

THE RECORDER



THE ANNUAL NEWSLETTER OF THE WILTSHIRE RECORD SOCIETY

EDITORIAL

The AGM this summer was held on the 7 June in the Jenner Hall at Cricklade, high up in the north of the county, close to the Gloucestershire border. Numbers were down, but this may have been due to other events being on the same day. No speaker had been booked, as it was felt the visit to Cricklade Museum, which was to follow the meeting, would be sufficient. Unfortunately, the Curator failed to turn up to open the Museum. However, Dr Virginia Bainbridge nobly came to the rescue with a short talk about her work on the Cricklade volume of the VCH, which was most enlightening. Tea, (which was taken amid an influx of Bournemouth Male Voice Choir members, who had been double booked with us), was followed by a visit to St Sampson's Church, a fine 15th century wool church, and members were able to spend some time looking at its glories.



St. Sampson's Church, Cricklade

The Society's 2009 Annual Meeting will be held on 13 June at 2.30 pm in East Knoyle Village Hall (adjacent to the parish church). After the business meeting Professor Caroline Dakers will speak on 'Victorian landed estates and their owners in south-west Wiltshire' and, as well as refreshments, there will be an opportunity to explore this interesting village.

Sally Thomson, Editor

NANCY STEELE

Nancy Steele, who died aged 92 on 17 October 2008, was a most active and respected member of this society for over thirty years. She served as secretary for 13 years from 1971. On stepping down in 1984 she continued her important role of arranging the food for annual meetings (prepared by her local Womens Institute), that contributed greatly to making these events the success that they have been over the years. She resigned her membership in 2001 and soon after moved away to a nursing home in Ilfracombe near her son and his wife. She had been, for many years, archivist to the Earl of Radnor, and listed the family papers that remain in Longford Castle. It was in that capacity that I got to know Nancy well on her frequent visits to the Record Office to research the history of the family and its estates. Her enthusiasm and cheerfulness leave a lasting memory to all who knew her.

Steve Hobbs

Life and Death in Thirteenth-Century Wiltshire

Working on an edition of court records of 1268, as I have been doing, has sometimes felt a bit like looking through the headlines of a rather sensational local newspaper. They seem to be all about death, crime and money for the government. Much legal business in the thirteenth century was done by itinerant justices from the king's central courts, holding sessions for each county. The hearings were known in English as the eyre, from the Latin *in itinere*, the justices being 'on their journey'. Most of the business was divided between civil pleas (actions between litigants, mostly concerned with the conveyancing of property) and Crown pleas, which included the punishment of crime. I am trying to complete an edition of the Crown Pleas of the Wiltshire Eyre of 1268, which Brenda Farr began nearly thirty years ago. Ill health, and then her death at the beginning of 2007, prevented her from finishing it, but her daughter Jane kindly found a text and translation among her papers.

About half of the 600-odd entries on the roll of Crown pleas relate to violent death, mostly murders, but including accidents and seven suicides. The commonest accidental deaths were by drowning, which claimed 17 people, but 11 people were run over or hit by carts, 6 died in falling from a horse (besides one who drowned when he fell from his horse) and 6 in being struck by a horse or draught animal. So what would today be traffic accidents may have accounted for more accidental deaths than rivers and pools. Mills were dangerous places: four men were crushed by mill-wheels, and one by the sail of a windmill.

Potentially lethal implements were frequently carried. Two men were wrestling in a friendly way and one fell and was stabbed by the arrow that he had under his belt, dying the next day. A man trying to persuade a girl to take a drink put his arm round her, they struggled, he fell on top of her and the knife that he was wearing killed her. He seems to have been lucky that it was adjudged an accident.

Other deaths that may have been accidental were punished, as in two instances of people dying from being struck on the head with a rake, which is not usually the chosen implement for premeditated murder; one of the accused was arrested and hanged, the other made off and was outlawed. Two men were jousting, and one was struck in the eye and died straight away; as in other cases of presumably or possibly accidental death, the assailant fled and was outlawed.

Adam the smith, who killed the owner of the house where he was lodged, was known to be mad and was put in prison, where he died before coming to trial. Self-defence was mentioned four times as justification for a death, and in each case the accused fled and was outlawed; only in one, where the person killed was an intruder who had broken into a house through the roof and attacked the accused with a knife, was the matter referred for discussion with the king. The normal punishment for those convicted of felony, whether homicide or theft, was hanging, but we learn incidentally that a wife who had killed her husband was burned after trial by the justices for gaol delivery; of her two accomplices, who escaped from prison in Salisbury castle, one secured the king's pardon. Laurence the chaplain, convicted of killing his servant, a boy, with an axe after an argument, was put on the rack before being hanged; it is not clear why he did not claim benefit of clergy.

For many of the homicides that came before the court there was no accused, the jurors presenting that persons unknown were responsible or that the dead person had been found killed. In nearly every case of the finding of a dead body there seems to have been no doubt but that there had been foul play, though in one instance it was decided that the dead man, who was unknown, had died of hunger and cold. Gilbert the Bleacher was leading his cart through Bodenham with a dog following, which attacked another dog belonging to Roger Horn, and Roger got into an argument with Gilbert which ended when Gilbert hit Roger with his staff; Roger was evidently badly hurt, and Gilbert was said to have made off, presumably to escape arrest, and within a fortnight Roger was dead. At the eyre Gilbert turned up, saying that he was not guilty, and the jury, enlarged with jurors from two neighbouring hundreds, decided that Roger had died not from the blow but from an illness which he contracted. The court evidently wanted to confiscate Gilbert's chattels, which was regularly done when an accused person, though found not guilty, had fled, but the jurors then said that he had not made off. The court nevertheless ordered that Gilbert be taken into custody for the trespass in assaulting Roger, and to secure his freedom Gilbert undertook to pay the relatively large fine of 20 shillings.

As in that case, the record often states how long after an attack the victim died. Frequently it was immediately or vaguely stated to be later, but in others it might be anything from next day to a month later. The commonest weapon used was an arrow, an axe, a knife or a staff, but others, beside the rakes already mentioned, were a bar, a fork, a hammer, a hatchet, a lance, a pick-axe, a pike, a shovel, a sickle, a spade, a stake, a stone, a sword and a whip. Many of the deaths arose from a quarrel, as in the story of Gilbert and Roger, and it looks as though the attacker struck out in anger with an implement that he happened to have by him or be carrying; a fair number of the deaths happened when men were coming away from a tavern.

Only a few of the entries recording violent deaths include much detail. One group of entries seldom give more than the name of the killer and his victim: there are eighteen records of men who, after the crime, took refuge in a church, seeking sanctuary, and in the presence of a coroner admitted the killing and abjured the realm. More numerous were the abjurations, eleven of them involving women, by those admitting theft: there are 65 such entries. A similar number of cases of larceny came to trial, but in half of them the accused was found not guilty. Again, the details are sparse, but the objects stolen include money, jewellery, a strong-box, wax, cloth, clothing, livestock (horses, a bullock, cows, oxen, pigs, sheep, deer), harness, a cart, corn and timber. An unusual entry tells how John Harding, setting off from the Chippenham area to attend the university at Oxford, took a horse, an overcoat and a book belonging to his brother William, whose servants, perhaps worried that they would be held responsible, went after him; the jurors found that John, who, from fear of his pursuers, had taken temporary refuge in a church, intended to send back the horse and other objects which he had borrowed, and the court said that he could return in peace, giving surety to defend himself in court if anyone wished to charge him with theft.

The entry about John Harding is one of relatively few which did not involve a payment to the Crown. So recurrent are the references to financial penalties that the roll seems to be about government revenue. The Crown claimed the chattels of all those who were outlawed, who abjured the realm or were convicted of felony. When a death was adjudged to be by misadventure the Crown claimed the object thought responsible for the accident as a deodand, so that when someone drowned in falling from a horse or a boat the value of the horse or the boat was payable. Some of the entries relate to the failure to pay dues owed to the Crown. Fines were paid for a variety of offences. The most frequent payments exacted arose, however, when a person or a local community was judged to be 'in mercy' of the king so that they owed an amercement, in effect a fine. The list giving the amount of each amercement does not survive, but the roll records a great many amercements for various failings. Individuals were amerced, among much else, for selling wine or cloth contrary to the assize, for not appearing in court on the first day of the eyre, for the non-appearance in court of those for whom they had stood surety and for members of their households who had offended. Jurors were amerced for concealing or misrepresenting facts. Local communities – tithings, townships and wards – were amerced for all sorts of failings in civic duty: having members who abjured or were outlawed, failing to arrest offenders, not attending inquests, and including inhabitants who were not in a tithing, were the most frequent, attesting a level of communal responsibility unimaginable in England today. In 46 of the entries relating to homicide it was not established that the person killed was English, so a *murdrum* fine was imposed on the hundred in which the body was found, a survival two centuries later of a law which William the Conqueror had adopted to protect his French followers.

Henry III's reign is notable mainly for the civil war that ended with the battle of Evesham in 1265 and the beginnings of parliamentary democracy. At a local and more humdrum level the records of the administration of justice provide a picture of violence and lawlessness in the lives of the people.

An edition of the Crown pleas of the Wiltshire eyre of 1249 was published by our Society (then the Records Branch of the Wiltshire Archaeological Natural History Society) as volume 16 in 1961. Its long introduction (as long as the text itself) is an important contribution to legal history.

Christopher Eltrington

A SLAUGHTERFORD HOUSE HISTORY

The histories of old houses, if every possible avenue is explored, are never quick to do. Each one follows an individual path and this is what makes them so fascinating. Occasionally you get back to the development of a plot of land but more often you end up mired by a lack of documents, perhaps in the late 18th century or, for a medieval house, in the early 16th century when wills run out. Manor houses are usually the most traceable in records and after them the next easiest are often copyholds, especially those with a name which persists for a long period of time.

The Old Brewery at Slaughterford in Biddestone parish was recorded by members of the Wiltshire Buildings Record in May 2008 and as a follow-up its history was attempted. The property itself is a stone farmhouse in appearance with a few very thick walls suggesting a medieval origin, but with beams and mullioned windows indicating a high quality house of around 1600. The roof was reconstructed in the 18th century. An adjoining converted malthouse has some walls of the 17th century or earlier but is mostly later and the brewery building is also later.

As a preliminary, the title map and schedule of 1840 were consulted giving the name Frederick Skeate. Censuses and other 19th and early 20th century sources were looked at. Land Tax records took the Skeate surname back until 1780 when William Skeate was the person named with tenant Ann Alborne. This being apparently a dead end, the A2A website was interrogated for Skeate, Slaughterford, and a bundle of deeds, including a will of William Skeate, proved in 1804, and an abstract of title to a property in Slaughterford, came to light. This sounded promising. At the WSHC, Chippenham, the abstract of title proved to concern a copyhold with 8 acres called Clouds. It went back to the will of a fuller, proved in 1690, with mortgages from maltsters in the 18th century. This seemed just right but turned out to be a false lead. Another document in the same bundle referred to another copyhold with a half yardland called 'late Cullimores' which was surrendered to the new lord of the manor, Joseph Neeld of Grittleton, in 1842 by Frederick Skeate of North Wraxall. The descent of this was recited as starting with Daniel Cullimore, then Ralph Skeate, then John Skeate and then another John Skeate before Frederick. The list of fields and the plot size confirmed the identity.

According to Aubrey & Jackson's *Wiltshire Collections* Slaughterford belonged to Monkton Farleigh Priory in the middle ages and after the Dissolution was one of the many manors acquired by Sir Thomas Seymour. A2A again helped and listed some Slaughterford court rolls of the Seymours dating from the beginning of the 17th century. When these were produced in the search room, some were so fragile it would have been dangerous to unroll them and they were withdrawn for repair. However, a roll of 1618 was in reasonable condition and the first name on the list of customary tenants was Thomas Cullimore. This was no proof, of course, that he lived in the Old Brewery but it was again promising. Who was he? A2A again helped, listing a document of 1608, a lease of three mills on one site (one an ancient fulling mill and one a recently built fulling mill) and a house at Slaughterford to Samuel, son of Henry White of Langley Burrell and Thomas Cullimore, clothier, and his wife, Anne. It refers to a 1595 lease in Henry's name, when the site was already occupied by Samuel and Thomas. Another document, listed in A2A at the Bristol Record Office, confirmed a link, probably by marriage, between the Whites and Thomas Cullimore. The Old Brewery being a copyhold could not be the leasehold house of the mill deed, which may have been the mill house, but as Thomas was a customary tenant in 1618, he clearly had property in Slaughterford. Another document mentioned a Henry Cullimore, gentleman, of

Slaughterford, in 1652.

Next, Cullimore wills were searched on the WSHC site and a number of them came up. The best was that of Thomas Cullimore, proved in 1704. Interestingly, he was a maltster and an inventory listing rooms had survived. Could his death in 1704 be linked back to 1618 and forward to Daniel Cullimore?

The parish registers covering Slaughterford do not survive for the 17th century. If they did, or there were later court rolls, a link might be made giving a continuous descent. Nevertheless the 18th century registers were useful. Ralph Skeate's tenure was pinpointed by the record of his death in 1764. Returning to the Land Tax 'tenant' Ann Alborne, her surname was searched in the Wiltshire wills to see whose widow she might be. The will of Paul Alborne, maltster and baker, proved in 1787, was there and showed that she was not a widow but his wife and crucially it revealed that she was a sister of John and William Skeate. Her brother John was therefore the copyholder under the lord of the manor, her brother William paid the land tax (and perhaps lived in the house as John lived elsewhere) and she was the 'tenant' on the land tax record with her husband Paul, running the malting business and also living elsewhere. This is a salutary lesson about sub-letting which was rife for centuries and that the 'owner' and 'tenant' on land tax records can conceal a multi-layered situation.

Finally, standing by the cabinet at the History Centre waiting for someone and seeing the map index, I thought I would just check Slaughterford. Lo and behold there was an estate map of 1779. This was a survey of the manor accompanied by a list of tenants made when the Wyndham family acquired the manor.



The Old Brewery, Slaughterford

To sum up, a rundown copyhold which had already lost half its land, may have been acquired just before 1600 by the clothier Thomas Cullimore when he came to Slaughterford and the house much improved. The family rose in status; then, in the second half of the 17th century, those left at Slaughterford were reduced to yeomen and the copyholder then became a maltster. Certainly when Daniel Cullimore died the copyhold was taken over by Ralph Skeate, who died childless and it passed down through his family via John Skeate (who is likely to have been his brother) until Frederick Skeate surrendered it in 1842. A brewery was then set up on the premises and was run by the Little family until around World War I. So the history of the Old Brewery went back firmly to the early 18th century and tentatively back to the late 16th century. As a copyhold the site itself was medieval.

This has been an abbreviated account of the main processes involved. It illustrates the value of being able to maximise use of time at a Record Office by trying out different avenues ahead on A2A and the inevitable serendipity

element of any research, in this case being marooned for five minutes next to the index cards. The order of discovery could have been different and I certainly do not rule out the existence of other enlightening documents. In fact I would be surprised if none exists but you have to stop somewhere...

Pam Slocombe

A2A: <http://www.nationalarchives.gov.uk/a2a>

WSHC – Wiltshire & Swindon History Centre, Chippenham

Ed

SEVENTEENTH-CENTURY CHURCH COURT PAPERS

Registrars and clerks managed the vast quantities of unbound paper generated by visitation and court business of the several jurisdictions within the diocese of Salisbury by gathering material arranged by type, content and date into files. These were made by spiking the documents and threading them on leather thongs or cord, which was tied down against short pieces of wood, quill, or paper folded into one inch squares. The vast majority of these papers comprise formal procedural documents, such as citations, libels, sentences, absolutions and monitions. Wordy and in Latin, the language of the law until 1733, they struggle to excite the researcher.

However the files contain letters, petitions and certificates in English, which cut through the legal and linguistic fog and vividly illustrate the tensions and stresses created in maintaining control over the religious beliefs and moral behaviour of parishioners and clergy.

Those presented for misdemeanours might seek the support of their incumbent and testimonials can be most informative about both the circumstances and characters of the leading players. In 1664, Thomas Pelling, rector of Trowbridge, faced with a group of extremely poor parishioners summoned for marrying clandestinely without banns or licence, adopted an eminently practical approach. He wrote to the bishop's registrar: 'Bee it to save their soules from Hell, They are not able to beare their charge of trauaile, & to pay the fees of the Court for their Absolution. ... Yet it is not my desire that the poorest should escape scotfree'. He suggests open penance as an alternative punishment (D1/41/1/40/35).

Thomas Catchmay of Cherhill, presented for not attending church in 1682, was described by John Jennings, minister, as a good Christian, but by reason of his calling, he being a shepherd, he can not be there so frequently as he would' (D5/21/1/32).

The mitigating circumstances in the case of Christopher Hiscocke of Little Cheverell, similarly accused in 1664, were explained by Edward Hort, rector: 'In the time of harvest (being my selfe in distresse my servant leaving me) I gott him to help me with my come; & as our custome is he dinned with me on the sabbath day; soe that then he might be absent from his owne'. Presumably this break in routine resulted in Christopher being absent from church (D1/41/1/41/27). An attempt in 1671 to make Thomas Tilshead, also of Trowbridge, tow the line of orthodoxy, by requiring him to acknowledge his fault in declaiming that 'I regarded not Common prayer noe more than the I did the barkening of a dogge', was not initially successful. Robert Hawkins, vicar, found him 'so obstinate that unlesse some other course bee taken with him I have small hopes that Hee will ever bee brought to conformity' (D1/41/2/9).

Tensions between incumbent and parishioners were not uncommon and had many causes. James Garth, rector of Hilperton, had ongoing disputes with several parishioners, as is documented in other series of the diocesan archives. In a letter to the registrar in March 1690 he described that 'I

now labouring under several of the infirmitys of old age (being 71 years) as the stangary, the stone, the wind, the survey etc & whatnot', had been presented by a pretended churchwarden '(tho no Christian) for pulling away a wire over one of the windows placed there to make a ball court'. There were commonly about 30 'rude persons young & old playing there every Lords day, the whole day'. He maintained that there were scarce 12 Christians in the whole parish, which is probably more an indication that his relationship with most of his parishioners had clearly broken down and he felt isolated, rather than an accurate statement of the religiousness of the parish. (D1/41/1/46)

A tantalising glimpse of another dispute is given in a letter from James Troughton, who was the minister of Maiden Bradley, to Richard Kent, rector of Fisherton Anger in May 1665, in which he names the men who carried and followed 'Lawrences' corpse from the village to Horningsham and those who buried him in Horningsham churchyard'. (D1/41/1/41/110). Several of the people named were cited for not receiving the Eucharist or paying oblations earlier in the year, including Nicholas Lawrence, the probable identity of the corpse (D1/41/1/41/100,102). Dissenters had to be buried, and burial in consecrated ground could only be denied to those excommunicated for a grievous crime. Their nonconformist leanings probably lead them to Horningsham, where a meeting or conventicle existed, but the reasons for such an enterprise remain unclear. Troughton was concerned that this incident should not become a precedent which could lead to the loss of burial fees.

The opinions expressed in these letters are often frank and unguarded. Edward Northey, rector of Tisbury, wrote in 1665 about nonconformists recently excommunicated in his parish, two of whom are unfit to be dealt with in this way. He has been informed by several people that Edward Scammel, the Quaker, 'is become ... a very Idiot, & hath lost all use of reason & discretion', and Nicholas Scammel, an Anabaptist 'who is fallen into a kind of leprosy which is most likely to excommunicate him out of this world in a few weeks'. (D1/41/1/41/112)

Complaints about Benjamin Culme, vicar of Winterbourne Stoke, in 1678 reveal the important role of the incumbent at a most basic level. He had refused to administer the sacrament to a sick woman and to perform the burial service without receiving a fee of 12d, which required another minister to be found. One poignant indictment against him reads 'gorge vines Child was buried with out anie minister the minister not being at home the childe starke'. For any god-fearing parents such dereliction of duty must have been deeply upsetting. (D1/41/1/21)

In 1635 Wolstan Miller, curate of Berwick Bassett, was presented by the churchwardens 'for beinge often tymes Drunke ... and mainely upon Easter daylat'. This same was refuted by Richard Long, vicar of the neighbouring parish of Winterbourne Monkton, who said that Miller's absence at Easter was due to sickness; he had stood in for him. He continued, displaying a fine literary style, 'But it seemes as Envy hath a nimble Eye soe hath Malice a strong memory ...' (D5/28/35/17, 18, 22).

Churchwardens' presentments, made at the visitation by the ordinary of the particular jurisdiction, written in English, are an invaluable source for parish history, particularly in the 16th and 17th centuries. The files are often entitled *Detections*, a Latin word meaning disclosures, and they comprise details of matters of concern about the fabric of the church and, anticipating totalitarian regimes of more recent times, the moral behaviour of parishioners and clergy. Two examples illustrate how evocative they are. In 1619 several men and women, were presented for being 'beholderes and players att football on a Sabbath day'. Both players and supporters were each fined 2s. As the holyday was the only

holiday in the week, such a clash of spiritual observance and physical exuberance was inevitable, particularly in the highly charged religious atmosphere of the 17th century (D5/28/20/17, 21, 22).

One final example from Winterbourne Kingston, a Dorset parish within the jurisdiction of the Dean of Sarum, relates an incident in 1625, both amusing and poignant. Robert Gomer was presented for throwing snowballs in the churchyard at Dorothy Burley *'and beat her into the Church porch that she could not goe home'* (D5/28/25).

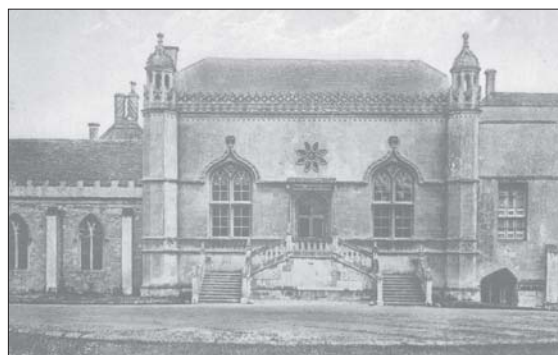
Despite being generally fairly complete and well-ordered, some misfiling of the church court and visitation papers has occurred, due possibly to jurisdictions sharing the same officers, as much as to later 'tidying up' of the papers. Files often have covers made up of original documents, often on parchment. One file from the Deans' court for 1628 had been wrapped in a damaged probate account presented at the court of the Archdeacon of Sarum in 1640, for the estate of a male called Taylor (his Christian name and parish are missing). Some detective work enabled it to be identified and to be placed with the related papers in the probate collection of the Archdeacon. The account mentioned a bequest from the will of John Burt of Shrewton to Nicholas, son of Mr Taylor. That will, which was proved in 1630, mentioned wife Margaret. The link with Shrewton narrowed the search which threw up an administration bond for Christopher Taylor, granted to his wife Margaret in 1640. With the bond was an inventory whose total value was the same as the sum given in the probate account. The Burt/Taylor association was confirmed by the parish register, which recorded the marriage of Christopher Taylor and Margaret Burt on 23 October 1631 (P2/S/194).

Steven Hobbs

CATHOLICS AT LACOCK

The Papists' returns of 1706 recorded 131 Catholics in twenty-five parishes in Wiltshire and in 143 parishes, there were no Papists. The parish of Lacock was one of the negative returns.

Elizabeth, Dowager Countess of Shrewsbury, a Catholic kinswoman of the Talbot family, occupied their seat, Lacock Abbey, on a lease arrangement during a period which included the minority of W.H. Fox Talbot, the 'father' of modern photography. She was herself of recusant background, a daughter of Lord Dormer. She brought her own household to the Abbey and during her tenancy she maintained a Catholic priest, the Rev. George Witham. She died in 1809, aged 85.



Lacock Abbey

A Wiltshire General Quarter Sessions documents records that the Countess appeared with others before Sir Edward Baynton, Sir James Long and James Montague,

esquire, at the house of John Awdry in the parish of Lacock, on 18 October 1791 and: 'did verbally take, make and subscribe the Declaration and Oath appointed to be taken, made and subscribed by persons professing the Roman catholic religion.'

Members of the Lacock household, who also took the Oath, were:

James Smith, *butler*
George Hunt, *footman*
John White, *under-butler*
Jane Elstone, *servant*
Hester Brown, *servant*
Margaret Tilbury, *servant*

also

Joseph Barnes, *butler to Mrs Porter of Lacock*

A register of baptism was clearly kept during the years 1792-1809; the original is unfortunately missing, but a transcript (originally made by the Rev. W. Vince Smith) is in the library of the Society of Genealogists and the register is endorsed from the Rev. Mr George Witham's papers. Entries have been reduced to standard form.

Not all the baptisms took place at Lacock; one was at Hartham, a nearby village, another at Cleavancy, near Wootton Bassett, and two at Chippenham. Possibly a few Catholic families may have moved into Lacock and the surrounding villages, due to the construction of the Wilts and Berks Canal. Work was started in 1795 on the Chippenham and Calne branches and the Foxham to Semington section included Lacock. The theory of new arrivals is supported by the baptism of Sarah Lee *'born on shipboard coming from Ireland.'*

Throughout the period of this register, marriages had to take place in the Church of England to be legal; but many Catholics had a Catholic marriage as well. If the Rev George Witham kept any record of marriages at the Abbey, it has not been found; but with the names of the Shrewsbury household and the list of baptisms, it was reasonable to search for at least two marriages in the local Anglican register. The following were found, both events taking place on the same day:

25 Sep 1809 Joseph Faulkner and Margaret Tilbury, both of Lacock.

Witnesses: George Witham, Henry Taylor

25 Sep 1809 George Barnes and Sarah Smith, both of Lacock

Witnesses: George Witham, Jane Smith

There were no local families named Witham, so clearly this witness is the Rev George Witham, Catholic priest. Nor were there any villagers named Faulkner or Tilbury, so Joseph Faulkner was an incomer and Margaret Tilbury surely the servant who took the Oath in 1791. Witness George Barnes was probably a relative of Joseph Barnes, who also took the Oath. Both witnesses and George Barnes and Sarah Smith were sponsors at the baptism of Moses Canton in 1793. Jane Smith was probably a relative of James Smith, butler to the Countess, and she also acted as a sponsor, as did Sarah Smith. James Smith acted twice and John Barnes three times.

Other marriages in the Anglican registers also have Catholic witnesses, including the following:

27 Apr 1807 George Moore and Mary Holmes, both of Lacock

Witnesses: Margaret Tilbury, Joseph Faulkner



Interior of St. Cyriac's Church, Lacock

The witnesses seem obviously the couple who married in 1809. In the burial register appears the simple entry:

29 Mar 1801 James Smith

while a long, flat, stone slab in the churchyard (now with no date of death on it) records:

James Smith aged 49 A Faithful and Honest Servant who lived many years in the Shrewsbury family.

Brian Howells Banks

THE MEDIEVAL CHURCH OF SWINDON AND ITS RELATIONS WITH SOUTHWICK PRIORY IN HAMPSHIRE

The parish church of the Holy Rood in Swindon belonged for much of the medieval period to Southwick Priory, which was situated at first at Portchester, and from about 1150 at Southwick, in Hampshire. The cartularies of the priory, preserved in the Hampshire Record Office (1M54/1-3), contain extensive references to Swindon church. They have been edited in extensive calendar form in English, with a modern index: Katharine A. Hanna *The Cartularies of Southwick Priory*, (Hampshire County Council, 1988 (Cartularies I and II) and 1989 (Cartulary III) as Volumes IX and X in the Hampshire Record Series, cited in this article by the sequential cartulary volume and entry numbers used in that edition.¹

The importance of accurate published texts or calendars of historical manuscripts, particularly when indexed, can scarcely be overstated. These two published volumes were not available to the editors of the *Victoria County History of Wiltshire*, Vol. IX, when compiling the topographical article for Swindon, published in 1970. They relied on a 19th century transcript by Sir Frederick Madden, which covered only the third volume of the cartularies (British Library Add. MSS. 33280).² Mrs. Hanna's edition makes accessible much additional information about the benefice and church of Swindon and its relations with Southwick Priory, enabling a fuller and more accurate account of the medieval history of the church to be given.

The first mention of the church is earlier than 'towards the end of the 12th century', as stated in *VCH Wiltshire* IX, p. 145. It was apparently given to the Augustinian canons of Portchester, for the perpetual maintenance of their guest-house, before the priory moved to Southwick in or before 1150 (I 19). In several charters of the late 1140s or 1150s entered in the cartularies (I 11, 18, 19, 21, 22; III 79, 405, 407, 412) the donor is recorded as Robert de Pont de l'Arche, though in two instances (I 11, 18) he states that he is confirming a gift made earlier by his father, William de Pont de l'Arche, who died about 1148, and in another (I 19) that his own gift in free alms has been made with the consent of his father. In some of the charters (I 18; III 79) the church of Swindon is explicitly (though not necessarily validly)

included among the possessions granted to the priory on its establishment before 1129;³ and in one document there is evidence from witnesses, including Robert, the elder, formerly priest of Swindon, that the latter had held the church and its tithes from the demesne of the canons of Portchester in the time of King Henry I (i.e. before 1135), paying them annually 30 shillings (I 12). A dispute in the 1150s between the priory and the priest at Swindon, probably over this payment, brought to light an agreement, undated but probably made between 1152 and 1160 before Jocelin, bishop of Salisbury, in the chapter house at Salisbury, by which Robert the elder had quitclaimed his rights in the church to Robert, the younger, priest of Swindon, in return for maintenance for the remainder of his life. The dispute, heard before the bishop in synod, was settled by an agreement between the priory and Robert the younger for the latter to hold the church and tithes, paying the priory one silver mark a year, while providing for the maintenance of the elder Robert as long as he lived (I 12). The issue must have arisen again, for in 1199 Herbert Poore, bishop of Salisbury, granted the priory an enhanced pension of 100 shillings a year from the church (I 154). Even then, disputes continued, with cases of non-payment of the pension or other dues by successive rectors or vicars⁴ being heard in 1231 (III 669), in the late 1240s (III 30), and again in the early 1280s (III 18, 32) before papal delegates, resulting in sentences in favour of the priory, which nonetheless required bolstering by successive episcopal confirmations (III 31, 413, 417; I 107).

Although the priory obtained a licence from Edward III in 1325 to appropriate the church of Swindon (III 982; *Cal. Pat. R.* 1324-7, p. 122), this does not appear to have been taken up.⁵ A further licence was obtained in 1357 (III 403; *Cal. Pat. R.* 1354-8, p. 531) and this time led to the appropriation to the priory on 12 July 1357 (II 1) by Robert Wyvil, bishop of Salisbury, of the fruits, rents and profits of the parish church, over and above the advowson and annual pension of 100 shillings which already belonged to the priory. The income thus transferred was said not to exceed 20 marks according to the assessment of the tithe. Wyvil directed that there should be adequate provision for a vicar and for payment of annual pensions to himself and his successors, to the cathedral church of Salisbury and to the archdeacon of Wiltshire. He subsequently ordered an inquisition into the rents, profits and oblations of the church, and on 25 July 1359 issued ordinances, with the agreement of the priory and the vicar of Swindon, William Matthew, dividing the land, buildings, tithes and other oblations belonging to the church between them and their successors and setting out their respective rights and duties (II 3). These arrangements are set out in a separate article on the Medieval Clergy of Swindon.

The appropriation of the church to Southwick Priory and ordination of the vicarage was confirmed by the bishop of Salisbury at the priory's request in 1378 (III 31, 413), not initiated then, as *VCH Wiltshire* IX, p. 145 suggests. The appropriation was again confirmed by Simon of Sudbury, archbishop of Canterbury, acting as special papal delegate (as well as papal legate) on 3 October 1380, when the references to Swindon in the Southwick Cartularies effectively cease.

The above account draws on only part of the information about the priory's interest in Swindon church covering the more significant entries necessary to chart the main developments in the relations between priory and parish. The whole body of material illustrates, if it does not wholly clarify, the complex interaction of temporal and spiritual relationships between the priory, diocesan and papal authorities, and the secular interests of the Crown and landowners.

Duncan Chalmers

Notes:

1. As was common in the 12th and 13th centuries, few of the charters entered in the cartularies are explicitly dated. Mrs Hanna was able to provide only approximate dates from internal evidence, primarily from the names of witnesses. This often makes it difficult to arrive at a precise chronology for the cartulary entries.

2. Fragments of other Southwick cartularies compiled in the 14th and 15th centuries survive as British Library MS Harley 317 and Winchester College MS 15246, but these add little to the main cartularies. Some original charters and later copies exist in the Hampshire Record Office, the National Archives and Winchester College. The second and third cartularies (HRO IM 54/2 and 3) contain 13th and late 14th century lists of charters and there is a 13th century partial list in another document preserved in the Hampshire Record Office (HRO 5M 50/1).

3. The church is omitted from papal privileges and confirmations issued by Pope Eugenius [III], in 1147 and 1151-2 (¶ 84, 85) but was included in that issued by Pope Alexander [III] in 1162-63 (¶ 86) which purported to follow the example of his predecessor, but contained a fuller list of the priory's possessions.

4. The title of the priest serving Swindon church varies throughout the cartularies. In I 11 [1142-50] he appears as 'Robert, vicar of the same church'; in I 12 [1152-60] he is called 'priest of Swindon'; in I 21 [1150-79] as 'Robert the priest' with a 'vicarage'; in I 22 [1150-79] as 'vicar'; in I 23 [1177] as 'the priest who serves there and is responsible, with no intermediary, to the prior and his successors'; in I 107 (1286) as 'rector'; in I 154 (1199) 'Gilbert, vicar of that church'; in II 1 (1357) 'perpetual vicar'; in II 2 (1359) 'Nicholas Haughman, rector resigning and surrendering the church'; in II 3 (1359) as 'perpetual vicar ... William Matthew, vicar'; in III 18 [1281-5] as 'Nicholas, rector of the church of Swindon'; in III 30 [1241-51] as 'rector of the church of Swindon, Thomas Ganior'; in III 31 [1379] 'perpetual vicar'; in III 32 [1282] as 'perpetual vicar'; in III 406 [c.1380] as 'rector of Swindon'; in III 415 as 'vicar'; and in III 669 (1231) as 'Sir Thomas Olney, chaplain', and elsewhere as 'T. de Swyndon' and 'the priory's clerk in the church of Swindon'.

5. Probably because Nicholas de Hageman had been instituted to the rectory of Swindon in 1319 and appears to have held the living until his resignation in 1359, which allowed the settlement (II 3) under the appropriation of 1357 (III 1) to be made.

SAINT ANDREW'S, DITCHAMPTON

Have you ever discovered a mistake in a standard reference book and been tempted to annotate the library's copy to correct it? The regulations probably forbid it, but it can be quite helpful to other researchers. The *Victoria History of Wiltshire* (vol. 6, p. 31) tells us that, 'the church of St Andrew, Ditchampton ... seems to have been in Wilton itself, within the angle of the junction of West and South Street' [adjacent, therefore, to the junction known as Four Corners]. But this, as I discovered for myself, and then (crestfallen) found that some anonymous annotator using one of the History Centre's copies was already aware, is not true.

Wessex Archaeology last winter excavated a site for housing development beside Netherwells Lane, at the St

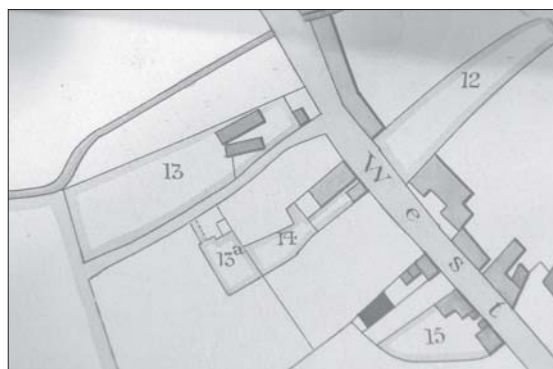
the chantry founded in the church by the same vicar.⁹¹ This chantry was confiscated at the Reformation, when its value was £11 10s. 4d.⁹²

The church of St. Andrew, Ditchampton, was known also as St. Andrew's rectory, Wilton, and seems to have been in Wilton itself, within the angle of the junction of West and South Street.⁹³ If this is so, the church is visible in the sketch of Wilton made for the first Pembroke Survey, where it is shown with a square tower. The advowson belonged to the lords of the manor of Ditchampton. First in the hands of the family of Camville, lords of Ditchampton,⁹⁴ the patronage had descended by

No. see T/A map: "St Andrew's Litten" is at the end of the Lane called Netherwells

Annotated copy of the *Victoria History of Wiltshire*, vol. 6, p. 31, in the History Centre's library.

John's Hospital end of West Street, Wilton, where they discovered (*inter alia*) remains of an early-mid Saxon building, medieval pits and a number of human burials which were initially believed to be all post-medieval. I was asked to research the documentary history of the site, and quickly found, from the 1860 enclosure map and other Pembroke estate maps and surveys, that a garden on the site was known as St Andrews Litten. Leases of the 18th century and earlier (in WSA 2057/S37) are more explicit: 'all that little garden plot in Wilton lying near St Andrews church'. So good was the Pembroke's record-keeping that it was an easy matter to trace the descent of the property back, tenant by tenant, to our society's publication volume 9 (1953) British Keridge's edition of the 1631-2 survey (it is p. 84, no. 284) and with a small leap of faith back to the 1565 survey edited by Straton for the Roxburghe Club (vol. 1, 182). I checked the original of this and found marginal additions (not in the printed edition) which helped to confirm the link. This in turn identified part of the site as a tenement then held by the rector of St Andrew's which had formerly belonged to Bradenstoke Priory. It is almost certainly one of those owned by the priory from c.1190 until the dissolution, and included in Vera London's edition of the cartulary (which this society published as vol. 35 in 1979: see nos. 312, etc).



Wilton enclosure map, 1860. Parcel 13a is described on the award as a garden 'called St Andrews Litten'.

The link with St Andrew's church and churchyard established, the archaeologists were able to reinterpret the site. Although the church itself went out of use and was demolished after its parish was united with another in 1564, burials continued in its churchyard until the 17th century. Furthermore the remains of a wall running along the back of the excavated area were now identified as part of St Andrew's church itself. The position and orientation corresponded with that of a curving wall further east, encountered during an earlier archaeological watching brief on a nearby site, to suggest a small apsidal building, presumably the medieval church of St Andrew, Ditchampton.

The excavation raises interesting questions about the origins and topography of Saxon Wilton, and its relationship to its so-called 'suburbs', which will be addressed when a report is published in due course in *WANHM*. Meanwhile (apart from demonstrating in this note one of the practical applications of our society's volumes) I feel that I must point out that, if you are planning to 'gloss' books in the History Centre library, do try to get your facts right. It was the Wilton enclosure award (EA 179) which named the plot 'St Andrew's Litten', not the tithing apportionment (T/A) – there it is simply described as 'garden'.

John Chandler

Note: My thanks to Caroline Budd and Phil Andrews of Wessex Archaeology for commissioning the research, and for permission to report it here; also to Archstone Lifestyle Homes Ltd, on whose behalf the archaeological work was undertaken.

ON THE WAY

Perhaps for the first time in our history the Society has three volumes at proof stage and nearly ready for publication. We plan to publish two during 2009 and the third next year.

William Henry Tucker was born in Trowbridge in 1814 and worked his way up the local cloth manufacturing ladder to become in later life a successful clothier. Through his teens and twenties he kept a candid diary of personal and local events, which he called his 'Reminiscences of Departed Years'. Although the original is now lost, Helen Rogers was able to make a typed transcript, and this she has now edited for publication. Covering the years 1825-50 it offers a unique insight into the social, intellectual, religious and working life of a busy, close-knit industrial town around the beginning of the Victorian era. It will be the Society's volume 61, and should be published within the next few months.

While working on north Wiltshire parishes for the *Victoria History*, Douglas Crowley made extensive use of the fine series of court records which survive for a number of former Malmesbury Abbey parishes on the edge of Bradon Forest. The study of manorial records has been a particular interest throughout his career, and now with his usual meticulous thoroughness he has prepared editions of the surviving Charlton and Brinkworth court records, 1544-1648, which will be our volume 62. The edition includes a very substantial introduction discussing at length the nature of this class of records, which will ensure that the work is of more than local interest.

Not content with the massive edition of Wiltshire glebe terriers (volume 56) Steve Hobbs has turned his attention to the rich and varied assortment of obiter dicta to be found in parish registers. He has examined all Wiltshire registers up to 1812 and extracted for his edition everything of historical interest or curiosity, annotating the material with explanations where necessary. The result (a surprisingly large quantity) is a cornucopia of parish life over some three centuries. *Cleanings from Wiltshire Parish Registers* will be the Society's volume 63.

SUBSCRIPTIONS

Members are respectfully reminded that subscriptions to the Society are now due (1 January). Please send subscriptions to: Ivor Slocombe, 11 Belcombe Place, Bradford on Avon, Wilts. BA15 1NA, cheques made payable to Wiltshire Record Society. The subscription remains at £15 annually.

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