

## An Oxfordshire Deed of Balliol College

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THE deed printed below, dated 2 August 1321,<sup>1</sup> defines the conditions of a grant made to Balliol College a few days earlier, on 29 July 1321, by Master Richard 'de Hunsingore'.<sup>2</sup> The gift consisted of 12 acres of meadow adjoining the river Cherwell at Steeple Aston (Co. Oxon.), opposite Heyford,<sup>3</sup> a few miles north of Oxford. This property was held in chief of the king as part of the royal manor of Wootton at a yearly rent of 15d.<sup>4</sup>

Mr. Richard Hunsingore is first heard of on 28 December 1315 (when he was already M.A.). On that day he secured a licence to alienate in mortmain to Balliol a messuage which included Hart Hall.<sup>5</sup> This messuage lay between St. Alban Hall and Lamb Hall on the south side of St. John the Baptist Street, now Merton Street. Hunsingore tells us in the grant to Balliol (dated 8 April 1316) that he had it as a legacy from Mr. Walter Fotheringhay, canon of Lincoln.<sup>6</sup> Fotheringhay was the first Principal of Balliol (from after 1282 to before 1296) and one of the executors of the will of the foundress, Devorguilla.<sup>7</sup>

Hunsingore came from a Yorkshire family with Oxford connections. Thus we know that Thomas and William Hunsingore, who were themselves brothers and the sons of John Hunsingore, were Mr. Richard's *consanguinei*.<sup>8</sup> They in their turn must have been closely connected with William, son of Thomas, son of Jerome of Hunsingore, citizen and merchant of York. For William, son of John, was an executor of the will of William, son of Thomas.<sup>9</sup> Elsewhere there are references to William, son of John Hunsingore of Co. Oxon. and Co. York.<sup>10</sup> At least one of the Hunsingores seems to have maintained close links with the village in the West Riding of Yorkshire (11 miles west of York) from which they took their name. This is indicated by the gift of

<sup>1</sup> Balliol College Records, A.16, no. 14. This and all other documents quoted in this paragraph are preserved in the College Bursary.

<sup>2</sup> A.16, no. 13. For the royal licence to make the grant in mortmain see A.16, nos. 10 and 11 (summarized in *Cal. Pat. R.*, 1371-21, p. 407).

<sup>3</sup> A.16, no. 2.

<sup>4</sup> A.16, no. 10.

<sup>5</sup> *The Oxford Deeds of Balliol College*, ed. H. E. Salter (O.H.S., 1913), p. 170 and cf. *Cal. Pat. R.*, 1313-17, p. 373.

<sup>6</sup> Salter, *op. cit.*, 171.

<sup>7</sup> *Cal. Pat. R.*, 1281-92, p. 413; H. W. C. Davis, *Balliol College* (1899), 17.

<sup>8</sup> Merton Records, 284 and 289.

<sup>9</sup> *Ibid.*, 304.

<sup>10</sup> *Ibid.*, 270.

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William, son of John, to St. Mary's Hunsingore, of a 'pair of decretals'.<sup>11</sup>

Mr. Richard Hunsingore had a good deal of property in Oxford city and in Yorkshire. He was disposing of much of it in a series of transactions between 1316 and 1321.<sup>12</sup> The grant of Hart Hall presumably represented the execution of the wishes of Walter of Fotheringhay. But the gift of the meadows at Steeple Aston was a personal affair. As a result Balliol was to be provided with a chaplain who should celebrate mass in memory of Richard and his ancestors. Hunsingore had bought the meadows in partnership with another man in 1317 for £80. He spent further unspecified sums of money in order to secure releases of all claims to this land from a number of persons.<sup>13</sup> By a similar grant (for which he obtained licence to alienate in mortmain on 5 November 1317) he gave four messuages and a shop to Merton College to find a chaplain to celebrate masses there for his soul and for the souls of his ancestors. Later in the fourteenth century Merton inherited other property of his. The most important part of this was Neville's Inn in Shidyrd Street, which passed to Merton through the medium of William, son of John Hunsingore, and his executor, Richard of Melton, rector of St. Ebbe's.<sup>14</sup>

The intention to found a chapel at Balliol had been clearly indicated some time before Richard made his grant. In 1293 Balliol had secured the right to have a private oratory.<sup>15</sup> Some three years later Hugh of Vienne gave the chapel a legacy of 50 marks though it was long before this was paid.<sup>16</sup> In 1310, it seems, a chaplain was provided by the liberality of Hugh Warkenby and William Gotham.<sup>17</sup> It is probable that Hunsingore added to the stipend of this existing chaplain rather than that a second chaplain was introduced.

The deed itself is a very important one for the history of Balliol. It enables us to see at one single date the whole corporation of the College. For the names of all the Fellows occur in the last section of the deed. This is the only occasion in the Middle Ages, it seems, when it is possible to know the names of all the Fellows. We are told that on 2 August 1321 Mr. Thomas Waldeby was the Principal. This is known from other sources as well. There

<sup>11</sup> Merton Records, 292.

<sup>12</sup> For transactions dated 7 April, 30 April, 1 and 19 May, 17 July and 6 October, 1316, 9 April and 15 September, 1317, see *ibid.*, 212, 287, 288, 314, 308, 222, 226, 99, 313 and 312.

<sup>13</sup> Balliol Records A.16, nos. 4, 7-9, 12.

<sup>14</sup> Merton Records, 284, 292 and especially 311 (an agreement between Mr. Robert Trengge, Warden of Merton, and Richard Melton, rector of St. Ebbe's and executor of the will of William Hunsingore). A chaplain is to celebrate for the souls of Mr. Richard Hunsingore, Richard of Melton, Clement and Alice, his father and mother, his brothers and sisters and all his benefactors and of Thomas Hunsingore, William Hunsingore and William of Peblesbury. The deed is dated 16 May 1349. Merton received Neville's Inn and the rector of St. Ebbe's a pension of which 33s. 4d. was paid as the first instalment on 24 June, 1349 (*ibid.*, 302).

<sup>15</sup> H. B. Workman, *John Wyclif* (1926), i, 74.

<sup>16</sup> Salter, *Oxford Balliol Deeds*, 336-8.

<sup>17</sup> Davis, *op. cit.*, 26-7.

were further four Regent Masters, eight Bachelors and three Sophisters. The presence of the four Regent Masters is interesting. For it has been supposed that between the foundation of the College and the setting up of the Somerville Statutes in 1340 the emoluments of a Fellow ceased as soon as he became an M.A.<sup>18</sup> The presence of the four Regents indicates that so long as he continued to teach in the Faculty of Arts he could remain a Fellow. The point at which he had to lay down his Fellowship must have been the date of his inception in one of the higher Faculties. Certainly two of the named Regents followed this course. Thus Retford had left Balliol by 1325<sup>19</sup> as it seems, in order to study for another degree. Mr. Thomas Felthorpe is found as a Bachelor of Theology in 1333<sup>20</sup> when he had also left the College.

The careers of the Bachelors also bear out the contention that able and ambitious Balliol Masters had to seek advancement outside Balliol. Merton, Oriel and Durham Colleges were among those who benefited from the restrictions of the Balliol Statutes. For in those Colleges provision was made for men wishing to incept in a higher faculty than Arts. Of the 16 fellows of Balliol named in the deed no less than five are found as fellows of Merton between 1323 and 1326. Thus the most famous, Thomas Bradwardine, had become a fellow of Merton by 1323<sup>21</sup> and Robert Wakefield by 1324.<sup>22</sup> John Severley had reached Merton by 1325,<sup>23</sup> John Staveley and Adam Pipewell by 1326.<sup>24</sup>

The deed contains the first and only known reference to Thomas Bradwardine as a fellow of Balliol. That his name should appear in conjunction with that of Staveley is a matter of some interest. Elsewhere Sir Maurice Powicke has written, 'Staveley was in particular a student of St. Augustine. He had most of the important books in twelve or more volumes. I am inclined to claim Staveley as one of those Mertonians who assisted Thomas Bradwardine in the campaign for the furtherance of sound and persistent theological thought. Staveley left the only copy of Bradwardine's *Summa de Causa Dei contra Pelagios* which the College possessed when the theological catalogue was compiled (i.e. between 1350 and 1360); and in the pursuit of the fundamental problem of free-will with which the *Doctor Profundus* was peculiarly concerned the study of St. Augustine was inevitable.'<sup>25</sup>

A good deal is known of John Severley's career after 1321. He certainly

<sup>18</sup> Davis, *op. cit.*, 25.

<sup>19</sup> Salter, 285. He had become Bachelor of Theology by 28 August, 1335 (*Cal. Pap. Lett.*, II, 519). For his career as provost of Queen's see J. R. McGrath, *The Queen's College* (Oxford, 1921), I, 87-90.

<sup>20</sup> *Cal. Pap. Lett.*, II, 375.

<sup>21</sup> G. C. Brodrick, *Memorials of Merton College* (O.H.S., 1885), 188.

<sup>22</sup> *Ibid.*, 198.

<sup>23</sup> *Ibid.*, 196.

<sup>24</sup> *The Medieval Books of Merton College* (1931), 23.

<sup>25</sup> *Ibid.*, 213 and 195.

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went from Balliol to Merton to take up Civil and Canon Law.<sup>26</sup> He became Bachelor of both. His legal studies led to his employment as an ecclesiastical lawyer in the diocese of Canterbury later in the century.<sup>27</sup>

Another of the Balliol fellows named in the deed, William Leverton, went to Oriel. He was probably a foundation fellow in 1326. He was to become Provost of Oriel in 1332 and to remain so until his death in 1348.<sup>28</sup> Leverton became a doctor. He was granted permission to incept in medicine on 25 April 1334.<sup>29</sup>

From sources other than the deed three more ex-fellows of Balliol can be named who became theologians of note after leaving their old College. These were the great Richard Fitz-Ralph (who had left Balliol for Durham College by 25 July 1325),<sup>30</sup> Richard Campsall<sup>31</sup> and Walter Horkestowe<sup>32</sup>. Another ex-fellow who left to take up medicine was Simon Bredon. He had become a fellow of Merton by 1330.<sup>33</sup> In all, eight Balliol men can be named who left their College after becoming Masters of Arts in order to incept in law, medicine or theology.

In the light of these biographical details it is not difficult to understand why the Fellows and the two external Masters<sup>34</sup> fell out as they did in 1325 over the course of studies. The Fellows sought to evade the regulations of Devorguilla which seemed to restrict them to the Arts course. They had begun to do this by using their spare time to study for higher degrees while at the same time they were attending the Arts lectures and disputations. An appeal for the approval of the two external Masters was made but made in vain. Mr. Robert of Leicester, O.F.M., S.T.P., and Mr. Nicholas Tingewick, M.D., S.T.B., forbade the practice when they held a solemn meeting in Balliol Hall on 25 July 1325.<sup>35</sup>

The basis of their decision was a constitutional one. By studying for higher degrees the Fellows would in their opinion be setting aside the intentions of Devorguilla. Yet the Fellows were equally controlled by lack of finance. And it was fresh endowments which eventually relieved them from the necessity to migrate in order to study theology. The munificence of

<sup>26</sup> *Cal. Pap. Pet.*, 1, 338.

<sup>27</sup> Cf. Register Islip, ff. 64r, 110r, 113r, 114r and 119v.

<sup>28</sup> D. W. Rannie, *Oriel College* (1900), 25, 29.

<sup>29</sup> Register Burghersh (Lincoln V.), f. 193v. I owe this reference to the kindness of Mr. A. B. Emden.

<sup>30</sup> Salter, *op. cit.*, 285.

<sup>31</sup> *Ibid.* and cf. E. A. Synan, 'Richard Campsall, an English theologian of the fourteenth century', *Mediaeval Studies* (xiv, 1952), 1-8.

<sup>32</sup> Salter, *op. cit.*, 285.

<sup>33</sup> Brodrick, *op. cit.*, 202.

<sup>34</sup> For the peculiar position of the two external masters or procurators at Balliol, see Davis, *op. cit.*, 12-14.

<sup>35</sup> Salter, *op. cit.*, 285-6.

Sir William Felton and of Sir Philip Somerville in 1340 was the decisive factor. Felton gave Balliol the important living of Abbotsley, Co. Hunts.<sup>36</sup> In pleading subsequently for its papal appropriation the Fellows emphasized their financial difficulties. They petitioned Clement VI, 'quod in dicta aula pia largitione et elemosina ipsius fundatoris quamplures studentes clerici singuli videlicet eorundem octo denarios sterlingorum tantum singulis septimanis ab antiquo perceperunt et percipere dinoscuntur; et cum magistri in artibus facti fuerunt extunc ab aula expelluntur eadem ita quod in aliis scienciis liberalibus propter ipsorum paupertatem proficere nequeunt sed interdum, studium dimittentes victum mechanice querere compelluntur.'<sup>37</sup>

Sir Philip Somerville gave Balliol a grant of lands and the living of Mickel Benton, Co. Northumberland.<sup>38</sup> He also issued a complete set of Statutes for the College. These included the formation of six Fellowships for students of theology and six new places for those studying the Arts. Into the details of his Statutes it is not necessary to go here. Suffice it to say that they did not completely supersede those of the foundress. The financial problem had been solved. The constitutional one remained. Efforts to reconcile the Somerville Statutes with those of Devorguilla were still being pursued in the late fifteenth century.<sup>39</sup>

STEEPLE ASTON : BALLIOL RECORD A.16, no. 14

An indented deed, endorsed 'Scriptum indentatum inter Magistrum Ricardum de hunsingore et domum de Balliolo,' specifying the detailed conditions on which Richard Hunsingore granted this property to the College and containing a list of members of the College in 1321:

'Universis Sancte Matris Ecclesie filiis ad quos presens scriptum pervenerit Ricardus de Hunsingore, Clericus, salutem in domino sempiternam.

Noverit universitas vestra quod quamquam per cartam meam, qua magistrum et scolares domus de Balliolo Oxonie in duodecim acris prati in Stepelaston', quas habui de Henrico le Spicer, feofavi, ad inveniendum quendam capellanum divina in capella Sancte Katerine infra mansum eorum ibidem pro anima domini Edwardi Regis Anglie, filii Regis Edwardi, et pro animabus successorum et heredum suorum, et pro anima mea et animabus antecessorum meorum et omnium benefactorum meorum, necnon specialiter pro anima Domine Dervorgulle de Balliolo fundatricis domus antedictae et animabus antecessorum suorum atque omnium fidelium defunctorum singulis diebus celebraturum in perpetuum, prout intuentibus dictam cartam plenius innotescit, dicti magister et scolares domus predictae strictius obligati existant.

<sup>36</sup> Balliol Records, E.7, no. 4 (14 November 1340).

<sup>37</sup> *Ibid.*, E.7, no. 17 (28 April 1342).

<sup>38</sup> Davis, *op. cit.*, 30.

<sup>39</sup> *Ibid.*, 31-7; F. de Paravicini, *Early History of Balliol College* (1891), 184-250; Salter, *op. cit.*, 286-99.



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Volo tamen eisdem magistro et scholaribus in hac parte gratiam maiorem facere et favorem ac predictam obligationem secundum formam subscriptam pro parte mitigare et minuere in tantum quod si contingat, quod absit, predictos magistrum et scholares per inundacionem seu communem guerram vel eviccionem a dicti prati proventus vel fructibus totalibus vel parcialibus anno aliquo vel aliquibus annis penitus impediri, volo et concedo pro me, heredibus, assignatis, executoribus et quibuscunque successoribus meis quod, si predicti magister et scholares aliquo anno totalibus fructibus dicti prati ex causis pretactis careant, a subvencione predicti capellani pro anno illo totaliter cessent, quando vero dicti prati parcialibus fructibus, ita quod non totalibus, ex dictis causis carent, pro rata porcione fructuum inde susceptorum et non ultra anno illo capellanum predictum invenire teneantur, aliis tamen articulis dicte carte in omnibus vim suam retinentibus et illesis.

Volo etiam quod predictus capellanus qui pro tempore fuerit pro anima Domine Devorgulle de Balliolo et anima mea et animabus patris et matris meorum specialiter celebret in perpetuum. Concedo tamen quod si oporteat dictum capellanum pro negociis domus supradicte vel suis secundum discrecionem et ordinacionem dictorum magistri et scholarium in remotis partibus agere, quod divina prenominata alibi quam in capella predicta licite possit celebrare vel etiam alibi in Oxonia ex causa legitima perurgente, et tunc secundum disposicionem magistri et scholarium predictorum, ita tamen quod ratione absencie sue hora debita celebrare non dimittat sed cum commode poterit, sive presens sive absens, omni die celebrare teneatur.

Volo etiam quod dicti magister et scholares aniversarium meum cum eis certitudinaliter de die obitus mei constiterit singulis annis in placebo et dirige missa et in omnibus aliis articulis plene et solempniter faciant in perpetuum.

Ad que omnia et singula secundum formam et seriem huius scripti predicti magister et scholares qui tunc fuerunt socii dicte domus, videlicet Magistri Thoma de Waldeby tunc principalis, Henricus de Seton', Thoma de Felthorp, Ricardus de Retford, Robertus de Drayton', Regentes, Domini Johannes de Severley, Henricus de Esholt, Thoma de Bradewardyn, Johannes de Staveley, Willelmus de Barwe, Willelmus de Leverton', Adam de Pipwell, Nicholaus de Luceby, Bachelarii, Robertus de Wakefeld, Mauricius de Brechowell, Johannes de Bokton', Sophiste, pro se et successoribus suis, ita quod unusquisque admittendus socius domus supradicte ad hanc observacionem sicut ad statuta domine Dervorgulle de Balliolo, fundatricis domus antedicte, sacramento corporali prestito obligabitur in perpetuum, in iuramento eorum tactis sacrosanctis pro posse suo illesa observanda et inter statuta eorundem scribenda eternaliter duratura unanimi consensu sunt astricti. Presentibus venerabilibus viris Magistro Thoma de Hotoft, Archidiacono Dorset, venerabilis viri magistri Johannis Luterell tunc cancellarii Universitatis Oxonie et Magistri extrinseci dictorum Magistri et Scholarium vices gerente et Magistro Johanne Raddingie de ordine fratrum minorum tunc Magistro extrinseci dictorum Magistri et Scholarium domus supradicte.

In cuius rei testimonium parti huius indenture penes dictos Magistrum et Scholares remanenti sigillum meum apposui et parti penes me remanenti dicti Magister et Scholares sigillum communitatis sue apposuerunt ad perpetuam memoriam premisorum. Data Oxonie quarto nonas Augusti anno Domini millesimo tricentesimo vicesimo primo et anno Regni Regis Edwardi filii Regis Edwardi Quintodecimo.'

[Blurred and broken seal in green wax,  $1\frac{1}{2}$  in.  $\times$   $1\frac{1}{10}$  in.]