

**UNIVERSITY OF SOUTHAMPTON**

**SMALL MEDIEVAL TOWNS, WITH SPECIAL REFERENCE TO  
WHITCHURCH, HAMPSHIRE, ca. 1250-1400  
by Alison Margaret Deveson**

**Doctor of Philosophy  
Faculty of Arts: Department of History  
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UNIVERSITY OF SOUTHAMPTON

ABSTRACT

FACULTY OF ARTS: DEPARTMENT OF HISTORY

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Small medieval towns can be seen as an integral part either of the urban network or of rural society. This study seeks to explore the administration, economy and society of a very small town through its documentary record and physical layout, to trace its development up to the end of the fourteenth century, and to consider whether its fundamental character was more rural than urban.

The chosen town is Whitchurch in north Hampshire, partly because it is unusual among very small towns in possessing a documentary record, and partly because the medieval history of north Hampshire has not yet been fully explored.

Whitchurch was a borough founded in the mid-thirteenth century near a late-Saxon mother church on a manor of St. Swithun's Priory in Winchester. Its main function was as a roadside town; it remained very small throughout the medieval period and eventually became a 'pocket' borough. The lordship of the Priory is seen as the ultimate cause of failure, partly because it administered the town as a manorial tithing in spite of having given it some burghal privileges, but principally because it founded the town too close to the Bishop of Winchester's established town at Overton, at a time when the decline of Winchester had reduced the amount of road traffic in a north-south direction through Hampshire.

The conclusion is reached that Whitchurch had an ambivalent urban status, both legally and physically, and that such a small town, with a population of perhaps three hundred in the early-fourteenth century, would be marginally urban in the context of medieval towns in general. Within Hampshire, however, it had a recognizable place in the medieval commercial network.

To

Frances, Anne and Simon

for everything

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E. Miller and J. Hatcher's important new volume, *Medieval England: Towns, Commerce and Crafts, 1086-1348*, was published too late for me to consider while writing this thesis, but I owe to it the reference to G.A. Thornton's article on Clare. The conclusions reached there served to reinforce my interpretation of medieval Whitchurch.

Finally I must thank my husband, John Deveson, who provided me with the statistical work of Appendix 3 and with many hours of help with word-processing. It goes almost without saying that this thesis would never have been written without his constant love and support.

**ABBREVIATIONS**

Cal. Ch. R.	Calendar of Charter Rolls
Cal. Pap. Reg.	Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Papal Letters
Cal. Pat. R.	Calendar of Patent Rolls
C.R.R.	Curia Regis Rolls
D.B.	Domesday Book
Econ. Hist. Rev.	Economic History Review
Eng. Hist. Rev.	English Historical Review
H.R.O.	Hampshire Record Office
J. Brit. Stud.	Journal of British Studies
J. Hist. Geog.	Journal of Historical Geography
O.S.	Ordnance Survey
P.R.O.	Public Record Office
Proc. Hampsh. Field Club Archaeol. Soc.	Proceedings of the Hampshire Field Club and Archaeological Society
Proc. Battle Conference	Proceedings of the Battle Conference on Anglo-Norman Studies
Rot. Litt. Claus.	Rotuli Litterarum Clausarum
Sussex Archaeol. Coll.	Sussex Archaeological Collections
Trans. Roy. Hist. Soc.	Transactions of the Royal Historical Society
Trans. Inst. Brit. Geog.	Transactions of the Institute of British Geographers
V.C.H.	Victoria County History
Winch. C.L.	Winchester Cathedral Library



**PRELIMINARY NOTES.**

1. Following modern practice, the dates given for account rolls are those of the years in which the accounts closed.
2. Variant spellings of medieval surnames have been standardized in the text, using the form most commonly found in the documents. In direct quotations the form used in the particular context is reproduced unaltered.
3. In all tables involving court roll evidence, only courts with view of frankpledge have been included.
4. In all calculations involving money, farthings and halfpennies have been rounded upwards to the nearest penny.
5. For simplicity in the text, Newbury Street and Winchester Street are said to run north/south, Church Street and London Street east/west. Maps show that the true orientations are slightly skewed.

## CHAPTER ONE: INTRODUCTION.

### 1.1 The historiography of small medieval towns.

The present diversity of possible approaches to urban history is illustrated by the range of interests on which contributions were invited to the re-formatted journal of that name - 'urban policy, social structure, class relations, urban demography and family structure, imagery and iconography in towns and cities, economic activity and occupational patterns, public health and environmental management, and leisure and recreational activities'.<sup>1</sup> All these topics and more are the legitimate concern of the medieval urban historian, though the available types of sources lend themselves more readily to the investigation of some topics than of others, and there will always be gaps, either in specific areas or for shorter or longer periods. Small towns in particular present problems because of the poor survival, or indeed the initial non-existence, of their records (a function of their ownership and often, in turn, of their origins), and any discussion of such towns has to take account of this limitation.

It is impossible for the historian of small medieval towns in England not to take account of the work of R.H. Hilton. In 1975 he raised several questions about the nature of 'those numerous small urban centres, most of them probably with fewer than 500 inhabitants, which were recognized in medieval nomenclature as being different from villages ... How distinct were they, functionally and in occupational structure, from the villages? Did they have a separate cultural identity? Or were they, on the other hand, hardly distinguishable from the overwhelmingly agrarian society within which they were set? Was the small town an integral part of peasant society?'<sup>2</sup> He

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<sup>1</sup> R. Rodger, 'Urban history, prospect and retrospect', *Urban History*, 20 (1993), 3-4.

<sup>2</sup> R.H. Hilton, *The English Peasantry in the Later Middle Ages* (Oxford, 1975), 76.

answered these questions, somewhat briefly, for several small towns of the West Midlands, largely from the returns of the 1381 poll tax and from court rolls and rentals, and concluded that in that area at least, small towns were sharply differentiated in function from their agricultural hinterlands by acting as manufacturing and trading centres, and thus had more in common with larger towns than with villages. Since then, he has somewhat advanced his position on small towns to seeing them as an integral part of feudal society in general, though qualitatively different from large towns.<sup>3</sup> Most of the evidence on which these and other discussions of small towns are based comes from towns which had more, rather than fewer, than five hundred inhabitants; Hilton's own classic example, Halesowen, had a population of perhaps six hundred around 1300.<sup>4</sup> In terms of population, it has been estimated that the lowest tier of English towns, the five hundred or so 'local market centres', had populations of between five hundred and two thousand people in the late-fourteenth century, that is, after the Black Death,<sup>5</sup> which implies that their populations would have been considerably larger in the early-fourteenth century. Apart from the fact that these towns collectively accounted for about half of England's urban population (which makes them intrinsically worth studying), there is still a great deal to learn about the origins and development of such towns. In 1983 P.D.A. Harvey made a plea for more investigation of this level of town both by archaeologists and historians, but as yet there seems to have been little published work in response.<sup>6</sup> Given that there are still very few modern case-studies of very

<sup>3</sup>. R.H. Hilton, *English and French Towns in Feudal Society: a Comparative Study* (Cambridge, 1992), 41. In what way they were 'qualitatively' different, he does not make clear, except, by implication, in the somewhat vague phrase 'social existence and the way of life' which resulted from denser settlement and a more complex class structure - *ibid.*, 153-4.

<sup>4</sup>. R.H. Hilton, 'Small town society in England before the Black Death', *Past and Present*, 105 (1984), 58.

<sup>5</sup>. K. Tiller, *English Local History: an Introduction* (Stroud, 1992), 81-2.

<sup>6</sup>. P.D.A. Harvey, 'English archaeology after the Conquest: a historian's view', in D.A. Hinton, ed., *25 Years of Medieval Archaeology* (Sheffield, 1983), 78. Most of the published monographs since then have been on relatively large towns, e.g. R.H. Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, 1986); C.J. Bond 'Central place and medieval new

small towns, there may perhaps be no need to further justify another. The case-study approach is well-known and has now found its place not only in local studies but in issues of national relevance.<sup>7</sup> In particular, the lack of scholarly work on the small towns of Hampshire has been noted and a plea made for specialized monographs relating to individual settlements, so that its many market towns can be 'successfully integrated into our understanding of urban society in general and some weight added to the bland statements with which they are all too often cast aside'.<sup>8</sup>

## 1.2 Reasons and sources for the study.

The town of Whitchurch has been chosen for such a study for several reasons. The first two are that it falls precisely into the gap both in our knowledge of medieval north Hampshire in particular and of small towns in general. Historical emphasis in Hampshire has hitherto lain towards the centre and south - naturally enough, with the enormous opportunities for research offered by the cities of Southampton and Winchester. If nothing else, it is time to redress the balance in favour of the north. In the hierarchy of towns in general, Whitchurch was a settlement which was undoubtedly a market town and yet was probably even smaller than Halesowen throughout the medieval period.<sup>9</sup> Many medieval new towns had beginnings as modest as those of Whitchurch, and our perception of some large towns, including that of their overall importance, is perhaps coloured by their subsequent

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town: the origins of Thame, Oxfordshire' in T.R. Slater, ed., *The Built Form of Western Cities: Essays for M.R.G. Conzen* (Leicester, 1990), 83-106.

<sup>7</sup>. e.g. R.H. Hilton, 'The small town and urbanisation: Evesham in the Middle Ages', *Midland History*, 7 (1982); C. Dyer, 'Small-town conflict in the later Middle Ages: events at Shipston-on-Stour', *Urban History*, 19 (1993); M. Bailey, 'A tale of two towns: Buntingford and Standon in the later Middle Ages', *Journal of Medieval History*, 19 (1993).

<sup>8</sup>. J.R. Taylor, *Population, Disease and Family Structure in Early Modern Hampshire, with Special Reference to the Towns*, Ph.D. thesis, Southampton University (1980), 6-10.

<sup>9</sup>. See Appendix 1.

growth. But failure, in this context, may be as illuminating as success, and Whitchurch was one of those medieval towns subsequently 'shaken out of the urban system' which in themselves form 'an interesting category of places for study'.<sup>10</sup> The third reason is pragmatic, in that very few such small settlements have left a documentary record; Whitchurch is unusual in that its ownership by Winchester Cathedral Priory (St. Swithun's) has ensured the survival of some, though by no means all, of its records, whereby at least a few of the topics outlined by the editor of *Urban History* may be addressed. The last reason is that, being a monastic and seigneurial borough, it is likely to have been typical of other such foundations and any conclusions may be tested against work on similar towns.

The principal primary documents are an Anglo-Saxon manorial charter, a thirteenth-century borough charter, a thirteenth-century custumal, a series of thirteenth- and fourteenth-century account and court rolls, two seventeenth-century and several eighteenth-century documents discussing the earlier status of the town and its inhabitants, and an eighteenth-century map showing 'ancient burgage tenements'. The custumal has been transcribed and the borough charter calendared, but only the Anglo-Saxon charter has been published in full.<sup>11</sup> Most of the primary records are in Winchester Cathedral Library, where their chequered career, particularly during the Civil War, is well known from the vivid description of John Chase, then Chapter

<sup>10</sup> P.J. Corfield, 'Small towns, large implications: social and cultural roles of small towns in eighteenth-century England and Wales', *British Journal for Eighteenth-century Studies*, 10 (1987), 130.

<sup>11</sup> For the custumal see *Winchester Cathedral Custumal*, ed. K.A. Hanna (London Univ. M.A. thesis, 1954). For the Anglo-Saxon charter see B.M. Add. MS. 15350, fos.92-93<sup>v</sup>; *Cartularium Saxonicum*, ed. W. de G. Birch (3 vols., London, 1885-93), ii, no.624; *Codex Diplomaticus Aevi Saxonici*, ed. J.M. Kemble (6 vols., London, 1839-48), v, no.1091; H.P.R. Finberg, *The Early Charters of Wessex* (Leicester, 1964), no.42; P.H. Sawyer, *Anglo-Saxon Charters: an Annotated List and Bibliography* (London, 1968), no.378. For the borough charter see *The Chartulary of Winchester Cathedral*, ed. A.W. Goodman (Winchester, 1927), no.472, transcribed here as Appendix 5.

Clerk.<sup>12</sup> As a result there are many gaps in the series of rolls for all the Priory's manors, and although many transcripts have been made, few have been published or analyzed in detail.<sup>13</sup> The earliest surviving roll, dated 1248,<sup>14</sup> is a fair-copy account similar in format to the Pipe Rolls of the Bishops of Winchester, though much smaller; thereafter the surviving draft accounts and court rolls for single manors were either filed together to form a composite roll, as described by P.D.A. Harvey,<sup>15</sup> or rolled and kept separately. 1248 was not a particularly significant date in Priory administration, since Henry de Blois had established a regular system of centralized audit there in the mid-twelfth century, to examine the obedientaries' accounts and allocate surplus revenue.<sup>16</sup> There must have been a system of locally-kept manorial accounts in conjunction with this, but the preservation of the records was a thirteenth-century innovation, widely paralleled elsewhere.<sup>17</sup> Harvey thought that the practice of filing together was the norm at St. Swithun's, but in fact large numbers of single rolls exist as well as composite rolls. The explanation cannot entirely be due to the decay or undoing of the threads which held them together at the head, though no doubt this did happen, and would account for some of the dispersal and loss. But many of the single rolls show no sewing holes at their

<sup>12</sup>. *Documents Relating to the History of the Cathedral Church of Winchester in the Seventeenth Century*, ed. W.R.W. Stephens and F.T. Madge (London, 1897), 57.

<sup>13</sup>. Winchester Cathedral Library has typescript transcripts by J.S. Drew of many Priory rolls, but none for Whitchurch or other manors relevant to this study.

<sup>14</sup>. For the date of this roll see *A Collection of Records and Documents Relating to the Hundred and Manor of Crondal*, ed. F.J. Baigent (London, 1891), 506, although Baigent misread a figure in the Hinton account which he used as evidence. In 1248 there were sixteen weeks between the Feast of the Purification and the Sunday before Ascension Day (as correctly stated in the account), and the roll is therefore confirmed as that for the accounting year 1247-8.

<sup>15</sup>. *Manorial Records of Cuxham, Oxfordshire*, ed. P.D.A. Harvey (London, 1976), 28.

<sup>16</sup>. R.A.L. Smith, 'The *regimen scaccarii* in English monasteries', *Trans. Roy. Hist. Soc.*, 4th ser., 24 (1942), 74-5.

<sup>17</sup>. *Manorial Records of Cuxham*, 17-18. The account for the Priory's manor of Wyke in Dorset for 1243 (*ibid.*, 28) is probably such an account.

heads, and it seems unlikely that so many would have survived if large numbers of composite rolls had been dismembered. In fact there are such large gaps in the series of composite rolls, filled by so many single rolls for all manors, that it seems likely that the Priory (and subsequently the Chapter) changed their archival practice more than once. In particular there seems to have been a change from composite rolls to single during the fourteenth century, a change which lasted for about two hundred years.

The Cathedral's archives have only recently (1992) been systematically catalogued and a programme for repair recommended. There have been several numbering and location schemes in the past, and even now the process of definitive re-numbering is not complete, which has often made it hard to know how many records for individual manors have survived. In the past, the rolls, both composite and single, were wrapped in old Cathedral service sheets, on the backs of which the contents were noted by a Canon Librarian, with approximate dates; each manor in a composite roll was numbered in ink on the top right-hand corner. The numbering is not always logical in the case of court rolls, which were usually filed with the earliest of an annual series at the back of the bundle and the latest at the front, but were numbered from the front backwards, so that earlier rolls often have a higher number than later ones. In the case of Whitchurch, the wrapper notes do not distinguish between hundred, manor and borough; the first task therefore was to ascertain how many of the borough records have survived, and in what condition.

There are only six borough account rolls between 1261 and 1283, after which they cease entirely; court rolls begin in 1281 and continue, though irregularly, throughout the period under review. There are ten for the thirteenth century and about thirty for the fourteenth, mostly for one court session each, although a few contain the records of several courts. It is clear from the Receipts sections of the account rolls that borough courts were always held, but since there are no manorial or hundred court rolls before the 1280s

either, it seems likely that the Priory began systematically to preserve its court records only in that decade. Many Priory records show signs of the maltreatment to which they have been subjected, particularly the feet of very long records for large manors; those on the outsides of composite rolls are often very discoloured. It is fortunate that Whitchurch records are generally on the inside of such rolls, and that the borough records, being relatively short, were often protected from damage at the feet by their manorial neighbours. Any major damage is usually at the sides, resulting in loss of the rubrics and other marginal notes. Where the parchment is of poor quality, the surface and writing are sometimes worn or holed, but on the whole, the condition of the Whitchurch borough records is good. The Cathedral's other principal primary document relating to Whitchurch is the custumal, a fourteenth-century copy of a collection of mainly thirteenth-century documents. One of these is a Whitchurch borough rental, which lists the tenants and rents of burgage plots in 1251, approximately three years after the foundation of the town. The precise date of the foundation is in doubt because the borough charter (preserved in the Cathedral's cartulary) is undated; it can, however, be ascribed to 1247-9, the priorate of John de Cauz who issued it.<sup>18</sup>

Other medieval sources for Whitchurch are occasional references in national records, mainly published; the unpublished national records have been so thoroughly searched by Beresford and Finberg for possible references to 'lost' boroughs that they are unlikely to yield anything new.<sup>19</sup> The early-modern documents are in the Cathedral Library and the Hampshire Record Office.<sup>20</sup> There is also a map dated 1730, of which there is one copy in the

<sup>18</sup>. For more precise dating see pp.37-8.

<sup>19</sup>. M.W. Beresford and H.P.R. Finberg, *English Boroughs: a Handlist* (Newton Abbot, 1973), 121; M.W. Beresford, 'English boroughs: a handlist: revisions 1973-81', *Urban Hist. Yearbook* (1981), 59-65.

<sup>20</sup>. Winch. C.L. T2A/3/154/1: memorandum on the status of Whitchurch borough, 1608x1609, transcribed here as Appendix 6; H.R.O. 44 M69/J23/1-4: Whitchurch poor rate documents, ca. 1600; H.R.O. 4 M51/384: notebook of John Selwyn, ca. 1724-8; H.R.O. 27 M87/14-15: Whitchurch pamphlets, 18th century.



British Library Map Room and another two in private ownership, showing the burgage plots and owners at that time in some detail.<sup>21</sup>

### 1.3 Theme and topics for discussion.

The topics which it is possible to address are to some extent limited by the nature of the available sources, but the main theme is a comparison of the administration, economy and society of Whitchurch with those of larger towns. If there are found to be very many 'qualitative' differences of the kinds implied by Hilton, the conclusion may be that the town was primarily an element in the Priory's manorial estates and hence of local rural society. On the other hand, there may be sufficient similarities for it to be clear that even a very small town had a distinctive place in the medieval urban hierarchy.

This thesis falls into six main sections (apart from the introduction), of which five are descriptive and the last discursive. Chapter Two describes the circumstances of Whitchurch's foundation, for which some discussion of its situation and previous history, and the economy of the surrounding manor, will be relevant, as well as a brief allusion to the Priory's only other town. The origin and occupations of its first burgesses are discussed, and an estimate made of its likely initial size in terms of population. Chapter Three discusses matters in which the lordship of the Priory may have been the dominant factor - the initial choice of site, the physical lay-out of the town and the level of rents charged. Chapter Four deals with matters which engaged both the Priory and the local community - the borough charter in theory and practice, including burgage tenure, the burgess franchise, local officials and the borough court. Chapter Five examines aspects in which the local community may have been more important - finance, the borough farm and the possible

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<sup>21</sup> . T. Lawrence, *Survey of the Burrough of Whitchurch in the County of Southampton*, 1730, redrawn by Mr. R. Smith and reproduced here as Map 4. The map is in two sections, one small-scale showing the town and its fields, and one large-scale showing the town only.

emergence of 'leading families', constituting a type of oligarchy. It also considers trade, industry and the local market, and the sources are investigated for signs of independent commercial and social life. If they are present, the evidence for initial success or failure can be examined and possible reasons suggested. The town's function is questioned - whether as a market centre for a defined hinterland, a local administrative centre, a provider of small-scale manufactures and roadside services or a combination of all of these. Chapter Six discusses perceptions of the town by wider authorities, its relationship with the Priory and the surrounding manors, and whether it had a sense of identity, which may be demonstrated in social relationships, including crime.

Many of the topics to be discussed are inter-related, as therefore are some of the sections. Appropriate reference to other towns and to current thought on specific topics are made throughout, in order to avoid the charge of parochialism to which local case-studies are frequently liable. The discussion largely centres on the period before 1400, because the court rolls, on which much of the description depends, became much more standardized and less informative in the fifteenth century. The tendency began during the fourteenth century, but as most of the topics under discussion are fairly static, late-fourteenth-century evidence can be used to fill out the earlier picture, and post-plague differences may be noted. The Whitchurch sources are not likely to contribute to the debate about late-medieval urban decline, but it may be possible to demonstrate that its population remained very small throughout the whole medieval period.

The last chapter assesses the fundamental character of medieval Whitchurch in the light of the previous chapters, and discusses both its inherent potential and its problems. The role of monastic lordship and the town's place in the urban hierarchy of north Hampshire are then considered. The hypothesis that small towns were qualitatively different both from larger ones and from their agricultural hinterlands is explored with reference to Whitchurch, and

the administration and economy of the town are briefly compared with those of Clare, with which it has many similarities. Finally, some suggestions for future work are made.

It is many years since Trenholme showed that the monastic boroughs deserved greater consideration 'as an interesting class of towns with political tendencies and constitutional characteristics all their own'.<sup>22</sup> Large monastic towns have recently been the subject of major studies.<sup>23</sup> It is hoped that a study of a small one, in all the aspects capable of illumination by the sources, may be a modest contribution at the other end of the scale and in a different geographical area from the better-known West Midlands examples.

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<sup>22</sup> N.M. Trenholme, 'The English monastic boroughs', *Univ. of Missouri Studies*, 2 (1927), no.3, 94.

<sup>23</sup> G. Rosser, *Medieval Westminster, 1200-1540* (Oxford, 1989); M. Bonney, *Lordship and the Urban Community: Durham and its Overlords, 1250-1540* (Cambridge, 1990).

## CHAPTER 2: THE ORIGIN OF THE TOWN AT WHITCHURCH.

### 2.1 Situation and geology.

The parish of Whitchurch lies towards the eastern edge of the ancient kingdom of Wessex. The region which is still, for convenience, termed 'Wessex' contains a variety of landscape types, but is given geological cohesion by the long range of chalk downland extending from the Dorset coast to the Hampshire Downs, which has always provided easy cross-country communications. Whitchurch parish lies just below the downs. It is divided by the River Test, which flows approximately west from its source above Overton to the point south of Hurstbourne Priors where it is joined by the Bourne rivulet, beyond which it turns south-west. From Overton to Hurstbourne Priors the parishes are centred on the river, sharing the same geological and hence agricultural conditions. Two small towns, Whitchurch and Overton, lie on an east-west line between Andover and Basingstoke, which are the major administrative, industrial and commercial centres of north Hampshire.<sup>1</sup>

The town of Whitchurch is only ten miles from the Berkshire border, but lying as it does within the Hampshire basin, it should be considered as belonging

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<sup>1</sup>. See Map 1. Although many aspects of their history are comparable, Whitchurch rather than Overton has been chosen as the focus of this study. The raw materials for an investigation of some facets of Overton's history exist in the well-preserved series of Pipe Rolls of the Bishops of Winchester, but they are in the form of enrolled accounts, with summaries of income from courts, rather than the actual record of court proceedings. The medieval origin of Overton has long been known - see M.W. Beresford, 'The six new towns of the Bishops of Winchester, 1200-55', *Medieval Archaeology*, 3 (1959), 195-7; M.W. Beresford, *New Towns of the Middle Ages* (London, 1967), 446-7. The Bishops' rolls could yet be made to shed much more light on medieval Overton.

to that part of Wessex which looks naturally to the south.<sup>2</sup> However, its proximity to a number of road systems of all periods has preserved the parish from the relative isolation of much of north Hampshire. The Harroway, part of a Bronze Age route from Cornwall to Kent, and the Roman road known as the Portway, which ran from Old Sarum to Silchester, both pass through the parish north of the town. The medieval road system in this area is more complicated, and will be discussed later.<sup>3</sup> In the eighteenth century Whitchurch was at the junction of two turnpike roads, those from Andover to Basingstoke and Winchester to Newtown.<sup>4</sup> In the twentieth century it has been bypassed from north to south by a diversion of the A34.

The town lies about 220 feet above sea level, and the land rises steeply in an arc from west to north-east to about 375 feet within a mile radius of the town centre. The land rises more gently to the south and east, to about 250 feet within a mile radius. The soil is alluvium along the river bank, which is separated in most places from the upper chalk by a band of river and valley gravel. There is a small area of clay flints and tertiary debris overlying the chalk to the south of the railway station. At the beginning of the twentieth century about three quarters of the parish was under arable cultivation, and one quarter under grass, with relatively small amounts of woodland and water meadows.<sup>5</sup>

## 2.2 Hundred, manor and tithings.

The medieval manor of Whitchurch lay in Evingar, a large hundred almost divided in two by a detached part of the Domesday hundred of Hurstbourne,

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<sup>2</sup>. J.H. Bettey, *Wessex from AD 1000* (London, 1986), 3. It is also within the "French" Channel cultural region' defined in C. Phythian-Adams, ed., *Societies, Cultures and Kinship, 1580-1850* (Leicester, 1993), Fig.I.1.

<sup>3</sup>. See ch.3.1.1.

<sup>4</sup>. D.J. Viner, 'The industrial archaeology of Hampshire roads: a survey', *Proc. Hampsh. Field Club Archaeol. Soc.*, 26 (1969), 161, 171.

<sup>5</sup>. *V.C.H.*, iv, 299.

later called Pastrow.<sup>6</sup> Its constituent manors had been divided between the Bishopric and the Priory of Winchester since at least the time of the Domesday Survey, although they were not finally confirmed to the Priory until a comprehensive quitclaim by John de Pontissara in 1284.<sup>7</sup> Whitchurch and its neighbouring manor of Hurstbourne constituted the main part of the Priory's holding in Evingar and (to judge from surviving documentation) were administered as a single judicial, though a separate accounting, unit by the Priory in the later medieval period.<sup>8</sup> Hurstbourne (now divided into the parishes of Hurstbourne Priors and St. Mary Bourne) was the larger manor, with seven principal tithings and some smaller hamlets within them. Whitchurch had six tithings, of which one, Baughurst, lay at some distance, to the north-east of Kingsclere hundred. Of the remaining Whitchurch tithings, one was Whitchurch manor itself, two were formed from an ancient unit called Freefolk adjoining the eastern boundary of the manor, and two others, Charlot and Henley, lay within the bounds of the manor.<sup>9</sup> Medieval Freefolk was divided into Freefolk Priors and Freefolk Manor, the former as its name implies in the possession of the Priory, the latter in secular hands with the Bishop as overlord, as also was Henley.<sup>10</sup> There was a small area called Bradley on the north-western edge of the manor which was held by the Prioress of Kingston in Wiltshire in the thirteenth century.<sup>11</sup> Whitchurch and Freefolk Priors formed a single ecclesiastical parish with its external medieval boundaries relatively unchanged until the twentieth century, so that, apart from the small pockets of foreign interest, there was a large degree of coincidence between manor and parish.

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<sup>6</sup> . See Map 2.

<sup>7</sup> . *D.B. Hampshire*, ed. J. Munby, (Chichester, 1982), fo.41a-b; *Cal. Ch. R.*, ii, 288.

<sup>8</sup> . J.S. Drew, 'Manorial accounts of St. Swithun's Priory, Winchester', *Eng. Hist. Rev.*, 62 (1947), 22.

<sup>9</sup> . See Map 3.

<sup>10</sup> . For the two Freefolks see Appendix 2.

<sup>11</sup> . *V.C.H.*, iv, 301-2: the Prioress also held some land in Henley from the Bishop. She owed suit at the Prior's courts as a member of that tithing, but always defaulted.

### 2.3 Early settlement.

There is some archaeological evidence for Bronze and Iron Age occupation, in the form of hill-forts at Beacon Hill, Ladle Hill, and Tidbury Ring, and seven (now three) barrows at Litchfield, all within an eight-mile radius of the town. There is also evidence of Romano-British and Saxon settlement, including two small cemeteries, at various sites just outside and within the parish, but very little in the town itself apart from a well-known Saxon tombstone found in the church.<sup>12</sup> However, Saxon settlement in the area is well attested from documentary and place-name evidence.

Whitchurch is first recorded in a charter of Edward the Elder, a three-part document included in the Winchester Cathedral cartulary known as *Codex Wintoniensis*.<sup>13</sup> The first part, in Latin and dated 909, records the restitution by the King to the *familia* of St. Peter's, Winchester, of fifty *manentes* of land at *Hwitan cyrice*, originally granted to the monks by Hemele, *comes*, but later appropriated by the Bishops.<sup>14</sup> The second, in Old English and undated, gives the boundaries of Whitchurch, of its pastures at *Fiscesburnan* and *Felghyrste* and of its dependent settlement Ashmansworth. The third, also in Old English and dated (by implication) 909, provides for the reversion of the estate at Ashmansworth to the Winchester community after the death of King Edward. This document was considered by Finberg to embody the substance of a lost exemplar, but also to contain some doubtful material.

There are two reasons for the suspicion which attaches to *Codex Wintoniensis* charters. From the time of the monastic reform by Aethelwold in

<sup>12</sup>. O.S. Antiquities SU44 NE 2, 10, 16, 21, 32, NW 7, SE 6, 14, 15, 19, SW 11. For the tombstone see p.28, n.28.

<sup>13</sup>. For references see p.14, n.11.

<sup>14</sup>. Hemele attested several charters in the late-eighth century - see Finberg, *Early Charters of Wessex*, no.7. There is an alternative tradition that Whitchurch was given to the monks by King Egbert, for which see *Registrum Johannis Pontissara*, ed. C. Deedes (2 vols., Canterbury and York Society, 1915-24), ii, 609.

964 there was a protracted struggle for ownership of land between monks and Bishops, arising from the latter's ambiguous position as both Bishop and Abbot, and 'in their efforts to resolve this ambiguity in favour of themselves, the monks naturally wished to prove that the regular community was already in existence at the time when the earliest donations were made'.<sup>15</sup> The Whitchurch charter may therefore be among those fabricated or rewritten by the monks to support their claims. But Aethelwold himself conducted a vigorous campaign to recover lands granted to his houses in the pre-Alfredian period and subsequently lost, and 'if his houses did not possess suitable charters from their foundation period ... new charters were constructed in which the history of the house was carefully rehearsed'.<sup>16</sup> If this is the context for the Whitchurch charter, an extra, though not an impossible, degree of duplicity would have been involved, since the charter supports the monks' claims against the Bishop's, rather than the Bishop's against a third party.

It is certainly suspicious that the monks' claim was based on a charter already lost by 909, and the fifty *manentes* reappear perhaps rather too neatly as the fifty hides at which Whitchurch was assessed in the time of Edward the Confessor in Domesday Book. However, such continuity of land assessments is not unknown,<sup>17</sup> and Hemele, described variously in charters as *comes*, *patricius*, *princeps* and *prefectus*, is reliably associated with a land exchange at Hurstbourne in the late-eighth century.<sup>18</sup> Moreover, the Whitchurch charter was examined by Rumble as part of his detailed discussion of *Codex Wintoniensis*.<sup>19</sup> It belongs to the part of the cartulary

<sup>15</sup> . *Winchester Cathedral Custumal*, i.

<sup>16</sup> . B. Yorke, ed., *Bishop Aethelwold: his Career and Influence* (Woodbridge, 1988), introd., 5.

<sup>17</sup> . *The Agrarian History of England and Wales*, i, pt.2, 414; P.D.A. Harvey, *A Medieval Oxfordshire Village: Cuxham, 1240 to 1400* (Oxford, 1965), 3.

<sup>18</sup> . Finberg, *Early Charters of Wessex*, no.8; Sawyer, *Anglo-Saxon Charters*, no.269. This is not a *Codex Wintoniensis* charter and is therefore free from the suspicion which may attach to the others attested by Hemele.

<sup>19</sup> . A.R. Rumble, *The Structure and Reliability of the Codex Wintoniensis* (London Univ. Ph.D. thesis, 1980)



distinguished by him as the basic core, which he considered to have been a compilation from original exemplars rather than a copy of an earlier cartulary, and to have been written between 1129 and 1139. The Whitchurch charter is not among those in which he discerned any attempt at falsification of textual content; indeed there would have been no point in such an attempt in the twelfth century since the Domesday Survey had already established the ownership of the Whitchurch estate by the monks rather than the Bishop.

The boundary clause is typical of the late-Saxon period in its complexity and amount of topographical detail; the use of a Roman road as a boundary is also an indication of the relatively late date at which the boundaries were written down (though not necessarily formed).<sup>20</sup> The core of the Whitchurch estate corresponded very closely with that described in the Domesday Survey, except that it then included Tufton, a manor lost to Wherwell Abbey by the eleventh century.<sup>21</sup> The boundary clause for the dependent settlement of Ashmansworth included its neighbour East Woodhay, on the Berkshire border, which was also part of the Whitchurch Domesday estate; both were later lost, probably by the twelfth century.<sup>22</sup> The pastures of *Felghyrste* were

<sup>20</sup> M. Reed, ed., *Discovering Past Landscapes* (London, 1984), 278; D. Hooke, 'Early medieval estate and settlement patterns: the documentary evidence', in M. Aston, D. Austin and C. Dyer, eds., *The Rural Settlements of Medieval England* (Oxford, 1989), 14; D. Hooke, *Anglo-Saxon Landscapes of the West Midlands: the Charter Evidence* (British Archaeol. Reports, British ser., 95 1981), 90-2.

<sup>21</sup> G.B. Grundy, 'The Saxon land charters of Hampshire, 4th ser.', *Archaeol. Journal*, 84 (1927), 295-9. Grundy's reconstructions of charter boundaries have sometimes been criticized, but that for Whitchurch seems basically sound. For Tufton see *D.B.*, fo.44a.

<sup>22</sup> Grundy, *op. cit.*, 90-4. *D.B. Windenaie* in Whitchurch is wrongly identified in the editions both of Munby and of Williams and Erskine, following V.C.H., as Whitnal Farm; E. Ekwall, *Concise Oxford Dictionary of English Place-names*, 4th ed. (Oxford, 1960), and J.E.B. Gover, *The Place Names of Hampshire* (H.R.O., unpubl. typescript, 1961), give the true identification as East Woodhay, on the River Enborne. Whitnal can be ruled out on philological grounds, and also because *Windenaie* had a mill, unlikely (unless it was a handmill) at Whitnal, where there is no river. For the separation of East Woodhay and Ashmansworth by the twelfth century see P.H. Hase, *The Development of the Parish in Hampshire* (Cambridge Univ. Ph.D. thesis, 1975), 337.

situated in distant Baughurst, as probably also were those of *Fiscesburnan*.<sup>23</sup> These detached areas conform to a pattern widely recognized for this period, whereby 'areas of high agricultural exploitation were linked administratively with other less developed regions characterized by much surviving woodland or moorland'.<sup>24</sup>

Accepting that the charter is a genuine copy of a tenth-century original, we may conclude that Whitchurch was an extensive late-Saxon estate, and that it already bore its significant topographical name *Hwitan cyrice*. What can be surmised about the first 'white church'? Construction of stone, chalk, flint and chalk, or a rendering of whitewash are all possibilities.<sup>25</sup> The earliest remaining features in the present parish church, the three western bays on the south side of the nave, are dated to the late-twelfth century, and are considered to have been part of an aisle added to an earlier building, but whether this was Norman or Saxon cannot now be determined.<sup>26</sup>

The late-Saxon church at Whitchurch was probably one of the small mother churches which served the relatively small hundreds of north Hampshire in the tenth to twelfth centuries, when the original system of royal minsters and vills in Wessex was being broken up.<sup>27</sup> The building itself, however, is likely

<sup>23</sup> *Fiscesburnan* has yet to be traced, but the name *Felghyrste* and its variants occur frequently in the rolls in connection with Baughurst property, and as a topographical surname there.

<sup>24</sup> Hooke, 'Early medieval estate and settlement patterns', 10. For detachments of pasture in Hampshire see also F.R. Thorn, 'Hundreds and wapentakes', in *Domesday Book: Hampshire Domesday*, eds. A. Williams and R.W.H. Erskine (2 vols., London, 1988-9), i, 32.

<sup>25</sup> Ekwall, *Concise Oxford Dictionary of English Place-names*, 513; R. Coates, *The Place-names of Hampshire* (London, 1989), 174.

<sup>26</sup> *V.C.H.*, iv, 302.

<sup>27</sup> P.H. Hase, 'The mother churches of Hampshire', in J. Blair, ed., *Minsters and Parish Churches: the Local Church in Transition, 950-1200* (Oxford, 1988), 48; Hase, *The Development of the Parish in Hampshire*, 334; J. Blair, 'Secular minster churches in Domesday Book', in P.H. Sawyer, ed., *Domesday Book: a Reassessment* (London, 1985), 115. An additional piece of evidence, not noted by the above, in favour of Whitchurch as a mother church is the occurrence of the hundred name *Evingar* as a field name in the Whitchurch account rolls.

to have predated its mother-church status. The Saxon tombstone in, and the small Saxon graveyard near, the present church point to the existence of a church here at least as early as the ninth century, and if, as seems possible, it originated as the private foundation of Hemele or his predecessors, it may even date back to the eighth.<sup>28</sup> Given the known conservatism in the choice of church sites, it is likely that the first church stood very close to, if not actually on, the site of the present one, and that the loop of road around it represents its precinct.<sup>29</sup> It is also possible that the prior existence of a mid-Saxon hall dictated its location some distance away from, and about fifteen metres lower than, the hill-top which would have been a more typical location for a Saxon church.

#### 2.4 Priory management.

Between the confirmation to ecclesiastical lordship in the tenth century and the establishment of the new town in the thirteenth, developments in Whitchurch are largely a matter for conjecture. A little can be inferred from the markers used in the charter boundaries, approximately half of which are connected with woodland, clearance and agriculture, a quarter with natural features and a quarter with man-made features. These proportions cannot tell us anything about land-use within the estate, but confirm that it was a well-developed agricultural unit, with a considerable amount of cleared land

<sup>28</sup> For the ascription of the tombstone to the ninth century see D. Tweddle, 'Anglo-Saxon sculpture in south-east England before c.950', in F.H. Thompson, ed., *Studies in Medieval Sculpture* (London, 1983), 20-1. The Saxon cemetery, described in 'Discovery of Anglo-Saxon remains in Hampshire', *The Reliquary*, 24 (1883-4), 230, fits with the eighth-ninth century phase of burial patterns suggested by R.K. Morris, *The Church in British Archaeology* (Council for British Archaeol. Research Reports, 47, 1983), 54. Saxon lordship is proposed as the chief formative influence on the origin and distribution of churches at this period - *ibid.*, 75.

<sup>29</sup> C.J. Bond, 'Central place and medieval new town: the origins of Thame, Oxfordshire', in T.R. Slater, ed., *The Built Form of Western Cities: Essays for M.R.G. Conzen* (Leicester, 1990), 96-7, notes the association of minster precincts with curvilinear enclosures and road loops.

and a dyke, probably for drainage, in the low-lying area near the river. By 1086 there was said to be land for thirty-three ploughs, with relatively small amounts of woodland and pasture, and Whitchurch and Freefolk were evidently producing enough grain between them to justify four mills. But as pasture and sheep are largely unrecorded in Domesday Hampshire, it is possible that sheep were then, as later, the mainstay of the manor.<sup>30</sup>

In 1086 there were nearly a hundred villein and bordar households in Whitchurch, and nineteen in Freefolk, with fifteen slaves between the two. This large population is likely to have been dispersed throughout the area, but since the church provided the place-name, it is probable that it also provided the physical focus for the first small settlement at Whitchurch. Indeed, the 1730 map shows clearly that the later planned town, with its regular burgage plots, was an extension of an existing village with much larger but rather less regular plots, a pattern for which there are many parallels.<sup>31</sup> The older plots were not centred round the church but lay along the main road between Andover and Basingstoke, which also connected Whitchurch to Hurstbourne Priors. There is no clear line of descent from the Saxon estate centre (apart from the church itself) to the large Elizabethan house which now stands opposite the church, except that this house and the adjoining one were respectively rectory and vicarage until the nineteenth century, when they were exchanged by their ecclesiastical owners, and their functions reversed. The Priory's need for a permanent presence in Whitchurch would have been satisfied by the demesne farm *curia*, which was at some distance from the church and its associated houses; the original *curia* may have been moved from a site near the church when this was appropriated to the Hospital of St. Cross.<sup>32</sup> Stray references in the rolls

<sup>30</sup> . H.C. Darby and E.M.J. Campbell, eds., *The Domesday Geography of South-east England* (Cambridge, 1962), 340.

<sup>31</sup> . e.g. Beresford, *New Towns of the Middle Ages*; Bond, 'Central place and medieval new town', 96.

<sup>32</sup> . The manor farm was in Blosswood Lane - see p.57, n.43. The more usual medieval arrangement was close proximity between rectory and farm - see Harvey, *Medieval Oxfordshire Village*, 25-6.

indicate that travelling monks and officials were usually accommodated at Hurstbourne, where there was a more substantial establishment, a possible successor to one of the three Saxon halls in that manor.<sup>33</sup>

The church and its land (one hide in 1086) were among the foundation endowments of Henry de Blois to the Hospital of St. Cross in Winchester in the 1130s, and the St. Cross lands remained as an administrative unit, though physically scattered, within the manor of Whitchurch till the present century. The Master and Brethren of the Hospital were the lay rectors, but the Bishop held the advowson of the church with the Prior deriving income from some of its spiritualities.<sup>34</sup> The Hospital retained the great tithes until their commutation.<sup>35</sup> By the late-twelfth century there was also a chapel in Freefolk Manor, dependent on the church of Whitchurch, and for a time another small chapel at Henley, but these were essentially private chapels and never attracted any substantial settlement.<sup>36</sup>

The manor of Whitchurch was confirmed to the Priory in 1205 and again in 1284.<sup>37</sup> In accordance with the usual practice of the Black Monks, it was at farm for some periods between the late-twelfth century and 1238,<sup>38</sup> but by the time of the first account roll in 1248 was under direct management by the Priory, a situation which lasted well into the fifteenth century.<sup>39</sup> In accordance with the Priory's policy of running neighbouring Hampshire manors as a pair, Whitchurch and Hurstbourne Priors in the thirteenth and early-fourteenth century usually shared a bailiff or sergeant, who rendered

<sup>33</sup> . *D.B. Hampshire*, fo.41a-b, and below p.31.

<sup>34</sup> . *V.C.H.*, iv, 303-4.

<sup>35</sup> . H.R.O. W/H5/17: Hospital of St. Cross and Almshouse of Noble Poverty, *Schedule of Properties*, 1904.

<sup>36</sup> . *V.C.H.*, iv, 284, 304. For Freefolk Manor chapel see also Appendix 2.

<sup>37</sup> . *Cal. Pap. Reg.*, i, 21; *Cal. Ch. R.*, ii, 288.

<sup>38</sup> . *C. R. R.*, xvi, 149B: the manors of Crondal, Hurstbourne and Whitchurch were sometimes in the hands of farmers and sometimes of the villeins during and after the time of Bishop Richard Tocliffe, 1174-88.

<sup>39</sup> . J.G. Greatrex, *The Administration of Winchester Cathedral Priory in the Time of Cardinal Beaufort* (Ottawa Univ. Ph.D. thesis, 1972), Appendix 1A.

the annual accounts jointly with the separate manorial reeves,<sup>40</sup> and who seems to have acted as president of the infrequent manorial courts.<sup>41</sup> The Expenses sections of account rolls show that there were manorial farms at both Hurstbourne Priors and Whitchurch and there is evidence of a special room for the bailiff at Hurstbourne in 1280 and Whitchurch in 1361.<sup>42</sup> But Hurstbourne was more elaborate, even qualifying for the title of 'Prior's mansion', and a deer park was established there in 1332.<sup>43</sup> The King himself stayed there on at least two occasions, presumably at the mansion, since his visits were at the Prior's expense.<sup>44</sup> The majority of judicial and administrative business of both manors was intermingled, and was usually conducted in conjunction with the twice-yearly tours by the Priory's steward,

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<sup>40</sup> . Drew, 'Manorial accounts of St. Swithun's Priory, Winchester', 22. The practice was not invariable; in 1283 the Hurstbourne account was rendered by two bailiffs (one of whom had assisted with both accounts the previous year), while the Whitchurch account was rendered by two sergeants. Comparison is difficult because the series of Hurstbourne accounts is so patchy, but it looks as if Drew's generalization is largely correct.

<sup>41</sup> . Winch. C.L. Whitchurch manor court roll, 1308, and account roll, 1324, are unusual in identifying the presidents of manorial courts by name and title. In 1325 the Whitchurch and Hurstbourne accounts were rendered by Roger le Forester, who was *ballivus* of several other manors in that year, and cannot have been a purely local official.

<sup>42</sup> . Winch. C.L. manor account rolls, Hurstbourne, 1280, and Whitchurch, 1361. It is impossible to tell whether bailiffs' rooms were permanent or temporary features at either place because they were only mentioned when repairs were necessary.

<sup>43</sup> . E. Roberts, 'A Prior's mansion at Michelmersh', *Proc. Hampsh. Field Club Archaeol. Soc.*, 48 (1992), 107; *Cal. Pat. R.: Edw. III*, ii, 263: a licence for the imparkment of woods at Hurstbourne and Whitchurch. A contemporary document (H.R.O. 19 M61/557) indicates that the park straddled the boundary between the two manors. The parish boundary was later altered to follow the eastern edge of the park, which is now wholly within the parish of Hurstbourne Priors.

<sup>44</sup> . A sergeant's account attached to the Whitchurch manor account roll, 1362, has an entry 'In expensis hominum domini Regis quando dominus Rex fuit apud Hussebourne' and there is a similar entry in the Whitchurch manor account roll, 1371.

but by the late-thirteenth century, if not before, Hurstbourne Priors had taken precedence over Whitchurch as the hundredal centre.<sup>45</sup>

Between a third and a half of the total acreage of Whitchurch manor was held by free and unfree tenants in 1251.<sup>46</sup> We may infer that the best land was in Whitchurch and Charlcot tithings, since the virgaters of these tithings alone were required to produce wheat for churchscot. Charlcot and Freefolk Priors were divided into relatively large virgate holdings, of about thirty acres each, nearly all in the hands of tenants. All the Freefolk virgates consisted of about two-thirds arable and one-third pasture, which had formerly been woodland, and the tenants of Charlcot tithing each had a portion of the *Southwode*, an extension of the present Freefolk Wood, in the extreme south of the parish. The demesne manor was centred in Whitchurch tithing, where there were fewer virgaters than in the other tithings, but a large number of cottars, whose tenements, by medieval standards, were relatively large, at about thirteen acres each. A pre-enclosure map shows that Whitchurch's three open fields (called Lock, South and North Fields) lay respectively north, south and east of the town, and were surrounded by large areas of downland, especially on the west.<sup>47</sup> Originally, however, there were at least six arable fields,<sup>48</sup> and it is clear from the sowing records that the thirteenth-century arable was not cultivated in a regular three-field system,<sup>49</sup> nor was the demesne in a compact block. The tithings of both Whitchurch and

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<sup>45</sup> From the 1280s (when court records began to be preserved) and for the first quarter of the fourteenth century, the business of the hundred was conducted almost entirely at Hurstbourne. A different pattern emerged in the 1320s; for a more detailed discussion of courts see ch.4.4.

<sup>46</sup> *Winchester Cathedral Custumal*, 260-83. It is difficult to be sure how much of the manor was in the hands of tenants and how much in demesne, because, apart from other problems, the acreages of the local hides, virgates and cottage tenements evidently varied between and within tithings, and are not always stated.

<sup>47</sup> H.R.O. 38 M77/PD1: G. Barnes, *Plan of Whitchurch Open Fields*, 1797.

<sup>48</sup> H.R.O. 19 M61/557 mentions fields called Breche, Stubbes and Badelyfield, in addition to the three other fields.

<sup>49</sup> e.g. at Hurstbourne in 1248 and Whitchurch in 1280, Westfield and Badelyfield respectively were sown with both winter and spring grains.

Hurstbourne had their own fields, and some of these also contained demesne.<sup>50</sup> The multi-field system was by no means unusual, and does not mean that a three-course crop rotation was not practised.<sup>51</sup>

In 1248 the Whitchurch demesne contained about 780 acres of arable.<sup>52</sup> Oats occupied the biggest sown acreage, followed by wheat and barley; the smallest acreage was for maslin. Apart from the amount retained for seed, used for customary payments or fed to stock, most of the surplus grain was sent to the Priory and very little sold. These four grains (in varying proportions), along with a small quantity of legumes, continued to be the staple crops of the manor, although bere soon replaced maslin as the mixed corn.<sup>53</sup> Presumably they were also the staples of the Whitchurch and Charlcot virgaters, with the virgaters of Freefolk, and all the cottars, growing only the three coarser grains.<sup>54</sup> Most of the Whitchurch tenants had rights of common for cows, horses and pigs, but only one, along with the holder of the rectorial glebe, had specific common rights for sheep.<sup>55</sup> Sheep played the

<sup>50</sup> . e.g. two Freefolk virgates were cultivated as demesne in 1248; at Hurstbourne in 1280 there was demesne arable in Stoke and Wyke. At Whitchurch in 1261 barley was sown in three places and 'alibi per loca diversa'.

<sup>51</sup> . cf. H.S.A. Fox, 'Approaches to the adoption of the Midland system', in T. Rowley, ed., *The Origins of Open-field Agriculture* (London, 1981), 74-6. The Hurstbourne 1248 account is specific about the amount of ploughing for fallow, and shows that arable and fallow were in the proportions of 2:1.

<sup>52</sup> . This is calculated from the Whitchurch 1248 grain account and includes an estimated one-third for fallow. The Hurstbourne demesne arable in the same year was 1215 acres (sown and fallow).

<sup>53</sup> . At Hurstbourne the acreages sown in 1248 were, in descending order, oats, maslin, barley and wheat. Overton also produced the same four grains throughout the period covered by the Bishops' Pipe Rolls - see J.Z. Titow, *Winchester Yields* (Cambridge, 1972). There does not seem to have been a complementary policy for grain production between Whitchurch and Hurstbourne, though the records are too incomplete to permit detailed annual comparisons.

<sup>54</sup> . The Freefolk virgaters' churchscot grain was maslin and cottars were not required to produce churchscot grain at all.

<sup>55</sup> . This was John Durdent, *alias* Durdaunt, one of the few freemen. *Chartulary of Winchester Cathedral*, 327, is an agreement between the Prior and John Durdent, in almost identical terms to the entry concerning Durdent's holding in the custumal. H.R.O 19 M61/557 is a similar



major part in the Priory's use of the manor, and sheep-walks probably occupied most of the rest of its land. The fact that *faldgabulum* was paid in 1248 is an indication that peasant flocks were folded on demesne stubble and fallow,<sup>56</sup> and the other freemen probably also kept sheep, though nothing is known of this.

Thirteenth- and fourteenth-century Whitchurch was a typical downland manor, under close control by the Priory and no doubt also under the Prior's own eye on his visits to his mansion and deer park at Hurstbourne. It retained its ancient church, but with a parish much reduced from the former mother-church *parochia*, Baughurst being the only survivor from the former detached pastoral areas. Unlike many other ancient estate centres, the small settlement associated with the church and demesne farm had not grown spontaneously into any recognizable kind of town. This was to require a deliberate act of foundation.

## 2.5 Market and borough.

In 1241 the Priory obtained a royal grant of a weekly Monday market at Whitchurch, and issued a charter for a borough there during the priorate of John de Cauz (1247-9).<sup>57</sup> In doing so, it was joining in the movement for new town foundation which was at its peak in the twelfth and thirteenth centuries. In the past, much discussion about the early history of towns has centred round 'borough status' and its distinguishing features.<sup>58</sup> Modern scholarship now acknowledges a variety of meanings, reflecting a variety of conditions, which attached to the word 'borough' at various times, and is more willing

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agreement between another John Durdent and Prior Alexander Heriad in the next century.

<sup>56</sup> . *Agrarian History of England and Wales*, ii, 125.

<sup>57</sup> . *Cal. Ch. R.*, i, 256; *Chartulary of Winchester Cathedral*, no.472.

<sup>58</sup> . e.g. J. Tait, *The Medieval English Borough* (Manchester, 1936).

than formerly to recognise grey areas between market towns and boroughs.<sup>59</sup> The legal and economic differences between small market towns and large market villages are also difficult to define precisely. Nevertheless, in licensing unofficial markets or establishing new ones, often in association with grants of burgage tenure, landlords were giving encouragement, whether intentionally or not, to the urban movement.<sup>60</sup> However, it has been noted that burgage tenure could also exist in rural communities, and this may have been the case at Whitchurch by the 1240s.<sup>61</sup> The 1248 manor account roll contains the record of an entry fine paid in the manorial court for a 'messuage held in free burgage', as if it was neither a new nor an unusual occurrence, but the roll gives no indication of a borough's formal existence at that time. On the assumption that this messuage, taken by Hilary de Angulo and his daughter Alice in 1248, was the same as the burgage plot held by Alice *filia Hillarii* in 1251,<sup>62</sup> the regular burgage lay-out, of which their 1251 plot formed part, must have been established before 1248, perhaps some years before.

It has been suggested that the Priory had a new town at Gosport in the manor of Alverstoke, to which it gave burghal privileges in the mid-thirteenth century but without the title of borough.<sup>63</sup> However, the charter on which the burghal

<sup>59</sup> . e.g. S. Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977), 112.

<sup>60</sup> . R.H. Britnell, *The Commercialisation of English Society, 1000-1500* (Cambridge, 1993), 19-24.

<sup>61</sup> . F. Pollock and F.W. Maitland, *The History of English Law before the Time of Edward I*, 2nd ed. reissued (2 vols., Cambridge, 1968), i, 640; J.H. Clapham, 'A thirteenth-century market town: Linton, Cambs.', *Cambridge Hist. Journal*, 4 (1932-4), 198. Bailey: 'Buntingford and Standon', 352: 'settlements with burgage tenure can be labelled "urban" in a legal and constitutional sense, however small their population' - the claim seems a little exaggerated.

<sup>62</sup> . *Winchester Cathedral Custumal*, 256.

<sup>63</sup> . J. Russell, 'Gosport: a medieval new town', *Hampsh. Field Club Archaeol. Soc. Section Newsletters*, new ser., 17 (1992), 26-8; *V.C.H.*, iii, 202-3; F.C. Madden, 'Remarks on the common seal of the men of Alwastoke, Co. Hants.', *Archaeol. Soc. of Great Britain and Ireland: Proc. at the Annual Meeting, Winchester 1845* (1846), 111-5. Madden's account is based on an impression and drawing of a lost seal and a copy of a charter

privileges are said to have depended specifically refers to Alverstoke tenants as manorial and the freedoms to which they were entitled, though extensive, were not necessarily burghal.<sup>64</sup> The only surviving records of courts at Alverstoke and Gosport are for manorial courts, and Gosport was still described as a tithing of Alverstoke in 1282.<sup>65</sup> If the Priory had intended Gosport to be a new town, it could certainly have issued a borough charter for it in the mid-thirteenth century, but it did not.

Whitchurch, however, was not the Priory's only new town in the thirteenth century. The documentary pattern was repeated at Weymouth, for which a market grant was obtained in 1248 and a borough charter issued in 1252.<sup>66</sup> A harbour had long existed there,<sup>67</sup> and it is likely that the market grant and borough charter were acknowledgements of established institutions. The boundaries defined in the charter are extremely irregular, evidently respecting well-known landmarks, and the prior existence of a settlement is made explicit in the charter clause granting freedom to all who had previously been living there in servile condition.<sup>68</sup> But the Priory was not secure in its possession of Weymouth, which was among those lands disputed between the Priory and the Bishopric. It was in the hands of the Bishop by 1256, but was granted in 1259, along with the Priory's other Dorset lands, to the Earl of Gloucester, in exchange for the manor of Mapledurham.<sup>69</sup>

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of Prior Andrew of London, 1256 to ca. 1262. *V.C.H.* wrongly dates Alverstoke's charter to 1243, having confused two priors named Andrew.

<sup>64</sup> For a discussion of burghal privileges see Chapter 4.

<sup>65</sup> Winch. C.L. Alverstoke and Gosport court rolls, 1281-2.

<sup>66</sup> *Cal. Ch. R.*, i, 331; *Royal Commission on Historical MSS, Fifth Report* (London, 1876), 575; for the text of Weymouth's charter see J. Hutchins, *The History and Antiquities of the County of Dorset*, 2nd ed. (4 vols., London, 1796-1815), ii, 82-3, translated and partly transcribed in H.J. Moule, *Descriptive Catalogue of the Charters, Minute Books and Other Documents of the Borough of Weymouth and Melcombe Regis* (Weymouth, 1883), 15-19.

<sup>67</sup> V.H. Galbraith, 'Royal charters to Winchester', *Eng. Hist. Rev.*, 35 (1920), no. 18.

<sup>68</sup> 'Concessimus insuper liberos ... omnes nativos nostros ... qui in predicta villa de Wayemue hactenus manserunt'.

<sup>69</sup> *Cal. Ch. R.*, ii, 9, 16 and 288.

At both Weymouth and Whitchurch, the Priory's new towns were each in close proximity to another, namely Melcombe Regis and Overton. The former, as its name implies, was a royal foundation, which may have been in existence by 1268, some years before its official charter in 1280,<sup>70</sup> but even so, was relatively late in the new town movement. In Dorset the Prior's new town preceded its neighbour and rival, in Hampshire it lagged behind. Overton's market had been granted in 1218 and a borough established there not later than 1218; there is no charter, but it is entered as a borough in the Bishops' Pipe Roll of 1217-18.<sup>71</sup> Overton's first market day was Tuesday, which was either changed or added to when a Monday market and fair were granted in 1246.<sup>72</sup> Monday markets at Whitchurch and Overton would thus have been in competition for two years until that at Whitchurch was changed to Thursday in 1248.<sup>73</sup> Apart from the coincidence of day, the Monday markets would, by reason of proximity, have fallen within the contemporary definition of 'harmful markets'. The fact that the sheriff ever permitted Overton to hold a Monday market is proof that the two markets were considered to have different trading areas and perhaps functions.<sup>74</sup>

The borough of Whitchurch can now be dated slightly more precisely than its charter's attribution to the priorate of John de Cauz. The charter made provision for a separate borough court, and since the burgage entry fine referred to above would have normally have been paid there, the charter cannot be earlier than June 1248, when the latest court would have been

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<sup>70</sup>. Beresford and Finberg, *English Boroughs: a Handlist*, 103.

<sup>71</sup>. *Rot. Litt. Claus.*, i, 363; Beresford, 'The six new towns of the Bishops of Winchester', 195-6.

<sup>72</sup>. *Cal. Ch. R.*, i, 312. It is not clear from the wording whether the 1246 market was a new grant or an alteration and confirmation of an existing one; Beresford, 'The six new towns of the Bishops of Winchester', 196, suggests that it is a grant of a second market day.

<sup>73</sup>. *Cal. Ch. R.*, i, 331.

<sup>74</sup>. For a discussion of the *nisi sit ad nocumentum* clause in market charters, and the role of the local sheriff in the regulation of markets, see J. Masschaele, 'Market rights in thirteenth-century England', *Eng. Hist. Rev.*, 107 (1992), 78-89.

held in that accounting year. This is confirmed by the charter, dated June 8, 1248, in which Whitchurch's market day was changed, which refers only to a manor there, and not to a borough which would have been the natural place for such an enterprise. The 1248 account, which would have been drawn up shortly after September 29, shows no separate income from a borough, which must therefore have been established during the second half of John's priorate, that is, between October 1248 and December 1249, when he was elected Abbot of Peterborough.<sup>75</sup> Overton thus preceded Whitchurch as a borough by about thirty years, and Whitchurch, with its relatively recent market, was competing from its inception with a well-established foundation. The close proximity was evidently not seen as a disadvantage at the time, and the change of market day may have been the stimulus to further action at Whitchurch.

The Priory's towns were on its mind in 1248; Weymouth's market grant was obtained at the same time and place as that by which Whitchurch's market day was changed, but no borough charter was issued for Weymouth at that time, and the town was soon given up altogether, perhaps because administration was proving difficult at such a distance from Winchester. Such an explanation cannot lie behind the failure to develop Gosport in the mid-thirteenth century, where perhaps the proximity of an established rival at Portsmouth was a disincentive.<sup>76</sup> Alverstoke, like Weymouth, was among the possessions disputed with the Bishopric, to which it was finally confirmed in 1284, and the lack of certainty about the future at both places may also have contributed to the Priory's seeming reluctance to commit itself to new towns on what might have otherwise been propitious sites. And although England and France were not at war in the mid-thirteenth century, new ventures on the south coast may have been unattractive.

<sup>75</sup> J. Le Neve, *Fasti Ecclesiae Anglicanae, 1066-1300*, rev. ed. (4 vols., London, 1968-91), ii, 89.

<sup>76</sup> Portsmouth's borough charter is dated 1194 - see *British Borough Charters, 1042-1216*, ed. A. Ballard (Cambridge, 1913), xxxi.

## 2.6 Plots and population.

Medieval population is a notoriously difficult subject, and there are even fewer clues to the populations of small towns than to large ones since the taxation evidence, on which so many of the arguments depend, is often unhelpful. Of the principal medieval sources for population, Domesday Book is too early and the first lay subsidies are too late, to provide figures on which to base a discussion of small-town development in the thirteenth century. The best that can be done at Whitchurch is to make an estimate based on the number of burgage plots listed in the custumal.<sup>77</sup> This is a crude method based on the assumption of one house and one household per plot, and does not take account of undertenants, of whose existence the custumal gives no sign. However, by 1251 the process of subletting cannot have gone very far, and the list of fifty-eight plots in the custumal probably corresponds fairly closely with the initial number of households.<sup>78</sup>

A town of fifty-eight plots was not an unreasonable size in comparison with those ascertainable for some contemporary Bishopric towns and was rather larger than the numbers with which several, including Overton, began, albeit earlier in the century.<sup>79</sup> It also compared favourably with the initial forty at Shipston-on-Stour in 1268, a town which (in terms of, *inter alia*, population) has been described as 'a benchmark for defining the frontier between urban and rural settlements'.<sup>80</sup> The problems of estimating medieval population are compounded by the difficulty of discovering the size of medieval households, but if one uses, as others have done, a factor of 4.5, the initial population of

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<sup>77</sup>. *Winchester Cathedral Custumal*, 256-60. The list of borough rents and tenants is uncomplicated, and shows no sign of the revisions which characterize the manorial section of the document; it may therefore be accepted as a record of burgage plots in 1251.

<sup>78</sup>. *cf.* Winchester, 'Medieval Cockermouth', 111.

<sup>79</sup>. Beresford, 'Six new towns of the Bishops of Winchester', 187-215.

<sup>80</sup>. C. Dyer, 'Small-town conflict in the later Middle Ages: events at Shipston-on-Stour', *Urban History*, 19 (1992), 193-4.

Whitchurch may have been about 260.<sup>81</sup> Overton began around 1218 with only twenty-two plots, but had almost doubled in its first five years, and by the mid-thirteenth century may have had about seventy, indicating a population of 315 at the time of Whitchurch's foundation. Newtown, the other north-Hampshire Bishopric town, was founded about the same time as Overton, but with sixty-seven plots. It also grew in its first five years, but remained almost static thereafter.<sup>82</sup> Whitchurch, in contrast with Overton, seems to have experienced population decline even within its first twenty years.<sup>83</sup> It was certainly the smallest north-Hampshire town in 1251 in terms of burgage plots.

## 2.7 The first burgesses: names and origins.

At that time, the largest land-holders in Whitchurch manor were the freemen Walter Hachemus, Walter de Lewes, William de Chalgrave and John Durdent, *alias* Durdaunt, and Robert de Lammedone, a virgater. Of these, only the last two also had an interest in the town. Durdent's manorial holdings were made up of a half-hide and two small pieces of land, and he was liable for heavier services than the other freemen. He had held land in the manor before 1248,<sup>84</sup> and members of his family were to feature prominently in the hundred and borough court rolls for several decades thereafter, in various contexts, some less reputable than others. With his nine burgage plots he had the air of an entrepreneur. Robert de

<sup>81</sup> . cf. G. Rosser, *Medieval Westminster, 1200-1540* (Oxford, 1989), 168; Winchester, 'Medieval Cockermouth', 111-12; Keene, *Medieval Winchester*, i, 366.

<sup>82</sup> . H.R.O. 11 M59/B1/7, 8, 9, 10 and 22: Pipe Rolls of the Bishops of Winchester, 1218-24, 1248-9. The standard rent at Overton was 2s., the assized rent total was £4 2s. 2d. in 1223-4 and £7 1s. 5d. in 1248-9. The standard rent at Newtown was 1s., the assized rent total was £6 7s. 1d. in 1223-4, and £6 15s. 8d. in 1248-9. But many of the Newtown holdings, after the first year, were used as agricultural land rather than for burgages, and it is doubtful whether it ever had any real urban existence.

<sup>83</sup> . See pp.133-4.

<sup>84</sup> . Winch. C.L. Whitchurch manor account roll, 1248, *defectus*.

Lammedone, who had two virgates and another holding in the manor, had held one virgate in Hurstbourne Priors in 1248, which he may have given up when he took the Whitchurch land and burgage.<sup>85</sup> Walter Hachemus, the freeman with the most land (two hides) and the fewest restrictions, did not take up any burgage plots.<sup>86</sup> Neither did William de Chalgrave, who later considered himself sufficiently prosperous and independent to petition the Pope for a private chapel.<sup>87</sup> In view of the close association that was later to develop between Chalgrave and the Bishop's land in Freefolk, it might have been natural for William de Chalgrave to look to Overton if he had wished for commercial opportunities, but there is no sign of him in the Bishops' Pipe Rolls around these years. The conclusion must be that the new burgesses were not drawn from the leading rank, such as it was, of local society.

In 1251 eight burgesses and one former burgess had land outside the town, ranging from two virgates to a half-virgate, all in Whitchurch tithing, and the woodland in Charlcot held by Simon Clericus. The former burgess was Hilary de Angulo, who paid the burgage entry fine jointly with his daughter Alice in 1248;<sup>88</sup> Alice alone was named as the tenant in 1251, while Hilary had turned or returned to the land. In addition, one cottar's son had a burgage, as did the son of a virgater in Charlcot tithing, the only sign of a connection between the three-year old town and any tithing other than Whitchurch itself. Robert de Lammedone and John Durdent are the only two burgesses whose local interests can definitely be established before the foundation of the town, but it seems unlikely that all the other burgesses would have acquired their relatively large manorial holdings after they had become settled. The new town seems to have attracted some substantial manorial tenants, but from the immediate locality only. In this it confirms 'the general observation that

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<sup>85</sup> . Winch. C.L. Hurstbourne manor account roll, 1248, *exitus manerii*.

<sup>86</sup> . Walter Hachemus owed no services except suit of manorial and hundred courts, the other three freemen owed considerable numbers of agricultural services.

<sup>87</sup> . See Appendix 2.

<sup>88</sup> . Winch. C.L. Whitchurch manor account roll, 1248, *perquisita*.



recruits to medieval English towns often came from near at hand',<sup>89</sup> and would have been very similar to Halesowen, where most of the initial settlers came from within the manor.<sup>90</sup> It is, of course, possible that none of the new burgesses actually lived in the town and that all the houses were let to subtenants. However, several of the 1251 surnames, some of which were fairly distinctive, continued to appear in the borough rolls and it is more likely that most burgesses were normally resident, even if the second and third burgages in a block of holdings were sublet.<sup>91</sup>

The names of the first burgesses provide a list with which to speculate in more detail about their origins,<sup>92</sup> a small stock indeed in comparison with 110 at Battle around 1110 and 234 at Stratford in 1251-2.<sup>93</sup> At Battle, Clark was able to demonstrate cultural influences upon the name-stock and hence the regional origins of the burgesses. It is not possible to use the same technique here because developments in usage of both personal and by-names had obscured regional origins by the thirteenth century. We can be sure that this had happened in Whitchurch by looking at the personal names. All of them, both male and female, belong to the small group of names of continental origin which had replaced the multiplicity of Old English and Scandinavian names and which had become very common by the mid-thirteenth century. This development, which 'favoured the increasing use of by-names as a means of distinguishing one man from another',<sup>94</sup> was accompanied by the tendency for by-names to develop into hereditary surnames, a process which seems to have taken place among both free and

<sup>89</sup> C. Clark, 'Battle c. 1110: an anthroponymist looks at an Anglo-Norman new town', in *Proc. Battle Conference*, 2 (1980), 31.

<sup>90</sup> R.H. Hilton, 'Lords, burgesses and hucksters', *Past and Present*, 97 (1982), 10.

<sup>91</sup> cf. Keene, *Medieval Winchester*, i, 235. John Durdent was probably an exception - see ch.5,

<sup>92</sup> See Tables 1 and 2.

<sup>93</sup> Clark, *op. cit.*; E.M. Carus-Wilson, 'The first half-century of the borough of Stratford-upon-Avon', *Econ. Hist. Rev.*, 2nd ser., 18 (1965).

<sup>94</sup> R.A. McKinley, *A History of British Surnames* (London, 1990), 94.

unfree in the period from 1250 to 1350 in the south of England.<sup>95</sup> Closer analysis will show that most of the Whitchurch surnames were of a type likely to have been hereditary; most of them recur in other thirteenth-century documents and it was occasionally necessary to distinguish between a father and son with the same personal name, for instance Nicholas le Voke and Nicholas le Voke *junior* in Whitchurch manor.<sup>96</sup>

Cultural origins, continental or English, are not to be looked for in this list; what of the narrower geographical origins, within the British Isles, which Carus-Wilson was able to demonstrate at Stratford? The Stratford list differed from that of Whitchurch in that Stratford had been in existence for about fifty years at the time of the survey of 1251-2, and the burgesses were by then a mixture of first and second generation Stratfordians plus a continuing flow of immigrants. Even so, about one third of the Stratford surnames are locative and topographical, and most of the sources of these names are to be found within sixteen miles of the town.<sup>97</sup> About the same fraction of Whitchurch surnames fall into these categories, but their sources cannot be so precisely identified. Of the seven names which appear to be topographical, four may refer to features in the town itself,<sup>98</sup> the remaining three are unhelpful.<sup>99</sup> Two surnames (*de Northfolk* and *de Whitchurche*) are clearly locative, while a further two (*de Lammedone* and *de Fraxino*) may be. *De Lammedone* looks like a topographical surname with many possible origins in this sheep-rearing area, but *Lammedone* occurs as a definite medieval place-name in Hurstbourne manor.<sup>100</sup> It is therefore more likely to

<sup>95</sup> . *ibid.*, 36-7.

<sup>96</sup> . *Winchester Cathedral Custumal*, 273.

<sup>97</sup> . Carus-Wilson, *op. cit.*, 53.

<sup>98</sup> . *De Barre*, *de Angulo* and two instances of *atte Churchestigele*.

<sup>99</sup> . *De Ballia* is a latinized version of Bailey, a common English name for which there is no obvious local source; *Heyneman* means 'dweller at the farm or enclosure' - Mr. R.A. McKinley, personal communication. *De la Flode* could have originated anywhere along the river.

<sup>100</sup> . Winch. C.L. Hurstbourne manor account roll, 1248: 'In ramillis de bosco de Lamedone sternendis et inde quandam sepem de iiij quarantenis in eodem bosco inter dominum priorem et Robertum de Lammedone faciendis'.

be locative than topographical. *De Fraxino* might be thought to originate from Ashe, between Overton and Basingstoke, but Ashe does not seem to have been latinized in medieval documents, appearing as *Esse* in Domesday Book and elsewhere as *Asshe*.<sup>101</sup> It therefore seems safer to treat *de Fraxino* as a topographical name. Thus only two of the locative and topographical names can be firmly said to indicate immigration,<sup>102</sup> and only one from a substantial distance. This minuscule proportion is even smaller than that found in a study of fourteenth-century surnames in Nottinghamshire, where a low proportion of locative surnames in a community is connected with very short migration distances and the small size of the communities into which immigration took place.<sup>103</sup>

The primary divisions used by Carus-Wilson in her analysis of the Stratford name-stock were locative/topographical, occupational and 'established family', *i.e.* hereditary names.<sup>104</sup> In the last class she included the terms of relationship 'son of' and 'daughter of', although these are not surnames at all, and not hereditary, in these forms at least. More recent work has expanded and refined these categories,<sup>105</sup> and it now seems better to regard the distinction between hereditary and non-hereditary names as a separate issue from their linguistic origins.

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<sup>101</sup> . Coates, *Place-names of Hampshire*, 25.

<sup>102</sup> . *Magister* John de Whitchurche probably acquired his surname during his university residence.

<sup>103</sup> . P. McClure, 'Patterns of migration in the late Middle Ages: the evidence of English place-name surnames', *Econ. Hist. Rev.*, 2nd ser., 33 (1979), 174-5.

<sup>104</sup> . She grouped the first two classes together and concluded that about two-thirds of the borough tenants had no 'established family' name. From this she deduced that parentage could not have been important, and saw this as confirmation of an immigrant industrial and mercantile population. The deductions do not necessarily follow. Locative and topographical names may have been hereditary by this time even if occupational ones were not; the lack of a family name does not mean lack of parents; and the remaining third with 'established family' names was a substantial number.

<sup>105</sup> . *e.g.* McKinley, *op. cit.*, 22.

Although occupational surnames eventually became hereditary, they are generally thought to have reflected their owners' trades in the thirteenth century, sometimes alternating with or replacing surnames of other types.<sup>106</sup> Only about a quarter of the Whitchurch names were occupational, about the same proportion as at Stratford, and it may be even smaller, since *Palmer* may be derived from a nickname.<sup>107</sup> One of the two Palmers appears to have been engaged in the victualling trade, since he was amerced for four breaches of the assize of ale and one of the assize of bread in 1248. The distinction between occupational surnames and nicknames in this area was sometimes blurred; Freefolk yielded a *Bysshop* and a *Kyng*, Charlcot and Whitchurch tithings two *Chapelayns*, a *Diaconus* and a *Dene*. When surnames of this type are discounted, the total number of truly occupational surnames in the town is so small as hardly to allow any conclusions about trade or craft specialization; indeed their paucity points to a lack of distinctively urban occupations at this time, in contrast with the next available set of names.<sup>108</sup>

Six of the Whitchurch names were derived from personal names; surnames of this type evolved relatively early, and were common among small freeholders and serfs by 1250.<sup>109</sup> Five more were from an associated group, being either nicknames or derived from nicknames of Old French, Old Welsh and Old English origin. All of these names recur in the local rolls, associated with

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<sup>106</sup> . D. Hey, *Family History and Local History in England* (London, 1987), 17; M.M. Postan, *The Medieval Economy and Society* (Harmondsworth, 1972), 226. P.J.P. Goldberg, 'Urban identity and the poll taxes of 1377, 1379, and 1381', *Econ. Hist. Rev.*, 2nd ser., 43 (1990), 209, found that occupational surnames were a reliable guide to trades even in the fourteenth century, especially in the north of England, although A.R. Rumble, 'The personal-name material', in Keene, *Medieval Winchester*, ii, 1409, pointed to some ambiguities in the evidence for Winchester, and considered that the more common of them may have become hereditary by that time.

<sup>107</sup> . McKinley, *op. cit.*, 131, thinks it debatable whether *Palmer* is an occupational surname or a nickname.

<sup>108</sup> . See ch. 5.2.2.

<sup>109</sup> . McKinley, *op. cit.*, 98, 102.

other individuals, before the end of the thirteenth century, and it seems improbable that their first occurrence was in 1251, thereafter to be stabilized into surnames. It therefore seems likely that all these names, and perhaps also that of the two Palmers, had become hereditary in Whitchurch by the mid-thirteenth century, as indeed may have been at least two of the topographical surnames.<sup>110</sup>

Three people were described by relationships, one (*Naght*) has yet to be identified, and one (*Thurstan*) had no surname.

The overall impression is that, unlike at Stratford, most of the first burgesses bore surnames which were already hereditary; indeed, they may nearly all have done so, although in the case of common topographical and occupational names it is impossible to be sure.<sup>111</sup> The name-stock permits few detailed conclusions, in marked contrast to the Stratford study, but this in itself may be significant. In the nearest manorial tithings, names derived from personal names and nicknames clearly predominated over the other types, and there were few occupational names. If the borough's five clerical and pseudo-clerical names are considered to be nicknames, the pattern would be even more similar in both manor and borough than it appears to be.<sup>112</sup> In

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<sup>110</sup>. The burgage plots of the two people named *atte Churchestigele* were nowhere near the church, and, on the assumption that Hilary de Angulo was named from his corner plot, it seems that the name was transferrable back to the manor with him. Nicholas de Angulo lived some way along *Mulestret* and not on a corner.

<sup>111</sup>. McClure, 'Patterns of migration', 167, considers that non-hereditary names were still common in the late-thirteenth century, and that hereditary names, particularly locative ones, tended to be short-lived unless closely associated with the inheritance of property. The situation was actually much more complex, and there were regional variations in the periods at which names of different types became hereditary - see McKinley, *op. cit.*, ch. 1. Mr. McKinley (personal communication) also says that surnames generally tended to become hereditary rather earlier in the south of England than in other regions and that it would not be surprising to find a high proportion of hereditary surnames in mid-thirteenth-century Whitchurch.

<sup>112</sup>. See Table 2.

Stratford there was a marked contrast between the name-stock of the borough and manor, lying chiefly in the terms of relationship, of which there were only three examples in the borough but about a third (out of seventy names) in the manor. The very similarity of the two sets of Whitchurch names, while not evidence in itself, reinforces the impression already gained, that the first burgesses were drawn from families already established very close at hand, and contrasts with the names from Baughurst tithing, where the emphasis on locative and topographical names, indicative of recent immigration, confirms the lately-settled nature of that area. The preponderance of names derived from personal names and nicknames accords well with McKinley's association of this group with small freeholders and serfs, such as the first burgesses of Whitchurch, on the other available evidence, are likely to have been. Probably most of them were already living in the manor either as landless men or cottars who exchanged their holdings in the hope of a better life in small-town society.<sup>113</sup> About a quarter were virgaters who decided to keep a foot in both camps for the time being.

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<sup>113</sup> . Dyer, 'Towns and cottages', has drawn together a good deal of evidence for the low status of many townsmen at that period. More than half the Domesday population of Whitchurch manor were *bordarii*, small-holders.

## CHAPTER 3: THE LORDSHIP OF THE PRIORY.

### 3.1.1 The choice of site: the road system of north Hampshire.

In choosing to found a new town at Whitchurch, the Priory was not beginning from nothing. Whitchurch already had some of the characteristics of a 'central place' - it was an ancient estate centre, the ecclesiastical centre of a hundred and the possessor of a market, albeit of recent recognition.<sup>1</sup> However the 'central place' function was to some extent shared with Hurstbourne Priors. By the fourteenth century the administrative centre of the hundred was to become fixed at Hurstbourne, itself the centre of a large pre- and post-Conquest manorial estate and the possessor of a church which may also have been a small late-Saxon mother church.<sup>2</sup> It contained the Prior's main residence in the area and was more centrally located between Overton and Andover. Whitchurch might not therefore have been the only possible candidate for development, given the decision in principle to found a town in north Hampshire.

The *raison d'être* of a thirteenth-century new town (at least from its founder's point of view) was trade and the profits thereof, and a town's success depended to a large degree on its relation to trade routes, both local and regional.<sup>3</sup> Settlements sometimes migrated to roadside sites in the twelfth and thirteenth centuries.<sup>4</sup> The medieval road system of north Hampshire must therefore have been a critical factor in the choice of site. The relative importance of each medieval road in this area was not necessarily that which it bears today, and is worth further examination.

<sup>1</sup>. cf. Bond, 'Central place and medieval new town', 86-93.

<sup>2</sup>. D.B. fo. 41b; Hase, 'Mother churches of Hampshire', 63-4. For the hundred court see ch.4.4.

<sup>3</sup>. C. Platt, *The English Medieval Town* (London, 1976), 25-6; B.P. Hindle, *Medieval Town Plans*, (Princes Risborough, 1990), 18-19.

<sup>4</sup>. Bailey, 'Buntingford and Standon', 369.

In general, research into the routes and dates of roads has been hindered by lack of evidence and consequently neglected, and there are gaps in our knowledge even of some major routes.<sup>5</sup> It is therefore not surprising that the exact lines of minor routes present even more problems. Published national and county maps, none of which are earlier than the sixteenth century, do not begin to show roads in any detail or with any degree of reliability until the eighteenth.<sup>6</sup> At that time, the major routes through Hampshire lay in an east-west direction, from London via Basingstoke to Salisbury, and from London to the south coast at Portsmouth and Southampton.<sup>7</sup> Road-books and itinerary maps, other sources of evidence from the sixteenth century onwards, confirm the emphasis on the east-west routes<sup>8</sup> and the late-sixteenth-century post stages were also on this orientation.<sup>9</sup> Winchester was in decline as a manufacturing and trading centre from the fourteenth century onwards,<sup>10</sup> and by the sixteenth century did not appear on the main route from London to Southampton.<sup>11</sup> Neither did it feature on any north-south route through the county even when modern evidence for such a route begins to appear. In the eighteenth century the main route from the Midlands to the Hampshire coast

<sup>5</sup>. B.P. Hindle, 'Roads and tracks', in L. Cantor, ed., *The English Medieval Landscape* (London, 1982), 193, 202-5.

<sup>6</sup>. D. Smith, *Maps and Plans for the Local Historian and Collector* (London, 1988), 113.

<sup>7</sup>. e.g. H. Margary, *Two Hundred and Fifty Years of Map-making in the County of Hampshire* (Lympne, 1976), 6b1: H. Moll, 1724; 8-13: I. Taylor, 1759. The post-medieval road system of Hampshire as a whole is discussed in Taylor, *Population, Disease and Family Structure in Early Modern Hampshire*.

<sup>8</sup>. E.G. Box, 'Hampshire in early maps and early road-books', *Proc. Hampsh. Field Club Archaeol. Soc.*, 12, (1931) 223-4, cites two examples: *Chronycle of Yeres*, 1541, which gives only one route in Hampshire (a section of the London to Salisbury route) and Grafton's *Little Treatise*, 1571, which gives a second route, from London to Southampton.

<sup>9</sup>. M. Brayshay, 'The royal post-horse routes of Hampshire', *Proc. Hampsh. Field Club Archaeol. Soc.*, 48 (1992), 133.

<sup>10</sup>. D. Keene, *Survey of Medieval Winchester* (2 vols., Oxford, 1985), i, 93.

<sup>11</sup>. Grafton's second route (see above n.8) avoids Winchester. No major route passes through Winchester in J. Ogilby, *Ogilby's Road Maps of England and Wales, from Ogilby's Britannia, 1675* (Reading, 1971), although its existence is acknowledged by many side-turnings from major



was via Newbury, Kingsclere, Basingstoke and Alton to Portsmouth.<sup>12</sup> Northbound roads through Whitchurch, Hurstbourne Priors and Overton were all equally minor and at times indistinct,<sup>13</sup> and it was only from the late-eighteenth century onwards that maps began to show clearly a northwards route from Winchester through Whitchurch and beyond. This road was turnpiked in 1762, the first indication of its modern emergence as a major route.<sup>14</sup> The road from Winchester via Overton to Kingsclere was never turnpiked, although it was certainly an important local route.<sup>15</sup> The case for this road is confirmed by the development of the Winchester-Kingsclere, rather than the London-Salisbury road, as the main axis for Overton, clearly shown on a map dated 1615.<sup>16</sup> But its onward direction from Kingsclere is less clear; the oldest part of the town lies along the two streets which were to be turnpiked in a north-easterly direction towards Aldermaston and away from Newbury, although a post-medieval route from Kingsclere to Newbury certainly existed.<sup>17</sup> The present course of this road, past Sandford Priory, is due to the siting of Greenham Common Airfield across the old, more direct route from Kingsclere to Newbury.<sup>18</sup> The road along the Bourne valley which connected Hurstbourne Priors with its tithings and, ultimately, Hungerford, never developed into a major route into Berkshire and beyond.<sup>19</sup>

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routes. Plate 97 shows it at the end of a branch from Southampton with no northward continuation of the road.

<sup>12</sup> Moll, 1724 (see above n.7).

<sup>13</sup> Taylor, 1759 (see above n.7).

<sup>14</sup> Viner, 'Industrial archaeology of Hampshire roads', 161, lists the Winchester and Newtown River Turnpike Trust, 1762; H.R.O. 139 M89: *Hampshire: County Maps* (2 vols.), ii, 17; J. Cary, 1787, shows the Winchester road through Whitchurch as a turnpike.

<sup>15</sup> C. Cochrane, *The Lost Roads of Wessex* (Newton Abbot, 1969), 51-5.

<sup>16</sup> Corpus Christi College, Oxford, *Langdon Plans* (2 vols.), ii, 28: map of Overton borough, 1615.

<sup>17</sup> Moll, 1724 (see above n.7); D. Defoe, *A Tour Through the Whole Island of Great Britain*, 3rd ed. (4 vols., London, 1742), i, 243, describes Kingsclere as 'a pleasant market-town on the Oxford road from Basingstoke'.

<sup>18</sup> Shown on the 1" O. S. map, Sheet 12, 1st ed., (surveyed 1817).

<sup>19</sup> Travellers from Hungerford were entertained at Hurstbourne in 1280, but this may not be significant since Priory travellers needing to spend a night in the area were usually accommodated at Hurstbourne whatever their route.

However, towns and villages did not exist in the isolation implied by many maps. The network of minor roads shown by Taylor is probably a truer approximation to the actual number of pre-turnpike routes, though many were still rough tracks such as that by which Jane Austen's mother first arrived at Steventon Rectory in 1764.<sup>20</sup> In any case, maps and road-books are not the only evidence for the existence of roads. Account rolls bear witness to the movement of people and goods in the medieval period, and the length of some journeys implies that 'the roads were not unduly difficult'.<sup>21</sup> The Whitchurch and Hurstbourne rolls certainly imply such local movement. Besides the usual transport of goods and stock, suitors regularly attended hundred courts from the scattered tithings of Hurstbourne and from distant Baughurst, and Priory officials travelled from Winchester to hold courts and collect money. Occasional details provide glimpses of longer journeys, as, for instance, when money was paid to a monk going to a General Chapter at Northampton.<sup>22</sup>

Royal itineraries, particularly those for John, Edward I and Edward II, are sometimes used as evidence for medieval routes, but none reveal the existence of a major road from Winchester to Newbury in the thirteenth and early-fourteenth centuries.<sup>23</sup> There is, however, other evidence for the northwards movement of people and goods through this area. The King's wine was frequently carried from Southampton and Winchester to Sandford Priory on the southern edge of Newbury, and to his residences in and near Oxford.<sup>24</sup> The route is not specified, but a journey from Winchester via Basingstoke would have been very circuitous for such regular traffic. A visit

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<sup>20</sup> D. Cecil, *A Portrait of Jane Austen* (Harmondsworth, 1980), 22.

<sup>21</sup> Hindle, 'Roads and tracks', 202.

<sup>22</sup> Winch. C.L. Whitchurch manor account roll, 1338.

<sup>23</sup> B.P. Hindle, 'The road network of medieval England and Wales', *J. Hist. Geog.*, 2 (1976), figs. 3-9.

<sup>24</sup> *Cal. Lib. R.* (London, 1916-64), *passim*. The borough at Newbury was probably an eleventh-century foundation - the name first occurs in 1079 (*V.C.H.*, iv, 135).

was made in 1282 from Winchester to Harwell via Whitchurch to have the Prior's palfrey's teeth attended to,<sup>25</sup> and a road certainly existed from Winchester to Newbury through Whitchurch in the mid-fourteenth century.<sup>26</sup>

Some additional evidence for late-medieval routes is provided by the Gough map of ca. 1360, the interpretation of which presents many problems, and on which many roads are shown, but many, both major and minor, omitted.<sup>27</sup>

The main east-west route through Hampshire runs from London to Salisbury via Winchester, with no north-south route through the county at all. However, the map shows many places with no indication of their road links, among them Basingstoke and Whitchurch; the former was probably among the settlements 'chosen at random from amongst the more important places in Britain', the latter probably among the minor places 'included solely because they were at significant points on the road network'.<sup>28</sup> Basingstoke and Andover, though not among the few Domesday boroughs in Hampshire, were both prominent Saxon vills and both show signs of their development into towns by the twelfth century.<sup>29</sup> They are therefore likely to have been linked by road for many years before they began to feature on the long-distance route from London to Salisbury indicated by the post-medieval evidence. Whitchurch and Andover were certainly connected by road in the mid-thirteenth century, indeed by two roads, the more southerly of which was to become the turnpike road, along which Overton and Hurstbourne Priors also lay.<sup>30</sup> This road, however, was obviously of less importance than that

<sup>25</sup> . Winch. C.L. Whitchurch manor account roll, 1282: 'In dentibus palefridi domini Prioris secandis xij d. In expensis servientis et j garcionis euntium ad Harewell' pro eodem negotio xij d.'

<sup>26</sup> . H.R.O. 19 M61/560: demise of property in Whitchurch 'on the west side of the street from Wynton to Neubury', 1355-6.

<sup>27</sup> . B.P. Hindle, 'The towns and roads of the Gough map', *Manchester Geographer*, 6 (1980). Whitchurch and its neighbours are not shown on Matthew Paris's mid-thirteenth-century map.

<sup>28</sup> . *ibid.*, 48.

<sup>29</sup> . *V.C.H.*, iv, 129, 346. Andover, Overton and Hurstbourne Priors are not on the Gough map.

<sup>30</sup> . *Winchester Cathedral Custumal*, 260 and 262, refers to two separate roads from Whitchurch to Andover. The exact line of one of them is

through Winchester as a long-distance route through the county, and only developed as Winchester declined.<sup>31</sup>

As for the north-south route, the evidence of maps and documents combines to reinforce Beresford's assumption of a route from Oxford to Winchester, along which the Bishop's new town of Newtown, on the Hampshire-Berkshire border, was laid out in the early-thirteenth century.<sup>32</sup> This road would have passed close to the Bishop's residence and deer park at Highclere, which was also the administrative centre of his north-Hampshire group of manors.<sup>33</sup> The road led southwards through Whitchurch and northwards to the Bishop's Berkshire manors, and would also have formed part of the long-distance route from the Midlands to Southampton, postulated by Hinton, which may be associated with the rise of Oxford and the decline of Dorchester-on-Thames in the ninth century.<sup>34</sup> This is the most likely route for the transport of the King's wine to Sandleford Priory. Newtown, in decline in modern times, was bypassed by a realignment of the road slightly further to the west but on the same general line.

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uncertain. There is no difficulty in identifying the first as the later turnpike road. The second is 'de itinere quod se extendit versus Andevere versus australem et versus orientalem videlicet de itinere versus furchas quod se extendit versus Holedene.' *Holodene*, now Woodings, is north-east of the town, and the alternative descriptions of this road are mutually exclusive.

<sup>31</sup> Cochrane, *Lost Roads of Wessex*, 33-4.

<sup>32</sup> Beresford, 'Six new towns of the Bishops of Winchester', 197. A map dated 1606 (Corpus Christi College, Oxford, *Langdon Plans*, ii, 5) shows two roads converging on Sandleford, one on the present line of the A34, one along 'Newtowne Streete'. There is no sign of the present Burghclere-Sandleford road, of which the original line was probably diverted to form Newtown's main street and to which it reverted at some time after 1606. The present road from Basingstoke to Newbury is shown as a narrow lane.

<sup>33</sup> E. Roberts, 'The Bishop of Winchester's deer parks in Hampshire, 1200-1400', *Proc. Hampsh. Field Club Archaeol. Soc.*, 44 (1988), 69.

<sup>34</sup> D.A. Hinton, *Alfred's Kingdom: Wessex and the South, 800-1500* (London, 1977), 197; C. Taylor, *Roads and Tracks of Britain* (London, 1979), 100, claims that the present line of the A34 was a Saxon route which became one of the major routes of medieval England, but does not cite any supporting evidence.

Since the major towns of Hampshire and Berkshire, as well as the Bishop's two north-Hampshire towns and his Highclere mansion, were already well-established before the advent of the market and town at Whitchurch, it seems probable that the road system of the area pre-dated them. It has been suggested that the building of a bridge across the Test at Whitchurch was 'the catalyst in the creation of the new market centre',<sup>35</sup> but the building of bridges in this part of north Hampshire is unlikely to have been a significant factor in urban development since the rivers are so shallow as to be easily fordable.

### 3.1.2 The choice of site: other factors.

Apart from good communications, the basic requirements of thirteenth-century new towns were a reasonably flat site and a water supply. Water was equally plentiful at Whitchurch and Hurstbourne, but whereas the potential site at Whitchurch involved the use of awkward slopes, that at Hurstbourne Priors was relatively flat. In addition, Hurstbourne was the larger manor, with more outlying settlements and a bigger population from which immigrants to a new town might be recruited. It consistently yielded a larger income from rents, the profits of agriculture and court perquisites to the Priory.<sup>36</sup> A town, even with the field strips with which it might be endowed, occupied comparatively little space, and Hurstbourne could easily have absorbed the loss of income involved in giving up agricultural land, which, in any case, should have been offset by urban income. The town would, of course, have been almost on the doorstep of the Prior's mansion and deer park, but medieval magnates do not seem to have objected to such proximity - there

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<sup>35</sup> M. Hughes, *The Small Towns of Hampshire* (Southampton, 1976), 140.

<sup>36</sup> Whether this is merely a reflection of its larger area or a genuine indication of greater prosperity is hard to tell without much closer examination of the records than time allows.

were similar arrangements at, for example, Ledbury and Cockermouth, and rich and poor often lived side-by side in medieval towns.<sup>37</sup>

By the early-medieval period there was no difference in status between the churches at Whitchurch and Hurstbourne Priors, both being parish churches each with one dependent chapel and a vicarage appropriated to the Hospital of St. Cross. Although both standing on a road of local, if not yet national, importance, neither of the churches had evidently acted as a particularly strong magnet for settlement in their immediate neighbourhood. Mother churches of hundreds did often attract unofficial markets to their gates, and the decision to seek a market grant for Whitchurch rather than for Hurstbourne Priors in 1241 is perhaps an indication that a market had begun to develop in the region of this mother church.<sup>38</sup> But the new town was not to be situated beside the church, and local topography does not suggest that road diversions were necessary in order to create a central market-place at Whitchurch.<sup>39</sup> The market is therefore more likely to have developed as a result of the road junction than the attractive force of the church.<sup>40</sup> It is perhaps no coincidence that the tithing-name *Charlcot* is found on a line

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<sup>37</sup> J.G. Hillaby, *The Book of Ledbury* (Buckingham, 1982), 23-4; A.J.L. Winchester, 'Medieval Cockermouth', *Trans. of the Cumberland and Westmorland Antiqu. and Archaeol. Soc.* (1985-6), 119-21. The Bishop's palace at Ledbury was moved from the market-place around 1232 but only a very short distance.

<sup>38</sup> A strong association between minsters and market towns is noted by J. Blair, 'Minster churches in the landscape', in D. Hooke, ed., *Anglo-Saxon Settlements* (Oxford, 1988), 47, although he is speaking of a generation of minsters earlier and larger than Whitchurch.

<sup>39</sup> The north-south road ran in an almost direct line from the natural gap between the two Iron Age hill-forts of Beacon and Ladle Hills, through the centre of Whitchurch, southwards towards Tidbury Ring (another hill-fort) and on to Winchester.

<sup>40</sup> cf. Platt, *Medieval English Town*, 27: 'it is common in these [market-based towns] for the intersection, or, converging, of major trackways to have determined not merely the siting of the borough, but also how its streets and markets should be disposed'. Alnwick is a much-quoted example of a town which developed round a market-place formed by the intersection of important roads - see M.R.G. Conzen, *Alnwick, Northumberland: a Study in Town Plan Analysis*, *Trans. and Publ. Inst. Brit. Geog.*, 27 (1960), 16-18.

south of the market-place along the road to Winchester; *cot* place-names, indicative of small subsidiary settlements, are sometimes associated with the formative stage of boroughs.<sup>41</sup> The north-south road through Whitchurch, whether bridged or forded, would have carried more long-distance traffic than the road through Hurstbourne Priors, and the junction formed with the east-west road at Whitchurch would therefore have been a more natural place for the development of a market than the similar junction at Hurstbourne.

Several of the factors involved in the final choice of site for the new town would either have been neutral, or in favour of Hurstbourne Priors, and if the Priory had wished to take advantage of east-west traffic, Hurstbourne would have been ideally situated. The principal differences, and probably therefore the over-riding factors, were the positions of the two manors *vis-a-vis* the long-distance road system, and the pre-existence at Whitchurch of a market fostered by the road intersection there. The choice of Whitchurch, and the orientation of Overton, show that the main direction of trade and travel through mid-thirteenth-century Hampshire was still between the south coast, Winchester and the Midlands. In choosing to found a town so close to Overton, the Priory must have had reason to think that the new town could compete effectively with the established one.

### 3.2 Streets, plots and plan.

The long-distance road system provided the framework for the main streets of the new town, presently five in number but then four, listed in the custumal as *magnus vicus*, *Wodestret*, *Bynstret* and *Mulestret*. The identification of these presents some problems. The second and fourth retained their names into the eighteenth century, being shown on the 1730 map as Wood Street and

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<sup>41</sup>. C. Dyer, 'Towns and cottages in eleventh-century England', in H. Mayr-Harting and R.I. Moore, eds., *Studies in Medieval History Presented to R.H.C. Davis* (London, 1985), 96-100.

Mill Street, now Bell Street and London Street, respectively.<sup>42</sup> *Wodestret*, the initial section of the minor road to Andover, was also the link between Whitchurch, the demesne farm *curia* and the northern tithings of Hurstbourne; the wood from which it was named lay only a short distance from the town, immediately north of the Prior's park.<sup>43</sup> *Mulestret* was named from the manorial corn mill, which naturally held a significant place in local life. It has been suggested that the three Domesday mills are to be identified with the present three mills in the parish,<sup>44</sup> but a closer reading of the evidence suggests that only two of the medieval mills are on the same sites as present mills. Of these, one was the corn mill (now named Town Mill) which is reached by a lane branching from the former *Mulestret*, the other was leased in 1251 and was at various times a fulling mill and a corn mill and is now again named Fulling Mill.<sup>45</sup> The Silk Mill, now owned by the Hampshire Preservation Trust, dates from the eighteenth century, and there is no evidence that it replaced an older mill; the third Domesday mill is more likely to have been situated in the now dry valley of Wooldings, since the farm of the mill of *Holodene* appeared regularly in the manorial account rolls. A

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<sup>42</sup> See Map 4.

<sup>43</sup> 'Wood Street' becomes 'Bloswood Lane' immediately outside the town, and Blows Wood (or the part of it remaining by the eighteenth century) lay to the west of the lane - see H.R.O. 15 M84/MP28: survey of the estate of Mr. Conduitt, 1734, and 15 M84/MP30: plan of the estate of the Earl of Portsmouth, 1786. Blows Wood was thus adjacent to a surviving copse (Cowdown Copse) as well as to the Prior's park, and it is possible that these three wooded areas were originally one large wood.

<sup>44</sup> *V.C.H.*, iv, 300.

<sup>45</sup> Winch. C.L. Whitchurch borough account rolls, May and June, 1314: two entries concerning obstruction by John le Ryche combine to show that the manorial corn mill was on the east side of the town. There is sufficient continuity in documentation (e.g. *Winchester Cathedral Custumal*, 280-1; *Documents relating to the Foundation of the Chapter of Winchester*, 88; Winch. C.L. W54/5/10/2: W. Garbett, *Valuation of Whitchurch Mills*, 1810) to prove that the mill leased to Robert de la Were in 1251 was on the site of the present Fulling Mill. But if this was one of the Domesday mills, there is nothing to show when it was converted for fulling.



stream still runs through this valley in very wet winters, and medieval water-mills could evidently operate on very small streams.<sup>46</sup>

Of the other three eighteenth-century street names, Church Street remains, Bearhill Street is now Newbury Street and Duck Street has become Winchester Street. Church Street does not seem to have had a fixed medieval name, being described as 'vicum regium qui ducit per mediam ville in ecclesiam';<sup>47</sup> *vicus regius* had by this time lost its royal connotation and could apply to any important thoroughfare.<sup>48</sup> Only seven burgage plots are listed in the *magnus vicus*, considerably fewer than in the other streets, and on the north side only, which agrees with the appearance of Church Street on the map. By elimination, *Bynstret* would then be the Newbury-Winchester road, considered as one street north and south of the market-place.<sup>49</sup> *Bynstret* had many more plots than the others, again borne out by the map, and its Saxon meaning 'inhabited, occupied' may be an additional proof of development along this road before the borough foundation. Nevertheless, the designation of Church Street as *magnus vicus* and its initial position in the list signify the intention, never fully realized, that this should be the principal street. As the route from the town centre to the church, it must always have had local significance, but there was to be less development along this street throughout the medieval and modern periods, both inside

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<sup>46</sup> W.G. Hoskins, *The Making of the English Landscape* (Harmondsworth, 1970), 81; Darby and Campbell, eds., *Domesday Geography of South-East England*, 348; A.R. Bridbury, *Medieval English Clothmaking: an Economic Survey* (London, 1982), 19. See also the example of the River Misbourne, which, though sluggish and frequently dry for part of its course, turned the wheels of several watermills and fed a number of fishponds - R.A. Croft and A.R. Pike, 'Buckinghamshire fishponds and river fisheries', in M. Aston, ed., *Medieval fish, fisheries and fishponds in England* (British Archaeol. Reports, British ser., 182, 1988), 233.

<sup>47</sup> H.R.O. 19 M61/565: feoffment of property in Whitchurch, 1369.

<sup>48</sup> F. M. Stenton, 'The road system of medieval England, *Econ. Hist. Rev.*, 7 (1936), 3-4.

<sup>49</sup> Rentals were usually compiled in a reasonably consistent topographical order, and if my identification of the streets is correct, a clockwise arrangement was adopted here.

and outside the town boundary, than along any other except perhaps *Wodestret*.

In 1251, three years after the grant of the borough charter, Whitchurch had fifty-eight plots for which rent was paid to the Priory. Fifty-seven of the plots were described as burgages and one as a messuage.<sup>50</sup> All but five had two acres of land each, the strips lying together in the burgage field, which survived, though with many internal alterations, well into the nineteenth century. The 1730 map clearly shows the boundaries of the town and field, with a regular pattern of burgages grafted on to the larger, older plots, and spread along the five streets, meeting at the central market-place. As a Winchester writer was to observe in the early-seventeenth century, 'the howses of the burrough are but in a small circuite',<sup>51</sup> the entire area occupied by the new town being about fourteen acres.<sup>52</sup>

The relative stability of medieval town plans, particularly in regard to streets and property boundaries, has often been demonstrated,<sup>53</sup> and the large-scale part of the 1730 map shows that several typical burgage series were well preserved in Whitchurch at that time, although a certain amount of subdivision had obviously taken place. Modern O.S. maps indicate that many of the plot boundaries survived not only into the nineteenth century but to the present day, especially in Church Street, the east side of Newbury Street and on both sides of London Street beyond the town centre, although none of the present buildings on these plots are earlier than the seventeenth, if not the

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<sup>50</sup> . For a discussion of these terms see pp.81-2.

<sup>51</sup> . See Appendix 6.

<sup>52</sup> . Calculated from three nineteenth-century documents in private ownership, relating to the sale of freeholds in Whitchurch: G. Barnes, *A Numerical Survey of the Borough of Whitchurch*, 1819; *Release from Sir Samuel Scott to Robert Rawlins*, July, 1839; *Whitchurch, Hants.: Particulars and Conditions of Sale*, September, 1839. The 1730 plot numbers continued to be used in nineteenth-century property transactions, thus facilitating correlations.

<sup>53</sup> . e.g. Conzen, *Alnwick, Northumberland*, 7; Hindle, *Medieval Town Plans*, 21.

eighteenth, centuries.<sup>54</sup> The accuracy of the 1730 surveying is difficult to assess, particularly as the map exists in three copies and it is not known which, if any, was the exemplar, but the basic shapes of the medieval plots are clear.<sup>55</sup> In Church Street, Winchester Street south of the market-place, and on the south side of London Street they are long and narrow, but there are also larger, squarer plots elsewhere, particularly in Newbury and Bell Streets, and on the north side of London Street. Map 5 is a reconstruction of the plot boundaries indicated on the 1730 map, modified to suggest the original units laid out by the medieval surveyor.

The sizes of medieval burgage plots, and the width of their street frontages in particular, have been the subject of investigation in many towns.

Considerable regularity has been found, albeit with wide variation in different areas, ranging, for example, from around thirty feet at Alnwick to seventy feet at Burton-upon-Trent.<sup>56</sup> This regularity can generally be related to multiples and fractions of the perch, whether the standard sixteen-and-a-half feet or a local version.<sup>57</sup> It is not always easy to tell if the standard or a local version was used in Hampshire - a customary acre was in use during the second half of the thirteenth century on some Winchester manors.<sup>58</sup> But the acre measured by standard perches was more usual, and the standard perch was used as the basis of the two-perch plot in the Bishop of Winchester's thirteenth-century new town at Alresford.<sup>59</sup> One might expect that the other Hampshire episcopal towns were laid out using the standard perch, though

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<sup>54</sup> E. Roberts, personal communication.

<sup>55</sup> I have used the British Library copy in my calculations, occasionally cross-checking with one of the privately-owned copies.

<sup>56</sup> Conzen, *Alnwick, Northumberland*, 33; Platt, *English Medieval Town*, 54.

<sup>57</sup> In the next part of the discussion, the terms 'perch' and 'square perch' will be used to denote linear and areal measurements respectively; this is not strictly correct, but accords with modern practice - see Hindle, *Medieval Town Plans*, 53.

<sup>58</sup> Titow, *Winchester Yields*, 9.

<sup>59</sup> E. Lewis, E. Roberts and K. Roberts, *Medieval Hall Houses of the Winchester Area* (Winchester, 1988), 41.

not necessarily in the same multiples, and that this unit would also have been used by the Priory's surveyors at Whitchurch.

The measurement of burgage frontages, whether from maps or on the ground, presents well-known practical difficulties. Measurement even from 1:2500 O.S. maps cannot be done with a better accuracy than two feet; measurement of surviving plots, even where they can be securely identified on the ground, is time-consuming, requires the consent of many householders, and is not necessarily accurate because of modern alterations to fences and gateways. On the whole, the use of maps is preferable because the plot boundaries can be more easily seen, patterns begin to emerge, and the margin of error appears to be acceptable.<sup>60</sup> The widths recorded in Table 3 are based on the plot frontages suggested by the 1730 map, superimposed and measured on the current revision of the 1:2500 O.S. map.<sup>61</sup> When the map measurements are rounded up or down to the nearest quarter-perch, the errors are all within the two-foot margin. This is, of course, to be expected even if the frontages were of random width, because one-eighth of a perch is only just over two feet. However, sixty-five per cent of the frontages measured are closer to multiples of a half-perch, rather than a quarter. A simple statistical analysis of the widths thus obtained seems to bear out the hypothesis that the original unit of measurement was the standard perch, though perhaps the standard of surveying was somewhat rough-and-ready.<sup>62</sup>

The frontages most closely approximate to multiples of whole perches in Newbury Street, but there is little evidence that the multiples themselves were

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<sup>60</sup> . Hindle, *Medieval Town Plans*, 52.

<sup>61</sup> . The first edition 25" O.S. map was not used for this purpose because the accuracy of the surveying is demonstrably in error at various points, and the plot boundaries in question did not change significantly between the nineteenth and twentieth centuries. Winchester Street and Bell Street are not included in Table 3 because redevelopment in these areas between the eighteenth and nineteenth centuries caused much disturbance of the plot boundaries, and map measurements are not feasible.

<sup>62</sup> . See Appendix 3.

standard, ranging as they do from two to eight, with three sets of seven. Whole perches are also discernible in London Street, but again with little regularity in the multiples, and the widths more commonly include fractions. In both these streets, the plot patterns suggest that some of the narrower plots resulted from subdivision of larger plots, and if the measurements from such adjacent plots are combined, multiples of whole- and half-perches emerge as the basis on which these streets were laid out.

The most surprising result of measurement was in Church Street, an area where the 1730 map seems to show the least alteration from an original pattern, and where the property boundaries are known from a series of eighteenth- and nineteenth-century deeds to have remained stable from the seventeenth century onwards.<sup>63</sup> Here, only half the plots appear to conform to units of whole and half-perches, and in general, the plots have narrower frontages than elsewhere in the town, although it looks as if Winchester Street south of the market-place might have given similar results if it had been possible to measure it. The Church Street plots have the pronounced curve interpreted at Stratford as aratral,<sup>64</sup> and it may be that these plots directly reflect earlier field strips rather than an entirely new layout. Field patterns may also have influenced the shapes of the plots elsewhere, and particularly on the north side of London Street, where the small-scale part of the 1730 map shows the burgage field strips backing on to the gardens of the cottages at the edge of the town. It might be argued that in the land-hungry thirteenth century, arable land was unlikely to have been given up for housing. But this land was of relatively poor quality, and amounted to relatively few acres. There are good parallels for the establishment of burgage plots on arable fields, for example at Sherborne and Thame, and at Stratford itself.<sup>65</sup>

<sup>63</sup> M. Smith, personal communication.

<sup>64</sup> T.R. Slater, 'Ideal and reality in English episcopal medieval town planning', *Trans. Inst. Brit. Geog.*, new ser., 12 (1987), 195.

<sup>65</sup> J. Fowler, *Medieval Sherborne* (Dorchester, 1951), 153-4; Bond, 'Central place and medieval new town', 94.

As to the plot tails, those in the triangle formed by Bell and Newbury Streets are cut off by straight lines running across the backs of several plots; in the rest of the town they are less regular, and may be accounted for in two ways. A narrow lane joins Church Street to Bell Street, but with an awkward kink in doing so, and the Church Street plot tails, in abutting it, form an irregular line.<sup>66</sup> It also interrupts the row of plots on the west side of Bell Street in a way which seems unnecessary unless it is interpreted as a pre-existing lane. This would have led from the original area of settlement near the church, along the back edge of the group of strips over which the Church Street plots were later sited, to the demesne farm *curia* and the manor's western fields and woods. Another lane forms the back boundary of the plots on the north side of London Street and seems to have been part of the network of lanes which led to the burgage field from Newbury and London Streets, a network which may also have pre-dated the town.<sup>67</sup> The plots on the south side of London Street, and the southernmost plot in Winchester Street, are bounded by one of the many backwaters formed by the meanderings of the river. Lanes and a water-course thus defined most of the boundaries, both of the plots and of the town itself, and hill contours may also have influenced the surveying in Newbury and London Streets. But it has proved difficult to measure the plot lengths, or to calculate their areas, on the O.S. map, largely because of modern disturbance behind the frontages,<sup>68</sup> and although the nineteenth-century documents give the areas with reasonable accuracy,<sup>69</sup> it is very difficult to detect anything resembling a standard plot area. Given the wide variation in frontages it is not surprising to find similar variation in areas, but even when the smallest plots are discounted and the largest divided into their theoretical original constituents, the possible plot areas range from

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<sup>66</sup> . Documents variously refer to this lane as Great or Man's Lane.

<sup>67</sup> . It seems likely that the burgage field was cut out of an existing arable field - see pp.66-7. The lanes survived the enclosure of the burgage field and still exist.

<sup>68</sup> . cf. Keene, *Medieval Winchester*, i, 180-2.

<sup>69</sup> . Measurement of three sample plots on the O.S. map produces areas which largely agree with those given in the nineteenth-century documents.

about twenty-five to forty square perches. These are not unusual sizes for medieval burgage plots, but it does seem to be unusual to find such a wide range in individual towns, especially towns as small as Whitchurch. If equality of plot area was the ideal in medieval town planning, as, for instance, at Lichfield and Ludlow, it was far from coinciding with reality here.<sup>70</sup>

The problem of laying out plots around the market-place was not solved neatly. The corner plot formed at the junction of London and Winchester Streets encroaches awkwardly on to Newbury Street, but seems to be part of the original plan. There are two possibilities. The first, that an original road alignment was retained, would imply a slight discontinuity in the Basingstoke Andover road at this point; the second, that an original road had been realigned in such a way that it did *not* lead directly into the market-place, seems more inherently unlikely. The first possibility is therefore to be preferred, and is another indication of the secondary importance of the Basingstoke-Andover route at this time. The five-way intersection did not lend itself to neat realignments of the burgage series in order to turn corners, as a grid system would have done. None of the corner plots, except that in the angle of Church Street and Bell Street, has a clear orientation and all could have had frontages on two streets.<sup>71</sup> The plot on the corner of Bell Street and Newbury Street looks like the prime site of all, running as it does across the north side of the market-place and with a long frontage to Newbury Street. That on the corner of Church Street and Bell Street had a similar advantage with respect to the market-place, but it was more clearly associated with the burgage series in Church Street than with the market-place. Plot orientation may have been used by the medieval surveyor 'to enhance the intended status of particular streets',<sup>72</sup> but the surveyors at

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<sup>70</sup> . T.R. Slater, 'English medieval new towns with composite plans: evidence from the Midlands', in T.R. Slater, ed., *The Built Form of Western Cities: Essays for M.R.G. Conzen* (Leicester, 1990), 76; Slater, 'Ideal and reality', 198.

<sup>71</sup> . *cf.* Winchester, where the most complex relationships usually occurred near street corners - see Keene, *Medieval Winchester*, i, 181.

<sup>72</sup> . Slater, 'Ideal and reality', 195.

Whitchurch seem to have had no clear idea about which was, or ought to be, the principal street, and may have been trying to keep several options open.

In other towns, such as Ludlow and Pershore, differing burgage patterns have been taken to reflect different phases of development,<sup>73</sup> but the custumal listing shows that burgage plots in all the main streets of Whitchurch were occupied within three years of its charter.<sup>74</sup> Even if the new settlement had begun by developing informally, as seems particularly likely along the Newbury-Winchester road, the relative regularity of the burgage plots indicates a fresh start with a single plan. The wide variations in frontages and areas seem to have been dictated by local topography and established features - fields, roads and watercourses - rather than by pre-existing property boundaries such as those seen in the earlier settlement near the church. The reconstruction of property boundaries in Map 5 produces a total of about sixty burgage plots, compared with fifty-eight listed in the custumal. The widest plots in Newbury Street may derive from the several sets of multiple holdings listed in the custumal for *Bynstret*. Even so, many of the plots seem exceptionally wide in comparison with other medieval towns, and may be an indication of the relative lack of pressure on space when the town was laid out. By 1730, most of the plots had still not been extensively built on, and neither had two large riverside areas, one at the eastern end of London Street and one on the south side of Church Street. The surviving early-modern houses in the town are arranged parallel with the streets rather than at right-angles to them, the more usual situation when towns were crowded. It is, of course, possible that the undeveloped areas had originally contained burgage plots, and should be taken as a sign of contraction rather than, as at Stratford, of 'an over-ambitious initial design',<sup>75</sup> but the disparity between the numbers of burgage plots in the reconstruction

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<sup>73</sup> . Hindle, *Medieval Town Plans*, 55; T.R. Slater, 'The analysis of burgages in medieval towns: three case studies from the West Midlands', *West Midlands Archaeology*, 25 (1981), 59-62.

<sup>74</sup> . The town may have been laid out somewhat earlier - see pp.34-5, 116.

<sup>75</sup> . Slater, 'Ideal and reality', 196.



and in the custom is not so great that it cannot be accounted for by the subdivision of the widest plots. Moreover, any development in the meadow on the south side of Church Street, which also fronted on to Winchester Street, would have had a very prominent position in the town, and is the least likely candidate for abandonment. This land was still a meadow in the mid-nineteenth century.<sup>76</sup> The explanation cannot be that its proximity to the river made it unsuitable for building, since similar land on the east side of Winchester Street was developed from the start. It must always have been more useful as meadow than as building-land, even after the sixteenth-century increase in traffic should have enhanced the status of Church Street as part of the long-distance east-west route. The other plots between the church and the town, especially on the south side, remain relatively undeveloped to this day, and still contain houses set in large gardens.<sup>77</sup>

The Whitchurch burgage field abutted the south side of Lock Field, one of the three open fields which survived until enclosure, and in fact was probably

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<sup>76</sup> . *Release from Sir Samuel Scott to Robert Rawlins*, July, 1839.

<sup>77</sup> . An exercise in plot reconstruction similar to that for Whitchurch has not proved possible for Overton, despite the existence of the seventeenth-century map in Corpus Christi College, Oxford. This map gives details only of those properties owned by the college, which had been too much subdivided by the nineteenth century to relate to surviving property boundaries. The framework for Overton's new plots was a newly-laid-out rectilinear plan, too small to be called a grid, using the Winchester-Kingsclere road as the main street. Houses can be seen lining it, but they are represented in a stylized way by chimneys, which may not reflect the true number of houses. Acreages, however, are given for the college's plots, and at around three roods, or three-quarters of an acre each, are very large indeed, although some of them seem to have more than one house on them. Overton's oldest surviving houses (which are of similar date to the oldest in Whitchurch), are, as at Whitchurch, parallel to the street. O.S. map measurement of the few modern property boundaries in Winchester Street which look like remnants of burgage plots gives a plot area of around seventy square perches, that is, just over half the area of the college's three-rood plot, which is still large, though not unknown, by medieval standards, and particularly large in comparison with the majority of Whitchurch plots. In Overton, as in Whitchurch, space was not at a premium, and housing seems to have occupied relatively little of the potential area in 1615.

carved out of it.<sup>78</sup> The burgesses' strips amounted to 104 acres, and the Priory also retained an interest in it; eight acres of peas were sown 'in campo de la burgh' in 1261.<sup>79</sup> If this was the same piece of burgage land as the Dean and Chapter held in 1730, it would have been a large strip immediately north of the town with a frontage on Newbury Street. This would have been a prime site for development at the entrance to the town, if expansion had proved desirable or necessary. Only nineteen of the burgage plots which had field strips in 1251 retained them in 1730, the majority of the strips, together with the older town plots, having by then been acquired by a few wealthy land-owners. But the 1730 map uses the same numbering system for burgage plot and field strip, and the distribution of those strips not engrossed by the few large land-owners shows that, unless almost every one of the field strips had become disassociated from its original burgage, the strips cannot have been laid out in the same sequence as the burgage plots.

The land on which the town was built was not so obviously taken out of the three principal fields and, lying close as it does to both river and hillside, must have been partly laid out on pasture and woodland, as well as on arable (perhaps even demesne arable) land. The final boundary of town and burgage field incorporated the earlier settlement as well as an island and several fields, on one of which, at the London Street entrance to the town, a public house was later to be built. It is not yet possible to tell whether these additional pieces of land were contemporary with the new town or later purchases from the manor.<sup>80</sup> Several manorial holdings had already been taken into the demesne by 1248, but the Priory did not try to compensate itself for the land (about 120 acres, not including the earlier settlement or the

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<sup>78</sup> . This conclusion is suggested by the topography; both Burgage and Lock Fields are separated from North Field by the valley called *Winterdene* and its northern extension *Holodene*.

<sup>79</sup> . Winch. C.L. Whitchurch manor account roll, 1261.

<sup>80</sup> . At least one of these, the land for the public house, seems to have been a late addition (M. Smith, personal communication).

extra fields) lost to the town and field by adding to the Whitchurch demesne thereafter.<sup>81</sup> Instead it looked to borough rent and court income.

### 3.3 Plots and rents.<sup>82</sup>

In 1251 the fifty-seven burgage plots were in the hands of thirty-seven burgesses, of whom two (John Durdent and Simon Clericus) had fourteen between them, and paid nearly one third of the total rents of the town.<sup>83</sup> Seven others had two or three each, and the remaining twenty-eight had one each. William Palmer's 'messuage' in *Bynstret* was an anomaly in that it was not included in the total number of burgages in the custumal but its rent was included in the total of burgage rents and it had the usual two acres in the burgage field. Ownership of burgage plots was thus spread less widely than at, for example, Newtown, where the sixty-seven new plots were held by fifty-two burgesses.<sup>84</sup> Of the five plots with no accompanying land, three were held by John Durdent, who had a considerable amount of land elsewhere in the manor, and one by Simon Clericus, whose only other holding was woodland.<sup>85</sup>

The custumal gives little indication of the arrangement of the plots within the streets, but there may be some clues to the relationship of plots. In *Bynstret*, for example, Simon Clericus had four plots, the first two listed separately, the second two together. John Durdent also had four, in two sets of two, and John de Whitchurche three, apparently in a single block. If the intention of the custumal compiler was to record an individual's total holdings, there

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<sup>81</sup> . Winch. C.L. Whitchurch manor account roll, 1248, *defectus*; the items are repeated with little change in later rolls.

<sup>82</sup> . Since the custumal, on which this part of the discussion is based, does not distinguish between Newbury and Winchester Streets, the custumal street names will be used.

<sup>83</sup> . For a discussion of the term 'burgess' see ch.4.2.

<sup>84</sup> . Beresford, *New Towns of the Middle Ages*, 193.

<sup>85</sup> . For John Durdent's manorial holdings see p.40.

would obviously have been no difficulty in amalgamating them; the variety of practice is an indication that the custumal order relates to an order on the ground.<sup>86</sup>

The rents varied widely. All were multiples of shillings and sixpences or marks, except in *Bynstret*, where less regular figures were paid. The highest was for a plot in the *magnus vicus*, which was unusually high at one mark, and may have been for a double plot.<sup>87</sup> Otherwise the rents ranged from 3s. to 8s., with more than half between 4s. and 5s. 5d. Most of the plots within the latter range were in *Bynstret* and *Mulestret* - twenty-seven in all (twenty-eight if William Palmer's message is included), constituting nearly half the total number in the town.<sup>88</sup> The most expensive plots were in the *magnus vicus* and *Mulestret*, the cheapest in *Wodestret* and *Bynstret*, but a broad spectrum of rents was spread over all the streets, and there is little indication of a strict segregation by price. It would be hard to point to any area, apart perhaps from the *magnus vicus*, as being more expensive, and therefore perhaps more economically or socially desirable than any other. Because there was no standard rent, it is not possible to tell whether the constituent parts of the one triple and eight double holdings were of equal value, or even if a discount was given for a multiple holding, although it does look as if rents for such holdings were at least rounded up or down to even numbers of pence. It is possible that the variations in rents were caused by differing values of acres in the burgage field, but since four out of the five plots without land were at the upper end of the range of rents, and given the large measure of uniformity in *Whitchurch* manorial rents in general, it seems more likely that the variations stemmed from real differences in the values of plots. This may be tested by looking at their later history.

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<sup>86</sup> . cf. *The Chronicle of Battle Abbey*, ed. E. Searle (Oxford, 1980), 51-9.

<sup>87</sup> . The custumal lists seven burgages in the *magnus vicus*, Map 5 suggests nine.

<sup>88</sup> . See Table 4.

Borough quit-rents continued to be paid to the Dean and Chapter after the Dissolution and are recorded both in a series of rent-books from the seventeenth to the nineteenth centuries and in some of the nineteenth-century sale documents.<sup>89</sup> Quit-rents were the equivalent of the burgage rents of assize, and were a legacy from the time when rents contained two elements - a fixed token, and a variable economic, rent.<sup>90</sup> Burgage rents of assize were often, though not always, a small uniform amount such as 1*d.* or 12*d.*, and if such an element had been incorporated into the Whitchurch burgage rents, one would expect it to have been fossilized, and detectable in the quit-rents. Far from this being the case, the quit-rents show wide variations, and even if they are combined in various ways (to allow for subdivisions of plots and therefore of rents), no uniformity appears. By the seventeenth century the quit-rents no longer bore a direct relationship to the original custumal rents; the individual rents must have been altered when a farm of ten pounds (one-third lower than the custumal rent total) was granted, and the farm must also have been reapportioned at some time to include the older plots in Church Street.<sup>91</sup> There would have been further adjustment to include later developments such as the properties in Great Lane. But the wide variation among the quit-rents must be a reflection of the wide variation of the rents on which they were once based; it was echoed by a similarly wide range in Weymouth burgage rents in 1617, from 1*d.* to 5*s.*<sup>92</sup>

The custumal rent total, of £15 1*s.* 10*d.*, agrees almost exactly with the £15 2*s.* 0*d.* to which the rents of assize amounted in 1261.<sup>93</sup> The latter amount,

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<sup>89</sup> . H.R.O. 75 M79A/DB8-40: *Whitchurch Mayors' Rentals*, 1668-1819; *Whitchurch Borough Rental Book*, 1862-84; for the sale documents see p.59, n.52.

<sup>90</sup> . M. de W. Hemmeon, *Burgage Tenure in Medieval England* (Cambridge, Mass., 1914), 61; Keene, *Medieval Winchester*, i, 185-7. Rents of assize went by a variety of terms in medieval documents, and applied to manorial as well as to burgage rents.

<sup>91</sup> . For the date of the farm see p.115.

<sup>92</sup> . Moule, *Descriptive Catalogue of the Charters of Weymouth and Melcombe Regis*, 105.

<sup>93</sup> . Winch. C.L. Whitchurch borough account roll, 1261.

with an increment of only another 2d., appears on the rest of the borough account rolls, and was perpetuated in the Dean and Chapter's collective memory long after the borough had been farmed.<sup>94</sup> Since the individual custumal rents were neither small nor uniform, it seems likely that they were the original economic rents for individual plots, which then (with the alterations suggested above) became a fixed rent payable to the Priory and independent of the local property market.

The grounds for charging differing amounts of rent are not clear. There may well have been a relationship between burgage rents and plot frontages, but proving this, by tracing the descents of individual plots through their burgage rents and quit-rents, is impossible because there was no direct relationship between custumal burgage rents and individual quit-rents.<sup>95</sup> The burgage rents (and hence the burgesses) of 1251 cannot be associated with specific plots on the basis of the later documentary evidence, and an attempt to allocate burgessess to specific plots, using the evidence of the custumal, has met with very doubtful success.<sup>96</sup> It has already been shown that the range of rents for individual plots gives little indication of social or economic segregation, and that the plots paying middling rents were scattered throughout the town. However, a rather different pattern emerges when one looks at the amounts which individual burgesses were willing to pay for groups of plots.<sup>97</sup> Six of the ten double and triple holdings were in *Bynstret*, a seventh occupied the first position in the *magnus vicus*. The eighth,

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<sup>94</sup> . See Appendix 6.

<sup>95</sup> . This has been done at Lewes - see J. Houghton, 'Burgage tenure and topography in Lewes, East Sussex', *Sussex Archaeol. Coll.*, 124 (1986), 125. A combination of information in sale documents and censuses (which are not as helpful at Whitchurch as they were at Lewes because Whitchurch house-numbering was standardized relatively late) indicates that the Whitchurch rent-books were in roughly, but not completely, topographical order. It has therefore proved difficult to link even the quit-rents with specific plots, although a start has been made (M. Smith, personal communication).

<sup>96</sup> . See Appendix 4.

<sup>97</sup> . See Table 5. One 8s. rent and all those above 8s. were for multiple holdings.

wherever in *Wodestret* it was situated, would not have been in a particularly prominent position, but was held by John Durdent with another plot in the same street, giving him a large part of *Wodestret's* frontage. It looks as if site, rather than size, was the over-riding factor in determining the level of rents paid, though on what grounds the Priory set such differing rents for single plots is an open question.

The highest rent of all was paid by Adam Faber for his double plot in *Mulestret*. Whether he was primarily a smith, as his name suggests, or a brewer, as his amercements in 1248 and 1261 suggest, a prime site, perhaps in the market-place, must have attracted him.<sup>98</sup> It is tempting to see John de Barre's double plot at one of the entrances to the town as an ale-house.<sup>99</sup> Ale-selling may not have been an entirely domestic business in mid-thirteenth-century Whitchurch, and the burgesses may have chosen plots according to the commercial possibilities, either for themselves or their prospective subtenants.<sup>100</sup> In laying out plots of such different shapes and sizes, and with such varying rents, the Priory was perhaps anticipating a demand for choice.

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<sup>98</sup> . See p.124 and Appendix 4.

<sup>99</sup> . For John and Matilda de Barre see p.117.

<sup>100</sup> . See pp.116, 121.

## CHAPTER 4: THE PRIORY AND THE COMMUNITY OF THE BOROUGH.

### 4.1 Borough and burgages.

In the preceding chapters the terms 'borough' and 'town' were used somewhat loosely to describe the thirteenth-century settlement at Whitchurch. There were assumptions that its land was divided into 'burgage plots' and that its inhabitants were 'burgesses'. The precise definitions of these terms, and in particular the criteria for 'borough status', were the subject of much debate in the late-nineteenth and early-twentieth centuries.<sup>1</sup> A more recent view is that a medieval town was that sort of place which 'however it was governed and however small its population, fulfilled the functions which are normally implied by the modern use of the word "town" in British English ... since medieval usage did not distinguish urban settlements consistently'.<sup>2</sup> Those functions, both economic and social, are made explicit in another definition as 'a relatively dense and permanent concentration of residents engaged in a multiplicity of activities, a substantial proportion of which are non-agrarian'.<sup>3</sup> The diversity of occupations to be found in medieval towns was possibly their chief characteristic, with the result that they were perceived at the time as entities distinct and separate from the surrounding countryside.<sup>4</sup> Judged by these criteria, mid-thirteenth-century Whitchurch was indeed a town; its inhabitants, though not densely-packed, certainly lived in closer proximity to their neighbours than their manorial counterparts, and were engaged in a modest variety of non-agricultural occupations besides the cultivation of their burgage-field strips.<sup>5</sup> It was also a borough; what that meant in practice will now be considered.

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<sup>1</sup> . e.g. the works cited in R. Holt and G. Rosser, eds., *The Medieval Town: a Reader in English Urban History, 1200-1540* (London, 1990), 2-3.

<sup>2</sup> . S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300* (Oxford, 1984), 157.

<sup>3</sup> . Holt and Rosser, *op. cit.*, 4; cf. Hilton, *English and French Towns*, 6.

<sup>4</sup> . Reynolds, *op. cit.*, 156.

<sup>5</sup> . See ch.5.2.



Former definitions of the term can now be seen as legalistic anachronisms for the tenth and eleventh centuries, but the concept of a 'borough' as a set of constitutional urban institutions and liberties was well advanced by the mid-thirteenth.<sup>6</sup> Britnell has described a 'minimal' type of medieval borough as one 'made up of tenants holding burgages (*burgagia*) - small residential plots of land, often of standardized size, positioned beside a road or market place, freely transferrable, held by money rent, and without appurtenant agricultural land'.<sup>7</sup> Apart from the last clause, Whitchurch accords well with this description. Such boroughs, having no communal franchise, 'have no particular interest for legal history since their tenures were indistinguishable from ordinary free tenures',<sup>8</sup> and Whitchurch in particular has been dismissed as a kind of manorial appendage.<sup>9</sup> If it was, then so were a great many other small seigneurial boroughs. But if they had been nothing more, there would have been no charters, the very existence of which created a distinction between the towns and their manorial surroundings. When the Priory granted charters to Whitchurch and Weymouth in the mid-thirteenth century it was putting them on a formal legal footing in accordance with well-understood precedents, in terms which had contemporary meaning. In confirming that '*villa nostra de Whitcherche sit liber burgus sicut perambulata est et assisa per Oliverum senescallum nostrum*', the Priory was acknowledging the town of Whitchurch as a physical reality and the borough of Whitchurch as a legal concept.<sup>10</sup>

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<sup>6</sup> Reynolds, *Introduction to the History of English Medieval Towns*, 98 ff.

<sup>7</sup> R.H. Britnell, 'Burghal characteristics of market towns in medieval England', *Durham Univ. Journal*, new ser., 42 (1981), 147.

<sup>8</sup> *ibid.*, 147.

<sup>9</sup> Greatrex, *Administration of Winchester Cathedral Priory*, 87, n.69: 'The borough [of Whitchurch] was never so important as the manor from which it had been carved'.

<sup>10</sup> That the two entities could co-exist is neatly illustrated in Winch. C.L. Whitchurch borough court roll, April 1293, where the men of the 'villa' of Whitchurch were maligned in a tavern brawl, and the 'communitas burgii' incurred an amercement for a procedural fault.

Whitchurch's and Weymouth's charters are couched in similar terms, although Weymouth's is much more detailed, both in the boundary descriptions and in the regulation of courts and trade.<sup>11</sup> The lack of detail considered necessary for Whitchurch perhaps reflected its more recent foundation, on a new site and with less complicated business to transact; the Weymouth charter had to make provision both for a town and a port, and the latter obviously generated a considerable amount of trade for both. The route taken by Oliver the steward's perambulation at Whitchurch transformed the status of those whose properties lay within its circuit. They were to be personally free, their houses and lands were to be held on payment of money rent and their plots could be freely given, sold, bequeathed or assigned. Although the charter does not use the actual words, the tenure of their plots was of the type normally described as burgage tenure.<sup>12</sup> Unlike in the Weymouth charter, nothing was said about freedom from toll though this was no doubt implied in the phrase 'cum omnibus mercandiis suis', and certainly there is no evidence in the surviving account rolls of payment of tolls, or even payment for market stalls.<sup>13</sup> It was the mobility of the tenure (to use Hemmeon's phrase) along with the personal freedom of the burgesses, which constituted the principal difference between this town and its manor.<sup>14</sup>

However, the Whitchurch charter granted the minimum number of privileges which could make it meaningful as a borough charter, in comparison with

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<sup>11</sup>. For Weymouth's charter see p.36; for Whitchurch's see Appendix 5.

<sup>12</sup>. Hemmeon, *Burgage Tenure*, 5: 'Burgage tenure ... [is] a form of free tenure peculiar to boroughs, where a tenement so held might be alienated by gift, sale or devise to a degree regulated only by the custom of the borough, unburdened by the incidents of feudalism or villeinage, divisible at pleasure, whose obligations began and ended in the payment of a nominal quit-rent, usually to an elected officer of the borough'.

<sup>13</sup>. One would normally expect this, as in the Pipe Rolls for the Bishop of Winchester's new towns - see Beresford, 'Six new towns of the Bishops of Winchester', 208-9.

<sup>14</sup>. The Weymouth charter has a common additional phrase, that the burgesses could sell to their burgages to whomsoever they wished, except to churches and men of religion. It also has a clause absent at Whitchurch, enfranchising any serfs who had been previously living in the town, and allowing them the same trading privileges as burgesses.

those of other seigneurial boroughs, and was nearly as much concerned with preserving seigneurial rights as with conferring privileges.<sup>15</sup> One of the normal conditions of burgage tenure, the freedom from the incidents of villeinage, was not expressly granted, and in the surviving fourteenth-century documents by which town property was transferred there are references to customary services.<sup>16</sup> There is no evidence (and no way of knowing) that they were actually performed, and the terminology of the Whitchurch deeds closely resembles that at Winchester, where there was no suggestion of seigneurial control; the formula may simply reflect the conservatism of medieval conveyancers.<sup>17</sup> However, the customs of Portsmouth and *Niwestok'* may not have been as valuable a gift as they sound, since the practice of giving new boroughs the customs of an established one did not necessarily imply that an entire constitution, with an identical degree of independence, had been granted, and may have related only to burgage tenure and the procedures of the borough court.<sup>18</sup> Of the customs of *Niwestok'* nothing can be said, since it has entirely eluded identification in all the published place-name sources. The customs of Portsmouth, which Whitchurch and Weymouth had in common, dated from 1194 and themselves depended on the mid-twelfth-century customs of Winchester and Oxford.<sup>19</sup> Since these unspecified customs were third-hand by the time they reached Whitchurch, it is probably better to disregard them and to see what the local records can be made to reveal about the practical implications of borough status.

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<sup>15</sup> . A glance at the contents list in *British Borough Charters, 1216-1307*, eds. A. Ballard and J. Tait (Cambridge, 1923) shows how many of the possible privileges consequent upon a grant of 'free borough' were *not* granted at Whitchurch.

<sup>16</sup> . e.g. H.R.O. 19 M61/554-6: feoffments and demise of property in Whitchurch, 1323-34. The Weymouth charter did not expressly exempt its burgesses from customary services either.

<sup>17</sup> . Keene, *Medieval Winchester*, i, 188-9.

<sup>18</sup> . Reynolds, *Introduction to the History of English Medieval Towns*, 101.

<sup>19</sup> . *British Borough Charters, 1042-1216*, 5-6, 29.

The freedom of conveyancing associated with burgage tenure seems to have had limited application in Whitchurch throughout the thirteenth and fourteenth centuries, since manorial custom continued to be cited in the property disputes which begin to appear in the borough court rolls from the 1290s onwards. It is impossible to tell if disputes began to arise earlier since there are very few court records before that decade. Nevertheless, some time must have elapsed before the first generation of inhabitants became so indistinct in local memory that rival claimants to title could think that they had a hope of proving their claim in court. Hardly any of these *placita terre* can be followed to their conclusion because of the gaps in the records, but in a few cases there were intermediate proceedings which deserve comment.

Two cases from 1309 illustrate areas of possible conflict between manorial and borough custom. Henry Durdent sued Adam Bercarius for a half-messuage and one acre which should have come to Henry from his father Geoffrey, but Adam claimed that he had a better right in that the property had been given to him 'in liberum maritagium', frank-marriage, when he married Geoffrey's daughter.<sup>20</sup> Similarly William Gode claimed from Philip Gode a half-messuage and one acre formerly the property of William's mother but which Philip claimed had been bequeathed to him 'unde potuit secundum usum manerii'. In neither of these cases was custom sufficiently clear for a decision to be made at the time, and both were respited to be decided by a jury of twenty-four at the next court. Unfortunately the record of this court is lost, and so it is impossible to tell whether the normal line of inheritance was over-ruled by frank-marriage or bequest. In the latter case manorial rather than borough custom was invoked in favour of the bequest. That no anomaly was perceived in the application of manorial custom in the town is illustrated in a case from 1314, in which Alice the widow of John Durdent claimed that she had been disseised 'de libero tenemento suo in burgo de Wytchurch injuste et contra consuetudinem manerii'.

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<sup>20</sup> . For the term 'frank-marriage' see Pollock and Maitland, *History of English Law*, ii, 15-17.

There are other instances in which manorial custom was invoked, as in 1291 when Thomas le Cule was involved in litigation against Richard Schort and Geoffrey le Savage, concerning two separate half-burgages each with one acre of land, both of which should have come to him from Edith, possibly his grandmother.<sup>21</sup> Here we do not have the record of the defendants' counter-claims, nor of the outcome of the case, but the issue probably revolved round her right to the properties, which Thomas claimed to have been 'de feodo et de jure secundum consuetudinem et usum manerii'. The manorial custom of widow's free-bench was also invoked in another case involving Alice the widow of John Durdent in May 1314; it was not the inheritance custom itself which was in doubt but the rightful ownership of the property concerned. A case in 1348 was settled in favour of a son according to manorial custom, but one cannot tell on what grounds the other party had been in possession since his defence was that he was the wrong defendant.<sup>22</sup>

Novel disseisin was pleaded in several land disputes between 1312 and 1314, and the knowledge was current that some special form should have been observed.<sup>23</sup> True novel disseisin cases were only initiated by royal writ,<sup>24</sup> but when one such case eventually came to court in 1314 there is no sign of the writ on the roll.<sup>25</sup> It is evident that the inhabitants of Whitchurch were imitating the terminology of higher courts.<sup>26</sup> Novel disseisin was

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<sup>21</sup> . Winch. C.L. Whitchurch borough court roll, January 1291: Edith was called Thomas's 'ancestrix', but his claim was 'ut filio et heredi proximiori'.

<sup>22</sup> . Winch. C.L. Whitchurch borough court roll, January 1348: John le Riche v. William Toneworth.

<sup>23</sup> . Winch. C.L. Whitchurch borough court roll, April 1312: two cases were respited because the defendants had not been attached 'secundum formam querele'.

<sup>24</sup> . D.W. Sutherland, *The Assize of Novel Disseisin* (Oxford, 1973), *passim*.

<sup>25</sup> . Winch. C.L. Whitchurch borough court roll, May 1314: Alice widow of John Durdent v. William Gewel junior. cf. N.M. Herbert, *The Borough of Wallingford, 1155-1400*, Ph.D. thesis, Reading University (1971), 90: the writs were enrolled on the court roll.

<sup>26</sup> . In other boroughs, such as Grimsby and London, the assize of 'fresh force' was used as the burghal equivalent of novel disseisin - see S.H. Rigby, *Medieval Grimsby* (Hull, 1993), 80, and Sutherland, *op. cit.*, 26, n.8.

intended to be a speedy remedy, but legal speed, as always, was relative, and these cases lasted through several courts, as did many cases in the higher courts.<sup>27</sup> The Whitchurch novel disseisin cases proceeded in the same way as the 1309 cases had done, that is, the results were decided by a specially-convened jury and a view of the property. This was the usual method of dealing with land disputes at Whitchurch, whether or not novel disseisin was pleaded, as indeed it was in manorial courts generally in the thirteenth and fourteenth centuries.<sup>28</sup> In the 1314 case the defendant's claim was through his stepmother and based on a charter, which, though produced in court, did not instantly settle the matter. This was probably because the grantor had had no right to enfeoff his son since his own tenancy had only been for life, with reversion to the direct descendant and her husband.<sup>29</sup>

This last case, and the few surviving records of property transactions,<sup>30</sup> confirm that the right to sell and bequeath property by private treaty existed, but the resultant charters were never enrolled on the borough court rolls, unlike at Winchester, where the records of the borough court were used extensively to protect titles to property.<sup>31</sup> It seems most unlikely that no other record of the transactions was made, although Hilton says that 'burgage tenure normally escaped seigneurial control and record'.<sup>32</sup> They were

<sup>27</sup> . Sutherland, *op. cit.*, 127-8.

<sup>28</sup> . J.S. Beckerman, *Customary Law in English Manorial Courts in the Thirteenth and Fourteenth Centuries*, Ph.D. thesis, London University (1972), 30.

<sup>29</sup> . Alice did not deny William's life-tenancy but only William Gewel *senior's* right to dispose of it. It was probably the same property on which William Gewel *senior*, a life-time tenant of John Durdent, was alleged to have destroyed trees and other things in June 1299.

<sup>30</sup> . See above n. 16.

<sup>31</sup> . Keene, *Medieval Winchester*, i, 13-15.

<sup>32</sup> . Hilton, 'Small town society', 57. At the small town of Highworth in Gloucestershire, the payments of reliefs for burgages were enrolled in the thirteenth-century borough court records, but the parties to transactions were not formally named nor the properties specified - see *Court Rolls of the Wiltshire Manors of Adam de Stratton*, ed. R.B. Pugh (Devizes, 1970), Highworth portmoot, *passim*. Entry fines and licences to buy burgages were also occasionally recorded at Highworth.

certainly not enrolled along with all the other manorial property transfers on the rolls of the hundred court, although entry fines were paid for them at first in the normal manorial way, as, for instance in 1261, when Matilda de Barre paid 13s. 4d. for a half-burgage and two acres of land, and Geoffrey Tannator paid 2s. for a small enclosure by the river.<sup>33</sup> There is an isolated instance, as late as 1360, of a payment for a licence to sell a hereditary curtilage and one acre in the town, but this did not constitute a legal record of the transaction.<sup>34</sup> The theory that the properties were the lord's, to be taken in hand and given out again, was maintained, and the borough court rolls provide several instances of burgages being taken in hand or distrained until a dispute was settled.<sup>35</sup>

By the fourteenth century, entry fines for burgages ceased to be payable, possibly at the time when the farm was granted.<sup>36</sup> Certainly there are none on the borough court rolls, which survive in sufficient numbers to have produced at least one example if the practice of paying them in the borough court had endured. Manorial entry fines were recorded on the hundred court rolls in the thirteenth and early-fourteenth centuries, but when the business of hundred and *curia* was split around 1330, entry fines were dealt with exclusively by the *curia*. A sample of fourteenth-century *curia* records has failed to yield any entry fines for unambiguously urban, as opposed to manorial, properties in Whitchurch, or enrolments of charters for burgage transfers. Winchester Cathedral Library has no other types of medieval property records for Whitchurch, and it looks as if Hilton's assertion is correct

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<sup>33</sup> . These were recorded on a borough account roll among the court perquisites, and the sums involved are too large to have been annual rents.

<sup>34</sup> . Winch. C.L. Whitchurch manor account roll, 1360.

<sup>35</sup> . e.g. the cases of Emma Doget v. John le Riche and Nicholas de la Flode v. William Budde in Winch. C.L. Whitchurch borough court roll, March 1299, and Gilbert and Agnes le Bakere v. Robert Iriye in Winch. C.L. Whitchurch borough court roll, December 1340. This was normal procedure when rents of assize on freehold property lapsed - cf. Keene, *Medieval Winchester*, i, 187.

<sup>36</sup> . See p.115.

in this case. The latest example of an entry fine for identifiably urban, though non-burgage, property on the hundred court roll occurs in 1292, when John Galon paid one for a small piece of land, similar to Geoffrey Tannator's in 1261, 'apud Wytechurch', a phrase which implies the town rather than the manor.<sup>37</sup>

The conveyancing terminology used by Priory clerks for the Whitchurch borough records was similar to Winchester city practice in the thirteenth and fourteenth centuries, though with some minor differences. As at Winchester, a total holding was generally described as a *tenementum*, which in the case of manorial property consisted of land and a *mesuagium* - a term rarely used in local (as opposed to royal) sources at Winchester.<sup>38</sup> Sometimes such a holding was referred to as *tenementa*, implying that it was in two distinct parts - the land and a separate plot containing a house and yard or garden - a physical rather than a tenurial description.<sup>39</sup> A holding in the borough might be either a *burgagium* and land, or a *mesuagium* and land, the two parts constituting a *liberum tenementum*; in one instance *burgagium* was struck through and *mesuagium* substituted.<sup>40</sup> If a tendency can be detected at all in the scanty evidence for Whitchurch, it is that *mesuagium* gradually superseded *burgagium* during the fourteenth century as the usual term for a burgage plot with a house on it; the choice seems to have depended on the clerk's personal preference rather than on accepted legal usage. The distinction between the two terms - the one manorial and descriptive, the other urban and tenurial - had been clear in 1248 when Hilary de Angulo and

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<sup>37</sup> Galon was certainly a townsman, as his numerous appearances at the borough court show. One would have expected the preposition *in* rather than *apud* if his property had been in the tithing rather than the town. All the fourteenth-century entry fines for Whitchurch property are *in*.

<sup>38</sup> Keene, *Medieval Winchester*, i, 137.

<sup>39</sup> e.g. three cases in Winch. C.L. Whitchurch borough court rolls, November 1306 and June 1309.

<sup>40</sup> Winch. C.L. Whitchurch borough court roll, May 1314: Alice widow of John Durdent v. William Gewel *junior*. Also in 1314, there was a dispute over payment for the help of an attorney in purchasing a house in Andover, a property described as a 'messuagium cum pertinenciis'.



his daughter Alice paid their entry fine 'ut possint tenere unum mesuagium in liberum burgagium'.<sup>41</sup> *Mesuagium* originated as a manorial term and when in 1251 the compiler of the custumal listed a single messuage and fifty-seven burgages, he probably intended to denote a real distinction in the type of tenure, and that William Palmer remained a manorial tenant - whether by Palmer's or the Priory's wish there is no way of telling.<sup>42</sup> The distinction seems to have become blurred during the fourteenth century.<sup>43</sup>

Most of the property conveyances for which there is evidence were for whole or half-burgages, though small pieces of vacant land, such as Geoffrey Tannator's *sepes* and John Galon's *parva placea*, occasionally changed hands. These two examples were both beside the river, and may have carried fishing rights.<sup>44</sup> The term *cotagium*, which by 1350 at Winchester had come to mean a small house or shop,<sup>45</sup> at Whitchurch seems to have partly retained its rural connotation of 'small-holding'; a half-cottage, together with its curtilage, a piece of meadow and a half-acre of land formed a holding disputed in 1348.<sup>46</sup> Cottages in later Whitchurch were small dwellings built on the waste, that is, unused ground within the town boundary.<sup>47</sup>

The limited form of burgage tenure allowed at Whitchurch may have conferred real advantages at the time - or at least advantages which seemed real enough to prospective settlers. But although their houses were 'free to

<sup>41</sup> . Winch. C.L. Whitchurch manor account roll, 1248.

<sup>42</sup> . P.R.O. C132/29/2, m.26: Highworth rental, 1263, makes a similarly specific distinction between burgages and messuages.

<sup>43</sup> . Dyer, 'Events at Shipston-on-Stour', 204: the change from the use of 'burgage' to 'messuage and curtilage' in documents signalled Worcester Priory's complete victory over the burgesses of Shipston in the fifteenth century. The change was not so significant at Whitchurch.

<sup>44</sup> . Adam Faber's custumal rent was for two burgage plots and a *placea* beside the river. A licence was needed to fish, and several people were prosecuted in the borough court in 1291 for fishing without one, the offence compounded by having taken place at night.

<sup>45</sup> . Keene, *Medieval Winchester*, i, 138.

<sup>46</sup> . Winch. C.L. Whitchurch borough court roll, January 1348: John le Riche v. William Toneworth.

<sup>47</sup> . Lawrence, *Survey of the Burrough of Whitchurch*, legend.

themselves to lett and to sel at their pleasures',<sup>48</sup> burgage rents were higher than in many other towns, and manorial inheritance custom remained strong.

#### 4.2 Burgesses, freeholders and inhabitants.

If the first attribute of the *liber burgus* at Whitchurch was burgage tenure, however circumscribed, the second was the personal freedom of those who held by it, the *burgenses*, the proud title granted by the medieval charter, which is not, however, explicit about how the freedom, whether in the personal sense or in the more specialized sense of 'the freedom, or liberty, of the borough' was to be acquired after the first generation of immigrants.<sup>49</sup>

We must look at the rolls and at later interpretations of the borough constitution, to try to discover who was eligible for freedom, and, as far as possible, the nature of that freedom.<sup>50</sup> This will be done by examining the variety and context of the titles which occur in the records.

In post-medieval Whitchurch the term 'burgess' was used loosely. As elsewhere, it denoted members representing the borough in Parliament, who, during the time of Whitchurch's enfranchisement, were not necessarily resident in the town, although some members occasionally were, nor necessarily held property within the town, although some did so, increasingly

<sup>48</sup> H.R.O. 44 M69/J23/3: copy resolution of the 'out parish' of Whitchurch, 1600x1601, transcribed here as Appendix 7.

<sup>49</sup> *British Borough Charters, 1216-1307*, lxxix-lxxx, cites charters of seigneurial boroughs in which the freedom might be acquired in various ways. It distinguishes (xliv) between privileges which belonged to the burgess as the owner of a house within the borough, and those which accrued to him as a member of a privileged community, mainly related to the borough court, markets and trade.

<sup>50</sup> For an interpretation of Whitchurch's medieval constitution see Appendix 6, and for a version of the Tudor position see Appendix 7. Three versions of Whitchurch's post-medieval constitution are given in H.R.O. 4 M51/384: notebook of John Selwyn, ca. 1724-8; H.R.O. 27 M87/14-15: Whitchurch pamphlets, 18th century.

during the eighteenth century in order to be sure of votes.<sup>51</sup> Essentially, however, residence and property qualifications applied not to the members themselves but to the electorate, in this case the freeholders of the borough, defined as those who held a burgage tenement or at least one acre of land in the burgage field, either in their own right or that of their wives 'by fee simple or inheritance or having it for life absolute without any determination of years ... no matter whether it be for the life of the person claiming the vote or for the life or lives of others'.<sup>52</sup> By the eighteenth century the town's government had become the closed circle typical of 'pocket' boroughs, manipulated entirely to ensure that pre-ordained members were returned, but it retained sufficient traces of older, more independent practices to make it worth examining.

Success for the parliamentary candidates depended very much on the cooperation of the bailiff. It was he who chose the jury of twenty-four freeholders who elected the mayor, who in turn nominated the bailiff. None of them seems to have had a free choice in the matter, all being entirely at the command of the members.<sup>53</sup> Since the mayor, as returning officer, had discretion over the voting rights in disputed cases, such as when a burgage had been split and it was not clear which part was eligible, 'he may accept the vote of either house as he shall like best, or which should be most for the

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<sup>51</sup> . H.R.O. 27 M87/15: 'The borough of Whitchurch ... hath time out of mind sent two burgesses to Parliament'. K. Mackenzie, *The English Parliament* (Harmondsworth, 1950), 100: 'In the sixteenth century ... the law which required the representative of a town to be a resident burgess had long been a dead letter...' For Whitchurch's parliamentary representation see the relevant volumes of *The History of Parliament: the House of Commons*.

<sup>52</sup> . H.R.O. 27 M87/14, 6, 20. Mortgagors were allowed to vote in respect of mortgaged freehold property, and this is no doubt the basis on which a small number of wealthy land-owners exercised control over the town's parliamentary representation during the eighteenth century.

<sup>53</sup> . H.R.O. 27 M87/14, 11: '... by their having a majority of the twenty four jury men, the members choose whom they will for their mayor, and ... he names whom he will have, and whom they [the members] have directed him to name for bailiff...'

interest of the person whom he would return ... and this is one instance of the advantage it is, to be sure of the returning officer'.<sup>54</sup>

The jury's function was not solely as a pawn in parliamentary elections, even in the eighteenth century; twenty-four freeholders served as the regular jury in the borough court, making presentments of breaches of bye-laws, admitting new freeholders and electing and swearing the officers.<sup>55</sup> It is undeniable that the court proceedings had become a formality, but nevertheless propriety was observed in the formation of the jury. Jurymen had once been required to be resident freeholders, but the residence part of the qualification had been allowed to lapse 'since if nonresidents were not to serve on the jury there would be an absolute failure of a jury and consequently the liberties and privileges of the borough would be at an end. For there are such continual sales of freeholds to nonresident persons and descents to nonresident heirs, infants and females that in all probability the number of residents in a very little time will be reduced much lower than they now are, and if so, there would not be 24 resident freeholders to serve on the jury, so that *ex necessitate rei* nonresidents ought to serve on the jury...'<sup>56</sup> Freeholding, however, remained an absolute requirement for jury membership.

<sup>54</sup> . H.R.O. 27 M87/14, 7. The splitting of burgages in order to multiply votes had been forbidden by Act of Parliament in 1695 - see H.R.O. M87/14, 20.

<sup>55</sup> . H.R.O. 27 M87/15, 8. The writer of this pamphlet thought (p. 5) that there were two courts, one for freeholders only, to choose a mayor, and the other a court leet for all 'resiants and inhabitants', but this is at variance with the procedure outlined on p. 8 of the same pamphlet and with that described in H.R.O. 27 M87/14, where it is clear that only one type of court was held. A special inquiry held at Winchester Assizes in 1723-4 confirmed that Whitchurch's borough court was not an independent jurisdiction but a court leet, and therefore subject to the Dean and Chapter - see H.A. Merewether and A.J. Stephens, *The History of the Boroughs and Municipal Corporations of the United Kingdom* (London, 1835), 2016 and H.R.O. 27 M87/15, 2-3. For the dual nature of borough courts, as both court leet and baron, in some small seigneurial towns 'until the end' see Pollock and Maitland, *History of English Law*, i, 646.

<sup>56</sup> . H.R.O. 27 M87/15, 4.

The suitors of the court were also largely freeholders, for although it is clear that all male residents, whether freeholders or not, were entitled and indeed legally required to attend the court, in practice only freeholders and a select group of non-freeholding inhabitants were summoned.<sup>57</sup> The freeholders, other than those on the jury, were generally absent, their essoins being paid by their gentry friends, and occasionally a token fine was imposed on one 'to shew that he ought to appear at the court to do suit and service there ...'<sup>58</sup>

'Freeholders' and 'burgesses' were sometimes coupled together, as in 'A petition of Thomas Aleyn ... and other freeholders and burgesses of this borough was read, shewing ... that the petitioners had a right to vote ...'<sup>59</sup> Freeholding being the only electoral qualification, the terms must have been synonymous rather than indicative of two separate classes. 'Inhabitants', 'they of the borough', 'freeholders' and 'burgesses' were all used interchangeably by the writer of the early-seventeenth-century memorandum.<sup>60</sup> Similarly, the first extant parliamentary return was made in 1586 by the mayor, bailiff and burgesses,<sup>61</sup> who can have been no other than the freeholders entitled to vote through their possession of burgage tenements. The only disqualification was in cases where burgage tenements had been divided since 1695, in which case 'neither of the tenements has a right of voting; but if either, it ought in justice to be the ancient burgage tenement' since 'no more than one single voice shall be admitted for one and the same tenement'.<sup>62</sup> It is clear, then, that eighteenth-century freeholders were the tenurial descendants of thirteenth-century burgesses, the *burgenses* of the medieval charter.

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<sup>57</sup> . H.R.O. 27 M87/15,2. The sample precept for the court given in H.R.O. 27 M87/14, 20-1 required the presence of all freeholders and inhabitants - no doubt a survival from earlier days.

<sup>58</sup> . H.R.O. 27 M87/15, 6.

<sup>59</sup> . T. Carew, *An Historical Account of the Rights of Elections* (London, 1755), 246.

<sup>60</sup> . See Appendix 6.

<sup>61</sup> . *The History of Parliament: the House of Commons, 1558-1603*, i, 173.

<sup>62</sup> . H.R.O. 27 M87/14, 7, 20.

This term, however, does not reappear in the records until the mid-fourteenth century, and when it does so, it is used in contexts which imply a collective body rather than individuals, as, for example, when the *burgenses de Whitchurch* were ordered to produce a copy of their charter or amerced for not having stocks.<sup>63</sup> This may, of course, be due to non-survival of rolls, or lack of appropriate cases, but there are sufficient indications in the surviving rolls from the intervening century to show that when a collective noun was required, *homines burgi* or *communitas burgi* were the terms which came to the Priory clerks' minds. All three terms (and others) were used commonly and synonymously in medieval town charters to denote those with the borough franchise, no finer distinction generally being intended.<sup>64</sup>

It has been suggested that some historians 'have made town franchises look more deliberately restricted than they may have been by interpreting references to possible or sufficient qualifications as *necessary* qualifications',<sup>65</sup> but if there had been any means of becoming a burgess at Whitchurch other than by holding a burgage tenement, it would have been reflected in a much wider franchise by the time when we have positive proof of its membership, in the right to vote in parliamentary elections. There is certainly no evidence in the court rolls (in the form of payments for admission) that it could be obtained by apprenticeship or bought after residence for a year and a day, nor are there any separate records of freeman or apprentice admissions as there were in other towns. On the contrary, in the thirteenth century at least, recognitions were paid for staying within the Priory's jurisdiction and licences were required for leaving it, in the normal manorial way.<sup>66</sup> *Recognitio* is sometimes said to be the payment to acknowledge the advent of a new lord, but in this area it was an annual payment for staying

<sup>63</sup> . Winch. C.L. Whitchurch borough court rolls, 1353x63, November 1363 and May 1364.

<sup>64</sup> . Reynolds, *Kingdoms and Communities*, 184.

<sup>65</sup> . *ibid.*, 184-5.

<sup>66</sup> . Winch. C.L. Whitchurch borough account rolls, 1261, 1267 and 1272.

within the manor.<sup>67</sup> Because of the relatively small number of examples, it is impossible to be sure whether burgesses were liable for these payments as well as non-burgess inhabitants, but if it had been so, there should have been many more examples even in the few surviving accounts. Non-burgess payers of recognitions had less freedom than was granted to the Priory's other townsmen at Weymouth, where the charter enfranchised all serfs already living within the boundaries, and gave them the same right of free entry and exit as burgesses. One is led to wonder why the Priory had become more generous in this matter in the four years between the Whitchurch and Weymouth charters; there may have been a change of Priory policy with the change of priors which had taken place between the dates of the two documents.

The burgesses, then, acquired their right to that title by paying the chief rents of the burgage plots, and the only way in which the burgess franchise was perpetuated after its inception was by inheritance or purchase of a plot, or of part of a plot on which all or part of a burgage rent was due. Inheritance, as we have seen, followed the normal rules of manorial custom, and there does not even seem to have been the provision for a son to gain the burgess-ship during his father's lifetime, as there was in larger boroughs.<sup>68</sup> Even in the eighteenth century, when freeholders were fined for non-appearance at the borough court, it was in order to preserve manorial and not borough custom, so little effect had generations of burgesses had on the town's legal

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<sup>67</sup>. Winch. C.L. Hurstbourne manor account rolls, 1270 and 1273: the *recognitions* include several entries of 'nihil quia non manet in libertate domini'. By the late-fourteenth century, *recognitions* were equivalent to *capitagia*, payments for staying away, and took the place of essoins in the local hundred courts.

<sup>68</sup>. Pollock and Maitland, *History of English Law*, i, 671-2: in the 'greater boroughs' burgess-ship was communicated by a father to his sons, or at least to his eldest son, during the father's lifetime and so was not, strictly speaking, hereditary. There is no evidence that this happened in Whitchurch.

standing.<sup>69</sup> To be a *burgensis de Whitchurch* had little practical effect other than personal freedom, and freedom to trade.

The Whitchurch charter is much less specific on trade than the Weymouth, where burgesses and enfranchised serfs alike had free trading rights; at Whitchurch, such trading rights seem to have been reserved for burgesses alone. But the recognitions paid at Whitchurch in its early years may have been a form of licence for non-burgesses to trade or pursue a craft - the surnames of recognition-payers include a slightly higher proportion indicative of occupation and immigration than in the rest of the population, though as the total number is relatively small, it would perhaps be unwise to make too much of this. Recognitions at Whitchurch may have been the equivalent of the guild subscriptions paid by the *pactionarii* at Wallingford, who included both working inhabitants of the town and traders from the surrounding villages.<sup>70</sup> There is no evidence for a medieval guild at Whitchurch,<sup>71</sup> and the recognitions would have been a manorial solution to an urban requirement. Similar annual payments were made at Halesowen, where the liberty of the borough could be 'bought independently of tenurial considerations'; such purchases were recorded in court rolls with varying frequency at least until the mid-fourteenth century.<sup>72</sup> If they were ever paid at Whitchurch after 1272, they were never so recorded. There were occasional presentments for being 'outside the assize' and then being sworn into it, but

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<sup>69</sup> H.R.O. 27 M87/15, 6.

<sup>70</sup> Herbert, *Borough of Wallingford*, 98-107. The payments at Wallingford conferred the right of entry to the merchant guild, which in the thirteenth century was co-extensive with the burgess franchise, but the amounts were annually renegotiated, and there does not seem to have been an element of heredity attached to them.

<sup>71</sup> Winch. C.L. T2A/3/154/1 (Appendix 6) mentions repairs to the 'guyldhall' but this term did not necessarily imply the existence of a guild, being used interchangeably with many other terms for civic halls - see R. Tittler, *Architecture and Power: the Town Hall and the English Urban Community, c. 1500-1640*, (Oxford, 1991) 7-9. Despite the chronological limit of the title, this work deals in passing with earlier halls such as that at Whitchurch.

<sup>72</sup> Hilton, 'Small town society', 59, 63-4.



this was not the same thing as possession of the liberty, as two examples from the late-fourteenth century make clear.<sup>73</sup> 'Within the assize' was the later formula for the earlier 'in tithing', denoting manorial jurisdiction, to which all inhabitants were subject; burgesses alone had the liberty, which in extreme cases of misbehaviour could be withdrawn.<sup>74</sup>

The absence, in the surviving Whitchurch accounts, of payments by outsiders for tolls and market stalls, is puzzling, and either indicates that none were paid or that no-one ever applied for trading rights and that the market failed entirely at an early stage. Both these extremes seem unlikely, and we must assume that they were paid in some form now concealed - certainly stallage and pickage were among the rights which the Dean and Chapter claimed in the post-medieval period.<sup>75</sup> By the late-eighteenth century, the market day had changed from Thursday to Friday, but the market was then for cloth samples, and otherwise nominal.<sup>76</sup> It had perhaps not been in continuous existence since the thirteenth century and may have been revived with the expansion of the cloth industry in the fifteenth and sixteenth centuries.

<sup>73</sup>. Winch. C.L. Whitchurch borough court roll, November 1391: 'Thomas Smyth et Johannes Sandres manent infra burgum ibidem extra assisam ... et jurati in assisam'; Winch. C.L. Whitchurch borough court roll, May 1395: 'Johannes Coupere manet ibidem infra libertatem domini extra assisam'. The hundred roll for May 1395 records the cessation of *capitagium* for Coupere and two others who had left the manor. At Highworth there was a similar distinction between the assize and the liberty - see *Court Rolls of Adam de Stratton*, 158, where a single entry has several ameracements for being, or harbouring people, 'extra assisam' and a payment 'pro ingressu habendo in feudum domini'.

<sup>74</sup>. e.g. Winch. C.L. Whitchurch borough court roll, December, 1313: John Galon was declared to be 'extra assisam et homo contra pacem ... et libertas ei defenditur nisi inveniatur securitatem infra octo dies ...' cf. Beresford, 'Six new towns of the Bishops of Winchester', 206, n.54. Some of the payments cited were acknowledgements of manorial jurisdiction within the towns, others were burgage entry fines.

<sup>75</sup>. See Appendix 6.

<sup>76</sup>. *Hampshire Directory* (1792), 936.

### 4.3 Burgesses, jurors and officials.

The medieval burgesses of Whitchurch were not members of a select ruling group, since there was none, in a formal sense. To see if and how an informal one may have developed we must again work backwards from their eighteenth-century successors, the parliamentary voters, and in particular, the electoral juries of twenty-four. This was not in theory a self-perpetuating body, since it was chosen by the bailiff, whose choice was to be from the 'fit' or 'sufficient' and 'able' freeholders.<sup>77</sup> He and his masters, the parliamentary candidates, found it expedient to conceal the fact that the choice properly belonged to the Dean and Chapter, and to the Prior and Convent before them.<sup>78</sup> Concealment would not have been necessary if jury membership had been open to all with the property qualification. As it was, by the eighteenth century, it had become confined to an inner circle into which it would have been hard to break had anyone wished to do so, but it evidently had not always been so restricted.

The twenty-four 'fit and able' jurors of the eighteenth century had some affinities with the twenty-four 'free and lawful men' who were summoned to hear land disputes in the early-fourteenth century. As in the later, so in the earlier century, they were summoned by the bailiff on the instructions of the steward, or other Priory official presiding over the court, and the initial choice

<sup>77</sup> . H.R.O. 27 M87/14, 2; 27 M87/15, 2.

<sup>78</sup> . H.R.O. 27 M87/14, 3: 'The bailiff assumes a power to himself ... to name a jury without any communication or direction from the lords of the manor or mayor. But notwithstanding this custom ... yet there is not much doubt, but that the lords of the manor may with the precept send likewise a list of the jury for the bailiff to summon and return, and on his refusal ... their steward may summon any of the freeholders ... and swear them immediately, it being in their power and at their choice to refuse the bailiff's jury if not agreeable to them. But as this way of proceeding ... would be a considerable embarassment to the members, who have now the return of the jury ... it is dangerous to their interest in this borough so much as to hint to any one that the lords of the manor have this power invested in them'.

of jurors was left to the bailiff.<sup>79</sup> He was not circumscribed by political pressure as was his eighteenth-century counterpart, but the concealed, correct, procedure shows that the steward could have rejected a jury unacceptable to the Priory, and empanelled one chosen from all the burgesses.

The number twenty-four was twice the size of the normal jury in novel disseisin cases.<sup>80</sup> The number itself may have originated as an imitation of the select body of twenty-four which took a major part in the thirteenth-century government of Winchester and other large towns, 'where the practice of appointing sworn panels of citizens for the performance of specific tasks was of long standing'.<sup>81</sup> If such a jury had been regularly used in Whitchurch for all purposes, more than half the burgesses would have had to be empanelled. In fact a jury of this size was exceptional, being specially summoned to decide property disputes; it could hardly have evolved into a ruling body.

But the twelve *liberi jurati* who formed the regular jury of presentment from the 1320s onwards could certainly have done so, in the same way as manorial juries began to play a leading part in the administration of villages at around the same time.<sup>82</sup> Twelve was the normal, though not invariable, size of a manorial jury.<sup>83</sup> This jury was introduced in the Whitchurch borough court at some time between 1314 and 1321 to present all cases involving public nuisances, hue and cry and breaches of the assizes of bread and ale. Such

<sup>79</sup> . e.g. Winch. C.L. Whitchurch borough court roll, June 1309: 'Preceptum est ballivo quod venire faciat ad proximum burghemotum xxiiij homines liberos et legales de visu illo ad faciendam juratam'.

<sup>80</sup> . Pollock and Maitland, *History of English Law*, ii, 49.

<sup>81</sup> . Keene, *Medieval Winchester*, i, 75.

<sup>82</sup> . Beckerman, *Customary Law*, 96-100. S. Olson, 'Jurors of the village court: local leadership before and after the Plague in Ellington, Huntingdonshire', *J. Brit. Stud.*, 30 (1991), 237-56, is an examination of this topic.

<sup>83</sup> . Beckerman, *op. cit.*, 75.

cases had been presented by two chief pledges from about 1306 to 1314.<sup>84</sup> It is not clear from the rolls who had done so before 1306; chief pledges themselves began to be recorded regularly at the borough court only from the 1290s, at which time they seem to have arrived towards the end of the day, and to have presented a very small number of cases which had not arisen in other ways.<sup>85</sup> But their presence throughout is implied in a rare expansion of the usual formula 'Duo capitales plegii veniunt sicut summoniti fuerunt etc.' to 'et dicunt quod nihil sciunt nisi quod dicunt'.<sup>86</sup> In the town's early years, the chief pledges were the borough equivalent of the tithing-men who appeared on behalf of manorial tithings at hundred courts.<sup>87</sup> They either took over from, or shared with, the bailiff, the duty of presenting individual offences in the very first borough courts.<sup>88</sup>

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<sup>84</sup> . There is a gap in the records between 1314 and 1321, and so the introduction of the jury in Whitchurch cannot be more precisely dated (though an examination of the rolls from other Priory manors might reveal it). The jury system was adopted, in the manors examined by Beckerman, over about a hundred years, between the mid-thirteenth and the mid-fourteenth centuries - see *Customary Law*, 33.

<sup>85</sup> . This would be so if the order of entries in court rolls is that of the proceedings. The appearance of the court rolls indicates this; until the end of the thirteenth century at least, they are very untidy, and give the impression of having been written at or shortly after the court sessions, not written up as fair copies.

<sup>86</sup> . Winch. C.L. Whitchurch borough court roll, June 1299.

<sup>87</sup> . In the borough account roll for 1267, two chief pledges are recorded as having paid cert money. P.D.A. Harvey, *Manorial Records* (London, 1984), 50, states that this was a compounded payment for failure to fill up tithing groups, but there are sufficient variations and expansions of the original formula in the Whitchurch, Hurstbourne and Crondal 1248 account rolls, to show that it was an insurance against defective pleadings, paid by every tithing-man for his tithing at the hundred courts.

<sup>88</sup> . Beckerman, *op. cit.*, 67: in manorial courts, jury presentment succeeded prosecution by bailiffs for individual offences. It was originally envisaged, in both the Whitchurch and Weymouth charters, that bailiffs would make the presentments; presentment by chief pledges was thus an intermediate stage.

The procedure for choosing this jury is, as elsewhere, not made explicit in the court rolls,<sup>89</sup> but as with the special land juries, it is likely that the choice was again left to the bailiff, with the Priory's ultimate right of veto.<sup>90</sup> This certainly was the theory as it was understood in the eighteenth century.<sup>91</sup>

Unfortunately, jurors are never named in court rolls, so nothing can be deduced about the length or frequency of their service, or whether they individually or corporately tended to constitute any kind of elite.<sup>92</sup> The word 'oligarchy' sounds pretentious in the context of English small towns, but is more literally apt than in large ones, there being such a small pool of potential leaders. By the time an application for a charter of incorporation was made, in the early-seventeenth century, the administration of the town was effectively in the hands of a body even smaller than the medieval jury; the charter provided for a mayor and a burgess-ship of eight. All nine were named in the charter, and it is difficult to see how this could have happened unless they were the moving spirits behind the application.<sup>93</sup> In them we may have a clue to the real size of the late-medieval 'oligarchy' in Whitchurch. By the eighteenth century the jury of presentment had been increased to a membership of twenty-four. It is tempting to see in this number an echo of the special land juries of earlier centuries, but there was no *functional* line of

<sup>89</sup> . Beckerman, *op. cit.*, 75, considered that chief pledges may have played a part in the selection by acting themselves and choosing others, but that could not have happened in Whitchurch if presentment by chief pledges and by juries were successive stages.

<sup>90</sup> . *cf.* Hilton, 'Small town society', 68: the lord, or his steward, could reject jurors at Halesowen. In incorporated boroughs the bailiff usually made the choice - see F.J.C. Hearnshaw, *Leet Jurisdiction in England* (Southampton, 1908), 90.

<sup>91</sup> . H.R.O. 27 M87/14, 4-5: ... we consider the power of naming the jury to be in the lords of the manor and not in the bailiff, as the custom now and time immemorial has been, and therefore would be an handle for a very great struggle should the lords ever attempt it.'

<sup>92</sup> . Hilton, *op. cit.*, 68: at Halesowen the jurors' names were compared with those of established families and a degree of stability in jury service detected; *cf.* Olson, 'Jurors of the village court'. But it is not unusual for jurors' names to be omitted from court rolls, since they were of no interest to lords.

descent between the two. The *form* of the jury was the same as the medieval presentment jury of twelve, which so signally had failed to establish itself as any kind of elite, that by the eighteenth century there were 'not above 10 at the most that are resident [freeholders] in the borough, that are men of any tolerable substance or who are capable of serving ... [as] mayor and bailiff...'<sup>94</sup>

The post-medieval bailiff was considered to have been originally the mayor's servant and then his assistant.<sup>95</sup> His office, though less prestigious than the mayor's, evidently carried more real power, since it was his favour, rather than the mayor's, which the parliamentary candidates were anxious to secure. Both mayor and bailiff had to be resident, and the mayor in addition a freeholder, usually, though not necessarily, a member of the jury.<sup>96</sup> The mayor, in the eyes of the Dean and Chapter, and the outside world generally, was little more than a rent-collector; to the Dean and Chapter this would have been the most important part of his duties.<sup>97</sup>

The first use of the title 'mayor' occurred relatively late at Whitchurch, though not so late as in many small towns.<sup>98</sup> It is first recorded in 1391, when confiscated goods were given into the safe custody of William Rous, *maior*, and this was thereafter the title of the principal official. The early-seventeenth-century Winchester writer thought that the borough 'tyme out of

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<sup>93</sup> For this charter see Winch. C.L. T2A/3/154/1 (Appendix 6) and P.R.O. C66/1778/28. The charter was granted in 1608 but revoked early the following year because it had been obtained by deception.

<sup>94</sup> H.R.O. 27 M87/14, 10.

<sup>95</sup> *ibid.*, 2.

<sup>96</sup> H.R.O. 27 M87/14, 5; 27 M87/15, 7.

<sup>97</sup> Appendix 6: the phrase 'as reeve' is interlined in two passages about the mayor's duty of rent-collecting. *V.C.H.*, iv, 300, repeats the description of the mayor as 'no other than a rent reeve to the Dean and Chapter of Winchester...'

<sup>98</sup> P. Riden, *Record Sources for Local History*, (London, 1987), 99-100: mayors often replaced medieval bailiffs in the Elizabethan period, perhaps when charters of incorporation were granted.

minde' had had a mayor and bailiffs,<sup>99</sup> but this was not strictly true. In the thirteenth century and for part of the fourteenth, the town had only one administrative official at a time. Until 1272 at least, he was called *prepositus*, 'reeve', by 1280 he was styled *ballivus*, 'bailiff'. The office of mayor was not an additional appointment in the late-fourteenth century but a continuation of that of bailiff, a change of name only, just as the title 'bailiff' had replaced 'reeve' in the late-thirteenth. Bailiffs and chief pledges had co-existed in the late-thirteenth and early-fourteenth centuries; the bailiff's office could not therefore have evolved out of that of the tithing-man but rather out of that of the manorial reeve, the local official with day-to-day responsibility for the Priory's interests.<sup>100</sup> The principal duty of the borough bailiff, as of the reeve before him and the mayor after him, was to collect the burgage rents and to see that court orders were obeyed; in this he was acting as the Priory's representative.<sup>101</sup> At the same time he had to act as the community's representative when the bailiff and the *communitas burgi* were jointly involved in actions against individuals.<sup>102</sup> He was thus in a position where loyalty was potentially divided, but there is no evidence that this caused a problem for medieval bailiffs or mayors.

Inconveniently for the historian, the Whitchurch court rolls do not record elections consistently, and the existence of officials generally has to be

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<sup>99</sup> See Appendix 6.

<sup>100</sup> Bailiff and tithing-man were clearly two separate offices at Highworth - see *Court rolls of Adam de Stratton*, 155, where they appear in the same entry.

<sup>101</sup> The relationship is emphasized in the clauses of the medieval charter whereby officials were bound to do fealty to the Priory and observe its interest in all pleas and profits.

<sup>102</sup> Winch. C.L. Whitchurch borough court rolls, December 1292: Richard Bercarius essoined himself against William Attebarre and the community of the borough in a plea of trespass; April 1293: Richard Schort and the community of the borough were themselves amerced for non-attachment. It is not specifically stated that Attebarre and Schort were bailiffs at the time, but both had been bailiffs in earlier years, and it is difficult otherwise to explain their involvement in these cases.

deduced from passing references.<sup>103</sup> But the fourteenth century was evidently a time of experiment. In 1321 a bailiff and a sub-bailiff were jointly elected, together with two ale-tasters, the only time such officials appear in the rolls. In 1324 a *serviens*, 'sergeant', and a bailiff were elected, perhaps prefiguring the later arrangement in which the bailiff was slightly inferior to the mayor,<sup>104</sup> but in 1331 the bailiff was the only official. There is then a long gap in the records, and in 1351 the bailiff again had a sub-bailiff as deputy. A single official thus seems to have been the norm for perhaps the first half-century of the borough, combining in one person all the roles which were divided between several officials in larger towns. The appointment of extra officials from time to time during the fourteenth century may be an index of the increasing complexity of the town's internal affairs, or the increased enforcement of national legislation such as the Statute of Labourers,<sup>105</sup> or simply the 'common untidiness of medieval arrangements'.<sup>106</sup> The court rolls do not permit us to see if the late-fourteenth-century mayor regularly had a bailiff as deputy, but the later description of the *status quo* implies that there

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<sup>103</sup> . The medieval charter, as in many other towns, stipulated that officers were to be sworn annually, at the next court after Michaelmas. Elections at this court were occasionally recorded, and it is likely that it is only the record, and not the practice itself, which is absent.

<sup>104</sup> . At Colchester and Wallingford the sergeant was the lesser figure - see Britnell, *Growth and Decline in Colchester*, 25 and Herbert, *Borough of Wallingford*, 53. In the Whitchurch example he is named first.

<sup>105</sup> . The most visible example of this is the amercement of the entire burgess-ship for their failure to provide stocks in 1363 and 1364 - see Winch. C.L. Whitchurch borough court rolls, November 1363 and May 1364. Stocks had been in use as temporary lock-ups elsewhere for some time - see R.B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), 53, 194, 216. But they were the prescribed punishment for labourers who broke the terms of the statute - *ibid.*, 38, and B.H. Putnam, *The Enforcement of the Statute of Labourers* (New York, 1908), 73. Failure to provide stocks appears as an offence not only in the Whitchurch borough court rolls but also in the hundred soon after the enactment of the statute.

<sup>106</sup> . Reynolds, *English Medieval Towns*, 120. She also notes that 'urban liberties produced a new and developing nomenclature of offices, so that titles ... were not used consistently between or even within towns.'



may even have been more than one.<sup>107</sup> But the town's bureaucracy could hardly be said to have mushroomed.

The completely closed circle of the procedure for choosing mayors and bailiffs in the eighteenth century has already been described. In the early-seventeenth century the procedure was almost identical, but without the same degree of political pressure; the burgesses' initial choice of mayor was therefore free, and the Dean and Chapter, on their own admission, did not have the right to veto an awkward mayor.<sup>108</sup> The medieval bailiffs and sub-bailiffs were said to have been 'elected', but the procedure for doing this is not made clear.<sup>109</sup> One might suppose that in their capacity as Priory officials they had to be acceptable to the Priory, but it appears that the burgesses' freedom to choose their own bailiffs, reeves and officers, granted by the medieval charter, was a real freedom.<sup>110</sup>

It is undeniable that in the above discussion of the borough constitution and administration, use has been made of sources widely separated in time. It may be objected that eighteenth-century evidence is not applicable to the medieval period, since the constitutions of many towns underwent considerable change in the intervening centuries, generally in the form of an

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<sup>107</sup>. Appendix 6: 'the inhabitautes of the said borough chose the maior and the maior nominated the bayliffes and both the maior and bayliffes were sworne by the stewarde of the Deane and Chapter'. The single eighteenth-century bailiff performed at least one of the duties formerly associated with the principal officer, that is, choosing and summoning the jury of presentment, thus justifying the assertion that the mayor and bailiff's power 'in many cases seems to be coequal' - see H.R.O. 27 M87/15, 1.

<sup>108</sup>. Appendix 6: 'One Carey' was 'contynued maior by them of the borough six yeares together of purpose to crosse the Deane and Chapter'.

<sup>109</sup>. Similarly, in fourteenth-century Colchester, the borough offices were filled 'without elaborate elective apparatus' - Britnell, *Growth and Decline in Colchester*, 25.

<sup>110</sup>. In all other matters the Dean and Chapter were tenacious of their rights, and if they could have disregarded borough custom on this point, no doubt they would have done so. The Weymouth charter says explicitly that bailiffs there were elected by the burgesses.

increasing tendency to oligarchy, plutocracy or both,<sup>111</sup> and there was also widespread alteration of municipal charters during the sixteenth and seventeenth centuries, culminating in the revocation of London's and many other boroughs' charters in the 1680s.<sup>112</sup> However, the latter circumstance did not apply to Whitchurch since it had never, except briefly, had a royal charter. Oligarchy, in the form of a ruling elite drawn from townspeople, is certainly implicit in the constitution proposed in the revoked charter of incorporation, but if such a form of government had ever existed at Whitchurch, it was short-lived. In the seventeenth and eighteenth centuries the town was administered in effect by landed gentry, under the nominal lordship of the Dean and Chapter, very much as it had earlier been by the Priory alone, each authority in its day using the manorial court and its officers as the mechanism of local government. It was not unusual for manorial institutions and the nominal authority of the manorial lord to survive, even in much larger towns, into the eighteenth century,<sup>113</sup> and the very simplicity of Whitchurch's administration at that date argues for continuity from the medieval period.

It is sometimes contended (in opposition to the thesis of urban oligarchy) that late-medieval town governments became more democratic, with wider freeman franchises and enlarged councils developed from borough juries or craft guilds.<sup>114</sup> A possible change in this direction is indicated in the enlargement of the Whitchurch jury from twelve to twenty-four, which took place between the fifteenth and the eighteenth centuries, but the jury was never styled 'council', and the total franchise was not enlarged. Indeed, the

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<sup>111</sup> . S. Rigby 'Urban "oligarchy" in late medieval England', in J.A.F. Thomson, ed., *Towns and Townspeople in the Fifteenth Century* (Stroud, 1988), 77; R. O'Day, 'The triumph of civic oligarchy in the seventeenth century?' in C. Phythian-Adams and others, eds., *The Traditional Community Under Stress* (Milton Keynes, 1977),.

<sup>112</sup> . J. Barry, ed., *The Tudor and Stuart Town: a Reader in English Urban History, 1530-1688* (London, 1990), 27.

<sup>113</sup> . *ibid.*, 152.

<sup>114</sup> . Rigby, *op. cit.*, 70-4. Rigby, while not subscribing to this view, reviews the evidence for it.

franchise could scarcely have been narrower, since, as has already been demonstrated, there was no provision for obtaining the liberty other than by freeholding, either in the medieval or the modern periods. There was no democracy in Whitchurch either before or after the enlargement of the jury. The revoked charter of 1608 provided that Whitchurch was to be a 'liber burgus de se', for which there would have been no need if the equivalent phrase in the medieval charter had had any real meaning. The list of concomitant rights denied by the Dean and Chapter at that time shows that the town's legal status had not changed since the mid-thirteenth century; it was not a free borough in the seventeenth century and never had been.

#### 4.4 The borough court.

The medieval charter made clear at the outset that the borough court was to have no autonomy but was to be under the control of the Priory steward or other Priory nominee. The relationship between Whitchurch borough court and the other courts held by the Priory in the surrounding manors was particularly close, and they can be observed developing together during the late-thirteenth and fourteenth centuries.<sup>115</sup>

Court perquisites appear as an item of income on all the surviving borough account rolls, proving that courts were held regularly, but the first surviving borough court roll is dated 1281, which appears to be the earliest time from which the Priory began to preserve the court records of any of its manors systematically. Individual amercements were listed in manorial account rolls until at least 1283, but ceased in borough account rolls by 1272. Thus for perhaps ten years the Priory kept no record of proceedings in the borough court; its interest in the court was purely financial, until by 1281, borough court rolls began to be integrated with the Priory's general archival system.

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<sup>115</sup> . *cf.* Halesowen and Sevenhampton, where there are parallel runs of borough and manorial records - see Hilton, 'Small town society', 57, and *Court Rolls of Adam de Stratton*, 2.

The Evingar hundred and Whitchurch borough records are usually found in pairs, the hundred and the borough courts being enrolled on the same membranes (though not always in that order) and in the same hand. This reflects the fact that the courts were nearly always held on the same day or on consecutive days, but during the late-thirteenth and early-fourteenth centuries, there seems to have been no fixed rule about which came first. The hundred courts were held at Hurstbourne from at least the 1280s until the 1320s, probably because the majority of business came from the larger manor.<sup>116</sup> Nearly all the surviving records are for the twice-yearly courts with view of frankpledge, at the seasons of Martinmas and Hocktide - nominally November 10 and the second Tuesday after Easter, although in practice the Martinmas courts were held at any time up till the following February and sometimes as early as the preceding October. The Hocktide courts were held between Easter and July. Some of the proceedings were so long that one suspects that the courts lasted into a second day. The rolls exhibit the confused mixture of the business of court baron and court leet, and the general formlessness, typical of thirteenth- and early-fourteenth-century court rolls.<sup>117</sup>

The borough records are all headed *burghemotus* until 1321, and *portimotus* or *portmotus* thereafter. They were also mainly for courts held at Martinmas and Hocktide, although there are short runs of lesser, intermediate borough courts, in the 1290s and an isolated example in 1314. Similarly there is evidence for occasional manorial courts, both at Whitchurch and Hurstbourne, up to the 1320s.<sup>118</sup> That decade marked a change in the format

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<sup>116</sup>. When the amercements were apportioned at the end of the court rolls, Hurstbourne was consistently liable for a much larger sum than Whitchurch manor.

<sup>117</sup>. Harvey, *Manorial Records*, 47, 51.

<sup>118</sup>. The *perquisita* sections of manorial accounts occasionally provide evidence of manorial courts having been held, to supplement the very few extant manorial court records themselves. They were certainly not held at the three-weekly intervals found elsewhere; if they had been, there should have been many more recorded on the court rolls, in proportion to the

of the hundred courts, with a division of its business into two distinct sittings.<sup>119</sup> The first was the public business of the hundred, entitled *hundredum*, and attended by representatives of all the constituent tithings, at which cert money was paid, and breaches of the assizes of bread and ale, and of cases of hue and cry, were tried.<sup>120</sup> On the next day another court, entitled *curia*, was held, for the Prior's tithings only, at which entry fines were paid, agricultural matters dealt with and civil cases of all kinds heard. The *curia* seems to have combined the business of the infrequent manorial courts with the manorial business previously transacted at the hundred courts. The twice-yearly courts, both hundred and borough, were presided over by the same Priory officials, almost always the steward alone, although in two years for which records survive, he was joined by a monk. The presence of the steward was not necessary in intermediate courts; the presidents of these are hardly ever named, and there is some evidence that they were held by the bailiffs of the manor and borough.<sup>121</sup> This occasionally led to situations which appear odd in modern eyes. The president of a manorial court held at Whitchurch in 1308 was named as the bailiff, who, during the proceedings, seems to have given orders to himself to distrain a defendant, and the

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records of hundred and borough courts, and more references to them in the account rolls. The impression of the rarity of manorial courts is not simply due to the accidents of survival; a brief examination of the rolls transcribed by J.S. Drew in Winch. C.L. reveals a similar pattern of records, and therefore courts, in five other Priory manors.

<sup>119</sup> . That the two sittings were considered to form a single entity is indicated by a phrase in Winch. C.L. Whitchurch manor account roll, 1326, which records the perquisites from the hundred and *curia* 'eiusdem turni'. Harvey, *op. cit.*, 52, remarked on the 'occasional clear separation of the view of frankpledge from the rest of the court business' in fourteenth-century court rolls; in this case it was a physical as well as a clerical separation.

<sup>120</sup> . For cert money see above n.87.

<sup>121</sup> . For the manorial bailiff as court president see p.31. That the borough bailiff presided over intermediate borough courts is proved by Winch. C.L. Whitchurch manor account roll, 1357, *recepte forinsece*: 'de quibusdam amerciamendis coram ballivo libertatis prioratus' in addition to the receipts from the two portmoots. Judicial powers were attached to the later office of mayor - see H.R.O. 27 M87/14,1: '... the only magistrate is the mayor, who is a Justice of the Peace two days in the year during their fair which is in June and in October...'

borough bailiff was involved as a defendant in an intermediate court in 1299. These examples are only one stage removed from those in which a lord himself could sue or be sued in his own court.<sup>122</sup> They do not appear so odd when it is remembered that, in theory at least, judgments were given by the whole body of suitors in thirteenth-century courts, and that the steward only supplanted them during the fourteenth; it may be that the two chief pledges took a hand in these Whitchurch cases.<sup>123</sup>

Priory clerks were not used to record intermediate borough courts after the reorganization of the hundred court.<sup>124</sup> The rationalization of the hundred court eliminated the need for the steward to travel to this outlying part of the Priory's estate more than twice a year, and the cessation of intermediate borough court records was probably an associated move. The surviving records of intermediate courts show that they were held for the benefit of tenants and not the Priory, since they deal exclusively with tenant business. Even if borough courts were held more frequently than the surviving evidence implies, they were probably much rarer than in larger towns and also in some small ones.<sup>125</sup>

<sup>122</sup>. See F.M. Page, *The Estates of Crowland Abbey: a Study in Manorial Organisation* (Cambridge, 1934), 41, especially n.6.

<sup>123</sup>. See H. Cam, *Liberties and Communities in Medieval England* (Cambridge, 1944), 201, for suitors as judges in early-fourteenth-century Ely courts even though the hundred bailiff presided. See also Beckerman, *Customary Law*, 62: 'the steward or bailiff who presided over the court ... largely supplanted the suitors of the court as the giver of judgments during the fourteenth century.' The change was anticipated in the hundred court held at Hurstbourne in December 1290, when a judgment in one case was explicitly stated to be 'per senescallum'.

<sup>124</sup>. The 1357 reference (see above n.121) is the only piece of evidence for intermediate borough courts after the 1320s, and there are no associated court rolls for that or any other year.

<sup>125</sup>. There was a wide variation in medieval practice with regard to the frequency of courts; Halesowen, for example, had monthly borough courts as well as twice-yearly 'great' courts for the view of frankpledge - see Hilton, 'Small town society', 57. At Highworth in the late-thirteenth century there were between six and ten courts annually, and the assizes of bread and ale were heard several times a year - see *Court Rolls of Adam de Stratton*, Highworth portmoot. Borough courts were held weekly (sometimes fortnightly) at the larger town of Wallingford, with four 'great'

With the developments of the 1320s, the order and place of courts became fixed; the borough court, followed by the hundred court, were both held at Whitchurch on the same day, and the *curia* at Hurstbourne on the following day. Courts were held on any day of the week, including, on occasions, Sunday.<sup>126</sup> By the sixteenth century, the borough court was held 'in an open place' underneath the guildhall, the hundred court at the manor house.<sup>127</sup> There is no indication of where it had been held at the start, but the tradition of holding hundred courts in the open air was an ancient one.<sup>128</sup> The first day's proceedings must have entailed a small procession between courts, from the centre of the town along Bell Street to the manor house, followed by an overnight stay for the steward and his clerk at the Prior's Hurstbourne residence.

The twice-yearly sessions of the borough court were called variously *hundredum* or *laghedaye*,<sup>129</sup> at which breaches of the assizes of bread and ale were tried, together with a variety of other offences. The proceedings, like those of the hundred courts, opened with essoins, mainly by defendants wishing to postpone their cases, but sometimes by burgesses owing common

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courts in the fourteenth century - see Herbert, *Borough of Wallingford*, 67. By contrast, at Westminster Abbey, an isolated reference to a *halimote* implies dormancy rather than regularity, and an annual June court, combining the view of frankpledge with the business of a traditional three-weekly manorial court, seems to have been the norm by the fourteenth century and perhaps earlier - see Rosser, *Medieval Westminster*, 231-2.

<sup>126</sup> . Unlike, for example, Westminster and Colchester, where the principal courts were always held on Mondays - see Rosser, *op. cit.*, 232, and Britnell, *Growth and Decline in Colchester*, 27.

<sup>127</sup> . See Appendix 6. By the time of this document the proceedings of the hundred had been condensed into a single session and courts were no longer held at Hurstbourne. The guildhall was probably in the same place as the market house shown on the 1730 map, if it was not actually the same structure.

<sup>128</sup> . H. Cam, *The Hundred and the Hundred Rolls* (London, 1930), 171-2.

<sup>129</sup> . Winch. C.L. Whitchurch borough account rolls, 1267 and 1282. 'Lawhundred', a term commonly used elsewhere, combined elements of both words, e.g. Britnell, *op. cit.*, 27.

suit of court at the two lawdays.<sup>130</sup> Suit of court had not been specified in the charter, perhaps because it was taken for granted that the burgesses of an unincorporated borough would be liable for such a universal manorial obligation. Compurgation and personal pledging, familiar features of medieval manorial courts, were also used in the borough court. The last occurrence of compurgation was in 1386, though it had been gradually disappearing before then. Pledging still occurred at the end of the fourteenth century, though it too was diminishing. Minor changes in the format of the rolls may coincide with changes of steward (and therefore clerk) rather than representing real procedural changes.<sup>131</sup> Jury presentment seems, however, to have been a genuine innovation in the first quarter of the fourteenth century, almost, though not quite, coinciding with the change in the court's title from *burghemotus* to *portimotus*.<sup>132</sup>

A late-fourteenth-century development at Whitchurch was the appearance of affeerors, both for borough and hundred courts. P.D.A. Harvey considered that the listing of affeerors was part of the general trend towards greater orderliness in court procedure and recording, rather than an innovation in practice.<sup>133</sup> The fact that they are first recorded at Whitchurch in 1381 would

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<sup>130</sup> . Essoins 'de communi' were only recorded between the beginning of the fourteenth century and 1331, but the continuing obligation is indicated in the occasional amercement for default, and in its survival into the eighteenth century - see H.R.O. 27 M87/15, 6.

<sup>131</sup> . *cf. Manorial Records of Cuxham*, 82. There was a change of steward at St. Swithun's Priory between 1309 and 1311; the rolls became much more orderly from 1313, with individual amercements interlined instead of marginated. The rolls had taken on their final medieval form by 1368.

<sup>132</sup> . For the jury of presentment see p.92. It is not possible to say if the change of title was associated with a change of steward since stewards are not named in court rolls from the 1320s onwards, though perhaps this in itself indicates a change. See also pp.110-11 for fourteenth-century administrative changes.

<sup>133</sup> . Affeerors were first named in court rolls during the fourteenth century, though at varying dates - see Harvey, *Manorial Records*, 52. At Cuxham, affeerors were first named in 1329, and were recorded at most, but not all, courts thereafter.



not necessarily mean that there had been none hitherto.<sup>134</sup> Affeerors (in function if not in name) dated back to Magna Carta if not before,<sup>135</sup> and were generally appointed by stewards.<sup>136</sup> There was considerable overlap, though seldom complete identity, between those for the Evingar hundred and the Whitchurch borough court; the *curia* generally had its own affeerors. It looks as if the usual practice in the borough in the late-fourteenth century was to appoint one burgess (sometimes, perhaps always, the bailiff or mayor) and one manorial tenant, perhaps to provide a combination of local knowledge with some degree of impartiality.

Integrity might have posed a problem. Affeerors sometimes seem to have assessed their own amercements,<sup>137</sup> but there are no examples in the late-fourteenth century Whitchurch rolls of this, although affeerors were sometimes amerced in years in which they were not serving.<sup>138</sup> The amercements of two frequent Whitchurch brewers in the 1290s and early 1300s were nearly always condoned, and it is possible that these were the

<sup>134</sup> . *Court Rolls of the Manor of Hales*, eds. J. Amphlett and others (3 vols., Oxford, 1910-33), 2, xxxviii: *aff* often found besides essoins might be the 'initials' of the affeeror, to show that court regulations had been complied with, rather than the usual expansion to *affirmavit* or *affidavit*, the oath of the essoiner. There are two examples of *aff* in this position in the Whitchurch borough court rolls, in 1306 and 1308. However, the very isolation of these examples is odd, and is more likely to be associated with changes in format, in particular, a new, tabulated form of essoins which was developing around that time in Priory records. *Cam, op. cit.*, 92, 117, 152, cites several examples of abuse of affeering by sheriffs and bailiffs in the late-thirteenth century, and the system was widespread long before its existence can be proved at Whitchurch.

<sup>135</sup> . *English Historical Documents, 1189-1327*, ed. H. Rothwell (London, 1975), 343: 'none of the aforesaid amercements [of free men, merchants and villeins] shall be imposed except by the oath of good and law-worthy men of the neighbourhood'.

<sup>136</sup> . *Court Rolls of the Manor of Hales*, 2, xxxvii; *Modus Tenendi Cur' Baron*, ed. C. Greenwood (London, 1915), 50; though Page, *Crowland Abbey*, 154, cites two cases in which they were appointed by the reeve and hayward respectively. The Whitchurch rolls are silent on the method of appointment.

<sup>137</sup> . *cf. Manorial Records of Cuxham, passim.*

<sup>138</sup> . There are so many gaps in the Whitchurch rolls that one cannot be certain that a similar situation as at Cuxham never arose.

affeerors of their day, at least in respect of brewing amercements.<sup>139</sup> There was a noticeable decline in amercement levels in the late-thirteenth and early-fourteenth centuries in Whitchurch borough court, which was paralleled in Priory and other manors; it is clear that the fall was widespread, but that its chronology varied from place to place.<sup>140</sup> Affeerors could not therefore have been guided purely by local standards or individual circumstances. It seems likely that in this case at least, the amercement levels were set by Priory stewards, and that the role of the affeerors was to decide whether or not the offender should be pardoned.

Pardons were relatively common at Whitchurch in the thirteenth and early-fourteenth centuries, decreasing through the fourteenth, though isolated examples can still be found at the end of that century. Poverty was only occasionally cited as the reason, and there does not seem to be a pattern in the types of people pardoned.<sup>141</sup> People were sometimes excused one out of several amercements imposed at the same session, or were excused at one session, only to be amerced at several others. In any case, the offences excused would normally have attracted only small amercements. The general fall in amercement levels has been ascribed to peasant poverty,<sup>142</sup> but in Whitchurch there is no clear correlation between the decline in amercement levels and the frequency of pardons, whether 'quia pauper' or without qualification. It seems that here, at least, 'fines condoned "quia

<sup>139</sup> . cf. Britnell, *Growth and Decline in Colchester*, 89: 'the preparation of a list of brewers was delegated to a small number of assessors, whos own fine for breach of the assize was condoned.'

<sup>140</sup> . A.N. May, 'An index of thirteenth-century peasant impoverishment? manor court fines', *Econ. Hist. Rev.*, 2nd ser., 26 (1973), 396, dates the beginning of the downward trend earlier in the century on some Winchester manors; J.B. Post, 'Manorial amercements and peasant poverty', *Econ. Hist. Rev.*, 2nd ser., 28 (1975), 307, places it around 1300 in other areas.

<sup>141</sup> . At both manorial and hundred courts in the 1290s, the outcome of cases was sometimes noted as 'alibi'. This was evidently not a plea in defence, but a substitute for an amercement. Its meaning is obscure; it cannot be a note that an amercement was paid in another court, since there were no other competent courts.

<sup>142</sup> . May, *op. cit.*, 397.

pauper" are evidence of peasant illiquidity, rather than destitution'.<sup>143</sup>

Brewing amercements were largely standardized, but for other offences, particularly those involving violence, the level of amercement appears to have been related to the gravity of the offence rather than the ability of the offender to pay.

Court business from the outset fell into four distinct categories.<sup>144</sup> One arose from the procedures of the court itself, for instance, prosecutions for default and failure of pledges to produce suitors. Then there were matters arising from the Priory's role as a manorial landlord, related to which were its franchises of the assizes of bread and ale. It is not surprising that the majority of court business, throughout the period under review, fell into these categories, particularly the franchises, since the borough charter had made it clear that the Priory's concern in establishing the court was to protect its own interests and not to provide justice for the townspeople.<sup>145</sup> But the court also served the town, and the last category comprised tenant business, mainly inter-tenant disputes. During the 1260s (the only decade of the town's early years from which there is any evidence), the Priory's manorial presence was evinced in payments for licences, dues and offences normally associated with manorial courts, such as pannage for pigs and agricultural trespasses. By

<sup>143</sup> . *ibid.*, 398. Post, *op. cit.*, 311, while challenging some of May's methodology, does not disagree with this conclusion.

<sup>144</sup> . See Table 6. Commentators have categorized medieval court proceedings in different ways - e.g. A.N. May, *The Franchise in Thirteenth-Century England with Special Reference to the Estates of the Bishopric of Winchester*, Ph.D. thesis, Cambridge University (1970), 16-17; Post, *op. cit.*, 305; M.J. Mackintosh, *Autonomy and Community: the Royal Manor of Havering, 1200-1500* (Cambridge, 1986), 192, 206. The categories suggested here are those into which the Whitchurch borough court amercements seem naturally to fall, and no wider significance is claimed for them.

<sup>145</sup> . '... senescallus noster vel alius ex parte nostra assignatus in eadem villa burgemotum teneat ad jura nostra et comoda ad nos spectantia custodienda et in omnibus observanda ...' The Weymouth charter's corresponding clause seems to have been more inclusive: 'ad facienda omnibus jura et comoda nostra ad nos ... spectantia fideliter custodienda et in omnibus observanda'.

the 1280s this category had largely disappeared, and for about a century thereafter, court business was almost entirely divided between tenant business and breaches of the two assizes, in varying proportions but with the franchises always exceeding tenant affairs. By the end of the fourteenth century, however, court business had come to consist almost entirely of the assizes, a reflection of the general decline of manorial courts.<sup>146</sup> By the same time, many of the inter-tenant disputes, such as those concerning nuisances, had evolved into local bye-laws.

The volume of court business always varied, but there seem to have been two periods when it was relatively large, whether judged by the numbers of cases heard, or by the amount of income generated, in a single year.<sup>147</sup> One period was the town's first twenty years and the other the mid- to late-fourteenth century. The initially high level reflects the manorial nature of the court and the payment there not only of agricultural dues but of entry fines and cert money - items which were no longer payable by the 1280s.<sup>148</sup> The fall in income thereafter was also due to a progressive reduction in the standard amercement for brewing and other petty offences.<sup>149</sup>

A surge in court business began in the mid-fourteenth century, with a particularly large number of cases in 1351-2 and higher levels of income during the 1350s than had been seen for nearly a hundred years.<sup>150</sup> The disruption at the time of the Black Death is shown in the fact that the Martinmas courts for both hundred and borough, which should have been held in late-1349, were not held until February 1350 (the latest of all the

<sup>146</sup> . Beckerman, *op. cit.*, 112-16.

<sup>147</sup> . See Table 7. Court income and volume of business are of course related, though not necessarily directly; amounts of amercements varied, and not all cases at every court resulted in an amercement.

<sup>148</sup> . Cert money was paid in 1267, but was set against the final debt as an allowance in the Whitchurch borough account in 1282, and never again appeared either in the borough court rolls or the manorial account rolls.

<sup>149</sup> . For more detail on this see ch.5.2.1.

<sup>150</sup> . These observations are made with the *caveat* that there are many gaps in the records; nevertheless, broad trends emerge from those which survive.

surviving Martinmas courts). This evidently caused a backlog of business, and the sessions were longer than normal, the hundred court in particular having to deal with an unusually large number of agricultural trespasses and stray animals.<sup>151</sup> It is surprising, however, how little the plague affected the business of Whitchurch borough court. Disruption is certainly evident in the disappearance of several familiar names from the lists of brewers and other regular offenders, to be replaced in some cases by their widows, in others by new names. But court income and numbers of cases were at similar levels immediately before and after the plague, and there was no shortage of litigants in spite of putative 50 per cent mortality in the town.<sup>152</sup> By the end of the fourteenth century, however, court business was again declining,<sup>153</sup> and probably declined even further thereafter, for when the Priory estates were regranted after the Dissolution, the borough court income was said to be 16s. 8d. 'in ordinary years'.<sup>154</sup> This total was inflated not only by waifs and strays but also by the entry fines and heriots of the tithings of Charlcot and Freefolk.

The types of business conducted in the borough and hundred courts were gradually diverging during the 1260s and 1270s. These were the decades during which cert money, entry fines and recognitions ceased to be paid in the borough court. This may be interpreted as the partial withdrawal of the borough from manorial obligations, and is matched by a change in the character of the court itself. By the 1280s it had almost entirely ceased to be used for the enforcement of seigneurial rights other than the franchises, the requirement to be in tithing, and (in the second half of the fourteenth century) waifs, strays and felons' goods.

Periods of change in court procedure and recording at Whitchurch, though corresponding with national trends, also coincided with recognizable periods

<sup>151</sup> . *cf.* Page, *Crowland Abbey*, 146 ff.

<sup>152</sup> . See Appendix 1.

<sup>153</sup> . Annual figures are only available for a few years, but the evidence of individual courts confirms the trend.

<sup>154</sup> . *Documents Relating to the Foundation of the Chapter of Winchester, A.D. 1541-1547*, eds. G.W. Kitchin and F.T. Madge, (London, 1889), 58.

of change in Priory accounting. The 1320s was a decade of strict financial control; from the 1370s onwards the accounting system operated routinely, with times of stringency in between.<sup>155</sup> These tendencies themselves were part of national trends in accounting, reflecting underlying changes in manorial supervision, and ultimately the move to the leasing of manors. The Priory took this step relatively late in the general movement, and by the end of the fourteenth century was still in direct control of its north-Hampshire manors and their courts, including Whitchurch borough court.<sup>156</sup> In respect of judgments, the fourteenth-century steward was probably even more in control than his thirteenth-century predecessor had been, although by the end of the period there was little but the assizes on which to deliver judgments.

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<sup>155</sup> Drew, 'Manorial accounts of St. Swithun's Priory, Winchester, 28.

<sup>156</sup> Hurstbourne manor was leased in 1408, but Whitchurch not until around 1440 - see Greatrex, *Administration of Winchester Cathedral Priory*, Appendix IA2. ii.



## CHAPTER 5: THE COMMUNITY ON ITS OWN.

### 5.1 Borough finances.

In return for the limited freedoms granted by the borough charter, the burgesses of Whitchurch were to pay annual rents on each burgage plot; the means whereby they raised the money was their own affair, but the assumption was that, as in most medieval towns, it would be by a combination of agriculture and trade.<sup>1</sup> However, the Priory continued to exercise financial oversight, at least for the first thirty years.

The evidence for this is contained in the six surviving Whitchurch borough account rolls, which begin in 1261 and end in 1283. They are enrolled or filed immediately before or after the manorial rolls for the corresponding years, except for 1267, when only the borough roll has survived. They are written in the same hands, but with slightly less care in the arrangement, as the manorial rolls. The borough accounts are very much shorter than the manorial, reflecting the restricted nature of the borough's financial affairs. The first sections correspond to the 'charge' of a manorial account, listing payments due - arrears, rents of assize and recognitions, the latter paid sometimes in cash and sometimes in wax. Court perquisites appear in full on the first two account rolls, but from 1272 onwards, only totals are recorded. The final sections are a 'delivery' - a record of cash handed over to the Priory and a statement of the balance owed.

In 1261 the account itself was reasonably straightforward, but the delivery is difficult to follow through because the balance was recalculated and alterations made as money came in. It is obviously a working document rather than a carefully-presented statement, as also is the manorial account

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<sup>1</sup>. Appendix 5: 'libere teneant burgagia sua cum terris ad dicta burgagia concessis et cum omnibus mercandiis suis'.

for that year. Six years later, the delivery was in the same form, but was a fair copy, drawn up after most of the money had been collected. In 1272 the delivery became extremely complicated, as allowances began to be made to individual reeves for burgages on which no rent had been paid during their term of office. The difficulty of following through the delivery in some accounts (and no doubt of compiling it in the first place) is due to the large number of arrears, which were already accumulating by 1261, were worse at some periods than others but which were never wiped out in any surviving account. The volume of arrears made it difficult to present the accounts in the traditional form and the clerk's solution from 1280 onwards was to incorporate a separate section for delivery of arrears immediately after the arrears themselves; the final delivery then took the form described by Drew as a 'reckoning', in which the remaining individual responsibilities for arrears were stated or restated.<sup>2</sup> There were no deductions for expenses of any kind.

At first the accounts were rendered jointly by a borough reeve and the same Priory official who rendered the Whitchurch manorial account, but as the borough finances became more convoluted, the Priory official withdrew and the accounts were rendered jointly by those responsible for the arrears. Final responsibility for each year's account, as for the manorial accounts at that time, fell on the serving reeve.<sup>3</sup> As also in the manor, arrears were allowed to accumulate, sometimes for many years; outright pardons were rare. This was the period at which the Priory's supervision of its manorial accounts was 'spasmodic and unmethodical', and that of the borough accounts more so, to judge both from the appearance of the rolls and the vagaries of the accounting.<sup>4</sup>

The income always varied, depending on the success of individual reeves in collecting money, on the level of court perquisites and on the Priory's

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<sup>2</sup> . Drew, 'Manorial accounts of St. Swithun's Priory', 26.

<sup>3</sup> . *ibid.*, 27.

*ibid.*, 28.



leniency in making allowances.<sup>5</sup> One might think that allowances for vacant burgages should have been automatic, but this does not seem to have been the case in 1280, although they may have been made after the roll was drawn up, since at least two of the burgages in default in 1282 appear to have been so since 1272. In 1272 the allowances amounted to over £3, a relatively large proportion of the total borough rent.<sup>6</sup> Very few allowances were made for reasons other than vacancy, and only one small debt was pardoned on account of poverty.<sup>7</sup> The chief cause of variation in income was the performance of the reeves.<sup>8</sup> Every year began with a burden of arrears from previous years, which seems to have reached a maximum around 1280. The figure for that year looks exceptionally high because of the lack of allowances; even if these were subsequently made, the year began with an unusually large deficit, of which little was paid off during its course. Arrears were generally paid in part or in full during each year, but some of the current year's debts always remained uncollected by the end. The position was particularly bad in 1280, when William Gewel collected less than a quarter of the current year's rent, although he made up most of the deficit within the next two years. Gewel does not seem to have been a particularly inefficient reeve; large debts remained outstanding against other reeves for longer periods, and he acted as reeve several times. By 1283 the clerk was no longer trying to account properly for the arrears, and merely stated that they were 'plurimorum annorum preteritorum'.

In 1261 the rent total amounted to £15 2s. 0d., a rise of only two pence from the sum of the burgage rents in 1251. Another twopenny increment in 1267 brought the amount to £15 2s. 2d., at which it remained constant in the rest of the surviving accounts. In 1335 the Priory received £10 'de redditu burgi', the figure recorded as the borough fee-farm in the mid-sixteenth century and

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<sup>5</sup>. See Table 8.

<sup>6</sup>. As far as one can see; the account for that year is particularly complicated.

<sup>7</sup>. Richard Schort, acting as executor for a deceased burgess, was excused £1 18s. 6d., and William de Barre was pardoned 4d. on account of poverty, both in 1282.

<sup>8</sup>. For the variation in court perquisites see pp.108-9.

almost the same as the sum of quit-rents in the nineteenth.<sup>9</sup> In the early-seventeenth century the Dean and Chapter thought that at 'the tyme of the dissolution of the monastery yt should appere that the borough was decayed for the yearly collection of the maior which formerlie had been fyftene poundes was then but ten poundes'.<sup>10</sup> In fact the decay had occurred long before the Dissolution; it had been impossible to collect the full sum almost from the start.

It is clear that, faced with this difficulty, the Priory had compounded with the town for a fixed fee-farm, based on the income it usually derived from the town rather than the theoretical value. The fee-farm must be dated between 1283 and 1335, and probably nearer the former than the latter. It was almost certainly in place before the end of the thirteenth century, since there is no borough account on the next surviving composite account roll, dated 1298-9.<sup>11</sup> The 1280s was the decade in which the Priory began to preserve its court rolls systematically, and there may have been other administrative changes, perhaps associated with the advent of William Basing as Prior in 1283 or his comprehensive property agreement with Bishop John de Pontissara in 1284. This was the period at which Whitchurch borough court became free from manorial dues, and financial freedom may have been associated with that development. In view of the difficulty of collecting rents, the freedom would have been a mixed blessing to the reeves, even taking into account the reduction by a third of the total rent obligation.

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<sup>9</sup>. *Compotus Rolls of the Obedientaries of St. Swithun's Priory*, 226; *Documents Relating to the Foundation of the Chapter of Winchester, A.D. 1541-1547*, 88; *Whitchurch Borough Rental Book*.

<sup>10</sup>. See Appendix 6.

<sup>11</sup>. The roll includes Whitchurch manor, with which borough accounts were enrolled in earlier years.

### 5.2.1 Trade and industry: the victualling trades.

For most of the period under review, cases of brewing against the assize of ale outnumbered every other offence, and generally accounted for just over half the cases at each view of frankpledge.<sup>12</sup> The assizes of bread and ale, though nationally enforced, varied in detail from place to place and became part of local custom in the thirteenth century.<sup>13</sup> It was so at Whitchurch, where the ale trade was well established from the town's inception. Ten of the burgesses recorded in the 1251 custumal were presented in the manorial court for breach of the assize in 1247-8, of whom two, along with the father of an eleventh, were also amerced for breach of the assize of bread.<sup>14</sup> Such offences would normally have been dealt with in the borough court, but it was not yet operative.<sup>15</sup> It is, of course, possible that some of the future burgesses were living elsewhere in the manor at the time of their offence, and only moved into the town in the intervening three years. However, a total of four bakers and twenty-one brewers, of whom four also baked, were presented in 1247-8, and it is hard to see where such large numbers would have found an outlet for their products unless in Whitchurch itself, since there was no other nucleated settlement within the manor apart from the small community at Freefolk. Moreover, the number of brewers in 1248 is reasonably consistent with the seventeen presented in the borough court in 1261 and the eighteen in 1267.

Many of those presented for brewing incurred multiple penalties, a sign of regular business in the trade. It has been rightly observed that amercedments at a view of frankpledge represented at best only half the annual total paid by

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<sup>12</sup> . See Table 6.

<sup>13</sup> . Britnell, *Commercialisation*, 94-6.

<sup>14</sup> . Winch. C.L. Whitchurch manor account roll, 1248. The third baker was Hilary de Angulo, for whom see p.35. Alice Palmer incurred several amercedments for brewing in 1261 and 1267, and was probably the wife of Roger Palmer, a burgess in 1251. If the 'Alice' amerced for baking in 1248 was Alice Palmer, at least four bakers would have been operating in the town in that year.

<sup>15</sup> . See pp.37-8.

many of the regular brewers and bakers, and that assessment of a base rate of amercement for brewing is extremely hazardous when a roll does not specify the number of offences.<sup>16</sup> But the Whitchurch manor account roll for 1248 reads as though the clerk had copied the records of four individual courts, rather than amalgamating them, as was the usual later practice. Breaches of the assizes were heard at all four courts, and hence it is probable that in that year at least, the number and scale of brewing amercements can be related more closely than usual to brewing offences. The usual amercements for brewing in 1248 were 12*d.* and 6*d.*, though two people paid 2*s.* at a single session, and one the exceptional amount of 6*s.* 8*d.*<sup>17</sup> This certainly seems to indicate a relationship between amercements and numbers of offences, even if it were not so simple as a base rate of 6*d.* multiplied by the numbers of brewings.<sup>18</sup> On this evidence, six people brewed five or six times each, and Matilda de Barre many times more - a very high initial level of activity among brewers, even allowing for the fact that some may have been operating outside the town. There was also a good deal of continuity in the brewing trade between 1248 and 1267, to judge from the names of those presented. Four or five of the 1248 burgess brewers were active in 1261, and three were still operating in 1267; between 1261 and 1267 there was an overlap of seven brewers altogether.<sup>19</sup>

<sup>16</sup> Post, 'Manorial amercements and peasant poverty', 306.

<sup>17</sup> Matilda de Barre paid 6*s.* 8*d.*, an amount which would look like a clerk's error had it not been consistent with the total of court perquisites. J.S. Drew, ed., 'Early account rolls of Portland, Wyke and Elwell', *Proc. Dorset Nat. Hist. Archaeol. Soc.*, 67 (1946), 37: Anselm Capellanus paid 3*s.* 4*d.* for the assize of ale in 1249.

<sup>18</sup> H.R.O. 11 M59/B1/22: Pipe Roll, 1248-9: Overton borough court shows a similar mixture of 12*d.* and 6*d.* brewing amercements. Post, 'Manorial amercements and peasant poverty', 306, criticized May, 'Index of thirteenth-century peasant impoverishment?', for taking brewing amercements as recorded in account rolls at face value, but May's method, in this matter at least, seems valid.

<sup>19</sup> Matilda de Barre, one of the principal brewers in 1248, was not an original burgess but may have been the wife or daughter of the burgess John de Barre. She paid an entry fine for a half-burgage in her own right in 1261.

The replacement of the 12*d.* amercement by the 6*d.*, which is apparent between the 1260s and the 1280s, marks the beginning of the downward trend in amercements which has already been noted elsewhere.<sup>20</sup> The 3*d.* amercement for brewing and ~~for~~ other offences first appeared in the 1290s but did not entirely supplant the 6*d.* amercement. The two levels existed in parallel, with no obvious reason for discrimination between offenders other than frequency of brewing, but with a tendency for the lower amount to predominate after the turn of the century. It is often considered that breaches of the assize of ale constituted a licensing system, but on St. Swithun's Priory manors they seem to have been real offences, initially at least. It is not until the 1320s that the beginnings of a licensing system are detectable, when a more regular scheme of amercements emerged at the end of a seven-year gap in the records.<sup>21</sup> In 1321 there was a base rate of 4*d.* (occasionally 3*d.*) for a single brewing, 8*d.* for two brewings and a 'common' amercement of 2*s.* (occasionally 1*s.*) for any number above two. In the same year tapsters were presented at a uniform rate of 6*d.* for the separate offence of ale-selling. This system lasted at least until 1368, with small variations in the rates. The distinction between brewers and tapsters was maintained, except in 1340, when some brewers were also presented as tapsters but were not charged an extra amount, presumably because brewers always sold their ale in any case. These brewers must have been selling it indoors, the theoretical prerogative of tapsters, but one which was hard to enforce.<sup>22</sup>

Between 1321 and 1368 the epithet 'common', originally attached to the amercement for multiple offences, came to be applied to offenders, who sometimes paid the same as, or even less than, other brewers. The tentative

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<sup>20</sup>. See p.107.

<sup>21</sup>. It is slightly surprising to find that the licensing system at Whitchurch anticipated a similar system at Winchester by several decades - see Keene, *Medieval Winchester*, i, 265: the distinction between brewers and tapsters was not drawn at Winchester until ca. 1360.

<sup>22</sup>. Winch. C.L. Whitchurch borough court rolls, 1353x63 and June and October 1386, contain presentments of brewers for refusal to sell outside. There were similar presentments at Winchester in the 1360s and 1370 - Keene, *op. cit.*, i, 267.

conclusion that 'common' brewers were running more permanent establishments than the others is strengthened by another development in the licensing system which appeared, again after a considerable gap in the records, in 1381. The offence of being a 'common' brewer was generally, though not invariably, associated with that of being a 'common' hosteller, and also a baker of horse-bread. Hostelries were lodging-houses, the Whitchurch equivalent of inns in larger towns at this period,<sup>23</sup> and were providing food and accommodation for travellers, often at excessive prices, or so the formula claimed.

Brewing is frequently stated to have been a domestic affair in the thirteenth century, whether as a by-employment or to dispose of the occasional surplus of peasant households. It is also widely accepted that women were the principal brewers, whether or not they were presented in their own names in court.<sup>24</sup> Undoubtedly some women began to appear in the Whitchurch records only after being widowed, no doubt carrying on their husbands' businesses, but married women appeared in the court in their own right in all other types of cases,<sup>25</sup> and there are several instances where a woman was presented for brewing during her husband's lifetime. There is therefore good reason to suppose that the clear predominance of men over women in brewing presentments in Whitchurch reflects the actual situation. In particular, the keepers of lodging-houses in the 1380s and 1390s were exclusively men. By contrast, the balance between men and women among tapsters fluctuated during the fourteenth century, and tapsters disappeared

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<sup>23</sup> . *ibid.*, 274. H. Swanson, *Medieval Artisans: an Urban Class in Late Medieval England* (Oxford, 1989), 20: the term 'hosteller' was superseded by 'inn-holder' at York in the late-fifteenth century.

<sup>24</sup> . e.g. P. Clark, *The English Alehouse* (Harlow, 1983), 20-3; Hilton, 'Small town society', 60.

<sup>25</sup> . P.J.P. Goldberg, 'Women in fifteenth-century town life', in J.A.F. Thomson, ed., *Towns and Townspeople in the Fifteenth Century*, (Gloucester, 1988), 116: in the York records, widows were misleadingly described as 'wives'. In St. Swithun's records, widows were designated as such; 'uxor Johannis Bercarii' was not a widow in January 1321, and Joan Grym was presented separately from her husband but at the same court, in February 1350.

entirely from the records between 1386 and 1394, perhaps temporarily subsumed into that category of hostellers who did not brew or bake horse-bread. Their businesses always appear to have been much less profitable than those of the brewers and hostellers proper, to judge from the amount of revenue generated for the Priory.<sup>26</sup>

The numbers of people amerced at each court varied widely during the century and a half under review, but the total numbers involved in the ale trade in any one year varied between eleven and twenty-seven, in the years for which an annual total is possible.<sup>27</sup> Not all brewers were presented at every court, but some overlap is always apparent, at least when there is no great discontinuity in the records. The documents have survived in four groups or periods, 1248-67, 1282-1314, 1321-68 and 1381-95, each, fortuitously, with its own administrative practice with regard to the trade. The first period was evidently the busiest and most prosperous time for Whitchurch brewers. By the 1280s a considerable drop in business had ensued, greater than can be accounted for by the general reduction in amercement and pardon levels, and business remained poor at least until about 1330, apart from an exceptionally thirsty time in 1321. In each of the first two periods, about five businesses appear to have operated continuously, either in the hands of one man, his widow or possibly a son with the same name. During the 1290s many people had a spasmodic involvement with the trade, but more continuity is apparent in the early-fourteenth century, and even over the time of the Black Death, although many new names also appeared in the records for 1350. There were also many new names in 1363, but this was after a longer gap than usual in the records. By the end of the fourteenth century several businesses had been stable not merely for several years but for two decades. The early-modern period saw a considerable increase in the number of licensed inns in Whitchurch, which

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<sup>26</sup> . See Table 9. There are many gaps in the records, but not so many as to obscure broad trends.

<sup>27</sup> . See Table 10.

was not necessarily a genuine increase but more likely an upgrading of the late-medieval alehouses and hostelries.<sup>28</sup>

The existence of regular businesses, even in the earliest period, presupposes permanent premises, particularly when the brewers were burgesses trading in and from their own homes. It has been suggested that most ale-selling in towns in the thirteenth century was as 'small scale and intermittent' as in rural areas, but that 'the urban ale trade may have been acquiring a more organised and regular character by the early fourteenth century'.<sup>29</sup> On the other hand, the commercial nature of the brewing business in the thirteenth century has been noted in other areas, both rural and urban; a ratio of one brewer to every twenty-five males provides a crude index of the number of small taverns in an agrarian community.<sup>30</sup> Even if every household in Whitchurch had an adult son, and even if only the six most frequent brewers in 1248 were in regular business, the ratio would have been higher than that. The scale of the trade suggests more than a local demand for ale in such a small community, and the premises would not have been the cramped accommodation offered in rural alehouses but relatively spacious town houses. It is not improbable that some of the first burgesses had alehouses in mind when they chose their plots.<sup>31</sup>

Alehouses would not have been the only drinking establishments in late-thirteenth-century Whitchurch. Richard Schort was presented at the eyre in 1280-1 for selling eight *dolea* of wine against the assize.<sup>32</sup> Wine was

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<sup>28</sup> . P.R.O. SP 12/117/74: certificate of the numbers of innholders, taverners and alehousekeepers in the County of Southampton, 1577, lists one innholder and six alehousekeepers in the hundred of Evingar. Places of residence are not stated but probably most, if not all, were in Whitchurch. P.R.O. E 180/64: bundle of victuallers' licences for the Whitchurch area, 1619: at least five people were described as innkeepers of Whitchurch, and several dealers in other goods were also selling drink.

<sup>29</sup> . Clark, *English Alehouse*, 22-3.

<sup>30</sup> . Post, 'Manorial amerancements and peasant poverty', 308-9.

<sup>31</sup> . See p.72.

<sup>32</sup> . P.R.O. JUST 1/789, m.8.



generally sold in taverns, which did not provide accommodation but were essentially drinking-houses, and the brawl 'in quadam taberna' in 1293 bears witness to the existence of at least one of these fashionable establishments.<sup>33</sup>

The evidence for the brewing trade, subject as it was to close regulation, will always exceed that for other occupations in small towns such as Whitchurch, where there were no craft organizations or freemen registers. For some people it may have been a sideline, as it probably was for John Bachyn, amerced for brewing but described as a cobbler in 1331 and 1344. Brewing fitted well with the baking trade, and Whitchurch bakers, or their wives, sometimes brewed. On the whole, however, the bakers' craft was more specialized than the brewers', and Whitchurch bakers sometimes operated over many years, being often, though not invariably, distinguished in the records by the occupational surname *pistor*. The baking of horse-bread was combined with the keeping of hostelries as an offence in the 1380s and was evidently considered an infringement of the assize of ale rather than bread for a short time, but by the end of the fourteenth century only the regular bakers were making bread, for both human and animal consumption.<sup>34</sup>

The court records for 1247-8 indicate a high level of activity among the bakers, even if, as with the brewers, not all were necessarily working within the town boundary. However, demand for bread dropped even more rapidly than that for ale, only one baker being presented in 1261 and none in 1267, in which year Edulph *pistor* was amerced for failure to repair his bakehouse. In 1281 he was pardoned for breach of the assize of bread on account of poverty. Everard *pistor*'s house burned down in 1271-2 and had not been replaced ten years later. From 1281 and for the rest of the next century there

<sup>33</sup> . Clark, *English Alehouse*, 11; Winch. C.L. Whitchurch borough court roll, April 1293.

<sup>34</sup> . cf. Swanson, *Medieval Artisans*, 13: the separation of the innholders' and bakers' crafts in York was not fully established until the late-fifteenth century.

was always at least one presentment of a baker at most courts for which records survive, the total number occasionally rising as high as six or seven.<sup>35</sup> In general, however, the town only supported one or two regular bakers (all men) at a time, any others having a more casual involvement in the business.<sup>36</sup> These were probably hucksters of bread bought elsewhere rather than bakers, since baking required substantial investment in an oven; in 1340 three people were presented for selling underweight bread bought outside the town.<sup>37</sup>

The meat trade was also subject to local regulation in many places, but presentments of butchers were very rare in Whitchurch. One Whitchurch butcher, John Doget, was presented twice, at an interval of twenty-one years, for selling bad meat.<sup>38</sup> Even allowing for the gaps in the documentary record, it appears either that very few butchers operated in the town, or that there was not the same concern for hygiene, in such matters as waste-disposal, as there was in larger towns.<sup>39</sup>

### 5.2.2 Trade and industry: other trades and occupations.

Evidence for other trades is harder to find than that for the victualling trades. Occupational surnames are not a completely reliable guide, since it has been shown that surnames tended to be hereditary in Whitchurch by the mid-thirteenth century.<sup>40</sup> Giving them, for the moment, the benefit of the doubt,

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<sup>35</sup> . See Table 11.

<sup>36</sup> . See Table 12.

<sup>37</sup> . Winch. C.L. Whitchurch borough court roll, December 1340: 'querunt panem aliunde minoris ponderis extra assisam'. Two of the offenders were also tapsters in that year and the third was Elias le Taillour, frequently a tapster.

<sup>38</sup> . Winch. C.L. Whitchurch borough court rolls, December 1290 and November 1311.

<sup>39</sup> . Bonney, *Lordship and the Urban Community*, 150-1, noted a similar lack of official concern to regulate butchers in Durham.

<sup>40</sup> . See pp.45-6.

they will be examined for evidence of other trades and occupations.<sup>41</sup> In 1251, leaving aside the five clerical or pseudo-clerical persons, we find three metal-workers, (William le Ismongere, Richard Marescallus and Adam Faber),<sup>42</sup> one wood-worker (William Cuvarius) and a fisherman (Richard le Fisshere), who was presumably selling fish as well as catching it, and with a licence. Smithing, farriery and coopering were not, of course, specifically urban occupations, although it is quite possible that the men who brought such skills into Whitchurch continued to exercise them there, since only William Cuvarius kept any land in the manor. Even these craftsmen were also engaged in the ale trade; Richard Marescallus and William Cuvarius were amerced once each for brewing, and for Adam Faber, amerced three times in 1248 and once in 1261, it may have been more than a side-line. William Cuvarius may indeed have been neither brewer nor cooper but primarily a farmer. Only one other occupation emerges in the town's earliest years - Richard le Kule, a burgess in 1251, was paid 6s. in 1248 for making adjustments to the manorial mill, which must have been so specialized that they could not be carried out by the miller himself, another Richard.<sup>43</sup>

The next date for which a body of names is available is 1261; the evidence is from an account roll, which does not, of course, include all the town's inhabitants. The total number of names was very similar to that in the custumal, ten years previously, and there were still a good many derived from personal names and nicknames, but occupational surnames increased from ten to sixteen. There are only two clerical names in this list; four people were metal-workers, four were engaged in clothing trades, two in victualling and one was a hayward. In addition there were two merchants and one person simply described as a burgess; why the latter should be specially distinguished from his fellow burgesses is unclear. The metal-workers were three smiths and a farrier, the clothing-workers were two weavers, a tanner

<sup>41</sup> . See Tables 13 and 14.

<sup>42</sup> . The assumption has been made that Richard Marescallus was engaged in shoeing horses rather than doctoring them - see Table 14, n.1.

<sup>43</sup> . Winch. C.L. Whitchurch manor account roll, 1248, *expense molendini*.

and a cobbler. The victuallers were two bakers, one of whom was alternatively described as a cook. Even if some of these names were hereditary, a modest range of crafts had probably been established in the town within a generation of its foundation. No category predominated, and the range must actually have been wider, since the evidence is limited to those who appeared in the account, and does not include townspeople whose surnames were unrelated to their occupations. None of the reasons for the appearances in the 1261 account actually contradicts the occupational surnames, though they do confirm that many people were also brewing. Indeed, eight of the seventeen brewers amerced in that year had occupational surnames - two smiths, two bakers, one merchant, the cobbler, the clerk and the burgess - of whom the cobbler paid two amercements of 1s. each, as much as any other brewer. The only surname which can be unambiguously identified as occupational in 1261 is that of one of the bakers, who was also amerced for breach of the assize of bread. However, the occupational surnames as a whole are derived mainly from low-status trades, a type of name considered to be reliable evidence of occupation in Winchester at the same period.<sup>44</sup> The trades are certainly those to be expected in a small pre-industrial town which was engaged in the provision of the basic necessities of life to its occupants and near neighbours. They are as unspecialized as that in many other towns, although the provision of services to travellers might be regarded as a specialist function in itself.<sup>45</sup>

Occupational surnames continued to form a very small proportion of the recorded name-stock in the late-thirteenth and fourteenth centuries, and there is scarcely an instance, apart from that of the bakers, where a context

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<sup>44</sup>. Keene, *Medieval Winchester*, i, 392: in thirteenth- and fourteenth-century Winchester, occupational by-names related to low-status (as opposed to high-status) trades may be taken at face value.

<sup>45</sup>. cf. N. Goose, 'English pre-industrial urban economies', *Urban History Yearbook* (1982), 29: the provision of a market might be regarded as a specialist function in small towns.

corroborates a name.<sup>46</sup> Indeed, they occasionally appear to be in conflict, as when Richard Cissor (shearman, or perhaps tailor) was amerced for baking in 1314; two attested fourteenth-century merchants - Ralph le Dighere of Whitchurch, and Richard le Hosteler of Salisbury - were named from other trades.<sup>47</sup> It is in the nature of the documents that occupations other than brewing were hardly ever recorded, but it is evident that surnames such as Shepherd, Hayward, Whelere, Sopere, Payntour, Tayllour and Webbe had become true hereditary surnames by the mid-fourteenth century if not earlier, and that their bearers were making their principal livelihoods from brewing and the keeping of ale-houses and hostelryes.

Nevertheless, some of the occupational surnames - Skynnere, Dighere, Webbe, Tayllour - denote a more distant origin in the various clothing trades, none of them particularly specialized or unusual. Weaving, particularly on a domestic scale, would be an entirely plausible occupation in medieval north Hampshire, and was later to be confirmed as a source of local employment, although it is overstating the case to call Whitchurch a 'centre' of sixteenth-century cloth manufacture, comparable with Andover, Basingstoke and other Hampshire towns.<sup>48</sup> Some Whitchurch kersey-makers paid tax in 1434,<sup>49</sup> and their kerses were probably fulled at one of the two manorial mills listed in 1086, but there is no evidence that it was in continuous use as a fulling mill throughout the medieval period.<sup>50</sup> However, the Domesday mill in Freefolk

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<sup>46</sup> . The exception is Agnes Tappestre, who was amerced as such in November 1391. It is possible that the few women's surnames not obviously derived from those of their husbands, related to a genuine occupation.

<sup>47</sup> . H.R.O. 19 M61/562: indenture of defeazance by Robert and Michael Durdent to Ralph le Dighere of Whitchurch, merchant, 1361; Winch. C.L. Whitchurch borough court roll, November 1391: when goods of Richard *vocatus le Hosteler* were confiscated, his defence was that he was a merchant of Salisbury.

<sup>48</sup> . Bettey, *Wessex from A.D. 1000*, 138.

<sup>49</sup> . *V.C.H.*, v, 484.

<sup>50</sup> . See pp.57-8, for the Domesday and later mills.

Manor had been converted for fulling by 1352 at the latest.<sup>51</sup> There is a possible isolated reference to a Whitchurch weaver in 1292, when Juliana Philips was presented for tearing cloths of unstated value, belonging to John Galon. If Galon was a weaver, it was not his sole occupation - he was a brewer and an occasional dealer in grain, watercress and possibly other goods, besides being an extremely unpopular person.<sup>52</sup> Watercress, a major local industry in the twentieth century, was evidently a commercial venture in the early-fourteenth, since the quantity in dispute in 1313 was valued at the considerable sum of twenty shillings.

John Bachyn, a frequent brewer, was additionally named *sutor* in 1331 and 1344, presumably to distinguish him from another John Bachyn. The other occupational surnames found in the late-thirteenth and fourteenth centuries relate to very ordinary trades - smith, carpenter, clerk, cook - and only serve to emphasize the unspecialized nature of local employment. The rural nature of the community in its early years is shown in the relatively large number of people presented for offences concerning farming matters in 1267; straying pigs were causing a nuisance in 1290 and the ownership of a crop sown in the burgage field was disputed in 1363. Such matters appear to diminish through time, though agricultural disagreements may be concealed in unspecified pleas of trespass. Several people surnamed *bercarius* and Shepherd are recorded in the town, but only one, John de Anne, additionally named *bercarius*, can be firmly identified as a shepherd; the others appeared in court in their capacities as burgesses or brewers.

Whitchurch was no different from many another small town in displaying rural characteristics, although it appears to have been genuinely differentiated from the surrounding manorial tithings by the reliance of its inhabitants on

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<sup>51</sup> . Winch. C.L. Evingar hundred court roll, June 1352, contains an order to repair a bridge beside a fulling mill in Freefolk Manor; H.R.O. 19 M61/558 is a quitclaim of a fulling mill in Freefolk Manor, also in 1352.

<sup>52</sup> . Winch. C.L. Whitchurch borough court rolls, 1291-1313. Galon was involved in other cases concerning six spades, a hatchet and a ring; he may have been a general dealer or even a pawnbroker.

occupations other than agriculture, and particularly on the victualling trades, for their principal livelihoods. For those burgesses without manorial land, the standard two burgage-field acres per burgage, and the long back yard, would by no means have supported a family throughout the year, and subtenants may not even have had access to the burgage-field land. A degree of urban sophistication was demonstrated in the appointment of attorneys in a case concerning land in 1340, and also when John le Ryche engaged Henry de Morton to act for him in the purchase of a house in Andover in 1314. There is, however, very little evidence of a possible source of urban income - the provision of credit - apart from the activities of John Galon. The largest debts, such as Galon's twenty shillings, were incurred through non-performance of contracts, and other debts pursued in the courts were for very small sums disputed in the course of trade. For some of the wealthier burgesses, the subletting of property must have been a principal source of income, though not necessarily one which brought profit to the town. John Durdent, who took nine of the original burgage plots, was a freeman of the manor. Members of the Durdent family were numerous and litigious, but appeared at the hundred court even more frequently than at the borough, and may never have lived in the town themselves, the burgage-holders among them continuing to sublet their burgages.<sup>53</sup>

### 5.3 Borough leaders.

It has already been established that, in theory, the most influential body of people in medieval Whitchurch should have been the members of the borough court jury, led by the bailiff and, from time to time, other elected officials.<sup>54</sup> Membership of the medieval, as of the post-medieval, jury was probably a first step towards local prominence and hence election as an

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<sup>53</sup> . Winch. C.L. Whitchurch borough court roll, June 1299, and H.R.O. 19 M61/560: demise from John Durdent to Robert le Tannere, 1355, show that two Durdents named John let tenements in Whitchurch for lives.

<sup>54</sup> . See ch.4.3.

official in Whitchurch, but there were very few offices to fill at any time.<sup>55</sup> Whether the Whitchurch jurors could be described as 'leaders' of borough society is open to question.<sup>56</sup> The non-recording of jurors' names was presumably an administrative decision by the Priory, and the jurors' local significance cannot now be estimated.<sup>57</sup> Fortunately, however, account rolls provide names for most of the Whitchurch bailiffs between 1260 and 1283.<sup>58</sup> After 1283, court rolls occasionally name the bailiffs either in connection with their election or with specific cases, and affeerors are also named from the late-fourteenth century.

It is clear that thirteenth-century bailiffs were drawn from a limited group of individuals or families, and that most of them served several times. Most were also frequent brewers, and one, Richard Schort, was the guilty tavern-keeper of 1281.<sup>59</sup> Brewers, while not in the highest rank of medieval urban society, were nevertheless respectable; in Colchester, brewing for sale took place in the most prosperous burgesses' households, and brewers frequently held office as bailiffs in Winchester.<sup>60</sup> It is noticeable that the Durdent family, so conspicuous in the Whitchurch records as landowners and litigants, did not produce any recorded bailiffs in the thirteenth century. They were not prominent in the way that Halesowen's leading families were prominent, that

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<sup>55</sup> . *cf.* Hilton, 'Small-town society', 68; service as juror usually preceded that as bailiff or ale-taster. At Halesowen, service as 'cachepol', the collector of monies, generally preceded jury service; at Whitchurch, the bailiff himself, who presented the accounts in the thirteenth century, was the official collector of monies, though no doubt the latter duty was delegated to the sub-bailiff when there was one.

<sup>56</sup> . Olson, 'Jurors of the village court', 247, draws an idyllic picture of jurors 'promoting the peace and good order of the community' through the pledge system, which may, however, not have operated universally in the way she suggests - see below nn.65, 68.

<sup>57</sup> . Jurors' names were not recorded in the other manors of St. Swithun's Priory.

<sup>58</sup> . The naming of bailiffs in the Arrears sections partly compensates for the patchy survival of the accounts.

<sup>59</sup> . See p.121.

<sup>60</sup> . Britnell, *Growth and Decline in Colchester*, 89-90; Keene, *Medieval Winchester*, i, 266.



is, they did not take up office and 'rule the town, not simply on behalf of the lord, but for their own benefit'.<sup>61</sup> Being in control of the administrative and legal apparatus, Halesowen's prominent families did not need to use violence to gain their ends. The Durdents were not above violence: a Richard Durdent was accused of insulting and wounding members of two other families in 1292, though whether he was found guilty one cannot say, since the cases were postponed.<sup>62</sup> The administrative and legal apparatus in thirteenth-century Whitchurch was so limited that office-holding would have given the Durdents no additional advantages over the use they made of the courts. Only one Durdent appears to have been involved in the brewing trade, and that briefly - another, albeit negative, indication that the thirteenth-century bailiffs were drawn from the class of townspeople who brewed.<sup>63</sup>

The situation may have changed in the course of the fourteenth century. The evidence is sparse, but it gives the general impression that officials were drawn from a slightly higher social stratum than before. In 1321 Henry Durdent was elected sub-bailiff, and in 1323 was absent from a jury of enquiry on which he should have served. Roger Deudeney, a manorial freeman, became bailiff in 1351, and another Deudeney, John, acted as an affeemor regularly in the last two decades of the century. It is likely that possession of the bailiffship began to confer social status, and several bailiffs joined manorial freemen in witnessing a number of fourteenth-century deeds.<sup>64</sup>

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<sup>61</sup> . Hilton, 'Small town society', 72.

<sup>62</sup> . Winch. C.L. Hurstbourne hundred court, December 1292. Whether this was youthful intemperance one cannot say; most of the violence done by members of Halesowen's prominent families was committed in their youth - see Hilton, *op. cit.*, 73.

<sup>63</sup> . Geoffrey Durdent brewed twice in 1267. The Durdents were so numerous that there would have been more references if they had regularly engaged in the business.

<sup>64</sup> . H.R.O. 19 M61/554-573: Kingmill papers relating to Whitchurch, 14th century.

Whitchurch bailiffs and pledges were drawn from similar but not identical groups. Pledging was a legal requirement in origin, but there is considerable evidence that by the thirteenth century, it was undertaken for financial gain, whether by officials or professional pledges.<sup>65</sup> It was a financial risk, since pledges were amerced if pledgees defaulted. It is not possible to analyze the pattern of pledging in Whitchurch in the same detail as has been done elsewhere, since the records do not provide sufficient evidence for family and neighbourhood reconstruction.<sup>66</sup> However, some conclusions emerge. Many Whitchurch people pledged occasionally, but never for obvious relatives.<sup>67</sup> It is impossible to tell if the infrequent pledges were helping friends or neighbours; all townspeople would have been effectively neighbours, living in such close proximity as they did. The only family which ever pledged for its own members was the Durdents, and they were also the most frequent pledges for other people. They received very little pledging support themselves since they were usually the prosecuting parties.<sup>68</sup> The majority of Whitchurch pledging was undertaken by relatively few people, who are also likely to have been those with money to invest. Next to the Durdents, the two most frequent pledges, Robert Thorald and John le Ryche, were among the busiest brewers, and the multifarious John Galon, despite his unpopularity, was sometimes acceptable as a pledge. Robert Thorald was probably also an affeemor, before the time when affeemors were regularly recorded.<sup>69</sup>

<sup>65</sup> . Beckerman, *Customary Law*, 237-41; M. Pimsler, 'Solidarity in the medieval village? the evidence of personal pledging at Elton, Huntingdonshire', *J. Brit. Stud.*, 16 (1976), 11. Olson, 'Jurors of the village court', overlooks this aspect of pledging.

<sup>66</sup> . Olson, *op. cit.*; R.M. Smith, 'Kin and neighbours in a thirteenth-century Suffolk community', *Journal of Family History*, 4 (1979).

<sup>67</sup> . The assumption has been made that men with different surnames were not related, although they may have been so by marriage.

<sup>68</sup> . In some medieval courts, both prosecutors and defendants required pledges, but there were numerous Whitchurch cases in which only the defendants used them, or in which distraints were taken instead. Pledging died out during the fourteenth century as jury presentment replaced personal actions.

<sup>69</sup> . His brewing ameracements, and those of Robert Palmer, another frequent brewer, were always condoned; cf. Britnell, *Growth and Decline in Colchester*, 89.

In such a small town as Whitchurch, it was inevitable that the names of individuals and families would recur in various contexts. Bailiffs, affeerors, pledges, witnesses, frequent brewers - all these formed overlapping circles within Whitchurch society - and no doubt would also overlap with the jurors' names, if we had them. The four jurors who testified to the ninths of lambs, wool and corn in the parish in 1340-1 are familiar in other local contexts.<sup>70</sup> Altogether only about half a dozen family names stand out in the century before the Black Death, and even fewer after it. In most of these families, only two or three members recur in the records, and some of the most active burgesses appear to have had few or no relatives in the town, apart from their wives. The nature of the evidence may tend to overstress the involvement of these people in the brewing trades, and certainly there were very few office-bearers who never brewed. But if individual brewers were prominent in other areas of town life, it was probably because their success in business made them natural choices; in contrast, the regular bakers are never found acting in other capacities. There was certainly no natural body of leaders like the corporations and guilds in independent towns. It may be questioned how far the bailiffs could be considered as leaders at all, in view of the Priory's overlordship, particularly of the borough court. But the bailiffs were elected by the burgesses, not appointed by the Priory, and when the Priory ceased to take an active part in the day-to-day running of the town, the collection of the farm and hence the financial administration of the town was entirely in their hands. When the honour of the townspeople was impugned in 1293, three former bailiffs each brought a slander case against the offender - a testament both to the gravity of the charge and the status of bailiffs.<sup>71</sup> The bailiff's final evolution from manorial servant to town leader was symbolized by the change of title to mayor in the late-fourteenth century. Manorial freemen were willing, perhaps desirous, to take on this and other roles in town affairs in the fourteenth century, paving the way for the later outsiders

<sup>70</sup>. *Nonarum Inquisitiones*, ed. G. Vanderzee (London, 1807), 114.

<sup>71</sup>. Winch. C.L. Whitchurch borough court roll, April 1293.

who saw the potentiality for a 'pocket' borough. Given the failure of the town's population to grow during the medieval period, it is easy to see how its internal affairs could be dominated by a very few people, even without deliberate intent on their part.

#### **5.4 The development of the town in the late-thirteenth and fourteenth centuries.**

The Priory established the town and gave it its institutions; the burgesses and inhabitants began to assume responsibility for its financial administration and for their own livelihoods. It remains to consider the course of events, and to estimate how successful or otherwise was their joint enterprise.

The signs were ominous almost from the beginning. Only two small, non-burgage plots, had been added to the occupied land within the town by the 1280s.<sup>72</sup> It had evidently not been necessary to take any of the unused land within the borough boundary into use as new burgages. By 1291 at least one burgage had been divided, presumably to accommodate the second generation of a burgess family,<sup>73</sup> and John Durdent's multiple holdings in 1251 brought a legacy of disputes among his descendants in 1306 and 1314.<sup>74</sup> But on the whole there is little documentary evidence for the subdivision of burgages after the initial allocation.<sup>75</sup> Total occupation began to decline even during the first twenty years; the allowances in the 1272 account indicate that five burgages were then vacant, two for the four previous years and one for three. At least two of these were still among the

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<sup>72</sup>. See p.114.

<sup>73</sup>. Winch. C.L. Whitchurch borough court roll, January 1291: Thomas Cule tried to recover two half-burgages, each with one acre, evidently a divided patrimony.

<sup>74</sup>. Winch. C.L. Whitchurch borough court rolls, November 1306 and June 1309: two cases involving Henry Durdent; May 1314: two cases involving Alice widow of John Durdent.

<sup>75</sup>. See p.65.

vacancies ten years later, one of them a bakery, despite the steward's instruction to the bailiff that it should be resigned.

The early fall in income from brewing amercements is much greater than would be accounted for by the decline in amercement rates. There was also a substantial drop in the numbers of brewers between 1267 and 1282 and of bakers between 1248 and 1261. Occasional pardons on account of poverty begin to appear in the court rolls from April 1282 onwards, though this may not be of great significance, compared with the Priory's decision to farm the town for a much lower sum than it originally expected.

The late-thirteenth century should have been a time of prosperity for small towns such as Whitchurch, or at least of population increase, given the problems which were developing in the rural economy in general. There are some signs of difficulties in the local manors; tallage was pardoned at Hurstbourne in 1273, and at Hurstbourne and Whitchurch in 1280, all 'pro paupertate', but was paid again at both in 1282 and 1283. It is not possible to discuss conditions in Whitchurch manor in any detail for this period, because the account rolls are so sparse, but some use may be made of Titow's figures for Overton manor.<sup>76</sup> Its agrarian economy was very similar to that of Whitchurch manor, producing the same four grains, probably in similar proportions. In the period from 1250 to 1299, yields of wheat and oats were fairly stable, although that of barley deteriorated. Mancorn, a mixed grain grown on the demesne at Overton in considerable quantity, would have been a basic component of local peasant diet,<sup>77</sup> and its average yield improved over those years. Productivity (whether measured by the yield per seed sown or the yield per acre) varied quite widely from year to year, but there is no sign of significant problems with any crop until the years from 1289 until 1292, and all of them recovered from then until 1306. There appears to have been no compelling agricultural reason for the peasant population of Overton

<sup>76</sup>. Titow, *Winchester Yields*, Appendices C-J.

<sup>77</sup>. C. Dyer, *Standards of Living in the Later Middle Ages; Social Change in England, c. 1200-1500* (Cambridge, 1989), 154.

and (by analogy) Whitchurch to migrate from countryside to town in the second half of the thirteenth century. Neither does it appear that overpopulation would have been a problem in Whitchurch manor. There was little or no subdivision of holdings in the century between 1251 and 1349,<sup>78</sup> and *cotagia* (which comprised the majority of holdings in Whitchurch tithing) were usually thirteen acres or more, not generous but sufficient for a family to break even in a normal year.<sup>79</sup> Even if the documents concealed an unquantifiable number of subtenants, and if population pressure was genuinely beginning to build up in the neighbouring countryside, peasants were not flocking into Whitchurch.<sup>80</sup>

There are some signs that Whitchurch's economy began to improve in the second quarter of the fourteenth century, albeit from a low base; nearly all the taxpayers in the 1327 and 1332 lay subsidies were manorial, not borough, tenants.<sup>81</sup> In spite of the reduced amercement rates, court income from the ale trade began to rise from the 1330s, with little evidence of a check over the period of the plague, apart from the lateness of the Martinmas court in 1349-50 and some changes in the list of regular brewers.<sup>82</sup> By the end of the century, the licences of hostellers were bringing in a steady income to the Priory. The court held in July 1350 issued an unusual number of licences to agree, in pleas of debt and trespass,<sup>83</sup> but there was otherwise nothing

<sup>78</sup>. A comparison of Whitchurch manor entries in *Winchester Cathedral Custumal* and *Winch. C.L. Memorandum of holdings in hand*, attached to Whitchurch and Hurstbourne court rolls, February 1350, shows an almost identical pattern of landholding in 1251 and late-1349 - see Appendix 1, Table 2.

<sup>79</sup>. Dyer, *op. cit.*, 117. Average holdings were considerably smaller on the estates of the Bishops of Winchester - see Bettey, *Wessex from AD 1000*, 83.

<sup>80</sup>. Overton, though laid out on a spacious site, was likewise not fully occupied until the early-modern period - see p.66.

<sup>81</sup>. P.R.O. E 179/173/4: lay subsidy, 1327; E 179/242/15a: lay subsidy, 1332.

<sup>82</sup>. See pp.109-10.

<sup>83</sup>. Z. Razi, 'The Toronto school's reconstitution of medieval peasant society: a critical view', *Past and Present*, 85 (1979), 151: a similar rise in trespass cases elsewhere is attributed to the difficulty of keeping boundaries in good repair.

abnormal about that or subsequent courts.<sup>84</sup> The borough court itself seems to have been at its busiest in the three decades after 1340, although the population level probably recovered only slowly from the plague mortality.<sup>85</sup>

It seems clear that the victualling trades were a major source of employment in Whitchurch, particularly in its earliest years. The premiss that catering for travellers was the town's primary function, and indeed the reason for its foundation, while not susceptible to absolute proof, is nevertheless strongly supported by the predominance of brewing and brewers in local life. An overnight stay at Whitchurch might not have been necessary for a horseman *en route* from Winchester to Newbury, assuming a morning start, but carts travelled much more slowly, and Whitchurch was the obvious stopping-place between the two.<sup>86</sup> If the town had owed its early promise to its position on the road from Winchester to the Midlands, its almost immediate decline would have been intimately connected with Winchester's commercial decline, which, although most marked in the fourteenth century, is thought to have begun in the late-thirteenth or even earlier.<sup>87</sup> The cloth trade continued to be Winchester's major industry, but with fluctuating fortunes in the fourteenth century,<sup>88</sup> and it may be more than coincidence that the Winchester cloth trade and the Whitchurch ale trade were both improving in the 1330s and early-1340s. Nevertheless, the consolidation of the Whitchurch ale trade in the late-fourteenth century is more likely to have resulted from the expansion of traffic on the east-west road than from the town's connection with Winchester.<sup>89</sup>

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<sup>84</sup> . The situation was otherwise in the manor, where a great many holdings were taken in hand in late-1349, and very few let out again immediately - see Appendix 1, 4. *V.C.H.*, iv, 211-12: Overton borough seems to have suffered more from the effects of plague than Whitchurch borough.

<sup>85</sup> . See Appendix 1.

<sup>86</sup> . Stenton, 'Road system of medieval England', 16, 19: the average daily ride for a horseman was about twenty miles, for carts about twelve.

<sup>87</sup> . Keene, *Medieval Winchester*, i, 89, 92.

<sup>88</sup> . *ibid.*, 299.

<sup>89</sup> . See pp.52-3.

The thirteenth-century evidence for Whitchurch has shown little sign of industry other than the ordinary crafts. Even if the market had been flourishing in the 1240s, it was conspicuous by its absence from the medieval documentary record, and the central market-place was so small that it could not have accommodated many stalls. By contrast, Overton's main market-street was wide enough to hold a sheep fair, which Whitchurch never had, but even this facility was not enough to prevent Overton from falling into financial trouble in the late-thirteenth century.<sup>90</sup> Markets in such small towns probably could not compete effectively with each other, even if they were held on different days of the week. The speedy change of market day from Monday to Thursday at Whitchurch in the 1240s confirms that the licensing authority had been mistaken in thinking that there would be enough business for Monday markets at Overton and Whitchurch to co-exist.<sup>91</sup> The markets certainly could not compete with those of their larger neighbours; Andover and Basingstoke were not quite within the notional day's journey and return from Whitchurch and Overton respectively, but were scarcely over it. The two small towns thus had no natural hinterlands apart from their surrounding manors, which were lightly populated and incapable of sustaining towns on their own. Indeed, being so close together, their spheres of influence would have overlapped and each detracted from the other. Nor could they depend on the custom of long-distance travellers; the bulk of Hampshire's medieval trade avoided the area, which appears as a blank triangle on a map of known and theoretical medieval roads.<sup>92</sup> Goods and people travelling between the Bishops' and Priors' manors would have ensured that the local roads continued in use, but ecclesiastical travellers were a charge on the manors through which they passed, and should not have needed to spend much money in towns. Only on court days, that is, twice in the year, would the town have entertained an unusual number of visitors.

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<sup>90</sup> . *V.C.H.*, iv, 211.

<sup>91</sup> . See p.37.

<sup>92</sup> . Hindle, 'Roads and tracks', 206.



## CHAPTER 6: WHITCHURCH AND THE OUTSIDE WORLD.

### 6.1 Country and county.

Whitchurch's separate existence as a town was virtually ignored by outside authority.<sup>1</sup> In the sessions of the general eyre held in Winchester in 1280-1, Whitchurch borough residents were amerced indiscriminately with those from other parts of Evingar hundred. The Priory's record of accounts following the sessions show that at least two townsmen were among the twelve jurors for the hundred, but the town had no separate representation.<sup>2</sup> Likewise, in national taxation assessments up to the seventeenth century, no account was taken of the separate existence of the borough and its inhabitants were taxed together with those of the manorial tithing of Whitchurch.<sup>3</sup> Overton was also taxed as a manorial tithing, although it was sometimes distinguished by the heading 'borough' in taxation lists, perhaps in memory of its brief period as a parliamentary borough.

It is possible (by the terms of the extant writs) that both Overton and Whitchurch were summoned to the parliament of 1275, in which cities, boroughs and market towns were comprehensively represented, although the surviving returns are too fragmentary to say whether members from either or both attended.<sup>4</sup> The writ for the 1295 parliament was narrower in scope, omitting reference to the market towns. Overton, but not Whitchurch, was summoned and attended, and was evidently considered by the sheriff, who had to interpret the terms of the writ, to be in some sort of equivalence with

<sup>1</sup> . Hilton, 'Small town society', 78: Halesowen was in a similar position.

<sup>2</sup> . Neither did Overton or Kingsclere - see P.R.O. JUST 17789.

<sup>3</sup> . e.g. P.R.O. E 179/174/461: lay subsidy, 1601. Whitchurch's manorial neighbours were mistaken in thinking that 'It dothe paye no fifteenes' (Appendix 7).

<sup>4</sup> . M. McKisack, *The Parliamentary Representation of the English Boroughs during the Middle Ages* (Oxford, 1932), 1-23, is the basis for this part of the discussion.

the eight larger towns of Hampshire and the Isle of Wight which he selected. Altogether, from 1265 to 1299, there were at least eight other parliaments, for which Overton and Whitchurch either were not summoned or, by the terms of the writs, were not eligible; for the first parliament of 1283 there is no evidence. The parliament of 1300 was summoned by writs similar to those of 1295, and so it is possible that members from Overton attended, but no returns for this parliament, except those for Yorkshire, survive. Of the parliaments held in the next few years, Overton was represented in 1301, 1306, 1307 and possibly 1309, but not in 1302 and 1305.<sup>5</sup> It was excused thereafter, probably on account of expense, but perhaps also because of the difficulty of defining particular places as boroughs, market towns or indeed large villages. Overton was a marginal case which had never really merited its inclusion with the other Hampshire boroughs in 1295. It was entered as a borough separately from the manor of Overton in the Bishopric Pipe Rolls, but there is no evidence that it ever had even the minimal type of charter enjoyed by Whitchurch. Whitchurch, on the other hand, had no parliamentary representation until 1584.<sup>6</sup>

The instructions given to taxation assessors have not always survived, but it appears that in the period 1290 to 1297 at least, they were to charge the urban rate on market towns as well as cities and boroughs.<sup>7</sup> Willard suggested that the omission of Overton from the list of boroughs taxable at the urban rate was an anomaly, and that in interpreting their instructions, the assessors probably used the same criteria as the sheriffs, being guided by trading activities rather than population size or formal status.<sup>8</sup> If so, it confirms the impression that neither Overton nor Whitchurch were visibly

<sup>5</sup> . *Parliamentary Writs, Edward I-II*, ed. F.W. Palgrave (2 vols., London, 1827-34), i, 76, ii, 239.

<sup>6</sup> . *History of Parliament: the House of Commons, 1558-1603*, i, 172-3; ii, 239.

<sup>7</sup> . J.F. Willard, 'Taxation boroughs and parliamentary boroughs, 1294-1336', in J.G. Edwards and others, eds., *Historical Essays in Honour of James Tait* (Manchester, 1933), 418-9.

<sup>8</sup> . *ibid.*, 423-4. Willard thought that Overton was a royal, not a seignorial borough, but the mistake does not affect his argument.

prospering in the late-thirteenth and early-fourteenth centuries. Communities not classed locally as boroughs would naturally object to taxation at the urban rate.<sup>9</sup> The reverse inference might be made, that communities classed locally as boroughs would not object to taxation at the rural rate, whatever their degree of civic pride.

## 6.2 Priory and manors.

Medieval Whitchurch as a town made no impression at the national or even the county level. The manor, however, brought itself to the attention of the royal courts on several occasions, most noticeably in 1377, when a request was made for a writ for exemplification from Domesday Book.<sup>10</sup> The purpose of the request was not specified in the writ, but was probably associated with a series of 'ancient demesne' enquiries from forty manors in southern England in the late 1370s, which is thought to provide evidence of peasant unrest in a part of the country not hitherto associated with discontent. The motive behind this movement was resistance to landlords' attempts to increase services, and in some cases, a claim to personal freedom for manorial tenants. But if these aspirations underlay the Whitchurch writ, they were by no means new in 1377; the tenants of Whitchurch had combined with those of Hurstbourne and Crondal in 1238, and perhaps again in 1280, to complain that the Prior was exacting more services than formerly.<sup>11</sup> 'Ancient demesne' was claimed for the manors in 1238, perhaps in memory of royal ownership as far back as the ninth century, but was dismissed, as it was to be in 1377.<sup>12</sup> A similar claim was made for the Bishop of Winchester's Clere group of manors, immediately to the north, only a month before the

<sup>9</sup> *ibid.*, 420.

<sup>10</sup> R. Faith, 'The "great rumour" of 1377 and peasant ideology', in R.H. Hilton and T.H. Aston, eds., *The English Rising of 1381* (Cambridge, 1984), 53.

<sup>11</sup> *C. R. R.*, xvi, 149B; *Records and Documents Relating to the Hundred and Manor of Crondal*, 43, n.1. Efforts to trace Baigent's source, and hence to examine the original, have so far failed.

<sup>12</sup> Faith, *op. cit.*, 52.

Whitchurch request in 1377. These and the other 'ancient demesne' disputes, although concerned with very limited local issues, and resolved before 1381, have nevertheless been seen as symptomatic of more general disorder in the region.<sup>13</sup> The 1377 writ for Whitchurch certainly appears to fit better with fourteenth-century popular unrest than with the earlier dispute, dormant for the previous century, with the Priory. By the standards of the time, the Priory was a reasonable landlord, and there is no evidence, in this, or any other of its manors, for the type of violent disorder which characterized the relationship between some ecclesiastical landlords and tenants.<sup>14</sup>

Poaching has also been seen as a symptom of more general political issues in the fourteenth century,<sup>15</sup> but it would be surprising to find a manor on the River Test in which a certain amount of poaching did not take place as a matter of course. There were several prosecutions for illegal fishing at night in 1291, in both the town and the manor, and an enterprising person was caught trapping pigeons in 1309, but there are few such examples in the surviving records. It does not appear that the Priory rigidly enforced its rights in these matters, and there need be no political motive underlying poaching here. The thirteenth-century saw many cases similar to the 1238 case concerning the three Priory manors; they were a response to the renewed management of estates by landlords after a period of leasing, during which services had not been required.<sup>16</sup> As to the 1280 case, it probably arose as an answer to the enquiry of the justices in eyre, and people will usually find

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<sup>13</sup> D.G. Watts, 'Popular disorder in southern England, 1250-1450', in B. Stapleton, ed., *Conflict and Community in Southern England* (Stroud, 1992), 12.

<sup>14</sup> Greatrex, *Administration of Winchester Cathedral Priory*, 212: 'On the whole the evidence at our disposal in the manorial records of St. Swithun's suggests that the unfree tenantry were neither oppressed nor even unduly repressed'. For a Hampshire example of a different type of monastic landlord see D.G. Watts, 'Peasant discontent on the manors of Titchfield Abbey, 1245-1405', *Proc. Hampsh. Field Club Archaeol. Soc.*, 39 (1983), 121-35. The long-running disputes between Titchfield Abbey and its tenants had largely died out by the 1370s.

<sup>15</sup> Faith, *op. cit.*, 67.

<sup>16</sup> Postan, *Medieval Economy and Society*, 132, 169.

cause for complaint, if invited. This was exactly the period when the Priory was drawing up the custumal for Hurstbourne, and manorial services were no doubt under local discussion.<sup>17</sup>

Three cases in 140 years hardly amount to a 'tradition' of peasant rebellion in Whitchurch and Hurstbourne. Indeed, the peasants of Hurstbourne had concerns quite unconnected with national events in 1381. In a document attached to the hundred court roll for April in that year, they catalogued the misdemeanours of John Bonde, lately bailiff, whom they alleged to have defrauded the Priory of money, produce and rights. No doubt they had their own unstated grievances against him, but they were more than willing to ally themselves with the Priory, revealing details in matters where their own conduct might not have stood up to scrutiny, such as ferreting and giving short measure in tithes. There was no question here of using the prevailing mood of discontent as a peg on which to hang local grievances.

There is likewise very little sign of active opposition by the townspeople to the Priory's administration in 1381 or indeed at any time. There may have been a disagreement in the 1350s, when the burgesses were being required to produce their copy of the borough charter.<sup>18</sup> The reason is unstated or missing, but the Priory was evidently losing patience and threatening the burgesses with a penalty of a hundred shillings. It is hard to see why the Priory was so importunate, since it had the original charter; it would have been less surprising if the burgesses had been asking for a copy to replace

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<sup>17</sup>. *Winchester Cathedral Custumal*: for the date of the Hurstbourne entry see Appendix 1.

<sup>18</sup>. Winch. C.L. Whitchurch borough court roll, 1353x63: 'Adhuc ut prius preceptum est burgensibus de Whitchurche quod deliberari faciant ... copiam carte sue sub pena centum solidorum'. This roll is in extremely poor condition, and the date is lost; dating is by reference to brewers active in the previous surviving roll (June 1352) but absent from the next (November 1363).

one they had lost.<sup>19</sup> In 1364 the burgesses were amerced *en masse* for refusing to say how often the brewers had brewed, but this cannot be interpreted as an expression of urban solidarity, since Whitchurch tithing was amerced for the same offence. The Priory was asserting itself generally in matters of law and order in the 1360s. The assizes were enforced more rigorously than usual and all the tithings, both urban and rural, were amerced for not having stocks. In 1364 the rural tithings were also amerced for not having come to hear the articles of the lawday. This was not, however, mass absenteeism, since cert money was paid on their behalf at the lawday; the *curia* was held on the following day in the usual way and all the courts were normal in the next surviving record, in 1368. The early- and middle-fourteenth century, which Trenholme saw as time of communal movement in monastic towns, left no public record of litigation at Whitchurch.<sup>20</sup>

If the town was invisible at the national and county level, it made scarcely more impression within the area of its two local manors. The original burgesses had been drawn predominantly from the tithing closest at hand,<sup>21</sup> and a certain amount of immigration helped to keep the population from extinction during the low point of the late-thirteenth century and the time of the Black Death.<sup>22</sup> In the absence of records for transfer of burgages, it is impossible to say whether manorial tenants continued to buy them. This is unlikely to have happened on any scale, since burgages were subject to manorial inheritance customs, despite the theoretical right to sell. Most newcomers to the town would have had to rent a burgage or part of one, or build a cottage on the waste - a development which does not seem to have occurred until the late-sixteenth and early-seventeenth centuries.<sup>23</sup> The

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<sup>19</sup> . There is no local copy of the charter, and there does not appear to have been one in the eighteenth or nineteenth centuries, when the status of the town was under debate by parliamentary candidates and their sponsors.

<sup>20</sup> . Trenholme, 'English monastic boroughs', 54.

<sup>21</sup> . See pp.46-7.

<sup>22</sup> . New surnames constantly appear in court rolls, particularly those for 1350.

<sup>23</sup> . Appendix 7: 'they have enlarged the boroughe with setting upp of houses...' See also pp.65-6.

hundred court rolls are not continuous and detailed enough to show whether townspeople were regularly taking up manorial tenancies, but when one compares the names of those who appeared at the borough and the hundred courts in the same sessions, it is clear that the settled townspeople had very few connections within the jurisdiction at large, or indeed with any tithing other than Whitchurch itself.

The more anecdotal parts of the court records, that is, the tithing presentments, reveal some points of contact; for example, two borough bailiffs were keeping sheep in the manor in the 1290s, and the brewer Robert Thorald seems to have had a business in the town and in the tithing of Bourne simultaneously in 1296, though one may have been run by his son.<sup>24</sup> Four Whitchurch manorial tenants or their sons took advantage of vacancies after the Black Death to move to the better land of Charlcot, and one moved into the town.<sup>25</sup> In the late-fourteenth century some townspeople had pieces of land and kept sheep outside the town, but none further afield than the tithings of Whitchurch manor.<sup>26</sup> Townspeople were sometimes amerced for a trespass or a scuffle in the manor, and a certain amount of pledging between them and manorial tenants proves that some were known to others, though the level of acquaintance, beyond the meeting in court, is impossible to estimate. But one is left with the impression that without the continued

<sup>24</sup>. Richard Schort and Robert Palmer exceeded their stint of sheep in 1292 and 1295. A Robert Thorald was active as a brewer and pledge in Bourne between 1281 and 1296, and in the town between 1296 and 1312. The hundred court roll for December 1292 has a reference to Robert Thorald *junior*.

<sup>25</sup>. Winch. C.L. Memorandum of holdings in hand, attached to Whitchurch and Hurstbourne court rolls, 1350: Robert Gernir, William Januel, William Coupere and John Coke appear to have transferred from Whitchurch tithing, and John Douce, a manorial tenant in 1350, is later found as a brewer in the town. Secure identification of individuals is impossible because relationships are not stated.

<sup>26</sup>. The relevant court rolls show that two Whitchurch brewers, Stephen Trentemas and Richard Bovyate, had land in Whitchurch tithing in 1385, and William Arnold, a hosteller, had a house in Charlcot in the 1390s. Bovyate also had land in Freefolk - see H.R.O. 19 M61/572-3: feoffment and quitclaim from Richard Bovyate to William Houpere, 1390 and 1396.

presence in the town of such families as the Durdents, already established with manorial property, there would have been very few formal contacts between the town and its immediate surroundings, and almost none with the tithings of Hurstbourne manor.<sup>27</sup>

### 6.3 The town - a sense of identity?

'It is doubtful whether generalizations about village personality can be proved or disproved through a study of administrative documents'.<sup>28</sup> The same might be said of small-town personality, and of Whitchurch in particular. It is undeniable that the documents present a very limited view, but nevertheless something may be glimpsed between the lines both to illustrate the townspeople's relationships with each other and their view of themselves.

Social relationships in small medieval communities are sometimes perceived in negative as well as positive terms, that is, in crime and antisocial behaviour, as well as in shared experiences of work, recreation, law and religion. The Whitchurch court rolls reveal surprisingly little in the way of antisocial behaviour. Serious cases would have been dealt with in higher courts. The majority of interpersonal disputes were pleas of land or trespass, which were pursued in the courts and only rarely seem to have erupted into violence. Family members seldom sued one another except in pleas of land, the exceptions as usual being the Durdents, who were quite willing to commit trespass and pursue debts against one another.<sup>29</sup> Cases of hue and cry were not presented regularly until the 1320s, although they had been embodied in the police regulations enacted as the Statute of Winchester in

<sup>27</sup> . Contacts between town and manor were similarly limited at Halesowen - see Hilton, 'Small town society', 58-9.

<sup>28</sup> . Beckerman, *Customary Law*, 241.

<sup>29</sup> . If they were as numerous as they appear, they would *ipso facto* be more likely than others to be involved in disputes, both inside and outside the family.



1285.<sup>30</sup> This is not to say that Whitchurch had been an exceptionally law-abiding place hitherto. Such cases may have been previously pursued under the guise of private suits for false claim, which were replaced by the procedure of jury presentment, new to Whitchurch between 1314 and 1321. There was a noticeable increase in hue and cry cases in the mid-fourteenth century, both before and after the Black Death, but the records sometimes appear to represent the occasional pitched battle among several people rather than a series of fights between individuals.<sup>31</sup> An earlier incident involving nine men ended in a conspiracy of silence, with the jurors refusing to say who had suffered damage.<sup>32</sup>

As regards work, there was not the same need for cooperation in a town as in the countryside. If the burgage-field acres were sometimes too much for widows to cultivate, they may have received unrecorded help from family and neighbours, but there is almost no sign in the rolls of formal arrangements for this.<sup>33</sup> In general, little chivalry was extended to women, who were often the victims of men in hue and cry cases, although women were not averse to using violence against other women and indeed sometimes came off best in hue and cry cases against men.<sup>34</sup>

The records are silent, as one would expect, on matters relating to the church, or to recreation, other than the alehouses. It is there that negative and positive attitudes came into conflict in January 1293, when William le Mareschal declared 'in quadam taberna' that there was not a single trustworthy man in the town of Whitchurch. Robert Palmer, William Gewel

<sup>30</sup> . *Statutes of the Realm* (11 vols., London, 1810-28), i, 97.

<sup>31</sup> . e.g. Winch. C.L. Whitchurch borough court rolls, January 1348, July 1348, December 1351.

<sup>32</sup> . Winch. C.L. Whitchurch borough court roll, January 1321.

<sup>33</sup> . A trespass case between John le Sopere and Alice Gewel in November 1363, about oats sown at joint expense and then taken by Sopere, may be concealing such an arrangement.

<sup>34</sup> . Unlike Halesowen, where women were rarely the aggressors - see Hilton, 'Small town society', 71. The total number of cases in Whitchurch is so small that a similar analysis by percentages would be meaningless.

and William Attebarre, all former bailiffs, instead of dismissing the matter as a drunken outburst, were so incensed that each brought a separate case against him at the next court. William le Mareschal was a townsman himself, and personal quarrels probably lay at the root of the matter, rather than antagonism between town and manor.<sup>35</sup> But when it is remembered that the town had only been in formal existence for forty-five years, the bailiffs' actions indicate a surprising degree of loyalty, if not necessarily to the town itself, then to its inhabitants.

The very smallness of the population, and the many gaps in the records, may be responsible for the impression of medieval Whitchurch as a relatively peaceful place; there may have been proportionately as much violent crime as anywhere else. It would certainly be wrong to describe the town as a complete backwater.<sup>36</sup> It stood at the junction of roads which saw a good deal of long-distance traffic at one period or another; Priory officials and monks visited and passed through regularly, and representatives from the town attended courts in Winchester from time to time. The hundred courts brought in suitors from the tithings of Hurstbourne and from Baughurst. During the fourteenth century the inhabitants would have been even more aware of the outside world when members of the royal household came to seek provisions and to hunt in the Prior's park at Hurstbourne; the King himself stayed there at least twice.<sup>37</sup> Such contacts were not enough to help

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<sup>35</sup> . William le Mareschal and John Galon, the 'homo contra pacem', were each amerced for trespass against the other at the same court, and perhaps William had other enemies.

<sup>36</sup> . *cf.* Watts, 'Popular disorder', 7: Ashmansworth was 'as geographically "remote" as is possible in southern England' and yet played a part in the disorder of 1377. Whitchurch was a positive Mecca in comparison with Ashmansworth.

<sup>37</sup> . Winch. C.L. Whitchurch manor account rolls, fourteenth century, *passim*. The King was at Hurstbourne in 1362 and 1371, probably, on the latter occasion, in connection with a council meeting which was held at Winchester in June of that year - see W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven, Conn., 1990), 209. So far from helping the local economy, royal visits were an expensive charge on the manor.

the town to grow large and prosperous, but they kept it from isolation from the outside world.

If that world did not recognize it as a town, its own people must have done so. It clung to existence despite its inauspicious start, recovered from the Black Death, continued to attract immigrants and survived into the modern period - proof of identity if not personality. That elusive quality 'community' did not find expression in medieval Whitchurch in any tangible way, at least none which can be ascertained through the medium of the surviving documents, but the very lack of contact between the town and the manor, and the consciousness of borough status (even if the town had lost its copy of the charter) would have helped to forge a bond among its people and distinguish it in the eyes of its manorial neighbours.

## CHAPTER 7: DISCUSSION AND CONCLUSION.

### 7.1 Discussion: the character of the town.

Perhaps the chief attribute to emerge from the evidence surveyed for medieval Whitchurch was its very small size, both in terms of population and of area, and its failure to grow, even when due allowance is made for the effects of the fourteenth-century plagues. Towns may be classified according to their population sizes; such classification suggests their rankings (and hence functions) within local, regional and national hierarchies.<sup>1</sup> But size and rank were not static, either in the medieval period or the modern, therefore they were not defining characteristics, although they underlay and affected all other aspects of towns.<sup>2</sup> The initially small size of Whitchurch was not crucial to its later development; many other successful towns started from such small beginnings. Whitchurch, however, does not fit neatly into Everitt's preliminary classification of towns into three groups - plantations on virgin sites, agricultural villages upgraded by market grants and/or burghal rights, and primary towns - being both an upgraded village with a planted extension, and having at least some of the seven characteristics of primary towns. Some of the innate possibilities implied thereby were qualified and hence weakened.

Several factors which were outwardly in its favour, in particular its origin as a settlement associated with a late-Saxon mother church and hence as the administrative centre of a late-Saxon hundred, were nevertheless not strong enough on their own to ensure that it would develop into a successful town.<sup>3</sup>

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<sup>1</sup>. e.g. A. Everitt, *Landscape and Community in England* (London, 1985), 94-103.

<sup>2</sup>. B.F. Harvey, 'Introduction: the "crisis" of the early fourteenth century', in B.M.S. Campbell, ed., *Before the Black Death: Studies in the 'Crisis' of the Early Fourteenth Century* (Manchester, 1991), 20-21,

<sup>3</sup>. These factors were common in other, more successful towns, e.g. Thame - see Bond, 'Central place and medieval new town', 89-93.

It had no earlier credentials as a settlement, and although it was close to two ancient routeways, it was not positioned on them. The Iron Age and Romano-British periods saw some occupation in the area, but there was no continuity of settlement into the Saxon period. As a mother church, its *parochia* was small, with only one dependent chapel. The town was founded relatively late in the new-town movement, in a decade which was among the three highest for abortive and failed plantations.<sup>4</sup> This would not in itself have guaranteed failure, but perhaps indicates a lack of potential. A town founded to take advantage of its roadside position was very dependent for its success on the volume of passing trade, and therefore on the economic fortunes of other towns, to say nothing of national economic fluctuations. With no other clearly-defined function, for example as a local market centre, the position of Whitchurch was precarious and its very existence vulnerable. The surrounding manors, practising a sheep-grain economy, were not especially poor, but neither were they conspicuously wealthy, and the catchment area for the first burgesses was very small. But such disadvantages had been overcome in other towns, and could have been overcome here if there had not been more fundamental problems.

Without a documentary record of the Priory's management policy for its estates, the background to its decisions must be guessed at by their results. In the case of Whitchurch as a town, the results speak of an absence of overall policy. Certainly the Priory lacked experience in new-town foundation, or indeed in the administration of towns in general, although examples were at hand, both in Winchester itself and in north Hampshire, where the Bishopric already had two towns. The questions raised by Beresford about the rationale behind the Bishops' six medieval new towns have not yet received answers, and indeed may not be susceptible to them.<sup>5</sup> But policy is not evident in the pattern of the Bishops' towns. They do not seem to form a strategic network, either in relation to each other, the Bishops' estates or

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<sup>4</sup>. Beresford, *New Towns of the Middle Ages*, 331.

<sup>5</sup>. Beresford, 'Six new town of the Bishops of Winchester', 212.

other towns generally; they were not particularly well-situated within their areas, and only New Alresford was ultimately to flourish.<sup>6</sup> The Priory did not embark on new-town foundation even on this limited scale, although several of its manors might have provided sites as outwardly suitable as the Bishopric's.<sup>7</sup> Its brief experience at Weymouth would not have helped at Witchchurch.

The choice of site was at least partly predetermined by existing development, and the Priory could have felt confident that a town with Witchchurch's antecedents would succeed without too much effort on its part. Indeed it was perhaps over-confident - the lack of precision in laying out the burgage plots, and the apparently random distribution of burgage-field strips betoken a somewhat careless and indifferent attitude. Carelessness is again apparent in its initial administration of borough finance, even down to the standard of record-keeping. Once the Priory had abandoned the effort to collect the full amount of expected rent, and compounded for a fee-farm, it became indifferent to the town's economic fortunes, and offered it no financial encouragement. The income from waifs and strays in the town, which by the late-fourteenth century, was considerable, was almost all retained by the Priory, and there is only one small interlined entry to show that the borough was on one occasion allowed to keep a robe for its borough chest - indeed this is the only indication that a borough chest existed at all.<sup>8</sup>

The borough charter granted a minimal number of burghal privileges, but they were to prove relatively meaningless in the face of manorial custom, to which freedom of conveyancing remained subordinate. Freedom from tolls was the principal advantage offered by the charter to the burgesses, although the manorial institution of recognition-payment may have been adapted to allow

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<sup>6</sup> . *ibid.*, 190-208.

<sup>7</sup> . Crondal, Enford, Stockton and Wroughton all come to mind; more detailed research on each place would be needed, in order to discover obvious local deterrents.

<sup>8</sup> . Winch. C.L. Witchchurch borough court roll, April 1388.

non-burgesses to trade within the town for a time. In keeping control of borough court the Priory probably had no repressive intention. It was very common for the courts of small unincorporated boroughs to be presided over by manorial stewards, and the manorial courts, from which the courts of such boroughs evolved, provided a useful model. The increasing use of the borough court as a forum for the resolution of inter-tenant disputes, rather than merely for the enforcement of seigneurial rights, coincided with the Priory's retreat from direct management of the town's finances. It does not represent either a magnanimous gesture on the Priory's part or an assertion of freedom on the borough's.

Any constitutional independence developed by the townspeople was limited by the manorial framework within which the town operated. Personal freedom was restricted to a small and (in practice) finite number of burgesses, but their natural leaders, the borough jurors, were ultimately Priory nominees, even though the Priory may not have concerned itself actively with their nomination. The only official of medieval significance, and the only one freely elected by the burgesses, was the bailiff and his later equivalent, the mayor. The office seems to have become more desirable, and perhaps more influential, during the fourteenth century, but there was never a strong body of official local leaders, although some of the more prosperous brewers and burgess *rentiers* may have formed an unofficial one in acting as affeerors, pledges, jurors and witnesses. If this was a type of oligarchy, it did not result from conscious arrogation of power by a few, but was an inevitable consequence of the town's failure to grow.

The first burgesses were largely drawn from the peasant population of the surrounding manor, and few may have had specialized skills to practise in the town. This was not in itself a source of problems, being a very common situation in thirteenth-century towns.<sup>9</sup> But the range of crafts for which there is evidence in Whitchurch was very limited, and the weekly market does not

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<sup>9</sup>. Britnell, *Commercialisation*, 79.

appear to have prospered. If it had originally begun to develop as part of a roadside settlement, it would not have been integral to the network of small markets through which peasant and demesne surpluses were exchanged for cash, let alone those larger markets where aristocratic households provided themselves with luxuries. The market is more likely to have flourished in the fifteenth and sixteenth centuries, when there is some evidence for cloth manufacture in and around the town, and the guildhall which was its focal point in 1608 need not have been of any great antiquity.<sup>10</sup> The provisioning of the medieval town would not have been a problem when the population was so small.

The Priory's policy of running its manors, where possible, as pairs, had the effect of dividing the functions of the hundredal centre between Whitchurch and Hurstbourne Priors, and Hurstbourne took over as the estate centre before the town had a chance to develop independent economic life. This was no doubt an efficient way of supervising the manors, but it diminished the town as the focus of the hundred and probably contributed to its failure to develop into one of Everitt's 'primary towns'. The Priory may not have intended actively to discourage the town, but it knew no method of administering it other than through the normal manorial mechanisms, and was satisfied as long as the rent came in. It is hardly surprising that it failed to recognize that it had a town on its hands, since the outside world similarly failed, in respect of taxation and parliamentary representation. Even in the seventeenth century, when it had become more widely known as a parliamentary borough and market town, Whitchurch remained so obscure that the seditious burgesses were able to persuade royal officials that 'the borough and the suburbs and liberties thereof extended farre' until disabused by the Dean and Chapter. In the medieval period, its small size and doubtful market would have placed it in, if not below, the lowest category of any

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<sup>10</sup> The guildhall, from its brief description (see Appendix 6) was probably a structure similar to the Titchfield market-house reconstructed at the Weald and Downland Open Air Museum, open on the ground floor and with an upper room for observation of the market.



classification of towns by population size and function.<sup>11</sup> Immigration was necessary for survival of most medieval towns, and although Whitchurch must have attracted its share of immigrants, their numbers were only sufficient to prevent it from disappearing entirely in the late-thirteenth century and after the plague years.

In the context of north-Hampshire towns, it is clear that neither Whitchurch nor Overton had secure or necessary places in the hierarchy. Winchester, in spite of its medieval decline, was still a large city, comparable in size with Newbury, which, although in the next county, provided the area with a large alternative market. Andover and Basingstoke were very similar in size, and formed a lesser level of market towns. Below them was Kingsclere, with Whitchurch and Overton firmly at the bottom.<sup>12</sup> Winchester and Newbury are the furthest apart, but only by about twenty-five miles; Andover and Basingstoke are less than twenty miles from each other and from the two larger towns. Kingsclere is almost equidistant from Newbury and Basingstoke and owed its survival to its function as the ecclesiastical centre of a very large parish as well as a market and roadside town. A single town in the neighbourhood of Whitchurch and Overton might similarly have succeeded as a small market centre, and the divided lordship would not necessarily have caused problems if they had been close enough to coalesce.<sup>13</sup> As it was, unfortunate spacing and a dependence on passing trade made them both vulnerable. As a new town, Whitchurch in particular was in the wrong place and at the wrong time. In its favour was its situation at the junction of two roads, which, however, were not of equal importance at the time of its foundation. For the limited amount of traffic on the east-west

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<sup>11</sup>. Holt and Rosser, *Medieval Town*, 6.

<sup>12</sup>. The evidence for this ranking is contained in taxation evidence from the fourteenth to the sixteenth centuries.

<sup>13</sup>. There are many examples of 'twin' towns, either single towns with divided lordship or new boroughs adjoining existing towns - see L. Butler, 'The evolution of towns: planted towns after 1066', in M.W. Barley, ed., *Plans and Topography of Medieval Towns* (Council for British Archaeol. Research Reports, 14, 1976), 46.

route it was too close to Overton. For the traffic on the north-south road, for which it would have been ideally situated during the supremacy of Wessex (and of Winchester as its capital), it was too late.

It is time to return to the question posed at the outset as to the possible qualitative differences between small and large towns, through an examination of the administration, economy and society of one particular small town. It now appears that, in respect of administration, Whitchurch was in an ambivalent position between a manorial tithing and a town. It had, indeed, begun legal life as a manorial tithing; the 1248 manor account roll records two payments of cert money from two named tithing-men 'of Whitchurch'. Since the cert money from all the other tithings was separately accounted for, these two tithing-men must have represented the town and the tithing of Whitchurch respectively. The two chief pledges of the borough court, and later, the jury, were the legal descendants of this borough tithing-man and the borough bailiff's functions were conceived in exactly the same way as those of a manorial reeve. Those who undertook the bailiffship in the thirteenth century, though burgesses in law, were little removed from their peasant origins. The stocks for the lack of which the burgesses were amerced in 1364 were a penalty for agricultural workers,<sup>14</sup> and the town was treated in the same way as the manorial tithings in this aspect of law enforcement. The streets of the town and the land on which the guildhall was built were the property of the Dean and Chapter as they had been of the Priory and Convent before them.<sup>15</sup> The 'liberty' of the borough was the lord's liberty, which the burgesses were permitted to share, never to own.

The manorial administrative structure was not in itself a bar to successful town development; this, after all, had been the origin of many large towns, some of which retained aspects of manorial government into the modern

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<sup>14</sup>. Putnam, *Statute of Labourers*, 73, 77.

<sup>15</sup>. See Appendix 6.

period.<sup>16</sup> Neither was the more specific overlordship of monastic communities necessarily a long-term hindrance, in spite of the protracted struggles in some monastic towns for greater administrative and commercial independence. Monastic lords are sometimes considered to have been more repressive towards their towns than episcopal or lay lords. Trenholme saw monastic towns as a class, and struggles for freedom at particular times, for instance in the reigns of Henry III and Edward II, almost as concerted movements, while admitting elsewhere that the towns could have a variety of constitutions, depending on particular local circumstances.<sup>17</sup> However, there was nothing inherently different between the form of government in monastic towns and in other seigneurial towns; the differences lay in the extent to which the lords were willing to acknowledge and to compromise with burgess aspirations, and towns 'under conservative monastic lordship had further to go' than others.<sup>18</sup> Monastic control did not have major adverse consequences for most of the towns discussed by Trenholme; Cirencester seems to have been an exception. The great majority of towns in which struggles occurred were those where the abbey or priory was physically present, and grievances on both sides were apt to be exacerbated by proximity. In the case of Whitchurch, the distance from Winchester reduced the amount of daily contact and hence the occasions for conflict between the burgesses and the Priory, which was an uninvolved but not an actively-opposed landlord. The monastic nature of the local lordship was not crucial to Whitchurch's success or failure, though the fact of lordship dictated the siting and timing of the foundation. Even this was probably an piece of opportunism by the Priory rather than a consciously thought-out policy.

In other respects also, the town's position was ambivalent. Its economy, though primarily non-agrarian, was not markedly urban in that it did not foster

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<sup>16</sup>. M. Rowlands, 'Government and governors in four manorial boroughs in the West Midlands, 1600-1700', *Journal of Regional and Local Studies*, 13 (1993), 1.

<sup>17</sup>. Trenholme, 'English monastic boroughs', 31.

<sup>18</sup>. Dyer, 'Events at Shipston-on-Stour', 207.

a wide range of specialized crafts, and it did not operate as a market centre for a defined hinterland. Visually, in spite of the regularity of its burgage plots, it would have resembled a large village, with long crofts behind broad frontages, and many inhabitants going out to work in the burgage field. The market at Whitchurch, if indeed it ever flourished, would have been a divisive rather than a unifying element in the physical landscape of the town, being so far distant from the church. The two together would have provided a strong core for further development; apart, they weakened the town as a visible entity. This would not have mattered if the town had been, or grown, larger - many towns had divided foci, even multiple market-places - but the isolation of the church at Whitchurch is more typical of a shifting medieval village. Its small market-place would hardly have shown signs of a flourishing commercial life on non-market days, or of a busy administrative life on non-court days. Nevertheless, by providing food, drink and accommodation to travellers, the town had a place in the medieval commercial network of Hampshire, and would have been comparable with towns on the lowest level of the hierarchy in a more urbanized region such as the West Midlands.<sup>19</sup> Little social differentiation has been found in Whitchurch, at least in the thirteenth century, between the majority of burgesses and inhabitants. In this it was similar to medieval rural communities, where there was little social division between free and unfree,<sup>20</sup> and is a further mark of its qualitative difference from larger towns.<sup>21</sup> On the other hand, the lack of contact between town and manor may have given it a separate cultural identity apparent to medieval eyes if not to modern.

The ambivalence discerned in the administration, economy and society of Whitchurch suggests that the qualitative differences between the town and local rural society were not very strong, although they undoubtedly existed.

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<sup>19</sup> C. Dyer, 'The hidden trade of the Middle Ages: evidence from the West Midlands of England', *J. Hist. Geog.*, 18 (1992), 144-5.

<sup>20</sup> E. Miller and J. Hatcher, *Medieval England: Rural Society and Economic Change, 1086-1348* (London, 1978), 132.

<sup>21</sup> Britnell, *Commercialisation, 150: social division between burgesses and inhabitants generally became more marked in the thirteenth century.*

Size is not seen as the defining urban characteristic, but a town of perhaps three hundred people in the early-fourteenth century was almost on the lower limit of urbanism. The problem was not the town's initial smallness, but its failure to grow, which in turn conditioned its economic and social life. The failure was largely the consequence of its poor geographical situation. The sixteenth-century argument that 'it is the scite and place where euey Towne or citie is builded which is the chief cause of the flourishinge of the same, or elles some speciall trade and trafique appropriat to the same, and not the incorporacion thereof' holds good for Whitchurch in earlier centuries, under another form of town government.<sup>22</sup> Ultimately, however, seigneurial control was responsible for its failure because the division of this part of north Hampshire between the Bishop and the Prior resulted in two towns, Whitchurch and Overton, which were too small to develop significantly, where one might have done so.<sup>23</sup>

Medieval Whitchurch was so small that the idea of greater freedom probably never occurred to the townspeople.<sup>24</sup> The manorial administrative framework was less restrictive in the fourteenth century, but civic consciousness came late, only after the Dissolution - indeed, too late, since the Dean and Chapter appear to have been rather more repressive landlords than the Priory and Convent had been. The manorial framework was not an active deterrent to urban growth, but when combined with the town's inherent disadvantages, it proved too strong for the medieval townspeople of Whitchurch to surmount independently.

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<sup>22</sup>. *A Discourse of Corporations* (Harl. MSS 4243 fos.60 seq.) transcribed in R.H. Tawney and E. Power, eds., *Tudor Economic Documents* (3 vols., London, 1924) iii, 273-4.

<sup>23</sup>. *cf.* Bailey, 'Buntingford and Standon', 370: the absence of strong lordship, together with good geographical location, were the ultimate factors in the success of Buntingford, their converses in the failure of Standon.

<sup>24</sup>. Even in large towns with popular assemblies, political rights appear to have been less important to townspeople than economic and legal rights - see Reynolds, *Kingdoms and Communities*, 187-8.

## 7.2 Conclusion: the way forward.

As P.D.A. Harvey indicated in the introduction to his work on medieval Cuxham, it is dangerous to generalize from the evidence of a single community, and a case-study such as this is liable to that danger.<sup>25</sup>

Nevertheless, whenever elucidation of difficulties in the documents has been necessary, sufficient points of comparison with other towns have been found to show that medieval Whitchurch was not unique or even unduly odd, except for its smallness. The ambivalence of its urban status, and the reasons which have been advanced for its failure, could therefore be tested against any surviving documentary evidence for other very small towns. There is, indeed, another town which had more similarities with Whitchurch than most of those small towns which have been discussed in print. This is Clare in Suffolk, the subject of a little-known essay by Thornton, to which attention has recently been drawn.<sup>26</sup>

The similarities lay chiefly in the urban institutions of the two towns. Both had a small group of burgesses, burgage tenure, stable burgage rents, and a market; neither had a guild at any time. In both, the borough court, presided over by the lord's steward, operated with a tithing system and a common fine, and all inhabitants owed suit to it.<sup>27</sup> The chief local officials in each town were bailiffs, who were elected by the burgesses; the evolution of the office from lord's to town's representative was traceable in both places. Bodies of twenty-four - headboroughs in Clare, jurymen in Whitchurch - formed the nominal government in early-modern times. Thornton, following the (then) contemporary concern with legal matters, was chiefly interested in the lack of

<sup>25</sup> Harvey, *Medieval Oxfordshire Village*, 16.

<sup>26</sup> G.A. Thornton, 'A study in the history of Clare, Suffolk, with special reference to its development as a borough', *Trans. Roy. Hist. Soc.*, 4th ser., 11 (1928) cited in E. Miller and J. Hatcher, *Medieval England: Towns, Commerce and Crafts, 1086-1348* (London, 1995).

<sup>27</sup> Thornton did not discuss the composition of the medieval jury at Clare, and her interpretation of the origin of the common fine differed from that which has been deduced for Whitchurch.

official borough status at Clare, as demonstrated by the mixed use of the terms *villa* and *burgus* in the Clare documents, and by the absence of a charter and of parliamentary representation. These deficiencies, which she saw as a deterrent to the general economic development of the town, do not now prevent us from interpreting Clare as a medieval borough.

In some respects, however, Clare was treated as a manorial tithing even more markedly by its lords than was Whitchurch.<sup>28</sup> The advent of a new lord was the occasion for burgesses to pay recognitions and for all free tenants to swear fealty; in 1262 payments were still being made in lieu of customary works on the manorial demesne. Land transfers, on which entry fines were payable, were recorded in the borough court. Trading rights may have been acquired by non-burgesses by paying for admission to the freedom in a similar way at Clare as at Whitchurch.<sup>29</sup>

Legally, then, Clare's urban status was as outwardly ambivalent as that of Whitchurch. In practice, however, there were differences which made for different economic outcomes. Whether or not there was a recognizable settlement with a market at Whitchurch before 1241, its antiquity was as nothing compared with Clare's, where there was 'Semper unum mercatum, modo xliij burgenses' in 1086.<sup>30</sup> Although Clare had grown up 'essentially as an adjunct' of a castle, it showed many more signs of independent urban life in the thirteenth and fourteenth centuries.<sup>31</sup> It was the administrative and judicial centre of the Honor of Clare, its lords maintained and visited the castle, at least until 1360, it participated in the cloth industry of the Stour

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<sup>28</sup> Thornton, *op. cit.*, 102, noted that 'the small boroughs of Thaxted and Bardfield ... were treated on a line with the manors', but failed to make the connection in the case of Clare.

<sup>29</sup> Thornton, *op. cit.*, 95-6, considered that the burgess-ship was acquired only by payment for admission, but did not question whether it then became permanent or hereditary. The eighty free tenants who paid rent in 1307 may well have constituted the burgess body at that time.

<sup>30</sup> Thornton, *op. cit.*, 87.

<sup>31</sup> Miller and Hatcher, *Medieval England: Towns, Commerce and Crafts*, 280, 324, 411.

valley - all these advantages gave it a strong economic base absent in the north-Hampshire town. Clare's economic strength was demonstrated in its ability to sustain a market court in addition to three-weekly borough courts, and in the fact that the burgesses were content to farm the market rather than the borough, and did not seek a charter of incorporation. Its population, at least before the Black Death, was decidedly larger than that of Whitchurch. The eighty free tenants in 1307, whether or not they were all burgesses, would certainly have been a minimum number of residents; when multiplied by a notional household size and amplified by subtenants and the unfree, Clare can be seen to have had a secure, albeit lowly, place in the English urban hierarchy. Clare and Whitchurch were under the control of strong lords, the one secular, the other monastic, both of whom maintained manorial structures in the towns which they had cut out of their manorial estates. But the unchartered status of Clare, and the chartered status of Whitchurch, were largely irrelevant to their respective economic fortunes. It is evident that Clare's later failure to develop had less to do with constitutional than with economic factors.<sup>32</sup> The two towns lay in very different parts of the country, and differed in the chronology of expansion and stagnation, but both were ultimately prevented from developing into larger towns by a combination of ambivalent status, arising from their seigneurial lordship, and economic competition, arising from their geographical location.

Beresford asserted that no single cause, only 'individual explanations that are more like conjectures', underlie the failure of individual medieval towns.<sup>33</sup> Clare and Whitchurch, although not complete failures, were not conspicuously successful, and it has been possible to identify some common factors. However, even Clare does not offer an exact parallel, and none of the published work on individual small towns deals with such minuscule places as Whitchurch, apart from Beresford's own relatively brief descriptions

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<sup>32</sup> Thornton did not explore the economy of Clare in any detail, or its place in the local marketing network, although she noted the proximity of Sudbury - Thornton, *op. cit.*, 101.

<sup>33</sup> Beresford, *New Towns of the Middle Ages*, 302.



of the Bishop of Winchester's new towns. These towns might therefore be worth re-examining, although the detailed evidence of court rolls is lacking in their case. The Bishopric, like the Priory, does not seem to have been a repressive landlord, although only one of its new towns had a charter. The reasons for the failure of most of them have not yet been fully explored.

Two other possible ways forward suggest themselves. There is as yet no general study of the Priory's administration of its estates. The Priory appears to be unusual among monastic landlords in the relative harmony of its relationship with its tenants. Conflict between lords and tenants always provides more exciting reading as well as more copious records, but it would be interesting to consider whether the Priory's treatment of its town at Whitchurch was typical of its general manorial administration.

Secondly, much work remains to be done on the hierarchy of medieval Hampshire towns. Whitchurch has been found to be so small that in more urbanized regions it would hardly be considered a town at all, in spite of its borough status and other urban attributes.<sup>34</sup> Within Hampshire, however, it was decidedly a town. Particular historical circumstances, such as the fragmentation of the kingdom of Wessex into counties, the decline of Winchester and the rise of the south-coast ports may have caused the pattern and ranking of Wessex towns to differ from those in more central regions. Certainly the small towns of north Hampshire appear to be exceptionally small, and it would be worth considering whether this applies in the rest of the region. Again, the Bishopric's new towns might provide a useful starting-point.

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<sup>34</sup> . Dyer, 'Events at Shipston-on-Stour', 207: 'Most communities with a slightly more limited range of occupations [than Shipston], a less well defined role in the marketing network, a smaller population and more involvement in agriculture, would be best regarded as market villages or 'open 'villages rather than small towns'.

Table 1: Whitchurch burgesses, 1251.

<b>First name</b>	<b>Surname</b>	<b>Derivation</b>
John	de Barre	topographical
John	Claudus	personal
John	Budde	personal/nickname
William	Gewel	personal
Nicholas	Mattok	personal/nickname
Alice	filia Hillarii	relationship
Robert	de Lammedone	locative/topographical
John	Durdaunt	personal/nickname
Gilbert	Silverlok	nickname
William	Cuvarius	occupational
William	le Ismongere	occupational
Simon	Clericus	occupational
Henry	Heyneman	topographical
Roger	Palmer	occupational/nickname
Gilbert	de Fraxino	locative/topographical
William	Palmer	occupational/nickname
Thomas	Clericus	occupational
Walter	de Northfolk	locative
John	Vicarius	occupational
Adam	atte Churchestigele	topographical
Richard	Piscator/le Fisshere	occupational
John	de Whitchurche	locative
Richard	Marescallus	occupational
Richard	Carluth	personal
Adam	Faber	occupational
Richard	filius Carpentarii	relationship
Nicholas	Clement	personal

Table 1: Continued.

<b>First name</b>	<b>Surname</b>	<b>Derivation</b>
Peter	filius Edulphi	relationship
Nicholas	de Angulo	locative
John	Naght	uncertain
Richard	le Kule	personal/nickname
William	de Ballia	topographical
Henry	de la Flode	topographical
Robert	Dudeman	personal
Thurstan	-	-
William	Tylli	personal
Matilda	atte Churchestigele	topographical

**Note:** Derivations are based on P. H. Reaney, *Dictionary of British Surnames*, 2nd. ed. (London, 1976), R. A. McKinley, *A History of British Surnames* (London, 1990) and R. A. McKinley, personal communication.

**Source:** *Winchester Cathedral Custumal*, 256-60.

**Table 2:** Borough and manor surnames, 1251.

<b>Tithing</b>	<b>Locative and topographical</b>	<b>Personal and nicknames</b>	<b>Occupational</b>	<b>Relationship</b>	<b>Uncertain origin</b>	<b>No surname</b>	<b>Total</b>
Whitchurch borough	11	11	10	3	1	1	37
Whitchurch	12	15	7	0	6	2	42
Charlcot	2	5	2	1	1	1	12
Freefolk	3	13	1	2	5	0	24
Baughurst	12	4	4	2	3	1	26

**Notes:** 1. Four of the separate categories defined by McKinley (locative and topographical, personal and nicknames) have been combined into two because there is considerable ambiguity in the local examples between each half of the two sets, and broader categories seem more appropriate.

2. In this table and in Tables 13 and 14, *Palmer*, *Clericus* and *Vicarius* have been counted as occupational. Some surnames of uncertain origin have been assigned to categories on the basis of likelihood, but several remain. These are more likely to have been derived from personal names and nicknames than from the other categories, since occupational surnames are easy, and locative/topographical names are relatively easy to identify. If this is so the preponderance in favour of surnames derived from personal names and nicknames in the manor, apart from Baughurst, would be more marked than the above figures suggest.

**Source:** *Winchester Cathedral Custumal*, 256-87.

**Table 3.1:** Burgage frontage measurements: Church Street.

Plot number	Width		Width perches	Nearest quarter- perch	Error in feet
	ft	ins			
5 + 6	20	8	1.25	1.25	0.00
7	69	1	4.19	4.25	-1.00
8	37	7	2.28	2.25	0.40
9 + 10	60	10	3.69	3.75	-1.00
11 + 18	44	4	2.69	2.75	-1.00
12	59	5	3.60	3.50	1.70
13	47	10	2.90	3.00	-1.60
14 + 17	40	10	2.48	2.50	-0.40
15 + 16	50	4	3.05	3.00	0.80

**Note:** Plot numbers correspond to those on the 1730 map; some 1730 plots have been combined in order to reconstitute burgage plots.

**Table 3.2:** Burgage frontage measurements: Newbury Street.

Plot number	Width		Width perches	Nearest quarter- perch	Error in feet
	ft	ins			
34	113	8	6.89	7.00	-1.80
35 + 36	68	9	4.16	4.25	-1.40
37	37	7	2.28	2.25	0.40
38 + 39	115	7	7.00	7.00	0.00
40 + 41	69	1	4.19	4.25	-1.00
46	67	1	4.06	4.00	1.10
47	66	0	4.00	4.00	0.00
48	32	0	1.94	2.00	-1.00
49	133	1	8.07	8.00	1.10
50	116	7	7.07	7.00	1.10

**Note:** Plot numbers correspond to those on the 1730 map; some 1730 plots have been combined in order to reconstitute burgage plots.

**Table 3.3:** Burgage frontage measurements: London Street.

Plot number	Width		Width perches	Nearest quarter- perch	Error in feet
	ft	in			
50	159	11	9.69	9.75	-1.00
51+52+53	147	11	8.96	9.00	-0.60
54 + 55	31	9	1.93	2.00	-1.20
56	17	6	1.06	1.00	1.00
57 (north)	50	7	3.06	3.00	1.10
58	94	11	5.75	5.75	0.00
59 (part)	67	1	4.06	4.00	1.10
59 (part)	28	6	1.73	1.75	-0.40
57 (south) + 66 + 67	74	3	4.50	4.50	0.00
68 + 69	34	8	2.10	2.00	1.70
70	67	11	4.11	4.00	1.90
71	74	3	4.50	4.50	0.00

**Note:** Plot numbers correspond to those on the 1730 map; some 1730 plots have been combined in order to reconstitute burgage plots.

**Table 4:** Burgage rents, 1251: range of rents per plot.

<b>Rents</b>	<b>Magnus vicus</b>	<b>Wodestre</b>	<b>Bynstret</b>	<b>Mulestret</b>	<b>Total no. of plots</b>
3s 0d - 3s 5d		4	2		6
3s 6d - 3s 11d			1	1	2
4s 0d - 4s 5d	2		7	2	11
4s 6d - 4s 11d			7		7
5s 0d - 5s 5d	2	1	5	7	15
5s 6d - 5s 11d				3	3
6s 0d		2	1	1	4
6s 8d		1	1		2
7s 0d		1			1
8s 0d	2			4	6
13s 4d	1				1
<b>Total</b>	<b>7</b>	<b>9</b>	<b>24</b>	<b>18</b>	<b>58</b>

**Note:** Rents for multiple holdings have been averaged.



**Table 5:** Burgage rents, 1251: actual rents per plot or group of plots.

<b>Rents</b>	<b>Magnus vicus</b>	<b>Wodestre</b>	<b>Bynstret</b>	<b>Mulestret</b>	<b>Total no. of plots</b>
3s 0d		2	2		4
3s 6d			1	1	2
4s 0d			2	2	4
4s 8d			3		3
5s 0d	2	1	1	7	11
5s 6d				1	1
6s 0d		2	1	1	4
6s 8d		2	1		3
7s 0d		1			1
8s 0d	3			2	5
8s 6d			1		1
9s 6d			1		1
9s 8d			1		1
10s 0d			2		2
11s 0d				1	1
13s 4d	1		1		2
16s 0d				1	1
<b>Total</b>	<b>6</b>	<b>8</b>	<b>17</b>	<b>16</b>	<b>47</b>

**Table 6: Borough court business, 1260 - 1395.**

<b>Date</b>	<b>Court procedure</b>	<b>Seigneurial business</b>	<b>Assize of bread</b>	<b>Assize of ale</b>	<b>Tenant business</b>	<b>Total no. of cases</b>	<b>Assize of ale as a percentage of whole</b>
1260-1	3	8	1	25	9	46	54%
1266-7	1	13	0	27	6	47	57%
Dec 1281	1	0	2	6	2	11	55%
Apr 1282	0	0	3	10	1	14	71%
Dec 1290	2	0	0	10	6	18	56%
May 1291	0	2	0	11	7	20	55%
Dec 1292	0	0	5	9	10	24	38%
Apr 1293	0	0	3	9	15	27	33%
Jan 1296	1	0	0	16	4	21	76%
Apr 1296	0	0	0	9	12	21	43%
Nov 1296	2	0	1	8	11	22	36%
May 1297	2	0	1	9	6	18	50%
Jun 1299	0	0	0	12	4	16	75%
Nov 1306	0	0	2	10	11	23	43%

Table 6: Continued.

Date	Court procedure	Seigneurial business	Assize of bread	Assize of ale	Tenant business	Total no. of cases	Assize of ale as a percentage of whole
Apr 1307	1	0	2	5	9	17	29%
Nov 1308	0	0	2	9	1	12	75%
Jun 1309	0	0	2	9	7	18	50%
Nov 1311	0	0	0	6	5	11	55%
Apr 1312	2	0	2	13	5	22	59%
Dec 1313	2	1	2	8	10	23	35%
May 1314	0	0	4	11	10	25	44%
Jan 1321	2	0	2	22	5	31	71%
Jul 1323	1	0	1	7	2	11	64%
Jan 1324	0	0	1	15	13	29	52%
Jan 1331	0	0	1	10	9	20	50%
May 1331	2	0	2	12	6	22	55%
Dec 1340	1	1	5	25	9	41	61%
May 1344	4	0	3	14	8	29	48%

Table 6: Continued.

Date	Court procedure	Seigneurial business	Assize of bread	Assize of ale	Tenant business	Total no. of cases	Assize of ale as a percentage of whole
Jan 1348	0	0	3	18	9	30	60%
Jul 1348	0	4	3	15	10	32	47%
Feb 1350	1	1	1	22	12	37	59%
July 1350	1	1	2	12	10	26	46%
Dec 1351	2	0	3	14	10	29	48%
Jun 1352	3	2	1	16	12	34	47%
Nov 1363	2	0	1	14	8	25	56%
May 1364	2	0	1	16	5	24	67%
Apr 1368	2	0	1	13	13	29	45%
Apr 1381	2	0	0	14	1	17	82%
Jan 1385	3	0	0	15	5	23	65%
May 1385	3	0	0	13	5	21	62%
Oct 1385	2	0	0	12	5	19	63%
Jun 1386	4	0	2	13	1	20	65%

Table 6: Continued.

Date	Court procedure	Seigneurial business	Assize of bread	Assize of ale	Tenant business	Total no. of cases	Assize of ale as a percentage of whole
Oct 1386	2	0	0	14	3	19	74%
Apr 1388	6	0	1	12	5	24	50%
Nov 1391	1	2	1	14	1	19	74%
Nov 1394	3	0	3	13	2	21	62%
May 1395	3	1	1	12	2	19	63%
Total	69	36	71	609	322	1,107	55%

**Table 7: Borough court business (annual totals).**

<b>Account years</b>	<b>Perquisites</b>	<b>Cases resulting in amercement</b>	<b>Total no. of cases</b>	<b>Notes</b>
1260-1	ca. £4 9s 10d	46	?	Perquisites perhaps £4 2s 2d; scribal alterations unclear
1266-7	£1 18s 0d	47	?	
1271-2	£1 5s 2d	?	?	Not itemized
1279-80	16s 0d	?	?	Not itemized
1281-2	7s 0d	11 + ?	ca. 25	Some amercements missing
1290-1	10s 0d	23	38	
1292-3	14s 0d	35	51	
1295-6	12s 6d	13 + ?	ca. 42	Some amercements missing
1296-7	8s 7d	25	40	
1298-9	ca. 7s 0d	12 + ?	26+ ?	Some amercements missing
1306-7	7s 9d	21	40	
1308-9	8s 0d	20	30	
1311-12	10s 4d	22	33	
1313-14	8s 3d	31	48	

Table 7: Continued.

Account years	Perquisites	Cases resulting in amercement	Total no. of cases	Notes
1330-1	11s 9d	35	42	
1334-5	18s 0d	?	?	Not itemized
1347-8	£1 4s 9d	57	62	
1349-50	19s 2d	57	63	
1351-2	£1 0s 11d	53	63	
1356-7	£1 15s 7d	?	?	Not itemized
1363-4	£1 1s 10d	42	49	
1384-5	£1 12s 6d	40	44	
1385-6	£1 3s 7d	35 + ?	39	Some amercements missing
1394-5	18s 8d	38	40	

**Note:** Waifs, felons' goods and communal amercements have been excluded.

**Sources:** Whitchurch borough and manor account and court rolls; Receiver's roll, 1334-5, printed in *Computus Rolls of the Obedientiaries of St. Swithun's Priory, Winchester*, ed. G.W. Kitchin (London, 1892), 226.

Table 8: Borough income.

Account years	Total owed	Delivered during year
1260-1	£20 9s 8d	£18 3s 8d
1266-7	£23 17 1d	£13 4s 10d
1271-2	£19 19s 3d	£16 6s 0d
1279-80	£32 6s 1d	£8 14s 0d
1281-2	£16 6s 10d	£15 18s 2d
1282-3	£18 11s 2d	£8 13s 4d

**Note:** The total owed is the *summa totius recepte* given in the account rolls. My summation of the separate items, *i.e.* arrears, rents, court perquisites and recognitions, would sometimes differ from that of the clerk.



**Table 9:** The ale trade, 1247 - 1395 (all courts).

Date	Men	Women	Total	-----Amount paid-----			Grand total
				Brewers	Tapsters	Hostellers	
1247 Martinmas	14	2	16	16s 8d			16s 8d
1247 2nd court	5	0	5	6s 0d			6s 0d
1248 Hocktide	10	2	12	8s 0d			8s 0d
1248 2nd court	6	0	6	3s 0d			3s 0d
1260 Martinmas	10	1	11	7s 6d			7s 6d
1261 Hocktide	11	3	14	12s 6d			12s 6d
1266 Martinmas	12	4	16	13s 6d			13s 6d
1267 Hocktide	9	1	10	9s 0d			9s 0d
Apr 1282	7	3	10	3s 0d			3s 0d
Dec 1290	7	3	10	2s 3d			2s 3d
May 1291	10	1	11	3s 0d			3s 0d
Dec 1292	8	1	9	? 3s 6d			? 3s 6d
Apr 1293	6	3	9	3s 0d			3s 0d
Apr 1296	5	4	9	2s 6d			2s 6d
Nov 1296	5	3	8	? + 1s 6d			? + 1s 6d
May 1297	6	3	9	3s 3d			3s 3d
Jun 1299	7	5	12	3s 0d			3s 0d

Table 9: Continued.

Date	Men	Women	Total	Amount paid			Grand total
				Brewers	Tapsters	Hostellers	
Nov 1306	7	3	10	2s 6d			2s 6d
Apr 1307	3	2	5	1s 0d			1s 0d
Nov 1308	8	1	9	3s 6d			3s 6d
Jun 1309	7	2	9	2s 6d			2s 6d
Nov 1311	5	1	6	2s 6d			2s 6d
Apr 1312	9	4	13	2s 0d			2s 0d
Dec 1313	4	4	8	2s 0d			2s 0d
May 1314	9	2	11	3s 0d			3s 0d
Jan 1321	20	4	24	16s 8d	1s 0d		17s 8d
Jul 1323	6	1	7	2s 3d	1s 6d		3s 9d
Jan 1324	15	0	15	4s 0d	1s 6d		5s 6d
Jan 1331	10	0	10	1s 9d	1s 6d		3s 3d
May 1331	12	0	12	1s 9d	2s 3d		4s 0d
Dec 1340	18	7	25	7s 4d	6d		7s 10d
May 1344	13	1	14	5s 5d	6d		5s 11d
Jan 1348	13	5	18	7s 8d	1s 9d		9s 5d
Jul 1348	9	6	15	6s 6d	1s 8d		8s 2d

Table 9: Continued.

Date	Men	Women	Total	Amount paid			Grand total
				Brewers	Tapsters	Hostellers	
Feb 1350	16	6	22	9s 3d	1s 0d		10s 3d
July 1350	10	2	12	1s 10d	1s 1d		2s 11d
Dec 1351	10	4	14	4s 0d	1s 6d		5s 6d
Jun 1352	10	6	16	7s 1d	1s 1d		8s 2d
Nov 1363	8	6	14	7s 3d	2d		7s 5d
May 1364	6	10	16	8s 3d	2d		8s 5d
Apr 1368	10	3	13	8s 6d	1d		8s 7d
Apr 1381	12	1	13	7s 0d		3s 9d	10s 9d
Jan 1385	14	1	15	14s 10d		2s 7d	17s 5d
May 1385	12	1	13	7s 9d		3s 4d	11s 1d
Oct 1385	11	1	12	6s 6d		4s 0d	10s 6d
Jun 1386	12	1	13	6s 9d		2s 8d	9s 5d
Oct 1386	12	1	13	8s 0d		2s 3d	10s 3d
Apr 1388	11	1	12	8s 9d		2s 8d	11s 5d
Nov 1391	11	1	12	?		?	?
Nov 1394	10	3	13	5s 3d	6d	1s 4d	7s 1d
May 1395	9	3	12	5s 9d	8d	1s 4d	7s 9d

Table 10: The ale trade, 1247 - 1395 (annual totals).

Account years	Men	Women	Total	Total amount paid
1247-8	18	3	21	£1 13s 8d
1260-1	14	3	17	£1 0s 0d
1266-7	15	3	18	£1 2s 6d
1281-2	?	?	10-16	? + 3s 0d
1290-1	12	3	15	5s 3d
1292-3	10	4	14	6s 6d
1295-6	?	?	? + 9	? + 2s 6d
1296-7	9	6	15	? + 4s 9d
1306-7	8	3	11	3s 6d
1308-9	10	3	13	6s 0d
1311-12	10	3	13	4s 6d
1313-14	10	4	14	5s 0d
1330-1	13	0	13	7s 3d
1347-8	14	6	20	17s 7d
1349-50	21	6	27	13s 2d
1351-2	14	6	20	13s 8d
1363-4	11	11	22	15s 10d
1384-5	12	2	14	£1 8s 6d
1385-6	12	1	13	19s 11d
1394-5	10	4	14	14s 10d

Table 11: Bakers, 1247 - 1395 (all courts).

Date	Men	Women	Total	Total amount paid
1247 Martinmas	5	3	8	9s 0d
1247 2nd court	0	0	0	0d
1248 Hocktide	0	0	0	0d
1248 2nd court	0	0	0	0d
1260 Martinmas	1	0	1	6d
1261 Hocktide	0	0	0	0d
1266 Martinmas	0	0	0	0d
1267 Hocktide	0	0	0	0d
Dec 1281	2	0	2	1s 0d
Apr 1282	2	1	3	1s 0d
Dec 1290	0	0	0	0d
May 1291	0	0	0	0d
Dec 1292	4	1	5	2s 6d
Apr 1293	2	1	3	1s 0d
Jan 1296	0	0	0	0d
Apr 1296	0	0	0	0d
Nov 1296	1	0	1	6d
May 1297	1	0	1	6d
Jun 1299	0	0	0	0d
Nov 1306	2	0	2	1s 0d
Apr 1307	2	0	2	6d
Nov 1308	2	0	2	6d
Jun 1309	2	0	2	6d
Nov 1311	0	0	0	0d
Apr 1312	2	0	2	9d
Dec 1313	1	1	2	6d
May 1314	3	1	4	9d

Table 11: Continued.

Date	Men	Women	Total	Total amount paid
Jan 1321	2	0	2	1s 0d
Jul 1323	1	0	1	6d
Jan 1324	1	0	1	0d
Jan 1331	1	0	1	6d
May 1331	2	0	2	1s 0d
Dec 1340	2	0	2	1s 2d
May 1344	3	0	3	9d
Jan 1348	3	0	3	1s 0d
Jul 1348	3	0	3	10d
Feb 1350	1	0	1	6d
July 1350	2	0	2	6d
Dec 1351	3	0	3	1s 6d
Jun 1352	1	0	1	6d
Nov 1363	1	0	1	1s 6d
May 1364	1	0	1	1s 0d
Apr 1368	1	0	1	1s 0d
Apr 1381	0	0	0	0d
Jan 1385	0	0	0	0d
May 1385	0	0	0	0d
Oct 1385	0	0	0	0d
Jun 1386	2	0	2	6d
Oct 1386	0	0	0	0d
Apr 1388	1	0	1	3d
Nov 1391	1	0	1	5d
Nov 1394	3	0	3	7d
May 1395	1	0	1	4d

Table 12: Bakers, 1247 - 1395 (annual totals).

Account years	Men	Women	Total	Total amount paid
1247-8	5	3	8	9s 0d
1260-1	1	0	1	6d
1266-7	0	0	0	0d
1281-2	2	1	3	2s 0d
1290-1	0	0	0	0d
1292-3	5	2	7	3s 6d
1295-6	0	0	0	0d
1296-7	1	0	1	1s 0d
1306-7	2	0	2	1s 6d
1308-9	2	0	2	1s 0d
1311-12	2	0	2	9d
1313-14	4	2	6	1s 3d
1330-1	2	0	2	1s 6d
1347-8	4	0	4	1s 10d
1349-50	2	0	2	1s 0d
1351-2	3	0	3	2s 0d
1363-4	1	0	1	2s 6d
1384-5	0	0	0	0d
1385-6	2	0	2	6d
1394-5	3	0	3	11d

Table 13: Borough surnames, 1251 and 1261.

Year	Locative and topographical	Personal and nicknames	Occupational	Relationship	Uncertain origin	No surname	Total
1251	11	11	10	3	1	1	37
1261	5	13	16	1	1	0	36

**Note:** Surnames of married couples in 1261 (*Palmer, Pistor*) have been counted once.

**Sources:** *Winchester Cathedral Custumal*, 256-60, and Winch. C.L. Whitchurch borough account roll, 1261.



Table 14: Borough occupational surnames, 1251 and 1261.

Year	Clerical and other titles	Metalworking	Woodworking	Victualling	Clothing	Agriculture	Trade	Total
1251	5	3	1	1	0	0	0	10
1261	2	4	0	2	4	1	3	16

**Notes:** 1. I have assumed that Richard *Marescallus* in 1251 and William *Ferrator* in 1261 were both surnamed 'farrier' and followed the same occupation of shoeing horses. Both Latin *marescallus* and English 'farrier' have borne several meanings, but *ferrator* is more precise.

2. I have included a 'burgess' along with two merchants, as traders.

**Sources:** *Winchester Cathedral Custumal*, 256-60, and Winch. C.L. Whitchurch borough account roll, 1261.

## APPENDIX 1: THE MEDIEVAL POPULATION OF WHITCHURCH.

One of the premisses of this study is that Whitchurch was a very small town indeed in the medieval period, although, as always with medieval population, it is impossible to establish precise figures. It is necessary to use evidence from the surrounding and neighbouring manors, and from documents widely-separated in time, to form an estimate of the degree of its smallness.

A fundamental problem in any discussion of medieval demography is the extent of over-population in the late-thirteenth and early-fourteenth centuries and the related question of plague mortality. Current opinion has settled on a range between 30 and 45 per cent in 1348-9,<sup>1</sup> but there are grounds for thinking that it may have been somewhat higher in the immediate neighbourhood of Whitchurch. The best evidence is for the manor of Hurstbourne, for which there survive a custumal and rental dated respectively 1273x1280 and 1316x1322,<sup>2</sup> and a list of holdings in hand in late-1349, obviously as a result of the Black Death.<sup>3</sup> The Whitchurch evidence, from

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<sup>1</sup>. J. Hatcher, *Plague, Population and the English Economy, 1348-1530* (Basingstoke, 1977), 25.

<sup>2</sup>. *Winchester Cathedral Custumal*, ed. K.M. Hanna, M.A. thesis, London University (1954), I, iv. The documents themselves are undated, and the dates have been established by references to tenants in court and account rolls.

<sup>3</sup>. Winch. C.L. Memorandum of holdings in hand, attached to Whitchurch and Hurstbourne court rolls, February 1350. Some of the entries in the memorandum are cancelled, but nearly always have an endorsement to show that the holdings had been taken up again, either by naming the old and new tenants or by a margined note 'fine' or 'relief'. They also recur in the court roll for that year; other memorandum entries actually take the form of court roll entries. The conclusion is that the memorandum was used during the compilation of the court roll, and entries cancelled as they were transferred. Thus the memorandum entries which were not cancelled show how many holdings were not taken up in the immediate aftermath of the plague. Unfortunately, but unsurprisingly (since the Priory was not concerned with borough property transactions), Whitchurch borough was not included in the memorandum.

the same sources but lacking a rental, is more widely separated in date.<sup>4</sup> Tenant numbers, of course, are not an absolute guide to population, since they must be multiplied by an estimated figure for household size and take no account of subtenants, the landless, and manorial demesne servants. However, few of the holdings recorded in the custumal and rental were larger than a virgate, a unit which could be worked by a single family with some additional help at harvest,<sup>5</sup> and some of the recorded holdings were very small indeed, so that it seems likely that there were few, if any, subtenants on these manors. Since all three documents deal in the same currency, as it were, the percentage changes in tenant numbers may be taken as a reasonable guide to percentage changes in the local manorial population as a whole.

At Hurstbourne there is no sign of the declining population trend in the early-fourteenth century which has been noted in Western Europe as a whole, and in some parts of England in particular.<sup>6</sup> In fact there was a modest increase in the number of households in the manor, although with some variations between tithings.<sup>7</sup> Those along the Bourne valley experienced an increase, with a small decline on the relatively poor land at Egbury, though direct migration from the latter to the former cannot be proved.<sup>8</sup> The rental figures may, of course, represent a decline from an undetectable peak around 1300,

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<sup>4</sup>. The Whitchurch custumal entry is dated earlier than that for Hurstbourne, i.e. 1251, and has fewer of the internal inconsistencies which betray revision; the date may therefore be accepted with some confidence.

<sup>5</sup>. C. Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, c.1200-1520* (Cambridge, 1989), 110-17.

<sup>6</sup>. B.F. Harvey, 'Introduction: the "crisis" of the early fourteenth century', in B.M.S. Campbell, ed., *Before the Black Death: Studies in the "Crisis" of the Early Fourteenth Century* (Manchester, 1991), 6, and R.M. Smith, 'Demographic developments in rural England, 1300-48: a survey' in Campbell, *Before the Black Death*, 38-9.

<sup>7</sup>. See Appendix 1, Table 1.

<sup>8</sup>. St. Mary Bourne has the most clearly-defined village centre of all the tithings, and is the only one with a church, which was enlarged in the early-fourteenth century - *V.C.H.*, iv, 297. On the evidence of the custumal and rental, the development of the village may be dated to the same period.

and it is a matter of regret that the rental cannot be dated more closely than between 1316 and 1322, precisely the period when poor harvests and livestock epidemics may have affected population.<sup>9</sup> But in three tithings (Wyke, Binley and Norhampton) the holdings were exactly the same in all three documents.<sup>10</sup> To judge from the pattern of land-holding in the whole manor, as shown in the distribution of virgates and *cotagia*, there was considerable stability in the area, with little subdivision except in the valley bottom, until the intervention of the Black Death. Given this stability, it is likely that the ratio of holdings in hand in 1349 to the numbers of tenancies around 1320 is a good indication of plague mortality. Again there was variation between tithings, ranging from 100 per cent at Binley, the smallest tithing, to 40 per cent at Hurstbourne, the largest, but with a plausible 49 per cent for the manor as a whole. Very few of the holdings vacant in late-1349 had been taken up by February 1350.

The Whitchurch manor entries in the list of holdings in hand in late-1349 are more muddled than the Hurstbourne, and therefore harder to interpret, but it appears that the pattern of land-holding in this manor also had been remarkably stable during the hundred-year gap in documentation.<sup>11</sup> Most of the smaller holdings were taken in hand in late-1349, only the three half-hides and some of the virgates being unaffected by the plague. Very few of the vacancies had been taken up by February 1350, and of those that were, none in Whitchurch tithing and only one in Charlcot was transferred to a son. It appears that plague mortality in Whitchurch manor was at least as high if not higher than at Hurstbourne, and population levels do not appear to have recovered significantly before they received a further check. The Whitchurch manor accounts for 1357 and 1360 show that many were still in hand for lack of tenants, or let for lower rents than formerly. The manor was badly affected

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<sup>9</sup> . I. Kershaw, 'The great famine and agrarian crisis in England, 1315-1322', *Past and Present*, 59 (1973).

<sup>10</sup> . Norhampton disappears from all known lists of Hurstbourne tithings after the rental, but comparison of family names and holdings in the rental and the 1350 memorandum proves that it was part of Binley.

<sup>11</sup> . See Appendix 1, Table 2.

by the second outbreak of plague in 1360-1, and rents never recovered their former levels.<sup>12</sup> Neighbouring Overton was also badly affected by both outbreaks, and it has been suggested that the second was even worse than the first.<sup>13</sup>

Absolute figures for the town of Whitchurch present even more of a problem than for the manor.<sup>14</sup> It is suggested that the initial population in 1248 may have been about 260.<sup>15</sup> There is little sign of real expansion before the Black Death; on the other hand, plague did not wipe out the town beyond possibility of regeneration. It is hardly to be supposed that the town escaped with lower mortality than the manor in 1348-9, but neither may it have been significantly higher, since it is unlikely to have been densely-packed, and therefore less healthy than its surroundings, by that time.

As in most places, there is a gap in the evidence for population between the fourteenth and the sixteenth centuries, which is unlikely to be bridged in any direct way. Three national lists - the military survey of 1522 and the lay subsidies of 1524-5 - together form a primary source for estimating the populations of English towns in the 1520s, and Whitchurch is fortunate in that lists survive for the lay subsidies in both years. There is also a combined loan and muster book for Hampshire which contains an abstract of the

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<sup>12</sup> . Winch. C.L. Whitchurch manor account roll, 1360, has an attached membrane with a second list of holdings in hand and decayed rents. Subsequent account rolls show that these continued, and by the 1370s the clerk was no longer troubling to give the 'two pestilences' as the reason.

<sup>13</sup> . *The Agrarian History of England and Wales* (Cambridge, 1967- ), iii, 140. M.W. Beresford, 'The six new towns of the Bishops of Winchester', *Medieval Archaeology*, 3 (1959), 200, indicates that there was no check at Newtown, but an examination of the Pipe Rolls around the relevant dates suggests the opposite.

<sup>14</sup> . The pre-1334 lay subsidy rolls list only taxpayers and payments, and do not distinguish between the town and its surrounding tithing. Moreover, there does not seem to be any valid method for converting the numbers of taxpayers in these subsidies into population. The Hampshire returns for the 1377 poll tax are largely missing.

<sup>15</sup> . See pp.39-40.

military survey and the subsequent enforced loan from all those worth between £5 and £20 in goods.<sup>16</sup> In theory, the military survey, where it survives, should give the best overall coverage of population, since the intention was to list all adult males, not simply the able-bodied; in practice, the military survey lists are often shorter than the lay subsidy lists, and the poor were sometimes under-recorded in 1522.<sup>17</sup> Certainly the entry for Whitchurch in the muster book is not comprehensive, listing as it does, only able-bodied men and/or those with sufficiently high assessments to provide armour and to contribute to the loan. Hence it is the shortest of the three lists, with forty-four names in Whitchurch tithing. In theory also, the 1525 lay subsidy provides good coverage, since its threshold was low (£2 in goods, with a flat rate of 4d. from those worth less than £2 but with wages worth 20s.) and thus caught all but the very poorest in its net.<sup>18</sup> Outwardly the 1524 and 1525 lists for Whitchurch tithing are very similar, with sixty and fifty-nine names respectively, but a comparison of the names reveals that fourteen people disappear from the 1524 list, to be replaced by thirteen others in 1525, nearly all of whom, in either year, were on the lowest valuation. This seems to confirm Cornwall's conclusion that in some areas at least the 'sub-collectors aimed to do no more than return whatever number of people would prove acceptable to their superiors', replacing some of the poorest with a similar number, but retaining the wealthier, whose contributions could not be spared, so that the overall totals did not differ much between the two years.<sup>19</sup> Four of those who do not reappear in 1525 were people with higher-than-

<sup>16</sup> P.R.O. E 179/174/291; E 179/173/182: lay subsidies, 1524-5; E 36/19: Hampshire muster and loan book, 1522.

<sup>17</sup> *The Military Survey of Gloucestershire*, ed. R.W. Hoyle (Gloucester, 1993), xii, xxiv.

<sup>18</sup> As evidence for population in any given place, a 1524 lay subsidy list together with an anticipation return should provide coverage equivalent to a 1525 list - see R.W. Hoyle, *Tudor Taxation Records: a Guide for Users* (London, 1994), 32. However, no Whitchurch taxpayer was wealthy enough to have been liable for the anticipation, and so the local lay subsidy lists for the two years may be directly compared.

<sup>19</sup> J.C.K. Cornwall, 'English population in the early sixteenth century', *Econ. Hist. Rev.*, 2nd ser., 23 (1970), 35; *idem*, *Wealth and Society in Early Sixteenth Century England* (London, 1988), 225.

minimum valuations in 1524, which might be taken as confirmation of Hoyle's discovery that some of the richer taxpayers evaded the lay subsidies.<sup>20</sup> But none of the Whitchurch four could have been called rich (the highest assessment involved was £10) and at least one had probably died in the interval.<sup>21</sup> Indeed, the highest taxpayers in Whitchurch are found on all three lists, indicating a degree of stability in the wealthier section of the local population between 1522 and 1525. The discrepancies between the subsidy lists might be taken as evidence of migration at the lowest level of society,<sup>22</sup> but it is unlikely that a group of emigrants would have been replaced by a similar number of immigrants within the space of a year. The only group which seems likely to have been truly transient are the six 'able bilmen' listed in the muster book who appear in neither lay subsidy.

The total taxable population of Whitchurch tithing in the 1520s may therefore be reckoned by first adding all the names in the 1524 and 1525 lists, excluding only the one assumed to have died between the two dates.<sup>23</sup> It is wrong to assume that all taxpayers were heads of households, and hence to apply a standard multiplier on that basis, since all males over fifteen were liable to tax, and also some servants.<sup>24</sup> The Whitchurch lists contain several sets of fathers and sons, and (in 1525) two male servants, but no women except the recently-widowed female in 1525; there are seventy-two males in all. The proportions of men, women and children in the general population

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<sup>20</sup> . *Military Survey of Gloucestershire*, xxv-xxix.

<sup>21</sup> . The relative valuations of John Smyth in 1524 (absent in 1525) and Margaret Smyth in 1525 (absent in 1524) indicate this.

<sup>22</sup> . T.H. Hollingsworth, *Historical Demography* (Cambridge, 1976), 49-52, demonstrated that emigration and return immigration might account for discrepancies in numbers, but his argument was partly countered by Cornwall, *Wealth and Society*, 316, n.111, in that Hollingsworth took no account of the nominal composition of the lists.

<sup>23</sup> . Even if the three wealthier taxpayers who disappeared from the lists between 1524 and 1525 were really absent instead of unregistered, it would make very little difference to Whitchurch's final place in the rank order of north-Hampshire towns in the 1520s.

<sup>24</sup> . N.R. Goose, 'In search of the urban variable: towns and the English economy, 1500-1650', *Econ. Hist. Rev.*, 2nd. ser., 39 (1986), 183.

can only be estimated, but a ratio of 3:3:4 has gained some acceptance.<sup>25</sup> On this basis the total population of Whitchurch tithing would have been 240. This is a minimum figure, since there must have been a small but unascertainable number of people too poor to be assessed for taxation at all. However, this may have balanced out the fact that the town's population was smaller than the tithing's; a population of approximately 250 is therefore postulated for the town in the 1520s.

An alternative method for calculating populations has been advocated in cases where only one of the lay subsidies has survived.<sup>26</sup> It is not necessary to use it in this case since Whitchurch has both lists. They are less deficient than elsewhere in taxpayers with low assessments (indeed almost half the taxable population of Whitchurch was on the lowest possible assessment in 1524) and are therefore reasonably comprehensive in their coverage of the adult male population.

Given all the difficulties in the sources, the most which can be safely concluded is that Whitchurch entered the early-modern period as the poorest, and probably the second smallest, town in north Hampshire.<sup>27</sup> In the three centuries since its foundation, there would have been opportunity for phases of growth and decline, but by the 1520s, Whitchurch had a population almost the same as that with which it had begun, and belonged to that class of small

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<sup>25</sup> Cornwall, 'English population', 36-7; S.H. Rigby, *Medieval Grimsby: Growth and Decline* (Hull, 1993), 128.

<sup>26</sup> Cornwall, 'English country towns in the fifteen twenties', *Econ. Hist. Rev.*, 2nd ser., 15 (1962), 59-60. The method is based on his conclusion that any given 1524 list would contain 70 per cent of the names in a complete military survey list and any given 1525 list would contain 65 per cent. A. Dyer, *Decline and Growth in English Towns, 1400-1640* (Basingstoke, 1991), 72-4, calculated the populations of many towns from one or other of the lay subsidies, using a multiplier of 6.5, but did not specify how this high figure was arrived at. It is probable that he used Cornwall's percentages above, but then assumed the whole to equal households rather than taxpayers, and applied a further multiplier of 4.5 to take account of household members.

<sup>27</sup> On the evidence of the 1524-5 lay subsidy, Overton was smaller than Whitchurch, although considerably wealthier.



communities sometimes dismissed as 'market towns rather than towns proper'.<sup>28</sup> Even if a moderate amount of growth had taken place in the late-thirteenth and early-fourteenth centuries, an estimated loss of 50 per cent in 1348-9 must have had a severe effect on a population initially so small, for nearly two centuries later the town of Whitchurch was only just maintaining its medieval population level and holding on to its urban identity.<sup>29</sup>

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<sup>28</sup> . *e.g.* Goose, *op. cit.*, 168.

<sup>29</sup> . Whitchurch's late-fourteenth and fifteenth-century records, being relatively uninformative court rolls, cannot contribute to the current debate on urban fortunes in this period.

Appendix 1, Table 1: Hurstbourne manor households, 13th to mid-14th centuries

Tithing	Custumal 1273x1280	Rental 1316x1322	Memorandum late-1349	Decrease between rental and memo	See note
Hurstbourne (Hurstbourne Priors)	81	60	24	40%	
Bourne (St. Mary Bourne)	-	41	24	59%	1
Stoke	20	23	13	57%	
Egbury	25	20	7	35%	2
Wyke	22	22	7	32%	2
Binley	9	9	14	100%	
Norhampton	5	5	-	-	3
<b>Total</b>	<b>162</b>	<b>180</b>	<b>89</b>	<b>49%</b>	

**Notes:** 1. Bourne was included in the Hurstbourne entry in the custumal.

2. Egbury and Wyke were subdivided in both custumal and rental; their entries have been consolidated.

3. Norhampton was included in the Binley entry in the memorandum.

4. The tenants of Swampton, another tithing of Hurstbourne manor, owed suit to Evingar hundred court, but the tithing was in secular hands and its tenants were therefore not listed in the custumal or rental.

Appendix 1, Table 2: Whitchurch manor holdings, 1251 and 1349.

Tithing	-----Custumal, 1251-----		-----Memorandum, late-1349-----	
	Description	No. of holdings	Description	No. of holdings
Whitchurch	2 hides (free land of Hachemus)	1	Free land of Talemach	1
	1/2 hide (free land of Lewes, Chalgrave and Durdent)	3	1/2 hide	0
	2 virgates	1	2 virgates	1
	1 virgate	9	1 virgate	3
	1/2 virgate	0	1/2 virgate	1
	<i>cotagia</i>	29	<i>cotsets</i>	21
Charlcot	1 virgate	11	1 virgate	10
	1/2 virgate	2	1/2 virgate	1
	<i>cotagia</i>	0	<i>cotsets</i>	1
Freefolk	2 virgates	3	2 virgates	2
	1 virgate	20	1 virgate	17

Sources: *Winchester Cathedral Custumal*, 260-283, and Memorandum of holdings in hand, attached to Whitchurch and Hurstbourne court rolls, February 1350.

## APPENDIX 2: THE TWO FREEFOLKS AND THE 'LOST' MANOR OF CHALGRAVE.

The land unit known as Freefolk belonged in its entirety to the Whitchurch estate and to Winchester Cathedral Priory in the Saxon period.<sup>1</sup> It was subsequently divided into two parts, Freefolk Priors and Freefolk Manor, the former, as its name implies, in the possession of the Priory, the latter permanently leased to a succession of lay families by its overlord, the Bishop of Winchester.<sup>2</sup> The River Test formed the boundary between the two until the boundary was moved northwards to the railway line in the twentieth century. Freefolk Priors lay north of the river, Freefolk Manor south.<sup>3</sup> The division must have taken place after 1086, since Freefolk Mill, which (according to the court rolls) lay in Freefolk Manor, was listed under Whitchurch in Domesday Book. Freefolk Manor was farmed by the Bishop to members of the Sifrewast family in the twelfth century and was usually called Freefolk Syfrewast in documents of the medieval and much of the modern period, although the name Freefolk Husee was used in the latter part of the thirteenth century, after Henry Husee acquired it in 1269. The Bishopric and the Priory records sometimes also refer to their parts simply, but confusingly, as Freefolk. Freefolk Priors was eventually subsumed into Whitchurch parish, Freefolk Manor continued to have a separate territorial identity until local government boundary changes in 1933.

In the mid-thirteenth century (when the records begin), local court business was undifferentiated, and the tenants of Freefolk Syfrewast owed suit to the Prior's courts at Hurstbourne despite the Bishop's overlordship. At least three account rolls indicate that the cert money (which the whole tithing paid

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1. The Saxon charter boundary of Whitchurch includes the whole area of Freefolk - see G.B. Grundy, 'The Saxon land charters of Hampshire, 4th ser.', *Archaeol. Journal*, 84 (1927), 295-9.
  2. See Map 3 and *V.C.H.*, iv, 282.
  3. H.R.O. 21 M65/1/2/A/144: sketch map of the parishes of Laverstoke, Freefolk and Freefolk Priors, 1853.

as a safeguard against defective pleading) was collected at Whitchurch but paid to the Bishop, although the Prior claimed all their other ameracements.<sup>4</sup> In the 1320s a distinction began to be made between the business of hundred and other courts, and from about then, the tenants of Freefolk Syfrewast attended only the hundred court at Whitchurch. Presumably they then also owed suit to the Bishop's manorial courts at Overton, but it is not possible to check this, since the Bishopric Pipe Rolls after 1303 are enrolled summary accounts, and do not list payments from individual tithings.

The Victoria County History describes, under the heading of Freefolk Manor, a property known as Chalgrave, of which there is said to be no trace after 1763.<sup>5</sup> A little more can now be deduced. It appears, from a rough seventeenth-century sketch map, to have been at that time four separate blocks of land, amounting to about a hundred acres, in the south-west corner of Freefolk Manor.<sup>6</sup> 'Chalgrave Lodge' is shown as an unpretentious building with a chimney, slightly south-west of the present New Barn Farm, at approximately SU 490457, and outside the areas surveyed. The map's alternative title describes Chalgrave as a warren; part or all of it had been termed a park in the medieval period, and its southern end lay within the great wood which still stretches across the southern end of Whitchurch and Freefolk parishes.<sup>7</sup> It is tempting, from these descriptions and the location of the lodge, to surmise that Chalgrave was originally a somewhat larger but more compact block of land, and the shape of the parish boundary in this area suggests that it had been cut out of Whitchurch manor. The name 'Chalgrave', *cealc grafas*, was one of the boundary markers along the

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4. Winch. C.L. Whitchurch manor account rolls, 1280, 1283-4, *liberatio*.

5. *V.C.H.*, iv, 283.

6. H.R.O. 5 M52/P1: plan of lands around Chalgrave Lodge, n.d. [1613?].

7. *Winchester Cathedral Custumal*, 268. A marginal entry (in a medieval hand later than that of the copyist) beside the acreage of wood in Charlcot tithing reads 'nisi aliquae acre bosci sunt infra parcum Chalgrave'.

southern edge of the Whitchurch estate in the Saxon period, and it survived as the field name 'Chalk lands' at least into the eighteenth century.<sup>8</sup>

Its separate identity goes back at least as far as 1248, when William de Chalgrave paid a relief to the Priory for his land (then a half-hide), and perhaps earlier.<sup>9</sup> It was probably the same William who in 1268 was given papal support for a private chapel. It has been assumed that this was to be a rebuilding of the chapel of St. Nicholas in Freefolk Manor, where a chapel dependent on the church of Whitchurch is known to have existed in the twelfth century. But that chapel is on the northern edge of Freefolk Manor, at some distance from Chalgrave, and its advowson was continuously in the Sifrewast and then the Husee families in the thirteenth century. There is no possibility that William de Chalgrave was the same person as the William de Sifrewast who held Freefolk Manor in the first half of the thirteenth century, since William de Sifrewast died in 1244 and was succeeded by his son Nicholas, who held it until his death in 1269.<sup>10</sup> It therefore appears both that the Freefolk Manor chapel had *not* fallen into disuse, and that despite the Pope's support, the proposed chapel in Chalgrave was never built. The Chalgrave family must have continued to use the parish church at Whitchurch until the union with Freefolk Manor brought them within the orbit of its chapel. Chalgrave was still linked to Whitchurch in the mid-fourteenth century - the Whitchurch accounts for 1337 and 1338 include separate accounts for it, at a period when it was evidently in hand, and it was described as being in the parish of Whitchurch when it was transferred by John de Chalgrave to Sir

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8. H.R.O. P/C 542/1-2: T. Warburton, *Map of the Manor of Freefolk*, 1763 [photocopy].

9. Winch. C.L. Whitchurch account roll 1248, *liberatio*; *Winchester Cathedral Custumal*, 261, n.2.

10. *V.C.H.*, iv, 282-4. The copy of the papal letter referred to there is now in H.R.O. 5 M52/T28: bundle of documents relating to the chapel of Freefolk Syfrewast and Chalgrave, 1574-1857.

John Persones in 1354.<sup>11</sup> The acquisition by the owners of Freefolk Manor, into which it was eventually absorbed, took place between then and 1456.<sup>12</sup>

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11. H.R.O. 19 M61/559: feoffment of Chalgrave in the parish of Whytchurch, 1354-5.

12. H.R.O. 5 M52/T15: bundle of documents relating to the manor of Freefolk, 1456-1614. A deed dated 1456 refers to 'Frifolk alias dict' Suthfrifolk alias dict' Frifolk Cifrewast et Chalgrave'.

### APPENDIX 3: CONFIRMATION OF THE LINEAR PERCH AT WHITCHURCH.<sup>1</sup>

In attempting to confirm the value of the linear perch in use at Whitchurch in the thirteenth century, it has been assumed that when the town was laid out, the majority of plots had frontages which were multiples of a half-perch.

The method used was as follows:

(a) A series of frontages was measured from an enlarged version of the latest edition of the 1:2500 O. S. map. The results are subject to a variety of potential errors (surveying errors when the plots were originally laid out, O. S. surveying and drafting errors and measurement errors) which have been estimated to be in the region of two feet.

(b) The measurements were converted to perches assuming that the standard perch of 16.5 feet was in use at the time.

(c) The results were rounded to the nearest half-perch.

(d) The differences between the measured and rounded values were calculated and expressed in feet.

(e) The mean of these differences was calculated, as was their standard deviation.

If the assumptions made are correct, then the mean of the differences should be near to zero and their standard deviation should be consistent with the estimated errors of measurement.

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<sup>1</sup>. I am very grateful to John Deveson for this Appendix.



Using a computer, these calculations were then made for a set of eight adjacent plots in Newbury Street for assumed values of the perch ranging from 15.5 feet to 17.5 feet per perch, at intervals of 0.1 feet. Appendix 3, Table 1 summarizes the results and Appendix 3, Table 2 gives fuller details for the same plots, using the 16.5 foot perch.

Examination of Appendix 3, Table 1 reveals a minimum mean difference of 0.3 feet at 16.5 feet to the perch, with a standard deviation of 1.5 feet. There are smaller means at perch values of 15.9 feet and 17.1 feet, but with very much larger standard deviations. It should be noted that even if the plot frontages had random widths, there would be a set of values which would yield very small or zero means, but with large standard deviations.

Furthermore, each set of frontages would yield a different value for the perch (this has been demonstrated experimentally using a computer to generate a number of sets of frontages with random widths).

The same procedure was repeated for a set of nine plots in Church Street and for a set of fourteen in London Street. These yielded similar difference minima at 16.5 feet but with a larger standard deviation. A possible explanation is that some of the plots in these streets had frontages which were multiples of a quarter-perch.

**Appendix 3, Table 1:** Mean differences between actual measurements for Newbury Street and the nearest half-perch, for 15.5 feet per perch to 17.5 feet per perch.

<b>Feet per perch</b>	<b>Mean difference (in feet)</b>	<b>Standard deviation (in feet)</b>
15.50	-1.24	1.45
15.60	-1.91	1.40
15.70	-0.61	2.75
15.80	0.71	2.77
15.90	0.06	2.83
16.00	0.42	2.76
16.10	0.79	2.65
16.20	1.17	2.15
16.30	1.56	1.37
16.40	0.94	1.42
16.50	0.32	1.48
16.60	-0.29	1.55
16.70	-0.91	1.63
16.80	-1.53	1.72
16.90	-1.09	2.43
17.00	-1.71	2.48
17.10	-0.18	3.13
17.20	1.37	2.69
17.30	1.86	1.95
17.40	1.28	1.85
17.50	0.70	1.76

**Appendix 3, Table 2:** Newbury Street plot width calculations, showing the differences between the actual measurements and the nearest half-perch.

Plot number	Width		Width perches	Nearest half-perch	Difference in feet
	ft	ins			
34	113	8	6.89	7.00	-1.81
35 + 36+ 37	106	3	6.44	6.50	-0.99
38 + 39	115	7	7.00	7.00	0.05
40 + 41	69	1	4.19	4.00	3.12
46	67	1	4.06	4.00	1.06
47 + 48	98	0	5.94	6.00	-0.99
49	133	1	8.07	8.00	1.09
50	116	7	7.07	7.00	1.08

**Notes:** 1. Two further sets of plots (35-7, 47-8) have been combined in order to reconstitute 'ideal' plots.

2. The mean difference is 0.32 and the standard deviation is 1.48.

#### APPENDIX 4: THE ORIGINAL BURGESSES AND THEIR BURGAGES.

Map 6 is a suggested allocation of the burgesses and rents in 1251 to the plots reconstructed in Map 5, but the allocation is very tentative as the custumal gives no landmarks, does not state the cross-over points within streets or indicate under which street the corner plots were listed. A few of the burgesses had topographical surnames, which seem likely to have become hereditary by 1251, and are not helpful for this purpose.<sup>1</sup> The allocation is based on three assumptions, that the order within the streets was topographical, that the rents were roughly proportionate to the areas and frontages and that some of the wider plots were divided from the first.<sup>2</sup> If the allocation is correct, the custumal would have been drawn up in the order suggested in Map 7, which is slightly odd, but internally consistent. No other allocation fits the assumptions so well, though even this is not without its problems, and the rents do not bear a precise relationship to the plot frontages, let alone areas.

Much of the allocation depends on one of Adam Faber's two plots in *Mulestret* being on the corner with *Bynstret*, under which it would have been more logical to list it, since it belongs more obviously to the burgage series in that street. There is, however, a parallel, in the listing of a corner plot under the street bordering its length rather than its width,<sup>3</sup> and such a listing would be logical if Adam held the adjacent plot in *Mulestret*. The other principal problem is in *Bynstret*, where, on grounds of both frontage and area, it looks as if John de Whitchurche's triple holding and Richard Marescallus's double have been entered in the wrong order, and should be transposed. One of the extra pieces of land included within the town boundary would then have adjoined John de Whitchurche's plots - land and plots which were in the

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<sup>1</sup> . See pp.43, 46-7.

<sup>2</sup> . See p.65.

<sup>3</sup> . D. Lloyd and M. Moran, *The Corner Shop: the History of Bodenhams from the Middle Ages* (Birmingham, 1978), 26.

same ownership in 1730. This land may have been the meadow called *Gernesia*, the rent of which was included with John's plots in 1251.

**APPENDIX 5: WHITCHURCH BOROUGH CHARTER:** Winch. C.L.

*Winchester Cartulary*, no. 472,<sup>1</sup> calendared in *The Chartulary of Winchester Cathedral*, ed. A.W. Goodman (Winchester, 1927), 203.

Omnibus Christi fidelibus presens scriptum visuris vel auditoris Johannes de Celleto prior ecclesie Sancti Swithini Wyntonie et eiusdem loci conventus salutem in domino sempiternam Noveritis nos unanimi assensu concessisse et presenti carta nostra confirmasse quod villa nostra de Whitcherche sit liber burgus sicut perambulata est et assisa per Oliverum senescallum nostrum Et quod omnes burgenses nostri in eadem villa manentes liberi sint et libere teneant burgagia sua cum terris ad dicta burgagia concessis et cum omnibus mercandiis suis cum omnibus libertatibus et liberis consuetudinibus quas villa de Portmues et villa de Niwestok' habent et possident Et quod sic se habeant et teneant tam in ballivis prepositis ministris quam in burgagiis suis cum pertinenciis dandis vendendis legandis vel assignandis secundum consuetudinem predicte ville de Portmues vel ville de Niwestok' cum eandem libertatem quam villa de Portmues habet concessimus et per cartam nostram confirmavimus Salvo tamen nobis et successoribus nostris et ecclesie nostre Wyntonie imperpetuum quod omnes ballivi sive ministri dicti burgi quicumque fuerint pro loco et tempore coram nobis vel senescallo nostro annuatim ad proximam curiam post festum Sancti Michaelis eligantur qui nobis fidelitatem faciant et fideliter respondeant de omnibus placitis querelis commodis et proficuis que nobis et successoribus nostris et ecclesie nostre Wyntonie aliquo contingente<sup>2</sup> accidere poterunt Et quod senescallus noster vel alius ex parte nostra assignatus in eadem villa burgemotum teneat ad jura nostra et commoda ad nos spectantia custodienda et in omnibus observanda una cum ballivis nostris dicti burgi Reddendo inde annuatim nobis et successoribus

<sup>1</sup>. The hand of the dorse is much smaller than that of the face. A faint damaged note in the right margin reads 'De libertatibus Burgi ...cherch'.

<sup>2</sup>. *sic, recte* aliquo casu contingente; *cf.* the Weymouth charter, printed in J. Hutchins, *The History and Antiquities of the County of Dorset*, 2nd ed. (4 vols., 1796-1815), ii, 82-3.

nostris et ecclesie nostre Wyntonie redditum de quolibet burgagio predicte ville debitum et concessum secundum quod predicta burgagia eis extenta et concessa fuerunt quando predictam libertatem et cartam nostram eis inde confecimus Et nos et successores nostri predictam concessionem et carte huius confirmacionem predictis burgensibus nostris de Witcherche et modo predicto contra omnes gentes warantizabimus defendemus et acquietabimus Et ut hec nostra concessio et carte huius confirmacio perpetuam obtineat stabilitatem huic presenti scripto sigillum nostrum conventuale apposuimus Valet.

**APPENDIX 6: MEMORANDUM ON THE STATUS OF WHITCHURCH**

**BOROUGH, 1608X1609:** Winch. C.L. T2A/3/154/1: The Case betwene the Deane and Chapter of Winton and the Mayor and Burgesses of Whitchurch.

The mannor of Whitechurch in the County of Southampton was parcell of the possessions of the monastery of Ste Swythyns in Winchester in which mannor is a libertie called a boroughe which tyme out of minde hath had a maior bayliffes and burgesses and the Prior of Ste Swythens held yearly within the said boroughe a lawedaye and courte whereto all the tenautes holdinge by sute to the courte of the boroughe and the resyautes did appeare and at the said courtes the maior and bayliffes were chosen and sworne, the deathes of the freeholders and the transmutations of their possessions presented and the perquisites of the said courtes as fynes amerciamentes wayfes strayes etc. were accompted for and payed to the said Prior. And moreover the maior of the said boroughe as reeve<sup>1</sup> did collecte the rentes of the freeholders of the said borough, being in auintient tyme fyftene poundes, and on the feast of Ste Thomas Thapostle yearlie paye yt unto the Prior. And for the residue of the said mannor the said Prior held a view of frankepledge and a courte baron att the mannor howse. By the dissolution this came to Kinge Henry 8th.<sup>2</sup> At the tyme of the dissolution of the monastery yt should appere that the borough was decayed for the yearly collection of the maior which formerlie had beene fyftene poundes was then but ten poundes.

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1 . *as reeve* interlined.

2 . *By the dissolution... 8th* interpolated.



Anno 33<sup>ci</sup>o H.8.

Kinge Henry the 8th did (amongst diverse other mannors) graunte unto the Deane and Chapter of Winchester and their successors the mannor of Whitchurch with his rightes members and appurtenautes and all courtes leetes view of frankpledge and his hereditamentes comodities and profittes whatsoever in the villages fieldes parishes and hamblettes of Whitechurch etc. and alsoe one yearelie rent or feefarme of tenn poundes yearly goinge out of his borough of Whitechurche *Et tot tanta talia huiusmodi et consimilia curias letas vissus frankplegii libertates etc.* as the Prior of Ste Swythyns at any tyme had.

By vertue of which graunte the Deane and Chapter held the laweday and boroughemote in the borough where the inhabitautes of the said borough chose the maior and the maior nominated the bayliffes and both the maior and bayliffes were sworne by the stewarde of the Deane and Chapter And the maior as reeve<sup>3</sup> collected the rentes of the freholders and levied the perquisites of the courtes and payed the *x<sup>li</sup>*. yearely and accompted for the perquisites to the Deane and Chapter and payed the same untill aboute tricesimo sexto Elizabeth. At which tyme they of the boroughe chose one Carey to be maior who, pretendinge that yf any thinge were due to the Deane and Chapter out of the borough yt was but *x<sup>li</sup>*. per annum because the some of *x<sup>li</sup>*. was soe specially mentioned to be graunted out of the borough, whereas it was indeed soe sett downe because through the decaye of the borough yt was noe more at the tyme of the dissolution, and that that was not due because (as hee said) the Deane and Chapter could not prove the originall thereof (howe yt became first due to the Prior), collected the freeholders rentes (which wee thinke did and doe nowe amount to more then *xv<sup>li</sup>*.) and being contynued maior by them of the borough six yeares togeather of purpose to crosse the Deane and Chapter payed not the *x<sup>li</sup>*. per annum to the Deane and Chapter but kept all the money in his owne

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3 . as reeve interlined

hands untill tharerages amounted to threescore poundes, and prevayled soe farre with the rest of the borough that yf hee were at home they refused to appeare at the lawedaye and boroughmote in all that tyme, and hee dyeinge nothingeworth the Deane and Chapter (out of a commiseration which they had of sundry poore men whose rentes Carey had receaved) were content to abate above twenty poundes of the arrerages which was due unto them uppon a promise from those of the borough that they woulde noe more oppose themselves agaynst the Deane and Chapter touchinge their said rent and liberties in the boroughe.

Anno 2<sup>do</sup> Jacobi

Notwithstandinge which promise the Deane and Chapter did not rest secure because those of the borough did labor to procure the graunte of a corporation from Queene Elizabeth and his Majestie which woulde have beene very preiudiciall unto the Deane and Chapter, wherefore the Deane and Chapter to prevent the inconveniences which might growe thereby obteyned a newe graunte from his Majestie explayninge the former graunte of Kinge Henry the 8th. And therein particulerly touchinge Whitechurche whereby<sup>4</sup> were graunted unto them within the mannor and burrough<sup>5</sup> of Whitechurch *tot tanta talia eadem huiusmodi et consimilia curias letas portmotus visus franciplegii ac omnia quae ad visus franciplegii pertinent etc. catalla waviata extrahuras et omnia etc.* as the Priors or Deane and Chapter ever had. The Deane and Chapter acquainted the mayor and burgesses with the graunt.<sup>6</sup>

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4 . Struck through.

5 . *and burrough* interlined.

6 . *as the Priors ... graunt* interpolated.

3<sup>cio</sup> die Julii Anno 6<sup>to</sup> Jacoby

Theruppon the inhabitauntes of Whitechurch did increase their suite of procuringe their corporation untill this last sommer uppon his Majesties ymployment of the Deane unto Scotland at which tyme the maior and burgesses of Whitechurch by false and untrue suggestions obtayned from his highnes a graunt to bee incorporated And that

1. The burrough of Whitechurch shalbe liber *burgus de se* / thereby to exempt themselves from the Deane and Chapter
2. That they maye make lawes / which was usually donne at the lawe dayes and courtes of the Deane and Chapter
3. And levie the penallties for their owne uses / which were before payed to the Deane and Chapter
4. And that the maior should be sworne before the last maior and the burgesses / which was before done before the steward of the Deane and Chapter
5. That the maior burgesses and their steward shall holde in the suburbs and precinctes thereof such courtes as formerlie had been holden in the borough / which were not other then those which were holden by the Priors of Ste Swythyns or the Deane and Chapter afterwards
6. And that they should have a viewe of frankpledge etc. as they had had in former tymes / which was not otherwyse then held by the steward of the Priors and of the Deane and Chapter
7. And wayfes and strayes / graunted to the Deane and Chapter
8. And stallage and pickage in their fayres and markettes / whereby they make benefitt of the soyle of the Deane and Chapter
9. The maior and burgesses to be clarke of the marktett / which<sup>7</sup> the Deane and Chapter have in their graunte the fynes and amerciamentes before the clarke of the marktett<sup>8</sup>

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7 . Struck through.

10. Payinge unto the Deane and Chapter of Winchester and their successors yearlie for ever all such somes of money and paymentes yssuinge out of the borough of Whitechurche as the said Deane and Chapter or their predecessors of or out of the borough of Whitechurch aforesaid of the Deane and Chapter<sup>9</sup> heretofore rightlie and lawfully hade or ought to have / whereby they intende to question the right and lawfull havinge of their x<sup>lii</sup>. per annum as Carey did

11. A graunte of all landes tentes<sup>10</sup> and hereditamentes which they formerlie had / which were not any

12. And conclude with a savinge unto the Bishopp of Winchester and his successors and the Deane and Chapter of the cathedrall church of Winchester and their successors all liberties fraunchises jurisdictions and ymmunities whatsoever etc.

Whereby they yntimate that the Bishopp of Winchester should have liberties there (which hee hath not) and geve a cullor as yf they were carefull not to preiudice the Deane and Chapter whereas all their labour and drift is<sup>11</sup> hath been to exclude the Deane and Chapter from such liberties as they have there.

Yt maye be conceaved by the graunte that they suggested to the kings Majestie that the boroughe and the suburbs and liberties thereof extended farre whereas the howses of the burrough are but in a small circuite and farther then their howses they have not any thinge, for yt is inviron'd round with the landes of the mannor, being either parte of the demeanes which the farmors of the Deane and Chapter have in lease or the comons and wastes of the mannor where the tenauntes and copieholders of the mannor have comon, and the streetes of the burrough ytself are the soyle of the Deane and Chapter.

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8 . the fynes ... marktett interpolated.

9 . of the Deane and Chapter struck through.

10 . Recte tenementes.

11 . Struck through.

Their guyldhall is built uppon the soyle of the Deane and Chapter, for in an open place underneath yt the Deane and Chapter hold their courtes and whereas they of the burroughe have latlie repayed yt they had tymber for the repayinge thereof from the Deane and Chapter.

### Notes.

1. The memorandum is a rough draft, as is shown by the increasing use of abbreviation of Deane and Chapter to Deane and Ch. and then D. and Ch., as well as the hasty hand of the interpolations and alterations. It was evidently drawn up in Winchester in preparation for a case against the burgesses, with some explanatory notes on the Dean and Chapter's position on various points and a refutation, item by item, of the terms of the 1608 grant.
2. The Latin phrases are in italics in the original document; they are quotations from Winch. C.L. W55A/7/1: royai gift and confirmation, 1604, citing the grant of 1541. The interpolations (sometimes in the spaces at the end of lines and sometimes interlined) are in a different hand, which may be a second hand, or the first hand writing carelessly.
3. Punctuation and capitalization have been modernized. Round brackets in the document have been retained, but the ] which in the document separates the terms of the 1608 grant from the refutations has been replaced by / . The dates (marginated in the document) have been moved to the beginning of the relevant paragraphs.

**APPENDIX 7: COPY RESOLUTION OF THE 'OUT PARISH' OF  
WHITCHURCH AND THE TITHING OF THE MANOR OF WHITCHURCH TO  
COLLECT A RATE AMONGST THEMSELVES, 1600X1601: H.R.O. 44  
M69/J23/3.**

Whereas there is a statute lately set furth for the provision of the poore of everye parishe, wee that arr of the outparishe of Whitchurche that is Henlye and Freefolk and Charlecot and the tythinge of the mannor of Whitchurche arr willinge to make a rate amongst ourselves for the maintenance of the poore that arr in the outparishe amongst ourselves. And also wee wilbe willinge to contribute to pay some relief for the maintenance of the boroughe of Whitchurche as hundredres because that the boroughe is free from us and wee from them.

The borough of Whitchurche is an inhundred and hathe freedome to ytself for all wayves strays and fellons goodes and for all amercyamentes at assyses and sessions on clerke of the markt. It dothe paye no fifteenes yt payeth no cartes nor cariadges theire houses arr free to themselves to lett and to sel at their pleasures. They have encreased upon their boroughe a great number of poore people because they have enlardged the boroughe with setting upp of houses and takinge in of undertenantes and inmates to the hinderance of the whole parishe. The houses that be encreased doo paye a yearlie rent to the mayor of the boroughe of Whitchurche and so shall alwaies remaine from mayor to mayor with the consent of the freeholders forasmuch as they chaleng all this to be free to themselves at their pleasures. Yt woulde doe well that sufficient bandes may be taken of them that their tenantes doe no further chardge the parishe.

**Note.**

The context for this document is given by two associated documents, HRO 44M69/J23/1-2. The former is an assessment of Whitchurch manorial and borough taxpayers for the poor rate under the statute of 1597, the latter a list of defaulters (mainly, though not exclusively, manorial, as far as one can tell) together with a copy of a Quarter Sessions order to distrain the parish officers for their failure to collect the rate, dated January 1599-1600. This resolution was the manorial taxpayers' response to the order, and must have been made before the Poor Laws of 1601 made the reference to the 'statute lately set furth' obsolete. It is therefore dated to 1600 or early 1601.

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