

MEDIEVAL WHITCHURCH: FAILED NEW TOWN OR SUCCESSFUL VILLAGE?

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ABSTRACT

Whitchurch had a limited type of borough charter which gave its burgesses personal and commercial freedom. The franchise was not extended to other inhabitants although they may have been able to trade under licence. The borough court was under Priory control, and although local officials were involved in the administration of the town, they did not develop into an independent body of leaders. The town's existence was ignored by national authorities, and it remained very small. Local geographical and commercial factors, rather than monastic lordship, underlay its failure to develop into a flourishing medieval 'new town'.

INTRODUCTION

Two previous articles described the topography and economic development of the town of Whitchurch in north Hampshire, from its foundation by the Priory of St. Swithun in the mid-13th century until the Priory's dissolution in the mid-16th (Deveson 1998, 1999). This last article will consider how far Whitchurch developed distinctively urban attributes. It will examine its external relationships and account for its problems, both as a monastic foundation and as a late-comer on the Hampshire urban scene.

BOROUGH, BURGAGES, BURGESSES

In the preceding articles, the terms 'borough' and 'town' were used somewhat loosely to describe the 13th-century settlement at Whitchurch. There were assumptions that its land was divided into 'burgage plots', held by 'burgage tenure' and that its inhabitants were 'burgesses'. The precise defi-

nitions of these terms, and in particular the criteria for 'borough status', were once the subject of much debate (Holt and Rosser, 1990, 2–3). Former definitions can now be seen as legalistic anachronisms for the 10th and 11th centuries, but the concept of a 'borough' as a set of constitutional urban institutions and liberties was well advanced by the mid-13th (Reynolds, 1977, 98–114). 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' (Britnell 1981, 147). The borough of Whitchurch, as defined in its medieval charter and visible on an 18th-century map, accords well with Britnell's description, except that it also had 'appurtenant agricultural land' (Goodman 1927, no. 472; Deveson 1998, fig 3).

The charter constituted it a *liber burgus* and designated its inhabitants *burgenses*, creating a distinction between the town and the surrounding manor. Burgesses 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. Nothing was said about freedom from toll though this was no doubt implied in the phrase 'cum omnibus mercandis suis', and certainly there is no evidence in the surviving account rolls of payment of tolls, or even payment for market stalls. However, the Whitchurch charter granted the minimum number of privileges which could make it meaningful as a borough charter, in comparison with those of other seigneurial boroughs (e.g. those described in Ballard and Tait 1923), and was nearly as much concerned with preserving seigneurial rights as

with conferring privileges. One of the normal conditions of burgage tenure, the freedom from the incidents of villeinage, was not expressly granted, and in the surviving 14th-century documents by which town property was transferred there are references to customary services (*HRO* 19M61/554–6). There is no evidence 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 (Keene 1985, i, 188–9).

Nevertheless, the freedom of conveyancing associated with burgage tenure had limited application in Whitchurch throughout the 13th and 14th 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 (Deveson 1995, 77–8). It is impossible to tell if disputes began to arise earlier since there are very few court records before that decade, but 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. The few surviving records of property transactions confirm that the right to sell and bequeath property by private treaty existed. Entry fines were paid at first in the normal manorial way, but this ceased by the 14th century, possibly at the time when the farm was granted. However, 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 (Deveson 1995, 80). 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 themselves to lett and to sel at their pleasures' ((*HRO* 44M69/J23/3), burgage rents were higher than in many other towns (Deveson 1998, 133–4), and manorial inheritance custom remained strong.

The charter was not explicit about how the burgesses' 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. Freedom accrued to medieval burgesses in various ways (Ballard and Tait, 1923, lxxix–lxxx), of which only one applied in Whitchurch. In post-medieval documents dealing with its parliamentary franchise, the term 'burgess' was used interchangeably with 'freeholder', and it is clear that 18th-century freeholders were the tenurial descendants of 13th-century burgesses (Deveson 1995, 83–6). 'Burgess', however, does not appear in the records other than the charter until the mid-14th century, and when it does, it is 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 (Deveson 1995, 87). This may be due to non-survival of rolls, or lack of appropriate cases, but there are sufficient indications in the surviving rolls 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 were used commonly and synonymously in medieval town charters to denote those with the borough franchise (Reynolds 1984, 184).

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' (Reynolds 1984, 184–5). 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 there is 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. On the contrary, in the 13th century at least, recognitions were paid for staying in the Priory's jurisdiction and licences were required for leaving it, in the normal manorial way. *Recognitio* can denote the payment to acknowledge the advent of a new lord, or a licence to reside outside a manor, but

initially in this area it was an annual payment for remaining within it (Deveson 1995, 87–8). 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 instances in the surviving accounts.

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 followed the normal rules of manorial custom, and there does not 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 (Pollock and Maitland, 1968, i, 671–2). Even in the 18th 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 standing (*HRO* 27M87/15, 6). To be a *burgensis de Whitchurch* had little practical effect other than personal freedom, and freedom to trade.

Trading rights appear to have been reserved for burgesses alone, although 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 be unwise to make too much of this. Recognitions at Whitchurch may have been the equivalent of guild subscriptions or similar payments elsewhere (*e.g.* Herbert 1971, 98–107; Hilton 1984, 59, 63–4). Although the town had a guildhall by the end of the 16th century, there is no evidence for a medieval guild at Whitchurch (Deveson 1995, 89), and recognitions were a manorial solution to an urban requirement. But if they were 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 this was not the same thing as possession of the liberty.

'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 (Deveson 1995, 90).

THE BOROUGH COURT

The medieval charter made it clear 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 hundred was particularly close, and they can be observed developing together during the late-13th and 14th centuries (Deveson 1995, 100–10). Borough court business initially fell into four distinct categories (Table 1). 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. 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 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 14th century, however, court business had come to consist almost entirely of the assizes, a reflection of the general decline of manorial courts (Beckerman 1972, 112–6). By the same time, many of the inter-tenant disputes, such as those concerning nuisances, had evolved into local bye-laws.

The types of business conducted in the borough and hundred courts were gradually diverging during the 1260s and 1270s. During these

Table 1 Borough and court business, 1260–1400

<i>Date</i>	<i>Court procedure</i>	<i>Seignorial business</i>	<i>Assize of bread</i>	<i>Assize of ale</i>	<i>Tenant business</i>	<i>Total number of cases</i>
1260-1	3	8	1	25	9	46
1266-7	1	13	0	27	6	47
Dec 1281	1	0	2	6	2	11
Apr 1282	0	0	3	10	1	14
Dec 1290	2	0	0	10	6	18
May 1291	0	2	0	11	7	20
Dec 1292	0	0	5	9	10	24
Apr 1293	0	0	3	9	15	27
Jan 1296	1	0	0	16	4	21
Apr 1296	0	0	0	9	12	21
Nov 1296	2	0	1	8	11	22
May 1297	2	0	1	9	6	18
Jun 1299	0	0	0	12	4	16
Nov 1306	0	0	2	10	11	23
Apr 1307	1	0	2	5	9	17
Nov 1308	0	0	2	9	1	12
Jun 1309	0	0	2	9	7	18
Nov 1311	0	0	0	6	5	11
Apr 1312	2	0	2	13	5	22
Dec 1313	2	1	2	8	10	23
May 1314	0	0	4	11	10	25
Jan 1321	2	0	2	22	5	31
Jul 1323	1	0	1	7	2	11
Jan 1324	0	0	1	15	13	29
May 1331	2	0	2	12	6	22
Dec 1340	1	1	5	25	9	41
May 1344	4	0	3	14	8	29
Jan 1348	0	0	3	18	9	30
Jul 1348	0	4	3	15	10	32
Feb 1350	1	1	1	22	12	37

Table 1 Borough and court business, 1260–1400

<i>Date</i>	<i>Court procedure</i>	<i>Seigneurial business</i>	<i>Assize of bread</i>	<i>Assize of ale</i>	<i>Tenant business</i>	<i>Total number of cases</i>
July 1350	1	1	2	12	10	26
Dec 1351	2	0	3	14	10	29
Jun 1352	3	2	1	16	12	34
Nov 1363	2	0	1	14	8	25
May 1364	2	0	1	16	5	24
Apr 1368	2	0	1	13	13	29
Apr 1381	2	0	0	14	1	17
Jan 1385	3	0	0	15	5	23
May 1385	3	0	0	13	5	21
Oct 1385	2	0	0	12	5	19
Jun 1386	4	0	2	13	1	20
Oct 1386	2	0	0	14	3	19
Apr 1388	6	0	1	12	5	24
Nov 1391	1	2	1	14	1	19
Nov 1394	3	0	3	13	2	21
May 1395	3	1	1	12	2	19

decades, entry fines, recognitions and cert money (another manorial obligation) ceased to be paid in the borough court – an indication of a partial move towards borough independence. Further changes in the character of the court necessitate some redefinition of the categories of business for the 15th and 16th centuries (Table 2). Seigneurial and inter-tenant matters were almost entirely absent. The 16th-century increase in cases involving court procedure is due to the large number of defaults, which added significantly to the court's income while confirming its irrelevance to most local people. There was, however, more concern than formerly to regulate the activities of butchers and fishmongers. The assizes continued to be enforced, but the buoyancy of the ale trade throughout the 15th century is more apparent than real because the same few victuallers were presented under several different headings.

Periods of change in court procedure and recording at Whitchurch, though corresponding with national trends, also coincided with recognizable periods of change in Priory accounting (Drew 1947, 28). 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 14th century was still in direct control of its north-Hampshire manors and their courts. Even the Dissolution had no visible effect on Whitchurch borough court procedure. In respect of judgments, the 16th-century steward was probably even more in control than his 13th-century predecessor had been, although by then there was little but the assizes on which to deliver judgments.

Table 2 Borough court business, 1401–1551

<i>Date</i>	<i>Defaults, court procedure</i>	<i>Seigniorial business, in tiling</i>	<i>Assize of bread</i>	<i>Assize of ale</i>	<i>Butchers, fishmongers</i>	<i>Other traders</i>	<i>Tenant business, bye-laws</i>	<i>Total no. of cases</i>
Oct 1404	3	0	1	17	3	0	0	24
Oct 1408	7	0	0	15	3	0	0	25
May 1409	5	0	0	12	3	0	1	21
May 1414	7	0	0	16	2	0	2	27
Oct 1415	8	0	0	10	2	0	1	21
Oct 1417	3	1	0	13	2	0	0	19
Oct 1418	4	0	0	14	2	0	1	21
Oct 1419	6	1	0	9	2	0	0	18
Apr 1420	6	0	0	15	2	0	1	24
Oct 1422	7	0	0	6	2	0	1	16
Apr 1423	10	0	0	9	2	0	1	22
Oct 1423	8	0	0	8	2	0	1	19
May 1424	9	0	0	14	2	0	2	27
Oct 1430	6	3	0	15	2	0	1	27
Oct 1439	3	3	1	5	5	0	1	18
Apr 1440	1	1	2	11	2	0	0	17
Oct 1454	4	1	1	6	2	1	0	15
Apr 1455	4	5	2	16	4	2	1	34
Oct 1471	4	4	0	13	0	0	1	23
Oct 1473	2	0	0	8	0	0	2	12
Mar 1478	2	2	0	7	0	0	2	13
Oct 1482	3	0	1	9	1	0	0	14
Oct 1493	2	0	3	8	2	0	0	17
Apr 1494	5	1	1	11	2	0	0	20
Oct 1494	4	0	1	12	2	0	6	25
Oct 1519	15	0	2	5	3	0	9	34
Apr 1520	16	0	2	7	4	0	6	35
Oct 1520	22	1	3	4	2	0	2	34
Apr 1521	28	1	1	4	4	0	4	42

Table 2 Borough court business, 1401–1551

<i>Date</i>	<i>Defaults, court procedure</i>	<i>Seignorial business, in tithing</i>	<i>Assize of bread</i>	<i>Assize of ale</i>	<i>Butchers, fishmongers</i>	<i>Other traders</i>	<i>Tenant business, bye-laws</i>	<i>Total no. of cases</i>
Oct 1525	11	0	2	9	2	0	4	28
Mar 1526	8	0	3	5	2	0	1	19
Oct 1531	13	1	2	4	2	0	7	29
Sep 1539	20	0	1	6	2	0	0	29
Mar 1540	24	0	1	6	3	0	4	38
Sep 1540	21	0	1	5	2	0	1	30
Mar 1541	21	0	1	4	1	0	3	30
Oct 1541	21	0	1	3	1	0	0	26
Mar 1542	23	0	1	4	2	0	2	32
Mar 1551	26	0	2	4	2	0	2	36
Sep 1551	26	0	2	5	2	0	0	35

JURORS AND OFFICIALS

Although the medieval steward had overall control of the court, juries played a major part in its operation. Several times in the early-14th century, twenty-four 'free and lawful men' were summoned by the borough bailiff on the instructions of the steward, to hear disputes about land, the choice of jurors being left to the bailiff (Deveson 1995, 91–2). The number may have originated as an imitation of the select body of twenty-four which took a major part in the 13th-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' (Keene 1985, i, 75). If such a jury had been regularly used in Whitchurch for all purposes, more than half the burgesses would have had to be empanelled. A jury of this size was exceptional, and as it was rarely convened, could hardly have evolved into a ruling body for the town. 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. Twelve was the normal, though not invariable, size of a manorial jury (Beckerman 1972, 75, 96–100). 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 cases had been presented by two chief pledges from about 1306 to 1314. 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. They either took over from, or shared with, the bailiff, the duty of presenting individual offences in the earliest borough courts (Deveson 1995, 92–3).

The procedure for choosing the jury is not made explicit in the court rolls, but as with the special land juries, it is likely that the choice was left to the bailiff, with the Priory's ultimate right of veto. This certainly was the theory as it was understood in the 18th century (*HRO* 27M87/14, 4–5). By the time an application for a charter of

incorporation was made, in the early-17th 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 only 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 (*PRO C66/1778/28*). In them we may have a clue to the real size of the late-medieval elite in Whitchurch. The charter was granted in 1608 but revoked the following year because it had been obtained by deception.

The first use of the title 'mayor' occurred relatively late at Whitchurch, though not so late as in many small towns (Riden 1987, 99–100). 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. A 17th-century Winchester writer thought that the borough 'tyme out of minde' had had a mayor and bailiffs (*WCL T2A/3/1/154/1*) but this was not so. In the 13th century and for part of the 14th, 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-14th century but a continuation of that of bailiff, a change of name only, just as the title 'bailiff' had replaced 'reeve' in the late-13th. Bailiffs and chief pledges had co-existed in the late-13th and early-14th 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. The principal duties of the borough bailiff, as of the reeve before him and the mayor after him, were to collect the burgage rents and to see that court orders were obeyed; in this he was acting as the Priory's representative. 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. At the same time the bailiff had to act as the community's representative when he and the *communitas burgi* were jointly involved in actions against individuals (Deveson 1995, 96).

Whitchurch court rolls do not record elections

consistently, and the existence of other officials generally has to be deduced from passing references. The 14th 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, 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 14th 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, or simply the 'common untidiness of medieval arrangements' (Reynolds 1977, 120). The court rolls do not permit us to see if the late-14th-century mayor regularly had a bailiff as deputy; the 17th-century description of the *status quo* implies that there may have been more than one. But the town's bureaucracy could hardly be said to have mushroomed, and eventually the office of mayor degenerated into little more than that of a rent-collector (*WCL T2A/3/1/154/1*; *VCH* iv, 300).

By the 18th century, the procedure for choosing mayors and bailiffs had become a completely closed circle (*HRO* 27M87/14,11). A century earlier, the procedure was almost identical, but without the element of political pressure; the burgesses' initial choice of mayor was free, and for six consecutive years they had been able to re-elect a mayor who was unacceptable to the Dean and Chapter (*WCL T2A/3/1/154/1*). In all other matters the Dean and Chapter were tenacious of their predecessors' rights, and if they could have disregarded borough custom on this point, no doubt they would have done so. On the relatively few occasions when the medieval court rolls give officials' names, they were said to have been 'elected', but the method is unclear. It was probably similar to that at Colchester, where borough offices were filled 'without elaborate elective apparatus' (Britnell 1968, 25). 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.

In this discussion of the borough constitution and administration, use has been made of sources widely separated in time. It may be objected that 18th-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 increasing tendency to oligarchy, plutocracy or both (Rigby 1988, 77; O'Day 1977). There was also widespread alteration of municipal charters during the 16th and 17th centuries, culminating in the revocation of London's and many other boroughs' charters in the 1680s (Barry 1990, 27). 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 17th and 18th 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 18th century, 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 (Rigby 1988, 70–2). 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 15th and the 18th centuries, but the jury was never styled 'council', and the total franchise was not enlarged. Indeed, the franchise could scarcely have been narrower,

since there was no provision for obtaining the liberty other than by freeholding, either in the medieval or the modern periods. 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-13th century; it was not a free borough in the 17th century and never had been.

BOROUGH LEADERS

Neither the whole burgess body nor a section of it in the form of the borough court jury developed into a formal group of local leaders. It is possible, however, that the jury constituted an informal one. Membership of the medieval jury was probably a first step towards local prominence and hence election as an official, although as there were very few offices to fill at any time, opportunities for advancement were few. Jurors are almost never named in Whitchurch court rolls of the 13th and 14th centuries, and so nothing can be deduced about the length or frequency of their service. However, account rolls provide names for most of the Whitchurch bailiffs between 1260 and 1283. After 1283, court rolls occasionally name the bailiffs either in connection with their election or with specific cases, and affectors, appointed by the steward to assess the level of amercements, are usually also named from the late-14th century onwards.

It is clear that 13th-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 was a tavern-keeper (Deveson 1995, 129). 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 (Britnell 1986, 89–90; Keene 1985, i, 266). 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 13th century. The administrative and legal apparatus in 13th-century Whitchurch was so limited that office-holding would have given the Durdents no additional advantages over the use they made of the courts.

The situation may have changed in the course of the 14th century. The evidence is sparse, but 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 affeelor 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 14th-century deeds (*HRO* 19M61/554–73). From the late-15th century onwards, jury presentments were introduced by a formula naming a single juryman *et socii sui*, with the implication that the jury had a regular foreman. Several of these served for long periods, but never proceeded to higher office as bailiff or mayor. By contrast, affeelorers and bailiffs constantly changed places, and affeelorers were often drawn from the manor, although usually they served with the current mayor.

Whitchurch bailiffs and pledges came from similar but not identical groups. Pledging was a legal requirement in origin, but there is considerable evidence that by the 13th century, it was undertaken for profit (Beckerman 1972, 237–41; Pimsler 1976, 11). 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 (*cf* Olson 1991; Smith 1979). However, some conclusions emerge. Many Whitchurch people pledged occasionally, but never for obvious relatives. 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 people who ever pledged

for their family members were 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. In some medieval courts, both parties required pledges, but there were numerous Whitchurch cases in which only the defendants used them. The majority of pledging was undertaken by relatively few people, who are also likely to have been those with money to invest. The practice died out during the 14th century as jury presentment replaced personal actions.

In such a small town as Whitchurch, it was inevitable that the names of individuals and families would recur in various contexts. Bailiffs, affeelorers, pledges, witnesses, frequent brewers – all these formed overlapping circles within Whitchurch society. 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 (Deveson 1999, 100). The bailiff's evolution from manorial servant to town leader was symbolized by the change of title to mayor in the late-14th century. Manorial freemen were willing, perhaps desirous, to take on this and other roles in town affairs in the 14th century, paving the way for the later outsiders who saw the potentiality for a 'pocket'

borough. Given the failure of the town's population to grow during the medieval period (Deveson 1995, 187–94), it is easy to see how its internal affairs could be dominated by a very few people, even without deliberate intent.

WHITCHURCH AND THE OUTSIDE WORLD

Whitchurch's separate existence as a town was virtually ignored by outside authority. 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 (*PRO JUST*1/789). The Priory's record of accounts following the sessions shows that at least two townsmen were among the twelve jurors for the hundred, but the town had no separate representation. Likewise, in national taxation assessments, 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. Its neighbours were mistaken in thinking that 'it doth paye no fifteenes' (*HRO* 44M69/J23/3). The nearby town of 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 (McKisack 1932, 1–23). 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 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 at least three (Palgrave 1827–34, i, 76, ii, 239). It was excused after 1305, 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 medieval parliamentary representation at all.

Although Whitchurch as a town made no impression at the national or even the county level, the manor 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 (Faith 1984, 53). 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, to complain that the Prior was exacting more services than formerly (*CRR* xvi, 149B). 'Ancient demesne' was claimed for the manors, but was dismissed, as it was to be in 1377. A similar claim was made for the Bishop of Winchester's Clere group of manors, immediately to the north, only a month before the 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 (Watts 1992, 12). The 1377 writ for Whitchurch certainly appears to fit better with 14th-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 (Greatrex, 1972, 212) 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. There is likewise very little sign of active opposition by the townspeople to the Priory's administration in the 14th century, a period of communal movement in other monastic towns (Deveson, 1995, 142-3).

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 (Deveson 1999, 102). Since new surnames constantly appear in court rolls, particularly those for 1350, a certain amount of immigration must have kept the population from extinction during its low point of the late-13th century and the time of the Black Death. 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-16th and early-17th centuries (*HRO* 44M69/J23/3). The 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 reveal some points of contact, but one is left with the impression that without the continued 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 (Deveson 1995, 144-5).

PROBLEMS AND POSSIBILITIES

One of the chief attributes to emerge from the evidence surveyed for medieval Whitchurch is its very small size, both in terms of population and of area (Deveson 1995, 59, 187-94). The initial size was not crucial to its later development; many other successful towns started from such small beginnings. But we must account for its failure to grow, while making allowance for the effects of the 14th-century plagues. 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. 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 an area north of the present town, but there is, as yet, no evidence of continuity 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 (Beresford 1967, 331). 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 catch-

ment 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 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 Priory's brief experience at Weymouth would not have helped at Whitchurch (Deveson 1995, 36–8). The choice of site was at least partly predetermined by existing development, and the Priory could have felt confident that a town with Whitchurch's antecedents would succeed without too much effort on its part. Indeed it was perhaps over-confident. Carelessness is apparent in the lack of precision in laying out the burgage plots, and in the initial administration of borough finance, even down to the standard of record-keeping. Once the Priory had compounded for a fee-farm, it became indifferent to the town's economic fortunes, and offered it no financial encouragement. The income from waifs, strays and felons' goods, which by the late-14th 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 (*WCL* Whitchurch borough court roll, April 1388).

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 non-burgesses to trade within the town for a time. In keeping control of the 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 stew-

ards, 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 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, later, the mayor. Office seems to have become more desirable, and perhaps more influential, during the 14th 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 13th-century towns (Britnell 1993, 79). But the range of crafts for which there is evidence in Whitchurch was very limited, and the weekly market does not 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 15th and 16th centuries, when there is some evidence for cloth manufacture in and around the town, and the guildhall which became its focal

point need not have been of any great antiquity. 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. The Priory may not have intended actively to discourage the town, but it knew no method of administering it other than 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. Even in the 17th century, when it had become more widely known as a parliamentary borough and market town, Whitchurch remained so obscure that 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 (*WCL* T2A/3/1/154/1). In the medieval period, its small size and doubtful market would have placed it in, if not below, the lowest category of any classification of towns by population size and function (Holt and Rosser 1990, 6). A town of perhaps three hundred people in the early-14th century was almost on the lower limit of urbanism in any part of England.

In the context of north-Hampshire towns, it is clear that neither Whitchurch nor Overton had secure or necessary places in the hierarchy (Deveson 1995, 154). A single town in the neighbourhood of Whitchurch and Overton might have succeeded as a small market centre, and lordship divided between the Bishopric and the Priory would not necessarily have caused problems if they had been close enough to coalesce (*cf* Butler 1976, 46). 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 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.

TOWN OR VILLAGE?

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 tithing and remained so at least until 1267 (Deveson 1995, 93, 155). The two chief pledges of the borough court, and later, the jury, were the legal descendants of the borough tithing-man, and the borough bailiff's functions were conceived in exactly the same way as those of a manorial reeve. 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 period (Rowlands 1993, 1). Neither was the more specific overlordship of monastic lords, who are sometimes considered to have been more repressive towards their towns than episcopal or lay lords. Trenholme, for instance, saw monastic towns as a class, and struggles for freedom as concerted movements (Trenholme, 1927, 31–54). 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 (Dyer 1992, 207). Monastic control did not have major adverse consequences for most of the towns discussed by Trenholme. 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 unin-

volved but not an actively-opposed landlord. The monastic nature of the local lordship was not crucial to Whitchurch's success or failure.

In other respects, however, the town's position was also ambivalent. Its economy, though primarily non-agrarian, was not markedly urban in that it did not foster 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 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 (Dyer 1992, 144–5).

If the outside 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. 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, would have helped to forge a bond among its people and distinguish it in the eyes of its manorial neighbours. To return to the question posed in the title of this piece – Whitchurch was both a failed new town *and* a successful village.

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