of the borough. Those men accepted as freemen enjoyed civil privileges such as the right to trade and own property, and protection within the town.

1565 Bishop Pilkington granted the first charter of incorporation to the City giving self-governance and appointing an alderman and 12 assistants (the first borough corporation).

1602 Bishop Tobias Matthew granted a further charter of incorporation by which the burgesses and inhabitants were "constituted a Body Politic and Corporate", consisting of a mayor, 12 aldermen and 24 council members drawn from the guilds. From 1602 to 1835 the freemen of the City were the only electors and the only candidates for election to the City Council.

1654 and 1656 A Member of Parliament for the City was first elected during the Commonwealth period.

1673 An Act of Parliament empowered the City and County of Durham to elect representatives in the House of Commons: "two burgesses to represent the city and two knights for the county". The latter were elected by all landowners in the county while the former were elected only by the Freemen of the City. In the first election, in 1678, 1521 votes were cast. Until 1832 the freemen, many of whom were not resident within the boundaries, formed the exclusive franchise for the City's two seats, so greatly enhancing their status. The corporation had no jurisdiction over the creation of freemen, who were generally still created by connection with companies of trade, although the common council of the City did have a power to create honorary freemen.

1684 Bishop Crewe granted a new charter.

1728 A corporation byelaw attempted to curb the fraudulent creation of freemen (created prior to a general election in order to swing the vote) by stipulating that applications for admission to the freedom or "freelage" of the trade companies and the City could only be accepted if "called" and approved at three different quarterly assemblies of the mayor and aldermen of the City of Durham and Borough of Framwellgate, together with the wardens and stewards of the City guilds. This meeting was referred to, confusingly, as "the guild".

1762 At the Durham election the creation of honorary freemen became sufficiently controversial to force a change in the law. The election was disputed because 215 new freemen, most of them not resident in the City, had been made after the writ for the election was issued. The existing freemen petitioned against this dilution of their voting rights, the candidate who had been declared elected was unseated by the Commons committee which heard the case, and the following year an Act of Parliament was passed to prevent any honorary freeman from voting in a borough election within twelve months of their being accorded that status.

1780 Bishop John Egerton, after ten years of dispute with the Corporation, granted a new Charter.

1801 The inclosure of Brasside Moor included the creation of Trustees of the freemen to administer Union Hall Farm (a.k.a. Freemen's Farm). The trustees were appointed for the management of this land and the distribution of its rental income through the wardens of the City's guilds. (Union Hall Farm was purchased from the freemen by the War Office in February 1940.)

1832 Great Reform Act and 1835 Municipal Corporations Act. These two Acts together curtailed the power of the freemen by extending the electoral franchise, for general elections and local elections respectively, to "householders": those who had been living within 7 miles for at least 12 months and who owned property in the City with a rental value of £10 per year. The 1835 Act prohibits admissions by gift or purchase. Town

councilors were elected under the new Act in 1835 and, in 1836, the first modern mayor was elected by them.

At the time of the Reform Act there were between 1,100 and 1,200 freemen in total, of whom 427 were resident and 558 lived within seven miles, while the total population of the borough was 9,269.

Although the 1835 Act transferred local government from the freemen to a council elected by a wider franchise, the Freedom was maintained by the guilds. The private property belonging to the freemen collectively was retained and the income now is given to support charitable objects.

1972 Local Government Act specifically preserved the freemen's rights.

1986 Durham City Council, in promoting a local Bill in Parliament, included a clause to clarify and modernise the provisions relating to Durham freemen. There were around 80 freemen at that time. Section 8 of the Durham City Council Act restated the qualifications for admission, and lowered the age threshold from 21 to 18. Candidates over the age of eighteen can apply having completed a Durham full-time apprenticeship of not less than three years, or by patrimony, being the child of a freeman. The Act also allows for admission of "Gentlemen Freemen" by the "particular decision of the wardens": the guilds and the freemen were given discretion to require admission of any male over eighteen years whom they wished. This was intended to allow the guilds to admit someone excluded by a break in the chain of heredity, or to honour someone they considered deserving; this then entitles others to chain inheritance or apprenticeship freedoms in the usual way. Such freedoms are on the basis of three "calls" on the same day, shortening the usual requirement for prospective freedom candidates to be called on three separate quarterly guild days.

Honorary freemen of the City have been created from time to time without going through this process; the latter do not enjoy the same privileges as ordinary freemen.

2009 Local Democracy, Economic Development and Construction Act removed any restrictions entitling only men to be freemen. 2012 saw the introduction of women freemen and subsequently membership rose to a new high.

Records relating to the Freemen of Durham City

[Search our online catalogue database for keywords like Freemen, Freeman of Durham, Guild, Warden, Sands:
<http://www.durhamrecordoffice.org.uk/article/10526/Collections-Search>]

Main series

Records of the freemen are mostly in catalogue section "Du 5", and these chiefly record admittance to the body of freemen.

Du 5/1 Minutes, with indexes, of guild meetings where freemen were admitted 1728 – 1949
Records of admittances of freemen 1742-1919

Search Room Index 706 is compiled from these records and lists freemen admitted 1742-1802.

Du 5/3 Copies of some byelaws of companies (guilds) 1549-1766
Du 5/4 Records of the trustees of the Freemen's Farm 1829-1837
Du 5/5 Miscellaneous records of the freemen, chiefly calls at the guild 1761-1981

Other records - Corporate

Du 1/1 Early charters
Du 1/2 Details of Bishop Egerton's Charter, 1769-1780
Du 1/3 Byelaws affecting guilds and freemen
Du 1/4 Council minutes from 1602 onwards
Du 1/29-31 Includes mentions of the Sands
Du 1/50 Includes records of land owned by the freemen
Du 1/58 Inquiry into 1761 election including lists of honorary freemen in 17th and 18th centuries
Du/apps Admission of honorary freemen 1971

Other records - Personal

D/St/C 1/3/182 Draft order by Mayor, Aldermen and Commonalty of the City of Durham and Borough of Framwellgate that before any election of the mayor, alderman and common council, certain bye-laws should be publicly read, and that wardens of trades should attend the Guild-Hall with their trades-books at every Guild Day, 4 October 1733

