

LIFE AND LITIGATION IN BATH AND ITS ENVIRONS IN THE SIXTEENTH CENTURY

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A remarkable feature of English local communities during the sixteenth and seventeenth centuries was the readiness with which they resorted to litigation and the number of expensive legal suits over comparatively trivial matters which were brought before the central courts of equity in London. This willingness of all classes to sue before the royal courts brought great wealth to lawyers and must frequently have cost more in legal fees than the dispute was worth; for historians, the voluminous records of the courts provide a rich harvest of evidence concerning all sorts of local issues and throw light on many aspects of local society which would otherwise remain hidden. The various central courts such as Chancery, Exchequer, Star Chamber and Requests all used the same method of following a complaint from a plaintiff by the appointment of commissioners to collect evidence in the form of depositions from local witnesses, and since the testimony was written down at length and in English by long-suffering clerks, much incidental information can be found in the statements beyond the declarations about the case at issue. A search through some of the relevant court records in the Public Record Office reveals a variety of evidence about Bath and its neighbourhood in the mid-sixteenth century, and in particular shows the upheavals in land ownership caused by the suppression of the religious houses and the dispersal of their estates. With so much former ecclesiastical property, Bath and district was inevitably greatly affected, and the long-running disputes to which the land transfers gave rise provide evidence about the landscape, tenure, farming and trade. They show the importance of agriculture and the woollen-cloth trade in the economy of Bath, the crucial role of the great sheep flocks with their carefully managed grazing land on Lansdown, the continuing use of the baths, and above all, the ruthless determination of the new class of entrepreneurs to acquire and hold as much of the newly-released lands as possible.

An early dispute involved the hospital of St Mary Magdalen in the Holloway which consisted of a chapel with an attached house for lepers,

supported by lands worth £4 15s 8d per annum.¹ Like the hospital of St John in Bath, it was administered by the Prior of Bath Abbey, and in 1536 Simon Shepparde, clerk, was appointed as master.² After the suppression of the abbey in 1539, Simon Shepparde instigated two suits before the Court of Requests complaining that a former monk from the abbey, John Bekynton alias Romsey, had removed many of the books and ornaments from the hospital chapel and had usurped Shepparde's position as master, granting leases of the property and receiving the profits. Bekynton had been granted an annual pension of £6 13s 4d on the suppression of the abbey, and had gone to the University of Oxford.³ In his reply to Shepparde's allegations, he stated that while he was a monk at Bath he had been ordered by the Prior, William Holway, to celebrate mass at the Hospital chapel three or more times a week, but that each time he took with him a chalice 'wherewith to celebrate masse there and found all other ornaments and thyngs belonging unto the said chapell of St Mary Magdalen and pore lazar people in a house adjonant to the same'.⁴ Bekynton went on to deny Shepparde's right to the mastership, and alleged that the lead from the chapel roof had been stolen by Shepparde and replaced with tiles. In defence of his title to the hospital Shepparde brought a case before the Court of Chancery compelling one of the tenants, Walter Cree, to produce the hospital deeds and other evidences.⁵ Shepparde retained the mastership until 1570, and a list of the goods of the chapel which were confiscated under Edward VI in 1552 reveals a rich stock of plate and vestments, including two silver chalices, crosses, candlesticks, a censer, pyx, pax, bells, several statues and other precious goods. It also shows that the hospital possessed a flock of 90 sheep, six oxen and four other beasts.⁶ Since the hospital possessed two chalices of its own, it is curious that Bekynton should have brought one with him from the abbey in order to celebrate mass; moreover, the total absence of any books from the hospital in the 1552 list may give strength to Shepparde's assertion that Bekynton had taken them with him to Oxford.

Even more informative about lands and property is a long-running series of disputes about the rights and ownership of the estates of St John's Hospital. One suit brought before the Court of Chancery in 1538 involved a tenement within the north gate of Bath and five acres of pasture in the parish of Walcot which had been leased to Isabell Chancellor, widow, now deceased.⁷ Other land belonging to the hospital included 36 acres of arable and six acres of meadow in Kingsmead outside the west gate of Bath, 37 acres of arable in the north field and pasture for 100 sheep on Lansdown. There was also a barn in Kingsmead together with an ox

shippon and pasture rights for four oxen.⁸ With so much valuable ecclesiastical property coming on to the market either for sale or lease, there was a frantic struggle for possession by the new men who were eager to establish their fortunes on the rapidly-rising land values of the period. Many of the lands of St John's were acquired by William Crouch of Wellow and Englishcombe whose influence and concerns were to be found everywhere in Bath. In spite of spending a period in the Fleet prison in 1540 for having been heard to utter unwise thoughts about the King, including the suggestion that 'a man for money might buy and sell the Crown of England', Crouch had sufficiently established his wealth and reputation by 1547 to be appointed to the lucrative office of receiver of rents in Somerset for Edward Seymour, Duke of Somerset, who was the King's uncle.⁹ The wealth he acquired enabled Crouch to add to his lands at Wellow and Englishcombe by the acquisition of former monastic property at Newton St Loe and Hinton Charterhouse, and by the purchase in 1553 of the manor of Bathampton (Hampton).¹⁰ In 1554 he was elected to Parliament as one of the members for Bath. William Crouch is a good example of the new breed of aggressive entrepreneurs who exploited to the full the opportunities offered by the times, and the numerous disputes in which he and his son, Walter Crouch, were involved over their newly-acquired properties provide much evidence about the agricultural land which almost everywhere still abutted the medieval walls of Bath. In particular we learn about the large sheep flocks of Walcot, Barton and Weston, their regular pattern of grazing on Lansdown, and their pastures at Hayes, Sydenham, Bychyncliffe, Wydcombe and Lyncombe, and the customary works on the former demesnes of the abbey owed by the tenants of Walcot and Barton.¹¹ Much of this property is specified in a grant to the rising courtier Sir William Herbert in 1547.¹² Other land on the west side was acquired by the Bewsham or Bewshin family, and a complex dispute during the 1570s between William and Peter Bewsham, the sons of Henry Bewsham, and Walter Crouch, reveals further information about the farming of the lands belonging to 'the brethren and sisters of the Hospital of St John' in that area, especially details of the sheep flock and the grazing right on Lansdown where the hospital flock was by custom driven after the Barton flock from the abbey demesne.¹³

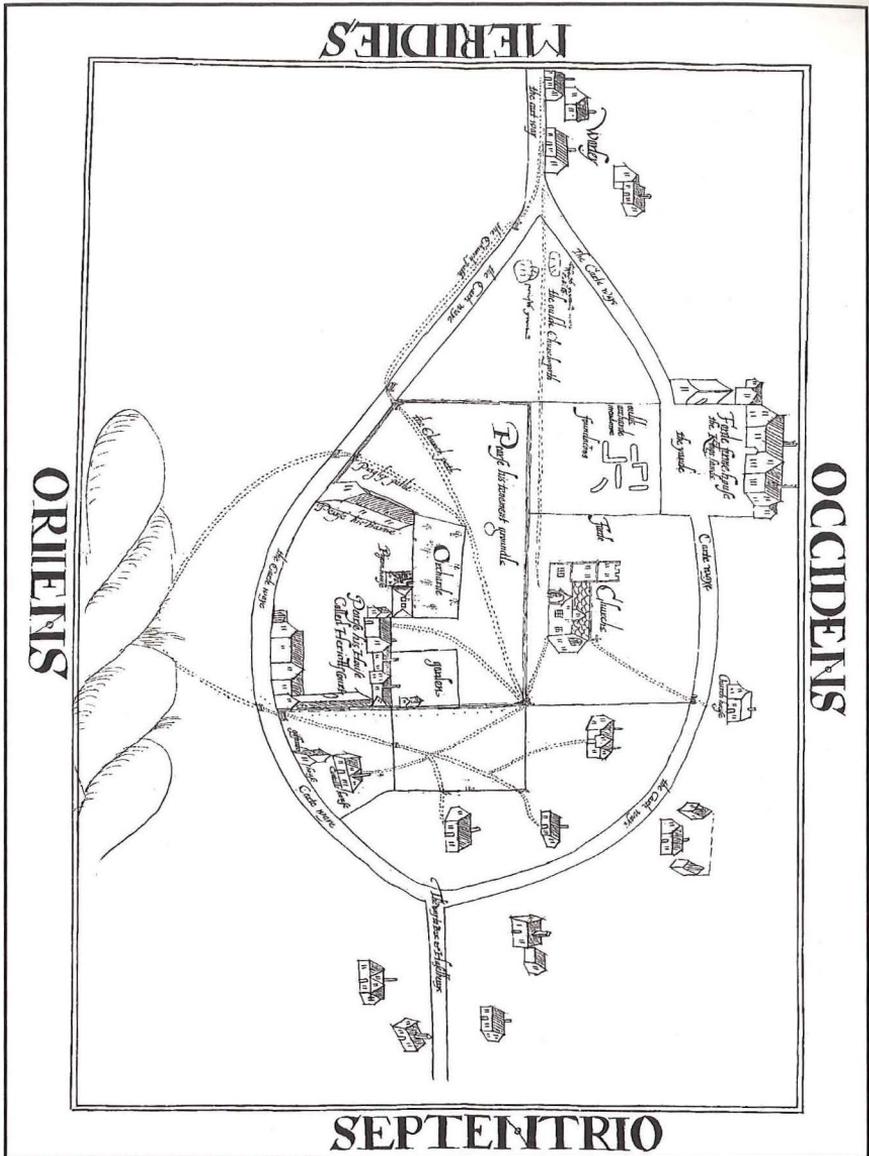
Because long leases of their lands had been granted by the religious houses in the years before their suppression, possibly in an attempt to secure influential friends, the disputes over the eventual title to these lands dragged on throughout the sixteenth century. Court cases during the reign of Queen Elizabeth concerning the former abbey land at Weston

and Bathford (Ford) provide much evidence concerning farming and topography. The legal suit at Weston was brought by William Aprice whose father, Robert, had obtained a 70-year lease of the manor and sheep flock from the abbey in 1534. It hinged upon the rights to receive the benefits of the sheep fold on the arable land, and the long depositions of more than twenty witnesses taken 'att Weston neare the Citie of Bathe' on 31 December 1588 all refer to the thin soils at Weston which were dependent upon the dung of the sheep fold if satisfactory crops of corn were to be grown. Witnesses stated that 'the growndes and arable lands are become very barren for wante of helpe by pennyng the said Ewe Flocke numbering 540 sheepe which heretofore hath byn the chiefeste maintenance thereof ... the nature of the soile [is] to become barren except yt be from tyme to tyme relieved with Soile and composte of shepe as the Custom of the Countrie ys ...'¹⁴ The sheep flock had customarily been folded upon the fallow arable lands at Weston from the feast of the Annunciation (25 March) until the feast of All Saints (1 November) each year. All the witnesses spoke of the continuing obligation of the tenants at Weston to pay corn rents. These had originated in the food supplied to the monks by their tenants, and were maintained by the new owners of the estates after the dissolution of the abbey. They also laid stress on the poor quality of the corn grown at Weston so that the new landowners refused to accept it as corn rent, and even the poor of Bath would not eat bread made from flour grown at Weston. They stated that this was because of the nature of the land which was 'subjecte unto Tares, Fetches and purse otes, and naturallie doth yelde a thicker hull and less Flower than the grayne [grown] elsewhere'. Not surprisingly in view of the date (1588), several witnesses referred to the costs of 'musters and other warlyke preparations'. The complex dispute over this matter of great importance for the tenant farmers of Weston had still not been settled in 1612, by which time much of the common arable fields were being enclosed, as was a good deal of the grazing land on the lower slopes of Lansdown.¹⁵

A dispute over the former abbey lands at Bathford occupied the later years of the sixteenth century, and was concerned among other things with the right to a path by which the inhabitants of the hamlet of Warleigh had customarily walked to the parish church at Bathford. The path came through an old orchard and past the manor house 'unto the dore of the Pigeon house there'. It also came through the former common fields where much enclosure had already taken place and it was stated that the 'metes and bounds' of the strips and furlongs had been altered 'by reason they have so long tyme been enjoyed with other lands ... that they cannot now

be certainly found out or severed the one from the other'. During the case documents were produced bearing the seal of Bath Abbey with the date 1 June 12 Henry VI (1434), and a lease of the lands to William Button, gentleman, of Alton Priors, Wiltshire, 5 September 29 Henry VIII (1537). Again, the sheep flock for folding on the arable land was an important feature of the manorial economy, and there are references to the sheep grazing land on Bannerdown, Hayes, Rowborough, Goatacre, Monkendown and elsewhere.¹⁶

Another part of the complex and lengthy dispute concerning the former abbey land at Bathford was tried before the Court of Exchequer between 1605 and 1607. This was initiated by William Ducke and Susan, his wife, who had leased the lands at Bathford from William Button whose family estate also included several manors in Wiltshire. They complained to the Court that John Pearse, who was a tenant at Bathford, had wrongfully occupied 'one messuage and divers tenements, lands, meadowes and pastures'. The Court appointed a commission headed by Sir Edward Hungerford to enquire into the matter and to take evidence from 'the ancientest Tenants of the said Mannor'. The Commissioners ordered that all the 'Terriers, Surveys, Deedes and other evidences concerning the landes in question' should be produced and examined by Sir George Snigge of Bristol, who was one of the Barons of the Exchequer, 'and to be disposed of as he shall see fit'. He advised that since the precise bounds of the lands in dispute were lost, a jury should be appointed to set out new boundaries. In his adjudication he referred to the lands at Barnards Downe, Rowborough, Stocketts Hay, Chesterwell, Monksdowne and elsewhere within the manor. The Survey of the manor which was made in connection with this dispute in 1605 provides a complete picture of it, listing the tenants, their holdings, tenements, gardens and orchards, and the fields and common grazing land of Bathford. Thirty-two copyhold tenants are listed, holding a total of 697 acres, with arable lands in Southfield, Northfield and Eastfield. With 323 acres William Ducke had by far the largest holding, which included two corn mills, a fulling mill, rights of fishing along the Avon, two pigeon houses, and feeding for a flock of 180 sheep. The Survey also included a detailed perambulation of the manor bounds. The long dispute over the lands at Bathford in 1605-7 led to the production of a detailed plan or sketch map of the village (reproduced here by courtesy of Mr. Simon Heneage). This shows houses and buildings, including the church and church house, drawn in elevation and with the names of the tenants; roads and pathways including the path to the church from Warleigh; the site and foundations of the former manor house, Forde



farmhouse, and the complex building called Heriotts Court occupied by John Pearse, together with its large barn, pigeon house, orchard and garden; and the road to Box and Haselbury. The mass of written evidence, together

with the map produced because of the dispute at Bathford, is a good example of how informative such legal controversies can be for the local historian.¹⁷

Earlier in the sixteenth century, the ruthless scramble for monastic land and the lengths to which ambitious and determined men would go to acquire it is shown in a dispute over the manor of Bathwick which came before the Court of Chancery in 1538. This manor had belonged to the nunnery of Wherwell in Hampshire which was suppressed in 1536. Shortly before their dissolution the abbess and nuns had leased Bathwick to Thomas Style at a yearly rent of £17 0s 0d. It had been sub-let to Nicholas Saunders, who complained to the Court that he had been evicted from the lands. Again, the figure of William Crouch appears in the background, for Saunders alleged that Crouch had conspired with one John Cooke, registrar to the Bishop of Winchester, and that together they had 'subtilly and craftily contrived to counterfeit the hand of Richard Pawlett esquire surveyor to the King's Highness of the suppressed landes and of William Kermes one of the auditors of the Court of Augmentations'. With these forged signatures they had sent Saunders a letter addressed from the royal court at Windsor ordering him in the King's name to vacate the property immediately 'without any farder delaye as ye wyll answer thereunto at your Perill'. Saunders claimed that the signatures of Pawlett and Kermes 'were subscribed without their assent or Knowledge' and that he 'being a pore and ympotent man' sought the aid of the Court. In this case his plea was in vain against such wealthy and influential opponents and he was obliged to quit the property at Bathwick which was subsequently leased to Robert Orells.¹⁸

Several disputes reveal the continuing importance of Bath and district in cloth production, and the wealth derived from woollen cloth is evident from the number of persons described as clothmakers, fullers, tuckers, weavers, tailors and mercers who are found to be investing in parcels of former monastic land around the city. One example is William Chapman, a member of a wealthy family of clothiers in Bath, who rose to prominence in the affairs of the city in the sixteenth century. Their avid desire to acquire land is evident from a complaint made to the Court of Chancery in 1537 by William Felior, a broadloom weaver. Felior stated that he and his wife, Margaret, had the copyhold lease for their lives from Bath Abbey of land in Widcombe called Daweshold 'lying within the parish of Wytcombe for terme of their lyves after the custom of the manor'. He alleged that they had been persuaded to surrender this lease in the manorial court of Widcombe to 'William Chapman of Bath being a Tucker and a great clothmaker', in return for a verbal agreement that Chapman would thereafter provide him with sufficient work for one broad loom. Felior believed that 'he myght

gayne more towards his lyving yerely of himselfe and his wyf and children by his said craft as a drawer of woollen cloth' than he could obtain from the land, and therefore agreed to Chapman's suggestion. Now Chapman had refused to perform his part of the bargain and denied that he had ever agreed to provide work for Felior in return for the lease.¹⁹

John Byse of Publow was another wealthy clothier who eagerly acquired former monastic land during the 1540s, while his nephew, James Byse of Stoke St Michael, bought an even larger estate including the Bath Abbey lands at Englishcombe and Chelwood.²⁰ Likewise in 1544 John Malte, tailor, and his illegitimate daughter, Ethelreda Malte alias Dyngley, were wealthy enough to pay £1,311 0s 2d for the lordship of Kevelston (Kelston) which had been part of the vast estates of the nunnery at Shaftesbury, and to buy the flock of 400 ewes called 'le yowe flocke of Charmerdown' together with their grazing land in St Catherines and Ford (Bathford) formerly part of the possessions of Bath Abbey.²¹ Robert Long, mercer, of London paid £783 0s 6d for numerous scattered pieces of monastic land around Bath, including coal mines at Stratton-on-the-Fosse, lands at Chilcompton and Midsomer Norton and 'three messuages in the tenure of James Hogan in Chepestrete, Bath'.²²

Finally, a feature of life in Bath during the later sixteenth century which emerges from an examination of these disputes over land and property is the increasing power, influence and pretensions of the Corporation of Bath which, in the decades following the suppression of the abbey, assumed control over more and more aspects of life in the city. This can be illustrated from the manner in which the Corporation obtained control of the baths. By a grant of 1550, the management of the baths which had been controlled by the abbey was vested by the Crown into the hands of Humphrey Cotton, physician. The grant stated that 'by long study in the art of physyc [he] has founde how to cure and heale any our subjectes or other persons, being deseased of dyvers infirmities, maladies or deseases and kyndes of goute by vertue of the water of our bathes, commonly caulyd the welles or bathes of Bathe Towne'. The grant was for Cotton's life, in return for 4d a day and with the proviso that one bath was to be reserved 'from tyme to tyme for the free use of the poor'.²³

Soon afterwards, however, Humphrey Cotton is found making a petition to the Court of Requests in which he complained that notwithstanding his grant for life, the mayor of Bath, John Davis, Richard Chapman and Edward Ludwell, with other 'brethren of the Corporation' had forcibly taken the keys of the baths from him, refusing him entry to the baths and reducing him to complete ruin, 'to his undoing and the undoing of his wife and nine children'. He also claimed to have spent large sums and much labour in adapting, cleansing and repairing the baths.²⁴ The dispute

was finally settled after arbitration when it was agreed that Cotton should surrender his claim to the baths to the Corporation in return for a payment of £90.²⁵ With the baths and other former church property in the hands of a self-confident Corporation the scene was set for the gradual transformation of Bath from a church-dominated, cloth-producing town to the tourist centre and major spa which it was to become.

Notes

- 1 Public Record Office (PRO), SC6/Henry VIII 3144.
- 2 *Letters & Papers of Henry VIII*, X, 1536, 777(2).
- 3 *Ibid*, XIV, Pt. 1, 1539, 1355(121).
- 4 PRO, REQ2/8/217; REQ2/11/101.
- 5 PRO, C1/903/30-31.
- 6 PRO, E117/8/23.
- 7 PRO, C1/742/554-55.
- 8 PRO, REQ2/101/59.
- 9 *Letters & Papers of Henry VIII*, XV, 1540, 689; *Calendar of State Papers (Domestic)*, Edward VI, 1547-53, 575.
- 10 PRO, E318/1560.
- 11 *Letters & Papers of Henry VIII*, XVIII, Pt. 1, 346(37); 982(1276).
- 12 *Calendar of Patent Rolls*, Edward VI, I, 194-5.
- 13 PRO, REQ2/101/59.
- 14 PRO, E134/31 Elizabeth Hil. 25.
- 15 PRO, E134/9 James I East. 5. For other evidence concerning Weston see PRO, REQ2/132/8; C1/899/35-37. For similar disputes over land at North Stoke and Swainswick see PRO, E134/24-25 Eliz. Mich. 6; E134/26-27 Eliz. Mich. 8; C1/815/19.
- 16 PRO, E178/4446. G.F. Laurence, *Bathford Past and Present* (Bathford, 1985). For property in Bath held by the Button family see PRO, C3/301/9.
- 17 Somerset Record Office, DD/Whb Box 59/1 Evidence re Bathford land 1605-7; DD/Whb Box 59/2 Plan of Bathford village, c.1605; DD/SK1/1 Survey of Bathford 1605-6.
- 18 PRO, C1/894/11.
- 19 PRO, C1/787/28.
- 20 PRO, E318/198, 220; *Letters & Papers of Henry VIII*, XIX, Pt.1, 1544, 1035(115); *Calendar of Patent Rolls*, Edward VI, V, 1553, 211-13.
- 21 *Letters & Papers of Henry VIII*, XXI, Pt. 2, 1546-7, 200(33); B.M. Dobbie, *An English Rural Community: Batheaston with St Catherine* (Bath, 1969), p.17.
- 22 *Letters & Papers of Henry VIII*, XIX, Pt. 2, 1545, 496(57).
- 23 *Calendar of Patent Rolls*, Edward VI, III, 1550, 309.
- 24 PRO, REQ2/20/42.
- 25 A.J. King & B.H. Watts eds., *The Municipal Records of Bath 1189-1604* (n.d.), Appendix A, 67. For an example of the Corporation's aggressive exploitation of its properties in Broad Street see PRO, C3/301/19.