



ROBERT W JAMES CONSTABLE -1978/80

- 1 Tribute to the late Jim Davis - "Grandfather of modern Day Hungerford"
2. His account of "The Case of the Lost Charters"
3. What was the effect of the Lost Charters as we see it today

I am going to tell you a story about "The Lost Charters" but first I would like you to scan the names of those involved and tell you a little about them. There were a lot of people involved and I think you will find this helpful in understanding what happened.

Lost Charters - 1572 - "Who's Who?"

1. John Youle - Miller - Queens Mill (Mill Hatch)
2. John Lovelake - Ex Constable.
3. Whitmore and feoffees
4. George Essex - Lord of the Manor of Hopgrass
5. Father John Waraewell - Priest - died 1501
6. Thomas Gennys
7. Thomas Lovelake - Sonning Eye
8. Richard Mayle - Erode Weaver (neighbour to John Lovelake)
9. Agnes Lovelake - daughter of John Lovelake
10. Thomas Hamlyn - Keeper of the keys
11. William Butler - Constable
12. Thomas Seymour - Farmer, Portrieve later Constable
13. William Beache - Town Hall Caretaker
14. Reverend Edward Brenker - Vicar of Hungerford
15. Reverend Andrew Skynner - Vicar of Kintbury
16. Henry Edes - Farmer - Charnham Street (he wanted Lovelock's House)
17. Henry Burche - Farmer, East Garston - Foreman of Jury
18. John Hall - Farmer of Churchlands, Kintbury
19. Edmund Twynho - Surveyor for Duchy of Lancaster
20. John Fowler - A Draper and Juryman
21. John Mawkes - Husband man, farmer Kintbury
22. Four of the Jury - Thomas Seymour, Nicholas Passion (acting for Crown), John Fowler, Humphrey Allen
23. Anthony Hidden - Gent of Eddington
24. Mrs Butler - Constable's wife
25. George Lovelake (brother of John)
26. Mathias Bacon - Deputy Clerk to Duchy of Lancaster

27. Richard Choke of Avington - Lord of the Manor of Avington

28. William Cannon - Servant of Choke

Robert \V James September 1999

A Memorial to the late Jim Davis

A tribute to Eric Leslie Davis as I saw him, he was known to everyone as Jim.

He was a "Hungerfordphile", like Reverend Summers before him, he loved Hungerford and became more passionate about the Town the more he learned about it and the longer he lived. In my view he was Grandfather of modern day Hungerford. He was wise, energetic, a man of good humour and a good lateral thinker and used all his lifetime experiences to good effect in his life in Hungerford.

He was a countryman, a fisherman, a keen game shot and a good gardener. He became a good historian and a prolific and interesting writer on the history of Hungerford. His style of writing always contained a thread of good humour as he recounted the tragic, exceptional events and interesting management of the town by our predecessors.

I became a Commoner at Hocktide in 1964 and I soon found Jim was more than just interested in Hungerford, it's people and history; he was a fountain of knowledge. He was a Trustee for 25 years and in 1972 became Constable. Times were difficult for the Town and Manor; there was a shortage of income and rising repair bills for the maintenance of the Town Hall and Corn Exchange. There was opposition to the management of the estate and Lancelot Peart; owner of Dun Mill and the then tenant of the fishery, was threatening to give up his lease of the fishery, he was short of water for expanding the Trout Farm and the Town and Manor were his source of water. All in all, Jim had taken on a difficult job. His tenure as Constable was shortened as he accepted Lancelot Peart's resignation and decided, with the support of the Trustees, to take the Hungerford Fishery in hand.

After his second year as Constable, he refused to stand again and took on the job as the first Fishery Manager. He employed a water-keeper, built the keeper a house and let all the rods. Ever since, the fishery has been a great success under the management of the Hon. Manager and a full time Water Keeper, the Fishery Committee and of course many fee paying rods.

I became Constable in 1978 and soon afterwards Jim wrote to me of his concern that the Trustees were vulnerable and needed to defend the legacies. They needed

more proper research into the history of the town and its traditions, with the exception of the accounts of Hungerford by Reverend Summers and the accounts of Walter Money. There was so much that needed to be studied and written up.

There had been claims on Town and Manor property and on Commoners rights, an accurate dossier was needed to be produced and his first publication became "The Terrier", a compilation of the property owned by the Town and Manor of Hungerford.

The County Archives, the store at the Clerk's office and individuals round the town were all sources of important documents, papers and artefacts. All needed to be read and researched and the rewards were Jim Davis' books; The Story of an Ancient Fishery; The Big Fight; Is your name Hungerford?; The Bear at Hungerford, all were published and reprinted.

He also produced manuscripts on The Common Portdown, Sanden Fee and Freeman's Marsh, The Town Halls of Hungerford, The John O'Gaunt, The Croft and The Lost Chuntries. Also, his account of the Lost Charters. None of these have been published.

In 1990, he told me he was going to give up writing, as he was "too old", then 85 years old. In 1991, he delivered to me a pile of papers and a letter, which said he was going to put all his papers in my care on two conditions; one that I should write his obituary for the Newbury Weekly News and second that I should keep his manuscripts safe and perhaps the Trustees one day would publish more of his work, when the Town and Manor should hold the copyright for the benefit of the Town.

He was very aware that the old should move over for the young and reminded those around him of the saying "If you don't have colts, you never get bosses"

It was not surprising that he retired as a Trustee before he was 80 and from writing a few years later.

I spent some time with him in the County Archives and proofread all his books and arranged printing, all of which was a thoroughly enjoyable experience with such a nice man whose heart was in his hometown, Hungerford.

So, here is just a taste and small part of some of Jim Davis' hitherto unpublished work.

So, here we go.

What was the situation in Hungerford Pre-1573

From the 12th Century to the 16th Century, the inhabitants of Hungerford had established themselves as a market town with a developing trade and claimed to be a Borough. They had obtained their freedom of tolls, enjoyed their liberties, customs and franchises through various Royal Charters: -

Circa 1207 - Simon de Montfort - Charter for rights of Herbage and Pannage -Hungerford Park - known as Bawkley Wood

Circa 1267 - Freedom of Dues Edward I
Obtained their franchises, liberties and freedom of tolls and right to hold a market.

Circa 1275 - Permanent set of gallows erected by first Duke Edmund of Lancaster to encourage law and order.

1366 - Appointment of first Trustees of Hungerford by William of Burghbridge, an officer of the Duchy of Lancaster. John O'Gaunt receives Walter Campden, who became his treasurer. John O'Gaunt granted Rights of Fishing and these were guaranteed by the presentation of the Hunting Horn, now referred to as the John of Gaunt Horn. Also it was said that a copy of a Charter was lost in the fire of Savoy Palace at the time of the food riots. The only other copy was said to be in the Town Box.

There were also Charters from: -

	Richard II	
	Henry IV	all missing
	Henry V	
13 July 1433 -	Henry VI - Confirms rights and privileges	
25 January 1466 -	Edward IV - Confirms rights and privileges	

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John O'Gaunt was probably the first Constable of Hungerford in about **SLIDE** 1362, when he was 22 years old; he was also Clerk of the Market. He had two Bailiffs. We can deduce that Edward m, John O'Gaunt's father, had confirmed that the inhabitants had a right of market certainly by 1366, originally thought to have been granted by Edward I. **SLIDE**

For two hundred years, the inhabitants of the town had enjoyed a fairly relaxed and modest way of life, taking for granted their rights.

Then, one day in the late 16th Century, someone wanted to know more about the history and borrowed the town's documents.

Significant Dates

Spring 1566 - John Youle addressed the Hocktide Court.
October 1572 - Agnes Lovelake collected keys from the Keeper of the
Keys, Thomas Hamlyn.

01 November 1572 - Mayle notice documents missing from Chest. 27

December 1572 - Town Chest in John Lovelake's house

8/9 January 1573 - John Lovelake takes documents to Reverend Skynner in Kintbury for translation saying Edes was trying to take his property off him.

January - Jurors to London for case to be heard.

20 July - Special Commission granted by the Queen sat to hear a complaint by Nicholas Passion against William Butler and John Lovelake, charging them with "Embezzling and conveying " of the charters and writings There are three Courts -

Hocktide Court - a Court Leet for administration of the Town's Business, Constable, Feoffees, officers and Jurors.

Investigative Court - set up to examine the case. Jurors, officers of the Duchy of Lancaster and held in the Parish Church.

London Court

So what actually happened to The Charters

About 1565, John Youle was a tenant of the Queen's Mill/Town Mill but now known as Mill Hatch. He also owned land. Later he becomes the champion and hero as seen in the eyes of Reverend Summers and later served 3 terms as Constable, being the leading figure in the Borough during the years of investigations of the Lost Charters. **SLIDE**

At this time, he would have been in his early twenties; he went to Southampton to buy a mill stone. While he was doing his business, officials there demanded he should pay a toll. He pleaded that he was free of all tolls under the Charter of the Duke of Lancaster. This was disputed and it is not known whether John Youle paid or not.

At the next Hocktide Court, John Youle got up and related his experience and asked if he had been right. What happened next is not reported.

The ancient Charter of John O'Gaunt was produced from the Common Coffe, which in those days was a little chest with two locks, kept inside a larger chest with one lock. The keys were entrusted at each Hocktide Court to "one of the most ancient men in the said Towne that hath been Constable" Any Burgess may have access to the chest but only by order and in the presence of two witnesses, one of which was the Constable.

The Charter was produced but no one could read it. John Lovelake or Lovelock proposed that an English translation be obtained. He was a worthy and well-trusted man, who 10 years previously, as Constable, had taken bow and arrows to "the backside of the Church" when George Essex, Lord of the Manor of Hopgrass disputed the right of fishery and drove him off.

It was agreed by the court to hand the Charter to him to obtain the translation. That was the last time the Charter was ever seen.

We come to 1572. John Lovelake was living as a tenant in one of a pair of houses, left to the town in 1501 by a priest named Father Warnewell. He also left 16 acres of land of which 12 acres were in Sanden Fee, his next door neighbour being Richard Mayle.

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This property was put in trust to a man called Whitmore and the others all being feoffees of the town.

About 1570, some dispute arose between Thomas Lovelake and Thomas Gennys, who had entered into a bond of £100 to Richard Mayle, the tenant of the other house, next door. They, Thomas Lovelake and Thomas Gennys agreed not to 'Vex or trouble' the town about this matter. The bond and other documents relating to the property were with the priest, Warnewell's Will in the Town Chest on or about 15 October 1572.

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In the October of 1572, John Lovelake's daughter Agnes, called at the house of Thomas Hamlyn, the Keeper of the keys and told him that her father had authority from William Butler, the Constable and Thomas Seymour, the Portrieve, to have access to the coffer. Hamlyn handed her the keys and about a week later Lovelake procured the key of the Town Hall from William Beache, the caretaker and kept it for two days and nights.

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Soon afterwards, Lovelake met Mayle, who was described as a very poor man, a "brode weaver" and said "Come to my house in the evening and I will get the keys of the Common Coffe and you and I will see the deeds of our houses". Mayle duly went and noticed, as he had seen the box opened before, that three documents were missing. He asked Lovelake about them and was told that they were in the custody of the Vicar. The date of this was about "All Hallow" tide, 1st November.

The Vicar, Edward Brenker, called at Lovelake's house on December 27th and was greatly surprised to see the Town Coffe. He asked how it came there and was told that it was there "by consent of the masters of the Town".

About 8th or 9th January 1573, Lovelake called upon the Reverend Andrew Skynner of Kintbury and produced a linen bag, one witness said two bags. He produced some documents and put some back in the bag. He asked the Vicar to decipher the documents and said that one Henry Edes of Charnham Street was trying to get his property from him and he wanted to secure his right.

Shortly after this he called upon the Vicar again and asked him if he had accidentally left the Charters of Hungerford there. The Vicar said that he was afraid that Skynner's maid might have taken them to John Hall, the farmer of the Vicarage, to whom she was related. Lovelake later asked Hall about this and was told that Hall knew nothing of the matter.

Some days after this Edmund Twynho, the Surveyor of the south part of SLIDE the Duchy (south of the Trent) held a court at Hungerford. He appears to have been very active in his duties and had reclaimed some land in Hungerford for the Crown that had been held back from the dissolution of the Chantries. He required the Jury to make presentments on several important matters and also asked to see the Town Charters. The Jury applied to Hamlyn, the keeper of the keys and learned that he had given the keys to Lovelake. They went to Lovelake's house and found that he was not at home. This placed them in a very awkward position - if they did not make their presentments that day they were liable to a fine of £2 each, a very large sum of money, say £350.00 in today's values.

After some delay one of the Jury found Lovelake in his garden. He demanded the keys of the coffer and was told "you shall have them". In the meanwhile, the rest of the Jury had consulted the Vicar and learned that the Town Coffer was in Lovelake's house, which fact they "did greatly dislike".

Fowler and the Vicar now entered Lovelake's house, saw the box and told Lovelake that it must at once be taken to the Town Hall. This was done and Lovelake was told "You have done more than was ever done in this town before"

The jury now examined the box and it was found that some papers were missing. "They be all safe in the coffer", "No, they are not". "Yes", said Lovelake "I will put them there", but he failed to do so.

John Fowler, one of the Jury, said "We must not be dealt with like this - you had the box in which the Charters were wont to be standing on your table when Master Vicar and I were at your house".

Lovelake produced some documents but not the ones required. "They were all in the Coffer within this fortnight and that I will depose" he said "howbeit, I will make better stir for them".

Four of the Jury, Thomas Seymour, Nicholas Passion, John Fowler and Humphrey Allen now went to the Constable, William Butler and required him, in the Queen's name, to have a search made for the missing papers. Butler told them that it was no part of his office and that he had never seen the charters himself. He did however, send for Lovelake and they "communed together on the matter".

The Jury now had to return to the Surveyor of the Duchy. They declined to make a presentment and were presumably fined but we have no record of what happened.

Anthony Hidden of Eddington, who was present, expostulated with Lovelake. "You have not used yourself well" he said "for it is said that you have conveyed the Charters and evidences of the Town and Church lands, the which you have in your keeping". Lovelake replied that the Charters of the Town might have been lost through the weakness of the house, but whether he meant his own house or the Town Hall, which a few years before had been presented as "ruinous and utterly dekeyed". As to the Church papers he declared, "I have them safe enough and I will deliver them when the Jury has given a verdict".

There was considerable discussion as to which papers were missing and a great measure of disagreement. Allegations of irregularities in the appointment of the Jury were also made. The Reverend Summers makes the point that legal proceedings where claims of the Crown were in question were notoriously corrupt and unjust.

Not long after this a Royal Pursuivant officer under herald arrived in Hungerford and served the recalcitrant jurors with writs of Privy Seal. They had to go to London for several days and John Youle says that their expenses altogether were £24. Summers comments "About £120 in our money of present value" So in 1999 in our debased currency we are talking of something in excess of £13,000

Most of the jurors stayed at the White Hart in the Strand and were visited SLIDE there by Mr Skynner, Vicar of Kintbury and they learned of Lovelake's visit to Kintbury Vicarage. They were also visited by John Hall, farmer, who told them that when meeting Lovelake on the Port Down he enquired "Are the Charters of Hungerford found again?" and that Lovelake replied "I have them safe enough".

The jurors now saw how dishonest the conduct of Lovelake had been and were anxious to get back to Hungerford to call him to account. The Duchy authorities refused to let them go until they had made a presentment, they eventually reluctantly did so but it contained nothing definite about the loss of the Charters.

In February 1573 - after the jurors had returned from London - they were summoned to the Town Hall by the Constable, William Butler, who asked them "Have you tidings of your Charters?" On receiving a negative reply, the Constable produced two documents and handed them to the jurors, who naturally asked how he came about them. The reply was "My wife found them in a chest in my chamber that my apparel lyeth in and how they came there I know not". The jurors made it clear that they did not believe him and Butler added, "I wish the ground may open and I may be an example to all men if I know aught thereof. Some of the jurors and the Vicar spoke to Mrs Butler. She admitted that she knew how the Charters came into the house but would say nothing more. Since the Constable only returned two documents it was clear that several were still missing.

At Hocktide, a Duchy Court - appointed by the Duchy of Lancaster from outsiders, not Hocktide Court of Burgesses - was held in the Parish Church and Butler repeated his statement. The Burgesses showed their opinion by electing the next Constable, Thomas Seymour, who had been a strenuous opponent of Butler's. The name of Butler disappears from the list of Constables of Hungerford for over a hundred years.

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Nicholas Passion and others acting on behalf of the Crown now joined Butler's name with Lovelake's in their complaint. Commissioners were appointed and an enquiry was opened at Hungerford on 20th July, same year. Witnesses on both sides were interrogated in a manner, which would seem extraordinary today. It was strange that with the exception of George Lovelake, brother to John, none of the people who gave evidence belonged to Hungerford. Much of the evidence given was very vague and largely hearsay.

The case was closed.

The Court summarised

The Burgesses had a weak case -

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- 1) There was no inventory of the documents held in the Town Chest.
- 2) The documents were written in Latin or Norman French, so no one could read them - they did not know what was contained in the documents.
- 3) The Constable did not keep a list of who had used the documents.
- 4) The keys to the coffer were easily available to Lovelake and others.
- 5) The Court decided against the Burgesses of Hungerford on the grounds that Hungerford was
 - a) not a "corporation sufficient" to plead
 - b) there was no proof that the documents were removed,
 - c) There was no proof that the town had suffered any loss.

The result of the case was the opportunity for the officials of the Duchy of Lancaster to prove that the Towns claim to the Hocktide Court, Fishery and Common Grazing, Market and Shooting etc., were encroachments upon the rights of the Crown. Also, John Hall, the farmer from Kintbury, was claiming the Bailiwick of Hungerford and intended to break and infringe the rights and privileges and requested protection.

The ancient rights and privileges were severely threatened and the new Constable and Burgess knew they must act.

With all speed, the Burgesses wrote to Queen Elizabeth and from her court at Wilton **SLIDE** House, Salisbury, the home of the Earl of Pembroke who at that time was Lord of the Manor of Hungerford. In reply, the Queen gave an order by letter dated 15 September 1574, that the people of Hungerford should enjoy their privileges undisturbed. "Time out of mind and remembrance of man" this is remembering what your grandfather has told you that he had been told by his grandfather to him.

For 24 years, the town was left alone but after all, the Duchy needed money, as the Queen was a great spender, perhaps they were never interested in the traditional rights anyway and the Duchy returned again.

The Duchy carried out three surveys and in 1611, a Commission sat to consider matters relating to the River Kennet. A witness was called, William Camion, who said that Richard Choke of Avington had illegally dammed up a pool called Batts Lake and previously, Choke had been

fined for the same offence but did not remove the obstruction

William Cannon went on to say that Choke had obtained the Town Charter from William Butler and John Lovelake and paid them £3.6.8 in money. When he had obtained the Charter, he then felt that he could shut off the lake. This was probably the Charter granted by John O'Gaunt. As it related to the fishing rights. It is probably the only reason why the fishing was lost from Avington to Irish Style, two miles below Kintbury.

There is little doubt that John Youle was a hero in the matter. He had been spokesman on many occasions for the Burgesses and had been cross-examined by the Courts and Commissions. The Butler's, Lovelake's, Choke, Hall and Co., were all villains.

The Vicar of Kintbury did not produce a translation and was seriously implicated.

William Cannon had been only a lad of 15 years and working for Choke. Probably he was not invited to attend the Court. Had he spoken and given evidence then events would have been changed.

So, what was lost?

- 1) Simon de Montfort. 2nd Earl of Leicester - Grant to free inhabitants of Hungerford **SLIDE** the right of Herbage and Parnage in the area of Hungerford Park - Circa 1207.
- 2) A Grant by one Brendoll Knight of a meadow called Wood Marsh, William de Bretegnol - Circa 1230
- 3) Lovelake and Genny's Bond-£100
- 4) Deeds and Will of Father Warnewell - 1501
- 5) A grant by John O'Gaunt to free the inhabitants for the right to fish in the rivers - 1366

Documents 6 and 7, under the Great Seals, may have been the charters of Henry VI and Edward IV, which may not have been taken or they may have been returned. Both documents we still own and are now in the County Archives. They both confirm the freedom of tolls, rights of market and fishing of previous Grants and Charters.

What was the effect of the Lost Charters Investigation

- 1) The Hocktide Court kept a book of minutes - The Frank Pledge. **SLIDE**

The first one used from 1582 to 1777 and is still kept today at the Hocktide Court.

- 2) The Town Chest was altered to have three locks. One key was kept by the 2 SLIDES Constable and two keys kept by senior ex-Constables and Feoffees. Keepers of the keys as of this day are three ex-Constables and the Constable attending the opening of the Town Chest.
- 3) In 1617, the Town and Manor of Hungerford became a charity for the benefit of the inhabitants by feoffment. Overseen by the Constable, Portrieve, Bailiff, Feoffees and Steward.
- 4) Jehovasat Lucas made a new horn, to be used at "Beating the Bounds" with SLIDE an inscription to remind everyone the extent of the rights of fishing, dated 1634, inscribed "John O'Gaunt did give and grant the Royal Fishing to Hungerford Town from Eldren Stub to Irish Style, excepting some several mill pounds".

Acknowledgements

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- 2) Reverend W H Summers - "The Story of Hungerford"
- 3) Endowed Charities of Berkshire - Parliamentary Report 1905
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Thank you, everyone, for the opportunity to talk to your association, for which I really am most honoured.