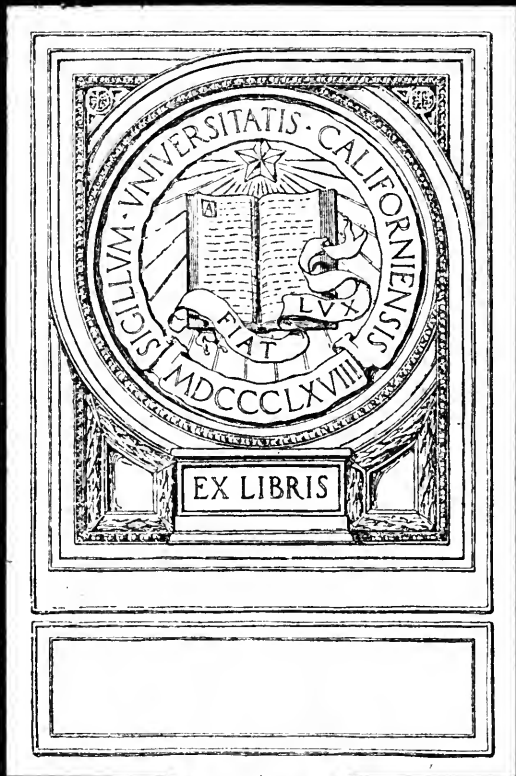


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Somerset Record Society.

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VOL. XXVII.

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# PROCEEDINGS

*St. Brit.*  
IN THE COURT OF THE

# STAR CHAMBER

IN THE REIGNS OF

HENRY VII. AND HENRY VIII.

EDITED BY

MISS G. BRADFORD.

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LONDON

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# Somerset Record Society.



THE volume now issued to the subscribers breaks fresh ground in the national records. The Star Chamber, or rather the jurisdiction exercised in the *Camera stellata*, is a striking instance of the danger incurred in raising up a fresh tribunal instead of strengthening the older courts of law. This novelty, originally intended to reach offenders too great for judges of assize, so effectually accomplished its purpose that all checks on the despotic policy of the Crown were destroyed, and the power of the Star Chamber was used to threaten the liberties of England, and eventually provoked the Great Rebellion.

Some of the results of this explosion will be found in the volume for the current year, which is now well advanced for the printers. It contains the records of the County as related in the minute book of the Quarter Sessions from October, 1646, to January, 1655-6. The next volume containing the period 1656-1666 is unfortunately lost; but the rolls of Quarter Sessions papers have been calendared down to 1660, to continue our local history to the Restoration. I venture to think that the contents will be found not less interesting than those of the two preceding volumes.

For 1913, the Council hope to continue the series of Episcopal records with the issue of the registers of Bishops Bubwith and Stafford. Together they cover the period 1408-1443, and should throw light on the subject of the spread of Lollardy in the diocese.

The subscription list remains stationary: the latest name to be added is that of the Public Library, Denver, Colorado, U.S.A., which brings the number of libraries and Societies subscribing in the New World up to ten.

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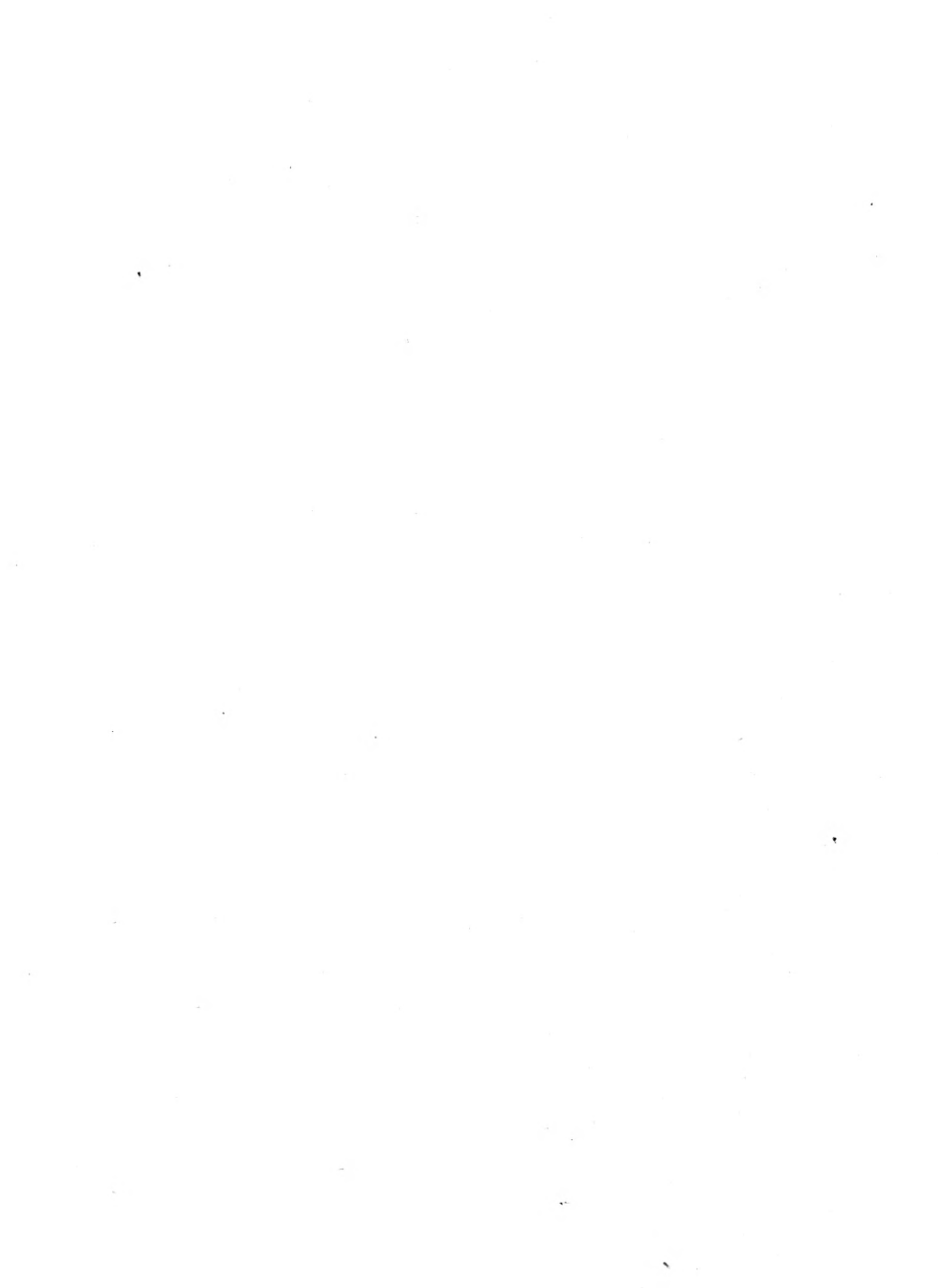
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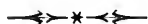
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The cases contained in this volume include all the Somerset cases preserved in the Record Office for the reign of Henry VII, and all those contained in the first thirteen volumes and bundles of the reign of Henry VIII. The way in which the sorting has been done at the Record Office causes many difficulties, owing perhaps to the fact that vast masses of documents which were in hopeless confusion had to be arranged with reasonable rapidity. Thus parts of the same suit are found in different volumes or bundles, and cases belonging to one reign are sorted among those of the next. In this volume the cases have been arranged in a roughly chronological order. The spelling adopted in this list is that of the parties themselves.

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## SOMERSET STAR CHAMBER CASES.

1485-1547.

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### INTRODUCTION.

IN the early years of the 17th century, on the eve of its abolition, the Court of Star Chamber was the centre of a bitter controversy. Politicians, lawyers, and historians vied with each other in the extravagance of their assertions. Its origin was disputed with heat, its methods and procedure were alternately eulogized or vilified, its powers and sphere of action were attacked or defended by arguments drawn from the scanty records of its debateable past. The whole question—by no means a straightforward one—became strangely complicated by political bias, and was fiercely debated by exasperated political opponents who were already on the verge of war. The rival supporters of Prerogative and Parliament found an argumentative battle ground in the most famous of prerogative courts. On the one hand we have Lambarde's rosy view of the Star Chamber, "this most noble and praiseworthy court the beams of whose bright justice, equal in beauty with Hesperus and Lucifer . . . do blaze and spread themselves as far as the realm is long and wide";<sup>1</sup> on the other hand we have the fierce words of Prynne, Burton, Bastwick, and many another<sup>2</sup> who suffered about this time from its arbitrary procedure and brutal punishments.

The origin of the Court was specially a matter for violent conflict. The popular party spoke of it as a court set up by Act

<sup>1</sup> Lambarde, *Archæion* (1635), p. 116.

<sup>2</sup> One writer described it as "the Sea of the Star Chamber, that Den of Arbitrary Justice . . . which sits every Wednesday and Friday, to tear such as refuse to worship the Minion and to yield to the Prerogative Royal."

of Parliament in 1487, which had shamefully outrun its legal powers, ignored its statutory limitations, and disdained the regulations fixing its composition and limiting its sphere of action; the prerogative party spoke of it with reverence, as a court existing from immemorial activity and deriving its authority from the king and his council—the source of all the law courts in the kingdom. They spoke of it as absolved by its nature from obedience to the rules governing those courts, and as wielding an extraordinary power which embodied the arbitrary and discretionary power inherent in kingship. In this whirlwind of assertion and denial sixteenth century politicians, famous for their unbridled eloquence, surpassed themselves, and it is a difficult matter to disentangle historical fact from partizan assertion.

But the dust of conflict has settled long ago. The history of the origin and work of the Star Chamber, far from arousing keen feeling, usually fails to produce any sensation except that of boredom. And yet it is a court so alien to the general character of English jurisprudence, so typical of the violent methods of a violent age, so representative of the vital spirit that animated the Tudor despotism, that it well repays investigation. Again, the subject matter that occupied the time and attention of the court is not without dramatic interest. Though this collection deals with the Somerset cases just as they appear in the volumes and bundles at the Record Office, without any attempt to pick out cases of special interest, it contains many a vivid story and striking character sketch of some forgotten worthy—and many of the cases record the actual words spoken in the heat of some broil more than three hundred years ago.<sup>1</sup>

Fate—and careless clerks—have dealt harshly with the records of the Court and, by an annoying coincidence, the most critical moment in the life of the Star Chamber occurs at a point where outside records fail us. Thus, even when passion and prejudice have died away, there are many things in the history of the Court to puzzle and confuse the most careful observers. But the obscurity of the subject has attracted able investigators.

<sup>1</sup> See pp. 61, 64, 80, 106, 108, 118, 122, 131-2, 142, 145-6, 149, 150, 160, 161, 170, 182, 210-12, 215, 222, 233, 237-8, 244, 259, 280, 285.

Recent researches<sup>1</sup> have thrown a flood of light on much that was before dark and obscure, and many disputable assertions are now well on the way to becoming commonplaces. In this brief sketch only a straightforward account, which should be sufficient as an introduction to the cases contained in this volume, will be attempted.

To begin with the origin of the name, "Star Chamber," as to which there have been many theories. Smith, Coke, Cowell, and Stowe derive the name from the stars that adorned the ceiling of the room in which it met, Lambarde from the Anglo-Saxon "steoran," to steer or govern, Blackstone from the fact that the room at Westminster where the Court sat was the depository of the Jewish bonds called "Starra"<sup>2</sup> (corruptly from the Hebrew "Shetar"), and Hudson<sup>3</sup> from the judges, who like stars shone in the legal world deriving their light from the royal sun! Without attempting to decide between these various theories, beyond suggesting that the first appears the most obvious and least strained, it may be noticed that the name in the form *Camera Stellata* first appeared in the reign of Edward III. as a description of a room in the palace of Westminster, where the Chancellor, Treasurer, Chamberlain, Lord Privy Seal and other members of the King's Council sat to compel William de la Pole to restore charters and deeds retained by him.<sup>4</sup> Some years later Sir William Coningsby was bound over in the Star Chamber to keep the peace, restore money he had extorted and bonds obtained by him under duress. Thus when it first emerges from the mists of the past we find that the "Starred

<sup>1</sup> The Introductions written by Mr. I. S. Leadam for the *Star Chamber Cases*, published by the Selden Society, are invaluable, and Miss C. L. Scofield's able monograph, *A Study of the Star Chamber*, is full of information. A catalogue of the manuscripts in the British Museum relating to the Star Chamber was made by John Brice (Add. MSS. 28,201 A, fol. 116). This has been added to by Miss Scofield and printed by her, pp. xi-xxii.

<sup>2</sup> This theory has been examined and rejected by Caley in *Archæologia*, vol. vii.

<sup>3</sup> Hudson's *Treatise on the Star Chamber* is very valuable, as he had access to documents which are now lost, but it is written throughout with the object of defending the Court from the outcry against it for exceeding its legal powers.

<sup>4</sup> Close R., 29 Edw., m. 26 d.

Chamber" was already known as a place where the King's Council met to do justice on great offenders who were too powerful for the ordinary courts to deal with effectively. A long period follows during which allusions to the Star Chamber are isolated and almost accidental. What records there are, however, go to prove that the existence of the Court was continuous and its character unimpaired. By the reign of Henry IV. we hear of the purchase of "rich cloths, tapestry and cushions for the advantage and accomodation of the lords and nobility appointed to consult together on behalf of our said lord the King in the Star Chamber within the king's palace of Westminster."<sup>1</sup> It can be proved that the King's Council continued to meet in the Star Chamber and transact judicial business there during the reigns that followed.<sup>2</sup> Late in the reign of Henry VI., however, the Privy Council records come to an end, and they do not begin again until 1540. It is in this interval of obscurity that the famous development of the Court, which has led to so much confusion and dispute, took place. The modern view is that the Council continued to sit in the reigns of Edward IV. and Richard III. and deal with judicial business as before, and this view can be supported by trustworthy, if scanty, evidence.<sup>3</sup> The first two years of the reign of Henry VII., before the passing of the Star Chamber Act of 1487, are of special importance, and the evidence fortunately becomes more full. In 1487 the office of usher of the receipt and Star Chamber is mentioned,<sup>4</sup> in the following year a fine made before the King and his Council in the Star Chamber is referred to,<sup>5</sup> and on another occasion the judges of the Common Bench went to ask for advice from the Chancellor and lords of the Star Chamber.<sup>6</sup> Lambarde states that during the first two years of his reign

<sup>1</sup> *Issues of the Exchequer*, p. 274.

<sup>2</sup> Here assertion only is made. For proofs see the evidence collected by Miss Scofield and by Mr. I. S. Leadam.

<sup>3</sup> *Year Books*, 13 Edw. IV., fols. 9-10 ; 2 Ric. III., fol. 4, 22 ; 1 Hen. VII., Mich. Term, No. 3 ; Coke, *Institutes*, pt. iv, cap. 5 ; Palgrave, *King's Council*; note F. F. ; Lambarde, *Archeion*, 137, 152.

<sup>4</sup> *Rot. Parl.*, vi. 366.

<sup>5</sup> Campbell, *Materials for the Reign of Henry VII.* (Rolls Series), ii, 91.

<sup>6</sup> *Year Book*, 2 Hen. VII., Mich. Term, fol. 9.

Henry VII. sat twelve times in person in the Star Chamber,<sup>1</sup> and this statement is upheld by the discovery of a manuscript containing notes of the business transacted in the Court during these two years.<sup>2</sup> In the first year we find the king himself hearing a case of riot with the assistance of four bishops, twenty one councillors, and the attorney general, and later dealing with the murders, robberies, and other violent disorders that were distracting the counties on the Scotch borders.

This brings us to the famous Act of 1487 which, from the late sixteenth century until comparatively recently, was regarded as the origin of the Court of Star Chamber. Even in the rapid sketch given above it may be seen that there is overwhelming evidence of the existence of the Court long before the reign of Henry VII. The view that the Star Chamber originated under the Act of 1487 was very tempting to the political theorists who looked askance at its vast despotic powers. The heresy arose early and spread wide. It gained official sanction in an Act of the reign of Elizabeth,<sup>3</sup> and practically held the field until the end, when the Act abolishing the Star Chamber traced its origin to the statute of 1487.<sup>4</sup> Yet there were always some men who challenged this theory. Hudson for instance calls it "a doating which no man, that had looked upon the records of the Court, would have lighted upon." Several other writers in the late sixteenth and early seventeenth century took what appears to us to be the historical view on the vexed question of the origin of the Court. Camden in 1586 writes of it as deriving its origin and authority from the King's Council, and its name from the reign of Edward III., pointing out that Henry VII. did not found the Court but merely added to its powers by Parliamentary authority:—"Verum huius autoritatem prudentissimus princeps Henricus septimus ita parliamentaria autoritate adauxit et constabilivit ut nonnulli primum instituisse falso opinentur."<sup>5</sup>

<sup>1</sup> Lambarde, *Archicron*, p. 139.

<sup>2</sup> Harl. MS., No. 305, art. 2. This MS. contains the *Liber Intrationum* or Book of Entries, which, from its nature, as Miss Scofield suggests, seems to be a book of Council minutes. Scofield, *op. cit.*, p. 8.

<sup>3</sup> 5 Eliz., cap. 9.

<sup>4</sup> 16 Car. I., cap. 10.

<sup>5</sup> Camden, *Britannia*, ed. 1594, p. 112.

Sir Thomas Smith, alluding to the increase of the power of the Court during Wolsey's Chancellorship, speaks of it as beginning long before.<sup>1</sup> He mentions, however, some "intermission by negligence of time," of which we have no evidence. Lambarde, though writing at a time when the evil reputation of the Star Chamber was clouding its earlier history, and leading men to take the narrowest possible view of its powers, takes the historical view that the Act of Henry VII. added to the powers of the Council in dealing with particular cases without touching upon its original jurisdiction.

Unfortunately, however, the men who supported the theory of the early origin and extra-statutory powers of the Court were those who were the most ardent champions of arbitrary royal power. Their theories, though historically correct, shared the hatred aroused by their politics, and the action of the Star Chamber itself in the dark days before its unmourned fall justified the bitterest onslaughts of its enemies.

On the other hand it is easy to show that the work done by the Star Chamber Court in the early Tudor period, with which this collection deals, was as admirable as it was detestable later. Henry VII. came to the throne in a time of disorder and violence. The Wars of the Roses had left their bitter legacy of hatred and civil strife, and the King's throne itself, the only hope of the common people for respite from aristocratic factions, was threatened by pretenders within the kingdom, who were backed up by all the princes of Europe, and supported by the over powerful nobility with their hordes of liveried retainers. Within a year of the King's accession he had to fight for his throne on the field of battle. The restoration of order and of reverence for the law was a pressing necessity, and much of the King's success was due to the action of the Court of Star Chamber. It was characteristic of Henry's genius for kingship that he was able to fashion so apt a tool of despotism from an already existing court.

The Act of 1487 created no new court; it simply gave statutory sanction to the judicial powers long exercised by the Council. It followed the precedent of the statute of 1453, which,

<sup>1</sup> *Commonwealth of England*, ed. 1589, Bk. iii, chap. 4.



passed at the time of Jack Cade's rebellion, gave the Council authority to summon offenders accused of breaking the King's peace to appear before it by writs of privy seal. Yet in many ways it improved upon the Act to which it owed its "statutory pedigree." The Act of 1453 had been of a temporary character and had expired in 1461. Henry VII. intended to arm himself with a permanent weapon to face his greater difficulties. In his resolve to be obeyed and to restore order to his kingdom, he strongly reinforced the authority of his Council, and here the gift that he, like all the Tudors, possessed, of enforcing his will through compliant Parliaments, served his turn. The Commons, finding their only hope of peace in the King, willingly sacrificed their old jealousy of the royal Council, and armed it with further powers to be used against the disorderly nobles. "That which was principally aimed at in the Act," says Bacon, "was force and the two chief supports of force, combination of multitudes and maintenance or headship of great persons."

The Act of 1487, after rehearsing the particular mischiefs it was designed to check—maintenance, the giving of liveries, signs and tokens, retainers by indentures, promises, oaths, writing or otherwise, embraceries of the King's subjects, the untrue demeaning of Sheriffs in making of panels and other untrue returns, corruption of juries, great riots and unlawful assemblies—gave the Chancellor, Treasurer and Keeper of the Privy Seal or any two of them, calling to them a bishop and a temporal lord of the Council and the two chief justices of the King's Bench and the Common Pleas, or two other justices in their absence, "upon bill or informacion put to the seid Chauncellor" authority to summon before them by writ of privy seal the said misdoers, examine them at their discretion, and punish them according to law.

Thus the Act enlarged the sphere of jurisdiction for which the Council had Parliament as well as prescription behind it, acknowledged its long disputed claim to issue writs of sub poena or privy seal, and finally gave the Council statutory authority to examine defendants on oath, a practice exercised long before on doubtful authority, almost abandoned under popular pressure, but now put on a sound footing.

Thus armed, this powerful court became a terror to the evil-doers whose violence brought them within its sphere. Riot, bullying of all kinds, tyranny, oppression and contempt for the weak found prompt, swift justice, free from red tape and formalism. The Somerset magnate who terrorized his neighbours and overawed juries, ruling with the strong hand unjustly, found himself brought to heel by men so highly placed that they were far above corruption or intimidation.

In comparison with the ordinary law courts the Star Chamber was both swift and cheap, and its rapid action did much to secure its hold on the people. From this collection of cases it can be clearly seen that the Court actually was, as it professed to be, accessible to the humblest litigants. Yeomen and husbandmen, from the then remote west, found themselves able to set in motion the powerful machinery of the Star Chamber, which proved itself undoubtedly to be the Court "to bridle such stout noblemen or gentlemen, which would offer wrong by force to any meaner man, and cannot be content to demand or defend the right by order of law."<sup>1</sup>

Something must be said here about the procedure that was regarded by contemporaries as so simple and effective.<sup>2</sup> It consisted of bill, summons, and answer, the examination of the defendant on oath, rejoinder, replication, the examination of witnesses and judgment.

The first step was the drawing up of a bill of complaint by the plaintiff, in which he recited the injuries of which he complained. According to the Act of 1487 the bill had to be addressed to the Chancellor, but the absence of stereotyped usage, characteristic of the Court, is illustrated here at the outset, and there was much diversity of practice. Sometimes the Act was obeyed and the Chancellor was addressed, sometimes the bill was addressed to the King, sometimes to the King and the Lords of the Council, sometimes to the Lords of the Council alone. These Somerset cases contain examples of all these forms of address, except that to the Chancellor and the Lords of the Council, but by far the most common was the address to the King alone, the form being:

<sup>1</sup> Smith, *Commonwealth of England*.

<sup>2</sup> For a full discussion of the procedure of the Court, see Leadam, *Star Chamber Cases*, vol. i, Introduction, xviii-xxxiv.

“To the King our sovereign lord,” a variation found once only being “To the King’s highness.” The address to the King is actually found in thirty-seven of the cases contained in this volume, and by the end of the reign of Henry VIII. it became the almost invariable form. Three bills address the King and the Lords of the Council, one the Lords of the Council alone, and one the Archbishop of Canterbury, perhaps in his capacity as Chancellor.<sup>1</sup>

These bills, which were drafted and signed by counsel, are of very varied length. The bill usually ended with the prayer that the defendant might be summoned to appear before the Court either by writ of sub pœna, letters of privy seal, or by the despatch of the serjeant-at-arms to compel the defendant’s appearance. The first method of summons was commonly employed. Twenty-nine of the bills in this volume prayed for the issue of the king’s “dradde” or “graciouse” writ of sub pœna, sometimes to all the defendants jointly, sometimes separately to each. From the reign of Henry VIII. onwards this form of summons was by far the most common, and it became almost invariable in the seventeenth century.<sup>2</sup>

It has been suggested that summons by letters of privy seal—a more intimate and personal method of summons—was usually though not invariably used when the defendant was a peer.<sup>3</sup> We have no instance of a peer as a defendant in this volume, but letters of privy seal are asked for in five or perhaps six<sup>4</sup> of the bills contained in it. The despatch of the serjeant-at-arms is only once asked for, in a case when the defendant was known to be in London.<sup>5</sup> In addition to these three forms we meet as usual with several variations. In one case the Star Chamber is asked to add a writ of injunction to the sub pœna,<sup>6</sup> in another ‘their lordships order concerning the premises’ is asked for,<sup>7</sup> in a third the plaintiff is content with his prayer to the Star Chamber

<sup>1</sup> See note 1, p. 62, below.

<sup>2</sup> Hudson, *Star Chamber*; Leadam, *op. cit.*, i, xiv-xvi.

<sup>3</sup> Cowell, in his *Interpreter*, takes this view.

<sup>4</sup> The “letters of sub pœna” asked for in the suit of Doyll *v.* Weydon (see p. 109) probably mean letters of privy seal.

<sup>5</sup> *Bolz v. Caraunte*, see p. 87.

<sup>6</sup> *Draper v. Rodney*, see p. 200.

<sup>7</sup> *Brown v. Richeman and others* see p. 256.

without asking for the defendant to be summoned<sup>1</sup>; in a fourth the plaintiff only asks for his discharge from the payment of a certain rent.<sup>2</sup> In a fifth case the bill becomes elaborate in its demands, asking for the summoning of the defendant for direction and punishment, for the compelling of the defendant to give surety, and for the appointment of a commission of indifferent persons, these special precautions being perhaps a measure of the terror inspired by the redoubtable John Rodney.<sup>3</sup>

There is considerable variety too in the way in which the plaintiffs described the tribunal before which they prayed that the defendants might be summoned.

Mr. Leadam has found the following variations:—

1. The King "ubique fuerit."
2. The King and Council in the Star Chamber.
3. The King or Council in the Star Chamber.
4. The King in the Star Chamber.
5. The Council.
6. The Chancellor.<sup>4</sup>
7. The Chancellor and Council.
8. The Chancellor in Chancery.
9. The King and Council.
10. The King and Council at Westminster.
11. "This honorable court."

These Somerset cases throw further light upon the practice. Of the first, fifth, sixth, seventh, eighth and eleventh forms this collection gives us no example. The second form is used fourteen times, the third, which Mr. Leadam thought might be exceptional, appears twice. There is but one instance of the use of the fourth form, the ninth form is used nine times, the tenth form five times. Three other forms, not found by Mr. Leadam, occur here; "the Council in the Star Chamber" is named in six bills, the "Council at Westminster" in one bill, and "the King at Westminster" in one bill.

But various as are the descriptions of the Court given in the bills, the plaintiffs all wanted the same thing—to compel the

<sup>1</sup> Carter *v.* Lewis, p. 89.

<sup>2</sup> Bradley *v.* Eyssham, p. 264.

<sup>3</sup> Inhabitants of Draycott *v.* Rodney, p. 75.

<sup>4</sup> This was found in a bill originally filed in Chancery.

defendant to appear before the formidable Court at Westminster.

The next step was the filing of the bill by the clerk of the Court, and the summons of the defendant in one or other of the forms mentioned above to appear before the Star Chamber on a definite day.<sup>1</sup> Occasionally an interim injunction was issued to restrain the defendant from the conduct complained of by the plaintiff until the case had been heard by the Court.<sup>2</sup> The appearance of the defendant then followed, and the great power and prestige of the Star Chamber made cases in which the defendant dared to incur contempt of court by failing to appear very rare indeed. In this respect the contrast with the ordinary Courts is very marked.

The Star Chamber had very powerful machinery to deal with the exceptional case of a defendant failing to obey the writ of *sub pœna*. A writ of attachment was issued to the Sheriff of the county in which the defendant lived. If he dared to disobey that, a proclamation of rebellion was issued, and finally a commission of rebellion was directed to six commissioners named by the plaintiff. No defendant however in these Somerset cases dared to match his strength with the formidable court.

Unless he was specially excused, the defendant had to appear in person at every session of the Court until he was discharged. After hearing the charge against him he was allowed eight days to prepare and bring in his answer, unless he filed an affidavit to the effect that documents vital to his case were in the country, when he was allowed until the beginning of the following term.<sup>3</sup> Like the bill the answer had to be signed by counsel and an oath was administered to the defendant as to the truth of it. It was to avoid this hated obligation, hints the Prior of Bath, that the Abbot of St. Augustine's had filed his answer in the form of a petition, "of subtiltie and craft by cause the same abbot wold not be sworne vppon eny answer by him to be made."<sup>4</sup>

The character of the defendants' answers varied very much.

<sup>1</sup> The bills are often endorsed with a note of the summons issued for the defendant's appearance.

<sup>2</sup> See pp. 114, 165, 185, 242, 267.

<sup>3</sup> Scofield, *op. cit.*, p. 74; Hudson, *Treatise of Court of Star Chamber (Collectanea Juridica, 1792, vol. ii)*, 159.

<sup>4</sup> See below, p. 43.

Sometimes it was a mere bald denial of the charges and gave the court no new information, sometimes it gave a reasoned denial, sometimes it took the form of a series of counter charges against the plaintiff and was both long and elaborate, sometimes it did not go beyond a denial that the case came within the sphere of Star Chamber action and a prayer to be remitted to the common law. Some such prayer was introduced at the beginning of a very large number of the answers.

The next stage was the examination of the defendant on oath, the very important new procedure directly set up by the Act of 1487. Hitherto the Council, when it arrogated to itself this power, had no authority for such a proceeding, which was regarded with much jealousy by the ordinary Courts. In the earliest period this examination was taken in Court, the Lord Chancellor administering a series of short questions<sup>1</sup>; later the procedure became more cumbersome, the interrogatories and the answers to them being written out at length. The plaintiff was allowed four days, from the time of receiving the defendant's answer, in which to prepare and put in these interrogatories. In this collection we have several examples of the answers of defendants to interrogatories of a very searching character.<sup>2</sup>

The next possible stages, the "replication," a further statement by the plaintiff, and the "rejoinder" of the defendant were very often omitted, probably, in Hudson's view, because there was a rule that no new charge could be brought forward in the replication, which therefore became a mere formality. The same thing may be said of the "surrejoinder" and "rebutter," introduced later by law clerks to pile up their fees, and drafted by them as mere formalities. Of the two latter it is natural that we find no example in a collection of cases drawn from a period when the Star Chamber was doing its best work with the least formalism. Instances of replication and rejoinder can be found in this volume.<sup>3</sup> They rarely contain any new facts, and in order to economize space have not usually been printed here unless the absence of the bill makes them specially important, but their existence is always noted.

<sup>1</sup> Hudson, p. 168.

<sup>2</sup> See pp. 117-120, 141-4, 145-161, 177-9.

<sup>3</sup> See pp. 54-5, 94-7, 109-110, 124-5, 138-141.

After the pleadings on both sides had been taken the examination of witnesses followed. The practice of the Star Chamber was to issue a commission to certain local commissioners nominated by the Court for the particular case, who were, says Hudson, "men of great worth in the county where the fact ariseth."<sup>1</sup>

The cases printed in this volume illustrate this, and members of many of the great Somerset families appeared as commissioners. The commission was known as *dedimus potestatem*.<sup>2</sup>

Sometimes the authority of these local magnates was reinforced by the addition of a great lawyer to the commission, but this was exceptional. The rules as to what evidence was admissible seem to have been of the most shadowy character. In one case we find a series of witnesses with extraordinarily long memories. One man plainly remembered the service he got 2*d.* for rendering forty years before. Another, aged seventy-two, gave as evidence something his father had said twenty-four years ago—his father being then aged ninety. A third reported what he had heard a servant of the Abbot's saying. This is not an isolated instance of extraordinary laxity in the admission of evidence,<sup>3</sup> which was probably due to the fact that the commissioners were laymen and not lawyers.

It is only fair, however, to notice that the parties often produced much more reliable evidence—deeds, charters, and court rolls bearing directly on the case<sup>4</sup>—and it is probable that the assistance of men who had local knowledge far outweighed any disadvantages arising from their lack of legal training.

Occasionally witnesses were examined before the Court in London before or after the commission sat in the country,<sup>5</sup> but this procedure seems to have been exceptional. The usual practice, that of taking evidence in the country, was one of the points that was specially admirable about Star Chamber procedure. It made justice more equal between parties by avoiding

<sup>1</sup> Hudson, p. 202. At a later date the commissioners were chosen by the parties to the suit. *Ibid.* and Leadam, *op. cit.*, Intro. xxxiii. .

<sup>2</sup> See below pp. 181, 193, 196.

<sup>3</sup> See pp. 102, 104-6, 184, 212, and Delton *v.* Bourman, pp. 237-8.

<sup>4</sup> See pp. 97-8, 103-4, 151-3, 202-3.

<sup>5</sup> Hudson, i, 200.

the expense of bringing witnesses to London, which was then, even more than now, a very heavy and almost prohibitive expense to poor litigants.

There are several instances among these cases of another very useful process adopted by the Court, that of appointing commissioners with authority, not only to hear evidence, but to decide the case if possible, certifying the result to the Star Chamber.<sup>1</sup>

The next stage was the delivery of judgment by the Court, and here we come to a vexed question. It is difficult to decide who the judges of the Court really were. Actually all the decrees and orders of the Court have disappeared. Their loss was announced in 1719 by a Committee of the House of Lords, which naïvely reported that "they were last seen in a house in Bartholomew Close, London."<sup>2</sup> How they reached this obscure, and insecure, resting place is unknown. Coke, writing in the seventeenth century, mentions the acts and decrees of the Star Chamber as "engrossed in a fair book," and Mill, a clerk of the Star Chamber, gave evidence to the same effect.<sup>3</sup> In 1608, when Francis Bacon became clerk, he took over three calendars of Star Chamber orders ranging from the first year of Henry VII. to the thirtieth year of Elizabeth. By the time of Hudson—that is about 1625 to 1635—the record keeping of the Court had become careless; the books, he said, were negligently kept and many times lost, but when describing the early period he states that the practice was then very different:—"the judgments . . . . . were kept with such care, and remain in such order as no records in the kingdom are more use than those remaining, in the Tower of London." The early decrees of the Court were certainly then in existence, and as clerk of the Star Chamber he had access to them, but we may suspect that the Court never reached the standard of carefulness and accuracy habitual in the ordinary law courts. It kept no formal plea roll, it did not consider itself bound by precedent—or certainly revered it less than other courts—and its character for swiftness militated against extreme carefulness. When the Court was abolished in 1641, its

<sup>1</sup> See below, pp. 81, 97, 108, 184.

<sup>2</sup> Scargill-Bird, *Guide to Documents at Record Office*, p. 198.

<sup>3</sup> Hargrave MS. No. 216, art. 19.



name was so universally odious that its records were not likely to be reverently handled. A few notices of orders, decrees, and fines can be found here and there, and very occasionally the decree itself has survived among the other documents of a suit. One such exceptional survival appears in the present collection.<sup>1</sup> Thus, as we have to depend upon the few decrees of the Star Chamber which chance has preserved for us, it is dangerous to dogmatize on the point as to which members of the Court were qualified to act as judges.

The intricacies of the question may fortunately be passed over lightly here. On the one hand we have a judgment of 1493, which expressly laid it down that the Act of 1487 appointed as judges the Lord Chancellor, Lord Treasurer, or Lord Privy Seal, or two of them, the other members of the Court being assistants and assessors and not judges.<sup>2</sup> On the other hand it has been argued that the other members of the Court—the bishop, the temporal lord, and the two chief justices of the King's Bench—were also judges. Coke, for instance, gives the weight of his authority to the statement that the two chief justices were judges in the Star Chamber Court.<sup>3</sup> After some discussion Mr. Leadam has come to the conclusion that the judgment of 1493, called contemptuously by Coke "a sudden opinion," was sound law in so far as it decided that the common law judges sat as assessors only, but wrong inasmuch as it seemed to limit the judges to the chancellor, treasurer, and privy seal. To put it shortly, the best modern opinion is that *all* the members of the King's Council who sat in the Star Chamber gave sentence as judges, having first taken the advice of the common law judges.<sup>4</sup>

One thing that is absolutely clear is that the composition of the Court constantly varied from that set out in the Act of 1487.

<sup>1</sup> See below, p. 224. See also p. 293, n. 1. A few notices of Star Chamber fines of the reigns of Edward VI., Philip and Mary, Elizabeth and James I. can be found in the Accounts of the Exchequer and Queen's Remembrancer, in the Record Office. A manuscript entitled "Heads of causes in the Star Chamber *temp.* Hen. VII." is in the Harleian Collection. (Harl. MSS. 6811, art. 2.) Notes of the rules and fees of the Court are in Lansdowne MSS. No. 335, art. 3.

<sup>2</sup> *Year Book*, 8 Henry VII., fo. 13, pt. 7.

<sup>3</sup> *4 Institutes*, 62.

<sup>4</sup> Leadam, *op. cit.*, i, xlvi-xlvii.

Sometimes one or other of the statutory members is absent, sometimes many lords of the Council in addition to the one provided for by the Act were present. Often the Lord President of the Council, who was not named in the Star Chamber Act, presided as judge<sup>1</sup>, sometimes the two common law judges were not summoned. Sometimes, on the contrary, there was a very large legal contingent; the chief baron, the puisne judges, the attorney and solicitor general, and the King's sergeants-at-law. Yet we never find in any of the suits the plea that the composition of the Court did not conform to statute. The whole point of the statute of 1487 in this connection, was to make it easier for the Star Chamber to meet and despatch its business. It was designed to reinforce rather than limit, and it gave to a small committee of the Council the power to act for the whole body in dealing with certain specified cases of disorder and violence, the prevalence of which formed a crying evil. The committee perhaps took up its abode fairly permanently in the Star Chamber at Westminster, and stayed there while the King and his court were moving about the country, other members of the Council making their appearance when the King's court came back to residence in the capital. This would explain the great fluctuation in the size of the Star Chamber. Size was a matter of convenience, not of principle, the Court was as much "the King's Council in the Star Chamber" if there were four members present as if there were forty. The Act of 1487 was never regarded as restricting the composition of the Court for all time to the officials set down in the Act. Indeed it is obvious how great an inconvenience that would have caused. Fox, Bishop of Winchester, who was Lord Privy Seal when the Act was passed was not even then available for constant sitting in London<sup>2</sup>; the Earl of Surrey, appointed Lord Treasurer in 1501, was much occupied by military duties.<sup>3</sup>

<sup>1</sup> An Act of 1529 added him to the number of judges. Stat. 21, Hen. VIII. cap. 20.

<sup>2</sup> The period 1494 to 1497 was one of specially irregularity and sometimes neither Chancellor, Treasurer, nor Lord Privy Seal was present. Hudson i, 23. It was a critical period in the King's reign, when he could ill spare great officials for judicial work.

<sup>3</sup> Scofield, *op. cit.*, p. 5.

In short, if the Star Chamber had considered itself bound by the Act of 1487, which made the presence of Chancellor, Treasurer, and Lord Privy Seal, or any two of them, imperative, it would have done very little work. Yet we know that it was so active during the reign of Henry VII. that, according to Hudson,<sup>1</sup> it sat every day during term time. It certainly sat at least three days in every week. We may perhaps explain the judgment of 1493 as an attempt of the common law judges, inspired by their well-known jealousy of the Star Chamber, to limit its activity by stereotyping its composition, but the attempt failed utterly. We actually find men who were not even privy councillors acting as judges in the Star Chamber. This was brought about by the King's summons to the individual, who thereupon took an oath as Councillor, and sat in the Star Chamber.<sup>2</sup> Among the individuals who sat in this way in the Court during the reign of Henry VII. were Dr. Hatton of Trinity College, Cambridge, the Warden of Merton College, and the President of Magdalen College, Oxford, the Deans of the Chapel Royal and St. George's Chapel, Windsor.

The Court of Star Chamber was theoretically supposed to be held before the King, and an empty seat was reserved for his use. Henry VII. and James I. sat fairly often,<sup>3</sup> but only one record of Henry VIII. sitting has been found. The fact that the "source of justice" occasionally appeared himself probably added to the elasticity in the composition of the Court, the judges being after all merely his delegates. As Mr. Leadam puts it: "The Court was always supposed to be held before the King . . . and whether the officials nominated by the Act were sitting or not, was, in the presence, real or constructive, of him from whom its jurisdiction flowed, a matter of no legal import."<sup>4</sup>

Another very intricate question, that of the exact relationship

<sup>1</sup> *Op. cit.*, p. 5.

<sup>2</sup> This point is more than usually obscure. There is considerable conflict of evidence. See Hudson, p. 36, Fortescue, *Governance of England* (1885 ed.), p. 147, Coke, *Institutes*, part iv, cap. 5. Leadam, *op. cit.*, i, xxxviii-xlii.

<sup>3</sup> *Letters of Lord Geo. Carew* (Camden Soc.), p. 36. James, we are told, sat in the Star Chamber in June, 1616, "where he made a long speeche to the admiration of the hearers speakiuge more like an angel than a man."

<sup>4</sup> Leadam, *op. cit.*, p. lvii.

between the Star Chamber and the Council, has been the subject of many elaborate discussions, the final outcome of which appears to be the decision that, though the two bodies were closely related in personnel, there was always a distinction between them. The Council was primarily deliberative, the Star Chamber judicial in action; the latter had a much stronger legal element, since the two chief justices, who were standing judges of the Star Chamber,<sup>1</sup> were not members of the Council; the Star Chamber sat in public and only in term time, while the Council deliberated in secret and at any time found convenient.

It is possible that the Council exercised a concurrent jurisdiction, even in riot for some time, though the case of 1500 quoted does not appear to be conclusive.<sup>2</sup> In any event, the Council soon gave up considering cases of this kind in its deliberative meetings, referring them to its judicial meetings in the Court of Star Chamber, where it was reinforced by legal experts and its procedure strengthened by statute.

When the Court proceeded to pass sentence, each judge spoke in turn, beginning with the councillor of the lowest rank and ending with the presiding judge. The sentence was given by the verdict of the majority, and the defendant often adopted an attitude of great humility, kneeling in the middle of the court to hear his judges pronounce sentence.

The scale of punishment was very wide, and varied from a small fine or a day or two of imprisonment to anything short of the death penalty. The commonest of all the punishments inflicted by the Court was a fine, and the Court gained great notoriety from the very large fines it inflicted. In the reign of Henry VII. some very heavy fines were levied, especially for livery and maintenance. A list of the fines received by Dudley for the King, between 1505 and 1508,<sup>3</sup> gives an idea of their amount. We find Sir William Capell and his son Giles fined £1,000; the "parson of Clyve" £20; Sir William Say, "for his discharge of his intrusion into certain lands in the West Country

<sup>1</sup> Their presence was very valuable, and perhaps aided the great development of the Court in the Tudor period.

<sup>2</sup> Mr. Leadam takes the view that the Council *did* concern itself with riots. Leadam, *op. cit.*, liii, liv.

<sup>3</sup> Lansdowne MSS. No. 160, p. 320. (Printed in *Archaeologia*, vol. xxv 390-3.)

of the inheritance of one Hill, his first wife," 2,500 marks; the Earl of Devon for keeping retainers, 1,000 marks; Giles, Lord Daubeney, for receiving money at Calais which belonged to the king, £2,000; the Earl of Northumberland, £10,000; and the Abbot of Glastonbury, £200.<sup>1</sup> In the reign of his son and successor heavy fines were the punishment of heresy. Thus Tyndal and Patmore, for distributing New Testaments, were fined £18,840 os. 10*d.* In the reign of Elizabeth there were other instances of heavy fines.<sup>2</sup>

Imprisonment by order of the Star Chamber was also fairly common. The Court also showed great ingenuity in devising punishments which were supposed to fit the offence. It showed a great fondness for inflicting some kind of spectacular humiliation upon the offender, ordering him to ride round Westminster Hall with his face to the horse's tail, to do public penance in an adornment of torn papers, and so on. There is grim humour in the order that the leader of a sect which taught the 'unlawfulness of eating swine's flesh should be committed to prison and fed on pork.<sup>3</sup>

Many defendants had to advertise their humiliation as a preliminary to the grant of a pardon by the Court. Thus Robert Devereux, who confessed himself of guilty of "hainous riots," had to walk through the streets from the Tower to Westminster barefooted and in his shirt, to ask pardon of the Court, and many other instances might be quoted.<sup>4</sup>

The punishments inflicted by the Court became increasingly severe when despotism passed from its climax under the Tudors to its decline under the Stuarts. It is then that the cruelty often associated with conscious weakness appears, and though corporal punishment had often been inflicted before, it is then we find frequent record of the brutal and vindictive punishments for political offences constantly associated in the popular mind with the Court of Star Chamber—the cropping of ears, slitting of noses, branding the letters S. S. (sower of sedition) with

<sup>1</sup> See J. S. Burn, *Notices of Court of Star Chamber*.

<sup>2</sup> Harl. MS. 425, art. 8; Exch. Q.R. Bdle. 119, No. 21. A part of these heavy fines was often remitted, the view apparently being that such severe judgments, even if not recoverable, would have a deterrent effect.

<sup>3</sup> Burn, *op. cit.*, i, 74.

<sup>4</sup> Burn, *op. cit.*, pp. 45, 47.

hot irons into the cheeks, and the use of the pillory and the rack.<sup>1</sup>

On the whole, a review of the procedure of the Court shows it to have been swift, simple and economical. It is comparatively late (1597) before we hear of the inordinate length and multiplication of documents, and the piling up of mountainous fees,<sup>2</sup> and then reform followed swiftly,<sup>3</sup> though the same complaints reappear later.<sup>4</sup>

The Court occasionally acted in an even more summary manner, by the procedure known as "ore tenus," under which the presumed delinquent was arrested by an Order in Council issued on private information,<sup>5</sup> or "by the curious eye of the State and King's Council."<sup>6</sup> The accused was privately examined (torture being sometimes employed in the later period), and if he denied the offence was remitted to the ordinary formal process. If he acknowledged the offence, a written confession was obtained and judgment was passed.<sup>7</sup> The rule that the confession was not to be extorted by compulsion, and that it was to be acknowledged in open court,<sup>8</sup> was more honoured in the breach than in the observance,<sup>9</sup> and we can understand Mill's comment that "many mischiefs mingled in that manner of dealing."

Practices like the above, though condemned by the law, were not infrequently used by royal officials whose zeal for the royal prerogative made them very untender of the subjects' liberties, and we can easily trace the appearance of the autocratic methods

<sup>1</sup> See the trial of Leighton for seditious libel in 1630. Rushworth, *Historical Collections*, 55-8.

<sup>2</sup> Lansdowne MSS. No. 86, art. 42.

<sup>3</sup> *Ibid.*, 2310, art. 5. An order of Elizabeth's limited the length of the bill to fifteen sheets, and the interrogatories to fifteen articles which were not to contain more than two or three questions each.

<sup>4</sup> *Ibid.*, 4022. In the reign of Charles I. the unhappy defendant sometimes had to answer interrogatories of fifty articles, each containing twenty or thirty questions.

<sup>5</sup> This was part of the hateful "informer" system, raised to a fine art, as a means of getting money, by Empson & Dudley.

<sup>6</sup> Hudson, p. 126.

<sup>7</sup> *Archæologia*, vol. xxx (1844), pp. 64-110.

<sup>8</sup> Hudson, p. 127.

<sup>9</sup> *E.g.*, Proceedings *v.* Lord Vaux and others for receiving Jesuits. *Archæologia*, *loc. cit.*

that finally made the Star Chamber the best hated court in the kingdom.

After each sitting, the Star Chamber judges dined together in the Inner Star Chamber at the public expense. They dined luxuriously, and the growing cost of these dinners was a source of vexation to Elizabeth's careful Lord Treasurer. In 1509 their lordships were able to dine for £1 10s. 7*d.*, though the sum mentioned included the cost of washing and the cook's wages, but by 1588 a dinner cost £18 5s. 2*d.*<sup>1</sup>

To turn from the procedure of the Star Chamber to its work. Its value to society at the early period with which this collection is concerned can hardly be exaggerated. It was one of the most powerful of all the weapons used by Henry VII. in dealing with the grave social disorders that faced him at his accession. The action of the Court in this connection is fully illustrated in this volume, and we find it hard at work repressing the evils of riot and maintenance, the corruption and intimidation of juries, and the frays, assaults and broils that were the evil legacy of years of civil war.

Nearly all the cases we have before us allege riot in some form or another. In fact the bills of the plaintiffs betray a suspicion that where no riot could be alleged the defendant might claim to be removed from the jurisdiction of the Star Chamber, and hence we get the constant allegation of riot in the forefront of cases which seem otherwise to be within the scope of the common law courts. We may surmise that an anxiety to benefit by the swift justice of a court removed far above local jealousies or local fears led men to speak of "riot and route and weapons invasive" with great alacrity.<sup>2</sup>

Rioting had long been an offence recognised by common law and statute,<sup>3</sup> but the law had been flagrantly disobeyed. The

<sup>1</sup> Burn, *op. cit.*, 24, 25; Add. MSS. 32117. D.

<sup>2</sup> Suits in which the allegation of rioting either does not appear or is very obviously dragged in are those of *Heith v. Speke*, *Welles v. Doble*, *Browne v. Richeman*, *Croke v. Bycombe*, *Bradley v. Eyssham*.

<sup>3</sup> 2 *Edw. III.*, cap. 3; 2 *Ric. II.*, st. i., cap. 6; 13 *Hen. IV.*, cap. 7; 2 *Hen. V.*, 6t. i., cap. 8, 9; 8 *Hen. VI.*, cap. 14; *Rot. Parl.*, vi, 198; *Lansdowne MS.* 83, art. 72. Even after the Star Chamber was reorganized there was need of further legislation. See 11 *Hen. VII.*, cap. 3, cap. 7.

evil example of royalty and the nobility had been imitated on all sides. Owing to the weakness of the central government in the fifteenth century, habits of lawlessness had been unchecked, and however peacefully inclined the people generally may have been, they were at the mercy of the turbulent spirits who found that violence brought no punishment. The north of England was a by-word for disorder, but the *Paston Letters* show how generally prevalent the evil was. The accession of Henry VII. and the "sharp justice" of the Star Chamber at last checked a practice which had become a danger to the central government. The Court found plenty of work to do in Somerset. It is clear that brawling was very common, and serious rioting by no means rare. The carrying of arms was an offence at law,<sup>1</sup> but in practice the law was systematically ignored. Men wore weapons at their work and used them on slight provocation. Armour was not infrequently worn. We read of many Somerset men who wore harness, coats-of-mail, breast-plates and backs, and helmets. The weapons mentioned in the cases include swords and bucklers, bows and arrows, halberds and axes, pikes, daggers, bills and staves, "battes," hand guns, and an otter spear.

Such elaborate preparations imply premeditation, but those who found themselves without any orthodox weapons gave a very good account of themselves with picks and shovels. The Richards family of Martock who came out arrayed in breast-plates and armed with bows and arrows soon cast the latter away "and fell to theyre corne pykes."<sup>2</sup> On another occasion a man did considerable execution with a "fire scrape."<sup>3</sup>

One of the most warlike scenes took place in Wedmore, when some sixty of the men of the Dean of Wells came in battle array to resist the men of the Abbot of Glastonbury. They rang the bells of Wedmore church, and proclaimed inside the church that if the Abbot's men again broke down the bank that had been the cause of the dispute "they should be betyn and slayne and fryed in their own grese in their own houses." Their deeds did not go to the length suggested by these alarming threats, but they beat the constable and the tithing man of North Load "so

<sup>1</sup> 2 Edw. III., cap. 3; 20 Rich. II., cap. 11.

<sup>2</sup> See p. 283.

<sup>3</sup> See p. 103.



that they were in Juperdie of their lives."<sup>1</sup> Many illustrations of rioting of this kind could be given.

Violence arising out of a family quarrel is the theme of the suit *Cappis v. Cappis*. We are told of the attack made on his step-mother by Robert Cappis, "a person of most ragyous and wilfull condicion," accompanied by three armed men, one of whom came "with a vyzar by cause he woulde not be knowyn." Robert suddenly plucked out his sword and threatened to run his step-mother through: "Ah, thow step-dame by goddes blodde y care not thought I thrust my swerde thorowe the!" but was restrained by one of his companions. The step-mother, it is said, was in such dread and agony of mind that she fell ill, and as long as she lived would be the worse for his "ragious" demeanour.<sup>2</sup>

The scene in Minehead church over a disputed pew came very near to being a riot. Giles Doble put his wife to sit in a certain pew, in the seat next to the door, and when she refused to let the other man who claimed the seat pass he had to "lepe over the sayde pewe" in order to get out. Next time when she clung to the pew and refused to let him pass, he "yn sober manner lawsyd her arms," and put her out of the pew, whereupon the lady "wythe owpen mowthe gave him . . . manye unfytynge wordes." Her version of the story was that he put her out into the aisle and so beat and illtreated her that she fell into such a swoon or sickness that she was likely to have died. In the end Doble's adversaries broke the pew down; alleging they were driven to do this "for quyeting of the parishe and to advoyde the murder that was like to ensue."<sup>3</sup>

One more example of rioting in Somerset—this time of a kind widespread in the years following the dissolution of the monasteries and the suppression of chantries. On the plea that it was a chantry, not a free chapel, some of the inhabitants of Catcot acting for the grantee from the Court of Augmentations there, carried off the bells, broke down the cage, plucked up and destroyed the font, pulpit, and seats, and broke the windows.<sup>4</sup> The violent scenes in Bath arising from disputes between William Crouch and the Prior will be noticed in another connection.

<sup>1</sup> See pp. 56-62.

<sup>3</sup> See pp. 121-125.

<sup>2</sup> See pp. 264-267.

<sup>4</sup> See pp. 286-293.

In all these cases the rioting came before the Star Chamber as the result of a bill of complaint put in by the aggrieved party, but an Act of 1495 gave the justices of the peace power to act on private information without indictment by a jury. A riot of more than forty persons, or a riot considered by the justices to be "hainous," was to be certified by them to the Council.<sup>1</sup>

Much of the prevalent social disorganization was due to the custom of livery and maintenance; nobles and gentlemen surrounded themselves by bands of followers, who wore their liveries, fought in their quarrels, and terrorized their weaker neighbours. The custom of giving liveries had attracted the hostile attention of many Parliaments. Successive acts passed in the reigns of Richard II., Henry IV. and Edward IV. had prohibited under heavy penalties the giving or wearing of liveries, by prelates as well as laymen, and forbidden the practice of "retaining" men by oath and indenture, which was an attempt to obtain the service of sworn-followers while evading the laws against liveries.<sup>2</sup> Yet all these laws had been disobeyed. Even the fact that an informer could claim half the fine did not tempt men in those violent days to brave the anger of a powerful neighbour. In vain the Commons, in 1472 and 1482, petitioned for the enforcement of these salutary laws,<sup>3</sup> in vain Henry VII. forced the Lords and Commons of his first Parliament to take a solemn oath against the practice.<sup>4</sup> It remained as prevalent as ever, the fact being that the justices of the peace before whom the information against retaining had to be laid sympathized with the offenders and shared the same habits.<sup>5</sup> Henry VII., however, had made up his mind to be obeyed, and the development of the powerful machinery of the Star Chamber was the first really effective measure.<sup>6</sup>

<sup>1</sup> 11 Hen. VII., cap. 3, cap. 7.

<sup>2</sup> 20 Ric. II., cap. 2; 1 Hen. IV., cap. 7; 7 Hen. IV., cap. 14; 13 Hen. IV., cap. 3; 8 Hen. VI., cap. 4; 8 Edw. IV., cap. 2.

<sup>3</sup> *Rot. Parl.*, vi, 8.

<sup>4</sup> *Ibid.*, vi, 198.

<sup>5</sup> Many of the county magnates who held office of one kind or another under the Crown gave liveries on the plea that they were royal officials, and a special Act had to be passed to restrain them. 3 Hen. VII., cap. 12.

<sup>6</sup> Another general Act against livery and maintenance was passed in 1504. 19 Hen. VII., cap. 14.

The prevalence of the evil is illustrated by many of these cases. At the very outset we meet with the Prior of Bath commonly riding with "eighteen horses or thereabout and his servants all in one livery or clothing," but this is not used as a ground of action against him, and is only introduced incidentally to prove that he had exaggerated the poverty of the house after the late Prior's depredations, perhaps with a shrewd suspicion that such evidence would prejudice the lords of the Star Chamber against him.<sup>1</sup>

In 1533 we hear of the Prior's successor attended by fifteen or sixteen servants, "som afore him and som behind him wayting upon hym."<sup>2</sup> That this retinue was not for mere show we know from the complaints that were made of the Prior's servants preventing an officer from serving a sub pœna upon their master threatening that "they wold cutt off bothe his cyres." But this was only a mild manifestation of the power of the Prior over his men. On a later occasion some sixty of his servants and tenants laid siege to a house in Bath which sheltered a man with whom their master had a quarrel, the Prior rewarding them for their prowess by sending them 40*d.* "to make merye withal." A few days later some twenty of the Prior's servants, all armed with various weapons, lay in wait for their master's enemy half a mile out of Bath, seized him, had him set in the stocks with iron fetters on his legs and kept him there for three days and nights, a butt for the insults of the Prior's servants. Bath must have been an awkward place for anyone who offended the Prior to live in. The very bailiffs who arrested his servant Horner had to flee for their lives before an armed force of some sixty of his servants and tenants, who then besieged the house where they had taken refuge, attacking it with hatchets and axes and a fusillade of arrows and calling for fire to burn it. When things had reached such a pitch as this, there is no wonder that the plaintiffs complained that, owing to the "bearing and maintenance" of the Prior's friends in the county, and the fact that his servants were "knytt together in confederacie and myschuffe," they could get no justice.

An unbiassed observer, reading the answers to these charges and the depositions of witnesses, cannot fail to see that the

<sup>1</sup> See p. 49.

<sup>2</sup> See pp. 131, 132 *seq.*

allegations against the Prior and his servants were well founded, though many witnesses deposed that the Prior himself was "a good religious man in his living and conversation." At the same time the counter charges that the plaintiff was a common quarreller and maintainer of thieves and vagabonds, were supported by the evidence of many citizens.<sup>1</sup> The record of the misdeeds of this man, one William Crouch by name, is an example of the disorder that could be caused by the influence of a man in a much lower station than the Prior's. Crouch was certainly a formidable adversary. He seems to have terrified the Prior into believing that he would not be allowed to keep St. John's Hospital annexed to his priory in spite of the Bishop's licence, and thus he obtained the mastership of it for his kinsman. Again, he did not scruple to lay complaints to the King's Council against the Prior, whom he summoned twice before the Star Chamber. His exact position in Bath is difficult to determine. He had at one time been a servant of the Prior's with a yearly fee of 20s. and 13s. 4d. for his livery, but by the time of these suits had gone far beyond that. He was rector of Englishcombe and Castle Cary, and seems to have gained strange influence in the city of Bath. A prominent clothier, who employed three hundred people in his trade and was Mayor of the city, was so terrified because Crouch threatened legal proceedings against him for using the King's seal of the aulnage and because he called him "cankerd churl and knave," that he dared no longer dwell in Bath, and migrated to Bristol. This strange story had its counterpart in the following year when another ex-Mayor and clothier fled from Bath to Salisbury for fear of Crouch and his adherents "to his utter undoing for ever." The secret of the sway he exercised in Bath does not appear. There must have been some other source of his power than the fact that he was followed by six or eight armed men "of ill name and fame." They seem to have been a rascally crew ready with furious words followed up by blows. One old man of seventy-two, an alderman and ex-Mayor, was so frightened of Crouch and his men that he dared not go outside the city to see to his sheep farms, his only hope being that God would "putt itt in the king is counsaill is myndes to drive the said Crouche and his adherentes owt of the said countreye." Some of the

<sup>1</sup> See pp. 145-149.

witnesses told a dark story to the effect that Crouch had caused the death of one William Skidmore who had a life interest in Wellow parsonage, the reversion of which he had bought. It was alleged that he had bribed Skidmore's doctor to poison him, promising him £6 13s. 4d. for his labour, "and a nagge to carry him out of the countre," but the story as told by the deponents hardly carries conviction.

By the end of the reign of Henry VII. heavy Star Chamber fines had made men chary of keeping liveried retainers in defiance of the law.<sup>1</sup> The bulk of the later cases deal not with the open violence committed by the sworn followers of great men in obedience to their master's orders, but with a less crude form of bullying. Men who were wealthy and powerful could find many ways of tyrannizing over their neighbours, though their followers no longer wore their liveries or shouted their war-cry.

The difficulty of obtaining justice in such cases led men to bring their woes before the Star Chamber. Thus Sir William Courtenay, as a man of "grete substance of lond and goodes and also of grete myght and power," was brought before the Court by the plaintiff who was "but a younger broder," with only the disputed property to live on.<sup>2</sup>

The Abbot of Cleeve was also accused in similar terms, and his tenants in Treborough and Luxborough were described as being instigated to a riot "by maintenance and great supportation" of the Abbot. It is only fair to say, however, that the evidence of maintenance seems conspicuous by its absence, unless it is permissible to glean it from the next suit in which Hamlyn asserts that the Abbot's men constantly threatened him and his servants with violence so that they dared not go to their market town.<sup>3</sup> With the allegations brought against Sir John Rodney we reach the class of case that the Star Chamber procedure was specially designed to meet. He seems to have been overbearing as a lord of the manor and unpleasant as neighbour. It was alleged that he forced his tenants to do his ploughing, and to carry the wood, timber and stone he

<sup>1</sup> Noblemen were of course allowed to have their household servants in livery.

<sup>2</sup> See p. 52.

<sup>3</sup> See p. 69.

required for his building operations, not only without payment but even without an allowance of food and drink, by sheer weight of terror, threatening to "hang bete and mayhem them."

He took his tenants' horses and mares without leave or licence and overworked them so shamefully that he sent them home only to die or too worn out to do any more work. His red deer lay daily and nightly on their corn, and for fear of their lives his tenants dared not drive them away. They were even forbidden to keep dogs to protect their crops, and their "litle houndes" were killed by Sir John's orders. It was also alleged that he got hold of their "writtingis," their copies of court rolls and returned them "rased," that he took fines for leases which he then refused to grant, besides distressing his tenants with enclosures.<sup>1</sup> It is no wonder, then, that the harassed tenants prayed the Star Chamber to take surety from Sir John for his "good aberyng." They estimated the loss they had sustained at 500 marks, and urged that sooner than endure their present sufferings they would throw up their holdings and go begging for their living. Sir John's answer cannot be said to be very convincing. He denied most of the charges brought against him, alleging that his tenants had helped him with their ploughs, etc., "of their good mind and free will," that he had recompensed them for the labour of their cattle, and so forth.<sup>2</sup> His grandson and successor, another John Rodney, seems to have been of a similar temper, and was accused of having stirred up rioters to evict a man from his holding.<sup>3</sup>

The allegation of maintenance against the Abbot of Athelney as to 40 rioters who broke down a defensive wall in Saltmore seems purely formal; it seems to have been concerted action by the tenants to protect their lands.<sup>4</sup> The power of the next defendants, described as "gret men and gretly alyed," two Tredennicks, Geoffrey Arundel and others, does not seem to have been very overwhelming, judging from the obscure part they played in county history, but to the plaintiffs, who lived in Cornwall two hundred miles away, and were of great age and sickly, they may have seemed formidable enough to warrant an appeal to the Star Chamber.<sup>5</sup>

<sup>1</sup> See below, pp. 72-81.

<sup>2</sup> See pp. 78-79.

<sup>3</sup> See pp. 198-200.

<sup>4</sup> See pp. 170-174.

<sup>5</sup> See pp. 188-190.

A riot in Martock was alleged to be due to the maintenance of Thomas Phelippes of Montacute, though if we accept his own account of it no one could have given more peaceful counsel than he did: "Better it is to suffer wrong than to do wrong; the more wrong you sustain the more pitiful will your complaint be," but the result of his advice seems to have been a fray with hand to hand fighting.<sup>1</sup>

Another type of "maintainer" was William Hartgill of Kilmington. He harboured a desperado who had been outlawed years before, connived at his thefts of cattle and shared in the proceeds. Hartgill was a very unruly person. He constantly hunted with ban dogs in the royal forest of Selwood, and boasted that he had had a cart load of wild boars out of the forest in a single year, while one of his servants, in the same vein, boasted that his master had in his tubs, vats, and stands more brawn than the three next parishes could eat at one meal. He supported the outlaw in spite of the complaints of all his neighbours, and punished them for laying information against him, by maiming their cattle and getting them set in the stocks. His sons and servants were of the same violent temper, constantly drawing their swords on their neighbours and successful in rescuing criminals from justice.<sup>2</sup>

William Carent was another of the landowners who intimidated his neighbours; he was able to send eleven men to execute his "malycyus and ryottose commaund." The plaintiff complained that William Carent the younger was "a man of grett power and well kyned alyed and frended—having many lyght persons aboute hym att all tymes to fulfyll his balefull purpose and commandementes."<sup>3</sup> Many years later we find him accused of stirring up 60 riotous persons to rescue goods distrained.<sup>4</sup> The next to be accused of maintenance is Henry Lord Daubeney. From what we know of his position at Court it is not surprising to find a plaintiff alleging that certain Dorset yeomen acted by his order in attacking one Henry Doyle of Haselborough, a man "feble, impotent and in gret age." Between such unequally matched opponents the intervention of the Star Chamber was very necessary.<sup>5</sup>

<sup>1</sup> See p. 285.

<sup>2</sup> See pp. 207-216.

<sup>3</sup> See p. 86.

<sup>4</sup> See p. 192.

<sup>5</sup> See p. 109.

Sylvester Sedborough, described by Mr. Chadwyck Healy as "a fiery and litigious young man," was another of the men whose unlawful bearing and maintenance were complained of. He seems to have behaved in a very brutal, bullying way to a poor widow—one Joan Soly—beating and ill-treating her till her son-in-law remonstrated: "I mervail whic ye handle and intreate my mother after such fashion as ye doo, and also put the child that she bearith in her armes in such feare." Sedborough's only excuse was that she "pressed in upon him."<sup>1</sup>

These examples are sufficient to show how prevalent was the evil, and how salutary the action of the Star Chamber.

A landlord could make his method of levying a distress an oppression in itself, though it was a well known maxim that the things taken by way of distress were to be returned in good condition. Driving of cattle to a great distance was a common form of oppression, and legislation had been directed against it from the Statute of Marlborough (1267) onward, the slaughtering or concealment of such distrained cattle being made felony in 1450.<sup>2</sup>

The first example we meet of this kind of thing is not very serious. The plaintiff's plough oxen were maliciously, and perhaps illegally, distrained, driven from Milborne Port to Marnhull in Dorset, and sold there by order of the defendant.<sup>3</sup> The conduct of Sylvester Sedborough, who caused the cattle of his tenants to be seized and driven off to four separate pounds thirty miles and more distant from the place where he took them, was more serious. He calmly admitted that many were "tired by the way," as to others he could not say where they were, even when an injunction came down from the Star Chamber that he should re-deliver them pending the trial.<sup>4</sup> The method in which Anthony Stowell took a distress was even more unreasonable; he drove cattle and fat sheep twelve miles along roads so deep in mire that many of the sheep died by the road side and others after they reached the pound. He gave no notice to the plaintiff of the whereabouts of the cattle, and neglected to feed them sufficiently while in the pound, the

<sup>1</sup> See p. 244.

<sup>3</sup> See pp. 83-88.

<sup>2</sup> 28 Hen. VI., cap. 4.

<sup>4</sup> See pp. 241, 243.



result being that the plaintiff alleged that the sheep were "utterly perished," and the cattle "moche empared."<sup>1</sup> Overbearing conduct of this kind called for further legislation and in 1555, probably very shortly after the case noticed here, an Act was passed which forbade the driving of cattle beyond the limits of the hundred in which they were taken.<sup>2</sup>

The prosecution of jurors for giving untrue verdicts was one of the matters specially assigned to the Star Chamber by the Act of 1487. The corruption of the jury system was an open scandal in the beginning of the reign of Henry VII., and in a time of disorder when the securing of convictions was very necessary in order to restore a proper reverence for the law, the escape of guilty persons was a grave political danger. On the one hand we have all the large class of cases in which the jury were overawed by some great man, on the other, cases where they gave wrong verdicts, without compulsion, by their own perversity, or through sympathy with the accused. The common law process was ineffective under it. The writ known as *Attaint* was used against jurors who had given a false verdict, and the original jury was tried by a second jury of twenty-four. At first the decision that the jurors had given a false verdict meant imprisonment and the forfeiture of their lands and goods,<sup>3</sup> but the penalty was so heavy that the Grand Jury constantly failed to convict; and a new Act was passed (11 Henry VII., cap. 2) which lowered the penalty to £20 from each juror in cases above the value of £40, and to £5 each if below that value. This Act, at first temporary, was continued by subsequent legislation,<sup>4</sup> and was the law at the period from which these cases come.

In many cases, however, there was urgent necessity for a reinforcement of the ordinary process by the action of the Star Chamber.

In the suit of *Brown and Hales v. Richeman and others*<sup>5</sup> the offences for which the jury had failed to convict were not of

<sup>1</sup> See pp. 267-73.

<sup>2</sup> Leadam, *op. cit.*, i, cxxxi.

<sup>3</sup> Bracton, f. 290 b.

<sup>4</sup> 12 Hen. VII., cap. 2; 19 Hen. VII., cap. 3; 23 Hen. VIII., cap. 3.

<sup>5</sup> See pp. 251-260.

first-rate importance, and though there is evidence of great laxity on the part of the local officials—the constable of the hundred and so on—there is not so much evidence that the jury corruptly failed to convict. The jury were able to make out a very good case for themselves, pointing out that they distrusted much of the evidence given before them because the witnesses took upon them more knowledge than they could possibly have had. They pointed out, for instance, that two of the witnesses gave a graphic description of the sensations of the man whose house was burgled, how he came home at night and went into his house in the dark “not mistrusting anything,” how he found the alleged burglar asleep on his bed “and therewith abashed went forthe agayn for company,” but that neither of the two witnesses knew anything about the affair until long afterwards, when they were called to the house by the tithing man. They also declared that they had been bound to reject even the testimony of the two great men of the neighbourhood, Mr. Mallet and Mr. Halswell, because it was hearsay evidence. The case gives a very amusing account of the whole affair, and of the very free and easy way in which the constable of the hundred guarded his prisoner.

The other case in which a jury appears to have failed to give a correct verdict, at all events at first, was much more serious—the murder by Thomas Michell, of Cannington, of his wife, Joan, and her sister, Eleanor, and his subsequent suicide. There seems to have been something very like a conspiracy on the part of all the officials, from the sheriff down to the coroner, to prevent the jury from returning a verdict of *felo de se*, which meant the forfeiture of all Michell's goods and chattels to the King, whose almoner had the disposal of them. The coroner and his officials certainly acted irregularly, if not fraudulently. The coroner did not get to the scene of the crime for three days, and then found that the under-sheriff and the almoner's deputy were there before him. They, however, had been forestalled by Sir Thomas Warre, and it was alleged that he had taken possession of the goods, and ordered the burial of the bodies without any inquest. The jury could not at first agree upon their verdict, and the case was twice postponed on various excuses, one day owing to the coroner's

illness, another day because certain of the jury were "watermen and passyd in theyr viage," to the next assizes, when they returned a verdict of suicide. Anyway, owing to all this bungling and delay, the goods of the suicide, who was reputed to have been very wealthy, were filched by one or other of the officials and their friends. The under-sheriff was alleged to have driven off a number of cattle to Bridgwater, others were said to have been sold by Sir Thomas Warre, and sheep and swine, corn and furniture had been got rid of in the same way. All the officials accused one another. One or two admitted having bought goods belonging to the deceased, but only things of suspiciously trifling value, "a simple flocke bedd, a nolde carpett, and iij cousshyns," and so forth. It was certainly a case for the intervention of the Star Chamber, and it is some satisfaction to know from the decree—which is one of the very few that have been preserved—that the Court ordered full restitution of all the goods with an inventory and detailed accounts.

With these cases we come to the end of the special offences aimed at in the statute of 1487, but we are still only on the threshold of the many other misdemeanours with which the Court later concerned itself. When, by its beneficent action, riot and maintenance, the overawing and corruption of jurors had been almost completely stamped out, the Court turned its great powers to other diseases affecting the body politic. As the old difficulties dropped out and new ones arose, the Court modified its composition and sphere of action, fitting itself to new circumstances with an elasticity strangely contrasted with the conservatism of the ordinary law courts. Gradually it acquired more work and wider powers, finding the source of this extended action, not in any further endowment by statute, but in the large judicial powers which the Star Chamber, as the King's Council in its judicial capacity, possessed by ancient prescriptive right. Though a court of law the Star Chamber was the offspring of the royal prerogative, and regarded itself as endowed with some of the emergency power of kingship. Tudor impatience of delay, and appreciation of an apt instrument of despotism helped to swell the business of the Court.

Already before the end of the reign of Henry VIII. the Star Chamber took cognizance of cases of murder, robbery, perjury,

debt, seduction, and abduction, libel against the government, slander, offences against proclamations, and the enclosure of common lands. Its supervision of guilds and municipalities was an accomplished fact, and its control of the press was foreshadowed.<sup>1</sup> Some of these developments of the action of the Court are illustrated here, others are not.

The enclosure difficulty which became prominent in the reign of Henry VIII. was, as is well known, caused largely by the conversion of arable land into pasture by landowners who hoped to share in the prosperity of the wool trade. Some enclosures were made for the purpose of adding land to parks, and a few took the form of the enclosure of arable land, hitherto lying open and cultivated on the strip system, for the purpose of improved farming. The cases of enclosure dealt with in this volume cannot be classified. The most important one, in which Sir John Rodney was the defendant, touches on several kinds of enclosure, Sir John having added part of the common pasture to his park, and also enclosed 200 acres from the royal forest of Mendip. The allusions to the pulling down of tenements and so on suggest enclosure for the purpose of sheep farming. Sir John's defence was that it was lawful for him as lord of the manor to "emprowe himself in his own ground" provided he left enough common for his tenants.<sup>2</sup>

We have only one example of the cases of slander which afterwards took up much of the time of the Court. Actions for slander could be brought in the local courts, or, in cases where the alleged slander took a "spiritual" form (*i.e.*, the calling a man heretic, schismatic, or adulterer), the cause came within the scope of the ecclesiastical courts.<sup>3</sup> The Council had statutory authority to consider cases *de Scandalis Magnatum*,<sup>4</sup> and if a man slandered a prelate, duke, earl, or great noble he might expect to be haled before the Star Chamber, but it was a very liberal inter-

<sup>1</sup> See *List of Star Chamber Proceedings*, Record Office, vol. i; C. L. Scofield, *op. cit.*, pp. 29-37; Lansdowne MSS., No. 1576, art. 7; No. 2217, art. 57; No. 6265, art. 19, 20.

<sup>2</sup> See p. 76. Other cases are those of *Catcotte v. Welsh* (pp. 186-8), and *Bole v. Caraunte*, 83-8.

<sup>3</sup> Cowell, *Interpreter*.

<sup>4</sup> 2 Ric. II., cap. 5; 12 Ric. II., cap. 11.

pretation of the sphere of the Court to extend its authority to the slander of a private individual. The slander alleged in this Somerset case was against a parson, and the quarrel seems to have arisen through his constancy to the pre-Reformation settlement.<sup>1</sup> Accusations of slander, perjury, heresy, and treason were bandied about on both sides, and the case is a good illustration of the appearance of the political activity of the Star Chamber which attained such rank growth later. The parson had been accused of uttering words "soundyng to treson." He had been brought before the Council of the West, and the Court of the bishop at Wells, where he was acquitted, and finally before the Star Chamber, where he obtained the King's pardon. A renewed dispute was submitted to the decision of commissioners.

A large number of the cases have churchmen either for plaintiffs or defendants. Of them all, the three suits that concern Bath Priory are the most interesting. The first gives a picture of that famous house at the end of the fifteenth century, which is specially valuable owing to the scantiness of our knowledge of the Priory at that date.<sup>2</sup> Prior John Dunster, of whom we are told so much, is little more than a name to historians of the house he ruled.<sup>3</sup>

The state of affairs as revealed by this suit is familiar enough in religious houses at the end of the fifteenth century, the evils complained of being secularization and bad finance rather than immorality. John Dunster's motto all through his career at Bath seems to have been to snatch at any possible means of raising money without regarding the burdens he was laying on the house for the future. There is the usual story of lavish grants of pensions and corrodies at extravagant rates, of borrowing sums of money for which he mortgaged the Priory manors, of releasing rents due to the Priory in return for a lump sum down, which he converted to his own use, and of depleting the manors of stock. But we find that he did not stop at this, and he was accused of "great, unreasonable, and gruggful

<sup>1</sup> See p. 230-39.

<sup>2</sup> See pp. 38-49.

<sup>3</sup> See *Bath Chart*. (Somers. Rec. Soc.), Introduction; Warner, *Bath*; Somers. Relig. Houses (*V.C.H.*, *Somers.*, ii.).

. . . . wilfull damage," of having carried off a quantity of plate and other goods with him to Canterbury, to make a good impression in his new office, promising "on his presthode" to restore them. In addition to valuables he actually took away the furnace oven from the brewhouse and left the monks with only enough provisions for a fortnight, and burdened with a crop of his unpaid debts.

The result of the suit is not known. John Dunster lived in peace at Canterbury until his death. Perhaps the Star Chamber, alarmed by the skilful hint that his successor rode abroad in great state, followed by men of his livery, did not believe much in the latter's story of "grevous poverty." Cauntlowe himself, the plaintiff in this suit, soon got into trouble himself for neglecting the Priory church.<sup>1</sup> Some forty years later we get another glimpse of Bath Priory—on the eve of the Dissolution—but this time we hear more of a feud between Prior William Holleway and William Crouch<sup>2</sup> than of the affairs of the Priory. Incidentally we get the only notice of town life that appears in this collection—a few slight references to the town officials and to the cloth trade. The Prior's accounts of tenements unlet and decayed in the very heart of the city suggest that Bath was not entirely prosperous, and there were no doubt other reasons for the migration of prominent clothiers to Salisbury and Bristol than Crouch's baleful activity, which is suggested as the cause.<sup>3</sup>

It is very unfortunate that our cases do not give us a single example of the action of the Star Chamber in the regulation of town guilds, of municipal elections and bye-laws, and of its control of trade disputes, weights and measures, and the coinage.<sup>4</sup> Other collections give a fair number of illustrations of this part of the work of the Court, by means of which the Tudors brought the local authorities directly under the control of the Crown.<sup>5</sup>

Several suits in this volume deal with the unlawful hunting of

<sup>1</sup> See below, p. 39, n. 1.

<sup>2</sup> See above, p. 26.

<sup>3</sup> See pp. 145, 146.

<sup>4</sup> See *Liber Intrationum* (Harg. MS. 212); Harl. MS., 305, art. 2; Add. MS., 4521, art. 9; Scofield, *op. cit.*, pp. 18, 19, 50.

<sup>5</sup> See *Star Chamber Cases* (Selden Society), i, ii.

the deer in private parks. In one case the marauders hunted by night in direct defiance of the Act of Henry VII., and not only shot deer with arrows, but trapped them with nets in a most unsportsmanlike way. They succeeded in killing twenty deer, and set their heads on the park palings in defiance of the bishop.<sup>1</sup>

Cases in which contempt of court was alleged are numerous. Among the Courts thus disrespectfully treated were the Archbishop's Court of Audience, the Court of Common Pleas, the Assize Courts, and the Court of Chancery.<sup>2</sup> Several times there was open defiance of the sheriff's authority. Contempt of a Star Chamber decree was rare, but we hear on one occasion of a rabble of about a hundred persons resisting a sheriff who came to execute a decree of that Court.<sup>3</sup> In extenuation of their conduct they declared that they thought it a "forged writing" because it had no seal.

Among the miscellaneous matters on which the suits give us information are the manorial customs relating to copyhold tenure and the taking of waifs and strays, the payment of rent in grain, disputes over rights of way, and the duty of keeping watch and ward on the sea coast.

The cases in this volume reveal the action of the Court at its most useful period, but they leave untouched many of the matters which occupied it at the zenith of its power and unpopularity. As England became peaceful and settled, and the excuse for harsh measures disappeared, the Star Chamber became ever more active, more tyrannical, and more hateful. Its control of the press, its activity in scenting out seditious libel and punishing it barbarously, the penalties it imposed for breaches of the multitudinous Stuart proclamations, added to its vast powers. It had gathered to itself an inquisitorial power over men's private lives which was deeply resented. Its action became political rather than judicial, and its powers were used with merciless bigotry for the persecution of political opponents. Thus when the Court of Star Chamber was abolished by the Long Parliament in 1641, it left an evil reputation which long biassed any enquiry into its past.

<sup>1</sup> See below, pp. 81-3.

<sup>2</sup> *Powe v. Newman*, pp. 62-4. See also pp. 86, 131, 209, 210, 276, 292.

<sup>3</sup> See p. 115. Another case of contempt of a Star Chamber decree is that of *Doble v. Foxe*, p. 186.

## STAR CHAMBER CASES.

1485-1547.

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### Prior of Bath *v.* Abbot of St. Augustine's, Canterbury.

HENRY VIII., BUNDLE 24, NO. 396. DATE: 1483-7.<sup>1</sup>

*To the king our sovereign lord.*

Shewith vnto youre Highnes and the lordes of youre moost honourable counsell your contynuall Oratour Thabbot of the monastery of Seynt Austyn<sup>2</sup> in the Countie of Kent that where

<sup>1</sup> The documents filed in this case cover a considerable period. The schedule of the Prior's misdeeds is dated 14th February, 1483-4, and the original petition of John Cauntlow must have been addressed to the Council before it obtained the special powers given to it by Henry VII. in the Act of 1487. The answer of the abbot of St. Augustine's, which is in the form of a petition, appears to refer to the Act of Henry VII., and to have been drawn up in 1487. *Star Chamber Cases* (Selden Soc.), ed. Leadam, Intro., vol. i, lxxix.

<sup>2</sup> John Dunster, formerly Prior of Bath. The dates during which he held office at Bath are not quite clear. Dugdale in the *Monasticon* and Mr. Hunt the editor of the *Bath Chartulary* (S.R.S.) do not mention any name between that of Richard who was Prior in 1476 and that of John Cauntlowe, Prior from 1488 to 1499. (Dugdale, *Monasticon*, ii, 64, 256; *Chart. of Bath Priory* (S.R.S.), Intro., lxxvii.) This John Dunster came between. He is mentioned as Prior of Bath in 1481 and 1482 (*Cal. of Pat. R.*, 1476-85, pp. 278, 310), and was transferred to Canterbury before July, 1482, and later in that year we have Peter, Prior of Bath, mentioned. (*Ibid.*, p. 571.) Dugdale's date for John Cauntlowe appears from this suit to be wrong, as John Cauntlowe was already Prior in February, 1483-4. The "Peter" whose name is found in the Patent Rolls has not been met with elsewhere, and his rule at Bath must have been very short. John Dunster was Abbot of St. Augustine's till his death in 1497. (Dugdale, *Monasticon*, i, 123.) John Dunster's mother was apparently the Alice Slougge who is mentioned below (p. 46), and it is suggested that he may have taken the name Dunster from the place of his birth. Leadam, *loc. cit.*, p. 20, n. 2.



of late a grevous sclaunderouse vntrue fayned and surmysed bill of compleynt hath bene and yit is pursuyd ayenst youre saide Oratour before the lordes of youre moost honourable counsell by one John Cauntlowe<sup>1</sup> prior of the Cathedrall Church of Bathe to the greate grevouse and Importunable charge costes and lossis of youre saide Oratour And for the insufficente and vnberteinte of the whiche bill youre saide Oratour ought not to be put to aunswere nevertheless youre saide Oratour saith that by a Statut made in the tyme of King Edward the thurde the xliij yere of his Reygne<sup>3</sup> it was actid and ordeynyd by the same Statut that no maner of person shuld be put to aunswere without it were apou a due presentment afore his Justices or ellys by mater of record or else by a originall writ accordyng to the aunicien lawe of the land as more playnly apperith by the same estatut And forasmuch as the saide bill of compleynt of the saide prior of Bathe implyeth no presentment takyn afore noone of the Kinge's justices nor is mater of record ner due originall writ your saide Oratour askyth judgement if he ought to be put to aunswere contrarie to the fourme of the saide estatut. And ouer this saith that in youre last parliament holden at Westminster it was agreed concludyd and affermyd by youre grace and the lordes of your moost honourable counsell in the same present parliament assemblyd That from thensforth no maner a persone nor persons shulde

<sup>1</sup> Prior of Bath from 1483-4 to 1499. Though he built a manor house at St. Catherine's, and a chapel at Holway with a small hospital for lunatics near it, he seems to have neglected the Priory church, and "great ruin and decay owing to the carelessness of many Priors" was reported by Oliver King, the then Bishop of Bath and Wells, at a visitation held by him just before Cauntlowe's death in 1499. The Bishop complained that he found lax discipline, feasting and idleness, and directed that £300 yearly out of the income of £480 should be set aside for the rebuilding of the conventual church. For accounts of Bath Priory see the introduction to the *Chartulary of Bath* (S.R.S.); *Victoria County History, Somerset*, ii, 69-81; Dugd'le, *Monasticon*, ii, 256-270; J. Britton, *History of Bath Abbey*.

<sup>2</sup> Stat. 42 Edw. III., cap. 3; *Rot. Parl.*, iv, 156. By this Act accusers were forbidden to summon persons before the Council by writ. This statute, the petition of the Commons in 1421 (*Rot. Parl.*, iv, 156), and the Act of 1453 (31 Hen. VI., cap. 2) are instances of attempts by the Commons to restrain the judicial activity of the Council, especially with regard to cases already provided for in the ordinary courts. See Leadam, *op. cit.*, i, Intro., lxxix-lxxx.

not be grevid nor vexid upon any privy Seale to be suyd by reason of any compleynt theruppon made without so were the mater therin conteynid concernyd a great cause of Ryot forcible entre vnlaufull and riotouse assemblees or ellys great and grevouse pouertee concernyng eyther of the parties that so sayth or compleyneth.<sup>1</sup> Wherfor your seid Oratour praieth that foras-muche as the saide bill of compleyns comprehendeth no Ryot nor vnlaufull assembe<sup>2</sup> and youre said Oratour & the saide prior be persons ablee and sufficient to suye for their remedy by the lawes of youre land for all iniuries & wrong to theym commytted & doone that youre saide Oratoure may be dismissid oute of this Court with his resonable costes and damages for his wrongfull vexacion susteyned in this behalf.

*Indorsed*: Responsio abbates sancti Augustini Cantuariensis etc ad billam Prioris Bathoniensis.

The declaration [of the] matere in variaunce betweyne the abbot of the monastere of seynt Augustyn of Caunterbury and the prior of Bath.

The [scid Prior] sayith that his bille is gode true sufficient & certain to put the seid Abbot . . .<sup>3</sup> Whereas the seid Abbot allegeth that the same prior owght [to] sue in . . . of the mater and charges comprysyd in his seid bill the same Prior is . . . said priorie beth in grete pouertie for . . . manye causes whe . . . soden ruyn of the most of the church of the seid Priorye the charges and costes of repare . . . seid . . . place. And othere grete vrgent & inevitable cause of the same pouertye is the grete vnreasonable and gruggful . . . wilfull damage done by . . . of . . . hereditamentes juelles goodes and catalles of the same pryorye done & commytted vnfatherly to the same place by the seid . . . as appereth by

<sup>1</sup> This must refer to the Act *pro camera stellata* (3 Hen. VII., cap. i), but the wording is confused and inaccurate. "Great and grevouse pouertee," for instance, is not mentioned in the Act. It has been suggested (Leadam, *op. cit.*, p. 21, n.) that the petition was drawn by a draftsman without having the Act before him, probably before it was printed.

<sup>2</sup> *Sic.*

<sup>3</sup> The parchment containing the Prior's replication is in a bad state, injured by damp, and torn.

the articles & matere ensuyng redy to be proved emonges dyuers other grete inconveyent A . . . to the hurt and ympouerysshing of . . . Fyrst the same Abbot beyng then Prior of the seid Priorye causyd a yerely rent of ix marcs parcell of the heritaunce of the seid Priorye due therto by the maire and com[monalty] of the town of Plymouth<sup>1</sup> to be relessyd & dischargyd forever to the grete hurt & disheritaunce of the same howse & the same abbot receyued therfore c & viij *li*. Whiche [he t]oke with hym & conuertyd to his proper vse & to the vse of the seid abbathic wherof he is nowe abbot Also the seid abbot then beyng Pryor of the seid Priorye caused the [sa]me Pryorye & thenheritmentes therof to be chargyd perpetuely with one yerely rent of xls. grauntyd in his tyme to one Johane at Welle<sup>2</sup> & to her heires & assignes & ressayvid [the]rfore of her c *li*. which he toke to his propre vse & to the vse of his abbathic & also causyd the same pryory to be chargyd perpetuely with an other annuel rent of [vi *li*.] to Thomas more of Cheldre<sup>3</sup> in fee symple & receyved therefore [ccc] marcs which he toke & conuertyd to his propre vse & to the vse of his seid abbathic. Also he causyd the same priorye to be charged in his tyme perpetuely with an other annuel rent of x *li*. grauntyd to John Twynco<sup>4</sup> in fee symple & receyved cccc marcs [which] he in lyke wyse applied to his propre vse and to the vse of his seid abbathic Moreouer the seid abbot beyng pryor of the seid priorie receyved of diuers other persons for . . . of yerely rentes corodyes pensyons & fees & morgages of londes to theym made in his tyme for terme of their lyves & for discharges & releeses of the rightes & possessions & sale of ymplementes of the same priorie and for manumyssions & fynes in his tyme made

<sup>1</sup> The rights of the Priory of Bath in Plymouth were commuted in 1440 for an annual fee farm rent of 10 marks, which was probably reduced to the sum of 9 marks about twenty years later, when another fee farm rent payable by the town was reduced. R. N. Worth, *History of Plymouth*, p. 190.

<sup>2</sup> The will of Joan Atwell, widow of Richard Atwell of Glastonbury, (who died in 1475), was proved in 1485. *Somerset Medieval Wills* (Somers. Rec. Soc., xvi), p. 255.

<sup>3</sup> The will of Thomas More of Cheddar, proved in 1493, is printed in *Somerset Medieval Wills* (Somers. Rec. Soc., xvi), p. 304.

<sup>4</sup> The will of John Twynyho of Cirencester (co. Glouc.) was proved in 1488. Smith, *Wills*, ii, 537.

& grauntyd as appeareth by a scedule thervnto annexyd amountynge to the some of vj<sup>c</sup>lxvij *li.* xijs. iiij*d.* to the extreme ympouerysshynge of the same Priorye And furthermore the seid abbot beyng Pryor of the seid Priorye gretly mynysshed the Store of the mansion & possession of the same Priorye to the grete disperses<sup>1</sup> damage & ympoverysshynge therof And also in his tyme & at the time of his departynge the same Priorye was indettyd in viij<sup>xx</sup> & xj *li.* & the same abbot toke and conueyed with hym the juels plate siluer vessels goodes and catalles specified in the bille of the seid Prior with dyuers other goodes & ymplementes of the goodes of the same Priorye which beth not conuenient to be expressyd in this high court levyng in the same place no some of money ne other stuff necessarye to the sustenaunce & mayntenaunce therof as in mete and drynke to find theym by the space of a fourtnyght but of his gredy couetous<sup>2</sup> havynge special mynde to depart therfro toke all that he myght of the same place to the vtter ympouerysshynge therof. And moreover the seid abbot the day of his departynge from the seid Priorye havynge in his possession the juels plate siluer vessell & goodes of the same Priorye specified in the same bille the couent<sup>3</sup> of the same Priorye beyng bifore hym made to hym request to haue deliuery to theym of the same juels plate siluer vesell and goodes the same abbot then & their especially desyred and requyred the same couent by verrey subtile and crafty meanes that he myght haue the occupacion of the same juels plate siluer vessell & goodes for a certen season to be in his rewle & tobe brought with hym to the seid abbey of seynt Augustyns & therby he shuld haue the grettere love of the couent of the same place of seynt Augustynes & it were grete reproch to the same Priorye he to departe so pore from thens not havynge eny substaunce with hym & thervppon he leyng his hand vppon his brest made there a solempne oth & promyse vppon his presthode to the same couent to restore ageyn to theym the seid juels plate siluer vessell & goodes in as goode and better value & condicion than he receyued theym. Morouer

<sup>1</sup> *I.e.*, dispersals.

<sup>2</sup> *I.e.*, covetise, an early form of covetousness.—Murray, *Dictionary*.

<sup>3</sup> The early form of convent, in use till the seventeenth century.—Murray *Dictionary*

the seid Prior seith that the seid abbot hath by his wrytynge made with his owne hande grauntyd to restore ayen the seid siluer vessel Chalesse pax & half cruettes of siluer in more and bettere value than he hadde theym Neuerthelesse the same abbot to thentent to coloure therby more couertly his seid grete wronges hath made a bille to the kynge oure soueraign lord & rehersynge therin in a generaltye the compleynt of the seid Prior praynge for so moch as there is no matere by presentement ne mater of record due originall by the cours of the law riot riotous assemble ne forcibly entre comprysed in the bille of the seid Prior that therefore the same abbot myght be dysmysyd out of this Court accordynge to the ordynaunces of certin statutes in that behalfe ordeynyd the which bille of the same abbot is made in fourme of peticon & not by eny fourme of answar to the bille of the seid Prior only of subiltie & craft by cause the same abbot wold not be sworne vppon eny answer by hym tobe made diretly to the bille of the same Prior ne yef eny answer direct therunto which is a right icopardous president tobe begon of newe And by the causes and consideracons alleggyd herin it may be by the consideracion of this high Court pleynly acceptyd and adiugyd grete pouertie tobe in the seid howse of Bath All which maters the seid Prior is redy to prove as this Court wille awarde And for asmoch as the seid abbot in his bille & answer hath not denyed the hauynge of the seid juels plate siluer vessell & goodes specified in the seid bille of the seid Prior & other iniuries conteynyd in the seid bille therefore the same Prior praeth that by iugement of this high Court the same abbot may be adiugged othere to yeld to the same Prior the juelles plate siluer vessell and godes specified in his seid bille & to make such ferthere restitution & recompense to the same Prior & his howse of Bath of the premysses as accordeth with right and good conscience orelles to make ferthere pleyn & direct answer aswelle to the mater specified in this replicacion & therevppon to be examyned by his othe as he shuld haue be vppon a pleyn answare made to the matere of the bille of the same Prior.

*Indorsed:* Prior Bathoniensis contra abbatem sancti Augustini Cantuariensis.

*A schedule, in Latin, of the misdeeds of the late prior follows, which is here translated.*

*To all the sons of holy mother church to whom these present writings shall come.*

John Cantelowe, prior of the priory of the cathedral church of Bath and the chapter of the same place, perpetual greeting in all safety. We have brought to the notice of you all by these present writings that one father Sir<sup>1</sup> John Dunster, Abbot of the monastery of St. Augustine by Canterbury, lately prior of the priory of this church of Bath, during the time when he was prior damaged, detained, dilapidated and wasted the rents and profits and alienated other goods of the said priory and also greatly deteriorated the said priory by debts, pensions and corrodies and burdened it by grants to servants and officers and in other ways as follows :

In primis he released an annual rent of 9 marks payable to the prior and convent of the said cathedral church of Bath by the commonalty of the town of Plymouth for which release the said reverend father Sir John Dunster, lately prior as aforesaid, received cvijij *li*.

Item he burdened the said priory by granting to Joan Atwell of Glastonbury in the county of Somerset, widow, her heirs executors and assigns a perpetual pension of 40s. yearly and received for this pension c *li*. which he took with him.

Item he burdened the said priory by granting to Thomas More of Cheddar, in the county of Somerset (etc.), an annual pension of vj *li*., for which pension he received ccc marcs which he took with him.

Item he burdened the said priory by granting to John Twynho of Cirencester, in the county of Gloucester, an annual pension of x *li*., and he received for the said pension cccc marks, which he took with him.

Total of the pensions granted by which the said Priory is perpetually burdened : xix *li*.

<sup>1</sup> This is *dompnus*, *i.e.*, *dominus*, the usual title given to churchmen at this period.

Sums of money received for the said pensions and subtracted or taken away by the said prior : viij<sup>c</sup> marks.

Item the said prior carried away with him from the said priory, two large silver basins, the interior part gilded.

Item the said prior carried away with him the whole "garnysh" of silver vessels, viz., 12 platters, 12 . . .<sup>1</sup> and 12 saucers, together with two chargers, and as it is said, one other charger. Value of the silver . . . the platters iij *li*.

Sum total lxxxiiij *li*.

Item the said reverend father carried away with him two cruets (phiolas), partly silver gilt, and one silver "paxbred," wholly silver gilt.

Item he carried away with him one silver chalice, partly gilt, and one silver flagon (olla), wholly gilt, weighing 13 ounces.

Item he alienated one pair of vestments, the gift of Thomas Bekynden, formerly Bishop of Bath and Wells,<sup>2</sup> worth 4 marks, with one silver salt cellar (salerium), and with a silver basin (cratera) belonging to the refectory there.

Item he alienated one old implement belonging to the brewhouse (pandexatorium), viz., the furnace oven (le furneys euen) . . . . . lx *li*. vis. viij*d*.

Received by the said reverend father (etc.) at the time of the building of the refectory.

Item the reverend father received from lady Estmoude, widow, for a certain annuity of 10 marks, with which the said priory is burdened until the present time . . . vij<sup>xx</sup> (*li*).

Item he received of John Chaney's<sup>3</sup> of Wilmington<sup>4</sup> in the county of Somerset, 100 marks, for which he mortgaged the

<sup>1</sup> Perhaps "lances," dishes.

<sup>2</sup> He was bishop from 1443-1465.

<sup>3</sup> This appears as Champneys in the fragment printed below. William Champneys of Wylmyndon, gentelman, was one of the legatees in the will of Thomas Chaunceler, citizen of Bath, proved on 9 March, 1497.—*Somers. Medieval Wills* (S.R.S., xvi), 342.

<sup>4</sup> Wilmington, a hamlet in Priston. Priston had been granted to Bath Abbey by Athelstan. Collinson, *Hist. of Somers.*, i, 430; Dugd., *Mon.*, ii, 262.

manor of Chelworth<sup>1</sup> to the said John, and in addition the said priory is burdened with the payment of an annual pension of 26s. 8d. to the said John and to his son William, during the life of them and of each of them (*sic*).

Item he received of John Chaunceler<sup>2</sup> of Keynsham in the county of Somerset 100 marks for the payment of which the said priory is burdened and on account of this he granted to the son of the said John Chaunceler an annual pension of four marks until the time when he should promote him to a benefice of 20 marks.

Item he received of Richard Canynges<sup>3</sup> of Hampton near Bath for a corrody for himself and his wife and his son for the term of their lives and of the life of the longest liver. xl marks.

Item he received of John Broke<sup>4</sup> of Abbots Leigh near Bristol for a corrody for himself and his wife . . . lviij marks.

Item he received of John Baboure<sup>5</sup> of Twiverton near Bath for a corrody for himself and his wife (etc.) . . . xlvij (marks).

Item he received of Alice Slougge<sup>6</sup> his mother and Agnes Exsten his aunt for a corrody to them for the term of their lives . . . . . xl (*li*).

Item he received of William Castell of Bath for a fine for his tenement . . . . . xx (*li*).

Item he received of William Schote<sup>7</sup> of Hampton, near Bath, for the reversion of a tenement . . . . . iiij (*li*).

<sup>1</sup> The manor of Chelworth or Chelwood belonged to the Priory at the Dissolution. Dugdale, *Monasticon*, ii, 273.

<sup>2</sup> His will, proved 16 July, 1489, is printed in *Somerset Medieval Wills* (S.R.S., xvi), p. 282. He was the father of the Thomas Chaunceler a prosperous citizen of Bath whose will is mentioned above, p. 45, n. 3.

<sup>3</sup> He was possibly connected with the Canynges family of Bristol, though his name is not found in the pedigree given in *Memorials of the Canynges Family* (G. Price).

<sup>4</sup> The will of a John Broke of Pill was proved in 1496 (S.R.S., xvi, 335), but this man may perhaps be identified with the John Broke, gentleman, who is mentioned in a will of 1498 as holding land by grant of John Kenne. (*Ibid.*, p. 375.)

<sup>5</sup> His will was proved in 1534.—*Wells Wills*, 176.

<sup>6</sup> The will of John Slogg of Bath was proved in 1530.—*Wells Wills*, 7.

<sup>7</sup> He was perhaps a member of the Shute family which lived in Bathampton. Will of John Shute proved 1596.—Smith, *Wills*, iv, 377.



Item he received of Lady Hungerford<sup>1</sup> for the release of a title in the manor of Cricket St. Thomas (Crykoff Thomas)

xl (*li.*).

Item he received of a certain Irishman called Parys,<sup>2</sup> for a fine for one tenement situated in Ireland<sup>3</sup>.

xx (*li.*).

Item he received of Master John Drover for a corrody granted to him for life

xx (*li.*).

Item he received of Sir Robert, his chaplain, for a corrody granted to him for life

xx (*li.*).

Item he received of William Walley<sup>4</sup> of Bath, for a fine for a mill

vi (*li.*).

Item he received of John Cole of Oldeston<sup>5</sup> in the county of Somerset, for his manumission

x *li.* xiijs. iiij*d.*

Item he received of John Gravell of Inglisbache,<sup>6</sup> near Bath, for a fine of a rectory appropriated to the said priory and let to farm (to the said John)

xlvij*s.* viij*d.*..

Item he received of John of Bathwick, near Bath, for a corrody granted to him

vj *li.* xiijs. iiij*d.*

Sum total of the above receipts, vj<sup>e</sup> lxxvij *li.* xiijs. iiij*d.*

Item the said reverend father wasted the store of the manors<sup>7</sup> (of the priory).

<sup>1</sup> This is probably Mary, daughter and heiress of Sir Thomas Hungerford, who became Baroness Hungerford in 1485 by the reversal of her father's attainder (see below, p. 178, n. 5), G. E. C., *Peerage*. She died between 1528 and 1534. The manor of Cricket St. Thomas belonged to the Hungerford family at this date. No reference to any right of the Priory in this manor has been found.

<sup>2</sup> *Collinson*, iii, 118.

<sup>3</sup> The Priory had cells at Waterford and Cork.—Dugdale, ii, 263; *Bath Chart.* (S.R.S.), lxxix.

<sup>4</sup> This family was well known in Bath.—*Collinson*, i, 31; *Smith, Wills*, iii, 324, iv, 433; *Bath Municipal Records*, ed. King and Watts, App. xxix.

<sup>5</sup> This must be Olveston in Gloucester, which is often referred to in the Chartularies, e.g., *Bath Chart.* (S.R.S.), ii, 123, 158, 163, 250, etc.; *Dug.*, ii, 273.

<sup>6</sup> Englishbatch or Inglesbatch, a hamlet in Englishcombe near Bath.—*Bath Chart.* (S.R.S.), ii, 485, 485 n.

<sup>7</sup> These accusations of acts of waste with regard to livestock and so on on the manors proved that the prior and convent let them out on the "stock and land lease" supposed by Thorold Rogers to have been abandoned at the end of the sixteenth century. An example of a stock and land lease by William Holway, a later prior, in 1528, has been printed in the Appendix to Cunningham, *Growth of Industry and Commerce*, vol. i. See also Dugdale *Monasticon*, ii, 272, and *V. C. H. Somerset*, ii.

Imprimis of the manor of Sothstoke,<sup>1</sup> 4 oxen, 1 bull.

Item, Combe, 3 cows, 3 bullocks and 5 . . . .

Preston, 1 bull, 13 oxen, 8 cows, 5 calves.

Coston, 10 oxen, 8 cows, 13 bullocks, 1 bull.

North Stoke, 2 oxen, 7 cows, 1 bull.

Lymcombe, 12 oxen.

Hamewell, 30 head of oxen, cows and bullocks.

Debts incurred during the time of the said reverend father for which the said priory is liable to certain creditors, as follows:—

Imprimis to the fraternity of St. George<sup>2</sup> in the church of St. James of Bath, vi *li.*, which he received.

Item to Isabel Broke of Bath, xxxix *li.* xiijs. iiij*d.*, which he received by way of a loan.

Item to John Barbor<sup>3</sup> of Bath . . . . . iiij *li.*

Item to Andrew Bedforth<sup>4</sup> of Bath . . . . . xj *li.*

Item to Richard Fluet of Penford<sup>5</sup> . . . . . lxxxxij *li.*

Item to John Gaynard of Bristol, merchant . . . . . xx *li.*

Item to John Payne<sup>6</sup> of Mells . . . . . vj *li.*

Item to Walter Lyncell of Bristol, merchant . . . . . iij *li.* vjs.

Sum total of the said debts, viij<sup>xx</sup> xj *li.*

Dated 14 February, 1483, in the first year of the reign of King Richard the Third.

<sup>1</sup> South Stoke. Dug., *Mon.*, ii, 272; see also *Bath Chart.* (S.R.S.). Corston, *ibid.* Lyncombe, *ibid.* This is Hameswell, Hamswell or Hareswell, a manor belonging to the Priory in Cold Ashton, Gloucestershire. *Bath Chart.*, ii, 327, 327 n, 599, 808.

<sup>2</sup> No notice of this fraternity has been found. It was obviously one of the religious guilds which flourished at this period. See *Churchwardens' Accounts* (S.R.S.).

<sup>3</sup> The Barber family was well known in Bath. *Somers. Wills*, v, 106. *Somers. and Dors., N. and Q.*, v, 178.

<sup>4</sup> An Andrew Beddeford or Bedforth was one of the members for the city of Bath in 1467.—Warner, *Hist. of Bath*, 161; Collinson, i, 21.

<sup>5</sup> Pensford. The will of Richard Fluett of Bath was proved in 1497. *Somers. Med. Wills.* (S.R.S., xvi), 354.

<sup>6</sup> The will of Walter Payne of Mells was proved in 1496. *Ibid.*, 333.

(A small piece of parchment, injured by damp and torn, gives an English version of part of the above document. It begins: "[F]irst the seid Abbot then prior of Bath ressauid of the lady Esemund wydoe for a certen annuite of x marcs to her grauntyd cxi li.," and ends with the note of the corrody granted to John of Bathwick.)

The shewyng off John thabbott off seynt Augustynez besides Canterbury concerning a matier bitwen hym and the priour off Bath.

The seid Abbott seith that the matier off the byll off the seid priour is insufficient and he owith nott to be putt to answeere thervnto nor to be called hider opou the said matier for such consideracion as haith ben shewed by the seid Abbott in a byll late putt in by hym as by the statute alleged by the seid Abbott and by the statute off magna carta in which the grete sentence of holy church<sup>1</sup> is yeuen opou them that be brekers theroff and by dyuerse other statutes it haith bene laudably ordeyned enacted and establisshed. And wher the seid priour surmitteth pouerty in hym and his monastery to thentent to cause the seid Abbot to be putt to answeere her the seid Abbott seith that that is no consideracion to cause hym to be putt to answer her and is butt feyned by the seid Priour to putt the seid Abbott and his monastery to coste troble and vexacion. For the seid priour nor his monastery is nott in any such pouertye as is by hym surmitted. For the seid priour commonly rideth with xvij horses or therabout and her servauntes all in one lyverey or clothyng. And useth nott hym self lyke to a man being in pouertye nethyr in his ridyng ner in his other dedes. Wherfor the seid Abbott prayeth and demaundeth as he haith prayed and demaunded in his other bill etc.

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<sup>1</sup> This refers to the *Confirmatio Cartarum* of Edward I., 1297 (art. 4). "And that all archbishops and bishops shall pronounce the sentence of great excommunication against all those that by word, deed or counsel, do contrary to the foresaid charters or in any point break or undo them." Stubbs, *Select Charters* (1890), 496.

## Courtney v. Courtney.

HENRY VII., NO. 14. DATE: 1487-1512.

*To the Kynge oure souereigne lorde.*

In most humble wise shewith unto your highnes your feithfull liege man Piers Courtney<sup>1</sup> of your countie of Devonshire esquier. That wher as Sir William Courtney knyght his fader was seased of the manors of Bere & Borow<sup>2</sup> and oder londes & tenementes in Hamp<sup>3</sup> Gaskyn<sup>4</sup> Haller<sup>5</sup> Saltmore<sup>6</sup> Northmore<sup>7</sup> &

<sup>1</sup> These Courtenays belonged to the Powderham branch of the family. The defendant in this suit was Sir William Courtenay of Powderham, who succeeded his father Sir William on the death of the latter in 1485. Sir William the elder, who was High Sheriff of Devon in 1483, left three other sons, Philip, Peter and James, and two daughters, Joan wife of Sir William Carew, and Margaret wife of Thomas Rogers. The third son Peter was the plaintiff in this suit. Very little is known about him, but he must not be confused with Peter Courtenay Bishop of Exeter, who died in 1491, or with Peter Courtenay of Ugbrook in Devon who died in 1551. He married Joan the daughter of Sir Thomas Beaumont, and the widow of William Reigny. Certain lands in Chudleigh (co. Devon) had been settled by Sir Thomas upon Joan and her husband Peter Courtenay, but she had died childless on 24 January, 1495-6 (Cal. Inq. p.m. Hen. VII. (Rec. Com.), No. 1231; Cleveland, *Hist. of Courtenay Family*.) Sir William married Cecily, daughter of John Cheyney, and died in 1511-12, but the date of Peter Courtenay's death has not been found. Sir William, it may be noticed, spells the family name with an *e*, his brother without.

<sup>2</sup> The manor or manors of Bere and Borow, or Bere and Burgh, were not easily identified, but they appear to have been in the parish of Aller. In 1548 the heirs of Courtenay were withholding a rent of wax due to the parish church of Aller from the manor of Bere in that parish. *Somerset Chuntries* (S.R.S.), 106, 290. Fortunately an indenture of a grant of the same date (1549) has been preserved, by which James Courtenay grants lands in Bere in the parish of Aller to be held by rent and suit to his court "holden at Bere and burough." *Cat. Anct. Deeds* (P.R.O.), A. 12609. In 1599 Sir William Courtenay and James Courtenay held the manor of Bere and Burgh. Feet of Fines. Div. Cos. Mich. 41, 42 Eliz.

The more obvious identifications of Bere fail, owing to the fact that we cannot prove any of these other places to have ever been held by the Courtenay family, though some connection with the manor of Beer in Cannington might be presumed from the fact that that manor was held by the Bonville

half yerd within your Countie of Somerset in his demene as of fee whiche is to the yerely value of xxx *li.* and so beyng seased uppon to promyse & couenaunte for mariage made between the said Piers and on Johan daughter of Thomas Beaumont knyght an astate of all the premyssez was made by the seid Sir William Courtney to your seid Orator his son & to the heires of his body begotyn by vertu wherof your seid Orator was therof seased in his demeane as of fee tayle and so beyng seased one William Courtney knyght son & heir to the seid Sir William and broder to your seid suppliant by his dede relessed all the right title & interesse that he had in the premyssez to your seid Oratour & to the heires of his body And ouer that by the same dede bound him & his heires to warant the seid manor londes & tenementes to your seid Oratour & to the heires of his body And so it is most gracious souereign lord that your seid besecher by reason of the premyssez was lauffully seased of the seid manor londes & tenementes and pesibly had and enjoyed the same from the tyme of the seid gyft duryng all the lyfe of his seid fader And also after the deces of his seid Fader unto the tyme the seid Sir William Courtney broder to your seid oratour contrarie to his own reles and contrarie to the graunte of his seid Fader through his extort myght & power in riotous wise & with force assembled & toke to hym Thomas Walton Richard Baker Robert Prowse William Hole Robert Wattes & diuers oder persons his seruantes to the nombre of xvj or ther aboute to

family. The manor of Burgh probably took its name from Sir Thomas Burgh, kt., whose widow Margaret (formerly the wife of Sir Thomas Botreaux) held it in the reign of Edward IV. and at her death in 1489. *Cal. Inq. p.m.* Hen. VII., No. 482. *Bodleian Library Charters*, 399.

<sup>3</sup> This is perhaps Ham in Creech St. Michael, or High Ham near Langport.

<sup>4</sup> Gaskyn may be identified with a tenement called Gascoigne formerly held by Sir William Bonvile, from whom we know that this property had descended. The same Sir William also owned a manor of Beer near Combwich (in Cannington) and land in Saltmoor. *Inq. p.m.* and *Feud. Aids*, iv, 436.

<sup>5</sup> Aller.

<sup>6</sup> Saltmoor in the parishes of North Curry, Stathe, etc.

<sup>7</sup> Northmoor, in Huish: Episcopi by Langport. *MSS. of D. and C. of Wells* (Hist. MSS. Com.), pp. 177, 484.

your seid suppliant as yet unknowen wrongfully & in riotous wyse with force entred into the seid manors londes & tenementes & thereof wrongfully & with force put out your seid oratour ayenst all right lawe & good consciens and so from that tyme hederto the seid Sir William his broder by his gret myght & power hath taken thissuez & profites of all the premyssez by dyuers yeres & yet doth to the disheritance & utter undoing of your seid oratour & his heires for euermore ayenst whom your seid oratour is not able nor of power to sue for his remedy of & for the premyssez by the course of your comen lawes of this your realme for so moche as the same Sir William is a man of grete substance of lond & goodes and also of gret myght & power in your seid countie and your seid oratour is but a yonger broder hauyng no more to lyve on but the seid londes and tenementes into the whiche he dar not entre for the myght & power of the seid Sir William In whiche cace he is lyke to be undon & disherite for euermore onles your speciall grace be to hym shewed in this behalfe wherfor please it the same your highnes the premyssez graciously considered to direct your gracious letters of prevy seall to be directed to the seid Sir William Courtney comandyng hym by the same to appere before your highnes & the lords of your most honourable & discrete counsell at a certen day & under a certeyn payne to answer, &c.

Appended are

(1) The answer of Sir William Courtney, knight, who says that :—the said Sir William Courtney his fadyr was seased of the said manors londes & tenementes specyfyed in the said byll in his demesne as of fee taylor of the gyfte of William Bonvyle knyght<sup>1</sup> therof made to hym & Margaret his wif doughter of the said Sir William Bonvyle & to the heires of their two bodycs cumyng and the seid William Courtney so being therof seised of such estate therof dyed seasyd after whos decesse the said manors londes & tenementes disceynd to the said William Courtney as son &

<sup>1</sup> This was the Sir William Bonvile who was beheaded after the battle of Wakefield in 1460-1, his son and grandson of the same name both being slain in that battle. He settled the property in dispute on his daughter Margaret on her marriage with Sir William Courtenay. She died in 1487, two years after her husband. G.E.C., *Peerage*.

heire of the said William & Margaret by fors wherof immedyaty after the decees of his seid fadyr by his officers entred & wos & yet ys therof seasid in his demean as of fee tayle and syth the tyme of his said fadyr is deceesse the same Sir William cam neuer at the said manors ne eny of the premisses ne the said Pyers syth his said fadyr is deceesse neuer claymed eny of the premisses untyll now of late but the said Sir William in peasable maner hath contynued his possession in the same and to the intent that your good lordshippis may haue the better knowleche of the truthe of the said untrue surmyse the same Sir William besechith your good lordshippis to gyue comaundement by wrytyng to the shrief & justices of peas within the said countie of Somerset to inquier of the said ryot & fors surmytted to be don by hym & to certyffye your good lordshippis of the truthe therof and ouer that the said Sir William seith that he hath payed sith the deceesse of his fadyr yerely to his brother Pyers Courteney xx *li.* out of the said manors of Bere & Burgh & other the premissis tyll now of late that the said Pyers of his unkyndynes trobled the said Sir William & also the same William of his frewill hath geuyn to his said Brother Pyers londes & tenementes in Coltbury alen<sup>1</sup> in the countie of Devon to the yerely value of x *li.* by cause his said fadyr couenaunted to geue to the same Pyers xx *li.* out of the said manors londes & tenementes specyfyed in the said byll which couenaunt made by his said fadyr was voyde by his deth by cause the said manors londes & tenementes were intayled and ouer that the said Sir William seith that the seid Sir William Courteney his fadyr contynued his possessyon in the said manors of Bere & Burgh & other the premisses as well after the maryage bytwene the said Pyers Courteney & Jane his wif as byfore the same paying to the same Pyers xx *li.* out of the same manors londes & tenementes & takyng to his owne use the profyttes of the resydue therof and also the same Sir William his fadyr aswell after the said maryage as bifor hyld the courtes in the said manors in his owne name & so dyed ceased therof without that the said Sir William Courteney made sealed or delyuered eny such relese to the said Pyers as ys surmytted by the said byll & the same

<sup>1</sup> Land in Coltbury Allen was held of Peter Courtney, Esq., as overlord in 1491. Cal. Inq. p.m. Hen. VII., i, No. 798.

Sir William seith that the said relese is sealed with his moders seal which after hir deth remayned in the keyng of the same Pyers and the same Pyers in his moders liffe neuer pretendyd eny title to the said manors londes and tenementes and how be yt the same relese had beyn the dede of the same Sir William as in dede yt was not the same relese ys voyde in the lawe by cause the said Pyers was not then in possession of the said Manors ne eny of the premissis and without that the said Sir William ys gyilty of eny royet or fors as ys surmytted by the said byll all which matters he is redy to proue.

(2) The replication of the said Piers Courtney, in which he says that:—for the mariage to be had between him and the said Jane suster of the seid Thomas Beaumond the seid Sir William Courteney the fader for gret somes of money to hym contented & payd couenaunted & promysed by Indentur that the seid Piers should haue parcell of the manors londes & tenementes of the said Sir William to the yerely value of xl *li.* ouer all charges & to haue xx *li.* therof in hond & xx *li.* after his deces and ther upon the seid Sir William the fader in parte of perourmance of his seid promyse made estate of the seid manors londes & tenementes specified in the seid bill to the seid Piers to haue to hym & to theires of his bodie by aggrement then had between them that the same Sir William shuld haue duryng his lyfe as moche of the issuez & profites therof as shuld be about xx *li.* yerely accordyng to the premysez and ther-uppon the seid Sir William Courtney his son in the presens of his seid fader & of his moder and of diuers oder honorable persons made the seid reles with warrantie unto the seid Piers and because the same Sir William the son had no seall of his own as he then seid he then and ther borowed the seall of his moder & therwith sealed the same reles and deliuered yt to the seid Piers as his true dede and the seid Piers by reason therof contynually after that had and occupied the seid manors londes & tenementes duryng all the lyfe of his seid fader and had xx *li.* therof yerely to his own use and his seid fader the residue accordyng to the seid premysez And after that the seid Sir William Courtney the fader for asmoche as the same manors londes & tenementes were but of the yerely value of xxx *li.* willed that ymmediatly after his deces the seid Piers shuld haue



oder manors londes & tenementes to make up the value of xl *li.* accordyng to his seid promyse and decessed after whos death the same Sir William according to his seid faders will & promyse made astate to the seid Piers of the seid londes & tenementes in Coltbury Alen and how be yt that they be now aboute the yerely value of x *li.* they wer not then of the yerely value of vij *li.* and so by reason of the premysses all the seid manors londes & tenementes of right belong to the seid Piers and that notwithstanding the seid Sir William sent his seruantes a gret nombre in riotous wise in harnes and wrongfully with force put him oute without that that the seid William Courtney the fader was seased of the seid manors londes & tenementes in fee taill or died therof seased as is surmytted by the seid answer and also seith that the seid Sir William the fader made the seid astate unto the seid Piers with warantie and that the seid Sir William Courtney his son hath sufficient londes and tenementes descendid to hym from his seid fader in fee symple so that he hath no right ne title to the same manors londes and tenementes ne eny parcell therof though they were entayled as they be not and for asmoche as the seid Sir William the son denyeth not but that his seid fader made the seid gift to the seid Piers praith to be restored therunto and also the seid Sir William hath attayned to his possession the indenture & oder wrytynges that were made for the suertie of the seid astate uppon the seid mariage which belong to the same Piers wher fore he praith that the seid Sir William may be compelled to delyuer them to the same Piers.

(3) The rejoinder of Sir William Courtney which contains no new facts.<sup>1</sup>

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<sup>1</sup> The result of this suit is not known, but the disputed manors are next found in the possession of James Courtenay, a younger son of the Sir William Courtney who was the defendant in this suit. It is probable therefore that Peter Courtney failed to make good his claim, as indeed might be expected from the way in which he shifts his ground of argument, and from the lame explanation he put forward to account for the difficulty about the seal.

## Dean of Wells v. Hardwich and others.

HENRY VII., No. 36 [*MS. in bad state*]. DATE: 1493-1498.

*To the King our sovereign lord and the lords of his most honourable Counsell.*

In the most humble wise sheweth and complayneth unto your highnesse your daily oratour John Gunthorp clerk<sup>1</sup> deane of your cathedrall church of Welles in youre countie of Somerset that whereas he in the right of the seid deanry was & is seased of and in a more and certeyn londes called Wedmore More conteynyng xv<sup>c</sup> acres or therabouts in the parisshe of Wedmore<sup>2</sup> in your seid countie which more and londes hath bine used and accustomed tym oute of mynde by the same deane and his predecessours deanes of the same church & other tenauntes there to be enclosed with walles and other thinges therunto nedefull for the defence of the said more and landes from daunger of ragious flodes of waters commyng and adioynyng to the same and according to the same usage and custume a walle called Kumnorwalle<sup>3</sup> extepdyng in length from a village called Theel<sup>4</sup> to a [river] called the yoo which is the space of a myle and aboue of olde tyme was made by the seid tenauntes and the predecessours of the said Deane for the defense of the seid more and landes from the said ragious flodes and waters which wall without lette or interupcon of any your subgiects heretofore hath stoude and bein upholden in

<sup>1</sup> John Gunthorpe was Dean of Wells from 1472 until his death in 1498. He was chaplain to Edward IV., prebendary of Lincoln 1471-98, and Keeper of the Privy Seal in 1483. He was sent on many diplomatic missions in the reign of Henry VII. (*Dict. Nat. Biog.*) His will, dated 25 June, 1498, has been printed in *Somerset Medieval Wills* (S.R.S., xvi) p. 361. It contains a bequest of £30 to Wedmore Church.

<sup>2</sup> Wedmore was given by Harold to the Bishop of Wells who held it at the date of the Domesday Survey. *V.C.H. Somers*, i., 458. In about 1150 Wedmore with the hamlets of Mudgley and Mark was granted to the Dean and Chapter. It formed a prebend of the Cathedral being valued at 60 marks in 1428. *Feudal Aids*, iv, 415; *MSS. of D. and C. of Wells* (Hist. MSS. Com.) i, 80.

<sup>3</sup> This reading is doubtful; much of the MS. is in a bad state.

<sup>4</sup> East Theal and West Theal are hamlets in Wedmore. Collinson, *Hist. of Somers.*, i, 189, ii, 243.

fourme aforesaid till of late most gracious souerain lord the ij<sup>d</sup>. daie of this present month of Juyn Hugh Hardwich Richard Dwale Richard Sidnam the yonger William Combe and John Martyn of Glastenbury accompanied with other evill disposid and riotous persons of the same town in grete nombre whose names be as yet to your suppliaunt unknowen araid in maner of werre that is to say with bowes billes and other wepyns defensibile by the abetting procuring and stiring of one William Tyntenhull of Panburgh<sup>1</sup> John Popham John More Robert Counsell Robert Chalcroft John Algare William Algare Thomas Theyre, John Collegerige of Theel and John of Martsey alias Barowe of Panburgh aforesaid in your said countie the seid seconde daie of this present moneth of Juyn riotously contrary to your lawes and peas came to the walle aforesaid & there cruelly and with grete force brake and cast down a part of the same wall of the length of xvj fote or theraboute and let in the water into the seid more and londes of your seid orator and also the same tyme the same riotous persones brake up and cutte with their billes swordes & other wepyns diuerse baryers that stod upon the same walle in diuers places therof as well to the defence of the same wall from . . . as for the . . . and proticion of vj<sup>c</sup>. acres parcell of the seid xv<sup>c</sup>. acres of more & lond from the residue therof wherby the same more and landes were drowned and . . . to the grete hurt & damage of your seid orator & his tennautes there which tennautes of your seid orator for the saluacion of the seid more and land assone as they hadd knowlege therof came to . . . up ageyne the seid walle & . . . the seid waters and the seid riotous persones beyng and abidyng at the seid walle stod with their bowes bent & arowes in theym redy to haue shot at the tennautes of your said orator so that they . . . for fere and jeopardy of their lives durst [nou]ght execute their lafull purpose in stopping the said waters till afterward that the said riotous persons were departed and then the seid tennautes of your suppliaunt stopped and amended the same wall to their grete cost . . . and the said riotous persones in executing thereof . . . agayne eftsones the same

<sup>1</sup> Panborough, another hamlet in Wedmore, had belonged to the Abbey of Glastonbury from the 10th century. Birch, *Curt. Sax.*, iii, 89.

ij<sup>de</sup>. day of Juyn with like force cutte and cast down the same wall in the same place & surrounded the same more & land and let the waters into the same and the seid tenautes of your suppliaunt assone as they hadde knowleche therof eftsones amended the same walls to their grete cost & charges . . . by the procuring and stiring of the persons aforerehersted came by nyght araied in maner of werre as is aforesaid & brake & cast down the said walle in other v places of the . . . londes was drowned and surrounded in such wise that therby it is in case to be utterly destroyed & wasted foreuer as well to the grete hurt and disheritance of the said church of Welles . . . dean and his successours . . . hurt and empouerysshing of their seid tenautes Therfor it may pleas your highness upon consideracon of the premises to graunt your gracious letteres of privy seall to be directed to the seid riotous and evil disposed persons comaundyng theym & euery of theym by the same to appear befor your Grace & the lords your most honorable counsel.

Appended are the answers of (1) all the defendants (except Hardwich and Dwale) saying that they are in no wise guilty, (2) Hugh Hardwich and Richard Dwale, who say that :—

Richard abbot of the Monastre of our Lady of Glastonbury<sup>1</sup> is & his predecessours long tyme passed have ben seased of the maner of Norloode<sup>2</sup> in the said countie & of a more called Yoo More conteyning by estimacon vij or viije. of acres adioynng to the said more called Wedmore More in their demesne as of fee in the right of their said monasterie and that the said abbot & his predecessours & all they whos estate the said abbot hath in the seid maner out of tyme of mynd haue ben seased of commen of pasture and used to haue commen of pastur for theym & for their farmors & tenautes at wille of their said maner of Norloode with & for all maner of bestes euery tyme of the yere in the said more called Wedmore More through whiche to mores that is to

<sup>1</sup> This was Richard Bere, Abbot of Glastonbury from 1493–1524. *V. C. H. Somers.* ii, 94 ; *Collinson*, ii, 255.

<sup>2</sup> The manor of North Load in Wedmore parish belonged to Glastonbury Abbey. There were several disputes between the Abbey and the Dean and Chapter as to tithes from this manor. *MSS. of D. and C. of Wells* (*Hist. MSS. Com.*), i, 226.

say from the more of the said abbot called Yoo More descendyng into & thrugh the said more of the said Dean called Wedmore More ther hath ben by the said tyme unto now of late a commen Sewer to advoyde all ragious flodes waters comyng & dissendyng from a brigge called the castell brygge and also from a place called Muddesley<sup>1</sup> wherof the seid Deane is seased in the right of his seid deanrie which water descendyng from the said brigge called Castell brigge & the seid water descendyng from the seid place called Muddesley mete att a place called Booderiggewere & from thens descendyng to the said more called Yoo More of the said abbot and from thens to the seid more called Wedmore More of the said Deane & from thens into a grete ryuer called the Yoo enteryng into the same ryuer at a place called Langlondisham byneth a place called Coklake<sup>2</sup> as it doth openly & evidently appere and bycause that the said waters discendyng by the same sewar ofte tymes drowned & surrounded the seid more called Wedmore More wherby as well the predecessors of the said Deane & their tenautes<sup>3</sup> as they whos estate the said abbot hath in the said manor called Norloode & their tenautes often tymes loste the profites of their comen aforeseid and the deane of the seid churche of Welles & his tenautes att that tyme beyng percevyng that the seid surroundyng was greter losse unto theym than it was to the owner of the manor of Norloode & his tenautes made a grete sewyng<sup>4</sup> dyche within the seid more of the seid deane

<sup>1</sup> Mudgley, another hamlet in Wedmore, belonged to Glastonbury Abbey.

<sup>2</sup> Coklake is also in Wedmore parish.

<sup>3</sup> From a very early date there had been disputes between the Abbey of Glastonbury and the Dean and Chapter as to their respective rights of common on Wedmore (see *M.S.S. of D. and C. of Wells* passim). Occasionally the matter would be settled for a time by joint agreement, only to be reopened again later on. By one of these agreements, reached in 1310, for instance, the Abbey acknowledged the right of the Dean and Chapter to enclose 600 acres of land in their moors below Wedmore between Coklake and North Load, surrendering their rights of pasture thereon, on condition that common of pasture in the rest of the moors throughout the year was saved to the tenants of the Abbey in "Patheneberghe Bledeneye and Clyware." *M.S.S. of D. and C. of Wells* (Hist. MSS. Com.), i, 226. See also *Hist. MSS. Com. Rep.*, iii, 201a, 362a, and Warner, *Glastonbury*.

<sup>4</sup> The word "sew" was used in the 16th century for a covered drain or open ditch. A "sewyng dyche" is, therefore, obviously a ditch which drained the moor.

called Wedmore More bytwene the same more & the seid more called Yoo More the same dyche begynnynng att a place called Thele Wille & so procedyng & descendyng to a place called le ledesham Corner & from thens to the place called Briddesham<sup>1</sup> & from thens to the seid place called Langlondisham unto the seid Ryuer of Yoo by which sewyng dyche so new made all the flodes & waters that used to descende from the seid More called Yoo More into the seid more called Wedmore More passed unto the seid grete Ryuer called the Yoo & therby the said More called Wedmore More dried & grew to grete profites & is of gretter profite to the seid deane & his seid tenauntes then it was by fore and by the castyng of the seid new sewyng dyche the seid banke specified in the seid bill was made whiche banke the seid now deane & his predecessors & their seid tenanntes haue used to repaire from the tyme of the makyng therof and the seid now abbot & his predecessors & all they whos estate the seid now abbot hathe in the seid manor of Norloode & their seid Fermors & tenauntes by all the seid tymes sith the makyng thereof haue hadd & used to haue pass [age] & . . . with their bestes from the said manor to the seid More called Wedmore More and from the same more to the seid manor without lette or interupcion unto now of late within a yere last past or lytell more that evill disposed persons tenauntes to the said Deane whos names ben to the seid Hugh & Richard unknowen with force & armes sett & fixt upon the seid walle barriers & stakes so that the bestes of the seid fermors & tenauntes of the seid abbot myght not passe that way to the said comen as they hadd at all tymes byfore and also diuers bestes of the seid fermors & tenauntes of the seid abbot were by the same stakes hurte & destroyed which barriers & stakes if they shold haue so contynued shuld haue ben to the disheriteson of the said abbot & his successors and therfor the said Hugh & Richard by the comaundement of the Steward of the said monasterie the seid secunde day of June by daylight in peasible maner toke downe the barriers & stakes and forsomoche as oon of the said barriers levied & fixed to the nuisance of the said abbot & his seid fermors and tenauntes

<sup>1</sup> Biddisham and Langland, with which these may be identified, were places in Mudgeley, frequently mentioned in the *MSS. of the D. and C. of Wells* (Hist. MSS. Com.), 50-2, 206, 210, 216, 227, 228.

was fastenyed & fixed depe within grownde uppon the said banke in the same place where as the said olde comen sewer used to passe descend from the seid more called the Yoo in & thugh the seid more called Wedmore More the same Hugh & Richard in peasible maner brake the erthe of the same banke wher as the same barriers were made to take theym downe & by the brekyng therof the water which was used to passe by the seid new sewyng dyche made by the predecessors of the seid Deane for his grete profite was stopped & might not passe by the same new sewing dyche as it hadd used to doo but surrounded the seid grounde of the seid abbot & also grete grounde of his tenautes adioynyng therto for lak of scowryng & clensyng therof in the defaute of the seid deane & his tenautes entred by the same brekyng of the same bank into the seid more called Wedmore More in to the same place where the seid olde comen sewar was and so passed in to the seid grete ryuer called the Yoo as it used to do of olde tymes and afterward the tenautes & seruantes of the seid Deane with other evill disposed persons to the numbere of lx & moo arrayed in maner of werre that is to say in Jakkes<sup>1</sup> salettes<sup>2</sup> brigandyrens<sup>3</sup> bows bent & arrowes gunnes & other armes defensibile rynging the bells of the parochie churche of Wedmore . . . & alarom to cause the parochens & other persons by theym prouoked to be of their affynytie to assemble togeder and so assembled went & newly made the said stakes & bankes in the places afore . . . & openly proclayming in the parochie churche of Wedmore aforesaid that if the tenautes of the said abbot callyng them chorles breke downe the bank or stakes eny more they sholde be betyn & slayne and fryed in their own grese in their own houses and then & ther contynuyng in executing their cruell & malicious disposicon toke oon William Tyntenhull then beyng constable & tethyngman of the same town of Norloode & oon Agnes More then beyng with child & theym bete & evill intreted that they were in Juperdie of their lyves and afterward when the said riotous persons were departed the said Hugh and Richard breke the said bank and stakes by the comaundement of the steward & so . . . of the day breke theym ayen when

<sup>1</sup> Jackets.

<sup>2</sup> Sallets or helmets.

<sup>3</sup> This is the 16th century form of brigandine, a coat of mail composed of iron rings or plates sewn upon leather or canvas. Murray, *Dictionary*.

they were newly made as lawful was for theym to doo without that that the said Hugh & Richard lete in the water in to the seid more in any other place then the said water was wont to haue her course & passe or that they breke any walls or barriers by nyght as in the said bill is specified or breke & pulled upp theym in any other wise then is specified in the seid aunswer.

### Powe v. Newman alias Elys.

HENRY VII., NO. 62. DATE: 1504-1513.

*To the moost Reuerende father in God my lorde archebissshop of Caunterburye.*<sup>1</sup>

Moost lamentable compleyneth unto youre good and graciouse lordeship your contynuall Oratoures and dayly beedmen Thomas Powe<sup>2</sup> and Thomas Towker of the diocese of Bathe and Welles. That where as your said Oratour Thomas Powe hathe a quearell dependyng in your noble Courte of the Audience<sup>3</sup> between hym of oon partie actif and oone John Newman otherwise called Elys of the same diocese of the other

<sup>1</sup> The bill was probably directed to Archbishop Warham in his capacity as Chancellor. He was Archbishop of Canterbury from 29 November, 1503, until his death in 1532, and was Lord Chancellor from 1504 to 1515. The erasures suggest that the petition was originally meant for the Archbishop alone, but was later changed and directed to the Star Chamber, as the "untrew arrestes" might be regarded as bringing it within the jurisdiction of that Court, which interpreted its sphere of action in a very elastic way.

<sup>2</sup> A family named Powe were settled in Langridge which is about six miles from Combe Hawey. Collinson, i, 133. A John Powe was rector there in 1582. Weaver, *Somerset Incumbents*, p. 275.

<sup>3</sup> The Court of Audience was a Court belonging to the Archbishop of Canterbury, which was "of equal authority to the Court of Arches though inferior to it both in dignity and antiquity." It has been described as "the ecclesiastical counterpart of the Court of Requests," a court for the speedy hearing of poor men's causes. It formerly followed the Archbishop in his visitations but was fixed at Lambeth about 1500. It was presided over by two judges called Auditors. It seems often, as here perhaps, to have been exploited by malevolent persons for the annoyance of their neighbours. Cowell, *Interpreter*; I. S. Leadam, *Star Chamber Cases* (Selden Society), Intro., lxxxv-xc.



partie defendant. And the same John for his contumacie obteyned by your honourable auditoure lawfully to be suspended out of the church<sup>1</sup> and upon the same hadde oute your letteres of execucion so to denounce the same John Newman in the parishe church where he dwellethe and so it is moost gracious lorde that for bicause oon of your forseid Oratoures Thomas Towker whiche at thinstant desire and diligent requisicion of the seid Thomas Powe your oratoure aforeseid brought your foresaid moost reuerend letters of execucion and them deluyered to the parish prest or Curate of the parishe church of Comehawic of the same diocese for to denownc suspended the foresaid John Newman in the seid parishe church and otherwise to doo according as the tenor of the seid letteres makethe mencion. The foresaid John Newman of all the premisses hauyng knowlege and assone as your moost reuerend letteres were so executed and by the reason of the same not only the foresaid Thomas Towker your mandatorye in that behalfe pullynge and halyng hym by the bodie wrongfullye intreted hym and to him spake many iniuriouse and vilependiouse wordes but also caused your oratoure and mandatorye wrongfully at his sywte to be arrested and him like a felon his handes bounde behynde hym led to preson and also caused the cattell of the seid Thomas Powe your oratoure and the cattell of the fader of the seid Thomas to the numbere of x oxen to be arrested and dreven away by force the seid Thomas Powe then being at London geuyng attendaunce upon his counsell of your honourable courts where the fader of the seid Thomas bey[ing] of the age of lxxij yeres feryng the utter undoyng of himself and also of his sonne was feyne to make him frendes to take the seid John Newman otherwise called Elys vij *li* vj *s* viij *d* to have his catell agey . . . where there was no peny due and after the manner of extorcion or els brybery<sup>2</sup> the seid John Newman withholdeth and kepeth the seid some of vij *li* vj *s* viij *d* wrongfully to the grete lost and hinderance of . . . seid olde man fader to the seid Thomas Powe your

<sup>1</sup> This was a temporary excommunication inflicted for minor offences such as brawling and quarrelling. The letter of denunciation had to be read by the incumbent in the parish church.

<sup>2</sup> Bribery in this connection has the old meaning of robbery with violence. Murray, *Dictionary*.

Oratoure And when the seid John hadde the seid some of money he thretenyng the olde fader with maliciose wordes seying this money shall finde the . . . thy sonne plee y nowgh Beforce where of it wyll ensewe to the utter undoying of your seid oratoures onlesse your lordeship the more gracious be shewed to theym in this behalf hit now please youre good lordes[hip] the premisses tenderly considered and also the untrew arrestes made to thentent your seid oratoure shuld surcesse his seid accion yn your courte to graunt a writ subpena to be di[rected] to the seid John Newman otherwise called Elys commaundyng him by the same to come and make answer before the King our soueraign lord & his most honourable counsell at a certen day.

Appended is the answer of the said John Newman, in which he says:—

That he as serjaunt & baylly unto oon Edward Stradlyng squyer<sup>1</sup> & by his commaundment distreynd the said fader of the said Thomas Powe as a tenaunt unto the said Edward his mayster for arrerage of his rent and ferme dewe unto unto hym the which arreragez amounteth to the said sum of vij *li* vj *s* viij *d* as is surmitted in the said bill the which he will averre and prayeth to be dismysed out of this court.

### Hameleyne v. the Abbott of Cleeve.

HENRY VII., NO. 77. DATE: c. 1506.

*To the kyng oure souerayng lorde.*

Humble sheweth and complayneth unto your most noble grace your true subiect and liege man Alexander Hameleyne<sup>2</sup>

<sup>1</sup> Edward Stradling was the eldest son and heir of Thomas Stradling, who was lord of the manor of Combe Hawey at this date. He married Elizabeth daughter of Sir Thomas Arundel of Cornwall, was knighted in 1513, in which year he made the presentation to the Church of Combe Hawey, and died in 1535. The family of Stradling had owned this manor from the reign of Edward I. (See *Ministers' Accounts*, P.R.O., bundle 1148, nos. 2, 8). Court Rolls of the manor for the reigns of Henry VI., Henry VII. and Henry VIII. are preserved at the Record Office. See also Collinson, iii, 335; Shaw, *Knights of England*.

<sup>2</sup> The Hamlyn family had owned land in Cleeve from the fourteenth century onwards. In 1346 Robert Hamlyn held one-quarter of a knight's fee

that where as your said oratour and subiecte was lawfully seased yn his demeane as of fee tayle of certeyn londes meadowes and pastures with their appurtenances in Lullekkesburgh<sup>2</sup> yn your countie of Somersett by which grownd their ys a high waye lyyng callyd Sydewaye for alle your liege people to cary ryde and to goo at alle tymes which high waye hath ben there usyd by the tyme that no man can remember the contrary till nowe of late John, Abbott of Clyffe<sup>2</sup> John Ewen, Richerd Western, George Pytte, John Prouse of Crowedon<sup>3</sup>, John Herward of Treburgh thelder, John Herward of Slowurthy<sup>4</sup>, John Beydon of Lye thelder, and John Herwerd of Lullekkesburgh, with other riotouse and other evyll disposed persones to the nombre of

there, the remaining three-quarters being held by the Abbot of Cleeve (*Feud. Aids*, iv, 342, 431). A William Hamlyn was living here in 1399 (*Inq. p. m.*, 22 Ric. II., No. 124), and John Hamlyn held the estate in 1431 (*Feud. Aids*, iv, 431), but no trace of other members of the family has been found until the Alexander Hamlyn of the suit. We know from his replication that the latter was the son of Thomas and the grandson of John Hamlyn. In 1560 John Hamlyn was holding land in Cleeve. Feet of Fines, Somers., Mich., 2 and 3 Eliz.

<sup>1</sup> Luxborough. Gerard refers to this old form of the name. *Survey of Somers.* (S.R.S.).

<sup>2</sup> John Paynter was Abbot of Cleeve in 1506, but in the following year the Abbot was William Dovell, who held office from 1507 until the surrender of the house in 1537. (*V. C. H. Somers.*, ii, 115.) The Cistercian abbey of St. Mary, Cleeve, had been founded by William de Romare, Earl of Lincoln, between 1186 and 1191. At the date of the Dissolution the Abbey held the manors of Old Cleeve, Treborough, Brown (in Treborough) and Sandell, with manorial rights on Luxborough and Clatworthy, and lands and rents in Bilbrook, Washford, Hungerford, Golsingcote, Roadwater, "Lunda," Leigh, "Octro and Smallcombes," Blackford, Sloworthy, Dunster and Marsh. Dugdale, *Monasticon*, i, 734; *V. C. H. Somers.*, ii, 115-8.

<sup>3</sup> The wills of members of the Prowse family of Crowedon or Croydon in Old Cleeve may be seen in *Somerset Wills* (ed. Crisp), iii, 74, 76. An ancient deed preserved in the Record Office contains a curious agreement by which George Prowse bound himself to provide dinner and supper twice yearly at Croydon Grange for the Abbot of Cleeve and his men (*Cat. Anct. Deeds*, P.R.O., A. 13069). A pedigree of the Prowse family is found in the *Visitation* of 1623 (Harl. Soc., xi, 89, 90), but they lived at Tiverton, Devon, and there is no evidence of any connection with this family.

<sup>4</sup> Cleeve Abbey had acquired land in Sloworthy about 1203, and still held it at the Dissolution. *Valor Eccles* (Rec. Com.), i, 217. It was granted by Henry VIII. to John Wyndham of Orchard. *L. and P., Hen. VIII.* (xv), No. 106, p. 115.

xj persones to your supplyaunt unknowen riotously whith force and armez that ys to saye with staffes bylles swerdys long knyues and other defensible wepyns yn maner of a newe insurrexion the Fryday nexte after the fest of seynt George last passyd, came in to a certeyn grounde callyd forty acres in Lullekkesburgh and stopped uppe the said high waye that no man may ryde yn the same and there and then with their wepons kutte and brake downe the hegges of your said supplyaunt beyng for his closure betwene hys grownde and the high waye and then made the high waye ouer the grownde of your said supplyaunt where as was neuer any high waye usyd and so the said ryotours by meyntennaunce and great supportacion of the said Abbott contynuelly usyn the same high waye uppon his seueralle grounde and so doo alle other your subiectez that com that waye because the olde comen high waye ys so stopped and dyked and also the s[aid ryot]ous persones haue kutte downe xxiiij carte lodes of wodes of your said supplyauntez whiche was growyng at lullekkesburgh forsaied and caryed awaye the same as to their owne use contry to alle reason and conceyns and for asmoche as the said abbott ys a man of greate myght and powre yn that countree and chieff causer and meyntenor of all the said iniuryes and wronges done your said supplyaunt dar nott nor ys nott of power to cause reformation and remedye for hym to be hadde yn the premyssez by the course of your comon lawes please yt therfore your most noble grace the premyssez graciously to consider and to commawnde your gracious letters under your prevye scale to be directed to the said Abbott and other forsaied riotous persones commawnding theym and euery of theym by the same to appere personally befor your grace and your most honorable cowncell to answeere to the premyssez &c.

Appended are:—(1) The answer of John Abbott of Cliffe to the other defendants named in the bill of complaint, who say that the matter is determinable at the common law and further state: that the said John now Abbott and his Predecessours abbotis of the said monastery be and haue ben seased of the said parcell of grounde called forty acres in their demcanes as of fec in the right of their said church as ther seuerall frehold and the said complaynaunt entending to put the said Abbott from thaduauntage and proficte of the said grounde utterly claymeth and pretendith to haue a

high way within the same . . . ther is nor by the tyme that any man can remembre haue ben eny high way had or used within the same grounde without that that the said defendauntis or eny of theym haue stopped the said high way called the Sidway as in the said bill is surmysed. The said John Ewen saith that he was and is tenaunt of certeyn grounde in lullekkysbourgh unto the said Alexander by reason of which lesse he accordyng to the custome of the cowntre ther hath cutt resonable fuell and frithe<sup>1</sup> for his heggis groueng apon his said ten[ement] and without that that the said defendauntes or eny of theym by the mayntenaunce and supportacion of the said abbott usen eny way ouer the seuerall ground of the said Hamlyn all which maters they ben redie to proue.

(2) The replication of the said Alexander Hamelyne in which no further facts appear ; he states that the said John Ewen has no such lease as alleged.

(3) The depositions for the part of Alexander Hamelyne.

Roger Westcote of the age of four score years or ther[e]abowte examyned and sworn sayth that he hath seyn a waye ouer [the] xl acres and knowen by the name of the waye ouer the xl acres but whether yt be the waye called the syde[way] or not he knoweth not and he herd saye that ther was a crosse yn the same way. Also the sayd Roger sayeth that John Ewyn one of the defendauntez stoppyd the sayd hygh way lyyng ouer the xl acrez butt he knoweth not that the other of the defendauntez were prevy therto and more he knoweth not.

John Westcote of the age of xl yerez or there abowte examynynd and sworn sayth as Roger Westcote hath sayd as towchyng the waye also he sayth that Richerd Western and John Ewen stoppyd the sayd hygh waye lyyng ouer the xl acres. Also he sayth that Richerd Western was seruaunt to John Herward and kutte downe certeyn wode yn pyrlewode yn lullekkesburgh . . . iij or iiij carte lodes by hys estymacyon whiche wode the said Richerd Western said that he . . . of John Forster and more he knoweth not.

John Beydon of the age of xlvj yerez or ther ab[oute examyn]yd and sworne sayth yn alle thynges concernyng the high waye as Roger Westcote sayd and more he [knoweth] not.

<sup>1</sup> Underwood, brushwood.

William Darche of the age of lxxj yerez sworn and examynyd sayth yn alle thynges concernyng the waye [sayth as Roger West]cote seyde. And he sayth that he hath seyn the mote of the crosse that stode yn the waye . . . that Richerd Westerne and John Herward fader yn lawe to Richerd Western stopped the sayd waye.

Robert Herward of the age of lx yerez sayth that Richerd Western stoppyd the said waye by the commaundement of the abbot of Clyve predecessor to the abbot that now ys. Also he saith that John Ewen had no lese of Alexander Hamelyne of any tenement yn lullekesburgh.

John Syterffyn<sup>1</sup> of the age of xl yerez saith that Richerd Western kutt downe viij lodys of wode yn pyrly wode.

John Pole of the age of lx years saith that one Robert Smyth Fermer of the said ground called the xl acrez bette a woman for levying opyn of the yate of the sayd waye and that was don xxx yerez past.

(4) The Deposycyons of the part of John Abbott of Clyve and other.

Thomas Coke otherwise callyd Thomas Richerdes of the age of lx yerez sayth that he hath seyn that men haue gon and rydyn yn the way ouer the xl acrez butt he knoweth not who stoppyd the said waye.

John Chapman of the age of four score yerez sayth that he hath knowen a waye usyd ouer the xl acrez by the space of xx yerez.

Similar depositions were made by John Vycar otherwise callyd John Truscombe of the age of l yerez ; John Chester of like age ; and Robert Vycary of the age of lx yerez.

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<sup>1</sup> The Siderfin family was well known in West Somerset.—Chadwyck Healey, *Hist. of West Somerset*, 43, 150, 160, 374, 399, 400. William Siderfin married Wilmote, the daughter of John Forster, who owned the manor of Luxborough Eve in the reign of Elizabeth (Chanc. Proc. Eliz., file 3, No. 54). William was followed by his son Robert Siderfin. *V. C. H. Somers.*, MSS., Luxborough.

Hamlyn v. Ewen.<sup>1</sup>

HENRY VII., NO. 110. DATE: c. 1506.

*To the kyng our soueraygne lord.*

Humble sheweth and complayneth unto your most noble grace your true subiect and lige man Alexander Hamlyn of your Countie of Somerset. That where as your said complaynant was peasably and rightfully possessed and seased in his demeane as of fee of a mese xx<sup>ti</sup> acres of londe iiij acres of medowe and xx<sup>ti</sup> acres of pasture with their appurtenances in Lullekkesburgh in your said countie one John Ewen of Lullekkesburgh by supportacion ayde and mayntenance of William Hewyt of Dunster John Prouse of Crowdon John Herward of Treburgh thelder John Herward of Sloworthy George Pytte and John Rakysworth with force and armes that is to say with billes swords and staffes riotously the xxij day of Apriell the xxj<sup>th</sup> yere of the reign<sup>2</sup> of your most noble grace entred into the said mese londes medowes and other premysses and so contynually kepeth and taketh all issues reuenus and profectis therof growing contrary to right and consciens and ayenst all good order of your lawes and also the said wrongdoers manessen and threthen your said suppliaunt and his seruauntes so that they for fere of body harme to theym by the said riotours to be done dar not goo to their market towne as they have usid to doo for their nessessary causes pleas it therefore your most noble grace in consideracion of the premissis to graunte your gracious letters under your pryvie seale to be directed to the said mysdoers and to euery of theym commaundyng theym by the same to apere before your grace and your most noble counsell to aunswere to the premisses.

Appended are (1) the answers of John Ewen and the other defendants who say that:—at a court of the said Alexander and Alice

<sup>1</sup> This appears to be an echo of the former suit, and by the age given by the deponents must have been about the same time. It should be noticed that the age of John Siderfin is given as 40 in the former and as 60 in this suit, but this appears to be a slip.

<sup>2</sup> 1506.

his moder holden at Lullekkesburgh in the countie of Somerset the v<sup>th</sup> day of Juny the vij yere of the reigne of our soueraign lord kyng Henry the vij<sup>th</sup> the same John Ewen graunted for the fyne of xls truly content and payde to the said Alexander and Alice in her full court toke of the said Alexander and Alice the said mese londes meadowes and pasture specified in the said bill to haue to hym [for] terme of his liffe by forse whereof he entred and occupied the same as lawfull was for hym to doo and by reason of the said lease the said John contynued his possession till now of late the said Alexander contrary to right and good conscience hym put oute of the same without that the said William Hewyt & the other defendants entered into the said mese londes and other the premisses or kepeth or takith the issues and profictis of the same as in the said bill is surmysed or that they or any of them manessen or threten the said Alexander or any of his seruantes in maner and form as in the said bill is alleged.

(2) The replication of Alexander Hamlyn in which he says that:—on John Hamlyn was seaisid of a mese xx<sup>ti</sup> acres of londe iiij acres of medowe xx<sup>ti</sup> acres of pasture with ther appurtenances in Lullekkesburgh in the said countie of Somerset in his demeane as of fee and soo thereof seased the said lond is and other by the name of all his londes and tenementes in lullekkesburgh gaff to Thomas Hamlyn and Alice his wif to have and to hold to theym and to the heirs of their to bodies lawfully begoten by vertue whercof the said Thomas and Alice were thereof seased in their demeane as of fee taile and had issue the said Alexander and afterwarde the said Thomas died and the said Alice hym ouerlyued and hilde her in her possession in the same by vertue of the gifte in the taile aforesaid by survyvor and afterwarde at the court of the said Alice holden at Lullekkesburgh the vij day of June in the vij<sup>th</sup> yere of the reigne of our soueraign lord kyng Henry the vij<sup>th</sup> the said John Ewen toke of the said Alice the said mese and other the premisses to hold the same accordyng to the custome of the said maner by copie of court rolle and at the will of the said Alice. And afterward the said Alice died after whos dethe the said mese and other the premisses descended to the said



Alexander as son and heire of the said Thomas and Alice by vertue wherof he entered and therof was seased in his demeane as of fee taile by force of the gifte aforesaid. And afterward the said John Ewen and other named in the same bill of complaynt entred into the said mese and other premisses and kut downe the said wodis as in the said bill of compleynt is expressed and so yet contynually taken all issues of the same withouten that that the said Alexander made any lese of the said mese and other premisses in maner and form as by the said aunswer is surmysed wherfore in asmoche as the said John Ewen and other, &c., haue confessed the said offencis and yniuries done the said Alexander prayeth that they may be compelled by auctorite of this court to satisfie the said Alexander aswell for his damages susteyned and had in the premisses as for his costes of and for the same.

(3) The deposycions of the parte of Alex. Hamleyn.

John Westcote of the age of xl yerez sworn & examynyd saith that the said Alex. Hamleyn was seasyd of a mese and certeyn londe with thappurtenauncez in Lullekkesburgh unto the tyme that John Ewyn by supportacyon of John Rakysworth and William Hewett entred yn to the said mease but whether that Alex. Hamleyn made any copy of the said mease or not to John Ewyn he knoweth not.

Robert Herward of the age of lx yerez deposeth as above but that John Ewyn hadd no copy of Alex. Hamleyn of the said mease.

John Syterffyn of the age of lx yerez deposith in like manner also John Pole of the same age.

Thomas Coke of the age of lx yerez saith that John Ewen was putt owte of tenementes yn Lullekkesburgh by Alex. Hamleyn uppon whom John Ewen entryd agayne but by what auctoryte he knoweth not.

Robert Vycar of the age of lx yerez deposeth as John Pole aforesaid.

The deposycions of the part of John Ewen and William Hewett.

John Forster of the age of xl yerez saith that Alex. Hamleyn entryd yn to a mease and certeyn londe in Lullekkes-

burgh and was seasyd therof unto the tyme that John Ewen entred yn to the sayd mease and londe by supportacyon of John Rakysworth.

John Broke of the age of xlvj yerez saith that he was admytted tenaunt to Alex. Hamelyn at the first courte that the said Alex. Hamelyn held at lullekesborough and he saith that he hadd neuer copye of the said Alexander.

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### Inhabitants of Draycott and Stoke Giffard *v.* Sir John Rodney, kt.

HENRY VIII., VOL. XIII, 83 AND 84. DATE: 1516.

(2 bills and an answer copied on to one skin.)

*To the Kinge our soveraigne lorde and to the lordes of his moost honorable and discrete counsell.*

Please it your highnes to understand of the wrongis oppressions and extorsions doon by Sir John Rodney, Knight,<sup>1</sup> unto your power and faithfull subjectes inhabitantes within the townes and villages of Draycot and Stoke Gifford within your countie of Somerset, whose names resteth in sedule to this bill annexed,<sup>2</sup> whereof some are tenauntis to the Lady Lisle your

<sup>1</sup> Sir John Rodney belonged to the family which had held the manor of Rodney Stoke from the reign of Edward I. He succeeded his father, Thomas Rodney, in 1469-70 at the age of ten. Collinson, iii, 603. He built a great part of the manor of Rodney Stoke, the ruins of which could still be seen in the eighteenth century (*Ibid.*, 604). The Rodneyes owned other lands in the county, including the hamlet of Draycot, which was partly in Cheddar and partly in Rodney Stoke (Collinson, iii, 602). This Sir John Rodney presented to the church of Backwell in 1488 and 1510, to the church of Claverham in 1502, to the church of Saltford in 1505 and 1510, and to that of Winford in 1499 and 1524. Weaver, *Somerset Incumbents*, 233, 255, 284, 303. Sir John's eldest son, Sir Walter, who was sheriff of Somerset in 1511, died in his father's lifetime, and Sir John was followed on his death in 1526 (for his will see Smith, *Wills*, ii, 542) by his grandson John. The will of the last-named, proved 31 Jan., 1548-9, mentions his mansion houses of Stoke Rodney and Backwell, *Somers. Medieval Wills* (S.R.S., xxi), p. 103. See *Somers. Visit.*, ed. Weaver, p. 70, and below, 198-200.

<sup>2</sup> See below, p. 80.

warde,<sup>1</sup> some tenauntis to the Lord of Seint Johns<sup>2</sup> and some tenauntis to the saide Sur John. First that where the said inhabitantes and their auncestres and all those whose estate they have in their holdes and tenures in the said townes and villages, by reason therof have used tyme out of mynde to have comen of pasture in a more within your said countie called Stokemore, wiche the seid Sur John hath nowe of late enclosed in to his parke of Stoke and taken as his severall contrarie to right, justice and good conscience, by reason whereof your seid subjectis must leave their tenures and holdes whiche is to their utter undoing. Also the seid Sur John hath now of late enclosed as his severall cc acres and more of a certain grounde within your said countie called Myndepe, parcell of your forest there, contrarie to all right and good conscience, whereas the seid inhabitantes have used tyme out of mynde to have comen in the seid grounde so enclosed for their beastes, by reason of whiche enclosure your seid subjectis are utterly undon. Also the seid Sur John hath stopped the comen way which all inhabitantes within the said townes and villages by reason of their tenures there have used to have to their seid comen. Also the seid Sur John wrongfully without colour or title of right but only of his extorte power and might contrarie to all lawes and good conscience hath taken from oon John Jenyn, oon of your seid subjectis, and from Mawde Jenyn and Jane Broke widowes, two tenementis and a parcell of their grounde thereto belongyng, and also pulled down their said tenementis or houses and hathe enclosed the same unto his seid parke, and yet the seid Sur John compelleth them to paie the hoole rent for the premisses contrarie to all right and good conscience. Also the seid Sur John at sundry tymes at his courtis holden within the seid manors of Stoke Gifford and Draycote compelleth suche of your seid subjectis as be his tenauntis to shewe him their writtingis that they have of their seid holdes, and when he hath theym in

<sup>1</sup> Elizabeth Grey, suo jure Baroness Lisle, who succeeded her father on his death without male issue in 1504. She died in 1519, being still under age and a ward of the king.

<sup>2</sup> Thomas Doewra, the diplomatist and courtier, who was Prior of the Hospital of St. John of Jerusalem at Clerkenwell, is described in contemporary documents as "the Lord of St. John's." The St. John barony was in abeyance in 1516,

his handes he raseth and delivereth the same so rased to his seid tenauntis ayen, by colour whereof he daily troubleth and manasseth thaim to put theym from their seid holdes and tenours contrarie to all right and good conscience. Also where as oon John Webbe, oone of your seid subjectis paied unto the seid Sur John twentic markys for a fyne and to the seid Sur John is wiffe xl s. uppon twentie yeres past for a tenement wherof the seid Sur John promised to make astate by his dede sufficient in the lawe unto the seid John Webbe and his wiff for terme of their lives, which dede and astate the seid Sur John denieth to make, albeit that they have oftentimes required him that to doo. Also where as oone William Kechyn nowe decessed paid in his liffe unto the seid Sur John eighte ponde for a fyne for a tenement and certain lande in Draicote aforseid to thuse of John Kechin, oon of your seid subjectis, and Isabell his wiffe, terme of their lives, the same Sur John of his extorte power hath taken from the seid John Kechyn the best parte of the seid londe to the seid tenement belongyng, and not oonly intreteth the seid John Webbe and John [Kechyn] in this maner but also many and divers of your seid subjectis his tenauntis contrary to all right and good conscience. Also the seid Sur John daily compelleth your seid subjectis to leve their own besynes and to plowe his lande with their oxen and ploweis and also to carie his wode, tymbre and stone, to his owne house, without geving unto them any mete, drink or wages for the same. And if they sey him naix, he manasseth them to hange, bete and mayhem them contrarie to your lawes, and to their greate ympoverysing and utter undoyng. Also the seid Sur John daily occupieth and laboureth their horses and mares as his owne without their leve or licence, and when the seid horses and mares can noo more labour he sendeth them home to your seid subjectis, whiche afterwarde for the moost parte dieth or else be never able to doo any more service. Also the seid Sur John, havynge red dere within his seid park, wilfully suffreth the same to lye daily and nyghtly upon the corne and grasse of your seid subjectis, who for fere of their lyves dare not ons dryve thaim awaie. And if they put anny litle houndes upon thaim to dryve them awaie, the seid Sur John and his servauntis killeth the same houndes, so that your seid subjectis canne kepe noo maner

of dogges nor houndes within their houses to dryve awaie anny bestes out of their corne, and if remedie be not hadde the rather in the premises your seid subjectis must of fyne force leve their holdes and tenours and goo a begging for their lyving, for thei are not able nor of power nor yet dare to sue for their remedie in the premissis for fere of their lyves, and soo without remedie oonles your gracious highnes [*sic*] be unto them shewed in the premissis. And also whereas oon Sur Richard Carter,<sup>1</sup> clarke, parsonne of Stoke aforseid, oon of your seid subjectis, was seised of certain lande and also to have comen in the forseid more in right of his seid churche, whiche comen and lande the seid Sur John hath kepte from the said Sur Richard thes many yeres by reason whereof the seid parsonage is decayed yerly above the some of iiij *li.* contrary to all right and good conscience, whereas the seid parsonne is not able nor of power to sue for his remedie in the premises at comen lawe and soo without remedie onlesse your moost gracious helpe be had in the premisses. Please it therefore your seid highnes of your moost habundaunt grace and pety the premisses to considere and to call the seid Sur John afore your seid highnes and your moost honorable counsaill at your palaise of Westmynster . . . to aunswere unto the premisses, and to ordere such direction and punyshment in the same so that your seid subjectis may be recompensed of their seid injuries and wronges to thaim committed by the seid Sur John, whiche amounteth above the some of cccc markis, and that the seid Sur John may fynde unto your highnes good and sufficient suerties of his good abering,<sup>2</sup> and also to kepe your pease ayenst your seid subjectis and all other, soo that the same your subjectis maye hereafter lyve quyetyly and peasably in your seid countie under your highnes according to your lawes; and over that that it wolde please your seid highnes to directe your commission to endifferent persons to enquire of the extorcions and oppres-

<sup>1</sup> He was parson of Stoke Rodney from November, 1496, to his death in 1541. Weaver, *Somers. Incumbents*, p. 188.

<sup>2</sup> There was a distinction between surety of the peace and surety "of the good abearing" (*de bono gestu*), in that the latter "might be broken without an affray either by the number of a man's company or by their weapons and harness." Cowell, *Interpreter*.

sions doon and committed by the seid Sur John to many and dyvers of your power subjectis within your seid countie, whiche your seid subjectis estemeth to be above the some of one M<sup>l</sup> *li*. And your seid subjectis shall daily pray to God for the preservation of your moost royall estate longe to endure.

The aunswere of Sir John Rodney, Knight, to the above bill.

He seieth that the mater in the same conteigned is determinable at common lawe, whereto he praieth to be remitted. Nevertheless for the declaration of the trought concerning the premisses he seieth as unto the furst and second articles that before the tyme of the enclosure supposed he was and yet is fully seased of the maner of Stoke in his demeane as of fee, wherof dyvers of the complaynauntis be tenauntis to him for terme of liffe by copie of courte rolle after custome of the seid maner, and some be tenauntis for terme of liffe by dede, and some occupieth by sufferans and at pleasure of the seid Sur John without havying any copie or dede, and some of the seid compleynauntis be noo tenauntis ne occupiers of any lande in the seid lordshippis of Stoke or Dreycot, soo that the said persons whiche be noo tenauntis make their complaint of pure malice without any grounde or cause ; and as to those whiche be tenauntis he seieth that thei ought not ne mai not by the comen lawe prescribe to have common ayen the seid Sur John, owner of the seid maner wherof thei be tenauntis, and if thei might, as thei may not, yet the seid Sur John seieth that it is lafull for him that is their lord and owner of the seid maner and landes where they pretende to have comon, to enprowe himself in his owne grounde, leving to his seid tenauntis sufficient comen ther. And he seieth that he enclosed a certain other grounde, parcell of his seid maner, called the Allars, as it was lafull for him to doo, whiche is noo parcell of the seid lande called Stokemore, which enclosure the complaynauntis with divers other riotouse personnes to the nombre of vij score personnes and above riotously with force brake and pulled up the pale of the seid Sur John there and then did bren the same ; without that that the seid Sur John enclosed the seid more called Stokemore. And he ferther seieth that he suffereth his seid tenauntis to use comon in his seid more

as he hath doon in tyme past at his will and pleasure without any right, in whiche more called Stokemore is more pasture thenne his seid tenauntis bene able to occupie, without that the seid tenauntis of Dreycot ought to have any comon in the said more, [etc.] And whereas it is supposed that the seid Sur John shuld have enclosed cc acres of landes of Mendepe, wherein the complaynantes claymeth comon, he seieth that he entendith to inclose abought xl acres and to leve more pasture in wast ground ther unclosed thenne all his tenauntis ben able to occupie, and made a litle wall ther begynnyng the same enclosure, without that that he hath yet enclosed any parcell of grounde ther, or that he entendith to enclose cc acres [etc.]. As to his stoppyng of a comon wei to the more called Stokemore, he seieth that he and his auncestres hath suffered the said tenauntis to have weys to the seid more, wherof the oone wey was thorough the utter courte of the seid Sur John, and by cause it was a nusaunce he did stop it, as it was lafull for him to doo, and suffereth them to occupie the other wey, as esye for thaim as the other was, soo that thei be not greved thereby but their complaint only grounded upon malys. As to the iiij th articule he seieth that the seid Mawde Jenyns is seassed of two tenamentis in Stoke wherunto is pertainyng certain acres of landes, for terme of liff, the remaindre to the seid John Jenens for terme of his liffe, and thei bounden to repayre and repaire [*sic*] the seid tenamentis, and she dwelled upon the oone and occupied not the other, but suffered it to be vacant and toke therof noo proficte, by reason wherof it fell in dekey, and to ease the seid Maude of the reparacion therof, it was agreed betwene the seid Sur John, John Jenens and Maude, upon their sute, that Sir John shuld take downe the seid house and inclose the cyte therof into his orchard ; and the seid Maude alwaies hath and doth yet kepe and occupie all the lande belongyng to bothe tenamentis, and soo she hath rather proficte thenne hurte. As to the house of Johane Brokis he seieth he is not giltye of the imparking therof ; she dwelleth in Dricote, and holdeth the same tenement, which lieth in Stoke, of the seid Sur John by copie of courte rolle, where the custome is that noo tenaunt shall make noo under tenaunt without licence of the lord upon payne of forfeiture, and she did let the seid holde in Stoke to another man without

licence, by reason whereof the seid Sir John did sease a litell vacant house parcell of the seid tenement as lawfull it was for him to doo and yet suffreth the seid Johane to occupie the residue of the same tenement whiche he might lauffully sease into his handes if he wolde. Also as to the fifth articule the seid Sur John seith that he never raased any dede of any of his tenauntis and forasmoche as that articule is very slaundersos the seid Sur John praieth that the said complaynauntis may be compelled to express the names of suche personnes whose dedes by their surmise shulde be so raased and he shall make more presise aunswere thereunto. Also as to the sixte articule, the seid Sur John seith that he had a certain fyne of John Webbe for his tenement long tyme past but howe muche he hadde he is not perfily nowe remembrid and whether the seid Sur John is wiff hadde anny money of the seide Webbe the seid Sur John knowith not but he seith that allwaie sith the seid fyne taken by the seid Sur John, the seid Sur John hath suffered the seid John Webbe to occupie his seid tenement without any interrupcion and at diuers courtis hath caused proclamacion to be made that all those whiche hadde paied their fynes for their tenementis shulde make their dedes according to their couenauntis and the custume of the courtis and thei shuld be sealed soo the seid Sir John hath beene redie to seale his dede according to his covauntis till nowe of late that the seid John Webbe with other riotus personnes agayne the kingis pease and contrarie to the custume of the maner riotously assembled thaimselff and put the seid Sur John in great geopardie as by a bill put in to this Courte by the seid Sur John ageyne the said John Webbe, and other more at large it dothe appere and if it be thought by your good lordship that the seide John Webbe shulde haue estate made notwithstanding his misdemeanre the seid John is redie to doo therin as it shalbe thowght by this courte. And as for the seuenth articule the seid Sur John seith that for the seid summe in the seid articule expressed he bargayned and solde a tenement to William Kechyn for terme of his own lyffe according to whiche bargayne he occupied the seid tenement for terme of his liffe without interruption of the said Sur John, without that he made any bargayne with the seid William for Johon Kechyn and Isabell his wiffe as is surmised by the seid articule. As to



the eight article the seid Sur John seith that at certain tymes long passed his seid tenauntis of their good mynde and free will to his knowlege haue holpen him with their plowes and he hath in like maner holpen them with his plowes at their busynes after the olde custume and ferther seith that at suche tymes as his tenauntis did help him thei hadde mete and drink conuenient, and as far as he cowde knowe thei were well contented therewith. To the ninth article he seith that he never occupied any of the horses or mares of his seid tenauntis without their good will, as far as he remembreth; and if he occupied any whiche miscaried in his service he hath recompensed the partie therefore, and praicteth that the names of the persons greved and their wrongis may be in especialte remembred, and he shall make therto directe aunswere. And to his red dere distroying the corne of his tenauntis, and his killing their doggis, he seieth that sumtyme the seid red dere have brokyn out of his parke, and to his knowlege have don litell hurte in the seid corne, howbeit he hath oftentimes seid to his tenauntis that thei shuld present or prove at any courte of his what hurte his seid dere have doon, and he have bene alwayes redye to make thaim reasonable amendes; as to the doggis, he hath commanded his tenautes to clog their dogges for the distroying of his dere and waren, and thei wold not it doo, wherefore at certain tymes whene the doggis of his tenauntis hath troubled his dere or waren it may chaunce well that sume of his servauntis hath by chaunce of some stroke kylled some of their doggis. As to the parsones land, he seieth that he before this tyme hath occupied oone acre of lande of the seid parsons by his agrement, and truly hath paied the parsons former the rent therefore.

Appended to these copies of bill and answer is a copy of the bill of the said Sir John, complaining that:—John Webbe, John Hardwicke, Richard Chike, William Giffrys, John Genes, John Dultyng and William Cade, all of Stoke Rodney otherwise called Stoke Gifford husbandmen, with other riotouse and evil disposed persones to the number of sevyne score in all, in maner of a newe insurrection assembled the third daie of Aprill in the seventh yere of the King's reigne<sup>1</sup> at Stoke Rodney aforeseid, and there with battis and other wepons a pale of the seid Sur John

<sup>1</sup> 1516.

standing about the weste parte of a wodde of the same Sur Johns called the Alders dedde breke downe a greate parte of the same pale of their vengeable and dispitfull mynde whiche thei bere agayne the seid Sur John dede ther and thenne brenne; and when Sur John was enfourmed therof, entending under good and peasable maner to pasifie thaim, came to thaim with tow servauntis with him, and under faier maner intreate thaim to sease of brennyng of the seid pale, whiche thei wolde not, but gave to the seid Sur John many dispitfull wordes, and the seid John Webbe with a pike furke stroke two tymes at the seid Sur John entending to have slayne him, howe beit the seid Richard Chike, one of the seid malefactours, bare the last stroke, seying let us not slec him for he is our maister. Wherupon the seid Sur John departed and left them brennyng the seid pale. Wherefore it may please your grace [etc. etc.].

[The schedule of names above referred to, being the inhabitants of Draycot and Stoke Gifford, complainants against the said Sir John Rodney:—]

Richard Carter, parson of Stoke, Richard William, Richard Lane, William Hayne, John Webbe, John Hardwich, Richard Cheke, William Geffrey, John Jenyns, John Sultyng [*sic*], William Cade, John Busshe, John Arney, John Sterr, William Gyll, William Vowlys, William Stacy, Richard Shepard, William Randalff, Thomas Richard, John Bauler, John Kychewyn, John Martyn, William Stacy, John Churchchous, John Kychyn, John Hardwich, John Fowles, William Hayward, John Parsons, John Burden and John Goulde.

Appended is a writ, dated 5 July 8 Henry [viii]<sup>1</sup>, directed to Sir John Bouchier de Fitzwaren, Knight<sup>2</sup>, the Abbot of Glaston<sup>3</sup>, and Thomas Lovell, clerk<sup>4</sup>, and John Gilbert<sup>5</sup>,

<sup>1</sup> 1516.

<sup>2</sup> Sir John Bouchier succeeded his father on the death of the latter in 1480. He was sheriff of Somerset in 1519 (Coll., i, xxvii), and was created Earl of Bath in 1535. *Dict. Nat. Biog.*, G. E. C., *Peerage*.

<sup>3</sup> Richard Bere was Abbot of Glastonbury at this date. He held office from 1493 to 1524.

<sup>4</sup> At this date (1516) Thomas Lovell was sub-dean of Wells (Weaver, *Somers. Incumb.*, 218). He died in 1524 and was buried in Wells Cathedral. Collinson, iii, 399.

<sup>5</sup> The Gilbert family were lords of the manor of Stert near Babcary

appointing them to hear, enquire and examine the circumstances of the dissensions which have arisen between Sir John Rodney, Knight, and certain of the inhabitants of Draycote and Stoke Gifford, as set forth in the copies of certain bills and answers, exhibited in that behalf before the King and his Council at Westminster, and annexed to the writ, with power to pacify, conclude and determine the same according to their discretion; and, if they are unable so to do, they shall report their proceedings to the King and his Council at Westminster, with what they may consider best to be done.

### Bishop of Bath and Wells *v.* Seyntlaw.

HENRY VIII., VOL. III., No. 219. DATE: 1523-4.

*To the king our sovereign lord.*

In most humble wise sheweth unto your highnes your trew subiect and dayly orator John Busshop of Bathe and of Wells<sup>1</sup> that where there hath ben dyuers estatutes made aswell in the tyme of the right high and myghty king of noble memorie, the king your father as in the tyme of other your progenitors agaynst hunters in Parkes and forestes by day and nyght<sup>2</sup> conteynyng in themself dyuers and great penalties whiche not-

(Collinson, ii, 61). The will of John Gilbert, Esq., proved in 1557 mentions the manor of Stert. He describes himself as "unlearned in the law." He was in the Commissions of Peace for the county in 1509-14, and later.

<sup>1</sup> This was John Clerk, Bishop of Bath and Wells from 1523-1541. He Thomas Wolsey's chaplain and agent, went on various diplomatic missions, to Rome in 1521, to France in 1526, to Rome again in the following year and to Cleves in 1540. He became Master of the Rolls in 1522-3, was appointed to the see of Bath and Wells in 1523, and died in 1541. During his episcopate, most of his diocesan work was done by suffragan bishops. From his will (proved 17 Jan., 1540-1) he seems to have been fond of splendour and magnificence. He made detailed bequests of satin gowns, rings, jewels and gorgeous plate. He died at Dunkirk in Flanders, and his will contained directions that his body should be buried "in the principal church of the town of Calais." *Somers. Med. Wills* (S.R.S., xxi), p. 62; *Dict. Nat. Biog.*

<sup>2</sup> Hunting by night had been specially forbidden by an Act of Henry VII. 1 Hen. VII., cap. 7.

withstanding William Seyntlaw<sup>1</sup> of Knight Sutton within your countie of Somerset esquier Robert Goodrich late of the same gentilman John Bademan late of the same yoman John Champenys<sup>2</sup> of the parishe of Chiew within the said Countie gent John Thomas of Banwell within the sayd Countey yoman William Panter of Stawnton thelder in the countie of Somerset yoman gatheryd and unytid to thaym other evill and Riottows persons to the nombre of xvj persons in maner of warr harnessyd and arrayed being of oon confederacie to hunt in the parke of your sayd orator callyd Banwell park<sup>3</sup> within the said Countie the xxviiij day of Juyn last past abought xj of the clok of the same nyght with force and armys that is to say swordes and buklers crosbowys and other bowys and arowys the sayd parke broke and entryd and ther ayenst the will of your said orator huntyd and iiij bukkes and many other rascall dere kellyd and caryd away ayen the peax of your highnes and agayn the forme of the statutes in that caas provydyd and the said riottous per-

<sup>1</sup> The family of St. Lo, a younger branch of the St. Lo family of Newton St. Lo, had long held the manor of Knight's Sutton or North Sutton in the parish of Chew. John St. Lo held it in 1428 (*Feud. Aids*, iv, 379). Sir Nicholas St. Lo, who died in 1486, seized of the manor of Knights Sutton (Cal. Inq. p.m., Hen. VII., i, 87. For his will see *Medieval Wills* (S.R.S., xvi), pp. 373-4), was followed by his son John, who died about two years later. The latter's heir was his son Nicholas, who was succeeded on his death in 1508 by his son John, then a minor. He played an important part in the county, and served in Ireland in 1535. He seems to have had a quarrel with the Bishop of Bath and Wells (*L. and P., Hen. VIII.*, x, 625), but was very friendly with Thomas Cromwell, and obtained many grants of Somerset lands (*L. and P., Hen. VIII.*, xv, 1309-13). He seems to have died about 1547. This William St. Lo was his son and successor. He was Captain of the Guard to Queen Elizabeth and chief butler of England. He married the famous Bess of Hardwick as the second of her four husbands (Collinson, ii, 96), and died in 1565. *Somerset Wills*, ed. Crisp, vi, 24.

<sup>2</sup> The will of John Champneys of Chew Magna was proved in 1524. Smith, *Wills*, i, 114.

<sup>3</sup> The manor of Banwell had been held by the Bishops of Bath since the reign of Edward the Confessor, and the bishops had made a deer park there, *V. C. H. Somers.*, i, 457; *Archæologia*, i, 354; Ministers' Accounts, P.R.O., bundle 1131, Nos. 3-7, 9. Curiously enough this very William St. Lo whose depredations in Banwell Park had vexed the bishop, later obtained a twenty-one years lease of land in Banwell, and the office of park keeper and the herbage and pannage of the park for life. The manor had been sold by Bishop Barlow to the Duke of Somerset, by whose attainder it came to the

sons not satisfied with ther mysdemeanor before rehersyd of ther further malicious mynde not dreading God your grace ne the ponysshement of your lawys the xvij day of August then next ensuyng in Riottous maner assemblyd themself as is beforesaid to the nombre of xxx persons and above and at x of the klokke in the night of the same daye with force and armys as is before rehersyd the said parke broke and entryd and not only with bowys and arrowys and greyhoundes but also with nettes then and there did hunt and killyd dere of all maner sortes to the nombre of xx dere and more and in further dispite dyd sett the hedes upon the palis of same parke to the pernicious ensample and also to the great confort and boldenes to other malefactors to do in like maner if reformation be not had in suche behalfe. In consideration whereof it may please your grace to direct severall writtes of Sub pena to euery of the say persons commaunding them and euery of them by the same at a certayn daye and upon a certyn payne by your grace to be lymytyd to appere before your grace and the lords of your most honorable counsaill in your Sterr chambre at Westmynster there to make answer to the sayd Riottes and to abyde suche ordre and direction as then and ther shalbe taken upon the premisses.

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### Bole v. Caraunte.

HENRY VIII., VOL. V., NO. 72-76. DATE: 1524.

(Much faded in parts.)

*To the kyng owver soucren lorde.*

In most humbyll wyse complaynyth and showyth unto yower heynes yower powre subjecte Richarde Bole<sup>1</sup> of Mylborne porte in your cownte of Somerset husbondman and tennaunte att will unto Giles Strangweys knyght<sup>2</sup> Rycharde Wylby esquier &

Crown. Henry VIII. made the grant to William St. Lo referred to above. Queen Mary restored the reversion of Banwell on the expiration of this lease to the bishopric. (Pat. 2 and 3, Ph. and Mary, pt. 8; Collinson, iii, 567.)

<sup>1</sup> The name Richard Bulle appears twice in the pedigree of the Bull family given in the Visitation of 1623 (Harl. Soc., xi), p. 17.

<sup>2</sup> Sir Giles Strangways, kt., was in the Commission of the Peace for Somerset and Dorset in 1524 and 1530. He had been knight of the shire for Dorset in 1530, and in June of the same year there is a record of his

Nycholas Wylby<sup>1</sup> of [& in] a mese cc acres of londe xx acres of mede lx acres of pasture with ther appurtenances in Milborne porte in the counte of Somerset wherof the seide Giles Richard & Nicholas now doo stonde & be seased a mong other londes & tenements in your seide countie in ther demeane as of fee by the gyft and feffement of on Wylliam Caraunte esquier son & heyer of William Caraunte late of Tomer<sup>2</sup> in the seide cownte esquier decessed to the use & intent folowyng that ys to saye to the use of Elyzabeth Caraunte widow the mother unto the seid William Caraunte the son for terme of her lyfe and to such other uses of the seide Elizabeth as apperyth as well in indenturs of covaunaute as also by a warde made by twen the saide William Caraunte the [son of] the seid Elyzabeth & other . . . for a rich recompence & satysfacion of all hir right & tyteel of dower wych apperteynyth unto the seide Elyzabeth of the londes & tenements that late were of the Inheritaunce of the seide Wylliam the father after the wych makyng of the seide indentur . . . subyecte gaff to the seide Wylliam the son nott passyng iij yeres past xxx *li.* fir a fyne called a gresse some<sup>3</sup> fir the contynuaunce & havyng of a tenement & certen londes beyng parcell of

giving an elaborate present to Wolsey—a great horse, a peacock, 40 rabbits, 6 herons, 6 partridges and 2 pheasants. *L. and P. Hen. VIII.*, iv, 5746. In 1524 he had been one of the collectors of the loan for the French War. *Ibid.*, 213, 365 and p. 2691. He was one of the country magnates who was followed by a great train of servants, who were none too popular among their neighbours. Men spoke freely of their “lewd” rule, and one of them was committed for robbery in 1530. *L. and P. Hen. VIII.*, vol. iv, 6683, 6708.

<sup>1</sup> These Willoughbys, joint trustees with Sir Giles, were members of a family owning considerable property in Somerset. Nicholas was in the Commission of Peace for the county.

<sup>2</sup> The Carent family owned lands in Milborne Port, Berkeley, and Fairoak, as well as the manor of Toomer in Henstridge, which had been their seat since the reign of Henry IV., when Sir William Carent married Alice Toomer, heiress of the family of that name (Collinson, ii, 366; *Feud. Aids*, iv, 423, 428). The William Carent of this suit was the son of the William Carent of Henstridge, who died in 1516 (*Medieval Wills* (S.R.S., xix), p. 186). He was sheriff of Somerset and Dorset in 1522 (Coll., i, xxxviii). He married Elizabeth, daughter of Hugh Luttrell of Dunster, and died in 1564. Hutchins, *Hist. of Dorset*, iv, 112.

<sup>3</sup> This is “Gersuma,” a special name given to the fine paid on entry into lands held on lease.

the premyssys to have the same to hym & hys wife . . . rent as other auncestors of your seide subjecte the same to fore hylde & hadd Soo yt is most graceus lorde that the seide William Caraunte the son sent unto the seide Richard Bole by on John att water his seruannt [to demaunde] the payment unto hym of the some of xxvs. the wych was due by the seide Richard Bole to be payd unto the seide Gyles Strangweys Richard Wylby & Nicholas Wylby to the use of the seide Elizabeth . . . in the fest of Seynt Michell the archangell in the xv yere of your most nobyll Rengne<sup>1</sup> the wych for as mych as the seide Richard Bole well & perfectly know that the seide rent was due to be payde to the use of the seide Elizabeth . . . William Caraunte the son the seide Richard Bole denyed, & refused to make payment therof to the seide William Caraunte the son as well and lauffull was fir hym to doo wheruppon the seide Wylliam Caraunte the son toke . . . the seide Richard Bole & therefore of his malicyous mynde intending utterly to undoo & dystroye your seid subyecte & to avoyde & dryue hym from the occupacion of his seide Tenement & ther by to putt hym from his lyue . . . the seide fyne of xxx *li.* nee yett that the seide Gyles Strangwyse & other his seid cofeffes ware seized of the premyes to the use of the seide Elyzabeth the xxij day of December last past . . . William Warman of Wyke in the Cowntie of Somerset husbandman John Clyve of Mylborne Porte in the same counte weuer Thomas Pranker of ye same husbandman John Togoode of the same husbandman Rafe Chamberlen of the same laborer John Brownyng of the same husbandman . . . laborer & Richarde Whyte of the same laborer with other dyuerse evyll dysposed & mysruled persons to the number of xj persons to spoyle & dystroy ye hegys & inclosures of the . . . of the seide tenement & also the . . . hath kept & socoryd & susteyne his cattell this wynter tyme wheruppon the seide Wylliam Warman with the seide oder evyll dysposed persons with hym accompaned in executyng of the same malycyus & ryottose commaund of the seid William Caraunt the son the seid xxij day of December cam with force & armes in riotus maner contrary unto your pesse and lawes into the seide tenement & than & ther felled & cut downe xl elmes

<sup>1</sup> 1524.

and ashes growyng in the hegges of the said tenement & . . . the same hegges & the seide grasse with ther waynes & oxen by the halyng and spylyng the seid trees to the grett hurte & losse of yower seide subyecte & wherby he ys indaunger of the losyng of his cattell for lak of sustenaunce this wynter of the wych ther force & riotus entre In felling and cutting down of the seid elmes ashes hegges & dystroyeng of the gresse of yower seide subyecte the seid Wylliam Warman and dyurse other of the seide mysruled persons war of . . . att the Sessions holden at Ylchester in the seide cownte of Somerset lawfully indyted, wher upon the seide Gyles Strangwyse and other his cofeffes, ther fermers and tenauntes war by . . . the pesybyll possessyon of the premysses, wych nott withstanding the seide William Caraunte the xj day of January last past, as a man not feryng your heynes nor your lawes . . . in ryoutous and forcybell maner entered agen into the seide tenement and londe of your seide orator. And over that the seide William Caraunte on the xj day of January in the seide xv yere of your most nobill reigne . . . to the intent your seide subyecte shuld not be abyll to plowgh the lande apperteyning to the seide tenement . . . the oxen off hys plowe<sup>1</sup> Wher upon the seide John Att Water and John Baker than and ther the seide xj daye entered and toke iiij off the plowe oxen of your seide subyecte and them drave . . . wherby your seid subyecte cannot plow his seide londe. And after the seide William Caraunte the son solde the seide oxen unto one Thomas . . . Ke . . . And for so mych as the seide William Caraunte the son is a man of grett power and well kyned alyed and frended in your seide cownte of Somerset, and hath many lyght persons aboute hym att all tymes to fulfyll his balefull purpose and comaundementes, and that your seide subyecte ys a pore man, not abill to abyde his malyce,

<sup>1</sup> This taking of the oxen was, of course, by way of distress for the rent claimed by William Carent. The object of a distress was "to bring a man to appear in court or to pay a debt or duty denied." The usual effect of a distress was to drive the party to replevy the distress and take action of trespass against the distrainers. "Some of the things for which a man might distrain were homage, fealty, scutage or other services, fines, or 'damage feasaunt,' but not for rent due from the land except on the land charged therewith." Carent's action therefore seems to have been of very doubtful legality.



nor to sewe the comon lawe for remedy in the premysses agenst hym, and also by cause your seide subyect is in grett fere and dowte of his person by reson of the seide lyght persons as abyde upon his seide tenement for as mych as yt ys butt a myle from the mancion place where the seide William Caraunte the son dwelyth, by reson wherof your seid subyecte doth nott only lose the hole profettes of his tenemente . . . butt also he ys contynually in grett jepardy of his lyfe by the seide William Caraunte the son and his adherens. In consyderacion wherof, and for as mych as the seide William Caraunte the son is att this present tyme within the cyte of London or nere abowte the subbarbys of the same, that ytt may plesse your heynes that your serjeaunte at armes may have in comaundement to goo for the seide William Caraunte the son, comaundyng hym personally to appere beffore your heynes and other the lordes of your most honorabill councell in the sterr chamber at Westminster ther to answer [etc. etc.].

*Ibid.* No. 73. The answer of the defendand is that he is not guilty of doing anything against the King's peace, and that the other matters surmised in the bill are determinable at common law.

*Ibid.* 74 and 75. Interrogatories and depositions in the same suit.

Thomas Atwater, sworne and examyned in and upon the premisses, sayth that one John Attwater and one John Baker, servantes unto the said William Caraunte the xvth day of January in the xv yere of the Kynges moost noble reign came unto the tenemente of the said Richard Bulle at Milborne Porte and distraynyd foure of the plowe oxen of the said Richard Bulles, and them frome the said tencemente drave unto Marnell<sup>1</sup> in the countie of Dorset. Wherupon the said Richard Bulle sewyd unto the shereve of Dorset to have a replevyn<sup>2</sup> wherby he myght have delyverance agayne of his said oxen. Wherupon the shereve directyd a warante unto the said Thomas Atwater and one William Baron to make delyverance of the said oxen

<sup>1</sup> Marnhull in Dorset, which is about three miles north of Sturminster Newton.

<sup>2</sup> *i.e.*, to obtain a writ *Replegiare facias*, the distrained person giving security that he will prosecute the action against the distrainer, *see* Cowell, *Interpreter*.

unto the said Richard, [and] they made delyverance to the said Richard Bulle at Marnell forsaied. And that then as the said Richard Bulle was dryvyng his oxen home to his said tenemente agayne the said John Atwater and one Thomas Prancker at a place callyd Kynges Mille in the said parishe of Marnell and within the said countie of Dorset toke the said oxen agayne frome the said Richard Bulle, affirmyng that the oxen were the said Thomas Pranckers, for that the said William Carante had them sold unto him for the summe of iij *li.* xiijs. iiij*d.* which money the said Thomas Prancker said he payde unto the said Willyam Carante at Shaftysbury. And further the said Thomas Atwater sayth that the said Thomas Prancker hath all tymes synse occupyed the said oxen in his plowe.

Willyam Baron also sworne affirmyth in every thyng as the said Thomas Atwater hath shewyd.

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### Carter v. Lewis.

HENRY VIII., VOL. VIII., No. 157. DATE: 1526.

*To the Kyng our soueraigne lord.*

In most humble wyse schewyth and complaynyth unto your hyghness your trew and faythfull subgett James Carter clerke<sup>1</sup> parson of the parysshe churche of Breene in your countie of Somerset that where your saide orator was laufully instituted and inducted in the saide parsonage of Breene at the presentment of Sir Arthur Plantagenet knyght Vicount Lisle<sup>2</sup> rightfull

<sup>1</sup> James Carter was instituted to the church of Breane on 23 December, 1523. According to the Bishop's Register the presentation was made by Lawrence Gumby (Weaver, *Somers. Incumbents*, 32), who may have presented by grant from Viscount Lisle. The presentation in 1504 was made by Sir John Grey. James Carter held the living until his death in 1547, so that the "intrusion" of John Lewis, clerk, must have been rendered void by the Star Chamber.

<sup>2</sup> Sir Arthur Plantagenet, Viscount Lisle (? 1480-1542), was the natural son of Edward IV. by Elizabeth Lucie. He was an esquire in the bodyguard of Henry VIII., and married in 1511 Elizabeth, daughter, and eventually heiress of Edward Grey, Viscount Lisle, obtaining a grant of the title in 1523. He was Deputy of Calais in 1533, was arrested in 1540 on a suspicion of a design of betraying Calais to the French. He was declared innocent in 1541-2, but died in the Tower from anxiety and excitement in 1542. *Dict.*

patron of the same and hath ben yn peasable and lafull possession of the same parsonage by the space of iij yeres and more and therof hathe taken the profittes withoute lett or interrupcion of any person untill the fest of the assumpcion of our blessed ladie last passide at whiche tyme one John Lewes clerk<sup>1</sup> dide intrude yn the said personage withoute any maner of title lafull and by the saide intrucion and spoliacion by the beryng and mentenaunce of on John Finneres<sup>2</sup> clerke William Harreis and Thomas Dun<sup>3</sup> whiche the same tyme and dyuers tymes syns in riotous maner assembled them self and with force haue wrongfully taken the tyythe corne there and other oblacions and profyttes there and yett forceably do kepe the same and will yn no wyse suffer hym to entre yn to his saide personage nor to take the profyttes therof nor will yn any wyse suffer hym to say any seruyce of God there but at suche tyme as your saide subgett comyth yn to his saide churche to do his devyne seruyce ther the saide mysruled persons will in no wyse suffer your saide orator to haue nother uestment ne Chalice withyn the same Church to the utter undoing and impouerysshing of your saide subgett and to the most peryllous example of all suche like offenders yf condinge punysshment be not schortly prouydid yn this behalf. In consideracion wherof i[t] may pleas your highnes etc.

*Nat. Biog.*, G. E. C., *Peerage*. Sir Arthur had obtained the advowson of Breane by his marriage with Elizabeth, daughter of Edward Grey, Viscount Lisle, who died in 1492 (*Cal. Inq. p.m.*, Hen. VII., No. 764). He was followed by his son John, the second viscount, who died in 1504, leaving as his heiress a daughter, Elizabeth, who died childless in 1519, when her estates, including the advowson of Breane, passed to her aunt Elizabeth, who became the wife of Arthur Plantagenet. *L. and P. Hen. VIII.*, vol. xvii. 1542, Nos. 34, 92, 145.

<sup>1</sup> Though this John Lewis failed to make good his claim to Breane, he seems to have been presented by Viscount Lisle to the church of Uphill in 1532. Weaver, *Somerset Incumbents*, p. 202.

<sup>2</sup> He has not been identified. A John Fynmore was vicar of Dunster in 1514 and 1515 (*Somerset Incumbents*, 361), and a John Fyner of North Petherton is mentioned in a Somerset will of 1530. *Wells Wills*, ed. Weaver, 117.

<sup>3</sup> A Thomas Dunne of Cocklington is mentioned in 1548. *Somerset Chantries* (S.R.S.), 129.

## Crosse v. Ap Ryce.

HENRY VIII., VOL. IX, fo. 227. DATE: 1527-1547.

*To the Kyng our Sovereaigne Lorde.*

Lamentably shewith unto your most excellent Highnes your dayly oratore and bedman unto Godd one John Crosse of Longford Budfylde in your countie of Somerset husbandman.<sup>1</sup> That wher as your said orator was seysed of a mese with his appurtenaunces called Spenserslonde with xl acres of londe, sex acres of pasture, one acre of medowe and iiij acres of wode, lying within the parryshe of Bodyalton within your said countie of Somerset, in his demeane as of freholde, whiche one Robert Bluet<sup>2</sup> before held of the graunt and demyse of one William Tamffelde esquere and Isabell his wyffe,<sup>3</sup> and whicche John Crosse

<sup>1</sup> He has not been identified. The pedigree of Crosse of Charlinch is given in *Somerset Visitations*, p. 105, and a John Crosse, owner of a shop in Taunton, is mentioned in 1548. *Somers. Chantries*, 198. The family of Crosse was well known in Ashbrittle and Langford Budvile. The will of Thomas Crosse of the former was proved in 1505, the wills of Ambrose and Dorothy Crosse of Langford Budvile being proved in 1594 and 1603. Smith, *Wills*, iv, 100, 113.

<sup>2</sup> The Bluets were lords of the manor of Almsworthy in Exford. Richard Bluet left two sons Nicholas and Robert; the latter is perhaps to be identified with the Robert Bluet, of this suit. Nicholas left a son of the same name who married Agnes Sydenham of Nettlecombe. (*V.C.H. Somers.*, MSS. Exford, Chipstable and East Bagborough.) Robert Bluet may perhaps be the "Mr. Bluet" of a later suit (see p. 245). A Robert Bluet who owned burgages in Wellington and Chard is mentioned in 1532 (*Wells Wills*, 183) and 1548. *Somers. Chant.*, p. 173.

The manor of Bathealton ultimately came to the Bluet family. It had been held in the 14th century by the Sydenhams (*Court Rolls*, 36 Edward III. to 31 Henry VI. Portfolio 198, No. 6, to Portfolio 199, No. 41) and in the 15th century by Robert Sydenham and William Poulet jointly (*Feud. Aids*, iv, 379, 437). At the date of this suit the manors in this parish were held by John Sydenham (Inq. p.m., Ser. ii, vol. 25, No. 23) and Hugh Poulet of Hinton St. George (Inq. p.m., Ser. ii, vol. 167, No. 78) and it is therefore difficult to see what right William Tanfield had in the parish, unless he held some extra-manorial lands.

<sup>3</sup> William Tanfield of Gayton, North Hants, was lord of the manors of West Bagborough and of Fideock in Bishops Hull at his death in 1529.

the premysses yet holdyth and injoyith, sayvng that that one John ap Rise, clerke,<sup>1</sup> parson of the church of Ayshebretell within your said countie one acre of londe lying in a serteyne close called Grete Wodons, the hole conteynng a x acres of londe, hath wrongfully with force of armes by oppressing with helde from your orator the space of fyve yeres, and yet doethe, contrary to all good right and conciens to the grete hurte and hinderans of your said orator. And furder thereof not only taketh wrongfully the profyttes but also doth pasture and comon in and upon all the said Close of a xj acres to the utter undoyng of your said oratore, onles your Graces Hyghnes to hym be moved with pytye in that behalf. Wherefore it may plesse your Graces Hyghnes, the premysses tenderly concydered, to graunt your most gracious wryte of suppenna to be directed unto the said John ap Rysc, clerke, commaundyng hym strytely by the same upon a payne by your Highnes to be lymyted, to appere personally before your moost excellent Highnes and your most honorable councell and at a serteyne day [etc. etc.].

### Dovell v. Hobbys and others.

HENRY VIII., VOL. XIII, No. 23. DATE: 1528.

*To the kynge our souerainge lorde.*

Lamentablye complaynyng shewithe unto your highnes your true and feythfull subiects and daylly oratours Bernerd Dovell<sup>2</sup> Johan hys wyfe and Fraunces Dovell ther daughter of Oldclif in the countye of Somersett that where as your said oratours were seased in the demcane as of freholde for terme of ther lyves of

He had married Isabel Humphreys and was followed by his son Francis Tanfield, who died in 1558. *V.C.H. Somers.*, MSS. Bishops Hull.

<sup>1</sup> John Ap Rice was incumbent of Ashbrittle at some time between 1527 and 1547. The date of his institution is not known. Weaver, *Somerset Incumbents*, p. 309.

<sup>2</sup> This was probably the Bernard Dovell who at the Dissolution bought £40 worth of stone, plaster, etc., from the Abbey of Cleeve to build his mansion in Cleeve. He was murdered there in the reign of Philip and Mary. - Star Chamber Proc. 3 and 4 Ph. and Mary, bundle 1, No. 41. *V.C.H. Somers.*, MSS. Old Cleeve.

and in ij tenementes with the appurtenaunces cxx acres of landes medowes and woodes in Withycombe in the countye aforesaid parcell of the londes belongynge to the chauntry of Netylcombe called the chauntry of Symon Rawlegh<sup>1</sup> of the lease and dimise of one John Michell clerke chauntre preste of the chauntrye perpetuall of Netylcombe aforesayde so it is most soueraigne lorde the vj<sup>th</sup> day of Apryle the xix<sup>th</sup> year of your most royall reigne that on John Hobbys<sup>2</sup> Johan his wife and Richard ther sonne Hugh Kytt and Davyd Inyne with dyuers other ryotours and mysruled persons to the nombre of viij persons unlawfully assembled and riotously in the maner of warre arrayed with swordes buclers billes staves and other wepyns into the said mesuages ryotuosly and with force entred and there riotuoslye and with force contynued unto the xiiij<sup>th</sup> daye of June nexte folowyng for the whiche forcyble entre the said John Hobbys was indyted and a writt of restitution<sup>3</sup> was awarded according to the statute to put your said oratours in possession of the premisses by reason whereof your said oratours entred into the said premisses and were thereof seased and toke the profites thereof unto the ij daye of Nouembre nexte folowing at the whiche tyme the said John Hobbys Johan his wife Richard ther sonne Thomas Keper John Lewys withe many other ill disposed and suspect persons with swordes buclers bowys arrowes bylles and staues puttynge your said oratours in ieoperdye of ther lyues drave and bete them owte and from the possession of the premisses with force and riotuoslye ageyne entred and there toke within the said mesuages vitells bredde ale flesshe fysshe stuff of howshold pannes pottes pewter vesselles xvj syluer spones with Jewells rynges and other plate xxx unces of brooke<sup>4</sup> syluer iij flocke beddes iijij fetherbeddes couerlettes and blankettes to the same xvj peyre of shetes syxe dosen of napkyns table clothes towelles kerchiefs di. dosen of coschyngs with other

<sup>1</sup> Lands in Withycombe belonged to the chantry of St. John the Baptist in the parish church of Nettlecombe. At the date of the Dissolution the chantry was valued at £7 13s. 11½d. net. *Somers. Chant.*, pp. 48, 243.

<sup>2</sup> He has not been identified. The will of David Hobbes of Stogussey was proved in 1559. *Somers. Wills*, ed. Crisp. iii, 97.

<sup>3</sup> See below, p. 115, n. 3.

<sup>4</sup> *I.e.*, broken silver, "brooke" being an obsolete passive form of broken, *cf.* stony broke.

apparell as gownes cotes withe other rayment of your said oratours xx yerdes of blacke velvett cccc yerdes of kanvas holondes and dyuers other marchandise billes and bookes of reconnynges evidences and other writynges fast in chest loken all the whiche goodes the said John Hobbys Johan his wife and Richard ther sonne haue conuerted to ther owne use and in the same riotuse maner the said John Hobbes and the other aforesaid riotours contynued the possession of the premisses unto the x<sup>th</sup> daye of Decembre laste passed that your said oratours in peasible maner reentred into one howse parcell of the premisses and brought thither vitells bedding stuf of howseholde and dyuerse marchandise and there peasibly kept possession unto the xvij<sup>th</sup> day of December then next following at which tyme the said John Hobbys Johan his wife and other riotours not yett satisfied but contynued in ther malice ageyne your said oratours entred eftsones in suche riotouse maner into the premisses and ther brake doores lockes and toke and caryed away other parcell of goodes and marchandise of your said oratours whiche stuff of howsehold and goodes aforesaid so takyn away at dyuers tymes in all amountythe to the somme of cc marks and aboue whiche the said riotours hathe and dothe daylly conuert to ther owne use and the same riotours from that day hitherto to thentent utterly to expell your said oratours of the premisses and ther goodes for euer haue hyred one John Leuys Thomas Kepar with other riotours to kepe parcell of the saide goodes beinge not yett spent by them and the possession of the premisses with force and strength to the utter undoyng of yours said oratours and to the moste perillous example to other lyke offendours that may be onles spedy reformacon by your highnes in this behaf be provided Pleaseth it therefore your said highnes the premisses considered to graunt seuerall writtes of sub pena to be directed unto the said John Hobbys Johane his wife Richard Hobbys ther sonne John Lewes Thomas Kepar Hewgh Kytt and Daud Inyne commaunding them by the same to apere before your highnes in the sterre chamber at a certain daye and uppon a certain peyne by your highnes to be lymyted there to answer to the premysses.

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**Alye v. Abbot of St. Augustine's, Bristol.**

HENRY VIII., VOL. I, NO. 132. DATE: 1528.

This ys the replicacyon of Thomas Alye to the seuerall aunsweres of William Abbott of Saint Augustyne by Bristowe<sup>1</sup> Hugh Phelippis Walter Phelippis John Meryfyld, Robert Southall, Daniel Morgan, William Robert Basset, William Parsonys, John Stone, William Nayllar, Thomas Baten, John Awode, John Frax, William Crowther & William Jarmyn.

The seyd Thomas Alye sayth that hys seyd byll<sup>2</sup> ys both certayn & sufficient yn the lawe to be aunsweryd unto & the mater yn the same contaynyd ys mater of trewyth & not faynyd nor untrue ne contryvyd to any suche intende as yn the seyd aunsweres yt ys alleggyd & furdernore sayth yn euerythyng as he hath sayd yn his seyd byll & also sayth that the seyd aunsweres be untrue yn euery thyng. He saythe that the seyd John Kekewyche nameyd yn the seyd aunswere ys seasyd of & yn a tenement with certayn land therto belongyng yn Bowre Aston adioynyng to the seyd fery parcell of hys maner of Aston Theynes<sup>3</sup> within the countye of Somerset yn hys demeane

<sup>1</sup> The Abbey of St. Augustine's was founded between 1120 and 1248 by Robert Fitzharding, ancestor of the Berkeley family. The Abbot who was defendant in this suit was William Burton who became Abbot in 1534 and held office until 1537, when he either died or resigned, being followed by Morgan Williams the last Abbot, who surrendered the Abbey to the King 9 Dec. 1539. Dugdale, *Monasticon*, vi, 364.

<sup>2</sup> Though the bill and answer are wanting the substance of them can be made out from the replication and rejoinder and the depositions of witnesses.

<sup>3</sup> The manor of Aston or Ashton Theynes was one of the several manors in the parish of Long Ashton. It had been owned by Sir John Juyn or Inyn of Inyn's Court, Bedminster, who was recorder of Bristol and Chief Baron of the Exchequer. At his death on 20 May, 1439, it passed to his son William Juyn (called Inyn by Collinson) and from him to his daughter and heiress Alice. She married as her first husband Robert Bowring who is several times mentioned in this suit, and as her second husband John Kekewich of this suit. Alye, the plaintiff, alleged that the disputed ferry had been leased to him for life. On the death of Alice Kekewich without issue in 1529, the manor of Aston Theynes passed to her cousin John Kenn, the son of Sir John Inyn's daughter Isabel. He was followed by his son Christopher who sold the manor to the Smyths in 1584. Collinson, ii, 284, 295.



as of fee to whyche tenement the same John Kekewyche & all other parsonys whose astate yn the same tenement the same John Kekewyche now hath haue useyd to haue a fery bote<sup>1</sup> & to fery & cary men & hors with the same bote from the west syde of the seyde fery or passage beyng within the countye of Somerset aforesayd adioynng to the seyde Tenement ouer the seyde water unto thother syde beyng within the countye of Glouc' & there to land them uppon the seyde abbottes grounde tyme owte of mynde takeyng of euery fote man a farthyng & for euery man & a hors a halpeny for ther passage ouer the seyde water whyche John Kekewyche long tyme byfore the seyde riottes commytted dyd lett & dymyse the seyde tenement & land with the same fery unto the seyde Thomas Alye for terme of his lyfe by force whereof the same Thomas was therof seasyd yn hys demene as of frechold & so seasyd occupied the seyde fery as lawful was for hym to doo unto the tyme that the seyde abbott & the seyde other defendauntes yn the seyde bill nameyd wrongfully & riottously hym therof disseasyd & toke his seyde Bote as yn the seyde bill of complaynt yt ys allegged without that that the seyde abbott & his predecessors tyme out of mynde or any tyme haue be seasyd of the . . . le passage & fery yn maner & forme as yn the seyde aunswere yt ys untruly alleggyd tyll nowe of late that the seyde abbott & the other seyde . . . r . . . parsonys wrongfully & riottously as yn the seyde byll of complaynt ys specyfyed toke the seyde bote & commytted the seyde riottes & without that that the seyde Thomas Alye hath by the procurement of the seyde John Kekewyche wrongfully or w . . . ytte put uppe any bote or wrongfully feryd any man or hors ouer the seyde water or wrongfully tyed his bote to the

<sup>1</sup> The ferry in dispute, described below as Rownham Ferry, was of considerable importance, uniting the counties of Gloucester and Somerset and one of the chief means of communication between the populous city of Bristol and the places on the Somerset side of the river Avon. Though the record of the decree made by the Star Chamber in this case is, as usual, lost, the defendant seems to have made good his title, and Rownham Ferry became, after the Dissolution, the property of the Dean and Chapter of Bristol, from whom it was purchased by the Corporation. (Nicholls and Taylor, *Bristol*, iii, 316). A ferry boat still plies to and fro across the Avon but since the erection of the suspension bridge from Clifton to Long Ashton (Stat. 24, 25 Vict. cap. 112) and of other bridges it has become less valuable.

frehold of the seyd monasterye to the dysheryson of the seyd monasterye as by the seyd aunswer of the seyd abbot & the seyd codefendauntes ys untruly alleggd & without that that the seyd John Tynterne & Humfrey Rychardes be gyltye of eny wrong by them done or commyttyd ageynst the seyd abbott as by the seyd aunswere yt ys also untruly alleggeyd & without that that the seyd abbott or any of the seyd other defendauntes yn the seyd aunswere nameyd lawfully toke or myght lawfully take the seyd bote fer any suche cause as by the seyd aunswere yt ys also untruly alleggeyd but only by reson of hys extort power & myght without any tittle or just cause so to do & without that that any other mater yn the seyd aunswere comprisyd beyng materyall & aunswereable ys true all whyche maters the seyd Thomas Alye ys redy to prove as this courte woll awarde & yn as myche as the seyd abbott hath confessed the wrongfull takeyng of the seyd bote & that riottously & contrary to the lawe the seyd Thomas Alye prayth that the seyd abbott & the seyd other defendauntes may be punyscheyd for the same accordyng to ther demerittes.

HENRY VIII., VOL. XIII., NO. 134.

The rejoinder of William Abbott of Scynt Austens by Bristow Hugh Phelips & other defendauntes to the replicacion of Thomas Alye.

They say that the said abbot & his prediccursors tyme owte of mynde haue byn seaisd aswell of the hole passage of Rownam Fery on the water of Aven specyfyed in the said bill of complaynt aunswer and replicacion as the said acers next adioyning to the same water and passage and by all the same tyme haue used to have a fery bote to cary & convey the Kynges subigettes over the same water fer such resonabill profyte & toll as ys specyfyed in the said aunswer in maner & forme as in the same aunswer ys alleggyd and that the said compleynaunt nowe a late by the procurement of the said John Kechwicke namyd in the said aunswer hath sett up a fery bote & ther yn wrongfully hath conveyed ouer the said watter dyuerse of the Kynges subigettes & tyed his said bote and landyd upon the frehold of the said abbote in maner and forme as in the said aunswer ys also

aleggyd and ouer this aueryth all and euery thyng conteyned in truer said aunswer to be true without that that the same John Kechwiche and all those whoys estate he hathe in the said tenement specyfyed in the said replication tyme owte of mynde have usyd or ought to have eny fery bote to the same tenement to cary and fery men and horse ouer the said water & to land upon the said abbottes grownde or to take eny profyete for the said feryage in maner & forme as in the said replicacion is untruly surmytted.

VOL. II, Nos. 240-242.

Here after folowyth the deposicions taken at Saynte Awstens besides Bristowe the xxvth day of Januarij in the sixth yere of the reign of Kyng Harry the vijth bifore Syr William Denys, Knyght,<sup>1</sup> and William Vowell, gent,<sup>2</sup> commyssioners in a Matter depending in variaunce bifore the Kynges most honorable counsell betwene the abbate of the monasterye of Saynte Awstens beside Bristowe of the oon partye and Thomas Alye of Long Ashton in the countye of Somerset, barbour, of the other partye.

Imprimis at the seyde day and place Thomas Alye with his counsell apperid and the seid abbate and his counsell apperid also.

For the parte of Thomas Alye.

John Kekewych, gent', shewed forth a dede indented bering date the xxvijth day of Maij the xjth yere of Kyng Henry the vjth, by the which it doth appere that oon Norman Weshborne esquier did lett to Water Pore and to other all his messuage nexte to the passage of Rowneham within the parissh of Ashton forseid with a close therunto adjoynyng, with londes, medewse, woddes and pastures, together with the passage of the water ther, and also all the profites of the same passage comyng, as

<sup>1</sup> Sir William Denys, who had been knighted in 1520, was in the Commission of the Peace for Gloucester at the date of this suit.

<sup>2</sup> William Vowell was in the Commission of the Peace for Somerset in 1543-4. (*L. and P. Hen. VIII.*, vol. xx, pt. i, p. 317.) He may perhaps be identified with the William Vowell who held part of the manor of West Luccombe in 1529. Chadwyck Healey, *Hist. of West Somerset*, 107; *Somerset Visitations*, 114.

fully and holye as oon John atwater before it did hold, to have to the seid lessees for terme of their lyves, which dede is sealed with a scale of armes, which<sup>1</sup> the seid John Kekewich did lett to ferme to the said John Alye.

Also another dede indented sealed, bering date the fyrste day of October the xvth yere of Kyng Henry the vijth, by which oon John Brice and Margarete his wyf did geve a mese with other landes together with the seid passage to oon Water Poore and to Jane his wyf in especiall taile. Also an indenture sealed dated the xvijth day of March the xijth yere of Kyng Henry the vijth, by the which Robert Bowring and Alice his wyf made alese to John Graunte and Julian his wyf of a tenement with thappurtenances lying at Rownham in the shire of Somerset in the west parte of the rever called Aven, the which oon Robert Poynez<sup>2</sup> late held, also the passage and ferry that belongeth to the seid Robert and Alice at Rowenham forseid, foriiij score yeres.

Also another indenture sealed bering date the xxvijth day of Aprile the xxth yere of Kyng Henry the vijth by which the seid Robert and Alice did lett the premises among other thinges to the same John Graunte and Robert his son for lxx yeres then nexte ensuyng.

Also certen deposicions taken by the Lord Fitz James, nowe chef Justics of Englund,<sup>3</sup> and wrytten with his owne hand, as the seid John seieth, taken upon the examination of William Cockes, now ded, and of John Petfyn of Bedmister, of Richerd Whytyngton, Thomas Edwardes of Long Ashton, William Piers and Thomas Piers of the same, conceryng the premisses as by the same more playnly it doth appere.

John at Water of Bedmister, husbondman, of thage of liiij yeres, tenaunt to the Erle of Essex,<sup>4</sup> seith that oon Robert

<sup>1</sup> A clause is evidently omitted here.

<sup>2</sup> He was perhaps a descendant of the Robert Poyntz who held a moiety of the manor of Ashton Philips in Long Ashton in the fifteenth century. Collinson, ii, 296.

<sup>3</sup> This was Sir John Fitzjames who was Recorder of Bristol in 1510, attorney general in 1519, lord chief justice of England in 1529. He retired from office in 1538, and died about 1542. *Dict. Nat. Biog.*

<sup>4</sup> The manor of Bedminster, forfeited to the Crown by the attainder of the Duke of Buckingham in 1521, was granted by Henry VIII. to Henry Earl of Essex, who held it until his death in 1539. Collinson, ii, 282.

Bowring was in all the countree there taken as owner of the seid ferry in the ryght of Alice his wyf, and he did knowe that oon Robert Poynez and oon Naylor affter the seid Poynez did occupye the seid ferry as tenaunte to the seid Bowring, and that he never herd any man sey but that Bowringes wyf and her auncltors were owners of the seid ferryc.

As to the ryottes he can sey no thing.

John Collys of Bedmister of thage of lxxi yeres, tenaunte to the seid Erle of Essex, scyth that abought lx yeres past the seid ferry bote was used in the west side of the water, which is within the countye of Somerset, and as he remembrith one Nicholas Donwill did kepe the ferry bote then there, and as ferr as he knowith the seid bote was then under Maister Juyn ; he never herd but that the Joynes and their auncltors had a ferry bote there by tyme owte of mynd and he seith also that Robert Bowring maryed with the heir of Juyn & that the seid John Kekewiche maryed the same heir after the deth of Bowring and that Bowring did lett owte the seid passage or ferry to oon John Graunte which John Graunte had oon Robert Poynez under hym and did occupye the seid ferry peaceably and neuer knewe any tenaunte of the seid Bowring or Kekewich disturbitte of the seid ferry till now of late the seid Thomas Alyc was disturbed by the seruauntes of the seed abbattes of Saynte awstens, and as to the ryottes he knowith no thing.

Richard Dauys of Bedmister forseid yoman of the age of lx yeres or therabowte tenaunte to doctor apowell parson of Bedmister<sup>1</sup> seith by his oth that he knewe oon Robert Poynez did occupye the seid ferry bote of the west syde of the water as tenaunte to oon Bonanter husband to the seid lady Juyn and he seith that affter that abowte xxix yeres past Roberte Bowring which maried with the heir of Juynes did let the seide ferry to oon John Hunt wheruppon the seid Poynez sued to bowring openly in his cowrte at ayshton Theynes and claymed estate made by Bonanter and Bowring wold nott allowe it but lett the

<sup>1</sup> This was Edward Powell "sacrae paginae professor," prebendary of Bedminster. He was instituted in 1508. Weaver, *Somers. Incumb.*, 242. He became a frequent preacher at Court but opposed the king's divorce. He refused to take the oath of supremacy, was sent to the Tower and hanged on 30 July, 1540. *Dict. Nat. Biog.*

seid ferry to oon John Graunte and that affter Roberte Poynez did occupye the seid ferry under the seid graunte and kepte the bote peaseably in Somersetshire side and affter poynez oon Nayler maried Poynez wyf and kepte the seid ferry as Poynez did Item he seith that he knewe ij botes there oon for the abbate of Saynte Awstyns syde and a nother of Juyn is syde and he seith by his oth that somtyme he hath knowen but oon bote there occupied and he seith that he hath knowen somtyme that when the bote man of Juyn is side did occupye the hole he bere a rente to the abbat is tenaunte and when the abbat is tenaunte did occupye the bote then he bere a rente to m Juyn is tenaunte and ferther seith that poynez seyde to hym that he payde a rente of iijs iijd to Colman bicause there was but oon bote.

To the ryottes he can say no thing.

Richerd Jones of Bedmister forseid of the age of lx yerres, tenaunt to the seid Erle seith that he knewe Roberte Poynez occupy in Bowringes tyme peaseably in the west side of the seid ferry and more he knoweth nott.

Thomas Edwardes of Ashton forseid of the age of lx yerres tenaunte to the seid Kekewiche John Cotrell of the same tenaunte to Mistress Broke widow of the age lx yerres.<sup>1</sup> William Pers of the same of the age of liij yerres tenaunte to my lord Dawbeney<sup>2</sup> seyn by their othes that euery of them did at dyuerse tymes fett iijs iijd of George Colman in the tyme of my lady Juyn byfor she was maried to Bonanter<sup>3</sup> and affter the seid mariage also to the use of the seid lady and Bonanter and ferther

<sup>1</sup> This was Jane, only daughter of Richard A'Merrick and heiress of the manor of Ashton Phillips. She married John Brook serjeant-at-law about 1494. He bought part of the manor of Clifton in 1508, and other lands near Bristol. (*Bristol and Glouc. Arch. Soc.*, iii, 223-5.)

He was steward of the Duke of Buckingham's manor of Bedminster (*L. and P. Hen. VIII.*, iii, 3695) and also steward of Glastonbury Abbey. He was on the Commission of the Peace for Somerset in 1509 and subsequently. (*L. and P. Hen. VIII.*, i, 287.) He died in 1525. *Bristol and Glouc. Arch. Soc.*, iii, 225.

<sup>2</sup> Giles Lord Daubeney had bought the manor of Ashton Lyons from Sir John Choke in 1506. Collinson, ii, 292.

<sup>3</sup> Alice Juyn or Joyne, widow of Sir John Juyn, had married as her second husband a man named Bonauntre. She died on 22 March, 11 Henry VII., being described in the inquisition taken on her death as Alice Joyne otherwise called Alice Bonauntre. *Cal. Inq. p.m. Hen. VII.*, No. 1253.

the seid Thomas Edwardes John Cotrell and William Pers seyn by their othes that euery of them att seuerall tymes did fett the seid yerely rent of the seid George Colman and deliyuered it to Thomas Newlond bayly and fermer to the seid lady Juayne.

John Barkley of Portbury of the age of lx yeres and more tenaunte to the kyng seith that he knewe a bote of the abbates side and a nother of Maister Juyns side and forther seith that oon White seruauante to Thomas Arnold kepte the passage bote there which was tenaunte to Juyn fer he seith he was seruauante to Arnold xl yeres past.

Harry Newland of Longe Ashton of the age of lx yeres or more tenaunte to doctor Halswell seith that Thomas Newland was bayly to the lady Juyn and receuid yerely the seid *xld* for the rent of the ferry of the ferry man of the abbates.

John Dag of the same of the age of lx yeres and more seyth as Herry Newlond hath seid.

John Marten of the age of lx yeres tenaunte to Mr Kekewiche Thomas Marten, of the age of liiij yeres tenaunte to Kekewiche William Phelpys of the age of lviiij yeres Thomas Genyns of the age of lx yeres and above tenaunte to Kekewiche Thomas Phelipps of the age of xliiij yeres tenaunte to Kekewiche John Cotrell of the age of l yeres tenaunte to Kekewich foreseid seyn that the abbate of Saynte awstyns haue had oon bote there and Bowring had a nother there at the same ferry.

Herry Jones of Long Ashton tenaunte to Kekewich seyth by his oth that Roberte Sothall seruante to the abbate seid at Thomas Alye his howse that bicause he was his countre man he wente bitwene them and putt a side a staf and gave hym ij blowes.

Roberte Whitecote of Bedmyster of the age of liiij or above sworn upon a boke tenente to the Erle of Essex seith that he was at dyner with his father at Thomas Arnoldes howse at Rownham which dwellyd in the west syd of the water whiche tyme this deponente was the age of xij yeres or therabowte and doth remembre that the same Arnold did arise from his dyner and conueyd men ouer the ferry with a bote then being in the west sid but whose the bote was he cannott tell.

John Materface of Bedmyster forseid of the age of lx yeres or there abowte deposith upon a boke tenente to the Erle of

Essex seith by his oth that to his remembrance abowte xlvij yeres passed at Arnoldes howse at Rownham forseid seith that there was a gremente had bitwene Colman and Arnold that Colman shuld pay to Arnold xl*l* a yere for the ferry and howe that at the end of the same yere that Daudid Fill son in lawe to the seid Colman then occupiar of the seid ferry under the seid Colman the seid Daudid Fill gave this deponente xl*l* to pay to Thomas Newlond bayly to Mr Juyn then callyd Juynes baylif and gave this deponente ij*l* for his labour and he seith that Arnold was Juynes tenente at that tyme and dwellyd in the howse at rownham.

Richard Money of Bedmister of the age of 1 yeres and above tenente to the Erle of Essex sworn upon a boke seith that abbote Nayler cam ouer with Raf Bowring and the seid Raf Bowring demawnded money of the abbate for his ferry and that Raf Bowring shewd this deponent that the abbate payd for his ferrie but how mytche he cannott tell.

Thomas Gybbes of the parish of Redclef of Bristowe of the age of lviij or therabowte tennaunte to John Kenne<sup>1</sup> sworn upon a boke seyth that he never knewe nor herd but that Maister Juyn and his heires had a bote in the west syde of the ferry of Rownham.

Thomas Genyns of Long Ashton of the age of 1 yeres or therabowte tenaunte to Maistres Brooke seyth that he neuer knewe ij botes at the ferry but in Maister Bowringes tyme and syns that tyme in oon Naylars tyme and howe there was variance bitwenethe seyde Bowring and abbote Newlond for the same ferry.

Roberte Beke of Long Ashton of the age of 1 yeres or therabowte tenaunte to Maistres Brooke seith that a litill boy of Naylars kepthe the bote in the West syde and because the water was rugh he desyred Edith Colman is seruaunte fermer to the abbate to help hym ouer the water and that he gave Naylars lad for his passage oþ bicause he toke hym in the West syde and farther he seith at dyuers tymes he hath passed over in the bote in the west syde and farther he seith that he herd that ther was variaunce bitwene Mr Bowring and the abbote for the passage.

<sup>1</sup> This was John Kenne to whom the manor of Ashton Theynes came on the death of Alice Kekewiche and her husband. John Kenne, the elder, died before 1524 (Inq. p.m. 16 Hen. VIII. Collinson, ii, 295), the younger was still living in 1545. Collinson, iii, 592.



Humfrye Richardes of the parish Saynte George of the age of xxiiij yeres sworn apon a booke seyth by his oth that Thomas Alye complaynaunte desired Agnes Philippes this deponentes maistres that this deponente myght help hym to lanch owte his bote and while they were abowte it com certen parsons whose names and number he cannot tell and he seith that oon of them gave Thomas Alye a blowe with a staff and a nother gave hym a blowe with a fire scrape by reson wherof this deponente was sore sevynnyght after.

Thomas Philippis tenaunte to John Kekewiche depositth apon a booke Maister to the seid Humfrye Richardes seyth that the seyd Humfrye complayned to hym assone as he com home uppon the stripe and sevynnyght affter that he cowde doo no worke with that hond that same sevynnyght.

## PRO PARTE ABBATIS.

Item the seyd abbate shewde a dede before date wherbye oon Elyas Lord of Clyffton<sup>1</sup> among other landez did geve to the church of Saynte awstens of Bristowe and to the chanons regular there ser[v]ing god in free almes a mese with other landes with the appurtenaunces at Rownham excepte only passage for hym self and his proper seruauntes of his own howse.

Item he shewde a pollyd dede sealyd with a seale of armys before date by which it doth appere that Roger de Clyffton lord of Clyffton did geve a certen tenement at Rownham with all the "Wharth" with all the passage there with the appurtenaunces to god and to the church of Saynte Awstens of Bristowe and to the chanons sering god there.

Item he shewd forth a confirmacion of the same dede made by John de Sancto lando Knyght to the seyd monasterye which dede was made before date.

Item he showed forth a dede identyd<sup>2</sup> bering date in the feast of the Purification of the Blessed Virgin Mary 10 Richard II. by which dede it apperith that oon Herry abbate of the seyd Monasterye<sup>3</sup> and the conuente of the same graunted to John Parsons the yonger and to Agnes his wyf and to Agnes his

<sup>1</sup> Several deeds containing grants by the Cliftons to St. Augustine's are quoted by Dugdale. *Monasticon*, vi, 364.

<sup>2</sup> Indented.

<sup>3</sup> Abbot Henry Shellingford held office from 1364-8.

downtour all his tenement at Rownham with the passage with the appurtenaunces for terme of lxx yeres.

Item he shewde a nother dede indented bering date in the feast of St. Valentine the martyr in the 49<sup>th</sup> year from the beginning of the reign of Henry VI. & the 1<sup>st</sup> of his restoration to royal power wherby oon Water<sup>1</sup> abbate of the seid monasterye by concente of his conuente did graunte to Herry Gryffith all his tenement at Rownham with the passage with the appurtenances for terme of lx yeres.

Item he shewd a nother dede bering date in the feast of Martin the pope 7 Edward IV. by which oon Water Abbate of the monasterye forseid by assente of his conuente did demyse to Jamys White all his tenement at Rownham with the passage with the appurtenaunces for the term of lx yeres.

Sir John Squier<sup>2</sup> parson of the parish church of Clopton in the countye of Somerset of the age of lxxij yeres & above sworn upon a booke deposith and seith upon the seid oth that as long as he remembreth the seid abbate and his successours hath ben ceased of the hole passage called Rownham ferry and of v acres of lond with all the wharth adioyning to the same in their demeane as of fee in the right of their monastery and by all the same tyme they and their fermers haue used to haue a passing bote there to passe the kynges subiectes ouer the said ferry in both sides of the same unto sutch tyme that oon Roberte Bowring lernid in the lawe in oon abbate Newlondes<sup>3</sup> tyme predicessour to the seid abbate a xxij yeres passed or therabowte wrongfully disturbid the seid abbate and caused oon Roberte Poynez his tenenante to sett up a bote and to use the seid passage with the seid abbates fermer agaynst the will of the seid Abbate Newlond which wronges the seyd complaynaunte yet contynewith by the mayntenance and commaundment of John Kekewech and conueyde dyuers of the kinges subiectes ouer the seide water and farther more the seid Syr John Squier deposeth and seith upon his oth that he hard his father sey abowte a xxiiij yeres passed his father then being of the age of lxxx

<sup>1</sup> Abbot Walter Newbury held office from 1428-1462.

<sup>2</sup> He was incumbent of Clopton in 1488. Weaver, *Somers. Incumb.*, p. 254.

<sup>3</sup> John Newland was Abbot of St. Augustine's from 1481-1515. Dug., *Mon.*, vi, 364.

yeres seith that oon George Colman farmed the bote of the abbate of Saynte awstens at Rownham ferry.

Richard Whytton of the parish of Long Ashton in the county of Somerset of the age of lx yeres

Richard Darne of Eston<sup>1</sup> in the countye of Somerset of the age of lxxv yeres

William Spore of Eston forseid of the age of lvj yeres

William Mattock of Eston of the age of lvij yeres

Richard Nonye of Eston of the age of lxvij yeres

Richard Gall of the same of the age of lxx yeres

Thomas Weser of the same of the age of lv yeres

John Whiting of the same of the age of xlij yeres

Richerd Silly of the same of the age of xl yeres

Richard Weser of Clopton in the seid countye of the age of xlvj yeres

John Cotrell of Clopton forseid of the age of lxx yeres

Richard Hethfeld of Portburye in the countye forseid of the age of lxij yeres

Richerd Baker of the same of the age of lx yeres

Richerd Passer of the same of the age of lv yeres

Thomas Euerard of the parish of Long Ashton in the seid countye of the age of liij yeres

John Wylmott of Eston forseid of the age of lxvij yeres

Affirmethe the depositions of Syr John Squier parson of Clopton to be truc.

Also Roger Yong of the age of lxxx yeres or therabowte

<sup>1</sup> Easton-in-Gordano, 7 miles from Bristol.

dwelling in the parish of Westbury in the countye of Gloucester sworn upon a booke deposithe and seith upon his seid oth as the seid Syr John Squier before hath seid and affirmyth the same to be trewe in euery thing and ferther he seith and deposithe upon his seid oth that he herd his father sey the same which at the tyme of hys deth was jc. yeres of age or thereabowte and ouer that he seith upon his seid othe that in the seyd abbotte Newlandes tyme howe many yeres gon this deponent remembreth nott that the seid abbate and Robert Bowring assembled themself with dyurse aged men aswell of the countye of Somerset as of the countye of Gloucester he then being presente and John Brooke sergeante at lawe<sup>1</sup> and there they vewed both sides of the seid passage and all they determyned that the seid hole passage belonged to the seid abbate and then the seid Brooke asked the seid Bowring whate evidence he had to prove his ryght and he made awnswer and seid takyng his wyf by the hond this is my evidence and other I haue none then the seid Brooke seid I cannott se by whate meanes ye can haue any passage here and more this deponent cannot sey in this mater.

Also William Peyton of Clyfton in the countye of Gloucester of the age of lxxx and more sworn upon a booke deposithe and seith in euery thing as the seid parson and Roger Yong before haue seid in their deposicions and affirmyth the same to be trewe in euery thing on lesse it be that he herd nott the father of the seid Roger sey as the seyd Roger hath deposed.

Also Robert Power of Portbury, co. Somerset, of the age of lxxv, deposeth as William Peyton hath deposed.

Thomas Dover of Portbury of the age of lxxv, William Passar, lxxij, John Edmunds, lxx, James Godwyn of Portbury, lxxj, all depose as William Peyton hath deposed.

John Colman, Maister of the Gauntes<sup>2</sup> in Bristowe, of the age of lix, sworne upon a booke, seith that his father George Colman, as fermer to the abbate of Saynte Awstyns, occupied the hole passage with oon ferry bote from the xv. yere of Kyng Edward

<sup>1</sup> See note 1, p. 100.

<sup>2</sup> This was the Hospital of St. Mark of Billeswyke in Bristol, founded by Maurice de Gaunte in the reign of Henry III., and usually known as Gaunts' Hospital. The hospital owned land in Long Ashton, and was therefore interested to some extent in this dispute.

the iijth till Roberte Bowringes commyng withowte interuption, and that none other bote was occupyed there bye all that tyme.

Richard Bray of the age of lxxv dwelling within the parish of Saynte Stephyn in Bristowe, seith that at the first commyng of Kyng Edward the iijth to Bristowe<sup>1</sup> he sawe the abbate is bote occupyed on both sydes the ferry there of Rowenham, and was servaunte to Jamys Whyte ferryman there then, and none other bote ther, and helpid to passe the seid Kyng over the seid ferry the same tyme.

John a Chamber otherwyse Webbe, of the age of lxiiij, seith the same sayng he sawe not whether he ferried over the seyde Kyng or no.

Also Thomas Colyns of the parish of Abbates Lye, co. Somerset, of thage of lx, seith in every thyng as the seid parson of Clopton hath before seyde, and farther that, when the seyde complaynante his bote was taken, Hewe Philippis, John Mirryfeld and Water Philippis [*sic*] by the seid Hugh John and Water this deponente passing over the seid water from Bowre Ashton syde in the county of Somerset in the seyde bote into the other syde in the countye of Glouceter, which londid this deponente upon the soile of frehold of the said abbate, and then this deponente sawe the seyde Hugh, John and Water, servantes to the seyde abbate, take the seyde bote peasably and in esy maner, withowte gevyng any thretnyng wordes, for that they fownd the seyde bote doing hurte and damage upon the frehold of the seid abbate, and from thens they in peasable wyse conveyed the seyde bote by water to a place callyd Lymottes<sup>2</sup> in the seyde countye of Glouceter.

Also Hugh Jones of the parish of Pediton in the county of Somerset, of the age of xxxiiij, seith that he was within syght of the seyde ferry when the bote was taken as abovesaid, and it was taken in peasable maner [etc. etc.].

Also David Hillyng of the parish of Clyffton in the countye of Glouceter, of the age of xliij, seith that Thomas Alye, now complaynante, in his howse at Rownham in the countye of Somerset within vj dayes nexte after the taking of the seid bote shewde hym that he and John Tyntarne and Humfrey Ricardes

<sup>1</sup> Edward IV. visited Bristol in 1461 and 1474. *Little Red Book of Bristol.*

<sup>2</sup> Lymotes is marked on a map of 15th century Bristol, lying north-west of the Abbey. Nichols and Taylor, *Bristol*, i, 215.

had bene at Lymottes, and wold have taken away hys bote from thense, and when they were abowte the lowsying of the bote came the seyde Roberte Southall, and demaunded of them whether they had any replevy<sup>1</sup> or any auctority to take away the seyde bote, and the seyde Thomas seyde it was his ownebote, and therefore withowte replevyeng and with owte making a mendes for the domages he wold take the seyde bote away at his plesure, who so ever seyde the contrarye.

Also the seyde Thomas Colyns deposid that he spake with the seid complaynante the second day of Maij, and comyned with hym abowte the maner of the comyssion, and askyd hym whether he wold be there to attend upon the seyde comyssioners, and he answered that he wold nott be there forasmuch as he had no suche commaundement from his Maister Kekewiche.

And bycause the abovenamed comyssioners cowde nott determyne the mater bytwene the seyde parties they haue gevyn iniuncyon to the same parties accordyng to the effecte of the seyde comyssion to appere afore the king and hys most honourable councell at the day & place withyn the sayde comyssyon comprised.

(signed) Wyllyam Denys  
Will'm Vowell

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### Doyll v. Weydon.

VOL. XIII, FO. 64-68. DATE: 1530.

*To the Kyng our soverayng Lorde.*

In the most petyfull and lamentable wyse shewyth unto your excellent hyghnes your pore orator and dayly bedman Henry Doyll of Haselbere<sup>2</sup> in your countie of Somerset, being a man feble, impotent and in gret age, that wher he was lawfully possessed to his owne use of certen corne and of dyvers other goodes and catells, whiche he had trewly gotten by his trew labour and diligence, and layde the same corne in his house ther safely to be kept to his be hofte and for the necessary levying

<sup>1</sup> See above, p. 87, n. 2.

<sup>2</sup> Haselbury Plucknett. The lord of the manor at this date was Edward, Earl of Derby (Collinson, ii, 333), who succeeded his father in 1521 and died in 1572. G. E. C., *Peerage*.

and sustenance of hym and all his household, which hereafter shold have ben his specyall relefe and socore, and kept hit peaceably in his said barne as lawfull was for him to doo, untill one Edward Weydon of . . . in your countie of Dorset, yoman, William Steyre of the same toun, yoman, Thomas Howell of the same toun, yoman, Thomas Trewese of North Paret in your countie of Somerset, husbondman, John Byggnd, yoman, Nicholas Vicary, husbondman, William Rackley, husbondman, and Thomas Pester, husbondman, all of North Paret aforesaid, with many oder ryotose and evyll disposed persons to the nombre of xij persons ryotosely arayed after the maner of were, and intending utterly to undo your seid pore orator the Saterday next before the feaste of Simon and Jude in the xxjth yere of your most noble reynge by commaundement of Henry Daubeney, Knyght, Lord Dabeney,<sup>1</sup> at Haselbere aforesaid, ryotously assembled themselfes, and then and ther in ryotuose maner entred into the house of your seid orator, and toke and caried away his goodes, that is to say, iiij lodes of corne and hey and dyvers other goodes to the valewe of vij *li.* and put your orator in fere of his liff to his utter undoynge onles your gracious favor to hym be shewed in this behalfe. In consideracion whereof the premisses tenderly considered hit may please your highnes to direct unto the abovenamed ryotose persons your gracyous letters of Subpena, commandyng them by the same to appere before your grace and your most honourable councill at a certain day [etc. etc.].

Thaunswere of William Stere, John Begegood, William Racle, Nycholas Vekery and Thomas Pester to the complaynt of Henry Doyll.

They say as to any riot they be not gyltic, and the maters conceived in the bill be determynable at the comen lawe.

*The replicacion of Henry Doyll.*

His byll of complaynt comprehendith goode and certain matter, and ys grounded upon trouthe and pursued only for to have redresse of suche unlawfull actis doone and comittid by the defendautes as ben specified in the seide byll, and to have them lawfully punysshed for the same accordyng to their demerits.

<sup>1</sup> See p. 110, n. 1.

And forsomoche as the seid pleyntiff is a man in grett povertie, and that the same Lord Dawbeney<sup>1</sup> ys a man of gret myght and power, the compleynant is without remedy by the order of the comen lawe.

1530. Depositions touching the above matter, [taken] 25 Janyver 21 [Henry VIII.].

John Beggewade of thage of xxxiiij, sayth that Lord Dawbeney bought certen hempe, otes and yll hey of oone Nele dwellyng in Haselbere, which, after he hadde bowght them, he seid to this deponent, beyng his servante and tenant, and to others, beyng his servantes and tenantes, to go and fetche and carye awaye. And so this deponent, havynge oone ladde with him and his wayne, and ij other waynes havynge but iiij persones with them, and havynge no wepons upon them but ther godes, and every wayne oone pych forke, the day mencyoned in this byll or ther abowtes, by the commaundement of Lord Dawbeney went to the house of the sayd Nele, a fette away from hys house a lode of otes, a lode of hempe and a lode of hey in peasabyll maner, whiche otes and other stuffe the deponent knew not nor yet knowith but that it belonged to the said Nele, not havynge any knowlege that Doyll hadde any ryght to the same or dyd clayme the same.

Thomas Pester, of thage of xxx, depositth as above.

Nicholas Vicary, of thage of l, depositth as above, and suppositth the whole was not worth xxx.

William Rackley, of thage of xxvij, depositth as above.

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### Barker v. Lerversegge.

HENRY VIII., VOL. III., NO. 113. DATE: 1531.

*To the kyng our soueraign lorde.*

In moost humble wyse complenyng sheweth unto your highnes your true and faythfull subiectes William Barker of

<sup>1</sup> Henry Daubeney, Lord Daubeney, was lord of the manor of South Petherton and of other manors in Somerset. He served with the English army in France in 1513 and was created Earl of Bridgwater on 19 July, 1538. He married Elizabeth, daughter of George Nevill, Lord Abergavenny, and secondly Katherine, widow of Rhys ap Thomas, but died childless in 1548, when all his honours became extinct. G. E. C., *Peerage*.



Frome Selwode in your countie of Somerset capper and Alyce his wyf that wher Robert leeuersedge Esquier<sup>1</sup> lawes Audeley Dauyd Richardes William Ruggeway & John Gurney accompaned with them dyuers other evyll dyssposed persons to the number of vj or vij persons in riotous maner arrayed that is to say with Swerdes & stavys & other wepons defensyve agaynst your peas & lawes about the xvijth day of June in the xxxijth yere of your moost gracious reign<sup>2</sup> at frome Selwood aforseid upon your seid orators made asawte and them bete ymprisoned & evell entretyd & they so ynprisoned agaynst your lawes & the coistoms of your realme of Englund long that is to say by the space of three howers ther dyd kepe & holde & other hurtes to them dyd to the perlous example of lyke offenders yf condygne punyshment to them be not spedely had in that behalf In consideracon wherof it may pleas your highnes of your moost noble & habundant grace to graunte your seuerall writtes of Subpena to be directed to the seid Robert Leversedge lawes Audeley Davyd Richardes William Ruggeway & John Gurney, commaundyng them by the same personally to appere before your highnes & your moost honorable counsell in the Ster Chamber at Westminster at a certayn day, ther to aunswer to the premysses fether therin to be ordered etc.

[Endorsed:—] In xv<sup>na</sup> Michis.

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<sup>1</sup> The family of Leversedge had acquired the manor of Frome by the marriage of Edmund Leversedge with Elizabeth, daughter and heiress of the Winslades, in the reign of Henry IV. From Edmund Leversedge it descended on his death in 1415 (see *Somers. Med. Wills*, S.R.S., xvi, p. 69) to his son Robert, who was holding Frome in 1428 (*Feud. Aids*, iv, 385; *Visit. of Somers.*, Harl. Soc., xi, 67), and to the latter's son Edward, who died seised of the manor of Frome in 1508, leaving a wife, Eleanor. His son, Robert Posthumous, succeeded him and may be identified with the defendant in this suit (Collinson, ii, 187-8; Add. Chart., B.M., No. 7870). He was a minor in 1525, when his guardians made the presentation to the church of Frome in his behalf. He was living in 1544, when he presented to Frome Church (*Somers. Incumb.*, p. 92), and in 1548, when rents due to him from burgesses in Frome are mentioned. *Somerset Chantryes*, 286.

<sup>2</sup> 1531.

## Braye v. Pecher.

HENRY VIII., VOL. VI, NOS. 34-45. DATE: 1531.

*To the King our souveraigne lorde.*

Shewith unto your hightnes yowre trewe and faithfull subjecte Sir Edmonde Bray Knyghte<sup>1</sup> that wher youre saide subjecte was seasid of the maner of Estham, and of one messe, a c acre of londe, a c acre of medowe, a c acre of pasture and woode, and xls. rente with ther appurtenances in Estham<sup>2</sup> in the parisshe of Crokhorne in the countie of Somersett, in his demeyne as of fee, so it is, gracious lorde, that one Thomas Lacy of Estham, smyghte, Richerde Lacy, schomaker, John Hankyns, Androwe Morys, William Lane, Nicholas Michell, John Wythyg, John Aller, Thomas Thatcher, William Viall, clerke, Wylliam Freke, Roberte Dorsett, William Partriche, William Toker, Edmonde Webbe, John Edwarde, Roberte Boucher, Thomas Trete, John Spyncer, John Paundy, William Huchyns, Johan Pery, Anne Webbe, Johan Baker, Isabell Morys, Geffrey of Mysterton and John Lacy, with divers other riottours and mysruled persons to the number of lx persons and above, to your subjecte unknowen, unlawfully assemblyd, riottusly and in the maner of warre arrayed with swerdis bucklers bowes arrowis billis staffys and schorte daggers, in grete rowtis the fyve daye of June the xxj yere of your moste roiall reigne,<sup>3</sup> in to the said maner riottusly and with force enteryd, and then and ther assautyd manassid and threte one John Cornysche, clerk,<sup>4</sup> chapleyn to your saide subjecte, and hem expellyd and with force put of and frome the saide maner, and therof utterly with force riottusly dissessid your

<sup>1</sup> Sir Edmund Bray, the nephew and heir of Sir Reginald Bray, the minister of Henry VII., was summoned to Parliament as a baron in 1529. He married Jane, daughter of Sir Richard Halighwell, and died on 18 October, 1539. G. E. C., *Peerage*.

<sup>2</sup> A series of Court rolls relating to this manor is preserved in the Record Office.

<sup>3</sup> 1529.

<sup>4</sup> His name has not been found. A Thomas Cornissh was vicar of Wedmore in 1548. *Somerset Chant.*, S.R.S., 256.

saide subjecte, and the possession of the same maner the saide riottours from ther said forcible entre hetherto have kepte and yet do kepe with force to the grete losse of your saide subjecte and danger of disheryson of the saide maner and to the moste perilous example that may be, onlesse your hightnes favor be to your saide subjecte the rather schewid in refformation of the premisses. Plesith it therfore your said hightnes to graunte severell wryttis of subpena to be directyd unto the saide Thomas Lacy and the other riottors affore namyd, commandynge them by the same to appere beffore your hightnes and youre moste honorabill counsell in the Sterre Chamber at a certyne dey and under a certeyne payne by your hightnes to be lymettid ther to awnswer to the premisses and to abide and obey suche order direction and jugement in the premisses as may stonde with ryghte and goode conciens.

[Endorsed : Before the King and his council at Westminster in the Octave of St. John the Baptist next to come.]

Thaunswere of William Pecher,<sup>1</sup> Nicolas Mychell, Thomas Hannying and John Gyles to the bille of compleynt of Edmond Braye, Lorde Braye. They say for a ferther declaracon of the trawthe that the seruauntes of the same lorde Braye with the under sheryffe of Somerset & Dorset came the same daye mencyonyd in the sayd bill of compleynt to Crokeherne in the same countye of Somers & ther requyrid the seyd William Pecher baylyff of Crokehorne forseyd & one William glover constable of the same towne to goo with theym to Estham & see the kynges peace kept & so they dyd accordingly goo with theym to Estham aforeseyd & when they came thether ther was showyd forthe a paper the whiche the seyd under sheryff redd openly & after hit was redd the seyd balyff askyd of the seyd sheryff whether hit was suffycient & of auctoryte or naye & then the sheryff sayd he knewe nott nether cowde tell them whether it were suffycient or naye and so apon that they departyd ageyn and ferther for answere sayn & euery of them saithe that as to ony ryott unlawfull assembly unlawfull procurement mayntenance resistens contempt dysobedyens or of any other mysdemeanour by them as the same compleynaunte hathe

<sup>1</sup> William Pycher or Pecher, as appears from his answer, was bailiff of Crewkerne.

surmyttyd to be don contrary to the kynges pease they be not therof of gyltye in maner & forme as the seyde compleynaunte hathe untruly surmytted in his seyde bill of compleynt ageynst them all whiche maters the seyde deffendauntes ar redy to averre & proue as this honorable court shall award & prayn that they maye be dismyst with ther resonable costes & charges wrongfully susteynyd in this behaffe.<sup>1</sup>

**Braye v. Lacy.**

DATE: 1531-1539.

*To the Kyng our Soueraigne Lord.*

In most humble wyse shewyth and complaynyth unto your grace your dayly orator and seruant Edmond Bray<sup>1</sup> knight lord Bray that where your seid orator and dyuers other persons to his use be seased off the maner off Estham yn your countie off Somerset yn their demeane as off fee to thuse of your seid orator and off his heirs and so yt ys most dred soueraigne that dyuers riottis and forcibles entres haue byn lately made by entryng ynto the seid manor and keypyng off possession theroff and dyuerse assaultes & affrayes made uppon the seruauentes off your seid orator yn keypyng off possession theroff by one Thomas Lacy and dyuers other persons by his commaundement and for punyosement off the seid riottes persons & mysdemeanors your seid orator suyd by bylle be fore the ryght honorable the Lord Chaunceler & the lordes off your most honerable councell yn your Ster Chamber at Westminster their appon<sup>2</sup> off the seid offenders apperyd and were commyttyd to ward fer their offence & their uppon by your most honerable councell yn Ester terme last past yt was orderd & decreed that your seid orator & other shuld nioye the possession off the seid maner quyetye unto suche tyme the seid Thomas Lacy had apperyd beffore

<sup>1</sup> It appears from the following suit, *Bray v. Lacy*, that this suit of Lord Bray was successful, the defendants being brought before the Court and imprisoned for the riot complained of, and an order was given that pending the appearance of Thomas Lacy to file his answer in the second suit, Lord Bray should enjoy peaceful possession of the manor of Eastham.

<sup>2</sup> "Certain" is evidently omitted.

your most honorable counsell & made aunsuer to suche bylles & maters as wer leyd agens hym by your seid orator by reason wherof your seid orator send serten off his frendes & seruauntes to the seid manor wyllyng them to desyer the shryffe of your seid countie to come to see their entre yn quietnes made ynto the seid manor accordyng to the seid decre & therupon the sherff off your seid countie wyth other frendes & seruauntes of your seid orators came to entre ynto the seid maner the last day of May last past and ther anone uppon their comyng to the seid maner oon William Lawrens taylor Androw Sadler Thomas Twhite the yonger Thomas Browne glouer & dyuers othe yvelle dysposed persons riotusly assembled them & ther to the number off a hundred persons or their uppon to your seid orator unknown the seid last day off May by the commaundment procurement advyse mayntenaunce & counsell off oon Richard Pycher<sup>1</sup> & John Dabney Gent wold not suffer your seid Sherff nor seruauntes off your seid Orator to enter ynto the seid maner but made them resistens & rescuys & wold not regard the decre whiche was then & their opynly red by your seid sherff but wold have takyn hyt from hym & seid yt was afforged wrytyng by cawse hyt had now seale by reason wheroff your seid sherff & other wer ynfforsyd that day to depart and the seid offenders not therwith contentyd the seid riotus persons by the counsell off the seid Thomas lacy Rychard Pychar & John Dabney haue caused a sessions of pece to be somonyd to be holden at Yelcheste wythyn your seid countie on Tuysday next comyng that ys to sey the . . . day off June next folowyng yntendyng their untruely to endyte the seruauntes of your seid orator off forcible entre uppon the statute of anno octavo<sup>2</sup> & their to have wrytte off restitution<sup>3</sup> contrary to the order & decre theroff made yn your ster chamber by the lordes of your most honorable counsell to the most perlyos example of all other lyke offenders

<sup>1</sup> Richard Pycher was probably a relative of the defendant in the earlier suit, if the name is not written, by a slip, for William as appears from p. 117.

<sup>2</sup> Forcible entry was included among the forms of riotous violence dealt with by the statute of 8 Hen. VI., cap. 14.

<sup>3</sup> A writ of restitution is defined by Cowell as "frequently used in the common law for setting a man in possession of lands or tenements of which he has been unlawfully disseised." Cowell, *Interpreter*.

iff due punyshement be not theroff hadd wherffor the premissis tenderly consyderyd hyt may please your grace to graunte your most dradde wryttis off subpena to be derectyd to the seid Richard John William Androw Thomas & Thomas Browyn commandyng them at a serteyn day personally to appere beffore the lordes off your most honorable counsell yn the Ster Chaumber at Westminster their to aunswer to the premysses and further to stond & a byde suche order and direccion as shalbe thought by them conveyent.

The aunswere of William laurans taylor Androwe Sadler Thomas Twyte the yongar and Thomas Browne glouer to the bill of compleynt of Edmond Bray knyght lord Braye.

They say the bill is ownecerten and insufficient and also the matter therin comprised is faned and ownetrewly contrivid and also moche parte of the matter theirof ys determynabill at the common lawe and not yn this Court And for a declaracon of the trouthe of the demeaner of the seid defendauntes sayen that the seid last daye of maye menconed in the seid bill of compleynt the seid complenaunt sent to the maner of Estham in the seid byll of compleynt specified the number of a xvj riotuse and yldisposed persons or their about the whiche were arrayed in warleke maner leke men redy to batell and fight and so forceable entroid to brake the house and mancon of Estham and some other of thym enterid into the seid maner in other plases the seid Thomas twhite and William laurans two of the seid defendauntes & the father of Androw Sadler oon other defendants then holding parcell of the landes of Estham of the seid Thomas lasy named in the seid bill of compleynt at his will and plesure beryng and paying hym yerely the rent fer the same as yt was worthe by the yere and within ashort tyme after the seid forseable entre of the seid riotouse persons yn to the premisses the seid defendauntes had knowlege theirof and then the seid two holders thereof and the father of the seid Androw had pasturyng apon the same londes dyurs bestes as keyn and other bestes supposyng that the seid persons wold distrene drife and convey away ther bestes and because they wold haue their bestes not dryvyn awaye came thether to see whether the extent of the seid persons so forseable entryng in to the premisses was

to distrene lede and drife away their seid bestes and yf they had persevid that they wold so haue don the seid defendautes wold haue rather takyn their bestes of the grounde and wold have dreyn theym home to their owne houses and for sauegarde of their bestes was the pryncypall entent of the seid defendautes of their comyng thether to the seid grounde the seid last daye of Maye rehersed in the seid byll of compleynt and not by any commandment and counsell of William Picher and John Dawbeney in maner and forme as yn the seid byll of compleynt ys ownetrewly surmittid and for answer to the contents of the resedew of the seid byll of compleynt the seid defendautes sayen as to any owne lafull assemble riott rescu resistans disturbans by thym then and their the seid last daye of Maye made to the scheriffe or to any other then beyng upon the premisses or of any other ownelafull act or misdemeaner ayens the kynge ys pease the seid defendautes sayen that they ne any of thym be not gilty in maner and forme as the seid complenaunt hath ownetrewly surmittid yn his seid bill of compleynt all which matters the seid defendautes be redy to auer as this court will awarde.

Answers to interrogatories (the place of the taking of which does not appear).

William Lawrence of thage of xxx, examyned this xxx day of June anno xxij upon interrogatories to hym mynistered by the Lord Bray.

Sayeth he hath heard there was such a decre made in the Starre Chamber, but he never harde ytt redde nor dyd see the same.

He was upon the ground at Estham when the sheriff made the entre, havyng a littill staffe in his hande, and he departyd agayn from the said ground before the said sheriff redde the decre.

He never heard said ther nor at any other tyme that the said decre was made under abushe.

He met with the said Lord Brayce's servants in a feld callyd Crokehorne Feld, belonging to the Lord Marqwys of Exeter,<sup>1</sup> dryvng of this deponentes catell and other menys cattell, which they hadde taken, and when this deponent perceyved his

<sup>1</sup> Henry Courtenay, Earl of Devon, who was created Marquis of Exeter in 1525, was lord of the manor of Crewkerne at this date. He was beheaded in 1538-9. G.E.C., *Peerage*.

catell amonges other he beganne to dryve them bak agayne; and the Lord Brays servantes sayd to him Lett go the catell or ells they wold shote at him; and this deponent answeryd Doo what they wold, he wold have his catell, praying them to be content with the same. And so he turned agayn his said catell, and the Lord Brays servantes drove them agayn to the place where they hadde destreyned them, and ther left them, saying that ther was no mo persons with this deponent at that tyme but Andrewe Sadler, this deponents brother. What wepon he had this deponent knoweth nat, and this deponents wife (*sic*).

He came thether only for savegard of his catell, and nat by any mans procurement or commaundement.

Thomas Twytt of thage of xx sworne *ut supra*.

He sayth he was at Estham when the sheriff redde a papyr, but what yt was, or what intent yt was, he can nat telle, for he gave none gre to hyt.<sup>1</sup> He was nat there at the tyme of thentre of the sayd shrefe and the Lord Braye ys servantes.

He hadde a staffe called a brusshe soke and none other wepon at that tyme.

He came thether only for that his catell was distraynd, and desyred the Lord Brays servantes to lett him have the catell agayn, saying that yf they hadde any commaundment that they wold shewe from the Kyng and his counsell to attache the sayd catell, that then he wold they shuld take them.

Andrewe Sadler of thage of xxv sworne *ut supra*.

He was at Estham grounde, and ther herde the shreyf rede a wrytyng which he sayd was a decre made in the Starre Chamber.

He hadde a staffe to dryve the catell, and none other wepon.

Thomas Browne of thage of xx sworne *ut supra*.

He hard the decre redde by the shreve which was made in the Starre Chamber agaynst Lacie. He hadde no wepon at that tyme on hym.

He is servant to Laey ys wife, and was ther as a servant, and dyd none otherwise demeane hym ther but as became hym to doo in his business.

The aunswer of William Partrygge to the bill of compleynt of Edmond Bray, knight, Lord Braye.

<sup>1</sup> ? No great heed to it.



He sayth that John Cornyshe and William Melson named in the seid bill and other be seased of the manor of Estham yn their demene as of fee to the use of your complemant and of his heires ne other wyse, that he ys not gilty of any unlawfull assemble, brekyng of the dowyrs of the mancion, or any other unlawfull misdemeaneer ayens the Kyng is pease supposid by hym to be done.

The Replication of Edmond Braye, knyght, Lord Braye, to the above answer, affirmyng that on the furst day of October laste paste the said William Partrige and other with him with forse and armis riotusly enteryd into the house and mansion of the manor of Estham, and brake the dores of the same, and toke too kyne and foure oxen, as is alleged in the bill.

Answers to interrogatories :

William Partrige of thaige of xl yeres, sworne and examind the xvth daye of November anno xxij upon interrogatories mynistred against hym by the Lorde Braye. He can nat tell whether John Cornyshe and William Melson were seased of the manor of Estham as in the bill is alleged. Nother he nor any other were assembled by Lacye, with wepons, etc., to enter into the said manor. On the said vth day of October he came peacibly to a close, parcell of the said manor, which he hath to ferme of the said Lacye, to have home his cattall, which there depastured, to have gone to the plough. And when he came there a chaplayn of the Lord Brayes, accompanied with two or thre other persons, denayed this deponent to have his cattall, and this deponent sayed that he wold have them awaye and upon this communication the said chaplain departed, and then this deponent drove awaye his cattall ; and he hadd a hedging bill as he useth to bere, when he goeth into the feldes.

He was not within the manor, but in a close belonging to the manor, where he was for the space of an houre.

He hath a lease of a parcell of the said manor of one Nicholas Michell, and not of Lacye, and his sonne hath no parcell thereof in ferme ; that which he hath is for his money, and not for ony mayntenance.

Bill of complaint<sup>1</sup> of the said Lord Bray, asserting that John

<sup>1</sup> This bill and the following really deal with separate suits brought by Lord Bray in connection with this same matter against other rioters.

Cornish, clerk, and divers other persons, of long tyme past hath been and yet be seased of the manor of Estham to theuse of Lord Braye and his heirs. Upon divers forcible entres before tyme comyttyd upon the said manor by oon Thomas Lacy and other persons, the compleynant exhibited a bill in this court, and the said Lacy came not to make aunswer. Wherefore it was decreed that the said Lord Braye shuldbe restored unto the possession of the said manor, until the said Lacy came to shew why he shuld not enjoy the same. By reason wherof your subject sent certen of his servantes to enter into the seid manor. And, perceyving the obstinacy of the said Lacy, he commandyd his said servantes to require the sherf of the countie to goo with them to see the decre executyd, and your pease to be kepte. And when they came to enter, upon the iij day of June last past, then anone uppon ther comyng to the said manor, oon William Lawrens, John Gyles, Thomas Hannyng and divers other evill disposed persons riotusly assembled then and ther to the number of oon hundreth persons to your seid subjecte unknowen, by commaund, procurement and meyntenance of oon William Pycher, gentleman, and Nicholas Michell, wold not suffer ye said sherf ne the seid servantes to enter into the seid manor, but made them resistence, and wolde not suffer the seid decre, which was then and there opynly redde by the seid sherf, but wold have takyn hyt from hym, and seid it was a forgid wrytyng by cause hit had no seale, and riotusly and contemptuously hit despited, to the most parlous example of all other lyke offendours, [etc.] Wherfor he prays a writ of subpena to be directyd to the said William Pycher, Nicholas [Michell], William Lawrens, John Gyles and Thomas Hannyng [etc., etc.]

Bundle 24, No. 162, is a bill of complaint by the said Lord Bray against Nicholas Fitzjames,<sup>1</sup> gent., to answer for procuring a similar riotous entry, on the 5th October "last past," by Thomas Lacy of Estham, yeoman, William Trotte, William Partriche, John Tayler, John Partriche and Edmond Browne.

<sup>1</sup> He played a very prominent part in the county, and was active as a magistrate, and later as the sheriff. See below, pp. 193, 207, 212-15, 235, 238, 239, 270.

## Dobell v. Soley, Coke, Sedborough and Heywarde.

VOL. XII, NOS. 224-226. DATE: 1533.

*To the kyng our souereyn lord.*

In most humble wyse schewith unto your highnes your true and feythfull subiect Gylles Dobell<sup>1</sup> that wher your sayd oratour ys and long tyme hath been seasid in his demesne as of fee of and yn on mesuage or tenement with thappurtenaunces in Mynhed in your countie of Somercett and by reson therof hath usid to have a sette or a pue for hym and his wyff in the said churche of Mynhed forsaid in the whiche pue on Margere wyff to your said subiect the xxij<sup>th</sup> day of Aprell in the xxv<sup>th</sup> yer of your most noble reign<sup>2</sup> was syttyng and heryng her devyn servyce as sche ought to do on Walter Soly<sup>3</sup> assocyat wyth hym Robert Coke<sup>4</sup> Sylvester Sedborough<sup>4</sup> and Robert Heyward<sup>5</sup> wyth many other to your sayd oratour unknowyn in riottus maner arrayed the said xxij<sup>th</sup> day of aprell with force and armys that is to saye wyth swordes and bucklers daggers and other wepyns ynvasive contrare to your pece souereyn lord in to the said churche of Mynhed entrid and then and there toke out the said Margere wyff to your said oratour of her said pue wher sche was knelyng in the said churche and her brought out in to an alye in the said churche agen her wyll and then and ther did her bete and ill yntret by reson wherof and for such fear as sche then stode yn

<sup>1</sup> The family of Dobell or Dovell—the name is also written as Dobull, or Doble,—were well known in Minehead. This Giles Dobell is probably the “son Giles” who is mentioned in the will of the Robert Dobyll of Minehead who died in 1531, and who among other bequests left “a feather bed perfumed” the value of which was to keep a taper burning before Our Lady of Pity in Minehead Church. Dunster Castle Muniments, B. 26, quoted Hancock, *Minehead*, p. 19. Giles Dobell was still living in 1551-2, when he made a grant of land in West Quantockshead. Chadwyck Healy, *op. cit.*, p. 147.

<sup>2</sup> 1530.

<sup>3</sup> He was perhaps related to the Joan Soly, who later had her cattle seized by Silvester Sedborough (see below, p. 241).

<sup>4</sup> See below, pp. 239-46.

<sup>5</sup> He may have belonged to the same family as the John Heyward who was sued by the Abbot of Cleeve in 1500 for the detention of documents relating to Old Cleeve manor. Early Chanc. Proc., bundle 125, No. 1 *V. C. H. Somers.*, MSS., Old Cleeve.

sche fell in suche a sowne or syknys that sche was lykely ther to have dyed if good helpe of certen of the said parochyns then and ther beyng had not helpt her. And the said misrulid persons not wyth this contentyd but of ther furder mischevous mynde only yntendyng to have murdred and slayn your said subiect the xxiiij<sup>th</sup> day of Aprill then next foloyng yn lyke riottus maner came in to the said churche of Mynhed wyth staves swordes holbardes and axis and then and ther brake the same pue wher the wyff of your said oratour then was and said to her these wordes foloyng wher is that knave thy husband and if he were heer we wold have of hym a legge or an arme by reson wherof your said subiect dar not com to the said churche for feer and daunger of his lyff to the perolus example of suche lyke offenders in tyme to come if remedy be not by your grace and your most honerable counsell the rather provided in this behalf hit may therfor plesse your highnes the premisses concyderid to graunt seuerall wryttes of subpoena to be directid to the said Robert Walter Sylvester and Robert Heyward comaundyng them and euery of them by vertue thereof personally to apper befor your highnes and your most honerable counsell at Westmynster at a certen day to aunswer to the premissis &c.

The answer of Walter Soley Robert Coke and Robert Heward to the byll of compleynt of Gyles Doble.

They sayne that wythyn the sayde parishe of Mynhedde there ys no pewe apropyed or belongyng to onye howse or tenement but onely to the house of Bratton<sup>1</sup> but owte of tyme of mynde the churche wardens of the sayde parishe haue hadde the rewle lettyng and dysposycyon of the sayde pewes<sup>2</sup> to the

<sup>1</sup> Bratton Court, the seat of the family of that name during the 13th and 14th centuries, which had probably been unoccupied since the division of the estate among co-heiresses.

By 1545 the house was "sore in decay and uninhabited."

<sup>2</sup> The churchwardens' accounts for Minehead support the defendants' view of the dispute. It was resolved by a vestry meeting in 1637 that a right in a seat for life could be obtained by the payment of 5s. to the churchwardens, and a payment of 1s. was to be made by anyone changing his seat. Many notices of payments received by the churchwardens for pews are found, and there is no evidence of pews being appurtenant to special pieces of land. Hancock, *Minehead*, 61.

inhabytantes of the sayde parishe for suche somes of money to be payde to the use of the sayde churche as hath bene agreyd betwene the sayde wardens for the tyme beyng and the saide inhabytantes and after suche bargaynes made for onye of the sayde pewes the sayde inhabitantes so makyng suche bargayns haven useyd to occupye the sayde pewe duryng theyre lyffes and the sayde Robert Coke saythe that about vj yeres paste he bowght the sayde pewe especyfyed yn the sayde byll of the churche wardens of the sayde churche of Mynhed then beyng to haue the same for terme of his lyffe and for as myche as the sayde Walter beyng of the same paryshe was destytute of a pewe and cowde have none oneles he payde for hyt the sayde Robert Coke agreyd with the sayde Walter that he at the sufferance of the sayde Robert Coke shulde occupye and sytte yn the sayde pewe and so dydde as lawfull was for hym to doo and the sayde Giles beyng none of the sayde parishe and not contentyd therwith upon passion Sondaye laste came to the sayde churche yn the fore nowne of the same daye before mattens there hadde and sate yn the utter parte of the sayde pewe to the intente that the sayde Walter shuld not come ynto the same there to hyre his dyvyne seruyce and the sayde Robert Coke there beyng and perceyng the unlawfull behavior of the sayde Gyles and to the Intente that the sayde parishe shuld not be ynquyetyd or trowbelyd by theym and for the avoydyng of such daungers as mowght ensew sent his scruaunte to the sayde Walter shewyng hym of the demcynor of the sayde Gyles wyllyng hym to sytte yn some other place yn the sayde churche for that daye and not to come withyn the sayde pewe wherwith the sayde Walter was contentyd wherupon the sayde Gyles reportyd that yf the sayde Walter hadde come to sytte yn the same pewe the same daye that he wolde have howselyd hym and greuously displeassid hym whiche Giles also cawseyd his wyffe dyuers tymes before that and sithens to sytte yn the utter part of the sayde pewe when the sayde Walter was withyn the same to the intente the sayde Walter shuld not come owte thereof but shuld be constraynyd and dryven to lepe over the sayde pew oneles he wolde with vyolence putte hur owte of the same whiche Walter to the contentacyon of theyre frowarde wylles for that he cowde not gett forthe of the same manye

tymes lepte over the sayde pewe to his great disspleasure and rebuke and so dydd tyll the xxij<sup>th</sup> daye of Aprell laste paste especyfyed yn the sayde byll that the sayde Walter after servyce there don desyryd the sayde Margery wyffe to the compleynant then syttyng yn the sayde pew by hym to gyve hym leve to come forthe therof whiche Margery then sayde that his waye was to leape over the same pewe and forthewith closeyd hur armes faste aboute the ende of the pewe and resystyd the sayde Walter of his comynge forthe whiche Walter yn sober manner lawsyd hur armes and putte hur owte of the pewe without doynge hur onye harme wherwithe she wythe owpen mowthe gave the same Walter yn the sayde churche manye unfyttynge wordes whiche he then sufferyd and so departyd thense and therupon the sayde Robert Coke made desyres to the sayde Gyles to be at a pease with the sayde Walter and that they mowght be fryndes and that then they bothe shulde sytte to gyther yn the same pewe whiche to doo the sayde Giles refuseyd and utterly defyde hym and spake many obbrobryous wordes ayenste the sayde Walter yn consyderacyon wherof the sayde Robert Coke aswell for quyetyng of the sayde parishe as also for the advoydyng of murder whiche was like to enswe betwene theyme comaundyd the sayde Robert Heward his servaunt to breke downe the sayde pewe whiche Heward hymselffe onely without haveyng ony moo persons with hym brake downe the same pewe then beyng his masters pewe as before ys rehersyd as lawfull was for hym to doo and fether saythe that the sayde compleynaunt ys a man of lyght behavyor yn his cuntrey makeyng myche debate frayes and other lyke mysdemenors to the enquetyng of the kynges subiectes yn those partyes whiche compleynant and his adherentes before this tyme hathe of his onely malice prepensyd maymyd the sayde Walter Soley as ys aparant to be shewyd haveyng no cause so too doo without that that, &c., &c.

The replication of Gyles Doble to the aunswer of Walter Solye Robert Coke and Robert Heyward.

He furder aueryth every thyng in the said byll of compleynt conteynyd to be true without that ther be pues appropriatt or belongyng to any house or tenement wythyn the said parish of Mynhed yn the byll specyfyd but only to the house of Brayton namyd in the said aunswer for the sayd compleynaunt sayth

that aswell the grauntfader as the fader of the said compleynaunt beyng seased in ther demesn as of fee of certeyn londes lying wythyn the said parische had always yn ther tyme whyles they levyd sytten in the sayd pue beyng on of the iij pryncypall pues of the said churche wythout lett or interrepcion of any person for the which they payd ther dutes belongyng to the said churche and after ther dethes the said compleynaunt in likewyse pecybely occupyd and enoyed the said pue by the space of iij yeres and paid therefor such dutes as hath been used in tymes past to be paid, and which pue was assigned unto hym and to his wuff by thole assent of the said parische without that the churchwardens hathe usid to have the lettynge [etc. etc.] for the said compleynant saith that the iij princypall pues of the said churche, whereof the pue now in varyance ys on ys allwayes reservid to the order of the hole body of the said parische, or that the persons to whom such grauntes of pues be made by the churchwardens of the said churche for the tyme being have usid to have thoccupacion of the same for terme of lyffe, for the said compleynant saith that yf any person to whom suche graunt of any pue within the said churche be made by the churchwardens of the same and (*sic*) be absent by the space of one yere without occupying of the same, that then hit schalbe leffull to the church wardens to demyse and graunt the same to suche of the ynhabitantes of the said parische as schall plese them, without that the said Robert Coke bought the said pue of the church wardeyns duryng his lyff, which if he had hyt wer nothing materiell nor effectuell, concyderyng that the said church wardeyns had none auctorite so to do, or that ther was any suche agrement had betwyn the said Robert and Walter Soly as is specified in the aunswer, which if ther wer hit wer of non effect nor purpose, and without that that the said compleynant upon Passion sonday [etc. etc.] And the said compleynant saith that the said Walter Soly wolde dyverce and many tymys occupie the said pue and com yn and out of the same at his plesure agen the wyll and mynde of the said compleynant or his wyff, which the said compleynant could not lett onles he schold have fought with the said Walter, by reson whereof the said Water gave dyverce and many occasions of striff and debate to the said compleynant, or that the wyff of the compleynant closid her armes [etc. etc. etc.]

## Comer v. Martyn and others.

VOL. X, NOS. 137-139. DATE: 1534.

*To the Kyng oure souveraigne Lorde.*

In most humble wyse sheweth unto your Highnes your poor subject and dayly orator William Comer<sup>1</sup> of Oke in your countye of Somerset husbandman, that wher as Robert Hussey, knyght,<sup>2</sup> Edward Waldegrave<sup>3</sup> and William Clopton<sup>3</sup> esquiers, were seissid of and in a mesuage and xx<sup>ti</sup> acres of londe in Oke afforsaid in ther demeane as of fee, and so seassyd grauntyd and demysed the same to your orator to have to hym for terme of his lyffe,

<sup>1</sup> The family of Comer were well known in Oake. They had owned a good deal of land in the manor between the years 1443 and 1483, at which period it appears that the office of bailiff of the manor was always held by a member of this family. Mins. Accts., bundle 977, Nos. 1, 2, 7, 11, 13, 16, 18-20; and bundle 1119, No. 17. *V. C. H. Somers.*, MSS., Oake. The Comer family were still settled at Oake in the 17th and 18th centuries (*Somers. Wills*, ed. Crisp, v, 56; *Somerset Incumbents*, p. 392) and also had property in Monksilver, *Wells Wills*, 107. The pedigree of Comer of Fitzhead is in Burke's *Landed Gentry*. The chief manor of Oake was held at this period by Hugh Malet. *Inq. p.m.*, 35 Hen. VIII., vol. 68, No. 34.

<sup>2</sup> Sir Robert Hussey, Edward Waldegrave and William Clopton represented the joint owners of the manor of Harnham in Oake. John Hill had died seized of this manor in 1455, being followed by his daughter Genevieve, wife of Sir William Say. Genevieve died childless before 1497, and the manor of Harnham reverted on the death of Sir William Say in 1529 to John Hill's sister Alice, who was the wife of John Chesney. They were followed by their son John Chesney, whose property was divided among his two daughters, Joan and Isabel (*Cal. Inq. p.m.*, Hen. VII., No. 1171). Joan was the wife of John Say and afterwards of Sir Richard Pudsey, and Isabel married Edward Waldegrave, one of the defendants in this suit. Two of the three daughters of the other co-heiress are represented here by their husbands, Sir Robert Hussey and John Clopton. Helena, the remaining daughter, married George Babington; he is not mentioned here, though his name is found in a later suit (see below, p. 203). *Victoria County History*, Oake MSS. Sir Edward Waldegrave (? 1517-1561) had a distinguished career. He obtained many grants of church lands in 1548, but became one of Princess Mary's supporters. He became a Privy Councillor and Master of the Great Wardrobe in 1553, was knighted in the same year, was M.P. for Somerset in 1554, and Chancellor of the Duchy of Lancaster 1557-8. From 1558 until his death in 1561 he was imprisoned in the Tower for recusancy. *Dict. Nat. Biog.*



wherof your said poor orator was therof seassyd (*sic*) of the premysses in his demeane as of freholde and so seassid untill the xxxth day of Februarii in the xxvth yere of your most noble reigne, that one Raff Martyn,<sup>1</sup> John Thorne,<sup>2</sup> John Kime,<sup>3</sup> Thomas Boyssse, with other of ther adherentes to the nombre of v or vj persones whose names ben to your said poor orator unknowen, with force and armes in ryoutouse wyse against your peasse and the ordre of your lawes of this your realme, that is to witte, with bowes, arrowes, swyrdes and other weepens invasive at Oke afforsaid then and ther assemblyd them selves together after the forme and maner of warr, and then and ther entred into the said mease and other the premysses, and forcybly and ryoutusely in most cruell maner expellyd and put out your complaynant, and sore bett hym and putt hym in jeopardy of his lyffe and hys poor servauntes. And yet the said Raff Martyn with force in ryoutous maner wrongfully keepyth your said poor orator from the possession of the premysses, having no cause nor just tytyle so to do, to the utter undoing of your said poor orator for evermore onlesse yt maye pleyse your hyghnes to graunt forth a wrytt of sub pena to be drectyd to the said Raff Martyn and the others, comaundyng theym to appere before your hyghnes and your most honourable counsell in your Sterr Chamber at Westminster, etc. etc.

The answer of Raff Martyn and John Kyme to the above compleynt.

They deny they are giltye of any riot etc. as in the bill is surmysed. The said Raff Martyn saith that trew it is that the said Sir Robert Hussey, Knyght, Edward Walgrave and William Clop-ton, by John Wallgrave, esquier, son of the said Edward, and depute or officer to the said Sir Robert, Edward and William, having sufficient auctorite of them to make grauntes, leasez and salez for terme of lyfe or lyfez or for terme of yeres of all their londes

<sup>1</sup> He is evidently to be identified with the Raff Martin who under the will of Elizabeth Gredye of Oake, proved in 1533, inherited lands in Oake. Weaver, *Wells Wills*, 112-3.

<sup>2</sup> The will of John Thorne of Nettlecombe was proved in 1534. *Wells Wills*, 110. See also pp. 32, 100, 127, 149.

<sup>3</sup> The will of a John Kyme of Cannington is dated March, 1531. *Ibid.*, p. 39.

and tenementes in Oke aforesaid or elsewhere within the said countie, the said John Walgrave at a corte holden at Oke foresaid abowte eyght yeres paste for the some of 40s. in the name of a fyne to be paid graunted and sold the premysses after the dethe of one John Gredy<sup>1</sup> to the said Raff Martyn, to have to hym and his wiffe and a childe for terme of their lyves and longest lyver of them, of whiche fyne the said Raffé paid xxs. in hand to the said John Walgrave and the other xxs. to be paid at a certen daie betwene thcim aggreid, and made a bill to the said John Gredy then tenaunt testifieng the sayd bargain. And after and at oder (*sic*) daie the said John Walgrave demaunded the said bill of the said bargayne, which was delyvered to him ; at which tyme the said John Walgrave then and ther in the presence of dyvers of the tenauntes brake the said bill, and saied that the said Raff shuld not have the said bargayn onelez he wold gyve him xxs. more, all which money, that is to saie as well the said xxs. being behinde upon the first bargayn, as also the other xxs., the said Raffe hathe paied to one John Legge by the commaundment of the said John Walgrave, whiche graunte was made in the presence of dyverse of the tenauntes of the said lordship of Oke openly at the said corte, whiche wyll be redy to depose that at all tymes upon the hollie Evangelist, of whiche bargeyne the said compleynant had perfitt knowledge, for thexecuting of whiche bargayn the said Rauff Martyn before this tyme hath sued one sub pena to the Chauncerie ayenst the said John Walgrave, wherin thei be at issue. And to thentent that the said Raffe shuld not be able to prosecute the said mater the said compleynant by the mayntenance of the said John Walgrave hath surmysed this untrue bill ayenst the said Rauff and others. And if any suche graunte were made by the said Robert, Edward and William, to the saide William Comer of the premysses, whiche the said Raffe knoweth not yf any suche be, but if it were true as he supposeth hit shuld not yet it was longe after the graunte made to the said Rauff, wherof the compleynant had perfitt knowledge, by force of whiche the said Rauffe entred into the said premisses after the dethe of the said John Gredy, and graunted the same to one John Thorne, as lawfull was for hym to do, without that that [etc.].

<sup>1</sup> See note (1), on page 127.

The answer of John Thorne to the same complaint denies the riot etc., "and for the resydue of the mater [he] seyeth that it is deternynable at the commen lawe wherunto he prayeth to be remytted."

### Crouche v. Horner and others.

VOL. XI, NOS. 63-73. DATE: 1534.

*To the kynge oure souerayn lorde.*

In moost humble wyse sheweth unto your highnes your daylye oratour and faythfull subgett William Crouche<sup>1</sup> that wher oon William<sup>2</sup> Pryor of the monestarye of seynt Peter in Bathe in the countie of Somerset and patron of the hospytalle of seynt Johns<sup>3</sup> in Bathe forsayd by reason of a surmysed lycens by hym opteyned

<sup>1</sup> William Crouch played a prominent part in Bath (see above, p. 26). He lived at Englishcombe outside the city. He seems to have been originally a paid servant of the priory, and to have worn its livery, but at the date of this suit had a feud with the Prior and all his servants. He obtained leases of the churches of Castle Cary, Tellisford and Wellow (*Somers. Incumb.*, 46, 197, 207), presenting to the two latter in 1554.

<sup>2</sup> This was William Holway, who succeeded William Bird as Prior of Bath in 1525, and held office there until the surrender of the house to the King in 1539. "He was a man of high character and said to be well skilled in science" (*Bath Chart.* (S.R.S.), Intro., lxix-lxx). He spent large sums on restoring the fabric of the church. In the years before the Dissolution (1537-1539) he made grants of the next presentations to the livings of Long Ashton, Corston, Walcot, Staunton Prior, Kilverton, Castle Cary, South Stoke, Usk, Batheaston, Englishcombe, Weston, the church of St. Mary de Stalls, and of the mastership of St. John's Hospital, which forms the ground of this action. In addition he granted out many of the Priory manors on leases for lives, and must have raised large sums of money by these proceedings. After the surrender of the house he was granted a pension of £80, a dwelling house in Stalls Street and the profits from the Hot Bath. His last years were painful; he wandered about the country, blind and distraught, until he died. See *Bath Chart.* (S.R.S.), Intro., lxxi, lxxii, lxxiv; *Bath Municipal Records*, ed. King and Watts, p. 30; Warner, *Bath*, App. Nos. 54-70.

<sup>3</sup> The Hospital of St. John's was founded by Bishop Reginald in 1192 for six poor men with one priest or master (*Register of Ralph of Shrewsbury*, Somers. Rec. Soc., p. 87). The patronage belonged to the Priory. *Bath Chart.*, ii, 492; *Somers. Incumb.*, 236; Weaver, *Bath*, p. 280. It escaped

of the most reuerent father in God Thomas<sup>1</sup> late lorde Cardynalle and Legate de latere occupied and enioyed the sayd hospytill to his own use and profett by the space of vij yeres surmysyng the same to be appropriatt by the lycens of the sayd lorde Cardynalle unto the sayd monestarye of Bathe by reason of occupacion of whiche hospytalle the Sayd Pryor had and toke to his own use grett profett and auantage rysyng and cummyng of the sayd hospytalle and after by the deth of the sayd lorde cardynall the sayd lycens was becom voyde & of none effect so that the sayd Pryor was in grett feere and dowte for the keypyng of the sayd hospytall eny longer wherupon commynycacion was had between ye sayd orator and the sayd Pryor concernyng the dyspocision of the sayd hospitall and emong other thynges hit was then requyred by the sayd Pryor of your sayd orator that he wold gett hym som man that wolde geve unto hym som money towardes suche costes and charges as he had susteyned in and aboute the sayd hospytall by suche tyme as he had the occupacion therof and in so doyng the sayd person so gevyng suche conveyent som of money as by the sayd Pryor shold be assygned shold have the sayd hospytall duryng his lyve and be ynstytute and ynductyd theryn accordyng to ye lawe wherupon your sayd orator entendyng to advaunce and prefarre one John Symons clerke<sup>2</sup> beyng a nye frende of your sayd oratours to the sayd hospytalle offred to the sayd Pryor the som of xl poundes so that he wold make the

the dissolution of the monastic foundations, and in 1548 was valued at £25 13s. 8d. yearly. It was then reported that the hospital was annexed to the parish church of St. Michael, the parson of that church being master of the hospital. *Somers. Chantries* (Somers. Rec. Soc.), 148. In 1578 Queen Elizabeth granted the advowson of the hospital to the Mayor and commonalty of Bath. Pat. 15 Eliz., pt. viii; Warner, *op. cit.*, p. 280.

<sup>1</sup> This was Thomas Wolsey, Bishop of Bath and Wells from 1514-23.

<sup>2</sup> This John Symonds became Master of the Hospital of St. John's in 1535 (*V.C.H. Somers.*, ii, 152-3). We know therefore that Crouch must have succeeded in this suit as far as the presentation to the hospital was concerned at all events. Symonds was the incumbent of the chapel of St. John's in the said hospital in 1546 and 1548. He was given a pension of 66s. 8d. and was presented by his patron and kinsman Crouch to Wellow Church in 1554. *Somers. Incumbents*, 207; *Bath Chart.*, Intro., lxxx. In the reign of Elizabeth John Crouch was plaintiff in a Chancery action relating to the Hospital of St. John's, which had been annexed to the church of St. Michael, Bath. Cal. of Chanc. Proc., Ser. II, i, 107.

sayd John Symons sure of the sayd hospytalle duryng his lyve and also graunt unto your sayd orator the nexte avoydance of the sayd hospytall after the deth of the sayd John Symons yf hyt happenyd the sayd John Symons to be admytted unto the same wherunto the sayd Pryor saying that the sayd xl pound was to small som of money for such a promocyon or gyft wold not content nor agree to the same but att last agreyd that for the som of Lij*li* vjs viij*ss* payde to the sayd Pryor in hand the sayd Pryor not only grauntyd the sayd hospytall to the sayd John Symons but also faythfully covenautyd & agreyd to make a sufficient graunte of the nexte advoydaunce of the sayd hospytalle unto your sayd orator or to suche a person as he shold name and appoynt with many other covenantes concernyng the sayd hospytalle whiche to do the sayd Pryor uniustly denyed to perform and fulfyll notwithstanding that he therunto was dyuerce and many tymes by your sayd orator required for reformation wherof your sayd orator exhibett a bylle of compleynt to your grace in your chauncere and therupon opteyned your wrytt of Subpena dyirected to the sayd Pryor by the whiche he was commaundyd personally to appere before your highnes in your sayd chauncere att a certeyn daye to awnswer to the contentes of the sayd bille and whiche wrytt was delyueryd to on John Harreys late servaunt to your sayd orator to thentent he sholde delyuer the same to the sayd Pryor whiche Harryce the second daye of June this present xxv<sup>th</sup> yere of your moost noble reyn<sup>1</sup> in peasable maner came to Bathe forsayd and to thentent to haue executed the sayd wrytt upon the sayd Pryor he repayred into the cathederall church of the sayd towne of Bathe wher the sayd Pryor then was and with him xv or xvj of his seruauntes emonge the whiche one Thomas Horner<sup>2</sup> & Thomas Baten<sup>3</sup> then servauntes to the sayd Pryor percevyng the sayd Harryce to be in the sayd church repayred unto hym saying that yf he wolde serve eny wrytt upon the sayd Pryor ther master they wold cutt off bothe his eyres in the tyme of whiche commynycacion thus had between the sayd Horner Baten and the sayd Harreys the sayd Pryor with the

<sup>1</sup> 1533.

<sup>2</sup> He has not been identified.

<sup>3</sup> The will of a Thomas Baten of Bath was proved in 1573. Smith, *Wills*, iii, 26.

resydue of his sayd seruauntes som afore hym and som behynd hym wayting upon hym departed owte of the sayd churche by reason of whiche wordes thus spoken and also of the grett manesses and thretenynges then to the sayd Harreys gevyn he not only durst not execute ne serve the sayd wrytt but also fer savegarde of his lyve departyd owte of the sayd churche and repayred to your sayd oratoure then beyng his master and made reporte unto hym of all the matter before rehersed wherupon the nexte daye ensuyng that ys to saye the thryd daye of the sayd monyth of June your sayd orator repayred unto the sayd towne and at his cumyng theder mett ther with one Sir Henry longe knyght<sup>1</sup> unto whom he made reporte of the varyance betwene hym and the sayd Pryor and also declaryd unto hym howe that the servauntes of the sayd Pryor wold not suffer the sayd Harreys to execute the sayd wrytt of subpena upon the sayd Pryor and also the evyll demenor and behavior of the sayd seruauntes towards the sayd Harreys prayng hym to speke with the sayd Pryor concernyng the sayd matter and to see som good order to be taken theryn and whyles the sayd Sir Henry Longe and the sayd Pryor were in commynycacion together of the sayd matter the sayd Horner Thomas Jenkyns Richerd Kyppyng and dyuerce other tenauntes and seruauntes of the sayd Pryor to the number of lx persons or mo in ryouttes maner arrayde that ys to saye with swerdes bucklers bylles and other wepyns in vasyve ageyn your peace souereyn lorde by the commaundes of the sayd Pryor envyronyd and beseged a certeyn howse in Bathe forsayd after the maner and fashen of warre in the whiche howse your sayd oratoure then was puttyng then your sayd oratour in grettfeere and jupardye of hys lyve the whiche malefactors and ryouttes persons thus unfeully assemblyd and congregate to gether spake openly and sayd that yf your sayd oratour wolde serve eny of the kynges wryttes upon the sayd Pryor that then hit shold cost hym his lyve and then & ther assauttyd the said howse and wold wyth force and vyolence haue taken your seyde orator and such his seruauntes as then were with hym in the sayd howse owte of the same and in the whiche assaulte and unfeull demenour a certen

<sup>1</sup> This was probably Sir Henry Long of Draycott who was in the Commission of the Peace for Wilts in 1511, 1513, 1531 and 1532. At the date of this suit he was high in favour with Thomas Cromwell. See *Somers. Incumbents*, 24, 92; *Somers. Wills*, ed. Crisp, v, 24, vi, 87.

person beyng then seruaunt to the sayd Sir Henry Longe was by the sayd malefactors . . . . . wounded and after the sayd malefactors and evyll doers att the request & desyre of the sayd Sir Henrye left your sayd oratour in the sayd howse and departyd immediatlye after whiche departure of the sayd ryoutes persons the sayd Pryor sent unto them fer ther so doying xl<sup>d</sup> or thereaboute to make merye withall yn the sayd town of Bathe and the sayd Pryor not with this contentyd nor satesfyed but comynnyng in malyce ageyn your sayd oratour the x<sup>th</sup> daye of June the sayd xxv<sup>th</sup> yere of youre moost noble reyn<sup>1</sup> caused the sayd Thomas Horner and one William Brown Richerd Cooke and dyuerce other seruauntes to the sayd Pryor to the number of xx<sup>ti</sup> or theraboute ryoutteslye arrayde with swerdes Bucklers stavys daggers and other wepyns to lye in wayte for your sayd orator as he was goyng from the said towne of Bathe towardes his owne howse<sup>2</sup> not beyng dystant from Bathe forsayd above the space of two myles whiche malefactors by the commaundes of the sayd Pryor the sayd x<sup>th</sup> day of June the sayd xxv<sup>th</sup> yere of your most noble reyn with force and strengthe toke your sayd orator and on William Hoskyns then his servaunt then beyng with hym aboute the space of halfe a myle from the said towne of Bathe and then from thens ageyn ther wylles conveyde to Bathe forsayd whom the sayd malefactors by the procuryng and commaundement of the sayd Pryor and Willyam Sherwode clerke<sup>3</sup> put yn to the stockes ther and sett feters of irons upon ther legges and toke from them suche wepyns as they then had upon them and delyuered the same to the sayd Pryor and them kepte in warde and pryson by the space of iij days and wolde not suffer eny person to com unto them nor take eny surtyes for ther delyuerance and so handelyd and intreatyd your sayd orator and his sayd servaunt as thoghe they had byn the gretest felons or murderers of this realm from the whiche enprisonment they colde

<sup>1</sup> 1533.

<sup>2</sup> At Englishcombe. See below, p. 135.

<sup>3</sup> William Sherwode was presented to the church of Englishcombe by the Prior of Bath at some date between 1493 and 1537. Weaver, *Somers. Incumbents*, 271. A William Sherwode is mentioned below as the vicar of St. Mary de Stalls, but his name has not been found among the incumbents there.

not be enlarged untill suche tyme as your sayd oratour was compellyd to bynde hymselfe by a wryting obligatorye in the som of *ccl* made by the sayd Sherwode with condycion therupon endorsed that he shold not sore vexe nor trouble eny person of the sayd towne of Bathe for eny hurte or other thyng by them or eny of them done unto your sayd oratour and after upon the sealyng of the sayd wryting obligatorye your sayd oratour and his sayd servaunt were sett att large and delyuered owte of pryson and after forasmoche as the sayd Thomas Horner bare contynuell grudge and dedlye malyce ageyn your sayd oratour and also from tyme to tyme dyd hym grett hurte and dysplesure he caused the sayd Thomas Horner aboute the last ende of August then nexte ensuyng to be arrestyd by a writt of supplicavit<sup>1</sup> and the sayd Horner so beyng under arrest one Rycherd Cooke John Talbott Thomas Baten Wyllyam Hayes<sup>2</sup> William Brown John Gybens Richerd Cokkes<sup>3</sup> Thomas Jenkyns Thomas Hogges John Bewson<sup>4</sup> John Baker Thomas Nutte John Balorde Thomas Shorston Rycherde Baten Henry More William Hore Mathewe Smyth John Coffen Robert Coffen Richerd Byrde Morgan Taylor Henry Abyam<sup>5</sup> Mores Bryscowe Henry Gybbyns John Sanders<sup>6</sup> and dyuerce other persons to the number of lx of the seruauentes and tenautes of the sayd Pryours in ryoutes maner arrayde that ys to saye with swerdes bucklers daggers stavys and other wepyns by the commaundement of the sayd Pryour made assaulte and affraye upon the bayles<sup>7</sup> whiche had arrestyd the sayd Horner

<sup>1</sup> The writ called "supplicavit" was issued out of the Chancery for taking the surety of the peace against a man. It was directed to the justices of the peace of the county and the sheriff. Cowell, *Interpreter*.

<sup>2</sup> He had a corrody in the Priory. *Bath Chart.*, lxxiii.

<sup>3</sup> He obtained a 70 years' lease of Lyncombe Farm in 1538. *Bath Chart.*, lxxiv.

<sup>4</sup> He obtained a lease of a tenement in Bath from the Prior in 1538. *Bath Chart.*, lxxiv.

<sup>5</sup> The will of Thomas Abiam was proved in 1593. Smith, *Wills*, iv, 1. A member of the same family had been mayor of Bath. See below, p. 145.

<sup>6</sup> The will of a John Saunders of Walcot was proved in 1597. Smith, *Wills*, iv, 367.

<sup>7</sup> The bailiffs were the executive officers of the city, acting as sheriffs within its bounds. They managed the gaol and market, executed writs, had the control of the pillory, the stocks (of which there were later



and by reason of the grett feere and daunger that the sayd malefactors dyd put the sayd bayles yn they for savegard of ther lyves fled up the house of your sayd oratour att Inglescombe in the sayd countie of Somercett dystant aboute the space of ij myles from the sayd towne of Bathe unto the whyche house the sayd malefactors in ther furye cam and beseged the same and callyd for fyre to haue burnyd the sayde howse and also wyth axes hatchettes and other toles and instrumentes they cutt the dores and brake uppe the walles of the sayd howse in dyuerce places and put your sayd orator and all suche other as then were yn the sayd howse in grett feere and jupardie of ther lyves and after for feere of burnyng of the howse of your sayd orator and also for savegarde of there lyves your sayd oratoure was fayne to cause the sayd Bayles to delyuer and sett att large the sayd Horner withoute fyndyng eny suertyes for the peace or other thyng and after the seyd Pryour by beryng and meyntenaunce of suche frendes as he hathe in the sayd Shyre hathe caused William Kent and Thomas Kent who arrestyd the sayd Horner by vertue of the sayd supplicauit to be endyted of felonye as princypalles supposyng that they shold att the tyme of the sayd arrest take from the [said Horner] his pourse and xxvj<sup>s</sup> viij<sup>d</sup> of money theryn and a certeyn woodknyfe whiche the sayd Horner then had upon hym and also haue endyted your sayd orator and John Byskowe and John Howell seruaunt to your sayd oratour [as] accessories in the sayd felonye wherof truthe most dred souereyn [lord] the sayd Horner at the tyme of the sayd arrest lackyng money to paye his fees requyred your sayd oratour to lend hym som money for the same and that most drad souereyn lord the sayd Pryour and the other malefactors so [bear them]sylfes that neyther they regarde nor feere your grace nor your lawys and by reason of the grett frendes of the sayd Pryour beryng & meyntenaunce . . . . . the parte and behalfe of the sayd Pryour nott only he but also the grett . . . . . of all the other malefactors shalbe unpunysed to the grett encoragyng and boldyng of suche other malefactors yn tyme cummyng yf due

two sets, one near the pillory in High Street, between the Guildhall and the Abbey, and the other near the Hot Bath), the rack, the cage and the cucking stool. *Bath Municipal Records*, 44, 45.

correccion be nott with spede had in the premisses Hit mey therefore please your grace the premisses consid[ered] to graunt seuerall wryttes of subpena to be dyrectyd to the sayd Priour Horner Richerd Cooke John Talbott Thomas Baten William Hayes William Brown and all the other before namyd malefactors commaundyng them by vertue therof personally to [appere] before your grace and your moost honerable councyll att Westminster att a certeyn daye to awnswere to the premisses &c.

The aunsewer of William Priour of the cathedrall church & monasterye of Bathe to the bill of complaynt of William Crouche.

(He says that the said bill is uncertain & insufficient etc.) As to the seid hospitall he seith that itt is & hath ben tyme oute of mynd of the foundacion & gyft of the seid Priour & his predeccssours priours of the seid monasterie and the seid now Priour seyng the great ruyn & decaye of the seid hospitall & entending to see the same edifyed & ordered acording to the true entent & mynde of the founders therof in euery thyng obtaigned a licence of the reuerend father in God John now Bishop of Bathe<sup>1</sup> dyocesan of the same to retaigne & kepe styll the same hospitall in his owne handes to the intent to newe reddifye repaire & maynteyn the seid hospitall with the rentes reuenus & profittes belonging to the same by force whereof your seid orator so did & therupon made great cost & reparacions as well upon the seid hospitall as upon the mesez & tenementes perteignyng to the same wheryn the seid priour dispendid ouer & aboue the reuenus of the same hospitall aboute the some of c markes and afterwardes the seid Crouche by his crafty & subtyll mynd bore in hand the seid priour & perswadid hym that he cowde in no wyse kepe the seid hospitall by the lawe so that by suche crafty meanes he putt the seid Priour in mynde to geve the same hospitall oute of his hondes or elles he shuld luse itt wherupon the seid Priour in consideracon of the good qualities vertus & merytes of oon John Symons & at the specyall labor & desire of the seid Crouche gave frely the seid hospitall to the seid Sir John Symons wher as the seid Priour myght lawfully haue kept itt in his owne handes without that that &c. &c.

<sup>1</sup> John Clerk, Bishop of Bath 1523-1540. Warner, *Bath*, 153. See above, p. 81.

Thaunswers of Thomas Horner and William Sherwode clerke to the byll of complaynt of William Crouche.

The said Thomas Horner for aunswer saith that the saide William Crouche is a comen quareler and a comen mayntener of theves vagabonndes and of many other evyll doers about the Cittie of Bathe and also a common oppressor . . . in that parties And of the same he is lawfully indicted by severall indictementes before the kyng is justice of peace in the countie of Somerset for whiche upon complaynt made asweill to the maire of the said cite of Bathe . . . the kyng is Justices of peace within the saide Cittie as also to the kyng is Justices of peace within the saide countie of Somerset for the evyll and and malicyouse disposition and mysdemeanour of the said Crouche to the . . . subgetes . . . awarded for his goode aberyng as well by the kyng is justices of peace within the saide countie of Somerset as allsoe by the maire and other justices of peace within the said City of Bathe of . . . is directede to the saide Thomas Horner and other by the saide Justice of peace within the saide Cittie of Bathe to cause the saide Crouche to come before the said Maire or oone of the said Justices of peace . . . cittie of Bathe to fynde surties to be of good aberyng ayenst all the kyng is liege people and if he wolde refuse soo to doo than to attach hym and bryng hym to Gaoll ther to remayn tyll . . . Thomas Horner happenyng to meete the saide William Crouche within the saide Cittie of Buth and the liberties of the same requyred and comaunded the said William Crouch . . . accordyng to the said waraunt whiche to doo the saide William Crouche obstinately refused wherupon the saide Horner by vertie of the saide waraunt . . . William Crouche . . . the saide Cittie as [lawful] was for hym to doo whiche is the same supposed ryott and unlawfull assemble by the saide Crouche in his saide byll of complaynt falsely [surmised] to be doone [and caused the said Crouche to come] before the saide maire and other the kyng is Justices there to fynde surties to be of goode aberyng accordyng to kyng is lawes and allsoo of his . . . and peruerse mynd . . . maire and other . . . Justices there callyng and malicyously saying that they were villains churles knaves and beggers and further threatnyng and saying that he wolde cause

. . . the said cittie of Bathe shulde be no better [than Walcot] a little suburbe of the same the saide maire with the other Justices deteianede and kept sure the same Crouche in the kyng is . . . surties were bounden by . . . for his good aberyng. And after that surtie and boundes made he was delyuerde and sett att libertie And after the saide Crouche soo . . . kyng is lawes for suche manassyng and threatnyng worde's that the same Crouche then hade spoken towardses the said maire and citizens of the said cittie . . . by obligation in ccli . . . with condition endorsede therupon that he sholde nott vex trouble nor unquiett the saide maire nor anny other . . . accordyng to . . . in forme [*The remainder of this bill is in very bad state ; the whole of its substance can be gathered from the other documents in the matter, and it has not therefore been transcribed.*]

Writ, dated 13 March 25 Henry VIII,<sup>1</sup> directed to Sir Edward Wadham<sup>2</sup> and Sir Walter Hungerford, knights,<sup>3</sup> authorizing them to take the answer of William, Prior of the monastery of St. Peter of Bath, to the complaint of William Crowche.

BUNDLE 20 (NO. 78).

The replication of William Crouche to the awnswer of William, Pryor of Bathe, denying that the prior had licence from the Bishop of Bath to receive and keep the hospital of St. John, and alleging that the prior received the profits thereof by the space of seven years or thereabouts, and converted the same, or most part thereof, to his own proper use ; nor did he expend the sums he alleges in his answer in the repairing of the hospital and its buildings, etc., etc.

<sup>1</sup> 1533-4.

<sup>2</sup> Sir Edward Wadham of Tormarton (co. Glouc.). He died in 1547. His family had much influence in Bath, and in 1533-4 John Wadham was one of the arbitrators in a dispute in which the Corporation were concerned. *Bath Munic. Rec.*, App. xxiv.

<sup>3</sup> Sir Walter Hungerford was squire of the body to Henry VIII. He was sheriff of Wells in 1533, was created Baron Hungerford in 1536, and was beheaded, with Thomas Cromwell, four years later. *Dict. Nat. Biog.*

The replication of William Crouche to the aunswere of Thomas Horner and William Sherwoode.

The compleynant denies he is a common meynntenor of theves vacabondes and yll doers aboute the cyte of Bathe as specified in the said awnswer, or a commyn oppressor of the Kynges liege peple in the said parties, as is untruely and slanderouzly allegged, or that he is lefully indyted of any of the said offences before the Kinges Justices of his peace within the countye of Somersett; if he be so endyted of the said offences hit is by the beryng, meynテナunce and enbrasye<sup>1</sup> of the said Thomas Horner and William Sherwoode, and their frendes and fautors, whiche be of so grett power in the said countie, and so knytt to gether in confederacie and mychuffe that they at ther plesure endyte trewe men of felonye and acquite theves and murderers, to the grett enquetnes and dysturbance of the most parte of the sayd countye and in especiall of the pore honest peple of the same, and withoute that ther wer any warrauntes opteyned or procured of the Justices of the pece of the sayd countie or of the mayre of the town of Bathe ageyn the compleynant, but onely suche as wer optayned by the crafty meanes of the sayd defendauntes, who with diligens from tym to tym yndeever them sylfes to putt the sayd compleynant to suche troble and besynes that he shold be drevyn and enforced to leve the said countye of Somercett and the said town of Bathe. And without that the said Thomas Horner at the tyme that he wold have arrestyd the compleynant had eny warraunt ageyn hym, or that the sayd Horner mett with the compleynant within the cyte of Bathe or the liberties of the same, and required the compleynant to com before the Justice of the peace within the sayd cyte to fyend suretes in maner and forme as in the awnswer is allegged, which yf he had doon the compleynant was not bound to obaye the same; or that the compleynant obstynatly refused eny thing he was bound to doo ageyn the Kinges lawes, or dyspysed the mayre of the said cyte of Bathe or other the Kynges justyces there, or sayed that they or eny of them were vyleyns, churles, knavys and beggers, or that he wold cause the said cyte of Bathe to be no better than Walcott, a lytle suburbe

<sup>1</sup> Embracery, *i.e.* corrupt influence.

of the same towne; or that the deteyning of the compleynant in prison by the mayre and justices ther was lefull; or that by his own frewyll he becam bounden by obligacion upon any such condicion as in the said awnswer is recyted. But he sayth that, perceyving he shold not be delyvered owte of the prison in the which he then was, ageyn his wyll and by occacyon of ynprisonement sealyd the said obligacion; or that the compleynant of his malyciouz mynde caused William Kent and Thomas Kent namyd in the said awnswer, or other riottes persons, wrongfully to lye in waite to bete and slaye the said Thomas Horner, or that they did so lye in waite, or dyd take from him his purse, or the some of xxvjs. viij<sup>d</sup>. therin supposed to be contayned, or eny some to the knolledge of the sayd compleynant; or thretned to murder the said Horner, or compellyd hym to goo with them to the dwellyng house of the compleynant att Englishecombe, or spake to hym eny terrible wordes or sayed that they wold slaye hym, or that they were commaunded by the compleynant so to do; or that the compleynant laye in wayte to bete and slaye hym, or spake to the said Horner any such wordes as are alleged in the awnswer; or that William and Thomas Kent be lefully endyted in the said countye of eny robberye, felonye or misdemenor. But he sayth that the sayd Horner, beyng the grett ryng leader of inquestes within the sayd countie and an embrasor of juries within the same, by beryng and meyntenance of dyvers persones, has wrongfully caused the compleynant and the said William and Thomas Kent to be endyted of felonye (etc.); or that the said Horner was brought to the house of the said Crouche and ther ageyn the lawes enprysoned or sett in the stockes in such wyse that his fete were much higher then his hedde, or that he was put in eny jepardye of his lyfe; nor dyd the compleynant manysse with grett othes that the said Horner shuld never escape his handes, or that ther was any fresh sute made for savegard of the lyfe of the said Horner, or that the compleynant gathered into his house malefactors and other riottes persons to the nombre of xx<sup>ti</sup> with wepons (etc.), or sayd that persons coming to his house shuld nott see the said Horner, or that it shuld cost xx<sup>ti</sup> mennes lyves before they should have the sayd Horner or his goodes, or shott arrowes owte of the house ageyn the Kinges subgetes then assembled to have a

sight of the said Horner, but he saith that dyvers persons that were so assembled cried with open voice to have fire to have burnyd the house of the complaynant, and to have destroyed all such persons as then were within the same; and fetched fyre and strawe for the same entent, and shott arrowys into the house of the complaynant, and putt them in jepardy that were within; then some of the persons that were within shott arrowys owte of the house, and hurt the same Thomas Shurston namyd in the said awnswer, who then had fyre in his hand to have burned the house.

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The witnes upon certeyne interrogatories betwene the Prior of Bathe and William Crowche taken afore Sir William Stourton<sup>1</sup> and Sir Henere Longe,<sup>2</sup> knyghtes, the xvth daie of June xxvjth yere of King Henry the viijth.<sup>3</sup>

William Howell of the age of lj yeres, John Crowche, xl yeres, William Kent, xxxj yeres, deposite that the Priour of Bathe that now is made a graunt<sup>4</sup> to oon Thomas West of Bathe of a ferme whiche appertayneth to the master of Sent Jonys of Bathe, yett being in the handes of the said West; and also Sir John Symons, clerck, now being master of Seynt Jonys aforesaid, saythe that att the tyme of his first entryng into the hospitall the Prior requyred hym to performe and upholde all suche graunttes as was made afore by the said Prior to certeyne other persons. The Prior toke the hoole profittes of the same hospitalle. Whether he came lawfullie to the same hospitall or noo, itt is to theym unknowen.

Everie of theym seithe that there was communication betwene the Prior and the seid Crowche for the seid hospitall, and there was payde to the Prior at oon tyme xl *li.*, and att an other tyme xx markes, for to have the seid hospitall; and the seid Sir John

<sup>1</sup> He was the nephew of the William Lord Stourton who died in 1523, when he was followed by his brother Edward. The latter, on his death in 1535, was followed by his son the Sir William Stourton of this suit. He was in the Commission of the Peace for the county from 1530 onwards and died in 1548. *L. and P., Hen. VIII.*, iv, g, 6803, (12.)

<sup>2</sup> See above, p. 132.

<sup>3</sup> 1534.

<sup>4</sup> This grant has not been found in the Register of Prior Holleway.

Symons seith that he was present att Come, when the Prior graunted the advouson of the said hospitall next thenne folowyng to the seid William Crowche, whiche is nott yett performed.

Every of them doo seie that Crowche exhibited a bill to the Kynges highnes to have a *subpena* directed to the seid Prior. And farther John Turney, genttilman, William Chapman and John Harris seide that every of them sawe a *subpena* in the handes of William Crowche, directed to the said Prior. And John Harris seith that he cam in to the cathedrale church of Bathe aforeseid by the commandment of the said William Crowche, havng with hym the said *subpena* to serve upon the Prioure. And thenne came to hym oon Thomas Horner [and] Thomas Baten, servaunttes to the seide Prioure, and demaunded hym whate he made there. And he seide he came to serve the Kynges write of *subpena*. Then they toke hym by the ij armys and led hym by force owte of the seide church. And Baten bade hym that he shuld nott presume to cum noo neere the Prior, for if he dyd he wold cut off his Eeris. And by there meanys and others of his servaunttes the Prior was conveide aweie, so that he myght not serve the Kynges write. And also Thomas Horner seide that he wolde pare of his ceris yf he served anny writte ther, by reason wherof the Kynges writte was unservyd.

John Harris seith that the next daie William Crowche went to Dreycote, to the howse of Sir Henere Longe, and desyred hym to cum to the Priour of Bathe, and made relacon of the premysses aforeseid to thentent that Master Longe shulde desire the Prioure to take sum goode ende with the seid Crowche and soo furthe withalle come (*sic*) togederes the next daie to Bathe, and soo moved hym consernyng the premisses to be contentid to have amend as is aforewritten.

They seie it is of trowthe such riottes were made by Thomas Jeynkyns, Richard Kipping and others the prioures sarvaunttes to the number of lx persons and more.

Richard Kypping, servaunt to the said Priour, seide at the tyme afore expressid in Bathe, that if the seid Crowche wolde serve anny write ayenst the Prior his master, that hitt shulde coste hym his life, and he with other malefactors wolde have



pullid hym oute of a howse which the seid William Crowche toke for savegarde of his life. By the mediation of the said Sir Henere Longe they suffred Crowche to be in the same howse still.

Richard Pereman and all the other deponents doo seie that immediatlie after the same malefactors were pacified the Prior sende to theym in rewarde to drynk att the wyne by oon Heys or Herford his servanttes *xxd.* in to the towne there.

Richard Pereman,<sup>1</sup> baileye of Bathe, William Chepman,<sup>2</sup> William Howell and William Kent, doo sey that Thomas Horner with others withoute the libertie of Bathe by the space of a quarter of a mile laye in waite riotouslie bittwixte Bathe and the howse of the said Crowche, and made a saulte upon him and William Hoskyns, his servant, having forrest bylles, swerddes, buklers and stavis, and by force carried hym bak to Bathe ageyne, and soo kepte them bothe in the stokkes by the space of iij days and nyghttes. And the said Horner toke aweye the keye from the baileye, and kepte hym hymselfe. And such persons as came in with hym drew a dagger, and sett to the stommake of the seid Crowche. And also the said Horner as the seid Crowche sate in the stokkes shoke hym by the beard, and shoke his fetters afore hym in greate derizion. And the Priours cooke sett a horselok upon the leg of the seid Crowche.

The seid Richard Pereman, Sir John Symons, Thomas Kent and others doo sey that oon Sir William Sherewodde and the mayre, with all the Priours servaunttes, constreyned the said Crowche by force to scalle an obligation bynding hymselfe in *cc li.* to the malefactors aforesaid, never to sew or trouble them for his imprisonment.

They doo sey that Crowche sewed a speciall supplicauit<sup>3</sup> directed to all the Justices of the peace within the countie of Somersett, whiche supplicaunt was delyvered to the handes of Sir William Stourton, Knyght, who made his warrante ayenst

<sup>1</sup> The will of a John Poreman of Bath was proved in 1596. Smith, *Wills*, iv, 334.

<sup>2</sup> The will of William Chapman of Bath was proved in 1586. Smith, *Wills*, iv, 36. His name appears as one of the leading citizens of Bath in 1553. *Bath Munic. Rec.*, App. xxiv.

<sup>3</sup> See above, p. 134, n. 1.

Thomas Horner and others, according to the tenor of the seyde writte, and appoynted therein to be baylys William Kent, John Bisto and others, who attachid the seid Horner and arrested hym by virtue of the same writte, and brought hym to Inglescombe, ther to be suerlic kepte in the howse of the seid William Crowche ; as it is also recorded by the deposicion of John Graunte, John Buls, Phillip Robyns, William Erle, Thomas Kent and John Appowell.

They sey that Richard Cokkes, John Talbott, Thomas Batyn, William Heys, William Browne, John Gybons, Richard Coke, Thomas Jeynkyns, William Tailor, Thomas Hoggis, John Baker and others to the nombre of lx persons came from Bathe to Inglescombe aforesaid, wher as the seid Horner was in custodie, and with rytowse manner broughte fyer with theym, and shotte arrowes to theym that were in the howse of the seid Crowche, and assaulted the same ; and for feare of burnyng of the same howse and those who were within, Crowche caused the same Horner to be delyvered to the handes of the seid rioters, withoute fynding any suerties. And also they hewde with an axe the doris of the same howse.

Philip Robyns and others depositth that Horner, after the tyme that he was arestid and brought to the house of the same William Crowche, desyred that he myght have a messynger to go to the viccar of Inglescombe to desyre hym to lend hym sum mony to paie his fyne and other cosstes, for he seid he had left his pursse at Bathe, and the seid Crowche seid he shuld lak no money while he had anny in his pursse.

(signed) W. Stourton, *by me* Henry Longe.

Writ<sup>1</sup> directed to Sir Edward Wadham, knight, Sir Walter Hungerford, knight, and William Vowell, gentleman,<sup>2</sup> commanding them to take evidence in the matter pending between William Crouche and the Prior of Bath, dated 16 July, 26 Henry VIII.<sup>3</sup>

<sup>1</sup> This and the following documents are filed in volume x ; but they are here printed with the rest of the suit to which they belong.

<sup>2</sup> See pp. 97, 138.

<sup>3</sup> 1534.

This is the certificatt of Edward Wadham and Walter Hungerford, Knightes, upon the said commyssion, wheruppon certeyn persones indifferent as herafter doth appere dyd appere before the said commyssioners syttyng at Bathe the ixth day of October in the xxvjth yere of the reigne of Kyng Henry theight.

The first Interrogatory.

Whether the said Crouche be a comen quareler and a mayntener of theves and vagaboundes and what be his yll demenors.

John Byrde, oon of the aldermen of the Cittie of Bathe and oon of the Kyng is Justices of the pease there, of thage of liij yeres and more, saith that he hath knowen William Crouche sithens his furst comyng to Inglysshcombe within the countie of Somersett, which is vij yeres passed or there aboutes, as he remembreth, for he saith that vj years passed or there aboutes oon Robert Abyiare of the cittie of Bathe was then maire of Bathe,<sup>1</sup> and used ther to make clothe,<sup>2</sup> and dyd sett peapyll dayly in worke to the nombre of iijC persones or there aboutes, as he now remembreth. And the said Crouche then began to trouble and vex the said Robert Abyiare by the lawe for the havying and usyng of the Kyng is seale of the awnage<sup>3</sup> within the said cittie of Bathe, which said Robert then hade a lease thereof; by reason wherof and of the lewde wordes that the said Crouche hade to the said Robert, as in my presence and heryng the said Crouche called the said Robert cankerd churl, knave, and other opprobrious wordes, the said Robert then beyng maire and the Kyng is lieutenant there, for the greate mayntenance and beryng of the said Crouche dyrst nott abyde nether tarye within the said cittie, but departed and went from the said cittie of Bath untill the towne of Bristoll, wherby the said cittie is the wurse for his departyng and impoveryshing of the people within the said cittie D<sup>c</sup> markes and more.

<sup>1</sup> Unfortunately Warner's list of mayors is a very fragmentary one, and the *Municipal Records* adds very few names. Abyiare's name has not been found in either.

<sup>2</sup> Bath was of course a great centre of the West of England cloth manufacture. See *Munic. Records*, 27; Warner, *Bath*, 176. The Company of Weavers was a flourishing one.

<sup>3</sup> Under the Assize of Cloth an aulnager was appointed to keep local measurements up to the official standard. Cunningham *Hist. of Eng. Industry and Commerce*, i, 322.

Moreover he saith that ij yeres then folowyng Thomas Whelpeley,<sup>1</sup> oon of the said cittie, was maire of the same cittie, then usyng to make clothe, and sette the people of the said cittie in worke, whiche lykewise was soo troubled and vexed by the said William Crouche and his adherentes that the said Thomas might not tarye nor abyde quyety within the said cittie for daunger of his lyfe, by reason wherof he was compelled to departe from the said citte of Bathe unto the cittie of Salisbury, unto his utter undoyng for ever, and the impoverishment of the occupyeng of the poore people of the said cittie. And this deponent knoweth that thoccupyeng within the said cittie is the wurse by reason of the trouble of the said Crouche a thousand markes and more. And further saith that the said prior hath sithens he was prior there used and daily dooth use good religiouse rule and kepeth great hospitalitie at his monasterie of Bathe; and that the said prior is the wurse for the vexacions and trouble of the said Crouche *c/z.* and more. And further he remembreth nott.

Jeffrey Steynor, otherwyse called Jeffrey Framcombe,<sup>1</sup> oon of thaldermen of the said cittie of Bathe, of thage of lxxij yeres and more, deposeth in every thyng as the said John Byrde hath deposed; and that ij yeres paste or thereaboutes this deponent was then maire of the said cittie of Bathe, and in the same tyme the said William Crouche wold repare unto the said cittie by nyght and also by daye, and wold have in his companye vj or viij evyll disposed persones, which were of ill name and fame, arrayed with swerdes billes and other wepons, and resorted unto the house of oon William Chapman, whiche Crouche is there suspected of yll rule, and that itt is openly knowen that the said Crouche dooth live in aduoultre with the wife of the said William Chapman. The worshipfull officers of the Bisshop of Bathe att the lawe daye holden at Bathe then putt fyne upon the said Chapman for these evyll disposicions and behaviours in his house. And whan he was maire the xvj day of December or there aboutes this deponent was in communication with William Sherwode, vicare of Stalles within the said cittie, and as they were together cam the said Crouche and with hym in

<sup>1</sup> His name also is not found in the printed records of Bath.

companye oon William Kentt,<sup>1</sup> a light and ill disposed persone, and divers other quarelers, ryoters and yll disposed persons, and in the presence of this deponent the said Crouche in a furyouse fashion sware by our Lorde is woundes that he wolde leye his swerde upon the said Sherwode is hede. And therwith this deponent feryng the sayenges of the said Crouche stepped furth between the said Crouche and the said Sherwode. And then Crouche made a signe to the said Kentt, which Kentt therupon drewe his swerde and sodenly stroke the said Sherwode on the hede to thentent as itt semed to have sleyn hym. And then this deponent commaunded the Kyng is pease to be kepte, and by reason of the citizens soo ther kepte the Kyng is pease with moche busynes. And then the said Crouche threatned further to keyll the said Sherwode. Crouche hath reported that if he may take this deponent out of the said cittie of Bath, that he wyll keyll hym, in somoche that this deponent hade fermes of shepe and other thynges without the said cittie, and fro that tyme that he was maire nether yette he dare not goo owte of the said cittie of Bathe for fere of jeopardie of his lyfe of the said Crouche, William Kent and dyvers others evyll disposed persons, to vewe his shepe and fermes, excepte he doo goo by stelthe; that in somoche this deponent beyng a verye olde man is compelled to sell aweye his lyvyng that he hath in the countre owte of the said cittie, for he is nott hable to goo ryde nother yett laubor to compleyn for remedye. And more he remembreth nott, butt desireth God to putt itt in the Kyng is counsaill is myndes to dryve the said Crouche and his adherentes owt of the said countre for elles they wyll as they doo make moche stryffe in that countre to the utter undoing of the said cittie of Bath for ever.

Thomas Whelpeley, oon of thaldermen of the said cittie of Bathe, of thage of lj yeres or there aboutes, desposeth as above, and further saith that he knoweth that the said cittie of Bath is in maner undone by the said William Crouche and his lewde companye, and that he useth moche yll rule, and is a man that had made many quarels and frayes upon the citezens of the said cittie.

<sup>1</sup> The family of Kent was prominent among the weavers of Bath in 1515, as also were the Chapmans and Styles. Leland, *Itin.*, ii, 67.

Henry Kavell, now maire of the said cittie of Bath, of thage of l yerres or there aboutes, seyth that he knoweth that the sayeng of the said John Byrde is true in every thyng, butt that he remembreth nott whether the said Whelpley departed from the said cittie unto the cittie of Salisbury for any such cause as the said Byrd hath deposed, the cause of his departyng he knoweth nott. He further saith that iiij yerres passed or there about this deponent was then maire of the said cittie as he nowe is, and that then the said Crouche hade many light and lewde wordes ageynst dyvers of the said cittie of Bathe, by reason this deponent att that tyme hade moche to doo to kepe the Kyng in pease between the said Crouche and the comons of the said cittie, and many quarells and frayes have bene made in the said cittie by reason of the said Crouche ; and more he remembreth nott.

Thomas Style,<sup>1</sup> late maire of the said cittie of Bathe, of thage of lx yerres and more, deposes as above, and that Jeffrey Steynor was putt in suche fere of his lyfe by the said Crouche, that the said Jeffrey, beyng maire of the said cittie in presence of this deponent and dyvers others desyred upon his knies of thother Justice of pease and aldermen of the said cittie to have the pease of the said Crouche. And by reason therof upon a waraunt of the pease the said Crouche was arrested in Bathe, and putt in prison tyll he hade founde surties for the pease ; and more he remembreth nott.

Henry Francombe of the said cittie of Bathe of thage of xxx yerres or there aboutes, saith that about the Soneday after Seynt John is daye laste passed, as this deponent remembreth, he was att Hemyngton within the countie of Somerset, and soo the Moneday folowyng this deponent was comyng fro Hemyngton to Bathe, and att Twenowe<sup>2</sup> in a lane he mete with William Crouche rydyng with wepon by his syde, and said to this deponent that there was a cople of knaves within the said cittie of Bathe, the one was the said Jeffrey Steynor and thother John Byrde. And further said to this deponent that he hade leyde wache for the said Steynor longe

<sup>1</sup> See note 1, p. 147. The will of Thomas Style of Bath was proved in 1536. He died, therefore, very soon after this. Smith, *Wills*, ii, 510.

<sup>2</sup> ?Twinhoe in Wellow.

tyme, and cannott meete with hym, and that he wyll leye watche for him styлле, and if he may meete hym he wolde rydde hym owte of the worlde yf he shuld therfor be hanged by and by, and wolde advyse hym that he doo nott meete with the said Jeffrey Steynor. And this deponent said that he wolde shewe the said Steynor therof. And then the said Crouche made lyght with signes of his fyngers and rydde his weye; and more he remembreth nott.

Johane Skydmore of Welowe within the countie of Somerset of thage of 1 yeres or there aboutes, saith that oon William Skydmore, hir late husbond, hade a lease for terme of his lyfe of the ferme of the parsonage of Wellowe aforesaid,<sup>1</sup> and the said William Crouche purchased the reversion of the said parsonage of thabbot of Cicestre,<sup>2</sup> as she herith seye. And hir said late husbonde was diseased in a dysese in his legge, and the said Crouche perceyving that the said William Skydmore hade the said parsonage for terme of his lyfe, and the reversion therof was in the said William Crouche, there (*sic*) was oon Guilliam a phisicion, whiche late was com to the cittie of Bathe, and by the report of oon William Kent, which was servant and of the counsaill of the said Crouche, and to the intent that the said William Crouche wold have the deth of the said William Skydmore, the said Crouche perceyving that the said Guilliam was spoken unto and after hade taken in hande to cure the said William Skydmore of his disease caused the said William Kentt his servant, which was famylyer with the said Guilliam to<sup>3</sup> gyve such a medecyn to the said William Skydmore that the said Skydmore myght by meanes of that to shorte his lyfe, and that the said Guilliam shuld have for his laubor vj *li.* xiijs *iiijd.* and a nagge to carye hym owte of the countre. Upon whiche mocion the said Kent refused soo to doo, sayeng that the said Guilliam wold assone doo ytt upon his motion as otherwysc. Wherupon the said Kent said that in his presence the said Crouche his maister

<sup>1</sup> The patronage of Wellow belonged to the Abbey of Cirencester. Weaver, *Somers. Incumb.*, 207.

<sup>2</sup> William Crouch presented John Simons, the Symonds of this suit, to Wellow in 1554, but the next presentation after the Dissolution, that in 1545, was made by the King. Weaver, *op. cit.*, 207.

<sup>3</sup> A few words are evidently omitted here, *e.g.*, "move him to."

mocioned the said Guilliam soo to doo. And he consented to the same, and therupon gave a medecyn unto the said William Skydmor by reason wherof the said Skydmor deceased. And the said Guilliam came to seke the said William Crouche att Bathe eyr that the said William Skydmor was departed, and mete with him in an orchard in Bathe, where this deponent now remembreth nott, and said he hade doone his desire, and that he shuld be no langer combred with him. Wherupon Crouche called hym to a hedge and there drewe his purse and delyvered to the said Guilliam money, but whatt some the said Kentt was not prevy too. And soone after the disceasse of the said William Skydmor the said Guilliam departed owte of the countre. All whiche matter in maner and forme as is before rehersed the said William Kentt confessed at Bathe before Sir William Sturton,<sup>1</sup> Sir John Seyntloo, knyghtes, Waltier Denys, Maister Vowell and Maister Bonham,<sup>2</sup> esquiers, this deponent then present, that he hade soo saide and confessed in every worde to Thomas Horner of Melles, then beyng there att Bathe present and leyng ytt to his charge.

John Whyte of Wellowe aforesaid of thage of xxxviij yeres and more, saith that he herde all the sayenges of the said William Kentt before rehersed by the said Johane Skydmor, and more he remembreth nott.

And further booth thies deponentes sayen that the said Guilliam dyde gyve a medecyne to the said William Skydmor whiche was pounded in a dysse, and after he hade gyven the said medecyn he caused the dysse wherein the medecyn was made and pounded and alsoo the papur wherein the said medecyn was putt to be brent immediatly, and to this booth thies deponentes were present.

Item whether the said prior be a man of good name and fame.

All these persones whoos names are subscribed to this bill doo reporte and be redy to depose that to there knowlege and comen reporte of the countre the said William, Priour of Bathe, is a good religieuse man in hys lvyng and conver-

<sup>1</sup> See above, p. 141, n. 1.

<sup>2</sup> This was perhaps John Bonham, of Haslebury, Wilts, who was a justice of the peace at this date.



sation and kepith good hospitalite and is of good name and fame.

- (signed)
- <sup>1</sup> Jo. Eps Bath & Welles.
  - <sup>2</sup> Rič. Abbott of Glastoñ.  
Johñ Fetzwareyn.
  - <sup>3</sup> W. Stourton.
  - <sup>4</sup> Rič. Wooleman, Deane at Welles.
  - <sup>5</sup> Wylyyam Knighte, Arch Rich.  
Hugh Denys.
  - <sup>6</sup> Walter Denys.
  - <sup>7</sup> Heughe Poulett.
  - <sup>8</sup> Thomas Clerk.  
Richard de la stroddeu.  
Roberte Baynard of Lacham.<sup>9</sup>

#### The iijde Interrogatorye.

Whether the hospitall of Seynt John in Bathe be of the foundation and collation of the Priour of Bathe for the tyme being.

William now Prior of Bathe, appered before us commysioners aforseid and shewed furth before us undre seale how the said hospitall was gevyn unto the said monasterie and house of Bathe by graunte without date whiche foloweth worde by worde and is this: [*Translation*] To all the faithful of Christ to whom the present writing shall come Rainulph<sup>10</sup> (Raiñ) by God's mercy Bishop of Bath, greeting. Know ye that we, moved by the love of God have given and [granted] in frank almoyn to God

<sup>1</sup> John Clerk, Bishop of Bath and Wells, 1523-41. See above, p. 81.

<sup>2</sup> Richard Bere, abbot from 1493-1524.

<sup>3</sup> See above, p. 141.

<sup>4</sup> He was dean from 1529 to 1537.

<sup>5</sup> He became Archdeacon of Richmond in 1529, and in 1541 Bishop of Bath and Wells.

<sup>6</sup> Sir Walter obtained a grant of the next presentation to the church of St. Mary de Stalls in 1538. *Bath. Chart.*, lxxii.

<sup>7</sup> See below, p. 191.

<sup>8</sup> He was related to the bishop, and obtained various grants of lands, etc., on lease from the Priory in 1537 and 1535. *Bath Chart.*, lxxiii.

<sup>9</sup> ? Lottesham.

<sup>10</sup> Ralph of Shrewsbury, 1329-1363, or Ralph Erghum, 1388-1400.

and the hospital of St. John the Baptist, which is in Bath, for the maintenance of the poor of the same place, one sheaf of corn to be received every year from every acre of the whole of our demesne of the bishopric of Bath. Moreover William, Prior of Bath,<sup>1</sup> and the convent of that place, granted to the said hospital one sheaf of corn to be received every year from every acre of their demesne for ever, and the tithe of all the bread of the convent and the prior's court, and the tithe of all the cheese, the tithe whereof they were not accustomed to give to the parish churches, and the tithe of the fitches (*carnium*), which they make every year in the court of the prior and monks at Bath. And moreover we have granted to the aforementioned Prior William, and his successors, and the convent of Bath that they shall for ever freely ordain and dispose concerning the abovesaid hospital house as of their own almonry. And for the ratification and confirmation of this present charter, we have thought meet to confirm it with our own seal and the seals of both of our churches of Bath and Wells. And whosoever shall dare to make void (*irritare*) this sheet (*paginam*) of our gift and grant shall incur the wrath of God and of St. John the Baptist, and of the Apostles Peter and Paul, and of St. Andrew and All Saints, together with our own. These being witnesses: Alexander the Dean and Thomas the Sub-dean of Wells, Master Godfrey de Lantoiñ, William de Cerda, Jocelin our chaplain, Master Roger de Doncliz, Hugh Roger, Jocelin of Wells, William de Winton, Roger de Bonneville, Richard Marshal, Adam de Rammesbury and many more.

Also the said prior then and there shewed furth before us a confirmation of Savaricke, somtyme Busshop of Bath and Glaston,<sup>2</sup> of the said donation begynnyng on this wyse: [*Translation*] To all the faithful sons of Mother Church to whom this present writing shall come, Savarick, by the grace of God Bishop of Bath and Glaston, true greeting in Christ. Know ye, etc., *likewise without date*. Also a graunt and confirmation of

<sup>1</sup> The only William, Prior of Bath, of whom there is notice is William Southbroke, ? 1425-1447 (*Bath Chart.*, lxxix), who obviously cannot be the one referred to.

<sup>2</sup> 1192-1205.

the same hospitall and other of Roger,<sup>1</sup> sometyme Busshop of Bath and Welles, wherin is conteyned or recyted the grauntes of dyvers kynges of England and begynneth thus: [*Translation*] To all the faithful of Christ to whom the present writing shall come, Roger, by the grace of God Bishop of Bath and Wells, eternal greeting in the Lord. We by the prerogative, etc. Given at Chewe in the year of our Lord 1246; with confirmation of the Dean and chapitre of Wells. Alsoo a graunt and confirmation of the said hospitall amongst other thynges of Walter,<sup>2</sup> sometyme Busshop of Bath and Welles, begynnyng: [*Translation*] To all the faithful of Christ to whom the present writing shall come, Walter, by the grace of God Bishop of Bath and Wells, eternal greeting in the Lord. Those whom by the prerogative of favour, etc. Given at Woky 2 Kal. March, 1302; with confirmation likewyse of the Deane and chapitre of Welles.

Item the said Prior then and there shewed furth an old legier mencionyng that John Clopton,<sup>3</sup> sometyme prior of the said priorye of Bath, gave the said hospitall as verry and right patron to oon Sir John Babyngton in Kyng Edward the furste is dayes. Also that John Ifford,<sup>4</sup> sometyme prior there, gave the said hospitall to oon Adam Hattefeld in Kyng Edwarde the iiijde is dayes, and soo shewed furth in the said legier every maisters name that have been made by the predecessours of the nowe prior and of the gifte of the said nowe prior without trouble disturbance or lette of any other persone or persones, and soo quyety hath and doth contynue the same.

#### The iiijde Interrogatorye.

Whether the said now Prior hath a licence of the now busshop of Bath to retayne the said hospitall in his own handes to thentent to reedifye the same with thissues and profites of the same.

<sup>1</sup> Roger, formerly precentor of Salisbury, was bishop from 1244-1248.

<sup>2</sup> Walter Haselshaw, 1302-1311.

<sup>3</sup> He is the Prior John, surname unknown, who appears in the list of priors (?) 1461-1469. *Bath Chart.*, lxxix.

<sup>4</sup> Prior from 1340-(?) 1359. *Ibid.*, lxxix.

The said prior then and there shewed furth before us a graunte or lycence of unyon or incorporation of the said hospitall of Seynt John is to the said monasterie and cathedrall church of Bathe of the graunte and undre the seale of John, now Busshop of Bath,<sup>1</sup> wherof the tenor foloweth worde by worde: [*Translation*] To all the sons of holy Mother Church, who shall see or hear the present letters, and especially those whom it concerns or may hereafter concern, John, by permission of God, Bishop of Bath and Wells, greeting, grace and benediction. To the end that the hospitals and other ecclesiastical places in our diocese of Bath and Wells, piously granted to the necessary use of the poor, may not suffer ruin in their buildings and edifices through default and negligence of those who have charge of them, and the said poor be forced to endure the calamity entailed by the ruin of such places, we, in the zeal and anxiety belonging to our pastoral office, solicitous concerning the damage and danger which we see has come to some such places, intend to apply thereto the remedy of our care, the rather since the necessity of the times and the reasonableness of the cause urge us thereto, and the increase of divine worship demands the same. A petition set before us by our well-beloved in Christ Master James Horton,<sup>2</sup> "bachelor of decrees," master or warden of the hospital of St. John the Baptist in our city of Bath, shows how the fruits, rents and issues thereof are quite insufficient by reason of their being notoriously so small, to maintain himself and the poor of his hospital, which has brought great suffering on the said poor people; also many parts of the structure and fabric of the said hospital have perished, and those that remain are threatened with irreparable ruin. And, as the petition continues, if this hospital (to which is annexed the parish church of St. Michael in the said city) were united and incorporated with our monastery or cathedral church of Bath, which resignation was made solely for the purpose within written of preserving the same, and for no other cause or inducement whatsoever, the best provision would be made for the poor folks inhabiting there and divine worship

<sup>1</sup> John Clerk, who was bishop of Bath and Wells from 1523 to 1541.

<sup>2</sup> He was appointed as Prior of St. John's Hospital by William Bird Prior of Bath, in 1520. *Bath Chart.*, Intro., lxxx and ii, No. 943.

increased therein. Wherefore the said Master James, the master or warden, fearing that still greater evil awaited the said hospital in the future, humbly besought us to take steps in the premises and to grant our favour. We therefore, sincerely sympathising in this matter, and believing the petition to be just and consonant with reason, have caused diligent inquiry to be made concerning all and singular the premises, and we have ascertained on our own behalf and from certain trustworthy persons produced in this connection by the said master, that all and singular the facts asserted by the said master (as is abovesaid) are true, and that the said master wishes the state of the aforesaid hospital changed for no wicked design but only for its improvement. Therefore by the presents we unite, incorporate and annex the said hospital, vacant by the resignation of the said John, to our monastery or cathedral church aforesaid for ever, so that it shall and henceforth may be lawful to the venerable and religious man William, by the mercy of God now prior of our said monastery or cathedral church, by the prior accustomed to be governed, freely to take corporal, real and actual possession of the same hospital by his own authority, and to receive and take the fruits, rents and issues thereof, and to convert and for ever retain the same to the use of our said cathedral church and of the said hospital, and for the benefit of the poor according to the first ordinance thereof, requiring no licence therein from any superior authority. And for the more sufficient maintenance of the poor and the more easily discharging certain other burdens upon the said hospital, willing with fatherly solicitude that the said hospital should be assisted in its necessity, seeing the smallness of the rents and issues thereof, which are insufficient as is abovesaid, for its maintenance, understanding also that a certain sum of 8*l.* of the usual money of this Kingdom has been paid every year to the said hospital from time immemorial, by the pious largess and grant of our predecessors, bishops of Bath and Wells, the which payment by tenor of these presents we do approve, and confirm the same to be paid every year in the time to come on behalf of us and our successors, to be applied to the benefit of the said hospital, we decree and grant that the same shall be paid every year peacefully, quietly and faithfully by our receiver for the time

being. Moreover we will, after the such union and incorporation shall have been duly effected, that the said hospital shall not on that account be defrauded of services, nor shall the [cure?] of souls in the said parish church be in any wise neglected, but all its charges due and accustomed of old time shall be maintained. All and singular the which things, together with these our present letters, and the things therein set forth and contained we declare and notify to you one and all, that you may not be able to pretend any ignorance concerning the premises. Given at Wells under our seal 18 February, 1526.

Item the said Prior then and there shewed furth before us in a parchement skyne writen thentent and ordynance of the said Prior accordyng to tholde fundacion of the said hospitall, whiche the said Prior hade sende by Maister Thomas, clerke unto the said now busshop of Bath, to thentent that the said busshop shuld se the same and new conferme the same ordynances, to the drawyng wherof the said Prior hade, as be said before us, counsaill as well spirituall as temporall, the pennyng wherof to booth the counsaill the said Prior reported of his presthod stode hym in xl markes and above.

#### The fyfte interrogatorye.

Whether the said Prior hath made reparations upon the said hospitalis and the tenementes belonging to the same to the value of oone c markes or to what value.

Walter Symon, mason, of thage of l yeres or thereabouts, William Grace, mason, of thage of l yeres or there aboutes, and William Hunt, mason, of thage of lx yeres or there aboutes, depose that William, now Prior of Bath, dispended and bestowed in and upon the buldynges and reparations of the hospitall of Seynt Johnis in Bathe and the tenementes and houses therunto belongyng above the some of oone c poundes, And therof xlii. passed and was accompted by the handes of the said Walter Symon.

Also the said Prior then and there shewed furthe before us a fayre playne booke in paper declaryng what charges he hade done in the buldynges and reparation of the said hospitall etc., in the which booke it doth appere particuler every man what wages dyde take dayly for his or there laubor, whiche paymentes

were delyvered wekely by the said Prior to his cosyner<sup>1</sup> for the tyme beyng, and moost in speciall to oon Dan John Bekyngton, to thentent that the workmen upon the said hospitall shuld be payed as they were and be to the knowledge of the said Prior; whiche buldynges and reparations mentioned in the said booke drawe as appereth clerely by the same boke to the some of lxvij*l.* vs. ij*d.* ob.

John Bekyngton, cosyner of the house of the said Prior,<sup>2</sup> of thage of xl yeres or there aboutes, saith that he dyd sett for his tyme the workmen upon the buldyng etc. of the said hospitall etc. And that he made and wrote for the greate parte the said boke shewed before the said commysioners; and he truly for his tyme receyved the particuler sommes mencioned therin, and so payed unto every persone named in the said boke.

The vj*xt.* Interrogatorye.

Whether the said reparations drawe above the clere yerely value of the rentes of the said hospitall.

The said Prior then and there brought furth before us commysioners a rental of all the londes, rentes and other profytts belongyng in any wyse to the said hospitall duryng the tyme that itt was in his handes, which yerely amounteth to the some of xxviii*l.* xvs. j*d.*, that is to say in rentt of assize xxij*l.* viijs. vd. More of a pension yerely of the bussshop of Bath cs. and of tythes of Seynt Mighell is churche xxvjs. viij*d.*

And thereupon oon John Talbot, of thage of l yeres or there aboutes; sayth that the said Prior appoynted and commaunded hym to take tholde rentalles and other bokes belonging to the said hospitall immediately upon the surrender or resignation of the said Maister James Horten into his handes, and that the yerely rentes etc. therin mencioned amounted to the some of xxviij*l.* xvs. j*d.* and no more. And that he gathered the rent of the said hospitall from the tyme of the said surrender untill

<sup>1</sup> The explanation of this is difficult. In Dufresne's *Glossary of Late Latin Terms* we find "Cosinerius," cook, but the duty with which we find the cosyner charged here seems strange if he were the priory cook.

<sup>2</sup> He received a pension of £6 13s. 4d. at the Dissolution. *Bath Chart.*, lxx.

the tyme that the said Prior gave the said hospitall to Sir John Symons, now incumbent, which was as this deponent remembreth by the space of v yeres or there aboutes, in all whiche he cowde not knowe nor here of the said yerely rentes etc. to be above the said some of xxviij*l*. xv*s*. j*d*. And longer the said Prior held itt nott, butt gave it owt of his handes att the desyre and speciall request as this deponent hath herd saye, and as the comen fame is, of the said William Crowch, to the said Sir John Symons, whiche is a nighe kynnesman or alyaunce of the said William Crouche, as reporte is. Duryng the said v yeres the Prior made greate reparations and coste upon the said hospitall, butt to what some this deponent remembreth nott. How beitt he knoweth that the yerely charges besydes reparations and buldynges payed by the said Prior for the said hospitall amounted to xxviij*l*. xix*s*. v*d*. ob. q<sup>a</sup>, that is to saye for the yerely wages or stypend of ij prestes oone at the said hospitall and an other at Seynt Mighell is xiiij v*s*. viij*d*. Item in almesse to pore people iiij*l*. xs. viij*d*. Item in rent resolute xxvijs. iij*d*. ob. q<sup>a</sup>. Item to this deponent, rent gatherer, lv*s*. viiiij*d*. Item in obytes or anniversaries ijs. ij*d*. Item in decayes of tenementes of the hoole charge vi*l*. xv*s*. And more this deponent remembreth nott.

After which deposition the said Prior shewed furth before us a bylle of the particles of the said charges (including) in almes dedes of charite. Inprimis to Thomas Walsheman and his wyfe wekely every of them iiij*d*., yerely xxxiiijs. viij*d*. Item to Julyan Jenkins a pore woman wekely v*d*. with a house to dwell in of vijs. by yere rentfre, yerely xxxiiijs. viij*d*. Item to William Macy<sup>1</sup> wekely iiij*d*., yerely xvijs. iiij*d*. Item to William Hude yerely iijs. Summa: iiij*l*. xs. viij*d*.

In owt renttes: In primis to the Bailly of the cittie yerely for Langables<sup>2</sup> xs. v*d*. ob. q<sup>a</sup>. Item to the proctours of the comons for certain tenementes yerely ijs. v*d*. Item to the proctours of stalles viij*d*. Item to my office yerely v*s*. viij*d*. Item to my sexten yerely ijs. Item to my sexten ij lb. of wax yerely xij*d*.

<sup>1</sup> John Macie of Witcombe, weaver, is mentioned in 1538. *Bath Chart.*, lxxiii.

<sup>2</sup> *i.e.*, land-gable, a tax payable to the corporation.



Item to my hosteler is office, ijs. Item to my pittansary is office yerely ijs. Summa : xxvijs. iij*d.* ob. q<sup>a</sup>.

In wages. In primis to Talbott Rentgatherer for his wages yerely xxs. Item for his lyvery cote xs. Item for his borde yerely xxvjs. viij*d.* Summa : lvjs. viij*d.*

Item in anniversies or obites yerely iijs. ij*d.*

Decayes of tenementes ; Inprimis vijs. of a tenement decayed that David Horseman somtyme dyde hold by the Crosse bathe.<sup>1</sup> Item vijs. of a tenement next to Seynt Mighell is church dore now a garden. Item xiiijs. of ij tenementes decayed besydes the Crosebathe. Item xxs. of a tenement called the Crowne. viijs. Item of a tenement besydes Woton. Item viijs. of ij stables in Seynt Mighell is lane. Item iiijs. of the Cornehouse decayed by Seynt Mighell is church. Item xvs. of iij tenementes decayed and now gardens in John Whyte is handes in Binbery Lane. Item iiijs. of the Cornehouse now a voide grounde by the hote bathe. Item xxs. of a tenement decayed in Westgate Strete. Item viijs. of a tenement that Hude hade. Summa : vli. xvs.

And soo the said Prior saith that the yerely charges of the said hospitall besydes buldynges and reparations was above any rentes and profites by hym receyved iiijs. vj*d.* ob. q<sup>a</sup>.

The vijth Interrogatorye.

What ys the clere yerely value of the rentes belongyng to the said hospitall.

The said John Talbott deposeth as he hath before deposed.

The viijth Interrogatorye.

Whether the said Crouch persuaded the said Prior and made hyme beleve that he cowde nott keepe the said hospitall in his own handes but shuld lease ytt yf he soo dyde.

The said Prior herupon demaunded and examyned sayth that of treuth William Crouche, often and many tymes movyng and spekyng unto hym of the said hospitall, bore him allweyes

<sup>1</sup> The Cross Bath, the Hot Bath and the King's Bath are often mentioned in 15th and 16th century records, also the "Crown," Westgate Street and Binbery Lane. *Bath Munic. Records* ; Warner, *Bath*.

in hande that he shuld nott any longer be suffered to kepe the said hospitall, butt that he shuld shortely lease ytt, by reason wherof he brought the said Prior in mynde and wyll to gyve the same hospitall to some gode and charitable man, whiche wold be content to recompense as reason wold such costes and charges as the said Prior hade done and bestowed upon the said hospitall. Furthermore the Prior saith that at the same he shewed and opened hymselfe att London this sayeng and motion of Crouche unto Maister John Skuse, Maister Doctor Peter Lycham and to David Broke, his nigh frendes, and desyred there counsaill, as he doubteth nott butt they and every of theym wyll yett reporte yf they be therupon examyned.

The ixth Interrogatorye.

Whether the said Prior herupon and by the persuasion of the said Crouche gave the said hospitall to the said Sir John Symons.

John Symons now maister of the said hospitall of Seynt John is, of thage of xl yeres or there aboutes, saith that by the meane of William Crouche the said Prior gave to him the said hospitall of Seynt John is upon the consideration that he shuld content to the said Prior costes and charges leyde owte by the said Prior in the buldyng and repaying of the said hospitall and the tenementes in the cittie of Bathe belonging to the same. And after the payment of the said money by this deponent att Combe within the countie of Somersett he saith that he herde the said Crouche desyre the said Prior to be good unto hym, that if his kynnesman this deponent shuld dye that he myght [have] the next avoydaunce. And the said Prior then said that the said Crouche wolde be nopreaste, what wyll youe doo with ytt. And then the said Prior said that he wold be gode unto hym yff itt soo chaused that hys kynnesman dyed; and more he cannott saye, butt that immediatly after the graunt of the said hospitall made by the said Prior to the said Crouche this deponent receyved from the said Crouche a lettre writen with his owne hande wherof the tenor here foloweth:

Cousyn, in my right herty maner I recommede me unto youe, advertysyng youe that I have desyred my lord Prior of Bath to be good unto you, and he hath at my desyre gevyen unto

youe the maistership of Seynt Johnis of Bathe, which is a verye worschipfull promocion, for ytt is of rent of assise by the hoole yere xvij *l.* besydes other profites and casualties to the same belongyng, as ye shall more perfitey knowe att your comyng. If itt please youe to take ytt upon youe ye mooste paye for all the costes that my lord Prior hath doone upon the place and other houses belongyng to the said house, which amounteth to the some of iij<sup>xx</sup> poundes. Howe beitt ye shall pay no more at your entre but xl *l.* in hand. And for the rest I trust we shall intrate my lord wull inough for ytt either to forgyve halfe or all, which is xx<sup>li</sup> poundes. And thus fare ye wull. I pray youe geve credence to my brother who can enforme youe more of my mynde.

By all yours William Crouche.

To his lovyng cousyn Sir John Symons, clerke, this be delivered. Whiche lettre the said Sir John Symons shewed furth before us with desyres to take the copy of the same, and certifye thereof the King is moost honorable counsaill.

The xth Interrogatorye.

What lyvyng hath the said Crouch by the said Prior and to whate yerely value.

The said Prior apperyng before us affermeth that the said William Crouche obtaigned of hym by the space that he was drawyng to his monasteric a yerely fee of xxxs. by covent seale, and xiijs. iiij<sup>d.</sup> for his lyvere, and besydes he hade horsemete and mann is mete as often and whan he come into the said Priorye. Moreover the said Crouche obtaigned of the said Prior the reversion of the parsonage of Inglysshcombe, which by reporte is xx<sup>li</sup> markes better than the rent. And alsoo he hade of the same Prior the lease or graunte of the parsonage of Castellcary, which was unto hym as is reporte vj<sup>l.</sup> xiijs. iiij<sup>d.</sup> above the yerely rente. And more hee remembreth nott.

(signed) Edward Wadham.  
Walter Hungerford, Kt.

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*To the Kyng ower sovereyn Lord.*

In moost humble wyse sheweth unto youre Highnes your daylye oratoure Wyllyam Crouche<sup>1</sup> That wher one William Holwaye,<sup>2</sup> Priour of the monestary of Saynt Savyor Seynt Peter and Pawlle of Bathe in the countie of Somersett, and parson in parsony of the parsonage of Castell Cary<sup>3</sup> in the said countye, and the covent of the same place, by ther wryting redye to be shewed, datyd the xjth daye of November the xxiiijth yere of the reyne of our sovereyn lord Kyng Henry theight,<sup>4</sup> for the fyne of xx*li.* by your said orator payde, demysed and grauntyd the syte of the said parsonage with all howses theruppon buylded, and all landes, tenementes, medowes [etc.] unto your said suppliant from the fest of Saynt Michill tharcangell last before the date of the said wryting duryng the lyve of your oratour, the remaynder therof after the decesse of youre said oratoure to John Crouche, nye Kynsman to youre oratoure, for terme of his lyfe, yelding therfore yerely during ther lyves to the said priour, covent, and ther successors, xij*li.* of good and lefull money of Englande, to be payde yerly at the Festes of the Nativite of Saynt John the Baptist<sup>5</sup> and the Nativite of owre Lord God by evyn porcions. By force wherof youre orator att the Annunciacion of owre blessyd Ladie the Virgin then nexte insuyng into the said parsonage with parte of the glebe landes therunto belongynge entryd and was therof seased in his demeane as of frehold, and so was seased untill the xxiiij [?] day of Februarii the xxvth yere of youre moost noble reyn,<sup>6</sup> att whiche daye one Thomas Horner Richerd

<sup>1</sup> See above, p. 129.<sup>2</sup> See above, p. 129.<sup>3</sup> William Crouch evidently continued to hold this rectory after the lease from the Prior had expired. He may after the Dissolution have obtained a grant from the Crown which has not been found. However that may be, we know that he presented to the vicarage of Castle Cary in 1554. *Somers Incumbents*, p. 46.<sup>4</sup> 1532.<sup>5</sup> 24 June.<sup>6</sup> 1534.

Morgan Walter Cary John Mortymer Willyam Wylkyns John Bosgrave and dyverce other persons with swerdes bucklers daggers stavys and other wepens in vasyve ageyn your peace, sovereyne Lorde, by the commaundement of the said priour into the said parsonage and dyverce landes therunto belongyng with thappurtenaunces forsybely and ryottesly dyd entre. And afterward in August the said xxvth yere the said malefactors toke as moche corne of your said orators as amountyd to the som of xl markes, whiche was severyd from the ixth parte lying in the feldes of the said paryshe ageyn the wille and mynde of your supplyant, whiche they yett wrongfully detayn and kepe. And the said malefactors so use them sylfes that your orator with moche dyffycultye and daunger kepith the possession of the said parsonage, by reason of withholding of whiche corne so unfeully takyn your orator shall not be able to satisfie the said yerely rent of xij*l*.; by reason wherof he shall stand in daunger and juperdic of losing of his said title and ynterest in the said parsonage. The whiche malefactors and ryottes persons so assemble and accompanye together that the farmers of your orator of the said parsonage stand in grett feere and juperdic of ther lyves to the evyll example of lyke offenders in tyn cummyng yff due correccon be not had with spede in the premisses. Hit may therefore please your Grace, the premisses concedryd, to graunt severall wryttes of subpena to be dyrectyd to the said Priour, Thomas Horner [and the others], commaunding them by virtue therof personally to appere before your Grace and youre moost honorable counceyll att Westminster att a certeyn daye [etc. etc.]  
(signed) [?] Shirdler.<sup>1</sup>

The answer of William Hollewey, Priour of Bath, and of Thomas Horner aforesaid.

(They deny the alleged riot, and acknowledge the lease, which, however, contained this condition :) that if it happyn the said rent of xij*l*. to be behinde and unpayde by the space of vj wykes after any of the termes afforesaid, if it be lawfully askyd, and no sufficient distresse for the same rent so beyng behynde may be founden in and upon the said parsonage so demysed, then it

<sup>1</sup> This is the signature of the counsel who drafted the bill. See above, p. 9.

shalbe leyfull to the said priour and covent into the said rectory to renter and the same to holde in there olde estate. And forasmoche as the said rent of xij*l*. for a hole yere was behynde and unpayd at the feste of the birthe of oure Lorde God, the said Priour sent one John Horner auctorisid to the said parsonage to demaunde in the name of the said priour and covent the same rent of xij*l*., and also auctorisid the said John Horner and Richard Morgan into the said parsonage to reenter for defaute of payment of the said rent accordynge to the condysion affore rehersed. By reason wherof the said John Horner and Richard Morgan the v day of February laste paste in the laste houre of the same day came upon the same parsonage and at the howse there and at dyvers other places of the same parsonage and ferme so letten demandid the said rent, and there was no man redy to pay the same, nor any sufficient dystresse there to be takyn for the same cowde be founde; by force wherof they departed. And forasmoche as the said John Horner was in doubtge whether the sayd v day were the day on the whiche the said rent ought to be demandid, on the next day he came ageyn to the said parsonage, and in the laste houre of the same syxte day, and there demaundid the same rent, and there continually abode the holle tyme of the said severall laste houres of the said ij dayes, and there was no man by all the said tyme to pay hyme nor no sufficient distresse as is abovesaid. Wherefore the said Richard Morgan on the xxvijth day of Februarii then next insuenge by sufficient and lawful auctorite into the premisses lawfully enterid in the name of the said priour and covent as lawful was for hyme to do. And after aboute the feste of Seynt James thappestell<sup>1</sup> then next folowynge the said Prior bargayned and solde unto the said Thomas Horner and one John Bosgrove all the tithe corne of the said parsonage of Castell Cary to them belonginge for that yere. By force wherof the said Thomas Horner and John Bosgrove in Auguste then next ensuenge toke the said tythe corne in the said bill specified within the precinct of the said parsonage, beinge severed from the ix parties, as lawfull was for them to doo, after which lawfull entre and lawfull takyn of the said corne, the said William Crouche untruly

<sup>1</sup> 25 July.

surmising to the Kinges moste honorable counsell that the priour hade unjustly takyn the said corne without title or good cause, the<sup>1</sup> matter concernyng the said tythe corne dependinge before the Kyng and his moste honorable counsell in the Star Chamber, where no such matter was then dependyng before the said counsell at the tyme of the takynge of the said corne nor long after, he opteyned one injunction to the said prior directid commaundyng hym by the same to redelyver the same corne to the same William Crouche, or the value thereof. By reason wherof the said prior feyryng to falle in any contempte ayenste our soverend Lorde, delyvered then to the said William Crouche xij*li*. for the value of the said corne, which the same Crouche receyved. Wherefore the said prior prayeth that the said Crouche may as well be compellid to make restitution to the said prior of the said xij*li*. so craftely and untruly by hyme atteyned, as also to pay xij*li*. for one holle yeres rent according to right and good conciens; without that that [etc. etc.]

<sup>2</sup>The replication of William Crouche to thaunswer of William Holwaye, Prior of the monastery of Bathe, and Thomas Horner.

He sayth that a longe tyme before the tyme that the said lease was made by the said pryour to the compleynant of the parsonage of Castell Carye, the pryour had secretly made a lease therof unto one Wyllyam Wylkens for terme of his lyve,<sup>3</sup> so that the complaynant could not lefully occupye the said parsonage nor take the profettes therof long tyme after the said lease so made unto hym, for that the said Wylkyns enterrupted, dysturbyd and lettyd hym from thentre into the said parsonage and glebe land, and wolde not suffer hym to take any profettes thereof onlesse he shoulde stande in jupardie of hys lyve, untill hyt was att the Fest of the Natyvite of our Lord God the xxiiijth yere of the reyne of the now Lord the Kyng,<sup>4</sup> by whiche tyme Wylkyns had yelded uppe to the pryour his ynterest and tytyle in the sayd

<sup>1</sup> Supply "and that."

<sup>2</sup> This, though bound up in Vol. XI, is obviously part of this suit, and is printed in what appears to be its right order.

<sup>3</sup> This lease has not been found in the register of Prior Holleway. Harl. MS., 3970.

<sup>4</sup> 25 Dec., 1531.

parsonage, notwithstandinge whiche the said Wylkyns had afore that tyme embleyde and sowen with certeyn corne dyverce parcelles of the glebe landes belongyng to the said parsonage, with the which the said Wylkyns wold not suffer the compleynant to medle withall, nor take any profett thereof, untyll hyt were past the moneth of August the xxvth yere of the said reigne, by whiche tyme the said Wylkyns had caryed and conveyde away his corne so by hym sowen upon the sayd glebe land ; by reason wherof the said pryour promysed to the compleynant that he should not be charged with the payment of any rent for the said parsonage for the firste halfe yere next after the sayd lease so made unto hym, without that that ther was due to the sayd pryour at the Feast of the Nativite of our Lord God last past [etc. etc.]

Also ther was suffycient dystresse upon the sayd parsonage lyable to the dystresses of the said priour, and he denyeth any such entre was made by Morgans as ys specified in the sayd awnswere, or that hyt was lefull for hym to entre into the same, for he saith that dyverce tymes he offrid to paye unto the said priour such rent as was due unto hym upon the sayd lease att the sayd monastery of Bathe, whiche to receyve he refused, saying that he wolde commen with the compleynant for that matter att his nexte cummyng to London. He also denyeth that hyt was lefull for the said Horner and Bosgrave to take the sayd corne by reason of any suche bargayn and sale to them supposed to be made or that the compleynant made any unjust or untrew surmyse unto the Kynges moost honorable counceyll ageyn the said pryour for the takyng awaye of the sayd corne, for he sayeth that suche informacion as he made to the sayd counceyll concernyng that matter was trewe ; or that the xij*li*. delyveryd to the compleynant by the pryour by reason of the injunction was as moche worthe as the sayd tithe corne by hym taken amounted unto, whiche was worth xx*li*. or thereaboute.

The answer of Wylliam, Pryour of Bathe, to the interrogatoryes of Wylliam Crowche.

He was agreed to make to the sayd Wylkyns a lease of the parsonage of Carye to begin at Crystmas or at Mydsomer in



what yere he remembryth not ; for iij lyvys, as he remembryth ; and the sayd Wylkyns theruppon entred and occupied the sayd parsonage abowte vj or vij yeres, withowte any possession delyveryd or any lease therof made in wrytting, and payed *xli.* to fyne or ther aboute.

By reason of the occupyeng of the said parsonage the said Wilkins was indebted to the said pryour in a certeyne some of money for hys rent by the space of oone yere and a halfe, as he remembryth ; wyche debte the said pryour offentymes requyred of the sayd Wylkyns, and divers tymes he promysed payment, and kepte not hys promise. And at the last he promisyd by his letters sent to the Priour that yff he payed not the sayd debte at a daye in his sayd letters expressyd, that then the sayd pryour shuld dispose of the sayd parsonage of Castelkarye at his pleasure, so that he wolde paye unto the sayd Wylkyns hys fyne ageyne. At wyche daye Wylkyns kepte not hys promise, and the pryour theruppon made graunt of the parsonage to Crowche, and Wylkyns dyd yelde upp and release by wrytting all hys interest and tittle of the said parsonage but what daye he remembryth not, but conjecturyth yt was abowte the Fest of St. Thomas thappostell before Crystmasse in the xxiiij. yere of the Kyng that now ys, wyche release is in the monastery of the said pryour redye to be shewyd.

He made agraunte of the parsonage to Crowche afore the release made in wrytting, howbeyt Wylkyns was agreed wyth the sayd pryour by his letters long before that tyme to release as he after dyd, so that he myght have hys fyne ageyne alowyd by the said pryour. He never made any promise to Crowche that he shuld not be charged with rente of oone *di.* yere nexte ensuyng after the making of his lease, but uppon the entre of Crowche he lost between the said Crowche and Wylkyns the rent of oone halfe yere, that ys to saye from Midsomer to Crystmasse, as the sayd Crowche and Wylkyns theym selfe do knowe.

He knoweth not that Wylkyns occupied any parte of the parsonage after the possession therof gyven to the sayd Crowche, which was abowte the feast of St. Martyne the Bysshope<sup>1</sup> in the said xxiiij. yere ; and yff he dyd yt was with-

<sup>1</sup> 11 November.

owte tittle and ageynst the wyll of the said Pryour. And the said Crowche promised that he wolde take yt according to his lease at all parells ; and the pryour never herde that Crowche was disturbyd in his possession of the sayd parsonage by the sayd Wylkyns or any other in hys name.

Baker and Mylys never promysed to paye hym any rente due at the Feast of the Anunciation of our Ladye, next ensuyng after the begynnyng of Crowches lease, for as moche as ther was noo rent dew to the pryour by Wylkyns nor yett by Crowche at that feast. After Wylkyns, being in arrear for oone hole yere and a *di*<sup>1</sup> at Mydsomer in the xxiiiijth yere, broke the promyse of his letters, the pryour, abowte the Feast of All Saynctes then nexte folowyng, as he now remembryth, desyred the sayd Crowche to cause, the sayd Baker and Mylls, wyche were occupiers of certeyne glebe land longyng to the said parsonage under the said Wylkyns, to come over to Bathe to the said prior, and to speke with hym. And so they dyd. At wiche tyme the pryour desyred them to staye and kepe styll in theyre handes all suche monye as they owghte unto the sayd Wylkyns for any thyng belongyng to the sayd parsonage, untill suche tyme as Wylkyns had agreed with the pryour for the sayd rent that was behynde unpaid. And so they promised to doo, and departyd. And after the release had bene made by Wylkyns they came to the Pryour, and demaundyd of hym to whome they shulde paye theyre rent due to the sayd Wylkyns. And then the Prior sayde to them that Wylkyns and he wer at a poynt for Wylkyns interest, and therfore paye your rent wher ye wyll to hym that of ryghte owghte to have yt. And yff therbe any variaunce betwene Wylkyns and Crowche, as I knowe noone, then kepe the rent styll in your hand tyll they be agreed. And so they departyd from the Prior withoute any rent receyved by the said Prior ; and who receyved the sayde rent he knoweth not.

He never dischargyd Crowche from the payment of any halfe yeres rent due at thannunciation of our Ladye in the xxiiiijth yere in the presence of the sayd Baker nor of any other, nor the sayd Pryour had never cause so for to doo, for ther was no rente then dewe.

<sup>1</sup> *i.e.* dimidium, half.

It is trewe that the vicar of Inglyshecombe<sup>1</sup> abowte Cristmas in the xxv yere of Kyng Henry the vijth<sup>2</sup> was in Bathe, but wether he was send thether by Crowche or not for payment of any rent he can not tell, for he payed noone unto the Pryour, but sayd, as yt had byn in jestyng, that the sayde Crowche wolde have spoke with the Pryour and paye hym rent, whereunto the Pryor answeryd that he wolde gladly receive his rent, but what daye yt was he remembryth not. Afterward the Prior sent the vicar of Stalls to Crowche, then beyng in the Barton by Bathe, with a sufficient acquietaunce made by the said Prior to demawnde of Crowche in the name of the Prior xij*li*. then dewe for the said parsonage of Castellkary. And the vicar so dyd in every thyng, and Crowche made answer that he owghte but vj*li*., and he wolde pay no more; wheruppon the said vicar toke record and so departyd.

The sayd vicar [of Inglishcombe] at no tyme offeryd to hym any rent, nor the sayd Pryor never refusyd to receive hys dewe rent; and when the vicar sayd that Crowche wolde speke with hym, the Prior askyd whye, and the vicar sayd he wolde paye hym oone halfe yeres rent, and aske hym forgevenes. And the Pryour sayed Crowche oughte hym for one hole yeres rent, and he wolde not take but the hole yeres rente accordyng to hys deede. And then the vicar sayd that he wolde paye but the *di* yeres rent. Wheruppon the Prior sayde he wolde speke with Crowche at London, for as he herde saye the sayde Crowche had a sub pena ageynst hym; and more he remembryth not.

## BUNDLE 22, No. 151.

vijij Februarii *ex parte* Crowche *contra* Priorem de Bath.

Robert Bayly,<sup>3</sup> baker of Castell Cary in the countye of Somerset, sayeth that he hath knolege of such lease specified, and hath herde it redde, and sene it under the covent seale of the Priory of Bathe; it began at Myghelmas last was ij yeres, to

<sup>1</sup> The only institution to Englishcombe between 1493 and 1541 that has been found is that of William Sherwood. Weaver, *Somers. Incumb.*, 271.

<sup>2</sup> 1533.

<sup>3</sup> The will of a William Baily of Castle Cary was proved in 1515.

endure the lyffe tyme of the said Crowche and ij lyves after his deth.

After the beginning of the same lease Wylliam Wylkyns was in possession of the same parsonage, and kepte Crowche oute therof by force untill Crystysmas next after.

At the said Myghelmas Wylkyns dyd sowe the groundes belonging to the parsonage, notwithstanding the forsaid lease. He had certen grayne growyng ther till August folowyng, at whiche tyme Crowche suffered him peasably to cary hyt awaye.

About the feast of St. Andrewe last past<sup>1</sup> was ij yeres this deponent was present in the conventuall churche of Bathe, when the said Prior said unto Crowche; Crowche because ye have receyved no profits of the parsonage of Cary syth Myghelmas I wyll discharge yow of the halfe yeres rent therof; wherupon Crowche desyred this deponent and John Myles to be wytnes therof.

John Myles, taylor of Castell cary, deposes as above.

### A Castell and others v. Abbot of Athelney.

VOL. VIII, No. 186. DATE: 1535.

To the King our soueraign lord.

In most humble & lamentable wyse compleyneng shewen unto your most excellent highnez your true & feythfull subiettes & dayly oratours John a Castell<sup>2</sup> William Fuljame & Walter Baryngton that where your seid orator the iiiijth day of Aprell in the xxvjth yere of your most gracyous reigne<sup>3</sup> were in godes peace & yours att Saltmore with the parishe of Gregorie Stoke yn your countie of Somerset intendencyng ne myndyng eny bodely hurte or dyspleasure unto eny person one Thomas fackeryll William Tomson John Fackeryll William Hoper Thomas Saunder John Hyll Henry Gade John lubbyn Thomas Stanurby John Keberd John Walford Richard Bryen John Captyn Henry

<sup>1</sup> 30 November.

<sup>2</sup> John a Castell, "the younger," of the neighbouring parish of Enmore, is mentioned in a will of 1535, he being then one of the trustees of the testator's land in Broomfield. *Wells Wills*, p. 82.

<sup>3</sup> 1535.

Hoges William Myles the yonger Richard Baken William Colyns Richard Androwes Richard Serle Richard Fakeryll son of the said John Fackeryll William Ditty John Hatys William Fackeryll John Syncombe John Hykly William Benett William Cosyn William Gade John Cade William Miles the elder Richard Wylshere John Gybyns Walter Shyperd Jamys Barstabyll John Barstabyll John Holles & dyuerse other ryottous & mysruled persons to the nombre of xl persons & aboue unto your seid orator unknowen beyng the scruantes tenautes & adherentes of the Abbott of the monasterye of Athlyny<sup>1</sup> yn your seid county of Somersett by the unlawfull commaundement & abettement of the seid Abbott dyd unlawfully assemble & gether them selfe together att Saltmore aforeseid & so unlawfully assemblyd with force & armys thatt ys to sey with bowez arrows swerdes buckelers bylles staves & other defensyue & invasyue wepons & in maner of warre arrayed in such unlawfull maner as in those parties hertofore hath nott byn seen the iijth day of Aprell last past came unto Saltmore aforeseid & then & there with force & armys by the commaundement procurement & abettement of the seid Abbott cruelly assaulted & made affray upon your seid orator & them then & there sore cutte bete & wounded & also putt them in greate jeopardye of their lyues and moreouer the seid ryottous and mysruled persons nott being yett content of their further malycous & evell dysposed myndes dyd also then & there with force & armys by the procurement of the seid abbot malycously breke & cutt downe a walle beyng the defence & sauegarde of sixe hundrethe acres of good pasture medowe & erable land wherby the same vjc acres land was defendyd & sau'd from downyng with a great ryuer or water there by reason of which seid unlawfull brekyng of the seid walle the seid vjc acres land were & be drowned & moche corne ther sowed therby drowned & dystroyed not only to the great hurte & losse of your seid orator & of all the cuntrey there adioynyng but also to the evell example of all such lyke offenders if that condygne punyshement & speddy remedy theryn

<sup>1</sup> This must be Richard Hamlyn or Hamblyn who was Abbot of Athelney from 1533 to 1539. Land in Saltmore had been granted to the Abbot of Athelney in the reign of Henry III. Collinson, ii, 366. For an account of the Abbey see *Athelney Cartulary* (S.R.S., xiv) and *V. C. H. Somersset*, ii, 99-103.

be nott by your highnez & your most honorable counsell shortly prouyded & hadd in this behalfe In consideration wherof it may please your highnez the premyssez tendrely considered to graunt unto your seid orator your most gracyous seuerall wryttes of subpena to be dyrected unto the seid Abbott & all other the seid ryottous & mysruled persons commaunding them & euery of them by the same personally to appere before your highnez & your most honorable counsell in your Starre Chamber att Westminster att a certen day there to make answeere to the premyssez.

[Signed] .Twhorwod, Chaplain.

VOL. IX, Nos. 64-9.

Answers to the interrogatories concernyng the matter dependyng in varyaunce before the kyng & his counsell in the sterre chamber att Westminister bytwene John a Castell William Fuljame & Walter Barryngton compleynautes & Thomas Fackerell William Tomsom John Fackerell William Hoper & dyuers other defendautes wherapon as well the seid defendautes as the wytnessez & proffez of & for the parte of the seid compleynautes ar to be examyned.

secundo Julij.

Sup Inter̄ ex pte lighte vsus Castell et alias.

Richard Bacon of the county of Somersett husbondman & thage of lxxvij sworne and examyned etc.

He saith that the iijth daye of Aprill last past viz., in the xxvj yere of the reigne of our souereign lord Kynge Henry the viijth this deponent with Thomas Fackerell William Tomson John Fackerell William Hoper Thomas Saunder John Hyll Henry Gade John Lubbyn Thomas Stanurby John Keberd John Walford Richard Bryen John Captyn Henry Hoges William Myles the yonger Richard Baken William Colyns Richard Androwez Richard Serle Richard Fackerell son of the seid John Fackerell William Dytty John Hotys William Fackerell John Symonde John Hyllly William Benett William Cosyn William Gade John Cade William Myles thelder

Richard Wylshere, John Gybbyns Walter Shyperd Jamys Barstabyll John Barstabyll John Holles & dyuers other persons to the nomeber of xl dyd assemble all together at Saltmore withyn the parisshe of Gregory Stoke in the county of Somerset and then and ther dyd wyth shoveles breke downe a pece of the wall beyng the defence of vj<sup>c</sup> acres land from a great ryuer or water their to the intente the water myghte passe throghe there and avoyde frome the landes of the persones above namyd bycause theyr corne was drownyd throghe the lacke of avoydaunce of the same water And he saith they dyd so by thaduisse of them all and by no other mans commaundyment or procurement and had no weapons at all but that some of them had shovels to thentente aforesaid; also that all the persons abovenamyd were tenautes to the said Abbot of Athelney excepte ij or iij but noone wer srautes to hym and the said wall was not broken downe by his commaundyment also that none of the said complaynautes were hurte ther or any maliciouse wordes spoken unto them by any the said persons. He further saith ther was caste downe of the same wall abowte a dosen yardes wiche wall had so stoud ther by the space of a c yeres and he saith the same wall dyd defende v<sup>xx</sup> acres of grounde but yff yt had not byn broken downe yt wolde have drownyd a m<sup>l</sup> acres off grounde within the parisshe of lenge. He deposeseth that the water dyd breke in to a c acres of lande by the meanes of the cuttyng downe of the same wall whereof ther was but iij or iiij acres sowen and the same ground ys occupied by the Tenautes of dyuerse men whome he can not name. Finally he saith the said Thomas Fakerell dyd not shewe any wrytting unto this deponent under seale or said that yt was the kynges commaundyment to cut downe the same wall.

Richard Bryan of the county of Somerset saith that the persons aforesaid dyd brake downe the same wall wyche was fence to ij<sup>c</sup> acres of grounde, and by no mans procurement but that necessytie so constrayned them to do for that ij m<sup>l</sup> acres within the paryshes of leng & North Petherton were drowned with water and the corne thereof destroyed. He saith that Mr. Gilbert<sup>1</sup> & Mr. William Lyght<sup>1</sup> be lordes of the ij<sup>c</sup> acres that were ouerflown

<sup>1</sup> A Mr. Gilbert held Stert in Babcary in the reign of Henry VIII.,

with water whereof he saith very fewe were sowed. He saith the brekyng downe of the same walle was the saving of M<sup>l</sup> M<sup>l</sup> acres within the parish of Leng and north Petherton.

John Simondes of the county of Somerset saith there was broken up v or vj yards of the said wall wyche had stoude ther as he hath herd saye abowte Lxxx yeres and was defence to ij<sup>c</sup> acres of pasture ; also he beleuyth that there was neuer an acre of grounde destroyed or spoilyd thorowghe the brekyn of the same wall and he saithe that the same grounde ys occupied by dyuerse grasyers dwelling in devon shyre whome this deponent knowith not.

Richard Andrew of the county of Somerset deponeth that the said wall ys not defence to vj<sup>c</sup> acres nother scarsely to ij<sup>c</sup> acres of pasture.

Richard Fakerell, William Ditty & Thomas Fakerell theelder all of the county of Somerset depose in similar manner as the foregoing.

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### Dovell v. Spede and others.

VOL. XIII, NOS. 24-25. DATE: 1535.

*To the kynge oure souerayn lorde.*

In moost humble wyse sheweth unto your grace your dayly oratour Barnard Dovell<sup>1</sup> That wher one William Dovell<sup>2</sup> abbot of the Monestary of oure blessed ladie of Cleve in your countie of Somerset and the covent of the same place were seased in ther demean as of fee as in the right of the sayd howse emong other landes and tenements of and in one tenement and one hundrith acres of land therunto belongyng wyth thappurtenances callyd Bylbroke in Cleve<sup>3</sup> in your said countie and so beyng seased the

(Collinson, ii, 61) and a family of this name was later known in Bishop's Hull. (*V.C.H. Somers.*, MSS.). William Lyte owned lands in Northover in 1546-7. Collinson, iii, 306.

<sup>1</sup> For Bernard Dovell see above, p. 91, note 2.

<sup>2</sup> William Dovell was Abbot of Cleeve in 1534. Weaver, *Wells Wills*, p. 153.

<sup>3</sup> Bilbrook was probably granted to the Abbey of Cleeve by Hubert de Burgh, and remained with the Abbey until the Dissolution. Rents from tenements in Bilbrook were valued at £7 1s. 4d. in 1537. Dugdale, *Mon.*,



said Abbott and Covent by ther sufficient dede under the covent seale of the sayd monastary datyd the xiiij<sup>th</sup> daye of November the xij<sup>th</sup> yere of your moost noble reyn<sup>1</sup> gave and grauntyd the same unto your sayd oratour and his heyres for ever whiche tenement and land with thappurtenaunces Agnes Dovell decessed late moder to your sayd oratour longe tyme held and occupied by thassent and agrement of your said oratour and so yt ys moost dred souereyn lorde that one Thomas Spede of Cleve forsayd by the sufferance of the sayd Agnes occupied the sayd tenement and land with thappurtenaunces long tyme in her lyfe and after the sayd Agnes dyed ever syns whoys deth the sayd Thomas Spede withowte colour right or tyle hathe occupied the same and at this tyme ys seased by wronge, unto the whiche tenement and land your sayd oratour of late that ys to saye aboute the x<sup>th</sup> daye of Maye this present xxvij<sup>th</sup> yere of your moost noble reyn<sup>2</sup> in peasyble maner repayred and cam and requyred and desyred the sayd Thomas Spede that he wold avoyde the possession of the sayd tenement and land and suffer your said oratour peasybly to entre into the same whiche he in no wyse wold do wherupon your sayd oratour departyd and in the xxix<sup>th</sup> daye of June last past your sayd oratour peasybly resortyd and repayred unto the sayd howse and land and ther toke certeyn bestes and catelles of the sayd Thomas Spede that ys to saye viij keyn damag fesaunt<sup>3</sup> and wold haue conveyde them unto the comen pound withyn the manour of

v, 734. Bilbrook passed with the rest of the lands of Cleeve Abbey to Robert, Earl of Sussex, by grant from Henry VIII. *L. and P., Hen. VIII.*, vol. xiii, I, g. 190 (42).

In 1522 the Abbot had granted to Bernard Dovell and his wife Joan a lease of the Fysshponde with a garden beside it, two corn mills, and a mill house in Washford, with permission to build a shambles near the mill. *Anct. Deeds, P.R.O., A 12456; V. C. H. Somers., MSS., Old Cleeve.*

<sup>1</sup> 1520.

<sup>2</sup> 1535.

<sup>3</sup> "Damage fesaunt" is thus defined by Cowell in his *Interpreter*: "When a stranger's beasts are in another man's ground without licence of the tenant of the ground, and do there feed, tread and otherwise spoil the corn, grass, woods and such like, in which case the tenant whom they damage, may therefore take, distrain, and impound them as well in the night as in the day. But in other cases, as for rent and services, none may distrain in the night."

Cleve accordyng to your lawys at whiche tyme the sayd Thomas Spede Johan his wyfe William his son and dyuers other royott persons havyng then upon them certeyn wepyns that ys to saye stavys and pychforkes made assaulte upon your sayd orato and put hym in grett feere and jupardie of lyfe and by force and vyolens toke from your sayd oratour the sayd bestes sayng that rather then your sayd oratour shold take any dystresse ther or entre in to the same tenement and land with appurtenaunces he wold dye ther, whiche tenement and land with thappurtenances the sayd Thomas Spede with the number of vij or viij<sup>th</sup> persons forsybly & ryouttesly kepeth yn suche wyse that your sayd oratour darre not approche nor cum nye the same fer feere of his lyfe to the grett encoragyng of lyke offenders in tym cummyng yf due correccion be not had with spede in the premissis hyt maye therefore please your highnes of youre moost abundant grace to graunt your wryttes of subpena to be dyrectyd unto the sayd Thomas Spede Johan his wyfe and William his son and also to the other royottes persons commaundyng them by vertue therof personally to appere before your grace and your moost honorable counceyll att Westminster at a certeyn daye taunswer to the premissis and to inioyn the sayd Thomas Spede & the other persons before rehersed and all suche other as be in the sayd tenement and laid by the commaundement of the sayd Thomas Spede to avoyde the possession of the sayd tenement and land with appurtenaunces and to suffer your oratour peasybly to inioye the same accordyng to the sayd graunt made unto hym and farder to do and determyn theryn as shalbe thoght by your grace and your said counceyll moost expedient & necessary in this behalfe.

[Signed] Chidley.

Termino Hitt anno xxvij<sup>mo</sup> H. VIII.

Thaunswer of Thomas Spede to the bill of complaynt of  
Barnard Dovell.

He sayeth by protestacion that he knyoth not of any suche laufull estate or lease mede to the said Barnard Dovell & to his heyers; if any suche dede were made there was never liverie and

season<sup>1</sup> delyvered to the same Barnard or attornement<sup>2</sup> of any tenant. And for dyvers variaunces betwyne the said Abbot of Cleve and the compleynant, as well for dyuers dettes and trespassez as for the tenement specyfyed in the said bill, for apesyng therof the said Abbot and the said Barnard put themselves in arbytement of Harry Strett, Gylbest Kerke and Thomas Stret, clerke, vicar of Bridgewater,<sup>3</sup> whiche awarded that the said compleynant shuld not from thensforth make any farther clayme or tytyle to the said tenement called Bilbroke, in recompence wherof, and for dyvers other dettes and trespasses the said arbitrators awarded that the said Abbot shuld pay to the said Barnard Dovell xlij *li.* and the condicion of one bargyn to the value of ten poundes, which awarde the said Abbot is and att all tymes hath byn redy to performe, without that that [etc.].

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**Welles v. Doble.**<sup>4</sup>

VOL. XII, NO. 235. DATE: 1535-1538.

Interrogatorries of the parte of Thomas Wylles and Johanne hys wyff agaigne Gyles Doble.

Furste whether Mary Hastings late Ladie of Hastings and Hongerforde decessede at the tyme of making the deade or graunte unto Robert Doble Chrystyan hys wyffe and Hughe their Sonne namede in thanswer of the sayed Gyelles of the tenement callede Knoll with the lande therunto belongyng parcell of the manour of Wotten Courtney in the countie of Somerset was wydow orelles covert barone.<sup>5</sup>

Item how long it is sythen the sayede lady was maryede to Richarde Saye Cheuerell knyght decessede.

<sup>1</sup> Livery of seisin, *i.e.*, delivery of possession.

<sup>2</sup> This is the acknowledgment made by a tenant to a new lord of the manor.

<sup>3</sup> Thomas Stete *alias* Strete was instituted to Bridgewater Church in 1528. *Somerset Incumbents*, 318. He was still vicar in 1548. *Somerset Chantries* (S.R.S.), 57.

<sup>4</sup> This is calendared as *Doble v. Hastings*, but would appear to belong to the suit *Welles v. Doble* to which the bill *Doble v. Foxe* refers, and to which the other depositions belong, and it is indeed so endorsed.

<sup>5</sup> *i.e.*, in the state of coverture, a married woman during her husband's lifetime being under certain disabilities.

Item whether at the tyme of the lease specyfede in thanswere of the sayede defendauntes made to Robert Doble Chrystyan hys wyffe and Hugh their Sonne the sayede Chrystyan was in lyffe or not or elles he had a wyffe namede Johanne or not.

The deposicion of John Dale clerke takun at leys<sup>1</sup> the xxiiij<sup>th</sup> day of December in the xxvij<sup>th</sup> yere of the reign of our soueragn lord kyng Henry the viij<sup>th</sup> by the grace of God of England & of Fraunce kyng defensor of the feyth lord of Iorland & in yerth supreme hedd of the Church of England.

John Dale clerke<sup>3</sup> of the age of Lxxix yeres sworne & examyned the day a yere abouesaid by fore John Vyllers knyght by vertue of a commyssion frome our said soueragn lord to the said John Vyllers dyrected & hereunto anexed sayth that he never knew of any dede or graunt made by Mary late Lady Hastynges & Hungreford<sup>4</sup> unto Robert Doble Crystyane his wyffe & Hugh ther sonne<sup>5</sup> of a tenement called

<sup>1</sup> Leigh.

<sup>2</sup> 1535.

<sup>3</sup> John Dale, clerk. From the case that follows it appears that the plaintiffs in this suit were Thomas Welles and Joan his wife, and that the defendant was Giles Dobell.

<sup>4</sup> The manor of Wootton Courtenay belonged in the 15th century to the Hungerford family. Mary, daughter and heiress of Sir Thomas Hungerford, married Edward Hastings, 2nd Lord Hastings, in 1481. By the reversal of her father's attainder in 1485 she became Baroness Hastings, Baroness Hungerford and Molyns. After the death of her husband in November, 1506, she married in 1511 Sir Richard Sacheverell, who died in 1534. The exact date of her death is not known, but it was between 1528 and 1534 (G. E. C., *Peerage*). Her heir was her son George, Lord Hastings and Hungerford, lord of the manor of Wootton Courtenay. He was a Privy Councillor in the reign of Henry VIII., and was created Earl of Huntingdon in 1529, and died in 1544. *Dict. Nat. Biog.*

<sup>5</sup> This is the Robert Dobell of Minehead whose will was proved in 1531 (see above, p. 121, n. 1). Christian seems to have been a second wife, and this suit concerned a lease said to have been made to Robert Dobell, his wife Joan (his first wife) and their son Peter. Two of Lady Hungerford's officers and one surveyor said that the lease was granted in this form, but other witnesses appeared to declare that it was made to Robert, his second wife Christian, and their son Hugh. A great deal turned on the question as to whether Joan, the first wife, had died during the lifetime of Sir Richard Sacheverell and whether she was dead at the time when the

Knole with the land therunto belongyng parcell of the maner of Wotton Courtney in the countie of Somerset and yf ther wer any suche he knyoth not whether she wer covert baron or not but he sayth that he well remembryth that the said lady Hastynges & Hungreford was maryed unto Sir Richard Sacheuerell knyght latly descysyd apon Mayday the first yere of the reign of our said soueragn lord kyng Henry the viij<sup>th</sup><sup>1</sup> the wich was juste xxvj<sup>th</sup> yere on Mayday last past & further this deponent sayth that he never knew the said Robert Doble Crystyane his wyff nor Hugh ther sonne nor wether Crystyan his wyff wer on lyffe the said tyme or not nor whether the said Robart Doble hadd at any tyme before or syth that tyme a wyff namyd Johan or nott.

Item the said Johan Bryght alias Ashby dyed at Retherby in the countie of Leycestre on hooll yere befor the date of this commyssyon to me dyrectyd. In wittenez hereof to this present certificat I haue subscriybed my name the day and yere abouesaid.

(Signed) Johis Vyllers.

[*Endorsed.*] The certificat of Sir John Vyllers knyght to the Kynges most honorable counsaill in the [Star] Chamber bithwixt Doble & oder.

The deposycion of Willyam Eme, late of Woten Courteney in the countie of Somerset husbandman sworn & examyned the ix daye of January yn the xxvij<sup>th</sup> yere of the rayn of our soueraign lord kyng Henry the eight<sup>2</sup> by fore Sir Phelippe Champernon knyght<sup>3</sup> and Henry Fortescu esquier<sup>4</sup> sayth in manner and forme fowlowyng.

lease was made. It was actually alleged that the date of Joan Dobell's death had been torn out of the church book by Robert Coke.

Giles Dobell, who was perhaps a son of Joan the first wife, was accused of having produced a forged lease.

<sup>1</sup> 1509. This date is not the same as that given in the *Peerage*, etc.

<sup>2</sup> 1536.

<sup>3</sup> Philip Champernoun was patron of Corton Dinham in 1526, and in 1542 he owned land in West Luccombe. Chadwyck Healey, *op. cit.*, 105; *Somerset Incumbents*, 74. He belonged to the family of Champernoun of Modbury (co. Devon), and was a Justice of the Peace at the date of this suit.

<sup>4</sup> Henry Fortescue was perhaps a member of the family of Fileigh (co. Devon), that owned the manor of Corscombe in Somerset (Collinson, iii,

In primis he seith that a bargayn<sup>1</sup> callyd Knoll of the Inheritaunce of my lady Hastynges seith that the seid Rychard Hals & on Wylliam Reynoldes both beyng officers ther dyd sett & lett the seid bargayn of Knoll aforseid to oon Robert Dobill and Johan his wiffe & peter the son of the Robert Dobyll and that he neuer made graunt nor lesse unto the seid Crystyan last wiffe of the seid Robert Dobill nor Hugh the son of Robert Dobill & ferther he knoweth not, &c.

(Signed) Phelypp Champernown.  
Harie Fortescue.

before Sir Phyllippe Champernown knyght and Harry fortescu squier.

The depoycion of Ryč Hale esquier sworyn and examynynd saith that he and one Wylliam Raynoldes ware survayors to Mary late lady Hungerforde Hastynges botreaux and molyans and by rayson of ther commysson graunttyd to one Robert Dobyll Johane his wyff and Peter there some of a bargyn callyd Knoll by dede indentid saylyd and senyd with the said lady his hande and delyueryd by me Rychard Hals beyng than seruaour and generall receuour to the forsaid lady of all her londes yn deuon and Cornubia and of Wotton Courtenayn yn the countie of Somerset. And all my doynge yn surveyce by the reason of my commysson was yn the xxij<sup>th</sup> yeer of the regne of our souerenge lorde kynge Henry the vij<sup>th</sup> and part of the next yeer foloyng and as to the couerture of the said lady to Sir Rychard Sacheverell knyght ys owt of my remembrance by the othe thatt I haue takyn & to the sayd cristian last wyfe to y<sup>e</sup> sayde Dobyll nother Hew the son to the sayd dobyl he knowythe nothyng of any astate.

(Signed) Phelypp Champernown.  
Henr Fortescu.

[Endorsed :—] brought in by . . . Fortescue one [of the] commissioners bitwen Welles & Doble.

469), presenting to the church of Corscombe between 1552 and 1569. *Somerset Incumbents*, p. 77.

<sup>1</sup> This use of the word "bargayn" is an unusual one. A few words seem to be omitted in this sentence.

Deponionis takyn by Hughe Malett esquer<sup>1</sup> and John Wyndham esquer<sup>2</sup> the first day of Junii anno regni R. Henr. viij. xxixno<sup>3</sup> by vertu of a *dedimus potestatem* to them directid apon certyn interrogatoris to the said wrytt annexid.

[*Endorsed* :—] brought in by M. Fortescue, one of the commisioners between Welles and Doble.

William Yerde of the age of xl yeris or ther a bowtes, gentilman, deposithe that at a certyn curte holdyn att Wotton Curtney in the county of Somersett apon a ij or iij yeris past, one Maister Bemounte beyng then survayor to the Erell of Huntington, and (*sic*) att the said curte there was a dede shewyd by Gelys Dobell made unto Robert Dobell, Christiane his wiffe and Hüge his sone, the wiche was supposid to be forgid, and soo ther provid by the survayor is bokes that the dede was made to Robert Dobell, Johana and Peter. And sayith furder that he was commandid by the said survayor to voyde the grounde and bryng one Johana Tyddes in poscession, now wyffe unto Thomas Willis. Beyng then present John Gelis, John Elsworthey, William Couche, John Hill, John Valyntyne the elder, William Hooll, John Stoddon and Thomas Hoper.

John Folyntayn of Wotton Curtney, husbondman, off the age off fifty yeris or there a bowtes, deposithe that the sayd bargayn was bosthe<sup>4</sup> to Robert Dobell, Johana his wiffe, and Peter his sone, as he herd say at the tyme he toke his copy. The date therof is xxiiij to die Augustii anno regni R. Henr. sept. xxiiij.<sup>5</sup> And furder he seythe that the said Robert Dobell had noo wiffe namyd Christian att the said tyme off the makyn of his copy.

William Eme of Wotton Curtney, husbondman, of the age of lij yeris, deposithe that he herde John Tyddes say that he had bosthe the reversion off Robert Dobell off the Erell of Huntyngh-ton. And furder he sayithe that one Johana Tyddes after the dethe of Robert Dobell was put yn possession off the said

<sup>1</sup> Hugh Malet was lord of the manor of Enmore (see above, p. 126, n. 1). Weaver, *Somers. Incumb.*, 329, 366, 410.

<sup>2</sup> This John Wyndham (of Orchard) held land in East Quantockshead and was patron of the church there in 1543. *Somers. Incumb.*, 424.

<sup>3</sup> 1537.

<sup>4</sup> On the next page this word is corrected to *bought*.

<sup>5</sup> 1508.

bargyn by the commandement off the survayors ; and that he never knowe that the seyd bargyn was bosthe to Christiane and Hüge. He furder seythe that he herde Gelys Dobell say yn the parsonage of Wotton forsaid that Christiane and Hüge had noo right yn hytt, and that he wold by hytt off the lord for hem selffe ; and he supposithe the said dede to be untrew.

Alice Tiddes, widowe, of the parische of Mynhed off the age off lx yeris deposithe that Gelys Dobell seid that after the dethe of his father Robert Dobell (*sic*) heyr gossope Gelys Dobell came in to her house, and the seid Alice seid, Gelys, ye ar to blame agen yor mother yn lawe. He axid why. And she seid, ye shuld lett heir to have a house to dwell yn. And he demaunded whatt howse. And she seid Peryton or els Knoll. And he seid, as for Knoll she hathe noo right un to hytt, for hytt was bought to Johan and Peter.

Symon Williams, of Mynhed foreseid off the age of lij yeris, deposithe that Johan Dobell decessid a bowtt sent Jamis tyde the wiche shalbe xxix yeris at sent James day next cummyn, and after her decesse the said Robert Dobell married with one Christian. And he sayithe that he never herd Gelys Dobell nor noo other man say that Christiane and Hüge had noo right yn the said bargen.

Water Fraunke of Tymbercomb, husbondman, beynd<sup>1</sup> off xlvj yeres, deposithe that he knowithe that John Tiddes had a dede off the said bargyn to hem his executors and assignez, and the dede sclowid yn the curte, and the woman putt yn possession and the curtt rolles showyd that the said bargyn was bought to Robert Dobell, Johan and Peter ; and furder he sayithe that Johan Tyddes was executrix to heyr husband John Tyddes.

John Stookecomb of Tymbercomb saythe that the said Johan was executrix off her husband, and more he knowith nott.

Thomas Umfrye of Mynhed, husbondman, off the age of lx yeres, deposithe as above.

Sir Thomas Vigoros, prist, depositth that one Recherd Severyy showyd hem that he lende the churche bokes off Mynhed unto on Robert Coke, wheryn apperid the tyme off the date off our Lord yn the wiche Johan Dobell dyed, and vjs. viij*d*. payd

<sup>1</sup> *Sic*.



for her grave, and that one Robert Cooke shold rent owt the leffe off the said boke.

Christian Greme, late the wiff of William Greme, showythe forthe a testyment of the said William Greme beryng date xxiiij die mensis Novembris A.D. 1507.

John Wethecomb off the age of l yeris, deposithe as above.

Robert Cooke<sup>1</sup> off Mynhed foreseeid gentilman, beyng off the age of lj yeris, deposithe that he hathe sene a dede the wiche was made unto John Tiddes for certeyn yeris, butt he seythe he was never privy to the bargyn. The bokes of the churche off Mynhead was nott yn his custody before May last past, the wiche was yn the xxvijth yere of the reying of our sovering Kyng Henry the viijth.

William Davy, off the age of liij yeris, deposithe that my Lady Mare Hungerford yn her wydowe astate made a dede unto Robert Dobell, Cristyan his wiff, and Huge his sone, off a tenement callid Knoll, wheryn he was putt yn the letter of turnay, and accordyng to the same delyvered possession to the said Robert Cristian and Huge. And, as he supposithe, the namys of the Wyttmise be recorded in the bakeside off the indentur. Johan Dobell died att Sent James day next cummyng shalbe therty yeris. Before Midsomer next folowyng Cristian was married to Robert Dobell, the wiche shalbe now xxix yeris.

Nicholas Philip off the age of l yeris deposithe as to the dethe of Johane Dobell, [as the last deponent.]

John Culverwill off the age of lvj yeris deposithe [as the two last deponents]. And furder he saythe that he herde Robert Dobell sey often tymes that he had bought hytt to Cristian and Huge.

Recherd Kyttner, off the age of lvij yeris, sayithe that the said dede was made to John Tyddes, and that the said lesse shold be made after the dethe of Sir Recherd Saychaverrll, and the said John dyed before Sir Recherd; and he knowithe that the said Johan Tyddes was browght in possession of the tenement called Knoll after the deceesse of her husbound. There was a lesse made to Robert Dobell, Johan and Peter, as he herd Maister Bemont report, beyng survayor. Gelys Dobell showyd a lesse made to Robert Dobell, Cristian and Huge, wiche was

<sup>1</sup> See below, p. 239.

nott good and lawfull. And furder he seythe that Cristian was nott the wiffe off the said Robert att the tyme of the makyn of the said dede, for he herd the seid dede rede at Westmester before my lord Hastyns, and as he herde ther was a dede made to Robert, Johan and Peter, and furder he can nott say, butt that Johan was a lyffe att sent James tyde now next commyng shalbe xxix yeres, Cristian was married to Robert Dobell att mydsomer next shalbe xxviiij ti yeres, and was nott wiff to Robert Dobell att the makyn of the said dede. And furder he seythe that he herde sey that Gelys Dobell shold reportt that Cristian and Hüge had noo right yn the said tenement by report of certyn wemon. And furder he seythe that off his consciens the said dede is untrew.

William More off the age of lj yeres deposithe as the the dethe of Johane [etc. as the last deponent]. Wether the dede be forged or nott he knowith nott.

Thomas Secomb off Mynhed off the age of xxviiij yeris sayith that he herd Robert Cooke rede in the churche boke off Mynhed that there was vjs. viij*l.* payid [*sic*].

Plesith your honourable lordshippes to understonde that wee the seide Hugh Malet and John Wyndame do certifye unto you that wee have procuryd and intretid both seid parteis to be at a fynall ende of and for the mater yn varyaunce betwene the said parteis acordyng to your honorable commaundementes ; and for obstynacy of both seide parteis wee coude nott make no ende nor determynacion betuxe them.

(signed) Hugh Malet.  
John Wyndam.

[*Entered on the dorse of the second page of depositions :—*]

Per dominum Cancellarium Anglie anno regni regis nunc xxix. Giles Doble sworne and examyned confessith that he hath but a lees by promyse from yere [*sic*], paying xls. by yere. And sayeth the land was not in variaunce whan he toke the same leas, and that it is iiij<sup>or</sup> yeres syns he toke it ; and what rent he hath paid for the same he cannot tell.<sup>1</sup>

<sup>1</sup> The result of this complicated suit appears from the case that follows. The right in the lease was adjudged to be in Hugh Dobell.

**Doble v. Foxe.**

VOL. XII, NOS. 227-234. DATE: 1547-1553.

*To the Kynges Highnesse.*

Most humbly complaynyng shewithe unto your Highnes your Graces trew lovyng and obedient subiecte and pore suppliaunt Hughe Doble that when uppon mater in varyaunce heretofore dependyng before your highnesse in your Sterr Chamber betwene Thomas Welles and Johane his wyffe complaynauntes and Giles Doble and Christiane Doble defendauntes of and concernyng a lease of certen landes and tenementes lyeng in (*blank*) in the countie of Somersett made by the Lady Hungerford decessed, in whiche mater dyvers orders were hadd and taken as apperethe. And forasmuche as the interest of the said Christiane was then determyned by reason of an award wherunto she was then bounden to stande and performe. And forasmuche also as one Hughe Doble beyng named in the said lease ought to have the said lande and tenementes by meanes that the estate and interest of the said Christiane was determyned and expired, hyt was fynally ordered and decreed the xxiiijth of Maye in the xxxth yere of or late soveraigne lorde of worthy memorie Kyng Henry theight,<sup>1</sup> yor graces most deare father, that yor said trew and lovyng subiect shold have inyoied the said landes accordyng unto the said lease, and that the said Thomas Welles and his said wyff shold from thensforthe permitt and suffer yor said subiect to occupie and inyoie the same without lett or interrupcion of the said Thomas Welles and his wyffe or of any other person by their assent, meanes or procurement, untill suche tyme as the said Thomas Welles and his wyffe had shewed and lawfully proved before yor Highnes in your said Stear Chamber good and sufficient mater whie he ought not so to do. And that uppon payne of one hundred poundes as in the said fynall order and decre more playnly doth appere. So it ys, most dread soveraigne lord, that synce the said order made the said Thomas Welles dyed and the said

<sup>1</sup> 1538.

Johane hym overlyved, and hathe taken to husband one Gregorie Foxe, by reason of whiche intermarriage the said Gregorie and Johane, as in the right of the said Johane, pretending to subverte and make voyde the said fynall order and decre, have not only in contempt therof lately entred in the said landes ordered and decred unto your said pore subject and distreynd his cattell in and uppon the same, but also daily disturbithe and inquietithe hym in the occupacion of the said landes. And not so contented hathe in ferder contempt of the said order and decre commenced an action of trespassse<sup>1</sup> at the common lawe ageynst yor said pore subiecte for the occupacion of the said landes, to the great losse, hynderaunce and damage of yor Graces pore subiecte. In tendre consideracion wherof yt may pleyse yor Highnesse to graunt yor Graces writ of subpena to be dyrected unto the said Gregorie Foxe and Johane his wyffe, commaundyng them and every of them personally to appeire before yor highnesse or yor most honorable councill in yor Graces stear chamber at Westminster [etc.].

### Catcotte v. Welshe.

HENRY VIII., VOL. III, NO. 209. DATE: 1536.

*To the kyng our soueraign lorde.*

In most humble wyse shewyth and compleynyth unto youre highnesse youre true and faythfull Subiect and servaunt John Catcotte of Batcombe<sup>2</sup> in youre countie of Somerset yoman of your garde That where youre seyde Subiect was and is seised of in three acres of pasture sett lying and beyng in Batcombe aforeseyd in your seyde countie of Somerset in his demeane as of fee by copy of Courte roll after the custome of the maner whyche premysses ben customary and copyholde londe holden of the ryght noble

<sup>1</sup> In actions of trespass the plaintiff sued for damages, or the value of the hurt done to him by the defendant. Cowell, *Interpreter*.

<sup>2</sup> John Catcott of Shepton Mallet, whose will was proved in 1519 (*Medieval Wills*, S.R.S., xix, pp. 204, 205), left two sons, Sir John and William. A John Catcott, who may have been this man or his son of the same name, was a considerable landowner in Spargrove in the reign of Elizabeth, when he was sued by John Bradford for a parcel of the manor of Westcombe. (Chanc. Proc., Ser. ii, vol. i, No. 43.)

William Erle of Arrundell<sup>1</sup> as of his maner of Spargrowe<sup>2</sup> in youre seyde countie of Somerset whyche premysses ben enclosed with hedges and dyches and youre seyde subiect so beyng therof seised of the premysses hathe peaccably and quyetyly taken the profettes of the premysses by the space of xij yeres and aboute without interupcyon and so yt is most drede souereign lorde that one Robert Welsshe of Wescome yoman<sup>3</sup> John Aleyne alias Cornysse William Thecher John Dawe John Williams John Atwode thelder John Atwode the yonger George Attwode George Norton Walter Tabuz John Tabuz, Herry Norton husbandman and other ryottuose persons to your seyde Subiect unknownen to the noubner of twenty persons and aboute ryottuosly assembled by the procurement and abettment of the seyde Robert Welsshe the xxiiij<sup>th</sup> day of February in the xxvij<sup>th</sup> yere of youre most noble reign<sup>4</sup> att Batcombe aforesayd aboute the houres of nyne or ten of the clok in the nyght of the same day wyth force and armes that is to sey wyth bowes and arrowes bylles staves and other wepons and some of the seyde ryottuose persons beyng in harnesse came in ryottuose maner unto the seyde three acres of pasture beyng enclosed and then and their ryottuosly forcybly and cruelly with greate violence dyd nott only cutt and pull downe the hedges aboute the premisses and cruelly burned the same butt also threwe downe dykes aboute the premisses to the greate hurte and damage of your seid servaunt and to the perylous ensample unto evyll dysposed persons yf condign punysshment with expedycon be nott by youre hyghness and your most honorable counsell provyded in this behalf and the seyde ryottuose persons contynuyng the seyde ryottuose maner ryottuosly and forcybly kepyth the possession of the premysses and dysturbe and lett youre seyde oratour in takyng of the profettes of the premysses and wyll nott suffre

<sup>1</sup> William FitzAlan, Earl of Arundel, succeeded his father, Thomas, Earl of Arundel, in 1524. He was prominent at court, assisted in the coronation and trial of Anne Boleyn. He married Elizabeth, daughter of Robert Willoughby, Lord Willoughby de Broke, and secondly Ann, daughter of the 4th Earl of Northumberland. He died in 1543-4, being followed by his son Henry.

<sup>2</sup> Spargrove and Westcombe were both manors in the parish of Batcombe. See Collinson, iii, 467.

<sup>3</sup> This perhaps may be the Robert Welssh to whom rent was payable for and in Fivehead in 1545. *Somers. Chantries*, S.R.S., 301. <sup>4</sup> 1536.

youre seyde oratour to make the hedges about the premysses to the greate loss and damage of your seyde orator. In tender consyderacon wherof yt may please your highnesse the premysses tenderly considered to graunt your most gracyous writtes of subpena to be dyrectyd to the seyde Ryottouse persones commaundyng theym and euery of them by the same personally to appere before your highnesse and your most honorable counsell in your Stare Chaumber at Westminster at a certen day there to make aunswer unto the premysses.

### Carmynow v. Tredennyk and others.

VOL. VIII, NO. 133. DATE: 1536.

*To the kyng our soueraygne lorde.*

Humble shewith unto your highnes your dayle pore subiectes John Carmynow Johane hys wyfe<sup>1</sup> that where your said subiectes were seased in there demeane as of fee as in the right of the same Johanne haue bene seased of and in the moyte of fyve messuages x cotages & too thousand acres of land with there appurtenaunces in the townes and places callyd Cossyngton<sup>2</sup> Proynelles

<sup>1</sup> John Carminowe was in the Commission of the Peace for Cornwall in 1537, 1538-40, 1543-4. *L. and P. Hen. VIII.*, xii, g. 1150, No. 12; xiii (pt. i), g. 384, 17, 63; *Ibid.*, xx, pt. i, g. 622.

A John Carminowe appears in the pedigree of the family given in *Somers. Visitations*, ed. Weaver, p. 31. There seems to be some distant connection with the Trewethenicks.

<sup>2</sup> This is, of course, Cossington, but the other places have not been identified.

The manor of Cossington was held at this date by the Brent family, William Brent, who was patron in 1528, being followed by Richard Brent. Weaver, *Somers. Incumbents*, 76; Com. Pleas Deeds Enrolled, Hil., 5 and 6 Edward VI., and Feet of Fines, Somerset, Trin., 6 Edward VI. No notice of either Carminowe or Tredennick owning land in Cossington has been found. Joan, daughter and heiress of John Brent, had, however, married a Cornishman, Thomas Trethek, and it may be suggested that she may have left daughters, and co-heiresses, one of whom married John Carminowe. This is, however, mere supposition. In any event, Joan's right in the manor was challenged in various law suits brought by her half-brother, John Brent, and Giles, son of John Brent, obtained livery of lands in Cossington in 1518. *L. and P. Hen. VIII.*, 1517-8, vol. ii, pt. 2, 4202.

Hoke Good Londe Clothham Strengston Kyngeston Lemmaunfeld sett lying and beyng in the countie of Somersett in hys<sup>1</sup> demeaine as of freeholde and of the very trew tittle & ryght of inherytance of the sayd Johane and they so beyng seased of the sayd moyte peaceable hayth takyn the profettes therof untill now of late that ys to saye the thryd day of September the xxviiij yere of your most royall reygne<sup>2</sup> one John Tredennyk<sup>3</sup> Henry Tredenik John Wylles Galfryd Arundell John Legg the yonger William Crosse Roberte Cloutesham Thomas Saunder and John Richeman with dyuerse other parsons unknowen unto them assocyated ryotously and in forseable maner withoute colour of any iuste tittle to the same haue entryd into all the sayd moyte of the sayd messuages cotages and landes with there appurtenaunces aforesayd and therof haythe expellyd and putte oute your sayd oratours frome the premysses and the same moyte haue sett unto dyuerse persons being strangers and of theyme haythe taken of and for the lettyng and setting therof dyuerse greate somes of money to the value of too hundreth markes and more and hath conuerted the same all to there owne proper use and yet unto this present tyme with force dothe kepe your sayd subiectes frome the possessyon therof so that your sayd subiectes for as moche as the doo inhabyte them selves and dwell within the counte of Cornewall nye aboute cc myles from the sayd messuages cotages and landes in Somersetsyre and are of great age and sykylle and the sayd euyll dysposyed persons ben gret men and gretly alyed within the sayd counte of Somerset your sayd subiectes ben lyke to be dysinheryted of the premysses for euer contrary to all your lawes & the moste parolous example of all other lyke offendours yf dewe punysshment theryn be not had In consyderacon wherof maye yt please your gracyous highnes the premysses consydyryd to graunt your gracyous writtes of subpenas to be derectyd unto the sayd John Tredennek Henry Tredenik John Wylles Galfryde Arundell John Legg the yonger William Crosse Robert Cloutesham Thomas Saundre and John Richeman comaundyng them and euery of them personally

<sup>1</sup> *Sic.*

<sup>2</sup> 1536.

<sup>3</sup> John Tredeneck and William Carsnyoun (? Carminowe) are mentioned in a deed of 1565. *Cat. Anct. Deeds*, A, 13230.

to appere before your gracyous hyghnes and the lordes of your most honorable counsell there to make aunswere unto the premysses &c.

**Brooke v. Carrant.**

VOL. VI, NOS. 129-134. DATE: 1537.

*To the kynge our souerayne lorde.*

In most humble wyse sheweth unto your highnes your dayly orator Elys Brooke<sup>1</sup> that wher Sir Wylliam Carant knyght<sup>2</sup> by hys dede suffycient in the lawe grauntyth one annuyte or annuall of xl<sup>s</sup> yeerly goyng out of hys maner of Thomar<sup>3</sup> in the countye of Somerset the seyd Elys Brooke to have and to perceve to the seyd Elys for terme of hys lyffe wyth a suffycient clause of dystresse apon the same maner as by the same dede more playnly apperyth for wyche annuyte or annuall rent the seyd Elys Brooke abowt the xx<sup>th</sup> day of decembre in the xxvij<sup>th</sup> yeere of your most noble reynge<sup>4</sup> lawfully dystrayned upon the seyd manor the catalls of the seyd Sir Wylliam Carrant and them

<sup>1</sup> Ellis Brook was probably a member of the family which took its name from the village of Brook near Ilchester, Coll., iii, 302-3, but his name has not been found in the family pedigrees. John Carent, who died in 1483, had married Joan, daughter of Thomas Brook, Lord Cobham, who was therefore the grandmother of the defendant in this suit. Hutchins, *Hist. of Dorset*, iv, 112. This connection between the families may perhaps explain this grant of an annuity.

<sup>2</sup> Sir William Carent, lord of the manor of Toomer, had followed his father, William Carent, on his death in 1516. *Med. Wills* (S.R.S., xix), p. 186. The Carent family had acquired Toomer by the marriage of Alice, the sister, and eventually the heiress of Richard de Toomer, with William de Carent (Chart., 25 and 26 Hen. VII., No. 1. Feet of Fines, Somers., Mich., 28 Hen. VI.). From him it descended in the direct male line to the defendant in this suit. This Sir William Carent was involved in a great deal of litigation. We have already met with him involved in a Star Chamber suit (see above, p. 84), and in his old age he was forcibly dispossessed of this same manor of Toomer by Thomas Horsey, the husband of his daughter Dorothy, who alleged a settlement of the manor upon them; the case came before the Court of Chancery. *Chanc. Proc., Eliz.*, ser. ii, bundle 45, No. 25.

<sup>3</sup> Toomer in Henstridge.

<sup>4</sup> 1536.



dyd inpowndd at North Cadbury in the countye of Somerset for wyche catalls the seyd Sir Wylliam Carrant sued a replevyn<sup>1</sup> returnable at the common place and ther made default wherupon returne was awardyed to the seyd Elys and a wrytt de retorno habendo<sup>2</sup> was dyrectyd to Sir Hugh Pawlet knyght<sup>3</sup> shyreff of the countye of Somerset to make delyueraunce to the sayd Elys of the seyd catalles befor dystrayned wherupon the seyd Sir Hugh Pawlet dyrectyd hys warrant to one Wylliam Toker Richard Mongomere and John Stooone to execute the seyd wrytt wyche Wylliam Toker & Rychard Mongomere & John Stooone at Tomar aforsayd the x<sup>th</sup> day of June in the xxix<sup>th</sup> yere of your most noble reynge<sup>4</sup> toke the seyd catalles and peaceably delyuered them to the seyd Elys Brooke accordyng to seyd wrytt and the seyd Elys Brooke Wylliam Toker Rycharde Mongomere & John Stone beyng in peceably maner possessyd of the seyd catelles and yn godes peace and your gracys at Thomer afor seyd the seyd Sir Wylliam Carant knyght accompanyd with leonard Carant John Awater Hugh Ryall Edwarde Durneforde Wylliam Locke carpynter John Warman Thomas Kyngesbury Nicholas Taberer John Galpyn John Heyne Robert Pryde Nicholas Taylor John Peny Wylliam Locke John Smyth Sir Rychard Jamys clerke John Curteys Wylliam Warrar' John Maydman John Taylor Sir Thomas

<sup>1</sup> A replevin is "the bringing of a writ called *Replegiare facias*, by him that has his cattle or goods distrained by another for any cause, and putting in surety to the sheriff, that upon delivery of the thing distrained he will prosecute the action against the distrainer. Goods may be replevied two manner of ways, by writ, that is by the common law, or by plaint, that is by the statute law for the more speedy having again of their cattle and goods." Cowell, *Interpreter*. This is an instance of the former method the writ being returnable in the Court of Common Pleas.

<sup>2</sup> This is a writ for the return to the man making the distraint of the cattle he had distrained, which before were replevied by the party distrained, if the latter makes default and does not prosecute his suit in the Common Pleas. Cowell, *Interpreter*.

<sup>3</sup> Sir Hugh Paulet was the eldest son of Sir Amias Paulett of Hinton St. George. He was sheriff of the county in 1536, 1542 and 1547. (Coll., i, xxxvii, xlii, q.v.) He served in the French war of 1544, and was made supervisor of all the lands formerly belonging to Glastonbury Abbey. He defeated the Devon and Cornish rebels in 1550 and died in 1572. Coll., ii, 167, 286; *Dict. Nat. Biog.*; *Somers. Visitations* (ed. Weaver), 189.

<sup>4</sup> 1537.

Collop prest Walter Gryne & John Stokerer and other ryotous and mysrulyd persons to the number of Lx ryotously and unlau-fully assembled them selffes together at Tomer aforsayd the seyde xx<sup>th</sup> day of June in the seyde xxix<sup>th</sup> yeere in the maner of ane neue insurrexion and wyth forse and armys that ys to say wyth bylles bowes gleyues and other maner of wepons defencyble in the maner of warr arrayd ryotusly at Tomer aforseyd made assaut upon the seyde Elys Brooke Wylliam Toker Rychard Mongomere & John Stone and with lyke force and armys toke the seyde catalles from the seyde Elys Brooke Wylliam Toker Rychard Mongomere and John Stone and them yll intreatyd contrary to your lawes and your graces peax to the lett of the-xecucyon of your lawes and to the grete hurte and hynderaunce of the seyde Elys brooke and to the perlyous example of suche other mysrulyd persons in tyme to come If condyng punyshment be not had and prouyded in thys behalf In consyderayon wherof yt may plesse your hyghnes the premysses consyderyd to graunt seuerall wryttes of sub pena to be dyrectyd to the seyde Sir Wylliam Carant knyght and the other ryotous persons comaundyng them and euery of them personally to apere before your highnes at Westminster ther to answer to the premysses and furdere to abyde such order and dyrectyon as by your grace shalbe thought most conuenyant in this behalff.

*(Fo. 340 of this volume is the fair copy of the above draft complaint.)*

Appended is the writ to take the answers of Sir William Carrant and others to the above complaint, dated 5 July, 29 Henry VIII.,<sup>1</sup> by virtue of which the following depositions were taken :—

These be the depositions of dyuerse persons whose names hereafter folowythe taken before William lorde Stourton knyght<sup>2</sup> at Toomer in the countye of Somerset the seconde day of October the xxix<sup>th</sup> yere of the reigne of our soueraigne lorde<sup>3</sup> kyng Henry the viij<sup>th</sup> by vertue of a wrytte of our sayde soueraigne lorde of

<sup>1</sup> 1537.

<sup>2</sup> William Lord Stourton succeeded to the peerage on the death of his father Edward, Lord Stourton, in 1535. See above, p. 141, n. 1. *Med. Wills* (S.R.S., xix), p. 214.      <sup>3</sup> 1538.

dedimus potestatem to me directed and hereunto annexyd with a bille of complaynt of Elys Broke also to the sayd wrytte annexid.

William Carrent of Toomer knyght sworne and examyned before me the sayde lorde Storton the day and yere abouesaid depositth and saith that William Toker sayde that he wolde not medelle in seruyng of no processe nor dyd not knowe his maisters pleasure whether he ware in the warraunt or no and further sayde that he was put in at Maister Nicholas FitzJames howse.

Syr Richarde James vicar of Hengstrege<sup>1</sup> John Awater of the same yeoman Syr Thomas Coloppe clerke of Toomer and William Warre of the same Towne laborer sworne and examyned deposyn and sayn and euery oon of them depositth and sayth in euery thyng as the saide Sir William Carrent hathe sayde.

William Locke of Stalbryge in the countie of Dorset carpenter sworne and examyned deposithe and saithe before me the sayde William Stourton that he was the tenth day of Juny whiche was Sondag at Stalbrige at matens and masse and not at Toomer byfore iiij of Clocke at afternone as in the bille of the sayde Elys Broke ys mencyoned.

John Dredge of Stalbryge aforesayde husbondman of the age of xxxvj<sup>ii</sup> yeres or there aboute Thomas Babstoke of thage of xxx yeres and John Townesende of thage of xxx<sup>ly</sup> yeres or aboue of the same towne husbondmen sworne and examyned affirme the sayng of William Locke to be trewe.

Nicholas Tabor of Hengstrege foresayde sworne and examyned deposithe and saythe that he was at Stalbryge the sayde x<sup>th</sup> day of Juny the hole day and the nexte day also and not at Thoomer as in the sayde bille ys mencyoned.

Thomas Water of Stalbrige foresayde Gentilman of the age of xl yeres or there aboute John Locke of the age of xliij yeres John Gayns of the age of xl yeres or there aboute John Galpyn of thage of l yeres or there aboute Richarde Snoise of thage of l yeres and above husbondmen William Stacy wheler of the age of Liiij yeres and Thomas Kyng of the age of xl yeres or aboue

<sup>1</sup> His name is not found among the incumbents of Henstridge. Richard Husthewayt was presented in 1530, and Richard Bierbecke in 1578. Richard James may perhaps have come between. *Somers, Incumb.*, p. 100.

wever of Stalbryge aforesayde sworne and examyned deposyn and sayn and eury oon of them deposithe and saith that the sayde Nicholas Tabor was not at Toomer the day and yere in the sayde bill supposyd.

William Were of Come Mynstrell of thage of xxviiij yeres or there aboute sworne and examyned deposithe and saith that the sayde Nicholas Taboure was not at Toomer the day and yere in the sayde bille supposyde.

Hugh Ryall of Bowdon, sworne and examyned deposithe and saith that the tenth day of Juny in the sayde bylle mencyoned he was at Hengstrege at his parisshe church at masse and after masse departyd whome to Bowdon to hys owne house and then at after none came to his parische church to evynsong and after that went to Stalbrige and at vj of the clocke at afternone the same day came to Toomer and was not there before that owre that day and saith that he knewe not of the sheryffes seruaunte beyng at Toomer that day tyll that owre.

William Cuffe of Bowdon forsayde of the age of lx yeres William Horner of thage of lx yeres and aboute William Ryalle of the age of xxviiij<sup>ty</sup> yeres and more and Robt lambert of thage of xxx<sup>ty</sup> yeres of Bowdon forsayde husbondmen sworne and examyned affyrmyng the sayng of the sayde Hugh to be trewe in euery thyng.

William Locke of Hengstrege foresayde sworne and examyned the day and yere abouesayde deposithe and saythe that he was not at Toomer the sayde x<sup>th</sup> day of Juny as in the sayde bill ys mencyoned nother within iiij wykkes after.

Syr Denys Oldefelde of Hengstrege foresayde clerke of the age of xl yeres and above sworne and examyned affyrmythe the sayng of the saide William Locke to be trewe.

Walter Grene of the same place wever sworne and examyned the day and yere aboute sayde deposithe and saythe that he was not at Toomer the sayde x<sup>th</sup> day of Juny in the sayde bill mencyoned nother yet within a fourth nyght after.

John Rydeout of the same towne husbondman of thage of xxx<sup>ty</sup> yeres and above sworne and examyned affyrmyth the sayng of the said Walter to be good and trewe.

John Tayllor of Hengstrege forsayde husbondman sworne and examyned the day and yere abouesayde deposithe and saith

that he was not at Toomer the sayde x<sup>th</sup> day of Juny in the sayde bill supposyd nother within foure days after.

John Maydeman of the same towne husbondman sworne and examyned the day and yere aboue sayde deposithe and saithe that he was not at Toomer the sayd x<sup>th</sup> day of Juny in the sayde bille supposyd nor within iiij days after.

John Galpyn of the same town tayllor sworne and examyned the day and yere abouesaid deposithe and saithe that he was not at Toomer the sayde x<sup>th</sup> day of Juny untyll iij of the clocke at afternone the same day as in the sayde bill ys mencyoned.

William Lokke of the same place husbondman of the age of Lx yeres and aboue sworne and examyned affirmyth the sayng of the same John Galpen to be trewe in euery thyng.

Nicholas Talor of the same towne husbondman sworn and examyned the day and yere abouesayde deposithe and saithe that he was not at Toomer the sayde x<sup>th</sup> day of Juny as in the sayde bille ys supposyd nother within oon moneth after.

William Langforde of the same towne husbondman of the age of xxvij<sup>y</sup> yeres or thereabout sworn and examyned affirmyth the sayng of the sayd Nicholas to be good and trewe.

John Smythe of the sayde towne smyth John Heyn of the same tayllor Robert Pryde and John Penny of the same husbondmen sworne and examyned the day and yere abouesayde and sayn that there was no maner of Catell taken by the sheryffes seruaunttes at Toomer forsayde as ys supposyd in the sayde bille there was no man harnysed with harnes nor there was no assaut made apon Elys Broke William Toker Richarde Montgomery and John Stone as in the said bill ys supposyd and further sayn they were present at Toomer the same day and came thither by chaunce.

John Warman of Wyke husbondman Edwarde Durneforde of Mylborne Port husbondman John Curtes of Toomer coke and Thomas kyngesbery of the same husbondman sworn and examyned sayn and euery oon of them saithe that they were present at Toomer the sayde x day of June as in the sayde bille ys mencyoned and further sayn as the sayde John Smythe and other haue sayde in euery thyng.

John Stokker of Shaftesbery berebruer sworn and examyned deposithe and saithe that he was not at Toomer the x<sup>th</sup> day of

Juny supposyd in the sayde bille nor within iiij days after or within ij wykkes before.

John Warman of Wyke foresayde Edwarde Durneforde of Mylborne port and Thomas Kyngesbery of Thomer husbondmen sworne and examyned deposyn and sayn and euey oon of them deposithe and saith that the sheryffes seruante William Toker sayde at Toomer that he wolde serue no maner of processe for hys parte.

William Maister of Mylleborne port of thage of 1 yeres and John Elys of the same towne wever of the age of 1 yeres sworne and examyned sayn that they were present at Toomer the x<sup>th</sup> day of Juny and further sayn that there were no catell taken by the sheriffes seruante nor no maner of persons arrayd in harnes nor no maner of wepon drawyn nor no bowe bent nor no maner of asaute made apou the sheriffes seruante nother appou no other maner ther beyng present.

[Signed] W. Stourton.

Endorsed:—The certificat of William Stourton knyght lord Storton. I the said William by vertue of the kinges wrytte of dedimus potestatem to me directed with a bylle of complaynt yoyned to the same and within this paper inclosyd haue called before me certayn persons according to the tenure of the same And sworn them apou the sayd complaynt whose names and deposicons appere in a bille annexid to the sayd wrytte with the said bille of complaynt In witesse wherof I the sayd William haue sealed this withe my seale.

brought in by Hugh Ryall xviiij die octobr' a<sup>o</sup>. xxix<sup>e</sup>.

VOL. VI, No. 341.

The awnswere of Sir William Carrant knyght Leonard Carrant<sup>1</sup> Sir Richard James clerck Sir Thomas Colop chaplyn Hugh Ryall Thomas Kyngesbery John Courtes to the byll of compleynt of Elys Brooke.

They say that the suit is determinable at the common law and that Sir Hugh Pawlett<sup>2</sup> shiryff of the said Sheir upon the fals suggestion & untrue informacion of the said complaynant

<sup>1</sup> The words "non juratus" are written above this name.

<sup>2</sup> See above, p. 191, n. 3.

haith retournyd a rescouse<sup>1</sup> ynto the kynges most honorable court of his common placeys ayenst the said Sir William Carrant & dyuers other of the defendaunts of & for the same surmysid & untruce cause alleged in the said bill of complaynt werfor the said defendauntz prayen to be dismyssid out of this honorable court with their resonable costes & charges neverthelesse if by thorder of this honorable court they shalbe here also compellyd to make awnsweir to the premissez surmysid yn the said bill of complaynt they sayen as to ony ryott unlauffull assemble or as to eny assent or fraye commyttid & made by the said defendaunt upon the said complaynaunt or any of them named in the saide surmysid bill or as to ony other unlauffull act or mysdemeanor commyttid ordon by the said defendaunt ayenst the kynges peace yn maner & forme as yn the said bill is allegid that they & euery of them be therof not giltie without that the said William Toker Richard Mongomere & John Stone by vertue of their saide warrant at the day supposid yn their sayd bill toke the said catalles & delyuered them unto the said complaynaunt as in the said bill is allegid and without that the said complaynaunt was euer possessid of ony suche catalles by vertue of the said warrant as yn the said bill is also allegid and without that the said defendaunt or any of them toke the said catalles from the said complaynaunt or from the said William Toker Richard Mongomere & John Stone or any of them in maner & forme as yn the said bill untruly also is surmysid and without that the said defendaunt or any of them weire arrayed or had ony suche wepens or other then they weir dayly use to wayre as yn the said surmysid bill is also allegid & without that ony other thyng allegid yn the said bill & materiall to be awnswerid unto is true all whiche maters they been all redy to averr & prove as this honorable court shall award & demaund iugement & prayen they may be dysmyssed with their resonable costes & charges susteyned yn this behalff.

[In Vol. VIII., fo. 152, is a bill preferred by the said Sir William Carrant against the said Elys Broke complaining of a similar trespass under similar circumstances on 22 July, 29 Henry VIII.]

<sup>1</sup> A Rescou is defined as a resistance to lawful authority. The writ used in this case was known as the writ *de rescussu*.

## Draper v. Rodney.

VOL. XIII, NO. 78. DATE: 1537.

*To the kinge our soueraygn lorde.*

Humble shewithe and complayneth unto your highnes youre povere subiect and daylye oratoure William Draper<sup>1</sup> of Hasylbearre in your countye . . . Somerset that wher oune John Whytton was seassed in his demeane as of fee of and in twentye measses xj<sup>c</sup> acres of londe c acres of medowe cc acres of pasture . . . acres of wode and to schillynges of rent witharappurtenaunces in Backwell in the countie of Somerset and so seassed by his dede indentid whos date is the xiiij<sup>th</sup> . . . of November in the xxvij<sup>th</sup> yere of your most noble reigne<sup>2</sup> for a certayne sum of monye bi your said orator to the said John Whytton well and tru . . . contentid and payd bargayned and solde to your said subiect the said twentye messuages and other the premysses with ther appurtenaunces sett . . . and beinge in the parishe of Backwell in your said countye of Somersett aforsaid and for the forder accomplishment of the said bargayne and sal . . . the premysses to your said subiect the same John Whytton by his ferder dede of feoffement reddy to shewed gaue and grauntyd all the said . . . and other the premisses withe ther appurtenaunces to on Roger Hullocke of Blagdon and Walter Fychet To haue and to hold all the said mesuages & other . . . to them and to their heires for euer to the use of your said subiect and his heires for euer by force wherof the said Rogger and Walter were seised of the said messuages and other the premisses with there appurtenaunces in ther demeane as of fee to the use of your said subiect and of his heires untill the fourth day of February in the xxvij<sup>th</sup> yere of your most nobell

<sup>1</sup> William Draper, of Haslebury Plucknett, was the son of Richard Draper of the same place, who was apparently a brewer and who died in 1532. *Medieval Wills* (S.R.S., xxi), p. 9. William Draper died in 1560 Smith, *Wills*, iii, 99.

<sup>2</sup> 1534.



reigne<sup>1</sup> your said subject by vertue of an acte<sup>2</sup> made in the parliament holden at Westminster the forsaid fourthe day of February in the said xxvij<sup>th</sup> yere fyrst begone at London the therde day of November in the xxj yere of your most nobell reigne<sup>3</sup> and from thens adiorned and prorogyd by diurse prorogacions to Westminster interyd into the said meassuag and other the premisses and was therof seassed in hys demein as of fee by vertu of the said acte and so beinge of the premisses seassed to his oune use and his heires tooke the issues and profettes peasabell untill nowe of late that ys to saye the xx<sup>ti</sup> day of August in the xxix<sup>ti</sup> yere of your most nobell reign<sup>4</sup> that on John Rodney<sup>5</sup> esquyre Richerd gouffe and John Rome with diurse other yll disposed persons to your subject as yet unknowen riottusly and with force of armes, that is to saye withe swordes, bocklerys, byllys, bowes and arowes, and with other wepons defencybill, without any right, title or grounde reasonabill, entryd into the said messuages and all other the premisses and with force expelled and put owt your said subject from his lawfull possession thereof, and with leke force do retayne and kepe your said subject as yet owte of the same, and wyllnot suffer him to take the profettes thereof, but take it to ther owne

<sup>1</sup> 1536.

<sup>2</sup> This refers to the Statute of Uses of 1535 (27 Hen. VIII., cap. 10), which purported to do away with the distinction between beneficiary and legal ownership by enacting that all land held by one person to the "use" of a second should be held to be the legal property of that second person, who was henceforth to be responsible for the discharge of all the duties and obligations connected with the estate. Before very long, however, legal ingenuity re-introduced the old distinction between equitable and legal ownership by deciding that "an use cannot be engendered of an use" and that therefore if A held land to the use of B to the use of C, B's rights were secured by statute, while C's rights were left to the equitable jurisdiction of the Court of Chancery. These secondary uses became the Trusts of modern law. This suit presents us with an example of the effect of the statute in its simplest form, the estate which had been held by trustees to the use of William Draper becoming his property absolutely.

<sup>3</sup> 1 29.

<sup>4</sup> 1537.

<sup>5</sup> This John Rodney is the grandson of the Sir John whom we have met before in these suits, his father, Walter Rodney, having died in Sir John's lifetime (see above, p. 72). The John Rodney of this suit died in 1548. *Medieval Wills* (S.R.S., xxi), 103.

use to the grett hurte, losse and onquietnys of your said subject and to hys utter undoyng, and to the perrelous exampell of suche licke offenders in tyme to come if condyngn punisshement be not the rather had in this behalff. In consideracion whereof and for as muche as your said orator is but a pore man and the said John Rodney a man of grett possessyons and well fryndyd and alyed to dyverse men of auctoryte and powre in your said countye, by reason wherof your pore subject can have no redresse ne remedy of the premisses onles your gracious favor be to hym shewed in this behalff, in tender consideracion of the premisses it maye therfor please your highnes of your most habundant grace to graunte to your said subject your most gracyous wryte of injunceyon with a subpena to be dyrectyd to the said John Rodney and the others, commaundyng them as well to avoyed the possession of the premisses and to suffer your said subject to occupy the same according to right, equite and justis, so also to apere before your highnes and the lorddes of your most honorabell counsell in your highe courte of your stare chamber at Westminster [etc. etc.].

### Bridge v. Hill.

VOL. VI, NO. 248. DATE: 1537.

*To the Kyng our Sovereigne Lord.*

In his moste humble wyse complayneth unto your Highnes. your poore subject William Bridge that whereas at a courte holden at the manor of Radyngton<sup>1</sup> in Radyngton in the countie of Somerset the first daye of Maye in the ixth yere of the reigne of Kyng Edward the iiijthe oon William Saye Knyght decessed<sup>1</sup> then beyng owner of the said manor as in right of Dame Jenofee his wyff<sup>1</sup> by his stuarde of the same courte

<sup>1</sup> The manor of Raddington had been owned by the Hills, John Hill, who died in 1455, being followed by his daughter Genevieve, who married Sir William Say. Sir William, who was holding this manor in right of his wife in 1468, was sheriff of the counties of Somerset and Dorset in 1478 and 1479 (Collinson, i, xxxvi). Sir William and his wife had no children, and

graunted by copie of courte rolle to Robert Moore<sup>1</sup> Allyn his wyffe now decessed and to Jhon Moore their sonne yet lyvinge oon tenement and certen londes therunto belongynge late in the tenure of William More decessyd, to hold the same for terme of their lyves and the longest lyver of them after the custom of the said manor, as by the copie of the same courte rolle more pleynty it doth appere. By reason wherof the said Robert Ally and John toke the yearly revenuez yssues and proffittes of the premisses withowght interupcion, And after the death of the saide Robert Moore and Allyn his wyff the saide John Moore toke the proffittes therof by survivor. By whose sufferaunce and for divers summes of money to hym well and truly contentyd by your orator, your orator hath peacably and quyety taken and perceyed the yerely revenuez of the premisses until the xth daye of Maye last passyd, that oon William Hill<sup>2</sup> and Robert Yea and other to the number of vij or viij ryottous persons whose names ben unto your orator unknowen, with swordes, bukkelors, staves, billes, glayves and other defensive wepons in maner of warre arrayed agaynst your paix and lawes, soveraigne lorde, came to parcell of the said premisses and with force did take and dryve awaye vij score shepe or therabought vij bullokkes and a colte of your said orators, and a grett number of the same doo yett kepe and deteign against the will and mynde of your said orator to the utter undoing and impoverishment of your said orator for ever oncles your gracyous favor be unto hym showed in this behaulf. And forasmuche as your orator is a poore man and not of abylytee or substaunce to sue for reformation of the premisses at the comon lawe, yt may therefore lyke your highnes, the premisses tendrely considred, to graunt your gracyouse wrytt of subpena to be dyrectyd unto the said William Hill and Robert Yea, commaundyng them personally to appere before your highnes or your most honorable counsell in your Sterre Chamber at Westminster [etc. etc.].

the manor reverted to Genevieve's aunt, Elizabeth, sister of John Hill, who was the wife of John Chesney. She left two daughters and co-heiresses, who were represented by the grantees of the lease mentioned below. See Collinson, iii, 542; Weaver, *Somers. Visits.*, pp. 32, 33.

<sup>1</sup> These Moores have not been identified.

<sup>2</sup> A William Hill of Radington died in 1509. This may have been his son. Smith, *Wills*, i, 124.

Vol. VI, 355-365. The sayyng of John More, mensyoned within the sayd bill of complaynt, examined before Sir Hewgh Poulett, knyght,<sup>1</sup> and Roger Bluett, esquier,<sup>2</sup> the xth day of Marche yn the xxviiijth yere of the reigne of Kyng Harry the viijth.<sup>3</sup>

The sayd John More, be yng son of Robert More and Elynor his wyffe, sayth that the hole right and yntrest of the landes in vyanance only belongeth to the saide John More, as yt aperyth by dyvers coplez of the courte rolles of Radyngton hereafter worde by worde copley owt. The saide Aleynor overlyved the sayde Robert More and dyed abowte ij yers paste, and syns the deth of the sayde Aleynor the said John More was never admytted tenant to hyt, but a lytle before the deth of the said Aleynor the said John dyd put ij sters yn to the same grounde, and ymmediatly upon the deth of the saide Aleynor the said ij bestes were dryven away oute of the grounde to a place callyd Rokes castle<sup>4</sup> by the forsaide William Hill and syns that tyme the said John More never occupied any part of the saide grounde. He never surrenderd nor yeldyd up his title, nor never made any graunt to any man of any parcell of the said grounde, or of any part of his right or title concernyng the same. Hereafter followeth the coppys whereby the said John More claymeth, [here translated out of the Latin]:—

Radyngton. To a court held there 1st May 10 Edward IV<sup>5</sup> there came Robert att More, and gave the lord a fine of 10s. for entry into two closes called the Church Hyll and the West-downe, which William More lately held; to hold to himself and Eleanor, his wife, and John their son, for the term of the lives of them and the longer liver of them, according to the custom of the manor, by the rents and services therefrom heretofore due and accustomed. And so they were admitted tenants, and did fealty to the lord.

<sup>1</sup> See above, p. 191.

<sup>2</sup> He was the son of Richard Bluett and the grandson of Nicholas Bluet, and was lord of the manor of North Petherton. *Somers. Visitations*, ed. Weaver, 1, 7, 8; Collinson, 55, 262.

<sup>3</sup> 1537.

<sup>4</sup> Rooks Castle is in the parish of Broomfield.

<sup>5</sup> 1470.

Radyngton. To the court held there 1st May 9 Edward IV.<sup>1</sup> came Robert at More, and gave the lord 6s. 8*d.* for a fine for entry into that tenement which William More lately held, to hold [as above].

Radyngton. To the court held there 1st May 11 Edward IV.<sup>2</sup> came Robert at More, Eleanor his wife and John their son, and gave the lord 40s. as a fine for entry into a tenement which John at Bury lately held, to hold [as above].

Radyngton. As yet the court of Sir William Say, Knight, tenant by the law of England, held there 11th April 2 Richard III.<sup>3</sup>; to this court came Robert at More and gave the lord 20*d.* for a fine for the reversion of a meadow called the Westmede, now in the tenure of Lucy Sayer, to hold [as above].

The sayyng of William Brudge [examined as above].

He sayth that Aleynor More and he, the said William Brudge, and Anne his wyffe, dowghter of the said Aleynor, syster to John More now lyvyng, hath taken a lesse of the saide grounde in varyance of John Waldgrave,<sup>4</sup> Thomas Hussey,<sup>4</sup> William Clopton the yonger,<sup>4</sup> George Babyngton<sup>4</sup> and Eleynor<sup>4</sup> his wyffe, by ther dede endented to the said Aleynor More, William Brudge and Anne his wyffe. Before the takyng of this estate the said John More sayde that he wolde make no clayme to the sayde grounde if that his said syster Anne scholde have any state in the same, or els he wolde clayme hyt. He never had any other graunte theryn of the said John More, nor doth nott know what yntereste the said John More hathe yn the said grounde, by the

<sup>1</sup> 1469.

<sup>2</sup> 1471.

<sup>3</sup> 1485.

<sup>4</sup> These were the representatives of John Chesney's co-heiresses. John Waldegrave, who was the son of Edward Waldegrave and of Mabel, daughter of John Chesney, inherited one moiety, the other moiety was divided among the three daughters of Joan Chesney, who had married John Say. These were Helena, who married George Babington, Elizabeth, the wife of William Clopton, and Anne, who married Robert Hussey. Collinson is wrong in making Mabel, the wife of Edward Waldegrave, the sister of the three co-heiresses. She was their cousin and inherited a moiety of the manor (Coll., ii, 244). Charles Waldegrave owned the advowson of Radington in 1599. Feet of Fines, Div. Cos., Mich., 41-42 Eliz. See above, p. 126, n. 2.

saying of the said John More, who sayth that he hathe an estate theryn by cople of the courte rolle.

Hereafter foloyth the cople of the abovesaid deed [in Latin, dated 25 November 26 Henry VIII.<sup>1</sup> whereby all the tenements mentioned above, together with a meadow called Estmede and the moor there, were granted as abovesaid for term of the lives of the said Eleanor, William and Anne. John Hyll is constituted attorney to deliver seisin to the grantees].

The saying of William Hylle [examined as above].

He sayth he hathe right to the saide grounde in varyance by reason of a lesse taken of Sir William Say, knight, John Clerke and John Felde, feoffees of the said Sir William Say, made to the said William Hylle, Margaret his wyffe and Johan there dowghter, for terme of there lyffes. He occupied the grounde peacebly after the deth of Aleynor More, wiffe of Robert More, by the space of a quarter of a yere and more, and then was put owte by the said William Brudge, syn whiche tyme hyt hath contynued yn varyance betwyne the sayd William Hill and William Brudge.

Here followeth a cople of the abovesaid dede [in Latin, dated 24th April 2 Henry VIII.,<sup>2</sup> granting the reversion of the premises after the death of Robert More and Aliena his wife, for term of the lives of the said William Hyll, Margaret and Joan; Thomas Fremelet and Richard Cook of Spaxton are constituted attorneys to deliver seisin to the grantees].

The saying of John Chubworthie *alias* Hill [examined as above].

He sayth that he was prevy to the byyng of the premises in varyance of Sir William Say, knyght, for the said William Hill, Margaret and Johan, and payde for the fyne therof *vi.*, and was at the sealyng of the dede made by the saide Sir William Say, John Clerke and John Felde. At the byyng of the said grounde the courte rolles were serched to know what state was graunted of the said grounde; wheruppon hyt was founde that by a cople of the courte rolle there was a state made to one William More,

<sup>1</sup> 1534.

<sup>2</sup> 1510.

Alice his wyffe, Robert there son and hys wiffe, after custom of manor, and as for eny farder state ther was none cowde be founde nor seen at any time, wherby John More son of the said Robert More sholde have eny ynterest. And further he sayth that aboute xx<sup>ti</sup> yeres paste one Sir Olyver, chaplyn to Master Humfrey Calverlegh, saide to the saide John Chubworthie, that at the request of John More son of Robert More the said Sir Olyver had made ij coplez to the said John More of the grounde now in varyance.

Farther there was delyvered to us, the sayde Heugh Poulett, knyght, and Roger Bluett, esquier, a letter from Richard Gyfforde of London gentelman, syned and sealed with his honde, who had all the doinges in this and all Sir William Sayes lande in the weste partyez duryng his lyffe and the trewe cople of hys letter hereafter foloyth :—

Pleasyth it your worschippes to understonde that where it ys so that one John More of Radyngton in the countye of Somersett certeyn yeres paste dyd come unto me to Spaxton yn the said countie I then being officer to Sir William Say, knight, whos soule Jesu pardone, to have a copie of certen landes yn Radington before sayde whyche one Robert More had by copie to him and to one Eleyne hys wyffe and to the lenger lyver of them, and after the deceasse of the sayde Robert, the sayd Elyn his wyffe then lyvyng, came one William Hille of Radington aforesaid and optayned of the lorde a deade of the revercion of the saide landes after the deceas of the sayde Eleyne to the saide Hille and to certen others whos names be conteyned yn hys sayde deade. And after the dethe of the sayd Eleyne, then the sayde John More came unto me to the sayde Spaxton, and wolde have had of me a newe copie after the deceas of the sayde Eleyne to hym and others, and also there brought with hym the copie of the said Robert and Eleyne his wyffe, and no other persons namyde in the saide copie but only the sayde Robert and Eleyne. And then uppon the said profe had the said William Hille was putte in possession yn to the sayde grounde, and so contynued there peasibly untill the deth of the said Sir William Saye. Wheruppon I knowe very well and will testefye the same at all tyme that the said John More at that tyme coulde nott schowe nor had no yntereste nor title to any wrytyng,

but that the said John was Robert Morys son, and other tytle do I nott knowe but that the sayde William Hylle scholde have the sayde lande accordyng to hys deade, whyche I am and always shalbe redy to shewe thys the truth therof as knouyth God that ever have you in hys tiewisson. At London the xiiiijth day of February.<sup>1</sup>

[signed] Heughe Paulett.  
Roger Bluett.

**Bridge v. Hill.** [SECOND SUIT.]

VOL. VI, NOS. 72 AND 73. DATE: 1544.

Depositions upon interrogatories ministred on behalf of William Bridge against William Hill; xiiij May *anno* xxxvj to [Henry VIII].<sup>2</sup>

William Hill of Radington, co. Somerset, husbandman, confesseth that ther was a decre made by the Kinges most honorable counsaile in the Sterre Chamber, xxix Henry the eight, towching a certen tenement and landes then in variaunce betwene this deponent and the saide William Bridge, the playntif, in which this deponent was injoynd upon payne of *cli.* to suffer the playntif to occupie the premises during the lyffe of oone John More, sone of oone Robert More deceasyd.

He confessith the same John More to be yet lyving.

He denyeth that sith the same decre he hath molestyd or interrupted the pleyntif in occupieinge the same tenement, but saithe that the same John More being absent by the space of ij yeres this deponent thought him dede, and therupon sued to the Kynges most honorable counsaile for the possession of the same premises upon the death of the said John More according to the aforesaide decre, and therupon obteyned an injunction against the pleyntif, and then incontinently the said John More came home again. And so then this deponent perceyvinge the said John More to be on lyve medlyd not therwith.

<sup>1</sup> From the suit which follows we learn that the plaintiff, William Bridge, was successful, the defendant being bound over not to interfere with his occupation of the premises during John More's lifetime.

<sup>2</sup> 1544.



## Hartgill v. Zouche.

HENRY VIII., VOL. II, NOS. 24-31. DATE: 1540.

This boke containyth the matter bitwen Argill & Richard Zouche esquier.

Depositions taken at Bruton the vijij<sup>th</sup> day of Aprill yn the xxxj<sup>th</sup> of the reign of oure soueraign lorde kyng Henry the vijij<sup>th</sup> bifore Sir Giles Strangwayes knyght<sup>2</sup> Sir John Horssey knyght<sup>3</sup> Sir Hughe Paulett knynght<sup>4</sup> Nicholas FitzJames<sup>5</sup> and George Gilbert esquier.<sup>6</sup>

Thomas Amys of Southbruhame in the countie of Somerset husbondman of thage of xlvi yeres or therabouts sworne & examined the seide day & yere depositth & saythe that oon John Webbe alias Smythe beyng seruaunt to William Hartgill of Kylmyngton<sup>7</sup> aboute ix yeres past with one John Crase John Bryaunt & oder did stele a mare with a colte of the price of xxvj<sup>s</sup> vijij<sup>d</sup> of the goods of this deponent for which felonye the

<sup>1</sup> 1540.

<sup>2</sup> These were all county magnates. For Sir Giles Strangways, see above, p. 84.

<sup>3</sup> Sir John Horsey, kt., was in the Commission of the Peace for Somerset from 1530 onwards. *L. and P. Hen. VIII.*, iv, g. 6803 (12), etc.

<sup>4</sup> See above, p. 191.

<sup>5</sup> Nicholas FitzJames was a justice of the peace for the county at this date, and was later sheriff.

<sup>6</sup> George Gilbert was another Somerset J.P.; he owned land in Bishop's Hull and Corton Denham.

<sup>7</sup> The pedigree of the Hartgill family of Kilmington appears in the Visitation of 1623. *Harl. Soc.*, xi, p. 46. At this date the manor of Kilmington was owned by George, Earl of Huntingdon, who died seized of it in 1544. It later, however, passed to the Hartgills. *Coll.*, iii, 40. William Hartgill, who was lord of the manor of Norton Ferris, became a familiar figure in Star Chamber suits. He and his son brought two actions against Charles, Lord Stourton (to whose father, William, Lord Stourton, he had been land steward), for the seizure of corn and cattle in Norton Ferris in the reign of Philip and Mary (*Cal. Star Chamber Proc.*, i, 271, 306, 321), and was himself the defendant in an action brought for illegal distraint on land held of the manor of Norton Ferris in the reign of Edward VI. His quarrel with Charles, Lord Stourton, who had followed his father in 1548, was very bitter—and ended in a tragedy. Lord Stourton,

seide crase was arraigned and put yn execucion at yevilchestre and the seid Crase at the tyme of his deth didd confesse that the seide John Webbe was the principall dower of the stelyng of the seide mare & colte and the seide Bryaunt toke sanctuary far the same felonye at Charterhouse within and ther beyng confessid the like mater for Webbe & hymselff as crase bifore confessid and apou knowlege that the seide Crase was taken for the same felonye the seide Webbe fledd the contrey for it and sithen that tyme apou boldenes of the seide Hartgill the seide Webbe hathe dyuers tymes resortyd yn to this countrey and hathe byn supported confortid & maynteyned by the seid Hartgill and yn his house at dyuers tymes. Item the seide deponent saithe ferder apou his seide othe that by meanes off the seide Hartgill he was arrestid for the peace byfore the kyngges Justyces off assizes and ther bifore them fownd suerties for the same<sup>1</sup> which was procurid agaynst hym onoly of malice for that he declarid the seid felonies agaynst the seide Webbe and apou the same assisse immediately after his comyng home the seide Hartgyll causid the seide deponent to be nywly arrestid to the peace<sup>2</sup> onoly for vexacion at the suyte of oon of the sonnes of the seide Hart[gyll] as apperid by the warraunt grauntid by the lorde Stourton<sup>3</sup> and therapon the seide deponent was put yn the Stockes by the space of iiij hofurs] beyng ther extremly thretenyd and ynforced by the same to fynde nywe sewerties for the peace and allso paide ther iiij s for his fees or he cowlde departe.

And ferder seyth apou his saide othe that apou confession made by the seide Crase and Bryaunt this seide deponent hadde agayne his seid mare aboute Chrischurche yn Suthamshire with the help of four of his servants murdered Hartgill and his son and buried their bodies fifteen feet deep. The crime was, however, discovered, Lord Stourton was convicted of the murder on 26 Feb., 1556-7, was attainted and hanged at Salisbury in the following March. G. E. C., *Peerage*, Collinson, iii, 40. The manor of Norton Ferris, forfeited by Lord Stourton's attainder, was granted to Hartgill's heir. William Hartgill's will, which was proved in 1557, mentions the debts owed to him by Charles, Lord Stourton. *Med. Wills* (S.R.S., xxi), 173-4.

<sup>1</sup> Surety of the peace—a bond given by a man before a competent judge of record, in this case one of the king's justices at the assize.

<sup>2</sup> *I.e.*, arrested for a breach of the peace.

<sup>3</sup> This was William, third Lord Stourton, the father of the man whose quarrel with Hartgill had such a fatal ending.

accordyng to their confession made where as the same mare schuld be with iij other horses of oder mennys gooddes stolen by them & webbe by their seide confession.

And also they confessid that the seid Webbe hadd a grete parte of the money whiche was taken for the seide mare & horses that were stölen and more the deponent knowith not.

Henry Moore alias Smythe of Kylmyngton yn the countye of Somerset husbandman off thage of l yeres or nyghe therabouts sworne & examined the seide day & yere deposith & saith upon his seide othe that he herd the seide Crase & Bryaunt confesse the seide felonyes don by them selfes and Webbe yn like maner as the same amys hathe bifore deposed and so he affirmeth all & every thing to be true yn maner & forme as the seide amys hathe don.

Item the seide deponent saith ferder apon his seide othe that the seide Hartgill and his Sonnes Wyllyam and John hathe dyuers tymes layen yn a wayte for this seide deponent and they haue at dyuers tymes pykkyd qwarrelles to this deponent and made dyuers assaultes aswell ageyn the seide deponent as agayn som of his seruautes yn so moche that Wyllyam son of the seid Hartgill did chace this seide deponent with his swerd drawn the Thursday after the feste of the epiphanye of oure lord last past at whiche tyme this seide deponent was rescued from the seid Wyllyam by oon James Adamps then seruaunt to this seide deponent and then the seide Wyllyam Hartgill the yonger did hurt the seid James apon the arme with his sworde. Wherapon this saide deponent immediatly after the sessions at Wellis complayned to Wyllyam Portman esquier<sup>1</sup> oon of the kynges Justices of the peace for feare of his bodyly harme who therupon directed his letters to the seide Hartgill Wylyng & commaundyng hym & his sonnes by the same to kepe the kyngges peace ageynst this seide deponent and oder his servautes yet that notwithstanding the seide Wyllyam Hartgill the yonger the Sondag after the rescците of the seide lettres manassed this seide deponent and sought for hym to haue assaulted hym yn the house of oon Wyllyam Felpis off Kylmyngton wher as he

<sup>1</sup> He was the son of John Portman, who died in 1521, and was lord of the manors of Orchard Portman and Corton Denham. He was a member of the Council of the West. *L. and P. Hen. VIII.*, xiv, pt. 1, g. 743.

supposed that the seid deponent schuld haue ben at Souper wherapon this seide deponent aboute the Fryday or Saterdag next after the fest of the purification of our lady last past for sauffgarde of his lyffe did requyre the peace of the lord chauncellor<sup>1</sup> agaynst the seide Wyllyam Hartgill thelder and all his sonnes & seruantes wherapon the seid Wyllyam Hartgill thelder fownde sewrties accordyngly and sithen that tyme that is to saye the iij<sup>de</sup> day of Marche last past the seide John Hartgill and Wyllyam sonnes of the seide Hartgill thelder did assaulte this deponent with their swerdes and an owtter speare the seid deponent beyng then at the ploughe aboute his busynes the seide John Hartgill did stryke at the seide deponent with the seide owtter speare as he wold haue fledd from theym upon his horse but he then escapid from theym with moche daunger.

And ferder the seid deponent saide upon his seide othe that aboute the fest of all seyntes last was twelue monethis oon Edward Huntley Richard Carpynter & John Goold then seruantes to the seide Hartgill theldre did stele a sowe of this seide deponents yn a place called the holt whereof this seide deponent hadd knowlege by that oon John Lambart of Kylmyngton forseide did se theym take the seide sowe with a mastyff dogg off whiche mater the seid lambert gaue knowlege prively to oon Sir Wyllyam Southey preste belongyng to the seid Hartgill and to oon John lopham to thentent that som good ordre myght be taken theryn by the seide Hartgill withoute ferther busynes wherupon the seide Lambert hadd afterwarde a heffur hurt yn the legg and an oxe likewise hurt yn the legg and he hymselfe was afterward hurt and put yn daunger of his lyffe by the seide Edward Huntley whereapon the seid lambert didd schewe the same mater unto the seide deponent & other.

And ferder saithe that the seide Richard Carpynter saide to the wiffe of this deponent & to one Humfrey Smythe that his master Wyllyam Hartgill hadd yn Tubbes fattes & standys more brawne then the iij next parishes cowde ete at one meale and that the seide carpynter ynsuyd & folowed with a naked knyffe

<sup>1</sup> If the bond given before the common law judges failed to make a man keep the peace, he might be required to give surety for his good behaviour before the Lord Chancellor. This is apparently what is referred to here.

drawen yn his hand ij boores of this seide deponents and more he knoweth not.

John Lambert of Kylmyngton yn the countie off Somerset husbandman of thage of xxxv yeres or theraboutes sworne and examyned the day & yere aboucsaide deposit & saith that he was seruaunt to Wyllyam Hartgill at the time when the mare & colte of the seide Thomas Amys was stolen and at the same tyme the seide Webbe was then likewise seruaunt to the seid Hartgill and after that the seide Crase was taken as is afforsaide for the stelyng of the seide mare the seide Webbe by the space of xiij daies or more kept hymself prively yn the woddos of the forest of Selwodd and somtyme commyng to the seide Hartgilles house yn the nyght tyme and immediately after the seid xiij dayes the seide Webbe fledd owte of the contrey for the space of v or vj yeres and was not seen yn the contrey ageyn by all that space for this deponent contynued yn the seruice of the seide Hartgill ij yeres next after the seide felonye commytted and ferder saith that he knowith certenly the stelyng of the sowe of the seide Henry Moore and that this deponent was hurt and his catell hurt yn maner & forme as the seid Henry hathe bifore deposid.

Item he seith ferder that he sawe the seid Carpynter lede the seide Sowe yn to the house of the seide Wyllyam Hartgill theldre.

Item the seide deponent saith ferther apou his seide othe that he was bownde to the peace bifore the Kynges Justices at the last assises holden at Yevilchestre and that notwithstanding was nywly arrestid by a warraunt made by the lord Stourton and put yn Stockes by the space of half a day immediately after thassises by the procurement of the seid Hartgill & ther was compellid to fynde nywe suertiez and paid for his fees iijj*s*. vjd*l*.

Item the seide deponent saithe ferder that on Sunday last past he delyuerede a lettre from Sir Giles Strangwayes & oder the Kynges commissioners to the said Wyllyam Hartgill for his apparaunce bifore theym apou thes causes wherapou the seide Hartgill seide to hym if thow wyn by this thow shalt never lose by no bargayn that euer thow shalt make.

Richard Stere of Southbruham yn the countye of Somerset husbandman of thage of xxxv yeres or ther aboutes deposit

that he herd Wylliam Stere father of this deponent say that Crase did confesse to hym at tyme of his execucion & likewise bifore and also that Bryaunt beyng in Sanctuary didd likewise confesse that Webb was at the stelyng of the mare & colte of Thomas Amys with the seid Crase & bryaunt and also that they hadd stolen so moche ledder as was worth yn value xlvjs. viij*d*.

Thomas Rastall of Stauerdelly yn the countie of Somerset yoman off thage of xxxiiij yeres or therabouts saith that apou complaynt made by dyuers persons to Mr. Richard Zouche<sup>1</sup> that the seide Webbe (beyng noted to be an arrant theffe) was com yn to the countrey who kept hymselff prively yn the day tyme and that he schuld be supportid yn the howse of the seide Hartgill yn the nyght tyme wherapon the seid Mr. Zouche sent this deponent to Mr. Nicholas FitzJames and George Gilbert esqwyers Justices of the peace in the seid Countie to knowe their best advyses yn this mater who advised hym that he shulde cause the seid Webbe to be arrestid & taken for felony and to be brought bifore som Justice of the peace for the ferder exacions therof and accordyngly the seide Mr. Zouche the Thursday next bifore the fest of the purificacion of our lady erly yn the mornyng did send this deponent with on Edward Morne Robert Vynnyng & John Hillyng to apprehende the seide Webbe beyng then yn the house of the seide Hartgill Wherapon this seide deponent with his felowez heryng that Webb used to be euery mornyng yn a place called the holt adioynyng to the Forrest of Selwood and ther used to contynue all the day tyme went to siche place as they supposed the seide Webbe wold goo towards the holt thynkyng that oon of theym shuld fetch the Constable of Kylmyngton to assist theym and ther goyng yn ther way they mett with the said Webb and then this deponent saide to hym I arrest the of felonye and with that the seide Webbe turned from hym and drew owte his swerd & Buckler and cast a foyne at hym backward wherwith he strake this deponent through the cote under his arme and then this deponent & his felowes didd take the seid Webb and this deponent lefte this Webb with his

<sup>1</sup> This was probably the Richard Zouche of Stavordale, son of John, Lord Zouche, who was lord of the manors of North Barrow and South Barrow and Bratton Seymour. Collinson, ii, 62 ; iii, 36. Weaver, *Somers. Incumbents*, 17, 177.

oder felowez under the seid arrest and went hym self towards the towne of Kylmyngton to cause the Constable to com thidre who was not then at home and yn the churchyarde of Kylmyngton this deponent met with iij of hartgilles seruauntes sayeng to theym that he had arrestid Webbe of felonye and left hym with his felowes yn the Grove adioynng nygh to his house and then this deponent went to the bailiff of Kylmyngton and to the tethingman ther and charged theym in the Kyngges name to help hym & his felowez apou the arrest of the seid Webbe whereupon this deponent and the seid Bayly & Tethingman went towards the place wher this Webb was arrested & lefte and by the waye nere to the same place they mett with som of the felowez of this deponent whiche saide that Hartgill & his company hadd rescued & taken away the seide Webbe from theym with grete force and then this deponentes felowez went to Mr. Zouche to shewe hym of this demenour and this deponent taried at Kylmyngton to knowe what the officers ther wold doo yn this mater whiche officers ther saide that they hadd awnswere of the seid Hartgill that the saide Webb shuld be furth comyng to awnswere unto siche mater as cowld be allegid agayn hym and this deponent hadd then his wapon taken from hym by the seide Hartgilles meanez apou the reporte that the seide Webb was sclayne & murdrid by hym & his felowez and the next day after the seid Webb was brought bifore Mr. Nicholas FitzJames and Mr. George Gilbert and they apou the examynacion of the mater sent hym to the kyngges Gaole of Yevilchestre and the next day folowyng the seide Wilyyam Hartgill did send iij sewertyes wherof one of theym was his son an oder his son yn the lawe and the iij<sup>de</sup> one carter who was his seruaunt and apou their recognisaunce the seid Webb was Baillie to the next generall gaole delyuerey at whiche tyme the seide Hartgill brought furth & delyuered a write of *Corpus cum causa*<sup>1</sup> byfore the Justices to remove the seide Webb owte of the shere yn to the Kynges benche.

<sup>1</sup> *Corpus cum causa* is "a writ issuing out of the Chancery to remove both the body and the record touching the cause of any man lying in execution upon a judgment for debt into the King's Bench, there to lie until he hath satisfied the judgment." Cowell, *Interpreter*.

Edward Morice off Staverdell in the countie of Somerset yoman aboute thage of xxxij yeres or theraboutes saith yn all & euery thing concernyng the rescuyng of Webbe as the seide Rastall hathe before deposed and ferder saithe that when the seide Webbe was arrested and lefte yn the custodye of this deponent and other of his felowez the seide Rastall went to Kylmyngton for the Constable and yn the meane tyme cam Hartgill with dyuers other persons with hym to the nombre of xiiij persons or theraboutes with bowes and arrowes & oder wepons and som of them beyng harnysed did forcibly take a way the seide Webbe from this saide deponent & his felowez albeit that this deponent didd opynly say to the seid Hartgill that the seide Webbe was arrested by the commaundement of the Kynges Justices and the seide Hartgill then made awnswere & saide that Webbe was his seruaunt & wee schuld not haue hym and with that Hartgill bade them that were with hym yn his parte to schute at Mr. Zouche is seruauntes and kyll theym and so toke the seide Webb from this deponent & other contrary to oure willes.

Robert Vynyng of Wyncaulton yn the countie of Somerset husbandman of thage of xxv yeres or theraboutes saithe in all & euerything as the seide Edward Morice hathe bifore saide & deposed and saith ferder apon his seid othe that Hartgill caused ij bandogges to be sett on this deponent & his felowez to thentent to haue their purposes afforsaide.

Richard Wynsloo off Pen yn the countie of Somerset husbandman of thage of l yeres or theraboutes desposith that he was seruaunt and under keper to Willyam Hartgill yn Brucombe<sup>1</sup> yn the Forest of Selwodd and seith ferder apon his seid othe that the seide Willyam Hartgill the elder Willyam & John his sonnes and John Webbe his seruante hathe dyuers tymes forstallid & kyllid the kyngges dere yn the seide forest to a grete nombre and ferder saithe that he fownde Huntley and John Frowde seruauntes to the seide Hartgill where they hadd kyllid a bore with ij bandogges and put hym yn a sack and caried it to the house of the seide Hartgill and one Alice Rendall and Avelyng Gilbert cam to the seide Edward Huntley and John Frowde when they hadd kyllid the same bore.

<sup>1</sup> *Sic.*



Item the seid deponent saith ferder apou his seide othe that Willyam Hartgill saide to this deponent that he hathe hadd kepers byfore hym that hathe brought hym a carte lode of wylde boores yn one yere.

James Adamps of Kylmyngton yn the countie of Somerset, husbondman of thage of xxx yeres or therabouts, depositth that Willyam Hartgill and John his son made assaulte apou the deponent yn the churchyard of Kylmyngton and the seid John Hartgill strake hym with his daggar and the seide Willyam strake at hym with his wodd knyffe and did put hym yn Jeopardie of his lyffe sayng that good rescue was hadd of honest persons that were present.

Signed:—Gyles Strangwayes, John Horsey, Hwg' Paulet, George Gilbert, Nycholas FitzJames.

*Ex parte* Willelmi Hartgill.

Richard Adamps of Bruton yn the countie of Somerset glover aboute thage of lx yeres or more saith that aboute x or xj yeres past the seid deponent hadd a donn Geldyng stolen at Bruton by oon John Bayly *alias* Smythe and afterward the same Geldyng was conveyed nyghe aboute Crischurche yn Suthamshire by the confession of oon Bryaunt beyng yn Saynctuary whiche cam to the knowlege of this deponent by oon Thomas Amys and he saithe that to his knowlege the seid Webbe was not privey to the stelyng of the seide horsse.

Thomas Crase of North Bruham yn the countie of Somerset husbandman of thage of l yeres or therabouts depositth that he herd Crase & Bryaunt sey that Webb did stele wyne owte of oon Wykes wayne but he knowith not how moche it was and this was don abowte ix yeres past.

Willyam Leuersage of Kylmyngton yn the countie of Somerset yoman of thage of l yeres or more saith that he herd Webb say the morrowe after that he was hurt yn the grove besides Hartgills house that certeyn of M<sup>r</sup> Richard Zouche is seruauntes did set apou the seide Webbe the day bifore and badde hym yeld hym thyffe and he defended hym selff the best he coud wherapou he was hurt and ferder saithe that Webbe was with Hartgill yn seruice by the space of a yere after that Crase

was put yn execucion, and ther contynued till he hurtid oon Water Gulloffer then he gave hym warnyng to avoyde his seruice.  
[Signed as above.]

### Heith v. Speke and others.

HENRY VIII., VOL. I, NO. 100. DATE: 1540.

The answer of John Bely to the byll of complaynt of Nicholas Heith clarke cheif almoner to the king's grace.<sup>1</sup>

The said John Bely sayth that the seid bill of complaynt ys uncerten & insufficient in the lawe to be answered unto & the mater therin contayned deuised only of malice to thentent only to put the said defendant to great vexacion. Netherthelesse for farder answeere unto the said surmised byll of complaynt the said defendaunt saythe that att such tyme as the said Nicholas Sarger<sup>2</sup> had knowledge of the murder commytted & down by the said Thomas Michell<sup>3</sup> as ys mencyoned in the said byll of complaynt he the said Nycholas Sarger made hys repaire unto Canyngton aforesaid with whom the defendaunt beynge seruaunt

<sup>1</sup> Nicholas Heath was appointed almoner to the king in 1537. He later became Bishop of Rochester (1539), of Worcester (1543), Archbishop of York (1555-9), and Lord Chancellor (1556-8). His political career ended with the accession of Elizabeth. *Dict. Nat. Biog.* The goods of the *felo de se* were forfeited to the king's almoner, who disposed of them in alms to the poor. Cowell, *Interpreter*.

<sup>2</sup> Under-sheriff of the county, see below. His will was proved in 1550-1. *Somers. Wills*, ed. Crisp, i, 83.

<sup>3</sup> This Thomas Michell was the grandson of Walter Michell, who died in 1487 owning many manors in Somerset, including the manor of Chilton, the manors of Wembdon and West Pury. *Cal. Inq. p. m.*, Hen. VII., i, 257. West Pury may probably be identified with the Pury Court which became the scene of this tragedy. Walter Michell was followed by his two sons, William and John, in succession, both of whom died without issue, the latter on 3 November, 1492 (*Ibid.*, i, 756), when they were succeeded by their brother Thomas Michell, who married Margaret FitzJames. This Thomas died in 1502, his will being proved in 1502-3. *Medieval Wills* (Somers. Rec. Soc., xix), 51; *Hist. MSS. Com. Rep. viii*, App., pt. i, 335a. He was followed by his son, Thomas Michell, who was lord of the manors of Chilton, Wembdon, and West Pury. Thomas Michell married Joan, second daughter of Sir Richard Warre, knight, whom, with her sister Eleanor Sydenham, he murdered, afterwards committing suicide.

unto the said Nicholas Sarger also came & repayred at whos cummyng they there founde the said Thomas Warre<sup>1</sup> whiche had taken withoute auctoritie the ordinaunce & rule of all the said goodes & after the cummyng of the said defendaunt at Canyngton aforesaid the said William Pycchard then beyng coroner made an enquire by the othes of xij lawfull men how & in what maner the said Thomas Michell Johan hys wife & the said Elyanor should cum to there deathe & also the said William Pycchard then & there by the othes of the said xij men caused all the goodes & catalz of the said Thomas Michell to be valued & pricyd & after the goodes so valued & pricyd the said defendaunt by the commaundement of the said Nickolas Sarger dyd take certen of the said goodes & conveyd it in to a wayne then & there beyng & ordeyned for the conveyance of the said goodes and also saythe that the said Nicholas Sarger sold to the said defendaunt on hors a simple flocke bedd a nolde carpett & iij cousshyns whiche amountyd in all to the some of xxs. whiche said hors flockebedd & cussens the said defendaunt hath in his custody & for the same he haith & trwely payed Nicholas the some of xxs. without that the said defendaunt is gyilty of brekyng the house & dores or takyng of any other of the said goodes & catalles that was to the said Thomas Michell or conuertyd the same to his owne use in maner & forme as untruly is alleged in the said bill of complaynt or that any other thing comprised in the said bill of complaynt beyng materiall to be answered unto not answered confessed & avoyded is trwe all whiche mater your said defendaunt is redy to aver as this honorable court will award & prayeth to be dysmyssed out of this honorable court with his reasonable coste for his wrongfull vexacyon susteyned in thys behalf.

## VOL. I, No. 101.

The answer of Wylliam Pyccher' to the same byll.

He saith that he is on of the coroners of the seyde counte of Somerset & was by the seyde Nycholas Sarger mencyonyd in

<sup>1</sup> Their relationship to the murdered woman to some extent explains the part taken by Sir Richard Warre and Thomas Warre in the affair. The will of Thomas Warre was proved in 1542. See *Visit. of Somers.* (Harl. Soc., xi), 115; Coll., iii, 259.

the seyde byll of complaynt wylyd & requyred to come to Canyngton afore seyde & ther to make an enquire apon the vew of the bodyes of the seyde Thomas Michell Johan hys wyf & Elenor Sydenham then beyng dede at whois request the seyde William Pycher came to Canyngton afore seyde at whyche tyme the seyde bodyes of the seyde Thomas Mychell Johan hys wyf & Elenor Sydenham were then buryed by the said Thomas Warre & oder without any vewe or other enquire therof by any coroner of the seyde counte wherupon the seyde William beyng coroner ther acordyng to hys office & dewte toke the vew of ther bodyes & by a suffycient enquest ther by the Baliff of the hundred of Canyngton to hym retournyd made an enquire how & in what maner the seyde Thomas & Johan his wyf & the seyde Elenor shulde come by ther deth by whych enquest it was founde that the seyde Thomas had felonously murderyd & kyllyd the seyde Johan & Elenor but whether the seyde Thomas had murderyd & kyllyd hymself the seyde enquest for lake of suffycient evydens therof they coude not agree to make any verdyt therof wherupon the seyde William at the request of the seyde Jure ther so sworn to them gave dyuers dayes to be advysid to make ther verdyte therof & at every of the seyde dayes to them appoynted the seid coroner gave his personall attendaunce & at no tyme the seyde jure coude agree to fend that the seyde Thomas Mychell shulde kyll hymself tyll now of late at the last assisez holden at Ivelchester and the seyde William Pyccher also saith that at the tyme that he toke the vew of the bodyes of the seyde Thomas Mychell Johan hys wyff and the seyde Elenor for asmoche as it was namyd & surmysid that the seyde Thomas Mychell was possessed of goodes and catalls of a great value & that by the murther so by hym commyttyd the rygth & tyle therof shulde be unto our soueraign lorde the kyng theruppon the seyde William Pyccher made & toke an inventory of all such goodes & catalles as then & ther remainyd & by the othes of dyuers & sondry credyable persons causid the seyde goodes to be valued and pricyd the inventory wherof with the value of the same accordyng as it was then pricyd the seid Wylliam hath her redy to be shewed without that the seyde Wylliam refused or wold not come to Brygewater to take the verdyt of the seyde enquest in maner & forme as untrewly is surmysed in the seid byll of complaynt.

VOL. I, No. 109.

The answer of Sir Thomas Speke knyght<sup>1</sup> to the same bill.

He saith that the said Thomas Michell was a man of great possessions & estemyd to have at the tyme of his death goods & cattall to the value of on thousand poundes & aboute whiche goodes were then & there before the cumyng of the said Coroner by the said Humfry Waldron<sup>2</sup> Thomas Warr & other personz to the said Sir Thomas nowe unknowen spolyed taken & caried away wher uppon the said Nicholas Sarger beyng under shref to the said Sir Thomas hauyng knolegge of this murder cam to Canyngton aforesaid & there found the said Thomas Warr in the house of the said Michell hauyng the ordinaunce of the said goods att his pleasure at which tyme no coroner had any vewe of the bodies of the said Thomas Michell Johan & Elianor but the said Thomas Warr and other of their owne auctoritie had buryed the said Thomas Johan & Elianor contrary to the kinges lawes wheruppon the said Nicholas Sarger send to the said William Pycchard then beyng one of the coroners of the said shire to cum<sup>3</sup> Canyngton aforesaid & to take the vewe of the bodies of the said Thomas Johan & Elianor uppon whos request the said coroner came & there toke the vewe of their bodies as before is declared & then & there the said coroner at the request of the said under shireff caused an inventory to be had of all suche goodes & cattall as were to the said Thomas Michell then & there remayning and then & there causyd the same to be pricyd & valued to the use of our soueraing lorde the kyng to thentent his grace myght be trwly satisfied & answered of the value therof uppon which apprisment & valuation the said Nicholas Sarger then beyng under shireff of that shire seased the said goodes & cattall to the use of our said soueraing lorde the kyng and the said Sir Thomas Speke also saith that Alexander Popham<sup>4</sup>

<sup>1</sup> Sir Thomas Speke, kt., was one of the gentlemen of the King's Privy Chamber. He owned broad lands in Somerset and was appointed surveyor of the confiscated monastery lands for the Court of Augmentations. He was sheriff of the county in 1539-40. He died in 1551. *Medieval Wills* (S.R.S., xxi), 126; *L. and P. Hen. VIII.*, vol. xiv, pt. ii, g. 619 (38), and g. 780 (34).

<sup>2</sup> Humphrey Waldron or Walrond belonged to the Devonshire family of that name, and was a descendant of the Humphrey Walrond who flourished in the reign of Henry VII. *Cal. Inq. p.m. Hen. VII*, No. 902.

<sup>3</sup> *Sic.*

<sup>4</sup> Alexander Popham was Thomas Warre's cousin.

Robart Warre & diuers other persons to the number of xx persons & more to the said Sir Thomas Speke as yet unknowen after the same goods so pricyd wrongfully took owt of the possession of the said Henry Free seruaunt unto the said Sir Thomas Speke diuers parcell of the said goodes & catall & the same conuertid to there owne use and not so contentyd but also the said Alexander Popham Robert Warre one Sir Richard Warr knyght Thomas Warr Humfry Waldron & oder to the said Sir Thomas as yet unknowen now of late certain corne & shippe there also pricid that were of the goodes & catall of the said Thomas Michell wrongfully without any auctorite haue taken and caried it a waye & conuertyd the same yn lyke maner to ther owne use and also the said Sir Thomas sayth that at the tyme of the said felonye & murder committed & done & at all tyme sythyn he the said Sir Thomas was & hath ben in London & by London attendyng & waytyng uppon the kynges highnes and after that he the said Thomas had any knolegge of the premissez he acerteynyd the kynges hyghnes therof as his duety was so to do withowt that the said Thomas Michell was or yet is endited for murderying of hymself or that the said enquest were or yet be agreed to endyte the said Thomas Michell for any murderying or kyllyng hymself in maner and forme as untrwly is alleged yn the said bill of complaynt or that the said coroner by the unlawfull payement or any oder meanz of the said Sir Thomas Speke refusyd or wold not come to Briggewater to take the verdet of the said enquest in maner & forme as untrwly is surmised yn the said bill of complaynt or that the said Nicholas Sarger & the other person named yn the said bill of complaynt brake upp the dores & lokes of the mancion house of the said Thomas Michell by the commandement of the said Sir Thomas Speke or that there were any suche dores & lokes ther broken yn maner and forme as untrwly is alleged yn the said bill of complaynt or that the said Thomas Warre was expulsed & put owt of the said house for any suche intent as is alleged, or that the compleynant owght to haue the goodes of the said Thomas Michell in maner & forme as he hath alleged yn the said bill of complaynt. And forasmuche as it apperyth in the said bill of complaynt that ther is no Record to proue that the said Thomas Michell dyd kyll or murder hymself therefore

by the order of the kynges lawes the said complainaunt owght not of right to have the same goods & catall of the said Thomas Michel before there be a sufficient mater of record to proue the same which the said complaynaunt hath not alleged nor knogled.

HENRY VIII., VOL. I, NO. 113-116 (DAMAGED), NO. 117.

Interrogatories in connection with the suit *Heith v. Speke*, of which the depositions here follow. (No. 1 torn away.)

28 April 32 [Henry VIII.]. William Picher of Crekcherne, co. Somerset, gent coroner of the same county deposeth that yt is gyven in verdyct that the same Thomas Michell on the 13th of December at Canyngton dyd feloniously kyll and murdr the same Elianor Sidnam his wifes syster and also the same Joan his wife, and at the same daye and place dyd also feloniously kyll and murdre himselfe as yt apperythe by the same verdyt so gyven in wryting. Also he saithe he knewe not at that tyme but that all such goodes cattalls and dettes as wer the saide Thomas Michells at the tyme of his dethe dyd apperteyngne and belong to the kinges grace and not to his almoner; likewise he knoweth not perfytyly what goodes cattalles plate juells & other thinges wer the said Thomas Michells at the tyme of his dethe for he saithe he came not to the howse in thre dayes after his dethe in wiche tyme and space he saith bothe the same undershrife and the said almoners deputye had byn ther befor him comyng thether and saithe that suche goodes cattalls dettes Juells and plate as twer there at the said William Picher's comyng thither amountyd to the some of a *cli*. xviijs. or theraboutes as apperith by an inventory therof made which he hathe exhibyted into this Courte at this his present examinacion; he further saithe that that xij men dyd the same xviiij<sup>th</sup> daye of december fynde and present by theyre othes that the same Thomas Michell had feloniously murdryd his said wife and his syster and at that tyme dyd not present how the same Thomas Michell came to his dethe whereupon this deponent at the request & desyre of the same jury dyd giue daye ouer unto the v<sup>th</sup> daye of Januarye and he knoweth not by whose meanes yt was that they founde not nor presentyd at that tyme how the

same Thomas Michell came to his dethe for he saithe he demaundyd them the cause therof at that tyme wherunto they made answer that they had no perfyte evidence in the matt nor had then viewed the howse or seene what innelettes wer to the same howse therefor desyred this deponent of a longer daye therein ; he further saith that on the v<sup>th</sup> of January being very sycke [so] that he coulde not be at bridgewater the same daye with the same Jury [he] sent his letter to John Sheares bayly of the hundred of Canyngton that he wolde desyre the same Jury to tary at home for that daye untill iij or iiij dayes after that he might come to them when he was amendyd not knowing nor hering that the same jurye wer agreed upon a verdycte or that they wer the same day goyng to bridgewater and saithe he was not procuryd by any persone to staye them that daye but saithe he dyd yt only upon his dyssease as he hathe before sayde ; also he knowyth not whether Sarger, Frye or any other person dyd speke or labour to any of the xij men that they shulde not appere to fynde howe the same Thomas Michell came to his dethe, but saithe that ryding from Welles to Canyngton to thentent to take the same verdyt mett with Henry Frye wiche tolde this deponent that he shulde lefe his labour for he shulde not haue apparence ther bycause certen of the Jurye wer watermen and passyd in theyr viage that they could not be ther that daye and this deponent saithe that at his comyng to Canyngton according as the same Frye had sayde he lackyd ij persons of the same Jurye and toke no verdyt there that daye. [In answer to the question whether the said Sarger, Pycher & others did carry away the goods &c. of the said Thomas Mitchell the day of his seid deth at Canyngton aforesaid & at Pery Court in the said county of Somerset:] He further saith that he with Robert Hawkyns his seruauent came to the said house of Thomas Michell and ther founde the said Serger Pycher Roger Lowth Henry Frye John Bely and John Parsons on the said xvij<sup>th</sup> day of December last past in the eventide, in the same house with the said Thomas Warr' and saithe the same Serger dyd then and ther breke open the closet dore and ther founde the keyes of dyuerse other dores & chests and then also he avoyded the same warr frome the howse and sayde he wolde discharg him therof and so he serched dyuerse chestes and brake open ij wherof he



had not the keyes and further saithe that at his being ther the same Serger undershrife commaundyd this deponent to take an inventory of the goodes and cattalls ther wiche this deponent so dyd And saithe that at the same tyme the same Nicholas Serger drove and caryed awaye xiiij oxen ij steres xiiij kyen and heyfers a bull and xiiij young linges of ij yeres and iij yeres age vij calves a baye gelding ij mares and ij coltes ij geldinges white and grey a baye mare ix swyne of oone sorte and x of an other and drove them to brydgewater as this deponent thinkethe, the certentye he knoweth not. He knowyth not what ys nowe become of the same cattall and other goodes or stuff at that tyme he caryed not awaye to this deponents knoledge but saithe that the same Sergers seruaunt kept the same house two or three days after And he saith the same Serger wolde haue had this deponent to haue delyuerid to him suche goodes as he toke awaye wiche this deponent refusyd to do and deliueyrd him none at all; also he saithe that he hathe in his custodie a froke of chamlet and oone pilowe with an olde shete for the wiche he paide to the same Serger iij<sup>s</sup> viij<sup>d</sup> And saithe that for his partye he gave nothinge awaye ther but a lytell paynted clothe and an olde table clothe not worthe as he saithe xij<sup>d</sup> but saithe the same Serger dyd sell awaye bedstedes and dyuerse other thinges ther, also that divers of the following persons *i.e.* Sir Thomas Speke Sarger Pycher Bely lowth Frye Parsons & Hawkyns haue bought certen parcells of the same goodes of the sayde Serger wiche remayne in theyre custodie at this present tyme. Finally he says he was never procuryd by any persone to staye the xij men in gyving ther verdyt concerning the dethe of the said Thomas Michell but saithe that the saide Serger hathe sayde to this deponent that he shulde not nede to make no hast in calling for the same verdyt for he said yt shulde be no daunger to this deponent yf yt wer gyven up by the Sessions daye.

Nicholas Serger of Sherborne co. Dorset, deposeth to the same effect & saith that Thomas Warr had entryd the same howse and toke and conveyed away to his owne use dyuerse parcells of the same goods ij dayes before this deponent's entry ther; also that the same Waldron came to sease the same goods to the use of the said almener to whom this deponent sayde that he had seasyd them already to the kinges use and that he knew

not that they did belong to the distribution of the said almener and saithe that then and ther yt was agreed bytwene this deponent and the said Waldron that ther shuld not ther be made an Inventory therof untyll the coroner had sytten to viewe the deed bodyes and so then the dore of oone chamber was lockyd & sealyd up for that tyme. Likewise he saith that he hath in his hands certen of the said goods and gave away thereof a counter table to a servant in the house and also gave away ij or iij chesys; also that vj kye, the swyne & certen shepe hogges sold to Mr. Compton<sup>1</sup> were dryven to Glastonbury to the park ther of the wiche he saithe some be solde and the one part thereof delyuered to the kinges almoner; also that the said Sir Thomas Speke sent a letter to this deponent to staye all the aforesaid goods to the King's use and so to see them in savegard for the King.

## BUNDLE 17, No. 364.

It ys this daye ordered & decread<sup>2</sup> in the matter here depending in variaunce bitwen Nicholas Bisschopp of Rochestre high almenour to the kinges highnes plaintiff on thone partie and Sir Thomas Speke knight Nicholas Serger & other defendant on thother partie that the same Nicholas Serger bitwen this & the first daye of the next terme shall bring unto this court a iuste & a true boke of all suche goodes & cattals houshold stuff and other ymplementes late Thomas Michels of Canyngton in the countie of Somerset felon of hym self which the said Nicholas Serger & other persons by his commaundement toke sold or caryed away contrary to the kinges lawes In the which boke he shall declare & expres how muche of the said goodes & cattals he hath sold and to whome and what somes of money he hath receyved for them And yt ys further ordred that the said Sir Thomas Speke & Nicholas Serger shall by the xxviiij<sup>th</sup> daye of this present moneth of Maye delyuere at Canyngton aforesaid unto the handes of the said almenour or to his deputie all suche

<sup>1</sup> The will of John Compton, gentleman, of Glastonbury, was proved 9 March, 1552. *Medieval Wills* (S.R.S., xxi), p. 127.

<sup>2</sup> This is the only decree of the Court that has been found among these Somerset suits. See Introduction, p. 15.

goodes & cattals late the said Thomas Michels which doo remayne in the handes & custodye of the said Sir Thomas and Nicholas Serger William Picher John Parsons Henry Frye Robert Hawkyns John Raynesbury John Hast John Cely Robert Jones Roger Leugh or any other of the seruauntes of the said Sir Thomas & Nicholas Serger or in the handes of any other person or persones to thuse of the said Sir Thomas & Nicholas Serger or either of them And wher as the said Serger hath receyved certain somes of money of dyuers persons for a great parte of the said goodes & cattals It ys ther upon ordred & decreed that the said Nicholas Serger shall bitwen this & the first daye of the next terme repaye & delyuer the same somes of money soo by hym receyved to the same parties that he receyved the money of And the same goodes & cattals which were soo by hym sold to be delyuered by the same persons to whome they were sold to the said almenour or to his deputie at Canyngton aforsaid the xix<sup>th</sup> daye of July next commyng And yt ys further ordred that yt shalbe lawfull to the said almenour & to his deputie to take and receyve all the goodes & cattals late the said Thomas Michels remaynyng in the handes & keaping of Alexandre Popham gent or in the handes & keaping of any other person or persons what soo euer they be.

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**Bucland v. Carewe.**

VOL. VII, NO. 1. DATE: 1541.

*To the king our soueraigne lord.*

In most humble wise complaineth to your excellent maiestie your poer subiect & daily orator John Bucland of Westharptre<sup>1</sup> in the countie of Somerset That where one Agnes late Abbes of the monasterie of Syon<sup>2</sup> in the countie of Middlesex now dissolued & the covent of the same were seasid in their demeane as of fee as in the right of their church of & in one tenement

<sup>1</sup> This is perhaps the John Bucland mentioned in the will of Richard Bucland, "gentleman," of Martock, proved in 1557. *Medieval Wills* (Somers. Rec. Soc., xxi), 179.

<sup>2</sup> The Abbey of Sion held a manor in Martock at the date of the Dissolution. The estate had once belonged to the alien priory of St. Michael's Mount in Normandy. Collinson, iii, 8.

with the appurtenances in Martoke in the countie of Somerset, late in the tenure of on John Witcombe decessid<sup>1</sup> and so being ther of seasid in the first day of Maye in the xxx<sup>th</sup> yere of the raigne of our said soueraigne lord<sup>2</sup> for a certen sum of money by your said orator to the said late Abbes & covent bifore hand well & truly contentid & paidd to their dede indenttid under their covent seale demysed & to ferme did lett unto your said orator the foresaid premisses amongst other thinges with the appurtenaunces during the terme of certen yeres yet to come which said tenement & other parcels of landes hathe byne usually lettyn heretofore in ferme and not reseruyde for the occupation of the said Abbes & covent & their predecessors for the mayntenaunce & hospitalite of their good howses keping yelding & paieng for the same unto the said late Abbes & covent & their successors as muche annuall rent as at any tyme heretofor by the space of twentie yeres & more hathe byne usually paid for the same premisses as by the same dede redye to be shewid more plainly appere By vertue whereof your poer orator was possessed of the said premisses accordingly so it is most gracious soueraigne lord that on Peter Carewe of Mountisoterye<sup>3</sup> in the countie of Devon esquier John Carwithan of the same towne yeman William Raynoldes of the same towne yoman John Gache of the said pariche of Martocke smythe Roberte Lowgh of Martoke foresaid prest<sup>4</sup> Stepayne Nurse of Martoke foresaid prest & John Tailor of Martoke aforesaid yoman the iij<sup>d</sup> daye of Nouember in the xxxiiij<sup>th</sup> yere of your most gracious raigne at Martoke aforesaid riotously assembled them selfs to gether with meny other to the number of xx<sup>ti</sup> persons and more and they so being assembled then &

<sup>1</sup> See below, p. 273, n. 2.

<sup>2</sup> 1538.

<sup>3</sup> Peter Carew of Mohun's Ottery was a soldier and adventurer. He was a gentleman of the Privy Chamber to Henry VIII., served in the war in France in 1544, and was knighted in 1545. He was a sheriff of Devon in 1546. *Dict. Nat. Biog.* He obtained many grants of church lands. *Coll.* ii, 259, iii, 418.

<sup>4</sup> He was the stipendiary priest of Long Load chapel at a salary of 8 marks yearly. When the manor passed to the Duke of Suffolk the chapel was pulled down and he was given a pension of 40s. *Somerset Chantries* (S.R.S., ii), p. 111.

there with force & armys & in riottousse manor the howsse of your said poer subiect & oratour now complaynaunt at Martoke aforesaid in the said countie of Somerset brake & entryde and therof with force as it is aforesaid did expulse & put owte the same complaynaunt and not only brake the chamber doer of the said howsse but also the stodye ther wherein were diuerse monnys writings and spoiled the gooddes & catelles of one Richard Buclandes then & theyr found to the value of one hundred shelinges And after the said ryott & forcible entree comytted in manor & forme aforesaid the said mysruled persons with force & armys kept the possession of the said howsse contynually untill the fest of Ester then next folowing to the grete lose & hinderaunce of your poer orator & subiect for whiche ryot rout & unlauffull assemble at a generall sessions of the peace holden at Welles in the said countie of Somerset the said Peter Carewe John Carwithan William Raynoldes John Gache Robert lowght Stephyne Nurse & John Tailor were lauffully indited by the gentilmen & freholders sworne to inquire of all ryottes routtes & other mysdemeanors comytted within the said countie for whiche ryot rout & unlauffull assemble yf condyng punysshement shulde not be mynystred it might growe to the evill example of other suche like persons eftsones to commyt like or wors offences In tender consideracion whereof it may please your said most excellent majestie of your accustomed zele & respect that ye haue to the quyetnes of your humble & obdyent subiectes to graunt your seuerall gracious writtes of subpena be directid unto the said Peter Carewe John Carwithan William Raynoldes John Gache Robert Lowghe Stephyn Nurse & John Tailor commaunding them by the same personally to appier byfore your maiestye & your most honorable counsell in your Star Chamber at a certen day then and theyr to make aunswer to the premisses.

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**Bruar v. Horwood and others.**

VOL. VI, NOS. 366-367. DATE: 1542.

*To the king our souereign lord.*

In most humble wysse compleynyng shewythe onto your hyghnez your trewe loving & obedyent subiecte & dayly orators Elyn Bruar wydow & William Bruar<sup>1</sup> that where the seid Elyn was possessyd of & in a tenement & certeyn lond medow & pastur wythe ther appurtenaunces to the same tenement belonging & apperteynyng sett lyyng & being in Angers lye in the seid countie of Somerset during her wydowed after the custome of the maner of Angers Lye in the seid countie wythin wyche maner the custome is & during the tyme wherof no mans remembrance is to the contrary hathe byn that if any man being possessyd of any customary hold or tenure wythin the seid maner have a wyffe & dye before his seid wyff that his wyffe shall pesceably occupye possesse & inioye the seid customary hold or tenure wythe their appurtenaunces during her wydowed So hit is most dread souereign lord that the seid Elyn bruar being possessyd as afore is seid of the tenement aforeseid & other the premisses wythe ther appurtenaunces & havyng the seid William bruar her son in hir seid housse & tenement to ayd & helpe her too husbander & manure the same for the mayntenance of hir lyving Robert Horewood Richerd belman & Raynold bennet of Angerslye aforesaid husbondmen & Hughe Shepard otherwysse caulld Thorn of Pytmyster in the seid countie husbondman & John Mugge of Thorn Fawconer in the seid countie husbondman the xv<sup>th</sup> day of November last passed in this present xxxiiij<sup>th</sup> yere of your graces reygn<sup>2</sup> not dreading god your hyghnez ne your graces lawes in most ryottuse & forceable maner contrary to your graces peace the housse & tenement aforeseid broke & entereid and your seid orators being then in the seid house in godes peace & your graces did not only most violently expell & avoyd from the same but also dyd spoyll and cast forthe of the same housse all the goods and catalls of your seid orators to the value of xx*li* or above to the grett detryment loss & impoverischment of your seid orators and them so

<sup>1</sup> These Bruars have not been identified.<sup>2</sup> 1542.

expulsed & avoyded from the premisses being parcell ymblees<sup>1</sup> dothe hereby mynd & intend to kepe from the seid Elyn your oratrixe foreuer she yet being wydow to her utter undoyng & perlesse example of lyke mysdoers if spedy remedy be not be your grace shortly provyded in this behalffe In consideracion werof yt may plesse your highnez to direct your graces writtes of subpena to be directed unto the aforeseid Robert Horwood & other afore namyd commaunding them by the same personally to appere before your highnez & your honorable councell in the sterr chamber at Westmyenster to answer unto the premisses and ferder to stand to such order conseryng the same as shall plesse your highnez and your honorable counsell therein to take.

The severall answer of John Mugge Robert Horwood & Hughe Shepard to the byll of complaynt of Elen Bruer & William Bruer.

They say that the sayd tenement menconyd in the sayd byll ys parcell of the manor of Angerslye and hathe beyn tyme owt of mynde usyd to be lett by copy of court roll for terme of lyffe or lyves paying the rentes & seruyces therof due & accustomed and that the sayd Elyn Bruer one of the sayd compleynantes was possessyd & occupied the sayd tenement in hyr wyddohed in maner & forme as ys allegyd in the sayd byll and helde the same of Syr Henry Capell knyght then beyng owner of the sayd manor of Angerslye<sup>2</sup> duryng hyr wydohed accordyng to the custome menconyd in the seyde byll and the sayd defendauntes sayen that the seyde Elyn Bruer yerly dyd wytholde fro the sayd Syr Henry Capell thre shyllinges & fower pens & sute to the court to the sayd manor whyche thre shylling & fower pens sute of court & other duytes due to the sayd Syr Henry Capell by reason of the custome of the sayd manor the sayd Elyn then dyd not only by the space of fourten yers wytholde & wythdrawe contrary to the custome of the seyde manor but also caused <sup>3</sup> to pretend title to the same by

<sup>1</sup> This may be "embleyde," *i.e.*, sown with corn.

<sup>2</sup> The manor of Angersleigh was acquired by Sir Giles Capell by his marriage with Isabel, daughter and co-heiress of Richard Newton. He died in 1556, leaving as his heir, his son Sir Henry Capell, who died in Feb. 1557-8. *V.C.H. Somers. MSS.*

<sup>3</sup> Blank in MS.

reason wherof after at a court holden at the seyd manor of Angerslye abowt two yers past yt was then presentyd by the homage & sutars of the same court holden at the same manor of Angerslye that the sayd Elyn had wythdrawn & wythholden from the sayd Syr Henry Capell the seyd yerly rent of thre shyllinges & fower pens & other the sayd suytes & seruyces due to the sayd Syr Henry Capell for & by reason of the seyd tenement by reason wherof the sayd tenement accordyng to the custome of the sayd manor of Angerslye was forfett to the sayd Syr Henry Capell and by reason therof the same tenement was seasyd by the bayly of the sayd manor in to the handes & possessyon of the sayd Syr Henry Capell wherapon after the sayd Syr Henry Capell at a nother court holden at the sayd manor of Angerslye grauntyd the sayd tenement to the sayd Hugh Shepard otherwyse callyd Hughe Thorn nowe one of the sayd defendantes for terme of lyffe of the sayd Hughe Shepard by reason wherof the sayd Hugh Shepard peasably enteryd in to the premisses and was therof lauffully seasyd for terme of hys lyffe accordyng to the custome of the sayd manor, and the profyttes therof taketh as lawfullys for hym to do, without that that on the sayd fyften day of November last past [etc. etc.].

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**Delton v. Bowreman.**

VOL. XII, Nos. 180-184. DATE: 1544.

*To the kyng ourer souereign lorde.*

In most humble wyse complayneth and shewyth to your maiestie your humble and poore subiecte John Delton wher before this one William Bowreman clerke late chanon of the cathedrall church of Welles<sup>1</sup> within your countie of Somerset and nowe parson of the church of Corscombe<sup>2</sup> within your said countie wher your said subiecte is parysshioner spake and owtred wordes soundyng to treson wheruppon att that tyme your said orator

<sup>1</sup> William Boureman was presented to the church of Croscombe in 1519. He is mentioned as sub-dean of Wells in 1546. Weaver, *Somerset Incumbents*, pp. 77, 218.

<sup>2</sup> *I.e.*, Croscombe. The *Churchwardens' Accounts* of Croscombe, *q.v.* (S.R.S., pp. 1-48), illustrate many of the matters dealt with here, the church stock, church ales, and the land owned by the church.



accordyng to his bounden dutie of allegiance dysclosed and openyd the same to your most honorable counsell upon which enformacon the said Sir William bowreman was called by proses to appere in your stare chamber att Westminster before your most honorable counsell and for his aunswer there pleaded your most gracious and free pardon and so he was dyscharged and nott otherwyse as apperyth by recorde Neuerthelesse the said William Bowreman after that he was dyscharged by your pardon as is aforesaid of his crewyll and malicious mynde not only ded take an accon upon the case<sup>1</sup> agaynst your said orator for that your said orator publysshed & opened the said wordes to your said counsell but also surmyssed & untrewly without cause or matter of trough sewyd dyuers other accions agaynst your said orator wherby your said orator was very lyke to have ben undon by the grett charges and expenses whyche he was att by the wrongfull sewtes and vexacon of the said Sir William Bowreman yf your said subiecte had not the rather shewyd and complayned to your maiestie wherupon your highenes dyrected your most gracious letters to my lorde Sturton and other to cause the said Sir William to cesse in his said sewtes and further to cause the same Sir William bowreman to recompence your said subiecte of his grete expences & charges susteyned by the mysdemenour & wrongfull vexacion of the said Syr Wylliam amountyng to the some of xl*li* and above as dewly is to be proved accordyng to the tenor of your gracious letters the said lorde Sturton caused the said Syr William bowreman to cese his wrongfull sewtes & for recompence to be made to your said powre subiecte of his expences & charges susteyned by the wrongfull sewtes & demeanour of the said Sir William yt was ordered that your said orator & the said Sir William bowreman shold be bounden euery of them to other to stonde to the awarde order and jugement of certen persons by the said parties then named wiche order the said Syr William Bowreman after refused & wold not be bounden and so your said orator as yet restyth & is without any recompence or satysfaccion of his said grete charges & expences susteyned by the grett wronges of the said Syr William as is aforesaid & very lyke so to be to the undoyng of your said

<sup>1</sup> Cowell defines this as "a general action given for redress of wrongs done without force upon any man, and not especially provided for by law."

orator his wyff and chyldern yf your a boundant mersy and pitie to hym in this behalf be not shewyd That yt may therfor pleas your maiestie to graunt your most gracious wryte of subpena to be dyrected to the said Syr William bowreman comaundyng hym by vertue of the same personally to appere before your highnes and your most honorable counsell in your starr chamber att Westminster att a certen day ther to aunswer to the premysses &c.

The answer of William Bowreman subdean and canon of Welles to the byll of complaynt of John Delton bedysmaker of Corsecombe.

For answer he sayth that the saide John Delton beyng a customary tenaunt unto the saide defendant parson of Corsecombe<sup>1</sup> contrary to the duety of a customary tenaunte hath not only provoked stired and attempted meany light and yll conditioned persons of the saide parishe of Corsecombe to trouble and vex the saide defendant his parson curet and landlorde to shrowed and cutte downe certeyne trees growing in the churchyard of Corsecombe aforesaide agaynst his wyll and licence and to withdraw ther dueties from the churche but also before any complaynt made unto the kynges majestie or his moste honorable counsell the saide complaynaunte at Corsecombe and Welles in diuers markett dayes in the presence of meany honest persons slanderously and (your honour saued) falsely callid the saide defendant heretique and traytour and he being therefore callyd before the right honorable lorde Russell<sup>2</sup> at Welles then

<sup>1</sup> This is a reference to the rectorial manor which existed in this parish (Collinson, iii, 469), which was held by William Bowreman in right of the church.

<sup>2</sup> This was John, Lord Russell, who played a prominent part in the reigns of Henry VIII. and Edward VI. He was a gentleman of the Privy Chamber in 1506, became a great favourite with Henry VIII., and was made marshal of the king's household in 1523. He successfully performed many diplomatic missions, took part in suppressing the Pilgrimage of Grace, and in the execution of the Abbot of Glastonbury. He was made a Privy Councillor in 1538, was created Baron Russell of Chenies in 1539. He became Lord President of the Council of the West in 1540, in which capacity we find him acting in this suit, was Lord Privy Seal in 1542, 1543 and 1549, and Lord High Admiral in 1540-2. He took part in the suppression of the Western rebellion in 1549, was created Earl of Bedford in 1550, and

president of the kynges moste honorable counsaill in the parties of the Weste the said lorde Russell examined the saide John Delton what matters he knew ayenst the saide defendand of heresy and treason and he recognized his saide unfitting wordes and saide he was periured and that was heresie and that he the saide defendand beyng steward of the church of Welles comaunded the church tenautes of Winscombe to pay their peter pence as they wer wont to doo notwithstanding the Statute of repell therof made whiche he saide was treason the whiche saynges albeit they had ben true . . . they were not (yet ys it no matter of heresy ne treason), wheruppon the saide lorde Russell committed the examinacion and hearing of the saide matter unto the late bushop of Bath John Clarke<sup>1</sup> whiche examining the same coulde fynd no suche matter to be true and therupon one John Medell of Corsecombe by the procurement and ayde of the saide John Delton complayned unto the kynges majestie and his moste honorable counsell in the starre chamber and by cause the kynges majestie by his most gracious and free pardon had discharged and acquitted all maner contemptes offences and mysdemaners the saide defendand to avoyde further charges costes expenses and not wylling to contend with his moste gracious souerend lorde in the mater (albeit hit was untrue that was by the saide Mydell and Delton alleaged ayenst him) dyd pray a lowans of the saide pardon and by the same was dismissed owt of the saide cowrt of starre chamber after whiche dimission the saide complaynaunte not pleased ne contented with the same of his sclanderous and malicious mynd reported and spake, cftsones openly in the market at Welles and in diuerse other places before diuerse honest and credible persons sayng maister Bowreman the parson of Corsecombe is an heretyk and a traitor and yf the kynges pardon had not byn he wold so haue proued hym and that he was fayne to plede the kynges pardon for his discharge and other sclanderous wordes he spake by the saide defendand to the greate losse and hinderans of the saide defendand and in derogation of his good name and fame, by force wherof he was

died in 1555. He is described as "a pleasant courtier, a good soldier, a competent ambassador and a steady friend," and his political adroitness was rewarded by many large grants. *Dict. Nat. Biog.*; Collinson, i, 171, etc.

<sup>1</sup> See above, p. 81. He was a Star Chamber judge in 1519, and later acted as one of the king's ecclesiastical commissioners in trials for heresy.

constreyned for his owne declaracion to sue the saide Delton by accyon upon the case for thies and other his unfitting wordes and mysdemaners therupon continued until the *capias*<sup>1</sup> wherby he was attached and by cause he coulde not iustifie his unlawfull wordes and mysdemaners don the saide John Delton made eftsones a new Complaynt unto the kynges majestie and his moste honorable counsell upon the whiche complaynt the saide counsell directed theire honorable letters unto the lorde Stourton willing and requiring hym calling the saide parties before hym to here and determyne the saide maters betwene the saide complaynaunte and the saide defendand whiche lorde Sturton by vertue of the same saide letters calling as well the saide complaynant as the saide defendaunt before hym the xxix<sup>th</sup> day of August in the xxxiiij<sup>th</sup> yere of the raygn of our soueraign lorde<sup>2</sup> at [B]ruton and there hearing and examining the whole mater and suche wytnes as were preductyd by the saide Delton perceyued that the saide complaynt was groundyd of malice more then of any iuste cause and further perceyued that the saide Delton and other of the saide parishe had spent certeyne of the churche stocke in the defence of the suites taken betwene the saide parties made this order that ys to say that eche partie shold dysmisse and discharge thother and that the saide defendand sholde no farther prosecute his saide accyon upon the case ayenst the saide John Delton but discontinue the same and further to delyuer at his proper costes to the same John Delton certeyne distressis taken and impoundyd on the behalfe of this defendand for that that the saide Delton expresly had denyed the payment of his rent then due to the saide defendand and that the saide John Delton sholde use hymselfe ever after honestly unto the saide defendand as to his curet and landlord and also that the saide defendand by cause he ys parson of Corsecombe with his fryndes shold cause to be spent at the churche ale of Corsecombe<sup>3</sup> to the profytte of the saide churche the sume of xl<sup>s</sup>. whiche saide order albeit the saide defendand hath susteyned grete costes and charges in his saide suites and neuer a peny for amendes made to haue a quiet end

<sup>1</sup> This was the writ before judgment known as "capias ad respondendum."

<sup>2</sup> 1541.

<sup>3</sup> For the church ales of Croscombe, see *Churchwardens' Accounts* (Somers. Rec. Soc.).

without further troble for his partie hath hitherto truly obserued and performed and therupon procured to be spent there shortly after the same order made the summe of xlv̄s. or aboue without that that &c.

[Signed :—] Nycholas FitzJames.<sup>1</sup> John Buckland.<sup>2</sup>

The answeere of William Bowrman Clarke taken the xiiij day of June the xxxvj<sup>th</sup> yere of the rayng of our souerayng lord Henry the eyght<sup>h</sup> by the grace of god of Englund fraunce & Irlond kyng defendour of the faythe & in erth of the churche of Englund & Irlond supreme hedd before Nicholas FitzJames & John Buclond esquiers by vertu of the kynges most honorable commyssyon to them dyrected uppon a byll of complaynt of John Delton complaynaunt to the same commyssion annexed as also uppon certayne interrogatories browght yn by the said John Delton before us the said commyssioners.

To the fyrst interrogatory he saythe he doo not denye but that he dyd sew John Delton & John Myddell for cutting of a box tre & a ewthe tre yn the churche yard of Corscombe whiche sute was yn the courte of Whytstons hundred wher the said John Delton & John Myddell were condemned yet not with standyng uppon his othe he toke neuer a penny of them.

Item the cause of hys sute was by cause they were the cheffe doers of the caryng a way of the said tres.

Item he saythe he was nothyng angry for dryvvyng a way of the pryst after he knew hys unthryfty conuersacion but he saythe hys very meanyng was after they hadd layd treson to the same pryst to staye hym ther to try hym self for suche matters as they layde agaynst hym.

Item as towchyng the mortuary & peters pence he denyethe & saythe he neuer axyd none nor toke none.

<sup>1</sup> He was sheriff of Somerset and Dorset in 1545 and died in 1549-50. Collinson, i, xxxvii; *Visitations*, ed. Weaver, p. 106.

<sup>2</sup> He was probably the John Bucland of West Harptree of an earlier suit (see above, p. 225). The manor of West Harptree, granted by Henry VIII. in 1543 to John, Lord Russell, was alienated by him in the same year to John Bucland. Collinson, iii, 141. <sup>3</sup> 1544.

Item wher as he allegythe a supersedeas<sup>1</sup> to be sewed owt he do not deny hyt but ther was a supersedeas sent hym by hys counsell by cause he was not priuy who were the commysysoners uppon the commysyson sewed owt by the said John Delton.

Item wher as he allegythe that he browght hyt owt of the Starr Chamber & browght hyt before my lord presydent he denyethe not but he caused them to appere before my lord priuy seale then beyng my lord presydent of the west at Wells hys entente was to haue hadd ther tonges charmed by cause they callyd hym erytyke & treytor. And as to the rest of this interrogatory he dothe deny.

Item to the vij interrogatory he saythe that John Myddell callyd hym erytyke & traytor & sayd he was an erytyke by cause he dyd falsly forswere hym selfe uppon a boke and as for the peters pence & mortuaries he denyethe any suche thyng to be taken by hym or by any other of hys procurement and as for the rest he remembrythe hyt not.

Item to the viij<sup>th</sup> interrogatory he saythe he knew nothyng of the same.

Item to the ix<sup>th</sup> he knowythe nothyng of the same.

Item to x<sup>th</sup> interrogatory he saythe that the said John Delton gaue hym wyld & unsettyng wordes before Syr John Sayntlow<sup>2</sup> & Syr Harry Capell<sup>3</sup> & other what the wordes were he do not remember.

Item as for the accion uppon the case he do not deny but he sewed them & further he saithe that he sewed hym for an accion of trespas by cause the said John Delton entryd in to hys howse because he hathe forfete hyt by the ordre of hys Courte what the accions were he can not perfetly tell.

Item as to the ij prystes he knowethe nothyng of the same.

Item as to the undoyng of hym he saythe he neuer ment hyt nor yet of the hundred markes that the said John Delton saythe he hathe spent he knowethe not of hyt.

<sup>1</sup> The writ of supersedeas "signifies in general a command to stay or forbear the doing of that which ought not to be done." Cowell, *Interpreter*. In this case, apparently, the object was to stay the commission from taking action.

<sup>2</sup> See above, p. 81.

<sup>3</sup> See above, p. 229.

Item as for the commyng to hym uppon palme Sunday he do not remember the same but as for spattyng uppon hym he dothe utterly denye.

Also farther he saythe that Mr. doctor Egworthe declaryd unto hym that the said John Delton had byn with hym and schowed hym that he hadd byn with Mr. Bowreman to haue pece to whom Mr. doctor Egworthe said I cannot blame hym thowghe he hathe denyed youe for youe haue sowght hys rewen.

Item for the arrestyng of John Myddell he do not denye but he hadd an accion uppon the case agaynst hym but whether he were in ward or no he do not know nor remember.

Item he saythe he receuyd a letter from my lord priuce seale uppon the which letter he certyfyed my lord uppon the contentes therof and farther he saythe he hadd a letter from my lord of Rochester<sup>1</sup> but as for the contentes therof he do not remember.

Depositions takyn on the behalfe of the said William Bowrman, clarke.

William Northe of Bruton in the countey of Somerset beyng of thage of lx yeres sworun & examyned saythe by hys othe that my lord Sturton<sup>2</sup> that now ys a bowte ij yeres & halfe past or ther abowte receuyd a letter from the kynges most honorable counsell and so poynted a place at Bruton & ther he sate in commyssyon and callyd the sayd Bowreman & Delton before hym wher he hadd all the grevys of bothe partes opened before hym and so heryng euery of them with hys provys he toke a order between them And commandyd the sayd Boreman to spend xls at the church ale of Corscombe for certen money that the sayd John Delton beyng wardyng of Corscombe hadd spent yn hys sute agaynst bowrman And farther he saythe that my said lord Stourton caused the sayd Boureman to deluyer a cow to the sayd John Delton wyche he hadd strayned for certen rent and so my sayd lord made a fynall ende betwixt them to hys knowlege.

Thomas Rose beyng of the age of xli<sup>ti</sup> yeres sworne & examyned saythe & declarythe all suche thynges as the said William Northe hathe don before hym.

<sup>1</sup> Nicholas Heath, Bishop of Rochester.

<sup>2</sup> This was William, Lord Stourton. See above, p. 141.

William Butler gentylman beyng of the age of 1 yeres sworne & examyned saythe in all maner thynges as the other dothe declare before hym.

Syr Thomas Bugley pryst of the age of liij<sup>ti</sup> yeres sworun & examyned saythe that John Delton & John Myddell callyd the said William Bowrman erytyke & traytor yn the markett of Welles.

[Signed :—] Nycholas FitzJames, John Buckland

[Endorsed :—] brought in by Nicholas Rekes xvj<sup>o</sup> october anno xxxvj<sup>l</sup> from Nicholas FitzJames & other commissioners in a matter bitwen Delton pl and Bowerman & other def. peñ.

Deposicions taken on the behalfe of John Delton uppon the interrogatories of hys byll of complaynt.

John Myddell of Corscombe in the countey of Somerset weuer of the age of xlvj yeres sowrun & examined saythe to the first interrogatori of hys said byll that William Bowreman was commaundyd to appere in the Starr Chamber by subpena ther to aunswere unto suche treson as was layd agaynst hym and ther he pledyd the kynges most gracious pardon.

To the second he saythe that he hard saye that William Bowrman schuld saye (acte or acte not)<sup>2</sup> he would receue peters pence & mortuary.

To the thyrd he saythe that William Bowreman toke an accion agaynst John Delton uppon hys case for that as the said John De[1]ton hadd sclaudered hym.

To the fowerth he saythe that as he doth exteme uppon hys conciens the costes of John Delton yn hys sute agaynst William bowreman doth extend to the sume of xx<sup>ti</sup> *li.* or ther abowte.

To the x<sup>th</sup> he saithe that sens the kynges gracys letters were dyrected unto my lord Sturton he knowethe of no sute that the said William Bowreman hathe attemptyd agaynst the said John Delton but at the same tyme my said lord Sturton wylled them to be fryndes and that Mr. Dogen of Welles<sup>3</sup> & some

<sup>1</sup> 1544.

<sup>2</sup> This refers to the Acts of Parliament forbidding the payment of Peter's pence and limiting mortuaries, 25 Hen. VIII., c. 21 ; 21 Hen. VIII., c. 6.

<sup>3</sup> He may perhaps be identified with George Dogyon, clerk, who was in the Commission of the Peace for Somerset in 1545.



other honest gentyllman schuld make a nend & concord betwyxt them.

Farther thys deponent saithe that he know of none ende that my lord Sturton made betwyxt them but wher as the said William bowrman hadd dystrayned John Delton by one cow for the rent of a tenement the wyche he holdethe of the said William Bowrman in Corscomb the wyche cow my lord Sturton willed that hyt schuld be delivered unto the said John Delton agayne without costes the whiche so deliuered without any costes of the said John Delton.

Symond Browne of Corscombe in the countey of Somerset weuer of the age xlvij yeres soworun & examyned said to the fyrst interrogatory he knowethe nothyng. In all other he saithe leke as the aboue namyd John Myddell hathe done & deposed.

John Lacey of the same in the countey aforesayed weuer of the age of lty yeres sowrun & examyned saithe to the fyrst he knowethe nothyng to the secound he saythe with the other sayyng that he hard not that he schuld saye (acte or acte not) but he hard that he dyd receue peters pence & mortuary to the other he knowethe nothyng.

William Mors of the same in the countey aforesaid tucker of the age of lvi yeres sowrn & examyned saithe to the fyrst he knoweth nothyng to the second & thyrd he saithe as John Myddell hathe don to the iij<sup>th</sup> & v<sup>th</sup> he knowethe not the certenty therof to the syx he said he knew of no certen end that my lord Sturton made betwyxt them.

[Signed]:—Nycholas Fitzjames, Jamys bysse.<sup>1</sup>

### Cooke v. Sedboroughe.

VOL. X, NOS. 189-191. DATE: 1545.

*To the King our sovreyn lorde.*

In mooste humble wise sheweth unto your Majestie your faithfull subgecte and daily orator Robert Cooke of Tyverton<sup>2</sup>

<sup>1</sup> This must have been the James Bysse of Stoke St. Michael, who obtained grants of land in Somerset from the king in 1544. Collinson, iii, 340, 467.

<sup>2</sup> This is a family dispute between stepfather and stepson. It concerned the manor of Sparkhays in Porlock, which had passed, on the division of

in your countie of Devon, that wher one Johan Sedboroghe was seased in her demeane as of fee emong other landes and tenementes of and in certeyn landes, felde, woodes and pastures, called Sparkhays<sup>1</sup> sett lying and beyng in the parishes of Purlock and Luckcombe in your Counte of Somerset and she so beyng therof seased in her pure wydowhed by her dede yndentid dated the xx<sup>th</sup> daye of Deccember the xix<sup>th</sup> yere of your moost gracious reigne<sup>3</sup> gave and graunted emonge other landes and tenementes the sayd landes felde and pastures called Sparkhayes to Wyllyam Machyn Henry Dovell & other. To be had to the sayd Wyllyam and Henry and thother cooffees ther heyres and assignes for euer to thuse and behove of the said Johan for term of her lyfe. And after her deceste to thuse and behove of your sayd orator for term of his lyfe and after the deceste of your said orator to the right heyres of the said Johan for euer as by the same dede redy to be shewed more playnly may appere by force wherof the said William Machyn, Henry Dovell and thother cofeffees were of the premissis seased in ther demesne as of fee to thuse aforesaid. And after your said orator and the said Johan Sedboroghe were married together according to the lawes of Holy Church and afterward the said Johan aboute the space of ix yeres last past dyed after whose deth your said orator by reason of thextinguysht<sup>3</sup> of wylles<sup>4</sup> according to the statute for the same made was seased of the premissis in his demesne as of freehold during his lyfe and peasably toke the rentes issues and profettes therof according to the tenor of the said dede by the space of viij<sup>th</sup> yeres withoute lett interupcion or disturbance of any person or persons. But so it is moost gracious souereyn<sup>4</sup>

Jerome Bratton's property in 1513, to the second of his sisters and co-heiresses, Alice, the wife of William Fry, and Joan, wife of William Sedborough. William Sedborough died on 2 March, 1526-7, and his widow Joan, the mother of the defendant, Silvester Sedborough, married as her second husband, Robert Cooke, the plaintiff, and died on 27 Sept., 1537.

<sup>1</sup> For a history of this estate see Chadwyck Healey, *Hist. of Somers.*, 323-39.

<sup>2</sup> 1527. This settlement is quoted in the inquisition taken on Joan's death in 1537. Exch. Inq. p. m., Ser. ii, No. 927, m. 5.

<sup>3</sup> Extinguishment is a law term signifying "an effect of consolidation," *i.e.*, if a man owns a yearly rent out of lands and then purchases the lands the rent is extinguished.

<sup>4</sup> This refers to the Statute of Wills, 1540.

lorde that one Syluester Sedboroghe<sup>1</sup> of the said Counte of Somerset gent accompanied with dyuerce ryottes persons of light behauour beyng arrayde with sondrye kynde of wepyns that is to saie swerdes daggers staves and suche other the viiith<sup>th</sup> daye of May this present xxxvij<sup>th</sup> yere of your moost noble rayn<sup>2</sup> forsiibly and ryottesly brake into the landes felde and pastures of your said orator in Sparkehays forsaid beyng in thoccupacion of certeyn his tennantes there and from theme toke dyuerce bestes and catall of the tenauntes and farmers of your said orator that is to saye of John Rowe iiij oxen and a gelding of Johan Soly wydowe fyve kyne ij steerts and a heffer one mare xxix shepe & xxiiij lambes and so bete and yntreated the said Johan that she was in daunger and iupardie of her lyfe of Thomas England ij kyne of John Cokesley fyve shepe and fyve lambes all whiche bestes & catall so by the said Sedboroghe and thother ryottes persons takyn awaye owte of the said felde and pastures they haue conuayde awaye to places to your said orator and his tenauntes unknowen<sup>3</sup> and themy detayn and kepe in suche places wher as your said orator nor his said tenauntes can com by themy to the grett losse and hyndrance of your said orator and to the utter ynpouerishment of his pore tenauntes and so by the crewell handelyng and demenor of the said Syluester by reason of suche unfeull bayring and mayntenaunce as he hath withyn the said Counte of Somerset the tenauntes of your said orator shall not be able to paye ther rentes and other duties for ther said tenementes and holdinges unto your said orator as they haue don in tymes paste and so from tyme to tyme doth so

<sup>1</sup> Mr. Chadwyck Healey describes him as "a fiery and litigious young man." We have met him before concerned in a riot in Minehead Church. In this suit he was obviously in the wrong, possibly, it is suggested, "because he misunderstood the effect of the then recent legislation affecting real estate." Chadwyck Healey, *Hist. of W. Somers.*, 336. We find him later, in the reign of Edward VI., dragging his neighbours in Horsington before the Star Chamber. *Cal. of Star Chamber Proc.* The date of his death is unknown. By 1565 he had been followed by his son Robert, who granted his estates in Culbone and Sparkhays to William Fry, who had inherited the other moiety of the Bratton estates. *Somers. Visitations*, ed. Weaver, pp. 11, 76.

<sup>2</sup> 1545.

<sup>3</sup> This was against the law. See note on Distress, p. 86, above.

manesse and thretyn the said pore tenautes of your orator that they can not quyetly occupie ther said tenementes and holdinges as they haue don for feare and daunger of the said Syluester his adherentes bayrons and maynteners contrary to your graces lawes and peace to the perelouz example of suche lyke offenders in tyme cummyng yf due correccion be not had with spede in the premisses Hit may therefore please your magestie the premissis considered to graunt your gracious writtes of subpena to be dyrectid unto the said Syluester Sedboroghe and to thother Ryottes persons commaundyng them by vertue therof personally to appere afore your highnes and your moost honorable counsaill att Westminster att a certeyn daye to aunswer to the premissis and also to enioyn the said Sylvester upon a payn by your highnes to be lymytted that he ymmediatly restore the sayd bestes and catell so by hym ryottesly takyn owtt of the said landes feldes and pastures of your said orator unto the tenautes and farmors of your orator agayn beyng the verey owners of theym and that he nor any person or persons for hym yn his name or by his commaundes vexe trouble or inquyett from henceforth the tenautes and farmers of your said orator by dystresses or otherwyse but suffer theym quyetly and peasably to occupie and enioye ther said tenementes and holdinges untill suche tyme as the said matter withall the cyrcumstances therof be fully examyned orderid and endyd by your grace and your sayd moost honorable counsaill accordyng to right equyte and good conscience.

[Endorsed :—] An injunction is awarded for restoring of the cattell and no further distressis to be had quousque &c. and also tappere on the Morrow of All Souls.

The aunswer of Sylvester Sedboroghe to the bill of compleynt of Robert Coke.

He denies all riottes and unlawfull assemblez, and saith that on the death of the said Johane the landes called Sparkhays dissendyd and of ryght owght to dyssend to the defendant as son and heir of the said Johane, he then being within age, by force wherof the compleinant still contynued in possession, and wrongfully toke the issuez and profittes of the same, and therunto sett dyvers tenants to occupye and manure the same with their

catell, contrary to the comen lawe of this realme. Wherupon this defendant, perceyving the same to be to his disheryson, on the said viijth day of Maii cam into the saide landes, and then and ther gentilly requyred the said tenantes to avoide ther said catell from the possession of his said landes, which to do the said tenantes then and ther refusid. Wherupon, according to the order of the kynges Majestyes lawes, this defendant then and ther peasably distreynd the said catell of the said defendantes for damage fesaunt in the same, and impounded the said catell as lawfull was for him to do, without that the said Johane, by hur sufficient and lawfull dede in the lawe [etc. etc.].

BUNDLE 17, No. 254.

Depositions taken 12 Nov. 37 [Hen. VIII.]<sup>1</sup> in answer to interrogatories on the part of Robert Coke agayn Sylvester Sydborgh.

Silvester Sedboroughe of Horsington in the county of Somerset, gent., saithe that he distreynd upon Sparkhayes xvij hedde of nete and halfe a hundred shepe of the goodes and cattalls of the tenants of the said Sparkhayes, his servants impounded the same shepe in Dunster ponde, and the nete he saithe they drove to the ponde at Quene Camell and to other pounes therby, of the wiche he saithe some were tyred by the waye, wherof they gave knoledge to the owners of the said cattall, and some of them were delyvered to the owners by the waye.

The said cattall were impounded in iij severall pounes xxx myles and above distant from the place wher he toke them.

He hathe sondry tymes distrayned upon the same grounde the cattall of the tenants there, whose names he saithe he knoweth not, but saithe they be abowte the number of viij tenants.

He confesseth that all the said cattall so distreynd were not delyvered, for some wer lost by the way and tyered; all suche as he had in his custody and knewe wher they wer this respondent, upon the injunction directyd to hym, delyvered the same.

All suche tymes as he hathe so distreynd he hathe had no other company with him then ij of his servantes at the most, having theyre swirdes by theyre sydes and no other weapons;

<sup>1</sup> 1545.

all the same distresses wer taken by this respondents commandment.

Upon receyving the said injunction he delyvered all suche cattall as he then knewe wher they wer be come unto Walter Williams, who came in the name of all the owners of them, and suchē as were tyred and not fatchid awaye by the owners he saithe were not delyvered, nor he knoweth how many wer of them, nor how many the same tenants dyd fatch away of them, nor how many dyed and wer not fatchid awaye.

Abowte mydsomer last past this deponent accompanid with his two servants John Frye and oon Wekes came to the howse of Johan Zoly widowe at Sparkhaies, and ther finding her withoute the dores this deponent enterid into the same house, and toke possession ther, at what tyme he saith the same Joan wolde have come in to this deponent, wiche this deponent wolde nat suffer untill he had taken possession ; and after possession taken he restoryd her to the same ageyne, and so departyd, And saith they had no weapons but swerdes as they ryde with all, And he denyeth the brekyng of any dores there.

Trewe it is that Walter Williams, sonne in lawe to the said Johan, said unto this deponent : Imervaiill whie ye handle and intrate my mother after such fashion as yedoo, and also put the child that she bearith in her armes in such feare, And this respondent answerid that she mighte have avoyded yt (*not* I care not thoughe I had killid thy mother and the child also), saying, what neded she to have pressed in upon me when I was in the howse.

He confessith that this respondent ryding in the company of James Fitzjames, gent.,<sup>1</sup> John Sydenham,<sup>2</sup> Alexander Sidenham<sup>3</sup>

<sup>1</sup> He was probably the third son of William FitzJames, lord of the manors of West Quantockshead, Brompton Ralph and Clatworthy, who died in 1510. A James Fitz James was patron of the church of Fodington in 1527. *V. C. H. Somers.*, MSS. Brompton Ralph ; Weaver, *Somers. Incumbents*, 41, 87.

<sup>2</sup> This was perhaps the John Sydenham, of Brimpton, who, among many other manors, owned that of Bossington in Porlock, and who died in 1557.

<sup>3</sup> Alexander Sydenham, of Luxborough, was one of Sir John Sydenham's younger sons. He died in 1584. (See Sydenham pedigree. Chadwyck Healey, *op. cit.*, 309-313.)

and Mr. Blewet,<sup>1</sup> with dyverse of their servants, unto a place callyd Cubbon, passed by the howse of Robert Coke callid Bratton<sup>2</sup> in the said counte of Somerset, being a ruynouse howse and sore in decaye and not inhabyted, and so desyred the same gentylmen to go with hym to the said house and to view the decaye thereof, wiche they so dyd, and founde no persone in the house nor no goodes ther, and so departyd. He saythe they had no weapons but theyre swerdes and some bucklers as they ryde withall. He confesseth that he did not entre in at the dore, but went over a wall and unbolted the gate, and so went in to every place of the same howse, and brake no dore there, nor any dore was ther fast or shute, as he saithe.

There was no goodes, cattalls or writings or any specialtyes<sup>3</sup> taken away thens, nor none was ther founde, as he saithe, more then a lytell pynne dowste<sup>4</sup> wiche was in a paper in the wyndowe, and that they toke away with them as he saithe.

He confesseth that he went to the manor of the complaynantes callid Kydnoore otherwise St. Culbens in the same counte of Somerset, and there distrayned the tenantes cattall for his rent, wherupon he saith the same tenantes paide unto this deponent his rent wiche was xijs. and iiij*d.*, as he now remembrith, and so he delyverid the same cattall and departyd.

He knowith not of any liverye and season<sup>5</sup> made upon the dede specified in the bill of complaynt in the wydowed of this deponentes mother, but by the only reporte of the same plaintiff and oone Machin, who reported that he was present thereat, saying that he knew not whether the same dede was good or not.

He confessith that he stondithe bounde by obligation unto the plaintiff, wiche bonde was taken in the nonage of this

<sup>1</sup> This Mr. Bluet may have been either the Robert or the Roger Bluet mentioned above (p. 90), or Nicholas Bluet of Exford, who was living at this date. *V. C. H. Somers.*, MSS. Exford.

<sup>2</sup> Bratton Court had been uninhabited since the division of Jerome Bratton's property among the co-heiresses.

<sup>3</sup> Cowell defines specialty, specialitas, as "a bond, bill, or such like instrument."

<sup>4</sup> This, as Mr. Chadwyck Healey suggests, may be "pen dust, the fine sand always used before blotting paper came in." The forms pen-powder and pen-dust used in this sense in 1581 and 1593 are noticed in Murray's *Dictionary*.

<sup>5</sup> Livery and seisin.

deponent, as he saithe, that this deponent shulde not vex or sue the same plaintiff towching any lawfull estate made unto hym in any landes by this deponentes mother.

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**Croke v. Bycombe.**

VOL. XI, No. 45. DATE: 1546.

*To the kyng our soueraygne lorde.*

Most humbly shewyth unto your highnes your feythfull subgiet and mynster John Croke Controller of your Hanaper<sup>1</sup> that wher it hath pleased your maiestie in consyderacion of one certeyn some of money payde by the same John to your gracis behofe to gyve and graunte unto the same John amonges other thynges the manor of Crowcombe in the countye of Somerset of late belongyng to the late priory of Studley in the county of Oxford<sup>2</sup> nowe dyssolved wyth viewe of francplege lete waife and stray and all other liberties in like maner as the late priores and covent of the saide late monasterie had had and enjoyed the same by vertu wherof the same John did enter into the same manor and hath sythen the tyme of the date of your most gracious letters patentes to hym made in that behalfe yerely accordyng to your lawes used in this your realme of England kept ther lete and vyewe of francplege in lyke maner and fourme as the late priores and covent did tyme out of mynde of memorye of man use ther to kepe hirtofore and hath enioyed without interrupcion of any person all liberties dependyng upon the seid lete and viewe of francplege with wayfes and strays<sup>3</sup> founde within the same maner untell now of late that one Hugh Bykham

<sup>1</sup> John Croke, controller of the Hanaper, had been made serjeant-at-law in 1546 and master in Chancery in 1549. He obtained many grants of church lands, including the site and lands of the Priory of Studley in Oxford. He died in 1555. *Dict. Nat. Biog.*

<sup>2</sup> This grant was made in 1540. *L. and P. Hen. VIII.*, xv, g. 282 (109). The manor was then valued at £20 8s. 11d. and a pound of pepper.

<sup>3</sup> Waifs and strays had to be publicly proclaimed in churches and markets near about. After a year and a day they became the property of the finder, if not claimed. The right of impounding waifs and strays found in any manor was usually the exclusive privilege of the lord of the manor.



gentylman beyng a freholder within the same maner<sup>1</sup> without colour or right hath not onely letted and dysturbed the same John and his officer ther to take up such strayes as do chaunce to come into the said maner but also doth take up hymselfe and other by his commaundement and to his behofe dyuers strayes wythin the same maner and the same doth deteyne within his frehold contrarye to your most gracyous graunt to the same John made in fourme aforsaid and the same Hugh not so contented but of his cruell and perverse mynde and to thentent to fatigat the same John and moleste his tenautes of the said maner hath now of late most uniuistlye caused one Cristofor Goodman beyng Hayward and officer to your said subgiēt within the same maner appoynted to take up and kepe accordyng to your lawes all such strayes as shuld be founde within his said maner to be of late yndicted of felonye for takyng up of one straye shepe ther of the said Hughes which ymmedyatly the same Christopher did marke for a straye wyth a wyth<sup>2</sup> about his necke accordyng to the custome of the Countre ther in lyke case used supposyng that the same shepe was stolen by the seid Christopher notwithstanding the same shepe was delyuerd to the seruautes of the seid Bykham uppon their fyrst request in that behalfe made to the great ynquietnes of your seid subgiēt daunger<sup>3</sup> of the said Christopher his officer and fear of all his other tenautes in the said maner to do their duties in accomplysshment of such lafull preceptes as is accustomed to be

<sup>1</sup> This Hugh Biccombe could be more correctly described as the owner of the reversion of the adjoining manor of Crowcombe Biccombe, which was held by his mother for her life. The division of the manor of Crowcombe dates from the 13th century, when Godfrey of Crowcombe, the then owner, gave half the manor to the Benedictine Priory of Studley, (*Cal. Pat. R.*, 1232-47, pp. 2, 110; *Cal. Chart. R.*, 1226-57, p. 54; *Cal. Pat. R.*, 1381-8, p. 478) and this moiety was later known by the name of Crowcombe Studley. The other half of the manor which Godfrey retained for himself passed in the 14th century by the marriage of its heirress, Isolda de Crowcombe, to John Biccombe. *Inq. p. m.*, 23 Edw. III. (1st Nos.), No. 9. It subsequently descended in the Biccombe family, coming to the Hugh Biccombe of this suit on the death of his father, Richard Biccombe, in 1523. *Inq. p. m.*, Ser. ii, vol. 40, No. 49, and vol. 81, No. 188.

<sup>2</sup> Wythe, says Cowell, is the same as waif. Here, however, it is evidently some local method of marking a stray beast. Can it be that a "wityh" was twisted round the beast's neck to mark it as a stray?

<sup>3</sup> *Sic.* Supply "to the."

gyven unto theym in the seid letes, in consyderacion wherof it may therfor pleas your most benygne grace to graunt unto your seid subgiet your gracyous wrytt of subpena to be dyrected unto the said Hugh Bykham commaundyng hym by the same to appere before your most honorable counsell at Westminster ther to answer to the premysses and to abyde such order as shalbe awarded by your highnes and your said gracis counsell in this behalfe.

VOL. VI, No. 141.

The aunswer of Hugh Bycombe to the bille of complaynte  
of John Croke.

The said defendaunt sayeth that the sayd bille of complaynt is insufficient uncerten & untrue and the matter therein conteyned fayned & imagined untruely to the<sup>1</sup> putte the said defendaunt dwelling farre from London to vexacion trouble & costes and yet if the matter of the said bille were true as it is not it were matter determinable att the comon law & not in this honorable courte Neuertheles for declaration of the treuth for aunswer if he be therto compelled sayeth that Jane bicombe mother to the said defendaunt is seased of the maner of Cracombe bicom adionyng to the maner of Cracombe Studleigh wherof the plaintiff ys ownor in her demeane as of frehold for terme of her lif the reuercion respectaunt to the said defendaunt & to his heires and that the said Jane and all other ownors tenauntes and occupiers of the sayd maner of Cracombe bycombe haue used tyme out of mynde to haue common for ther bestes & catell in the waste grounde of the said maner of Cracom Studleygh with the tenantes & occupiers of the said maner as entre commoners<sup>2</sup> one with an other and the said defendaunt havng a tenement with certen landes therto in Cracom bycombe dyd putte certen catell as shepe & other to fede & depastur uppon the said common as well & lafull was for him so to doo And the said Cristopher Goodman knowing the shepe & cattell of the said defendaunt to be depasturing uppon the said common dyd wrongfully take one

<sup>1</sup> *Sic.*

<sup>2</sup> This refers to the practice of "intercommoning," which was the liberty allowed to the tenants of one manor to let their beasts stray into a neighbouring manor, though they must not be put there deliberately.

shepe of the said defendant in the said common and drave the said shepe away thintent to conuerte hun to his own use and as he was dryving away the said shepe ij of the seruauntes of the said defendant dyd mete & encountre the said goodman requiryng & demaundyng him why he dyd dryve & carie away ther masters shepe and the said goodman denied it to be the shepe of ther said master wheruppon they shewing ther masters marke upon the said shepe toke the shepe from the said goodman which takyng the said seruauntes supposed to be felony in the said goodman declared to the greatte inquest at the cessions that the said goodman hadd wrongfully taken away a shepe of the said masters wher uppon the said goodman was by the said inquest indited of felony without that the said shepe was marked with a wyth like a straier to the knowlege of this defendant and without that the said defendant hath or doth claym to have any estrayers within the said maner of Cracom and without that the said defendant or any other by his commaundment hath taken uppe any straiers within the said maner or doth detayn or kepe in his frehold or custodie any such estraier or that the said shepe or any other catell of the said defendant was or could lafully be taken in estraier uppon the said waste grounde or common and without that the said defendant hath moost inioustely caused the said goodman to be indited of felony for taking of the said shepe other wise then is befor mencioned & declared by euidence geven by his seruauntes and without that any other thing in the said bill being materiall & not answered is true all which maters the said defendant is ready to prove.

VOL. IX, Nos. 222-225.

Examination of witnesses made 11 October 38 [Henry VIII.]<sup>1</sup> on the behalf John Croke against Hugh Byckam.

Nicholas Gade of Crawcombe, co. Somerset, yeoman, of thage of liij yeres, sworne etc.

Saithe that John Croke hathe of righte all waifes and strayes within the manor of Crawcombe, and hathe so had and taken the same by all the tyme that he hath enjoyed the said manor; and before hym the late prioresse and convent of Studley and

<sup>1</sup> 1546.

her predecessors, to whome the same manor then did belong, dyd lykewise take all suche waifes and strayes ; and this deponent never knewe or herde to the contrarye before this present strife.

He never knewe that the same Hughe Byckam or any of his auncestors dyd ever kepe any lawe daye in theyre name within the same towne and manor of Crawcombe, or ever hade or toke any wayfe or straye ther.

The tenant of the same Hughe, by his commandement, toke a shepe of this deponentes pasturing upon the comon, and sayde he toke it for a straye shepe, wiche this deponent denyed to be any straye, and sayde the same was stolen from this deponent by the said Bykam his tenant ; and so about halfe yere after the same shepe was redelyvered unto this deponent by the sayde Byckam his tenant at the commandement of Mr. Wyndom,<sup>1</sup> Justice there.

He saithe that oone John Prior deposed upon an othe before this deponent and other of the jury at a courte holden there that the same Hughe Byckam and other by his assignement had sherid two of the saide John Priors shepe wiche he had taken up on the comon there. And also this deponent herde Sir George Geffrey priest say that he carryed home to Mr. Doddington<sup>2</sup> ij fletes of woll by the commandement of the saide Byckam, wiche the saide Byckam had causyd to be shorne of the shepe of the sayde Dodyngtons.

He saithe that trew yt is that the same Byckam procured Christopher Goodman, tenant to the plaintiff, to be indyted for takinge up of a straye shepe wiche this deponent knewe to be marked for a straye shepe.

He hath herde that the defendand hath taken up sondry shepe, and cut of theyre care marke and sett on his owne marke.

He knoweth that the defendand hath loppid and cutt an elmen tree standinge upon the highe waye belonginge to the said plaintiff, and hath also fellyd two trees of oon Thomas

<sup>1</sup> John Wyndham, of Orchard, was a justice of the peace at this date.

<sup>2</sup> This was Richard or John Dodington, who owned the manor of Dodington about this time. See *Somers. and Dors. N. and Q.*, iv, 291, 337, v, 18, 59, 134 ; Collinson, iii, 518.

Larkham, tenant to the plaintiff, whome upon communicating of the felling therof the same Byckam did ywell intreate and put hym in jeopardye of his life.

Thomas Larkam of Crawcombe aforesaid, husbandman, of thage of lij yeres, sworne etc.

Saith [as Gade has said, and] that he was one of the jury with the said Nicholas Gade, and herde John Prior give evydence as above is said. The defendant fellyd two trees of this deponent's, wherupon this deponent resorted to hym and comonyd with hym therin, and he therupon beate this deponent and brake his hedde.

Christopher Goodman of Crawcombe aforesaide, husbandman, of thage of xl yeres, sworne etc.

Saith [as the other witnesses have said, and that] he sawe a shepe of John Prior, wiche was marked with a blake yron in the syde being Mr. Byckam's marke and the care of the same shepe where the same Priors marke was clipped of.

### Browne v. Richeman and others.

VOL. VI, NOS. 215-216. DATE: 1546.

*To the honorable lordes of the kinges most honorable councill.*

Humbly shewen unto your honorable lordshippes Humfry Browne knyght<sup>1</sup> and James Hales the kynges seriant at lawe<sup>2</sup> justices of assise in the countye of Somerset that wher at the gaole delyuery holden at Ilchester in the same county the third day of August in the xxxviii<sup>th</sup> yere of the reigne of our soueraigne lord the kyng<sup>3</sup> their was gyven in evydence to Thomas Rycheman<sup>4</sup> Jeffrey Segnens Thomas Cary Richard

<sup>1</sup> Sir Humphrey Brown, kt., was sheriff of Somerset in 1545. Collinson, *op. cit.*, i, xxxvii.

<sup>2</sup> James Hales of Gray's Inn became serjeant-at-law in 1540, king's serjeant in 1544, K.B. in 1547, and judge of the Court of Common Pleas in 1549. He became prominent among the Reformers in the reign of Edward VI., and was imprisoned in the reign of Mary. He finally drowned himself. *Dict. Nat. Biog.*

<sup>3</sup> 1546.

<sup>4</sup> The will of Thomas Richeman of Babington, proved in 1551, is vindictive in character. He left to his son John his "worst draughte oxen." *Medieval Wills*, S.R.S., xxi, 121.

Baker John Thomas John Taylor Thomas Treherne John Roo Robert Chauncellar William Gover John Browning and John Durborough sworn before the seid Justices upon the Euangelist to try whether John Wynscotte alias Aysshe late of Enmore in the same county tailor were gylty of the brekyng of the house of John Boldeye the younger at Spaxton in the said county burglarly in the xvij<sup>th</sup> day of May in the xxxvij<sup>th</sup> yere abouseid about the houres of x of the nyght of the same day and of the felonous takyng and caryng away of one purse and of xx<sup>s</sup> sterlyng in money two rynges of syluer to the value of iiij<sup>d</sup>. and a sygnet of syluer price ij<sup>d</sup>. beyng in the same purse by the seid John Boldy John Bowe and John Leve upon their othes that the seid John Wynscott about tenne of the klok in the nyght the seid xvij<sup>th</sup> day of May with a countfett key dyd open the dore of the house of the seid John Boldy in Spaxton aforeseid and felonously dyd enter in to the same house and brake open a chest of the same John Boldy in his chamber and their dyd take a purse of the seid John Boldy with xx<sup>s</sup> of money ij rynges and a sygnet of the seid John Boldy and dyd lok the dores to hym and that sone after the said John Boldy cam to his seid house and fyndyng his dore locked opened it with his owen key and went in without lyght not mystrustyng any thyng and when he cam in to his chaumber he found one lying upon his bed and therwith abasshed went forthe ageyn for company and called Symon logg tythyngman there John Bowe Jeffrey Segnens and John leve with dyuers other and they cam togeder in to the seid house and found the seid John Wynscott lying upon the seid bedd slepyng who awaked hym and examyned hym of his comyng thether wherunto the seid John Wynscott made litle answer in effect then seid John Boldy takyng with hym the seid John Bowe and Jeffrey Segnens to serche if any thyng were lakyng and among other places lokyng in his chest myssed his purse and the seid xx<sup>s</sup> and the seid rynges and sygnett and also one Mighell Mallett esquier one of the Justices of peace of the same county gave like wise in evydence to the seid Jury that the seid John Boldy with iiij or v other honest men beyng inhabitants nere by the place wher the same robbery was comytted cam and declared unto hym that the seid John boldy the seid day and tyme cam to his seid house at Spaxton aforeseid &

unlocked the dore of the same house and entred in to the same house without any candle light or any other lyght and comyng to his bed in his chamber felt with his hand one lying upon the same bed wherwith beyng astoned and afrayed. went forthe secretly out of his house ageyn and declared it to v or vj of his neyghbours and desired them to goo to his house and to see who it was that was their lying and theruppon the same his neyghbours went to the same house and there found the same John Wynscott lying upon the same bed slepyng and then and ther they toke hym & demaunded of hym what he mynded to doo their wherunto he made no direct ansuer And then the seid boldy found his cofer broken open and his purse with xx*s* of money sterlyng ij rynges and a sygnet in the same purse conteyned taken away out of the same coofer & declared it to his seid neyghbors wheruppon they arested hym for suspection of the same felony and ledd hym to an other place in the same village of Spaxton aforeseid and they in a house kept hym and then dyd send for Humfry Blake counstable of the same hundred to the intent that he should better examyn the seid matter and furder they seid that before the seid counstable cam to them that the seid John Wynscott procured one Anthony Frenche to convey away certen money from hym who refused that to doo declaryng unto them that if he shuld convey away any of the same money from hym that then therby he shuld be in as evyll case as the seid Wynscott was and then the seid Wynscott desired the seid Anthony Frenche that if he wold not convey a way the same money from hym that then he wold goo to one Water Credelond and desire hym to com to hym wheruppon he went and desired the same Credelond to com to the seid Wynscott declaryng to hym were the seid Wynscott was and what case he was in wheruppon the same Credelond beyng then in his bedd about ij of the klok of the seyde nyght dyd ryse out of his bedd and cam to the seid Wynscott and there comuned with him secretly bytwene them two but wherof their comunycacion was they could not tell and after that in the next mornyng about vij of the klok the seid counstable cam to them and then and their the same counstable examyned the same Wynscott of the seid felony and serched what money he had about hym and found about hym about ij*s* iiij*d* and not about wheruppon they

that had kept hym all the nyght before perceivyng that he had ben often tymys that same nyght resortyng about certen peaces of tymber whiche dyd lye in the same house wher he was kept that nyght past mystrustyd and supposed that he had hyd the same purse & money with the other thynges in the same purse conteyned amonges the seid tymber for they knewe that he had moche more money that nyght before the whiche he wold haue had conveyd from hym by the seid Anthony Frenche and so they declared to the seid counstable wheruppon they serched the seid peces of tymber and their found the seid purse and the seid ij rynges and the seid sygnett therin conteyned but their was no money in the purse wheruppon they suspected that the seid Walter Credelond had conveyed away the seid money from hym and uppon that suspect the seid counstable examyned the seid Wynscott furdur of the seid felony and demaunded of hym where the seid xx̄s of money was whiche was in the purse at the tyme of the seid felony comytted and theruppon the seid Wynscott ansured confessyng the seid felony that he had delyuered the seid xx̄s to the seid Walter Credelond wher uppon the seid constable examyned the seid Credelond and demaunded to haue the seid xx̄s to restore the same to the said John Boldey and theruppon the seid Credelond denyed the resceyt and havng of the seid xx̄s but then and their the seid counstable spake to the seid Wynscott to fynd some mean that the seid Boldey mought be restored to his money ageyn to that entent that their mought ensewe from thensforth the lesse trouble therin wher uppon the seid John Boldey requyred the seid Water Credelond to help hym at whose request the seid Credelond graunted that forasmoche as he the same Water had no money that yf any man wold be contentyd to ley out so myche money for the same purpose that he wold be contentyd to see hym satisfied therof ageyn wheruppon one of the seid Walter Credelond is frendes dyd delyuer unto the seid counstable xx̄s uppon declaracion of whiche matter the seid Michaell Mallett<sup>1</sup> sent for the seid counstable and for the seid Anthony

<sup>1</sup> Michael Mallet was probably a younger son of the family of Malet of Enmore, the lord of Enmore at this date being Richard Mallet, who died in 1551.



Frenche and also fir the seid Walter Credelond and examyned first the seid counstable of all the premysses which be here before expressed touchyng his knowlege all whiche premysses he confessed to be true and after that he the seid Mighell Mallet examyned the seid Anthony Frenche of all the premysses whiche be here before declared concernyng his knowlege whiche all he the same Anthony confessed to be true wheruppon he the same Mighell toke a recognysaunce of the seid Walter Credelond wherin he and other two as suerties for hym stode bound to the kyng our souereign lord for the personall apperance of the seid Walter at the next assises then folowyng then and their to be redy to ansure to the premysses And also their was gyven in eydence to the seid Jury likewise sworn to try whether that Andrewe Mauncell late of netherstowe in the county of Somerset laborer were gylty of the felonyus takyng and ledyng away of one mare colour bay price of xxvj<sup>s</sup> viij<sup>d</sup> of the goods and catalles of Johanne Bennett, wydowe from laurence lyddyard in the seid county in the first day of May the same yere and whether the same Andrewe were gylty of folonyus takyng and dryvyng away of ij kyne color red price the polle xx<sup>s</sup> of the goodes and catalles of John Crosse<sup>1</sup> from Bromfyld in the seid countie the ix day of June the same yere by Robert Hill baylif of the liberties of my lord Bishop of Wynchester that the seid Andrewe dyd folonyusly steale the seid kyen and dyd dryve the same from Bromfeld aforeseid to Kyngeston within the seid libertye and dyd put the seid kyen in to the close of Richard Bowlt in Kyngeston aforeseid and went ymmedyatly to Taunton to John Colforth bocher who cam with hym to Kyngeston to thentent to haue bargayned for the same two kyen and so sone as the seid John Colforth sawe the same ij kyen he knewe them to be the seid John Crosse his neyghbour and theruppon caused the seid Androwe to be attached at Kyngeston aforeseid with . . . and also with one bay mare whiche mare the seid Andrewe Mauncell had stolen at laurence lydyard in the seid county long before the same tyme the stealyng of whiche ij . . . mare the seid Andrewe confessed before the seid

<sup>1</sup> His descendants later became lords of part of the manor of Broomfield. *V.C.H.*, MSS.

Robert Hill John Colforth and John Long with others then present at Kyngeston aforeseid and forasmoche as the owners dyd put in suerty . . . Andrewe Maunsell accordyng to the lawe they had their goodes to them delyuered ageyn whiche evydence so gyven to the seid Jury notwithstanding yet the same Jury dyd find the seid John Wynscott and Andrewe Maunsell not gyilty of the seid felonyes to the evyll example of other persons wherfore they prayen your lordshippes order concernyng the premysse.

[Endorsed] :—xv<sup>a</sup> Hill.

Thanswer of Thomas Rycheman Geoffrey Segnence John Thomas Thomas Treherne John Roo Robert Chauncellor Rychard Baker and John Durboroughe to the byll of complaynt exhybyted ayenst them by the ryght worshypfull Syr Humfrey Browne knyght and James Hales the kynge Seriaunte at lawe Justyces of assyse in the county of Somerset.

The seyde defendauntes sayen euery of them sayeth as . . . touchyng thacquytall of the seyde John Wynscote a<sup>t</sup>s Asshe named in the seyde byll of complaynte that where as John Boldey John Bowe and John Leave gave evydence precysely as of ther owne knowlege that John Wynscote a<sup>t</sup>s Asshe wyth a counterfett key dyd open the dore of Boleys house at Spaxton and dyd feloniously breke the chest of the seyde Boldey and take his purse with xx<sup>s</sup> of money ij rynges and a sygnett and dyd then loke the dore ayeyn to hym and that sone after Boldey came to his seyde house and fyndyng hys seyde dore fast lockyd openyd yt wyth his owne key and went in wythout lyght not mistrustyng any thyng and that he found oon upon his bedd wherwyth he was abasshed and went furthe ayeyn for compeny and called Symon Legge tythyngman there John Bowe Geoffrey Segnens and John Leve to the whiche evydence gyuen by the seyde John Boldey they sayen . . . they gave no grete creditt forasmoche as Geoffrey Segnence and Wylliam Gover two of the seyde jury knewe of trothe and enformed the resyde of the jury that there was variance bytween the seyde John Wynscote *alias* asshe and the seyde John Boldey upon that

Boldey had gotten the seid house wherin he then dwellyd out of the handes of John Wynscote whiche lately before dwellyd in the same house and to thevydence gyuen by the seyde John Bowe and John leve they sayen therunto that the seyde Bowe and leve could not by any reason haue knowlege of the same mattir onles they had byn present at the seyde doynges and yf they had ben present there as they were not where they seyed that Boldey at hys fyrst entrance [into] the seid house mystrustyng nothyng and after fyndyng oon upon his bed was abasshed in these two poyntz they toke upon them more knolege then yt was possyble that they could haue and yt aperyd by theyr owne eydence that nyether of them knew eny thyng in the seid matter untill they were callyd by the tythyngman which tythyngman callyd not the seyde leve untill along space after that he the seyde tythyngman the seyde Geffrey Segnence Wylliam Gover & John Bowe came thither and had serchyd the sayde Wynscote at Asshe and then the seyde tythyngman dyd fetch the seyde John leve and not before but the seyde Segnence and Wylliam Gover were there . . . John Bowe and . . . and knewe as moche of theyr owne knowlege as Bowe and Leve dyd & also knewe very well that the seyde Bowe & Leve dyd speke moche more in theyr eydence then they knewe wherfor they beyng sworne upon the seyde acquytall dyd ther instructe theyr seyde fellowes wherfore they gave little credyte to yt and also the seyde Segnence & Gover nowe defendauntes beyng sworne upon the seyde acquytall knew the seyde Wynscote accustomed to be dronke which mater they declared to their seyde fellowes and that the seyde Wynscote was contynually taken for a true man and where also Mayster Mallett gaued in eydence that the seyde Boldey & iiij or v of his neyghbors declared to hym that the seyde Boldey the same night cam to hys seyde house and unlockyd the dore of the seyde house and entred into the same wythout any lyght & comyng to hys bed felt oon lying upon the seyde bed, and that he was therewith astonyed, and called fyve or syxe of his neyghbors and desyred them to goo with hym and se who yt was, they sayen that the seyde neyghbors knew not the same but by Boldeis report, for they confessed that they were not then present. Wherfore they estemyd the seyde eydence not to be of any efficacye. And

further wher the seyd Mallett dyd gyve in evydence that the seyd Boldey and his seyd neyghbors declared to hym that they found the seyd Wynscote liyng slepyng apou the seyd bed, and that the seyd Boldey found his coffer broken in and his seyd purse with xxxs. of money two ringes and a signett in the same purse taken away out of the same coffer, and declared yt to his seyd neyghbors, and that they therapon arestyed hym of suspeccion of the same felonye, they sey that the seyd Segnence and Gover knewe asmoche therin as the seyd Boldey or any other dyd, as hereafter ys more playnly declared; and also there was none of the seyd persons sworn apou theyr sayinges. Wherefore they dyd not credyte the same evydence, but leynd more to their owne knowlege. And where the seyd informers sayid that the seyd Wynscote procured Anthony Frenche to convey away certen money from hym bycause the seyd Frenche came to them uncalled by the seid Tythingmen they in their consciences do thynke that the matter was conspired bytwene hym and the seyd Boldey to trowble the seyd Wynscote for dyspleasure, and that yf the seyd Wynscote had desyred Frenche to convey the money from hym, they thynke Frenche wolde have made the seyd Tythingmen and the resydue pryvey to yt immedyatly, so that the money myght have been found apou the seyd Wynscote; and because he dyd not so they belyved that yt was but a feyned tale. And where the seyd Maister Mallett dyd gyve in evydence apou the reporte of the seyd constable that the seyd Wynscote had confessed to hym that he had the seyd money, the seyd Geoffrey Segnence and his compeny could gyve no creditt therto, for that that the seyd constable was present at the assyse, and gave not the evydence hymself, and also the seyd constable had told the seyd Segnence a lyttle before thassisez that Wynscote never confessed to hym the takyng of the seyd money, but he sayed he dyd threaten to send hym to the gaole onles the money were delyveryd ageyn, and also sayed yf it were restored then there schold be no ferther trouble aboute yt, and thereafter by thadvertisement of the seyd constable he sayed he wold gyve him so moche money rather than suffer further trouble therin. And also the seyd Geoffrey Segnence and William Gover of the seyd jury enformed the resydue of theyr seyd compeny of the jury of all the matterz,

and of all that they knewe to be true concernyng the seyde matter, which they knewe of theyr owne knowlege asmoche as all the resydue dyd, sayvng only in that that the seyde Boldey hymself dyd, which Boldey came to the Tythyngman of Spaxton the seyde nyght about x of the cloke, and sayd that ther was oon in hys house, and desyred hym to reyse the neyghbors, and se who yt was; wherapon he reysed the seyde Geffrey Segnens, William Gover and John Bowe, and went to the seyde house, and there found the seyde John Wynscote slepyng upon the seyde Boldeys bed, and then pulled hym and styred hym, and with that he sate up, staryng aboute the house, and he was so dronke that they could not gett a redy answer in half an houre of hym, and then he axed of them where he was, and then they axed hym how he cam in to the seyde house, and he sayd with the key of the church howse of Enmer; at the last he rose from the bed, and wold have gon furth, and then Boldey sayed I praye you staye hym untill I maye serche whether I lacke any thyng or not. And then wythin a lyttle whyle he sayed that he lackyd his purs [etc.], and then the tythyngman and the com penyserched hym and stryppyd hym, but they could fynd nothyng upon hym, nor he wolde not confess to them that he had the purse nor money. Wherapon they consideryng the case they found hym in, and that they could not fynd any thyng upon hym at the seyde serche, for which causes and for that that the seyde Segnence and Gover knew the seyde Wynscote to be accustomed to be dronke and yet taken contynually as a true man, and that he dyd there remayne and slepe, they could not fynde in theyre conscyence that the seyde Wynscote had that money. All which consideracion beyng leyd to the resydue of the seyde jury by the seyde Segnence and Gover, and for that that Master Halswell, Justyce of Peace there,<sup>1</sup> gave evydence upon his othe touchyng the seyng of the seyde John Zely and Symon Legge by hym examyned, which was that they came with the seyde tythyngman [as is abovesaid], and also for that that the seyde evydence of the seyde Mallett was but by report of the seyde constable and others as is aforeseyd, not sworn, and some of

<sup>1</sup> This was probably the Nicholas Halswell who held the neighbouring manor of Halswell in the parish of Goathurst at this date, and died in 1564. Inq. p. m., ser. ii, vol. 141, No. 15.

them were present at the assysez and give not the seydevydence themselves, the seyde defendantes thought in theyr conscyence that the matter was . . . apon malyce, and therapon dyd acquyte the seyde Wynscote of the seyde felony.

And as to thacqytall of the seyde Andrew Maunsell they sayen that forasmoche as nother the seyde Johan Benett, who was allegyd owner of the seyde mare supposed to be stolen by the said Maunsell, ne any person for her ne in her name, gave any evydence to the seide jury, ne also the seyde John Crosse, who was allegyd to be owner of the seyde two kyen supposed lykewise to be stolen by the seyde Maunsell, nor any person for hym ne in his name, gave any evydence to the seyde jury therof, ne no man els but oonly a straunger, whiche dyd gyve no profett<sup>1</sup> evydence, but suche as rather semyd to the seyde jury to procede of malyce then of truth, for that yt was apon the reporte of other and not apon his owne knowlege, wherfore the defendantes could do no otherwise by theyr conscyence but acquyte the seyde Maunsell of the seyde felonys, without that that [etc. etc.].

### Bradley v. Eyssham.

HENRY VIII., VOL. VI, NO. 2. DATE: AFTER 1546.

*To the Kynge oure soveraigne lorde.*

Moost humbly besechyng sheweth unto your mooste excellent highnes your poore subjecte and daily oratour Robert Bradley of Bathford in the countie of Somerset husbondman That where the Priour and Covent of the late dissolved house or monasterye of Bathe in the said countie by there indentour under there Covent or Common Seale dimysed and to ferm dyd lette unto oon Thomas Bradley, father to your said poore oratour, now deceased, and to the said Robert and Margerye his wyfe, all that there ferm of the manor of Bathford<sup>2</sup> with divers howses and edifyenges therupon bulded, and all the londes medowes, lesures and pastures, to the same ferm belongyng to-

<sup>1</sup> *Sic.*

<sup>2</sup> The manor of Ford had belonged to Bath Priory since the Conquest. *V.C.H. Somers.*, i; *Feud. Aids.*, iv, 329. See also *Bath Chartulary* (S.R.S., p. lxiii) for a note of this lease from Prior Holwell's Register.

gither with comyn and other thappurtenances and the personage of Batheford aforsaid, as by the said indentour beryng date the xvth day of Marche in the xxixth yere of youre mooste gracious reigne<sup>1</sup> [*sic*]. Excepte certen thinges as in the same indentour ben excepted and reserved. To have and to hold the ferm of the said manor to the said Thomas, Robert and Margery his wyfe, for term of there lyves successively and to the longest liver of theym, paying therfore yearlie duryng the said term to the said Priour and Convent and to their successours xl quarters of cleane wheate and lx quarters of cleane barlye at certen feastes and termes in the yere to be deliverd as also by the said indentour may appere; by force wherof your said poore oratour hath and yett doth occupye and enjoy the said premisses, the reversion of all whiche said premysses is now in your Majestie in fee by reason of the said dissolution. And at the tyme of the dissolution of the said monasterye and after that your Majesties surveyours appoynted by your highnes surveyed and vewed all the said premisses amongst other, and saw the indentour purportyng the lease made of the said premysses to your said poore oratour and others and certen grayn reserved upon the said indentour and no yearly rent upon the sight of whiche saide indentour the said surveyours did rate and value and also chaunge the said grayne into a certen some of money that is to saye xvij*l*. xiijs. iiij*d*. whiche was after the rate and price of every bushell of wheate viij*d*. and of every bushell of barlye iiij*d*. And soo charged your said poore oratour to paye unto your highnes Receyvours the said xvij*l*. xiijs. iiij*d* in the lewe of the said grayn, whiche your oratour payde unto your Majestie accordingly by the space of ij yeares or there about untill foure or fyve yeares passed that oon Sir Henry Knevett Knyght<sup>2</sup> obtayned a leasse of your Majestie for xxj yeares owte of your Graces courte of the Augmentations of the Revennous of your Crowne, allegyng that your oratour dyd and shuld paie to your Grace the said xl quarters of wheate and lx quarters of barlye.<sup>3</sup>

<sup>1</sup> 1538.

<sup>2</sup> This was Sir Henry Knyvet or Knevett of Charlton (Wilts). He married Mary Sydenham. Chadwyck Healey, *op. cit.*, 312.

<sup>3</sup> This change was probably made owing to the general rise in prices. Sir Henry found that the grain was worth much more than the

And after that the said Sir Henry Knevet by William Eyssham his deputie requyred the grain of your said oratour, which he refused to paye. Upon which refusall the said Sir Henry Knevet by the sinstre meanes and laybours of the said William Eyssham procured that your said poore oratour was called by pryvye seale before your Chancellour of your said Courte of Augmentations. And upon examination of the mater your oratour was comitted to ward in to the Flete, and there remayned by the space of vij weakes untill suche tyme as your oratour was bounden by obligation and two other of his frendes with hym to Henry Eyssham, every of them in the some of oon hundreth markes sterling, and your said oratour in the hoole, aswell to pay yearly the said grayn from that tyme forwardes duryng the said terme of xxj yeares to the said Henry Eyssham and to his assignes, whoo hade then the hoole ryght and title of the said Sir Henry Knevet in the said terme, as also xxx*li.* sterling for thadvantage or gayne of every busshell of the said wheate above the said price of viij*d.* a busshell and above the price of iiij*d.* for every busshell of the said barlye, if the said Henry Eyssham shuld have sold the said grayn after the comen price of the marktett. Ever sens whiche said bonde your oratour hath paide the said grayn unto the said Henry Eyssham, excepte the laste yeare paste that your oratour paide hym not xxix quarters of wheate, for asmoch as the said Henry Eyssham paid not your Highnes rent for that halfe yere, whiche was ix*li.* vjs. viij*d.*, for the which some the said Henry Eyssham caused your oratour eftsones to be called before the said Chauncelour and wold have compelled hym to have paide the said some of ix*li.* vjs. viij*d.*, which was the said Henry Eysshams dutie to paye ; but your oratour offered thereto pay the saide corne, soo that he myght be discharged of your Graces rent of ix*l.* vjs. viij*d.*, and from thensforth of the said xviiij*l.* xiijs. iiij*d.* duryng the said terme of xxj yeares. And that to doo the said Henry Eyssham refused and yett doth. And for that your oratour yett deteyneth not onely the said xxix quarters of wheate but also other grayn

price at which it had been commuted, viz., 5*s.* 4*d.* and 2*s.* per quarter. Wheat which in 1539 sold for 5*s.* 8*d.* rose to 18*s.* 6*d.* in 1546 (a year of great scarcity), while barley rose from 5*s.* 4*d.* to 9*s.* per quarter. The Court of Augmentations apparently decided that the loss sustained by Sir Henry Knevet, owing to this commutation, should be made good by the plaintiff.



ever sithens for lyke non payment of your Graces said yerely rent, willing allweyes and offerynge himselfe to pay all the said grayn, if he myght be discharged of the said rent. And that notwithstanding the said Henry Eyssham in the terme of Saynt Myghell Tharchaungell in the xxxvijth yere of your reign procured an other pryvye seale ageynst your oratour and other his frendes owt of your Graces said Courte of Augmentations by force wherof they personally appered and put in their sufficient answer in the law. And therupon your oratours sureties departed, and your oratour here in his own person gave his attendaunce of the said mater all the said terme to have had the determination and ordre of the said suite. Nevertheles nothing therein further was doone, albeit your said oratour made divers sutes unto your said Highnes Courte, wher as he yett can have no redresse. And after that the said Henry Eyssham in thend of the said terme in London brought an action of dette upon the said obligation of cc markes ageynst your oratour and his said surties bounde with him, wherunto your oratour [pleaded] that itt was not his dede, and if itt were founde to be his dede then he prayed that the Jurye myght inquire of the dette accordyng to the custom of London.<sup>1</sup> And therupon the parties were at issue, and the jurye somoned, appeared tried and sworn, after evidence gevyn unto them on both partes, were at the barre redy to make there verdicte, and the pleyntyfe was demaunded and was nonsute. And not oonly this but immediatly hath caused all the goodes, corne and catalles of the said oratour by commaundement of the said Courte to be stayed, by force wherof your said poore oratour can take ne have anny parte or parcell of his own grayn to sell or for his own necessary expenses, or any of his said catall. And not oonly that, moost gracious lord, but also your said oratour, being in your Graces prisonne of the Flete for the causes above expressed and noon other, the said Henry Eyssham hath of late with force and armes entred in and upon the said ferme and personage, and taken into his own handes all the goodes and catalles of your said poore oratoure, and theym perceyveth keapeth and occupieth as his own, moost

<sup>1</sup> The body of commercial law, known as the custom of London, obtained over the whole of the south-west of England, being transmitted through Bristol and Winchester. Cunningham, *op. cit.*, i, 224.

cruelly expulſing your oratours poore wife, children and familie, contrary to all right and good conſcience to the extreme and utter undoyng and empoveriſſhyng of your ſaid poore oratour and of his familie forever, ooneles your Highnes favour be ſhewed unto hym graciouſly in this behalve. It may therefore pleaſe your moost excellent highnes of your moost habundaunt and acustamed goodnes, all the ſaid premisses tendrely conſidered, that your ſaid poore oratour may be accordyng to equitie and juſtice either diſcharged of the ſaid yearly rent of xviiijl. xiijs. iiijd. or elles of the ſaid grayn ageynst the ſaid Eysſham. And this to doo at the reverence of Gode and in the way of charitie. And your humble beſecher aforesaid according to his bounden dutie ſhall duryng his naturall lyfe daily pray to God for the preſervation of your moost royall eſtate longe to endure.

### Cappis v. Cappis.

VOL. VIII, NO. 103. DATE: BEFORE 1548.

*To the kyng oure ſoueragne lord.*

In moſt humble wyſe compleynyth to your highnes your dayly oratrix & poure bedwoman Philippe Cappis, wydowe late wyff of James Cappys Eſquyer deceſſed<sup>1</sup> That where John Rowe ſergeaunt at the lawe & other were & yet be ſeaſed of & yn ſix meſuages and cccc acres of londe lying in Eſt whitfilde & Weſt Whitfilde<sup>2</sup> yn your countie of Somerſet yn ther demeane as offee to thuse of your ſeid Oratrix for terme of hur lieff as for hur joynture to her by her ſeid late huſbond willid & put in ſuertie whiche londes & tenementes ſyns the deceſſe of her ſeid huſbonde your ſeid oratrix hathe peſeably hadde uſid & occupied by ſufferauns of the ſeid John Rowe & other accordyng to the ſeid late huſbondes wille & ſuertie made So hit is moſt

<sup>1</sup> They unfortunately have not been identified. In the reign of Edward IV. Robert Cappis had held the manor of Stowell *als* Stawel in right of his wife Elizabeth, the widow of Sir John Hody. He presented to the church of Stowell in right of his wife between 1452 and 1469. Weaver, *Somerset Incumbents*, p. 191; Collinson, ii, 379. It may be suggested that James Cappis, whose widow Philippa was plaintiff in this suit, was his descendant.

<sup>2</sup> In Wiveliscombe.

dredde souerayne lorde that one Robert Cappis one of the sonnes of the seid James beyng a person of most ragyous & wilfull condicion nothyng dredyng the ponyschement of your lawes as concernyng his wilfull & ragious actes wrongfully forceably & yn riotus maner accompanyd with thre like ragious & riotus persons apparalid with wepyns of warre defencyble & the names of whom the one is callid William a Wode the elder another of them called William a Wode the yongger & the thridde comyng with a vysar by cause he woulde not be knowyn apou the fest of seynt Luke last past came yn to the towne of Wylscombe yn your seid countie & percevyng that your oratrix was at dyner within an honest man is house within the seid towne came yn to the seid house where your seid oratrix was at dyner and seyng her there sodenly plucked out his swerde havyng these wordes to her as hereafter folowith that is to wete a thow stepdame by goddes blodde y care not thought y thrust my swerde thorowe the and he intenyng so to haue don yn most egar maner one of his seid riotus company beyng somewhate better aduysid pluckid hym abacke sayng to hym thes wordes Master Cappis be ware whate ye do kyller her not and ferthermore before the seid riotus persons comyng yn to the seid house ye seid oratrix hadde with her yn the seid house one of her sonnes callid Sir Roger Cappis beyng a prest brother to the seid Robert Cappis whiche Roger shortly percevyng the soden comyng of the seid riotus persons unto whom the seid Robert hadde a longe tyme borne his dedly malice for no other queroll but for assistaunce & defence of his seid mothers lafull quarell & title yn the premysses and dredyng the daunger of his lyff or bodely hurte sodenly to be to hym don by the seid riotus persons conveyed hymself & avoydid from ther presens before ther seid comyng yn at a backe syde of the seid house & so departid owte of ther daunger after whose departyng & after the seyde ragious demeanor of the seid Robert to your oratrix as is aforesaid (the seid Robert demaundid by thes wordes folowyng) Where is that hore is sonne the prest yf y hadde hym y wolde hew hym yn smale gobettes to sell hym at the market or y went and this don the seid riotus persons departid levyng your seid oratrix yn suche drede & agonye that she was & hath byn syns yn perell of her body & lyeff and cuer shall be the wors whyle she lyveth yet the seid malefactours not

contentid with ther seid ragious demeanour percevyng your oratrix to be from home yn leke ragious & riotus demeanour incontynent entered yn to the seid landes & thare toke & drove away a kow yn the name of an heryot seyng there & puplysing hym selff to be very lord & heire of the same landes and yn leke maner he hath usid hym selff apou the premyssis dyuers tymes before this and hath recevid with manysyng & threttyng of your oratrix poure tenautes of the seid premyssis dyuers somes of money of the rentes of right belongyng to your oratrix the seid Robert Cappis havyng no maner of colour of title to the premyssis nother as heyre to the same nor other wise whiche is not only grete drede as well to hur person but also of the vexacion for hur seid poure tenautes & daunger of ther lyvys and by occasion whereof sche is yn suche a confusyon what for lacke of receyte of the profittes of the seid londs which is hur hole levyng and whate for the wyld & furyous rage of the seid Robert & his adherentes that she beyng a woman yn extreme age & impotent & can not without extreme charges defende hur self knowith not whate to do without the mercyfull socour of your most gracious highnes yn suche case requysite to be admynystred to poure impotent & socourlese wydowys wherefore may hit please your highnes of your most habundant grace to graunte to your seid suppliaunt your gracious writtes of subpena to be directid to the seid Robert & other the seid Riotus persons with hym before namyd commaundyng them by vertue of the same to appere before youre highnes & your most honorable counsell yn your hye court of Sterre Chamber ther to aunswer to the premyssis and fether commaundyng the seid Robert by eny of the seid writtes to hym to be delyuered by way of Iniunccion to avoyde his possession of the premyssis & to suffer your seid oratrix yn the meane tyme peseably to occupie the same tyll suche tyme as the title yn the premyssis be tried before your seid honorable counsell.

[Signed :—] John Rowe.

Endorsed :—coram dño R̄ et conċ suo apud Westm̄ in quindena sc̄i Hillarij p̄x futuř.

## Cappis v. Stowell.

VOL. VI, NOS. 104-106. DATE: BEFORE 1548.

*To the kyng our soueraigne lorde.*

In most humbly wise schewith & complaynyth unto your most gracyouse highnes your poure & faithfull subiecte Thomas Cappis<sup>1</sup> that where on William Cappys father unto your said subiecte by juste & lauffull conveyance yn the lawe was seased yn his demeane as of fee tayll to hym & to his heirez malez of his bodie lauffully be gottyn had & made by on Jamez Cappis his father of & yn the manors of Estwitfylde Westwytfild & Fysshchande<sup>2</sup> yn the countie of Somersett & so seased died therof seased after whois deith the premyssez discendid unto your said subiecte as son & heire male of the bodie of the said William Cappis by reason wherof the said Thomas entred yn to the premyssez & was thereof seased tyll on Anthonye Stowell<sup>3</sup> riotously & with force that is to saye with swerdes bucklers & stavez entred yn to the premyssez & then & there expelled & putt oute your said subiecte from his lauffull possession wherupon your seid subiecte made his complaynt therof unto your highnez Chauncelor of Englande & your moste honorable counsell consernyng the mysdemeanor of the said Anthonye apon which complaynt your highnez said Chauncelor directed your gracyouse wryte of Iniunccion unto the said Anthonye commaundyng hym by the same to permytte & suffer your said subiecte quyetyly & peceably to haue & ynioye the premyssez untill it were otherwise ordered by your said highnez so it is gracyous soueraign lorde that he the said Anthonye Stowell nothyng regardyng the said commaundymment yn any wise will not permytte ne suffer your said subiecte quyetyly to occupie & ynioye the premyssez accordyng to the said wryte of iniunccion but now of late that is to saye the secound daye of January last paste yn the neight tyme he the said Anthonye by the mayntenaunce procurement &

<sup>1</sup> Thomas Cappis was, it appears, the grandson of the James Cappis whose widow Phillipa was plaintiff in the former suit. He seems to have been a tailor.

<sup>2</sup> Fitzhead, a hamlet in Wiveliscombe.

<sup>3</sup> The Stowells were lords of a manor in Wiveliscombe (Collinson, ii, 489), but Anthony Stowell claimed this property as great-grandson of James Cappis, being, as he said, the son of Joan, daughter of Thomas Cappis, who was the son of James Cappis.

abectement of on Michell Malette<sup>1</sup> accompaned with on Richarde Malet Roberte Schurcomb Edmond Clode John Charle John Elys & other to the number of ix or x persons whois namez be as yet to youre said subiecte unknowen yn riotouse maner hauyng with them fyve long bowez on hand gonne forest byllys stavez a tergatt & other wepons came to the said capital Mesuage & then & there not only assaulted the said house but also manysshed & threttened on Thomas Colles<sup>2</sup> then beyng yn the said house to kyll hym & to burne the said house and not contented with this yvell demeanors but also then & there wrongfully xx<sup>ii</sup> rother bestes or neyte foure hounded fatte schepe<sup>3</sup> then beyng yn & apou the premysses (the same schepe then beyng worth foure scoore poundes) did take & dryve away unto a place called Rookes Castell<sup>4</sup> beyng from thens xij long myles distant & by reason of fowelnez & dypnesse of the waye dyuerse of the said schepe died yn dryvyng er that they came to the said rookes Castell & the residewe beyng a lyve at Rookes Castell aforesaid did impounde & there the same schepe & cattall so long yn pounde remayned er that the awners of them had knowlege where the same schepe became & coulde gett replevyns for the delyueraunce of them that partly for lacke of meyte & fedyng but especyally by meane of the said unresonable dryffte the said schepe are utterly perished & the rother bestes moche empared and also the said awners hauyng lafull replevyns coulde not haue there said bestes & schepe delyuered untill they paide iiij<sup>d</sup> for the poundage of euery beste ouer & beside the pasturyng of them yn the meane tyme and the day of the retorne of the said replevyns the said Anthonye dyd not nor wolde make any avowry<sup>5</sup> nor justificacion of & for the takyng of the said bestes but only reportyng that he toke the said bestes by the counsell

<sup>1</sup> He was the son of Baldwin Mallet, lord of a portion of the manor of West Quantoxhead, which manor descended on Baldwin's death in 1533 to this Michael Mallet, who died in 1548. *V.C.H. Somers.*, iii (MSS.); *Medieval Wills*, xxi, p. 17; *Inq. p. m.*, ser. ii, 2 Edw. VI., vol. 86, No. 26.

<sup>2</sup> This family was well known in Wiveliscombe, and the manor was held by them in the 17th century. See *Somers. Wills* (ed. Crisp), i, 33.

<sup>3</sup> The value set on the sheep, 4s. each, was a reasonable one, the average price in the ten years between 1541 and 1550 being 4s. 11½d. Thorold Rogers, *Hist. of Agr. and Prices*, iv, 356.

<sup>4</sup> This is in the parish of Broomfield. See above, p. 255 (n. 1).

<sup>5</sup> The taker of a distress had to prove or "avow" his right to take it.

of the said Michell Malett to whom the said Anthonye had solde all suche right title & Interest as he then had yn the premyssez & therfore whether he the said Anthonye had don well or yll theryn he cared nothyng for it for as mych as his title was solde to the said Malett, yet all this not with standyng he the said Anthonye now of late that is to say aboute the xvij<sup>th</sup> day of January laste paste riotusly with force & armez nothyng dreadyng your gracys lawez nor the punysment therof accompanied with on Joseph Hussey William Trevylian Edmound Cloode Robert Schurcomb of Clotoworthy<sup>1</sup> laborer John Charley Thomas Holoway of Camflorey<sup>2</sup> yoman John Davye of Aysse Pryors laborer & dyuerse other persons unknowen to the number of xij persons with force & armez & yn the maner of warre arrayed that is to say with swerdes bocklers & other wepons defensiu the said house of Jewez<sup>3</sup> did breke & entre & then & there of there malicyouse & ungracyouse mynde riotusly dyd rent & cutt yn pecez all the beddyng & weryng clothez of on Thomas Powell then beyng yn the said house & x disshez ij bowez halff a scheff of arowez on axe on payre of teylors scherez a pressyng iron & a forest byll then & there founde did take & carye awaye and also soueraign lorde the said Anthonye Stowell John Davye William Lovell Edmonde Clode John Charley Roberte Schurcomb Phyllypp Breme Thomas lackyngton accompanied with dyuers other ivell disposed persons to the number of xvj<sup>ti</sup> persons riotusly with force and armez that is to say bannes bowes arrowez & other wepons defensyvez not only the x<sup>th</sup> day of Aprell laste paste but also the xvij<sup>th</sup> day of Aprell laste paste the house of your said subiecte att Weuelescomb aforesaid called Jewez wrongfully dyd breke & entre & then & there riotusly & with force expulsed & disseised your said subiecte therof & the same house with such force there yet deteynyth & kypith contrary to your gracyouse lawez & Statutes yn that behalff prouyded and also then & there yn on Thomas Powell made assaute & hym then & there did beate & ivyll intrete so that he was in jeopardy of his lyff and also on cloke of the valewe of xs<sup>s</sup> of the

<sup>1</sup> Clatworthy.

<sup>2</sup> Combe Flory.

<sup>3</sup> The house called "Jewez" at Wiveliscombe must have taken its name from John Jewe, who lived at Wiveliscombe in 1415. *Genealogist*, 1882, vi, 31. The name is found again in the 17th century, the will of John Hawley "of Jewes" being proved in 1541. *Somerset Wills*, ed. Crisp, vi, 71.

goodes & catalles of your said subiectes then & there founde did rent & teyre yn peccz to the most perill example of all other such lyke offenders for which forceable entrez riottes & other mysdemenors so comytted & don att your sessions of peace lately holden at Ivellchester yn youre said Countie of Somerset the said Anthonye Stowell & the other persons before named haue byn indited thereof as by the recorde therof remaynyng before your Justice of peace yn the said countie more playnly apperith In tender consideracon wherof may it therefore please your good heighnez the premiszez considered to graunte to your poure subiette your graciouslye wryte of subpena to be directed to thesaid Anthonye Stowell Michell Malett Rycherd Malett Roberte Schurcombe Edmond Clode John Charley John Elys Joseph Hussey William Trevelyen Thomas Holoway John Davye William Lovell Phyllypp Breme & Thomas Lackyngton commaunding by the same personally to appere before your graciouslye heighnez & the lordes of your moste honorable counsell yn your Starre Chamber at Westmynster & there to make answer unto the premiszez.

The awnswer of Anthony Stowell to the byll of complaynt of  
Thomas Cappys.

The seid defendaunt seith that the matter conteyned in the seid bill of complaynt is false & untrew, & deuysed & imaged by the seid complaynaunt & one Nicholas Fitziamess<sup>1</sup> his master & is also sett forthe by the procurement & mayntenaunce of the seid Nicholas Fytziames by whom the seid mater is unlawfully borne & mayntened ageynst the seid defendaunt to the grett hynderaunce & in a maner to the undoing & impoueryshment of the same defendaunt and as to all assawltes & bateryes & to all & euery other acte & actes what so euer hit be supposed to be don by the seid defendaunt agaynst the peace or ryotously that he is therof not gyilty And as to the entre in to the seid londes & tenementes & the takyng of the seid bestes & shepe the seid defendaunt seithe that one James Cappys was seased of the seid londes & tenementes in his demeane as of fee tayll that is to wete to hem & to the heyr of his body lawfully begoten by just & lawfull conveyanz in the law redy to be showed & he

<sup>1</sup> See above, p. 120 (*n.* 1).



so beyng therof seased dyed therof so seased after whose dethe the premysses dyscended & of very ryght owght to dyscend unto the seid defendaunt as cosen & heire of the body of the seid James that is to wete son & heir of the body of [[Jo]han dowghter & heir of the body of Thomas sone & heire of the body of the seid James by force wherof the seid defendaunt entred into the premysses & was therof seased in his demeane as of fee tayle & he so being therof seased at the tyme of the seid entre & takyn of the seid bestes supposed to be done came to the seid londes & tenements & ther founde certeyn cattell & sheppe going in & upon the seid premisses & then & ther depasturing eatyng upp & tredyng down his grasse & pasture growyng in & upon the same premysses by force wherof he toke the same bestes then & ther damages fesaunt & them drove from thens unto a comon pound within the seid countey of Somerset called Rokes castell the whiche is dystant from the seid place wher the takyn is supposed to be vij myles or therabouts & the same bestes ther impounded as lawfull was for hem to doo and after that the seid bestes were wrongfully & ageynst the law sett owt of the seid pound by a replevyn supposed to be made by the sheref of the seid countey by force wherof the seid defendaunt was at the countey court then next folowyng kepte at Yvelchester in the seid countey ther to pursw the seid mater & to haue justyfyed the takyng of the seid bestes accordyng to the order of the law at whiche tyme the seid sheref of the seid shere ther dysavowed the seid replevyn for that the seid repleuyn was not made ne graunted by hem by force wherof the seid defendaunt cowld not pursw this seid mater wythout that the seid William Cappys was seised of & in the premysses by just & lawfull conveyanz in the law in his demeane as of fee tayll or that the same William dyed therof seased or that the premisses dyscended after the deth of the said William unto the seid complaynaunt or that the seid complaynaunt was euer seased of the premisses other then by dysseison & wrong wyth force & armes & riotowsely therof commytted & done unto the seid defendaunt by the seid complaynaunt accompanied wyth Thomas Powell Richard Gybbys clothyer & — Grove Richard Showmaker William Showmaker Thomas Howell & dyuerz other suche lyke euell dysposed persons or that ony wryte of iniuncon

was euer dyrected to the seid defendaunt commaundyng hym by the same to permyt & suffer the seid complaynaunt quietly & pacably to haue & injoy the premysses untill it were otherwyse ordered by your hyghnes or that the seid defendaunt dyd euer manasse or thretyn the seid Thomas Collys to kyll hem or to burne the seid house or that the seid sheppe dyed or perysshed in the defaute of the seid defendaunt or that the seid defendaunt dyd euer report that he had solde all suche ryght tytle & interest as he had in the premysses unto the seid Michaell Malet for he seyth that he neuer sold his seid ryght tytle & interest of & in the premysses to the seid Michaell Malet nor to any other person and wythowt that &c.

Appended is the answer of Michael Malet, which contains no fresh particulars.

VOL. IX, No. 43.

The replicacion of Thomas Capps to the answer of Anthony Stowell.

The said Thomas saith that his byll of complaynt is sufficient in the law to be answered unto and farder saith that the said defendaunt is gyilty of the said assautes bateris ryotis & other the misdouers allegyd in the said bill of complaint in manner and forme as therin is expressed & declared and farther saith that the said William Capps was seased of the premisses and died therof seased and that the premisses after the death of the said Willyam descendid unto the said complaynaunt and that the said complaynaunt was seased of the premisses and that a writte of iniuncon was directed to the said defendaunt commaundyng hym by the same to permytt and suffer the said complaynaunt quietly and peceably to haue & enioy the premisses as is allegid in the said bill of complaint and that the said defendaunt dyd manasse & threaten the said Thomas Collis to kyll him and to burne his said house and that the seid shepe died and perished in the default of the said defendaunt and that the seid defendaunt dyd report that he hadd solde all such right title and interest as he hadd in the premisses unto the said Michell Mallett and that the said defendaunt dyd also report that he cared nott whether he hadd don well or yvill in the

takyng of the same beastes and that he rent and cutt in peces the beddyng & weryng clothes of the said Thomas Powell and toke and caried away the disshes & other thynges out of the said capitall mese and that the said defendaunt dyd wrongfully breke & enter into the same hous and expelled & disseased the said complaynaunt therof and that the said defendaunt doith wrongfully deteyne & kepe the same hous and that the said defendaunt was inditted apou a good and iust cause and reasonable grounde for and concernyng the premissez as is allegyd in the said bill of complaint and also saith and auerith all & euery thyng conteyned in his seid bill to be trew without that &c. &c.

### Andrewes ats Frye v. Phyllyps.

HENRY VIII., VOL. I, NO. 164. DATE: 1550.

*To the kyng our soveraygne lorde.*

In most lamentable wyse complaynyng shewen to your your highnes your pore subiectes and dayly oratours Henry Andrewes ats Frye thelder Wylliam Andrewes ats Frye<sup>1</sup> and Henry Andrewes ats Frye thonger that where Wylliam Wytcombe<sup>2</sup> gent was seasyde in his demeane as of fee of and in the moyety or one half of a capitall meassuage, one orcharde one gardyn one close of pasture contaynyng by estymacion vj acres nere adyoynyng to the sayde capitall mease and of and in the

<sup>1</sup> He evidently belonged to the same family as the Thomas Andrewes *alias* Fry of Martock, whose will was proved in 1595. J. C. C. Smith, *Wills* (Index Library), iv, 9, 163.

<sup>2</sup> The will of John Witcombe, proved in 1527, throws considerable light on this suit. John Witcombe owned the manor of Witcombe in Martock with lands and tenements in Witcombe, Bower Hinton, Coat and Lymborough in the parish of Martock. The will quotes a settlement dated 13 Dec., 1521, on his brother William and his wife Elizabeth, and the reversion of the testator's dwelling house in Martock, in which his wife was given a life interest, was to pass on her death to this William Witcombe. He left most of his plate to build a chantry house in Martock. He named his cousin, Richard Philipps, as one of his executors on condition that he within one month after the testator's decease "clerely discharged himself fro' all such troublers as he is in against our soueraign Lord and King." *Medieval Wills* (S.R.S., xix), p. 263.

moyety or one half of lxx acres of arrable land xvij acres and a halff of meadowe ij other closes of pasture wherof thone ys callyd waltershame, and the other courshame and also of and in the moyety or one halff of one other close of pasture contaynyng by estymacon xvij acres and of the moyetye or one halff of the feadinge or pasturyng of xxx oxen in a certen meadow callyd Shaldowe to be had and usyde after the shere of the same meadowe and of the feadinge and pasturinge of viij<sup>th</sup> kyen in a pasture callyde the cowe lease and of and in one tenement callyde Randalls adyoynge to the said capitall mease with certayn landes meadowes and pasture to the same tenement apperteynyng sett lyeinge and beinge within the parysshe of Martok in your county of Somerset and so beinge therof seasyd, for a competent some of meoney to hym truly contentyde and payde in the name of a Fyne by indenture beryng date the xij daye of Maye in this present fowerth yere of your moste gracyous rayngne,<sup>2</sup> demysed and grauntyd aswell all that hissayde tenement callyde Randalles with the land meadowe and pasture to the same belongyng as also all the saide moyetyes of the said capytall meassuage and all other the premysses to your sayd subiectes for terme of their lyves and the longyst lyver of them except and alwayes reservyd to the sayd Wylliam Wytcombe and his heyers all the great tymber trees growinge in and upon the premysses by the sayde indenture more at large dothe and maye appere, by force wherof your said subiectes entryd in to the premysses as ys aforesaid and were therof seasid in their demeane as of freehold So it is most gracyous soveraygne lord, that John Richardes of Martok John Richardes of Norton John Richards of Aller Richard Rychardes Wylliam Richardes Thomas Balche and Wylliam Hicket by the mayntenance supportacion and councell of Thomas Phyllyp esquier,<sup>1</sup> the xx<sup>th</sup> daye of August last past, unlesfully assemblyd them selffes together in and upon the premysses havinge bylles, bowes,

<sup>1</sup> The Phelipps family acquired the manor of Montacute in the reign of Henry VIII. The will of this Thomas Phellips, which was proved in 1589, mentions his "mansion house of Montacute," which was conveyed to his younger son, Sir Edward Phellips, before his father's death. Collinson seems to be wrong in saying that this Sir Edward was the first of the family to settle at Montacute, as Thomas is described as "of Montacute" in this suit. Collinson, iii, 314.

<sup>2</sup> 1550.

arrowes pykes and staves, and other weapons defensyve, and some of them beinge in harneys, after the manner of warr with force and arms riotously and in riotous manner entryd into the premysses uppon the possession of your said subiectes and therof with like force dysseasyd and expulsyde your said subiectes and fardre not therwith contentyd, but of their fardre malice fynedyng your sayde subiect Henry Frye thelder and his servauntes in the peace of god and your graces in and uppon the premysses at the tyme of their said unlesfull entry of their dylvyshe myndes and evyll dysposyde purposes made a fraye and assaulte uppon your sayd subiect Henry Frye thelder and his sayd servauntes and them in suche cruell manner and sorte dyd beate wound and intreat that they were therby in grete peryll and jeopardy of their lyves to their grett hynderaunce and ympoueryshment and in manner utter undoyng for ever and to the pernycous example of other lyke malefactors for reformation whereof your highenes said subiectes according to the lawes and statutes of thys your graces realme at the sessions holden at Brydgewater in the countye of Somerset, the thursday next after the feaste of saynte Mathewe exybyted one bill of indyctment uppon the statute made in the viij<sup>th</sup> yere of the raygne of your highnes progenytor kyng Henry the vij<sup>th</sup> comprehendyng in the same, that the said defendauntes had with force and armes dysseasyde and expulsyd your said oratours of the premysses to them demysed contrary to the forme of the said estatute which sayde bill being perusyd by the Justyces of the peace of the same shier, before whom the said sessions was holden, and delyveryd to the grete inquest that then was chargyd to . . . for your highnes of matters touchyng the publyke welthe of the same shier, was found and presentyd to be true wherupon the same Justices awardyd one wryte of Restitucion<sup>2</sup> dyrectyd to Sir Thomas Speke knyght<sup>3</sup> shryef of the Countye aforesayd commaundyng hym by the same to putt your sayd subiectes in possession of the premysses to hym and others demysed as ys aforesayd by force whereof the sayd Sir Thomas

<sup>1</sup> By this act (8 Hen. VI., cap. 14), severe punishments were inflicted upon rioters.

<sup>2</sup> A writ of restitution was a writ setting a man in possession of lands and tenements of which he had been unlawfully deprived.

<sup>3</sup> See above, p. 219.

Speke commaundyd Wylliam Hyatt undershryef of the said countye to repayer to the sayd tenement and other the premysses demysed to your sayde subiectes to putt them in possessyon of the same by force wherof the said Wylliam Hyatt came to the premysses and ther found the sayd John Richardes of Norton and Richarde Rychardes in the sayd meassuage with the dores thierof close shutt kepyng the possessyon therof wyth force which when the sayde undershryeff perceavyd he declaryd unto them of Martock John Richardes and Richarde Rychardes, that he was come to put your graces said subiect Henry Frye in possession of the premysses by vertue of the kynges wrytt to hym directyd commaunding them in the behalf of your Maiesty to open the dores of the sayd meassuage and to suffer the same undershrief to execute the same wryte as in that behalff apperteynyd and that notwithstandinge the said John Richardes of Norton John Rychardes of Awler Rycharde Rychardes and Wylliam Richardes, arrogantly and very dysobedyently nothinge regardinge your graces lawes kept the possession of the premysses with force in souche manner that the said undershrief colde not as then enter in to the same without peryll and daungere of manslaughter for thadvoyding wherof the same undershreff ymmedyatly deparetyd and repayeryd to the said Sir Thomas Speke declarynge unto hym the said evyll behaviour of the sayd persons wheruppon the said Sir Thomas Speke the next daye lykewise personally repayeryd to the said meassuage, and there lykewise found the said John Rychardes of Norton Richard Richardes Wylliam Richardes and Thomas Richardes kepyng the said howse with force and the dores and windowes of the same close shutt which when the said Sir Thomas Speke perceavyd he spake unto them beinge within the said howse commaundyng them that they shold open the dores who uppon persuasion openyd the dores of the said meassuage wheruppon the sayde Sir Thomas Speke accordinge to the tenor of the said wryte putt your graces said subiectes in possession of the premysses as ys aforesaid by reason wherof your sayd subiect Henry Frye thelder put in his cattall to use and occupye the said landes to hym demysed as lefull was for hym to do and the said demyse and wryt off restitution notwithstandinge the said John Richardes of Martok John Richardes of Norton and the

said William Richardes by the mayntenaunce of the said Thomas Phyllyps the xv<sup>th</sup> daye of this present monyth of october with force and armes beinge arrayed with armour and wepon mete for the wars eftsones in riotous manner entryd in to the premysses and then and ther dystraynyd xj oxen of the goodes and cattalls of your said subiectes Henry Frye thelder which he could not have delyveryd agayne without replevy and yet not so contentyd but do dayly otherwise dysturbe your graces sayd pore subyeetes in suche manner that he cannot quyetyly take and enyoie thyssues and profittes of the premysses to them demysed, as of right they ought to do by the lawes of this your graces realme whyche wylbe their utter undoinge oneles your graces mercyfull goodnes be to them shewyd in thys behalfe In consideration whereof yt may please your highnes to graunt your graces wrytt of subpena to be directyd to the said Thomas Phyllyps & the others above named, commaundinge them by the same at a certayn daye and uppon a payne therin to be lymyttyd personally to appere before your highnes most honorable pryvey councill in your Sterr chambre at Westminster then and ther to make aunswer.

## No. 165.

The answer of Thomas Phyllypps John Rychards John Richards John Richardes & Wyllyam Rychardes to the byll of complaynt of Henrye Androwes ats Frye thelder William Androwes ats Frye & Henrye Androwes ats Frye the yonger.

John Richardes one of the sayd defendauntes saythe that long tyme before the said supposed lesse made by the sayd Wyllyam Whytcombe unto the sayd complaynauntes of the premisses mencyoned in the byll the said William Whytcomb & Elizabethe the wiewf were seised of & in all the sayd masuages londes tenementes & heredytamentes mencyoned in the byll that is to saye the sayd Wyllyam Whytcomb in his demesne as off fee & the sayd Elyzabethe in her demesne as of frehold by one lauffull conveyauns thereof to the same Wyllyam Whytcomb & Elizabethe and the sayd William Whytcomb & Elizabethe beinge thereof so seised by ther dede indentyd redye to be

shewed made bytwene the sayd William Whytcomb & Elizabeth his wyeff of the one parte and one Thomas Whyte of Martock & Agnes his wyeff the said John Richardes the elder & Thomas Whyte the yonger of the other parte long tyme before the said supposed lesse mencyoned in the sayd byll of complaynt for & in consideracion of the summe of fortye markes payed unto the said Willyam Whytcomb for & in the name of a fyne dyd demyse graunt & to ferme lett unto the said Thomas Whyte & Agnes his wiewff John Rychardes the one of the sayd defendants & the said Thomas Whyte the yonger all and singular the sayd mesuages londes tenements & hereditaments mencyoned in the sayd byll by the name of all ther capytall mesuage one gardeyn one close to the sayd mesuage annexed conteynyng by estymacion sixe acres of severall pasture threscore & ten acres of arable londe lyeng in the three felde of Whytcomb eighteyn acres & a half of medowe whereof eight acres did lye in Sheldowne Mede viij acres in the hurst & one acre in a medowe called asshemede and one acre & a half doth lye in the lymehyll and also two closes of seuerall pasture whereof one close thereof is called . . . conteynyng by estymacion xij acres & a nother close thereof called Courtham conteynyng by estymacion vj acres and the pasture for thyrtye bestes in a certayn meadow called Shuldowne Mede after the first cutting and also one other close of seuerall pasture lyeng bytwene the vyllages of Overasshe & Netherasshe contaynyng by estymacion xvij acres & whiche sometyme laye in foure lytle severall closes and also the pasture for viij keen in a pasture called Cowles with all and singuler ther appurtenaunces To have & to holde the sayd capytall mesuage & all other the premisses with thappurtenaunces to the sayd Thomas Whyte & Agnes his wyeff the sayd John Rychardes & to the sayd Thomas Whyte the yonger for terme of theyr lyeffes & of euerye of them longyst lyvyng successyvelye & seuerallye & not ioyntlye yeldyng & payng therefore yerelye duryng the sayd terme to the sayd William Whytcomb & Elizabeth his wyeff & to the heyres of the sayd Willyam Whytcomb seven poundes of lafull monye of Englund att the foure usuall & pryncypall feastes of the yere by even porcions to be payed as by the sayd Indenture whose date is the sixte daye of Maye in the xxix yere of the raign of our late soueraign



lorde kyng Henrye the eight father to our soueraign lorde the kyng thatt nowe ys mere playnlye dothe appere By force whereof the sayd Thomas Whyte of Martock was sole seised of & in the said Capytall mesuage & all other the premisses in his demesne as off freholde to the knowlege off the sayd John Rychardes thelder and he beyng thereof so seysed dyd quyetye holde & solelye enioye the sayd capytall mesuage & other the premisses with thappurtenaunces to his owne use & behouffe without interrupcion of any person or persons and after the sayd Thomas Whyte of Martock so beyng seysed dyed by & after whose dethe the sayd capytall mesuage & other the premisses with thappurtenaunces remayned & came to the sayd Agnes his wyeff by force of the sayd dede indentyd as this defendaunt John Rychardes thelder also supposythe by force whereof the sayd Agnes dyd entre into the sayd capytall mesuage & other the premisses & was thereof sole seysed as he thynkythe in her demesne as off freholde & quyetye dyd holde & enioye the same premisses & the profyttes thereof comyng & growyng dyd solelye levye & take to her owne use without interrupcion off any person or persons accordyng to the meanyng of the sayd Indentures and after the sayd Agnes dyed about twelve monethes laste paste by & after whos dethe the sayd John Rychardes entryd into the sayd capytall mesuage & other the premisses accordyng to the true meanyng of the sayd indenture & was sole seysyd of the sayd capytall mesuage & other the premisses (& as he thynkythe rightfullye) in his demesne as of freholde and he beyng thereof so seysed about the [*sic*] daye of Julye last past dyd mowe & cutt downe ij acres of grasse in the sayd medowe called Chaldowne Mede parcell of the premisses to them letten as is aforesayd and the same did make into haye and after thatt the sayd haye was dryd & redye to be caryed into the house the sayd complaynaunces & other ryotouse persones to the number of fyve persons to them assocoyated dyd fecche & carye awaye ryotouslye twoo wayneloodes of the sayd haye whiche was made att the onlye costes of the sayd John Rychardes thelder and in the caryeng of the same ij wayne loddos of haye from the sayd medowe challed Chaldowne Mede the sayd John Rychardes thelder mett with the sayd Henrye Androwes ats Frye thelder & requyred hem thatt he woulde

nott medle wyth ne carye a waye the haye of the said John Rychardes the elder whereunto the Henrye Androwes thelder answeyrd saying to the said John Rychardes thelder that he woulde take and carye awaye the haye yf the sayd John Rychardes thelder & all the knavys his brethern would saye naye thereunto wherefore the sayd John Rychardes thelder dyd permytt the sayd Henrye Androwes the elder att thatt tyme in quyett maner for feare of the breche of the kynges peas to carye awaye the said ij wayne loddes of hey and the sayd John Rychardes thelder John Richardes the yonger Rychard Rychardes & Wyllyam Richardes further sayen and euerye of them saythe that the same Henrie Androwe the same [size] daye of Julye after the caryage awaye of the same ij wayne loddes of haye hauyng in his companye seven other persons ryotouslye with force & armes came to the sayd medowe called Chaldowne Mede & ther with the sayd ryotouse psons would haue forcebellye & ryotouslye haue laden & caryed awaye three other wayn loddes of haye of the sayd John Rychardes thelder yf the sayd John Rychardes thelder & othar the defendautes before namyd had nott ther byn who gentyllye requyred the said Harry Androwes thelder to leue and surcesse in his wrongdoynge & in caryeng off the haye of the sayd John Rychardes butt the sayd Harry Androwes myndyng nothyng butt trouble & vexacion to the sayd defendaunt & the breche of the kynges peas sayd to the sayd ryotouse persons whiche then accompanied hem these wordes folowyng Syrs come on & stand faste ye shall have better playe anone and thereapon would haue with force laden the sayd iij waynes wythe the haye of the sayd Richardes & woulde haue caryed hytt awaye maugre the wyll of the sayd John Richardes thelder & the sayd John Richardes thelder John Rychardes the yonger Rychard Rychardes & Wyllyam Rychardes wherefore they resysted the sayd iniuryous pretens & purpose & would nott suffer the sayd ryotous persons to carye awaye the sayd haye and thereapon the sayd Henrye Androwes & other the complaynautes made assaulte apou the sayd John Rychardes & his said brethern intending therby vyolentlye & with force to carye awaye the same haye butt the sayd John Richardes thelder & his sayd brethern did them defende So that suche hurte & damage as anye of the complaynautes hadde or anye

of them hath was of ther owne assaulte & wronge & in the defens of the said Richardes & of his brethern without thatt thatt the sayd Wyllyam Whytcomb by indenture beryng date the xiiij<sup>th</sup> of Maye laste paste did demyse & graunt or lauffullie myght demyse & graunt anye parte of the premises mencyoned in the byll to the sayd complaynautes for anie of ther lyeffes & euerye of them longyst lyvyng or that the sayd Wyllyam Whytcomb coulede make anye suche lauffull lesse of the premisses to the said complaynautes or that the sayd complaynautes by ther entre into the premisses were thereof lauffullye seysed in ther demesne as of freholde or that the sayd defendautes before namyd by the supportacion of the sayd Thomas Phyllyps the xx<sup>th</sup> daye of August last paste unlauffullye assembled themselffes together upon the premisses with bylles bowes arowes pykes & staves & other wepons defensyble or thatt anye of the sayd defendautes were in harnesse after the maner of warre or with force and armes ryotouslye entryd into the premisses upon the possessyons of the sayd complaynautes or thereof with lyke force dysseysed & expulsed the said complaynautes for the sayd defendaunt John Richardes thelder John Richardes Richard Richardes & William Rychardes sayen & euerye of them sayth that the sayd John Richardes the elder in his owne right and the other defendautes as seruautes to hym & by his commaundement dyd preserue & kepe the lauffull possessyon of the sayd John Rychardes the elder in the premisses accordyng to the trewe meanyng & intent of the sayd dede indentyd made to the sayd John Rychardes thelder and whyche thyng they thynke thatt maye lauffullye so do by the lawes of this realme bycause thatt he the sayd John Richardes thelder & suche as were wythe hym namyd in the said lesse dyd quyetye entre into the premisses and hadde kepte the possessyon thereof quyetye by the space of three yeres & more before the tyme of the sayd supposed ryott & forcyble entre comytted or that they of ther further malyce fyndyng the sayd Henrye Androwes thelder & his seruautes in the peas of godd & of the kynges maiestye att the tyme of their said entre & as it is supposed unlauffull of ther develysshe myndes & euyll dysposed purposes made affrey & assault upon the sayd Henrye Frye thelder & his seruautes or that they in suche cruell manner dyd beate them that they

were in Jeopardye of ther lyeffes otherwyse then yn the defens off the sayd defendaunts & apou the assault made by the said complaynautes & ther seruantes apou the said defendaunts as before in this answer is alleged without that the sayd defendautes were indyted before the Justyces of peas in the said countye of Somerset of a wrongefull dysseyn by them commytted & don to the said complaynautes in the premisses contrary to the statute made in the viij yere of the raign of Kyng Henrye the sixte to the knowlege of the sayd defendaunt or thatt they or anye of them myght be thereof lauffullye indyted for the causes abouemencioned or thatt the sayd undershyryffe declared to the sayd John Rychardes of Martock & Rycharde Rychardes thatt he was come to putte the sayd Henrye Frye in possessyon of the premisses by vertue of the kynges wrytte to hem dyrected or thatt ther was any suche wrytte dyrected to the sayd undershyryffe to the knowlege of the sayd defendaunt or thatt he commaundyd hem to open the dores of the sayd messuage thatt he mought execute the same soppoused wrytte or thatt they or any of them kepte the occupacion of the premisses arrogantlye not regardyng the kynges lawes as is surmysed by the sayd byll or thatt the sayd Sir Thomas Speke knight then shyryff of the countye of Somerset att his repayre thyther did fynde the sayd John Rychardes Thomas Richardes Wyllyam Rychardes & Rycharde Rychardes keypyng the sayd mesuage wythe force & the dores & wyndowes of the same close shutte butt they & euerye of them saythe thatt there were within the sayd mesuage att the tyme of the comyng of the sayd Sir Thomas Speke thyther the sayd Rychard Rychardes & the others named were deteyned & kepte in pryson by the sayd complaynautes before the comyng of the sayd Sir Thomas Speke to the sayd messuage & after his departure from thens the said Richard Richardes John Rychardes the yonger percevyng the comyng of the sayd Sir Thomas Speke dyd open fourthewythe the dores of the said mesuage & sufferyd hem to come into the sayd mesuage quyetye without thatt thatt the sayd complaynaunt Henrye Frye thelder dyd or myght putt his cattall lauffully into the premisses or thatt they unlawfullye by the mayntenaunce & procurement of the sayd Thomas Phyllyppes dyd dystreyn wrongfullye vj oxen of the

goodes of the sayd Henrye Frye thelder in manner & forme as is surmysed by the said byll butt the said defendaunts sayen that forasmyche as the sayd John Rychardes the elder founde the same oxen upon the premisses the sayd John Rychardes the elder in his own right & the reste of the defendauntes as his servauntes by his commaundement dyd dystreyn the sayd xi oxen damage fysaunt & dyd laufullye empounde them as lafull ys for them to do or that the sayd complaynauntes or anye of them ought of right to take & enioye quyetye the issues & proffyttes of the premisses or of anye parte thereof to the knowlege of the sayd defendaunt.

Signed :—J. Predaux. Rob't Cattyn.

In the replication of Henry Andrews no further facts are stated except that the said Thomas White granted to the said William Wytcombe, his right in the said lands on the xxiiij day of January 3 Henry VIII.<sup>1</sup> In his rejoinder John Rychardes sayth :—that the sayd tenement callyd Randalls mencionyd yn the sayd bylle of compleynt is now no dwellyng howse but is only one olde decayed howse usyd and occupied for a howse to putt beastes yn and standyth on the backe syde of the sayde capytall mesuage and that the same tenement callyd Randalls and all the lands supposed to be perteyning to the same bene and at the tyme of the sayd lease mencionyd yn the sayd answer and long before were parcell of the sayd capytall mesuage and haue bene occupied and demysyd with the sayd capytall mesuage and as parcell of the landes belongyng to the same tyme owt of memory of manne. *Depositions in the above suit were taken 29 November [4 Henry VIII.].*

John Richardes of Martocke co. Somerset husbandman deposeth that he with a pikeforke Wylliam Richardes with a pykeforke John Richardes the younger John Richardes of Aller and Richard Richardes with corn pykes came to the ground in variaunce having no harnes on them but that Wylliam Richardes had on a breast plate and a back of harnes and the same Wylliam Richardes and Richard Richardes had eche of them bowes and arrowes whiche after two or thre shottes they cast away and fell to theyre corne pykes and so at theyr coming thither they founde ther the complainaunt with his thre waynes

<sup>1</sup> 1512.

ladyng awaye the haye of the grounde whom this deponent byd to avoyde from the grounde who refusyd so to do and gave this deponent evyll langage and therupon he saith they fell together and made an affraye. In the whiche affraye the complaynaunt was by John Richardes of Aller stryken downe & fellyd and oone arrowe shott starke in his arme and so when he was downe the same John gave him two drye<sup>1</sup> blowes, but no pyke was broken on his legges. Further he sayth that after the same affraye endyd this deponent dyd distreyne the wayne and oxen of the said complainaunt and dyd dryve the same oxen to the kinges pounce; also he confesseth that the same Thomas Philips at Easter last past dyd gyve this deponent counsell to kepe his possession in the landes in variaunce and tolde him that in the terme tyme the matter shulde be easyde and that the more wrongs and injuries that this deponent sufferyd at the complainautes handes the better yt shulde be for this deponent and he denyeth that the saide Philips or any his seruautes wer ther at any tyme to kepe the possession therof with force. Likewise he denyeth he was in the capitall house now in variance at suche tyme as the same Wylliam Hyat the late undershrive of Somerset came thither nor can depose of the conversation between him and such persons as wer in the howse to kepe this deponents possessions in his absence, but saith he knoweth that the same persons kept the dores fast shutt ageynt the same undershrive and that by this deponents commaundymnt without the counsell of the saide Thomas Philips as he saith. He further deposeth he was not present when Sir Thomas Speke knyghte highe Shrive of Somerset came to the same capitall howse and saith that the persones then within the house keping this deponents possessions ther dyd refuse to open the dores at the fyrst to the same shrive bycause this deponent had before charged them that they shulde not open the dores untill this deponents retorne thithere ageyne and then upon the redyng of the kynges writt he saith the dores wer openyd to the same shrive. Lastly he saith that after the complainaunt was put in possession of the premisses by the saide Shrive this deponent dyd distrayne the cattall of the same complaynaunt and drave

<sup>1</sup> *I.e.*, "two or three," an instance of the Somerset dialect finding its way into the pleadings.

them to the kinges pounce and the same so dyd upon his owne hadde without any counsell of any person.

Richard Richardes of Martocke husbandman confessith that he was present at the same affray as his brother John Richardes aforesaid and the other his bretherne by the same John before namyd and saith he had a wyche hasell bowe and Richard Richardes his brother had an other and they had halfe a shefe of arrowes betwene them and this deponent shott in the same affraye iiij arrowes and ouershott the complainaunt and his company to feare them and with oone arrowe strake him on the arme and for that his bowe was not good nor able to beare his arrowes he cast yt downe and fell to his corne pyke and then the complaynaunt was fellyd to the grounde by his brother John Richardes of Aller and this deponent strake him not but with the arrowe. This deponent had then a brest plate and a backe of harnes and after the affray he dyd helpe to carry the oxen to the pounce. John Richardes of Aller, husbandman, deposeth in similar manner stating that no more persons were with them five brethern.

John Richard the younger of Norton, co. Somerset, servant to John Richardes thelder. He saith he was present in the howse now in variaunce at suche tyme as the same undershrive came thither who required this deponent to open the dore but he refused until his brother John Richards the elder should come; that he was also present in the said howse when the high shrive came thither and kept the dores closed until the same shrive declaryd the kinges write.

Richard Richardes of Wytcombe co. Somers. husbandman deposeth as above.

Thomas Philips of Montagew co. Somerset, esquire saith he was not present at the said affray. He confessith that in Lent last past the same John Richardes the elder openyd his wronges of this matter to this deponent and askyd his advyse therein to whom this deponent gave counsell saying by thes wordes I thinke by the lawe you may kepe your possessions therein and yet better wer you to suffer wrong ther then do wrong and the more wrong you sustyne the more pitfull wyll your complaynt be, and he denyeth that he gave his counsell to kepe possession with force or that this deponent or any his servants wer ther to kepe any

possession thir and finally he denyeth that he was present at the howse in variance at any suche times that the high shrive or his undershrive were there to put the complaynaut in possession thereof.

**Chaplain of Catcott v. Cooke and others.**

VOL. VIII, NO. 190-192. DATE: AFTER 1549.

*To the kyng oure soueraign lord.*

In most lamentable wyse shewyth and compleynyth unto your highnes Sr Rycharde Hoggedon chapeyn of Catcotte<sup>1</sup> in your graces of<sup>2</sup> countye of Somerset John Cole of Catcotte in your said graces countye of Somerset husbondman churchwarden of the chappell of Catcote for and in the name and behalf of themselves and of all the reste of the inhabytauntes of Catcote aforesaid that where the inhabytauntes of the vyllage and hamlette of Catcote aforesaid haue had always by the space of three hundred yeres laste paste a Chappell of ease in Catcote aforesayd to whiche chappell the inhabytauntes of Catcote aforesaid haue always by the sayd tyme repayred and had accesse to the heryng of goddes dvyne seruyce and for the dewe admynstracion of the sacramentes in Catcote aforesayd as by a mynyment concernyng the composycon for the fyrste makyng of the said chappell of ease bytwene the parson of Marlynche at that tyme beyng wythin whyche parysshe the said chappell of ease is founded and the inhabytauntes of Catcote aforesaid more playnlye dothe appere and where also your highnes dyrectyd your graces commyssyon to certayn comysshioners in your said graces countie of Somerset<sup>3</sup> for the survey of all Colleges fraternytyes and chaunteryes in the said countie of Somerset whiche came to your said highnes

<sup>1</sup> This interesting suit is concerned with the status of the chapel of Catcott in Moorlinch. The chaplain and churchwarden, on behalf of the inhabitants, alleged that it was a chapel of ease to the parish church of Moorlinch, and the defendants alleged that it was a chantry chapel, which had been granted to them by the Court of Augmentations. This Richard Hoggedon appears in the chantry certificates as Richard Hodson or Hodshon.

<sup>2</sup> *Sic.*

<sup>3</sup> The Act of 1547, vesting all chantries in the Crown, was followed by the issue of a royal commission on 13 Feb., 1548 (Pat. 2 Edw. VI., pt. vii, m. 32), to certain commissioners who were directed to survey the property of these chantries (see *Somerset Chantries*, S.R.S., Introduction, ix, x). The



handes by reason of one acte of parliament made in the fyrst yere of your said highnes reign for the dyssolucon of Colleges free chappells and chantryes before whiche comyssoners one Wylliam Coke<sup>1</sup> of Catcote aforesaid myndyng and intendencyng ungodlye and uncharytabellye to deface and plucke downe the said chappell dyd of his owne malyceyous mynde present before your graces comyssoners in your said countye of Somerset that the said chappell of ease was a chaunterye by meanes of whiche presentment yt was certyfyed into your graces courte of augmentacions of the reueneues of your highnes Crowne that the sayd chappell of ease was a chaunterye<sup>2</sup> after whyche presentment and certyfycat so made the said Wylliam Cooke procured the said chappell of ease to be purchasyd and bought of your highnes wyth the londes tenementes and heredytamentes to the same chappell belongyng to his owne use and behouffe after whyche purchase so by hym thereof made the said Wylliam Coke wylled and commaundyd your said subiectes and inhabytauntes of Catcote not from thensfourth to repayre unto the sayd chappell for the heryng of goddes seruyce there saying that he had purchasyd yt of your maiestyte and that he woulde conuerte the same to suche uses as plesyd hym whereapon your said poore subiectes and inhabytauntes made there most humble suyte and compleynte unto your graces most honorable pryve counsell who apon compleynt thereof to them made addressyd there honorable letters unto Sir Richard Sackevyle knight<sup>3</sup> chauncellor of your graces courte

Somerset commissioners appointed in pursuance of this act were Sir Thomas Speke, Sir Hugh Paulet, Sir John Rogers, Sir John St. Lo, Sir Thomas Dyer, William Moryce, George Lyne, Robert Kelway, Robert Metcalf, John Hannan, and William Hartgill.

<sup>1</sup> He has not been identified. The wills of two William Cookes of Lymsham were proved in 1556 and 1579. Smith, *Wills*, i, 139, iii, 75; *Medieval Wills*, S.R.S., xxi, 186.

<sup>2</sup> The certificate here referred to is printed in *Somerset Chantries*, S.R.S. It was returned as a chantry with a house, 24 acres of land, and all tithes except the tithe corn, which was reserved to the rector of Moorlinch, certain plate, bells, and ornaments. The land and tithes were valued at £4. Richard Hodson, the late incumbent, held the dwelling-house, garden, and 24 acres of land, paying a rent of 13s. 4d. for them, and William Coke farmed the tithes for 66s. 8d. *Ibid.*, 66, 248.

<sup>3</sup> Sir Richard Sackville, a cousin of Anne Boleyn, was M.P. for Arundel in 1529, Chancellor of the Court of Augmentations in 1548, knighted in

of Augmentacons of the revenewes of your crown and to the reste of the said court to hyre and determyne the cause of the compleynt of your said subiectes, and thereapon by the aduysse of your highnes councell of the said courte there was a comyssyon awarded oute of your said highnes courte of Augmentacions dyrectyd to the reuerent father Wylliam bysshop of Bathe<sup>1</sup> Sir Hughe Pawlet<sup>2</sup> Sir Thomas Speke<sup>3</sup> knightes Alexandre Popham<sup>4</sup> Thomas Clerke and Rycharde Cowper esquiers or to thre of them to trye and examyn by all ways and meanes that they coude whether the said chappell of Catcote were a chappell of ease or a chaunterye who certyfyed the same to be a chappell of ease and no chaunterye whereapon a decre was made in your graces said Courte of Augmentacions the xviii<sup>th</sup> daye of Nouember laste paste that your said subiectes and inhabytauntes shulde haue and enioye the said chappell and the churche yearde of the same and the belles and ornamentes tythes and oblacions to the same belongyng. And that the chaplyn of the said chappell for the tyme beyng shulde haue and enioye all suche alterages<sup>5</sup> oblacons tythes and corne of Catcote as the chaplyn ther for the tyme beyng haue usyd to haue perceyue and take of the sayd inhabytauntes and that the lorde of Catcote aforesaid shulde at his pleasure present his chaplyn to the said chappell when the same shuld be voyed as heretofore yt hath byn used and that the possessyon of your highnes shulde be amoved from the premisses as by the said decree exemplyfyed under the great seall of your said Courte of Augmentacons redye to be shewyd more playnlye dothe and maye appere. So yt is moste drad soueraign lorde that notwythstandyng the said decree made in your said highnes Courte of Augmentacions the

1549, and became a Privy Councillor in 1554. He died in 1566. *Dict. Nat. Biog.*

<sup>1</sup> William Knight, Bishop of Bath and Wells, 1541-1547. See *Dict. Nat. Biog.*

<sup>2</sup> See above, p. 191.

<sup>3</sup> See above, p. 219.

<sup>4</sup> See above, p. 219. His will was proved in 1556. He owned lands in Bridgwater, Wembdon, North Petherton, etc. *Medieval Wills* (S.R.S., xvi), 186.

<sup>5</sup> See below, p. 291, n. 3.

said William Coke accompanied with Richard Coke of Glaston in your said countie of Somerset husbondman Robert Capron of Catcote aforesaid husbondman and dyuers other ryotous persons to your sayd subiectes unknowen to the number of eight persons about the v daye of Apryll nowe laste paste dyd ryotouslye and forcybellye and in most ryotouse manner brake and entryd the said chappell of Catcote and from thens toke and caryed awaye ij belles<sup>1</sup> then and ther beyng of the said inhabytauntes and defaced the cage made and prouyded for the said belles and on the next daye folowyng the sayd ryotouse persons in lyke forcyble manner ryotouslye assembled came to the said Chapel of Catcote and with lyke force dyd plucke up the founte ther and brake the same and also the seates made for the sayd inhabytauntes of Catcote wythin the said Chappell and the pulpyt within the sayd chappell and brake downe the glasse wyndowes of the sayd chappell and the wyndowes of the said chappell and the iron of the sayd wyndowes hath taken awaye & brought home to the house of the said William Coke at Catcote aforesayd and the same chappell hath unterlye (*sic*) defaced contrarye to your graces lawes and to the great yll example of all suche malefactors yf condygne punysshment be not for them prouyded in that behalf. In consideracion whereof yt maye plesse your highnes to graunte your most gracysous letters of pryve seall to be dyrectyd to the same William Coke Rycharde Coke & Robert Capron commaundyng them and euerye of them by the same letters personallye to appere before your highnes most honourable councell in your highnes moste honourable courte of the Sterre Chamber at a certayn daye to answere to the premisses, &c.

Thaunswer of William Cooke and Richard Cooke to the  
bill of complaint of Richard Hoggden clerk & John  
Cole.

The seyd defendauntes saye that the chappell in the seid  
bill callyd Catecote chappell was a chauntery presentable and

<sup>1</sup> According to the survey the chapel had three bells in the steeple, and a sanctus bell, as well as two "leche" bells which were in the custody of William Cook. *Somers. Chant.*, p. 66.

was known by the name of the chauntry of Catecote and was indowed with one capitall messuage xxiiij acres of land meadow and pastuer and certeyn tythes and other profyttes to the yerly value of iij li vjs viij<sup>d</sup><sup>1</sup> and hathe alweis paid first frueh and tenthes to thuse of our late souereign lord kinge Henry the viij<sup>th</sup> which seyde chauntry of Catecote came to thandes and possession of our souereign lord the kinges majesty that now is by reason of the acte of parlyament made for the dissolution of chaunteries and collegys by reason whereof his highnes was thereof seasyd in his demeane as of fee accordingly and his grace so being thereof seasyd by his gracys letters patents bearinge date the vj<sup>th</sup> daye of June in the fivith yere of his majesties raigne<sup>2</sup> gave and grauntyd the seyde late chauntry with thappurtenaunces together with the seyde messuage xxiiij acres of land meadowe and pastuer with thappurtenaunces to Wylyam Morice<sup>3</sup> and Edward Isaak esquyers to haue to them and their heiers in fee symple for euer by force whereof the seyde William Morice and Edward Isaak were thereof seasyd in their demeane as of fee and they being of the same so seasyd, a two yeres past or theraboutes bargayned conveyed and assueryd the same chapell mesuage & xxiiij acres of lond to the said deffendaunt Wylyam Cooke to haue to hym and his heiers for euer by force whereof the seid defendaunt Wylliam Cooke entryd in to the premysses and was and yett is thereof seasyd in his demeane as of fee accordingly and so seasyd in peaceable and quyett manner about the tyme in the seid bill specified defaced the seid late chauntry in the seyde bill callyd a chappell and the glasse and iron of the windowes of the same dyd take and carry away as lawfull it was for hym to doo without that that &c.

Appended is the replication of Richard Hodgedon & John Cole wythe other thinhabitauntes of Catecote to the answer of William Coke & Richard Coke.

The sayde complainantes sayen that the sayde chapell was founded about two hundred yeres paste only for the ease of the inhabitauntes of the sayde village wherin be xxx howscholders conteynyng vij score people or theraboute of all ages wyche

<sup>1</sup> It is valued at £4 in the chantry certificate. *Ibid.*

<sup>2</sup> 1551.

<sup>3</sup> He was evidently one of the commissioners. (See above, p. 286, n. 3.)

village is distaunte from the parisshe church of merlynche a myle & more and apon the fyrste building thereof the lorde & ownor of the sayd village & manor of Catcote<sup>1</sup> dyd gyue unto the mayntenaunce of a chapelyn to scrue ther for the ease of the sayd inhabitauntes a tenement with xxiiij acres of lande pasture & medowe for the better sustentacion & mayntenaunce of the sayd chapelyn and the parson of Morlinche wythe the assent of the Abbotte of Glastonburye then being patron of the church of Morlynche<sup>2</sup> & ordinarie there as of a peculier dyd graunte unto the sayd chapelen thatt he & hys successors sholde haue all altilages<sup>3</sup> & small tythes rysyng wythin the sayd village of the inhabitauntes there wythe certen busshells of greyne of the seyde inhabitauntes amountyng to xvj busshells by the yere for hys sustenaunce & leuyng to thentente the sayd chapelyn & other hys successors sholde dwell wythin the sayd village & ministre unto the sayd inhabitauntes all maner of sacramentes & sacramentalles there excepte only buriall and to singe & saye there in the sayd chapell to the sayd inhabitauntes diuine seruice on the holye dayes as by a muniment of a composition founde in the howse of Glastonburye ytt maye appere and so alwayes continued untill that upon commission awarded to taxe the tenthes & fyrste fruites of all spirituall promocions wythin the shere of Somerset because the sayd composition was not seen nor cotype therof had the chapelyn att that tyme of the sayd chapell dyd presente the same as a chauntry before the commissioners then by the kynges maiesties commission appoynted to enquier of the valeue of all spirituall promotions wythin the diocesse of Bathe & Welles wyche chapell was then presented in the name of a chauntry to be in landes yerely xiiij<sup>s</sup> iiii<sup>d</sup> & in altilage & small

<sup>1</sup> The owner of Catcott manor in 1346—about 200 years before the date of this suit—was John de Cadicote. It had formerly been held by John Basset. *Feud. Aids*, iv, 350. No record of the institution of this chapel of ease has been found.

<sup>2</sup> Glastonbury Abbey had held Moorlinch from an early date (*V.C.H. Somers.*, i; *Glaston. Ing.* (Roxburghe Club); *Glaston. Rentals and Surveys* (S.R.S.)), and the abbots had been patrons of the parish church. Weaver, *Somers. Incumbents*, p. 148.

<sup>3</sup> Altarage includes the tithes of wool, lambs, colts, calves, pigs, goslings, chickens, butter, cheese, hemp, flax, honey, fruit, herbs, and other such small tithes. Cowell, *Interpreter*.

tythes *iiij<sup>li</sup> vj<sup>s</sup> viii<sup>d</sup>* all *iiii<sup>li</sup>* wyche was a very small lyuing for a preste after upon the view of thatt presentment by the tenthes & fyrste fruites the sayd defendauntes wythe others nott knowynge & being no maner of experience in suche thynges nor hauing the sayd composition dyd present the same before the commissioners of the suppression of colleages & chauntries to be a chauntrye whereas in verye dede there was no fondacon made therof any chauntrye or seruice of a prest to syng for sowles or any other seruice then for the ease of the inhabitantes there and upon commission awarded outte of the sayd courte of augmentacions att the suite of the sayd inhabitauntes unto the buisshoppe of Bathe & Welles Sir Hughe Pawlett Sir Thomas Speke knyghtes Thomas Clerke Alexaunder Popham & Richard Capper esquiers the same was founden to be a chapell of ease & no chauntry and so certified by them into the sayd courte of Augmentacions of the revenues of the kynges crowne upon wyche certificate the depositions & examinations deliberately harde by the chauncellour & councell of the sayd courte for that the sayd tenement wythe *xxiiij* acres of lande pasture & medowe were before thatt tyme solde by the kynges majestie unto the sayd Wyllyam Morice & Edwarde Isack hytt was ordred in the sayd courte that the sayd chapell & all thynges therein sholde stande & remayne for the ease of the sayd inhabitauntes and from thence forthe to be used as a chapell of ease for the ministracion of diuine seruice sacramentes & sacramentalles for the inhabitauntes there and their small tythes & altilages amountyng yercly *v* markes wythe the sayd *xvj* bussshels of corne to goo to the fyndyng & mayntenaunce of a Chaplyn to ministre there as by the sayd decree under the seale of the sayd courte hytt maye appere wyche decre is not reuoked nor adnulled to the knowlege of the sayd complaynauntes and forasmuche as the sayd Wyllyam Coke & Richard Coke haue confessed the spoylyng & defacyng the sayd chapell bothe of the belles cage of tymbre glasse & iron of the wyndowes &c. wherby the sayd inhabitauntes can nott haue quietly their diuine seruice there nor sacramentes there administred as they owght & were wonte, the sayd complaynauntes prayen this most honorable courte that the sayd Wyllyam Coke may be enioyned by the same to restore all suche thynges by hym or any other by hys

commaundemente taken outte of the sayd chapell & sufficiently to amende the same in lyke case as hytt was before hys defacyng thereof wytheout that<sup>1</sup> &c.

### Clifton v. Wylliams and others.

VOL. X, NO. 3. DATE: 1552-8.

*To the Kynge our Soueraigne Lorde.*

In mooste humble wyse shewethe unto your mooste excellent maiestie your humble & faythfull offycer & obedyent subiecte Wylliam Clifton esquier<sup>2</sup> that wheras he ys mooste laufullye seased in his demeane as of fee of and in the manor & parke of Baryngton with thappurtenaunces in the countie of Somerset which parke ys & hath byn tyme owte of mynde replenysshed with dere and that your said supplyante and all other whose estate he hath of & in the said parke tyme wherof mynde of

<sup>1</sup> The decree in this suit is quoted by Collinson (vol. iii, p. 432) from Harl. MS. No. 6967. The plaintiffs succeeded in proving that the chapel was a chapel of ease. Cooke was ordered to make good his depredations, and to surrender a lease of the tithes obtained by him from the Court of Augmentations. Cooke, however, was not satisfied, and the next suit to the Star Chamber was made by him by way of an appeal from the previous decree (Star Chamber Proc., Philip and Mary). In a third suit he was again the defendant.

An institution to Catcott was made by John Newton in 1566, when he presented William Beseker (*Somers. Incumb.*, p. 47). Ultimately, whatever may have been the final decision of the Star Chamber, the revenues of the chapel were appropriated to secular uses, as in 1582 the "free chapel or chantry of Catecote in the parish of Moorlinch, with all tithes belonging to the same chapel or chantry," were granted to Theophilus Adams (Pat. 25 Eliz., pt. iv). Catcott did not become a separate parish until the 18th century.

<sup>2</sup> William Clifton had acquired the manor of Barrington by purchase from Henry, Duke of Suffolk, in 1552 (Collinson, iii, 113). It had been the property of the Daubeney family, being held by Henry, Earl of Bridgwater, in 1543 (Feet of Fines, Div. Cos., Mich., 35 Hen. VIII.). On his death without issue in 1548 it was granted to Henry, Duke of Suffolk. (Pat. 6 Edw. VI., pt. ii.)

William Clifton held the manor at his death, between July, 1562, and November, 1564 (*Somers. Wills*, ed. Crisp, iv, 14), when he was followed by his son, Sir John Clifton, kt., who died seized of it. (Inq. p. m., ser. ii, vol. 237, No. 131.) The arms of this family are given in *Somers. and Dorset N. and Q.*, iv, 153.

man ys not to the contraye have used and had libertye of parke and free warren withyn the same grounde that is nowe enclosed round abowte with pale, conteynynge by estimacion one Myle compasse or nere there abowte; so it is and it please your Highnes, that the nyght ensuynge the xxij<sup>th</sup> daye of January laste paste at two of the clock after mydnyght, one Osmond Wylliams of Ilmyster in the said countie of Somerset, barbor, Walter Trotte of [blank], Thomas Cobbe, Hughe Huggons, gentylman, Cuthbert Rose, gentelman, Lawrence Hutchynne, Ambrose Went, rioutouse and evill disposed persons, being arrayed with bowes and arrowes, pykes, staves, swerdes, daggers and other weapons, mooste ryotouslye and unlawfullie assembled themselves at Baryngton aforesaid, and there entered the said parke of your said supplyantes, and the game of dere there founde did then and there hunte and chase tyll suche tyme as they had perceyved the kepers of the same game to be wetchinge in the said parke, and therapon fledde, (*sic*) where one of the said riotouse persons called Walter Trotte, beinge in the house of the forsaid Osmond Wylliams one of his confederates, wherunto he was pursued by one of the kepers of the said parke by the drawinge of a hounde, fled owte at a backe dore of the said house and lepid over a walle, and so gate awaye, agenst the peace of your Highnes, to the hurte and damage of your said orator and the very evill example of all other which shall attempte the lyke (yf spedie redresse be not herin hadde and obtayned at your mooste graciouse handes). In consideracion whereof and forasmuche as your said orator is for the moost part here within the cytye of London attendante in the service of your Maiestie, and therefore the lesse abell to withstonde the malyce of such offenders, yf yt be not by the helpe of your lawes and spedie mynustracion of justice in the same. It may therefore plesse your said Maiestie to grante unto your said Orator your mooste gracyous writtes of subpena to be directed unto the said Osmond Wylliams and the others, commaundinge them at a day certayne and under a certayne payne therin to be lymtyed personally tappere before your moost honorable counsaile in your Starre Chamber at Westminster etc.

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Bailiff and Inhabitants of Carhampton<sup>1</sup> v. Chamberleyn.

VOL. VI, NO. 107 [DAMAGED].

Bailiff &amp; inhabitants of Carhampton v. Chamberleyn.

*To the kyng our soueryagn lorde.*

In mooste humble wyse shewythe and compl . . . unto your hyghnes your trewe & faythfull . . . of the towne of Caramp . . . of Somersett with all other the inhabytauntes of the seyde towne that where of auneynt tyme they haue usyd to . . . dyuerse statutys & lawes therefore made . . . good statutys & lawes so made dyuerse commaundementes hathe byn gevyn by your hyghnes & the lordys of your . . . to kepe wache uppon the see costys & all . . . throwe your countye of Somersett for the preseruacion of thys your gracys royalme & your pore subyectes inhabytauntes . . . whiche commaundementes so gevyn your trew . . . the inhabytauntes of the townes of Carampton aforesayd Treborowe & luckysborowe haue yoned<sup>2</sup> them selves to . . . hey euer haue usyd & trewly haue kept the seyde . . . upon the see costys next adyonyng to the seyde towne of Carampton untill now of late that ys to sey yn Apryll last paste that there was a newe com...ent yn wrytyng gevyn by your hyghnes honorable coun . . . the seyde inhabytauntes of the seyde towne of Carampton to kepe wache there accordyng as they haue accustomedly usyd afore thys tyme wheruppon the seyde inhabytauntes of the . . . Carampton by vertue of the seyde letters requyred the inhabytauntes of the seyde towns of Treborowe & Luckysborowe accordyng to the tenure of the seyde letters & accordyng to . . . to kepe wache with them

<sup>1</sup> The manor and hundred of Carhampton belonged to the Mohuns and Luttrells of Dunster Castle. Many of the accounts of the bailiff of the hundred of Carhampton have been preserved in Dunster Castle, and are quoted by Sir Henry Maxwell Lyte, *Dunster and its Lords*. The lords of Dunster had taken "wreck of the sea" along the coast of the hundred for centuries (p. 295), but this duty of keeping watch and ward was a national not a manorial, obligation. The date of this suit has not been fixed, but it may have been in the reign of Edward VI.

<sup>2</sup> ? joined.

whyche to do they and euery of them by the only yntysement & procurement of one John Chamberleyn of Treborowe<sup>1</sup> aforesayd William Sytterfen of Luckys[borowe]<sup>2</sup> . . . John Dunscomb of Luckysborowe aforesayd Symon Coly of Luckysborowe aforesayd John Bedon of Luckysborowe aforesayd and Thomas Grenslade of Luckysborowe aforesayd husbandmen . . . syns utterly refused & yet dothe contrary to ther seyde custome & usage & contrary to the seyde commaundement before gevyn & for as moche as the seyde towne of Carampton ys adyonyng to the see coste were the watche ought more surely to be kept for the preseruacion of all the countre ther and also ys smally ynhabytet they of them selves are not able nor darnott for so smale company to kepe the watche as they ought to do & so the watche ys lykely to be unkept unless spedy remedy be by your hyghnes hadd yn thys behalff. In consyderacon wherof yt may therfore please your hyghnes of your abundaunt grace to graunt your graces seuerall wryttes of subpena to be dyrectyd to the seyde John Chamberleyn William Sytterfen John Dunscomb Symon Coly John Bedon & Thomas Grenslade commaundyng them & euery of them by vertue of the same personally to appere before the lordes of your most honerable counsell yn the Court of Ster Chamber, ther to aunswer to the premyssez.

<sup>1</sup> The Chamberlayne family were settled in West Somerset about this date. Elizabeth, the daughter of Richard Chamberlayne, of London, who had married Hugh Stewkley, lay rector of Dunster, died in 1598. (Maxwell Lyte, *op. cit.*, 413.)

<sup>2</sup> This is probably the William Sydervin, of Luxborough, whose will was proved 16 May, 1572. (*Somers. Wills*, ed. Crisp, iii, 90.) The Syderfins later owned the manor of East Harwood in Luccombe and other property in West Somerset. (Chadwyck Healey, pp. 43, 150, 374.)

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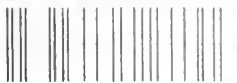
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