

'DO YOU THINK THE TOWN WILL BE GOVERNED BY A PARCEL OF PIMPING BURGESSES?' ARUNDEL BOROUGH 1586–1677

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In origin Arundel was a manorial borough by ancient prescription. In 1586, as a result of a royal legal judgement or 'charter', the corporation obtained some independence from its manorial lord. The corporation was governed by a small number of burgesses varying from about 4 to 13 people. During the civil war and interregnum this oligarchy was dominated by a pro-commonwealth and presbyterian faction. This group introduced significant changes in town government, the most important of which was a change in the method of selection of burgesses which was challenged in 1659. The presbyterian elite was removed in 1663 after the Corporation Act but returned to power following a disputed election in 1671. Following these disputes a second royal judgement in 1677 supported the conformist faction and removed the presbyterians from office.

INTRODUCTION

The history of Arundel Borough has already provoked a strong response from the town's previous historians. G. W. Eustace in *Arundel Borough and Castle* described the corporation as 'unrepresentative of the people, irresponsible to public opinion, its interest centred mainly on the perquisites of office'.¹ Sidney and Beatrice Webb in *The Manor and the Borough*, described Arundel Borough as 'exhibiting all the worst features of the close Municipal Corporations'.² The Royal Commission on Municipal Corporations report in 1835 documented the corrupt practices of the close corporation.³ All commentators are agreed that Arundel was one of the worst examples of the pre-reform boroughs. Entry into the ruling group of burgesses was strictly controlled by expensive and restrictive fines, corporate property was exploited for the personal gain of the burgesses whilst corporate funds were used for the social pleasures of the town's governors. All this was done by a ruling elite which had established itself as a self-perpetuating oligarchy.

A re-evaluation of the town's history is long

overdue for several reasons. The town's records have for many years been kept in the Town Hall and access to them has been difficult until their recent deposit in the West Sussex Record Office. It is clear that Eustace when writing his history of the borough, although having access to the corporation minute book and some records of the borough, did not see certain legal papers which shed new light on the controversies in the borough during the commonwealth and restoration periods. Also, there has been a resurgence of interest in the history of English towns in the early modern period led by Peter Clark and Paul Slack. The work of the last decade means that the history of Arundel can be put into a more meaningful national context. In particular it is important to test Clark and Slack's thesis, on the development of oligarchy in incorporated boroughs, on Arundel.⁴

The Clark and Slack thesis maintains that the years from 1500 to 1700 constituted the period of incorporation of English towns. In that period 160 towns received charters, two-thirds of them before 1600. These charters usually sealed

alliances between the crown and urban elites in which the crown exploited the opportunity to interfere directly in town affairs for its political ends whilst town leaders obtained control of local administration and the prestige of a chartered town. The period was one of conflicts between oligarchies and their citizenry in which the elite usually consolidated their position. This form of select government survived the civil war and commonwealth intact. Despite these crises there was minimal change and few attempts to broaden the political power base of English towns. After the Restoration municipal authorities were purged of nonconformists by the commissioners appointed under the Corporation Act. However, in the years after 1663 many of the ejected personnel returned to power until a period of revision of charters between 1681 and 1688 imposed Tory dominance. The oligarchical town governments were characterised by a narrowing popular base, control of the parochial administrative machine, replacement of traditional by elite forms of civic ritual, obsessive secrecy, and corrupt manipulation of town properties. Arundel is an interesting example against which to test this thesis because it was one of few towns controlled by a presbyterian oligarchy during the Interregnum. What changes were introduced by this faction? Were they moves towards greater democratization or oligarchy? How did this grouping fare after the restoration?

THE CORPORATION'S 'CHARTER' 1539–1588

Arundel in the late 16th and early 17th centuries was a small market town and seignorial borough. By the early 16th century it had declined from a period of prosperity in the middle ages, its population having fallen by as much as a half to about 400. However by 1670 the town's population had risen to between 700 and 900 and its importance as a port and market town revived. The town was an important centre for communications. It was on the navigable

river Arun and during the 17th century was important in its role as a port. It was also on an important east-west route which provided a bridging point across the river Arun, as well as a north-south route from Arundel to London.⁵

Arundel was a significant commercial centre supported by a rural market area along the rich agricultural plain of Sussex. It held two weekly markets on Thursday and Saturday, and four fairs a year. The town traded in wheat and fish and was also a livestock centre of some importance. The best evidence of the trade that came through Arundel in this period is in a register of dues, dated 1643, paid to the mayor and burgesses for unloading goods on the quay. This listed food (corn, butter and bacon, wine), fish (herrings, mackrel, cod, oysters), cloth, coal, building materials (glass, iron, stones).⁶ As a consequence Arundel had an important mercer and merchant class which usually dominated the town's government.

Early history of the borough

Arundel was a borough by prescription, which meant that it had no original royal charter and that it held its liberties by ancient prescribed customs. In the time of Edward the Confessor the town consisted of a castle and mill, yet by Domesday in 1086 the town had grown in importance and was described as a borough and its inhabitants as burgesses. The borough's privileges were probably granted by William I at the same time he settled the earldom of Arundel on Roger Montgomery in 1071. Arundel was in origin a manorial borough. Roger Montgomery held the town as a feudal appendage of the castle and there was a close relationship between the borough and the lord of the manor, the Earls of Arundel.⁷ In 1288 and again in 1302 the inhabitants of the borough specifically claimed no liberties except through their manorial lord.⁸

The borough consisted of a mayor, burgesses and commons. By 1539 at least, the term 'burgess' referred not to any inhabitant or any tradesperson in the town but to a select group varying over this period from 4 to 13. The

commons formed the vast majority of the townspeople. They probably consisted of those who paid the 'scot and lot' tax and therefore excluded servants and labourers. The borough had no formal constitution. The form of government of the corporation came from several sources: ancient custom, royal legal judgement, and the corporation's own precedents.

The town's 'charter'

The 1580s were a crucial period in the borough's history because it was in this decade that the method for selecting mayors was determined and that the corporation acquired its independence from the manorial lord.¹⁰

In 1583 a dispute arose over the rights of the corporation. Few details about this dispute are known except that in January 1586 Queen Elizabeth ordered the attorney general to move for a writ calling on the mayor and burgesses to show by what right they claimed their liberties. The result of this legal action was the 'charter' issued to the town later in 1586. Technically the document was not a charter but an exemplification, or legal judgement, but for the purposes of this article it will be described as a charter.

By this charter the mayor and burgesses were granted certain liberties. The charter recognized that the mayor and burgesses had the right to elect one of the burgesses as mayor for a year and that the mayor and burgesses could nominate and elect other burgesses from the inhabitants. The mayor had the right to a borough court which was to be held every three weeks. The charter also granted the borough the right to hold two markets a week on Thursday and Saturday and four fairs on 3 May, on the Feast of St Lawrence the Martyr (10 August) and 14 September each for one day and on the feast of St Nicholas (6 December) for three days. The borough also disclaimed the following privileges; the assize (or weight and measure of bread, wine and ale), the right of pillories, tumbrell and gallows for the punishment of offenders and also

the return of all writs within the borough.¹¹

The corporation not only proved its ancient rights but also claimed privileges that had been the right of the lords of the manor. Many of its claims were false. In 1302 it was Edward I who granted the assize of bread and ale and three fairs to Richard, Earl of Arundel. At the same time the burgesses claimed no rights except through the lord of the manor. In 1570 a survey was taken at the command of Thomas, Earl of Arundel that listed the dues the mayor and burgesses had to pay to the lord. The burgesses paid 13*d* per annum for shops called 'Oken shops'; 7*d* for the 'ferme of the Pound'; the portreeves paid £3 12*s* for the 'pickage and stallage' of the market and 18*s* for collecting 'furnace money' from the bakers. The lord could also charge 4*d* for the anchorage of every vessel coming into the river.¹² It is clear from this comparison of the Earl's ancient rights and the 1570 survey with the 1586 charter that the borough had usurped many of the rights of the lord of the manor. The right of holding markets and fairs and of holding the borough court, previously belonging to the lord had been claimed by the corporation in the charter.

In addition to this the borough came to usurp other rights of the lord, such as the collecting of quay dues and the assize of bread and ale. In 1594 there is a reference to the account of Richard Mothe, mayor for bills collected for quay dues during his mayoralty.¹³ In 1643 the table of customs dues referred to above was issued,¹⁴ whilst an order of 1645 clarified that the quay dues should be paid to the mayor to offset his charges for holding the borough court.¹⁵ By 1741 the dues were referred to simply as the mayor's dues.¹⁶

The assize of bread and ale which the borough disclaimed in the charter was also usurped. In 1606 there is a reference to Nathaniel Fenn and William Older, portreeves of the borough, possessing a brass quart, pint and yard for measuring ale and a beam and scales of brass for weighing bread.¹⁷ One of the duties of the serjeants at mace in 1650 was to 'take into his

custody the borough weights and scales to put them out on the market and fair days and receive the dues for the same.¹⁸ By 1753 the earliest surviving references in the borough court minute book indicate that the corporation was collecting the dues for the assize of bread and ale.¹⁹

How was the borough able to wrest these privileges from the lord? At the time when the borough was being granted its charter, Philip Howard, the Earl of Arundel was in the Tower of London. In 1580 he inherited the Earldom and soon after became a practising Catholic. He was put under house arrest in Arundel House, London in 1583 and later committed to the Tower after trying to escape from the country. In 1589 he was charged with complicity in the Catholic Throgmorton's conspiracy and found guilty. He spent the rest of his life in the Tower until his death on 19 October 1595. In the meantime all his property, including the town of Arundel, was forfeited to the Queen.²⁰ As a result the Earl was in no position to protest that any of his rights were being usurped by the borough.

The 1586 charter marked a significant shift in the balance of power between the borough and its manorial lords. The town of Warwick, which was similar to Arundel in that its charter was granted whilst the earldom was in abeyance, developed in an entirely different way. There, the town slipped into subservience under the Dudley family. They held the recordership of the town which included the power to choose burgesses, steward and bailiff to represent them in the town.²² Although the forms of manorial dependence in Arundel may have remained, the charter and subsequent encroachments of manorial rights, ensured that they were merely nominal.

There were other significant developments in the 1580s that ran parallel with the granting of the town's charter. In 1562 Hugh Good was made a burgess at the Earl of Arundel's request without a fine and in 1582 Thomas Smythe, one of the servants in the household of the Earl of Arundel was also made a burgess at his request.²³ This suggests that in the 16th century the Earl of

Arundel had the right to appoint burgesses, even though it was not exercised frequently. In 1586 the corporation seems to have put an end to this by passing an order that no new burgess could be made without the consent of the present mayor and the majority of the burgesses.²⁴ The timing of this order was significant, suggesting a deliberate attempt to remove seigniorial influence from the selection of burgesses.

There were other ways in which the burgesses controlled or restricted their membership. The first was through the payment of fines by each new burgess. In 1560 a fine of £6 13s 4d had to be paid on the admission of each burgess. In 1568 the sum was raised to £10.²⁵ After this date it seems that the practice of collecting fines fell into abeyance as there is no mention of them in the series of articles for the government of the borough issued in the 17th century. They were revived in the 18th century when the value of the fine increased in stages from £7 in 1701 to 100 guineas by 1821.²⁶ The fines paid were distributed amongst the other burgesses, a process described in the diary of John Tompkins, a mayor of Arundel. One of several examples mentioned in this diary referred to his son, John Tompkins junior, whose 30 guinea fine was 'divided in 12 equal portions share & share like between the Mayor & Corporation which was accordingly divided'.²⁷ In the 18th century the ancient precedent to collect fines was revived to restrict the selection of burgesses and for the personal gain of the existing burgesses.

The election of burgesses was also restricted by a residential qualification. This arose in 1580 when the corporation agreed that a Nicholas Bedowe, who had been absent in Denmark for 6 years, should remain a burgess but resolved that hereafter any burgess dwelling out of the borough should be dismissed.²⁸ This residential qualification was drawn very strictly, as in 1591 William Lusher was dismissed for living in the adjoining parish of Tortington 'being without the remit and precinct of the said borough contrary to the honourable custom and usage of

the said borough'.²⁹ Even ex-mayors and prominent burgesses were required to accept this qualification. For example John Albery, a wealthy merchant and one of the most important figures in the corporation during the commonwealth period resigned twice to be re-admitted in 1642 and again in 1654 on his return to Arundel. This particular custom had a very significant effect because it prevented interference by the county gentry in the affairs of the town.

The agreement of Gawdy and Clarke

The borough charter was still vague in its wording and in particular made no reference to the method of electing mayors. In 1587, the year after the charter, there was a dispute over the selection of the mayor in which the two nominees, Francis Garton and William Lusher, deviated from customary practice. Francis Garton claimed to be mayor by being elected by the mayor and the majority of burgesses. The method by which William Lusher claimed election is not known but it is likely to have involved some element of popular participation. Both claimed victory and an appeal was referred to a tribunal of judges comprising Sir Thomas Gawdy, Justice of the Court of Common Pleas and Robert Clarke, Baron of the Court of Exchequer. The two judges issued an agreement which laid down the method of electing mayors.³⁰

Mayors were to be elected on the law day of the borough of Arundel which was kept on the Tuesday after Michaelmas (29 September). The current mayor returned a jury consisting of the burgesses and other principal inhabitants to make up 24. The jury selected two burgesses as nominees for mayor. The commons, who were not members of the jury, voted one of the nominees as mayor. The method of election did have a popular element but there can be no doubt that the real power lay with the existing body of the corporation who selected the jury. It should also be remembered that the burgesses themselves elected new burgesses thus creating a

self-perpetuating oligarchy. This pseudo-democratic element was often found in the election of mayors and was one of the means by which close corporations sought to mobilize the approval of the populace for government by an elite.³¹

The tendency towards oligarchy in Arundel mirrored developments in other towns in both country and county during the Elizabethan period. The combination of a larger chamber which had no power with a small closed council consisting of members sitting for life and able to co-opt one another was typical of the form of town government developing during the 16th century. In Lewes the town was held by a select group of wealthy tradesmen known as 'the Twelve', in Rye a common council of 24 was created in 1575, in Hastings the election of mayor was taken out of public view into the more discreet Court Hall whilst Chichester was in the control of a merchant oligarchy.³² Arundel therefore fits into a pattern of oligarchy prevalent in other Sussex towns.

THE PRESBYTERIAN OLIGARCHY 1635-1659

Political and religious sympathies of the town leaders

During the civil war and commonwealth periods the borough was controlled by a puritan and pro-parliament faction. This grouping, consisting largely of gentlemen mercers, emerged as dominant after key changes in personnel from about 1635. John Albery and James Huggett were appointed in 1635 and James Morris and Nathaniel Older senior in 1637. These burgesses were the most prominent during the civil war period, John Albery even survived to be ejected from the corporation after the restoration. The faction was re-enforced by the election of John Pellett, a known puritan, in 1642 and Thomas Ballard in 1645. There was a further influx of presbyterians in 1650 with the election of Thomas Colbrooke, George Hide, Thomas Sowton, George Taylor and Thomas

Thornecombe.

There is much evidence of the presbyterian and pro-commonwealth sympathies of the corporation in this period. In 1641 the borough elected John Downes, a parliamentarian and future regicide to parliament. The ease with which Sir William Waller took the town and castle with a mere 100 troops whilst marching on Chichester suggests both collusion of the burgesses and general sympathy for parliament's cause in the town.³³ However, the corporation minute book makes no references whatsoever to these events or the occupation of the town by royalist forces and the subsequent siege of Arundel by the parliamentarians in December 1643 and January 1644.³⁴

In religion this elite was characterised by its persecution of Quakers. Besse's *Book of Sufferings*, quoted in Eustace, refers to several examples of persecution of Quakers in 1655. One man, Joseph Fuce, was seized in the house of Nicholas Rickman at Arundel and brought before the Presbyterian mayor, Thomas Ballard. He was judged to be a vagabond and was deported to Jamaica. In another instance at a meeting in the house of Nicholas Rickman 'there came one John Beaton, a Presbyterian Priest and assisted by one John Pellett, and pulled away the said Thomas Lawcock, and broke up the meeting, having Thomas Lawcock before one Thomas Ballard, Mayor, who was also a Presbyterian, who immediately committed him again to Horsham prison'.³⁵ Nicholas Rickman himself was committed to Horsham gaol by the mayor, Thomas Sowton, for writing a paper whilst Frances, the wife of Rickman was taken from their children and servants for speaking to two priests. This incident was subject to a petition to the Council of State in 1657 and an examination into whether the Quakers had been committed to gaol lawfully.³⁶ The Presbyterian elite was also zealous in its support of sabbatarianism. Robert Mossell, Josias Hooscroft, John Hodgers and others were all apprehended by the mayor whilst returning home on Sunday from a place of worship,

indicted as profaners, and committed to gaol. This incident was also subject to a petition to the Council of State in 1658 in which George Taylor was summoned to the Council to give an account of the matters complained of.³⁷

The town had strong links with the commonwealth government. It was a garrison town until 1653 and several of the ruling elite held offices appointed by the government. For example, John Albery was treasurer for sequestrations in Arundel.³⁸ In 1655 Thomas Ballard and George Taylor were appointed to the Commissioners for Assessments in Sussex.³⁹ The overt support of the borough for the commonwealth brought financial and commercial rewards for some of its members. In 1652 a contract was awarded to George Taylor to buy 1,000 quarters of wheat in Sussex for the army in Ireland.⁴⁰ The most striking example of the government's confidence in the loyalty of the town rulers occurred in the summer of 1659 in the context of the impending threat of royalist insurrections. At this time, on the 30 July 1659, the Council of State ordered Thomas Sowton to raise a company in Arundel which was later disbanded by an order of the 5 September.⁴¹ The town rulers were therefore strong sympathisers with the commonwealth and were in turn rewarded by public office, contracts and the confidence of the government in a period of genuine crisis.

The most striking and colourful illustration of the burgesses' political sympathies can be provided by an account of a dispute between John Pellett and Henry Woodcock at the Bull Inn in Lewes on 10 January 1656.⁴² The dispute arose during an argument on the sequestration of royalists condemned by Henry Woodcock. John Pellett claimed that 'it was a mercy in the Protector and Council in regard the Cavaliers had forfeited both life and goods'. He gloated over the defeat of the royalist party saying that 'the Lord trampled them all as mire in the street under the feet of the present power'. Later in the argument John Pellett went further saying 'in case he were of council with the present

Governors such implacable cavaliers and enemies to the state as would not be at peace in the Nation he would have them sent to Jamaica telling the said Woodcock that it was a great mercy in the Protector and Council to let such irreconcilable enemies have a being'. The argument led to an assault by Henry Woodcock on John Pellett in which the burgess had a glass of beer thrown in his face and his hair pulled. The incident illustrates the depth of support expressed for the commonwealth by one of the borough's most important civic leaders.

This presbyterian elite introduced important changes in the style and content of town government. On the one hand it refined oligarchical government in several ways: by introducing a series of articles for the better government of the town; by changes in the handling of the property of the corporation, the burgesses brooks; and lastly by developing town ritual. Padoxically, it also introduced innovations in the election of burgesses that included participation by the commons.

Articles for the better government of the town

The mayor and burgesses had already passed individual rules piece-meal but in 1637 they issued their first orders for regulating the corporation. These comprised three articles that ordered the burgesses to 'observe to keep the secrets of the Brethren', 'to perform all promises and payments', and to 'yield all due reverence and respect unto the mayor and the senior burgesses.' A further two orders referred to the corporation's property, the burgesses brooks.⁴³ Although these were very limited, and did not even amount to a summary of previous orders enacted, it was the first time that the corporation had attempted to set out the rules under which it regulated itself.

Additional and more detailed regulations were issued in 1650. Under these ten orders each new burgess was required to: give due reverence and respect to the mayor; serve in the posts required of him; pay all taxes and assessments; place only his own cattle in the brooks; not to sue

or arrest any other of the company except for debt; submit to all orders and byelaws in the corporation minute book; make a dinner for the mayor and burgesses and put ten loads of stone on the brooks; pay 12*d* a year to each sergeant; give a bond of £20 to the mayor that he will not leave the company without consent; supply himself with a gown.⁴⁴ These new regulations summarised orders that had been made in the past and laid down clear obligations for new burgesses. Some of the orders were perhaps a response to a problem referred to in an order in 1648 which made it clear that some burgesses were joining the corporation, taking the profits from the brooks, and either leaving or refusing to take on the charges of mayoralty.⁴⁵

Articles for the better regulation of the company were also made in 1657. These articles related directly to impending challenges to the corporation and are best discussed in detail in the context of this conflict.⁴⁶

These articles did have a significant effect on the development of oligarchy. They were designed to bind the company together, clarify the obligations of burgesses to their fellow brethren, and enable the corporation to keep a stricter control over its members once appointed. Their very language is couched in the terms of a secret society; the corporation is 'the company', burgesses are 'the brethren'.

Corporate property: the burgesses brooks

The development of oligarchic government was also expressed through the advantageous manipulation of corporate property by the urban elite. The mayor and burgesses of Arundel had the exclusive use of valuable brook lands known as the burgesses brooks. These brooks consisted of about 100 acres of meadow land between the castle and the river.

It is unclear how the burgesses acquired the exclusive right to these lands or how they were able to claim the brooks as their own property. In the 12th century William de Albini, the 4th Earl of Arundel, gave the right of pasturage in the brooks to the Priory of Calceto in common with

the burgesses. The burgesses only had a right of pasturage, not the freehold of the land itself, as the grant to the Priory came from the Earl and not the burgesses. When the Priory was dissolved in 1525 the burgesses received its right of pasturage in the brooks along with the care of Arundel bridge. Eustace claims that at this time the brooks became seen as the perquisite of the corporation and he links this with the change in the meaning of the name burgess from any tradesman resident in the borough to the close corporation of burgesses.⁴⁷

It is clear that by 1539 the burgesses were treating the brooks as their own. The oath taken at the making of a new burgess at the front of the minute book stated that burgesses could put cattle in the brooks only as assigned by the mayor, that burgesses could put in only their own cattle and that the brooks were for the exclusive use of the mayor and burgesses.⁴⁸ Further orders in 1544 and 1546 re-affirmed the burgesses claim to sole use of the brooks. In 1549 the mayor was given the 'going of a gelding and a part of hay above the custom that other mayors have had in custom here before toward their charges',⁴⁹ which seems to be the origins of the mayor being allowed greater privileges in the brook. It is clear from these early references that the burgesses were already using the brooks as a reward for office and asserting an exclusive claim to them.

By the 1640s and 1650s a set form for regulating the brooks had emerged which lasted until the middle of the 18th century. In 1636 an order confined pasturage of the brooks to the mayor and burgesses and this was confirmed by the articles of 1637 which stated that 'you shall put into the brooks so many cattle as your other brethren do and you shall pay all the dues that your other Brethren doth pay. You shall put into the said brooks no other Cattle but your own and that leases that you please not to lay you shall let at reasonable rates and profits to some of the rest of your brethren.'⁵⁰ There was a 40s fine for contravening this order. In 1645 the burgesses were permitted to let leases to a commoner if

other burgesses did not wish to take them and in the articles of 1650 the consent of the majority of the burgesses was necessary for any but their own to be put in the brooks.⁵¹ The value of the leases was fixed in 1647 at 13s 4d for a piece in the brooks, 16s in the slipe for a horse lease or 8s for a bullock lease.⁵²

The duties of the brookwarden were also regularised at this time. He kept up the fences and ditches, ensured that no more cattle were in the brooks than there ought to be and impounded cattle above that number. Cattle were taken out of the brooks in about November and returned in May. The brookwarden could choose one poor man to be a cow herd to help him with his duties. The brookwarden and cow herd were rewarded with a single lease in the brooks, the cow herd was also paid 2d for every single lease and 4d for every horse whilst the brookwarden was also treated to a dinner by the other burgesses.

The brooks were used as a reward for the mayor. He was allowed to put in double the number of cattle in the brooks as each of the burgesses. From 1635 he was also allowed £30 and subsequently £40 from the rent and profits of the brooks to pay for the charges of being mayor.⁵³ In 1647 part of the slipes, later known as the Mayor's Slipe, was given over to the exclusive use of the mayor, to be let to the company with rent to be paid half yearly to him to pay for the expenses of the borough court and the charges of mayoralty.⁵⁴

Thus, by the commonwealth period the right of the corporation to the brooks had been truly established and a set of rules existed which remained more or less the same until 1758 when the brooks were leased for a period of 21 years at a fixed rent to persons who were not burgesses.⁵⁵ In 1780 the brooks were divided into plots and allocated to the burgesses at an annual rent, the burgesses being able to hold them as their own for as long as they remained a member of the corporation.⁵⁶

Town Ritual and Feasts

The increased sophistication of town ritual in this period reflected the development of the oligarchical corporation.⁵⁷ There were several elements to town ritual. The town seal and maces were two important symbols of the corporation's authority. The town's seal depicted a swallow standing on a spiral branch with the legend *Sigillum Burgensium Burgi de Arundel*. The earliest documentary reference is in 1568 to the seal of the mayor being made available to burgesses on reasonable request without paying a fine.⁵⁸ However, the origins of the seal were probably much older.

The corporation also had three maces, two possibly dating from the 15th century.⁵⁹ One of these maces was engraved with the name Thomas Bennett, probably because the mace was repaired during his mayoralty.⁶⁰ The second mace had the initials of Nathaniel Older, mayor in 1646, whilst the third, and largest, mace was presented by Lord Angier Viscount Longford, one of Arundel's Members of Parliament in 1677.⁶¹

The burgesses were also required to wear gowns. The first reference to this appeared in 1647 when an order was made for the burgesses to 'make and provide each of them a new gown of black cloth according to the fashion worn by the Aldermen of Chichester and decently laced with black velvet'.⁶² The 1650 articles for the regulation of the corporation reinforced this order. Each new burgess was required to 'prepare a comely gown comfortable to the rest of your bretheren for manner colour and form and have it ready to wear within three months after your choice and in the same to accompany the mayor at all times and places according as the rest of your bretheren do'.⁶³

When was this civic regalia used and what was the significance of it? The regalia was used in certain civic events. Obviously, on law day, when the new mayor was selected, all the burgesses turned out in their full regalia. It was at this time that the maces assumed their important role as symbols of civic power. The articles of Gawdy and Clarke laid down that the old mayor was to

deliver the maces to the new mayor as a token of the transfer of authority. In a dispute over the mayoralty between John Pellett and Richard Hall in the 1670s, about which more will be said later, the protest at the validity of the election took the form of a refusal to surrender the corporate seal and mace. The mace was thus used, both within the corporation and to the populace at large, as a tangible symbol of civic authority.

The mayor and burgesses appeared in their full civic regalia on other occasions. They had to accompany the mayor to church each Sunday and to wait on the mayor in their gowns from the mayor's house to the court house at the three-weekly borough court. On these occasions the mayor and burgesses would have gone in procession in their gowns and on horseback attended by the serjeants at mace and the town maces.

Feastings also had an important role within the corporation, binding the company closer together and distinguishing their social position as a ruling elite. Before 1619 the corporation treated the whole town to a feast at the 'going out' of the old mayor and the 'going forth' of the new mayor. It seems that these occasions encouraged rioting and drunkenness amongst the townspeople. In 1619 the feasting of the town at the mayor's 'going out' were stopped because of the 'great trouble and unnecessary charges' to the mayor.⁶⁴ In 1649 this order was repeated and the mayor's 'going forth' feast was also omitted.⁶⁵ The 1657 articles for the better government of the corporation included an order that the mayor should not at any time 'make a great feast for all the people in the town at one time at the time of the mayor's going out of his office as in former times some mayors have done or shall do at any time within his mayoralty the company all join their purses to defend any suit that shall be brought for the neglect of the said feast'.⁶⁶

The provision of town feasts was a source of conflict within the corporation. The decision to stop the town feasts seems to have been linked to

disputes amongst the burgesses. At the same meeting on 2 October 1619 when the feasts were abolished an order was issued which referred 'to some controversies among them the said mayor and burgesses (which) have grown such a height as it hath not only disturbed the common peace and firm accord which ought to be among brethren of their rank but also hath been some hindrance to the good government of the aforesaid borough'. Any burgess causing further offence was to be censured and fined 10s for each offence and have his cattle impounded if he refused to pay.⁶⁷ This was not a trivial issue. The 1657 articles made it clear that failure to provide the feast posed a threat of legal action as the corporation resolved to 'all join their purses to defend any suite that shall be brought for neglect of the said feast'.⁶⁸ Provision of the feast was obviously viewed as an ancient right for the town which had been rescinded by the corporation and was subject to legal challenge.

The feasts had a chequered history, being continually revived and abolished. By 1701 the feast must have again been revived despite the above orders. They were stopped again in an order which made the following observations; 'whereas diverse mayors of the said Burrough have sometimes since made a feast for the whole town at their going out which hath occasioned divers tumults and riots within the said town'.⁶⁹

At the same time as the town feasts were stopped in 1619 the burgesses replaced them with a dinner, to be given by the mayor, at the three weekly borough court for the burgesses, steward and officers of the court. In 1649 the mayor was also required to provide a dinner for the steward and jury on the law day.⁷⁰ The nature of the oligarchic government of the corporation was expressed through this replacement of a popular and recreational civic ritual by an elite one.⁷¹ There were other town feasts. Under the articles of 1650 all new burgesses were required to provide a dinner for the mayor, the rest of the burgesses and their wives within one month of their selection.⁷² The corporation minute book in the 18th century describes these feasts given by

new burgesses as 'a handsome entertainment of eatables and drinkables'. The burgesses were also required to provide a dinner for the brookwarden.⁷³

The function of these dinners was to bind the corporation together as a ruling and social elite. Although written a century or more after this period the nature of the feasts and their importance as a symbol of social stratification comes across in the Tompkins diary which describes several feasts and dinners, even providing menus for the food eaten.⁷⁴ By this date the social accoutrements of membership of the corporation were pre-eminent.

Town administration

Control of the corporation was closely linked with authority in the sphere of town and parochial administration. An almost complete list of parish officers has survived in the Arundel parish vestry minute book from 1646 to 1677 with just one small gap between 1663 and 1666.⁷⁵ An examination of this list shows a definite pattern in the relationship of the corporation to parish administration and also offers an insight into one of the ways in which commoners might have been elevated into burgesses.

The corporation may have taken advantage of the ejection of the vicar of Arundel, Thomas Heyney, in 1643 to take over the appointment of parish officers.⁷⁶ It was certainly the burgesses who controlled who was selected. For example, in 1647 the order appointing parish officers was signed by four burgesses and three commoners and in 1648 by five burgesses and four commoners.⁷⁷ It is significant that in 1677 the year the presbyterian faction of the corporation was finally defeated the parish officers were described as being appointed by the minister and inhabitants and the order was signed by the minister.⁷⁸

There were two churchwardens, overseers and surveyors appointed each year and occasionally four overseers. It was quite clear that at least one churchwarden, overseer and surveyor had to be a burgess and the other was

usually a commoner although surveyors from 1670 were often both commoners. Indeed, in 1673 there is a note in the vestry minute book to the effect that the election of two commoners that year as overseer was not to be taken as a precedent.⁷⁹ For example, 1656 might be taken as a typical year. In this year George Penfold, a burgess and Henry Owden, a commoner were churchwardens; John Albery, a burgess and Thomas Pankhurst, a commoner were overseers and Thomas Thorncombe, a burgess and John Ollive, a commoner were surveyors. Interestingly, both Thomas Pankhurst and John Ollive were made burgesses three years later in 1659.

There is a clear suggestion that holding parish office was a means by which persons entered into the corporation. Most burgesses, even ones who rose to prominence or became mayor, usually preceded their election by holding some form of parish office. Many examples can be cited. Thomas Colbrook was a surveyor in 1649 the year before he became a burgess, Nathaniel Older junior was a churchwarden in 1657 and surveyor in 1658 before election as a burgess in 1659, and John Ollive was churchwarden in 1652, overseer in 1654 and surveyor in 1656 until elevated to burgess in 1659. Consequently, although burgesses and commoners shared parish offices most officers, especially churchwardens and overseers, were or became burgesses at some stage in their lives.

The administrative tasks facing the members of the corporation both in their capacity as burgesses and parish officers seem to have been fairly limited. They did try to respond to the problems of urban poverty and migration in the late 16th and early 17th centuries. There were several early attempts at controlling new residents by the issuing of licences. In 1562 and 1563 Ralphe Wrenne, Mr Mutton, Richard Goffe, Mr Reed and Edward Legate were all granted licences to dwell, and in the case of Edward Legate, to open a shop, in Arundel. Ralphe Wrenne's licence was only granted

following the production of a testimonial from his previous residence. In 1593 Thomas Thorne, shoemaker, purchased a licence to open a shop and dwell in the town.⁸⁰ The corporation also issued bonds to new residents as a guarantee against them becoming a charge on the parish.⁸¹ The newcomers and their sureties were usually bound for the sum of £10 or £20 which was forfeited if they had to receive parish relief. Thirty of these bonds have survived between 1601 and 1629 and another one each for 1649 and 1650. In the 1650s the corporation certainly administered cottages for the poor as in 1655, 1656 and 1657 it paid rent to the Earl of Arundel for the 'poor cottages'. It seems that by 1677 these were no longer used for relief of the poor as they were described simply as cottages.⁸² The borough also owned a workhouse, which was leased to James Morris for 31 years in 1651.⁸³ There is no evidence as to how these two institutions were run.

The second important administrative task facing the corporation was maintenance of the bridge. It should be remembered that the care of the bridge had been transferred to the borough in 1525 when the Priory of Calceto was dissolved and that the right of pasturage in the brooks had been granted for this purpose. The corporation tried on two occasions when the bridge needed rebuilding to seek the approval of Quarter Sessions to raise a rate for the maintenance of the bridge but were refused.⁸⁴ The first of these was in 1593 when the bridge was rebuilt at a cost of £55 1s 1d from income derived from two bequests from Edmund Shephard, who left a storehouse to the corporation, and Thomas Taylor, who bequeathed an annuity of 40s per annum for the repair of the bridge out of a tenement called the Crown House plus an appeal for voluntary aid in the rapes of Chichester, Arundel and Bramber which raised £48 5s 1½d.⁸⁵ When the bridge collapsed in 1641, following the refusal of the Quarter Sessions to permit a rate, the corporation once again resorted to subscriptions from Arundel residents which raised £127 14s 4d and voluntary donations from adjacent

parishes.⁸⁶ It seems that a considerable sum must also have come out of the corporation's own funds as there is an undated reference to 'no money accounted for since 1642 because of the new building of the bridge'.⁸⁷ It seems that the new bridge was completed in 1646, the work no doubt impeded by the civil war and siege of Arundel.

Undoubtedly the most serious task encountered by the corporation in this period was in seeking to alleviate some of the devastating economic effects of the civil war on the town. The manuscript autobiography of Mary Springett (later Pennington), whose husband Sir William Springett was garrisoned in the town, described the condition of Arundel after the siege. 'When we came to Arundel every thing wore a dismal appearance, the town being depopulated, all the windows broke, with the great guns and the soldiers making stables of all the shops and lower rooms and there being no other light in the town but what came from these stables.'⁸⁸ In 1646 Nathaniel Older, the mayor, petitioned parliament for compensation for damage sustained by individuals as a result of the siege. This petition paints a bleak picture of Arundel after the civil war.

That which your eyes have heretofore seen, and your ears hear, the sad and distressed estate of us the poor, plundered, robbed and spoiled inhabitants of the said borough, who were driven by the king's forces from house and habitation, to secure our lives, and in our absence, robbed and spoiled of all outward comforts to maintain a livelihood; some of our houses beng burnt, and others made stables of, and some pulled down, and all our goods imbezled, and taken away, to our great impoverishing, in so much that, unto this day, diverse owe great sums of money, and are not able to pay them, and others brought very low, which hath enforced us to take hold of the unparalleled love and care of the honorable houses of parliament, in providing an ordinance for our repair.

The borough claimed compensation totalling £3,773 7s 6d to be distributed amongst 38 claimants. The town's burgesses feature prominently in the list, the largest sums, £950, £600 and £486 being claimed by James Huggett, John Albery and James Morris respectively.⁸⁹ The burgesses, being supporters of parliament, undoubtedly suffered at the hands of the royalists during their occupation of the town.

The corporation's other immediate response to the economic problems caused by the civil war was an attempt to revive trade through improvements to the quay. A set of quay dues payable for unloading on the quay was issued in 1643 to raise money for its maintenance.⁹⁰ A further order was issued in 1647 for the removal of gravel and sand lying near the quay to facilitate the landing of boats and unloading of goods.⁹¹

Although the evidence is limited, the corporation did make positive efforts to intervene in the economic life of the town, and its revival after the civil war is indicative of that. It took measures to alleviate the problems of urban poverty and migration whilst in its administration of the bridge and quay, both fundamental to the town's wealth and communciations, it made a positive contribution to the local trade and economy. Admittedly the burgesses, as merchants and traders themselves, were amongst the main beneficiaries of these measures. The period of genuine stagnation in the town's administration was in the 18th century until Arundel Borough Commissioners were created by Act of Parliament in 1785.⁹²

THE CORPORATION DIVIDED 1659–1677 *1659 dispute*

Although the civil war as such is largely ignored by the corporation's records the underlying tensions caused by divisions in the town were evident. There were many veiled references in the corporation minute book to the threat of legal action throughout the Interregnum. In April 1643 each burges had to

give 40s to the brookwarden to defend any action against him if an order that burgesses could only lease to other burgesses was challenged. In October 1643 any person who refused office or broke the orders of the corporation was to be denied the rights and profits of the corporation and refused access to the brooks.⁹³ In 1645 each burgess was required to deposit 50s in the town chest to form a stock of £20 for paying charges for 'precurring the renewing of the said charter' and the mayor and burgesses were to be allowed all reasonable charges and disbursements for this purpose. If £20 was not sufficient then more money could be raised from the burgesses. However, there is no evidence of any legal action being taken against the corporation at this time.⁹⁴

Articles for the better regulation of the corporation were issued in 1657. These should be seen in the context of the impending challenge to the authority of the corporation. They were a call for internal discipline. The series of six orders imposed the following restrictions: 'provoking or reviling' language was outlawed at meetings; no secret or matter discussed at meetings was to be revealed to anybody outside the company; no confederation was permitted with antagonists of the corporation; burgesses were to conform to all orders in the minute book; feasts for people in the town were disallowed and burgesses were required to defend any suit brought for neglect of the feast. A fine of 20s was to be imposed on any burgess breaking these articles.⁹⁵

In 1659 this underlying tension broke out into the open. It was only at this time that the issues surrounding the struggle for the control of the borough and the full significance of the innovations introduced by the corporation in the civil war and commonwealth period became clear. Eustace portrayed this dispute as one between the populace and the corporation.⁹⁶ No records of the dispute itself survive but there are accounts of it in a later controversy of the early 1670s which casts doubt on Eustace's interpretation of the controversy.

What was happening between the 1650s and

1677 was a power struggle for control of the corporation between two distinct religious and political factions. The controlling Presbyterian faction tried to change the ancient customs and introduce some measure of popular control over the election of burgesses and they were being challenged, not by the inhabitants at large but by a section of the inhabitants, cavalier in sympathy, who were trying to restore the traditional custom for electing burgesses. The timing of the dispute was significant. On 9 July 1659 the Council of State ordered 2,000 troops to be sent to Arundel and Chichester and it has already been noted above that Thomas Sowton was ordered to raise a company in Arundel.⁹⁷ This suggests that following the death of Cromwell the pro-royalist faction felt sufficiently confident to finally make a determined challenge to the presbyterian dominated corporation.

The evidence for this interpretation comes from a series of depositions taken in 1674 during a later legal dispute. Thomas Colbrooke, a burgess for 11 or 12 years from 1650, testified that along with George Taylor, Thomas Sowton and Thomas Thornecomb he was nominated by the mayor and burgesses to be a burgess and that at the next Court Leet they were recommended to the jury to be approved and presented to the commons, who duly elected them.⁹⁸ This was a radical departure from tradition. It was the first time in the history of the corporation that there had been any reference to burgesses being elected by the commons. The ancient custom of the mayor and burgesses electing new burgesses had been overturned and an element of popular participation introduced. In 1657 four other burgesses John Albery, William Pellett, John Yalden and George Penfold were elected by the same process. This is confirmed by the deposition of William Pellett who described the process of election. He and three others were summoned to the mayor's house, and were asked if they wanted to be burgesses, which they agreed to. A memorandum was then entered into the corporation minute book and then at the next Court Leet the mayor declared them to be fit

persons to be burgesses. His account continues 'the mayor did then declare to the inhabitants of the said Court Leet that they thought fit those persons to be made burgesses and if any were there that had any thing to except against any of them they might speak but there being no exceptions they were all generally approved of by the inhabitants there present'. The process of election had been changed to nomination and approval by the mayor and jury and final election by the commons.⁹⁹

The controversy was referred to Henry Howard, the brother of the Earl of Arundel, and an agreement was entered into between the mayor and burgesses and 13 of the principal commons. This arbitration, which unfortunately has not survived, confirmed the new method of selecting burgesses. It was thus a victory, albeit short lived, for the mayor and burgesses who had introduced the innovation. This evidence makes it clear that Eustace was mistaken in describing the dispute as simply between the mayor and burgesses and the inhabitants. The 13 principal commons were, as subsequent events were to show, not asking for popular participation, but a restoration of the ancient custom.

The real nature of this appeal to the commons remains elusive. In fact, it presents something of a paradox given the nature of the corporation. As has been seen above, the ruling elite behaved in an unashamedly oligarchic manner in every other respect. Yet in 1659 and again in 1671 this faction made successful appeal for popular support that were only reversed by the intervention of central government. Unfortunately, no evidence survives that might illuminate the social composition of the commons who were invoked in the election of burgesses or in the 1659 dispute. Was there a residue of strong anti-royalist feeling in Arundel even after the collapse of the Protectorate governments?

Hall v Pellett

The innovations in the constitution of the corporation were soon overtaken by national

events. In 1660 the monarchy was restored and along with it the established Anglican church. In 1661 the Corporation Act was passed. This required holders of municipal office to take oaths of allegiance and supremacy and the oath of non-resistance to the king, to repudiate the Solemn League and Covenant and to qualify for office by taking the Sacrament. The Corporation Act was followed in 1662 by the Act of Uniformity which intensified the differences between anglican and nonconformist. As a result of these two measures nonconformists were effectively excluded from holding office in municipal corporations.

In Arundel this had significant results, as burgesses refused to take the Corporation Act oath and were immediately dismissed. The Presbyterian oligarchy of John Albery, Thomas Sowton, Thomas Colbrooke, Nethaniel Older, John Ollive, Thomas Ballard, George Hide, George Taylor, Thomas Thornecombe, Thomas Pankhurst and William Pellett were all ejected. An entirely new corporation was appointed by the commissioners dispatched to administer the oath, none of whom had ever served on the corporation before. This consisted of Anthony Westwood, William Hester, Anthony Greene, Thomas Fewer, John Winston, Robert Ottringham, Richard Hall, George Haris also Edwards and Maurice Marsh.¹⁰⁰

Initially this did not seem to affect the changes made in the commonwealth period. Indeed several burgesses excluded in 1661 returned to the corporation. In 1668 George Taylor, Nethaniel Older and Thomas Pankhurst all of whom had refused to take the Corporation Act oath, were elected as burgesses, along with Thomas Peckham. Significantly, according to the testimony of John Howes in 1674, all of these burgesses were elected by the commons.¹⁰¹ The arbitration of Henry Howard was not, as Eustace said, immediately ignored by the corporation. There followed a dramatic sequence of events which can be reconstructed from the subsequent depositions.

On 25 September 1671, in the days leading

up to law day when the new mayor was to be elected, Richard Hall, the mayor, summoned several inhabitants to his house and offered to make them burgesses.¹⁰² Two of them, John Albery and Thomas Pankhurst were offered the place of burgess 'which they refused and said they would come in by some other way or words to that effect'. Two other inhabitants John Whittington and John Ockenden accepted the offer to be burgess and their elections were recorded in the corporation minute book. It seems likely, that Richard Hall intended to challenge the recent changes in the election of burgesses and break the agreement made in 1659 to which he had been a signatory.

On law day Richard Hall duly returned a jury and there followed disagreements among the jury about the manner of choosing the mayor. John Alberry and Thomas Colebrooke 'consulting together with diverse other parties then in the said jury how to destroy the Ancient customs of the said Borough' entered a presentment into the court that James Goble, Richard Voakes, Thomas Pankhurst, Thomas Drewett, Robert Lincoln and Joseph Russell be burgesses and John Pellett mayor.

William Hester, the foreman of the jury and the burgesses Anthony Green, Thomas Jewer, Thomas Withiers and John Wilson, all burgesses and members of the jury, refused to consent to this presentment because it altered the ancient custom for electing burgesses. William Hester and John Wilson 'because of a rude multitude animated and stirred up by the said John Albery and Thomas Colbrooke and other persons endeavouring to prejudice and destroy the Ancient customs of the said Borough were forced to absent themselves from the said court.' It seems that at this point most of the burgesses left the court. The jury then nominated and commons elected the new burgesses and John Pellett as mayor. According to the deposition of John Whittington 'the said John Pellett did openly at the same time say that the presentment should be thus and that for once he would set the cart before the horse . . . and there was some

uncivil language spoken by Thomas Colebrooke openly in the court saying do you think the town will be governed by a parcel of pimping Burgesses'.

The new burgesses then set about forcibly entering the brooks. One witness, John Plaw, gave an account of this. 'Richard Voakes . . . carried down certain keys to the burgess brook's gate and did there try to open the locks of the said gates with the said keys but could not so that the said Richard Voakes did bid Henry Fuller who was there present to break open the said gate with a sledge or axe which lock was hanged on by the old burgesses or their order . . . Thomas Withiers and Mr Greene who were two of the ancient burgesses had their cattles taken out the said burgesses brooks and drove to pound . . .'

In the case put forward by Richard Hall there was also the suggestion of bribery. The vicar of Arundel, the Rev. Robert Reader, testified that the new burgesses involved in the dispute had never received the sacrament. Nonetheless, the steward of the court leet had been persuaded to give the oath to the new burgesses. The case put by Richard Hall stated that 'at there last election they were not qualified by taking the sacrament according to a clause yet in force of the said Act for regulating corporations. And thereupon the steward partly by persuasion and something by corruption with money did again administer the oath of a Burgess'. John Howes, the steward of the court countered this claim by saying that he received a piece of gold from the mayor and burgesses for administering the oath of allegiance and supremacy but that this was only the usual fee.

The old mayor and burgesses, because they did not believe that John Pellett had been legally chosen, refused to deliver the corporate seals and maces to the new mayor. John Pellett did manage to get custody of the maces but the records and minute book of the corporation remained in the hands of the old burgesses.

This was a deliberate and organised attempt by the presbyterian faction, with the support of the commons, to overthrow the burgesses. Once

again, the lack of evidence prevents any real analysis of this support. There are no records that provide details of the composition of the jury or of the commons who constituted the 'rude multitude'. The Presbyterians were in a minority in the town yet must have constituted a powerful faction. In the Return of Conventicles in Sussex for 1669 the presbyterian congregation consisted of 40 persons and there were three presbyterian places of worship. The religious census of 1676 records that 346 persons over the age of 16 were conformist, 50 nonconformist and four papist.¹⁰³ Although in a minority the presbyterians formed a substantial proportion of the principal inhabitants of the town.

They were certainly amongst the wealthiest inhabitants. The 1664 hearth tax assessments for Arundel record 10 members of the presbyterian faction.¹⁰⁴ This has been defined as persons who were burgesses in the 1650s, burgesses who refused to take the corporation act oath and were ejected in 1661 and burgesses appointed or involved in the disputes of the 1670s. Of this group John Albery was assessed at nine hearths, three at six hearths, three at five hearths and one each at four, three and two hearths. Only one other person, William Hester was assessed at nine hearths. This indicates that the presbyterian faction belonged to a wealthy middle class. This evidence can be corroborated by that from inventories.¹⁰⁵ Six inventories of the presbyterian faction have survived and were valued at £75, £87, £239, £375, £400 and £561. George Taylor, one of the most important burgesses in the 1650s and the merchant who sent wheat to Ireland for the Council of State was the wealthiest of the group as shown by inventories. Although occupations have rarely been recorded in the minute book for this period, where they have been given, burgesses were invariably described as gentleman or mercer.

Although the presbyterian grouping was wealthy and powerful there is no evidence of any clear social divisions with the conformist faction. This grouping has been defined as burgesses accepting the corporation act oath in 1661 and

those supporting Richard Hall in the disputes of the 1670s. Nine members of this faction can be identified in the hearth tax assessments, one each assessed at nine, eight, six, three and two hearths. Unfortunately the hearth taxes are incomplete and the numbers of hearths for the other four persons are defective or illegible. The seven inventories of the conformist group were valued at £31, £82, £113, £123, £344, £352, £377. Richard Hall, the main protagonist on the conformist side in disputes, was assessed at eight hearths and left an inventory valued at £123.

In terms of wealth and social status there was practically nothing to choose between the two factions. This was not a social conflict between two different classes but a dispute within a wealthy middle class consisting of tradesmen and merchants. It was a conflict of religious and political differences which had their origins in the divisions of the Commonwealth period and were exacerbated by the exclusion of nonconformists from public life as a result of restoration legislation.

The nonconformist's control of the corporation was short lived. Thomas Panckhurst was made mayor in 1672 and Richard Voakes in 1673 and 1674. In the meantime the dispute had been taken to the courts. The old burgesses had leased the brooks to their attorney, Thomas Peckham on 17 June 1672 and in November 1672 the new mayor and burgesses brought a bill into Chancery to oblige Richard Hall to deliver the seal, records and brooks belonging to the corporation. The decision was in Richard Hall's favour and he was elected mayor again in 1675. This had still not settled the vexed question of who elected burgesses as the case dealt only with the narrow question of the surrender of corporate property. This was only settled in February 1677 when Richard Hall brought an action against John Pellet, in which the former affirmed that the mayor should be chosen out of the burgesses and that the burgesses should be chosen out of the inhabitants by the mayor and the majority of the burgesses. The decision was embodied in the 1677 exemplification or 'charter'

of Charles II, the town's second charter, and confirmed the ancient method of electing burgesses.¹⁰⁶ This 'charter' effectively settled the arguments of the last 30 years and determined the oligarchic nature of the corporation for the next 150 years.

Politically it was not a very surprising result, it was highly unlikely that a verdict would have been delivered in favour of the nonconformists. This was the period immediately before the series of quo warranto attacks on corporations in which municipal charters were actively interfered with to secure compliant corporations and parliaments. The mayor held the important position of returning officer for the election of burgesses for Arundel to Parliament. Through this method of interfering with municipal charters Charles succeeded in delivering the most compliant parliament of the 17th century to James II. The dispute at Arundel presented an earlier opportunity for involvement in town governments and given the political context, a victory for the conformists was inevitable.

CONCLUSION

It is clear that the history of Arundel Borough in the early modern period fits neatly into the pattern described by Clark and Slack. Arundel was nominally a manorial borough which was able to assert its independence from its manorial lords through a royal 'charter'. The grant of this charter radically redefined the relationship between lord and borough and for a considerable length of time the earls of Arundel had no significant influence over corporate affairs. It was not until 1735 that the dukes of Norfolk made a concerted attack on the privileges of the corporation by demanding that

vacancies amongst burgesses should be filled by his nominees. This attack was resisted and defeated by the corporation.¹⁰⁷

Through the first half of the 17th century the corporation exploited its independence from seignorial control and consolidated the oligarchic nature of town government through control of corporate property, development of town ritual and management of town administration. Many innovations in the town's government were introduced by the Presbyterian ruling elite of the civil war and Commonwealth period. The most significant of these was a change in the process of selecting burgesses which permitted the involvement of the commons. The Presbyterian town governors were all ejected in 1663 but they gradually returned to office and made a concerted attempt to take control of the corporation. This was defeated by another intervention by central government in the affairs of the town and a second 'charter'. This was undoubtedly the most interesting, and in some ways the most elusive, period in the town's history. The Presbyterian faction, on two occasions, made successful popular appeals but limitations on the evidence make it hard to define clearly its constituency.

The town's second charter had a significant and long term effect. The constitutional arguments having been settled the form of the town's government had been established until the creation of the Arundel Borough Commissioners in 1785 and the reform of the Borough under the Municipal Corporations Act of 1835. Through the course of the 18th century the borough stagnated, its membership restricted by large fines and a network of family and social relations.

Notes

- ¹ G. W. Eustace, *Arundel Borough and Castle* (1922), 191.
- ² S. and B. Webb, *English Government, The Manor and the Borough* (1908), 174-8.
- ³ Royal Commission on Municipal Corporations, *Appendix to the first report of the Commissioners, Part II: South Eastern and Southern Circuits* (1835), 665-76.
- ⁴ P. Clark and P. Slack (eds), *Crisis and Order in English Towns* (1972), see especially the introduction; P. Clark and P. Slack, *English Towns in Transition* (1976), see especially chapter 9 'The Political Order.'
- ⁵ G. O. Cowley, 'Sussex Market Towns 1550-1750', University of London, M.A. thesis (1965), 14, 70, 11, 132, 151, 153, 169, 182.
- ⁶ West Sussex Record Office (WSRO), Arundel Borough Archives (ABA) M8.
- ⁷ Rev. M. A. Tierney, *The History and Antiquities of the Castle and Town of Arundel* (1832), 689-92.
- ⁸ J. Dallaway and E. Cartwright, *The Parochial Topography of the Rape of Arundel, in the Western Division of the County of Sussex* (1832), 206; and Tierney, *History and Antiquities*, 691.
- ⁹ Eustace, *Arundel Borough*, 53.
- ¹⁰ Eustace, *Arundel Borough*, 121-30 includes his account of the grant of the charter and the articles of Gawdy and Clarke.
- ¹¹ WSRO ABA, II.
- ¹² Dallaway and Cartwright, *Parochial Topography*, 206.
- ¹³ WSRO ABA, F2/1 ff2-3.
- ¹⁴ WSRO ABA, M8.
- ¹⁵ WSRO ABA, A1 f53, folio references for Arundel Borough Archives A1 are to the original minute book in the custody of the Town Clerk, not the photocopy at the West Sussex Record Office (MP 1926). A concordance of the folio numbers in the original and photocopy is pasted into the front of WSRO MP 1926.
- ¹⁶ WSRO ABA, A1 f175.
- ¹⁷ WSRO ABA, F2/1 f6.
- ¹⁸ WSRO ABA, A1 f61v.
- ¹⁹ WSRO ABA, J1.
- ²⁰ Eustace, *Arundel Castle*, 127, 131-2.
- ²¹ P. Clark and P. Slack, *English Towns*, 126-8.
- ²² A. L. Beier, 'The Social Problems of an Elizabethan Country Town 1580-1590' in *Country Towns in Pre-Industrial England*, ed. P. Clark (1981), 50.
- ²³ WSRO ABA, A1 ff17v, 22v.
- ²⁴ WSRO ABA, A1 f23v.
- ²⁵ WSRO ABA, A1 ff16v, 18v.
- ²⁶ WSRO ABA, A1 ff123, 170, 174, 182, 196, 200, 204v, 223v.
- ²⁷ G. W. Eustace (ed), 'The Tompkins Diary' *Suss. Arch. Coll.* 71 (1930), 11-55.
- ²⁸ WSRO ABA, A1 f22.
- ²⁹ WSRO ABA, A1 f26.
- ³⁰ WSRO ABA, M1.
- ³¹ P. Borsay, 'All The Town's A Stage: Urban ritual and Ceremony 1660-1800' in *The Transformation of English Provincial Towns*, ed. P. Clarke (1984).
- ³² A. Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (1980) 234.
- ³³ Eustace, *Arundel Borough*, 150-1.
- ³⁴ It is not the place of this article to examine the civil war campaigns in Arundel. See Eustace, *Arundel Borough*, 149-64; Fletcher, *A County Community*, 267-9 and C. Thomas-Stanford, *Sussex in The Great Civil War* (1910), 82-100.
- ³⁵ Eustace, *Arundel Borough* 181; Rev. Cyril H. Valentine, *The Story of the Beginnings of Nonconformity in Arundel* (1922), 4-5.
- ³⁶ Calendar of State Papers (Domestic) (hereafter CSPD) 1656-7, 229-30.
- ³⁷ CSPD 1658-9, 167.
- ³⁸ CSPD 1655-6, 397.
- ³⁹ CSPD 1655-6, 68.
- ⁴⁰ CSPD 1651-2, 549.
- ⁴¹ CSPD 1659-60 52, 173.
- ⁴² Bodleian Library, Rawlinson Ms. A, 46 ff131-3; also cited in C. Brent 'The Neuteuring of the Fellowship and the Emergence of a Tory Party in Lewes 1663-1688' *Suss. Arch. Coll.* 121 (1983), 100-1.
- ⁴³ WSRO ABA, A1 f41.
- ⁴⁴ WSRO ABA, A1 f62, quoted in Eustace, *Arundel Borough*, 178-9.
- ⁴⁵ WSRO ABA, A1 f58v.
- ⁴⁶ WSRO ABA, A1 f71v-72.
- ⁴⁷ Eustace, *Arundel Borough*, 106-7.
- ⁴⁸ WSRO ABA, A1 ff8v-9.
- ⁴⁹ WSRO ABA, A1 ff256v, 257, 258v.
- ⁵⁰ WSRO ABA, A1 f41.
- ⁵¹ WSRO ABA, A1 ff51v, 62.
- ⁵² WSRO ABA, A1 f56.
- ⁵³ WSRO ABA, A1 f39v.
- ⁵⁴ WSRO ABA, A1 f57v.
- ⁵⁵ WSRO ABA, A1 ff194v-195v.
- ⁵⁶ WSRO ABA, A1 ff207v-209v.
- ⁵⁷ Borsay, in P. Clarke (ed), *The Transformation*.
- ⁵⁸ WSRO ABA, A1 f19.
- ⁵⁹ L. Jewitt and W. H. St John Hope, *The Corporation Plate and Insignia of Office of the Cities and Corporate Towns of England and Wales*, quoted in Eustace, *Arundel Borough*, 255.
- ⁶⁰ WSRO ABA F2/1 f4 refers to the 'makinge of the mases and for the kayces'.
- ⁶¹ WSRO ABA, A1 f96v.
- ⁶² WSRO ABA, A1 f57.
- ⁶³ WSRO ABA, A1 f62.
- ⁶⁴ WSRO ABA, A1 f35.
- ⁶⁵ WSRO ABA, A1 f60.
- ⁶⁶ WSRO ABA, A1 ff71v-72.
- ⁶⁷ WSRO ABA, A1 f34v.
- ⁶⁸ WSRO ABA, A1 ff71v-72.
- ⁶⁹ WSRO ABA, A1 ff124-124v.
- ⁷⁰ WSRO ABA, A1 ff35, 60.
- ⁷¹ P. Borsay, in P. Clarke (ed), *The Transformation*.
- ⁷² WSRO ABA, A1 f62.
- ⁷³ WSRO ABA, A1 f52.
- ⁷⁴ Eustace (ed), 'The Tompkins Diary' *Suss. Arch. Coll.* 71, 11-55.
- ⁷⁵ WSRO Par 8 12/2 lists parish officers on which the following analysis is based.
- ⁷⁶ Eustace, *Arundel Borough*, 169-70.
- ⁷⁷ WSRO Par 8 12/2 f4, f5.

- ⁷⁸ WSRO Par 8 12/2 f26.
⁷⁹ WSRO Par 8 12/2 f19.
⁸⁰ WSRO ABA, F2/1 f2v.
⁸¹ WSRO ABA, B1/1-35.
⁸² WSRO ABA, F4/1.
⁸³ WSRO ABA, P1/7.
⁸⁴ Eustace, *Arundel Borough*, 133, 145; WSRO QR/W40 f5; QR/W41 f5; B.C. Redwood (ed), 'Quarter Sessions Order Book 1642-1649' *Suss. Rec. Soc.* 54 (1954), 4, 83.
⁸⁵ Eustace, *Arundel Borough*, 133; WSRO ABA, F2/6.
⁸⁶ Eustace, *Arundel Borough*, 145-6; WSRO ABA, F2/14, 15.
⁸⁷ WSRO ABA, F2/1 f17v.
⁸⁸ WSRO Add. Ms. 31, 145.
⁸⁹ WSRO ABA, M9.
⁹⁰ WSRO ABA, M8.
⁹¹ WSRO ABA, A1 f80.
⁹² WSRO ABA, C1.
⁹³ WSRO ABA, A1 ff48v, 50v.
⁹⁴ WSRO ABA, A1 f54.
⁹⁵ WSRO ABA, A1 f71v-72.
⁹⁶ Eustace, *Arundel Borough*, 183-4 contains his account of this dispute. It is clear from this account that Eustace had not seen legal papers re Mayor v Hall, now WSRO ABA, L3.
⁹⁷ CSPD 1659-60, 15, 52, 173.
⁹⁸ WSRO ABA, L3, deposition of Thomas Colbrooke.
⁹⁹ WSRO ABA, L3, deposition of John Pellett.
¹⁰⁰ WSRO ABA, M11.
¹⁰¹ WSRO ABA, L3, deposition of John Howes.
¹⁰² WSRO ABA, L3, the account of the following events is based on depositions amongst these papers.
¹⁰³ Eustace, *Arundel Borough*, 186; A. Prescott *From Parsons to Rectors* (1988), 5-6.
¹⁰⁴ Public Record Office E176 191/416 Hearth tax 1664.
¹⁰⁵ WSRO Ep 1/29/8 Arundel inventories.
¹⁰⁶ WSRO ABA, 12.
¹⁰⁷ Eustace, *Arundel Borough*, 205-14 provides an account of the 18th century disputes over the town's constitution.